

### The Open Skies Treaty at a Glance

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**S**igned March 24, 1992, the Open Skies Treaty permits each state-party to conduct short-notice, unarmed, reconnaissance flights over the others' entire territories to collect data on military forces and activities. Observation aircraft used to fly the missions must be equipped with sensors that enable the observing party to identify significant military equipment, such as artillery, fighter aircraft, and armored combat vehicles. Though satellites can provide the same, and even more detailed, information, not all of the 34 treaty states-parties<sup>1</sup> have such capabilities, and the treaty is also aimed at building confidence and familiarity among states-parties through their participation in the overflights.

President Dwight Eisenhower first proposed that the United States and the Soviet Union allow aerial reconnaissance flights over each other's territory in July 1955. Claiming the initiative would be used for extensive spying, Moscow rejected Eisenhower's proposal. President George H.W. Bush revived the idea in May 1989 and negotiations between NATO and the Warsaw Pact started in February 1990.

**Treaty Status:** The treaty entered into force on January 1, 2002. Of the original 27 treaty signatories, all but Kyrgyzstan have ratified the accord and are now states-parties. Since the treaty entered into force, Bosnia and Herzegovina, Croatia, Estonia, Finland, Latvia, Lithuania, Slovenia, and Sweden have become states-parties. Russia conducted the first observation flight under the treaty in August 2002, while the United States carried out its first official flight in December 2002.

**Territory:** All of a state-party's territory can be overflown. No territory can be declared off-limits by the host nation.

**Flight Quotas:** Every state-party is obligated to accept a certain number of overflights each year, referred to as its passive quota, that is loosely determined by its geographic size.<sup>2</sup> A state-party's active quota is the number of flights it may conduct over other states-parties. Each state-party has a right to conduct an equal number of flights over any other state-party that overflies it. A state-party's active quota cannot exceed its passive quota, and a single state-party cannot request more than half of another state-party's passive quota. For the first three full years after entry into force, each state-party only has to permit flights totaling up to 75 percent of its passive quota.

**Process:** An observing state-party must provide at least 72 hours' advance notice before arriving in the host country to conduct an overflight. The host country has 24 hours to acknowledge the request and to inform the observing party if it may use its own observation plane or if it must use a plane supplied by the host. At least 24 hours before the start of the flight, the observing party will supply its flight plan, which the host has four hours to review. The host may only request changes in flight plans for flight safety or logistical reasons. If it does so, the two states-parties have a total of eight hours after submission of the original flight plan to agree on changes, if they fail, the flight can be cancelled. The observation mission must be completed within 96 hours of the observing party's arrival unless otherwise agreed.<sup>3</sup>

**Aircraft:** The treaty lays out standards for aircraft used for observation flights. Aircraft may be equipped with four types of sensors: optical panoramic and framing cameras, video cameras with real-time display, infra-red line-scanning devices, and sideways-looking synthetic aperture radar. During the first three full years after entry into force, the observation aircraft must be equipped with at least a single panoramic camera or a pair of optical framing cameras. Additional sensors may be agreed to in the future.

**Data:** A copy of all data collected will be supplied to the host country. All states-parties will receive a mission report and have the option of purchasing the data collected by the observing state-party.

#### NOTES

1. Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom, and the United States.
2. For example, Russia, which shares its quota with Belarus, and the United States both have quotas permitting 42 flights per year, while Portugal is only obligated to allow two flights annually.
3. This limit can be extended by 24 hours if the host insists that the observing party use the host's aircraft and demonstration flight is conducted.

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## ACA Fact Sheet

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