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Sierra Leone: Diamonds for Arms

by Sheryl Dickey*

Nine years of civil war between the Revolutionary United Front (RUF) and the Sierra Leone government has devastated the civilian population of Sierra Leone. The conflict has killed over 75,000 people, displaced one-half of the country's 4.5 million people, and resulted in egregious human rights violations. To prevent the importing of arms into the conflict, the UN Security Council, on October 8, 1997, passed Resolution 1132 to ban the sale or supply to Sierra Leone of all petroleum, arms, and other military ammunition. The RUF, however, has continued to finance its military operations through the illegal sale of diamonds.

Today, the United Nations, non-governmental organizations (NGOs), and other governmental actors are calling on the international diamond industry to develop more effective measures to stop the sale of diamonds smuggled out of Sierra Leone and other war zones. One important proposal from the international community is to ensure that every diamond comes with a Certificate of Origin to show where the diamond was originally mined. This proposal would stop Sierra Leone and other war-torn nations from trading diamonds illicitly on the world market in exchange for money and arms that, in turn, prolong conflicts and result in human rights violations.

The Diamond Trade

Diamonds were first discovered in Sierra Leone in 1930. Prior to the outbreak of the civil war in 1991, Sierra Leone produced 2.5 million carats of diamonds on average each year. Sierra Leone diamonds are particularly valued because of the high proportion of top-quality diamonds. Illegal diamond traders, such as the RUF, smuggle diamonds out of the country, which they can do easily because of the size of the diamonds, and sell them in other African states in exchange for arms. Smugglers are able to use a system of offices and individuals in the neighboring countries of Liberia and Guinea, for example, as a conduit for getting diamonds from Sierra Leone to the world market. These nations serve as key routes for transferring diamonds on their way to Antwerp, Belgium, where nearly 90 percent of the world's rough diamonds are traded.

The De Beers company, based in South Africa, and the Central Selling Organization, De Beers' marketing arm based in London, dominate the international diamond industry, mining 50 percent and controlling 70 to 80 percent of the world's diamond sales from producers to diamond cutters and dealers. Until the 1980s, De Beers maintained an office in Sierra Leone's capital, Freetown. Although De Beers claims that it did not purchase Sierra Leone diamonds during the civil war, it maintained a buying office in Guinea and, because many Sierra Leone diamonds pass through this country, it is likely that De Beers indirectly purchased diamonds from Sierra Leone.

After coming through Antwerp, over 65 percent of the world's gem-quality diamonds then are sold in the United States. The formal trading of diamonds is structured by the *Hoge Raad voor Diamant* (HRD—the Diamond High Council). The HRD is an industry umbrella group whose role is to monitor imports and exports for the Belgium government. When importing diamonds, the HRD records the origin of a diamond as the

country from which the diamond was last exported. Consequently, diamonds from Sierra Leone can be officially imported and registered as originating in Liberia or Guinea depending on their journey from one trading center to another.

Partnership Africa Canada, a coalition of African and Canadian NGOs, issued a report entitled "The Heart of the Matter: Sierra Leone, Diamonds & Human Security," which documented the relationship between the diamond trade and the civil war. This study illustrated the discrepancy between the West African diamond export figures and the Belgium import figures from the HRD. Although the Sierra Leone government recorded exports of only 8,500 carats in 1998, the HRD recorded imports of 770,000 carats from Sierra Leone; and, although the annual Liberian diamond mining capacity is between 100,000 and 150,000 carats, the HRD recorded Liberian exports into Belgium of over 31 million carats between 1994 and 1998—an average six million carats per year. In the neighboring Ivory Coast, where the small diamond industry was closed in the mid-1980s, the nation exported an average of more than 1.5 million carats to Belgium between 1995 and 1997. By allowing diamonds to be certified as originating out of Liberia and Ivory Coast, the HRD eases large-scale diamond smuggling operations and precludes tracking of the true origins of diamonds.

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Developments in Sierra Leone

In March 1991, the RUF, led by Foday Sankoh, entered Sierra Leone from Liberia with the objective of overthrowing the one-party military rule of the All People's Congress (APC). In 1992, the RUF gained control of the diamond-rich Kono District in the eastern part of the country, near the Guinean and Liberian borders. During the conflict, the RUF employed small arms, light machine guns, and rocket-propelled grenades purchased through the profits from the Kono District diamonds.

After successive military coups, the fighting briefly subsided in March 1996, following the election of Ahmad Tejan Kabbah, head of the Sierra Leone People's Party (SLPP). After extended negotiations, on November 30, 1996, the Kabbah government and the RUF signed a peace agreement called the Abidjan Accord. The peace agreement called for a cease-fire, disarmament, demobilization, and reintegration of combatants. Only two months after its signing, however, the Abidjan Accord broke down when fighting erupted in the southern Moyamba district. In May 1997, the Armed Forces Revolutionary Council (AFRC), a group of military officers, overthrew President Kabbah in a coup, claiming frustration with the failing peace process. The AFRC formed an alliance with the RUF based on mutual opposition to Kabbah.

In June 1997, the Foreign Ministers of the Economic Community of West African States (ECOWAS) condemned the coup. In October 1997, the UN Security Council responded to the coup by issuing Resolution 1132, which instituted an embargo on arms and oil, which entered into effect on October 8, 1997. The RUF/AFRC alliance, commonly referred to as the junta, was able to evade the ban, however, by purchasing arms through the illegal

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diamond trade. On February 5, 1998, the UN Security Council's "Third Report of the Secretary General on the Situation in Sierra Leone" noted that there were deliveries of weapons to Sierra Leone in violation of the arms embargo. These deliveries were reported to include surface-to-air missiles and other weaponry allegedly paid for by the sale of diamonds. The junta denied those reports and a UN technical survey team was unable to verify them directly. During and after their stay in Freetown, however, UN representatives encountered persistent reports that the junta was purchasing arms through the illegal sale of diamonds in violation of the embargo.

After negotiations, the Kabbah government-in-exile signed an agreement with the AFRC and the RUF, and in March 1998, President Kabbah was reinstated. Before his official reinstatement, however, the ECOWAS Peace Monitoring Group (ECOMOG) and a network of civilian militias launched a military offensive in February 1998 to force the AFRC and RUF out of Freetown. The RUF retreated, but was able to maintain control of the Kono District and continued to develop its military forces through profits from the diamond trade.

Violations of International Law

On January 6, 1999, the RUF launched a new military operation to take control of Freetown. A three-week battle ensued with the ECOMOG forces, who attempted to defend the city. As the RUF took control of neighborhoods, they turned their weapons on civilians and inflicted flagrant human rights abuses. According to the July 1999 Human Rights Watch report "Sierra Leone: Getting Away with Murder, Mutilation and Rape," "[t]he rebel [RUF] occupation of Freetown was characterized by the systematic and widespread perpetration of all classes of gross human rights abuses against the civilian population. Civilians were gunned down within their houses, rounded up and massacred on the streets, thrown from the upper floors of buildings, used as human shields and burned alive in cars and houses." Furthermore, as it retreated from Freetown in February 1999, the RUF abducted hundreds of young people, particularly young women. Abductees were used to carry goods and weapons, increase the fighting force, and serve as human shields and sexual slaves.

During their three-week occupation of Freetown, the RUF committed serious violations of humanitarian law. International humanitarian law set out in the Geneva Conventions and the subsequent 1977 Protocols governs the conduct of all combatants in war. The rapes, abductions, and murders by the RUF violate Common Article 3 of the Geneva Conventions, which applies to armed conflict not of an international character. Common Article 3 specifically prohibits parties in a conflict from inflicting violence to the life of a person, including mutilation, cruel treatment, torture and outrages upon personal dignity, taking of hostages, and summary executions. Sierra Leone has ratified the Geneva Conventions and the Protocols. Disturbingly, profits from illicit diamond trading have given the RUF the means to carry out such abuses.

Continued Troubles

After the RUF's retreat, efforts were made once again to bring the conflict to an end through a negotiated peace agreement. After several months of diplomacy, representatives of the RUF and the Government of Sierra Leone signed the Lomé Peace Agreement on July 7, 1999. The agreement included the following provisions: a permanent cessation of hostilities, a complete amnesty for any crimes committed by the members of the fighting forces during the conflict, disarmament, demobilization, and release of all prisoners and abductees.

Initially, the violence subsided after the signing of the peace agreement. More recently, however, the RUF violated the peace agreement by looting villages, burning houses, sexually assaulting women and girls, and abducting children in the towns of Port Loko and Kabala. As of October 1999, there were reports that the RUF were using slave labor to continue diamond mining in the Kono district. Observers are concerned that these violations may derail the peace process as happened previously with the Abidjan Accord. On January 24,

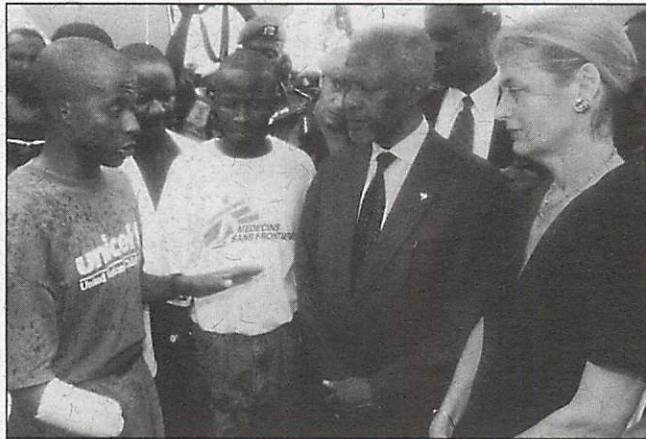
2000, Foday Sankoh, the former RUF leader and now the Chairman of the Government's Commission for the Management of Strategic Resources (Commission), announced the total suspension of diamond mining operations. Sankoh canceled all mining licenses pending review by the Commission.

Illegal mining by RUF rebels, however, continues and hundreds of open mines in RUF-controlled areas are visible from the air. While fighting in Liberia has disrupted traditional diamond routes, the RUF smugglers go to the cities of Kenema, Bo, and Freetown to sell diamonds to Lebanese, African, and European traders.

Although Sankoh publicly stated that he has suspended all diamond mining, he is suspected of personally participating in illegal diamond trading. South Africa expelled the former RUF leader in late February 2000 at the request of the UN Security Council's sanctions committee. The committee complained that Sankoh had violated the travel ban enumerated in UN Resolution 1171 for former military junta members. The Sierra Leone government is considering conducting an investigation into Sankoh's trip to South Africa to determine whether he went there to sell illegally-mined diamonds from Sierra Leone.

Certificates of Origin and the Lesson of Angola

In October 1999, four European NGOs launched a campaign called "Fatal Transactions" to raise public awareness about the relationship between the diamond trade and African civil wars. The campaign is calling on the diamond industry, including the HRD and De Beer's Central Selling Organization, to implement more effective controls to ensure that diamonds do not fund rebel armies in Africa that are responsible for blatant human rights abuses. In addition to a general call for greater transparency, accountability, and compliance within the diamond industry with existing embargoes, the campaign proposes that all diamonds in trade carry a Certificate of Origin so that it would be



UN Secretary-General Kofi Annan at a Sierra Leone rehabilitation center in July 1999, listening to an amputee describe losing part of his arm.

UN/DPI Photo by Eskinder Debebe

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clear where diamonds were originally mined, not just where they were exported from before reaching Belgium.

The United Nations has attempted to address this issue in Angola, where the rebel group *Uniao Nacional Para a Independencia Total de Angola* (UNITA) uses diamond revenues to fund the ongoing civil war. The Angolan conflict has killed over 300,000 people since the country returned to civil war in 1992. The UN Security Council passed Resolutions 1173 and 1176, which prohibit the direct or indirect export of Angolan diamonds unless accompanied by a Certificate of Origin (CO) issued by the Angolan Government of Unity and National Reconciliation. The illegal diamond trade continues, however, because of inadequate controls at all levels of the diamond trade, including the HRD's failure to verify COs and neighboring countries' ineffective verification of sources of origin. On March 10, 2000, the UN issued the *Report of the Panel of Experts on Violations of Security Council Sanctions against UNITA* about how UNITA evades the sanctions and continues to smuggle diamonds. The report recommended that mechanisms be developed for identifying within the diamond market those diamonds without a customs declaration, and that those individuals dealing in undeclared rough diamonds be subject to criminal penalties.

Under pressure from NGOs, national governments, and the United Nations, De Beers vowed in October 1999 not to buy diamonds from Angola and to review its buying operations in West African countries. In February 2000, De Beers agreed to buy only government-certified diamonds and guaranteed that the all uncut gems sold through its Central Selling Organization did not originate in rebel-held territories. A company spokesman verified that De Beers instructed its buyers in Antwerp not to buy informal-sector diamonds coming out of Africa.

U.S. Efforts

In the United States, two members of the U.S. House of Representatives, Representatives Tony Hall (D-Ohio) and Frank Wolf (R-Virginia), called on U.S. Ambassador to the United Nations Richard Holbrooke to expand the sanctions on black market diamonds from Angola to include black market

diamonds from Sierra Leone. The Congressmen urged the United Nations to put sanctions on the UN Security Council's agenda and to pass a resolution modeled after UN Resolution 864, which prohibits the purchase of diamonds from Angola's UNITA rebels. "By capturing the diamond-mining region, rebels there transformed themselves from a rag-tag bunch of 400 to a well-equipped gang of 25,000. Diamonds allowed them to buy the weapons they need to oust the country's democratically elected government—and turned the people living in diamond-rich areas into targets for attack," Representative Hall said.

Additionally, on November 1, 1999, Representative Hall introduced a bill entitled Consumer Access to a Responsible Accounting of Trade (CARAT) Act of 2000. The legislation recognizes that U.S. consumers purchase 65 percent of the world's gem-quality diamonds and calls for the disclosure of where diamonds are mined. Given the United States' purchasing power in the diamond market, U.S. compliance with diamond regulations would set an important precedent for other countries to follow.

Conclusion

Critics of COs argue that the plan is too cumbersome to be implemented. The benefits of having COs, however, far outweigh the concerns about practicality. Sierra Leone has endured nine years of civil war and serious human rights abuses. Currently, the nation is struggling to maintain a fragile peace accord. The RUF continues to inflict human rights abuses while it profits from the diamond trade. De Beers has taken important steps to close its offices in nations where it suspects diamond smuggling occurs. Requiring COs is one more means to prevent human rights abusers from profiting from the sale of diamonds on the world market. 🌐

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records cannot then invoke that absence to recuse its own legal liability. Another approach is to craft a series of causes of action, stemming from different continuing violations, similar to the strategy for statute of limitations. Because these actions will have to conform to the statute of limitations and the harms extend into this century, blacks today should be more able to identify and prove legal relationships with those affected. In the case of World War II veterans, many will still be alive today.

Conclusion

Putting racism into economic language is important. A significant effect of racism is its dissociation of blacks from markets and economics. Part of the reason so many Americans are skeptical of awarding reparations is the absence of a compelling discourse of black economic personality and desert of wealth. Reparations are recognition of the severe economic harm inflicted on blacks. Developing a reparations cause of action will yield several positive results. In defining the contours of a Thirteenth Amendment-based racial jurisprudence, it will turn the nation's atten-

tion toward what black slavery entailed, connect current acts, including private ones, to customs, norms, and history stemming from slavery and segregation, and comprehend slavery's ongoing economic effects. When confronted with this history, then perhaps we can come to a national consensus on what the anti-slavery imperative of the Thirteenth Amendment means. 🌐

For additional information, see the National Coalition of Blacks for Reparations in American website at www.ncobra.com.

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