



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
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WASHINGTON, D.C. 20350-1000

SECNAVINST 5710.26
SSP/NTIP
March 4, 2003

SECNAV INSTRUCTION 5710.26

From: Secretary of the Navy
To: All Ships and Stations

Subj: COMPLIANCE AND IMPLEMENTATION OF THE TREATY ON OPEN SKIES

Ref: (a) ALNAV 066/02 of 091830Z Aug 02
(b) DoD Directive 2060.1 of 9 Jan 01
(c) SECNAVINST 5710.23C of 21 Sep 02
(d) Treaty on Open Skies (NOTAL)
(e) FAA Order 7110.65M (Air Traffic Control Handbook) (NOTAL)

1. Purpose To assign responsibilities and issue guidance for Department of the Navy (DON) compliance and implementation of the Treaty on Open Skies (OS).

2. Supersession This instruction supersedes reference (a).

3. Background

a. Reference (b) requires that the Secretary of the Navy ensure compliance with arms control agreements; provide advice and assistance on implementation, compliance, and interpretation of arms control agreements; establish detailed procedures for implementation of, and compliance with, arms control agreements; designate an implementation and compliance review manager; provide periodic reports on arms control compliance; and seek appropriate approval on any questionable arms control issues.

b. Reference (c) assigns DON responsibility for managing implementation and compliance for current and future arms control agreements to the Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN (RDA)). ASN (RDA) has designated the Director, Strategic Systems Programs, as Lead Office for all DON arms control compliance and implementation functions.

c. The Treaty on OS, reference (d), is designed to enhance mutual understanding and confidence by giving all participating

SECNAVINST 5710.26
4 March 2003

states, regardless of size, a direct role in gathering information about military forces and activities of concern to them. It allows designated observation aircraft carrying a suite of treaty-accepted sensors to overfly signatory states. The United States signed the Treaty on 24 March 1992, and ratified it in November 1993. The treaty entered into force in January 2002.

d. All OS signatory states agree to open their entire territory to observation aircraft overflights (limited only by flight safety) through a quota system based on geographic size. The United States Government (USG) quota requires it to accept up to 42 overflights of the United States per year.

e. The treaty specifies the allowed sensor suite on the OS observation aircraft, and limits sensor resolution. Sensors are optical panoramic and framing cameras (30cm ground resolution), video cameras with real-time display (30cm ground resolution), infrared line-scanning devices (50cm ground resolution), and synthetic aperture radar (3m ground resolution).

f. OS overflight sensor data, once collected by any state is available to all signatory states. Each signatory state is entitled to purchase a copy of data collected by any other state.

4. Policy

a. DON policy is to comply with all provisions of the Treaty on OS while also complying with Navy and Marine Corps safety and security directives. Participation of the USG in the Treaty on OS subjects DON facilities, bases, operations, and programs to unprecedented international observation. If implementation and readiness plans are not established in accordance with this instruction, arms control implementation and compliance activities by the U.S. could lead to compromise of national security information, inadvertent violation of U.S. treaty obligations, or waste of resources.

b. OS poses a manageable risk to DON facilities, bases, operations, and programs in the U.S. as well as those on the territory of host states that are OS signatories. OS aircraft are allowed to overfly the entire national territory of a signatory state, regardless of airspace restrictions.

Consequently, programs that count on airspace restrictions as a security measure must consider alternatives.

c. When conducting an overflight, OS aircraft have priority in air traffic control systems over all other air traffic except declared emergencies or actual emergency aircraft. They are permitted access to the airspace above all DON and other military facilities, bases, and programs, as well as to any other airspace in U.S. territory. Reference (e) provides specific guidance.

d. Safety of Flight. For aviation commands and those commands who use or control airspace clearance, OS aircraft may request and shall receive clearance through any special use airspace unless there is a safety of flight issue. When there is a safety of flight concern, Director, Naval Treaty Implementation Program (NTIP) should be notified as soon as possible. Communication is essential to resolve any possible conflicts. DON activities shall comply with the procedures in reference (e) for handling Open Skies aircraft.

5. Responsibilities

a. ASN (RDA) is responsible for OS implementation and compliance within the DON.

b. Deputy Chief of Naval Operations (Plans, Policy, and Operations) and Deputy Commandant, Plans, Policies, and Operations formulate DON policy positions during OS negotiations and provide operational input to DON compliance and implementation planning.

c. Director, NTIP, under the Director, Strategic Systems Programs, is the DON Program Manager for compliance and implementation for the Treaty on OS.

6. Action

a. The Assistant Secretaries of the Navy (ASNs), Chief of Naval Operations (CNO), and Commandant of the Marine Corps (CMC) shall ensure compliance with the Treaty on OS for their respective organizations and all levels of their chains of command.

SECNAVINST 5710.26
4 March 2003

b. Director, NTIP, shall:

(1) Establish and execute implementation and compliance plans and procedures to ensure that DON complies with the obligations of the Treaty on Open Skies.

(2) Coordinate with DON operating forces and shore establishments and with the program managers to ensure that plans, programs, and budgets are implemented regarding Treaty on OS and upon request, provide guidance and technical assistance.

(3) Notify DON activities of OS overflights. The list of activities to notify will be provided by Echelon 2 Commanders.

(4) Coordinate with Naval Criminal Investigative Service (NAVCRIMINSERV) and Office of Naval Intelligence (ONI) to produce an OS post-flight assessment that evaluates imagery of DON activities to determine the effectiveness of precautionary measures and provide feedback to activities where a concern may exist.

(5) Prepare educational materials on the Treaty on OS and provide training when requested.

(6) Ensure that current information on OS matters is available to DON activities.

(7) Provide OS expertise for DON activities requesting such support. Assistance may consist of treaty information packets, training seminars, and NTIP team visits as deemed necessary by individual commanders.

c. Echelon 2 Commanders shall develop and maintain a list of subordinate commands requiring notification of an Open Skies overflight and will forward this information to NTIP.

d. Facility and base commanders, commanding officers, officers in tactical command (OTC) of operations and program managers. DON facilities, bases, and other activities located on or near territory of a signatory state may be imaged by OS overflights. All activities should assess the impact of an OS overflight. If an OS overflight might interfere with operations/activities or create security vulnerabilities, the commander should request notification of Open Skies overflights

through the chain of command. Echelon 2 Commanders are the approval authority for DON activities that desire to be added to or deleted from the OS notification database. Specifically, commanders receiving Open Skies notification messages shall:

(1) Develop and implement action plans addressing pre-overflight preparation, procedures to follow upon notification of an overflight, and post-overflight lessons learned. For base commanders this plan should include coordination with all tenant activities.

(2) Inform NTIP of changes in message address, points of contact, e-mail addresses and telephone numbers.

(3) Ensure that operations/activities do not disrupt OS overflights and implement necessary security precautions to protect sensitive and/or classified information that may be obtained by an overflight.

(4) Ensure appropriate duty and airspace control personnel are briefed regarding OS procedures. NTIP can assist in this training when requested.

e. Director, Special Programs Division (CNO (N7SP)) is responsible for analyzing security implications of Open Skies overflights and providing appropriate direction, training, notification, and assistance to DON Special Programs. CNO (N7SP) will provide liaison for DON Special Programs with NTIP.

f. Director, NAVCRIMINSERV, shall provide OS-related threat and counter-intelligence support.

g. General Counsel, and Judge Advocate General (JAG) shall provide legal assistance to NTIP and commands regarding Treaty on OS interpretation.

h. Commander, Office of Naval Intelligence (ONI) shall support post-flight assessment of OS collection products.

7. Notification Procedure

a. Official notification of an observing state's intent to overfly must be provided no less than 72 hours before the arrival of observers at the point of entry (POE) of the observed country. However, the initial OS notification does not contain

SECNAVINST 5710.26
4 March 2003

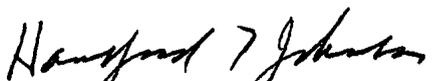
the specific flight plan to be flown by the observation aircraft.

b. The U.S. Nuclear Risk Reduction Center (NRRC) will receive notification from the observing state via the Organization for the Security and Cooperation in Europe network. The NRRC will pass notification for overflights of the U.S. to the Navy Operations Center (NOC). The NOC provides voice and facsimile notification to NTIP. NTIP sends an OP/IMMEDIATE Intent to Conduct Observation Flight message to DON activities in the U.S. who have requested notification of OS overflights.

b. After arrival in the U.S., the observing state presents its flight plan, which is the first definitive indication of the specific areas to be overflown. The overflight mission cannot start less than 24 hours after submission of the proposed flight plan. NTIP identifies facilities within the OS sensor range, determines an approximate window of vulnerability for affected activities, and generates an OP/IMMEDIATE Mission Plan message (for both proposed and final flight plans). Activities determined not to be affected by the overflight will be provided stand down notification.

c. NTIP monitors OS aircraft operations and ensures that commanders (or their designees) of DON facilities, bases and programs are informed of changes in flight path and/or timing of the flight. NTIP continues to follow OS activity until the completion of the observation flight when an OP/IMMEDIATE Mission Completion message is sent. The OS overflight must conclude 96 hours after the estimated time of arrival at the point of entry given in original notification. Note: Overflight may be extended 24 hours if a demonstration flight is conducted.

d. DON procedures for notifying facilities, bases, and programs on foreign territory will be determined on a country-by-country basis and is the responsibility of the appropriate Commander. NTIP will provide assistance upon request.


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Secretary of the Navy
Acting

SECNAVINST 5710.26
4 March 2003

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