

The Open Skies Treaty: Background and Issues

Updated June 7, 2021

The United States [announced](#) its [withdrawal](#) from the [Treaty on Open Skies](#) on May 22, 2020; this withdrawal took [effect](#) on November 22, 2020. Russia [announced](#) its [plans](#) to withdraw, while beginning the domestic procedures for withdrawal on January 15, 2021. The Russian Duma [approved the law](#) authorizing Russia's withdrawal in May 2021, with the Federation Council following in early June. President Putin [signed the law](#) on June 7, 2021; Russia's withdrawal will be complete in early December 2021.

When it withdrew from the Treaty on Open Skies, the Trump Administration cited U.S. concerns about Russian compliance. [According](#) to the U.S. State Department, Russia had restricted access for Open Skies flights over Kaliningrad, over Moscow, and along the border between Russia and the Georgian regions of South Ossetia and Abkhazia. Russia reportedly also failed to provide priority flight clearance for Open Skies flights on a few occasions. Although some of these issues had been resolved during discussions in the Open Skies Consultative Commission, the Trump Administration argued that the Treaty no longer served U.S. national security interests.

While President Biden had disagreed during the campaign with the prior Administration's decision to withdraw from Open Skies, his Administration [informed Russia](#) on May 27, 2021 that the United States would not rejoin the Treaty. In April, the Administration [had told](#) U.S. allies that it was concerned rejoining the Treaty could "send the wrong message to Russia and undermine our position on the broader arms control agenda" if Russia continued to violate Open Skies. In May, it [cited](#) concerns about Russia's failure to return to compliance as the one of its key reasons for the U.S. withdrawal. Russian officials [criticized](#) the U.S. decision, referring to it as a "political mistake" and a "missed opportunity to bolster security in Europe."

The U.S. [Air Force](#) has retired the two U.S. Open Skies aircraft. The first of the two [moved](#) from Offutt Air Force Base in Nebraska to Davis-Monthan Air Force Base in Arizona in May 2021; the second moved in early June 2021.

Background

President Eisenhower proposed an Open Skies agreement in 1955 to reduce the risk of war. Before satellites existed, aerial overflights provided information for both intelligence and confidence-building purposes. The Soviet Union rejected the proposal because it considered overflights equal to espionage and believed the United States had more to gain than it did. President George H. W. Bush [revived](#) the proposal in May 1989. By this time, both the United States and Soviet Union collected intelligence with satellites and remote sensors. As Europe emerged from the East-West divide of the Cold War, the United States

supported increased transparency to reduce the chances of military confrontation. The Open Skies Treaty was one of three arms control arrangements—including the Vienna Document and the Conventional Armed Forces in Europe Treaty (CFE)—which could serve, as then-Secretary of State Baker [noted](#), as “the most direct path to greater predictability and reduced risk of inadvertent war.”

The United States, Canada, and 22 European nations signed this treaty on March 24, 1992. It entered into force on January 1, 2002, and had 34 members before the U.S. withdrawal. The parties permit unarmed observation aircraft to fly over their entire territories to observe military forces and activities. The treaty is designed to increase transparency, build confidence, and encourage cooperation among European nations.

Treaty Provisions

Open Skies participants make all their territory accessible to overflights by unarmed fixed-wing observation aircraft. They can restrict flights for safety concerns, but cannot impede or prohibit flights over areas, including military installations that would otherwise be off-limits. In most cases, the nation conducting the observation flight provides the aircraft and sensors; officials from the host nation participate in the flight.

The nation conducting an observation flight must provide 72 hours’ notice before arriving in the host country. This provides the host with time to suspend sensitive military exercises or activities. The observation team presents a mission plan, specifying details including the route and altitude for the flight. The host nation can propose changes to the mission plan, due to weather or flight safety considerations, but it cannot deny access to any area of its territory.

Open Skies aircraft can be equipped with four types of sensors that can collect basic information on military forces and activities. The treaty limited the capabilities of the sensors so that they could not provide detailed technical intelligence. It also allowed monitoring of military and civilian infrastructure, such as industrial plants, airports, roads, and railway lines, but would not allow recognition of sensitive details about items such as electronic equipment. The participants could upgrade cameras and sensors as technology advanced, as long as the capabilities remained within treaty parameters.

Treaty Implementation

When the United States first signed Open Skies, most analysts agreed that the treaty would provide little information not already available from observation satellites. But supporters argued that the treaty could still benefit the United States and its allies. For example, most treaty participants do not have observation satellites, so, as former Secretary of State George Schultz [noted](#), “Open Skies is their only means of alleviating security concerns through timely overhead imagery.” This reduces the risk of misunderstandings or crises that could involve the United States and [contributes](#) to “a more stable and secure European continent.”

In recent years, some U.S. military and intelligence officials [cautioned](#) that better optical technology might allow Russia to overcome weaknesses in its satellite surveillance capabilities. Others, however, [questioned](#) these conclusions, noting that Russia would operate commercially available cameras, with resolutions that are both within the bounds established by the treaty and also less precise than those offered by commercial satellites.

The parties [conducted](#) 1,500 observation flights through October 2019. Some parties provide their own aircraft, but they can also join overflights on aircraft provided by other nations. Both the observing nation and observed nation have access to the data from each flight; other parties can purchase the data, so all can share information collected during all flights. According to the State Department, the United States conducted nearly three times as [many flights](#) over Russia as Russia did over the United States. Further,

the parties could invite flights over their territories in special circumstances, as Ukraine did in 2014, when Open Skies flights helped monitor activities along the [Ukraine-Russian border](#).

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