

4.4.3 *United States interpretation potentially noxious*

For as long as the United States restricts its idiosyncratic interpretation of the word "peaceful" to some non-existent limitation on the military use of outer space *stricto sensu*, perhaps no more harm is done than the emperor preening himself in his non-existent clothes. But rather whimsical interpretation carries with it seeds of serious consequences.

The United States is a party to the Antarctica Treaty. It is also a party to many multilateral and bilateral agreements for international cooperation in nuclear matters, under which nuclear materials, equipment and facilities which have been transferred from one contracting party to another contracting party may be used by the latter only for "peaceful purposes".⁴⁷ Is the United States prepared to allow the word "peaceful" in these treaties to be interpreted by the other parties as meaning also "non-aggressive" and not "non-military"? Is that the reply that the United States is getting from some of the States which have already misused the nuclear assistance they have received in order to make bombs, non-aggressive bombs no doubt? If not, it should not take them long to learn what is the interpretation of the word "peaceful" favoured by the United States, unless the United States itself takes immediate steps to revise its attitude in the matter.

5. *Conclusion*

The United States occupying as it does a preeminent position in the world, its *opinio juris* must obviously carry great weight in the formation of rules of general international law. However, in regard to both the question of delimitation of outer space and the interpretation of the expression "peaceful", particularly in relation to the 1967 Space Treaty, the United States has persisted in attitudes it took up at the very beginning of the space age. It is hoped that at least a case has been made to show that its "wait-and-see" policy in respect of the former question, and its rather strange interpretation of the word "peaceful" to mean "non-aggressive" and not "non-military", harbour serious consequences for international law. It is to be hoped that the issues they raise will not only be given some thought by the United States, but will also receive attention from space lawyers, and general international lawyers everywhere.

⁴⁷ See *supra* note 33.