### T – Appropriation

#### Interpretation: Ownership of and right to use extraterrestrial resources is distinct from ownership of real property. The affirmative must defend that states ought to ban sovereignty over real property in outer space.

Pershing 19 (Abigail D. Pershing is a Robina Fellow at European Court of Human Rights. Graduate of UChicago in Sociology, Public Policy and Yale Law School.), “Interpreting the Outer Space Treaty’s Non-Appropriation Principle: Customary International Law from 1967 to Today”, The Yale Journal of International Law, Volume 44, Issue 1, 2019, pg. 161, <https://openyls.law.yale.edu/bitstream/handle/20.500.13051/6733/Pershing.pdf?sequence=2> NT

In contrast to earlier legal theory that denied the possibility of appropriation of any space resources, **scholars now widely accept that extracting space resources from celestial bodies is a “use” permitted by the Outer Space Treaty** and that extracted materials become the property of the entity that performed the extraction.80 Stressing the fact that the Treaty does not explicitly prohibit appropriating resources from outer space, other authors conclude that the use of extracted space resources is permitted, meaning that the new SPACE Act is a plausible interpretation of the Outer Space Treaty.81 However, scholars have been careful to cabin the extent to which they accept the legality of appropriation. For instance, although Thomas Gangale and Marilyn Dudley-Rowley acknowledge the legality of private appropriation of extracted space resources, they nonetheless emphasize that **“[o]wnership of and the right to use extraterrestrial resources is distinct from ownership of real property” and that any such claim to real property is illegal.**82 Lawrence Cooper is also careful to point out this distinction: “[t]he [Outer Space] Treaties recognize sovereignty over property placed into space, property produced in space, and resources removed from their place in space, but ban sovereignty claims by states; international law extends this ban to individuals.”83

#### Standards – The aff merely defends banning distribution of the right to sell names, which is not sovereignty over property in space.

#### 1] Limits – the aff explodes limits because now they can ban actions that aren’t appropriation and just extraction – their interp justifies affs about space resource mining, space-based nuclear power, resource conflict, satellites, and cooperative space exploration like the ISS. At best, their aff is extremely unpredictable because of non-T advantage areas, and at worst, it’s extra-T because the aff defends banning appropriation but also mining, allowing them to solve DAs about space innovation and tech by circumventing links and solving internal link chains. Unpredictable limits controls the internal link to every other standard – the neg can’t predict and prep for every non-T aff about actions that aren’t appropriation – there are no universal neg generics that apply – this abuse o/w on magnitude since that explodes the number of 7-minute case negs the neg needs to have even game against this aff.

#### 2] Prefer our interpretation – hold the line in the 1AR and force them to find a comparative counter-interp like ours that clearly demarcates what is topical and what’s not. Ours o/w on precision and solves predictability.

#### DTD on T – the debate shouldn’t have happened if they were abusive

#### Competing Interps on T since its binary and a question of models – Good enough isn’t good—there can be no reasonable interp of what the topic actually means

#### No RVIs on T – 1] Illogical—T is a gateway issue, winning T is meeting a baseline to have the debate to begin with 2] T is reactionary, they shouldn’t win for meeting their preround burden 3] Forcing the 1NC to go all in on theory kills substance education and neg flex—o/w on real world

### Case