



SPACE GENERATION
ADVISORY COUNCIL

Artemis Accords

U.S. Task Force, Space Generation Advocacy & Policy Platform

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Policies Overview

On October 13, 2020, the United States adopted the Artemis Accords with seven other nations. Since then, the number of signatories has grown to 32 States. The signatories to the non-binding agreement agree to adhere to existing space law treaties and establish new principles for sustainability in space exploration and commercial activity. However, there is criticism aimed at the Accords because it was adopted outside the United Nations international treaty framework and has been called US-centric. Additionally, questions remain about how the document will be read in conjunction with the Outer Space Treaty's Non-Appropriation provisions. The Artemis Accords make a necessary attempt to clarify and create frameworks for looming space activity, but also leads to more questions.

Power and Scope of the Artemis Accords

Renewed focus on lunar exploration is resulting in new legal questions that will impact how nations interact with the Moon and with each other. The first space race saw NASA's Apollo program make a successful Moon landing. Apollo's twin sister, Artemis, is the US framework for lunar exploration in the 21st century. The US, along with seven other nations, established the Artemis Accords as "a practical set of principles, guidelines, and best practices in carrying out activities in outer space...intended to increase the safety of operations, reduce uncertainty, and promote the sustainable and beneficial use of space for all humankind" (Accords). Bulgaria became the 32nd signatory in November of 2023.¹

The Accords apply beyond the Moon to "Mars, comets, and asteroids, including their surfaces and subsurfaces, as well as in orbit of the Moon or Mars, in the Lagrangian points for the Earth-Moon system, and in transit between these celestial bodies and locations" (Accords). However, **the Accords are non-binding principles, meaning there is no enforcement mechanism in place if a signatory to the agreement breaks the principles.** Instead, parties make a political commitment to implement the principles of the Accords in their activities.

¹ Signatories to the Accords include States from nearly every continent including Nigeria and Rwanda, the first African States to sign the Accords. Space.com has a frequently updated list online at <https://www.space.com/artemis-accords-explained> (Robert Lea).



The Accords were negotiated bilaterally rather than through the more time-consuming route through the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS). NASA's initial Moon landing return target date for 2024² and the increasing commercial focus on lunar and space exploration favored a faster response (Yutaka). Notably absent from the list of signatories are China and Russia, two of the only four nations to have successfully landed on the Moon.³ China and Russia have criticized this pathway and explicitly called out the Accords for being “too US-centric” (Yutaka, 406). The China National Space Administration (CNSA) and Russia’s ROSCOSMOS signed a Memorandum of Understanding (MOU) on March 9, 2021, to cooperate in the construction of a lunar research station. There are a total of seven States now: China, Belarus, Pakistan, Azerbaijan, Russia, Venezuela, and South Africa. While the Accords take a step towards addressing the need for a multilateral framework, its effectiveness will be in question without these other major space-faring nations as signatories.

Included Activities

The Accords reaffirm the principles of the Outer Space Treaty. For instance, **signatories to the Artemis Accords commit to peaceful purposes for space activities**. To that end, the Accords promote transparency between nations regarding intended actions and sharing of scientific knowledge. The signers agree that any **extraction or use of space resources, including anything taken from the Moon, Mars, comets, and asteroids, should generally be done in the most sustainable way possible**. Intentional interoperability of space technologies will also expand future lunar base and space exploration capabilities by ensuring separate systems and devices can connect (Yutaka, 415). **The Accords also include the novel section for the preservation of heritage sites for all humankind**. Correspondingly, the US Congress enacted the “One Small Step Act” requiring NASA to make recommendations and provide information about giving due regard to the Apollo 11 landing site, limiting harmful interference.

The largest section of the Accords is dedicated to the coordination of space activities to prevent accidents or other incidents. The signatories affirm that their activities are done with “due consideration to the United Nations Guidelines for the Long-term Sustainability of Outer Space Activities adopted by the COPUOS in 2019” (Accords). Coordinating with one another for launches, exploration, and other uses, can limit unnecessary risk and space debris and thus enhance sustainability. The Accords include the use of reasonable safety zones referring to the Signatories’ intention to

² While the initial return date was 2024, NASA currently projects reaching the Artemis III stage for humanity’s return to the moon in 2025 (Mohon).

³ The fourth nation India became a signatory to the Artemis Accords on June 21, 2023.



“provide notification of their activities and commit to coordinating with any relevant actor to avoid harmful interference” (Accords). The Accords define a safety zone as “the area in which nominal operations of a relevant activity or an anomalous event could reasonably cause harmful interference.”

Potential Debates and Litigation

The **Artemis Accords** are expressly intended to comply with and affirm the commitment to the **Outer Space Treaty (OST)**, the **Rescue and Return Agreement**, the **Liability Convention**, the **Registration Convention**, and **multilateral forums such as COPUOS**. However, one of the purposes of the Artemis Accords is consideration of commercial activity, including mining of celestial bodies.⁴ Article II of the OST specifically states that “the moon and other celestial bodies, [are] not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means” (Outer Space Treaty). However, the OST also does not explicitly state that extraction of resources is prohibited. **Section 10 of the Artemis Accords asserts that extraction of resources does not inherently violate the non-appropriation clause.** There is currently debate over how the non-appropriation provision of the OST will interact with the Accords in practice. In international law, residual sovereignty posits that unless something is expressly prohibited, it is permitted. Additionally, many signatories to both the Artemis Accords and the OST have domestic law that allows for the extraction of resources from celestial bodies for commercial activity. Mining resources may be arguably permissible within the OST, but international litigation over these meanings could occur in the future.

The other potential area of future litigation involving the Artemis Accords and Article II of the Outer Space Treaty is Section 11’s use of “safety zones.” Some **legal experts have noted that the Artemis Accords’ use of “safety zones” may be in direct opposition to the non-appropriation article of the Outer Space Treaty.** Moving forward, mining of resources and establishing lunar resource and extraction zones will require careful navigation of these questions.

Conclusion

⁴The Trump administration stated the goal of the United States’ space policy shall be to “Promote and incentivize private industry to facilitate the creation of new global and domestic markets for United States space goods and services, and strengthen and preserve the position of the United States as the global partner of choice for international space commerce.” (Space Policy of the US, 5). The Biden-Harris Administration has continued to include commercial activity in its space use policies, stating that, “U.S. regulations must provide clarity and certainty for the authorization and continuing supervision of non-governmental space activities, including for ... recovery and use of space resources.” (US Space Priorities Framework).



The Artemis Accords are a needed step towards addressing the renewed focus of Space exploration and use. As technology and access to Space rapidly advance, utilizing bilateral agreements and cooperation can serve as a nimbler way for Nations to cooperate than the international treaties of the 1970's and 1980's. However, questions will arise over how commercialization and rapid exploration will interact with the traditional framework of nation-driven space exploration and use. With uncertainty, there is the potential for international litigation. Additionally, a US-driven approach to establishing these standards will likely result in further criticism. Unlike when international laws of the sea and exploration of Antarctica were established, technology is moving rapidly and there is little case law to look towards to interpret meanings. This will be an evolving area of legal interpretation.

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