

Background

The Treaty on Open Skies was signed in Helsinki on March 24, 1992, by twenty-five countries, including the then-sixteen members of the NATO alliance, the former East European members of the Warsaw Pact, as well as Russia, Belarus, Ukraine and Georgia as successor states to the Soviet Union. After somewhat lengthy ratification period, the treaty entered into force nearly exactly ten years later, on January 1, 2002. Despite that delay, the Open Skies regime should be seen as a landmark achievement. It is of indefinite duration and it opens the national territories of all States-Parties – their landmass, islands, and internal and territorial waters – to unarmed aerial observation overflights, on short notice and without a right of refusal.

The interest in keeping military forces and activities under Very High Resolution (VHR) surveillance, all the way “from Vancouver to Vladivostok”, is quite apparent already. Seven additional countries belonging to the Organization for Security and Cooperation in Europe applied for admission into the ranks of the regime upon the entry of the treaty into force, and more than 400 joint trial observation flights had taken place before the year 2000 was over.¹ Now that the treaty is in force, formal overflights were scheduled to have begun in August last year.

As is the purpose of all confidence and security-building measures (CSBMs), the purpose of the Open Skies regime is to enhance mutual understanding and to build confidence regarding the disposition of military forces and activities among members of the regime. By opening national military establishments to sustained, detailed scrutiny, the regime affords its member-states an opportunity to send a clear signal of their peaceful intent. Under conditions of military transparency normal military routines can then be seen for the non-threatening routines that they usually are, and not be mistakenly perceived as threatening. Further, the regime promotes provision of fact-based reassurance of that intent by giving all parties a direct role for gathering the photographic data for themselves. Thus military activities that are out of the ordinary and which might indeed pose a military threat become quickly and independently identified, giving diplomacy time to seek clarification or for the military to react. When actions and behavior are rendered transparent and, thereby, more predictable, mutual relations are placed on a more stable and secure footing. The Open Skies regime too, serves to build political confidence that threatening military developments are not taking place and to reduce the possibility of armed conflict breaking out as a result of misperception, misinformation and fear.

Another important feature of the Open Skies regime has to do with it being designed from the outset to be as flexible an instrument as possible, with the view of being applied to a wider range of questions than just military forces and deployments. This turns out to have been a far-sighted decision indeed, especially in view of the fact that with the passing of the Cold War the concept of security has been cut loose from its traditional moorings. In a strict definitional sense the concept of security might have remained the same: security issues arise to this day in the context of potential or actual, perceived or real threats to the physical integrity or well-being of citizens or to the social life of a political entity. On the other hand, there has been a shift away from the state-centered view of security (traditionally seen in terms of military security) to a more collective security perception (i.e., global security). It has been recognized, for instance, that many of the new threats identified since the ending of the East-West confrontation do not stop at political frontiers of a state but cross them at will and hence have a non-military dimension. The most notable of these are said to be non-military threats to the security of a nation's environment and its natural resources base.

¹ Ernst Britting and Hartwig Spitzer, “The Open Skies Treaty,” ch. 13 in: Trevor Findlay and Oliver Meier (eds.), *The Verification Yearbook 2002*. London: VERTIC, 2002, pp. 223. See also: James J. Marquardt, “Not a Moment Too Soon.” *Bulletin of the Atomic Scientists* (January/February 2002), pp. 18-20.