

MENDEL UNIVERSITY IN BRNO

Faculty of Regional Development and International
Studies

Conflict Diamonds in Sierra Leone

Bachelor Thesis

Thesis author: Lucie Galačová

Thesis supervisor: Mgr. Vladimír Đorđević, Ph.D.

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Abstract:

This thesis is a case study discussing “conflict diamonds” in Sierra Leone and consequent changes that have taken place in the country, the following the civil war and introduction of the so-called Kimberley Process Certification Scheme (KPCS). This process, established in 2003, has aimed at eliminating conflict diamonds from being sold at the diamond market. The thesis, therefore, does not only provide background information regarding the topic but chiefly it analyses the aforementioned changes, effectiveness and provides conclusions in this regard.

Keywords:

Conflict diamonds, Kimberley process Certification Scheme, Sierra Leone, Effectiveness, Case study

Abstrakt:

Tato práce je případová studie diskutující o “konfliktních diamantech” v Sierra Leone a výsledných změnách, které se odehrály v zemi, následující občanskou válku a zavedením takzvaného Kimberlejského systému certifikace. Tento systém, založený v roce 2003, má za cíl zamezení prodeje konfliktních diamantů na trhu s diamanty. Práce pouze neposkytuje základní informace týkající se tématu, ale především analyzuje výše uvedené změny, efektivitu a poskytuje závěry v tomto ohledu.

Klíčová slova

Konfliktní diamanty, Kimberlejský systém certifikace, Sierra Leone, Efektivita, Případová studie

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2 INTRODUCTION

2.1 NATURE OF THE RESEARCH ISSUE

A diamond symbolizes the high social status and wealth of its owner, which unfortunately caused that a diamond has become a gem stone with the worst reputation. Small grits that can be easily transported, even if their price can reach hundreds of thousands or even millions of American dollars have been misused in illegal criminal activities, especially in the least developed countries where the level of crime and instability is very high. In my case study there will be researched the concrete example of the conflict diamonds in Sierra Leone because I consider this act as one of the crucial in our history that a few people know about it and leads to the breakdown of conflict diamonds.

In the last decade of the 20th century, attitude to the diamonds in the world has changed significantly since the series of bloody armed conflicts which were in most cases financed by the illegal trade with diamonds and that exacerbated the post-colonial socio-economic problems in African countries. Diamonds have become a bloody weapon in the hands of the rebel armies, which led to a humanitarian disaster in such states as Sierra Leone, Angola, Liberia and the Democratic Republic of Congo.

One of the problems, which were not paid a lot of attention to in the past, is conflict diamonds; mined in the areas of developing world. It is a problem which colligates two sides – developing environment where the diamonds are mined, and the wealthy developed economies, in which these diamonds are selling the most. The developed economies as such, they form one of the core elements in the chain of the existence of conflict diamonds. That is why without the demand there would not be the supply.

A great amount of raw materials that are extracted on the African continent has become very problematic for this region. The consequences of bloody African wars were tragic as the states that had already suffered considerable poverty before fell into an insolvable situation. Regional destabilization deepened, public goods were destroyed, citizens suffered in the wake of humanitarian disasters and cross-border military invasion.

The rebel organization took the diamond mines in Africa and illegally exported mined diamonds to other states. Since that time there has been a lack of the strict regulation of the international market with diamonds, blood stones have been spread throughout the world without anyone being interested in their origin, no one could imagine what the absence of the certification process of each stone would cause. The main reason why the rebels financed their activities using just diamonds is the fact that for relatively easily obtainable stones they got huge amounts of money. African diamonds are mostly alluvial, which means they are found close to the surface of the earth and are scattered throughout large areas. That is why their extraction is not costly. Compared with the diamond mines in Russia where the stones are mined in extreme conditions at a considerable depth, and sometimes even at very low temperatures, diamonds in Africa can be found even without professional machinery and equipment.¹

Unfortunately, in the nineties of the last century the unstable African countries and their corrupt governments failed to eliminate the danger, manage natural resources and protect their nations from the tragic diamond wars. The humanity often deals with the solution of serious global problems only in the moment of the outbreak of the crisis and not before.

Nevertheless, diamonds were not the primary cause of the conflict; they served as a foundation of the political insurgents, who wanted to get rich at the expenses of the war. Their collaboration with the black market with the diamonds and guns led to the fact that they became legally nonpunishable. They instigated a massive migration of the population that was caused by the establishment of tyrannical regimes and the absolute destruction of many towns and villages.²

The emergence of a black market for diamonds quickly spread to such extents that it was necessary for the world community to respond quickly. International organizations and communities began to monitor the uncontrolled diamond market and the consequences to which it brought its inadequate regulation.

¹ Vanderbilt Journal of Transnational Law, Blood Diamonds and Non-State Actors, accessed March 21, 2017, <https://www.vanderbilt.edu/wp-content/uploads/sites/78/Smillie-.pdf>

² E-International Relations, "The Causes of the Sierra Leone Civil War," accessed March 21, 2017, <http://www.e-ir.info/2012/10/25/the-causes-of-the-sierra-leone-civil-war-underlying-grievances-and-the-role-of-the-revolutionary-united-front/>

In 2000 the government states that they have a relationship to the diamond industry and trade have formed the so-called Kimberley process, a system for regulating the world diamond market that prohibits the trade with conflict diamonds, sets out a series of rules, and requires certification of the diamonds.

The provision of the Kimberley process is considered being an important step on the way of elimination of conflicts financed by the illegal sale of diamonds. Although the activity of the Kimberley process can be measured successful, as regards the weakening of the illicit market with diamonds, and hence alleviate conflicts in Africa, the Kimberley process is also widely criticized for its incompetence in some important issues.³

It is important to perceive that conflict diamonds still appear on the international market with diamonds despite the considerably strict current regulation and the efforts of the Kimberley process to control the diamond flows around the world. Kimberley Process statistic reports that in the present conflict diamonds compose of less than 1% of globally traded diamonds. However, according to other sources this index is slightly higher and amounts to approximately 2.5% to 4%. It goes without saying that these numbers are very low compared with the nineties of the last century when the share of blood diamonds in the global trade amounted to about 12% to 16 %.⁴

This long lasting bloody conflict had not had too much media attention. There might be several reasons behind the media's inactivity or unawareness of this topic. In any case the issue of conflict diamonds persists up to these days and is necessary to approach it holistically, responsibly and globally.

³ University Libraries of Nevada, Las Vegas, "Diamonds, the Kimberley Process, and Civil War in Sub-Saharan Africa," accessed March 21, 2017, <http://digitalscholarship.unlv.edu/cgi/viewcontent.cgi?article=3384&context=thesesdissertations>

⁴ Partnership Africa Canada, "Conflict Diamonds: What Percentage?" accessed March 28, 2017, <http://www.diamonds.net/Docs/Conference/ConflictPercent.pdf>

2.2 STRUCTURE OF THE THESIS

Introduction, where the general information on the nature of the research issue, structure of the thesis, past research and contribution to the field is presented, is followed by the second part, entitled Methodology, where aims of the research, alongside research questions, methods, and data used, have been defined.

What follows is the third part of the thesis with three sections dealing with defining and interpreting the term “Conflict diamonds”. The general knowledge of the process of Civil war in Sierra Leone, the causes of the war and what role diamonds played in this conflict. How diamonds fuelled some of the most brutal wars in Sierra Leone especially in the Kono District, the heart of the country’s lucrative diamond mining industry. It will also point out a creation of a rebellion group called RUF (The Revolutionary United Front) that utilised not only economic advantages of the war but also killed, threatened, and even amputated the limbs of people living and working in diamond villages until they were able to take control of the mines in the area.⁵ It will be aimed at what impact the war had on the population which suffered the most. The kids were in the conflict purposefully included as: child soldiers, work slaves, sex slaves or spies. Most often they were joined violently, or voluntarily entered under the guise of security. In the conflict of blood diamonds there is a greatly conspicuous connection to breaking of human rights.

This part is also concerned with the most considerable international initiative in the diamond area; the Kimberley Process Certification Scheme (KPCS) and its criticism around the world. The official beginning of the Kimberley Process, its proceeding and the subsequent implementation in the states mined blood diamonds. It is interested in how UN (United Nations), NGOs and world governments have paid attention to the world about various possibilities of civilian protection and ending the war.

The analytical parts will specialise whether the Kimberley Process has been effective or has not in Sierra Leone. The recognition of consequences of conflict diamonds in Sierra Leone. It will find out how the attitude towards conflict diamonds has been changed after the establishment of KP.

⁵How Stuff Works, “How the African Diamond Trade Works,” accessed March 21, 2017, <http://money.howstuffworks.com/african-diamond-trade2.htm>

In the final part it will be focused on the current situation in the diamond industry in the country and it will analyze the success of the reforms posed by KP. On the basis of my own findings, then, it will try to draft the recommendations concerning how to improve the functioning of the system. The conclusion deals with the evaluation process, summary and giving my own opinion of the issue.

2.3 PAST RESEARCH AND CONTRIBUTION TO THE FIELD

When writing the bachelor's thesis it was studied a large number of scientific publications dealing with the diamond industry, the characteristics of the diamonds during the African wars and the nature of the Kimberley process.

The major book from which the information is gained is Ian Smillie, Lansana Gberie and Ralph Hazleton their complete report "The Heart of the Matter: Sierra Leone, Diamonds & Human Security." It is able to understand the Sierra Leone's blood diamonds, the whole struggling country during the time of Civil war and beginnings of Kimberley Process more deeply. As well is used the book written by Lansana Gberie; „A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone.” And all other second resources were mainly used such articles, journals, reports from internet and almost every of these sources are written in English. Only one report was used in Czech language and is written by Filip Černoch; Krvavé diamanty: surovinové pozadí konfliktu v Sierra Leone. The organizations dealing with the issue of conflict diamonds the most are PAC and Global Witness, from which were drawn the biggest amount of sources.

All of these sources have evaluated the paper done since the establishment of KP in 2002 and following implementation into the policies in 2003 in Sierra Leone. Theoretically informed views have made it easier to understand and explore the effectiveness KPCS in Sierra Leone. It already has a contribution itself; the outcome could provide additional analytical research of the continuing KPCS in Sierra Leone or could be provided as an example for a case study in other countries.

3 METHODOLOGY

3.1 AIM OF THE RESEARCH

The aim of this thesis is to specify whether the KPCS has been effective or has failed in some countries where conflict diamonds are mined; it will be done by looking at one specific country. The cognitive goal is the starting point for determining the research methods, strategy, techniques of data collection and units of exploration and discovery. A well-defined objective means to determine the solution to the problem, suggest where to look for the information, to find alternative solutions, and specify well which data to collect. As in the Czech Republic is a theme non discussable, it could not be found any much research or sources, so even a sufficient amount of sources written in Czech language could not be searched out, this paper will filling the research gap.

Doing case study on Sierra Leone has an objective to show how the KPCS has been more or less successful in eliminating conflict diamonds in Sierra Leone. Obviously, the current findings about the process of the KP in Sierra Leone require additional and new deepening, validation and refinement. Thus, even findings related to the influence and action of the process are needed for constant expanding and updating. There is a plenty of literature showing negative impact and effects of conflict diamonds and effectiveness and failures of the KPCS. Therefore, an in-depth study of Sierra Leone in relation to the KPCS effectiveness has not been explored in detail. This paper's objective is to give science literature by analysing whether the KPCS has provided sufficient tools to ensure rigorous control of the market with conflict diamonds in Sierra Leone or not. The aim of the thesis is to answer the basic research question. The continuation research question will conduct the paper; *'Has the KPCS been effective in Sierra Leone?'*

3.2 RESEARCH QUESTIONS

The research questions are based on the general determination of the research objectives that are translated into a more concrete form. Usually we formulate one overarching research question which can be determined by the sub-research questions. It is good to formulate your research problem as a question. Better for understanding and clarifying a research path the whole research is then the answer to the question. Firstly, it was necessary to know what actually a scientific text is. Furthermore, it was needed to choose a suitable topic for processing. The necessity was also fulfilling certain requirements, for example, to choose an appropriate literature from which it would draw and find a way to process. For the research question in qualitative research there must be met certain requirements, such as that the question should work with general concepts, it should typically examine in detail the nature of the phenomenon.

In this work a question about effectiveness and failures of Kimberley Process Certificate Scheme in Sierra Leone is raised. The aim of the thesis is to answer the basic research question. The continuation research question will conduct the paper; 'Whether the KPCS has been effective in eliminating conflict diamonds in Sierra Leone or not. It will be merely focused on the KPCS effectiveness by examining one specific country, Sierra Leone. The efficiency will be analysed and interpreted from multiple sectors, where the KP reach.

In the paper the antecedent process to the KPCS will not be included, because it only focuses on the effectiveness of this scheme. A case study of Sierra Leone will be used in outlook on answering the research question. Sierra Leone was chosen due to the majority of the diamonds mined.

3.3 METHODS AND DATA USED

There are several methods that could be used for writing a thesis. Due to the nature of the problem and the objectives of the work (to answer the research question, the questions derived) appears to choose a qualitative research strategy as the most appropriate in this case. A qualitative research approach is defined as a research whose advantage is that it allows us to get detailed information about the studied phenomena as it would not be possible with quantitative methods (quantification, statistical methods, etc.).

As a type of a qualitative research a case study was selected. The case study tries to explore one case in light of relations and the external contexts to the most comprehensive means. The aim of the case study is identifying factors that influence the dynamics of the case.

A collection of qualitative data by using analyses and interpretations helped in answering the research question. The qualitative analysis and interpretation is a systematic non-numerical organization of data in order to reveal the themes, regularity, data configuration, form, quality and relationships. The process of qualitative methods will be gathering huge amounts of data about a particular case and its interpreting. The main output of the research is not the data but their interpretation. The results will be interpreted by using qualitative analyses and interpretation study. It is rather about how the collected material will be presented to capture the essence of the observed phenomena.

While writing, the work was done by using analysis of documents and interpretation of the data. It was looked up a large amount of resources available about the effectiveness of the Kimberley process. This study is primarily based on the secondary data sources. Among the secondary used research sources there were scholarly journals, articles, textbooks, statistical reports, electronic books and other internet sources. Mainly reports and official publications from nongovernmental and international organizations were engaging in this problem, for example an institution such as Global Witness or PAC (Partnership Africa Canada), and a paper that has been based on the Kimberley Process website itself. This work relies on the reports issued by these organizations from a great part.

The data used in the paper are mostly from estimates of these individual organizations primarily because of the inexistence of official statistics and untrustworthiness of government's published data in Sierra Leone. Most often it was collected from reports that were written on the basis of visiting the country and exploring the effectiveness and failures of the KP, on the course of the process since its inception in Sierra Leone.

They were mainly annual reports from the official website of KP; in reports there are always described successes and failures that have been achieved since the last visit. It was also got from the organizations examining this issue since its inception, Global Witness and Partnership Africa Canada. Some criteria that the country could conform to the efficiency of the KP must be met. They were set at the first assembly with only a few member states of the KP. The criteria are described below in the chapter of the origin of the KPCS and later it will follow in the analytical part. Further it was split into a few important sectors, which determine if the process was effective. The data was given altogether so it would be clear and legible whether it is the effective sector or the sector where KP is idle and has not worked the way it should.

In every subsection it was trying to show the most and outline the changes of the KP whether they are effective or not. On the basis of the reports there were also created a lot of examples of what would help the process to be effective in a given sector.

The research method is a procedure and it should always meet the two properties; validity and reliability. Validity means the ability of a research instrument to detect that it has to, and the reliability means the accuracy and reliability of the research instruments. The paper allows (not guarantees) to achieve a higher validity, but in return for unrepeatability of research, the accomplishment of lower reliability.

4 THEORETICAL BACKGROUND

4.1 BLOOD DIAMONDS

The United Nations defines a blood or conflict diamonds as *"diamonds that originate from regions controlled by forces or factions acting against the legitimate and internationally recognized governments and are used to fund military action in opposition to those governments, or in contravention of the decisions of the Security Council, these diamonds are sometimes referred as blood diamonds."*⁶

Smillie proclaimed that *"diamonds in Sierra Leone were like a strand of wool dangling from a sweater. If you pull on it, the entire sweater begins to unravel, and if you pull on it long enough, you might find that it is connected to a lot of other things as well. That was the case with Sierra Leone diamonds."*⁷

There are two types of diamonds, alluvial and kimberlite, only the first has the possibility of being a conflict diamond. Alluvial diamonds are mined on the surface by miners with the minimum of equipment, while the kimberlite diamonds are found deep in the earth and require capital intensive and sophisticated mining equipment.⁸

Currently, there are two basic discourses on the relationship between the country's wealth in mineral resources and conflicts. On one hand, there are opinions according to which the countries rich in natural resources (among them the majority of the reported diamonds) are prone to the emergence of the conflict, they increase its intensity or lengthen the period of its duration. On the other hand, there are opinions that the link between these two facts is denied.

⁶Africa Recovery, "Targeting 'conflict diamonds' in Africa," accessed March 21, 2017, <https://www.un.org/en/africarenewal/subject/144diam.htm>

⁷"Blood on the Stone: Greed, Corruption and War in the Global Diamond Trade," accessed March 21, 2017, <https://books.google.cz/books?id=TkorHhEF3ekC&printsec=frontcover&dq=kimberley+process+certification+system&hl=cs&sa=X&ved=0ahUKEwjAi4vMzY3SAhUBvBoKHXNtCtsQ6AEIMDAC#v=onepage&q=kimberley%20process%20certification%20system&f=false>

⁸Partnership Africa Canada, "The Heart of the Matter: Sierra Leone, Diamonds and Human Security (Complete Report)," accessed April 3, 2017, http://www.pacweb.org/Documents/diamonds_KP/heart_of_the_matter-full-2000-01-eng.pdf page 40

One of the most famous works giving into the context the resource of wealth and existence of the conflict is presented by Paul Collier and Anke Hoeffler in their paper named *Greed and Grievance in Civil War*.⁹ Since the theory captures the essence of this work, the mineral resources (diamonds) are the cause of the conflict, it is presented briefly in the following paragraph.

Paul Collier and Anke Hoeffler assume that due to the rebellion the civil war arises. A motive for the rebellion of greed is disposal of money arising from the export of primary raw materials. It is thus affected by the relative military advantage, the ability of the government to finance the protection of the state, a scope of the export of primary commodities and the cost of recruiting members into the rebellion group. Because of the feeling of grievance, on the other hand, rebellion arises from the existence of ethnic and religious divergences, inequalities, oppression and possibly as a revenge for historical events. The link between the rebels and natural raw materials according to their theory is that rebellious groups need finances to carry out their activities and in particular for the remuneration and the recruitment of their people. In their work, *Greed and Grievance in Civil War*, the authors think even of the possibility of the existence of the so-called *feedback effect*, whereby the "*conflict increases the risk of later occurrence of further conflict by means of the formation of greed*".¹⁰ If I summarize this model in one sentence, according to Paul Collier and Anke Hoeffler, the countries, whose wealth is to a large extent dependent on the extraction of primary commodities (in this case diamonds), are exposed to the existence of civil violence and conflict.

On the other side, there are also divergences of opinion and theories which show that directly and totally there cannot be proved the nexus between the natural raw resources and some elements of the conflict. Among these we include, for example, the work by Macartan Humphrey "Natural Resources, Conflict, and Conflict Resolution."¹¹

⁹Oxford Economic Papers, "Greed and Grievance in civil war," accessed March 21, 2017, <https://www.econ.nyu.edu/user/debraj/Courses/Readings/CollierHoeffler.pdf> page

¹⁰"Greed and Grievance in civil war"

¹¹"Natural Resources, Conflict, and Conflict Resolution" accessed March 21, 2017, http://www.columbia.edu/~mh2245/papers1/MH8JCR05_paper.pdf page 508 and 534.

4.2 HISTORICAL OVERVIEW

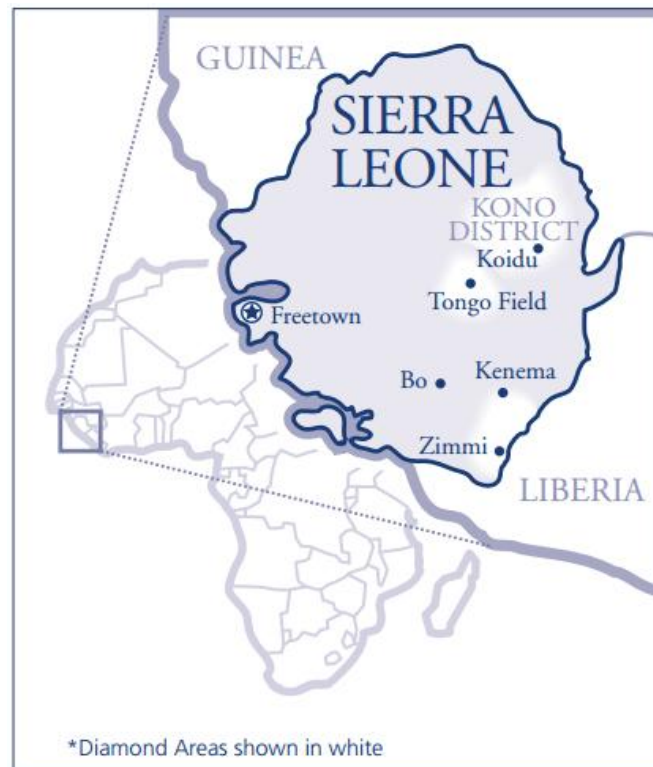


Image 1: Map of Sierra Leone with the main mining district

The conflict in Sierra Leone has a similarly meaningful position as the one in Angola in the fact that the situations are concerned further from a breakthrough study about conflict diamonds. It is the study which was published by the PAC in the year 2000 as: “The Heart of the Matter: Sierra Leone, Diamonds and Human Security.”

The most important areas rich in diamonds are the Kono and Tongo districts. For a better understanding of the use of diamonds in the 90's it is advisable to get acquainted at least with the forming of the diamond market in Sierra Leone and their functioning.

The whole history and economic development in Sierra Leone are associated with the diamond industry. Already in 1930 there began the trade with diamonds and in 1998 it reached an annual volume of diamond production of 5 million carats. In 1935 the British colonial government signed a contract with the company De Beers and has provided its mining law in Sierra Leone for 99 years. This contract was cancelled in 1955 and the company De Beers was forced to reduce its influence on the diamond industry in this location.

Wealthy diamond resources caused rapid structuring of the black diamond market and already in 1956 there was recorded around 70 000 illegal diamond miners in the country.¹²

Trading with Sierra Leone's diamonds gradually moved from the main city Freetown to Liberia capital city Monrovia. Officially over producing diamonds the company SLST (Sierra Leone Selection Trust) held. Further development essentially did not change until the liberation of Sierra Leone in 1961 and the creation of a new political party APC (All People's Congress) when its representative Stevens Siaka, also the prime minister of Sierra Leone, began to promote the idea of greater share of diamonds wealth to ordinary people. His activity encouraged informal and illegal activities of extraction of diamonds in different territories. Later the company SLST was essentially nationalized and the NDMC (National Diamond Mining Company), which was under the enormous influence of Siaka Stevens, was established. The share of the informal diamond trade was growing. More and more organized crime and smugglers stepped in. The diamond market in Sierra Leone is so shaped in favor of the possibility of the use of diamonds as a source of funding in the upcoming conflict.¹³

On the 23rd March 1991 there was the first rebel invasion of Sierra Leone. This action, which involved 100 fighters, mostly from the ranks of students, Liberian forces and a small group of mercenaries from Burkina Faso, became the beginning of a bloody civil war in Sierra Leone. During the eleven years (1991-2002) thousands of people were killed, cities and infrastructure were destroyed, in the country a chaos arose. The revolutionary front (RUF: Revolutionary United Front) led by Foday Sankoh led this war against the government of Sierra Leone. It should be noted that RUF chose a very bloody and nonsensical way of fighting with the government, instead of attacking the main city of Freetown and facing their enemy directly.

¹² "The Heart of the Matter: Sierra Leone, Diamonds and Human Security (Complete Report)," page 43

¹³ "The Heart of the Matter: Sierra Leone, Diamonds and Human Security (Complete Report)," page 48

They brutally terrorized civilians, mainly in rural areas, to show them that their government abandoned them and failed to protect their own nation.¹⁴ Peters described rebels as “*many of these recruits received only limited military training and lacked army discipline. Later became known, to civilians, as “sobels” – soldiers by day, rebels by night.*”¹⁵

An important thing to realize is that there was involved not only the RUF into the Sierra Leone’s conflict but also the official government by selling licenses to companies for mining and furthermore the Liberian president Chuck Taylor. In the complete report *The Heart of the Matter* authors highlighted this connection between Sierra Leone and Liberia with these words: “*what was different and more sinister after 1991 was the active involvement of official Liberian interests in Sierra Leone’s brutal war - for the purpose of pillage rather than politics. By the end of the 1990s, Liberia had become a major centre for massive diamond-related criminal activity, with connections to guns, drugs and money laundering throughout Africa and considerably further afield. In return for weapons, it provided the RUF with an outlet for diamonds, and has done the same for other diamond producing countries, fuelling war and providing a safe haven for organized crime of all sorts.*”¹⁶

The army of Sierra Leone could not face such an enemy as the RUF alone because in 1992 they occupied all the important diamond mines in Sierra Leone. For the work they used captured civilians who had to work in these mines in brutal conditions. RUF sold the diamonds and funded their illegal insurgent activities. *Children were stolen from their families, drugged, force-fed gun powder to make them violent, and were then recruited as soldiers for the RUF’s rebel forces. Children were also forced to work in diamond mines under hazardous, even deadly, conditions.*¹⁷

¹⁴ High-Value Natural Resources and Peacebuilding, “Diamonds in war, diamonds for peace: Diamond sector management and kimberlite mining in Sierra Leone,” accessed March 21, 2017, http://www.environmentalpeacebuilding.org/assets/Documents/LibraryItem_000_Doc_089.pdf

¹⁵ “War and the Crisis of Youth in Sierra Leone,” accessed March 21, 2017, https://books.google.cz/books?id=h9YPzCKvfggC&printsec=frontcover&hl=cs&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

¹⁶ Partnership Africa Canada, “The Heart of the Matter: Sierra Leone, Diamonds and Human Security (Complete Report),” accessed April 4, 2017, http://www.pacweb.org/Documents/diamonds_KP/heart_of_the_matter-full-2000-01-eng.pdf page 48

¹⁷ Wash. U. Global Stud. L. Rev., “Blood Diamonds: The Successes and Failures of the Kimberley Process Certification Scheme in Angola, Sierra Leone and Zimbabwe,” accessed April 17, 2017, http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1565&context=law_globalstudies pages 155-56

We can claim with no doubt that members of the RUF were able to stay in this conflict so long mainly due to the profit from the sale of diamonds. Their squads successfully occupied most of the diamond areas in the country. *"From the available economic data to estimate to what extent could the profits from the sale of the diamonds to contribute to the long-term and effective functioning of the rebels, who did not have any substantial and loyal support of some Sierra Leone's social group or ethnicity. Sierra Leone produces annually diamonds worth \$250 million to \$300 million, in 1999; however, the official value of their exports was only \$1.2 million."*¹⁸ The impact of diamonds on the duration of the conflict is cited as an example of one of the conclusions of Macartan Humphrey work. This is the starting point of his examination, which *"natural resource conflicts are more likely to end quickly and are more likely to end with military victory for one side rather than with a negotiated settlement."*¹⁹ In July 1999 according to the report *"the UN, the Organization of African Unity (OAU), and the West African regional security organization ECOWAS brokered peace accords between the government and the rebels, and a UN peacekeeping force entered Sierra Leone."*²⁰ In January 2002 Kabbah informed the citizens that the war ended. In May the presidential elections took place and Kabbah's position was officially confirmed. Peacekeeping UN troops left Sierra Leone in 2005.²¹ The war in Sierra Leone ended mainly due to the intervention of the international community and the regulation of the global diamond market. Leaders of the rebel organization were sentenced for war crimes; Tribunals for human rights.

¹⁸ Mezinárodní politika, „Krvavé diamanty: surovinové pozadí konfliktu v Sieře Leone,“ accessed March 29, 2017, <http://www.dokumenty-iir.cz/MP/MPArchive/2006/MP042006.pdf> pages 30-32

¹⁹ Uncovering the Mechanisms, *"Natural Resources, Conflict, and Conflict Resolution,"* accessed March 21, 2017, http://www.columbia.edu/~mh2245/papers1/MH8JCR05_paper.pdf

²⁰ World Peace Foundation, "Diamonds in Peace and War: Severing the conflict-diamond connection," accessed March 29, 2017, <https://www.innovations.harvard.edu/sites/default/files/WPF-Tamm%20Diamond%20Report.pdf>

²¹ Lansana Gberie, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone* (Indiana University Press, 2005), pages 180-89

4.3 KIMBERLEY PROCESS CERTIFICATION SCHEME

At the beginning of the 21st century the so-called Kimberley process arose, which solved the problem of conflict diamonds only partially. Kimberley process was groundbreaking initiative which brought together the private sector, government and civil initiatives with a highly humane primary objective to prevent further massacre and to purify the name and the origin of the African diamonds. At its beginning it was really about effective negotiation and speedy progress, and thus on the change of contemporary unconcerned attitude of international actors on the given issue.

At the end of 1998 the newly formed British NGO, Global Witness (NGO), produced a report in which terrible consequences of civil wars in Africa and the role of diamonds in financing rebel activities were described. The report further criticized the regulation of the UN as well as the business policy of the company De Beers which bought African diamonds during the war period. The organization Global Witness started to encourage governments worldwide to fight against illegal diamond market and prevent the murder of thousands of people in African countries. Canada was the first state to support NGO and then they joined the United States with the proposal of the law which required certification of the origin of each diamond more expensive than \$100 USD, which gets on the territory of the United States.²²

KP is not established by an international treaty and therefore it must have all the measures in the framework of a system of support in the national legislation. Nongovernmental organizations, the diamond industry and national governments are various actors and they need to cooperate as a unit with the same goal, exclusion of conflict diamonds from justifiable trade; otherwise the whole process will not work. The certification system came into force in November 2002 when member states began with the implementation of the regulation of the KPCS in their jurisdictions.²³

²² Business and Security. "Public-Private Sector Relationships in a New Security Environment," accessed April 5, 2017, <http://books.sipri.org/files/books/SIPRI04BaiFro/SIPRI04BaiFro.pdf> pages 131-35

²³ Eliminating Conflict Diamonds, "Diamondfacts.org" accessed April 5, 2017, http://www.diamondfacts.org/index.php?option=com_content%26view%3Darticle%26id%3D130%26Itemid%3D168%26lang%3Den

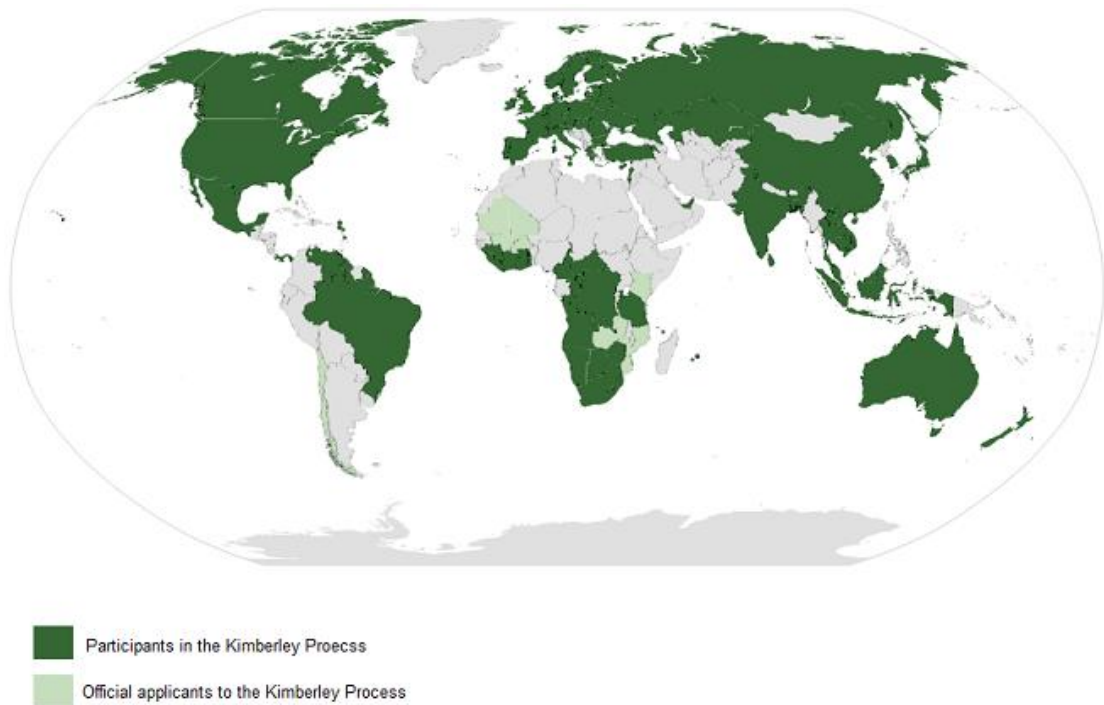


Image 2: Map of participants and applicants of the Kimberley Process

Currently, the KP has 54 members representing 81 countries, including the European community and its member states which act as a single unit. The participating states represent more than 95% of the world extraction of diamonds and almost 100% of the legal trade with them. Rules and regulations adopted by the organization include disciplinary measures, mainly the obligation of the organization to exclude any member whom the ordinary investigating procedure finds a serious infringement of the principles of the KPCS.²⁴

The basis of the system of certification of rough diamonds is the so-called chain of warranties. A consignment of diamonds is under the control of the legitimate government obtained prior to export from the country of "the Certificate of the Kimberley process". Each state which participates in a system of certification is required by this certificate and does not allow the importation of rough diamonds without such a certificate. The participating states of the KP should not allow the export to a country that is not included into the system, or the import of diamonds from such countries.

²⁴Kimberley Process, „KPCS CoreDocument 2016,“ accessed April 5, 2017, <https://www.kimberlyprocess.com/en/kpcs-core-document-version-2016-0>

The performance of these requirements is checked through inspection visits and analysis of annual reports, production and trade statistics.²⁵ Below there were chosen a few of the most important rules and regulations or criteria that every participant should follow. In analytical part the effectiveness of these criteria will be pointed out.

Criteria of the KP connected member states:

1. the certificate of the Kimberley process (referred as "certificate") accompanies each shipment of rough diamonds during export,
2. according to the needs of the change or to issue appropriate legal and administrative provisions to implement and enforce the certification scheme and to award dissuasive and proportionate sanctions in case of breach,
3. ensure that no shipment of rough diamonds has not been imported from a country which is not a member, or to such country for export,
4. establish a system of internal controls to eliminate the presence of conflict diamonds in consignments of rough diamonds imported into its territory and from its territory exported,
5. collect statistical data and provide it through the chair to the other members,
6. collect and store relevant data on production, imports and exports, and to sort and to change these data²⁶

The import of rough diamonds shall be prohibited, if they are not met all of the following conditions:

- raw diamonds are equipped with a certificate confirmed by the competent authority of a member of KP,
- raw diamonds are enclosed in a container with intact barriers by the member and resilient against violent opening,
- In the certificate is clearly identified the consignment to which the certificate relates.²⁷

²⁵ „KPCS Core Document 2016“

²⁶ EUR-Lex: Access to European Union law, “NAŘÍZENÍ RADY (ES) č. 2368/2002,” accessed April 16, 2017, <http://eur-lex.europa.eu/legal-content/CS/ALL/?uri=CELEX:02002R2368-20160430>

²⁷ “NAŘÍZENÍ RADY (ES) č. 2368/2002”

Illegal trade with raw diamonds is one of the biggest challenges facing the KP. At the end of the sixth year of the functioning of the procedure yet it seems that the situation on the world diamond markets is deteriorating. Even though the share of the bloody diamonds has reportedly fallen to below one percent per year, it shows that the percentage of illegal diamonds is still dangerously high. This suggests the fact that the certification mode of the KP is not working effectively. Any weak links in the business structure of the diamond sector allowing the penetration of illicit diamonds on the international markets represent the crevices in the system, which might be used by any ruthless rebel group for trading with blood diamonds.²⁸

²⁸Kimberley Process, “Annual report Sierra Leone 2014,” accessed April 5, 2017, <https://www.kimberleyprocess.com/en/2014-annual-report-sierra-leone>

5 ANALYTICAL PART

The analysis is the main part of the thesis. It is divided into two parts, firstly the efficiency of KPCS from its establishment is analysed, ensued by a discussion that shows effectiveness or failures of KPCS in different perspectives in Sierra Leone. This section is also separated into several parts. The preceding theoretical structure and studies are used to guide the analysis. It is rather important to realize the seriousness and complexity of the implementation of such a process which needs to cut off the RUF from the revenues of selling blood diamonds, and at the same time, to protect the legitimate trade with diamonds. It requires a systematic and coordinated cooperation of government, national and international institutions and organizations. By using previous theoretical structure and studies the process will be analysed and interpreted from the year 2002 until the present's available sources. The KPCS to be effective it must comply the criteria which are described in the theoretical part above. The aim of this section is to find out whether has Sierra Leone met these criteria, are on track to meet it or if the process has proved ineffective. Each section attempts the most to outline the changes of the KP since the implementation. Foreshadowing examples of what would help the process to be effective in a given sector were also created.

5.1 EFFICIENCY OF KPCS

It has been a long time since the establishment of Kimberley Process, so logically and naturally it also comes the time to evaluate its successes and failures and particularly its efficiency and vision of the functioning into the future. Currently the KPCS has been regulating 99 % of the global rough diamond trade. In addition, blood diamonds, as a percentage of the global diamond trade, dropped from 15 % in the 1990s to under 1 % in 2010.²⁹ Even though its assessment and particularly criticism have been essentially continuous since its inception. When examining the official documents of the final beneficiaries and their websites, anyone can easily acquire the impression that its functioning is almost 100%. The real situation of the functioning of the KPCS is on the other hand rather different and not as flawless and ideal as the model situation.

²⁹Kimberley Process, "Annual report Sierra Leone 2014," accessed April 5, 2017, <https://www.kimberleyprocess.com/en/2014-annual-report-sierra-leone>

The criticism of the KP has persists until present day. The report Paddles for Kimberley published in June 2010 that was prepared as a basis for a reform of the Kimberley process brings very good and comprehensively processed critical points to KP in the present. The main functional problems of the KP as considered by its author Ian Smillie are the following points:

- Decision making based on consensus;
- The conditions of membership;
- Inefficient monitoring system;
- Exclusion of enterprises grinding and cleaning the diamonds to KPCS;
- The lack of transparency in the KP;
- Exclusion of the connection between violation of human rights and diamonds;
- Inadequate institutional provision.³⁰

In the KP there is no central authority. The presidency rotates every year and has basically no responsibility for any specified function. Problems are moved from one work group to another, discussions about substantive issues extend to years of duration. The consensus in the KP means that it must be accepted by everyone so every individual player can individually block the effort to change. No one has the responsibility for the action or passivity, for failure or success; the KP does not have any solid institutional security in addition to its annual plenary meeting, and therefore, no one has responsibility for anything.

The functioning of the KPCS is very well summarized by the PAC: Kimberley process and the KPCS have been created as the superintendent of the diamond industry. Instead, the KP has become the chat forum with civil public in the role's overseer of this industry and the KP itself. Kimberley process and system of warranties represent clearly a step forward the right direction in the fight against conflict diamond, if only it was not for that the pace of its achievements and of the activity gradually slows down and starts to drag. From one's point of view reform and re-evaluation of its functioning from the basis are necessary.

³⁰Partnership Africa Canada, "Paddles for Kimberley," accessed April 5, 2017, http://www.pacweb.org/Documents/diamonds_KP/Paddles_for_Kimberley-June_2010.pdf

5.2 EFFECTIVENESS OF KPCS IN SIERRA LEONE

The KP came into a force in 2003. According to the report of Partnership Africa Canada from 2009³¹ the main problem of the diamond market in Sierra Leone is the right to access the state and income distribution from the trade of diamonds. Controversial company, often discussed in the context of this problem, is the Koidu Holdings company. Gberie mentioned in his book that “*the terrain looks like from the moon - the constant digging destroyed, according to the terrible crisis of the phrases used RUF, every living thing*”.³² The main problems of the mining industry are considered to be as follows: low transparency, poor government capacity, inadequate mines monitoring mechanism, lack of regulation, and enduring corruption.³³

Before advancing further into more analyzing, there are given two causes of the coordination of the Kimberley Process in Sierra Leone. The first is associated with the institutional weakness of the country from the emerging of the civil war. The capacity of institutions and mechanisms for the regulation and control of the participating countries is very different. The country such as Sierra Leone is linked with corruption at the state level and the efficiency in implementing the process is highly questionable. Secondly, the prosperity of the illegal mining of diamonds means that there is a large amount of diamonds which never exceed the process of the Kimberley certification system. Therefore, the end of the war and the conflict more than a decade ago doesn't mean the end of the trade of illicit diamonds.³⁴

Since the year 2000 the UN has been operating in Sierra Leone through a strategy of UNIPSIL whose aim is primarily on support of local efforts to reduce tensions and threats of other potential conflicts in the region and to monitor local criminal activity and the illegal drug trade. Individual sectors and subdivisions after the year 2002, when the Kimberley process was introduced in Sierra Leone, will be analysed and interpreted through the methods used in documents in chapters below.

³¹ Partnership Africa Canada, “The Heart of the Matter: Sierra Leone, Diamonds and Human Security (Complete Report),” accessed April 2, 2017, http://www.pacweb.org/Documents/diamonds_KP/heart_of_the_matter-full-2000-01-eng.pdf pages 14-18

³² Gberie, Lansana, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone* (Indiana University Press, 2005), pages 180-89.

³³ National Advocacy Coalition On Extractives, “Sierra Leone at the crossroads: Seizing the chance to benefit from mining,” accessed April 5, 2017, <http://www.christianaid.org.uk/Images/sierra-leone-at-the-crossroads.pdf> pages 6-9

³⁴ Lansana, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone*

5.2.1 INTERNAL SECURITY

In the first subdivision it will be discussed the most important and least-developed internal security, which is in the paper of criterion number 4: “*establish a system of internal controls to eliminate the presence of conflict diamonds in consignments of rough diamonds imported into its territory and from its territory exported.*”³⁵

Still an unsolved problem in Sierra Leone is the internal security of the state, which goes beyond the sphere of the rebel war. The root of the lack of security has always been corruption, especially in the diamond industry ever since it started commercially. The government is already trying to get the issue under the law, to shift its policy on this issue. For example, a large company needs to hire the official armed security protection to guard their side. In Sierra Leone it has been known since the fifties that the government protective component, including the police and the army, is woefully unable to secure the mining site effectively.

But the reality is that the country depends on their mining sector, especially diamond mining industry, for its foreign income. External demand for high-quality diamonds will not drop down; and therefore regardless of government policy mining will persist. Hence, the government must increase and determine the important and urgent decisions about the security of the diamond industry. Individual security operations controlled by mining companies will be costly and quite possibly ineffective; it could also become an anarchist and rise again to the abuse of human rights and the re-creation of the rebel groups.³⁶ Increasing security in mining industry would eliminate the amount of illegal unregistered miners and would prevent these illicit diamonds from getting into the market.

³⁵ EUR-Lex: Access to European Union law, “NAŘÍZENÍ RADY (ES) č. 2368/2002,” accessed April 16, 2017, <http://eur-lex.europa.eu/legal-content/CS/ALL/?uri=CELEX:02002R2368-20160430>

³⁶ Governance and Limited Statehood, “The Transnational Governance of Violence and Crime: Non-State Actors in Security,” accessed April 16, 2017, https://books.google.cz/books?id=jp9EAgAAQBAJ&printsec=frontcover&hl=cs&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

The Kimberley Process has been, of all the recent international agreements, dealing with environment, labour and security undoubtedly weakest. Proposals for the monitoring of the industry are completely unclear and the government's provisions remain virtually non-existent. The absence of such a control and security continues. The government must rectify mistakes in order to the Kimberley process could work and bring greater stability to the country through the diamond industry. Such large stocks of diamonds should be rather the engine for the development of the country and not the cause of the state collapse.³⁷

5.2.2 MONITORING AND CONTROLLING

Criterion number 4 is also further described in this subsection. The criterion number 6 is also met here, because proper controlling and monitoring is important for better function of the KP. For the KP the monitoring system belongs to the weakest structure, even if each of the members of KPCS agreed to host a special review team every three years. In order to conclude regulations and laws those are in place and are being accordingly enforced. On the website of Kimberley Process there are posted annual reports from member states concluding solid reports with changes in that country from the last visit and recommendations for the future. The main part of the problem has been a voluntary membership in the review because each committee is self-financed, which means that country with a lot of resources tend to dictate while others with fewer resources do not. On the website we can observe three annual reports from Sierra Leone, 2011, 2013 and the last one from 2014. As the KP does not have any based main administrative centre, these reports tend to be quite often delayed with their publication. The reports always describe results achieved after the last visit, after the last review. Furthermore, it is only up to the country what visits of the KP team they take and improve into the future, because as it has been already mentioned, the monitoring system is very weak and there is no main office which would address the absences. What refers to the reports of Sierra Leone, after analysing a lot of data, seems to be monotonous. From one view of the ordinary reader this is a concise and clear reading where you will learn a lot of important information and make a picture of what is happening in the country.

³⁷ “The Transnational Governance of Violence and Crime: Non-State Actors in Security,”

The reader should make more views because these official reports do not point to the still existing black market, the poor system of the internal sector, the government and police cooperation with the illegal trade with diamonds and other things which we can read in the impartial and independent reports from NGOs PAC and Global Witness. Actually, the organizations were at the very beginning of the KP founding and therefore they deal with two pages -criticism and praise. As a great success they consider that they are heard and supported by certain governments that encourage their recommendations for better organization, monitoring, management of the KP and even for penalties in case of breaking laws and incorporation.³⁸

Every exporter must record every diamond that passes through their hands into the registration book and it should be sold in an open and competitive market. The Chief Mines Monitoring Officer of Kenema and Bo districts make physical inspections of the diamond dealer's official record books. This monitoring control is under the control of The Mines Monitoring Officers (MMOs).³⁹ All of these reports are sent to the Ministry of Mineral Resources (MMR) which controls the internal mechanism of Sierra Leone and has responsibility for implementation of the policy and export of diamonds, acting as a dog warden for the government in the mining and trading with diamonds.⁴⁰

³⁸ Vanderbilt Journal of Transnational Law, Blood Diamonds and Non-State Actors, accessed March 21, 2017, <https://www.vanderbilt.edu/wp-content/uploads/sites/78/Smillie-.pdf>

³⁹ Global Policy Forum, "Review of the Sierra Leone Diamond Certification System and Proposals," accessed April 16, 2017, <https://www.globalpolicy.org/security-council/39448-review-of-the-sierra-leone.html>

⁴⁰ Kimberley Process, "Annual report Sierra Leone 2014," accessed April 5, 2017, <https://www.kimberleyprocess.com/en/2014-annual-report-sierra-leone>

5.2.3 SMUGGLING – ILLICIT DIAMONDS

Here it is a subsection which relates further to the informal sector and there will be discussed criteria number 1 and 3. Both are focused on ensuring every consignment with the indication “certificate” and import and export activities from or to the member countries of the KP. If not, in this case the government should step in and stop such a trade. In Sierra Leone such actions of the government are questionable. Since 2002, when Sierra Leone declared peace, there have been “technically” no more conflict diamonds. The reality is substantially different. According to the report by Smillie, diamonds are still mined, although to a smaller extent, by the rebel group RUF and other illegal miners or several hundreds of people. Many of these people are still working in the mines with adverse conditions just because of the belief they will find that one enormous diamond which will break the shackles of poverty and find a better path of life. It indicates that high license fees are the primary trigger of illegal diamond mining.⁴¹

In most of the neighboring countries such as Gambia, Ghana, Liberia and Ivory Coast, diamonds don't have to have any certification before they get on the market, therefore it is very easy to smuggle illicit diamonds over the border from Sierra Leone into the neighbouring countries as anything else. Conflicts are not always the only reason for passing borders with illicit diamonds. It can be also due to the tax evasion or mistrust in government. It is easier when corruption is seen in governments. Officially, including the police files, 59.7% of diamonds are smuggled from Sierra Leone, mainly to Guinea and Gambia. Gambia exports significant quantities of diamonds every year, but does not produce any. Many reports show that the majority of the diamonds is contraband especially from Sierra Leone in diplomatic bags.⁴²

⁴¹ “The Transnational Governance of Violence and Crime: Non-State Actors in Security,”

⁴² Partnership Africa Canada, „The Kimberley Process: The Case for Proper Monitoring,“ accessed April 16, 2017, http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/5_KP_Monitoring-Eng_Sept2002.pdf

Study findings indicate that a positive step towards minimizing smuggling and mining can be reducing illicit mining and smuggling through strengthening administrative measures. Further, the weak infrastructure and complete transportation around the Kono District, low income, and reparation for smuggled operations also contribute to higher percentage of smuggling.⁴³

For the improvement and fight against smuggling The Mines Monitoring Officers and Gold and Diamond Office could perhaps establish an office around this district where exporters could complete the certification process before getting into the market rather than relying on an office in Freetown far from the mining area. The neighbouring government should also form barriers and collaboration to coordinate diamond policies.⁴⁴

5.2.4 INFORMAL SECTOR

After the continuing of implementation of the process and after the end of the war in 2002 the official data of exports tripled. It must be noted that a considerable quantity of diamonds is produced from the informal sector, from illegal miners, and these data are not taken into account. The informal sector exists for one main reason - to make more money - because they set their own price for diamonds. Most of the traders prefer selling their diamonds on the black market, which has a greater benefit for them. There are many reasons: the lack of market knowledge among miners and diggers, the limited access to capital, corruption and ineffective policies. Miners do not care where their diamonds end up; they are only interested in profit. The majority of illegal miners are those who were forced by the RUF to work with a gun beard down to their head during the war. In comparison with the regulatory system, which they should follow, every mined diamond must pass through all the players on the market, from the miner through the dealer to the exporter, where it gets a diamond marking "conflict-free" certificate.⁴⁵ The study indicates that their daily income is less than \$2 with no benefits. This and insufficient sector encourage them for both failure and bribe.

⁴³ "Review of the Sierra Leone Diamond Certification System and Proposals,"

⁴⁴ GeoJurnal, "Sierra Leone's Illicit diamonds: the Challenges and the Way Forward," accessed April 17, 2017, http://www.jstor.org/stable/41148450?Search=yes&seq=1#page_scan_tab_contents pages 196-212

⁴⁵ "Sierra Leone's Illicit diamonds: the Challenges and the Way Forward"

It means that in the country there are mined lots of diamonds that do not pass through the Kimberley process. In the informal mining and retails substantive risks still remain. Weapons are permanently acquired for protection and other people are forced to work for them. That is why people are still killing for diamonds in these places.⁴⁶

If the aim is to exclude the existence of conflict diamonds, smuggling must be completely eliminated and the legitimate miners should not be tormented by the corruption in the country, otherwise it is impossible to meet the goal. It could not be claimed that the Kimberley process has failed at the level of global politics. The process set up criteria for trading with diamonds in conflict areas, which ensure an optimal global cooperation in the context of a global problem.⁴⁷

5.2.5 GOVERNMENT

This sub-chapter brings a closer look at a criterion number 2, where, according to the needs the government may change or release new regulations and in case of breaking to impose a sanction. With the government of Sierra Leone it will not work so easily. Since the beginning of mining diamonds the corruption has appeared in governmental organizations.

Some government regulations unfortunately did not help. Sampha Koroma, the Governor of the state Bank of Sierra Leone, whose signature is among three important and necessary to the verification of certified diamonds that are used for export, introduced a clause for the exporter of diamonds requiring to return every dollar from the value of the diamond which has been exported back into the banking system. For many exporters, especially from Lebanon, are also involved in other trades and they often take hard currency from the sale of diamonds to pay back the imported goods. This system then creates an incentive for smuggling. Koroma previously collaborated with the company exporting diamonds, Naminco, and he therefore has a motive to discourage the exporters of diamonds from smuggling. To do this he has to help with his signature on export certificates.

⁴⁶ “Review of the Sierra Leone Diamond Certification System and Proposals,”

⁴⁷ Washington University Global Studies Law Review, „Blood Diamonds: The Successes and Failures of the Kimberley Process Certification Scheme in Angola, Sierra Leone and Zimbabwe,“ accessed April 17, 2017, http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1565&context=law_globalstudies

Diamonds have to provide an alternative to be exchanged for the cash, meaning from the laundering of black money, money for drugs and money that companies or individuals they want to keep for other reasons.⁴⁸

As it was discussed in previous chapter about informal sector, the corruption in Sierra Leone is almost in every sector that is guided by government and private companies and it is still spreading further. Since the 30's, when the diamond sector starts growing, especially companies have built a big power in the country and have made a huge amount of money that the innocent population have not seen and have suffered the most. At the turn of the millennium, in 2000, the Anti-Corruption Unit was established by the government. It is about creating a special diamond detection unity whose aim is exterminating some of the flagrant examples of corruption in the diamond trade.

As it is shown in the table there is a division of 3% tax and following description of a tax implementation on diamonds due to reducing of informal sector in the country.

The three percent export tax is divided as follows:		
Development Area Community	0.75%	US\$569,773
Valuation Fee	0.75%	\$569,773
Individual Valuation Fee	0.40%	\$303,879
Monitoring Fee	0.35%	\$240,167
To general revenue	0.75%	\$569,773
Total	3.00%	\$2,253,365

Table 1: Divided tax on export in Sierra Leone

The tax on diamond exports is at three percent, low, mainly because of the fact that the tax is voluntary. The government charges fees for mining licenses, dealers and exporters. Diamonds are effortless to smuggle without any system of certification, therefore stolen or smuggled gems are simple to sell in countries with low taxes.

⁴⁸Partnership Africa Canada, „War and Peace in Sierra leone: Diamonds, Corruption and the Lebanese Connection,“ accessed April 17, 2017, http://www.pacweb.org/Documents/diamonds_KP/6_War-Peace_sierraleone_Eng-Nov2002.pdf page 9

Throughout the diamond history the tax has always been *attended* by increased smuggling.⁴⁹ The Mines Policy of 1998 in 2003 was modified to construct an incentive “*scheme for good performance among what are called foreign national: a tax break of \$0.50 per cent on all exports over \$10 million.*”⁵⁰ This tax break is offered mainly to indigenous citizens exporting more than 1million value of diamonds. Some individuals and companies reached this stable condition in 2003. This policy might be seen either positive or negative. The positive side is for sure the limitation of smuggling; it disputes a principle of modern taxation system making the tax regressive instead of progressive.

5.2.6 EXPORT

Criterion number 6 speaks about the gathering of statistical data on the export and import of diamonds. The export reported a great success and progress after the introduction of the KPCS. Statistical data are the only legal export; illicit diamonds are not taken into account because the exact number is not known. Artisanal diamond mining (mining without much more than hand-held tools, sieves and shovels) still makes a significant contribution to the economy of Sierra Leone. It provides work for more people than any other sector and it is the major source of foreign exchange. Employers usually work with no written agreements, largely informally and not regulated. There have been estimated almost 150,000 artisanal diamond miners. The amount of official export would be higher if no smuggling appeared.⁵¹

Sierra Leone has been one of the most essential diamond producers in West Africa. Since the end of the war, January 2002, the situation has enhanced, has become more transparent and attracted new investors. Official exports of Sierra Leone’s diamonds have increased dramatically since the KP.

⁴⁹ Global Witness, “Rich Man Poor Man: Development Diamonds and Poverty Diamonds” accessed April 20, 2017, [http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man_poor_man-eng_\(elect\)-Oct2004.pdf](http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man_poor_man-eng_(elect)-Oct2004.pdf)

⁵⁰ “Rich Man Poor Man: Development Diamonds and Poverty Diamonds”

⁵¹ “Rich Man Poor Man: Development Diamonds and Poverty Diamonds”

In 1999 Sierra Leone officially exported only \$1.3 million worth of diamonds; the following years 2000 and 2001 the legal exports jumped to \$25.9 million. In 2002 it was \$42 million in total. Since the KP the government has expected that exports might double.⁵²

As it is shown in the table, the study estimated that in 2003 Sierra Leone legally exported approximately \$76 million of diamonds from alluvial fields. In 2004 it reached to \$120 million.⁵³ In 2008 official exports were valued to \$140 million.

Month	Value (US\$)		Average price per Carat	
	2003	2004	2003	2004
January	4,612,174	6,723,551	121,84	121,48
February	7,087,005	9,956,715	174,5	148,18
March	4,827,357	12,186,651	163,27	197,42

Table 2: Comparison of export in years 2003 and 2004

Interestingly, Belgian statistics about the import of Sierra Leone diamonds in 2001 averaged \$2.2 million a month. A year later, in 2002, the amount fell to \$1.4 million dollars. The imports average is \$90 per carat, extensively lower than the normal average for Sierra Leone, which is with no doubt \$150 per carat or higher. These numbers assume that better quality diamonds do not go through the certification system.⁵⁴

The most important that was achieved after implementation of the KP, was stopping of rebel groups and their capability of financing their activities by selling conflict diamonds during the Civil war.

⁵² Partnership Africa Canada, “West Africa: Rocks in a Hard Place: The Political Economy of Diamonds and Regional Destabilization,” accessed April 20, 2017, http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/9_w_africa_Eng_May2003.pdf

⁵³ Global Witness, “Rich Man Poor Man: Development Diamonds and Poverty Diamonds” accessed April 20, 2017, [http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man_poor_man-eng_\(elect\)-Oct2004.pdf](http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man_poor_man-eng_(elect)-Oct2004.pdf)

⁵⁴ Partnership Africa Canada, „The Kimberley Process: The Case for Proper Monitoring,“ accessed April 16, 2017, http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/5_KP_Monitoring-Eng_Sept2002.pdf page 7

According to Mineral Minister of Sierra Leone Mohamed Swarray-Deen, he announced that *“it has returned the diamond industry back to the community which is rightly the main beneficiary. It was originally hijacked by a few greedy and corrupt people.”*⁵⁵

5.2.7 SOCIAL

This subchapter does not belong to any of the selected criteria because the members of the KP have started talking about this social, human rights regulations at one of the latest session. The KP was earlier introduced for the elimination of conflict diamonds but for the past couple of years breaking of the human rights has been taken into account more deeply in the countries where conflict diamonds have appeared. That is why the surveys and research reports from NGOs that are concerned with human rights and the country were visited. The conditions for human rights are on a horrible level in the country, children labour laws and regulations are either non-existent or ignored. Not just children miners but all of them have no right to discuss payment or conditions of work. Presently the United Mines Workers Union has tried moving the diggers from the artisanal diamond sector. There are some current programs leading by nongovernmental organizations and they are going to be about training the diggers in diamond alluvial mining areas in the future. Diggers would get more information that will help them to understand their rights and commitments, and last but not least legitimate diggers would get the evaluation of their work. But there is a question whether it will be able to develop influence that would be requisite to change a regnant situation.⁵⁶

Since the session of members of the KPCS in China in 2014,⁵⁷ where Sierra Leone could not participate due to spreading of Ebola virus across the country, a discussion has begun a new observation about the goal of the KP in addition to the pros and cons and the fulfillment of the objectives that members set.

⁵⁵Mail&Guardian, “Kimberley Process Bears Fruit in Sierra Leone,” accessed April 20, 2017, <https://mg.co.za/article/2003-05-18-kimberley-process-bears-fruit-in-sierra-leone>

⁵⁶Global Witness, “Rich Man Poor Man: Development Diamonds and Poverty Diamonds” accessed April 20, 2017, [http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man_poor_man-eng_\(elect\)-Oct2004.pdf](http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man_poor_man-eng_(elect)-Oct2004.pdf)

⁵⁷The World Bank, „Sierra Leone Overview,“ accessed April 28, 2017, <http://www.worldbank.org/en/country/sierraleone/overview>

The main priority should not be the elimination of conflict diamonds from the world because according to the statistical data the elimination of conflict diamonds has dropped from 15% to less than incredible 1% in the world. The main goal now should be adherence and no breaking human rights on all the territories where diamonds are mined. It would change actual meaning of this process. We could hopefully wait for positive decision about implementing this rule as at least one of the main objectives. In 2003 the PDA (Peace Diamond Alliance) gathered data on how much diggers earn. It was calculated that each one earned among \$1,24 and \$1,46 per day. The monthly wage is not easy to calculate because not every digger works full time, but on average it was between \$25 and \$30 per month, which is considerably less than minimum wage in Sierra Leone that is \$40. PDA determined that upon the minimum wage for diggers there is placed an “*extreme burden on mine owners*”.⁵⁸

During the civil war children were often used as allies of RUF, called “child soldiers”. They were usually violently taken away from families and started to serve as a part of a rebellion group.

In 2002 there was made a study by World Vision that surveyed 500 child miners in the Kono District. Children are still mining in these areas, unfortunately some of them involuntarily. It is noted that children are involved in mining at early age, first it is supposed to be a part time job for them, but they eventually become fully dragged into it therefore it interferes into their education or any other alternative promises for a better life. Enormous 83% children that were asked confirmed that they were directly involved in mining activities, 8.6% said they just prepared food for the miners but spent most of the time at the mining location. Seventy five percent claimed that it was their decision to make some money while 15.2% claimed they had no other choice. Other 6.2% said they were influenced by their friends and 4% confirmed their parents sent them.

⁵⁸ Global Witness, “Rich Man Poor Man: Development Diamonds and Poverty Diamonds” accessed April 20, 2017, [http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man-poor_man-eng_\(elect\)-Oct2004.pdf](http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/rich_man-poor_man-eng_(elect)-Oct2004.pdf)

In the artisanal diamond areas, especially around Kono, there are almost 50 000 and more people living in this area and most of them are foreigners – Nigerians, Gambians, Lebanese and most of them are illegal residents. Minister Swarray-Deen pronounced the government was “planning to reinstitute the permit system”, because these illegal settlers enter Kono without any special permission.⁵⁹

⁵⁹Mail&Guardian, “Kimberley Process Bears Fruit in Sierra Leone,” accessed April 20, 2017, <https://mg.co.za/article/2003-05-18-kimberley-process-bears-fruit-in-sierra-leone>

6 CONCLUSION

This thesis was tasked to point out at the issue of conflict diamonds in Sierra Leone and the subsequent implementation of the KPCS. Hence, the aim was to show and determine the effectiveness of the KPCS in Sierra Leone on the basis of the available criteria that were selected and interpreted in accordance with the selected sectors where the efficiencies and failures were analysed.

The first part of the paper is aimed at introducing and defining the problem, a purpose of the paper, the structure, the past research and my contribution to the field, methodology and sources used. In this part it was looked into the theoretical background where it was found the possible causes of the conflict, in this case they are diamonds, it was explained the concept of the conflict diamond from a variety of sources and had to approach the civil war to be aware of the connection between the mining of diamonds, the conflict and the subsequent introduction of the Kimberley process which it was written about also in the theoretical background. It was found that a lot of resources have not tackled a specific country, but only the process itself. In such case this work not only increases the public awareness about the KPCS and its efficiency, but there can also be highlighted the follow-up questions about the case study of Sierra Leone. In the following chapter research questions were solved using a document analysis and the subsequent interpretation of the documents.

There were used only criteria for which there was reliable result of its process. Other than these, there were mentioned criteria, which had the greatest influence on changes in the country, and the ones that would have had such influence, have it been met and not overlooked. In analytical part, there were chosen and highlighted several sectors. Most of these sectors have met the criteria mentioned above only partially. Majority of the sectors cooperate and complement each other. This might be observed in informal sector, smuggling, monitoring and controlling as well as internal security. Its result shows that these sectors are not perfectly effective installment of the KP. All suggests poor and low-working monitoring and control of informal sector, mainly in Kono district. Due to such low prevention, smuggling continues to survive, for the most part into Gambia, where there is smuggled about 60 percent of all diamonds.

Diamonds are then exported widely across the globe, as Gambia is not a member of KP and can therefore sell diamonds freely to whoever, who does not require the mark of “certification”. So there are still a lot of diamonds without having the label, but nowadays these diamonds are not anymore conflict. In the past few years however, sectors are being refreshed and restriction begin to become stricter. Sierra Leone government even fortified border crossings with Gambia to prevent from smuggling. Another problematic issue is corruption, which will fundamentally remain unsolvable. Sierra Leone is highly corrupted on many levels, and eliminating a single one element, even from the higher level position, would not make a significant difference. These sections have a lot in common and usually collaborate. Its function can be visualized as a house of cards – collapse of one component has a great influence on other components. Should one of them be set incorrectly, other sectors cannot work as well. This effect is observable in the analysis documented. There is a rather significant difference of reliability of sources dealing with this problematic. For instance, one cannot utterly rely on information given by the annual reports from KP, since its distortion caused by corruption in Sierra Leone. In comparison, information acquired by NGOs and accessible in their reports offer ultimately diverse information from point of view of people who live and work in this area or in the mines themselves. These documents might and do offer contrasting information then that generally given on the official sites.

Kimberley process was ground-breaking initiative which brought together the private sector, government and civic initiatives with a highly human primary objective, to prevent further bloodbath and to purify the name and the origin of African diamonds. In its beginning it was really about effective negotiation and fast progressing, and thus about changing the current indifferent attitude of international actors on the given issue. Today, unfortunately, we can say that the development has slowed.

The aim of the work was to answer the question whether the KP in Sierra Leone has been effective or has not. According to the selected and analysed criteria it was found that all the sectors are connected into one big vicious circle and if it does not start to change and work correctly, it is not possible for the KP to be effective. This work can have more conclusions. The cause of such a problem may already be in the definition of conflict diamonds by the KP that focuses on conflict diamonds only from rebel groups.

These groups have not been such an enemy for a long time and instead of these it should aim at the informal sector and smuggling by illegal traders. Another cause of the failure of the KP could be weak internal control which causes such problems then. Of course it depends on who controls captures and benefits from the diamonds. Then it depends on the statistical data and annual reports which are available on the internet and they do not serve any sources of illicit diamonds. The biggest and easiest change would be to expand or upgrade the definition of conflict diamonds and review of the functioning platform, where would be included the trade of diamonds by groups and even legitimate governments which are breaking human rights inside the country. About human rights violations it was concerned in the last subdivision, where it was discussed the fresh or expanded target of KPCS, which so far has not been approved. Each of the three major parties of the diamond market, enterprises, government or civil society, has the opportunity to initiate and influence the events on the diamond market and bring it a fresh and energetic breath, which would help all those whose human rights are due to illicit diamonds still being violated.

It is clear that the KPCS is not without flaws but it is important to realize that the system has really succeeded in eliminating the trade of conflict diamonds. It was an important step in the right direction, as it unleashed a wave of legal trade with diamonds in Sierra Leone and in other parts of Africa. We can see the data of exports from Sierra Leone which has tripled. The situation of Sierra Leone has improved as a whole but this improvement is uneven within the society. Diamonds have been the curse of Sierra Leone for decades. In term of the KP efficiency was observed in the mentioned sectors high instability, disinterest and possible failure of the process. These findings thus answering the research question. The effectiveness of the KP in Sierra Leone was indeed progressive at the beginning and the country got at the forefront in eliminating the conflict diamonds, but the process and the government has started to seem inefficient and also unconcerned in the course of time. The situation has not been already same as it was twenty years ago and the government should respond flexible and begin to be concerned with the idea of re-evaluating the base points of the Kimberley Process and making it again an effective tool in all spheres.

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7.2 LIST OF ABBREVIATIONS

(Abbreviations are listed in alphabetical order)

APC	All Peoples Congress
ECOWAS	Economic Community of West African States
GGDO	Government Gold and Diamond Office
KP	Kimberley Process
KPCS	Kimberley Process Certification Scheme
MMOs	The Mines Monitoring Officers
MMR	The Ministry of Mineral Resources
NDMC	National Diamond Mining Company
NGO	Nongovernmental Organization
OAU	Organization of African Unity
PAC	Partnership Africa Canada
PDA	Peace Diamond Alliance
RUF	Revolutionary United Front
SLST	Sierra Leone Selection Trust
UN	United Nation
UNIPSIL	United Nations Integrated Peacebuilding Office in Sierra Leone

7.3 LIST OF IMAGES

Image 1: *Map of Sierra Leone with the main mining district* [online]. 2002 (accessed April 5, 2017). Available at: http://www.pacweb.org/images/PUBLICATIONS/Conflict_Diamonds_and_KP/6_War-Peace_sierraleone_Eng-Nov2002.pdf

Image 2: *Map of participants and applicants of the Kimberley Process* [online]. 2013 (accessed April 5, 2017). Available at: https://commons.wikimedia.org/wiki/File:Kimberly_Process_Map.svg

7.4 LIST OF TABLES

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Table 2:*Comparison of export in years 2003 and 2004* [online]. 2004 (accessed April 20, 2017). Available at:

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