### 1AC—Framework

#### The meta-ethic is substantive moral naturalism.

#### Pleasure and pain are the starting point for moral reasoning—they’re our most baseline desires and the only things that explain the intrinsic value of objects or actions.

Moen 16, Ole Martin (PhD, Research Fellow in Philosophy at University of Oslo). "An Argument for Hedonism." Journal of Value Inquiry 50.2 (2016): 267. SM

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative. 2 The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good. 3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday relations that ground Pettit’s theory.

#### Moral theories provide a criterion of right action, such as act as to maximize good consequences. Criterion is distinct from decision procedure, which is a mechanism for situations of choice.

#### Bergstrom 96

[Lars Bergström, “Reflections on Consequentialism”. From Theoria, Vol. 62, Part 1-2, 1996, pp.74-94, (Stockholm University)]

The distinction between theories of rightness and practical decision procedures is probably quite old. It appears to go back at least to Henry Sidgwick.6 It is quite clearlyformulated, for example by Eugene Bales in 1971 and by Peter Railton in 1987. Bales stresses "the importance of maintaining a sharp distinction between (a) **decision-making procedures**, and (b) accounts of what makes right acts right".7 Railton distinguishes, in a similar manner, between subjective and objective consequentialism. He writes:*Subjective consequentialism* **is the view that** **whenever one faces a choice of actions, one should attempt to determine which act of those available would most promote the good, and should then try to act accordingly**. [...] *Objective consequentialism* is the view that **the criterion of rightness of an act or course of action is whether it in fact would most promote the good of those acts available to the agent**".Railton also points out that "objective consequentialism sets a definite and distinctive criterion of right action, and it becomes an empirical question (though not an easy one) which modes of decision making should be employed and when".9It seems to be a fairly common idea **that appropriate decision procedures, or modes of decision making, have to be determined on the basis of some theory or principle of right action.** For all we know, it may be disastrous—and morally wrong—to try to apply the criterion of rightness itself as a rule for decision-making in ordinary life. **If a given principle of rightness** is easy to apply in ordinary life, it may also be appropriate as a decision procedure. But if a principle **is difficult to apply**, e.g. **because its application** **requires** factual **information** which is very difficult or even **impossible to obtain** within the time limits of ordinary decision making—and a consequentialist principle is clearly of this kind—**then some more practical decision rule has to be used**. It is often said that we need "rules of thumb" here. Moreover, different decision procedures may be appropriate for different people and in different types of situation. As Sidgwick points out, "it may be best on the whole that there should be conflicting codes of morality in a given society at a certain stage of its development".10 In some situations, it might be best to use the "rule" that no explicit rule at all should be used, so that the agent can just do what he likes or what first occurs to him.

#### That outweighs their justifications on probability—simpler beliefs are more likely to be true and external standards collapse to pleasure and pain.

#### Consequentialism is true—[A] All actions are forward-looking, so intentions are constituted by foreseen consequences. [B] No act omission distinction---choosing to omit is an act itself – people psychologically decide not to act.

#### Thus, the standard is *Maximizing Pleasure Minimizing Pain*. Calc indicts don’t link—my framework is a general principle to be applied intuitively, not a rigid calculator. Prefer—

#### [1] Death outweighs—agents cannot act if they fear for their bodily security—my framework constrains every NC.

#### [2] Brain studies disprove personal identity.

Parfit ’84Derek Parfit, Reasons and Persons (Oxford: Clarendon, 1984). – GV SK

Some recent medical cases provide striking evidence in favour of the Reductionist View. Human beings have a lower brain and two upper hemispheres, which are connected by a bundle of fibres. In treating a few people with severe epilepsy, surgeons have cut these fibres. The aim was to reduce the severity of epileptic fits, by confining their causes to a single hemisphere. This aim was achieved. But the operations had another unintended consequence. The effect, in the words of one surgeon, was the creation of ‘two separate spheres of consciousness.’ This effect was revealed by various psychological tests. These made use of two facts. We control our right arms with our left hemispheres, and vice versa. And what is in the right halves of our visual fields we see with our left hemispheres, and vice versa. When someone’s hemispheres have been disconnected, psychologists can thus present to this person two different written questions in the two halves of [their] visual field, and can receive two different answers written

#### The brain seeks pleasure to initiate action – optogenetics proves.

**Schaffer 17** (MIT technology review, Amanda Schaffer is a freelance journalist who writes about science and medicine for Slate, the New York Times, and other publications. Neuroscientist Kay Tye tackles the physical basis of emotions and behavior. [“How the Brain Seeks Pleasure and Avoids Pain” MIT research lab <https://www.technologyreview.com/2017/06/27/150948/how-the-brain-seeks-pleasure-and-avoids-pain/> 6/27/17] // Mberhe

As a child, Kay Tye was immersed in a life of science. “I grew up in my mom’s lab,” she says. At the age of five or six, she earned 25 cents a box for “restocking” bulk-ordered pipette tips into boxes for sterilization as her mother, an acclaimed biochemist at Cornell University, probed the genetics of yeast. (Tye’s father is a theoretical physicist known for his work on cosmic inflation and superstring theory.) Today, Tye runs her own neuroscience lab at MIT. Under large black lights reminiscent of a fashion shoot, she and her team at the Picower Institute for Learning and Memory can observe how mice behave when particular brain circuits are turned on or off. Nearby, they can record the mice’s neural activity as the animals move toward a particular stimulus, like sugar water, or away, if they’re crossing a floor that delivers mild electric shocks. Elsewhere, they create brain slices to test in vitro, since these samples retain their physiological activity, even outside the body, for up to eight hours. Tye has been at the forefront of efforts to pinpoint the sources of anxiety and other emotions in the brain by analyzing how groups of neurons work together in circuits to process information. In particular, her work has contributed to a profound shift in researchers’ understanding of the amygdala, a brain area that has been thought of as central to fear responses: she has found that signaling in the amygdala can in fact reduce anxiety as well as increase it. To gain such insights, she has also made crucial advances in a technique, called optogenetics, that allows researchers to activate or suppress particular neural circuits in lab animals using light. Optogenetics was developed by Stanford neuroscientist and psychiatrist Karl ­Deisseroth, and it represented a breakthrough in efforts to determine the role of specific parts of the brain. While Tye was working in his laboratory as a postdoc, she demonstrated, for the first time, that it was possible to pinpoint and control specific groups of neurons that were sending signals to specific target neurons. This fine-grained approach is important because drugs that treat conditions like anxiety currently do not target specific circuits, let alone individual neurons; rather, they operate throughout the brain, which often leads to undesirable side effects. Tye’s research may eventually help open the door to drugs that affect only specific neural circuits, reducing anxiety with fewer side effects. Such work has earned formal accolades, including a Presidential Early Career Award for Scientists and Engineers from President Obama, a Freedman Prize for neuroscience, and a TR35 award, recognizing outstanding researchers under the age of 35. Tye has also won high praise from others in her field who admire the creative breadth of her ambition. “She’s not afraid to ask the most fundamental questions, the ones most other scientists shy away from,” says Sheena Josselyn of the University of Toronto and the Hospital for Sick Children Research Institute. The questions she takes on involve emotions and phenomena that loom large in human experience, such as reward-seeking, loneliness, and compulsive overeating. Her goal is to understand their neural basis—to bridge the gap between brain, as understood by neuroscientists, and the mind, as conceived more expansively by psychiatrists, psychologists, and other students of human behavior. Would-be novelist Though it might seem as if Tye was born to be a scientist, she says her choice of career was anything but inevitable. In high school, she was ambivalent about science and gravitated instead toward writing; she wrote plays, short stories, and poetry. “In my mind, I was going to be a novelist,” she recalls. Still, while applying to college, she included MIT on her list, partly to humor her parents, Bik-Kwoon Tye and Henry Tye, both of whom had earned PhDs there in 1974. And when she received an acceptance letter, her father found it hard to disguise his feelings as his eyes welled with tears. “I’d never in my life seen my dad cry,” she says. She decided that she ought to give scientific learning a more dedicated try. She also convinced herself (with parental encouragement) that focusing on the natural world would give her more to write about down the road. As a freshman at MIT, Tye joined the lab of Suzanne Corkin, who was working with H.M., one of the most famous patients in the history of neuroscience. H.M., whose name was revealed to be Henry Molaison upon his death in 2008, suffered from profound amnesia after a lobotomy to treat seizures; studying his condition allowed researchers to probe the neural underpinnings of memory. One of Tye’s roles in the group was to make H.M. a peanut butter and jelly sandwich for lunch. He would eat it and then, moments later, with crumbs still on his face, ask, “Did we have lunch yet?” “It made me appreciate that these basic functions, like memory, that are so key to who we are have biological substrates in the brain,” she says. Neuroscience can be intimidating and filled with jargon, she adds. But the experience with H.M., along with an inspiring introductory psychology class taught by Steven Pinker, “made it seem worth it to slog through the all-nighters” to understand the biological mechanisms behind psychological constructs. Still, after graduation, Tye wanted to make sure she was “looking around,” thinking about who she was and who she wanted to be. So she spent a year backpacking in Australia, where she worked on a farm, lived in a yoga ashram, taught yoga, camped out on the beach, and worked on a novel. She found that writing was “hard and lonely.” She enjoyed teaching yoga but didn’t see it as a satisfying career path. “I came out of that year surprisingly ready to go to grad school,” she says. Diving back into the academic world, she initially struggled to find a lab that would accept her and almost dropped out after her first year. But she found a mentor in Patricia Janak, who became her advisor, and earned a PhD in neuroscience at the University of California, San Francisco, in 2008. A surprise in the amygdala In 2009, Tye joined Deisseroth’s lab at Stanford. Deisseroth had already developed optogenetics, which gave researchers a much more precise way to identify the contributions of individual neurons within a circuit. Along with others in the lab, Tye used optogenetics to probe the connection between two parts of the amygdala, an almond-shaped region that is crucial to anxiety and fear. She first identified neurons in one area (known as the basolateral amygdala) that formed connections to neurons in another amygdalar area (known as the central nucleus) by sending out projections of nerve fibers. When she stimulated those basolateral amygdala neurons, she was able to reduce anxiety in mice. That is, she could cause the animals to spend more time in open spaces and less time cowering to the side. This was surprising, because when researchers stimulated the amygdala as a whole, the mice’s behavior grew more anxious. At first, everyone asked, “Are you sure you’re using the tool right? What’s going on?” she recalls. But after meticulous validation, in 2011, Tye and the group published their results in Nature, showing that some circuitry within the amygdala helps to calm animals down. This paper also represented a breakthrough in optogenetic technique. For the first time, researchers were able to zero in on and manipulate a specific part of a brain circuit: particular groups of neurons communicating with known target neurons. The technique, known as optogenetic projection-specific manipulation, is now considered one of the key tools of neuroscience. In 2012, Tye came to MIT as an assistant professor of brain and cognitive sciences at the Picower, continuing her work on anxiety. While setting up her lab, she targeted neurons within the amygdala that seemed to have the opposite effect on mouse anxiety, causing it to increase. These brain cells are also located in the basolateral amygdala, but they send projections to a nearby region known as the ventral hippocampus. When Tye stimulated this circuit using optogenetics, the mice avoided open spaces, apparently suffering from anxiety. (When she inhibited the connections from forming, the animals hung out in the open again, their anxiety seemingly alleviated.) Tye proposed that neighboring neurons in the amygdala can have opposite effects on animals’ behavior, depending on the targets to which they send signals. Threats and rewards At the time, most researchers studying the amygdala still tended to focus mainly on its role in fear. Yet Tye suspected that activity in this part of the brain might encode a stimulus as either rewarding or threatening, good or bad, helping individuals decide how to respond. “There are many stimuli we encounter in our daily lives that are ambiguous,” says Conor ­Liston of the Brain and Mind Research Institute at Weill Cornell. “A social interaction, for example, can be either threatening or rewarding, and we need brain circuits devoted to differentiating which is which.” By looking at the relative strength of the currents passing through two glutamate receptors known to indicate synaptic strength, Tye discovered that different neural connections in mice were reinforced depending on whether a particular stimulus was linked to a reward or a threat. When mice learned to associate a sound with a treat of sugar, she found stronger synaptic input to the neurons in the basolateral amygdala that were sending information to the nucleus accumbens, which is part of the brain’s reward circuitry. On the other hand, when mice learned to associate the sound with mild electric shocks to their feet, input signals grew stronger in circuits leading from the basolateral amygdala to the centromedial amygdala, which is involved in pain and fear. In addition, she demonstrated a trade-off: when one of these circuits grew more active, the other grew less so. In other words, she had found how the brain encodes information that allows mice to differentiate between stimuli that are rewarding and those that are potentially harmful. The results were published in Nature in 2015. In recent work, Tye also probed the circuitry involved in making split-second decisions when both threatening and rewarding cues are present at the same time. She and her team focused this time on connections between the amygdala and the prefrontal cortex, an area responsible for higher-order thinking. (Specifically, they examined interactions between the basolateral amygdala and the prelimbic medial prefrontal cortex.) Using optogenetics and other techniques, they showed that this circuitry was active when the animals were simultaneously exposed to a potential sugar treat and a potential electric shock and had to make a decision about how to behave. Her results, which appeared in April in Nature Neuroscience, help illuminate how animals figure out what to do in the face of complex and sometimes contradictory cues.

#### If nothing unifies agency from one second to the next, then only states of consciousness can matter—that’s util.

#### [3] Actor-Spec – States are institutions and not agents with intentions so non-consequentialist impacts are incoherent—outweighs since different agents have different ethical obligations. Also takes out calc indict since governments use util all the time.

#### [4] Use modesty—we are limited by logical errors and sensory limitations so there’s always a risk we are wrong.

#### [5] Presume util—If you’re unsure about deontological obligations then default to util since there’s always good in making the world a better place.

#### Only consequentialism can meet the universalizability requirement. Universalizing non-consequentialism results in a conflict in normative reasons.

#### Pettit 99

[Laurance S. Rockefeller University Professor of Politics and Human Values at Princeton University]. The Cost of Non-Consequentialism. February 5 , 1999. <http://www.philo.umontreal.ca/documents/cahiers/Pettit\_Non-Consequentialism.pdf>

**Every prescription as to what an agent ought to do should be capable of being universalised**, so that it applies not just to that particular agent, and not just to that particular place or time or context or whatever. So at any rate we generally assume in our moral reasoning. If we think that it is right for one agent in one circumstance to act in a certain way, but wrong for another, then we commit ourselves to there being some further descriptive difference between the two cases, in particular a difference of a non-particular or universal kind.

Thus, **if we say that an agent A ought to choose option O in circumstances C** — these may bear on the character of the agent, the behaviour of others, the sorts of consequences on offer, and the like — **then** we assume **that** something similar **would hold for any similarly placed agent.** We do not think that the particular identity of agent A is relevant to what A ought to do, any more than we think that the particular location or date is relevant to that issue. In making an assumption about what holds for any agent in C-type circumstances, of course, we may not be committing ourselves to anything of very general import. It may be, for all the universalisability constraint requires, that C-type circumstances are highly specific: so specific, indeed, that no other agent is ever likely to confront them.

There is no difficulty in seeing how the universalisability challenge is supposed to be met under consequentialist doctrine. **Suppose that I accept consequentialis[m]**t doctrine **and believe** of an agent that in their particular circumstances, C, he or she ought to choose an option O. For simplicity, suppose that I am myself that agent and that as a believer in consequentialism I think of myself that I ought to do O in C. **If that option** really **is right** by my consequentialist lights, **then that will be because of the neutral values that it promotes. But if those neutral values make O the right option for me in those circumstances, so they will make it the right option for any other agent in such circumstances.** Thus I can readily square the prescription to which my belief in consequentialism leads with my belief in universalisability. I can happily universalise my self-prescription to a prescription for any arbitrary agent in similar circumstances. In passing, a comment on the form of the prescription that the universalisability challenge will force me to endorse. I need not think that it is right that in the relevant circumstances every agent do O; that suggests a commitment to a collective pattern of behaviour. I will only be forced to think, in a person-by-person or distributive way, that for every agent it is right that in those circumstances he or she do O. Let doing O in C amount to swimming to the help of a child in trouble. Universalisability would not force me to think that everyone ought to swim to the help of a child in such a situation; undoubtedly they would frustrate one another’s efforts. It only requires me to think, as we colloquially put it, that anyone ought to swim to the help of the child; it only requires a person-by-person prescription, not a collective one. So much for the straightforward way in which consequentialism can make room for universalisability. But how is the universalisability challenge supposed to be met under non-consequentialist theories? **According to non-consequentialist theory, the right choice for any agent is to instantiate a certain pattern, P;** this may be the pattern of conforming to the categorical imperative, manifesting virtue, respecting rights, honouring their special obligations, or whatever. **Suppose that I accept such a theory and that it leads me to say** of an agent — again, let us suppose, myself — **that I ought to choose O in** these circumstances, **C,** or that O is the right choice for me in these circumstances. Can I straightforwardly say, as I could under consequentialist doctrine, that just for the reasons that O is the right choice for me — in this case, that it involves instantiating pattern, P — so it will be the right choice for any agent in C-type circumstances? I shall argue that there are difficulties in the path of such a straightforward response and that these raise a problem for non-consequentialism. The problem **Suppose that I do say**, in the straightforward way, **that pattern P requires, not just that I do O in C, but also**, for any agent whatsoever, that **that [any] agent should do O in C as well.** Suppose I say, in effect, that it is right for me to do O in C only if it would be right for any agent X to do O in C. **Whatever makes it right that I do O in C makes it right, so the response goes, that any agent do O in C.**

**This respons**e is going to **lead[s]** me, as **a non-consequentialist** thinker**, into trouble. Judging that something is right gives one a normative reason to prefer it**; **the judgment of rightness must provide such a reason if it is to have an action-guiding role. When I think that it is right that I do O in C,** therefore, **then I commit myself to there being a normative reason for me to prefer that I do O. And when I assert that it is right that anyone should do O in C**-type circumstances**, then I commit myself** — again, because of the reason-giving force of the notion of rightness — **to there being a normative reason** for holding a broader preference. I commit myself to there being a normative reason for me **to prefer**, with any agent whatsoever, that in C-type circumstances **that [any] agent do O**.

The problem with **these reasons** and these commitments, **however**, is that they may **come apart. For it is often** going to be **possible that**, perversely, **the best way for me to ensure** or increase the chance **that** for **any arbitrary agent**, X, that agent **does O in C**-type circumstances**, is to choose non-O myself in those circumstances**. The best way to satisfy the preference as to what the arbitrarily chosen agent should do may be to go against the preference as to what one should do oneself. The best way to get people to renounce violence may be to take it up oneself; the best way to get people to help their own children may be not to press for the advantage of one’s own; the best way to minimise murder may to commit a murder; and so on. More generally, **the best way to promote the instantiation of pattern, P**, where this is the basic pattern to which one swears non-consequentialist allegiance, **may be to flout that pattern oneself.** The best way to increase the chance that for any arbitrary agent, X, that agent instantiates P may be not to instantiate P oneself. How can I avoid the conclusion that in such a perverse situation I ought to promote the overall instantiation of my cherished pattern, even at the cost of not instantiating it myself? How, in other words, am I to keep faith with the non-consequentialist commitment to the rightness of instantiating P, even where this means that the overall realisation of the pattern falls short of what it might have been? It is hardly going to be plausible for me to say that normative reasons bearing on preferences over my own choices trump normative reasons bearing on preferences over how other people behave. Both sorts of reasons are supported in the common language of what is the right choice or of what ought to be done. And it would surely run against the spirit of universalisability — the spirit in which I deny that my own particular identity is important to the prescription defended — to say that a reasoned preference as to what I do myself should not be responsive to a similarly reasoned preference as to what people in general do — what arbitrary agent, X, does — in the sorts of circumstances in question. The upshot is **that if as a non-consequentialist** theorist **I** straightforwardly **universalise** the prescription that in a certain situation I should instantiate a favoured **pattern, P, then** the prescription to which I thereby commit myself — that in that situation any X ought to instantiate pattern, P — may force me to revise my original self-prescription. **I have equal reason to prefer both that I instantiate P and that any agent instantiate P** — this reason is expressed by the use of the word ‘right’ or ‘ought’ in each case — **and the spirit of universalisability blocks me from treating myself as** in any way **special. Thus, if the preferences are inconsistent in a certain situation** — if the choice is between my instantiating P alone, for example, or my acting so that many others instantiate P instead — **then I will have reason not to instantiate P myself**.As a would-be non-consequentialist thinker, my initial claim must have been that the point is to instantiate P in my own life, not promote it generally. But I countenance the general claims of the P-pattern **when I universalise** in the straightforward way: **I prescribe general conformity to that pattern, not just conformity in my own case. Thus** it now seems that what I must think is that this general conformity is to be promoted, even if that means not myself instantiating the pattern in my own behaviour or psychology or relationships. It seems that what **I must embrace**, in effect, is a **consequentialism** in which conformity to pattern P is the ultimate value to be promoted.

#### [6] Existential risk comes first under any framework

**Ord 20** Toby Ord [Australian philosopher. He founded Giving What We Can, an international society whose members pledge to donate at least 10% of their income to effective charities], “The Precipice” Hachette Books, 2020 // Lex CH [Recut by Lex AKo]

But **an existential catastrophe is not** just **a catastrophe that destroys a particularly large number of lives. It destroys our potential**. My mentor, Derek Parfit, asked us to imagine a devastating nuclear war killing 99 percent of the world’s people.19 **A war that would leave behind a dark age lasting centuries, before the survivors could eventually rebuild civilization to its former heights; humbled, scarred—but undefeated. Now compare this with a war killing a full 100 percent of the world’s people. This second war would be worse, of course, but how much worse? Either war would be the worst catastrophe in history. Either would kill billions.** **The second war would involve tens of millions of additional deaths, and so would be worse for this reason**. But there is another, far more significant difference between the two wars. **Both wars kill billions of humans; but the second war kills humanity**. **Both wars destroy our present; but the second war destroys our future. It is this qualitative difference in what is lost with that last percent that makes existential catastrophes unique, and that makes reducing the risk of existential catastrophe uniquely important. 20 In expectation, almost all humans who will ever live have yet to be born.** Absent catastrophe, **most generations are future generations.** As the writer Jonathan Schell put it: The procession of generations that extends onwards from our present leads far, far beyond the line of our sight, and, compared with these stretches of human time, which exceed the whole history of the earth up to now, our brief civilized moment is almost infinitesimal. Yet we threaten, in the name of our transient aims and fallible convictions, to foreclose it all. **If our species does destroy itself, it will be a death in the cradle—a case of infant mortality**. 21 And because, in expectation, **almost all of humanity’s life lies in the future, almost everything of value lies in the future as well**: almost all the flourishing; almost all the beauty; our greatest achievements; our most just societies; our most profound discoveries. 22 We can continue our progress on prosperity, health, justice, freedom and moral thought. **We can create a world of wellbeing and flourishing that challenges our capacity to imagine. And if we protect that world from catastrophe, it could last millions of centuries**. This is our potential—what we could achieve if we pass the Precipice and **continue striving for a better world**. **It is this view of the future—the immense value of humanity’s potential —that most persuades me to focus my energies on reducing existential risk. When I think of the millions of future generations yet to come, the importance of protecting humanity’s future is clear to me**. **To risk destroying this future**, for the sake of some advantage limited only to the present, **seems** to me profoundly parochial and **dangerously short-sighted**. Such neglect privileges a tiny sliver of our

### 1AC—Debris

#### Incoming mega-constellations of satellites ensure unmanageable space debris, triggering the Kessler Syndrome.

Boley & Byers 21 [Aaron C., Department of Physics and Astronomy @ The University of British Columbia\*, and Michael, Department of Political Science @ The University of British Columbia; Published: 20 May 2021; Scientific Reports; “Satellite mega-constellations create risks in Low Earth Orbit, the atmosphere and on Earth,” <https://www.nature.com/articles/s41598-021-89909-7>] brett

Companies are placing satellites into orbit at an unprecedented frequency to build ‘mega-constellations’ of communications satellites in Low Earth Orbit (LEO). In two years, the number of active and defunct satellites in LEO has increased by over 50%, to about 5000 (as of 30 March 2021). SpaceX alone is on track to add 11,000 more as it builds its Starlink mega-constellation and has already filed for permission for another 30,000 satellites with the Federal Communications Commission (FCC)1. Others have similar plans, including OneWeb, Amazon, Telesat, and GW, which is a Chinese state-owned company2. The current governance system for LEO, while slowly changing, is ill-equipped to handle large satellite systems. Here, we outline how applying the consumer electronic model to satellites could lead to multiple tragedies of the commons. Some of these are well known, such as impediments to astronomy and an increased risk of space debris, while others have received insufficient attention, including changes to the chemistry of Earth’s upper atmosphere and increased dangers on Earth’s surface from re-entered debris. The heavy use of certain orbital regions might also result in a de facto exclusion of other actors from them, violating the 1967 Outer Space Treaty. All of these challenges could be addressed in a coordinated manner through multilateral law-making, whether in the United Nations, the Inter-Agency Debris Committee (IADC), or an ad hoc process, rather than in an uncoordinated manner through different national laws. Regardless of the law-making forum, mega-constellations require a shift in perspectives and policies: from looking at single satellites, to evaluating systems of thousands of satellites, and doing so within an understanding of the limitations of Earth’s environment, including its orbits.

Thousands of satellites and 1500 rocket bodies provide considerable mass in LEO, which can break into debris upon collisions, explosions, or degradation in the harsh space environment. Fragmentations increase the cross-section of orbiting material, and with it, the collision probability per time. Eventually, collisions could dominate on-orbit evolution, a situation called the Kessler Syndrome3. There are already over 12,000 trackable debris pieces in LEO, with these being typically 10 cm in diameter or larger. Including sizes down to 1 cm, there are about a million inferred debris pieces, all of which threaten satellites, spacecraft and astronauts due to their orbits crisscrossing at high relative speeds. Simulations of the long-term evolution of debris suggest that LEO is already in the protracted initial stages of the Kessler Syndrome, but that this could be managed through active debris removal4. The addition of satellite mega-constellations and the general proliferation of low-cost satellites in LEO stresses the environment further5,6,7,8.

Results

The overall setting

The rapid development of the space environment through mega-constellations, predominately by the ongoing construction of Starlink, is shown by the cumulative payload distribution function (Fig. 1). From an environmental perspective, the slope change in the distribution function defines NewSpace, an era of dominance by commercial actors. Before 2015, changes in the total on-orbit objects came principally from fragmentations, with effects of the 2007 Chinese anti-satellite test and the 2009 Kosmos-2251/Iridium-33 collisions being evident on the graph.

Figure 1

[Figure 1 omitted]

Cumulative on-orbit distribution functions (all orbits). Deorbited objects are not included. The 2007 and 2009 spikes are a Chinese anti-satellite test and the Iridium 33-Kosmos 2251 collision, respectively. The recent, rapid rise of the orange curve represents NewSpace (see "Methods").

Full size image

Although the volume of space is large, individual satellites and satellite systems have specific functions, with associated altitudes and inclinations (Fig. 2). This increases congestion and requires active management for station keeping and collision avoidance9, with automatic collision-avoidance technology still under development. Improved space situational awareness is required, with data from operators as well as ground- and space-based sensors being widely and freely shared10. Improved communications between satellite operators are also necessary: in 2019, the European Space Agency moved an Earth observation satellite to avoid colliding with a Starlink satellite, after failing to reach SpaceX by e-mail. Internationally adopted ‘right of way’ rules are needed10 to prevent games of ‘chicken’, as companies seek to preserve thruster fuel and avoid service interruptions. SpaceX and NASA recently announced11 a cooperative agreement to help reduce the risk of collisions, but this is only one operator and one agency.

Figure 2

[Figure 2 omitted]

Orbital distribution and density information for objects in Low Earth Orbit (LEO). (Left) Distribution of payloads (active and defunct satellites), binned to the nearest 1 km in altitude and 1° in orbital inclination. The centre of each circle represents the position on the diagram, and the size of the circle is proportional to the number of satellites within the given parameter space. (Right) Number density of different space resident objects (SROs) based on 1 km radial bins, averaged over the entire sky. Because SRO objects are on elliptical orbits, the contribution of a given object to an orbital shell is weighted by the time that object spends in the shell. Despite significant parameter space, satellites are clustered in their orbits due to mission requirements. The emerging Starlink cluster at 550 km and 55° inclination is already evident in both plots (Left and Right).

Full size image

When completed, Starlink will include about as many satellites as there are trackable debris pieces today, while its total mass will equal all the mass currently in LEO—over 3000 tonnes. The satellites will be placed in narrow orbital shells, creating unprecedented congestion, with 1258 already in orbit (as of 30 March 2021). OneWeb has already placed an initial 146 satellites, and Amazon, Telesat, GW and other companies, operating under different national regulatory regimes, are soon likely to follow.

Enhanced collision risk

Mega-constellations are composed of mass-produced satellites with few backup systems. This consumer electronic model allows for short upgrade cycles and rapid expansions of capabilities, but also considerable discarded equipment. SpaceX will actively de-orbit its satellites at the end of their 5–6-year operational lives. However, this process takes 6 months, so roughly 10% will be de-orbiting at any time. If other companies do likewise, thousands of de-orbiting satellites will be slowly passing through the same congested space, posing collision risks. Failures will increase these numbers, although the long-term failure rate is difficult to project. Figure 3 is similar to the righthand portion of Fig. 2 but includes the Starlink and OneWeb mega-constellations as filed (and amended) with the FCC (see “Methods”). The large density spikes show that some shells will have satellite number densities in excess of n=10−6 km−3.

Figure 3

[Figure 3 omitted]

Satellite density distribution in LEO with the Starlink and OneWeb mega-constellations as filed (and amended) with the FCC. Provided that the orbits are nearly circular, the number densities in those shells will exceed 10–6 km−3. Because the collisional cross-section in those shells is also high, they represent regions that have a high collision risk whenever debris is too small to be tracked or collision avoidance manoeuvres are impossible for other reasons.

Full size image

Deorbiting satellites will be tracked and operational satellites can manoeuvre to avoid close conjunctions. However, this depends on ongoing communication and cooperation between operators, which at present is ad hoc and voluntary. A recent letter12 to the FCC from SpaceX suggests that some companies might be less-than-fully transparent about events13 in LEO.

Despite the congestion and traffic management challenges, FCC filings by SpaceX suggest that collision avoidance manoeuvres can in fact maintain collision-free operations in orbital shells and that the probability of a collision between a non-responsive satellite and tracked debris is negligible. However, the filings do not account for untracked debris6, including untracked debris decaying through the shells used by Starlink. Using simple estimates (see “Methods”), the probability that a single piece of untracked debris will hit any satellite in the Starlink 550 km shell is about 0.003 after one year. Thus, if at any time there are 230 pieces of untracked debris decaying through the 550 km orbital shell, there is a 50% chance that there will be one or more collisions between satellites in the shell and the debris. As discussed further in “Methods”, such a situation is plausible. Depending on the balance between the de-orbit and the collision rates, if subsequent fragmentation events lead to similar amounts of debris within that orbital shell, a runaway cascade of collisions could occur.

Fragmentation events are not confined to their local orbits, either. The India 2019 ASAT test was conducted at an altitude below 300 km in an effort to minimize long-lived debris. Nevertheless, debris was placed on orbits with apogees in excess of 1000 km. As of 30 March 2021, three tracked debris pieces remain in orbit14. Such long-lived debris has high eccentricities, and thus can cross multiple orbital shells twice per orbit. A major fragmentation event from a single satellite could affect all operators in LEO.

Even if debris collisions were avoidable, meteoroids are always a threat. The cumulative meteoroid flux15 for masses m > 10–2 g is about 1.2 × 10–4 meteoroids m−2 year−1 (see “Methods”). Such masses could cause non-negligible damage to satellites16. Assuming a Starlink constellation of 12,000 satellites (i.e. the initial phase), there is about a 50% chance of 15 or more meteoroid impacts per year at m > 10–2 g. Satellites will have shielding, but events that might be rare to a single satellite could become common across the constellation.

One partial response to these congestion and collision concerns is for operators to construct mega-constellations out of a smaller number of satellites. But this does not, individually or collectively, eliminate the need for an all-of-LEO approach to evaluating the effects of the construction and maintenance of any one constellation.

#### Debris triggers miscalculated war.

Dockrill 16 [Peter; 2016; Award-winning science & technology journalist. “Space Junk Accidents Could Trigger Armed Conflict, Study Finds.” <https://www.sciencealert.com/space-junk-accidents-could-trigger-armed-conflict-expert-warns>] brett

The increasingly crowded space in Earth's low orbit could set the stage for an international armed conflict, says a new study. Researchers from the Russian Academy of Sciences warn that accidents stemming from the steady rise in space junk floating around the planet could incite political rows and even warfare, with nations potentially mistaking debris-caused incidents as the results of intentional aggressive acts by others. In a paper published in Acta Astronautica, the team suggests that space debris in the form of spent rocket parts and other fragments of hardware hurtling at high speed pose a "special political danger" that could dangerously escalate tensions between nations. According to the study, destructive impacts caused by random space junk cannot easily be told apart from military attacks. "The owner of the impacted and destroyed satellite can hardly quickly determine the real cause of the accident," the authors write. The risks of such an event occurring are compounded by the sheer volume of debris now orbiting Earth. Recent figures from NASA indicate that there are more than 500,000 pieces of space junk currently being tracked in orbit, travelling at speeds up to 28,160 km/h (17,500 mph). The majority of those objects are small – around the size of a marble – but some 20,000 of them are bigger than a softball. In addition to these 500,000 or so fragments – which are big enough for scientists to know about them – NASA estimates that there are millions of undetectable pieces of debris in orbit that are too small to be monitored. But even extremely small fragments such as these pose a threat – in fact, they're considered a greater risk than trackable debris, as their invisible status means spacecraft and satellites can't do anything to avoid them until it's too late. As NASA observed in 2013: "Even tiny paint flecks can damage a spacecraft when travelling at these velocities. In fact a number of space shuttle windows have been replaced because of damage caused by material that was analysed and shown to be paint flecks… With so much orbital debris, there have been surprisingly few disastrous collisions." While we may have been lucky in the past, we can't rely on that to continue. The study by the Russian team cites the repeated sudden failures of defence satellites in past decades that were never explained. The researchers attribute two possible causes: either unrecorded collisions with space junk, or aggressive actions from adversaries. "This is a politically dangerous dilemma," the authors write.

#### **It goes nuclear.**

Johnson 14 [Les, Baen science fiction author, popular science writer, and NASA technologist. “Living without satellites”. <https://www.baen.com/living_without_satellites>.] brett

Satellite imagery is used by the military and our political leaders to maintain the peace. When your potential adversaries can’t hide what they’re doing, where their armies are moving and what they are doing with their civilian and military infrastructure, then the danger of surprise attack is diminished. In our nuclear age with instant death only minutes away by missile attack, the doctrine of Mutual Assured Destruction (MAD) only works if both sides know whether or not they are being attacked. The launch of missiles or a bomber fleet can easily be seen from space far in advance of either reaching their potential targets halfway around the globe. The danger of surprise attack is therefore small, making an accidental war far less likely. So what does all this mean? And what do we do about it? First of all, it means that the advocates of space development, exploration and commercialization have succeeded far beyond their initial expectations and dreams. The economies and security of countries in the developed world are now dependent on space satellites. We space advocates should celebrate our success and be terrified of it at the same time. Should we lose these fragile assets in space, our economy would experience a disruption like no other: ship, air and train travel would stop and only restart/operate in a much-reduced capacity for years (GPS loss). Many banking and retail transactions would cease (VSAT loss). Distribution of news and vital national information would be crippled (communications satellite loss). Lives would be put at risk and the productivity of our farming would dramatically decrease (weather satellite loss). The risk of war, including nuclear war, would increase (loss of spy satellites) and our military’s ability to react to crises would be significantly reduced (loss of military logistics and intelligence gathering satellites).

#### Nuclear war causes extinction.

Trevithick and Rogoway ’19 [Joseph and Tyler; February 27; Military Analyst, M.A. in Conflict Resolution from Georgetown University, B.A. in the History and Policy of International Relations at Carnegie-Mellon University; Defense Journalist; The Drive, “Yes, India And Pakistan Could End The World As We Know It Through A Nuclear Exchange,” <https://www.thedrive.com/the-war-zone/26674/yes-india-and-pakistan-could-end-the-world-as-we-know-it-through-a-nuclear-exchange>] brett

A global threat

India and Pakistan's nuclear arsenals are tiny compared to those of the [United States and Russia](http://thedrive.com/the-war-zone/26013/russia-says-its-own-new-weapons-are-exempt-after-accusing-u-s-of-violating-nuclear-arms-deal), and these weapons are focused primarily on deterring each other, but that does not mean they're purely regional threats. Unlike conventional weapons, nuclear weapons create lasting and far-reaching effects that scientists have posited could upend life on Earth if warring parties were to use them in sufficient numbers.

[In 2012](http://climate.envsci.rutgers.edu/pdf/RobockToonSAD.pdf), Alan Robock, a distinguished professor in the Department of Environmental  Sciences and Associate Director of the Center for Environmental Prediction at Rutgers University, and Owen Brian Toon, a professor in the Department of Atmospheric and Oceanic Sciences and a research associate at  the Laboratory for Atmospheric and Space Physics at the University of Colorado, Boulder, argued that it might not take a large amount of nuclear weapons to create a scenario commonly known as "[Nuclear Winter](https://en.wikipedia.org/wiki/Nuclear_winter)."

In general, this hypothesized event occurs when smoke and soot from nuclear explosions block significant amounts of sunlight from reaching the earth's surface, leading to a precipitous drop in temperatures that results in mass crop failure and widespread famine.

Robcock and Toon summarized their findings, which were based in part on their previous work, in an article in the Bulletin of The Atomic Scientists, [writing](http://climate.envsci.rutgers.edu/pdf/RobockToonSAD.pdf):

"Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs – only about 0.03 percent of the global nuclear arsenal's explosive power – as airbursts in urban areas, could produce so much smoke that temperatures would fall below those of the [Little Ice Age](https://en.wikipedia.org/wiki/Little_Ice_Age) of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about 20 percent for four years, and by 10 percent for a decade.

The bomb the United States dropped on Hiroshima Japan, known as [Little Boy](https://en.wikipedia.org/wiki/Little_Boy), was an inefficient and essentially experimental design with a yield of around 15 kilotons. The reported results from [Indian](https://en.wikipedia.org/wiki/List_of_nuclear_weapons_tests_of_India) and Pakistani nuclear testing indicate that both countries can meet this threshold and both countries' weapons programs have almost certainly matured in the decades since.

In previous studies, Robcock, working with others, postulated that temperature changes could begin within 10 days of a limited nuclear exchange and the effects from the detonations of 100 nuclear weapons in the 15-kiloton class would directly result in the deaths of [at least 20 million people](http://www.nucleardarkness.org/warconsequences/fivemilliontonsofsmoke/). The second order impacts would be even worse in the years that followed.

In 2014, Michael Mills and Julia Lee-Taylor, both then working at the federally-funded National Center for Atmospheric Research's (NCAR) Earth System Laboratory, authored another paper with Robcock and Toon. This [study concluded](https://web.archive.org/web/20140308191334/http:/acd.ucar.edu/~mmills/pubs/2014_EarthsFuture_Mills_et_al.pdf) again that detonation of 100 15-kiloton yield bombs in a purely regional conflict would result in "multi-decadal global cooling" and "would put significant pressures on global food supplies and could trigger a global nuclear famine."

It is important to note that[critics have questioned](https://en.wikipedia.org/wiki/Nuclear_winter#Critical_response_to_the_more_modern_papers) whether the Nuclear Winter concept relies on too many assumptions and would ever actually occur. At the center of many of these rebuttals are debates about whether the nuclear explosions would truly create the amount of smoke and soot necessary for major climate change, as well as the specific conditions for those particles to remain in the atmosphere for a prolonged period of time.

The studies here do indicate significant impacts based on a relatively limited number of nuclear detonations of smaller yield devices, though. But even if the impacts are less pronounced than projected in this particular scenario, they could be far more severe if India and Pakistan were to use a larger number weapons and/or ones of higher yields, which both belligerents readily have.

In addition, Nuclear Winter is just one of the potential things that might happen following a nuclear exchange between the longtime foes. A detonation of dozens of nuclear weapons, even small ones, would throw hazardous nuclear fallout [into the air](http://thedrive.com/the-war-zone/19450/u-s-training-for-arctic-nuclear-satellite-disaster-amid-russian-weapons-developments) that, depending on the weather pattern, could carry that material [far and wide](https://futureoflife.org/background/us-nuclear-targets/?cn-reloaded=1#nukemap), causing both near- and short-term health impacts. The various [ground zeroes](https://nuclearsecrecy.com/nukemap/) themselves would be irritated and potentially hazardous for many years to come.

Depending on where the detonations occur, a nuclear exchange could potentially cut people off from critical water and food supplies, putting increased and potentially unsustainable strains on uncontaminated areas.  After the Chernobyl nuclear power plant, situated in Ukraine, [melted down and exploded](https://en.wikipedia.org/wiki/Chernobyl_disaster) in 1986, authorities established a 1,000 square mile restricted access "[exclusion zone](https://en.wikipedia.org/wiki/Chernobyl_Exclusion_Zone)" that remains in place today.

There would also be a major danger of second-order "spillover" effects, as individuals fled affected areas, putting economic and political strains on neighboring regions. This could inflame existing tensions not directly related to the inter-state conflict between India or Pakistan or lead to all new and potentially violent competition for what might already be limited resources. India has already threatened to [weaponize water access](https://www.nytimes.com/2019/02/21/world/asia/india-pakistan-water-kashmir.html) in its latest spat with the Pakistanis.

Any serious impacts on food and water supplies, or other economic upheavals as a direct or indirect result of the conflict, would have cascading impact across South Asia and beyond, as well. The very threat of a potential India-Pakistan war of any kind already caused [some negative reactions](https://www.cnbc.com/2019/02/27/indian-air-force-plane-crashes-in-kashmir-says-indian-police-official.html) in regional financial markets. Those markets would certainly collapse after an unprecedented nuclear exchange actually occurred, and that is before the long-term physical impacts of such an event would even manifest themselves.

Overall, we are talking about a sudden and dramatic geopolitical, financial, and environmental shift that would change our reality in a matter of hours. Even then, the darkness, both figuratively and literally, that could propagate over the weeks, months, and years would be far more damaging.

How great is the risk?

So far, India and Pakistan have not made any clear indications that the fighting is close to crossing their nuclear thresholds. Pakistan's warnings about the [risks of escalation](http://thedrive.com/the-war-zone/26642/pakistan-promises-retaliation-makes-nuclear-threats-after-indian-jets-bomb-its-territory) seem more calculated to try and prompt India to back down.

India itself has a so-called "no first use" policy, which means it has publicly pledged to use its nuclear weapons only in retaliation to a nuclear strike. However, experts have increasingly called into question whether this is truly the case and whether India might be developing delivery systems more suited to a first strike should there be a need to shift policies.

Pakistan, however, does not have a no first use policy and has insisted on its right to employ nuclear weapons to defend itself even in the face of purely conventional threat. Pakistani officials have, in the past, [specifically cited this policy](https://www.cfr.org/event/promoting-us-pakistan-relations-future-challenges-and-opportunities) as way of deterring India, which has a much larger and in some cases more advanced conventional force, and preventing larger wars.

The concern, then, is that this policy appears to have failed, at least to some degree, with India's strike on undisputed Pakistani territory on Feb. 26, 2019. India, however, did not target Pakistani forces in that instance and exchanges between the two countries have been limited, at least so far, to the disputed Jammu and Kashmir region, where violent skirmishes occur semi-regularly without precipitating a larger confrontation.

We can only hope that the two countries will find a diplomatic solution to this latest conflict and avoid any further escalation. If things were to spiral out of control and lead to the use of nuclear weapons, it would be something that would threaten all of humanity.

#### Cascading debris collapses satellites.

Kessler et al., 18 [Donald J. Kessler\* American astrophysicist and former NASA scientist known for his studies regarding space debris. Kessler has received numerous awards for his pioneering work, the most recent being the 2010 Dirk Brower Award for his half-century career in astrodynamics. Dr. Holder Krag\*\* Head of the Space Debris Office at the European Space Agency and has been a Space Debris Analyst in the Space Debris Office since 2006. Asher Isbrucker\*\*\*, Writer & Video Producer; 11-2-2018; "Kessler Syndrome: What Happens When Satellites Collide," Medium, <https://asherkaye.medium.com/kessler-syndrome-what-happens-when-satellites-collide-1b571ca3c47e>] brett

Donald Kessler: The worst case scenario is that you end up creating enough debris that it’s not cost-effective to depend on space. Now, that may take a long time, but because it’s a non-reversible process, once you’ve reached a certain threshold where you’re generating debris from these collisions faster than it can be cleaned out, it’ll just continually get worse unless you can do something drastic. Holger Krag: If we continue operating the way we do today, we will have a disaster in 50 years, in 100 years. It compares quite nicely to the CO2 issue, and the climate on ground, so it’s not our generation suffering from all the CO2 released into the atmosphere, it is future generations, but it is our generation that has to take the action. And the space debris problem is quite similar. DK: My name’s Don Kessler, I worked for NASA till 1996 as the senior researcher for orbital debris. I started the program back in 1979, and the program is still very active today. In the 1960s my main job was to define the interplanetary meteoroid environment. At the time, the only space debris NASA had to be concerned about were meteoroids, many of which are generated from collisions in the asteroid belt. These asteroid collisions are a cascading phenomenon, meaning every collision creates more ammunition for future collisions. It’s a positive feedback loop. Don was studying this phenomenon when he started to consider an interesting question: DK: When will the same phenomenon start happening in the Earth’s orbit? When will this same kind of cascading occur with satellites? And it was just a matter of curiosity as to what that number may be, and actually when I did the calculations, I was really shocked at the answer that it would happen so soon. Don published a paper in 1978 proposing this scenario, predicting that we’d start to see satellite collisions in Earth orbit by the year 2000. Just like in the asteroid belt, these satellite collisions would trigger a domino effect: creating a whole bunch of debris which causes more collisions, creating more debris, and so on. His main point: once the process starts, it’ll be nearly impossible to stop. This self-perpetuating phenomenon, this domino effect, became known as Kessler Syndrome. The first accidental collision occurred in 1996, when a French satellite was struck by a piece of a rocket thruster that had exploded ten years earlier, severing its stabilization boom and, for the first time, demonstrating how entangled the orbital environment has become. HK: In 2009 a collision happened that was by far more dramatic. The event he’s referring to was the first collision between two intact satellites: the Russian satellite Kosmos and an American Iridium. And that was the first catastrophic accidental collision that got everybody’s attention because not only did they realize how much debris is generated when something like that occurs but that we are now entering this phase of what we’re calling the Kessler Syndrome. Just two years earlier the Chinese military conducted a controversial anti-satellite test, intercepting one of their own defunct weather satellites with a kinetic kill vehicle — a non-explosive missile which relies on sheer speed of impact to destroy its target. It blew the satellite to smithereens and created just a huge mess, it was really bad. DK: And unfortunately it was something they should have known not to do. Yeah, that’s because the US did the same thing back in 1985 — the first anti-satellite test, with more or less the same results. DK: We at NASA tried to delay that or stop that because, we said it’s going to create enough debris that we’ll have to add more shielding to the space station which was planned to be launched a few years later. And nobody believed it would make that much debris, but it did. All of these collisions, accidental or otherwise, make a big mess of junk zipping around the Earth called space debris. It accounts for 95% of the objects in Low Earth orbit, and comes in all shapes and sizes. It’s technically defined as any nonfunctional object in orbit, so there’s big stuff like rocket thrusters and defunct satellites, but the vast majority are little bits and pieces called fragmentation debris. Many of these fragments come from explosions caused by residual fuel and other explosive energy sources self-igniting under the extreme conditions of space. These explosions happen more often than you might think, and as catastrophic and messy as these explosions are, collisions are even worse due to the incredible amount of kinetic energy involved. At the velocities objects travel in Lower Earth Orbit (speeds known as hypervelocity) even an object as tiny as a screw can deliver an incapacitating strike to a satellite. In fact, NASA has repeatedly had to replace shuttle windows due to hypervelocity impacts by flecks of paint. HK: These are velocities, we have no example nor anything that compares to that on ground. So the energy involved in these collisions is extremely high. A 1 cm object that size like a cherry hitting a satellite with 10 km/s, the energy released by this corresponds roughly to an exploding grenade. You can imagine what the satellite looks like after that. DK: Yes, let me know show you something. This is something that was shot in the lab, it’s a projectile about the size of a BB, and it makes a crater into, this is solid aluminum, and this was only going about 5 km/s, about half the speed of what you would expect in space. Most of this is happening in Low Earth Orbit, the 2000 km strip of space above our heads where we’ve packed the vast majority of our satellites, including the International Space Station and the Hubble Space Telescope. The most crowded section is between 500 and 1000 km up. It’s the densest region, it’s the Highway 401 of space. DK: And that’s what’s creating the problem because we’ve crowded so much stuff in that small region. And the probability of collision goes as the square of the spatial density. So you double the number of satellites, you get four times as many collisions. Now, the space station usually flies around 300 km but the debris that’s generated at that higher altitude is being thrown down and drifting down to the lower altitudes. HK: If you look at the space station surface you will find craters everywhere, impact craters caused by debris everywhere. Whenever you bring hardware down and inspect it on ground you find craters of all sizes. What do we do with this? How do you protect the life of the astronauts? The only thing you can do is shielding. And to protect against a hypervelocity impact you need a special type of lightweight shielding, called Whipple shielding. DK: Let me show you something else. The same particle that caused this kind of damage [image below, left] only caused this kind of damage [image below, right]on a surface with a very minor amount of shielding on it. And that’s, it’s almost a liquid splattered onto that. Most spacecraft utilize this type of shielding, which can withstand impacts from objects up to about one centimeter. Objects larger than a softball are catalogued and tracked by the US Space Surveillance Network. Tracking is imprecise, but allows spacecraft to dodge some of the debris that comes too close. This only works for objects larger than 10 cm or so. Anything smaller can’t be reliably tracked. For that reason, the most concerning objects are those between 1 and 10 cm; too large for shielding to withstand and too small to be tracked. These objects could incapacitate any spacecraft in their path, or worse. And with every future explosion and collision there will be more and more of these invisible projectiles going around. The problem gets worse when you consider how long objects can remain in orbit. Depending on altitude, debris in Low Earth Orbit may remain there for years, decades, or centuries before their orbit naturally decays enough to re-enter the Earth’s atmosphere. For example, look no further than ENVISAT; a defunct 8-tonne satellite operated by the European Space Agency until it lost contact in 2012, becoming a massive piece of space junk in the densest region of Earth orbit. ENVISAT will remain in orbit for 200 years if not removed. Experts hope to avoid an encore of ENVISAT and to mitigate Kessler Syndrome through the international adoption of two clean space policies. The first will prevent explosions by requiring so-called passivation of onboard energy sources. HK: Meaning, residual fuel must be either depleted, burned, released through a valve, whatever. That’s number one: no more explosions. DK: And the other is what we call a 25 year rule. Once you put something in orbit, after you finish using it you have 25 years to get it out. Either by moving up to a designated “graveyard orbit” where it will pose minimal risk to active spacecraft or more ideally, lowering its altitude so it will burn up in the atmosphere sooner. These policies aren’t difficult to follow and are beginning to be adopted internationally. HK: When we do these two things that would already make space flight pretty safe for the future. It would mean, if we do this systematically, the risk in the future would be almost the same as it is today. The mitigation measures they help to dampen the effect of the Kessler Syndrome, we are not talking about stopping it, we are talking about maintaining it on an acceptable level, the growth. But it will grow, even if we implement these two measures strictly. If we want to even prevent this growth, then we need to do active removal. DK: We’ve already concluded that it’s going to take something like removing 500 intact objects over the next 100 years in order to stabilize the Low Earth Orbit environment again. That works out to five objects per year for the next century, which at least seems achievable, right? The challenge though is that there’s no easy way to remove space debris. HK: We need to approach the object that are not under control anymore, and attach to them, dock with them, rendezvous them, capture them somehow, and then get rid of them in a controlled way. You can imagine this is not so easy. Experts are working on ways to remove debris, and there are several promising ideas in early development. There are reusable concepts like tethers and space tugs which can grab multiple objects per launch, which saves money. There are ground- or space-based lasers which can deorbit objects by kind of shooting them down, but these face political challenges. There are actually active satellites in space right now, the University of Surrey is controlling a spacecraft called RemoveDEBRIS which will use a harpoon to grab on to debris, that’s promising. And there’s another single-use option like ESA’s e.Deorbit, currently planned to retrieve and deorbit ENVISAT in 2023. Many of these ideas aren’t scalable, though, that’s the problem, they’re expensive and complicated, and missions like these are almost completely unprecedented. The pressure is on, though, because Kessler Syndrome isn’t waiting, and the consequences for space infrastructure are dire. HK: Today only half of the satellites actually disappear from space within the 25 years that are recommended as the maximum on orbit time. We still have five explosions every year. If we continue and not improve the way we do spaceflight, then in a few decades some regions of space might not be useable anymore for spaceflight, or it might be much too risky to go there. And that might mean that we either lose services from space that we rely on today, or they get more expensive. AI: Do you think something like Kessler Syndrome is inevitable? Are you optimistic that this can be managed properly, or do you think this is an inevitable issue for a spacefaring society? HK: I think it can be managed, it can be managed. I do believe it’s time for young people to take charge and there’s a lot of work to be done, and there’s enough people involved today that I’m confident that it’s going to be done. Much like other environmental and generational problems, Kessler Syndrome is invisible to us. When you look up at the night sky, you don’t see collisions and explosions and fragments of debris. If you’re lucky and the conditions are right, you might see one white speck drifting across the sky, a tiny testament to humankind’s highest collective ambitions. But that speck is at risk, along with all it represents, if we don’t address this invisible problem — because Kessler Syndrome isn’t waiting.

#### The modern food system relies on satellites. Collapse triggers global shocks to supply.

Tompkins 19 [Steven, Inmarsat’s Director of Sector Development for Agriculture. Head of Resilient and Sustainable Supply Chains Team at ADAS. Entrepreneurial manager with a sustained track record of building new profitable business streams for science-based organizations in the agri-food sector.; 3-18-2019; "Enabling the connected farm – the importance of satellite communications," Inmarsat, <https://www.inmarsat.com/blog/enabling-the-connected-farm-the-importance-of-satellite-communications/>] brett

The Agri-Tech Revolution, Agriculture 4.0, the smart and connected farm. There is no shortage of buzzwords hinting at a digitalised future, or solutions being touted as game-changing for the global agricultural industry. Commonly claimed benefits include increasing crop yields, and a reduction in input costs and the reliance on manual labour. Many of these solutions rely on reliable internet connectivity in the field to push data from one place to another, but there are still vast swathes of agricultural land that suffer from unreliable or non-existent connectivity, either lacking cellular or broadband connectivity. If we are to take advantage of the huge possibilities available to us, overcoming our connectivity challenges will be crucial. This is where satellite communications can help. When I tell people that I am an agriculturalist working for a satellite company, almost always the response is related to an experience of using space imagery (known as Earth Observation) to help automate processes such as crop scouting. But there is another breed of satellites that don’t produce images but do provide fast and reliable internet and voice communications across the world in areas that cellular and fibre connectivity cannot reach. Ubiquitous connectivity from satellites opens up huge possibilities for farmers in remote areas to take advantage of the Agri-Tech Revolution. In some cases, this is as simple as connecting frontline worker teams in large plantations to operations centres to prioritise workload and create efficiencies. Taking it one step further, satellite communications can be a bridge to enable farmers to connect data producing devices in the field (such as weather stations, sensors, data from farm machinery) to business applications. Known by the tech world as the ‘Internet of Things’ or IoT, this approach collects data from the field and harnesses it to support intelligent decision-making. For instance: obtaining real-time data on nutrient status in the field from NPK (Nitrogen Phosphorous and Potassium) sensors, alongside crop monitoring data and hyper-local weather that would allow you to make completely objective risk-based decisions on when and where to apply fertiliser. We know the industry is taking this proposition seriously – our own research told us that on average agriculture respondents expect to spend close to $1million on IoT solutions in the next three years and 72% of respondents would use satellite technology to support their projects. Of course, satellite isn’t the answer to everything and should be used in tandem with other connectivity types, and the good news is it’s easy to integrate with other connectivity technologies. With increasing demand to connect the physical world to the digital world, in some of the world’s remotest locations think of satellite not just as a series of images taken from space but an enabler to the Agri-Tech Revolution.

#### Food shortages go nuclear.

FDI 12 [FDI; a Research institute providing strategic analysis of Australia’s global interests; citing Lindsay Falvery, PhD in Agricultural Science and former Professor at the University of Melbourne’s Institute of Land and Environment (Future Directions International, , “Food and Water Insecurity: International Conflict Triggers & Potential Conflict Points,” <http://www.futuredirections.org.au/workshop-papers/537-international-conflict-triggers-and-potential-conflict-points-resulting-from-food-and-water-insecurity.html>] brett

There is a growing appreciation that the conflicts in the next century will most likely be fought over a lack of resources. Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany’s World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food. Yet the general sense among those that attended FDI’s recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, Small Farmers Secure Food, Lindsay Falvey, a participant in FDI’s March 2012 workshop on the issue of food and conflict, clearly expresses the problem and why countries across the globe are starting to take note. . He writes (p.36), “…if people are hungry, especially in cities, the state is not stable – riots, violence, breakdown of law and order and migration result.” “Hunger feeds anarchy.” This view is also shared by Julian Cribb, who in his book, The Coming Famine, writes that if “large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, bloody wars are liable to follow.” He continues: “An increasingly credible scenario for World War 3 is not so much a confrontation of super powers and their allies, as a festering, self-perpetuating chain of resource conflicts.” He also says: “The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources.” As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea andthe Balkans experienced such wars. Governments, especially in developed countries, are increasingly aware of this phenomenon. The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify famine as a potential trigger for conflicts and possibly even nuclear war.

#### Earth observation satellites key to warming adaptation

Alonso 18 [(Elisa Jiménez Alonso, communications consultant with Acclimatise, climate resilience organization) “Earth Observation of Increasing Importance for Climate Change Adaptation,” Acclimatise, May 2, 2018, <https://www.acclimatise.uk.com/2018/05/02/earth-observation-of-increasing-importance-for-climate-change-adaptation/>] TDI

Earth observation (EO) satellites are playing an increasingly important role in assessing climate change. By providing a constant and consistent stream of data about the state of the climate, EO is not just improving scientific outcomes but can also inform climate policy.

Managing climate-related risks effectively requires accurate, robust, sustained, and wide-ranging climate information. Reliable observational climate data can help scientists test the accuracy of their models and improve the science of attributing certain events to climate change. Information based on projections from models and historic data can help decision makers plan and implement adaptation actions.

Providing information in data-sparse regions

Ground-based weather and climate monitoring systems only cover about 30% of the Earth’s surface. In many parts of the world such data is incomplete and patchy due to poorly maintained weather stations and a general lack of such facilities.

EO satellites and rapidly improving satellite technology, especially data from open access programmes, offer a valuable source information for such data-sparse regions. This is especially important since countries and regions with a lack of climate data are often particularly vulnerable to climate change impacts.

International efforts for systematic observation

The importance of satellite-based observations is also recognised by the international community. Following the recommendations of the World Meteorological Organization’s (WMO) Global Climate Observing System (GCOS) programme, the UNFCCC strongly encourages countries that support space agencies with EO programmes to get involved in GCOS and support the programme’s implementation. The Paris Agreement highlights the need for and importance of effective and progressive responses to the threat of climate change based on the best available scientific knowledge. This implies that climate knowledge needs to be strengthened, which includes continuously improving systematic observations of the Earth’s climate.

To meet the need of such systematic climate observations, GCOS developed the concept of the Essential Climate Variable, or ECV. According to WMO, an ECV “is a physical, chemical or biological variable or a group of linked variables that critically contributes to the characterization of Earth’ s climate.” In 2010, 50 ECVs which would help the work of the UNFCCC and IPCC were defined by GCOS. The ECVs, which can be seen below, were identified due to their relevance for characterising the climate system and its changes, the technical feasibility of observing or deriving them on a global scale, and their cost effectiveness.

The 50 Essential Climate Variables as defined by GCOS.

One effort supporting the systemic observation of the climate is the European Space Agency’s (ESA) Climate Change Initiative (CCI). The programme taps into its own and its member countries’ EO archives that have been established in the last three decades in order to provide a timely and adequate contribution to the ECV databases required by the UNFCCC.

Robust evidence supporting climate risk management

Earth observation satellites can observe the entire Earth on a daily basis (polar orbiting satellites) or continuously monitor the disk of Earth below them (geostationary satellites) maintaining a constant watch of the entire globe. Sensors can target any point on Earth even the most remote and inhospitable areas which helps monitor deforestation in vast tropical forests and the melting of the ice caps.

Without insights offered by EO satellites there would not be enough evidence for decision makers to base their climate policies on, increasing the risk of maladaptation. Robust EO data is an invaluable resource for collecting climate information that can inform climate risk management and make it more effective.

#### Warming causes extinction

Klein 14[(Naomi Klein, award-winning journalist, syndicated columnist, former Miliband Fellow at the London School of Economics, member of the board of directors of 350.org), *This Changes Everything: Capitalism vs. the Climate*, pp. 12-14]

In a 2012 report, the World Bank laid out the gamble implied by that target. “As global warming approaches and exceeds 2-degrees Celsius, there is a risk of triggering nonlinear tipping elements. Examples include the disintegration of the West Antarctic ice sheet leading to more rapid sea-level rise, or large-scale Amazon dieback drastically affecting ecosystems, rivers, agriculture, energy production, and livelihoods. This would further add to 21st-century global warming and impact entire continents.” In other words, once we allow temperatures to climb past a certain point, where the mercury stops is not in our control.¶ But the bigger problem—and the reason Copenhagen caused such great despair—is that because governments did not agree to binding targets, they are free to pretty much ignore their commitments. Which is precisely what is happening. Indeed, emissions are rising so rapidly that unless something radical changes within our economic structure, 2 degrees now looks like a utopian dream. And it’s not just environmentalists who are raising the alarm. The World Bank also warned when it released its report that “we’re on track to a 4-C warmer world [by century’s end] marked by extreme heat waves, declining global food stocks, loss of ecosystems and biodiversity, and life-threatening sea level rise.” And the report cautioned that, “there is also no certainty that adaptation to a 4-C world is possible.” Kevin Anderson, former director (now deputy director) of the Tyndall Centre for Climate Change, which has quickly established itself as one of the U.K’s premier climate research institutions, is even blunter; he says 4 degrees Celsius warming—7.2 degrees Fahrenheit—is “incompatible with an organized, equitable, and civilized global community.”¶ We don’t know exactly what a 4 degree Celsius world would look like, but even the best-case scenario is likely to be calamitous. Four degrees of warming could raise global sea levels by 1 or possibly even 2 meters by 2100 (and would lock in at least a few additional meters over future centuries). This would drown some island nations such as the Maldives and Tuvalu, and inundate many coastal areas from Ecuador and Brazil to the Netherlands to much of California and the northeastern United States as well as huge swaths of South and Southeast Asia. Major cities likely in jeopardy include Boston, New York, greater Los Angeles, Vancouver, London, Mumbai, Hong Kong, and Shanghai.¶ Meanwhile, brutal heat waves that can kill tens of thousands of people, even in wealthy countries, would become entirely unremarkable summer events on every continent but Antarctica. The heat would also cause staple crops to suffer dramatic yield losses across the globe (it is possible that Indian wheat and U.S. could plummet by as much as 60 percent), this at a time when demand will be surging due to population growth and a growing demand for meat. And since crops will be facing not just heat stress but also extreme events such as wide-ranging droughts, flooding, or pest outbreaks, the losses could easily turn out to be more severe than the models have predicted. When you add ruinous hurricanes, raging wildfires, fisheries collapses, widespread disruptions to water supplies, extinctions, and globe-trotting diseases to the mix, it indeed becomes difficult to imagine that a peaceful, ordered society could be sustained (that is, where such a thing exists in the first place).¶ And keep in mind that these are the optimistic scenarios in which warming is more or less stabilized at 4 degrees Celsius and does not trigger tipping points beyond which runaway warming would occur. Based on the latest modeling, it is becoming safer to assume that 4 degrees could bring about a number of extremely dangerous feedback loops—an Arctic that is regularly ice-free in September, for instance, or, according to one recent study, global vegetation that is too saturated to act as a reliable “sink”, leading to more carbon being emitted rather than stored. Once this happens, any hope of predicting impacts pretty much goes out the window. And this process may be starting sooner than anyone predicted. In May 2014, NASA and the University of California, Irvine scientists revealed that glacier melt in a section of West Antarctica roughly the size of France now “appears unstoppable.” This likely spells down for the entire West Antarctic ice sheet, which according to lead study author Eric Rignot “comes with a sea level rise between three and five metres. Such an event will displace millions of people worldwide.” The disintegration, however, could unfold over centuries and there is still time for emission reductions to slow down the process and prevent the worst. ¶ Much more frightening than any of this is the fact that plenty of mainstream analysts think that on our current emissions trajectory, we are headed for even more than 4 degrees of warming. In 2011, the usually staid International Energy Agency (IEA) issued a report predicting that we are actually on track for 6 degrees Celsius—10.8 degrees Fahrenheit—of warming. And as the IEA’s chief economist put it: “Everybody, even the school children, knows that this will have catastrophic implications for all of us.” (The evidence indicates that 6 degrees of warming is likely to set in motion several major tipping points—not only slower ones such as the aforementioned breakdown of the West Antarctic ice sheet, but possibly more abrupt ones, like massive releases of methane from Arctic permafrost.) The accounting giant PricewaterhouseCoopers as also published a report warning businesses that we are headed for “4-C , or even 6-C” of warming.¶ These various projections are the equivalent of every alarm in your house going off simultaneously. And then every alarm on your street going off as well, one by one by one. They mean, quite simply, that climate change has become an existential crisis for the human species. The only historical precedent for a crisis of this depth and scale was the Cold War fear that we were headed toward nuclear holocaust, which would have made much of the planet uninhabitable. But that was (and remains) a threat; a slim possibility, should geopolitics spiral out of control. The vast majority of nuclear scientists never told us that we were almost certainly going to put our civilization in peril if we kept going about our daily lives as usual, doing exactly what we were already going, which is what climate scientists have been telling us for years. ¶ As the Ohio State University climatologist Lonnie G. Thompson, a world-renowned specialist on glacier melt, explained in 2010, “Climatologists, like other scientists, tend to be a stolid group. We are not given to theatrical rantings about falling skies. Most of us are far more comfortable in our laboratories or gathering data in the field than we are giving interviews to journalists or speaking before Congressional committees. When then are climatologists speaking out about the dangers of global warming? The answer is that virtually all of us are now convinced that global warming poses a clear and present danger to civilization.”

### 1AC—Plan

#### Resolved: States ought to prohibit the appropriation of Low Earth Orbit by private entities.

#### A] Normal means is ratification of the Moon Treaty

**Mallick and Rajagopalan 19** ~~[(Senjuti Mallick, graduated from ILS Law College, Pune, in 2016. She was a Law Researcher at the High Court of Delhi from 2016 to 2018 and is currently pursuing LL.M in International Law at The Fletcher School of Law and Diplomacy, USA. She has been doing research on Outer Space Law since she was a student at ILS. Presently, she is working on different aspects of Space Law, in particular, Space debris mitigation and removal, and the law of the commons. She has published articles on Space Law in the All India Reporter Law Journal and The Hindu.)( Dr Rajeswari (Raji) Pillai Rajagopalan is the Director of the Centre for Security, Strategy and Technology (CSST) at the Observer Research Foundation, New Delhi.  Dr Rajagopalan was the Technical Advisor to the United Nations Group of Governmental Experts (GGE) on Prevention of Arms Race in Outer Space (PAROS) (July 2018-July 2019).  She was also a Non-Resident Indo-Pacific Fellow at the Perth USAsia Centre from April-December 2020.  As a senior Asia defence writer for The Diplomat, she writes a weekly column on Asian strategic issues.) "If space is ‘the province of mankind’, who owns its resources?" Occasional Papers, January 24, 2019, https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/~~] TDI   
A third possible option is to get a larger global endorsement of the Moon Treaty, which highlights the common heritage of mankind. The Moon Treaty is important as it addresses a "loophole" of the OST "by banning any ownership of any extraterrestrial property by any organization or private person, unless that organization is international and governmental."[~~[lxiv~~]](https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/#_edn64) But the fact that it has been endorsed only by a handful of countries makes it a "failure" from the international law perspective.[~~[lxv~~]](https://www.orfonline.org/research/if-space-is-the-province-of-mankind-who-owns-its-resources-47561/#_edn65) Nevertheless, efforts must be made to strengthen the support base for the Moon Agreement given the potential pitfalls of resource extraction and space mining activities in outer space. Signatories to the Moon Treaty can take the lead within multilateral platforms such as the UN to debate the usefulness of the treaty in the changed context of technological advancements and new geopolitical dynamics, and potentially find compromises where there are disagreements.

#### B] Unjust means unlawfully receiving something of value to which one is not entitled

Waters 98 [H. FRANKLIN WATERS, Senior District Judge. Colonia Ins. Co. v. City Nat. Bank, 13 F. Supp. 2d 891 - Dist. Court, WD Arkansas 1998] TDI \*\*bracketed for gendered violence

3. Unjust Enrichment

Plaintiffs allege in the amended complaint that Coleman has been unjustly enriched by all amounts he received from Welch and AGA. "To find unjust enrichment, a party must have received something of value, to which he [one] was not entitled and which he must restore." Coleman's Serv. Ctr., Inc. v. F.D.I.C., 55 Ark.App. 275, 299, 935 S.W.2d 289, 302 (1996) (citing Dews v. Halliburton Indus., Inc., 288 Ark. 532, 536, 708 S.W.2d 67, 69 (1986)). "However, there must be some operative act, intent, or situation to make the enrichment unjust and compensable." Sparks Regional Medical Ctr. v. Blatt, 55 Ark.App. 311, 317, 935 S.W.2d 304, 306 (1996) (citation omitted). "One who is free from fault cannot be held to be unjustly enriched merely because he has chosen to exercise a legal or contract right." Id. (citation omitted).

Arkansas law is clear on the issue that in the realm of unjust enrichment, the word "unjust" means "unlawful." "One is not unjustly enriched by receipt of that to which he is legally entitled. \* \* \* No recovery of money received can be based upon unjust enrichment when the recipient can show a legal or equitable ground for keeping it." Halvorson v. Trout, 258 Ark. 397, 403, 527 S.W.2d 573, 577 (1975) (quoting Whitley v. Irwin, 250 Ark. 543, 550-51, 465 S.W.2d 906, 910-11 (1971)). See also, Jackson County Grain Drying Coop. v. Newport Wholesale Electric, Inc., 9 Ark.App. 41, 46, 652 S.W.2d 638, 640 (1983) (no one shall be allowed to unjustly enrich himself at the expense of another; the word "unjustly" means "unlawfully").

Coleman contends that because he was an employee of AGA, he was entitled to the money he received as remuneration for his services, and, as such, he was not unjustly enriched. The court believes that, based on the reasons set forth above, a genuine issue of material fact exists as to whether Coleman knew that the source of the money he received from Welch and AGA, especially the bonuses and gifts, was plaintiffs' premiums. Therefore, Coleman is not entitled to summary judgment on plaintiffs' unjust enrichment claim.

#### The plan clarifies customary law to ban private satellite mega-constellations that appropriate Low Earth Orbit and solves otherwise detrimental space debris.

Johnson 20 [Chris, Space Law Advisor for Secure World Foundation, 9 years of professional experience in international space law and policy. J.D. from New York Law School; 2020; “The Legal Status of MegaLEO Constellations and Concerns About Appropriation of Large Swaths of Earth Orbit,” <https://swfound.org/media/206951/johnson2020_referenceworkentry_thelegalstatusofmegaleoconstel.pdf>] brett

Yes, This Is Impermissible Appropriation

Article II of the Outer Space Treaty, discussed above, is clear on the point that the appropriation of outer space, including the appropriation of either void space or of celestial bodies, is an impermissible and prohibited action under international law. No means or methods of possession of outer space will legitimize the appropriation or ownership of outer space, or subsections thereof.

Excludes Others

The constellations above, because they seem to so overwhelmingly possess particular orbits through the use of multiple satellites to occupy orbital planes, and in a manner that precludes other actors from using those exact planes, constitute an appropriation of those orbits. While the access to outer space is nonrivalrous – in the sense that anyone with the technological capacity to launch space objects can therefore explore space – it is also true that orbits closer to Earth are unique, and when any actor utilizes that orbit to such an extent to these proposed constellations will, it means that other actors simply cannot go there.

To allow SpaceX, for example, to so overwhelmingly occupy a number of altitudes with so many of their spacecraft, essentially means that SpaceX will henceforth be the sole owner and user of that orbit (at least until their satellites are removed). No other actors can realistically expect to operate there until that time. No other operator would dare run the risk of possible collision with so many other spacecraft in that orbit. Consequently, the sole occupant will be SpaceX, and if “possession is 9/10th of the law,” then SpaceX appears to be the owner of that orbit.

Done Without Coordination

Additionally, SpaceX and other operators of megaconstellations are doing so without any real international conversation or agreement, which is especially egregious and transgressive of the norms of outer space. Compared to the regime for GSO, as administered by the ITU and national frequency administrators, Low Earth Orbit is essentially ungoverned, and SpaceX and others are attempting to seize this lack of authority to claim entire portions of LEO for itself; and before any international agreement, consensus, or even discussion is had. They are operating on a purely “first come, first served” basis that smacks of unilateralism, if not colonialism.

Governments Are Ultimately Implicated

As we know, under international space law, what a nongovernmental entity does, a State is responsible for. Article VI of the Outer Space Treaty requires that at least one State authorize and supervise its nongovernmental entities and assure their continuing compliance with international law. As such, the prohibition on nonappropriation imposed upon States under Article II of the Outer Space Treaty applies equally to nongovernmental private entities such as SpaceX.

Nevertheless, through the launching and bringing into use of the Starlink constellation, SpaceX will be the sole occupant, and thereby, possessor, both fact and in law, of 550 km, 1100 km, 1130 km, 1275 km, and 1325 km above our planet (or whatever orbits they finally come to occupy). The same is true for the other operators of these large constellations which will be solely occupying entire orbits.

Long-Term Occupation Constitutes Appropriation

These altitudes are additionally significant, as nonfunctional spacecraft in orbits lower than around 500 km will re-enter the Earth’s atmosphere in months or a few years, but the altitudes selected for the Starlink constellation, while technologically desirable for their purposes, also mean that any spacecraft which are not de-orbited from these regions may be there for decades, or possibly even hundreds of years. By comparison, the granting of rights for orbital slots at GSO is in 15-year increments, a length of time much less than what the altitudes of the megaconstellations threaten. Such long spans of time at these altitudes by these megaconstellations further bolster the contention that this occupation rises to the level of appropriation of these orbits.

Prevents Others from Using Space

Article I of the Outer Space Treaty establishes that the exploration and use of outer space is “the province of all mankind.” It further requires that this exploration and use shall be by all States “without discrimination of any kind, on a basis of equality and in accordance with international law...” However, when one private corporation so overwhelmingly possesses entire portions of outer space, their use is discriminatory to other potential users and interferes with their freedom to access, explore, and use outer space. So long as these actors are so dominantly possessing and occupying those orbits, their actions exclude others from using them. What other operator would dare use orbits where there are already hundreds of satellites operating as part of a constellation? It would be an extremely unwise and risky decision to try to share these orbits with a mega constellation, so they will likely choose other altitudes and orbits. This massive occupation of particular orbits effectively defeats others from enjoying the use of outer space. While a State can issue permits for one of its corporations allowing them to launch and operate satellites to this extent, that does not automatically mean that their activities in outer space, an area beyond national sovereignty, are therefore in perfect accordance with the strictures of international law. Indeed, national permissions offer no such guarantee.

No Due Regard for Others

That these megaconstellations violate the prohibition on appropriation in Article II is additionally supported by Article IX of the Outer Space Treaty. Article IX requires that in the exploration and use of outer space, States “shall be guided by the principle of cooperation and mutual assistance and shall conduct all their activities in outer space... with due regard to the corresponding interests of other States...” There is hardly any way to view this deployment of megaconstellations as showing any type of due regard to the corresponding interests of others. This lack of regard further supports the notion of their unilateral transgressive violations of the purposes of space law norms.

Harmful Contamination

The impacts of the spacecraft on the pressing issue of space debris need not be gone into detail here. Suffice it to say, megaconstellations threaten mega-debris. The failure rate of these comparatively cheap satellites should give pause, because if 5% of a constellation of 100 satellites fails, this is 5 guaranteed new pieces of debris intentionally introduced to the fragile space domain. Article IX of the Outer Space Treaty warns of harmful contamination of the space environment and requires States to take appropriate measures to prevent this harmful contamination. A responsible government could not, in all seriousness, permit the intentional release of such amounts of space debris, especially in the already fraught orbits that many megaconstellations are headed towards. While the threat of space debris is not directly relevant to the accusation of appropriation of outer space, it goes towards the argument that these actors are conducting activities in a manner lacking in regard to others, and in fact, amounts to excluding others from using the space domain. By excluding others, this has the effect of taking orbits for themselves, which IS occupation.

If This Isn’t Appropriation, Then What Is?

Arguing in the alternative, if these megaconstellations — in their dominant occupation of entire orbits in orbital planes with numerous satellites — could be considered (merely for the sake of argument) to not be appropriation, we must therefore ask: what would be appropriation? What use of void space, including orbits of the Earth, would constitute actual appropriation? What further, additional fact of these uses of space, if added to the scenario, would cause that constellation to cross over the line into clearly prohibited appropriation? Perhaps the exact same scenario, but supplemented with an actual, formal claim of sovereignty, issued by a government, is the only element which could be added to megaconstellations which would then cross the threshold into appropriation. However, a formal claim of sovereignty would be merely an act occurring on Earth and would not change any actual facts in the space domain. Consequently, the lack of a formal claim of sovereignty should not be the deciding criteria in arriving at the conclusion that megaconstellations constitute appropriation of orbits.

Conclusion

In conclusion, these megaconstellations effectively occupy entire orbital regions with their vast fleet of spacecraft and in so doing effectively preclude other actors from sharing those domains. They have done so, or are attempting to do so, without any international consensus or discussion, which is most egregious for a domain outside of State sovereignty and which no State can own. Governments will ultimately be responsible for this appropriation, and both are prohibited from appropriating space. In distinction to GSO, their permission to go there means that they could occupy these regions for incredibly long periods — which again shows their appropriation. These constellations significantly prevent others from using those regions, which therefore interferes with others’ right to explore and use space. And ultimately, this reckless ambition shows absolutely no due regard (as per Article IX) for the corresponding rights of others. As such, these megaconstellations constitute an impermissible appropriation of particular regions of outer space, regardless of any formal, official claim of such by a responsible, authorizing government.

#### No circumvention. Authorization, supervision, and liability ensure compliance -- potential for liability causes self-regulation.

Johnson 20 [Chris, Space Law Advisor for Secure World Foundation, 9 years of professional experience in international space law and policy. J.D. from New York Law School; 2020; “The Legal Status of MegaLEO Constellations and Concerns About Appropriation of Large Swaths of Earth Orbit,” <https://swfound.org/media/206951/johnson2020_referenceworkentry_thelegalstatusofmegaleoconstel.pdf>] brett

Authorization and Continuing Supervision

The second sentence of Article VI then gives States a positive obligation to undertake authorization and continuing supervision of nongovernmental entities.

The activities of non-governmental entities in outer space, including the Moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty.

Consequently, it is not merely sufficient that governments allow private actors to access and explore space. States have a duty to authorize and supervise them. Looking again at the first sentence of Article VI, above, gives some indication as to what standard this supervision must meet. The first sentence of Article VI ends with “... and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty.” Consequently, States must authorize and supervise private entities to make sure that these private entities conform with the Outer Space Treaty.

Additionally, Article III of the Outer Space Treaty creates a link between the treaty and the rest of international law, including the UN Charter. Therefore, and to the extent that other sources of international law create norms applicable for private entities in outer space, all national activities – including private, nongovernmental activities – must conform with said laws. Some of these other sources include the other UN treaties on outer space, such as the 1968 Astronaut Rescue and Return Agreement, the 1972 Liability Convention, and the 1975 Registration Convention. Other specialized treaties on outer space, like the international telecommunications regime of the International Telecommunications Union Convention and Constitution, international enviromental law, international humanitiarian law, and other special regimes also form the rest of the normative order for outer space.

Potential Liability

Supplemental to international responsibility for acts in space committed by private entities is the potential for liability for damage resulting from their activities. Article VIII of the Outer Space Treaty establishes a liability provision, and the 1972 Liability Convention expands the mechanisms for dealing with liability claims. Liability is a requirement to pay compensation to an injured party for the damage or suffering that has been caused to them. In space law, liability is for physical damage to a space object by another space object. These provisions on liability have not yet been enforced relating to any actual claims of damage in space. However, and just like the obligation to be internationally responsible for private actors mentioned in Article VI, the potential for liability serves as a strong motivator and incentive for States to oversee, monitor, and regulate what private actors are doing in space.

### 1AC—Underview

#### 1] Yes 1AR Theory—the 1AR needs it to make the time investment worth 4 min and I can’t brute force substance and theory—otherwise the neg can do infinite bad things and I can’t check.

#### 2] Permissibility and presumption affirm.

**A] Freeze- otherwise we would not be able to justify morally neutral actions since there isn’t a prohibition and we would have to prove an obligation.**

**B] Trivialism- statements are true until proven false, if I told you my name you’d believe me.**

#### C] The Law of Excluded Middles- if something is not false, it must be true, which means that if something is not prohibited, it must be obligatory, and permissibility is the same as obligatory.