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T-Appropriation

#### Interpretation: “Appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

TIMOTHY JUSTIN TRAPP, JD Candidate @ UIUC Law, ’13, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“Appropriation of outer space, therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to it.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Violation: debris isn’t exclusive control of property

#### Standards:

#### Limits and ground: the aff interpretation explodes the topic to allow any aff about something harmful in space which structurally alters the neg research burden because there’s a qualitative difference between property rights and things in space being bad. That alters neg ground because it means the aff can defend trivial middle grounds that go beyond just exclusive appropriation unbalancing the topic.

#### Use competing interps - Topicality is a binary question, you can’t be reasonably topical and it invites a race to the bottom of intervention

#### Drop the debater – dropping the argument doesn’t rectify abuse since winning T proves why we don’t have the burden of rejoinder against their aff.

#### No RVIS – it’s your burden to be topical

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PPWT DA

#### 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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Manufacturing DA

#### Commercial space manufacturing is burgeoning and solves disease, but the plan kills it --- private launch and appropriation is key

Giulianotti et. al 21 [Marc A. Giulianotti1\*, Arun Sharma2,3, Rachel A. Clemens4 , Orquidea Garcia5 , D. Lancing Taylor6, Nicole L. Wagner7 , Kelly A. Shepard8 , Anjali Gupta4, Siobhan Malany9 , Alan J. Grodzinsky10, Mary Kearns‐Jonker11, Devin B. Mair12, Deok‐Ho Kim12,13, Michael S. Roberts1, Jeanne F. Loring14, Jianying Hu15, Lara E. Warren1 , Sven Eenmaa1, Joe Bozada16, Eric Paljug16, Mark Roth17, Donald P. Taylor18, Gary Rodrigue1, Patrick Cantini19, Amelia W. Smith1, William R. Wagner19,20\* 1 Center for the Advancement of Science in Space, Melbourne, FL, USA 2 Board of Governors Regenerative Medicine Institute, Cedars‐Sinai Medical Center, Los Angeles, CA, USA 3 Smidt Heart Institute, Cedars‐Sinai Medical Center, Los Angeles, CA, USA 4 Axiom Space, Inc., Houston, TX, USA 5 Johnson & Johnson 3D Printing Innovation & Customer Solutions, Johnson & Johnson Services, Inc., Irvine, CA , USA. 6 University of Pittsburgh Drug Discovery Institute and Department of Computational and Systems Biology, University of Pittsburgh, Pittsburgh, PA, USA 7 LambdaVision Inc., Farmington, CT, USA 8 California Institute for Regenerative Medicine, Oakland, California, USA 9 Department of Pharmacodynamics, College of Pharmacy, University of Florida, Gainesville, FL USA 10 Departments of Biological Engineering, Mechanical Engineering and Electrical Engineering and Computer Science, Massachusetts Institute of Technology, Cambridge, MA, USA 11 Department of Pathology and Human Anatomy, Loma Linda University School of Medicine, Loma Linda, CA, USA 12 Department of Biomedical Engineering, Johns Hopkins University School of Medicine, Baltimore, MD, USA 13 Department of Medicine, Johns Hopkins University School of Medicine, Baltimore, MD, USA 14 Scripps Research Institute, San Diego, CA, USA 15 Center for Computational Health IBM Research, Yorktown Heights, NY, USA 16 Joseph M. Katz Graduate School of Business, University of Pittsburgh, Pittsburgh, PA, USA 17 Pittsburgh, PA, USA 18 The Ohio State University, Columbus, OH, USA 19 McGowan Institute for Regenerative Medicine, Pittsburgh, PA, USA 20 Departments of Surgery, Bioengineering, Chemical Engineering, University of Pittsburgh, Pittsburgh, PA, USA. “Opportunities for Biomanufacturing in Low Earth Orbit: Current Status and Future Directions.” August 2, 2021. https://www.preprints.org/manuscript/202108.0044/v1/download]

The use of LEO by governments and commercial enterprises is a complex ecosystem for providing opportunities and financing. In the last two decades, governments around the world, led by the U.S. and China, have heavily supported private space companies (2019 Report). These investments have focused on launch technologies, as high launch costs are perceived to be the greatest limiting factor to expanded space exploration and utilization (Werzt et al., 1996) and have led to recent reductions in the cost of transporting cargo to LEO by a factor of more than 20. Between 1970 and 2020, the average cost to launch a kilogram of payload into LEO on the space shuttle remained constant at about $54,500. Now, the cost per kilogram is $2,720 on a SpaceX Falcon 9 rocket (Figure 1) (Jones, H. W. et al., 2020). Preprints (www.preprints.org) | NOT PEER-REVIEWED | Posted: 2 August 2021 doi:10.20944/preprints202108.0044.v1 4 Figure 1: The cost of launching payloads to LEO has dropped considerably over the last 50 years. Note: Data is not to scale. Additionally, several private companies are now pursuing commercial space stations. Axiom Space, headquartered in Houston, is currently developing what promises to be the first‐ever privately operated space station, with the initial module scheduled to launch to the ISS in 2024. Axiom plans to dock multiple modules to the ISS that will eventually detach to become a standalone station. As the cost of transport to LEO has decreased—and is expected to decrease further—and plans for new platforms in LEO continue to advance (Dinkin S., 2019), opportunities in areas such as satellite deployment, biomedical research, in‐space manufacturing, and space tourism increase. Preprints (www.preprints.org) | NOT PEER-REVIEWED | Posted: 2 August 2021 doi:10.20944/preprints202108.0044.v1 5 As the past half century has witnessed the opening of space for exploration and commercial opportunities, in this same period, we have experienced exponential growth in our understanding of biology and physiology. This knowledge has been translated and commercialized for the benefit of human health and continues to accelerate as new technologies create additional tools to explore and cure. One aspect of this biomedical revolution is in the field of regenerative medicine, built upon advances in stem cell biology, biomaterials, and bioengineering. Remarkable advancements have been made in the design of MPS, also called tissue chips or organs‐on‐chips, and organoids that can mimic complex organ systems outside of the body for drug development or potential implantation to restore function. Stem cell isolation, characterization, and manipulation is advancing, with target applications broadly spread across tissues impacted by disease, trauma, and congenital conditions. Biomaterials and bioengineering advances have created new medical devices, targeted drug delivery platforms, biosensors and new imaging modalities, and the bioprinting of tissue constructs. To take advantage of these significant advances—more frequent and more affordable access to LEO and exponential progress in biomedical technology—the question is: How do these intersect, and what new opportunities arise as both advance? How can the unique LEO environment be leveraged to further advance biomanufacturing? Compelling answers to these questions will introduce economic drivers for investment in space‐based R&D that extend beyond the initial focus on pure discovery and into the expansion of commercial development in LEO. Over the past decade, the ISS National Lab has supported important space‐based research in the areas of tissue engineering and regenerative medicine that lays the groundwork for more complex studies and future investment. This critical research addressed fundamental questions such as: How does the LEO environment affect the organ function mimicked by tissue chips, and how do these changes relate to human disease? How does microgravity affect stem cell proliferation and differentiation? And how might 3D bioprinting benefit from the absence of gravity? Continued access to LEO through the ISS National Lab provides a unique opportunity for R&D that enables the jump from this initial work to the development of a sustainable market for biomanufacturing in space. The ISS is a powerful platform with a limited lifetime and thus limited time left for utilization; therefore, now is the time to leverage this invaluable orbiting laboratory to conduct R&D that demonstrates the value of biomanufacturing in space. This work will set the stage for increased private investment and the transition to larger and more numerous platforms in LEO that can support further discovery and development in the coming decades

#### Extinction

Yaneer Bar-Yam 16, Founding President of the New England Complex Systems Institute, “Transition to extinction: Pandemics in a connected world,” NECSI (July 3, 2016), http://necsi.edu/research/social/pandemics/transition

Watch as one of the more aggressive—brighter red — strains rapidly expands. After a time it goes extinct leaving a black region. Why does it go extinct? The answer is that it spreads so rapidly that it kills the hosts around it. Without new hosts to infect it then dies out itself. That the rapidly spreading pathogens die out has important implications for evolutionary research which we have talked about elsewhere [1–7].¶ In the research I want to discuss here, what we were interested in is the effect of adding long range transportation [8]. This includes natural means of dispersal as well as unintentional dispersal by humans, like adding airplane routes, which is being done by real world airlines (Figure 2).¶ When we introduce long range transportation into the model, the success of more aggressive strains changes. They can use the long range transportation to find new hosts and escape local extinction. Figure 3 shows that the more transportation routes introduced into the model, the more higher aggressive pathogens are able to survive and spread.¶ As we add more long range transportation, there is a critical point at which pathogens become so aggressive that the entire host population dies. The pathogens die at the same time, but that is not exactly a consolation to the hosts. We call this the phase transition to extinction (Figure 4). With increasing levels of global transportation, human civilization may be approaching such a critical threshold.¶ In the paper we wrote in 2006 about the dangers of global transportation for pathogen evolution and pandemics [8], we mentioned the risk from Ebola. Ebola is a horrendous disease that was present only in isolated villages in Africa. It was far away from the rest of the world only because of that isolation. Since Africa was developing, it was only a matter of time before it reached population centers and airports. While the model is about evolution, it is really about which pathogens will be found in a system that is highly connected, and Ebola can spread in a highly connected world.¶ The traditional approach to public health uses historical evidence analyzed statistically to assess the potential impacts of a disease. As a result, many were surprised by the spread of Ebola through West Africa in 2014. As the connectivity of the world increases, past experience is not a good guide to future events.¶ A key point about the phase transition to extinction is its suddenness. Even a system that seems stable, can be destabilized by a few more long-range connections, and connectivity is continuing to increase.¶ So how close are we to the tipping point? We don’t know but it would be good to find out before it happens.¶ While Ebola ravaged three countries in West Africa, it only resulted in a handful of cases outside that region. One possible reason is that many of the airlines that fly to west Africa stopped or reduced flights during the epidemic [9]. In the absence of a clear connection, public health authorities who downplayed the dangers of the epidemic spreading to the West might seem to be vindicated.¶ As with the choice of airlines to stop flying to west Africa, our analysis didn’t take into consideration how people respond to epidemics. It does tell us what the outcome will be unless we respond fast enough and well enough to stop the spread of future diseases, which may not be the same as the ones we saw in the past. As the world becomes more connected, the dangers increase.¶ Are people in western countries safe because of higher quality health systems? Countries like the U.S. have highly skewed networks of social interactions with some very highly connected individuals that can be “superspreaders.” The chances of such an individual becoming infected may be low but events like a mass outbreak pose a much greater risk if they do happen. If a sick food service worker in an airport infects 100 passengers, or a contagion event happens in mass transportation, an outbreak could very well prove unstoppable.

### 1NC - OFF

Unilat CP

#### The United States federal government should:

#### --Substantially increase active debris removal

#### --Should declare debris in space to be abandoned property, with the right to salvage, and make our expired satellites available for salvage

#### -- Contributing to debris removal projects and establishing a space situational awareness catalogue that requires satellite declassification and notice in the case of impending collision with the governments of formal allies of the United States

#### --ensure standardization and integration of all shared space situational awareness data.

#### Unilat solves comparatively much better than international cooperation for ADR---maintains leadership

--coop takes too long – proposed debris review in 1980 thru COPOUS and nothing happened

--timeframe is key – need to start now which flips solvency

--sufficiency - could remove 5 pieces now and make enviro more stable

--causes follow on – once we have the tech, others realize it’s feasible and do it too

--leadership is a nb – we are seen as taking moral highground to clean up

Ansdell 10 – PhD in Astronomy-U of Hawaii, MA in Space Policy-GWU

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US Leadership by Example

Need to Initiate Unilateral Action

International cooperation in space has rarely resulted in cost-effective or expedient solutions, especially in politically-charged areas of uncertain technological feasibility. The International Space Station, because of both political and technical setbacks, has taken over two decades to deploy and cost many billions of dollars—far more time and money than was originally intended. Space debris mitigation has also encountered aversion in international forums. The topic was brought up in COPUOS as early as 1980, yet a policy failed to develop despite a steady flow of documents on the increasing danger of space debris (Perek 1991). In fact, COPUOS did not adopt debris mitigation guidelines until 2007 and, even then, they were legally non-binding.

Space debris removal systems could take decades to develop and deploy through international partnerships due to the many interdisciplinary challenges they face. Given the need to start actively removing space debris sooner rather than later to ensure the continued benefits of satel- lite services, international cooperation may not be the most appropriate mechanism for instigating the first space debris removal system. Instead, one country should take a leadership role by establishing a national space debris removal program. This would accelerate technology development and demonstration, which would, in turn, build-up trust and hasten international participation in space debris removal.

POSSIBILITIES OF LEADERSHIP

As previously discussed, a recent NASA study found that annually removing as little as five massive pieces of debris in critical orbits could significantly stabilize the long-term space debris environment (Liou and Johnson 2007). This suggests that it is feasible for one nation to unilaterally develop and deploy an effective debris removal system. As the United States is responsible for creating much of the debris in Earth’s orbit, it is a candidate for taking a leadership role in removing it, along with other heavy polluters of the space environment such as China and Russia.

There are several reasons why the United States should take this leadership role, rather than China or Russia. First and foremost, the United States would be hardest hit by the loss of satellites services. It owns about half of the roughly 800 operating satellites in orbit and its military is significantly more dependent upon them than any other entity (Moore 2008). For example, GPS precision-guided munitions are a key component of the “new American way of war” (Dolman 2006, 163-165), which allows the United States to remain a globally dominant military power while also waging war in accordance with its political and ethical values by enabling faster, less costly war fighting with minimal collateral damage (Sheldon 2005). The U.S. Department of Defense recognized the need to protect U.S. satellite systems over ten years ago when it stated in its 1999 Space Policy that, “the ability to access and utilize space is a vital national interest because many of the activities conducted in the medium are critical to U.S. national security and economic well-being” (U.S. Department of Defense 1999, 6). Clearly, the United States has a vested interest in keeping the near-Earth space environment free from threats like space debris and thus assuring U.S. access to space

Moreover, current U.S. National Space Policy asserts that the United States will take a “leadership role” in space debris minimization. This could include the development, deployment, and demonstration of an effective space debris removal system to remove U.S. debris as well as that of other nations, upon their request. There could also be international political and economic advantages associated with being the first country to develop this revolutionary technology. However, there is always the danger of other nations simply benefiting from U.S. investment of its resources in this area. Thus, mechanisms should also be created to avoid a classic “free rider” situation. For example, techniques could be employed to ensure other countries either join in the effort later on or pay appropriate fees to the United States for removal services.

Recommendations for Leadership in Space Debris Removal

Going forward, the U.S. government should engage the commercial sector in space debris removal. Government contracts with several commercial firms would create a competitive environment, encouraging innovation and cost minimization. Having several companies working on the problem at the same time would also accelerate remediation as several critical orbits could be addressed at once. Furthermore, early investments in a domestic space debris removal industry would give the United States a head start in what may become a critical industry over the coming decades.

#### Causes international follow on --- Russia and China will go along separately later

--Russia and China will go along – otherwise they’d be pariahs and feel left out

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“The US government should support the development of best practices by following the lead of US commercial corporations, which have great sway internationally. For example, in human spaceflight, it is likely that US companies will lead the way in sub-orbital and orbital flights at least over the next decade. Coordination is already taking place among these companies in this regard. Similarly, asteroid mining companies are already coordinating informally on norms. The US Government could endorse these processes and begin to support these norms through its policy statements (such as the National Space Policy), enlisting other governments and their corporations to support them as well. Over time, if the bulk of Western governments and their corporations adopt such standards, China, Russia, and other possible outliers will likely find it beneficial to eventually join them. This may be easier than a straight political process.”

#### US commercial space leadership is necessary and sufficient to solve global Chinese dominance

--CP promulgates a set of standards initiated by the US – makes us first mover and shores up commercial space leadership

--China will dominate space and use it to create a new era of heg – need to have leadership and strong commercial sector

--will get to space and control info flows – selling satellites for cheap to poorest and broadcasting lies about US + shielding events in Tibet – undermines US cred and soft power

--will also get huge money from space and do sbsp – means they’ll have free energy to hold over the rest of the world

--Commercial sector key – need creative disruption, not bureaucracy and groupthink of the DOD to get to space quicker and more innovatively

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America Is Losing the Second Space Race to China The private sector can give the United States a much-needed rocket boost. The current U.S. space defense strategy is inadequate and on a path to failure. President Donald Trump’s vision for a Space Force is big enough. As he said on June 18, “It is not enough to merely have an American presence in space. We must have American dominance in space.” But the Air Force is not matching this vision. Instead, the leadership is currently focused on incremental improvements to existing equipment and organizational structures. Dominating the vast and dynamic environment of space will require revolutionary capabilities and resources far deeper than traditional Department of Defense thinking can fund, manage, or even conceive of. Success depends on a much more active partnership with the commercial space industry— and its disruptive capabilities.

U.S. military space planners are preparing to repeat a conflict they imagined back in the 1980s, which never actually occurred, against a vanished Soviet empire. Meanwhile, China is executing a winning strategy in the world of today. It is burning hard toward domination of the future space markets that will define the next century. They are planning infrastructure in space that will control 21st-century telecommunications, energy, transportation, and manufacturing. In doing so, they will acquire trillion-dollar revenues as well as the deep capabilities that come from continuous operational experience in space. This will deliver space dominance and global hegemony to China’s authoritarian rulers.

Despite the fact that many in the policy and intelligence communities understand exactly what China is doing and have been trying to alert leadership, Air Force leadership has convinced the White House to fund only a slightly better satellite command with the same leadership, while sticking a new label onto their outmoded thinking. A U.S. Space Force or Corps with a satellite command will never fulfill Trump’s call to dominate space. Air Force leadership is demonstrating the same hubris that Gen. George Custer used in convincing Congress, over President Ulysses S. Grant’s better experience intuition, that he could overtake the Black Hills with repeating rifles and artillery. That strategy of technological overconfidence inflamed conflict rather than subduing it, and the 7th Cavalry were wiped out at the Battle of the Little Bighorn.

The West was actually won by the settlers, ranchers, miners, and railroad barons who were able to convert the wealth of the territory itself into the means of holding it. They laid the groundwork that made the 20th century the American Century and delivered freedom to millions of people in Europe and Asia. Of course, they also trampled the indigenous people of the American West in their wake—but empty space comes with no such bloody cost. The very emptiness and wealth of this new, if not quite final, frontier, however, means that competition for resources and strategic locations in cislunar space (between the Earth and moon) will be intense over the next two decades. The outcome of this competition will determine the fate of humanity in the next century.

China’s impending dominance will neutralize U.S. geopolitical power by allowing Beijing to control global information flows from the high ground of space. Imagine a school in Bolivia or a farmer in Kenya choosing between paying for a U.S. satellite internet or image provider or receiving those services for free as a “gift of the Chinese people.” It will be of little concern to global consumers that the news they receive is slanted or that searches for “free speech” link to articles about corruption in Western democracies. Nor will they care if concentration camps in Tibet and the Uighur areas of western China are obscured, or if U.S. military action is presented as tyranny and Chinese expansion is described as peacekeeping or liberation.

China’s aggressive investment in space solar power will allow it to provide cheap, clean power to the world, displacing U.S. energy firms while placing a second yoke around the developing world. Significantly, such orbital power stations have dual use potential and, if properly designed, could serve as powerful offensive weapons platforms.

China’s first step in this process is to conquer the growing small space launch market. Beijing is providing nominally commercial firms with government-manufactured, mobile intercontinental ballistic missiles they can use to dump launch services on the market below cost. These start-ups are already undercutting U.S. pricing by 80 percent. Based on its previous success in using dumping to take out U.S. developed industries such as solar power modules and drones, China will quickly move upstream to attack the leading U.S. launch providers and secure a global commercial monopoly. Owning the launch market will give them an unsurmountable advantage against U.S. competitors in satellite internet, imaging, and power.

The United States can still build a strategy to win. At this moment, it holds the competitive advantage in every critical space technology and has the finest set of commercial space firms in the world. It has pockets of innovative military thinkers within groups like the Defense Innovation Unit, under Mike Griffin, the Pentagon’s top research and development official. If the United States simply protects the intellectual property its creative minds unleash and defend its truly free markets from strategic mercantilist attack, it will not lose this new space race. The United States has done this before. It beat Germany to the nuclear bomb, it beat the Soviet Union to the nuclear triad, and it won the first space race.

None of those victories was achieved by embracing the existing bureaucracy. Each of them depended on the president of the day following the only proven path to victory in a technological domain: establish a small team with a positively disruptive mindset and empower that team to investigate a wide range of new concepts, work with emerging technologies, and test innovative strategies. Today that means giving a dedicated Space Force the freedom to easily partner with commercial firms and leverage the private capital in building sustainable infrastructure that actually reduces the likelihood of conflict while securing a better economic future for the nation and the world.

#### Hegemony solves extinction

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Zachary Keck is Managing Editor of The Diplomat, The Diplomat, January 24, 2014, “America’s Relative Decline: Should We Panic?”, http://thediplomat.com/2014/01/americas-relative-decline-should-we-panic/

Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its Regardless of your opinion on U.S. global leadership over the last two decades, however, there is good reason to fear its relative decline compared with China and other emerging nations. To begin with, hegemonic transition periods have historically been the most destabilizing eras in history. This is not only because of the malign intentions of the rising and established power(s). Even if all the parties have benign, peaceful intentions, the rise of new global powers necessitates revisions to the “rules of the road.” This is nearly impossible to do in any organized fashion given the anarchic nature of the international system, where there is no central authority that can govern interactions between states.

We are already starting to see the potential dangers of hegemonic transition periods in the Asia-Pacific (and arguably the Middle East). As China grows more economically and militarily powerful, it has unsurprisingly sought to expand its influence in East Asia. This necessarily has to come at the expense of other powers, which so far has primarily meant the U.S., Japan, Vietnam and the Philippines. Naturally, these powers have sought to resist Chinese encroachments on their territory and influence, and the situation grows more tense with each passing day. Should China eventually emerge as a global power, or should nations in other regions enjoy a similar rise as Kenny suggests, this situation will play itself out elsewhere in the years and decades ahead.

All of this highlights some of the advantages of a unipolar system. Namely, although the U.S. has asserted military force quite frequently in the post-Cold War era, it has only fought weak powers and thus its wars have been fairly limited in terms of the number of casualties involved. At the same time, America’s preponderance of power has prevented a great power war, and even restrained major regional powers from coming to blows. For instance, the past 25 years haven’t seen any conflicts on par with the Israeli-Arab or Iran-Iraq wars of the Cold War. As the unipolar era comes to a close, the possibility of great power conflict and especially major regional wars rises dramatically. The world will also have to contend with conventionally inferior powers like Japan acquiring nuclear weapons to protect their interests against their newly empowered rivals.

But even if the transitions caused by China’s and potentially other nations’ rises are managed successfully, there are still likely to be significant negative effects on international relations. In today’s “globalized” world, it is commonly asserted that many of the defining challenges of our era can only be solved through multilateral cooperation. Examples of this include climate change, health pandemics, organized crime and terrorism, global financial crises, and the proliferation of weapons of mass destruction, among many others.

A unipolar system, for all its limitations, is uniquely suited for organizing effective global action on these transnational issues. This is because there is a clear global leader who can take the initiative and, to some degree, compel others to fall in line. In addition, the unipole’s preponderance of power lessens the intensity of competition among the global players involved. Thus, while there are no shortages of complaints about the limitations of global governance today, there is no question that global governance has been many times more effective in the last 25 years than it was during the Cold War