The Outer Space Treaty 1967:

Foundations and Limitations

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We are currently in an era of rapidly expanding space activity, this is evident from satellite megaconstellations to renewed ambitions for lunar exploration, so the question of how space is governed has never been more important. At the core centre of this governance framework is the Outer Space Treaty of 1967, a document drafted at the height of the Cold War that continues to shape how humanity approaches the idea and mechanisms of space travel today.

The Outer Space Treaty had established the foundational principles that remain resilient and strong to this day. Most notably, it defines space as the "province of all mankind," this meant that no state may claim sovereignty over celestial bodies such as stars, planets, moons, or any natural satellite. It also mandates and enforces that space be used only for peaceful purposes and explicitly prohibits the placement of nuclear weapons or other weapons of mass destruction in orbit or on celestial bodies.

These policies were brought forward to prevent the extension of rivalry between nations and tension into space, to ensure that exploration would remain peaceful rather than aggressive. In many ways, the treaty has been successful. Despite decades of technological advancement in weaponry and political tension on Earth, space has largely remained free from outright conflict, and international collaboration such as joint missions and shared research, has persevered.

Unfortunately, the context in which the treaty applies has changed dramatically and noticeably since 1967. At the time of its creation, space activity and exploration was dominated only by states, mainly superpowers like the United States and the Soviet Union. Today, the landscape we are seeing is increasingly shaped by private conglomerates, such as SpaceX and Blue Origin who are leading the way in the number of missions. All of which are capable of launching large numbers of satellites and shaping access to orbital infrastructure.

This unprecedented shift in actors does raise important questions about the treaty's adequacy within the future of space travel. While the Outer Space Treaty places responsibility solely on nations to authorise and supervise the activities of entities under their jurisdiction, it does not directly regulate private and commercial actors. As a result, governance relies heavily on national regulations and frameworks, which may vary in scope and enforcement.

Moreover, the treaty does not fully address emerging challenges such as the increasing number of satellite constellations, space debris, or the consistently growing need and importance of space-based infrastructure, such as the International Space Station. Nor does it clearly define the boundary between peaceful use and the increasing integration of space into militarised systems, where satellites play a critical role in communication, navigation, and intelligence.

That being said, these gaps in legislature do not mean the treaty is obsolete or worthless, but it does mean there are absolutely imitations within the policy, given the shape of the current climate. Rather than a thorough regulatory system, the Outer Space Treaty operates more as a foundational framework. Arguably, one that establishes key principles but leaves significant room for interpretation and development.

As the general public become more interested in space, we will face certain challenges such as how to build upon these core ideals without undermining them. The fundamental premise that space is a shared ground, to be used for peaceful and collective benefit, remains just as applicable today as it was in 1967. The question, however, is whether existing structures in governance and authorities can adapt quickly enough to enforce that this principle is preserved in the face of constantly increasing commercial and technological change.

This is a question that will only become more pressing and obvious in the years ahead as we continue to observe change and advancement.

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