

United Nations Sanctions against Sierra Leone and the Sandline Affair in the United Kingdom, 1997-98

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Abstract

This paper examines the Sandline Affair that occurred in the late 1990s in the United Kingdom and analyzes the process by which the British government officials became involved in violating United Nations sanctions against Sierra Leone during a civil war in the 1990s. In 1997, a military coup which was the third one since the outbreak of the conflict occurred, the civilian government was overthrown, and President Ahmad Tejan Kabbah was forced into exile in Guinea. The international community expressed its disapproval of the coup. The Economic Community of West African States (ECOWAS), a sub-regional organisation of West African countries, imposed an embargo on the supply of arms and military equipment to Sierra Leone by its member states, and the United Nations Security Council adopted Resolution 1132, which also imposed an arms embargo. However, Sandline, a British private military company, violated the UN arms embargo by providing arms and military equipment to the ECOWAS military forces and militias supporting the Kabbah administration. British government officials including British High Commissioner to Sierra Leone became involved in this violation of the UN economic sanctions. The Sandline Affair was caused by multiple factors. First, arms embargo sanctions against Sierra Leone included the UN Security Council resolution and other documents at various levels, and each was characterised by different sanction targets and criticism. This leads to ambiguity among the relevant parties in terms of their awareness of who or what was the target of the sanctions. Second, the awareness of British government officials about complying with UN sanctions and their implementation as well as their communication with each other was insufficient. Third, diverse military actors were

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involved in the conflict in Sierra Leone, including government troops, anti-government guerrillas, sub-regional military forces, militias, and private military companies. These diverse actors and the complexity of the relationships between them complicated understanding the targets of the UN sanctions of the arms embargo.

Keywords: *Sierra Leone, Sanctions, United Nations, Sandline, Arms Embargoes, United Kingdom*

Introduction

Since the 1990s, the United Nations (UN) Security Council has passed many resolutions imposing non-military sanctions. However, this also increases the risk of sanctions violations by member states bound by the Security Council's resolutions. Moreover, in recent years, the UN's non-military sanctions have been increasing quantitatively in terms of the number imposed, and undergone a significant, qualitative transformation as well. In other words, the targets of the sanctions have expanded from the conventional targets of state actors to include non-state actors such as specific groups and individuals. Furthermore, rather than the total embargoes of the past, sanctions are now imposed to strategically and flexibly combine several partial (limited) sanctions (United Nations Security Council, 2013).

Expectedly, whenever there are regulations and rules, someone somewhere could violate them. It is almost impossible to prevent violations of UN sanctions. However, even if it is impossible to completely prevent violations of UN sanctions by private sector companies and individuals, it is still necessary to prevent the participation of government officials in these violations. In particular, staff in the ministries of foreign affairs and overseas diplomatic missions who are accountable for imposing and implementing UN sanctions should not be 'complicit' in their violation, regardless of the situation. However, this occurred in the Sandline Affair in the United Kingdom (UK), which emerged in March 1998 and developed into a political scandal that shook the political arena of the country (Kargbo, 2006: 277–284; Schümer, 2008: 68–70; Zack-Williams, 2012: 25–19). In the aftermath of this affair and based on the lessons learned, the British Foreign and Commonwealth Office (FCO) initiated organisational reforms relating to the UN's non-military sanctions. In

July 1998, the FCO established the Sanctions Unit within its United Nations Department (UND), aiming to strengthen its system for coordination and communication relating to UN sanctions inside and outside the FCO and to establish and maintain domestic measures.

This paper considers the Sandline Affair that occurred in the late 1990s in the UK and analyzes the process by which FCO officials became involved in violating sanctions. Although the Sandline Affair has been examined by several books, reports and articles (e.g. House of Commons Foreign Affairs Select Committee, 1999; Kargbo, 2006; Legg and Ibbs, 1998; Schümer, 2008; Spicer, 1999; Zack-Williams, 2012), this paper clearly identifies three factors that contributed to causing the affair. First, arms embargo sanctions against Sierra Leone included the UN Security Council resolution and other documents at various levels, and each document had slightly different sanction targets. This leads to ambiguity among the relevant parties in terms of their awareness of who or what was the target of the sanctions. Second, the awareness of British government officials about complying with UN sanctions was insufficient. Third, the conflict in Sierra Leone involved diverse military actors like government troops, anti-government guerrillas, sub-regional military forces, militias, and private military companies, and this diversity of actors complicated understanding the targets of the UN sanctions of the arms embargo. However, before considering the Sandline Affair in detail, we first describe the start of this affair, which was the embargo of arms to Sierra Leone.

Embargoes and Sanctions against Sierra Leone

The 1997 Military Coup and ECOWAS Sanctions

A civil war broke out in the small country of Sierra Leone in West Africa in March 1991 when an anti-government armed organisation called the Revolutionary United Front of Sierra Leone (RUF) invaded from neighbouring Liberia. The RUF invaded the southern and eastern parts of Sierra Leone with the support of a Liberian anti-government force and Burkina Faso mercenaries, and began developing a guerrilla warfare campaign in various places. Furthermore, in the capital city of Freetown, a military coup occurred in April 1992, and President Joseph Saidu Momoh of the All People's Congress (APC), the ruling party, was overthrown. Captain Valentine Strasser took his place as Head of State. Strasser's military junta rapidly expanded the armed forces, and in 1995, concluded a contract with Executive Outcomes

(EO), a South African private military company (PMC), outsourcing to it operations including military training and reconnaissance. Based on the EO activities and other reasons, the war situation temporarily developed advantageously for the military junta. However, in January 1996, Strasser was overthrown in another military coup and replaced by Brigadier Julius Maada Bio, who became the Head of State. Bio's military junta conducted the elections previously scheduled by Strasser to transfer power to a civilian government. In March that year, Ahmad Tejan Kabbah of the Sierra Leone People's Party (SLPP) was elected as the civilian President. Soon after taking office, President Kabbah met with Foday Saybana Sankoh, the leader of the RUF, and they signed a peace agreement through the mediation of Côte d'Ivoire (Abdullah and Muana, 1998: 178–187; Gberie, 2005: 70–96; Richards, 1996: 7–19; Schümer, 2008: 56–58).

However, during this process, another military coup occurred on 25 May 1997, the third since the outbreak of the conflict. The civilian government was overthrown only one year and two months since its establishment, and President Kabbah was forced into exile in Conakry, the capital of neighbouring Guinea. A military junta headed by Major Johnny Paul Koroma was formed, and this regime welcomed the anti-government RUF as a collaborator within its administration (Gberie, 2004).

The international community expressed its disapproval of the coup. At the time, the West African regional power of Nigeria had already deployed hundreds of troops within Sierra Leone, and an attempt was made to overthrow the military junta to return President Kabbah's administration to power. However, Nigeria's independent military operations ended in failure. Subsequently, while the military government on one side and Nigerian army on the other clashed in repeated, sporadic, armed conflicts, negotiations were taking place in search of a breakthrough (Gberie, 2005: 97–117).

On 26 June 1997, a meeting of the foreign ministers of the Economic Community of West African States (ECOWAS), a sub-regional organisation of West African countries, was held in Conakry. The meeting adopted a three-pronged approach towards the Sierra Leone military junta: diplomatic negotiations, economic sanctions, and the use of force (as necessary). At the ECOWAS Summit held in Abuja, the capital of Nigeria, on 28 and 29 August 1997, a resolution on economic sanctions consistent with this three-pronged approach was adopted against Sierra Leone. The resolution marked the start of

developments in the international community for an arms embargo against Sierra Leone (Koroma, 2004: 45–63).

ECOWAS's Decision on Sanctions against the Junta in Sierra Leone, which it adopted on 29 August 1997, restricted travel by members of the Sierra Leone military junta, froze their assets, and placed an embargo on petroleum and petroleum products. In addition, Article 2 imposed a total embargo on arms to this country, as explained in the quote below (*italics added for emphasis*):

Article 2

Member states shall place immediately *a general and total embargo on all supplies of petroleum products, arms, and military equipment to Sierra Leone* and abstain from transacting any business with that country. To this end, Member States shall:

a. *prevent the sale or supply by their nationals or from their territories or using their flag vessels or aircraft of petroleum or petroleum products or arms and related material of all types*, including weapons and ammunition, military vehicles and equipment, police equipment and spare parts for the aforementioned, whether or not originating in their territories, to any person or legal entity, for the purpose of any business carried out in or operated from the Republic of Sierra Leone, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply. (Economic Community of West African States, 1997)

In this way, the ECOWAS sanctions resolution imposed a complete embargo on the supply of arms and military equipment to Sierra Leone by its member states. However, as shown below, as a sub-regional force, the ECOWAS Ceasefire Monitoring Group (ECOMOG) deployed in Sierra Leone was excluded from the targets of the arms embargo in Article 6:

Article 6

The embargo imposed by this decision shall not apply to arms, military equipment, and military assistance meant for the exclusive use of the sub-regional forces, which shall be responsible for applying the measures contained in the Final

Communiqué of the meeting of ECOWAS Ministers of Foreign Affairs issued on 26 June 1997. (Economic Community of West African States, 1997)

In addition, in Article 7, ECOMOG was granted the right to take measures to secure the implementation of the sanctions, such as by conducting ship inspections:

Article 7

The sub-regional forces shall employ all necessary means to impose the implementation of this decision. They shall monitor closely the coastal areas, land borders, and airspace of the Republic of Sierra Leone, and shall inspect, guard, and seize any ship, vehicle, or aircraft violating the embargo imposed by this decision. (Economic Community of West African States, 1997)

Britain-led United Nations Security Council Resolution 1132

Meanwhile, the British FCO was also pressing for the parallel adoption of an economic sanctions resolution against Sierra Leone in the UN Security Council in a form that corresponded to the call for economic sanctions by the ECOWAS. This movement began as early as June 1997, immediately after the ECOWAS meeting of foreign ministers adopted the three-pronged approach. On 14 July, following a call by the UND of the British FCO, a meeting was held to discuss the possibility of imposing economic sanctions against Sierra Leone. In addition to members of the UND, the meeting was attended by members of the FCO's Africa Department (Equatorial) [AD (E)], the Department of Trade and Industry (DTI), and HM Customs and Excise. At the meeting, the basic policy of the British government was reconfirmed, which was to restore to power by peaceful means the democratically elected government of President Kabbah. Furthermore, attendees acknowledged the adoption of the UN non-military sanctions resolution as an effective option for achieving this objective (Legg and Ibbs, 1998: 14-15).

After this meeting, with the UND taking the lead, the movement to adopt in the UN Security Council a resolution on sanctions against Sierra Leone gathered pace, but the question soon arose of how to set the targets on which to impose sanctions. Within the FCO, the AD (E), which was the department responsible for Sierra

Leone, argued that the only target of the arms embargo should be the military junta. However, the UND considered that sanctions targeting only the military junta would not be sufficiently effective, and advocated that all the forces within Sierra Leone including the Kabbah government in exile and ECOMOG should be targeted for sanctions. Ultimately, the argument of the latter became the basic policy of the British government. However, as previously described, the ECOWAS resolution subsequently adopted excluded its own sub-regional force (ECOMOG) as targets of the arms embargo. As such, ambiguities and discrepancies were evident within the international movement to impose an arms embargo on Sierra Leone regarding whether the exiled Kabbah government and ECOMOG should also be targeted. Subsequently, this became one factor behind the Sandline Affair.

On 13 August 1997, the British UN delegation telegraphed the first draft of the resolution on sanctions against Sierra Leone to the FCO in the UK. As a result of adjustments made within the FCO, on 10 September, an internal document explaining the background to the proposed resolution and its contents was sent from the AD (E) to the Minister of State, Tony Lloyd. On the same day, it was approved by the Foreign Minister, and the FCO telegraphed the UN delegation that '[t]he relevant ministers of the government of the UK have given their approval to submit to the Security Council the draft resolution that proposes the imposition of an embargo of arms and petroleum against Sierra Leone and travel restrictions on the members of its military junta' (Legg and Ibbs, 1998: 15–16).

On 8 October 1997, the draft resolution on sanctions against Sierra Leone proposed by the British was adopted by the UN Security Council. This UN Security Council Resolution 1132 expressed the Council's deep concerns about the occurrence of the military coup in Sierra Leone, and that it recognised that this situation threatened the international peace and security of the region. Therefore, as expressed in the quote below, it decided to impose embargoes on arms and petroleum as well as travel restrictions on members of the military junta. The resolution states as follows (italics added for emphasis):

6. [The Security Council] Decides that all States shall *prevent the sale or supply to Sierra Leone, by their nationals or from their territories, or using their flag vessels or aircraft, of petroleum and petroleum products and arms and related*

material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory. (United Nations Security Council, 1997)

In this way, the content of the UN Security Council Resolution 1132 placed a complete embargo on the export or supply of arms and petroleum products to Sierra Leone. However, it did not exclude from the targets of the embargo the military forces that supported the Kabbah government in exile or the ECOMOG forces led by Nigerian troops. However, in response to the ECOWAS Resolution of August 1997, as shown below, this resolution recognised the authority of ECOWAS to conduct ship inspections and related activities to secure the implementation of the sanctions. Acting also under Chapter VIII of the Charter of the United Nations, the Security Council authorised:

ECOWAS, cooperating with the democratically-elected Government of Sierra Leone, to ensure strict implementation of the provisions of this resolution relating to the supply of petroleum and petroleum products, and arms and related material of all types, including, where necessary and in conformity with applicable international standards, by halting inward maritime shipping in order to inspect and verify their cargoes and destinations, and calls upon all States to cooperate with ECOWAS in this regard.
(United Nations Security Council, 1997)

In other words, while Resolution 1132 stipulated a complete embargo of arms to Sierra Leone, it recognised the authority of ECOWAS to take the measures necessary to ensure the implementation of the sanctions in cooperation with the Kabbah administration. As a result, to a certain extent, there was room for interpretation as to whether the military forces supporting Kabbah and ECOMOG operating in Sierra Leone territory were included as targets of the UN arms embargo.

The Sierra Leone (United Nations Sanctions) Order 1997

Generally, when a Security Council resolution is adopted based on Article 41 of the UN Charter, each member country implements its own domestic measures. In the case of the UK, when it incorporates a decision of the Security Council into its domestic legal system, it

‘modifies’ it within its domestic laws. Specifically, when implementing a Security Council resolution based on Article 41 of the UN Charter, it issues a Statutory Instrument based on the law.

In the case of Resolution 1132, the response by the British government in terms of domestic measures was extremely quick. Before the adoption of the resolution, Britain’s FCO had already begun preparing a draft Order in Council to serve as an executive order. By 8 October, when the Security Council adopted Resolution 1132, the FCO legal counsel had already delivered this draft to the UND. On 16 October, it submitted an internal document requesting the approval of the Order in Council by Foreign Minister Lloyd, which was approved by the Minister on 21 October and by the Privy Council on 31 October. Furthermore, the Order was enforced as early as 1 November 1997 (Legg and Ibbs, 1998: 19–20).

In this way, in the formulated Sierra Leone (United Nations Sanctions) Order 1997, Article 4 placed a complete embargo on the export of arms to Sierra Leone, except in the event of a license issued by the Secretary of State (The details are omitted, but in the following quotation, ‘the goods specified in Schedule 1 to this Order’ refers to arms and other military equipment).

4. Except under the authority of a license granted by the Secretary of State under this article, *the goods specified in Schedule 1 to this Order are prohibited to be exported from the UK to any destination in Sierra Leone, or to any destination for the purpose of delivery directly or indirectly to or to the order of a person connected with Sierra Leone.*

(United Kingdom Government, 1997)

In Article 2 of the Order, the ‘person connected with Sierra Leone’ who was to be the target of the embargo was clearly defined as follows;

‘person connected with Sierra Leone’ means

(a) *the Government of Sierra Leone;*

(b) *any other person in, or resident in, Sierra Leone;*

(c) *any body incorporated or constituted under the law of Sierra Leone;*

(d) *any body, wherever incorporated or constituted, which is controlled by any of the persons mentioned in sub-paragraphs (a) to (c) above;*

or

(e) *any person acting on behalf of any of the persons mentioned in*

subparagraph (a) to (d) above.

(United Kingdom Government, 1997)

Important here is that in the Sierra Leone (UN Sanctions) Order that served as the domestic measure of the UK, the phrase ‘military junta’, which was used in the ECOWAS Resolution and UN Security Council Resolution 1132, was not used. Rather, ‘the Government of Sierra Leone’ and ‘any other person in, or resident in, Sierra Leone’ was used. This was the first time that this expression was not explicitly included in a description of the target of the sanctions.

At that time, the British government considered the Kabbah government in exile, not the Sierra Leone military junta, the legitimate government of the country. As mentioned, even within the UN Security Council Resolution 1132, the Kabbah administration was positioned as ‘the democratically elected Government of Sierra Leone’. That means that regarding the domestic sanctions of the British, the unequivocal target of the arms embargo assumed the Government of Sierra Leone to be the Kabbah administration, not the military junta. In addition, in the Order, the prohibition of arms exports applied to ‘any other person in, or resident in, Sierra Leone’, which made it illegal for British citizens to supply arms to the military forces supporting the Kabbah administration and the ECOMOG. The Order also prescribed imprisonment with labour for not more than seven years, or a fine, or both for persons violating the embargo. As such, while the Sierra Leone (UN Sanctions) Order was originally formulated to incorporate UN Security Council Resolution 1132 into the British domestic legal system, there was a nuanced difference between the two sanctions in terms of the target of the embargo.

From the foregoing, the ECOWAS sanctions resolution of August 1997, which became a signpost for the movement to impose an arms embargo on Sierra Leone, set the country as the geographic target of the arms embargo, but excluded the ECOMOG. However, the UN Security Council Resolution 1132, adopted in October the same year, while stipulating Sierra Leone as the target area of the arms embargo, did not explicitly include a phrase excluding the ECOMOG and related organisations. However, this resolution recognised the authority of the ECOWAS to ensure the implementation of the sanctions in cooperation with the Kabbah administration. Finally, the British Sierra Leone (UN Sanctions) Order, implemented in November that year, prescribed ‘the Sierra Leone government’ and ‘any other

person in, or resident in, Sierra Leone' as the targets of the sanctions. In principle, this made it illegal to supply arms to the Kabbah administration and ECOMOG forces operating in Sierra Leone territory.

Among the three arms embargo sanctions against Sierra Leone, the original ECOWAS Resolution only restricted West African countries. Furthermore, even if the content of the same resolution contradicted the content of the UN Security Council Resolution 1132 or that of the British Sierra Leone (UN Sanctions) Order, this was not a problem legally. However, we must be aware that while the ECOWAS Resolution was on the West African region level, the UN Security Council Resolution 1132 was on the international community level and the Sierra Leone (UN Sanctions) Order on the British domestic level. Therefore, despite no clear discrepancies or inconsistencies between the arms embargo sanctions against Sierra Leone on the three levels, there were subtle differences between them in terms of the targets of the sanctions. Furthermore, this hints at the occurrence of the subsequent Sandline Affair described in detail in the next section.

Arms Export by Sandline

The Sandline Affair began when Rakesh Saxena, a businessman of the Blackstone Capital Corporation in Vancouver, Canada, contacted Sandline International, a PMC based in London, in June 1997, immediately after the third coup in Sierra Leone. Saxena requested that Sandline form a military plan to return to power the Kabbah administration, which had been overthrown in the coup. The Sandline representative, Tim Spicer, flew to Conakry, Guinea, immediately after receiving Saxena's request, and met with Sam Hinga Norman and other leaders of the military forces supporting the Kabbah administration to formulate the plan. On 23 December, following frequent international telephone conversations and fax exchanges between the three parties - Kabbah in Conakry, Saxena in Vancouver, and Spicer in London - two contracts were concluded (Spicer, 1999: 192–193, 196).

Figure 1 simplifies the content of these two contracts. As shown in the figure, Kabbah first concluded a fundraising contract with Saxena (Contract A). The content of this contract stipulated that the Saxena side would provide funds of US\$10 million to support the return to power of the Kabbah administration, and in return, Kabbah

would preferentially allocate diamond mining rights to Blackstone after it returned to power. One more contract was concluded between Kabbah and Spicer for the procurement of arms and military training (Contract B). The content of this contract stated that the Kabbah side would pay to Sandline the US\$10 million provided to it by Saxena, and in return, Sandline would provide arms and military training to the militia organisation that supported the Kabbah administration (called 'Kamajors').

Subsequently, Saxena was unable to raise the initially promised funds of US\$10 million, finally securing only US\$1.5 million, which Sandline used to purchase arms in Bulgaria. On 2 February 1998, 35 tons of military equipment including AK-47 automatic rifles arrived via Nigeria at Lungi International Airport near Freetown. These were handed over to the ECOMOG. Some of these weapons were later supplied to the Kamajors through the ECOMOG.

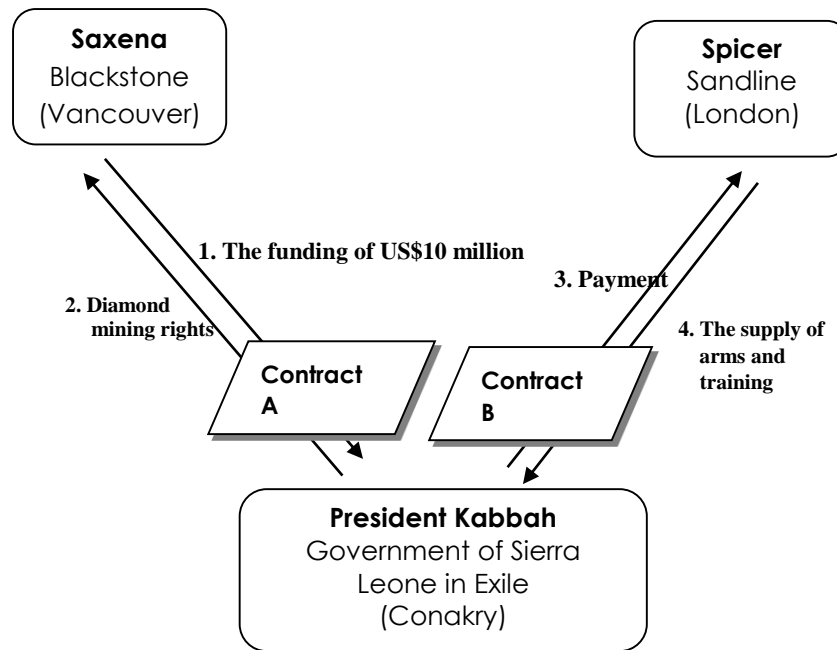
However, by the time the weapons procured by Sandline arrived in Sierra Leone, the military junta had already been overthrown. On 6 February, two and a half weeks before the weapons arrived, the ECOMOG had launched a total military attack against the military junta. By 12 February, it had seized control of nearly all of the city of Freetown. As a result, the weapons procured by Sandline became useless 'white elephants'. After learning that the military junta had been overthrown, and troubled by this unexpected development, Kabbah cancelled the contract he had concluded with Saxena, stating that the Saxena side had defaulted on the contract as his reason. However, the contract with Sandline could not be cancelled, as arms procurement was already progressing. Consequently, military equipment including weapons was delivered to Freetown after the collapse of the military junta.

In March 1998, an English newspaper reported the facts of the illegal export of arms by Sandline to Sierra Leone, unveiling the details of this affair. In April, the British customs authorities launched a compulsory criminal investigation against Sandline. However, by late May, even though the investigating authorities deemed that the exports of arms by Sandline to Sierra Leone was illegal because it violated the arms embargo, it made the final ruling that it would not be in the public interest to institute criminal proceedings against the relevant parties.

However, while the judicial ruling was scheduled around two months after the discovery of the matter, the Sandline Affair developed

into a major political scandal in Britain. The focus of the scandal was the suspicion that British government officials, and especially members of the FCO, were involved in the export of arms to Sierra Leone by Sandline, violating UN sanctions.

Figure 1. The Two Contracts related to the Sandline Affair



Involvement of British Foreign Officials
British High Commissioner to Sierra Leone

Among the British FCO officials, Peter Penfold was considered the most deeply involved in the export of arms to Sierra Leone by Sandline. At the time, he was the British High Commissioner to Sierra Leone. Penfold followed the Kabbah government in exile and evacuated to Conakry following the military coup on 25 May 1997. At the time, the British FCO took the bold step of evacuating its High Commissioner to Conakry, which did not have a British diplomatic mission, rather than to London or another city in West Africa. In so doing, it aimed to strongly appeal for support for the Kabbah

government in exile. On the other hand, Penfold was required to exchange documents with the FCO, relying mainly on the fax of the hotel he was staying in, because Conakry did not have a British diplomatic mission he could use. As a result, he was not able to receive sufficient information about the developments inside and outside the UK on the sanctions against Sierra Leone. Specifically, while in Conakry, the FCO did not send to Penfold in document form the details of the executive order that specified the target of the arms embargo as the Sierra Leone government. Therefore, for a long time, he was unaware that the Kabbah administration was included as a target of the arms embargo. Apparently, the first time Penfold saw the text of the Sierra Leone (UN Sanctions) Order was on 30 April 1998, after the discovery of the arms exports (House of Commons Foreign Affairs Select Committee, 1999: par. 39–43; Legg and Ibbs, 1998: 131).

However, Penfold was not the only person to ‘misunderstand’ that the target of the UN Security Council Resolution 1132 arms embargo was only the military junta and did not include the Kabbah administration. For example, when the Commonwealth Heads of Government Meeting in Edinburgh in October 1997 adopted the Edinburgh Communiqué, which included the passage below:

Heads of Government welcomed *UN Security Council Resolution 1132 (1997) imposing petroleum, weapons, and travel sanctions on the military junta in Sierra Leone and authorising ECOWAS to impose economic measures against the regime*. They urged member governments to co-operate in the implementation of these sanctions, and in ensuring the continued isolation of the regime in Freetown within the Commonwealth and the wider international community.

(Commonwealth Heads of Government Meeting, 1997)

The Communiqué also contained a phrase suggesting that only the military junta was the target of sanctions from the UN Resolution 1132. Certainly, the military junta was unequivocally the target of UN economic sanctions, and as such, it is not the case that there was a mistake in the phrasing used in the Edinburgh Communiqué. However, as earlier stated, Resolution 1132 did not limit the targets of the arms embargo sanctions to only the military junta. Rather, it targeted the entire geographic area known as Sierra Leone. Therefore, the phrasing in this communiqué was misleading. In addition, many officials

involved in problems related to Sierra Leone including Penfold and Kabbah attended the meeting in Edinburgh. Considering this, the vague understanding and misunderstanding of who Resolution 1132 targeted, which was frequent among the relevant officials at the time, was symbolically expressed in the phrasing of this communiqué, even if unintentionally.

Conversely, on 19 December 1997, Penfold met with Kabbah in Conakry, who presented him with a document: a draft of the two contracts that Kabbah was going to conclude with Saxena and Spicer to procure arms. While the word ‘arms’ was not clearly used in the document, on seeing the contract amount of US\$10 million, Penfold was likely aware that the procurement of arms was included (Legg and Ibbs, 1998: 40). In addition, on 28 January 1998, Penfold visited Sandline in London and met with Spicer, who handed him a copy of a proposal named ‘Project Python’. It described a military plan for overthrowing the military junta and returning the Kabbah administration to power. The following day, Penfold visited the FCO and submitted a copy of the project to the staff of the AD (E). Moreover, in late February 1998, when the arms arrived in Freetown, Penfold received a phone call from a Sandline official and was informed that ‘some equipment’ had arrived at Lungi International Airport (Legg and Ibbs, 1998: 43).

In this way, it would appear that High Commissioner Penfold was repeatedly and frequently in contact with Sandline, without being aware that Sandline’s export of arms to Sierra Leone violated the UN sanction or the British executive order. This resulted in important grounds for Sandline’s claims that the export of arms to Sierra Leone was carried out with the advance approval of the British government (Legg and Ibbs, 1998: 119–122).

Foreign Officials in London

Penfold was not the only FCO official suspected of being involved in the illegal export of arms to Sierra Leone by Sandline. When exporting weapons to Sierra Leone, Sandline actively interacted with the FCO, particularly with the staff of the AD (E). For example, when Kabbah lost power in the military coup, Spicer telephoned John Everard, Deputy Head of the AD (E), to confirm the intentions of the British government regarding the possibility of using the EO to overthrow the military junta by force. Subsequently, Spicer telephoned Everard on numerous occasions. On 10 December 1997, a member of Branch

Energy, a Sandline affiliated company, visited the FCO and met with Everard of the AD (E) and several other officials.

Everard eventually began having concerns about Sandline's approach. In particular, when he received a telephone call from Spicer on 5 January 1998, around when he was about to hand over his position to a successor, he was informed that Sandline had received an order for a contract worth US\$10 million from the Kabbah administration. Everard decided it would not be desirable to give the impression that the British government had in some way approved the contract. He therefore prepared a memo in which he stated that even if government officials had telephone conversations with Sandline officials, in principle, they should avoid direct meetings with them. He submitted the memo to his superior, the Head of the AD (E) Ann Grant (Legg and Ibbs, 1998: 123–126).

Despite this, following a telephone request by Spicer, Everard's successor Deputy Head Craig Murray met with Spicer on 19 January 1998 together with Tim Andrews, another member of the Division. According to Deputy Head Murray, the purpose of the meeting was to get an idea of Spicer's personality as the Sandline representative. However, this contact exacerbated suspicions about the involvement of FCO officials in the Sandline Affair (Legg and Ibbs, 1998: 54).

According to Spicer's testimony, during the meeting held that day, he explained to the FCO the details of the contract between Sandline and the Kabbah administration, to which the FCO indicated its understanding. Spicer emphasised that at that time, although the FCO generally mentioned the UN Security Council Resolution 1132, it did not explain the Sierra Leone (UN Sanctions) Order or highlight any illegality in the contract Sandline had concluded with Kabbah. In response, Murray testified that although Spicer broadly explained the contract with the Kabbah administration, he did not mention that it included the procurement of arms. Murray also emphasised that although he felt that a contract amount of US\$10 million was certainly considerable, he could not conclude from this that it included the export of arms (House of Commons Foreign Affairs Select Committee, 1999: par. 32–33).

In this way, the opinions about what occurred at the meeting on 19 January 1998 differed between Spicer and Murray. Spicer argued that he had explained to the FCO the exports of arms to Sierra Leone and received its *de-facto* approval, while Murray argued that the

FCO did not receive any clear explanation from Sandline about the arms exports. Staff member Andrews, who was also present at this meeting, took records of the content of the discussion between the two men. However, these records were a simplified memo of less than 200 words. Therefore, there were also deficiencies in the creation of records, and ultimately in the subsequent hearings and investigation, it was not possible to determine who was telling the truth between Spicer and Murray (House of Commons Foreign Affairs Select Committee, 1999: par. 34). Whatever the case, the fact that Murray did not follow the advice of his predecessor Everard and met with a Sandline official was an imprudent act that fuelled the suspicion that government officials were involved in the illegal export of arms to Sierra Leone.

In addition, senior officials in the FCO also committed a number of errors of judgment or were negligent regarding the illegal export of arms to Sierra Leone. For example, by the end of January 1998, which was before the arrival of the arms, AD (E) Director Grant and Africa Section Director Richard Dales had already received information on the illegal export of arms by Sandline and the suspected involvement in it of High Commissioner Penfold. Despite this, he did not immediately take appropriate measures, because he had other work duties. Furthermore, at the end of March the same year, Permanent Secretary John Kerr received a report that the customs authorities may soon initiate a compulsory criminal investigation of Sandline, which they initiated in early April. However, Kerr did not immediately report the details of the export of arms to Sierra Leone to the relevant Cabinet ministers. Consequently, the understanding of the details of this affair among the relevant Cabinet ministers was delayed, and the first time Foreign Secretary Robin Cook became aware of the possible involvement of FCO officials in the illegal export of arms was only on 28 April 1998, approximately two months after the affair came to light. These errors of judgment at various levels within the FCO, its inadequate sharing of information, and delays in response culminated in the Sandline Affair developing from a case of the illegal export of arms by a British private company into a scandal involving FCO officials in the violation of UN sanctions.

Conclusion

The Sandline Affair arose from the interplay of multiple factors. First, sanctions against Sierra Leone included the UN Security Council resolution and other documents at various levels comprising the

ECOWAS resolution, Communiqué of the Commonwealth Heads of Government Meeting, and British domestic order that incorporated the UN sanctions into its domestic laws. Each was characterised by different sanction targets and criticism. This leads to ambiguity among the relevant parties in terms of their awareness of who or what was the target of the sanctions.

Second, the awareness of British FCO officials about complying with UN sanctions and their implementation as well as their communication with each other was insufficient. In particular, in May 1997 after the military coup, High Commissioner Penfold followed the Kabbah government in exile and evacuated from Freetown to Conakry, where no British diplomatic mission was located. Therefore, he could claim that he did not receive sufficient information on the developments inside and outside the UK about the sanctions against Sierra Leone.

Third, diverse military actors were involved in the conflict in Sierra Leone, including government troops, anti-government guerrillas like the RUF, sub-regional organisations like the ECOMOG, militia like the Kamajors, and the EO such as PMC. Furthermore, the Government of Sierra Leone was never a single entity, and the interpretation of what actually was the government was complex, for example, the existence of the military junta and the government in exile. These diverse actors and the complexity of the relationships between them complicated understanding the targets of the sanctions of the arms embargo.

After the Sandline Affair, the British FCO established an independent investigative committee to investigate the FCO's involvement (Legg and Ibbs, 1998). In addition, based on the painful lessons learned, it initiated organisational reforms regarding UN non-military sanctions, and in 1998, newly constituted the Sanctions Unit to establish and maintain a system inside and outside the FCO for UN sanctions. Furthermore, the House of Commons Foreign Affairs Select Committee interviewed independent witnesses and investigated the affair. Specifically, in the report on the investigation by the latter, 35 items were presented as conclusions and recommendations for the FCO policy in the future regarding UN arms embargoes and the code of conduct for FCO officials (House of Commons Foreign Affairs Select Committee, 1999).

On the other hand, in terms of the subsequent UN sanctions against Sierra Leone, following the return to power of the Kabbah

administration, a new UN Security Council resolution was adopted on 16 March 1998, and the petroleum embargo was lifted (UN Security Council Resolution 1156). On 5 June, Resolution 1132 was rendered ineffective, and new arms embargo sanctions against Sierra Leone were imposed (UN Security Council Resolution 1171). In this resolution, the target of the arms embargo was limited to non-government forces, and the Kabbah administration was removed as the target. Furthermore, the ECOMOG and UN PKO were also removed as targets of the arms embargo, with the intention of limiting and clarifying the targets of the sanctions.

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