

REPORT NO. 3 OF THE
SECTION OF INTERNATIONAL LAW AND PRACTICE

RECOMMENDATION*

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

REPORT

Although years of negotiations on Mutual and Balanced Force Reductions (MBFR) failed to produce a conventional arms control agreement, recent events have been more auspicious.

In May 1986, NATO foreign ministers meeting in Halifax called for strengthened security and stability in the whole of Europe at lower levels of conventional forces. The next month, the Warsaw Pact issued its Budapest Appeal which called for conventional force cuts from the "Atlantic to the Urals," a much broader area than the MBFR zone.

The MBFR negotiations failed in large part because the United States and the Soviet Union could not agree on the extent of Soviet superiority in conventional arms. Recent developments have demonstrated a narrowing of that disagreement.

In March 1989, members of the North Atlantic Alliance and the Warsaw Pact began expanded negotiations to reduce conventional armed forces in Europe (CFE).

The Western proposal, which has become the basis for negotiations, calls for establishment of equal NATO-Warsaw Pact ceilings on key types of equipment that can be used for aggressive purposes. Beyond eliminating key Warsaw Pact military advantages, the Western approach to CFE would reduce the capability to initiate surprise attacks and large-scale offensive actions or to use military forces for political intimidation.

In a May 11, 1989 Moscow meeting with Secretary Baker, Soviet President Gorbachev presented specific numerical ceilings indicating willingness to accept

*The recommendation was approved. See page 36.

greater reductions than ever before. These figures were formally tabled just before the NATO summit.

President Bush concluded that the specific Warsaw Pact proposals reflected tacit Eastern acceptance of the Western concept and framework for CFE, and that the time was ripe to give the negotiations a major push. The President augmented our original proposal at the May 29, 1989 summit marking the 40th anniversary of NATO. Among other things, the United States proposal calls for an acceleration of both the Eastern and Western timetables for reaching a CFE agreement and for implementing the agreed reductions. The Soviet proposal called for full implementation of an accord by 1997. The United States set a goal of completing an agreement in 6 months to 1 year with the required reductions by 1992 or 1993.

This Resolution and Report supporting the negotiation of a CFE agreement complement ABA recommendations of February 1988,

which supported ratification of the INF Treaty and urged the United States to give priority attention to negotiations on a Strategic Arms Reduction Treaty. Those previous ABA recommendations supported significant arms control efforts aimed at reducing the threats of nuclear weapons in Europe and between the United States and the Soviet Union. This Resolution and Report complement the February 1988 Resolution by endorsing the equally significant arms control negotiations striving to reduce the level of conventional armed forces in Europe and between the United States and the Soviet Union.

Respectfully submitted,

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Chairman

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