## **OTHER FACETS**

NEWS AND VIEWS ON THE INTERNATIONAL EFFORT TO END CONFLICT
DIAMONDS

Number 6 May 2002

### KIMBERLEY PROCESS: PARTIAL BREAKTHROUGH

A meeting of the Kimberley Process was held in Ottawa between March 18 and 20 - the 12<sup>th</sup> of the series, depending on which meetings are counted. The meeting dealt successfully with many of the thorny issues that had plagued the debates from their outset in May 2000. A process for obtaining, harmonizing and sharing diamond production and trade statistics was agreed. An approach to WTO trade obligations was decided. It was also agreed that coordination functions would be shared among member states. The only sour note was a lack of consensus on monitoring provisions. NGOs argued that regular independent monitoring of all national control mechanisms was essential to the credibility and effectiveness of the system. What emerged instead, was a provision for monitoring to take place only in exceptional cases.

The six NGOs present at the meeting (ActionAid, Amnesty International, Global Witness, Oxfam International, Partnership Africa Canada and World Vision) delivered a letter on the final day of the meeting to KP Chairman Abbey Chikane. In it, they said, 'Consensus in a plenary meeting of the Kimberley Process, to decide whether there are "credible indications of significant non compliance" will be needed in order to trigger a review mission. Yet any country can join the system by notifying the Chair, without a review of their control systems. This is completely inadequate. UN Security Council Expert Panels, the media and our own studies have shown that elements of the diamond industry and many countries have inadequate controls on conflict diamonds. Without a system of impartial, expert and periodic reviews of *all* countries, the Kimberley Process runs the danger of remaining a paper exercise.'

NGOs agreed, however, that there had been significant progress on all other points. In a note to the more than 200 civil society organizations around the world that have been supporting NGO participation in the process, the six said, 'Stepping back from the tension and the debates, NGOs can be very proud of what has been accomplished - with obvious caveats. Two years ago, the kind of agreement that now exists would have seemed inconceivable. Thirty seven governments and the diamond industry have made huge progress on a wide range of very contentious political issues, and a lot of very difficult technical issues. Many of them gave up key bargaining points, as did we. We do, in fact, have the basis of a workable and effective system.'

Governments will now focus their efforts on preparing for implementation of the scheme. The Government of Switzerland will host a meeting of the Kimberley Process in November 2002 at which the simultaneous launch of the certification scheme will be officially inaugurated. See related Editorial on page 2.

#### OTHER FACETS

Other Facets, a periodic newsletter about the international effort to end diamond-related conflict, is a joint publication of Partnership Africa Canada (Ottawa), the International Peace Information Service (Antwerp) and the Network Movement for Justice and Development (Freetown). Views expressed in Other Facets are those of the authors and editorial staff alone.

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## GAO Repeats Condemnation of Weak Kimberley Agreement

### **Does Not Provide Reasonable Assurance**

Other Facets has learned that a forthcoming report, prepared by the United Sates General Accounting Office, will conclude that the Kimberley Agreement that was completed at the March 2002 Ottawa meeting does not provide reasonable assurance that conflict diamonds will be kept out of the system. The GAO, which is the investigative arm of the US Congress, is expected to report that 'voluntary' and 'recommended' provisions for monitoring are completely inadequate. It will make recommendations to the US Secretary of State for tougher controls, including risk assessment, better internal controls in the United States and appropriate international monitoring of the Kimberley system. The GAO issued a similar report in February 2002, criticizing the weakness of the Kimberley Process monitoring provisions as they stood at that time.

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### **EDITORIAL:**

### APART FROM THAT MRS. LINCOLN, HOW DID YOU LIKE THE PLAY?

In March, the Ottawa Kimberley Process meeting concluded a remarkable agreement to end conflict diamonds. It resolved almost all the outstanding issues but one. Delegations agreed on standards for handling uncut diamonds at all stages of their progress, from mine to cutting factory. They agreed on an international data base, on definitions, deterrents and coordination; they even agreed on how to handle potential difficulties with the WTO.

The one thing governments rejected, however, was the one thing that NGOs had insisted on from the start: regular, independent monitoring of all national diamond control mechanisms. On this issue, the debate was long and heated, but the final text essentially left monitoring missions to the discretion of the entire membership of the Kimberley Process at their annual plenary meetings, to be triggered only by 'credible indications of significant non-compliance with the international certification scheme.'

The monitoring provision is so full of caveats, hesitancy and the need for full plenary approval of all details, that it is virtually meaningless. It makes the Kimberley accord weaker than any other international agreement of the past decade, from those dealing with chemical weapons and money laundering, to endangered species and landmines. While the assembled governments were agreeing on wording in the diamond agreement, in fact, there were already 'credible indications' that a wide variety of countries would be in 'significant non-compliance with the international certification scheme' if permitted to join.

Take Dubai, for example. Dubai's exp orts of rough diamonds to Antwerp increased from \$4.2 million in 1998 to \$149.5 million in 2001. If Dubai does not join the Kimberley Process, its diamonds will be excluded from world trade, but all it has to do is inform the Chair that it is 'willing and able to fulfill the requirements of the scheme' and it is in. Unless, of course, it is decided by the full plenary that 'indications' suggest 'significant non-compliance'. Only then would a review mission be triggered, and only after Dubai had a) agreed to submit to such a review, and b) agreed on 'the size, composition, terms of reference and time frame' of the mission.

Or take any of half a dozen legitimate diamond producers - Guinea, Ghana, Côte d'Ivoire, Central African Republic, for example - where official exports are only half of what is declared by Belgian importers. Take South Africa, where illicit diamonds arrive every day for laundering through defunct South African mines. Take Canada or the US, where there are virtually no serious controls on rough diamond imports. Take countries like Rwanda, Uganda, Gambia, Congo-Brazzaville, Zambia and others, collectively exporting hundreds of millions of dollars worth of anonymous rough diamonds every year, even though they do not mine a single carat themselves. Will they be allowed to join - without a review - simply by notifying the Kimberley Process Chair that they are 'willing and able' to fulfill the requirements of the scheme?

The truth is that almost no country involved in the diamond trade today fulfills the requirements of the proposed scheme. The aim, following the Ottawa meeting, is that participating countries will review their regulatory frameworks in order to put the required systems in place for a launch of the worldwide system in November, 2002. But there are many countries, many businesses and many individuals that have thrived on the illicit trade in diamonds. There have always been laws against theft, smuggling and murder, but they have been completely ineffective where these players are concerned. As a result, untold numbers of innocent people have died in wars that were fueled and protracted by diamonds; millions have been displaced and entire countries destroyed.

Without effective, regular, independent monitoring of all national control systems, the Kimberley provisions will be no more effective than what already exists. Without effective, regular and independent monitoring, the Kimberley Process remains unfinished.

# 2003 NOBEL PEACE PRIZE NOMINATION Joint PAC-GW Statement

On March 19, 2002, Global Witness and Partnership Africa Canada were nominated for the 2003 Nobel Peace Prize. The nomination was made by United States Congressmen Tony P. Hall and Frank R. Wolf, and by US Senator Patrick Leahy, for the efforts that the two organizations have devoted to ending the trade in 'conflict diamonds'.

The Boards of Directors and staff of Global Witness and Partnership Africa Canada are greatly honoured by the nomination. Many organizations and individuals are now putting huge efforts into the issue of conflict diamonds-the diamond industry, dozens of governments, the media, politicians, academics and hundreds of civil society organizations. The nomination is recognition that together there have been great strides in recent months. The nomination, however, is also a reminder that the Kimberley Process is not yet complete, that a great deal of work remains for it to be made complete, and for it to become operational and effective.

In the end, this work is not about an award, and it is not about agreements. It is about putting an end to the horrific wars in Africa that are being fueled by natural resources, and by the apathy that allows them to be traded for weapons and, ultimately, for human lives. Global Witness and PAC will continue to undertake and coordinate research, dialogue and action on conflict diamonds until the issue has been adequately resolved.

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### **UN LIBERIA PANEL REPORTS**

'Liberian' rough diamonds have disappeared from the official diamond trade, but Liberia 'keeps violating the arms embargo'. These are findings of the UN Security Council Panel of Experts on Liberia, which produced its second report on April 19. Liberia had been a conduit for diamonds smuggled out of Sierra Leone by the RUF rebels, and was also a convenient cover for hundreds of millions of dollars worth of rough diamonds mined elsewhere. The Security Council placed a ban on all 'Liberian' diamonds in May 2001, blaming the government of President Charles Taylor for its support of the RUF. Now Taylor is facing his own rebellion from a group known as Liberians United for Reconciliation and Democracy (LURD). And LURD, the report says, has begun trading in conflict diamonds. The report recommends that external assistance be provided to Liberia for the establishment of a credible and transparent diamond certification scheme, to be independently audited by an international body. Liberia's diamond potential is very small, however, and this may prove to be more costly than Liberian diamonds are actually worth. The report is available at:

http://www.un.org/Docs/sc/committees/Liberia2/470e.ndf

On May 3, the UN Security Council renewed its sanctions on Liberia for a further 12 months. The sanctions ban the sale of weapons to Liberia and all trade in diamonds from Liberia. They also place a travel ban on Liberian President Charles Taylor, his family, cabinet ministers and senior government officials.

### US LEGISLATION: THE BEAT GOES ON

A new piece of draft conflict diamond legislation is being considered in the United States. The Clean Diamond Trade Act, sponsored by Congressmen Tony Hall and Frank Wolf, passed almost unanimously through the House of Representatives at the end of 2001. It hit a brick wall in the Senate, however, because it was deemed to have been fatally weakened by the Bush Administration. In March, three Senators (Dick Durbin (D-IL), Mike DeWine (R-OH) and Russell Feingold (D-WI) introduced new legislation (S 2027) with the same name, which covers much of the same territory, but with some important changes. It requires, rather than permits, the President to prohibit the imports of rough diamonds from countries that do not comply with the Kimberley Process or its functional equivalent. In its definition of conflict diamonds, it goes beyond the Kimberley Process which is tied to UN resolutions. The new Bill includes rough diamonds 'used by any armed movement or an ally of an armed movement to finance or sustain operations to carry out systematic human rights abuses or attacks against unarmed civilians.' It also adds an optional provision for the President to block imports of polished diamonds and jewelry if there is evidence that they have been made from rough conflict diamonds. The Administration is considering other regulatory and legislative changes that will be required in order to meet the terms of the Kimberley Agreement.

### Media Watch

In March, German television viewers saw *Die Blutige Spur der Diamanten* (The Bloody Trail of Diamonds), which showed how UNITA diamonds from Angola passed through Zambia and then onwards to Antwerp... Following the Ottawa Meeting of the Kimberley Process in March, the **Associated Press** ran a story under the headline 'Progress Made on Conflict Diamonds', while the **Reuters** version was 'Talks Fail to Produce "Blood Diamonds" Deal'... In April, **The Times of India** reported that an enquiry by economic intelligence agencies and the Intelligence Bureau had revealed heavy use of diamonds by 'underworld dons' and terrorist groups based both in India and elsewhere for money transfers. Diamonds had emerged as an informal means of transferring funds. The report said that the FBI had told India that al Qaeda 'is now trying to hold its funds in diamonds, using them to dodge the freeze on its bank accounts'.

On May 8, the CBS network newsmagazine **60 Minutes II** ran a story on 'Boy Scout Clean' Canadian diamonds, juxtaposing them with conflict diamonds from Africa. **Matthew Hart**, author of the recent *Diamond: Journey to the Heart of an Obsession*, was asked if Canadian diamonds actually are a clean alternative to stones from other countries. Standing in front of a jewelry store on New York's 47<sup>th</sup> Street, he said that 'it is just about impossible' to distinguish Canadian diamonds from others. Hart also called the claim that conflict diamonds represent only four per cent of the world's total, 'complete baloney', noting that those who produce blood diamonds don't keep records or produce auditable returns.

On May 8, **Diamonds and Rust** opened in New York. An Israeli film in English, Herero, Hebrew and Spanish, with English subtitles, the film is set on the diamond trawler, *Spirit of Namibia*. Getting diamonds from the ocean floor is muddy with politics and fraught with racial tension. The crew, working in the service of De Beers, is depicted as a microcosm of the diamond world, with Israelis, South Africans, Cubans and Namibians doing battle with the ocean, the rustbucket they live on, and each other.

### **ANGOLA PEACE HOPES**

Following the death of Angolan rebel leader Jonas Savimbi in February, the Government of Angola and UNITA signed a cease-fire deal on April 4. UNITA had been fighting the Angolan government since the country's independence in 1975. The cease-fire agreement calls for the demobilisation of UNITA's 50,000 fighters and their families. In addition, the Angolan Parliament approved an amnesty for anyone imprisoned as a deserter from the Angolan army during the war. The United Nations has begun monitoring the process at 27 regional centres. This is the fourth cease-fire in one of Africa's longest and most bloody wars. It is estimated that at least half a million people have lost their lives as a result of the conflict. During the height of its powers, UNITA controlled Angola's most lucrative diamond areas, and at one time its exports represented ten per cent of the world's trade in rough diamonds.

A UN Monitoring Mechanism Report, released in April, adds significant new information on how this trade has operated, and on the massive volumes of diamond smuggling throughout the region. Undoubtedly the most detailed report on Angola to date, it notes specific cases and companies, and provides examples of how diamonds move through Zambia, the Democratic Republic of Congo, the Central African Republic and the Republic of Congo on their way to Antwerp and elsewhere. Although the report is 'guardedly optimistic' about the future, it notes that 'Despite three years and nine months of sanctions on this trade, no single diamond company has yet been brought to book by any authority, and those involved in the illicit trade have continued to profit from war.' The Report is available at

http://www.un.org/Docs/sc/committees/Angola/486e.pdf.

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#### **BOOKS**

Ian Stewart, *Freetown Ambush: A Reporter's year in Africa*, Toronto, Penguin Books, 2002 306 pages, US\$21.00

It is hard to approach this book without trepidation. Ian Stewart, a fresh-faced, all-Canadian boy on assignment for the Associated Press, was one of the casualties of the devastating 1999 rebel attack on Freetown, Sierra Leone. Stewart was shot in the head by a rebel 'dressed in American-style jeans, rubber flip-flops, and a jaunty bowler hat like one of the droogs from Stanley Kubrick's film *A Clockwork Orange*.' He survived, but his colleague, Myles Tierney, an AP cameraman, was killed. This book is largely about Stewart's traumatic experience in Sierra Leone, but it touches on other gruesome conflicts, including the interminable war in the Congo and a bloody 1998 spasm in Guinea Bissau, which the author covered as AP's West Africa bureau chief.

Freetown Ambush is a breezy narrative, free of the tedious and often shallow editorializing which mars many a journalistic account of Africa, from Kaplan's To the Ends of the Earth to Richburg's Out of Africa. Stewart was not in Africa to see for himself the horrors of the continent; he was there to do a job---to report the news. It is clear that he would have preferred to have gone somewhere else. In his exposure to the terrors---of child soldiers in Sierra Leone chopping the hands off people their own age, of children in rags 'begging for handouts' in supposedly wealthy Ivory Coast, of the bloody upheaval and civil war in the Congo which has now claimed, by some estimates, 2 million lives --- Stewart becomes more reflective. He begins to think of himself as a Conrad who has 'become disillusioned and horrified by man's inhumanity to man.' A sense of justice and proportion, and a reading of African history (not before he left for Africa but while he was there) leads him to contemplate the Western role in Africa's impoverishment and destruction. 'Conrad had witnessed at a nascent stage the lesson European colonialists were teaching their indentured African workers,' he writes. 'With brutal proficiency and ruthless abandon, Europe showed Africa that self-serving greed outweighed all else.' The results were there for all to see: a Mobutu ravaging the Congo simply to steal its vast wealth, a Kabila doing pretty much the same thing, even though he set out to free the country from the plundering Mobutu. And a demented Foday Sankoh turning Sierra Leone into bloody chaos in order to loot its diamond wealth.

The idea that the West has now abandoned Africa, a common refrain today, is tragically incorrect. 'Over and over,' Stewart writes, 'I was stunned by the West's treatment of Africa as little more that a source of raw material. I witnessed European diamond dealers continuing to buy gems in the Democratic Republic of the Congo and Sierra Leone even though it was common knowledge that diamond reserves helped

fund rebel wars.' Stewart's deeply personal account of his traumatic year in Africa is, over and above his personal anguish, a moving reflection on a much-exploited continent and the horrors its people endure at the hands of ruthless rulers, drugaddled rebels and near-criminal commercial outfits from the industrialized world.

-L.G.

Mariane Ferme, *The Underneath of Things: Violence, History and the Everyday in Sierra Leone*, Berkeley: The University of California Press, 2001, 287 pages, US\$24.95

This is a penetrating anthropological account of a rural Sierra Leone that has managed, somehow, to retain its charm even in the face of a highly destructive civil war. Ferme, a Professor of anthropology at the University of California at Berkeley, spent over a year in a small Sierra Leonean village of mainly Mende speaking people. This work focuses on that village and its wider neighbourhood: which is to say, its observations of life in this small setting can be applied to the wider community of southern and parts of eastern Sierra Leone, areas dominated by the Mendes.

Scholars of other disciplines may well question Ferme's tendency to read too much into mundane occurrences, but no one can deny her erudition and curiosity. Her understanding, for example, of the role of resource extraction in the carnage that has engulfed Sierra Leone goes beyond a mere apprehension of contemporary players in this deadly business. 'Diamonds, gold and other precious minerals found in Sierra Leonean soil and waters, and exploited by foreigners during the twentieth century, emerge from the same concealed domains that have long been haunted by powerful agencies, which ordinary rural people only imperfectly controlled.' This statement may appear mystifying and even banal, but it is made in the context of how 'new elements map into older forces' to create complex and often destructive outcomes. And so we learn that the 'links between violence and the extraction of natural resources are not limited to the local terrain but cut across multiple scales of socio political and economic organization, often in a covert manner.' Ferme shows how local resistance to the depredations of diamond hungry RUF rebels crystallized into the creation of civil defence forces, principally the Kamajor (hunting) militia. But she warns astutely that the 'war's local resonances with a traditional hunting lore must not blind us to the new global alliances between covert business interests and the organization of terror.'

The *Underneath of Things* is a well-written, powerful study of a country and a people who, thanks to frivolous media portrayal, appear to many Westerners as helpless and even hopeless, to be considered only from the perspective of humanitarian assistance.

-L.G.