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A CONTROVERSIAL APPROACH TO SPACE LAW-MAKING? ASSESSING THE LEGAL
IMPLICATIONS OF THE ARTEMIS ACCORDS FROM THE PERSPECTIVE OF ITS SIGNATORIES
STATES AND INTERNATIONAL SPACE LAW

Abstract

The Artemis Accords represent one of the most innovative, yet controversial, developments in the field of space law. While providing an important contribution to the ongoing efforts aimed at setting up rules applicable to celestial bodies' activities, undoubtedly the Accords also raise numerous questions of legal and political nature. Among them, two are of particular relevance for the purpose of this paper. First, what are the legal and political implications for a country that signs the Accords, particularly when such a country is already a Party to both the Outer Space Treaty and the Moon Agreement? Second, what is the impact of the Accords on the formation of a rule of customary law recognizing the legality of the use of celestial bodies' resources under international space law? As to the first question, the case of Australia will be of paramount importance, as Australia is the only country to simultaneously participate in the Accords and the Moon Agreement; as to the second question, the paper will investigate whether a State's signature of the Accords amounts to its implicit recognition of the legality of space mining activities, an understanding that would create elements for the formation of an international customary rule legitimizing such behaviors. In light of the above, the paper will assess the legal and political implications of the Artemis Accords by analyzing them from the perspective of the countries that have joined them (US, UK, Australia, etc.), that have rejected them (China and Russia) and those who are considering to sign them (India and New Zealand).