THE PENINSULA FOUNDATION

The Peninsula Journal of Strategy and Policy

Volume 2, Issue 1 of PJSP **DOI: https://doi.org/10.70646/PJSP.2026.3101**

Expert Commentaries

The Moon Belongs to Whoever Writes the Rules

Air Marshal M Matheswaran AVSM VM PhD (V)*

Artemis, the Quiet Death of Multilateral Space Law, and India's Pivotal Choice | A commentary on the geopolitical consequences of the Artemis return to the Moon.

When four astronauts looped around the Moon aboard Artemis II this April and returned safely after a decade of false starts, the headlines understandably dwelt on the human drama: the first crew to leave low-Earth orbit since 1972, the first woman and the first person of colour to make the journey. Yet the more consequential story is not who flew, but what the flight ratified. Artemis is the visible tip of an invisible project — a quiet, methodical effort to write the operating rules for the cislunar frontier before anyone else can, and to do so outside the multilateral institutions that have governed space for nearly sixty years. The mission was a demonstration of capability. The Artemis Accords are an attempt to convert that capability into law. It is the second of these that deserves our attention, because it is reshaping the politics of space far more profoundly than any rocket.

The conventional framing — that the Accords betray the Outer Space Treaty's promise that space is the "common heritage of mankind" — is emotionally satisfying yet legally imprecise, and that imprecision matters. That phrase appears nowhere in the 1967 Treaty. It belongs to the 1979 Moon Agreement, an instrument so thoroughly rejected by every serious spacefaring power that it functions today as a museum piece. What the Outer Space Treaty actually says is gentler and vaguer: that the exploration and use of space shall be carried out "for the benefit and in the interests of all countries," as the "province of all mankind," and that no nation may appropriate celestial territory. The genius — and the vulnerability — of that language is its

ambiguity. It was drafted for an age of flags and footprints, not for an age of commercial mining and permanent bases. Into that ambiguity the Accords have stepped, and there lies the real story.

Consider the two provisions that have drawn the most fire. The first concerns resources: the Accords affirm that extracting and using space resources does not "inherently" constitute national appropriation under the Treaty's Article II. Notice the precision of the move. It does not claim a right to own the Moon; it claims, more modestly and more cunningly, that scooping up lunar ice and selling the water is not the same as planting a flag of sovereignty. This is a defensible reading of an ambiguous text — indeed, it is the reading already written into American, Luxembourgish, and other national legislation — but it is a reading chosen unilaterally and then propagated through a coalition rather than negotiated in a treaty hall. The second provision concerns "safety zones": notification buffers around installations meant to prevent harmful interference. In a region as geographically constrained as the lunar south pole, where the sunlit ridges and ice-bearing craters are few and clustered, the distinction between a temporary safety buffer and a permanent keep-out zone is deliberately ambiguous and dangerously thin — and the Accords supply no mechanism to adjudicate it. A safety zone that no one can challenge and that sits atop the only nearby deposit of accessible water begins, after enough years, to look indistinguishable from the appropriation the Treaty forbids. The Accords have not abolished or violated Article II; they have found the space between its words.

So the accusation must be restated to be fair, and when restated, it becomes sharper rather than blunter. The Accords do not violate the letter of the Outer Space Treaty. What they do is quietly bury the egalitarian alternative — the redistributive, commons-managed vision of the Moon Agreement — and replace it with a regime of first-mover access, in which the Moon's best real estate is, in effect, allocated to whoever arrives first and with the most. The Treaty's promise of non-discriminatory access survives on paper while being hollowed out in practice. International law, in this domain, is no longer made in Vienna or New York. It is being made on the lunar surface and in the arithmetic of a growing signatory list, sixty-seven members deep as of this writing.

This is where the deeper continuity reveals itself, and it is one too few commentators acknowledge. The Accords did not spring from nowhere. They are the heirs to the European Union's ill-fated International Code of Conduct for Outer Space Activities, floated in 2008 in the wake of China's alarming anti-satellite test and finally abandoned at the United Nations in 2015. That effort failed for an instructive reason: the emerging powers — India, Brazil, Russia,

China — refused to endorse a set of rules they had not helped write, suspecting, not unreasonably, that a code authored by incumbents would freeze their ambitions in place. The comparison many of them drew was the Nuclear Non-Proliferation Treaty: a bargain that divided the world into those permitted capabilities and those forever denied them. An "NPT in space" was precisely what the Global South feared.

The bitter irony is that the United States drew the opposite lesson from the Code's collapse than its critics did. Where the critics concluded that legitimate space law must be negotiated multilaterally and by consensus, Washington concluded that the search for consensus was the problem. The Accords dispense with consensus entirely. Rather than seeking universal agreement and failing, the United States built its own coalition, one capital at a time, treating the Outer Space Treaty not as a foundation on which to construct new multilateral law but as a ceiling to be interpreted and then ratified by the sheer weight of its adherents. It is governance by accretion. And it has worked spectacularly, which is exactly why Russia and China regard it as illegitimate. Their objection is not fundamentally about lunar ice; it is about who holds the pen.

Their answer has been to grab a pen of their own. The China–Russia International Lunar Research Station, formalised in 2021, is not merely a rival construction project but a rival theory of how space should be governed — marketed, pointedly, under the banner of "co-consultation, joint construction, and shared benefits," a vocabulary calculated to appeal to exactly the Global South constituencies that distrusted the Western code. Beijing has assembled its own coalition, drawing in partners from Belarus to Pakistan to Venezuela, and has paired this diplomacy with hardware: the Chang'e-7 mission, prospecting the south pole for resources, and Chang'e-8, demonstrating the technologies to use them in place. Both are precursors to a permanent station and both target the same narrow polar band that Artemis covets. We therefore have two coalitions, two philosophies, and one piece of contested ground — a configuration that should make any student of terrestrial geopolitics uneasy.

It would be a mistake, though, to leap from this to the claim that the Accords are militarising space. The framework is explicitly civil, and the orbital arms race — the American "Golden Dome" interceptor programme, the Space Force's open embrace of war-fighting doctrine, the co-orbital "inspector" satellites and counterspace weapons that all three major powers now field — is proceeding on its own track, governed, or rather ungoverned, by its own logic. The honest analytical claim is subtler and, I think, more disquieting. The Accords do not deploy

weapons; they harden the competitive environment in which weapons become attractive. When access to lunar resources and the prestige of presence are framed as a zero-sum contest between exclusive blocs, every actor reads the other's civilian infrastructure as a latent military advantage, and the security dilemma does the rest. The danger is not that Artemis carries guns. It is that Artemis sharpens the rivalry within which the guns are quietly being readied.

This brings me to a pivotal player whose strategic decisions are both enlightening and underappreciated beyond its borders: India. In a remarkable sequence of events, India not only signed the Artemis Accords but also achieved a historic milestone by landing Chandrayaan-3 near the lunar south pole, becoming the first nation to do so. This juxtaposition is striking, especially given India's previous vocal scepticism of the European code, which it critiqued for its incumbent bias. By endorsing the Accords, India has evidently recalibrated its stance. The rationale behind this shift is clear: New Delhi has astutely recognised that joining the leading coalition, with its unparalleled access to cutting-edge technology, advanced training, and significant influence in shaping rules, offers far greater benefits than clinging to a multilateral process. This strategic alignment is particularly crucial as a rival bloc, led by China, gains momentum. Far from abandoning its traditions, India is making a calculated decision that these traditions are best preserved and advanced from within the coalition's inner circle.

Yet India has been careful not to be absorbed. It signed the Accords but stayed out of the International Lunar Research Station. It has kept its space programme defiantly indigenous — a crewed Gaganyaan flight, a national space station planned for the mid-2030s, and an Indian on the Moon targeted for 2040 — and has preserved the strategic autonomy that has defined its statecraft since independence. And it is, not incidentally, a direct competitor with China in the very south-polar race the Accords have intensified, which folds the oldest of terrestrial rivalries into the newest of frontiers. India is thus the swing power of the emerging cislunar order: aligned with the American framework but not owned by it, capable of acting alone, and — should it choose to spend its accumulating capital this way — perhaps the only actor with both the standing and the interest to argue for pulling the rival coalitions back towards common, UN-anchored rules.

The question of whether New Delhi can answer this challenge remains uncertain, but what is undeniably clear is the urgent need for action. The structural forces at play are driving us towards fragmentation. The UN Committee on the Peaceful Uses of Outer Space has failed to produce a binding instrument since the ineffective Moon Agreement of 1979, as its consensus-

driven approach lags behind the rapid pace of commercial advancements. In this void, coalitions have surged forward, establishing norms through practice rather than formal ratification. Once established, these norms tend to solidify into customary practice without widespread agreement. This is the true peril of our current situation—not the dramatic possibility of a clash at a lunar crater, but the insidious, gradual drift towards two incompatible legal frameworks. Each framework entrenches the advantages of early adopters, threatening to reduce the egalitarian promises of 1967 to mere rhetoric. We must act decisively to prevent this fragmentation and uphold the principles of equality and cooperation in outer space.

We should be clear-eyed about what Artemis II actually accomplished, then. It returned humans to the vicinity of the Moon, which is a genuine achievement. But its lasting significance is political: it lent the momentum of a successful mission to a normative project that is rewriting the rules of space in the image of those powerful enough to reach it first. The Outer Space Treaty imagined the heavens as the province of all mankind. What is emerging instead is a frontier governed by coalitions, contested by blocs, and increasingly shadowed by the instruments of war — a Moon that will belong, in any sense that matters, to whoever writes its rules. The contest to hold that pen is the real space race of our era, and it is being run not on launchpads but in foreign ministries. India, improbably, may hold the deciding vote. We should watch what it does with it.

ABOUT THE AUTHOR



*Air Marshal M Matheswaran AVSM VM PhD (V), is an Indian Air Force veteran, former Deputy-Chief of the Integrated Defence Staff and the Founder-President of The Peninsula Foundation, Chennai