

LIBERIA NATIONAL COMMISSION ON SMALL ARMS

AN ACT

PREAMBLE

WHEREAS, Liberia is committed to the control of small arms and light weapons and to the prevention, control and eradication of the illicit trade in such instruments measured before and during the 14 years following armed conflict that erupted in 1989 and the decade and thereafter that engulfed the West African sub-region; and

TO ESTABLISH THE

RECALLING that Chapter 10, Article 89 of the Constitution of Liberia empowers the Legislature to enact laws for the regulation of arms, and considering that the effective regulation of Government arms and

LIBERIA NATIONAL COMMISSION ON SMALL ARMS

off light weapons in West Africa, the December 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security and the June 14, 2000 ECOWAS Protocol on Small Arms and Light Weapons, the Government and other stakeholders as well as the

United Nations Programme on Small Arms and Light Weapons, and the Trade in Small Arms and Light Weapons, and the need to establish a national commission to coordinate, monitor and facilitate the implementation of its domestic and international obligations in the area of small arms and light weapons, and to ensure that the flow of arms and light weapons is consistent with the principles of non-violence and



It is hereby enacted by the Senate and House of Representatives of Liberia, in legislative assembly, that

CHAPTER I

SHORT TITLE

Section 1. This Act shall be known as the Small Arms and Light Weapons Act.

REPUBLIC OF LIBERIA

AN ACT TO ESTABLISH THE LIBERIA NATIONAL COMMISSION ON SMALL ARMS

PREAMBLE

WHEREAS, Liberia is committed to the control of small arms and light weapons and to the prevention, combat and eradication of the illicit trade in such implements misused before and during the 14-years devastating armed conflict that erupted in 1989 and which became the epicenter of the death and destruction that engulfed the West African sub-region, especially neighboring countries;

RECALLING that Chapter 10, Article 89 of the Constitution of Liberia empowers the Legislature to enact laws for the creation of agencies and commissions as may be necessary for the effective operation of Government, and in compliance with the provisions of the relevant Decisions of the Authority of Heads of State of the Economic Community of West African States, Especially the October 31, 1998 Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa, the December 10, 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security, and the June 14, 2006 ECOWAS Convention on Small Arms and Light weapons, their Ammunition and other Related Materials as well as the 2001 United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects, and as a further manifestation of its determination to promote and consolidate peace and stability, Liberia desires to establish a national commission to provide, as required, policy guidance, research and monitoring of national efforts to control the flow of arms and prevent, combat and eradicate the illicit trade and proliferation of small arms and light weapons within and across its borders.

NOW, THEREFORE:

It is hereby enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:

CHAPTER I: SHORT TITLE

Section 1 This Act to Establish the Liberia National Commission on Small arms shall be cited as the Small Arms Commission Act.

CHAPTER II: DEFINITIONS

Section 1 For the purpose of this Act, the following words or phrases shall be defined as follows:

- a. **AMMUNITIONS:** Devices destined to be shot or projected through the means of firearms including among others: cartridges, projectiles and missiles for light weapons, mobile containers with missiles or projectiles for anti-aircraft or anti-tank single action systems;
- b. **COMMISSION:** The Liberia National Commission on Small Arms established in Section 1 of Chapter III of this Act;
- c. **COMMISSIONER:** A member of the Liberia National Commission on Small Arms;
- d. **ILLICIT:** All that is carried out in violation of this Act or any applicable law;
- e. **LIGHT WEAPONS:** Portable arms designed to be used by several persons working together in a team and which include notably heavy machine guns; portable grenade launchers; mobile or mounted; portable anti-aircraft cannons; portable anti-tank cannons; non-recoil guns; portable anti-missile launchers or rocket launchers; portable anti-aircraft missile launchers; and mortars with a caliber of less than 100 millimeters;
- f. **SMALL ARMS:** Arms used by one person and which include notably; firearms and other destructive arms or devices such as exploding bombs, and incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system or landmine; revolvers and pistols with automatic loading; rifles and carbines; machine guns; assault rifles and light machine guns. Small arms as used in the context of this Act shall refer to small arms and light weapons defined herein; and
- g. **OTHER RELATED MATERIALS:** All components, parts or spare parts for small arms or light weapons or ammunition necessary for its functioning; or any chemical substances such as acid serving as active material used as propelling or explosive agents;

CHAPTER III: ESTABLISHMENT

- Section 1 There is hereby established a national commission to be known as the Liberia National Commission on Small Arms, hereinafter referred to as the "Commission", which shall have the mandates and exercise the functions and powers granted it by this Act.
- Section 2 The Commission shall have its principal office in Monrovia, and may establish offices and appoint or assign staff and agents anywhere within the Republic

CHAPTER IV: FUNCTIONS AND MANDATES

- Section 1 The general mandate of the Commission shall consist of formulating policies and ensuring the implementation of such policies and measures aimed at addressing the problem of proliferation and illicit manufacturing, use, distribution, possession and trafficking of small arms and light weapons; and coordinating and monitoring all private and public sector efforts to prevent, combat and eradicate the proliferation and illicit trade in small arms and light weapons within and across the borders of Liberia. The Commission shall collaborate with the Ministry of Justice to ensure that the Liberia National Police (LNP) give licenses to would be users of small arms characterized by transparency and accountability.
- Section 2 Without limiting the generality of Subsection 4.1 of Chapter IV above, the Commission shall coordinate all government institutions and collaborate with international agencies involved in small arms and light weapons control and have the following specific functions:
- a. To develop and implement, or caused to be implemented under its oversight, a national policy, strategy and/or action plan on small arms and light weapons control in Liberia;
 - b. To develop a policy for the meaningful and sustained participation of civic society in the development and implementation of programs pertaining to small arms and light weapons;
 - c. To provide regular briefings and reports to the President and Legislature on progress and challenges in the implementation of

the national policy and strategy on small arms and light weapons, with the aim of facilitating the necessary political will, understanding and support for activities and programs dealing with small arms and light weapons;

- d. To collaborate and share information with other Small Arms Commissions, existing now or to be established hereafter in the region and the world; to also collaborate with other regional and international public and private institutions similarly engaged with tackling the problem of small arms and light weapons; and, in connection thereto, to ensure the execution and implementation of agreements as would be required in the effective discharge of its mandate;
- e. To conduct or commission research, studies and surveys to gather accurate information on impact(s) of interventions, the mutating dimension, if any, of the problem of small arms and light weapons, and the lessons learned; and to use such information in deciding the content, timing and phasing/sequencing of future activities and strategies;
- f. To identify, confirm and mobilize the resources necessary to support implementation of the activities and task involved in tackling the challenging problem of small arms and light weapons; and
- g. To coordinate the design and implementation of an effective public education and awareness campaign relative to small arms and light weapons.
- h. To ensure the reporting of national small arms and light weapons intervention measures to sub-regional, regional and international bodies of which Liberia is a member and as per her treaty obligations.
- i. To enhance and ensure public security and safety by advising on the destruction of small arms and the strengthening of controls over weapons, ammunitions and explosives and stockpile management facilities.
- j. To formulate regulations governing the import, export,

manufacture and repair, ownership and registration, sale and transfer of small arms.

- k. To coordinate with the Liberia National Police (LNP) for the introduction of a firearms registration and marking system for all licensed firearms.

Section 3 The Head of the Liberia National Police shall provide to the Commission, through the Ministry of Justice, quarterly returns of activities on registration and licensing of firearms and ammunitions.

CHAPTER V COMPOSITION, LEADERSHIP AND MEETINGS

Section 1 The Commission shall have a membership comprising representatives of government agencies and civic society organizations. There shall also be individuals to be appointed by the President. The membership shall be:

- a. The Presidency, represented by the Office of the National Security Advisor and a senior officer, each of the Special security Service (SSS) and the National Security Agency;
- b. The Ministry of Foreign Affairs, represented by the Department of International Cooperation;
- c. The Ministry of Justice, represented preferably by a senior legal officer from the Office of the Justice Minister; one senior officer each from the Liberian National Police (LNP); Bureau of Immigration and Naturalization (BIN); and the Drug Enforcement Agency (DEA); and other security agencies as deemed necessary on a case by case basis.
- d. The Ministry of Defense, represented by a senior official of the Ministry of Defense and a senior officer of the Armed Forces of Liberia (AFL);
- e. The Ministry of Planning and Economic Affairs, represented by a senior official responsible for economic affairs;
- f. The Ministry of Finance, represented by a senior officer of the Bureau of Customs and Excise;

- g. The Ministry of Internal Affairs, represented by a senior official of its Operations Department;
- h. The Ministry of Education, represented by a senior Official;
- i. The Forestry Development Authority, represented by a senior official;
- j. Two Representatives of the Inter-Religious Council - a Christian and a Muslim
- k. Three representatives form a reputable coalition of civil society organizations working on small arms issue - one of whom shall be from a women's organization, another from youth groups, and the other at large; and
- l. Three individuals with interest in small arms, peace and security issues.

Section 2 Commissioners shall be required to disclose any potential conflict of interest that may hinder the full and objective execution of their duties.

Section 3 The three individual Commissioners appointed by the President shall hold office with good behavior for five years renewable only once.

Section 4 The President shall appoint one of the individual Commissioners as Chairperson and another as Vice Chairperson.

Section 5 The Commission shall meet as frequently as necessary for the effective discharge of its mandate, but at least once every quarter. The Commission shall adopt rules to govern its conduct and schedule of meetings and other activities, including the determination of quorum; the procedures for calling of regular meetings and special meetings; and the conditions under which notice for a meeting may be required, served or dispensed with.

CHAPTER VI: ADMINISTRATION AND OPERATIONS

Section 1 Chairperson: The Chairperson of the Commission shall exercise executive authority and shall be responsible for the overall

- b. Call or authorize the call of all meetings of the Commission;
- c. Preside at meetings of the Commission;
- d. Supervise the operations of the Commission; and,
- e. Report to the president of Liberia.

Section 2 **Vice Chairperson:** The Vice Chairperson of the Commission shall assist the Chairperson in the discharge of the duties of the office. The Vice Chairperson shall perform such duties as may be assigned by the commission and/or Chairperson, and shall act as head of the Commission in the absence or inability of the Chairperson. In the event of a permanent removal or absence of the Chairperson, the President shall appoint a Chairperson as he/she sees fit.

Section 3 **Technical Secretariat:** The Technical Secretariat shall run the day to day affairs of the Commission and shall be headed by the Coordinator. The Coordinator shall report to the Commission through the Chairperson. The coordinator shall be appointed by the Commission through a recruitment process and on such terms and conditions as the Commission may establish.

Section 4 **Other Staff:** Subject to budgetary allocation and good recruitment practice, the Commission through the Chairperson may hire the services of competent professional staff to ensure the proper and efficient implementation of the functions/mandates of the Commission. Nonprofessional staff may be hired by the Coordinator in consultation with the Chairperson in keeping with regulations of the Civil Service Agency. Staff of the Secretariat prior to this Law shall be deemed employed and subject to civil service regulation.

CHAPTER VII: FINANCIAL MATTERS

Section 1 The work of the Commission shall be financed by the Government of

Liberia through the National Budget by legislative appropriations. It shall be the responsibility of the Chairperson to ensure that the annual budget of the Commission is prepared and submitted in time to the Office of the President for inclusion in the National Budget.

Section 2 The Commission may organize fundraising activities to support its programs and activities. The Commission may also request and receive technical assistance, donations or grants from Liberia's development partners and international multilateral institutions, in furtherance of its operations, provided that such assistance, donations or grants shall further the interest of Liberia.

Section 3 The Commission shall adopt a system of sound accounting and financial management policies and practices in conformity with financial regulations of the Government of Liberia and generally accepted accounting principles to ensure prudent and efficient management of funds. The Commission shall especially cause to be kept, proper books and records of account for funds and resources received and expenditure incurred during each fiscal year.

Section 4 The accounts of the Commission shall regularly be audited.

CHAPTER VIII: OTHERS

Section 1 The Chairperson of the Commission shall provide briefings to the President, quarterly, and as the President may require, and shall report to the Legislature, annually, on the Commission's activities and plans in pursuit of its mandate.

CHAPTER IX: EFFECTIVE DATE

Section 1 This Act shall take effect immediately upon publication into handbills.

Any Law to the Contrary notwithstanding

2011


**SIXTH SESSION OF THE FIFTY-SECOND
LEGISLATURE OF THE REPUBLIC OF LIBERIA.**

SENATE'S ENGROSSED BILL NO:17, ENTITLED

**"AN ACT TO ESTABLISH THE NATIONAL
COMMISSION ON SMALL ARMS."**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to committee Room Tuesday September 13, 2011 at the hour of 12:35 GMT.

Motion, Bill was taken from Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of law and ordered engrossed today Thursday September 29 2011 at the hour of 14:34 GMT.


SECRETARY, LIBERIAN SENATE, R.L.

-2012-

**FIRST SESSION OF THE FIFTY-THIRD
LEGISLATURE OF THE REPUBLIC OF LIBERIA**

**HOUSE'S ENDORSEMENT TO SENATE'S ENGROSSED,
BILLS NO. 17 ENTITLED:**

**"AN ACT ESTABLISH THE NATIONAL COMMISSION
ON SMALL ARMS"**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Tuesday, February 7, 2012 @ 12:05 G.M.T.

On Motion, the Bill was taken from Committee Room for its second reading. On motion, Bill sent back to committee room for its third reading Thursday, August 2, 2012 @ 13:20 GMT.

On motion bill taken from committee room for its third reading and the Bill was adopted, passed into the full force of law, and ordered engrossed today, Tuesday, August 7, 2012 @ 12:34 G.M.T.


CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

2012

ATTESTATION

AN ACT TO ESTABLISH THE LIBERIA NATIONAL COMMISSION ON
SMALL ARMS.

VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/ PRESIDENT OF
THE SENATE.

SECRETARY, LIBERIAN SENATE, R.L.

SPEAKER, HOUSE OF REPRESENTATIVES, R.L.

CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.



THE SECRETARY OF THE SENATE



The Liberian Senate

CAPITOL BUILDING, CAPITOL HILL, MONROVIA, LIBERIA
WEST AFRICA

E-mail: singbelibsen@hotmail.com

2012

FIRST SESSION FIFTY-THIRD LEGISLATURE OF THE REPUBLIC OF LIBERIA

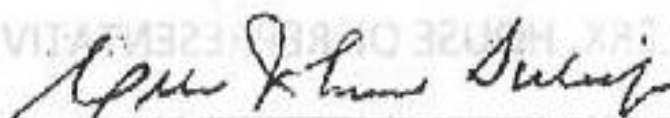
SCHEDULE OF SENATE'S ENROLLED BILL NO.21, ENTITLED:

**"AN ACT TO ESTABLISH THE LIBERIA NATIONAL COMMISSION ON
SMALL ARMS"**

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR
EXECUTIVE APPROVAL.

APPROVED THIS 15th DAY OF August A.D. 2012

AT THE HOUR OF 5:00 P.M.



THE PRESIDENT OF THE REPUBLIC OF LIBERIA