

## 7. Good Governance: Kimberley Process [22]

### Commitment:

*“We support efforts of the Kimberley Process to manage the trade of rough diamonds and ensure compliance by all participants with its standards.”*

- G8 Muskoka Declaration: Recovery and New Beginnings

### Assessment:

Country	Lack of Compliance	Work in Progress	Full Compliance
Canada		0	
France			+1
Germany		0	
Italy		0	
Japan			+1
Russia		0	
United Kingdom			+1
United States		0	
European Union		0	
<b>Average Score</b>		<b>+0.33</b>	

### Background:

Nearly eight years after its January 2003 creation, the Kimberley Process of certifying the legitimate harvest and sale of diamonds stands at a crossroads. Some of its founders and most consistent champions believe the process is at risk of becoming irrelevant and unenforceable.

Prior to the inception of the Kimberley Process in January of 2003, “blood diamonds” — diamonds harvested in support of human rights abuses or illegal insurgencies — became a critical issue for governments, activists and the diamond industry. When the process was introduced by United Nations General Assembly Resolution 55/56, wars in Sierra Leone, Liberia and the Democratic Republic of the Congo were being fuelled by illegal diamonds and curbing those wars was a priority.

In the 2010 Muskoka communiqué, G8 leaders highlighted the instability that blood diamond-funded wars in the Congo have caused as a key motive for pursuing stronger international compliance with the Kimberley Process.<sup>448</sup> Following the 2007 Heiligendamm Summit, the G8 pursued a commitment to provide good governance in mineral and resource harvesting, with an eye to social and environmental standards.<sup>449</sup> The Kimberley Process was featured in Italy and highlighted the European Union’s actions towards fulfilling the commitment. Italy called attention to the benefits of the Kimberley Process at a Security Council meeting that was called over the exploitation of natural resources.<sup>450</sup> The European Union was applauded for its efforts as

<sup>448</sup> Muskoka Declaration: Recovery and New Beginnings, 26 June 2010. Date of Access: 9 November 2010. <http://www.g8.utoronto.ca/summit/2010muskoka/communique.html>.

<sup>449</sup> All G7/8 Commitments 1975-2009, 2010. Date of Access: 9 November 2010. [http://www.g8.utoronto.ca/evaluations/G8\\_commitments-to-2009.pdf](http://www.g8.utoronto.ca/evaluations/G8_commitments-to-2009.pdf).

<sup>450</sup> Security Council Underscores Need For Peacekeeping Mandates To Consider Helping States Prevent Illegal Exploitation of Natural Resources from Fuelling Conflict, United Nations (New York) 25 June 2007. Date of Access: 10 November 2010. <http://www.un.org/News/Press/docs//2007/sc9060.doc.htm>.

chair in 2007, a period during which several countries, including Turkey, Liberia and the Democratic Republic of the Congo were added to the process.<sup>451</sup>

Speaking to the Canadian Broadcasting Corporation, Ian Smillie, a founder of the Kimberley Process, noted that recent years have seen a downturn in the process's effectiveness despite initial success upon its inception.<sup>452</sup> Of particular concern today is the diamond trade in Venezuela, which is now openly conducted under the table in many rural parts of the country, despite a government "suspension" of diamond mining and selling, as well as Venezuela's participation in the Kimberley Process.

According to Smillie, Zimbabwe has emerged as another problem area for the diamond trade, as much of its harvest and sale takes place outside of Kimberley Process regulation. The government recent murdered 80 illegal miners to try to get the situation under control, illustrating the need for lawful and coherent strategies to curb the illegal diamond trade. The Kimberley Process provides that mechanism.

**Commitment Features:**

This commitment puts forward a clear benchmark in the form of the Kimberley Process, a system that was implemented in 2003 as a mechanism of assuring diamond consumers that profits from the diamonds they purchase are not being used to financially support human rights abuses or illegal insurgent movements. The process was mandated by United Nations General Assembly Resolution 55/56, which stemmed from recommendations made in the Fowler Report, written by Canadian diplomat Robert Fowler. Thus the commitment is quite narrow in its scope. Efforts to comply with this commitment must be via the Kimberley Process. Compliance cannot be attained by combating 'blood diamond' trafficking through other means.

The process entails a series of requirements. Diamonds are only allowed to be shipped between countries that are signatories to the Kimberley Process and they must be shipped in tamper-proof containers with a certificate affirming that they have been harvested in compliance with the process. Kimberley Process countries are not allowed to ship or receive uncertified diamonds, and violations are investigated at the intergovernmental level.<sup>453</sup>

G8 member countries can attain compliance by taking action to reinforce different requirements of the process. Additionally, several countries have lost control of their diamond harvesting process — including Venezuela and Zimbabwe — and compliance can be achieved through work to stabilize the diamond harvest and trade in these countries. Steps to expel non-compliant countries from the Kimberley Process and cooperation with the border states of non-compliant countries to curb the exportation of uncertified diamonds would also suggest compliance.

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<sup>451</sup> 2007 Kimberley Process Communiqué, The Kimberley Process (Brussels) 8 November 2007. Date of Access: 10 November 2010. <http://www.kimberleyprocess.com/download/getfile/678>.

<sup>452</sup> CBC Radio, The Current (Toronto) 22 July 2010. Date of Access: 8 November 2010 <http://www.cbc.ca/thecurrent/2009/07/july-22-2009.html>.

<sup>453</sup> Eliminating Conflict Diamonds, World Diamond Council. Date of Access: 8 November 2010 [http://www.diamondfacts.org/conflict/eliminating\\_conflict\\_diamonds.html - kim](http://www.diamondfacts.org/conflict/eliminating_conflict_diamonds.html - kim).

**Scoring Guidelines:**

-1	Member does not take steps to support the Kimberley Process <b>AND</b> does not encourage compliance by all participants with its standards.
0	Member takes steps to support the Kimberley Process <b>BUT</b> does not encourage the compliance of other participant states.
+1	Member takes steps to support the Kimberley Process <b>AND</b> encourages compliance by all participants.

*Lead Analyst: Kevin Draper*

**Canada: 0**

Canada has partially complied with its commit to support the Kimberley Process and encourage compliance by participants with its standards.

The enforcement of the Kimberley Process remains a priority for the Canadian government. The Canadian International Development Agency (CIDA) asserts that “Canada supports efforts to break the link between natural resources and conflict.”<sup>454</sup> CIDA further states that it will specifically use the Kimberley Process “to ensure trade in diamonds does not fuel conflict.”<sup>455</sup>

In a statement issued on 23 June 2010, Canadian Minister of Foreign Affairs Lawrence Cannon declared that “Canada calls on the Government of Zimbabwe to demonstrate its respect for the Kimberley Process, of which Zimbabwe is a member.”<sup>456</sup> Minister Cannon’s statement went on to pledge Canada’s support to improving the efficiency of the Kimberley Process.<sup>457</sup>

On 16 December 2010, Canada supported a United Nations General Assembly resolution that strengthened the Kimberley Process. This resolution included three aspects. The first is “significant cooperation with world customs organizations to improve enforcement in the global fight against conflict diamonds.”<sup>458</sup> The second is the establishment of a sub working group which will be responsible for facilitating international diamond shipments.<sup>459</sup> Finally, “the Kimberley Process will establish an administrative framework designed to provide support to the serving Kimberley Process chair and will serve as a Kimberley Process spokesman’s office.”<sup>460</sup>

<sup>454</sup> Canada’s Support for Peace and Security, Canadian International Development Agency (Ottawa) 22 June 2010. Date of Access: 16 November 2010. <http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/FRA-619132148-ND7>.

<sup>455</sup> Canada’s Support for Peace and Security, Canadian International Development Agency (Ottawa) 22 June 2010. Date of Access: 16 November 2010. <http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/FRA-619132148-ND7>.

<sup>456</sup> Canada Concerned over Continued Detention of Zimbabwean Activist, Foreign Affairs and International Trade Canada (Ottawa) 23 June 2010. Date of Access: 15 November 2010. <http://www.international.gc.ca/media/aff/news-communiques/2010/200.aspx>.

<sup>457</sup> Canada Concerned over Continued Detention of Zimbabwean Activist, Foreign Affairs and International Trade Canada (Ottawa) 23 June 2010. Date of Access: 15 November 2010. <http://www.international.gc.ca/media/aff/news-communiques/2010/200.aspx>.

<sup>458</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010. <http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>459</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010. <http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>460</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010. <http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

The state participants of the Kimberley Process Certification Scheme met in Jerusalem from 1 to 4 November 2010 to discuss the suspension of member state Zimbabwe.<sup>461</sup> Canada pushed for the suspension of Zimbabwe due to its non-compliance with the principles of the Kimberley Process. Zimbabwe's record of human rights abuses and evidence of smuggling in the Marange diamond fields were specifically cited. Due to large opposition, however, the motion failed.<sup>462</sup>

Thus, Canada has been awarded a score of 0 for its commitment to support the Kimberley Process, but not ensuring the compliance of participant states with its standards.

*Analyst: Katie Andrews*

**France: +1**

France has fully complied with its commitment to support the Kimberley Process and ensure compliance by its participant states.

On 16 December 2010, France supported a United Nations General Assembly resolution which strengthened the Kimberley Process. This resolution included three aspects. The first is, "significant cooperation with world customs organizations to improve enforcement in the global fight against conflict diamonds."<sup>463</sup> The second is the establishment of a sub working group which will be responsible for facilitating international diamond shipments.<sup>464</sup> Finally, "the Kimberley Process will establish an administrative framework designed to provide support to the serving KP chair and will serve as a KP spokesman's office."<sup>465</sup>

On 19 December 2010, Mr. Gerard Araud, France's Ambassador to the United Nations Security Council, voted in favour of Resolution 1961 (2010). This resolution urged the Liberian Government to redouble its efforts to ensure the effectiveness of the Kimberley Process, under which diamonds have to be certified to have come from conflict-free sources, and said insufficient progress had been made on issues relating to arms trafficking.<sup>466</sup> This resolution was passed unanimously. The Security Council "extended for another year the mandate of a Panel of Experts set up in 2007 to monitor compliance with the sanctions imposed in connection with the civil war," and "called on the Panel [of Experts] during the coming year to conduct two assessment missions to Liberia and neighboring States to investigate any violations with regard to the illicit trade in arms, including individual perpetrators and sources of financing, such as natural

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<sup>461</sup> Kimberley Process: Demand End to Abuses in Diamond Trade, Human Rights Watch (New York) 1 November 2010. Date of Access: 18 November 2010. <http://www.hrw.org/en/news/2010/10/29/kimberley-process-demand-end-abuses-diamond-trade>.

<sup>462</sup> Kimberley Process: Zimbabwe Action Mars Credibility, Human Rights Watch (New York) 6 November 2010. Date of Access: 18 November 2010. <http://www.hrw.org/en/news/2010/10/29/kimberley-process-demand-end-abuses-diamond-trade>.

<sup>463</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010. <http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>464</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010. <http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>465</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010. <http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>466</sup> Resolution 1961 (2010), United Nations Security Council, 17 December 2010. Date of Access: 17 January 2011. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/700/01/PDF/N1070001.pdf?OpenElement>.

resources, and to monitor progress in the freezing of assets, forestry reform and the Kimberley process.<sup>467</sup>

Thus, France is awarded a score of +1 for its support of the Kimberley Process and ensuring the compliance of member states.

*Analyst: Katie Andrews*

### **Germany: 0**

Germany has partially complied with its commit to support the Kimberley Process and encourage compliance by participants with its standards.

Germany has been a part of the coalition of Western states that has formed one side of the internal division within the Kimberley Process over the exportation of diamonds from Zimbabwe's Marange diamond field. The Western coalition, including Germany, has consistently advocated for an extended ban on these exports due to non-compliance with the Kimberley Process.<sup>468</sup>

As a member of the European Union Germany has taken steps to publicly support the Kimberley Process. On 29 June 2010, the EU released a statement expressing concern over the lack of progress towards an agreement on Zimbabwe's non-compliance with the Kimberley Process.<sup>469</sup> Furthermore, on 15 July 2010, the EU issued another statement expressing its support of an agreement that allowed a limited export of diamonds from Zimbabwe's Marange diamond fields.<sup>470</sup>

On 22 December 2010 Germany jointly issued a statement with several other countries that attended the Friends of Zimbabwe meeting in Copenhagen on 10 December 2010. The statement expressed approval of the limited export of Marange diamonds that has been approved and underscored the signatories' commitment to a compliant Zimbabwe as well as effective governance of natural resources.<sup>471</sup>

Thus, Germany has been awarded a score of 0 for its efforts in ensuring the compliance of a participant state.

*Analyst: Chi Chung Kenson Tong*

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<sup>467</sup> Liberia: UN demands Government take action to freeze former warlord's assets, UN Daily News, 17 December 2010. Date of Access: 28 December 2010.

<http://www.un.org/news/dh/pdf/english/2010/17122010.pdf>.

<sup>468</sup> US voices concerns over Marange gems, ZimOnline (Harare) 13 January 2011. Date of Access: 17 January 2011. <http://www.zimonline.co.za/Article.aspx?ArticleId=6519>.

<sup>469</sup> Kimberley process: The EU urges further efforts to overcome the impasse regarding the implementation of the KP in Zimbabwe's Marange diamond fields, European Union (Brussels) 29 June 2010. Date of Access: 17 January 2011.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/856&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>470</sup> Kimberley Process: Agreement reached on Zimbabwe's diamond exports, European Union (Brussels) 19 July 2010. Date of Access: 17 January 2011.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/969&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>471</sup> The Zimbabwe Dialogue – Copenhagen Statement, U.S. Department of State (Washington) 22 December 2010. Date of Access: 17 January 2011. <http://www.state.gov/r/pa/prs/ps/2010/12/153649.htm>.

**Italy: 0**

Italy has partially complied with its commitment to support the Kimberley Process and ensure compliance by its participant states.

As part of the European Community, on 19 July 2010 Italy welcomed the decision to limit rough diamond exports from Marange, a diamond field in Zimbabwe. This had been agreed to at a meeting organized by the Chair of the Kimberley process in St. Petersburg on 15 and 16 July 2010.<sup>472</sup>

On 17 August 2010, Oreste Rossi, Italy's representative to the European Parliament, raised the question of Zimbabwe and its conflict diamonds. Italy expressed its concern for social activist Farai Maguwu, director of the Centre for Research and Development, a group of social activists. He has been charged by Zimbabwe with "abominable crimes" for speaking against violence perpetrated by the army in the diamond-mining area of Marange. Rossi also asked the Council what measures it would take to help Zimbabwe meet its Kimberley Process obligations and protect the inhabitants of Marange.<sup>473</sup>

In response, the European Parliament — including Italy — expressed its concern for Mr. Maguwu and requested that "he be treated fairly and that his rights of defence be fully respected." It called on Zimbabwe to reaffirm its commitment "to the role of civil society in the Kimberley Process framework." It also emphasized the importance of Marange diamonds for Zimbabwe's economic development.<sup>474</sup>

The Ministry of External Affairs outlined in the Development Cooperation program for 2010-2012 that "Italian Cooperation will be ready to intervene in Zimbabwe with emergency activities and NGO programs if the political framework achieves real improvements."<sup>475</sup>

Thus, Italy is awarded a score of 0 for its support of the Kimberley Process.

*Analyst: Laura Correa Ochoa*

**Japan: +1**

Japan has fully complied with its commitment to support the Kimberley Process and ensure compliance by participant states..

On 16 December 2010, Japan signed a UN resolution which was adopted unanimously by the General Assembly to strengthen the Kimberley Process. This included three aspects. The first is, "significant cooperation with world customs organizations to improve enforcement in the global

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<sup>472</sup> Kimberley Process: Agreement reached on Zimbabwe's diamond exports, European Union (Brussels) 9 July 2010. Date of Access: 9 December 2010. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/969&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>473</sup> Zimbabwe and its "blood diamonds" Question, European Parliament (Brussels) 17 August 2010. Date of Access: 9 December 2010. <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2010-6669&language=EN>.

<sup>474</sup> Zimbabwe and its "blood diamonds" Answer, European Parliament (Brussels) 27 October 2010. Date of Access: 9 December 2010. <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2010-6669&language=EN>.

<sup>475</sup> Italian Development Co-operation 2010-2012, Ministero degli Affari Esteri (Rome) 2010. Date of Access: 9 December 2010. [http://www.cooperazioneallosviluppo.esteri.it/pdgc/italiano/LineeGuida/pdf/Linee\\_Guida2010-2012\\_engl.pdf](http://www.cooperazioneallosviluppo.esteri.it/pdgc/italiano/LineeGuida/pdf/Linee_Guida2010-2012_engl.pdf).

fight against conflict diamonds.”<sup>476</sup> The second is, the establishment of a sub working group which will be responsible for facilitating international diamond shipments.<sup>477</sup> Finally, “the Kimberley Process will establish an administrative framework designed to provide support to the serving KP chair and will serve as a KP spokesman’s office.”<sup>478</sup>

On 19 December 2010, Mr. Shigeki Sumi, Japan’s Ambassador to the United Nations Security Council, voted in favour of Resolution 1961 (2010). This resolution urged the Liberian Government to redouble its efforts to ensure the effectiveness of the Kimberley Process under which diamonds have to be certified to have come from conflict-free sources, and said insufficient progress had been made on issues relating to arms trafficking.<sup>479</sup> This resolution passed unanimously. The Security Council “extended for another year the mandate of a Panel of Experts set up in 2007 to monitor compliance with the sanctions imposed in connection with the civil war,” and “called on the Panel [of Experts] during the coming year to conduct two assessment missions to Liberia and neighboring states to investigate any violations with regard to the illicit trade in arms, including individual perpetrators and sources of financing, such as natural resources, and to monitor progress in the freezing of assets, forestry reform and the Kimberley process.”<sup>480</sup>

Thus, Japan is awarded a score of +1 for its support of the Kimberley Process and ensuring the compliance of member states.

*Analysts: Katie Andrews and Dave Cordingley*

#### **Russia: 0**

Russia has partially complied with the commitment to support the Kimberley Process and encourage compliance by its participants.

On 15 July 2010, Russia hosted a special Kimberley Process mini-summit on the margins of the 7th Annual Meeting of the World Diamond Council in St. Petersburg.<sup>481</sup>

On 6 September 2010, the Russian Federal Customs Service adopted an order on Kimberley Process certificates and diamonds import certificates. The order is based on the Customs Union rules and instructs customs authorities to check Kimberley Process certificates for diamonds

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<sup>476</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010.

<http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>477</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010.

<http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>478</sup> UN Accepts Israeli Proposal to Check Trade in Conflict Diamonds, Israel Diamond Portal. 19 December 2010. Date of Access: 28 December 2010.

<http://www.israelidiamond.co.il/english/News.aspx?boneID=918&objID=8409>.

<sup>479</sup> Resolution 1961 (2010), United Nations Security Council, 17 December 2010. Date of Access: 17 January 2011. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/700/01/PDF/N1070001.pdf?OpenElement>.

<sup>480</sup> Liberia: UN demands Government take action to freeze former warlord’s assets, UN Daily News, 17 December 2010. Date of Access: 28 December 2010.

<http://www.un.org/news/dh/pdf/english/2010/17122010.pdf>.

<sup>481</sup> KP coalition of government, business and civil society remains critical to diamond industry, says WDC President, World Diamond Council. Date of Access: 11 January 2011.

[http://www.worlddiamondcouncil.org/index.php?option=com\\_content&view=article&id=170](http://www.worlddiamondcouncil.org/index.php?option=com_content&view=article&id=170).

imported to Russia and return diamonds without Kimberley Process certificates to their countries of origin.<sup>482</sup>

On 20 September 2010, the Russian President adopted rules on the trade of precious metals and jewels between Russia and non-members of the Eurasian Economic Community Customs Union.<sup>483</sup>

Thus, Russia has been awarded a score of 0 for its support of the Kimberley Process, but not ensuring the compliance of participant states.

*Analyst: Vitaly Nagornov*

### **United Kingdom: +1**

The United Kingdom has fully complied with its commitment to the Kimberley Process and ensure compliance by its participant states.

On 10 November 2010, British Parliamentary Undersecretary of State Henry Bellingham urged the government of Zimbabwe “to do all it can possibly can to become compliant with [the] Kimberley [Process].” British officials further pressed Zimbabwe to “comply with global diamond trade regulations” and also stated that the finest diamonds are being smuggled out of the country from the Marange fields.<sup>484</sup>

In addition, on 21 November 2010, a spokesperson for the United Kingdom’s Foreign Office indicated that the British government wants to increase commercial diplomacy with Zimbabwe while ensuring compliance on “internationally recognized standards of human rights.” The UK also reiterated that its position on Zimbabwean diamonds “is very clearly driven by the principles of the Kimberley Process, and not by national commercial considerations.”<sup>485</sup>

On 17 December 2010 Mr. David Quarrey, the Political Counsellor of the United Kingdom to the United Nations Security Council, voted in favour of Resolution 1961 (2010) which the council unanimously adopted. The council urged “the Government of Liberia to implement the recommendations of the 2009 review team on the Kimberley Process, which certifies the exploitation of diamonds in a manner benefiting the country and not fueling conflict.” The council also pressed the Liberian government to meet its obligations by freezing the assets of former President Charles Taylor, his family and other individuals. The council also highlighted the lack of progress of the Liberian government in fulfilling their obligations regarding Mr. Taylor and his involvement with conflict diamonds.<sup>486</sup> The Security Council also “extended for another year the mandate of a Panel of Experts set up in 2007 to monitor compliance with the sanctions imposed in connection with the civil war,” and “called on the Panel [of Experts] during the coming year to conduct two assessment missions to Liberia and neighbouring States to

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<sup>482</sup> Order No. 1640, Russian Federal Customs Service (Moscow) 6 September 2010. Date of Access: 17 January 2011. <http://customs.consultant.ru/doc.asp?ID=14348>.

<sup>483</sup> Order No. 1137 of the President of the Russian Federation, Office of the President (Moscow) 20 September 2010. Date of Access: 17 January 2011. <http://graph.document.kremlin.ru/page.aspx?1:1298318>.

<sup>484</sup> UK urges Zimbabwe to comply with diamond regulations, Reuters (Africa) 10 November 2010, Date of Access: 3 January 2011. <http://af.reuters.com/article/worldNews/idAFTRE6A95AH20101110>.

<sup>485</sup> UK warms up to Harare, Times Live, 21 November 2010. Date of Access: 3 January 2011. <http://www.timeslive.co.za/Africa/article773507.ece/UK-warms-up-to-Harare>.

<sup>486</sup> Security Council, Unanimously Adopting Resolution 1961 (2010), UN Security Council (New York) 17 December 2010. Date of Access: 3 January 2011. <http://www.un.org/News/Press/docs/2010/sc10128.doc.htm>.

investigate any violations with regard to the illicit trade in arms, including individual perpetrators and sources of financing, such as natural resources, and to monitor progress in the freezing of assets, forestry reform and the Kimberley process.”<sup>487</sup>

As a member of the European Union, the United Kingdom on 19 July 2010 welcomed the fact that an agreement was reached regarding Zimbabwe’s diamonds exports. The agreement allows Zimbabwe to make “limited exports of rough diamonds from its Marange diamond field” as agreed to at the Kimberley Process meeting in St. Petersburg on 14 and 15 July 2010. The EU also urged Zimbabwe and all Kimberley Process participants “to spare no effort to ensure the good faith implementation of the agreement in full, so that it can pave the way to a lasting solution.” The EU also welcomed the release on bail of Farai Maguwu, a Zimbabwean human rights activist, who was arrested in June and “Zimbabwe’s restated commitment to the key role of civil society in the Kimberley Process.”<sup>488</sup>

On 24 November 2010, a delegation of the Kimberley Process, including a member from the United Kingdom, embarked on a two-day visit to India to meet with officials from The Gem & Jewellery Export Promotion Council and the Indian Diamond Institute to review Kimberley Process procedures.<sup>489</sup>

However, on 26 July 2010 UK based civil society group Global Witness took the United Kingdom’s government to court for “refusing to put forward eligible UK companies and individuals trading in Congolese ‘conflict minerals’.” According to Global Witness several UK companies have been known for trading minerals from the eastern Democratic of Congo (DRC) and “should have been put forward to the UN Sanctions Committee following UN Security Council (UNSC) resolutions in 2008 and 2009.” Global Witness further highlighted that the UK government is not fulfilling its international legal obligations as there is sufficient evidence to indicate that “British companies have supported armed groups by purchasing minerals from areas under their control in the DRC.” Despite the evidence, the British government has not enacted any sanctions against these companies.<sup>490</sup>

Thus, the United Kingdom is awarded a score of +1 for its support of the Kimberley Process and ensuring the compliance of member states.

*Analyst: Laura Correa Ochoa*

### **United States: 0**

The United States has partially complied with its commitment to support the Kimberley Process and ensure compliance by its participant states.

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<sup>487</sup> Liberia: UN demands Government take action to freeze former warlord’s assets, UN Daily News, 17 December 2010. Date of Access: 3 January 2011.

<http://www.un.org/news/dh/pdf/english/2010/17122010.pdf>.

<sup>488</sup> Kimberley Process: Agreement Reached on Zimbabwe’s Diamond Exports, EU Press Release (Brussels) 29 June 2010. Date of Access: 3 January 2011.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/856&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>489</sup> Kimberley Process team in Surat, takes stock of diamond industry, DNA India (Ahmedabad) 24 November 2010. Date of Access: 3 January 2011. [http://www.dnaindia.com/money/report\\_kimberley-process-team-in-surat-takes-stock-of-diamond-industry\\_1471315](http://www.dnaindia.com/money/report_kimberley-process-team-in-surat-takes-stock-of-diamond-industry_1471315).

<sup>490</sup> Global Witness takes UK government to court for failing to list UK companies trading Congo conflict minerals for UN sanctions, Global Witness 26 July 2010. Date of Access: 3 January 2011. <http://www.globalwitness.org/library/global-witness-takes-uk-government-court-failing-list-uk-companies-trading-congo-conflict>.

The United States has been a leading force in the international effort to get Zimbabwe to more thoroughly comply with the Kimberley Process. At the Kimberley Process general meeting in Israel held 1-4 November 2010, the United States led efforts to end the unconditional export of Marange diamonds from Zimbabwe but could not get the full body to endorse firm action against Zimbabwe. After the meeting State Department spokesman P.J. Crowley noted that “[w]e look for Zimbabwe to make further progress implementing the necessary steps to bring the Marange diamond fields into compliance with Kimberley Process minimum requirements. We strongly oppose any attempts to export Marange diamonds before consensus is reached.”<sup>491</sup>

On 16 December 2010 Greg Nickels, a U.S. Senior Advisor to the 65th UN General Assembly, issued an end-of-year statement reaffirming the United States’ support of the Kimberley Process and its position on several key issues. Mr. Nickels expressed the United States’ approval of the Kimberley Process’s decision to create a dedicated administrative staff to support the chair country in any given year. He also applauded steps that Guinea and other West African countries have taken to improve their compliance with the Process. He registered American concerns about smuggling and violence around the extraction and exportation of Zimbabwe’s Marange diamond fields. Further, he called on Venezuela to be more proactive in monitoring the activities of armed rebel groups around its diamond mines.<sup>492</sup>

In late September, the American Department of State convened a meeting in Washington that featured American diamond retailers, civil society members and diplomats to discuss the United States’ approach at the meeting in Israel. It quickly became clear that the United States is a strong supporter of the Kimberley Process. “The degree to which the current U.S. administration is engaged in the Kimberley Process is most evident,” said Moshe Mosbacher, president of the Diamond Dealers Club of New York, following the meeting. “Assistant Secretary Fernandez is planning to attend the KP Plenary in Jerusalem, and that will be the highest level U.S. representation at such an event ever since very early days of the Kimberley Process.”<sup>493</sup>

Thus, the United States has been awarded a score of 0 for its support of the Kimberley Process.

*Analyst: Kevin Draper*

### **European Union: 0**

The European Union has partially complied with its commitment to support the Kimberley Process and ensure compliance by its participant states.

On 29 June 2010, the EU released a statement registering its concern at the current impasse over Zimbabwe’s Marange diamond field during the annual Kimberley Process meeting in Israel. The statement went on to indicate that the EU believes Zimbabwe’s actions call into question the

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<sup>491</sup> State Department Daily Press Briefing by PJ Crowley (Washington) 28 June 2010. Date of Access: 10 December 2010. <http://www.state.gov/r/pa/prs/dpb/2010/06/143710.htm>.

<sup>492</sup> Statement by Greg Nickels, U.S. Senior Advisor to the 65th UN General Assembly, on the Kimberley Process (New York) 16 December 2010. Date of Access: 27 December 2010. <http://usun.state.gov/briefing/statements/2010/153049.htm>.

<sup>493</sup> Leaders of U.S. diamond and jewellery sector mull on stance on KP (Washington) 1 October 2010. Date of Access: 28 December 2010. <http://www.diamondworld.net/contentview.aspx?item=5361>.

credibility of its government and the international diamond trade. The EU urged Zimbabwe to more closely comply with the Kimberley Process and other International obligations.<sup>494</sup>

On 19 July 2010, the EU released a statement applauding an agreement that allowed for the exportation of some of Zimbabwe's Marange diamonds. The EU called on all parties to comply with the agreement in good faith and urged greater worldwide compliance with the Kimberley Process.<sup>495</sup>

On 15 October 2010, two EU banks announced a ban on financial transactions involving the Zimbabwe diamond industry as per EU trade embargo policy aimed at propping up governance of natural resources. The Antwerp Diamond Bank (ADB) and ABN AMRO banks announced that the bans would remain effective until Zimbabwe is removed from the US Office Foreign Assets Control blacklist.<sup>496</sup>

On 22 December 2010, a statement was released jointly by the participants in the Friends of Zimbabwe meeting held in Copenhagen on 10 December 2010. The EU was a signatory to the statement, which applauded the agreement reached that allowed Zimbabwe to export some Marange diamonds under the Kimberley Process and reinforced the Friends of Zimbabwe's commitment to worldwide effective governance of natural resources.<sup>497</sup>

Thus, the European Union has been awarded a score of 0 for its efforts in ensuring the compliance of a participant state.

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<sup>494</sup> Kimberley process: The EU urges further efforts to overcome the impasse regarding the implementation of the KP in Zimbabwe's Marange diamond fields, European Union (Brussels) 29 June 2010. Date of Access: 17 January 2011.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/856&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>495</sup> Kimberley Process: Agreement reached on Zimbabwe's diamond exports, European Union (Brussels) 19 July 2010. Date of Access: 17 January 2011.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/969&format=HTML&aged=0&language=EN&guiLanguage=en>.

<sup>496</sup> Bhebbi, Vusimuzi. EU banks ban Zim diamond transactions, The Zimbabwean (Harare) 15 October 2010. Date of Access: 17 January 2010.

[http://www.thezimbabwean.co.uk/index.php?option=com\\_content&view=article&id=34889:eu-banks-ban-zim-diamond-transactions&catid=52&Itemid=32](http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=34889:eu-banks-ban-zim-diamond-transactions&catid=52&Itemid=32).

<sup>497</sup> The Zimbabwe Dialogue – Copenhagen Statement, U.S. Department of State (Washington) 22 December 2010. Date of Access: 17 January 2010. <http://www.state.gov/r/pa/prs/ps/2010/12/153649.htm>.