

include biological, radiological and chemical weapons, as well as any future weapons whose destructive potential would be catastrophic.

Article IV (2) stipulates that the "moon and other celestial bodies shall be used by all states parties exclusively for peaceful purposes". The same paragraph also bans the establishment of "military bases and installations, the testing of any kind of weapons, and the conduct of military maneuvers on the moon and other celestial bodies". The "peaceful purposes" clause applies only to the moon and other celestial bodies but not to "outer space".

The term "peaceful purposes" has been interpreted consistently by some as meaning "non-aggressive" and by others, as meaning "non-military". State practice has endorsed the "non-aggressive" interpretation as *de facto* the correct one.³⁰

The Outer Space Treaty therefore does not prohibit the development, testing, and deployment of ground-based or space-based non-nuclear ASAT systems. Fixed ground-based systems that can reach targets in space using conventional, nuclear, or directed-energy kill mechanisms are also permissible.

Fractional Orbital Bombardment Systems (FOBS) in existence at the time of ratification of the Outer Space Treaty, although clearly weapons of mass destruction, are not prohibited by the Outer Space Treaty because they do not complete a full orbit. SALT II does however include a provision prohibiting new FOBS systems.

The Treaty left open the possibility of placing conventional weapons. It does not prohibit laser and other directed-energy weapons that are discriminate in character. Article IV also only prohibits the stationing of nuclear weapons in outer space. It does not cover development or ground-testing of weapons designed to be placed in space, nor the deployment on the ground of nuclear powered weapons, such as "pop-up weapons" designed for use against space objects. It does not cover non-nuclear ASAT or BMD weapons.

Article IX requires States Parties to undertake international consultation before proceeding with any activity that would cause potentially "harmful interference" with the "peaceful exploration and use" of outer space by other States.

Since the term "harmful interference" is not defined in the treaty, the question could be raised whether the words "harmful interference with activities in the peaceful exploration and use of outer space" also cover military activities in outer space.

The Treaty contains no verification provisions.

The 1967 Outer Space Treaty prohibits the orbiting of weapons of mass destruction and the stationing of such weapons on the moon or on any other celestial body. The continuing advance of technology also makes it possible to orbit conventional missile interceptors, or exotic weapons based on other physical principles (such as space-based lasers) capable of harming both space-based and land, sea or air based targets. This issue was first brought to the fore by a Canadian prime Minister speaking at the UNSSOD II when he when he referred to the Outer

³⁰ See, Stojak, M.L., Legally Permissible Scope of Military Activities and Prospects for their Future Control, D.C.L. Thesis, McGill Univeristy, 1986 (unpublished), pp. 118-135.