## Definitions

#### Appropriation according to x is y. This means it encompasses colonization, material extraction, etc.

#### According to Merriam-Webster, outer space is the space immediately outside the earth’s atmosphere <https://www.merriam-webster.com/dictionary/outer%20space>

#### According to the Code of Federal Regulations, a private entity is entity other than a State, [local government](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=468a5d5f76c860e38c21e0c6e4113af3&term_occur=999&term_src=Title:2:Subtitle:A:Chapter:I:Part:175:175.25), [Indian tribe](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=f7621a836c6d1b1ed6abf21854adf7c9&term_occur=999&term_src=Title:2:Subtitle:A:Chapter:I:Part:175:175.25), or [foreign public entity](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e342a5ecb269b8b1efa289a7bce3942a&term_occur=999&term_src=Title:2:Subtitle:A:Chapter:I:Part:175:175.25). https://www.law.cornell.edu/cfr/text/2/175.25

## Framework- Locke

#### The value for this round ought to be justice, as the resolution asks us to evaluation the justness of an action.

#### Human rights are a prerequisite to justice- if a government doesn’t recognize them, it cannot be just. This means that ignoring human rights is inherently unjust.

Halpine 13, Remarks by WYA Founder Anna Halpine at Europe House, Zagreb, on the occasion of the official launch of the WYA Croatia National Committee, March 2013. “Foundations of Human Dignity” World Youth Allience <https://www.wya.net/press-release/foundations-of-human-dignity/> Livingston RB

The power of the declaration lies in its insistence that human rights are predicated on the dignity of the person. The first line of the Declaration which states “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,” accords pride of place to the concept of human dignity in the understanding and implementation of human rights. Such pride of place is correct. Since human rights are, technically, legal instruments that bind states, there must be a prior foundation on which they need to be established if they point to a reality of the human condition which states must respect. This the Declaration of Human Rights does.  In noting immediately that human rights are rooted in the “inherent dignity” of each human person, and that recognition of this is the foundation for peace, freedom and justice in the world, the framers of the Declaration of Human Rights committed themselves to the fact that States have an obligation to defend the human person as a pre-requisite to being considered a just state. The order established here is clear, and of the utmost importance. States earn their legitimacy by recognizing that they are the protectors of their citizens, and of the intrinsic dignity that their citizens possess. States do not establish or bestow this dignity.

#### The right to property is a human right according to international law, which is recognized by almost every state on earth and the United Nations, this means violating the right to property is violating human rights.

#### Article 17 of the Universal Declaration of Human Rights, which is a piece of international law passed by the the UN, explicitly says property is a human right, saying quote

UN 1948, United Nations. (1948). Universal Declaration of Human Rights. <https://www.un.org/sites/un2.un.org/files/udhr.pdf> Livingston RB

Article 17 1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property.

#### This means that failure to recognize property rights is inherently unjust, as human rights are a prerequisite to justice. Thus, our value criterion is protecting property rights.

## Offense

### Contention 1 is private property in space

#### Private property rights exist in space because current international law only excludes national appropriation

Simberg 12, Rand Simberg, “Property Rights in space” Fall 2012, New Atlantis, <https://www.thenewatlantis.com/publications/property-rights-in-space> Livingston RB

Some parties to the treaty, particularly the Soviet Union, wanted space activities to be the sole preserve of governments. But negotiators from the United States managed to achieve a compromise in Article VI of the treaty that, as Kopal writes, “paved the way for the private sector to conduct space activities side by side with States and international intergovernmental organizations.” Under Article VI, signatory governments bear international responsibility for national activities in outer space … whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. By permitting non-governmental activities in space, albeit under government supervision, this section of the treaty allowed for the creation of the commercial telecommunications, remote-sensing, and spacecraft launching industries, which were then in their infancy and today are thriving. However, as Kopal notes, the treaty “does not contain any principles that would regulate economic activities for the purpose of exploring and exploiting the natural resources of outer space, the Moon and other celestial bodies.” At the time the treaty was negotiated, the issues of economic development in space seemed remote, and so diplomats set them aside as potential obstacles to finding agreement on what they saw as more pressing issues.

Erlank 16, Erlank W "Property Rights in Space: Moving the Goal Posts so the Players don't Notice" PER / PELJ 2016(19) - DOI [http://dx.doi.org/10.17159/1727- 3781/2016/v19n0a1505](http://dx.doi.org/10.17159/1727-%203781/2016/v19n0a1505) Livingston RB

Let us take a moment and quickly look at the applicable conventions. The five main treaties are the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967) (Outer Space Treaty), 8 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (1968) (Rescue Agreement); 9 Convention on International Liability for Damage Caused by Space Objects (1972) (Liability Convention); 10 Convention on Registration of Objects Launched into Outer Space (1975);11 and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979) (Moon Agreement).12 These were all drafted by the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS). Of these conventions the most pertinent when it comes to dealing with the issues of ownership or the lack thereof can be gleaned from articles I and II of the Outer Space Treaty, as well as articles 11(2) and 11(3) of the Moon Agreement. 13 The following extracts from these articles highlight most clearly the position with regard to ownership. Article I of the Outer Space Treaty14 states that: The exploration and use of outer space, including the Moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, … and shall be the province of all mankind … there shall be free access to all areas of celestial bodies…15 The first two property aspects here do not create issues, since they denote a type of public trust (the province of all mankind) or vague general references to the fact that celestial bodies must be explored and exploited for public benefit as well as interest. These concepts do not necessarily prohibit private ownership.

#### The Aff needs to prove that there is a distinction between earth and space that actually justifies stripping people of a fundamental human right, otherwise, there is no practical reason why something we consider a fundamental right on earth is unjust in space. Just because something is new and unknown doesn’t mean morality changes.

Spotswood 19, Beth Spotswood, Beth Spotswood is Alta's digital editor, events manager, and a contributing writer. In addition to her work for Alta, Beth writes for the San Francisco Chronicle. 4-4-2019, "Ethics in Space, Morals on Earth," Alta Online, <https://www.altaonline.com/dispatches/a5208/ethics-in-space-morals-on-earth/> Livingston RB

Bronson describes Planet as a technological Batman, “catching bad guys red-handed, and monitoring the machinations of evil profiteering.” But with hundreds of satellites—Planet’s and its competitors’—[snapping and selling photos](https://www.terraserver.com/) of every inch of the planet, there’s rapidly increasing room for misuse of this medium. While scientists are expected to be collaborative, as evidenced by this [2018 Alta piece from Jennifer Ouellette](https://www.altaonline.com/dispatches/a3505/star-wars/) on the many talented minds who collaborated to solve the mystery of gravitational waves, can we expect corporations and governments to work together for the common good? For example, what happens to this technology that we toss into space? Last week, [India shot down](https://www.technologyreview.com/s/613239/why-satellite-mega-constellations-are-a-massive-threat-to-safety-in-space/) one of its own satellites, leaving a debris field of space junk in its wake and ticking off scientists around the world. According to Bronson, ethics in space isn’t the question. Morality on Earth is. He expands on his Alta piece with these thoughts on human standards for space. Society always projects both its fears and its desires onto new technology. But we go through phases where we are much heavier on fear, and it feels like we’re entering such a phase again. Society is unsettled; when we look to space, we want to play the role of the conscience

#### Historically, we have seen that when you change property rights and our idea of them it leads to a violation and weakening of property rights, which is horrible for protecting property rights. This is seen in Kenya.

Ensminger 97, Ensminger, Jean (1997) Changing Property Rights: Reconciling Formal and Informal Rights to Land in Africa. In: The Frontiers of The New Institutional Economics. Academic Press , San Diego, CA, pp. 165-196. ISBN 0122222407. <https://resolver.caltech.edu/CaltechAUTHORS:20160315-111441599> Livingston RB

When property rights are changed there are always winners and losers. But it stands to reason that the closer the fit between the new and old systems the less the injustice to prevailing distributions. Libecap (1989, pp. 3-4) suggested that the net social gains from changes in property rights will be modest specifically because the difficulty involved in resolving the distribution conflicts that result is so great. There is ample evidence from the Kenyan situation to support his argument. We have already noted that the limitation on the number of heirs resulted in disinheritance. So abhorrent was this perceived miscarriage of social justice that houses merely let titles lapse rather than disinherit family members. But there were other mismatches between customary ststems and formal systems.

### Contention 2 is regulation

#### The main question of the resolution is not whether or not private appropriation will result in positive impacts, its whether or not private appropriation is unjust. The supposed negative impacts that the affirmative presents fail to show that private appropriation is inherently unjust. Rather, it is the negative position that regulation largely solves and means that the private appropriation of outer space isn’t unjust.

#### Regulation is what will ensure coordination in order to tackle emerging problems. Instituting a regulatory body solves for both the harms presented by the aff and future harms that may emerge.

Rauenzahn et al 20, [Brianna Rauenzahn](https://www.theregreview.org/author/brauenzahn/), [Jasmine Wang](https://www.theregreview.org/author/jwang/), [Jamison Chung](https://www.theregreview.org/author/jchung/), [Peter Jacobs](https://www.theregreview.org/author/pjacobs/), [Aaron Kaufman](https://www.theregreview.org/author/akaufman/), and [Hannah Pugh](https://www.theregreview.org/author/hpugh/) Regulatory Review, 6-6-2020, "Regulating Commercial Space Activity," <https://www.theregreview.org/2020/06/06/saturday-seminar-regulating-commercial-space-activity/> Livingston RB

Daily space system operations often [result](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=5) in the presence of space debris, which can include anything from fallout left behind by satellite explosions and collisions to human generated waste from previous space missions. As commercial space traffic [increases](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=3), the U.S. regulatory system must adapt and build a strong foundation for future debris [mitigation](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=5), [Marlon Sorge](https://aerospace.org/person/marlon-sorge) of the [Aerospace Corporation](https://aerospace.org/) [argues](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf). In a recent [paper](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf) with the [Center for Space Policy and Strategy](https://aerospace.org/center-space-policy-and-strategy), Sorge [asserts](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=5) that the federal government should re-evaluate its existing regulatory structure to maximize the potential benefits of commercial space activity and focus on debris mitigation. Through his proposed “one-stop-shop” [model](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=5), Sorge [explains](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=5) that centralizing regulatory functions under one body could enable more efficient coordination between agencies as they [tackle](https://aerospace.org/sites/default/files/2018-05/CommercialDebrisRegulation.pdf#page=3) the rapid emergence of the commercial space sector.