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HOW THE U.N. IS OFF COURSE IN OUTER SPACE

INTRODUCTION

At the same time that the United States confirmed its decision to leave the U.N. Educational, Scientific and Cultural Organization (UNESCO) on December 31, 1984, it also nearly withdrew from another U.N. body: the Committee on the Peaceful Uses of Outer Space (COPUOS). The reasons for Washington's near-withdrawal from COPUOS are similar to those for quitting UNESCO. In recent years, the Outer Space Agency has become increasingly politicized and susceptible to rhetorical excess. As a result, COPUOS has strayed far from the issues and responsibilities that had prompted Washington in 1958 to urge its establishment. Increasingly, COPUOS has neglected issues concerning the peaceful uses of outer space and, in direct violation of its original mandate turned to such contentious matters as disarmament.

COPUOS also has been flirting with media censorship issues. On November 22, 1982, COPUOS endorsed what was to become General Assembly resolution 37/92, backing the claim that governments had the right to block incoming satellite television broadcasts. This not only put COPUOS on the side of censorship, but the action was taken despite Western opposition. This violated for the first time the COPUOS procedure that requires a complete consensus for approval of substantive matters.

The path of self-destruction along which COPUOS has been moving has been particularly distressing to Washington. The organization was essentially an American idea, considered by the U.S. as a vehicle through which it could share its knowledge of outer space with other--mainly underdeveloped--nations. The U.S. also has sought to establish international legal principles for space exploitation through COPUOS. Until about the mid-1970s, these goals by and large were being achieved.

Since then, however, COPUOS gradually has been engulfed by a doctrine that has captured many other United Nations agencies--the so-called New International Economic Order (NIEO). This assumes that the resources and wealth developed by the industrial nations somehow are "the common heritage" of all mankind, and as such, should be transferred by right to the developing states of the Third World. On December 15, 1983, for example, General Assembly resolution 38/70 proclaimed that the exploration and use of outer space is to be carried out "for the benefit and in the interest of all countries... [and] shall be the province of all mankind." This is the unmistakable language of NIEO.

At the same time, COPUOS' scientific and technical work has deteriorated. Ambassador Jose Sorzano, Deputy Permanent Representative of the U.S. to the U.N., warned the Special Political Committee on November 28, 1984, that "the [Outer Space] Committee's ability to function henceforth in a constructive manner is now in serious doubt."¹ He added that unless the highly political matter of disarmament were removed from its agenda COPUOS could not function effectively.

Because of these mounting deficiencies, the U.S. is considering withdrawing from COPUOS. The matter has been discussed within the U.S. delegation to the U.N. and at the State Department. With the U.S. withdrawal from UNESCO now a matter of historical fact, other U.N. organs should be receiving the message that Washington no longer will devote American energies and resources to groups that betray their responsibilities.

THE U.N. COMMITTEE FOR THE PEACEFUL USES OF OUTER SPACE (COPUOS)

General Assembly resolution 1472 (XIV) of December 12, 1959, established COPUOS to replace an 18-nation ad hoc committee created in 1958 at the initiative of the U.S. The COPUOS tasks were defined as: reviewing the scope of international cooperation in peaceful uses of outer space, encouraging continued research and dissemination of information on research, and studying legal problems arising from outer space exploration. From its first meeting, COPUOS operated according to the principle of consensus, to which the U.S. and the USSR both acceded.² The rule provided that only resolutions passed unanimously would be forwarded to the Special Political Committee of the General Assembly and thereby to the Assembly itself. When COPUOS was

¹ Press Release USUN 147-(84), November 28, 1984, p. 5.

² See Herb Reis, "U.N. Committee on the Peaceful Uses of Outer Space and Its Legal Subcommittee," in Senate Document #92-57, "International Cooperation in Outer Space," 1971, p. 251.

first established by the General Assembly in 1958, moreover, it was understood explicitly that it would play no role in disarmament.³

For many years COPUOS performed well. The meetings of its two subcommittees, the Scientific and Technical Subcommittee and the Legal Subcommittee, were attended by specialists interested in sharing technological know-how regarding outer space with the developing nations. Several relevant treaties were drafted by the U.N. and ratified by member nations.⁴

Then during the 1970s, the Committee began deviating from its main task and--as was the case with such U.N. agencies as UNESCO, the World Health Organization, the U.N. Conference on Trade and Development (UNCTAD)--became increasingly politicized. On December 18, 1973, the General Assembly increased COPUOS' membership from 28 to 37; nine more were added two months later, swelling the Committee to 46. In 1980, the General Assembly increased the membership to its present 53. Of these 14 are Western and 9 are Soviet bloc; most of the remaining 30 Third World nations (including Syria, Iraq, Iran, Mongolia, Vietnam) routinely back the Soviets.

A recent example of COPUOS adoption of the NIEO agenda is the "Agreement Governing Activities of States on the Moon and Other Celestial Bodies," drafted by COPUOS members and offered for signature to all U.N. members on December 18, 1979. This Moon Treaty calls for such vintage NIEO things as an international public enterprise to develop the moon's natural resources and the concept that the moon is "the common heritage of mankind."

While the inclusion of NIEO principles in the Moon Treaty does not technically violate the COPUOS mandate, it clearly departs from the spirit of cooperation on outer space matters and injects inappropriate propaganda themes. Explicit violation of the mandate has taken place, however, on the issue of controlling the content of information broadcast through television facilities.

³ Attached to the U.S. 1958 proposal for COPUOS was an explanatory memorandum which noted:

Urgent steps are...needed to lay a solid basis for international cooperation in development of the peaceful uses of outer space....The General Assembly, as the body most representative of the interests of mankind, should begin to take the necessary steps to further those interests by declaring itself on the separability of the question of the peaceful uses of outer space from that of disarmament.... (Cited in Press Release USUN 147-(85), pp. 3-4. Original document A/3902 in General Assembly official records Agenda item 60, Annexes, 13th Session, New York, 1958).

⁴ See The United Nations Treaties on Outer Space (New York: United Nations, 1984).

This issue had been discussed in COPUOS as early as 1968, but because Western nations opposed media censorship, the consensus principle prevented the issue from going to the General Assembly. By 1982, however, censorship proponents discussed the matter at the UNISPACE conference in Vienna engineered by COPUOS. The issue of information control was subsequently brought before COPUOS and then, despite the lack of a consensus, to the General Assembly. On December 10, 1982, resolution 37/92, endorsing the right of governments to block incoming satellite television broadcasts, won approval by 107 in favor, 13 opposed, 13 abstaining.

COPUOS also has been focusing on the issue of "nonmilitarization" of outer space, even though the U.N. Conference on Disarmament is specifically designated and better equipped to deal with such matters. Strongly attacking Soviet motives for bringing up the issue of nonmilitarization in COPUOS, then-U.S. Delegate to the First Committee Martin L. Lindahl, in 1983, condemned the Soviets for discussing outer space disarmament-related issues in COPUOS rather than in the Conference on Disarmament. The Soviets, complained Lindahl, are "apparently not anxious to have their draft treaty subjected to rigorous scrutiny by disarmament experts, as would be assured at the Conference."

The increasing politicization of COPUOS seems linked to the sharply decreased expertise and experience of COPUOS delegations, particularly from the Third World members. James Morrison, until 1983 U.S. Representative to the COPUOS Science and Technology Subcommittee and currently Deputy Director of International Affairs at the National Aeronautics and Space Administration (NASA), expressed concern about the decline of scientific and technology expertise. Morrison told The Heritage Foundation that the character of the Committee had changed "entirely" in recent years. Most of the Third World delegates, he feels, are unaware of what can be accomplished through COPUOS. These severe changes in COPUOS through politicization have seriously undermined the scientific exchanges that had hitherto taken place in the Science and Technology Subcommittee of COPUOS.

U.S. CONCERNS

U.S. dismay with the deterioration of COPUOS is to a large extent due to frustration of its original hope that the Committee would promote cooperation with the Third World on space issues. This hope is still alive. The U.S. delegation to the 1982 UNISPACE conference in Vienna, for example, presented eight voluntary initiatives. In the area of satellite communications technology, the U.S. offered to train Third World specialists in space and terrestrial telecommunications, supported in large part by contributions from U.S. industry.⁵ UNISPACE took note of these initiatives, but

⁵ Moreover, in early 1983, the U.S. sponsored the first Intergovernmental Meeting of Space Technology Experts in New York. In 1985, the U.S. will hold an international conference to share the results of its rural satellite program sponsored by the U.S. Agency for International Development, which aims to assist developing countries in rural telecommunications; a project in Peru is already underway. See USUN 11-(83), February 15, 1983.

U.S. programs in which COPUOS plays a part are becoming increasingly rare.

Another serious U.S. concern is COPUOS' double standard regarding Soviet and U.S. strategic activities in space. The U.S. objects to being singled out as the sole threat to peace in outer space, when nothing is said about the fact that only the Soviet Union has launched an operational killer satellite.⁶

The U.S. is very worried by the COPUOS endorsement of censorship or "regulation of information." This violates the principles of the International Telecommunications Union (ITU) and contradicts Article 19 of the Universal Declaration of Human Rights, which ensures freedom from censorship. While experts agree that the U.N. probably would be unable to enforce censorship of information, the symbolic endorsement undermines U.S. efforts supporting press freedom.

The U.S. is concerned about U.N. attempts to regulate commercial exploration of outer space. The U.S. refuses to sign the Moon Treaty, for example, because it could subject American "space vehicles, equipment, facilities, stations, and installations" in outer space to search by another country.⁷

The U.S. also is concerned about the procedural violations in the U.N. discussions of outer space. Washington has protested that many matters are beyond the jurisdiction of COPUOS and should be discussed elsewhere. The issue of establishing a geostationary orbit at 22,300 miles above the earth, for example, is being addressed by COPUOS, even though it belongs in the International Telecommunications Union (ITU). Similarly, the issue of demilitarization belongs in the Conference on Disarmament.

Most disturbing are the violations of the consensus procedure. When the first took place in 1982, through resolution 37/92 on the rights of governments to block satellite broadcasts, the U.S. protested, threatening to withdraw from COPUOS should this happen again. That threat was repeated in 1983 when a COPUOS resolution that did not pass by consensus nonetheless was sent to the General Assembly where it became resolution 38/70. The U.S. made it clear in 1984 that it would withdraw immediately should COPUOS continue to violate the consensus principle. The threat was

⁶ See The Economist, Foreign Report, 1793 October 6, 1983, p. 2. The Soviets, moreover, had developed a Fractional Orbiting Bombardment System (FOBS) as early as 1968. FOBS is designed to shoot a nuclear weapon into space to keep it there just under one complete orbit for targeting against the U.S. Pentagon officials reportedly believe 18 of these deadly SS9 missiles in the FOBS system are still operational. Also, Ralph K. Bennett, "Struggle for Supremacy in Space," Reader's Digest, January 1983, pp. 97ff, and Rowland Evans and Robert Novak, "Moscow's Own Star Wars," The Washington Post, January 9, 1985.

⁷ See, for example, "The Draft Moon Treaty--Special Report and Analysis," The L-5 Society, October 25, 1979. Also, Gary C. Hudson, "Whose Moon Is It?," The Commercial Space Report, September 1, 1979, p. 49 ff.

taken very seriously--reportedly in part because the U.S. had shown its firm resolve in quitting UNESCO. The language of resolution 39/96 finally agreed upon was acceptable to the U.S. so that consensus did not have to be broken.

THE SOVIET PERSPECTIVE

According to experts, the Soviet Union is determined to derail U.S. efforts to develop a defense against incoming nuclear missiles. States a report by the U.S. Defense Intelligence Agency:

Soviet propaganda attacks and diplomacy regarding U.S. military space programs are designed to portray the U.S. as a threat to international peace and security, to belittle the impact of U.S. space accomplishments, and to deflect attention from the overwhelming military character of the Soviet space program....⁸

Among other diplomatic channels, Moscow has been using the U.N. to create the impression that the U.S. alone is to blame for extending the arms race into outer space.

According to Arkady Shevchenko, a former advisor to Soviet Foreign Minister Andrei Gromyko and former Under Secretary General for Political and Security Council Affairs at the U.N. from 1973 until his defection to the U.S. in 1978, "the Soviets have always been interested in pursuing the issue of outer space regulation, and did all they could to create a climate favorable to its interests through the U.N."

Heading the Legal Subcommittee of COPUOS is Boris Khabirov, a Soviet national. As with almost every Soviet employee of the U.N., he almost certainly breaks U.N. rules by continuing to work for his government even though he is an employee of the U.N. He carries out many activities on behalf of the Soviet delegation. "He is obviously giving the Soviets help," according to one U.S. official, "letting them know what delegates from other countries have communicated to the Secretariat, instructing them on procedural matters, orchestrating the Soviets' moves." This is in the face of the supposedly impartial role played by Secretariat personnel, as specified in the U.N. Charter.

Currently overseeing the Outer Space Division in the Secretariat is yet another Soviet National, Under Secretary-General Viacheslav Ustinov; he has complete control over this division. The relatively low-ranking American in the Division, political affairs officer Robin Ludwig, refuses to talk about matters

⁸ Defense Intelligence Agency Report, "Soviet Military Space Doctrine," released August 1, 1984, p. 31.

relating to the Division because she fears repercussions involving her career within the U.N. bureaucracy. Observes Marvin Robinson, director of that Division from 1980 until 1982:⁹ "Her reluctance is indicative of the strength of the Soviets and the weakness of the U.S. inside the U.N."

Robinson blames the U.S. for failing to press for greater American representation in the Outer Space Division. Since the Division prepares reports that may be influential in guiding COPUOS moves and sends representatives to U.N. conferences on outer space, the unit is very important. Says Robinson: "The Soviet Union has long range objectives in the U.N. It wants to have its people in position when necessary." According to other U.S. sources, the U.S. delegation to the U.N. tried to place Americans in the higher positions of the Outer Space Division, but failed.

Soviet bloc Secretariat employees from the Outer Space Division, notably its current head, Czechoslovak Vladimir Kopal, participate actively in conferences dealing with outer space matters involving nongovernmental, academic organizations. This influences public opinion, including the U.S. Congress, and creates a climate favorable to Soviet policies. Observes Avi Beker, professor at Bar Ilan University in Israel and member of the Israeli delegation to the General Assembly sessions of 1977 to 1982: "It is at the U.N. that the Soviets are given an opportunity to conduct a major diplomatic battle in support of their worldwide peace offensive"--in particular, in the area of outer space.¹⁰

Moscow exploits its position in the outer space sections of the U.N. Secretariat in New York and Geneva. A former member of the U.S. delegation to the Legal Subcommittee of COPUOS recalls that press releases issued during the spring 1982 Vienna meetings of that Subcommittee were slanted routinely to misrepresent the Western, and in particular U.S., position while favoring the Soviets. In one case, the U.N. press releases cited a Soviet attack on U.S. activities in outer space, while the U.S. reply was printed only much later and so completely out of context as to render the rebuttal incomprehensible and thus useless. Responsible for those press releases was a Soviet national in the Secretariat in Geneva.

⁹ One of the principal reasons for opposing Robinson's promotion, despite his two decade seniority and obvious qualifications, was the Soviet desire to block his position as Executive Secretary of the U.N. Conference on Outer Space in 1983, which would have been his automatically were he heading the U.N. Outer Space Division. While Robinson finally won his appointment--after the U.S. threatened to leave the UNISPACE conference if he did not--he did not become Executive Secretary of that conference. An employee from the Third World was designated instead.

¹⁰ Avi Beker, "The Soviets and Disarmament in the United Nations," Crossroads, No. 12, 1984, p. 2.

Most important, the U.N. allows Moscow to place highly trained KGB agents as "experts" in the scientific and technical activities held under COPUOS auspices. Shevchenko, the knowledgeable Soviet defector, cites examples of Soviet agents who managed to have discussions with high level officials at NASA and used their U.N. position to establish extensive scientific contacts in the U.S.

The Soviet Union's principal purpose in COPUOS appears to be to isolate the U.S. and put it on the defensive. One State Department official involved with outer space issues acknowledges that the USSR has largely succeeded. Says he: "We are on the defensive all the time." Former Ambassador Charles Lichenstein agrees: "The U.S. policy in COPUOS, as in many other U.N. fora, is obviously 'damage limitation.' We go along with consensus on resolutions that not only are not in our national interest but play right into the hands of the Soviet Union."

THE THIRD WORLD PERSPECTIVE

The 30 Third World members of COPUOS include eleven from Africa, eleven from Asia, and eight from Latin American states. The increasingly anti-Western rhetoric of their representatives and the resulting decline of COPUOS efforts in the interest of developing nations is paradoxical and distressing. James Morrison, NASA representative to the COPUOS Scientific and Technical Subcommittee, observes that the technical exchanges beneficial to developing nations have suffered greatly from the politicized atmosphere of recent conferences. Morrison says that he is puzzled that Third World nations prefer pressing for grandiose plans that are likely to do little more than antagonize Western nations instead of pursuing goals that may be more modest but ultimately more in their own interests.

Typical of a politicized issue is remote sensing of the earth by satellites. Through techniques developed by Western nations, Third World countries have obtained new information about their own resources. James Zimmerman, former Commerce Department Director of International Affairs and former Chief of International Planning and Programs Office at NASA, says that many countries, especially in Africa, have benefited from the knowledge gained by remote sensing.¹¹ At present, however, a number of nations have been pressing for control over sensed

¹¹ Among the applications of remote sensing are: satellite data for regional crop estimates, used for planning distribution and marketing strategies; meteorological data; forest surveys to identify burned areas or areas cleared of trees, used to regulate forest resources; identifying areas damaged by overgrazing; mapping brush fires; and many others. See A/AC.105/339, October 18, 1984, especially pp. 9-15.

material. In essence, this would amount to censorship that would inhibit commercial and scientific developments of sensing. The main losers would be Third World nations.

More self-defeating are discussions led by Third World nations on the issue of disarmament, despite a specific mandate that COPUOS not deal with that topic. Henrique H. Valle, Minister Plenipotentiary at the Brazilian Mission to the U.N., told The Heritage Foundation that he believed that one reason for this was that, "disarmament is a legitimate issue for COPUOS to discuss; there is frustration on the part of Third World nations that more progress on disarmament issues has not been made in the Conference on Disarmament in Geneva." This statement would have some plausibility if there were any indication that discussion of disarmament issues in COPUOS led to anything other than heated rhetoric and curtailment of scientific and technical exchanges, and if there were not a pervasive double standard in disarmament discussions. Selin Kuneralp, Turkish representative to the Legal Subcommittee, for example, has expressed concern at the possibility of the arms race extending to outer space, but neither he nor any other Third World delegate singles out the Soviet Union in that regard.

One explanation for the increasingly radical, anti-Western, and ultimately futile positions espoused by Third World representatives to COPUOS subcommittees is the changed character of the personnel. While COPUOS participants in early years had scientific training, increasingly these experts have been replaced by career diplomats accustomed to the confrontational tactics of multilateral fora and uncomfortable with technical data.

Another explanation is that developments in COPUOS reflect Soviet pressures. Explains Lichenstein: "Third World nations would undoubtedly prefer to cooperate with the U.S. but are afraid of the Soviets and afraid that we might not stand by them if they stood up to Moscow."

CONCLUSION

U.N. discussions of outer space, particularly in COPUOS, largely have degenerated in the past few years into rhetoric. Most COPUOS member states no longer send technical experts to the meetings. Instead their representatives are diplomats with little or no scientific training. The disregard for the Committee's own principle of consensus led to the U.S. announcement of its intention to leave the Committee unless it observed its own regulations. As with UNESCO, the U.S. should quit COPUOS until substantial reforms are made in the way the Committee functions.

As regards U.N. involvement with space issues in general, the Reagan Administration should:

- 1) continue to oppose a double standard in all other U.N. fora, where the uses of outer space are discussed, and protest the failure of nearly all delegates to condemn the Soviet Union's uses of outer space for military purposes;
- 2) not sign the Moon Treaty;
- 3) oppose all encroachments of "New International Economic Order" language in U.N. resolutions; and
- 4) continue cooperating bilaterally with Third World nations on space-related technical and scientific matters.

The U.S. should complain strongly about the politicization and the disregard of rules at COPUOS. In addition, the U.S. should withdraw its financial support: 25 percent of the expenses of the Outer Space Division in the Secretariat and the Legal Affairs Office expenses relating to the Legal Subcommittee of COPUOS, of conferences held under the auspices of COPUOS and its two subcommittees, and of all expenses incurred under the auspices of those organs. COPUOS has so strayed from its original mandate as to seriously undermine its identity. To continue supporting COPUOS would mean betraying the very ideals that prompted the U.S. to sponsor it in the first place.

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