AN ACT TO IMPLEMENT THE CONVENTION ON THE
PROHIBITION OF THE DEVELOPMENT, PRODUCTION,
STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON
THEIR DESTRUCTION TO WHICH LIBERIA IS A PARTY

PREAMBLE

WHEREAS, the Convention of 1993 on the Prohibition of the
Development, Production Stockpiling and Use of Chemical Weapons and
on their Destruction was ratified and later signed into law on January 14,
2006 and subsequently deposited with the treaty section of the United
Nations in New York by Liberia; and

WHEREAS, Article VII of said Convention requires States Parties to
undertake activities to implement provisions of the Convention including
enacting penal Legislation; further, to designate or establish a National
Authority as the national focal point for effective liaison with the
Organization and other States Parties; and

NOW, THEREFORE, IT IS HEREBY ENACTED BY THE SENATE
AND HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF
LIBERIA, IN LEGISLATURE ASSEMBLED:

CHAPTER 1: GENERAL PROVISIONS

Section 1.1  *short title:* this Act may be cited as the Chemical Weapon

Section 1.2  *Definition:* In this Act, unless the context otherwise
requires:

1.2.1  *Chemical Weapon:* means the following, together or
separately:

(a)  toxic chemicals and their precursors, except where intended
for purposes not prohibited under the Convention, as long as
the types and quantities are consistent with such purposes;

(b)  munitions and devices, specifically designed to cause death
or other harm through the toxic properties of those toxic
chemicals specified in paragraph (a), which would be
released as a result of the employment of such munitions
and devices; and
any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in paragraph (b).

1.2.2 "Toxic Chemicals" means-
(a) any chemical, which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere; and
(b) toxic chemical which have been identified for the application of verification measures are listed in the Schedules contained in the Annex on Chemicals to this Act.

1.2.3 "Precursor" means-
(a) any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system; and
(b) precursors which have been identified for the application of verification measures are listed in the Schedules contained in the Annex on Chemicals to this Act.

1.2.4 "Convention" means the Convention in the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed in PARIS, France, on the 13th January 1993, and ratified by Liberia on January 14, 2006 and as amended from time to time pursuant to Article XV of that Convention.

1.2.5 "Organization" means the Organization for the Prohibition of Chemical Weapons (OPCW) established by the Convention.

1.2.6 "National Authority" means the National Authority of Liberia responsible for the implementation of the Convention.

1.2.7 "Purposes not prohibited under the Convention" means-
(a) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes,
(b) Protective purposes namely those directly related to protection against toxic chemicals and to protection against chemical weapons;
(c) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; and
(d) law enforcement including domestic riot control purposes.

1.2.8 "Inspection site" means any facility or area at which an inspection is carried out. Inspections sites of inspections carried out by international inspectors are specifically defined in the respective facility agreement or inspection request or mandate or inspection request as expanded by the alternative or final perimeter.

1.2.9 "International Inspector" means an individual designated by the OPCW according to the procedures as set forth in Part II, Section A, of the Verification Annex to the Convention, to carry out an inspection or visit in accordance with the Convention.

1.2.10 "Controlled goods" are toxic chemicals and their precursors that are listed in Schedules contained in the Annex on Chemicals to this Act.

1.2.11 "Other meanings and interpretations" shall be derived as they are meant in the Convention.

Section 1.3 Application of the Convention:
(a) Unless otherwise stated in this Act or elsewhere in another law, the Convention as approved and published into handbills on February 1, 2006 shall have the same force and effect as if it had been specifically incorporated herein.
This Act applies to acts done or omitted to be done by any person or persons, citizens and non-citizens, inside or outside of Liberia as well as acts done or omitted to be done on board of Liberian aircraft, vessels, airspace or waters.

CHAPTER II
THE NATIONAL AUTHORITY

Section 2.1 Establishment: There is established for the purposes of implementing the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and this Act the Liberian National Authority.

Section 2.2 Composition: The National Authority shall consist of:

i. a representative from the Ministry of Justice - Chairperson

ii. a representative from the Ministry of Commerce and Industry - Co-Chairperson

iii. a representative from the Ministry of Foreign Affairs

iv. a representative from the Ministry of Health and Social Welfare

v. a representative from the Environmental Protection Agency

vi. a representative from the Ministry of Finance (Customs)

vii. a representative from the National Port Authority

viii. a representative from the Liberia Chamber of Commerce

ix. a representative from the Ministry of Lands, Mines and Energy

x. a representative from the University of Liberia (Chemistry Department)

xi. a representative from the Ministry of Defense

xii. a representative from the Ministry of Agriculture

xiii. representative from the Ministry of State for Economic, Finance & Legal

Section 2.3 Functions and duties: The National Authority shall perform the following functions and duties so as to effectively and efficiently attain the objectives of this Act, in particular:

(a) serve as the national focal point for effective liaison with the OPCW and other States Parties;

(b) supervise and monitor the enforcement of this Act through the regime established by this Act and the regulations issued thereto;

(c) gather data to be reported in the initial and annual declarations to the OPCW and to report such data to the OPCW;

(d) supervise the implementation and enforcement of the Convention;

(e) provide the OPCW and other States Parties with relevant data and information in fulfillment of Liberia’s obligation under the Convention;

(f) facilitate and cooperate with inspections under the Convention, including accompanying OPCW inspectors on international routine inspections and challenge inspections, as well as investigations of alleged use of Chemical Weapons;

(g) approve facility agreements further to this Act;

(h) to establish a register of producers, importers, exporters, brokers, and traders of chemicals of relevance to the Convention;

(i) advise the President on matters relevant to this Act and the Convention and to provide any information, which the President or other appropriate authorities may require; and

(j) perform any other tasks assigned to it by appropriate authorities relative to Liberia’s obligations under the Convention.

Section 2.4 Advisory body: The National Authority may appoint a body, from time to time, to advise it on any matter relating to this Act or the Convention if the need arises.
Section 2.5  
**Technical secretariat:** The National Authority shall appoint a Technical Secretariat. This organ shall be responsible for implementing decisions of the National Authority. It shall be headed by a Coordinator. The National Authority shall determine the size, composition, terms of reference and the location of the Technical Secretariat.

Section 2.6  
**Compensation:** The salaries and allowances payable to, and other terms and conditions of service of members of an advisory body and the Technical Secretariat shall be set forth by the National Authority in regulations issued further to this Act. All such salaries, allowances and terms and conditions of service shall be covered by public funds through the national budget.

Section 2.7  
**Collaboration with other state and international bodies:** The National Authority or its agent(s) for crime prevention, criminal proceedings and implementation of the Convention shall collaborate, with other State authorities and international organizations and entities and coordinate their actions to the extent required for the effective implementation of the Convention and of this Act.

2.7.1  
**Request and receipt of information and data:** The National Authority or its agent(s) may request other State authorities and international organizations or entities, under section 2.7, to provide it relevant data or information. The National Authority or its agent is authorized to receive data or information concerning implementation of this Act, including-

(a) the nature, quantity, and utilization of scheduled chemicals or their precursors and related technologies and the places of consignment and consignees for such scheduled chemicals, precursors, or related technologies, or

(b) persons taking part in the production, delivery, or brokerage of the scheduled chemicals, precursors or related technologies.

2.7.2  
**Assurance of proper Information and data utilization:** If a State has entered into the appropriate reciprocity agreement with Liberia, the competent authorities of Liberia may provide, on their own initiative or on request, the data or information described in 2.7.1 to that State so long as the other competent State Authority provides assurances that such data or information shall-

(a) only be utilized for purposes consistent with this Act, and

(b) only be used in criminal proceedings on the condition that they are obtained in accordance with provisions governing international judicial cooperation.

2.7.3  
**Provision of information and data:** The National Authority or its agent(s) may provide the data or information described in section 2.7.1 to international organizations or entities if the conditions set forth in section 2.7.2 (a) and (b) are fulfilled in which case the requirements for reciprocity agreement is waived.

Section 2.8  
**Authority to make regulations:** The National Authority may make regulations for carrying out and giving effect to the provisions of this Act and the Convention.

The National authority shall make, without limiting the generality of the above mentioned authority, regulations that:

(a) establish rules as provided for in chapter V

(b) provide for the procedures to be followed by representatives of the National Authority in exercising their functions under this Act, and

(c) provide more details for the provisions of this Act as required for its implementation.
CHAPTER III
GENERAL AND SPECIFIC PROHIBITIONS

Section 3.1  *General Prohibitions*: A person commits an offense who-

(a) develops, produces, otherwise acquires, stockpiles or retains a chemical weapon;

(b) transfers directly or indirectly, a chemical weapon to any other person;

(c) uses a chemical weapon;

(d) engages in any military preparations to use a chemical weapon;

(e) uses a riot control agent as a method of warfare;

(f) engages in any other activity prohibited to a State Party under the Convention; and

(g) assists, encourages or induces, in any way, a person to engage in any activity prohibited under this Act or by a State Party under the Convention.

Section 3.2  *Schedule 1 chemicals' prohibitions*: A person commits an offence who:

(a) produces, acquires, retains, transfers or uses Schedule 1 chemicals which is attached as Appendix A of this Act unless fully licensed by the National Authority under the licensing scheme for Schedule 1 chemicals;

(b) transfers Schedule 1 chemicals outside the territory of Liberia to a person in a State not Party to the Convention;

(c) imports a Schedule 1 chemical or transfers a Schedule 1 chemical within Liberia unless in accordance with a license issued by the National Authority under the licensing scheme for Schedule 1 chemicals;

(d) re-transfers to a Person in a third State Schedule 1 chemicals transferred to Liberia.

Section 3.3  Schedule 2 chemicals' prohibitions: A person commits an offence who transfers to or receives from a person in a State not Party to the Convention Schedule 2 Chemicals which is attached as Appendix B, except as stipulated by regulations made under this Act that are in conformity with the Convention.

Also a person commits an offence who, transfers to or receives from a person in another State Schedule 2 chemicals unless in accordance with a permit issued by the National Authority under the permitting scheme for Schedule 2 chemicals.

Section 3.4  Schedule 3 chemicals' prohibitions: A person commits an offence who, transfers to a person in a State not Party to the Convention Schedule 3 chemicals which is attached as Appendix C without first receiving and end-user certificate from the competent government authority of the State not Party to the Convention.

Also a person commits an offence who, transfers to or receives from a person in another State Schedule 3 chemicals unless in accordance with a permit issued by the National Authority under the permitting scheme for Schedule 3 chemicals.

Section 3.5  *End-user certificate*: An end-user certificate shall contain, at a minimum:

(a) a statement that the Schedule 3 chemicals will only be used for purposes not prohibited under the Convention;

(b) a statement that the Schedule 3 chemicals will not be re-transferred to other states;

(c) the types and quantities of the Schedule 3 chemicals to be transferred;

(d) the end-use(s) of the Schedule 3 chemicals to be transferred;
(e) the name(s) and address(es) of the Schedule 3 chemical end-user(s).

Section 3.6 Further importer requirement: With regard to section 3.5 (d)-(e), in the event that the Schedule 3 chemical transfer is to an importer in a State not Party to the Convention and such importer is not the actual end-user, the importer shall be obliged to specify the name(s) and address(es) of the end-user(s) for the purposes of section 3.4 and 3.5.

CHAPTER IV
INFORMATION, DOCUMENTS, AND MANDATORY REPORTING

Section 4.1 Supply of information: A person who-

(a) produces, acquires, retains, or transfers or uses Schedule 1 Chemicals;
(b) produces, processes, consumes, exports, or imports a Schedule 2 chemical;
(c) produces, exports or imports a Schedule 3 chemical;
(d) produces a discrete organic chemical; or
(e) holds a riot control agent for riot control purposes.

Shall-
(i) Provide information in accordance with the regulations under this Act; and
(ii) keep and maintain all relevant documents in accordance with the regulations under this Act.

A person who fails to comply with obligations under this section commits an offence.

Section 4.2 Reporting on other chemicals: Any person who develops, produces, otherwise acquires, retains, or uses within the territory of Liberia or imports into the territory of Liberia other toxic chemicals or precursors than those specified in Schedules 1, 2 and 3 shall provide sufficient information to the National Authority so that it is able to establish that these activities are not prohibited under the Convention. A person who fails to comply with obligations under this section commits an offence.

Section 4.3 Sufficiency of reports: The records and reports under section 4.2 (a) must be sufficient to satisfy the National Authority that the Convention and the provisions of this Act and any regulations made under this Act are being complied with.

Section 4.4 Inspections: An international inspector may at any reasonable time and consistent with the provisions of the Convention and any relevant facility agreement:

(a) enter any place in Liberia;
(b) inspect the place;
(c) install, use and maintain monitoring instructions, systems and seals; and
(d) carry out any other activity as provided for in the Verification Annex to the Convention.

A representative of the National Authority or an international inspector may not enter any place, which is property of a natural or legal person other than Liberia without the consent of this person, if that place is not part of the inspection site.

Section 4.5 Short notice inspections: Also on short notice, inspector(s) designated under the Convention shall be permitted to enter the country to carry on an inspection consistent with the provisions of the Convention and this Act.

Section 4.6 Observation of inspections: While carrying out an inspection, an international inspector may be accompanied by an observer for the purposes of making effective paragraph 12 of Article IX of the Convention.

Section 4.6 Cooperation of Proprietors: A representative of the National Authority or an international inspector may not enter a place referred to in section 4.4 above without the consent of the proprietor except under the authority of a warrant issued under section 4.7 below.

Section 4.7 Court orders: Where, on an ex-parte application, a judge of a court of competent jurisdiction is satisfied by information under oath that-
(a) a place referred to in section 4.4 meets the conditions for entry set out in this section.

(b) entry to the place is necessary for a purpose relating to the administration of this Act or the regulations made thereunder; and

(c) entry to the place has been refused or there are reasonable grounds to believe that entry will be refused:

The Judge shall issue an order authorizing the representatives of the National Authority and international inspectors to enter the place for the purpose of the inspection, subject to such conditions as may be specified in the order.

Section 4.8 Exigent Circumstances: An order authorizing entry into a place is not required if the conditions for obtaining the order exist but, by reason of exigent circumstances, it would not be practicable to obtain the order.

Section 4.9 Use of force: In executing an order issued under section (4.7) a representative of the National Authority or an international inspector shall not use force unless the representative or inspector is accompanied by a police officer and use for force is specifically authorized in the order.

Section 4.10 Toleration of inspections: The proprietor or whoever shall be in charge of locations or premises of any kind and all employees shall tolerate and support inspections conducted pursuant to CWC and this Act.

Section 4.11 Deferment of inspection expenses: A person referred to in section (4.10) shall meet the expenses arising from the conduct of inspection or investigations unless such expenses are refundable by the Organization in accordance with the provisions of the Convention.

Section 4.12 Refund of expenses: An application for refund of expenses referred to in section (4.11) shall be filed with the National Authority which shall consider the application and submit in to the Organization.

Section 4.13 Obstruction of inspections: While an international or national inspector is conducting an inspection under this Act, no person shall-

(a) knowingly make a false or misleading statement to the inspector or to any representative of the National Authority accompanying the inspector with regard to any information that is necessary for the conduct of the inspection; or

(b) willful, obstruct the inspection, by either an act or omission of an act.

Section 4.14 Inspection obstruction offence: A person who fails to comply with obligations under this section 4.13 commits an offence.

CHAPTER V
LICENSES AND PERMITS

Section 5.1 Application procedures: The National Authority make regulations to prescribe the manner of application for a license or permit to any of the acts permissible under this Act; the form and duration of a license or permit; the terms and conditions upon which a license or permit may be granted, held, suspended, cancelled, extended, renewed or replaced; and the cost payable in respect thereof.

Section 5.2 Application processing: An application for a license or permit to do any of the acts permissible under this law shall be made to the National Authority through the office of coordinator in such a manner or form as the National Authority may determine and shall be accompanied by the prescribed fee.

Section 5.3 Grant of licenses: The Technical Secretariat of the National Authority grants licenses in accordance with section 5.1 and the regulation established under this Acts.

Section 5.4 Grant of Permits: The Technical Secretariat of the National Authority grants permit in accordance with section 5.1 and the regulations established under this Act.
CHAPTER VI
CONFIDENTIAL INFORMATION, IMMUNITIES, AND NON-LIABILITY

Section 6.1 Confidentiality of information: Every person shall keep confidential any information that is given pursuant to this Act or the convention concerning the affairs of another person.

Section 6.2 Disclosure of confidential information: Such information may be disclosed only with the consent of person to whose affairs it relates or for the purpose of:

(a) enabling Liberia to fulfill its obligations under the convention
(b) the enforcement of this Act, or
(c) dealing with an emergency involving public safety.

Section 6.3 Privileges and immunities: A person who, according to the convention, is entitled to receive immunity and privileges shall, without hindrance of the laws of the Republic of Liberia, receive such immunity and privileges in accordance with the provisions of the Convention and of the Privileges and Immunities Agreement that will be negotiated.

Section 6.4 Disclaimer of liability: Nothing in this Act shall render the Government of the Republic of Liberia liable for an act or omission on the part of the organization.

Section 6.5 Breach of confidentiality: A person who fails to comply with obligations under this part commits an offence.

CHAPTER VII
SEIZURE AND FORFEITURE

Section 7.1 Seizure authority: The Nation Authority or its agents(s) may seize or cause to be seized:

(a) controlled goods for which a license pursuant to regulations made under this Act is needed, in respect of which no license has been granted;
(b) controlled goods when a license has been granted but the license holder does not comply with the conditions of the license;
(c) any quantity of a chemical that may offer evidence of an offence in terms of this Act; and
(d) any book, document, data or thing which may offer evidence of an offence in terms of this Act.

If the National Authority or its agent(s) deems it necessary to leave the controlled good, chemical, book, document, data or thing on the premises, an identification mark or seal can be affixed to such things or their container.

Controlled goods and toxic chemicals and their precursors that are not controlled goods shall be seized if it is highly probable that they are not exclusively used for purposes not prohibited under the Convention.

Section 7.2 Safekeeping of goods seized: Pending a decision regarding the disposal of controlled goods under this section, the National Authority may remove or cause to be moved such goods, books, documents, data or things seized under section 7.1 to a place of safekeeping.

Section 7.3 Receipt of goods seized: The National Authority shall furnish the owner or person in control of or who has in his or her custody, anything seized in terms of section 7.1, with a receipt.
Section 7.4 Forfeiture of goods seized: Where a person has been convicted of an offence under this Act anything seized in respect of which the offence was committed shall be forfeited to the Government of the Republic of Liberia and shall be disposed in accordance with the Criminal Procedure Laws of Liberia and the provisions of the Convention.

CHAPTER VIII
PENALTIES

Section 8.1 A person, who contravenes the provisions of section 3.1, commits a felony of the first degree and shall be punished upon conviction in accordance with the Penal Law of Liberia.

Section 8.2 A person, who contravenes the provisions of section 3.2, commits a felony of the second degree and shall be punished upon conviction in accordance with the Penal Law of Liberia.

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Section 8.5 A person, who contravenes the provisions of section 4.1, and 4.2, commits a felony of the third degree and shall be punished upon conviction in accordance with the Penal Law of Liberia.

Section 8.6 Any person, who refuses or fails to comply with the provisions of section 4.2 or makes a false or misleading statement pursuant to this section commits a misdemeanor of the first degree and shall be punished upon conviction in accordance with the Penal Law of Liberia.

Section 8.7 Any person, who refuses or fails to comply with the provisions of section 5.3 or and or 5.4 of this Act commits a misdemeanor of the first degree and shall be punished upon conviction in accordance with the Penal Law of Liberia.

Section 8.8 A person, who contravenes any other provision of this Act not specifically named herein, commits a misdemeanor of the second degree and shall be punished upon conviction in accordance with the Penal Law of Liberia.

Section 8.9 Where an offence under this Act is committed on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

Section 8.10 A person who commits, outside Liberia an act or omission that would, if committed inside Liberia, be an offence under this Act, shall be deemed to have committed that act or omission in Liberia and is punishable under the laws of Liberia.
CHAPTER IX

PRIMACY OF THE CONVENTION AND REPRESENTATION OF LIBERIA

Section 9.1

In the event of any inconsistency between this Act and any other Liberian law, this Act shall prevail.

Section 9.2

Representative of Liberia to the Organization. The Ministry of Foreign Affairs shall be entrusted with the representation of the Republic of Liberia to the Organization in the Hague.

Section 10

Effective date of Act. This Act shall take effect immediately upon publication into handbills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.

SECRETARY OF THE SENATE

2008

BILL NO. 1154

HOUSE'S ENGROSSED BILL NO. 1154

SECOND SESSION OF THE FIFTY-SECOND LEGISLATURE

OF THE REPUBLIC OF LIBERIA

LAW TO THE CONTRARY NOTWITHSTANDING.
Republic of Liberia
The Honorable House of Representatives
Capitol Building
Monrovia, Liberia

THIRD SESSION OF THE FIFTY-SECOND LEGISLATURE OF THE REPUBLIC OF LIBERIA

SCHEDULE OF THE HOUSE'S ENROLLED BILL NO. 11 ENTITLED:

"AN ACT TO IMPLEMENT THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION TO WHICH LIBERIA IS A PARTY."

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

RECEIVED THIS 22ND DAY OF JULY, 2008

AT THE HOUR OF 5:35 p.m.

[Signature]
THE PRESIDENT OF THE REPUBLIC OF LIBERIA