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DO THE ARTEMIS ACCORDS COMPLY WITH INTERNATIONAL SPACE LAW AND ENSURE
THE FREE EXPLORATION, USE, AND SCIENTIFIC INVESTIGATION AS STIPULATED IN
ARTICLE I OF THE OUTER SPACE TREATY?

Abstract

The Artemis Accords were signed in October 2020. They represent a series of shared values that partners looking to be involved in the United States-led ‘Project Artemis’ agree to follow. The Accords do not necessarily dramatically reconfigure international space law, but instead they embed extant treaty obligations alongside codifying emerging norms.

Based on the Outer Space Treaty, the Artemis Accords are another step towards lunar governance. Any discussion regarding lunar governance has to balance two key provisions of international space law: Article I of the Outer Space Treaty, which permits States to freely explore and use outer space including the moon and other celestial bodies, and Article II of the Outer Space Treaty, which declares that the moon is not subject to national appropriation.

This paper examines the governance relationship between international space law and the Artemis Accords, as well as how this relationship may advance – or frustrate - the lunar governance model as it applies to States outwith the Artemis missions. Using an interdisciplinary approach to investigate the current evolutionary path of lunar governance, the specific question is posed, does the current approach achieve a balanced lunar governance approach that respects the freedom of exploration, use, and scientific investigation of the Moon as stipulated in Article I of the Outer Space Treaty?

In order to answer this, particular attention is paid to Sections 8, 10, 11 and 12 of the Artemis Accords, where we discuss how the release of scientific data (Sec 8), the utilization of resources (Sec 10), the deconflicting of space activities (Sec 11) and orbital debris (Sec 12) all interact with both the Outer Space Treaty as well as with each other. The Accords are then placed in context of the Moon Agreement, where there is potential conflict between Article 11 of the Moon Agreement and Section 10 of the Accords, and as Australia and Romania are signatories to both the Moon Agreement and the Artemis Accords, it is suggested that this evolution of lunar governance conflicts with the international legal obligations of those States.

This paper submits the argument that the current lunar governance model is beneficial in advancing transparency and peaceful purposes in outer space. However, the paper also submits that the current lunar governance model is not a balanced one and fails to provide a coherent governance model that is fully compliant with international space law.