

Geneva office
63, rue de Lausanne
CH-1202 GENEVA
(Switzerland)
Phone **41-22-738 32 94
Fax **41-22-738 32 92
Telex 412 151 pax ch
E.mail: pugwash@hei.unige.ch

London office
Flat A, Museum Mansions
63A Great Russell Street
LONDON WC1B 3BJ
(Great Britain)
Phone **44-71-405 6661
Fax **44-71-831 5651

Rome office
Palazzina dell'Uditorio
Accademia Nazionale dei Lincei
Via della Lungara 10
I-00165 ROMA (Italy)
Phone **39-6-687 2606
Fax **39-6-687 8376
E.mail: calogero@vaxrma.infn.it

Please send your reply (if any) to: Geneva office (*) London office () Rome office ()

F A X C O V E R S H E E T

from the Geneva Pugwash Office

To: Prof. M. Meelen
Harvard University

From: M. Kaplan

Number of pages, including cover sheet: 3

Date: 31 March '93

Dear Matt,
Enclosed is a letter from two apparent
experts on legal aspects of the C.W. Committee read it
over the phone to Julian in Wales who feels that they

Message: should not be invited. I will speak to Julian to -
moment after he returns from Wales. We had
received nothing from Wales who was supposed
to supply a list of legal experts. Although
some 50 people have been invited, but as a whole
has as yet been received from about half of
them, don't you think these two should be
invited? Matt

Note: If you wish to contact Martin Kaplan by telephone, please dial him
directly on **41-22 738 72 64.

C.C. Julian

DEPAUL UNIVERSITY



Honorable Richard D. Cudahy
Chairman of the Board

Professor M. Cherif Bassiouni
President

Douglas W. Cassel, Jr.
Executive Director

International Human Rights
Law Institute

College of Law
25 East Jackson Boulevard
Chicago, Illinois U.S.A.
60604-2287
312/362-8392
FAX: 312/362-5448

March 29, 1993

Mr. Martin Kaplan
Pugwash, Geneva Office
63, Rue de Lausanne
CH-1202 Geneva, Switzerland

Dear Mr. Kaplan:

On behalf of myself and my colleague, Mr. Edward Tanzman of Argonne National Laboratory, I would like to introduce our work to you and, hopefully, secure an invitation to the upcoming Pugwash Workshop on Implementation of the Chemical and Biological Weapons Convention. I heard of this Workshop through Ms. Jessica Stern at Lawrence Livermore National Laboratory who is planning to attend, and Ms. Virginia Gamba of the MacArthur Foundation suggested I write to you to express my interest in also attending.

Mr. Tanzman and I have been writing articles and reports on the implementation of the CWC for a number of years. In the mid-1980s, Mr. Tanzman pointed out possible constitutional issues pertinent to the inspection procedures called for by the draft convention in the first law review article on the subject, appearing in the Yale Journal of International Law. Subsequently, he and I jointly wrote a law review article (appearing in the New York University Journal of International Law and Politics) which went into more depth concerning some proposed solutions to the problems raised in his earlier article.

On the basis of those early works, Mr. Tanzman and I contracted to prepare a report, *Harmonizing The Chemical Weapons Convention with the United States Constitution*, for the Defense Nuclear Agency addressing how to reconcile the draft convention with the U.S. Constitution. That work was very favorably received and led officials of the Department of Defense to inquire as to whether the obstacles we had identified also applied in other jurisdictions. In response, Mr. Tanzman and I, along with my colleague, Professor Cherif Bassiouni, wrote a second report, *A Comparative Study of the Legal Implementation of the Chemical Weapons Convention in Foreign Jurisdictions*. In addition, we will soon be completing a report concerning the potential issues of environmental law raised by the CWC. Finally, serious discussions are in progress for us to organize a team to draft the CWC implementing legislation to be considered by the U.S. Congress when it ratifies the CWC later this year.

Most recently, an organization with which you may be familiar, Parliamentarians for Global Action, asked Mr. Tanzman and myself to participate in a symposium which it sponsored adjoining the CWC signing ceremony in Paris this past January. We had the honor of leading the workshop on legal issues with a group of about two dozen parliamentarians from nations around the world, focusing on implementing intrusive inspections, the structure of a national authority, and problems of enacting the required penal legislation. We also discussed methods of protecting against the loss of trade secrets and potential restraints on the international trade of chemicals called for by the CWC. In the near future, we will be addressing a joint session of the Committee on National Security (CNS) and the Lawyers Alliance for World Security (LAWS) in Washington on many of these same issues.

I have provided this quantity of information because I want you to understand that our interest in attending the upcoming workshop is genuinely based on considerable familiarity with the issues that will be discussed. I would like to add that while I hope our work speaks for itself, our philosophy on these matters deserves special note. The Chemical Weapons Convention, with its call for the destruction of stockpiles and the establishment of a rigorous and intrusive verification scheme, presages a new foundation for international security based on due process of law. Every step taken to increase security necessarily intrudes upon the sovereign free will of the participating states. The difficult questions of how to resolve the need for security with traditional notions of sovereignty as well as individual rights and liberties will have to be debated, therefore, not only in the United States but in virtually every other nation. In some respects, the potential for the development of international law arising from the CWC is almost as fascinating as is the goal of ridding the world of chemical weapons.

On that idealistic note, I hope that you are sufficiently intrigued to extend invitations to Mr. Tanzman and myself. I look forward to discussing these issues with you further.

Sincerely yours,



Barry Kellman
Professor of Law

cc: Mr. Francesco Calogero, Pugwash, Rome

P.S. If indeed you decide to invite us, I can be reached at the address on the letterhead. Mr. Tanzman can be reached c/o Argonne National Laboratory, 9700 S. Cass Ave., Argonne, Ill. 60439-4841.