

# BICC Focus

## Conflict diamonds and peace process in Côte d'Ivoire

Côte d'Ivoire is the only country, which is currently under embargo by the United Nations for the export of conflict diamonds since December 2005. The conflict and years of 'no war, no peace' have been profitable for both the military and the *Forces Nouvelles* (FN) rebels, thereby paralyzing the peace process.<sup>1</sup> Along with other natural resources (e.g. cocoa, timber, cotton, oil, gold), diamonds contributed to the financing of the military as well as the FN rebels in the North. However, since the Ouagadougou Political Accord (OPA) signed in March 2007 between the rebel leader Guillaume Soro and the Ivorian president Laurent Gbagbo, modest progress can be noticed in the main areas of the agreement: the identification of the population, the preparation of the first round of presidential elections (now announced for 30 November 2008), the restoration of state authority and unity of the country, and the reform of the army, including the disarmament, demobilization and reintegration (DD&R) process.<sup>2</sup>

The development and imposition of sanctions on valuable natural resources as well as international 'import-export-control systems' such as the Kimberley Process Certification Scheme (KPCS) are valuable conflict prevention tools. Nonetheless, the actual situation of conflict diamonds being smuggled out of Côte d'Ivoire is a serious challenge to the enforcement of the sanctions against diamonds. This failure of control systems needs urgent attention in order to guarantee that the KPCS stays a credible system for setting an example as a conflict prevention mechanism that truly contributes to breaking the link between natural resources and conflict.

<sup>1</sup> The 'direct dialogue' between President Laurent Gbagbo and the rebel leader Guillaume Soro brought progress in the peace negotiations and the signing of the Ouagadougou Political Agreement. Some national and international observers attribute the motivation of the parties behind the accord to a probable "secret deal" between the two parties, involving not only political and security matters, but financial issues too. (International Crisis Group, 2007/ Interviews by BICC staff in Abidjan, April 2008.)

<sup>2</sup> See: L' Accord Politique de Ouagadougou en 4 Points. 7. June 2007. Available at <<http://www.gouv.ci/>>

### A short history of diamonds and conflict

First discoveries of diamonds in Côte d'Ivoire date back to 1927 and 1947, and were made in the regions of Séguéla and Tortiya in the north of the country. Modest industrial mining activities took place from the 1940s to the 1970s and started again with the decline of the prices of agricultural products in the early 1990s. With the conflicts in neighboring Liberia and Sierra Leone, Côte d'Ivoire became a major thoroughfare for goods looted there (Gberie, 2003). Conflict diamonds from the Revolutionary United Front (RUF)-controlled diamond-rich province in Sierra Leone were

### Fatal Transactions

Fatal Transactions is an international campaign that strives for a just and fair exploitation of Africa's natural resources. It was launched in October 1999 by a consortium of European civil society organizations to increase public awareness on the funding of rebel armies across Africa through the trade in so-called 'conflict' or 'blood' diamonds. Fatal Transactions was part of the negotiations on the Kimberley Process Certification Scheme and has been engaged in the implementation of the Kimberley Process since. Fatal Transactions is member of the recently established Kimberley Process Civil Society Coalition, a group of committed NGOs working on diamond issues.

Fatal Transactions aims to transform fatal transactions into fair transactions that truly benefit the African people. Therefore, members of Fatal Transactions implement a lobby and public awareness campaign in Europe in order to stop natural resources fuelling conflict and improve resource governance in post-conflict countries.

Further information on events and publications can be found at [www.fataltransactions.org](http://www.fataltransactions.org) (international website) and [www.fataltransactions.de](http://www.fataltransactions.de) (German website).

## Conflict diamonds recognized by UN resolution

On 1 December 2000, the United Nations General Assembly adopted, unanimously, a resolution (A/RES/55/56) on the "role of diamonds in fuelling conflict, breaking the link between the illicit transaction of rough diamonds and armed conflict, as a contribution to prevention and settlement of conflicts." Conflict diamonds are understood to be rough diamonds which are used by rebel movements to finance their military activities, including attempts to undermine or overthrow legitimate Governments. In taking up this agenda item, the General Assembly recognized that conflict diamonds are a crucial factor in prolonging brutal wars in parts of Africa, and underscored that legitimate diamonds contribute to prosperity and development elsewhere on the continent.

suspected to be responsible for the exponential increase in diamond export figures by almost 50 percent from 1998 to 1999.<sup>3</sup>

Semi-industrial and artisanal production in Côte d'Ivoire before the 2002 violence was mainly organized by the state company *Société d'Etat pour le Développement Minier de la Côte d'Ivoire* (SODEMI) which planned at that time for mechanic exploration together with a new investor, African Carnegie Diamonds Plc. An estimated 20,000 diggers mined most of the average yearly production of 300,000 carats (Direction des Mines, 2007).

The failed coup of September 2002 by the FN sparked a civil war leading to the division of the country into a rebel-held North and a government-controlled south separated by a "zone of confidence". Thereby, the diamond deposits of the northern and central region fell into the hands of the rebels. In reaction, the government of Côte d'Ivoire, by Ministerial Decree of 19 November, suspended all exploration and sales of diamonds. This is why the Ivorian certification scheme under the Kimberley Process (KP, see Box 2) has never been put into effect since its implementation started in 2003, despite the fact that Côte d'Ivoire was one of its founding members. The country adopted a law for regulating the diamond market in Côte d'Ivoire according to the KP norms in May 2003 (Government of Côte d'Ivoire, 2007b).

### The Kimberley Process

The Kimberley Process (KP) is an international initiative, which was initiated by governments, industry and civil society to prevent the trade in conflict diamonds. Launched in January 2003, and endorsed by the UN General Assembly and the UN Security Council, the Kimberley Process Certification Scheme (KPCS) imposes requirements on its members to enable them to certify the origin of shipments of rough diamonds as 'conflict-free' and prevent conflict diamonds from entering the legitimate trade chain. Diamond-producing countries, which apply for membership are required to establish national legislation and institutions; export, import and internal controls; and to commit to transparency and the exchange of statistical data. For more information on the Process, see [www.kimberleyprocess.com](http://www.kimberleyprocess.com).

First alerts on suspected continuation of diamond production in the north reached the Kimberley Process Chair and Working Group on Monitoring in mid-2004. Further findings by the KP working group, UN experts and Global Witness

confirmed these alerts and found evidence that diamonds originating from the area that was being controlled by the *Forces Nouvelles* were illegally smuggled into Mali and Guinea (Global Witness, 2005; United Nations, 2005a). In the Expert Panel report of 2006 (S 2006/735), Ghana was also mentioned as important conduit for Ivorian diamonds. This posed a serious threat to the credibility of the Kimberley Process, whose aim it is to keep conflict diamonds out of the legal market. Only by the end of 2005 were first plans for action presented. At the Plenary in Moscow, all Participants and Observers were urged to "undertake all possible efforts ... to ensure that illicit Côte d'Ivorian diamonds cannot be introduced into the legitimate trade" (Kimberley Process, 2005a). One month later, in December 2005, the United Nations Security Council (UNSC) issued its Resolution 1643, which stated "that all States shall take the necessary measures to prevent the import of all rough diamonds from Côte d'Ivoire into their territory ..." (United Nations, 2005b). This diamond embargo was renewed in the last UN resolution (October 2007), which is valid until 31 October 2008 (United Nations, 2006a).

### UN sanctions on conflict diamonds: Problems of implementation

In Côte d'Ivoire, the sanctions aimed at preventing an escalation of the crisis and putting pressure on political stakeholders to commit themselves to a settlement "through democratic means" (Wallenstein et al., 2006). The objective of the diamond embargo, as it was adopted in December 2005 by the UNSC, was to cut the finances of the FN rebels. The Resolution recognizes "the linkage between the illegal exploitation of natural resources such as diamonds, illicit trade in such resources, and the proliferation and trafficking of arms and the recruitment and use of mercenaries as one of the sources of fuelling and exacerbating conflicts in West Africa" (United Nations, 2005b, p. 2).

Although diamond sanctions were put into effect in three countries before (Angola, Sierra Leone and Liberia) monitoring and enforcement has not been very successful. This, unfortunately, also holds true for Côte d'Ivoire.<sup>4</sup> In trying to contribute to the goals of the diamond embargo, many actors share the mandate of monitoring the

<sup>3</sup> The exact figures are 1998: 269,283.54 carats; 1999: 398,282.17 carats. (Direction des Mines, 2007).

<sup>4</sup> For some lessons on the different diamond sanctions, see: Wallenstein et al., 2006; Vines, 2003; Brzoska and Paes, 2007.



implementation of the diamond sanctions. Internationally, all nations (KP members and non-members) are asked to prevent the import of rough diamonds from Côte d'Ivoire. In addition, the KP has to report any information on export or illicit trade of diamonds from Côte d'Ivoire. The United Nations Mission in Côte d'Ivoire (UNOCI) was authorized to contribute to the implementation of the sanctions, and the French government was requested to communicate any information gathered by the French military operation "Unicorn", which supported the United Nations Operation in Côte d'Ivoire, about the production and illicit export of diamonds. The following monitoring mechanisms applied to observe the adherence to the diamond sanctions of Côte d'Ivoire are:

- The UN expert panel reports and investigations (with an expert on diamond trade);
- KP review missions on the implementation of the KPCS in neighboring countries and trading centers;
- analyzing techniques for the origin of diamonds;
- satellite imagery;
- a comparison of production and export statistics of the countries from the region, and
- monthly aerial surveys of the diamond mines by the UNOCI embargo cell (United Nations, 2005a).<sup>5</sup>

However, all evidence that was collected by the KP and UNOCI on the illegal exploitation of diamonds did not prevent it from happening.

Reality shows that illegal exploitation and, as a consequence, the export of diamonds has never stopped. Each of the Expert Panel reports that followed the 2005 diamond embargo (2005–2008) refers to continuous mining of diamonds in the Tortiya and Séguéla area and continuous smuggling of the diamonds to the markets of neighboring countries.<sup>6</sup> At the latest KP plenary (November 2007), the "Brussels initiative" re-stated that neighboring countries should assist in taking proper action to prevent diamonds from Côte d'Ivoire to enter their market. This is not without obstacles because of the porous borders and the fact that two of the five neighboring countries are not member of the KPCS yet. As to the neighboring countries, which participate in the KPCS (Guinea, Ghana and Liberia), there have been reports of serious flaws in their internal control systems which raises great concerns as to whether they can satisfactorily prevent Ivorian diamonds from entering their markets.<sup>7</sup> "The entire region is still very vulnerable to the illicit trafficking of diamonds from Côte d'Ivoire" (United Nations, 2008). Moreover, illicit diamonds of Ivorian provinces continue to appear in the major trading centers of Antwerp, Dubai, or Tel Aviv.<sup>8</sup> This has implications in terms

of finances to the *Forces Nouvelles*: The KP Mission of 2006 estimated the actual production of diamonds in Séguéla at 15kcts–214kcts a year, worth between US \$9 and US \$23.5 million (United Nations, 2006b). The FN acquired part of these revenues through their system of taxation on the diamond trade at the level of the miners' collectives and at the roadblocks (United Nations, 2006b). The greatest part of the revenues, between 30 to 50 percent, is believed to go as a direct fee to the local rebel leaders.<sup>9</sup>

In 2001, in its resolution A/RES/55/56 on conflict diamonds the United Nations General Assembly already expressed the need "to give urgent and careful consideration to devising effective and pragmatic measures to address the problem of conflict diamonds, the elements of which would include among others" [...]: f) the need for appropriate arrangements to help to ensure compliance, acting with respect for the sovereignty of States" (United Nations, 2001). There have been different opinions on what these appropriate arrangements would imply in the context of Côte d'Ivoire. One sensitive issue is the enforcement of the embargo on the ground.<sup>10</sup> This is being illustrated by the two concerns raised by the principal national parties. The mining ministry had asked the UN experts on various occasions why the UN forces were not willing to protect the diamond mining zones, which are concentrated in two zones with a surface of 30km<sup>2</sup> and 100km<sup>2</sup> from being exploited (Government of Côte d'Ivoire, 2007b).<sup>11</sup> Then again, the political leader of the *Forces Nouvelles*, Guillaume Soro, raised his concern with the Expert Panel about the humanitarian impact of the sanction on civilians in the diamond areas. The report that followed recommends to the UNOCI inspections to

<sup>5</sup> The working group of diamond experts developed 'footprints' (size-frequency distribution diagrams) for Ghana and Côte d'Ivoire (Kimberley Process, 2007a/b).

<sup>6</sup> Reports of the Group of Experts submitted through the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire: S/2007/611, S/2006/964, S/2005/699

<sup>7</sup> See for more information on the neighboring countries: Kimberley Process, 2005; 2007; Africa Confidential, 2007; United Nations, 2008. The United Nations Groups of Experts latest mid-term report (2008) refers to the specific problems of control of the diamond sector in Ghana, Mali and Liberia. There is still concern about Ghana's internal control system and the lack of progress on the identification and registration of the 'galamsey' (p. 15). Mali is applicant for the KP but at this moment has no data or measures for monitoring available. The seized shipment of diamonds in Mali still needs to be examined by the KP whether these originate from Côte d'Ivoire (p. 11).

<sup>8</sup> Income from smuggling can be huge as the intercepted illegal shipment worth US \$20 million of Ivorian diamonds in Antwerp (shipped by Peri diamonds) shows (Africa Research Bulletin, 2008, p. 17640).

<sup>9</sup> Interviews, BICC, November 2007, April 2008.

<sup>10</sup> This lack of power of enforcement on the ground relates to the fact that peace support operations and sanctions monitoring mandates are often not compatible (Foreign Affairs Canada, 2006, p. 4).

<sup>11</sup> BICC interview.



the diamond area to look out for “heavy machinery” to avoid the start of industrial mining (United Nations, 2006b). This last goal may have indeed been achieved, as no large mechanical mining has started since the embargo. Nevertheless, the control over a substantial group of artisanal miners by the *Forces Nouvelles* assured large-scale continuation of production and revenues from the illicit diamond trade.

## Diamonds and the peace process

A peaceful future without conflict diamonds from Côte d'Ivoire will bring bright prospects to the entire Western African region. However, the steps outlined in the Ouagadougou Political Accord as the first conditions that need to be met, still demand great efforts and full political will for a successful '*sortie de la crise*' (stabilizing peace) in the months to come. When peace consolidates after the upcoming elections scheduled for November 2008 and the Ivorian authorities ask for a lifting of the diamond embargo, the country will have to prove that it has a good internal monitoring system in place for tracking diamonds. Then, there are no more obstacles for Côte d'Ivoire to finally become a full member of the KPCS. The system of internal control would have to start with the source of extraction and end at the point of export where the diamond will be granted a Kimberley Certificate stating that it is “conflict free”. It then can legally enter the international diamond market. This allows the country to obtain transparency of the revenues from its diamond mining sector and to reinvest the tax collected in its development. Once diamond revenues contribute to local development, national healthcare, education and reconstruction, the real value of 'peace diamonds' will show itself to the country.

The success of building such a transparent and conflict free diamond sector in Côte d'Ivoire will in the first place be the exponent of the peace process at large.<sup>12</sup> Special attention in this respect needs to go to the budget unification process and the effective redeployment of the (mining) administration and border control in the North. Currently, there are two parallel tax systems in Côte d'Ivoire, but the *Forces Nouvelles*, in their Enactment No. 211 of 26 December 2007, underlined their commitment to one state budget. As of 22 April 2008, the '*Laissez-Passer Sécuritaire*' for access of individuals to the North of the country has been officially lifted.<sup>13</sup> However, in the announcement there was no indication of the date when the tariffs on commodities, such as cocoa and diamonds, and other tax mechanisms controlled by the FN will be integrated into the central budget (Global Witness, 2008; United Nations, 2008, p. 16). During the visit of BICC staff to the Northern provinces (April 2008) many trucks with cargos

of commodities were still holding a *Laissez-Passer* indicating the amount of taxes paid to the *Forces Nouvelles*. As part of the national redeployment of government's administration into the North, of which 70 percent had been implemented by January 2008, the mining administration was redeployed to Séguéla and Tortiya in February 2008.<sup>14</sup> Only recently, in May 2008, the state's custom services also took their posts in the ex-rebel zone.<sup>15</sup>

## DD&R—Hard times for profiteers

The fragile potential of peace diamonds is visible in the sensitive issue of disarmament, demobilization and reintegration (DD&R). Tensions arose in May 2008, when Zakaria Koné, the zone commander over Vavoua/Séguéla—a region rich in agricultural and mineral products—was not present at the disarmament and regroupment ceremony.<sup>16</sup> As a consequence, he was fired and immediately replaced by Commander Issiaka Ouattara (allias Wattao, who is also Deputy Chief of Staff of the armed forces of the *Forces Nouvelles*). This incident hints at the difficulties that are encountered when creating political will for the DD&R process among those who have enjoyed a powerful position in a resource-rich area and see their position being threatened. Zakaria Koné personally controlled payments from traders and truckers in his zone of command. This money did not go to *La Centrale*, the tax and customs organization of the FN (Balint-Kurti, 2007, p. 23).

<sup>12</sup> In its latest report, International Crisis Group (2008) states that the core areas of the OPA—identification and disarmament—remain sensitive questions, through which the main actors try to influence the final outcome of the peace process. With elections scheduled for 30 November 2008 the risk of a return to violence is real, as ex-rebels and loyalist militia still hold most of their weapons. It is therefore essential, that the parties stick to the peace agreement and adopt a common security strategy for the identification and electoral process.

<sup>13</sup> See: *Forces Nouvelles de Côte d'Ivoire*, Communiqué No 210408, 22 April 2008.

<sup>14</sup> BICC Interview, April 2008

<sup>15</sup> Irin radio, May 2008.

<sup>16</sup> <[www.abidjan.net](http://www.abidjan.net)>.

This BICC Focus is a special edition in cooperation with the international Fatal Transactions campaign (see Box on p. 1). It takes a look into the Ivorian case of conflict diamonds, including lessons from the diamond embargo imposed in 2005 and challenges for its enforcement against the background of the ongoing peace process.

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## Lessons learned and recommendations

Some preliminary lessons can be drawn from the embargo on conflict diamonds in Côte d'Ivoire.

The embargo has not (yet) achieved its main and most obvious purpose—to stop the diamonds from financing the *Forces Nouvelles*, neither has the Kimberley Process succeeded in building strong enough control systems to hinder illegal diamonds from entering the legal market. Smuggling of diamonds into the neighboring countries and trading centers has never stopped.

Moreover, as many observers have pointed out, diamonds are only one of a number of natural resources which have served as income generator for both conflict parties in Côte d'Ivoire.<sup>17</sup> This raises doubts as to whether the decision to single out one resource has actually put sufficient pressure on the targeted party and, even more importantly, whether it has had any positive effect on the peace process.<sup>18</sup> More attention is needed to pre-assess alternative mechanisms to break the link between natural resources and conflict and how they could effectively be combined with other sanctions (in particular financial sanctions) against the key actors.<sup>19</sup>

Their participation in the KP has induced countries to improve their internal controls over the diamond sector so that they were able to become a legal trading partner in the international diamond market (Paes, 2005). Côte d'Ivoire should work with other diamond-producing countries and learn from their respective KP models. In this process, the government of Côte d'Ivoire should enable civil society to play a pro-active role in monitoring the implementation of the KPCS within their country and at the regional level (see Box below).<sup>20</sup>

### Ivorian civil society in KP

"The Kimberley Process (KP) is a joint governments, industry and civil society initiative to stem the flow of conflict diamonds" ([www.kimberleyprocess.com](http://www.kimberleyprocess.com)). The involvement of all stakeholders is key. So far, civil society has not played a role in the development of the KPCS of Côte d'Ivoire. Civil society organizations, such as the Ivorian Publish What You Pay network, play an important role in contributing to awareness-raising activities related to the mining sector, and should be enabled to play an effective and pro-active role in monitoring the implementation of the KPCS in their country and at the regional level.

Recommendations to the members of the Kimberley Process:

- The neighboring KP country members of Côte d'Ivoire should be explicit in their actions as follow up of the "Brussels Initiative on Diamonds from Côte d'Ivoire" in preventing illicit diamonds entering their markets. Identified problems should be translated into concrete actions for improving their internal control systems. A regional conference, endorsed by the KP, should give the countries the opportunity to discuss ways of improving transparency in their diamond trade and to concretize these necessary steps.
- International trading and manufacturing centers should address serious weaknesses in their diamond control systems which allow conflict diamonds to enter the legitimate trade.
- The KP should increase its independent research and monitoring capacity and collaborate more with the UN Expert Panels on Sanctions.
- The KP should meaningfully engage and consult with civil society groups and should encourage the Côte d'Ivoire government to actively engage local and regional civil society in the future implementation of the KP.

There is a need to continue the debate on the effectiveness of sanctions on conflict commodities as part of wider conflict resolution mechanisms. Sharing lessons from the diamond certification scheme and building flexible mechanisms to control wider trade in 'conflict commodities' will assist breaking the link between natural resources and conflict and pave the way for peacebuilding mechanisms which are inclusive to 'good natural resource governance'.

<sup>17</sup> Timber production is probably more important than diamonds for the FN economy and also important for the economy of Séguéla region. Given the current high commodity prices for gold, alluvial gold production may be as financially important as diamonds (United Nations, 2006c, p.10.) Global Witness (2007) estimates the annual average of cocoa revenues accrued by the FN since 2004 at CFA 15.1 billion (US \$30 million) (this was not confirmed by the FN. Global Witness was unable to obtain the official FN revenue figures).

<sup>18</sup> The cases of Liberia and Côte d'Ivoire demonstrate that actors can shift from one commodity to another and that the international control measures will be late in following such changes (Wallenstein et al., 2006).

<sup>19</sup> Le Billion (2007) refers to revenue-sharing arrangements, military interventions and sanctions as three possible mechanisms that deal with natural resources financing conflict and assesses some of the results on how the various mechanisms contribute to the durable resolution of conflict.

<sup>20</sup> The KP is a joint government, industry and civil society initiative. So far, NGOs in Côte d'Ivoire have not been involved in the process (Interviews, BICC, April 2008).

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