## 1AC – Newark R2 vs Colonial Forge SR

### Framing

#### Pleasure and pain are intrinsically valuable.

Moen 16 [(Ole Martin Moen, Research Fellow in Philosophy at University of Oslo) “An Argument for Hedonism,” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281, <https://link.springer.com/article/10.1007/s10790-015-9506-9>] TDI Recut Aanya

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 reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value.**

#### Moral uncertainty means preventing extinction should be our highest priority.

Bostrom 12 [(Nick Bostrom, Faculty of Philosophy & Oxford Martin School University of Oxford) “Existential Risk Prevention as Global Priority.” Global Policy, 2012] TDI

These reflections on moral uncertainty suggest an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ Our present understanding of axiology might well be confused. We may not now know — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that there is a great option value in preserving — and ideally improving — our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value. To do this, we must prevent any existential catastrophe.

### 1AC – Advantage

#### Scenario 1 is is space exploration.

#### It solves a litany of existential threats.

Fitzgerald 3/9 [(Shanon, Assistant Websites Editor at Liberty Fund), “Why Human Space Exploration Matters,” March 9 2021, https://www.econlib.org/why-human-space-exploration-matters/] TDI

While the yields to space exploration and the development of spaceflight technology may appear minimal in the immediate future, shifting our perspective to the longer term renders the human situation vis a viz space exploration extremely clear: if humans want to survive in perpetuity, we need to establish ourselves on other planets in addition to Earth. It is as simple as that. And yet we are not doing all that much to make that happen. To be clear, I’m long on Earth, too, and hope that technological improvements will continue to allow our species to get “more from less” right here on the third rock from the sun, enabling us to keep occupying the planet that saw us evolve into consciousness. I like to imagine that the distant future on Earth has the potential to be an extremely pleasant one, as advances in our scientific understanding and bio-technical praxis should hopefully allow our descendants to clean up any of the remaining messes previous generations will have left behind (e.g., nuclear and industrial waste, high amounts of atmospheric carbon, other lingering nasties) and stable-state free societies will hopefully allow all persons (or very nearly all persons) to live free and meaningful lives in productive community and exchange with their fellows. As the previous qualification highlights, the trickiest problems here on Earth and extending to wherever humans end up in the spacefaring age will still be social and political, and their successful resolution will depend more on the future state of our governing arts than our hard sciences. But regarding the negative events that could very well happen to Earth I think we all need to be equally clear: life might not make it here. There is no guarantee that it will, and in the very long run, with the expansion and subsequent death of our sun, we know with near certainty that it will not. Consider just a few possible extinction-level events that could strike even earlier: large meteors, supervolcanic eruptions, drastic climactic disruption of the “Snowball Earth” variety. As SpaceX founder and Tesla CEO Elon Musk recently observed on the Joe Rogan Experience podcast, “A species that does not become multiplanetary is simply waiting around until there is some extinction event, either self-inflicted or external.” This statement, applied to the human species, is obviously true on its face. As doomsday events go a giant asteroid might be more shocking, since we (people living today) have never experienced one before while concerned atomic scientists warn us about the nuclear bomb all the time, but the odds that we blow ourselves up are still there. Slim, but there. It’s more plausible that a severe nuclear war and the nuclear winter it would likely trigger would leave the human population greatly reduced as opposed to completely extinct, but then the question becomes: why is that a risk we would want to take? The bomb is here to stay for now, but there is no reason that 100% of known life in the universe needs to stay here on Earth to keep it company, waiting around for something even more destructive to show up. While we’re on that happy subject: Do you have any good intuitions about our collective chances against hostile, or simply arrogant or domineering, technologically-advanced extraterrestrial lifeforms, if and/or when they decide to pay us a visit on our home turf? These scary situation sketches will suffice. At bottom, the core reason I am a believer in the need to make life—and not just human life—multiplanetary is the same basic reason I would never counsel a friend to keep all their money and valuables in one place: diversification is good. Wisdom and experience suggest we store precious resources in multiple safe(ish) places. Diversification limits our exposure to risk, and increases our resilience when bad things do happen. One reserve gets hit, two or three others survive, and you probably feel that the effort to spread things out was worth it. What I’m saying here has strong undercurrents of common sense, yet our approach to the human population itself—the universal store and font of “human capital”—does not currently prioritize diversification to the degree our technological capabilities would allow. The distribution of the human population, and of almost all human knowledge and works, is overwhelmingly local. (Let us set to one side the possibility that aliens somewhere maintain an archive of captured human information.) Establishing outposts at least as large as those we maintain in Antarctica on the Moon and Mars, or other more suitable sites, by the end of this century would be a great first step toward genuinely diversifying the physical locations of the most precious resources known to us: human consciousness and creativity, human love and human soul, the great works in which all these things are displayed. Add also to this list repositories of scientific knowledge and knowhow, seed reserves, and certain materials necessary to re-start the manufacturing of fundamental technologies. Spreading these goods to a few additional locations within the solar system would be a major species-and-civilization-level accomplishment that all living at the time could feel satisfied by, and even take some pride in. And this is something that we seem to be just on the cusp of being able to do, given our recent and rapid technological advances in rocketry, computers, and materials science and engineering, among other important fields for space exploration and settlement. Quickly the uniplanetary human situation is becoming, if it is not already, one of pure choice.

#### Second, Russia—

#### Deep space exploration is a shared goal that prevents escalation of US-Russia tensions. But privatization threatens it independent of our other internal links

CSIS 18 [(Center for Strategic and International Studies), “Why Human Space Exploration Matters,” August 21, 2018 https://www.csis.org/blogs/post-soviet-post/space-cooperation] TDI

U.S.-Russian space cooperation continues to be a stated mutual goal. In April 2018, President Putin said of space, “Thank God, this field of activity is not being influenced by problems in politics. Therefore, I hope that everything will develop, since it is in the interests of everyone…This is a sphere that unites people. I hope it will continue to be this way.” During his statement at a recent event at CSIS, NASA Administrator Jim Bridenstine said, “[space] is our best opportunity to dialogue when everything else falls apart. We’ve got American astronauts and Russian cosmonauts dependent on each other on the International Space Station, which enables us to ultimately maintain that dialogue.” The U.S. and Russia both benefit from the ISS partnership. Russia provides transportation to the ISS for U.S. astronauts, from which Russia receives an average of $81 million per seat on the Soyuz (and recognition of its status as a space power). The U.S. also benefits from Russia’s technical contributions to the ISS while Russia benefits The U.S. and Russia signed a joint statement in 2017 in support of the idea of collaborating on deep space exploration, including the construction of the Lunar Orbital Platform-Gateway, a research-focused space station orbiting the moon. Through agreements on civilian space exploration, such as the Lunar Orbital Platform-Gateway or future Mars projects, that have clear benefits to both sides, some degree of cooperation will remain in both countries’ interest. The high price tag for pursuing space exploration alone and opportunities for sharing and receiving technical expertise encourages international partnerships like the ISS. However, at least three factors, apart from the overall deterioration of U.S.-Russia relations, threaten this cooperation. First, growth of the private sector space industry may alter the economic arrangement between the U.S. and Russia, and ultimately lower the benefits of cooperation to both countries. The development of advanced technologies by private companies will give NASA new options to choose from and reduce the need to depend on (and negotiate with) Russia. If NASA and its Russian counterpart, Roskosmos, have no need to talk with one another, they probably won’t in the face of tense political relations. The U.S. intends to use Boeing and SpaceX capsules for human spaceflight beginning in 2020, and a Congressional plan in 2016 set a phase out date of Russian RD-180 rocket engines by 2022.

#### It’s make or break for the relationship—Ukraine, decline of US authority on international affairs puts us at the brink of the end of Russian diplomacy and even war

Weir 21 [(Fred Weir has been the Monitor's Moscow correspondent, covering Russia and the former Soviet Union, since 1998. He's traveled over much of that vast territory, reporting on stories ranging from Russia's financial crash to the war in Chechnya, creeping Islamization in central Asia, Russia's demographic crisis, the rise of Vladimir Putin and his repeated returns to the Kremlin, and the ups and downs of US-Russia relations). “Worse than the Cold War? US-Russia relations hit new low.“ Christian Science Monitor 4-20-2021 https://www.csmonitor.com/World/Europe/2021/0420/Worse-than-the-Cold-War-US-Russia-relations-hit-new-low] TDI

Russia’s relations with the West, and the United States in particular, appear to be plumbing depths of acrimony and mutual misunderstanding unseen even during the original Cold War.After years of deteriorating relations, sanctions, tit-for-tat diplomatic expulsions, and an escalating “information war,” some in Moscow are asking if there even is any point in seeking renewed dialogue with the U.S., if only out of concern that more talking might just make things worse. Events have cascaded over the past month. Russia’s treatment of imprisoned dissident Alexei Navalny, who has been sent to a prison hospital amid reports of failing health, underlines the sharp perceived differences between Russia and the West over matters of human rights. Meanwhile, a Russian military buildup near Ukraine has illustrated that the conflict in the Donbass region might explode at any time, possibly even dragging Russia and NATO into direct confrontation. With its relations with Washington at a nadir, Russia is eyeing a more pragmatic, if adversarial, relationship with the U.S. in the hopes of getting the respect it desires. President Joe Biden surprised the Kremlin by proposing a “personal summit” to discuss the growing list of U.S.-Russia disagreements in a phone conversation with Vladimir Putin last week. He later spoke of the need for “disengagement” in the escalating tensions around Ukraine, and postponed a planned visit of two U.S. warships to Russia-adjacent waters in the Black Sea. But days later he also imposed a package of tough sanctions against Russia, for its alleged SolarWinds hacking and interference in the 2020 U.S. presidential elections, infuriating Moscow and drawing threats of retaliation. Last month, after Mr. Biden agreed with a journalist’s intimation that Mr. Putin is a “killer,” the Kremlin ordered Russia’s ambassador to the U.S. to return home for intensive consultations, an almost unprecedented peacetime move. Over the weekend, Russian Foreign Minister Sergey Lavrov suggested that the acting U.S. ambassador to Moscow, John Sullivan, should likewise go back to Washington for a spell. On Tuesday, Mr. Sullivan announced he would do just that this week. And there is a growing sense in Moscow that the downward spiral of East-West ties has reached a point of no return, and that Russia should consider abandoning hopes of reconciliation with the West and seek permanent alternatives: perhaps in an intensified compact with China, and targeted relationships with countries of Europe and other regions that are willing to do business with Moscow. “Things are at rock bottom. This may not be structurally a cold war in the way the old one was, but mentally, in terms of atmosphere, it’s even worse,” says Fyodor Lukyanov, editor of Russia in Global Affairs, a Moscow-based foreign policy journal. “The fact that Biden offered a summit meeting would have sounded a hopeful note anytime in the past. Now, nobody can be sure of that. A hypothetical Putin-Biden meeting might not prove to be a path to better relations, but just the opposite. It could just become a shouting match that would bring a hardening of differences, and make relations look like even more of a dead end.” Room for discussion Foreign policy experts agree that there is a long list of practical issues that could benefit from purposeful high-level discussion. With the U.S. preparing to finally exit Afghanistan, some coordination with regional countries, including Russia and its Central Asian allies, might make the transition easier for everyone. One of Mr. Biden’s first acts in office was to extend the New START arms control agreement, which the Trump administration had been threatening to abandon, but the former paradigm of strategic stability remains in tatters and requires urgent attention, experts say. “If you are looking for opportunities to make the world a safer place through reason and compromise, there are quite a few,” says Andrey Kortunov, director of the Russian International Affairs Council, which is affiliated with the Foreign Ministry. “There are also some areas where the best we could do is agree to disagree, such as Ukraine and human rights issues.” The plight of Mr. Navalny, which has evoked so much outrage in the West, seems unlikely to provide leverage in dealing with the Kremlin because – as Western moral authority fades – Russian public opinion appears indifferent, or even in agreement with its government’s actions. Recent surveys by the Levada Center in Moscow, Russia’s only independent pollster, found that fewer than a fifth of Russians approve of Mr. Navalny’s activities, while well over half disapprove. An April poll found that while 29% of Russians consider Mr. Navalny’s imprisonment unfair, 48% think it is fair. Russian opposition figure Alexei Navalny, shown here during a hearing in the Babuskinsky District Court in Moscow Feb. 12, 2021, is in poor health amid his hunger strike while in prison in Russia. He was recently moved to a prison hospital. Tensions around the Russian-backed rebel republics in eastern Ukraine have been much severer than usual, with a spike in violent incidents on the front line, a demonstrative Russian military buildup near the borders, and strong U.S. and NATO affirmations of support for Kyiv. The Russian narrative claims that Ukrainian President Volodymyr Zelenskiy triggered the crisis a month ago by signing a decree that makes retaking the Russian-annexed territory of Crimea official Ukrainian state policy. Mr. Zelenskiy has also appealed to the U.S. and Europe to expedite Ukraine’s membership in NATO, which Russia has long described as a “red line” that would lead to war. But Russian leaders, who have been at pains to deny any direct involvement in Ukraine’s war for the past seven years, now say openly that they will fight to defend the two rebel republics. Top Kremlin official Dmitry Kozak even warned that if conflict erupts, it could be “the beginning of the end” for Ukraine. “This is a very desperate situation,” says Vadim Karasyov, director of the independent Institute of Global Strategies in Kyiv. “We know the West is not going to help Ukraine militarily if it comes to war. So we need to find some kind of workable compromises, not more pretexts for war.” Time to turn eastward? In this increasingly vexed atmosphere, the Russians appear to be saying there is no point in Mr. Putin and Mr. Biden meeting unless an agenda has been prepared well in advance, setting out a few achievable goals and leaving aside areas where there can be no agreement. “Russia isn’t going to take part in another circus like we had with Trump in Helsinki in 2018,” says Sergei Markedonov, an expert with MGIMO University in Moscow. “What is needed is a deeper dialogue. That could begin if we had a real old-fashioned summit between Biden and Putin, one that has been calculated to yield at least some positive results. We need to find a modus vivendi going forward, and the present course is not leading there.” Alternatively, Russia may turn away from any hopes of even pragmatic rapprochement with the West, experts warn. Mr. Lukyanov, who maintains close contact with his Chinese counterparts, says they felt blindsided at a summit with U.S. foreign policy chiefs in Alaska last month, when what they expected to be a practical discussion of how to overcome the acrimonious Trump-era legacy in their relations turned into what they saw as a U.S. lecture about how China needs to obey the “rules-based” international order. “It was the Chinese, in the past, who were very cautious about participating” in anything that looked like an anti-Western alliance, says Mr. Lukyanov. “We are hearing a new tone from them now. Now our growing relationship with China isn’t just about compensating for a lack of relations with the U.S. It’s about the need to build up a group of countries that will resist the U.S., aimed at containing U.S. activities and policies that are harmful to our two countries.”

#### Space weapons heighten potential for escalation and make perceptions of US-Russia space conflict key.

Alexey Arbatov et al, head of the Center for International Security at the Primakov National Research Institute of World Economy and International Relations, Major General Vladimir Dvorkin, a principal researcher at the Center for International Security at the Primakov National Research Institute of World Economy and International Relations and Peter Topychkanov, fellow at the Carnegie Moscow Center’s Nonproliferation Program, ‘17 “Russian And Chinese Perspectives On Non-Nuclear Weapons And Nuclear Risks” *Carnegie Endowment for International Peace Publications,* <https://www.russiamatters.org/sites/default/files/media/files/Entanglement_interior_FNL.pdf>

Against this background, Russian military and technical experts are currently engaged in efforts to elaborate strategies for fighting an air-space war. The following is an attempt to frame such an integrated doctrine by one of its main theoreticians, Colonel Yuri Krinitsky from the Military Air-Space Defense Academy: “The integration of aerial and space-based means of attack has transformed airspace and space into a specific field of armed conflict: an air-space theater of military operations. United, systematically organized actions of [U.S.] air-space power in this theater should be countered with united and systematically organized actions by the Russian Air-Space Defense Forces. This is required under the National Security Strategy of the Russian Federation and Air-Space Defense Plan approved by the Russian president in 2006.”6 This document goes on to list the tasks of the Air-Space Defense Forces as “monitoring and reconnaissance of the airspace situation; identifying the beginning of an aerial, missile, or space attack; informing state organs and the military leadership of the Russian Federation about it; repelling air-space attacks; and defending command sites of the top levels of state and military command authorities, strategic nuclear forces’ groupings, and the elements of missile warning systems.”7 While picking apart in detail the organizational, operational, and technical aspects of the Air-Space Defense Forces (now part of the Air-Space Forces),8 military analysts step around the basic question of what constitutes “the means of air-space attack” (SVKN in Russian, MASA in English). This term and “air-space attack” are broadly used in official documents (including the Military Doctrine) and statements, as well as in the new names of military organizations (such as the Air-Space Forces), and in a seemingly infinite number of professional articles, books, and pamphlets. If MASA refers to aircraft and cruise missiles, then what does space have to do with it? To be sure, various military communication and intelligence, reconnaissance, and surveillance satellites are based in space, but these assets also serve the Navy and Ground Forces without the word “space” tacked onto their names. If MASA refers to long-range ballistic missiles, which have trajectories that pass mostly through space, then this threat is not new but has existed for more than sixty years. There was—and still is—no defense against a massive ballistic missile strike, and none is likely in the future in spite of U.S. and Russian efforts at missile defense. In the past (and possibly now), one of the possible tasks of ballistic missiles was to break “corridors” in the enemy’s air-defense system to enable bombers to penetrate it. But with ballistic missiles being armed with more warheads with improved accuracy, and with the advent of longrange air-launched cruise missiles, it is increasingly unnecessary for bombers to be able to penetrate enemy air defenses. Coordination between air and notional “space” systems has apparently moved to the background of strategic planning. Anyway, this tactic was never considered as air-space warfare before now. MASA may be used in reference to potential hypersonic boost-glide weapons, which are discussed below. But their role and capabilities are not yet known, so it would clearly be premature to build the theory of air-space war on them, and even more so to start creating defenses against them. In any case, referring to those weapons as MASA is farfetched: besides a short boost phase, their entire trajectory is in the upper atmosphere at speeds greater than airplanes but lower than ballistic missiles. It is, therefore, even less apt to describe such systems as space arms than it is to refer to traditional long-range ballistic missiles as such. Finally, as for theoretically possible space-based weapons that would conduct strikes against targets on the ground, at sea, and in the air, they do not yet exist, and their future viability is far from clear. Even if the concept of air-space war is ill-defined, the military and technical experts who propound it reach a predictable conclusion with regard to the capabilities needed to fight one. They typically argue that Russia needs “to counter the air-space attack system with an air-space defense system. . . . A prospective system for destroying and suppressing MASA should be a synergy of anti-missile, anti-satellite, and air-defense missiles, and air units, and radio-electronic warfare forces. And its composition should be multilayered.”9 Such calls are being translated into policy. Most notably, the air-space defense program, for which the military’s top brass and industrial corporations lobbied, is the single largest component of the State Armaments Program through 2020, accounting for about 20 percent of all costs when the program was first announced in 2011—about 3.4 trillion rubles ($106 billion at the time).10 Along with the modernization of the missile early-warning system by the development and deployment of new Voronezh-type land-based radars and missile-launch detection satellites, the program envisages the deployment of twenty-eight missile regiments of S-400 Triumph air-defense systems (about 450 to 670 launchers), and thirty-eight battalions equipped with the next-generation S-500 Vityaz (recently renamed Prometey) systems (300 to 460 launchers).11 In total, the plan is to manufacture up to 3,000 missile interceptors of the two types, for which three new production plants were built. A new integrated and fully automatic command-and-control system is being created to facilitate operations by the Air-Space Defense Forces. The Moscow A-135 missile defense system (now renamed A-235) is being modernized with non-nuclear kinetic interceptors to engage incoming ballistic missiles (previously the interceptors were armed with nuclear warheads).12 The current Russian economic crisis, which has resulted in defense budget cuts in fiscal year 2017, may slow down the air-space armament programs and the scale of arms procurement, but the underlying momentum will be unaffected unless stopped or redirected by a major change in Russia’s defense posture. In a sense, Russian policy may be explained by the visceral desire of the military to break out from the deadlock—the “strangulating effect”—of mutual assured nuclear destruction, which has made further arms development, high-technology competition, and supposedly fascinating global war scenarios senseless (indeed, it prompted U.S. and Soviet leaders of the 1970s and 1980s to agree that, as then U.S. president Ronald Reagan put it, “a nuclear war cannot be won and must never be fought.”13) During the four decades of the Cold War, several generations of the Soviet military and defense industrial elite had learned and become accustomed to competing with the most powerful possible opponent, the United States, and such competition became their raison d’être. The end of the Cold War and of the nuclear arms race in the early 1990s deprived them of this supposedly glorious quest, and opposing rogue states and terrorists was not a noble substitute. U.S. and NATO operations in Yugoslavia and Iraq, however, provided a new hightechnology challenge, defined in Russia as air-space warfare, which was eagerly embraced as a new and fascinating domain of seemingly endless competition with a worthy counterpart. Besides, this new dimension of warfare doubtless gave the military and associated defense industries an opportunity to impress political leadership with newly discovered esoteric and frightening threats, justifying the prioritization of national defense, and hence arms procurement programs and large defense budgets. In any case, the Russian strategy for air-space war is directly connected to the problem of entanglement. Astonishingly—and this makes the concept look quite scholastic—its framers shed no light on the single most important question: Is the context for air-space war a global (or regional) nuclear war, or a non-nuclear war that pits Russia against the United States and NATO? If it is the former, then in the event of the large-scale use of ballistic missiles armed with nuclear warheads (and in the absence of effective missile defense systems), the Russian Air-Space Forces would be unlikely to function effectively. Except for issuing warnings about incoming missile attacks, they would not be able to fulfill the tasks assigned to them by Russia’s Military Doctrine, including “repelling air-space attacks and defending command sites of the top levels of state and military administration, strategic nuclear forces’ units, and elements of missile warning systems.”14 Alternatively, if air-space war assumes a non-nuclear conflict, then the concept raises serious doubts of a different nature. Russian state and military leaders have regularly depicted terrifying scenarios of large-scale conflicts being won through non-nuclear means. Former deputy defense minister General Arkady Bakhin, for example, has described how “leading world powers are staking everything on winning supremacy in the air and in space, on carrying out massive air-space operations at the outbreak of hostilities, to conduct strikes against sites of strategic and vital importance all across the country.”15 It is difficult to imagine, however, that such a conflict, in reality, would not quickly escalate to a nuclear exchange, especially as strategic forces and their C3I systems were continually attacked by conventional munitions. Right up until the mid-1980s, the military leadership of the USSR believed that a major war would likely begin in Europe with the early use by Warsaw Pact forces of hundreds of tactical nuclear weapons “as soon as [they] received information” that NATO was preparing to launch a nuclear strike.16 After that, Soviet armies would reach the English Channel and the Pyrenees in a few weeks, or massive nuclear strikes would be inflicted by the USSR and the United States on one another, and the war would be over in a few hours, or at most in a few days, with catastrophic consequences.17 After the end of the Cold War, the task of elaborating probable major war scenarios was practically shelved because such a war had become unthinkable in the new political environment. However, strategic thinking on the next high-technology global war apparently continued in secret (and probably not only in Russia). Now, at a time of renewed confrontation between Russia and the West, the fruits of that work are finally seeing the light of day. In all likelihood, the authors of the strategy imagine that over a relatively long period of time—days or weeks—the West would wage a campaign of air and missile strikes against Russia without using nuclear weapons. Russia, in turn, would defend against such attacks and carry out retaliatory strikes with long-range conventional weapons. Notably, in 2016, Russian Defense Minister Sergei Shoigu stated that “by 2021, it is planned to increase by four times the combat capabilities of the nation’s strategic non-nuclear forces, which will provide the possibility of fully implementing the tasks of non-nuclear deterrence.”18 In other words, the basic premise is that the U.S.-led campaigns against Yugoslavia in 1999 or Iraq in 1990 and 2003 (which are often cited by experts in this context) may be implemented against Russia—but with different results, thanks to the operations of the Russian Air-Space Forces, the Strategic Rocket Forces, and the Navy against the United States and its allies. The emphasis on defensive and offensive strategic non-nuclear arms does not exclude, but—on the contrary—implies the limited use of nuclear weapons at some point of the armed conflict. Sergei Sukhanov, one of the most authoritative representatives of the defense industries as the constructor general of the Vympel Corporation, which is responsible for designing strategic defense systems, has exposed the whole panorama of Russia’s contemporary strategic logic on the interactions between offensive and defensive systems and between nuclear and non-nuclear systems: If we cannot exclude the possibility of the large-scale use of air-space attacks by the U.S. and other NATO countries (i.e., if we accept that the Yugoslavian strategy might be applied against Russia), then it is clearly impossible to solve the problem by fighting off air-space attacks with weapons that would neutralize them in the air-space theater, since this would require the creation of highly effective air- and missile defense systems across the country. Therefore, the strategy for solving the air-space defense tasks faced in this eventuality should be based on deterring the enemy from large-scale air-space attacks by implementing the tasks facing air-space defense in this eventuality at a scale that would avoid escalation but force the enemy to refrain from further airspace attack.19 (Emphasis added.) In other words, because of the inevitable limitations in Russia’s ability to defend against air-space attacks, Sukhanov argues that Russia may have to resort to the limited use of nuclear weapons in order to compel the United States and its allies into backing down. This basic logic is widely accepted in Russia. Judging by the available information, the United States does not have—and is not expected to have for the foreseeable future—the technological means or the operational plans to wage non-nuclear air-space warfare against Russia. However, the fact that a major war with the United States and NATO is *seen* in contemporary Russian strategic thinking as a prolonged endeavor involving an integrated technological and operational continuum of nuclear and non-nuclear operations, defensive and offensive capabilities, and ballistic and aerodynamic weapons creates a breeding ground for entanglement. The result could be the rapid escalation of a local non-nuclear conflict to a global nuclear war. The remainder of this chapter discusses how new and emerging military technologies might contribute to such an escalation.

#### Nuke war causes extinction

Edwards 17 [(Paul N. Edwards, CISAC’s William J. Perry Fellow in International Security at Stanford’s Freeman Spogli Institute for International Studies. Being interviewed by EarthSky/card is only parts of the interview directly from Paul Edwards.) “How nuclear war would affect Earth’s climate,” EarthSky, September 8, 2017, earthsky.org/human-world/how-nuclear-war-would-affect-earths-climate] TDI

We are not talking enough about the climatic effects of nuclear war. The “nuclear winter” theory of the mid-1980s played a significant role in the arms reductions of that period. But with the collapse of the Soviet Union and the reduction of U.S. and Russian nuclear arsenals, this aspect of nuclear war has faded from view. That’s not good. In the mid-2000s, climate scientists such as Alan Robock (Rutgers) took another look at nuclear winter theory. This time around, they used much-improved and much more detailed climate models than those available 20 years earlier. They also tested the potential effects of smaller nuclear exchanges. The result: an exchange involving just 50 nuclear weapons — the kind of thing we might see in an India-Pakistan war, for example — could loft 5 billion kilograms of smoke, soot and dust high into the stratosphere. That’s enough to cool the entire planet by about 2 degrees Fahrenheit (1.25 degrees Celsius) — about where we were during the Little Ice Age of the 17th century. Growing seasons could be shortened enough to create really significant food shortages. So the climatic effects of even a relatively small nuclear war would be planet-wide. What about a larger-scale conflict? A U.S.-Russia war currently seems unlikely, but if it were to occur, hundreds or even thousands of nuclear weapons might be launched. The climatic consequences would be catastrophic: global average temperatures would drop as much as 12 degrees Fahrenheit (7 degrees Celsius) for up to several years — temperatures last seen during the great ice ages. Meanwhile, smoke and dust circulating in the stratosphere would darken the atmosphere enough to inhibit photosynthesis, causing disastrous crop failures, widespread famine and massive ecological disruption. The effect would be similar to that of the giant meteor believed to be responsible for the extinction of the dinosaurs. This time, we would be the dinosaurs. Many people are concerned about North Korea’s advancing missile capabilities. Is nuclear war likely in your opinion? At this writing, I think we are closer to a nuclear war than we have been since the early 1960s. In the North Korea case, both Kim Jong-un and President Trump are bullies inclined to escalate confrontations. President Trump lacks impulse control, and there are precious few checks on his ability to initiate a nuclear strike. We have to hope that our generals, both inside and outside the White House, can rein him in. North Korea would most certainly “lose” a nuclear war with the United States. But many millions would die, including hundreds of thousands of Americans currently living in South Korea and Japan (probable North Korean targets). Such vast damage would be wrought in Korea, Japan and Pacific island territories (such as Guam) that any “victory” wouldn’t deserve the name. Not only would that region be left with horrible suffering amongst the survivors; it would also immediately face famine and rampant disease. Radioactive fallout from such a war would spread around the world, including to the U.S. It has been more than 70 years since the last time a nuclear bomb was used in warfare. What would be the effects on the environment and on human health today? To my knowledge, most of the changes in nuclear weapons technology since the 1950s have focused on making them smaller and lighter, and making delivery systems more accurate, rather than on changing their effects on the environment or on human health. So-called “battlefield” weapons with lower explosive yields are part of some arsenals now — but it’s quite unlikely that any exchange between two nuclear powers would stay limited to these smaller, less destructive bombs.

#### Ongoing efforts to privatize space travel makes it politically polarizing and drains public support.

Phillips 20 [(Leigh, science writer and EU affairs journalist, author of Austerity Ecology & the Collapse-Porn Addicts.) “We Don’t Need Elon Musk to Explore the Solar System,” May 8, 2021, https://jacobinmag.com/2021/05/elon-musk-space-exploration-mars-colonization] TDI

Elon Musk is right to dream of humanity’s future as a multi-planet species. However, the multigenerational, millennia-long project of space colonization will be a public-sector endeavor, or it will not happen. Elon Musk, the third-richest man in the world, CEO of SpaceX and Tesla (and dabbler in online edgelord provocation), issued a strange Twitter post last month in defense of his wealth. “I am accumulating resources to help make life multiplanetary & extend the light of consciousness to the stars,” he declared. And then, this week, the centibillionaire further provoked when he mentioned in an interview about Martian colonization that, while it would be a glorious experience, “a bunch of people will probably die in the beginning.” All this within days of NASA’s Perseverance Mars mission achieving the first helicopter flight on another planet and producing five grams of oxygen from the planet’s carbon dioxide–dominant atmosphere — two major milestones in space exploration. A reasonable critique of Musk’s SpaceX endeavors might begin by noting that, regardless of how noble an aim Musk may have for his centibillions, there simply should not be centibillionaires (or even regular millionaires and billionaires). One might also echo Neil Armstrong’s criticism of private space flight — a criticism that once made Elon cry when 60 Minutes asked him about his hero arguing against the privatization of space. We might note how space exploration during the Cold War, despite the militarist overtones of the Space Race, was explicitly intended to be for all mankind rather than in service of the jollies of ultrarich space tourists. A democratic and public redirection of Elon Musk’s billions might be spent differently. One might further assert that, given the non-identity of the set of all things that are beneficial and the set of all things that are profitable, space colonization will be a public-sector endeavor, or it will not happen — as such a private space travel has no near-term, medium-term, or even long-term prospect of any return on financial investment beyond servicing low-earth, medium-earth, or geostationary orbit. And, finally, we might denounce the union-busting at Musk’s factories or even argue that his “accumulation of resources” is less the product of his own efforts than it is primarily an upward redistribution of value created by his workers. That is to say that there are a raft of progressive critiques of Musk that could be made that nevertheless still value space exploration and, one day, human colonization of the cosmos. Indeed, if one values space exploration and looks forward to the time, as astronomer Carl Sagan put it, “when most human cultures will be engaged in an activity you might describe as a dandelion going to seed,” then a socialist critique is all the more necessary, given the irrational limitations markets impose on human endeavor. There are a raft of progressive critiques of Elon Musk that could be made that nevertheless still value space exploration and, one day, human colonization of the cosmos. But instead, there are thousands of snark-drenched tweets sneering at how crackpot, masculinist, and even childish Elon’s dream is. They argue that space travel is a waste of resources that would be better spent solving problems here on Earth, and that space colonization is a repetition of the colonization of the New World. Even Bernie Sanders responded to Musk by saying: “Space travel is an exciting idea, but right now we need to focus on Earth and create a progressive tax system so that children don’t go hungry, people are not homeless and all Americans have healthcare. The level of inequality in America is obscene and a threat to our democracy.” At the time of writing, the senator’s tweet had received some 95,000 likes. Bernie is, in this case, wrong. Space exploration, including space travel, is one of the grandest tasks humanity has ever set for itself. It is a false dichotomy — and an austerian one at that — to say that we do not have enough money for both a space program and social justice or environmental protection. We can more than afford to do both. NASA’s budget is but a fraction of the Pentagon’s. It should not be difficult to imagine a democratic socialist economy, or even just one a little less neoliberal, that permits much more space and much less war. We can have public health care and science. We can end homelessness and explore the cosmos. We can have unionized, family-supporting jobs for all and, one day, almost certainly some considerable time from now, colonies on other worlds. The Postcolonial Space Programs Let me offer a personal anecdote about how I came to change my mind about this. A few years ago, I was researching the space programs of developing nations in Sub-Saharan Africa and South America for a feature article for a science magazine. While I have always been a cheerleader for space science, I had heard that, in some cases, the states concerned did not really have the capacity for such activities and were doing little more than rebranding British or American satellites launched from Russian spaceports. I thought I would have a nice story of neoliberal regimes wasting what little money these countries had on vanity projects that were of dubious national provenance. So I got in touch with some of the British and American engineers that had worked on these projects and interviewed them off the record. To varying degrees, they conceded that this was more or less what was happening in some places, but not in others, where a country was more advanced and did have at least some of the capacity necessary. Off the record, they told stories of corruption and incompetence, delays and malfunctions. But they also said that there was a learning process and there absolutely was a transfer of skills and knowledge. It was a mixed bag, they said. It is a false dichotomy — and an austerian one at that — to say that we do not have enough money for both a space program and social justice or environmental protection. More than this, what told me that made me completely rethink my attitude toward developing world space programs. They said that, however much they might have questioned the priority given to a space program for a country without functioning roads or sewage systems, everywhere they went, when they said why they were in the country, ordinary people would respond by bursting with pride that their country, too, was going into space. For them, it symbolized that they were just as good as any developed nation, that modernity was coming, and that they, too, could be explorers and pioneers. I put away my story and never wrote it. Instead, I investigated the decline of mathematical training in Africa in the neoliberal era. During the postcolonial era, African socialist governments had been committed to developing a cadre of professionals schooled in advanced mathematics and science, sometimes with the assistance of the Soviet Union, sometimes with aid from the United States or France, depending on the contingencies of the Cold War. But the indifference that followed the end of the Cold War and the advent of neoliberalism had gutted such training, and now, in many countries, the aging, mathematically trained professionals were retiring or dying with no one to replace them. Such training is essential not just for scientific research but for civil engineering, national budgeting, and enterprise planning. Thankfully, a celebrated physicist, Neil Turok — also the son of the man who crafted the South African ANC’s armed struggle strategy, Ben Turok — had started a new institute expressly committed to reviving Africa’s mathematical capacity. I wrote about that instead. We can today spend on both space exploration and mathematics education — and we could have in the 1960s. We don’t only need charity, but we need vaulting ambition as well: not just social programs but science. Or, put another way: we want bread, but we want roses, too. How Venus Helped Us Understand Global Warming But even if Bernie made an unwittingly neoliberal argument by imagining there is not enough wealth in America to afford both an ambitious space program and luxuriant social programs, he did at least state that he thought space travel was exciting. It was a matter of prioritization rather than outright opposition. There were others, however, who attacked the very idea of going into space, not least at a time of climate emergency. We should focus on this living planet rather than unfathomably distant dead ones, they said. This is not a one-off; Left critics of space programs repeatedly issue calls for a focus on the environmental challenges Earth faces instead of going to space. But this is a second false dichotomy. Space science, in so many respects, is Earth science. NASA is perhaps the premier Earth science research agency in the world. Its Landsat program, originally named the Earth Resources Technology Satellite and dating back to 1972, is the longest running effort to deliver satellite imagery of the planet. Its latest iteration, Landsat 8, launched in 2013 and delivers millions of images free of charge to researchers or any member of the public, tracking forest loss and degrowth, glacier and icecap melt, land-use change and agricultural water use. Left critics of space programs repeatedly issue calls for a focus on the environmental challenges Earth faces instead of going to space. But space science, in so many respects, is Earth science. Then there is AIRS, the Atmospheric Infrared Sounder, on NASA’s Aqua satellite, which gathers infrared energy emitted from Earth’s surface and atmosphere and measurements of temperature and water vapor that are used to assess the accuracy of climate models, detect volcanic plumes, and forecast droughts. The Geostationary Carbon Observatory (GeoCarb), yet to launch, will monitor greenhouse gas emissions, and the Ice, Cloud and land Elevation Satellite-2 (ICESat-2) mission will measure ice-sheet elevation, sea-ice thickness, and tree-canopy height to track changes in Greenland and Antarctica ice and assess changes in the total mass of the world’s vegetation. As of 2021, there are some forty different current and soon-to-launch Earth science missions performed by NASA. When we send missions to other worlds, again, learning about them teaches us as much about Earth as they do about the Moon, Mars, Venus, Europa, Titan, or Enceladus. Let’s remember that climatologist James Hansen — whose 1988 congressional testimony on global warming was one of the main catalysts of early public and political awareness of the climate emergency — had his start studying the transfer of radiation through the Venusian atmosphere. It was his work investigating Venus — a planet with a runaway greenhouse effect — that led him to work on climate change on Earth. Indeed, the study of the atmospheres of both Venus and Mars is a key part of the story of how we discovered global warming. Robots vs. Humans One might respond that all of this is unmanned space exploration. Surely steady advances in robotics and miniaturization have weakened the case for manned spaceflight. Robots like the Perseverance rover (nicknamed Percy), which recently landed in Jezero Crater on Mars aiming, among other goals, to search for evidence of ancient microbial life, are much more able to access extreme environments inhospitable to humans and at a much lower cost. But while there are many things robots can do that humans cannot, there are also many things humans can do that robots cannot and will never be able to (at least until the advent of artificial general intelligence). As British planetary scientist Ian Crawford argues, humans have the advantage over robots with respect to on-the-spot decision-making and flexibility and thus increased probability of making serendipitous discoveries. There is also greater efficiency of sample collection and return with humans (382 kg of moon rocks returned by Apollo vs the 0.32 kg from the sample returns of the Soviet Union’s robotic Luna missions), and greater potential for large-scale exploratory activity, deployment, and maintenance of complex equipment. But it is the universal problem-solving capability of humans that is key. Crawford quotes Steve Squyres, the principal investigator for the Mars exploration rovers Spirit and Opportunity, who concluded in 2005: “The unfortunate truth is that most things our rovers can do in a perfect sol [a Martian day] a human explorer can do in less than a minute.” An artist’s rendering of the Perseverance rover on Mars. (Tim Tim / Wikimedia Commons) And we see this in the scientific literature. Comparing the number of refereed publications resulting from the Apollo moon missions (the only human exploration missions) with those from robotic missions to the Moon and Mars, Crawford finds the former has produced a much greater volume. Dividing the cumulative number of publications by days of fieldwork on the surface, Crawford gauges that the Apollo project was three orders of magnitude more efficient in producing scientific papers per day than its unmanned counterparts, while being about one or two orders of magnitude more expensive. He notes that the next most productive missions are the Luna sample return missions. This shows how important sample return is, and indeed, one of Percy’s goals is to collect rock and regolith (“soil”) samples that, at some point in the early 2030s, will be retrieved by a “fetch rover” mission and sent back to Earth via a Mars Ascent Vehicle, a miniature rocket whose design has yet to be agreed. One of the main reasons robotic missions have been cheaper is that they do not return. The return mission thus bumps up the cost. But the quantity and diversity of samples will not be as high as a human mission could deliver. He is keen to stress that none of this should downplay the importance of robotic Martian sample return, which is necessary until humans can safely be sent to Mars and back. The point is to correct the erroneous notion that manned space missions are merely white elephants servicing national pride in contests with geopolitical rivals such as the USSR or China but have no real scientific purpose. Even though the priority should be, and very much is, on robotic exploration, we will learn more if we do both over time than if we depend upon robotic exploration alone. Robots enhance rather than replace human exploration. The Prison of the Possible One might then argue, nevertheless, that, given the exorbitant cost of space travel, whether by human, robot, or satellite (a robot of a sort), we should still, as Bernie’s tweet stated, focus instead on hunger, homelessness, and health care on Earth. Prioritization of spending will always be necessary, but a strictly utilitarian approach that demands we cannot spend on large scientific endeavors until poverty and inequality are eradicated would likewise have to rule out other big-ticket but curiosity-driven science efforts such as the Large Hadron Collider. Indeed, it also follows that any scholarship that is not applied research with a demonstrably near-term human benefit should be halted until all other problems are solved, expensive or not. Of course, applied research would sooner or later come to a halt as well under such a utilitarian research regime as, by definition, applied research is an application of basic research. Those in the seventeenth century who thought, “Isn’t it kind of neat and weird that when I rub a piece of amber against a cat’s fur, the amber can pick up a feather? I wonder why this is,” had no notion that any investigation into the phenomenon of what we now call electricity would one day result in applications that power much of the world. And the demand that we only engage in activities with clear utility requires that all resources allocated to art and music be shifted elsewhere. How like the university administration philistines we see today slashing humanities funding to deliver more to STEM subjects, mothballing language courses and classics programs!

#### Scenario 2 is 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.

#### Privatized space tourism increases collision risks.

Tehrani 4/1 [(James, Editor in Chief of Spark Magazine) “Space Junk: A Safety and Sustainability Problem Moving at 18,000 MPH,” April 1, 2021, <https://sphera.com/spark/space-junk-a-safety-and-sustainability-problem-moving-at-18000-mph/>] TDI

Most of the current debris is found in the low Earth orbit (LEO), which is about 600 to 1,200 miles (1,000 to 2,000 kilometers) above the planet. NASA calls LEO an “orbital space junkyard.” The junk isn’t sitting idly in a landfill; it is moving around at speeds up to 18,000 mph (29,000 kph), or 23 times the speed of sound. While the Inter-Agency Space Debris Coordination Committee was designed to coordinate space debris efforts, there are currently no international laws in place regarding removing space debris. Since a single satellite can cost between $50 million and $400 million, the risk of damage from space debris to a satellite is clearly significant. And as more debris is left behind, there is obviously more risk of collisions, especially when space tourism picks up. The orbiting junk was explored in the 2013 film “Gravity,” starring George Clooney and Sandra Bullock; it’s known as the Kessler Effect. Don Kessler, the former NASA scientist who studied space debris even told the Guardian back in 2011 in regard to formulating a plan to deal with space junk: “The longer you wait to do this, the more expensive it’s going to be. … This scenario of increasing space debris will play out even if we don’t put anything else in orbit,” he said. On that point, the European Space Agency has contracted with a Swiss startup called ClearSpace that plans to launch its first mission to remove space debris in 2025. The Gravity of the Situation Without a doubt, space debris is an Operational Risk; even the International Space Station has to dodge space junk at times. Former NASA Administrator Jim Bridenstine even tweeted last September that the “Space Station has maneuvered 3 times in 2020 to avoid debris. In the last 2 weeks, there have been 3 high concern potential conjunctions. Debris is getting worse!” Some of the larger debris that doesn’t burn up re-entering the atmosphere (about one object per day) even crashes back on Earth. Since most of the Earth’s surface is covered in water, it’s not surprisingly that most of the junk winds up in oceans, so the risk to humans is statistically very low. That doesn’t mean nil though. For example, there is debris from Russian Proton rockets that has been found in Siberia, including that of old fuel tanks containing toxic fuel residue, which can be harmful to plants, animals and humans. The environmental risks of space junk need to be explored further. A piece of space junk floating through the ocean is certainly not nearly as concerning as our plastic problem, but it’s nothing to ignore either. LCA Leads the Way Just as more and more companies are assessing the Life Cycle Assessment (LCA) of their products and services from cradle to grave on Planet Earth, it stands to reason that LCA could be just as important in outer space. That’s especially true when you consider space tourism is poised to blast off to become a potential $1.5 billion industry by 2028. The more activity, the more debris.

#### Early warning satellites going dark signals attacks – causes miscalc and goes nuclear

Orwig 16 [(Jessica, MS in science and tech journalism from Texas A&M, BS in astronomy and physics from Ohio State) “Russia says a growing problem in space could be enough to spark a war,” Insider,’ January 26, 2016, <https://www.businessinsider.com/russia-says-space-junk-could-spark-war-2016-1>] TDI

NASA has already warned that the large amount of space junk around our planet is growing beyond our control, but now a team of Russian scientists has cited another potentially unforeseen consequence of that debris: War. Scientists estimate that anywhere from 500,000 to 600,000 pieces of human-made space debris between 0.4 and 4 inches in size are currently orbiting the Earth and traveling at speeds over 17,000 miles per hour. If one of those pieces smashed into a military satellite it "may provoke political or even armed conflict between space-faring nations," Vitaly Adushkin, a researcher for the Institute of Geosphere Dynamics at the Russian Academy of Sciences, reported in a paper set to be published in the peer-reviewed journal Acta Astronautica, which is sponsored by the International Academy of Astronautics. Say, for example, that a satellite was destroyed or significantly damaged in orbit — something that a 4-inch hunk of space junk could easily do traveling at speeds of 17,500 miles per hour, Adushkin reported. (Even smaller pieces no bigger than size of a pea could cause enough damage to the satellite that it would no longer operate correctly, he notes.) It would be difficult for anyone to determine whether the event was accidental or deliberate. This lack of immediate proof could lead to false accusations, heated arguments and, eventually, war, according to Adushkin and his colleagues. A politically dangerous dilemma In the report, the Adushkin said that there have already been repeated "sudden failures" of military spacecraft in te last two decades that cannot be explained. "So, there are two possible explanations," he wrote. The first is "unregistered collisions with space objects." The second is "machinations" [deliberate action] of the space adversary. "This is a politically dangerous dilemma," he added. But these mysterious failures in the past aren't what concerns Adushkin most. It's a future threat of what experts call the cascade effect that has Adushkin and other scientists around the world extremely concerned. The Kessler Syndrome In 1978, American astrophysicist Donald Kessler predicted that the amount of space debris around Earth would begin to grow exponentially after the turn of the millennium. Kessler 's predictions rely on the fact that over time, space junk accumulates. We leave most of our defunct satellites in space, and when meteors and other man-made space debris slam into them, you get a cascade of debris. The cascade effect — also known as the Kessler Syndrome — refers to a critical point wherein the density of space junk grows so large that a single collision could set off a domino effect of increasingly more collisions. For Kessler, this is a problem because it would "create small debris faster than it can be removed," Kessler said last year. And this cloud of junk could eventually make missions to space too dangerous. For Adushkin, this would exacerbate the issue of identifying what, or who, could be behind broken satellites. The future So far, the US and Russian Space Surveillance Systems have catalogued 170,000 pieces of large space debris (between 4 and 8 inches wide) and are currently tracking them to prevent anymore dilemmas like the ones Adushkin and his colleagues cite in their paper. But it's not just the large objects that concern Adushkin, who reported that even small objects (less than 1/3 of an inch) could damage satellites to the point they can't function properly. Using mathematical models, Adushkin and his colleagues calculated what the situtation will be like in 200 years if we continue to leave satellites in space and make no effort to clean up the mess. They estimate we'll have: 1.5 times more fragments greater than 8 inches across 3.2 times more fragments between 4 and 8 inches across 13-20 times more smaller-sized fragments less than 4 inches across "The number of small-size, non-catalogued objects will grow exponentially in mutual collisions," the researchers reported.

#### Earth observation satellites key to 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: The Judicial Branch of the USFG and Russia should end occupation and appropriation of outer space, including commercial space exploration and tourism, by private entities, ruling that they violate its non-appropriation obligations under the Outer Space Treaty and succeeding treaties.

#### This results in the banning of space colonization and exploration from private companies

Cooper 8 [Cooper, Nikhil D. "Circumventing Non-Appropriation: Law and Development of United States Space Commerce." Hastings Const. LQ 36 (2008): 457.] TDI

The latest piece of congressional legislation regulating the commercial space industry was the Commercial Space Launch Act (CSLA) 77 that was spurred on in part by the host of new technologies capable of commercially exploiting space. 78 The CSLA streamlined the earlier space-launch bureaucracy and mandated the DOT to issue licenses for all commercial space launch programs, 79 regulate forms of space tourism8 and space advertising, 8 ' impose minimum liability insurance and financial responsibility requirements, and82 provide for administrative and judicial review of DOT Secretariat decisions.83 Il. A Legal System? The CSLA represents the most recent and comprehensive United States space commerce legislation; but, in the years since its passage, no one has seriously questioned its consistency with United States international obligations of "non-appropriation." The issue is especially apt now, however, because the current and future capacities of commercially exploiting space seem primed to challenge non-appropriation as the guiding theme in space commerce. Therefore, the question we must ask now is whether or not the United States is circumventing the intent of non-appropriation by encouraging and protecting private commercial expansion into space. A. Treaties Versus Congressional Acts Whether the regulatory regime outlined in the CSLA conflicts with the national non-appropriation principle, as outlined in the Outer Space Treaty of 1967 and in its succeeding treaties, is an issue that could be reviewed by the federal judiciary under its constitutional grant of subject-matter jurisdiction over cases "arising under" treaties.8 4 The judiciary's power to interpret treaties is a power distinct from the treaty-making authority delegated to the executive and legislative branches. Article II of the United States Constitution authorizes the president to ratify treaties with the consent of two-thirds membership of the Senate. 5 Treaties entered into in this manner are the supreme law of the United States and bind state constitutions, legislatures, and judiciaries.8 6 Generally, courts employ distinct methods of interpretation when called on to perform the separate but related tasks of interpreting treaties and resolving treaty-statutory disputes. As to the former, courts generally will liberally construct a treaty "to give effect to the purpose which animates it" and will prefer that liberal construction "[e]ven where a provision of a treaty fairly admits of two constructions, one restricting, the other enlarging [of] rights which may be claimed under it."87 A preference for broad construction, however, is not a license for courts to impose any interpretation they deem appropriate. For example, although courts have a greater ability to construct treaties more broadly than private contracts, they are still precluded from interpreting a treaty beyond the "apparent intent and purport" of its language.88 in this way, determining a treaty's "intent" delineates the boundaries of how broadly or narrowly the court may interpret a treaty's provision. Courts obviously have a much easier time determining a treaty's intent where the treaty language is unambiguous. In these instances, courts expressly forbid looking beyond the language of the treaty to supply the intent of the parties at the time the treaty was drawn.89 When the language of the treaty is ambiguous, however, the court will attempt to effectuate the drafter's intent through a broader inquiry into "the letter and spirit of the instrument," and may take into account "considerations deducible from the situation of the parties; and the reasonableness, justice, and nature of the thing, for which provision has been made." 90 The United States Supreme Court summarized its interpretive process in the case Eastern Airlines Inc., v. Floyd: When interpreting a treaty, [begin] "with the text of the treaty and the context in which the written words are used." 91 [When confronted with difficult or ambiguous passages, the Court provided that] [o]ther general rules of construction may be brought to bear[.] [And it finally noted that] treaties are construed more liberally than private agreements, and to ascertain their meaning we may look beyond the written words to the history of the treaty, the negotiations, and the practical construction adopted by the parties. 92 Treaty interpretation as described above is important when determining whether the treaty conflicts with an act of Congress. Each being the supreme law of the land, treaties and congressional acts are governed by the last-in-time rule: when they conflict, courts must privilege the last enacted treaty or congressional act over the other. 93 Still, federal courts often avoid finding such conflicts between congressional acts and treaty obligations. As Justice Marshall opined in 1804: [A]n act of Congress ought never to be construed to violate the law of nations if any other possible construction remains, and consequently can never be construed to violate neutral rights, or to affect neutral commerce, further than is warranted by the law of nations as understood in this country. 94 Supreme Court jurisprudence since has largely followed the same presumption and, therefore, courts are inclined to harmonize treaties and congressional legislation that are seemingly antithetical to one another. 95 In the event that a congressional act were to supplant United States treaty obligations, courts would look for unambiguous evidence appearing “clearly and distinctly" in the text of the statute or treaty provision. 96 In other words, repeals of prior statutes or treaty provision must likely be made express. In contrast, "repeals by implication" are generally disfavored "unless the last statute is so broad in its terms and so clear and explicit in its words as to show that it was intended to cover the whole subject, and, therefore, to displace the prior statute. 97 B. CSLA Versus the Outer Space Treaty Both being duly enacted, the CSLA and the Outer Space Treaty are considered the supreme law of the land. If there is a conflict between the United States space commerce provisions as outlined in the CSLA and the Outer Space Treaty, a reviewing court would first be called upon to interpret the intent of the treaty itself. Recall that in the context of treaty interpretation, a court would be at liberty to give the treaty a broad construction to effectuate its intent. The key provision of the Outer Space Treaty at issue would be the language of Article II which forecloses "national appropriation" of space by claims of sovereignty, means of use, occupation, or any other means.98 Black's Law Dictionary defines "appropriation" as "the exercise of control over property, a taking of possession." 99 If defined broadly enough, the joint enterprise nature of the United States space commerce, as implemented in the CSLA, might violate the "spirit" of non-appropriation as outlined in the Outer Space Treaty of 1967. The best argument one could make against the CSLA's provisions is to advocate the court to broadly interpret the "appropriation" principle of the Outer Space Treaty. The proponent of this argument would urge that in so doing, a court should look beyond the words of the treaty and examine the history, negotiations, and practical considerations at the time of the treaty's negotiation to determine its true intent. 100 One would also want to argue that the space commerce industry violates perhaps not the "letter" of the treaty, but circumvents entirely its "spirit" if a court were taking into account "considerations deducible from the situation of the parties; and the reasonableness, justice, and nature of the thing, for which provision has been made."' 01 One who attacked the CSLA's general legitimacy in this way could argue that the United States is effectively "appropriating" space through its protection and encouragement of private industry. Such an appropriation would take place not by realizing a "sovereign" right to space property or the uses of space as expressly proscribed in the Outer Space Treaty, but, instead, through the effective use of government power, services, and contracts to encourage and support the rapid development of the private space commerce industry in the United States. In essence, the result of such government encouragement might not amount to wholesale sovereign appropriation, but, at the very least, a kind of sovereign and private space activity that would cast doubt on whether the non-appropriation principle is actually being respected. Therefore, one arguing that such activities were tantamount to sovereign appropriation would highlight the interrelatedness of government and private industry and argue for a broad interpretation of "appropriation" that encompassed the practical effects of such a relationship. In addition to the regulatory interaction between the CSLA and private space commerce industries, the interrelatedness between government and private industry is clearly illustrated by the interaction between CSLA and the 1972 Liability Convention. Recall that the Outer Space Treaty and its progeny envision a "state-oriented" system of responsibility 10 2 where each member state is responsible for all actions in outer space undertaken by the state and its nationals. 10 3 The Liability Convention further binds member states by holding each strictly liable for its actions or the actions of its nationals within outer space and permits only member states to petition for remuneration under the terms of the treaty. 1 04 In its text, the CSLA cites to such international obligations,'0 5 while also mitigating the United States' liability under the Liability Convention. 0 6 The CSLA licensing program ensures overall safety of private space ventures, 0 7 raises the funds necessary to pay "potential treaty claims through its liability insurance requirement,' 10 8 and limits the United States' joint and several liability exposure through restricting private use of foreign launch and reentry facilities.'09 These provisions effectively allow the United States to pass on the financial cost and recover from their private entities the amount of damages for which they are internationally liable. 110 In this way, the government is limiting its international liability exposure by passing on the cost to the private sector. When highlighting the further interrelatedness between government and private industry, one could also note that the United States government holds something of a monopoly in launch services and currently requires that decisions regarding commercial space-launch must be approved through the CSLA. 1' In addition, one making this argument would want to highlight the highly interdependent nature of investment flowing from government to private space commerce: in a February 4, 2008 press release, NASA Deputy Administrator Shana Dale justified the agency's 2009 budget request of $17.6 billion by claiming that "[t]he development of space simply cannot be 'all government all the time[]' . . . . NASA's budget for [fiscal year] 2009 provides $173 million for entrepreneurs-from big companies or small ones-to develop commercial transport capabilities. . . [and] NASA is designating $500 million toward the development of this commercial space capability." 2

#### 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.

#### 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.

#### The aff solves orbital debris and decreases collision risks.

Budhiraia 20 [(Mili, LL.B. candidate 2022 at Faculty of Law, University of Delhi.) “The Menace of Space Debris,” August 30, 2020, https://www.jurist.org/commentary/2020/08/mili-budhiraja-space-debris-india/] TDI

For most of the time India has participated in the space industry, it has played with one hand firmly tied behind its back. But with the introduction of the Self-Reliant India Movement (Aatma Nirbhar Bharat Abhiyaan), private companies hold the baton along with the government organizations to operate in the entire range of space activities. The Indian space industry now has unrivaled possibilities in the sectorial dimensions that constitute the field of space research and exploration. This raises the question of how privatization in the new space economy has increased the threshold of accountability for state actors involved in the operations. As of now, there are 375 private companies all across the globe engaged in the space industry. The privatization of the space industry relies upon the premise that it would lead to the expansion of opportunities to utilize the space. When in the mid-twentieth century the concept of privatization rose to the fore, it was faced with a bitter backlash. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, popularly known as the ‘Outer Space Treaty’, was made when the concept of involving commercial entities into the multitude of space operations was not favored. The United States Communication Satellite Act of 1962 provided foundational support to the launch of communication satellites by commercial enterprises, thereby setting the stage for the entry of private players into the industry. But with increasing access to space operations and a growing level of satellite population, the problem of space debris, and the pollution caused due to the congestion of satellites, witnessed a simultaneous growth reaction. Space debris ranges from defunct spacecraft to paint flecks chipped off from wear and tear. A small debris particle of a mere 1 millimeter has the potential to cause catastrophic collisions. Privatization can act as an inducement in a hyper-dependent society banking upon satellite supported technology to launch more satellites into space. The estimate hints upon a possible 1100 satellites launched by the space industry each year by 2025. While satellites provide a broad, interdisciplinary use including human space exploration, meteorology, and climate change to name a few, the situation has the potential to significantly increase space traffic. It calls for a higher level of safety in the orbiting region from the floating debris, which can cause collisions. Astrophysicist Donald J. Kessler predicted that the debris in the Lower Earth Orbit (LEO) would reach a breaking point with an increase in satellite traffic and would start a collision chain reaction. This phenomenon is known as Kessler Syndrome. As a corollary to this phenomenon runs the concept of “Tragedy of the Commons” introduced by Garrett Hardins. The tragedy of commons occurs in a shared-resource system where independent operations motivated by self-interests deplete the shared-resource through their collective action. The increase in space traffic, which subsequently leads to an increase in space debris, can render LEO economically unviable for other participants. The legal framework dealing with the issue of space contamination is insufficient to provide any recourse. The Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space (2007) provides an international instrument of a persuasive nature and therefore, making it obligatory on the state parties is an onerous task. Article VI of the Outer Space Treaty imposes an international responsibility on the states, and Article VII renders a state party internationally liable to other states for any harm caused due to their operations. Though these provisions address the issues of responsibility in case of ruptures caused at an international level, they do not obligate states to take preventive actions or to remove the harmful agents from the outer space region. Moreover, Article IX of the Outer Space Treaty creates an obligation on the state parties to intimate with other members of the “potentially harmful activities”, but because the release of pollution is a recurrent phenomenon, the law cannot be put to good use. Article I of the Convention on International Liability for Damage Caused by Space Objects (Liability Convention) does not even cover environmental harm under the definition of damage. It exhibits the temperament of organizations on addressing the issues of environmental safety. The academic debate over the tackling of this issue has steered into the arena of taxation. A study has suggested that the problem of space debris can be controlled by levying “Orbit Tax”. The concept of Orbit Tax or Orbital Use Fees (OUF) stems from the Pigouvian Tax System proposed by the economist, Arthur Pigou. The Pigouvian tax was assessed on activities that adversely affect societal interests. The carbon tax which is assessed on the emission of greenhouse gasses illustrates the nature of this taxation system and the jurisprudence behind it. But as the question stands, is the employing of Orbit Tax an effective solution to curb the menace of space pollution? The answer cannot be in a binary nature. The implementation of the OUF requires global participation of the state actors who are involved in the space industry. Harmonious participation could only be ensured with the consensus reached among the state parties on the rate of taxation proposed, the criteria of assessing tax, etc. The Carbon Tax, a form of pollution tax, was implemented under the United Nations Framework Convention on Climate Change. It has witnessed significant participation and changes brought about in the municipal laws of many state members. But there has been a difference in the rate of taxation among the states which convolutes its implementation. Such disparities cannot be allowed to persist in the OUF model adopted for space debris taxation. Even if a presumption is accepted that Orbit Tax will be efficient in controlling the space debris release, the issue of the increased cost of operating satellites can result in a subsequent increase in the cost of providing satellite services. This can have an adverse impact on economically backward countries which are dependent on other state parties for launch and other satellite operations. Moreover, this does not provide an ultimate solution to eliminate the greater risk that debris causes. A better solution would be to motivate states to deploy efficient satellite infrastructure with a lower depletion rate. Instead of increasing the overall cost of a satellite through haphazard taxation measures, the satellite infrastructure shall be made more efficient. The goal should be of sustainable use of the resources. With the growing privatization of the Space Industry, the responsibility in outer space requires prompt actions. There is a need for international agreements of a binding nature to increase the threshold of accountability of member states to ensure a sustainable orbital domain. While increased participation of commercial enterprises is expounded as an economically growing feature of a country, the liability involved with the enlargement of the opportunity base cannot be side-lined. A legal framework has to be structured at both the international and national level to respond to the international responsibility laid down in Article VI of the Outer Space Treaty. Since the Outer Space Treaty is limited in its jurisdiction to state-sponsored activities, there is a need for an international instrument governing the operations of private players. The delay in employing environmental measures has significantly impacted the atmospheric make-up. The same temperament showcased for this issue could bring Kessler Syndrome to life.