western liberal precepts worldwide; John Mearsheimer has written that a liberal international order can be sustained only if it is led by a liberal hegemon in a unipolar world.[73] But America's unipolar moment is over. Restoring that world, even if it were financially and militarily possible, would require traducing liberal values at home for the purpose of promoting those values abroad, with uncertain results. For Americans, a more sensible effort would be aimed at restoring pluralistic decision-making domestically in realms such as war powers and bolstering the protection of individual rights such as freedom of speech—unless, as the Committee said in its National Commitments report, "it is believed that a government of limited and divided powers is no longer feasible, or no longer desirable, insofar as foreign relations is concerned."[74] In that case, even if it could be established, it is open to doubt whether an international order that the United States might ordain would be led by a liberal hegemon. "[T]he price of empire," as Fulbright warned, "is America's soul and that price is too high."[75]

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International Space Law Under the Trump Administration: Commerce and Security
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In an April 2025 statement commemorating the thirty-fifth anniversary of the Hubble Space Telescope, President Donald J. Trump declared that his administration was committed to "lead[ing] the way" in space discovery and "pursuing our manifest destiny into the farthest depths of the cosmos."[1] The remarks emphasized America's legacy of leadership, invoked the language of national supremacy, and highlighted proposed partnerships with the private sector to sustain U.S. dominance. They also reflect the broader orientation of the administration's first six months of space policy: extending America First principles into space security; maintaining engagement in international legal fora such as the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS);[2] and decisively advancing commercialization. At the same time, the second Trump administration has largely preserved the core priorities and international commitments of prior administrations, building on initiatives launched under both the first Trump and Biden administrations. These early themes—military assertiveness,

[73] *See* John J. Mearsheimer, *Bound to Fail: The Rise and Fall of the Liberal International Order*, 43 INT'L SEC. 7 (2019).

[74] National Commitments Report, *supra* note 21, at 6.

[75] Senator J. William Fulbright, Address to the American Bar Association, Honolulu, Hawaii (Aug. 7, 1967), *reprinted in* HAYNES JOHNSON & BERNARD M. GWERTZMAN, FULBRIGHT THE DISSENTER 311 (1968).

[1] White House Press Release, Presidential Message on the 35th Anniversary of the Hubble Space Telescope, (Apr. 24, 2025), *at* https://www.whitehouse.gov/briefings-statements/2025/04/presidential-message-on-the-35th-anniversary-of-the-hubble-space-telescope [https://perma.cc/79WY-2LPV].

[2] This continuity comes despite initial indications that the Trump administration could renounce its international legal commitments and pull out of international fora. *See* Withdrawing the United States from and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations, Exec. Order 14199, 90 Fed. Reg. 9275 (Feb. 4, 2025).

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privatization, and nominal diplomatic engagement—carry significant implications for international space law, pressuring existing ambiguities, widening geopolitical divisions, and raising questions about how public-private interdependence will shape state responsibility and the development of norms in space.

An Assertive Stance on Security in Space

The first trend is the administration's adoption of a more overtly assertive stance on security in space, exemplified by the Golden Dome missile defense system. The Golden Dome[3] is imagined as a protective system to prevent and defend against the "threat of attack by ballistic, hypersonic, and cruise missiles, and other advanced aerial attacks" that the president described in his announcement of the new program as "the most catastrophic threat facing the United States."[4] Space-based technologies, including space-based sensors and missile interceptors, will play a central role in the major $175 billion initiative.[5] The project will involve a broad range of defense actors, most notably the U.S. Space Force—a branch of the armed forces established by President Trump during his first term.[6] The administration quickly advanced the project by appointing a Space Force general to lead the initiative[7] and securing $24.4 billion in funding for "integrated air and missile defense."[8]

The Golden Dome has attracted international criticism on the ground that it may contravene or erode the peaceful use principles articulated in the 1967 Outer Space Treaty (OST), to which the United States is a party.[9] There are three potential issues. The OST prohibits the "place[ment] in orbit around the earth [of] any objects carrying nuclear weapons or any other kinds of weapons of mass destruction."[10] The scope of Article IV's prohibition of weapons of mass destruction is unclear, particularly as dual-use technologies blur the line between "permissible" and prohibited capabilities.[11] Nevertheless, if the Golden Dome project steers clear of placing nuclear weapons in orbit, it would be hard to credibly argue that the project violates this provision. The treaty also limits the use of the "moon and other celestial bodies" to "exclusively … peaceful purposes," prohibiting *any* weapons or

[3] The Golden Dome was called the Iron Dome until it was rebranded by the Defense Department. *See* U.S. Dep't of Defense Press Release, Secretary of Defense Pete Hegseth Statement on Golden Dome for America (May 20, 2025), *at* https://www.defense.gov/News/Releases/Release/article/4193417/secretary-of-defense-pete-hegseth-statement-on-golden-dome-for-america [https://perma.cc/E7A4-VN6D].

[4] The Iron Dome for America, Exec. Order 14186, 90 Fed Reg. 8767 (Jan. 27, 2025).

[5] *Id.*; Mike Stone & Jeff Mason, *Trump Selects $175 Billion Golden Dome Defense Shield Design, Appoints Leader*, Reuters (May 20, 2025), *at* https://www.reuters.com/world/us/trump-make-golden-dome-announcement-tuesday-us-official-says-2025-05-20.

[6] *See* Jean Galbraith, Contemporary Practice of the United States, 114 AJIL 288, 323 (2020).

[7] U.S. Dep't of Defense Press Release, General Guetlein to Lead the Office of Golden Dome for America (July 22, 2025), *at* https://www.defense.gov/News/Releases/Release/Article/4251596/general-guetlein-to-lead-the-office-of-golden-dome-for-america [https://perma.cc/9SY9-ZLCR].

[8] *See* Pub. L. 119-21, Sec. 20003, 139 Stat. 72, 115 (July 4, 2025); HASC/SASC Reconciliation Overview, *at* https://armedservices.house.gov/uploadedfiles/hasc_reconciliation_overview.pdf [https://perma.cc/GQF7-SXT2] (noting that the bill provides "$25 billion for Golden Dome for America").

[9] Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, *opened for signature* Jan. 27, 1967, 18 UST 2410, 610 UNTS 205 [hereinafter OST].

[10] *Id.* Art. IV.

[11] *See* Dale Stephens & Cassandra Steer, *Conflicts in Space: International Humanitarian Law and Its Application to Space Warfare*, 40 McGill Annals Air & Space L. 71 (2015).

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military installations on them.[12] Assuming the Golden Dome does not include plans to weaponize celestial bodies, this prohibition should also pose no legal bar.

Most significantly, however, the Golden Dome project implicates the OST's overarching commitment to the peaceful use of outer space. The treaty obligates states to "carry on activities in the exploration and use of outer space . . . in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security."[13] The term "international peace" is not defined in the treaty, but military activities such as satellite reconnaissance and communications have been generally accepted, and more than 3,000 satellites serving military purposes have been put into orbit.[14] Some have suggested that the treaty is best interpreted as requiring "non-aggressive" rather than strictly "non-military" activity.[15] Nevertheless, the Golden Dome's anticipated space-based missile interception is a clear step beyond reconnaissance and communications activities. It puts the United States even farther out of step with the view of the majority of states regarding the prevention of an arms race in outer space.[16]

The Golden Dome announcement provoked criticism from U.S. foes and rivals. Russia and China issued a joint statement describing the Golden Dome as "[d]eeply destabilizing in nature," and stating that "[t]he two Sides oppose the attempts of individual countries to use outer space for armed confrontation."[17] A Chinese Foreign Ministry official said that the Golden Dome "violates the principle of peaceful use in the Outer Space Treaty" and will "heighten the risk of turning [outer] space into a war zone and creating a space arms race, and shake the international security and arms control system."[18] North Korean state media suggested that the Golden Dome is an "[outer] space nuclear war scenario supporting the U.S. strategy for uni-polar domination," and that the U.S. "pretext of defending its mainland" is a thinly veiled excuse for "preemptively attain[ing] military superiority . . . and accelerating space militarization."[19]

These complaints about the Golden Dome project came with a reiterated call by China and Russia for negotiations on the Russian-Chinese draft Treaty on the Prevention of the Placement of Weapons in Outer Space (PPWT), initially proposed in 2008.[20] The draft treaty would ban the placement of weapons in outer space and the use of force against space

[12] OST, *supra* note 9, Art. IV (proscribing the "establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies").

[13] *Id.* Art. III.

[14] Alexander Proelss, *Peaceful Purposes*, MAX PLANCK ENCYCLOPEDIA PUB. INT'L L. (May 2021), *at* https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1453 [https://perma.cc/3D4F-FLTR].

[15] *Id.*

[16] *See, e.g.*, GA Res. 79/20 (Dec. 2, 2024); GA Res. 79/21 (Dec. 2, 2024).

[17] President of Russia Press Release, Joint Statement by the Russian Federation and the People's Republic of China on Global Strategic Stability (May 8, 2025), *at* http://en.kremlin.ru/supplement/6310 [https://perma.cc/HA35-JURU] [hereinafter Joint Statement].

[18] Ministry of Foreign Affairs of the People's Republic of China Press Release, Foreign Ministry Spokesperson Mao Ning's Regular Press Conference (May 21, 2025), *at* https://www.mfa.gov.cn/eng/xw/fyrbt/lxjzh/202505/t20250521_11630009.html [https://perma.cc/3MXV-W3FN].

[19] Memorandum Issued by Institute for American Studies of DPRK Foreign Ministry (May 27, 2025), *at* http://kcna.kp/en/article/q/fcfbe41bf590dc0904a4448a70173e76.kcmsf [https://perma.cc/36G6-WUSF].

[20] *See* Letter Dated 2008/02/12 from the Permanent Representative of the Russian Federation and the Permanent Representative of China to the Conference on Disarmament Addressed to the Secretary-General of the Conference Transmitting the Russian and Chinese Texts of the Draft "Treaty on Prevention of the Placement

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assets, thus effectively extending the OST's ban on weapons of mass destruction to all forms of weapons. The treaty has not drawn widespread support, however, and the United States has called it "fundamentally flawed,"[21] arguing that the PPWT has no provisions to verify compliance, ignores ground-based anti-satellite systems, and is too ambiguous, particularly with respect to dual-use technologies.[22]

The Golden Dome project could galvanize further support among other UN member states for the disarmament effort known as the Prevention of an Arms Race in Outer Space (PAROS).[23] PAROS is a diplomatic initiative aimed at preserving space as a peaceful domain by preventing weaponization and the escalation of military competition. It has been a recurring agenda item at the UN General Assembly since the early 1980s and has generated a long series of resolutions affirming the need for multilateral measures.[24] PAROS has not progressed beyond General Assembly resolutions.[25]

Further reinforcing the U.S. shift toward a militarized posture in space, the U.S. Space Force conducted Resolute Space 25 in July of this year, its largest-ever space exercise. The exercise involved simulated "orbital warfare" scenarios such as satellite jamming and electromagnetic warfare.[26] U.S. Space Force Guardians received training about the weaponized "payload capacities and capabilities" of satellites.[27] While framed as a defensive readiness measure, the exercise conceives of space as a warfighting domain, further pressuring the OST's fundamental principle that space should be used "for the benefit and in the interests of all countries" and in a way that "maintain[s] international peace."[28]

Continued Diplomatic Engagement

Even as the Golden Dome initiative has challenged aspects of the legal regime of outer space, the Trump administration, in a second trend, has continued the efforts of the Biden administration to try to shape the development and interpretation of space law through diplomacy. The administration has repeatedly affirmed U.S. commitments to international space law, even as it conducts a general review of U.S. treaty obligations.[29] It has continued to participate in COPUOS

of Weapons in Outer Space and of the Threat or Use of Force against Outer Space Objects (PPWT)" Introduced by the Russian Federation and China, UN Doc. CD/1839 (Feb. 29, 2008).

[21] U.S. Mission to International Organizations in Geneva Press Release, Ambassador Robert A. Wood: Ensuring the Long-Term Sustainability and Security of the Space Environment (Sept. 9, 2014), *at* https://geneva.usmission.gov/2014/09/09/ambassador-robert-wood-ensuring-the-long-term-sustainability-and-security-of-the-space-enviroment [https://perma.cc/ZK32-BQKJ].

[22] *See* Note Verbale Dated 2 September 2014 from the Delegation of the United States of America to the Conference on Disarmament Addressed to the Acting Secretary-General of the Conference Transmitting the United States of America Analysis of the 2014 Russian-Chinese Draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force Against Outer Space Objects, UN Doc. CD/1998 (Sept. 2, 2014).

[23] Open-Ended Working Group on Prevention of an Arms Race in Outer Space in All Its Aspects, United Nations: Office for Disarmament Affairs (2025), *at* https://meetings.unoda.org/open-ended-working-group-on-prevention-of-an-arms-race-in-outer-space-2025 [https://perma.cc/8SWZ-SBVK].

[24] *Id.*

[25] *Id.*

[26] Theresa Hitchens, *Resolute Space Exercise Focuses Guardians on Countering "Realistic" Threats to Satellites*, Breaking Defense (July 16, 2025), *at* https://breakingdefense.com/2025/07/resolute-space-exercise-focuses-guardians-on-countering-realistic-threats-to-satellites.

[27] *Id.*

[28] OST, *supra* note 9, Arts. I, III.

[29] *See* Exec. Order No. 14199, *supra* note 2.

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and its legal subcommittee. For example, in a May 2025 statement before the legal subcommittee, a U.S. representative affirmed that the "United States remains committed to the essential work of UNCOPUOS and its Subcommittees and looks forward to fostering mutually-beneficial space activities with our fellow member states."[30] The United States also reaffirmed core principles of the OST. On geostationary orbits, it noted that they are "governed by the 1967 Outer Space Treaty," citing Articles I and II.[31] Regarding space resources, the U.S. representative reiterated the longstanding U.S. view that commercial utilization is consistent with those provisions.[32]

The U.S. commitment to existing space law, however, is not a commitment to creating new binding legal instruments. At meetings of COPUOS's legal subcommittee, U.S. representatives repeatedly stated that "the four core space treaties created a legal framework which adequately addresses the fundamental issues."[33] The United States instead advocated for soft law formats, such as "high-level, non-legally binding principles that are well-informed by activities underway by the private sector and space agencies"[34]—and the Artemis Accords project.[35]

While the Accords are not a binding agreement,[36] the United States consistently promotes the idea that they are a legally relevant "elaboration" of the OST.[37] In a recent press release, NASA described the Accords as "grounded in" the OST, the Registration Convention, and the Rescue and Return Agreement.[38] U.S. officials have also described the Accords in normative terms, suggesting they will establish the practice and *opinio juris* necessary to support new customary rules of space law.[39] By steadily expanding the number of signatories and convening workshops to socialize their principles, the United States seeks to consolidate this

[30] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 7 – 64th Session of the COPUOS LSC (May 8, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-7-64th-session-of-the-copuos-lsc-may-2025 [https://perma.cc/BC3F-PPUQ].

[31] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 6B – 64th Session of the COPUOS LSC (May 7, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-6b-64th-session-of-the-copuos-lsc-may-2025 [https://perma.cc/8TYC-3TL8].

[32] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 8 – 64th Session of the COPUOS LSC (May 8, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-8-64th-session-of-the-copuos-lsc-may-2025 [https://perma.cc/YN6Y-9Y5Y] [hereinafter Agenda Item 8 Statement].

[33] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 3 – 64th Session of the COPUOS LSC (May 6, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-3-64th-session-of-the-copuos-lsc-may-2025 [https://perma.cc/9ETK-6XM6] [hereinafter Agenda Item 3 Statement].

[34] *See* Agenda Item 8 Statement, *supra* note 32.

[35] *See* Agenda Item 3 Statement, *supra* note 33 ("We look forward to working with this subcommittee to discuss how to address this session's agenda items within this existing framework and identifying where additional non-legally binding principles, initiatives, and guidance may be useful. Since our last meeting, 18 more countries signed the Artemis Accords, committing to the safe, transparent, and responsible exploration of space.").

[36] The Artemis Accords: Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes (Oct. 13, 2020), *at* https://www.nasa.gov/wp-content/uploads/2022/11/Artemis-Accords-signed-13Oct2020.pdf [https://perma.cc/89VU-P5LH] [hereinafter Accords]; *see also* Jacob Katz Cogan, Contemporary Practice of the United States, 117 AJIL 128, 133 (2023).

[37] Cogan, *supra* note 36, at 134 (quoting the U.S. view of the Artemis Accords as "bringing nations together through a common set of principles grounded in the 1967 Outer Space Treaty").

[38] Jessica Taveau, *NASA Supports Artemis Accords Signatories Advancing Exploration*, NASA (May 22, 2025), *at* https://www.nasa.gov/organizations/oiir/artemis-accords/nasa-supports-artemis-accords-signatories-advancing-exploration [https://perma.cc/VM5R-DEEQ].

[39] *See* Christian Davenport, *Seven Nations Join the U.S. in Signing the Artemis Accords, Creating a Legal Framework for Behavior in Space*, WASH. POST (Oct. 13, 2020), *at* https://www.washingtonpost.com/technology/2020/10/13/artemis-moon-mining-agreement-signed.

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position. Accordingly, during the second Trump administration, the State Department has continued to garner signatories for the Accords, bringing on Bangladesh and Norway as the fifty-fourth and fifty-fifth signatories, respectively. NASA and the State Department also participated in an "international Artemis Accords workshop" hosted by the United Arab Emirates in Abu Dhabi in May.[40] This was the third such workshop, with the prior two conducted during the Biden administration. Thirty Artemis signatories gathered to "share best practices, address emerging challenges, and strengthen the collective commitment to sustainable space exploration."[41] In this context NASA emphasized, again, its view that Artemis operates within and contributes productively to the development of international space law.[42]

Taken together, these initiatives illustrate the United States' characteristic approach to international space law: affirming the continued vitality of the Outer Space Treaty and related instruments while resisting proposals for new binding obligations. By coupling participation in COPUOS with the promotion of soft-law instruments such as the Artemis Accords, the United States seeks both to anchor its positions in the existing treaty framework and to generate interpretive momentum through state practice and *opinio juris*. This dual strategy enables the United States to present itself as a responsible steward of the existing legal order, even as it incrementally reshapes that order to accommodate expanding military and commercial uses of space.

Commercialization and Privatization of Space

The third defining trend of the early months of the second Trump administration is the increasing turn toward commercialization and privatization of outer space activities. This was vividly personified in the close relationship between President Trump and Elon Musk. Musk, already a frequent presence on the campaign trail, was appointed as a special government employee to serve as head of the newly established "Department of Government Efficiency" (DOGE).[43] Musk was an influential early advisor to the president, appearing alongside him in the Oval Office to conduct press interviews.[44] At the same time, Musk's company SpaceX remained deeply embedded in U.S. space infrastructure. Its Dragon capsule is the sole vehicle for transporting U.S. astronauts to and from the International Space Station (ISS), and SpaceX continues to be a key provider of national security launches.[45] Notably, the National Reconnaissance Office, the U.S. government agency in charge of America's intelligence

[40] *See id.*

[41] *UAE Hosts Artemis Accords Workshop with Representatives from 30 Countries*, Aletihad (May 26, 2025), *at* https://en.aletihad.ae/news/business/4577712/uae-hosts-artemis-accords-workshop-with-representatives-from [https://perma.cc/WQ6W-YJN2].

[42] *See* Taveau, *supra* note 38.

[43] *See* Joe Hernandez, *Trump Hired Musk as a "Special Government Employee." Here's What That Means*, NPR (Feb. 13, 2025), *at* https://www.npr.org/2025/02/13/nx-s1-5293124/special-government-employee-trump-musk-doge.

[44] *See id.*

[45] *See* Micah Maidenberg & Drew FitzGerald, *Musk's SpaceX Forges Tighter Links with U.S. Spy and Military Agencies*, Wall St. J. (Feb. 20, 2024), *at* https://www.wsj.com/tech/musks-spacex-forges-tighter-links-with-u-s-spy-and-military-agencies-512399bd.

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satellites,[46] tapped SpaceX in 2021 to build out a multibillion-dollar network of spy satellites in low-Earth orbit based on its Starshield platform.[47]

The personal rapport between President Trump and Musk may have influenced early space policy. In his inaugural address, the president pledged that the United States would "pursue our manifest destiny into the stars" and send astronauts to plant the American flag on Mars by the end of the decade.[48] Musk, who has frequently stated an ambition to colonize Mars, offered an "enthusiastic thumbs up" in response.[49] At the time, SpaceX was already in the process of developing the fully reusable Starship spacecraft and Super Heavy rocket in anticipation of future Mars missions.[50] President Trump's remarks sparked speculation that he might pivot away from the Artemis program, aimed at returning astronauts to the Moon, in favor of Mars.[51]

That speculation was short-lived. Within months, the Trump-Musk relationship publicly unraveled. President Trump threatened to revoke SpaceX's federal subsidies and cancel its government contracts;[52] Musk responded by threatening to decommission the Dragon spacecraft, currently critical to the operation of the International Space Station.[53] Although Musk ultimately withdrew the threat and both sides stepped back from confrontation, the rift raised doubts about the stability of U.S. space policy in light of external influences and whether Mars ambitions would remain on the agenda. The episode highlighted how reliance on powerful private actors can destabilize U.S. space policy, threatening not only national priorities but also the credibility of U.S. commitments under international law.

President Trump's initial nomination of tech billionaire Jared Isaacman to lead NASA further illustrated the administration's deepening links with the private sector. The choice of Isaacman,

[46] *See* BRUCE BERKOWITZ & MICHAEL SUK, THE NATIONAL RECONNAISSANCE OFFICE AT 50 YEARS: A BRIEF HISTORY (2d ed. 2018), *at* https://www.nro.gov/Portals/135/documents/about/50thanniv/The%20NRO%20at%2050%20Years%20-%20A%20Brief%20History%20-%20Second%20Edition.pdf [https://perma.cc/KFC5-LEUC].

[47] *See* Jeremy Bogaisky, *The U.S. Government Is Stuck with SpaceX. But Trump Can Still Hurt It*, FORBES (June 6, 2025), *at* https://www.forbes.com/sites/jeremybogaisky/2025/06/06/trump-musk-spacex; *see also* Bobby Allyn, *What the Trump-Musk Breakup May Mean for SpaceX and Tesla*, NPR (June 6, 2025), *at* https://www.npr.org/2025/06/06/nx-s1-5424689/elon-musk-trump-fight-subsidies-spacex-tesla (evaluating potential implications).

[48] White House Press Release, The Inaugural Address (Jan. 20, 2025), *at* https://www.whitehouse.gov/remarks/2025/01/the-inaugural-address [https://perma.cc/5HE8-9H62].

[49] Vivienne Machi, *With Mars in Mind, Will Trump Put Moon on Back Burner?*, AVIATION WEEK NETWORK (Feb. 5, 2025), *at* https://aviationweek.com/space/space-exploration/mars-mind-will-trump-put-moon-back-burner? [https://perma.cc/F3N9-7NQH] (Musk: "Can you imagine how awesome it will be to have American astronauts plant the flag on another planet for the first time?").

[50] *See Mission*, SPACEX, *at* https://www.spacex.com/mission [https://perma.cc/T62S-759V].

[51] *See, e.g.*, Seth Kurkowski, *President Trump Mentioned Space Only Once in His Inaugural Address, and It Wasn't Artemis*, SPACE EXPLORED (Jan. 21, 2025), *at* https://spaceexplored.com/2025/01/21/president-trump-mentioned-space-only-once-in-his-inaugural-address-and-it-wasnt-artemis [https://perma.cc/D6DT-PAGJ]; John R. Roby, *Red Planet First? Here Are Five Things to Know About Trump, Musk and Mars*, ADVANCE LOCAL (Jan. 21, 2025), *at* https://www.al.com/news/huntsville/2025/01/red-planet-first-here-are-five-things-to-know-about-trump-musk-and-mars.html [https://perma.cc/X55F-QPED]; Scott Neuman, *Is Trump Preparing to Cancel America's Ride Back to the Moon?*, NPR (Feb. 19, 2025), *at* https://www.npr.org/2025/02/19/g-s1-49451/artemis-moon-nasa-sls-rocket-doge-musk [https://perma.cc/6ALX-PK6P].

[52] *See* Tyler Pager, *Trump Threatens Musk Contracts as Feud Escalates*, N.Y. TIMES (June 5, 2025), *at* https://www.nytimes.com/2025/06/05/us/trump-musk-contracts-threat.html.

[53] *See* Joey Roulette, *Musk-Trump Breakup Puts $22 Billion of SpaceX Contracts at Risk, Jolting US Space Program*, REUTERS (June 6, 2025), *at* https://www.reuters.com/business/aerospace-defense/spacex-will-decommission-dragon-spacecraft-musk-says-feud-with-trump-escalates-2025-06-05.

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who privately financed the first all-civilian orbital flight, seemed to portend a shift toward greater public-private integration at NASA.[54] However, Isaacman was reportedly appointed at Musk's suggestion, and when the Trump-Musk relationship soured, President Trump withdrew Isaacson's nomination, just days before the expected Senate confirmation vote.[55]

The Artemis project has always been a product of public-private collaboration, and the president has continued this approach in his second administration. A NASA overview of Artemis highlights the agency's intent to "leverag[e] pioneering private-sector approaches while providing industry early opportunities to stake their claim in the emerging lunar economy."[56] That approach has included extensive collaboration with major contractors: Aerojet Rocketdyne, Axiom Space, Bechtel, Blue Origin, Boeing, Amentum, Jacobs, Lockheed Martin, Maxar, Northrop Grumman, and SpaceX—all contributing to hardware ranging from the SLS rocket and Orion capsule to the Gateway station and lunar landers.[57] As NASA points out, "[these firms support] more than 2,700 suppliers across 47 states."[58] Additional NASA investments have supported small business participation in systems designed to support long-term lunar habitation.[59] The Artemis privatization is not complete, however. The original draft of the "Big Beautiful Budget Bill" proposed sharp cuts to Artemis funding, prompting speculation that the administration would fully outsource the Artemis project to the private sector.[60] This did not materialize. After Musk's exit from the administration and a funding amendment introduced by Senator Ted Cruz, the final legislation ultimately preserved fairly robust financial support for Artemis.[61]

Public-private collaboration is also central to the Golden Dome project. Reportedly, SpaceX, Palantir, and Anduril emerged as frontrunners to supply key system components, including satellites that would detect and track missile threats, and more than one hundred eighty companies expressed interest in contributing in some way.[62] SpaceX's pitch involved a novel "subscription model," in which the government would not own the system, but would merely pay for access to data and services.[63]

[54] *See The Early Impact of Trump's Second Term on Space Policy*, NEW SPACE ECON., *at* https://newspaceeconomy.ca/2025/01/24/the-early-impact-of-trumps-second-term-on-space-policy [https://perma.cc/B58N-PD6X].

[55] *See* Alejandro Alcantarilla Romera, *President Trump Names Sean Duffy as Acting NASA Administrator*, NSF (July 10, 2025), *at* https://www.nasaspaceflight.com/2025/07/duffy-admin-appointment [https://perma.cc/Y2PX-ZHEG].

[56] *Artemis Partners*, NASA, *at* https://www.nasa.gov/artemis-partners [https://perma.cc/ZD5B-5NGV].

[57] *Id.*

[58] *Id.*

[59] *Id.*

[60] *See* Will Robinson-Smith, *Proposed 24 Percent Cut to NASA Budget Eliminates Key Artemis Architecture, Climate Research*, SPACEFLIGHT NOW (May 3, 2025), *at* https://spaceflightnow.com/2025/05/03/proposed-24-percent-cut-to-nasa-budget-eliminates-key-artemis-architecture-climate-research.

[61] *See* Keith Cooper, *Trump's "Big Beautiful Bill" Pushes for Crewed Moon Missions, but Proposed Budget Cuts Leave NASA Science Behind*, SPACE.COM (July 15, 2025), *at* https://www.space.com/space-exploration/trumps-big-beautiful-bill-pushes-for-crewed-moon-missions-but-proposed-budget-cuts-leave-nasa-science-behind [https://perma.cc/A8KH-HA4Y].

[62] *See* Mike Stone & Marisa Taylor, *Exclusive: Musk's SpaceX is Frontrunner to Build Trump's Golden Dome Missile Shield*, REUTERS (Apr. 17, 2025), *at* https://www.reuters.com/business/aerospace-defense/musks-spacex-is-frontrunner-build-trumps-golden-dome-missile-shield-2025-04-17.

[63] *Id.*

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The United States has continued to actively promote the acceptability and benefits of space commercialization on the international stage, particularly within the framework of COPUOS. U.S. representatives at COPUOS advocated for "better consultation and increased collaboration … between governments and commercial industry" and "building cooperation among nations and the private sector."[64] In response to potential COPUOS budget cuts, the U.S. delegation proposed privatization, urging the Committee "to find ways to more directly integrate non-governmental actors into its information gathering and analytical work."[65] The U.S. delegation also urged COPUOS to welcome direct private sector participation in the forum, to "bring innovative ideas, new perspectives, and new opportunities."[66] As in prior years, the United States welcomed private sector actors to take part in its delegation to the legal subcommittee, this time seeking those with expertise in lunar resource exploration, a topic of keen commercial interest.[67]

From an international law perspective, the implications of this embrace of the private sector are complex and undeveloped. The primary legal framework is still the OST, which mandates that governments regulate all launches originating from their territory and maintain responsibility for the activities of their nationals in outer space.[68] Beyond this foundational obligation, international law currently lacks comprehensive guidelines or regulatory mechanisms specifically addressing the challenges posed by an expanded private-sector role, particularly concerning liability, environmental sustainability, and equitable access.

Consider the Trump-Musk dynamic. Under the OST, the United States is internationally responsible for all space activities carried out by national actors, including private entities. Yet when a contractor like Musk simultaneously serves as a presidential advisor and a lead supplier, the line between state and non-state conduct begins to blur. This ambiguity could become especially problematic when disputes, such as the standoff over the Dragon capsule, raise questions about the government's ability to meet its "continuing supervision" obligation under Article VI.[69] Moreover, if a private company can unilaterally disrupt access to the International Space Station, the United States may not be able to satisfy other obligations such as the "mutual assistance" and "due regard" principles of the OST.[70]

More broadly, the privatization trend revives scrutiny of the OST's commitment to ensuring that space is used "for the benefit and in the interests of all countries."[71] Chinese

[64] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 14 – 68th Session of the COPUOS – June 2025 (June 30, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-14-68th-session-of-the-copuos-june-2025 [https://perma.cc/6PBB-8K59].

[65] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 13 – 68th Session of the COPUOS – June 2025 (July 1, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-13-68th-session-of-the-copuos-june-2025 [https://perma.cc/2Q9W-HB4C].

[66] U.S. Mission to Int'l Orgs. in Vienna, U.S. Statement – Agenda Item 4 – 68th Session of the COPUOS – June 2025 (June 26, 2025), *at* https://vienna.usmission.gov/u-s-statement-agenda-item-4-68th-session-of-the-copuos-june-2025 [https://perma.cc/G32T-YF6G].

[67] *See* U.S. Dep't of State Bureau of Oceans & Int'l Envtl. & Sci. Affs., Seeking Private Sector Advisors for the United States Delegation to the 64th Session of the Committee on the Peaceful Uses of Outer Space (UNCOPUOS) Legal Subcommittee (LSC) (Mar. 18, 2025), *at* https://www.state.gov/seeking-private-sector-advisors-for-the-united-states-delegation-to-the-64th-session-of-the-committee-on-the-peaceful-uses-of-outer-space-uncopuos-legal-subcommittee-lsc [https://perma.cc/NZP6-MYDT].

[68] *See* OST, *supra* note 9, Art. VI.

[69] *Id.*

[70] *Id.* Art. IX.

[71] *Id.* Art. I.

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commentators portray Washington's commercialization push as part of a new "Enclosure Movement" that violates the common-heritage spirit of space law.[72] Russia has decried Artemis as a new form of "colonialism."[73] The two have also criticized "the use of commercial space systems to interfere in the internal affairs of sovereign States and armed conflicts involving third countries," an apparent reference to the use of SpaceX's Starlink terminals in the Ukraine war.[74] These critiques are not merely rhetorical. They accompany alternative projects such as the International Lunar Research Station jointly proposed by China and Russia as a cooperative, non-commercial alternative to Artemis. The U.S. emphasis on commercialization therefore not only raises normative disputes but also risks accelerating the fragmentation of international legal norms, with states coalescing around two competing lawmaking streams: one centered on the United States, the other on Russia and China. Commentators have observed that Russia's deepening alignment with China may further polarize the international community, effectively forcing countries seeking to participate in space to choose between a U.S.-led North Atlantic–Japanese bloc and a China–Russia bloc anchored by China's growing technological capacity.

Ultimately, the United States' continued turn toward commercialization as a central pillar of its space strategy highlights a fundamental weakness in international space law: the existing framework was designed for intergovernmental exploration and does not adequately address profit-driven private activity. Although the United States professes fidelity to established legal norms, this approach risks eroding the legitimacy of that order. Without new rules to govern liability, sustainability, and equitable access, outer space may evolve less as a commons rooted in shared principles than as a contested domain shaped by the bargaining power of states and their corporate partners.

Conclusion

Taken together, these three themes—assertive securitization and commercialization of space together with perfunctory multilateral engagement—reflect a strategic balancing act by the second Trump administration. By advancing initiatives like the Golden Dome while reaffirming commitments to the OST and COPUOS and engaging diplomatically through the Artemis Accords, the administration seeks to characterize and interpret international space norms according to its agendas, rather than abandoning those norms. In the space arena, the United States is not disengaging from the international legal order but actively seeking to redefine it in ways that accommodate its security imperatives and commercial ambitions.

This strategy of "reinterpreting without rejecting" may appear to preserve legal continuity, but it also tests the resilience of core principles of international space law. The line between peaceful and military use is becoming increasingly contested, the distinction between public and private actors more blurred, and the adequacy of existing legal instruments increasingly uncertain. In particular, the U.S. posture of securitization and commercialization strains

[72] Deng Xiaoci, *Trump Administration's "Artemis Accords" Expose Political Agenda of Moon Colonization, Show Cold War Mentality Against Space Rivals: Observers*, Glob. Times (May 7, 2020), *at* https://www.globaltimes.cn/content/1187654.shtml.

[73] *Id.*

[74] Joint Statement, *supra* note 17.

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fundamental legal principles including cooperation, non-appropriation, and universal benefit.

The challenge for the United States and the international community will be to find renewed consensus through law to respond to emerging pressures. Otherwise, the legal order for space will likely drift toward fragmented governance shaped by competing powers.

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