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

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

V. MITIGATION VS. REMOVAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Avoid Arms Control Traps in Space

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Space Col DA

#### Privatization is necessary for space colonization – disruptions kill that potential

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

#### Happens by 2050s---solves every impact BUT private sector key to progress

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In perhaps the most eagerly anticipated aerospace announcement of the year, SpaceX founder Elon Musk has revealed his grand plan for establishing a human settlement on Mars. In short, Musk thinks it’s possible to begin shuttling thousands of people between Earth and our smaller, redder neighbor sometime within the next decade or so. And not too long after that—perhaps 40 or a hundred years later, Mars could be home to a self-sustaining colony of a million people. “This is not about everyone moving to Mars, this is about becoming multiplanetary,” he said on September 27 at the International Astronautical Congress in Guadalajara, Mexico. “This is really about minimizing existential risk and having a tremendous sense of adventure.” Musk’s timeline sounds ambitious, and that's something he readily acknowledges. “I think the technical outline of the plan is about right. He also didn’t pretend that it was going to be easy and that they were going to do it in ten years,” says Bobby Braun, NASA’s former chief technologist who’s now at Georgia Tech University. “I mean, who’s to say what’s possible in a hundred years?” And for those wondering whether we should go at all, the reason for Musk making Mars an imperative is simple. “The future of humanity is fundamentally going to bifurcate along one of two directions: Either we’re going to become a multiplanet species and a spacefaring civilization, or we’re going be stuck on one planet until some eventual extinction event,” Musk told Ron Howard during an interview for National Geographic Channel’s MARS, a global event series that premieres worldwide on November 14. “For me to be excited and inspired about the future, it’s got to be the first option. It’s got to be: We’re going to be a spacefaring civilization.” Mars Fleet Though he admitted his exact timeline is fuzzy, Musk thinks it’s possible humans could begin flying to Mars by the mid-2020s. And he thinks the plan for getting there will go something like this: It starts with a really big rocket, something at least 200 feet tall when fully assembled. In a simulation of what SpaceX calls its Interplanetary Transport System, a spacecraft loaded with astronauts will launch on top of a 39-foot-wide booster that produces a whopping 28 million pounds of thrust. Using 42 Raptor engines, the booster will accelerate the assemblage to 5,374 miles an hour. Overall, the whole thing is 3.5 times more powerful than NASA’s Saturn V, the biggest rocket built to date, which carried the Apollo missions to the moon. Perhaps not coincidentally, the SpaceX rocket would launch from the same pad, 39A, at Kennedy Space Center in Cape Canaveral, Florida. The rocket would deliver the crew capsule to orbit around Earth, then the booster would steer itself toward a soft landing back at the launch pad, a feat that SpaceX rocket boosters have been doing for almost a year now. Next, the booster would pick up a fuel tanker and carry that into orbit, where it would fuel the spaceship for its journey to Mars. Once en route, that spaceship would deploy solar panels to harvest energy from the sun and conserve valuable propellant for what promises to be an exciting landing on the Red Planet. As Musk envisions it, fleets of these crew-carrying capsules will remain in Earth orbit until a favorable planetary alignment brings the two planets close together—something that happens every 26 months. “We’d ultimately have upward of a thousand or more spaceships waiting in orbit. And so the Mars colonial fleet would depart en masse,” Musk says. The key to his plan is reusing the various spaceships as much as possible. “I just don’t think there’s any way to have a self-sustaining Mars base without reusability. I think this is really fundamental,” Musk says. “If wooden sailing ships in the old days were not reusable, I don’t think the United States would exist.” Musk anticipates being able to use each rocket booster a thousand times, each tanker a hundred times, and each spaceship 12 times. At the beginning, he imagines that maybe a hundred humans would be hitching a ride on each ship, with that number gradually increasing to more than 200. By his calculations, then, putting a million people on Mars could take anywhere from 40 to a hundred years after the first ship launches. And, no, it would not necessarily be a one-way trip: “I think it’s very important to give people the option of returning,” Musk says. Colonizing Mars After landing a few cargo-carrying spacecraft without people on Mars, starting with the Red Dragon capsule in 2018, Musk says the human phase of colonization could begin. For sure, landing a heavy craft on a planet with a thin atmosphere will be difficult. It was tough enough to gently lower NASA’s Curiosity rover to the surface, and at 2,000 pounds, that payload weighed just a fraction of Musk’s proposed vessels. For now, Musk plans to continue developing supersonic retrorockets that can gradually and gently lower a much heavier spacecraft to the Martian surface, using his reusable Falcon 9 boosters as a model. And that’s not all these spacecraft will need: Hurtling through the Martian atmosphere at supersonic speeds will test even the most heat-tolerant materials on Earth, so it’s no small task to design a spacecraft that can withstand a heated entry and propulsive landing—and then be refueled and sent back to Earth so it can start over again. The first journeys would primarily serve the purpose of delivering supplies and establishing a propellant depot on the Martian surface, a fuel reservoir that could be tapped into for return trips to Earth. After that depot is set up and cargo delivered to the surface, the fun can (sort of) begin. Early human settlers will need to be good at digging beneath the surface and dredging up buried ice, which will supply precious water and be used to make the cryo-methane propellant that will power the whole enterprise. As such, the earliest interplanetary spaceships would probably stay on Mars, and they would be carrying mostly cargo, fuel, and a small crew: “builders and fixers” who are “the hearty explorer type,” Musk said to Howard. “Are you prepared to die? If that’s OK, then you’re a candidate for going.” While there will undoubtedly be intense competition and lots of fanfare over the first few seats on a Mars-bound mission, Musk worries that too much emphasis will be placed on those early bootprints. “In the sort of grander historical context, what really matters is being able to send a large number of people, like tens of thousands if not hundreds of thousands of people, and ultimately millions of tons of cargo,” he says.

#### Massive spillover effects, solves resources and extinction risks

Green 21 [Brian Patrick Green, director of technology ethics at the Markkula Center for Applied Ethics, Santa Clara University, “Space Ethics,” 2021, Rowman, pp. 4-5, EA]

In favor of going into space are such basics as gaining scientific knowledge and developing beneficial new technologies, both of which space exploration and use have already begun to accomplish with dramatic and sometimes unexpected effects for humankind. Scientific advancements include astronomical and cosmological knowledge from various orbiting experiments and telescopes that have let us gain unprecedented understanding about our universe. But space activities have also contributed to a great deal of scientific knowledge about our Earth, including measurements of environmental status, habitat conversion and destruction, detailed knowledge of anthropogenic climate change, and much about Earth’s chemistry and geology. We have also learned a great deal about our local planets, for example, that a runaway “greenhouse effect” in the atmosphere of Venus makes the surface scorchingly hot, while too little greenhouse effect on Mars leaves the surface quite cold. There have also been significant contributions made to medical science, especially concerning the behavior of the human body when subjected to radiation, microgravity, nutritional restrictions, and so on.

On the technological side, everything with American global positioning system (GPS), Russian Glonass, or other global navigation systems—from smartphones to military vehicles—relies on a network of satellites above us, placed there by rocketry and painstakingly tracked with instruments developed for the task. So many technologies have been pioneered by space exploration and use that it is hard to list them all, but some of the more important ones include weather satellites (which are not only convenient but also allow preparation for and evacuation from severe weather), communication satellites, solar photovoltaic (PV) cells, advances in electronics and computers, advances in materials science, and so on.

Gaining access to new critical resources may be another reason to go into space. Earth is a finite planet, and certain elements on Earth are very rare in the planetary crust, particularly platinum group metals that are very dense and siderophilic (iron-loving) and so have tended to sink toward the core over the natural history of the planet. However, asteroids and other objects in space (for example, planets, comets, and moons) can sometimes have these elements in abundance and in more available locations, making them potentially excellent sources for these valuable materials. Now-defunct asteroid-mining startup Planetary Resources once estimated that one “platinum-rich 500 meter wide asteroid contains . . . 1.5 times the known world-reserves of platinum group metals (ruthenium, rhodium, palladium, osmium, iridium, and platinum).” 7 In addition to returning elements to a resource-hungry Earth, further exploration and development of space will require access to resources that are not purely sourced from Earth. In particular, it will be necessary to gain access to water, which is relatively rare in the inner solar system and which would be far too costly to transport in any significant amounts from the Earth’s surface.

Another reason that humans may want to explore space would be to create a “backup Earth” to hedge against global catastrophic and existential risks (risks that may cause widespread disaster or human extinction, respectively) on our home planet. 8 Earth has always been a dangerous place for humans, with asteroid impacts, supervolcanic eruptions, pandemic disease, and other natural hazards threatening civilization. Now, in addition to these natural threats, human-made hazards such as nuclear weapons, climate change, biotechnology, nanotechnology, and artificial intelligence may threaten not only the viability of technological civilization but perhaps the survival of human life itself. A serious global-scale catastrophe could set back civilization many decades or centuries, and the worst disasters could cause human extinction. In one scenario, in which 100 percent of humanity dies, all of human effort for all of history would be for nothing. However, were the same global catastrophe to happen to Earth, yet humans were a multiplanetary species with just one self-sustaining settlement off-Earth, it would not result in the end of human civilization or human extinction. Instead while the same unimaginable fate would befall the Earth (certainly no mere triviality, with perhaps the deaths of 99.999 percent of all humans and possibly the destruction of the ecosphere and everything in it), at least all of human and planetory history would not be for nothing. Human life and culture would go on elsewhere, as well as other Earth species. This is a dire fate, but less terrible than the first.

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Kamo`oalewa CP

#### CP Text: The appropriation of outer space by private entities is unjust except for mining on asteroid Kamo’oalewa.

#### Kamo’oalewa is NEO asteroid comprised of lunar material

Devlin 21 [Hannah Devlin is the Guardian's science correspondent, having previously been science editor of the Times. “Near-Earth asteroid is a fragment from the moon, say scientists.” November 11, 2021. https://www.theguardian.com/science/2021/nov/11/near-earth-asteroid-is-a-fragment-from-the-moon-say-scientists]

Scientists have identified what appears to be a small chunk of the moon that is tracking the Earth’s orbit around the Sun. The asteroid, named Kamo`oalewa, was discovered in 2016 but until now relatively little has been known about it. New observations suggest it could be a fragment from the moon that was thrown into space by an ancient lunar collision. Kamo`oalewa is one of Earth’s quasi-satellites, a category of asteroid that orbits the Sun, but remains relatively close to the planet – in this case about 9m miles away. Despite being close in astronomical terms, the asteroid is about the size of a ferris wheel and about 4m times fainter than the faintest star that can be seen with the naked eye. Consequently, the Earth’s most powerful telescopes are needed to make observations. Using the Large Binocular Telescope on Mount Graham in southern Arizona, astronomers found the spectrum of reflected light from Kamo`oalewa closely matched lunar rocks from Nasa’s Apollo missions, suggesting it originated from the moon. They had initially compared the light with that reflected off other near-Earth asteroids, but drawn a blank. “I looked through every near-Earth asteroid spectrum we had access to, and nothing matched,” said Ben Sharkey, a PhD student at the University of Arizona and the paper’s lead author. After missing the chance to observe Kamo`oalewa in April 2020 owing to a shutdown of the telescope during the coronavirus pandemic, the team found the final piece of the puzzle in 2021. “This spring, we got much needed follow-up observations and went, ‘Wow it is real,’” Sharkey said. “It’s easier to explain with the moon than other ideas.”

#### Space based solar power is being developed and transitions to 100% clean energy, but lunar regolith is key

O’Neill 13 [Ian O'Neill is a media relations specialist at NASA's Jet Propulsion Laboratory (JPL) in Southern California. Prior to joining JPL, he served as editor for the Astronomical Society of the Pacific‘s Mercury magazine and Mercury Online and contributed articles to a number of other publications, including Space.com, Space.com, Live Science, HISTORY.com, Scientific American. Ian holds a Ph.D in solar physics and a master's degree in planetary and space physics. “How to Turn the Moon Into a Giant Space Solar Power Hub.” December 3, 2013. https://www.space.com/23810-moon-luna-belt-solar-power-idea.html]

When it comes to space and energy, we need to think big. That's what one Japanese company is doing — and they're reaching for the moon, literally. The best thing about the moon is that one lunar hemisphere is constantly bathed in sunlight (except for the occasional eclipse), so using solar arrays to generate power may not seem like such a stretch. Take China's recently-launched Chang'e 3 Yutu rover for example, it's solar powered. Also, Apollo astronauts set up solar-powered experiments on the lunar regolith. But how about wrapping the moon's equator in a 250 mile wide band of solar panels and beaming the power generated back to Earth? That's exactly what Shimizu Corporation is proposing and they reckon their concept could harness a steady stream of 13,000 terawatts of power. According to Business Insider, "the total installed electricity generation summer capacity in the United States was 1,050.9 gigawatts." Such a vast energy resource could be transformative for our civilization. As Obi-Wan might say: "That's no moon. It's a space (solar power) station." "A shift from economical use of limited resources to the unlimited use of clean energy is the ultimate dream of all mankind," says the company's website. "The LUNA RING, our lunar solar power generation concept, translates this dream into reality through ingenious ideas coupled with advanced space technologies." Indeed, advanced space technologies will be needed, not only to harvest solar energy and efficiently beam it back to Earth, but its very construction will require several leaps in robotic technology development. Also, this mother of all engineering tasks will need to see some significant changes in international space treaties before it sees light of day. Resembling a moon born from science fiction, the LUNA RING is just that, a ring around the moon. The ring, stretching 6,800 miles around the moon's circumference, will be constructed by robots that will "perform various tasks on the lunar surface, including ground leveling and excavation of hard bottom strata." The entire project will be overseen by a team of humans while the bulk of the robotic tasks can be teleoperated from Earth. [Moon Base Visions: How to Build a Lunar Colony (Photos)] It’s all very well building a huge array of solar panels around the moon, but how would the power be sent to Earth? As our atmosphere is virtually transparent to microwaves and lasers, Shimizu envisages solar energy being fed through microwave/laser transmitters located around the Earth-facing side of the moon. As the moon orbits the Earth and the Earth rotates, international receiving stations will feed electricity grids with plentiful lunar solar power as the moon rises to when it sets. The designers are keen to point out that this is a green energy resource that could benefit the whole of mankind. What's more, when the infrastructure is set up, other resources can be exploited — such as mining for precious minerals and fabricating products from regolith. One could imagine an international consortium of nations and/or companies that buy a stake in the LUNA RING to aid its construction. Each partner would then have rights to construct receiving stations in their geographical location of choice, weaning us off polluting sources of power. Japan, which was hurt by the devastating Fukushima meltdown in 2011, is actively seeking out alternative power resources to wean itself off nuclear energy — it doesn't get more "alternative" than this.

**Warming causes extinction and guarantees every other impact**

Spratt and Dunplop 19, David Spratt [Research Director for Breakthrough National Centre for Climate Restoration, Melbourne, and co-author of Climate Code Red: The case for emergency action] & Ian Dunlop [member of the Club of Rome. Formerly an international oil, gas and coal industry executive, chairman of the Australian Coal Association, chief executive of the Australian Institute of Company Directors, and chair of the Australian Greenhouse Office Experts Group on Emissions Trading 1998-2000], “Existential climate-related security risk: A scenario approach,” Breakthrough - National Centre for Climate Restoration, May 2019, pg. 8-10, beckert. Brackets in original text

2020–2030: Policy-makers fail to act on evidence that the current ​Paris Agreement path — in which global human-caused greenhouse emissions do not peak until 2030 — will lock in at least 3°C of warming. The case for a global, climate-emergency mobilisation of labour and resources to build a zero-emission economy and carbon drawdown in order to have a realistic chance of keeping warming well below 2°C is politely ignored. As projected by Xu and Ramanathan, by 2030 carbon dioxide levels have reached 437 parts per million — which is unprecedented in the last 20 million years — and warming reaches 1.6°C.18 2030–2050: Emissions peak in 2030, and start to fall consistent with an 80 percent reduction in fossil-fuel energy intensity by 2100 compared to 2010 energy intensity. This leads to warming of 2.4°C by 2050, consistent with the Xu and Ramanathan “baseline-fast” scenario.19 However, another 0.6°C of warming occurs — taking the total to 3°C by 2050 — due to the activation of a number of carbon-cycle feedbacks and higher levels of ice albedo and cloud feedbacks than current models assume. [It should be noted that this is far from an extreme scenario: the low-probability, high-impact warming (five percent probability) can exceed 3.5–4°C by 2050 in the Xu and Ramanathan scheme.] 2050: By 2050, there is broad scientific acceptance that system tipping-points for the West Antarctic Ice Sheet and a sea-ice-free Arctic summer were passed well before 1.5°C of warming, for the Greenland Ice Sheet well before 2°C, and for widespread permafrost loss and large-scale Amazon drought and dieback by 2.5°C. The “**hothouse Earth**” scenario has been realised, and Earth is headed for another degree or more of warming, especially since human greenhouse emissions are still significant.20 While sea levels have risen 0.5 metres by 2050, the increase may be 2–3 metres by 2100, and it is understood from historical analogues that seas may eventually rise by more than 25 metres. Thirty-five percent of the global land area, and 55 percent of the global population, are subject to more than 20 days a year of **lethal heat** conditions, beyond the threshold of human survivability. The destabilisation of the Jet Stream has very significantly affected the intensity and geographical distribution of the Asian and West African monsoons and, together with the further slowing of the Gulf Stream, is impinging on life support systems in Europe. North America suffers from devastating weather extremes including wildfires, heatwaves, drought and inundation. The summer monsoons in China have failed, and water flows into the great rivers of Asia are severely reduced by the loss of more than one-third of the Himalayan ice sheet. Glacial loss reaches 70 percent in the Andes, and rainfall in Mexico and central America falls by half. Semi-permanent El Nino conditions prevail. Aridification emerges over more than 30 percent of the world’s land surface. Desertification is severe in southern Africa, the southern Mediterranean, west Asia, the Middle East, inland Australia and across the south-western United States. Impacts: A number of **ecosystems collapse**, including coral reef systems, the Amazon rainforest and in the Arctic. Some poorer nations and regions, which lack capacity to provide artificially-cooled environments for their populations, **become unviable**. Deadly heat conditions persist for more than 100 days per year in West Africa, tropical South America, the Middle East and South-East Asia, contributing to **more than a billion people being displaced** from the tropical zone. **Water availability decreases sharply** in the most affected regions at lower latitudes (dry tropics and subtropics), affecting about **two billion** people worldwide. Agriculture becomes nonviable in the dry subtropics. Most regions in the world see a significant drop in food production and increasing numbers of extreme weather events, including heat waves, floods and storms. Food production is inadequate to feed the global population and food prices skyrocket, as a consequence of a one-fifth decline in crop yields, a decline in the nutrition content of food crops, a catastrophic decline in insect populations, desertification, monsoon failure and chronic water shortages, and conditions too hot for human habitation in significant food-growing regions. The lower reaches of the agriculturally-important river deltas such as the Mekong, Ganges and Nile are inundated, and significant sectors of some of the world’s most populous cities — including Chennai, Mumbai, Jakarta, Guangzhou, Tianjin, Hong Kong, Ho Chi Minh City, Shanghai, Lagos, Bangkok and Manila — are abandoned. Some small islands become uninhabitable. Ten percent of Bangladesh is inundated, displacing 15 million people. Even for 2°C of warming, more than a billion people may need to be relocated and In high-end scenarios, the scale of destruction is beyond our capacity to model, with a **high likelihood of human civilisation coming to an end**.21 National security consequences: For pragmatic reasons associated with providing only a sketch of this scenario, we take the conclusion of the ​Age of Consequences ‘Severe’ 3°C scenario developed by a group of senior US national-security figures in 2007 as appropriate for our scenario too: Massive nonlinear events in the global environment give rise to ​massive nonlinear societal events.​ In this scenario, nations around the world will be ​overwhelmed by the scale of change and pernicious challenges, such as pandemic disease. The internal cohesion of nations will be under great stress, **including in the United States**, both as a result of a dramatic rise in migration and changes in agricultural patterns and water availability. The flooding of coastal communities around the world, especially in the Netherlands, the United States, South Asia, and China, has the potential to challenge regional and even national identities.​ **Armed conflict** between nations over resources, such as the Nile and its tributaries, is likely and **nuclear war** is possible. The social consequences range from increased religious fervor to ​outright chaos.​ In this scenario, climate change provokes ​a permanent shift in the relationship of humankind to nature​’.22 (emphasis added) DISCUSSION This scenario provides a glimpse into a world of “outright chaos” on a path to the end of human civilisation and modern society as we have known it, in which the challenges to global security are simply overwhelming and political panic becomes the norm. Yet the world is currently completely unprepared to envisage, and even less deal with, the consequences of catastrophic climate change.23 What can be done to avoid such a probable but catastrophic future? It is clear from our preliminary scenario that dramatic action is required this decade if the “hothouse Earth” scenario is to be avoided. To reduce this risk and protect human civilisation, a massive global mobilisation of resources is needed in the coming decade to build a zero-emissions industrial system and set in train the restoration of a safe climate. This would be akin in scale to the World War II emergency mobilisation. There is an increasing awareness that such a response is now necessary. Prof. Kevin Anderson makes the case for a Marshall Plan-style construction of zero-carbon-dioxide energy supply and major electrification to build a zero-carbon industrial strategy by “a shift in productive capacity of society akin to that in World War II”.24 Others have warned that “**only a drastic, economy-wide makeover within the next decade**, consistent with limiting warming to 1.5°C”, would avoid the transition of the Earth System to the Pliocene-like conditions that prevailed 3-3.3 million years ago, when temperatures were ~3°C and sea levels 25 metres higher.25 It should be noted here that the 1.5° goal is not safe for a number of Earth System elements, including Arctic sea-ice, West Antarctica and coral reefs.