### 1

#### **Interp: The affirmative must eliminate private claims of ownership in outer space not merely restrict appropriation for particular uses.**

#### **This is the distinction between the non-appropriation principle and regulations on the use of space. Easy test – if the aff allows the same piece of space to be appropriated for a different use case, or under different conditions, it’s not topical.**

Wrench 19 [John G. Wrench, Non-Appropriation, No Problem: The Outer Space Treaty Is Ready for Asteroid Mining, 51 Case W. Res. J. Int'l L. 437 (2019) <https://scholarlycommons.law.case.edu/jil/vol51/iss1/11>]

The non-appropriation doctrine restricts parties from making sovereign claims over underlying land—the same restriction embedded in each of previous section’s legal regimes. Without violating the nonappropriation principle, those regimes grant parties the right to extract resources from land they do not own, transfer that right, and limit wasteful use. Each system similarly vests an entity with the authority to regulate and enforce those rules. With some tailoring, those rules could graft onto the uniqueness of outer space resource extraction. The property regimes explored in Part II do not provide answers for all claims likely to arise in cases involving outer space resource extraction. One looming issue is that some attempts at resource extraction are bound to straddle the line between use and sovereign claims over land. For example, in instances where parties continually seek extensions on mining permits (to the exclusion of others) or take blatant steps to unreasonably exclude other parties from nearby locations. Those seeking to preserve the line between use and ownership would be wise to police it. Answers to these granular regulatory questions will require some regulatory flexibility, but these issues are only different in scale from those addressed by our existing property regimes.

#### Prefer it -

#### Ground—To restrict private property rights in outer space they would have to create private property rights in space because there currently are none. All negative positions have to be based on private property rights being good so they can delink any disad. The most equitable division of ground is that the aff bans and the neg regulates

#### Shiftiness—The aff just defends restricting property rights in space so they become a moving target in the 1ar. If I say that they don’t solve because they don’t eliminate property rights, they will say that the restrictions are big and if I read a disad based on private property rights being good they will say that the restrictions will be tiny

#### Drop the debater to preserve fairness and education – use competing interps – reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation. No RVIs – they don’t get to win for following the rules.

### 2

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

Fino 21 [Ivan Fino (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.

### 3

#### Asteroid mining is crucial for space colonization – it’ll provide the necessary financial incentives, materials, and tech to create space settlements. Sonter 06:

Mark Sonter {2 years as a high school science teacher, 6 years as a University Physics lecturer in Papua New Guinea, postgraduate studies in medical physics, and 28 years in uranium mining radiation safety management, including 5 years as Corporate Safety Manager for a major mining corporation. Mark was a visiting scholar at U of Arizona in 1995, and during 1995-97 wrote a research thesis on the Technical and Economic Feasibility of Mining the Near-Earth Asteroids.&nbsp; He was granted funding &nbsp;by the Foundation for International Non-governmental Development of Space (FINDS) to develop concepts for mining the near-Earth asteroids., }, 6 - ("Asteroid Mining: Key to the Space Economy," Space, 2-9-2006, https://www.space.com/2032-asteroid-mining-key-space-economy.html)//marlborough-wr/

The Near Earth Asteroids offer both threat and promise. They present the threat of planetary impact with regional or global disaster. And they also offer the promise of resources to support humanity's long-term prosperity on Earth, and our movement into space and the solar system. The technologies needed to return asteroidal resources to Earth Orbit (and thus catalyze our colonization of space) will also enable the deflection of at least some of the impact-threat objects. We should develop these technologies, with all due speed! Development and operation of future in-orbit infrastructure (for example, orbital hotels, satellite solar power stations, earth-moon transport node satellites, zero-g manufacturing facilities) will require large masses of materials for construction, shielding, and ballast; and also large quantities of propellant for station-keeping and orbit-change maneuvers, and for fuelling craft departing for lunar or interplanetary destinations. Spectroscopic studies suggest, and 'ground-truth' chemical assays of meteorites confirm, that a wide range of resources are present in asteroids and comets, including nickel-iron metal, silicate minerals, semiconductor and platinum group metals, water, bituminous hydrocarbons, and trapped or frozen gases including carbon dioxide and ammonia. As one startling pointer to the unexpected riches in asteroids, many stony and stony-iron meteorites contain Platinum Group Metals at grades of up to 100 ppm (or 100 grams per ton). Operating open pit platinum and gold mines in South Africa and elsewhere mine ores of grade 5 to 10 ppm, so grades of 10 to 20 times higher would be regarded as spectacular if available in quantity, on Earth. Water is an obvious first, and key, potential product from asteroid mines, as it could be used for return trip propulsion via steam rocket. About 10% of Near-Earth Asteroids are energetically more accessible (easier to get to) than the Moon (i.e. under 6 km/s from LEO), and a substantial minority of these have return-to-Earth transfer orbit injection delta-v's of only 1 to 2 km/s. Return of resources from some of these NEAs to low or high earth orbit may therefore be competitive versus earth-sourced supplies. Our knowledge of asteroids and comets has expanded dramatically in the last ten years, with images and spectra of asteroids and comets from flybys, rendezvous, and impacts (for example asteroids Gaspra, Ida, Mathilde, the vast image collection from Eros, Itokawa, and others; comets Halley, Borrelly, Tempel-1, and Wild-2. And radar images of asteroids Toutatis, Castalia, Geographos, Kleopatra, Golevka and other... These images show extraordinary variations in structure, strength, porosity, surface features. The total number of identified NEAs has increased from about 300 to more than 3,000 in the period 1995 to 2005. The most accessible group of NEAs for resource recovery is a subset of the Potentially Hazardous Asteroids (PHAs). These are bodies (about 770 now discovered) which approach to within 7.5 million km of earth orbit. The smaller subset of those with orbits which are earth-orbit-grazing give intermittently very low delta-v return opportunities (that is it is easy velocity wise to return to Earth). These are also the bodies which humanity should want to learn about in terms of surface properties and strength so as to plan deflection missions, in case we should ever find one on a collision course with us. Professor John Lewis has pointed out (in Mining the Sky) that the resources of the solar system (the most accessible of which being those in the NEAs) can permanently support in first-world comfort some quadrillion people. In other words, the resources of the solar system are essentially infinite... And they are there for us to use, to invest consciousness into the universe, no less. It's time for humankind to come out of its shell, and begin to grow!! So both for species protection and for the expansion of humanity into the solar system, we need to characterize these objects and learn how to mine and manage them. Once we learn how to work on, handle, and modify the orbits of small near-earth objects, we will have achieved, as a species, both the capability to access the vast resources of the asteroids, and also the capability to protect our planet from identified collision threats. Since the competing source of raw materials is "delivery by launch from Earth," which imposes a launch cost per kilogram presently above $10,000 per kg, this same figure represents the upper bound of what recovered asteroidal material would be presently worth in low earth orbit. Future large scale economic activity in orbit is unlikely to develop however until launch cost drops to something in the range $500 to $1,000 per kilogram to LEO. At that point, any demand for material in orbit which can be satisfied at equal or lower cost by resources recovered from asteroids, will confer on these asteroidal resources an equivalent value as ore in true mining engineering terms, i.e., that which can be mined, have valuable product recovered from it, to be sold for a profit. Now, $500,000 per ton product is extraordinarily valuable, and is certainly worth chasing! Note that the asteroidal materials we are talking about are, simply, water, nickel-iron metal, hydrocarbons, and silicate rock. Purified, and made available in low earth orbit, they will be worth something like $500,000 per ton, by virtue of having avoided terrestrial gravity's "launch cost levy." These are values up there with optical glass, doped semiconductors, specialty isotopes for research or medicine, diamonds, some pharmaceuticals, illicit drugs. On the mining scene, the only metal which has ever been so valuable was radium, which in the 1920's reached the fabulous value of $200,000 per gram! Platinum Group Metals (which are present in metallic and silicate asteroids, as proved by the "ground truth" of meteorite finds) have a value presently in the order of $1,000 per ounce or $30 per gram. Vastly expanded use in catalysts and for fuel cells will enhance their value, and PGM recovery from asteroid impact sites on the Moon is the basis of Dennis Wingo's book, "Moonrush." When will we see asteroid mining start? Well, it will only become viable once the human-presence commercial in-orbit economy takes off. Only then will there be a market. And that can only happen after NASA ceases acting as a near-monopolist launch provider and thwarter of competition, and reverts to being a customer instead. A developing in-space economy will build the technical capability to access NEAs, almost automatically. And regardless of the legal arguments about mineral claims in outer space, once the first resource recovery mission is successful, what's the bets on a surge in interest similar to the dotcom-boom and biotech-boom? The first successful venturers will develop immense proprietary knowledge, and make a mint. And some as-yet unidentified (but almost certainly already discovered) NEAs will be the company-making mines of the 21st century.

#### **AND the non-appropriation principle sets a bad precedent that scares away investors – no incentives, and would result in 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.

#### Lunar exploration is key to space settlement – very feasible and necessary first step to further settlement.

Lowman 08 [Paul Lowman JR, “Why Go Back to the Moon?,” NASA, 01/14/2008. <https://www.nasa.gov/centers/goddard/news/series/moon/why_go_back.html>] CT

Returning to the 21st century: Given these splendid accomplishments by astronauts on the Moon, why bother to go back? Should we not "declare victory" and stay on (or near) Earth? Here are some reasons go back, although not necessarily to "colonize" the Moon. First, and most fundamental: the last few decades of space exploration and astronomy have shown that the universe is violent and dangerous, at least with respect to human life. To give a pertinent example: in 1908 an object of unknown nature – probably a comet – hit Siberia with a force equivalent to a hydrogen bomb. Had this impact happened a few hours later, allowing for the Earth’s rotation, this object would have destroyed St. Petersburg and probably much else. Going back some 65 million years, it is now essentially proven that an even greater impact wiped out not only the dinosaurs but most species living on Earth at the time. The importance of catastrophic impacts has only been demonstrated in recent decades, and space exploration has played a key role. The bleak conclusion to which these facts point is that humanity is vulnerable as long as we are confined to one planet. Obviously, we must increase our efforts to preserve this planet and its biosphere, an effort in which NASA satellites have played a vital role for many years. But uncontrollable external events may destroy our civilization, perhaps our species. We can increase our chances of long-term survival by dispersal to other sites in the solar system. Where can we go? At the moment, human life exists only on the Earth. But with modern technology, there are several other possibilities, starting with the Moon itself. Men have lived on the Moon for as long as three days, admittedly in cramped quarters, but they found the lunar surface easy to deal with and the Moon’s gravity comfortable and helpful. (Dropped tools, for example, didn’t float away into space as they do occasionally in Earth orbit.) To be sure, it would be an enormous and probably impossible task to transform the Moon into another Earth. However, it is clear that a lunar outpost comparable to, for example, the Little America of the 1930s, is quite feasible. But what could such an outpost accomplish? First, it could continue the exploration of the Moon, whose surface area is roughly that of North and South America combined. Six "landings" in North America would have given us only a superficial knowledge of this continent, and essentially none about its natural resources such as minerals, oil, water power, and soil. The Moon is a whole planet, so to speak, whose value is only beginning to be appreciated. The Moon is not only an interesting object of study, but a valuable base for study of the entire Universe, by providing a site for astronomy at all wavelengths from gamma rays to extremely long radio waves. This statement would have been unquestioned 30 years ago. But the succeeding decades of spectacular discoveries by space-based instruments, such as the Hubble Space Telescope, have led many astronomers such as Nobel Laureate John Mather to argue that the Moon can be by-passed, and that instruments in deep space at relatively stable places called Lagrangian points are more effective. A meeting was held at the Space Telescope Science Institute in Baltimore, in November 2006, on "Astrophysics Enabled by the Return to the Moon." This institute runs the Hubble Space Telescope program. However, the consensus emerging from the Baltimore meeting was that there are still valuable astronomical uses for instruments on the lunar surface. For example, low-frequency radio astronomy can only be effective from the far side of the Moon, where static from the Earth’s aurora is shielded. Another example of Moon-based astronomy can be the search for extraterrestrial intelligence (SETI), by radio telescopes that on the far side would be shielded from terrestrial interference. Small telescopes on the Moon’s solid surface could be linked to form interferometer arrays with enormous resolving power. Astronomy in a limited sense has already been done from the Moon, namely the Apollo 16 Ultraviolet telescope emplaced by Apollo astronauts and before that, the simple TV observations of Earth-based lasers by the Surveyor spacecraft. The much-feared lunar dust had no effect on these pioneering instruments. The Moon may offer mineral resources, so to speak, of great value on Earth. Apollo 17 astronaut Harrison Schmitt, working with the Fusion Technology Institute of the University of Wisconsin, has shown that helium 3, an isotope extremely rare on Earth, exists in quantity in the lunar soil, implanted by the solar wind. If – a very big if – thermonuclear fusion for energy is produced on Earth, helium 3 would be extremely valuable for fusion reactors because it does not make the reactor radioactive. A more practicable use of helium 3, being tested at the University of Wisconsin, is the production of short-lived medical isotopes. Such isotopes must now be manufactured in cyclotrons and quickly delivered before they decay. But Dr. Schmitt suggests that small helium 3 reactors could produce such isotopes at the hospital. In any event, research on the use of helium 3 would clearly benefit if large quantities could be exported to the Earth. Returning to the most important reason for a new lunar program, dispersal of the human species, the most promising site for such dispersal is obviously Mars, now known to have an atmosphere and water. Mars itself is obviously a fascinating object for exploration. But it may even now be marginally habitable for astronaut visits, and in the very long view, might be "terraformed," or engineered to have a more Earth-like atmosphere and climate. This was described in Kim Stanley Robinson’s trilogy, Red Mars and its successors Green and Blue Mars. A second Earth, so to speak, would greatly improve our chances of surviving cosmic catastrophes. Where does the Moon fit into this possibility? First, it would continue to give us experience with short interplanetary trips, which is what the Apollo missions were. These would demonstrably be relatively short and safe compared to Mars voyages, but would provide invaluable test flights, so to speak. More important, shelters, vehicles, and other equipment built for the Moon could be over-designed, and with modification could be used on Mars after being demonstrated at a lunar outpost. Where could humanity expand to beyond Mars and the Moon? At this point, still early in the history of space exploration, it is impossible to say. The Galilean satellites of Jupiter, in particular Ganymede, might be habitable, but we venture here far into the field of science fiction. However, an outpost on the Moon is clearly possible, and would provide an invaluable stepping-stone to Mars. A species living on three planets would be far more likely to have a long history than one living only on the Earth. To put the arguments for a return to the Moon, and a lunar outpost, in the most general terms: the Moon is essentially a whole planet, one that has so far been barely touched. But this new planet is only a few days travel away and we have already camped on it. To turn our backs on the Moon would be equivalent to European exploration stopping after Columbus’s few landings, or China’s destruction of its giant ships to concentrate on domestic problems in the 15th century.

#### Private companies are key to lunar exploration and space settlement.

Pearson 21 [Ezzy Pearson, “How humanity will return to the Moon: The future of lunar exploration,” Science Focus, 06/12/2021. <https://www.sciencefocus.com/space/future-of-moon-exploration/>] CT

For almost 40 years, our nearest cosmic neighbour, the Moon, was left alone as we looked elsewhere in the Solar System. That changed in 2013, when China’s Chang’e 3 lander touched down on the lunar surface. Since then there’s been an explosion of interest in the Moon. NASA, China and even private companies are racing back to it, with dozens of robotic and human missions being planned. Things are set to get a lot more crowded on the lunar surface over the coming decade, but this time, we’ll be staying. “We know the Moon has potential resources that will be useful for space exploration,” says Ian Crawford, a professor in planetary science from Birkbeck, University of London. “Particularly water ice trapped in the very dark shadows of craters at the poles.” Unlike Earth, the Moon’s axis isn’t tilted at a large angle, so the Sun is constantly overhead when you’re at the lunar equator. If you’re at the lunar poles however, the Sun’s always on the horizon, creating long, permanent shadows in the surrounding craters. Hidden from the Sun for billions of years, temperatures in those craters are low enough that water ice has been able to survive in them and it’s this that’s captured everyone’s interest. “Water is an extremely useful substance for space exploration, certainly in the context of human exploration,” says Crawford. “It’s a requirement for life, but can also be broken down into oxygen and hydrogen. Combined, they’re a useful rocket propellant.” Though planetary geologists have seen signs of lunar ice for years, the first definitive proof of the presence of water came in 2018, following detailed analysis by NASA’s Moon Mineralogy Mapper on the Indian lunar orbiter Chandrayaan-1. While we have plenty of water here on Earth, it’s heavy – each cubic metre weighs 1,000kg. Launching it into space takes a huge amount of energy. If, instead, we could find a way to harvest water beyond Earth’s gravitational pull, it would allow for bigger and more ambitious projects, both on the Moon and beyond. “If we’re going to engage in a programme of human space exploration, the Moon is the obvious place to start,” says Crawford. While there appears to be water at both poles, it’s most concentrated in the south. A region known as the South Pole-Aitken Basin – the Moon’s largest impact crater – is home to several large deposits of ice. What’s not clear, however, is what form the ice takes. “We’re still in the initial prospecting phase,” says Crawford. “We don’t know whether we should be investigating big blocks of ice here and there, or just tiny, micron-sized grains of ice mixed in with the lunar soil.” NASA is planning a mission to send the Volatiles Investigating Polar Exploration Rover (VIPER) to the Aitken Basin in 2023. Once there, it will drive into the shadow of one of the craters to investigate the ice on the surface and, with its drill, two metres below it. The water is also of particular interest to scientists. As it has remained undisturbed for millions, or sometimes billions, of years, it gives planetary geologists a window into the past. “The Moon is very ancient and geologically inactive, which means that it’s sort of a museum to the evolution of rocky planets – [its rocks hold] a record of its earliest evolution from shortly after its formation,” says Crawford. The ice could act as an archive, detailing how water was brought to the Moon by comets and asteroids. As these would have also carried water to our planet, such an understanding would tell us as much about the history of Earth as it does the Moon. While many missions would like to follow the water and explore the polar regions, this isn’t without its challenges. Until now, most lunar missions have touched down around the sunlit equator where solar panels can easily supply power. It’s much trickier when you’re heading somewhere that’s in permanent darkness. Some early missions, such as VIPER, will use rechargeable batteries to undertake brief sojourns into the shadows, but longer-term missions will require more thought. If future astronauts plan on mining the lunar ice, they’ll need a permanent base to do so and that will require a very specific location to prosper. “The best place, if you could find it on the Moon, would be a permanently shadowed area with water, near a peak with persistent light that could stay sunlit almost all year for power from solar panels, and a cave for shelter,” says John Thornton from Astrobotic, the company contracted by NASA to transport VIPER to the Moon. “Caves provide a nice, thermal environment underground. If we could find that location, there’s no doubt that’s going to be the place where a human settlement pops-up.” Once a spot is found, it then becomes a case of building a base. Initially, this will probably be done with structures transported from Earth, though weight and size restrictions on launch vehicles will limit what can be sent, so it would be much better to build a base in situ. Fortunately, there are building materials everywhere on the Moon. Several projects are looking at harvesting regolith – the fine layer of dust created by micrometeorites pulverising lunar rocks – and using it to 3D print structures. In the longer term, it could be possible to extract iron and titanium from lunar rocks. We’d need to build a refinery to process them, but having access to such metals beyond Earth’s gravity would allow us to build much larger structures and spacecraft. The Clementine spacecraft, launched in January 1994, detected the highest levels of the metals around the lunar mare – the dark regions created by ancient lava flows. As an added bonus, most of the ores are oxides, so they’d produce oxygen as a by-product. But not all potential lunar resources are as easy to extract. There are an estimated billion tonnes of helium-3, a potential fuel source, on the lunar surface, but extracting it would require a huge industrial complex mining hundreds of tonnes of regolith every second – a prospect that’s centuries away from being feasible, even under the most ambitious circumstances. Such ambitious plans can’t be undertaken alone, however. Currently there are two superpowers working to put humans on the Moon: the US and China. Though US law prevents the two from collaborating, they’re both reaching out to other nations to help them achieve their goal. “Lunar exploration can become a tremendous focus for international cooperation, which I think would be highly desirable, especially in today’s international climate,” says Crawford. Despite having only sent its first ‘taikonaut’ into space in 2003, China’s space programme is making great strides. Its Chang’e series of robotic lunar missions has been wildly successful and saw the first landing on the far side of the Moon in 2019 (Chang’e 4) and plans to return the first samples from the lunar south pole with Chang’e 6 (due to launch in 2023). The Chang’e 4 mission carried instruments from the Netherlands, Sweden and Germany, while European astronauts have already run several training exercises alongside their Chinese counterparts. Though the Chinese are secretive about their precise plans, they’ve made it clear that these missions are a precursor to a lunar landing mission. With several decades more experience to call upon, the US efforts are a little more mature. Their current plans are centred around the Gateway, a lunar station that would orbit the Moon. The station would act as a staging post for missions to the lunar surface, and potentially Mars and beyond. The Japanese, Canadian and European space agencies have all signed up to help, agreeing to build parts of the station on the promise of one day sending their own astronauts to the Moon. The first sections of the Gateway are due to fly in 2023, with operations starting in 2026. Meanwhile NASA is already planning the Artemis mission, which will send the first woman to the lunar surface by 2024. These ambitions are also helping to foster a branch of space exploration that’s blossomed over the last decade: private enterprise. To encourage the growth of the space sector, NASA set up the Commercial Lunar Payload Services initiative, asking companies to transport the space agency’s science instruments to the Moon.

~~“NASA has plans to buy at least two lunar missions per year for the next eight to 10 years,” says Thornton. “This is a first step towards commercialisation of routine, regular transport to the Moon.” As well as being much cheaper for NASA, it also creates opportunities for those with a much smaller budget. In late 2021, Astrobotic will be sending its Peregrine lander to the Moon with a dozen NASA instruments, but it also has room to transport other projects at the cost of $1.2m per kilo (approx £850,000). That might sound a lot, but in spaceflight terms it’s a bargain. “We have a broad array of customers, even just on our first mission,” says Thornton, who has seen universities, companies and even private individuals sign up to hitch a ride. “We have a payload from the UK that’s actually a fun little walking rover that’s going to walk across the surface.” Alongside Astrobotic are many other companies all preparing to head to the lunar surface. Though none of them has successfully landed yet, there’s no shortage of passengers waiting to hitch a ride. The lunar surface is about to get busier than it’s ever been.~~

#### **Space Settlement is coming now and prevents inevitable extinction.**

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.

## CASE

### AT space war

#### ~~Space commercialization is a strong constraint on conflict – solves space war~~

~~Wendy N. Whitman~~ **~~Cobb 20~~**~~, is currently an associate professor of strategy and security studies at the US Air Force's School of Advanced Air and Space Studies, 7-21-2020, "Privatizing Peace: How Commerce Can Reduce Conflict in Space," Routledge & CRC Press,~~ [~~https://www.routledge.com/Privatizing-Peace-How-Commerce-Can-Reduce-Conflict-in-Space/Cobb/p/book/9780367337834~~](https://www.routledge.com/Privatizing-Peace-How-Commerce-Can-Reduce-Conflict-in-Space/Cobb/p/book/9780367337834) ~~// AAli~~

~~By the end of the twentieth century, scholars zeroed in on the democratic peace theory which attempts to explain why democracies do not go to war with other democracies and why, in some analyses, they seem to be more prone to peace in general than non-democracies. Similar to the golden arches, what is it about democracy that seems to induce such peacefulness? Academics have proposed everything from the nature of mediating institutions to the restraint of public opinion, to trade relations. While these variations will be explored further in Chapter 3, of interest here are the versions that focus explicitly on trade, commercial ties, and capitalism. Along these lines, Erik Gartzke argues, "peace ensues when states lack differences worthy of costly conflict."31 If the costs of conflict are too high, then states should be more unlikely to engage in it. To this end, economic globalization can provide the means through which costs are raised. “The integration of world markets not only facilitates commerce, but also creates new interests inimical to war. Financial interdependence ensures that damage inflicted on one economy travels through the global system, afflicting even aggressors."32 Focusing his analysis primarily on the influence of capitalism, Gartzke's findings suggest that states with markets more closely tied to the global economy are far less likely to experience a militarized dispute.~~

~~In thinking about the space environment today, there are obvious principles of capitalism at work. However, China, a major spacefaring state that has been making capitalist reforms, arguably remains far from a true capitalist country. This is especially true in their space industry which is heavily subsidized by the state and almost wholly integrated with China's military.34 Many other states continue to subsidize space activities heavily as well. A better approach through which to examine conflict in space is presented by an offshoot of the capitalist peace which is termed the commercial peace. The commercial peace thesis emphasizes the role of trade and the connections made through it to explain a lack of conflict. Han Dorussen and Hugh Ward write:~~

~~Trade is important not only because it creates an economic interest in peace but also because trade generates 'connections' between people that promote communication and understanding.... Based on these ideas, the flow of goods between countries creates a network of ties and communication links. If two countries are more embedded in this network, their relations should be more~~

~~peaceful 35~~

~~Given the interconnectedness of the global economy to space-based assets, a version of the commercial peace thesis can be used to argue that the chance of conflict in space is less than is commonly understood or recognized precisely because of the extent to which the global economy has become dependent on space-based assets.~~

~~To understand this argument, consider a scenario in which Russia, in preparation for a new assault on Eastern Europe, attacks a key US military satellite with the purpose of disrupting and disabling military communications in Europe. This action would conceivably enable the Russians to undertake their attack under more favorable conditions and prevent a quicker response from America and its allies. However, if the satellite was attacked via an ASAT that kinetically destroyed the US satellite, the debris cloud created from the attack could have disastrous consequences beyond military communications Much like the movie Gravity, the debris cloud could cause a chain reaction, hitting and disabling dismantling other satellites that would in turn disrupt civilian communications, business transactions, and perhaps even Russian military satellites. The economic effects of lost satellites would not be restricted to one country alone; the global economic consequences in terms of lost property (satellites), lost transactions, and financial havoc would echo throughout the world, including in Russia itself. Finally, the attack on one satellite could even ultimately endanger the ISS and its inhabitants, several of which are Russians. Destruction of the ISS would negate billions of dollars in investment from not just Russia, but other countries that have participated in it including Japan, Italy, and Canada. Therefore, an attack on a US military satellite would not just be an attack on one but an attack on all.~~

~~While the previous scenario highlights several reasons why it would not be in Russia's best interest to attack a US satellite, this book argues that the economic argument is both the strongest and the most restraining especially as space becomes more congested, competitive, contested, and commercialized. The emergence of private space companies enhances this argument. "In the commercial sector, companies need reliability and legal enforcement mechanisms if they are going to operate profitably in a shared environment."36 In order to foster the growing area of space commercialization, companies must be assured that the activities they undertake in space will be protected in some way or, at a minimum, allowed to proceed to the extent where they can reap the profit. This could be done through international organizations that would provide some sort of space traffic control, but the likelihood of a major international breakthrough on rules regarding space is unlikely in the near term. Therefore, actors must rely on the protections afforded them by an increasingly globalized economy that is ever more dependent on space-based assets.~~

#### No space war and terrestrial conflict turns it

Luke Penn-Hall 15, Analyst at The Cipher Brief, M.A. from the Johns Hopkins School for Advanced International Studies, B.A. in International Relations and Religious Studies from Claremont McKenna College, “5 Reasons “Space War” Isn’t As Scary As It Sounds”, The Cipher Brief, 8/18/2015, https://www.thecipherbrief.com/article/5-reasons-%E2%80%9Cspace-war%E2%80%9D-isn%E2%80%99t-scary-it-sounds

The U.S. depends heavily on military and commercial satellites. If a less satellite-dependent opponent launched an anti-satellite (ASAT) attack, it would have far greater impact on the U.S. than the attacker. However, it’s not as simple as that – for the following reasons: 1. An ASAT attack would likely be part of a larger, terrestrial attack. An attack on space assets would be no different than an attack on territory or other assets on earth. This means that no space war would stay limited to space. An ASAT campaign would be part of a larger conventional military conflict that would play out on earth. 2. Every country with ASAT capabilities also needs satellites. While the United States is the most dependent on military satellites, most other countries need satellites to participate in the global economy. All countries that have the technical ability to play in this space – the U.S., Russia, China and India - also have a vested interest in preventing the militarization of space and protecting their own satellites. If any of those countries were to attack U.S. satellites, it would likely hurt them far more than it would hurt the United States. 3. Destruction of satellites could create a damaging chain reaction. Scientists warn that the violent destruction of satellites could result in an effect called an ablation cascade. High-velocity debris from a destroyed satellite could crash into other satellites and create more high-velocity debris. If an ablation cascade were to occur, it could render certain orbital levels completely unusable for centuries. 4. Any country that threatened access to space would threaten the global economy. Even if a full-blown ablation cascade didn’t occur, an ASAT campaign would cause debris, making operating in space more hazardous. The global economy relies on satellites and any disruption of operations would be met with worldwide disapproval and severe economic ramifications. 5. International Prohibits the Use of ASAT Weapons. Several international treaties expressly prohibit signatory nations from attacking other countries’ space assets. It is generally accepted that space should be treated as a global common area, rather than a military domain. While it remains necessary for military planners to create contingency plans for a, space war it is a highly unlikely scenario. All involved parties are incentivized against attacking. However, if a space war did occur, it would be part of a larger conflict on Earth. Those concerned about the potential for war in space should be more concerned about the potential for war, period.

#### MAD checks space escalation – nuclear response and debris

Bowen 18 [Bleddyn Bowen, Lecturer in International Relations at the University of Leicester. The Art of Space Deterrence. February 20, 2018. https://www.europeanleadershipnetwork.org/commentary/the-art-of-space-deterrence/]

Fourth, the ubiquity of space infrastructure and the fragility of the space environment may create a degree of existential deterrence. As space is so useful to modern economies and military forces, a large-scale disruption of space infrastructure may be so intuitively escalatory to decision-makers that there may be a natural caution against a wholesale assault on a state’s entire space capabilities because the consequences of doing so approach the mentalities of total war, or nuclear responses if a society begins tearing itself apart because of the collapse of optimised energy grids and just-in-time supply chains. In addition, the problem of space debris and the political-legal hurdles to conducting debris clean-up operations mean that even a handful of explosive events in space can render a region of Earth orbit unusable for everyone. This could caution a country like China from excessive kinetic intercept missions because its own military and economy is increasingly reliant on outer space, but perhaps not a country like North Korea which does not rely on space. The usefulness, sensitivity, and fragility of space may have some existential deterrent effect. China’s catastrophic anti-satellite weapons test in 2007 is a valuable lesson for all on the potentially devastating effect of kinetic warfare in orbit.

#### No Russia escalation or miscalc

Simon Saradzhyan 19, MPA from Harvard University, Founding Director of Russia Matters, Assistant Director of the U.S.-Russia Initiative to Prevent Nuclear Terrorism at the Belfer Center for Science and International Affairs, “How High Is Risk of Nuclear War Between Russia and US?”, Russia Matters – Blog of the Belfer Center for Science and International Affairs at Harvard University, 8/6/2019, https://www.russiamatters.org/blog/how-high-risk-nuclear-war-between-russia-and-us

The scenario Moniz and Nunn outline is not without contestable points. For instance, even if Russia’s early warning system—which includes not only over-the-horizon Daryal and Voronezh radar systems, but also satellites—issues a false alert due to a cyber-attack, Russia’s S-400 and other air defense systems’ radars would remain functioning. These radars, which operate independently of Russia’s System of Warning of Missile Attack (SPRN), are capable of detecting targets up to 600 kilometers away, which would enable their crews to verify if an air attack is evolving east of Berlin or Warsaw. As important, neither of the scenarios

~~for use of nuclear weapons, which are described in Russia’s current military doctrine, align with Moniz’s and Nunn’s scenario. The 2014 document states that “the Russian Federation shall reserve the right to use nuclear weapons” in two scenarios (or a combination of the two). One is “in response to the use of nuclear and other types of weapons of mass destruction against it and/or its allies.” The other is “the event of aggression against the Russian Federation with the use of conventional weapons when the very existence of the state is in jeopardy.” The scenario Moniz and Nunn describe does not feature use of weapons of mass destruction by NATO against Russia or its allies, nor can NATO air strikes on the Kaliningrad exclave, located more than 900 kilometers away from Moscow, qualify as a situation that jeopardizes the very existence of the Russian state. In fact, the authors themselves point out that the proposition that Russia plans to use nukes for purposes of “escalating to de-escalate” is “often denied by Russian officials and academics.” Russian experts are not the only ones who are skeptical of the de-escalation proposition. For instance, Dr. Olga Oliker, one of America’s leading experts on Russian nuclear posture, has presented evidence showing why Russia’s so-called de-escalation strategy is likely a “non-existent problem.” Also, if we were to define risk as a combination of probability and consequences, then the latter would have been graver in the 1980s, when the combined number of U.S. and Russian nuclear weapons peaked, according to the Federation of American Scientists.~~

#### ~~No miscalc or escalation~~

~~James Pavur 19, Professor of Computer Science Department of Computer Science at Oxford University and Ivan Martinovic, DPhil Researcher Cybersecurity Centre for Doctoral Training at Oxford University, “The Cyber-ASAT: On the Impact of Cyber Weapons in Outer Space”, 2019 11th International Conference on Cyber Conflict: Silent Battle T. Minárik, S. Alatalu, S. Biondi, M. Signoretti, I. Tolga, G. Visky (Eds.),~~ [~~https://ccdcoe.org/uploads/2019/06/Art\_12\_The-Cyber-ASAT.pdf~~](https://ccdcoe.org/uploads/2019/06/Art_12_The-Cyber-ASAT.pdf)

~~A. Limited Accessibility Space is difficult. Over 60 years have passed since the first Sputnik launch and only nine countries (ten including the EU) have orbital launch capabilities. Moreover, a launch programme alone does not guarantee the resources and precision required to operate a meaningful ASAT capability. Given this, one possible reason why space wars have not broken out is simply because only the US has ever had the ability to fight one [21, p. 402], [22, pp. 419–420]. Although launch technology may become cheaper and easier, it is unclear to what extent these advances will be distributed among presently non-spacefaring nations. Limited access to orbit necessarily reduces the scenarios which could plausibly escalate to ASAT usage. Only major conflicts between the handful of states with ‘space club’ membership could be considered possible flashpoints. Even then, the fragility of an attacker’s own space assets creates de-escalatory pressures due to the deterrent effect of retaliation. Since the earliest days of the space race, dominant powers have recognized this dynamic and demonstrated an inclination towards de-escalatory space strategies [23]. B. Attributable Norms There also exists a long-standing normative framework favouring the peaceful use of space. The effectiveness of this regime, centred around the Outer Space Treaty (OST), is highly contentious and many have pointed out its serious legal and political shortcomings [24]–[26]. Nevertheless, this status quo framework has somehow supported over six decades of relative peace in orbit. Over these six decades, norms have become deeply ingrained into the way states describe and perceive space weaponization. This de facto codification was dramatically demonstrated in 2005 when the US found itself on the short end of a 160-1 UN vote after opposing a non-binding resolution on space weaponization. Although states have occasionally pushed the boundaries of these norms, this has typically occurred through incremental legal re-interpretation rather than outright opposition [27]. Even the most notable incidents, such as the 2007-2008 US and Chinese ASAT demonstrations, were couched in rhetoric from both the norm violators and defenders, depicting space as a peaceful global commons [27, p. 56]. Altogether, this suggests that states perceive real costs to breaking this normative tradition and may even moderate their behaviours accordingly. One further factor supporting this norms regime is the high degree of attributability surrounding ASAT weapons. For kinetic ASAT technology, plausible deniability and stealth are essentially impossible. The literally explosive act of launching a rocket cannot evade detection and, if used offensively, retaliation. This imposes high diplomatic costs on ASAT usage and testing, particularly during peacetime. C. Environmental Interdependence A third stabilizing force relates to the orbital debris consequences of ASATs. China’s 2007 ASAT demonstration was the largest debris-generating event in history, as the targeted satellite dissipated into thousands of dangerous debris particles [28, p. 4]. Since debris particles are indiscriminate and unpredictable, they often threaten the attacker’s own space assets [22, p. 420]. This is compounded by Kessler syndrome, a phenomenon whereby orbital debris ‘breeds’ as large pieces of debris collide and disintegrate. As space debris remains in orbit for hundreds of years, the cascade effect of an ASAT attack can constrain the attacker’s long-term use of space [29, pp. 295– 296]. Any state with kinetic ASAT capabilities will likely also operate satellites of its own, and they are necessarily exposed to this collateral damage threat. Space debris thus acts as a strong strategic deterrent to ASAT usage.~~

#### ~~The CP solves the entirety of the advantage—it would determine~~

#### ~~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?~~

#### ~~Asteroid mining can happen with private sector innovation and is key to solve asteroid collisions. Taylor 19~~

~~Chris Taylor [journalist, was senior news writer for Time.com, San Francisco bureau chief for Time magazine], 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. [Asteran](http://www.asterank.com/)~~[~~k~~](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.)~~

#### ~~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~~**~~.”~~