COOPERATION V. CONTROL
MILITARY STRATEGY CHALLENGING LAW

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ABSTRACT

It has been the contention of the United States government that the present legal structure is sufficient to protect outer space. Thus the U.S. has refused to discuss strengthening the present space law system, either by reaffirming the basic principles which establish positive uses of space, updated definitions of such terms as "weapons of mass destruction", or through negotiations on additional treaty law. However, this contention does not hold up when documented military plans for future warfare are studied. In fact, future plans utilize outer space as part of a war making strategy, one that requires both ground-to-space and space-based weapons. The proposed National Missile Defense system is, in fact, only a first step toward the utilization of space for war making as envisioned by military strategists. There are, however, better ways of assuring the national security and global security, one of which is the development of a law-based management system for outer space and improved treaty law.

INTRODUCTION

"From a military point of view, space is the ultimate high ground." – Air Force General Ralph E. Eberhart, Commander-in-Chief, U.S. Space Command (SPACECOM)

The present United States (U.S.) administration has contended that the present legal structure is sufficient to protect outer space. In numerous statements and documents they have said that the Outer Space Treaty of 1967 (OST)* is sufficient to maintain the peaceful, positive uses of outer space. Recent statements by Ambassador Javits, U.S. representative to the Conference on Disarmament (CD) in Geneva have confirmed this contention:

> **....the United States sees no need for new outer space arms control agreements and opposes the negotiation of a treaty on outer space arms control.**
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> **We fully understand that maintaining international peace and security is an overarching purpose that guides activities on earth as well as in outer space, but in the final analysis preserving national security is likewise necessary and essential. For these reasons, the United States sees no need for new outer space arms**

* Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, Entered into Force October 10, 1976.

control agreements and opposes negotiation of a treaty on outer space arms control.

And concluding, "There simply is no problem in outer space for arms control to solve."[†]

There are many flaws in this argument. This paper will discuss those flaws and the definition of national security which, while extolling international cooperation does, in fact, undermine it. It will also discuss the international law to which this argument gives lip service while policy and strategy challenge the law and refuse to participate in strengthening it, no matter what the other States of the world want.

PRECEDENT

During the 1984 presidential campaign NASA sponsored a symposium in which potential cooperative ventures between the United States and the Soviet Union were discussed. They were called the last and best hope for achieving peace.[‡] At bilateral and multilateral meetings and within the United Nations (UN), the value, and indeed necessity, for countries to work together has been reiterated, as they recognize their growing dependence on space for communications, information, and basic data.

There are three very pertinent facts about the beginnings of the space age:

1. It began as a cooperative effort.
2. From the beginnings of space exploration a system of international law was developed through the United Nations to maintain the peaceful and positive nature of space use carried out in the interest of all humanity.
3. There has always been an overlap between civil and military uses of space.

As with multilateral activities on earth, so in space the Charter of the United Nations[§] applies. Thus the enigma of Article 2.4 versus Article 51 of the UN Charter is evidenced in space law as well as in terrestrial law. When considering allowable military use of space one then has to ask the question: What constitutes use of threat of use of force (2.4) if earth-to-space or space-to-space weapons are deployed? As with the fallout from nuclear weapons, space-based weapons threaten all national borders and the rights of all humans. It would seem that the International Court of Justice (ICJ) decision on nuclear weapons[**] has implications for the issue of space weapons. Now, before weaponization takes place, the General Assembly (G.A.) might well request an opinion of the ICJ on the legality of one or a few countries turning outer space into an arena for war fighting, interpreting how far the protection of the OST goes.

If States have the right to act in self-defense (51) does that mean that they have the right to introduce weapons into a previously positive-use area, threatening the space systems

[†] Outer Space Remarks by Amb. Eric M. Javits in the Conference on Future Security in Space. New Place, England, May 2809, 2002.

[‡] "Panelists Say Joint Adventures in Space Are Crucial to Peace," Philip M. Boffey. *The New York Times*, October 30, 1984.

[§] Charter of the United Nations, 1 UNTS. Entered into Force January 1, 1946.

[**] Legality of the Threat of Use of Nuclear Weapons", ICJ Advisory Opinion of July 8, 1996. UN Doc. A/51/218, 35 I.L.M. 809 & 1343, 1996.

and terrestrial defenses of all other States? If they do so, do not other States have a similar right to defend themselves, thus placing their weapons in space and starting a new arms race? Since space weapons would be deployed, ready-to-use weapons, does this action violate Article 51? In addition, when any State declares a policy of preemptive action, whether defensive or offensive, the caveat in Article 51 that self-defense is allowed when a State and its sovereignty have been attacked is challenged. The temptation to self-interpret Article 51 is endemic among policy makers and military strategists.

U.S. STRATEGY AND POLICY

While the attention of the world is turned to the response to terrorist actions, the U.S. administration's policy and the U.S. military's long-range strategy moves rapidly toward the future. Strategy and plans already declared in U.S. Space Command's Vision for 2020 and U.S. Department of Defense (DoD) Directive 3100.10[1] for the full inclusion of the outer space arena in war making and war fighting strategy have intensified. Vision for 2020 begins: "US Space Command—dominating the space dimension of military operations to protect US interests and investment. Integrating Space Forces into war fighting capabilities across the full spectrum of conflict."[4] The rush toward a National Missile Defense (NMD) and a Theater Missile Defense (TMD), or regional, system also utilize space. Yet the threat that NMD is theoretically supposed to defend against—"rogue states" or terrorists is a threat that is poorly dealt with by a defense against strategic missiles, even if such a defense were proven to be feasible, which is still in doubt.

The Department of Defense became acutely aware of the value of space to their military operations during the Persian Gulf War. This was confirmed in the Balkans where the Global Positioning System (GPS) was used effectively to coordinate the collection of NATO activities. Thus the policies and strategies of the U.S. administration and DoD now include space systems as an essential part of their war planning.

Department of Defense Space Policy of July 9, 1999,[2] which replaced the policy announced in 1987, makes freedom of movement in space vital to U.S. national security. It states that

> Purposeful interference with U.S. space systems will be viewed as an infringement on our sovereign rights. The U.S. may take all appropriate self-defense measures, including if directed by the National Command Authorities, the use of force to respond to such an infringement on U.S. rights.

It also calls for an "operational U.S. space force" to patrol space and guard U.S. interests.

The Commission to Assess U.S. National Security, Space Management and Organization[9] stated that "The U.S. needs to remain at the forefront in space, technologically and operationally....The U.S. must have the capability to use space as an integral part of its ability to manage crises, deter conflicts and, if deterrence fails, to prevail in conflict." On January 11, 2001 the Commission to Assess the Ballistic Missile Threat to the United States,[10] known as the Rumsfeld Commission, was estab-

lished by members of Congress, headed by the nominee for Secretary of Defense, and composed of members who were dedicated to assuring that missile defenses would move rapidly forward. The Commission included former military officers, including some from U.S. Space Command. So while the Commission's findings were presented as if they resulted from a neutral assessment, they were just reaffirming what had been already decided.

As a candidate for President, George Bush had criticized the outgoing Clinton administration for trying to negotiate arms control agreements with Russian President Putin. Bush said "No decision would be better than a flawed agreement that ties the hands of the next president and prevents America from defending itself." [††] Politics, once again, prevails over continuity in U.S. policy. It is no wonder that the Anti-Ballistic Missile (ABM) treaty was considered expendable: one wonders whether other treaties will also be considered an impediment to political and military plans.

In August 2001 General Michael Ryan, retiring Air Force Chief of Staff, said to reporters that "I would think that eventually we're going to have to have capabilities to take things out in orbit. And we had better not be second." He noted that the U.S. is "too dependent" on satellites and although he said that the administration had not made a decision as to whether the U.S. would be the first to place weapons in space, "I would suggest that sometime in the future here we are going to have to come to a policy decision on whether we're going to use space for both defensive and offensive capabilities."[‡‡]

On December 8, 2000 the Air Force, Lockheed Martin Corp., TRW Inc., and Boeing Co. announced a successful test of the optical systems that would be used by a space-based laser (SBL) to shoot out ballistic missiles. [§§] The program is geared to putting an experimental laser in space by 2012 and to testing it against a dummy missile the next year. As of the time of the Fiscal Year 2001 budget, the SBL's expense over its development lifetime was estimated at $30 billion.

The new National Security Strategy to be released in Fall 2002 will describe the administration's new doctrine of preemptive strikes and defensive intervention.[***] Clearly preemptive, or anticipatory military acts are not with the self-defense description of Article 51 of the UN Charter. It is a dangerous policy at best and if one country adopts it, why not the others? Carried into outer space, this policy has the potential to seriously destabilize the world political situation.

On June 25th DoD announced the merger of U.S. Space Command and U.S. Strategic Command, which is in charge of U.S. nuclear missiles. An unidentified DoD official was quoted by Reuters as saying that "I know it sounds like an esoteric corporate

[††] "Bush Outlines Post-Cold War U.S. Military Vision," Ann Compton, ABC News, May23, 2000.

[‡‡] "U.S. Likely to Put Arms in Space – Air Force Chief," Reuters, August 1, 2001.

[§§] A ten-year lead is barely sufficient time to negotiate legal protection against such an act.

[***] "Bush to Formalize a Defense Policy of Hitting First", David F. Sanger, The New York Times, June 17, 2002.

merger, but it's important in the post-September world to marry warning and response."[†††] This gives technological ability to the preemptive strike policy. On the same day, Lt. Gen. Ronald Kadish, Director of the Missile Defense Agency, announced that a veil of secrecy will be going up around information concerning the development of NMD, presumably to keep adversaries from being able to counter the defense system.[‡‡‡]

This brings up the constitutional issue of how much secrecy by non-elected government officials is allowable in a democratic system of government. At what point in this movement into a whole new realm of exotic weapons and space war fighting does the public have a right to be consulted? A number of public policy issues are involved here. One is the budget, the huge expenditure of public monies now being spent and to be spent on exotic weaponry, some of which will never work, and others which will, in fact, destabilize U.S. national security and global security in the long run. Another has to do with the long-range relationship of the United States with the other countries of the world. Does the American public really want to see our relationship with other counties damaged to fulfill the ambitions of the powerful?

There has been some discussion of the possible creation of a U.S. Space Force because of the growing importance of space for war fighting and planning. The idea of a Space Force came out when Gen. Ronald Fogleman, Air Force Chief of Staff from 1994-97, had a number of studies undertaken on how to best use space resources. [§§§] Then, in its report, the Rumsfeld Commission called for the establishment of "an under-secretary of defense for space, intelligence and information."

At the 18th National Space Symposium in April 2002 Gen. Ed Eberhart, head of U.S. Space Command, Air Force Space Command, and NORAD in Colorado Springs discussed the military's need for a space plane, or sub-orbital bomber. He said that "A reusable launch vehicle will be the key to operating and conquering the space frontier." He also said that it has "....a lot of applications in every one of our missions."[****] Another Space Command spokesman said that planning for a space plane does not mean that the U.S. has made a decision to place weapons in space. Army Maj. Barry Venable said that "peaceful purposes" as established in the OST means "nonaggressive acts", thus defensive weapons can be placed in outer space.[††††] Maj. Venable's comments are another proof of the need to better define what is required in order to maintain the peaceful nature of space use and to protect the legal system for space. Those comments also show the need for clear definitions of defensive v. offensive weapons, among other terms.

There is another future war fighting method which makes use of outer space. How will international

[†††] Reuters, June 25, 2002.
[‡‡‡] AP, June 25, 2002.

[§§§] "Space is essential to our national security," *Florida Today*, March 14, 2000.
[****] "Military High Ground Key To America's Security," Leonard David, Senior Space Writer, Space.com, April 9, 2002.
[††††] "Military explores space planes: Vehicle could drop bombs, fix satellites, general says," John Diedrich, The Gazette, Colorado Springs CO, April 10, 2002. www.gazette.com/stories.

law deal with information systems war fighting, including computer network attacks? SPACECOM is now working on this method which Gen. Richard Myers, then its head, said "will focus on denying, disrupting and degrading systems...."[‡‡‡‡]

The reorganization of its command systems now underway is evidence as to what DoD is thinking as far as future military strategy and what systems are to be important in that strategy. Among the changes, Gen. Richard Myers, former commander of U.S. Space Command, is now Chairman of the Joint Chiefs of Staff. Aerospace officials have been nominated for top positions in the political and military establishments. A Defense Directive issued by the Joint Chiefs of Staff in January 2002 under the direction of Defense Secretary Donald Rumsfeld declares that only the President and the Secretary of Defense have command authority to use nuclear weapons, replacing the former National Command Authority. This gives tremendous power to the Secretary of Defense. [§§§§] One wonders to what extent this power extends to decisions regarding ballistic missile defenses and space weapons.

Using *Global Engagement: A Vision of the 21st Century Air Force,*[4] the Air Force has been restructuring itself in anticipation of future needs. This document uses a term also used in DoD's *Joint Vision 2020:* Full Spectrum Dominance, or "the ability of US forces, operating unilaterally or in combination with multinational and interagency partners, to defeat any adversary and control any situation across the full range of military operations." *Global Engagement* states: "We are now transitioning from an *air* force into an air and *space* force on the way to an evolutionary path to a *space and air* force....The Air Force must plan to prevail in the use of space."

The Memorandum accompanying the issuance of DoD Directive 3100 ' gives the U.S. broad-based self-declared authority to operate in space: "Positions and policies regarding arms control and related activities shall preserve the rights of the United States to conduct research, development, testing, and operations in space for military, intelligence, civil, and commercial purposes...."[*****]

In August 2000 the U.S. ambassador to the CD presented the U.S. administration's version of "peaceful uses." He said

> **....The United States strongly endorses articles I and II of the Outer Space Treaty of 1967, which expressly allow for the free exploration and use of outer space and celestial bodies by all nations. The United States sees no justification for limitations on the right of sovereign States to acquire data from space, and we consider purposeful interference with space systems an infringement on sovereign rights.**
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> **....For us, as for others, the**

[‡‡‡‡] "Space Command Plans for Computer Network Attack Mission," Paul Stone, American Forces Press Service, March 4, 2000.

[§§§§] "Whose finger on the button?," William M. Arkin, The Last Word, Bulletin of the Atomic Scientists, March/April 2002 at 73.

[*****] *Memorandum for Secretaries of the Military Departments et* al. Department of Defense Space Policy, The Secretary of Defense, July 9, 1999 at 15.

> *notion* "peaceful purpose: does of course allow for activities that support defensive purposes and serve national security goals. [italics added]†††††

If "peaceful purposes is only a "notion" then the decades or work by the General Assembly, Committee on the Peaceful Uses of Outer Space (COPUOS), Office of Outer Space Affairs (OOSA), and the CD as well as the three UNISPACE conferences, will have been for naught. Thus, if the States want to prevent an arms race in outer space they must first clearly define and agree to both "peaceful uses" and "prevention of an arms race" in space as principles of international law. In addition, if the U.S. believes that there is no limitation on the right of States to acquire data, the Remote Sensing Principles also need reaffirming.

THE PATH FROM NMD TO SPACE WEAPONS

Why is there such a rush by the present administration to implement a National Missile Defense system? The Bush administration's Fiscal Year 2003 budget proposes what Bush called "the largest increase in military spending in the last 20 years," which includes a sustained five-year increase. ‡‡‡‡‡ By 2007 the military budget would rise to $451 billion. Much of that money would go to new weapons systems and missile defense research and testing. In the past year development has been stepped up, testing planned, funding authorized, and other countries are being approached in a planned, concerted campaign to secure their compliance with U.S. military plans. First stage deployment is announced for the very near future. Yet there has been no national debate in the United States on whether such a system should be built and whether we want to expend extraordinary amounts of capital on a system whose technical feasibility is questionable at best. Even Sen. Robert Byrd has said that "I believe that it would be both wise and prudent to back off just a little bit on the accelerator that is driving us in a headlong and fiscally spendthrift rush to deploy a national missile defense and to invest billions into putting weapons in space and building weapons designed to act in space....The threat does not justify the pace."§§§§§

It is not even clear that there is a need for such a system. In February 2000 a Central Intelligence Agency analyst told the Senate that "....we project that in the coming years, American territory is probably more likely to be attacked with WMD from non-missile delivery means (most likely from non-state entities) than by missiles primarily because non-missile delivery means are less costly and more reliable and accurate. They can also be used without attribution. Their appeal over missiles makes long-range ballistic missile attack on the United States even less likely."******* The

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††††† Conference on Disarmament, CD/PV.858, August 31, 2000. Mr. Grey of the United States speaking, at 5.

‡‡‡‡‡ "Bush Seeks Major Defense Boost", Mike Allen & Thomas E. Ricks, *Washington Post*, January 24, 2002.

§§§§§ "Space Wars," Sen. Robert C. Byrd, *Congressional Record*, September 26, 2001 at S9826-8.

******* Robert Walpole quoted in "National Missile Defences and arms control after Clinton's NMD decision," Daryl G. Kimball and Stephen W. Young. *Disarmament Forum*,

National Intelligence Council Report of 1999 states: "Several other means to deliver weapons of mass destruction to the United States have probably been devised, some more reliable than ICBMs...." There needs to be a slowng down the pace of NMD while the true potential dangers and the alternative methods of dealing with them are considered more fully.††††††

NMD has implication far beyond "defense" or "national security." It is, in fact, the first step toward increased militarization, leading to weaponization, of the space environment. Even the first stage weapons of NMD and regional missile defenses, and the testing of those weapons, enter the space environment, as do ballistic missiles. Unlike ballistic missiles they hit a target in space. The legal issues opened up by this one fact are extensive. They include: the debris added to that already crowding space; liability for damage on earth or to the space systems of other countries or commercial enterprises; environmental issues that can only be imagined; and denial of free access to parts of space by other countries because of areas closed off due to "national security considerations.'

Even the early version of NMD involves space activities: satellites which use infared detection of the exhaust of a missile,radars, sensors, and the weapon which destroys the missile are all in space. Of course, when the Strategic defense Initiative (SDI) was being developed in the 1980s, it was realized that other countries or groups would respond to SDI by developing a decoy system, hardening their missiles, changing direction, and other ploys to avoid being destroyed en route to their destination. This would have required other responses by the missile defense country, including placing components in outer space with protective zones around them. These "keep out zones" brought up the issue of a violation of the OST Article II prohibition against "national appropriation" of outer space and celestial bodies "by claim of sovereignty, by means of use or occupation, or by any other means."

Future systems also would include Brilliant Pebbles, small satellites in low orbit, each containing small kill vehicles, and space-based lasers mounted on remote-controlled satellites. The first test of the latter is tentatively scheduled for 2012. With no delimitation of airspace and outer space together with freedom of space use, killer low earth satellites (LEOs) and space planes have the potential to challenge the sovereignty of every country on earth.

The Rumsfeld Commission, its members carefully chosen for their pre-conceived support for National Missile Defense, made an obvious determination that NMD was a necessary part of U.S. security. At the CD, Amb. Grey said that "The proposed United Stats national missile defense system would use land-based interceptors, launchers and radars. It would use satellites only to provide early warning and data on threat missiles. This is a far cry from the weaponization of outer space."‡‡‡‡‡‡

journal of the United Nations Institute for Disarmament Research, January 2001 at 15.

†††††† "Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015," National Intelligence Council Report, September 1999.

‡‡‡‡‡‡ Conference on Disarmament, CD/PV

This contrasts with the Rumsfeld Commission statement that "....in the coming period the U.S. will conduct operations to, from, in, and through space in support of its national interests both on he earth and in space."

SOME LONG-TERM IMPLICATIONS OF PRESENT POLICY

The current administration has become so focused on space dominance and NMD that those issues are skewing the political policy process. From the relationship of the U.S. with its NATO allies to the negotiating process in CD, military strategy overrides political cooperation. "This administration, even more than its predecessors, suffers from militarization its policy thought, a significant development in a Washington where the Pentagon has become by far the weightiest an best-financed player in the policy debate."§§§§§§

It is obvious that the military needed to be involved in space from the beginning of space use and that military personnel had the training and knowledge to develop the technology and travel into space. However, it is also a fact that NASA was created to engage in civil space activities only. Yet, since 1982 funding has been moving more and more into military space activities and away from civil activities. A Congressional Research Service study of 1985 expressed concern as to what was referred to as the 'militarization of NASA.' In the past year the same concerns have been expressed by Congress as the DoD becomes more involved in the work of NASA.

Although it has been responsible for negotiating significant treaty law, the CD, the negotiating body for arms control, has been at a standstill since 1994. The U.S. blames this on other countries' preoccupation with NMD, while other countries blame it on the U.S. preoccupation with pursuing NMD to the detriment of cooperation and law. A Press Release at the conclusion of the Year 2000 Session of the CD reported that "The United States agreed that it was appropriate for the Conference on Disarmament to keep the agenda item on prevention of an arms race in outer space under review. *But it had also pointed out that there was no arms race in outer space."* [italics added]***** Perhaps the U.S. administration needs to open Webster's to look up the meaning of "prevention."**

China and Russia have both proposed draft treaties on the non-weaponization of outer space at the CD. In June 2002, China, Russia and other countries presented a new draft of ways to prevent weapons in space and the arms race which will ensue. †††††††However, China has made it clear that it will not sit back and watch the U.S. build a missile defense system: it will response. One of those responses will be to build more intercontinental ballistic missiles. Another will doubtless be to build its own space weapons in anticipation of a space arms race.

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§§§§§§"Bush Team's Military Focus Is Skewing U.S. Foreign Policy," William Pfaff, *International Herald Tribune*, June 20, 2001.

******* Press Release, CD, 2000.

†††††††Possible Elements for a Future International Legal Agreement on the Prevention of the Deployment of Weapons in Out3r Space, Joint Working Paper, CD, June 2002.

What will happen to the commercial space industries if weapons are placed in space? Will they then have to expend the resources to try to harden their systems? Would they find it too expensive or too dangerous for their valuable space systems to place them in an area of questionable safety? Without the ability of the companies to operate their satellites, much of the progress of the past decades would be seriously undermined. In retaliation against U.S. military operations in space, others could target the U.S. comercial space industry. The military and intelligence communities approach is to fear, as they said on March 19, 2002, that "The U.S. faces growing threats to its space dominance...." Included among those involved in what George Tenet, Director of the Central Intelligence Agency (CIA) called "erosion" of the advantage that the U.S. has had in space for decades is the private sector.[‡‡‡‡‡‡‡]

POSSIBLE LEGAL INSTRUMENTS

For over twenty years treaties to assure that weapons would never be placed in outer space have been proposed and presented to different United Nations forums. In the fall of 1981 the Soviet Union introduced prevention of an arms race in outer space onto the agenda of the General Assembly in the form of a Treaty on the Prohibition of the Stationing of Weapons of Any Kind in Outer Space.

In the CD, U.S. Amb. Grey said of the OST and the Limited Test-Ban Treaty of 1963 that "This regime provides the basis for keeping outer space free from the most threatening weapons,"[§§§§§§§] **meaning WMD, especially nuclear weapons. An important effect of the OST was to stop the development and deployment of fractional orbiting bombardment systems (FOBS – space bombs). No one denies that WMD are the immediate, already-deployed weapons. However, the other weapons – space bombs, lasers, kinetic energy, particle beam, explosive proximity – have been in development for decades and are being lab tested.**

Do we once again wait until it is too late to direct the course of history? Had the U.S. and the Soviet Union been willing to place their atomic weapons under international control, as President Eisenhower urged, perhaps the world would not need to fear that terrorists or aggressive States would get access to nuclear weapons. If weapons are to be banned from space, the law is needed now. A few years from now will be too late.

There are a number of ways to go about developing the law. Clear definitions and agreement on basic principles is the first step. A comprehensive treaty would need to ban the testing of weapons in space, anti-satellite weapons, the use of weapons earth-to-space and in outer space itself, and the placement of weapons in outer space. The United Nations would be the forum through which negotiation on a treaty would take place, either in the CD or in a conference called for this specific purpose. Another possible approach

‡‡‡‡‡‡‡ "U.S. Space Dominance Faces Growing Threats, Officials Say," Marc Selinger, *Aerospace Daily*, March 20, 2002. www.aviationnow.com/avnow/newschannel.

§§§§§§§ *Request for the Inclusion of a Supplementary Item in the Agenda of the Thirty-Sixth Session, United Nations General Assembly,* U.N.G.A. Doc. A/36/192, 1981.

would be a series of bilateral agreements to protect specific space assets. For example, the Global Positioning System is important enough to all usrs encourage support for rules protecting space assets. There was discussion at the CD of beginning with "rules of the road". However, events are overtaking the feasibility of using this approach, events which are potential threats to U.S. space assets along with those of other countries and commercial industries.

MELDING LAW AND POLICY

The claim that the present legal system for outer space is sufficient for the preservation of that area for peaceful, beneficial uses is ludicrous. There are a number of things which need to be done to preserve the space environment while protecting civil, commercial, and non-weapons military uses of that area.

1. Principles need to be clearly defined and accepted by all the States:
   . the OST principles of peaceful uses for the benefit of all humanity and freedom of space from appropriation by any means
   . peaceful uses of outer space
   . prevention of an arms race
2. Definitions which need to be established and agreed to by all States. Over fourteen years ago in the CD Canada******** made the point that "Prevention of an arms race in outer space clearly involves a significant effort both in defining space weapons and in defining legitimate space activities. " What definitions?
   . delimitation of the separation between airspace and outer space
   . militarization as differentiated from weaponization
   . expanding the definition of WMD to include developing or future weapons
   . offensive v. defensive technology
   . legitimate military activities in space v. intrusive, aggressive ones
   . the rights of the States, the commercial enterprises operating in space, and earth's people
4. The negotiation of a comprehensive treaty/management system

In outer space, as in all other areas of potential conflict, the best, most effective and long-lasting way to protect and create assured security is to create a system which combines global cooperation, national policies, military preparedness, and legal systems so they complement each other and work together. It is the only answer for permanent national and global security.

U.S. Government Documents -
1. DoD Directives 3100, .09, .10.
2. DoD Space Policy
3. H.R.4, National Missile Defense Act
4. *Global Engagement: A Vision of the 21st Century Air Force*, June 26, 1999.
5. DoD *Joint Vision 2010*
6. DoD *Joint Vision 2020.*
7. *National Space Policy*. The White House, Sept. 19, 1996
8. *Nuclear Posture Review*, Jan. 2002
9. *Report of the Commission to Assess US National Security, Space Management and Organization*. PL 106-65, NDAA, FY 2000 S1622.
10.. *Report of the Commission to Assess the Ballistic Missile Threat to the US.* PL104-201, NDAA,FY 1997 S1321(g).
12. SPACECOM, *Vision for 2020*

******** Conference on Disarmament, CD/PV.468, July 26, 1988. Mr. Marchand of Canada speaking at 5.