

the dramatic political changes that swept Eastern Europe in the fall of 1989, it afforded a timely opportunity for high-level discussion of the changing face of Europe and the future development of East-West security relations. As the Right Honourable Joe Clark, Secretary of State for External Affairs, observed in his address to the ministers, "we are meeting not as old adversaries, but as new partners," committed to building a durable peace in Europe.

### Ministerial Agreement

By the end of two days, the Conference had produced a ministerial commitment to an Open Skies regime based on maximum openness, agreement on the reunification of East and West Germany, and agreement on large cuts to the number of Soviet and American troops stationed in Central Europe. The ministers also agreed to hold a summit-level meeting of the Conference on Security and Cooperation in Europe (CSCE) later this year.

Officials from the 23 countries remained in Ottawa for two weeks following the ministers' departure to begin negotiations on the Open Skies treaty itself. Work was divided among four groups, dealing respectively with the following items:

- aircraft and sensors, inspection of aircraft and equipment, and the role and status of observers on board aircraft;

- quotas, combined parties (i.e., the right of a country to join together with another country or countries for the purpose of accepting or carrying out observation flights), scope and limitations;

- flight mission, air safety rules and transit;

- legal issues, such as entry-into-

force provisions and air crew immunities.

Canada and its allies tabled a draft treaty text early in the proceedings, which the WTO states agreed to use as the basis of negotiations. On February 24, the Soviet negotiators submitted formal amendments to that text, and by the end of the Conference the two documents had been integrated into a composite text.

Agreement was reached in several areas, including on many of the procedures for carrying out inspections of aircraft. It was also agreed that there should be no signals intelligence equipment onboard aircraft, and that any data obtained during an overflight should stay on the aircraft until the



plane lands, and not be transmitted to the ground, to another aircraft or to a satellite. The negotiators also reached agreement on important legal issues, such as the creation and functions of an Open Skies Consultative Commission to oversee implementation and operation of the eventual Open Skies regime.

### Outstanding Issues

Large portions of the composite text remained in brackets, i.e., unagreed, at the close of the Conference. The key outstanding issues are listed below.

1. Whose aircraft should be used to carry out the overflight and who should make this decision?

Canada and its allies insist that the right to decide which aircraft will be used should rest with the country that

wants to overfly, not with the country that is being overflown, because the purpose of Open Skies is to create confidence in the eyes of the people carrying out the overflight. The Soviet Union has suggested that the country being overflown should have the right to decide which aircraft will be used, leaving open the possibility of the overflown country supplying the aircraft and sensors.

2. Should there be restrictions on sensors other than the prohibition on signals intelligence?

The position of the NATO countries is that there should be no such restrictions. The WTO states have suggested that there should be a common sensor package, although there are differences within the WTO on what sensors should be included in that package. As a general rule, the NATO countries are prepared to permit the use of a much more intrusive level of sensor technology than is the Soviet Union.

3. Who should process and have access to the data acquired from overflights?

NATO has suggested that each country process its own data and decide for itself with whom it wants to share, again because the purpose of the exercise is to build confidence on the part of the overflying state. The Soviet Union has suggested that data be processed at a common facility by the overflown and overflying country together, and that the information from this processing should be available to all states participating in the regime.

4. How many overflights should each country be allowed to conduct and required to accept?

The quotas suggested by the Soviet Union are much lower than the numbers NATO countries have put forward.