

As NATO's requirement for a sophisticated sensor suite lessened, however, so too did its requirement to control the aircraft. In the end, it was decided to allow the host nation to have the final say as to whose aircraft would be used for overflights of itself. An important component of this stand, however, was the proviso that a nation could not prevent an overflight from taking place within the required time period for the reason that it did not have an aircraft ready to host such a flight, but would not accept a foreign aircraft.

The aircraft ownership issue in the negotiations demonstrated that the participants in any future negotiation will have to examine two questions. First, are their fears of illegal, hidden sensors so great that they are unwilling to allow foreign aircraft over their soil? Second, are they willing to accept the administrative difficulties, not to mention the cost, of establishing a jointly run and funded pool of aircraft? Of course, this pool could be established in a number of ways, ranging from an organization acting on behalf of the participants, to a trusted third party, to a commercial firm undertaking the flights on a contract basis. Each of these options has been exercised in the Middle-East in connection with previous peacekeeping or confidence-building measures (see Annex A).

#### DATA-SHARING

The initial NATO position on data-sharing was that it should be up to each participant to determine the extent to which it wished to share the data, and with whom. At the same time, the Allies made internal arrangements to share the data amongst themselves using established Alliance procedures. The Soviets, as part of their pool concept, argued that the data should be processed by the central agency which would run the pool, and made available to all participants in the regime.

As the negotiations moved towards agreed sensor categories and capabilities, which would be available to all, the foundation for the resolution of this issue developed. Once it was agreed that the sensors would be equal, it became possible to envisage a data-sharing arrangement. The final Treaty contains a data-sharing provision which stipulates that first generation duplicates of the raw data from any overflight will be available to any other regime participant.<sup>3</sup>

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<sup>3</sup> See Treaty, op cit. Article IX, Section IV. Certain cost questions relating to the data-sharing issue have yet to be agreed.