

IT'S TIME TO CURB U.N. - BASED SPIES

A major problem posed by the United Nations' presence on American territory is the cover it can provide for espionage. About one-third of the U.N. Secretariat staff from the Soviet bloc, says the FBI, take advantage of the privilege, presumably guaranteed by the Headquarters Agreement, to travel freely anywhere in the U.S. and conduct industrial and military espionage against the U.S.¹ The Headquarters Agreement was concluded on November 21, 1947, between the U.S. and the U.N. and governs U.N. Headquarters activities in the U.S. Travel in the U.S. by U.N. personnel need not be unlimited. The U.S. could enforce P.L. 357, enacted in 1947 by the 80th Congress, which states in section 6 that "nothing in the [Headquarters] Agreement shall be construed as in any way diminishing, abridging or weakening the right of the U.S. to safeguard its own security...."

Section 6 further states that the Headquarters Agreement in no way denies the U.S. the right "completely to control the entrance of aliens into any territory of the U.S. other than the headquarters district and its immediate vicinity." According to a confidential memorandum of February 6, 1952 (made public in 1979), by the Assistant Secretary of State for U.N. Affairs, the legislative history of section 6, when read in conjunction with other sections of the Headquarters Agreement, indicates that

1) the U.S. may deny access to the headquarters to aliens for security reasons, and 2) the U.S. controls the entrance of aliens into the U.S. at large "completely," i.e., the U.S. may act in its own discretion in denying to aliens the right to enter the U.S. outside the headquarters district and its immediate vicinity.²

It seems that the U.S. has never enforced this law to restrict the travel of Soviet bloc personnel--or any other Secretariat staff--in the

¹ Juliana Geran Pilon, "Moscow's U.N. Outpost," Heritage Foundation Backgrounder No. 307, November 22, 1983, pp. 3-4.

² Cited in Foreign Relations of the United States 1952-1954, Volume III, United Nations Affairs (Washington, D.C.: U.S. Government Printing Office, 1979), pp. 200-201.

U.S. The same confidential memorandum of February 6, 1952, noted that a meeting with the Secretary of State had decided that "no restrictions or travel regulations be imposed, at the present time, upon Soviet nationals having status under the Headquarters Agreement."³ This decision, apparently, has never been changed--or reviewed.

Not only can the U.S. restrict the travel of U.N. personnel, Washington can bar the Secretariat from hiring staffers whom the U.S. believes belong to a nation's intelligence agencies or secret police. One current case involves Gennadi Yevstaf'iev, Special Assistant to the U.N. Secretary-General, whom a former KGB officer, Stanislav Levchenko, has identified as a seasoned KGB agent with extensive experience in Japan.⁴ The U.S. could enforce P.L. 357 and demand the expulsion of Yevstaf'iev from the Secretariat. State Department officials explain that information regarding this is classified. Still, there is strong reason to believe that the Reagan Administration remains reluctant to invoke its legal right to protect the U.S. from Soviet espionage.

One reason for this reluctance is that the U.N., on at least one occasion, in a letter from U.N. Secretary-General Trygve Lie to the U.S. Representative to the U.N. on June 16, 1952,⁵ has repudiated section 6 of P.L. 357. In a confidential memorandum to the U.S. Representative to the U.N. on June 22, 1953,⁶ U.N. Secretary-General Dag Hammarskjold also outlined some of his problems with the Headquarters Agreement. The Secretary-General's argument that the U.N. did not agree to P.L. 357, however, was rejected by the State Department's Office of the Assistant Legal Adviser for U.N. Affairs,⁷ who concluded on April 15, 1953, that indeed "if the practice over the last five years does not constitute acceptance, the only conclusion possible is that there is no agreement between the U.S. and the U.N. regarding the headquarters. If the U.N. has not in fact accepted the reservations of the U.S. (including section 6 of P.L. 357), there has been no meeting of the minds of the two parties and no agreement exists today."⁸

A principal reason for not enforcing the law in this connection, according to one administration official, is concern that the U.S. would be seen as a "bully," as antagonizing the U.N. Secretariat, and be even more ostracized at the U.N. than it is now. Whether such reasons are sufficient in light of the considerable threat posed to the U.S. by the espionage activities of some U.N. employees is very much in question. It is time for the Congress to start demanding some answers. It is also time for the Administration and Congress to give the FBI the resources required to increase U.N.-related counter-espionage activities.

Juliana Geran Pilon, Ph.D.
Senior Policy Analyst

3 Ibid., p. 199.
4 Pilon, op. cit., p. 13.
5 Foreign Relations, pp. 213-214.
6 Ibid., p. 293ff.
7 Ibid., p. 262ff.
8 Ibid., p. 265.