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Arms Trade Treaty

Sierra Leone national action plan

April 2019

Sierra Leone National Commission on Small Arms

The Sierra Leone National Commission on Small Arms (SLeNCSA) was established by an act of parliament in 2010 to control the proliferation, illicit possession and use of small arms and light weapons (SALW) in Sierra Leone, in compliance with Article 24 of the Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials.

SLeNCSA is an independent and apolitical body with the mandate to regulate and supervise the manufacture, sale, transfer, possession and use of SALW within the borders of Sierra Leone. The Commission is the sole focal point for all matters relating to firearms and the adviser to the Government of Sierra Leone on the formulation of policies and strategies for control of the illicit proliferation and circulation of small arms in Sierra Leone.

Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe in a world where everyone can lead peaceful, fulfilling lives, free from fear and insecurity.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, Asia and the Middle East.



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Introduction

THE NATIONAL ACTION PLAN (NAP) is part of an Arms Trade Treaty (ATT) Voluntary Trust Fund project developed and implemented by the Sierra Leone National Commission on Small Arms (SLeNCSA) in partnership with Saferworld. Upon delivery of all the elements identified in the NAP, Sierra Leone will be in full compliance with the Treaty, which has been a legal obligation of the country since the ATT entered into force in December 2014 (Sierra Leone was one of the Treaty's 50 founding States Parties).

In recent years Sierra Leone has made significant national strides to regulate and control the movement, ownership and use of small arms and light weapons (SALW) and their ammunition, including through its active engagement with the Economic Community of West African States Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials. Sierra Leone's enthusiasm for a responsibly regulated trade in conventional arms can be understood given its first-hand experience of the devastating consequences that can flow from an out-of-control arms trade.

In some ways Sierra Leone is already leading the way in Africa with respect to the ATT. It is, for example, one of only two African states to have produced all the reports required under the Treaty and to have placed them in the public domain.

However, as was clear when it ratified the ATT, Sierra Leone is not yet in a position to implement everything in the Treaty. For example, existing legislation regulating the cross-border trade in arms is focused on SALW, to the extent that major conventional military items – such as aircraft, vehicles and vessels – are substantially under-regulated. It was within this context that SLeNCSA applied to the ATT Voluntary Trust Fund to conduct a national assessment to identify compliance gaps and develop a plan to address them.

Working with Saferworld and the Sierra Leone Action Network on Small Arms, SLeNCSA conducted a thorough cross-government assessment of the country's legislation, regulations, institutions, systems and processes to identify exactly where Sierra Leone is already ATT-compliant and where further action is required.

In November 2018, SLeNCSA published the Sierra Leone ATT national assessment report, a comprehensive analysis of Sierra Leone's existing ATT compliance. The report identified the country's ATT compliance gaps and set out a number of concrete, prioritised recommendations for how to address them. The recommendations, which take full account of the fact that Sierra Leone plays a very minor part in the arms trade and also that it faces major resource challenges, recognise that an overly complicated or burdensome system would be more likely to discredit rather than encourage effective control. Efficiency and necessity are the watchwords.

This NAP has since been developed by SLeNCSA and Saferworld, based on the assessment report and following a consultation process involving stakeholders from both within and outside government. It sets out five broad streams under which work will be organised – legislation/regulation; institutional arrangements; transparency; arms brokers; and physical security of arms – and for each of these identifies specific objectives and the activities and tasks necessary to achieve them.

It should be noted that the activities set out in the NAP will typically involve the participation of multiple actors. In addition, activities taking place under one objective will frequently have implications for the work being carried out under other objectives, and in some cases may be dependent on ongoing donor support. While every effort will be made to work to the designated timeline (and work has already begun to this end), it must be recognised that all these complicating factors may result in some delays. The NAP will therefore also be available on the SLeNCSA website www.slencsa.gov.sl, with all activities clearly timetableable, and will be updated on a regular basis in light of progress made and any fresh challenges identified.

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Sierra Leone ATT national action plan (NAP)

	Objective	Activity/task	Lead implementer/coordinator	Other implementers/stakeholders	Comments (including requirements for donor support)	2019	2020	2021
1. Legislation/regulation	1.1 Amend Arms & Ammunition Act, SLeNCSA Act, and other laws as required (e.g. Customs Act)	Forward proposal to Minister for Internal Affairs for legislative amendments	SLeNCSA	Ministry of Defence (MoD), Ministry of Foreign Affairs & International Cooperation (MFA), National Revenue Authority (NRA), Office of National Security (ONS), Government Printer	Work with media and civil society to generate interest and encourage parliamentary engagement			
		Memorandum drafted for Cabinet	Permanent Secretary, Ministry of Internal Affairs (MIA)					
		Cabinet considers & instructs on drafting	Cabinet					
		Office of Attorney General drafts amendments	Office of Attorney General					
		Amendments finalised & sent to Government Printer	Permanent Secretary, MIA					
		Hard copies to MPs and Clerk of Parliament						
		First reading in Parliament	Parliament					
	Complete the parliamentary process	Parliament			Could be completed within one month if no issues raised by parliament			
	Public sensitisation	SLeNCSA & Sierra Leone Action Network on Small Arms (SLANSA)	Related civil society	Requires donor support				
	1.2 Establish regulations and written procedures	Agree the range of regulations & procedures that will need to be instituted (e.g. licence application process, end-use verification, arms brokering registration)	Develop a process for drafting and adopting regulations/procedures	SLeNCSA	SLeNCSA Advisory Committee members; external consultant (optional)	Follows on from establishing legislation; requires donor support, e.g. for external expertise		
Draft regulations			SLeNCSA					
Adopt regulations			SLeNCSA					
								Timing of adoption will be dependent on the adoption of legislation (above)
2. Institutional arrangements	2.1 Update membership of Advisory Committee	Conduct an assessment of existing Advisory Committee membership and roles and make changes/additions as necessary	SLeNCSA	Existing Advisory Committee members	Ministry of Finance (MoF), Ministry of Planning & Economic Development (MoPED)			
		Make any changes assessed as appropriate	Existing Committee members					
	2.2 Establish ATT departmental leads	Advisory Committee members to identify the position/post into whose job description this function will be incorporated, and advise SLeNCSA thereof	All Advisory Committee members; SLeNCSA to coordinate	MIA, MFA, ONS, MoF, MoPED	Encourage appointed leads in the various ministries, departments and agencies to keep detailed records to build institutional memory and support effective handover to successors			
		Identify of ATT leads to be circulated to the Advisory Committee	SLeNCSA					
	2.3 Establish an Arms Transfer Licensing Committee (ATLC)	Proposals for and discussions regarding membership and processes of ATLC	SLeNCSA	All Advisory Committee members, Ministry of Trade & Industry (MTI), MoPED, MoF, ONS, NRA	Documentation of all transfer licences to be recorded in the National Arms Registry			
		Recommendations to Minister(s)	SLeNCSA					
	2.4 Establish rules of procedure for all relevant committees	Establish sub-committee from the Advisory Committee to address this issue	Sub-committee to develop and agree recommendations	SLeNCSA (unless another Chair is chosen)	Sub-committee			
			Adopt rules of procedure	Chair of process	Advisory Committee			
	2.5 Establish all necessary points of contact (POC)	Survey all relevant international & (sub) regional institutions – identify all required POC, including for the ATT and individuals authorised to sign end-use certificates	SLeNCSA		SLeNCSA to identify all POC in the other ATT States Parties (and could do the same for POC in related areas, e.g. for the SALW Programme of Action)			
Select personnel as required to POC positions and communicate to relevant Secretariats/Commissions		SLeNCSA	Advisory Committee					
2.6 Train officials so they are able to fulfil their AT-related functions	Identify training needs	Develop training programme & training aids for different individuals/agencies	SLeNCSA	Advisory Committee members; external expert	External consultant to help develop and deliver training, requires donor support			
		Undertake training (including "training of trainers")	SLeNCSA	Personnel from relevant agencies; external expert				
							Training will need to be conducted on an ongoing basis	
3. Transparency	3.1 Extend the functioning of the SLeNCSA website	Analyse website requirements	SLeNCSA	Possibly with support from web design expert	Upgrade of website to incorporate necessary ATT data, requires donor support			
		Redesign website	SLeNCSA					
		Take new website online (including the capacity to upload information on regulations, procedures and forms as these are developed)	SLeNCSA					
		Establish procedures for and conduct regular site updates	SLeNCSA					
	3.2 Publish all relevant information (including procedures and forms) online	Identify all information to be collected and information to be published	SLeNCSA	Possibly with support from web design expert	To include inter alia legislation, regulations, control lists, procedures, documentation relating to the licensing process, registry of brokers, policies, ATT reports, etc.; requires donor support			
		Incorporate into website design (see above) and implementation	SLeNCSA					
		Conduct annual review of website content and amend published information as appropriate	SLeNCSA					
	3.3 Establish inter-departmental mechanisms for data collection	Agree who will be the designated authority responsible for collating information on exports & imports of controlled goods	SLeNCSA	Advisory Committee	Need to be cognisant of external deadlines (e.g. annual ATT report due 31 May each year for previous calendar year)			
		Formally agree that all government departments/ministries/agencies will report to the designated authority regarding all exports & imports for which they are responsible	SLeNCSA			Senior representative of every department/ministry/agency that could be involved in the reporting process		
		Formal explicit declaration from all involved departments/ministries/agencies that they will provide required information	SLeNCSA					
3.4 Produce and publish reports on national arms transfer control system and on exports & imports	Identify all international and domestic reporting requirements	SLeNCSA	MFA	Use this opportunity to ensure that the reports meet all Sierra Leone's relevant international obligations (e.g. for the ATT, UN Register of Conventional Arms, the Programme of Action, the 1540 Committee) in an efficient manner; requires donor support				
	Develop templates for reporting that meet all requirements	SLeNCSA	Ministries/agencies/departments involved in the reporting process					
	Develop IT system to enable electronic data entry, collation and report delivery	SLeNCSA						
	Collect and collate all relevant information	SLeNCSA						
	Produce reports (note that ATT report for 2018 must be sent to ATT Secretariat by end of May 2019, regardless of whether new system is in place)	SLeNCSA						
	Confirm accuracy of reports	SLeNCSA						
	Deliver reports to Parliament	SLeNCSA						
Upload reports on SLeNCSA website	SLeNCSA							
Deliver reports to relevant international or (sub) regional institutions	SLeNCSA							
4. Arms brokers	4.1 Establish procedures assessing suitability to operate as an arms broker	Agree the standards required to be an arms broker	SLeNCSA	Advisory Committee (potentially through a sub-committee)				
		Agree procedures and processes to be followed and division of responsibilities in determining whether those standards are met in specific cases	SLeNCSA					
		Conduct vetting of all prospective brokers (on an ongoing basis)	SLeNCSA					
	4.2 Establish national registry for arms brokers	Agree process and responsibilities for developing a register	SLeNCSA	Advisory Committee				
Develop the requirements and application process for the register		SLeNCSA	Advisory Committee/sub-committee					
Develop and implement IT system for managing the register		SLeNCSA	Possibly with support from web design expert					
Publicise the requirement to register and process for registering		SLeNCSA						
5. Physical security of arms	5.1 Limit legal points of entry and exit for controlled items	Consult to decide which points of entry/exit should be included/excluded	SLeNCSA & NRA	ONS; Advisory Committee				
		Undertake necessary steps to create legal basis			This will depend on how the legislative process develops (see 1. Legislation/regulation above)			
		Establish procedures and practices for managing attempted transfers at border crossings where such transfers are prohibited	NRA	SLeNCSA				
		Publicise the new arrangements (following initial publication, this would need to be on an ongoing basis)	SLeNCSA & NRA	Sierra Leone Police (SLP), Republic of Sierra Leone Armed Forces (RSLAF), media		Difficult to estimate until legislative framework is in place, as would not be appropriate to do this until it is clear that it will be necessary		
	5.2 Establish appropriate/safe measures dealing with physical security of controlled goods entering, leaving or transiting the country	Identify physical security needs at entry/exit points	NRA	SLeNCSA; NRA; MIA; RSLAF; ONS; Immigration; potential donors	Construct armouries at border crossing points for storage of intercepted arms and ammunition, requires donor support			
		Develop plan to build necessary physical security measures	SLeNCSA					
		Implement building plan	RSLAF					
		Develop measures for guarding items and/or transporting items from exit/entry points to safe storage locations within Sierra Leone where necessary	NRA & RSLAF					
	5.3 Ensure safe storage facilities for all government holdings of controlled items	Develop plan for building necessary facilities and establishing appropriate procedures for guaranteeing security of stored items	SLeNCSA; MoD/RSLAF/SLP	ONS; donor partners	Identify suitable sites for the construction of armouries, requires donor support			
		Implement building programme	RSLAF, SLP			Work is already started and is ongoing		
Implement safe storage procedures		SLeNCSA; MoD/RSLAF/SLP		Ongoing				