
Verification Symposium Examines Open Skies Issues

The negotiators of an Open Skies agreement will have a number of complex issues to deal with. These will range from technical issues, concerning the types of aircraft and sensors to be used, to operational and organizational issues, such as the amount of notice required and the frequency and duration of overflights. In addition, legal issues, such as the status of foreign inspectors and the ownership of collected data, and political issues, such as the general objectives and structure of an Open Skies regime, will figure prominently on the agenda.

In order to promote an international discussion of these and other questions related to Open Skies, the Verification Research Unit of External Affairs and International Trade Canada (EAITC) devoted its Sixth Annual Symposium on Arms Control Verification to the subject. The Symposium, held in Ottawa November 21 to 24, 1989, was organized by York University's Centre for International and Strategic Studies on behalf of EAITC.

Approximately 40 people attended the Symposium, including civilian and military officials from Canada, the USA, the Federal Republic of Germany, France, the Netherlands and Hungary, as well as selected academics and representatives from industry.

Working informally, participants explored the technical, organizational, legal and political issues surrounding Open Skies. They drew the following conclusions:

- in any confidence-building regime, the most essential ingredient for success is sufficient political will to make the agreement work. While one could spend hours identifying ways in which a state could obstruct or thwart an Open Skies agreement, such discussion should be largely irrelevant. If the political will to sign and abide by an agreement exists, ways will be found to overcome specific problems through consultation. If such a will does not exist, the possibilities for obstruction are infinite;

Political will essential

- an Open Skies agreement should be as simple and flexible as possible. Excessive concern with minutiae should be avoided. To a certain extent, the specific problems associated with running a regime cannot be identified until the regime is in place. Keeping the regime as flexible as possible will allow it to evolve as participants gain an understanding of its day-to-day operations;

- the range and capabilities of commercially-available aircraft and sensors are impressive. Each participating state should be able to mount credible overflights and acquire a large amount of useful information for confidence-building purposes;

- the negotiations would be facilitated if they were restricted to the 23 states of NATO and the WTO in the first instance. It would be desirable to invite other European states to join the regime once it was in operation. Exactly when such an invitation should be issued would depend on the nature of the agreement;

- the international air traffic control system is capable of accepting Open Skies overflights with a minimum of change. To the extent that modifications will be required, they revolve around the need to streamline existing procedures to ensure that overflights can be conducted on a short-notice basis. Persons with technical or organizational expertise in areas relevant to Open Skies should be included in the negotiations from the start, in order to facilitate discussions;

- partial legal precedents for an Open Skies regime exist in the relevant agreements on international civil aviation as well as in the Intermediate-Range Nuclear Forces (INF) Treaty and the Stockholm Document on Confidence- and Security-Building Measures. Because of the need to bring commitments undertaken in an Open Skies regime into line with participating states' domestic law, an Open Skies Treaty would be preferable to an agreement.