

Open Skies: No Treaty at Budapest

The second round of Open Skies negotiations between the 23 members of NATO and the WTO ended in Budapest on May 10 without a treaty being signed. Such a treaty would provide for regular, short-notice overflights of each other's territory using unarmed surveillance aircraft. The negotiations are presently suspended until an agreement on the reduction of conventional armed forces in Europe (CFE) is completed and signed later this year.

Although some progress was made, including on the type of sensors to be used and on the number of flights to be conducted, many of the issues that remained unresolved at the close of the Open Skies Conference in Ottawa in February were still without agreement at the end of the Budapest meeting.

In particular, the Soviet Union continued to insist 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 an aircraft from its own fleet. Canada and its allies believe that since the purpose of Open Skies is to build confidence on the part of the country carrying out the overflight, the

The Soviets also wanted to restrict both the number and duration of annual overflights of Soviet territory to a bare minimum. In addition, they continued to suggest that they would declare some military and civilian areas out-of-bounds to overflights, thus reducing the openness achieved through Open Skies.

In contrast, Canada and its allies continued to favour an Open Skies regime that is open to the maximum extent possible, without any limitations other than those required for flight safety. Issues on which NATO countries held firm at Budapest include:

- keeping overflight restrictions to the absolute minimum consistent with civilian flight safety regulations;
- allowing sophisticated all-weather sensors;
- raising the number of overflight quotas to a significant level.

The two sides explored fully the practical implications of each other's positions during the three weeks of talks in Budapest. A clear picture of the remaining differences now exists as a basis for political leaders to decide whether they wish to proceed with the negotiations.

Third round possible after CFE agreement.

overflying state should choose the aircraft to be used.

The Soviet Union also maintained its view that data resulting from each overflight should be available to all participants in the Open Skies regime. NATO countries have argued that each country should process its own data and decide for itself with whom it wants to share.

On the issue of permitted sensors, the Soviets adhered to a position that would reduce the remote-sensing capability of Open Skies aircraft below that considered by NATO countries to be sufficient for confidence-building on a 24-hour/all-weather basis. The Soviet position was not shared by all WTO states.

Canada has worked actively to promote the Open Skies concept and facilitate the negotiation of an agreement. Despite the present suspension of negotiations, Canada will continue to explore ways of breaking the logjam that has developed between the Western side and the Soviet Union on some of the key issues.

Although Canada believes that the present Soviet intransigence will have to soften if a third round of negotiations is to take place, it also recognizes that a Western willingness to compromise will have to be shown if the negotiations are to succeed. Once a CFE agreement is signed, Canada hopes that both sides will give full attention to resolving the differences that now prevent agreement on Open Skies. ■

Open Skies: Canada's Closing Statement

The following is the text of the remarks to the closing plenary of the Budapest Open Skies Conference delivered by Mr. John Noble, head of the Canadian delegation, on May 10.

As we come to the end of the first phase of the Budapest portion of the Open Skies Conference, we must acknowledge that we have not succeeded in the ambitious task we set for ourselves in Ottawa.

But we should not minimize what we have accomplished here. Most delegations have shown some flexibility on the question of sensors — we all now agree on the need for sensors that would enable all-weather 24-hour a day coverage.

Differences on the technical capabilities of the sensors have been narrowed considerably. Indications have been given about access to sensor systems with comparable technology, and of employing only those sensor technologies to which other nations are granted access.

Some progress has been made on the quota issue. The technical aspects of the regime have been developed as have the legal aspects.

I believe that we could have done much more had there been a willingness by all participants to accept a basic principle of the Ottawa ministerial communiqué — the right to conduct and the obligation to receive overflights.

We have been limited in our potential at this session by continuing fundamental political differences on certain key issues. Once those political differences become unstuck, as I remain confident that they will, the technical solutions will follow very quickly.

It will be incumbent on all of us to rethink the basic issues that have divided this Conference since Ottawa and not to forget the very clear solutions to those problems suggested informally