

What is the Outer Space Treaty?

Understanding the legal framework for modern-day space governance

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The Outer Space Treaty, signed in 1967, is the foundation of international space law. It was developed during the cold war to establish the basic principles governing how states and nations operate in outer space. Though it is well over a century old, it continues to shape space activity to this day, at a time when both state and private actors are expanding their presence beyond Earth.

The treaty emerged during a period of intense geopolitical competition between the United States and the Soviet Union, called the Cold War. As both nations attempted to rapidly advance their space capabilities, there was understandably growing concern that this would result in space becoming an extension of conflict. In response, the international community sought to establish a framework that would prevent the militarisation and territorial division of space. The result was the Outer Space Treaty, adopted under the United Nations, which would aim to ensure that space remained free, accessible, and peaceful.

The treaty sets out several key principles that continue to define space governance:

- **Non-appropriation:** No state may claim sovereignty over outer space, the Moon, or other celestial bodies.
- **Peaceful usage:** Space should remain peaceful and only be used for peaceful purposes, with the prohibition of weapons of mass destruction in orbit or other celestial bodies.
- **Global benefit:** Activities in space should be carried out for the benefit of all countries and their citizens.
- **State responsibility:** States are responsible for national activities in space, including those conducted by private entities

These principles collectively frame space as a shared global domain, rather than a territory to be owned or divided.

The Outer Space Treaty has been incredibly effective in establishing a baseline of cooperation such as preventing formal territorial claims in space. The OST has also been successful in limiting the deployment of nuclear weapons beyond Earth such as the Fractional Orbital Bombardment System and encouraging international collaboration in scientific research and exploration such as what we see on the International Space Station.

However, the context in which the Treaty operates has changed significantly. The rise of private space companies, the expansion of satellite constellations, and renewed geopolitical interest in the Moon and beyond (such as what we saw with the Artemis II mission), have introduced challenges that the treaty was not designed to address directly. While states remain responsible for their own national activities, the increasing role of private actors complicates oversight and enforcement. On top of this, the treaty does not fully resolve questions around resource extraction, commercial activity, or long-term orbital sustainability.

The Outer Space Treaty remains central to space governance and policy, but its effectiveness does depend on how it is applied, especially in such a rapidly evolving landscape. Understanding its principles is essential to evaluating whether it can continue to guide space activity in the decades ahead.

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