

## **The Importance of the Open Skies Treaty**

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Chairman Keating, Chairman Hastings, Ranking Member Kinzinger, and members of the Committee and Commission, I am honored to be invited to speak to you on the Open Skies Treaty and its value to our national security architecture.

I am also honored to join such distinguished fellow witnesses today.

I come to today's subject as a diplomatic practitioner, having spent three decades in the Foreign Service where I focused largely on European security issues. I worked on the initial implementation of the INF Treaty and on NATO and OSCE security issues at the end of the Cold War. I served as deputy director of Russian Affairs at State. From 2010-12, as Chief Arms Control Delegate at our Mission to the OSCE in Vienna, I was responsible for conventional arms control issues and confidence and security building measures.

In that capacity I chaired the U.S. interagency delegation to the Open Skies Consultative Commission. That experience provided an opportunity to see the Treaty's importance to our Allies and also its adaptability. I learned how it complements our European and Eurasian security structures that we so laboriously negotiated in the 1980s and 1990s.

Open Skies is not an arms control agreement, since it does not limit any form of weapon, personnel or equipment or require verification. Rather, it is a legally-binding confidence building measure. Along with the OSCE's Vienna Document, it allows us - on a reciprocal basis - to open the doors and windows of our potential adversaries and take "snapshots" of what they are doing, building, staging or trying to hide. It can help us to see what the Russians are up to and provide analysts data to judge capabilities and possible intentions. It can lessen the chance of miscalculations by all parties.

Open Skies is highly technical and completely reciprocal. Every flight includes host nation observers to ensure that everything is done according to the Treaty; the U.S. observers are from the Defense Threat Reduction Agency. The images and data gathered are unclassified and available to all Treaty members. Most Open

Skies missions are shared among two or more NATO allies or non-allied partners, such as Sweden. It's important to note that our allies and partners have no other options available to obtain the type of data Open Skies provides on what is happening in Russia.

Although the Treaty limits no military equipment, a country can violate the Treaty by denying full access to an area, as Russia has done with Kaliningrad. In such cases we have responded reciprocally.

I am not a military intelligence expert and so cannot address the relative value of the images and data we gather through the Open Skies flights as opposed to other National Technical Means. I do want, however, as a diplomatic practitioner, to address aspects of the Open Skies Treaty that are often not included in assessing its value to U.S. security.

Effective national security diplomacy is a process, not a series of one-off decisions. Our security in Europe is based on a series of complementary, multilateral institutions providing security both hard and soft. It starts with NATO and includes the OSCE and its conflict prevention aspects, especially its confidence building measures such as Vienna Document and the Open Skies Treaty.

All of these elements were shaped -- if not created -- by the United States to be of value to the United States. Open Skies is a U.S. creation, first advocated by President Eisenhower, re-born under the first Bush administration, and entered into force in 2002 under the George W. Bush administration. Open Skies, NATO and Vienna Document are mutually-reinforcing and are instruments that allow the U.S. to exercise leadership among Allies and partners. These instruments lessen the chance of strategic miscalculations. All increase military stability in Europe.

Open Skies, like NATO, is not a favor we do for others. Without U.S. leadership these security structures would soon collapse. I believe it is in our national security interest that they do not collapse. In the case of the Open Skies Treaty, it serves us in several ways.

First, there is a real value in engaging, sharing, coordinating and negotiating with allies, partners, and others less warmly disposed towards us. That engagement makes it easier for us to lead in times of crisis. We cannot wait until there is a direct threat to U.S. national interests and then expect other nations to fall in behind us. As the saying goes, if they are not along for the take-off, don't expect them to help on the landing.

In this context, reports that the U.S. is withdrawing from the Treaty without a word of consultation with allies destroys trust and confidence in the United States.

Others Treaty members have recently invested in new aircraft and sensors -- as the U.S. has -- assuming we would continue participating. Cynics used to say that, for the U.S., consultation with allies means telling them what we were going to do a day before we did it anyway. In the case of the Open Skies Treaty, we apparently did not even give allies that courtesy.

Second, Open Skies is one of the few remaining ways we regularly cooperate with Russia on the diplomatic, military and technical levels. It is hard to put a dollar value on that, but an Open Skies flight is one of the rare opportunities for our experts, analysts and air crews to work together, person-to-person, in each other's country.

Third, Open Skies provides us with unclassified information which we can use effectively in open fora. The 2014 monitoring flights over eastern Ukraine at Ukraine's request provided us the imagery we used in the OSCE Permanent Council to prove Russia was massing forces. Open Skies imagery and data is unquestionably unaltered, its production and duplication witnessed by the observed state, an important fact given the emergence of deep fakes.

Fourth, the Treaty is adaptable. The Open Skies Consultative Commission allows members to adapt the Treaty to new demands and technologies, including digital cameras not envisioned when the Treaty was negotiated in the early 1990s.

Fifth, Article XVII, paragraph 5 of the Treaty allows accession by "any state which...is able and willing to contribute to the objectives of the Treaty." That provides an open door for intriguing new members down the road. China? India? Pakistan? U.S. withdrawal would cause the Treaty to collapse and preclude such future developments.

I will end with this thought. It is very difficult to negotiate an arms control or confidence building measure and its highly technical implementation protocols. It requires immense political, military and technical capital over many years. It took a decade to negotiate the implementation protocols before the Open Skies Treaty entered into force. The United States has dedicated significant resources into the Treaty over thirty years. The Treaty's 34 members have certified over a dozen aircraft and conducted over 1,500 successful observation flights since 2002.

We should ask ourselves whether the Treaty problems we have today with Russia cannot be fixed in the Consultative Commission, which was created for that purpose. If the Open Skies Treaty is allowed to collapse, there will be no replacing it in the foreseeable future.

Thank you for your attention, and I welcome your questions.