

# Washington Violates International Space Law

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Region: [USA](#)

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*The global pandemic is being used by the United States as a smokescreen for illegal actions in the international scenario, which, due to the media focus on coronavirus coverage, are not reported and happen unnoticed. **The new American foreign policy target is the outer space.** Washington conducted a dangerous legal and political maneuver in the space race of the 21st century, approving measures that violate public international law in its new decree on space mining.*

Last week, American **President Donald Trump** passed a decree establishing the United States' right to extract mineral resources from the outer space. In the [document](#), it is possible to read:

“Americans should have the right to engage in commercial exploration, recovery, and use of resources in outer space, consistent with applicable law. Outer space is a legally and physically unique domain of human activity, and the United States does not view it as a global common”.

The American government seems to be once again completely ignoring the fact that outer space has its own law and a specific legal status that cannot be violated by a simple presidential decree. With the emergence of space technology in the 1950s, the collective fear that it would be used for military purposes made international society choose to create an international treaty for outer space, being celebrated in 1957 the Treaty on Principles Governing the Activities of States in the Exploration and Use of Cosmic Space, Including the Moon and Other Celestial Bodies (or simply “Space Treaty”). According to this document, outer space has the legal status of “international territory”, which means that it is a common space of humanity and of all nations, and a country or individual cannot claim ownership or sovereignty over it.

With these data alone, we can already contemplate the conflicting nature between the presidential decree and the Space Treaty (that was signed by the USA), since the decree does not recognize space as a common global territory. In practice, the American government is unilaterally granting US citizens the right to freely explore space resources, far from the legal domain of Space Law. In addition, the decree provides that partnerships should be sought with other countries and private companies for the conclusion of strategic agreements in the space mining sector, which means that the American plan aims to expand violations of the Space Treaty on a global level, causing Space Law's reduction to legal insignificance.

The American decree, however, must be analyzed in depth, taking into account other facts and circumstances. Indeed, there is nothing exactly new in this law. The United States has long been tightening its strategic policies on outer space. In 2015, the so-called “Space Act”

was approved, an audacious and permissive law that establishes the legal regime for private space exploration in the USA, with a special focus on the issue of mineral resources and water. The private sector already seems to be the dominant one in terms of extraction and industrialization of mineral resources from the outer space, which undoubtedly constitutes a real danger to the security of these operations due to the greater difficulty in controlling private actions at the international level. So, what will it be like to deal with practical issues like space debris, safety and pollution inside and outside the Earth? In fact, the coming scenario is one in which we will take our internal problems out of the Earth, exploiting space resources in disarray and unsustainably polluting the extraterrestrial environment.

It was not in vain that Donald Trump hurried to create a Space Force as a new member of the American armed forces. With this measure, the American government created the force that will support and secure these explorations and future strategic operations. And all these measures appear in a favorable global context: as the resources of our planet become increasingly scarce, with pollution and overconsumption depleting our natural reserves, causing a growing concern for the environment, nothing more strategic than to seek these resources from an abundant source like outer space, where water and minerals seem to be infinite.

With depleted or very weak reserves, we will soon be dependent on resources from space exploration. How will it be if these resources keep in the hands of private multinationals interested only in their own profit? This is the vital importance of the Space Treaty in our time: to prevent space technology from leading us to a future of more inequality, misery and violence. Washington seems to be wanting to expand its hegemonic status beyond the planet, guaranteeing dominance over the most abundant and secure source of natural resources. What is starting now is a true gold rush. Whoever is in a hurry to establish strategic space exploration policies will be above other nations. Our point is that these policies must be established within a legal standard common to all peoples. The Space Treaty is far from being a perfect law, but it is the only way we currently have to prevent the degradation of the outer space.

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