Thrashing out the Moon Treaty

Only a dozen people have ever set foot on the moon. They represented the dedication of only one of the earth's nations (though they "came in peace for all mankind"), a nation which, less than a decade later, lacks the equipment even to duplicate the feat, let alone expand that hard-won frontier. Tight money, uncertain security and other factors have conspired to hold "space programs" close-wrapped around their planet of origin.

In such times, a treaty about the moon, let alone other objects in the solar system, might seem a fit subject for the musings of an idle dreamer. Yet increasing numbers of countries are taking their initial steps into space. Large-scale construction projects from research facilities to power stations to whole colonies are under discussion (though they often contradict present budgetary realities). Research continues, and is likely to expand, regarding the development of new materials in space and the possible future use of raw materials that do not even originate on the earth. It is with such impetus that lawyers and diplomats from many nations have been at work for years on a document that only last month was opened by the United Nations General Assembly for signing: The Agreement Governing Activities of States on the Moon and Other Celestial Bodies. For short, the Moon Treaty.

Such activities may well be several decades in the future. Lunar raw materials, for example, have been proposed for the construction of huge, earth-orbiting satellites to provide power from the sun, but such projects are tens of billions of dollars away. The Moon Treaty is an attempt to provide an arena of international law well in advance of the time when competition for such wealth may make the California gold rush look like a backporch penny-pitching contest. Facing such uncertainty, the treaty has been drafted only as a statement of general principles, the first of two parts. In fact, it mandates its own sequel: The signers of part 1, the document says, will endeavor to set up an international regime to govern the exploitation of the moon's natural resources, "as such exploitation is about to become feasible." The details of that regime will be the subject of part 2, which could be as much as a third of a century away.

Yet already there is opposition. The crux of the matter is a seemingly innocuous phrase in Article XI, declaring that the moon and its resources are "the common heritage of mankind." The same phrase appears in the hotly debated draft text of the treaty on the Law of the Sea, still being negotiated, where it applies to the potential riches of the seabed. One of the Moon Treaty's most vocal opponents is Leigh S. Ratiner, an attorney who for five years was the chief U.S. negotiator for the sea law treaty's ocean mining issues, and who now says that the "common heritage" phrase is a bad one, "even though I helped originate it." The problem, he says, is that "most of the world feels it means 'common property' — which cannot be disposed of without common consent." He argues that the phrase would have the effect of blocking the assurance of adequate return on investment necessary to interest private industry in spending the huge sums required to get such activities underway. On Feb. 14, United Technologies, potentially an example of just such industry, placed a large advertisement in the Washington Post, echoing the same theme: "The draft agreement," according to the ad, "would have the effect of imposing an indefinite delay on commercial development of space at a time when the U.S. is a world leader in space technology .... If the draft treaty stands up in Congress, American inventiveness and enterprise would be shut off from the industrialization of space."

The treaty's supporters maintain that no such inhibition is either stated or implied. Nothing in the Moon Treaty calls for a moratorium while such an international regime is being set up, says Stephen R. Bond, the State Department's assistant legal advisor for United Nations affairs. It requires only that the signatories work toward defining the regime and getting it established — not even, for that matter, that they succeed. Furthermore, says Lee Kimball, an international ocean affairs specialist who is a consultant to the United Methodist Law of the Sea Project, the ban on unilateral claims implied by the "common heritage" phrase is already covered by the 1967 treaty on the Peaceful Uses of Outer Space — which the United States signed. (Only France and Chile have so far signed the Moon Treaty.) "The principles of non-appropriation, access by all [and] use for the benefit and interest of all irrespective ... have been embodied in the 1967 treaty for 12 years," Kimball says.

Part of the treaty opposition's concern stems from language that attempts to protect the interests of countries that do not yet have the technology to share in the exploitation of whatever extraterrestrial resources may turn out to be available and worthwhile. In the view of United Technologies, as expressed in its Post advertisement, the international regime urged by the Moon Treaty "would be empowered to establish an OPEC-like monopoly, require mandatory transfer of technology, and impose high international taxes on profits as a way of shifting wealth from the developed to the less developed countries." Treaty proponents aver that such strictures are not present, that they would only be covered (if at all) by part 2, and that the United States will be looking out for the interests of its industry when that document is being formulated.

The debate continues. □

The handicapped: Stifled by 'kindness'

A forceful indictment of the "medical model" and the well-meaning professionals and others who apply it to handicapped persons is the thrust of a newly published report by the Carnegie Council on Children entitled *The Unexpected Minority: Handicapped Children in America* (Harcourt Brace Jovanovich). Such an inappropriate view has rendered "handicapped Americans ... the targets of unconscious social and political oppression that is often more damaging to their lives than their physical disabilities," say the study's authors — psychologist John Gliedman of Empire State College of the State University of New York and political scientist William Roth of SUNY at Albany.

Gliedman and Roth report that today's handicapped are as "politically weak as blacks were before the legal breakthroughs of the 1950s and 1960s .... many disabled adults must go to great lengths to exercise their right to vote because many polling places are still inaccessible to the wheelchair-bound and other voters with mobility limitations."

The report is the fifth and last in a series by the council, which was established in 1972 by the Carnegie Corp. of New York to investigate the status of children in U.S. society. The authors cite "prejudice" and job discrimination as stemming from "well-meaning but destructive misconceptions that exaggerate the true limitations of many handicaps" and pigeonhole many victims as "perpetual patients." □

NAS cuts Soviet tie

The Council of the National Academy of Sciences voted this week to suspend for at least six months all symposia, seminars and workshops that were to have been jointly sponsored with the Soviets in protest against recent political actions — most notably the internal exile of dissident physicist Andrei Sakharov (SN: 2/9/80, p. 84). In its Feb. 24 cable to A.P. Aleksandrov, president of the Soviet Academy of Sciences, the NAS Council noted that its move came in response to requests from its members for guidance on appropriate forms of protest. It also acknowledged a "reluctance" by many U.S. scientists to receive Soviet colleagues in their laboratories "at this time." The Council left "to the consciences of participating individuals" the decision of whether to participate in U.S.-Soviet exchanges.

At least four meetings will be affected, including a symposium on laser-matter interactions to have been held later this month at the University of Arizona. Twenty U.S. and 15 Soviet theoretical physicists had been scheduled to attend. □