

McCormack

FACSIMILE TRANSMISSION

THE UNIVERSITY
OF MELBOURNE

LAW SCHOOL

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COMMENTS:

Dear Matt, thanks for your message & I am glad you found our article helpful. You have done an excellent editing job which we are very happy with. The only change I would suggest is indicated on the final page attached. Unfortunately neither Bob nor I will be at the Hilton Lake conference but look forward to catching up in the future.

Yours with best wishes,
Jim

It has become clear that the expectation, in some quarters, of 65 ratifications within eighteen months of opening for signature was based on unrealistic estimates of the time needed for States to prepare for national implementation and ratification of the CWC. However, there are many positive signals on the progress of the ratification process. For example, a large number of States, including several Western developed States with significant chemical industries, have stated that they intend to have implementing measures in place and to ratify before the end of 1994. It is anticipated that a number of Member States will complete their ratification in the remainder of 1994. Of particular interest are Germany and the United States - two of the Signatory States possessing the largest chemical industries (and USA possessing the second largest CW stockpile). Germany ratified in August 1994. We anticipate that this and the expected ratification by the US will be interpreted as a "hurry up" message to other Member States, including those having large chemical industries.

A question mark still hangs over the date of ratification by the Russian Federation. In the sixth Plenary, a message from the Russian Foreign Minister Kozyrev stated that the Russian Duma had begun preparations for ratification. While it is unlikely that Russia will complete its ratification process in 1994, the USA has not made its own ratification subject to prior Russian ratification, and it is expected that Russia will ratify in time to be an Original State Party. In a summit meeting in Moscow in January 1994, President Yeltsin and President Clinton declared their "resolute support for the Convention of the prohibition of Chemical Weapons and their intention to promote ratifications as rapidly as possible and entry into force of the Convention not later than 1995."

Based on a number of very supportive statements made by many Member States during PrepCom plenaries and outreach seminars, we are confident that other States are taking their future obligations seriously and are developing the necessary detailed preparations for entry into force in good faith. For example, there are more than eighty Member States actively involved in the PrepCom outreach activities, including regional seminars.

In conclusion, it is still difficult to predict when the CWC will enter into force, but reports from Signatory States on their progress toward ratification suggest that there will be a rising trend in the number of ratifications in the latter part of 1994 and the early part of 1995, and that entry into force is likely some time between the latter part of 1995 and mid-1996. Based on the complexity of the PrepCom process and the detailed requirements for national implementation, it is now clear that it ~~would not have been realistic to expect an earlier date.~~
WAS UNREALISTIC TO HAVE EXPECTED

*The views expressed in this article are those of the authors and do not necessarily reflect those of the Australian Government.