

Date: Thu, 2 Mar 2000 13:06:34 EST  
From: Waits6@aol.com  
To: msm@wjh.harvard.edu  
Subject: HSP Publications

Dear Dr. Meselson,

I am Kirk Waits, currently in my final semester at the George Washington University Law School due to complete my LL.M degree in International Law in May. I am a commander in the Navy Judge Advocate General's Corps. I have chosen for my thesis a topic on which you have been most prolific--namely, the controversy over the status of RCAs under the CWC. Although much has been written, I plan to retrace the historical path of the U.S. on the treatment of RCAs under the various international declarations and treaties--a path which, though varied, seems to have a thread of much recalcitrance on the part of the U.S. to succumb to the weight of most of the rest of the world's opinion on the proscriptions on RCAs. The treatment of RCAs under the CWC, I will argue, is the latest example of this consistent thread. I plan to compare the view you have consistently espoused with the view of the U.S. as testified to by Ambassador Ledogar in the Senate hearings on the CWC. The most thorough exposition of the U.S. position I have read so far is a preliminary legal review of proposed chemical-based NLWs completed by the Navy for the Joint Nonlethal Weapons Directorate (1997). I plan to detail the respective positions (of which I can already tell you, I find yours more persuasive) by going through the various means of interpretation of treaties contained in the Vienna Convention on the Law of Treaties. This will include textual arguments, subsequent practice of the parties, special meaning of terms as established by the parties (e.g., "method of warfare"), and supplementary means of interpretation such as preparatory work of the treaty and the circumstances of its conclusion. I located the list of publications from HSP on the web which will be crucial for completion of my thesis. I have been able to obtain some of them. I'm interested in obtaining copies of others. Your secretary instructed me to e-mail you to see if this would be possible, and if so, how I might get them. Many of them are listed as "unpublished." The ones I'm most interested in obtaining are:

"Banning non-lethal chemical incapacitants in the Chemical Weapons Convention", A briefing discussion with Dr. Matthew Meselson, The Committee for National Security, Washington, DC, 20 February 1992, 15 pp.

"Questions regarding the US position seeking to exempt certain toxic chemicals from the Chemical Weapons Convention" by M S Meselson and J P Perry Robinson: unpublished paper distributed privately 28 February 1992, 5 pp.

"Disabling chemical weapons: some technical and historical aspects" by J P Perry Robinson: unpublished paper presented at the 2nd International Workshop of the Pugwash Study Group on Implementation of the CBW Conventions, Den Haag/Noordwijk, Netherlands, 27-29 May 1994, 58 pp.

Analysis of the proposed revisions to Executive Order 11850" by R Justin Smith, unpublished paper dated 29 July 1994.

"Implications of a US declaration of certain munitions filled with incapacitating toxic chemicals as chemical weapons under the CWC" by R Justin Smith, unpublished paper dated 12 September 1994.

"The United States's understanding of the definition of a 'combatant' in international law" by R Justin Smith, unpublished paper dated 9 February 1995.

"Interpreting the CWC to require the declaration of chemicals held for law enforcement purposes" by R Justin Smith, unpublished paper dated 26 April 1995.

"Some consequences of the General Purpose Criterion having been used to define the scope of the Chemical Weapons Convention" by J P Perry Robinson: unpublished paper presented at the 3rd International Workshop of the Pugwash Study Group on Implementation of the CBW Conventions, Noordwijk, Netherlands, 19-21 May 1995, revised 21 June 1995, 9 pp.

I'm sure you are an extremely busy man but I would appreciate your help. I would also be interested in any thoughts you may have on the angle I've proposed, whether you can recommend any new or different "twists" on the matter or refer me to any other pertinent resources.

Thank you,  
Kirk Waits