

International Space Station Agreements to NASA Artemis Accords : A Quantum Leap

ABSTRACT

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NASA has just made public on 15 May 2020 a set of principles, destined to be formally endorsed by interested prospective parties, such as other international space agencies and private companies, in Artemis Accords. This looks very much like contracts of adhesion proposed on a “take it or leave it” basis, and appears to be a prerequisite for any kind of future interaction with NASA in moon exploration.

The inexorable progress made by NASA in the implementation of its Artemis Programme and the time limit of 2024 for bringing back humans on the moon appear to justify the sense of urgency inherent to NASA’s recent proposal and its newly-devised disruptive approach in the conduct of inter-agency relations. This is something completely at variance with the careful and painstaking four-year negotiations in the 1990’s of the terms of the International Space Station (ISS) Agreements, being the Intergovernmental Agreement among the fifteen Partner States, and the four similarly-worded Memorandums of Understanding (MOUs) between NASA and each of the other cooperating agencies.

Several of the underlying principles in the Artemis Accords have been subscribed to by all spacefaring nations in the framework of the United Nations 1967 Outer Space Treaty and should be widely acceptable. However, for other principles such as release of scientific data, space resources, deconfliction of activities and orbital debris, although being generally sympathetic to the underlying intentions, prospective international parties to Artemis Agreements do not yet share entirely NASA’s position on these matters.

In the light of the experience gained through the negotiations of the ISS Agreements, a number of thorny issues – to be addressed in the presentation - will certainly be thoroughly discussed among officials from prospective international Partner States or space agencies related to the feasibility and implications of going forward with Artemis Accords.