

BLOOD DIAMONDS AND THE KIMBERLY PROCESS FIVE YEARS LATER

CLAUDIA GHEORGHE¹

¹ Infomine Inc., 640-580 Hornby Street, Vancouver, BC, Canada

Diamonds are one of the crystalline forms of carbon, and are the hardest substance known. The name "diamond" came from the Greek *adamas*, meaning invincible. Diamonds were formed billions of years ago, deep within the earth. They are created when carbon is put under immense pressure and temperature within the earth, at distances of 250 miles or even greater. Only a small number survive the incredible journey to the earth's surface which began several billion years ago. The history of diamonds begins on the Indian sub-continent, where alluvial diamonds were collected as far back as 800 BC. Prior to this date, there exists no evidence that diamonds were known, and they may actually post-date the year 800 BC. A stone that may be diamond is recorded in the Bible and in documents left by the ancient Greeks.

Diamonds have inspired mystery and have been the source of legends from earliest antiquity until the present day. It was said by some that they were the tears of the Gods. The ancient Greeks believed that diamonds were splinters of stars fallen to the earth. In China, people believed that diamonds could thwart evil spirits and they became a symbol of strength, courage and invincibility. The Roman Pliny the Elder wrote that swallowing a diamond would neutralize poison and guard against insanity. Another legend tells about The Valley of Diamonds, an inaccessible valley in Central Asia carpeted with diamonds, 'patrolled by birds of prey in the air and guarded by snakes of murderous gaze on the ground'. This Hellenistic legend was allegedly brought west after Alexander the Great (356--323 BC) conquered Persia and invaded what is now northern India. Legend or not, diamonds have always been a symbol of elegance, wealth and love and can add glamour to the most beautiful women.

Unfortunately, diamonds are also a root cause of terrible tragedies, a reason to terrorize millions of innocent civilians. Brutal atrocities during Sierra Leone's civil war attracted the gaze of the outside world. It is hard to believe that people were tortured,

¹ e-mail: cgheorghe@infomine.com

children were separated from their homes and forced to become soldiers and kill their parents, brothers, sisters and friends. Blood diamonds, or Conflict diamonds, are stones that are produced in areas controlled by rebel forces that are opposed to internationally recognized governments.

"Blood diamonds are gems that have been used to fund rebel groups in wars in Africa, leading to more than 4 million deaths and millions more people displaced from their homes," explains a joint statement from Global Witness and Amnesty International.

Conflict diamonds were brought to the world's attention by the media during the bloody civil war in Sierra Leone in the 1990s. According to Human Rights Watch, over 100,000 people were killed and over one million people displaced.

Ambassador Juan Larrain, Chairman of the Monitoring Mechanism on sanctions against UNITA said: "It has been said that war is the price of peace... Angola and Sierra Leone already paid too much. Let them live a better life."

The Kimberley Process, or the Kimberley Process Certification Scheme (KPCS), was established in 2003 to prevent the trade of diamonds that fund conflict. The trade in these illicit stones has fuelled decades of devastating conflict in countries such as Angola, Cote d'Ivoire, the Democratic Republic of Congo and Sierra Leone. The Kimberley Process is an international governmental certification procedure which requires each nation to certify that all rough diamond exports are produced through legitimate mining and sales activity. All rough diamonds exported from these nations are to be accompanied by certificates that state that the diamonds were produced, sold and exported through legitimate channels. Rough diamond caches have often been used by rebel forces to finance arms purchases and other illegal activities. Neighboring and other countries can be used as trading and transit grounds for illicit diamonds. Once diamonds are brought to market, their origin is difficult to trace and once polished, they can no longer be identified. In order for a country to be a participant, it must ensure that no diamonds finance a rebel group or other entity seeking to overthrow a UN-recognized government, that every diamond export be accompanied by a Kimberley Process certificate and that no diamond is imported from, or exported to, a non-member of the scheme. After rough diamonds are mined, they are transported to Government Diamond Offices. After arriving at the Government Diamond Offices, the source of the diamonds is checked to ensure it is conflict free. The diamonds are then sealed and placed into tamper resistant containers and issued a government-validated Kimberley Process Certificate, each bearing a unique serial number. There are 74 countries that have implemented the principles of the Kimberley Process and have it enshrined in their national law. Only these countries may legitimately export rough diamonds. Diamonds can only legally be imported into one of the 74 Kimberley process countries. Once diamonds are imported, the government customs office, in conformance with its national procedures, checks the certificate and seals on the container. Any rough diamonds without a government-validated Kimberley Certificate or that are unsealed are turned

back or impounded by Customs. Once a diamond has been legitimately imported it is ready to be traded, cut and polished and set into jewelry. Several companies may be involved in this process. Each time the diamond changes hands it must be accompanied by a warranty on invoices stating that the diamond is not from a conflict source. This is called the System of Warranties. Manufacturers/traders are required to audit these System of Warranties statements on their invoices as part of their annual audit process and to keep records for 5 years.

The KPCS imposes extensive requirements on its members to enable them to certify shipments of rough diamonds as "conflict-free." Each shipment crossing an international border must be transported in a tamper-resistant container and be accompanied by a government-validated Kimberley Process Certificate. Each certificate must be resistant to forgery, uniquely numbered and describe the shipment's contents. The shipment can only be exported to another Kimberley Process participant country. It is illegal for uncertified shipments of rough diamonds to be imported or exported by a Kimberley Process participant country. Failure to comply with these procedures can lead to confiscation or rejection of parcels and/or criminal sanctions. If any concerns arise regarding a country's adherence to the Kimberley Process, they are investigated and dealt with at an intergovernmental level.

The Kimberley Process is chaired, on a rotating basis, by participating countries. So far, South Africa, Canada, Russia, Botswana, the European Community have chaired the KP, and India is the Chair in 2008. KP participating countries and industry and civil society observers gather twice a year at intercessional and plenary meetings, as well as in working groups and committees that meet on a regular basis. Implementation is monitored through 'review visits' and annual reports as well as by regular exchange and analysis of statistical data.

In addition to the Kimberley Process and System of Warranties, the diamond industry - along with governments and non-governmental organizations is taking additional actions to eradicate conflict diamonds. For example, the Diamond Development Initiative aims to find sustainable methods of ensuring that diamonds are mined and distributed for the benefit of local communities and local governments.

In 2004, the Chair of the Kimberley Process announced that considerably less than 1% of diamonds are conflict diamonds, reduced from approximately 4% before the establishment of the Kimberley Process. While this is an improvement, it is still not enough. The diamond industry will not rest until conflict diamonds are eradicated completely.

Unfortunately, despite the Kimberley Process, blood diamonds still exist and are entering the legitimate trade. They are a high value commodity that is easily smuggled and Kimberley Process controls have not been able to stop this. There are still significant weaknesses in the scheme that undermine its effectiveness and allow the trade to continue. "To succeed, KPCS depends on all participants having strong control systems and procedures for collecting and sharing trade data on rough diamonds, for inspecting

imports and exports of these diamonds, and for tracking confirmations of import and export receipts,” concluded a recent United States Government Accountability Office (GAO) report.

The diamond industry as a whole must work more proactively with law enforcement agencies to expose those individuals and companies that are breaking the law.

As of September 2007, the Kimberley Process has 48 members, representing 74 countries, with the European Community and its Member States counting as an individual participant. Today, more than 99% of diamonds traded internationally are from conflict free sources. Revenues from these legitimately sourced diamonds contribute significantly to the economies, healthcare systems, education and other infrastructure developments in some of the countries where they are found. From the countries where they are sourced to the countries where they are polished and sold, diamonds are supporting millions of people globally. In the African country of Namibia, the diamond mining industry is the largest single employer after the government. The diamond industry and Namibian Government have partnered to create local cutting and polishing industries to further expand the country's economy and provide revenues for more families and communities. In Botswana approximately 25% of the labor force is directly or indirectly linked to diamonds. As one of Namibia's major natural resources, diamonds have created approximately 3,200 jobs and contribute approximately 10% of GDP. They are bringing real improvement to the daily lives of Namibia's people, providing essentials such as school books and electricity.. In India approximately one million people are employed in the diamond industry. In 2002, approximately 15% of total employment in the Canadian Northwest Territories was related to diamond mine operation and construction. An estimated 5 million people have access to appropriate healthcare globally thanks to revenues from diamonds. An estimated 10 million people globally are directly or indirectly supported by the diamond industry.

The Kimberley Process is constantly being reviewed for improvements. This review is currently being undertaken by the international governments who are members of the Process, with input from non-governmental organizations (NGOs), diamond industry experts and other interested parties. The system is continuously reviewed and improvements adopted. A report of these actions is then presented to the United Nations the following month.

References

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- Angola Diamond Mining and War: <http://www1.american.edu/ted/ice/angola.htm>
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Blood diamonds. The Kimberly Process

Human Rights Watch: <http://www.hrw.org/>

Kimberly Process: <http://www.kimberlyprocess.com/>

Government-validated Kimberly Process Certificate – Sample: http://www.diamondfacts.org/conflict/kpcert_popup.html

Sierra Leone's Diamond Wars: <http://mondediplo.com/2000/06/02sierraleone>

UN – Conflict of Diamonds: <http://www.un.org/peace/africa/Diamond.html>

United States Government Accountability Office (GAO): <http://www.gao.gov/>

World Diamond Council (WDC): <http://www.diamondfacts.org/>

Partnership Africa Canada: <http://www.pacweb.org/e/>