#### CP Text: The appropriation of outer space is unjust except for asteroid mining.

#### Asteroid mining is an unqualified good – it’s essential to advanced asteroid deflection, deep space travel, and fighting climate change

Heise 18 -- Jack Heise (Judicial Law Clerk at U.S. Courts of Appeals), Space, the Final Frontier of Enterprise: Incentivizing Asteroid Mining Under a Revised International Framework, 40 Mich. J. Int'l L. 189 (2018). https://repository.law.umich.edu/mjil/vol40/iss1/5 WJ

Asteroid mining has the potential to facilitate space travel, an outcome the OST holds to be in the interest of humanity as a whole.39 The potential of asteroid mining to reduce the cost of spaceflight, moreover, could facilitate the growth of the space economy. Asteroid mining thus aligns with another stated purposes of the OST in the sense that an expanded space econ- omy could provide substantial benefits to all mankind.40 First, in seeking to face the challenges posed by space travel, the public sector space race gave rise to numerous technological innovations, ranging from LEDs to emergency blankets to memory foam.41 It seems likely that the private space race would result in a similar degree of innovation, the products of which could benefit people across the globe.

Second, a successful mission to Mars could provide benefits beyond a mere sense of interplanetary accomplishment. NASA suggests that, given the parallels between the formation and evolution of Mars and Earth, a voyage there could help “us learn more about our own planet’s history and future.”42 The scientific advancements from such a mission cannot currently be anticipated and are difficult to predict, but “expand[ing] the frontiers of knowledge” in this manner could well bring benefits to all mankind.43

Third, the development of asteroid mining technology could also help advance asteroid diversion tactics. The development of the technology required to conduct successful asteroid mining operations could “help us to divert any incoming asteroids.”44 This is of great importance since NASA recently eliminated its Asteroid Redirect Mission due to funding cuts;45 NASA’s project was hailed by some scientists as a “critical step in demonstrating we can protect our planet from a future asteroid impact . . . .”46 Asteroid mining could step in and fill an important void. While the probability of an Armageddon-causing impact is low, the effects of an impact would be extremely severe.47 Even some mitigation of this risk as a byproduct of as- teroid mining would be a benefit to humanity as a whole.

Finally, reduced launch costs could facilitate measures to combat global climate change. One proposed solution for canceling out predicted increases in average worldwide temperature is to “prevent[] . . . about 1% of incoming solar radiation—insolation—from reaching the Earth. This could be done by scattering into space from the vicinity of Earth an appropriately small frac- tion of total insolation.”48 Asteroid mining could facilitate such measures in that “[t]echnologies that could greatly decrease the cost of space-launch could make a telling difference in the practicality of all types of space- deployed scattering systems of scales appropriate to insolation modulation.”49 There are certainly intermediate measures to combat climate change that ought to be taken first, but asteroid mining would facilitate this expedited solution. While some of the benefits of asteroid mining would doubtless accrue primarily to those nations with asteroid mining companies within their borders, the benefits noted in this section—space exploration as a gen- eral proposition, technological and scientific development, improvement of asteroid diversion technology, and facilitated means of swiftly countering climate change—would inure substantially to the benefit of all mankind.

#### Asteroids have no significance beyond their finite resources – property rights for asteroids are necessary for deep space travel and rare metals

Myers 16 -- Ross Myers (J.D. candidate at the University of Oregon Law School.), The Doctrine of Appropriation and Asteroid Mining: Incentivizing the Private Exploration and Development of Outer Space, 2016, Oregon Review of International Law, https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/19850/Meyers.pdf?sequence=1 WJ

Asteroids are “metallic, rocky bodies without atmospheres that orbit the sun and are too small to be classified as planets.”33 Like water, asteroids are limited resources that are unconnected to any form of real property. Asteroids vary greatly in size, and are believed to consist primarily of metals and water, sometimes in staggering quantities.34 As such, asteroids may contain significant resources that would help serve to incentivize and facilitate the exploration of space.

Asteroids can be divided into classes, the three most commercially relevant being C-type, M-type, and S-type.35 C-type asteroids (carbonaceous) are the most common variety, and approximately half of the near Earth asteroids that are at least 1km large are C-type asteroids.36 These asteroids have a high content of water, hydrogen, and methane, all of which could potentially be mined to create rocket fuel on-site.37 Rocket fuel storage provides a limit on how far space vessels can be sent into deep space, so the creation of rocket fuel on asteroids would allow missions to probe deeper into space without having to bring enough fuel for a return trip. This could reduce the cost and difficulty of such endeavors significantly, allowing for more efficient exploration and development of deep space.

M-type asteroids (metallic) have the high radar reflectivity characteristic of metals,38 and are probably the most economically attractive targets for mining missions because of the commercial value of the metals in an Earth market. S-type asteroids (stony) are rocky mixtures of silicates, sulphides, and metals,39 but the metals they contain may not be as valuable as those found in M-type asteroids, so they will probably not be the target of initial space mining missions.

Recent scientific reports have suggested a single asteroid may contain staggering quantities of rare metals.40 One report estimated that a moderately sized (1 km) M-type asteroid with a fair enrichment in platinum group metals may contain twice the tonnage of platinum group metals already harvested on Earth combined with economically viable platinum group metal resources still in the ground.41 Put simply, it is believed a single asteroid could contain more platinum than has ever been mined or ever will be mined on Earth. While the economic gain from a mining mission on such an asteroid would be offset by the huge initial cost of reaching the asteroid and capturing the metals, this figure suggests mining missions to asteroids could be extremely profitable. Planetary Resources, a fledgling asteroid mining company, has already targeted a metallic asteroid for a possible future mining mission.42 According to Planetary Resources, this single asteroid may contain more platinum than has ever been mined on Earth.43

Scientific reports have also suggested asteroids may contain large quantities of volatiles, such as hydrogen and methane, which could potentially be broken down and used to synthesize rocket fuel and transport spacecraft between space environments.44 Several companies are already researching how to successfully mine the metals contained in asteroids by using frozen water contained in the asteroid to produce rocket fuel for a return journey.45

Asteroids are similar to water in many respects: both have economic and practical importance and limited availability; both exist as floating objects unconnected to land; and both are practically and commercially important to society and many different industries both in the context of space travel, and in the context of natural resource acquisition. However, unlike water, under the current international treaties regarding space, claims by either private or government entities on celestial objects are prohibited.46

#### Prohibitions on appropriation prevent asteroid mining despite growing space industries

Myers 16 -- Ross Myers (J.D. candidate at the University of Oregon Law School.), The Doctrine of Appropriation and Asteroid Mining: Incentivizing the Private Exploration and Development of Outer Space, 2016, Oregon Review of International Law, https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/19850/Meyers.pdf?sequence=1 WJ

Despite a decrease in national space program funding, corporate space missions are on the rise. In 2010, President Obama proposed that NASA exit the business of flying astronauts from Earth to low Earth orbit and move it to private companies.52 Several companies have stepped up to bat, and corporate space programs now include space tourism, supply missions, and in one case a one-way colonization mission to Mars.53 Corporate interest in space tourism and development demonstrates a strong private commercial interest in space as an industry, which could serve to finance the exploration of space in a period where national governments do not have an active financial interest in space. However, under current international treaties, the ownership of asteroids is prohibited, preventing corporations willing to invest in asteroid mining from having a secure claim.

#### Warming causes extinction

Yangyang Xu 17, Assistant Professor of Atmospheric Sciences at Texas A&M University; and Veerabhadran Ramanathan, Distinguished Professor of Atmospheric and Climate Sciences at the Scripps Institution of Oceanography, University of California, San Diego, 9/26/17, “Well below 2 °C: Mitigation strategies for avoiding dangerous to catastrophic climate changes,” Proceedings of the National Academy of Sciences of the United States of America, Vol. 114, No. 39, p. 10315-10323

We are proposing the following extension to the DAI risk categorization: warming greater than 1.5 °C as “dangerous”; warming greater than 3 °C as “catastrophic?”; and warming in excess of 5 °C as “unknown??,” with the understanding that changes of this magnitude, not experienced in the last 20+ million years, pose existential threats to a majority of the population. The question mark denotes the subjective nature of our deduction and the fact that catastrophe can strike at even lower warming levels. The justifications for the proposed extension to risk categorization are given below.

From the IPCC burning embers diagram and from the language of the Paris Agreement, we infer that the DAI begins at warming greater than 1.5 °C. Our criteria for extending the risk category beyond DAI include the potential risks of climate change to the physical climate system, the ecosystem, human health, and species extinction. Let us first consider the category of catastrophic (3 to 5 °C warming). The first major concern is the issue of tipping points. Several studies (48, 49) have concluded that 3 to 5 °C global warming is likely to be the threshold for tipping points such as the collapse of the western Antarctic ice sheet, shutdown of deep water circulation in the North Atlantic, dieback of Amazon rainforests as well as boreal forests, and collapse of the West African monsoon, among others. While natural scientists refer to these as abrupt and irreversible climate changes, economists refer to them as catastrophic events (49).

Warming of such magnitudes also has catastrophic human health effects. Many recent studies (50, 51) have focused on the direct influence of extreme events such as heat waves on public health by evaluating exposure to heat stress and hyperthermia. It has been estimated that the likelihood of extreme events (defined as 3-sigma events), including heat waves, has increased 10-fold in the recent decades (52). Human beings are extremely sensitive to heat stress. For example, the 2013 European heat wave led to about 70,000 premature mortalities (53). The major finding of a recent study (51) is that, currently, about 13.6% of land area with a population of 30.6% is exposed to deadly heat. The authors of that study defined deadly heat as exceeding a threshold of temperature as well as humidity. The thresholds were determined from numerous heat wave events and data for mortalities attributed to heat waves. According to this study, a 2 °C warming would double the land area subject to deadly heat and expose 48% of the population. A 4 °C warming by 2100 would subject 47% of the land area and almost 74% of the world population to deadly heat, which could pose existential risks to humans and mammals alike unless massive adaptation measures are implemented, such as providing air conditioning to the entire population or a massive relocation of most of the population to safer climates.

Climate risks can vary markedly depending on the socioeconomic status and culture of the population, and so we must take up the question of “dangerous to whom?” (54). Our discussion in this study is focused more on people and not on the ecosystem, and even with this limited scope, there are multitudes of categories of people. We will focus on the poorest 3 billion people living mostly in tropical rural areas, who are still relying on 18th-century technologies for meeting basic needs such as cooking and heating. Their contribution to CO2 pollution is roughly 5% compared with the 50% contribution by the wealthiest 1 billion (55). This bottom 3 billion population comprises mostly subsistent farmers, whose livelihood will be severely impacted, if not destroyed, with a one- to five-year megadrought, heat waves, or heavy floods; for those among the bottom 3 billion of the world’s population who are living in coastal areas, a 1- to 2-m rise in sea level (likely with a warming in excess of 3 °C) poses existential threat if they do not relocate or migrate. It has been estimated that several hundred million people would be subject to famine with warming in excess of 4 °C (54). However, there has essentially been no discussion on warming beyond 5 °C.

Climate change-induced species extinction is one major concern with warming of such large magnitudes (>5 °C). The current rate of loss of species is ∼1,000-fold the historical rate, due largely to habitat destruction. At this rate, about 25% of species are in danger of extinction in the coming decades (56). Global warming of 6 °C or more (accompanied by increase in ocean acidity due to increased CO2) can act as a major force multiplier and expose as much as 90% of species to the dangers of extinction (57).

The bodily harms combined with climate change-forced species destruction, biodiversity loss, and threats to water and food security, as summarized recently (58), motivated us to categorize warming beyond 5 °C as unknown??, implying the possibility of existential threats. Fig. 2 displays these three risk categorizations (vertical dashed lines).