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Artemis Accords

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Why in News: Recently, India's Ambassador to the U.S., Taranjit Sandhu, leaned over a table at Washington, D.C.'s historic Willard Hotel to sign the document confirming India's acceptance of the Artemis Accords.

A Brief about Artemis Accord

The Artemis Accords are a set of non-binding guidelines that underpin the Artemis programme, an ambitious U.S.-led project to return humans to the Moon, this time permanently. The project plan includes a base on the lunar surface, multiple spacecraft to ferry humans and cargo, a small orbiting space station called the 'Lunar Gateway', and a constellation of satellites to help with navigation and communication.

Artemis mirrors a Chinese-Russian plan for an 'International Lunar Research Station' (ILRS). With Russia financially constrained and reeling under sanctions, China has taken the lead on ILRS, outlining similar plans for a permanent base and a lunar satellite constellation.

Proponents of lunar exploration often cite the primordial human urge to explore, the supposed commercial windfalls from celestial mining, and the need to inspire younger generations. Such exhortations often overlook the more immediate and more proximate motivations.

Space exploration reflects both the genius of humanity and the pathologies of its politics. For leaders in the U.S. and China, lunar exploration carries strong totemic value, embodying all that is good about their countries at a time when they are locked in a bitter rivalry. Leaders are also making a bet that the sheer difficulty of lunar exploration will spur technological innovation.

A major sign of power in international politics is the ability to set norms and build large multinational collaborations.

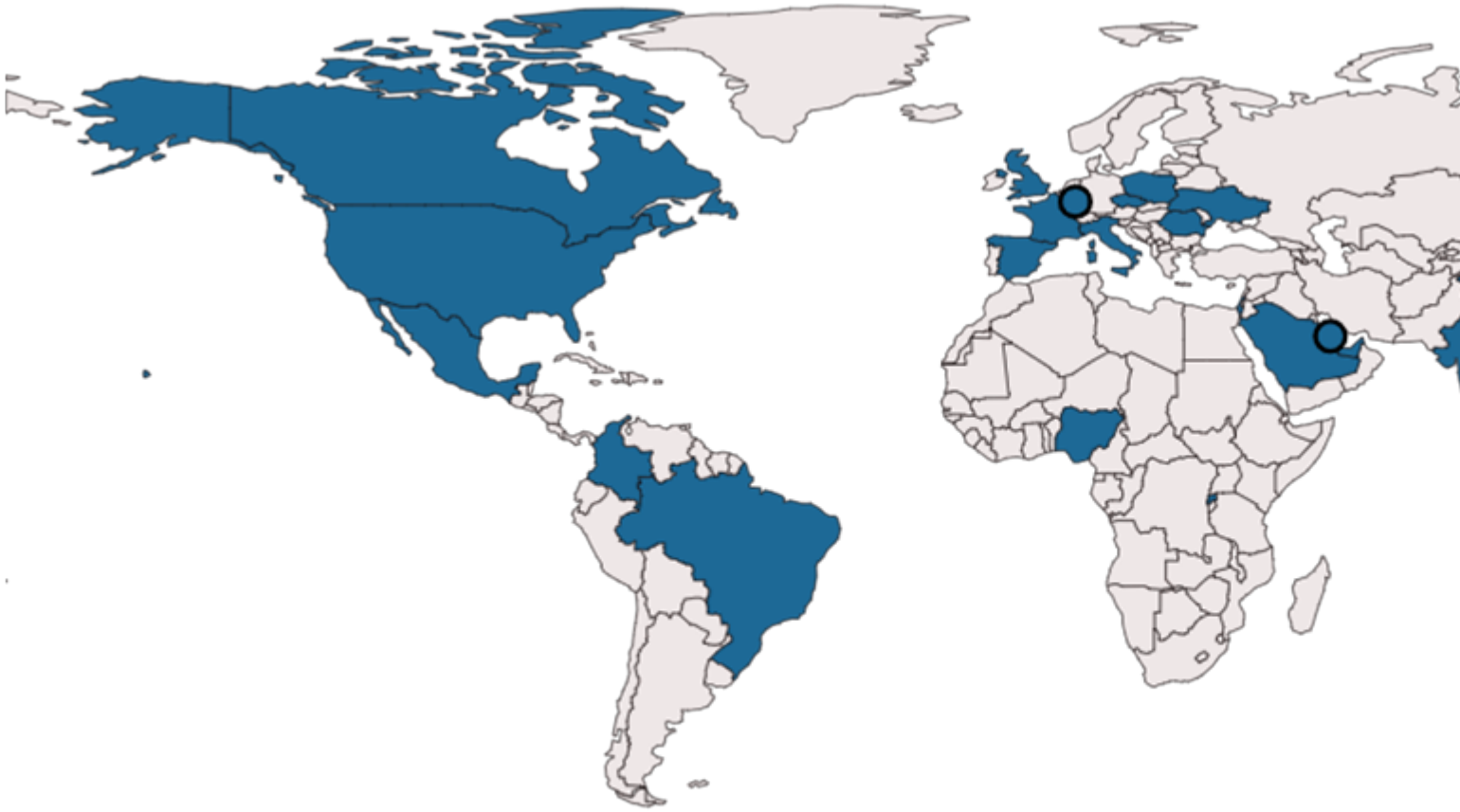
The ten principles listed in the Artemis Accords support an America-friendly interpretation of space law. In return for signing on, states get to participate in the Artemis programme, which can, in theory at least, bring both prestige and technological benefits.

Signatories of Artemis Accord

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Laws and the Moon

Modern space law is a tent erected on four international agreements, headlined by the Outer Space Treaty.

These agreements cover critical issues like the peaceful use of space, registration, and liability, and were struck between 1967 and 1976, a period roughly coinciding with both the original Space Race and Cold War detente.

The ten principles of the Artemis Accords are generally in consonance with these agreements.

A fifth treaty, the Moon Agreement, was introduced in 1979 but found no takers among the major spacefaring states of that time, including the U.S. and the Soviet Union. India joined a handful of other countries in signing the Moon Agreement, though it did not ratify it.

This is where the potential trouble begins. A key provision in the Artemis Accords allows for actors to extract and utilise space resources. Experts have often interpreted this as being at odds with the Moon Agreement – which asks for the gains from commercial exploitation of the Moon's resources to be equitably distributed. This provision also drew the ire of the Donald Trump administration, which evidently saw the Artemis Accords as a way to kill the already moribund Moon Agreement.

The U.S. stance on the Moon Agreement has softened since then. What's more, Artemis signatories like Australia and France have also signed the Moon Agreement.

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All this said, in reality, the provisions of the Artemis Accords and Moon Agreement are vague enough for enterprising lawyers to find enough wiggle room and play according to the rules of both.

In fact, at the same time, we are also at peril of overstating the consequences for Moon-mining in the near future. Even if the Artemis programme succeeds and private enterprises set up permanent settlements on the Moon, resource extraction will likely be largely restricted to using the lunar soil to build habitats and lunar ice for sustaining life.

India and Artemis Accord

The Artemis Accords came into being in 2020, just as India was beginning the process of opening up its own space sector to private players. While India being a signatory to the Moon Agreement may have initially given its diplomats pause, the cases of Australia and France are undoubtedly reassuring.

In any case, India's own attitude has evolved as well, with its new space policy allowing private players to mine any "space resource," which presumably includes the Moon.

India was also likely concerned that the Artemis Accords were an informal set of guidelines or norms rather than a legally-binding instrument. India has historically preferred formal law over informal guidelines because it believes laws foster better compliance among adherents regardless of their relative power in the international system.

On the other hand, India fears that norms set by great powers are designed to maximise their own freedom of action while constraining less powerful states like India. That India now accepts Artemis norms set by the U.S. suggests a subtle shift in its diplomatic practice.

The dramatic developments of the last three years have also made it clear that divisions between the U.S. and China are too deep for them to agree on a complex new international law. Until ties between the two great powers improve, they are unlikely to negotiate fruitfully on a new lunar law.

Finally, ties between India and the U.S. have been on an upswing and there is less hesitation in Delhi about joining an America-inspired international effort.

The Way Ahead

There is little doubt India extracted concessions from the U.S. for signing the Artemis Accords. These concessions may or may not be connected to lunar exploration, but if India wants to make the most of the Artemis programme, it has much work to do. India will have to increase its budget for space, overcome domestic resistance to collaboration with other space agencies, enable its private sector to work with other Artemis members, and develop legislation that encourages space activities. These may not be easy tasks but they are not like asking for the Moon.