## 1

#### Text – States should

* implement cooperative active debris removal measures aimed at mitigating debris from mega-constellations.
* dismantle their antisatellite weapon systems and stop all development of space weapons
* adopt a system of market share liability in regard to the creation of debris in outer space by private entities in accordance with Munoz-Patchen 18

#### 1st Plank solves Debris

ESA 17 ( April 14, 2017 “Active Debris Removal” https://www.esa.int/Our\_Activities/Space\_Safety/Space\_Debris/Active\_debris\_removal)

ESA, as a space technology and operations agency, has identified active removal technologies as a strategic goal. Active Debris Removal (ADR) is necessary to stabilise the growth of space debris, but even more important is that any newly launched objects comply with post-mission disposal guidelines – especially orbital decay in less than 25 years. If this were not the case, most of the required ADR effort would go to compensate for the non-compliance of new objects. Studies performed with long-term evolution models like DELTA have shown that a ‘business as usual’ scenario will lead to a progressive, uncontrolled increase of object numbers in LEO, with collisions becoming the primary debris source. The IADC mitigation measures will reduce the growth, but long-term proliferation is still expected, even with full mitigation compliance, and even if all launch activities are halted. This is an indication that the population of large and massive objects has reached a critical concentration in LEO. But even in a future scenario in which no further objects are added to the space environment (no launches, no debris release, no explosions), the results of simulations by ESA and NASA show that the number of debris objects would continue to grow even under these idealised conditions – under which a collision rate of once every 10 years can be assumed. Furthermore, an IADC study with six different models from 2013 show that in an almost perfect scenario with 90% compliance with the mitigation guidelines and with no explosions on orbit, the population suffers a steady increase, and a collision could be expected every 5–9 years. All these studies are a clear indicator that the population of large and massive objects has reached a critical density in LEO, and that mitigation alone is not sufficient. It is necessary to introduce a programme of remediation measures as well: active debris removal, in order to reduce the number of large and massive (mostly physically intact) objects . The current LEO environment contains about 3200 intact objects. An ESA analysis shows that the (lower) level of around 2500 intact objects (the status in the mid-1990s) would have a 50% probability of decreasing the overall debris population. If this is considered to be a desirable goal for remediation, the number of intact objects has to be reduced even while the world’s spaceflight activities continue. Averaged over the eight years 2004–12, about 72 objects were placed into LEO per year. However, since 2012, there has been a steep increase in the number of satellites placed in LEO, with the count now running at 125 objects per year (average over the four years 2013–16), mainly due to the increased use of small satellites. In addition, in 2015, several companies announced their intention to deploy large constellations of more than around 1000 satellites in LEO to provide fast Internet around the world. Limiting launch rates neither feasible nor helpful Therefore, limiting the launch rate or a further reduction of the allowed lifetime in orbit after the end of the mission (which would be two options to reduce the overall number of intact objects in space) do not seem feasible, because they cannot be mandated. For all new objects, strong compliance with post-mission mitigation measures would allow maintaining the number of intact objects at a level similar to the current one, and avoid having to deal with more objects in addition to those already in orbit. Therefore, in order to reduce the number of big objects in LEO, the only option is to actively remove large objects now in orbit and having a long remaining lifetime in space. This would provide several benefits: The most critical objects (those that would generate the most fragments in case of any collision, and that have a higher collision risk) could be removed from the environment first; Decommissioned objects could also be removed; A controlled deorbit could be performed (as large removal targets typically are also most critical in terms of on-­ground risk). Studies at ESA and NASA show that with a removal sequence planned according to a target selection based on mass, area, or cumulative collision risk, the environment can be stabilised when on the order of 5–10 objects are removed from LEO per year (although the effectiveness of each removal decreases as more objects are removed). Active removal is efficient Active removal can be more efficient in terms of the number of collisions prevented versus objects removed when the following principles are applied for the selection of removal targets, which can be used to generate a criticality index and the according list: The selected objects should have a high mass (they have the largest environmental impact in case of collision); Should have high collision probabilities (e.g. they should be in densely populated regions and have a large cross-sectional area); Should be in high altitudes (where the orbital lifetime of the resulting fragments is long). Long­-term environment simulations can be used to analyse orbital regions that are hotspots for collisions. The most densely populated region in LEO is around 800–1000 km altitude at high inclinations. The collision hotspots can be ranked by the number of collisions predicted to occur under a business as usual scenario. Polar Hotspots High-ranking hotspot regions are at around: 1000 km and 82º inclination; 800 km and 98º inclination; 850 km and 71º inclination. The concentration of critical-size objects in these narrow orbital bands could allow multi-target removal missions. Such missions could be specifically designed for one orbit type were a number of objects of the same type are contained While removal targets should be selected from a global perspective, legal constraints dealing with the ownership of space debris objects, and the validation thereof, cannot be neglected. Also, it should be kept in mind that legal responsibility for a coupled remover/target stack (i.e. when a removal spacecraft attaches itself to a inoperative body for deorbiting) is shared. While removal technology should be generic, i.e. applicable to a wide range of removal targets, which may also include non­ESA objects, special emphasis on firm agreements with the owners of the object is required.

#### solves for Mega-constellation Impacts.

Hardy 20, Brian Patrick. Long-term effects of satellite megaconstellations on the debris environment in low earth orbit. Diss. 2020. (Master of Science in Aerospace Engineering in the Graduate College of the University of Illinois at Urbana-Champaign)//Elmer

The results of this thesis demonstrate that satellite megaconstellations have the potential to leave a significant mark on the LEO debris environment, even centuries after they cease operations. Various test cases for the Starlink megaconstellation were analyzed in a new, medium-fidelity simulation for orbital debris evolution, and a variety of PMD and ADR rates for Starlink were considered. It was shown that if Starlink adheres only to the minimum regulatory requirement of 90% PMD for large constellations, then LEO debris levels will grow almost twice as fast as the baseline scenario with no megaconstellations. Improving Starlink’s PMD rate to 95% would lead to only 19% more debris, while 99% PMD is the preferred option that prevents any significant debris contributions at all. Importantly, Starlink’s choice of PMD strategy will affect its own collision risk very little over the short term, but the impact will be noticeable on multi-century timescales by the overall LEO environment. Finally, in scenarios with 90% and 95% PMD, active debris removal of non-operating Starlink satellites yields significant, if limited, benefits. The 90% PMD scenario combined with an ADR rate of 5 Starlink satellites per year, for example, is able to reduce debris levels to those seen for the 95% PMD scenario. This result suggests that active debris removal could be a viable mitigation strategy for megaconstellations with sub-optimal PMD rates.

#### 2plank incentivizes sustainable use of space

**Munoz-Patchen 18** [Chelsea Munoz-Patchen, Chelsea Muñoz-Patchen is an associate in the Houston office of Latham & Watkins. While attending University of Chicago Law School, Ms. Muñoz-Patchen was an articles editor for The Chicago Journal of International Law. Her research on regulating space debris was published in 2018. Ms. Muñoz-Patchen served as a research assistant for Professors Daniel Abebe and Jonathan Masur, focusing on intellectual property and constitutional law in the US and Ethiopia. Prior to law school, Ms. Muñoz-Patchen earned her BA and BS in Geography from Arizona State University. As a graduate student, she studied political ecology and people’s relationship to urban nature, and taught Introduction to Physical Geography labs. 7-1-2018, Semanticscholar, "Regulating the Space Commons: Treating Space Debris as Abandoned Property in Violation of the Outer Space Treaty | Semantic Scholar", <https://www.semanticscholar.org/paper/Regulating-the-Space-Commons%3A-Treating-Space-Debris-Munoz-Patchen/607eff0141f48332a69ae8c5a3301d871057a4fa> accessed 12/21/21] Adam

* solves global commons

Market-share liability has been suggested as a way to deal with the difficulty of identifying the individual ownership of objects and it could be put to use in the obligation to clean up debris.154 Market-share liability would allow for the apportionment of responsibility based on the respective contribution to the risk, and would not require the identification of individual pieces of space debris.155 Market-share liability has already been successfully applied where multiple parties contribute to a dangerous situation, but where it is virtually impossible to tie a particular party to the harm caused.156 Market-share liability was created in 1980 in the case Sindell v. Abbott Labororatories. 157 In Sindell, the Supreme Court of California devised the concept in response to a case in which pharmaceuticals that were marketed to pregnant women caused cancer in their children at least a decade later.158 Since the latent period was so long, the women naturally could not remember the specific pill manufacturer out of two hundred such manufacturers.159 The court found that each defendant’s market share could be determined fairly accurately, and therefore used market share as a basis for the apportionment of liability.160 While market-share liability has not been broadly adopted, this is likely because cases with fungible products and a serious causation problem are rare.161 Academics have taken this idea and sought to apply it to space debris, which has similar fungibility and causation issues, but their applications have been limited to a tort-like context.162 One author suggested that whenever a collision occurs due to an unidentifiable piece of debris and a functional space object, liability and compensation should be apportioned “among spacefaring nations equal to the percentages of the total debris population for which the particular nation is responsible.” 163 This mechanism frees the victim from having to prove causation by a specific nation, when that would be virtually impossible.164 There will be difficulties calculating the percentage with precision in such a system, but there is fairly accurate information from the U.N. including registry, sampling, mathematical models, and other records of known collisions and the resultant debris.165 Without strong buy-in, it may be challenging to get this rarely used domestic tort theory to apply in international space law, especially with the potential for disputes over the proper apportionment of market share.166 The states primarily responsible for existing debris are the U.S., Russia, and China – powerful countries unlikely to be pleased with this newfound expense. That said, though these nations would be paying the highest cost, this would be proportional to their respective contributions to the problem. Indeed, these nations may welcome this remedy, because their space activity is threatened by the proliferation of space debris and they likely value continuing their extensive and advanced use of space. This solution solves the free rider problem and would compensate any nation or company that cleans up space such that any nation (like the U.S., Russia, or China) fearing the collapse of its space program and unwilling to bear all the cleanup costs itself would see this as an attractive solution. It is even possible that liable states like the U.S. and Russia will be eager to aid in debris identification, so as to add to other states’ liability.167 This regulatory remedy would resolve the current tragedy of the commons. By assigning responsibility for the cost of cleanup, nations or companies would be incentivized to begin cleanup operations, because they would know that others will not freeride on their costly efforts. Instead, they will have guaranteed compensation from those responsible. Obtaining the funds is crucial, particularly since the high cost of deploying existing technology to destroy space debris has been a hindrance thus far.168 Using market-share liability is also a useful way to compensate victims of debris collisions and to incentivize spacefaring nations to avoid creating new debris in the future.169 However, this does not do enough to remedy the persistent existence of space debris, which is threatening the very continuation of space activity. The Outer Space Treaty creates an obligation on states to carry out space activities “for the ‘benefit and interests of all countries,’ and that outer space shall never be subject to national appropriation.” 170 To uphold their obligations under this treaty, nations should not be creating debris, because it interferes with the ability of others to conduct their space activities, or perhaps keeps them from space altogether. Due to this legal violation, and the negative externality created by property abandonment, states should be required to pay for the disposal of debris in proportion to the amount they create. While the creation of debris may be unavoidable, there are existing practices that can greatly minimize the proliferation of debris, and any debris that is nonetheless created can be dealt with through market-share liability payments. This collection of market-share disposal payments would not simply be a tax on operations or tort compensation for harmful acts. Instead, once liability is apportioned, (and this could be done on an ongoing or periodic basis to reflect new developments), nations or companies undertaking actions to clean up space would be compensated for their costs by the nations responsible according to their percentage of responsibility. The U.N. Office for Outer Space Affairs (UNOOSA) could allocate the percentage of liability, drawing on its role in promoting international cooperation and the peaceful use of outer space, as well as preparing reports and studies.171 If any disputes were to arise from nonpayment, familiar procedures could be employed—perhaps by drawing from other notable space treaties that provide “established procedures for the peaceful settlement of disputes, in accordance with the Charter of the United Nations.” 172 In many of the space treaties and conventions, including the Liability Convention, disputes and claims can be brought to the SecretaryGeneral of the U.N.173 These bodies could be utilized here to assure fairness in allocating liability and handling routine compensation disputes. This new regulatory regime can thus be grounded in the existing space treaty regime and administered by existing authorities. It would resolve the incentive problems that exist in the international commons of space through regulation that allocates the cost of debris cleanup to those who have created and continue to create it. The regime can also adapt as the outer space marketplace and the actors who comprise it shift over time, and as the registry of space objects, incidents, and tracking capabilities improves. This regulatory regime also ultimately would allocate cleanup funds to parties who would like to continue to operate in space, removing the disincentive to carry the cost in the face of potential freeriding.

## 2

#### Hacking towards Satellites is coming now – incentives and vulnerabilities align.

Culpan 21 Tim Culpan 11-2-2021 "The Next Big Hack Could Come From the Stars" <https://archive.is/XElln#selection-3035.0-3040.0> (Bloomberg Opinion Columnist)//Elmer

“As space becomes more important, there becomes unfortunately even greater incentives for malicious actors to disrupt, deny or alter our space-based assets,” Bob Kolasky, head of the Department of Homeland Security’s National Risk Management Center, told the same conference organized by the National Institute of Standards and Technology. “With space, whatever you put in orbit is what you must live with. Systems must be designed so that they can address threats and hazards throughout their lifespan.” What makes satellites and their associated land-based infrastructure more vulnerable is that the data they transmit can be easily accessed by anyone on Earth with $300 worth of TV reception equipment, allowing you to eavesdrop on unencrypted financial data or download information from Russian and American weather satellites in real time. A nefarious actor with its own satellite could even cause interference or block the signal from these orbiting stations. But among the scariest of scenarios would be for an adversary to break into the control systems of a satellite, redirect its movement or even crash it into another satellite or the planet. That may have already happened. According to one account, a breach at the Goddard Space Flight Center in Washington, D.C., in 1998 led to a U.S.-German satellite called ROSAT being overtaken and turned toward the sun, damaging the ultraviolet filter on its image sensors. This allegation has been denied, yet whether real or apocryphal the incident (the filter was indeed destroyed by the sun) shows the challenges of repairing hardware 360 miles above the earth’s surface or even investigating the cause of the malfunction.

#### Megaconstellations solves satellite hacking – multiple warrants. Commercial Satellites are key due to production capacity.

Hallex and Cottom 20 Hallex, Matthew, and Travis Cottom. "Proliferated commercial satellite constellations: Implications for national security." Joint Forces Quarterly 97.July (2020): 20-29. (Matthew A. Hallex is a Research Staff Member at the Institute for Defense Analyses. Travis S. Cottom is a Research Associate at the Institute for Defense Analyses.)//Re-cut by Elmer

While potentially threatening the sustainability of safe orbital operations, new proliferated constellations also offer opportunities for the United States to increase the resilience of its national security space architectures. Increasing the resilience of U.S. national security space architectures has strategic implications beyond the space domain. Adversaries such as China and Russia see U.S. dependence on space as a key vulnerability to exploit during a conflict. Resilient, proliferated satellite constellations support deterrence by denying adversaries the space superiority they believe is necessary to initiate and win a war against the United States.28 Should deterrence fail, these constellations could provide assured space support to U.S. forces in the face of adversary counterspace threats while imposing costs on competitors by rendering their investments in counterspace systems irrelevant. Proliferated constellations can support these goals in four main ways. First, the extreme degree of disaggregation inherent in government and commercial proliferated constellations could make them more resilient to attacks by many adversary counterspace systems. A constellation composed of hundreds or thousands of satellites could withstand losing a relatively large number of them before losing significant capability. Conducting such an attack with kinetic antisatellite weapons—like those China and Russia are developing—would require hundreds of costly weapons to destroy satellites that would be relatively inexpensive to replace. Second, proliferated constellations would be more resilient to adversary electronic warfare. Satellites in LEO can emit signals 1,280 times more powerful than signals from satellites in GEO.29 They also are faster in the sky than satellites in more distant orbits, which, combined with the planned use of small spot beams for communications proliferated constellations, would shrink the geographic area in which an adversary ground-based jammer could effectively operate, making jammers less effective and easier to geolocate and eliminate.30 Third, even if the United States chooses not to deploy national security proliferated constellations during peacetime, industrial capacity for mass-producing proliferated constellation satellites could be repurposed during a conflict. Just as Ford production lines shifted from automobiles to tanks and aircraft during World War II, one can easily imagine commercial satellite factories building military reconnaissance or communications satellites during a conflict. Fourth, deploying and maintaining constellations of hundreds or thousands of satellites will drive the development of low-cost launches to a much higher rate than is available today. Inexpensive, high-cadence space launch could provide a commercial solution to operationally responsive launch needs of the U.S. Government. In a future where space launches occur weekly or less, the launch capacity needed to augment national security space systems during a crisis or to replace systems lost during a conflict in space would be readily available.31

#### Hacking on Satellites goes Nuclear.

Miller and Fontaine 17 James Miller and Richard Fontaine 11-26-2017 "Cyber and Space Weapons Are Making Nuclear Deterrence Trickier" <https://www.defenseone.com/ideas/2017/11/cyber-and-space-weapons-are-making-nuclear-deterrence-trickier/142767/> (James N. Miller, Jr. is a member of the Board of Advisors of the Center for a New American Security. He served as U.S. Under Secretary of Defense for Policy from 2012 to 2014.)//Elmer

Cyber weapons are not, of course, the sole preserve of Russia. Washington has acknowledged its own development of them, and senior U.S. officials have highlighted their use against ISIS. Their possession by both Russia and the United States complicates traditional notions of strategic stability. Using non-kinetic, non-lethal cyber tools is likely to be very attractive in a crisis, and certainly in a conflict. Yet with both sides possessing the means to disrupt or destroy the other’s military systems and critical infrastructure – both war-supporting infrastructure as well as purely civilian infrastructure - a small “cyber-spark” could prompt rapid escalation. Such an attack could inadvertently “detonate” a cyber weapon that had been intended to lay dormant in the other side’s systems. Or a spark produced by sub-national actors – “patriotic hackers” inside or outside the government – could generate unintended cascading effects. The spark could even come via a false flag attack, with a third-party trying to pit the United States and Russia against one another. A second scenario could appear if armed conflict looks likely. At the outset, there would exist strong incentives to use offensive cyber and counter-space capabilities early, in order to negate the other side’s military. The U.S. and Russian militaries depend (though not equally) on information technology and space assets to collect and disseminate intelligence, as well as for command, control, and communications. Hence the incentive to use non-kinetic cyber or space attacks to degrade the other side’s military, with few if any direct casualties. By moving first, the cyber- or space-attacker could gain military and coercive advantage, while putting the onus on the attacked side to dare escalate with “kinetic” lethal attacks. Would the United States or Russia respond with, say, missile strikes or a bombing campaign in response to some fried computers or dead robots in outer space? Given the doubt that they would, large-scale cyber and space attacks – before a kinetic conflict even starts – are likely to be seen as a low-risk, high-payoff move for both sides. A third scenario plays out if one side believes that its critical infrastructure and satellites are far less vulnerable than the other side. In that case, a severe crisis or conflict might prompt the country to threaten (and perhaps provide a limited demonstration of) cyber attacks on civilian critical infrastructure, or non-kinetic attacks on space assets. Such a move would require the attacked side to respond not in kind but by escalating. So far, the three scenarios we have described could well undermine stability between the United States and Russia, but need not implicate nuclear stability. Yet consider this: U.S. and Russian nuclear forces rely on information technology and space assets for warning and communications. Attack the right satellites, or attack the right computers, and one side may disrupt the other’s ability to use nuclear weapons – or at least place doubt in the minds of its commanders. As a result, a major cyber and space attack could put nuclear “use-or-lose” in play early in a crisis. While we are generally accustomed to thinking about nuclear use as the highest rung on the escalatory ladder, such pressures – generated via non-nuclear attacks – could bring the horrors of a nuclear exchange closer rather than substituting for them.

## 3

#### CP Text: States, except the United States, should ban the appropriation of outer space for asteroid mining by private entities. The United States should fund the appropriation of outer space for the mining of rare earth metals from asteroids by private entities.

Stavridis 21 [(James, retired US Navy admiral, chief international diplomacy and national security analyst for NBC News, senior fellow at JHU Applied Physics Library, PhD in Law and Diplomacy from Tufts) “U.S. Needs a Strong Defense Against China’s Rare-Earth Weapon,” Bloomberg Opinion, March 4, 2021, <https://www.bloomberg.com/opinion/articles/2021-03-04/u-s-needs-a-strong-defense-against-china-s-rare-earth-weapon>] TDI

You could be forgiven if you are confused about what’s going on with rare-earth elements. On the one hand, news reports indicate that China may increase production quotas of the minerals this quarter as a [goodwill gesture](https://www.scmp.com/news/china/diplomacy/article/3122501/china-raises-rare-earth-quotas-goodwill-trade-signal-us) to the Joe Biden administration. But other sources say that China may ultimately ban the export of the rare earths altogether on “[security concerns](https://www.bloomberg.com/news/articles/2021-02-19/china-may-ban-rare-earth-technology-exports-on-security-concerns?sref=QYxyklwO).” What’s really going on here?

There are 17 elements considered [rare earths](https://www.bloomberg.com/news/articles/2021-02-16/why-rare-earths-are-achilles-heal-for-europe-u-s-quicktake) — lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, scandium and yttrium — and while many aren’t actually rare in terms of global deposits, extracting them is difficult and expensive. They are used across high-tech manufacturing, including smartphones, fighter aircraft and components in virtually all advanced electronics. Of particular note, they are essential to many of the clean-energy technologies expected to come online in this decade.

I began to focus on rare-earth elements when I commanded the North Atlantic Treaty Organization’s presence in Afghanistan, known as the International Security Assistance Force. While Afghans live in an extremely poor country, [studies](https://thediplomat.com/2020/02/afghanistans-mineral-resources-are-a-lost-opportunity-and-a-threat/) have assessed that they sit atop $1 trillion to $3 trillion in a wide variety of minerals, including rare earths. Some [estimates](https://www.fraserinstitute.org/article/afghanistans-rare-earth-element-bonanza) put the rare-earth levels alone at 1.4 million metric tons.

But every time I tried to visit a mining facility, the answer I got from my security team was, “It’s too dangerous right now, admiral.” Unfortunately, despite a great deal of effort by the U.S. and NATO, those security challenges remain, deterring the large foreign-capital investments necessary to harvest the lodes. Which brings us back to Beijing.

China controls roughly 80% of the rare-earths market, between what it mines itself and processes in raw material from elsewhere. If it decided to wield the weapon of restricting the supply — something it has repeatedly [threatened](https://www.wsj.com/articles/china-trade-fight-raises-specter-of-rare-earth-shortage-11559304000) to do — it would create a significant challenge for manufacturers and a geopolitical predicament for the industrialized world.

It could happen. In 2010, Beijing threatened to cut off exports to Japan over the disputed Senkaku Islands. Two years ago, Beijing was reportedly considering restrictions on exports to the U.S. generally, as well as against specific companies (such as defense giant Lockheed Martin Corp.) that it deemed in violation of its policies against selling advanced weapons to Taiwan.

President Donald Trump’s administration issued an executive order to spur the production of rare earths domestically, and created an [Energy Resource Governance Initiative](https://www.state.gov/wp-content/uploads/2019/06/Energy-Resource-Governance-Initiative-ERGI-Fact-Sheet.pdf) to promote international mining. The European Union and Japan, among others, are also aggressively seeking newer sources of rare earths.

Given this tension, it was superficially surprising that China announced it would boost its mining quotas in the first quarter of 2021 by nearly 30%, reflecting a continuation in strong (and rising) demand. But the increase occurs under a shadow of uncertainty, as the Chinese Communist Party is undertaking a “review” of its policies concerning future sales of rare earths. In all probability, the tactics of the increase are temporary, and fit within a larger strategy.

China will go to great lengths to maintain overall control of the global rare-earths supply. This fits neatly within the geo-economic approach of the [One Belt, One Road](https://www.bloomberg.com/opinion/articles/2019-10-30/china-is-determined-to-reshape-the-globe) initiative, which seeks to use a variety of carrots and sticks — economic, trade, diplomatic and security — to create zones of influence globally. In terms of rare earths, the strategy seems to be allowing carefully calibrated access to the elements at a level that makes it economically less attractive for competitors to undertake costly exploration and mining operations. This is similar to the oil-market strategy used by Russia and the Organization of Petroleum Exporting Countries for decades.

Some free-market advocates believe that China will not take aggressive action choking off supply because that could [precipitate retaliation](https://www.bloomberg.com/opinion/articles/2021-02-22/china-weaponizing-rare-earths-technology-will-probably-backfire) or accelerate the search for alternate sources in global markets. What seems more likely is a series of targeted shutdowns directed against specific entities such as U.S. defense companies, Japanese consumer electronics makers, or European industrial concerns that have offended Beijing.

The path to rare-earth independence for the U.S. must include: Ensuring supply chains of rare earths necessary for national security; promoting the exploitation of the elements domestically (and removing barriers to responsibly doing so); mandating that defense contractors and other critical-infrastructure entities wean themselves off Chinese rare earths; sponsoring research and development to find alternative materials, especially for clean energy technology; and creating a substantial stockpile of the elements in case of a Chinese boycott.

This is a bipartisan agenda. The Trump administration’s [strategic assessment](https://www.commerce.gov/news/press-releases/2019/06/department-commerce-releases-report-critical-minerals) of what needs to be done (which goes beyond just 17 rare earths to include a total of 35 critical minerals) is thoughtful, and should serve as a basis for the Biden administration and Congress.

#### REM access key to military primacy and tech advancement – alternatives fail

Trigaux 12 (David, University Honors Program University of South Florida St. Petersburg) “The US, China and Rare Earth Metals: The Future Of Green Technology, Military Tech, and a Potential Achilles‟ Heel to American Hegemony,” USF St. Petersberg, May 2, 2012, <https://digital.stpetersburg.usf.edu/cgi/viewcontent.cgi?article=1132&context=honorstheses>] TDI

The implications of a rare earth shortage aren’t strictly related to the environment, and energy dependence, but have distinct military implications as well that could threaten the position of the United States world’s strongest military. The United States place in the world was assured by powerful and decisive deployments in World War One and World War Two. Our military expansion was built upon a large, powerful industrial base that created more, better weapons of war for our soldiers. During the World Wars, a well-organized draft that sent millions of men into battle in a short amount of time proved decisive, but as the war ended, and soldiers drafted into service returned to civilian life, the U.S. technological superiority over its opponents provided it with sustained dominance over its enemies, even as the numerical size of the army declined. New technologies, such as the use of the airplane in combat, rocket launched missiles, radar systems, and later, GPS, precision guided missiles, missile defense systems, high tech tanks, lasers, and other technologies now make the difference between victory and defeat.

The United States military now serves many important functions, deterring threats across the world. The United States projects its power internationally, through a network of bases and allied nations. Thus, the United States is a powerful player in all regions of the world, and often serves as a buffer against conflict in these regions. US military presence serves as a buffer against Chinese military modernization in Eastern Asia, against an increasingly nationalist Russia in Europe, and smaller regional actors, such as Venezuela in South America and Iran in the Middle East. The U.S. Navy is deployed all over the world, as the guarantor of international maritime trade routes. The US Navy leads action against challenges to its maritime sovereignty on the other side of the globe, such as current action against Somali piracy. Presence in regions across the world prevents escalation of potential crisis. These could result in either a larger power fighting a smaller nation or nations (Russia and Georgia, Taiwan and China), religious opponents (Israel and Iran), or traditional foes (Ethiopia and Eretria, Venezuela and Colombia, India and Pakistan). US projection is also key deterring emerging threats such as terrorism and nuclear proliferation. While not direct challenges to US primacy, both terrorism and nuclear proliferation can kill thousands.

The US Air Force has a commanding lead over the rest of the world, in terms of both numbers and capabilities. American ground forces have few peers, and are unmatched in their ability to deploy to anywhere in the world at an equally unmatched pace.

The only perceived challenge to the United States militarily comes from the People’s Republic of China.76 While the United States outspends all other nations in the world put together in terms of military spending, China follows as a close second, and has begun an extensive modernization program to boot.77 The Chinese military however, is several decades behind the United States in air power and nuclear capabilities.78 To compensate, China has begun the construction of access-denial technology, preventing the US from exercising its dominance in China’s sphere of influence.79 Chinese modernization efforts have a serious long-term advantage over the United States; access to rare earth metals, and a large concentration of rare earth chemists doing research.80 This advantage, coupled with the U.S. losing access to rare earth metals, will even the odds much quicker than policymakers had previously anticipated. 81

The largest example is US airpower. With every successive generation of military aircraft, the U.S. Air Force becomes more and more dependent on Rare Earth Metals.82 As planes get faster and faster, they have to get lighter and lighter, while adding weight from extra computers and other features on board.83 To lighten the weight of the plane, scandium is used to produce lightweight aluminum alloys for the body of the plane. Rare Earth metals are also useful in fighter jet engines, and fuel cells.84 For example, rare earths are required to producing miniaturized fins, and samarium is required to build the motors for the F-35 fighter jet.85 F-35 jets are the next generation fighter jet that works together to form the dual plane combination that cements U.S. dominance in air power over the Russian PAK FA.86

Rare earth shortages don’t just affect air power, also compromising the navigation system of Abrams Tanks, which need samarium cobalt magnets. The Abrams Tank is the primary offensive mechanized vehicle in the U.S. arsenal. The Aegis Spy 1 Radar also uses samarium.87 Many naval ships require neodymium. Hell Fire missiles, satellites, night vision goggles, avionics, and precision guided munitions all require rare earth metals. 88

American military superiority is based on technological advancement that outstrips the rest of the world. Command and control technology allows the U.S. to fight multiple wars at once and maintain readiness for other issues, as well as have overwhelming force against rising challengers. This technology helps the U.S. know who, where, and what is going to attack them, and respond effectively, regardless of the source of the threat.

Rare Earth Elements make this technological superiority possible.

To make matters worse, the defense industrial base is often a single market industry, dependent on government contracts for its business. If China tightens the export quotas further, major US defense contractors will be in trouble.89 Every sector of the defense industrial base is dependent on rare earth metals. Without [absence of] rare earths, these contractors can’t build anything, which collapses the industry.90

Rare Earth shortages are actually already affecting our military, with shortages of lanthanum, cerium, europium and gadolinium happening in the status quo. This prevents us not only from building the next generation of high tech weaponry, but also from constructing more of the weapons and munitions that are needed in the status quo. As current weapon systems age and they can’t be replaced, the US primacy will be undermined. Of special concern is that U.S. domestic mining doesn’t produce “heavy” rare earth metals that are needed for many advanced components of military technologies. Given the nature of many military applications, substitutions aren’t possible. 91

#### Primacy and allied commitments solve arms races and great power war – unipolarity is sustainable, and prevents power vacuums and global escalation

Brands 18 [(Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments) "American Grand Strategy in the Age of Trump," Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6

From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep.

This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance.

Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate.

American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap.

Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled.

THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors.

First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony, contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment.

#### (if climate change is brought up) Counterplan solves - climate solutions rely on REMs

Arrobas et al 17 [(Daniele La Porta Arrobas is a senior mining specialist with the World Bank based in Washington DC and has degrees in Geoscience and Environmental Management, Kirsten Hund is a senior mining specialist with the Energy and Extractives Global Practice of the World Bank and holds a Master’s in IR from the University of Groningen in the Netherlands, Michael Stephen McCormick, Jagabanta Ningthoujam has an MA in international economics and international development from JHU and a BS in MechE from Natl University of Singapore, John Drexhage also works at the Intl Institute for Sustainable Development) “The Growing Role of Minerals and Metals for a Low Carbon Future,” World Bank, June 30, 2017, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/207371500386458722/the-growing-role-of-minerals-and-metals-for-a-low-carbon-future>] TDI

* Full report - https://documents1.worldbank.org/curated/en/207371500386458722/pdf/117581-WP-P159838-PUBLIC-ClimateSmartMiningJuly.pdf

Climate and greenhouse gas (GHG) scenarios have typically paid scant attention to the metal implications necessary to realize a low/zero carbon future. The 2015 Paris Agreement on Climate Change indicates a global resolve to embark on development patterns that would significantly be less GHG intensive. One might assume that nonrenewable resource development and use will also need to decline in a carbon-constrained future. This report tests that assumption, identifies those commodities implicated in such a scenario and explores ramifications for relevant resource-rich developing countries. Using wind, solar, and energy storage batteries as proxies, the study examines which metals will likely rise in demand to be able to deliver on a carbon-constrained future. Metals which could see a growing market include aluminum (including its key constituent, bauxite), cobalt, copper, iron ore, lead, lithium, nickel, manganese, the platinum group of metals, rare earth metals including cadmium, molybdenum, neodymium, and indium—silver, steel, titanium and zinc. The report then maps production and reserve levels of relevant metals globally, focusing on implications for resource-rich developing countries. It concludes by identifying critical research gaps and suggestions for future work.

## case

#### Untrackable debris thumps

Gourav Namta 19. Mechanical engineer. “Let's talk about space debris”, Sat Search, March 26th 2019, https://blog.satsearch.co/2019-03-26-lets-talk-about-space-debris.html

As harmless as those 128 million tiny objects ranging from 1 mm to 1 cm might seem, many of them are present in Low Earth Orbit traveling at speeds of approximately 17,500 mph (20x faster than a bullet). When even the smallest objects travelling at this speed collide with satellites or other technology, the results can be very serious. In 2016 for example a tiny object (likely a paint flake or small metal fragment) no bigger than few thousandths of a millimeter across caused a 7 mm diameter circular chip in the cupola window of the International Space Station (ISS).

#### Alt cause – broad space privatization and existing debris.

Muelhapt et al 19 [(Theodore J., Center for Orbital and Reentry Debris Studies, Center for Space Policy and Strategy, The Aerospace Corporation, 30 year Space Systems Analyst and Operator, Marlon E. Sorge, Jamie Morin, Robert S. Wilson), “Space traffic management in the new space era,” Journal of Space Safety Engineering, 6/18/19, <https://doi.org/10.1016/j.jsse.2019.05.007>] TDI

The last decade has seen rapid growth and change in the space industry, and an explosion of commercial and private activity. Terms like NewSpace or democratized space are often used to describe this global trend to develop faster and cheaper access to space, distinct from more traditional government-driven activities focused on security, political, or scientific activities. The easier access to space has opened participation to many more participants than was historically possible. This new activity could profoundly worsen the space debris environment, particularly in low Earth orbit (LEO), but there are also signs of progress and the outlook is encouraging. Many NewSpace operators are actively working to mitigate their impact. Nevertheless, NewSpace represents a significant break with past experience and business as usual will not work in this changed environment. New standards, space policy, and licensing approaches are powerful levers that can shape the future of operations and the debris environment.

2. Characterizing NewSpace: a step change in the space environment

In just the last few years, commercial companies have proposed, funded, and in a few cases begun deployment of very large constellations of small to medium-sized satellites. These constellations will add much more complexity to space operations. Table 1 shows some of the constellations that have been announced for launch in the next decade. Two dozen companies, when taken together, have proposed placing well over ~~20,000~~ [twenty thousand] satellites in orbit in the next ~~10~~ [10]years. For perspective, fewer than ~~8100~~[eight thousand one hundred] payloads have been placed in Earth orbit in the entire history of the space age, only 4800 [1] remain in orbit and approximately 1950 [2] of those are still active. And it isn't simply numbers – the mass in orbit will increase substantially, and long-term debris generation is strongly correlated with mass.

[Table 1 Omitted]

This table is in constant flux. It is based largely on U.S. filings with the Federal Communications Commission (FCC) and various press releases, but many of the companies here have already altered or abandoned their original plans, and new systems are no doubt in work. Although many of these large constellations may never be launched as listed, the traffic created if just half are successful would be more than double the number of payloads launched in the last 60 years and more than 6 times the number of currently active satellites.

Current space safety, space surveillance, collision avoidance (COLA) and debris mitigation processes have been designed for and have evolved with the current population profile, launch rates and density of LEO space.

By almost any metric used to measure activity in space, whether it is payloads in orbit, the size of constellations, the rate of launches, the economic stakes, the potential for debris creation, the number of conjunctions, NewSpace represents a fundamental change.

3. Compounding effects of better SSA, more satellites, and new operational concepts

The changes in the space environment can be seen on this figurative map of low Earth orbit. Fig. 1 shows the LEO environment as a function of altitude. The number of objects found in each 10 km “bin” is plotted on the horizontal axis, while the altitude is plotted vertically. Objects in elliptical orbits are distributed between bins as partial objects proportional to the time spent in each bin. Some notable resident systems are indicated in blue text on the right to provide an altitude reference. The (dotted) red line shows the number of objects in the current catalog tracked by the U.S. Space Surveillance Network (SSN). All the COLA alerts and actions that must be taken by the residents are due to their neighbors in the nearby bins, so the currently visible risk is proportional to the red line.



The red line of the current catalog does not represent the complete risk; it indicates the risk we can track and perhaps avoid. A rule of thumb is that the current SSN LEO catalog contains objects about 10 cm or larger. It is generally accepted that an impact in LEO with an object 1 cm or larger will cause damage likely to be fatal to a satellite's mission. Therefore, there is a large latent risk from unobserved debris. While we cannot currently track and catalog much smaller than 10 cm, experiments have been performed to detect and sample much smaller objects and statistically model the population at this size [3]. The (solid) blue line represents the model of the 1 cm and larger debris that is likely mission-ending, usually called lethal but not trackable. If LEO operators avoid collisions with all the objects in the red line, they are nonetheless inherently accepting the risk from the blue line. This risk is already present.

The (dashed) orange line is an estimate of the population at 5 cm and larger and is thus an estimate of what the catalog might conservatively be a few years after the Space Fence, a new radar system being built by the Air Force, comes on line (currently planned for 2019) [4]. Commercial companies offering space surveillance services, such as LeoLabs, ExoAnalytics, Analytic Graphics Inc., Lockheed, and Boeing, might also add to the number of objects currently tracked. Space Policy Directive 3 (SPD-3) [13] specifically seeks to expand the use of commercial SSA services.

Existing operators can expect a sharp increase in the number of warnings and alerts they will receive because of the increase in the cataloged population. Almost all the increase will come from newly detected debris [5].

The pace of safety operations for each satellite on orbit will significantly change because of the increase in the catalog from the Space Fence. This effect is compounded because the NewSpace constellations described in Table 1 will drastically change the profile of satellites in LEO. The green bars in Fig. 1 represent the number of objects that will be added to the catalog (red or orange lines) from only the NewSpace large LEO constellations at their operational altitudes. This does not include the rocket stages that launch them, or satellites in the process of being phased into or removed from the operational orbits. Neighbors of one of these new constellations may face a radically different operations environment than their current practices were designed to address.

Satellites in these large LEO constellations typically have planned operational lifetimes of 5–10 years. Some companies have proposed to dispose of their satellites using low thrust electric propulsion systems, which would spiral satellites down over a period of months or years from operating altitudes as high as 1500 km through lower orbits where the Hubble Space Telescope, the International Space Station, and other critical LEO satellites operate [6]. Similar propulsive techniques would raise replacement satellites from lower launch injection orbits to higher operational orbits. These disposal and replenishment activities will add thousands of satellites each year transiting through lower altitudes and posing a risk to all resident satellites in those lower orbits. More importantly, failures will occur both among transiting satellites and operational constellations, potentially leaving hundreds more stranded along the transit path.

**Probability – 0.1% chance of a collision.**

**Salter 16** [(Alexander William, Economics Professor at Texas Tech) “SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS” 19 STAN. TECH. L. REV. 221 \*numbers replaced with English words] TDI

The probability of a collision is currently low. Bradley and Wein estimate that the maximum probability in LEO of a collision over the lifetime of a spacecraft remains below one in one thousand, conditional on continued compliance with NASA’s deorbiting guidelines.3 However, the possibility of a future “snowballing” effect, whereby debris collides with other objects, further congesting orbit space, remains a significant concern.4 Levin and Carroll estimate the average immediate destruction of wealth created by a collision to be approximately $30 million, with an additional $200 million in damages to all currently existing space assets from the debris created by the initial collision.5 The expected value of destroyed wealth because of collisions, currently small because of the low probability of a collision, can quickly become significant if future collisions result in runaway debris growth.

#### Kessler’s Syndrome wrong and super long timeframe---he’s adjusted it recently

Kurt 15 – JD-William & Mary

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

A. Practical Considerations: Feasible Solutions to the Space Debris Problem Are on Their Way

One key question in assessing whether an international treaty is a requisite for solving the space debris problem is just how difficult it will be to fashion a remedy. The more complex and costly are feasible solutions, the more likely it is that a comprehensive regime is necessary to bind the various actors together. 93Link to the text of the note

A good place to begin is to determine just how imminent is the onset of the cascade of exponentially more frequent debris-creating collisions, known as the Kessler Syndrome. 94Link to the text of the note To be certain, no one can be sure--this phenomenon being subject to highly complex probabilities. 95Link to the text of the note Indeed, experts' estimates of when such a cascade will become irreversible vary [\*316] widely. 96Link to the text of the note The National Research Council produced a report in 2011 that suggested that "space might be just 10 or 20 years away from severe problems." 97Link to the text of the note In fact, the cascading effect has already begun, albeit at a modest pace. 98Link to the text of the note However, Donald Kessler, who first described the eponymous effect in 1978, has significantly recalibrated his own outlook over the years. 99Link to the text of the note Originally, Kessler predicted that catastrophe would result by the year 2000. 100Link to the text of the note That date long passed, Kessler now speaks of a century-long process that "we have time to deal with." 101Link to the text of the note

#### Loss of satellites shuts down drones

Daniel Ventre 11, Engineer for CNRS and Researcher for CESDIP, Cyberwar and Information Warfare, p. 198-199

The introduction of cyberspace operations is part of a specific context; a major evolution in the operation environment and the nature of the conflicts, which make irregular wars the rule, and make regular actors the exception to the rule. But the battle against unconventional, non-state governed, irregular actors raises specific problems: there are multiple actors, unpredictable at that, who do not abide by the same rules. New orders in conflicts are imposing the implementation of an ever more important need for information, and information collection and processing. Networks now have an incredible importance. The document refers to the growing threats against American heritage: the USA is a target and the increasing amount of attacks against their networks is indeed the proof of this. There are many obstacles which need to be removed before they can achieve real superiority and freedom to act, especially as vulnerable points may originate within the very operations of the armed forces. An example of this is the vulnerability of using products (software and hardware), commercial products (off-the-shelf), and sometimes even foreign products123. This brings to mind the fact that the US Air Force uses commercial, even foreign, applications for its cyberspace operations.

Information space extends to space124, particularly via communication and observation satellites125. Satellites are the keystone to the cyberspace and communication systems, but also the security system: monitoring (Echelon network is the symbol), observation, communication. These are at the heart of the C4ISR systems, without which a concept such as network-centric warfare could not exist. There would be no drones without satellites. It is even a question of extending the Internet to extra-atmospheric space. Projects in this vein (Interplanetary Networks) were being formed in the 1990s, but ran into several technical difficulties (delays in important transmissions due to high distances and costs) [GEL 06]. NASA dedicates a few pages on its website to this project126. The development of communication systems based on the infrastructures in extra-atmospheric space will also raise questions for legal, geopolitical and geostrategic domains: questions of seizing this space, questions of regulation of human activity in this space, of sovereignty, new territoriality and independence.

#### Drone prolif is inevitable and causes global nuclear war

Dr. Michael C. Horowitz 19, Professor of Political Science at University of Pennsylvania, NDT Champion from Emory University, PhD in Government from Harvard University, Adjunct Senior Fellow at the Center for a New American Security, “When Speed Kills: Autonomous Weapon Systems, Deterrence, and Stability”, 5/2/2019, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3348356

Thus, the reason to deploy autonomous systems would have to be their reliability and effectiveness rather than signaling. And giving up human control to algorithms in a crisis that could end with global nuclear war would require an extremely high level of perceived reliability and effectiveness. Few things are more important to militaries in crisis situations than informational awareness and control over decisions, and there might be fear that autonomous systems are prone to accidents.

This counterfactual illustrates that the development and deployment of lethal autonomous weapon systems by national militaries, if it occurs, is unlikely to have simple, easy, and linear consequences. Instead, human factors, including the psychological desire for control and organizational politics, will strongly shape how militaries think about developing and using LAWS. This will not just influence the potential for arms races in peacetime, but deterrence and wartime stability due to the organizational processes militaries implement for the deployment and use of autonomous systems on the battlefield.

This paper draws on research in strategic studies and examples from military history to assess how LAWS could influence the development and deployment of military systems, including arms races, crisis stability, and wartime stability, especially the risk of escalation. It also discusses the potential for arms control. It focuses on these questions through the lens of key characteristics of LAWS, especially the potential for increased operational speed and, simultaneously, less human control over battlefield choices. One of the primary attractions of autonomous systems, even compared to remotely piloted systems, is the potential to operate at machine speed. Another potential benefit is the possibility of machine-like accuracy in following programming, but that comes with a potential downside: the loss of control and the accompanying risk of accidents, adversarial spoofing, and miscalculation. Even if LAWS malfunction at the same rate as humans in a given scenario, the ability of operators to control the impact of those malfunctions may be lower, which could make LAWS less predictable on the battlefield. The paper then examines how these issues interact with the large uncertainty parameter associated with AI-based military capabilities at present, both in terms of the range of the possible and the opacity of their programming.

The results highlight several critical issues surrounding the development and deployment of LAWS.1 First, the desire to fight at machine speed with autonomous systems, while making a military more effective in a conflict, could increase crisis instability. As countries fear losing conflicts faster, it will generate escalation pressure, including an increased incentive for first strikes. Second, in addition to the actual risk of accidents and miscalculation from LAWS, the fear of accidents and losing control of autonomous systems could limit the willingness of militaries to deploy them, particularly since many militaries are conservative when it comes to emerging technologies and have high standards for system reliability. Third, the dual-use, or even general purpose, character of the basic science underlying many autonomous systems will make the technology hard to control, giving many countries and actors access to basic algorithms, though whether this is described as diffusion, proliferation, or an arms race will depend on political dynamics as much as anything.

Finally, multiple uncertainty parameters concerning lethal autonomous weapon systems could exacerbate security dilemmas. Uncertainty over the range of the possible concerning the programming of lethal autonomous weapon systems will increase fear of those systems in the near term, making restraint less likely for competitive reasons. Moreover, the inherent differences between remotely piloted systems and LAWS at the platform level come from software, not hardware. There is arguably an inherent opacity to lethal autonomous weapon systems. If an arms race over lethal autonomous weapon systems occurs, it will likely be because of worse-case assumptions about capability development by potential adversaries.

What is Autonomy or Artificial Intelligence?

Artificial intelligence is the use of computing power, in the form of algorithms, to conduct tasks that previously required human intelligence.2 Artificial intelligence in this context is best thought of as an umbrella technology or enabler, like the combustion engine or electricity. Military applications of artificial intelligence are potentially broad – from image recognition for surveillance to more efficient logistics to battle management.3 These include both non-kinetic applications, including in the cyber realm, as well as kinetic applications.4 One potential application of artificial intelligence is through armed autonomous systems that could be deployed on the battlefield, or what are most popularly called lethal autonomous weapon systems or lethal autonomous weapon systems. This differs from remotely-piloted systems where a human, though at a distance, still operates a given vehicle or system.

What is a lethal autonomous weapon system? While simple to describe on first glance, and easy to understand in the extreme – an armed humanoid robot with extremely broad programming making decisions about engaging in warfare – drawing the line between a lethal autonomous weapon system and other weapon systems is complex. In Directive 3000.09, published in 2012, the US Department of Defense defines an autonomous weapon as “A weapon system that, once activated, can select and engage targets without further intervention by a human operator.”5 What it means to select and engage a target is not entirely clear, however. For example, homing munitions, which have existed since World War II, select and engage targets, according to a common sense understanding of the terms.6

Exactly what functions are autonomous also matters. A system could have automatic piloting, for example, that flies or drives a platform to a target, but still have complete human control over the use of the weapon. That would be a system with a high level of automation, though not a lethal autonomous weapon system according to most perspectives. Heather Roff measures the level of autonomy in a weapon system based on three subcomponents: self-mobility, self-direction, and self-determination. This helps distinguish systems where there might be autonomy concerning the best way a missile should get to a target, but the target itself is designated by a person fromsystems where an algorithm might be making higher-level engagement decisions.7 There are already some applications of limited machine autonomy in military systems, with the most prominent example being the automatic mode present on many Close-In Weapon Systems (CIWS), such as the Phalanx, used to defend ships and incoming missiles from attack.8

This article will not resolve the definitional debate surrounding lethal autonomous weapon systems, which is still ongoing in meetings of the Group of Governmental Experts focused on lethal autonomous weapon systems in the United Nations Convention on Certain Conventional Weapons. Provisionally, this article adopts the Scharre and Horowitz definition that a lethal autonomous weapon system is “[A] weapon system that, once activated, is intended to select and engage targets where a human has not decided those specific targets are to be engaged.”9 However, moving beyond the close cases (e.g. particular types of missile guidance systems) and considering those weapon systems that clearly use machine intelligence to search for, select, and/or engage targets can help clarify what is at stake in this debate in the first place.10 After all, if most militaries most of the time would not have any need for lethal autonomous weapon systems, or those systems have significant disadvantages relative to remotely-piloted military robotics or soldiers on the battlefield, the stakes are lower. In contrast, if the integration of machine intelligence with military systems could give countries or violent non-state actors a significant advantage in how they employ force, it becomes even more crucial to engage the topic.

It is important to note that this article does not address concerns about existential risk related to artificial general intelligence – the fear that a superintelligence could decide to destroy the human race, either because it decides humans are malign or because humans program it to achieve a goal it can only accomplish by destroying humans.11 The existential risk issue associated with artificial intelligence is not necessarily closely coupled to military applications of artificial intelligence. If a super-intelligent machine learning system has the ability to take over human society in the interest of a goal – any goal – whether autonomous systems at much smaller orders of magnitude already exist in military systems will likely be unimportant. The super-intelligent system would simply create what it needed.

Why Invest in Autonomous Systems?

Militaries are already increasing their investments in remotely-piloted robotic systems. From UAVs such as the MQ-9 Reaper (United States) to uninhabited surface vehicles (USVs) such as the Guardium (Israel) to uninhabited ground vehicles (UGV) such as Platform-M (Russia), militaries around the world are investing in remotely piloted platforms, some of which can carry weapons. In these systems, human control over the use of force is not fundamentally different from the use of force with inhabited systems. In some cases, such as the MQ-9 Reaper, the sensor system a drone pilot uses to launch a weapon might even be the same sensor system a pilot in the cockpit of an inhabited fighter uses. Using remotely piloted systems gives militaries the ability to reduce the risk to their own soldiers while still projecting power in similar ways to how they used force previously.12 The first places militaries are likely to use kinetic lethal autonomous weapon systems include relatively “clear” environments such as air-to-air combat or naval combat, especially in geographic arenas where civilians are extremely unlikely to be present.13