

Artemis Accords Signing and Chandrayaan 3 Launch: Coincidence or Diplomatic Plan?

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Initiated by NASA in coordination with US State Department, Artemis Accords lays down a framework of principles that governs spatial explorations by governmental as well as private entities. Predicated on the Outer Space Treaty of 1967 (OST), it is a non-binding multilateral arrangement between the United States Government and other signatory nations participating in civil exploration. Launched on Oct. 13, 2020, the accords attempt at peaceful utilization of moon, mars, comets, asteroids and other celestial bodies. Article 2 of the Outer Space Treaty prohibits national appropriation of outer space including the moon as well as other celestial bodies.

The path-breaking decision on embarking on a new journey of space collaboration with the US took place during Prime Minister Narendra Modi's recent USA visit when India signed the Artemis Accords to strengthen its relationship with NASA and establish itself as a global space power. It must be noted that India has always been in favor of the noble attempt of the non-appropriation principle of International Space Law as outlined in the Outer Space Treaty of 1967 under Article II, that means outer space cannot be subjected to ownership rights . Thus under Article II of the Outer Space Treaty , the states have an obligation to ensure that all actors in space , both government and non government to operate according to common legal framework. Now the signing of the Artemis Accords raises questions. Whether India has changed its position with regard to interpretation of

non-appropriation principle more specifically on celestial bodies mining (Mars and Moon)? Why did India sign the Artemis Accords just before the launch of Chandrayaan 3, a major lunar exploration by ISRO? Is it coincidental or there is a hidden diplomatic negotiation underpinning this decision?

Developed by ISRO, Chandrayaan 3 is India's moon mission that has been launched on July 14, 2023 from the Satish Dhawan Space Centre at Sriharikota in southern Andhra Pradesh state at 2:30 p.m. local time. This mission seeks to accomplish the complicated task of soft landing a spacecraft on the moon's surface in order to collect data and conduct scientific experiments near the unexplored South Pole of the moon. Though Outer Space Treaty outlaws private enterprises from claiming sovereignty over celestial bodies, the U.S. and Luxembourg through their national space law have allowed private property rights over resources extracted from space. The pertinent question is how will the international collaboration fostered by Artemis Accords benefit India's space exploration initiatives especially when there is no purported legal system that supports private claim of ownership of outer space.

Almost all the space advanced nations are allowing private entities to function in outer space. Initially when Outer Space Treaty was signed among the nations, private space activities were almost absent, but gradually due to situational advantage of outer space, the use of outer space for commercial purposes have been increasing rapidly. The space commerce isn't only conducted by states but private's entities have been engaged in exploring space for economic activities. The contribution of space commerce to economic output of the world has accelerated significantly and it has been assumed that this rate of acceleration will substantially increase in the coming years. Considering all these developments, all the states have been investing heavily in space research. Most importantly, advanced countries in space technology have been coming closer to exploiting space resources.

The development of space age had a context back in 1950s. The space age had begun just after the Second World War. Since then the United Nations had been careful while responding to the development of space activities. The objective of United Nations was not to make outer space another battle ground for war. All the wars in history are either fought for territory or for resources. The space offers extraordinary advantage to the space advanced nations as compared to those non-space advanced nations. These facilities are not merely limited to military activities but extend to economy and human resources development. Moreover, celestial bodies offer tremendous opportunities for natural resources which may be a game changer for the energy crisis facing the earth. Therefore, states are advancing fast to exercise their control over such resources to meet their energy crisis.

The United Nations had understood the matter at the initial stage of space age. Therefore, it included the principle of non-appropriation in the core discussion of space age agenda. The result was the inclusion of non-appropriation principle in General Assembly Resolution 1963 and Article II of Outer Space Treaty 1967. Though there was a lot of discussion about the applicability of the principle and the interpretation of 'national

appropriation' but primarily it was agreed upon that states cannot extend their sovereignty over the celestial bodies. The moon and all the other celestial bodies are common heritage of mankind.

From the very beginning of space age India has been actively contributing to the development of space law. Since the first meeting of United Nations Committee for Peaceful use of Outer Space, India has been working closely with other nations to make space a venture for human development. Over the years, India has achieved tremendous success in space science and technology. In recent years, India's space activities have not only remained confined to state centric space exploration but have expanded and accommodated private parties for such space activities. The issue of property rights has become more pertinent as state parties as well as private parties have been investing heavily in outer space. Considering the Space Policy 2023, Government of India is looking for heavy investment in the space sector and actively privatizing the outer space activities. Probably, signing of the Artemis Accords just before the launch of Chandrayaan 3 is a signal of India's interest in granting private property rights in moon and other celestial bodies.

[Photo by Indian Space Research Organisation, via Wikimedia Commons]

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