

been hoped that they would be able to finalize a Treaty for signature by their Ministers, but it quickly became apparent that this would be impossible. The Budapest Conference ended in mid-May of 1990. After a lengthy hiatus, during which the Conventional armed Forces in Europe (CFE) Treaty was signed, the WTO began its process of disbanding and the NATO nations undertook a review of their positions, negotiations resumed in Vienna in September of 1991. The Treaty was signed in Helsinki on March 24, 1992.

The development of the new NATO position in early 1991 was noteworthy in that it provided a coherent intellectual and political justification for an Open Skies regime which was structured in such a way as to enable a set of technical criteria to evolve which were both consistent and acceptable to all. At the outset, the Open Skies negotiations suffered from the lack of such criteria. Put another way, when the initiative was launched the political goals of the Open Skies negotiations were not set out sufficiently clearly to allow the negotiators to draw up a set of agreed criteria from which to design the regime.

Before discussing the specific problems of the Open Skies negotiations, it is important to fully understand this point. When the Open Skies negotiations were initially proposed by President Bush, on May 12, 1989, the goals of the negotiation were expressed in very general terms as being the increase of transparency for the enhancement of confidence. The lack of firm political guidelines as to how much transparency would be required to increase confidence by a desired and useful amount bedeviled the negotiators. How many flights are required on a yearly basis to increase confidence, for example? How intrusive should the sensors be? Should the same types of sensors be used by everyone? Could the data be shared? Who should supply the aircraft and the flight crew?

Each of these five specific questions was related to one basic point: the need for a politically agreed goal for the negotiations. The Vienna negotiations had an answer to this question. This answer called for the creation of a regime which will enable its participants to detect preparations for a surprise attack under all weather conditions, 24 hours a day. In practical terms this meant the ability to determine the difference between a tank and a truck. Such a clear statement allowed the negotiators to design the regime.

The specific issues which then arose in the negotiations were, in no particular order: the question of what sensors could be used and what their capabilities should be; the question of who could supply the aircraft during overflights; the question of data-sharing; the question of quotas; and the