

of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer Space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international cooperation in such investigation.

This Article establishes a basic principle of space law: space shall be free for exploration and use by all states on the basis of equality.

According to Article II, outer space is not subject to national appropriation by claims of sovereignty, by means of use or occupation, or by any other means. This Article reflects the notion of res communis already granted substantial recognition by customary international law. Article III obliges states to undertake space activities "in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation and understanding".

The primacy of the common interest of all nations¹⁶ is stressed again in Article IX of the Outer Space Treaty which states that parties shall be guided by the principle of cooperation and mutual assistance in the exploration and use of outer space, and shall conduct all their activities with due regard to the corresponding interests of all other parties to the Treaty. It is worthy of note that in the first three articles of the operative part of the Outer Space Treaty, in which the guiding principles governing space activities have been laid down, no mention of the use of the whole of outer space exclusively for peaceful purposes has been made.¹⁷ It is only with respect to the moon and other celestial bodies that this concept has been accepted (Article IV(2)).