### Plan

#### Plan – The appropriation of outer space through the production of space debris by private entities is unjust.

#### Revising the Outer Space Treaty curbs the impact of space debris – timeframe is crucial.

Shah 20 – Sachin, 8/30/20, [“Aug 30 The International Legal Regulation of Space Debris,” CORNELL UNDERGRADUATE LAW & SOCIETY REVIEW, Administrative, Policy, Technology, <https://www.culsr.org/articles/the-international-legal-regulation-of-space-debris>] Justin

In this article, I have demonstrated that the existing laws and regulations pertaining to space debris are best captured in the Outer Space Treaty of 1967. While many scholars do believe that Articles VII and IX of the Treaty does provide basic accountability for space debris, many also agree that its vague, non-technical legal language creates problems in mitigating the ever-growing problem of space debris in orbit around Earth. Despite this lack of legal clarity, some scholars have proposed solutions to the space debris issue. Some have simply called for a revised, specific version of the Outer Space Treaty. Others have recommended implementing an entire regulatory regime with the authority to create laws which specifically pertain to holding actors accountable for space debris production. While lawmakers have yet to update the existing regulations regarding space debris, more effective space debris mitigation techniques lie in the private sector. The profit-based incentives of private satellite companies ensure their responsibility in and around Earth's orbit. In the example of SpaceX, the loose legal regulations of satellite use by the FCC and the ITU have allowed the company to send thousands of satellites into orbit. We live in a different world today than we did in 1967. In order to maintain our current safety and our future ability to voyage outer space, stronger legal frameworks must be created to prevent the uncontrollable expansion of space debris around Earth. Used effectively, legal action can accomplish these goals, but lack thereof may result in disaster.

#### Private entities are non-governmental.

Dunk 11 – Frans G. von der Dunk, 2011, [“The Origins of Authorisation: Article VI of the Outer Space Treaty and International Space Law,” University of Nebraska] Justin

4. Interpreting Article VI of the Outer Space Treaty One main novel feature of Article VI stood out with reference to the role of private enterprise in this context. Contrary to the version of the concept applicable under general international law, where “direct state responsibility” only pertained to acts somehow directly attributable to a state and states could only be addressed for acts by private actors under “indirect,” “due care”/“due diligence” responsibility,18 Article VI made no difference as to whether the activities at issue were the state’s own (“whether such activities are carried on by governmental agencies” . . .) or those of private actors (. . . “or by non-governmental entities”). The interests of the Soviet Union in ensuring that, whomever would actually conduct a certain space activity, some state or other could be held responsible for its compliance with applicable rules of space law to that extent had prevailed. However, the general acceptance of Article VI as cornerstone of the Outer Space Treaty unfortunately was far from the end of the story. Partly, this was the consequence of key principles being left undefined.

#### Exemptions destroy the coercive power of legal regimes – causes circumvention across the board.

Hickman and Dolman 2 – John and Everett, 2002, Associate professor in the Department of Government and International Studies at Berry College in Mt. Berry, [“Resurrecting the Space Age: A State–Centered Commentary on the Outer Space Regime,” Volume 21 Number 1, <https://doi.org/10.1080/014959302317350855>] Elmer Recut Justin

Thus a state party need merely announce its intention to withdraw and then wait one year. Withdrawal of a single state party to the treaty, however, would not necessarily terminate the treaty between the other state parties. Yet, the decision of an important state not to be bound by a regime–creating treaty obviously endangers the entire treaty. The decision of the United States or China to withdraw from the OST would have far greater implications for the survival of the international space regime than the same decision by Bangladesh, Burkina Faso, or Papua New Guinea—the equality of states under international law remains nothing more than a useful  ction. For the OST to remain good international law, it must be accepted as such by the major space faring states of the 21st Century: the United States, Russia, the European Union, Japan, and China. One defection from the regime by a member of this group would no doubt lead to its effective collapse, as the remaining space faring states are unlikely to use the kind of coercion necessary to enforce the regime. A more likely response to such a defection is a scramble to make similar claims to sovereignty, based on historical precedent and effective occupation. Similar rushes to stake claims for territory sovereignty in other celestial bodies might follow.

### Adv – Debris

#### The advantage is Debris:

#### Privatization of space is unsustainable and increases debris – triggers the Kessler Syndrome

Thompson 21 [Clive, 11/17/21, Clive Thompson is a contributing writer for the New York Times Magazine, a columnist for Wired and Smithsonian magazines, and a regular contributor to Mother Jones. He’s the author of Coders: The Making of a New Tribe and the Remaking of the World, and Smarter Than You Think: How Technology is Changing our Minds for the Better. He’s @pomeranian99 on Twitter and Instagram, “Get Ready for the “Kessler Syndrome” to Wreck Outer Space,” OneZero, <https://onezero.medium.com/get-ready-for-the-kessler-syndrome-to-wreck-outer-space-7f29cfe62c3e>] Justin

Back in 1978, the astrophysicist Donald Kessler made an alarming prediction: Space junk could wreck our ability to keep satellites aloft. In a fascinating paper, Kessler noted that “low earth orbit” — a region between 99 miles and 1,200 miles up — was getting pretty crowded. In 1978 there were already 3,866 objects being tracked in space. That included satellites used by scientists (say, to monitor weather) or spy agencies. It also included a lot of debris: Every time a rocket launches a satellite into orbit, it tends to leave stray bits of material. The thing is, when objects are zooming through space about 2 km/s, even something as tiny as a chip of paint can smash through glass or steel. Pieces of debris become bullets. What Kessler predicted is that sooner or later, objects in low-earth orbit would start colliding, and produce chain effects, like billiard balls colliding on a crowded pool table. If a piece of debris hit a satellite, it would produce more debris, which would to increase the risk of other collisions … and so on, and so on. At some point, you could reach a tipping point. There’d be so many chunks of debris that collisions would be inevitable, leaving low-earth orbit a junkyard where no satellites could survive. Remember the scene in Wall-E where they blast off Earth, and the planet is utterly ringed with crap? That’s what Kessler worried about. Except in our situation the pieces of junk could be quite small — billions of objects the size of grains of sand, which is actually a lot harder to deal with, because you can’t see it coming. In essence, Kessler predicted we could create an artificial asteroid belt of junk: The result would be an exponential increase in the number of objects with time, creating a belt of debris around the earth. This process of mutual collisions is thought to have been responsible for creating most of the astroids from larger planetlike bodies. Space folks began calling this the “Kessler Syndrome”. It was hard to predict when this might start happening. Kessler worried that conditions could be ripe by as early as 2000. Thankfully, that estimate turned out to be premature. But wow, it looks like it might happen soon. What’s happened recently that makes the “Kessler Syndrome” more likely? A couple of things: Way more satellites are going up The pace at which satellites are going up in the sky is simply exploding. Back when Kessler wrote his paper in 1978, we humans were launching about 53 new satellites a year. Going to space was hard. But now launches are an order of magnitude more common, and they’re increasing in pace rapidly. SpaceX in particular is launching oodles of satellites as it builds its orbital Internet-access service Starlink. In the last two years, it has put 1,740 satellites in low-earth orbit, with plans to eventually shoot 30,000 up there. This is part of a larger trend, which is … The privatization of outer space The private sector is rapidly becoming the dominant actor in space. There’s a huge demand for satellite data — everyone wants better info about weather, crops, traffic patterns, tree coverage, emissions, you name it, on top of the explosive use of satellites for communication and Internet. SpaceX’s remarkable innovations in rocketry (the leading folks, though others are following in their footsteps) have made it cheaper than ever to get a satellite into orbit. It is unlocking a huge pent-up demand for near-earth-orbit tech. More launches mean not only more intentional objects in orbit but unintentional ones — bits of rocket parts and detritus from launches.

#### Privatization exponentially increases the curve but ending dangerous missions prevents it.

Bernat 20 [Pawel, 2020, Military University of Aviation, “ORBITAL SATELLITE CONSTELLATIONS AND THE GROWING THREAT OF KESSLER SYNDROME IN THE LOWER EARTH ORBIT,” SAFETY ENGINEERING OF ANTHROPOGENIC OBJECTS, Volume 4, PDF] Justin

5. Orbital satellite constellations and the growing threat of the Kessler syndrome Space 2.0 – the new era of space exploration that we witness now in the 21st century means, in words of Buzz Aldrin, “moving human enterprise into space” (Pyle, 2019, p. xiv). The process of commercialization of outer space has already begun and is not limited to private companies providing technologies and services for national or international space agencies, as it was in the past. On the contrary, private companies from the space sector have now matured to carry out their own independent projects. As for 2020, SpaceX is a company that serves as the best example – it launches satellites to the orbit, both for state and private contractors, it successfully realized two crew missions to the International Space Station, and is in the process of constructing Starlink satellite constellation that will provide high-speed internet access across the planet. Each satellite weighs around 260 kg, is equipped with an ion propulsion system, autonomous collision avoidance system, and orbits Earth at approximately 540-560 km altitude (Starlink, 2020). At the beginning of November 2020, more than 860 Starlink satellites were orbiting the Earth (Jewett, 2020). Immediate plans include launching 12,000 satellites, but they assume a potential later extension to 42,000 (Henry, 2019a). Of course, SpaceX has employed, at least declaratively, all necessary measures to keep the space clean – the satellites are equipped with the deorbiting system, and in the event of inoperability of the propulsion system (Starlink, 2020). The orbital collisions are, however, inevitable. As it was shown before, the possibility of collisions grows with the number of orbital objects. Bastida Virgili with the team compared (2016, p. 154-155) orbital debris environment development without and with a large hypothetical constellation consisting of merely 1080 satellites, distributed across 20 orbital planes at 1,100 km altitude (Fig. 5).

Chart, line chart

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It has to be noted that although SpaceX’s Starlink is the only constellation that is being built in orbit, it is not the only one planned. There are at least a few initiatives aiming at the same goal – to construct internet infrastructure at the Earth’s orbit. The planned Kuiper Systems LLC, which is a subsidiary of Amazon and intends to place 3,236 broadband satellites in the LEO, is one of Starlink’s biggest competitors (Henry, 2019b). Now, there is even a rivalry between the two companies because Kuiper’s lowest orbital shell is planned to be 590 km, with a tolerance of 9 km either above or below (Cao, 2020), which is the altitude of Starlink satellites. Moreover, the race for space in orbit is now at the beginning. The outer space is vast. It increasingly becomes more cluttered with both operational satellites and space debris. The threat of collisions increases and no institution or body has enough power to license, coordinate and regulate what is sent to the orbit. The UNOOSA has not such power. National states decide what the companies from the space industry can launch to space. In the United States, which is most advanced in the area of private constellations, it is the Federal Aviation Administration (FAA) that issues the appropriate approvals. The race to put broadband internet satellites bears similarities to the gold rush – there are no rules, at the global level, apart from first-come, first-served.

#### Debris causes nuclear war---Noko, Iran, and China.

Beauchamp 14 – Zack, 4/21/14, Zack Beauchamp is a senior correspondent at Vox, where he covers global politics and ideology, and a host of Worldly, Vox's podcast on foreign policy and international relations. His work focuses on the rise of the populist right across the West, the role of identity in American politics, and how fringe ideologies shape the mainstream. Before coming to Vox, he edited TP Ideas, a section of Think Progress devoted to the ideas shaping our political world. He has an MSc from the London School of Economics in International Relations and grew up in Washington, DC, where he currently lives with his wife, daughter, and two (rescue) dogs [“How space trash could start a nuclear war,” Vox, <https://www.vox.com/2014/4/21/5625246/space-war-china-north-korea-iran>] Justin \*Brackets added for ableist language

If debris from a Chinese test destroys a US military satellite, the US could mistake it as a preemptive strike against its space capabilities — some of which are designed to detect nuclear missile launches. If the US thinks China is trying to take out its ability to detect a nuclear launch, things could get very bad, very quickly. Accidents aren't the only concern. Zenko also worries about intentional space attacks, either during peacetime or a crisis. Here, Iran and North Korea are probably bigger threats, though their ASAT capabilities are far from proven. North Korea has a pattern of ~~crazy~~ [irrational] military moves designed to extort concessions from South Korea and the West; it could extend that behavior to space. Iran, according to Zenko, "already views space as a legitimate arena in which to contest US military power." He worries that Iran might fire missiles into space "during a major crisis, especially if it believes war is imminent — an assessment that could have self-fulfilling consequences."

#### Any nuclear war causes extinction – ice age and famine.

Steven Starr 15 [Director of the University of Missouri’s Clinical Laboratory Science Program, as well as a senior scientist at the [Physicians for Social Responsibility](http://www.psr.org/). He has worked with the Swiss, Chilean, and Swedish governments in support of their efforts at the United Nations to eliminate thousands of high-alert, launch-ready U.S. and Russian nuclear weapons. “Nuclear War: An Unrecognized Mass Extinction Event Waiting To Happen.” Ratical. March 2015. <https://ratical.org/radiation/NuclearExtinction/StevenStarr022815.html>] TG

A war fought with 21st century strategic nuclear weapons would be more than just a great catastrophe in human history. If we allow it to happen, such a war would be a mass extinction event that [ends human history](https://ratical.org/radiation/NuclearExtinction/StarrNuclearWinterOct09.pdf). There is a profound difference between extinction and “an unprecedented disaster,” or even “the end of civilization,” because even after such an immense catastrophe, human life would go on. But extinction, by definition, is an event of utter finality, and a nuclear war that could cause human extinction should really be considered as the ultimate criminal act. It certainly would be the crime to end all crimes. The world’s leading climatologists now tell us that nuclear war threatens our continued existence as a species. Their studies predict that a large nuclear war, especially one fought with strategic nuclear weapons, would create [a post-war environment in which for many years it would be too cold and dark to even grow food](http://climate.envsci.rutgers.edu/pdf/RobockToonSAD.pdf). Their findings make it clear that not only humans, but most large animals and many other forms of complex life would likely vanish forever in a nuclear darkness of our own making. The environmental consequences of nuclear war would attack the ecological support systems of life at every level. Radioactive fallout, produced not only by nuclear bombs, but also by the destruction of nuclear power plants and their spent fuel pools, would poison the biosphere. Millions of tons of smoke would act to [destroy Earth’s protective ozone layer](https://www2.ucar.edu/atmosnews/just-published/3995/nuclear-war-and-ultraviolet-radiation) and block most sunlight from reaching Earth’s surface, creating Ice Age weather conditions that would last for decades. Yet the political and military leaders who control nuclear weapons strictly avoid any direct public discussion of the consequences of nuclear war. They do so by arguing that nuclear weapons are not intended to be used, but only to deter. Remarkably, the leaders of the Nuclear Weapon States have chosen to ignore the authoritative, long-standing scientific research done by the climatologists, research that predicts virtually any nuclear war, fought with even a fraction of the operational and deployed nuclear arsenals, will leave the Earth essentially uninhabitable.

### FW

#### The standard is maximizing life. Prefer it:

#### [1] Actor spec: util is the best for governments, which is the actor in the rez because governments must aggregate since every policy benefits some and harms others, which also means side constraints freeze action.

#### [2] Death outweighs— A] agents can’t act if they fear for their bodily security. B] biological life is a prerequisite to any alternative advocacy.

Paterson 3 – Department of Philosophy, Providence College, Rhode Island (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics.

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81  In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

#### [3] Extinction outweighs under any framework

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

### UV

#### The alt cedes the celestial commons to the hands of global imperialism. Only IR education can create momentum to demilitarize space.

Raymond Duvall 6 – Professor of Political Science @ Univ of Minnesota, Taking Sovereignty Out of This World: Space Weapons and Empire of the Future, October 2006, <https://www.files.ethz.ch/isn/111193/Taking%20Sovereignty%20Out%20of%20This%20World.pdf>

III. Space Weapons, Sovereignty, and the Constitution of Empire Each of the three new forms of military use of space, if brought into effect, will dramatically affect political societies on Earth. Missile defense has as its aim the creation of a shield for the territory of the U.S. (and possibly some selected allies). To the extent that it is accomplished, this would partially re-inscribe, through a truly three-dimensional shield, the borders of the United States—in Herz’s terms, its “hard shell”—and accordingly its effective sovereignty as political subject. At the same time, it would reduce or even eliminate the capacity of other political subjects to exercise an effective deterrent defense against U.S. intervention in their affairs—that is to say, it would further erode their sovereignty. The second type of militarization—space control—is both a form of “privatizing” the commons of orbital space and a form of military exclusion, an extra-territorial complement to the effort to create an exclusive territorial “hard shell” for just one state (and perhaps its “friends”) through missile defense. In the first respect, it can be understood as a type of “primitive accumulation”,48 whereby the commons of orbital space is effectively colonized and “made safe” for the capitalist interests that flow through it—primarily information services at this point in time. Here, the project of space control is constitutive of the U.S. as expressly capitalist state—sovereign subject of a particular global socio-economic order. In the second respect, that moment of constitution is conjoined with the constitution of an exclusive—a singular—sovereignty in regard to the workings of that socio-economic order through the global commons of orbital space. Finally, the placing of weapons in space capable of targeting objects on or near the Earth’s surface creates a new form of territorial rule. Whereas modern military action has been concerned principally with occupying and controlling territory, and whereas modern sovereignty is accordingly territorially defined, this form of weaponization of space would dispense with the need for such cumbersome military practices, and the pretense of sovereign territorial authority. Instead, through increased precision in space-based weapons systems, combined with the ability to target and attack anywhere on the Earth on a very short notice—ranging from minutes to seconds depending upon the weapon system—it becomes possible to “surveil and punish” any potential enemy of such a system.49 This is constitutive of a globally singular sovereign, capable of deciding the exception for the entirety of humanity, with no terrestrial “outside” to the scope of its sovereignty.50 Our argument, in simple terms, is that the militarization of space reconstitutes and alters the social production of political society in three interlocked ways that are rooted respectively in three distinct forms of putting economies/cartographies of violence into practice in outer space. The conjoint effect of those three processes of reconstitution is to substitute the consolidation of an extra-territorial system of rule—which we refer to as empire of the future—for the competitive sovereignties of the modern states-system. Missile defense The first instance of weaponization of space will probably be the deployment of a spacebased missile defense system. Indeed, the U.S. military is already testing several prototypes of components of such a system. Two of the most notable examples of this are NFIRE (Near Field Infrared Experiment) and the MDA (Missile Defense Agency) Space Test Bed. “NFIRE … is an experimental satellite to be launched in on (sic) a rocket in 2006 that is designed to distinguish between a ballistic missile’s fiery plume and the rocket itself, according to an official at the Missile Defense Agency (MDA)”.51 The MDA Space Test Bed is slated to receive funding in 2008, with the aim of integrating already existing space technologies into a system that can intercept ballistic missiles in their boost phase from orbital space.52 Such a system replaces deterrence with defense. In realist literature, the sovereignty of states is often closely linked to their ability to deter enemies from attacking. During the Cold War, nuclear weapons, through their capacity to deter attack, were cited as one of the potential means by which states could protect their territorial integrity, and, in turn, their sovereignty.53 Kenneth Waltz has argued that the proliferation of nuclear weapons and their deterrent effects actually stabilizes international relations, making the world safer and, implicitly, strengthening the security of sovereign states.54 A missile defense system, developed by and operative for only one state (or that state and its allies), undermines the logic of deterrence. States lacking the missile defense system become increasingly vulnerable to (even nuclear) attack by the state that has such a system.55 In a fashion entirely consistent with the logic of John Herz’s predictions made in the 1950s, the “hard shell” of defensible territory is thereby lost for those states. The realist argument that has largely carried the day for the past half century in critical response to Herz—that the deterrent effect of mutual assured destruction of two states possessing nuclear weapons re-inscribes the logic of territorial state sovereignty—accordingly is brought into doubt. With the advent of exclusive missile defense, it is worth re-examining—indeed reinvigorating—Herz’s original argument, because if the U.S. were to develop a sufficiently sophisticated missile defense shield the deterritorializing effect on the sovereignty of other states would be precisely those that he forecasted. There would be a significant twist, however, because, for the U.S., control of an effective missile defense system would markedly re-inscribe its territorial “hard shell” and its sovereignty in exclusively shielding it from the threat of (missile-based) nuclear attack by others. The sovereignty of one state is reproduced, while that of other states is eroded. Space control The doctrine of space control has emerged in the U.S. military out of the belief that assets in space represent a potential target for enemies of the U.S.56 There are two kinds of vulnerable U.S. assets: private-commercial; and military. One concern is that rivals may attack commercial satellites, thereby disrupting the flow of information and potentially inflicting significant harm on global markets. Militarily, a second concern is that, through its increasing reliance on satellites for its Earth-based military operations, the U.S. has created an “asymmetrical vulnerability”. An adversary (including a non-state, “terrorist” organization) could effectively immobilize U.S. forces by disabling the military satellites that provide communication, command, and control capabilities. As noted above, U.S. military planners are already warning about a possible “Space Pearl Harbor”. Consequently, the doctrine of space control is designed to protect commercial and military satellites from potential attacks, and ultimately to prevent rivals from having access to space.57 As of the year 2000 there were over 500 satellites in orbit owned by 46 countries, worth in excess of $250 billion. With the rise of the information economy, satellites are playing an increasing role in international trade and finance. As such, U.S. military planners are concerned about commercial satellites. One rationalization for the weaponization of space is that these commercial assets represent a vulnerability to economic sabotage and terrorism. As Lambeth has argued, The most compelling reason for moving forward for dispatch toward acquiring at least the serious elements of space control capability is that the United States is now unprecedentedly invested and dependent upon on-orbit capabilities, both military and commercial. Since these equities can only be expected to grow in sunk cost, it is fair to presume that they will eventually be challenged by potential opponents.58 Notice how this description of space control discusses space in terms of a set of capital assets that should be protected from external threats. While scholars have for a long time debated whether one, if not the, primary objective of U.S. military endeavors is to protect the interests of business, when it comes to questions of space control it is one of only two things in space to protect. There are no human populations in space—with the exception of the two or three occupants on the International Space Station—that could be killed by conflict in space, so the thing that is being secured through the project of space control is technology—either commercial satellites or military assets. In Volume One of Capital, Marx chided classical political economists for their inability to explain how workers became separated from the means of production. Whereas political economists such as Adam Smith argued that a previous accumulation of capital was necessary for a division of labor, Marx argued that this doctrine was an absurd doctrine. Division of labor existed in pre-capitalist societies where workers were not alienated from their labor. Instead, Marx argued that the actual historical process of primitive accumulation of capital was carried out through brute force. The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the indigenous population of that continent, the beginnings of the conquest and plunder of India, and the conversion of Africa into a preserve for the commercial hunting of blackskins, are all things which characterize the dawn of the era of capitalist production. These idyllic proceedings are the chief moments of primitive accumulation.59 While not a perfect analogy, because of the lack of labour occurring in orbital space, the doctrine of space control is part and parcel of an ongoing process of such primitive accumulation. One of the purposes of the 1967 Outer Space Treaty was to keep outer space a commons where all states, regardless of technical ability or economic or military power, could participate in the potential benefits space has to offer. In the years since this treaty was signed, the primary economic use of space has been for commercial communications satellites. This industry has expanded dramatically in the last two decades. Total revenues for commercial space-related industries in 1980 were 2.1 billion dollars; by 2003 this figure had expanded to $91 billion and it was expected to increase at least as rapidly into the foreseeable future.60 On the economic front, space control is about determining who has access to this new economy. Positions in orbit for satellites are a new form of “real estate,” and by controlling access to outer space the U.S. would be forcibly appropriating the orbits around Earth, thereby placing the U.S. in a position to determine which governments and corporations could use space. In effect, orbital slots around earth would be turned into private property. This process of primitive accumulation is of importance to our concerns in two ways. First, the doctrine of space control represents the extension of U.S. sovereignty into outer space. In addition to being a clear violation of international law, it reinforces the constitutive effect identified in the previous section on missile defense, namely to re-inscribe the “hard shell” borders of the U.S., which are now extended to include the “territory” of outer space. This simultaneously constitutes the exclusive sovereignty of the U.S., while displacing the sovereignty of other states Second, space control bears significantly on the production of political subjectivities. The original Star Trek series would begin with the voice of Captain Kirk describing space as the “final frontier”. While presenting the exploration of space as a largely peaceful enterprise, the TV show was also drawing upon its viewers’ “memories” of the “western frontier” of 19th century U.S. expansion. At least since the writings of Frederick Turner, there has been the notion that the frontier represents the well-spring of U.S. ingenuity, freedom, and creativity. According to Turner, because as they expanded westward settlers in the U.S. had to continually adapt to a new environment, they became increasingly “American”. The theme of the frontier as essential for American identity has had a significant discursive role in U.S. imperialist expansion.61 Although Turner concluded that the American frontier had closed by the late 1890s, he argued that the U.S. could extend it frontier into new countries, such as Latin America. Theodore Roosevelt, influenced by the Turner thesis, concluded that in order to maintain the exceptional American identity new frontiers had to be opened overseas. The notion of frontiers, then, has been integral to the U.S. imperialist project since its outset. The doctrine of space control, seen in this light, is simply an extension of the imperial logic. By expanding into and taking control of the “final frontier” the U.S. is continuing to renew an exceptional—an exclusive—identity by adapting itself to the harsh realities of a new environment. So, the doctrine of space control can be read as extending U.S. sovereignty into orbit. While a clear violation of international law, this de facto expansion of U.S. sovereignty will have two effects. First, it enables a process of primitive accumulation, whereby orbital spaces around earth are removed from the commons initially established by the Outer Space Treaty, and places them under the control of the U.S. for use and perhaps even ownership by businesses sympathetic to U.S. interests. The U.S. becomes even more than it is now the state for global capitalism, the global capitalist state. Second, this doctrine of space control is part of the ongoing re-production of American subjects as “Americans”. Embedded within space control is the notion that space is a new frontier. Following the Turner thesis and Roosevelt’s doctrine of imperialist expansion, there has long been a drive for Americans to seek out new frontiers as a way of renewing the American identity and promoting American values of individuality, innovation, and exceptionalism. Force application from orbital space Force application entails using weapons either based in space or passing through space to attack targets within Earth’s atmosphere. For technical reasons, such weapons systems are still many years off, but substantial research is being conducted, and military strategists and policy analysts are already discussing how these weapons might be used.62 The major advantage of space-based weapons aimed at Earth-based targets is that they can deliver an attack to any point on the Earth in an extremely short period of time, and it is virtually impossible to defend against them. They become the violent parallel to the surveillance panopticon. In order to investigate what the constitutive effects on sovereignty and political subjectivities would be of force application from outer space, we need to look at two aspects of these weapons: what they can do—their technical aspects—and how they would be useful—their tactical aspects.63 Technically, the two types of weapons systems discussed in the previous section—laserenergy and kinetic-energy—would have different uses. Laser weapons are the quickest and most precise, but they also apply the least amount of force. In theory, such weapons would take only seconds to use and could reach any target on earth instantaneously. They are not very destructive, however, and as such would not be very useful against large-scale and/or heavily shielded targets. Conversely, kinetic-energy weapons have the potential to deliver very destructive amounts of force. They would take a few hours to deploy, however. While they could also be designed to attack any point on earth, they are only useful against fixed targets, because of the time they take to deploy. In addition to laser and kinetic-energy systems, conventional weapons, such as bombs and missiles, might also be placed in space. They would occupy a middle ground. It would take approximately ten minutes to launch these weapons from space, and they could attack any targets that earth-based conventional weapons do.64 The tactical advantages of these types of weapons are obvious. Their tremendous range enables space-based weapons to reach targets that other weapons cannot, and because they are based in outer space there are no concerns about violating the airspace of other states in transit. They can also be used on very short notice, in contrast to the days to weeks typically required to deploy earth-based weapons, such as airplanes, ships, or troops. The major drawback of these weapons is their cost. In addition to the very high cost of developing state-of-the-art weaponry, there is also the high cost associated with placing these weapons into orbit.65 As such, they would likely have relatively limited use,66 particularly if other types of military forces can accomplish the same mission for a lower cost. Why, for instance, would the military use a kinetic-energy weapon orbiting in space against a terrestrial target when a similar result could be produced by an Earth-based system, such as a cruise missile or a bomb? The prime advantage of these weapons is their ability to be used on short notice at targets that are out of the reach of conventional weapons. In what kind of military operations, then, would space-based weapons be primarily useful? Military policy analysts have speculated on just such questions of the political utility of these weapons. Alternatively, a space weapon might be the weapon of choice for an otherwise lower-value target if the space weapon were the only choice available in time, particularly for a time critical political effect. For example, a locomotive might not be worth a space-delivered smart munition. However, it might be well worth the use of a space-delivered smart munition to target a locomotive pulling a train full of people forced from their homes for transport to the border or to a concentration camp at the beginning of an ethnic cleansing campaign – particularly if aircraft and helicopters cannot reach the train because air defenses have not been suppressed, basing and overflight rights have not been granted, or coalition consensus on the action has not been reached.67 This scenario is fascinating for the political logic at work within it—space weapons are required to launch an attack at an otherwise inaccessible target. The three reasons that the target might be inaccessible all have to do with potential gaps in imperial power. Either the defenses of the target country have not been suppressed, or other states have not consented to let the forces fly through their airspace, or other coalition members—presumably in NATO or the UN—have not consented to the action. The first “justification” for the use of the weapon involves clear erasure of the sovereignty of the targeted state, as it eliminates any pretense of that country’s defensibility. The second and third “justifications” diminish, by circumvention, the sovereignty of other states. All three buttress the exclusive capacity of the U.S. to act unilaterally in deciding the exception globally. In all three cases, the only practical use for this weapon is in an imperial project! The chief advantage of space weapons is their ability on very short notice to attack a target that is out of reach of conventional forces. What places these targets “out of reach” is the sovereignty of other states as exercised through those states’ abilities to defend their territory, control their airspace, and/or participate (jointly) in authorized decision of the (global) exception. The constitutive effect of these weapons, then, is to strip states of their sovereignty—they are constituted as subjects lacking authorization of decision, and lacking boundary effectively demarcating inside from outside. What modern sovereignty does (as identified in section I. above) is taken from them. Furthermore, given the potential targets that these weapons could destroy, and how they are used, space-based systems are most useful against small groups and individuals. While the purpose of the use of space-based weapons in the above example was to prevent genocide, the means by which this attack was carried out was essentially assassination—the assassination of those driving the vehicle to carry out the ethnic cleansing. Space-based weapons, then, are most useful at targeting individuals and groups on short notice in order to achieve a political objective. We have already seen potential glimpses of this type of warfare in recent years. Consider, for example, that the Iraq War began with a so called “decapitation strike” aimed at assassinating Saddam Hussein in the hope of ending the war before it began. Similar tactics have been used by the Israeli Defense Forces to kill specific leaders of the Palestinians. Also, the U.S. has used Unmanned Aerial Vehicles equipped with missiles to target specific members of Al Qaeda and the Taliban in Afghanistan and Pakistan. Placing weapons in space aimed at terrestrial targets would only accelerate the ability to carry out these types of “targeted killings” (a.k.a. assassinations). Space weapons would enable those who control them to kill any person at any point on Earth on extremely short notice. Thus, application of force from outer space would have at least three crucially important constitutive effects. First, it would constitute the possessor of these weapons—presumably the U.S.—as the center of a globally extensive, late-modern empire,68 a sovereign of the globe. But this global sovereign would exercise its power in a new way. Rather than needing to control the land, sea, and airspace of all of the Earth, it could rely on space weapons— because they enable the precise application of force at any point on earth, on short notice— to control the globe. While these weapons are not particularly useful in fighting large-scale wars, or in the conquest of territory, they make such conventional uses of military power moot, in large part. There is no longer a need to exercise sovereign power through the control of territory, all one has to do is kill—or perhaps even threaten to kill—potential adversaries around the world in order to gain one’s wishes. In short, the type of power potentially wielded by such a sovereign would be far more absolute than any encountered throughout history.69 Second, these weapons, just as space-based missile defense was seen above to do, would effectively strip states of their ability to exercise sovereignty over their territories. While de jure sovereignty may remain intact, their de facto sovereignty would be effectively erased. For decades, realist international relations scholars have promoted the idea that states secure their sovereignty through self-help.70 If states lack the capacity to defend themselves from adversaries they are particularly vulnerable to attack and conquest. While other scholars from liberal and constructivist schools of thought have questioned how closely sovereignty is linked to military capability, throughout history states with disproportionate military power have repeatedly violated the sovereignty of weaker states.71 While space-based weapons in and of themselves would not enable conquest of another state, they could be used very effectively to achieve precise political objectives without a credible possibility of retaliation. Imagine what impact these weapons would have on U.S. foreign policy with respect to two of its most pressing objectives at this point in time. Consider, for one, how useful such weapons might be with respect to preventing a rival state such as Iran or North Korea from acquiring nuclear weapons. While there has been speculation that the U.S. or Israel may launch air strikes against potential nuclear weapons manufacturing facilities in these countries, the logistics—getting access to airspace from neighboring countries, and the possibility of retaliation against military forces in the area—make such operations difficult to carry out. Using weapons in space to conduct such missions would avoid these logistical difficulties, thereby making them easier (and presumably more likely). The threat of using space weapons on either the manufacturing sites of weapons of mass destruction or on the political leadership of an adversary in most cases probably would be sufficient to alter the behaviour of governments. In short, if the U.S. were to deploy such weapons in space, they would likely be used to much the same effect as the gunboat diplomacy of the 19th century. A second contemporary policy objective is to fight specific non-state actors. The 9/11 Commission Report discussed in great detail the logistical obstacles that prevented the Clinton administration from capturing or killing Osama Bin Laden.72 The primary obstacle was the difficulty in either launching cruise missiles into Afghanistan through another state’s airspace or deploying U.S. Special Forces in an area so remote from U.S. military bases. Again, had the U.S. had space-based weapons at the time, they probably would have been the weapons of choice. When combined with intelligence about the location of a potential target, they could be used to kill that target on very short notice without violating the air space of other states, or needing to have a military base nearby to offer a support role. In effect, any person or group of people anywhere on Earth could be targeted on very short notice, thereby constituting everyone everywhere as objects of the global sovereign. All would be subject to the rule of the U.S. state. The sovereignty of states would no longer be an obstacle to killing enemies, and these assassinations could be carried out rather easily without the threat of retaliation by the state whose sovereignty has been violated. The example of using space weapons to target non-state actors such as Osama Bin Laden and Al Qaeda points to a third constitutive effect of space weapons. Because these weapons could target anyone, anywhere, at anytime, everyone on the Earth is effectively reduced to “bare life.”73 As Agamben demonstrates in Homo Sacer (1998), one of the constitutive powers of the sovereign is to determine who is outside the laws and protections of the state. While human rights regimes and the rule of law may exist under a late-modern global empire policed by space weapons,74 the global sovereign will have the ability to decide the exception to this rule of law, and this state of exception in many cases may be exercised by the use of space weapons that constituted this sovereign in the first place. Constituting empire of the future Each of the three forms of space weaponization has important constitutive effects on modern sovereignty, and, in turn, productive effects on political subjectivities. Exclusive missile defense constitutes a “hard shell” of sovereignty for one state, while erasing the sovereign political subject status of other states. Space control reinforces that exclusive constitution of sovereignty and its potentiality for fostering unilateral decision. It also constitutes the ‘space-controlling’ state, the U.S., as sovereign for a particular global social order, a global capitalism, and as a state populated by an exceptional people, “Americans.” Space weaponization in the form of capacities for direct force application obliterate the meaning of territorial boundaries for defense and for distinguishing an inside from an outside with respect to the scope of policing and law enforcement—that is authorized locus for deciding the exception. States, other than the exceptional “American” state, are reduced to empty shells of sovereignty, sustained, if at all, by convenient fiction—for example, as useful administrative apparatuses for the governing of locals. And their “citizens” are produced as “bare life” subject to the willingness of the global sovereign to let them live. Together, these three sets of effects constitute what we believe can appropriately be identified as late-modern empire, the political subjects of which are a global sovereign, an exceptional “nation” linked to that sovereign, a global social order normalized in terms of capitalist social relations, and “bare life” for individuals and groups globally to participate in that social order. If our argument is even half correct, the claim with which this paper began—that modes of political killing have important effects—would be an understatement! IV. Coping with Empire of the Future If the logic of space weaponization is to constitute a new, historically unprecedented form of empire, there are significant theoretical and practical implications. By way of conclusion, we take up some of the most important of those implications briefly in this section. Re-theorizing empire Broadly speaking, recent theorizing on imperialism has posited two competing pictures of empire. On the one hand, scholars have put forward a global hegemonic view of empire in which a great power – presumably the United States – through a combination of hard and soft power dominates the international system to such an extant that it becomes the de facto sovereign of a global order.75 On the other hand, theorists such as Hardt and Negri have posited a de-centered version of Empire in which a network of loosely integrated institutions govern the various facets of the lives of subjects to such an extent that all political subjects on the planet are governed under a single, dispersed regime that they have labeled Empire. Our paper rejects both these images of Empire, and uses the site of space weaponization to posit a third version of Empire that is neither the de-centered late modern vision of Hardt and Negri, nor the centralized hegemonic vision of both advocates and opponents of American Imperialism. Imagining resistance Given these grim prospects for a de-territorialized global rule of late-modern empire, are there any possibilities for resistance? Historically, every advance in the weaponry of imperial powers has always been met with an advance in counter hegemonic weaponry. Most recently, insurgents in Afghanistan and Iraq have been able to counter the technological superiority of the U.S. forces with very simple yet effective Improvised Explosive Devices. As such, it is reasonable to conclude that space weaponry could be countered through a variety of asymmetrical tactics such as disabling space weapons while in orbit through energy, kinetic or even nuclear anti-satellite attacks, attacking the locations where space weapons are produced or launched, attack the research and development centers (such as universities) that are integral to the production of these systems, organizing strikes for the workers involved in harvesting the raw materials for these systems, and refusing to pay taxes to the political apparatuses that control these systems. While it is difficult to imagine what precise form resistance to these systems might take, it is not unreasonable to conclude that even in a context of space-based empire, some for of political and military resistance will be possible. That being said, just because resistance to space-based empire is a possibility, it by no means follows that such space-based empires are either inevitable or desirable. That is why we believe that resistance to placing weapons in space must begin now. Such resistance could take several forms. In the last 15 years social constructivists have made a convincing case that taboos against the use of chemical weapons, nuclear weapons and land mines have shamed states into abstaining from using these weapons.76 IR scholars should build on this research to focus on creating a taboo against the use and hopefully even the development of space weapons. Second, there is a need to educate the public about the dangerous consequences of placing weapons in space. As of this moment, most information about weapons in space is produced by defense agencies and related think tanks with a vested interest in them. As such, most research largely ignores the dangers of these weapons. An increased awareness of those dangers, not only to those potentially targeted by such weapons but also citizens of countries such as the U.S. that may deploy them, may create public pressure to cut funding to the development programs. If action is not taken now, we believe that the possibilities for resistance to these weapons will decrease dramatically once they are placed in orbit. The state of global domination constituted by such a weapons regime would mean that those who dared to speak out against such a regime might themselves become potential targets of such weapons.

#### Satellites solves the grid and every extinction threat.

Pellegrino & Stang 16 --- Massimo Pellegrino, Master’s Degree in Space Studies from ISU, with Gerald Stang, Senior Associate Analyst at the EUISS, holds BSc and MSc degrees in chemical engineering from the University of Saskatchewan and an MA in international affairs from the School of International and Public Affairs at Columbia University (“Space Security for Europe”, *EU Institute for Security Studies*, published July 2016, <https://www.iss.europa.eu/content/space-security-europe>, accessed 7-10-2019) bm

Modern societies are highly dependent on the continuous operation of critical infrastructure to ensure the provision of basic goods and services. They consist of assets, systems or parts thereof which are so vital, that their disruption would significantly impact the economy, national security, public health, safety, or social well-being. Examples of critical infrastructure include energy, water, food supply, communication, transportation, and waste processing systems. Space assets are so deeply embedded in developed economies that a day without fully functioning space capabilities would severely restrict or even endanger our lives. Space systems are critical for running energy grids and telecommunication networks, border and maritime surveillance, crisis management and humanitarian operations, environmental and climate monitoring, verification of international treaties and arms control agreements, and the fight against organised crime and terrorism. Space assets also provide the technological backbone for other critical infrastructures. The synchronisation of power grids and telecommunication networks, for example, is heavily dependent on GNSS timing signals and any disruption would create a domino effect on other critical infrastructures (see Figure 5). Satellites also play a central role in supporting defence systems and military operations. They are force multipliers that provide intelligence, surveillance, and reconnaissance (ISR) capabilities, as well as communication, navigation, positioning and timing signals. Armed forces do not only use their own space systems, but are also significant consumers of space services provided by private operators. In fact, about 90% of US military communications traffic passes through civilian satellites, many of which privately owned, rather than through dedicated systems designed to withstand attempted interruptions.1 The reliance of both civilian and military users on space systems therefore places them firmly in the area of critical infrastructure. Some critical space systems, such as the American GPS, are under foreign control, and the governments controlling those systems retain the authority to disrupt services, even for allies, in case of a national emergency. While the United States announced that it has no intention of ever intentionally degrading public GPS signals (also known as ‘Selective Availability’) and that the next generation of GPS satellites will not include this feature, other governments might still do so.2 These dependences engender new and growing vulnerabilities. Reliance on space is likely to increase further as space capabilities and services improve in diversity, quality and affordability. Close to 1,500 satellites with a launch mass of over 50 kg are expected to be launched over the next decade; an increase of 50% compared to 2005-2014. This estimate excludes both the expected proliferation of smaller satellites (such as CubeSats), but also the planned OneWeb and Steam mega-constellations for global internet broadband service. Advances in small satellite capabilities and in launch technology (e.g. SpaceX’s Falcon rocket family) have already lowered the cost of access to space. About 45% more CubeSats were launched in 2014 than in 2013 (130 vs. 91), accounting for 63% of all satellites launched3 . However, just as the reliance on space increases, so too do threats and vulnerabilities. Therefore, in order to realise the full potential of investments in space, critical space systems need to be adequately protected and the space environment properly managed.

#### Grid collapse causes extinction.

Friedemann 16 --- Alice, transportation expert, founder of EnergySkeptic.com, citing Dr Peter Vincent Pry, executive director of the Task Force on National and Homeland Security, a Congressional advisory board dedicated to achieving protection of the United States from electromagnetic pulse and other threats, (“Electromagnetic pulse threat to infrastructure (U.S. House hearings)”, 1-24-2016, <http://energyskeptic.com/2016/the-scariest-u-s-house-session-ever-electromagnetic-pulse-and-the-fall-of-civilization/>)

Modern civilization cannot exist for a protracted period without electricity. Within days of a blackout across the U.S., a blackout that could encompass the entire planet, emergency generators would run out of fuel, telecommunications would cease as would transportation due to gridlock, and eventually no fuel. Cities would have no running water and soon, within a few days, exhaust their food supplies. Police, Fire, Emergency Services and hospitals cannot long operate in a blackout.Government and Industry also need electricity in order to operate. The EMP Commission warns that a natural or nuclear EMP event, given current unpreparedness, would likely result in societal collapse.

#### Removal efforts are complements to the plan not the silver bullet.

Rada Popova 18, European Space Agency Project Co-Manager and PhD Faculty of Law @ Universitat zu Koln, “The Legal Framework for Space Debris Remediation as a Tool for Sustainability in Outer Space,” *Aerospace*, MDPI, doi:10.3390/aerospace5020055 \*adr = active debris removal, \*\*sdr = space debris remediation, \*\*OOS = on orbit servicing

In outer space, any launch creates space debris. Since the first man-made object was launched into space in 1957, more than 5600 launches have taken place [2]. In addition, incidents and collisions create additional space debris. As a result, human activities have caused significant negative effects on outer space, as during the past six decades near-Earth orbits have been filled with functional and non-functional objects, the overwhelming majority of which are debris. Of course, this observation is not relevant for the whole of outer space. For the purposes of this article, and of space law in general, the subject of interest is naturally restricted to the orbital regions that are accessible for man-made spacecraft and are used for space activities. The farthest space mission so far—Voyager-I—has left the solar system and entered interstellar space. Nevertheless, most human activities take place in low-Earth orbit (LEO) in an altitude between 200 and 2000 km used for the International Space Station, Earth observation satellites as well as some telescopes, medium-Earth orbit (MEO) in an altitude approximately between 2000 and 36,000 km mostly used for navigation, geodetic and communication satellites as well as geostationary Earth orbit (GEO) at approximately 36,000 km. Currently, there are 1738 functional satellites, of which 1071 are in LEO, 531 in GEO, 97 in MEO and 39 in elliptical orbits [3]. Currently, only 6% of the catalogued orbital population are functional objects. The number of non-functional objects that are trackable and contained in the Space Surveillance Network catalogue show that there are more than 21,000 larger than 10 cm. For smaller sizes, the estimates are based on statistical models, such as the NASA Standard Breakup Model [4] and in-situ measurements. The estimates include 150 million objects larger than 1 mm and 600,000 objects up to 1 cm. Moreover, 700,000 to 750,000 pieces of space debris larger than 1 cm have resulted from more than 200 on-orbit defragmentations [5]. As a consequence of the vast orbital velocity in LEO (8 km/s = 28,800 km/h), impacts with the smallest objects of 1 mm might cause degradation and damage to functional spacecraft. So far, shielding options have been developed, but they are only effective for fragments not larger than 1 cm. Impacts with larger objects have the potential to destroy functional satellites. This is linked to the decisive factor for the constant growth in debris: the ‘Kessler syndrome’—a cascade effect describing the fact that collisions between space debris result in an exponential growth in the orbital debris population which, once collisional break-up begins, will increase even if no new launches take place [6,7]. In the near future, a further “growth factor” which might additionally influence space debris propagation are so-called ‘mega-constellations’ that will consist of hundreds of small satellites with a short operational lifetime and restricted manoeuvring capability [8,9,10]. Table 1 lists recently announced satellite constellations aiming to provide global internet communications which have attracted much publicity. Some commonalities include: (1) the orbital altitudes above the popular 800–900 km Sun-synchronous orbits where atmospheric drag is non-existent; and (2) the compact mass of objects below 500 kg which suggests low-thrust electrical propulsions for orbital manoeuvers. The list of announced constellations could easily be extended. However, it is unlikely that all announced plans turn into reality. In such global business scenarios, typically the first-in-the-market along with two or three competitors apportion the market among themselves. This happened in the 1990s, when several global communication LEO constellation systems were announced of which only Iridium, Globalstar and Orbcomm made it into orbit. Keeping in mind that approximately 1000 active satellites are in LEO today, with the announced OneWeb mega-constellation this number will almost double [11], and if all three constellations on the list are launched, this would result in a tenfold increase in the LEO satellite population. The scope of challenges posed by orbital debris pollution is further underlined by the restricted cataloguing possibilities and the relative effectiveness of space situational awareness systems. The catalogue maintained by the US Space Surveillance Network provides information on 16,000 objects [13]. The Space Awareness System of the European Space Agency (ESA) can track objects bigger than 10 cm in low-Earth orbits and 0.3–1 m in geostationary orbits [14]. Thus, only a small fraction of the overall debris population can be detected. Furthermore, even if a collision probability can be calculated, manoeuvring may not be feasible, e.g., due to restricted time for reaction or lack of manoeuvring capabilities or control over the satellite. Unlike the environment of the Earth that might be cleaned-up and restored to a previous state, outer space is governed by celestial mechanics which make it practically impossible to clean-up debris through natural orbital decay and thereby bring the orbital environment to its original state. The natural decay of space debris is dominated by the drag caused by the residual atmosphere. The effect is dependent on the mass, the cross-sectional area, and the orbital position of the space object. Space debris at 800 km may remain in orbit for the next few centuries [15] and space debris orbiting at more than 1500 km will practically remain in outer space forever as there is not enough drag from Earth’s atmosphere any more at this altitude [16]. All of these factors make for an alarming picture. In general, one can distinguish between collisions (in which two objects are involved) and break-up events (which can occur if a satellite is breaking up by itself because of residual fuel in the tanks or a self-destruct mechanism). Although so far only a few on-orbit collisions have occurred [17] (e.g., the 2007 anti-satellite missile test conducted by China on its Feng-Yun 1C satellite and the 2009 collision between the inactive Russian satellite Cosmos 2251 and the active US satellite Iridium 33), a dramatic growth in the space debris population has been caused by these accidents. Alone the 2009 collision led to the creation of a space debris cloud of 2000 pieces of debris larger than 10 cm and thousands of smaller pieces which might remain in orbit for years [18]. The number of collisions that will lead to further incidents will grow over time. This risk is particularly high for near-polar LEO orbits at around 800–900 km and the GEO region, as approximately 62% of functional satellites are in LEO and 31% in GEO [3,19]. As LEO is the region of greatest concern for the uncontrolled growth of debris, currently, the following mechanisms are considered vital to mitigate the debris population to a sustainable level: (1) post-mission disposal; (2) passivation; and, (3) active debris removal. While a few years ago, less than 50% of the missions in GEO were compliant with space debris mitigation standards [20], in 2016, more than 80% successful clearance attempts were undertaken in GEO and 66% in LEO [21]. It has been estimated that compliance with mitigation rules, e.g., through ensuring that 90% of the launches are in compliance with the 25-year rule of post-mission disposal as provided by the Space Debris Mitigation Guidelines of the Inter-Agency Space Debris Coordination Committee (IADC) [22] and no new on-orbit explosions occur, will not be enough to reverse the negative trend in the most used orbits. These findings were studied in detail by the IADC in simulation campaigns among the participating partners, and recently confirmed by reference simulation in the frame of the H2020-ReDSHIFT project [23]. Furthermore, even if up to 10 large objects are removed from low-Earth orbit per year, the debris growth in LEO is still likely to evolve negatively in the next 200 years [1]. Long-term reference scenarios conducted recently within the H2020-ReDSHIFT project used a space debris population from LEO to GEO and a projection time frame of 200 years. Assuming 2–3 self-induced in-orbit explosions over the next 15 years, a post-mission disposal success rate of 60% (on 25-year orbits in LEO and to graveyard orbits in GEO) and collision avoidance against all objects in LEO, the results show that remediation of two objects per year decreases 12% of the final population [24]. Thus, it is expected that a combination of mitigation and remediation measures is needed to overcome the negative trends which will, with time, evolve into a catastrophic state if no effective action is undertaken. While an established (voluntary) framework for non-binding mitigation measures and some state practice exists through the adoption of specific measures for space debris mitigation in the national space laws of some states [25], the legal implementation of space debris remediation (SDR) is still in the making. The reasons for the slow pace of this development are, on the one hand, of a technological nature and, on the other, are due to the complex legal problems posed by SDR. In the following sub-section, an overview of the legal framework and the main challenges for establishing rules on SDR will be given. 2.2. The Legal Framework for Space Activities The legal framework for outer space activities consists of five international treaties (the 1967 Outer Space Treaty (OST) [26], the 1968 Rescue Agreement [27], the 1972 Liability Convention [28], the 1975 Registration Convention [29], and the 1979 Moon Agreement [30]) adopted in the period between 1967 and 1979, resolutions of the General Assembly of the United Nations adopted since 1982, and the national space legislation of more than 20 countries. Since 1996, a tendency can be observed to adopt sets of measures and instruments on the international level that re-interpret concepts entailed in earlier Treaties [31]. The Outer Space Treaty is sometimes referred to as a “Constitution” of space law as it contains the basic principles for space activities, provides the basis for the next four treaties, and has gained significant support, with 107 signatories as of January 2018 [32]. Thereby the Outer Space Treaty is considered to contain principles of customary international law, which bind not only state parties to the treaty but also non-signatories [33]. Such customary principles are Articles I–IV, VI, VII, VIII and arguably also Art. IX OST and have served as a basis for the development of the further treaties on space law. International law designates outer space and celestial bodies the status of a global common—a domain beyond national jurisdiction which is not subject to national sovereignty. This is laid down in Art. I para. 1 of the 1967 Outer Space Treaty [26], according to which the use and exploration and use of outer space should be regarded as the ‘province of all mankind’. While it is difficult to define this notion in concrete terms, there is no doubt that outer space should be open to the use of all states, regardless of their current economic or technological development [34]. Thus, the use of outer space as a global common, including economic and non-economic uses as well as scientific exploration of outer space and celestial bodies, should be free—in the sense of remaining accessible for all states and their nationals on the same terms, without discrimination of any kind. Accessibility as a means to carry out space activities should be preserved not only in the short-term perspective, but on a long-term basis as the dependency of humans on outer space will only grow in the future. As a consequence, the sustainability of space activities must be ensured. It is, therefore, worthwhile discussing whether, if such activities are endangered by the negative consequences of orbital pollution, the rights of states to freely exercise their activities in outer space as stipulated in the Outer Space Treaty can be safeguarded. ● The Freedoms vs. the Usability of Outer Space The principles contained in the Outer Space Treaty and the subsequent four treaties on space law set out a framework for human activities in space that can be characterized as a system of freedoms and limitations. Art. I of the OST provides that there shall be freedom of the exploration, use and scientific investigation of outer space and celestial bodies. “Use” means both the economic and non-economic use of outer space [35]. The term “exploration”, however, stipulates not so much consuming or profiting from space but rather the discovery of something new or yet unknown. Scientific investigation might but must not necessarily overlap with “exploration” as scientific activities might be aimed also at already discovered objects or areas. The term “freedom” means that all addressees of these provisions (primarily states and also nationals of states, in as much as states entitle them to do so through national space legislation) are entitled to use, explore or scientifically investigate outer space without the need to ask for permission from other states or an international entity. At the same time, this means that such activities shall not be hampered, e.g., by harmful interference or other impairment. However, the freedoms of outer space are not absolute, as they are not limitless. Limitations are certain exceptions contained in Article I of the OST itself as well as in other treaty provisions of the corpus iuris spatialis. Such as, inter alia, the common benefit clause (Art. I para 1 OST), Art. III OST and Article 2 UN Charter, Art. IV para 1 OST, Art. VII OST and Art. 2 and 3 Liability Convention. Some of these limitations are specifically relevant for the sustainable use and exploration of outer space and celestial bodies, and thus for SDR, as sustainability is an indispensable condition for the usability of outer space. It is thereby required that the use of outer space by present generations takes place on the basis of responsibility towards future generations, which is reiterated by the specific nature of outer space as a global common. ● The notion of the “province of mankind” In Art I para 1 of the OST and Art. 4 of the Moon Agreement the use and exploration of space and celestial bodies are declared to be the “province of mankind”. Although no definition of the term “mankind” has been provided, this notion is an expression of the equal right of all states (regardless of the fact that they are space-faring or developing countries) and all generations (present and future) in the use and exploration of outer space and celestial bodies [36]. ● The Common Heritage of Mankind (CHM) concept (Art I para 1 OST, Art. 11 MOON) The purpose of this doctrine, which is not restricted only to space law, is the protection of certain areas of great importance outside national territory and ensuring their integrity for future generations. It is reflected the United Nations Convention on the Law of the Sea [37] and can also be found in the Preamble of the Antarctic Treaty [38] without being explicitly mentioned there. As with the province of mankind clause, the notion of CHM brings forward the particular status of outer space as a domain which should be open and preserved for all states and generations. ● Military uses of outer space Another important limitation to the freedoms of outer space is contained in Art. IV of the OST. Certain military uses of outer space, such as the placement of nuclear weapons and weapons of mass destruction in orbit around the Earth, their installment as well as the establishment of military bases and the testing of weapons on celestial bodies or their stationing anywhere in space, are prohibited. Furthermore, para 2, Art. IV provides that outer space may be used for “peaceful purposes only”. While the exact meaning of the term “peaceful purposes” is contested, the leading opinion interprets it as non-aggressive, meaning that some military activities are acceptable if exercised lawfully (e.g., the right to self-defence, Art. 51 UN Charter) [39]. This provision is relevant especially as e.g., anti-satellite testing and other military destructive activities can produce a considerable amount of debris. ● The environmental protection of outer space A further limitation is contained in Art. IX of the OST, which is considered the basis for the environmental protection of outer space. By providing that states parties “shall conduct all their activities in outer space, including the Moon and other celestial bodies, with due regard to the corresponding interests of all other states” [40], this provision reaffirms the common character of outer space. Furthermore, it provides that the “harmful contamination” of outer space and celestial bodies shall be avoided (Art. IX sent. 2 OST) and, in case activities can potentially cause “harmful interference with activities of other states parties”, consultations should be undertaken before the activity is carried out or continued (Art. IX sent. 3 and 4 OST). Although the concepts used in Art. IX are difficult to define, it expresses the idea that there shall be protection of space activities from all forms of interference that might cause harm or pose a risk of harm to other states [40]. Thereby, Art. IX of the OST contains the principle of co-operation (Art. IX sent. 1 OST) which is also found in Articles III and X of the OST and was further developed in the other four treaties on space law. However, no specific requirements for states as to how to exercise their activities in a manner that would ensure that the standard of care towards of activities of other states are provided. Thus, the legal framework provides for some general direction for co-operation between the users of outer space but concrete instruments on how to ensure sustainability need to be formulated in more detail. In fact, the treaties on space law neither expressly prohibit the creation of space debris nor impose an obligation on states and their space actors to remove space objects from orbit. Mitigation measures have so far only been adopted as voluntary, non-binding instruments and have been partly adopted in the national laws of some states [25]. In sum, it can be stated that a general obligation to protect the environment of outer space results from the common interest of the community of states to access and use outer space. If a narrow interpretation of the theory of erga omnes obligations is followed, it is the currently 107 State parties to the OST [32] which represent the community having a common interest in the protection of the usability of outer space. If the view is followed, that due to the broad support and the principle-based character of some of its norms, the Outer Space Treaty has at least partly customary character, it can be argued that the 107 State Parties represent the global community so that the global community has a legal interest in the environmental protection of outer space., but a concrete, binding way of action for SDR cannot be derived from existing space law [41]. 2.3. The Future of the Outer Space Environment 2.3.1. Sustainability as a Condition for the Usability of Outer Space What, then, can be done? In the context of the work of the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS), the sustainability of outer space is defined by the stability and safety of its environment which shall be “open for exploration, use and international cooperation by current and future generations (…)” [42], based on non-discrimination. Thus, sustainability is a condition for any future access to and use of outer space. On the technical level, both mitigation and remediation concepts **have been developed** in order to facilitate the protection of near-Earth space from space debris aiming to “maintain the conduct of space activities indefinitely in the future” [43]. Out of the factors playing a role in the creation and distribution of space debris (orbit dynamics, air-drag on the residual atmosphere, on-orbit explosions, collisions, surface degradation slag from solid rocket motor firings, launch rates of future missions, operational practices and mitigation practices) a few will be tackled here that are the direct result of man-made activities. In the style of the “leave no trace” paradigm of sustainable outdoor activities in nature here on Earth, several guidelines have been formulated as well for space activities; for instance, guidelines for the disposal of defunct satellites which are to be removed from LEO within 25 years after their end-of-life. In practice, this typically is realized by a final orbit maneuver which lowers the perigee as much as possible to ensure it will re-enter within 25 years. Such an action at the end of a mission is also beneficial with respect to another paradigm, which calls for a minimum impact on the environment. In a last orbit maneuver, all the leftover fuel can be used, which is one element of the passivation of satellites at their end-of-life. In general, passivation covers all forms of stored energy on board, let it be kinetics of the gyros, charge of batteries, and also fuel in the tanks. Passivation aims at the minimization of self-induced break-ups and it is expected that the number of explosions can be controlled very well by proper passivation and their severity can be significantly reduced (because e.g., the residual fuel cannot self-ignite when the tank corrodes and lead to a complete destruction). That said, post-mission disposal considerations are to be seen in opposition to the space mission operators’ desire to extend the nominal mission operation. Naturally, this is also a sustainable approach. It is usually better in terms of global sustainability to continue using old equipment (and accepting additional maintenance to a certain economic level) instead of throwing it away and replacing it. In space, however, maintenance is not easily done. Therefore, the risk of a critical failure on-board a satellite increases towards longer mission durations. From the sustainability point of view, it remains unclear when it is best to simply extend a mission and accept the higher risk of losing control over the satellite and not being able to perform disposal at all or to terminate the mission with a proper disposal maneuver and passivation. The aforementioned example highlights that, as in other domains, there is a usually a conflict of interest between the immediate needs of spacecraft operators and the higher good of preserving the space environment in accordance with the treaties on space law. Space mission designers will always assess the collision probability due to space debris and define a tolerated risk threshold for their assets. In case the desired target orbit is already too densely populated with debris, it is possible to re-design and move to other, higher orbits. What is yet to be done is to strike an agreement at a global level to define acceptable inflictions on the space environment that are tolerable. An analogy can be drawn to the consensus on the two-degree goal in climate change. Maybe it is possible to discuss and formulate similarly memorable and easily understandable goals for the outer space environment. Although it is unlikely that the final sentence will state “Two collisions per year are tolerable”, such goals would provide the necessary foundation for further action. 2.3.2. The Need to Act As any significant accident in outer space leads to irreparable damage in orbital stability, it is not enough to mitigate the production of new space debris. In particular, the fact that in higher altitudes objects may remain over hundreds or even thousands of years, means that a potentially catastrophic effect for functional objects remains. Mitigation can indeed contribute to stabilizing the outer space environment, but further measures are necessary. For example, in LEO mitigation measures can only slow down the pace of growth but are not enough to stop it. Therefore, further measures aiming at reducing the existing space debris population through remediation are needed if the most used orbits are to remain usable. For example, a long-term scenario with five ADR missions per year clearly shows that remediation for large objects would lower the number of collisions in densely populated orbital regions from 10 to 5 and is, thus, advantageous [23].