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MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE CHIEF OF STAFF TO THE PRESIDENT
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY
POLICY
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY
THE ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Expanding the Open Skies Treaty to Environmental Monitoring (U)

The Open Skies Treaty was conceived and negotiated as a confidence-building measure to enhance transparency of military forces and activities between NATO and the former Warsaw Pact members. While European security concerns have changed considerably since the U.S. put the Treaty concept forward in 1989, Open Skies remains an important tool for enhancing transparency and predictability, especially among states in the East and of the former Soviet Union. But the fact that Open Skies was designed for one purpose does not preclude its use for others. (S)

One area in which there has already been very informal consideration for Open Skies' expansion is environmental monitoring. Among the emergent new problems in the aftermath of the collapse of the Pact and the former Soviet Union are environmental concerns in Europe. In recognition of these concerns, Open Skies negotiators agreed to a Treaty text that would make it possible to upgrade sensors and to add new sensors to the regime. Such sensors could be used for environmental monitoring purposes. In this respect, the Preamble to the Treaty notes "...the possible extension of the Open Skies regime into additional fields, such as the protection of the environment."

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There is work remaining in the Open Skies Consultative Commission prior to the Treaty's entry-into-force, as well as an expectation that this work could be completed by 1994. The United States should continue its efforts to ensure entry-into-force and full implementation of the Treaty as signed. (C)

However, given the high priority the U.S. attaches to environmental concerns and the possible advantages to us and to our Open Skies Treaty partners of an environmental monitoring regime, it is not too early to undertake a full-scope analysis of the possible use of Open Skies for environmental monitoring purposes. This Review should assess the costs and benefits of expanding Open Skies for the purposes of enhancing transparency about the environment on and above the territory of states parties. (C)

I. Assessment (U)

A. What broad goals could the U.S. achieve through an environmental monitoring agreement? (U)

-- What would be U.S. objectives for environmental monitoring in an Open Skies context? (U)

-- What are the precedents, if any, of such an agreement? What are the cooperative environmental monitoring activities in which we have participated in the past, and are there lessons that can be drawn from them for the purposes of Open Skies? (C)

-- What would be the effect of requiring countries to open their territory to the acquisition of environmental information by other states? Would enhanced transparency be confidence-building? (C)

-- Would Treaty-based guaranteed access to airspace of other participants (vice access through a cooperative regime) help the U.S. to meet its goals on environmental policy? (C)

B. What information can be obtained through use of airborne platforms for the collection of environmental data? For each sensor which might be a candidate for use, specify the sensor type (multispectral, air samplers, etc.) and assess the following: (U)

-- What information would this sensor provide? (U)

-- How would this information be of value to the United States? How would it be of value to other states parties? States not party to Open Skies; non-governmental parties? (U)

-- Would this sensor make a unique contribution to the collection of environmental data? Of what dimension? (U)

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-- Would it be possible to ensure a standard agreed usage of the sensor among all states parties? (U)

-- What would be the flying conditions under which this sensor would be of most value, e.g. altitude, weather, day/night, etc? Could such flight requirements be accommodated within existing Open Skies Treaty provisions? If not, what modifications would be required? (U)

-- What would be the characteristics of overflights recommended for this sensor (range, number, length, flight path, etc)? Advance notification required? Could these be accommodated within existing Open Skies provisions? If not, what modifications would be required? (U)

-- What is the international availability of this sensor? Are there technology transfer considerations or restrictions? What are they? (U)

-- What verification provisions would be required to help prevent illegal use of this sensor? (U)

-- Could this sensor be used in parallel with existing Open Skies sensors, e.g. could missions be "dual-use"? (U)

C. How could environmental monitoring through an Open Skies agreement help the U.S. collect information it needs or wants on the environment? (U)

-- For scientific research (atmospheric, terrestrial, biological)? (U)

-- Assessments of foreign disasters (natural and manmade)? (U)

-- For monitoring compliance with international environmental regimes? What are those regimes? What is their membership? Status? Current effectiveness? (U)

-- Are there ancillary benefits, such as detection/analysis of proliferant activities/capabilities? (U)

D. What would be other principal parameters for acquiring and using information if Open Skies were expanded to include environmental monitoring? (U)

-- What would be the mission quota requirements? (U)

-- Would environmental monitoring require the same "entire territory" provisions contained in the Open Skies Treaty? (U)

-- What would be the requirements for analyzing, distributing, and archiving data collected through an Open

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Skies environmental regime? What government agencies/components would be responsible for performing these tasks? (U)

-- Would environmental monitoring information be useful if shared among states parties alone? Would an environmental monitoring regime be more beneficial if the data collected pursuant to that regime were publicly available? If so, what Treaty or other provisions would be required to accommodate this sharing of data? What domestic legislation, if any, would be required? (U)

E. What would be the most cost-effective way to deploy airborne platforms for an environmental monitoring agreement? (U)

-- Can sensors be added to the U.S. IOC or FOC aircraft? At any time? How long would it take to modify the aircraft? At what cost (for each sensor)? What impact would the process of modification have on availability of aircraft to perform missions under the current regime (i.e. downtime)? (C)

-- What would be the impact of developing each aircraft for "dual-use"? What is the expected number of missions, training time and maintenance for each aircraft as currently configured? What missions could be added? What would be the effect on availability for carrying out missions under the current regime? (C)

-- Are there other aircraft which already have these capabilities which might also be flown pursuant to an Open Skies monitoring regime? What are they? Who owns them? Would they have to be purchased and/or further modified? At what cost? What is their availability? (C)

-- Do we know how other parties, including the Russians, would be likely to implement environmental monitoring? (U)

F. What contributions would an environmental monitoring agreement make to addressing environmental concerns of non-U.S. Treaty parties? (U)

-- What are the key environmental concerns of non-U.S. Open Skies parties? Non-parties who might want to join? (U)

-- How could a new regime address those concerns? What would key objectives be for non-U.S. parties? (U)

-- What have the Russians proposed for Open Skies? What are their objectives? How is their interest in environmental monitoring likely to affect their efforts to implement the Treaty as signed? (C)

G. What effect would an Open Skies environmental monitoring regime have on existing bilateral and multilateral cooperative

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environmental monitoring efforts? Would it duplicate or complement those efforts? (U)

-- What are the existing international agreements and programs for monitoring the environment that include airborne collection of information? (U)

-- What plans are there for establishing new cooperative agreements? (U)

-- Would Open Skies supplement or complement these agreements? If so, how? (U)

-- What objectives would be fulfilled under the expansion of the Open Skies Treaty that are not now being met through the remote sensing efforts of NASA, NOAA, or the United Nations Environmental Program Global Environmental Monitoring System (Gems), for example? (S)

-- Would Open Skies conflict with or undermine these existing or planned cooperative efforts? (U)

H. What are possible adverse implications of opening up U.S. airspace to an environmental monitoring regime? Assess each of the below on the assumption that information will (a) be intended only for states parties; or (b) will also be shared with the non-governmental scientific community and public. (U)

-- What would be the legal implications? (U)

-- What would be the counterintelligence implications for national security information for each type of sensor? For information collected by sensors in the aggregate? (S)

-- What would be the terrorist or other adversary concerns? (S)

-- What well-defined, specific exemptions should be in place to protect the security of sensitive United States facilities (e.g. against providing information of significant use to terrorists)? (S)

-- What would be the counterintelligence concerns for proprietary information? (S)

-- What would be the likely reaction of industry? Are there measures which could be taken to mitigate industry's concerns? What would they be? Would there be legal implications with respect to the private sector? How could those be addressed? (S)

-- If the U.S. decides to notify industry, on request, of overflights under the current Open Skies provisions, how would it affect our decision to notify in the event that "environmental" sensors are used? What would be the legal

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implications of notifying some industries and not others?

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-- What is the likelihood of detecting the illegal use of an agreed sensor during a mission? What could be the adverse impact of undetected illegal use? What are the safeguards required to protect against illegal use? ~~(S)~~

I. What would be the impact on Treaty implementation of adding a new set of environmental objectives, as opposed to retaining the focus of Open Skies on military activities and forces? (U)

-- What would be the likely impact of an environmental add-on initiative to current work in the OSCC? (U)

-- What would be the likely reaction of other states parties to a proposal to modify the Open Skies agreement for environmental monitoring? (U)

-- Where should negotiations be conducted? (U)

-- Could we proceed with such an initiative and ensure that the Treaty as agreed will enter into force and be fully implemented (our first priority)? (U)

-- Would such a negotiation require a U.S. representative dedicated solely to Open Skies? (U)

-- If the U.S. were to make a proposal, when should that be? (U)

II. Options for Policy (U)

In light of the assessment above, outline the pros and cons of the following options. (U)

(A) Adding sensors, with no other changes to the Treaty.

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(B) Developing an environmental monitoring package, separate from, but building on, Treaty provisions (e.g. as a protocol to the Treaty). ~~(S)~~

(C) Permitting use of environmental sensors on Open Skies aircraft, but outside the framework of the Treaty. ~~(S)~~

(D) Leaving the initiative on environmental monitoring to other Treaty parties. ~~(S)~~

III. Tasking (U)

This review will be conducted by the Interagency Working Group on Arms Control, under the chairmanship of the Senior Director for Defense Policy and Arms Control, National Security Council Staff. It should include clear policy options/recommendations which will reflect analysis of the spectrum of possibilities for expanding

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Open Skies to include environmental monitoring. Differences in view among agencies should be noted. The Review should be completed by January 15, 1994. (S)



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