



CRUNCH TIME FOR THE KIMBERLEY PROCESS

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The Kimberley Process Intersessional is currently underway in Mumbai, India. The meeting is discussing ‘wider diamond governance as well as the ongoing reform agenda,’ according to the Kimberley Process website.

Part of the reform agenda includes expanding the definition of conflict diamonds. ‘Conflict Diamonds’ was defined by the Kimberley Process at its launch in 2003 as “rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments.”

Since formation of the KP, diamond-related conflicts have mutated and taken various forms such as systemic and systematic use of violence by state agents and private security in and around the communities hosting diamond mining as is on-going in Zimbabwe’s Marange diamond fields now.

At a side event, in February 2019, organised by the European Union as the outgoing KP Chair on the occasion of the presentation of a resolution to the 73rd session of the UN General Assembly, Centre for Natural Resource Governance (CNRG) Director, Farai Maguwu deplored the systemic abuse of artisanal miners by Zimbabwe Consolidated Diamond Company (ZCDC) security guards saying the practice is ultra vires the KP purpose.

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“Even though the issue of human rights violations was at the heart of the Kimberly Process at its beginning, we still have this scourge affecting the image of diamonds today more than 15 years after the formation of the Kimberley Process.

“The actors have changed. Whilst in the 1990s, much of the violence was perpetrated by rebel movements like Unita in Angola, today, we have private security companies and legitimate governments committing gross human rights violations against artisanal miners and communities hosting diamond mining companies. It is sort of contradictory that some of these governments are also very vocal in defending the Kimberley Process whilst undermining the core values for which the certification scheme was formed.”

Maguwu said the systematic human rights violations in the eastern parts of the country (Marange Diamond Fields) are shocking.

“Artisanal miners, if they are caught panning or anywhere near the diamond fields, they are handcuffed with their hands at the back and vicious dogs are set on them. Annually, we are talking about the death of around 40 artisanal miners. You cannot spend a month without having cases of three or four artisanal miners who are killed in cold blood by the ZCDC security.”

He noted that the worrying trend of abuse is continuing at a time when the abuse by the military and police has significantly gone down.

“We are also worried about other countries in the region where artisanal mining is taking place,” said Maguwu adding that “it appears that, even though many African governments signed up to the Washington Declaration of 2012, they are very reluctant to put in place a regulatory framework to allow artisanal mining to take place. They (artisanal miners) remain criminalised.”

The Washington Declaration of 2012 speaks to the formalisation of artisanal and alluvial diamond mining. The declaration came after the realisation that artisanal and small-scale mining of diamonds represented approximately 25 percent of the world’s rough diamond trade.

The informal mining and trade of diamond presents challenges to the Kimberley Process because it is not regulated and operates outside the formal economy.

In the Kimberley Process, Zimbabwe is a member of the Working Group on Artisanal and Alluvial Production (WGAAP).

Maguwu said the continued criminalisation of artisanal diamond mining undermines the Kimberley process's internal controls and development agenda because the miners sell to dealers and at the same time get little money which is not enough for self-development. Government does not get a single penny from artisanally mined diamonds.

Also worrying, said Maguwu at the UN side event, is the increased militarisation of diamond mining in Africa because "most African countries have very serious democratic deficit" and as a result, "those with levers of power" personalise diamonds.

"Because of this militarisation, the revenue never finds way to the national treasury and this has given rise to the law of combined and uneven development whereby the areas where mining is taking place are getting poorer and poorer and expensive buildings and cars are purchased, hundreds of miles away from where the mining is taking place," said Maguwu.

As the intersession is being held, CNRG calls on the government of Zimbabwe to support the reform agenda and not view it as a setback.

The tone for the reform agenda was set by the World Diamond Council President Stephane Fischer who, in opening remarks, said: 'The industry believes that this must involve expanding the scope of the "conflict diamonds" definition beyond goods that finance armed rebellion. We strongly believe that, by helping eliminate the trade in diamonds directly associated with instances of systemic violence, we can bring about a more responsible and ethical mining sector, thus enabling a fairer distribution of the benefits delivered to millions of people.'

The continuation of human suffering in diamond mining communities has led to the growing endorsement of synthetic diamonds by consumers whose marketing rides on the systemic abuse of artisanal miners, environmental concerns and child labour among other issues in the production of rough diamonds.

To this end, the expansion of the definition of 'conflict diamonds' will remain in line with the UN Charter on the maintenance of international peace and security which reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small," and "to promote social progress and better standards of life in larger freedom."

The charter also calls on all people to "practice tolerance and live together in peace with one another as good neighbours."

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