

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Alternative Space Rules Setting (5)

Author: Prof. Mark Sundahl
Cleveland State University, United States

THE ARTEMIS ACCORDS AND THE WASHINGTON COMPACT: A TWO-PRONGED APPROACH
TO ENHANCING THE RULE OF LAW IN SPACE

Abstract

As new sectors of space activity emerge, including on-orbit refueling and repair, lunar exploration, tourism, and resource extraction, the need to develop new norms (and to clarify existing norms) continues to grow. In the absence of new treaties, the international community has been experimenting with other ways to establish the “ground rules” for safeguarding the peaceful, sustainable, and equitable use of outer space. Two such efforts, the Artemis Accords and the Washington Compact, promise be a particularly effective combination, which together will encourage responsible behavior among both public and private actors.

Opened for signature in 2020, the Artemis Accords have been heralded by some as a bold and beneficial step forward in the evolution of international norms, while others see the Accords as a unilateral instrument which lacks the legitimacy of the consensus approach that is the hallmark of UNCOPUOS rule-making. This paper will evaluate the effectiveness and suitability of non-binding multilateral agreements, like the Artemis Accords, for promoting the rule of law and developing new norms. Special consideration will be given to the role played by private companies in this process.

This paper will then turn to the *Washington Compact on Norms of Behavior for Commercial Space Operations*, a non-binding instrument unveiled in 2022 by the the Hague Institute for Global Justice. The Compact has been referred to as the “Artemis Accords for private industry” and mirrors many of the concepts contained in the Accords, starting with a strong affirmation of the existing space law treaties. This paper will examine the operation of these two complementary instruments to see how they can work together to enhance the rule of law for the benefit of public and private actors – and for the benefit of humanity at large.