Suggestions for Strengthening Suriname’s Implementation of the 1993 Chemical weapons Convention

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Preface

In compliance with the regulations of the FHR Lim A Po Institute for Social Studies and the Institute for Social Studies (ISS), I present this Individual Study Project, in order to obtain the Master of Public Administration in Governance degree.

Taking into account my position as Senior Policy Officer at the Ministry of Defense of Suriname, I have to deal with the country’s commitment to Treaties and Conventions regarding International Peace and Security. In that regard it became clear to me that Suriname, like other developing countries, struggles with the national implementation of obligations emanating from these conventions and is casting off an image of incompetence and/or negligence to the international community. This has to be dealt with without further delay. This research specifically focuses on the Chemical Weapons Convention.

I would like to dedicate a special word of thanks to the following persons who supported me during this difficult period of research:

First of all, I would like to express my gratitude to the FHR Lim A Po Institute for Social Studies, for its untiring efforts to prepare its students adequately in achieving the necessary skills which enabled us to comply with the requirements to earn the Master of Public Administration in Governance degree;

Second, my supervisor Dr. Karin Arts for her inspiration, ideas and comments;

Third, Major John Achong and Captain Danielle Veira, for their advise;

Last but certainly not the least, my beloved spouse Mergiory Yannynoskar Labadie – Bracho Garrido, who continuously supported me throughout my endeavors.
“God Grants Victory to Perseverance”

Simon Bolivar

“A man without education is incomplete. Education is the happiness of life, and the ignorant, who is always nearby to turn around in the mud of corruption, inevitably plunges into the darkness of servitude”

Simon Bolivar
Glossary

- **ADPA**: Annual Declarations on Past Activities (a software produced by the OPCW to facilitate States Parties with the declaration of the production range for plant sites).
- **Chemical Agent**: A harmful substance intended for use in military or police operations.
- **Chemical Munition**: A munition in which chemical substances, held in separate containers, react when mixed or combined as a result of being fired, launched, or otherwise initiated to produce a chemical agent.
- **Chemical Warfare**: An organized armed conflict between groups, whereby use is made of chemical weapons.
- **Chemical Weapon**: Any equipment specifically designed for use directly in connection with the employment of munitions and devices specifically designed to cause death or other harm through the toxic properties of those chemicals.
- **EDNA**: Electronic Declarations tool for National Authorities (software produced by the OPCW)
- **MINDEF**: The Ministry of Defense of the Republic of Suriname
- **National Authority**: National focal point for effective liaison with the Organization and other States Parties.
- **Sarin**: A highly toxic chemical nerve agent that inhibits the activity of cholinesterase (a body enzyme which conducts nerve impulses).
- **Weapons of Mass Destruction**: A weapon that can kill large numbers of humans and/or cause great damage to man-made structures, natural structures, or the biosphere in general.
Chapter I

Introduction

1.1. Research Problem

The Republic of Suriname has a poor record of implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC). Data published in the Report to the Conference of the States Parties at its Fourteenth Session on the Status of Implementation of Article VII of the CWC illustrate that within the Latin-American and Caribbean region, Suriname has a weak performance record regarding national implementation (OPCW, 2009[a]: 287). This is the case despite the fact that Suriname is already a state party to the CWC for a relatively long time (since 1997) and a provisional National Authority has been appointed.

Suriname has not yet taken the necessary preventive and protective measures to ensure the well-being of its citizens in case of incidents involving chemical weapons. Most people would argue that the country does not face the risk of being attacked with such weapons. Nevertheless, it should be noted that CWC related measures could also be put to use in case of incidents other than an attack with chemical weapons. Various laboratories in Suriname (in educational institutions, hospitals, and the mining sector) use chemicals daily. The occurrence of an accident in such a laboratory is not unthinkable. In fact, as we know from experience, accidents do happen.

The incident that took place in February 2007, whereby there was a threat of leakage of an unknown gas from deteriorated cylinders belonging to the NATIN¹, is a fitting example to underline the importance of being able to rely on a Quick Response Unit for

¹ NATIN is the Institute for Natural Resource and Engineering Studies in Paramaribo.
incidents with chemical agents. This case exposed that, due to the lack of experience in dealing with such situations, there was a rather long lapse of time before the problem was dealt with. This could have had a fatal outcome if it weren’t for the fact that in this particular case, as it turned out, in the end the chemical threat did not materialize. If there were a well-equipped unit specialized in threats of this kind, the government could have counted on a quick response. When dealing with these kinds of threats (attacks with chemical weapons or accidents with chemical substances in laboratories) it is of great importance to react within the shortest amount of time as possible because, depending on their physical property, the rate of diffusion of chemical substances can be very fast.

On Suriname’s industrial platform, although there is a significant deployment of chemicals in the mining sector (gold and bauxite) and the oil sector, there is no view on how these are being managed. According to the CWC\(^2\), each State Party is expected to make an initial declaration on relevant chemicals and facilities. This declaration should include a list of facilities that during the calendar year prior to the CWC’s entry into force produced more than 200 tons of unscheduled discrete organic chemicals or more than 30 tons containing the elements of phosphorus, sulfur or fluorine.\(^3\) In Suriname, the cement industry, mining industry and the State Oil Refinery fit this profile. While this declaration should have been made no later than 30 days after the Convention entered into force for Suriname, it has not yet been submitted.

### 1.2. Background to Suriname’s Commitment to Chemical Weapons control

The Republic of Suriname, as a member of the international community, ratified numerous important multilateral and bilateral relations (treaties) throughout the years, from which various commitments and arrangements emanate. Executing the obligations involved is in the current international reality often a difficult task for developing countries.

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\(^2\) CWC, Article VI paragraph 7.

\(^3\) CWC, Part IX of the Verification Annex.
Technology has advanced in such a manner that the very existence of mankind is in jeopardy. During World War I scientists invented several Weapons of Mass Destruction, which were used by the Superpowers. During this war the first large-scale use of chemical weapons occurred when Germany released chlorine gas on French troops (Heritage Foundation, 2005). Other evidence of the threat caused by the advancement of technology was the development and launching of the Atomic Bomb on Japan’s Hiroshima and Nagasaki on respectively 6 and 9 August 1945 (BBC News, 1945). The use of poisonous gas in the war between Iraq and Iran during the 1980s, the latest incidents related to Anthrax in the United States of America (CDC, 2002) and the assault with the nerve gas ‘Sarin’ on a metro station in Tokyo are a few more recent examples of the imminent threat mankind faces (Platteborze, 2007). Inevitably, these developments caused anxiety on the international political level, which led to the adoption of various conventions linked to international peace and security, as measures to deal with this threat.

According to documents of the Suriname’s Ministry of Foreign Affairs (Republic of Suriname, 2003), the country is state party to various Conventions dealing with disarmament issues of which the following are worth mentioning:

- *Chemical Weapons Convention (CWC)* (Signed and ratified by Suriname in 1997);
- *Ottawa Convention* (signed by Suriname in 1997);
- *Comprehensive Nuclear Test Ban Treaty (CTBT)* (Signed by Suriname in 1997 and ratified in 2006);
- *Treaty on the Non Proliferation of Nuclear Weapons (NPT)*;
- *Treaty for the Proliferation of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco)* (Signed by Suriname in 1976 and ratified in 1977)
- *Inter-American convention against the Illicit Manufacturing of and Trafficking in Firearms* (Signed by Suriname in 1997 and ratified in 2003).
Below the status of Suriname as party to the Chemical Weapons Convention will be discussed. National implementation efforts taken by the Suriname Authorities will be analyzed and possible steps for its improvement will be discussed.

As mentioned earlier, the international threat emanating from the chemical warfare led to the International Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and the creation of the Organization for the Prohibition of Chemical Weapons (OPCW)\(^4\). The OPCW does not only focus on the destruction of chemical weapons, but also on provision of training to personnel of its Member States and on planning and establishing a support team for the protection of civilian population against chemical incidents.

As of April 28\(^{th}\), 1997, the Republic of Suriname ratified this international Convention, thereby committing itself to comply with the various obligations emanating from this Convention (OPCW, 2010[a]). All Parties to the CWC are required under Article VII paragraph 1, to adopt the necessary measures to implement the CWC and to inform the OPCW of the legislative and administrative measures taken (OPCW, 2005[a]:18). Article X paragraph 4 deals with the obligation of States Parties to annually provide the OPCW with information regarding programs related to protective purposes (OPCW, 2005[b]:35).

1.3. Objectives and Scope of the Paper

This Study Project aims to identify strategies and courses of action to improve the fulfillment of Suriname’s obligations under the CWC. More in particular, the following issues will be addressed:

- Measures relating to the adoption of required implementing legislation by the Republic of Suriname.

\(^4\) In Paris, January 13\(^{th}\), 1993, this Convention was opened for signature and it came into force on April 29\(^{th}\), 1997 (The Acronym Institute, 1999).
• Measures relating to the required establishment of the National Authority to the OPCW.
• Protective measures, in terms of national programs or institutions related to protective purposes.

Due to the author’s involvement with Suriname’s Provisional National Authority to the OPCW, this paper will also focus on the various measures that need to be taken in order to formalize the establishment of this institution.

This paper will also provide data which will demonstrate the status of national implementation by the Republic of Suriname as compared to other states in the region of Latin America and the Caribbean. These data will derive from the main indicators under the Plan of Action and the Legislative Coverage, which are used by the OPCW to provide statistical data regarding the International Status of Implementation. Chapter 3.2 of this Paper will discuss this in detail.

Finally, this paper may help to fill-in the existing gap on the national level by providing literature on this subject.

1.4. Research Questions
The main research question addressed in this paper is: What are the priority steps to be taken in order to improve implementation of the CWC by Suriname, and how can these steps be realized in practice?

To facilitate the effort of answering the principal research question, the following sub-questions have to be answered:
• What are the various obligations of the CWC?
• Which factors influence implementation (political, economic, legal, cultural, etc)?
• What is Suriname’s level of national implementation?
• Which difficulties does the Provisional National Authority of Suriname face in its efforts of implementing the CWC?

• How do other States Parties within the Latin American and Caribbean (LAC) region, especially the Federative Republic of Brazil, go about their National Preparedness and to what extent can their experiences inform Suriname’s (future) efforts in this realm?

• How can Suriname organize in terms of institutions, procedures, stakeholders and concrete measures aimed at comprehensive fulfillment of its obligations, and more specifically the protective measures according to Article X (dealing with protection and Assistance) of the CWC?

1.5. Relevance and Justification

It is not only necessary that the Republic of Suriname as State Party to the CWC complies with its norms and obligations, but it is also of great importance that, in conformity with current international threat assessment (Pfirter, 2007) we start to think about creating a NBC-unit, responsible for preventing or repressing incidents whereby NBC-agents are involved. With that it is important to focus on Brazil as state party to the CWC, which is relatively well prepared in matters related to the CWC. This can be observed taking into account Brazil’s efforts to assist other member states by organizing regional activities to enhance implementation efforts. The Regional Assistance and Protection course on chemical-emergency response, held in Brasilia, Brazil from 24 to 28 May 2010, is an excellent example of Brazil’s national capacity on the topic (OPCW, 2010[b]). Moreover, the Federative Republic of Brazil has always been and still is a military ally of Suriname, offering training and guidance to Suriname’s Armed Forces. This alliance is governed by the binding Agreement between the Government of the Federative Republic of Brazil and the Government of the Republic of Suriname on Cooperation in Defense Related Matters.
1.6 Research Methodology

This investigation starts with a literature review, which will reveal the opinion of scholars about the Chemical Weapons Convention, background information on the creation of the Convention and the OPCW, and above all the importance of the Convention, pointing out the various achievements of the OPCW.

Valuable data for this research paper were gathered while attending the 11th Annual Meeting of OPCW National Authorities, which was held from 27 to 29 November 2009 in The Hague, The Netherlands. This provided the author with an opportunity to identify some experiences of other State Parties regarding national implementation.

In order to overcome the constraints caused by the lack of national experts on matters related to the implementation of the CWC in Suriname, various interviews were held with one official of the Ministry of Defense. During the November 2009 meeting in The Hague, however, the author had the opportunity to request bilateral meetings with some high ranking officials of key branches of the OPCW. Accordingly, interviews were held with:

- Major John Achong LLM MPA, Head of Suriname’s provisional National Authority, who has been involved in the implementation efforts of the CWC since Suriname became party to the Convention;
- A representative of the Brazilian National Authority, from whom the author received detailed information regarding the Brazilian experience.
- Mrs. Ana Maria Fernández de Soto, representative of OPCW’s Office of the Legal Advisor.
- Mr. Anand Dhavle, Senior Coordination and Planning Officer of the Implementation Support Branch.

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5This meeting is very important, taking into account that it is the only opportunity for National Authorities of different State Parties to share their experiences regarding National Implementation of the Convention.
The OPCW’s *Report to the Conference of the States Parties at Its Fourteenth Session on the Status of Implementation of Article VII of the Chemical Weapons Convention as at August 19th, 2009* was very helpful for doing a comparative study of Suriname’s level of implementation and that of other Member States within the Latin American and Caribbean region. The report discusses the progress that States Parties have made in implementing their Article VII obligations. It focuses on the steps taken by States Parties to enact legislation and to adopt administrative measures to fully implement the CWC, and on the designation or establishment of their National Authority. This report was produced using the information provided by States Parties themselves through their reporting obligation to the OPCW. The methodology used in this report consists of assessing the legislative coverage and the main indicators of adoption of administrative measures. For the assessment of both main indicators, the Technical Secretariat of the OPCW used a number of 10 important subdivisions. According to a representative of the OPCW’s Legal Office, these subdivisions are of equal importance for determining implementation of the Convention. Therefore, evaluating each achieved item with a score of 10% enabled me to make an assessment of the status of implementation within the LAC region in percentages. The outcome of this comparative study is displayed and discussed in Chapter 3, section 3.2., of this Paper.

Finally, the author’s professional involvement in OPCW-related topics as Chief of the Section Planning & Monitoring of the department of Planning and Development of the Ministry of Defense – which also embodies the provisional National Authority of the Republic of Suriname – and personal experiences achieved through OPCW-related exercises on Protection and Assistance served as a source of information. This not only proved beneficial through using his network of contacts without having to go through extended waiting periods for permission, but it also implied that he could access data regarding the national efforts on implementation of the CWC.

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6 Article VII of the CWC discusses the subject of national implementation measures and the adoption of an National Authority.
1.7 Chapter outline

This Paper consists of five chapters including a conclusion with recommendations.

Chapter two starts with a historical review of the OPCW. Furthermore, its mandate and objectives are discussed, followed by a description of the different obligations for member states of the Chemical Weapons Convention. In addition, in this chapter a literature review on the relevance of the OPCW is brought forward and finally, it highlights the struggle of developing countries in their efforts of following through on their international commitments.

Chapter three encompasses an analysis of Suriname’s national implementation efforts so far.

Chapter four illustrates the experiences of other member states, which were discussed during the 11th Annual Meeting of OPCW National Authorities, in The Hague, The Netherlands.

Finally, this Paper ends with a suggested institutionalization of the National Authority to the OPCW and a proposed design of a National NBC-unit, indicating in terms of institutions its structure and responsibilities in Chapter five.
Chapter II

Literature Review

2.1 Organization for the Prohibition of Chemical Weapons

2.1.1 Historical Preview

The Cold War (1945 – 1989) between the United States of America and the former Soviet Union, which resulted in huge stockpiles of chemical weapons in the two countries, Iraq’s use of chemical weapons in the 1980s and the aspiration of developing countries to improve international cooperation in the peaceful uses of chemistry, led to the design of the Chemical Weapons Convention, its adoption in Geneva on September 3, 1992 by the Conference on Disarmament and its transmission to the United Nations General Assembly’s forty-seventh session. After its approval, the United Nations Secretary-General was requested to open it for signature in Paris on January 13, 1993. From January 15, 1993 until April 29, 1997, it remained open for signature at the United Nations headquarters in New York. The Convention, finally ratified by 165 States, came into force on April 29th, 1997 (Pfirter, 2003:1). The Organization for the Prohibition of Chemical Weapons (OPCW) was created for the purpose of monitoring the fulfillment of all obligations of the CWC by States Parties. Its headquarters is in The Hague, Netherlands.

2.1.2. Objectives and Mandate of the OPCW

Not only the universal ban of the use of Chemical Weapons and the Destruction of the world’s stockpile, but the peaceful use of chemicals, or in other words the use of chemistry in benefit of human development, is what the OPCW aims for as well. The OPCW renders assistance to its States Parties to support their efforts to implement the CWC. This is done through its Technical Secretariat (Legal Advisors Office) and the Assistance and Protection Branch. For example, States Parties are periodically urged to establish a National Authority, as mentioned in Article VII paragraph 4 of the CWC.
Subsequently, Article VIII paragraph 38(e) of the CWC ensures State Parties of technical assistance from the Organization in their efforts. Such assistance is provided upon request of States Parties. The Organization adopts the role of coordinator in cases where assistance is offered by or requested by several Member States (Art. VIII, Paragraph 1, CWC in conjunction with Art. IX, Paragraph 1, CWC). In order to assist States Parties in their effort to establish an effective National Authority, the OPCW provides workshops, training and/or seminars for personnel designated to work within the National Authority. Countries that have difficulties to find funding to assist in these trainings, which are frequently organized per region, can be eligible for sponsoring by the OPCW if they so requested. It is much the same for laboratory personnel and personnel that will be involved with national protection programs. Courses are being offered by the OPCW or by other Member States in cooperation with the OPCW.

National Law has to be in place in order for the Convention to be implemented. Therefore, States Parties are required to elaborate and adopt implementing legislation (Art. VII, Paragraph 1, CWC). In view of that, the organization also offers legal assistance to those countries that request this. In addition, on the OPCW website States Parties can find the _National Legislation Implementation Kit for the CWC_, which is offered by the Technical Secretariat (OPCW, 2010[c]). This Implementation Kit contains a complete design of national implementation legislation, which is completely adopted by some countries or modified by others before adoption.

2.1.3. Obligations for States Parties to the CWC

The obligations for States Parties to the CWC range from establishing legal prohibitions, implementing systems to account for, secure and physically protect sensitive materials, to developing appropriate and effective border and trade controls, including the development of effective national control lists.
In view of that, it is stated in Article VI, Section 2 of the Convention that, in accordance with its constitution, each Member state shall adopt the necessary measures to implement its obligations. Nevertheless, according to Article XI Section 1, these measures should be adopted in a manner which does not endanger the economic or technological development of States Parties. In addition, in Article VII of the Convention it is indicated that each State Party is to adopt a National Authority to the OPCW, which will serve as a national focal point between the organization and national stakeholders as well as between the organization and other States Parties.

Specific measures to be adopted include:

- Designation/Establishment of the National Authority.
- Prohibitions and penal sanctions for non-State actors.
- Provisions ensuring the collection of declarable data, including Article VI(2) (industry- and trade-related)
- Provisions ensuring the smooth conduct of inspection, Article VI(2) (industry- and trade-related)
- Provisions assigning competences and creating coordination mechanisms on the national level

States Parties also have the obligation to keep the OPCW informed of issues relevant to its implementation record. Examples include:

- Article VII(4): the OPCW has to be notified of the designation-establishment of the National Authority (including contact details). In the event that changes occur, these have to be reported to the organization as well.
- Article VII(5): this article encompasses the obligation for States Parties to Inform the OPCW about the legislative and administrative measures taken to implement the Convention. This includes the obligation to inform the OPCW of additional measures and/or amendments. Furthermore, States Parties have to provide the texts of the legislation.
2.1.4. Organizational Structure

The OPCW is a not-for-profit and non-career organization, linked to the United Nations. This means that OPCW-personnel have a temporary work relationship with the organization.

The Organizational Chart of the OPCW is as follows:

Figure 1
Organizational Chart of the OPCW
Source: http://www.opcw.org/about-opcw/technical-secretariat/

Heading the OPCW is the Director-General (DG), together with the Technical Secretariat, the Legal Advisors Office, the Office of Special Projects and the Office of Internal Oversight (Internal Affairs). The DG is elected every 4 years by the Conference
of the States Parties (CSP), which comes together at least once a year and is formed by representatives of each State Party to the CWC.

The Deputy Director-General, together with his staff (Budget and Finance Officer and the Health and Safety Branch), heads the remaining personnel of the OPCW.

2.1.5. Successes

The OPCW spares no effort in the achievement of total destruction of the world’s stockpile of chemical weapons, taking into account that the final deadline for destruction is April 29th, 2012. Since its creation, the OPCW has done its utmost best and has had various successes in its efforts to achieve universal disarmament in the sphere of chemical weapons. Worth mentioning is that 50.10% of the world’s declared stockpile of 71.194 metric tons of chemical agents have already been destroyed, and likewise 45.33%, of the 8.67 million chemical munitions and containers have been destroyed. 3834 inspections have taken place at 195 chemical weapon-related and 1103 industrial sites on the territory of 81 States Parties since April 1997. Worldwide, 5042 industrial facilities are liable to inspection (OPCW, 2010[d]).

2.2. Views on the Relevance of the CWC

Since its entry into force, various authors have criticized or supported the Convention. Douglas (1996) finds the Convention to be an unnecessary new institution that forces States who signed and ratified it into making huge investments. These investments can be seen in the efforts of national implementation (legislation, national authorities, inspection regimes, etc.). Douglas furthermore strengthens his view by arguing that the 1925 Geneva Protocol, which outlaws the employment of chemical and biological weapons in international armed conflicts, is more than enough to prevent the occurrence of chemical warfare. He not only claimed the Conventions’ redundancy, but its alleged difficulty to assure verification as well, since chemical weapons can be produced in very small sizes. Moreover, according to Douglas, this category of weapons is not only militarily
significant in large quantities. This means that countries, who act in bad faith, can actually violate the CWC without being detected. Thus the CWC accordingly would not accomplish its purpose. Violation of the Protocol, on the contrary, cannot occur without detection. The use of chemical bombs would be impossible to conceal, due to the numerous devastating results they cause.

Holtzer (1997) on the other hand, is of the opinion that the Chemical Weapons Convention does accomplish its purpose. Since its entry into force, more countries have been admitting that they are possessors of chemical weapons. In the time of the Geneva Protocol, only the USA and the former USSR were known to be possessors of this category of weapons. This shows that countries have confidence in the CWC and are declaring that they have chemical weapons and that they are prepared for destruction. Contrary to Douglas’ statement regarding the accomplishment of its purpose, Zanders (1996) argued that the CWC would be promising for the reduction of chemical threats worldwide.

I am of the opinion that Douglas is defending a lost cause. The Geneva Protocol could only be enforced if a country engages in chemical warfare. In other words, “it’s too late to lock the stable door after the horse has bolted”. In fact it is evident that the 1925 Geneva Protocol was a failure, taking into account Iraq’s use of chemical weapons during the 1980s (Pfirter, 2003). The CWC, on the other hand, has a preventive purpose (Zanders, 1996). Furthermore, it is obvious that after fourteen years Zanders’ prophecy is fulfilled, proving Douglas wrong. As mentioned in the previous chapter, OPCW statistics show the destruction of 40,886 of the world’s declared stockpile of 71,194 metric tons of chemical agents, 3.93 million chemical munitions and containers. In addition 4051 inspections have taken place at 195 chemical weapon-related and 1103 industrial sites and 98% of the global population has joined the OPCW.

2.3 Developing Countries and their International Commitments
Many treaties are being monitored by International Institutions in order to ensure that all States Parties comply with the rules they themselves have signed and pledged to obey. Nevertheless, many countries are not capable of national implementation of international obligations. When referring to National Implementation of obligations that emanate from signing treaties, reference is made to the translation of agreements into concrete policies at the national level, which manifests itself in the adoption of rules or regulations, the passage of legislation, or the creation of institutions (Joachim et al. 2007:3). These authors have identified two variables: Institutional Resources and Domestic Politics. According to them, these variables affect the ability of International Organizations to assert their power during the implementation phase.

With regard to Institutional Resources, Joachim et al. make a comparison of different implementation approaches. In the first place the Enforcement Approach, entailing monitoring (e.g. reporting, expert committees and inspections) and sanctions (e.g. economic or military). Secondly, the Management Approach, which entails the capacity building and problem solving through expert advice, rule interpretation, financial or technical assistance. Thirdly, the Normative Approach, involving authority and legitimacy (adjudication, financial penalties, or naming and shaming) (Joachim et al. 2007:6).

On the domestic level, governments are key actors who can affect the achievement of national implementation, as they can provide important national facilities. Other key actors on national level are political parties, NGOs, interest groups and the media (Ibid. 2007:4).

Implementation depends on the power of the stakeholders (i.e. the groups that will be positively or negatively affected). In this regard, government authorities can delay the process of implementation, if the required adjustments will affect their personal interests. Conflict situations within the government can also result in an impediment for national
implementation. On the other hand, the type of government can also play a significant role in national implementation, as mature democratic governments are less reluctant to act upon international agreements than young democracies (Ibid. 2007:10).

The question that comes to mind here is why did they in the first place commit themselves if they knew that fulfillment of the obligation would be a difficult task? According to Griffiths et al. (2008: 43 – 45), sometimes States find the idea of collective Security attractive. As said by these authors, it is a means to maintain peace between States. The reason why States find it attractive to have Collective Security, they speculate, is because:

- security is offered to all States;
- it promotes a combined response to war; and
- the focus is on a clear problem, which is aggression.

In my view, taking into account the current wave of regionalism, developing countries do not have any other choice than to join the group, or face being left out. On the other hand, the very existence of Regional and International Institutions has been beneficial. As an example I set the Organization for the Prohibition of Chemical Weapons. This International Institution, as discussed in previous paragraphs, has had several successes. Thanks to its dedication, safety of citizens in various countries has enhanced.

In view of the 3 implementation approaches discussed by Joachim et al., the OPCW approach to the issue of implementation of the CWC has characteristics of both the enforcement and management approach. This conclusion is drawn taking into account its urge on its States Parties to comply with their reporting obligation and the various inspections lead by the organization. According to Article XII of the CWC, the organization also has a sanction regime varying from the restriction or suspension of the State Party’s rights under the Convention to the recommendation by the Conference of collective measures to States Parties in conformity with International Law. Furthermore
the approach of the OPCW has clear characteristics of a management approach, providing States Parties with constant advice, financial and technical assistance in their efforts of implementing the Convention on national level.

A discussion regarding the relevance of the Convention is hardly relevant itself. In the previous paragraphs it was clearly demonstrated that the CWC has had tremendous successes so far. Moreover, the overall International Threat of Chemical Weapons has been reduced considerably taking into account the destruction of chemical weapon stockpiles. Likewise, thanks to its reporting obligations and inspection regime, States Parties are now more concerned about the storage and handling of chemical agents in their countries.

Regarding the issue of domestic politics identified by Joachim et al. as being one of the variables that affect the ability of international organizations to achieve implementation is certainly a very important observation. It is the national government that should support and do its utmost best to implement the CWC. In the following chapters it will become clear what the role of the government was during the implementation efforts of the CWC in Suriname.
Chapter III

**National Implementation Efforts**

### 3.1. Status of National Implementation

Some endeavors have been made to achieve national implementation of the obligations resulting from the CWC for States Parties. The following paragraphs will reveal the achievements of the Republic of Suriname, by discussing its designation of a provisional National Authority, its efforts on elaborating draft legislation and its international participation in OPCW-related activities.

#### 3.1.1. Designation of Suriname’s National Authority

In compliance with its obligations emanating from the CWC, the government of the Republic of Suriname, not fully certain as to which governmental body to entrust with the responsibility to establish the National Authority of Suriname (NAS), appointed a Provisional National Authority within the Ministry of Defense in June 1999. This interim institution, lead by Major John Achong (Ministry of Defense), has been establishing communications between the OPCW and the Republic of Suriname on a regular basis and has made various efforts to achieve national implementation of the Convention by organizing, in cooperation with the OPCW, Technical Workshops on Legislative Drafting. Furthermore, personnel of the following ministries are involved in the various activities related to the CWC:

- Ministry of Justice and Police;
- Ministry of Trade and Industry;
- NIMOS (National Institute for Environmental Development in Suriname) representing the Ministry of Labor Technological Development and Environment;
- Ministry of Finance (Customs);

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✓ The CIVD (Central Intelligence and Security Agency), representing the Ministry of Internal Affairs.

Despite the fact that the formalities around the setting of the National Authority have to be by law (decree or resolution), as at the present date (10 years after the designation of the Provisional National Authority), the NAS still is not an accomplished fact, nor has a decision been reached as to which Ministry will lead this institution. However, the Head of the Provisional National Authority does admit that Suriname has a permanent representative to the OPCW, who is based in the Embassy of the Republic of Suriname in the Netherlands.

3.1.2. Draft Legislation

Bearing in mind its responsibility to see to it that implementation of the Convention takes place at the national level, the provisional National Authority established a committee which was charged with the task to elaborate draft implementation legislation. This committee was made up of officials from the different government branches earlier mentioned.

On October 27th, 2006, initial draft legislation was submitted to the Secretariat of the OPCW for comments (OPCW, 2009[b]). The draft covers the prohibitions established under the CWC, penalizations, establishment of the NAS and reporting obligations to the OPCW. Unfortunately, this project has been motionless since then. Meaning that as far as the OPCW is concerned, the Republic of Suriname still hasn’t complied with this important implementation measure. This is confirmed by a representative of the OPCW.

3.1.3. National Awareness Seminar

In July 2006, Suriname’s Provisional National Authority organized in cooperation with the Technical Secretariat of the OPCW a National Awareness Seminar. This Seminar aimed at raising the level of consciousness of Surinamese parliamentarians with regard to
the importance of the adoption of implementation legislation and the fulfillment of other commitments under the CWC (Republic of Suriname, 2006). During the seminar there were various participants of relevant governmental bodies such as Ministries of Health, Justice and Police, Trade and Industry. Furthermore, the provisional NAS could welcome participants from the customs office. The seminar seemed to be a success. Nevertheless, the Republic of Suriname still has not adopted any implementing legislation which will ensure the full implementation of the CWC, nor has it established a permanent NAS with a fully described mandate.

3.1.4. International Participation

On a regular basis, the provisional National Authority nominates individuals, not only from within the Ministry of Defense, but from other Ministries, Private Enterprises and non-public agencies as well, to participate in technical and capacity enhancement events and National Authority oriented events. Technical and capacity enhancement events are for example Workshops for Protection and Assistance, Courses on the enhancement of laboratory skills and analytical skills. National Authority oriented events are, for example, the Annual Meetings of OPCW National Authorities and Specific Skills events for National Authorities (Republic of Suriname, 2009).

3.2. Suriname’s Status of Implementation Within the LAC Region

In order to get an idea of the level and quality of Suriname’s implementation efforts with respect to the rest of the Latin American and Caribbean (LAC) region, a comparative study was done. For this purpose, information provided by the OPCW in its Report to the Conference of the States Parties at Its Fourteenth Session on the Status of Implementation of Article VII of the Chemical Weapons Convention as at August 19th, 2009 was used⁸.

⁸ See methodology section in chapter 1.
Tables 1 and 2 give an overview of the Status of Implementation of Article VII obligations by Latin American and Caribbean States Parties. The evaluation of the legislative coverage per country focuses on the existence within the national implementation legislation of the following:
✓ Prohibitions;
✓ Penalties;
✓ extra-territorial application;
✓ definition of chemical weapons;
✓ schedule 1 penalties;
✓ schedule 2 penalties;
✓ schedule 3 penalties;
✓ schedule 3 End User Certificate;
✓ penalty for failure to declare chemicals and their feedstock;

The main indicators mentioned under the plan of action are as follows:
✓ The establishment of a National Authority;
✓ Article VII submission received;
✓ Legislation covers all key areas;
✓ Provision of the text of adopted measures;
✓ Measures to control transfers of scheduled chemicals;
✓ Submission of initial declarations;
✓ Status of submission of ADPA for 2008 in 2009
✓ Article VI project
✓ Year(s) of Article X(4) submissions;
✓ Confirmation regarding Article XI(2e) review.

The conclusion that can be drawn from this comparative study is that Suriname has indeed a weak performance (Legislative coverage 0%, while just a poor 20% of the main indicators have been realized) with regard to implementation of the CWC, compared to the rest of the region.
3.3. National Constraints

Suriname still cannot achieve a full and well-structured implementation of the CWC. Acknowledging the efforts to achieve effective national implementation, one wonders what could have gone wrong. Several conversations with Major John Achong (Head of the Provisional National Authority) and other Staff members of the Ministry of Defense who wish to remain anonymous, clarified that certain factors have played a key role in the poor performance of Suriname. Moreover, my personal involvement in activities related to the OPCW on national and international level has also enabled me to identify these factors as the following:

- There is a lack of awareness regarding the importance of the CWC and Suriname’s Membership to the OPCW. When referring to the OPCW and the CWC, the first thing that comes to mind is the question why this is so important for Suriname, when the country does not possess chemical weapons nor has been experiencing any physical threats from them. These remarks come not only from random individuals, as I have personally experienced, but from politicians as well.

- Key officials involved in the drafting process, have been assigned to other posts without replacements that have the necessary skills to contribute effectively to the efforts of the Provisional National Authority. Others have just lost interest in CWC-related issues due to the lack of interest from important public figures who are mostly interested in politics.

- Another issue is the fact that there is still a Provisional National Authority. This interim body lacks a clear mandate in order to perform important national oversight activities which affect predominantly the National Reporting Obligation. As mentioned earlier, States Parties are bound to submit periodical declarations regarding chemicals and their feedstock within their country. Without a proper mandate, it is likely to be hard if not impossible to maintain control of these issues on national level.
3.4. Opportunities to Strengthen National Implementation

According to highly ranked officials of the OPCW’s staff, the OPCW is always available to offer assistance to State Parties simply and solely when a formal request is submitted by the State Party in question. Anand Dhavle, who was personally involved in the planning and execution of the National Awareness Seminar in Suriname in 2006, also made it clear to the author during bilateral meetings that if it is necessary to repeat this event the organization is willing to do so, as achieving the full implementation on national level is an important objective of the OPCW.

In a bilateral meeting Ms. Fernández de Soto, I focused on identifying opportunities to strengthen national implementation. She provided me with the following information:

The Main OPCW Means to Support Legislative Implementation (always upon request) are:

- General Awareness-raising (seminars/workshops).
- Training on the Substantive Requirements of the Convention that need to be translated into and complemented by national legislation and regulations.
- Provision of examples of implementing measures.
- Joint working and drafting sessions of national and OPCW legal experts.
- Review of and comment on draft implementing measures.

Implementation Support for Developing and Adopting Legislation:

- On the internet it is easy to consult models and examples from other States Parties and/or the OPCW National Legislation Implementation Kit for the CWC. These are a useful starting point.
• Input from the Office of the Legal Advisor, upon request of review of the draft legislation, whereby gaps are identified and experience is shared with regard to different policy-choices including not only the advantages, but disadvantages as well.

Taking into account the national constraints in Suriname regarding the lack of awareness, the possibility of organizing follow-up seminars for raising awareness should be considered.
Chapter IV

Experiences of National Authorities

This chapter highlights the experiences of other Member States in their battles to achieve national implementation. A summary of the statements made by various representatives of National Authorities during the November 2009 11th Annual Meeting of National Authorities will be presented. During this meeting, National Authorities, through their representatives, shared their experiences with the establishment of the National Authority as the institution on national level which is responsible for the implementation of the Chemical Weapons Convention. Furthermore, obstacles that were encountered during their efforts were identified and the measures taken in order to overcome these difficulties. The obligation of annual and/or periodical declarations, which is one of the measures through which the OPCW ensures effective compliance with the CWC, is another important issue that was discussed during the meeting. The OPCW, at the end of the meeting, presented its Report to the Conference of the States Parties at Its Fourteenth Session on the Status of Implementation of the Chemical Weapons Convention as at August 19th, 2009, in which the status of each State Party is discussed in detail.

4.1. Financing and Designation of the National Authority

According to representatives of various States Parties of developing countries, national implementation is facing difficulties regarding financing. Although the OPCW offers financial support to States Parties, it remains an issue for National Authorities to achieve implementation due to the fact that the required funds are not included in government budgets.
Another issue which was addressed is the question which governmental body would be responsible for the National Authority. Some countries such as the Republic of Suriname placed the National Authority under the responsibility of the Ministry of Defense, others under the Ministry of Industry, while there is another group of countries that placed this institution under the responsibility of the Ministry of Justice and Police.

**Uganda**

The representative of Uganda at the 11th Annual Meeting stated that in that country the National Authority is not established within the Ministry of Defense, because this particular ministry, according to the government, does not have the mandate to inspect industries. Therefore, the decision was taken to place the National Authority in another governmental body, specifically the body which was already responsible for industry. In this case, it was placed within the department of Service and Health of the Ministry of Labor.

However, it is important to acknowledge, that in his presentation on the structure and Organization of the National Authority, Mr. Santiago Oñate – Legal Advisor of the OPCW – stated that the National Authority can be a pre-existing body (organization) or even just one person. It is a coordinating body between the OPCW and national stakeholders (Chemical Industry).

**Serbia and Pakistan**

The issue was raised that establishment of the National Authority within the Ministry of Foreign Affairs causes some difficulties, taking into account that public officials of this governmental body are being transferred frequently to posts in foreign countries. Pakistan’s representative, which placed its National Authority under the Ministry of Foreign Affairs, argued in defense that officials (especially those that have had the position of Head of the National Authority) are being used as consultants and in the event
that they pass on to retirement, before they leave office, they have the obligation to instruct their replacement sufficiently.

4.2. The Brazilian Experience

In Brazil, the National Authority to the OPCW is composed of an inter-ministerial committee, seated by the:

- Ministry of Science and Technology - MCT (Executive Secretary - CGBE / MCT)
- Ministry of Justice - MJ
- Ministry of Defense - MD
- Ministry of Development, Industry and Foreign Trade - MDIC
- Ministry of Finance - MF
- Ministry of External Relations - MRE

According to the representative of the Brazilian National Authority, the first challenge was to identify the national companies that had activities with controlled chemicals as well as to inform the stakeholders about the objectives and obligations of the CWC. Secondly, the need to start the process of preparing the declarations of industrial activities and preparation for the receipt of industrial inspections.

Brazil participates actively in events organized by the OPCW in order to improve and train the technicians responsible for implementing the CWC in the country. In this regard these technicians participate in:

1. basic and advanced courses on the CWC implementation
2. courses to prepare teams for the monitoring of OPCW’s industrial inspection
3. courses for professional training of customs officers
4. training to use the software EDNA for preparation of declarations regarding industrial activities.
When asked about the importance of participation in these events, the representative of the Brazilian National Authority indicated that it has been of fundamental importance for the improvement of the CWC implementation in Brazil.
Chapter V

Conclusions and Recommendation
Where do we go from here?

This chapter discusses steps to be taken in order to advance Suriname’s national implementation efforts, with a special focus on the establishment and the principle mandates of the National Authority of Suriname (NAS), as well as the necessary provisions in terms of national protective programs.

5.1. National Authority

According to a representative of the OPCW Technical Secretariat who addressed the participants during the 11th Annual Meeting in The Hague, each National Authority should be assigned the following tasks and responsibilities:

- Serve as a national focal point for effective liaison with the organization and other States Parties.
- Supervising the carrying out of more specific and technical tasks by public stakeholders.
- Providing technical support for developing implementing legislation.
- Identify the different public stakeholders with the relevant expertise to carry out the different tasks.
- Proposing and developing of implementing regulations, policy decisions and guidance to public stakeholders.
- Supervise the various obligations of industries regarding to declarations.
- Conduct inspections on national level, in order to be well prepared in the event of an inspection from the OPCW.
- Compliance with the reporting obligations.
However, the organizational structure or management oversight is something to be decided by each State Party.

Recommendation:
Due to a lack of both human and financial resources, it is not recommendable for the government to establish an implementing body for each convention to which Suriname is party. These hampering factors are demanding greater efficiency in approaching our international obligations. In this regard, government authorities should be considering a kind of integration or clustering approach. A Directorate for Treaties on Disarmament and Arms Control should be established, which should come under the competence of the Ministry of Foreign Affairs, since this Ministry already has a department for International Organizations. However, the National Authority to the OPCW and all treaties on disarmament and arms control, due to their nature should come under the competence of the Ministry of Defense, since it has been this governmental entity which has been involved with matters related to the CWC. Subsequently the National Authority should have the responsibility to report on annual bases to the Directorate. Figure 2 illustrates the proposed structure for the Directorate for Treaties on Disarmament and Arms Control.
Figure 3 illustrates the proposed organizational structure of the NA. With reference to the tasks of its different sub-departments, I propose the following:

- **Secretariat**
  - Keep a record of all OPCW related events in which Suriname participated.
  - Keep a record of reports submitted to and received from the OPCW.
  - Keep a record of reports received from public and private stakeholders.
• Legal Staff
  ◦ Legislative and regulatory drafting.
  ◦ Keep a record of obligations and national compliance per obligation.

• Technical Staff
  ◦ Conduct national inspections of industries, laboratories, etc.
  ◦ When required cooperate with inspection teams from the OPCW.

5.2. Implementing Legislation

As discussed in chapter 3, the current status of Suriname’s national implementation legislation is that a draft bill had been submitted to the Technical Secretariat of the OPCW. The process of national approval of legislation has not even started off yet.

The Legal Advisers Office (LOA) of the OPCW has developed a National Legislation Implementation Kit for the CWC (OPCW, 2010[c]), which serves as a directive for National Authorities in the process of legislation drafting. According to this instrument, the LOA has recommended certain terms and conditions to be include in the bill. These are:

- Main CWC-related definitions.
- Designation of the National Authority.
- Control regime for scheduled chemicals and discrete organic chemicals.
- International Inspections.
- Confidentiality measures.
- Legal assistance.
- Penal provisions

A new drafting committee should be appointed with the specific task to look carefully into the matter whether the existing draft bill meets the requirements of the CWC. This committee should, of course, consist of legal experts. Furthermore, it is recommendable to
consider the suggestion of Mr. Anand Dhavle of the LAO to organize another National Awareness Seminar, focusing on parliamentarians, until the bill is passed.

5.3. National NBC-unit

In the fight against terrorism, protection against NBC weapons is a major focus. In that regard, I am of the opinion that during the ministry’s planning process, no possibilities should be left aside. We should be well prepared in order to take preventive and, if necessary, repressive measures. Therefore, after the establishment of the National Authority of Suriname and the adoption of the implementing legislation, government authorities should really consider, in compliance with Article X of the CWC, the adoption of programs related to protective purposes.

I propose the creation of an instrument which will serve as a means to prevent and/or suppress incidents and/or accidents caused by chemical, biological and nuclear agents. This instrument should be denominated the National NBC-unit. Its primary focus should be to engage in the event of an attack with NBC-weapons, however, it can be employed in operations other than war such as rescue and decontamination operations when accidents occur with chemical substances. These accidents could include dissemination of hazardous substances due to traffic accidents, accidents in the petro chemical industry, etcetera.
Recommended structure of the NBC-unit:

As illustrated in figure 4, the unit should be managed by a Unit Commander who is supported by a Staff section. Furthermore, it should be made up of a logistics unit, one NBC reconnaissance and detection unit (Recon) and two NBC decontamination units (Decon).

- The logistics unit will be responsible for the provisioning of the unit in terms of equipment, clothing, transportation, food and water.
- Each decontamination unit will have two teams.
- The recon-unit will consist of 3 teams responsible for reconnaissance and detection activities, determining the boundary between infected area and safe area and collecting samples for research.

Furthermore, acknowledging that NBC-operations are the specialty of military engineers, I suggest that the unit should be part of the Engineer Corps of the Suriname Armed Forces.
**Personnel:**

Given the extremely uncomfortable protective clothing and the characteristics of the Surinamese climate, this unit should consist of carefully selected personnel, who will have to meet certain physical, psychological and medical conditions.

**Training:**

- The National Authority of Suriname (MINDEF) can submit request to the OPCW to assist by providing training (on national or regional level).
- The Federative Republic of Brazil on a yearly basis offers training to the Suriname Armed Forces. A request could be submitted to the Brazilian government to provide training for the unit’s personnel.

So what are the priority steps to be taken in order to achieve implementation of the CWC by Suriname, and how can these steps be realized in practice?

During the 11\textsuperscript{th} Annual Meeting of National Authorities to the OPCW, which was held in November of 2009 in The Hague (Netherlands), the legal advisor, Mr. Santiago Oñate, pointed out a very logical similarity between the process of implementation of the CWC on national level and the process of growth of a tree. During his presentation, Oñate argues that in order for the tree (CWC) to be in full bloom (complete implementation on national level), it has to strike root (establishment of the National Authority). He went on comparing the trunk with the drafting and adoption of legislative measures, followed by the drafting and adoption of regulatory and administrative measures, which he compared with the numerous branches growing into different directions.
The Republic of Suriname should approach the matter of implementing the CWC in the same way as Oñate described, by:

1. Formalizing the establishment of the National Authority of Suriname;
2. The drafting and adoption of legislative measures; and
3. The drafting and adoption of regulatory and administrative measures.

Furthermore, with regard to the protective measures in terms of the creation of a NBC-unit, it is recommendable to keep in mind that assistance offered by the OPCW is available upon request. This is important, taking into account the deficiency of resources for the acquisition of equipment, training of personnel, etc.

Not only the compliance of one of the obligations of the CWC is achieved with the creation of a NBC-unit, but the added value of Defense will increase in quality with the employment of its unique capabilities.
As at the present date, Suriname’s government has not really committed itself to fulfill its obligations under the Chemical Weapons Convention. Not only does the government have to comply with the obligations of the CWC, but with the expectations of its citizens as well. It is the government’s duty to make sure that the citizens are properly protected against incidents with chemical agents. Instead a lack of interest in the issue is demonstrated, while politicians only focus on politics.
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OPCW – Organization for the Prohibition of Chemical Weapons


OPCW – Organization for the Prohibition of Chemical Weapons


OPCW – Organization for the Prohibition of Chemical Weapons


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