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TO THE MOON AND BACK: LIMITS OF THE EXPLOITATION OF LUNAR RESOURCES

**Abstract**

The Moon, along with outer space and other celestial bodies, cannot be subject to national appropriation, whether by claim of sovereignty, through use or occupation, or by any other means. This principle was firmly established in Article II of the Outer Space Treaty and has been universally accepted ever since.

Today, the extraction, exploitation and utilization of lunar resources are no longer mere dreams of space visionaries, but are increasingly becoming feasible options with each passing day.

In 2020, the Artemis Accords were signed by the United States and seven other countries, ushering in a new era of space exploration and regulation. The Artemis Accords, explicitly referencing the Outer Space Treaty, affirm that all activities related to resource extraction and utilization must comply with international law and do not constitute national appropriation.

The Artemis Accords have garnered widespread support with more than thirty countries, both spacefaring and non-spacefaring, signing onto them, a number expected to grow over time. As a non-binding international agreement, they serve as a foundation for broader discussions on the regulation of non-appropriation of lunar resources, aiming at preventing fragmented and controversial regulations on this topic.

The purpose of this paper is to outline the existing legal framework pertaining to the use of space resources and to evaluate the compatibility of the Artemis Accords with this framework. This examination aims at highlighting regulatory gaps in space resource governance and emphasizes the importance of international dialogue in addressing them. The paper also considers whether established international bodies, such as COPUOS, could serve as forums for clarifying ambiguities arising from the principle of non-appropriation.

A clear and comprehensive regulatory framework for lunar activities is essential to safeguard the interests of all stakeholders, including countries engaging in resource extraction and those poised to benefit from these opportunities in the future.

Keywords: space resources, Artemis Accords, Moon, international law, principle of non-appropriation