## 1

#### Interpretation: Appropriation refers to sovereign claims of land.

Melissa J. **Durkee 19**, J. Alton Hosch Associate Professor of Law, University of Georgia, "Interstitial Space Law," Washington University Law Review 97, no. 2 423-482

Those answering this question in the affirmative have access to a strong textual argument. Article II of the Outer Space Treaty specifically references "national" **appropriation**.17 9 The context surrounding that appears to confirm that the prohibition of "national" appropriation is directed at nations, as only a nation could have a legitimate "claim of sovereignty." 180 Moreover, "occupation" refers to old international legal doctrines that once allowed nations to claim territory based on occupation. The historical context within which the treaty was drafted supports this position, as the concern of the time was colonization, not commercial use of space resources. As for private parties, they are specifically anticipated by the treaty: **Article VI states that States Parties bear international responsibility for activities by "non-governmental entities" as well as governmental agencies**.' 8 1 The fact that they are anticipated by the treaty but not included in the Article II prohibition on appropriation suggests that the treaty intended to prohibit only national appropriation of outer space resources.18 2 Those claiming that the treaty prohibits both national appropriation and appropriation by private parties can marshal their own textual argument. Article VI defines "national activities in outer space" to include both "activities . .. carried on by governmental agencies" and those carried on by "non-governmental entities." 8 3 This definition of "national" must inform Article II's prohibition on "national" appropriation and thus extend to a nation's citizens **and commercial entities** as well as governmental activities. Moreover, a contrary interpretation defies logic: **if nations themselves may not claim property rights to outer space objects, they have no power to confer those rights on their nationals.**184

#### Violation: they only defend asteroid mining which is extraction – those are distinct – prefer rigorous legal analysis.

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Secondly, even if nations, businesses, and individuals are equally bound by the non-appropriation principle, the scope of that restriction is not entirely clear from the text of Article II.59 It is unlikely, however, that the non-appropriation principle is an absolute ban on the ownership of resources extracted in outer space.

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

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

II. Legal Regimes Distinguishing Resource Extraction from Appropriation

Although the OST does not provide a comprehensive guideline for resource extraction in outer space, its foundational logic provides a workable distinction between ownership and use. This part explores three property regimes developed under the same fundamental constraints as the non-appropriation principle: the United Nations Convention on the Law of the Sea (“UNCLOS”), the Antarctica Treaty System, and the prior appropriation doctrine as applied in United States water law.63 Under each regime, parties may establish some form of ownership in extracted resources despite being restricted from claiming sovereignty over the underlying land.

Each section includes a brief discussion of the property regime’s history, its major traits and their relationship to the overarching characteristics of the non-appropriation principle. This part further describes how each property regime fits within the non-appropriation principle’s prohibition on claims to land, while prohibiting waste, separating land ownership from rights to extracted resources, enforcing liability for destruction or damage, and establishing a simple regulatory system to manage claims.

A. **The Law(s) of the Sea: UNCLOS and the Seabed Act**

International and national maritime laws addressing resource extraction deal with many of the same obstacles present in outer space. Like outer space, “[t]he seabed is rich in minerals…[c]ollecting and mining these minerals is expensive and requires sophisticated technology capable of reaching the great depths.”64 Additionally, the international regulatory regime created to address seabed mining contemplates widely applicable issues including the “protection and preservation of the marine environment,” “promot[ing] the peaceful uses of the seas and oceans,” and the “efficient utilization” of the resources therein.65 Although international law forms the backbone of seabed mining regulations, individual nations have concurrently developed their own regulations.

The foremost international maritime law is the United Nations Convention on the Law of the Sea (“UNCLOS”).66 The current iteration of UNCLOS came into force in 1982, replacing decades of international treaties that had not addressed seabed mining.67 The 1982 UNCLOS established the International Seabed Authority (“ISA”), a body responsible for managing seabed mining through regulations and licensing.68 UNCLOS further established a dispute resolution system through the Seabed Disputes Chamber of the International Tribunal.69

The United States found some features of the 1982 UNCLOS objectionable. Originally, the ISA was empowered to create an entity called the “Enterprise”, which would conduct mining operations for the benefit of developing countries alongside private mining operations.70 Under this agreement, private businesses were compelled to provide the Enterprise with the location of discovered minerals and the technology necessary to extract them, all in addition to the funding from member states.71 Some of these requirements proved controversial.

Several developed nations subsequently rejected UNCLOS and signed the “Provisional Understanding Regarding Deep Seabed Matters” (“The Provisional Understanding”) in 1984.72 The Provisional Understanding established “…procedures to follow in order to avoid overlapping claims to seabed sites,” while encouraging reciprocal recognition of other party’s claims.73 The Group of 77—a coalition of developing countries—and the ISA, criticized the Provisional Understanding on the grounds that it established an illegal regime.74 As one critic concedes, however, the Provisional Understanding is probably legal because it “…neither claims sovereignty or ownership…nor grants exclusive rights…” to seabed areas.75

UNCLOS was renegotiated in 1994, in part due to the changes brought about by the end of the Cold War and decreased focus on deep-seabed mining.76 Among the changes, it secured permanent seats on the ISA Council for the United States and Russia,77 created a Finance Committee consisting of the five parties with the largest financial contributions,78 removed mandatory funding of the Enterprise,79 made technology-sharing optional,80 and made development plans a prerequisite for granting permits for resource mining.81 Despite these changes, the United States “remains the only major seafaring nation” that has not ratified 1994 Agreement.82

The United States’ disagreements with the 1982 UNCLOS led to the creation of an interim national law called the Deep Seabed Hard Mineral Resources Act (“Seabed Act”).83 While the Seabed Act is intended as a temporary regime, it acknowledges that a functional international regime may take some time to develop.84 Under the Seabed Act, companies are required to obtain licenses and permits to explore and extract, both of which expire after a period of years.85

The United States has not entirely abandoned UNCLOS. Addressing recent conflicts in the South China Sea, President Trump called for “…claimants to clarify and comport their maritime claims in accordance with the international law of the sea as reflected in the 1982 United Nations Convention on the Law of the Sea…”86 Additionally, several United States presidents have supported ratification of UNCLOS since the 1994 Agreement.87 And, although President Reagan was dissatisfied with the 1982 UNCLOS, changes incorporated into the 1994 Agreement have addressed those complaints.88

The laws regulating resource extraction in the sea share major traits with the non-appropriation principle, as UNCLOS and the Seabed Act allow parties to establish property rights in extracted resources without violating the non-appropriation principle. First, under both regimes, parties extract minerals without laying claim to underlying land.89 Secondly, UNCLOS’s requirement for development plans and the Seabed Act’s licensing-system place some pressure on parties to extract resources or forfeit their rights.90 This feature prevents parties from sleeping on a license, thereby encouraging productive use of land. In other words, the licensing system reduces waste and protects against de facto ownership of land resulting from inordinately long periods of occupation. The United States, by adopting both traits from UNCLOS, and voicing its willingness to enter into a robust international regime for resource extraction, indicates support for an international regime reflecting those features.

Even if the United States’ framework under the Seabed Act were adopted as a model for resource extraction in space, it comports with the non-appropriation principle. The United States’ conceptual distinction between land ownership and resource extraction is a gauge for whether it would accept a similar arrangement for space law.91 And, while the United States is only one of many members of the international community, it is difficult to conceive of a successful international agreement without the involvement of the major spacefaring nations.

B. **The Antarctic Treaty System**

The Antarctic Treaty92 and the subsequent agreements collectively regulating the peaceful use of Antarctica form the “Antarctic Treaty System.”93 The first of these treaties was created in 1959 to preserve environmental integrity and prohibit violence in the region.94 Antarctica’s size, impenetrableness, and vast resource stores have made it a reoccurring model for outer space law.95 While the Antarctic Treaty System shares key features with the law of outer space, its development and subsequent legal regime is distinctive.

Several nations made property claims to Antarctica before the first Antarctic Treaty.96 Parties suspended those claims, however, in effort to moderate claims and prevent Antarctica from becoming a site of violent competition.97 Although the 1959 Antarctic Treaty does not directly address resource-mining, parties “…understood that the question of how Antarctic mineral activity was to be regulated…would not go away.”98

The international community originally attempted to establish a legal regime for Antarctica that distinguished between sovereign claims and resource extraction. The Convention on the Regulation of Antarctic Mineral Resource Act (“CRAMRA”) was the first venture to provide a foundation for an international property regime in Antarctica.99 CRAMRA defined, as a means to regulate resource mining, three categories of resource-related activity: “prospecting”, “exploration”, and “development.”100 The Regulatory Committee, one of several institutions established under CRAMRA, was responsible for considering permit applications for the “exploration and development” of mineral resources.101 Unlike exploration and development, prospecting does not require the authorization of any of the institutions.102

CRAMRA’s definition of “prospecting” is crucial for understanding the role of property rights under the regime. Prospecting includes the investigation of areas for potential exploration or development using a variety of sensing technologies.103 Dredging, excavation, or drilling, however, are defined as “prospecting” only if used for the purpose of obtaining small-scale samples or drilling less than 25 metres.104 Furthermore, activities defined as “prospecting” do not confer property rights to mineral resources.105 As a result, an operator gains property rights to mineral resources “…at the exact point where prospecting activities cease to be prospecting activities and become exploration or development activities.”106

The six years of negotiation that culminated in CRAMRA107 were not ultimately fruitful. Under its terms, CRAMRA could not enter into force unless all states with territorial claims to Antarctica were parties to it.108 Australia and France, while supportive of CRAMRA during negotiations, stated in 1989 that they would not ratify the Convention.109 Consequently, no nations have ratified CRAMRA.110

Antarctic resource extraction is currently regulated under the Protocol on Environmental Protection to the Antarctic Treaty, also known as the “Madrid Protocol”.111 Concluded in 1991, the Madrid Protocol prohibits “…[a]ny activity relating to mineral resources, other than scientific research…”112 Parties to the Madrid Protocol are able to reconsider the ban on commercial resource mining in 2048 and have reaffirmed the moratorium as recently as 2016.113

Although it was not ultimately adopted, CRAMRA’s negotiation provides insight into the international community’s willingness to create a resource extraction regime starting from a premise that ownership and use are distinct. Although CRAMRA permitted nations to extract resources, extraction explicitly could not amount to ownership of the underlying land.114 From that premise, CRAMRA does not grant property rights to parties who have merely used sensing technologies on the land, requiring more significant labor through activities like drilling or dredging.115

While the Madrid Protocol removes commercial resource extraction as an option, it allows nations to extract scientific samples without requiring—or permitting—claims of sovereignty.116 Because the Madrid Protocol “neither modif[ies] nor amends” the framework laid out by the Antarctic Treaty,117 extraction—whether scientific or commercial—remains separate from the ownership of underlying land. While the international community chose to restrict commercial extraction in Antarctica, that arrangement is a result of environmental concerns and not the failure to develop a property regime.118 CRAMRA’s successful illustration of a property regime remains instructive for the international community as it develops finer points of space law.

C. **The Prior Appropriation Doctrine**

The prior appropriation doctrine is a system developed in the American West to simplify miners’ water claims, granting rights to use the water to whoever made beneficial use of it first.119 The prior appropriation doctrine is useful for analyzing the law of outer space in both functional and abstract ways. First, scientists expect that water will be necessary for creating fuel and breathable air in outer space.120 Secondly, the prior appropriation doctrine evolved to resolve various claims in the water-scarce American West.121 The prior appropriation doctrine developed against the backdrop of commercial/private tension, embodies deeply-rooted American ethical assumptions, and contemplates the “public ownership” of underlying land.122 The prior appropriation doctrine is also “a rule of scarcity, not plenty,” and is therefore concerned with managing limited resources.123 These features of the doctrine make it a useful comparison to the demands of outer space resource extraction. Most importantly, the prior appropriation doctrine has resulted in an intuitive set of rules distinguishing between ownership and productive use.

The prior appropriation doctrine grew out of the chaos and grit that embodied the mining rush to the Western United States.124 The unpredictable availability of water, combined with the need for a simple adjudicative system, led early miners and farmers to adopt an “intuitive common sense” system of rules to resolve water claims.125 Essentially, the first claimant to make actual beneficial use of the water has senior rights to later users.126 Claimants do not own the land, however, but rather the right to use the water.127 Consequently, claimants may transfer their rights to the use but the public ultimately owns the water.128 Each of these features is explored below.

Central to the prior appropriation doctrine, and exemplified in Colorado’s constitution, is that water is a publicly owned resource.129 This concept stands in contrast to the idea that ownership of land is tied to ownership of the land’s water.130 The prior appropriation doctrine severs those concepts from one another, justifying citizens’ right to appropriate water while nullifying riparian claims.131 This feature is a doctrinal cornerstone of the prior appropriation system, as it distributes ultimate decision-making authority to the public while protecting valid claims.

Not all claimants establish or retain valid claims to use diverted water. Prior appropriation requires a claimant to make actual beneficial use of the water to obtain and retain their right to continue that use.132 In the context of the doctrine’s development, this stipulation prevented vast, speculative hoarding of property for the purpose of a later sale.133 This emphasis on “antispeculation” is derived from the era’s intensely anti-monopoly sentiment, favoring the distribution of water rights to those who could make actual use of the land.134 Therefore, claimants must define the location and expected scope of their use to establish or transfer rights.135

Parties who establish valid claims are protected against other future users who seek to use the same water at the earlier claimant’s detriment. Parties who make actual beneficial use of water have “seniority” over later claimants who use the water for similar purposes.136 In this system of senior and junior claimants, the latter must yield their use to senior claimants in times of water scarcity.137 Although this arrangement protects senior claimants from losing their use in times of scarcity, one scholar notes that claims often avoid their seniority.138 Furthermore, some states simply prohibit senior claimants from enforcing their priority over junior claimants when doing so would be futile.139 Claimants may actually benefit from avoiding enforcement, especially when enforcement is sought solely to prove seniority at the expense of junior claimants.140

Because prior appropriation separates the ownership of land from rights to beneficial use of water, claimants can freely transfer their validly established water rights.141 The technology claimants use to divert water for “out-of-stream” uses, like mining and agriculture, helps make the use “measurable and enforceable,” and therefore identifiable for transfer.142 Although transfers require new users to satisfy the actual beneficial-use requirement, the arrangement is flexible enough to facilitate the temporary transfer of use rights.143 The prior appropriation’s system of senior and junior claimants is enforced and regulated by a centralized authority. Acting in a “trusteeship role,” the government is responsible for enforcing validly established water rights.144 Although enforcement is sometimes avoided, as noted above, the value of a senior claim is necessarily dependent on the enforcement of those rights, especially when water is in short supply.145 In addition to adjudicating claims, the government is responsible for the “conservation of the public’s water resources.”146 Here, the implications of the “public ownership” concept is significant:

…[T]he state assumed a trusteeship role to administer the waters of the state for the benefit of the public. As such, it became responsible not only for minimal administrative functions but also for administration of the kind a trustee owes to the beneficiary of the trust. Its responsibilities include, first and foremost, the conservation of the estate and avoidance of waste; second, the promotion of beneficial use by assisting the appropriator in achieving use objectives to the maximum extent feasible; third, the representation of beneficiaries in a parens patriae capacity and maintaining the use regimen on the river system; and fourth, the promotion of efficiency and prudence of the kind expected of a trustee.147

The prior appropriation doctrine serves as a unique example for space law because of how it conceptualizes land ownership. Underlying land is available for use not because it is “unowned,” but because it is owned by a community who has the right to make productive use of it.148 Because the community owns the land, claimants have an obligation to use the land properly and the government is responsible for stewardship.149 This framing fits neatly with proponents of the idea that outer space is collectively “owned” by the international community. Regardless, stewardship and government ownership do not necessarily displace the potential for productive use.

Parties do not violate the non-appropriation principle simply by extracting—or as here, diverting—resources from the land. At no point does extraction equate to a sovereign claim over the land. In instances where non-productive use or the like violates those principles, property rights disappear. Furthermore, the OST encourages the idea that outer space is to be used to benefit the broader international community.150 The prior appropriation doctrine illustrates that parties can establish and transfer robust property rights in resources independent from land-ownership, while promoting beneficial use

#### Standards:

#### 1] Precision – non-topical affs violate tournament rules so the judge doesn’t have the jurisdiction to vote on them and it controls the internal to pragmatic offense in a question of models because it decks predictable stasis.

#### 2] Limits – allowing extraction to equate to sovereign claims explodes limits by shifting the debate away from sovereign claims to celestial bodies to permutations of parts of celestial bodies that companies could extract – leads to unbeatable affs that just ban extraction of one resource which the neg can’t ever predict. Forcing the affirmative to defend sovereign claims to celestial bodies is net better.

#### 3] TVA – defend an aff that bans sovereign claims to celestial bodies – solves your offense since you still get property rights fight offense.

#### Fairness is a voter – it’s a gateway issue to the ballot and every argument assumes the judges evaluates fairly.

#### Drop the debater to deter future abuse and since substance is skewed.

#### CI – Reasonability is arbitrary and we don’t know the brightline while prepping. Collapses since it uses an offense/defense paradigm to win it.

#### No RVIs- A] Illogical- you don’t win for being fair B] Encourages baiting theory which proliferates abuse C] Chills checking abuse for fear of the RVI

## 2

#### The Space Economy is rapidly growing – all thanks goes to the private sector

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This has drawn tremendous interest from both entrepreneurs and investors, as space became not just an exciting, but also a lucrative, investment. Figure 4 shows how SpaceX’s success has since sparked a rapid increase in private investments in space. **From less than US$500 million per year in 2009, private investment in space had grown to over US$5 billion per annum by 2019**. [32]. Fig. 4. Cumulative private investments. The next section offers an analysis of how the space economy is expected to grow in the future and the role that private investment will continue to play in it. Future Outlook of Space Revenues and Investments The analysis and research provided above clearly indicates that the commercial sector has a much higher impact on the monetary size of the space economy than the government sector. While the government may have started space research, the growth of the space economy is now driven primarily by private sector initiatives. The space economy’s growth looks promising over the next decades, as humans look to leverage the earthoriented opportunities (communications, earth observation, etc.) in the near term and the prospects of mining, space tourism, as well as Moon & Mars expeditions in future. Several organizations have made forecasts of the space economy using slightly different starting points and future assumptions. The Science & Technology Policy Institute [17] has collated and reviewed some of these forecasts, as provided in Table 4 below. According to its report published in 2017, Morgan Stanley estimates that the global space industry could generate more than US$1 trillion in revenue by 2040 [33]. As per the report, the industry growth in the next 5-7 years is likely to be driven by the launches of LEO satellite constellations and their associated services, while growth after 2026, to a substantial extent, will be determined by what are mentioned as ‘second order impacts’ in the report – essentially this will require the New Space Economy businesses to start pulling their weight from a commercial perspective. Fig. 5. The global space economy (US$ million). It is evident that while the near-term opportunities are satellite-led and relatively well-established, new space opportunities, that is, asteroid mining, space tourism and the colonization of Mars, are novel and riskier, in terms of both economic value and timelines. **Significant investments will be required before some of these are realized.** Keeping this in view, a forecast was made for space industry revenues till 2040. Investments required to achieve these revenues were also assessed through quantitative regression analysis. A. Space Economy Forecast Till 2040 The historical data for space economy size used earlier in Table 1 was projected forward to forecast the size of the economy till 2040. As per Table 1, the space economy grew at 6.5% from 2005-2019, with the commercial economy growing at 7.3% and the government at 3.9%. Significant recent growth can be attributed to the need for more satellites by a rapidly digitizing world. This is a relatively low-hanging fruit for private sector exploitation. However, it is expected that with increasing scale and greater technical challenges to be overcome in non-satellite business, the growth over the next two decades may be lower than what has been witnessed over the last decade. Hence, the following assumptions have been made for the forecast. Annual growth rate of Commercial Economy: 6.5% Volume 10 Issue 3 (2021) ISSN: 2167-1907 www.JSR.org 11 Annual growth rate of Government Economy: 3% The above assumptions led to a forecast for the space economy as per Table 5 below. The above forecast suggests that the **space economy will grow from US$424 billion in 2019 to US$1.4 trillion by 2040, at an annualized rate of about 6%.** The **size of the commercial economy by 2040 will be US$1.26 trillion, while the government economy will be US$162 billion.** This indicates that the share of the government economy in the total space economy would decline from 20.5% in 2019 to 11.3% in 2040.

#### Specifically, mining boosts the economy – it’s a major source of investment for space exploration and every country is interested

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**Space exploration is back. after** decades of disappointment, **a combination of better technology, falling costs and a rush of competitive energy from the private sector has put space travel front and center.** indeed, **many analysts (even some with their feet on the ground) believe that commercial developments** in the space industry **may be on** the **cusp of starting the largest resource rush in history: mining on the Moon, Mars and asteroids**. While this may sound fantastical, some baby steps toward the goal have already been taken. Last year, **NASA awarded contracts to four companies to extract small amounts of lunar regolith by 2024, effectively beginning the era of commercial space mining**. Whether this proves to be the dawn of a gigantic adjunct to mining on earth — and more immediately, a key to unlocking cost-effective space travel — will turn on the answers to a host of questions ranging from what resources can be efficiently. As every fan of science fiction knows, **the resources of the solar system appear virtually unlimited compared to those on Earth. There are whole other planets, dozens of moons, thousands of massive asteroids and millions of small ones that doubtless contain humungous quantities of materials that are scarce and very valuable (back on Earth).** Visionaries including Jeff Bezos imagine heavy industry moving to space and Earth becoming a residential area. **However, as entrepreneurs look to harness the riches beyond the atmosphere, access to space resources remains tangled in the realities of economics and governance.** Salienko Evgenii/Shutterstock Start with the fact that space belongs to no country, complicating traditional methods of resource allocation, property rights and trade. **With limited demand for materials in space itself and the need for huge amounts of energy to return materials to Earth, creating a viable industry will turn on major advances in technology, finance and business models**. That said, there’s no grass growing under potential pioneers’ feet. **Potential economic, scientific and even security benefits underlie an emerging geopolitical competition to pursue space mining. The United States is rapidly emerging as a front-runner, in part due to its ambitious Artemis Program to lead a multinational consortium back to the Moon.** But it is also a leader in creating a legal infrastructure for mineral exploitation. The United States has adopted the world’s first spaceresources law, recognizing the property rights of private companies and individuals to materials gathered in space. However, the United States is hardly alone. **Luxembourg and the United Arab Emirates (you read those right) are racing to codify space-resources laws of their own, hoping to attract investment to their entrepot nations with business-friendly legal frameworks. China reportedly views space-resource development as a national priority, part of a strategy to challenge U.S. economic and security primacy in space. Meanwhile, Russia, Japan, India and the European Space Agency all harbor space-mining ambitions of their own.** Governing these emerging interests is an outdated treaty framework from the Cold War. Sooner rather than later, we’ll need new agreements to facilitate private investment and ensure international cooperation.

#### Private Space Exploration *solves* recession

**Sidorov 20** [ Konstantin Sidorov is chief executive of the London Tech Club. City AM “Need a way out of recession? Look to the stars” <https://www.cityam.com/need-a-way-out-of-recession-look-to-the-stars/> 11/23/2020] //aaditg

“We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard; because that goal will serve to organize and measure the best of our energies and skills.” These words by President John F. Kennedy are as important today as they were when he spoke in 1962. **Asteroid mining may seem like something out of a sci-fi movie**, and not the most obvious choice of investment, especially during a global pandemic and recession. **But it is exactly these kinds of aspirations that have pushed human endeavour and technological advancement to new heights. The discoveries** made along the way to achieving these sky-high goals have become integral parts of our daily lives — and **could even help us out of this recession.** The economics of space is now a crucial part of the market and no longer only in the realm of government ende**avour. Private capital is paving the way for public partnerships. Supply chains in the “new space economy” are accelerating, startups are emerging, and clusters are forming.** Old space discovery was defined by the Russian Voshod and Vostok and the US Apollo missions. We have entered a space age defined by private enterprise. **Financial firms Goldman Sachs, Morgan Stanley and Bank of America Merrill Lynch have each conducted their own studies and found the space economy could reach between $1 trillion and $2.7 trillion by the 2040s. That would make it larger than the 2017 GDP of the UK.** But are these astronomical figures relevant to people beyond the likes of Elon Musk, Jeff Bezos and Richard Branson? The answer is a resounding yes. The space sector is made up of a hidden infrastructure which most people do not see but is central to the technology that surrounds us. The strides humankind is making in space are integral to the day-to-day things we take for granted. Space plays an indispensable role in the global economy. The highest grossing sectors — agriculture, mining, transportation, IT, finance, and insurance — all heavily rely on systems and technology developed for space. We know that without satellite **observation our navigation and mapping capacity would be significantly reduced.** But that is only the start. Satellite data is being harnessed to protect critical infrastructure, and can be used to prevent disasters like the Morandi bridge collapse in Genoa by monitoring and holding critical information to better manage and maintain these types of structures. Given that there are over 80,000 ageing bridges in Canada alone, most with a design life of less than 100 years, the potential impact could be huge. The insurance industry can also be transformed by “mega constellations” — a group of artificial satellites working together as a system to provide permanent global coverage. Insurers are excited about the prospect of increased real-time data on hurricanes, especially the ability to use imagery and analytics to speed up or question claims. **Amazon is rolling out plans to launch over 3,200 satellites to over 95 per cent of the Earth’s surface.** The initiative is to launch a constellation of low Earth orbit satellites that will provide low-latency, high-speed broadband connectivity to the unserved communities around the world. Starlink, built by SpaceX, is launching “constellation broadband” to deliver higher-speed internet connections across the world. The volume of space spin-off industries is multiplying every year. **NASA has created more than 2,000 inventions that later became widespread products and services. Innovations such as the dialysis machines, CAT scanners and freeze-dried food are all a result of space-related projects.** Without investment in space exploration we would be without memory foam or GPS, while an adaptation of the spacesuit upgrade led to the creation of the Nike Air footwear. We are only going to become more dependent on space technologies as AI and the fourth industrial revolution take off. Satellite data and its deep-learning technology are being used to map and monitor solar energy assets for smart city and smart grid initiatives. The AI combines satellite data with other factors such as weather information and local government policies to provide a complete picture of the emissions and financial benefits the technology could bring. And yet, despite these strides, space exploration is still not considered a central part of our everyday lives. That needs to change. Governments must recognise its strategic importance. Consumers must realise how the space industry affects their everyday actions. Investors must consider the value of investment into the sector. Space is key to protecting our people, promoting our global influence, and providing future prosperity.

#### Recessions cause war – stats support transition wars, resource conflicts, terrorism, and diversionary wars – other authors don’t base their analysis on global studies

**Royal ’10 [**Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises”, 2010, Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215**]**PM

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent slates. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (2008) advances Modelski and Thompson's (19%) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often-bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (sec also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, likelihood for conflict increases. as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession lends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & I less. 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Wccrapana. 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory' suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DcRoucn (1995), and Blomberg. Mess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DcRoucn (2000) has provided evidence showing that periods of **weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force**. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

**That causes global nuclear war.**

**Merlini ’11 [**Cesare, was a nonresident senior fellow at the Center on the United States and Europe and is chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome, “A Post-Secular World?”, 03-30-2011, Routledge, https://www.brookings.edu/wp-content/uploads/2016/06/04\_international\_relations\_merlini.pdf**]**PM

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states**, perhaps even involving the use of nuclear weapons**. **The crisis might be triggered by a collapse of the global economic and financial system**, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.

## 3

**Outer Space Laws are unclear – private corporations are still capable of escaping due to loopholes in the plan.**

**Green and Stark 17** [Christopher and Eda, “Outer Space Treaty and Beyond: Do Existing Space Laws Put an Astronomical Barrier to Private IP Rights in Space?”, JDSUPRA. 8 September 2020 https://www.jdsupra.com/legalnews/outer-space-treaty-beyond-do-existing-44028/] //DebateDrills LC

Our **limited body of space law provides little guidance**. The first international treaty, the “Outer Space Treaty,” was signed by the U.S., Russia, and the U.K. in 1967, quickly followed by the Rescue Agreement. Over the next two decades, three other treaties—the Liability Convention, the Registration Convention, and the Moon Agreement—were also signed by these nations, with most countries following in their footsteps.[3] But after that rapid succession of international treaties, there have since been few others. These five documents form the basis of the international space law we have today, but **none address the issue of**[**intellectual property rights in space**](https://www.fr.com/fish-litigation/ip-rights-outer-space/). Rather, upon inspection, it appears that **the stated purpose of these treaties may be antithetical to intellectual property protection.**

The “Outer Space Treaty” espouses communal themes in characterizing space as the “province of all mankind,” the “common heritage of mankind” and to the “benefit of all countries.”[4] Unsurprisingly, Article II of the Outer Space Treaty prohibits any appropriation of areas in space, keeping in line with its principle of communal property.[5] On the other hand, **patents are fundamentally territorial and grant monopoly rights for a period of time. Applied to space, it is unclear just what is open for patent protections.**

For example, **can private companies patent orbital patterns of satellites**? Currently, companies may patent the technology or design of satellites that stay in a particular orbit, even if not the orbital pattern itself.[6] The practical implications of this are significant, especially with the advent of satellite constellations. If particular satellite technologies, and, indirectly, their orbital patterns, are patentable, then a significant portion of space may be occupied by one satellite constellation, i.e. one company alone.[7] Does this private apportionment of space run counter to our notions of sharing space? Some argue that **the Outer Space Treaty only bans sovereign appropriation and does not limit private entities from exerting claims**. Others counter that private property rights flow from sovereign property claims, so the former is meaningless without the latter.[8] So the question remains, **can the stated goals of sharing outer space be reconciled with the proprietary nature of patents**?

**Our current corpus of space treaties comes from a period of history when space exploration was undertaken primarily by governments** rather than private actors. The cooperative goals were likely a reaction to the time, as the world was coming out of a charged space race. **The silence of these space treaties on intellectual property rights presents an opportunity for modern-day agreements to provide patent protections for private companies**. Without robust international agreement on patents for space, we may even see less international cooperation as companies refuse to divulge their discoveries.[9] Now, as more and more private companies enter space exploration and carry the torch of innovation, **it is more important than ever to strike a balance between sharing our “common heritage” and providing patent protections that incentivize invention.**[10]

**The affirmative has no true enforcement mechanism – private corporations can just circumvent since they have the funding to launch rockets on their own.**

**Sheetz 21** [Michael, “Elon Musk’s SpaceX raised about $850 million, jumping valuation to about $74 billion”, CNBC. 16 February 2021. https://www.cnbc.com/2021/02/16/elon-musks-spacex-raised-850-million-at-419point99-a-share.html] //DebateDrills LC

**SpaceX completed another monster equity funding round of $850 million last week**, people familiar with the financing told CNBC, sending **the company’s valuation skyrocketing to about $74 billion.**

**The company raised the new funds at $419.99 a share**, those people said — or just 1 cent below the $420 price that [Elon Musk](https://www.cnbc.com/elon-musk/) [made infamous in 2018](https://www.cnbc.com/2018/09/28/sec-says-elon-musk-at-tesla-chose-420-price-as-pot-reference.html) when he declared **he had “funding secured” to take**[**Tesla**](https://www.cnbc.com/quotes/TSLA)**private** at that price.

The latest round also represents **a jump of about 60% in the company’s valuation** from its previous round in August, when [S**paceX raised near $2 billion at a $46 billion valuation**](https://www.cnbc.com/2020/10/14/tesla-investor-ron-baron-spacex-has-a-chance-to-be-just-as-large.html).

SpaceX did not immediately respond to CNBC’s request for comment. In addition to SpaceX further building a war chest for its ambitious plans, **company insiders and existing investors were able to sell $750 million in a secondary transaction**, one of the people said.

The people spoke on condition of anonymity because SpaceX is not a publicly traded company and the fundraising talks were private. SpaceX raised only a portion of the funding available in the marketplace, with one person telling CNBC that **the company received “insane demand” of about $6 billion in offers over the course of just three days**.

#### Appropriation refers to sovereign claims of land.

Melissa J. **Durkee 19**, J. Alton Hosch Associate Professor of Law, University of Georgia, "Interstitial Space Law," Washington University Law Review 97, no. 2 423-482

Those answering this question in the affirmative have access to a strong textual argument. Article II of the Outer Space Treaty specifically references "national" **appropriation**.17 9 The context surrounding that appears to confirm that the prohibition of "national" appropriation is directed at nations, as only a nation could have a legitimate "claim of sovereignty." 180 Moreover, "occupation" refers to old international legal doctrines that once allowed nations to claim territory based on occupation. The historical context within which the treaty was drafted supports this position, as the concern of the time was colonization, not commercial use of space resources. As for private parties, they are specifically anticipated by the treaty: **Article VI states that States Parties bear international responsibility for activities by "non-governmental entities" as well as governmental agencies**.' 8 1 The fact that they are anticipated by the treaty but not included in the Article II prohibition on appropriation suggests that the treaty intended to prohibit only national appropriation of outer space resources.18 2 Those claiming that the treaty prohibits both national appropriation and appropriation by private parties can marshal their own textual argument. Article VI defines "national activities in outer space" to include both "activities . .. carried on by governmental agencies" and those carried on by "non-governmental entities." 8 3 This definition of "national" must inform Article II's prohibition on "national" appropriation and thus extend to a nation's citizens **and commercial entities** as well as governmental activities. Moreover, a contrary interpretation defies logic: **if nations themselves may not claim property rights to outer space objects, they have no power to confer those rights on their nationals.**184

**Plan gets circumvented. It gets funneled through public private partnerships with space agencies.**

**Davenport 20** (Christian Davenport covers NASA and the space industry for The Washington Post's Financial desk. He joined The Post in 2000 and has served as an editor on the Metro desk and as a reporter covering military affairs. He is the author of "The Space Barons: Elon Musk, Jeff Bezos and the Quest to Colonize the Cosmos". “A dollar can’t buy you a cup of coffee but that’s what NASA intends to pay for some moon rocks”. December 3, 2020.)

**NASA** **announced** Thursday **that several companies had won contracts to mine the moon** and turn over small samples to the space agency for a small fee. In one case, a company called Lunar Outpost bid $1 for the work, a price NASA jumped at after deciding the Colorado-based robotics firm had the technical ability to deliver. “You’d be surprised at what a dollar can buy you in space,” Mike Gold, NASA’s acting associate administrator for international and interagency relations, said in a call with reporters. But the modest financial incentives are not the driver of the program. Nor to a large extent is the actual lunar soil. NASA is asking for only small amounts — between 50 and 500 grams (or 1.8 ounces to about 18 ounces). While there would be scientific benefits to the mission, **it’s** really **a tech**nology **development program, allowing companies to practice extracting resources from the lunar surface** and then selling them. It would also establish a legal precedent that would pave the way for companies to mine celestial bodies in an effort blessed by the U.S. government to help build a sustainable presence on the moon and elsewhere. To do that, **NASA** says it **needs its astronauts**, like the western pioneers, to “live off the land,” **using the resources in space instead of hauling them from Earth**. The moon, for example, has plenty of water in the form of ice. **That’s not only key to sustaining human life, but** the hydrogen and oxygen in water **could also be used as rocket fuel, making the moon a potential gas station in space** that could help explorers reach farther into the solar system. **Asteroids also have significant resources, particularly precious metals that could be used for in-space manufacturing.** While the prospect of large mining and manufacturing facilities in orbit is still many years away, NASA wants to use the mining program as a small step toward that goal. NASA is now trying to return astronauts to the moon under its Artemis program for the first time since 1972. Unlike its predecessor, Apollo, where the astronauts visited the lunar surface for a short while before coming home, the Artemis program would create a permanent presence on and around the moon. “**The ability to extract and utilize space resources is the key to achieving this objective of sustainability**,” Gold said. “We must learn to generate our own water, air and even fuel. Living off the land will enable ambitious exploration activities that will result in awe-inspiring science and unprecedented discoveries.” In 2015, then-President Barack Obama signed a law that allowed private companies the right to own the resources they mined in space. Under the program announced Thursday, NASA said the materials would be transferred from the private companies to NASA. **The effort would not violate the 1967 Outer Space Treaty**, NASA officials have said, which prohibits nations from claiming sovereignty over a celestial body. NASA Administrator Jim Bridenstine previously likened the policy to the rules governing the seas. “We do believe **we can extract and utilize the resources of the moon, just as we can extract and utilize tuna from the ocean**,” he said earlier this year. As part of its lunar exploration mission, NASA has been working to get countries around the world to adopt what it calls the Artemis Accords, a legal framework that would govern behavior in space and on celestial bodies such as the moon. The rules would allow private companies to extract lunar resources and create safety zones to prevent conflict and ensure that countries act transparently about their plans in space, while sharing their scientific discoveries. The mining announcement came during the same week that China landed a spacecraft on the moon, extracted resources and then lifted off from the lunar surface in an effort to return the sample to Earth. Instead of developing and sustaining a big government sample-return mission, **NASA is taking another approach by partnering with the private sector**. “If you step back and think about how really amazing it is that NASA can essentially piggyback on the private-sector space capabilities to perform this mission, it would not have been possible 10 years ago,” said Phil McAlister, the director of NASA’s commercial spaceflight division. **In addition to Lunar Outpost, the other companies chosen for NASA’s** program **are**: **ispace Japan and Europe**, which would each charge $5,000 for the material; **and Masten Space Systems of California**, would charge $15,000. All of the companies would already be on the moon, according to NASA, conducting other missions. McAlister said Lunar Outpost would be ferried to the moon by the lunar lander known as Blue Moon being developed by Jeff Bezos’s Blue Origin. (Bezos owns The Washington Post.) The company later clarified that it was looking at a number of landers to get it to the lunar surface, and not just Blue Origin’s. The ispace companies would fly on a Japanese lander, McAlister said, and Masten, already part of another NASA lunar contract, would use its own Masten XL-1 lander.

**Presumption – there’s zero legal basis or true enforcement mechanism for space as a “commons”**

**Herzfeld et al 15** [(Dr. Henry, Research Professor of Space Policy and International Affairs at George Washington University) “How Simple Terms Mislead Us: The Pitfalls of Thinking about Outer Space as a Commons,” Secure World Foundation, 2015] JL

Furthermore, there is a **logical contradiction** in this discussion about outer space being treated as a commons. If a commons needs a sovereign government to grant the open territory to the use of all people, it is that government that has to oversee, regulate, and enforce that charter. Art. II of the OST prohibits national sovereignty in outer space. Thus, it is an area without a government. Even if all nations regard outer space as a “commons,” it is a very different concept from any commons that has been established in the past. There is **no real legal precedent**, **no true means of oversight or enforcement**, and therefore should not be confused with any of the many ways that concept has been applied to the territory or oceans of the Earth. Thinking about space as a global commons may be a laudatory ideal, and one that perhaps can be regarded as a very long-term goal for society. But, it is hardly a practical solution or goal for the problems we face today, witnessed by at least a thousand years of precedent in law and practice coupled with radically different technologies, exponential world population growth from 500 million people (at most) in Roman times and the Middle Ages to over 7 billion people today,38 and other radical political and social changes.

## Case

Control how fw operates

Extonctoin

[1] unciertianity double bind

[2] papers over

[3] freeze action

#### NASA rock relocations thump the aff --- plan doesn’t affect, and there’s other methods of mining

Sarah **Scoles 15**, “Dust from asteroid mining spells danger for satellites,” New Scientist, 5-27-2015, https://www.newscientist.com/article/mg22630235-100-dust-from-asteroid-mining-spells-danger-for-satellites/

NASA chose the second option for its Asteroid Redirect Mission, which aims to pluck a boulder from an asteroid’s surface and relocate it to a stable orbit around the moon. But an asteroid’s gravity is so weak that it’s not hard for surface particles to escape into space. **Now a new model warns that debris shed by such transplanted rocks could intrude where many defence and communication satellites live** – in geosynchronous orbit. According to Casey Handmer of the California Institute of Technology in Pasadena and Javier Roa of the Technical University of Madrid in Spain, 5 per cent of the escaped debris will end up in regions traversed by satellites. Over 10 years, it would cross geosynchronous orbit 63 times on average. **A satellite in the wrong spot at the wrong time will suffer a damaging high-speed collision with that dust.** The study also looks at the “catastrophic disruption” of an asteroid 5 metres across or bigger. Its total break-up into a pile of rubble would increase the risk to satellites by more than 30 per cent (arxiv.org/abs/1505.03800). That may not have immediate consequences. But as Earth orbits get more crowded with spent rocket stages and satellites, we will have to worry about cascades of collisions like the one depicted in the movie Gravity. Handmer and Roa want to point out the problem now so that we can find a solution before any satellites get dinged. **“It is possible to quantify and manage the risk**,” says Handmer. “**A few basic precautions will prevent harm due to stray asteroid material.”**

#### Collision risk is infinitesimally small

**Fange 17** Daniel Von Fange 17, Web Application Engineer, Founder and Owner of LeanCoder, Full Stack, Polyglot Web Developer, “Kessler Syndrome is Over Hyped”, 5/21/2017, http://braino.org/essays/kessler\_syndrome\_is\_over\_hyped/

The orbital area around earth can be broken down into four regions. **Low LEO** - Up to about 400km. Things that orbit here burn up in the earth’s atmosphere quickly - between a few months to two years. The space station operates at the high end of this range. It loses about a kilometer of altitude a month and if not pushed higher every few months, would soon burn up. For all practical purposes, Low LEO **doesn’t matter** for Kessler Syndrome. If Low LEO was ever full of space junk, we’d just wait a year and a half, and the problem would be over. **High LEO** - 400km to 2000km. This where most heavy satellites and most space junk orbits. The air is thin enough here that satellites only go down slowly, and they have a much farther distance to fall. It can take 50 years for stuff here to get down. This is where Kessler Syndrome could be an issue. **Mid Orbit** - **GPS** satellites and other navigation satellites travel here in lonely, long lives. The **volume of space is so huge**, and the **number of satellites so few**, that we **don’t need to worry** about Kessler **here**. **GEO** - If you put a satellite far enough out from earth, the speed that the satellite travels around the earth will match the speed of the surface of the earth rotating under it. From the ground, the satellite will appear to hang motionless. Usually the geostationary orbit is used by big weather satellites and big TV broadcasting satellites. (This apparent motionlessness is why satellite TV dishes can be mounted pointing in a fixed direction. You can find approximate south just by looking around at the dishes in your northern hemisphere neighborhood.) For Kessler purposes, GEO orbit is roughly a ring 384,400 km around. However, all the satellites here are moving the same direction at the same speed - debris doesn’t get free velocity from the speed of the satellites. Also, it’s quite expensive to get a satellite here, and so there aren’t many, only about **one satellite per 1000km** of the ring. Kessler is **not a problem** here. How bad could Kessler Syndrome in High LEO be? Let’s imagine a **worst case** scenario. An evil alien intelligence chops up everything in High LEO, **turn**ing it into 1cm cubes of death orbiting at 1000km, spread as evenly across the surface of this sphere as orbital mechanics would allow. Is humanity cut off from space? I’m guessing the world has launched about 10,000 tons of satellites total. For guessing purposes, I’ll assume 2,500 tons of satellites and junk currently in High LEO. If satellites are made of aluminum, with a density of 2.70 g/cm3, then that’s **839,985,870 1cm cubes**. A sphere for an orbit of 1,000km has a surface area of 682,752,000 square KM. So there would be one cube of junk per .81 square KM. If a rocket traveled through that, its odds of hitting that cube are **tiny - less than 1 in 10,000**.

#### Lack of attribution means no retal

**Schwarzer et al ’19** [Daniela, Eva-Marie McCormack, and Torben Schutz; Director, Editor, and Associate Fellow in the Security, Defense, and Armaments Program at the German Council of Foreign Relations; Deutsche Gesellschaft fur Auswartige Politik, “Technology and Strategy: The Changing Security Environment in Space Demands New Diplomatic and Military Answers,” [https://www.ssoar.info/ssoar/bitstream/handle/document/63288/ssoar-2019-schutz-Technology\_and\_Strategy\_the\_Changing.pdf](https://www.ssoar.info/ssoar/bitstream/handle/document/63288/ssoar-2019-schutz-Technology_and_Strategy_the_Changing.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2019-schutz-Technology_and_Strategy_the_Changing.pdf);]

However, even a (misinterpreted) threat to space assets could start a chain reaction and quickly escalate an incident in space to a wider war. Successful deterrence, therefore, requires situational awareness, attribution capabilities and resilient assets. Especially the latter two are notoriously difficult to achieve in space. While it might be easy to attribute a kinetic attack executed with a missile, the same is not true for ASAT attacks by other satellites, and, especially, not for cyberattacks and electronic warfare measures. **Without clear attribution, however, it is difficult to deter any adversary, since he could speculate that an attack cannot be traced back to him** – **making** deterrence and **retaliation more difficult.** Although cross-domain deterrence, i.e. threatening an actor through potential retaliation attacks on or by other-than-space assets, is always possible, it also amplifies the problems involved in traditional deterrence: **A response has to be timely and proportionate**, and it should not further expand of the conflict.

#### Uncertainty from debris collisions creates restraint not instability BUT the aff’s reduction greenlights space war

**MacDonald 16**, B., et al. "Crisis stability in space: China and other challenges." Foreign Policy Institute. Washington, DC (2016). (senior director of the Nonproliferation and Arms Control Project with the Center for Conflict Analysis and Prevention)//Elmer

In any crisis that threatens to escalate into major power conflict, political and military leaders will face uncertainty about the effectiveness of their plans and decisions. This **uncertainty will be compounded** when potential conflict extends to the space and cyber domains, where **weapon effectiveness is largely untested** and uncertain, **infrastructure interdependencies** are unclear, and **damaging an adversary could also harm oneself or one’s allies. Unless the stakes become very high, no country will likely want to gamble its well-being in a “single cosmic throw of the dice,”** in Harold Brown’s memorable phrase. 96 The **novelty of space** and cyber warfare, coupled with **risk aversion and worst-case assessments**, could lead space adversaries into a situation of what can be called “hysteresis,” where **each adversary is restrained by its own uncertainty** of success. This is conceptually shown in Figures 1 and 2 for offensive counter-space capabilities, though it applies more generally. 97 These graphs portray the hypothetical differences between perceived and actual performance capabilities of offensive counter-space weapons, on a scale from zero to one hundred percent effectiveness. Where uncertainty and risk aversion are absent for two adversaries, no difference would exist between the likely performance of their offensive counter-space assets and their confidence in the performance of those weapons: a simple, straight-line correlation would exist, as in Figure 1. The more interesting, and more realistic, case is notionally presented in Figure 2, which assumes for simplicity that the offensive capabilities of each adversary are comparable. In stark contrast to the case of Figure 1, **uncertainty and risk aversion are present and become important factors**. Given the high stakes involved in a possible large-scale attack against adversary space assets, a **cautious adversary is more likely to be conservative** in estimating the effectiveness of its offensive capabilities, while more **generously assessing the capabilities of its adversary**. Thus, if both side’s weapons were 50% effective and each side had a similar level of risk aversion, each may conservatively assess its own capabilities to be 30% effective and its adversary’s weapons to be 70% effective. Likewise, if each side’s weapons were 25% effective in reality, each would estimate its own capabilities to be less than 25% effective and its adversary’s to be more than 25% effective, and so on. In Figure 2, this difference appears, in oversimplified fashion, as a gap that represents the realistic worry that a country’s own weapons will under-perform while its adversary’s weapons will over-perform in terms of effectiveness. If both countries face comparable uncertainty and exhibit comparable risk aversion, each may be **deterred from initiating an attack by its unwillingness to accept the necessary risks**. This gap could represent an “island of stability,” as shown in Figure 2. In essence, given the enormous stakes involved in a major strike against the adversary’s space assets, a potential attacker will likely demonstrate some risk aversion, possessing less confidence in an attack’s effectiveness. It is uncertain how robust this hysteresis may prove to be, but the phenomenon may provide at least some stabilizing influence in a crisis. In the nuclear domain, the immediate, direct consequences of military use, including blast, fire, and direct radiation effects, were appreciated at the outset. Nonetheless, significant uncertainty and under-appreciation persisted with regard to the collateral, indirect, and climatological effects of using such weapons on a large scale. In contrast, the immediate, direct effects of major space conflict are not well understood, and potential indirect and interdependent effects are even less understood. Indirect effects of large-scale space and cyber warfare would be virtually impossible to confidently calculate, as the infrastructures such warfare would affect are constantly changing in design and technology. Added to this is a likely **anxiety that if an attack were less successful than planned, a highly aggrieved and powerful adversary could retaliate** in unanticipated ways, possibly with highly destructive consequences. As a result, two adversaries facing potential conflict may lack confidence both in the potential effectiveness of their own attacks and in the ineffectiveness of any subsequent retaliation. Such **mutual uncertainty would ultimately be stabilizing**, though probably not particularly robust. This is reflected in Figure 2, where each side shows more caution than the technical effectiveness of its systems may suggest. Each curve notionally represents one state’s confidence in its offensive counter-space effectiveness relative to their actual effectiveness. Until true space asset resilience becomes a trusted feature of space architectures, deterrence by risk aversion, and cross-domain deterrence, may be the only means for deterrence to function in space.

#### I’ll concede naturally occurring asteroid collissions are inevitable and guaranteed – that means its try or die for deflection technology – the Sagan and Ostro study they cite only concludes deflection risks outweigh because misuse has a higher probability than natural collision but that flips neg if they read ev that natural collisions are guaranteed

**AC Koplow 19** [David A. Koplow. Professor of Law at Georgetown University. He specializes in the areas of public international law, national security law, and the intersection between international law and U.S. constitutional law. Koplow served as Special Counsel for Arms Control to the General Counsel of the Department of Defense (2009-2011); Deputy General Counsel for International Affairs at the Department of Defense (1997-1999); and as Attorney-Advisor and Special Assistant to the Director of the U.S. Arms Control and Disarmament Agency (1978-1981). A Rhodes scholar, Koplow graduated from Harvard College and Yale Law School. "Exoatmospheric Plowshares: Using a Nuclear Explosive Device for Planetary Defense against an Incoming Asteroid," UCLA Journal of International Law and Foreign Affairs 23, no. 1 (Spring 2019): 76-158]

Astronomers are fond of observing that the real question is not "whether" Earth will again be struck by a large asteroid, but "when." We can detect around the planet the remnants of scores of impact craters of diverse size and age left by previous NEOs, and the pockmarks are even more obvious on the Moon and other celestial bodies, where erosion has not degraded their silhouettes. As asteroids pinball around the Solar System, it is only a matter of time before the next jarring impact-time that might be measured in months or in millions of years.

#### No Astro-terror – no one will use deflection technology.

**Wall 11** Mike Wall 11-4-2011 “Why Asteroids Make Lousy Space Weapons” <https://www.space.com/13515-asteroid-deflection-space-weapons.html> (Ph.D. in evolutionary biology from the University of Sydney, Australia)//Elmer

If you lie awake at night worrying about some supervillain steering giant asteroids toward your hometown, you really should relax, experts say. It's not going to happen anytime soon. Humanity does indeed have the technical skills to move space rocks around, and we may employ this know-how at some point to avoid a catastrophic impact like the one that killed the dinosaurs 65 million years ago. But **the odds of any rogue state using asteroids to rain death down on its enemies are minuscule**, experts say. "**It's a lousy weapon**," said former astronaut Rusty Schweickart, chairman of the B612 Foundation, a group dedicated to predicting and preventing cataclysmic asteroid impacts on Earth. "**You get a chance to use one once every several hundred years**," Schweickart said during a recent panel discussion called "Moving an Asteroid" at the California Institute of Technology in Pasadena. "And **even then, you can only deflect it to hit someplace along a sort of arbitrary line** across the Earth." [Top 10 Space Weapons] Serious spaceflight skills Changing the orbit of a massive asteroid hurtling through deep space sounds like a daunting task, but our species knows how to do it. For example, we could launch a spacecraft that would rendezvous with an asteroid, then travel alongside it for months or years. Over time, the probe's modest gravity would tug on the space rock, pulling it into a different orbit, Schweickart said. Given enough time to act, this so-called "gravity tractor" method could work in quite precise and predictable ways. And we've demonstrated the skills necessary to make it happen. Multiple missions have met up with asteroids in deep space. For example, NASA's Dawn spacecraft is currently in orbit around Vesta, the second-largest object in the main asteroid belt between Mars and Jupiter. And in 2005, Japan's Hayabusa probe rendezvoused with a space rock called Itokawa. The craft even scraped some samples off Itokawa and sent them back to Earth for analysis. It's a good thing we possess these potential asteroid-moving skills, Schweickart said, for they may save our bacon someday. Earth has been pummeled by many dangerous asteroids throughout its history, and there's no reason to think the barrage will stop in the future. Space rocks big enough to cause major damage and disruption to the global economy and society (were they to strike a populated area today) have hit Earth, on average, every 200 or 300 years, Schweickart said. Firing a weapon once every 300 years That bombardment rate is scarily frequent to anyone worried about the long-term survival of human civilization. But **it's not nearly frequent enough to make asteroids good weapons** of mass destruction, according to Schweickart. [5 Reasons to Care About Asteroids] "You're going to have an opportunity once every two or three hundred years to go up and have a weapon to hit Baghdad," Schweickart said. "Of course, the problem is that by that time, the Zambian space program is the world's premier space program, and Baghdad is a buddy of yours." Potential asteroid wranglers also **wouldn't be able to direct a space rock just anywhere** on Earth, he added. For the foreseeable future, we'll be able only to speed up or slow down an asteroid, moving it in an "east-west" direction along its trajectory. **Moving it in the "north-south" plane is not an option.** "**If you do anything other than speed up or slow down the asteroid, it has almost no effect**," Schweickart said. "You've got to go along that line; it's the only way physics lets you do it." So anyone wishing to asteroid-bomb the United States would have to manipulate a space rock whose trajectory already crossed American territory. The trick would be tweaking its velocity enough to ensure an impact on American soil. In practice, therefore, **the wait for a suitable asteroid weapon could be considerably longer than 200 or 300 years.** Protecting Earth Schweickart and other panelists argued that humanity will need to deflect a killer asteroid away from Earth someday. **It would be a shame**, they said, **if unfounded fears** about possible nefarious uses of asteroid-moving technology **impeded its development**. "The public perception of asteroids can be pretty scary," Schweickart said. "There's going to be a lot of scare stuff. It's already out there, it's going to get worse and that is going to be a very serious challenge that we on the technical side will have to deal with." People worried about death from above should focus their anxiety elsewhere, fellow panelist Bill Nye said. There are plenty of much more viable space weapons than asteroids already up there. "Space is already pretty weaponized," said Nye, executive director of the Planetary Society and former host of the science-themed TV show "Bill Nye the Science Guy." "The global positioning system that we all know and love was designed to guide weapons. So using an asteroid as a weapon is sort of coming late to the party."

#### Concede asteroid collisions cause extinction – means 0 impact to limited deflection because any asteroid collision wipes out humanity regardless of where the collision is so no war could emerge afterward

#### Satellites are crucial for large, industrial megafarms

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Agriculture

To feed the Earth's growing population affordably, farming has gone from a **mostly decentralized, family-owned business** to **corporate farming** on a **scale** never before imagined. These **industrial megafarms** are a primary reason that many people in the world can enjoy plentiful and varied foods at a reasonable cost. On this scale, deciding what crop to plant in a given field is not just business - it's science. And the science **relies**, in large part, on **data from space**.

Companies such as the Satellite Imaging Corporation (SIC) provide data from space on overall crop health, soil analysis, and irrigation impacts and efficiencies. From space, you can easily map soil variations, finding areas rich in organic matter and others less so - this allows optimized planting to take advantage of crops that thrive in any given soil environment. **Very large** farms also use satellite images to assess the overall health of their crops by land area, spotting those that are being impacted by non-optimal soil moisture content, etc., allowing the farmer to take corrective action while there is still time to save the crop.

#### Industrial ag’s unsustainable and causes extinction

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We hear a lot about how we’re running out of antibiotics. But we are also doomed to run out of pesticides, because insects **inevitably** develop resistance, whether toxic chemicals are sprayed directly or genetically engineered into the plants.

Worse yet, weeds, insects, and fungus develop resistance in **just 5 years** on average, which has caused the chemicals to grow increasingly lethal over the past 60 years. And it takes on average eight to ten years to identify, test, and develop a new pesticide, though that isn’t long enough to discover the long-term toxicity to humans and other organisms.

And this devil’s bargain hasn’t even provided most of the gains in crop yields, which is due to natural-gas and phosphate fertilizers plus soil-crushing tractors and harvesters that can do the work of millions of men and horses quickly on farms that grow only one crop on thousands of acres.

Yet before pesticides, farmers lost a third of their crops to pests, after pesticides, farmers still lose a third of their crops.

Even without pesticides, **industrial agriculture is doomed to fail** from extremely high rates of soil erosion and soil compaction at rates that far exceed losses in the past, since soil couldn’t wash or blow away as easily on small farms that grew many crops.

But pest killing chemicals are surely **accelerating the day of reckoning** sooner rather than later. Enormous amounts of toxic chemicals are dumped on land every year — over **1 billion pounds** are used in the United State (US) every year and 5.6 billion pounds globally (Alavanja 2009).

This **destroys the very ecosystems** that used to help plants fight off pests, and is a **major factor** biodiversity loss and **extinction**.

Evidence also points to pesticides playing a **key role in the loss of bees** and their pollination services. Although paleo-diet fanatics won’t mind eating mostly meat when fruit, vegetable, and nut crops are gone, they will not be so happy about having to eat more carbohydrates. Wheat and other grains will still be around, since they are wind-pollinated.

Agricultural chemicals **render land lifeless** and toxic to beneficial creatures, also **killing the food chain above** — fish, amphibians, birds, and **humans** (from cancer, chronic disease, and suicide).

Surely a day is coming when pesticides stop working, resulting in **massive famines**. But who is there to speak for the grandchildren? And those that do speak for them are mowed down by the logic of libertarian capitalism, which only cares about profits today. Given that a political party is now in power in the U.S. that wants to get rid of the protections the Environmental Protection Agency (EPA) and other agencies provide, may make matters worse if agricultural chemicals are allowed to be more toxic, long-lasting, and released earlier, before being fully tested for health effects.

Meanwhile chemical and genetic engineering companies are making a fortune, because the farmers have to pay full price, since the pests develop resistance long before a product is old enough to be made generically. Except for glyphosate, but weeds have developed resistance. Predictably.

In fact, the inevitability of resistance has been known for nearly seven decades. In 1951, as the world began using synthetic chemicals, Dr. Reginald Painter at Kansas State University published “Insect Resistance in Crop Plants”. He made a case that it would be better to understand how a crop plant fought off insects, since it was inevitable that insects would develop genetic or behavioral resistance. At best, chemicals might be used as an emergency control measure.

Farmers will say that we simply must carry on like this, there’s no other choice. But that’s simply not true.

Consider the corn rootworm, that costs farmers about $2 billion a year in lost crops despite spending hundreds of millions on chemicals and the hundreds of millions of dollars chemical companies spend developing new chemicals.

To lower the chances of corn pests developing resistance, corn crops were rotated with soybeans. Predictably, a few mutated to eat soybeans plus changed their behavior. They used to only lay eggs on nearby corn plants, now they disperse to lay eggs on soybean crops as well. Worse yet, corn is more profitable than soy and many farmers began growing continuous corn. Already the corn rootworm is developing resistance to the latest and greatest chemicals.

But the corn rootworm is not causing devastation in Europe, because farms are smaller and most farmers rotate not just soy, but wheat, alfalfa, sorghum and oats with corn (Nordhaus 2017).

Before planting, farmers try to get rid of pests that survived the winter and apply fumigants to kill fungi and nematodes, and pre-emergent chemicals to reduce weed seeds from emerging. Even farmers practicing no-till farming douse the land with herbicides by using GMO herbicide-resistant crops. Then over the course of crop growth, farmers may apply several rounds of additional pesticides to control different pests. For example, cotton growers apply chemicals from 12 to 30 times before harvest.

Currently, the potential harm is only assessed for 2 to 3 years before a permit is issued, even though the damage might occur up to 20 years later.

Although these chemicals appear to be just like antibiotics, that isn’t entirely true. We develop some immunity to a disease after antibiotics help us recover, but a plant is still vulnerable to the pests and weeds with the genetics or behavior to survive and chemical assault.

Although there are thousands of chemical toxins, what matters is how they kill, their method of action (MOA). For herbicides there are only 29 MOAs, for insecticides, just 28. So if a pest develops resistance to one chemical within an MOA, it will be resistant to all of the thousands of chemicals within that MOA.

The demand for chemicals has also grown due the high level of bioinvasive species. It takes a while to find native pests and make sure they won’t do more harm than good. In the 1950s there were just three main corn pests. By 1978 there were 40, and they vary regionally. For example, California has 30 arthropods and over 14 fungal diseases to cope with.

When I was learning how to grow food organically back in the 90s, I remember how outraged organic farmers were that Monsanto was going to genetically engineer plants to have the Bt bacteria in them. This is because the only insecticide organic farmers can use is Bt bacteria, because it is found in the soil. It’s natural. Organic farmers have been careful to spray only in emergencies so that insects didn’t develop resistance to their only remedy. Since 1996, GMO plants have been engineered to have Bt in them, and predictably, insects have developed resistance. For example, in 2015, 81% of all corn was planted with genetically engineered Bt. But corn earworms have developed resistance, especially in North Carolina and Georgia, setting the stage for damage across the nation. Five other insects have developed resistance to Bt as well.

GMO plants were also going to reduce pesticide use. They did for a while, but not for long. Chemical use has increased 7% to 202,000 tons a year in the past 10 years.

Resistance can come in other ways than mutations. Behavior can change. Cockroach bait is laced with glucose, so cockroaches that developed glucose-aversion now no longer take the bait.

It is worth repeating that chemicals and other practices are ruining the long-term viability of agriculture. Here is how author Dyer explains it:

“Ultimately the practice of modern farming is **not sustainable**” because “the damage to the soil and natural ecosystems is so great that farming becomes dependent not on the land but on the artificial inputs into the process, such as fertilizers and pesticides. In many ways, our battle against the diverse array of pest species is a battle against the health of the system itself. As we kill pest species, we also kill related species that may be beneficial. We kill predators that could assist our efforts. We reduce the ecosystem’s ability to recover due to reduced diversity, and we interfere with the organisms that affect the biogeochemical processes that maintain the soils in which the plants grow.

Soil is a complex, multifaceted living thing that is far more than the sum of the sand, silt, clay, fungi, microbes, nematodes, and other invertebrates. All biotic components interact as an ecosystem within the soil and at the surface, and in relation to the larger components such as herbivores that move across the land. Organisms grow and dig through the soil, aerate it, reorganize it, and add and subtract organic material. Mature soil is structured and layered and, very importantly, it remains in place. Plowing of the soil turns everything upside down. What was hidden from light is exposed. What was kept at a constant temperature is now varying with the day and night and seasons. What cannot tolerate drying conditions at the surface is likely killed. And very sensitive and delicate structures within the soil are disrupted and destroyed.

Conventional tillage disrupts the **entire soil ecosystem**. Tractors and farm equipment are large and heavy; they compact the soil, which removes air space and water-holding capacity. Wind and water erosion remove the smallest soil particles, which typically hold most of the micronutrients needed by plants. Synthetic fertilizers are added to supplement the loss of oil nutrients but often are relatively toxic to many soil organisms. And chemicals such as pre-emergents, fumigants, herbicides, insecticides, acaricides, fungicides, and defoliants eventually kill all but the most tolerant or resistant soil organisms. It does not take long to reduce a native, living, dynamic soil to a relatively **lifeless collection** of inorganic particles with little of the natural structure and function of undisturbed soil”.

When I told my husband all the reasons we use agricultural chemicals and the harm done, my husband got angry and said “Farmers aren’t stupid, that can’t be right!”

I think there are a number of reasons why farmers don’t go back to sustainable organic farming.

First, there is far too much money to be made in the chemical herbicide, pesticide, and insecticide industry to stop this juggernaut. After reading Lessig’s book “Republic, Lost”, one of the best, if not the best book on campaign finance reform, I despair of campaign financing ever happening. So chemical lobbyists will continue to donate enough money to politicians to maintain the status quo. Plus the chemical industry has infiltrated regulatory agencies via the revolving door for decades and is now in a position to assassinate the EPA, with newly appointed Scott Pruitt, who would like to get rid of the EPA.

Second, about half of farmers are hired guns. They don’t own the land and care about passing it on in good health to their children. They rent the land, and their goal, and the owner’s goal is for them to make as much profit as possible.

Third, renters and farmers both would lose money, maybe go out of business in the years it would take to convert an industrial monoculture farm to multiple crops rotated, or an organic farm.

Fourth, it takes time to learn to farm organically properly. So even if the farmer survives financially, mistakes will be made. Hopefully made up for by the higher price of organic food, but as wealth grows increasingly more unevenly distributed, and the risk of another economic crash grows (not to mention lack of reforms, being in more debt now than 2008, etc).

Fifth, industrial farming is what is taught at most universities. There are only a handful of universities that offer programs in organic agriculture.

Sixth, subsidies favor large farmers, who are also the only farmers who have the money to profit from economies of scale, and buy their own giant tractors to farm a thousand acres of monoculture crops. Industrial farming has driven 5 million farmers off the land who couldn’t compete with the profits made by larger farms in the area.

But farmers will have to go organic **whether they like it or not**

It’s hard to say whether this will happen because we’ve **run out** of pesticides, whether from **resistance** or a **financial crash** reducing new chemical research, or whether peak oil, peak coal, and peak natural gas will cause the decline of chemical farming. Agriculture uses about 15 to 20% of fossil fuel energy, from natural gas fertilizer, oil-based chemicals, farm vehicle and equipment fuel, the agricultural cold chain, distribution, packaging, refrigeration, and cooking to name a few of the uses.

At some point of fossil decline, **there won’t be enough fuel or pesticides** to continue business as usual.

Farmers will be **forced** to go organic at some point. Wouldn’t it be easier to start the transition **now**?

#### Loss of satellites shuts down drones

Daniel **Ventre 11**, Engineer for CNRS and Researcher for CESDIP, Cyberwar and Information Warfare, p. 198-199

The introduction of cyberspace operations is part of a specific context; a major evolution in the operation environment and the nature of the conflicts, which make irregular wars the rule, and make regular actors the exception to the rule. But the battle against unconventional, non-state governed, irregular actors raises specific problems: there are multiple actors, unpredictable at that, who do not abide by the same rules. New orders in conflicts are imposing the implementation of an ever more important need for information, and information collection and processing. Networks now have an **incredible importance**. The document refers to the growing threats against American heritage: the USA is a target and the increasing amount of attacks against their networks is indeed the proof of this. There are many obstacles which need to be removed before they can achieve real superiority and freedom to act, especially as vulnerable points may originate within the very operations of the armed forces. An example of this is the vulnerability of using products (software and hardware), commercial products (off-the-shelf), and sometimes even foreign products123. This brings to mind the fact that the US Air Force uses commercial, even foreign, applications for its cyberspace operations.

Information space extends to space124, particularly via communication and observation satellites125. Satellites are the keystone to the cyberspace and communication systems, but also the security system: monitoring (Echelon network is the symbol), observation, communication. These are at the heart of the C4ISR systems, without which a concept such as network-centric warfare could not exist. **There would be no drones without satellites**. It is even a question of extending the Internet to extra-atmospheric space. Projects in this vein (Interplanetary Networks) were being formed in the 1990s, but ran into several technical difficulties (delays in important transmissions due to high distances and costs) [GEL 06]. NASA dedicates a few pages on its website to this project126. The development of communication systems based on the infrastructures in extra-atmospheric space will also raise questions for legal, geopolitical and geostrategic domains: questions of seizing this space, questions of regulation of human activity in this space, of sovereignty, new territoriality and independence.

#### Drone prolif is inevitable and causes global nuclear war

Dr. Michael C. **Horowitz 19**, Professor of Political Science at University of Pennsylvania, NDT Champion from Emory University, PhD in Government from Harvard University, Adjunct Senior Fellow at the Center for a New American Security, “When Speed Kills: Autonomous Weapon Systems, Deterrence, and Stability”, 5/2/2019, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3348356

Thus, the reason to deploy autonomous systems would have to be their reliability and effectiveness rather than signaling. And giving up human control to algorithms in a crisis that could end with **global nuclear war** would require an extremely high level of perceived reliability and effectiveness. Few things are more important to militaries in crisis situations than informational awareness and control over decisions, and there might be fear that autonomous systems are prone to **accidents**.

This counterfactual illustrates that the development and deployment of lethal autonomous weapon systems by national militaries, if it occurs, is unlikely to have simple, easy, and linear consequences. Instead, human factors, including the psychological desire for control and organizational politics, will strongly shape how militaries think about developing and using LAWS. This will not just influence the potential for arms races in peacetime, but deterrence and wartime stability due to the organizational processes militaries implement for the deployment and use of autonomous systems on the battlefield.

This paper draws on research in strategic studies and examples from military history to assess how LAWS could influence the development and deployment of military systems, including **arms races**, **crisis stability**, and wartime stability, especially the risk of **escalation**. It also discusses the potential for arms control. It focuses on these questions through the lens of key characteristics of LAWS, especially the potential for increased operational speed and, simultaneously, less human control over battlefield choices. One of the primary attractions of autonomous systems, even compared to remotely piloted systems, is the potential to operate at machine speed. Another potential benefit is the possibility of machine-like accuracy in following programming, but that comes with a potential downside: the loss of control and the accompanying risk of **accidents**, adversarial **spoofing**, and **miscalculation**. Even if LAWS malfunction at the same rate as humans in a given scenario, the ability of operators to control the impact of those malfunctions may be lower, which could make LAWS less predictable on the battlefield. The paper then examines how these issues interact with the large uncertainty parameter associated with AI-based military capabilities at present, both in terms of the range of the possible and the opacity of their programming.

The results highlight several critical issues surrounding the development and deployment of LAWS.1 First, the desire to fight at machine speed with autonomous systems, while making a military more effective in a conflict, could increase **crisis instability**. As countries fear losing conflicts faster, it will generate **escalation pressure**, including an increased incentive for **first strikes**. Second, in addition to the actual risk of accidents and miscalculation from LAWS, the fear of accidents and losing control of autonomous systems could limit the willingness of militaries to deploy them, particularly since many militaries are conservative when it comes to emerging technologies and have high standards for system reliability. Third, the dual-use, or even general purpose, character of the basic science underlying many autonomous systems will make the technology hard to control, giving many countries and actors access to basic algorithms, though whether this is described as diffusion, proliferation, or an arms race will depend on political dynamics as much as anything.

Finally, multiple uncertainty parameters concerning lethal autonomous weapon systems could exacerbate **security dilemmas**.

Uncertainty over the range of the possible concerning the programming of lethal autonomous weapon systems will increase fear of those systems in the near term, making restraint less likely for competitive reasons. Moreover, the inherent differences between remotely piloted systems and LAWS at the platform level come from software, not hardware. There is arguably an inherent opacity to lethal autonomous weapon systems. If an arms race over lethal autonomous weapon systems occurs, it will likely be because of worse-case assumptions about capability development by potential adversaries.

What is Autonomy or Artificial Intelligence?

Artificial intelligence is the use of computing power, in the form of algorithms, to conduct tasks that previously required human intelligence.2 Artificial intelligence in this context is best thought of as an umbrella technology or enabler, like the combustion engine or electricity. Military applications of artificial intelligence are potentially broad – from image recognition for surveillance to more efficient logistics to battle management.3 These include both non-kinetic applications, including in the cyber realm, as well as kinetic applications.4 One potential application of artificial intelligence is through armed autonomous systems that could be deployed on the battlefield, or what are most popularly called lethal autonomous weapon systems or lethal autonomous weapon systems. This differs from remotely-piloted systems where a human, though at a distance, still operates a given vehicle or system.

What is a lethal autonomous weapon system? While simple to describe on first glance, and easy to understand in the extreme – an armed humanoid robot with extremely broad programming making decisions about engaging in warfare – drawing the line between a lethal autonomous weapon system and other weapon systems is complex. In Directive 3000.09, published in 2012, the US Department of Defense defines an autonomous weapon as “A weapon system that, once activated, can select and engage targets without further intervention by a human operator.”5 What it means to select and engage a target is not entirely clear, however. For example, homing munitions, which have existed since World War II, select and engage targets, according to a common sense understanding of the terms.6

Exactly what functions are autonomous also matters. A system could have automatic piloting, for example, that flies or drives a platform to a target, but still have complete human control over the use of the weapon. That would be a system with a high level of automation, though not a lethal autonomous weapon system according to most perspectives. Heather Roff measures the level of autonomy in a weapon system based on three subcomponents: self-mobility, self-direction, and self-determination. This helps distinguish systems where there might be autonomy concerning the best way a missile should get to a target, but the target itself is designated by a person fromsystems where an algorithm might be making higher-level engagement decisions.7 There are already some applications of limited machine autonomy in military systems, with the most prominent example being the automatic mode present on many Close-In Weapon Systems (CIWS), such as the Phalanx, used to defend ships and incoming missiles from attack.8

This article will not resolve the definitional debate surrounding lethal autonomous weapon systems, which is still ongoing in meetings of the Group of Governmental Experts focused on lethal autonomous weapon systems in the United Nations Convention on Certain Conventional Weapons. Provisionally, this article adopts the Scharre and Horowitz definition that a lethal autonomous weapon system is “[A] weapon system that, once activated, is intended to select and engage targets where a human has not decided those specific targets are to be engaged.”9 However, moving beyond the close cases (e.g. particular types of missile guidance systems) and considering those weapon systems that clearly use machine intelligence to search for, select, and/or engage targets can help clarify what is at stake in this debate in the first place.10 After all, if most militaries most of the time would not have any need for lethal autonomous weapon systems, or those systems have significant disadvantages relative to remotely-piloted military robotics or soldiers on the battlefield, the stakes are lower. In contrast, if the integration of machine intelligence with military systems could give countries or violent non-state actors a significant advantage in how they employ force, it becomes even more crucial to engage the topic.

It is important to note that this article does not address concerns about existential risk related to artificial general intelligence – the fear that a superintelligence could decide to destroy the human race, either because it decides humans are malign or because humans program it to achieve a goal it can only accomplish by destroying humans.11 The existential risk issue associated with artificial intelligence is not necessarily closely coupled to military applications of artificial intelligence. If a super-intelligent machine learning system has the ability to take over human society in the interest of a goal – any goal – whether autonomous systems at much smaller orders of magnitude already exist in military systems will likely be unimportant. The super-intelligent system would simply create what it needed.

Why Invest in Autonomous Systems?

Militaries are already increasing their investments in remotely-piloted robotic systems. From UAVs such as the MQ-9 Reaper (**U**nited **S**tates) to uninhabited surface vehicles (USVs) such as the Guardium (**Israel**) to uninhabited ground vehicles (UGV) such as Platform-M (**Russia**), militaries **around the world** are investing in remotely piloted platforms, some of which can carry weapons. In these systems, human control over the use of force is not fundamentally different from the use of force with inhabited systems. In some cases, such as the MQ-9 Reaper, the sensor system a drone pilot uses to launch a weapon might even be the same sensor system a pilot in the cockpit of an inhabited fighter uses. Using remotely piloted systems gives militaries the ability to reduce the risk to their own soldiers while still projecting power in similar ways to how they used force previously.12 The first places militaries are likely to use kinetic lethal autonomous weapon systems include relatively “clear” environments such as air-to-air combat or naval combat, especially in geographic arenas where civilians are extremely unlikely to be present.13