

techniques are not prohibited, regardless of their effects, nor are techniques which produce destructive effects below a certain threshold. This points to the more general difficulty in drawing an effective line between permitted and prohibited research that might relate to military uses.

The Convention explicitly stipulates that its provisions should not "hinder the uses of environmental modification techniques for peaceful purposes," which means that experimentation aimed at altering of natural phenomena may continue.

Another weakness of the Convention is that recourse to the Consultative Committee of Experts provided for in Article V to assist in the solution of problems arising out of the application of the Convention, is not mandatory.

SALT II 1979¹⁸

The SALT II bilateral Agreement resulted from a series of negotiations which began shortly after the US Congressional ratification of the SALT I Agreements. SALT II established a quantitative limit on *inter alia* ballistic missile delivery systems, warheads, and cruise missiles. Qualitative limits were also negotiated, controlling modernization or other alteration or replacement of agreed arsenals. In the present discussion, two articles are of particular relevance.

Pursuant to Article IX (1) (c), each party to the agreement agrees not to develop, test or deploy "systems for placing into Earth orbit nuclear weapons or any other kind of weapons of mass destruction, including fractional orbital missiles". The specific mention of delivery systems for "fractional orbital missiles" was designed to fill perceived lacunae of Article IV of the Outer Space Treaty. Although the FOBS system was tested extensively, no violation of article IV of the Outer Space Treaty occurred, since no nuclear warheads were ever used atop the missiles. Nevertheless, SALT II goes a step further by proscribing development, testing and deployment of such systems.

Article XII provides that each Party undertakes not to circumvent the provisions of this Treaty, through any other state or states, or in any other manner. This echoes article IX of the ABM Treaty and is aimed at preventing transfer of technology leading to proliferation of such technology.

Finally, the agreement bans some encryption of the data that missiles send to their ground stations during test flights. This was included in the agreement to increase the verifiability of key provisions.¹⁹

¹⁸ Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, (1979) 18 I.L.M. 1112. Signed on 18 June 1979; not in force.

¹⁹ See Blacker, C.D. & Duffy, G. (eds) International Arms Control – Issues and Agreements, Stanford University Press, 1984, Stanford, 52.