



**Delegation of Sweden**

## **The Treaty on Open Skies – Second Review Conference**

### **Working Session 2: Exploring the Next Generation of Treaty Implementation**

#### **7: Procedures to Request Non-Treaty Missions**

The preamble of the Treaty describes the politico-military context of the Treaty and State Parties are noting the possibility of employing such a regime to monitor existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management in the framework of the Organisation for Security and Co-operation in Europe (OSCE) and other relevant international institutions.

Annex L, section III of the Treaty on Open Skies reads that the Open Skies Consultative Commission (OSCC) shall consider requests from the bodies of the OSCE authorized to deal with respect to conflict prevention and crisis management and from other relevant international organizations to facilitate the organization and conduct of extraordinary observation flights over the territory of a State Party with its consent.

In the OSCE document “Stabilizing Measures for Localized Crisis Situations”<sup>1</sup> the second chapter is a catalogue with measures and its section D “Measures for Monitoring of Compliance and Evaluation” proposes an aerial observation regime aimed at checking compliance with agreed stabilizing measures and building confidence and the possibility of using the procedures and measures of Open Skies.

In the preamble to the Treaty State Parties envisage the possible extension of the Open Skies regime into additional fields, such as the protection of the environment, as discussed earlier in this 2<sup>nd</sup> Working Session.

On a national or bilateral basis any kind of mission can be conducted with Open Skies assets if there is an agreement and the capability is available. Either as extraordinary observation flights within the Treaty or outside the Treaty such as to support in the conflict cycle of non-State Parties or environmental missions. There are already many examples of national use of Open Skies resources for other purposes than missions within the Treaty on Open Skies.

---

<sup>1</sup> DOC.FSC/2/96, 25 November 1993

Open Skies capabilities are national resources, and sometimes partly shared with other State Parties. Many times the assets are only partly in use for Open Skies and the rest of their operations are dedicated to other military missions. Clearly, national decision-making processes must be considered when discussing expanded use of Open Skies assets.

At the same time, we can see today a tendency of only a limited number of certified observation aircraft and many State Parties depend on others' capabilities, so the operations are carefully planned and fragile for any disturbance. Hence, a realistic and balanced approach to "non-treaty missions" is appropriate.

During the first Review Conference the subject of using Open Skies to additional areas was discussed<sup>2</sup>. Despite that there have not been any requests to the OSCC to support other missions outside the Open Skies Treaty. At the same time State Parties with Open Skies assets have used them for other purposes without involve the Treaty and the OSCC.

Are there already sufficient procedures in place on national or bilateral basis so the OSCC has no further role? How will a request by OSCE to the OSCC and its State Parties be carried out? Is there actually no need for additional procedures?

Questions that could be discussed are:

- What kind of non-treaty missions are State Parties willing to support with their Open Skies assets?
- To fit the decision-making processes of State Parties as well as the OSCC cycle, what type of missions are most likely to be approved? Rapid reaction or planned missions?
- Are State Parties ready to give up national command and control of their Open Skies capability in favour of an increased coordinating role of the OSCC?
- What should be the role of the OSCC; to co-ordinate? Facilitate? Bring a request to the attention of State Parties?
- If there is an interest among the Open Skies community to expand the use of Open Skies capabilities and an expressed need e.g. from the OSCE to support its effort in the conflict cycle, what procedures need to be put in place, if any?

---

<sup>2</sup> See the Food-for-Thought papers OSCC.DEL/1/05, OSCC.RC/13/05, OSCC.RC/17/05.