

overflights act as a censor. In this case, the organization would be empowered only to share certain results of its overflights, probably only those which indicated the potential for a threatening action on the part of one of the parties. In this case, the organization performing the overflights would have to be trusted implicitly by all of the parties to the treaty. Though perhaps slightly unusual, this type of arrangement is not beyond the bounds of imagination. The United States has already played this role in connection with the Sinai Field Mission arrangements, for example (see Annex A).

Another method of protecting sensitive sites might be to restrict where Open Skies aircraft could fly during their overflights. While this would be effective, the danger exists of the parties attempting to restrict overflights to such a great extent that they could be meaningless. Moreover, given the size of several countries in the region it would not take many such restrictions to render a large percentage of each country unavailable to overflights. Finally, the entire concept of restricted areas seems to fly in the face of the basic concept of Open Skies.

Of course, the procedure for undertaking overflights could be made such that a period of time would elapse between when the overflight was requested and when it was performed. This is the case in the recently concluded Treaty. The timeline in the Treaty is as follows: the Party requesting an overflight must inform the Party to be overflown of its intention 72 hours before the arrival of its aircraft at a designated point of entry; the Party to be overflown must acknowledge receipt within 24 hours and state whether it will allow the overflying country to bring its aircraft or will exercise its right to provide the aircraft; after arrival, the aircraft and sensors may be inspected, and the proposed flight plan is handed to the host country (this must be done no later than 24 hours before the overflight is scheduled to commence); once the overflight plan is agreed, and the 24 hour period has elapsed, the flight will commence; the observing country will depart within 24 hours following the flight, and arrangements for data-sharing must be completed within this period; the entire time in-country will not exceed 96 hours. Attempts have been made to ensure that all of these time periods are flexible, however. Virtually any of them can be shortened by mutual consent.<sup>6</sup>

As a general rule, the greater the period of pre-flight notification, the less intrusive the regime would be, and the less effective each overflight in terms of its ability to

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<sup>6</sup> See the Treaty, Article VI.