
TREATY ON OPEN SKIES

Signed: 24 March 1990.

Entered into Force: 1 January 2002. Entry into force occurred 60 days after the deposit of the 20th instrument of ratification on 2 November 2001. The requisite instruments of ratification include those of the Depositaries, and those States Parties that are obligated to accept eight or more passive observation flights (Russia and Belarus–42, United States–42, Canada–12, France–12, Germany–12, Italy–12, Turkey–12, Ukraine–12, and the United Kingdom–12).

Duration: Unlimited.

Signatories: 35 (Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Kyrgyzstan, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russia, the Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom, and the United States).

Ratifications: 34 (Kyrgyzstan has not yet ratified).

Depositaries: Canada and Hungary.

[Treaty Text](#)

Background: The idea of a regime of unarmed aerial observation flights to promote confidence, predictability, and stability was first suggested by US President Dwight Eisenhower in 1955. On 12 May, 1989, US President George Bush proposed the creation of an Open Skies regime, which expanded on President Eisenhower's concept. Under this regime, the participants would voluntarily open their airspace on a reciprocal basis, permitting the overflight of their territory in order to strengthen confidence and transparency with respect to their military activities. In December 1989, the participants of the North Atlantic Council Meeting in Brussels issued the "Open Skies: Basic Elements" document calling for the establishment of an Open Skies regime for members of [NATO](#) and the Warsaw Pact to promote openness and transparency, build confidence, and facilitate verification of arms control and disarmament agreements.

During the meeting between NATO and the Warsaw Pact in Ottawa on 12 February, 1990, Canada and Hungary launched a similar initiative. Further negotiations in Vienna supported by the [Organization for Security and Cooperation in Europe \(OSCE\)](#) Conference Services with the participation of the Member States of NATO and the Warsaw Pact were concluded on 24 March 1990 with the signature of the Treaty on Open Skies.

Treaty Provisions: The Treaty establishes the Open Skies regime for the conduct of short-notice, unarmed, observation flights by States Parties over the territories of other States Parties. The Treaty gives each State Party the right to conduct and the obligation to accept observation flights over their territory. The Treaty establishes a "passive quota" for each State Party, which is the total number of observation flights that each State Party is obliged to accept over its territory, and an "active quota," which is the number of observation flights that a State Party shall have the right to conduct over the territory of each of the other States Parties. A State Party's "active quota" cannot exceed its "passive quota," and a single State Party cannot request more than half of another State Party's "passive quota." Annex A details the specific numbers for both quotas. The Treaty entitled the States Parties to form groups and redistribute their "active quotas," and to have common total "active and passive quotas."

The Treaty obligates the States Parties to conduct observation flights using designated observation aircraft, which could belong to an observing State Party or be provided by the State Party under observation. To conduct an observation flight, an observing State Party must provide at least 72-hour notice to the State Party it wishes to observe. Receipt of the notification must be acknowledged within 24 hours. The observing State Party must provide a mission plan to the observed State Party at least 24 hours before the commencement of an observation flight. The mission plan may detail an observation flight that allows for the observation of any point on the entire territory of the observed Party. The

observed State Party may propose changes to the submitted mission plan. Under certain conditions, deviations from the mission plan could be permitted. The observation mission must be completed within 96 hours of the observing State Party's arrival unless otherwise agreed.

The Treaty specifies four types of sensors with which observation aircrafts could be equipped, including optical panoramic and framing cameras, video cameras with real-time display, infrared line-scanning devices, and sideways-looking synthetic aperture radar. A copy of all data collected by the observing State Party shall be supplied to the host country, while other States Parties shall receive a mission report and have the option of purchasing the data collected by the observing State Party.

Verification and Compliance: The Treaty established an Open Skies Consultative Commission (OSCC) that conducts its work by consensus. The OSCC is in charge of the questions related to compliance with the Treaty, and seeks to resolve ambiguities and differences of interpretation should they occur, consider applications for accession to the Treaty, and take care of technical and administrative measures. The OSCC convenes in monthly plenary meetings at the headquarters of the Organization for Security and Cooperation in Europe (OSCE) in Vienna.

Review Conference: The Treaty provides for a periodic review conference to review the Treaty's implementation to be convened three years after the entry into force of the Treaty and at five-year intervals thereafter.

Developments:

2012: On 27 March, the CFE [celebrated](#) the 20th anniversary of the signing of the Treaty on Open Skies, and the 10th anniversary of its entry into force. The commemorative event held in Vienna was attended by all States Parties to the Treaty, the observers to the Treaty, and OSCE Partners.

2011: States Parties to the treaty [conducted](#) ninety-five flights under the Treaty throughout the year.

2010: The OSCC conducted the Second Treaty Review Conference on 7 to 9 June in Vienna. Chaired by the United States, Secretary of State Hillary Clinton addressed the conference and stressed U.S. commitment to the Treaty's continued success.

In the Final Document of the conference, the State Parties [agreed](#) on the following:

- to further cooperate on transparency measures;
- to press for expansion of members to the treaty;
- recognizing the challenges of maintaining aging Open Skies aircraft, as well as other financial burdens, such as the transition from film-based cameras to digital cameras;
- a reaffirmation of intention to address sensor categories and an establishment of minimum technical standards for Open Skies airfields in "the near future"; and
- the willingness to assist other interested regions in the world as a model for aerial monitoring in order "to promote security and stability."

The States Parties also noted a total of over 670 flights have occurred since the Treaty's entry into force in January 2002. They also emphasized their commitment to the treaty and the future Third Conference set for 2015.

2009: One hundred flights were conducted under the treaty throughout the year.

2008: A Benelux flight over Bosnia and Herzegovina on 20 August with observers from Canada, Norway, and the Czech Republic on board, marked the 500th flight conducted under the treaty.

2005: The OSCC held the First Treaty Review Conference from 14 to 16 February in Vienna, and reaffirmed the importance and effectiveness of the regime as a transparency and confidence-building measure.

Contact:

Website: <http://www.osce.org/item/13516.html>

OSCE Secretariat
Wallnerstrasse 6
1010 Vienna
Austria
Tel: +43 1 514 36 6000
Fax: +43 1 514 36 6996