### Legal Trust Doctrine CP

#### TEXT: The Outer Space Treaty ought to be amended to establish an international legal trust system governing outer space.

Finoa 21 [Ivan Finoa (Department of Law University of Turin), “Building a New Legal Model for Settlements on Mars,” A. Froehlich (ed.), Assessing a Mars Agreement Including Human Settlements, Studies in Space Policy 30, 2021. <https://doi.org/10.1007/978-3-030-65013-1_7>]CT

7.5 A Proposal for an International Legal Trust System

Since several legal and policy issues may arise from the actual legal framework, a new international legal regime for outer space shall: (a) Provide for property rights or a lease allocation system, both incentivising investments in the space sector. The system would be supervised and led by the United Nations (UN) through the United Nations Office for Outer Space Affairs (UNOOSA). (b) Establish the rule of law in outer space. A laissez faire system could turn into anarchy whereby countries and companies could race to grab as many resources as possible bringing considerable potential conflict. (c) Recognise outer space as common heritage of mankind, instead of res communis.24 (d) Provide a sustainable exploitation of celestial bodies, to avoid the uncontrolled production of space debris or to prevent the complete exhaustion of the celestial bodies’ masses or their natural orbits.25 The United Nations should manage the ordered and sustainable economic development in outer space for the present and future generations. (e) Prevent the militarisation of outer space and favours the international collaboration, which are the same aims of the Outer Space Treaty’ drafters. (f) Consider the weak points of the Moon Agreement which led to nations’ refusal to sign. Only a widely accepted agreement would have the power of law in the international context.

The abovementioned requirements could be met by establishing an international Legal Trust System (ILTS). A trust is an arrangement that assigns assets to one or more trustees that will manage them in the interest of one or more beneficiaries. The latter may include the trustee or the settlor.26 Translated in the ILTS, mankind would assume the role of settlor and beneficiary of the outer space resources. The UNOOSA would act as main trustee of outer space resources and trading property rights and leases to companies and countries. The rights over the celestial bodies or over its resources would depend on the nature of the celestial body itself. For example, property rights are preferable to a lease over asteroids, as they could just disappear after the exploitation. Both leases and property rights can be provided over lands and mining sites on Mars. Leases or defeasible titles are preferable for some land mass on those celestial bodies which could hypothetically be used by humankind pending an Earth disaster. In the case of lucrative activities, such as mining, companies will choose whether to get the exclusive use over the resource through payment of the lease or through annual payment linked to net proceeds or to production charges.

7.6 The Functioning of the International Legal Trust System

When a company is interested in leasing or buying an outer space resource, before starting any operations, it must send a plan of work to the United Nations. The plan of work shall include all the details of the activity that would be carried out; it shall be consistent with pre-established parameters of sustainability and shall not interfere with other space activities. If the UN approves the company plan of work, the country of the company assumes the role of co-trustee for the specific resource. Thus, as a cotrustee, countries must investigate whether all activities of their national companies are consistent with the plan of work authorised by the UN. These supervisory duties would be added to the responsibility of nations for all space objects that are launched within their territory.27 The UN, as main trustee, would oversee that countries are performing their duties. This model would be the ordinary one. There would be also an extraordinary model, in which the UN would be the only trustee. This model would be possible in two instances: when the country of the applicant for a private company is not technologically able to act as a trustee or when the applicant of the activity is a country itself. Furthermore, as stated previously, the beneficiaries of this trust are the countries of the world and their citizens; hence all mankind would take concrete profit from lease transactions and benefit sharing. The income from the sales, leases and benefit sharing can be distributed to mankind by financing international global goals, following a similar model of the 17 Sustainable Development Goals adopted by the United Nations in 2015, which addressed poverty, inequality, climate change, environmental degradation, and peace and justice. Finally, the International Legal Trust System would meet acceptance because every country would obtain benefit sharing to improve its living standard and space faring nations would rely on property rights.

#### The legal trust would incentivize investment in space while preventing conflict and ensuring sustainable development and the equitable distributions of resources.

Finoa ’20 – Ivan Finoa [Department of Law, University of Turin], “An international legal trust system to deal with the new space era,” 71st International Astronautical Congress (IAC) – The CyberSpace Edition, (12-14 October 2020). <<https://d1wqtxts1xzle7.cloudfront.net/66728932/_IAC_20_E7.VP.8.x58518_An_international_legal_trust_system_to_deal_with_the_new_space_era_BY_IVAN_FINO-with-cover-page-v2.pdf?Expires=1642044926&Signature=asvt6StaK5n9UnpXuJIlo4ziI839WzFYjDZy37bm70ObGy3vFJyHwWNGxhn2beze4QzYDPPX0pVEXAwYvDaINVNxN01Ify8YwG5loNRddlat-grf3iawic7KvwqPowxFe2GuemVvbB-KW8ZVBxigwS-gelSKIVy4KYR9UgiDrM6e6deEBnUTcULSwmsH-JdHNg13ytZ3vNVMMlxZW2MPOCRuB2WlOHdCLoC86VqafSoMwuec-d~Aisbgyt5F2vO-GjvI60bR7h2MSp0iT6P7apIDUUpHUsDGbvcdxp22HSxXdlvr7lSqtLnL5rKxujGDYq~R9B~WuGiorVL2hn74UQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA>>CT

Considering the worsening climate change, in the future outer space might be our last Noah’s Ark. Now, humans must look to space as an opportunity to support growing resource requirements. Asteroids are rich in metals, which could be transported back to Earth. Unfortunately, the existing international legal framework discourages investments in the space economy. Once an enterprise invests billions of dollars in discovering and developing a mining site, it cannot claim any ownership because of the non-appropriation principle stipulated in Article 2 of the Outer Space Treaty (OST). Thus, other entities could legally access and exploit the same resource without any participation in the initial financial investment, increasing the risk of potential conflict. Bearing this in mind, the question arises, which legal regime could ensure effective allocation of resources, avoiding a chaotic space race to acquire valuable assets? The aim of this research is to argue that the first two articles of OST should be amended, to set up an international legal trust system which would guarantee different kinds of rights, dependently on the nature of the celestial body. E.g., property rights could be preferable to a lease over asteroids, as they could be exploited to their disappearance. This proposed system would be led by the United Nations Office for Outer Space Affairs (UNOOSA), as the main trustee. The co-trustees would be the nations of the world. Prior to initiating any space activity, every entity would send a request to their national government. If all the legal parameters are respected, the nation would forward the operational request to the UNOOSA. In the case of acceptance, UNOOSA would record the permit on an international public registry. The country in which the company has been registered would investigate whether the activities of its national company are consistent with the permit. This would be the ordinary model. The extraordinary model would be when the applicant for the space activity is a state, then the trustee would be the UN. All lucrative activities would be subject to benefit-sharing. Finally, this research will demonstrate the valuable outcome of the International Legal Trust System and its advantages for all humankind. Private companies would rely on property rights, while the benefit-sharing could be used to finance the 17 Sustainable Development Goals adopted by the UN in 2015, which address peace, climate change, inequalities and poverty.

### Asteroid Mining DA

#### The private sector is essential for asteroid mining – competition is key and government development is not effective, efficient, or cheap enough. Thiessen 21:

Marc Thiessen, 6-1, 21, Washington Post, Opinion: SpaceX’s success is one small step for man, one giant leap for capitalism, https://www.washingtonpost.com/opinions/2020/06/01/spacexs-success-is-one-small-step-man-one-giant-leap-capitalism/

It was one small step for man, one giant leap for capitalism. Only three countries have ever launched human beings into orbit. This past weekend, SpaceX became the first private company ever to do so, when it sent its Crew Dragon capsule into space aboard its Falcon 9 rocket and docked with the International Space Station. This was accomplished by a company Elon Musk started in 2002 in a California strip mall warehouse with just a dozen employees and a mariachi band. At a time when our nation is debating the merits of socialism, SpaceX has given us an **incredible testament to the power of American free enterprise.** While the left is advocating unprecedented government intervention in almost every sector of the U.S. economy, from health care to energy, **today Americans are celebrating the successful privatization of space travel.** If you want to see the difference between what government and private enterprise can do, consider: It took a private company to give us the first space vehicle with touch-screen controls instead of antiquated knobs and buttons. It took a private company to give us a capsule that can fly entirely autonomously from launch to landing — including docking — without any participation by its human crew. It also took a private company to invent a reusable rocket that can not only take off but land as well. When the Apollo 11 crew reached the moon on July 20, 1969, Neil Armstrong declared “the Eagle has landed.” On Saturday, SpaceX was able to declare that the Falcon had landed when its rocket settled down on a barge in the Atlantic Ocean — ready to be used again. That last development will save the taxpayers incredible amounts of money. The cost to NASA for launching a man into space on the space shuttle orbiter was $170 million per seat, compared with just $60 million to $67 million on the Dragon capsule. The cost for the space shuttle to send a kilogram of cargo into to space was $54,500; with the Falcon rocket, the cost is just $2,720 — a decrease of 95 percent. And while the space shuttle cost $27.4 billion to develop, the Crew Dragon was designed and built for just $1.7 billion — making it the lowest-cost spacecraft developed in six decades. SpaceX did it in six years — far faster than the time it took to develop the space shuttle. ***The private sector does it better, cheaper, faster and more efficiently than government***. Why? Competition. Today, SpaceX has to compete with a constellation of private companies — including legacy aerospace firms such as Orbital ATK and United Launch Alliance and innovative start-ups such as Blue Origin (which is designing a Mars lander and whose owner, Jeff Bezos, also owns The Post) and Virgin Orbit (which is developing rockets than can launch satellites into space from the underside of a 747, avoiding the kinds of weather that delayed the Dragon launch). In the race to put the first privately launched man into orbit, upstart SpaceX had to beat aerospace behemoth Boeing and its Starliner capsule to the punch. It did so — for more than $1 billion less than its competitor. **That spirit of competition and innovation will revolutionize space travel in the years ahead.** Indeed, Musk has his sights set far beyond Earth orbit. Already, SpaceX is working on a much larger version of the Falcon 9 reusable rocket called Super Heavy that will carry a deep-space capsule named Starship capable of carrying up to 100 people to the moon and eventually to Mars. Musk’s goal — the reason he founded SpaceX — is to colonize Mars and make humanity a multiplanetary species. He has set a goal of founding a million-person city on Mars by 2050 complete with iron foundries and pizza joints. Can it be done? Who knows. But this much is certain: **Private-sector innovation is opening the door to a new era of space exploration**. Wouldn’t it be ironic if, just as capitalism is allowing us to explore the farthest reaches of our solar system, Americans decided to embrace socialism back here on Earth?

#### Space regulation scares investors away and spills over to other space activities. Freeland 05

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V. THE NEED FOR CELESTIAL PROPERTY RIGHTS? ¶ The fundamental principle of "non-appropriation" upon which the international law of outer space is based stems from the desire of the international community to ensure that outer space remains an area beyond the jurisdiction of any state(s). Similar ideals emerge from UNCLOS (in relation to the High Seas) as well as the Antarctic Treaty, 42 although in the case of the latter treaty, it was finalised after a number of claims of sovereignty had already been made by various States and therefore was structured to "postpone" rather than prejudice or renounce those previously asserted claims.43 In the case of outer space, its exploitation and use is expressed in Article I of the Outer Space Treaty to be "the province of all mankind," a term whose meaning is not entirely clear but has been interpreted by most commentators as evincing the desire to ensure that any State is free to engage in space activities without reference to any sovereign claims of other States. This freedom is reinforced by other parts of the same Article and is repeated in the Moon Agreement (which also applies to "other celestial bodies within the solar system, other than the earth")." Even though both the scope for space activities and the number of private participants have expanded significantly since these treaties were finalised, it has still been suggested that the nonappropriation principle constitutes "an absolute barrier in the realization of every kind of space activity., 4 ' The amount of capital expenditure required to research, scope, trial, and implement a new space activity is significant. To bring this activity to the point where it can represent a viable "stand alone" commercial venture takes many years and almost limitless funding. From the perspective of a private enterprise contemplating such an activity, it would quite obviously be an important element in its decision to devote resources to this activity that it is able to secure the highest degree of legal rights in order to protect its investment. Security of patent and other intellectual property rights, for example, are vital prerequisites for private enterprise research activity on the ISS, and these rights are specifically addressed by the ISS Agreement between the partners to the project and were applicable to the experiments undertaken by Mark Shuttleworth when he was onboard the ISS.46

#### Asteroid mining can happen with private sector innovation and is key to solve a laundry list of impacts--climate change, economic decline and asteroid collisions. Taylor 19

Chris Taylor [journalist], 19 - ("How asteroid mining will save the Earth — and mint trillionaires," Mashable, 2019, accessed 12-13-2021, https://mashable.com/feature/asteroid-mining-space-economy)//ML

How much, exactly? We’re only just beginning to guess. [Asterank](http://www.asterank.com/), a service that keeps track of some 6,000 asteroids in NASA’s database, prices out the estimated mineral content in each one in the current world market. More than 500 are listed as “>$100 trillion.” The estimated profit on just the top 10 asteroids judged “most cost effective” — that is, the easiest to reach and to mine, subtracting rocket fuel and other operating costs, is around $1.5 trillion.¶ Is it ours for the taking? Well, here’s the thing — we’re taking it already, and have been doing so since we started mining metals thousands of years ago. Asteroid strikes are the only reason rare metals exist in the Earth’s crust; the native ones were all sucked into our planet’s merciless iron core millions of years ago. Why not go to the source?¶ As a side project, space mining can grab water from the rocks and comets — water which, with a little processing makes rocket fuel. Which in turn makes even more currently unimaginable space operations possible, including ones that could give the planet all the energy it needs to avert climate catastrophe. Cislunar space — the bit around us and the moon, the local neighborhood, basically — is about to get very interesting.¶ It’s hard, even for the most asteroid-minded visionaries, to truly believe the full scope of this future space economy right now. Just as hard as it would have been in 1945, when an engineer named Vannevar Bush first proposed [a vast library of shared knowledge that people the world over would access via personal computers](https://en.wikipedia.org/wiki/Memex), to see that mushroom into a global network of streaming movies and grandmas posting photos and trolls and spies who move the needle on presidential elections. ¶ No technology’s pioneer can predict its second-order effects.¶ The space vision thing is particularly difficult in 2019. Not only do we have plenty of urgent problems with democracy and justice to keep us occupied, but the only two companies on the planet to have gone public with asteroid-mining business plans, startups that seemed to be going strong and had launched satellites already, were just bought by larger companies that are, shall we say, less comfortable executing on long-term visions.¶ Planetary Resources was founded in 2012 in a blaze of publicity. Its funding came from, among others, Larry Page, Eric Schmidt, Ross Perot, and the country of Luxembourg. It had inked an orbital launch deal with Virgin Galactic. And it was sold last October to a blockchain software company. (To 21st century readers, this paragraph would look like I’m playing tech world mad libs.)¶ In January, the other company, Deep Space Industries, also partly funded by Luxembourg (way to get in the space race, Luxembourg!), was sold to Bradford Space, owned by a U.S. investment group called the American Industrial Acquisition Corporation. Maybe these new overlords plan on continuing their acquisitions' asteroid mining endeavors rather than stripping the companies for parts. Both companies have been notably silent on the subject. “The asteroid mining bubble has burst,” [declared The Space Review](http://www.thespacereview.com/article/3633/1), one of the few online publications to even pay attention.¶ That’s also to be expected. After all, anyone trying to build Google in 1945 would go bankrupt. Just as the internet needed a half-dozen major leaps forward in computing before it could even exist, space industry needs its launch infrastructure.¶ Currently, the world’s richest person and its most well-known entrepreneur, Jeff Bezos and Elon Musk, respectively, are working on the relatively cheap reusable rockets asteroid pioneers will need. (As I was writing this, Bezos announced in an email blast that one of his New Shepherd rockets had flown to space and back five times like it was nothing, delivering 38 payloads for various customers while remaining entirely intact.) ¶ Meanwhile, quietly, Earth’s scientists are laying the groundwork of research the space economy needs. Japan’s Hayabusa 2 spacecraft has been in orbit around asteroid Ryugu for the last year and a half, learning everything it can. (Ryugu, worth $30 billion according to Asterank, is the website's #1 most cost-effective target.) The craft dropped [tiny hopping robot rovers](https://www.space.com/41941-hayabusa2-asteroid-rovers-hopping-tech.html) and a [small bomb](https://www.space.com/japan-hayabusa2-asteroid-bomb-video.html) on its target; pictures of the small crater that resulted were released afterwards.¶ Officially, the mission is to help us figure out how the solar system formed. Unofficially, it will help us understand whether all those useful metals clump together at the heart of an asteroid, as some theorize. If so, it’s game on for asteroid prospectors. If not, we can still get at the metals with other techniques, such as optical mining (which basically involves sticking an asteroid in a bag and drilling with sunlight; sounds nuts to us, but [NASA has proved it in the lab](https://www.nasa.gov/directorates/spacetech/niac/2017_Phase_I_Phase_II/Sustainable_Human_Exploration/)). It’ll just take more time.¶ Effectively, we’ve just made our first mark at the base of the first space mineshaft. And there’s more to come in 2020 when Hayabusa 2 returns to Earth bearing samples. If its buckets of sand contain a modicum of gold dust, tiny chunks of platinum or pebbles of compressed carbon — aka diamonds — then the Duchy of Luxembourg won’t be the only deep-pocketed investor to sit up and take notice.¶ The possibility of private missions to asteroids, with or without a human crew, is almost here. The next step in the process that takes us from here to where you are? Tell us an inspiring story about it, one that makes people believe, and start to imagine themselves mining in space. How would you explain the world-changing nature of the internet to 1945? How would you persuade them that there was gold to be mined in Vannevar Bush’s idea? You’d let the new economy and its benefits play out in the form of a novel.¶ As Hayabusa dropped a bomb on Ryugu, Daniel Suarez was making the exact same asteroid the target of his fiction. Suarez is a tech consultant and developer turned New York Times bestselling author. His novels thus far have been techno-thrillers: his debut, [Daemon](https://www.amazon.com/dp/B003QP4NPE/ref=dp-kindle-redirect?_encoding=UTF8&btkr=1), a novel of Silicon Valley’s worst nightmare, AI run rampant, made more than a million dollars.¶ So it was a telling shift in cultural mood that Suarez’s latest thriller is also a very in-depth description of — and thinly-disguised advocacy for — asteroid mining. In [Delta-v](https://www.amazon.com/Delta-v-Daniel-Suarez-ebook/dp/B07FLX8V84/ref=sr_1_1?crid=UMNUUSR3NCBX&keywords=delta-v&qid=1556930756&s=digital-text&sprefix=delta-v%2Cdigital-text%2C204&sr=1-1), published in April, a billionaire in the 2030s named Nathan Joyce recruits a team of adventurers who know nothing about space — a world-renowned cave-diver, a world-renowned mountaineer — for the first crewed asteroid mission.¶ Elon Musk fans might expect this to be Joyce’s tale, but he soon fades into the background. The asteroid-nauts are the true heroes of Delta-v. Not only are they offered a massive payday — $6 million each for four years’ work — they also have agency in key decisions in the distant enterprise. Suarez deliberately based them on present-day heroes. The mission is essential, Joyce declares, to save Earth from its major problems. First of all, the fictional billionaire wheels in a fictional Nobel economist to demonstrate the actual truth that the entire global economy is sitting on a [mountain of debt](https://www.washingtonpost.com/opinions/the-247-trillion-global-debt-bomb/2018/07/15/64c5bbaa-86c2-11e8-8f6c-46cb43e3f306_story.html?noredirect=on&utm_term=.5fb3ff1155d9). It has to keep growing or it will implode, so we might as well take the majority of the industrial growth off-world where it can’t do any more harm to the biosphere.¶ Secondly, there’s the climate change fix. Suarez sees asteroid mining as the only way we’re going to build [solar power satellites](https://en.wikipedia.org/wiki/Space-based_solar_power). Which, as you probably know, is a form of uninterrupted solar power collection that is theoretically more effective, inch for inch, than any solar panels on Earth at high noon, but operating 24/7. (In space, basically, it’s always double high noon). ¶ The power collected is beamed back to large receptors on Earth with large, low-power microwaves, which researchers think will be harmless enough to let humans and animals pass through the beam. A space solar power array like [the one China is said to be working on](https://www.forbes.com/sites/scottsnowden/2019/03/12/solar-power-stations-in-space-could-supply-the-world-with-limitless-energy/#2d3f78a54386) could reliably supply 2,000 gigawatts — or over 1,000 times more power than the largest solar farm currently in existence. ¶ “We're looking at a 20-year window to completely replace human civilization's power infrastructure,” Suarez told me, citing the report of the Intergovernmental Panel on Climate Change on the coming catastrophe. Solar satellite technology “has existed since the 1970s. What we were missing is millions of tons of construction materials in orbit. Asteroid mining can place it there.”¶ The Earth-centric early 21st century can’t really wrap its brain around this, but the idea is not to bring all that building material and precious metals down into our gravity well. Far better to create a whole new commodities exchange in space. You mine the useful stuff of asteroids both near to Earth and far, thousands of them taking less energy to reach than the moon. That’s something else we’re still grasping, how relatively easy it is to ship stuff in zero-G environments. ¶ Robot craft can move 10-meter boulders like they’re nothing. You bring it all back to sell to companies that will refine and synthesize it in orbit for a myriad of purposes. Big pharma, to take one controversial industry, would [benefit by taking its manufacturing off-world](https://medium.com/fitch-blog/why-is-big-pharma-interested-in-the-space-economy-c078ac1bf67c). The molecular structure of many chemicals grows better in microgravity.¶ The expectation is that a lot of these space businesses — and all the orbital infrastructure designed to support them — will be automated, controlled remotely via telepresence, and monitored by AI. But Suarez is adamant that thousands if not millions of actual human workers will thrive in the space economy, even as robots take their jobs in old industries back on Earth.¶ “Our initial expansion into space will most likely be unsettled and experimental. Human beings excel in such environments,” he says. “Humans can improvise and figure things out as we go. Robots must be purpose-built, and it's going to take time and experience for us to design and build them.”¶ Which is another way startups back on Earth will get rich in the new economy: designing and building those robots, the nearest thing to selling picks and shovels to prospectors in the space gold rush. Thousands of humans in space at any one time will also require the design and construction of stations that spin to create artificial gravity. Again, this isn’t a great stretch: Using centrifugal force to simulate gravity in space was first proposed by scientists in the 19th century. NASA has had workable designs for spinning cislunar habitats called [O’Neill cylinders](https://en.wikipedia.org/wiki/O%27Neill_cylinder) since the 1970s. We just haven’t funded them. ¶ But the trillionaires clearly will.¶ In short, Suarez has carefully laid out a vision of the orbital economy that offers something for everyone in our divided society. For Green New Deal Millennials, there’s the prospect of removing our reliance on fossil fuels at a stroke and literally lifting dirty industries off the face of the planet. For libertarians and other rugged individualists, there’s a whole new frontier to be developed, largely beyond the reach of government. ¶ For those who worry about asteroids that could wipe out civilization — though luckily, [this isn't likely to happen any time soon](https://mashable.com/article/armageddon-asteroid-threat) — here is a way for humanity to get proficient in moving them out of the way, fast. Indeed, the National Space Society has offered [a proposal](https://space.nss.org/technologies-for-asteroid-capture-into-earth-orbit/) to capture the asteroid Aphosis (which is set to miss Earth in the year 2029, but [not by a very comfortable margin](https://www.space.com/asteroid-apophis-2029-flyby-planetary-defense.html)), keep it in orbit, and turn it into 150 small solar-power satellites, as a proof of concept. ¶ For the woke folks who care about the bloody history of diamond production, there’s the likelihood that space mining would wipe out Earth’s entire diamond industry. “They will be found in quantities unattainable on Earth,” claims Suarez, with good reason. We are starting to discover that there is more crystalized carbon in the cosmos than we ever suspected. Astronomers have identified one [distant planet made entirely of diamond](https://www.nationalgeographic.com/science/phenomena/2014/06/24/diamond-the-size-of-earth/); there may be more, but they are, ironically, hard to see. ¶ We don’t have diamond planets in our solar system (and we can’t do interstellar missions), but we do have diamond-studded asteroids. Mine them for long enough and you will wear diamonds on the soles of your shoes.¶ For investors and entrepreneurs, there is the thrill of racing to be the first member of the four-comma club. ([Neil deGrasse Tyson believes that the first trillionaire will be an asteroid mining mogul](https://www.nbcnews.com/science/space/neil-degrasse-tyson-says-space-ventures-will-spawn-first-trillionaire-n352271); Suarez isn’t sure whether they’ll be the first, but he suspects that asteroid mining “will mint more trillionaires than any industry in history.”) ¶ For the regular guy or gal with a 401K, there’ll be a fast-rising stock market — inflated not by financial shenanigans this time, but an actual increase in what the world counts as wealth.¶ For workers, there is the promise of sharing in the untold riches, both legally and otherwise. It would be hard to stop miners attaining mineral wealth beyond their paycheck, under the table, when your bosses are millions of miles away. Then there’s the likelihood of rapid advancement in this new economy, where the miners fast gain the knowledge necessary to become moguls.¶ “After several tours in space working for others, perhaps on six-month or year-long contracts, it's likely that some workers will partner to set up their own businesses there,” says Suarez. “Either serving the needs of increasing numbers of workers and businesses in space, marketing services to Earth, or launching asteroid mining startups themselves.” All in all, it’s starting to sound a damn sight more beneficial to the human race than the internet economy is. Not a moment too soon. I’ve written encouragingly about asteroid mining several times before, each time touting the massive potential wealth that seems likely to be made. And each time there’s been a sense of disquiet among my readers, a sense that we’re taking our rapacious capitalist ways and exploiting space.¶ Whereas the truth is, this is exactly the version of capitalism humanity has needed all along: the kind where there is no ecosystem to destroy, no marginalized group to make miserable. A safe, dead space where capitalism’s most enthusiastic pioneers can go nuts to their hearts’ content, so long as they clean up their space junk. ¶ ([Space junk](https://mashable.com/category/space-junk) is a real problem in orbital space because it has thousands of vulnerable satellites clustered closely together around our little blue rock. The vast emptiness of cislunar space, not so much.)¶ And because they’re up there making all the wealth on their commodities market, we down here on Earth can certainly afford to focus less on growing our stock market. Maybe even, whisper it low, we can afford a fully functioning social safety net, plus free healthcare and free education for everyone on the planet.¶ It’s also clearly the area where we should have focused space exploration all along. If we settle on Mars, we may disturb as-yet-undiscovered native bacteria — and as the character Nathan Joyce shouts at a group of “Mars-obsessed” entrepreneurs in Delta-V, Mars is basically filled with toxic sand and is thus looking increasingly impossible to colonize. (Sorry, Mark Watney from The Martian, those potatoes would probably kill you.)

#### Warming causes extinction.

Bill McKibben 19, Schumann Distinguished Scholar at Middlebury College; fellow of the American Academy of Arts and Sciences; holds honorary degrees from 18 colleges and universities; Foreign Policy named him to their inaugural list of the world’s 100 most important global thinkers. "This Is How Human Extinction Could Play Out." Rolling Stone. 4-9-2019. https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310/

Oh, it could get very bad. In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.” A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska. Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high. There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most. I could, in other words, do my best to scare you silly. I’m not opposed on principle — changing something as fundamental as the composition of the atmosphere, and hence the heat balance of the planet, is certain to trigger all manner of horror, and we shouldn’t shy away from it. The dramatic uncertainty that lies ahead may be the most frightening development of all; the physical world is going from backdrop to foreground. (It’s like the contrast between politics in the old days, when you could forget about Washington for weeks at a time, and politics in the Trump era, when the president is always jumping out from behind a tree to yell at you.) But let’s try to occupy ourselves with the most likely scenarios, because they are more than disturbing enough. Long before we get to tidal waves or smallpox, long before we choke to death or stop thinking clearly, we will need to concentrate on the most mundane and basic facts: everyone needs to eat every day, and an awful lot of us live near the ocean. FOOD SUPPLY first. We’ve had an amazing run since the end of World War II, with crop yields growing fast enough to keep ahead of a fast-rising population. It’s come at great human cost — displaced peasant farmers fill many of the planet’s vast slums — but in terms of sheer volume, the Green Revolution’s fertilizers, pesticides, and machinery managed to push output sharply upward. That climb, however, now seems to be running into the brute facts of heat and drought. There are studies to demonstrate the dire effects of warming on coffee, cacao, chickpeas, and champagne, but it is cereals that we really need to worry about, given that they supply most of the planet’s calories: corn, wheat, and rice all evolved as crops in the climate of the last ten thousand years, and though plant breeders can change them, there are limits to those changes. You can move a person from Hanoi to Edmonton, and she might decide to open a Vietnamese restaurant. But if you move a rice plant, it will die. A 2017 study in Australia, home to some of the world’s highest-tech farming, found that “wheat productivity has flatlined as a direct result of climate change.” After tripling between 1900 and 1990, wheat yields had stagnated since, as temperatures increased a degree and rainfall declined by nearly a third. “The chance of that just being variable climate without the underlying factor [of climate change] is less than one in a hundred billion,” the researchers said, and it meant that despite all the expensive new technology farmers kept introducing, “they have succeeded only in standing still, not in moving forward.” Assuming the same trends continued, yields would actually start to decline inside of two decades, they reported. In June 2018, researchers found that a two-degree Celsius rise in temperature — which, recall, is what the Paris accords are now aiming for — could cut U.S. corn yields by 18 percent. A four-degree increase — which is where our current trajectory will take us — would cut the crop almost in half. The United States is the world’s largest producer of corn, which in turn is the planet’s most widely grown crop. Corn is vulnerable because even a week of high temperatures at the key moment can keep it from fertilizing. (“You only get one chance to pollinate a quadrillion kernels of corn,” the head of a commodity consulting firm explained.) But even the hardiest crops are susceptible. Sorghum, for instance, which is a staple for half a billion humans, is particularly hardy in dry conditions because it has big, fibrous roots that reach far down into the earth. Even it has limits, though, and they are being reached. Thirty years of data from the American Midwest show that heat waves affect the “vapor pressure deficit,” the difference between the water vapor in the sorghum leaf’s interior and that in the surrounding air. Hotter weather means the sorghum releases more moisture into the atmosphere. Warm the planet’s temperature by two degrees Celsius — which is, again, now the world’s goal — and sorghum yields drop 17 percent. Warm it five degrees Celsius (nine degrees Fahrenheit), and yields drop almost 60 percent. It’s hard to imagine a topic duller than sorghum yields. It’s the precise opposite of clickbait. But people have to eat; in the human game, the single most important question is probably “What’s for dinner?” And when the answer is “Not much,” things deteriorate fast. In 2010 a severe heat wave hit Russia, and it wrecked the grain harvest, which led the Kremlin to ban exports. The global price of wheat spiked, and that helped trigger the Arab Spring — Egypt at the time was the largest wheat importer on the planet. That experience set academics and insurers to work gaming out what the next food shock might look like. In 2017 one team imagined a vigorous El Niño, with the attendant floods and droughts — for a season, in their scenario, corn and soy yields declined by 10 percent, and wheat and rice by 7 percent. The result was chaos: “quadrupled commodity prices, civil unrest, significant negative humanitarian consequences . . . Food riots break out in urban areas across the Middle East, North Africa, and Latin America. The euro weakens and the main European stock markets lose ten percent.” At about the same time, a team of British researchers released a study demonstrating that even if you can grow plenty of food, the transportation system that distributes it runs through just fourteen major choke-points, and those are vulnerable to — you guessed it — massive disruption from climate change. For instance, U.S. rivers and canals carry a third of the world’s corn and soy, and they’ve been frequently shut down or crimped by flooding and drought in recent years. Brazil accounts for 17 percent of the world’s grain exports, but heavy rainfall in 2017 stranded three thousand trucks. “It’s the glide path to a perfect storm,” said one of the report’s authors. Five weeks after that, another report raised an even deeper question. What if you can figure out how to grow plenty of food, and you can figure out how to guarantee its distribution, but the food itself has lost much of its value? The paper, in the journal Environmental Research, said that rising carbon dioxide levels, by speeding plant growth, seem to have reduced the amount of protein in basic staple crops, a finding so startling that, for many years, agronomists had overlooked hints that it was happening. But it seems to be true: when researchers grow grain at the carbon dioxide levels we expect for later this century, they find that minerals such as calcium and iron drop by 8 percent, and protein by about the same amount. In the developing world, where people rely on plants for their protein, that means huge reductions in nutrition: India alone could lose 5 percent of the protein in its total diet, putting 53 million people at new risk for protein deficiency. The loss of zinc, essential for maternal and infant health, could endanger 138 million people around the world. In 2018, rice researchers found “significantly less protein” when they grew eighteen varieties of rice in high–carbon dioxide test plots. “The idea that food became less nutritious was a surprise,” said one researcher. “It’s not intuitive. But I think we should continue to expect surprises. We are completely altering the biophysical conditions that underpin our food system.” And not just ours. People don’t depend on goldenrod, for instance, but bees do. When scientists looked at samples of goldenrod in the Smithsonian that dated back to 1842, they found that the protein content of its pollen had “declined by a third since the industrial revolution — and the change closely tracks with the rise in carbon dioxide.” Bees help crops, obviously, so that’s scary news. But in August 2018, a massive new study found something just as frightening: crop pests were thriving in the new heat. “It gets better and better for them,” said one University of Colorado researcher. Even if we hit the UN target of limiting temperature rise to two degrees Celsius, pests should cut wheat yields by 46 percent, corn by 31 percent, and rice by 19 percent. “Warmer temperatures accelerate the metabolism of insect pests like aphids and corn borers at a predictable rate,” the researchers found. “That makes them hungrier[,] and warmer temperatures also speed up their reproduction.” Even fossilized plants from fifty million years ago make the point: “Plant damage from insects correlated with rising and falling temperatures, reaching a maximum during the warmest periods.”

#### An asteroid collision would ensure extinction – would fundamentally alter the biosphere, don’t underestimate its risk. Hudson 19

Wesley Hudson ’19, news reporter for Express, “Asteroid alert: NASA warning as kilometre long space rock set to skim Earth at 25,000mph”, 8/28/19, Express, https://www.express.co.uk/news/science/1170826/asteroid-news-NASA-latest-space-rock-asteroid-1998-HL1-earth-danger-apocalypse

AN ASTEROID almost a kilometre wide is currently barreling through space at more than 25,000mph and is due to skim the earth towards the end of October. NASA’s Jet Propulsion Laboratory (JPL) claim the space rock will shoot past the earth within a “close” proximity of the planet in the early hours of October 26. The asteroid, dubbed 1998 HL1, is a so-called Near-Earth Object (NEO) flying on a Close Approach Trajectory. NASA expects the 1998 HL1 to come flying by dangerously close around 1.21am BST (17.21pm PDT). The daunting moment will mark anther journey around the sun for the asteroid since it was discovered in 1998. The asteroid will be travelling at a staggering speed of over 25,000mph as it barrels past the Earth. The JPL predict the asteroid could be between 440m and 990m wide. At its largest an asteroid of this size is bigger than the tallest building in the world, the Burj Khalifa in Dubai. Even at it’s smallest, 1998 HL1 is still bigger than The Shard. Since it was discovered, 1998 HL1 has been seen up to 408 times. An NEO is an asteroid or comet which is on an orbital path intersecting that of the Earth's. This asteroid will miss the Earth by almost four million miles. If it were to strike the Earth, an asteroid of this size would cause catastrophic damage. The extinction of the dinosaurs in the Cretaceous-Tertiary event 65million years ago is famously believed to have been caused by a massive asteroid impact. The Chicxulub Crater in Mexico is the most commonly accepted point of impact, with the responsible body thought to be around 10km in diameter. A car-sized asteroid is estimated to hit the Earth roughly once a year. The majority of asteroids on track for the planet are usually burnt up as they enter the Earth's atmosphere. NASA administrator Jim Bridenstine has previously warned a potential asteroid collision is more likely then people realise. He said: "We have to make sure that people understand that this is not about Hollywood, it's not about the movies. "This is about ultimately protecting the only planet we know, right now, to host life - and that is the planet Earth.” NASA is currently in the process of developing the Double Asteroid Redirection Test (DART). DART will test if it is possible to redirect asteroids that are threatening to impact with Earth. SpaceX chief Elon Musk had previously tweeted fears of a deadly collision that Earth was not prepared for. Mr Musk tweeted: “A big rock will hit Earth eventually & we currently have no defence.”

#### Don’t write our impacts off as low probability – asteroid collision is complex and the existence of space keyholes exponentially increases the risk of collision. Vereš ’19

Peter Vereš ’19, Harvard-Smithsonian Center for Astrophysics, “Chapter 6 Vision of Perfect Observation Capabilities”, 2019, Planetary Defense, Space and Society, https://dl1.cuni.cz/pluginfile.php/634091/mod\_resource/content/1/Planetary%20Defence.pdf

Often, uncertain orbits are a source of elevated impact risks of some NEOs with the Earth. The impact probability of an asteroid with Earth is a complex problem. First, the orbits of Earth and the asteroid should be close enough or even intersect; second, the Earth and asteroid should meet at the intersection at the same time. If these conditions are met, then one can assess how close the asteroid flies around the Earth at a given time, or whether it will hit the Earth. One must remember that each asteroid orbit comes with uncertainties and therefore, instead of a single accurate solution where the asteroid will hit the Earth or miss it, there is always a realm of possible solutions within the orbit uncertainties. The tangent plane to the asteroid’s trajectory at the time of impact, or close approach, is called a b-plane. At a given time of a predicted impact, all possible closest distances to the Earth of possible orbits create an area on the tangent plane. If the area contains the Earth, then the impact probability for that epoch is non-zero and in a simple approximation can be denoted as a ratio of an area of Earth cross section and the entire area with possible orbits going through the b-plane. It happens that a newly discovered NEO with a short arc that is coming very close to the Earth has a non-zero impact probability, because its orbit is highly uncertain and the area on the b-plane is very large. Typically, further observations improve the orbit, and the impact risk for a given epoch falls to zero. Some objects, however, have orbits with low orbital uncertainty, but still have non-zero impact probability, such as Bennu. The non-zero impact probability is computed for a given time in the future, but even if the orbit is known very well today, small perturbations from planets and non-gravitational forces increase the uncertainty for future impacts. That is why NASA’s Sentry is providing predictions only for the next 100 years. A close flyby of a spacecraft around an asteroid may improve the asteroid’s orbit significantly, however, it does not fully mitigate its impact in the future, due to the presence of keyholes (Chodas 1999)—small areas in space near Earth. Keyholes are specific for asteroids flying very close to the Earth and are rather small, from a few to hundreds of kilometers across. If the keyhole is hit during the NEO flyby, the orbit of the NEO becomes resonant with Earth and the NEO will return to Earth regularly, increasing its impact probability. Thus, in case of a very near Earth flyby, the orbit needs to be known with such precision (~km) that keyhole avoidance is confirmed. NASA has even created the NEO Deflection App,1 where the public can try to change the orbit of a hypothesized NEO on direct impact trajectory. For Earth impact monitoring, the accuracy of orbits and orbital uncertainties is crucial and deserves more attention. The future of orbit determination and uncertainty mitigation will depend more and more on sophisticated software that will be able to handle orbital computation in detail; assess uncertainties and errors of measurements; coordinate a list of objects that are crucial for follow-up or orbit improvement, or even automatically point the telescopes in a network to observe those asteroids; measure their positions; and submit the data to MPC. This automated process is more or less implanted by several surveys (CSS, LCOGT) and agencies (ESA, MPC).

### Solvency

**Probability – 0.1% chance of a collision.**

Alexander William **Salter**, **Economics Professor at Texas Tech**, **’16**, “SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS” 19 STAN. TECH. L. REV. 221 \*numbers replaced with English words

The probability of a collision is currently **low**. Bradley and Wein estimate that the **maximum probability** in LEO of a collision over the lifetime of a spacecraft remains **below one in one thousand**, conditional on continued compliance with NASA’s deorbiting guidelines.3 However, the possibility of a future “snowballing” effect, whereby debris collides with other objects, further congesting orbit space, remains a significant concern.4 Levin and Carroll estimate the average immediate destruction of wealth created by a collision to be approximately $30 million, with an additional $200 million in damages to all currently existing space assets from the debris created by the initial collision.5 The expected value of destroyed wealth because of collisions, currently small because of the low probability of a collision, can quickly become significant if future collisions result in runaway debris growth.

#### NASA’s own study proves that public sector can’t clean up the orbit and is not slowing launch nearly enough. Private cleanup is NECCISSARY to solve.

**NASA** Office of Inspector General**, 21** - ("NASA’S EFFORTS TO MITIGATE THE RISKS POSED BY ORBITAL DEBRIS," Nasa office of audits Jan 27, 2021, 1-2- https://oig.nasa.gov/docs/IG-21-011.pdf/)//AW

Given the rapid increase of space activity worldwide and the current state of orbital debris in LEO, international space agencies and the scientific community agree that mitigation-only activities focused solely on prevention are not sufficient to stabilize the orbital debris environment. Rather, to effectively address the orbital debris issue, global mitigation and strategic remediation efforts are necessary. Multiple studies have found that the growth of debris in LEO can be slowed by ensuring that at least 90 percent of all spacecraft are removed from orbit within 25 years of the end of their mission, and at least five defunct spacecraft (that will not deorbit on their own) are actively removed from orbit every year. NASA’s consistent position is that preventing future debris will have greater impact on mitigating orbital debris risks than pursuing development of costly remediation technologies. Although NASA’s compliance rate for end-of-mission disposal within 25 years stands at approximately 96 percent over the last decade, the global compliance rate has only averaged between 20 to 30 percent—much lower than the 90 percent required to slow the rate at which debris is generated in LEO. Despite presidential and congressional directives to NASA over the past decade to develop active debris removal technologies, the Agency has made little to no progress on such efforts. Moreover, debris removal technologies from international agencies and commercial entities are in the early stages of development and testing. We found that NASA models of the orbital debris environment lack sufficient data, putting the Agency at risk of underor over-protecting spacecraft from debris. For objects larger than 3 mm, ODPO’s data is limited by the decreasing amount of time available on the three radars it uses to detect and statistically estimate debris due to funding, inoperable equipment, and competing priorities from multiple users. ODPO has also been unsuccessful in securing a source of measurement data on debris 3 mm and smaller in the 400 to 1,000 km range of LEO with failed missions and others canceled due to a lack of funding, a shortcoming particularly concerning because millimeter-sized orbital debris represents the highest penetration risk to most missions operating in LEO. In addition, NASA does not have the ability to track debris smaller than 10 cm in the range of LEO where the International Space Station resides and plans to rely on DOD’s Space Fence to track such debris. However, this ground-based radar system has not yet reached full operational capability, leaving the Station’s critical elements vulnerable to damage from this size debris. Finally, NASA evaluates ODARs and EOMPs to ensure programs and projects are complying with Agency orbital debris requirements, such as limiting the generation of debris and disposing of spacecraft safely. While the Agency has made improvements to this evaluation process, we found that ODARs and EOMPs were not consistently submitted to the Office of Safety and Mission Assurance in a timely manner (with some submitted nearly a year late), and the process used to route the reports for approval was laborious. Delays in providing the documentation for review could result in a missed opportunity for alternative or low-cost fixes to address mitigation issues.

#### Doesn’t solve debris- governments are responsible for 38% of all operational satellites but an even higher percentage of junk.

**We’ll insert this chart from here. Wood 20**- ("Visualizing All of Earth's Satellites: Who Owns Our Orbit?," Therese Wood, Visual Capitalist, Oct 20 2020, 1-20-2022https://www.visualcapitalist.com/visualizing-all-of-earths-satellites/)//AW

Table

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#### Transnational space corporations are k2 ADR – only they can overcome state mistrust

Frankowski 17 [(Paweł, assistant Professor at the Chair of International Relations and Foreign Policy, Institute of Political Science and International Relations, Jagiellonian University) “Outer Space and Private Companies: Consequences for Global Security,” 2017, pg. 144-145] TDI

To conclude, privatization of space security can develop in unexpected way, but in today’s space environment private actors would rather play the role of security regulators than security providers. When investment in space technologies is less profitable than other areas of economy, private actors would focus on soft law and conflict prevention in space, and new private initiatives will appear. For example, apart from important space companies, as SpaceX or Blue Origin active in outer space, other private actors as Secure World Foundation (SWF), who focus on space sustainability, will play more important role in crafting international guidelines for space activities.38 This path the way for future solutions and projects, as cleaning the space debris, extracting resources from asteroids and planetoids, refuelling satellites, providing payload capabili-ties for governmental entities on market-based logic, will be based on activity non-state actors, providing soft law and regulatory solutions, where space faring states are unable to find any compromise. Therefore private companies will be in fact global (or space) regulators, as part of UNCOPUS, being involved in space activities.39

The last argument for private involvement in space security comes from an approach based on common good and resilience of space assets, emphasized by the Project Ploughshares, as an important part of space security. As of 2017 there are more than 700,000 man-made objects on the Earth’s orbit bigger than 1 cm, while 17,000 of them are bigger than 10 cm.40 Some of them are traced by SSA systems, both American and European, but these systems are public-military owned, and private operators are not granted any access to this data. Any collision of space object with space debris, even with small particles, might result in a chain reaction, called Kessler’s syndrome, and not only private but public, and military assets will be destroyed or impaired. In such conditions, a reluctant cooperation between the public and private sector, and unwillingness to share vulnerable data by public actors seem to confirm that private space activity is more than necessary. This is an apparent case when logic of mistrust between state powers must be overcome by private actors, perhaps by suggesting common preferences for debris mitigation, and space situational awareness. In the case of space debris, Space Data Association, an initiative supported by private sector, with its main aim to enhance data sharing between commercial satellite operators, could be an example of nascent public good provided by private actors for the sake of global security.