# NC

### NC Shell – Asteroid Mining – T Appropriation

#### Interpretation: Appropriation is permanently taking property for exclusive use. Gorove 69:

Stephen Gorove, Interpreting Article II of the Outer Space Treaty, 37 Fordham L. Rev. 349 (1969). Available at: https://ir.lawnet.fordham.edu/flr/vol37/iss3/2

With respect to the concept of appropriation the basic question is what constitutes "appropriation," as used in the Treaty, especially in contradistinction to casual or temporary use. The term "appropriation" is used most frequently to denote the taking of property for one's own or exclusive use with a sense of permanence. Under such interpretation the establishment of a permanent settlement or the carrying out of commercial activities by nationals of a country on a celestial body may constitute national appropriation if the activities take place under the supreme authority (sovereignty) of the state. Short of this, if the state wields no exclusive authority or jurisdiction in relation to the area in question, the answer would seem to be in the negative, unless, the nationals also use their individual appropriations as cover-ups for their state's activities.5 In this connection, it should be emphasized that the word "appropriation" indicates a taking which involves something more than just a casual use. Thus a temporary occupation of a landing site or other area, just like the temporary or nonexclusive use of property, would not constitute appropriation. By the same token, any use involving consumption or taking with intention of keeping for one's own exclusive use would amount to appropriation.

#### Violation: the non-Appropriation principle does not apply to resource extraction. International consensus and rejection of the Moon Treaty support the distinction between sovereign ownership and resource extraction

Wrench 19 [John, JD Candidate at Case Western, BA from Pace University] “Non-Appropriation, No Problem: The Outer Space Treaty Is Ready for Asteroid Mining,” Case Western Reserve Journal of International Law, Vol. 51 Issue 1, <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2546&context=jil>, 2019 RE

An interpretation of Article II supporting a blanket ban on resource ownership is unwarranted by the text of the OST and illfounded on account of the international community’s common practices. Scholars have noted that the international community has never questioned whether scientific samples harvested from celestial bodies belong to the extracting nation.60 Furthermore, space-faring members of the international community rejected the Moon Treaty precisely because it prohibited all forms of ownership in resources extracted from celestial bodies.61 The space-faring nations’ support for the OST, coupled with their rejection of an alternative set of rules governing extracted resources, is at the very least an indication of what those nations believe the non-appropriation principle to stand for.

It is equally improbable that the international community drafted the non-appropriation principle to be merely idealistic rhetoric. The OST leaves no room for interpretations to squirm out from under its ban on sovereign claims of land.62 The following section illustrates, however, that the distinction between sovereign ownership of land, and the vestment of property rights in resources extracted from that land, is nothing new.

#### Vote neg – two impacts:

#### Limits. Expanding the topic to anything that involves merely launching something into the atmosphere expands the topic into numerous new tech areas which undermines core neg prep.

#### Topic literature. Our definition has intent to define and exclude in the context of the OST, which is the core of all topic research and the only predictable source.

#### 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

#### CP Text: all states except for the United States of America ought to ban the appropriation of outer space for mining activities by private entities.

#### Chinese investments are catching up and the US needs private companies to maintain space dominance – Chinese space heg risks extinction. Autry and Kwast 19:

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The current U.S. space defense strategy is inadequate and on a path to failure. President Donald Trump’s vision for a Space Force is big enough. As he said on [June 18](https://www.whitehouse.gov/briefings-statements/remarks-president-trump-meeting-national-space-council-signing-space-policy-directive-3/), “It is not enough to merely have an American presence in space. We must have American dominance in space.” But the Air Force is not matching this vision. Instead, the leadership is currently focused on incremental improvements to existing equipment and organizational structures. Dominating the vast and dynamic environment of space will require revolutionary capabilities and resources far deeper than traditional Department of Defense thinking can fund, manage, or even conceive of. Success depends on a much more active partnership with the commercial space industry— and its disruptive capabilities. U.S. military space planners are preparing to repeat a conflict they imagined back in the 1980s, which never actually occurred, against a vanished Soviet empire. Meanwhile, China is executing a winning strategy in the world of today. It is burning hard toward domination of the future space markets that will define the next century. They are planning infrastructure in space that will control 21st-century telecommunications, energy, transportation, and manufacturing. In doing so, they will acquire trillion-dollar revenues as well as the deep capabilities that come from continuous operational experience in space. This will deliver space dominance and global hegemony to China’s authoritarian rulers. Despite the fact that many in the policy and intelligence communities understand exactly what China is doing and have been trying to alert leadership, Air Force leadership has convinced the White House to fund only a slightly better satellite command with the same leadership, while sticking a new label onto their outmoded thinking. A U.S. Space Force or Corps with a satellite command will never fulfill Trump’s call to dominate space. Air Force leadership is demonstrating the same hubris that Gen. George Custer used in convincing Congress, over President Ulysses S. Grant’s better experience intuition, that he could overtake the Black Hills with repeating rifles and artillery. That strategy of technological overconfidence inflamed conflict rather than subduing it, and the 7th Cavalry were wiped out at the Battle of the Little Bighorn. The West was actually won by the settlers, ranchers, miners, and railroad barons who were able to convert the wealth of the territory itself into the means of holding it. They laid the groundwork that made the 20th century the American Century and delivered freedom to millions of people in Europe and Asia. Of course, they also trampled the indigenous people of the American West in their wake—but empty space comes with no such bloody cost. The very emptiness and wealth of this new, if not quite final, frontier, however, means that competition for resources and strategic locations in cislunar space (between the Earth and moon) will be intense over the next two decades. The outcome of this competition will determine the fate of humanity in the next century. China’s impending dominance will neutralize U.S. geopolitical power by allowing Beijing to control global information flows from the high ground of space. Imagine a school in Bolivia or a farmer in Kenya choosing between paying for a U.S. satellite internet or image provider or receiving those services for free as a “gift of the Chinese people.” It will be of little concern to global consumers that the news they receive is slanted or that searches for “free speech” link to articles about corruption in Western democracies. Nor will they care if concentration camps in Tibet and the Uighur areas of western China are obscured, or if U.S. military action is presented as tyranny and Chinese expansion is described as peacekeeping or liberation. China’s aggressive investment in space solar power will allow it to provide cheap, clean power to the world, displacing U.S. energy firms while placing a second yoke around the developing world. Significantly, such orbital power stations have dual use potential and, if properly designed, could serve as powerful offensive weapons platforms. China’s first step in this process is to conquer the growing small space launch market. Beijing is providing nominally commercial firms with government-manufactured, mobile intercontinental ballistic missiles they can use to dump launch services on the market below cost. These start-ups are already [undercutting](https://foreignpolicy.com/2019/04/02/beijing-is-taking-the-final-frontier-space-china/) U.S. pricing by 80 percent. Based on its previous success in using dumping to take out U.S. developed industries such as solar power modules and drones, China will quickly move upstream to attack the leading U.S. launch providers and secure a global commercial monopoly. Owning the launch market will give them an unsurmountable advantage against U.S. competitors in satellite internet, imaging, and power. The United States can still build a strategy to win. At this moment, it holds the competitive advantage in every critical space technology and has the finest set of commercial space firms in the world. It has pockets of innovative military thinkers within groups like the [Defense Innovation Unit](https://www.diu.mil/news-events), under Mike Griffin, the Pentagon’s top research and development official. If the United States simply protects the intellectual property its creative minds unleash and defend its truly free markets from strategic mercantilist attack, it will not lose this new space race. The United States has done this before. It beat Germany to the nuclear bomb, it beat the Soviet Union to the nuclear triad, and it won the first space race. None of those victories was achieved by embracing the existing bureaucracy. Each of them depended on the president of the day following the only proven path to victory in a technological domain: establish a small team with a positively disruptive mindset and empower that team to investigate a wide range of new concepts, work with emerging technologies, and test innovative strategies. Today that means giving a dedicated Space Force the freedom to easily partner with commercial firms and leverage the private capital in building sustainable infrastructure that actually reduces the likelihood of conflict while securing a better economic future for the nation and the world.

#### Private Sector asteroid mining is the major profit motive for further space exploration

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Perhaps 10,000 asteroids the size of sports stadiums are on orbits that swing close to Earth. As the dinosaurs would attest, our planet occasionally gets hit. But the results aren’t always a bad thing: it’s looking likely that Earth’s oceans were filled by water brought by asteroids. Along with water, asteroids might even have brought the ingredients of life to Earth in the form of so-called ‘prebiotic’ molecules, including amino acids and, as recently found, components of proteins and sugars. Learning more about asteroids means learning more about our origins. What can we actually do with asteroids? That brings us to my favourite thing about them: their resources. Being an idealistic astrophysicist, my interest is in the money to be made from them. That really is idealistic because, if we can make a profit mining the asteroids, then doing bigger things in space will become a lot cheaper. Capitalism has its faults, but one thing it does well is to make things cheaper. I want to use it as a tool so that we can build far bigger telescopes than we could practically realise today. What do astronomers want? More light! Bigger telescopes! Asteroid mining could make that dream a reality. The siren call of asteroids for miners is that the Main Belt asteroids contain vast amounts of resources. The iron found in asteroids adds up to some 10 million times the iron that we have in proven reserves on Earth. That’s a lot. It’s enough to build many rings of iron girders all the way around Earth’s orbit, along the lines of the science fiction novel Ringworld (1970) by Larry Niven. Not that a ringworld is a sensible thing to make, but it is a really big ring. More plausibly, with that much iron we could build cities in space, as envisaged by the physicist Gerard K O’Neill in the 1970s. Each of these cities would be big enough for a million people to live in. They would be rotating cylinders, and as a citizen of one you would be walking around inside the cylinder’s surface, feeling a fake gravity from the centrifugal force. That’s the scale of resources we’re talking about. These vast material supplies could make for an era that people call ‘post-scarcity’, where there’s plenty for everyone, just as there is in the 23rd century of the Star Trek science fiction franchise. The starship crew on Star Trek don’t work to keep themselves fed and housed, that’s taken for granted. They work for adventure and exploration. Asteroid wealth could help all of us take a step towards that happy state. The problem is how to get started. Iron in space is not going to make for giant profits in the short run. On the ground, it sells for less than $200 a ton. It would be worth more in space, but unfortunately there’s no one to buy huge tonnages of iron in space. To adapt the tagline from the Alien movies – ‘In space, no one can hear you sell.’ It certainly isn’t worth bringing space iron back to Earth since the cost of doing so would far exceed the price it could command. Starting to mine space for resources will have to begin with something so valuable that the cost of obtaining it in space is small by comparison. For now, the best bets are precious metals and – surprise – water. Precious metals are obvious. Platinum sells for about $33.5 million a ton, and we know from meteorites that some asteroids are richer in platinum than any mine on Earth. That sounds promising. Platinum sales run at about 200 tons, or billions of dollars, per year. The bad news is that ‘richer than any mine on Earth’ is still concentrations of just tens of grams per ton, and extracting those precious grams isn’t easy. We can’t just bring an asteroid near to Earth to start extracting the platinum where we can have heavy machinery to work on it. That would take way too much fuel because, to carry more mass, rockets have to carry exponentially more fuel; unlike airplanes, they don’t get the oxygen for free from their surroundings, they have to pull it along with them. Any refining of platinum will have to be done robotically out in the native orbit of the asteroid. That’s quite a challenge. Water is a less obvious money-maker. The surprise is that water is also worth millions per ton – if it’s sold in space. Water in space is really useful. It’s good for drinking, and the oxygen in it is good for breathing. You can split the hydrogen from the oxygen in H2O and you’ve got rocket fuel, and water is good at absorbing radiation to protect people from cancer-causing cosmic rays. So, in principle, water in orbit is pretty valuable. The good news is that up to 10 per cent of a water-rich asteroid can be water. It won’t be simple ice, most likely, but will be bound into clays and other rocks. Even better, water is much easier to extract than precious metals. Simply heating up the rock will release water that can then be captured. How much is space water worth? Until recently, it cost $20 million to get a ton of water into even a low orbit – say, to the International Space Station (ISS). To get a ton of water to a high orbit, like the 24-hour orbit of TV transmitting satellites, would cost about three times as much. SpaceX has started to cut that cost; for now, it’s charging about $3 million a ton to a low orbit on a Falcon 9 rocket. Water from asteroids might be able to compete with those prices and still return a nice profit. But the bad news is that, right now, there’s no one in space who wants to buy water. At least not yet. That might be about to change. We won’t get to build cities in space unless we can build simpler space stations first, and do so at an affordable cost that can scale. If we have space stations, they will need supplies, especially of water and perhaps construction materials. That demand could create a business delivering these supplies from space instead of from Earth. In this case, the asteroids would have the most to offer. So space stations – particularly commercial space stations – are the key to acquiring asteroid resources. Why build space stations? There are three primary uses: research, manufacturing and tourism. Research has always been done on the ISS, but facilities and time have been in short supply. In recent years, the equipment has improved a lot, but astronaut time is still scarce. Each astronaut has to look after multiple experiments. Multitalented and smart as the astronauts all are, they simply can’t have all the experience of the scientists whose experiments they’re operating. A lot of effort goes into automating those experiments so that the astronauts aren’t overwhelmed. It would be far more efficient if the scientists who invent the experiments also get to be the ones who carry them out in space. Then their years of experience could be put to good use operating and watching over their studies. Spotting subtle anomalies that could be a sign of a failure, or of a discovery, is much better done in person by experts. But, until now, scientists didn’t have that opportunity, and they would have likely declined it if offered the chance. That’s because training for a mission to the ISS takes more than two years full-time and requires learning Russian. If you take two years off from doing your research, then you’re no longer at the forefront and you’ll have lost your edge. Few top scientists would risk that, however much fun it might be to float in space. We scientists live for our research. Fortunately, the new commercial stations will be much easier to train for, taking a couple of months or so, because they’ll have a single manufacturer with consistent, uniform interfaces, and a separate professional crew to deal with maintenance and emergencies. The companies with advanced plans so far are all US-based, so English will be the language used. As English is the lingua franca of science, it poses little challenge to scientists worldwide. The transport cost of bringing a new heart down to Earth is going to be far less than it’s worth to the recipient Manufacturing in space has always seemed like a fool’s errand. Whatever you make out there would have to be worth outrageous amounts to cover the shipping costs back to Earth. Now, though, those costs have come down almost 10-fold, with more reductions promised. As a result, a few items do pass that test. Already, there are first tests taking place on the ISS to see if the advantages of manufacturing in almost zero gravity (‘micro-gravity’) are really as great as some have suggested. The most popular idea is to make super-powerful optical fibres that could carry far more data traffic than current transoceanic fibres can. They could potentially do so more cheaply because they would be simpler: they wouldn’t need repeater stations. Certainly, the demand is there, since there’s no limit to the number of cat videos we must share. These ‘ZBLAN’ optical fibres showed dramatic improvements when small amounts were made during brief, half-minute long intervals of weightlessness on a parabolic flight. There are a few companies already trying to make ZBLAN fibres on the ISS. The results must be promising because they went back after their first attempt. A kilogram of fancy optical fibres already sells for about $1 million to $20 million. That will pay for the postage and still give you change! Another idea is to 3D-print human organs in space. Why? Printing ears on Earth has been done, using a scaffolding that later dissolves away. But some organs are trickier, and scaffolds don’t always work. Without that support, the layers of cells tend to slip and slide out of position, which is not the desired effect for something meant to keep you alive. In micro-gravity, the slipping and sliding should be much smaller. The goal is eventually to be able to print a human heart. A heart weighs less than a kilogram. Even with packaging to keep it healthy, the transport cost of bringing a new heart down to Earth is going to be far less than it’s worth to the recipient. Again, first experiments toward this goal are underway on the ISS. A finger splint produced by the ISS’s onboard 3D printer. Courtesy of NASA Tourism in space actually goes back quite a way. The first space tourist was Dennis Tito, a US engineer and entrepreneur, who spent a week or so on board the ISS 20 years ago, in 2001. His ride on a Russian Soyuz spaceship was arranged by Space Adventures Inc, a company set up to get private individuals into space. Since then, there have been six others who flew to space with Space Adventures, though their seats weren’t cheap: each ticket cost tens of millions of US dollars. That price limits the ridership pretty strongly. The hope is that the new spaceships will drop the price to something a little more reasonable, say the price of a nice house. At that price, people – still highly affluent – will start to fill up the commercial space stations. The first few might put up with arduous ways of conserving water that the astronauts on the ISS endure, but if one enterprising space station offers showers and a good toilet, they’ll be able to charge a premium. That in turn will produce a demand for a lot more water, where asteroids might come in handy. And there could be unexpected and subtler benefits of space tourism. More people will experience the ‘overview effect’, in which seeing our planet as one borderless, delicate biosphere increases awareness of the fragility and beauty of life. As many of these space tourists will be wealthy, perhaps a shift in their perspective will have outsized influence. Axiom Space has had the interiors of their space station curated by the luxury designer Philippe Starck Space stations have always been extremely expensive items that only governments could afford. The ISS is the leading example. It has been called the most expensive building project ever, at about $100 billion. There are now at least four companies trying to make space stations cheaper with the idea of operating them commercially. COVID-19 shut down one of these ventures, Bigelow Aerospace, but the Sierra Nevada Corporation is a new entrant to the space station game. In addition, there’s United Launch Alliance and, the present leader of the pack, Axiom Space. Axiom Space will start off attaching the first part of its space station to the ISS in late 2024. Over several years, it will add more pieces until it has enough to stand alone, then it will detach itself and fly as an independent, Axiom-owned space station. In recognition that some of their clientele will be used to five-star hotels, Axiom Space has had the interiors of their space station curated by the luxury designer Philippe Starck. Axiom plans to cut the cost of their station at least 10-fold compared with the ISS. There are many countries that want a human space programme but couldn’t previously afford it. Soon they can. Axiom says that they already have more than 20 countries signed up. All three of these new for-profit uses for space – research, manufacturing and tourism – will lead to a demand for more material in space. Water is needed for all of them, as well as a lot of construction materials. Will all that material come from Earth? Or will our growing capabilities in space mean that it becomes cheaper to bring some of it from the asteroids? Getting resources from space profitably is not a slam dunk. The physics makes sense – the energy needed is far less than to bring them up from Earth – but the economics aren’t obvious. Getting entrepreneurs and venture capitalists interested in a new enterprise always depends on increasing the reward and diminishing the risk until they reach a threshold where it’s worth taking the leap. Then again, they can’t wait too long or someone else will beat them to it. Historically, governments have done the high-risk, long-term investment needed to seed new markets. And they’re doing so today for space resources. It seems a safe bet that a decade from now there will be a bunch of commercial space stations orbiting Earth, and that they will house a growing number of people working and vacationing in space. For many, this will constitute our first step in creating a beyond-Earth society.

#### Primacy solves arms races and great power war – unipolarity is sustainable, and prevents power vacuums and global escalation

**Brands 18** [(Hal, Henry Kissinger Distinguished Professor at Johns Hopkins University's School of Advanced International Studies and a senior fellow at the Center for Strategic and Budgetary Assessments) "American Grand Strategy in the Age of Trump," Page 129-133]

Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms.6

From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities.7 Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions—Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying—with impunity—two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995– 96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep.

This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance.

Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate.

American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent.8 In a historically favorable international environment, Washington could enjoy primacy—and its geopolitical fruits—on the cheap.

Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American primacy was thus like a reasonably priced insurance policy.

It required nontrivial expenditures, but protected against far costlier outcomes.9 Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled.

THE DARKENING HORIZON For most of the post–Cold War era, the international system was— by historical standards—remarkably benign. Dangers existed, and as the terrorist attacks of September 11, 2001, demonstrated, they could manifest with horrific effect. But for two decades after the Soviet collapse, the world was characterized by remarkably low levels of great-power competition, high levels of security in key theaters such as Europe and East Asia, and the comparative weakness of those “rogue” actors—Iran, Iraq, North Korea, al-Qaeda—who most aggressively challenged American power. During the 1990s, some observers even spoke of a “strategic pause,” the idea being that the end of the Cold War had afforded the United States a respite from normal levels of geopolitical danger and competition. Now, however, the strategic horizon is darkening, due to four factors.

First, great-power military competition is back. The world’s two leading authoritarian powers—China and Russia—are seeking regional hegemony, contesting global norms such as nonaggression and freedom of navigation, and developing the military punch to underwrite these ambitions. Notwithstanding severe economic and demographic problems, Russia has conducted a major military modernization emphasizing nuclear weapons, high-end conventional capabilities, and rapid-deployment and special operations forces— and utilized many of these capabilities in conflicts in Ukraine and Syria.10 China, meanwhile, has carried out a buildup of historic proportions, with constant-dollar defense outlays rising from US$26 billion in 1995 to US$226 billion in 2016.11 Ominously, these expenditures have funded development of power-projection and antiaccess/area denial (A2/AD) tools necessary to threaten China’s neighbors and complicate U.S. intervention on their behalf. Washington has grown accustomed to having a generational military lead; Russian and Chinese modernization efforts are now creating a far more competitive environment.

### 3

#### The plan is a space shock that causes Asian arms races

Dean Cheng 9, Senior Research Fellow in the Asia Studies Center at the Heritage Foundation, Former Senior Analyst at the China Studies Division of the Center for Naval Analyses, Former Senior Analyst with Science Applications International Corporation, “Reflections On Sino-US Space Cooperation”, Space and Defense, Volume 2, Number 3, Winter 2009, https://www.usafa.edu/app/uploads/Space\_and\_Defense\_2\_3.pdf

Broader International Implications

Beyond the bilateral difficulties of cooperating with the PRC, it is also important to consider potential ramifications of Sino-US cooperation in space on the Asian political landscape. In particular, cooperation between Washington and Beijing on space issues may well arouse concerns in Tokyo and Delhi. Both of these nations have their own space programs, and while they are arguably not engaged in a “space race” with China (or each other), they are certainly keeping a close eye on developments regarding China. Of particular importance is Japan. The United States relationship with Japan is arguably its most important in East Asia. US interest in Japan should be self evident. Japan hosts 47,000 US troops and is the linchpin for forward US presence in that hemisphere. Japan is the second largest contributor to all major international organizations that buttress US foreign policy…. Japan is the bulwark for US deterrence and engagement of China and North Korea—the reason why those countries cannot assume that the United States will eventually withdraw from the region.35 For Japan, whose “peace constitution” forbids it from using war as an instrument of state policy, the United States is an essential guarantor of its security. Any move by the US that might undermine this view raises not only the prospect of weakening US-Japanese ties, but also potentially affecting Japan’s security policies. In this regard, then, it is essential not to engage in activities that would undercut perceptions of American reliability. Such moves, it should be noted, are not limited to those in the security realm. For example, the Nixon administration undertook several initiatives in the late 1960s and early 1970s that rocked Tokyo-Washington relations, and are still remembered as the “Nixon shocks.” While some of these were in the realm of security (including Nixon’s opening to China and the promulgation of the Nixon Doctrine), the others were in the trade area. These included a ten percent surcharge on all imports entering the US and suspended the convertibility of the dollar (i.e., removed the US from the gold standard).36 Part of the “shock” was the fundamental nature of these shifts. Even more damaging, however, was the failure of the Nixon Administration to consult their Japanese counterparts, catching them wholly off-guard. It took several years for the effects of these shocks to wear off. If the United States is intent upon expanding space relations with the PRC, then it would behoove it to consult Japan, in order to minimize the prospect of a “space shock.” Failing to do so may well incur a Japanese reaction. The decision on the part of Japan to build an explicitly intelligence-focused satellite was in response to the North Korean missile test of 1999, suggesting that Tokyo is fully capable of undertaking space-oriented responses when it is concerned.37 That, in turn, would potentially arouse the ire of China. The tragic history of Sino-Japanese relations continues to cast a baleful influence upon current interactions between the two states. If there is not a “space race” currently underway between Beijing and Tokyo, it would be most unfortunate if American actions were to precipitate one.

#### Japan will develop offensive strike---nuclear war

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American proponents of Japan obtaining a conventional missile strike capability interviewed for this research argued that the United States could use a more capable ally in the region to address the threat posed by heightened Chinese naval activity. While that prospect might be a tempting short-term fix to offset the U.S. Department of Defense budget cuts over the last decade, the long-term interests of the United States in maintaining regional stability should also be considered. In addition to the negative reactions of Beijing and Seoul, a Japanese offensive strike capability could decrease regional confidence in the credibility of U.S. power in Asia. As noted above, some experts argue that if Japan strengthens its offensive capability, such a move might be interpreted by neighbors reliant on the U.S. nuclear umbrella as a sign that Tokyo is losing confidence in the United States’ credibility.71 This could start a chain reaction that causes more U.S. allies to hedge with China or to develop their own strike capabilities, further increasing instability in Asia. *China*. China would likely be the most vocal in its disapproval of a Japanese conventional missile strike capability, potentially offering not just harsh words but also harsh actions that could further decrease regional stability in an already tense security environment. China expressed dissent when Japan considered a preemptive strike option against the North Korean threat in 2006, arguing that the move was “extremely irresponsible” and would severely interfere with international diplomatic efforts, aggravating tensions in Northeast Asia.72 Over ten years later, the regional environment is even more tense as a result of North Korea’s acquisition of nuclear weapons and China’s island reclamation efforts in the East and South China Seas. Support from Washington for Tokyo’s armament would likely fuel Beijing’s narrative that an aggressive and hegemonic United States is fixated on containing China and would be used to justify China’s own increased militarization. It would likely also end any chance of dialogue between Washington and Beijing on facilitating peaceful resolutions to regional territorial disputes. Brad Roberts points out that adopting strike capability would assist Japan in cases where its interests do not align with those of the United States, as in potential gray-zone conflicts. 73 However, the ensuing heightened mistrust between the alliance partners and China may work to increase the likelihood of a gray-zone conflict—such as the 2010 collision of Japanese and Chinese boats in disputed territory—possibly escalating into war. In addition, if Japan had a conventional missile strike capability that could be used to “preempt” a perceived imminent attack from China, Beijing would in turn be more likely to consider preemption of Japanese strike abilities, causing a premature escalation of the crisis that would undoubtedly draw in the United States. *South Korea*. Despite significant progress on U.S.-ROK-Japan trilateral security cooperation in recent years, Japan-ROK military relations remain increasingly tense, a situation that could easily spiral out of control if Japan adopted an offensive capability.74 When Japan, sparked by North Korea’s provocations in 2006, publicly debated the legality of a “preemptive strike” option, South Korean officials bluntly expressed their negative opinion of Japan’s intentions. A spokesperson for the Blue House secretariat, for example, remarked, “We have been alerted by this display of Japan’s inclination to aggression,” and that Japan was using the crisis “as an excuse to beef up their military.”75 South Koreans demonstrated a similar sentiment after Tokyo’s 2014 CSD proposal, with a 2015 poll showing that the majority of the public (56.9%) perceived Japan as “militaristic,” up 3.8 percentage points from the previous year.76 If Tokyo were to push forward with the discussion of adopting a conventional missile strike capability, South Korean public opinion would likely become even more unfavorable toward Japan. At a time when enhanced trilateral cooperation is important to deter the evolving threats in the region, Japan advancing legislation to allow for conventional missile strike capabilities would likely derail those efforts, especially if labeled “preemptive.” Such a move could even push Seoul to hedge with Beijing, as the ROK is increasingly reluctant to join any initiative perceived to be aimed at containing China.77 With China as South Korea’s largest trading partner and the United States as its greatest security ally, the ROK is not eager to choose between the two sides. *Southeast Asia*. Countries in Southeast Asia are watching the Trump administration closely to see where Washington will draw the line on China’s military rise and growing regional assertiveness, and many are already hedging accordingly. For example, countries such as Vietnam and the Philippines are increasing their own conventional arsenal and naval capabilities as a result of Washington’s “slow erosion of credibility” in the region during the Obama administration.78 Defense of Japan 2018 seems to have confidence in the Trump administration’s commitment to maintaining a powerful presence in Asia.79 However, as discussed earlier, if Japan were to pursue an offensive defense strategy, the Southeast Asian countries could see this as a sign of Tokyo’s loss of faith in the United States’ willingness to uphold its defense commitments. China’s seizure of the Scarborough Shoal from the Philippines in 2012 has already eroded these countries’ confidence in the U.S. security guarantee to some extent.80 Declining credibility and corresponding hedging—through either growing armament or alignment with China—could not only further increase tensions and heighten the risk of a gray-zone escalation but also lead to greater Chinese military assertiveness and dominance in the region. *Summary* Despite the seemingly unbalanced nature of the U.S.-Japan alliance, the argument for “balancing” the alliance with Japan’s development of an independent conventional missile strike capability does not take into account important repercussions that could undermine both regional stability and U.S. credibility. In addition, updated Japanese defense guidelines, such as CSD, already give Japan a “greater role” in global security. Unless future U.S. administrations drastically reduce the U.S. military presence in Asia, the benefit of a more equal alliance would not outweigh the potential costs of Japan’s adoption of a conventional missile strike capability. CONCLUSION The arguments supporting Japan’s acquisition of a conventional missile strike capability do not hold weight in the current regional, economic, and alliance environments. The development of such a capability is not a practical solution for Japan to abate the threat from the DPRK, and the move could be perceived by China and South Korea as facilitating a U.S. strategy of containment. Traditional restrictions on the Japanese defense budget would not practically allow the buildup of the military capabilities required for a conventional missile strike force, a restriction that cannot be changed without support from a military-wary public. At first glance, a “normal” Japan that is capable of contributing to U.S. deterrence efforts might seem appealing from an alliance perspective, especially after the 2010 U.S. defense budget cuts, and an increasingly threatening regional security environment. Yet, though the U.S.-Japan alliance may be unbalanced in terms of capabilities, the United States has broader interests in regional stability that will be better promoted if Japan maintains a purely defensive force. A strike-capable Japan might not only escalate an already tense regional standoff with China but also elicit a harsh response from other countries against Tokyo and Washington. It could also erode the credibility of the U.S. nuclear umbrella, potentially leading to increased militarization throughout Asia. If the environment surrounding any of these three arguments changes—for example, if the United States’ actions discredit its reliability to protect Japan under the alliance, if Japanese public support allows an increase in the JSDF’s budget, or if the United States can no longer maintain a credible military deterrence in Asia—Japan would have a strong argument to move forward with conventional missile strike capabilities. In that case, both parties should exercise prudence in their public communications of planned alliance cooperation on the matter and about how or why the alliance would choose to employ such abilities. Hawkish suggestions of the potential to increase U.S. dominance in the region should be avoided.81 China is rightfully wary of any reference to conventional prompt global strike. Such rhetoric coming from Japan or the United States combined with the decision to move forward on conventional missile strike capabilities could be considered a threatening signal by Beijing.82 Without calculated prudence in regional dialogues, even the discussion of Tokyo acquiring conventional missile strike capabilities could ultimately worsen the regional security environment rather than improve it.

### NC Shell - Short

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

#### The Legal trust would include private property rights and would ensure the sustainable development as well as the equitable distribution of space 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.