

Assiatu Swaray

PUBP 765-001 Human Smuggling and Trafficking (Prof. Shelley)

Spring 2022

“Kids love to mine for Diamonds”: Child Labor Trafficking within Sierra Leone Diamond  
Industry

### **Introduction**

Sierra Leone has a plethora of precious metals, gemstones, and diamonds. Ironically enough, with all those resources, the country remains in poverty and economic instability. In Sierra Leone, there is prevalent trafficking, including: domestic servitude, sexual exploitation, and forced labor in the diamond mines. In many rural areas of Sierra Leone, the communities are fighting against rebel groups and corruption, labor migration, and poverty. These risk factors leave the communities very vulnerable to the labor trafficking of children. The minimum age requirement to work in Sierra Leone is 15. With any work that is considered hazardous—the age limit is 18. Despite having laws in place, under aged children are recruited to work in diamond mines under inhumane conditions. Sierra Leone has made increasing efforts to eliminate trafficking within its country by implementing the 2005 Anti-Trafficking in-persons Act, though the government has neither actively nor effectively been able to enforce its laws (US Department of State 2022). The government has yet to make substantial progress in ending child labor in the diamond mines. The use of child miners violates its obligations under domestic and international law to protect and promote the rights of children, in particular the rights to health, education, and welfare. Currently at a “Tier 2 Trafficking level,” they do not meet the minimum standards for eliminating trafficking within the country (US Department of State 2022).

The purpose of this paper is to analyze the effect of the diamond sector in Sierra Leone and its direct contribution to the labor trafficking of children. I will investigate Artisanal Small-scale diamond Mining (ASM); its impact on surrounding communities in Sierra Leone, and the link between diamond mining and the start of the Sierra Leonean 11-year war. This paper will also examine the civil war's negative effect on children's educational development and highlight the physical and psychological trauma they endure. The government will need to actively put in efforts to adopt new anti-trafficking action plans, increase investigation and prosecutions of those engaging in child labor trafficking, allocate more funding to protective services for children, and work with the diamond companies to implement an anti-child labor campaign. I aim to bring forth the issue of child labor in the diamond industry and give insightful policy alternatives to impact child labor trafficking in Sierra Leone.

**Research Question:** How has the diamond industry impacted children trapped in labor trafficking in Sierra Leone?

## **I. The Diamond Industry**

### *History*

Sierra Leone is enriched with minerals and bountiful resources of gold and diamonds. The country should be one of the world's richest countries, unfortunately, Sierra Leone is one of the poorest countries. This leaves the citizens vulnerable to trafficking and the children to suffer the most. According to the United Nations Development Program (UNDP), the Human Development Index rank Sierra Leone at 183 out of 187 countries (UNDP 2014). Diamonds were discovered in Sierra Leone in 1932 and since then the country has exported approximately "32 million carats of diamonds" (Powlick 2005).

The diamond industry plays a significant role in the Sierra Leonean economy. According to International Human Rights Clinic, "the diamond sector is the largest contributor to the Gross Domestic Product (GDP) and [International] export earnings" (U.S. Department of State-Bureau of African Affairs 2008). Also, the 2021 US Department of State executive summary indicates that the Sierra Leonean economy "remains heavily dependent on mineral resources, including significant deposits of iron ore, rutile, bauxite, and diamonds" (US Department of State 2021b). Sierra Leone's economic growth relies on the mining sector, particularly in diamond mining, also known as Artisanal diamond mining. The term Artisanal Small-scale Mining (ASM) is defined as "informal mining activities carried out using low technology or with minimal machinery and mining conducted by individuals' miners or small enterprises" (InforMEA 2022). Therefore, the extraction method of harvesting alluvial diamonds is typically used with low tech materials, for example, shovels and sieves to sift through the gravel. According to the Ministry of Mineral Resources, diamond mines cover approximately "7,700 Sq miles, in the south-eastern and eastern parts of Sierra Leone" (Sminerals 2022). On a national and local level, there are hardly any enforced regulations and oversight for ASM diamond mining. Initially, in pre-conflict, the government regulated the diamond mines by giving out artisanal diamond mining

licenses, valid for up to 6 months, to corporate mining industries and the “Alluvial Diamond Mining Scheme,” which allowed small diamond manufactures to use “labor-intensive mining techniques” in the mines (Powlick 2005). Typically, ASM licenses are supposed to be given to Sierra Leone natives, but the government officials grant licenses to foreign organizations, many times as favors. Diamonds were legally treated as a public property “open access resource” (Powlick 2005). The government grants access to mines by issuing licenses to “patron-client networks with individuals or preferential arrangements with multinational corporations” (Powlick 2005). The government lacked national policies and social programs which provided little protection for those working in mines. This contributed to ASM areas being controlled by corrupt officials and criminal groups who exploited and trafficked minors into mining.

#### *Working conditions*

Mining locations are typically near rivers because diamonds concentrate near those areas, “in river channel gravels, flood-plain gravels, terrace gravels, gravel residues in soils and swamps” (SIminerals 2022). Regions where diamonds are characteristically found are in the provinces of “Kono, Kenema, and Bo Districts and the drainage areas of the Sewa, Bafi, Woa, Mano and Moya Rivers” (SIminerals 2022). The working conditions of ASM are hazardous work and very labor intensive, which can lead to potential illness from chemicals, injuries, or even death, “Workers are exposed to heavy minerals and chemicals-[mercury]; mudslides and floods and collapsing pit walls” (Verite 2022). Though the conditions are harsh, ASM is a major source of employment in Sierra Leone. Individuals seek out mine work because the mining industry offers some type of financial stability and opportunities, especially after the 11-year civil war that collapsed their economy. Several of the workers in ASM diamond mines do not have employment contracts and are unregistered to work as certified miners. Also, many young men

and children are stuck in labor contracts where they are “trapped in exploitative relationships with the middlemen who trade diamonds” (Amnesty International 2015). According to the U.S. Department of State, diamonds are produced with forced child labor in “Angola, the Central African Republic, the Democratic Republic of the Congo, Guinea, Liberia, and Sierra Leone” (U.S. Department of State 2016). Children who are trafficked into working in mines are also exposed to dangerous conditions, “Artisanal miners often work in dangerous conditions... [and] miners are exposed to serious health and safety risks at unregulated mining sites” (Amnesty International 2015). The Borgen Project report stated that approximately 72% of children in Sierra Leone, between the ages of 5 and 14 years old (mostly young boys), are affected by child labor (Philipp 2019). Correspondingly, the *Digging in the Dirt* report ASM is estimated up to “10,000 children work at diamond mining sites” (International Human Rights Clinic at Harvard Law School 2009).

Children working in ASM diamond mining undergo intensive labor in punitive conditions that leads to injury, stunts their development mentally, and physically, or can potentially kill them. World Vision interviewed children at mining sites and studies revealed “19% [of children] said they had seen a child die on an artisanal mining site, 87% experienced body pain, and many had been injured, 67% reported frequent or persistent coughing” (Reid 2013). It is likely for a child to carry anywhere between 110 to 132 lbs. of gravel from the mines and then spend hours sifting through the gravel to find diamonds (France Lewis Estate 2020). Children work long hours and often work six or seven days a week, they more prone to injuries and death than their adult counterparts (Brilliant Earth, LLC 2022). Along with injuries, many suffer from malnourishment. The long hours with little to no breaks prevent them from eating throughout the day, “Many suffer from respiratory issues, malnutrition, starvation, headaches, eyestrain,

dysentery, dehydration, diarrhea, cholera and sexually transmitted diseases from their involvement in the fishing and mining industries, and sexual exploitation” (Philipp 2019). The children working in the mines come from a variety of vulnerable groups, for example, “former child soldiers, street children, unaccompanied [or orphan] children and children from households in extreme poverty” (International Human Rights Clinic at Harvard Law School 2009). These children are easily exploited through the lure of economic opportunity. Children are sought out due to their small bodies and the low cost of labor for their owners:

“Because of their small size, children also may be asked to perform the most dangerous activities, such as entering narrow mine shafts or descending into pits where landslides may claim their lives” (Brilliant Earth, LLC 2022).

The government often grants licenses as favors to middlemen contractors in the mining sector. This allows the profits to go to the middlemen contractors and large diamond corporations. In turn, the miners who go through intensive labor do not have ownership or a share of their productivity. Instead, they get paid little to nothing for their pay, while the diamonds they mine profit more than what the middleman contractor pays. Miners can be paid anywhere from “0.15-0.6 U.S. dollars a day, if they do not have a contract” or “\$2.10 dollars at the maximum” if they are contracted” (Frances Lewis Estate 2020). Miners, especially children, get stuck in a cycle of poverty and become indebted to the collectors and have no choice but to continue working for them in the mines.

## **II. Local impact from Diamond Mining**

*Violence from Rebels*

Over the years, mining practices have created negative externalities that impact the surrounding areas of Sierra Leone. A major negative externality was the intensified violence for control over the diamond mines. Many rebel groups, like the Revolutionary United Front (RUF) and Armed Forces Revolutionary Council (AFRC), started conflict to gain control over the diamond producing areas, for example the Kono region, which is in eastern Sierra Leone. The rebel groups contributed to the destruction of households, infrastructure, and mass economic poverty in Sierra Leone, “The RUF swept through the country, killing, raping, and amputating limbs from non-combatants” (Powlick 2005). Sierra Leone has historically been an impoverished country and in, “[the] poverty and desperation in the context of corrupt leadership led to a struggle for power and violent conflict; and artisanal mined diamonds...became the illicit currency of this struggle” (Lichte 2014). The rebels along with the government used diamonds to fund weapons for the war and the RUF rebels recruited young boys and girls to fight against the government (Powlick 2005). The children yet again fell victim to the outside forces used to exploit them. If they were not being trafficked into working in the diamond mines, they were abducted or recruited by RUF and AFRC to become child soldiers, “approximately 10,000 children were exploited and forced to be child soldiers in Sierra Leone” (Thelwell 2018). The recruitment method of RUF was torturous and inhumane:

“The recruitment methods of the RUF included threatening children and teenagers that if they did not join the rebels, their family would be murdered in front of them, often following rape and torture. The RUF has been accused of forcing these children to be injected with cocaine as well as to eat gunpowder as part of ongoing indoctrination

rituals. Once children were indoctrinated into the RUF, they were often forced to lead raids against their own villages as tests of their loyalty<sup>1</sup>” (Powlick 2005).

The violence from the rebels disrupted the surrounding communities in the diamond regions and added to the devastation to the already fragile economy. The conflict between the rebels and the government, over the control of diamonds, can be considered one of the strongest negative externalities that contributed to the suffering and stunted development of Sierra Leonean children.

### *Environmental Degradation*

According to Environmental Justice Atlas, mining activities contribute to “deforestation, crop reduction, loss of biodiversity, and other environmental hazards” (Environmental Justice Atlas 2014). Over the years, the diamonds that could be mined using simple tools are depleting. Miners must dig deeper to find raw diamonds or use machinery and “the use of heavy machinery will increase in order to exploit these untouched deposits” (Lichte 2014). The more land that is cleared for diamond mining pits increases the likelihood of environmental destruction, “In countries such as Angola and Sierra Leone, land that is cleared for open pit mines becomes vulnerable to soil erosion, and in turn, flooding (Cahill 2009). The environmental degradation depletes the soil of its rich nourishment, local waterways become polluted and undrinkable due to sedimentation, and runoff of chemicals from the mines (Diamondfacts 2011b). According to the CIA, there is a substantial risk of contracting diseases from polluted water such as “bacterial and protozoal diarrhea, hepatitis A, and typhoid fever, water contact disease-schistosomiasis and

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<sup>1</sup> See section III for more details on the war

aerosolized dust or soil contact disease -Lassa Fever” (CIA 2014). The water near mines contains countless harmful chemicals and it has been reported by World Vision that, “Several girls have had genital infections after working waist-deep in acidic water” (Reid 2013). The lack of national policies and social programs the government has a weak authority to regulate mining areas, which contributes to environmental destruction (Powlick 2005).

The environmental degradation has gotten so depraved, in March 2019, 73 residents of a known diamond mine in the eastern area of Koidu and the civil organization, the Marginalized Affected Property Owners (MAPO); filed a class action lawsuit against the mine owner’s: “Koidu Ltd., its parent Ocea Ltd., four other Ocea subsidiaries and their top executives” (EarthRights International 2021). MAPO wants to hold the diamond mine owners liable; for the “degradation or destruction of land, destruction of homes and loss of livelihoods and environmental damage dumping of toxic mine waste, in August 2021, MAPO also filed a petition in New York asking U.S. courts to help it obtain evidence in its lawsuit against the mine’s owners” (EarthRights International 2021). Currently, the case is still active and there are different active parties that are involved in getting this case to court. The parties include MAPO, the Network Movement for Justice and Development (NMJD), and Earth Rights International. The current methods of diamond mining create an immense amount of land damage that results in destruction of biodiversity and contributes to populating the surrounding community’s water; “habitat loss, biodiversity loss, erosion, topsoil loss, and water pollution (Diamondfacts 2011b).

### **III. The effect of the Civil War in Sierra Leonean on labor trafficking (1991-2002)**

The Sierra Leonean civil war lasted approximately 11 years and contributed to the destruction of much of the country's infrastructure. Schools, houses, and roads were destroyed<sup>2</sup> which further devastated the Sierra Leone community (UNDP 2014 & Children of the Nation's 2022). Sierra Leone had a history of political corruption, extreme poverty, and economic instability before the civil war. However, the emergence of the diamond mines along with the power struggle to dominate the market intensified the conflicts that plagued Sierra Leone. The government treated the diamond mines as public property—those who participated in mining were granted a license from the state. Since the government did not have adequate enforcement and regulations over the mines, it led to a fight over the control of diamonds. The Revolutionary United Front (RUF), under the regime of Commander Foday Sankoh, attempted to overthrow the Sierra Leonean government to seize control over the diamond mines (Children of the Nation's 2022). The RUF had support from Liberian rebels, the National Patriotic Front of Liberia (NFPL), whose leader at the time was Charles Taylor (Momodu 2017). The Sierra Leonean President, Joseph Momah, used army forces to combat the rebels, but this conflict soon turned into the “bloodiest [Civil War] in Africa, resulting in more than fifty thousand people dead” (Momodu 2017). It was estimated that approximately “one million people were displaced from their homes and villages”, many raped, tortured, and the rebel groups “amputated limbs from non-combatants and/or drafted into rebel forces” (Powlick 2005). The RUF rebels and the Sierra Leonean government relied on diamonds, sometimes referred to as “blood diamonds,” to fund weapons for the war (Momodu 2017). The RUF rebels relied on child soldiers and child miners to extract diamonds to be sold off to different manufacturers, “children made up between 40% and 50% of the RUF's military force and approximately 20% of the government's military force”

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<sup>2</sup> Can donate to support orphaned children at “Children of nations” website <https://www.cotni.org/places/sierra-leone>

(Thelwell 2018). During the war, children were forced to work in harsh conditions due to many distinct factors such as conflict, abandonment, and poverty, according to statistics reported in 2012 by the International Labor Organization (ILO), “21% of the workforce is made up of child labor and half of these children work in “the worst condition” (Francis Lewis Estate 2020). On July 7, 1999, the Lomé Peace Accord agreement was signed, and it gave the commander of the RUF a pardon for the actions of the rebel group during the war. The agreement also granted the commander a position in the traditional government which granted them control over the Sierra Leonean diamond mines, but in return, there needed to be a cease fire among the rebel groups.

The UN peacekeeping troops were deployed to monitor and help the process of the demilitarization of the RUF rebels. The rebel groups did not comply with the agreement. In January 2002, the rebel group advanced to the capital Freetown (Momodu 2017). The Sierra Leonean government eventually received help from the “United Nations forces, British troops, and Guinean air support.” With the assistance, the Sierra Leonean military defeated the RUF rebel group and on January 18, 2002, President Ahmad Tejan Kabbah declared the end of the ten-year long Sierra Leone Civil War (Momodu 2017). The recovery after civil war is still a struggling protracted process but, according to the Machel Report, “The task of rebuilding war-torn societies is a huge one that must take place not only at the physical, economic, cultural, and political, but also at the psychosocial level. Reconstruction must relate to the child, the family, the community, and the country” (Machel 1996).

### *Post-Civil War*

The recovery for the Sierra Leonean community has been sluggish and households struggled to recover after the war. While the conflict weakened an already financially fragile country, it potentially set them back ten years. Any possibility for a prosperous outcome would be unattainable due to the war. The US Department of Labor reported Sierra Leonean children are “subjected to the worst forms of child labor, including in mining and commercial sexual exploitation, each sometimes as a result of human trafficking and [the government] lacks a national policy and social program to address all relevant worst forms of child labor” (Department of Labor 2020). Children were disproportionately affected after the war because it disrupted their educational development, lack of medical access, as well as the unsteadiness of their communities. Post-war, countless children stayed within the diamond mining sector due to cyclical poverty and debt bondage. Children miners were not able to attend school. Over time, they grew up to be adults, with no other option but to remain in the mines, “children and youths were exposed to the potential wealth that the mines could generate. Years later, they remain in the industry, having never been able to generate enough income from diamond proceeds to leave mining” (International Human Rights Clinic at Harvard Law School 2009). *Digging in the Dirt* report conducted in person interviews on child miners in forced labor situations and many attributed being unable to continue and/or attend school due to the war:

“A 19-year-old digger was in Class 4 when the war “found him and his family” in Kono. He told IHRC researchers, “My father died and there was no one to pay my school fees. Many of the younger children interviewed explained that the war prevented them from commencing their formal education. Unable to read or write, a 14-year-old child digger explained, “the war cut me off from starting schooling

when I was supposed to” (International Human Rights Clinic at Harvard Law School 2009).

A common factor that came from post-war Sierra Leone was the decrease in education for children. Numerous children were born at the beginning of the war; therefore, they were never granted the opportunity to begin their primary education. Currently, the literacy rate for adults 15 and above is approximately “43%, and the average amount of schooling less than 3 years” (UNDP 2014). Ten years after the war, many children lost the option to obtain an education, and this stunted the development of the Sierra Leone youth. Many households were left in financial disarray and fragility, “some parents or relatives take their children to mines to help them...some other parents and relatives sell their children to make them work because of poverty” (Francis Lewis Estate 2020). Similarly, during this time, children became orphans, which left them vulnerable to being exploited into trafficking. Approximately “320,000 children were left orphaned after the war” (Children of the Nation’s 2022). The civil war created economic and financial erraticism as the war left many children exposed to human trafficking, especially in sex and labor trafficking. According to findings of International Human Rights Clinic (IHRC) researchers, “the children working in the mines of Sierra Leone find themselves in difficult socio-economic circumstances that are a legacy of the country’s ten-year civil war” (International Human Rights Clinic at Harvard Law School 2009).

According to the United Nations High Commissioner for Refugees (UNHCR), the government has not made significant advancements in seeking a solution to human trafficking within the country (UNHCR 2012). Currently, the country remains at the tier 2 level on the U.S state department’s human trafficking watch (US Department of State 2022). The list defines Tier

2 as “states that are not showing any progress in addressing human trafficking at any given time relative to the same time the previous year. Tier 2 states do not fully comply with the minimum standards as entrenched in the Trafficking Victims Protection Act for the eliminating trafficking of persons” (Doherty 2013). It is not enough to pass legislation against trafficking. The government must enforce and actively carry out penalties against those engaged in the trafficking industry in Sierra Leone.

#### **IV. Diamond Supply Chain**

##### *Miners*

The diamond supply chain begins with rigorous labor from miners. Many diamonds in Sierra Leone are harvested via alluvial mining, therefore, the diamonds do not necessarily need high tech machinery, “mined in unstable environments with little to no technology or infrastructure”, though in Sierra Leone there has been an effort to move towards more formal commercial mining (Verite 2022). There are two Koidu kimberlite pipes in the Kono region, which came about from the ‘Koidu Kimberlite Project Mining lease. They are used to extract diamonds through “hard-rock, open pit, or alluvial mining” (Verite 2022). As mentioned in section I, miners get paid little to nothing, about 0.15 to 0.16 cents a day, to work in harsh conditions, children especially suffer the most as they are more vulnerable to trafficking and exploitation. In Sierra Leone, the Kodu Koidu Ltd. established a commercial mining lease. Miners, especially children, get stuck in a cycle of poverty and become indebted to the collectors, having no choice but to continue working for them in the mines.

##### *Suppliers and Exporters*

The next process involves the middlemen contractors or foreign license holders who sell to exporters. Middlemen, who are sometimes even government officials, play an influential role in the diamond supply chain. The middlemen suppliers are granted bargaining power, allowing personal deals and major profits: “Serving pre-war patronage systems, the system of supply funnels diamond profits to a powerful group of elites” (Levin & Gberie 2006). Occasionally, middlemen will even purchase the raw diamonds for undervalued prices, but they commonly sell them to exporters who ship them to diamond sorting businesses. Business in locations like, “Tel Aviv, Israel; Antwerp, Belgium; and Surat, India,” to be polished and cut for sale. It is at this step during the exportation where identifying the traceability of a diamond is hard to determine if it came from conflict— “diamonds from all locations are mixed together [therefore] making traceability difficult” (Verite 2022). Next, there are the exporters who purchase the diamonds from suppliers. The diamond market is exceedingly small regarding those who control the industry’s profit and, according to the Verite report, “seven major diamond exporters each reaped a gross profit of US\$1.5 million from their Sierra Leone operations, while the estimated 120,000 diggers earned on average US\$195 each” (Verite 2022). The two top diamond exporters in the world are “ALROSA – 38.5 million carats, De Beers – 30.78 million carats”, they both account for most global production and trade (NS Energy Staff Writer 2021). Also, the structure of the diamond industry is dominated by two corporate contributors, the Sierra Leone Selection Trust (SLST), which is a “child company of DeBeers,” and the National Diamond Mining Company (Powlick 2005).

### *Diamond Organizations*

Next are the diamond organizations that sell to consumers. Several organizations involved in the diamond industry have made efforts to improve the diamond mining sector. For example, the

Diamond Development Initiative has created a “development diamond” based on the progressive standards for social and environmental performance (Miller 2008). Another example is Tiffany and Co., who have recommended the Kimberley Process Certification Scheme (KPCS) definition of conflict free diamonds to include “protection of human rights and the environment” (Tiffany & Co. 2022). It is important to understand that conflict diamonds are more than just diamonds that fund wars. Conflict diamonds are any diamonds that generate the destruction of a nation and its’ people. Tiffany and Co. have been able to trace 100% of their raw diamonds to known mines in, “Botswana, Canada, Namibia, Russia and South Africa” their process, aptly named the Diamond Craft Journey, provides a strong trackable chain of production (Tiffany & Co. 2022). The “Diamond Craft Journey” discloses the harvesting location of diamonds; how they were traced, and a full background check of the entire process. To avoid obtaining conflict diamonds, some companies will outsource diamonds from more developed countries like Canada or Australia (Lichte 2014). Companies understand it is their due diligence to have a high standard for supplying and sourcing diamonds. For more responsible mining, transparency, and traceability for where their diamonds are coming from, which the KPCS is striving to implement.

## **V. International Effort- Kimberley Process**

There has been an international initiative to combat conflict diamonds from being a part of the diamond supply chain and diamond exports. The United Nations, along with many other countries, saw that conflict diamonds that helped fund wars needed a process where diamonds could be “regulated, traced, tracked and certified as conflict free” (Kimberley Process 2022 & Diamondfacts 2011a). In 2003 the Kimberley Process Certification Scheme (KPCS) was

established. The UN defines conflict diamonds as “diamonds that originate from areas controlled by forces or factions opposed to 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” (Diamondfacts 2011a). The KPCS works as a collective international effort to create transparency, security, and to monitor diamonds moving along the supply chain to eliminate the trade and sell of conflict diamonds.

The UN does not have the capacity to make countries implement the KPCS process. It is ultimately up to countries and other international diamond industries to make the necessary change to combat conflict diamonds. There are currently “59 participants, representing 85 countries, within the European Union and its 27 Member States. KP members account for approximately 99.8% of the global production of rough diamonds” (Kimberley Process 2022). The chair members<sup>3</sup> are on a rotating basis, and meet twice a year to hold plenary meetings. The KPCS also holds regulatory meetings with sub committees to discuss and address specific matters (Kimberley Process 2022). Another push to uphold the KPCS regulations, came from the George W. Bush presidency, they issued the Clean Diamond Trade act to “make the import or trade in any diamond that fails to carry a KPCS certification illegal” (Lichte 2014). This helped to enforce and strengthen the effectiveness of the KPCS as other countries, including Sierra Leone, also followed suit and started to implement policies similar to the KPCS.

### *Benefits of the Kimberley Process and Regulations*

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<sup>3</sup> Chair members-South Africa, Canada, the Russian Federation, Botswana, the European Union, India, Namibia, Israel, the Democratic Republic of the Congo, the United States of America, South Africa, the People's Republic of China, Angola, Australia, the United Arab Emirates have chaired the KP, and the Russian Federation is the Chair in 2020 <https://www.kimberleyprocess.com/en/what-kp>

The Kimberley Process holds participating countries accountable, ensuring all participants are complying with the guidelines to stem the flow of conflict diamonds. According to Diamond Facts, less than 1% of the world's diamonds are considered conflict diamonds (DiamondFacts 2014). All members must make the commitment to meet requirements. For example, participating nations must enact domestic legislation and regulatory institutions that come in compliance with KPCS regulations. Regulations consist of the following: a willingness to share statistical data, a control on imports and exports; and developing domestic laws in compliance with KPCS (Kimberley Process 2022). The diamond trade is monitored through “review visits and annual reports as well as by regular exchange and analysis of statistical data” (Kimberley Process 2022). A benefit of being a KPCS member is legally trading diamonds with other active members many companies find necessary in the diamond industry, “non-participants are prohibited from this type of transaction and as a result cannot receive a Kimberley Process Certification” (US Department of State 2021a & Lichte 2014). While the KPCS has been successful in limiting the flow and trade of conflict diamonds, there are some that fall through the cracks because it does not fit its narrow description. Elements like exploitation and labor trafficking are not considered.

### *Short Comings of Kimberley Process*

Though the intentions of the KPCS have been pure, the definition of conflict diamond is not broad enough. The KPCS does not consider other factors that would fall outside the term when it comes to mining for diamonds, the KPCS does not consider child labor issues (Kimberley 2022). The

KPCS regulations focus on resolving the sale and trade of conflict diamonds but neglect to consider the protection of children's rights as child labor is a large factor in ASM diamond mining. Also, the KPCS regulation does not consider the environmental impact from diamond mines that directly affects the surrounding communities, further hurting children's development. It is important for world officials to consider children and the environment in the discussion of conflict free diamonds because those two elements are the key to the future. There is a loophole in the definition of the KPCS which allows corrupt officials to participate in human rights abuses and forced labor in diamond mines. For example, in Angola, corrupt government officials engage in human rights abuses in diamond mining, "The Kimberley Process cut the financial lifeline of rebels, but at the same time it gave legitimacy to corrupt governments that abuse their own people" (Allen 2010). The KPCS only deterred the "war" element of conflict diamonds, not considering the human rights violations that produced the diamonds as well. It is the obligation of the state to consider the needs of its children and environment in post-war reconstruction. The KPCS has been effective in creating transparency, tracking, and tracing among countries involved in the diamond industry to avoid the trade of conflict diamonds, but the KPCS is not addressing the vulnerability and conflict the diamond industry creates.

## **VI. Sierra Leone Government Action**

The Sierra Leonean government has made post-war efforts to combat child labor and their relation to the diamond sector through new policies. The government played a significant role in the stagnation of child development in Sierra Leone because of their initial failure of oversight and action against labor trafficking and promotion of child education: "Failure to provide accessible and affordable primary education, as well as the failure to enforce laws prohibiting

child labor, together lead families to put their children to work rather than send them to school” (Lichte 2014). Now the government is taking responsibility for the implementation of child rights and rebuilding their economy. The government and the UN recognized ASM diamond mines as one of the factors that contributed to the war and saw to splitting the control over the mines. The state and UN employed ‘The Local Government Act of 2004’ to have a separation of power over the diamond mines “loosen the Freetown centered control over diamond concessions that led to corruption in the pre-war era. Local councils and chiefs share power, as councils disburse funds for development and set tax rates while chiefdoms control access to land and mineral revenue and are responsible for collecting taxes” (Lichte 2014). This will eliminate granting licenses for favors and other unethical practices since the control of the land will be spread across different officials.

The government enacted the 2005 Anti-Trafficking law which “criminalized sex trafficking and labor trafficking and prescribed penalties of up to 10 years’ imprisonment, a fine, or both” (US Department of State 2022). In addition to the adoption of the Anti-trafficking law, they must consistently develop new anti-trafficking action regulations to stay current in combatting trafficking activities in Sierra Leone. For example, increasing the budget for investigative technology will apprehend more child labor traffickers. Next, increasing sentencing from a maximum of 10 years to 10 to 15 years can deter low-level traffickers from engaging in child trafficking. Combating trafficking in Sierra Leone, officials will need to set in place better regulations, enforcements, and penalties to decrease the current levels of trafficking, especially labor trafficking in the mining industry.

In 2007, the Sierra Leonean government modeled their Child Rights Act after the Convention on the Right of the Child (CRC), which is the “leading international instrument on child rights”

as a child's right to "life, survival and development" is protected under international law and because of that, it is the government's responsibility to fulfil that right (International Human Rights Clinic at Harvard Law School 2009). The government focused on the labor trafficking of children and the diamond industry, in the Child Rights Act established an age requirement. According to the U.S. Department of labor, in Sierra Leone, the minimum age for work is 15 but the minimum age was set at 18 years old for those working in hazardous work environments (US Department of labor 2020). The Child Rights Act also established the right to education and health for the development of children and made it a top priority to protect and help children in the post-conflict economy (International Human Rights Clinic at Harvard Law School 2009). The Child Right Act aimed to limit any environment that "interferes with [a child's] development" and any "work that is harmful" to a child's development (US Department of labor 2020). Though, the Committee on the Convention on the Rights of the Child noted that the government has not fully implemented the legislation and the committee requires, "the government to take the necessary measures to protect children under 18 years of age from all forms of exploitation in forced labor and to ensure that thorough investigations and robust prosecutions of offenders are carried out and sufficiently effective and dissuasive penalties are applied in practice" (ILO, 2014). As a result, in October 2010, the Committee on the Optional Protocol to the Convention (CRC-OPSC), held that because of the Sierra Leonean government not successfully implementing the Child Rights Act the exploitation of children in forced and hazardous labor, "particularly in the mining sector...remains widespread" (ILO, 2014). Though Sierra Leonean government is gradually investing in policies that protect children from forced labor in the mines and taking the initiative to protect and promote the socio-economic needs of children, especially those that live in the mining regions (US Department of Labor 2021).

Realizing the importance of a child's development, the Sierra Leonean government passed the "Education Act of 2004" which established the right to free accessible education for all children "six years of primary school and three years of secondary school" (US Department of labor 2020). More recently, the Sierra Leone government implemented the Safe Schools Declaration in June 2015, the state is participating in the "global efforts to protect education and improve compliance with international law" (ILO 2014). According to Human Rights Watch, the purpose of the Safe School Declaration is:

"The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict (Safe Schools Declaration 2015); the importance of the continuation of education during armed conflict; and the implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict" (Protecting Education 2014).

Children have the right to the "highest attainable standard of health" and basic education (International Human Rights Clinic at Harvard Law School 2009). The government has been slow to ensure all children are granted the right to accessible education opportunities and healthcare services. The Sierra Leonean government is actively trying to establish and enforce laws to regulate the diamond mining industry and keep children's best interests as a top priority by providing "adequate nutrition, safe environments, and physical as well as mental health services" (International Human Rights Clinic at Harvard Law School 2009). The government needs better implementation methods and needs to rely on the communities, for instance,

government officials, parents, and nongovernmental organizations (NGOs) for these new policies to be effective.

## **VII. Recommendations**

### *Health and Safety*

As Sierra Leone continues to rebuild its country, the needs of children must be top priority. That starts by implementing accessible health care, safety, and medical assistance. According to the *Digging in the Dirt* report, the government had not yet fully implemented Health and Education legislation— “that basic health services and educational opportunities remained out of reach for many of Sierra Leones children” (International Human Rights Clinic at Harvard Law School 2009). It is the responsibility of the state, since they neglected to consider the healthcare of children in the past. The government should implement regulations and increase medical centers budget to ensure children have access to medical care and treatment centers, “including strengthening legal obligations on industry actors to provide medical care for diggers when they become injured or sick as a result of their work” (International Human Rights Clinic at Harvard Law School 2009). In Sierra Leone, mental illness is often dismissed. There is a “99.8% treatment gap [compared to other countries]” and many children trapped in forced labor or trafficked often experience “psychological illnesses due to danger and abuse” (Philipp 2019). Since the civil war collapsed the foundation of many Sierra Leonean households and communities, many suffered severe psychological damage from “neglect, abuse, exploitation and armed conflict” (International Human Rights Clinic at Harvard Law School 2009). The government can implement programs that allow those impacted by the war to attend therapy or other psychological recovery methods. The Committee for the Convention on the Rights of the

Child also recommends for the government to increase the Ministry of Social Welfare budget. The ministry “oversees the government’s children’s rights portfolio, however they lack the necessary resources to carry out its tasks (International Human Rights Clinic at Harvard Law School 2009). A new budget plan is needed to ensure the ministry is effective to its fullest capability.

### *Children Education and development*

It is the responsibility of the community to ensure all children have access to basic education and therefore Sierra Leonean officials, along with the parents and the school system, must make children attending school a top priority. In many Sierra Leonean households, it is common for parents to encourage their children to find work at an early age to help provide for the household (UNICEF 2005 & Doherty 2013). Parents must be actively involved in a children’s development. It is a majority way of thinking for families to encourage their children to find work to help the households, “this is an acceptable way of life for the majority in Sierra Leone (Doherty 2013). It takes a community to raise a child, subsequently parents must also encourage their children to go to school instead of finding work at an early age. Officials passed the Education Act; therefore; they need to take measures to ensure households and school systems are following the protocol and are in accordance with the Education Act. The government can expand the budget allocated to schools under the Education Act, so the children can learn in a quality environment. For example, they can reconstruct schools that were damaged by the war and build more schools in the rural areas, specifically those that are in mining communities. The government can implement an award system to ensure students attend school, and the school with the highest pass rates can receive a grant for their budget. The budget should

also consider waiving school fees (entrance, exam, uniform, and report card fee) for those that cannot afford to pay.

The government can collaborate with nonprofits like 'HOPE FOR LIVES' which its initiative is to give Sierra Leoneans access to healthcare, education, and sustainability. In past years they have donated "hematology and immunoassay machines to local clinics" (Hope for Lives in Sierra Leone 2019 & Philipp 2019). In 2013, Hope for Lives opened a library at St. Anthony's Primary School in Freetown. "The library included 15-20 computers, open to 3,000 students upon fair rotation. The nonprofit has offered constant computer lessons taught by a tech leader" (Philipp 2019). Working with non-profits can provide additional services and aid for their educational development.

Lastly, the children who worked in diamond mines during the war and continued afterwards need accessible learning programs for adolescence and adults, who were deprived of a primary education because of the war. The learning programs should implement primary and secondary schooling, and include trade skills programs so those who do not finish school can gain certification from the trade programs.

### *Safety in Mining Communities*

To ensure children can obtain basic education, the government must focus on improving the welfare of families living in mining communities and those affected by the war. Many households were displaced during and after the war from the violence and financial fragility. The Sierra Leonean government must implement programs that will eliminate the practice of child mining, therefore implementing policies that permit miners to receive fair wages and obtain healthcare benefits. They need to implement more oversight in mining districts to ensure all mine

workers are certified and/or licensed to work as artisanal diamond miners and are working in humane conditions. The government should implement a randomized monthly audit where they check for child labor by monitoring the mines to ensure they are in compliance with diamond mining regulations. They can also finance the overseers to regulate mining sites and monitor diamond transactions. The government must also have oversight over the diamond mines when contractors are selling to manufacturers, therefore, working with the Anti-Corruption Commission is important to step up more mining supervisors to ensure transparency. Employing supervisors, will help regulate and control diamond mining transactions, which will eliminate “corruption practices by mining and other government officers, community leaders and industry actors” (International Human Rights Clinic at Harvard Law School 2009). The Sierra Leonean economy is heavily dependent on the exploitation of diamonds and other minerals, consequently, they must shift away from diamonds being a large factor in the stability of their economy. “Economic growth translates into better living standards for the people (Sawadogo 2012). Governments that participate in the diamond trade must invest in advanced data tracking systems so they can have an accurate account of the diamond trade and its full process. The transparency of data collected is integral to stopping illicit trade in the diamond supply chain. Following the financial flows and demand good behavior of financial institutions or fine them. The diamond industry must also commit to eliminating the practice of child labor in the mining process and eliminating illicit sales of these diamonds. Those involved in the diamond industry can provide financial support to help contribute to bettering children’s environment and livelihoods. In 2006, they were a part of initiating the ‘Initiative for Responsible Mining Assurance’ (IRMA) global demand for more socially and environmentally responsible mining (Tiffany & Co. 2022).

Furthermore, expand the KPCS definition of conflict to include the social and environmental impact from the diamond industry, this can include other factors that are attributed to conflict diamonds, for example, diamonds produced from child labor. “The Kimberley Process should either figure out a way to incorporate human-rights monitoring into its oversight of member countries or invite an outside organization to do it for them” (Allen 2010). More international efforts and engagement to stop and ensure the needs of children are met and protected under national law. In the end, this is a community effort to make the needs of children a top priority.

### *Consumer Action*

As consumers, our purchasing power is one of the strongest weapons to combat child labor. Consumers have the power to demand supply chains be free of trafficked labor. The basic economic principle states, when a demand for a good decrease then the quantity supplied will decrease as well. This can decrease the value of diamonds, which will financially wound companies and force them to take necessary action in an effort to make diamonds socially and environmentally responsible, transparent, and traceable. Consumers have the power to require all diamond corporations to be active in responsible mining practices.

### **Conclusion**

Overall, artisanal diamond mining (ASM), when unregulated, impedes the country’s economic prosperity and negatively hinders the surrounding communities. We found that within the diamond sector in Sierra Leone, the link between ASM diamond mining and the start of the Sierra Leonean 11-year war had a direct contribution to the prevalent labor trafficking of children. Also, the unregulated nature of ASM presented negative externalities on surrounding

communities in Sierra Leone for instance, educational development, access to medical centers, increased violence over the control of diamonds, and the physical and psychological trauma placed on children. The country already had a history of struggling against poverty and corruption from government officials and the civil war further contributed to Sierra Leones turmoil. These risk factors left the community in a vulnerable state which increased labor trafficking of children. Children were trafficked to work in the mines by criminal groups or forced into labor by their parents to help support the household. Children in this environment were severely impacted because of the lack of oversight from government officials and a much-needed reform on current regulations in place. The government's efforts to pass regulations to protect children has yet to make substantial progress in ending child labor in the diamond mines.

By shifting the focus to ensure the mining practices in Sierra Leone fall in line with their domestic and international laws that will ultimately protect and promote the rights of children. Child laborers need protection, in particular, for the rights to health, education, and welfare. They deserve the chance to obtain knowledge and opportunities that they can choose for themselves, that will provide them with a better future. The promotion and protection of children's rights can be achieved by the adoption of new anti-trafficking action plans, increasing funding for protective services for children, increasing funding to investigate and prosecute those engaging in labor trafficking—increase sentencing, and working with the diamond companies to implement an anti-child labor campaign. It will take time and a lot of effort from many parties, but it is necessary because children are the future and investing and making their needs a top priority today will build a better country tomorrow.

On the flag of Sierra Leone displays three powerful words: Unity, Freedom, and Justice. Children have the right to basic education and healthcare and it is only fair to provide these basic

needs for the future of Sierra Leone. There must be action from everyone in the Sierra Leone community, government officials and an international effort to provide these children with the liberties all humans are rightfully able to have.

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