



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

SECNAVINST 5710.26A
ASN (RD&A)
20 Dec 2018

SECNAV INSTRUCTION 5710.26A

From: Secretary of the Navy

Subj: IMPLEMENTATION AND COMPLIANCE OF THE TREATY ON OPEN SKIES

Ref: (a) DoD Directive 2060.1 of 31 August 2018
(b) SECNAVINST 5710.23D
(c) Treaty on Open Skies of 24 March 1992
(d) DON Treaty on Open Skies Implementation & Compliance Plan (NOTAL)
(e) FAA Order JO 7110.65X of 17 August 2017

Encl: (1) Responsibilities

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

2. Cancellation. SECNAVINST 5710.26.

3. Background

a. Reference (a) 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 arms control issues that raise a reasonable compliance concern.

b. Reference (b) assigns responsibility for managing DON implementation and compliance for current and future arms control agreements to the Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN(RD&A)). Reference (b) further assigns responsibility to the Director, Strategic Systems Programs (DIRSSP), as the lead for all DON arms control implementation, compliance, and planning functions.

c. The OS Treaty, reference (c), is designed to enhance mutual understanding and confidence by giving all participating states party to the Treaty (States Parties), regardless of size, a direct role in gathering data about military forces and activities of concern to them. It allows designated observation aircraft carrying a suite of treaty-permitted sensors to overfly States Parties. The United States signed the OS Treaty on 24 March 1992, and it entered into force in January 2002.

d. Participation in the OS Treaty subjects DON facilities, bases, operations, and programs to unprecedented international observation. All States Parties 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 is required to accept up to 42 overflights per year over its territory.

e. The OS Treaty specifies the permitted sensor suite on the OS observation aircraft and limits sensor resolution. The permitted sensors are optical panoramic and framing cameras, to include both digital and wet-film cameras (both limited to 30cm ground resolution); video cameras with real-time display (30cm ground resolution); infrared imaging devices (50cm ground resolution), and synthetic aperture radar (3m ground resolution).

f. All States Parties are entitled to purchase a copy of the data collected by any other State Party during an OS overflight. Data collected under the OS Treaty is unclassified.

4. Applicability. This instruction applies to the Office of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), and all U.S. Navy, U.S. Marine Corps installations, commands, activities, field offices, and all other organizational entities with the DON.

5. Policy

a. It is DON policy to comply with all provisions of the OS Treaty while also complying with Navy and Marine Corps safety and security directives.

b. OS aircraft are permitted access to the airspace above all DON and other military facilities, bases, and programs, as well as to any other Special Use Airspace (SUA) in the United States and its territories. When conducting an overflight, OS aircraft have priority in air traffic control systems over all other "regular" air traffic. "Regular" is defined as all aircraft traffic other than emergencies; aircraft directly involved in presidential movement; forces or activities in actual combat; aircraft involved in medical evacuation or a search and rescue operation; and air evacuation or hospital aircraft that have requested priority handling. Reference (e) provides specific guidance. Programs that rely on airspace restrictions as a security measure must consider alternatives.

5. Responsibilities. See enclosure (1).

6. Action

a. ASN (RD&A), CNO, CMC shall ensure compliance with the OS Treaty for their respective organizations and all levels of their chains of command.

b. DIRSSP, through Director, NTIP, shall:

(1) Establish and execute the DON Treaty on Open Skies Implementation & Compliance Plan (Reference (d)). Reference (d) establishes detailed guidance and delineates the procedures necessary for DON to ensure compliance with U.S. obligations under the OS Treaty while preventing the compromise of national security information and minimizing the impact to DON operations;

(2) Coordinate with DON operating forces, shore establishments, and program managers to ensure that the OS Treaty is implemented, and upon request, provide guidance and technical assistance;

(3) Conduct a biennial data call to DON Echelon II Commanders and the CMC to determine which DON facilities to notify of OS overflights;

(4) Conduct an annual Facility Data Call of facilities in the OS Facility Database;

(5) Conduct an annual Special Use Airspace Data Call of special use airspaces in OS SUA Database;

(6) Notify DON facilities of OS overflights. The notification process contains six distinct messages per overflight. Notification is sent to DON facilities via command email (USN) or the Automated Message Handling System (USMC);

(7) Collect impact assessments prior to each OS overflight;

(8) Produce two reports after each OS overflight of the United States: the Post-Flight Assessment and the Mission Report;

(9) Prepare educational materials on the OS Treaty and provide training to DON facilities on a biennial basis, or as requested. Training briefs will include current information on OS matters, as well as information tailored to the facility's needs or concerns;

(10) Provide imagery to any DON facility that requests imagery of its facility collected during an OS overflight.

c. Echelon II Commanders and the CMC shall determine which DON facilities receive OS mission notifications. NTIP will solicit a list of such facilities on a biennial basis as described in paragraph 5b(3) above.

d. DON facilities shall take measures to ensure compliance with the OS Treaty and protection of critical assets. Specifically, facilities receiving OS 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, email addresses, and telephone numbers;

(3) Ensure that operations/activities do not disrupt OS overflights;

(4) Implement necessary security precautions to protect sensitive and/or classified information that may be obtained by an overflight;

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

(6) Develop and implement OPSEC mitigation plans as appropriate.

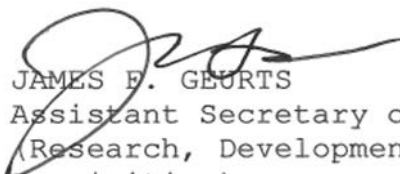
7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

8. Reports. The reporting requirement included in paragraph 6b (8) are exempt from reports control, per reference (f), paragraph 7f.


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Assistant Secretary of the Navy
(Research, Development &
Acquisition)

Distribution:

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<http://doni.documentservices.dla.mil>

RESPONSIBILITIES

1. ASN(RD&A) is responsible for OS Treaty implementation and compliance within the DON.
2. The CNO and the CMC shall be responsible for DON policy positions during OS Treaty negotiations, for operational input to Navy and Marine Corps implementation, compliance, and planning activities, and resource sponsorship for OS Treaty implementation requirements. Deputy Chief of Naval Operations, Plans and Strategy and Deputy Commandant, Plans, Policies, and Operations will formulate DON policy positions during OS negotiations in coordination with DIRSSP, and provide operational input to DON implementation, compliance, and planning activities.
3. DIRSSP is responsible for OS implementation, compliance, and planning within the DON consistent with the authorities and responsibilities set forth in SECNAVINST 5710.23D. Director, Naval Treaty Implementation Program (NTIP), under DIRSSP, is the DON Program Manager for OS Treaty implementation and compliance for the United States and its territories.
4. Director, DON Special Access Programs Central Office (SAPCO) is responsible for analyzing security implications of OS overflights and providing appropriate direction, training, notification, and assistance to DON Special Programs. DON SAPCO will provide liaison for DON Special Programs with NTIP.
5. The Naval Criminal Investigative Service shall provide counterintelligence and security support as required for implementation of and compliance with the OS Treaty.
6. The DON Office of Counsel (SSP), the Judge Advocate General of the Navy (JAG), and the Staff Judge Advocate to the CMC shall provide legal assistance to NTIP and commands regarding OS Treaty interpretation.
7. The Office of Naval Intelligence shall support post-flight assessment of OS collection products.