

SECTION RECOMMENDATIONS AND REPORTS

American Bar Association Section of International Law and Practice Reports to the House of Delegates

I. Treaty on Conventional Armed Forces in Europe*

RECOMMENDATION

BE IT RESOLVED, That the American Bar Association urges the Senate of the United States to give its advice and consent to the ratification of the Treaty on Conventional Armed Forces in Europe, signed November 19, 1990, by the North Atlantic Treaty Organization countries and the Warsaw Pact countries, which treaty reduces force levels to parity from the Atlantic to the Urals after the Soviet Union has submitted data required by the Treaty that is satisfactory to the United States Government.

REPORT

On February 13, 1990, the American Bar Association's House of Delegates approved the following recommendations:

BE IT RESOLVED, That the American Bar Association urges early agreement between the North Atlantic Treaty Organization countries and

*This Recommendation and Report was adopted by the House of Delegates in February 1991. The Recommendation and Report was prepared by the Section's Committee on Arms Control and Disarmament, chaired by Thomas Graham, Jr.

Warsaw Pact countries to reduce levels of conventional arms in Europe from the Atlantic to the Urals.

BE IT FURTHER RESOLVED, That the American Bar Association supports the Conventional Forces in Europe (CFE) negotiations to reduce levels of NATO and Warsaw Pact forces in Europe from current levels to parity.

At that time, parity between East and West in conventional arms from the Atlantic to the Urals were United States' goals, but because Warsaw Pact had conventional superiority and the Soviet reductions would have to be greater than ours, it was not a foregone conclusion that our goals would be met. It therefore seemed premature at that time to urge Senate consent to ratification. The goals then endorsed by the American Bar Association, however, were met, and more quickly than anticipated, largely because of developments this year. Since the Treaty has now been signed and is being prepared for formal transmission to the Senate, it is timely and appropriate for an Association resolution urging Senate consent to ratification.

There was no guarantee that the size of Soviet forces would have continued to diminish or that they would refrain from reentering Eastern Europe if the political climate changed. Since the opening of the negotiation on conventional armed forces in Europe (CFE) on March 9, 1989, the United States and its allies sought an agreement that would ensure that force levels would be both lower and balanced. The conclusion of this landmark agreement was one of the highest security priorities for the United States.

Representatives of the sixteen members of the North Atlantic Treaty Organization (NATO) and the six remaining members of the Warsaw Pact negotiated in Vienna under a mandate covering a geographic region stretching from the Atlantic Ocean to the Ural Mountains. The objectives of the negotiation were to establish a stable and secure balance of conventional forces at lower levels, to eliminate disparities in forces, and to eliminate the capability to launch a surprise attack and to initiate large-scale offensive action. The countries participating in the CFE negotiations have agreed to detailed provisions to achieve these goals. They include equal ceilings on key armaments, limits on the holdings of individual countries, and sub-limits designed to prevent undue force concentrations in particular parts of the region. (See attached fact sheet.)

The complexities of a treaty involving twenty-two nations and tens of thousands of armaments spread over an area of more than two and a half million square miles were immense. Difficult technical issues, such as definitions, counting rules, methods for destroying equipment, and verification were painstakingly negotiated. The CFE Treaty is stated by our government to be the most ambitious arms control agreement ever concluded.

The CFE Treaty will be an important foundation for a new political and military order in Europe. It will provide an underlying element of certainty and confidence in an era of rapid change. A key feature of the CFE Treaty is that the