### Natural Persons

#### LINK FILTER – The affirmative does not stop the commercialization of space. Barring appropriation only limits the ownership of real property, use is still allowed. 100% of aff harms result from use, like the claiming of resources in space, not ownership of real estate.

#### *The aff doesn’t have a single piece of solvency or link evidence that is actually about appropriation, or even says the word appropriation, so you should give it ZERO WEIGHT. Go ahead, control F the doc.*

Švec et al 20 [Martin Švec, Petr Boháček, and Nikola Schmidt, “Utilization of Natural Resources in Outer Space: Social License to Operate as an Alternative Source of Both Legality and Legitimacy,” Oil Gas Energy Law J, 2020. <https://planetary-defense.eu/wp-content/uploads/2020/11/ov18-1-article17-notitle.pdf>] CT

2.2.1. Is the Utilization of Space Resources Implicitly Prohibited by the OST?

When the OST was drafted, exploitation of space resources was not considered feasible. Thus, the treaty does not contain any specific reference to space resource activities. However, silence of the OST does not necessarily imply unlawfulness of these activities. On the contrary, the freedom of exploration, use and access is one of the most fundamental principles of international space law. Art I of the OST reads: “Outer space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.“25 It is worth mentioning that France already in 1966, during the negotiations of the OST, emphasised that it is important to know exactly what is meant by the term ‘use’, and whether it is an equivalent to the term ‘exploitation’. 26 While there is a general consensus on the interpretation of the term “exploration” as referring to discovery activities of the space environment for scientific reasons, a large disagreement exists concerning the term ‘use’.27 In this context the Board of Directors of the International Institute of Space Law (IISL) hold that there is no international agreement whether the right of “free use” includes the right to take and consume nonrenewable natural resources, including minerals and water on celestial bodies.28 The authors of this article are of the opinion that the term “use” seems to be broad enough to encompass the exploitation of natural resources. Pursuant to the Vienna Convention on the Law of Treaties, a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. First, the term “use” usually refers to both the non-economic and economic utilization and, thus, the use of outer space for economic ends can include exploitation with the objective of making economic profit.29 Second, the OST’s preamble reveals that the treaty does not aim to restrict the use of outer space, but rather to promote free exploration and use of outer space and the opposite interpretation would lead to an unnecessary impediment to the development of the uses of outer space.30 What is more, these conclusions may also be derived from the Moon Agreement. Although this agreement has been ratified only by 18 states, it may help understand the meaning of the international space law principles enshrined in the OST. The preamble of the Moon Agreement refers to the “benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies,” and art 11 envisages the establishment of an international regime to govern the exploitation of natural resources of the Moon. In addition, Hobe argues, that specific uses are only excluded if they are explicitly excluded in other provisions of the OST, such as prohibition of certain military activities.31

2.2.2. Does the Utilization of Space Resources Contradict the Principle of NonAppropriation?

The principle of non-appropriation is one of the most fundamental rules regulating the exploration and use of outer space. Art II of the OST reads as follows: “Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.” As a consequence, outer space is generally understood as a res communis omnium, 32 in its legal characterisation similar to the law governing the high seas or the deep seabed. An analysis of these already existing regimes based on the non-appropriation principle reveals that an exploitation of natural resources is perfectly compatible with the principle of nonappropriation.33 Additionally, even the Moon Agreement suggests that the exploitation of the natural resources of the moon does not constitute a means of appropriation. In particular, art 11 of the Moon Agreement reiterates that outer space is not subject to national appropriation and it explicitly envisages the establishment of an international legal regime to govern the exploitation of space resources.34

#### *CP: States ought to ban the appropriation of outer space by private entities except for natural persons, and states ought to recognize the right to property for natural persons in space.*

#### OR

#### The individual right to property is a basic human right that should be extended to space. The CP protects individual property rights while solving case since the aff still applies to corporations.

#### No perms: The CP would expand the rights of individuals in space, from the mere right to use, to the full bundle of rights protected by private property.

Reinstein 99 ]Ezra J. Reinstein, “Owning Outer Space,” 20 Nw. J. Int'l L. & Bus. 59 (1999-2000). <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1500&context=njilb>] CT

IV. PROPOSAL: APPROPRJATIVE OWNERSHIP OF REAL PROPERTY

The ideal legal regime should create maximum incentives for efficient development of space, in recognition of the fact that the potential wealth in space will not drop into our laps. But as much as commercial development of space would benefit all mankind, it is just as important that the development be controlled. We must learn from mistakes of the past. Any legal regime should guard against inefficient exploitation, waste, and environmental despoliation. Furthermore, space should not become the next Wild West. Destruction and sabotage must be discouraged. My proposal, which will be developed throughout this essay, is to maximize incentives by giving developers comprehensive property rights. Humanity's welfare demands that we alter the current law to allow real estate ownership -- not just usufructary rights -- to those who would best develop land in space.7 The potential wealth of outer space, in the form of minerals, energy, living space, etc., doesn't do us any good unless we are able to harness it. And, as Jeffrey Kargel, a planetary scientist at the U.S. Geological Survey, has written, "if you want to cross the bridge into the 21st century of space [development], then space must pay its way and give private investors a handsome early return on investment.' 75 What do we mean by "ownership?" Property is commonly recognized as being a "bundle" of disparate rights regulating relations between people with respect to things. The bundle of rights can be unpacked. It includes: the right to possess, the right to use, the right to exclude, and the right to transfer.76 These rights are not on/off affairs; they can each be limited or expanded along a continuum. I use the term "ownership" to describe a state of affairs wherein a person has all four of these rights to their maximum extent with respect to a piece of property. Current space law ostensibly respects the right to use real property in space and to collect and own its fruits. Historically, this has been known as the usufructary right.77 But the current law doesn't even provide this right freely; it seems to be limited by several clauses of the Outer Space Treaty (e.g. use "for the benefit...of all countries").78 Nor does the OST recognize the right to exclude, as is evidenced by article I's prohibition on appropriating what it recognizes as being "the province of all mankind," the guarantee in the same article of "free access to all areas of celestial bodies," and article XII's requirement that "[a]ll stations [and] installations...shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity." Likewise, as illuminated in the SpaceCorp hypothetical, the prohibition on appropriation seems to negate a long-term right of possession. Without the right to exclude or pos- sess, of course, a legal system need not provide the right to transfer real estate. Anyone else may simply help themselves. In sum, the OST demands that "[n]o State can obtain such possessions as will entitle it to claim ownership or sovereignty over them... There can be no exclusive appro- priation of [celestial bodies] and any part thereof as a result of their 'use'..." 79 Under current law, space cannot be owned. A new law of space real property must enliven and support all four rights that comprise ownership. First, there must be a right to permanent possession: barring some ex- traordinary circumstance or the enforcement of a judgment, no one should face dispossession of his real estate on Earth or in space. This rule supplies a needed measure of certainty, in two ways: (1) it's a definite rule and almost any such rule is better than the fogginess of the current regime, and (2) it moves the presumption away from public conversion of private lands, and therefore makes it clear that the OST's statement, that space development must be "for the benefit...of all countries," is a moral exhortation and not a loophole through which the United Nations can dispossess a private party of his site. Second, I suggest that the right to use be unlimited, except by environmental regulations and the developer's domestic law. This rule is a recognition that humanity's fortune is best enhanced not by a centralized command-and-control system, but by private development making market-driven decisions. Like the right to perpetual possession, the third right -- the right to exclude -- creates the certainty vital to an optimal investment environment. As noted, the current system precludes such a right, for it would certainly run afoul of the prohibition on appropriation and the requirement that there be "free access to all areas of celestial bodies. 80 Without the right to exclude, however, pioneer investors would be at the mercy of free riders. After investing countless hours in (or paying someone else for) a survey of the real estate, after setting up a mining colony at great expense, the pioneer would have no recourse if another party took advantage of the pioneer's research and began a copycat mine on the very same site. So the right to exclude must form a part of the new legal system. Finally, the right to transfer must accompany the rights of exclusion and perpetual possession. The Coase Theorem of economics tells us that, in a legal environment supportive of bargaining, property rights will be allocated to the party who values them most, i.e. the most efficient user of the property.81 When transaction costs are high enough to prevent bargaining, property rights only end up in the most productively efficient hands if the law happens to initially assign them that way.82 Without any right to transfer, transaction costs are infinite, and no bargaining can occur. In order to avoid the inevitably inefficient solutions of a command-and-control regime of property usage, the right to transfer -- alienability -- must be a part of our system.83 All these rights together -- possession, use, exclusion, and transfer -- make up ownership. And it is ownership that the modem law of space real property needs.

#### Space settlement is coming now and prevents inevitable extinction. Future settlers need protections and the rule of law.

Gesl 18 [Paul M. Gesl (Maj, USAF JD), “PREPARING FOR THE NEXT SPACE RACE: Legislation and Policy Recommendations for Space Colonies,” A Research Report Submitted to the Faculty In Partial Fulfillment of the Graduation Requirements for the Degree of MASTER OF OPERATIONAL ARTS AND SCIENCES (April 2018). <https://apps.dtic.mil/sti/pdfs/AD1053024.pdf>] CT

Why the United States Needs to Think About Space Colonization Now

The United States’ space policies under the previous two Presidential administrations have not matched the ambition of the commercial sector. The author has criticized the National Space Policies of both President Obama and George W. Bush as being too “Earth-Centric.”6 Based on the current state of technologies, it is easy to dismiss space colonization as, at best, a problem to worry about tomorrow and, at worst, mere science fiction. This is irresponsible. Reaching space is difficult. Colonizing it will be even more difficult; however, we cannot overlook it as a likely possibility. NASA viewed space colonization as an endeavor within humanity’s reach in the 1970s.7 Now it is beginning to take shape as a reality. In 2015 at the Pioneering Space National Summit, policy makers, industry leaders and advocates agreed that “The long term goal of the human spaceflight and exploration program of the United States is to expand permanent human presence beyond low-Earth orbit in a way that will enable human settlement and a thriving space economy. This will be best achieved through public-private partnerships and international collaboration (emphasis in original).”8 Additionally, there have been several attempts in Congress to pursue space settlement.9 Private industry appears to be taking the lead in this race. Elon Musk, the CEO of SpaceX intends to establish a colony of a million settlers on the surface of Mars.10 SpaceX is targeting the first manned missions to make this a reality to launch in 2024.11 Mr. Musk envisions the full colonization to take 40-100 years.12 Even if this timeline misses its ambitious deadline by a decade, humanity will be a multi-planetary species in many readers’ lifetimes. It is important to note that Mr. Musk recently stated that SpaceX is “building the first Mars, or interplanetary ship, and I think we’ll be able to do short trips, flights by first half of next year.”13 Even though he joked that the company might miss their timeline, his comments highlight that colonization is an issue that is fast approaching.14 Another factor to consider is that a legal framework needs to be developed before a Martian colony is at its full capacity. Mr. Musk envisions using SpaceX’s BFR to send approximately 100 people per flight to Mars.15 Additionally, SpaceX appears to be planning for humans living on the lunar surface in their Moon Base Alpha.16 SpaceX is not alone in their ambitions. United Launch Alliance (ULA) published their plans to expand the population of humans living and working in space. Their Cis-lunar 1,000 framework is a 30-year plan to develop the cis-lunar economy and grow the population of humans living and working in space from six to 1,000.17 Space colonization is more important to our species than the economic benefits of a space economy and the conquests of exploration. The current world population is 7.4 billion people.18 According to the World Wildlife Foundation and the Global Footprint Network, “the equivalent of 1.7 planets would be needed to produce enough natural resources to match our consumption rates and a growing population.”19 The problem will likely grow worse as the population of the planet continues to grow. According to the United Nations, the Earth’s population will grow to over 11 billion people by 2100.20 Based partially on this, “Prof [Stephen] Hawking said it was only a matter of time before the Earth as we know it is destroyed by an asteroid strike, soaring temperatures or over-population.”21 Hawking further stated that, “When we have reached similar crisis in or (sic.) history there has usually been somewhere else to colonise (sic.). Columbus did it in 1492 when he discovered the new world. But now there is no new world. No Eutopia (sic.) around the corner. We are running out of space and the only places to go are other worlds.”22 The late Professor Hawking is not alone in his view, the National Space Society observed the benefits of expanding into space. “Outer space holds virtually limitless amounts of energy and raw materials, which can be harvested for use both on Earth and in space. Quality of life can be improved directly by utilization of these resources and also indirectly moving hazardous and polluting industries and/or their waste products off planet Earth.”23 These are just several of the many compelling reasons to colonize space advocated by groups such as the National Space Society and the Space Frontier Foundation.24 ULA appears to be taking steps to meet their ambitions for the future. ULA announced the first step towards making their Cis-lunar 1,000 vision a reality. In October 2017, they announced a partnership with Bigelow Aerospace to launch a habitat to low lunar orbit.25 The launch is expected to be completed before the end 2022.26 Some feel that colonization is going to happen, no matter what governments do.27 If colonization is going to happen, then it is in the United States’ best interest to develop a legal framework that supports the efforts and protects our citizens who will travel to and live in these habitats. This is important for several reasons. First, private corporations appear to have an interest in colonizing space, so it is in humanity’s future whether the government is involved nor not. However, governments can take actions that will accelerate things.28 Second, it is in the best interest of the United States’ economy to support commercial companies that are expanding into space. Third, if the United States does not create a favorable legal framework for space colonization, someone else will. Finally, as humanity expands away from the surface of the Earth, it is important to create a free society based on the principles of the Rule of Law rather than some other form of government, or an anarchistic company town.

#### Space settlement with private appropriation is better than settlement without appropriation.

#### TyrannyAbsent legally enforced personal rights, like property, space settlements are likely to be dominated by tyrannical governments or corporations. Turns case.

Cockell 08 [Charles S. Cockell (Center for Earth, Planetary, Space and Astronomical Research – Open University, Milton Keynes), “AN ESSAY ON EXTRATERRESTRIAL LIBERTY,” JBIS, VOL. 61, pp. 255-275, 2008. <https://www.researchgate.net/profile/Charles-Cockell/publication/258317782_An_Essay_on_Extraterrestrial_Liberty/links/0c96053053a02cfb24000000/An-Essay-on-Extraterrestrial-Liberty.pdf>] CT

6. EXTRATERRESTRIAL LIBERTY

For Berlin [20], ‘negative’ liberty meant the pursuit of individual liberty by removing those mechanisms that exert control over one’s actions. Western liberal democracies pursue, for the most part, philosophies of negative liberty, by attempting to reduce the role of government in individual lives. A restricted sphere of negative liberty is created by tyrannies, in which encroachment into the lives of individuals reduces the number and scope of activities in which people consider themselves free, or at least able to make decisions that can be implemented independently of the State. Of course, by retreating into a core set of activities in which one is completely free, one is in the process of relinquishing liberty, as the scope of free actions is voluntarily reduced. This is in itself a form of slavery. Societies where the scope of negative liberty is reduced can be described as more enslaved, even if the people there may not describe themselves as such, because they have in fact escaped State slavery by retreating from those very activities in which control is exerted.

The crucial point is that the sphere within which negative liberty is possible is necessarily constrained by the environmental conditions under which one exists. The more extreme the environmental conditions, the fewer social activities can occur without collective oversight. More saliently, the people themselves may actually request such oversight, to protect their safety from others who would abuse it, with the resulting dangers. Some of these systems of monitoring can be found in societies on Earth. We cannot drive automobiles without safety checks. Our water must be passed through treatment works— life support systems if you will—that ensure that what we are drinking is safe. Indeed, even in some of the most mature terrestrial democracies, a remarkable quantity of basic consumables and resources come to us through systems of compliance overseen by the State. This is a form of control that most people accept because we consider it in our interest. We do not usually see such invasions of our liberty as tyranny, but rather as benevolent actions by the State to ensure our safekeeping. But they are incursions nevertheless, and while democracy is functioning such oversights need not necessarily concern us; or at least they do not worry most of the public, who are more concerned with having fresh water than more abstract thoughts about the allowable extent to which the State should have influence over their water quality.

In extraterrestrial environments, spacesuits, water quality, food production, habitat pressurisation and so on and so forth will be subject to regulation by corporations or the State. As on Earth, perhaps many of these incursions will be regarded as acts of beneficence by the State in the interests of safety, and will be willingly accepted. But one fact is undeniable: the extent of negative liberty must be less in extraterrestrial environments than on Earth, and quite significantly less. Even the air will be subject to quality controls and checks. Forms and permissions will be associated with the very act of breathing. No philosophy of advancing the domain of negative liberty, no clever sophistry, can change this truth, which is brought into being by basic survival needs.

An undeniable effect will be to expand the opportunities for tyranny. Where the mechanisms for central control are necessarily enlarged in their scope and diversity, a greater number of levers exist, and enable individuals and organisations to exert control and assume power. A reduction in negative liberty does not necessarily imply greater tyranny, but it certainly makes it possible. In extraterrestrial environments, where centralised interventions must be frequent, how much weaker is freedom and how much easier is tyranny to enforce? We cannot know the answers until we undertake the experiment, but we can be fairly sure that the qualitative answer must be ‘more easily’.

More insidiously, the restriction of the borders of negative liberty, caused by the apparent need to protect individuals from the irresponsible actions of others, can itself be perpetuated as a form of liberty. The use of alcohol in extraterrestrial environments is one example. On Earth, the excessive use of alcohol may result in broken windows and arrests, but once the windows are repaired little damage has been done to society as a whole. Hence, although there is a negative social collective impact of excessive alcohol use, the prohibition of alcohol consumption of any kind is generally regarded as an infringement of civil liberties that the public will not tolerate. This is why, of course, attempts to do exactly this in the past have been met by black marketeering. But in extraterrestrial environments, a broken window may imply depressurisation, and the instant death of many individuals. The potential impact on society of the irresponsible and thoughtless actions of individuals is greater, and it might seem justifiable to restrict greatly, or even prohibit, the civil liberty of alcohol use, in the interests of collective safety.

This principle can be applied to many diverse social interactions that could be construed as threatening people, and the prevention of which can be advanced as the protection of individual and social freedom through the process of restricting negative liberty.

Liberty encompasses the freedom that individuals have to actively pursue their own objectives (‘positive liberty’ sensu Berlin). An obvious mechanism by which this becomes practical is the creation of social mechanisms and institutions through which the ‘active’ pursuit of this ‘positive’ sense of liberty is made possible, for example the welfare State. Organisations established to act as conduits for the free expression of different points of view, or to act as means to achieve practical objectives, are not always liberal. Even in some of the most developed democracies, societies and organisations may become dominated by elite closed circles of people, and media channels may be influenced by moguls who use outlets to perpetuate specific corporate views. What prevents these incursions into the structures of liberty from descending into wholesale tyranny? In reality, very little. The subversion of democratic States, or States on the verge of democracy, into societies more reminiscent of dictatorships has many historical precedents. The principal mechanisms that allow individual freedom to triumph over the slide towards tyranny include the legally agreed freedoms that individuals have to establish competition against dominating organisations, and the culture that ensures that the freedom to create organisations is not then abused to destroy the very democratic organisations that guarantee that freedom.

In a society in which the freedom to organise and assemble institutions is protected by law, those organisations that distort and alter their environments, or the information they propagate, are likely to be usurped by institutions that reflect a different style of thinking, by the process of individual choice. However, these alternative visions can only be effective, and one can only assert them over the prevailing opinions with confidence, when one has sufficient information to be confident of their likely veracity. On Earth, to express many ideas and counter-opinions one does not need supreme confidence in the truth. If one’s opinion turns out to be in error one gives up, accepts the viewpoint of the adversary and continues one’s life. These opportunities to challenge, however, are central to the power of the individual to confront institutions.

But there is one social situation in which the individual’s power is markedly reduced, even rendered completely ineffective against a collective body. Health and safety is one of the most effective levers of social influence and justified coercion, because it invokes the protection of people confronted with life and death situations. Consider, for example, an oxygen supply system on the Moon. The authority that runs such a system might seek control over a political dissenter by threatening to move him or her and their family to a new zone of habitation, on the grounds that the oxygen supply to their habitat is faulty. By doing this, they will remind these individuals who is in control of their survival, and coerce them through fear into mitigating their dissent, thereby creating a more malleable individual and reducing the challenge to collective authority.

Governing organisations have access to a vast realm of information that no single individual can hope to have [21]. They know, for example, about the oxygen demand, its rate of supply, the pipes that supply it, the maintenance history of the oxygen producing machines, and so on and so forth. For an individual to declare that the intention of the authority to move them to another habitat is for controlling political purposes, he or she must also have access to all such information, which they can then use to demonstrate that there is no safety concern. If they do not have access to this information, then it becomes a simple task for the authorities to portray them as dishonourable individuals inveighing against the hard work of other individuals who are working to secure their individual safety and the security of society [22]. They can be then be ostracised, and their general behaviour will be treated as disingenuous. However, to have access to all the information to convincingly uphold a complaint is never possible, because an individual can never know whether they are missing a single crucial fact that makes all the difference to their safety. Even armed with what they perceive to be all the information available, the individual is faced with a choice between allowing an incursion on their home and liberty, or taking the risk that their presumption of having full information is correct. Faced with such a choice, the individual is likely to opt for the former in the interests of caution, particularly in an environment where the other choice may imply death from a failed oxygen system. In the extreme case, this first course of action would be further reinforced in a particularly coercive, venal society where the individual might even be convinced of the capability of the authorities to engineer the failure of their oxygen system and their death, in order to crush dissent, even if their complaint was in fact justified.

The end point of this process, when applied across many activities in life, is a colony of automatons performing tasks for an extraterrestrial authority, with their freedom reduced to a withered core of activities in the most private confines of their habitats. Extraterrestrial environments make such an endpoint not merely a possible outcome, but a likely one.

This attack on liberty is made possible because the pursuit of individual safety can be made an unchallengeable requirement of a ‘free’ society [23]. Freedom from instantaneous death caused by the external environment is the common freedom on which all individuals should converge, and any social structure or plan that brings people closer to that reality must surely be praiseworthy? The removal of other freedoms to achieve the safety of society is excusable. From this position, the environment can itself become the instrument of positive liberty. In this way, and in a rather unique way, encroachment on freedom of thought and movement, in the interests of ensuring the protection of the freedom of the individual against the lethality of the environment, can be transformed into a justifiable and universalisable doctrine of control [24].

Unfortunately this approach receives succour from every major tradition of social philosophy that we know on Earth. From Grotius to J.S. Mill, the right to self-preservation has been considered the core of individual liberties [25], a point beyond which no State may go, and which every individual has the right to take it upon him or herself to secure—indeed, such a notion has even been referred to as a ‘natural law’ [26]. Even Hobbes’ view of the necessity of sovereign control [27] turns on the right of each individual in a fight to preserve themselves. It is possible to spend much of one’s life on Earth without undue concern for self-preservation. Apart from those unfortunate individuals who confront a burglar or gang, most people will not actually come face to face with the need to infringe others’ rights to self-preservation. Fortunately, although the right to self-preservation is theoretically an unchallengeable right of all people, it remains, in a civil society, one sufficiently protected by the laws, and by regulations against various street crimes that might infringe self-preservation.

If, as has been traditional on the Earth, the right to selfpreservation is also held to be a basic right of all people in extraterrestrial environments, then the keys to despotism are handed over to those in control of society. Self-preservation is threatened on a day-to-day basis by the lethality of the environment. In such an environment, each individual does indeed represent a much greater threat to every other individual than on the Earth, because unpredictable and criminal actions against the infrastructure represent a continuously present and potentially catastrophic threat to self-preservation. The authorities therefore have the excuse to implement draconian systems of control to protect the right of every individual to self-preservation. Worse than this, however, the people will voluntarily, in exercising their right to selfpreservation, and to protect themselves, accept more farreaching control over the lives of others [28]. Where death is a more likely outcome of criminal action, the Hobbesian State of nature, and the tendency to vigorously guard against it, becomes a more tangible reality [29].

#### Property rights are the essential building blocks of a fully inclusive and functional government. Turns case since they envision a democratically governed space that is impossible without appropriation.

UNDP ’08 - Working Group on Property Rights, 2008, 'Empowering the Poor Through Property Rights', in Making the Law Work for Everyone Volume II, Commission on Legal Empowerment of the Poor, United Nations Development Programme, New York, pp. 63-128 <https://www.mercatus.org/system/files/ch2.pdf> AT

This transition has reduced global poverty substantially, but as outlined above, billions of people around the world still lack secure property rights, which hinders their economic, political and social security. In order to examine how poverty can best be relieved, and why access to property rights is fundamental to the empowerment of the poor, it is necessary to identify building blocks of a fully-functional property system. Such a system operates in the following four ways:

1) As a system of rules that defines the bundle of rights and obligations between people and assets.15 Property ownership creates ties that bind individual citizens together through the formation of networks of economic and legal rights and corresponding obligations. The credible enforcement of these rights and obligations requires a judicial mechanism that allows for equitable, transparent and efficient dispute resolution.

2) As a system of governance. Property systems are a central facet of state functionality, and as such are an important measurement of fiduciary and administrative effectiveness. The institutional order of the state is based on technical rules and relationships which define interactions between stakeholders, ranging from direct ownership of land to promulgation of rules that govern security of land and house tenure, land planning, zoning, taxing and other aspects of property management. Technological innovation, which has radically reduced the cost of information, has generated the possibility for further transparency and accountability in property systems as an instrument of governance.

3) As a functioning market for the exchange of assets. A fully functional property system allows land, houses, moveable property, equity shares, and ideas to be transformed into assets to be bought and sold at rates determined by market forces. This subjects the exchange of property to a level of transparency and accountability, and allows for the development of financial mechanisms — including credit 67 and insurance — to facilitate transactions and improve economic outcomes. Land, houses and moveable property can thus be leveraged, and assets transformed from static investments into capital which can be bought and sold. However, property rights are a necessary but not sufficient precondition for the development of these financial mechanisms; they also develop through partnership between the market, special funds targeted at access to finance, and the state.

4) As an instrument of social policy. In the absence or failure of the market, the state often plays a direct role in addressing the needs of the poor. The state has at its disposal instruments that can be used to endow its citizens with assets as they relate to property, such as public housing, low interest loans and the distribution of state land. Such instruments help to overcome natural competition for assets. The state also supports social cohesion through the development of co-ownership of infrastructure and services by government and the citizen, supporting the equilibrium between individual and collective interests. Provision of infrastructure by the state critically affects the value and desirability of assets, and can therefore fundamentally affect opportunities for the poor.

#### Conflicts and predationA future in space is literally unthinkable without private property rights. No one could be secure in their possessions.

Wasser & Jones 08 [Alan Wasser & Douglas Jobes, “Space Settlements, Property Rights, and International Law: Could a Lunar Settlement Claim the Lunar Real Estate It Needs to Survive,” 73 J. Air L. & Com. 37 (2008). <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1159&context=jalc>] CT

XV. REDUCTIO AD ABSURDUM 137

The falsehood of the proposition that the Outer Space Treaty prohibits ownership of private property on the Moon13 can be further demonstrated by carrying it to its logical conclusion. Imagine the Moon has been settled for a century. Hundreds of thousands of people live there. Ships to and from various parts of the Earth and Mars come and go from the main Lunar space port every hour. Will those hundreds of thousands of Lunar citizens still do without any private property rights because of the two-centuryold Outer Space Treaty? Will no one own the land where they or their grandfathers-built their homes and factories? Will no one ever own the land where that space port's giant terminal buildings stand? Even if that restrictive view of the Outer Space Treaty were to prevail, sooner or later, and probably as soon as possible, Lunar colonists would most certainly decide to scrap it and start claiming ownership of the land they occupy." 9 Whether or not the settlement is recognized as a government, it will certainly acquire many of the attributes of a government, like deciding which of its citizens owns what. At that point, the governments of the Earth will have to decide what to do. Go to war against the Lunar colonists over it? Of course not. They will spend endless hours in legal wrangling about it, but in the end, they will have no choice but to acquiesce to some sort of reasonable Lunar property regime. The U.S., and every other nation on Earth, will eventually have to agree to accept and/or recognize the settlement's claims.

#### Property rights in space solve predation and prevent conflict.

Thomas 05 [Jonathan Thomas, “Privatization of Space Ventures: Proposing a Proven Regulatory Theory for Future Extraterrestral Appropriation,” 1 BYU Int'l L. & Mgmt. R. 191 (2005). https://digitalcommons.law.byu.edu/ilmr/vol1/iss1/7]CT

The current corpus juris spatialis based on res communis has received wide criticism by legal commentators, in part because of the practical limitations of its idealistic principles in application. For example, one commentator addressing the potential problems of future colonization of celestial bodies argued that the prohibition against private and national appropriation may cause deleterious effects when colonizers build settlements. Although these colonizers may occupy the property, they will have no legal control of their communities and could be uprooted for the purposes of putting that property to a better use for the benefit of common heritage. This risk may serve as a strong disincentive to the preservation of sectarian colonization in a res communis society.

Other commentators argue that the current corpus juris spatialis based on the idealistic res communis principle has actually slowed the development of outer space exploration because privately and publicly funded organizations cannot appropriate outer space.61 Under the corpus juris spatialis, there exists no probability or possibility of return on investments, which results in insufficient monetary incentive for businesses or private persons. Even with the daunting needs created by increasing population and consumption, and decreasing resources on earth, many states may not even attempt to exploit extraterrestrial resources because the current corpus juris spatialis does not guarantee that their own citizens will benefit from the investments made with their tax dollars. A future lack of resources, combined with a body of law that mandates common ownership of potential resources, may create a black market for extraterrestrial resources, or it may engender armed conflicts over the lack of supplies available to states.63

While there is little past precedent to justify it, and little present sentiment to support it, the current corpus juris spatialis clings to the idea that in the future, humans will be able to share the resources of space in common. One commentator illustrates these idealistic ideas and assumptions:

The articles of the various [outer space J treaties all predicate themselves upon the theory that mankind will work together for the common good with no real advantage to be gained other than the praise of his fellow man. It assumes that people are able to co-operate, and that they will indeed do so whenever dealing with outer space ventures. While the global effort in researching, developing and exploring space for the sheer joy of the information obtained, accomplished in the spirit of teamwork is a noble goal, it is clear that a world full of economic strife is ripe to intervene.64

These assumptions of the Outer Space Treaty and the Moon Treaty are unrealistic at present. Perhaps someday humankind will develop ideal characteristics that the Outer Space Treaty and Moon Treaty would like it to engender. In the meantime, it may be impractical to attempt to solve the dilemma of space appropriation based on characteristics yet to be consistently demonstrated.

Furthermore, res communis principles would become problematic as applied to space law due to the following problems: (1) the application of res communis theory in the Western world has been unsuccessful; and (2) scarcity of resources in res communis society is fatalistic to the society. It could be argued that the success of res communis ideology, albeit on a small scale, indicates that humankind should be able to implement the res communis ideology into corpus juris spatialis. While res communis ideology has seen some success in other societies, it is not prudent to assume that it will enjoy the same successful application in our increasingly capitalistic, modern society. Societies that have successfully implemented res communis ideology have had entirely different goals and values systems than those of the capitalist societies that are now developing the means for further space exploration. 65 While the isolated successes of communal societies in Africa and the Australian Outback are indeed admirable, they are certainly not the pioneers of space exploration and appropriation. Furthermore, it is difficult to posit that capitalistic nations can successfully switch to a res communis ideology. Groups that originated in capitalistic societies and subsequently switched to communal living have ultimately failed and reverted back to the individual ownership system from which they came. 66

The second problem with using res communis as a basis for property endowment in outer space law is the damaging effect of individual appropriation on the community when scarcity arises. Even in a res communis society where the community owns all property, individual members of the community nonetheless use certain parts of that property to the exclusion of the rest of the community. Such individual use and appropriation against the community is seen as permissible under res communis ideology supported by Lockean notions of property endowment; an individual may exclude the community from property if he or she mixes his or her labor with that property. This individual appropriation does not have a damaging impact on the community as long as there IS "'enough and as good left in common for others.71 However, when there IS scarcity, the rights of the community against the individual become increasingly hostile.

In outer space, scarcity will always be an Issue and thus will limit the utility of res communis based on Lockean principles of property endowment.72 The universe potentially may contain billions of solar systems and planets, but some celestial bodies may prove to be gold mines, while others prove to be "the Sahara."73 More important than the scarcity of limited resources, however, is the scarcity created by human lifespan and technological limitations. The time that space travel presently takes in comparison to the average human life span limits our ability to exploit celestial resources. Furthermore, technological limitations already have created issues of scarcity: such as the increasing problems of satellite positioning and traffic in geostationary orbit.

#### Terrestrial examples prove. Absent enforceable property rights, the poor are subject to deprivation, abuse, predation, and conflict. Turns case since without property rights, the power of the rich to exploit the rest of society increases.

UNDP ’08 - Working Group on Property Rights, 2008, 'Empowering the Poor Through Property Rights', in Making the Law Work for Everyone Volume II, Commission on Legal Empowerment of the Poor, United Nations Development Programme, New York, pp. 63-128 <https://www.mercatus.org/system/files/ch2.pdf> AT

Growing Slums and Legal VoidsAt least a third of the world’s poor live in irregular settlements without coherent legal protection of their assets. Population and urban settlement growth projections predict an aggravation of the problem. The UN Human Settlements Programme holds that over the next 25 years more than 2 billion urban dwellers could be added to the close to 1 billion now living in slums, with some 2.825 billion requiring housing and urban services by 2030. If no action is taken most of this growth will occur outside the legally protected sector.37 The consequences of the exclusion of the poor as a result of rapid urbanisation and modernisation are being acutely manifested around the world. In the final analysis, among all the causal factors for displacement, first and foremost is lack of security of tenure for the poor, who have no enforceable property rights or access to justice.

Dire Consequences and Missed Development Opportunities

Without enforceable property rights, residents of informal settlements are often subject to forceful eviction. They must fend for themselves or pay bribes to local landlords to defend their right to occupy land, protect it from harmful encroachment, and settle disputes. Lack of protection, of tenure and of legal leverage for economic activity, decreases productivity. It leads to social exclusion, reproduced over generations and visible in the spatial segregation of the poor in the urban housing environment. Environmental and behavioural degradation is closely linked to the vicious circles perpetuated by faltering property rights systems which fail the poor and slow down the development of society at large. Residents in extra-legal settlements have no legitimate way to transfer a home to a family member or heir nor to rent or sell to another. Illegal black land markets emerge and abusive practices become prevalent. Due to a lack of property rights guarantee, many assets in developing nations are not fungible. The poor and their potential business partners have no criteria to establish or realise the potential of their assets. There is no clear reciprocity for holding each other accountable and no sufficient basis to protect transactions or to pool assets with others. For the national economy, extra-legality sets off a cycle of disinvestment in housing; it represents a lost opportunity to stimulate productive economic activity.

Rural Poverty and Property Rights

Despite continuing urbanisation, two-thirds of the poor live in rural areas. Ninety-five percent live in China, South Central Asia and Sub Saharan Africa. Together these rural poor account for around half the world’s total poor. Rural Land Relations and Extreme Poverty Insufficient land to live on, and insecure access or rights over land, are well recognised factors in sustaining poverty.38 Rural landlessness is often the best predictor of extreme poverty and hunger. Inadequate rights regarding land often result in entrenched poverty and are significant impediments to rural development and to alleviation of hunger.39 Elimination of the causes of tenure insecurity is thus imperative for fighting poverty.

Rural Land Relations and Armed Conflict

Conflict over rural land ownership and access is almost always near the centre of armed civil conflict.40 With various degrees of prominence, war over land access has been a driver, such as between the land rights of farmers and pastoralists (Burkina Faso), citizens and strangers (Côte d’Ivoire), indigenous and proto-colonial groups (Namibia, Liberia, Mozambique), and ethnic groups (Rwanda, Burundi, Sudan, Uganda). Essentially, it is about conflicts of interest — and legal rights — between the rural rich and rural poor. Not surprisingly, attention to the legal rights of the majority of poor is often an early platform of post-conflict reforms, most recently in Sudan and Liberia,41 quite aside from the need to address conflict-induced land losses and occupations.42

## Case

### Framing

#### We outweigh under truth testing - the only way to make a moral statement is to assess the outcomes of decisions made assuming that statement. If we prove that it’s good to allow private appropriation of outer space, then we’ve disproven that it’s unjust, meaning all our offense links

#### The role of the ballot is to determine the desirability of the AFF method---Anything else destroys the stasis of contestation provided by the topic which unpredictably denies us all of the 1AC the impact is clash---that outweighs and turns all their offense because it’s intrinsic to debate and lets us best export our strategies

### Solvency

#### Opposing private appropriation of outer space doesn’t mean the end of capitalism writ large. Claiming solvency for all capitalism requires them to explain

#### We are currently living under capitalism, whether it is good or bad. If appropriation of outer space doesn’t happen, they have to explain how that somehow will lead to a change to the mode of production sufficient to avoid the impacts of terrestrial capitalism. They don’t advocate for socialism or socialist policies so hold the line

### Capitalism

#### Their whole argument is that private companies in space is unjust, but that doesn’t prove appropriation of outer space is unjust. Privatization is inevitable, but private property is a solution to the tragedy of the commons in space. Command F “appropriation” in their doc and it literally shows up only once in any card. Err heavily neg here - companies would be more incentivized to protect and increase the value of their property if there were property rights. Thus, even if private entities are unjust, appropriation is just because it remedies the issue of the commons.

#### Capitalism will expand elsewhere if not in space

**Shamas & Holden, 2019**, Victor Shamas &, Oslo Metropolitan University, Work Research Institute (AFI), Oslo, Norway; Thomas Holden, Independent scholar, Oslo, Norway, 2019, Palgrave Communications, One giant leap for capitalistkind: private enterprise in outer space, https://www.nature.com/articles/s41599-019-0218-9

Outer space serves at least two purposes in this regard. In the short-to medium-term, it allows for the export of surplus capital into emerging industries, such as satellite imaging and communication. These are significant sites of capital accumulation: global revenues in the worldwide satellite market in 2016 amounted to $260 billion (SIA, 2017, p. 4). Clearly**, much of this activity is taking place ‘on the ground'; it is occurring in the ‘terrestrial economy'. But all that capital would have to find some other meaningful or productive outlet were it not for the expansion of capital into space**.

#### Governments solve the excesses of capitalism in space. Fernolz 19

Tim Fernolz, 2019, How to build a space economy that avoids the mistakes of terrestrial capitalism, https://qz.com/work/1767415/can-nasa-build-a-space-economy-that-leaves-capitalisms-problems-behind/

The good news is that **we aren’t close to a world like the one depicted in the movie Elysium, where the ultra-wealthy repair to space and leave the rest of us behind. Our public and private interests will be far more intertwined**, in part because governments have designed it that way. **Most of the major space agencies are compelled by law in their home countries to support private economic activity, which means for example that NASA, by law, views the success of US companies in space as part of its mission, and not a distraction or a threat.** The reality is that **public space agencies, particularly NASA in the United States, remain the largest spenders in space and control the conditions for private organizations acting in orbit. Their challenge—and opportunity—is to manage the transition to a new, multi-stakeholder world in orbit by successfully subsidizing new initiatives without letting the benefits escape the public at large. Much of the work of establishing our space economy is prosaically earthly: Competition policy, labor rights, and corporate taxation. But with critiques of capitalism’s distributional failures at the center of public discourse, there are also sweeping challenges to address: Namely, can the orbital economy be structured better than its terrestrial analogue?**