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**STATEMENT BY THOMAS GRAHAM, JR., ACTING DIRECTOR
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BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS**

I appreciate your invitation to testify before the Committee on Foreign Relations in support of the Senate giving its advice and consent to ratification of the Treaty on Open Skies. The Treaty on Open Skies will contribute to international security and stability in general, and will assist in the development of a cooperative security environment in Europe, also contributing thereby to American security.

Mr. Chairman, the rights and obligations of the Treaty on Open Skies support U.S. and Alliance security and arms control objectives.

In pursuing the objectives of enhanced security and stability, we seek measures -- such as the Treaty on Open Skies -- designed to build mutual confidence and to reduce the risk of conflict by promoting greater transparency and predictability in military matters. By strengthening the environment of security and confidence, such measures increase the ability of our new partners in Europe to fulfill their commitments as participants in the Conference on Security and Cooperation in Europe (CSCE) and to ensure that democratic change is irrevocable. They also facilitate further security cooperation within a more stable and predictable international environment.

Building confidence is the principal role of the Treaty on Open Skies, the most wide-ranging international effort to date to promote openness with regard to military forces and activities. The Treaty accomplishes this broad objective by giving all participating countries, regardless of size, a direct role in gathering information about military forces and activities of concern to them. In Europe, it meets the desire of many countries to be directly involved in multilateral security undertakings now that the bipolar division of the continent has ended.

Given the dynamic aspects of the process of negotiating openness, the principles and results embodied in one agreement may facilitate other steps. For example, the Treaty on Open Skies promotes transparency and stability by establishing another mechanism that makes it more difficult for participating states to conceal from each other preparations for surprise attack and large-scale offensive action. This result also serves the principal objective of the CFE Treaty. The CFE Treaty achieves this objective by regulating the amount and disposition of weapons; the Treaty on Open Skies by providing a bird's eye view of military forces and activities.

More generally, the existing European conventional arms control and confidence- and security-building agreements, all to be supplemented with the work of the CSCE's Forum for Security Cooperation (FSC), are mutually reinforcing. Effective implementation of the Treaty on Open Skies will be greatly assisted by the unprecedented amounts of information on forces and activities that will be provided by participating countries through the information exchange, on-site inspection, observation and evaluation provisions of the other agreements. Open Skies flights will then help inform the States Parties as to whether the security situation is remaining stable, and whether potentially threatening military activities are being carried out.

The Treaty on Open Skies also supports wider security objectives when it notes the possibility of employing the regime to facilitate the monitoring of compliance with existing or future arms control agreements. The Treaty provides the self-evident benefit of allowing States Parties to supplement their observations made during on-site inspections and from other means.

Mr. Chairman, an important aspect of the Treaty on Open Skies is its flexibility, both in terms of enlarging its membership and expanding its mandate. The transformation of the security situation in Europe during the period when this Treaty was negotiated permitted a significant shift in the principal focus of the Treaty. The Open Skies initiative, which reformulated President Eisenhower's original Open Skies proposal of 1955, was originally intended in part as a measure of the willingness of the former Soviet Union, and of its Warsaw Pact allies, to move beyond the policies of the Cold War and to apply

glasnost to military matters.

However, the provisions of the Treaty on Open Skies are sufficiently flexible so as to be able to foster the broader goals of transparency and openness. The Treaty potentially can be used as a confidence-building tool that we hope might contribute to preventing or deterring localized conflict situations from escalating through misunderstanding. Six months after the Treaty enters into force, it will be open to application for participation by any interested state, subject to Open Skies Consultative Commission (OSCC) consensus, thereby providing the potential for its worldwide application. The concepts embodied in the Treaty also may be usefully adapted to particular regional circumstances in other parts of the world.

The Treaty permits the addition of new provisions that may be necessary to improve the effectiveness of the regime, by agreement of the States Parties. Further, the Treaty allows for consensus decisions to upgrade sensors and adjust quotas to enhance the effectiveness of the evolving Open Skies regime.

Mr. Chairman, I understand that two questions have been raised about the Treaty relating to the use of an observed Party's aircraft as an observation aircraft under the Treaty. In this connection, I wish to make two statements for the record.

First, Article XII of the Open Skies Treaty, on liability, is not to be interpreted to mean that an observing Party shall be liable in any way to pay compensation for injury or damage to an observed Party, or to its natural or juridical persons or to their property, caused by the operation of the observation aircraft during an observation flight in the course of implementation of the Open Skies Treaty, if such observation flight was conducted using an observation aircraft designated and provided by the observed Party under Article VI of the Treaty.

Further, the United States shall regard an observed Party liable to pay compensation to an observing Party, including but not limited to any of its flight representatives, representatives, sensor operators and inspectors, if injury or damage to that observing Party is caused by the operation of the observation aircraft during an observation flight in the course of implementation of the Open Skies Treaty and if such observation flight was conducted using an observation aircraft designated and provided by the observed Party pursuant to Article VI of the Treaty.

Second, for purposes of certification in order to receive assistance under the Nunn-Lugar Act and the Freedom Support Act, the Open Skies Treaty is considered to be an arms control agreement.

In conclusion, Mr. Chairman, I believe that the Treaty on Open Skies will contribute to predictability and stability in the new European and global security environment. Thus, it will serve as an exemplar for facilitating openness and for using the observation techniques it contains to reduce regional tensions and to help prevent conflict in other areas of the world.

Mr. Chairman, the Open Skies concept was re-introduced in 1989 by the United States, and it was U.S. leadership that brought the Treaty's negotiations to a successful conclusion. It will take continued U.S. leadership to bring about the fulfillment of the Treaty's objectives. I therefore urge the Senate to give its advice and consent to ratification of the Treaty on Open Skies.