## JF 2021: SPACE AFF

## Framework

**I affirm the resolution resolved: The appropriation of outer space by private entities it unjust. Stemmed from the term just in the resolution my value is Justice. When valuing Justice, one must make the choice to act with righteousness and virtues and in a manner that meets their due.**

Robert71

Cavalier, Robert. “A Theory of Justice(1971).” John Rawls, <http://caae.phil.cmu.edu/Cavalier/Forum/meta/background/Rawls.html>.

//LHP MS

#### Rawls's theory of justice revolves around the adaptation of two fundamental principles of justice which would, in turn, guarantee a just and morally acceptable society. The first principle guarantees the right of each person to have the most extensive basic liberty compatible with the liberty of others. The second principle states that social and economic positions are to be (a) to everyone's advantage and (b) open to all. A key problem for Rawls is to show how Such principles would be universally adopted. and here the work borders on general ethical issues. He introduces a theoretical "veil of ignorance" in which all the "players" in the social game would be placed in a situation which is called the "original position." Having only a general knowledge about the facts of "life and society," each player is to make a "rationally prudential choice" concerning the kind of social institution they would enter into contract with. By denying the players any specific information about themselves it forces them to adopt a generalized point of view that bears a strong resemblance to the moral point of view. "Moral conclusions can be reached without abandoning the prudential standpoint and positing a moral outlook merely by pursuing one's own prudential reasoning under certain procedural bargaining and knowledge constraints."

**Thus leading to my value criterion of protecting the commons, as all humans are due access to their common human heritage. This includes outer-space. For clarity in the round, the common human heritage principle allows regulated use of space, but not ownership.**

#### Contention 1: Common Human Heritage

**The common heritage principle describes property that is jointly owned by all people and not subject to appropriation . Space is a very foreign subject for humankind, space can be compared to Earth before it was divided up by countries and parts of the land were ruled by leaders who have power and control over others. Before individuals conquered Earth and put laws in place, it was known as unruled territory, which is what space is currently. Right now, no one owns space and it needs to stay that way- it needs to be as common human heritage. Making space common human heritage will increase peace factors, organization, and general welfare.**

**Arnold 75**

Rudolph Preston Arnold (President, International Law Society). “The Com‐  
mon Heritage of Mankind as a Legal Concept.” 9 Int’l L. 153 (1975). JDN. https://heinonline.org/HOL/LandingPage?handle=hein.journals/intlyr9&div=15&id=&page=

At the outset, it is necessary to give the phrase, common heritage of mankind, a specific literal meaning. **The word common suggests a thing shared in respect to title, use or enjoyment, without apportionment or division into individual parts. The word heritage suggests property or interests which are reserved to a person by reason of birth, something handed down from one’s ancestors or the past.**. In defining mankind, it is necessary to make a distinction between mankind and man. Mankind refers to the col‐ lective group, whereas man refers to individual men and women. Thus, **human rights are those which individuals are entitled to by virtue of their membership in the human race, whereas the rights of mankind relate to the collective entity. Mankind is not yet unified under one world government, therefore the collective entity of mankind is represented by the various nations of the world.** Thus the exercise of rights to the common heritage of mankind appertains to nations, representing mankind, and not individuals. **The use of the phrase common heritage of mankind implies or prescribes worldwide common ownership of its resources beyond the limits of national juris‐ diction.**

**The common heritage principle is the most effective model for developing space. Using international agreements such as Bluewater agreements, and using the laws in those agreements should be applied to space in order achieve the best results.**

**Porras 7**

Daniel A. Porras (JD candidate, California Western School of Law). “The Common Her‐ itage of Outer Space: Equal Benefits for Most of Mankind.” 37 Cal. W. Int’l L.J. 143 (2006‐ 2007). JDN. https://heinonline.org/HOL/LandingPage?handle=hein.journals/calwi37 &div=9&id=&page=

**With new actors entering the space industry, it will be increasingly difficult to monitor all activities in space and developments** on Earth.25 ’ **By establishing** a concrete defini‐ tion of ”**Common Heritage**” **the U**nited **S**tates can proceed with an agreement **similar to the Moon Treaty; one that oversees all activities in space and on Earth**, without con‐ cern that a moratorium will be placed over the commercial industry. Other states will share in the interests they were originally trying to protect in the Moon Treaty, so it will behoove more parties to create a governing body quickly, and **without putting unnecessary restrictions on a blossoming private sector.** To avoid further entanglements in the private sector, the commercial industry will need to help poorer states. By helping poorer nations develop a space industry, commercial explorers can be classified for research and development. **The private industry will profit from space exploration and share tangible benefits with all mankind. Even if it takes a significant amount of time to develop a governing body, the commercial sector will be excluded so the industry will still have room to grow.** **To act as a governing body, the United States should look to international organizations already in place**. The COPUOS could apply the framework of the ISS Agreement fairly easily. As a result, **many nations would be included in the efforts to keep space peaceful and free of military impropriety.** A cooperative body will free U.S. resources that were once spent on monitoring other nations for military capabilities. Efforts could then be diverted to research and development projects at NASA, such as the mission to Mars or lunar colonization. Instead of trying to keep other states from developing technology, the United States could seek new advancements as a means of maintaining a competi‐ tive edge. Both national security and the commercial industry could benefit from this arrangement inside and outside of the United States. **This model would also promote cooperation and understanding between international partners.**

#### Contention 2: Common human heritage is better for mankind, and is better for future generations- private appropriation is dangerous.

If we extend the use of national agreements and common human heritage laws into space, then the future generation would benefit because an agreement between all the nations would be present. There wouldn’t be problems over disputed territory, owned asteroids or celestial bodies, etc. because there would be unified laws that all countries and humans agreed to.

**Joyner 86**

Christopher C. Joyner (Professor of Government and Foreign Service at George‐ town University). Legal Implications of the Concept of the Common Heritage of Mankind. International and Comparative Law Quarterly, 35(01), 190–199. 1986. JDN. https://www.cambridge.org/core/journals/international‐and‐comparative‐law‐ quarterly/article/abs/legal‐implications‐of‐the‐concept‐of‐the‐common‐heritage‐of‐ mankind/27C87188CE97BA536F9FE5DD8E048C78

Important, too, are **the legal implications of ”heritage**” as presented in a CHM regime. Clearly, the concept of ”heritage” **conveys the proposition that common areas should be regarded as inheritances transmitted down to heirs, or as estates which by birthright are passed down from ancestors to present and future generations**.33 A CHM regime would therefore designate that region as an international patrimony, much the same as a piece of property or estate inherited by one generation from its predecessor.34 Thus, a CHM regime would insist that **all activities in or around the international area should respect the interests of future generations, especially in making decisions that affect whether, when and how the region’s resources are to be used, exploited, developed and distributed.** In legal terms, the concept of ”common heritage” would require that serious scrutiny be given to every activity in the area in order to prevent resource waste and to preclude environmental abuse. **To fail in the protection, conservation, preserva‐ tion and prudential management of the region and its resources would breach the trust and legal obligation implicit in responsibly supervising the earth’s heritage for mankind in the future.**35

CONTENTION 3

#### Private space appropriation leads to a massive increase in space junk, Holden 18

John **Holden**, July 12, 2018, The Irish Times, Why space capitalism will eat itself, https://www.irishtimes.com/business/innovation/why-space-capitalism-will-eat-itself-1.3556368

Which is great because when it comes to exploring space the end justifies the means. But now we must deal with the fallout from turning our galaxy into another market. Wild West It would be trite to compare the commercial space sector to the American Wild West. But with no one policing the burgeoning industry, **businesses operate untethered in a market where there are no rule**s and no open channels of communication**. It means satellites are launched unchecked every day by anyone** – from the amateur enthusiast in her back garden to major international space co-operatives. **It’s nearly impossible to know what’s really going on up there**. US officials believe there are about half a million man-made objects floating around in orbit. But that’s about as specific as they can get. Not very scientific. The only thing more predictable than tired Wild West analogies is the human species itself. We are a predictable bunch, prone to making the same mistakes over and over. As such, we enter a new era where space pollution is an issue. What could be a more iconic symbol of our wretched love for creating waste than flying devices designed never to return? Earlier this year, India broke all previous records by launching 104 satellites at once into orbit. Cool. Except those 104 satellites are destined to become 104 (or more) pieces of trash floating around in space. That’s right. Satellite technology, in its current state, is the new “lightbulb” of planned obsolescence. What could be a more iconic symbol of our wretched love for creating waste than flying devices designed never to return? When a satellite’s mission is complete, or it malfunctions, it’s gone. Girl, bye. **“Space junk” makes up a significant proportion of the guesstimated 500,000 plus objects floating around in orbit. About 23,000 of these objects are currently being tracked and maintained by the US Strategic Command. These so-called resident space objects are either satellites still in use or are known objects no longer fit for purpose. They could be as small as a tennis ball or the size of a double decker bus. I**n addition, however, **there are hundreds of thousands of other objects – bolts, exploded satellite pieces, large rockets and other space debris – that are unaccounted for. Efforts have been made to try to consolidate public with private data on what is up there but, for various reasons, the space community does not openly share information on where all objects are located.** Lack of regulation For the entrepreneurially inclined, it is probably not that surprising to hear **many are taking advantage of the severe lack of regulation in space**. Sure why wouldn’t you? Moreover why would anyone publicly disclose how and where their interests lie in a given market, intergalacticor otherwise, if they weren’t obliged to? But space isn’t just another market. Thinking one can apply the same rules up there as we use on earth is shortsighted for so many reasons. Down here the economic “unknowns” are known. Space is replete with unknown unknowns. If a satellite that is used to collect data to sell on to business customers one day stops sending data, and you haven’t the foggiest notion why, what do you tell the customers? How do you attribute cause? How does a company predict the likelihood of loss or damage to its equipment in space or perform other prudent exercises before getting into the space game? One of the chief concerns for any new business is risk and how to mitigate it. There couldn’t be a much riskier bet than entering a market with no regulation, patchy knowledge of your competitors’ location or size, and to top it all off, little understanding of the physical environment within which the business will operate. Until everyone is economically incentivised to behave responsibly in space, the chaos will continue. With aplomb. It won’t last forever though. The current lack of regulation is, in itself, the mother of all gaps in the biggest market civilization may ever exploit. And the Trump administration is the first to corner it. Suddenly the decision to give responsibility for space traffic management issues to the commerce department, and not the FAA, begins to make sense.

If we allowed private appropriation, there would be a substantial increase in space junk. There would be a rush to colonize space and to conquer celestial bodies. This is obviously bad for human kind, because the people aboard, say the ISS, will have to live with a possible collision with space debris.

Having this framework and contentions in mind, I stand firmly behind my argument and am ready for cross examination by my opponent.

**1AR**

As a brief roadmap,

Judge- I will be extending my framework then explaining why you should consider my framework over my opponent’s.

Then I will be extending my contentions then responding to my opponents responses on my contentions.

I affirm the resolution resolved: The appropriation of outer space by private entities is unjust.

Extending my value of Justice, in a given situation, universally, someone must make the choice to act with righteousness and virtues in a manner that meets their’ due.

* **The value of justice enables people to have the same liberties as everyone else.**
* **The values of justice should be universally adopted, which means in this situation the value of justice is most important and reasonable.**

The reason you should prefer my value over my opponents is because by valuing justice, the resolution can be achieved better than my opponents- everyone can have the same liberties and everyone can be equal. Everyone can enjoy their common human heritage without private entities attaini?ng an advantage over the common citizens who are incapable of appropriating space.

As opposed to my opponents value…

* NOTES
* ON PAPER

**Extending my value criterion** of protecting the commons, I explain that all humans are due access of their common human heritage. In this situation, the common human heritage will disable anyone such as private entities to appropriate anything in space.

 The reason the judge should choose my criterion over my opponents is because my opponents criterion (etc.)

* NOTES ON PAPER

**Extending my contentions,**

My first contention extends on common human heritage, one of the most important arguments of my case.

As an explanation, this principle describes that property is jointly owned by all people. Having that in mind, logically, no one owns space- that rule should transfer to objects (such as NEI’s) and things in space that private entities intend to appropriate. Space is unruled territory- it needs to stay that way.

* **Judge, you should prefer this contention over my opponents because this contention best achieves peace, organization, and general welfare. If space was divided up by different countries and individuals started to conquer lands, analytically that would create massive conflict and there would be fighting in different areas over disputes of land. To make it common would eliminate these threats. It achieves organization the best because, like I extended in my criterion, that it is global and everything going on in space would be regulated by all the countries. This contention, and my whole framework argument, sustains and increases general welfare better than my opponent.**

My opponent stated how :…

He is wrong..

* …

**My second contention** states that this common human heritage method is better for the future of mankind.

* The fact that I established that common human heritage is a better in all aspects than my opponent, I can then conclude that if we create peace between countries in the present, then we can sustain that peace for the future generations and their endeavors in space.

My opponent stated:

* NOTES ON PAPER

**My last contention** of reducing space junk explains that if we let private entities freely appropriate with out a set law, common human heritage principle, or even partial restrictions, that there would be a massive increase In space junk. As technology increases, the accessibility of space capable items expands to the general public and will eventually lead to a large amount of the public attempting to freely appropriate space for their benefit. If we allow this, we would obviously substantially increase the amount of space junk that could severely effect humanity.

My opponent stated:

…

For these contentions and my framework, this is why I achieve the resolution better than my opponent and am ready to continue this debate.

2AR

Since this is a 2AR, the framework will be simplified and I will mainly focus on one argument that I want to be highlighted the most.

Extending my value and criterion of Justice and protecting the commons respectively,

This framework achieve the resolution the best because it enables everyone to have the same liberties, rights and freedoms as everyone else in the world when it comes to space. Protecting the commons portrays the same thing, as everyone is protected when their justice, liberties and freedoms are also protected.

Prefer this over my opponent as he said in his 1NR… for \_ reasons.

My contention 1 extends common human heritage, my contention 2 establishes that this principle is better for future generations, and my contention 3 states that if we reduced private appropriation we would reduce space junk and make space safer.

This one, single simplified argument because of time restraints will focus on my common human heritage application and principle. I will explain this argument briefly then respond to my opponents points.

Property, as in all things in space, should be jointly owned by all people in order to achieve good in all aspects of this resolution.

* If we did not apply the common human heritage principle, space would be dangerous and would be unsafe in two aspects- 1, because of other countries claiming/appropriating land and becoming hostile because of that land, and 2 because of the space junk and debris that will be incentivized because of the lack of the principle application. The common human heritage principle is the only way to logically extend peace to not only on Earth, but to on space as well. If we allow private appropriation to take place, or even appropriation from public entities, it would create severe tension between countries and would lead to conflict over land disputes. Thus, we must apply the common human heritage principle to maintain fair natural resource acquirement and overall peace between countries.

My opponents contention arguments should not be preferred over my arguments for these reasons:

For these arguments and reasons, I affirm the resolution resolved.