



### North Atlantic Council meeting discusses US withdrawal from Open Skies Treaty and pins the blame on Russia (again)

By Dr. Ian Davis

The North Atlantic Council (NAC) met at ambassadorial level on 22 May to address Washington's unilateral [decision to withdraw from the Open Skies Treaty](#). It is unclear who asked to convene the meeting, but it seems likely that it was the United States in order to win support of NATO allies for its withdrawal decision.

US President Donald Trump on 21 May officially initiated the six-month withdrawal process from the Open Skies Treaty (see backgrounder below). Despite this being the third arms control treaty withdrawal by the Trump administration—the US withdrew from the Iran nuclear deal in 2018 and the INF Treaty in 2019—in a [statement](#) after the meeting, NATO Secretary General Jens Stoltenberg pinned the blame squarely on Russia. He said that for many years Russia had "imposed flight restrictions inconsistent with the treaty, including flight limitations over Kaliningrad, and restricting flights in Russia near its border with Georgia". "Russia's ongoing selective implementation has undermined the Open Skies Treaty", he added.

The Secretary General also noted that Washington would reconsider its withdrawal if Russia respected the treaty's terms, and said NATO allies were engaging

with Moscow to seek its early return to compliance.

The approach outlined in the statement almost exactly mirrors the public NATO playbook during the process leading up to the [US withdrawal from the INF Treaty](#) last year: focus on allegations of Russian non-compliance; ignore Russian denials and counterclaims of US violations; give the impression of mediating in the dispute, but without offering any substantive concessions; and all the time reinforcing the US narrative and running down the clock to withdrawal. If there was a private, behind-the-scenes NATO playbook that attempted a different approach—to get the United States to soften its position or perhaps to remain within the treaty for reasons of alliance unity—it was extremely well hidden and ineffective.

According to an unnamed NATO official [cited](#) by *Reuters*, during NAC meeting to discuss the Open Skies Treaty "a number of allies expressed concern that the US may be leaving the treaty". The European Union has also [urged](#) the United States to reconsider its plan to withdraw from the Treaty. "Withdrawing from a treaty is not the solution to address difficulties in its implementation and compliance by another party", EU foreign policy chief

Josep Borrell said. “While continuing to urge Russia to return immediately to the full implementation of the treaty, I call upon the United States to reconsider their decision”, he added. Additionally, in a [joint statement](#), read out during the NAC meeting by French Ambassador Muriel Domenach, 11 European foreign ministries (nine from NATO: Belgium, the Czech Republic, France, Germany, Italy, Luxembourg, Netherlands, Portugal and Spain; plus two NATO partners: Finland and Sweden) said that they “regret the announcement by the US Government of its intention to withdraw from the Open Skies Treaty, although we share their concerns about implementation of the Treaty clauses by Russia”. Nonetheless, the 10 said that they would “continue to implement the Open Skies Treaty, which has a clear added value for our conventional arms control architecture and cooperative security”.

But those concerns and regrets are not reflected in the NATO Secretary General’s statement. Instead, the statement dubiously asserts that “All NATO allies are in full compliance with all provisions of the Treaty”. In response to the alleged Russian violations, however, the US introduced parallel limitations for Russian Open Skies flights over US territory, so is also technically in violation of the treaty.

One wonders what the United States has to do warrant censure at NATO. Clearly, some NATO allies are worried that a US exit from the Open Skies Treaty, which will end Moscow’s flights over the United States, could lead to Russia’s withdrawal from the treaty. That would conclude overflights of Russia by remaining members and weaken European security at a time when Russian-backed separatists continue to hold disputed territories in Ukraine and Georgia.

[Reports](#) that US officials have been considering resuming nuclear weapons testing (after a 28-year hiatus) as a way of coercing Russia and China into strategic nuclear arms talks will have rang even louder alarm bells among European NATO allies. This is the mother of all terrible ideas and would likely cause Russia and China (and possibly other nuclear weapon states) to also resume testing. Beijing, in particular, is so far behind the United States on warhead design that an excuse to resume testing would present an opportunity for China to fill its knowledge gaps.

The Trump administration is like a spoiled child who NATO constantly indulges and, of course, whose behaviour gets ever worse the longer the indulgence goes on. The confidence-building measures included in the Open Skies Treaty represent some of the most advanced and refined mechanisms for political-military and military-to-military contacts anywhere in the world. If NATO is truly committed to the preservation of effective international arms control, disarmament, and non-proliferation (as claimed by the NATO Secretary General), then it needs to learn discipline its petulant man-child.

## **Backgrounder on the Open Skies Treaty**

The [97-page treaty](#) is highly technical and allows the 34 participating states to fly unarmed fixed-wing observation flights over each other’s territory to enhance mutual understanding, build trust and lower potential military tensions. Yearly flight quotas apply, and members can conduct these flights with their own aircraft, or they can join the observation mission of another state party. Member states cannot declare any area or military installation to be off limits—flights can

only be restricted or changed for weather or safety concerns. Since the treaty's entry into force, the participants have conducted over 1,500 surveillance flights. Disagreements between the member states over implementation are normally sorted out in the [Open Skies Consultative Commission](#), which hold regular plenary meetings in Vienna.

In addition to US-Russian disagreements, there are two other unresolved Treaty disputes: Turkey blocking Cyprus from joining the Treaty (which is part of a wider Turkish–Cypriot conflict); and a [Russian–Georgian disagreement](#) over implementation of the Treaty, which again is less about the provisions of the Treaty than it is about Russia's dispute with Georgia over the status of the disputed territories of Abkhazia and South Ossetia. Since 2010, Russia has prohibited observation missions over its border area with these two regions, claiming that following the 2008 Georgia-Russia war they are now independent states and non-signatory countries to the treaty. (The treaty does not allow flights over territories that are less than 10 km from the borders of a country that is not part of an agreement). The United States and other parties to the Treaty have not accepted this interpretation of the status of Abkhazia and South Ossetia. In response, in order to protect its territorial integrity, since 2012, Georgia has banned Russian observation flights in Georgian airspace and suspended its own observation flights in Russian airspace.

In 2014, Russia imposed additional restrictions by limiting the total length of observer flights over the Kaliningrad Oblast to a 500 km range. Kaliningrad is a relatively small, but heavily militarized area that is geographically separate from

Russia. Since 2015, the United States has worked with allies and partners to put pressure on Russia over these assessed violations. The United States has also imposed restrictions of its own, including limits on the length of Russian observations flights over Hawaii and removal of access to two US air force bases that Russia has used during their missions over the United States.

The United States first informed the parties to the Treaty about alleged Russian noncompliance in June 2017. These concerns were repeated in the US State Department's annual [Compliance Report](#) of August 2019. Notwithstanding these concerns, the US State Department [concluded](#) in late 2019 that the Russian constraints did not prevent US intelligence gathering over the restricted areas. Moreover, according to [testimony](#) by an independent US expert to a US Congressional Hearing in November 2019, Russia had indicated that it would be willing to lift the ban on flights within 10 km of the borders with South Ossetia and Abkhazia if Georgia were to accept Open Skies overflights from Russia.

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