



FACT SHEET



VERIFICATION AND COMPLIANCE WITH THE TREATY ON OPEN SKIES (OS)

The Treaty on Open Skies (OS) established a regime of unarmed aerial observation flights over the entire territory of participating States. The Treaty is designed to enhance mutual understanding and confidence among all participants, regardless of size. The openness and transparency of military forces and activities afforded by OS are among the most wide-ranging reached to date. The Treaty entered into force on January 1, 2002, and currently has 32 States Party from Eurasia and North America. It is of unlimited duration and is open to accession by other States subject to consensus approval by all current States Party. (States of the former Soviet Union that have not acceded to the Treaty may do so at any time by depositing an instrument of ratification.)

The OS regime covers the territory over which each State Party exercises sovereignty, including land, islands, and internal and territorial waters. The Treaty specifies that the entire territory of a State Party is open to observation. Observation flights may only be restricted for reasons of flight safety, not for reasons of national security. The observed party may provide the aircraft for these flights or may permit the observing party to utilize its own aircraft. All OS aircraft and sensors must pass specific certification and pre-flight inspection procedures to ensure compliance with Treaty standards. OS aircraft may have video, optical, panoramic and framing cameras, infra-red line scanners and synthetic aperture radar. Photographic image quality will permit recognition of major military equipment (i.e. distinguish between a tank and a truck), thus

allowing significant transparency of military forces and activity. Sensor categories may be added and capabilities improved by consensus among all States Party. All equipment used in OS must be commercially available to all participants in the regime. Each State Party is obligated to receive observation flights – its passive quota allocation. Each State may conduct a number of observation flights – its active quota allocation - up to its passive quota. OS observation missions are notified at least 72 hours prior to arrival. There is no provision to refuse a properly notified observation flight for which the observer has an active quota. Imagery collected from OS missions is available to any State Party upon request for the cost of reproduction. As a result, data available to each State Party is much greater than that which it can collect itself under the Treaty quota system.

The first OS Treaty observation mission occurred in August 2002. Since then, over 140 missions have been conducted. Overall implementation to date has been largely successful given the numerous complicated implementing procedures. With a few exceptions, actual conduct of the observation missions has gone smoothly. Exceptions that initially raised compliance concerns can largely be attributed to different interpretations and understandings of various Treaty provisions as new (and often unanticipated) situations were encountered during the nascent stages of implementation. In all cases, engagement, either bilaterally or multilaterally in the Open Skies

Consultative Commission (OSCC), has ensured compliance.

The first Treaty Review Conference was held in February 2005, and reaffirmed the importance and effectiveness of the regime as a transparency and confidence-building measure.

Verification of Compliance

The OSCC, the Vienna-based organization that serves as a forum for States Party to discuss issues related to implementation of the Treaty, provides an almost year-round forum for nations to address compliance concerns. All OS States Party have an interest in compliance, but implementation, verification and compliance are national responsibilities. Compliance concerns have been resolved among States Party after they were raised in the OSCC or after differences in Treaty interpretation arose on observation missions.

The Treaty on Open Skies also gives States Party another means of monitoring. The ability to acquire imagery from all OS missions, even those conducted by other States Party, provides an addition to each State's National Means and Methods toolbox for verifying treaty compliance.

For further information please visit:

<http://www.state.gov/t/>

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