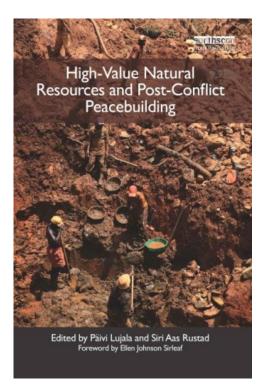


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The Kimberly Process at ten: Reflections on a decade of efforts to end the trade in conflict diamonds J. Andrew Grant^a ^aQueen's University, Ontario

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The Kimberley Process at ten: Reflections on a decade of efforts to end the trade in conflict diamonds

J. Andrew Grant

Rough diamonds are not the only natural resource linked to violent conflict, but they have gained much notoriety through their association with civil wars in Sierra Leone and Angola, among other countries. Although diamonds did not cause these wars, they were a major funding source, allowing the fighting to continue. In the late 1990s, an intense international outcry against these "blood diamonds" led to the creation of an international governance framework to sever the link between the gems and the violence they facilitated.

Since its inception in 2000, the Kimberley Process (KP) has sought to end the trade in conflict diamonds. The KP has carried out this objective by imposing a set of verification and trade procedures. These procedures, known collectively as the Kimberley Process Certification Scheme (KPCS), were implemented in 2003. The implementation of the KPCS has been facilitated by the collaboration of both governments and nonstate actors, including diamond firms, industry associations, and nongovernmental organizations (NGOs).

Nearly all diamond-producing and diamond-trading countries are members of the KP—which, at the time of writing, had seventy-nine participating nations, including Australia, Botswana, Canada, China, India, Israel, Japan, Russia, South Africa, and the United States.¹ The KP also relies on the participation of industry, through the World Diamond Council (which includes De Beers, the leading

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¹ The figure of seventy-nine participants includes all members of the European Union as well as Venezuela and Côte d'Ivoire. Although Venezuela and Côte d'Ivoire are still considered KP participants, both nations have suspended the importing and exporting of rough diamonds, and neither is issuing KP certificates. Chinese Taipei has also conformed to the minimum requirements of the KPCS and is recognized by the KP as an importer and exporter of rough diamonds.

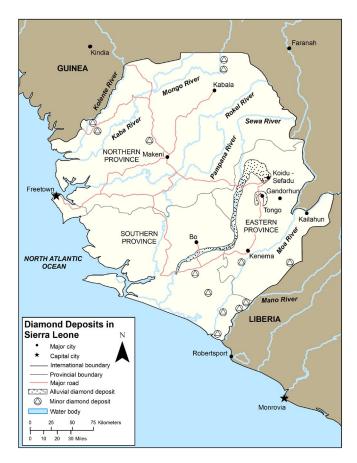


Figure 1. Diamond deposits in Sierra Leone Source: Based on original map from Aureus Mining.

rough-diamond wholesaler) and NGOs—such as Global Witness and Partnership Africa Canada (PAC)—that focus on the links between violent conflict and natural resources. This multi-stakeholder governance has made it more difficult for conflict diamonds to make their way into the global market; by removing the gems as a funding source for violent conflict, the KP has supported peacebuilding. The KP has also made a positive contribution to the management of this valuable natural resource by strengthening governance capacity in member states.

The chapter is divided into five major parts: (1) a review of the emergence of conflict diamonds and the subsequent international response; (2) a description of the workings of the KPCS; (3) a comparison of Sierra Leone and Angola (see figures 1 and 2) particularly with respect to their implementation of the KPCS; (4) a discussion of the implications of involving former combatants in post-conflict natural resource schemes; and (5) a brief conclusion.

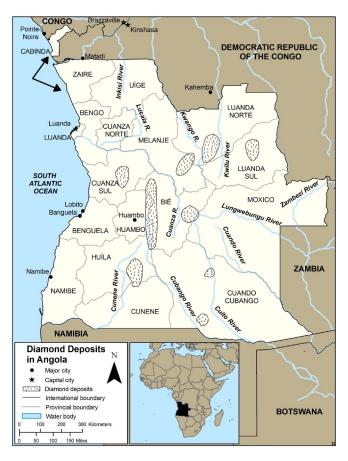


Figure 2. Diamond deposits in Angola *Source*: PAC (2009b).

CONFLICT DIAMONDS AND INTERNATIONAL CONTROLS

Conflict diamonds are not a new phenomenon. Rough diamonds have sparked violence since the 1950s, often in connection with efforts to punish or deter diamond smugglers in artisanal mining areas. In Sierra Leone in the 1950s, security forces shot diamond smugglers attempting to transport diamonds into neighboring Liberia (Smillie, Gberie, and Hazelton 2000). In Brazil in 2004, members of the Cinta Larga tribe killed as many as twenty-nine diamond miners who were engaged in illicit mining on tribal land (Blore 2005).

In the late 1980s and early 1990s, conflict diamonds began to trickle out of Angola and Sierra Leone, which would become the most notorious examples of diamond-funded armed violence. According to Jean-Philippe Ceppi (2000), by the late 1980s, several multinational diamond firms were purchasing rough diamonds from parts of Angola that were under the control of the União Nacional para a

Independência Total de Angola (UNITA). Because the pro-West UNITA rebels were fighting against the Soviet-allied Movimento Popular de Libertação de Angola (MPLA) government, and the trade was occurring during the waning years of the Cold War, countries such as the United States and South Africa turned a blind eye to the trade in conflict diamonds. By the mid-1990s, however, the trickle of conflict diamonds had become a sizable stream: in Angola, UNITA was earning as much as US\$700 million per year from rough diamonds (Global Witness 1998; Cortright, Lopez, and Conroy 2000); and in Sierra Leone, the Revolutionary United Front (RUF) had gained control of the vast majority of the diamond-mining areas in the eastern part of the country. At its peak, the RUF's annual income from rough diamonds was estimated at US\$125 million (UNSC 2000a).

By the late 1990s, the growing trade in conflict diamonds had drawn the attention of several human rights organizations, including heavyweights Amnesty International and Human Rights Watch. But it was Global Witness, a modest-sized NGO at the time, that captured the attention of the mainstream media—by publishing, in December 1998, A Rough Trade: The Role of Companies and Governments in the Angolan Conflict, a report that shed an uncomfortably bright light on diamond firms' dealings with UNITA and on De Beers' dealings with the notoriously corrupt Angolan government parastatals (government-owned enterprises). In January 2000, PAC published an equally damning report on conflict diamonds in Sierra Leone (Smillie, Gberie, and Hazelton 2000). Through the work of Global Witness and PAC, conflict diamonds quickly gained worldwide attention. The BBC, the New York Times, the Washington Post, and other media outlets began to run articles on the role of diamonds in several African civil wars, including those in Liberia and the Democratic Republic of the Congo (DRC).² Even Vanity Fair, a self-described "cultural catalyst" based in the United States, published an article (Junger 2000) detailing the link between diamonds and violence in Sierra Leone. Scholars also began to weigh in on the threat that conflict diamonds posed to regional security and stability.³

By 2000, it had become impossible for the diamond industry and for diamondproducing and trading countries to deny the existence of conflict diamonds (Grant and Taylor 2004; Hughes 2006; Grant 2009b). Over the subsequent decade, Global Witness and PAC continued to publish detailed reports and press releases on conflict diamonds. Although exact numbers are difficult to establish, Amnesty

² See, for example, New York Times (2000), BBC News (2001), and Farah (2001).

³ For research on conflict diamonds in Sierra Leone, see Reno (1995, 1997), Abiodun (1999), Zack-Williams (1999), Grant (2005a, 2005b, 2008, 2009a), Gberie (2005), Keen (2005), Davies (2006), and Kabia (2008). On Angola, see Sherman (2000), Dietrich (2000a), Malaquias (2001), Le Billon (2001), Hodges (2001), and Grant (2002). On the Democratic Republic of the Congo, see Dietrich (2000b, 2002), MacLean (2003), Pugh, Cooper, and Goodhand (2004), and Reno (2006). On Liberia, see Reno (1998), Bøås (2001), Adebajo (2002), and Sawyer (2004). And on Côte d'Ivoire, see Grant (2010). For large-number analyses of conflict diamonds, see, for example, Le Billon (2008) and Lujala (2009, 2010).

International has estimated that 3.7 million deaths were linked, either directly or indirectly, to the proceeds from conflict diamonds (Amnesty International n.d.).

In the late 1990s, the United Nations took an interest in conflict diamonds. The UN Security Council (UNSC) imposed sanctions on diamond exports from Angola in June 1998, from Sierra Leone in July 2000, from Liberia in March 2001, and from Côte d'Ivoire in December 2005. The UNSC also established UN expert panels on these countries, and one of the panels' many duties was to track and report on the illicit diamond trade.⁴

As the threat of a consumer boycott emerged, the South African government concerned about the potential economic impact—invited representatives from industry, NGOs, and other diamond-producing and -trading states to meet in Kimberley, in May 2000. The objective of the meeting was to develop a mechanism that would prevent trade in conflict diamonds. After more than a dozen meetings over the next two-and-a-half years, the KPCS—an overarching regulatory agreement that would oversee the international trade in rough diamonds—was developed. Since December 2000, the UN General Assembly has issued a number of resolutions in support of the KP's efforts.⁵

THE KIMBERLEY PROCESS CERTIFICATION SCHEME

The KPCS is a global regulatory framework that is supported by stringent national legislation governing the export and import of rough diamonds.⁶ To gain entry to the KPCS (and hence become an official member of the KP), a country must provide evidence that its legislation includes strong regulations, rules, procedures, and practices to control the production and trade of rough diamonds. Countries that are admitted to the KPCS pledge to monitor internal mining and trading of rough diamonds; to submit to the KP secretariat, on a quarterly basis, statistics on diamond production, exports, imports, and the number of KP certificates issued and collected; and to adhere to the various requirements and responsibilities set out in the KPCS.

The KP secretariat is hosted and staffed by the government of the country that is the current KP chair. Each member state designs and issues its own KP certificate, a process that is overseen by the government agency responsible for KP matters. Although the government agencies vary from country to country, KP certificates are typically overseen by ministries responsible for customs and trade, mineral resources, or finance.

⁴ See, for example, UNSC (2000a, 2000b, 2001, 2005a, and 2005b).

⁵ See, for example, UN General Assembly resolutions 55/56 (December 2000), 56/263 (March 2002), 57/302 (April 2003), 58/290 (April 2004), 59/144 (December 2004), and 60/182 (December 2005). For further information about the KP, see Clive Wright, "The Kimberley Process Certification Scheme: A Model Negotiation?" in this volume.

⁶ The KPCS is available for download at www.kimberleyprocess.com/download/getfile/4.

Rough diamonds are usually traded in parcels (or shipments) containing any number of individual stones, ranging from one to several hundred. Before a parcel can be exported from its country of origin, it must have a KP certificate attached to it.⁷ If the parcel is somehow exported without a KP certificate, customs officials of the receiving member state must confiscate it. If the absence of the certificate is judged to be an honest mistake, the shipment may be returned to the exporter. Otherwise, both the importer and the exporter of the confiscated diamond shipment may be fined, face criminal charges, or both, in accordance with the national legislation of the receiving country. According to a 2006 survey of KP participants, half of all members had recorded at least one case of KPCS infringement since 2003. The leaders in terms of reported cases of KPCS infringement were as follows: the European Union, 26;⁸ Sierra Leone, 16; Australia, 8; and Canada, 5.⁹

The most common outcome of confiscation is seizure (that is, forfeiture) of the diamond shipment. From 2003 to 2006, the European Union seized rough diamond shipments worth about US\$1.5 million; several convictions were also recorded.¹⁰ Since KPCS infringement (and subsequent criminal charges) are domestic issues, few cases are publicized within KP circles. In 2008, however, the KP Working Group on Monitoring began discussing having member states report all KPCS infringements to the KP secretariat. As of this writing, these discussions had yet to yield a formal recommendation for consideration by the KP membership.

In addition to monitoring the production and trade of rough diamonds and submitting quarterly statistics to the KP secretariat, member states must allow the KP to periodically send a review team—consisting of representatives from government, industry, and NGOs—to assess the member state's implementation of the KPCS. All KP members have hosted a review team at least once since 2004. In 2009, Angola, the DRC, the European Union, Liberia, Sierra Leone, and Turkey all hosted review teams. Several countries, including Sierra Leone, have hosted two visits. Canada and the United States have indicated that they are ready for the KP to send review teams for a second visit during 2010.

The KP—through its rotating chair, its various working groups and committees, and its intersessional and plenary meetings—governs the implementation of the KPCS.¹¹ The purpose of the annual intersessional and plenary meetings is

⁷ In 2006, KP participants issued approximately 55,000 KP certificates, which were attached to rough diamond exports worth about US\$35.7 billion. As of 2006, KP diamonds represented approximately 94 percent of the official trade in rough diamonds—a figure that has increased as the KP has added new members to its roster (Kimberley Process 2007).

⁸ Under the auspices of the European Commission, which serves as the executive branch of the European Union.

⁹ According to documents in the author's possession.

¹⁰ According to documents in the author's possession.

¹¹ The KP working groups and committees report to the KP chair; the KP chair provides information and updates to all KP members via teleconferences and electronic communications.

to address all issues relating to the KP—from reports of noncompliance, to problems with statistical reporting, to proposed improvements to the KPCS.

All KP activities depend on cooperation between states, industry, and NGOs. Since 2000, the relationship between these three groups of stakeholders has ranged from supportive to cordial to hostile, depending on the issue. Since 2004, participants found to be noncompliant with the KPCS have sparked the most heated debates. One reason for the contention concerning noncompliance may be that the KPCS does not provide explicit directives concerning sanctions or penalties in such cases. Moreover, because all KP decisions are made by consensus, each member state has effective veto power. Nevertheless, the KP has imposed suspensions, and some countries have opted for "self-suspension."

In 2004, the Republic of the Congo was suspended after a KP review found that the government's ministries of revenue and mineral resources could not provide details about the location of diamond-mining areas or other sources for their rough diamond exports. In addition, industry experts knew that the Republic of the Congo had very little of its own diamondiferous land, and that it had been suspected, for several decades, of serving as a smuggling route for gems from neighboring Angola and the DRC. The Republic of the Congo accepted the suspension; it was reinstated in November 2007, after demonstrating that it had addressed governance problems in its diamond export sector.

In late 2008, Venezuela announced that it would suspend rough diamond exports until it could better organize the government agency responsible for governing its diamond sector. The move was in response to informal pressure from other KP members, who were concerned about Venezuela's failure to submit statistical information and to take adequate steps to curb diamond smuggling to Guyana and Brazil. During the 2009 KP plenary meetings, the Participation Committee announced that it would assist Venezuela in its efforts to meet minimum KPCS standards and rejoin the KP as an active member. Venezuela's self-suspension has frustrated NGOs within the KP because reports of cross-border smuggling to Guyana and Brazil continue to emerge.

Since legal rough diamond shipments must now possess a KP certificate issued by a recognized government, it has become much more difficult for conflict diamonds to gain entry to the world market. But the capacity to fully implement the national regulatory controls called for by the KPCS varies from country to country. Similarly, some KP participants have been more willing to accept technical and other assistance under the auspices of the KP than others.

Capacity building—the transfer of logistical and technical knowledge is one of the most important benefits of the KP. Canada, China, the European Union, and the United States, among other KP members, have provided fellow KP participants with technical assistance in several areas, including the collection of statistics and the registration of diamond miners and traders, and have run training workshops on database operations, diamond evaluation, and internal controls. The World Diamond Council, which represents the industry as an official KP observer, has also provided technical assistance and training workshops for

various KP participants. In addition to Sierra Leone and Angola, other countriesmost notably the DRC, Ghana, and Liberia-have also benefited from such assistance.

GOVERNING DIAMOND RESOURCES IN SIERRA LEONE AND ANGOLA

Conflict diamonds played a significant role in the Sierra Leonean and Angolan civil wars, and served as part of the impetus for establishing the KP in 2000. It therefore makes sense to delve into these two prominent cases in greater detail.

Sierra Leone

The existence of rough diamond reserves did not cause Sierra Leone's civil war; the roots of the violent conflict that broke out in March 1991 can be traced to two decades of corrupt and venal governance, and to the grievances that naturally resulted.¹² Diamond-related corruption did, however, contribute to the contempt with which many people viewed the government. More importantly, control over diamond resources fueled the continuation of conflict once civil war had broken out.

Diamonds and civil war in Sierra Leone

The National Provisional Ruling Council (NPRC), the military junta that assumed power after a coup deposed President Joseph Saidu Momoh in April 1992, claimed that it would defeat the RUF rebel group and root out government corruption, but it quietly operated its own diamond-laundering schemes in the meantime (Keen 2005). As the midpoint of the decade approached, the focus of the conflict shifted to gaining control of the diamond-mining areas for private profit. In May 1995, the cash-strapped NPRC sold a twenty-five-year diamond-mining lease to Branch Energy, The mining arem of a private military company, Executive Outcomes; in return, the company defended the region outside Freetown (the capital) and ejected the RUF from the diamond-producing regions of the country (Smillie, Gberie, and Hazelton 2000). But by mid-1997, Executive Outcomes had completed its original mandate and had left the country, and the RUF had begun to take advantage of its departure—and of the fact that government forces had limited operational capabilities—to resume looting rough diamonds in Kono

¹² For additional information on diamonds in Sierra Leone, see Roy Maconachie, "The Diamond Area Community Development Fund: Micropolitics and Community-led Development in Post-war Sierra Leone," and Kazumi Kawamoto, "Diamonds in War, Diamonds for Peace: Diamond Sector Management and Kimberlite Mining in Sierra Leone," both in this volume.

and Kenema districts and exchanging them for money, weapons, narcotics, and other goods (Gberie 2002).¹³

The civil war officially ended in January 2002, after nearly eleven years of fighting that had left 75,000 dead and roughly 2 million displaced, and had included acts of extraordinary brutality. As noted earlier in the chapter, diamonds had played an important role in the civil war. Nonetheless, the post-war government excluded former combatants from the evolving governance frameworks for natural resource management. Although the logic of this decision is understandable, it did carry some risk: aggrieved former combatants could have taken up arms against the government.

After the signing of the Lomé Peace Accord, in 1999, the UN established a peacekeeping mission in Sierra Leone. When the war ended, Sierra Leoneans understood that the UN peacekeepers would depart sooner rather than later, and that the stability they had provided would be difficult for the new government to replace. Although former combatants could have attempted to spoil the fragile peace, they did not. Some members of the RUF attempted to take a legitimate stake in the government by transforming the rebel group into a political party. Other members demobilized, through the program created by the National Committee for Disarmament, Demobilization and Reintegration (NCDDR). Still others either attempted to blend into the civilian population without the assistance of the NCDDR or fled to neighboring Côte d'Ivoire, Guinea, or Liberia (Keen 2005; Grant 2008).

Not long after the war, international financial institutions and NGOs, including the World Bank and the Network Movement for Justice and Development (NMJD), sought to influence the development of reforms in the natural resource sector. But because of the atrocities committed by the RUF during the war, neither the World Bank nor the NMJD had much sympathy for former combatants or much inclination to press the Sierra Leonean government to include ex-combatants in resource governance structures. Nor would the government have been likely to agree in any case: under the 1999 Lomé Peace Accord, the rebel leader Foday Sankoh had been placed at the head of the Commission for the Management of Strategic Mineral Resources—a position that he used to reap personal profits from diamond exports by signing deals with mining firms. As a consequence of this past experience, former combatants were excluded from Sierra Leone's governance schemes for natural resource management.

Implementing the KPCS in Sierra Leone

Despite its limited resources and its need to rely on the UN for security, the Ministry of Mineral Resources wanted to demonstrate to donor states and international

¹³ Much of Sierra Leone's diamond reserves can be extracted though artisanal mining techniques that require very little skill, capital investment, or infrastructure, enabling rebel commanders to organize and control production with little effort.

aid agencies that the government of Sierra Leone was committed to strengthening overall governance, especially in the diamond sector. Membership in the KP allowed Sierra Leone to achieve this objective. Beginning in 2003, Usman Boie Kamara served as the point person for Sierra Leone's participation in the KP. Kamara is well respected in KP circles and has worked tirelessly to ensure Sierra Leone's compliance with the KPCS.¹⁴ He has also worked with other KP members to improve Sierra Leone's capacity to submit statistical information and to oversee the implementation of miner registration programs.

In 2001, as the civil war was winding down, Sierra Leone exported 222,521 carats of rough diamonds (PAC 2004). In 2003, which marked the first year of Sierra Leone's participation in the KPCS, diamond exports more than doubled, totaling 506,674 carats. From 2004 to 2007, the country's annual diamond exports rose to the 600,000- to 700,000-carat range, with a value between US\$125 million and US\$142 million (PAC 2009b). Beginning in early 2008 and extending through 2009, the global recession reduced the demand for gem-quality diamonds; as a result, diamond exports declined during that period. Sierra Leone was not immune to the drop in demand. Moreover, Koidu Holdings Limited, the country's largest diamond exports dropped to 371,260 carats, valued at US\$98,772,170 (PAC 2009b).

In the decade before the outbreak of the civil war, as much as 90 percent of Sierra Leone's diamond production was being smuggled out of the country, circumventing government channels—and hence government coffers. Although the overall increase in export volume can be largely attributed to the war's end, the regulatory regime required by the KPCS substantially increased the proportion of rough diamonds exported through government channels (GOSL 2008). Diamond production provides about US\$5 million to US\$7 million in export duties and fees, and generates indirect economic benefits in the form of investment and employment (GOSL 2008).

In 2007, the All People's Congress (APC) defeated the Sierra Leone People's Party (SLPP) in a narrow and hotly contested election. Among the APC's campaign promises was a pledge to review all mining contracts. Although the APC did conduct the review, it had failed to yield any significant changes by the time of writing. Nevertheless, the review did highlight the fact that diamond mining remains a sensitive issue in Sierra Leone.¹⁵

Angola

Like Sierra Leone's civil war, Angola's was not caused by diamonds—but again, diamonds did play an important role. Interestingly, the gems had little impact on

¹⁴ This statement is based on conversations and interviews with KP participants and observers between 2005 and 2009.

¹⁵ Although he was a holdover from the previous SLPP administration, Kamara was retained by the new APC government, thanks largely to his valuable technical and governance skills. However, at the 2009 KP plenary meeting, Kamara announced that he would retire at the end of the year.

the country's armed struggle for independence (1961–1974). After the Portuguese were ousted, the new nation's transitional government lasted for about a year before crumbling into three warring factions: UNITA, the MPLA, and the Frente Nacional de Libertação de Angola.

Diamonds and the civil war in Angola

The 1975–2002 civil war was not caused by a power struggle over diamond resources. Rather, as one scholar correctly asserts, the war was ignited by the combination of "mutual suspicion among the movements and the personal ambitions of their leaders" (Tvedten 1997, 36). Because the Cold War was still raging, Angola's combatants found funding through strategic alliances: the MPLA attracted Soviet weapons and Cuban soldiers, while UNITA was supported by South Africa and the United States.¹⁶ From 1976 to 1991, the South African Defence Force flew numerous sorties, provided sustained military assistance, and engaged in a wide range of covert operations. From 1986 to 1991, the United States provided UNITA with weapons and funds, to the tune of US\$15 million to US\$50 million a year (de Beer and Gamba 2000). The signing of the Bicesse Accords, in May 1991, led to a respite in the violence. But the war resumed after Jonas Savimbi, UNITA's presidential candidate, declared that the country's first democratic elections, which had been held in September 1992, were rigged. By this time, however, the Cold War was over. Unable to rely on assistance from the United States and South Africa, UNITA had to find another means of financial support: rough diamonds.

Under Savimbi's centralized leadership, UNITA had been smuggling rough diamonds to buyers in the DRC (then Zaïre) and South Africa since the late 1980s. This activity was stepped up in 1990 and 1991, when UNITA smuggled out US\$100 million and US\$300 million worth of rough diamonds, respectively (Dietrich 2002). Like the RUF in Sierra Leone, UNITA was able to take control of artisanal extraction in Angola's alluvial diamond-mining regions, which included the Cuango River floodplains in Lunda Norte and Lunda Sud. The challenge was to maintain military control over the diamond-mining areas in the northeast—a not inconsiderable problem, given Angola's size and the distance between the mines and UNITA's traditional strongholds in southern Angola.

Over the next decade, UNITA's military fortunes rose and fell in tandem with its ability to repel government forces from the diamond territories. From 1992

¹⁶ The Cold War was not the only reason for South Africa's support for UNITA: the South African government knew that as long as the MPLA remained weak, it would be unable to pursue anti-apartheid policies. Generally speaking, regional instability was in South Africa's interest, because it would prevent other African governments from mounting pressure against apartheid. By the early 1990s, however, aware that apartheid would come to an end within a few years, the South African government had less reason to continue to support UNITA.

to 1994, UNITA earned between US\$600 million and US\$700 million per year in diamond proceeds. In 1995, UNITA lost control over parts of the diamondproducing areas in the Cuango Valley, Lunda Norte, and Lunda Sud, halving diamond revenues for that year. In 1996 and 1997, after UNITA had regained control of these areas, revenues returned to the US\$700 million range. In 1998, however, UNITA again lost control of much of the territory to government forces. The rapid decline in UNITA's rough-diamond proceeds from 1998 to 2001—from US\$300 million to US\$50 million annually—also coincided with UN Resolution 1173 which imposed sanctions that came into effect on June 12, 1998 (UNSC 1997, 1998; Global Witness 1998; Shaxson 1999; Cortright, Lopez, and Conroy 2000).

The UNSC sanctions banned the purchase of diamonds from UNITA and froze the rebel movement's financial assets-and hence the group's ability to conduct financial transactions. While the sanctions reduced the outflow of diamonds from UNITA, political and business elites in Burkina Faso, the DRC, and Togo still managed to purchase UNITA-produced diamonds and to serve as weapons brokers to the rebels. Throughout the 1990s, diamond revenues had allowed UNITA to purchase Bulgarian- and Ukrainian-made heavy weaponry, which enabled the rebel group to move away from guerrilla tactics and to fight a conventional war against government forces in and around Angola's cities. But the tactical shift to conventional warfare proved to be an error. Using offshore oil revenues, the MPLA government had bolstered its armed forces, which were trained in conventional warfare. As Assis Malaquias has noted, UNITA's decision to opt for "conventional tactics of warfare-including the deployment of large infantry units, mechanized units, and heavy artillery-to face government forces proved fatal for the rebels" (2007, 110). The civil war ended in April 2002, less than two months after Savimbi's death at the hands of government forces.

Savimbi had maintained a firm grip on the rebel group, making the vast majority of its military and political decisions; the death of its leader left UNITA in disarray. In the absence of a leader who could claim to speak for UNITA as a whole, the MPLA government was in a position to dictate the terms of UNITA's disarmament and reintegration. Although UNITA was a shadow of its former self, the MPLA government wanted to ensure that the former combatants lacked the financial means to resume a civil war. Moreover, government elites were eager to consolidate control of the diamond-mining areas and establish the kinds of opaque joint ventures they already enjoyed in the country's petroleum sector. Slowly, and without much in the way of assistance from the Angolan government or the international community, UNITA members returned to their original communities or migrated to larger urban centers such as Luanda. As they had been in Sierra Leone, former combatants were excluded from governance schemes for natural resources.

Implementing the KPCS in Angola

The KPCS in Angola is implemented through existing legislation. The legislative document that forms the basis for the governance of Angola's diamond sector is Law

No. 16/94—more commonly known as the "diamond law"—which was established on October 7, 1994. Under this law, a government-owned company, Endiama (Empresa Nacional de Diamantes de Angola), enjoys exclusive rights to prospect for, extract, purchase, and trade diamonds within Angola. In February 2000, Executive Decree No. 7-B/00 established Sodiam (Sociedade de Commercialização de Diamantes de Angola), which is a subsidiary of Endiama and is responsible for all exports of Angolan diamonds. Although the Angolan Ministry of Geology and Mines collects export data and KP certificates (and related statistics, which it submits to the KP secretariat), Sodiam is responsible for implementing the KPCS (Blore 2007) and is therefore responsible for Angola's "diamond pipeline" ranging from inspecting diamond parcels from the mining areas to preparing shipments for valuation and export.

In 2001 and 2002, Angola exported approximately 5 million carats each year. In 2003, with the implementation of the KPCS, exports rose to 6 million carats, and in 2004 to just over 6 million carats. In 2005, exports were 7 million carats; in 2006, 9.5 million carats; in 2007, 8.5 million carats; and in 2008, 7.4 million carats (Blore 2007; Kimberley Process n.d.). As in Sierra Leone, the increases were due, in part, to the end of the civil war, but they were also bolstered by the KPCS.

For investors engaged in industrial-scale extraction, stronger domestic and global regulations have reduced the perception of risk associated with Angola's diamond sector, assuaging fears that rebel groups would seize diamond-mining areas or that consumers would boycott blood diamonds. In the artisanal diamond sector, however, the Angolan government is still struggling to implement the stronger controls that were recommended after a 2005 KP review. In 2009, the government implemented new legislation to strengthen the governance of artisanal diamond mining, but it remains unclear whether the legislation will allow verifiable tracking of artisanal production from mining areas to export points in Luanda.

Sierra Leone and Angola in the KP: A comparison

Since 2005, diamond production in Angola has yielded approximately US\$1 billion in annual exports, depending on the quality of the rough diamonds, allowing the government to earn about US\$150 million each year in royalties and export duties (Blore 2007).¹⁷ Although impressive in absolute terms, Angola's diamond revenues represent only one-tenth of those earned from oil exports. Sierra Leone's annual diamond revenues, of US\$5 million to US\$7 million, are much smaller, but represent about half of all government income from export duties, taxes, and fees (GOSL 2008). The more telling difference between the two countries, however, is the level and quality of participation in the KP.

¹⁷ The quality of diamond exports depends on the shape, color, clarity, and flaws of each rough diamond. The higher the overall quality, the higher the value (price per carat).

Sierra Leone and Angola share many common traits with respect to the KP. Both countries are long-standing members, and both established their own certificates of origin for rough diamonds three years before the KPCS began operating. After their wars had ended, both countries excluded former combatants from participating in the governance of natural resources. Through their membership in the KP, both Sierra Leone and Angola (although the latter to a lesser extent) have benefited from logistical assistance and technical knowledge provided by other KP members, which has not only strengthened their capacity to capture a greater portion of revenues from rough diamond production but has also enabled the countries to implement safeguards designed to help curb the threat of conflict diamonds. Finally, both countries have benefited economically from membership in the KP.

In Sierra Leone, governance has improved throughout the nation's decadelong association with the KP. Under the auspices of the KP, civil servants in Sierra Leone's Ministry of Mineral Resources (particularly in the Gold and Diamond Department) have received specialized training in a number of areas, including diamond valuation, governance logistics, and the development and use of production and export databases. Sierra Leone has also been an active member of the KP Working Group on Artisanal Alluvial Diamond Producers, which is a collective effort to address the governance challenges associated with artisanal diamond mining. And from 2007 to 2008, Sierra Leone received advice from the KP Working Group on Statistics on how to improve the collection and reporting of KP certificates.

Whereas Sierra Leone's association with the KP has yielded logistical and technical improvements, along with some modest increases in transparency,¹⁸ very little has changed in Angola. During the early years of the KP, the Angolan delegation attended KP meetings but was more observant than active—although, when Global Witness and PAC criticized Angola's governance of diamond resources (for, among other things, lack of transparency and the heavy-handed expulsions of foreign *garimpeiros*—artisanal miners), the Angolan delegation would occasionally respond by disputing the accuracy of the reports.¹⁹

In recent years, however, Angola has begun to participate in various KP working groups and committees, largely because of its desire to become chair of the KP—a development that is consistent with the country's wish to increase its diplomatic power, not only in Southern Africa but across the continent. During the November 2005 KP plenary meetings in Moscow, Angola's representatives quietly let it be known that Angola wanted to serve as vice-chair of the KP.²⁰ The convention in the KP

¹⁸ The increases in transparency occurred indirectly, through KP membership, and were made at the behest of international donors, NGOs, and the media.

¹⁹ This information is based on the author's in-person observations of KP plenary meetings held between 2004 and 2009.

²⁰ Although the vice-chair is chosen by consensus, much politicking occurs behind the scenes, so that by the end of the plenary session, only one name is usually put forward for the position.

is that after serving one year as vice-chair—learning the ropes, sitting on the various KP working groups and committees, and generally assisting the KP chair—the vice-chair assumes the role of KP chair. Thus, by expressing interest in the position of vice-chair, Angola was actually expressing a desire to be chair.

Given that Angola would be expected to allocate much time, effort, and funding to serving as KP chair, its interest in the position is laudable. Nevertheless, having Angola serve as KP chair would be perceived as problematic in some quarters, given its poor track record in the realm of natural resource governance. For decades, the oil and diamond sectors have been under the control of joint ventures between the Angolan government and private individuals who have close political ties to the government or the army. Reports abound of proceeds from oil and diamond projects being siphoned off into private bank accounts-much to the chagrin of foreign investors and the International Monetary Fund (Global Witness 1999; Hodges 2001, 2004). Whereas Sierra Leone has usually been eager to receive logistical and technical assistance from the KP, the attitude of the Angolan delegation has been that it knows best and that no help is needed.²¹ Angola's membership in the KP has led to some tangential governance improvements, but the Angolan government has resisted efforts to improve transparency in the diamond sector. Finally, the Angolan government is notorious for its restriction of the media and civil society groups, including both Angolan and transnational NGOs.²² In view of the selection of the DRC as incoming KP vice-chair for 2010, the concerns about Angola's suitability to serve as KP chair have been placed on hold for another year.

THE INCLUSION OF FORMER COMBATANTS IN POST-CONFLICT RESOURCE MANAGEMENT

Inclusiveness—generally understood to mean as high a degree of participation among as many stakeholders as is feasible—is one indicator of good governance in a natural resource sector. This is not to say, however, that all stakeholders must be involved in all natural resource governance schemes at all times. In natural resource governance—the mining sector, for example—inclusiveness can take many forms; the following are all examples of inclusiveness:

- Public disclosure of government revenues from mineral exports, and of the details of mining agreements with firms.
- Consultations with stakeholders, such as representatives of civil society groups.
- The creation of legislation that (1) assigns responsibility for the mining sector to specific individuals or groups or (2) includes mining-employment provisions that apply to specific individuals or groups. Examples include the appointment

²¹ This information is based on the author's in-person observations of KP plenary meetings held between 2004 and 2009.

²² See, for example, Grant (2002), Vesely (2004), and Malaquias (2007).

of a former rebel leader as the head of a ministerial portfolio responsible for mining, and the allocation of land to former combatants for mining purposes.

Inclusiveness is an admirable goal and an important means of preventing the recurrence of the kinds of grievances that may have led to conflict in the first place. In a post-conflict context, however, inclusiveness must be balanced against other priorities.

On the one hand, natural resource management offers an opportunity to bring together former combatants and to insulate fragile post-conflict conditions from potential peace spoilers: structuring a new resource governance scheme so as to provide all former belligerents with some form of access to natural resources lessens the motivation to engage in conflict for economic reasons. On the other hand, the inclusion of former combatants in natural resource management schemes may be neither practical nor prudent. Mining firms, for example, would likely balk at being required to hire former combatants. And appointing a former rebel leader to a ministerial post that is responsible for mining, or allocating land for former combatants to mine, would provide access to the financial means to resume hostilities. If combatants previously used natural resources to fund armed campaigns, the chances are great that they will do so again. While certain natural resources, such as land or water for agricultural use, might appropriately be allocated to former combatants, resources such as diamonds and gold can be readily (and quickly) extracted and traded for cash, weapons, and other means to wage war.

In Sierra Leone and Angola, former rebels were excluded from natural resource management schemes during the post-conflict period. The governments of both countries were mindful of past problems: the 1999 Lomé Peace Accord, in Sierra Leone, and the 1994 Lusaka Protocol, in Angola,²³ had placed former rebel leaders in charge of natural resource ministries, and in both cases, the former rebels used the government portfolios to continue trading in conflict diamonds.

The KPCS was specifically designed to keep rough diamonds out of the hands of rebel groups; thus, the KPCS does not require members to include former combatants in their diamond sectors. When KP members discuss former combatant groups, the conversation tends to focus on how to restrict their access to diamond sectors, not on finding opportunities to be inclusive. Diamonds had played a smaller role in Liberia's civil war than in those of Sierra Leone and Angola; nevertheless, Liberia was scrutinized at length by the KP before its admittance in 2007, out of concern that access to diamond proceeds might provide the means to resume fighting. Furthermore, former rebels and militia groups were excluded from the process of revising Liberia's diamond legislation.

²³ The Lusaka Protocol contained provisions for a cease-fire and a disarmament process, and provided UNITA with key ministerial posts, including those responsible for mining and commerce. The terms of the agreement were repeatedly violated, however, which led to its eventual collapse, in December 1998.

The experiences of Sierra Leone, Angola, and Liberia will be instructive for Côte d'Ivoire, which will be admitted to the KP after its low-intensity civil war ends. Although Côte d'Ivoire was one of the original members of the KP, it suspended its membership in 2003, when the KPCS requirements were introduced. In Côte d'Ivoire, the Forces Nouvelles (FN) rebel group earns as much as US\$12 million per year by "taxing" the rough diamonds mined in the fields under its control. Given the history of regional disparities in the country, national and international actors (such as France and the United Nations) participating in Côte d'Ivoire's peacebuilding initiatives would be wise to lean in the direction of inclusiveness when it comes to natural resource governance schemes. Though it is doubtful that the FN rebels will be offered control over Côte d'Ivoire's Ministry of Mines as part of a peace deal, elements of the civilian population harbor significant grievances, and a governance scheme that rendered the agricultural (e.g., cocoa) and mineral (e.g., diamond) sectors more inclusive would foster reconciliation among civilian groups.

CONCLUSION

Even though neither the KP nor the KPCS was devised with post-conflict objectives in mind, both have contributed to post-conflict peacebuilding in practice. Since 2003, when the KPCS was implemented, Sierra Leone and Angola, the two countries most notorious for conflict diamonds, have remained free of civil war. The KPCS makes it more difficult, and hence more costly, to trade conflict diamonds. Rough diamond parcels that do not have a KP certificate may be seized, and the exporters and importers may be subject to fines, criminal charges, or both. Because more than 99 percent of all diamond-producing and -trading countries are KP members, it is difficult to find buyers for non-KPCS diamonds.

The lessons of Sierra Leone and Angola are instructive for future efforts to curb conflict commodities through certification. Diamonds are a unique case in many ways, but not so unique that the KP "recipe" cannot inform other initiatives. The crucial first step for success in similar efforts is to include government, industry, and civil society in all phases of national and international negotiations to devise the natural resource governance framework. The second step is to incorporate all three stakeholder groups into the subsequent (and much longer) implementation phase of the governance scheme.

The number and diplomatic power of the states that are involved are crucial elements in the success of global governance initiatives. Involving as many states as possible is important because it limits the number of potential destinations for noncertified natural resources. But gaining the support of diplomatic heavyweights—such as China, the European Union, India, Russia, and the United States, all of whom are members of the KP—helps increase the legitimacy and clout of any global governance initiative.

Bringing industry within the global governance framework is vital, and should not be difficult: firms profit from stable domestic settings and the reliable

management of natural resources, while instability and uncertainty hamper investment. At the KP, in addition to having been given a seat at the table (as opposed to having been cast as the villain), industry has contributed specialized technical knowledge to bolster natural resource governance. Similarly, national and transnational civil society groups have a great deal to offer any global governance initiative, including their research proficiency and their ability to serve as watchdogs. Global Witness and PAC, both part of the KP from the very beginning, influenced the direction of the KP and helped mold the KPCS.

Although the KP has experienced a great deal of success over the past decade, it faces a number of challenges. Because it operates by consensus, the KP has been unable to act swiftly when the need arose—specifically when dealing with noncompliance on the part of Venezuela and Zimbabwe. As noted earlier, the KP's civil society members are frustrated by Venezuela's self-suspension because it prevents any action from being taken against cross-border smuggling of Venezuelan rough diamonds to Guyana and Brazil. In 2009, the KP's civil society members, along with some industry representatives and several countries, pushed for more resolute action toward the Zimbabwean government, but Bernhard Esau, the KP chair, was reluctant to act too harshly because he wanted to preserve diplomatic ties between Zimbabwe and his home country, Namibia. Although a compromise was finally hammered out during the November 2009 plenary meetings, the delays have given the appearance that the KP is equivocal about human rights abuses occurring in and around the diamond-mining areas of Marange, Zimbabwe.²⁴

If the KP is to continue to enjoy credibility and legitimacy in the eyes of the international community, then it must make progress in dealing with Venezuela and Zimbabwe.²⁵ In essence, the KP needs to implement more rapid and more powerful mechanisms for dealing with noncompliance. In the meantime, instead of engaging in perfunctory consultations with the two nations during intersessional and plenary meetings, the KP chair and members of the KP working groups and committees must engage with these countries on a continuous basis. Otherwise, a protracted period of noncompliance by Venezuela and Zimbabwe will place the KP and all of its accomplishments in jeopardy, and potentially lead this unique global governance initiative toward irrelevance.

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²⁴ The compromise is detailed in a six-page KP administrative decision known as the 2009 Joint Work Plan on Zimbabwe. For more information on the situation in Zimbabwe's mining areas, see Partnership Africa Canada (2009a).

²⁵ For an additional perspective on the KPCS, see Harrison Mitchell, "A More Formal Engagement: A Constructive Critique of Certification as a Means of Preventing Conflict and Building Peace," in this volume.

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