

A rare example of Euro-Atlantic accord: The Open Skies Review Conference

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Representatives of 32 states met in Vienna on 14-16 February 2005 for the first Review Conference of the Treaty on Open Skies, one of the most far-reaching confidence building measures ever agreed. Though signed already in 1992 the Treaty only came into force on 1 January 2002, after a sufficient number of states had ratified it. It is the first treaty in history to establish a multilateral system for the conduct of *co-operative area observation flights* by any party over the territories of any other party. The vast treaty area covers much of the northern hemisphere from Vancouver to Wladivostok. All states parties also participate in the OSCE.

(Agreed flight procedures, as well as specifically defined technical standards for the sensors, protect the legitimate interests of the states being observed. The sensors allow for a reliable identification of major weapons systems. Imagery taken during observation flights is accessible to all states parties. As a result all parties are placed on equal footing with no monopoly on information, but instead reciprocity of observation.)

The main objective of the conference was to review and discuss the past and future implementation of the Treaty. It became soon obvious that all states parties continue to fully support the intentions of the Treaty as a confidence building measure, a rare case of Euro-Atlantic-Russian consensus. Each state party seems to profit from the cooperative approach of creating transparency, although the degree of exploitation of the Treaties opportunities varies largely. 71 observation missions were flown in 2004 which is only about 50 percent of the total available quota. Russia alone flew 26 missions mostly over NATO countries in Europe. Only five states (Finland, Germany, Sweden, Ukraine, United States) made use of the possibility to buy imagery from flights conducted by other parties.

The *distribution of flight quota* remains one of the more touchy issues. Due to an inter-alliance understanding NATO countries will not inspect each other. Hungary and Romania even had to terminate their bilateral Open Skies agreement of 1991 after becoming NATO members (!). In consequence Russia has little opportunities to buy copies of imagery from non-Russian flights over NATO states whereas NATO states concentrate their flights on Russia, Ukraine, Georgia, Croatia and Bosnia-Herzegowina. Still this issue does not endanger the Treaty for the time being, but it might do so in the more distant future.

It was only on the last day that the conference became place of a controversial debate. France, Germany and Sweden had proposed to apply the Open Skies regime to two additional fields which are mentioned in the preamble of the Treaty, *protection of the environment* and *conflict prevention and crisis management* in the framework of the OSCE and in other relevant international organisations. The majority of delegations which spoke up rejected the idea of giving enhanced responsibility to the *Open Skies Consultative Commission* in these respects. They rather would leave extended applications to the initiative of individual states. The issue will remain on the agenda.

The conference was prepared and chaired by Germany very efficiently. It proceeded almost invisibly to the general public: Virtually no media response, no observers invited from international organisations, scientific institutes or NGOs. Just observers from OSCE cooperating states in Africa and Asia had been invited. Some of them attended (Israel, Jordan, Morocco, Tunisia, South Korea, Japan). It appears that states parties prefer to see the Open Skies Treaty working quietly. It has a life of its own and expands (in contrast to the CFE Treaty). The delegates of Estonia and Lithuania announced that their parliaments had ratified the treaty, paving the way for accession in 2005. More European states are likely to follow.

A dispute on the *accession of Cyprus* caused a further discord. Turkey had vetoed the approval of the application of Cyprus for accession in 2002. In contrast to all other states parties, Turkey objected even to stating in the final document that the application of Cyprus was still pending. In consequence the required consensus on a *final document* could not be reached. Its substance was read by the chair as a chairmans statement. There was a strong feeling, however, that this episode would not harm the intention of all states parties to adhere to the Treaty in the years to come.