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# WALKING AWAY FROM OPEN SKIES: THE LATEST STEP OF TRUMP'S WITHDRAWAL DOCTRINE

Ludovica Castelli  
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In what seems to be a familiar habit, on May 21 President Donald Trump reportedly announced to his staff his intention to withdraw the United States from the Open Skies Treaty. As it had already leaked out last October, the U.S. intention was not a novelty. However, **its effective formalization would further endanger the already deteriorated post-Cold War arms control framework.**

Indeed, if last year's U.S. withdrawal from the INF (Intermediate-Range Nuclear Forces) Treaty was Trump's most striking move, it was the first of a series falling within **the current Administration's critical attitude towards international binding deals.**

This time in Trump's crosshairs is the Open Skies Treaty, a binding arms control deal which enables 34 out of 35 member states of the NATO and the former Warsaw Pact (Kyrgyzstan has not yet ratified it) to conduct unarmed short-notice surveillance flights (using optical and video cameras) over each other's territory. Observation aircraft may vary from country to country but must be in compliance with the treaty's specific provisions. The U.S. has been using two OC-135B aircraft, while Russia has recently phased out its An-30 and a Tu-154M-ON transitioning to two Tu-214ON. Other countries, such as Bulgaria, Romania and Ukraine still use the Antonov An-30, while Canada and most of the European countries use a C-130 Hercules aircraft equipped with a SAMSON Pod, whose use and costs are shared between the consortium of countries. **By voluntarily opening their airspace on a reciprocal basis, the participants agreed on collecting and sharing images and data to promote mutual trust and transparency about ongoing military activities.** The extensive cooperation and commitment demanded by the deal produced a crucial confidence-building framework and provided the conventional arms control architecture with a clear added value.

This is especially true if we think of the timeframe in which the treaty was envisioned. President Dwight Eisenhower firstly unveiled it at the 1955 Geneva Summit, laying the foundation for the later Reaganian arms control policy: "Trust but verify". The U.S. intention of penetrating the deal of secrecy surrounding the Soviet arsenal at that time left no time for negotiations. The Soviets promptly rejected the proposal, deeming it a mere espionage plot. It was President George H.W. Bush thirty-four years later who took up the idea and negotiated it with NATO, the Soviet

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Union, and its allies. The treaty was ultimately signed in 1992 and shepherded into force in 2002.

Unlike in the 1950s, when the treaty was negotiated both the U.S. and the Soviet Union possessed intelligence satellites, already providing accurate and accessible imagery. In parallel, within the Treaty system, both countries have always been using wet film photography, with Russia transitioning to modern digital equipment only in 2016. With so obsolete instruments, the quality of operations is way inferior to the advanced technology of satellites, eventually making little difference to the two major powers. **Therefore, the added value of surveillance flights had to be read as a provision of guarantees to those small and medium-sized states that did not possess such technology, thus enhancing their security.**

As an intelligence-gathering instrument, the Treaty had been designed in such a way as to ensure the proper and transparent use of data. Accordingly, its ninety-seven pages include specific provisions on how operations should be conducted (requests for overflights, timeframe, and mode). Moreover, there are quantitative limitations, either determining the number of flights allowed over a state's territory ("passive quota") or determining the number of flights a country can conduct over the territory of another ("active quota"). According to data, European states represent more than 55% of active quota flights, Russia and Belarus (under the OST terms, Russia and Belarus have been treated, since 1992, as a single entity) 30.4% and North America (the U.S. and Canada) 14.2%.

Similarly, the largest number of flights concentrates over European states (63.3%), followed by Russia-Belarus (30.7%) and way behind North America (6.1%). The distribution of active quota flights is negotiated annually through the Open Skies Consultative Commission (OSCC), a Vienna-based body that ensures compliance and continuity of operations. However, besides these pre-determined annual shares, **Western European countries have frequently allowed Russia-Belarus to exceed their active quota (42), particularly in relation to countries that are unlikely to exhaust their passive quota.** Germany is a clear example. Here, Russia-Belarus have been allowed to conduct two more operations beyond the posted limit (3 flights). Thus, despite the increased amount of Russia-Belarus flights over Germany (5), the latter's passive quota has never been exhausted (6). Another interesting facet is

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to be found in countries' disparate choices about the destination of their reconnaissance operations. On one side the EU-NATO axis agreed not to overfly over each other, rather concentrating over Russia-Belarus, and some non-aligned countries like Ukraine and Georgia. Consequently, they tend not to reach their active quota, as confirmed by the U.S., which never operated more than half of its permitted number of flights (42). On the other side, Russia has been conducting the majority of its flights over NATO countries. It is thereby clearly evident that **although the Treaty covers a wide range of countries, stretching from Turkey to Greenland, two net alignments emerge: NATO member states and Russia-Belarus with some other non-aligned countries.**

Within the Treaty system, its major provision forbids Parties from restricting flights over their own territories, with the only exception of certain areas that might present a safety concern (nuclear power plants). This very aspect has been at the center of U.S. wide criticism, raising several concerns about Russian obstructionism to the Treaty.

**During the 2014 Russian military incursion in Ukraine, several collective observation flights had been conducted over southwestern Russia, providing Ukraine itself with intelligence on Russia's military activity – a crucial advantage to Ukraine's security.** From then, Russia has been violating the OST by denying overflight access to its borders with the Georgian breakaway regions of Abkhazia and South Ossetia and by limiting the length of flights over Kaliningrad Oblast to 500 kilometers or less. Moreover, Russia has also been denying observation flights during its Center-2019 military exercise, further exacerbating existing tensions.

From a public relations viewpoint, it is indeed Russia the one having the upper hand. **Whether Moscow will decide to stay in and take the moral high ground or pull out given the usefulness, European countries will be severely affected.** While sharing concerns about the selective implementation of the Treaty by Russia, European states keep regarding the OST as an essential pillar of the European security environment. The uniqueness of the raw data gathered by the observation operations, and shared by all 34 Parties, are of crucial relevance especially to those countries not possessing their own sophisticated

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intelligence systems. For instance, OST has been compensating the lack of advanced observation satellites, assisting in conflict monitoring those more vulnerable countries such as Ukraine.

**Faced with their small degree of leverage with respect to the U.S. actions and its Russian reaction, European states may decide to take collective actions aiming at strengthening its integrity and reaching joint solutions.**

The case of Belarus constitutes, indeed, an important issue within the treaty framework. Being considered as a single entity means they have been sharing common quota. Over time, however, discrepancies over specific provisions have made Belarus want to demand more independence, especially concerning how, when and where conducting operations. Should Russia decide to go along with the U.S. withdrawal, European states could consider reaching out to Belarus and declaring it an independent Treaty member, thereby consolidating the country's sovereignty and providing it with a legal instrument to deny Russia from establishing military installations on its territory.

Closing one more critical line between the U.S. and Russia has been largely disparaged as delusional, if not outright dangerous. **Overall, Russia's rhetoric seems to have paid off. By shifting the global attention from a non-compliant Moscow to an unreliable Washington the latter's withdrawal helps fueling the narrative of the U.S.' complete disregard for multilateral security cooperation.**

Interestingly, 65 years ago roles were completely reversed. President Eisenhower admitted that he knew the Soviets would have never agreed to its proposal, but exactly their rejection would have shown the world the major obstacle to arms control deals.

While in the short-run Trump's reluctance for the previous administrations' arms control agreements may look as the main justification, this argument is unlikely to account in the long-run. Here, **the most significant argument in withdrawing from the OST is that it fuels bargaining leverage. Thus, according to this logic, the degree of strategic flexibility (expressed through the withdrawals) would demonstrate strength, prompting negotiators to seek a compromise and ultimately a better deal, ideally including China.**

Whether Trump's gamble for leverage will succeed or not, if the treaty collapses, be it because of the U.S. withdrawal

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or the Russian obstructionism, **the collateral costs would penalize substantially those smaller states, deprived of observation capacity.** Here is where the very heart of the agreement lies: beyond general confidence- and security-building goals, the information-sharing aspect is what makes the Open Skies Treaty unique.