# 1NC

## 1

#### Interpretation: The affirmative should only defend the hypothetical implementation of the resolution or just an epistemological

wrongfully taking another's property as one's own. The term appropriation is often used not only with respect to real property but also with water. According to U.S. case law, a person completes an appropriation of water by diversion of the water and an application of the water to beneficial use.167 This common use of the term "appropriation" with respect to water illustrates two key points: (1) the term applies to natural resources-e.g., water or minerals-not just real property, and (2) mining space resources and putting them to beneficial use-e.g., selling or manufacturing the mined resources could reasonably be interpreted as an "appropriation" of outer space. While the ordinary meaning of "appropriation" reasonably includes the taking of natural resources as well as land, whether the drafters and parties to the OST envisioned such a broad meaning of the term remains difficult to determine with any certainty. The prohibition against appropriation "by any other means" supports such a reading, though, by expanding the prohibition to other types not explicitly described.168

As illustrated by this analysis, considerable ambiguity remains after this ordinary-meaning analysis and thus, the question of Treaty obligations and property rights remains unresolved. In order to resolve these ambiguities, an analysis of preparatory materials, historical context, and state practice follows.

2. Preparatory Materials

A review of meeting reports of the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee regarding the Treaty reveals little to clear up the ambiguities of Articles I and II of the OST. In fact, the reports indicate that, despite several negotiating states expressing concern about the lack of clarity with respect to the meaning of "use" and the scope of the non-appropriation principle, no meaningful discussion occurred and no consensus was reached.16 9 Some commentators still conclude that the preparatory work does in fact confirm the drafters' intent for "use" to include exploitation. 170 These commentators do admit, however, that discussions of the term "exploitation" supporting their conclusion focused on remote sensing and communications satellites rather than on resource extraction.17 1 Further skepticism about such an intent for "use" to include "exploitation" also arises given the uncertainty amongst negotiating states about the meaning of these terms. A mere few months before the Treaty opened for signature in January 1967, negotiators were still asking questions about the meaning of "use" during the last few Legal Sub-Committee meetings. For example, in July 1966, the representative of France inquired: "Did the latter term ["use"] imply use for exploration purposes, such as the launching of satellites, or did it mean use in the sense of exploitation, which would involve far more complex issues?" 172 The representative noted that while some activities such as extraction of minerals were difficult to imagine presently, "[i]t was important for all States, and not only those engaged in space exploration, to know exactly what was meant by the term 'use.'173 In the same meeting, the representative from the USSR offered an interesting response to the question posed by the representative of France:

[A]dequate clarification was to be found in article II of the USSR draft, which specified that outer space and celestial bodies should not be subject to national appropriation by means of use or occupation, or by any other means. In other words no human activity on the moon or any other celestial body could be taken as justification for national appropriation. 174

#### This response implies that Article II acts as a qualification on Article I's broad provision for free exploration and use of outer space by all. Activity such as resource extraction would be viewed as national appropriation and such activity cannot be justified given Article II's prohibition, not even by falling within the ordinary

#### Resolved means a legislative policy

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964. ED

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Outer space means anything above Earth’s Karman line

Dunnett 21 (Oliver Tristan, lecturer in geography at Queen’s University Belfast). Earth, Cosmos and Culture: Geographies of Outer Space in Britain, 1900–2020 (1st ed.). Routledge. 2021. <https://doi.org/10.4324/9780815356301> EE

In such ways, this book argues that Britain became a home to rich discourses of outer space, both feeding from and contributing to iconic achievements in space exploration, while also embracing the cosmos in imaginative and philosophical ways.2

INSERT FOOTNOTE 2

2 This book primarily uses the term ‘outer space’ to describe the realm beyond the Earth’s atmosphere, conventionally accepted as beginning at the Kármán line of 100km above sea level. Other terms such as ‘interplanetary space’, ‘interstellar space’, ‘cosmos’, and ‘the heavens’ are used in specific contexts.

END FOOTNOTE 2

Cognisant of this spatial context, a central aim is to demonstrate how contemporary geographical enquiry can provide specific and valuable perspectives from which to understand outer space. This is an argument that was initiated by Denis Cosgrove, and his critique of Alexander von Humboldt’s seminal work Cosmos helped to demonstrate geography’s special relevance to thinking about outer space.3 The key thematic areas which provide the interface for this book’s research, therefore, are the cultural, political and scientific understandings of outer space; the context of the United Kingdom since the start of the last century; and the geographical underpinnings of their relationship.

#### “Appropriation” means to take as property – prefer our definition since it’s contextual to space

Leon 18 (Amanda M., Associate, Caplin & Drysdale, JD UVA Law) "Mining for Meaning: An Examination of the Legality of Property Rights in Space Resources." Virginia Law Review, vol. 104, no. 3, May 2018, p. 497-547. HeinOnline.

Appropriation. The term "appropriation" also remains ambiguous. Webster's defines the verb "appropriate" as "to take to oneself in exclusion of others; to claim or use as by an exclusive or pre-eminent right; as, let no man appropriate a common benefit."16 5 Similarly, Black's Law Dictionary describes "appropriate" as an act "[t]o make a thing one's own; to make a thing the subject of property; to exercise dominion over an object to the extent, and for the purpose, of making it subserve one's own proper use or pleasure."166 Oftentimes, appropriation refers to the setting aside of government funds, the taking of land for public purposes, or a tort of meaning of "use." Despite this clarification, uncertainty appears to have remained, as lingering concerns were communicated in subsequent meetings by several other states, including Australia, Austria, and France."' Nevertheless, the committee put the Treaty in front of the General Assembly two months later without final resolution of the ambiguities regarding property rights arising from Articles I and II176 The preparatory materials ultimately fail to fully clarify the ambiguities of the meanings of "use" and "appropriation." The statement of the representative of the Soviet Union, one of the two main drafting parties, does, however, help push back on the interpretation of some academics that the nonappropriation principle fails to overcome the presumption of freedom of use.7

3. Historical Context

Two interrelated, major historical events cannot be ignored when considering the meaning of the OST: (1) the Cold War and (2) the Space Race. The success of Sputnik I in 1957 showed space travel and exploration no longer to be a dream, but a reality.7 While exciting, this news also brought fear in light of the world's fragile balance of power and tensions between the United States and the Soviet Union. 17 9 What if the Soviet Union managed to launch a nuclear weapon into space? What if the United States greedily claimed the Moon as the fifty-first state? To many, the combination of the Cold War and Space Race made the late 1950s and the 1960s a perilous time.so When viewed as a response to this perilous era, the OST begins to look much more like a nuclear arms treaty and an attempt to ease Cold War tensions than a treaty concerned with the issue of property rights in space."' The Treaty's emphasis on "peaceful purposes" supports this contextual interpretation. 1 82

On the one hand, as many suggest, this context leads to the conclusion that the vague nonappropriation principle of Article II does not prevent private property rights in space resources and the presumption of broad "use" prevails.1 83 Private property rights were simply not a concern of the Treaty drafters and therefore, the Treaty does not address-nor prohibit-such claims. On the other hand, the context surrounding the treaty's drafting does not necessarily lead to this conclusion. In fact, the emphasis on "peaceful purposes" and reducing international tension might instead suggest a stricter reading of Articles I and II. If things were so unstable and tense on Earth, the drafters may have instead intended Article II as a qualification on the general right to explore and use outer space in Article I, recognizing the simple fact that disputes over property, both land and minerals, have sparked some of history's bloodiest conflicts.

The Antarctic treaty experience evidences Cold War concern over potential resource rights disputes. Leading up to the finalization of the Antarctic Treaty of 1959,184 seven nations had already made official territorial claims over varying portions of the frozen landscape in hopes of laying claim to the plethora of resources thought to be located within the subsurface."' Although the Treaty itself did not directly address rights to mineral resources in the Antarctic,186 the treaty is interpreted to have frozen these claims in the interest of "[f]reedom of scientific investigation in Antarctica and cooperation toward that end.""' In a manner notably similar to the terms of Articles XI and XII of the OST, the Treaty promotes scientific exploration by encouraging information sharing of scientific program plans, personnel, and observations' and inspection of stations on a reciprocal basis.189 This Treaty along with several later treaties and protocols constitute the "Antarctic Treaty System," which as a whole manages the governance of Antarctica.1 9 0 In 1991, the Protocol on Environmental Protection to the Antarctic Treaty 91 ("Madrid Protocol") settled the question of property rights for the fifty years following the Protocol's entry into force. 192 The Madrid Protocol provides for "the comprehensive protection of the Antarctic environment ... [and] designate[s] Antarctica as a natural reserve, devoted to peace and science."193 Article 7 explicitly-and simplystates "[a]ny activity relating to mineral resources, other than scientific research, shall be prohibited."1 94 Though Article 25 allows for the creation of a binding legal regime to determine whether and under what conditions mineral resource activity be allowed, no such international legal regime has been created to date. 195 The ban on mineral resource exploitation may only be amended by unanimous consent of the parties. 19 6 The United States signed and ratified both the Antarctic Treaty of 1959 and the Madrid Protocol. 197

The freezing of territorial claims in the Antarctic 98 by the Antarctica Treaty of 1959199 illustrates the existence of true concern over potential resource dispute and conflict during the Cold War, in addition to the major concerns posed by nuclear weapons.2 00 The drafting states also recognized the potential for conflict over property in outer space and drew on the language of the Antarctic Treaty of 1959 to draft the OST.2 01 Given these driving concerns, Article II could be reasonably read as qualifying Article I's general rule. Under this reading, Article II serves the same qualifying purpose as Article IV regarding military and nuclear weapon use in space. Some might push back on this interpretation by claiming that the drafters could have used language such as that in the Madrid Protocol to explicitly prohibit mining in space. However, this argument is flawed. The Madrid Protocol was not written until well after both the original Antarctic Treaty of 1959 and the OST. Furthermore, the timing of the Madrid Protocol perhaps provides further evidence that resources in space are not to be harvested until a subsequent agreement regarding rights over them can be agreed upon internationally. While the historical context does leave some ambiguity as to whether the OST permits property rights over space resources, the Antarctic experience provides a compelling analogy and suggests that the OST does not allow for property rights in space resources.

4. State Practice

In its Frequently Asked Questions released about the SREU Act, the House Committee on Science, Space, and Technology forcefully asserted that the Act does not violate international law.20 2 in fact, according to the committee, the Act's provision of property rights "is affirmed by State practice and by the U.S. State Department in [c]ongressional testimony and written correspondence."2 03 Proponents of this view base their beliefs on several examples. One, "no serious objection" arose to the United States and the Soviet Union bringing samples of rocks and other materials from the Moon back by manned and robotic missions in the late 1960s, nor to Japan successfully collecting a small asteroid sample in 2010.204 Two, a practice of respecting ownership over such retrieved samples and a terrestrial market for such items exists, as illustrated by the fact that no one doubts that the American Museum of Natural History "owns" three asteroids found in Greenland by arctic explorer Robert E. Peary that are now part of the museum's Arthur Ross Hall of Meteorites. 205 Three, Congressmen also cite to a federal district court case, United States v. One Lucite Ball Containing Lunar Material,2 06 to illustrate state practice in favor of ownership over spaces resources. The case involved an Apollo lunar sample gifted to Honduras by the United States. The sample was stolen and sold to an individual in the United States.2 07 When caught during a sting operation intended to uncover illegal sales of imposter samples, the buyer was forced to forfeit the lunar sample after the court concluded the moon rocks had in fact been stolen, basing its decision in part on its recognition of Honduras having national property ownership over the sample. 208

These examples appear overwhelming, but they are not actually examples of activities of the same "form and content" that the SREU Act approves. 2 09 These examples all involve collection of samples in limited amounts and for scientific purposes, while the SREU Act approves large-scale collection and for commercial exploitation. The OST explicitly emphasizes a "freedom of scientific investigation in outer space," and the collection of scientific samples reasonably fall under this enumerated right. 2 10 Alternatively, the OST says nothing with respect to commercial exploitation, only discussing "benefits" of space in terms of sharing those benefits with all mankind.211 Furthermore, the American Museum of Natural History and Lucite Ball examples relied upon are misleading because they suggest that types of celestial artifacts found or gifted on Earth are subject to the same legal regime as resources mined or collected in space, which may not necessarily be true. The analogy of ownership over fish extracted from the high seas is also often cited in response to this pushback. Much like outer space, the high seas are open to all participants, yet the law of the seas still recognizes the right to title over fish extracted on the high seas by fishermen, who can then sell the fish.212 But again, this analogy has limited import because both the 1958 Geneva Convention on the High Seas and the United Nations Convention on the Law of the Sea ("UNCLOS") explicitly recognize the right to fish, while the OST grants no such right to exploit space resources. 2 1 3

Furthermore, state practice relevant to the question of property rights under the OST goes beyond these examples and analogies of ownership of resources taken from commons. State practice regarding property rights in general must be considered. For example, Professor Fabio Tronchetti disagrees with the oft-cited notion that state practice affirms the SREU Act.2 14 According to the professor, "under international law, property rights require a superior authority, a State, entitled to attribute and enforce them." 2 15 By granting property rights in the SREU Act, the United States impliedly claims that it has the authority to confer property rights over space resources-an authority traditionally reserved for the owner of a resource. This notion clashes with the nonappropriation principles of the OST. Though there is no consensus regarding whether the nonappropriation principle prohibits claims of sovereignty over resources, a strong consensus at least exists that the principle prohibits states from claiming sovereignty over real property in space.216 In some traditional systems of mineral ownership, however, ownership over resources ran with ownership over land.217 For example, under Roman law, property rights over subsurface minerals belonged to the landowner. 2 18 Thus, if the United States cannot have title in space lands under the nonappropriation principle, it cannot have title to the space resources in those lands either. Without title to the resources, the United States cannot bestow such title to its citizens under traditional international property law; by claiming that it can bestow such title, the United States is abrogating Article II of the OST. One could also argue that the in situ resources the Act grants rights in are actually still part of the celestial bodies; thus, the resources are real property prior to their removal, and are off limits under the Treaty.2 19 Given the limited import of the cited examples of state practice (limited quantity and scientific versus large-scale and commercial), the traditional practice of property rights being conferred from a sovereign to a citizen become incredibly compelling and suggest the SREU Act may abrogate the United States' treaty obligations.

A final piece of evidence, however, again inserts ambiguity into the interpretation: the sweeping rejection of the Moon Agreement and its limitations on property rights by the international community discussed supra Part JJJ.A.2. On the one hand, the rejection may imply that the international community approved of property rights. On the other hand, however, there were other reasons for the sweeping rejection. For example, Professors Francis Lyall and Paul B. Larsen claim the "main area of controversy"2 2 0 actually surrounded the Agreement's proclamation of the Moon and celestial bodies and their natural resources as the "common heritage of mankind" in Article 11.1,221 rather than the Agreement's general property-right provisions. Many believed the invocation of the "common heritage of mankind" language would impart actual obligations upon parties to share extracted resources, whereas the "province of all mankind" and "for the benefit and interest of all" language of the OST did not.222 As with ordinary meaning, preparatory materials, and historical context, state practice leaves some ambiguities and state interpretations should also be considered.

5. State Interpretations

Much like the preparatory materials discussed supra Part IV.A.1, subsequent state interpretation of the OST fails to fully address the question of the legality of property rights in space resources. On the one hand, the Senate Committee on Foreign Relations found that the drafters intended Articles I, II, and III of the Treaty to be general in nature when reviewing the Treaty,223 which perhaps suggests Article II's nonappropriation principle does not qualify Article I's general right to use or act as an exception. Yet, the committee also found the Treaty to be in response to the "potential for international competition and conflict in outer space." 2 24 To the committee, Articles I, II, and III stressed the importance of free scientific investigation, guaranteed free access to all areas of celestial bodies, and prohibited claims of sovereignty.225 Not only would property rights in natural resources potentially ignite and exacerbate conflict in space, but they also seemed somewhat incompatible with scientific investigation, free access, and the prohibition on sovereignty. During its hearing on the Treaty, the Senate Committee on Foreign Relations focused a majority of its discussion of Article I on whether or not the language "province of all mankind" imparted strict obligations, while devoting little to no time to the issue of the meaning of "use." 22 6 Former Justice Arthur Goldberg, then U.S. ambassador to the United Nations, did note the goal of the article was to "cnot subject space to exclusive appropriation by any particular power." 227 Nevertheless, this statement fails to resolve whether natural resources may be exploited, as such exploitation could be carried out in an inclusive manner.

The committee's review of Article II consumes only eight lines of the hearing transcript, merely adding that the Article is complementary to Article I and that space cannot be claimed for the country (likely referring to land rather than resources).2 28 A different exchange between Ambassador Goldberg, Senator Lausche, and the Chairman leaves further ambiguity regarding the use of natural resources in space: Mr. Goldberg: We wanted to establish our right to explore and use outer space. Senator Lausche: Yes. That is, any one of the signatory nations shall have the right to the use of whatever might be found in one of the space bodies. Mr. Goldberg: No, no. It doesn't mean that. It means that they shall be free on their own to explore outer space. The Chairman: Or to use it. Mr. Goldberg: To use it. The Chairman: But not on an exclusive basis. Mr. Goldberg: Everyone is free.229

At first, Ambassador Goldberg appears to have refuted the notion that a signatory could simply "use" anything found in one of the space bodies, such as a mineral, implying Senator Lausche's example exceeded the scope of Article I. He then went on to emphasize exploratory activities. But then, Ambassador Goldberg backtracked and reasserted the right to use without clarifying his initial qualification.

This sense of ambiguity remains today despite Congress signing off on the SREU Act. While sponsors of the bill and statements from resource extraction companies emphasized the broad scope of the right to "use" outer space and state practice in support of the legality of 230 property rights, several expert witnesses expressed genuine concern that obligations under the Treaty remain unclear and require additional analysis.231

B. Compatibility

Employing the treaty interpretation tools of ordinary meaning, preparatory materials, historical context, state practice, and state interpretation offers many possible understandings of the obligations imparted by Articles I and II of the OST. For example, while the ordinary meaning of "use" could reasonably include the exploitation of materials, the meeting summaries of the Fifth Session of the U.N. Committee on the Peaceful Uses of Outer Space Legal Sub-Committee make clear that no consensus was ever reached regarding whether "use" includes large-scale exploitation of space resources, let alone fee-simple ownership and the ability to sell commercially. State practice dealing with extraterrestrial samples also sheds little light on the confusion, as the examples cited all deal instead with scientific samples of limited quantity. The international community's rejection of the Moon Agreement also fails to bring clarity. While on the one hand the rejection could be read as a rejection of the idea that the OST prohibits private property rights, it could also be read as a rejection of the common heritage of mankind doctrine. Finally, the prospect of privateventure space mining and extraterrestrial resource extraction remained far off and futuristic at the time of the Treaty's negotiation, making drawing legal conclusions about the legality of these revolutionary activities extremely difficult.

Overall, however, the Treaty's structure and its purposes (preserving peace and avoiding international conflict in outer space) ultimately indicate that private property rights in space resources are prohibited by Article II's non-appropriation principle, at least until future international delegation determines otherwise (like in the Antarctic). The Treaty's structure confirms this interpretation. Article I lays down a general rule for activity in space. Subsequent articles of the Treaty then lay out more specific requirements of and qualifications to this general rule. Much like Article IV restricts the use of nuclear weapons in space, Article II restricts the use of space in ways that might result in potentially controversial property claims. Historically, claims to mineral rights have resulted in just as contentious conflict

#### Private entity = majority nonstate

Warners 20 (Bill, JD Candidate, May 2021, at UIC John Marshall Law School) "Patents 254 Miles up: Jurisdictional Issues Onboard the International Space Station." UIC Review of Intellectual Property Law, vol. 19, no. 4, 2020, p. 365-380. HeinOnline.

To satisfy these three necessary requirements for a new patent regime, the ISS IGA must add an additional clause ("Clause 7") in Article 21 specifically establishing a patent regime for private nonstate third parties onboard the ISS. First, Clause 7 would define the term "private entity" as an individual, organization, or business which is primarily privately owned and/or managed by nonstate affiliates. Specifically defining the term "private entity" prevents confusion as to what entities qualify under the agreement and the difference between "public" and "private."99 This definition would also support the connection of Clause 1 in Article 21 to "Article 2 of the Convention Establishing the World Intellectual Property Organization." 100 A succinct definition also alleviates international concerns that the changes to the ISS IGA pushes out Partner State influence. 101 Some in the international community may still point out that Clause 7 still pushes towards a trend of outer space privatization. However, this argument fails to consider that private entities in outer space have operated in space almostas comprehensively as national organizations. 102

#### They violate—

#### Standards:

#### 1] Competitive equity – 3 warrants:

#### A] Ground: they get to pick the topic ex post facto which incentivizes vague argumentation that’s not grounded in a consistent, stable mechanism – they’re playing dodgeball with hand grenades – caselists are concessionary, unpredictable, beaten by perms, and don’t justify their model.

#### B] Limits: their model has no resolutional bound and creates the possibility for literally an infinite number of 1ACs. Not debating the topic allows someone to specialize in one area of the library for 4 years giving them a huge edge over people who switch research focus ever 2 months. Cutting negs to every possible aff is a commitment even large squads can’t handle, let alone small schools like us. Counter-interpretations are arbitrary, unpredictable, and don’t solve the world of neg prep because there’s no grounding in the resolution

#### C] Causality: debating the resolution forces the affirmative to defend a cause and effect relationship, the state doing x results in y. Non topical affs establish their own barometer “I think x is good for me” that aren’t negatable – that independently decks clash cuz there’s no way for me to engage with the affirmative.

#### D] Fairness is an impact – [1] it’s an intrinsic good – some level of competitive equity is necessary to sustain the activity – if it didn’t exist, then there wouldn’t be value to the game since judges could literally vote whatever way they wanted regardless of the competing arguments made [2] probability – your ballot can’t solve their impacts but it can solve mine – debate can’t alter subjectivity, but can rectify skews [3] internal link turns every impact – a limited topic promotes in-depth research and engagement which is necessary to access all of their education [4] comes before substance – deciding any other argument in this debate cannot be disentangled from our inability to prepare for it – any argument you think they’re winning is a link, not a reason to vote for them, since it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it. This means they don’t get to weigh the aff.

#### 2] Switch-side debate –

#### A] the reason debate is a unique process is because it demands rigorous testing of advocacy skills through not getting to pick and choose what to defend – it’s the only plausible explanation for the form of the activity – it also solves their offense.

#### B] topical version of the aff solves – they can still have all their advantages under TVA <INSERT TVA>

#### C] Vote negative – A] this procedurally evaluates whether their model is good, which is a prior question B] they can’t get offense: we don’t exclude them, only persuade you that our methodology is best. Every debate requires a winner and loser, so voting negative doesn’t reject them from debate, it just says they should make a better argument next time.

#### 3] Skills – multiple warrants

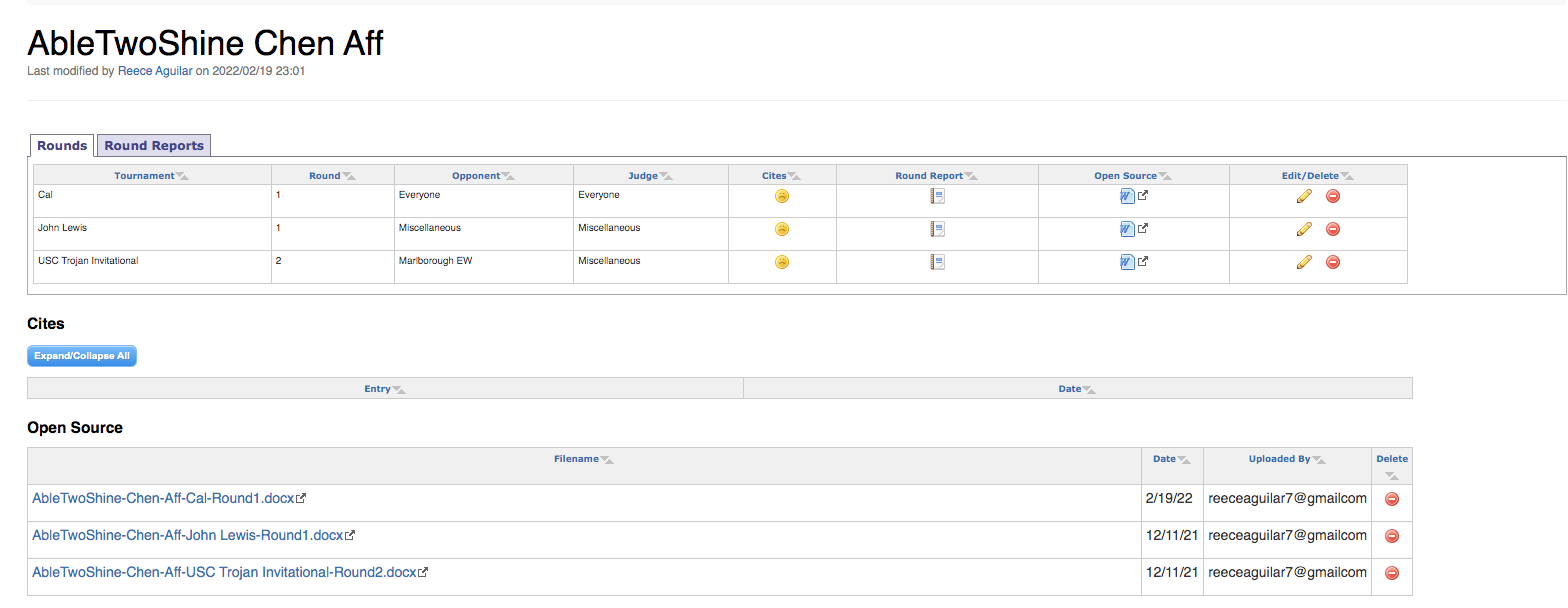
#### A] Argument Refinement and research – forcing them to defend the resolution makes them have to cut new positions every two months and forces them to explore the depths of the literature as opposed to just recycling the same set of non T affs over and over that lead repetitive and stale debates – they reject argument innovation and force every non t debate into either k vs t or k v k.

#### B] Education is an impact – it’s the only reason schools fund debate

## 2

#### Interp – Debaters must disclose contact info, round reports, and open source on the NDCA LD wiki for every round they have debated this season 30 minutes after the round

#### Violation – screenshot in the doc.



#### Standards:

#### 1] Predictability – Absent disclosure I have no way to tell what they’re running; untopical positions just make it worse because reading the literature doesn’t indicate what they might be running. They can discuss any type of oppression and there aren’t any limits to this, which kills substantive engagement because I can’t know what they’re running

#### 2] Clash: My interp ensures both sides can discuss the method in depth. Absent disclosure, I might not know the method and be able to make strong answers in round. I might just resort to theory which is worse, killing substantive clash because we aren’t truly debating.

#### Drop the debater – Deters future abuse

#### Competing interps – a) It fosters the best norms through encouraging the fairest rule b) Reasonability collapses by debating the brightline  No RVIs – a) Illogical – you shouldn’t win for proving that you’re fair or educational  b) people will be scared to read theory against good theory debaters and will never be able to check abuse

## 3

#### The standard is maximizing expected wellbeing.

#### Prefer it:

#### 1] Actor specificity:

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

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

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

#### 3] Extinction comes first!

**Pummer 15** [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

**There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now**, whatever general moral view we adopt**: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war.** How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that **we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world.** According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. **Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here.** If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how **reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people.** Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, **this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake.** **Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter.** Even John Rawls wrote, “**All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.**” **Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view.** **They’d thus imply very strong reasons to reduce existential risk**, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. **Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk.** It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). **To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being.** To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – **suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being**, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But **once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk.** Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. **We should also take into account moral uncertainty.** **What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts?** I’ve just argued that **there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree.** But **even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one** (and 10% sure that one of these other ones is correct), **they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk.** Perhaps most disturbingly still, **even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world.** Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. **It is enough for my claim that there is moral agreement in the relevant sense if**, at least given certain empirical claims about what future lives would most likely be like, **all minimally plausible moral views would converge on the conclusion that we should try to save the world.** While there are some non-crazy **views that place significantly greater moral weight on avoiding suffering than on promoting happiness**, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless **seem to be fairly implausible views.** And **even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve.** Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. **Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast.** We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. **If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period.** Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. **Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.**” (From chapter 36 of On What Matters)

## Case

### OV

#### 1] They don’t have any ballot warrants – we can change our relationship to land without voting aff

#### 2] If reading the 1ac was all that was needed to make all this stuff happen, you can just vote neg because it’s arbitrary

#### 3] Maybe what you talk about in your 1ac is good, but you don’t have any method to scale up and solve for extinction. We need to preserve the possibility for things like asteroid mining because your aff can’t scale up to solve any impacts.

### Space Col Good

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

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

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

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

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

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

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

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

Indeed, this idea is a particularly powerful one when considering the ideal future of private companies in space exploration. Though there is no one set way governments will interact with companies, the consensus is that they must radically reimagine their main purpose as the role of private space exploration continues to grow. As governments utilize services from private space companies, “[i]nstead of being bogged down by the routine application of old research, NASA can prioritize their limited budget to work more on research of other

transformative benefits for life on Earth.

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

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

7. World peace and preservation of human civilisation

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

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

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

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

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

7.2. High return in safety from extra-terrestrial settlement

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

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

### A2 Duality

#### Framing settlerism as structural is profoundly depoliticizing, ignoring empirical gains won by the indigenous, and shutting down movements that currently work to create alternative futures --- only debating legal solutions can ensure advocates that can improve indigenous conditions.