## 1AC—Plan

#### Plan: The appropriation of outer space through asteroid mining by private entities should be banned.

#### We’ll defend normal means as the signatories of the OST adding an optional protocol under Article II.

Tronchetti 7[Fabio Tronchetti is a professor at the International Institute of Air and Space Law, Leiden University, The Netherlands, 2007, <https://iislweb.org/docs/Diederiks2007.pdf>, 12-15-2021 amrita]

ARTICLE II OF THE OUTER SPACE TREATY: A MATTER OF DEBATE The legal content of Article II of the Outer Space Treaty is one of the most debated and analysed topic in the field of space law. Indeed, several interpretations have been put forward to explain the meaning of its provisions. Article II states that: “Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means”. **The text of Article II represents** the final point of a process, formally initiated with Resolution 1721, aimed at conferring to outer space the status of res communis omnium, namely a thing open for the **free exploration** and use by all States **without the possibility of being appropriated**. By prohibiting the possibility of making territorial claims over outer space or any part thereof based on use or occupation, Article II **makes clear that** the customary procedures of **i**nternational **law allowing** subjects to obtain **sovereignty rights over un-owed lands**, namely discovery, occupatio and effective possession, **do not apply to** outer **space.** This prohibition was considered by the drafters of the Outer Space Treaty the best guarantee for preserving outer space for peaceful activities only and for stimulating the exploration and use of the space environment in the name of all mankind. What has been the object of controversy among legal scholars is the question of whether both States and private individuals are subjected to the provisions of Article II. Indeed, **while Article II forbids** expressis verbis the national **appropriation by** claims of **sovereignty**, by means of use and occupation or other means of outer space, **it does not** make **a**ny explicit **mention** **to** its **private** appropriation. Relying on this consideration, some authors have argued that the private appropriation of outer space and celestial bodies is allowed. For instance, in 1968 Gorove wrote: “Thus, at present an individual acting on his own behalf or on behalf of another individual or private association or an international organisation could lawfully appropriate any parts of outer space…”6 . The same argument is used today by the enterprises selling extraterrestrial acres. They base their claim to the Moon and other celestial bodies on the consideration that Article II does not explicitly forbid private individuals and enterprises to claim, exploit or appropriate the celestial bodies for profit7 . However, it must be said, that nowadays there is a general consensus on the fact that **both national appropriation and private** property rights **are denied** under the Outer Space Treaty. Several way of reasoning have been advanced to support this view. Sters and Tennen affirm that the argument that Article II does not apply to private entities since they are not expressly mentioned fails for the reason that they do not need to be explicitly listed in Article II to be fully subject to the non-appropriation principle8 . **Private entities are allowed to carry out** space **activities but**, according to Article VI of the Outer Space Treaty, they **must be authorized** to conduct such activities **by the** appropriate **State** of nationality. But if the State is prohibited from engaging in certain conduct, then it lacks the authority to license its nationals or other entities subject to its jurisdiction to engage in that prohibited activity. Jenks argues that “States bear international responsibility for national activities in space; it follows that what is forbidden to a State is not permitted to a chartered company created by a State or to one of its nationals acting as a private adventurer”9 . It has been also suggested that **the prohibition of national** appropriation **implies prohibition of private** appropriation because the latter cannot exist independently from the former10. In order to exist, indeed, private property requires a superior authority to enforce it, be in the form of a State or some other recognised entity. In outer space, however, this practice of State endorsement is forbidden. Should a State recognise or protect the territorial acquisitions of any of its subjects, this would constitute a form of national appropriation in violation of Article II. Moreover, it is possible to use some historical elements to support the argument that both the acquisition of State sovereignty and the creation of private property rights are forbidden by the words of Article II. During the negotiations of the Outer Space Treaty, the Delegate of Belgium affirmed that his delegation “had taken note of the interpretation of the non-appropriation advanced by several delegations-apparently without contradiction-as covering both the establishment of sovereignty and the creation of titles to property in private law”11. The French Delegate stated that: “…there was reason to be satisfied that three basic principles were affirmed, namely: the prohibition of any claim of sovereignty or property rights in space…”12. The fact that the accessions to the Outer Space Treaty were not accompanied by reservations or interpretations of the meaning of Article II, it is an evidence of the fact that this issue was considered to be settled during the negotiation phase. Thus, summing up, we may say that **prohibition of appropriation of outer space** and its parts is a rule which **is valid for both private and public entity**. The theory that private operators are not subject to this rule represents a myth that is not supported by any valid legal argument. Moreover, it can be also added that if any subject was allowed to appropriate parts of outer space, the basic aim of the drafters of the Treaty, namely to prevent a colonial competition in outer space and to create the conditions and premises for an exploration and use of outer space carried out for the benefit of all States, would be betrayed. Therefore, **the need to protect the non-appropriative nature o**f outer **space emerges** in all its relevance.

## 1AC—Advantages

### Inherency

#### Own Countries and their companies are making their own rules through patchwork which creates conflict—an international body is key

Foster 16 – Craig, J.D., University of Illinois College of Law, “EXCUSE ME, YOU’RE MINING MY ASTEROID: SPACE PROPERTY RIGHTS AND THE U.S. SPACE RESOURCE EXPLORATION AND UTILIZATION ACT OF 2015”, *JOURNAL OF LAW, TECHNOLOGY & POLICY*, No. 2, page 428-430, http://illinoisjltp.com/journal/wp-content/uploads/2016/11/Foster.pdf

There are many reasons to be excited about the prospect of mining resources from space. Hopes are high that these mining efforts will provide an economic boon by producing jobs and injecting more money into the economy. 214 Additionally, the negative impact of mining natural resources on Earth is widely reported215 and might be mitigated by space mining. If mining precious resources from space can minimize the burden on Earth, then this would lend even greater support for asteroid mining. Finally, little enchants the human mind and propels innovation more than sending people and manmade objects into space. For good reason, there is much enthusiasm about the prospect of space mining. On the other hand, it is troublesome to some that private, commercial entities will be paving the way and making up many of the rules as they go. Might this lead to repeating many of the mistakes humans have made on Earth? Might there be unforeseen problems that could spell trouble if mining efforts are not properly regulated? The answer to these questions is likely “yes” as well. It will be important in the coming years to balance the former excitement against the latter caution. Space might seem limitless and impossible to affect in any significant fashion; but, history must be a major voice for the spacemining industry.216 It must be remembered that humans can make an impact that will be felt for generations to come. Thus, it will be important that lawmakers and the international community be as proactive as possible—both in outlining property rights and protecting the final frontier from being harmed by an industry that might become overzealous if left unchecked. Specifically, it will be vital for countries to enter into some sort of international agreement. One option is to create an agreement similar to UNCLOS, which would regulate how individual states and their citizens interact with resources mined from space.217 Such an agreement should recognize not only the property rights of the extracting commercial entities but also the rights of non-spacefaring countries to benefit from the minerals as well. This might include the creation of an international body, much like the ISA, that will ensure that the interests of all nations are maintained by distributing funds and technology to less wealthy or non-spacefaring nations. The U.S. would do well to help create and ratify such an agreement— something they have failed to do with UNCLOS. If the U.S. and other countries are uneasy about entering into such a restrictive agreement, they might also consider an international regulatory body and scheme much like the one used for satellites. The International Telecommunications Union (ITU) is a United Nations agency that, among other services, provides the international community with uniform satellite orbit oversight and regulatory guidance.218 Currently, 193 countries follow the ITU regulations and utilize their services, which have been likened to domain name registration.219 In the same way, spacefaring countries could form an international body that helps create and maintain a uniform space-mining legal framework.220 Without some sort of international framework as described above, the U.S. and other space-mining countries leave themselves open to great conflict and will be required to patch together a multitude of treaties between themselves as problems inevitably arise.221 V. CONCLUSION The idea of mining resources from celestial bodies is something that has always been relegated to video games and sci-fi movies. But as technology continues to progress at an exponential rate, such mining is starting to come within the realm of possibility. A number of companies are currently creating prospecting technologies that will allow them to determine exactly what an individual asteroid holds. They hope to eventually harvest these resources and sell them for lucrative profits. Fortunately for these companies, the current legal regime governing property rights to space resources is undergoing rapid change at the national level. The U.S. recently passed the Space Resource Exploration and Utilization Act of 2015, which explicitly entitles U.S. citizens to property rights over any space resources they obtain. This is certain to induce confidence in U.S. investors. The situation at the international level is different. Current international space agreements are vague, lacking in consensus, and provide little precedent for ownership of space resources. This has led the international community to move in the direction of creating a better regulatory framework, but this movement is still in discussion stages and is likely to take a while to come to fruition.

#### Current space treaties have zero authority and lack clarity—which creates ineffective regulations

MacWhorter 16 – Kevin, J.D from William and Mary College and Contributor to the William & Mary Environmental Law and Policy Review, “Sustainable Mining: Incentivizing Asteroid Mining in the Name of Environmentalism”, *William & Mary Environmental Law and Policy Review,* 2016, <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1653&context=wmelpr>

Although an academic debate at this point, the legal status of property in space is necessary for any future exploration and exploitation of natural resources in space. Until then, private exploration is severely disincentivized. Further, the technology behind asteroid mining is fast becoming a reality.108 The law must respond. In order to evaluate what the international community needs to accomplish to ensure future exploration, one must explore the international agreements already in place that speak to the issue of property rights. To begin, the United Nations (UN) established the UN Office of Outer Space Affairs (UNOOSA) in 1958 109 to promote international cooperation in space and promote its peaceful use.110 UNOOSA oversees the UN’s Committee on the Peaceful Uses of Outer Space (COPUOS) and implements its decisions.111 The UN founded COPUOS to avoid international rivalries in space.112 The OST, the Liability Convention,113 and the Moon Agreement114 are all within the jurisdiction of COPUOS. There are five international agreements that lay a framework of space law and, more importantly, ownership of objects and celestial bodies in space: • The Treaty on Principles Governing the Activities of Space, Including the Moon and Other Celestial Bodies (OST); 115 • The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Space Objects Launched into Outer Space(ARRA); 116 • The Convention on International Liability for Damage Caused by Space Objects (Liability Convention); 117 • TheConvention on RegistrationofObjectsLaunched intoOuterSpace (Registration Convention); 118 and • The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Treaty). 119 As with all international law, however, the actual authority of these treaties is debatable, because countries often ignore their precepts or disagree on the meaning of their substance.120 International custom, therefore, is the major indication of what international law exactly is.121 The Law of the Sea is an instructive analogy on that point, and as Lyall and Larsen explain, The practice need not be wholly uniform, but must be undertaken in the belief it is binding and required by law as opposed to being merely convenient or mutually beneficial. 122 Further, international law in general was conceived to deal with relations between States, not to deal with private claims of property. 123 International.

### Advantage – US/Russia

#### Russo-US relations suck—we’re on the brink of Putin bombing all our space tech to oblivion.

Koffler 11-17[Rebekah Koffler is a former Defense Intelligence Agency officer and author of “Putin’s Playbook: Russia’s Secret Plan to Defeat America.”, Opinion, 11-17 2021,WSJ,https://www.wsj.com/articles/space-armageddon-and-putins-threats-to-ukraine-russia-antisatellite-weapon-11637183651, 12-15-2021 amrita]

**Russia successfully conducted a test** in which a direct-ascent missile destroyed a nearly 40-year-old defunct Soviet spy satellite, U.S. Space Command announced Monday. This unsettling development is noteworthy because it coincides with Russia’s massive military buildup along the Ukrainian border. Moscow’s pre-positioning of more than 100,000 soldiers, tanks and heavy weaponry has spurred the Pentagon’s concerns about a possible Russian invasion of Ukraine. **Moscow’s posturing on what the Russians call a “space weapon” signals a rapidly escalating crisis in U.S.-Russia relations**. Washington’s foreign policy and Moscow’s view of its national interests are on a geopolitical collision course. Russia views the formerly Soviet Ukraine as part of its strategic security perimeter, on which Moscow has relied for centuries as a geographical buffer against foreign invasion. President Vladimir Putin has repeatedly said the U.S. is crossing a red line by attempting to pull Ukraine out of Russia’s orbit. In April, at his annual address to the Russian Parliament, Mr. Putin threatened a “swift, asymmetric and harsh response,” if the U.S. and the North Atlantic Treaty Organization intervene on Ukraine’s behalf. A trained intelligence operative, Mr. **Putin maintains strategic ambiguity** regarding what U.S. action precisely would constitute the crossing of Moscow’s red line with regard to former Soviet states, such as Ukraine. Ukraine’s admission into the European Union and NATO would almost certainly be unacceptable to the Kremlin. Mr. Putin is prepared to fight a war against the West to prevent this from happening. But how could Russia win a war against a much stronger adversary? That’s where Monday’s antisatellite test comes in. It’s a preview of Mr. Putin’s Space Armageddon strategy. **Russian strategists have observed** American **war fighters’ tactics in conflict zones** for nearly a quarter-century—in Kosovo, Iraq, Afghanistan, Libya and Syria. They **learned that America’s** superior **space capability is its Achilles’ heel** because of the U.S. military’s near-total dependence on it. Many civilian drivers would be lost without directions from their smartphones. **U.S. troops in war zones rely on the same constellation of 31 GPS** satellites for tasks like synchronizing operations, pinpointing targets and locating personnel. Moscow therefore seeks to deafen and blind U.S. forces in conflicts. By attacking U.S. satellites, the Russians would attempt to offset superior U.S. conventional firepower. They also hope to paralyze U.S. forces psychologically by rendering them helpless. Russian military theorists often write about the importance of targeting both the technical capabilities and the mind of an adversary, planning to disorganize its troops and weaken their will to fight. This is the essence of Mr. Putin’s asymmetric approach to warfare. Moscow believes it can win an all-out space war with America, which stands to lose a lot more since its entire society, from ATMs to home offices, is connected via satellites. Alarmingly, Washington is as unprepared for Mr. Putin’s star wars as it was for Russia’s determination to wage cyberwarfare. Monday’s test executed only a single page out of Mr. Putin’s playbook, which includes lasers, jammers and other satellite killers. Before the situation in Ukraine escalates into war, the **Pentagon** had **better develop a strategy to counter** Mr. **Putin**’s plan for Space Armageddon.

#### American private appropriation of outer space is a core issue that tanks our relations- specifically asteroid mining.

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U.S. Commercial Space Launch Competitiveness Act of 2015 (“Space Act”): The Dawn of the Second Space Age **Until recently, it did not matter that the OST was unclear**, and the Moon Treaty failed to garner support. Space exploration remained the province of state actors like NASA because the sheer expense of rocketry and other technologies remained beyond the reach of private corporations and investors throughout the twentieth century.61 However, over the last two decades the industry has changed rapidly. **In the U**nited **S**tates alone, several of the most **innovative companies have invested in space exploration tech**nology.62 As the research accelerates, costs have decreased, and the potential for profits is tremendous – in 2018 the space economy was $360 billion.63 By 2040, its estimated worth is anywhere between $1.1 trillion and $1.7 trillion.64 However, investors demand certainty, and the uncertainty surrounding OST interpretation was reason to pause.65 After all, no investor or company wanted to pour millions, or even billions, into a company designed to mine liquid ice on the Moon only to discover that this violated international law and that the United States had decided to stop licensing such ventures. Just as President Eisenhower feared, the military-industrial complex, augmented by private industry, lobbied Congress heavily to reduce regulatory hurdles and legal uncertainty in space investment.66 In 2015, their efforts bore fruit **when Congress passed the Space Act**, which President Obama signed into law.67 Chapter 513 of Subtitle V – “Space Resource Commercial Exploration and Utilization” – was the shift **that enabled the** American **private** space **industry to flourish**. This **affirmed tha**t American **citizens could own and sell any “space resources”** that were **obtained through “commercial recovery**.”68 In one stroke, **Congress guaranteed property rights to American** citizens and **companies on a “first come, first served basis.”**69 Moreover, American courts would not permit foreign lawsuits accusing entrepreneurs and businesses of violating the OST.70 The law also required the executive branch to “discourage government barriers” to development and for regulation to “facilitate commercial utilization” in space.71 Finally, it required the President to promote the interest of the American space industry.72 Ever wary of the ambiguities of the OST, and likely out of concern that the Space Act might violate the treaty, the law included a disclaimer that it was the sense of Congress that nothing in the Space Act asserted American sovereignty over any celestial body.73 This disclaimer should be read as opinio juris of American interpretation of the OST. In 1967, the United States and the Soviet Union shared a concern that other nations would challenge their technological preeminence in space.74 In 2015, this proved no different, except, this time, the United States was alone in its preeminence. **Russia**, in fact, **strongly objected and claimed that the Space Act violated i**nternational **law.**75 Russia **submit**ted **an objection to** the United Nations Committee on the Peaceful Uses of Outer Space (“**COPUOS**”), claiming the Space Act demonstrated “total disrespect for international law order [sic].”76 **Russia** went on to **declare that this law manifested a “doctrine of domination in outer space**.”77 Nonetheless, a careful reading of Russia’s complaint to COPUOS elucidates that Russia never actually asserted that the United States violated the OST.78 To be sure, **Russia came as close as possible** to this, but never outright said it.79 Indeed, the Russians lag behind in investment in outer space and technology and fear American exploitation of space’s vast resources in space without their participation.80 American private investment has accelerated this gap with NASA paying companies like SpaceX $55 million per seat to ferry astronauts to the ISS instead paying the Russians more than $90 million to do the same.81 In fact, in its objection to the Space Act, **Russia stated that the U**nited **S**tates “**could propose** discussing the possibility to reach **uniform understanding** of the status of resources and set forth the structure of the doctrine that would include safety and security aspects.”82 It seems Russia is pining for its prior role of crafting space law with the United States. This also suggests that if Russia had the same capabilities as the United States, its policy would likely be comparable.83

#### US asteroid mining pushes Russia to do the same despite it violating international law- increases the likelihood for tensions to escalate.

Mallick and Rajagopalan 19 [Senjuti Mallick and Rajeswari Pillai Rajagopalan, If space is ‘the province of mankind’, who owns its resources?, 1-24-2019,ORF,https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/, 12-16-2021 amrita]

Meanwhile, **a few other countries**—**which have been critical of the US and** Luxembourg, **at the forefront of** the **space mining** efforts—**have** also **decided to join** the field. **The increasingly competitive and contested nature** of outer space activities is spurring major spacefaring nations to **push the boundaries in** their **space exploration**. **Asteroid mining** could possibly become the next big thing and **is** already **seeing a race** among the space powers. The US and Luxembourg are at the forefront in space resource extraction in terms of the policy frameworks and funding.[xxxvi] **Even as the US has clarified that the** US Space **Act** 2015 **is** being **misunderstood** and that there is no change in the US policy towards national appropriation of space, **the reality** is that it has already **spurred a** major **debate**.[xxxvii] China and Russia are among those countries that are following on the path of the US and Luxembourg in undertaking mining missions in space. According to media reports, Ye Peijian, chief commander and designer of China’s lunar exploration programme has stated that China would send the first batch of asteroid exploration spacecraft around 2020.[xxxviii] Speaking to China’s Ministry of Science and Technology-run newspaper, Science and Technology Daily, Ye said that these asteroids have a high concentration of precious metals, which could rationalise the huge cost and risks involved in these activities as their economic value could run into the trillions of US dollars. Therefore, extraction, mining and transporting them back to Earth through robotic equipment will be a significant activity. Chinese scientists are working on missions to “bring back a whole asteroid weighing several hundred tonnes, which could turn asteroids with a potential threat to Earth into usable resources.”[xxxix] Ye was also quoted as saying that China has plans of “using an asteroid as the base for a permanent space station.”[xl] Helium mining on the moon is also part of China’s goals.[xli] **Russia,** for its part, **is** also **responding to the space-mining developments** of the last decade. For one, it plans to have a permanent lunar base somewhere between 2015 and 2020 for possible extraction of Helium.[xlii] **Even as** Russia’s **official position** on asteroid mining **is that it is forbidden** under the 1967 OST—which states that space is the “province of mankind”—the Russian **industry players** are of the view that they **must follow the** lead taken by the **US** and Luxembourg.[xliii] In early 2018, the director of the Scientific-Educational Center for Innovative Mining Technologies of the Moscow-based National University of Science and Technology MISIS (NUST MISIS), Pavel Ananyev, spoke about the Russian ambitions and proposed activities including space drilling rigs, water extraction on the Moon and 3D printers at space stations.[xliv] **Russia’s private space companies** including Dauria Aerospace, one of the first Russian private space companies, also **hold the opinion that they must go forward** in the same direction and call for a larger space to private sector to engage in extracting space resources.[xlv] **Moscow may not have** yet **actively pursued space mining** and resource extraction, **but it is likely to pick up pace** in the coming years alongside global efforts. Moscow clearly has a capacity gap in terms of funding because its earlier plans to have a permanent base in the Moon by 2015 is yet to happen.

#### Rocky relations with Russia on space issues cause China-Russian alliances—a recommitment is needed.

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The Artemis **Accords are a culmination of American space policy to enable commercialization** of outer space. However, they pose a variety of problems. To start, any future agreements under the accords **may violate** international law – both **the OST** and the VCLT. While the Trump Administration appears willing to ignore this issue, violating international law **is a dangerous precedent and should be avoided**.118 Further, the dual nature of all space technology means that **any commercial activity in space** that the Artemis Accords enable **could** readily **be converted for belligerent purposes**.119 This would both violate international law and threaten national security. Despite these inherent dangers, the **Trump** Administration has **maintained a bellicose rhetoric** on its space policy.120 Although American technology and investments surpass those of Russia and China, such rhetoric serves **to inflame** already **tense relations.** **Russia and China are** each **pursuing** their own space **programs which threaten national security** interests, but the United States has engaged neither in Artemis Accords diplomacy.121 A. Violations of International Law? **At best**, future Artemis Accords agreements **exist in a gray area** of international law. After all, the Moon Treaty failed to update and clarify the gaps in the OST on space exploration and resource exploitation by non-state actors. The Space Act and the Artemis Accords together represent American state practice and opinio juris as to the meaning of the OST. At worst, the Trump Administration would be blatantly and knowingly violating international law, in particular the ban on national appropriation. Certainly, the Artemis Accords **signal a willingness to push i**nternational **law to the limit**, if not to step over the line. In addition to potentially violating the OST, the Artemis Accords may also violate the VCLT. Though the United States has not ratified the VCLT, the “treaty on treaties” is customary international law and thus binding on all states. Article 41 of the VCLT permits two or more parties to a treaty to make bilateral, inter-se agreements or to modify a treaty among themselves.122 Yet, if these side deals are “incompatible with the effective execution of the object and purpose of the treaty as a whole” then the VCLT forbids them.123 NASA made clear that bilateral Artemis Accords agreements with other nations will be “grounded in the Outer Space Treaty” and that resource utilization will be conducted under the “auspices of the Outer Space Treaty.”124 Therefore, the United States appears ready to create bilateral, inter-se agreements every time it signs an Artemis Accords agreement. **Because Article II** of the OST clearly **bans national appropriation, licensing non-state actors** to create mining colonies on the Moon in safety zones **verges on appropriation**, especially when coupled with Article VI’s responsibility clause based on national activity.125 Overall, the Administration advances on very uneven legal footing, which is further **compounded by** the fact that **space tech**nologies **are** inherently **dual purpose**. B. Dual Purpose Any technology – from rocketry, to satellites, to mining equipment – introduced into space is inherently dual purpose. That is, it may readily be converted to military uses. The OST makes clear that nuclear weapons are prohibited in space. It also completely demilitarizes the Moon, under Article IV.126 However, military **personal may** **participate in** scientific research or other peaceful purposes – i.e., **commercial ones**.127 Hence, from a national security standpoint it would be legal for other rival nations, namely Russia and China, to create lunar bases or asteroid mines. But **should conflict arise, such tech**nology and infrastructure could readily **be turned hostile** and harnessed against American infrastructure in space. **This is troubling because for** a country like **China there is no** obvious **distinction between public and private** industry.128 And from China’s perspective, NASA is still teaming up with SpaceX in public-private partnerships and the DoD has many of similar agreements as well. In fact, in its 2020 Defense Space Strategy, the DoD proclaimed its eagerness to “[l]everage commercial technological advancements and acquisition processes.”129 An incident with Russia highlights the dangers of dual-purpose space technologies. On November 26, 2019, Russia launched what appeared to be a single satellite.130 Eleven days later the single satellite “birthed” a second.131 In mid-January the pair floated near KH-11, a multi-billion- dollar U.S. military reconnaissance satellite. The United States complained to Moscow, which moved the satellites away from KH-11. However, on July 15, 2020, the “birthed” satellite launched a missile into outer space. This is the first time the United States has alleged a space-based anti-satellite missile test.132 Although Russia claimed that the satellites are peaceful, it proved that even a so-called peaceful satellite could be secretly armed with military capabilities. Ironically, in a speech that same day to his counterparts in Brazil, India, China, and South Africa, Dmitry Rogozin, head of Russia’s space program, called for a “space free of weapons of any type, to keep it fit for long-term and sustainable use as it is today.”133 It requires little imagination to envision a Chinese or Russian base on the Moon doubling as a commercial mining post and as a secret military garrison. After all, when the Soviets feared American ICBM superiority and a first-strike capability in the early 1960s they chose to place missiles in Cuba.134 Nowadays, a similar dynamic exists, with the US enjoying a comparable advantage. C. Bellicose American Rhetoric The Trump Administration has provided mixed signals to rivals about American intentions in outer space. In 2017, Vice President Mike Pence declared that “America must be as dominant in the heavens as it is on Earth.”135 Citing the fear that Sputnik instilled in Americans, Pence later warned that Russia and China were racing to pass the United States in space technology, especially with respect to the military.136 In its 2020 Defense Space Strategy, the DoD pronounced, “China and Russia present the greatest strategic threat due to their development, testing, and deployment of counterspace capabilities and their associated military doctrine for employment in conflict extending to space.”137 More modestly, however, Stephen Kitay, Deputy Assistant Secretary of Defense for Space Policy, made clear that the United States is still superior in space capabilities; however, the gap is rapidly diminishing.138 Still, this rhetoric is somewhat misleading. American public investment in space dwarfs Russian and Chinese investments combined: in 2018, the United States invested $41 billion whereas China invested $5.8 billion, and Russia invested $4.2 billion.139 Moreover, this spending does not account for private investment in space. Unfortunately, this author has been unable to procure aggregate data on total U.S. private investment. However, for reference, Jeff Bezos has claimed he invests $1 billion each year of Amazon stock to finance Blue Origins.140 Elon Musk spent $100 million to found SpaceX in 2002.141 In 2019, the company raised $1.33 billion in three rounds of funding.142 Additionally, SpaceX has estimated its broadband satellite project, Starlink, will cost at least $10 billion to build and deploy.143 Finally, Bryce Technology reported that start up space ventures raised $5.7 billion in funding in 2019.144 Whatever the total number is, it is quite large and likely in the tens of billions a year. Russia and China simply do not have the same level of private investment. This is not to say that the Administration is wrong for taking foreign threats in outer space seriously. It should, precisely **because the Russians and Chinese take these threats seriously**. The **U**nited **S**tates **should not**, however, **start a space race** when it is already light years ahead of its rivals, **as this would** repeat the mistake of the first space race – **permit**ting **private industry**, which Eisenhower warned against, **to dictate** American **policy and** thereby **create a technocracy**.145 Naturally, this talk of competition begs the question, what do the Russians and Chinese actually want in outer space? D. Engagement with Russia and China? i. Russia **Russia has** strongly **rejected the** Artemis **Accords as a violation of** **i**nternational **law**.146 After the United States excluded Russia from the Artemis Accords, Dmitry Rogozin, Chief of Roscosmos, fumed, “The principle of invasion is the same, whether it be the Moon or Iraq. The creation of a ‘coalition of the willing’ is initiated. Only Iraq or Afghanistan will come out of this.”147 More recently, he called the Artemis Accords a “political project,” and compared it to NATO.148 When asked if Russia would partner with NASA on Artemis, Rogozin answered, “Frankly speaking, we are not interested in participating in such a project.”149 **Ominously**, Rogozin signaled **a Russian shift towards partnering with the Chinese**, “We respect their results…[China] is definitely our partner.”150 In a sign **of how quickly this partnership is forming**, just a few weeks later, Rogozin announced that he and the Director of the China National Space Administration, Zhang Kejian, had agreed to “probably” build a lunar research base together.151 On March 9, 2021, **Russia and China** signed an agreement to **build** **this base** together.152 This partnership is dripping with irony. Recall that, in 2016, Russia issued a complaint about the Space Act before COPUOS.153 But that complaint walked a fine line and never directly claimed that American resource exploitation in space violated the OST.154 Indeed, the Russians appeared more interested in signaling to the United States their interest in “discussing the possibility to reach uniform understanding of the status of resources and set forth the structure of the doctrine that would include safety and security aspects.”155 As discussed, the Russians care less about complying with international law than being able to shape it to suit their own interests. Though they may lack the level of investment and advanced technologies of the United States, they appear willing to join the Chinese who have a long-term plan to achieve space supremacy. Of course, **the creation of Russo-Chinese partnership** and system in space to challenge the Artemis Accords **would render** Rogozin’s **fear of NATO a self-fulfilling** prophecy.

#### A strong Sino-Russian alliance sets the stage for the replacement of the ILO and a new hegemonic era.

Kevin 3-25 [Tony Kevin, Russia and China are sending Biden a message: don't judge us or try to change us. Those days are over, 3-25-2021,Conversation,https://theconversation.com/russia-and-china-are-sending-biden-a-message-dont-judge-us-or-try-to-change-us-those-days-are-over-157771, 12-15-2021 amrita]

Putin’s message to the new US president The tense test of strength began when Biden was asked about Putin in an interview with ABC News’ George Stephanopoulos and agreed he was “a killer” and didn’t have a soul. He also said Putin will “pay a price” for his actions. Putin then took the unusual step of going on the state broadcaster VGTRK with a prepared five-minute statement in response to Biden**. In an unusually pointed manner, Puti**n recalled the US history of genocide of its Indigenous people, the cruel experience of slavery, the continuing repression of Black Americans today and the unprovoked US nuclear bombing of Hiroshima and Nagasaki in the second world war. He **suggested states should not judge others by their own standards:** Whatever you say about others is what you are yourself. Some American journalists and observers have reacted to this as “trolling”. It was not. It was the preamble to Putin’s most important message in years to what he called the American “establishment, the ruling class”. He said the US leadership is determined to have relations with Russia, but only “on its own terms”. Although they think that we are the same as they are, we are different people. We have a different genetic, cultural and moral code. But we know how to defend our own interests. And we will work with them, but in those areas in which we ourselves are interested, and on those conditions that we consider beneficial for ourselves. And they will have to reckon with it. They will have to reckon with this, despite all attempts to stop our development. Despite the sanctions, insults, they will have to reckon with this. **This is new** for Putin. He has **for years made the point**, always politely, **that Western powers need to deal with Russia on a basis of correct diplomatic protocols and mutual respect** for national sovereignty, if they want to ease tensions. But never before has he been as blunt as this, saying in effect: do not dare try to judge us or punish us for not meeting what you say are universal standards, because we are different from you. Those days are now over. **China pushing back against the US**, too Putin’s forceful statement is remarkably similar to the equally firm public statements made by senior Chinese diplomats to US Secretary of State Antony Blinken in Alaska last week. Blinken opened the meeting by lambasting China’s increasing authoritarianism and aggressiveness at home and abroad - in Tibet, Xinjiang, Hong Kong and the South China Sea. He **claimed** such **conduct was threatening “the rules-based order that maintains global stability**”. Yang Jiechi, Chinese Communist Party foreign affairs chief, responded by denouncing American hypocrisy. He said The US does not have the qualification to say that it wants to speak to China from a position of strength. The US uses its military force and financial hegemony to carry out long-arm jurisdiction and suppress other countries. It abuses so-called notions of national security to obstruct normal trade exchanges, and to incite some countries to attack China. He said the US had no right to push its own version of democracy when it was dealing with so much discontent and human rights problems at home. **Russia and China drawing closer together** Putin’s statement was given added weight by two diplomatic actions: Russia’s recalling of its ambassador in the US, and Foreign Minister Sergey Lavrov’s meeting in China with his counterpart, Wang Yi. Beijing and Moscow agreed at the summit to stand firm against Western sanctions **and boost ties between their countries to reduce** their **dependence on the US** dollar in international trade and settlements. Lavrov also said, We both believe the US has a destabilising role. It relies on Cold War military alliances and is trying to set up new alliances to undermine the world order. Though Biden’s undiplomatic comments about Putin may have been unscripted, the impact has nonetheless been profound. Together with the harsh tone of the US-China foreign ministers meeting in Alaska — also provoked by the US side — **it is** clear there has been **a major change** in the atmosphere of US-China-Russia relations. What will this mean in practice? Both Russia and China are signalling they will only deal with the West where and when it suits them. Sanctions no longer worry them. The two powers are also showing they are increasingly comfortable working together as close partners, if not yet military allies. They will step up their cooperation in areas where they have mutual interests and the development of alternatives to the Western-dominated trade and payments systems.**Countries** in Asia and further afield **are closely watching** the development of **this alternative international order**, led by Moscow and Beijing. And they **can also recognise** the **signs of increasing US econ**omic and political **decline**. It is a new kind of Cold War, but not one based on ideology like the first incarnation. It is **a war for international legitimacy**, a struggle for hearts and minds and money in the **very large part** of the world **not aligned to the US** or NATO. The US and its allies will continue to operate under their narrative, while Russia and China will push their competing narrative. This was made crystal clear over these past few dramatic days of major power diplomacy. **The global balance of power is shifting**, and for many nations, the smart money might be on Russia and China now.

#### That causes draw-in through great power wars—goes nuclear.

Forsyth and Mezzell 19 [Jim Forsyth is a Forsyth is the Dean of Air Command and Staff College Maxwell AFB and has a PhD in International Studies from the University of Denver, Ann Mezzell is an Assistant Professor in the Department of International Security, Through the Glass—Darker, Strategic Studies Quarterly , Vol. 13, No. 4, (WINTER 2019), pg. 24-26]

As the article argued in 2007, “technological shifts have continuously altered the methods of war,” but in the end, “political arrangements matter, and the deterrent effect of any weapon should be evaluated within the context of the structure of the international system.”20 This claim is as true now as it was then. Indeed, one might conclude that structure matters even more now than it did 10 years ago, given the shift to multipolarity.21 Under “lopsided” multipolarity—where the United States outweighs both China and Russia militarily—it will maintain power advantages on some fronts, but at smaller margins than it did during the unipolar moment when it reigned supreme. Power diffusion, and related great power competition concerns, will be governed by the continued growth of Asian economic and military clout predominantly from China and India and the relative decline of Western economic influence.22 As China continues to translate economic gains into military modernization, the US will “focus mainly on countering China.”23 Avoiding the perils of security competition will require that the US be more cautious about exercising its power abroad.24 Yet exercising diplomacy and restraint could prove to be challenging. Even scholars who adopt a more circumspect view of emerging multipolarity, and the implications of growing military-technological parity, acknowledge its underlying risks. Barry Posen, who questions the assumption that multipolarity is inherently unstable, nonetheless acknowledges that growing parity will only “mute” great power competition. The diffusion of power will not eradicate “great power adventures.”25 China’s rise is apt to entail alliance reconfigurations and temptations to employ conventional military power.26 In fact, just as the original article predicted, the United States and India, Russia and China, and France and Germany have taken steps toward tightening their security relationships. China’s progress toward narrowing its power gap with the US has already met with a return to US defense budget growth and the establishment of new US defense cooperation commitments—notably with India. In parallel, China and Russia have grown closer, with Presidents Xi Jinping and Vladimir Putin meeting three times in 2018 and China sending a “strong supporting contingent” to Russia’s Vostok-2018 military exercises.27 Given the complexities and uncertainties of multipolarity, the US arsenal of advanced conventional weapons (and those of other great powers) may not only prove ill suited to deterring great power war but also provide occasion for its inadvertent onset. The stealth, speed, and lethality of advanced conventional technologies—allowing for quick and decisive US victories in the Persian Gulf (1991), Kosovo (1999), and Afghanistan (2001)—have proven increasingly enticing to other great powers. Russia and China drew similar lessons from these conflicts, each embarking on military modernization programs geared toward antiaccess/area-denial (A2/AD) and grey zone strategies.28 Advanced conventional weapons already undergird Russia’s and China’s respective salami-slicing campaigns in Eastern Europe and the South China Sea. Russia began modernizing its military following its 2008 war with Georgia, enhancing its ground force readiness and updating its integrated air defense system. The improvements have allowed for significant defensive and force-projection gains (against border states).29 Though Russia has since dialed back modernization efforts in the wake of its economic downturn, China continues to seek avenues for undermining the United States’ conventional weapons edge. The People’s Liberation Army (PLA) still trails the United States in the areas of innovation and operational proficiency. Its modernization achievements, though—especially the development of intermediate-range missiles that threaten US forward bases and carrier strike groups—have substantially augmented China’s “advantage of proximity in most plausible conflict scenarios.”30 As great power rivals continue to chip away at the United States’ once considerable smart-weapons advantage, national security experts are reevaluating the viability of deterrence. On this front, the diffusion of capabilities, as well as the expansion of competition to the space and cyber domains, do more than complicate appraisals of the balance of power; they threaten to upend the foundations of deterrence.31 The arrival of dualcapable hypersonic weapons (and delivery systems)—currently being designed and tested by the US, China, and Russia—will arguably risk jeopardizing strategic stability. Their ultrahigh velocity could reduce warning time to the extent that “a response would be required on first signal of attack”; likewise, their deployment in ready-to-launch mode could trigger preemptive strikes, as others might perceive it as a sign of impending attack.32 Further, cyber weapons’ potential for disabling an opponent’s “early warning and command systems” may diminish the expected costs of first strike under crisis conditions.33 Autonomous weapons also have the potential to fundamentally alter the psychological underpinnings of strategy. And, as Kenneth Payne notes, there is no “a priori reason” to expect that substituting artificial intelligence (AI) for human intelligence—that rapid, accurate, and unbiased information processing and responses—“will necessarily be safer.” Because AI limits the risks of using force, it could make conflict more acceptable to risk-averse states; because its speed and precision favor the offense, it could prove more conducive to aggression than deterrence; and because it shapes a host of processes and technologies rather than a single weapon or system, its effects on strategy (and the challenges of its regulation) could prove counter to deterrence.34 As noted in the original article, nuclear weapons helped sustain the “cold peace” during the Cold War—not because of their awesome destructive power but because that awesome destructive power helped buttress bipolarity.35 The simplicity of bipolarity and superpower balancing, in turn, limited “the dangers of miscalculation and overreaction.”36 Multipolarity, though, makes for complexity; additional great power players provide additional opportunities for miscalculation and overreaction. Given these conditions and the perceived “usability” of advanced conventional weapons relative to nuclear weapons, it seems likely that they will fall short of yielding “the kinds of political structures necessary to enhance deterrence.”37 To counter Posen, the diffusion of advanced conventional technology may well have cheapened the near-term costs and risks of going to war, and particularly engaging in hybrid warfare. Even if the US manages to avoid a direct confrontation with Russia or China, it seems increasingly plausible that it could be dragged into a conflict involving one or more of their allies.

### Advantage – Collisions

#### Mining creates space debris

Boley and Byers 20 (Arron, Department of Physics and Astronomy, University of British Columbia; Michael, Department of Political Science, University of British Columbia) U.S. policy puts the safe development of space at risk, SCIENCE, 9 Oct 2020, Vol 370, Issue 6513, pp. 174-175 <https://www.science.org/doi/full/10.1126/science.abd3402> EE

Mining can generate serious operational concerns. Lunar dust is a known challenge to operations on the Moon. Any surface activity could exacerbate lunar dust migration, including by lofting dust onto trajectories that cross lunar orbits, such as that of NASA's proposed Lunar Gateway (11). Moreover, without cooperation by all actors, the limited number of useful lunar orbits could quickly become filled with space debris.

On asteroids, low escape speeds will make it difficult to prevent the loss of surface material. Even if full enclosures are used, waste material may be purposefully jettisoned. Mining could also lead to uncontrolled outbursts of volatile sublimation after the removal of surface layers. Because the asteroids targeted for mining are likely to be those with small minimum orbit intersection distances, the resulting meteoroid debris streams could threaten lunar operations as well as satellites in Earth's orbit (12). In a worst-case scenario, a trajectory change resulting from mining could eventually lead to an Earth-impact emergency.

Space missions already provide some evidence of these risks. In 2019, during the course of Japan's Hayabusa2 mission, a small impactor was used to make a crater on (162173) Ryugu (13). Some of the resulting anthropogenic meteoroids could begin reaching Earth during the 2033 apparition. In 2022, NASA will test its ability to deflect an asteroid by striking (65803) Didymos B (Dimorphos) with the Double Asteroid Redirection Test spacecraft. This impact will produce anthropogenic meteoroids, with the possibility of immediate delivery to Earth (14). Although these risks are small, they demonstrate how easily human actions can change the near-Earth environment.

#### Space dust destroys spirals and exponentially accumulates through time, increasing the likelihood of collisions.

Intagliata 17 [Christopher Intagliata, 5-11-2017, "The Sneaky Danger of Space Dust," Scientific American, <https://www.scientificamerican.com/podcast/episode/the-sneaky-danger-of-space-dust/>]//DDPT

When tiny particles of space debris slam into satellites, the collision could cause the emission of hardware-frying radiation, Christopher Intagliata reports.

Aside from all the satellites, and the space station orbiting the Earth, there's a lot of trash circling the planet, too. Twenty-one thousand [baseball-sized chunks](https://www.scientificamerican.com/article/orbital-debris-space-fence/) of debris, [according to NASA](https://www.orbitaldebris.jsc.nasa.gov/faq.html). But that number's dwarfed by the number of small particles. There's hundreds of millions of those.

"And those smaller particles tend to be going fast. Think of picking up a grain of sand at the beach, and that would be on the large side. But they're going 60 kilometers per second."

Sigrid Close, an applied physicist and astronautical engineer at Stanford University. Close says that whereas mechanical damage—like punctures—is the worry with the bigger chunks, the dust-sized stuff might leave more insidious, invisible marks on satellites—by causing electrical damage.

"We also think this phenomenon can be attributed to some of the failures and anomalies we see on orbit, that right now are basically tagged as 'unknown cause.'"

Close and her colleague Alex Fletcher modeled this phenomenon mathematically, based on plasma physics behavior. And here's what they think happens. First, the dust slams into the spacecraft. Incredibly fast. It vaporizes and ionizes a bit of the ship—and itself. Which generates a cloud of ions and electrons, traveling at different speeds. And then: "It's like a spring action, the electrons are pulled back to the ions, ions are being pushed ahead a little bit. And then the electrons overshoot the ions, so they oscillate, and then they go back out again.”

That movement of electrons creates a pulse of electromagnetic radiation, which Close says could be the culprit for some of that electrical damage to satellites. The study is in the journal Physics of Plasmas. [Alex C. Fletcher and Sigrid Close, [Particle-in-cell simulations of an RF emission mechanism associated with hypervelocity impact plasmas](http://aip.scitation.org/doi/full/10.1063/1.4980833)]

#### An increase in space debris and dust from mining collides with key defense satellites

Scoles 15 Sarah Scoles [Freelance science writer, and a contributing writer at WIRED Science, with articles in places like Popular Science, the New York Times, Scientific American, Vice, Outside, and others.], 5-27-2015, "Dust from asteroid mining spells danger for satellites," New Scientist, <https://www.newscientist.com/article/mg22630235-100-dust-from-asteroid-mining-spells-danger-for-satellites/> DD AG

IF THE gold mine is too far from home, why not move it nearby? It sounds like a fantasy, but would-be miners are already dreaming up ways to drag resource-rich space rocks closer to home. Trouble is, that could threaten the web of satellites around Earth.

Asteroids are not only stepping stones for cosmic colonisation, but may contain metals like gold, platinum, iron and titanium, plus life-sustaining hydrogen and oxygen, and rocket-fuelling ammonia. Space age forty-niners can either try to work an asteroid where it is, or tug it into a more convenient orbit.

NASA chose the second option for its Asteroid Redirect Mission, which aims to pluck a boulder from an asteroid’s surface and relocate it to a stable orbit around the moon. But an asteroid’s gravity is so weak that it’s not hard for surface particles to escape into space. Now a new model warns that debris shed by such transplanted rocks could intrude where many defence and communication satellites live – in geosynchronous orbit.

According to Casey Handmer of the California Institute of Technology in Pasadena and Javier Roa of the Technical University of Madrid in Spain, 5 per cent of the escaped debris will end up in regions traversed by satellites. Over 10 years, it would cross geosynchronous orbit 63 times on average. A satellite in the wrong spot at the wrong time will suffer a damaging high-speed collision with that dust.

The study also looks at the “catastrophic disruption” of an asteroid 5 metres across or bigger. Its total break-up into a pile of rubble would increase the risk to satellites by more than 30 per cent (arxiv.org/abs/1505.03800).

That may not have immediate consequences. But as Earth orbits get more crowded with spent rocket stages and satellites, we will have to worry about cascades of collisions like the one depicted in the movie Gravity.

#### Laundry list of impacts – compromised communication, loss of military capability and more

Divorsky 15 George Divorsky [George P. Dvorsky (born May 11, 1970) is a Canadian bioethicist, transhumanist and futurist. He is a contributing editor at io9[1] and producer of the Sentient Developments blog and podcast. He was Chair of the Board for the Institute for Ethics and Emerging Technologies (IEET)[2][3] and is the founder and chair of the IEET's Rights of Non-Human Persons Program], 6-4-2015, "What Would Happen If All Our Satellites Were Suddenly Destroyed?," Gizmodo <https://gizmodo.com/what-would-happen-if-all-our-satellites-were-suddenly-d-1709006681> DD AG

Given these grim prospects, it’s fair to ask what might happen to our civilization if any of these things happened. At the risk of gross understatement, the complete loss of our satellite fleet would instigate a tremendous disruption to our current mode of technological existence—disruptions that would be experienced in the short, medium, and long term, and across multiple domains.

Compromised Communications

Almost immediately we’d notice a dramatic reduction in our ability to communicate, share information, and conduct transactions.

“If our communications satellites are lost, then bandwidth is also lost,” Jonathan McDowell tells io9. He’s an astrophysicists and Chandra Observatory scientist who works out of the Harvard-Smithsonian Center for Astrophysics.

McDowell says that, with telecommunication satellites wiped out, the burden of telecommunications would fall upon undersea cables and ground-based communication systems. But while many forms of communication would disappear in an instant, others would remain.

All international calls and data traffic would have to be re-routed, placing tremendous pressure on terrestrial and undersea lines. Oversaturation would stretch the capacity of these systems to the limit, preventing many calls from going through. Hundreds of millions of Internet connections would vanish, or be severely overloaded. A similar number of cell phones would be rendered useless. In remote areas, people dependent on satellite for television, Internet, and radio would practically lose all service.

“Indeed, a lot of television would suddenly disappear,” says McDowell. “A sizable portion of TV comes from cable whose companies relay programming from satellites to their hubs.”

It’s important to note that we actually have a precedent for a dramatic—albeit brief —disruption in com-sat capability. Back in 1998, there was a day in which a single satellite failed and all the world’s pagers stopped working.

The sudden loss of satellite capability would have a profound effect on the military.

The Marshall Institute puts it this way: “Space is a critical enabler to all U.S. warfare domains,” including intelligence, navigation, communications, weather prediction, and warfare. McDowell describes satellite capability as as the “backbone” of the U.S. military.

And as 21st century warfare expert Peter W. Singer from New America Foundation tells io9, “He who controls the heavens will control what happens in the battles of Earth.” Singer summarized the military consequences of losing satellites in an email to us:

Moreover, and as McDowell explains to io9, the loss of satellite capability would have a profound effect on arms control capabilities. Space systems can monitor compliance; without them, we’d be running blind.

“The overarching consideration is that you wouldn’t really know what’s going on,” says McDowell. “Satellites provide for both global and local views of what’s happening. We would be less connected, less informed—and with considerably degraded situational awareness.”

One great thing satellites have done for us is improve our ability to forecast weather. Predicting a slight chance of cloudiness is all well and good, but some areas, like India, Pakistan, and Bangladesh, are dependent on such systems to predict potentially hazardous monsoons. And in the U.S., the NOAA has estimated that, during a typical hurricane season, weather satellites save as much as $3 billion in lives and property damage.

There’s also the effect on science to consider. Much of what we know about climate change comes from satellites.

As McDowell explains, the first couple of weeks without satellites wouldn’t make much of a difference. But over a ten-year span, the lack of satellites would preclude our ability to understand and monitor such things as the ozone layer, carbon dioxide levels, and the distribution of polar ice. Ground-based and balloon-driven systems would help, but much of the data we’re currently tracking would suddenly become much spottier.

#### Collisions with high-value satellites guarantee nuclear escalation.

Egeli 21 [Sitki Egeli is an assistant professor in the Political Science and International Relations Department of Izmir University of Economics. He was previously a director for foreign affairs in Turkey’s Undersecretariat for Defense Industries (SSM) and vice president in charge of the defense and aerospace sectors of an international consulting firm.] “Space-to-Space Warfare and Proximity Operations: The Impact on Nuclear Command, Control, and Communications and Strategic Stability,” Published 25 Jun 2021, <https://www.tandfonline.com/doi/full/10.1080/25751654.2021.1942681>, VM

“Amid increased tensions, perhaps even an imminent military confrontation between **two nuclear-armed adversaries**, a high-value (for example, early-warning or strategic communication) **satellite stops functioning** or communicating **instantly and inexplicably**. SSA sensors do not pick up any anomalies. **This may be the outcome of** a technical malfunction or a natural phenomenon, such as the impact of a collision with a meteoroid or piece of **space debris small enough to have evaded detection**. Alternatively, the satellite perhaps becomes the victim of a deliberate, undetected attack. Earth-to-space kinetic, electronic, or directed energy attacks would leave behind some trails. A cyberattack, which is harder to detect and attribute, is a strong possibility. So is a stealthy attack by hostile spacecraft. In fact, the adversary is known to have experimented with ominous small spacecraft that could easily conceal or disguise themselves until conducting a final maneuver to neutralize their targets. The victim would also be aware that, especially at distant GEO and HEO altitudes, SSA is not sufficiently comprehensive to detect and give warning of all suspicious or threatening movements as they happen. As suspicions abound, decision makers are faced with hard choices. Could this perhaps be the harbinger of a wider nuclear or nonnuclear **first strike**, along with which the attacker is seeking to eliminate the **possibility of retaliation** by degrading the defender’s capacity to command, control, and communicate with its forces? Should the defender react immediately before the remaining space-enabled NC3 elements are also compromised and its control over nuclear and nonnuclear forces degrades even further? In the absence of a clear-cut picture of what actually has happened, there is a risk that impending decisions will be made on the basis of insufficient and potentially **erroneous information**, and the climate will be ripe for unfounded presumptions and predispositions. The resulting ultimatums, responses, or counteractions could **set off a dangerous cycle of escalation** and tit-for-tat actions, whereby reactions and overreactions between adversaries lead to potentially catastrophic consequences. At a minimum, heightened tension in orbit would **have the outcome of spilling down to Earth** so as to further aggravate an already tense situation.?”

#### Specifically, early warning satellites going dark signals attacks – that causes miscalc and goes nuclear.

Orwig 16 [(Jessica, MS in science and tech journalism from Texas A&M, BS in astronomy and physics from Ohio State) “Russia says a growing problem in space could be enough to spark a war,” Insider,’ January 26, 2016, <https://www.businessinsider.com/russia-says-space-junk-could-spark-war-2016-1>] [pT]

NASA has already warned that the large amount of space junk around our planet is growing beyond our control, but now a team of Russian scientists has cited another potentially unforeseen consequence of that debris: War.

Scientists estimate that anywhere from 500,000 to 600,000 pieces of human-made space debris between 0.4 and 4 inches in size are currently orbiting the Earth and traveling at speeds over 17,000 miles per hour.

If one of those pieces smashed into a military satellite it "may provoke political or even armed conflict between space-faring nations," Vitaly Adushkin, a researcher for the Institute of Geosphere Dynamics at the Russian Academy of Sciences, reported in a paper set to be published in the peer-reviewed journal Acta Astronautica, which is sponsored by the International Academy of Astronautics.

Say, for example, that a satellite was destroyed or significantly damaged in orbit — something that a 4-inch hunk of space junk could easily do traveling at speeds of 17,500 miles per hour, Adushkin reported. (Even smaller pieces no bigger than size of a pea could cause enough damage to the satellite that it would no longer operate correctly, he notes.)

It would be difficult for anyone to determine whether the event was accidental or deliberate.

This lack of immediate proof could lead to false accusations, heated arguments and, eventually, war, according to Adushkin and his colleagues.

A politically dangerous dilemma

In the report, the Adushkin said that there have already been repeated "sudden failures" of military spacecraft in the last two decades that cannot be explained.

"So, there are two possible explanations," he wrote. The first is "unregistered collisions with space objects." The second is "machinations" [deliberate action] of the space adversary.

"This is a politically dangerous dilemma," he added.

But these mysterious failures in the past aren't what concerns Adushkin most.

It's a future threat of what experts call the cascade effect that has Adushkin and other scientists around the world extremely concerned.

The Kessler Syndrome

In 1978, American astrophysicist Donald Kessler predicted that the amount of space debris around Earth would begin to grow exponentially after the turn of the millennium.

Kessler 's predictions rely on the fact that over time, space junk accumulates. We leave most of our defunct satellites in space, and when meteors and other man-made space debris slam into them, you get a cascade of debris.

The cascade effect — also known as the Kessler Syndrome — refers to a critical point wherein the density of space junk grows so large that a single collision could set off a domino effect of increasingly more collisions.

For Kessler, this is a problem because it would "create small debris faster than it can be removed," Kessler said last year. And this cloud of junk could eventually make missions to space too dangerous.

For Adushkin, this would exacerbate the issue of identifying what, or who, could be behind broken satellites.

The future

So far, the US and Russian Space Surveillance Systems have catalogued 170,000 pieces of large space debris (between 4 and 8 inches wide) and are currently tracking them to prevent anymore dilemmas like the ones Adushkin and his colleagues cite in their paper.

But it's not just the large objects that concern Adushkin, who reported that even small objects (less than 1/3 of an inch) could damage satellites to the point they can't function properly.

Using mathematical models, Adushkin and his colleagues calculated what the situtation will be like in 200 years if we continue to leave satellites in space and make no effort to clean up the mess. They estimate we'll have:

1.5 times more fragments greater than 8 inches across

3.2 times more fragments between 4 and 8 inches across

13-20 times more smaller-sized fragments less than 4 inches across

"The number of small-size, non-catalogued objects will grow exponentially in mutual collisions," the researchers reported.

#### Squo debris is goldilocks – current orbital debris deters space aggression, but adding more generates more risk than reward

Miller 21 [Gregory D., PhD PSci from Ohio State University, Prof and Chair of Dept of Spacepower and Director of Space Scholars program at Air Command and Staff College]. “Deterrence by Debris: The Downside to Cleaning up Space.” Space Policy, Vol 58, Nov 2021, <https://doi.org/10.1016/j.spacepol.2021.101447> TG

The danger of kinetic strikes increasing orbital debris is a common theme in the literature, but the positive deterrent effects of some debris are often overlooked. The debris resulting from destroyed satellites, or other space objects, creates a deterrent effect on actors who might otherwise violate international norms and strike at objects in space, either to test their capabilities or as an act of hostilities. This is not deterrence in the traditional sense, of one actor publicly threatening punishment in response to another actor’s unwanted actions. It is not deterrence by denial since the attacker is not damaged and may even achieve its objective. Nor is it deterrence by punishment because the debris itself does not threaten to punish the attacker’s country. But debris can increase the future costs to the aggressor, even if their initial attack succeeds, and thus it has a similar restraining effect on certain behavior. Like the automated response of the U.S. tripwire in West Germany, the threat that debris can pose to state interests acts as a form of deterrence, at least to prevent some actors from taking certain types of actions. Removing the danger of debris will weaken that restraint and thus weaken deterrence, making ASAT tests and hostile actions in space more likely.

Several factors may deter a state from launching kinetic tests or striking against an adversary’s interests in space. For one thing, if a state’s adversary has similar capabilities to destroy objects in space, deterrence would be a function of not wanting to escalate tensions. Although international law only explicitly prohibits states from placing [weapons of mass destruction](https://www.sciencedirect.com/topics/social-sciences/nuclear-weapons) in orbit, international space law, like the Outer Space Treaty [[30](https://www.sciencedirect.com/science/article/pii/S0265964621000394" \l "bib30)], does provide a framework for addressing the activities of one state that lead to the damage of another state’s property. Likewise, there are international norms (informal but expected rules of behavior) against the weaponization of space. But these norms seem to be in decline [[31](https://www.sciencedirect.com/science/article/pii/S0265964621000394" \l "bib31)], and such norms only deter a state from engaging in certain types of behavior if the state cares about following norms, if it cares about how states perceive its behavior, or if it believes other states are willing to enforce the norms. The beauty of debris as a deterrent is that it does not rely on the enforcement of norms or the credibility of states to succeed.

The specific orbit will also determine how much debris is relatively safe while still deterring, and the point at which the amount of debris becomes more of a risk than a deterrent. The nature of the spacecraft will also play a role. More maneuverable and hardened craft will make attacks more difficult and less effective, but they also reduce the deterrent effect of debris. More vulnerable craft might be easier to destroy, but the ease with which they create more debris can create a stronger deterrent. The presence of humans should also strengthen deterrence because even accidents that kill one country’s citizens as a result of debris could have national security implications for multiple states.

States that are potentially affected by additional debris or that have commercial interests that could be negatively affected are less likely to want to create more debris by targeting an object in orbit. In this respect, there is some overlap with deterrence by entanglement because the increased interest in dual-use (military and commercial) satellites acts as an additional deterrent against states taking unwanted actions against objects in space [[32](https://www.sciencedirect.com/science/article/pii/S0265964621000394" \l "bib32)]. Likewise, states are less likely to take actions that threaten the interests of multiple governments, so the more states that are invested in objects with similar orbits, and the more that satellites represent multinational efforts and interests, the stronger the deterrent effect against any kind of test or hostile activities in that area of space.

Another factor that contributes to deterrence is that states do not need space-specific capabilities to punish an actor that violates norms or acts aggressively in space. Several states have interests in space without having national launch capabilities, so they rely on other states to provide those capabilities. These states could, for example, use cyberattacks or even conventional military force in response to aggressive activities in space. There is a growing literature on cross-domain deterrence that is relevant in these cases [[[33]](https://www.sciencedirect.com/science/article/pii/S0265964621000394" \l "bib33), [[34]](https://www.sciencedirect.com/science/article/pii/S0265964621000394" \l "bib34), [[35]](https://www.sciencedirect.com/science/article/pii/S0265964621000394" \l "bib35)]. As a result, even states that do not have space launch capabilities have the ability to deter acts that generate debris and will have the desire to do so if it affects their communications, navigation, or scientific interests.

Because of these and other factors that enhance deterrence, this article does not suggest that debris is a positive or that states are only deterred by the likelihood of creating debris. On the contrary, debris will have some deterrence effects precisely because it poses a threat to international space interests. We must also recognize that the factors necessary to deter acts of war or hostile aggression may be different from the factors necessary to deter kinetic tests. While both types of actions can produce debris, intent — if it can be determined — contributes to the likelihood of [retaliation](https://www.sciencedirect.com/topics/social-sciences/retaliation). In the nuclear domain, one can determine a detonation on foreign soil versus the launch of a ballistic missile (although test launches do create complexity). In space, the distinction between a purely accidental collision, a test that creates debris, and an intentionally hostile act is already difficult and will grow increasingly blurry as more states develop space capabilities and as states develop more nonkinetic ASAT capabilities.

#### 1] Actor specificity:

#### A] Aggregation – every policy benefits some and harms others, which also means side constraints freeze action.

#### B] No act-omission distinction – choosing to omit is an act itself – governments decide not to act which means being presented with the aff creates a choice between two actions, neither of which is an omission

#### 2] Lexical pre-requisite: threats to bodily security preclude the ability for moral actors to effectively act upon other moral theories since they are in a constant state of crisis that inhibits the ideal moral conditions which other theories presuppose