

reconnaissance aircraft has been operated by the United States on behalf of the commission.²¹

Of course, it must be remembered that the situation in Iraq is quite different to any of the other examples which have been discussed in this Annex. In every other case the participants in the aerial monitoring regime gave their permission for overflights to take place as a part of a larger peacekeeping force. Moreover, they were active and free participants in the process which established the overflight regime. In the case of Iraq, however, the Special Commission was forced upon that nation as the result of a conflict which it had lost. Moreover, Iraq was not part of the political process which established the Commission, and has not been extensively consulted as to the Commission's methods. Thus, although the Commission experience is relevant to the establishment of an Open Skies regime in the region in some respects, it is not relevant in the sense that any regime must be established through the active permission and participation of the states over which its aircraft will eventually fly.

²¹ ibid.