



European Space Policy Institute

Artemis Accords: What Implications for Europe?

1. *What are the Artemis Accords and what are they not ?*

On 13 October 2020, eight countries signed the Artemis Accords with the United States, a 7-page set of principles that countries willing to participate in the U.S. Artemis programme accept to adhere by. While Australia, Canada, Italy, Japan, Luxembourg, the United Kingdom and the United Arab Emirates reached an agreement with the United States, most of the international community has yet to take a formal position on this initiative, which is presented by U.S. officials as an operationalisation of the Outer Space Treaty. Some critical views on the Accords have already emerged, including in Europe. On 14 November 2020, Ukraine became the 9th signatory country.

Most of the principles agreed on by the signatories seem to enjoy a wide consensus (peaceful purposes, transparency, release of scientific data, emergency assistance, registration of objects, debris prevention). However, other principles and their precise wording (on space resources and deconfliction of activities) are visibly contentious, presenting a legal interpretation of international space treaties that is not universally shared. Since the ceremonial signing in October, many aspects of the Artemis Accords have been debated. It is important to clarify what the Accords are and what they are not:

- The Accords represent a political commitment of participating countries and do not have a legally binding nature under international law. The U.S. administration presents them as a preamble to following bilateral agreements between the United States and signatory countries.
- While the Accords are, title-wise, associated with the Artemis programme, principles and provisions therein reach beyond Artemis-related lunar presence and apply to participating countries' activities on “Moon, Mars, comets and asteroids”.
- Obviously, a non-signature of the Accords does not prevent other countries from engaging in space exploration. However, if a country wants to collaborate with the USA, it is reasonable to expect that NASA would request signature to the Artemis Accords.
- Although multilateral by nature, the Artemis Accords were not debated in traditional multilateral space *fora*. The Accords were principally developed through bilateral channels, between U.S. administration on one side and each previously approached partner on the other.

2. *Multiple important implications from the European standpoint*

For Europe, the disputed legal position of the Artemis Accords, their broad scope and the activities of the U.S. administration in support of their uptake have important implications:

- **The Artemis Accords raised concerns regarding the positions to be adopted by Europe in the international space arena.** While three of EU/ESA Member States have signed the Artemis Accords (Italy, Luxembourg, the UK), it seems that some others have diverging views. Actually, the prospects for a short-term unified European position are poor. On the contrary, the multiple concerns raised by the Artemis Accords highlight how much converging on common European positions on such contentious and politically sensitive space issues remains a far-reaching objective. As far as European institutions are concerned, while the question of EU competence in such matters is hardly raised, ESA role is strictly focusing on programmatic agency-to-agency

cooperation with NASA on Artemis missions and the Lunar Gateway but the Agency is not statutorily suited to negotiate high-level political or legal agreements on behalf of its Member States.

- **The Accords indirectly show the limits of the current European space diplomacy.** As a matter of fact, beyond the definition of common positions, the Accords underscore the current lack of a joint European space diplomatic posture. Actually privileging their sovereignty, European actors act individually according to their own interests. The Accords thus dramatically shed light on the prominence of national approaches in space matters, possibly affecting internationally the perception of Europe as the coherent, unified space power that it sometimes claims to be.
- **Artemis Accords principles have much broader implications than cooperation on the Artemis programme.** As the strategic or economic implications of activities on Moon, Mars, comets and asteroids not yet been fully understood, the legal interpretation of safety zones coupled with space resources utilisation set forth by the Accords becomes even more crucial. Accepting this interpretation might turn out as opposing to future stance of some European actors, once strategic or economic aspects of deep space exploration are clearer.
- **There is a disturbing link between programmatic cooperation and acceptance of governance principles with broader implications.** The unveiling of the Artemis Accords revealed the U.S. position that those who seek to collaborate on U.S. programmes will be expected to accept the Artemis Accords principles. This conditioning of cooperation through acceptance of space governance principles is a rather unusual development, underscoring that the Artemis Accords can be seen as a U.S. diplomatic tool using the Artemis programme as a lever to push U.S. position on the international scene.
- **Bilateral agreements contrast with the approach of developing norms in space through multilateral platforms that is generally preferred by European stakeholders.** The positions of European countries on matters related to norms in space generally share one foundational aspect, which is the view that such initiatives shall be discussed from their onset multilaterally at established platforms, such as UN COPUOS. The bilateral approach adopted by the United States for the Artemis Accords can also create difficulties for the European cooperation model, in particular in space exploration where it mostly relies on pan-European cooperation through ESA.
- **The Artemis Accords are strongly embedded in the foreign policy approach of the current U.S. administration.** Preferring bilateral over multilateral engagement, the United States have targeted a few European countries, with which they have privileged cooperation links and shared views on the issue and thus better prospects of bringing them on board. Similarly, the U.S. Space Traffic Management policy set down by the Space Policy Directive-3 in June 2018 also showed The United States seeking global leadership through U.S.-developed instruments and capabilities. Although the USA is now transitioning into a new Presidency, it is too early to predict its impact on U.S. foreign policy and diplomacy in the space domain, if any.

The Artemis Accords might just reveal - or trigger - some substantial divergence among European member States on the interpretation of fundamental legal documents such as the Outer Space Treaty. What needs to be avoided is that it gets in turn detrimental to their future joint efforts in particular in space exploration.

Developing widely accepted norms in space will inevitably require extensive engagement. Achieving a joint or at least a coordinated position of European states requires finding the right platform for converging and coordinating views. The adapted European Coordination Committee for the ISS IGA could be a suitable starting point in this matter. Reactivated in January 2020, this governmental forum now with more European states than those involved in the ISS has already proved useful in developing new legal tools for transatlantic cooperation on the Lunar Gateway. Looking further ahead, it is increasingly important for Europe to also consider how to do diplomatic coordination beyond space exploration issues.

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