

אישור חתימת סוכנות החלל הישראלית על הסכמי ארטמיס

הצעה להחלטה

מחליטים, לאשר את חתימת סוכנות החלל הישראלית, הנמצאת תחת משרד החדשנות, המדע והטכנולוגיה, על הסכמי ארטמיס בעניין עקרונות לשיתוף פעולה בחקר ובשימוש אזרחי של הירח, מאדים, שביטים ואסטרואידים למטרות שלום.

דברי הסבר

רקע כללי

1. הסכמי ארטמיס (Artemis Accords: Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes) עוסקים בעקרונות לשיתוף פעולה למטרת מחקר ושימושים אזרחיים של גופים שמיימיים (הירח, מאדים, שביטים ואסטרואידים) למטרות שלום. מצ"ב נוסח ההסכמים.
2. ההסכם מובל על ידי נאס"א (המינהל הלאומי לאווירונאוטיקה וחלל של ארה"ב), וחברות בו כיום 13 מדינות: אוסטרליה, אוקראינה, איחוד האמירויות הערביות, איטליה, ארצות הברית, ברזיל, בריטניה, יפן, לוקסמבורג, ניו-זילנד, פולין, קוריאה הדרומית, וקנדה. לאחרונה ישראל הוזמנה להצטרף להסכמים. מצ"ב ההזמנה הרשמית.
3. ההסכמים, שהנם למעשה הצהרה משותפת, אינם מחייבים משפטית. סעיפי ההסכמים מבוססים על עקרונות מקובלים בתחום דיני החלל, שחלים על ישראל כבר כיום, והחתימה עליהם מביעה נכונות להתנהל על פי העקרונות הללו בפעילות אזרחית הקשורה לגופים שמיימיים ובתיאום בין המדינות החתומות.
4. שר החוץ, ושרת החדשנות, המדע והטכנולוגיה, רואים בחתימה על הסכמי ארטמיס כמשמעותית מבחינה מדינית, כלכלית ומקצועית. לחתימה צפויה להיות השפעה משמעותית על דיפלומטיית החלל של ישראל, לרבות שיתופי פעולה עם המדינות החתומות ועצם ההשתייכות לקבוצה זו. כמו כן, החתימה צפויה לאפשר הגברת שיתופי הפעולה המסחריים והכלכליים בתחום החלל בין התעשיות של המדינות החתומות.
5. בכפוף לאישור הממשלה, מנהל סוכנות החלל צפוי לחתום על ההסכם בסוף חודש נובמבר 2022, בשולי כנס החלל הבינלאומי ע"ש אילן רמון של משרד החדשנות, המדע והטכנולוגיה, אשר ייערך בשבוע החלל (23-27.1.2022). ישראל תהיה חברה בהסכמי ארטמיס עם החתימה עליהם.

נתונים כלכליים וההשפעה על משק המדינה

אין.

תקציב

אין.

השפעת ההצעה על מצבת כח האדם

אין.

עמדת שרים אחרים שההצעה נוגעת לתחום סמכותם

אין.

החלטות קודמות של הממשלה בנושא

אין.

עמדת היועץ המשפטי של המשרד יוזם ההצעה

כאמור בחוות הדעת המשפטית המצורפת, אין מניעה משפטית לקבל את ההחלטה.
כמו כן, מצ"ב חוות דעת היועצת המשפטית של משרד החדשנות, המדע והטכנולוגיה.

סיווגים

סיווג ראשי: 02 הצהרתי.

תחום פעולה עיקרי: 01 חוץ ובטחון

מוגש על ידי שר החוץ

ועל ידי שרת החדשנות, המדע והטכנולוגיה

ג' בשבט התשפ"ב

05 בינואר 2022

THE ARTEMIS ACCORDS

PRINCIPLES FOR COOPERATION IN THE CIVIL EXPLORATION AND

USE OF THE MOON, MARS, COMETS, AND ASTEROIDS

FOR PEACEFUL PURPOSES

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The Signatories to these Accords;

RECOGNIZING their mutual interest in the exploration and use of outer space for peaceful purposes, and **UNDERSCORING** the continuing importance of existing bilateral space cooperation agreements;

NOTING the benefit for all humankind to be gained from cooperating in the peaceful use of outer space;

USHERING in a new era of exploration, more than 50 years after the historic Apollo 11 Moon landing and more than 20 years after the establishment of a continuous human presence aboard the International Space Station;

SHARING a common spirit and the ambition that the next steps of humanity's journey in space inspire current and future generations to explore the Moon, Mars, and beyond;

BUILDING upon the legacy of the Apollo program, which benefited all of humankind, the Artemis program will land the first woman and next man on the surface of the Moon and establish, together with international and commercial partners, the sustainable human exploration of the solar system;

CONSIDERING the necessity of greater coordination and cooperation between and among established and emerging actors in space;

RECOGNIZING the global benefits of space exploration and commerce;

ACKNOWLEDGING a collective interest in preserving outer space heritage;

AFFIRMING the importance of compliance with the *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, opened for signature on January 27, 1967 ("Outer Space Treaty") as well as the *Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space*, opened for signature on April 22, 1968 ("Rescue and Return Agreement"), the *Convention on International Liability for Damage Caused by Space Objects*, opened for signature on March 29, 1972 ("Liability Convention"), and the *Convention on Registration of Objects Launched into Outer Space*, opened for signature on January 14, 1975 ("Registration Convention"); as well as the benefits of coordination via multilateral forums, such as the United Nations Committee on the Peaceful Uses of Outer Space ("COPUOS"), to further efforts toward a global consensus on critical issues regarding space exploration and use; and

DESIRING to implement the provisions of the Outer Space Treaty and other relevant international instruments and thereby establish a political understanding regarding mutually beneficial practices for the future exploration and use of outer space, with a focus on activities conducted in support of the Artemis Program;

COMMIT to the following principles:

SECTION 1 - PURPOSE AND SCOPE

The purpose of these Accords is to establish a common vision via a practical set of principles, guidelines, and best practices to enhance the governance of the civil exploration and use of outer space with the intention of advancing the Artemis Program. Adherence to a practical set of principles, guidelines, and best practices in carrying out activities in outer space is intended to increase the safety of operations, reduce uncertainty, and promote the sustainable and beneficial use of space for all humankind. The Accords represent a political commitment to the principles described herein, many of which provide for operational implementation of important obligations contained in the Outer Space Treaty and other instruments.

The principles set out in these Accords are intended to apply to civil space activities conducted by the civil space agencies of each Signatory. These activities may take place on the Moon, Mars, comets, and asteroids, including their surfaces and subsurfaces, as well as in orbit of the Moon or Mars, in the Lagrangian points for the Earth-Moon system, and in transit between these celestial bodies and locations. The Signatories intend to implement the principles set out in these Accords through their own activities by taking, as appropriate, measures such as mission planning and contractual mechanisms with entities acting on their behalf.

SECTION 2 - IMPLEMENTATION

1. Cooperative activities regarding the exploration and use of outer space may be implemented through appropriate instruments, such as Memoranda of Understanding, Implementing Arrangements under existing Government-to-Government Agreements, Agency-to-Agency arrangements, or other instruments. These instruments should reference these Accords and include appropriate provisions for implementing the principles contained in these Accords.
 - (a) In the instruments described in this Section, the Signatories or their subordinate agencies should describe the nature, scope, and objectives of the civil cooperative activity;
 - (b) The Signatories' bilateral instruments referred to above are expected to contain other provisions necessary to conduct such cooperation, including those related to liability, intellectual property, and the transfer of goods and technical data;
 - (c) All cooperative activities should be carried out in accordance with the legal obligations applicable to each Signatory; and
 - (d) Each Signatory commits to taking appropriate steps to ensure that entities acting on its behalf comply with the principles of these Accords.

SECTION 3 – PEACEFUL PURPOSES

The Signatories affirm that cooperative activities under these Accords should be exclusively for peaceful purposes and in accordance with relevant international law.

SECTION 4 – TRANSPARENCY

The Signatories are committed to transparency in the broad dissemination of information regarding their national space policies and space exploration plans in accordance with their national rules and regulations.

The Signatories plan to share scientific information resulting from their activities pursuant to these Accords with the public and the international scientific community on a good-faith basis, and consistent with Article XI of the Outer Space Treaty.

SECTION 5 – INTEROPERABILITY

The Signatories recognize that the development of interoperable and common exploration infrastructure and standards, including but not limited to fuel storage and delivery systems, landing structures, communications systems, and power systems, will enhance space-based exploration, scientific discovery, and commercial utilization. The Signatories commit to use reasonable efforts to utilize current interoperability standards for space-based infrastructure, to establish such standards when current standards do not exist or are inadequate, and to follow such standards.

SECTION 6 – EMERGENCY ASSISTANCE

The Signatories commit to taking all reasonable efforts to render necessary assistance to personnel in outer space who are in distress, and acknowledge their obligations under the Rescue and Return Agreement.

SECTION 7 – REGISTRATION OF SPACE OBJECTS

For cooperative activities under these Accords, the Signatories commit to determine which of them should register any relevant space object in accordance with the Registration Convention. For activities involving a non-Party to the Registration Convention, the Signatories intend to cooperate to consult with that non-Party to determine the appropriate means of registration.

SECTION 8 – RELEASE OF SCIENTIFIC DATA

1. The Signatories retain the right to communicate and release information to the public regarding their own activities. The Signatories intend to coordinate with each other in advance regarding the public release of information that relates to the other Signatories' activities under these Accords in order to provide appropriate protection for any proprietary and/or export-controlled information.
2. The Signatories are committed to the open sharing of scientific data. The Signatories plan to make the scientific results obtained from cooperative activities under these Accords available to the public and the international scientific community, as appropriate, in a timely manner.
3. The commitment to openly share scientific data is not intended to apply to private sector operations unless such operations are being conducted on behalf of a Signatory to the Accords.

SECTION 9 – PRESERVING OUTER SPACE HERITAGE

1. The Signatories intend to preserve outer space heritage, which they consider to comprise historically significant human or robotic landing sites, artifacts, spacecraft, and other evidence of activity on celestial bodies in accordance with mutually developed standards and practices.
2. The Signatories intend to use their experience under the Accords to contribute to multilateral efforts to further develop international practices and rules applicable to preserving outer space heritage.

SECTION 10 – SPACE RESOURCES

1. The Signatories note that the utilization of space resources can benefit humankind by providing critical support for safe and sustainable operations.
2. The Signatories emphasize that the extraction and utilization of space resources, including any recovery from the surface or subsurface of the Moon, Mars, comets, or asteroids, should be executed in a manner that complies with the Outer Space Treaty and in support of safe and sustainable space activities. The Signatories affirm that the extraction of space resources does not inherently constitute national appropriation under Article II of the Outer Space Treaty, and that contracts and other legal instruments relating to space resources should be consistent with that Treaty.
3. The Signatories commit to informing the Secretary-General of the United Nations as well as the public and the international scientific community of their space resource extraction activities in accordance with the Outer Space Treaty.

4. The Signatories intend to use their experience under the Accords to contribute to multilateral efforts to further develop international practices and rules applicable to the extraction and utilization of space resources, including through ongoing efforts at the COPUOS.

SECTION 11 – DECONFLICTION OF SPACE ACTIVITIES

1. The Signatories acknowledge and reaffirm their commitment to the Outer Space Treaty, including those provisions relating to due regard and harmful interference.
2. The Signatories affirm that the exploration and use of outer space should be conducted with due consideration to the United Nations Guidelines for the Long-term Sustainability of Outer Space Activities adopted by the COPUOS in 2019, with appropriate changes to reflect the nature of operations beyond low-Earth orbit.
3. Consistent with Article IX of the Outer Space Treaty, a Signatory authorizing an activity under these Accords commits to respect the principle of due regard. A Signatory to these Accords with reason to believe that it may suffer, or has suffered, harmful interference, may request consultations with a Signatory or any other Party to the Outer Space Treaty authorizing the activity.
4. The Signatories commit to seek to refrain from any intentional actions that may create harmful interference with each other's use of outer space in their activities under these Accords.
5. The Signatories commit to provide each other with necessary information regarding the location and nature of space-based activities under these Accords if a Signatory has reason to believe that the other Signatories' activities may result in harmful interference with or pose a safety hazard to its space-based activities.
6. The Signatories intend to use their experience under the Accords to contribute to multilateral efforts to further develop international practices, criteria, and rules applicable to the definition and determination of safety zones and harmful interference.
7. In order to implement their obligations under the Outer Space Treaty, the Signatories intend to provide notification of their activities and commit to coordinating with any relevant actor to avoid harmful interference. The area wherein this notification and coordination will be implemented to avoid harmful interference is referred to as a 'safety zone'. A safety zone should be the area in which nominal operations of a relevant activity or an anomalous event could reasonably cause harmful interference. The Signatories intend to observe the following principles related to safety zones:
 - (a) The size and scope of the safety zone, as well as the notice and coordination, should reflect the nature of the operations being conducted and the environment that such operations are conducted in;
 - (b) The size and scope of the safety zone should be determined in a reasonable manner

- leveraging commonly accepted scientific and engineering principles;
- (c) The nature and existence of safety zones is expected to change over time reflecting the status of the relevant operation. If the nature of an operation changes, the operating Signatory should alter the size and scope of the corresponding safety zone as appropriate. Safety zones will ultimately be temporary, ending when the relevant operation ceases; and
 - (d) The Signatories should promptly notify each other as well as the Secretary-General of the United Nations of the establishment, alteration, or end of any safety zone, consistent with Article XI of the Outer Space Treaty.
- 8. The Signatory maintaining a safety zone commits, upon request, to provide any Signatory with the basis for the area in accordance with the national rules and regulations applicable to each Signatory.
 - 9. The Signatory establishing, maintaining, or ending a safety zone should do so in a manner that protects public and private personnel, equipment, and operations from harmful interference. The Signatories should, as appropriate, make relevant information regarding such safety zones, including the extent and general nature of operations taking place within them, available to the public as soon as practicable and feasible, while taking into account appropriate protections for proprietary and export-controlled information.
 - 10. The Signatories commit to respect reasonable safety zones to avoid harmful interference with operations under these Accords, including by providing prior notification to and coordinating with each other before conducting operations in a safety zone established pursuant to these Accords.
 - 11. The Signatories commit to use safety zones, which will be expected to change, evolve, or end based on the status of the specific activity, in a manner that encourages scientific discovery and technology demonstration, as well as the safe and efficient extraction and utilization of space resources in support of sustainable space exploration and other operations. The Signatories commit to respect the principle of free access to all areas of celestial bodies and all other provisions of the Outer Space Treaty in their use of safety zones. The Signatories further commit to adjust their usage of safety zones over time based on mutual experiences and consultations with each other and the international community.

SECTION 12 - ORBITAL DEBRIS

- 1. The Signatories commit to plan for the mitigation of orbital debris, including the safe, timely, and efficient passivation and disposal of spacecraft at the end of their missions, when appropriate, as part of their mission planning process. In the case of cooperative missions, such plans should explicitly include which Signatory has the primary responsibility for the end-of-mission planning and implementation.
- 2. The Signatories commit to limit, to the extent practicable, the generation of new, long-lived harmful debris released through normal operations, break-up in operational or post-mission

phases, and accidents and conjunctions, by taking appropriate measures such as the selection of safe flight profiles and operational configurations as well as post-mission disposal of space structures.

SECTION 13 – FINAL PROVISIONS

1. Building on any consultative mechanisms in preexisting arrangements as appropriate, the Signatories commit to periodically consult to review the implementation of the principles in these Accords, and to exchange views on potential areas of future cooperation.
2. The Government of the United States of America will maintain the original text of these Accords and transmit to the Secretary-General of the United Nations a copy of these Accords, which is not eligible for registration under Article 102 of the Charter of the United Nations, with a view to its circulation to all the members of the Organization as an official document of the United Nations.
3. After October 13, 2020, any State seeking to become a Signatory to these Accords may submit its signature to the Government of the United States for addition to this text.

Adopted on October 13, 2020, in the English language.

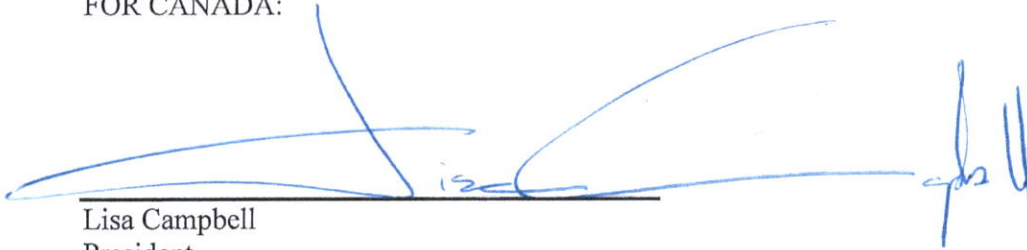
FOR AUSTRALIA



Dr Megan Clark AC
Head, Australian Space Agency

Date: 13 October 2020

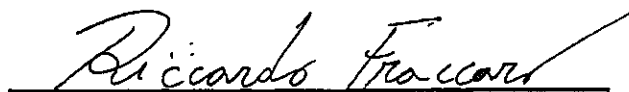
FOR CANADA:



Lisa Campbell
President
Canadian Space Agency

Date: 13.10.20

FOR REPUBLIC OF ITALY:

A handwritten signature in black ink, reading "Riccardo Fraccaro", written over a horizontal line.

On. Riccardo Fraccaro
Undersecretary of State at the Presidency
of the Council of Ministers

Date: 13 OTT. 2020

FOR JAPAN:

井上 信治

INOUE Shinji

Minister of State for Space Policy

Date: 2020/10/13

FOR JAPAN:

萩生田 光一

HAGIUDA Koichi
Minister of Education, Culture, Sports,
Science and Technology

Date: 2020/10/13

FOR THE GRAND DUCHY OF
LUXEMBOURG



Franz Fayot
Minister of the Economy

Date: October 13, 2020

FOR THE UNITED ARAB EMIRATES:

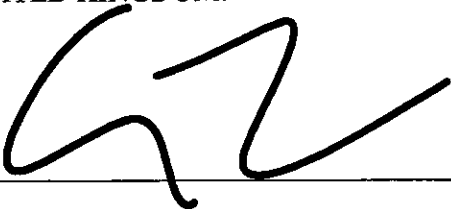


Her Excellency Sarah bint Yousef Al Amiri
Minister of State for Advanced Technologies
Chairwoman of UAE Space Agency

Date: 13.10.2020

SIGNED

FOR THE UK SPACE AGENCY
ON BEHALF OF THE GOVERNMENT OF THE
UNITED KINGDOM:



Dr Graham Turnock
Chief Executive

Place: 71st International Astronautical Congress

Date: 13th October 2020_____

FOR THE UNITED STATES OF AMERICA:

A handwritten signature in black ink, reading "Jim Bridenstine". The signature is written in a cursive, flowing style.

James F. Bridenstine
Administrator
National Aeronautics and Space Administration

Date: 10/13/20_____



חוות דעת משפטית הנלווית להצעת החלטה לממשלה

נושא הצעת ההחלטה:

חתימה על הסכמי ארטמיס בעניין עקרונות לשיתוף פעולה בחקר ובשימוש אזרחי של הירח, מאדים, שביטים ואסטרואידים למטרות שלום.

תמצית ההצעה בהתייחס להיבטי המשפטיים:

הסכמי ארטמיס (Artemis Accords: Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes) עוסקים בעקרונות לשיתוף פעולה למטרות מחקר ושימושים אזרחיים של גופים שמיימיים (הירח, מאדים, שביטים ואסטרואידים) למטרות שלום.

ההסכמים, שהנם למעשה הצהרה משותפת, אינם מחייבים משפטית. סעיפי ההסכמים מבוססים על עקרונות מקובלים בתחום דיני החלל, בנושאים כגון שיתוף מידע מדעי, סיוע בחירום, מניעת התנגשויות, שימוש במשאבי חלל, פעילות חלל בת-קיימא, הפחתת זיהום החלל, ושיתוף פעולה בין-לאומי.

עקרונות אלה חלים על ישראל כבר כיום, והחתימה על ההסכמים מביעה נכונות להתנהל על פי העקרונות הללו בפעילות אזרחית הקשורה לגופים שמיימיים ובתיאום בין המדינות החתומות.

בכפוף לאישור הממשלה, מנהל סוכנות החלל צפוי לחתום על ההסכמים בסוף חודש ינואר 2022, בשולי כנס החלל הבינלאומי ע"ש אילן רמון אשר ייערך בשבוע החלל (23-27.1.2022). ישראל תהיה חברה בהסכמי ארטמיס עם החתימה עליהם.

קשיים משפטיים, ככל שישנם, ודרכי פתרון:

אין קשיים משפטיים.

עמדת היועצים המשפטיים של משרדים אחרים שהצעת ההחלטה נוגעת להם:

לעמדת היועצת המשפטית למשרד החדשנות, המדע והטכנולוגיה, אין מניעה משפטית לחתום על ההסכמים.

עמדת היועץ המשפטי של המשרד שהשר העומד בראשו מגיש את ההצעה או מי שהוסמך

מטעמו:

אין מניעה משפטית לחתום על ההסכמים.

4/1/22

תאריך

חתימה

היועץ המשפטי למשרד החוץ
תפקיד

ד"ר טל בקר
שם

לכבי

גב' אתי ברנט

מזכירות הממשלה

שלום רב,

הנדון: הצעת החלטה לממשלה בנושא חתימה על הסכמי ארטיס

הריני להודיעך כי מבחינת הלשכה המשפטית במשרד החדשנות, המדע והטכנולוגיה אין מניעה להביא לאישור הממשלה את הצעת ההחלטה שבנדון, וכי אני סומכת את ידי על חוות הדעת המשפטית של עו"ד טל בקר, יועמ"ש משרד החוץ.

בכבוד רב,



הדס פרבר-אלמוגי, עו"ד

העתקים: גב' הילה חדד-חמלניק, מנכ"לית המשרד

גב' רויטל קארין סלע, מנהלת תחום בכיר קשרים בינלאומיים, סוכנות החלל

עו"ד משה אוסטר, לשכה משפטית

עו"ד שירה גבעון, מחלקת אמנות בינ"ל, משרד החוץ