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GLOBAL GOVERNANCE AND THE KIMBERLEY PROCESS:
THE CASE OF CONFLICT DIAMONDS AND SIERRA LEONE

by

J. Andrew Grant

Submitted in partial fulfillment of the requirements
for the degree of Doctor of Philosophy

at

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ABSTRACT

The doctoral thesis, *Global Governance and the Kimberley Process: The Case of Conflict Diamonds and Sierra Leone*, assesses the ongoing global governance efforts on conflict diamonds and the attendant prospects for improving human security in Sierra Leone. The thesis contends that the ‘Kimberley Process’ is a promising example of an emerging form of global governance, as it seeks to impose strict verification and trade controls on diamonds through the collaboration of not only state actors, but also non-state actors such as diamond firms and industry associations as well as non-governmental organisations (NGOs). Since 2000, this diverse set of actors has accomplished much in the way of regulating the global diamond industry and eradicating the trade of conflict diamonds.

First, the thesis analyses how new forms of global governance comprised of networks of mixed-actor coalitions and partnerships of state and non-state actors at the global, regional, national, and local levels become a means to promote human security and influence international and national policy-making processes despite numerous obstacles. While still important in this era of emerging global governance, states and international organisations are no longer the sole players but rather are joined by various non-state actors in diverse forms of mixed-actor coalitions. Second, the thesis highlights the porosity of international borders in the context of insurgency and criminal activity. Illicit diamond mining may take place away from the scrutiny of government mines monitors, and even legally-mined diamonds may be smuggled across state borders with relative ease. Thus, the mineral is an attractive medium of exchange for insurgency movements as well as transnational and local crime networks. The research reveals that despite recent advances in regulation, diamond revenues have not resulted in envisioned human security gains in most African countries, including Sierra Leone. Illicit diamond mining and diamond smuggling contribute to regional instability, deter foreign investment, and divert funds that would otherwise be added to government revenues.

LIST OF ACRONYMS

ABM	Anti-Ballistic Missile
ACBF	African Capacity Building Foundation
ACC	Anti-Corruption Commission
ADAGMAK	Alluvial Diamond and Gold Mining Association of Kono
AERC	African Economic Research Consortium
AFRC	Armed Forces Revolutionary Council
ALROSA	Almazy Rossii-Sakha
APC	All Peoples' Congress
BBC	British Broadcasting Corporation
BMWU	Botswana Mining Workers Union
CAR	Central African Republic
CCW	Certain Conventional Weapons
CDF	Civil Defence Forces
CGG	Campaign for Good Governance
CIDA	Canadian International Development Agency
CJM	Campaign for Just Mining
CMRRD	Commission for the Management of Strategic Mineral Resources
CSR	corporate social responsibility
DACDF	Diamond Area Community Development Fund
DBI	De Beers Investments
DCSL	Diamond Corporation Sierra Leone
DFAIT	Department of Foreign Affairs and International Trade

DFID	Department for International Development
DPF	Diamond Protection Force
DRC	Democratic Republic of Congo
DTC	Diamond Trading Company
ECOMOG	Economic Community of West African States Cease-Fire Monitoring Group
ECOWAS	Economic Community of West African States
EITI	Extractive Industries Transparency Initiative
EU	European Union
FAA	<i>Forças Armadas de Angola</i>
FAC	Foreign Affairs Canada
FDI	foreign direct investment
FNI	<i>Front des Nationalistes et Intégrationnistes</i>
G-8	Group of Eight
GATT	General Agreement on Trade and Tariffs
GDD	Gold and Diamond Department
GDP	Gross Domestic Product
GGDO	Government Gold and Diamond Office
GIIS	Graduate Institute of International Studies
GNOP	Greater Nile Oil Project
GNP	Gross National Product
HDI	Human Development Index
HIPC	Heavily Indebted Poor Country

IANSA	International Action Network on Small Arms
IBRD	International Bank for Reconstruction and Development
ICBL	International Campaign to Ban Landmines
ICC	International Criminal Court
ICJ	International Court of Justice
ICMM	International Council on Mining and Metals
ICP-MS	Inductively Coupled Plasma-Mass Spectrometry
ICRC	International Committee of the Red Cross
ICT	information and communication technology
IDMA	International Diamond Manufacturers Association
IDP	internally-displaced person
IFI	international financial institution
IGO	inter-governmental organisation
IMATT	International Military Advisory and Training Team
IMF	International Monetary Fund
IPA	International Peace Academy
IPIS	International Peace Informational Service
IR	International Relations
ISS	Institute for Security Studies
ITCan	International Trade Canada
KPCS	Kimberley Process Certification Scheme
LICUS	Low-Income Countries Under Stress
MBT	Mine Ban Treaty

MDC	Maputo Development Corridor
MDGs	Millennium Development Goals
MEI	multilateral economic institution
MMR	Ministry of Mineral Resources
MMU	Mines Monitoring Unit
MONUC	United Nations Organisation Mission in the Democratic Republic of the Congo
MRU	Mano River Union
NAS	Native Administration Scheme
NATO	North Atlantic Treaty Organisation
NCDDR	National Committee for Disarmament, Demobilisation and Reintegration
NDI	National Democratic Institute
NDMC	National Diamond Mining Company
NEF	New Economics Foundation
NEPAD	New Partnership for Africa's Development
NGO	non-governmental organisation
NMJD	Network Movement for Justice and Democracy
NPFL	National Patriotic Front of Liberia
NPRC	National Provisional Ruling Council
NRA	new regionalism/regionalisms approach
NRA	National Revenue Agency
NRC	National Reformation Council
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development

OOFs	Other Official Flows
PDP	People's Democratic Party
PSFs	Private Sector Flows
PWYP	Publish What You Pay
RISA	Research Initiative on Small Arms
ROC	Republic of Congo
RUF	Revolutionary United Front
SADC	Southern African Development Community
SALW	small arms and light weapons
SAP	Structural Adjustment Programme
SAS	Small Arms Survey
SCSL	Special Court for Sierra Leone
SLA	Sierra Leone Army
SLP	Sierra Leone Police
SLPP	Sierra Leone People's Party
SLST	Sierra Leone Selection Trust
TNC	transnational corporation
TRC	Truth and Reconciliation Commission
UK	United Kingdom
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme

UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNIDR	United Nations Institute for Disarmament Research
UNITA	<i>União Nacional para a Independência Total de Angola</i>
UNMIL	United Nations Mission in Liberia
UNOCI	United Nations Operation in Côte d'Ivoire
US	United States
USAID	United States Agency for International Development
VOA	Voice of America
VVAF	Vietnam Veterans of America Foundations
WABI	West African Borders and Integration
WAMCO	West African Mining Corporation
WCD	World Commission on Dams
WDC	World Diamond Council
WFDB	World Federation of Diamond Bourses
WFP	World Food Programme
WMD	weapons of mass destruction
WTO	World Trade Organisation

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CHAPTER ONE:

INTRODUCTION

Global governance implies a wide and seemingly ever-growing range of actors in every domain. Global economic and social affairs have traditionally been viewed as embracing primarily intergovernmental relationships, but increasingly they must be framed in comprehensive enough terms to embrace local and international NGOs, grassroots and citizens' movements, multinational corporations and the global capital market.¹

Introduction

The dissertation seeks to contribute to the inter-related fields of international relations, international political economy, international development studies, and international security studies in three ways. First, it analyses how networks of mixed-actor coalitions and partnerships of state and non-state actors at the global, regional, national, and local levels become a means to promote global governance despite numerous obstacles and limitations. While still important in this 'era of globalisation', states and inter-governmental organisations (IGOs) are no longer the primary focal points of analysis in issues, debates, and definitions of governance. This paradigmatic change is significant

¹ Thomas Weiss (2000: 810).

given the fact that states and IGOs comprise the central foci of many traditional theories involving governance, such as international regimes.

Second, the dissertation demonstrates how non-state actors, ranging from international and national non-governmental organisations (NGOs) to more diffuse entities such as new social movements or transnational advocacy networks and coalitions to research institutes and think tanks, have become increasingly important in terms of *global* governance in conceptual and theoretical terms as well as influencing international and national policy processes. And third, the dissertation highlights the growing importance of ‘new’/‘cosmopolitan’ multilateralism and the ‘new’/‘public’ diplomacy in international relations (Knight, 1995; Dolan and Hunt, 1998; McRae, 2001; Waschuk, 2001; Cooper *et al.*, 2002; Cooper, 2004). In sum, this study represents an exploration of the relevance of conceptualisations of global governance for important collective action problems in international and human security.

The Kimberley Process on conflict diamonds – and similar multilateral and multi-actor negotiations on collective action problems for international and human security ranging from the Ottawa Process to ban landmines to the efforts to end the proliferation and misuse of small arms and light weapons (SALW) – could not have proceeded if the international system was governed solely by states motivated by self-interest alone. Increasingly, states – large and small alike – are engaging international organisations, global civil society, transnational firms, and other stakeholders in the conduct of international relations. In terms of effect, this type of multilateralism affects policy outcomes on issue-areas at the national, regional, and global levels.

Conceptual Rationale of the Study: Governance and Global Governance

An important aspect of this study is to identify and understand what conceptual processes do and do not guide the Kimberley Process in terms of global governance. This represents a formidable challenge since this ‘Process’ has not been addressed in the literature on global governance theory. Furthermore, the Kimberley Process lacks a unified political authority in the functional sense. A logical departure point then is to flesh out the concepts and theories as well as the policy and diplomacy of governance and global governance. This should aid in analysing and understanding the identification and then proliferation of what has become the Kimberley Process.

Governance

Like globalisation, the term ‘governance’ – as concept and practice, ideology and policy – has become ubiquitous across the social sciences and is fast becoming the next generic global buzzword of choice among many social scientists, policy-makers, activists, and business leaders (Selby, 2003). Concomitantly, ‘governance’ has been readily adopted as part of the lexicon of governments (at all levels), IGOs, international financial institutions (IFIs) as well as the non-state sector including NGOs and private firms.

What is governance? Crucially, governance should not be confused with ‘government’ strictly conceived despite the similarity in terminology and overlap in the operative sense. This confusion is understandable, as the status of the state *in* governance

may vary from one context to the next. For some, governance is centred around governments or even relates to the state alone. While acknowledging the existence of state-centred governance, the concept of governance most commonly refers to ‘forms of control, ordering and management that are distinct from, or that encompass more than, hierarchical state-centric “government”’ (Selby, 2003: 2). Although top-down processes may be (and often are) present, governance implies a promotion of more decentralised linkages while still providing at least a minimum degree of ordering.

Elke Krahmann (2003: 331) defines governance as those ‘structures and processes that enable governmental and non-governmental actors to coordinate their interdependent needs and interests through the making and implementation of policies in the absence of a unifying political authority.’ Krahmann’s definition of governance is consistent with my perspective on the Kimberley Process, as I am interested in how procedures, policies, meetings, and decisions are arranged, promulgated, and, ultimately, implemented without a highly institutionalised or governmental structure in the conventional sense of the term.

It should be noted that the Kimberley Process is not without some guiding ‘authority’, nor is it completely decentralised. The Kimberley Process ‘Secretariat’ does play a significant organisational role, particularly in terms of setting the agenda of the Plenary Meetings and overseeing the workings of various committees and ‘Working Groups’ and hence institutionalising governance structures within the Kimberley Process. The Secretariat operates a website² and maintains an office in the host country, though it ‘employs’ only a handful of people.

While the Kimberley Process lacks an overarching or centralised political authority, this is not necessarily a barrier to its operational capacity. Although the relative

² See: <<http://www.kimberleyprocess.com>>.

lack of formal structures in the formative years of the Kimberley Process (i.e., from 2000 to 2002) did cause some confusion and frustration for certain participants – particularly those drawn from the NGO community – this absence and the lack of international legal constraints and formal international treaty provisions have proven to enhance the operative capacity of the participant actor groupings over time. For instance, the diamond industry’s self-regulation scheme was largely self-initiated as a means to complement the Kimberley Process Certification Scheme (KPCS) requirements of state participants and therefore, was not imposed upon the industry by some central authority. Similarly, the Kimberley Process ‘Review Missions’ consisting of state and NGO representatives are voluntary and relatively informal in practice yet still sustain an effective governance-type arrangement.

Global Governance

*Global Governance [is] the evolving system of (formal and informal) political coordination – across multiple levels from the local to the global – amongst public authorities (states and IGOs) and private agencies (NGOs and corporate actors) seeking to realize common purposes or resolve collective problems through the making and implementation of global or transnational norms, rules, programmes, and policies.*³

Governance as policy – such as ‘self-enforcement’, ‘voluntary implementation’, and ‘chain of warranties’ (which will be examined in detail in chapter 4 and chapter 5) – is a critical component of the Kimberley Process. The form and scope of these examples of coordination extend beyond the traditional rubric and actions associated with local and national governance. The nature and reach of the Kimberley Process is best captured by

³ Anthony McGrew (2005: 25).

the concept of *global* governance, which is also consistent with the usage of globalisation as an analytical perspective.⁴ Indeed, as Hongying Wang and James Rosenau (2001: 25) contend:

The globalization of economies, politics, and culture has broken down traditional barriers of governance. A growing number of issues that were formerly the exclusive responsibility and prerogative of national or regional governments are increasingly subject to global governance.

It should be acknowledged, however, that the conceptual flexibility of governance enables it to adapt to the forces of globalisation (and anti-globalisation) and enjoy continued utility in the form of global governance. This theme runs through the works of the key intellectual contributors to the concept of global governance (Rosenau, 1995 and 1999; Gordenker and Weiss, 1995; Väyrynen, 1999; Hewson and Sinclair, 1999; O'Brien *et al.*, 2000; Weiss, 2000; Halliday, 2000; Held and McGrew, 2000 and 2002; Thomas, 2001; Duffield, 2001; Wilkinson and Hughes, 2002; Krahmann, 2003; Colás, 2003; Halabi, 2004; McGrew, 2005), which grew in popularity in the first few years of post-bipolar world affairs and gained much attention following the publication of the extensive 'Report of the Commission on Global Governance' as a book-length manuscript entitled *Our Global Neighbourhood* (1995).

The welcome contribution by Leon Gordenker and Thomas Weiss (1995) expounds on global governance as a means of responding to socio-political needs in the wake of globalisation. Since globalisation is often perceived as placing a brake on state capacity, global governance is looked upon as a way of filling this breach. In many 'fragile' states (DFID, 2005; see also Commission for Africa, 2005: Chapter 6 and Annex

⁴ James Mittelman (2000 and 2002) provides a fruitful discussion of globalisation as an analytical perspective. This is expanded upon in chapter 2.

7),⁵ the tangible expressions of global governance provide services that the state cannot (or will not) furnish. The UN – through its affiliated agencies and ‘world conferences’, and in conjunction with key donor states, aid organisations, NGOs, the World Bank, and especially the UN Global Compact – is framing global governance in innovative ways while at the same time providing an invaluable stopgap provision of public goods to people in need. Moreover, as an inter-governmental organisation, the UN is an important component of many forms of global governance. UN sanctions and fact-finding missions – along with the Security Council’s panel of experts ‘naming and shaming’ reports⁶ – represent some of the early efforts to stem the trade of conflict diamonds.

Whereas Gordenker and Weiss frame much of their analysis of global governance around NGOs and the UN and its various agencies, James Rosenau (1995 and 1999) extends their argument by elucidating that global governance is more than a mere descriptive category but rather an analytical tool with which world politics may be studied in the post-Cold War era. In an increasingly ‘globalised’ setting, the concern for how legislative, judicial, executive, and policy-oriented decisions are conceived and implemented at the micro-, meso-, and macro-levels is shared by state and non-state actors alike. Analytically, global governance is better equipped than state-centric approaches to account for cross-border and multi-level problems and issues.

⁵ According to DFID (2005: 7), fragile states are led by government regimes that ‘cannot or will not deliver core functions to the majority of its people, including the poor’.

⁶ See for example *Report of the Panel of Experts on Violations of Security Council Sanctions Against UNITA* (10 March 2000), which is also known as the ‘Fowler Report’, named after its Chair, the then-Canadian ambassador to the UN, Robert Fowler. See also *Report of the Panel of Experts Appointed Pursuant to UN Security Council Resolution 1306 (2000) Paragraph 19 in Relation to Sierra Leone* (20 December 2000), *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, (12 April 2001), and the most recent (13 June 2005) edition of the *Report of the United Nations Panel of Experts on Liberia*.

The World Bank, International Monetary Fund (IMF), and World Trade Organisation (WTO) are all institutional examples of financial and economic global governance. The World Bank is seeking to improve development aid ‘effectiveness’ through the strengthening of government institutions and governance while providing a role for public participation in part under the auspices of its ‘Low-Income Countries Under Stress’ (LICUS) programme.⁷ The LICUS programme is currently focused on 12 countries including Sierra Leone’s neighbour, Liberia.⁸ While Sierra Leone is not one of the dozen, it does benefit from a similar initiative with the United Kingdom’s Department for International Development (DFID) programme to assist ‘fragile states’ (see DFID, 2005; and chapter 7). The World Bank, the Commission for Africa (2005), the Group of Eight (G-8), and various DFID programmes seek to promote more effective governance among recipient states such as Sierra Leone with explicit and implicit links to the provision of aid resources and other long-term commitments as part of the global governance efforts entailed by the Millennium Development Goals (MDGs).⁹ The WTO along with the UN and the G-8 have issued declarations in support of the Kimberley Process and the KPCS. The NGO-led ‘Publish What You Pay’ (PWYP)¹⁰ campaign and

⁷ See for example World Bank (2005).

⁸ Africa is home to the majority of the LICUS states. The present roster of LICUS states includes Angola, Central African Republic (CAR), Comoros, Guinea Bissau, Liberia, Somalia, Sudan, Togo, and Zimbabwe. Non-African LICUS states include Haiti, Papua New Guinea, and Tajikistan.

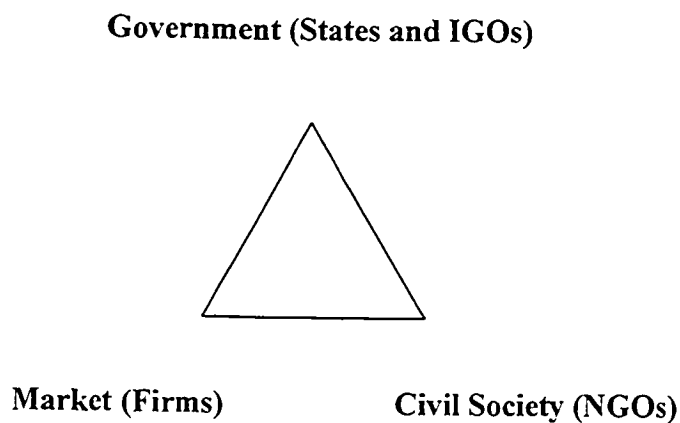
⁹ The Millennium Development Goals (MDGs) aim to ‘focus the attention of developing country governments, the international development community and both international NGOs and national-level civil society on poverty reduction and development’ (Bird and Kyegombe, 2005: 3). See also Sakiko Fukuda-Parr (2004).

¹⁰ The ‘Publish What You Pay’ campaign was formally launched in the United Kingdom in June 2002, and quickly expanded into a coalition of more than 200 NGOs, including Global Witness, Partnership Africa Canada, and Oxfam. See: <<http://www.publishwhatyoupay.org/index.html>>, accessed on 31 January 2005.

the government-led Extractive Industries Transparency Initiative (EITI)¹¹ are welcome endeavours that aim to increase transparency in financial dealings between extractive resource firms and host countries.

All three elements of the global governance ‘triangle’ – government, market, and civil society – participated in the promulgation of the Kimberley Process’ central regulatory document, the KPCS, which came into effect in 2003. This will be elaborated upon in the empirical chapters of the dissertation. Figure 1.1 (see below) is a stylized visual formulation of the global governance ‘triangle’ (Commonwealth Foundation, 1999; Shaw and Nyang’oro, 2000: 274; Shaw, 2003: 237).

Figure 1.1: Structural Model of the Global Governance ‘Triangle’¹²



¹¹ See: <<http://www2.dfid.gov.uk/news/files/extractiveindustries.asp>>.

¹² This global governance triangle is based on a figure included in a monograph published by the Commonwealth Foundation (1999: 16), which also appears in Timothy Shaw (2003: 237).

It is important to note that each element of the triangle is not monolithic. Each element varies in terms of size, power, capacity, internal structures, degree of centralisation, and so forth. For instance, ‘market’ actors may also include professional industry (non-union) associations as well as local and transnational corporations. The ‘civil society’ corner of the global governance triangle may include transnational advocacy networks, unions, and workers’ collectives.

The dissertation aims to explore all three analytical dimensions – theory/concept/policy – of global governance. Global governance is understood in the sense of a framework for analysis. This is elucidated by Martin Hewson and Timothy J. Sinclair (1999: 3) in the following passage:

Global governance, both as an analytical framework and as an embryonic policy process, has experienced significant development in the post-Cold War period. As an analytical tool in the study of international relations, global governance has been recognized for its ability to explain, in a more integrated and comprehensive manner, complex cooperation between states and non-state actors attempting to enhance the advantages and reduce the disadvantages of an increasingly globalized world.

However, global governance theory is subject to different interpretations. Stating that there are different *theories of* global governance is perhaps too strong; rather, there are several *analytical strands of* or *emphases within* global governance theory. The analytical strands are apparent in global economic governance, ranging from a focus on globalisation to IFIs, as well as different perspectives on global political governance with respect to the perceived importance of the UN and its agencies in global affairs, ranging from skeptics to globalists.

Globalists, for example, tend to view global governance as a precursor to some form of global government with attendant free flows of capital and persons and minimal

formal political overview (Broadhead, 1996). Given myriad difficulties faced by the closest approximation of global inter-state government to date – the UN – it is safe to say that a truly global or world government is at best a long way off. Robert Keohane expounds a conception of global governance that downplays its affinity to global government. According to Keohane (2003: 132),

‘global governance’ refers to the rule making and power exercise at a global scale, but not necessarily by entities authorized by general agreement to act. Global governance can be exercised by states, religious organizations, and business corporations, as well as by intergovernmental and non-governmental organizations. Since there is no global government, global governance involves strategic interactions among entities that are not arranged in formal hierarchies.

The ability of actors to operate outside formal structures while still being able to affect global governance is key. This is especially applicable to non-state entities such as civil society organisations and even more diffuse collectivities such as transnational advocacy networks. Globalisation has not swept away the sovereign powers of states. Rather, states have shown a remarkable ability to adapt to the forces of globalisation while suffering relatively minor losses of *de facto* sovereignty. And, people – whether migrants or refugees – are finding it increasingly difficult to cross national borders, especially from the South to the North.

Following the works of McGrew (2005), Weiss (2000), Hewson and Sinclair (1999), and Rosenau (1995), I define global governance as an emerging conceptual framework that aims to understand and advance global change and frames concerted efforts based on flexible decision-making processes that include states and IGOs as well as non-state actors such as transnational and local firms and professional associations and constituents of global civil society (e.g., transnational and local NGOs, and transnational advocacy networks, which include individual stakeholders and activists) which seek to

establish order and regulate a particular public good. This public good may relate – at least *ostensibly* – to issues of human (*in*)security, broadly conceived as threats to human rights and human development (Murphy, 2000; O'Brien *et al.*, 2000; Halliday, 2000; Thomas, 2000 and 2001; Duffield, 2001). As implied in the term itself, human security focuses on the condition of the individual rather than the state (see for example UNDP, 1994; Hampson *et al.*, 2002). Beginning in the early 1990s, the concept of human security made modest strides in academic and policy-making circles. A common thread that runs through the numerous definitions of human security is the concentration on the individual *person* or community of *people* rather than a specific gender or age group. Consequently, the concept of human security has been both lauded and criticised for its inherent ‘fuzziness’. For example, human security has been disparaged as something that is difficult if not impossible to measure accurately (Paris, 2001). Yet, the fuzziness or conceptual flexibility of human security is useful as an inclusive term that denotes the need not only for human development, good governance, and political freedoms but also humanitarian aid, peacekeeping, and environmental protection (Grant and Söderbaum, 2003a: 9-12).

I view global governance as symptomatic of the ‘new’/‘cosmopolitan’ multilateralism and the ‘new’/‘public’ diplomacy wherein elected state officials and appointed civil servants consult and often actively harness the expertise of non-state actors – corporate and civil society – at not only the global level, but also the regional, national, and local levels. I also include the aforementioned caveat – having the *ostensible* objective to secure a public good/human security/human rights/human development – to denote that state and non-state actors do not operate on purely altruistic

terms. While altruism is part of the complicated mixture of motivations that underpin global governance, it varies across actors and may change over time. Undoubtedly, a large part of what motivated NGOs such as Global Witness and Partnership Africa Canada – especially in the early days of the conflict diamond campaign – was the altruistic aim of improving the fate of groups of people with whom they had little direct personal connection. At the same time, actors ranging from states to NGOs to firms seek to establish leverage in (if not control over) a seemingly chaotic world. As Alejandro Colás (2003: 98) correctly concludes, ‘the challenge of global governance is primarily to control and set limits on what appear to be unruly, unbounded and transgressive global flows’. Constituent state and non-state actors alike attempt to influence these global flows, ranging from influence to capital to information to goods to people.

For instance, Castells (2005) cautions that states may seek to exploit the networks of global governance as a means to promote their own interests.¹³ Indeed, as chapters 4, 5, and 6 will demonstrate, the global flows of conflict diamonds have represented a prodigious challenge to global governance. Global governance brings the transnational corporate sector into the analysis along with states, IGOs, and global civil society. Through the auspices of global civil society, the critical voice of NGOs and transnational

¹³ I would add, however, that NGOs are politically savvy; they too seek to manipulate global governance networks to their advantage. Behind the scenes and during breaks in Kimberley Process Plenary meetings, NGOs are busy lobbying sympathetic member-states to enlist their help in promoting a particular agenda issue. Industry members of the Kimberley Process are less active, though they too appreciate the occasional need to utilize their contacts and networks with NGOs and member-states alike. This is evident in the Rapaport Group’s efforts to establish a system of ‘fair trade’ diamonds – a multi-stakeholder initiative that is elaborated upon later in the dissertation.

advocacy networks were (and are) needed to press state and corporate actors for positive change on the conflict diamond and other emerging global issues.¹⁴

Conflict Diamonds

*You can't get blood out of a stone.*¹⁵

Contrary to this proverb, one *can* get blood out of a stone – if that stone happens to be a diamond.¹⁶ Conflict diamonds (also known as ‘blood’ diamonds) are most commonly defined as diamonds that originate from areas controlled by insurgency movements or rebel groups, and are sold or traded in order to finance military actions against the central government and its allied military forces. While conflict diamonds are usually attributed to rebels, insurgency groups, and, occasionally, to transnational terrorist networks, it should be noted that intervening military forces (e.g., the Economic Community of West African States Cease-Fire Monitoring Group [ECOMOG] in Sierra Leone) as well as government forces (e.g., the *Forças Armadas de Angola* [FAA] in Angola and Zimbabwean troops in the Democratic Republic of Congo [DRC]) have also been known to smuggle diamonds out of conflict zones for personal gain.

¹⁴ The literature on global civil society, NGOs, and transnational advocacy networks will be elaborated upon in the next chapter.

¹⁵ Usage of the proverb originated in seventeenth-century Italy, and is subject to several variations. See Gregory Titelman (1996).

¹⁶ Diamonds are minerals and, therefore, are commonly referred to as ‘stones’ by those in the diamond industry as well as the broader public.

According to one estimate, approximately 4 million Africans have been killed, and another 6 million have been displaced as a result – either directly *or* indirectly – of warfare funded by the proceeds of conflict diamonds.¹⁷ These estimates appear quite broad at first glance. However, once the casualties and flows of displaced persons are tabulated from the recent (and arguably ongoing) war in the DRC – 3 million and 2 million, respectively – we can see how this estimate was formulated. Casualties, refugees, and internally-displaced persons (IDPs) from civil wars in Angola (hundreds of thousands), Sierra Leone and Liberia (tens of thousands), Côte d'Ivoire (thousands), as well as insurgencies in Central African Republic (CAR), the Republic of Congo (ROC), and Guinea (thousands) round out the estimate. In comparison, a Canadian NGO, War Child Canada, cites similar figures relating to conflict diamonds: 3.7 million deaths and 6.5 million displaced persons.¹⁸ Amnesty International puts forward a figure of more than 4 million casualties linked to the sale of conflict diamonds.

Though subject to some fluctuations, the global market for rough diamonds has grown from about US\$ 7 billion-per-year industry in the late 1990s to nearly US\$9 billion. In 2003, a total of 140 million carats of diamonds worth US\$ 8.9 billion was produced (Singer, 2004: 4). Human rights NGOs generally estimate that conflict diamonds represent about 15 to 20 per cent of the global rough diamond market. In

¹⁷ These figures are drawn from: “Congressional Leaders Urge Action on Conflict Diamonds”, Press Release, US House of Representatives, Tony P. Hall, 3 July 2001, <<http://www.house.gov/tonyhall/>>, accessed on 30 April 2002 and 2 September 2002. Former Representative Hall was a leading figure in devising Congressional legislation to help stem the trade of conflict diamonds. The site lapsed shortly after Representative Hall resigned on 9 September 2002 to become US Ambassador to the United Nations Food and Agriculture Organization, World Food Program, and International Fund for Agricultural Development.

¹⁸ See for example “Conflict Diamonds”, War Child Canada, April 2002, <http://www.warchild.ca/worldview_issuesdetail.asp?ID=7>, accessed on 10 December 2004 and 6 July 2005.

contrast, and in an effort to downplay the proportion of conflict diamonds on the market, diamond industry officials counter with a rather conservative estimate of 3 to 4 per cent (or less). According to Andrew Bone (2004: 132), the head of public affairs for De Beers' Diamond Trading Company (DTC), the 4 per cent figure would be worth approximately US\$ 255 million. While the actual figure is likely somewhere in between these estimates at about 1 in 10 or 12 diamonds, the collateral damage of conflict diamonds represents a significant threat to the human security and overall well being of the populations residing within these and neighbouring states.¹⁹

On the one hand, it is ironic that something as valuable and beautiful as diamonds has resulted in so much pain and suffering. Sales of diamond jewellery totalled US\$ 57 billion in 2003 (Singer, 2004: 14). On the other hand, the grim reality is that the existence of valuable commodities in weak states has often led to resource-fuelled civil conflict or exacerbated and extended civil wars. Liberia, Angola, and the DRC are the most notable examples of commodity-driven civil strife. Though virtually ignored for many years (if not decades), the mining and trade of conflict diamonds is now recognised as a compelling human security issue. However, the extant literature on conflict diamonds is lacking in both depth and scope. Thus, there is an evident and incontrovertible need for a comprehensive study of conflict diamonds and the efforts to eradicate the trade of these deadly gems.

¹⁹ Direct and indirect threats to the human security of internally-displaced persons and refugees during and after wartime should not be discounted. Human security is jeopardised when people are 'on the run' from armed groups, living 'in the bush' or in improvised camps, as well as when residing in formal refugee camps. This results in a lack of access to food, potable water, proper shelter, sanitation facilities, and medicine, which are associated with an increased risk of contracting malaria, dysentery, and other diseases.

The present study aims to offer a sober examination of the response to conflict diamonds as a global governance issue. The dissertation assesses the prospects for the establishment of efficacious global governance on conflict diamonds and elucidates the attendant implications for the diamond mining industry in Sierra Leone and, by extension, other countries with similar modes of diamond production. The dissertation argues that, despite a recent period of relative peace in several African diamond-producing countries, the trade of conflict diamonds remains a pressing concern for human security across the continent. The work contends that the ongoing 'Kimberley Process' is a leading example of the promise of global governance, as it seeks to impose strict verification and trade controls on diamonds through the collaboration not only of state actors, but also non-state actors such as diamond firms, professional industry associations, pseudo-union/miners' associations as well as involved individuals, research institutes, think tanks and NGOs. Since 2000, this diverse set of actors has overcome several obstacles and accomplished much in the way of regulating the global diamond industry.

However, as my research also reveals, several challenges continue to face not only the participants of the Kimberley Process but also Sierra Leone's diamond industry. For example, all parties to the Kimberley Process have yet to agree on a singular diamond export certificate, a database containing production and trade statistics, and a system whereby national diamond industries are subject to unannounced and independent auditing. Although the implementation of strengthened national mining regulations is a requirement for formal membership in the Kimberley Process, several member countries lack either the capacity and/or the political will to enforce the legislation. Enforcement is

particularly exigent in countries that are home to artisanal diamond mining. Until these matters are resolved, related problems such as smuggling will continue to have negative implications for ‘fragile’ regimes or countries like Sierra Leone and will detract from the promise of global governance in this issue-area.

Methodology and Research Design: The Case Study Method

This dissertation employs the case study method by examining the conflict diamonds issue and the attendant Kimberley Process in close detail. In temporal terms, this study traces the evolution of the period from the recognition of conflict diamonds as a coherent human security threat in the early 1990s (i.e., coinciding with the end of the Cold War) until the present. Likewise, the Kimberley Process is also studied from its inception (in 2000) until the present. Given the embryonic state of the literature on conflict diamonds and especially the Kimberley Process, a comprehensive analysis of this pressing challenge to global governance is in order.

Important empirical knowledge may be garnered and generalisations may be elucidated from a single case study. John Gerring (2004: 342) defines a case study as being ‘an intensive study of a singular unit for the purpose of understanding a larger class of (similar) units’.²⁰ The conflict diamonds and Kimberley Process case study is instructive at the local, national, regional, and global levels. Thus, assessing the impact of the Kimberley Process first at the local and national levels (referring to the population areas surrounding the actual diamond mines and the country as a whole) in Sierra Leone

²⁰ Italics removed.

is a means of determining how well its regional and global regulative and certification scheme works – or could work – in practice.

From a policy perspective, this will be instructive for refining not only Sierra Leone's domestic diamond regulatory and certification system but also similar systems operating in other diamond-producing countries in the region and world-wide. For instance, conflict diamonds have a notorious legacy in West Africa and have implications for regional insecurity due to the impact of refugees, IDPs, and insurgency groups within and across borders.²¹ Accomplishments and shortcomings of the Kimberley Process at the local and national levels also speak to its strengths and weaknesses at the regional and global levels. In turn, the assessment of the Kimberley Process provided by this study will enhance our understanding of similar examples of emerging global governance such as the Ottawa Process on landmines, the movement to eradicate the illicit trade and misuse of small arms and light weaponry, and efforts to regulate other extractive industries with conflict and human security implications, such as the aforementioned PWYP campaign and EITI, as well as the March 2005 Commission for Africa report.

My findings are based in part on three months of field research conducted primarily in Sierra Leone with supplementary interviews in South Africa, Botswana, the United Kingdom, Belgium, and Canada. During this period²², I interviewed forty-two individuals, including elected government officials, civil servants, military officers,

²¹ At present (August 2005), the UN is still implementing sanctions against the export of Liberian diamonds. An unforeseen consequence is that Liberian diamonds therefore are smuggled into Sierra Leone and are gaining certification as Sierra Leonean diamonds before entering the world market. This illustrates not only a shortcoming in the effectiveness of UN sanctions but also a significant flaw in the Kimberley Process and its certification scheme more specifically.

²² Conducted in accordance with Dalhousie University's Social Sciences and Humanities Human Research Ethics Board requirements.

officials from local and transnational NGOs, members of think tanks, academics, employees of De Beers and other diamond mining firms, representatives from miners' associations, diamond exporters, diamond concession-holders, chiefs, and diamond miners. The range and type of interviewees represent a good cross-section of the actors involved in either the global or national diamond industries and – by extension – the conflict diamonds issue. These semi-structured, personal interviews were supplemented by participatory observations and informal conversations. The latter were vital given the sensitive nature and confidentiality requirements of the research problem. As required, follow-up interviews were conducted in person, via telephone, or through email correspondence. I have reviewed and cross-checked the material contained in these interviews and informal conversations as a means to inform the analysis and factual information contained herein.

The methodological thrust of the field research is therefore based on semi-structured, personal interviews with individuals drawn from the aforementioned ranks and supplemented by participatory observations. Interviews are important to the dissertation for two main reasons. First, the interviews help 'fill in the gaps' that invariably exist in the secondary sources, as interviewees are potentially (though not always) a valuable source of information and insight. Second, the interviews assist my efforts to ascertain what is actually transpiring 'on the ground' in terms of the successes and/or failures of global governance efforts in response to conflict diamonds.

The dissertation also makes use of a wide range of secondary sources, including academic publications (books, book chapters, and scholarly journal articles), reports and monographs authored by NGOs, think tanks, research institutes, international

organisations, and governments. In addition, it draws on news reports, press releases, and newspaper articles. Given the nature of the subject matter, this reliance on news periodicals is a necessity.

Developments within the Kimberley Process and the global diamond industry are rapid, and a regular survey of news items must be conducted. Remaining abreast of developments in Sierra Leone poses a challenge from a logistical standpoint. Fortunately, a couple of the larger Sierra Leonean newspapers have their articles reprinted online.²³ Thus, I have been able to amass a collection of both print articles (during my time in Sierra Leone) and, more recently, electronic articles. As William Reno (1995: 8) discovered during his many field research trips to Sierra Leone, Freetown's newspapers offer 'excellent information on formal and illicit business activity', although the researcher must remain cognisant 'that many of these newspapers receive financial backing from powerful patrons to attack their rivals'.

Indeed, in my discussions with government officials, it was revealed that it was not uncommon for either one-off or long-term collusion to occur between journalists and politicians, civil servants, and businesspersons. This is not to say that all reporting is biased. But, bias is a consequence of the relative freedom of press that Sierra Leonean newspapers enjoy currently²⁴ and a reflection of the libertarian attitudes towards the press

²³ See for example <<http://www.allAfrica.com>>.

²⁴ However, it is important to note that in October 2004, the newspaper *For Di People* was shut down for a six-month period by court order and its founder and managing editor, Paul Kamara, was sentenced to a total of two years in jail after being found guilty of criminal libel against President Ahmad Tejan Kabbah. Sierra Leone's Public Order Act of 1965 gives the state the power to jail news reporters, printers, and vendors for libel and other so-called 'subversive' acts owing from critical news reporting against the government. In comparison with many parts of Africa, Sierra Leone's media outlets generally do not encounter much government interference (aside from the newspaper *For Di People* of course).

that have been inherited from its former colonial master, the United Kingdom. As is the case in most of West Africa's former British colonies, Sierra Leone benefits from a relatively independent and vibrant variety of African journalism that is deeply entrenched (Faringer, 1991). Thus, a careful reading of the country's daily and weekly newspapers, which are generally no more than 6 to 8 pages long and filled with advertisements (e.g., full-page offers for mobile phone service), is useful because it may reveal 'the location of boundaries between informal economic and political networks' (Reno, 1995: 8).

While the aforementioned body of secondary literature and Internet resources on Sierra Leone is useful, it is limited in terms of depth due to the constraints, until recently, on field research in the country. Thus, it was necessary to conduct field research in Sierra Leone consisting of personal interviews and supplemented by informal conversations and participatory observation. An added benefit of conducting research in several countries is that I was able to trace the actions and better discern the interests motivating each set of actors within the Kimberley Process.

The field research trip proved beneficial also for collecting documentation that is not available elsewhere. For example, I obtained primary data on national diamond production from government officials in Sierra Leone and Botswana and diamond sales data from an employee of De Beers. Other forms of primary sources – usually available in electronic format – relating to actual legislative documents on conflict diamonds were consulted, ranging from American (the Clean Diamonds Trade Act), Canadian (Bill C-14), and South African domestic legislation to UN sanctions and declarations to the wording of the KPCS itself. As a supplementary resource, relevant Internet websites have been consulted throughout the research process.

Researching conflict is subject to a number of challenges, ranging from logistical and infrastructural impediments to ensuring that ethics requirements for human research subjects are respected to addressing post-conflict human insecurity and psycho-social trauma in a sensitive and unobtrusive manner. As Ioannis Armakolas (2001: 165) astutely avers, ‘analysis of conflict does not take place in ideal experimental conditions’. Conducting research on diamonds adds a measure of complexity to an already sensitive post-war setting, as the ever-valuable mineral not only played a role in the civil conflict but also has a large bearing on future prospects for re-building and re-construction in Sierra Leone. While I hold the assumption that much of the research material was provided in good faith, it is crucial to avoid simply building a collection of statements from interviewees. The qualitative data derived from the interviewees may exhibit certain consistencies from which generalisations may be drawn, however tentatively.

Qualitative data collection may draw the criticism that it is ‘ad hoc’, difficult to replicate, and therefore, of minimal social scientific utility. Such a perception is unfortunate. As Bruce Berg (2004: 3) remarks,

because qualitative research tends to assess the quality of things using words, images, and descriptions whereas most of quantitative research relies chiefly on numbers, many people erroneously regard quantitative strategies as more scientific than those employed in qualitative research.

Qualitative techniques are relied upon to secure information that describes a certain phenomenon through interviews and participatory observations. For instance, contrasting an interviewee’s assessment of how diamond production is regulated in Sierra Leone with physical ‘participatory observations’ of the diamond mines illustrates how legislation works in theory versus in practice. The empirical knowledge generated by this qualitative technique cannot be replicated with a purely quantitative approach. Nevertheless,

quantitative data are useful for comparing diamond production in carats and monetary value, tax revenues, casualties and internally-displaced persons (IDPs), and other indicators that are best expressed with numbers. Thus, the dissertation employs qualitative methods including participatory observations as well as quantitative data sources drawn from government, World Bank, and UN statistics – the choice of which depends upon the appropriateness for the research puzzle under consideration.

Conducting participatory observations during the field research was appropriate as a means of understanding how the ‘rules of the game’ operated and how they could be broken. Thus, participatory observations were integral components of and supplements to the personal interviews. For instance, in and around the Koidu town site²⁵ (see Map 1.1) as well as in the surrounding area, I was able to observe how artisanal alluvial diamond mining was conducted and what tasks were assigned to the miners, overseers, and claim-owners, not to mention the foot-traffic of adolescents and children coming and going to the diamond areas armed with shovels, sifters, pick-axes, wheelbarrows, and so forth. Observations conducted while waiting for my interviews at the Government Gold and Diamond Office (GGDO) – which has since changed its name to the Gold and Diamond Department (GDD) – in Freetown proved very important in terms of discerning issues ranging from how diamonds are handled by the Sierra Leonean government and what

²⁵ Koidu, along with its twin town of Sefadu (thus, sometimes assigned on maps as one town – Koidu-Sefadu) was once a bustling urban centre of approximately 200,000. Many buildings and homes in Koidu were either destroyed or badly damaged during the RUF occupation.

Map 1.1 Sierra Leone



Source: United Nations (UN)

level of security is present in the offices to development issues more generally in the context of the ongoing re-building efforts in Bo, Kenema, and Koidu.

These participatory observations are crucial in order to compare alluvial artisanal mining versus kimberlitic mining²⁶ in terms of oversight, regulation, theft, smuggling, corruption, and, above all, how Sierra Leonean government regulations operate *in practice* and in comparison to those in say Botswana, Canada, and other diamond-producing countries. Moreover, the empirical evidence provided by the Sierra Leonean case study sheds light on the practical efficaciousness of the Kimberley Process.

With respect to the participatory observations that were conducted, the emphasis should be on ‘observations’ rather than ‘participatory’. In addition to the examples listed above, I observed how diamonds are sorted at the GDD and attended several sessions of the Truth and Reconciliation Commission (TRC). I also attended the Kimberley Process Plenary meetings in Gatineau (Canada), and paid careful attention to the ‘behind the scenes’ interactions between state representatives, industry officials, and NGOs. In sum, the observations that I conducted revealed much in terms of how the Kimberley Process operates in practice and therefore, were necessary in order to obtain an instrumental understanding of this particular form of global governance.²⁷ Furthermore, participatory observations provided a more intimate look into human development needs in Sierra Leone – something which raw statistics on Gross Domestic Product (GDP) and Human

²⁶ In general, alluvial mining refers to the method of mining whereby diamonds are located in or near streams and riverbeds or nearby shallow pits, often using ‘panning for gold’ and other low-tech methods of artisanal extraction. Kimberlitic mining refers to the capital-intensive mining of diamond-rich ‘pipes’ of kimberlitic rock that usually extend deep down into the layers of rock and soil of the earth’s crust.

²⁷ For additional details regarding the personal interviews and participatory observations conducted as part of the dissertation, see Appendix 1.

Development Index (HDI) rankings cannot provide – as well as insights into the logistical challenges to transforming diamonds into ‘diamonds for development’.

Sierra Leone: Diamonds for Development?

Sierra Leone’s post-civil war development goals are structured around good governance and earnings from the extractive natural resource sector. Diamond revenues are an important component of Sierra Leone’s economy (*Financial Times*, 2005a and 2005b). During the first part of the 1990s, diamonds comprised about 20 per cent of total export earnings. In terms of official government exports, Sierra Leone produced US\$ 126.7 million worth of diamonds in 2004 and US\$ 76 million by mid-2005 (see chapter 6). Rutile and ilmenite production (from titanium ore) were halted due to the civil war and have yet to fully resume. Thus, diamonds now represent about half of all export earnings for Sierra Leone. Nevertheless, depending on one’s view of Sierra Leone’s history, diamonds have been construed as either a blessing or a curse for the country. Sierra Leone is not alone in this respect, for the assertion also holds true for other minerals and for other countries – both within and outside Africa. Those commentators who believe that diamonds are a curse for Sierra Leone point to the corrupt handling of diamond revenues under the regimes of Siaka Stevens (1971-85) and Joseph Saidu Momoh (1985-92), and to the civil war itself.

A comparison is often made with Botswana, another Kimberley Process member and former British colony which gained independence in 1966 (five years after Sierra

Leone) and whose low population density underpinned an economy that was previously based primarily on subsistence farming and agricultural exports. While post-colonial Botswana has been able to steadily reap the benefits of its diamonds and other extractive resources over the past 39 years and is not considered a ‘fragile’ state (see chapter 7), Sierra Leone continues to struggle. In an effort to reverse this trend, Sierra Leone is (like Botswana) a founding member and active participant in the Kimberley Process. Sierra Leone’s diamond export certificate has served as a template for other countries as part of the efforts to help regulate the global diamond industry.

Most agree that the Kimberley Process is a positive endeavour, but many obstacles stand in the way of its aspirations (Smillie, 2002a). For instance, all parties (state governments, industry, and non-governmental organisations) were unable to agree on a singular export certificate. Other logistical barriers include difficulties in promoting emerging technologies to ‘fingerprint’ or determine the ‘birthplace’ of a particular diamond as well as establishing a global database as part of the effort to ascertain and track the origin of rough diamonds from mine to consumer (Global Witness, 2000).

Perhaps the most monumental barrier is the physical nature of diamonds themselves. Diamonds are generally small in size and mass and therefore, are easy to transport and conceal. Diamonds do not deteriorate over time, and their value is both lucrative and relatively stable – which make them readily tradable for cash or other valuable items. Furthermore, artisanal-based alluvial diamond mining – the primary form of diamond extraction in Sierra Leone – lacks physical controls aside from human observers, requires very little skill or investment in terms of tools, and may take place in desolate areas away from the prying eyes of government mines monitors. It is estimated

that Africa is home to approximately 1 million artisanal diamond miners.²⁸ This relates to the problem of infrastructure and capacity, for monitoring and enforcement is lacking in poor, post-conflict states like Sierra Leone. The following section provides a brief outline of the dissertation, which also serves as an introduction to how the case study on conflict diamonds and Sierra Leone is relevant to other debates on issues of human security with respect to global governance and the political economy of violence.

Organisation of the Study

The dissertation is divided into seven chapters. Following and building upon the introductory chapter, the second chapter investigates the theoretical and conceptual foundations of the study's main analytical framework as well as alternative approaches and perspectives. Owing to its applicability to the research problems presented in the dissertation, global governance – as theory and policy – is the most apposite framework for analysis. Global governance enables us to better comprehend the totality of 'efforts to bring more orderly and reliable responses to social and political issues that go beyond the capacities of states to address individually' (Gordenker and Weiss, 1995: 357). Specifically, the Kimberley Process is an exemplar of global governance as both theory and policy.

²⁸ The figure of 1 million artisanal diamond miners was cited on several occasions during the Kimberley Process Plenary meetings in Gatineau, Canada, in late-October 2004. The delegation from the Democratic Republic of Congo (DRC) stated that as many as 700,000 people are engaged in artisanal diamond mining within its borders.

Constituent theoretical approaches and perspectives to be examined in chapter 2 range from globalisation and global civil society to NGOs and transnational advocacy networks to think tanks and research institutes to the growing importance of the ‘new’/‘public’ diplomacy, ‘new’/‘cosmopolitan’ multilateralism, and norms – all of which are revealing of various dimensions of global governance. The chapter also includes an assessment of alternative analytical frameworks such as international law and international regimes as well as the comparative case of the Ottawa Process to ban landmines.

Chapter 3 provides an overview of the history of Sierra Leone’s civil war and investigates the role of regional actors such as the Economic Community of West African States (ECOWAS) and its security arm, the ECOMOG, with particular emphasis on the mid-1990s and later, which coincided with the growing importance of diamonds to sustain the conflict. Of most relevance here is the ‘greed and grievance’ literature. Led by the work of Mats Berdal and David Malone (2000a) as well as Paul Collier and Anke Hoeffler (1998 and 2000), this body of literature seeks to explain why mineral resources often become a ‘curse’ rather than a ‘blessing’.²⁹

It is in this section that the analytical perspective on the political economy of violence more generally (Rufin, 1996; Jean and Rufin, 1996; Keen, 1998; Shearer, 1998a; Cilliers and Mason, 1999; Cilliers, 2000; Klare, 2001; Le Billon, 2000 and 2001b; Ballentine and Sherman, 2003; Pugh *et al.*, 2004; Ross, 2004; Ron, 2005) and the globalisation of civil conflict in Africa more specifically may be analyzed with respect to Sierra Leone. As David Francis (2001: 137) notes: ‘In the exploitation of conflict

²⁹ See also Paul Collier (2000) and Andreas Mehler and Matthias Basedau (2005 [forthcoming]).

diamonds, the RUF [Revolutionary United Front] relie[d] on the shifting informal patterns of regional trans-border and international commercial linkages to market its diamonds and secure arms and other war-fighting logistics'. Similarly, the granting of diamond concessions played a role in the government's fight against the rebels in terms of paying for the services of Executive Outcomes.

Reno's work on the 'shadow' state (1995) and 'warlord politics' (1998) are particularly useful in this context.³⁰ During the decade-long civil war in Sierra Leone, the country's civilian population was subject to forced displacement, torture, dismemberment of limbs, rape, and murder. The civil war displaced approximately 2 million Sierra Leoneans, and claimed the lives of approximately 75,000 people, including civilians, soldiers from the government, breakaway government militias, and the RUF (Smillie *et al.*, 2000: 9).³¹ The war was particularly destructive given that Sierra Leone's population may be as small as 4 to 5 million.³² Former Liberian President Charles Taylor and his entourage were the main destination for Sierra Leonean conflict diamonds. The flow of these war gems was estimated to total anywhere from US\$ 25 to 200 million per year (see chapter 3). In general, the regional aspect of the Sierra Leonean civil war cannot be discounted. In addition to Taylor's deliberate attempts to destabilize Sierra Leone and the

³⁰ See also Jean François Bayart and colleagues (1999).

³¹ Estimates vary on the exact number of casualties suffered during the Sierra Leonean civil war. Ibrahim Abdullah and Patrick Muana (1998: 172) place the estimate closer to 30,000 deaths by mid-1997. Three months before the official end of hostilities, Lansana Gberie (2001a) estimates that more than 60,000 people died as a result of the civil war.

³² Population estimates vary widely – from 4 to 5.7 million – due to the fact that it has been more than three decades since the last full-scale census was undertaken in Sierra Leone. According to provisional statistics released by Statistics Sierra Leone in February 2005, however, the population of Sierra Leone is 4,963,298.

flow of illicit diamonds and small arms across Sierra Leone's eastern border, the exodus of refugees strained the already limited capacity and resources of neighbouring states.

Chapter 4 begins with an examination of the global diamond industry, starting with a brief historical introduction to diamonds as sought-after gems to early finds in India, Brazil, and South Africa to the rise of De Beers and its operative 'cartel'. The important distinction between 'industrial' and 'gem-quality' diamonds is elaborated upon as well as insights concerning the supply and the marketing demand (and price) of diamonds. Next, the corporate side of the global governance triangle (see Figure 1.1) is revisited in order to examine the prospects for corporate social responsibility (CSR) as it relates to the UN Global Compact as well as the extractive resource sector through such initiatives as EITI and efforts to regulate the diamond industry more specifically. Changes to De Beers' business approach, such as the firm's re-positioning as a global luxury brand and the recent turn toward CSR, are also assessed.

In the fifth chapter, the study returns to the Kimberley Process in greater detail. The evolution of the Kimberley Process is examined, and challenges facing the global governance of conflict diamonds, such as the physical qualities of diamonds themselves, are analysed. Diamonds, whether rough or polished, are extremely small and light, and therefore, are extremely easy to smuggle, as detection by customs agents is difficult. Furthermore, the porous borders around Sierra Leone pose a particularly difficult problem for controlling the outflow of illicit diamonds. As a hard mineral commodity, diamonds do not expire or deteriorate over time like agricultural commodities and some less stable minerals. Diamonds are not only very valuable, but they keep this value, as world prices for diamonds are relatively stable. Thus, one may hold onto diamonds for a

long period of time with very little risk of losing financial equity. The physical properties and high value of diamonds make the mineral an attractive medium of exchange not only for smugglers and for rebel groups, but also, as allegations published in the *Washington Post* suggest, the *al Qaeda* terrorist network. Allegedly, *al Qaeda* operatives bought and sold RUF-diamonds in order to raise funds before the September 11th attacks and to invest the network's money in a safe commodity in the event that its other financial enterprises and bank accounts were frozen.³³

Chapter 5 also investigates the technological and logistical challenges to regulating the international diamond industry. In terms of verifying the origin of diamonds, the technology to do so with absolute certainty has yet to be developed. Some diamonds exhibit distinctive characteristics, such as frosting or colouring, which tend to identify their region of origin. While diamond experts can usually determine the origin of less distinctive diamonds, this applies to a particular homogeneous grouping of diamonds under observation. If the grouping consists of diamonds from various regions, it becomes increasingly difficult to identify the origin of each individual diamond. A comprehensive database of diamond characteristics and their origins slowly is being established. However, once a diamond is cut and polished its origin becomes infinitely more difficult to discern.

Chapter 6 reviews the current political situation in Sierra Leone including the structure of the diamond industry, multi-actor efforts, and other related human security issues such as the role of children in the diamond mines and the legacy of child

³³ According to Douglas Farah (2004: 4), *al Qaeda* had invested less than US\$ 50 million in conflict diamonds in West Africa, comprising 'a fraction of the world trade but an enormous windfall to terrorists'. See also Farah (2001a and 2001b), *Other Facets* (December 2001: 1, 4), and Global Witness (2003: 39-65).

soldiering. This entails an examination of the ongoing post-conflict reconstruction efforts in Sierra Leone, which are sustained by both external and internal resources, such as official diamond exports. Botswana – a former British colony that faced low levels of development and few prospects upon independence in 1966 – is an excellent comparative case and will be contrasted with Sierra Leone. In the final section of chapter 6 (and again in chapter 7), regional stability in West Africa – the ‘Parrot’s Beak’³⁴ specifically and the Mano River Union (MRU) states (Sierra Leone, Liberia, and Guinea) more generally – are examined through the prism of the ‘new regionalism/regionalisms approach’ (NRA).

The NRA literature espouses a broad analytical lens that seeks to extend beyond state-centric and formal notions of regionalism and examine issues of human security and human development (see for example Hettne and Söderbaum, 1998 and 2000; Bøås *et al.*, 1999; Hettne *et al.*, 2000; Shaw, 2000; Söderbaum and Shaw, 2003; Grant and Söderbaum, 2003b; Söderbaum, 2004). While some scholarly attention has been given to examples of formal regionalism projects in West Africa (see for example Francis, 2001; Mistry, 2000; Asante, 1997; Pennetta, 1996; Iheduru, 2003: 52-55), such as ECOWAS and the MRU, there have been very few studies of regionalism at the micro-level. One of the least explored instances of regionalism at the micro-level (or micro-regionalism) in West Africa is that of the Parrot’s Beak. Although the Parrot’s Beak is a micro-region in and of itself, its analytical value lies in the fact that it is an important example of not only cross-border micro-regionalism, but also an intersection between regions. Like the Maputo Development Corridor (MDC) and Walvis Bay, the Parrot’s Beak provides a

³⁴ The Parrot’s Beak is located in the southern part of Guinea where its border converges with those of Sierra Leone and Liberia (see Map 6.1). The borders of Guinea’s Guéckédou Préfecture resemble the beak of a parrot owing to the way in which it juts into Sierra Leone’s north-eastern flank as demarcated by the Meli and Moa Rivers.

trading interface that is embedded in wider regional networks and conduits that cross state-boundaries. In contrast to the MDC and Walvis Bay, however, the Parrot's Beak is not part of a formal (or state-led) regionalism project. Nevertheless, the study of extant *informal* cross-border processes in the Parrot's Beak is relevant to issues of regional and human security as well as 'silences' in the literature concerning diasporas. However remote the possibility of a resumption of civil war in Sierra Leone,³⁵ the lingering appeal of conflict diamonds has regional implications and is a potential source of instability and threat to human security along national borders, especially into neighbouring or nearby countries that are not only conduits for illicit diamonds, but also possess insurgency groups of their own.

The seventh chapter revisits the main arguments presented throughout the study and clarifies the conclusions of the dissertation. The concluding chapter also draws out the implications of these arguments and conclusions by addressing several emerging governance issues relating to the empirical findings on conflict diamonds. While global governance is a fruitful analytical approach, constituent forms of mixed-actor, multi-level governance have their limits. In practice, the rules underpinning global governance in the form of the KPCS are frequently broken. Although collective goods are realised, states, civil society actors, and firms have also exploited global governance networks under the aegis of the Kimberley Process to their own advantage. This has significant implications for Sierra Leone, which is struggling to emerge from decades of 'shadow state'

³⁵ In Kono District, some believe that it would not take much for remnants of the former Civil Defence Forces (CDF) to reconstitute itself if extreme violence were to return to Eastern Sierra Leone, which is not altogether inconceivable given the lingering instability in the Parrot's Beak region. This was revealed in a personal communication with a member of the National Democratic Institute (NDI) based in Koidu, Kono District, Sierra Leone, 10 May 2003.

governance and is still grappling with the immense challenges of being a ‘fragile state’ (DFID, 2005).

The promotion of so-called healthy markets (i.e., markets with low levels of exploitation, illicit/illegal activity, and corruption, and exhibiting potential for environmental and economic sustainability and equitable growth) is a key, though sometimes overlooked, ingredient in discussions linking human security to development. Healthy markets are also related to one of the ‘blind spots’ in the literature on conflict diamonds and an issue that does not receive much discussion within the Kimberley Process meetings – the fact that the diamond mining areas of Sierra Leone are rife with child labourers (as are the artisanal alluvial mining sites in Guinea, Liberia, Angola, and the DRC) who are also prime candidates as potential child soldiers should hostilities resume.

Conclusion

The importance of revealing the ‘bloody’ side of the international diamond trade is evident; however, it is also important to provide a balanced critique of the efforts to stem the flow of conflict diamonds. De Beers, which is often cast as the villain of the international diamonds trade, has made a number of steps toward better corporate ethics in recent years. Thus, the purpose of the dissertation is not to castigate particular segments, actors, or individuals for past behaviour in terms of committing atrocities against civilian populations or trafficking conflict diamonds. Judgment in this regard is

subject to international law and reserved for related legal entities, such as the International Criminal Court (ICC) at the international level³⁶ and the Special Court for Sierra Leone (SCSL) and the efforts to heal society through the TRC at the national level.

There are grounds for guarded optimism based on the assumption that the combination of greater public knowledge and the creation of epistemic communities – however diffuse – will abet efforts to eradicate the trade of conflict diamonds. Numerous transnational and local NGOs now disseminate information on conflict diamonds under the purview of human rights and human security advocacy work, which ranges from collecting media and NGO reports for redistribution on their websites to conducting fact-finding missions and writing reports. Similarly, research institutes and think tanks, such as the Institute for Security Studies (ISS), International Peace Academy (IPA), Fafo Institute for Applied Social Science, and the Netherlands Institute of International Relations ('Clingendael'), publish a plethora of knowledge-building publications such as press releases, news bulletins, newsletters, working papers, reports, monographs, and books on the political economy of natural resources and civil war. The United Nations (UN), state governments, and even the diamond industry are now cognisant of the existence of conflict diamonds. However, consumers of diamonds – particularly diamond jewellery – remain largely unaware of the human security implications that the mining and trading of conflict diamonds poses to African populations. This lack of consumer awareness is understandable and is a compelling reason for the pre-emptive measures envisioned by the KPCS.

³⁶ For example, the International Criminal Court (ICC) announced that it has launched investigations into business links to the atrocities committed in the DRC's civil war. ICC prosecutors are hoping to not only deter future crimes but also promote peace, stability, and 'healthy markets' (UNOCHA, 26 September 2003 and 28 July 2004).

Questioning the origins of a product or critically examining the manner in which a particular good is produced has only recently entered the public imagination with respect to a few high profile cases concerning large transnational firms such as Nike, Shell, and Nestlé (see for example chapter 4), and is by no means widespread among consumers. The concept of consumer activism itself is a relatively new phenomenon. Despite being an inanimate object and possessing little in the way of intrinsic value³⁷, gem-quality diamonds enjoy a positive or ‘exciting’ connotation linked to a variety of symbols, meanings, and emotions. Through a deliberate and well-crafted marketing strategy over the past century or so, the very mention of a diamond conjures up images of beauty, strength, commitment, and love. However, reports by media, NGOs, the UN, think tanks/research institutes, and academics have revealed that military groups had perpetrated widespread instances of torture, death, and destruction in an effort to control the diamond mining areas in countries such as Sierra Leone, Angola, and the DRC.

In sum, the dissertation provides original analyses and policy prescriptions with an aim to understanding and improving the efficacy of the Kimberley Process as well as domestic legislation and regulation in countries such as Sierra Leone. It will also elucidate the comparative possibilities of fostering other ‘global governance’ initiatives. First, however, there is a need to understand how global governance efforts around human security issues arise and what drives their creation. To that end, the next chapter seeks to establish the rationale for employing global governance as the most appropriate framework through which the conflict diamond issue should be analysed. It also

³⁷ Conversely, industrial-grade diamonds do have intrinsic value due to their resilience under great pressure, which is useful in abrasive applications, such as polishing, drilling, or cutting durable substances. On a scale of hardness, the diamond mineral is about four times harder than the next mineral due to the dense structure of its Carbon atoms.

juxtaposes and evaluates competing analytical frameworks to global governance; that is, international law and international regimes.

CHAPTER TWO:

GLOBAL GOVERNANCE: A FRAMEWORK FOR THEORY AND POLICY

During the 1990s ... the question of global change, its sources and implications, rose to become the preeminent issue in international relations theorizing.... [W]e argue that global governance theory has emerged as a key vantage point on this central question of our times.³⁸

Introduction

The conceptualisation of global governance offers the best though not an unproblematic analytical framework through which to understand the conflict diamond issue. Conceptually and policy-wise, ‘Global governance has a reality not in a single institution but in the network and linkages that bring together different organisations, interest groups and forms of authority in relation to specific regulatory tasks’ (Duffield, 2001: 44). Extending Martin Hewson and Timothy J. Sinclair’s argument cited at the top of the page, the notion of *change* – within or among actors on the global stage, from constellations of resistance to participation – provides a robust foundation for global governance in both theory and practice.

³⁸ Martin Hewson and Timothy J. Sinclair (1999: 3).

The purpose of this chapter, then, is to expand upon the aforementioned rationale for choosing global governance as the most suitable (yet not perfect) framework for analysis and policy for the study. First, the chapter begins by providing an examination of globalisation. It proceeds to assess competing analytical and conceptual frameworks to global governance, such as international law and international regimes. Second, the ‘Ottawa Process’³⁹ to ban landmines is juxtaposed as a comparable case of global governance. Like many human security issues, landmines are at risk of ‘dropping off the radar’ despite the ongoing presence of landmines in several African countries, such as Mozambique and Angola.⁴⁰ Third, some of the debates associated with global civil society are examined with a particular emphasis on NGOs. New developments in the practice of global governance, such as transnational advocacy networks, think tanks, research institutes, and diplomacy, are also addressed. Due to the importance of norms in global governance, the final section of the chapter examines the evolution – however embryonic – of the norm prohibiting the trade of conflict diamonds. Norms are complex phenomena that may guide not only the behaviour of states, but also non-state actors. Norms are also defined and advocated for by both state and non-state actors. The multifaceted role of norms is evident in the ongoing Kimberley Process.

³⁹ See for example Richard Price (1998); Maxwell Cameron and colleagues (1998); Don Hubert (2000); Kenneth Rutherford (2000); Don Hubert and Rob McRae (2001); and Fen Hampson and colleagues (2002: 80-97).

⁴⁰ Although hostilities have ended in Mozambique and Angola, landmines continue to kill or maim hundreds of civilians each year and restrict access to much-needed farmland and other infrastructure, such as roads. The removal of landmines is a slow, expensive, and dangerous process. Fortunately, funding for de-mining efforts continue irregardless of diminished international media attention due in large measure to the successful legacy of the ongoing Ottawa Process to ban the use of landmines.

Global Governance

First, and foremost, the Kimberley Process is a practical example of global governance because its establishment and subsequent development has depended upon myriad networks and linkages that have brought together a diverse set of stakeholders drawn from state representatives, NGOs, and members of the diamond industry. These stakeholders sought to eliminate the trade of conflict diamonds by regulating the way in which diamonds are mined, exported, and, ultimately, bought and sold on the global market.

Second, as inferred by the term itself, ‘global governance’ connotes cross-border cooperation and coordination. From the perspective of state and non-state actors, the conflict diamond issue cannot be solved through domestic means alone, for diamonds are easily smuggled across borders. In addition to state cooperation and coordination, NGOs are welcome participants, as they help fill the capacity gap within some diamond-producing countries. The cooperative efforts of private capital in the form of large transnational diamond firms and jewellery companies, domestic diamond mining firms, and local diamond merchants have also proved critical in promoting global governance efforts to end the trade of conflict diamonds.

Third, global governance exhibits a special relationship with globalisation. As Yakub Halabi (2004: 23) remarks, ‘Global governance is an attempt to manipulate the forces of globalization, mitigate globalization’s negative effects, and privilege states that follow global rules’. Indeed, a balanced assessment of globalisation acknowledges both its negative and positive impacts on society. For instance, the literature associated with

the political economy of criminality and greed (e.g., local and transnational criminal networks and mafias), which is examined in chapter 3, illustrates some of the negative elements of globalisation. In contrast, the forces of globalisation have proven beneficial to the growth of global (or at least transnational) civil society, which, in turn, has witnessed the proliferation of NGOs and transnational advocacy networks along with their respective norms.

Before proceeding further, a clarification regarding the usage of ‘global’ and ‘transnational’ terminology is in order. Some scholars, such as Vincent Cable (1999) and Ann Florini (2001), feel that it is important to emphasise the differences between the ‘global’ and the ‘transnational’ in terms of organisational categories within global politics. For Cable (1999: 4), following the work of Richard O’Brien (1992), the global denotes a level of analysis that is qualitatively different from the international, cross-border, or, indeed, transnational. Martin Shaw (2003) laments that the ‘international’ or ‘trans-state’ is too nation-centred whereas the global is better able to accommodate contemporary social scientific enquiry. In contrast, Florini (2001: 7) argues that civil society and related networks are best described as transnational given the infrequency of genuinely *global* linkages ‘in the sense of involving groups and individuals from every part of the world’. This line of reasoning is echoed by Richard Price (1998: 615, note 7), insofar as ‘civil society is much more uneven and issue-specific than the latter term [global] implies’.

O’Brien, Cable, Shaw, Florini, and Price all make valid cases. However, the purpose here is not to debate degrees of ‘globality’ versus ‘transnationality’. It would be disingenuous to presume that ‘global’ entails actors drawn from every corner of the

world. Even ‘transnational’ connotes a certain degree of generalisation. In the interests of consistency, then, this dissertation employs the terminology that best reflects the subject and is most commonly found in the relevant literatures, such as those relating to globalisation. Therefore, global governance and global civil society are used rather than transnational governance and transnational civil society. In turn, transnational advocacy networks, transnational corporations, and transnational NGOs are employed instead of global advocacy networks, global corporations, and global NGOs.

Globalisation(s)

Globalisation – or globalisations (which acknowledges its conceptual plurality and contested definitional nature) – is an appropriate departure point for addressing issues and debates associated with global governance, because it emphasises the *global* (rather than international or transnational) aspects of civil society, multilateralism, and norms. This is not to ignore the local, national, and regional levels of analysis. However, regardless of top-down or bottom-up causal mechanisms, it is the global breadth of the study that is of primary interest, followed by implications at the local and national levels (i.e., Koidu and the surrounding Kono District, and Sierra Leone, respectively) as well as the regional level (i.e., West Africa). The diamond industry is a global enterprise. Aside from Antarctica, diamonds are either produced in sizable quantities or traded and therefore, are

important contributors to national economies in parts of every continent in the world.⁴¹ Hence, in an ‘era of globalisation’,⁴² it is quite appropriate that conflict diamonds and the Kimberley Process present myriad opportunities and challenges for states, civil societies, and firms.

Globalisation is also useful as a theoretical departure point in the present study insofar as it represents ‘*a domain of knowledge*’ (Mittelman, 2000: 7).⁴³ With that said, globalisation is

not a fully fledged paradigm but a critical approach that helps to explain the intricacy and variability of the ways the world is structured and, by extension, to assess reflexively the categories used by social scientists to study this distinctive correlation of both integrating and disintegrating processes (Mittelman, 2000: 7).

Globalisation is also helpful as an analytical concept that ‘*interrelates multiple levels of analysis*’ and ‘thus elucidates *a coalescence of diverse transnational and domestic structures*, allowing the economy, polity, society, and culture of one locale to penetrate another’ (Mittelman, 2000: 7).⁴⁴ This is important to the present study, for the levels of analysis include the local, national, regional, and global.

One view of globalisation is that of increased capitalist penetration in new markets around the world. Yet, any sort of penetration has been uneven at best,

⁴¹ Diamonds are mined in North America (Canada), South America (Brazil), Asia (Russia), Oceania (Australia), and Africa (Botswana). Europe (especially Belgium) is an important destination for rough diamonds for either re-sale or cutting and polishing.

⁴² A number of scholars of globalisation refer to the past two decades or so as the ‘era of globalisation’ or the ‘globalising era’. While the study of globalisation has produced an extremely vast and heterogeneous body of literature, the term ‘globalising era’ refers in this study to the increase of economic, political, and cultural interdependence that has been facilitated through the proliferation of neo-liberal political and economic policies as well as advances in information, communication, transportation, and production technologies since the 1980s. See for example David Held and colleagues (1999); Jan Aart Scholte (2000); and James Mittelman (2000).

⁴³ Emphasis in original.

⁴⁴ Emphasis in original.

particularly in the context of conventional North-South⁴⁵ economic relations. If investment in extractive natural resources is excluded, levels of foreign direct investment (FDI) to Africa have been either stagnant or declining since the 1970s.⁴⁶ Conversely, informal or extra-legal economic relations between the North and Africa have grown over the past two decades (Duffield, 2001; Bayart *et al.*, 1999). The ‘grey’ and ‘black’ markets support many of those living in the South, given the lack of alternatives, though ultimately benefiting Southern elites and consumers in the North. As we will see, the diamond industries of both developed and developing countries are not immune to smuggling, corruption, and money laundering.

The above juxtaposition of the analytical and political economy perspectives of globalisation is merely a brief illustration of some of the spatial implications of the present study. In other words, the approach to globalisation employed herein resembles what David Held and Anthony McGrew (2002: 1-7) characterise as ‘globalist’ due to the focus on globalisation’s spatial elements. At the same time, this dissertation considers globalisation to have a ‘real’ and tangible impact on individuals, groups, institutions, and other forms of social organisation. Thus, globalisation cannot be reduced to mere ‘hype’ as so-called globalisation ‘skeptics’ contend.

⁴⁵ The ‘North-South’ dichotomy is employed in this dissertation as a general descriptive tool to distinguish between the approximate geographic locations of most developed and developing countries. I acknowledge that ‘North’, ‘South’, ‘developed’, and ‘developing’ are all contested terms and subject to ambiguity and some degree of arbitrariness. Furthermore, I am mindful of the fact that impoverished and marginalised groups are found throughout the North. Likewise, the South is home to numerous pockets of wealth and affluence.

⁴⁶ While Africa amassed US\$ 20 billion in FDI in 2004 (an increase from US\$ 15 billion in 2003, and US\$ 12 billion in 2001), much of this was (and will continue to be) based on the exploration and extraction of petroleum and other natural resources including gold and diamonds. Global FDI amounted to US\$ 612 billion in 2004. Africa’s portion was 3.3 per cent of total FDI global flows (UNCTAD, 11 January 2005).

Of course, some of the economic aspects of globalisation are not altogether new. It is commonly iterated that from about 1870 to the outbreak of World War I in 1914, migration rates and financial indicators such as FDI as a proportion of world trade were comparable to current rates (Baldwin and Martin, 1999).⁴⁷ Yet, the pre-World War I set of economic globalisation indicators focuses primarily on the North, and the still nascent global economy operated under significantly more ‘mercantilist’ motivations. This time period was also characterised by the overtly hierarchical political and economic relations associated with imperialism. Furthermore, rapid advances in information and communication technologies (ICT) since the 1970s, which greatly facilitate the exchange of ideas and knowledge as well as just-in-time production, containerisation, and more direct transportation, had yet to materialise. Also, the current presence of international economic organisations such as the World Bank, International Monetary Fund (IMF), and World Trade Organisation (WTO) and their promotion of neoliberal economic policies among states in the post-World War II era should not be underestimated. Although the precise impact, depth, and implications of globalisation (or globalisations) remain subject to much debate, there is no denying the importance of increased inter-connectedness of states, societies, and capital over the past three decades.

Conversely, it is also important to avoid over-estimating the impact of globalisation. There is a tendency in some segments of the literature to assume that ‘globalisation itself comes to explain the changing nature of the modern world’ (Morton, 2004: 146). Writing in the context of the 1997-98 Asia-Pacific economic crisis, for example, Helge Hveem (2000: 72) cautions that despite the advances and the impact of

⁴⁷ Some contend that globalisation was evident as early as the 1300s. See for example Scholte (1999: 14).

globalisation, ‘National and regional variation in economic-political culture remained important.’ As Hveem correctly asserts, globalisation should not be conceived as inevitable or uni-directional. I would add that globalisation is not universal despite its proliferation. Similarly, globalisation will not only ebb and flow in terms of effect on the everyday lives of people, but certain actors – individuals, groups, states, inter-governmental organisations, and firms – will benefit from globalisation more than others. Some non-state and state actors will lose; some will experience little or no change.

The real or perceived existence of winners and losers has led scholars of globalisation such as Mathias Koenig-Archibugi to make an admittedly simplified dyadic classification: pro- and anti-globalisers. The pro-globalisers, deemed ‘deregulators and internationalists’ by Koenig-Archibugi (2003: 2), perceive globalisation as positive in terms of creating more jobs and economic growth by reducing barriers to capital, increasing consumer choice through competition and innovation, and socio-cultural exchanges to decrease xenophobia and promote decidedly Western conceptions of democracy and human rights. Anti-globalisers (though most would eschew this label), who are classified as ‘sceptics and reversers’ by Koenig-Archibugi (2003: 3), tend to ‘fear that globalization is eroding democratic governance, and [tend to believe] that it exacerbates inequality and injustice’. Naomi Klein (2000) has drawn attention to motivations and strategies of the heterogeneous groupings and networks of anti-globalisation activists in her study of changing consumerism and the globalisation of ‘brands’. She argues that transnational corporations and global capital are pitched against activists in a battle of marketing power, which is also a contest over symbols and meanings (Klein, 2000). In addition to economic and political issues, cultural talismans at

the local and national levels are subject to inordinate pressures to either homogenise or at least ‘hybridise’ through the forces of globalisation.

Proponents and detractors tend to agree that globalisation, for all its purported benefits and ills, has done much to reduce the barrier of geographic distance among people and increase interaction. The inter-connectedness associated with globalisation – whether real or perceived – has practical implications for the way in which networks and linkages among actors operate. This is perhaps most evident in emerging forms of global governance, as networks and linkages among individuals, groups, associations, and institutions interact in a more rapid manner than in the past (Castells, 2004 and 2005). For instance, the scope and depth of the interaction among stakeholders in a plethora of networks and linkages have been abetted by the concomitant growth of information and communication technologies (ICTs). Whether it is access to electronic newspapers or research databases or e-mail contact with other stakeholders, the rapid acceleration of ICTs has facilitated the interaction of networks. Another implication of such inter-connectedness is that the sharing and dissemination of knowledge becomes more facile, and may transcend the boundaries of the original networks and linkages. In other words, knowledge-building around a particular global governance issue may grow beyond its original epistemic community and become part of a wider discourse, albeit generally and often in a partial and stylized form.

Knowledge-building is readily applicable to the very *real* human security issue of conflict diamonds. Likewise, the networks and linkages associated with global governance have been integral to the efforts to end the trade of conflict diamonds. As this dissertation illustrates, the proliferation of knowledge of what conflict diamonds are and

how they affect the human security of civilians living in war-torn, diamond-producing countries has affected the way in which state governments, inter-governmental organisation (IGOs), transnational firms, NGOs, and other stakeholders in the global diamond industry have addressed the issue. The transmission of knowledge and information about the conflict diamond issue has benefited from ICTs primarily in the form of the Internet, as the latter enables both international and local medias to capture an increasingly 'global' audience. Similarly, NGOs, state governments, and even diamond firms continue to employ the Internet as a means to disseminate policy statements, press releases, and various publications as they relate to the conflict diamond issue.

It has been recognised in most quarters that global issues, ranging from environmental degradation to terrorism, require remedial, collaborative efforts at local, national, regional, and global levels. The global reach and implications of certain issues present logistical constraints, although the aforementioned impact of globalisation and neoliberal prescriptions cannot be discounted as additional forces that restrict the ability of states to successfully act alone on global issue areas. By implication, state sovereignty is diminished – or at least transformed – though not abrogated. And global governance, which is assisted through the ongoing development of various ICTs, is the most viable option through which to address global issues such as conflict diamonds. Since the conflict diamond issue calls for cooperation and coordination among state and non-state actors at all levels, it is important to assess other analytical frameworks that examine cooperative action. Among the most salient of these competing analytical frameworks are international law and international regimes.

International Law and International Regimes

Given the multi-faceted nature of conflict diamonds and the efforts to stem the trade of these deadly gems, it makes sense to assess the utility of other possible analytical frameworks. The analytical frameworks engendered by international law and international regimes present intriguing alternatives to the aforementioned global governance approach to conflict diamonds. For instance, norms sustain international law and international regimes, respectively, which in turn underpin international institutions. The norms upheld by international law tend to be explicit (Väyrynen, 1999: 40). In contrast, norms in international regimes are tacit and subject to the push and pull of constituent state actors.

International Law

International law as an analytical framework is concerned with the articulation and application of rules and laws. However, there are varying interpretations of international law as a so-called ‘rule book’. Since international law aims for impartiality, some theorists assume that it is indeed politically neutral. However, other theorists – characterised as ‘critical legal theorists’ by Shirley V. Scott (2004: 132) – disagree on the fundamental issue of political impartiality. According to this ‘critical’ school, international law as an analytical framework should also account for the political climate and conditions in which international rules are promulgated and applied.

Critical legal theorists are on the right track by advocating the inclusion of the political sphere as part of the international law framework. However, ‘traditional’ approaches to international law tend to dominate the discipline, casting international law as more of an applied approach than a robust analytical framework *per se*. Even as an applied approach, however, international law is useful in understanding international affairs. International law, strictly defined, is based on the signing of international treaties, which are explicit agreements that govern relations among signatories. Otherwise known as ‘formal’ international law, international treaties are established either among two or more states or between states and the UN. In contrast to ‘formal’ international law, ‘customary’ international law evolves over time from practice or convention. Although customary international law only becomes formalised once codified in a treaty, courts may refer to the former in their deliberations in the form of *opinion juris*.

Building upon the Nuremburg and Tokyo Tribunals and the International Court of Justice (ICJ), international law became further institutionalised with the establishment of the International Criminal Court (ICC). The ICC entered into force on 1 July 2002, thereby signalling the growing salience of international law as a strategy in efforts to protect human rights and promote human security. However, opposition to the ICC by the US has weakened the Court’s scope. The US government has stated that it does not want its citizens subject to possible so-called ‘bogus’, ‘trumped up’, or otherwise politicised charges under the ICC. This has led the US to sign bilateral ‘Article 98’ agreements with 95 countries⁴⁸ that aim to prevent the extradition of US citizens from these countries to

⁴⁸ As of 12 October 2004 (most recent figures available). Notably, 68 of these 95 countries are also signatories to the ICC’s Rome Statute.

the ICC (USEU, 12 October 2004). The US has also threatened to employ its UN Security Council veto to block the referral of cases to the ICC.

The normative position that the ICC should be a viable instrument of international law faces resistance by other states that are also concerned with ceding a degree of sovereignty over judicial matters. Nevertheless, the ICC enjoys the support of 99 State Parties⁴⁹, which is based on a norm that holds that international law may complement or even supersede domestic legislation. Specifically, however, the ICC is concerned primarily with massive criminal acts, such as war crimes, genocide, and other crimes against humanity. Its mandate is more concerned with international *humanitarian criminal* law than international law as such. Thus, from the perspective of international humanitarian legal matters related to perpetration of war crimes, the ICC is looking into the conflict diamond issue. In late July 2004, the ICC began investigating business links that committed international law violations over the past two years as part of the DRC's civil war, including those of diamond mining firms.⁵⁰

International law understood as formal treaties is also an attractive means of promoting human security. The Ottawa Process to ban landmines, which shares a number of commonalities with the Kimberley Process, generated an international treaty. UN sanctions enjoy a special relationship with international law. UN sanctions provided vital backing to the efforts to stem the flow of conflict diamonds from war-torn countries. UN

⁴⁹ "Assembly of States Parties: The States Parties to the Rome Statue", International Criminal Court, 12 May 2005, <<http://www.icc-cpi.int/asp/statesparties.html>>, accessed on 22 May 2005 and 6 July 2005.

⁵⁰ Details pertaining to the diamond firms under investigation have not yet been made public. The ICC trials on war crimes in the DRC are expected to begin in late-2005.

sanctions continue to uphold the ban on Liberian diamond exports, at least until December 2005.

With the above considerations in mind, the conflict diamond issue appears to be a good fit for international law as either an analytical or applied framework. However, the participants of the Kimberley Process agreed upon a series of non-binding ‘guarantees’ to eradicate the trade of conflict diamonds. The Kimberley Process Certification Scheme (KPCS) is *not* an international treaty, although signatories must have domestic legislation in place that prevents the trade of conflict diamonds. Some might argue that by not being an international treaty, the KPCS is doomed to failure. Some of the Kimberley Process participants, particularly those from the NGO community, would have supported the additional ‘teeth’ of international legislation and binding mechanisms. Undoubtedly, this would not have received support from the US (as well as Russia and China), whose resistance to the strictures of international law is well documented. The KPCS enjoys the backing of UN sanctions against the trafficking of conflict diamonds; however, these sanctions are external to the Kimberley Process. Although the KPCS may eventually build towards an international legal arrangement, the structure and present course of the Kimberley Process are unsuited to this option. In sum, since a full-fledged international legal route was not feasible for the Kimberley Process in practice, it must be excluded as an alternative policy framework.

International Regimes

Tracing its analytical roots to neorealism (Waltz, 1979 and 2000) and neoliberal institutionalism (Keohane, 1984 and 1986), the framework of international regimes (Keohane and Nye, 1977; Krasner, 1982 and 1985; Hasenclever *et al.*, 1996 and 1997) professes several merits concerning cooperation among state actors. The international regime framework focuses on state behaviour in general and state cooperation more specifically in the context of a supposedly anarchical and self-help based international system. Regimes represent more than simple agreements, which are more akin to temporary pacts among actors. Regimes, according to Stephen Krasner (1982: 185), are defined as a set of ‘principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area’. International regimes, then, are concerned with issue-areas beyond the national level. Scholars of international regimes tend to concentrate on the role of states in regimes and the effect of regimes on state behaviour.

The conceptual framework of international regimes is useful in accounting for the establishment of formal international organisations, treaties, and military alliances (e.g., the North Atlantic Treaty Organization [NATO]). In the years immediately following the Second World War, the US was able to establish several international regimes, particularly in the economic arena, that underpinned international organisations such as the IMF, the General Agreement on Trade and Tariffs (GATT), and the International Bank for Reconstruction and Development (IBRD). Clearly, these international regimes and their attendant international organisations founded in the 1940s and 1950s were

negotiated by states for states with explicit goals including common military security and promoting growth based on liberal economic principles. And, it is apparent that the US bore the brunt of the costs associated with these international regimes, leading some (but not all) neoliberal institutionalists to expound on the importance of hegemony (although not in the Gramscian sense of class relations⁵¹) in regime building and maintenance.

Neoliberal institutionalists hold that the formation of an international regime allows states to cooperate because it helps allay fears of defection. According to neoliberal institutionalists, states want to cooperate rather than suffer the sub-optimal consequences brought by fears of defection that a purely anarchical international system inevitably creates. The notion of sub-optimal outcomes in an anarchical system is outlined by analogy with the well-known game theoretic model of the 'Prisoners' Dilemma' wherein fears of defection compel both actors to defect. While mutual defection is individually rational due to the lack of information and narrow choices of action available to the actors, it creates collective irrationality or sub-optimal outcomes. Thus, this vein of thought within the neoliberal institutionalist camp contends that, in order to avoid sub-optimal outcomes, states will aim to reduce the effects of anarchy by forming a regime around a hegemon (Little, 1997: 240-241).

The theory of hegemonic stability is based on the assumption that the hegemonic state, which possesses a much greater amount of power and influence relative to other states, establishes stability in the international system. Stability is achieved through the formulation of international regimes, which tend to reflect the hegemon's national interests. The degree of adherence by individual states to the rules, norms, and

⁵¹ See for example Antonio Gramsci (1971) and Robert Cox (1999).

institutions of the hegemon's preferred international regimes varies in relation to the relative power of the hegemonic state (Keohane, 1980: 132).

If the hegemon is relatively strong, the international regimes and the acquiescence of member states are strong, and vice-versa. Despite its prestigious position at the apex of the international system, the hegemon must also provide certain incentives in order to sustain its position. The hegemon is expected to shoulder the majority of the costs of providing collective goods, such as maintaining an open and neoliberal trading regime or a stable international currency. As time goes by, weaker member states may become stronger through receipt of the benefits of public goods at a lower cost than they would otherwise be provided for; hence, the problem of 'free-ridership' from the perspective of the hegemonic state. This may result in regime instability as one or more of the previously weaker states may eventually challenge the hegemon's position. Alternatively, an international regime may falter if the hegemon decides to abandon its position after deeming the costs of maintaining its position to be too costly, or if some member states are cheating excessively through free-ridership (Gilpin, 1987: 73-74).

A competing school within neoliberal institutionalism contends that the Prisoners' Dilemma does not provide an accurate account of the international system, because it assumes that the actors are 'playing' only one game and that decisions cannot be reversed. In international politics, such games are perpetually being played. Thus, iteration enables states to begin to make calculations more strategically about future outcomes. Since states want to cooperate but do not want to be betrayed by others, they will look to the protection afforded by the notion of 'tit for tat'. 'Tit for tat' means that if a state defects or cheats during the current round of cooperation as part of a regime, then

it will be censured during the next round. This notion of reciprocity has led neoliberal institutionalists to concentrate on devising plans to strengthen reciprocity through inspection and surveillance methods under security regimes (Little, 1997: 241).

This segment of neoliberal institutionalism emphasises that international regimes are created due to the existence of common or shared interests (Keohane, 1984: 79). In brief, these shared interests include the reduction of uncertainty and transaction costs; filtering out non-cooperative structures of power; and creating a forum for issue linkage. A hegemonic state therefore, is unnecessary for regime establishment and maintenance because of reciprocity. Hence, this school of thought within neoliberal institutionalism, led by scholars such as Robert Keohane, is not concerned about the lack of a hegemonic power to implement and sustain international regimes.

International regimes as a conceptual framework appears promising at first blush as a means of explaining why states may cooperate with one another on the conflict diamond issue. However, it cannot adequately account for the role in and responses to the conflict diamond issue of non-state actors, such as diamond firms, industry associations, and NGOs. Although global governance is by no means perfect as a framework for analysis and policy, international regimes are subject to certain flaws that preclude it from serious consideration to analyse the ongoing evolution of the Kimberley Process. Certain flaws in the international regime framework were evident to scholars writing before the emergence of the Kimberley Process. For instance, the late Susan Strange was critical of the utility of international regimes, and she identified the most notable shortcoming of the framework. For Strange (1982: 479), the use of international regimes as an analytical framework 'is narrowminded, rooted in a state-centric paradigm that

limits vision of a wider reality'. As the importance of non-state actors has become more prominent in international relations, the focus can no longer rest on states and state behaviour alone with respect to international regimes. Although Strange did not emphasise NGOs among the neglected foci of international regimes, she did identify private sector actors such as large insurance firms, cartels, and professional associations as being overlooked, with critically important consequences.

Even scholars who are closely associated with international regimes, such as Stephen Krasner, have published recent work that acknowledges (though with caveats) the growing influence of non-state actors on states. Krasner (2001: 26), writing in the context of the perceived threats to state sovereignty, admits that

The availability of inexpensive and very fast communications technology has made it easier for such groups [transnational NGOs] to organize and make an impact on public policy and international law – the international agreement banning land mines being a recent case in point.

Krasner's point on ICTs and the relative success of the Ottawa Process is well taken. In his work on epistemic communities, Peter Haas (1992) broadened the international regime framework somewhat to include the relevance of policy coordination by portraying policy-makers as actors that should be considered synonymous with states. However, in the context of epistemic communities it is important to avoid confusing information and knowledge. Information must become knowledge, which only occurs through human manipulation and dissemination of the former (Ferguson and Mansbach, 2004: 276). Given the importance of non-state actors (NGOs and lobbyists) in influencing global environmental policies, such as climate change, one might expect that they might be included in international regimes. However, as Robert Falkner (2003: 76) remarks in his essay on environmental governance, 'the conventional notion of

governance remains firmly embedded in a state-centric setting, insisting that effective governance depends on state authority in establishing and implementing international regimes'. This illustrates why international regimes as an analytical framework is more applicable to issue-areas such as nuclear non-proliferation in comparison to conflict diamonds, because proponents for the former focus primarily on altering the behaviour of states whereas the latter focuses on the behaviour of states *and* non-state actors.

The international regime framework has benefited from recent theorising, but it still remains largely state-centric at its conceptual core due to its roots in neorealism.⁵² While neorealism might explain state behaviour as part of the negotiations within the Kimberley Process, it lacks the analytical tools with which to assess non-state actors such as NGOs and transnational firms. Similarly, neoliberal institutionalist conceptions of hegemony are not applicable to the Kimberley Process. Aside from shouldering the relatively minimal financial costs of hosting the Secretariat – first by South Africa from 2000 to 2003, followed by Canada in 2004⁵³ – it cannot be said that any one state or non-state actor acted as a hegemon in advancing the goals and furnishing the political and economic costs of the Kimberley Process.

Norms represent a facet of international regimes, for the norms in question tend to be based on traditional security or economic concerns (although environmental concerns have made significant inroads). In the case of conflict diamonds, economic interests are

⁵² One important exception is global information policy regimes concerning, for example, the Internet and intellectual property rights, which is dominated by negotiations between corporate actors and state representatives. See for example Sandra Braman (2004: 9).

⁵³ Russia is the Chair of the Kimberley Process for 2005. Botswana, the current Vice-Chair of the Kimberley Process, is expected to become Chair in 2006. In practice, the Vice-Chair has very few responsibilities, aside from keeping abreast of developments within the various Kimberley Process Working Groups and preparing for its term as Chair.

in play and, to a minor extent, traditional security issues are as well. Yet, international regime theorists tend to be concerned about norms that intersect with the interests of larger states due to their hegemonic pull in either creating or sustaining regimes. As Ethan Nadelmann (1990: 524) notes, 'norms emerge and are promoted because they reflect not only the economic and security interests of dominant members of international society but also their moral interests and emotional dispositions'. Moral issues aside, it is reasonable to expect that some countries would fear a consumer boycott of diamonds.

For neorealists, economic security is closely linked to national security. Botswana's economic security is tied to a healthy diamond industry, but the country is far from being a world power. Likewise, diamond exports represent significant foreign exchange earners for countries including Namibia and Sierra Leone, which, for realists, cannot be considered powerful countries. For so-called 'middle powers' (and Commonwealth countries), such as Canada, South Africa, and Australia, diamonds are significant foreign-exchange earners, but by no means vital to their national economies. Together, these three countries represent a potential tripartite candidate for regime leadership. As a permanent member of the UN Security Council, Russia might be a notable exception and would present an intriguing case as a potential 'regime-leader' on conflict diamonds. Although diamond exports represent only a small portion of the US\$ 433.5 billion Russian economy⁵⁴, Russia lobbied vigorously to be named Chair of the Kimberley Process for 2005. Russia might very well take advantage of its still formidable standing in the world⁵⁵ to attract greater attention to the Kimberley Process in international affairs. After all, it is estimated that Russia produced US\$ 1.65 billion worth

⁵⁴ Based on Gross Domestic Product (GDP) in 2003 (*The Economist Intelligence Unit*, 2004).

⁵⁵ Russia will host the next G-8 meeting in mid-2006.

of rough diamonds in 2003 – second only to Botswana’s US\$ 2.4 billion (Singer, 2004: 4).

While international regimes enjoyed satisfactory explanatory power when states – through their representatives – overwhelmingly dominated the negotiation and operation of international agreements (i.e., international regimes, strictly understood), there is a need for a better analytical approach to account for the increasingly important role of non-state actors in embryonic global prohibition and management regimes in the post-Cold War era.

Global governance therefore, is better suited for addressing the importance of norms and non-state actors in IR. Global governance also acknowledges that state capacity is sometimes constricted and that private actors, such as corporate entities, must be equal (or at least prominent) participants in order to address successfully various issue-areas. It is important to acknowledge, however, that global mixed-actor governance has limitations. Although global governance has made important policy gains since the end of the Cold War, it remains limited in several areas. Critics, such as Kenneth Campbell, have pointed out that global governance in general and its mixed-actor constituents in particular are powerless in the event of genocide, terrorist attacks, conventional inter-state war, and the threat of a nuclear weapons exchange. Although Campbell (2004: 13) lauds the accomplishments of global governance with respect to addressing ‘new threats’ such as the Ottawa Process on landmines and the International Criminal Court, he advises scholars of global governance ‘to eschew the fiction that traditional security threats no longer exist, that states are obsolete, and that military force is irrelevant’.

In the above passage, Campbell misrepresents the position of proponents of global governance. Global governance scholars generally do not consider states and their armed forces as antiquated relics of a by-gone era. Advocates of global governance are careful to include the caveat that states – and by implication their militaries – remain integral to the provision of security, regardless of whether it is of a non-traditional or traditional variety, carried out at the global or local level. It is important to provide a balanced assessment of both the strengths and limitations of global governance (see for example Hewson and Sinclair, 1999: 3; O'Brien *et al.*, 2000: 7-8; Wilkinson, 2002). For example, Craig N. Murphy (2000) surveys liberal economic and political forms of global governance and concludes that they are bereft of moral content; that is, international financial institutions such as the IMF and World Bank have little concern with truly improving the living conditions of the impoverished around the globe. Unregulated markets are known to lead to economic inequalities between the North and South, men and women, elites and the masses. These inequalities require countervailing global public goods. The challenge then is to convince the dominant classes and advocates of neo-liberal economic policies that they should support redistributive wealth measures.

My analytical framework should not be confused with the ‘neo-liberal global governance’ or ‘neo-liberal globalist’ framework. As denoted by the ‘neo-liberal’ prefix to the term global governance, this conceptually distinct framework envisions the marriage of multilateral economic institutions (MEIs) such as the World Bank, IMF, World Trade Organisation (WTO), and their policies advocating trade liberalisation, economic deregulation, and ‘good’ governance as a means to promote economic growth and political freedom (Wilkin, 2003). In practice, however, we know that neo-liberal

economic policies do not automatically result in economic growth, and good governance is much more nuanced and indeed, difficult to engender. Furthermore, economic liberalisation may lead to economic inequalities that in turn ‘undermine political equality and the functioning of democracy’ (Abrahamsen, 2000: 52).

That said, these MEIs have begun to engage local and global civil society actors – however incrementally – particularly on issues relating to global economic governance (O’Brien *et al.*, 2000: 2). The World Bank has led the way in terms of engagement with non-state actors, whereas the IMF and WTO have only made preliminary steps. The World Bank now consults and even engages NGOs on development policies and project implementation. Although the three most prominent MEIs are not directly involved with the Kimberley Process, they have been known to contribute in varying ways. State actors within the Kimberley Process, such as Canada and the US, were particularly concerned with securing the WTO waiver, as the KPCS could be seen as a restriction on trade. In fact, the KPCS is a regulatory framework and by definition seeks to control the trade of rough diamonds. Moreover, the fact that certain states are suspended from the Kimberley Process (e.g., the Republic of Congo [ROC]) or prohibited from trading diamonds (e.g., Liberia) represents a major restriction on not only commerce and trade, but, more importantly, *illegal* financial transactions.⁵⁶

⁵⁶ During the 2004 Gatineau Plenary meetings, a representative from the IMF gave a presentation and noted that there was growing interest within the institution to look at possible measures to assist the Kimberley Process.

The Ottawa Process to Ban Landmines

The Ottawa Process to ban landmines is a good example of the promise and also the limits of global governance in practice. Despite some impressive successes in constraining their deployment over the past decade, landmines continue to represent a staggering contributor to human insecurity. The first usage of landmines occurred during the American Civil War (Hubert, 2000: 3-4). During World War I, landmines became increasingly popular as a defensive weapon to thwart soldiers (anti-personnel mines) and military vehicles (anti-tank mines). In World War II, landmines were used as a means of either channelling or disrupting enemy troop and weaponry movements. As landmine technologies improved during the 1960s, so too did the impact on civilian populations. The indiscriminate and cruel nature of this strategic weapon makes it particularly horrific. In the mid-1970s, the International Committee of the Red Cross (ICRC) began to lead the first set of concerted efforts among state and non-state actors to promote humanitarian international law as a means to restrict the usage of these weapons. These efforts culminated in the promulgation of the 1980 Certain Conventional Weapons (CCW) Convention. Despite the lobbying efforts of the ICRC (an international organisation), NGOs, and a handful of like-minded states over the next decade, the CCW only obtained 31 ratifications by 1990.

Although the decade of the 1980s was not kind to proponents of the CCW, they remained committed to the landmine issue. Instead of focusing on simply restricting the use of landmines during inter-state warfare, NGOs decided to change course and advocate an outright global ban on the weapons. In 1992, the International Campaign to

Ban Landmines (ICBL) was established with the aim of overseeing and advancing the anti-landmine movement. The ICBL was and remains a key actor in the Ottawa Process and is currently supported by more than 1,300 advocacy groups.⁵⁷ In 1994, the UN General Assembly passed a resolution calling for the eventual elimination of landmines. This was followed by a series of international meetings and conferences that culminated in the December 1997 signing of the Ottawa Convention (which is known by either its full name, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, or another shortened name, the Mine Ban Treaty [MBT]), which gained the requisite number of state signatures to become international law in May 1999. The Ottawa Convention has been signed (or acceded to) by 152 states and has entered into force in 144 countries referred to as States Parties.⁵⁸

Obviously, then, states and state representatives and officials still matter, especially with respect to international law and the promulgation of international treaties. A core group of 'like-minded' countries such as Canada, Norway, Austria, Belgium, and South Africa were – and remain – important supporters of the Ottawa Convention. Canada's then Minister of Foreign Affairs Lloyd Axworthy and South Africa's then

⁵⁷ In November 1995, the ICRC launched an international media campaign to publicise the need to prohibit the production, trade, and use of landmines. The ICRC became a key actor within the ICBL, and remains an active proponent of the Ottawa Process.

⁵⁸ On 17 December 2004, Ethiopia became the most recent state to ratify the Ottawa Convention. See: the "Treaty: Treaty Members", International Campaign to Ban Landmines, <<http://www.icbl.org/treaty/members>>, accessed on 10 January 2005 and 6 July 2005. These numbers include states that have acceded to the Convention, which means that they did not sign the Convention by the 1 March 1999 closing for signatures, but have nonetheless adopted domestic legislation to conform to the Convention and deposited a declaration of accession to the Convention with the UN Secretary General. For more information on the Ottawa Process, see: <<http://www.mines.gc.ca/menu-en.asp>>.

Ambassador to the UN Jackie Selebi⁵⁹ played an integral role in the Ottawa Process as ‘norm leaders’ due to their personal influence on the behaviour of state actors within the Ottawa Process.⁶⁰ The landmine campaign also benefited from high-profile supporters, most notably then UN Secretary General Boutros Boutros-Ghali, Archbishop Desmond Tutu and the late Princess Diana⁶¹ as well as the long-standing efforts of the ICRC.

Nonetheless, it is widely acknowledged that it was the participation of civil society in the form of NGOs such as the Vietnam Veterans of America Foundations (VVAFA) that led to the relative success of the landmine campaign (Thakur and Maley, 1999; Gwozdecky and Sinclair, 2001). NGOs were able not only to promote public awareness and support for the Ottawa Process, but also sustain pressure on states to sign the treaty – efforts which continue to this day. The NGOs benefited from the tireless efforts of one of their own ‘norm entrepreneurs’, the ICBL’s founding co-ordinator Jody Williams (who, along with the ICBL, was the recipient of the 1997 Nobel Peace Prize). Thus, in many ways the successes of the Ottawa Process have emboldened NGOs, think tanks, and research institutes alike in promoting transnational advocacy networks and coalitions and epistemic communities around issues such as conflict diamonds, small arms and light weapons (SALW), infectious diseases, global warming, and sustainable

⁵⁹ In 1998, Selebi received the annual human rights prize of the International Service for Human Rights (a non-profit consultancy organisation for human rights NGOs) due in part to his impressive chairmanship of the Oslo Diplomatic Conference on an International Total Ban on Anti-Personnel Landmines in September 1997. See for example “Human Rights Award 1998”, International Service for Human Rights, <<http://www.ishr.ch/about%20ISHR/Human%20Rights%20Prizes/HumanRightsAward1998.htm>>, accessed on 29 December 2003 and 6 July 2005.

⁶⁰ Jennifer Ross (2001: 89) identifies Axworthy’s efforts on landmines as a ‘norm leader’.

⁶¹ The Diana, Princess of Wales Memorial Fund based in London continues to fund initiatives to promote the ban on landmines as well as other charitable causes. See: <<http://www.theworkcontinues.org>>.

development and governance challenges associated with large-scale dams (i.e., the World Commission on Dams [WCD]). Aside from conflict diamonds, however, these other issue-areas have not attained the same degree of success.

The ongoing Ottawa Process is not only instructive for stakeholders within the Kimberley Process, but it also provides us with a compelling comparative example of emerging global governance. The Ottawa and Kimberley Processes gained from the growing acceptance of the ‘new’/‘public’ diplomacy and ‘new’/‘cosmopolitan’ multilateralism, which includes NGOs and small- and medium-sized countries as part of international diplomacy. By holding a series of meetings around the globe, both Processes garnered support over a relatively short period of time and depended (and continue to depend) on the efforts of NGOs and transnational advocacy networks to disseminate information on the human security threats posed by their respective issue-areas. Both received global recognition for their respective efforts. The ICBL and Jody Williams were Nobel Peace Prize co-laureates in 1997, and Partnership Africa Canada and Global Witness were Nobel Peace Prize co-nominees in 2003.

Though the Ottawa and Kimberley Processes are similar in several respects (including the fact that both find it difficult to ensure compliance among member states), their differences are notable. The Ottawa Process led to the establishment of an international treaty and is therefore an example of the creation of international law. The KPCS is an international understanding rather than a treaty. An impressive 99 per cent of the world’s diamond producing states and importing markets have agreed to abide by the KPCS, including the US, Russia, China, India, Brazil, and the European Union (EU). In contrast, most of the leading countries that produce and deploy landmines – the US,

Russia, and China – have yet to ratify the Ottawa Convention. These three countries – along with other non-signatories such as India, Pakistan, Iran, Iraq, North and South Korea, and Israel – represent an overwhelming portion of the world's population and landmass. Russia, India, and Pakistan admitted that they laid landmines in 2003 (UNOCHA, 2 March 2004). Furthermore, some signatories such as 'fragile' states Burundi and Sudan have resisted the call to destroy their reserves of landmines.

As part of its efforts to ban the trade of conflict diamonds, the Kimberley Process engaged the global diamond industry early on. Despite an uneasy working relationship at first, industry heavyweights – including De Beers, the World Diamond Council (WDC), and Rapaport – became valuable participants in the Kimberley Process and helped formulate the KPCS. In contrast, and predictably, the Ottawa Process virtually excluded the corporate sector. Essentially, the Ottawa Process entailed the eradication of a product – landmines – that also meant the loss of corporate profits; however, according to Human Rights Watch (1997), 'it does not appear that landmine activities constitute a significant portion of income for any US company'. In 1997, Human Rights Watch wrote to 47 American-based firms asking them to stop manufacturing landmines or, more accurately, the components for landmines.⁶² A total of 17 companies including Motorola were convinced by the letter, and promised that they would end their participation in the landmine business. The other 30 companies, such as General Electric, Lockheed Martin, and Alliant Techsystems, resisted Human Rights Watch's efforts. Given their profit-making character, it is difficult to engage corporate actors in multilateral negotiations.

⁶² Landmine production in the US is usually contracted out by the Pentagon to one or more large firms. Several smaller firms then furnish the various landmines components to the primary firm or firms. See Human Rights Watch (1997).

Nevertheless, firms cannot be ignored if global governance endeavours wish to succeed in the above areas.

The ‘New’/‘Cosmopolitan’ Multilateralism and the ‘New’/‘Public’ Diplomacy

The aforementioned efforts to ban landmines have engendered much discussion regarding the prospects of the ‘new’/‘cosmopolitan’ multilateralism and the ‘new’/‘public’ diplomacy. New multilateralism encompasses state and non-state actors working on common issues – relating to human security and the individual as the locus of concern – in unorthodox ways and through novel transnational networks and coalitions. This work is still carried out through diplomacy, although it tends to be more ‘open’ in contrast to the secretive negotiations that traditionally transpire under the auspices of old-style diplomacy (see for example Cooper *et al.*, 2002; Cooper, 2004: 6-7). Indeed, the ‘new’ or ‘public’ diplomacy⁶³ presents an intriguing alternative to traditional diplomatic procedures between governments. For example, the Ottawa Process benefited from ‘intensive telephone and fax diplomacy through which common policy objectives were established and tactical approaches developed’ and participating ‘embassies were also

⁶³ It is important to note that the term ‘public’ diplomacy also refers to foreign policy programmes that aim to influence or bring about a particular change of public opinion in other countries. This conception of public diplomacy may include the use of propaganda as defined by the dissemination of carefully selected factual information rather than outright falsehoods associated with disinformation campaigns. As Hans Tuch (1990) points out, this form of public diplomacy has been a component of US foreign policy since the Eisenhower Administration, and is associated with communication mediums such as Voice of America (VOA) radio.

instructed to co-ordinate their actions with local NGOs and delegates of the ICRC' (Lawson *et al.*, 1998: 168).

The flexibility of new diplomacy is key. For McRae (2001: 254), new diplomacy may be instigated either:

within or outside traditional forums, ... [which] creates coalitions of the willing to move difficult issues forward more quickly, while building international support. It often involves a new style of leadership, and an inclusive approach to nongovernmental organizations (NGOs) and engaged citizens; new forums, including nationally-sponsored conferences and negotiating sessions; and specific deadlines for the completion of an agreement.

New diplomacy enables smaller states to play a more meaningful role in diplomatic negotiations and opens the floor to NGOs and other non-state actors. New diplomacy (also referred to as 'track-II' diplomacy) is congruent with new multilateralism particularly with respect to challenging orthodox views of sovereignty. The new diplomacy promotes a democratisation of the negotiation process whereby sovereignty is vested 'in the people, not in the state' (Dolan and Hunt, 1998).

The new multilateralism, for its part, is based on the principles of 'activism on people-centred humanitarian concerns, willingness to question the absolute interpretation of sovereignty, and openness to transnational NGOs' (Waschuk, 2001: 220). This is a departure from the original conception of multilateralism, which was understood as multi-*state* negotiations on national security issues or economic relations (Cox, 1992: 161-162).

While the analyses and processes of new multilateralism exhibit great potential, this does not mean that everyone involved – particularly global civil societal actors – are completely satisfied with outcomes (Knight, 1995). The relationship between top-down and bottom-up influences within global governance efforts is sometimes tumultuous.

Despite being intimately involved in human rights and human security conferences on the environment, the status of women, small arms, landmines, and conflict diamonds, NGOs often become frustrated at the lack of tangible progress. NGOs tend to focus on the principles and ideals of a particular issue, though this is often stymied by the tendency of some states – usually the larger, more powerful states such as the five permanent members of the UN Security Council (or ‘P-5’) – to revert back to the ‘old’ diplomacy of geopolitical rivalry and the attendant rhetoric of national security. This tenebrous and equivocal tendency of new multilateralism is addressed by Robert Cox’s writings on world order. Cox (1996: 534-535) draws attention to the implications inherent in differing conceptions of multilateralism in terms of which ‘voices’ or social groups are either included or marginalised and how this affects multilateralism in practice.

Despite great gains on several human rights and human security issues, new multilateralism remains somewhat fragile. Following the ebb and flow of US foreign policy and its regard for the UN, much of the decade of the 1980s and the present half-decade may even be deemed as ‘crisis’ periods for multilateralism.⁶⁴ For all the accomplishments of the Ottawa Process, the ambivalent position of the US towards the landmine ban is a continuing dilemma. The US participated half-heartedly in the September 1997 Oslo Conference, proposing numerous changes to the treaty though ultimately failing to ratify (Wareham, 1998; Dolan and Hunt, 1998).

Since the beginning of 2001, the US has adopted a foreign policy orientation that is best characterised as a turn towards unilateralism under President George W. Bush and

⁶⁴ Cox (1992: 166-167) comments that a definite perspective existed wherein ‘the crisis of multilateralism emerged in the 1980s in a tendency on the part of the United States and some other powerful countries to reject the United Nations as a vehicle for international action and a movement on the part of these countries towards either unilateralism or collective dominance in world economic and political matters’.

his Administration. Even before the tragic events of 11 September 2001, the Administration was taking the necessary steps to withdraw the US from various examples of both 'old' and 'new' multilateralism consisting of international treaties, agreements, and processes, such as the Anti-Ballistic Missile (ABM) treaty. The Bush Administration refused to ratify several key multilateral agreements, particularly those that benefited from global governance initiatives including the Kyoto Protocol, the International Criminal Court (ICC), and the UN Convention on the Rights of the Child. Thus, new multilateralism is not inevitable and is subject to obstacles and setbacks.

In a similar vein, global governance suffered a major blow when the US defied the UN by launching an invasion of Iraq to locate and destroy 'weapons of mass destruction' (WMD) as part of its 'war on terror'. Mary Kaldor (2003: 591) argues that 'the American determination to go to war with Iraq unilaterally has caused a profound crisis in the institutions of global governance'. Although this is cause for concern, the UN is but a single component of global governance. Furthermore, the UN has shown a remarkable ability to rebound from institutional crises in the past; the debacles over the Iraq war and the Oil-for-Food Programme scandal⁶⁵ involving UN officials are only the latest challenges.

Moreover, the networks and links of global governance along with the rapid flows of news media and information and the knowledge-building effects of global civil society show much promise in counter-balancing US unilateralism. In April 2004, images of prisoner torture and mistreatment from the Abu Ghraib Prison in Iraq were broadcast by various news media, thereby reinforcing what the ICRC and Amnesty International had

⁶⁵ For a concise overview of the UN Oil-for-Food Programme scandal, see: "Q & A: Oil-for-Food Scandal" (3 February 2005), *BBC News* (Online Edition), <http://news.bbc.co.uk/2/hi/middle_east/4232629.stm>, accessed 26 February 2005.

been reporting since April 2003. If opinion polls are any indication of how people perceive US unilateral behaviour, the impact of global media and global civil society (primarily in the form of transnational human rights NGOs) has influenced global public opinion. Furthermore, US unilateralism should not be considered a function of an enduring trend. As Manuel Castells (2005: 12) posits, ‘... our world is multilateral, but Bush, at least until 2004, did not seem to know it. And the neoconservatives, who know it, are trying to reverse the trend for the benefit of their own ideological agenda.’ In short, even setbacks to emerging forms of global governance can contain the seeds of future advances by way of ‘dialectical’ processes.

Global Civil Society

Since its first appearances in the late seventeenth and early eighteenth centuries, the concept of civil society has been appropriated in one approach or another. In the liberal sense of the term, civil society refers to those interests that are promulgated in a separate and distinct manner from the state. During the Enlightenment, civil society served to promote the interests of the emerging bourgeoisie, particularly against the encroachment of the state (Cox, 1999: 5). Liberalism’s overarching concern for protecting individual freedom meant that, even in a democracy, civil society was conceived as an autonomous forum for voluntary organisation that enabled individuals to express their views and interests in a concerted manner. In contrast, Marxists employed civil society in a pejorative sense, because they equated it with the bourgeoisie with reference to the

latter's hegemonic position vis-à-vis economic relations and the political order it enjoyed, which was supplemented through its symbiotic relationship with the state. As corporate interests began to grow in importance and political power in the mid-nineteenth century, civil society became closely linked with the state in some instances, such as the regimes of European leaders Bismarck, Mussolini, and Franco. In response to fascism, the meaning of the term civil society evolved to incorporate organisational groups that operate autonomously from corporatist power structures as well as the state.

The conception of civil society as a separate entity from the state and corporate sectors has been expanded upon by a number of writers in the twentieth century. Much of the contemporary work on civil society owes its origins to Antonio Gramsci's writings during the 1920s and 1930s.⁶⁶ Gramsci is credited with imbuing the concept of civil society with fluidity. Part of the reason for the conceptual fluidity and flexibility that Gramsci infused into civil society is the general lack of concrete definitions in his writing, which, according to Cox, is consistent with the author's historical and dialectical style. In a more normative vein, Cox (1999: 6-7) argues that Gramsci supported an active and strong yet heterogeneous civil society that the state could rely upon as a force for constructive societal change.

Gramsci is also credited with highlighting civil society's more emancipatory potential in response to state and corporatist institutions. At the same time, Gramsci was concerned that the state was using civil society as a means for reinforcing the hegemonic interests of the ruling classes. To counter the state and the dominant classes, Gramsci foresaw the need for a catalyst that would strengthen and diversify civil society and, by extension, its emancipatory potential. The 'organic intellectual' was the countervailing

⁶⁶ See for example Gramsci (1971).

force that was expected to emerge from constituent social blocs rather than be imposed by an external revolutionary elite. The dialectical nature of civil society is evident in its use in support of the hegemonic forces in society, such as the state, and its liberating characteristics through ‘bottom-up’ forces. In other words, the top-down forces represent the hegemonic state and corporate power, and bottom-up forces are couched in the emancipatory sense of those groups of individuals that wish to change or have an effect on the latter two groups. While some civil society organisations are allied to the state through funding sources and other linkages, they tend to seek an area of public life that is separate from the state as well as corporate actors (Keane, 2001).

An intriguing development within the literature on the practices of contemporary civil society is the consideration of its ‘global’ implications. As implied in the term itself, *global* civil society extends beyond the local, national, or regional levels of analysis. Paul Wapner (2000: 267) defines global civil society as ‘that domain of associational life that exists above the individual and below the state yet across state boundaries through which people experience the virtues of sociality and represent themselves in a social context’. Obviously, there is no global state to contend with (Halperin and Laxer, 2003: 9). Nevertheless, global civil society helps to diversify the loci ‘of international political authority’ (Colás, 2003: 97). Moreover, there is an inherent plurality in global civil society. Kaldor (2003: 591) is correct in surmising that ‘There is not one global civil society but many, affecting a range of issues – human rights, environment, and so on’. Therefore, it is quite apposite to speak of global civil *societies*, which reflects the panoply of strategies, approaches, and actors involved in promoting human rights and human security concerns.

Although associational life as part of global civil society can take many forms, many scholars are concerned primarily with transnational NGOs that have a fairly large base of what are considered 'rank-and-file' members who either contribute money or pay dues to organisations such as Greenpeace or Amnesty International. These rank-and-file members may feel part of the larger transnational NGO or even volunteer during membership or awareness drives (or march in demonstrations). But, there is a definite distinction between them and those *employed* by an NGO, such as researchers, publishing and editorial assistants, and members of an executive or organisational board. Although still very much part of global civil society, it is worth noting that the transnational NGOs involved in the conflict diamond issue, such as Partnership Africa Canada and Global Witness, as well as local NGOs such as Network Movement for Justice and Democracy (NMJD), tend to depend much less on membership dues or donations from individuals (though they are of course happy to accept such financial contributions) and draw their financial support by applying for grants from governments and private foundations. This enables Partnership Africa Canada and Global Witness to concentrate on conducting field research, publishing monographs, establishing and maintaining networks and coalitions with other NGOs, and influencing policy-making in a general sense at the local, national, regional, and global levels rather than focus on fundraising. A drawback, however, is that these sources of funding do bring into question the extent of their autonomy from the state.

Partnership Africa Canada, Global Witness, and other transnational NGOs involved in the conflict diamond issue such as the International Peace Informational Service (IPIS) mimic the type of civil societal actors that Wapner (2000: 271) envisions

insofar as they ‘devote themselves exclusively to setting up institutions to guide behavior with regard to public issues’ representing ‘the social function of governance in global civil society’. But, the associational aspects from the perspective of individuals wishing to become active participants in these NGOs are limited. The aforementioned NGOs would prefer to make information available to interested parties rather than ‘bring them on-board’ as fund-raisers or volunteers as is commonly practiced by well-established NGOs such as Greenpeace and Amnesty International.

Taking a slightly different approach, Helmut Anheier and colleagues (2001: 3) acknowledge that global civil society includes a sense of ‘the growing connectedness of citizens’, which is facilitated through the Internet, various networks, global media, and so forth. Hence, Partnership Africa Canada and Global Witness fit well within this slightly more inclusive concept of global civil society.

One Sky, a NGO focusing on global environmental and social issues, based in Smithers, British Columbia, Canada, straddles the conceptions of global civil society espoused by Wapner and Anheier and colleagues. For instance, one can order a ‘*Blood Diamonds are for Never* Activist Package’ from One Sky, as well as related postcards and brochures.⁶⁷ Following One Sky’s lead, Amnesty International USA recently made ‘*Conflict Diamond* Postcards’ available on its website, which may be downloaded for free.⁶⁸ As Craig Warkentin and Karen Mingst (2000) correctly assert, global civil society in the form of NGOs is able to exploit the recent advances of information and

⁶⁷ See: “One Sky Campaign to End the Trade in Conflict Diamonds: Resources for Action”, One Sky, <<http://www.onesky.ca/diamonds/actions.html#activist>> and <<http://www.onesky.ca/diamonds/postcards.html>>, accessed on 31 August 2003 and 6 July 2005.

⁶⁸ Hardcopy versions of the postcards may also be ordered via the Amnesty International website. See: <<http://www.amnestyusa.org/diamonds/index.do>>.

communication technology (ICT) associated with the Internet.⁶⁹ A relatively small NGO, One Sky is able to project itself much further than its actual budget would have allowed a decade ago due to its presence on the World Wide Web. One Sky's website also lists strategies on how to influence politicians, policy-makers, diamond jewellers and stores, and other actors within the global diamond industry.

Non-Governmental Organisations

Transnational and local NGOs are the main drivers of transnational advocacy networks and primary constituents of global civil society. Indeed, transnational and local NGOs have provided essential aid to those in need. This ranges from food and natural disaster relief to the provision of healthcare, education, infrastructure, credit and loan programmes (known as 'service providers') to advocacy work ranging from democratisation to good governance to women's and minority rights to environmental protection (Richmond, 2003). NGOs are increasingly charged with providing human security needs ranging from overseeing development projects to disaster relief programmes paid for with public funds donated by governments and inter-governmental organisations or private funds from citizens and philanthropic foundations. The South Asia tsunami relief campaign of 2004-2005 is a good example of NGOs providing the above services.

Since NGOs have been crucial as service providers and promoters of human rights and human security, some scholars have been loath to subject these actors to

⁶⁹ For a detailed examination of the history and architecture of the Internet in the context of global civil society, see John Naughton (2001).

critical analysis. However, NGOs, like other actors involved in global governance, must be problematised. The following sub-section addresses some of these criticisms as they relate to Sierra Leone's recently concluded civil war. A common critique of transnational NGOs is that despite what are often the best of intentions, they lack accountability aside from some requirements to their funders. Akbar Zaidi notes that several studies indicate that NGOs actually operate in a non-innovative, non-participatory, and top-down manner in terms of project delivery. Zaidi (1999: 266) argues that NGO personnel are often guilty of “‘thinking for” the community, [and] ... overruling popular decisions’. This undermines the participatory and bottom-up methods that NGOs are supposed to embody as part of their operations. The selfless aura that surrounds NGOs should also be treated with some skepticism. Patrick Chabal and Jean-Pascal Daloz (1999: 23, note 8) state that they are aware personally of a particular Senegalese NGO that ‘imports computers tax-free, ostensibly for educational purposes, and resells them at a huge commercial profit on the parallel market’.

International Alert, a high profile, London-based international NGO specialising in conflict resolution issues, was linked to the Revolutionary United Front (RUF) in terms of attempting to improve the rebel group's public image during the latter half of the Sierra Leonean civil war.⁷⁰ International Alert has strong links with the British government and is known to operate at ‘less than’ arm's length in various intra-state conflicts. International Alert denies these allegations, maintaining that any assessment it made regarding the warring groups during the civil war in Sierra Leone was unbiased.

⁷⁰ The late Stephen Riley (1996: 18, note 53) reported that International Alert conducted relations with the RUF through an unnamed Ghanaian businessman, and was guilty of publicising the ‘plight’ of the RUF and its leader Foday Sankoh in an exaggerated manner in 1995.

Nevertheless, these allegations have tarnished the image of the organisation in the international community. The RUF also denied that it employed International Alert as part of a public relations scheme. While this may or may not be true, it has been discovered that the RUF had used other lesser-known NGOs in an attempt not only to improve its public image, but also as middlemen to smuggle illicit diamonds out of the country to Liberia and Côte d'Ivoire in order to purchase weapons and medicine (Abiodun, 1999).

A closer look at the independence and accountability of NGOs reveals that these qualities are generally overstated. NGOs, like other non-profit organisations, often have to compete for scarce funds from government agencies and the UN. Consequently, many of the small- to medium-sized NGOs find themselves in constant need of a beneficiary population in order to justify their existence. Oblivious to the irony, NGOs often join uneasy 'alliances' with insurgency groups (Clapham, 1996: 228-229). Jean-François Bayart and colleagues (1999: 99) hold that this behaviour on the part of NGOs 'leads to an erosion of official administrative and institutional capacity, a reinforcement of the power of elites, particularly at the local level, or of certain factions, and sometimes a stronger ethnic character in the destination of flows of finance from abroad'. The independence of NGOs is also called into question due to their extreme reliance on the financial capital received from their donors, such as governmental agencies. This tends to encourage NGOs to mould their projects to coincide with the concerns of their external donors. Furthermore, NGOs have been known to exaggerate the extent to which they have achieved stated project goals, as well as 'massage' their data in terms of the number of people helped per aid dollar (Zaidi, 1999: 263-264).

While transnational NGOs do lack accountability in comparison to democratically elected representatives and their constituents, this is not to say that they are devoid of accountability. Transnational NGOs are accountable to their donors and to their partner transnational NGOs or local NGOs as well as the stakeholders or participants in the larger transnational advocacy network. For instance, ‘results-based’ management techniques have permeated the development NGO and consultancy industries, which, regardless of the other problems inherent in such an approach, has promoted a kind of accountability within transnational NGOs. Furthermore, if local or international NGOs are inactive or not performing in the field, other NGOs are usually aware of this, and word often reaches their donors or partners.

International Medical Services, a NGO operating in Sierra Leone from 2002 until mid-2003 with the ostensible aim to provide health care in outlying areas of the country free of charge, was actually a front for a number of individuals seeking to sell medicines and pharmaceuticals for private gain.⁷¹ The enterprise in question was able to benefit from having NGO customs certification, which meant that its containers were processed through Sierra Leonean customs much quicker than ‘regular’ containers arriving by sea. Before the authorities apprehended International Medical Services, some local and transnational NGOs became suspicious, because it quickly became known that the NGO was not providing the purported aid services. Oftentimes, within a particular community of NGOs, the NGOs themselves become constituents to and scrutinizers of one another, thereby providing an inadvertent system of self-regulation.

⁷¹ Author’s interview with an employee of the Campaign for Good Governance, Freetown, Sierra Leone, 13 June 2003.

The implications for analysis of the above section are that it reinforces the fact that NGOs and other actors involved in global governance are never completely altruistic, nor are they monolithic. At the same time, it is important not to detract from the extremely valuable efforts of NGOs with respect to the conflict diamond issue. One of the key events contributing to the anti-conflict diamonds norm took place in October 1999, when the international NGO Fatal Transactions launched a major publicity campaign to alert the public to the effects of conflict diamonds. Partnership Africa Canada and Global Witness are Western-based transnational NGOs (in Ottawa and London, respectively), but they form networks and alliances with like-minded NGOs.

Notably, then, the two main NGOs driving the anti-conflict diamond norm differ from the mainstream. This is important insofar as they avoid Louis Kriesberg's critique that many NGOs 'reflect and reinforce that status quo' (1997: 12). Instead, Partnership Africa Canada, Global Witness, and other transnational NGOs working on the conflict diamonds issue are seeking progressive change with respect to how the global diamond industry operates. As already noted, the complementary work of Global Witness and Partnership Africa Canada on conflict diamonds has been recognised through their co-nomination for the 2003 Nobel Peace Prize.

The anti-conflict diamonds campaign has had some success in establishing and consolidating the norm that the purchase of diamonds from conflict-ridden areas is no longer acceptable – something which most consumers in the West rarely if ever thought about or recognised as an issue until recently and in the wake of the campaign. It was the prior lack of transparency and regulation in the diamond industry at virtually all levels that enabled rebel groups and others to sell or trade diamonds to sustain their military

campaigns. Yet, this is slowly changing for the better as a result of the efforts of NGOs and other actors associated with the Kimberley Process to promote the emerging norm against conflict diamonds.

Transnational Advocacy Networks

Transnational advocacy networks extend beyond domestic civil societies and are therefore, an important element of global civil society. As the literature on new social movements depicts, the overall promotion of human rights (as well as more specific goals, such as the amelioration of women's or workers' rights) depends on transnational advocacy networks in efforts to protect domestic populations from their repressive governments (Keck and Sikkink, 1998a and 1998b; Risse and Sikkink, 1999). Transnational advocacy networks are deliberate 'patterns of communication and exchange' that aim 'to promote causes, principles, ideas, and norms...' (Keck and Sikkink, 1998a: 8). While transnational advocacy networks and social movements depend on activists and may lead to collective action, the former are more concerned with the cognitive aspects of issue-areas. Transnational advocacy networks focus on framing particular issues and disseminating information whereas social movements tend to be visible in the public eye through active protest marches and other forms of collective action. Transnational advocacy networks are also useful in gathering external support for national social movements and their issues if the latter cannot protest publicly due to oppression. This 'boomerang' pattern or effect has proven to be a popular (though not always successful) means of placing pressure on

governments especially with respect to human rights issues (Keck and Sikkink, 1998a: 12-13).

The Kimberley Process is not a social movement. Rather, it is better understood as a transnational advocacy network due to its relative success in framing the conflict diamond issue and disseminating relevant information to governments, firms, consumers, and media outlets. But, it must be acknowledged that conflict diamonds as a human security *issue* exhibits, at a minimal level, some of the characteristics of a social movement. These are: informal interaction networks; shared beliefs and solidarity; collective action focusing on conflicts; and use of protest (della Porta and Mario Diani, 1999: 14-15).

The conflict diamonds issue has benefited from informal interaction networks, for the dissemination of information by transnational NGOs played the most important role (along with international media attention) in increasing public awareness. Informal interaction networks have been essential, because 'they promote the circulation of essential resources for action (information, expertise, material resources) as well as broader systems of meaning' (della Porta and Mario Diani, 1999: 14). This mobilisation by transnational NGOs has led to a minimal level of collective action outside the purview of participant NGOs in terms of shared beliefs (e.g., Canadian pop-star Avril Lavigne wore non-conflict diamonds to an awards ceremony and drew attention to this fact), social conflict (e.g., the threat of a consumer boycott), and protests (e.g., in front of Tiffany & Co. and other retail stores in New York City on St. Valentine's Day).

Think Tanks and Research Institutes

While NGOs are important components of transnational advocacy networks and an emerging global civil society, so too are think tanks and research institutes. Diane Stone (2001: 357, note 5) defines organised civil society as that which includes ‘networks, national and international NGOs, grass-roots organizations, chambers of commerce, policy development and research institutes, media, community-based organizations, trade unions and guilds, [and] academic institutions’. This definition fits well with the global civil society perspective. Stone (2001: 340) describes think tanks as ‘policy research institutes involved in studying a particular policy area or a broad range of policy issues, actively seeking to advise policymakers or inform public debate’. Like NGOs, think tanks are diverse and disparate in their resource bases. Some think tanks, particularly those in the US, enjoy multi-million-dollar annual budgets and staffs that number into the hundreds. Elite theorists tend to view these large think tanks ‘as organizations that often serve the economic and political interests of the corporate elite’ (Abelson, 2002: 13). However, most think tanks are more modest in size and budget, putting them on a common level with interest groups and unions. This leads pluralist theorists to categorise think tanks as one of several types of non-governmental groups that seek to influence public policy formation.

Think tanks also contribute to the larger proliferation and exchange of ideas on policy issues through ICT. It is in this regard that think tanks can come to form part of ‘epistemic communities’ – some of which they help generate in the first place. The importance of non-state actors – ranging from NGOs in building transnational advocacy

networks to think tanks and scientific and professional experts in advancing epistemic communities – was first elaborated upon by scholars examining the general rise in awareness of environmental issues and the agitation for environmental protection in the West.⁷² An epistemic community may be defined as ‘a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area’ (Haas, 1992: 3). Publications authored by think tanks, such as monographs and reports, are increasingly cited by media outlets, scholars, government officials, NGOs, and international organisations.

African based think tanks, especially those with an economic, development, or political economy research programme, tend to espouse distinct neo-liberal values and policy prescriptions. This is not so surprising given the lack of alternative sources of funding, to which, while not always plentiful, Western think tanks have access. Often, African think tanks and their networks, such as the African Economic Research Consortium (AERC) and the African Capacity Building Foundation (ACBF), receive funding from the World Bank and its affiliated agencies as well as related institutions, such as the Organisation for Economic Co-operation and Development (OECD), and Northern donors. Research institutes that focus on various forms of violent conflict are predominantly located in Southern Africa and in South Africa in particular (e.g., the

⁷² The significant role of non-state actors in promoting environmental governance has become an integral part of the discourse on environmental politics, which happened to coincide with the latter’s rising prominence within international relations theory from about the mid-1980s onwards. See for example Paul Wapner (1996); Ronnie Lipschutz with Judith Mayer (1996); Thomas Princen and Matthias Finger (1994); and Oran Young (1994).

Institute for Security Studies in Pretoria).⁷³ According to Eghosa Osaghae (2001: 15), this type of research institute is largely absent from Francophone Africa. As a result, some French-speaking African states become marginalised in policy discourses in comparison to Anglophone Africa. One notable exception is *Frontières et Intégrations en Afrique de l'Ouest* (or West African Borders and Integration [WABI]), which is funded by the OECD. WABI publishes policy documents that promote regional integration and cross-border cooperation in West Africa based on the European experience.⁷⁴ WABI, like the AERC and ACBF, promotes a neo-liberal policy perspective consistent with the World Bank and the OECD.

Arguably, Partnership Africa Canada and Global Witness, which are the leading NGOs on the issue of conflict diamonds, should not be seen solely as 'NGOs' in the strict and traditional sense, but also as think tanks. Partnership Africa Canada and Global Witness have become prominent contributors to the evolution of the conflict diamonds issue and are often quoted in news reports and articles on the Kimberley Process or the US Clean Diamond Trade Act. This has influenced the content and scope of international debates on conflict diamonds. Moreover, in the Kimberley Process negotiations these and other participant NGOs are on equal footing with the state actors and industry representatives. Indeed, as Stone (2001: 340) correctly asserts, 'increasingly the boundaries between think-tanks and other groups are blurring'. As the research capabilities of certain human security NGOs grow, we can expect other civil societal actors to metamorphose into entities that closely resemble think tanks, thereby increasing

⁷³ See for example Charles Goredema (2002); and Jakkie Cilliers and Christian Dietrich (2000).

⁷⁴ See: <<http://www.afriquefrontieres.org>>.

the potential to influence policy-makers at various levels of governance and to impact norms.

Norms

Originating in sociological studies, the study of norm creation and diffusion in the international arena has led to a fruitful expansion of research within IR (Klotz, 1995; Finnemore, 1996a and 1996b; Keck and Sikkink, 1998a). Audie Klotz's seminal work (1995) on the end of apartheid in South Africa illustrates the power of the international norm of racial equality. A norm may be defined as 'a standard of appropriate behavior for actors with a given identity' (Finnemore and Sikkink, 1998: 891). Norms are an important basis of global governance, because they represent the underlying product and effect of global civil society.

One of the earliest and most notable examples of the power of norms was the campaign to abolish the international slave trade in the eighteenth century. The anti-slave trade campaign was initiated and dominated by British and American upper-class groupings. Nevertheless, the anti-slave trade campaign was the first attempt at creating a global prohibitive norm, and it was a precursor to much more broad-based efforts through global civil societal actors (Risse, 2001). Crucially, the anti-slavery norm began as a domestic norm and slowly spread to become an international norm. This is not to say that slavery is abhorred throughout the globe. Slavery is still practiced in some cultures. No norm, however morally unambiguous, can be understood as truly 'global', as some

individuals or groups will always oppose or at least ignore or defy a given norm. Nevertheless, a norm may be referred to as a ‘global’ norm, so long as it is global in *scale* and enjoys a rudimentary level of international consensus or support (Wang and Rosenau, 2001: 25). This leads to the question of how a norm becomes global in scale and support.

Building on the experiences of NGO-led human security efforts that preceded it, the Kimberley Process has created and promoted the fledgling global norm that it is inappropriate to extract, transport, or ultimately purchase diamonds that may support insurgency, rebel, criminal, or terrorist groups which, through their respective activities, contribute to human insecurity. This proscriptive norm or ‘anti-conflict diamond’ norm is difficult to disseminate, because the linkage between gems (and other valuable commodities) and violence committed against civilians is difficult to conceive for many. It is much easier for the average person to imagine how slavery, apartheid, and landmines are ‘bad’ and should therefore, be banned. Thus, the *connection* between diamonds and conflict must be presented or ‘sold’ to consumers as well as jewellers and those in the diamond industry in order for the anti-conflict diamond norm to gain traction.

Among other challenges to the proliferation of an anti-conflict diamond norm is the diamond industry. Throughout much of the 1990s, many in the diamond industry disputed the very existence of conflict diamonds. However, following the lead of the respected diamond firm Rapaport, conflict diamonds were not only eventually recognised but also came to be viewed by most in the diamond industry as qualitatively ‘bad’. While the strength of the conflict diamond norm has increased unevenly in diamond industry circles, the profit-based motive of the industry’s ‘about-face’ or ‘change of heart’ cannot be discounted.

First, the fear of a consumer boycott of diamonds was foremost in the minds of many in the corporate sector (as well as some states, such as Botswana). This would also be detrimental to De Beers' recent efforts to 'brand' its diamonds and branch out into the lucrative diamond jewellery retail market. Second, and perhaps not so obviously, it was recognised that if conflict diamonds and illicitly mined diamonds could be better regulated, then legitimate diamond mining firms and even heavyweights such as De Beers would gain better control over the supply of diamonds on the world market. According to estimates by Canada's Department of Foreign Affairs and International Trade⁷⁵ (DFAIT) and Partnership Africa Canada, diamonds from illicit sources, such as illegal mining and smuggling, comprise as much as 20 per cent of global output.⁷⁶

The proscriptive norm against conflict diamonds entails a corollary norm: that some regulation is needed within the global diamond industry. This 'regulative' norm that diamonds should be tracked from mine to consumer has made some progress among diamond industry actors – somewhat surprisingly given the minimal regulatory overview within the industry in the past. The regulative norm is best exemplified by a 'chain of warranties' that the WDC agreed to oversee, which entails a system of written warranties among diamond jewellers and wholesalers to ensure that only conflict-free diamonds are on the market. However, Global Witness (2004) found that, in practice, such a system was not working very well. Most diamond jewellers, especially the smaller or independent stores, have either actively ignored the conflict diamond issue or hoped that

⁷⁵ Canada's Department of Foreign Affairs and International Trade (DFAIT) is now divided into two close yet separate entities: Foreign Affairs Canada (FAC) and International Trade Canada (ITCan).

⁷⁶ See for example *Canada World View* (2004: 12) and Partnership Africa Canada "Diamonds and Human Security", <<http://pacweb.org/e/index.php?option=content&task=view&id=38&Itemid=61>>.

it would simply lose momentum and disappear. This discontinuity between jewellers and wholesalers on the one hand, and industry leaders such as De Beers, Rapaport, the WDC, International Diamond Manufacturers Association (IDMA), and World Federation of Diamond Bourses (WFDB) on the other, impairs the effectiveness of the anti-conflict diamond norm.

As will be described later in the dissertation, global supply and demand, and control of this supply and demand, are key to the global price per carat of diamonds. In contrast to the above pessimism concerning the anti-conflict diamond norm, proponents hope that the diamond norm (i.e., that it is not ethical to purchase conflict diamonds or illicitly mined diamonds) will spread and perhaps evolve into a 'fair-trade' issue (e.g., no child labour and better wages paid to diamond miners) along the lines of fair-trade coffee. In his assessment of the anti-landmine norm, Price (1998: 616) contends that 'the role of moral persuasion and the social pressure arising from identity politics and emulation are particularly crucial'. If diamonds and diamond jewellery represent love and commitment, then the addition of 'conflict-free' should not be problematic from a moral perspective. The power of moral persuasion could be extended to include the placement of a stigma on firms that do not abide by these norms, especially in the diamond industry community.

As far-reaching and powerful as the global diamond industry appears, it is actually a fairly small community in which trust is highly valued in order to permit transactions of this valuable commodity. Anonymity is detrimental if not impossible. The firms and individuals under investigation by the ICC for dealing in conflict diamonds in the DRC could very well face censure within the diamond industry in addition to the penalties imposed if found guilty. Yet, as the present decade passes its mid-point, the

ethical issues surrounding diamonds are slowly gaining greater awareness among consumers.

Norms and Consumers

What is the influence of the emerging norm on conflict diamonds on consumers, and vice versa? It is important to note that many norms are identified through indirect evidence. Finnemore and Sikkink cite as indirect evidence the US' need to justify its use of landmines in South Korea. They assert that if not for the existence of the norm against landmines, 'there would be no need to mention, explain, or justify the use of mines in [South] Korea at all' (Finnemore and Sikkink, 1998: 892). Similarly, the conflict diamond norm, especially on the part of diamond industry actors, was met at first with denials that they were purchasing such diamonds and then quickly changed to proclamations on the importance of stemming their flow. De Beers and others did not attempt to justify why they had purchased conflict diamonds, except out of ignorance concerning the actual provenance of such diamonds.

It is imperative to keep in mind that the conflict diamond norm is distinct from the operational impact that it has on actor behaviour. This is more apparent when analysing the impact of the conflict diamond norm on the behaviour of consumers, which is vital given the size of the global diamond industry (US\$ 8-9 billion per year) and the power consumers hold over the industry. The near-extinction of the luxury fur coat industry in the 1980s illustrates the potency of norms and their impact on consumers. Moreover,

consumers seemingly are becoming more aware of the provenance of the items they purchase, ranging from athletic shoes and clothing to coffee, tea, chocolate, and foodstuffs to the degree of ‘environmental-friendliness’ of various products.⁷⁷ According to a recent study conducted by the New Economics Foundation (NEF), a British think tank, sales of ‘ethical’ goods and services in the UK have grown from £4.8 billion in 1999 to £6.9 billion in 2002 – an increase of almost 44 per cent.⁷⁸

Ethical goods and services are defined by the NEF (2003: 7) as those which support ‘a particular ethical issue – be it human rights, the environment or animal welfare.’ Examples of ethical goods and services include fair-trade and organic foods, cosmetic products that are not tested on animals, charitable donations, responsible tourism, and ‘green’ housing, transportation, and household goods. Although the increase in purchases of ethical goods and services in the UK is sizable, such purchases represented less than 2 per cent of total spending on all goods and services in 2002. Even if the definition of ethical goods and services is expanded to include the use of public transportation for environmental purposes, the deliberate choice to shop at local merchants and businesses, the purchase of ethical banking and investment services, ‘used’ or second-hand goods, and the explicit avoidance of purchasing ‘unethical’ brands, the ratio only increases to about 5 per cent.

While a direct measure of the norm against conflict diamonds with respect to the purchase of diamonds has yet to be conducted, an alternate strategy is to employ an indirect measure in terms of the level of consumer knowledge of conflict diamonds. A

⁷⁷ See for example the Body Shop Foundation, <<http://www.thebodyshopfoundation.org/about%20us.htm>>.

⁷⁸ The statistics in this paragraph are drawn from New Economics Foundation (2003: 6-7).

couple of national surveys have been conducted that seek to address this question. For Finnemore and Sikkink (1998: 893), ‘Domestic norms ... are deeply entwined with the workings of international norms’. Although no global surveys have been conducted, national surveys in important markets do give us an indication of how domestic norms might impact on global norms, and vice versa. A 2003 poll commissioned by ActionAid found that 25 per cent of the British public has some knowledge of conflict diamonds. A similar poll conducted some three years earlier in May 2000 found that only 9 per cent knew about conflict diamonds. A July 2003 poll in the US found that 26 per cent of the American public is aware of conflict diamonds, a rise from 16 per cent in December 2002, which in turn was a rise from a figure of 7 per cent in October 2000 (*Other Facets*, September 2003: 4). Over three years, then, knowledge of conflict diamonds in two of the most important markets for diamond jewellery increased three-fold.

While this growth is impressive and indicates some increase in awareness owing to publicity and debate concerning conflict diamonds, three-quarters of British and American consumers remain oblivious to this human security issue. Tom Shane, an American diamond importer, stated that ‘the fact of the matter is that to the consumer it’s a very low-interest issue ... even with all the articles that have been written, we don’t hear it in our stores being raised as an issue’.⁷⁹ Size, quality, and price of a diamond remain at the forefront of consumers’ minds. A recent article in the *San Jose Mercury News* notes the growing trend in the US for larger diamond rings.⁸⁰ From 1996 to 2002, sales of diamonds of one carat or larger increased by 81 per cent. A strong US economy in the mid- and late-1990s facilitated this trend, which has continued despite the current

⁷⁹ Quoted in Greg Campbell (2002: 209).

⁸⁰ The statistics in this paragraph are based on Lori Aratani (2003: 1G).

economic lethargy in the country. Aggressive marketing techniques and celebrity ‘cachet’ are also listed as reasons for the growth.

Diamonds (either set in jewellery or loose) comprise approximately half of all retail jewellery sales in the US (Singer, 2004). The entry of large retailers selling at wholesale prices, such as Costco and Wal-Mart’s Sam’s Club, has placed downward pressure on jewellery prices in the US. For instance, when Costco entered the diamond retail market in the mid-1980s, it sold more than US\$ 20 million worth of diamond jewellery in its inaugural year alone. In 2002, Costco ranked 16th overall among US jewellery retailers with an estimated US\$ 350 million in sales.⁸¹ Amber Michelle, the Editor-in-Chief of *Jewelry Connoisseur* magazine, says that ‘people always want to get a nicer diamond ... that’s human nature. If you can afford to, you just upgrade’.⁸² Some US women consider their first diamond wedding ring to be a ‘starter’ diamond ring, much as a young couple or family might refer to their first house. Allusions to human nature aside, this newspaper article does point to the existence of a Western societal norm that the ability to purchase consumer goods – especially expensive ones – signifies or is equated with personal success.

A century of marketing by De Beers and other diamond retailers have created a related norm that purchasing a diamond ring (or other forms of diamond jewellery) represents love and commitment. These norms seem to outweigh consumer concerns for the country of origin of diamonds. MVI Marketing, a well-known diamond and jewellery consulting company, conducted a survey among diamond jewellery consumers in May

⁸¹ Wal-Mart led all US jewellery retailers with an estimated US\$ 2.62 billion in sales in 2002. For a list of the 41 top US jewellery retailers and estimated sales, see Singer (2004: 27).

⁸² Quoted in Aratani (2003: 1G). Jewelry is the American spelling of the word.

2000. The survey found that ‘only 9 per cent of survey respondents cited country of origin as important to them’ (Dragon, 2002: 21). The same survey asked respondents whether or not they would purchase a diamond if they knew it was a conflict diamond; 73 per cent of respondents stated that they would not buy a conflict diamond. MVI Marketing also commissioned an on-line poll in October 2000, which found that 76 per cent of respondents ‘would *not* buy a diamond or diamond jewelry if they knew it came from a country where the sale of diamonds contributed to social injustice’ (Heeger, 2000).⁸³

Although approximately three-quarters of those polled would not buy a conflict diamond, consumer knowledge of the conflict diamonds issue remains low. Thus, it would seem that the prospects for changing societal attitudes and norms must begin by increasing consumer knowledge on conflict diamonds. Whereas the origin of fur is obvious to consumers, the provenance of a particular diamond is not (see chapter 5). Thus, altering consumer behaviour with respect to diamonds will be a daunting task – more so than the luxury fur industry of the 1980s.

The vast majority of the literature on norms concentrates on international, regional, or domestic norms and their influence on state behaviour. The norm against racism is particularly instructive, for it drove international pressure on South Africa to discard apartheid. While the norm against conflict diamonds depends on and is affected by inter-linkages and inter-relations at the global, regional, national, and local levels, it does not seek to alter the behaviour of state actors alone. Rather, the norm against conflict diamonds represents an effort to change the behaviour of industry actors and consumers (an important yet under-theorised component of civil society) as well as

⁸³ Emphasis added.

states. The norm against conflict diamonds is bottom-up insofar as NGOs as a component of civil society were the initial catalysts. However, this norm has also received support as a top-down initiative. The select number of high-profile individuals (e.g., former Congressman Tony Hall in the US and former Member of Canada's Parliament, David Pratt) associated with the conflict diamonds issue would normally be classified as top-down or elite agents given their role at the time of engagement as elected representatives in government. These two individuals were key in increasing domestic awareness and support (and legislation) on the conflict diamonds issue and were therefore, important individual norm leaders. The governments of South Africa, Botswana, and Canada have also been strong advocates of eradicating the trade of conflict diamonds.

Conclusion

In this chapter, the case was made for choosing the global governance framework instead of competing approaches such as international law and the neoliberal institutionalist approach of international regimes to account for the growing phenomenon of state and non-state multi-level governance on human security issues. Although parts of these competing perspectives do contribute to our understanding of how the conflict diamond issue has evolved (and will be included in the overall analysis where applicable), each one has inherent limitations that preclude its full usage in this study. Though helpful in some respects, the international legal approach inherent in the Ottawa Process to ban landmines is not sufficiently applicable to the Kimberley Process to end the trade of

conflict diamonds. The international regime framework continues to privilege the state at the expense of emerging forms of mixed-actor governance, such as NGOs and private-public partnerships involving firms. Thus, I have suggested that it is more appropriate to investigate the issue of conflict diamonds through the analytical lens of global governance and compatible perspectives including globalisation, global civil society, new diplomacy and multilateralism, transnational advocacy networks, and norms. Aside from globalisation, these aforementioned ‘pieces of global governance’ are ‘cooperative problem-solving arrangements’ (Karns and Mingst, 2004: 4) that inform global governance as policy.

In the next chapter, issues of governance are examined in a different light. Whereas global governance tends to have positive connotations, governance at the national level may be ‘poor’ or ‘bad’. An important element of governance – whether local, national, regional, or global – is the distinctive set of networks through which it operates. Writing in the context of regional and inter-regional political economies in relation to protracted violent conflict in the DRC, Sandra MacLean (2003) has observed that networks are novel and emerging forms of political organisation that may be constructive and positive but may also be destructive and malicious.

MacLean’s governance networks ‘of plunder’ or ‘for peace’ are applicable elsewhere, including Sierra Leone. Siaka Stevens’ ‘shadow’ state in Sierra Leone was based on his ability to devise and sustain ‘a whole network of informal markets...in his quest to control the diamond-rich Kono District’ (Zack-Williams, 1999: 145). Stevens’ patrimonial networks with Lebanese diamond traders and others underpinned his autocratic rule throughout the 1970s and much of the 1980s. Charles Taylor extended his

personalised networks for plunder across national borders through his proxy support of the RUF. In addition to seeking retribution against Momoh's government for providing ECOMOG with a rear base for its intervention in Liberia in 1990 (Ellis, 1999: 93), Taylor also sought access to Sierra Leone's lucrative diamond resources. As chapter 3 demonstrates, personalised and autocratic governance often has corrosive effects, as evidenced by the conditions leading to the outbreak of Sierra Leone's eleven-year civil war.

CHAPTER THREE:

SALONE'S SORROW: SIERRA LEONE'S CIVIL WAR AND THE POLITICAL ECONOMY OF CONFLICT DIAMONDS

*They [diamonds] are evil. They are the only thing [sic] in the world this small...that can pay for your family's future.*⁸⁴

Introduction

If we are to understand how global governance on conflict diamonds might (and might not) work in theory and practice, an examination of the conditions as well as the causes of violent armed conflict is needed. Thus, this chapter begins with a review of the literature on the political economy of violence (see for example Rufin, 1996; Jean and Rufin, 1996; Keen, 1998; Shearer, 1998a; Cilliers and Mason, 1999; Berdal and Malone, 2000a; Collier, 2000; Cilliers, 2000; Klare, 2001; Le Billon, 2000 and 2001b; Ballentine and Sherman, 2003; Pugh *et al.*, 2004; Ross, 2004; Ron, 2005). The trade of 'conflict goods' – which may include diamonds, gold, copper, oil, coltan, narcotics, timber, rubber, and cocoa – are known to provide armed groups (pro- and anti-government

⁸⁴ A DiamondWorks representative, quoted in Drohan (2003: 2). Sections of this chapter will appear as J. Andrew Grant (2005 [forthcoming]).

militias, insurgency movements, rebel groups, and even government forces) with financial sustenance. The trade of conflict goods often prolongs wars, for the financial rewards of this illicit commerce vastly surpasses what might otherwise be earned during peacetime. Owing to the paucity of employment opportunities (especially well-paying ones) in the formal economy, the perks of controlling a lucrative and readily extractable resource outweigh the inherent risks of waging war – especially for those in senior or leadership positions.

The central role of conflict diamonds in Sierra Leone's civil war may lead one to conclude that the gems caused the war. However, the mere existence of a particular natural resource such as diamonds does not mean that civil war will break out in a particular country. Issues of governance, economy, and regional stability are only a few of the numerous factors that might lead to the outbreak of civil war. In a similar vein, many civil wars are characterised as 'ethnic wars' due in large measure to their rather simplistic and stylised portrayal by international media to Western audiences. Yet, the 'ethnicity factor' cannot be ignored, for numerous past and contemporary civil conflicts have been explained through the lens of ethnic heterogeneity in a given region or country.

Thus, the chapter includes an examination of a competing analytical approach based on ethnicity and ethnic cleavage as a possible reason for Sierra Leone's civil war. Next, the history of the Sierra Leonean civil war and the role of the Revolutionary United Front (RUF) is reviewed. 'Poor' governance under the British colonial system gave way to a 'shadow state' in the form of 'personalised and monolithic rule' under more than two decades of All Peoples' Congress (APC) rule. The latter is widely highlighted as a primary cause of the war (Zack-Williams, 1999: 143), though Charles Taylor's venal

regional ambitions and the political economy of the diamond industry cannot be overlooked. As we will see, the abundance of a particular natural resource coupled with government corruption and vast socio-economic inequalities is a destabilising combination.

The Political Economy of Violence

Over the past several years, the role of resources in civil war has become increasingly recognised as a vital factor in fuelling and thus prolonging at least some civil conflicts in many regions of the world. In this context, resources are considered either scarce or abundant, which in turn has implications for the presence of violent conflict. Resource scarcity relates to how conflict may arise from environmental degradation, the use and overuse of non-renewable resources, and a lack of basic resources for sustenance, such as access to drinking water or agricultural lands (Homer-Dixon, 1994 and 1999). Diamonds, despite their ostensible scarcity, are actually quite abundant. Thus, the examination of conflict diamonds falls under the category of ‘abundant resource’ wars.

In the South, an abundance of a particular natural resource is often associated with competition among elites over its control. This competition leads to rent-seeking behaviour and the establishment of neo-patrimonial structures of governance around the resource.⁸⁵ The overwhelming focus on the extraction of a single resource – such as diamonds – contributes to not only government corruption in the handling of this

⁸⁵ The governments of Botswana and Namibia and their governance of diamond resources – while not completely unproblematic – are two notable exceptions.

resource, but also a lack of attention to other sectors of the economy. Mining and other extractive industry firms enjoy preferential corporate tax rates and minimal labour and environmental protection requirements. Hence, opportunities for wealth creation are few; those that do exist lie with a close association with the state apparatus. Over time, those who are excluded from these neo-patrimonial structures often express their grievances through collective action, ranging from public demonstrations (which may be oppressed) to secessionist actions (if the grievances are regional) to forming armed insurgency groups (Le Billon, 2000: 22-28 and 2001b: 564-565).

In Africa, conflict diamonds served to sustain the main rebel groups in Sierra Leone (RUF) and Angola (*União Nacional para a Independência Total de Angola* [UNITA]) throughout the decade of the 1990s until their civil wars officially ended on 18 January 2002 and 21 November 2002, respectively. While many of the trade routes follow those that were established before the arrival of the European colonial powers, the increased interdependence of trade and transportation technologies of the present era have enabled rebel groups to exploit these routes and subsequent trade connections and economic networks at both the formal and informal levels (MacLean, 2003: 113).

Conduits for licit and illicit commerce are ubiquitous. The advent of air travel for persons and freight has proven to be indispensable, for navigable roads are scarce in many parts of the African continent. Landing strips located in remote or 'out-of-the-way' areas within African countries are exploited by not only diamond traders but also by small arms and light weapons (SALW) dealers as well as mercenary groups. False air route itineraries, cargo manifests, and even crew complements are employed to conceal

the true purpose of such journeys by air. Thus, it is not difficult for conflict diamonds to arrive on the global market via modern modes of transportation.

In the case of Sierra Leone and Angola, the RUF and UNITA received cash, weaponry and military matériel, fuel, foodstuffs, medical supplies, and other goods in exchange for diamonds. This brought in a diverse set of actors again at both the formal and informal level as traders, firms, and government officials in the Democratic Republic of Congo (DRC), Liberia, the Republic of Congo (ROC), Zambia, Togo, Burkina Faso, South Africa – not to mention non-African actors residing in Belgium, Switzerland, Bulgaria, Ukraine, and elsewhere – that have either directly or indirectly benefited from the illicit trade in these diamonds. As is described in chapter 6, the Special Court for Sierra Leone (SCSL), jointly sponsored by the UN and the US, continues to investigate and indict individuals for their role in Sierra Leone's civil war, some of whom profited from the conflict.

One of the driving forces behind this study is the argument that traditional approaches to understanding contemporary civil conflict in Africa fail to appreciate the root causes of these wars. The emerging literature referred to most broadly as 'the political economy of violence' recognises that conflicts in countries such as Sierra Leone are not irrational as some authors such as Robert Kaplan (1994 and 1996) claim, 'but rather a functional response to the imperatives of underdevelopment, international norms and structures, and neoliberal forces of globalisation' (Grant *et al.*, 2003: 124). Weak, 'fragile' states are susceptible to becoming 'shadow' states (Reno, 1995).

The forces of globalisation do not end when civil wars erupt. Firms of all sizes are often eager to establish trade agreements with whichever actor – either rebel group or the

government – seems to have control over the region where the resource may be extracted. Access to trade routes – such as airports and seaports – is also important, because this enables the goods to exit the country and reach the global market. In the absence of access to air and sea conduits, cross-border trade routes to neighbouring countries are a viable and oft-used alternative. Economic globalisation enables gold, diamonds, and other valuable commodities to exit eastern DRC by air, sea, and land (via Rwanda and Uganda) – mostly in an illicit manner.

In other words, the globalisation of civil conflict is consistent with many analyses from a political economy of violence perspective. While the debate continues to rage over the extent and scope of globalisation (see chapter 2), many scholars agree that the policy-making capacity of states has eroded either reluctantly or willingly in response to the attendant effects of economic, political, and technological variants of globalisation. Moreover, developing countries are most vulnerable to the austerity measures prescribed by Structural Adjustment Programmes (SAPs), which often impair governments' ability to provide a wide variety of public goods, such as education, healthcare, infrastructure, and, most relevant to this study, domestic security. Within this changed domestic security environment, elites in weak states are able 'to pursue their economic agendas through trade, investment, and migration ties, both legal and illegal, to neighbouring states and more distant, industrialized economies' (Cerny, 1998: 36). It is in this context that weak states become 'fragile' states.

Since the proceeds from diamonds can provide the financial means to wage war and cause death and other atrocities, it is disingenuous if not dangerous to disassociate diamonds from violent conflict. However, one might be tempted to make the argument

that, if the international diamond industry was better regulated and if controls such as the Kimberley Process Certification Scheme (KPCS) were in place prior to the outbreak of hostilities during Sierra Leone's civil war, then perhaps the financial means that sustained the RUF would have been absent. Undoubtedly, if the RUF was denied access to the illicit sale of diamonds, the rebel group's destructive capabilities would have been weakened.

However, one must keep in mind that the RUF never mounted the type of conventional warfare of comparable rebel groups. For example, UNITA was able to launch a more conventional war from about the mid-1990s until a series of major military victories by the *Forças Armadas de Angola* (FAA) in 1999 crippled the Angolan rebels. UNITA was able to benefit from a brief period of relative peace in Angola leading up to the 1992 elections by re-grouping and re-arming. When hostilities resumed in earnest in 1993, UNITA was able to capture much of Angola's large diamond mining regions and translate hundreds of millions of dollars worth of illicit diamond mining proceeds into more conventional weaponry (see for example Global Witness, 1998; Dietrich, 2000a, 2000b and 2000c; Cilliers and Dietrich, 2000; Sherman, 2000; Hodges, 2001; Malaquias, 2001; Le Billon, 2001a). In contrast, the RUF tended to employ guerrilla-type tactics coupled with low-tech weapons such as machetes to promote fear and instil terror throughout Sierra Leone. Estimates state that the RUF was able to earn from as low as US\$ 25 million to as much as US\$ 200 million per year from diamond smuggling.⁸⁶

⁸⁶ Obviously, it is exceedingly difficult to place an exact dollar value on the amount of diamonds that the RUF was able to sell or trade during each year of the civil war. Lansana Gberie (2004: 3) cites estimates from UN investigators, which approximates the amount in the US\$ 25 to 125 million range. *The Economist* (13 May 2000: 45) proffers a value of US\$ 60 million per annum. The US\$ 200 million mark represents the upper

An economically logical though morally dubious outgrowth of the globalisation of civil conflict is the use of mercenaries and transnational security companies and military firms – two solitudes that underpin the literature on mercenarism (Musah and Fayemi, 2000; Aning, 2001). The government of Sierra Leone – desperate to repel the RUF and battered by years of retrenchment due to structural adjustment – hired the now-defunct Executive Outcomes in exchange for leases in the country's diamond fields. Following David Shearer (1998a), Bernadette Muthien and Ian Taylor (2002: 193) note that 'the IMF *approved* Sierra Leone's payments to Executive Outcomes as part of its complete funding package to the cash-strapped country'. While this was not the standard 'public-private partnership' envisioned under global governance, the employment of Executive Outcomes proved to be a much needed stop-gap measure during the civil war.

According to David Keen (1997: 7), the underlying financial motives of the civil war may be analysed from a political economy perspective as a 're-ordering of society in particular ways. In [civil] wars we see the creation of a new type of political economy, not simply the disruption of the old one'. This re-ordering of society is apparent in state-society relations in Sierra Leone, Angola, the DRC, and Liberia, as the average citizen has become increasingly marginalised politically and economically under the clientelistic and oppressive style of government that has evolved from the colonial era.

While several analytical and methodological approaches have addressed the issue of resource-fuelled civil conflict generally and conflict diamonds more specifically, each approach requires theoretical refinement. For instance, a major avenue for theoretical consideration is the greed versus grievance nexus upon which the political economy of

range of estimates, which takes into account the logistics of alluvial diamond mining for the RUF during wartime.

violence is based. In brief, this relationship is better conceived as a perpetual cycle or synthesis wherein regardless of which came first, grievance has led to greed, which, in turn, has led to further grievance, and so on (Berdal and Malone, 2000a). Moreover, casting the civil wars in Sierra Leone, Angola, the DRC, and Liberia strictly as conflicts over scarce yet valuable resources ignores a host of other factors, such as the historical, structural, political, and economic conditions inherent to these countries. Similarly, rational-choice approaches tend to view economically-motivated (and thus greed-motivated) behaviour in rather narrow terms.

Paul Collier and Anke Hoeffler (1998 and 2000) focus on opportunity cost calculations by rebel groups in terms of wages, access to resources, numerical advantage or disadvantage over the government forces, level of motivation to fight, and so on. Alluvial diamonds extracted by artisanal and other low-tech means are a very attractive commodity for rebel groups. These diamonds may be mined with very little skill or investment in infrastructure. Diamonds are light and easy to transport, and may be readily exchanged for cash or goods. Thus, the 'lootability' of diamonds cannot be neglected. David Shearer (2001: 31) posits that Southern Cross Security was able to competently safeguard Sierra Leone's titanium ore mines during the country's civil war. While this may be true, it had more to do with opportunity cost calculations by the RUF than competence by Southern Cross Security personnel. The titanium ore mines were much less attractive to the RUF than the diamond mines because the former was more difficult to 'loot'. Diamonds are much easier to extract, transport, and trade than titanium ore.

Collier and Hoeffler's assessment ignores a number of important external and internal factors in the form of World Bank- and International Monetary Fund-sponsored

SAPs; the role of leaders not only of the rebel groups but also the government; the increasingly factionalised nature of rebel groups in the post-Cold War era, notably the RUF; the sometimes venal behaviour of intervening forces, as demonstrated by the Nigerian-led Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) intervention in Sierra Leone in the mid-1990s; and the role of mercenaries and transnational security companies and military firms, most notably the now-defunct Executive Outcomes. In short, the 'greed' perspective does not take into account the implications of global economic governance (e.g., the World Bank and IMF) as well as the positive effects of global governance (e.g., the evolution of the Kimberley Process).

'Ethnicity Kills?'

It is quite apparent that ethnicity and ethnic cleavages play a significant role in contemporary civil conflicts. Then, the question to be considered is the extent to which ethnic affiliation instigates and perpetuates civil conflict. Much of the recent emphasis on ethnicity as the main ingredient of violent civil conflict in divided societies originates from Donald Horowitz's book, *Ethnic Groups in Conflict* (1985). Horowitz argues that ethnic cleavage is the major factor straining societal bonds and that this factor is superior in explanatory ability to political, economic, and historical factors. Essentially, Horowitz contends that identity and ethnicity are indivisible among people in the South, and that this ethnic identity is concrete and static.

However, this not only ignores the notion that identities may overlap, co-exist, or be based on a mix of other factors, such as functional or occupational identities, but also overlooks the fact that elites can and have manipulated ethnicity to various ends. Similarly, within evolutionary theory, the primordialism school rests on biological explanations for the linkage between ethnicity and civil strife. Primordialism posits that primitive humans coalesced into kin groups as a means of survival against competing human groups. The development of common physical and behavioural traits within kin groupings helped members to distinguish between kin and ‘enemy’. Thus, proponents of the primordialism thesis tend to regard genetics as the underlying reason for civil strife fought along ethnic lines.

Evolutionary and primordial theories of ethnic conflict and civil war carry a number of flaws (Harvey, 2000; Mueller, 2000; Braathen *et al.*, 2000; Kaufman, 2001; Mbabazi, 2001). For instance, the core assumption of primordial explanations is that ethnicity is based on readily distinguishable physical and behavioural traits. In many parts of the world, generations of inter-marriage largely obscure the physical differences between ethnic groups. This has been the case among Sierra Leone’s 17 ethnic groups. Furthermore, the primordial thesis cannot explain why some ethnic groups coexist peacefully for generations and then suddenly engage in violent conflict (Harvey, 2000: 42-44). In short, other social scientific analyses provide more consistent explanations for ethnic conflict. As John Laggah and colleagues (1999) elucidate, there is a long history in Sierra Leone of political elites exploiting ethnic cleavages in order to sustain or increase their positions. The resulting conflicts have been labelled incorrectly as tribal wars. The

conflicts were usually instigated by individual elites (e.g., chiefs) and centered on economic or commercial reasons relating to territorial advantage.

Ethnic divisions have been exploited by governing elites in many countries that have experienced civil conflict, some of which have transformed into widespread acts of genocide, such as Rwanda in 1994 and presently in the Darfur region of Sudan. However, the existence of ethnic cleavages in a particular country is not by itself a sufficient catalyst for civil war. Ethnic cleavage is at best one variable among many that leads to civil strife. As Einar Braathen and colleagues (2000: 4) point out, 'though ethnic affiliations often structure the constitution of armed factions, it is too simplistic to characterise war in Africa as tribal conflict'.

Collier and Hoeffler's quantitative study of civil wars that occurred during the time period of 1960 to 1992 support this perspective. Collier and Hoeffler (1998) found that, during this time period, the propensity of African states to experience civil war was due to poverty, *not* ethno-linguistic factionalisation. As explained above, the exacerbation of ethnic differences is often a deliberate course taken by actors with coherent interests and definite ends. Similarly, economic scarcity or perceived exploitation may also intensify ethnic divisions. Ethnic groups that live in the same region or state may not always live in harmony, but it does not mean that ethnic differences will lead necessarily towards war. While of course there are notable exceptions to this general trend, ethnic heterogeneity does not automatically entail discord or conflict. Assertions that individuals in war-torn states kill one another because they come from different ethnic groups or clans are analytically shallow and simplistic.

A more productive analysis focuses on the political and economic underpinnings of civil conflict, thereby investigating who or which groups are competing for power and how ethnic differences are exploited for political ends. This is more fruitful than characterising conflict in tribal, ethnic, or primordial terms. Sierra Leone is home to 17 different ethnic groups as well as a well-established non-African merchant class, the Lebanese. Yet, the Sierra Leone civil war did not follow the ethnic conflict pattern found elsewhere. Thus, the next sections of the chapter focus on ‘bad’ governance around diamond resources, which precipitated and later sustained nearly 11 years of civil war in Sierra Leone.

Diamonds and Sierra Leone: A Brief History

Diamonds have played a crucial role in shaping Sierra Leone’s economic and political development throughout its modern history. As discussed earlier in the dissertation, diamonds are a convenient means of financial exchange due to their durability as well as to their small size and weight, which make for easy transportation and concealment. Since diamonds are very hard to trace, they also provide an advantageous method of payment in the illegal trade of weapons and drugs. These benefits of diamonds as a means of exchange have been exploited in Sierra Leone since the colonial era. Although the British colonial government was relatively benevolent in Sierra Leone, the latter provided its colonial master with a peripheral capitalist market for manufactured British goods. In turn, Sierra Leone produced various mineral resources such as diamonds, bauxite, iron

ore, and rutile (an important component of titanium ore) for British market interests. The first Sierra Leonean diamonds were found in the Kono District in 1930. By 1937, the country was producing about 1 million carats per year (Smillie *et al.*, 2000: 19).

Despite attempts by the colonial government in Sierra Leone to police the diamond-producing areas, diamonds were readily smuggled out of the country through an intricate web of Lebanese and Madingo traders to Monrovia, Liberia (Smillie *et al.*, 2000: 41). The colonial government relied on traditional authorities, namely chiefs, in order to control the diamond trade. This reflected Britain's general policy of 'indirect rule' as colonial governance as well as in the gradual decolonisation in much of Africa, particularly following the Second World War. In the case of Sierra Leone, the colonial authorities saw chiefs as intermediaries that could be transformed into an administrative instrument to serve 'more direct state interests, including collecting revenues and providing services on behalf of an expanded administrative apparatus' (Reno, 1995: 56).

More precisely, the primary motivation of the colonial authorities was to employ chiefs as a means to control the illicit diamond trade in Kono District. This desire to forge state-chief relationships was promulgated in the legislation of the Native Administration Scheme (NAS) in 1937. As 'administrative instruments' acting on behalf of the Sierra Leonean state, chiefs were earning salaries that amounted to more than half of the NAS budget by 1948 (Reno, 1995: 57). Despite being paid by the government to help regulate the diamond industry, many chiefs continued to earn rents from illicit diamond miners operating on their lands. Furthermore, elements within the government hierarchy itself turned a blind-eye to this practice as they too benefited financially through various informal linkages. To the average Sierra Leonean or 'commoner', this promotion of

elitism and corruption resulted in increasing frustration due to their exclusion, thereby undermining the legitimacy of the state in their eyes. Despite the operation of what William Reno (1995, 1998 and 2000) calls the beginnings of a 'shadow state', clientelism in the form of a corrupt chief-state relationship, buoyed by corruption within the government itself, continued throughout most of the post-independence decade of the 1960s.

Leading to Civil War: Autocratic Governance in Sierra Leone

At independence in 1961, the political and economic climate in Sierra Leone was promising. Milton Margai's Sierra Leone People's Party (SLPP) post-independence government (1961-64) was relatively stable and democratic. The Sierra Leonean government was awash in funds derived from taxes on diamond profits, thus overshadowing the corrupt behaviour of certain government officials and their links to illicit diamond mining. Diamond production had reached its peak in 1960, as 2 million carats were mined annually (Smillie *et al.*, 2000: 16). After Milton Margai's death in April 1964, his brother Albert Margai took power, whose equally brief term in office was marked by increasing authoritarianism. Albert Margai called for the formation of a one-party state with a Republican-style of government, which was perceived by many in the country as an attempt to consolidate his grip on power. Nonetheless, democratic elections were held in 1967 that were marred by violence and allegations of electoral tampering. Opposition Leader and head of the APC, Siaka Stevens, won the election, as his party

garnered 32 seats and had the support of the six seats won by independents, thereby outnumbering the Margai-led SLPP's 28 seats.

Before Stevens and the APC formally took office, the military seized power and formed a regime named the National Reformation Council (NRC) headed by Lieutenant Colonel Andrew Juxon-Smith. After a one-year interregnum, the NRC suffered a coup whereby a group of non-commissioned officers took power and invited Stevens to return from his self-imposed exile in Guinea to take office (Clapham, 1976: 14-15). From 1968 to his retirement from politics in 1985, Stevens imposed authoritarian rule in the country, which was characterized by clientelism, corruption, and intimidation under the auspices of a 'shadow state' (Reno, 1995: 78). After taking power in 1968, Stevens sought to curb the power of chiefs and began to establish links with various illicit diamond traders under the rubric of populist rather than elitist interests. In 1971, Stevens effectively took control of the Sierra Leone Selection Trust (SLST) by nationalising 51 per cent of its shares, thereby shutting out De Beers' direct control over diamond mining in the country and indirectly placing diamond production in his hands. The SLST had five of 11 members on the board of directors of the new company named the National Diamond Mining Company (NDMC); however, Stevens made all the important decisions from behind the scenes (Smillie *et al.*, 2000: 45). This event marked the true beginning of the shadow state in Sierra Leone whereby Stevens exploited the illicit diamond trade for his personal benefit as well as for the benefit of the select few who sustained his patronage networks.

Stevens steadily increased his control over these informal diamond networks in order to sustain his clientelistic and patrimonial grip on political office. During his time in power, Stevens and his supporters in the upper ranks of government siphoned off

diamond profits, thereby steadily ruining the country's economy. In 1970, legitimate diamond exports hovered around 2 million carats. A decade later, this figure had declined to 595,000 carats, despite the fact that diamond reserves and the number of production sites virtually remained the same (Smillie *et al.*, 2000: 45-46). Politically, the country became a *de facto* one-party state, which was officially declared in 1978 by Stevens. This was an interesting change of heart for Stevens, as thirteen years earlier he was quoted as saying that he abhorred and detested one-party systems of government (Reno, 1995: 79). Stevens' steadily increasing grip on the diamond trade throughout the 1970s and 1980s corresponded with the country's economic decline.

In 1985, Stevens transferred power to former army chief Joseph Momoh, who promised to rid the country of corruption through political liberalisation and revive its economy through continued reliance on SAPs. Momoh's so-called 'New Order' regime replicated the corruption that characterized his predecessor's tenure. Legitimate diamond exports continued to drop under Momoh, from 595,000 carats reported in 1980 under Stevens to 48,000 in 1988 (Riley, 1996: 10). Despite the inflow of new loans from the IMF beginning in November 1986, the economy continued to weaken. In 1990, the IMF withheld further loans to Sierra Leone, as the government could not maintain its repayment schedule. On the eve of the civil war, Momoh made it clear 'that any talk of multiparty democracy would be dealt with by the full force of the law, since all such discussions were illegal under the single-party state' (Zack-Williams, 1999: 147). At that point, it became evident to the Sierra Leonean people that Momoh's promises of political liberalisation and the elimination of corruption would not be fulfilled.

Civil War in Sierra Leone

The post-Cold War decade of the 1990s turned out to be considerably worse than previous decades for the people of Sierra Leone. The corrupt and autocratic APC regimes of Siaka Stevens (1971-85) and Joseph Saidu Momoh (1985-92) bred much resentment in the country. Much of Sierra Leone's youth population was either unemployed or underemployed, oftentimes trying to make ends meet in various informal and grey sectors of the economy. Young men in both the urban and rural areas were particularly alienated, thus providing a fertile pool of potential recruits for the RUF (Abdullah and Muana, 1998). On 23 March 1991, the RUF, led by Foday Sankoh, launched an insurgency campaign against the Sierra Leonean government, traversing the Mano River Bridge at Bomaru, then securing the Kailahun and Pujehun Districts. The initial RUF group was small, comprised of 100 to 150 individuals and divided into two groups. With the support of Liberia in terms of military training and the provision of rear-bases, the RUF would later focus its efforts on gaining control of the eastern diamond-producing areas of the country.

Although some of the unemployed 'lumpen' youths in the Eastern Province readily joined the RUF, many had to be forcibly recruited (Abdullah and Muana, 1998: 178; Richards, 1996). Nonetheless, the *idea* of replacing years of authoritarian and corrupt governance through popular rebellion was attractive, especially among the unemployed as well as some segments of the student population and among some academics. As enthusiasm in favour of the rebels quickly waned, their cohorts, the National Patriotic Front of Liberia (NPFL), began attacking the civilian population on the

Sierra Leonean side of the border with a viciousness that would soon become synonymous with the RUF (Bøås, 2001, 2002 and 2003).

Subsequently, the civil war began to take its toll on both civilians and the government's coffers. In roughly one year of civil conflict, more than 10,000 people had been killed (Zack-Williams, 1999: 149). During the decade-long civil war in Sierra Leone, the country's civilian population would be subject to forced displacement, torture, dismemberment of limbs, rape, and murder. Also, on the one-year anniversary of the insurgency, a group of young officers (known as the National Provisional Ruling Council [NPRC]) returned from the front lines in the eastern part of the country to Freetown and seized power from the APC.

The military coup of 1992 brought 27-year old army Captain Valentine Strasser to power as head of the NPRC. The Strasser-led NPRC government employed 'populist rhetoric of redemption, anti-corruption and personal sacrifice' as it continued to fight the RUF over the next four years (Zack-Williams, 1999: 149). Strasser upheld the SAP of 1992, thereby ensuring the flow of loans into government coffers. The SAP required laying off 40 per cent of the country's bureaucracy, which accounted for approximately one-third of all salaried workers in Sierra Leone (Reno, 1998). Despite the continued socio-economic stress of structural adjustment, the Strasser regime spent roughly 75 per cent of its revenues in the conflict against the RUF each year. By 1994, allegations of diamond smuggling were directed at both the NPRC leaders and its soldiers. These allegations are supported by Reno's report that Strasser's soldiers had been mining diamonds since their leader came to power in order to purchase weapons from Belgium and Romania. Strasser himself allegedly sold 435 carats worth of diamonds to Swedish

interests (Reno, 1995: 175-176). It was also rumoured that many NPRC soldiers exchanged their weapons for diamonds from the RUF (Abiodun, 1998: 3). In effect, both sides of the conflict became increasingly concerned with exploiting the diamond reserves for financial gain as the civil war wore on, thereby further excluding the civilian population from the benefits of the country's diamond trade.

According to the UN Panel of Experts on Sierra Leone (2000)⁸⁷, the RUF was *not* known to have conducted *widespread* diamond extraction until 1995. By the mid-point of the decade, however, the RUF's sporadic diamond mining led to full-scale control over the diamond fields. Furthermore, the RUF had gained control over most of the country, extending its sphere of activity well beyond the diamond-rich eastern region and nearly securing the capital, Freetown, by 1995. This compelled the NPRC government to employ private security firms to defend itself against the rebels. In May 1995, the government hired Executive Outcomes to defend its hold on Freetown and the surrounding area. Executive Outcomes was very successful, as it pushed the RUF away from the capital in one week and out of the diamond-producing regions of Kono District within five weeks.

Pressures for democratic elections increased from both inside and outside the country, which led the NPRC to begrudgingly promise that elections would take place in the spring of 1996. Following a power struggle within the NPRC, Julius Maada Bo, Strasser's second in command, seized power in a palace coup in January 1996. Under Bo, democratic elections were allowed to take place with Ahmed Tejan Kabbah winning the presidential elections in March with about 60 per cent of the vote and his party, the SLPP,

⁸⁷ Otherwise known as the *Report of the Panel of Experts Appointed Pursuant to UN Security Council Resolution 1306 (2000) Paragraph 19 in Relation to Sierra Leone* (December 2000).

obtaining 27 seats in Parliament. In an effort to end the civil war, the newly elected president sued for peace with the RUF. This resulted in the signing of a peace agreement by President Kabbah and RUF leader Foday Sankoh on 30 November 1996. The agreement was short-lived, however, as certain factions within the RUF were unhappy with the peace. This fractured the leadership of the RUF, forcing Sankoh to remain in Nigeria where he was also temporarily detained.

During this time of political uncertainty with the RUF, Kabbah was busy accommodating the IMF's demands for the reduction of subsidies. Subsequently, the government of Sierra Leone cut rice subsidies to the military, police, and prison personnel. Since the 1970s, rice had been subsidised for these groups as they had been paying Le 1,000 per bag instead the open market price of Le 23,000 per bag (Zack-Williams, 1999: 152). This drastic reduction of rice subsidies caused dissatisfaction throughout much of the military, which resulted in a series of attempted coups. The Armed Forces Revolutionary Council (AFRC), led by Major Johnny Paul Koroma, took control of the government following a successful coup on 25 May 1997. Shortly thereafter, Koroma invited the RUF to share power, forming an AFRC/RUF military junta to rule the country.

In response to the violent conditions in Sierra Leone following the AFRC-led coup, the UN Security Council imposed an embargo on oil and arms to the country and authorised the Economic Community of West African States (ECOWAS) to ensure the implementation of the embargo with ECOMOG troops on 8 October 1997. By the end of January 1999, ECOMOG troops had retaken Freetown after previous losses to the AFRC/RUF junta, eventually reinstalling Kabbah's civilian government.

On 7 July 1999, the (now late) president of Togo and (then) Chairman of ECOWAS, Gnassingbé Eyadema⁸⁸, brought the warring sides together where they concluded the Lomé Peace Accord, which technically ended the war, although sporadic fighting continued particularly throughout the second half of 1999 and 2000. United Nations troops began to arrive in Sierra Leone on 30 November 1999 as part of the UN Mission in Sierra Leone (UNAMSIL). Given the benefit of hindsight, it is easy to question the wisdom of offering not only the post of Vice President, but also the portfolio for mineral resources (known as the Commission for the Management of Strategic Mineral Resources [CMRRD]) to RUF leader Foday Sankoh as part of the ill-fated 1999 Lomé Peace Accord.⁸⁹ From late-1999 to May 2000, several businessmen representing various junior and medium-sized mining firms and mineral exporting enterprises met with Sankoh in order to secure contracts to export Sierra Leone's diamond resources. Thus, it should have been no great surprise that despite assurances of unimpeded access from RUF leaders, local commanders continually blocked the UN peacekeepers in the eastern region, which comprises several diamond-mining areas.

On 13 March 2000, the UN reported that Indian peacekeepers were denied access to the town of Kailahun in eastern Sierra Leone. While the UN eventually established an operations base in the town a week later, this incident is symptomatic of many delays caused by the local RUF commanders. The RUF defied certain elements of the peace accord, such as breaking the ceasefire, resisting disarmament,

⁸⁸ Eyadema was later implicated (along with President Blaise Compaoré of Burkina Faso) of violating UN sanctions on Angola by purchasing UNITA diamonds. See: *Report of the Panel of Experts on Violations of Security Council Sanctions Against UNITA* (10 March 2000).

⁸⁹ The Lomé Peace Accord also guaranteed immunity from prosecution for all combatants.

blocking relief agencies, and failing to release political prisoners.⁹⁰ The key intervention that would eventually lead to the end of the civil war occurred when Britain sent troops to Sierra Leone in June 2000. The high level of professionalism of the British soldiers helped bolster UN forces as well as the Sierra Leone Army (SLA). By 2001, much of the RUF had turned in its weapons, although some factions continued to engage in minor skirmishes with UNAMSIL contingents, again in the diamond-mining regions in the eastern part of the country. On a positive note, UNAMSIL officials reported that over 37,000 ex-combatants across ten districts had disarmed by December 2001 (UNOCHA, 7 December 2001). Presidential and parliamentary elections took place in May 2002, with President Kabbah gaining re-election and the SLPP winning a comfortable majority in the country's national assembly (see Jalloh, 2002; Kandeh, 2003). Present political conditions are relatively stable, though this will be elaborated upon later in the dissertation.

Conclusion

*Diamonds don't kill people; guns kill people.*⁹¹

Although it is technically true that diamonds do not cause the actual death of people, the above aphorism ignores the *means* for purchasing guns in the first place. Replace a few

⁹⁰ See: *The Economist* (29 January 2000: 52)

⁹¹ Ian Smillie (2002b: 53) notes that this position is often expressed when the subject of conflict diamonds is broached during diamond industry meetings and conventions.

key terms and consider the following analogy: intoxicated drivers do not kill people; cars kill people. Like guns, vehicles are the actual cause of death. However, virtually every judicial system will find the intoxicated driver guilty for her or his actions (and, in some instances, the provider of the intoxicating agent is considered liable as well).

Analyses of ethnicity and the role of ethnic cleavages in warfare have attracted much attention as a means of explaining the outbreak of civil war in the Balkans and other parts of the world including Sierra Leone (Kaplan, 1993 and 1996). It is facile for western observers or media agencies to characterise conflict as simply due to ethnicity or ethnic hatred. Ethnicity-based explanatory approaches tend to be based on the primordialism thesis, which holds that primitive humans formed kin groups as a survival tactic against other competing and potentially aggressive groups. The primordial approach to ethnicity and civil strife persists despite the criticisms mentioned in this chapter. Although Sierra Leone is home to 17 ethnic groups and numerous sub-groups, ethnicity and ethnic differences cannot account for the outbreak of civil war in Sierra Leone or the trade of conflict diamonds.

This is not to say that ethnicity does not matter in Sierra Leone. Sierra Leoneans readily identify themselves according to ethnic background. Indeed, ethnicity and identity arise in everyday conversations, newspapers, and commerce, though usually in a benign manner. Lebanese dominance in several economic sectors (including the diamond industry) in Sierra Leone sometimes leads to bitterness and occasional violent incidents. Thus, it is acknowledged that ethnicity is susceptible to the push and pull of identity politics. The latter may be mobilised as a call to violence. Inequalities – whether real or perceived – exacerbate cleavages and contribute to efforts to politicise ethnicity. By and

large, however, ethnic differences among the people of Sierra Leone have not been manipulated and exploited for *extreme* political aims as seen elsewhere.

The true culprit is decades of authoritarian governance and corruption by government officials with respect, above all, to the country's diamond industry. For thirty years, Sierra Leone was subject to authoritarian rule punctuated by military coups in 1967, 1968, 1992, 1996, and 1997. Leaders such as Siaka Stevens, Joseph Momoh, and Valentine Strasser used their position for personal gain, as diamonds revenues were either directly or indirectly siphoned off into personal bank accounts. From 1986 onward, a series of structural adjustment programmes were imposed within Sierra Leone in order to repay loans received from the IMF and World Bank. The SAPs required the government of Sierra Leone to devalue its currency, the Leone, and deregulate much of its economy. These policies coupled with various austerity measures resulted in increasing unemployment and inflation as well as the privatisation of health care and education.

This chapter has attempted to demonstrate the irony that something as precious and beautiful as diamonds played a significant role in Sierra Leone's civil war. While decades of 'bad' governance, corruption⁹², and overall government mismanagement of the economy provided fertile ground for the emergence of the RUF under the leadership of Foday Sankoh, it was the rebels' control of the diamond mining areas, particularly those in the Eastern Province such as Kono and Tongo, that provided much-needed financial means to conduct the war from the mid-1990s onwards.

As mentioned above, by 1995, the RUF had gained control over most of the country, including the diamond-rich Eastern Province. This compelled the NPRC government to employ private security firms to defend itself against the rebels.

⁹² See for example Reno (1995 and 1998) and Ian Smillie and colleagues (2000).

Specifically, in May 1995, the government hired Executive Outcomes to defend its hold on the capital, Freetown, and the surrounding area. Executive Outcomes was very successful, as it pushed the RUF away from the capital in one week and out of the diamond-producing region of Kono within five weeks. Executive Outcomes was indirectly compensated through its connections with Branch Energy (both companies were linked to the parent South African firm, Strategic Resources Corporation), which negotiated a 25-year diamond-mining lease in the region immediately after it was secure (Smillie *et al.*, 2000: 50).⁹³ The granting of diamond concessions as a means of paying for the mercenary services of Executive Outcomes continued throughout the mid- to late-1990s, fortifying government forces and their campaign against the rebels.⁹⁴

Branch Energy is presently engaged in diamond exploration in Sierra Leone and has recently started mining within one of the largest diamond concessions in the country through a joint-venture with Magma Diamond Resources. The Branch Energy-Magma Diamond Resources enterprise is registered as Koidu Holdings. The business practices and ethics of Branch Energy may be considered dubious, though in comparison to many other mining firms, they are relatively good corporate citizens. Despite concern in some quarters that Koidu Holdings is displacing people from mining areas and neglecting to take proper measures against excessive environmental degradation, the firm has hired a mostly local labour off about 400 people in a region where jobs are scarce (Gberie, 2005a: 7). The case of Koidu Holdings in Sierra Leone is symptomatic of the many challenges to promoting so-called ‘diamonds for development’.

⁹³ See also Reno (2001: 220).

⁹⁴ See for example Alao Abiodun (1999), and John L. Hirsch (2001).

On a global scale, Branch Energy and Magma Diamond Resources are considered minor actors. While these firms should be good corporate citizens, it is the larger transnational diamond-mining firms that set not only prices but also the tone of corporate social responsibility (CSR) and ethical business practices. Hence, an overview of the logistics and business strategies of the global diamond industry are provided in the next chapter. This includes a brief history of the industry with particular attention to the rise of De Beers as well as its present business strategies. Next, the corporate side of the global governance triangular framework is revisited in order to examine the prospects for CSR to provide positive change among corporate actors with an emphasis on mining industries generally and the diamond industry specifically.

CHAPTER FOUR:

THE 'FACETS' OF LIFE: THE GLOBAL DIAMOND INDUSTRY, DE BEERS, AND CORPORATE SOCIAL RESPONSIBILITY

*We have the full cooperation from all the legitimate parts of the industry ... these conflict diamonds are a curse – we don't want them.*⁹⁵

*De Beers LV, as a responsible retailer, shares the commitments of the World Diamond Council to the Kimberley Process to eradicate the scourge of 'conflict diamonds' (the sale of diamonds to purchase weapons and prolong conflict).*⁹⁶

Introduction

Global governance – as an analytical as well as a policy tool – recognises the increasing significance of non-state actors in world politics. In the post-Cold War era, transnational firms have gained credence as non-state actors that influence the political economy of myriad phenomena ranging from warfare to development. Originally cast as part of those who aid and abet the buying and selling of conflict diamonds, the diamond industry is presently breaking new ground as a functional actor in novel forms of global governance

⁹⁵ Shmuel Schnitzer, president of the World Federation of Diamond Bourses (WFDB), quoted in *O Pensador* (2002: 5).

⁹⁶ According to the De Beers website, listed under “About Us – Corporate Responsibility”, <<http://www.debeers.com/en/leading.html>>, accessed on 6 June 2005.

arrangements. Indeed, multi-actor alliances and networks among ‘government, NGOs, local firms and multinational corporations can go far to foster cooperation towards common goals’ (UNDP, 1999: 95). In fact, a crucial component of the Kimberley Process has been the participation of the diamond industry – the third side of the global governance triangle.⁹⁷

Without the cooperation of the corporate sector, it is unconceivable that the Kimberley Process would have made as much progress on the conflict diamond issue as it has. Indeed, five years ago, there were *no* alliances or networks to speak of between the diamond industry and NGOs. Instead, what passed for a relationship was adversarial throughout the late 1990s, as De Beers and other diamond industry actors reacted with alarm to Global Witness’ ground-breaking 1998 monograph, *A Rough Trade: The Role of Companies and Governments in the Angolan Conflict*. And, links between diamond firms and governments were limited to taxation or, in the case of De Beers, production agreements with the South African and Russian/Soviet governments and through joint ventures (e.g., Debswana and Namdeb).

Under the auspices of the Kimberley Process, however, an important shift has occurred with respect to the relationships between diamond industry actors and states, and, more dramatically, between the diamond industry and NGOs. Echoing Martin Hewson and Timothy J. Sinclair (1999: 3), the concept of global governance is a valuable means through which to understand the type of *change* that has global implications.

De Beers and other leading actors in the global diamond industry have changed the way in which they purchase diamonds. Although the Kimberley Process has impacted the way in which the global diamond industry operates, the rise of corporate social

⁹⁷ See Figure 1.1.

responsibility (CSR) and structural changes within De Beers' business strategies have altered an industry that was notorious for opaque financial dealings from 'diamond mine to finger'. The notion of change, from resistance within the diamond industry to active participation, provides a sound basis for the role of private actors within global governance in both theory and practice.

Before examining the reasons for the diamond industry's participation in the Kimberley Process in detail, it is important to understand the physical, historical, and economic context of this much sought after commodity. This begs the question of why one need explore such seemingly pedantic points of enquiry. If we are to truly probe the frontiers of global governance as an analytical framework, it is important to understand the underlying physical realities and motivations of the global diamond industry.

For example, one should know the difference between gem- and industrial-quality diamonds as well as the pricing mechanisms of these gems. Diamonds and De Beers are synonymous; arguably, De Beers created much of the demand for diamond jewellery through a century of compelling advertising. Furthermore, De Beers' prominence in the global diamond market made it a lightning rod for NGO efforts to raise public awareness concerning conflict diamonds. Thus, a review of the history of De Beers, an all-important industry leader, is key to comprehending the marketing and pricing of diamonds as well as new directions in corporate governance – for purposes of promoting social responsibility and striving to become a global brand. Hence, this chapter also traces the evolution of the diamond industry with particular emphasis on the rise of De Beers in South Africa.

Diamonds: A Brief History

Through forces of intense pressure and heat, carbon is transformed into diamonds deep within the Earth's crust in the upper mantle. The same processes of pressure and heat – usually in the form of deep volcanic eruptions – also bring diamonds towards the surface. As kimberlite magma moves upward from the upper mantle toward the Earth's crust, it passes through myriad layers of rock. If the kimberlite magma happens to traverse a diamond-bearing layer of rock (which is relatively rare), it will pull away part of the layer and bring it towards the surface. A diamond-bearing 'pipe' of kimberlite magma must then proceed to the surface relatively quickly under high pressure and heat. If the pipe is slow moving, there is a good chance that the diamond-bearing rock will become graphite – a different configuration of carbon atoms that forms at lower pressure and heat. As the pipe nears the surface, it expands under the decreasing pressure, eventually erupting and spewing its magma and constituent minerals across the landscape. After the pipe cools, the kimberlite magma becomes a soft, grayish-green coloured rock that erodes easily (Hart, 2001: 23-26).

Given their origin in geological processes occurring deep below the Earth's surface, diamonds have been around for millions of years, if not longer. In fact, the abundance of carbon in our solar system makes it extremely likely that diamonds may be found on or within other planets as well as moons, asteroids, meteoroids, and other extra-terrestrial bodies. Diamonds, therefore, are not particularly rare, for they have been found

in great quantity on all continents except Antarctica (although chances are good that diamonds may be found there as well).

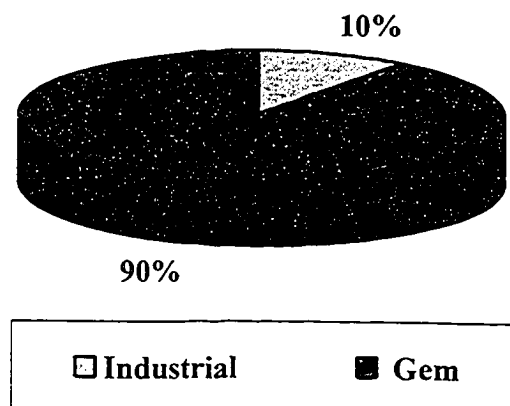
The first recorded discovery of diamonds occurred in India approximately three thousand years ago. These early diamonds were found primarily in or near rivers. Basic cutting and polishing techniques, which unlock the clarity and beauty of diamonds, also first evolved in India. By the eighteenth century, Brazil began to rival and eventually surpass India in diamond production. As in India, diamond mining in Brazil was alluvial. Originally, it was thought that diamonds were scarce and were found largely by chance and usually above ground. The initial scarcity of the much sought-after gem meant that only royalty and the ultra-wealthy were able to afford them.

In the 1860s, diamonds were discovered in increasing numbers in what is now South Africa. In 1869, the ‘Star of South Africa’ was found near Kimberley, which led to a diamond rush in South Africa. During the first 15 years of production, 20 million carats were mined in South Africa. In comparison, it had taken Brazil 200 years to produce the same amount of diamonds, and India, 2,000 years (Hart, 2001: 33-37). Crucially, much of South Africa’s diamonds were not found in or near streams and riverbeds but in deep shafts of a particular type of diamond-bearing rock, which became known as kimberlite – named, of course, after Kimberley where the discovery was first made. At present, the majority of global diamond production is comprised of kimberlitic rather than alluvial diamonds.

By the late nineteenth century, diamonds had become less scarce, particularly as discoveries were made in other parts of Africa and on other continents. As is the case with other commodities, supply and demand determine the cost of diamonds – something

which De Beers has been able to manipulate with remarkable success over the past century. Diamonds are classified into two main categories: gems and industrials.

Figure 4.1 Percentage of Global Production of Gem and Industrial Diamonds, by Value



It is well-known that gem-quality diamonds have little to no intrinsic value. In contrast, industrial-quality diamonds, which are quite useful in the production of cutting, grinding, and polishing implements, commonly fetch about 10 per cent of the price of gem-quality diamonds on average (see Figure 4.1). Notably, this disparity in value rapidly increases as the size and overall quality of the gem-quality diamond increases.

Enter De Beers

De Beers gets its name from a farm owned by Johannes Nicholaas and Deiderik Arnoldus De Beers – brothers who sold their land to an early diamond syndicate during South Africa's diamond rush of the late nineteenth century. Although the brothers made a

handsome 12,500 per cent profit on the sale, the farmland would eventually yield hundreds of million of dollars worth of diamonds (Hart, 2001: 36-37). Cecil Rhodes purchased claims on the De Beers land, later founding the De Beers Mining Company Limited in 1880. Over the next decade, Rhodes proceeded to buy out competing diamond mining interests, thereby consolidating the company's control over the lucrative diamond mines around Kimberley. This enabled the company to drastically reduce production, resulting in a 50 per cent increase in the price of rough diamonds. At the turn of the twentieth century, it is estimated that De Beers controlled approximately 90 per cent of the world's production of diamonds. By 1904, however, a new competitor began mining diamonds near Johannesburg, which quickly reduced De Beers' grip on world production. The competition – Thomas Cullinan's Premier mine⁹⁸ – rejected De Beers' efforts to coordinate output and sales through the latter's marketing scheme in London. In less than three years, the Premier mine's output increased from 750,000 to 1,890,000 carats (Kanfer, 1993: 160). Thus, by 1907, the Premier Transvaal Diamond Company equalled De Beers in terms of market share.

The outbreak of World War I greatly reduced global demand for diamonds and other luxury items. As a result, the share prices of diamond mines declined sharply. Although somewhat weakened itself, this economic downturn in the market for diamonds provided De Beers with the opportunity to purchase a controlling stake of Premier Transvaal Diamond Company shares, which it did. World War I would have another lasting consequence for the nascent global diamond industry. During the War, South

⁹⁸ In 1905, the largest diamond ever found was discovered in the Premier mine. The rough diamond weighed 3,106 carats, and was later cut and polished into nine separate gems totalling 1,055.9 carats. The largest gem, known as the 'Great Star of Africa' and the 'Cullinan I', weighed in at 530.2 carats and was set in the British royal sceptre (Hart, 2001: 46-47).

Africa took possession of German South West Africa (now Namibia), annexing the territory as a protectorate. The German colony had several diamond mines of its own, which kept producing diamonds during the War irrespective of low prices for rough gems. Given the uncertainty of the colony's status at the conclusion of the War, the German owners were willing to sell their mines, whose production had grown to represent about 18 per cent of global output (Kanfer, 1993: 192-193).

De Beers passed on the opportunity to purchase the mines, doubting the Germans' willingness to sell. Ernest Oppenheimer, under the auspices of his recently founded company, the Anglo American Company of South Africa, and with the financial backing of J. P. Morgan, seized the chance and purchased all the diamond mines in the former German colony. Prior to the acquisition of Namibian mines, Oppenheimer was seen as a rising force in the South African diamond industry. He was an early stockowner in the Premier mine and also owned stocks in De Beers. The Namibian acquisition proved extremely profitable, enabling Oppenheimer to purchase an increasing amount of De Beers stock over the subsequent decade. Following the deaths of De Beers' most powerful founding figures – Barney Barnato in 1897, Cecil Rhodes in 1902, and Alfred Beit in 1906 – the company had been steered in a relatively consensus-based fashion by its board of directors. Yet, by 1929, the board of directors of De Beers could no longer deter Oppenheimer's ambition to secure the chairmanship of the company. In spite of fears among some board members of relinquishing control of the enterprise to a single person, Oppenheimer was elected chairman of the board of directors in December 1929.

Oppenheimer wasted little time dismantling the diamond syndicate scheme that had dominated De Beers' method of selling rough diamonds on the world market for

nearly 50 years. Under the syndicate system, De Beers sold its diamonds to a set of diamond traders and other intermediaries in Kimberley and London, who in turn sold the gems to cutting and polishing houses in Belgium and elsewhere. Oppenheimer feared that these intermediary merchants might deviate from agreed selling prices by either holding back their sales or undercutting other members of the syndicate.

Crucially, Oppenheimer established the business practice of selling diamonds through 'single-channel marketing'. First, this entailed the buy-out of the old syndicate and replacing it with a new company – the Diamond Corporation – a subsidiary of his own company, Anglo American. Oppenheimer proceeded with the buy-out scheme, which meant that he and his companies became the producers and primary purchaser (wholesaler) of virtually the entire amount of world production of rough diamonds in 1930 (Spar, 1994: 50-51).

Single-channel marketing meant that De Beers' diamond production would flow to the Diamond Corporation (later re-named the Diamond Trading Company) in London – which it owned – and then be sold to 'sightholders' at regular intervals. Sightholders and purchasing procedures will be discussed in the next section. This singular channel has enabled De Beers to control the vast majority of the global supply and by extension, the price of diamonds through its position as the primary wholesaler.

The Diamond Cartel

De Beers is commonly referred to as a 'syndicate' as well as a 'cartel' due to its business practices. The latter categorisation is more accurate. Drawing on Debora Spar's (1994: 37) definition of the term, a cartel is a cooperative and deliberate collaboration among producers in a specific industry that attempts to circumscribe market forces by managing supply and, therefore, influencing price for the benefit of its membership. For nearly a century, the diamond industry has been one of the most successful cartels in terms of controlling market forces and reaping high prices for its product. De Beers has led the diamond cartel by forging resilient relationships with producers in order to control (and often restrict) output through the enforcement of quotas, maintaining stockpiles when necessary, and setting prices for main purchasers known as sightholders.

Over the decades, De Beers has had its share of difficulties in enforcing compliance among producers. Beginning in the late 1950s, Soviet (and later Russian) diamond production was notoriously troublesome for De Beers, as the former was often suspicious that the diamond giant was underpaying for production. There was a near-perpetual fear that the Soviets would attempt to market their rough diamonds directly on the world market. Since official relations between capitalist, apartheid South Africa and the socialist Soviet Union had been terminated, the regular meetings between De Beers and Soviet officials had to be kept secret. However, due to this unusual relationship, the Soviet Union was able to hold back some of its production for industrial uses, purchase by its own public, and even the occasional sale of cut and polished diamonds on the open market (Spar, 1994: 65-68).

Not all countries were able to keep De Beers at relative arms length. In 1981, President Mobutu Sese Seko snubbed De Beers by signing a five-year agreement to sell all of Zaïre's production to a group of three diamond firms located in London and Antwerp (Kanfer, 1993: 343-344). De Beers responded in two ways. First, De Beers increased the amount of rough diamonds on the world market, thereby flooding the market and hence, lowering the price of rough diamonds. For instance, the addition of approximately 1 million carats of industrials cut the price of Zaïrian industrial-quality diamonds by nearly half, from about US \$3 per carat to under US \$1.80 per carat (Spar, 1994: 62). Second, diamond dealers supported by De Beers opened purchasing offices in neighbouring Republic of Congo (ROC). Word spread quickly that the Brazzaville dealers were paying 'a premium of 50 percent above the going price, no questions asked' (Kanfer, 1993: 344). Diamond smuggling had always been a problem in Zaïre, and the problem was exacerbated due to the relatively attractive prices offered across the Congo River. The combination of an exodus of diamonds through illicit conduits to ROC and the drop in world prices for those diamonds that actually made their way through official Zaïrian channels forced Mobutu to rescind his agreement with the three European firms after only two years.⁹⁹

Compared to producing countries, sightholders have tended to be more compliant with De Beers. At Numbers 2 and 17 Charterhouse Street in London, approximately 60 per cent of the global production of rough diamonds passes through what was until

⁹⁹ Two decades later, the exodus of diamonds between the ROC and DRC has changed directions, though for different reasons. On 9 July 2004, the ROC was suspended from the Kimberley Process for assorted violations to the Kimberley Process Certification Scheme (KPCS). The suspension means that the ROC cannot legally export rough diamonds. Consequently, it has been reported that rough diamonds of (Republic of) Congolese origin are now entering the DRC.

recently referred to as the Central Selling Organisation (CSO) and now the Diamond Trading Company (DTC).¹⁰⁰ The DTC, owned by De Beers, is a clearinghouse of sorts that sells rough diamonds produced by De Beers and its various holdings and partners as well as diamonds the company buys from other mines. Sightholders arrive in London at the above addresses to buy their pre-set allotment of mixed roughs. Sightholders are drawn from a select group of leading diamond merchants, invited to participate by De Beers and retaining their position so long as they are deemed to be ‘in good standing’. While turnover is low, sightholders are ‘de-selected’ or expunged periodically from this elite circle by De Beers.

Typically, a sightholder is a well-established diamond merchant, such as a firm or an individual trader. Becoming a sightholder is no easy task. Diamond merchants are *invited* to become sightholders by De Beers, though they may lose their privileged status with little notice and without recourse. Although sightholders may request particular sizes and types of rough diamonds – which is done through their DTC-licensed ‘broker’ – they must either purchase or not purchase the ‘box’ (the order) of rough diamonds as provided

¹⁰⁰ Hart (2001) notes that the CSO was in use for the past three decades and many of De Beers’ employees carried business cards bearing the acronym. However, in an interview with Nicky Oppenheimer, chairman of De Beers, it was stated that the CSO ‘doesn’t really exist. It has no basis. The top echelon in London call themselves directors of the CSO, but it doesn’t really mean anything’ (quoted in Hart, 2001: 123). Perhaps the CSO was used in the same way that some still refer to the London clearinghouse as ‘the syndicate’, which is a complete misnomer and relates to the pre-De Beers era when a syndicate of diamond merchants actually set the price of rough diamonds. Nevertheless, the widespread use of ‘CSO’ on business cards as well as its usage in internal memos and annual reports was puzzling and drew questions regarding the true nature of the entity within the De Beers corporate structure. By 2004, however, the Diamond Trading Company (DTC) had replaced the CSO on the business cards of De Beers employees.

by De Beers at the regular diamond ‘sights’.¹⁰¹ The DTC sets the price of the box and the sightholder is expected to pay the amount. There is no haggling or negotiating between the sightholder and the DTC over the contents or the price of the box. By convention or perceived pressure, sightholders rarely decline to purchase their allotted box. To lose one’s status as a sightholder is considered disastrous. The arrangement is not ideal, although De Beers attempts to provide their sightholders with the requested mixture of rough diamonds. Obviously, some diamonds are more desirable than others, and this may also depend on a particular sightholder’s specialisation (e.g., large-carat gems or coloured diamonds) as well as the tastes of its own clientele. By the same token, diamonds that have less profit potential once cut and polished (e.g., smaller diamonds with more inclusions and flaws or odd shapes) tend to be less desirable. In the end, however, it is De Beers’ interest to sell the full pre-ordained amount of rough diamonds at each sight in order to make room for the next shipment coming through the so-called ‘pipeline’.

The Marketing of Diamonds

Gem-quality diamonds have virtually no intrinsic value, although, as mentioned earlier, industrial-quality diamonds are quite useful. But gem-quality diamonds have a much greater profit margin. It was quickly realised that not only the supply, but also consumer *demand* for diamonds must be manipulated. To that end, De Beers sought and obtained control over the production and marketing of Kimberley diamonds in the nineteenth century – a business strategy that endures to this day. To boost demand for gem-quality

¹⁰¹ Each sightholder is assigned to a DTC broker, of which there are six. The description of how the diamond ‘sights’ operate is based on Hart (2001) as well as author interviews conducted with DTC officials in London in 2003 and 2004.

diamonds, De Beers employed a clever marketing strategy aimed at increasing and broadening the consumer base in terms of engagement rings. The practice of women receiving diamond engagement rings is less than 600 years old. It is rumoured to have gained popularity among royalty after Archduke Maximilian of Austria presented a diamond engagement or ‘betrothal’ ring to Princess Mary of Burgundy in 1477 (Jackson, 1996). In fact, the practice only became widespread in the early twentieth century – largely due to marketing by De Beers.

A century of marketing has linked diamonds inextricably with images of preciousness, love, and commitment. De Beers currently spends nearly US\$ 200 million on advertising each year, which is the equivalent of approximately 5 per cent of its annual sales. The marketing campaign that features the well-known slogan ‘A Diamond is Forever’ links diamonds with commitment – or, in other words, marriage. Also engrained is the ‘two-month salary’ slogan that asks, ‘How Else Can Two Months’ Salary Last Forever?’, which is supposed to assist men in calculating how much to spend on a diamond engagement or wedding ring.¹⁰² Even the re-sale market for diamonds is deliberately weakened via marketing. The ‘Diamond is Forever’ campaign implies that only new diamonds are purchased, never to be discarded or indeed re-sold. The latest advertising campaign that is promoted by De Beers, Tiffany & Co., and other major jewellers is directed toward the female consumer. This shift in advertising attempts to entice the ‘independent’, ‘modern’ woman to buy *herself* a diamond ring that she will then wear on her *right* hand. For instance, one slogan reads ‘Women of the World, Raise

¹⁰² Market research determined that men would (or should) be willing to allocate two month’s worth of salary to purchase a diamond engagement ring for their beloved. Implicit in the message is that one should strive for a successful career, the ability to purchase extravagant consumer goods, and marriage.

Your Right Hand'. The marketing message is that the modern woman does not need a man or marriage to wear a diamond ring. On the surface, this appears empowering; yet, the message ties empowerment to material success and consumerism. Thus, the captivating allure of diamonds that ensnares men and women alike is based not only on beauty, but also on ingenious marketing schemes that play on human desires and notions of identity.

Although hundreds of millions of dollars are spent in marketing by De Beers, the company has deliberately chosen to omit its name from these advertisements. In its place, the slogan 'A Diamond is Forever' and a diamond-shaped outline of a gem (known as 'The Forevermark') have become De Beers' marketing logo. Advertisements also refer to the 'Diamond Trading Company' instead of De Beers.

The aforementioned advertising campaigns have proved very successful. The power and impact of the De Beers marketing strategy is particularly striking in the case of Japan and China. In the mid-1940s, less than 1 per cent of Japanese brides received a diamond engagement ring. In 1967, this figure had increased to only 5 per cent (Kanfer, 1993: 7). However, it had risen to 75 per cent by the end of the 1990s (Slater, 1999: 48; Shield, 2002: 36). Despite more than a decade of economic recession, the Japanese market is home to about 15 per cent of global diamond jewellery sales – second only to the US market.

Prior to 1993 – the year that De Beers first launched its marketing campaign in China – Chinese couples did not generally purchase diamond wedding or engagement rings. However, by 1998, retail sales of diamond rings had reached approximately US\$ 120 million (Slater, 1999: 49). After conducting more than a decade of market research in

China, which included videotaped interviews of couples in their homes to focus groups, De Beers and other Western jewellers have witnessed a drastic increase in retail sales of diamonds. In 2004, US\$ 1.4 billion-worth of diamonds was sold by retailers in China – an increase of 12 per cent over the previous year and 300 per cent since 1998 (Meredith, 2005: 77; Slater, 1999: 49). Diamond rings comprise anywhere from 25 to 35 per cent of all retail diamond sales in China.

Although it has enjoyed numerous financial successes, change is afoot at De Beers. At its peak, it is estimated that De Beers controlled approximately 90 per cent of the world's production of diamonds (Kanfer, 1993: 8). Presently (one century later), this figure has dropped to about 55 to 60 per cent. Thus, De Beers' hold on the cartel is becoming more precarious due to increased Canadian and other production bypassing De Beers and the DTC. Competitors of De Beers, such as Rio Tinto and BHP Billiton, have benefited from their large stakes in Canadian diamond mines Diavik and Ekati, respectively. Lev Leviev's various diamond mine holdings in Russia and Angola, and marine diamond extraction off the coast of Namibia produce impressive amounts of diamonds. Though subject to a recent decline in production, the Russian diamond company Almazy Rossii-Sakha (ALROSA) remains second only to De Beers in terms of diamond production market share by value at about 10 per cent (Singer, 2004: 6).

As it loses market share in the wholesaling part of the diamond industry, De Beers has decided to enter the lucrative retail market. De Beers, which already boasts a recognizable brand name and an extremely well-known slogan – 'A Diamond is

Forever¹⁰³ – recently opened a series of eponymous high-end stores in conjunction with the LVMH Moët Hennessy - Louis Vuitton group of luxury brands. In November 2002, De Beers' inaugurated its first retail store in London (near Piccadilly Circus). De Beers has subsequently opened three stores in Tokyo, one in New York (near the 'diamond district'), and is planning to add retail stores in other major cities.

The global retail diamond industry generates approximately US\$ 56 to 57 billion per year in sales. In contrast, the global production of rough diamonds ranges from US\$ 8 to 9 billion per year. After a 7 per cent decrease in 2001, global retail diamond jewellery sales grew by approximately 3 per cent in 2002 and 4 per cent in 2003.¹⁰⁴ Both short-term and long-term projections for global diamond retail jewellery sales are positive. From 2004 to 2006, annual global diamond retail jewellery sales are expected to grow 5 to 7 per cent each year. Long-term projections are more conservative, as they take into account the possibility of recession in the US and other leading economies. Nonetheless, over the next ten years, the diamond retail industry is expected to expand at an annual rate of about 2.5 per cent (Hart, 2001: 137).

This growth will be driven in part by increased demand for all types of consumer goods in China. In 2002, China was home to the 8th largest market for polished diamonds. In 2003, diamond jewellery sales in China rose by approximately 8 per cent (Singer, 2004: 19). By 2004, China's consumption of diamond jewellery had matched Saudi Arabia's and India's, with all three countries sharing 5th place among global diamond market leaders. Growing affluence among Chinese consumers is expected to boost

¹⁰³ Copywriter Frances Gerety produced De Beers' trademark four-word phrase for one of its ads in 1948. The slogan was nominated as the 'greatest advertising slogan of the twentieth century' by *Advertising Age* (Hart, 2001: 141).

¹⁰⁴ All diamond statistics in this paragraph are based on Singer (2004: 14 and 17), except where otherwise noted.

demand for diamond jewellery over the next several years. Hence, given the combination of growing global demand for diamond jewellery and the allure of high profit margins between wholesale and retail sales, it is hardly surprising that De Beers is seeking to enter the retail end of the diamond market. This is part of the company's new business strategies, which are outlined next.

De Beers' New Business Strategies

In terms of new business strategies, three are of particular importance: 'supplier of choice' status and branding; increased efficiency and turnaround time; and eliminating or at least reducing its diamond stockpile. As part of its 'supplier of choice' policy, the number of DTC sightholders has been reduced from the previous range of between 120 and 125 to 84. The new set of sightholders will enjoy their status for two years (from 2004 to 2005 inclusive). As expected, this has caused outrage in some quarters, especially among Belgian sightholders. About 80 per cent of the world's rough diamonds pass through Belgian diamantaires, many of whom are DTC sightholders. The reduction in the number of sightholders is a deliberate business strategy by De Beers, for the company is seeking to add sightholders who are more branding-savvy. In the past, sightholders were often artisans whose enterprises cut and polished diamonds. Now, sightholders are expected to demonstrate to De Beers that they are active marketers of diamonds, which means spending money on marketing and advertising. De Beers is also offering to share its marketing skills with sightholders – though usually for a fee.¹⁰⁵ As mentioned above,

¹⁰⁵ Author's interview with a senior DTC official, London, United Kingdom, 21 April 2004.

De Beers has entered the high-end retail diamond jewellery market by working with existing brands associated with the LVMH Moët Hennessy - Louis Vuitton group and by transforming the 'Diamond is Forever' campaign into a brand name.

Until September 2003, it took 10 weeks to bring a particular diamond shipment from the mine to the purchaser or sightholder. In other words, it took rough diamonds 10 weeks to complete the journey through the entire 'London Pipeline', which is broken down as follows:

- Approximately five days to 'import' the diamonds from the mine to the sorting plant;
- five weeks to sort and value the diamond shipment;
- A little over three weeks to take stock of the diamonds, check sightholder requests, and prepare the content of each 'box'; and
- one week for the 'sight' during which the various sightholders arrive to purchase their box of rough diamonds.

In order to increase efficiency (and profits), De Beers decided that beginning in October 2003 the length of the diamond pipeline would be reduced by a total of four weeks. While the first and last phases remained the same, the amount of time to sort and value the diamonds was reduced by three weeks and the preparation of the boxes reduced by one week. Thus, the diamond sights are now held every six weeks instead of 10 weeks, which is expected to be profitable for De Beers.¹⁰⁶

The rationale for eliminating or at least reducing its diamond stockpile was suggested during an external management review process in 1998. The consultancy firm

¹⁰⁶ This section is based in part on the author's interview with a senior DTC official, London, United Kingdom, 21 April 2004, and a power-point presentation given to the author by the DTC.

conducting the review argued that, by maintaining diamond stockpiles, De Beers was providing competitors with the benefits of a stable *and* high price for diamonds. But, the cost of not selling these diamonds in terms of lost sales – essentially by having diamonds gather dust in vaults – was hurting overall profits. In heeding the financial advice of the review, it is estimated that about half of De Beers' US\$ 4 billion stockpile has been sold off since 2000, though precise figures on the extent of De Beers' stockpiles are difficult to verify.

How have these new business strategies impacted sales and profits? De Beers is doing well, though this is related more to global demand for diamonds and other factors. Before proceeding, it is important to address De Beers' ownership structure. Anglo American – South Africa's largest company and now listed on the London Stock Exchange – owns 45 per cent of De Beers. The Oppenheimer family owns 45 per cent of De Beers and is responsible for its management. According to the Debswana website, it 'effectively holds fifteen percent of DBI [De Beers Investments] directly and indirectly'.¹⁰⁷ While these figures do not add up to 100 per cent, it is likely that the Government of Botswana (through Debswana, which is a 50-50 joint venture with De Beers) actually own closer to 10 per cent of De Beers. By mid-2004, the DTC reported sales of US\$ 2.98 billion, up 2.2 per cent compared to the same period last year (Anglo American, 2004b: 11). While impressive, the increase in sales numbers is also attributed to firm demand for diamonds and the fact that the DTC increased prices twice during the first part of 2004. This has had implications for Anglo American as well.

¹⁰⁷ As cited in "Debswana Investments", Debswana, <<http://www.debswana.com/investments/invDebInvestments.asp>>, accessed on 2 March 2004. Debswana controls its stake in De Beers through its Luxembourg-based holding company, Debswana Investments Société Anonyme, the latter of which it owns in full.

According to a recent report, the Oppenheimer family is planning to buy out Anglo American's stake in De Beers (*The Economist*, 28 February 2004: 62). After fairly lacklustre financial results in 2003, Anglo American may very well be looking to inject some cash into its operations. Anglo American, whose mining interests in metals and minerals include gold, platinum, coal, and copper, experienced mixed financial results in 2003. Anglo American enjoyed record profits from its rough diamond sales in 2003, as diamond exports garnered US\$ 562 million in operating profits for the South African firm – an increase of 3.9 per cent compared to 2002 (Shah, 2004). A relatively weak US Dollar and a stronger South African Rand prevented Anglo American from gaining even larger diamond-related profits, as diamonds are sold in US Dollars, and much of the company's costs are paid in Rands. However, currency and exchange rate considerations were offset by a jump in global commodity prices as well as the strong demand for a variety of commodities (including diamonds and gold) to support the surging Chinese economy (Shah, 2004). Although total profits for Anglo American were up by 2 per cent over 2002, headline earnings actually decreased by 4 per cent to US\$ 1.694 billion.¹⁰⁸

However, the first half of 2004 was good for Anglo American, as its earnings are up over 2003. Nevertheless, the future is somewhat uncertain for the firm, as it is facing a series of daunting apartheid-era lawsuits (some of which include De Beers). For instance, a US\$ 6 billion lawsuit was launched against De Beers in 2003, after South Africa's Truth and Reconciliation Commission's final report found that mining firms could be found liable for exploiting workers during the apartheid era (Chege, 2003). Like many

¹⁰⁸ See Anglo American (2004a: 2) and De Beers (2004). Headline earnings represent a more important financial indicator than total profits because the former includes gains and losses from supplemental business concerns such as the acquisition of other firms, the sale of equipment and long-term investments. Headline earnings are also employed to calculate earnings per share.

firms in extractive industries, issues of good corporate governance and corporate social responsibility (CSR) have been particularly vexing.

Corporate Social Responsibility

One could argue that the diamond industry's embrace of the Kimberley Process is due in part to the proliferation and currency of new pressures for corporate social responsibility. Echoing the discussion of norms in chapter 2, CSR has been and continues to be influenced by the rise of global norms that place importance on good corporate ethics and overall governance. CSR is also informed by the promotion of global norms ranging from acceptable labour standards and working conditions to environmental protection and sustainable development to the promotion of human rights broadly defined. And, CSR itself is considered by proponents to be a norm.

CSR has myriad definitions. Actors, ranging from state agencies to international organisations to small and large firms to NGOs, espouse differing definitions and conceptions of CSR. Critics of CSR point out that the term is ambiguous and can mean just about anything from good corporate citizenship to providing charitable donations to respecting the rule of law. Often, definitions of CSR are filled with platitudes or imprecise commitments. This is evident in a recent World Bank report (n.d.: 5), which, after listing several definitions of the term, sums up corporate social responsibility as:

1. a collection of policies and practices linked to relationship with key stakeholders, values, compliance with legal requirements, and respect for people, communities and the environment, and

2. the commitment of business to contribute to sustainable development, commonly understood as sustainable development is the ability of the current generation to meet its needs without compromising the ability of future generations to meet theirs.

Interestingly, this World Bank definition omits any direct reference to profit-making – the *raison d' être* of all for-profit enterprises. This omission is particularly striking, because the notion of balancing profit and social responsibility is common in most declarations of corporate social responsibility.

In contrast, Ethics in Action, a Canadian business association that awards companies for ethical business practices, underscores the balance between profit and CSR. For Ethics in Action:

Corporate social responsibility is a term describing a company's obligation to be accountable to all of its stakeholders in all its operations and activities. Socially responsible companies consider the full scope of their impact on communities and the environment when making decisions, *balancing* the needs of stakeholders with their need to make a profit.¹⁰⁹

Even if one were to accept the argument that corporate actors are capable of balancing profit-making with the satisfaction of society's needs in a sustainable manner, the fact remains that the overwhelming majority of corporate social responsibility codes are voluntary. Deborah Doane (2005: 220) emphasises this point insofar as 'voluntary codes rely entirely on business to uphold them, making them effectively police, judge and jury'. In short, the voluntary nature of corporate social responsibility codes is problematic in practice.

¹⁰⁹ See: "What is Corporate Social Responsibility?", Ethics in Action, <<http://www.ethicsinaction.com/whatiscsr/qanda.html>>, accessed on 20 February 2004 and 6 July 2005, emphasis added.

In a report published in January 2004, Christian Aid criticised several large transnational corporations (TNCs) for their mendacious application of corporate social responsibility codes. Christian Aid accuses Shell, British American Tobacco, and Coca-Cola of employing corporate social responsibility declarations as little more than tools to improve public relations and, by extension, profits. In the case of Shell, Christian Aid details its infamous legacy in the Niger Delta region, which includes local protests in 1990 and the death of nine activists including Ken Saro-Wiwa's in 1995 as well as a recent string of above-ground pipeline ruptures and their deleterious effects on living conditions. The report also elucidates several non-functioning community development projects sponsored by Shell and includes photos of oil spills and interviews with local inhabitants. Quotes from Shell executives commending the company's adherence to corporate social responsibility are interspersed throughout the text to provide a vivid contrast between policy pronouncements and practice.¹¹⁰

Why have CSR initiatives largely failed to deliver on their promises? The answer may very well lie in the fact that firms and markets are not oriented to deliver public goods. Rather, they are motivated by profit generation for primarily private gain. In order to secure a socially responsible outcome or more ethical production among firms, a profit-based incentive must be provided. The benefit of CSR to firms is the expectation that active social responsibility in business practices will translate into greater profits and, in turn, greater financial value for owners and shareholders. And, the consumer is the ultimate provider of profit to firms.

Following Malcolm McIntosh and colleagues (1998), Juan José Palacios (2004: 391) holds that 'it is imperative for corporations to behave responsibly because it is

¹¹⁰ See for example Christian Aid (2004, 22-33).

increasingly difficult for them to evade social and public scrutiny in the contemporary information age'. This has implications for the company's image, brand, and, therefore, profitability. As discussed in chapter 2, greater consumer awareness of issues such as conflict diamonds is realised through campaigns organised by NGOs as well as the dissemination of information by think tanks and, most importantly, media sources. A remaining challenge for all proponents of ethical consumerism is the extent to which consumers are willing to act upon this greater awareness of the social and ethical ramifications of their purchasing decisions.

Corporate Social Responsibility and the Mining Sector

Aside from the obvious and desirable benefits that CSR may bring, good corporate ethics and governance are important in the present atmosphere of increasing deregulation and opening of markets in much of the global economy. Throughout the 1980s and 1990s, there was a discernable shift in many African countries to economic liberalisation at the behest of the World Bank and International Monetary Fund (IMF). The rationale was that reduced government involvement would not only reduce expenditures and public debt loads, but also boost foreign exchange earnings through increased exports and foreign investment, among other things. The mining industry was identified as a leading sector for liberalisation and deregulation as a means of reducing perceived government mismanagement as well as a means to attract foreign investment. As is now well-documented (see for example Thérien, 1999 and 2002) most of these liberalisation schemes (including Structural Adjustment Programmes) failed to generate significant

foreign exchange or foreign investment inflows and, ultimately, improvements in living standards for people residing in these countries. Even the so-called 'darlings of structural adjustment', such as Ghana and Uganda, continue to face a plethora of development challenges.

Despite a general reduction of government regulations within the mining sectors of many African countries, corruption and graft prevailed with respect to the payment of royalties and bonus or 'signature' payments, the granting of licences and prospecting agreements, and the assessment of taxes and duties. In the 1990s, environmental protection concerns came to the forefront, at least in principle. As part of its policy statements and related reports, the World Bank acknowledged that the effects of mining on the environment had to be addressed. But, the World Bank assumed that mining companies would either respect extant environmental codes in the countries where they were mining out of societal pressures (local and global) or that the advent of new technologies would lessen their impact on the environment. Essentially, mining firms were and are expected to regulate themselves in terms of adhering to environmental legislation or indeed introducing environmentally sound mining technologies and techniques.

Hevina Dashwood (2004) argues that mining firms in general are steadily accepting the fact that more ethical corporate behaviour is required on their parts. This progressive move by mining firms is the result of the proliferation of CSR norms and the growing profile of programmes such as EITI. In an effort to not only combat the poor reputation of mining firms on issues ranging from working conditions to sustainable

development, but also to promote effective CSR among its members, the International Council on Mining and Metals (ICMM) has made some headway (Dashwood, 2004).

Although the ICMM promotes several noble principles relating to CSR, it is unclear how thoroughly its membership incorporates these principles in practice. The track record of mining firms, junior and senior, transnational and domestic, has been dismal. As Bonnie Campbell (2003: 15-16) concludes in a recent report on mining in Africa:

Recent forms of 're-regulating' African states and societies, which have as their objective creating legal and regulatory frameworks conducive to attracting foreign investment, while clearly contributing to the latter, appear to fall very short of permitting sustainable development strategies and the introduction of norms and standards whether with regard to the protection of the environment, social impacts or labour, conducive to such strategies.

Environmental degradation continues at a rapid pace in many African countries. While the returns on foreign investment in African mining sectors may be high, it has not translated to improving human development across the continent. Even in Botswana, an exceptional case examined in chapter 7, most people suffer from relatively low human development indicators (see for example UNDP, 2004: 132 and 148; Taylor and Mokhawa, 2003; Good, 2003).

The UN Global Compact

For global governance initiatives to be successful – or at least make significant headway – as many corporate actors as possible must be engaged. To ignore or marginalise the corporate sector is to leave a major gap in the global governance triangle. We are told

that state representatives are accountable to their populations, while global civil society actors are accountable to their stakeholders and sources of funding, and corporations are accountable to their owners whether privately held or in the form of shareholders. In practice, however, we know that this is not always the case for any of them. As the largest constituent of global civil society, the accountability ‘deficit’ of some NGOs is elucidated in chapter 2. The general lack of veritable accountability between state representatives – whether politicians or civil servants – and their people does not require elaboration. Corporate malfeasance is equally ubiquitous.

Undeterred, the mantra of accountability continues to be expounded in many quarters – deemed alternately as rhetoric and lip service by cynics and as promising by pragmatists. Curiously, a discourse on corporate social responsibility perseveres in this ambivalent climate.

At the global level, CSR has received much needed currency in the form of UN Secretary General Kofi Annan’s Global Compact. Rather than enforce regulations, the UN Global Compact consists of ‘a value-based platform for social capital formation: bringing the relevant social actors together to seek joint solutions to the imbalances and dislocations resulting from the gap between global economy and national communities’ (Ruggie, 2004: 9). The UN Global Compact is based on the following 10 (originally nine) principles, which call on companies to:

- protect human rights,
- avoid complicity in human rights abuses,
- respect the freedoms of association and collective bargaining,
- prohibit forced labour,

- prohibit child labour,
- eliminate discrimination in hiring and in the workplace,
- minimise their impact on the environment,
- implement sustainable development practices,
- develop or employ environmentally friendly technologies, and
- discourage all forms of corruption.¹¹¹

Among these 10 principles, the appeal to firms to ‘avoid complicity in human rights abuses’ is particularly problematic to measure because of its indirect nature. Companies that conduct business in war-torn countries often claim that their presence produces a stabilising effect, somehow promoting peace through unspecified means. During its five-year tenure in Sudan, Talisman Energy maintained that it was a leader in terms of CSR¹¹² and that it was a positive force for peace and development in the country despite reports to the contrary.¹¹³ As will be expanded upon shortly, AngloGold Ashanti contends that its involvement in the DRC’s war economy is actually advancing the prospects for peace and democracy.

¹¹¹ Adapted from the “The Ten Principles” as listed on the UN Global Compact website <http://www.unglobalcompact.org/Portal/?NavigationTarget=/roles/portal_user/aboutTheGC/nf/nf/theNinePrinciples>, accessed on 1 August 2004 and 6 July 2005. Palacios (2004: 395) notes the similarity between the UN Global Compact list of principles and the Organisation for Economic Co-operation and Development’s (OECD) Guidelines for Multinational Enterprises. See also John Gerard Ruggie (2003).

¹¹² See for example Jacqueline Sheppard and Reg Manhas (2000). Notably, the authors of this article also held senior positions with Talisman Energy.

¹¹³ See for example H. John Harker (2000), Shannon Field (2000), Craig Forcese (2001), and International Crisis Group (2002). In March 2003, Talisman Energy sold its 25 per cent stake in Sudan’s Greater Nile Oil Project (GNOP) to ONGC Videsh, which is a subsidiary of India’s national oil corporation.

The practical aspects of CSR are subject to some debate. Although the Global Compact's ten principles sound good, what actually occurs in practice? Consider the present stakeholders in the Greater Nile Oil Project (GNOP), which consist of government-owned oil firms from China, Malaysia, India, and Sudan. These oil companies seem oblivious to calls by human rights groups to uphold CSR principles and are unfazed by the negative publicity that has been generated by the Sudanese government's brutal displacement of millions of people from the oil producing areas of the country. However, these firms may be taking note of Talisman Energy's present legal problems. Under the US Alien Tort Claims Act, Talisman Energy is facing a lawsuit that accuses the firm of providing assistance to Sudanese government forces in attacks on churches and villages located near oil fields (*National Post*, 14 June 2005: FP6). Talisman Energy has failed in its two attempts to have the lawsuit dismissed, and must prepare for the upcoming trial.

Is CSR simply a clever public-relations tool with the underlying goal of polishing corporate images and, in turn, earning more profit? Nestlé, which bore the brunt of NGOs and activists for its problematic business practice of encouraging women in the South to abandon feeding their babies with breast milk and replace it with the company's formula, is now claiming to be advancing Millennium Development Goals (MDGs).¹¹⁴ In 2003, Nestlé was castigated once again by the NGO community owing to its efforts to force Ethiopia to compensate the company for US\$ 6 million in lost revenues following the 1975 nationalisation of one of its subsidiaries. Bowing to public pressure, Nestlé decided to settle for US\$ 1.5 million, which it then donated to famine relief in Ethiopia (Foulkes,

¹¹⁴ For Nestlé's self-described contribution to the MDGs, see Nestlé Public Affairs (2005: 49).

2003). Obliging an impoverished country such as Ethiopia, which is a Heavily Indebted Poor Country (HIPC), to pay what amounts to be a pittance for Nestlé¹¹⁵ is incongruent with the company's ostensible desire to advance MDGs. It is not surprising that CSR campaigns are often met with skepticism outside the corporate sector.

The mining sector is subject to similar doubts in terms of sincere promotion of CSR initiatives. Consider the gold mining firm, AngloGold (now AngloGold Ashanti¹¹⁶), which was an early signatory to the UN Global Compact, but has been accused of financing a rebel group in the DRC and using child labour in its mines. Human Rights Watch (2005: 58-83) has documented that AngloGold Ashanti provided financial support to the *Front des Nationalistes et Intégrationnistes* (FNI) – which is suspected of being a proxy-force allied with Uganda – in exchange for gold exploration rights in and around Mongbwalu, in north-eastern DRC. The FNI has been accused of committing numerous human rights violations including torture and the killing of civilians (Human Rights Watch, 2005: 2, 67, 70). AngloGold Ashanti was quick to issue a press release that disputed Human Rights Watch's findings. According to AngloGold Ashanti, the company has had little choice except to work with the FNI due to the armed group's presence in the area and that 'in contemplating whether to operate in a conflict zone, we believe we have a *moral* right to do so only if, after due consideration, we can honestly conclude that, on balance, our presence will enhance the pursuit of peace and

¹¹⁵ At the same time (circa 2003), Nestlé's annual profits were CHF 6.213 billion. In 2004, Nestlé's profits grew by 8.1 per cent, amounting to CHF 6.717 billion. See "Nestlé Investor Relations – Key Figures", Nestlé, <http://www.ir.nestle.com/Nestle_Overview/Key_Figures/Group_Figures/2004-2003+Totals/2004-2003+Totals.htm>, accessed on 30 May 2005 and 6 July 2005.

¹¹⁶ Anglo American owns a 54 per cent stake in AngloGold Ashanti.

democracy'.¹¹⁷ Allusions to morality aside, it is unclear how AngloGold Ashanti's presence in the Ituri region will lead to peace and democracy in the DRC.

Prior to the recent bout of negative publicity concerning AngloGold Ashanti's relationship with the FNI, the company was known to employ child labourers in its gold mines. The use of child labour clearly contravenes the firm's CSR guidelines. Under the heading of employment and labour rights, Anglo American (2002: 4), now AngloGold's parent company, states clearly in its CSR guide that it prohibits 'the use of child labour'. This is commendable, although child labour is of much less concern in mechanised mining. In contrast, small-scale mining companies may employ child labourers, especially in conditions of low-tech, labour-intensive mining schemes. Smaller companies, especially mining juniors, are able to conduct business and avoid attracting the amount and type of attention paid to larger mining companies. As one of the largest gold mining firms in the world, however, AngloGold Ashanti cannot hope to conduct business without drawing the attention of local and international media as well as NGOs. It is reasonable to expect that the larger the target, the stronger media and activist attraction will be. In contrast, mining juniors are often ignored notwithstanding the deleterious impact they may have on local communities in terms of environmental degradation from prospecting and especially mining.

Diamond mining firms are notably absent from the list of UN Global Compact partners. Much of the diamond industry continues to flout principles of labour regulations, child labour, and environmental protection provisions. There are some notable exceptions. Compared to other African countries, Botswana's diamond miners

¹¹⁷ "Human Rights Watch Report on AngloGold Ashanti's Activities in the DRC", Press Release AGA44.05, AngloGold Ashanti, 1 June 2005. Emphasis added.

enjoy the best labour conditions in terms of pay and benefits, as Debswana pays for medical insurance, housing, and transportation to work. Furthermore, power, water, and children's schooling fees are subsidised by the firm, which is a joint venture between De Beers and the Botswana government. Botswana's diamond miners are unionised – another comparative rarity.

While Debswana is an exception in the diamond industry in some important ways, it is not altogether different when it comes to strike action by miners. As mentioned earlier in the chapter, the UN Global Compact calls on firms to 'respect the freedoms of association and collective bargaining'. Yet when Botswana's diamond miners attempted recently to exercise their right to strike, their action was ruled illegal. On 23 August 2004, miners from all four of Botswana's diamond mines defied a court order and went on strike.¹¹⁸ Interestingly, it had been more than two decades since the last strike in Botswana's diamond mining sector – an indication of decidedly corporatist labour-capital relations in the country. Botswana's miners were demanding better terms on various salary issues, most notably a 16 per cent increase in the cost of living allowance and a 25 per cent salary increase. After a week of strike action that witnessed the firing of 451 striking miners by Debswana, a compromise was reached wherein the workers received a 10 per cent raise in both salary and cost of living allowance.

As part of the agreement between the Botswana Mining Workers Union (BMWU) and Debswana, the union demanded the reinstatement of miners fired during the strike. However, only 133 miners had been re-hired as of mid-September 2004. Since the Botswana courts considered the strike illegal, several top union members are currently

¹¹⁸ The details of the Botswana miners' strike are drawn from Ketan Tanna (2004a) and *BBC News* (14 September 2004).

facing charges stemming from the strike action. The BMWU has appealed the initial ruling concerning the legality of the August 2004 strike. If the Court of Appeals rules in favour of the union, Debswana has stated publicly that it will reinstate the remaining 318 fired miners.¹¹⁹ Although the UN Global Compact could attempt to build linkages with major diamond mining firms like Debswana as a means of extending global public goods for workers, it is unclear how it would intervene on their behalf. The onus to implement and uphold CSR and related programmes lies primarily with firms.

Corporate Social Responsibility and De Beers

Corporate actors, such as De Beers, should not be perceived as monolithic entities, as each firm is subject to its own 'organisational culture gap'. In the case of De Beers, there are those within the organisation who wish to maintain business practices that closely resemble the company's business strategies of the past. In contrast, there are also those within the firm who promote more progressive business strategies, such as increasing transparency and promoting CSR. Indeed, CSR is based on its own set of norms, which presents an interesting juxtaposition between ethics, morality, and self-interest. Global governance, and global civil society in particular through NGOs, also drives CSR and influences transnational corporations (Oliviero and Simmons, 2002).

¹¹⁹ This episode of labour unrest is not expected to jeopardise Debswana's 2004 output goal of 30 million carats. Diamond production is a critically important foreign exchange earner for Botswana, accounting for approximately 70 per cent of such earnings. About 50 per cent of Botswana government revenue comes from Debswana, and the diamond industry represents almost one-third of Botswana's GDP. In 2003, Debswana produced US\$ 5.52 billion in diamonds.

According to a senior official with De Beers' DTC office in London, the company is incorporating several new business practices ranging from CSR initiatives to reform of the ways it sells and markets the company's diamonds.¹²⁰ An example of improving CSR in a novel way is a recent initiative in which the DTC in London trains individuals drawn primarily from South Africa, Botswana, and Namibia – the three countries that produce the bulk of De Beers' rough diamonds – in the arts of the diamond evaluation. Key to the diamond industry in each exporting country is a cadre of well-trained women and men who can evaluate properly the quality of rough diamonds for export. The carat weight, shape, quality, clarity, and colour of each rough diamond must be assessed in concert with the knowledge of attendant world prices for customs calculations. South Africa, Botswana, and Namibia select the participants, and the DTC provides the diamond assessment training free of charge. Following the completion of their training at the DTC headquarters in London, the participants return to their home countries to work as government diamond evaluators, customs officials, mines monitors, and employees in government-De Beers joint ventures, such as Debswana and Namdeb.

In addition to what might be considered a CSR provision, De Beers holds this to be a 'value-added' component of its partners in Southern Africa. For instance, De Beers does not mention South Africa, Botswana, and Namibia in its advertising campaigns. Given the importance of perception in the global market as a means to attract foreign direct investment, these three countries would normally benefit from a more overt linkage with diamonds. The value and prestige of non-conflict diamonds is thought to appeal to those looking to invest in emerging economies.

¹²⁰ The bulk of the information contained in this paragraph was provided as part of the author's interview with a senior official with the DTC, London, United Kingdom, 21 April 2004.

One of the most difficult challenges confronting De Beers and its attempts to adopt a better public image is the legacy of its ruthless – if not cut throat – business practices observed since its earliest days. Some have speculated that the lucrative value and ease of malfeasance have attracted unsavoury characters to the diamond industry at all levels. For instance, employees of diamond firms are known to steal diamonds, despite numerous security measures. Even with the heavily mechanised processes of marine diamond extraction practiced off the coast of Namibia,¹²¹ diamond theft occurs. For instance, an employee of the joint venture between De Beers and the Namibian government – De Beers Marine Namibia – was arrested in July 2004 at the Windhoek airport with 531 unpolished diamonds worth N\$ 800,000 (approximately US\$ 130,000) in his possession. Namibian authorities charged the employee with theft, and presumably his goal was to smuggle the gems out of the country.¹²²

De Beers: ‘Evil Empire’ or a ‘Girl’s Best Friend’?

According to Stefan Kanfer (1993: 4-5), De Beers is a perfect example of an empire owing to its complex array of numerous corporate holdings and economic organisation under the ownership of the Oppenheimer family. That may be true, but is De Beers the ‘evil empire’ of the diamond industry as implied by some critics, such as Janine Roberts (2003). Part of De Beers’ villainous image may be traced to its infamously sharp business

¹²¹ Diamonds are a significant foreign exchange earner for Namibia. The De Beers-Namibian government joint venture, Namdeb, is the second-largest employer in Namibia (the government is the leading employer). Diamonds comprise nearly one-third of the country’s total exports and account for about 10 per cent of GDP. Notably, the majority of Namibia’s diamonds are drawn from the ocean and are extracted with ships employing huge vacuum cleaner-like hoses that scour the seabed picking up soil and stones.

¹²² As reported in *The Namibian* (3 August 2004).

acumen in trying to control as much of the global supply of diamonds as possible – a practice that began when the company was founded in 1880. De Beers is also an extremely secretive private company, and this reputation is hard to shake. For most of its existence, De Beers maintained an extensive diamond stockpile as a means to control diamond prices.

De Beers has been attempting to assuage the US Department of Justice with reference to price-fixing charges and anti-trust violations on gem-quality diamond sales that date back almost 50 years. For a decade, De Beers' management avoided traveling to the United States because of 1994 anti-trust charges against the company pertaining to industrial diamond price-fixing. In July 2004, De Beers pleaded guilty under negotiated terms with the US Justice Department and agreed to pay a fine of US\$ 10 million. However, it is not known whether criminal charges against De Beers will be dismissed. It is a poorly kept secret that De Beers' executives avoid visits to the US out of fear of arrest on these charges. Despite being considered anti-apartheid, De Beers may have to pay fines associated with a class-action civil lawsuit regarding the exploitation of non-white labour in its mines during the apartheid era in South Africa. Notwithstanding De Beers' recent moves to become a global brand as well as to improve its image and business model, the negative perceptions of the company are understandable.

Although De Beers' business strategies may be despised by those both within and outside the global diamond industry, Roberts (2003) accuses the company of being 'evil'. Normally, discussions of what is evil are confined to religious or philosophical debates. Yet, the word 'evil' has pervaded US foreign policy nomenclature with reference to the so-called 'axis of evil' of states as identified by the US Administration of George W.

Bush. Similarly, former US President Ronald Reagan referred to the Soviet Union as the 'evil empire'. For all of De Beers' dubious business practices, most notably those associated with the reported purchase of diamonds in Angola and the DRC during their respective civil wars, the company should not be considered evil.

First, deeming something as evil is extremely problematic because of the overtly subjective and normative connotations of such an assessment. Second, De Beers has made some progress in CSR in terms of righting some its wrongs from the apartheid era in South Africa as well as the conflict diamonds issue. For instance, De Beers has gone on record stating that if any sightholder is found to be trading in conflict diamonds, the firm or individual's purchasing privileges will be revoked, and the offending actor will be banned from the London sights.¹²³

The magnitude of this type of sanction is a strong deterrent. Sightholders that lose purchasing privileges at the London sights are forced to buy diamonds that arrive on the market independently of De Beers or from other sightholders. This would make it exceedingly difficult to fulfil client orders. Moreover, costs would increase given the fact that some diamonds would be purchased from other sightholders and would include the latter's profit margin. The financial incentive to avoid conflict diamonds is appreciable.

¹²³ In June 2000, the Israel Diamond Exchange was one of the first diamond professional associations to announce that it would expel any member found to be knowingly trading in conflict diamonds. See for example John L. Hirsch (2001: 133).

Conclusion

*Whenever you hear that a new mine has been discovered...if De Beers are not there, they are very near the spot.*¹²⁴

The above quotation attributed to Rhodes is over 100 years old, yet it continues to define one of the main business strategies of De Beers: to purchase as much of the global rough diamond supply either directly through ownership of its own mines or indirectly from other mines. While Canada's bountiful diamond discoveries are relatively new, De Beers had been prospecting in the northern part of the country since the 1960s, beginning in the province of British Columbia and moving northward to the Northwest Territories. In 1999, De Beers expanded eastward and began prospecting in northern Manitoba. By 2004, however, the company announced that samples did not look promising and that it would allocate more time and funding to prospecting efforts in the neighbouring provinces of Saskatchewan and Ontario as well as the Northwest Territories, home to its Snap Lake diamond mine.¹²⁵ The Snap Lake mine is owned entirely by De Beers through its Canadian subsidiary, De Beers Canada Corporation. Full-scale diamond mining at Snap Lake is expected to begin in 2006, and the mine is projected to operate for approximately 18 years (Santarossa, 2004: 1).

Projections indicate that Canada will become the world's third-largest producer of diamonds by volume by the end of 2005, behind only Botswana and Russia. Canadian diamonds are also of very high quality, fetching a per-carat price of C\$ 228. In 2001, 700 people in Canada were directly employed in the actual though mechanised diamond

¹²⁴ Cecil Rhodes quoted in Kanfer (1993: 159-160).

¹²⁵ See *CBC Manitoba* (25 March 2004).

mining processes, earning an average of C\$ 64,366 per year (Santarossa, 2004: 2). In contrast, it is estimated that approximately 20,000 to 50,000 people are directly engaged in diamond mining in Sierra Leone. The average wages works out to about C\$ 1 per day without any benefits aside from a supplement of rice.¹²⁶

Although Sierra Leone's diamond industry is examined in detail in the forthcoming chapters, working conditions in the country's mining regions recall the aforementioned issues relating to CSR. On the one hand, the NGO-led 'Publish What You Pay' (PWYP) campaign and the government-led Extractive Industries Transparency Initiative (EITI) are making headway – at least on paper – in their efforts to augment the level of transparency and make public the financial dealings between extractive resource firms and host governments. Major diamond firms such as Anglo American, Rio Tinto, and BHP Billiton have joined the World Bank-endorsed EITI. On the other hand, suspicion continues that De Beers and others in the diamond industry have participated in the Kimberley Process for reasons of good public relations and to deflect charges of poor corporate social responsibility.

In the post-Enron era, there is much doubt with respect to veritable adherence to good corporate governance and business practices. Corporate scandals continue to be reported with (not so) alarming frequency. Furthermore, there is no ironclad guarantee that De Beers or various senior and junior mining firms will not return to their prior practices of purchasing diamonds directly and/or indirectly from insurgency groups or other illicit sources. What if diamonds of dubious origin begin to flood the global market, compelling De Beers and others to buy the gems in order to stabilise prices? When

¹²⁶ Even if the relatively high cost of living in the Canadian Arctic and the relatively low cost of living in Kono District are taken into account, the comparative disparity for diamond miners remains exceedingly high.

diamond discoveries were made in Russia and across sub-Saharan Africa in the 1950s, De Beers was quick to bring as much of that production as possible under their control, either through joint-partnerships, owning stock in mining companies, or establishing purchasing markets to purchase alluvial diamonds from small- and medium-scale artisanal producers. This is one justification offered for why De Beers bought up Angolan rough diamonds in the 1990s. As Jean-Philippe Ceppi (2000: 41) reports, many of these diamonds from the late-1980s to the late-1990s came from *União Nacional para a Independência Total de Angola* (UNITA)-controlled mines.¹²⁷

Because of its dominance of the diamond industry, De Beers was a logical target for NGOs and activist groups aiming to draw greater public attention to the conflict diamond issue. This could not have occurred at a more inopportune time for De Beers, as the company was in the initial stages of entering the retail diamond jewellery market by launching its high-end stores in major international cities as well as seeking to gain a foothold as a global luxury ‘brand’. Even with its declining share of the overall in-flow of rough diamonds, De Beers still exerts a great deal of influence on sightholders, many of which are (or sell to) large diamond jewellery retailers. When De Beers announced its plans to reorganize its system of sightholders against the backdrop of the importance of ‘branding’ diamonds, many sightholders began to invest in marketing and advertising schemes to appear more ‘in tune’ with De Beers’ new business approach. These

¹²⁷ On 17 June 2005, De Beers signed a contract with Endiama/SODIAM to prospect, mine, and eventually sell rough diamonds from a 3,000 square-kilometre tract in the Angolan province of Lunda Norte. De Beers had dominated the Angolan diamond industry for decades until the combined effect of UNITA gaining control of its mines and legal wrangling with the Angolan government forced the company out by the end of the 1990s. De Beers now joins other major diamond-mining firms that have been active in Angola over the past couple of years, such as ALROSA, BHP Billiton, and Lev Leviev’s holdings.

investments can cost millions of dollars per year for firms that had previously concentrated on purchasing De Beers' rough diamonds in order to cut and polish then sell the finished product to retail diamond jewellery stores.¹²⁸ Hence, De Beers is not only the global public face of diamonds, but also the market leader with great influence over the method in which diamonds are mined, traded, and sold in retail stores.

Global governance on conflict diamonds depends on public-private sector cooperation. With that said, it is only fair to wonder whether diamond industry actors will adhere to self-regulation or industry-regulation in an effective and honest manner. Indeed, the possibility that industry might not always uphold its promises under the aegis of the Kimberley Process is an unavoidable concern within the confines of such mixed-actor, multi-level governance structures. If industry actors were found to be shirking on their promises of trading only 'conflict-free' diamonds, it is quite possible that NGOs would organise aggressive and sustained demonstrations outside of De Beers' luxury retail stores in London and Tokyo as well as other high profile retailers such as Cartier and Tiffany & Co.

It is this type of leverage enjoyed by NGOs that elevates global civil society actors to a more level playing field with transnational firms, which also extends to other multi-stakeholder forums such as EITI and the Commission for Africa. Some transnational NGOs possess enough influence that they have the ability 'to push around even the largest governments' (Mathews, 1997: 53, cited in Michael, 2004: 5). This sort of relative equality was (and is) evidenced in the evolution of the Kimberley Process. Thus, I now turn to a detailed examination of the Kimberley Process that seeks to understand how NGOs, firms, and states come together to establish a five-year-old

¹²⁸ See *Business Times* (10 April 2001). See also *The Economist* (17 July 2004: 67).

initiative that has become a leading instance of the steady growth of global governance in world politics.

CHAPTER FIVE

TURNING THE CRIMSON TIDE? THE KIMBERLEY PROCESS AND THE VIABILITY OF THE KIMBERLEY PROCESS CERTIFICATION SCHEME

*Fifty or a hundred years from now, university professors will be looking back and will try to understand the Kimberley Process and attempt to determine how we as a diverse group have been able to attract broad participation and accomplish much in such a short period of time.*¹²⁹

*Diamonds bring out the worst in people.*¹³⁰

Introduction

One of the strengths of global governance as an analytical framework – and one of its advantages over competing frameworks such as international law and international regimes as indicated in chapter 2 – is the inclusion of non-state actors drawn from civil society *and* business. Although the motives behind the diamond industry's participation in the Kimberley Process may be profit-based, its recent contribution as part of the ongoing multi-stakeholder efforts on ending the trade of conflict diamonds has been

¹²⁹ Martin Rapaport, as quoted from his remarks to the Chair during the final day of the Kimberley Process Plenary meetings in Gatineau, Canada (29 October 2004).

¹³⁰ According to a DiamondWorks representative, quoted in Drohan (2003: 2).

crucial. Martin Rapaport – one of the most respected figures in the global diamond industry – was an early advocate of the need to end the trade of conflict diamonds. Rapaport is a regular attendee of the Kimberley Process meetings and has been granted Observer status. Evidently unaware that the Kimberley Process is *presently* being studied, Rapaport was nonetheless careful to temper the optimism of the above remarks by adding that much more still needs to be done so that the proceeds from diamonds may benefit all participants in the global diamond trade – especially those engaged in artisanal diamond mining – enabling this valuable mineral to become ‘development diamonds’.

The success (or failure) of the Kimberley Process has important implications for Africa. For ‘development diamonds’ to emerge, the Kimberley Process Certification Scheme (KPCS) must continue to evolve. More than half of all diamond production comes from Africa. A significant portion of this production is artisanal (or ‘small-scale’) and based, in turn, on alluvial mining techniques, which are notoriously difficult to regulate. Capacity and monitoring are not only challenges, but also loopholes that could undermine the effectiveness of the KPCS.

The chapter begins with a detailed examination of the evolution of the Kimberley Process as a leading case in the still uneven development of global governance as practice and policy in world affairs, tracing its achievements and challenges. Conflict diamonds gained notoriety through their role in several civil wars in Africa. It is appropriate then that much of the efforts to stem the ‘tide’ of conflict diamonds originated from the continent, as the first formal meeting between NGOs, state representatives, and industry took place in Kimberley, South Africa. Next, the KPCS is applied to the case of Sierra Leone. This is a ‘litmus test’ that seeks to understand how a global governance initiative

works at the local and national levels. The aim is that this analysis will prove instructive with respect to improving the effectiveness of diamond certification procedures and regulations in practice.

From a theoretical perspective, the evolution of the Kimberley Process has important implications for a global governance analytical framework that attempts to incorporate states, civil society actors, and firms. For instance, some might view the Kimberley Process's consensus-based deliberations and lack of a strong 'executive branch' as slow and ineffective, while others may advocate this decentralised structure as a way in which global governance will succeed in practice.

The Kimberley Process¹³¹

The eponymous first meeting was held in Kimberley in May 2000, and was launched initially by a number of southern African countries (notably Botswana, Namibia and South Africa) whose economies were heavily linked to the global diamond industry. The Kimberley Process, chaired by South Africa, began with 35 participants involved in producing, processing, importing, and exporting rough diamonds. Symptomatic of its role as an emerging regional and 'middle' power¹³² and active participant in other multilateral

¹³¹ The sections on the Kimberley Process draw heavily upon the author's contribution to J. Andrew Grant and Ian Taylor (2004).

¹³² For a detailed analysis of South Africa's post-apartheid evolution as an emerging regional and 'middle' power, see Janis van der Westhuizen (1998), Maxi Schoeman (2000), and Philip Nel and colleagues (2001). For a critical assessment of South Africa's foreign policy in the context of multilateralism, human rights, democratisation, and arms

governance and development efforts such as the New Partnership for Africa's Development (NEPAD) and the United Nations Conference on Trade and Development (UNCTAD), South Africa's early commitment and leadership with Abbey Chikane as Chair helped move the Kimberley Process forward. Although much of the events related to the Kimberley Process were collaborative in nature, Chikane and his staff were instrumental in terms of overseeing and coordinating the constituent actors.

The Kimberley Process quickly became a major vehicle in seeking to clean up the diamond world. The General Assembly of the United Nations passed Resolution 55/56 on 1 December 2000 to mandate an expanded Kimberley Process, giving the forum the task of drawing up detailed proposals for an international certification scheme for rough diamonds. Subsequent meetings of the Kimberley Process were held in major diamond producing countries, such as Russia, Botswana, Angola, Namibia, Canada, and South Africa (on two more occasions), and diamond trading countries, such as Belgium, the United Kingdom, and Switzerland. For example, in Brussels (April 2001), there was an analysis of controls with a view to the identification of elements of minimum acceptable standards for certifying rough diamonds. In Moscow (July 2001), examples of certificates of origin were examined. In Twickenham (United Kingdom, September 2001) and Luanda (October 2001), progress was made on setting minimum acceptable standards and selecting detailed proposals for an international certification scheme – which would later become the KPCS document.

While the various state administrations and industry stakeholders (e.g., the World Diamond Council and the World Customs Organisation) engaged in the Kimberley

procurement practices see David Black (2001), David Black and Zoë Wilson (2004), Ian Taylor (2004), and David Black (2004), respectively.

Process, NGO pressure was also maintained through the publication and dissemination of the Global Witness (2000) report, *Conflict Diamonds: Possibilities for the Identification, Certification and Control of Diamonds*. The Global Witness report was officially launched at the inaugural meeting of the Kimberley Process and was composed of practical suggestions on how to regulate the international diamond industry so as to make sure conflict diamonds were no longer a part of the business. Foremost among these suggestions was a global diamond certification and verification system, administered by an independent verification organisation to be realised and executed in any state that sought to trade in diamonds.

In response, the World Diamond Congress, sponsored by the World Federation of Diamond Bourses (WFDB) and the International Diamond Manufacturers Association (IDMA), was held in Antwerp in July 2000 (the World Diamond Congress meets every two years and is attended by diamond-producing states, diamond mining corporations, banks, NGOs and De Beers). The World Diamond Congress was overshadowed by the conflict diamonds agenda and passed a resolution on the issue, (the ‘Antwerp Resolution’) which proposed that:

- Each accredited rough diamond importing country enacts legislation so that no rough diamond might be imported unless it is sealed and registered in a universally standardised manner by an accredited export authority from the exporting country.
- Each exporting country will establish accredited export offices or diamond board, which will seal parcels of rough diamonds to be exported and registered in an international database.
- Polished diamond consuming countries will enact legislation forbidding importation of polished diamonds from any manufacturing/dealing country that does not have such legislation.

- Each country enacts legislation bringing criminal penalties on any individual and/or company knowingly involved in illegal rough diamonds.
- Each and every diamond organisation adopts an ethical code of conduct as regards conflict diamonds, labour practices, and good business practices in general.
- That compliance with the above be monitored and controlled by an international diamond council comprised of producers, manufacturers, traders, governments, and relevant international organisations.¹³³

The World Diamond Congress was given the mandate to develop and implement a tracking system for the export and import of rough diamonds, aiming to thwart conflict diamonds from entering the global diamond market. This mandate is carried out by what is known as the World Diamond *Council* (WDC). Later, in June 2001, the WDC supported, along with over one hundred NGOs, the Clean Diamond Trade Act that proposed legislation banning the importation of conflict diamonds into the United States. The initial version of the US Clean Diamond Act coincided with the Ministerial Meeting of the Kimberley Process, which convened in Gaborone, Botswana, on 29 November 2001. Representatives from 32 countries, the Southern African Development Community (SADC), and the European Commission (representing the European Union) agreed to measures to end the trade in conflict diamonds – a culmination of 18 months of negotiations under the rubric of the Kimberley Process. The Gaborone meeting mandated the United Nations Security Council to pass a resolution, which would be endorsed by the General Assembly, to put in place a set of legally binding trade mechanisms to ensure that future rough diamonds shipments would be exported in sealed containers accompanied by certificates of origin.

¹³³ Based on the ‘Joint Resolution, World Federation of Diamond Bourses (WFDB) and International Diamond Manufacturers Association’, Antwerp, 19 July 2000.

Although the Clean Diamond Trade Act was passed by Congress in 2001 and 2002, it had to be re-introduced each year, as the Bush Administration was hesitant to sign the bill into law as a result of concerns over loopholes and possible conflicts with World Trade Organisation (WTO) parameters. Throughout 2002, Kimberley Process participants continued to work out the details for a final certification scheme on diamonds. For instance, various technical issues relating to the certification scheme were examined during the March 2002 meetings in Ottawa. In November 2002, the Kimberley Process released the 'Interlaken Declaration', which introduced the long-awaited Kimberley Process Certification Scheme (KPCS). To gain recognition or certification, the following criteria must be met as part of the KPCS:

- A designated government authority responsible for the implementation of the KPCS must be identified and full contact information is provided.
- Legislation incorporating relevant laws and regulations, rules, procedures and practices pertaining to the trade in rough diamonds and the KPCS implementation must be passed.
- A specimen of the national certificate of origin conforming to the provisions set out in the KPCS must be provided.
- The implementation date of the KPCS must be set.¹³⁴

The Interlaken Declaration called on participant countries to have their national legislation and diamond origin certification schemes in place by 1 January 2003. However, given the short time-frame, most countries missed the initial deadline. Nonetheless, according to one official involved in the Kimberley Process, it was

¹³⁴ Adapted from "Kimberley Process Requirements for Participation", Kimberley Process, <<http://www.kimberleyprocess.com/news/info.asp>>, accessed on 3 May 2004. The full Kimberley Process Certification Scheme (KPCS) document (including annexes) is provided in Appendix 2.

important that a firm deadline be established to avoid having inertia set in or having participants sidetracked by other issues, such as the China-Taiwan debacle over the international legal 'status' of the latter.¹³⁵

In the meantime, the House of Representatives passed the Clean Diamond Trade Act by a vote of 419 to 2 in April 2003. The US Senate passed the Act a week later. Spurred on by articles published in the *Washington Post* suggesting that the *al Qaeda* terrorist network had traded conflict diamonds, the Bush Administration abandoned its tendency towards unilateralism and signed the Act on 30 July 2003. The Bill prohibits the import of rough diamonds into the United States from countries that are not implementing either a system of controls required by various United Nations Security Council resolutions or by the Kimberley Process. The implementation of the Clean Diamond Trade Act was a major boost to the Kimberley Process since about 60 to 70 per cent of the global production of gem quality diamonds are imported to the US each year. The Act also enabled the US to join the KPCS.

Participants at the April 2003 meetings in Johannesburg decided to set a new deadline of 31 July 2003 for states to meet the requirements of the KPCS. On that date, 54 countries (including all then 15 members of the European Union) gained official recognition as participants in the Kimberley Process. While most of the major diamond producing countries met the 31 July 2003 deadline, Brazil and Ghana remained outside the KPCS. The meetings held in Sun City, South Africa, on 31 October 2003, marked the end of the 'negotiation phase' of the Kimberley Process, and inaugurated annual

¹³⁵ Author's interview with a South African government official involved in the Kimberley Process, Pretoria, South Africa, 27 June 2003. This was also mentioned in a separate interview with a senior member of the NGO community involved in the Kimberley Process, Ottawa, Canada, 12 September 2003.

‘Plenary’ meetings to be hosted by the sitting Chair. The Sun City Plenary meetings also witnessed Brazil and Ghana (along with four other countries) finally meeting the conditions of the KPCS. Subsequently, 20 new countries have signified their interest in applying for KPCS-compliant status as official participants in the Kimberley Process.¹³⁶ This group includes six African countries: Cameroon, Cape Verde, Gabon, Mali, Swaziland, and Tunisia.

On paper, the Kimberley Process appears very successful. De Beers, the IDMA, and the WDC have expressed their support for a ‘chain of warranties’ on the commercial side of the diamond trade to complement the KPCS. NGOs have also served as a much-needed ‘critical voice’ during the Kimberley Process. Although technically considered ‘Observers’ during plenary meetings, representatives of the diamond industry and civil society have been valuable participants in the Kimberley Process. Yet, it remains to be seen if the accomplishments achieved on paper and in principle will translate into tangible improvements in practice.

For example, it is important to be cognisant of the fact that the Kimberley Process and its legislation is a non-binding ‘international understanding’ among the parties to the Process. The KPCS is founded upon a series of guarantees by government authorities that the diamonds mined in their country adhere to the provisions of the Kimberley Process (i.e., *not* mined in a conflict zone). It is unclear what penalties will be applied to transgressors, aside from possible expulsion from the KPCS as occurred with the Republic of Congo (ROC) in July 2004.

¹³⁶ ‘Final Communiqué’, Kimberley Process Plenary Meeting, Sun City, South Africa, 31 October 2003.

Furthermore, there is the thorny issue of what to do with the stockpile of diamonds De Beers currently holds. Diamonds maintain their high value due to the controlled release of quantities of the gem onto the international market. If all diamonds currently held by De Beers were suddenly released, the average price of an individual diamond would drop dramatically. Controlled supply and stimulated demand (through clever advertising) is the industry's strategy. However, this has important implications for ending the selling of conflict diamonds and also for consumer certainty as to the origin of diamonds. This is because:

Open-market buying didn't end until 2000 so it is impossible that De Beers can certify that 100 percent of its diamonds in the stockpile are from clean trading streams. Furthermore, the certification is only good for the sightholder. Many De Beers clients buy rough from sources other than the DTC, most of which are unsheltered by such guarantees, and so the De Beers warranty can be used to mask the presence of conflict goods if the unwarranted stones are mixed with the De Beers goods (Campbell, 2002: 129).

Emerging diamond identification technologies, as discussed below, may very well help settle this controversial issue.

Diamond Identification Technologies

Several new technologies and techniques for diamond identification presently are being developed.¹³⁷ Diamond identification procedures range from the decidedly low-tech practice of the naked eye to extremely high-resolution scanning with x-rays or ultrasound

¹³⁷ See: *BBC News* (25 July 2003).

to analysing molecular structures. Diamonds tend to exhibit distinctive characteristics, such as frosting, patterns of scratches and chips, colouring, and terracing (crystalline growth structures), which roughly correspond to their region of origin. This is evident to the naked eye or with a *loupe* – the diamond dealer’s magnifying glass. While diamond experts can usually determine the origin of less distinctive diamonds, this generally applies to a particular homogeneous grouping of diamonds under observation. George Burne, former president of De Beers’ Canadian subsidiary, was quoted as saying: ‘It’s very evident to our buyers what a parcel of Sierra Leone goods [diamonds] looks like. It’s not rocket science’ (Global Witness, 2000: 7). It is even possible for diamond experts to discern the actual mine of provenance of a parcel of ‘run-of-mine’ (all from the same mine) diamonds as well as the regions for alluvial diamonds.

However, if the grouping consists of a mixing of alluvial and kimberlitic diamonds or diamonds from different mines/regions, it becomes increasingly difficult to identify the origin of each individual diamond. The oft-occurrence of ‘mixed parcels’ of diamonds – either created intentionally by those wishing to obscure the origin of some of the diamonds or unintentionally as part of the sight-holder purchase arrangement of diamond parcels as devised by De Beers – highlights the need to be able to identify the provenance of individual diamonds. Indeed, in terms of verifying the origin of diamonds, the technology that enables one to do so with *absolute* certainty has yet to be developed. Hitherto, significant progress has been made in this respect by developing new techniques to describe the morphology, surface features, and mineral inclusions (or ‘impurities’) of diamonds from certain countries as well as their mines. By extension, if these types of studies were carried out in every diamond-producing nation (about 26

countries), then a suitable computer database could be created that classifies diamonds by observable features.

Other emerging technologies seek to ‘fingerprint’ rough diamonds through x-rays or other forms of scanning. Sarin, an Israeli firm, has developed a technology that establishes an image of a diamond through the use of light beams. Computer software then creates a 3-dimensional image of the diamond’s structure, which in turn may be stored for database use (Global Witness, 2000: 12). Another emerging technology is Inductively Coupled Plasma-Mass Spectrometry (ICP-MS), which assesses the trace elements present in a particular diamond. ICP-MS works by ‘vaporising a small sample of matter (in this case a diamond) with a laser, then subsequently analysing trace impurities present in a diamond’ (Global Witness, 2000: 14-15). These trace elements comprise the diamond’s fingerprint. It should be noted that this and other current diamond identification technologies were developed in order to improve the understanding of how diamonds are created or in preparation for cutting and are thus, dual-function technologies. Nevertheless, they have been useful in the efforts to devise a method that will determine the provenance of individual diamonds – an invaluable component to establishing a well-functioning regulatory framework on diamonds.

The Kimberley Process: Challenges

Several challenges remain that need to be overcome if the campaign is truly to end the trade in diamonds from war-zones. First, the physical qualities of diamonds add a degree

of complexity to the efforts of the Kimberley Process stakeholders. Diamonds, whether rough or polished, are often small, and even larger stones are relatively light. This makes diamonds easy to smuggle unless customs agents employ x-ray devices (detectable under such scanners). The borders of countries such as Sierra Leone, Guinea, Liberia, Angola, the DRC, ROC, and the Central African Republic (CAR) are particularly porous and pose an enormous logistical hurdle in efforts to control the flow of illicit diamonds (Dietrich, 2002). Individuals dealing in informal and illegal sectors are able to exploit weak state capacity by controlling cross-border flows of goods in regions and micro-regions, such as the Parrot's Beak (see chapter 6). Diamonds do not 'expire' or deteriorate, as they are obviously quite resilient. At the same time, the world price for diamonds is relatively stable; thus, diamonds remain an excellent vessel in which to hold financial equity.

Second, there is a dispute regarding the extent to which diamond jewellers are enforcing their end of the 'chain-of-warranties' that assures consumers the merchant has purchased its diamonds from non-conflict sources. As part of its role in the Kimberley Process, the World Diamond Council announced it would oversee the industry's self-regulation scheme. Diamond exporters, wholesalers, and jewellers are supposed to provide written warranties that their gems are conflict-free.

In March 2004, Global Witness released the results of a study of how well the self-regulation scheme was working in practice among selected US diamond jewellery stores. Global Witness found that most stores turned down its written request for a statement of company policy on conflict diamonds and the system of warranties. The NGO revealed that 'In only 4 stores out of the 33 visited were salespeople well-informed about their company's policy [on conflict diamonds] and the system of warranties' (Global Witness,

2004: 3). The report also accused the World Diamond Council of not enforcing proper compliance measures within the diamond industry. A spokesperson for the World Diamond Council and the Jewelers of America association reacted harshly to the Global Witness report, describing its findings as ‘rubbish’ and ‘anecdotal’.¹³⁸ The report was careful to include the caveat ‘that the results of this survey cannot be extrapolated to the diamond industry or to the diamond jewellery retail sector as a whole’ (Global Witness, 2004: 2). After the report was released, a few more jewellers contacted Global Witness to inform the NGO of their compliance with the system of warranties.¹³⁹ Nonetheless, the report draws attention to the need for the implementation of effective and coordinated purchasing guidelines by all segments of the diamond industry if conflict diamonds are to be shut out of the marketplace.

Finally, the ‘Certificates of Origin’ issued by governments not only vary widely in terms of quality and detail, but also may be undermined by a lack of transparency within some national diamond industries. Despite pressure by NGOs on the issue of transparency, the governments of countries such as Angola, Russia, and China have been adamant that information on diamond resources – ranging from ownership of private shares in mining joint-ventures to precise mine location and production statistics to tax collection procedures and figures – is a matter of ‘national security’ and therefore, cannot be revealed.¹⁴⁰

¹³⁸ See: *BBC News* (30 March 2004).

¹³⁹ Author’s interview with a Global Witness campaigner, London, United Kingdom, 13 September 2004.

¹⁴⁰ Russia finally relented in December 2004 by amending legislation that now enables it to provide some production details to the Kimberley Process Secretariat. China recently displayed a degree of openness when its delegation announced during the G8/G20 Plenary meetings in late-October 2004 that the country is willing to receive a

Botswana is often held up as an example of how industry (Debswana) and government can work together to regulate diamond resources in a sustainable manner. However, as Ian Taylor and Gladys Mokhawa (2003) and Kenneth Good (2003) point out, the government of Botswana has been less than ethical in its treatment of the San in resettlement schemes, which garnered a great deal of negative international attention once the NGO Survival International began protesting the plight of the San and exposing the potential link to diamond exploration on their lands. While the actual likelihood of finding viable diamond reserves on the land in question is quite small, Taylor and Mokhawa (2003) assert that it is the *perception* that counts – a point of which Debswana and the government of Botswana are painfully aware. The case of the San also highlights perennial development discord that often erupts over extractive resources that pits indigenous or local communities and their NGO allies on one side against governments and firms on the other side. Development issues of this nature transcend boundaries and are evident in countries such as Sierra Leone.

Sierra Leone's Diamond Industry

Diamonds are inextricably linked to Sierra Leone's image on the world stage. Diamonds became synonymous with Sierra Leone during the colonial era. The problem of illicit mining and smuggling has afflicted the Sierra Leonean diamond industry for half a century (see chapter 3). Thus, this section begins with a brief historical overview of illicit

Kimberley Process review mission in the near future. However, as of mid-2005, China has yet to set a date for a review mission.

diamond mining and smuggling in the country, followed by a detailed examination of the present level of regulation in the Sierra Leonean diamond industry. This serves to illustrate some of the limitations to global governance on diamonds when applied at the local and national levels.

History

In 1935, the British colonial authorities negotiated an agreement with the Sierra Leone Selection Trust (SLST) that provided the company with a 99-year lease on diamond-mining rights throughout the country. Although the majority owner was an American named Chester Beatty, Oppenheimer held shares in the company and was able to convince Beatty to sell SLST production through the De Beers pipeline. In the early 1950s and thus, before Sierra Leone was granted independence, illicit diamond mining and diamond smuggling had reached significant proportions, which threatened the SLST's monopoly on diamond production.

As parent company to the SLST, De Beers reacted to the illicit mining and smuggling in two ways. First, it set up diamond-buying offices in Monrovia (despite the fact that Liberia produces only a relatively small amount of low quality diamonds) in order to divert these diamonds from being purchased by rival European and Israeli firms. Second, Ernest Oppenheimer, head of De Beers, suggested that the SLST employ a private security force known as the Diamond Protection Force (DPF) in Sierra Leone in an effort to stop the illicit mining and smuggling of diamonds. Numerous illicit miners

and smugglers were captured and imprisoned, although some were shot and killed in the process (Drohan, 2003: 77-78; Smillie *et al.*, 2000: 42-43).

The Sierra Leonean government also attempted to halt the illicit diamond trade by opening up the mining industry to indigenous miners through the sale of licenses under the Alluvial Mining Scheme. This necessitated the renegotiation of the lease with the SLST, which entailed a drastic reduction in the land-area of its mineral rights in return for substantial financial compensation of £2.5 million (Deen, 2003: 2). The SLST's mining rights were reduced to an area of roughly 450 square miles¹⁴¹, but this included the lucrative Yengema and Tongo Fields. In response to the Alluvial Mining Scheme, De Beers expanded its diamond buying operations by opening Diamond Corporation Sierra Leone (DCSL) offices in Bo and Kenema. While the above efforts by De Beers (through the DPF) and the government had temporarily reduced the illicit diamond trade by the mid-1950s, Lebanese traders were known to export diamonds illegally well into the independence era of the 1960s (Smillie *et al.*, 2000: 43-44). As mentioned in chapter 3, Siaka Stevens effectively nationalised the SLST in the early 1970s, thereby ending De Beers' direct control over diamond mining in the country.

Certification and Regulation in the Sierra Leonean Diamond Industry¹⁴²

The legacy of government corruption and conflict diamonds combined with the importance of diamonds to the country's economy makes Sierra Leone a prime candidate

¹⁴¹ According to Alhaji M. S. Deen, Sierra Leone's of Mineral Resources, the area in question was smaller at about 300 square miles. See for example Deen (2003: 2).

¹⁴² This section draws upon the author's contribution to Lansana Gberie (2004).

for following the prescriptions of the Kimberley Process International Scheme of Certification for Rough Diamonds (otherwise known as the Kimberley Process Certification Scheme). When referring to the Kimberley Process, Sierra Leone's Minister of Mineral Resources, Alhaji M. S. Deen (2003: 4-5) stated: 'We expect that the impact of this process on the diamond trade, especially in Sierra Leone, will be spectacular'. Sierra Leone was an early proponent of the Kimberley Process and has been an active participant in most of its meetings. As early as October 2000 (before its decade-long civil war came to an official close), Sierra Leone implemented a diamond exporting certification scheme.

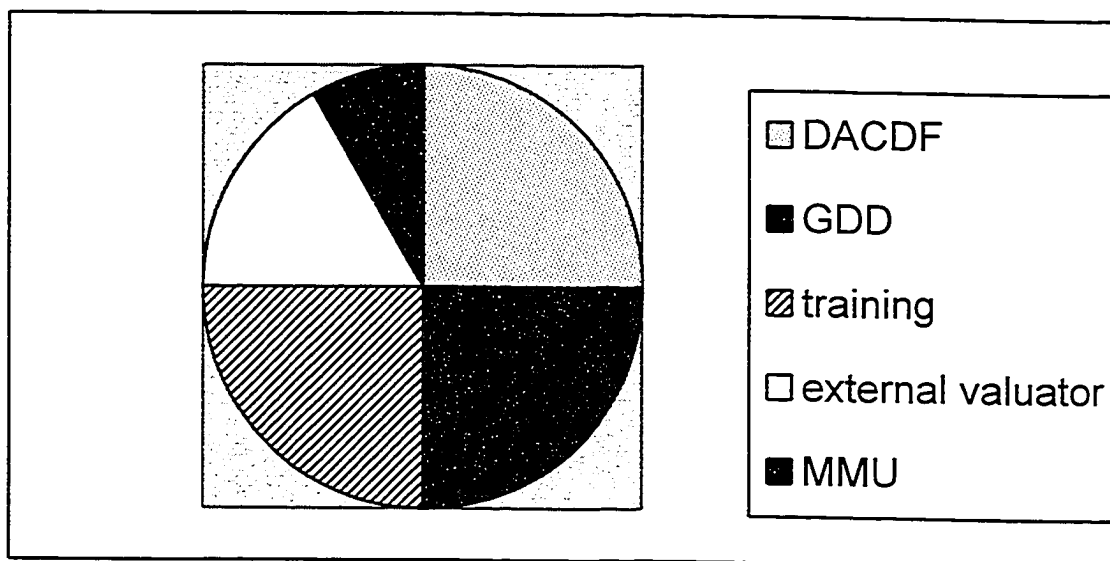
While official diamond exports have risen consistently under Sierra Leone's national certification regime, tens – if not hundreds – of millions of dollars worth of diamonds continue to exit the country with no certification whatsoever. For instance, US\$ 126.7 million in diamonds were exported through official Sierra Leonean government channels in 2004. While this is more than a 300 per cent increase in the official production numbers of US\$ 40.7 million worth of diamonds in 2002, 'the majority of gemstones mined are still smuggled out of the country. Independent estimates value Sierra Leone's annual production of diamonds at US \$200 million to US \$400 million' (UNOCHA, 21 June 2003). This discrepancy leads one to question how well the KPCS is being managed – or could be managed – in Sierra Leone.

Designated Diamond Export Authority

Diamond exports represent a major source of income for Sierra Leone's economy. However, decades of corruption, mismanagement, and smuggling of the country's diamond resources – not to mention the threats to human security posed by conflict diamonds – present monumental challenges to effective and equitable governance of this all-important mineral. Given the aforementioned disparity between the value of legally exported diamonds and smuggled diamonds, a 'litmus-test' is required in order to ascertain the extent to which Sierra Leone (that is, the Sierra Leonean government) is effectively implementing the KPCS minimum standards through the use of its 'Certificate of Origin' (see Appendix 3) and national legislation under the Mines and Minerals Act.

In Sierra Leone, the designated export authority of diamond resources is the Gold and Diamond Department (GDD), which falls under the jurisdiction of the National Revenue Agency (NRA). The GDD coordinates very closely with the Ministry of Mineral Resources (MMR). Sierra Leone's current certification regime was instituted in October 2000. Following valuation, the GDD is responsible for collecting the 3 per cent levy on all exported diamonds. This 3 per cent levy is then allocated accordingly: Diamond Area Community Development Fund (DACDF), 0.75 per cent; GDD, 0.75 per cent; 'special training', 0.75 per cent; external/independent valuator, 0.50 per cent; and Mines Monitoring Unit, 0.25 per cent.

Figure 5.1: Allocation of the Diamond Export Levy



Source: Government of Sierra Leone, Gold and Diamond Department (GDD)

The Mines and Minerals Act of 1994 is the legislation overseeing the internal controls and certification for diamond resources in Sierra Leone. The Act has been characterised as a byzantine collection of amendments, repealed sections, orders-in-council, and related declarations. Sierra Leonean lawyer M. P. Fofanah (2003: 27) notes that:

What laws and regulations there are in force to enhance a proper framework for mining [are] limited. This situation discourages a healthy and competitive market for the mineral and mining sector. Even administrators and professional experts involved in making the mining sector secure and competitive within the dynamics of a sluggishly growing economy, often find the law complex, bulky and riddled with lots of modifications and projects.

Individuals convicted of contravening the laws of the Mines and Minerals Act are subject to fines and/or jail time as well as having their diamonds, mining implements, and related equipment confiscated. Non-citizens face expulsion from Sierra Leone after the fines are

paid and/or jail time is served. In a September 2003 court decision, for example, former Transport and Communications Minister, Momoh Pujeh, was sentenced to two years in jail for the illegal possession of diamonds (PANA Press, 24 September 2003).

Sierra Leone's so-called '40-per-cent' law is an incentive to encourage individuals to report illicit diamond mining. The informant receives 40 per cent of the value of illicit diamonds that are seized by the authorities. According to Sierra Leone's Deputy Director of Mines, Usman Boie Kamara (2003: 12), this law (which also applies to illicitly mined gold) has demonstrated modest success, as a total of US\$ 100,000 in illicitly mined diamonds and gold had been seized by early 2003. While raids based on informant tips or other information sources tend to be successful in terms of seizing illicitly mined diamonds and arresting illicit miners and dealers, they are infrequent due primarily to a lack of financial resources. While mines wardens and monitors are responsible for the bulk of the internal controls of Sierra Leone's diamond industry, the Sierra Leone Police (SLP) often provides support in the field. In November 2003, four SLP officers embarked on a six-week course in South Africa to receive training in policing strategies and criminal investigation methods with respect to diamond mining (PANA Press, 11 November 2003).

A Report Card on Sierra Leone's Diamond Industry

A balanced assessment of Sierra Leone's diamond industry reveals that the gems should not be considered a panacea for the country's reconstruction – the subject of the

following chapter. Although there is a risk that the Kimberley Process Certification Scheme (KPCS) may become a ‘paper tiger’, there is reason for optimism in the context of Sierra Leone. Overall, Sierra Leone deserves a satisfactory grade on sincerity and desire in terms of participating in as well as managing and implementing the KPCS. I determine this grade as follows. Sierra Leone’s national diamond certification scheme reflects much of the spirit of the Kimberley Process and meets several ‘minimum standards’ as set out in the International Scheme of Certification for Rough Diamonds. For instance, the GDD maintains an up-to-date (with a one- to two-month lag) set of diamond export statistics as well as a database containing the names, addresses, and license numbers (with date of granting) of all diamond exporters. Sierra Leone’s export certificate along with the container, bag, and seal are what might be best described as forgery- and tamper-resistant (rather than forgery- and tamper-proof). Though not required by KPCS minimum standards, Sierra Leone’s so-called ‘40-per-cent’ law has enjoyed some success as an incentive to encourage individuals to report illicit diamond mining.

While the above efforts are laudable, it should be emphasised that Sierra Leone’s national certification scheme does not meet *all* KPCS minimum standards. Perhaps the most glaring deficiency is the lack of a veritable audit trail from diamond mine to market. According to KPCS minimum standards, a chain of custody that can be checked back from the GDD to dealers to diggers is supposed to be in operation. While a detailed database of digger, dealer, and exporter licensees could be established, there is no rule in place that requires the inclusion of the digger and/or dealer on Sierra Leone’s ‘Certificate of Origin’ for diamonds. Even if the name and license number of the digger and dealer

were required on the Certificate of Origin, it is unclear how this information could be verified under the current structure of the certification regime in Sierra Leone. Moreover, the current Certificate of Origin does not specify the exact mine of provenance of the parcel of diamonds. In fact, many parcels of diamonds submitted for valuation and certification by diamond exporters at the GDD come from several different mines and kingdoms (administrative sub-units).

An important aspect of KPCS minimum standards is the ability of a member country and its government agencies to enforce its national certification scheme. In Sierra Leone, mines wardens and monitoring officers not only lack in-depth police training, but also face logistical challenges to proper monitoring and enforcement of diamond mining and dealing regulations due to poor infrastructure (i.e., lack of proper transportation and communication technologies).¹⁴³ These challenges add to the already daunting task of policing a wide geographic area that is difficult to traverse. Rumours also abound that bribery of mines wardens, monitoring officers, and customs officials is not uncommon. The meagre wages (approximately US\$ 50 per month) of those responsible for enforcing many of the rules and regulations of the diamond certification scheme contribute to the likelihood of asking for ‘tips’ or even the acceptance of outright bribes (Ndola-Myers, 2003: 80).

¹⁴³ These concerns are also echoed in Gberie (2005a) as well as in the findings of a February 2005 Kimberley Process ‘Review Mission’ to Sierra Leone. See United Nations Security Council (2005, Para. 22).

Conclusion

*Putting the principles embodied in the Kimberley Process into practice is not without its challenges. I can however report in good faith that the Kimberley Process is being implemented, and it is being implemented effectively.*¹⁴⁴

Tim Martin, the Chair of the Kimberley Process in 2004, has good reason to be optimistic in the above passage. The Kimberley Process has attained much success over the past five years. The recent enlargement of the European Union brings the current total to 67 countries with official recognition as participants in the Process.¹⁴⁵ This number represents *over 99 per cent* of global rough diamond production and includes such heavyweights as the US, Russia, China, India, Brazil, and the European Union. Many international organisations have declared their support for the Kimberley Process, including the Group of Eight (G-8), World Trade Organisation (WTO), UN General Assembly, and UN Security Council. Diamond industry leaders, including De Beers, Rapaport, the WDC, IDMA, and WFDB, have been active participants in the Kimberley Process. Several transnational and local NGOs have either participated in or added their support to the Kimberley Process including Global Witness, Amnesty International, Human Rights Watch, Partnership Africa Canada, Network Movement for Justice and Development (NMJD), and *Centre national d'appui au développement et à la participation populaire* (based in the Democratic Republic of Congo).

¹⁴⁴ Tim Martin (2004: 1).

¹⁴⁵ Taiwan (otherwise known as Chinese Taipei) has also met the requirements as required under the provisions of the KPCS.

However, once tested at the national level, it becomes apparent that many challenges remain. For instance, it is clear that the aforementioned shortcomings need to be addressed in order to bring Sierra Leone's national diamond certification scheme in line with the standards agreed to under the KPCS. Notably, the challenges present in Sierra Leone's certification scheme are applicable to many other diamond producing countries, such as Angola and the DRC. The most pressing need for improvement to Sierra Leone's certification scheme is the establishment of an audit trail from diamond mine to market. For this to function properly, the Certificate of Origin document needs to be expanded to include the name of the digger(s), the dealer, and the mine of provenance of the diamond. This will require a substantial boost to the overall capacity of mines wardens and monitoring officers to oversee the implementation of these requirements, such as better training, transportation, communication, wages, and an increase in the number of personnel. Furthermore, a computerised database of 'diamond footprints' for each mine or mining area in conjunction with a real-time data capturing computer system and a secure extranet for trade notification must be established. In the absence of this, moreover, the KPCS is most beneficial to wealthier participants who are best able to implement the legislative requirements and benefit from the legitimacy it confers.

Admittedly, these suggested improvements in capacity-building and regulating Sierra Leone's diamond certification scheme would incur a significant monetary cost. Perhaps more important, however, is the fact that such improvements will require a monumental effort in terms of increasing and sustaining not only political will by the Sierra Leonean government and other stakeholders, but also well-managed and well-governed financial, technical, and logistical support from international donors to increase

the effectiveness and governance of diamond certification procedures and regulations in practice.¹⁴⁶ Since Canada, Russia, Botswana, and South Africa will enjoy the benefits of conflict-free diamonds and the aforementioned legitimacy it bestows on their respective diamond industries, they should bear a higher burden of the financial costs of implementation for poorer participants. Though these four countries have been leaders within the Kimberley Process by volunteering to Chair¹⁴⁷ the proceedings (and therefore defray the financial costs), a fraction of the hundreds of millions of dollars they earn in diamond exports could be allocated to a common pool – administered through the Kimberley Process Secretariat with the assistance of NGO and industry participants – for eventual redistribution in capacity-building endeavours among poorer participants, such as Sierra Leone. In the context and spirit of mixed-actor governance arrangements, corporate actors should also shoulder some of the costs of improving the governance of the global diamond industry, because they will reap the financial benefits of more effective overall regulations.

From a global governance analytical perspective, the evolution of the Kimberley Process has done relatively well and exceeded expectations by providing a forum in which governments, civil society representatives, and firms can come together and promulgate effective policy. Although global governance has trouble accounting for and dealing with the transgressions of its constituent actors, this should not be considered fatal to its analytical or practical utility. The Kimberley Process executes governance at the global level through consensus with minimal overview from the Chair.

¹⁴⁶ See for example the priorities of the Commission for Africa (2005).

¹⁴⁷ Botswana is expected to become Chair of the Kimberley Process on 1 January 2006. Botswana presently occupies the position of Vice-Chair.

Following the inroads made by the Ottawa Process, the Kimberley Process is leading by example in terms of demonstrating how global governance might succeed in other issue-areas, such as the proliferation of illicitly traded small arms and light weapons (SALW). Like conflict diamonds, the combination of the direct impact and collateral damage of SALW detracts from human security and development prospects as well as contributes to local levels of crime, national insecurity, and regional instability. It has been estimated that between 80,000 and 108,000 deaths occurred as a direct result of armed conflict in 2003 – 60 to 90 per cent of which were from SALW fire (Wille with Krause, 2005: 230). Worldwide, the illicit trade of SALW is worth anywhere from US\$ 1 billion per year to as much as US\$10 billion per year (Lumpe *et al.*, 2000: 9, note 3), whereas total licit sales are estimated at US\$ 4 billion per year (Khakee, 2005). While the collective efforts¹⁴⁸ seeking to address the SALW problem have made impressive strides within the UN and through the work of various NGOs and research institutes, they have yet to engage industry actors in any meaningful way as part of global governance strategies to regulate the global trade of SALW and end illicit flows of these armaments.

For countries like Sierra Leone to prosper from the emergence of ‘development diamonds’, national and local governance must improve in concert with initiatives at the

¹⁴⁸ This includes the *Report of the United Nations Panel of Government Experts on Small Arms* (27 August 1997), the July 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons In All Its Aspects, and the ongoing work of the UN Institute for Disarmament Research (UNIDIR), the International Action Network on Small Arms (IANSA), the Small Arms Net operated by the Institute for Security Studies (ISS), the Graduate Institute of International Studies (GIIS) project, the Small Arms Survey (SAS), as well as other NGOs and research institutes and initiatives. For instance, in June 2004, the Research Initiative on Small Arms (RISA) was launched as a means of promoting interdisciplinary academic research on SALW and related issues.

global level. The next chapter focuses on the prospects for conflict diamonds to become development diamonds in Sierra Leone.

CHAPTER SIX

FROM CONFLICT DIAMONDS TO PROSPERITY DIAMONDS: A PANACEA OR PAPER TIGER FOR HUMAN SECURITY IN SIERRA LEONE?

Bette' fo tumara bambai

Introduction

The above quote is an optimistic maxim that translates from Krio, the *lingua franca* of Sierra Leone, as 'Hope for the future'. More than three-and-a-half years after the official end to Sierra Leone's civil war, the country faces the daunting task of reconstruction amid much hope but decreasing optimism. Owing to more than a decade of civil conflict, much in the way of infrastructure has been destroyed, such as roads, bridges, hospitals, schools, electricity grids, communication links, housing, and commercial enterprises. What little existed in terms of infrastructure prior to the outbreak of civil war was already in poor shape due to more than two decades of corruption and 'bad' governance under Presidents Siaka Stevens and Joseph Saidu Momoh. The social damage inflicted by the civil war should not be underestimated. Though difficult to assess in monetary terms, the

losses incurred by Sierra Leoneans as a result of death, torture, injury, and displacement are substantial. Thus, the scope and depth of post-conflict reconstruction must extend beyond the simple rebuilding of physical infrastructure. Intangible social needs must be met ranging from healing societal scars from the civil war (by way of the Truth and Reconciliation Commission and the Special Court for Sierra Leone) to eradicating corruption in the public and corporate arenas.

Post-conflict reconstruction is an imposing undertaking in any country, and it must be able to draw upon external *and* internal sources of support. The United Nations (UN), bilateral donors such as the United Kingdom, and transnational non-governmental organisations (NGOs) and aid agencies have been instrumental in providing external assistance to Sierra Leone during the latter stages of the civil war and in the immediate post-war period. Internally, the combination of local NGO efforts, feisty media, and a small yet vibrant business sector has driven political and economic aspects of reconstruction. Diamond exports are growing at an impressive annual rate. However, the governing Sierra Leone People's Party (SLPP) still lacks effective capacity to implement various policies and legislation despite the assistance of the United Kingdom's Department for International Development (DFID). Corruption in government and the corporate sectors remains, though at a reduced level and better concealed in comparison to the past.

The purpose of this chapter is to illustrate the above dimensions of post-conflict reconstruction in Sierra Leone. External and internal resources will be examined in order to assess the prospects for reconstruction efforts. Foreign aid represents the bulk of the external sources of support, though its imminent reduction is a significant concern.

Donors have a history of drastically reducing assistance once stability returns to a country, which tends to coincide with the four-year anniversary of the official end of hostilities (DFID, 2005: 13). Internal resources, *such as diamond exports*, offer much potential as a means to spur economic growth and reconstruction. While diamonds are being counted on for aiding reconstruction, however, this valuable natural resource may also very well disrupt reconstruction efforts. The chances for disruption are great, as many governance obstacles remain, ranging from weaknesses in the international and domestic regulatory schemes on diamonds to illicit mining and smuggling of diamonds from mines located primarily in the eastern part of Sierra Leone to regional instability in the Mano River basin. In short, lack of government capacity and the persistence of corruption are significant obstacles to successful reconstruction, which is also cause for concern given the characteristics and requirements needed as a Kimberley Process member in good standing. It is uncertain – at least in the short term – whether these twin governance impediments will be overcome.

Human Security and Post-Conflict Reconstruction

As stated in chapter 1, human security is a contested term (Paris, 2001), subject to numerous definitions and conceptualisations (Hampson *et al.*, 2002; Burgess and Owen, 2004). In the context of the present study, I take post-conflict reconstruction levels as a good indicator of human security in Sierra Leone. Mindful that the individual should be the focus of human security, I am concerned with conditions associated with economic

well being, adequate food, health, and environmental provisions, political freedoms, and the absence of wide-scale physical threat. Thus, I am interested in factors ranging from quantitative indicators such as disarmament, demobilisation and reintegration (DDR) figures, per capita income rates, human development index scores, and foreign aid inflows to qualitative measures such as perceptions of corruption, state-society relations, and the health of the 'social fabric' of post-war Sierra Leone.

The move from conflict to reconstruction is complex and subject to delays, reversals, and myriad unforeseen events. Tony Addison (2003) identifies two key objectives for such a task. First, and logically, veritable peace (e.g., a formal peace agreement with no form of armed conflict) must be present throughout the country. Second, the goal of '*broad-based recovery* that improves the incomes and human development indicators of the majority of people, especially the poor' (Addison, 2003: 3) must be achieved.

Peace currently exists in Sierra Leone. January 2002 witnessed the completion of the disarmament process as well as the formal declaration that the civil war indeed was over. After nearly five years of operations, Sierra Leone's National Committee for Disarmament, Demobilisation and Reintegration (NCDDR) came to an official close on 31 March 2004. A total of 72,490 combatants were disarmed as part of the NCDDR programme, and 71,043 were demobilised (UNOCHA, 4 February 2004). The reintegration phase consisted of a choice of vocational training, formal schooling, or receiving tools for various trades as well as farming. 63,545 former combatants participated in the reintegration segment, including 6,845 former child soldiers. Although these figures are impressive, approximately 9,000 former combatants did not complete

the entire programme. In other words, about one in eight ex-combatants (12.5 per cent) did not make it to the reintegration phase. The Executive Secretary of the NCDDR, Francis Kaikai, posited several reasons for the discrepancy, ranging from 'self-integration' to avoiding the stigma of belonging to the rebel group, the Revolutionary United Front (RUF). Most former members of the pro-Kabbah Civil Defence Forces (CDF) 'were not interested in reintegration because they only fought to defend their villages'.¹⁴⁹

Given its relative success, Sierra Leone's NCDDR has drawn great interest from other African countries embarking on their own DDR programmes. An official with the World Bank characterised the US\$ 36.5 million project as 'the best practice example throughout the world of a successful disarmament, demobilisation, and reintegration programme'.¹⁵⁰ In contrast, Alan Doss, head of the United Nations Development Programme (UNDP) office in Sierra Leone, correctly observed that the former combatants 'have joined another, a larger army of young people who are seeking gainful employment ... [they] must now compete with all other citizens for any assistance or support provided by the government'.¹⁵¹ According to a report prepared by the International Crisis Group (ICG, 2003a: 1), a 'large number of ex-combatants [are] unhappy with the reintegration program and [are] facing bleak employment prospects in the formal economy'. Part of the reason for the very low wages paid to artisanal diamond miners is the influx of people from all part of the country to the diamond fields of Kono and Tongo. Thus, the sombre assessments offered by Doss and the ICG are prescient, as

¹⁴⁹ Quoted in UNOCHA (4 February 2004).

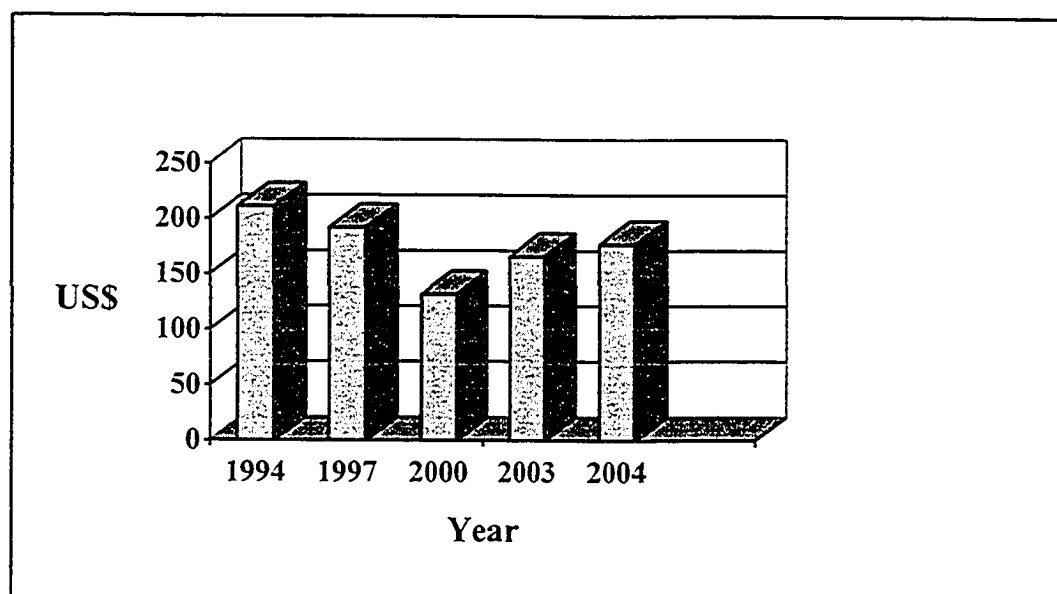
¹⁵⁰ Eileen Murray, quoted in UNOCHA (4 February 2004).

¹⁵¹ Quoted in UNOCHA (4 February 2004).

one wonders what type or level of support will be provided by the incumbent SLPP government given its lack of capacity and resources.

In addition to former combatants, the civilian population must experience an improvement in living conditions and employment prospects. Over the past decade, Sierra Leone has been consistently ranked near or at the very bottom of the Human Development Index (HDI) rankings, which is no surprise given the fact that the country was embroiled in protracted civil conflict. In 2004, the United Nations Development Programme (UNDP: 142) report ranked Sierra Leone 177th out of 177 countries studied, with a HDI value of 0.273. In contrast, sub-Saharan Africa as a whole received a score of 0.465. It is important to note that the 2004 HDI values are based on 2002 figures. Therefore, technically, the civil war had just come to an official end, and it is not unreasonable to assume some improvement in this dismal ranking.

Figure 6.1 Sierra Leone, Per Capita Income, Selected Years



Source: Sarah Simpson (2003: 27)

Figure 6.1 includes several civil war years as well as the subsequent reconstruction phase in Sierra Leone. The ebb and flow of the civil war is reflected in the above statistics. Per capita income was at US\$ 211 in 1994, falling somewhat to US\$ 192 by 1997. As several years of civil strife took their toll, 2000 saw per capita income fall to a low of US\$ 132. As peace and stability return to Sierra Leone, incomes are expected to rise. Forecasts on per capita income for 2003 and 2004 are US\$ 166 and US\$ 177, respectively (Simpson, 2003: 27). While increasing, these per capita income rates are still well below the amounts recorded during the mid-1990s and the first phase of truly intensive fighting during the civil war. Sierra Leone is also a Heavily Indebted Poor Country (HIPC). Its budget is highly dependent upon external donor support. For instance, approximately 65 per cent of Sierra Leone's government budget comes from the United Kingdom through the British Department for International Development (DFID) (Davies, 2003: 5). While the meagre size of the government budget represents a serious impediment, political will to address the condition of the country's poor must be amplified. All governments are faced with difficult choices in terms of expenditures of scarce resources. For example, in the waning and final full-year of the civil war (2001), the Sierra Leonean government spent 3.6 per cent of Gross Domestic Product (GDP) on the military in contrast to 1.0 per cent on education (UNDP, 2003: 93).

Employment prospects are slim, especially for those lacking technical or knowledge-based skills. Even those in various professions, such as school and college teachers, often experience delays in receiving regular payment of wages. Casual employment opportunities may be found, though frequency varies considerably. For

instance, adult casual labourers make about Le 80,000 per month (based on an eight-hour-per-day, five-day work week) in Freetown¹⁵², which is the equivalent of approximately US\$ 30 per month depending on exchange rates.¹⁵³ The labourers are paid Le 1,000 per day in cash, and then an additional Le 3,000 per day is added to their pay packet, which is received at the end of the month. Overtime (above eight hours) is usually paid at Le 500 per hour. Working on a Saturday is relatively well-paid at Le 6,000 for an eight-hour shift (essentially double-time). No additional work-related benefits are received or deducted, such as health care, employment insurance, or pension. The above amounts and pay procedures are established by convention and may vary from one employer to the next.

Amid the widespread poverty, which is particularly evident in Freetown, many new houses, shops, and small office buildings are either being built or renovated. While some of this economic activity may be attributed to a 'spin-off' effect from the presence of the UN and its various agencies, donor countries such as the United Kingdom and the United States, transnational NGOs, and aid organisations, wealth is being generated by other means. Likely suspects are illicit diamond exports and other forms of corruption in government.

¹⁵² Author's interview with a member of the Campaign for Good Governance (CGG), Freetown, Sierra Leone, 10 June 2003.

¹⁵³ In mid-2003, Le 80,000 equalled about US\$ 33 calculated according to the local 'informal' exchange rate of about Le 2,400 per US\$ 1 – which tends to be a few hundred Leones off the 'bank' rate or formal exchange rate. However, the former is a more relevant conversion, as it guides the price of goods that are calculated by merchants in US-dollar equivalents, such as airtime cards for mobile telephones. Due to a depreciating Leone, the current (mid-2005) informal exchange rate is approximately Le 2,900 to 3,000 per US\$ 1 (e.g., Le 80,000 equals about US\$ 27).

In sum, the goal of ‘negative’ peace (in the Galtungian sense) has been attained. However, the potential for renewed violence exists depending on the reaction of the former combatants, such as segments of the CDF, to the outcome of the Special Court for Sierra Leone (SCSL) proceedings as well as instability caused by the very real possibility of the outbreak of civil strife within neighbouring countries. The concurrent goal of improving the human security of Sierra Leoneans and the ensuing objective of increasing human development with an emphasis on the poorer segments of society has yet to be attained. Sierra Leone remains either at or near the bottom of human development rankings and other development indices. While foreign aid and the resumption of production in extractive industries – such as titanium ore (for rutile and ilmenite), bauxite mining and the expansion of diamond mining – are expected to boost development and support reconstruction efforts, these are finite sources fraught with their own unique limitations.

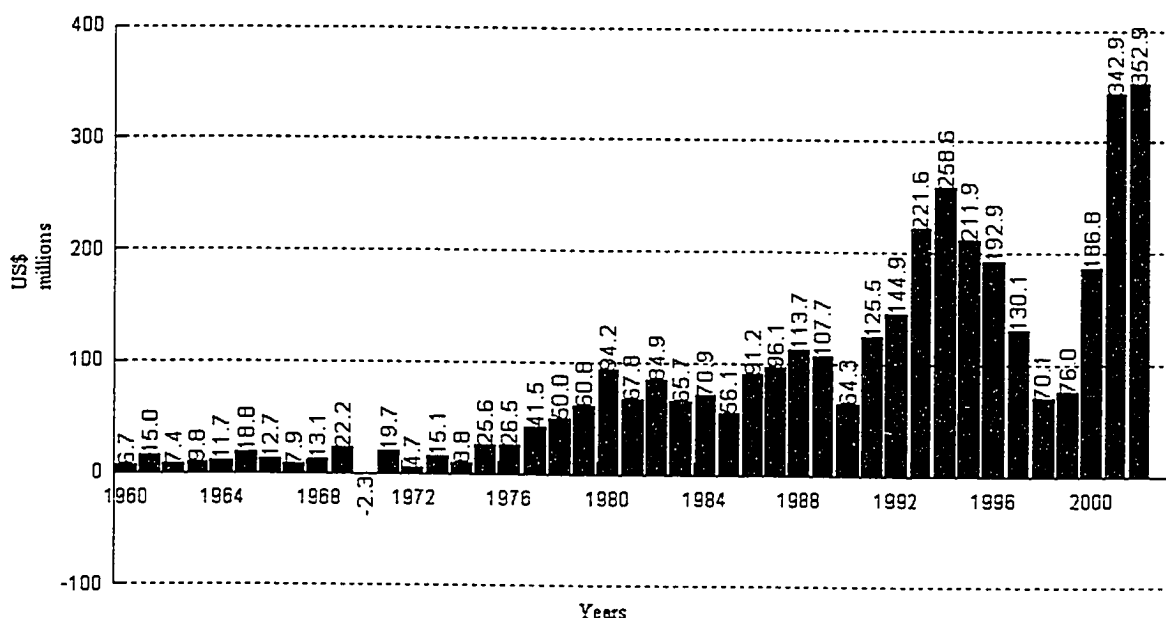
Foreign Aid

Foreign aid, if designed and implemented properly, provides an invaluable source of human security. As Addison (1998: 4) avers:

While aid provides essential help, success ultimately depends upon the capacities and actions of national actors. These are: communities, entrepreneurs, and the state. But communities are impoverished, private sectors are underdeveloped, and states are weak. Success therefore requires overcoming each of these problems.

Sierra Leone has a reputation for donor dependence. According to the World Food Programme (WFP), aid accounts for approximately 60 per cent of Sierra Leone's Gross National Product (GNP).¹⁵⁴ Yet, during the first decade of independence, the country received only a modest amount of foreign aid.

Figure 6.2: Total Aid to Sierra Leone, 1960 – 2002



Source: Organisation for Economic Co-operation and Development (OECD)

¹⁵⁴ See: "World Hunger – Sierra Leone – Country Brief", World Food Programme, <http://www.wfp.org/country_brief/indexcountry.asp?country=694>, accessed on 31 May 2004 and 15 June 2005.

Including the final year of British colonial rule (1960), Sierra Leone received a total of US\$ 125.3 million from 1960 to 1969.¹⁵⁵ Figure 6.2 displays the annual amounts of foreign aid received by Sierra Leone from 1960 to 2002. Interestingly, Sierra Leone produced an *outflow* of US\$ 2.3 million in various forms of assistance funds in 1970. As Stevens consolidated his power base, foreign aid receipts began to grow. Under the kleptocratic and often incompetent regimes of Stevens and Momoh, substantial foreign aid inflows became a regular occurrence in the 1970s and 1980s. The donor community was either oblivious to this misuse of funds or accepted it as part of the Cold War competition between the West and the Soviet Bloc. By 1991, hundreds of millions of dollars in foreign aid was entering the country each year. From 1971 to 2002, Sierra Leone received a total of US\$ 3.48 billion in various forms of foreign aid.

Much of the foreign aid funds benefited the ruling elites indirectly through dubious development schemes or patronage rents. During the Cold War, donors would often turn a blind eye to government corruption or mismanagement of aid funds. Although bad governance by recipients of aid funds has not been eradicated, donors have attempted to cut down on these practices by linking funds to democratic elections and good governance in recipient states. The relationship remains problematic, as withheld foreign aid hurts those most in need.

Recent inflows of various forms of foreign aid have been instrumental in bolstering the human security of Sierra Leoneans. For instance, Sierra Leone received

¹⁵⁵ This figure is based on data provided by the Organisation for Economic Co-operation and Development, "Geographical Distribution of Financial Flows to Developing Countries", 1960-2002. This sum comprises total amounts of Official Development Assistance (ODA), other bilateral transactions known as Other Official Flows (OOFs), and Private Sector Flows (PSFs), which include guaranteed export credits and private bank loans.

about 89,000 metric tons of food aid in 2002.¹⁵⁶ In addition to foreign aid, Sierra Leone has benefited from direct and indirect spending by the international community. As one recent report put it: ‘The international community has invested billions of US dollars to end the civil war and move the country toward peace’ (ICG, 2003a: i). For example, from 1 July 2003 to 30 June 2004, the United Nations Mission in Sierra Leone (UNAMSIL) budget was US\$ 543.49 million. UNAMSIL’s approved budget for 1 July 2004 to 30 June 2005 is \$291.6 million.¹⁵⁷

As of 31 May 2005 (most recent figures available), UNAMSIL’s complement is about 3,450 uniformed personnel, which includes 3,231 peacekeeping troops. The ongoing instability in the region and fragility concerning civil-military relations within Sierra Leone led to additional extensions of UNAMSIL’s mandate, which was originally set to conclude at the end of 2004. Following comments made by UN Secretary General Kofi Annan in May 2005, the mission received what appears to be a final extension – to 31 December 2005 – though the steady removal of UNAMSIL troops will begin in August 2005.

Although foreign aid is a welcome source of external support for reconstruction efforts, it is finite like any other resource. Donor fatigue with respect to Sierra Leone may very well set in – perhaps a question of ‘when’ rather than ‘if’.

¹⁵⁶ See: “World Hunger – Sierra Leone – Country Brief”, World Food Programme, <http://www.wfp.org/country_brief/indexcountry.asp?country=694>, accessed on 31 May 2004 and 15 June 2005.

¹⁵⁷ “Sierra Leone – UNAMSIL – Facts and Figures”, United Nations, <<http://www.un.org/Depts/dpko/missions/unamsil/facts.html>>, accessed on 31 May 2004 and 6 July 2005.

State and Society

The state is often in a position of weakness following the cessation of hostilities. Indeed, as Lisa Bornstein and William Munro (2003: 221) assert, ‘A central difficulty of war-torn societies is that the state is both an agent and an object of reconstruction’. It follows that during post-conflict reconstruction, one of the main goals is to strengthen the political authority of the state. In other words, there is a concerted effort to boost state sovereignty. This is particularly important after a civil war, wherein the legitimacy of the incumbent government may be either questionable or fragile. Democratic elections are now considered an essential first step in this regard (although elections can also cause new tensions). Thus, it is unsurprising that elections are often held shortly after the formal end of hostilities in order to confer a measure of legitimacy to the governing regime. This was the case in Sierra Leone, as presidential and parliamentary elections were held four months after the conclusion of the civil war.

Although President Ahmed Tejan Kabbah was re-elected and the governing SLPP retained its parliamentary majority – both by comfortable margins – in May 2002, the electorate has become increasingly unhappy with the lack of improvement in the economy and a host of other issues pertaining to reconstruction. Local NGOs, such as the Campaign for Good Governance (CGG) and the Network Movement for Justice and Development (NMJD), have a reputation for pressing the government for positive change. The government is also subject to a vocal and often critical private press, dominated by approximately 50 newspapers that are published either daily or weekly and

that exhibit varying degrees of editorial and reporting quality (Reno, 2004: 14-16). News stories of government corruption or complaints pertaining to lack of government capacity to provide various public services tend to dominate the front and rear pages of these thin periodicals. Government corruption and weak capacity were problems well before the civil war began; thus, the simple act of holding free and fair elections should not be expected to solve these problems.

If reconstruction plans are to be effective, international aid agencies must focus on addressing one of the leading causes of Sierra Leone's civil war: corruption. Not only are foreign donors wary of corruption, but so too – and perhaps most importantly for long-term reconstruction and sustainable economic growth – are foreign investors. Of course, eradicating corruption is easier said than done. This applies to the diamond industry as well, though this is more difficult to prove. Nevertheless, some relatively inexpensive though useful changes could be implemented, such as drastically improving transparency in government accounts and its awarding of contracts and giving the Anti-Corruption Commission (ACC) greater autonomy by moving to an 'arms' length' position *vis-à-vis* the office of the President. Granting the ACC greater powers to prosecute suspected offenders will also help address corruption. However, given the problems within Sierra Leone's judicial system, ranging from lack of funding to reports of bribery¹⁵⁸, strengthening the ACC may accomplish little over the short-term.

Improving government capacity is no easy feat. But, reducing government corruption will have a positive effect on its ability to implement policy, enforce laws and regulations, and ensure that scarce funds reach those segments of the population in

¹⁵⁸ See for example ICG (2003a).

greatest need. Sierra Leone's recent score is still low in terms of 'Anti-Corruption and Transparency' at 3.01 out of a possible 7 points (Reno, 2004: 1). If the perception grows that corruption has decreased in Sierra Leone, international and bilateral aid and lending agencies will have greater confidence in allocating assistance to the country. This will be key in terms of securing funds for medium- and long-term reconstruction and development.

While it is relatively easier to measure the impact of large-scale reconstruction projects that rebuild physical infrastructure, reconstruction of the social fabric of Sierra Leonean society is equally important. Public goods such as 'justice' are subjective and open to varying interpretations, and therefore escape easy quantification. Though, if any lesson is to be learned from Sierra Leone's civil war and the preceding decades of poor governance, it is that sources of political, economic, and social grievances cannot be ignored. Sierra Leone established a Truth and Reconciliation Commission (TRC) and hosts its own Special Court, a hybrid-type of tribunal that is administered in conjunction with the UN. The United Kingdom's DFID and the International Military Advisory and Training Team (IMATT) each have instituted several programmes aimed at ameliorating civil-military relations throughout Sierra Leone. While the UN and three Group of Eight (G-8) members – the UK, the US, and Canada – have provided personnel, training, matériel, as well as logistical and financial support to Sierra Leone, the aforementioned initiatives are in jeopardy due to a lack of funding. The TRC, which held hearings from April to August 2003, operates on a shoestring budget, and the SCSL lacks millions of dollars in projected operating costs.

Despite the high expectations for the TRC, it suffered from a shortfall in funding and a lack of public interest, particularly for the sessions that were held in Freetown. The TRC received US\$ 2.3 million in funding – just over half of its projected budget (Reno, 2004: 8). Aside from the opening ceremonies, most sessions of the TRC were poorly attended both by those expected to testify and by the general public. Much more local and international media attention was focused on the SCSL, which had already issued a number of indictments and was perceived as having more clout in terms of adjudicating war crimes. After several delays, the TRC delivered its final report on 27 October 2004, though it is unclear if its recommendations will be undertaken.¹⁵⁹ In effect, the TRC and the SCSL were much less complementary than originally envisioned due to the unclear mandate of the former and the anticipated clout of the latter.

Amid concerns regarding future funding needs and projected operating costs, the new edifice constructed to house the SCSL was officially inaugurated on 10 March 2004 under tight security. The SCSL – whose construction cost of US\$ 3.4 million was paid by the United States along with several other foreign countries – now enjoys permanent chambers in which to prosecute the indictments it issued to individuals accused of war crimes committed during the civil war. In June 2004, the SCSL heard its first set of cases.¹⁶⁰ Eight counts – consisting of various violations of international law including war crimes and crimes against humanity – have been levied against former CDF leaders Sam Hinga Norman, Allieu Kondewa, and Moinina Fofana. The case against Norman, a

¹⁵⁹ An overview of the TRC report along with chapters on its findings and recommendations are available in digital format from the United States Institute for Peace (USIP). See: <http://www.usip.org/library/tc/tc_regions/tc_sl.html#rep>, accessed on 24 June 2005. The original report comprises 1,500 pages (along with 3,500 pages of transcripts from the testimony of victims and others).

¹⁶⁰ See: Special Court for Sierra Leone (2004).

former Minister of Internal Affairs in Kabbah's government, has drawn the most criticism¹⁶¹, as many see him as being instrumental in garnering much needed military assistance to pro-government forces by leading the Kamajors and the CDF. Although the CDF's tactics were at times nearly as brutal as the RUF's, the former did provide much-needed support for UN forces and British troops during the final years of the conflict. Many commentators, ranging from outside observers to Sierra Leoneans themselves, have questioned the validity of Norman's indictment. Op-ed pieces calling for Norman's release are common in Sierra Leone's daily and weekly newspapers. During the inauguration of the SCSL, a group of demonstrators clad in 'Free Hinga Norman' t-shirts protested against Hinga's indictment and demanded his release.¹⁶²

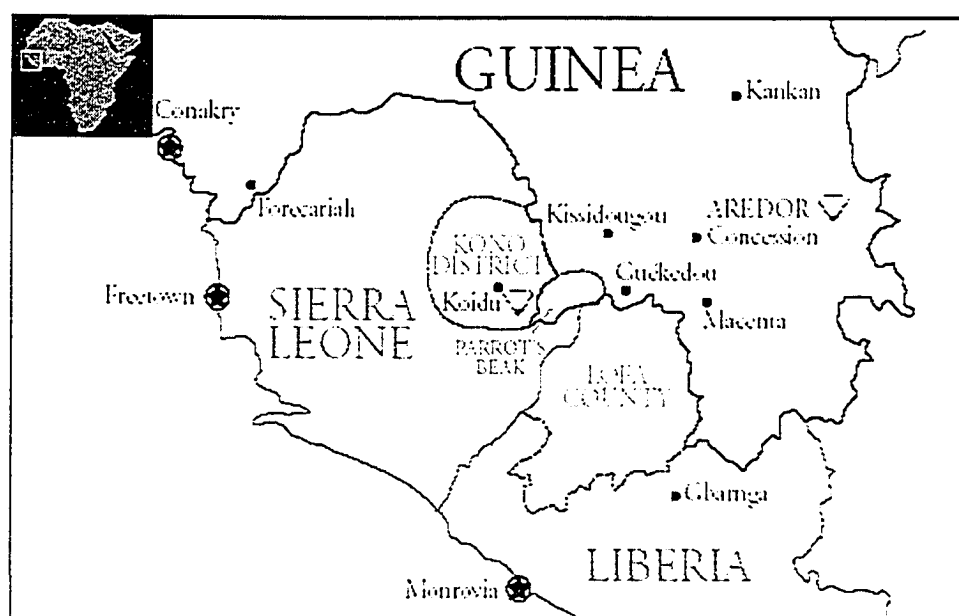
Some commentators fear that this joint trial of former CDF leaders presents the gravest threat to Sierra Leone's internal security. The Kamajors – the largest contingent within the CDF – are generally unhappy that Hinga, Kondewa, and Fofana are facing charges before the SCSL. The Kamajors have retained some semblance of organisational readiness despite assurances that they were disbanded in 2002. In contrast, after conducting numerous interviews with former CDF combatants and UNAMSIL officials, an ICG report concluded that a lack of manpower and weaponry means that although 'the Kamajors could cause local disruptions, there is little evidence they could destabilise the country' (ICG, 2003a: 14). In any case, the security situation within Sierra Leone will change once UNAMSIL's 3,231 peacekeeping troops depart as expected by 31 December 2005.

¹⁶¹ See for example Peter Penhold in Lansana Gberie (2005b: 122).

¹⁶² According to one report, police arrested five of the demonstrators for failing to register their protest; however, the demonstrators were later released and the charges were apparently dismissed. See: UNOCHA (15 March 2004).

A trio of former RUF leaders are also on trial at the SCSL. The RUF has been disarmed, demobilised, and metamorphosed into a formal – albeit unsuccessful – political party. Yet, like the CDF, former RUF combatants have not completely ‘disappeared’. Some former RUF combatants have crossed into Liberia. While Liberia’s 14 years of civil conflict came to a close following a peace agreement in August 2003, the UN has yet to make its presence felt in many of the outlying areas of the country. There is very little in the way of government presence (military or police) in Lofa County of Liberia and the ‘Parrot’s Beak’ region of Guinea and surrounding border areas (see Map 6.1).

Map 6.1: Parrot’s Beak



Source: Partnership Africa Canada and Lansana Gberie (2001b)

Thus, the border region between Sierra Leone, Liberia, and Guinea provides an ideal, remote area in which to hide or attempt to blend back into local communities. Although there are rumours¹⁶³ that small caches of weapons exist in parts of Sierra Leone and that groups of RUF combatants could resurrect themselves on relatively short notice, the group is a shell of its former self and poses no veritable threat to the current peace.

Micro-Regionalism and Insecurity in the Parrot's Beak

Sierra Leone's diamonds may also disrupt reconstruction efforts by contributing to regional insecurity. The lack of security is based on the fact that the states of the Mano River basin are unable to implement meaningful control over their borders, especially in the Parrot's Beak region. Presently, some Sierra Leonean diamonds are known to exit through the Parrot's Beak region to markets in Guinea and Liberia, with the hope of garnering a higher price from middlemen and exporters. Due to the UN sanctions against Liberia, some Sierra Leonean diamonds are smuggled out and sold to buyers in Liberia, then re-smuggled back to Sierra Leone (or Guinea) to gain export certification. Criminalized trans-border trade continues throughout the region, and will only increase once the UN presence in Sierra Leone's Eastern Province is removed at the end of 2005.

The Parrot's Beak is home to cross-border micro-regional flows of licit and illicit goods and persons. Informed by the 'new regionalism/regionalisms approach' (NRA),

¹⁶³ Personal communication with an aid worker affiliated with the National Democratic Institute for International Affairs (Sierra Leone), Koidu, Kono District, Sierra Leone, 10 May 2003.

understanding the repercussions of such flows and linkages is crucial in the wider context of West Africa. Informal regionalisation processes attract actors from areas that lie beyond the Parrot's Beak. While these regionalisation processes have political and economic ramifications, they are not concerned with integration. The dual forces of globalisation, on the one hand, and already-weak state capacity, on the other, provide fertile ground for the possibility that individuals operating within the Parrot's Beak will bypass the state apparatus and ship goods – such as diamonds, gold, timber, rubber, and palm oil – via over-land trade routes, seaports, and air – to regional and global markets. The state loses revenues from taxes and tariffs. Even if goods are exported via official conduits, 'tips' and bribes to underpaid civil servants will hasten transactions. There is little incentive to 'follow the rules' in the form of paying taxes, tariffs, and other government fees given the legacy of graft and mismanagement of public revenues in Guinea, Sierra Leone, and Liberia. The seaports of all three countries are notorious for holding up the transit of goods.¹⁶⁴ The porosity of borders among the three countries and throughout West Africa represents a major obstacle for government regulation of trade in the region. Moreover, the neo-patrimonial legacy of past and present regimes in all three states means that such cross-border flows are not utilised to promote broad-based development.

Notably, the political economy of civil conflict has regional implications. Michael Klare (2001: 52) highlights the nexus between civil war and valuable commodities as the

¹⁶⁴ The customs officials at Freetown's seaport are notorious for their slowness in processing imports and exports. Allegedly, containers and shipments belonging to NGOs tend to pass through customs at a faster rate than others. This has led some merchants and others to either secure NGO markings on their goods or exploit connections to have their goods included in NGO containers. Author's interview with an employee of the Campaign for Good Governance, Freetown, Sierra Leone, 12 June 2003.

'new geography of conflict, a reconfigured cartography in which resource flows rather than political and ideological divisions constitute the major fault lines'. Indeed, in many ways, the boundaries of the Parrot's Beak have been shaped by the new geography of conflict. Charles Taylor's ambitions for a 'greater Liberia' put pressure on not only the already weak borders between Liberia and Sierra Leone, but also between Liberia and Côte d'Ivoire throughout the 1990s. As David Francis (2001: 134) concludes, 'exploiting the political economy of warlordism led to the informal re-drawing of the territorial boundaries of both Liberia and Sierra Leone, whereby Liberian territory became informally extended to include eastern and southern Sierra Leone'. During the early 1990s, Taylor's greater Liberia was surprisingly resilient in view of the fact that he did not control the actual Liberian capital, Monrovia. Taylor's remarkable ability to conclude commercial deals with a wide range of business interests on exporting timber, rubber, diamonds, and iron ore provided the means to pay his military commanders and officials, promote patrimonial networks among chiefs and other supporters, and purchase weapons (Ellis, 1999: 89-92; Reno, 1993).

Diasporas have the potential to both help and harm fragile states. Diasporas may lobby host governments for action or at least publicise the plight of those in need from their home countries. Remittances are an important (though difficult to quantify) contributor to the economies of many developing countries. The Sierra Leonean economy benefits from remittances sent by diasporic communities working and residing in the US and UK as well as in other parts of West Africa, such as Nigeria and Ghana. Diasporas can also weaken fragile states serving as destination points for smuggled diamonds and other valuable commodities and as providers of small arms or the financial means for

other illicit enterprises. However, diasporas can serve as a means of supporting an autocratic regime. During Stevens' term in power, diasporic Lebanese communities helped the Sierra Leonean president consolidate his grip on power through access to international loans and investments for a wide variety of joint-ventures and government projects in return for favourable access to diamond mining licences and diamond trading (Reno, 1995).

Who benefits from the lack of firm border controls in the Mano River basin and surrounding region? A finger is often pointed at the Lebanese community present in all three countries and throughout West Africa (see Gberie, 2002 and 2003). While some Lebanese business people have traded in illicit diamonds and were known to have commercial links to Charles Taylor, so too have numerous others drawn from a multitude of national or ethnic backgrounds. The Lebanese community – residing in the region for up to four generations – represents an important pillar of the West African economy. In towns in and around the Parrot's Beak, small Lebanese shops offer a surprisingly wide range of manufactured goods ranging from radios and hi-fi equipment to diesel-powered generators to shovels and pick-axes.

Although some Lebanese diamond traders undoubtedly continue to exploit the lack of government oversight in the region, others also benefit from weak borders in a more explicit manner. Police and border officials may benefit from weak state overview through the acceptance of 'tips' or bribes that supplement meagre incomes. Elites in the area, such as chiefs, may also benefit. On the Sierra Leonean side, some chiefs have diamond mining licenses in addition to receiving surface rents directly from diamond mining plots. Also, as part of Sierra Leone's present scheme to redistribute diamond

revenues to the areas of provenance – the Diamond Area Community Development Fund (DACDF) – chiefs have been known to pocket the funds or at least not spend the funds on development-oriented projects, such as road repair, schools, medical facilities, and water pumps. While some chiefs redistribute the funds (see Figure 6.4) in an equitable manner in the community, others do not.

Internal Resources: From Agriculture to Diamonds

Reconstruction efforts must also be sustained from internal resources, such as tax revenues from the export of rough diamonds and other commodities to various indirect revenues from overall trade of goods and services. Agriculture is important not only for feeding the domestic population, but also for export earnings. Prior to the start of the civil war, Sierra Leone's agricultural sector accounted for just over half of the country's GDP.¹⁶⁵ Food security is an important component of human security. The reintroduction of livestock to rural areas following the civil war is a small yet important step in rebuilding the food-producing capacity of the country. While chickens remain ubiquitous, the sighting of the occasional cow along the route from Mile 91 to Kenema, for example, was perceived by one aid worker to be a very important indicator that an initial step

¹⁶⁵ See: "World Hunger – Sierra Leone – Country Brief", World Food Programme, <http://www.wfp.org/country_brief/indexcountry.asp?country=694>, accessed on 31 May 2004 and 15 June 2005.

towards agricultural recovery in the rural parts of the country had begun.¹⁶⁶ A similar example of animal husbandry is that pigs are steadily being reintroduced to smallholder farms. However, agricultural production in Sierra Leone suffers from low export prices, infrastructural impediments such as poor roads, and slow (and corrupt) seaports. Sierra Leone, once self-sufficient in foodstuffs and an exporter of its main dietary staple – rice – imports food and receives food aid. It is not uncommon to come across food items clearly labelled as international food aid – donated through agencies such as the World Food Programme or bilateral donor countries – for sale in small market stalls throughout the country. This practice is not confined to Sierra Leone, for the ‘re-sale’ or trade of donated foodstuffs is but one facet of the political economy of international food aid.

As the country progresses along the path to reconstruction and domestic food production increases, it is expected that food aid needs will diminish. Yet, this expectation should not be taken for granted. Although subsistence farming is the country’s largest employer of labour, overall agricultural production is suffering from a shortage of manpower. The lure of ‘striking it rich’ in the diamond mines draws a large number of potential workers away from the agricultural sector. This is a definite limitation in relying on diamonds as a primary means of reconstruction. Flooding the labour market in the diamond sector will further reduce the already paltry wages paid to miners. By definition, subsistence farming will not witness a proportionate rise in wages due to fewer farmers. Rather, agricultural production would likely fall.

¹⁶⁶ Personal communication with an aid worker affiliated with the National Democratic Institute for International Affairs (Sierra Leone), Kenema, Kenema District, Sierra Leone, 8 May 2003.

In a similar vein, Sierra Leone has sizable deposits of rutile¹⁶⁷ (from titanium ore), bauxite, gold, iron ore, and other minerals, though the focus of export-led reconstruction inevitably centres on diamonds. On the one hand, this is not surprising given the importance of diamond exports to the Sierra Leonean economy since the colonial era. Yet, on the other hand, diamonds have proven to be a problematic source of export earnings owing to limitations and challenges ranging from smuggling and illicit mining to government corruption. Furthermore, diamonds served to sustain the rebel group, RUF, whose particularly vicious methods of striking fear in the hearts of civilian populations (e.g., amputation of various body parts and rape) eventually brought attention to not only the civil war, but also the trade of conflict diamonds. These notorious qualities notwithstanding, diamonds continue to be viewed as a panacea of sorts for many outside observers and Sierra Leoneans alike – a means to solve all of Sierra Leone’s economic ills.

Sierra Leone’s Diamonds: Blessing or Curse?

Diamonds have been considered both a blessing and a curse for Sierra Leone. Regardless, diamond revenues represent an important component of Sierra Leone’s economy. In terms of employment, diamond mining is the leading employer of unskilled labour. Diamond mining is also an important supporter of dependent industries. Income earned by miners attracts small-scale traders of foodstuffs and other small consumer items to the mining areas and nearby villages and towns. During the first part of the 1990s, diamonds

¹⁶⁷ For example, Sierra Leone produced US\$ 69.1 million worth of rutile in 1991 (ICG, 2004: 7).

comprised about 20 per cent of total export earnings.¹⁶⁸ Owing to the disruption of rutile and ilmenite production in January 1995 because of the war – which had previously garnered about half of all export earnings – diamonds have become the primary income earner for the economy and, indeed, government coffers. Taken as a whole, the diamond sector provided approximately 15 per cent of government revenues in 2003 – a figure that is expected to rise in 2005 due to the large increase in diamond exports through official channels.

According to statistics from the Ministry of Mineral Resources (MMR) and the Government Gold and Diamond Office (GGDO – which changed its name to the Gold and Diamond Department [GDD] in 2004), official diamond exports totalled almost US\$ 80 million for the period 1999 to 2002. Recorded output by value for 2003 nearly matched the combined output of the previous four years. The figures are as follows: US\$ 1.2 million (1999); US\$ 10 million (2000); US\$ 26 million (2001); US\$ 41.7 million (2002); US\$ 76 million (2003). Sierra Leonean diamonds tend to be of excellent quality, thereby fetching a high average price per carat. In 2003, Sierra Leone ranked second only to Namibia with an average of US\$ 233 per diamond carat (Singer, 2004: 4). This figure is expected to rise to US\$ 280 by the end of 2005 (Goldman, 2005).

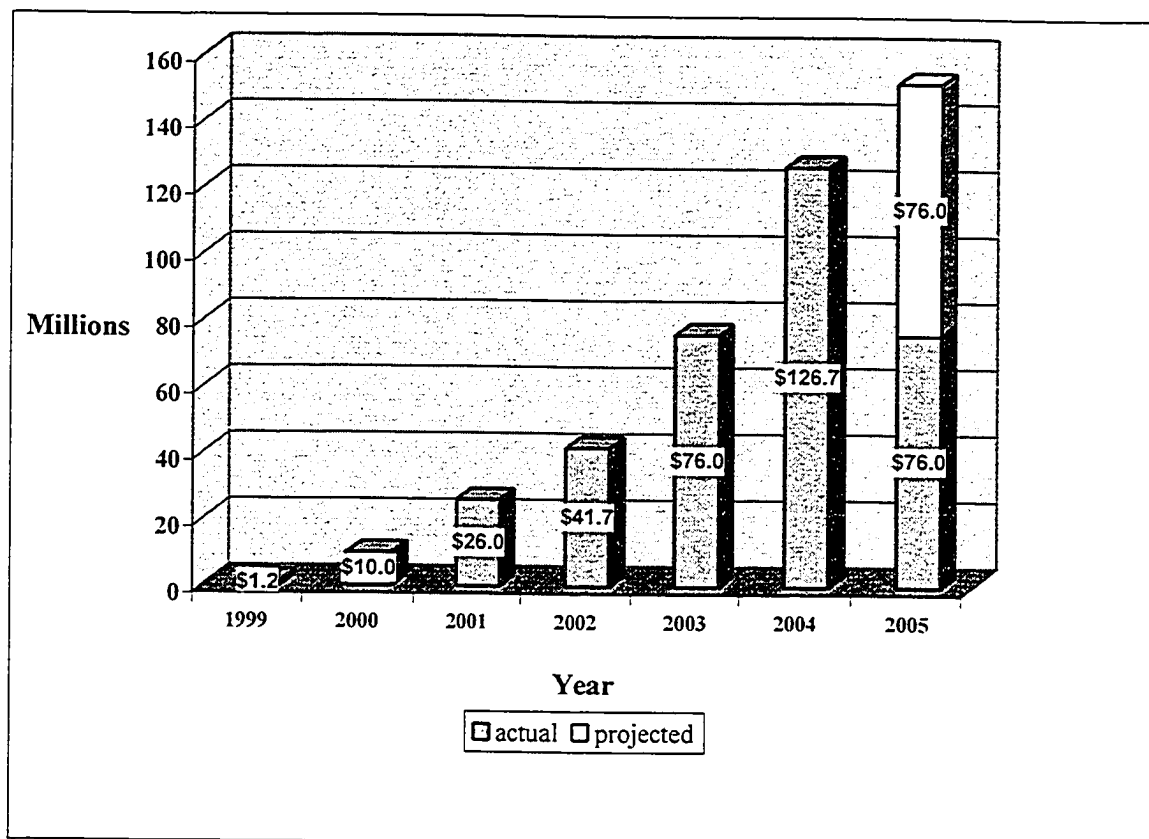
After just three months of production in 2004, US\$ 44 million worth of Sierra Leonean diamonds had been exported. By September 2004, this figure had grown to US\$ 100 million, and the yearly total reached US\$ 126.7 million – more than triple the

¹⁶⁸ The information and statistics provided in this section are drawn from the author's interview with a senior official in the Ministry of Mineral Resources (MMR), Freetown, Sierra Leone, 1 May 2003. Additional statistics for 2003 and 2004 are based on Government Gold and Diamond Office (2003) and Gold and Diamond Department (2004), *Yearly Exports*, Freetown: Government of Sierra Leone. Statistics for 2005 rely on the material contained in Jeanette Goldman (2005), which are based on GGD data.

country's formal sector output in 2002. Following six months of production in 2005, US\$ 76 million in rough diamonds have been exported through government coffers – matching the total output from 2003. Leading up to the usual slow-down in official exports during Sierra Leone's rainy season, US\$ 22 million worth of diamonds passed through the GGD in the month of June 2005.

The government of Sierra Leone also earns other forms of income from the diamond industry. Koidu Holdings, which is the largest diamond mining firm in the country, pays the government US\$ 200,000 per year for leasing the land in and around its diamond mines in Kono District, along with a 5 per cent royalty on diamond sales and a 4 per cent royalty on the sales of other precious metals. The government now charges an export license fee of US\$ 40,000 for indigenous citizens (up from US\$ 5,000 in 2003) *and* foreign nationals (up from US\$ 30,000 in 2003) alike, and various rates for diamond dealer licenses (from US\$ 1,000 to 3,000 depending on citizenship status), and diamond mining licenses (Gberie, 2004 and 2005a). Major exporters receive a 0.5 per cent break on the 3 per cent export levy (i.e., pay 2.5 per cent) if they export more than US\$1 million (indigenous citizens) or US\$10 million (foreign nationals) in rough diamonds, respectively.

Figure 6.3 Official Diamond Exports by Value, Sierra Leone 1999-2005

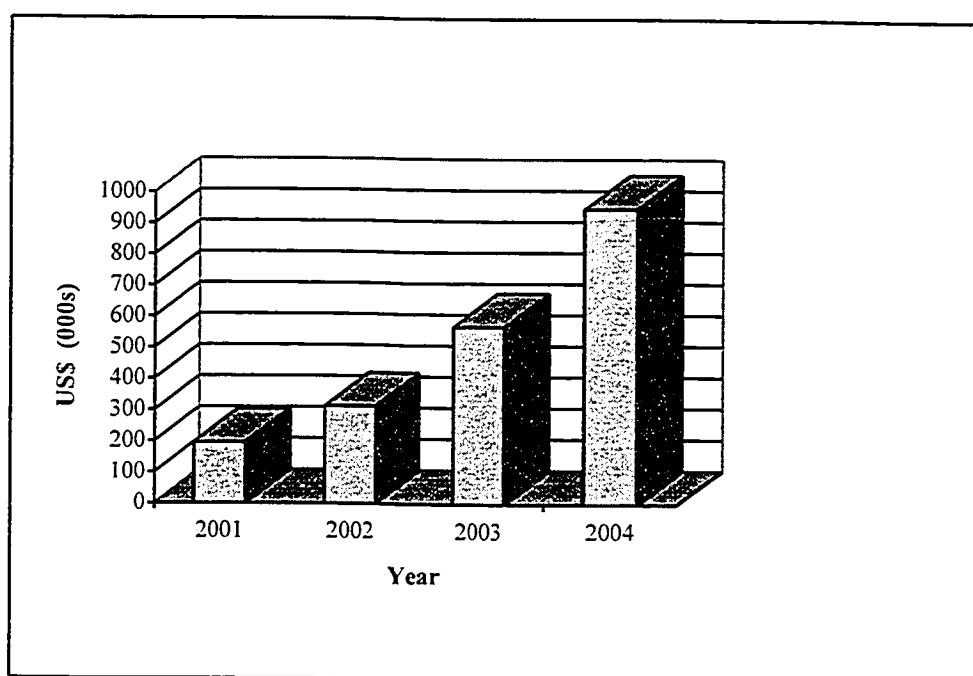


Source: Government of Sierra Leone, Gold and Diamond Department (GDD)

Under the auspices of the NRA and GDD, the government receives a 3 per cent tax on all diamond exports. While this figure may seem small to some, the portion to be directed to community development projects in the mining regions is expected to reach as much as US\$ 950,250 for 2004 (see Figure 6.4), which will be disbursed in 2005. Also, there is a fear that a high tax rate will encourage diamond exporters to either evade or actively subvert official channels and encourage smuggling. Unfortunately, once the 3 per cent tax is divided up (see Figure 5.1), very little ends up in actual government revenue streams. The aforementioned licensing fees bring in a modest amount of income

for the government – in the millions rather than tens of millions – though various economic spin-offs from and employment in the various facets of the diamond industry do contribute to the Sierra Leonean economy overall.

Figure 6.4 Sierra Leone's Diamond Area Community Development Fund (DACDF)



Source: Gberie (2004: 6 and 2005a: 6)

Nonetheless, confronting and eliminating diamond smuggling remains the most daunting challenge in efforts to translate diamond resources into a means to rebuild the country after more than a decade of civil war. Smuggling has a long legacy in the region. In the early 1970s – if not before – diamonds were one of several types of goods that were smuggled throughout the Mano River basin via the markets in Koindu in Kailahun District.¹⁶⁹ As mentioned in chapter 5, estimates from those with knowledge of the Sierra

¹⁶⁹ I am indebted to Christopher Clapham for conveying this information.

Leonean diamond industry place the country's *total* (licit and illicit) annual diamond production anywhere between US\$ 200 million and US\$ 400 million (UNOCHA, 21 June 2003). If these estimates are accurate (which is exceedingly difficult to determine), the Sierra Leonean government is only capturing as little as approximately 30 per cent of total diamond production – a severe blow not only to government revenues but also to the proponents of the Kimberley Process. Some of the most pressing developmental implications and challenges associated with diamonds are examined next.

Children as Soldiers and Diamond Miners

During wartime, children are subject to various forms of human insecurity and disempowerment. The use of children as combatants or soldiers in war has probably been in practice for as long as human warfare itself, from the earliest battles to the US War of Independence to the current US-led war in Afghanistan.¹⁷⁰ Under the terms of the Convention on the Rights of the Child, children under the age of 15 are prohibited from being recruited into the armed forces. According to one recent estimate, a total of up to 300,000 children are employed as soldiers in armed conflicts across the globe.¹⁷¹ Over the past decade, armed conflict has claimed the lives of approximately 2 million children (CIDA, n.d.). During the same period of time, between 4 and 6 million children have been disabled, and another 1 million have become orphans owing to armed conflict

¹⁷⁰ Afghan child soldiers as young as 13 years old have been captured and held in Guantanamo Bay.

¹⁷¹ According to Jo Becker, cited in Tara McKelvey (2003).

(Toweh, 2003: 8). As discussed below, it is this cohort that is particularly susceptible to recruitment or abduction into child soldiering for rebel groups and even government forces. Becoming a child soldier provides one with less personal security and power than might be expected.

The legacy of the civil war on Sierra Leone's youth has been profound. As many as 7,000 child soldiers fought for the various factions in Sierra Leone's civil war, comprising half of all RUF combatants (Zack-Williams, 2001: 73-74; see also Faulkner, 2001). The SCSL has accused the CDF of conscribing children under 15 years of age as part of its efforts to defeat the RUF-AFRC junta from late-1997 to mid-1998 as part of the indictment of Sam Hinga Norman. RUF soldiers were also known to trade children such as young women as commodities (Sommers, 1997). Although girls can become child soldiers (Mazurana *et al.*, 2002; Mazurana and Carlson, 2004; McKay and Mazurana, 2004), it is more common for them to be kidnapped and forced into becoming 'wives' who are in turn, often subject to rape. Sexual slavery was widespread, and women and girls were often 'married off' to 'bush husbands' in the RUF or other armed factions. Even after these so-called 'marriages', women and girls were often subject to rape or gang rape. According to one estimate, as many as 215,000 to 257,000 females were subject to some form of sexual violence during Sierra Leone's civil war (Human Rights Watch, 2003: 25). In other words, nearly 10 per cent of the country's female population was forced to endure acts of sexual violence.¹⁷²

¹⁷² The aforementioned tribunals, the TRC and the SCSL, have heard or will hear cases dealing with sexual crimes. While most TRC proceedings were open to the public, those dealing with sexual crimes against women were closed. These acts of sexual violence have caused deep psychological trauma as well as painful and sometimes life-

Children are enticed, abducted or forced into rebel (and sometimes government) armies, because they are actually quite valuable as soldiers. Children tend to be deferent to authority and will carry out orders – particularly dangerous ones – without question. A pro-government militia commander in Liberia asserted that child soldiers are the ‘best and bravest’ and ‘can fight more than we big people’ (quoted in UNOCHA, 24 September 2003). Child soldiers require less food and are much less likely to complain if wages (when promised) are not paid. Aside from carrying supplies, preparing meals, delivering messages and acting as scouts or spies, the proliferation of both licit and illicit small arms and light weapons (SALW) ranging from grenades to pistols and AK-47 automatic rifles has enabled child soldiers to participate in active duty since these weapons are relatively light and easy to use.¹⁷³

Although a precise number is nearly impossible to ascertain, some former child soldiers have gone on to work in Sierra Leone’s diamond mines. Like adult artisanal diamond miners, child miners are subject to exploitation. This has been the case throughout what might be termed the ‘modern’ era of the diamond industry from the 1860s until the present. This is evident in an account given by Hart (2001: 34) of one of the earliest diamond finds near the Vaal and Orange Rivers in South Africa:

In March 1869 another Griqua boy found a large crystal, and the next day took it to [farmer Schalk] van Niekerk. It is said that van Niekerk took one look and offered the boy a horse, ten oxen, a wagonload of goods, and a flock of five hundred fat-tailed sheep. The boy accepted this amazing haul, and van Niekerk took the stone. It weighed 83.5 carats and he sold it for £10,000. The diamond became a 47.75-carat

threatening health problems among the female victims. Several transnational and local NGOs are giving treatment to these women and girls.

¹⁷³ Rachel Stohl, cited in Tara McKelvey (2003). On small arms, see for example Lora Lumpe (2000), Keith Krause (2001 and 2005), and Peter Batchelor and Keith Krause (2002).

oval brilliant, the Star of South Africa, and was sold to the countess of Dudley for £25,000.¹⁷⁴

If the above story were true, then the Griqua boy received much more than what he would have received if he were part of a present-day brigade of child miners.

Human security issues relating to diamond mining itself are particularly vexing. Owing to the low-skill nature of small-scale alluvial diamond mining (also known as artisanal mining), children are often readily employed as labourers. Exploitation is also widespread, as children tend to be relatively docile and deferential in comparison to adult workers and are willing to work for less (when they are paid at all). Children – the vast majority are males – as young as seven or eight years old can be found in the diamond mining ‘pits’, especially those located immediately outside towns, such as Koidu. Younger children are often in charge of menial tasks, such as carrying buckets of water or kimberlitic ‘gravel’ to the sifting area or, in some cases, to a small mechanical pre-sifting sorting machine. As they get older, children are then put in charge of digging trenches or ‘levels’. It is a common sight on the streets of Bo, Kenema, and Koidu to view groups of young males (and the occasional female) with shovels over their shoulder or sifters under their arms.

Alluvial artisanal diamond mining is a particularly dangerous occupation. Children and adults alike often spend up to 12 hours per day in waist-high, muddy water

¹⁷⁴ Kanfer (1993: 26-27) presents a slightly different account of the transactions surrounding the early history of the Star of South Africa. First, van Niekerk decided to *accept* the Griqua boy’s terms for the diamond rather than simply making the boy an initial offer of seemingly generous proportions. Second, no wagonload of goods was exchanged in Kanfer’s version. Third, Kanfer reports that van Niekerk sold the diamond for £11,200 (instead of £10,000), which was cut, polished, and re-sold for £30,000 (instead of £25,000) in London.

as part of the mining process. Child miners are usually given little more than rice and a place to sleep for their services regardless of their contribution in terms of diamonds mined. Some of the older children might receive the equivalent of about US\$ 0.25 per day in addition to their supplement of rice. While the precise number of child miners in Sierra Leone is unknown, NGOs World Vision and Aim Sierra Leone worked with the government to register 1,200 children working in the diamond pits surrounding Koidu (*BBC News*, 11 September 2003). One estimate put the proportion of child miners to the total amount of children living in Koidu at about 60 per cent.¹⁷⁵ While the methodology employed to arrive at such a figure is ambiguous¹⁷⁶, it reflects the pervasive nature of child diamond mining in Sierra Leone's most important diamond-mining area.

As paltry as the remuneration is in the diamond mines, it still attracts child workers – often with the blessing of parents or relatives (and some children are either orphans or remain separated from their parent due to the war). Out of the approximately 1,200 child miners registered by World Vision and Aim Sierra Leone for placement in school in Koidu, only 50 of these children had enrolled in school due to a lack of classrooms and funding (Fofana, 2003). Notably, the UN contingent in Koidu occupies the grounds of the former secondary school. Yet, even if classrooms, teachers, and the opportunity to enrol in school were all available, the long-term benefits of education are not always recognised. Even if schooling is desired, the immediate and tangible needs of daily sustenance often outweigh the former.

¹⁷⁵ Author's interview with an executive member of the Alluvial Diamond and Gold Mining Association of Kono (ADAGMAK), Koidu, Kono District, Sierra Leone, 11 May 2003.

¹⁷⁶ It is unclear whether or not a formal quantitative study on child diamond mining was conducted to arrive at the 60 per cent figure; nevertheless, many observers consider this to be a reasonable estimate for Kono District.

Aside from the dangerous and physically demanding nature of diamond mining, a lack of education¹⁷⁷ seriously impairs their future employment prospects and overall well being. However, the abject poverty in many of these areas induces parents to send children to the mines to help bring income into the household. Moreover, some children are orphans due to the war or are living with relatives and are therefore compelled to work in the mines rather than attend school. The issue of child diamond mining represents the complexities involved in the human security and development nexus and is yet another example of the limitations of diamonds as a cornerstone for reconstruction and the need to promote 'healthy markets' in extractive resource sectors and other industries. This is relevant not only to the dissertation, but to policy considerations as they relate to the global diamond trade. Child miners continue to receive only nominal attention in multi-stakeholder initiatives on 'development diamonds' in Sierra Leone.

Conclusion

While foreign donors have been footing the bill for reconstruction projects such as the recently concluded NCDDR programme, it is uncertain what level of international aid will be received by Sierra Leone in the medium- and long-term. The source of this uncertainty rests on the fact that foreign aid is subject to myriad factors within donor and recipient states as well as in the international arena. As Jean-Philippe Thérien (2002) reminds us, foreign aid is still subject to the push and pull of the 'Right' versus 'Left'

¹⁷⁷ In 2000-2001, UNESCO estimated that Sierra Leone's secondary school enrolment was 26 per cent (Brett and Specht, 2004: 173).

ideological diad despite the end of the Cold War. The 'Right' is preoccupied with eradicating the functional inefficiencies of foreign aid, which has both policy and practical implications (Thérien, 2002: 460-461). The World Bank has met with Sierra Leonean government officials to re-tool the diamond industry so that so-called 'results-based' management techniques are implemented. At the same time, the World Bank is attempting to improve development aid 'effectiveness' by way of the strengthening of government institutions and governance while providing a role for public participation under the auspices of its 'Low-Income Countries Under Stress' (LICUS) programme.¹⁷⁸

The LICUS programme is currently focused on 12 countries including neighbouring Liberia. While Sierra Leone is not one of the dozen LICUS countries, it does benefit from a similar initiative with the United Kingdom's Department for International Development (DFID) programme to assist 'fragile states' (see DFID, 2005). The World Bank and DFID programmes seek to promote more effective governance among recipient states with explicit and implicit links to the provision of aid resources as part of the global governance efforts entailed by the Millennium Development Goals (MDGs).

Internal resources for reconstruction are equally uncertain, though for different reasons. Diamond exports have been growing at a healthy rate since the final years of the civil war, particularly since the official end of hostilities at the beginning of 2002. While diamond resources appear promising as a foundation for the country's reconstruction, several obstacles remain. First, diamond smuggling and illicit mining persist in Sierra Leone and its neighbours despite the strengthening of legislation and the imposition of

¹⁷⁸ See for example World Bank (2005).

UN sanctions on countries such as Liberia. Regional instability may place the diamond mines at risk once again should hostilities resume in Liberia or emerge in Guinea. Second, as detailed earlier in the previous chapter, the Kimberley Process is still subject to weaknesses relating to implementation and enforcement. Third, it is risky to rely on a single commodity for the bulk of export earnings. Rough diamond prices have stayed remarkably stable, and demand is strong. For instance, the chances of a consumer boycott of diamonds are slim. However, diamond resources themselves are finite. Although estimates of Sierra Leone's diamonds reserves are often quite large, they are just that – estimates. Some off-shore oil exists, but the contractual process surrounding the bidding for drilling blocks has taken longer than originally envisioned. Sierra Leone's fisheries are subject to poaching by foreign trawlers, as enforcement of fishing rights and boundaries is virtually non-existent. The impending return of rutile and bauxite extraction will help, but the problem of relying on finite, non-renewable resources remains.

The present challenge is to focus on more medium- and long-term reconstruction solutions. While this may entail more conventional forms of development, lessons from the past must be heeded in order to reduce the potential for waste and corruption. As Addison (1998: 30) reminds us: 'Public money must be focused on core services of most benefit to the poor. These include primary education, basic health services and safe water and sanitation'. However, this will likely prove difficult to implement, as neo-liberal strategies tend to concentrate on reducing government expenditures and taxation. This favours the wealthier segments of society, not the poor.

Despite the recent period of relative calm in the Mano River Union (MRU) countries of Guinea, Liberia, and Sierra Leone, 'diamonds ... continue to be both a

regional asset and a regional problem' (Gberie, 2001b: 13). Due in part to the logistical constraints of regulating their extraction, alluvial diamond resources have proven to be a mixed blessing for several African countries, especially Sierra Leone. If 'hope for the future' is to be realized, the psychological and physical trauma endured by the people of Sierra Leone cannot be ignored in the context of efforts to spur economic growth and reconstruction. This is crucial to prevent a resumption of the vicious cycle of greed and grievance that led to the outbreak of civil war in the first place. The overarching goal of reconstruction should be broad-based, sustainable, and equitable in terms of economic and social development. Yet, the aforementioned evidence suggests that the prospects for Sierra Leone's post-conflict reconstruction and human security for individuals remain uncertain at best, especially if diamond exports – which may be disrupted due to any one or combination of the factors examined in this chapter – are relied upon as the backbone of reconstruction.

CHAPTER SEVEN

CONCLUSIONS: GLOBAL GOVERNANCE AND THE KIMBERLEY PROCESS

IN THEORY AND PRACTICE

*A shift is taking place from government to multilevel global governance.*¹⁷⁹

*The Kimberley Process was having a real impact.... Participants had seized shipments of rough diamonds lacking Kimberley Process Certificates and smugglers had been prosecuted. Most importantly, the Process was making a positive contribution in the countries that had suffered the devastating effects of conflict diamonds. Since the Scheme's implementation, a larger portion of diamonds had been channelled through official government mechanisms.*¹⁸⁰

Introduction

From an analytical standpoint, the Kimberley Process is a virtually untapped resource for scholarly inquiry. Thus, in terms of analysis, one may examine the Kimberley Process and draw valuable policy lessons from the initiative as well as offer lessons for an emerging global governance theoretical framework with respect to the overlapping fields of international relations, international political economy, international development

¹⁷⁹ David Held and Anthony McGrew (2000: 35).

¹⁸⁰ Canada's Ambassador to the UN, Allan Rock, as quoted in *United Nations General Assembly* (14 April 2004).

studies, and international security studies. Within these fields, the dissertation has drawn upon the literature on global governance (Rosenau, 1995 and 1999; Gordenker and Weiss, 1995; Väyrynen, 1999; Hewson and Sinclair, 1999; O'Brien *et al.*, 2000; Weiss, 2000; Halliday, 2000; Held and McGrew, 2000 and 2002; Thomas, 2001; Duffield, 2001; Wilkinson and Hughes, 2002; Krahmann, 2003; Colás, 2003; Halabi, 2004; McGrew, 2005), the political economy of violence (Rufin, 1996; Jean and Rufin, 1996; Keen, 1998; Shearer, 1998a; Cilliers and Mason, 1999; Cilliers, 2000; Klare, 2001; Le Billon, 2000 and 2001b; Ballentine and Sherman, 2003; Pugh *et al.*, 2004; Ross, 2004; Ron, 2005), 'new'/'cosmopolitan' multilateralism and the 'new'/'public' diplomacy in the conduct of international relations (Knight, 1995; Dolan and Hunt, 1998; McRae, 2001; Waschuk, 2001; Cooper *et al.*, 2002; Cooper, 2004), the non-governmental organisation (NGO)-led 'Publish What You Pay' (PWYP) campaign and the government-led Extractive Industries Transparency Initiative (EITI) in the context of the broader push for greater corporate social responsibility (Oliviero and Simmons, 2002; Palacios, 2004; World Bank, 2004; Doane, 2005), development in the context of post-war reconstruction (Addison, 1998 and 2003; Thomas, 2001; Bornstein and Munro, 2003) and 'fragile' states (DFID, 2005; see also Commission for Africa, 2005: Chapter 6 and Annex 7). Moreover, the Kimberley Process itself is a functional example of how global governance is evolving beyond the purview of economic and financial concerns to include those of human security, broadly conceived.

I define global governance in both *theoretical* and *functional* terms, however interconnected and interrelated. This is informed by Weiss' (2000) approach, which brings the theoretical and functional aspects of global governance together by

investigating how global governance (in theory) can bring about ‘good’ governance (in practice). Fred Halliday (2000: 19) notes that global governance ‘is a term almost no-one used a decade ago [1990s], but which is now generally held to refer to the institutions for managing relations between states across a range of issues, from security to human rights and the environment’. I also define global governance in *conceptual* terms as a framework for analysis that aims to understand global *change*. Analytically, then, global governance provides a coherent approach through which to understand how and why state and non-state actors work together with the aim to establish order and attain a particular public good.

Global governance theory is underpinned by parallel approaches to globalisation. Although they disagree on the desirability, scope, and impact of globalization on the nation-state, skeptics and globalists both acknowledge that globalisation has significant implications for governance. While skeptics fear that states will lose the capacity to impart various provisions and protections for their citizenry, globalists hold that the reduction of state power will enable ‘robust transnational organizations and institutions of regional and global governance’ to promote justice and other political ‘goods’ (Held and McGrew, 2000: 36). Not only does the apparent erosion of state capacity impact the policy-making ability of national governments, some contemporary problems are indeed *global* problems. In his assessment of globalisation’s prospects for precipitating a Kuhnian shift in International Studies, Mittelman (2002: 7) contends that globalisation theorists seek to address, among other issues, problems that occur ‘partly within and partly across borders, partially addressed by states and partially beyond their regulatory framework’.

From a policy perspective, the trade of conflict diamonds as well as the smuggling of diamonds occur within and across national boundaries. The KPCS evolved (and continues to evolve) as a global regulatory framework that sought to fill the evident governance gaps in policy and practice on diamonds. One of the dangers of conceiving global governance in functional economic terms is that it ignores the more politically-oriented forms of global governance that are emerging – with varying degrees of success – around landmines (see chapter 2), small arms and light weaponry (see chapter 5), and conflict diamonds. This leads scholars such as Yakub Halabi (2004: 34) to lament that ‘[g]lobal governance has, as a result, become a channel to tame Third World states by pushing them to abide by universal regulations through the establishment of domestic institutions that are compatible with Western rules of order’. Implicitly defining global governance as global *economic* governance overlooks the nuanced and progressive forms of global governance that indeed exist in international relations, international political economy, international development studies, and international security studies.

Within the Kimberley Process, Western countries do not push about the so-called ‘Third World’ states. The consensus-based operating principles of the Kimberley Process effectively give each state – including Third World countries – a veto. These operating principles are designed to bolster various Third World regimes including ‘fragile’ states. The norms and operating rules of the Kimberley Process mean that various agencies and networks are realized, and that the United States and Russia are on an equal footing with Sierra Leone, Guinea, and the Democratic Republic of Congo (DRC) within its operational parameters. This is not to deny that, in practice, different member states tend to have different levels of political ‘clout’. During the informal negotiating that goes on

during myriad meetings before and after (and during breaks in) the Kimberley Process' Plenary meetings, the political weight of each member state tends to be felt along more traditional lines. There is a constant desire to placate (within reason) the Russian and American delegations. Yet, it is during these informal meetings that NGO participants and, to a lesser extent, diamond industry representatives are able to influence state members. And, the focus on obtaining consensus during Plenary deliberations gives even the so-called 'fragile' states of Africa much more clout than they would normally enjoy in the UN or other diplomatic forums.

The Kimberley Process: Conceptual and Analytical Implications for Global Governance

My dissertation has sought to capture the dynamic nature of the Kimberley Process. To this end, the study has traced its evolution with reference to global governance as practice and process. First, the dissertation has analysed how new forms of global governance comprised of networks of mixed-actor coalitions and partnerships of state and non-state actors at the global, regional, national, and local levels become a functional process to promote human security and influence international and national policy-making processes despite numerous obstacles. While still important in this era of emerging global governance, it is clear that states and international organisations are no longer the sole players but rather are joined by various non-state actors in diverse forms of mixed-actor coalitions and networks. Although traditional security concerns over issues such as nuclear proliferation and US unilateralism in foreign policy cannot be overlooked, the

inclusive nature and flexibility of the norms, coalitions, and networks that underpin new diplomacy and new multilateralism offer much potential to address a disorderly world. One cannot presume a forthcoming extinction of traditional security concerns, though the recent rise of human security in the foreign policy and foreign aid lexicons of many governments is consistent with global governance initiatives.

Second, the dissertation has examined the actions of three types of constituent actors in the Kimberley Process' global governance arrangement or 'triangle' – states, NGOs, and industry. Although the goal of eradicating the trade of conflict diamonds was primary and much progress was made, the governance structures within the Kimberley Process witnessed a reinforcement of traditional roles for each grouping. States dominate the structures of the Kimberley Process through its 'Working Groups', operational capacity, and the pace and tone of Plenary meetings. Although important members of the Kimberley Process 'Review Missions', NGOs still seek to influence the international debates on conflict diamonds and development diamonds while pressing the diamond industry and certain states for deeper and more rapid change. Thus, participant NGOs continue to focus on garnering media and consumer attention by publishing reports – coinciding with major diamond industry meetings and Kimberley Process meetings – that castigate industry and sometimes national governments for lack of progress on implementing a 'chain-of-warranties' for conflict-free diamonds or attention to 'development diamonds'.

As explained in chapter 4, De Beers has become an active participant in the mixed-actor global governance structures to eradicate conflict diamonds and a keen supporter of the Kimberley Process. Given the profit motive of all firms, De Beers was

compelled to do so. Nonetheless, the lack of altruism among industry actors has led to a lingering impression (especially among NGOs) that De Beers and others in the diamond industry are more concerned with profits and good public relations than implementing veritable corporate social responsibility (CSR) practices. For instance, it is thought that De Beers, the International Diamond Manufacturers Association (IDMA), the World Federation of Diamond Bourses (WFDB), and the World Diamond Council (WDC) could place greater pressure on diamond jewellers to ensure that the 'chain-of-warranties' that assures consumers the merchant has purchased its diamonds from non-conflict sources is being implemented. The point here is that mixed-actor, multi-level governance has its limits. Although the Kimberley Process illustrates a degree of movement away from *purely* state-centric governance in functional and theoretical terms, we are not yet witnessing a paradigmatic change in global governance practices.

Third, the thesis has employed Sierra Leone as a test case in order to understand how a national diamond certification system based on the Kimberley Process Certification Scheme (KPCS) operates in practice. Diamonds are virtually synonymous with Sierra Leone, though the mineral has contributed more to human *in*security than human development and human security in the country in recent decades. The porosity of international borders in the context of criminal activity has the potential to disrupt reconstruction efforts. Illicit diamond mining continues to take place away from the scrutiny of government mines monitors, and even legally mined diamonds continue to be smuggled back and forth across the Liberian and Guinean borders with relative ease. Illicit diamond mining and diamond smuggling also contribute to regional instability, deter foreign investment, and divert funds that would otherwise be added to government

revenues. That said, a great deal of progress has been made in Sierra Leone. The country's diamond exports continue to grow at an impressive rate. As depicted in chapter 6, official exports have increased at an exponential rate from US\$ 1.2 million in 1999 to US\$ 126.7 million in 2004.

Although it is tempting to downgrade the importance of states in global governance, they are still very relevant in international affairs and for functional, global governance initiatives at the national level. Though observers such as industry representatives and civil society groups have equal standing within the Kimberley Process, it was evident from observing the most recent Plenary meetings in Gattineau in late-October 2004 that state representatives possess the most clout in terms of directing the agenda. Conceptually and analytically, the state cannot be discounted. That is not to say that states are impervious to shortcomings, such as 'bad' governance, lack of political will, and weak capacity. Applied to the conflict diamond issue, corruption and government graft surrounding the gems have not been eradicated. In addition to logistical challenges, low wages, lack of vehicles and communication devices, and lack of training – all under the aegis of state provision – remain a concern in terms of implementing and monitoring diamond legislation under the terms of the KPCS.

It is accurate to note that 'Global governance seeks to go beyond the reliance upon state-dominated international regimes, which have proven increasingly inadequate to the task of managing globalization, and build a dense web of global networks to govern an emerging global civil society' (O'Brien *et al.*, 2000: 7-8). However, global civil society and its constituent groups can only do so much to replace the state in areas where it has receded. It is crucial for the concept and practice of global governance that

states, civil societies, and firms work together through co-dependence on particular issue-areas. The Kimberley Process could not have happened without the key contributions from *each* of these actors.

Thus, despite its limitations and flaws, cautious optimism is warranted that the Kimberley Process will provide similar endeavours with a blueprint on how to bring diverse interests together. This is due to the fact that the Kimberley Process operates according to novel global governance principles. States, industry representatives, and civil society groups are all members of the various Working Groups, such as that on diamond production and trade statistics. Although members of the Kimberley Process suspended the Republic of Congo (ROC), there is *no* provision in the KPCS document that explicitly details the conditions for the suspension or expulsion of a Participant state.¹⁸¹ Under the direction of Canada as Chair in 2004, a very careful and detailed review mission was carried out in the ROC and its diamond export statistics were scrutinised. In short, the ROC's ministries of revenue and mineral resources could not demonstrate where their diamond exports came from. The ROC produces almost no diamonds; it is well known in diamond industry circles that the gems have been smuggled across the border from the DRC and from nearby Angola for decades. The decision to suspend the ROC was based on an *interpretation* of the KPCS, which demonstrates its flexibility and adaptability.

¹⁸¹ Lebanon was also suspended from the Kimberley Process in 2004, though for different reasons. The legislation to regulate its diamond industry was not signed into law by its President, thus nullifying one of the primary requirements of KPCS membership. Although Lebanon produces no diamonds, it is a major market for cutting and polishing rough diamonds. Lebanon has been accorded Observer status, and sent a delegation to the Gataineau Plenary meetings.

As with all decisions in the Kimberley Process, the decision to suspend the ROC on 9 July 2004 was arrived at by consensus (excluding the ROC, of course). With that said, it is important to note that the members of the Kimberley Process have not vilified the ROC for its transgressions. The general attitude towards the ROC is one of determining how it can ensure that KPCS guidelines will be properly and sincerely followed once the country is re-admitted. Having countries outside the KPCS is undesirable, for it creates potential sources and markets for illicit diamonds. Even though the ROC is displeased at being suspended, it attended the Gataineau Plenary meetings as an Observer and is eager to regain certification under the KPCS. Owing to these 'sanctions' as well as incentives, the ROC government has already embarked on the first step towards re-certification. It has hired an independent French firm that is expected to determine the country's productive capacity for diamond mining. If this production level were exceeded, then the ROC would be suspended again. The second step is that the country must submit to and successfully pass another Kimberley Process review mission. Tim Martin and his staff were responsible for setting these two 'steps' or conditions.

Although initially pusillanimous with respect to a consumer boycott, the diamond industry has been able to breathe a collective 'sigh of relief'. Consumer knowledge of conflict diamonds has increased due in large measure to the efforts of NGOs and international media. It remains to be seen, however, if consumer knowledge will increase further and, by extension, if the possibility for consumer activism concerning conflict diamonds will grow in the near future. Given the relative calm in Sierra Leone, Angola, Liberia, the DRC as well as the ROC and Central African Republic (CAR) – all still

‘fragile’ states – it may appear that conflict diamonds have either vanished or are no longer a pressing human security concern.

Such an optimistic perception is false due to three factors. First, the longevity and lack of deterioration of diamonds means that gems mined and traded during periods of conflict in the aforementioned countries are still on the market. These particular diamonds may still be in rough form in the possession of wholesalers, cut and polished though not yet set in jewellery pieces, or part of diamond jewellery that has yet to be sold. Second, there is a faulty perception that conditions are relatively peaceful within those countries where conflict diamonds originated.¹⁸² A stable peace requires more than the simple absence of warfare. And, the diamond producing regions within some of these countries (such as Angola and the DRC) have little in the way of government or UN overview in terms of security and police provisions. The reconstruction efforts in Sierra Leone and Angola – however slow – contribute to this false sense of tranquillity. Third, new crises emerge, and old crises persist in Africa. HIV/AIDS and malaria continue to plague the African continent, not to mention the regular occurrence of drought, famine, and other natural disasters. The ongoing humanitarian crisis in the Darfur region in Western Sudan, while tragic, has nevertheless drawn international media and NGO attention away from the unsteady peace agreements in diamond producing countries such as the DRC and Liberia.¹⁸³

¹⁸² Côte d’Ivoire’s civil war continues to plod along, which is notable given that the country produces a small amount of diamonds and is a member of the Kimberley Process.

¹⁸³ The 13 June 2005 edition of the *Report of the United Nations Panel of Experts on Liberia* expressed concern regarding the lack of transparency involved in a secret deal negotiated by the National Transitional Government of Liberia that would give the London-based West African Mining Corporation (WAMCO) exclusive mining rights to

Thus, the jeremiad of participant NGOs on strengthening the KPCS and giving it 'more teeth' is justified. This is a needed if somewhat wearisome strategy that places pressure on industry and state actors to reinforce and improve upon the current provisions of the KPCS. Hubristic statements by industry leaders are not helpful and may very well obscure the depth of the challenges that continue to confront efforts to eradicate conflict diamonds as well as the illicit trade of the gems. A common estimate holds that diamonds that have either been illicitly mined or smuggled across state borders account for as much as 20 per cent of global output. Thus, it is important to avoid blithe declarations that simply tout the accomplishments of the Kimberley Process. Indeed, some of the gains are fragile and may prove ephemeral, as other human security concerns may very well (though unintentionally) push the conflict diamond issue to the margins. Hence, a measured assessment of the Kimberley Process' past, present, and future suggests that a cautiously and provisionally optimistic assessment is the most that can be justified.

As of 1 January 2005, the Russian government assumed the position of Chair of the Kimberley Process. In 2003, Russia competed with Canada and Botswana to become the next Chair. A compromise was reached whereby Canada would become Chair in 2004, followed by Russia in 2005, then Botswana in 2006. Like previous Chairs Canada and South Africa, Russia's diamond exports represent one of several extractive resources that support the Russian economy. Thus far, Russia has appeared very committed to promoting the Kimberley Process as Chair. Its nomination as Chair was widely reported in the Russian press. The individual serving as Chairperson is Vyacheslav Shtyrov, President of the Russian province Sakha (Yakutia). Expectations are high, however, as

the country's diamond resources. UN sanctions on Liberian diamond exports have been extended to December 2005.

previous Chairpersons Abbey Chikane (South Africa) and Tim Martin (Canada) have been praised for their hard work and accomplishments by Kimberley Process participants and observers alike.

There is some trepidation among participants and observers concerning Russia's term as Chair, because it only submitted diamond production statistics to become fully compliant with the KPCS in December 2004. During the November 2002 Plenary meetings in Interlaken, Russia had received a two-year exemption on providing production statistics, because under the country's Official Secrets Act, it was illegal to release this information. After 'behind-the-scenes' pressure by other state participants (in some instances as proxies for civil society observers), the Russian delegation issued a communiqué on the final day of the October 2004 Plenary meetings in Gatineau that promised the legislation was in the midst of being changed and diamond production statistics would be submitted in December 2004. The aforementioned delays aside, Russia has the potential to become a 'regime-leader' on conflict diamonds due to its still formidable presence in global affairs.

Like NGOs, states are known to seek to exploit the networks of global governance as vehicles to promote their own interests (Castells, 2005: 11-12; see also chapter 1). Clapham (2003: 41) echoes these sentiments:

Despite the increased salience of other organisational forms, including non-governmental organisations and international regimes, and despite the characteristic of hiving off to other agencies of what were previously seen as essential state functions, there is no alternative to the state as the key regulatory agency at the local level.

Clapham's statement reminds us that, inasmuch as the Kimberley Process is a promising *functional* example of global governance that is helping to stem the trade of conflict

diamonds and illicitly mined gems, each member state is ultimately responsible for regulating effectively the mining and trading of diamonds within its borders. It is also evident that member states drive the bulk of the proceedings during the Kimberley Process plenary meetings. This places NGO representatives in a reactive position, though they continue to have success in lobbying member states before, between, and after plenary sessions. This exemplifies how NGOs promote transnational advocacy networks while at the same time contributing to the new/public diplomacy and new multilateralism.

The emphasis on networks is also readily applicable to the Kimberley Process. For some states, the *appearance* of a clean global diamond industry that is free of conflict gems is more important than making progress on the technical details of establishing a database of national production statistics. Thus, a conclusion – and a word of caution – is that the Kimberley Process may very well result in the strengthening of the position of those states that are able to effectively regulate their respective diamond industries, such as those with high-infrastructure investment in kimberlitic, large-scale extractive mining (in their ‘national interest’) rather than low-cost artisanal and alluvial mining in countries like Sierra Leone. Considerations such as level of mining infrastructure and geography cannot be ignored. Poorer countries with porous mining areas and borders may never be able to stem illicit outflows completely while Canada, Russia, Botswana, and South Africa will enjoy the benefits of conflict-free diamonds as well as the legitimacy these gems confer. This will have a direct bearing on not only the prospects for Sierra Leone’s diamond industry, but also human security provisions for the people of Sierra Leone. And, added benefits to wealthier countries at the expense of poorer diamond exporters would severely undermine one of the primary tenets of global governance and call into

question its analytical as well as applied or functional value; that is, the provision of a global good, which in the present case relates to a more equitable distribution of the proceeds from diamond mining and trading.

Development hopes and aspirations are often pinned in large measure on the proceeds from extractive natural resource industries. Diamond exports are no different, for the gems have been looked upon as a lucrative foreign exchange earner throughout Sierra Leone's pre- and post-independence history. The persistence of such hopes is remarkable given the inability of the colonial and post-colonial governments to translate the mineral riches of Sierra Leone (which also include titanium ore [for rutile and ilmenite], bauxite and gold; see also *Financial Times*, 2005a and 2005b) into tangible increases in the standard of living and various indicators of human development. Thus, if past experience is any indicator of what the future may hold, even if the government is able to regulate and control its diamond resources, there is no guarantee that the majority of Sierra Leoneans will share in the benefits. Resource-led economic development assumes that the reduction of the informal economy will help to expand the formal economy, thereby providing development gains for all. Even if this premise is valid, resource-led economic development is fraught with myriad governance obstacles and pitfalls – at the local, national, regional, and global levels – and is by no means a panacea.

The Limitations of Global Governance: Challenges for Human Security

Although global governance has a great deal of analytical and practical potential, it has inherent limitations that curtail its effectiveness and scope. Global governance as an analytical or applied framework cannot predict – and therefore cannot prevent – the outbreak of violent conflict and other challenges to human security provisions that are set out in the UN Report of the High-level Panel on Threats, Challenges and Change (2004).¹⁸⁴ Guinea, for instance, shares many similarities with Sierra Leone and Liberia circa 1988, including artisanal diamond mining resources, government corruption, and large economic inequalities. Although one of the aims of the Kimberley Process is to end the trade of conflict diamonds now and in the future, Guinea has been one of its more recalcitrant members. If civil war were to erupt in Guinea, diamond mines would be key strategic assets. Although the probable imposition of UN sanctions would help, these measures are notoriously flawed, and Guinean diamonds would likely continue to reach global markets.

Although the global governance policy triangle relies on firms, little keeps them engaged aside from the profit motive. Why has the diamond industry become such an eager participant in the Kimberley Process? Perhaps it is based on a response to the growing trend, which, as Alyson Warhurst (2005: 152) argues, compels corporations of all stripes to go ‘beyond the obligation to “do no harm” to the responsibility of being “a positive force” in contributing to worldwide social development goals’. It is plausible that the industry as a whole could have continued to operate as it always had, purchasing

¹⁸⁴ Otherwise known as *A More Secure World: Our Shared Responsibility*.

diamonds with little concern for their origins. Indeed, until the very end of the 1990s, De Beers and most other diamond industry actors denied that conflict diamonds even existed.

There are two likely factors or explanations for the 'change of heart' toward conflict diamonds among diamond industry leaders at the turn of the century. The first factor is fear of a consumer backlash or, vastly more damaging, a consumer boycott. The second factor relates to the recent and ongoing structural changes to the way in which the global diamond industry operates. This includes the steady infusion of corporate social responsibility (CSR) principles as well as the growth and profile of EITI among industry leaders and the ways in which De Beers is transforming its business philosophy towards branding and its entry into the retail end of the diamond industry.

De Beers' reputation for business acumen is well deserved. While some firms would be loathe to implement ethical business practices out of fear of increased business costs, De Beers foresaw the benefits of cleaning up the image of the diamond industry (a lesson learned from the anti-apartheid campaign and its impact on South African and related business interests), which was beginning to tarnish with the growing awareness of diamond-fuelled wars. Furthermore, by improving transparency and regulation in the diamond industry, De Beers could gain greater access to rough diamonds from beyond its own mines. Drawing on its experience as a leader in the diamond industry, De Beers could position itself as a trusted source of diamonds for cutters, polishers, and jewellers. And, since De Beers was entering the retail diamond jewellery market itself, it was important to extend a polished image to sustain branding.

However, while De Beers may end up improving the working conditions of miners in countries such as Sierra Leone, this is far from actively contributing to the

‘worldwide social development goals’ envisioned by Warhurst. Therefore, at a deeper analytical as well as applied level, the more telling question is concerned with who benefits from global governance on conflict diamonds. From the corporate perspective – albeit concealed rather esoterically – it is De Beers’ shareholders and sightholders (who have the most to lose) rather than externally imposed stakeholders who are most likely to benefit from an ethically resuscitated diamond industry.

The problematic role of the private sector and private authority also extends to the contentious issue of private military firms which, as described in chapter 3, must be addressed when reviewing the conduct of Sierra Leone’s civil war. Kenneth Campbell (2004) asserts that in wartime civilians look to national armed forces for protection. However, examples of militaries either being overwhelmed or committing crimes against their own people, particularly during civil war, are legion. Segments of the Sierra Leone Army (SLA) have been accused of collaborating with the RUF at various points during the war. Furthermore, there are numerous allegations that the SLA carried out malicious acts against civilians suspected of sympathising with the rebels. Consequently, civil-military relations remain tenuous in Sierra Leone, as distrust towards the armed forces persists. One of the critiques offered by proponents of human security is that states cannot be counted on to provide security for their citizens and that the state is often a primary transgressor of the security of its people. Although controversial, private firms are increasingly contracted (or sub-contracted) to perform duties that were previously under the purview of national armed forces. The current US-led war in Iraq is the most notable contemporary example of the use of private military firms.

Although mostly in either advisory or support roles, private firms have been known to play a more hands-on role in fighting insurgency or rebel groups. The now defunct private military firm Executive Outcomes assisted both the Sierra Leonean and Angolan governments in their armed struggles against the Revolutionary United Front (RUF) and *União Nacional para a Independência Total de Angola* (UNITA), respectively. Executive Outcomes was most actively engaged in Sierra Leone, as it was successful in forcing the RUF out of important diamond mining areas in the mid-1990s. Private military firms – or mercenaries – are attractive to fragile states as a short-term though expensive solution to bolster weak capacity. David Shearer (1998a, 1998b, and 2001) contends that private military firms should not be excluded from strategies to protect civilian populations and international aid workers. Shearer notes that private military firms are not without problems, and that increased accountability and transparency are sorely needed. Abdel-Fatau Musah and J. ‘Kayode Fayemi (2000: 18) add that national and international legislation should be enacted as a means of promoting accountability and overall regulation of mercenary groups. Conceptually and morally, the notions of patriotism and nationalism infused in regular militaries should be problematised and juxtaposed against profit as the overarching motivator for private military firms and their employees. These contrasting motivations are inherently more complex than might otherwise be imagined. Despite the troublesome ethical considerations associated with employing mercenary groups or private military firms, however, Executive Outcomes was effective in terms of repelling the RUF.

Similarly, the Economic Community of West African States Cease-Fire Monitoring Group (ECOMOG) may also be deemed fairly effective in the campaign

against the RUF. Many Sierra Leoneans welcomed both Executive Outcomes and ECOMOG, as the groups provided some degree of relief from the onslaught of the rebels.¹⁸⁵ At the same time, neither group intervened in Sierra Leone due to altruism. I am not implying that ECOMOG was effectively the same as a mercenary operation. Executive Outcomes was interested in financial compensation for services rendered. ECOMOG's motivations were more complex.

The Nigerian government – through its dominant role in ECOMOG – sought to not only assert its hegemony in the region, but also improve its standing in the international community. After decades of military coups and human rights abuses, the Nigerian government was keen to portray an image as a stable and benevolent regional actor, intervening in a multilateral fashion to protect human rights abuses in other West African countries. Furthermore, several reports suggest that some segments of the Nigerian-led ECOMOG forces deployed in Sierra Leone in the late-1990s engaged in illicit mining once the RUF was pushed out of diamond mining areas (see for example *The Economist*, 29 January 2000: 52; McGreal, 2000; Kaldor, 2001: 140).

Military intervention, whether private or publicly funded, is a short-term solution often fraught with its own difficulties. Musah and Fayemi (2000: 39) are correct in surmising that ‘... mercenary activities can, at best, be band-aids; they cannot bring about a sustainable peacebuilding process’. Amid reports of misconduct on a number of fronts and the somewhat dubious reasons behind Nigeria's seemingly enthusiastic support for

¹⁸⁵ Though admittedly anecdotal, this was mentioned to me by dozens of Sierra Leoneans in the course of informal conversations regarding the civil war. See also David Francis (2001) and Ian Smillie and colleagues (2000: 64).

the intervention¹⁸⁶, many ECOMOG soldiers were killed in clashes with rebel forces – something that should not be ignored when assessing its less-than-perfect conduct in the war.

It is important to acknowledge the contribution of ECOMOG's intervention in terms of providing some stability in Sierra Leone when the international community writ large was doing very little. While some ECOMOG personnel committed human rights abuses and even war crimes – admittedly inexcusable – it is unfair to characterise the entire contingent as informal allies of the RUF and present in Sierra Leone to plunder the country and terrorise its civilian population. Many Sierra Leoneans will admit that they were grateful for ECOMOG's efforts in the late 1990s despite the numerous transgressions and acts of violence that accompanied the intervention (Francis, 2001).

While Executive Outcomes and ECOMOG were different types of 'band-aids', and the peace they brought was 'unsustainable', their intervention was important. It was not until the late-1990s that the wider international community finally took serious notice of what was becoming an increasingly grisly civil conflict in one of Africa's poorest countries. One wonders where functional global governance initiatives were in Sierra Leone's time of need. Arguably, the United Nations' intervention in Sierra Leone came

¹⁸⁶ An oft-neglected background detail to Nigeria's intervention in Sierra Leone is the fact that public opinion in the former was never particularly supportive with respect to the Nigerian-led ECOMOG intervention. In fact, a public outcry ensued when it was revealed that its government was spending approximately US\$ 1 million per day to sustain its troops in Sierra Leone. Although the intervention in Sierra Leone became an election issue during the 1999 presidential campaign, Olusegun Obasanjo and his People's Democratic Party (PDP) were loath to discard the idea of Nigeria as a guarantor of West African peace and stability and a regional – if not continental – power. Obasanjo won the election and Nigeria remained in Sierra Leone until relieved by British and later UN forces. Much of the Nigerian contingent stayed on in Sierra Leone, trading the ECOMOG designation for UN 'blue helmets'.

about in large measure due to international media images of civilians of all ages suffering amputations and other forms of torture and cruelty at the hands of the RUF. On 5 July 2000 (though several years too late) the UN Security Council finally imposed a ban on the purchase of Sierra Leonean rough diamonds unless accompanied by a Certificate of Origin from the government.¹⁸⁷

One of the limitations of the global governance framework is that it is not well equipped to deal with more traditional security concerns of ‘old’ multilateralism, such as national security and stability. Several West African countries are experiencing varying bouts of insecurity. Liberia is already drawing away foreign aid and other external sources of assistance after its own period of civil war and venal governance under Charles Taylor.¹⁸⁸ Côte d’Ivoire remains embroiled in a low-intensity civil war, and the future of Guinea is clouded (ICG 2003b and 2005), as rumours of an impending coup persist. Guinean president Lansana Conté survived an assassination attempt while his motorcade traveled through Conakry on 19 January 2005 – an attack which may have been orchestrated by Taylor from exile in Nigeria (see ICG, 2005: 22-23). The assassination attempt notwithstanding, Conté’s health has been poor for quite some time, and his grip on an opaque regime may be slipping.¹⁸⁹

¹⁸⁷ United Nations Security Council Resolution 1306 (2000), extended by UNSC Resolutions 1385 (2001) and 1446 (2002). The ban was repealed on 5 June 2003.

¹⁸⁸ From 1992 to 1996, Charles Taylor is reported to have earned over US\$ 400 million per year from Liberia’s war economy (Berdal and Malone, 2000b: 5).

¹⁸⁹ In the aftermath of the January 2005 assassination attempt, Conté dismissed three senior government ministers including Security Minister Moussa Sampil – who was in charge of investigating the assassination attempt but unable to locate the perpetrators – and Mines Minister Alpha Mady Soumah. In all likelihood, the March 2005 dismissals are an attempt to reinforce Conté’s increasingly precarious grip on power.

Mohammed Ibn Chambas, the Executive Secretary of ECOWAS, recently stated that West Africa is home to ‘over 8 million [small] arms’ and that ‘half of them [are] being used for criminal purposes’.¹⁹⁰ It is estimated that most of these small arms are located within the porous borders of the Mano River Union (MRU) states of Sierra Leone, Liberia, and Guinea. Although it is unclear exactly how many of these weapons are in Sierra Leone¹⁹¹, renewed violence would likely result in an influx of small arms from elsewhere in West Africa. ECOWAS’ 1999 Protocol on Small Arms lacks capacity in functional terms, thereby raising questions as to its practical effectiveness.¹⁹²

Despite relative peace and stability in most of Africa’s diamond-producing states, there are reports that conflict diamonds are being mined in a divided, conflict-ridden Côte d’Ivoire – which is a member of the Kimberley Process (Martin, 2004: 2). Although the Ivorian government – such as it is – has prohibited all exports of rough diamonds and is not issuing Kimberley Process Certificates of Origin, rebels belonging to the New Forces movement are believed to be extracting diamonds from the diamond fields under their control in the northern part of the country. During his tenure as Chair, Tim Martin did not recommend suspending Côte d’Ivoire from the Kimberley Process, though its status could change under Russia’s leadership.¹⁹³ Although the Ivorian government has

¹⁹⁰ Quoted in UNOCHA (26 March 2004).

¹⁹¹ Since 2003, the United Nations Development Programme (UNDP) and the United Nations Institute for Disarmament Research (UNIDIR) have conducted over a thousand interviews in Sierra Leone in an attempt to quantify the number of small arms in circulation in the country. The results of this survey are expected to be published by UNIDIR in late-2005.

¹⁹² See for example Alhaji M. S. Bah (2004); Adedeji Ebo with Laura Mazal (2003); and Ibrahima E. Sall (2003).

¹⁹³ It is important to note that each Chair of the Kimberley Process has enjoyed a significant degree of autonomy from their respective governments. Thus, Tim Martin’s decision regarding Côte d’Ivoire was reached personally, though in consultation with his

followed the regulations of the KPCS as set out in Annex II, Paragraph 5 (see Appendix 2), by reporting that rebel groups are alleged to be mining diamonds, its communication with the Canadian Chair was sporadic and its statistical and annual reports are long overdue. Hence, the combination of rebels mining diamonds and the failure to submit its statistical and annual reports could very well lead to Côte d'Ivoire's expulsion from the Kimberley Process in the near future.

Post-conflict reconstruction projects in Africa and other parts of the world in 'fragile' states (DFID, 2005) will continue to draw upon a limited pool of foreign aid, which is itself a global public good and therefore, relates to the present discussion of global governance. As humanitarian crises and civil strife erupt elsewhere, pressure has been placed on the UN to withdraw its troops from Sierra Leone ahead of the recently extended date of 31 December 2005. It is unclear what (if any) levels of UN deployment will remain in the country – especially in eastern Sierra Leone – after what appears to be a final extension of UNAMSIL.¹⁹⁴ UN efforts to disarm combatants in Liberia continue to encounter problems. Despite having nearly 16,000 personnel on the ground, the UN forces have slowly and only recently made their presence felt in northern and western Liberia. Guinea continues to plod along following its flawed December 2003 elections.¹⁹⁵ 'Business as usual' (or *graft* as usual) persists under the Conté regime, though elites will continue to jockey for position as the Guinean president's health continues to deteriorate.

staff, members of the appropriate Kimberley Process Working Groups, and other Kimberley Process participants.

¹⁹⁴ On 30 June 2005, UN Security Council resolution 1610 (2005) extended the United Nations Mission in Sierra Leone (UNAMSIL) for an additional six months.

¹⁹⁵ Kabbah was one of the first West African leaders to congratulate Conté on his lopsided electoral victory. Conté garnered over 95 per cent of the popular vote, though Guinean opposition parties and NGOs were quick to launch a scathing set of accusations regarding electoral fraud and various voting irregularities.

Furthermore, the ongoing civil war in neighbouring Côte d'Ivoire contributes to regional insecurity, thereby threatening human security as well as the gains made by global governance efforts on conflict diamonds. With relations now strained between France and the Ivorian government, a reduction or complete withdrawal of French forces cannot be ruled out. ECOMOG troops would be a likely replacement, touting the ostensible aim of promoting peace and disarmament. The risk, however, is that ECOMOG troops will seek to supplement meagre incomes by controlling and thereby capturing the rents of the lucrative cocoa trade – as was the case with valuable commodities during the interventions in Sierra Leone and Liberia in the 1990s.

A careful reading of the literature on the political economy of conflict (especially Ballentine and Sherman, 2003; Pugh *et al.*, 2004; Ross, 2004; Ron, 2005) reveals that it cannot be asserted that the simple existence of diamonds, gold, bauxite, rutile, iron ore, petroleum, timber, rubber, and cocoa will result in renewed violent conflict. Such a claim is both deterministic and simplistic. Yet, a sober review of the region's recent history calls for an assessment of the prospects for the outbreak of hostilities over the control of natural resources among militia, rebel, government, or even intervening forces in and around the Parrot's Beak. Warlordism may very well break out in any or all three countries of the Mano River basin (see for example Sawyer, 2004; ICG 2004). In other words, the border areas of the Mano River Union states (and other 'fragile' states) may see a return to violent conflict, as belligerents fight for control of diamonds, gold, timber, rubber, agricultural products, and humanitarian aid – not to mention the requisite cross-border routes and conduits for weapons, goods, and people.

Networks for Development Diamonds

Applied global governance efforts often attempt to identify and provide a particular global public good. The provision of preventative measures to halt the spread of HIV/AIDS is a good example of a global public good due to the pandemic's massive threat to human security and human development. Yet, as examined in chapter 2, Murphy's (2000) criticisms concerning the limitations of global governance – especially in economic terms – are accurate. Although he does not mention the Kimberley Process in his article, redistributive efforts regarding the proceeds from diamonds are making their way on to the agenda at Plenary meetings. Even before all the shortcomings of the KPCS have been fixed, many delegates are being urged to contemplate the need for 'development diamonds'. To be sure, global governance is often a forum for elite domination wherein 'struggles over wealth, power, and knowledge are taking place' (Murphy, 2000: 799). Nonetheless, eradicating conflict diamonds and transforming them into diamonds for development is a novel evolution for global governance as a functional policy framework.

For example, emerging networks between NGOs, governments, and corporate interests are trying to address the obstacles to realising 'diamonds for development' in Kono District, Sierra Leone. Since January 2000, Partnership Africa Canada and Network Movement for Justice and Development (NMJD) have attempted to bring national and international attention to the plight of artisanal diamond miners in Sierra Leone under the auspices of the Campaign for Just Mining (CJM). Since December 2002, the Peace Diamond Alliance (funded by United States Agency for International Development

[USAID]) has promoted 'peace diamonds' as part of efforts to sustain diamond miners' collectives in Kono. In October 2004, the Rapaport Group announced links with the aforementioned civil society groups and governments in an attempt at promoting a system of 'fair trade' diamonds with Sierra Leone's Kono diamonds. The evolution of 'diamonds for development' and 'fair trade' diamonds represents yet another emerging global governance policy 'triangle', focusing on local development initiatives.

The Rapaport Group is actively seeking to establish diamond digger cooperatives in Kono District, Sierra Leone, with the assistance of NGOs such as Global Witness and with the governments of Sierra Leone and the US.¹⁹⁶ The Rapaport Group is attempting to make use of the interpersonal and inter-institutional networks that have evolved over the past couple of years – cultivated in part through Kimberley Process meetings – to improve remuneration to the actual producers of diamonds. This novel though still evolving coalition of government actors, NGOs, and corporate interests is one of several intrepid networks that are arising around diamonds. It is hoped that if these multi-stakeholder initiatives on diamond production in Kono succeed, other parts of Sierra Leone and Africa may see the establishment of similar projects. Progress will be slow, however, as even in countries considered by some to be exceptions, such as Botswana,

¹⁹⁶ Martin Rapaport, head of the Rapaport Group, presented his organisation's multi-stakeholder project to improve the lot of artisanal diamond miners during the Kimberley Process Plenary meetings in Gatineau, Canada, in October 2004. See also: "Rapaport Calls for Establishment of African Digger Cooperatives – Announces Cooperation with U.S. AID and Global Witness to Support Development in Africa", Press Release – The Rapaport Group, 29 October 2004.

resource-led economic development is problematic, as vast socio-economic inequalities persist.¹⁹⁷

Africa accounts for approximately 65 per cent of global production of rough diamonds by value (Smillie, 2003: 4). Although this amount will decline somewhat as more high-value Canadian diamonds arrive on the world market – to around 55 per cent – it still represents a sizable and important export for the continent. Revenues associated with more and more diamonds are flowing through Sierra Leone's government coffers. After exporting US\$ 126.7 million worth of diamonds in 2004¹⁹⁸ and US\$ 76 million by mid-2005 through official channels, it now appears possible that Sierra Leone may very well reach the US\$ 180 million mark in 2006 – a figure which was exhorted by a study commissioned by DFID¹⁹⁹ during the final months of the country's civil war and considered a bold (if not unrealistic) prediction at the time. Yet, as detailed in chapter 6, Sierra Leone's diamond revenues have not translated into economic development and equitable growth.

Even in Botswana, a model of diamond-led development, the diamond industry employs no more than 6,000 people, which represents only about 2 or 3 per cent of the overall formal labour force (Smillie, 2003: 5). The San Bushmen are pushed off traditional lands due to ongoing prospecting for diamond-rich kimberlite pipes in

¹⁹⁷ Based on World Bank and UN studies, Botswana received a Gini index score of 63.0 (UNDP, 2004: 190). Given missing survey data for numerous countries, the UNDP does not provide comparative rankings. Among those countries included in the survey, however, Botswana's Gini index score was the second highest after Namibia.

¹⁹⁸ Most of Sierra Leone's diamond production is alluvial in nature and artisanal in extraction, which is notoriously difficult to regulate. In 2004, only 11 per cent of the country's production came from mechanised kimberlite mining – primarily from the two diamonds mines belonging to Koidu Holdings (Gberie, 2005a: 4).

¹⁹⁹ See: John Williams and colleagues (2002: 5).

Botswana (Taylor and Mokhawa, 2003; Good, 2003; Tanna, 2004b). In a comparison of 1990 and 2002 statistics, Botswana was second only to Iraq in terms of having the steepest increase in child mortality rates at 110 deaths per 1,000 live births (UNDP, 2004: 132). The impact of HIV/AIDS among pregnant mothers and newborn infants contributes to high infant mortality rates in Botswana. Furthermore, Botswana is ranked 128th out of 177 countries in terms of Human Development Index (HDI) ratings, which is also influenced by HIV/AIDS prevalence in the country. Calculated over the same twelve-year period, half (50.1 per cent) of Botswana's population lives on US\$ 2 per day or less (UNDP, 2004: 148). These low proxy measures of human security are noteworthy given the fact that the Botswana government has a firm grip over its diamond exports valued at more than US\$ 2 billion annually and impressive rates of aggregate economic growth in comparison to many non-oil-producing African countries.

As mentioned in chapter 1, Botswana is not considered a 'fragile' state, though Guinea, Liberia, and Sierra Leone have been so characterised – according to a January 2005 report published by the United Kingdom's Department for International Development (DFID). The DFID report holds that the international arena has 46 'fragile' states. Governance is either problematic or lacking in such states, which are home to 14 per cent of the world's population. Specifically, fragile states are those that have a government that 'cannot or will not deliver core functions to the majority of its people, including the poor' (DFID, 2005: 7). Somalia exemplifies DFID's conception of a fragile state, for it lacks 'territorial control, safety and security, capacity to manage public resources, delivery of basic services, and the ability to protect and support the ways in

which the poorest people sustain themselves' (DFID, 2005: 7). Over the past decade, the international community has left Somalia to fend for itself.

Although Sierra Leone was ignored for nearly as long, the international community 're-discovered' the war-torn country at the end of the 1990s. Four years ago, Sierra Leone was home to the largest UN contingent of peacekeepers ever – many of which have been transferred to Liberia²⁰⁰ and more recently to Côte d'Ivoire.²⁰¹ While the UN's presence has dwindled and is set to pull out completely by the end of 2005, transnational and local NGOs are striving to fill the gap in terms of human security provisions and spin-off economic benefits. As explained earlier in this section, the diamond industry has attracted networks of NGOs and firms, offering at least a glimmer of hope for reconstruction and development.

And, if the civil wars in Sierra Leone and Liberia have any 'silver lining', they have focused policy research by one of the leading global economic governance institutions – the World Bank – to not only concentrate on resources and violent conflict but also on strengthening post-conflict government institutions. Specifically, the World Bank is conducting research on states it deems to be 'Low-Income Countries Under Stress' ([LICUS] see chapters 1 and 6) wherein the objective is to improve development

²⁰⁰ The United Nations Mission in Liberia (UNMIL) – established in accordance with UN Security Council resolution 1509 (2003) – began on 19 September 2003, and is currently authorised until 19 September 2005. As of 31 May 2005, UNMIL comprised 15,880 uniformed personnel (which includes 14,622 peacekeeping troops), making it the second largest UN deployment at the time. The United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) is only slightly larger with 16,163 uniformed personnel including 15,458 peacekeeping troops (as of 31 May 2005), despite having to monitor a vastly larger country in terms of population and territory.

²⁰¹ On 24 June 2005, UN Security Council resolution 1609 (2005) authorised an increase of 805 personnel for the United Nations Operation in Côte d'Ivoire (UNOCI), which will bring the number of armed personnel up to 7,090.

aid ‘effectiveness’ through the strengthening of government institutions and governance while providing a role for public participation. Liberia is one of the dozen LICUS ‘focus countries’. Similarly, the potential for violent conflict as part of so-called ‘resource wars’ is addressed in the UN Report of the High-level Panel on Threats, Challenges and Change, which highlights the need for better regulatory frameworks and norms on extractive resources (2004: 35). This UN Report’s recommendations on security and development are compatible with the practical framework of global governance.

Conclusion

The quotes listed at the beginning of this chapter provide an interesting juxtaposition of the current perceptions of diamonds and the global diamond industry. Canada’s Ambassador to the UN, Allan Rock, provides a decidedly optimistic assessment of the Kimberley Process. Indeed, it is important to highlight its accomplishments. The Kimberley Process is an emerging and leading form of global governance that displays more potential to achieve the goal of eradicating the trade of conflict diamonds when its constituent parts – states, civil society, industry – are working together. In other words, its sum is greater than its constituent parts. Paul Diehl (2005: 5) argues that ‘we are still reminded that state sovereignty and lack of political will by members inhibit the long-term prospects of those organizations for creating effective structures of global governance’. Although his point is valid, it should be noted that Diehl is primarily concerned with the effective operation of the UN and its affiliated agencies as global

governance. The Kimberley Process – while still subject to the whims of state sovereignty – is nonetheless moderately effective in terms of attaining its governance goals. In addition to actively engaging civil society and industry representatives, the Kimberley Process has enjoyed a rather unique and dynamic form of collective political will from its members.

In the realm of deepening global governance, the KPCS continues to enjoy the unanimous support of the UN. In April 2004, the 58th plenary of the UN General Assembly adopted the KPCS. In May 2003, the World Trade Organisation (WTO) also signalled its support by granting a waiver to the trade restrictions entailed by the latter's legislation. This is crucial, as some member states were wary of supporting diamond regulations that contravened WTO protocols. Moreover, it is true that an increasing number of rough diamond parcels are being confiscated if they are missing proper KPCS documentation and that customs officials are catching more and more smugglers.²⁰² The ROC was suspended from the Kimberley Process in 2004, so it can no longer legally export diamonds until it is cleared by a future review mission. Likewise, government statistics in countries such as Sierra Leone and the DRC seem to indicate that a greater number of rough diamonds are passing through official conduits, thereby increasing government revenues.

However, as my research illustrates, there is some doubt as to the effectiveness of KPCS certification in practice.²⁰³ Despite increased controls and regulation thus far under

²⁰² See for example *United Nations General Assembly* (14 April 2004) and Tim Martin (2004: 6).

²⁰³ On two separate occasions in Sierra Leone, I was offered rough diamonds for sale in an illicit manner. Within the first week of conducting interviews, a fellow approached me on the beach, not too far from the main United Nations headquarters at the Mammy

the Kimberley Process and national certification schemes, a recent trend has emerged. It is difficult to pinpoint the exact number of occurrences, but there are individuals that are known to attempt to bring illicit diamonds to the global market by purchasing the mining rights to an exhausted mine or a mine that most in the industry would consider to have a very low yield. After the diamond mine is 're-opened', diamonds are smuggled into the 'new' country of origin. Next, the diamonds purportedly found in the old mine are exported through official channels to receive KPCS (and hence legal) certification.²⁰⁴ Furthermore, diamond smuggling continues, particularly in West and Central Africa. The ROC's censure by the Kimberley Process demonstrated the 'teeth' of the KPCS, but it has resulted in an exodus of diamonds into neighbouring DRC.²⁰⁵ And, even if more diamonds are being handled through government customs agents and procedures, a sizable portion still arrive on the world market through unofficial means. In Sierra Leone, upwards of half of its actual diamond output may exit the country through various forms of smuggling.

Yoko hotel. Ostensibly selling music compact discs, the fellow in question asked if I wanted to 'buy some rough diamonds' – 'no questions asked' – which his brother was bringing to Freetown the following day from the Kono District. The second occasion was during my field research in the 'Provinces'. Over a cup of palm wine, a village chief offered to sell a selection of rough diamonds to me, which purportedly came from a pit located beside the nearby Bafin River. Again, no questions asked, though these rough diamonds did not have any certification whatsoever, nor were the sellers authorized to sell the diamonds.

²⁰⁴ This was revealed to the author in an interview with two senior officials from the Department of Mines, Government of Botswana, Gaborone, Botswana, 16 July 2003.

²⁰⁵ Despite its suspension from the KPCS, the ROC sent a three-member delegation to the Gataineau Plenary meetings in late-October 2004. The ROC delegation was assigned 'Observer' status along with Liberia (which is still subject to UN sanctions on diamond mining) and prospective participants such as Swaziland, Lebanon, Mexico, and North Korea.

The dual problems of monitoring and enforcement are daunting due to a lack of resources, especially in poor, post-conflict states. In countries such as Kimberley Process participants Sierra Leone, Guinea, DRC, and Angola (and even KPCS-suspended ROC and UN-sanctioned Liberia), monitors are faced with the task of policing a total of 1 million artisanal diamond miners operating in remote areas, often near extremely porous borders. Diamond monitoring and enforcement problems reflect the lack of government capacity in fragile states.

Based on the empirical work presented in the middle chapters, the dissertation has sought to make a contribution to the literature on global governance. From a policy perspective, the conflict diamond issue generally and its application to Sierra Leone more specifically illustrates the need to incorporate all three sides of the global governance triangle – government, market, and civil society – to establish a functional and sustainable process, particularly in view of the importance of diamond industry cooperation in stemming the trade of these deadly gems. Hence, the functional aspects of the Kimberley Process extend the policy agenda of global governance to include issues of human security and move beyond its original concentration on mere economic and financial concerns.

Despite its flaws in terms of policy, the Kimberley Process *has* extended the analytical parameters of global governance and thus has impacted the conceptual frameworks of international relations, international political economy, international development studies, and international security studies in different ways and to varying degrees, as indicated in the extant literature by leading global governance scholars such as McGrew (2005), Held and McGrew (2002), Weiss (2000), O'Brien and colleagues

(2000), Hewson and Sinclair (1999), Rosenau (1995 and 1999), and Gordenker and Weiss (1995). Conceptually, global governance acknowledges and accounts for the growing importance of non-state actors and private authority in global politics. Indeed, as Thomas J. Biersteker and Rodney Bruce Hall (2002: 203) assert, 'Private locations of authority have begun to influence a growing number of issues in our contemporary world'. This is not to say that non-state actors are without shortcomings. By definition as 'private', non-state entities, accountability and transparency are often lacking, even among NGOs. Furthermore, as 'sovereignty-free' actors, notions of accountability and transparency among some private entities, such as transnational criminal networks and organisations, are of no concern. Nonetheless, firms – whether providers of security or mercenary services or goods such as diamond jewellery – are still subject to popular will through government regulation or, more importantly, consumer decisions.

The concept of global governance is also well-equipped to account for change in international affairs. During the relatively brief (and ongoing) lifespan of the Kimberley Process, participant states, diamond firms and professional associations, and NGOs have drastically changed the way in which the global diamond industry had operated for more than a century. The quality of the relationships between participants has changed as well, from one of awkwardness and even distrust to one of increasing collaboration and proficiency. The incorporation of states, firms, and civil society organisations and the notion of change in global politics are policy and conceptual strengths for global governance. They should be seen as instructive for regulatory efforts on the illicit trade of small arms and light weapons (SALW) and other extractive industries (such as coltan and gold mining and timber) with conflict implications. Though not yet a full-fledged theory

in its own right, the aforementioned policy and conceptual issues on conflict diamonds do contribute to global governance as a nascent theoretical framework.

APPENDIX 1: NOTES ON THE FIELD RESEARCH

Once in the field, the research programme itself begins to change as previously held conceptions and expectations are altered or changed, logistics of conducting the field research are reconfigured to fit the realities in the field, and even the preconceived list of who is important to interview may expand as one interviewee will often lead (and provide the necessary introduction to expedite the process) to one or more other interviewees – a process which multiplies at a rapid pace and is referred to as the ‘snowball’ method.

It is also crucial to be able to secure a network of personal contacts. Thus, every effort must be made to capitalise on any contact available, which will increase the overall pool of contacts and number of interviewees. There are important cultural – whether organisational or political – differences between conducting interviews in the ‘North’ versus the ‘South’. Personal contacts often carry a greater weight than professional contacts. Establishing a personal contact, which will often include an individual’s mobile phone number, is key. Regular telephone landlines in countries like Sierra Leone are often in poor condition, and it may take an entire day to establish a connection to a landline telephone. Having an individuals’ personal mobile phone number means that a long wait and wading through several intermediaries and secretarial staff members will likely be avoided and access granted much more expeditiously.

I made every effort to study events transpiring before me or reflect on the transcripts of the interviews in as unbiased a manner as possible. This presents the

following dilemma. I do not claim to be completely objective in my observations and analyses. It would be disingenuous to make such a claim because personal background, prior and ongoing experiences, preconceptions and perceptions constitute an interpretive lens that cannot be veritably discarded. But, the attempt to be as unbiased as possible and to maintain a professional distance between subject and researcher helps avoid overt subjectivity and relativism. Neither hermeneutical and critical theorists nor positivists would be content with such an approach; nonetheless, I am interested in whom the Kimberley Process is for and who will benefit as well as being cognisant of power relations between researcher and interviewee (e.g., oftentimes the researcher is controlled or manipulated). Unravelling or uncovering the interests of each of the major stakeholder groups (non-governmental organisations, government, industry) is key, as understanding the motivations of these three actors is a feature that distinguishes global multi-stakeholder governance from other approaches. Moreover, careful consideration and analysis of underlying interests behind statements, information (such as statistics, samples of certificates), and even contacts provided by interviewees is paramount. That being said, it is also important to not ‘over-analyse’ the motivations and interests of the interviewees as well as ensure that logical inferences are reasonable.

Even participatory observation cannot be conducted in a vacuum of objectivity. The observer’s personal experiences (or lack thereof), expectations, and biases influence what is observed or interpreted. While having an informal assistant, guide, or friend present is useful in terms of dispelling potential misunderstandings or misinterpretations, one cannot ignore *this person’s* internal biases. Many researchers seek to conduct their research – whether through interviews or participatory observations – as unobtrusively as

possible. Yet, in the diamond mining areas of Sierra Leone, any illusion that the Western observer can ‘observe’ unnoticed is quickly dispelled. Outside Freetown, Westerners quickly draw attention – they are assumed to be in the ‘Provinces’ if and only if they are either working for the United Nations, an aid organisation, a NGO, or assessing business and investment ‘opportunities’ in the extractive resource sector. Added to this list is the occasional foreign journalist; students are relatively uncommon.

Social scientific research, particularly in the case of personal interviews and participatory observations, entails interacting with other human beings. The interaction between researcher and research subject necessarily entails some degree of subjectivity as well as differing perceptions of the observed reality. Furthermore, one cannot be oblivious to the interests, intentions, and experiences of the interviewees. What is their stake in agreeing to participate in the interview? What are their interests? What information is provided, what is withheld and why? Indeed, as Marie Smyth (2001: 10) concludes, ‘often, those researched are those with the least influence over how the research is conducted, analysed or used’. Thus, one ‘triangulation’ strategy that was employed involved the comparison of one interviewee’s statements on a particular subject with those of several other interviewees as well as those quoted in the literature.

APPENDIX 2: KIMBERLEY PROCESS CERTIFICATION SCHEME

KIMBERLEY PROCESS CERTIFICATION SCHEME

PREAMBLE

PARTICIPANTS,

RECOGNISING that the trade in conflict diamonds is a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate governments, and the illicit traffic in, and proliferation of, armaments, especially small arms and light weapons;

FURTHER RECOGNISING the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries and the systematic and gross human rights violations that have been perpetrated in such conflicts;

NOTING the negative impact of such conflicts on regional stability and the obligations placed upon states by the United Nations Charter regarding the maintenance of international peace and security;

BEARING IN MIND that urgent international action is imperative to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, processing, exporting and importing states, especially developing states;

RECALLING all of the relevant resolutions of the United Nations Security Council under Chapter VII of the United Nations Charter, including the relevant provisions of Resolutions 1173 (1998), 1295 (2000), 1306 (2000), and 1343 (2001), and determined to contribute to and support the implementation of the measures provided for in these resolutions;

HIGHLIGHTING the United Nations General Assembly Resolution 55/56 (2000) on the role of the trade in conflict diamonds in fuelling armed conflict, which called on the international community to give urgent and careful consideration to devising effective and pragmatic measures to address this problem;

FURTHER HIGHLIGHTING the recommendation in United Nations General Assembly Resolution 55/56 that the international community develop detailed proposals for a simple and workable international certification scheme for rough diamonds based primarily on national certification schemes and on internationally agreed minimum standards;

RECALLING that the Kimberley Process, which was established to find a solution to the international problem of conflict diamonds, was inclusive of concerned stake holders, namely producing, exporting and importing states, the diamond industry and civil society;

CONVINCED that the opportunity for conflict diamonds to play a role in fuelling armed conflict can be seriously reduced by introducing a certification scheme for rough diamonds designed to exclude conflict diamonds from the legitimate trade;

RECALLING that the Kimberley Process considered that an international certification scheme for rough diamonds, based on national laws and practices and meeting internationally agreed minimum standards, will be the most effective system by which the problem of conflict diamonds could be addressed;

ACKNOWLEDGING the important initiatives already taken to address this problem, in particular by the governments of Angola, the Democratic Republic of Congo, Guinea and Sierra Leone and by other key producing, exporting and importing countries, as well as by the diamond industry, in particular by the World Diamond Council, and by civil society;

WELCOMING voluntary self-regulation initiatives announced by the diamond industry and recognising that a system of such voluntary self-regulation contributes to ensuring an effective internal control system of rough diamonds based upon the international certification scheme for rough diamonds;

RECOGNISING that an international certification scheme for rough diamonds will only be credible if all Participants have established internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices as well as differences in institutional controls thereof may require different approaches to meet minimum standards;

FURTHER RECOGNISING that the international certification scheme for rough diamonds must be consistent with international law governing international trade;

ACKNOWLEDGING that state sovereignty should be fully respected and the principles of equality, mutual benefits and consensus should be adhered to;

RECOMMEND THE FOLLOWING PROVISIONS:

SECTION I

Definitions

For the purposes of the international certification scheme for rough diamonds (hereinafter referred to as “the Certification Scheme”) the following definitions apply:

CONFLICT DIAMONDS means rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments, as described in relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future;

COUNTRY OF ORIGIN means the country where a shipment of rough diamonds has been mined or extracted;

COUNTRY OF PROVENANCE means the last Participant from where a shipment of rough diamonds was exported, as recorded on import documentation;

DIAMOND means a natural mineral consisting essentially of pure crystallised carbon in the isometric system, with a hardness on the Mohs (scratch) scale of 10, a specific gravity of approximately 3.52 and a refractive index of 2.42;

EXPORT means the physical leaving/taking out of any part of the geographical territory of a Participant;

EXPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant from whose territory a shipment of rough diamonds is leaving, and which are authorised to validate the Kimberley Process Certificate;

FREE TRADE ZONE means a part of the territory of a Participant where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory;

IMPORT means the physical entering/bringing into any part of the geographical territory of a Participant;

IMPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant into whose territory a shipment of rough diamonds is imported to conduct all import formalities and particularly the verification of accompanying Kimberley Process Certificates;

KIMBERLEY PROCESS CERTIFICATE means a forgery resistant document with a particular format which identifies a shipment of rough diamonds as being in compliance with the requirements of the Certification Scheme;

OBSERVER means a representative of civil society, the diamond industry, international organisations and non-participating governments invited to take part in Plenary meetings; *(Further consultations to be undertaken by the Chair.)*

PARCEL means one or more diamonds that are packed together and that are not individualised;

PARCEL OF MIXED ORIGIN means a parcel that contains rough diamonds from two or more countries of origin, mixed together;

PARTICIPANT means a state or a regional economic integration organisation for which the Certification Scheme is effective; *(Further consultations to be undertaken by the Chair.)*

REGIONAL ECONOMIC INTEGRATION ORGANISATION means an organisation comprised of sovereign states that have transferred competence to that organisation in respect of matters governed by the Certification Scheme;

ROUGH DIAMONDS means diamonds that are unworked or simply sawn, cleaved or bruted and fall under the Relevant Harmonised Commodity Description and Coding System 7102.10, 7102.21 and 7102.31;

SHIPMENT means one or more parcels that are physically imported or exported;

TRANSIT means the physical passage across the territory of a Participant or a non-Participant, with or without transshipment, warehousing or change in mode of transport, when such passage is only a portion of a complete journey beginning and terminating beyond the frontier of the Participant or non-Participant across whose territory a shipment passes;

SECTION II

The Kimberley Process Certificate

Each Participant should ensure that:

- (a) a Kimberley Process Certificate (hereafter referred to as the Certificate) accompanies each shipment of rough diamonds on export;
- (b) its processes for issuing Certificates meet the minimum standards of the Kimberley Process as set out in Section IV;

(c) Certificates meet the minimum requirements set out in Annex I. As long as these requirements are met, Participants may at their discretion establish additional characteristics for their own Certificates, for example their form, additional data or security elements;

(d) it notifies all other Participants through the Chair of the features of its Certificate as specified in Annex I, for purposes of validation.

SECTION III

Undertakings in respect of the international trade in rough diamonds

Each Participant should:

(a) with regard to shipments of rough diamonds exported to a Participant, require that each such shipment is accompanied by a duly validated Certificate;

(b) with regard to shipments of rough diamonds imported from a Participant:

- require a duly validated Certificate;
- ensure that confirmation of receipt is sent expeditiously to the relevant Exporting Authority. The confirmation should as a minimum refer to the Certificate number, the number of parcels, the carat weight and the details of the importer and exporter;
- require that the original of the Certificate be readily accessible for a period of no less than three years;

(c) ensure that no shipment of rough diamonds is imported from or exported to a non-Participant;

(d) recognise that Participants through whose territory shipments transit are not required to meet the requirement of paragraphs (a) and (b) above, and of Section II (a) provided that the designated authorities of the Participant through whose territory a shipment passes, ensure that the shipment leaves its territory in an identical state as it entered its territory (i.e. unopened and not tampered with).

SECTION IV

Internal Controls

Undertakings by Participants

Each Participant should:

- (a) establish a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported from its territory;
- (b) designate an Importing and an Exporting Authority(ies);
- (c) ensure that rough diamonds are imported and exported in tamper resistant containers;
- (d) as required, amend or enact appropriate laws or regulations to implement and enforce the Certification Scheme and to maintain dissuasive and proportional penalties for transgressions;
- (e) collect and maintain relevant official production, import and export data, and collate and exchange such data in accordance with the provisions of Section V.
- (f) when establishing a system of internal controls, take into account, where appropriate, the further options and recommendations for internal controls as elaborated in Annex II.

Principles of Industry Self-Regulation

Participants understand that a voluntary system of industry self-regulation, as referred to in the Preamble of this Document, will provide for a system of warranties underpinned through verification by independent auditors of individual companies and supported by internal penalties set by industry, which will help to facilitate the full traceability of rough diamond transactions by government authorities.

SECTION V

Co-operation and Transparency

Participants should:

- (a) provide to each other through the Chair information identifying their designated authorities or bodies responsible for implementing the provisions of this Certification Scheme. Each Participant should provide to other Participants through the Chair information, preferably in electronic format, on its relevant laws, regulations, rules, procedures and practices, and update that information as required. This should include a synopsis in English of the essential content of this information;
- (b) compile and make available to all other Participants through the Chair statistical data in line with the principles set out in Annex III;

- (c) exchange on a regular basis experiences and other relevant information, including on self-assessment, in order to arrive at the best practice in given circumstances;
- (d) consider favourably requests from other Participants for assistance to improve the functioning of the Certification Scheme within their territories;
- (e) inform another Participant through the Chair if it considers that the laws, regulations, rules, procedures or practices of that other Participant do not ensure the absence of conflict diamonds in the exports of that other Participant;
- (f) cooperate with other Participants to attempt to resolve problems which may arise from unintentional circumstances and which could lead to non-fulfilment of the minimum requirements for the issuance or acceptance of the Certificates, and inform all other Participants of the essence of the problems encountered and of solutions found;
- (g) encourage, through their relevant authorities, closer co-operation between law enforcement agencies and between customs agencies of Participants.

SECTION VI

Administrative Matters

MEETINGS

1. Participants and Observers are to meet in Plenary annually, and on other occasions as Participants may deem necessary, in order to discuss the effectiveness of the Certification Scheme.
2. Participants should adopt Rules of Procedure for such meetings at the first Plenary meeting.
3. Meetings are to be held in the country where the Chair is located, unless a Participant or an international organisation offers to host a meeting and this offer has been accepted. The host country should facilitate entry formalities for those attending such meetings.
4. At the end of each Plenary meeting, a Chair would be elected to preside over all Plenary meetings, *ad hoc* working groups and other subsidiary bodies, which might be formed until the conclusion of the next annual Plenary meeting.
5. Participants are to reach decisions by consensus. In the event that consensus proves to be impossible, the Chair is to conduct consultations.

ADMINISTRATIVE SUPPORT

6. For the effective administration of the Certification Scheme, administrative support will be necessary. The modalities and functions of that support should be discussed at the first Plenary meeting, following endorsement by the UN General Assembly.

7. Administrative support could include the following functions:

(a) to serve as a channel of communication, information sharing and consultation between the Participants with regard to matters provided for in this Document;

(b) to maintain and make available for the use of all Participants a collection of those laws, regulations, rules, procedures, practices and statistics notified pursuant to Section V;

(c) to prepare documents and provide administrative support for Plenary and working group meetings;

(d) to undertake such additional responsibilities as the Plenary meetings, or any working group delegated by Plenary meetings, may instruct.

PARTICIPATION

8. Participation in the Certification Scheme is open on a global, non-discriminatory basis to all Applicants willing and able to fulfill the requirements of that Scheme.

9. Any applicant wishing to participate in the Certification Scheme should signify its interest by notifying the Chair through diplomatic channels. This notification should include the information set forth in paragraph (a) of Section V and be circulated to all Participants within one month.

10. Participants intend to invite representatives of civil society, the diamond industry, non-participating governments and international organizations to participate in Plenary meetings as Observers.

PARTICIPANT MEASURES

11. Participants are to prepare, and make available to other Participants, in advance of annual Plenary meetings of the Kimberley Process, information as stipulated in paragraph (a) of Section V outlining how the requirements of the Certification Scheme are being implemented within their respective jurisdictions.

12. The agenda of annual Plenary meetings is to include an item where information as stipulated in paragraph (a) of Section V is reviewed and Participants can provide further details of their respective systems at the request of the Plenary.

13. Where further clarification is needed, Participants at Plenary meetings, upon recommendation by the Chair, can identify and decide on additional verification measures to be undertaken. Such measures are to be implemented in accordance with applicable national and international law. These could include, but need not be limited to measures such as;

- a. requesting additional information and clarification from Participants;
- b. review missions by other Participants or their representatives where there are credible indications of significant non-compliance with the Certification Scheme.

14. Review missions are to be conducted in an analytical, expert and impartial manner with the consent of the Participant concerned. The size, composition, terms of reference and time-frame of these missions should be based on the circumstances and be established by the Chair with the consent of the Participant concerned and in consultation with all Participants.

15. A report on the results of compliance verification measures is to be forwarded to the Chair and to the Participant concerned within three weeks of completion of the mission. Any comments from that Participant as well as the report, are to be posted on the restricted access section of an official Certification Scheme website no later than three weeks after the submission of the report to the Participant concerned. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

COMPLIANCE AND DISPUTE PREVENTION

16. In the event that an issue regarding compliance by a Participant or any other issue regarding the implementation of the Certification Scheme arises, any concerned Participant may so inform the Chair, who is to inform all Participants without delay about the said concern and enter into dialogue on how to address it. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

MODIFICATIONS

17. This document may be modified by consensus of the Participants.

18. Modifications may be proposed by any Participant. Such proposals should be sent in writing to the Chair, at least ninety days before the next Plenary meeting, unless otherwise agreed.

19. The Chair is to circulate any proposed modification expeditiously to all

Participants and Observers and place it on the agenda of the next annual Plenary meeting.

REVIEW MECHANISM

20. Participants intend that the Certification Scheme should be subject to periodic review, to allow Participants to conduct a thorough analysis of all elements contained in the scheme. The review should also include consideration of the continuing requirement for such a scheme, in view of the perception of the Participants, and of international organisations, in particular the United Nations, of the continued threat posed at that time by conflict diamonds. The first such review should take place no later than three years after the effective starting date of the Certification Scheme. The review meeting should normally coincide with the annual Plenary meeting, unless otherwise agreed.

THE START OF THE IMPLEMENTATION OF THE SCHEME

21. The Certification Scheme should be established at the Ministerial Meeting on the Kimberley Process Certification Scheme for Rough Diamonds in Interlaken on 5 November 2002.

ANNEX I

Certificates

A. Minimum requirements for Certificates

A Certificate is to meet the following minimum requirements:

- Each Certificate should bear the title “Kimberley Process Certificate” and the following statement: “The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds”
- Country of origin for shipment of parcels of unmixed (i.e. from the same) origin
- Certificates may be issued in any language, provided that an English translation is incorporated
- Unique numbering with the Alpha 2 country code, according to ISO 3166-1
- Tamper and forgery resistant
- Date of issuance
- Date of expiry
- Issuing authority
- Identification of exporter and importer
- Carat weight/mass
- Value in US\$
- Number of parcels in shipment

- Relevant Harmonised Commodity Description and Coding System
- Validation of Certificate by the Exporting Authority

B. Optional Certificate Elements

A Certificate may include the following optional features:

- Characteristics of a Certificate (for example as to form, additional data or security elements)
- Quality characteristics of the rough diamonds in the shipment
- A recommended import confirmation part should have the following elements:
 - Country of destination
 - Identification of importer
 - Carat/weight and value in US\$
 - Relevant Harmonised Commodity Description and Coding System
 - Date of receipt by Importing Authority
 - Authentication by Importing Authority

C. Optional Procedures

Rough diamonds may be shipped in transparent security bags.
The unique Certificate number may be replicated on the container.

ANNEX II

Recommendations as provided for in Section IV, paragraph (f)

General Recommendations

1. Participants may appoint an official coordinator(s) to deal with the implementation of the Certification Scheme.
2. Participants may consider the utility of complementing and/or enhancing the collection and publication of the statistics identified in Annex III based on the contents of Kimberley Process Certificates.
3. Participants are encouraged to maintain the information and data required by Section V on a computerised database.
4. Participants are encouraged to transmit and receive electronic messages in order to support the Certification Scheme.
5. Participants that produce diamonds and that have rebel groups suspected of mining diamonds within their territories are encouraged to identify the areas of rebel diamond mining activity and provide this information to all other

Participants. This information should be updated on a regular basis.

6. Participants are encouraged to make known the names of individuals or companies convicted of activities relevant to the purposes of the Certification Scheme to all other Participants through the Chair.

7. Participants are encouraged to ensure that all cash purchases of rough diamonds are routed through official banking channels, supported by verifiable documentation.

8. Participants that produce diamonds should analyse their diamond production under the following headings:

- Characteristics of diamonds produced
- Actual production

Recommendations for Control over Diamond Mines

9. Participants are encouraged to ensure that all diamond mines are licensed and to allow only those mines so licensed to mine diamonds.

10. Participants are encouraged to ensure that prospecting and mining companies maintain effective security standards to ensure that conflict diamonds do not contaminate legitimate production.

Recommendations for Participants with Small-scale Diamond Mining

11. All artisanal and informal diamond miners should be licensed and only those persons so licensed should be allowed to mine diamonds.

12. Licensing records should contain the following minimum information: name, address, nationality and/or residence status and the area of authorised diamond mining activity.

Recommendations for Rough Diamond Buyers, Sellers and Exporters

13. All diamond buyers, sellers, exporters, agents and courier companies involved in carrying rough diamonds should be registered and licensed by each Participant's relevant authorities.

14. Licensing records should contain the following minimum information: name, address and nationality and/or residence status.

15. All rough diamond buyers, sellers and exporters should be required by law to keep for a period of five years daily buying, selling or exporting records listing the names of buying or selling clients, their license number and the amount and value of diamonds sold, exported or purchased.

16. The information in paragraph 14 above should be entered into a computerised database, to facilitate the presentation of detailed information relating to the activities of individual rough diamond buyers and sellers.

Recommendations for Export Processes

17. An exporter should submit a rough diamond shipment to the relevant Exporting Authority.

18. The Exporting Authority is encouraged, prior to validating a Certificate, to require an exporter to provide a declaration that the rough diamonds being exported are not conflict diamonds.

19. Rough diamonds should be sealed in a tamper proof container together with the Certificate or a duly authenticated copy. The Exporting Authority should then transmit a detailed e-mail message to the relevant Importing Authority containing information on the carat weight, value, country of origin or provenance, importer and the serial number of the Certificate.

20. The Exporting Authority should record all details of rough diamond shipments on a computerised database.

Recommendations for Import Processes

21. The Importing Authority should receive an e-mail message either before or upon arrival of a rough diamond shipment. The message should contain details such as the carat weight, value, country of origin or provenance, exporter and the serial number of the Certificate.

22. The Importing Authority should inspect the shipment of rough diamonds to verify that the seals and the container have not been tampered with and that the export was performed in accordance with the Certification Scheme.

23. The Importing Authority should open and inspect the contents of the shipment to verify the details declared on the Certificate.

24. Where applicable and when requested, the Importing Authority should send the return slip or import confirmation coupon to the relevant Exporting Authority.

25. The Importing Authority should record all details of rough diamond shipments on a computerised database.

Recommendations on Shipments to and from Free Trade Zones

26. Shipments of rough diamonds to and from free trade zones should be processed by the designated authorities.

ANNEX III

Statistics

Recognising that reliable and comparable data on the production and the international trade in rough diamonds are an essential tool for the effective implementation of the Certification Scheme, and particularly for identifying any irregularities or anomalies which could indicate that conflict diamonds are entering the legitimate trade, Participants strongly support the following principles, taking into account the need to protect commercially sensitive information:

- (a) to keep and publish within two months of the reference period and in a standardised format, quarterly aggregate statistics on rough diamond exports and imports, as well as the numbers of certificates validated for export, and of imported shipments accompanied by Certificates;
- (b) to keep and publish statistics on exports and imports, by origin and provenance wherever possible; by carat weight and value; and under the relevant Harmonised Commodity Description and Coding System (HS) classifications 7102.10; 7102.21; 7102.31;
- (c) to keep and publish on a semi-annual basis and within two months of the reference period statistics on rough diamond production by carat weight and by value. In the event that a Participant is unable to publish these statistics it should notify the Chair immediately;
- (d) to collect and publish these statistics by relying in the first instance on existing national processes and methodologies;
- (e) to make these statistics available to an intergovernmental body or to another appropriate mechanism identified by the Participants for (1) compilation and publication on a quarterly basis in respect of exports and imports, and (2) on a semiannual basis in respect of production. These statistics are to be made available for analysis by interested parties and by the Participants, individually or collectively, according to such terms of reference as may be established by the Participants;
- (f) to consider statistical information pertaining to the international trade in and production of rough diamonds at annual Plenary meetings, with a view to addressing related issues, and to supporting effective implementation of the Certification Scheme.

APPENDIX 3: SIERRA LEONE DIAMOND CERTIFICATE OF ORIGIN

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**THE SIERRA LEONE GOVERNMENT
MINISTRY OF MINERAL RESOURCES
GOVERNMENT GOLD AND DIAMOND OFFICE**

Product: ROUGH UNCUT DIAMONDS
Produit: DIAMANT BRUT

CERTIFICATE OF ORIGIN

Name and Address of Consignee:
Export License No.
This is to Certify that Parcel No. containing ROUGH UNCUT DIAMONDS as specified in Schedule 'B' No. holder of
attached to this Certificate was valued by the Government Diamond Valuer on (date)

UNDER THE AUTHORITY OF THE GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE

	CARAT	VALUE (US\$)
GEM		
INDUSTRIAL		
TOTAL		

Dated this Day of 20.....
Issued in FREETOWN, Republic of Sierra Leone.

CUSTOMS OFFICER MINISTER OF MINERAL RESOURCES COMMISSIONER OF DIAMONDS

000000

**IMPORT CONFIRMATION
CERTIFICATE
CERTIFICAT DE CONFIRMATION
D'IMPORTATION**

This is to certify that the herby certified product was imported into and that the Import has been checked and verified in compliance with all rules and regulations concerned and in strict observance of UNSC Res. 1306 on (date)

For the Importing Authorities,

Customs Seal

Other Authority (specify)



000000

NOT TO BE OPENED FOR INSPECTION EXCEPT BY DESTINATING AUTHORITY AT DESTINATION
 (N'importe quelle ouverture sans autorisation a violation de la Sanction imposée par le UN Security Council Rés. 1306)
 NE POUVE ÊTRE OUVERT QUE PAR LES AUTORITÉS D'IMPORTATION A LA DESTINATION
 (Toute ouverture sans autorisation est considérée une infraction des et pour de Sanctions imposé par le
 Conseil de Sécurité des Nations Unies - Rés. 1306)

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