

The MOU entered into force on the date of its signature and shall remain in force for ten years. Upon agreement of both Parties, it may be extended for successive five-year periods. Upon six month written notice to the other Party, the MOU may be terminated. This differs from termination clauses found in other arms control agreements where termination is subject to fundamental changes or reasons of national security.

The JDEC is thought to be a means of increasing mutual confidence between both parties about the effectiveness of their early warning systems, as well as providing a way to focus attention on the continuing worldwide proliferation of ballistic missiles.

Outer Space Treaty 1967²⁹

Referred to as the *Magna Carta* of outer space law, the Outer Space Treaty has been ratified by close to 100 States, including all of the major space-faring countries. As its full title implies, it established a series of principles which were later built upon in subsequent space law treaties.

A general principle which permeates the text and reflects the expectations of the negotiating parties, appears in the Preamble of the Treaty. It embodies a recognition of the "common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes".

As far as the basic legal regime of outer space is concerned, the key principles of the Treaty are found in Articles I and II. Article I declares that outer space, including the moon and other celestial bodies, is "the province of all mankind" and "shall be free for the exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law". Pursuant to Article II, outer space, including the Moon and other celestial bodies is not "subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means".

Since the inception of space activities, States have acted as if these freedoms were part of international law and no nation is known to have formally questioned their authority. For this reason, there is a widespread agreement that the principles of freedom of exploration and non-appropriation are part of customary international law.

Article III specifies that the exploration and use of outer space, including the Moon and celestial bodies, is to be carried out "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."

Article IV contains the only provision of the Outer Space Treaty dealing directly with military activities. Under Article IV (1) states shall not place "in orbit around the earth any objects carrying nuclear weapons or any kind of weapon of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner". Though the term "weapons of mass destruction" is not defined, it is generally understood to

²⁹ Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 610 U.N.T.S. 205, 18U.S.T. 2410. Opened for signature 27 January 1967; entered into force 10 October 1967