

FM SECNAV WASHINGTON DC

TO ALNAV

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SUBJ/COMPLIANCE AND IMPLEMENTATION OF THE TREATY ON OPEN SKIES (OS)//

RMKS/1. THE TREATY ON OPEN SKIES ENTERED INTO FORCE ON 1 JANUARY 2002 AND IS NOW LEGALLY BINDING. THE DON HAS SUCCESSFULLY COMPLIED WITH THE PROVISIONS OF THE TREATY, USING INTERIM POLICY AND IMPLEMENTATION GUIDANCE, SINCE 1992. FORMAL GUIDANCE IN THE FORM OF AN OPEN SKIES SECNAV INSTRUCTION IS CURRENTLY IN THE APPROVAL PROCESS. PENDING RELEASE OF THAT FORMAL GUIDANCE, ALL NAVY AND MARINE CORPS ACTIVITIES WILL IMPLEMENT THE TREATY ON OPEN SKIES IN ACCORDANCE WITH THIS ALNAV. THIS MESSAGE HAS BEEN COORDINATED WITH THE CHIEF OF NAVAL OPERATIONS AND THE COMMANDANT OF THE MARINE CORPS.

2. BACKGROUND. THE TREATY ON OPEN SKIES (OS) IS AN INTERNATIONAL AGREEMENT DESIGNED TO ENHANCE MUTUAL UNDERSTANDING AND CONFIDENCE BY GIVING ALL PARTICIPATING STATES, REGARDLESS OF SIZE, A DIRECT ROLE

IN GATHERING INFORMATION ABOUT MILITARY FORCES AND OTHER ACTIVITIES OF CONCERN TO THEM. PARTICIPATION OF THE U.S. GOVERNMENT IN THE OS TREATY SUBJECTS DON FACILITIES, UNITS, OPERATIONS, AND PROGRAMS TO UNPRECEDENTED INTERNATIONAL OBSERVATION. IT ALLOWS DESIGNATED OBSERVATION AIRCRAFT EQUIPPED WITH A SUITE OF TREATY-ACCEPTED SENSORS TO OVERFLY ANY PORTION OF THE TERRITORY OF OTHER PARTIES TO THE TREATY. THE TREATY SPECIFIES THE ALLOWED SENSOR SUITE ON THE OS OBSERVATION AIRCRAFT AND LIMITS SENSOR RESOLUTION. SENSORS INCLUDE OPTICAL CAMERAS, INFRARED LINE SCANNERS, SYNTHETIC APERTURE RADAR, AND HIGH RESOLUTION VIDEO.

A. EACH TREATY PARTICIPANT HAS AN ANNUAL QUOTA FOR FLIGHTS THAT MUST BE ACCEPTED OVER ITS TERRITORY. DURING THE INITIAL IMPLEMENTATION PERIOD, THE TREATY REQUIRES THE U.S. TO ACCEPT UP TO 31 OVERFLIGHTS TOTAL FOR THE FIRST TWO YEARS, AND 31 OVERFLIGHTS THE THIRD AND FOURTH YEAR. UPON FULL IMPLEMENTATION OF THE TREATY ON 1 JANUARY 2006 THE U.S. MUST ACCEPT UP TO 42 OVERFLIGHTS EACH YEAR. DOD OPEN SKIES PLANNING ASSUMPTIONS FORECAST THE ACTUAL NUMBER OF OVERFLIGHTS WILL BE LESS THAN THE MAXIMUM ALLOWED. U.S. FACILITIES LOCATED IN EUROPEAN ALLIED TERRITORIES ARE ALSO SUBJECT TO OVERFLIGHTS, BUT THOSE NUMBERS WILL VARY IN ACCORDANCE WITH THE HOST NATION'S ANNUAL

OVERFLIGHT QUOTA.

B. THE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT, AND ACQUISITION) IS RESPONSIBLE FOR OVERALL MANAGEMENT AND OVERSIGHT OF

THE OPEN SKIES COMPLIANCE AND IMPLEMENTATION PROCESS FOR THE NAVY AND MARINE CORPS. DIRECTOR, STRATEGIC SYSTEMS PROGRAMS (DIRSSP) IS THE DON EXECUTIVE AGENT FOR OPEN SKIES. THESE RESPONSIBILITIES ARE ADMINISTERED BY THE NAVAL TREATY IMPLEMENTATION PROGRAM (NTIP). C. THE DON HAS BEEN PREPARING FOR IMPLEMENTATION FOR SEVERAL YEARS BY PARTICIPATING IN U.S. SPONSORED JOINT TRIAL FLIGHTS AND HAS ESTABLISHED A CENTRALIZED MANAGEMENT APPROACH TO OPEN SKIES COMPLIANCE AND IMPLEMENTATION. NTIP EMPLOYS OPEN SKIES TREATY EXPERTS WHO OPERATE THE DON OS NOTIFICATION SYSTEM AND ANSWER ANY OS TREATY-RELATED QUESTIONS. NTIP ALSO OFFERS TRAINING AND AWARENESS SEMINARS, INFORMATIONAL BROCHURES AND VIDEO TAPES ON ALL ARMS CONTROL TREATIES THAT AFFECT THE NAVY OR MARINE CORPS.

3. POLICY. DON POLICY IS TO COMPLY WITH ALL PROVISIONS OF THE OS TREATY WHILE ALSO COMPLYING WITH NAVY AND MARINE CORPS SAFETY AND SECURITY DIRECTIVES. WHEN CONDUCTING AN OVERFLIGHT, OS AIRCRAFT HAVE PRIORITY IN AIR TRAFFIC CONTROL SYSTEMS OVER ALL OTHER AIR TRAFFIC EXCEPT DECLARED EMERGENCIES OR ACTUAL EMERGENCY AIRCRAFT. OS

AIRCRAFT ARE ALLOWED TO OVERFLY THE ENTIRE NATIONAL TERRITORY OF A SIGNATORY STATE, REGARDLESS OF AIRSPACE RESTRICTIONS EXCEPT FOR SAFETY OF FLIGHT ISSUES. THEY ARE PERMITTED ACCESS TO THE AIRSPACE ABOVE ALL DON AND OTHER MILITARY FACILITIES, BASES, AND PROGRAMS, AS WELL AS TO ANY OTHER AIRSPACE IN U.S. TERRITORY. AS A RESULT, PROGRAMS THAT RELY ON AIRSPACE RESTRICTIONS AS A SECURITY MEASURE MUST CONSIDER ALTERNATIVES DURING AN OS OVERFLIGHT. OS POSES A MANAGEABLE THREAT TO DON FACILITIES, UNITS, OPERATIONS, AND PROGRAMS IF NOTIFICATIONS ARE MADE IN A TIMELY MANNER AND PERSONNEL ARE AWARE AND TRAINED.

4. ACTION.

A. ACTIVITIES WILL ENSURE THAT OS OVERFLIGHTS DO NOT LEAD TO COMPROMISE OF NATIONAL SECURITY INFORMATION, INADVERTENT VIOLATION OF U.S. TREATY OBLIGATIONS, OR WASTE OF RESOURCES. AS TRAINING IS AN ESSENTIAL COMPONENT OF COMMAND READINESS, ACTIVITIES ARE ENCOURAGED TO MAKE USE OF TRAINING AND OTHER RESOURCES AVAILABLE FROM NTIP.

B. ECHELON TWO COMMANDERS WILL ENSURE NTIP HAS AN UP-TO-DATE LISTING OF ALL ACTIVITIES UNDER THEIR COMMAND THAT REQUIRE NOTIFICATION OF AN OVERFLIGHT.

C. FOR EACH OBSERVATION FLIGHT OVER THE TERRITORY OF THE UNITED

STATES, NTIP WILL NOTIFY NAVY AND MARINE CORPS ACTIVITIES LISTED ON THE ECHELON II NOTIFICATION LIST AND COORDINATE AND RESOLVE ANY ISSUES RELATED TO THE OVERFLIGHT.

D. OPEN SKIES AIRCRAFT MAY REQUEST AND WILL RECEIVE CLEARANCE THROUGH ANY SPECIAL USE AIRSPACE. ALL DON ACTIVITIES, PARTICULARLY AVIATION COMMANDS AND THOSE COMMANDS WHO USE OR CONTROL AIRSPACE CLEARANCE, SHALL COMPLY WITH THE PROCEDURES FOR HANDLING OPEN SKIES TREATY AIRCRAFT FOUND IN FAA ORDER 7110.65M (AIR TRAFFIC CONTROL HANDBOOK).

E. PROGRAM MANAGERS ARE RESPONSIBLE FOR PROTECTING NATIONAL SECURITY AND SENSITIVE INFORMATION REGARDING THEIR PROGRAMS THROUGH EXISTING

SECURITY PLANS, OPERATIONS SECURITY (OPSEC) AND OTHER APPROPRIATE MEANS.

F. NTIP WILL COORDINATE AN OPEN SKIES POST-FLIGHT ASSESSMENT THAT EVALUATES IMAGERY OF DON ACTIVITIES TO DETERMINE THE EFFECTIVENESS OF PRECAUTIONARY MEASURES.

G. NTIP WILL PROVIDE OPEN SKIES SEMINARS, TRAINING, AND OTHER ASSISTANCE WHEN REQUESTED BY A NAVY OR MARINE CORPS ACTIVITY.

5. THE TREATY ON OPEN SKIES POINT OF CONTACT IS CDR DEBORAH O. TESKE, USN, TREATY MANAGER, NAVAL TREATY IMPLEMENTATION PROGRAM

(NT40), (202) 764-0957, DSN: 764-0957, PLAD: NAVARMSCONTROLCOORD WASHINGTON DC, E-MAIL: NT40@SSP.NAVY.MIL.

6. RELEASED BY THE HONORABLE GORDON R. ENGLAND, SECRETARY OF THE NAVY.//