# 1NC

## OFF

#### Interp: If the affirmative defends a proactive elimination of the appropriation Outer Space – it needs to be a ban not a reduction.

#### Violation:

#### Unjust means dialectically contrary to law – only ban does that.

The Law Dictionary, ND, Def of Unjust, URL: <https://thelawdictionary.org/unjust/#:~:text=Contrary%20to%20right%20and%20justice,conduct%20furnished%20by%20the%20laws>, KR

Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.

#### Unjust means opposed to law.

FreeDictionary [TheFreeDictionary, Unjust, xx-xx-xxxx,https://legal-dictionary.thefreedictionary.com/Unjust, 12-17-2021 amrita]

**UNJUST.** That which is done against the perfect rights of another; that which **is against the established law**; that which is opposed to a law which is the test of right and wrong.

#### Reduction is distinct:

Merriam Webster, ND, “Reduce”, URL: <https://www.merriam-webster.com/dictionary/reduce>, KR

to make (something) smaller in size, amount, number, etc

#### Standards –

#### 1] Ground – their model of debate allows spiking out of neg disads and counterplans arbitrarily because you merely defend a “restriction” of actions of private entities into space mining rather than a total ban

#### 2] Limits – there are an infinite number of degrees in which you could restrict different forms of asteroid mining which explodes neg prep and makes cutting stable negative positions impossible.

#### Drop the debater – T indicts their entire advocacy and comes before 1AR theory because it affected the entire debate after it

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance,

Competing interps: a) race to the bottom b) arbitrary and judge intervention c) collapses to offene and defense

## OFF

#### Threats are constructed – their security discourse creates a self fulfilling prophecy that makes true understanding of structural causes behind “threats” impossible.

**Mack 91:** Dr. Mack, professor at Harvard Medical School, 1991, (John E., “The Psychodynamics of International Relationships” Vol 1 p. 58-59)

Attempts to explore the psychological roots of enmity are frequently met with an argument that, reduced to its essentials , goes something like this: “It’s very well to psychologize but my enemy is real. The Russians (or Germans, Arabs, Israelis, Americans) are armed, threaten us, and intend us harm. Furthermore, there are real struggles between us and them and differing national interests: competition over oil, land or scarce resources and genuine conflicts of values between our two nations (or political systems) It is essential that we be strong and maintain a balance of superiority of (military and political) power, lest the other side take advantage of our weakness.” This argument is neither wrong nor right, but instead simply limited. It fails to grapple with a critical distinction that informs the entire subject. Is the threat really generated by the enemy as it appears to be at any given moment, or is it based on one’s own contribution to the threat, derived from distortion of perception by provocative words and actions in a cycle of enmity and externalization of responsibility? In sum, the enemy IS real, but we have not learned to identify our own role in creating that enemy or in elaborating the threatening image we hold of the other group or country and its actual intentions or purposes. “we never see our enemy’s motives and we never labor to asses his will with anything approaching objectivity.”

#### Links:

#### 1] The characterization of space as conflict-prone zone encourages the securitization of space – that hyperintensities conflict by driving arms races and increasing military investment

Peoples, 2011, aylor Francis, “The Securitization of Outer Space: Challenges for Arms Control”, Columba holds a BA in History, Politics and Social Studies from the University of Limerick, Ireland, and MScEcon & PhD qualifications in International Politics, URL: <https://www.tandfonline.com/doi/full/10.1080/13523260.2011.556846?scroll=top&needAccess=true>, KR

It is worth noting that the securitization of outer space – in terms of the identification of space with security – is, in itself, not a novel phenomenon or development. The extent to which ostensibly civil uses of outer space have been linked implicitly and explicitly to national security functions historically – or, as in the case of the space race between the United States and Soviet Union, have acted as a surrogate for direct military engagement – is well documented.50 Similarly, the characteriz- ation of the Sputnik launch in 1957 as placing the United States ‘in the greatest danger in its history’ suggests that the representation of space technologies as poten- tial existential threats is not entirely new either.51 What is of significance, though, is the intensification, expansion and entrenchment of securitizing moves as features of national space policies. The Space Security Index report Space Security 2009, in its overview of national policies, explicitly noted that, on the one hand, ‘National space policies consistently emphasize international cooperation and the peaceful uses of outer space’, but on the other hand that there is a ‘Growing focus within national policies on the security uses of outer space’.52 The report cited as evidence: Japan’s 2008 space law framework, which lifted its previous ban on national security and military space activities; China’s 2006 National Defense White Paper, which identifies national security as principle of China’s emerging space programme; France’s White Paper on Defense and National Security, which calls for an overhaul of its national space strategy; and the renewed priority on ‘space for security’ within EU policy.53

Within recent United States space policy securitization has been most noticeably prevalent and institutionalized, which is significant given the continued preeminence of the United States as a space power. As is noted in one recent assessment, around 50 countries, intergovernmental consortia, and nongovernmental organizations have at least one satellite in space, ‘mostly for reasons that have more to do with economic performance and Earth monitoring than with military applications.’54 However, in spite of the increasing diversity of interests in space and the increased range of func- tions space-based technologies now fulfil, the United States defence budget still remains the single largest source of investment in space technologies. In part this sus- tained investment arises out of American deployment and development of missile defence systems. Space and missile defences have been intimately connected issues historically and there are obvious technological overlaps between the two. Missile defence systems, including the ground-based system (Ground-Based Mid- course Defence or GMD) currently deployed by the United States at sites in Alaska and California, are dependent on satellite and space-based tracking technol- ogies to detect and track incoming missiles, and there is a possibility that the future connection between missile defence and space will be even stronger if current plans for missile defence are pursued to their fullest extent. Two such systems are already in the early stage of their development: the Space-Based Laser (SBL), which, like the Strategic Defence Initiative or Star Wars proposals of the 1980s, envisages using lasers to shoot down missiles in flight;55 and the ‘NFIRE’ or Near Field Infrared Experiment, a proposal to launch interceptor missiles not from the ground, as in the currently deployed GMD, but from space.56

Even if the developmental status of space-based missile defence interceptors remains uncertain (not least due to the budgetary constraints involved), the currently deployed ground-based system also poses a complex issue in terms of arms control. Though ostensibly intended for defensive purposes, ground and sea-based com- ponents of American missile defence could theoretically be employed as an ASAT – Anti-Satellite attack – device, and the use of sea-based Aegis ballistic missile defence capabilities and its Standard Missile 3 (SM3) to shoot down the malfunction- ing USA-193 spy satellite in February 2008 has done little to dispel concerns over the offensive applications of current missile defence capabilities.57 In addition, the United States also conducts research into more exotic forms of space weaponry, and funds a variety of technologies aimed at creating a force application capacity from space. The Department of Defense has reportedly explored several high- concept space weapons systems such as Hypervelocity Rod Bundles (tungsten rods dropped on targets from space that would theoretically use gravity as accelerant in a manner akin to a meteor, or Rods from God as they are also colloquially known), the Experimental Spacecraft System (XSS) (a manoeuvrable microsatellite weighing only 100 kilograms which could prospectively be used to attack other satellites), and the Common Aerospace Vehicle or CAV (this so-called Spaceplane would be unmanned and would orbit the earth, entering the atmosphere when needed to deploy precision guided munitions against selected targets). 58

Such programmes with possible space weapons applications (beyond ground-to- space ASAT capabilities) are still in their relative infancy, and the technical prospects for such technologies, as with the more exotic missile defence proposals outlined above, are far from certain.59 Yet much of the rhetoric emanating from the United States in recent years has made expansive claims to space dominance far beyond existing capabilities. In short, rather than seeking to control the means of violence in and from space, much of the military discourse on space has generally cast the United States as a trailblazer in this regard, with exotic systems cited as a necessity for future military dominance in and from space.60 Historically these claims have tended to emanate primarily from the Air Force and Air Force Space Command. In 1998, Space Command defined the control of space (‘space control’) as ‘The ability to assure access to space, freedom of operations within the space medium, and an ability to deny others use of space, if required’61, and space was also con- sidered as part of the remit for ‘full spectrum dominance’ in Joint Vision 2020.62 Space warriors within and beyond the United States military also make frequent reference to the ‘. . .importance of dominating space in peace and war’.63

Yet, ‘The decision to weaponize space does not lie within the military (seeking short-term military advantage in support of national security) but at the higher- level of national policy (seeking long-term national security, economic well-being, and worldwide legitimacy of US constitutional values).’64 Instances of the securitiza- tion of outer space within military circles are hardly surprising, given vested interests and the perceived utility of space support for American forces; what is more signifi- cant though is the extent to which national policy, though stopping short of explicit advocating of space weapons, has tended to similarly maintain the centrality of space for national security. 65 As Moore’s ‘biography’ of the idea of unilateral space dom- inance in the United States attests to, this school of thought has long held a prominent place in American strategic circles.66 Of significance, though, is the extent to which this type of thinking has migrated into official policy, portraying American access to, and dominance of, outer space as key to national survival in the process. The tenure of the George W. Bush administration in particular saw military and policy discourse move much closer in terms of goals and language used, entrenching securitization within United States space policy as a whole. In the terms used above, the views of space warriors made much greater inroads under the Bush administration, and this has had a significant bearing on how the United States has positioned itself in terms of arms control and how other states – particularly China and Russia – have subsequently defined their own positions.67

The evolution of official American discourse on outer space over the past decade attests to this subtle shift. In 2001, the Commission to Assess United States National Security Space Management and Organization (or Rumsfeld Space Commission as it is often referred to owing to Donald Rumsfeld’s position as chair) pointed out that a number of states hostile to the United States could attain ASAT capabilities, and, infamously, warned that if the United States did not secure space it would face a Space Pearl Harbor. Members of the Bush administration subsequently went on to effectively endorse the space control concept, asserting the primacy of space for security by openly linking its potential civil and military uses (and thus suggesting only a minimal distinction between the two). Then Deputy Secretary of Defense Paul Wolfowitz argued in a 2002 speech on missile defence that ‘as we look ahead we need to think about areas that would provide higher leverage. Nowhere is that more true than in space. Space offers attractive options not only for missile defense but for a broad range of interrelated civil and military missions. It truly is the ultimate highground.’68 The culmination of this line of thinking in policy terms came with the release of the National Space Policy (NSP) in August 2006, which stated that:

The United States considers space capabilities – including the ground and space segments and supporting links – vital to its national interests. Consistent with this policy, the United States will: preserve its rights, capabilities, and freedom of action in space; dissuade or deter others from either those rights or developing capabilities intended to so; take those actions necessary to protect its space capabilities; respond to interference; and deny, if necessary, adversaries the use of space capabilities hostile to US national interests.69

The framing of the arguments from those within the Bush administration thus clearly aligns with the dynamics of securitization as identified by Buzan et al. The idea of a Pearl Harbor from Space invokes the nightmare scenario of a surprise attack on American interests in or from space, and was accompanied in the Rumsfeld Commission’s report by the sense of urgency characteristic of securitizing moves: ‘the present extent of US dependence on space [and] the rapid pace at which this dependence is increasing and the vulnerabilities it creates, all demand that US national security space interests be recognized as a top national security priority’.70 The Pearl Harbor analogy implied a focus on a surprise attack itself, but the rest of the report stressed the radical implications of such an attack, suggesting a potential existential threat to American commerce, society and, ultimately, way of life. As the report noted, ‘Space enters homes, businesses, schools, hospitals and government offices through its applications for transportation, health, the environment, telecom- munications, education, agriculture and energy. Much like highways and airways, water lines and electric grids, services supplied from space are already an important part of the US and global infrastructures.’71

In turn, the NSP of 2006 repeated many of these same securitizing moves. It elev- ated national security functions of United States space policy, declaring these as vital to national interests, and national security as ‘critically dependent upon space capabilities... this dependence will grow.’ Similarly, the NSP described United States space systems as critical to ‘. . .a wide range of civil, commercial, and national security users’, identifying the wider security implications of space as well as its more direct military uses.72 Crucially, this securitization of space was then used to justify exceptional measures with regards to arms control and the previous era of multilateral space agreements. Among the ‘actions necessary’ to protect space capabilities the NSP declared that:

#### 2] Lewis ev – 17 years old making a claim that russia will pre-emptively attack in space that’s grounded in 0 empirics

#### 3] Their perez ev specifically indicts a potential conflict with 0 warrants, and is about states defending their own assets which is something that the affirmative doesn’t eliminate

#### 4] Any impact defense on case proves it isn’t likely

#### Their security discourse causes genocide and interventionism in the name of cleansing the world of violent “others”

Friis 2k - Friis, UN Sector at the Norwegian Institute of International Affairs, 2k, (Karsten, Peace and Conflict Studies 7.2, “From Liminars to Others: Securitization Through Myths,” <http://shss.nova.edu/pcs/journalsPDF/V7N2.pdf#page=2>). NS

The problem with societal securitization is one of representation. It is rarely clear in advance who it is that speaks for a community. There is no system of representation as in a state. Since literately anyone can stand up as representatives, there is room for entrepreneurs. It is not surprising if we experience a struggle between different representatives and also their different representations of the society. What they do share, however, is a conviction that they are best at providing (a new) order. If they can do this convincingly, they gain legitimacy. What must be done is to make the uncertain certain and make the unknown an object of knowledge. To present a discernable Other is a way of doing this. The Other is represented as an Other -- as an unified single actor with a similar unquestionable set of core values (i.e. the capital “O”). They are objectified, made into an object of knowledge, by representation of their identity and values. In other words, the representation of the Other is depoliticized in the sense that its inner qualities are treated as given and non-negotiable. In Jef Huysmans (1998:241) words, there is both a need for a mediation of chaos as well as of threat. A mediation of chaos is more basic than a mediation of threat, as it implies making chaos into a meaningful order by a convincing representation of the Self and its surroundings. It is a mediation of “ontological security”, which means “...a strategy of managing the limits of reflexivity ... by fixing social relations into a symbolic and institutional order” (Huysmans 1998:242). As he and others (like Hansen 1998:240) have pointed out, the importance of a threat construction for political identification, is often overstated. The mediation of chaos, of being the provider of order in general, is just as important. This may imply naming an Other but not necessarily as a threat. Such a dichotomization implies a necessity to get rid of all the liminars (what Huysmans calls “strangers”). This is because they “...connote a challenge to categorizing practices through the impossibility of being categorized”, and does not threaten the community, “...but the possibility of ordering itself” (Huysmans 1998:241). They are a challenge to the entrepreneur by their very existence. They confuse the dichotomy of Self and Other and thereby the entrepreneur’s mediation of chaos. As mentioned, a liminar can for instance be people of mixed ethnical ancestry but also representations of competing world-pictures. As Eide (1998:76) notes: “Over and over again we see that the “liberals” within a group undergoing a mobilisation process for group conflict are the first ones to go”. The liminars threaten the ontological order of the entrepreneur by challenging his representation of Self and Other and his mediation of chaos, which ultimately undermines the legitimacy of his policy. The liminars may be securitized by some sort of disciplination, from suppression of cultural symbols to ethnic cleansing and expatriation. This is a threat to the ontological order of the entrepreneur, stemming from inside and thus repoliticizing the inside/outside dichotomy. Therefore the liminar must disappear. It must be made into a Self, as several minority groups throughout the world have experienced, or it must be forced out of the territory. A liminar may also become an Other, as its connection to the Self is cut and their former common culture is renounced and made insignificant. In Anne Norton’s (1988:55) words, “The presence of difference in the ambiguous other leads to its classification as wholly unlike and identifies it unqualifiedly with the archetypal other, denying the resemblance to the self.” Then the liminar is no longer an ontological danger (chaos), but what Huysmans (1998:242) calls a mediation of “daily security”. This is not challenging the order or the system as such but has become a visible, clear-cut Other. In places like Bosnia, this naming and replacement of an Other, has been regarded by the securitizing actors as the solution to the ontological problem they have posed. Securitization was not considered a political move, in the sense that there were any choices. It was a necessity: Securitization was a solution based on a depoliticized ontology.10 This way the world-picture of the securitizing actor is not only a representation but also made into reality. The mythical second-order language is made into first-order language, and its “innocent” reality is forced upon the world. To the entrepreneurs and other actors involved it has become a “natural” necessity with a need to make order, even if it implies making the world match the map. Maybe that is why war against liminars are so often total; it attempts a total expatriation or a total “solution” (like the Holocaust) and not only a victory on the battlefield. If the enemy is not even considered a legitimate Other, the door may be more open to a kind of violence that is way beyond any war conventions, any jus in bello. This way, securitizing is legitimized: The entrepreneur has succeeded both in launching his world-view and in prescribing the necessary measures taken against it. This is possible by using the myths, by speaking on behalf of the natural and eternal, where truth is never questioned.

#### The alternative is to reject securitization – this opens up space for emancipatory political engagement.

**Neocleous:** [Mark, Professor of the Critique of Political Economy; Head of Department of Politics & History Brunel Univ, Critique of Security, 185-6]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of securityaltogether **-** to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain 'this is an insecure world'and reiteration of one fear**,** anxiety and insecurity after **another** will also make it hard to do**.** But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debates and discussions that animate political life. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles **t**hat arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible - that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security', despite the fact that we are never quite told - never could be told - what might count as having achieved it. Security politics is, in this sense, an anti-politics,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character ofsecurity on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole**."**' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to blind ourselves to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word.What this might mean**,** precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does not mean dealing with it politically, but bracketing it out and handing it to the state;it requires us to be brave enough to return the gift."'

## OFF

#### The plan requires clarifying international space law---causes strategic bargaining to extract concessions

Alexander William Salter 16, Assistant Professor of Economics, Rawls College of Business, Texas Tech University, "SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS", 19 STAN. TECH. L. REV. 221 (2016), https://law.stanford.edu/wp-content/uploads/2017/11/19-2-2-salter-final\_0.pdf

V. MITIGATION VS. REMOVAL

Relying on international law to create an environment conducive to space debris removal initially seems promising. The Virginia school of political economy has convincingly shown the importance of political-legal institutions in creating the incentives that determine whether those who act within those institutions behave cooperatively or predatorily.47 In the context of space debris, the role of nation-states, or their space agencies, would be to create an international legal framework that clearly specifies the rules that will govern space debris removal and the interactions in space more generally. The certainty afforded by clear and nondiscriminatory48 rules would enable the parties of the space debris “social contract” to use efficient strategies for coping with space debris. However, this ideal result is, in practice, far from certain. To borrow a concept from Buchanan and Tullock’s framework,49 the costs of amending the rules in the case of international space law are exceptionally high. Although a social contract is beneficial in that it prevents stronger nation-states from imposing their will on weaker nation-states, it also creates incentives for the main spacefaring nations to block reforms that are overall welfare-enhancing but that do not sufficiently or directly benefit the stronger nations.

The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (more commonly known as the Outer Space Treaty) is the foundation for current international space law.50 All major spacefaring nations are signatories. Article VIII of this treaty is the largest legal barrier to space debris removal efforts. This article stipulates that parties to the treaty retain jurisdiction over objects they launch into space, whether in orbit or on a celestial body such as the Moon. This article means that American organizations, whether private firms or the government, cannot remove pieces of Chinese or Russian debris without the permission of their respective governments. Perhaps contrary to intuition, consent will probably not be easy to secure.

A major difficulty lies in the realization that much debris is valuable scrap material that is already in orbit. A significant fraction of the costs associated with putting spacecraft in orbit comes from escaping Earth’s gravity well. The presence of valuable material already in space can justifiably be claimed as a valuable resource for repairs to current spacecraft and eventual manufacturing in space. As an example, approximately 1,000 tons of aluminum orbit as debris from the upper stages of launch vehicles alone. Launching those materials into orbit could cost between $5 billion and $10 billion and would take several years.51 Another difficulty lies in the fact that no definition of space debris is currently accepted internationally. This could prove problematic for removal efforts, if there is disagreement as to whether a given object is useless space junk, or a potentially useful space asset. Although this ambiguity may appear purely semantic, resolving it does pose some legal difficulties. Doing so would require consensus among the spacefaring nations. The negotiation process for obtaining consent would be costly.

Less obvious, but still important, is the 1972 Convention on International Liability for Damage Caused by Space Objects, normally referred to as the Liability Convention. The Liability Convention expanded on the issue of liability in Article VII of the Outer Space Treaty. Under the Liability Convention, any government “shall be absolutely liable to pay compensation for damage caused by its space objects on the surface of the Earth or to aircraft, and liable for damage due to its faults in space.”52 In other words, if a US party attempts to remove debris and accidentally damages another nation’s space objects, the US government would be liable for damages. More generally, because launching states would bear costs associated with accidents during debris removal, those states may be unwilling to participate in or permit such efforts. In theory, insurance can partly remediate the costs, but that remediation would still make debris removal engagement less appealing.

A global effort to remediate debris would, by necessity, involve the three major spacefaring nations: the United States, Russia, and China.53 However, any effort would also require—at a minimum—a significant clarification and—at most —a complete overhaul of existing space law.54 One cannot assume that parties to the necessary political bargains would limit parleying to space-related issues. Agreements between sovereign nation-states must be self-enforcing.55 To secure consent, various parties to the change in the international legal-institutional framework may bargain strategically and may hold out for unrelated concessions as a way of maximizing private surplus. The costs, especially the decision-making costs, of changing the legal framework to secure a global response to a global commons problem are potentially quite high.

#### Russia uses negotiations to push the PPWT---erodes US space dominance---unilat solves

Michael Listner 18, JD, Regent University School of Law, the founder and principal of the legal and policy think-tank/consultation firm Space Law and Policy Solutions, Sept 17 2018, "The art of lawfare and the real war in outer space", The Space Review, www.thespacereview.com/article/3571/1

A battle for primacy in outer space took place on August 14, 2018, among the Russian Federation, the United States, and, indirectly, the People’s Republic of China. This battle did not involve the exotic technology of science fiction, antisatellite weapons (ASATs), or the incapacitation of satellites; it was not part of a hot war and did not even occur in outer space. Rather, it took place in the halls of the Conference of Disarmament in Geneva, Switzerland, and concerned the interdiction of the hypothetical deployment of instrumentalities of a hot war in outer space. The carefully orchestrated arena for this battle by the proponents of banning so-called space weapons involved methodologies, institutions, and agents of international law but was undermined by a vigorous counterattack by the United States using the same forum and suite of instruments so skillfully levied against it.1 This battle, of course, is not a single instance but the latest skirmish of a much larger conflict involving real war in space.

There’s been significant attention—and overstatem­ent— about the effect of a proposed Space Force by the United States, including an arms race and dominance as articulated by the United States,2 yet little attention has been given to the contest that continues to be fought over outer space using the tools of international law and policy, both of which are instruments of “lawfare.” Maj. General Charles N. Dunlap, Jr. (retired)3 first defined lawfare in the paper “Law and Military Interventions: Preserving Humanitarian Values in 21st Conflicts,” as “a method of warfare where law is used as a means of realizing a military objective.”4 This definition can be expanded to the use of hard law, soft law, and non-governmental organizations and institutions within the international arena to achieve a national objective and geopolitical end that would otherwise require the use of hard power. As observed by General Dunlap, lawfare imputes the teachings of Sun Tzu in particular this teaching: “The supreme art of war is to subdue the enemy without fighting.”5

Lawfare is not a new concept and has been used in many domains, but the tools brought to bear have become more prolific, and the domain of outer space has been and continues to be a theater where it is applied. The earliest example of lawfare (even though the term was not yet coined) in outer space occurred pre-Sputnik with Soviet Union attempting to use customary law to make claims of sovereignty extending beyond the atmosphere to the space above its territory. This claim was preempted by the launch of Sputnik 1 and the act of the satellite flying over the territory of other nations.6 The Eisenhower Administration saw this as an opportunity to meet a national space policy goal and likewise used customary law as an implement of lawfare and successfully created the principle of free access to outer space, which it utilized for photoreconnaissance activities in lieu of overflights of another nation’s sovereign airspace.7 The Soviet Union unsuccessfully attempted to defeat this move using lawfare in the United Nations through a proposal that would have prohibited the use of outer space for the purpose of intelligence gathering.8

Since that setback, the art of lawfare in outer space has settled on the objective ascribed to another teaching of Sun Tzu:

“With regard to precipitous heights, if you proceed your adversary, occupy the raised and sunny spots, and there wait for him to come up. Remember, if the enemy has occupied precipitous heights before you, do not follow him, but retreat and try to entice him away.”9

The second part of this teaching exemplifies the role of lawfare in the present war in outer space: to employ the tools and institutions of international law as a means to legally corner an adversary and gain geopolitical advantage in soft power, with the aim of slowing and eroding the advantage that adversary has attained through preeminence in the domain of outer space, and replace it with their own. This objective is accomplished by two general means: legally-binding measures, most commonly in the form of treaties, and so-called non-binding measures couched as sustainability.

Lawfare in space continued in the intervening years between Sputnik-1 and the signature and ratification of the Outer Space Treaty and afterward. The weapon of choice: disarmament proposals for outer space. Provisions for banning so-called space weapons in the Outer Space Treaty were rejected by the Soviet Union in favor of separate arms control measures.10 These measures included proposals, some of which related to the proscription of ASATs, designed to not only gain an advantage in outer space but to gauge political intent and resolve.11

The lawfare offensive escalated after the proposed Strategic Defense Initiative with an effort curtail space-based missile defense technology through a ban on so-called space weapons and a proverbial arms race in outer space. The Prevention of an Arms Race in Outer Space (PAROS), introduced in 1985, continues to seek a legally binding measure to place any weapon in outer space, including those designed for self-defense. It spawned measures such as the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT), co-sponsored by Russia and China. This and other measures have met resistance as unverifiable and certainly are not likely to gain the advice and consent of the US Senate for ratification. The end game of the use of lawfare in the form of efforts like PAROS—the latest attempt at which was defeated in Geneva—is to propose legally binding measures that proponents would ignore to their advantage in any event. The sponsors and advocates of these hard-law measures recognize they will not come to fruition but, in the process of promoting them, will enhance their soft power and moral authority, which can be applied to entice their adversary down.

Non-binding resolutions and measures in the form of political agreements and guidelines are being used concurrently in the lawfare engagement in outer space, where proposals for legally binding measures alone fall short of the goal of creating hard law and challenging dominance in outer space. These resolutions and measures, which emphasize sustainability, are designed to perform an end run around the formalities of a treaty to entice agreement on issues that would otherwise be unacceptable in a hard-law agreement. These measures have the dual effect to create soft-power support on the one hand and hard law on the other. This tool of lawfare, which uses clichés of cooperation and sustainability, is a ploy that applies the ambiguous nature of customary international law to achieve what cannot be done through treaties: to “entice the adversary away” and create legal and political constraints to bind and degrade its use of outer space or prevent it from maintaining its superiority, all the while allowing others to play catchup and replace one form of dominance with another. While lawfare is by nature asymmetric, this indirect approach could be considered a subset an irregular tactic of lawfare, as opposed to the use of formal treaties in lawfare.

The crux is that, like space objects used in outer space, international law and its implements are dual-use in that they can be used for proactive ends or weaponized, with those using the appliances of lawfare to encourage cession of the high ground choosing the latter rather than the former. The decision to weaponize international law and its institutions to prosecute this war in space brings into question the efficacy of new rules or norms. Indeed, the idea of expanding the jurisprudence of outer space through custom, as being suggested by the United States, and more recently gap-filling rules being suggested by academia that could become custom, presents the real chance that, rather than the creation of the ploughshare of sustainability, new and more effective swords for lawfare will be forged.

To paraphrase Sun Tzu, “all war is deception.” In the case of outer space, the pretext in the current war in space is that an arms race and a hot war in outer space is inevitable, and can only be avoided by formal rules or international governance. Conversely, a hot war can be prevented in no small part by using lawfare to engage in the contemporary war in space using the tools of, and the abundant resources found in, the experience of attorneys and litigators in particular to supplement and support diplomats to extend the velvet glove when applicable, and bare knuckles when necessary. If the August 14 statement in Geneva is any indicator, the United States may have just done that and begun the shift from light-touch diplomacy to bringing its legal warriors to bear in full-contact lawfare to engage and win the current war in outer space and help deter a more serious hot war from occurring without sacrificing the superiority it possesses in outer space.

#### The PPWT prohibits space-based missile defense

Jack M. Beard 16, Associate Professor of Law at the University of Nebraska College of Law, Feb 15 2016, "Soft Law ’s Failure on the Horizon: The International Code of Conduct for Outer Space Activities", University of Pennsylvania Journal of International Law, Vol. 38, No. 2, 2016, <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1086&context=spacelaw>

B. Avoid Arms Control Traps in Space

Any successful effort to achieve legally binding restrictions on military activities or weapons in space must focus on specific, definable, and limited objectives or run afoul of issues that have historically ensured deadlock among suspicious and insecure adversaries.306 Some seemingly desirable goals, however, are likely to ensure failure.

The first such problematic goal involves attempting to use arms control agreements or other instruments to comprehensively ensure peace in space. Unfortunately, the integration of modern military systems on earth, sea, air and space guarantees that at some point states seeking to disrupt or deny the ability of an adversary (such as the United States) to project power will find space capabilities to be a particularly appealing target, especially in the early stages of a crisis or conflict.307 The presence of so many things of military value in space thus makes actions by an adversary to neutralize, disrupt or destroy these things likely during a major conflict on earth.308

The second problematic arms control goal in space that seems certain to ensure stalemate involves attempting to define and prohibit military technologies with a view to broadly prevent the weaponization of space. Clearly defining a space weapon for purposes of any legally binding arms control agreement is a daunting task, one which is made particularly challenging by the “essentially military nature of space technology.”309 As noted, space technologies are routinely viewed as dual-use in nature, meaning that they can be readily employed for both civilian and military uses. Determining the ultimate purpose of many space technologies may thus depend on discerning the intentions of states, a process perhaps better suited for psychological than legal evaluation. 310

Further complicating the classification of space military technologies is the inherent difficulty in distinguishing most space weapons on the basis of their offensive and defensive roles or even their specific missions.311 For example, this problem lies at the heart of debates over the status and future of ballistic missile defense (BMD) programs, since the technology underlying BMD systems and offensive ASAT weapons is often indistinguishable.312 Vague and broad soft law instruments do not resolve this problem, but create instead their own confusion and insecurity. Vague and broad provisions in legally binding agreements that do not or cannot distinguish between these missions are similarly problematic.

These issues, particularly difficulties in distinguishing ASAT and BMD systems, have figured prominently in complicating negotiations on space weapons over previous decades.313 Similarly, these concerns were a significant factor in initial U.S. opposition to the arms control measure proposed by China and Russia (the PPWT) since it prohibits states from placing any type of weapon in outer space (regardless of its military mission), thus effectively prohibiting the deployment of ballistic missile defense systems. 314 Furthermore, even if clear legal restrictions could be developed, verifying compliance with respect to technology in orbit around Earth would be very difficult (a point conceded even by China with respect to its own proposed PPWT).315

#### Causes rogue state missile threats---that escalates

Patrick M. Shanahan 19, Acting Secretary of Defense from January to June 2019, previously vice president and general manager of Boeing Missile Defense Systems, Jan 2019, "2019 MISSILE DEFENSE REVIEW", US Department of Defense, https://media.defense.gov/2019/Jan/17/2002080666/-1/-1/1/2019-MISSILE-DEFENSE-REVIEW.PDF

U.S. Homeland Missile Defense will Stay Ahead of Rogue States’ Missile Threats

Technology trends point to the possibility of increasing rogue state missile threats to the U.S. homeland. Vulnerability to rogue state missile threats would endanger the American people and infrastructure, undermine the U.S. diplomatic position of strength, and could lead potential adversaries to mistakenly perceive the United States as susceptible to coercive escalation threats intended to preclude U.S. resolve to resist aggression abroad. Such misperceptions risk undermining our deterrence posture and messaging, and could lead adversaries to dangerous miscalculations regarding our commitment and resolve.

It is therefore imperative that U.S. missile defense capabilities provide effective protection against rogue state missile threats to the homeland now and into the future. The United States is technically capable of doing so and has adopted an active missile defense force-sizing measure for protection of the homeland. DoD will develop, acquire, and maintain the U.S. homeland missile defense capabilities necessary to effectively protect against possible missile attacks on the homeland posed by the long-range missile arsenals of rogue states, defined today as North Korea and Iran, and to support the other missile defense roles identified in this MDR.

This force-sizing measure for active U.S. missile defense is fully consistent with the 2018 NPR, and in order to keep pace with the threat, DoD will utilize existing defense systems and an increasing mix of advanced technologies, such as kinetic or directed-energy boost-phase defenses, and other advanced systems. It is technically challenging but feasible over time, affordable, and a strategic imperative. It will require the examination and possible fielding of advanced technologies to provide greater efficiencies for U.S. active missile defense capabilities, including space-based sensors and boost-phase defense capabilities. Further, because the related requirements will evolve as the long-range threat posed by rogue states evolves, it does not allow a static U.S. homeland defense architecture. Rather, it calls for a missile defense architecture that can adapt to emerging and unanticipated threats, including by adding capacity and the capability to surge missile defense as necessary in times of crisis or conflict.

In coming years, rogue state missile threats to the U.S. homeland will likely expand in numbers and complexity. There are and will remain inherent uncertainties regarding the potential pace and scope of that expansion. Consequently, the United States will not accept any limitation or constraint on the development or deployment of missile defense capabilities needed to protect the homeland against rogue missile threats. Accepting limits now could constrain or preclude missile defense technologies and options necessary in the future to effectively protect the American people.

As U.S. active defenses for the homeland continue to improve to stay ahead of rogue states’ missile threats, they could also provide a measure of protection against accidental or unauthorized missile launches. This defensive capability could be significant in the event of destabilizing domestic developments in any potential adversary armed with strategic weapons, and as long-range missile capabilities proliferate in coming years.

U.S. missile defense capabilities will be sized to provide continuing effective protection of the U.S. homeland against rogue states’ offensive missile threats. The United States relies on nuclear deterrence to address the large and more sophisticated Russian and Chinese intercontinental ballistic missile capabilities, as well as to deter attacks from any source consistent with long-standing U.S. declaratory policy as re-affirmed in the 2018 NPR.

## CASE

### Impact D

#### No space wars ---

#### 1] Dependence on space creates a de facto taboo

Triezenberg, 17

Bonnie Triezenberg, Senior engineer at RAND. Previously, she was the senior technical fellow at the Boeing Company, specializing in agile systems and software development. “Deterring Space War: An Exploratory Analysis Incorporating Prospect Theory into a Game Theoretic Model of Space Warfare,” RAND Corporation. 2017. <https://www.rand.org/pubs/rgs_dissertations/RGSD400.html>

The above discussion suggests that a likely means to achieve deterrence of acts of war in outer space is to increase civilian dependence on space to support day-to-day life—if everyone on earth is equally dependent on space, no one has an incentive to destroy space. Largely by accident, this dependence appears to have, in fact, occurred. The space age was born in an age of affluence and rapid economic expansion; space quickly became a domain of international commerce as well as a domain of national military use. Space assets and the systems they enable have transformed social, infrastructure and information uses perhaps more visibly than they have transformed military uses. In fact, in the current satellite database published by the Union of Concerned Scientists, of the 1461 satellites in orbit 40% support purely commercial ventures, while only 16% have a strictly military use.46 The first commercial broadcast by a satellite in geo-synchronous orbit was of international news between Europe and the United States.47 The first telephony uniting the far flung islands of Indonesia was enabled by satellite48. Those of us who are old enough remember the 1960s “magic” of intercontinental phone calls and international “breaking news” delivered by satellite. Today, most social and infrastructure uses of space are taken for granted – even in remote locales of Africa, people expect to be able to monitor the weather, communicate seamlessly with colleagues and to find their way to new and unfamiliar locations using the GPS in their phones. All of us use space every day.49 These unrestricted economic and social uses of space may be the best deterrent, making everyone on all sides of combat equally dependent on space and heightening the taboo against weaponizing space or threatening space assets with weapons.

#### 2] Resource constraints, the OST, and space taboos

Pavur, 19 - DPhil Researcher Cybersecurity Centre for Doctoral Training at Oxford University

James Pavur, “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>

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.

#### 3] Space coop doesn’t fix Russia relations

Gehrke, 19 – Foreign affairs reporter for the Washington Examiner

Joel Gehrke, “‘Top priority': Russia plans for renewed space race." The Washington Examiner. January 10, 2019.

<https://www.washingtonexaminer.com/policy/defense-national-security/top-priority-russia-plans-for-renewed-space-race>

Russia is gearing up for an era of renewed competition in space, a top Moscow official said Thursday, following years of cooperation with the United States.

"This is our top priority today,” Roscosmos director-general Dmitry Rogozin [said in an interview](http://tass.com/science/1039360)with state-run media. “We will enshrine this in a new strategy, which we will adopt later this year, that is, to regain Russia’s leadership in space, pure and simple.”

Space cooperation has been a bright spot for U.S.-Russia policy since the end of the Cold War, even through the recent decline in diplomatic relations. Rogozin, echoing a top White House adviser’s comments to the Washington Examiner this year, repudiated the idea that "space is beyond politics” and blamed U.S. policymakers for compromising the relationship.

"I think that America is actually engulfed by its second civil war now," Rogozin, who has been sanctioned by the U.S. and the European Union, just days after NASA announced that his impending visit to the Texas would be postponed. "This is complete international lawlessness, and I absolutely don’t care about those motives which guided people in the Obama administration or the current Senate.”

Russia has denied invading Ukraine, annexing Crimea, and interfering with the 2016 U.S. presidential elections — behavior that American lawmakers cited when mandating a new round of sanctions on the former Cold War adversary in 2017. Those sanctions did not interfere with space-related cooperation; hundreds of Americans work in Russia to support the International Space Station, and U.S. astronauts rely on Russian rockets to reach the ISS.

Still, Russia has developed weaponry that could threaten U.S. space capabilities, according to American officials — a thorny matter than arms control negotiators have failed to resolve.

“There is not a good definition as to what a weapon is or how would you know it if you see it,” Scott Pace, the executive director of the National Space Council, [told the Washington Examiner](https://www.washingtonexaminer.com/policy/defense-national-security/the-next-arena-for-earths-old-rivalries) last year.

Pace acknowledged that U.S.-Russia tensions might undermine ISS cooperation. “This is the thing that space people don't always want to understand: that we cooperate in space after we've decided it's in our interest to do so from the ground,” he said.

### Solvency

#### PTD isn’t sufficient to solve – only the CP provides a new property rights regime that your author thinks is necessary

1AC Babcock 19 (, H., 2019. THE PUBLIC TRUST DOCTRINE, OUTER SPACE, AND THE GLOBAL COMMONS: TIME TO CALL HOME ET. [online] Lawreview.syr.edu. Available at: <https://lawreview.syr.edu/wp-content/uploads/2019/09/H-Babcock-Article-Final-Document-v2.pdf#page=67> [Accessed 15 December 2021] Professor Babcock served as general counsel to the National Audubon Society from 1987-91 and as deputy general counsel and Director of Audubon’s Public Lands and Water Program from 1981-87. Previously, she was a partner with Blum, Nash & Railsback, where she focused on energy and environmental issues, and an associate at LeBoeuf, Lamb, Leiby & MacRae where she represented utilities in the nuclear licensing process. From 1977-79, she served as a Deputy Assistant Secretary of Energy and Minerals in the U.S. Department of the Interior. Professor Babcock has taught environmental and natural resources law as a visiting professor at Pace University Law School and as an adjunct at the University of Pennsylvania, Yale, Catholic University, and Antioch law schools. Professor Babcock was a member of the Standing Committee on Environmental Law of the American Bar Association, and served on the Clinton-Gore Transition Team.)-rahulpenu // recut MNHS NL

F. The Public Trust Doctrine (PTD) as a Gap Filling, Place-Holding Management Approach506 The PTD offers both an approach for managing an open access commons and a gap-filling tool until a regulatory regime is adopted.507 The doctrine is based on the idea that the “sovereign holds certain common properties in trust in perpetuity for the free and unimpeded use of the general public.”508 The public’s right to access and use trust resources is never lost, and neither the government nor private individuals can alienate or otherwise adversely affect those resources unless for a comparable public purpose.509 The resources the doctrine protects “have long been part of a ‘taxonomy of property’ [that recognizes] the division of natural wealth into private and public property.”510 “The doctrine places on governments ‘an affirmative, ongoing duty to safeguard the long-term preservation of those resources for the benefit of the general public,’”511 thus limiting the sovereign’s power on behalf of both present and future individuals.512 It directs the government to manage trust resources for public benefit, not private gain.513 It applies to private as well as public resources and is used to preserve the public’s access to CPRs.514 Government agencies have the non-rescindable power to revoke uses of trust resources that are inconsistent with the doctrine.515 This effectively places a permanent easement over trust resources that burdens their ownership with an overriding public interest in the preservation of those resources.516 However, trust resources can be alienated in favor of private ownership, if the alienation will still serve the public’s interest in those resources and not interfere with trust uses of the remaining land.517 The PTD, therefore, protects the “people’s common heritage,”518 just as Article 11 of the Moon Treaty protects outer space as part of the common heritage of mankind.519 The doctrine also appears to be infinitely malleable. Original uses of the doctrine were restricted to only that “aspect of the public domain below the low-water mark on the margin of the sea and the great lakes, the waters over those lands, and the waters within rivers and streams of any consequence,”520 and covered only traditional uses of those lands, like fishing and navigation.521 Over time, the scope and application of the doctrine broadened to protect more public resources and different uses.522 Thus, the **doctrine** expanded to protect new trust resources, such as dry sand beaches, inland lakes, groundwater, dry riverbeds, and wildlife,523 and passive uses of those resources, like scientific study.524 The original link to navigable water and tidelands disappeared.525 Supporters of the doctrine successfully advocated that it be applied to “wildlife, parks, cemeteries, and even works of fine art,”526 while arguing more recently its application to the atmosphere.527 A doctrine that imposes a perpetual duty on the sovereign to preserve trust resources, prevents their alienation for private benefit, assures public access to them, and can be invoked by anyone seems particularly useful as a management tool in outer space.528 The fact that **public** **access** to trust resources is so **central** to the doctrine **makes** it **reflective**, not contradictory, **of** international space **law’s** **bar** **against** **appropriation** of outer space and of the principle of space being the “province of all mankind.”529 It **avoids** the problems of alienation and **exclusion** associated with any of the management approaches associated with some form of private property and requires neither the creation of a new administrative authority nor the presence of a close-knit group of like-minded people.530 Members of the public, both rich and poor, can invoke and enforce the doctrine as easily as the sovereign.531 It is cost effective to the extent that no separate apparatus is required to implement it, and the doctrine has shown itself to be highly adaptable and innovative as different needs arise.532 It could also fill the gap in international law with respect to managing celestial property. Therefore, of all the management approaches studied here, the PTD seems the most suited to keep order in space until a regulatory regime is imposed. However, the doctrine provides no incentives for development of trust resources; rather, it might be used to limit or curtail that development, making it an imperfect, perhaps even counter-productive solution by itself to the extent that such development might be beneficial.533 Modifying the doctrine to allow limited use of private property management approaches, like tradable development claims, might buffer that effect—a form of overlapping hybridity between one type of property, a commons, and a management regime from another, private property, enabled by application of the PTD. CONCLUSION “Only a legal system that accommodates both the human need for resources and the necessary preservation of mankind’s common heritage can fulfill these criteria.”534 The future is now with regard to the development of outer space and its resources—it is no longer a question of whether humans will engage in these activities, but how soon they will. Technically advanced countries and private commercial enterprises are probing outer space and preparing for landing on an asteroid or the moon to extract their resources.535 Speculators are selling deeds to the moon’s surface and preparing to exploit the tourism potential that space offers.536 But, the legal framework for managing these initiatives is almost nonexistent.537 International treaties came into being before all this activity began in earnest and national laws that might apply are stunted by jurisdictional quandaries like the absence of national boundaries in outer space.538 Thus, there is an urgency to figure out how to control what happens in outer space before its resources are irreparably damaged or permanently monopolized by powerful countries and individuals. In the absence of regulation, much of the current debate centers on what property regime should be applied in outer space.539 The assumption is that by only allowing private property rights in space, countries and commercial enterprises will undertake the risks and costs of space development.540 However, unless international space law changes, it may prevent this from happening. If it changes, strong management controls will be necessary to prevent destruction or over-consumption of celestial resources, as well as monopolization and competitive behavior by participants, which could lead to hostilities and inequities. This Article examines various private property regimes, including those of less than full fee ownership, to see if any would avoid the conflict with the international prohibition on appropriation of outer space and its resources. It concludes that none will because each retains the right to exclude and each is insensitive to the treaties’ equity concerns. In contrast, considering outer space to be common is consistent with international space law in both respects. Hypothesizing that private property in outer space may yet prevail, this Article investigates different private property management approaches, such as the right of first possession, lotteries, and tradable development rights, to see if any would be cost effective, easy to implement and equitable, and would also prevent over-consumption, monopolization or the slide into rivalrous behavior. The Article concludes that each comes up short in some respect. Social norms as a management tool for property held in common, although compliant with international law, are also not up to the task. Instead, although ancient, the PTD, with its malleability, easy and cost-effective implementation and enforcement, non-consumption principle, and consistency with the goals that animate international space treaties, seems best suited to the task of protecting the public’s interests in the global commons that is outer space as it has done for centuries in Earth-bound commons. But, as its principal terrestrial use has been to protect trust resources from development, the doctrine needs some modification to encourage development of celestial resources. Hence, this Article suggests that modifying the PTD to allow the application of private property management tools, like tradable development rights, will not only allow development, but also will assure that when it happens, it will not be just profitable for a few, but will also be sustainable and equitable.

#### incentivizes cheating, & causes commercial defection

Hitchens 19 – Senior Research Scholar at the Center for International and Security Studies

Theresa Hitchens, “Space traffic management: U.S. military considerations for the future,” Journal of Space Safety Engineering, Volume 6, Issue 2, Pages 108-112, June 2019, <https://www.sciencedirect.com/science/article/abs/pii/S2468896719300291>

--no guidelines yet on best practices – international regime would set the floor too low and allow easy noncompliance

--causes flags of convenience – countries would race to the bottom to enforce stm regime, and companies would go to country doing worst job implementing commitments

--instead, figuring out WHAT the best practices are first is key

Further, the Trump administration has backed away from international efforts to develop best practices for space operations under the auspices of the United Nations at the Committee for the Peaceful Uses of Outer Space (COPUOS). According to State Department officials, rather than supporting new discussions to expand upon the set of 21 guidelines developed by the Scientific and Technical Subcommittee's Working Group on the Long-Term Sustainability of Outer Space and approved by the Committee in 2018, the U.S. intends to focus on national implementation. And while the COPUOS Legal Subcommittee has had an annual agenda item on STM since 2015, the U.S. position has been that it is too early to seek a legally binding international accord on STM, as there is not yet an agreed multilateral understanding of the necessary parameters of such a regime. The U.S. government also has argued during Legal Subcommittee meetings that the Scientific and Technical Subcommittee should first look at what technical approaches are even feasible to create such a regime – although at the same time the U.S. has not moved to propose the establishment of formal STM discussions in the latter subcommittee.

An STM regime followed only by one or a handful of nations would do little to create a safer space environment. Worse yet would be a situation where the rules governing safe practices on orbit differ widely from country to country, as it would drive commercial industry to seek the locale with the least restrictive rules – as already a serious problem regarding the shipping industry where “flags of convenience” are common so as to minimize the need to comply with environmental safety and health regulations. As an example of how such problems could manifest, U.S. firm Swarm Technologies in January 2018 managed to launch four very small satellites, called SpaceBEES, on an Indian government Polar Satellite Launch Vehicle after having been denied a U.S. launch license by the Federal Communications Commission because of safety concerns [6]. This violation of U.S. licensing law was made possible because neither the company, Spaceflight, that arranged for the SpaceBEES ride share on the Indian rocket nor the Indian government required Swarm to provide evidence of a license. Spaceflight, a U.S. company, has now changed its operating procedures to require proof [5], 2 though there is no evidence that the Indian government has done the same.

### ADV

#### There’s no space debris impact

Park 18

Ye Joo Park, citing NASA studies on orbital debris, How Dangerous is Space Debris?, Research Association for Interdisciplinary Studies, RAIS Conference Proceedings, November 19-20, 2018, DOI: 10.5281/zenodo.1572516, <https://ssrn.com/abstract=3303541>

Other factors to consider concerning collisions in Space

While it’s true that there are thousands of space objects directly above Earth in an 800-kilometer band, space is so vast that it’s helpful to pause for a moment and reflect... in the area directly above the entire continental U.S., there are typically only three or four items orbiting above 3.1 million square miles. Therefore, the likelihood of collisions between satellites, spacecraft and orbiting objects is very small (NASA 2018).

In fact, in 2013 it was reported that the probability of a collision between an orbiting asset and space debris larger than 1 cm (0.4in.) will be once every 1.5-2 years, according to the Head of the Russian Hall/ History of Space Debris 8 Figure 5 [NASA] Space Agency. This compares with a 2010 estimate giving the likelihood of once every 5 years (Sorokin 2013).

The Feasibility of Practically Reducing Space Debris

Reducing orbital debris is incredibly difficult. Therefore, the most important action that space experts and policy makers currently recommend is to prevent the unnecessary creation of additional orbital debris. This can be done through prudent vehicle design and operations ((UNOOSA 2014).

The International Academy of Astronautics or IAA is a significant, global organization of scientists and space experts from many countries who meet regularly to discuss the importance of space debris as a policy issue. The subject-matter experts of the IAA published their fifth update Situation Report on Space Debris in August 2017 (Bonnal and McKnight 2017). In the executive summary, the IAA reported that if an orbiting satellite impacts with small bits of debris - even as small as 5 mm - the result will be grave, e.g. the collision would likely disrupt or terminate a satellite’s operations (Bonnal and McKnight 2017, 5).

The serious warnings expressed in this conclusion are offset by the positive findings of the IAA that there has been a reduction of the space debris created from the two extraordinary satellite destruction events (2007 and 2009) cited earlier in this paper. According to the IAF report, a large amount of debris from the satellite explosions were frictionally burned when reaching the Earth’s atmosphere after gradually sinking due to the scientific principle of atmospheric drag (in the science of Physics), which is a deterioration in the strength of an orbit because of an object hitting gas molecules in space. Small bits of space junk sink as the orbit gets weaker... then they burn. This is a positive trend “for keeping the short-term collision hazard under control at the lower altitudes (i.e., less than 650 km)” (Bonnal and McKnight 2017, 7).

#### Their Fabian ev –

#### Current solutions to congestion exist

1AC Fabian 19 (Christopher; January 2019; B.S. from the United States Air Force Academy, thesis submitted in partial fulfillment of the requirements for a M.S. from the University of North Dakota, approved by the Faculty Advisory Committee and in coordination with Dr. Michael Dodge, David Kugler, and Brian Urlacher; University of North Dakota Scholarly Commons, “A Neoclassical Realist’s Analysis Of Sino-U.S. Space Policy,” <https://commons.und.edu/theses/2455/>)

b. Defect/Defect The ubiquity of space technology has also yielded the negative externality of overcrowding the space domain. Despite its seemingly unlimited size, there are a limited number of useful earth-centric orbits to optimize terrestrial coverage. It is projected that there are over 300,000 medium sized objects capable of causing catastrophic failure of a satellite upon collision currently in earth’s orbit.159 Of these objects, 20,000 are actively tracked by the comparatively robust space surveillance network (SSN) of the United States Air Force, only 1,000 are active payloads, and even fewer have maneuver capability.160 Recent trends indicate that the problem of orbital congestion will only worsen in the coming decades as the barriers to entry are reduced. Launch service cost is rapidly decreasing due to an increased number of service providers and technology revolutions such as reusable rockets. Also, the miniaturization and simplification of satellite payloads further reduces the cost and infrastructure needed to be a spacefairing nation.161 This is evidenced by the near doubling of state operated satellites from 27 in 2000 to over 50 in 2012, coupled with a near doubling in total space objects from 1997 to 2007.162 The accumulation of space debris is a vital concern to the sustainable development of the space environment due to the increased probability of conjunction between active payloads and all other objects that results from crowded orbits. This increase in collision probability occurs proportionally to the number of objects in a given orbital domain. The tripling of orbital debris projected to occur in the next century, due to routine use and accumulation alone, would cause a tenfold increase in the probability of collision. In the event of a catastrophic collision between two objects, the resulting debris cloud could cause a cascading effect. Each successive collision increases the probability of another occurrence in a given orbit until an instability threshold is reached. At this threshold, debris removal due to decay would be negligible compared to debris created by subsequent collisions. As the propagation of debris continues, the cost of launching a satellite would eventually outweigh the benefits received due to the probability of that asset being destroyed by errant debris, effectively rendering the given orbit unusable. This debris propagation model and the dangers associated with it are colloquially referred to as the Kessler Syndrome. Kessler asserts unstable regions of low earth orbit (LEO) currently exist and that, barring the addition of more debris, a major collision would occur once every 10-20 years. If debris doubles, as it has in the last decade, the collision rate would increase to 2.5 years. Although most models’ time scales are on the order of centuries, it is widely accepted that the current rate of debris accumulation will render critical orbits unusable unless immediate measures are taken to return stability.163 There is near universal acceptance of the danger space debris presents, yet little substantive action has been taken to solve the problem. Current debris accumulation and propagation models show that earth orbiting domains are finite resources. Continued unsustainable development moving forward may preclude future usage, making earth orbits rivalrous goods.164 Furthermore, orbital domains are made a non-excludable good by the OST which states, “Outer space… shall be free for exploration and use by all States without discrimination of any kind.”165 As a non-excludable public good, space succumbs to the tragedy of the commons where the privately beneficial strategy of space utilization differs significantly from the socially optimal strategy promoting orbital stability.166 Understandably, most analysis has focused on solving the problem of orbital instability by addressing the market failure responsible for debris creation. The current reasoning suggests that if actors creating space debris internalize the cost of their actions, a solution can arise. Proposed solutions run the gamut of ideologies from free market tax incentives, to command and control legislation, to restructuring orbital property rights. Scientific solutions have also been proposed, but technological feasibility and cost remain major problems. Furthermore, analogous environments susceptible to the tragedy of the commons have been examined in hopes that they may prove applicable to the problem of orbit instability.167 This analysis is ultimately useful if the problem is to be solved under nominal conditions, but there is an underlying problem that needs to be addressed before any of these proposed solutions can realistically be enacted.

#### Specifically cites alt causes like satellites which are public and “miniaturization and simplification of satellite payloads”

#### Their Hoots ev --

#### Only 200 breakups over 60 years and current coding solves

1AC Hoots 15 (Felix; Fall 2015; Distinguished Engineer in the System Analysis and Simulation Subdivision, Ph.D. in Mathematics from Auburn University, M.S. in Mathematics from Tennessee Tech University; Crosslink, “Keeping Track: Space Surveillance for Operational Support,” <https://aerospace.org/sites/default/files/2019-04/Crosslink%20Fall%202015%20V16N1%20.pdf>)

The launch of Sputnik on October 4, 1957, marked the beginning of the Space Age. It also marked the beginning of an intense space race that brought a remarkable rate of rocket launches. In a very short time, the number of objects in orbit grew dramatically. This created a host of strategic challenges, including the need for space surveillance. In particular, the Air Force needed a way to prevent false alarms as satellites came within view of missile-warning radars, while the Navy needed a way to alert deployed units of possible reconnaissance by satellites overhead. These needs led to the establishment of a military mission to maintain a catalog of all Earth-orbiting objects—active payloads, rocket bodies, and debris—along with detailed information about trajectory and point of origin. Such a catalog could be used to filter normal orbital passages from potential incoming missiles and predict the passage of suspected spy satellites. The first catalog was relatively small in comparison with today’s version, which lists more than 22,000 items (as of May 2015). Also, the current version supports much more than the original military mission—and Aerospace is helping to extend its utility even further. The Space Catalog The Space Catalog is maintained by the Joint Space Operations Center (JSpOC) at Vandenberg Air Force Base, part of U.S. Strategic Command. One of the missions of JSpOC is to detect, track, and identify all artificial objects in Earth orbit. A key component of this mission is the Space Surveillance Network, a worldwide system of ground-based radars along with ground-based and orbital telescopes. The radars are used primarily for tracking near-Earth satellites with orbital period of 225 minutes or less, as well as some eccentric orbits that come down to near-Earth altitudes as they go towards their perigee. Ground-based telescopes are used for tracking more distant satellites, with orbital period greater than 225 minutes, and space-based sensors are used to track both near and distant satellites. The JSpOC tasks these sensors to track specific satellites and to record data such as time, azimuth, elevation, and range. This data is used to create orbital element sets or state vectors that represent the observed position of the satellite. The observed position can then be compared with the predicted position. The dynamic models used for predicting satellite motion are not perfect; factors such as atmospheric density variation caused by unmodeled solar activity can cause the predicted position to gradually stray from the true position. The observations are used to correct the predicted trajectory so the network can continue to track the satellite. This process of using observations to correct and refine an orbit in an ongoing feedback loop is called catalog maintenance, and it continues as long as the satellite remains in orbit. Ideally, the process is automatic, with manual inter vention only required when satellites maneuver or get near to reentry due to atmospheric drag. Sometimes, however, more effort is required. For example, a sensor may encounter a satellite trajectory that does not correspond well to anything in the catalog. Such observations are known as partially correlated observations if they are somewhat close to a known orbit or uncorrelated observations (or uncorrelated tracks) if they are far from any known orbit. Also, if a satellite is not tracked for five days, it is placed on an attention list for manual intervention. In that case, an analyst will attempt to match the wayward satellite to one of these partially correlated or uncorrelated tracks. If that effort succeeds, then the element sets are updated, and the object is returned to automatic catalog maintenance. On the other hand, if the satellite cannot be matched to a partially correlated or uncorrelated track, the satellite information continues to age. If it reaches 30 days without a match, the satellite is placed on the lost list. Risk Prediction One of the most visible uses of the catalog is to warn about collision risks for active payloads. This function predicts potential close approaches three to five days in advance to allow time to plan avoidance maneuvers, if necessary. Unplanned maneuvers may disturb normal operations and deplete resources for future maneuvers, so one would like to have high confidence in the collision-risk predictions. The reliability of the predictions depends directly on the accuracy of the orbit calculation, which in turn depends on the quality and quantity of the tracking data, which is limited by the capability of the Space Surveillance Network. Simply put, there are not enough tracking resources in the network to achieve high-quality orbits for every object in the catalog. Furthermore, many smaller objects can only be tracked by the most sensitive radars, and this tracking is infrequent. Most objects in the catalog are considered debris, which can neither maneuver nor broadcast telemetry. On the other hand, some satellite operators depend exclusively on the satellite catalog to know where their satellites are, and users of the satellite orbital data depend on the catalog to know when the satellites will be within view. This situation creates a challenging problem in balancing Space Surveillance Network resources to support the collision-warning task (tracking as many potential hazards as possible) while also providing highly accurate support to operational satellites (tracking the spacecraft as precisely as possible). The practical solution is to perform collision risk assessment using a large screening radius to ensure no close approaches are missed despite lower-quality predictions. Once an object is identified as having a potentially close approach, then the tasking level is raised, with the expectation that more tracking data will be obtained to refine the collision risk calculations. When the danger has passed, the object reverts to a normal tracking level. Collisions and spontaneous breakups do happen. The first satellite breakup occurred on June 29, 1961, when residual fuel in an Ablestar rocket body exploded, creating 296 trackable pieces of debris. Since that time, there have been more than 200 satellite breakups, the most notable being the missile intercept of the Fengyun-1C satellite, which created more than 3300 trackable fragments. In most cases, these breakups are first detected by the phased-array radars in the Space Surveillance Network. When multiple objects are observed where only one was expected, the downstream sensors are alerted, but no tasking is issued because specific debris orbits are not yet established. Tracks are taken and tagged as uncorrelated. Analysts at JSpOC then attempt to link uncorrelated tracks from different sensors to form a candidate orbit. Subsequent tracking improves the orbit to the point that the object can be named and numbered and moved into the catalog for automatic maintenance.

#### Their Lewis ev --

#### 1] Their Lewis ev. is from 2004 – recency matters bc it’s a question of whether or not russia would decide to engage

#### 2] Lewis is about U.S. - Russia but their plan text only blocks private entities which means their impact’s non unique

## OFF

#### The private sector in space is growing and investors have poured hundreds of millions into the industry based on projected growth – the aff reverses that and crashes investment

Davenport 21 – covers NASA and the space industry for The Washington Post's Financial desk. He joined The Post in 2000 and has a bachelors degree from Colby College. [Christian, “Investors are placing big bets on a growing space economy. But can they reach orbit?”, Washington Post, 9/05/21, [https://www.washingtonpost.com/technology/2021/09/05/space-finance-bubble-investors/]//AV](https://www.washingtonpost.com/technology/2021/09/05/space-finance-bubble-investors/%5d//AV)

Space is hot. The billionaire “space barons” — Elon Musk, Jeff Bezos and Richard Branson — [have given the industry a cachet](https://www.washingtonpost.com/technology/2020/11/11/nasa-spacex-crew1-launch-space-station/?itid=lk_inline_manual_3) not seen since the Apollo era of the 1960s and ’70s, with Branson and Bezos flying to the edge of space on their own spacecraft and Musk’s SpaceX becoming the dominant supplier of people and cargo to the International Space Station. Investors are fearful of missing out. That’s turned out to be great news for the space companies hoping to get a piece of the satellite-launch business. But it’s also caused analysts to warn that space is still a nascent and risky business, one rocket explosion away from disaster. Hundreds of millions of dollars are now flowing to an industry long viewed as too risky for serious investment. New start-ups are blossoming in an explosion reminiscent of the early days of tech, when money poured into Silicon Valley start-ups at the beginning of the Internet age. Gen. John “Jay” Raymond, the chief of space operations for the U.S. Space Force, even predicted during a recent speech that investment in the commercial space sector would drive “a second Golden Age of space.” Over the past decade, investors pumped $200 billion into 1,500 space companies around the world, according to an analysis done by [Space Capital, a space investment firm](https://www.spacecapital.com/). Investment in start-up space companies reached $7.6 billion last year, a 16 percent increase from 2019, [according to Bryce Space and Technology](https://brycetech.com/download.php?f=Bryce_Start_Up_Space_2021.pdf), a consulting firm. “This level of investment is consistent with the 6-year trend beginning in 2015 of unprecedented levels of venture capital driven investment flowing into the space industry,” the company said. That has helped drive a $447 billion global space economy that grew 4.4 percent last year, [according to the Space Foundation](https://spacefoundation.org/), an advocacy group. Over the past 10 years, the space economy has grown 55 percent, according to the Foundation, which said the commercial space products and services market is valued at $219 billion. In addition to those investments, several space ventures have gone public over the past year through special purpose acquisition companies, or SPACs. Branson’s Virgin Galactic space tourism company [was one of the first high-profile space ventures](https://www.washingtonpost.com/business/2019/07/09/virgin-galactic-announces-plans-become-first-publicly-listed-space-company/?itid=lk_inline_manual_16) to go public through a SPAC when it merged with a New York hedge fund in 2019. Since then, SPACs have “exploded in popularity,” [according to a report by analysts at Avascent and Jefferies](https://www.avascent.com/news-insights/avascent-apogee/space-spacs-valuation-in-zero-g/), a financial advisory firm specializing in aerospace, which found that the mergers across all industries raised $83 billion in 2020 compared to $14 billion the year before. But the stocks can be volatile. In the last couple of weeks, for example, the stocks of two space companies took hits when they suffered problems. Shares of Virgin Galactic dipped after the Federal Aviation Administration said it was investigating the company after its flight, with Branson on board, went off course. The probe was first reported by the [New Yorker](https://www.newyorker.com/news/news-desk/the-red-warning-light-on-richard-bransons-space-flight). Astra, a start-up rocket company based outside of San Francisco, saw its stock drop after a launch attempt failed to reach orbit last month. Still, more than a dozen companies have gone public, or announced they would in recent months. They include Planet, which has built a constellation of satellites to take images of the Earth, and Astra. [Rocket Lab, which has launched dozens of small satellites](https://www.washingtonpost.com/news/innovations/wp/2017/11/09/ready-to-book-your-satellite-launch-online-the-rocket-industry-looks-to-run-more-like-an-airline/?itid=lk_inline_manual_21) on its Electron rocket, started trading on the Nasdaq last month. And Virgin Orbit, [which “air launches” a rocket](https://www.washingtonpost.com/technology/2021/01/17/richard-branson-virgin-orbit-launch-success/?itid=lk_inline_manual_21) designed to fly satellites by dropping it from the wing of a 747 airplane, announced that it would go public through a SPAC and that it had raised $100 million in another funding round backed by Boeing and AE Industrial Partners. International companies also are driving growth, analysts said. “Going forward, I would expect to see it becoming increasingly international,” said Nickolas Boensch, a program manager at Bryce. “China, Japan, the U.K. have been huge players here, and there is something attractive to having a domestic capability.”

#### The future of the economy is based on the private-sector driven success of space exploration

Clark 20 – President of U.S. Chamber of Commerce with an MBA from Georgetown University. [Suzanne, “Space is our new economic frontier. The US can’t afford to lose out”, CNN Business, 3/02/20, [https://www.cnn.com/2020/03/02/perspectives/space-economic-frontier/index.html]//AV](https://www.cnn.com/2020/03/02/perspectives/space-economic-frontier/index.html%5d//AV)

President Trump's budget, which was released last month, outlines several moonshots that are unlikely to pass a divided Congress. But there's one in particular that both Republicans and Democrats should support wholeheartedly: the $25.2 billion request to fund NASA, a 12% boost [over the prior year](https://www.cnn.com/2020/02/10/tech/nasa-budget-moon-landing-artemis-scn/index.html). The future of our economy depends on the vigorous pursuit of space exploration. And with NASA leading the way, the potential for growth — like space itself — has no limits. Since NASA's launch, American space exploration has always been a bipartisan venture. It was President Kennedy who announced our goal of going to the moon, but it was President Nixon who brought that goal to fruition. Reaching the next milestone in interplanetary travel requires a commitment from our leaders that spans political parties and administrations. And with a new space race getting underway — one that could prove even more consequential than the last — NASA needs bipartisan support from Congress today more than ever. Space is the most promising industry to arise since the birth of the tech sector, with growth projected to skyrocket in the coming years led by companies such as Boeing and Northrop Grumman, and new entrants, such as Virgin Galactic, SpaceX and Blue Origin. [According to US Chamber of Commerce economists](https://www.uschamber.com/series/above-the-fold/the-space-economy-industry-takes), the industry will be worth at least $1.5 trillion by 2040. While no one can fully grasp what our economy will look like 20 years from now, one thing is certain: the private sector space industry will transform how societies across the globe live, communicate and do business. In fact, it already has. Nearly every company depends on space-enabled technologies for day-to-day operations — whether they use satellite communications, remote sensing or location-based services. Businesses across multiple sectors are leveraging these and other technologies to stake their claim in this new economic frontier. Pharmaceutical companies such as Merck and Sanofi, for example, are conducting experiments in low-Earth orbit [aboard the International Space Station](https://www.issnationallab.org/research-on-the-iss/areas-of-research/life-sciences/) to evaluate the potential advantages of microgravity in developing new drug treatments that will help people live longer, healthier lives. Companies, such as Bigelow, are committed to making [off-Earth habitation](https://www.cnn.com/2016/05/05/tech/way-up-there-where-will-we-live-space/index.html) a reality. Even retailers are getting in on the action, with companies like Target [funding research](https://www.iss-casis.org/cottonsustainabilitychallenge/) on the International Space Station to produce more sustainable forms of cotton. Lunar colonies, asteroid mining and interplanetary travel — once the stuff of science fiction — could become a reality. But for any of that to happen, we need sustained and meaningful action from members of Congress. They can start by meeting the president's request for NASA funding. Included in the White House budget is [$12.4 billion](https://www.cnn.com/2020/02/10/tech/nasa-budget-moon-landing-artemis-scn/index.html) specifically for lunar exploration that would include landing systems, continued development of the Space Launch System (SLS) and the Orion crew module. These spacecraft will allow us to shuttle people and equipment to the moon and back. They will take us not only beyond Earth's orbit but also into the next phase of commercial space development. Most importantly, they will ensure that the United States continues to outpace competitors like China and Russia in the space race. Our country must be the vanguard in exploring these new economic frontiers. Planting the American flag in the private sector space industry will help create the jobs of the future and allow the United States to lead the formation of best practices that will govern the industry for decades to come. Some might ask if returning to the moon is worth the expense. The answer is undeniably yes. Providing NASA with the resources it needs to succeed is a small investment that will yield tremendous dividends over time. To start, it would help secure American commercial dominance in a fast-growing industry. It also would be a catalyst for innovation and scientific discovery, with salutary effects that would benefit the entire economy.

#### Econ decline results in nuclear war.

Tønnesson 15 [Tønnesson is a research professor at the Peace Research Institute Oslo (PRIO) in Norway and the leader of the East Asia Peace program at Uppsala University in Sweden.] “Deterrence, interdependence and Sino–US peace.” International Area Studies Review, volume 18, number 3, pgs. 297-311. 2015.

Several recent works on China and Sino–US relations have made substantial contributions to the current understanding of how and under what circumstances a combination of nuclear deterrence and economic interdependence may reduce the risk of war between major powers. At least four conclusions can be drawn from the review above: first, those who say that interdependence may both inhibit and drive conflict are right. Interdependence raises the cost of conflict for all sides but asymmetrical or unbalanced dependencies and negative trade expectations may generate tensions leading to trade wars among inter-dependent states that in turn increase the risk of military conflict (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, decisions for war and peace are taken by very few people, who act on the basis of their future expectations. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. If leaders on either side of the Atlantic begin to seriously fear or anticipate their own nation’s decline then they may blame this on external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain respect or credibility, adopt protectionist policies, and ultimately refuse to be deterred by either nuclear arms or prospects of socioeconomic calamities. Such a dangerous shift could happen abruptly, i.e. under the instigation of actions by a third party – or against a third party. Yet as long as there is both nuclear deterrence and interdependence, the tensions in East Asia are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. The greatest risk is not that a territorial dispute leads to war under present circumstances but that changes in the world economy alter those circumstances in ways that render inter-state peace more precarious. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so. Deterrence could lose its credibility: one of the two great powers might gamble that the other yield in a cyber-war or conventional limited war, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.