

TIMELINE:

KIMBERLEY PROCESS -EVENTS AND DECISIONS REGARDING ZIMBABWE

DATE	EVENT	DECISION	REFERENCE: document / article
2004	The 2004 Review Visit ("2004 RV") led by Canada, was undertaken prior to Zimbabwe's commencement of rough diamond export or import activity, and at a time when Zimbabwean mines were not in production.	The recommendations of the 2004 RV were limited and focused primarily on certain aspects of the operations/functions of the Minerals Marketing Corporation of Zimbabwe (MMCZ) within the Zimbabwean diamond sector, including the potential for an independent audit process and issuance of a warranty to maintain compliance with the WDC system of warranties. Overall, the 2004 RV concluded that, although difficult to determine for a non-active Participant, "Zimbabwe has in place a system that is capable of fulfilling in a satisfactory manner its undertakings under the KPCS." (2004 RV Report, p. 12).	Kubatana.net http://goo.gl/26lI5
May 22, 2007	The Antwerp-based World Diamond Council (WDC) in its May 22 Antwerp Facets accused Zimbabwe, together with Venezuela, for failing to cooperate with the Kimberley Process in the international effort to stamp out trade in conflict diamonds.	The Zimbabwe diamond situation suggested that the Kimberley certification scheme was not watertight and might need ongoing adjustment. They said it was therefore not surprising that a review team from the Kimberley Process would be travelling to Zimbabwe to assess the country's compliance with the certification scheme.	archive.revenuewatch.org http://goo.gl/VNwN3
May 2007	The 2007 Review Visit ("2007 RV") led by Russia started an in-country probe to establish whether diamond mining in Zimbabwe was in compliance	Visit undertaken in the wake of concerns stemming from the first diamond rush at Marange, which began in 2006. The 2007 RV visited each of the three production sites and met with a range of government and industry officials, as well as representatives from the United Nations Development Programme and Federation of Small Miners. The 2007 RV concluded that "the overall structure of the implementation of the KP Certification Scheme appeared to be working in a satisfactory manner in Zimbabwe, and, in general, meets the minimum requirements of the KPCS."	Voanews.cm http://goo.gl/SdnHw Kubatana.net http://goo.gl/05tRH

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November 2008	The Delhi Plenary 'noted with concern the continuing challenges to Kimberley Process Certification Scheme (KPCS) implementation in Zimbabwe'.	Recommended further monitoring and concerted actions 'in this respect'.	Kubatana.net http://goo.gl/syXn1
January 2009	The Working Group on Monitoring (WGM) further discussed reports of violence in relation to Operation 'Hakudzokwi' and indications of renewed widespread smuggling in the Marange area.	Adopted recommendations for KP specific actions, e.g. a public statement, regional concerted actions and the introduction of 'enhanced vigilance measures', based on a footprint prepared by the Working Group of Diamond Experts (WGDE), to ensure the containment of illicit diamonds from Marange. WGM experts prepared a report highlighting instances of smuggling and seizures, statistical anomalies as well as widespread violence and concluding that implementation of internal controls in Marange appear to be ineffective. The WGM also considered a report by Zimbabwe authorities on the situation in Marange that refuted reports of violence and asserted that the situation 'has now been contained'.	Kubatana.net http://goo.gl/FHyUS
16-18 March 2009	High Level Envoy visit led by KP chair	Purpose to deliver political message to the Zimbabwean authorities re concerns about smuggling & illicit trading activities in the Marange diamond fields. Conclusion: visit "a great success" as "team sternly delivered the intended message at a high level within the government".	kimberleyprocess.com http://goo.gl/odhtv
April 2009	The World Federation of Diamond Bourses (WFDB) announced a ban on trade in Zimbabwe diamonds from Marange on the grounds of smuggling and human rights violations there.	WFDB President Avi Paz called on the members of the 28 affiliated bourses "to take all measures necessary to ensure that they do not trade, directly or indirectly, in diamonds originating from the Marange deposit in Zimbabwe." Paz further stated that "the WFDB and its membership worldwide are committed to do all [they] can to prevent conflict diamonds from Zimbabwe or from any other source for that matter to be traded by our members."	Humanrightswatch.org http://goo.gl/okUCa

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29 June 2009	Windhoek Interessional	The Review mission to Zimbabwe would be mandated to conduct an overall assessment of KPCS implementation in Zimbabwe in line with the standard provisions for review visits/missions under the Administrative Decision on Implementation of Peer Review in the KPCS. (ADPR)	kimberleyprocess.com http://goo.gl/bbIEF
June 2009	Ian Smillie, of Partnership Africa Canada (PAC), one of the architects of the certification scheme resigned as civil society representative to the KPCS.	He said, "When regulators fail to regulate, the systems they were designed to protect collapse ...I feel that I can no longer in good faith contribute to a pretence that failure is success, or to the kind of debates we have been reduced to."	allafrica.com http://goo.gl/RiSp0
July 2009	KP Review mission visit to Marange amid growing concerns about violence.	Concluded there were "credible indications of significant non-compliance: with the minimum requirements of the KP Certification Scheme (KPCS), Chief concerns: government involvement in human rights abuses, smuggling and lax controls that compromised the entire chain of production.	pacweb.org http://goo.gl/0vVFV greatindabada.com http://goo.gl/ax2Jb
5 November 2009	Kimberley Process Plenary Session, Namibia	The Plenary "welcomed Zimbabwe's commitment to urgently start implementation of the joint work plan". No consensus on a recommended six month suspension for Zimbabwe could be reached. The action plan adopted in Swakopmund neither addressed human rights abuses nor the militarisation of the Marange alluvial diamond fields according to human rights groups. Civic groups had called for Zimbabwe's expulsion from the Kimberley scheme. Banned export of diamonds from Marange, but not from other two fields. Unprecedented move: KPs embargoes normally covered a country's entire exports.	State.gov http://goo.gl/YcOhv allafrica.com http://goo.gl/D3Zuf crisisgroup.org http://goo.gl/aINOE
February 2010	Kimberley Process designated a KP Monitor, South African Abbey Chikane, under a Joint Work Plan agreed with Zimbabwe at the Swakopmund Plenary meeting, in November 2009.	Monitor to address the indications of serious non-compliance with KP minimum requirements identified by the review mission in July 2009. Duties included implementing a "supervised export mechanism" under which he would examine and certify Marange diamonds.	pacweb.org http://goo.gl/6prWh kimberleyprocess.com http://goo.gl/2KYLI

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June 2010	Abbey Chikane concluded that Zimbabwe had met the minimum requirements in complying with the work plan.	This contrasted with reports by human rights organisations of continued violence including torture, beating and rape, by armed forces and the continuation of widespread smuggling.	crisisgroup.org http://goo.gl/AmrpC
3 June 2010	Arrest of Farai Maguwu	Maguwu, director of the Mutare-based Centre for Research and Development, had been monitoring alleged human rights abuses by government security forces in the Marange diamond fields. His arrest on June 3 sparked protests from local and international human rights groups, including Amnesty International and the Southern Africa Litigation Centre (SALC). The respected human rights defender was arrested soon after a confidential meeting held on 25 May 2010 with Abbey Chikane, to discuss human rights abuses and the rampant smuggling of Marange diamonds. (He claimed that 2,000 carats a day were being smuggled out of the Canadile resources concession.) The International Commission of Jurists (IJC) was gravely concerned at the strong link being made between Farai Maguwu's meeting with Mr Chikane and the subsequent and ongoing persecution of Maguwu and his immediate family.	mg.co.za http://goo.gl/VcOLT pambazuka.org http://goo.gl/AbCrZ
25 June 2010	KP intersessional in Tel Aviv	The lack of consensus among Kimberley Process (KP) certification scheme members over whether Zimbabwe can resume diamond exports from the troubled Marange area was welcomed by the KP civil society coalition today as the 'least bad' outcome. The Kimberley Process Civil Society Coalition includes Green Advocates (Liberia), CECIDE (Guinea), COOPERGADI and COOPERGAC (Brazil), CLONG (Republic of Congo), CENADEP, GAERN (Democratic Republic of Congo), Fatal Transactions, GRPIE (Côte d'Ivoire), the Network Movement for Justice and Development (Sierra Leone), Centre for Research and Development (Zimbabwe), Partnership Africa Canada (PAC) and Global Witness (GW).	actsa.org http://goo.gl/QnoVf

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12 July 2010	Farai Maguwu freed.	Following international pressure, including a call for his release by the president of the World Diamond Council. Charges dropped on 21 Oct.	crisisgroup.org http://goo.gl/V3hFW
15 July 2010	KP Meeting in St. Petersburg	Reached an agreement with the Harare government to allow two supervised auctions under a strict regime of monitoring and supervision. Mines Minister Obert Mpofu, in Russia for the meeting, said Zimbabwe has 6 million carats of diamond stockpiled for sale. Mpofu assured the meeting that Zimbabwe would comply with KP regulations.	voanews.com http://goo.gl/K8xbM
11 August 2010	First public diamond auction in Zimbabwe	900,000 carats of diamonds sold, estimated worth \$46 million. US-based Rapaport Diamond Trading Network advised its members to boycott as it was impossible to be certain whether the violence in the mines had ended and threatened to expel and blacklist anyone taking part in the auction. The Zimbabwean government cited the ease with which it could find buyers in Asia and Russia.	crisisgroup.org http://goo.gl/n4MVg
August 2010	Human Rights Watch learned that the Kimberley Process team sent in to review conditions in the fields in August was routinely obstructed by government officials from conducting its activities and was unable to gather crucial information about conditions in the majority of diamond fields.	"The government made a lot of promises, but soldiers still control most diamond fields and are involved in illicit mining and smuggling," said Rona Peligal, Africa director at Human Rights Watch. "Zimbabwe should mine its diamonds without relying on an abusive military that preys on the local population...The Kimberley Process should not allow the export of further shipments of diamonds from Marange until there is meaningful progress to end smuggling and abuses by the army...without these kinds of reforms, international consumers risk purchasing 'blood diamonds'."	crisisgroup.org http://goo.gl/zKaGN
11-12 September 2010	Second public diamond auction	At least 400,000 carats of diamonds sold to buyers reportedly from India, the UAE and Belgium. In mid-October, two major European banks, ABN Amro and the Antwerp Diamond Bank announced they would not finance any transactions involving Zimbabwean diamonds.	crisisgroup.org http://goo.gl/cBoVb

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1 -5 November 2010	Plenary Meeting in Jerusalem	The meeting was unable to reach a consensus decision on its most pressing problem - the resumption of exports of rough diamonds from Marange. Kimberley Process Chairman Boaz Hirsch admitted that the negotiators had been unable to break the impasse over the procedure for exporting diamonds from Marange.	antwerpfacetsonline.be http://goo.gl/Z0mFw
22 November 2010	KP one day meeting in Brussels	Zimbabwe boycotted the meeting in Belgium. No agreement reached.	canadainternational.gc.ca http://goo.gl/WAc7c
18 January 2011	Israel, in its capacity as 2010 chair, initiated a final effort to bring all Kimberley Process members into written consensus regarding the 'Jerusalem agreement' proposal. Boaz Hirsch announced that agreement had finally been reached after talks had broken down earlier in January.	Boaz Hirsch stated that consensus had been reached and that the "Jerusalem Text" as revised and circulated to the Kimberley Process (KP) Participants for their approval on December 29th, 2010, was approved by written procedure as 17 Participants approved the proposed Administrative Decision. The amendment to a so-called violence clause will make it harder for those who allege human rights abuses in the Marange zone in eastern Manicaland province to seek a formal investigation by the Kimberley Process. Now, three rather than two member countries will have to endorse a call for monitoring by the industry watchdog group. (Yamba subsequently reported that consensus had in fact not been achieved.)	Vvoanews.com http://goo.gl/8Wczd bulawayo24.com http://goo.gl/5xCKZ greatindabada.com http://goo.gl/Jjo09
25 February 2011	Mpofu refuses to endorse Jerusalem Agreement	Zimbabwean Mines Minister Obert Mpofu said that his ministry will not endorse an amended agreement approved by many other members of the Kimberley Process which would clear the way for Harare to sell Marange diamonds on international markets. Mpofu told VOA that the Harare government objected to language pertaining to human rights in the document. The minister said Zimbabwe has substantially complied with Kimberley Process guidelines and would continue to sell diamonds regardless of whether the watchdog group had authorized such sales or not.	voanews.com http://goo.gl/4Lr7s

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		Harare's position is somewhat surprising as the agreement raised the bar for launching a Kimberley Process investigation into alleged human rights violations, requiring such a request to be endorsed by three Kimberly member nations instead of two. But Mpofu said issues of violence and human rights raised in the amendment should not have been incorporated into the instrument.	
21 March 2011	Zimbabwe authorised by Mathieu Yamba to export diamonds. Mathieu Lapfa Lambang Yamba of the Democratic Republic of Congo (DRC) took over from Boaz Hirsch of Israel as chairman in January.	The Kimberley Process chairman has unilaterally authorised Zimbabwe to resume exports of diamonds mined at the Marange fields. "With immediate effect, Zimbabwe is hereby authorised to resume exports from the compliant mining operations of Mbada and Canadile (Marange Resources)," Mathieu Yamba, from the Democratic Republic of the Congo (DRC) wrote in a letter sent to Kimberley Process participants and observers. Yamba added that the exports will include the stockpile of diamonds held from the two concessions as well current production. He did not authorise exports of diamonds mined between 2007 and 2009, held by various other sources. The U.S objected to the decision and sent a note to the Kimberley Process authorities in India and the United Arab Emirates (UAE) stating that it would view any shipments proceeding as a result of the decision as non-compliant. Reports indicated that the European Union (EU) also raised an objection.	diamonds.net http://goo.gl/3egZ4
13-14 April 2011	Emergency KP meeting in Dubai	Meeting called to find a way forward on regularising diamond production in Marange. South Africa's absence from Dubai was a departure from its past role as an anchor nation of the Kimberley Process, including having chaired it in 2003.	mg.co.za http://goo.gl/cG1eU
15 April 2011	South Africa backs Zimbabwe	The South African government declared its backing for Zimbabwe to sell diamonds extracted from the controversial Marange fields on the international market. At a diamond conference in Dubai, South Africa's	voanews.com http://goo.gl/ls1yc

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		Mines Minister Susan Shabangu said Harare had complied with international standards and was ready to trade its gems in a "normal way".	
23 June 2011	KP Meeting in Kinshasa	Chairman Mathieu Yamba of the Democratic Republic of Congo issued an administrative notice announcing "with immediate effect" the approval of the sale of rough stones by Mbada Diamonds and Marange Resources - formerly Canadile. The text provided for the quick certification of other companies operating in Marange, some Chinese. Protesting what they considered to be an abandonment of human rights concerns, civil society observers walked out of the plenary meeting on the Thursday, refusing to participate and issuing a vote of no confidence on the global diamond watchdog group.	voanews.com http://goo.gl/gDUVm
10 July 2011	Visit by Kimberley Process Investigating Team	The team produced a damning interim report implicating the government in human rights violations and looting of gems at the Chiadzwa diamond fields. The preliminary report referred to "unacceptable and horrific violence against civilians by authorities in and around Chiadzwa". The KP team said it was reserving the decision to call for the partial or complete ban on the country's diamonds should the government fail to meet a number of requirements that include acknowledging the existence of human rights violations at the extensive diamond fields. The leader of the team Kpandel Fayia, who doubles up as Liberia's Deputy Prime Minister of Planning and Development, told Mpofu that he had witnessed senseless violence in his own country's civil war and had been deeply traumatised by the accounts of Marange victims.	newzimbabwe.com http://goo.gl/kY45O
7 August 2011	KP releases statistics	Zimbabwe produced diamonds worth \$334 million last year and is now ranked seventh in the world.	timeslive.co.za http://goo.gl/t7SY5

DISCUSSION:

The two authorised sales of Marange diamonds in August and September 2010 make clear the Zimbabwe government has no reason to feel threatened by a Western diamond import ban. In the diamond world, too, emerging powers are challenging the rules and becoming more influential. Buyers, especially from India have been more than willing to fill the gap resulting from the absence of most Westerners. Chinese buyers could also potentially compete, since Beijing joined New Delhi in strongly urging that the export ban be lifted during the negotiations leading to the St. Petersburg compromise. With world production falling by 24% since 2009 and increased competition, buyers are becoming readier to push human rights and governance standards aside. Marange is already a major producer, and new deposits are still being discovered in the country, so Zimbabwe's importance as an exporter is likely to grow.

The regulator role of the Kimberley Process is being challenged. This is all the more so in situations where, as in Zimbabwe, it actually has no legal basis to ban diamond exports, but has to rely on the voluntary agreement of the diamond exporting government. In fact, expelling Zimbabwe from the KP scheme as has been suggested by civic groups, may not legally be possible and, in any event, might only allow new actors, such as Indian diamond buyers, to push more aggressively into the market without any human rights consideration.

The Marange affair reveals two contradictory trends: the emergence of new voices within an industry previously dominated by one major company, De Beers, and the politicisation of the KP. While the KP was established only to prevent rebel groups from profiting from diamonds, some have suggested extending the definition of conflict diamonds to take governance issues (such as corruption, political oppression and violence) into consideration.

This would shift the focus of the Kimberley Process. The question is whether authoritarian regimes under international sanctions such as Zimbabwe should be prevented from using diamonds as a financial lifeline or whether only rebel groups should be targeted.

COMMENTS ON THE KIMBERLEY PROCESS

"The KP has to make decisions about the conflict diamond definition, about how to improve transparency in the industry (for instance requiring full disclosure of contracts), about how to adjust to the industry's new configuration and above all about the political issues behind the diamond trade. Otherwise, it risks becoming increasingly irrelevant."

Thierry Vircoulon, On the [African Peacebuilding Agenda 4 November](#), 2010.

"We all agree that nobody should violate human rights in any place in the world, but the job can't be placed on the shoulders of the Kimberley Process. We must tell the truth, loudly and clearly: We have neither the tools nor the ability to handle this very important issue. The Kimberley Process cannot resolve all the world's problems or achieve goals that extend far beyond its definition as an effective barrier to trade in conflict diamonds."

Israel Diamond Institute chairman and Israel Diamond Manufacturers Association president, Moti Ganz. He explains [his personal involvement](#) in the struggle to release rough export from Zimbabwe in his article posted on 9 January 2011:

"We cannot turn the Kimberley Process into an NGO, into some kind of UNESCO, or some kind of human rights enforcement or monitoring organization. We don't have the capacity for that; we don't have the skills for that; and we don't have the expertise to do so."

The Kimberley Process, at the end of the day, is a kind of customs union enabling the smooth flow of clean rough diamonds certified by legitimate and sovereign governments. The Kimberley Process is not the right body to identify, quantify or remedy human rights violations.

Producers realize that we are their natural allies. Let me be clear, I do not see another option for any producer but to fully implement the KPCS rules and regulations. It would bring a catastrophe to our diamond industry if even one producer worked outside the KP system. That's why I became so deeply involved, on your behalf, in the Zimbabwe imbroglio. An agreement on Zimbabwe diamonds would be good for the industry, for the KP member countries, for the NGOs and, especially, for the citizens of Zimbabwe. All parties must go that extra mile, even if it means further concessions, to protect the interests of the diamond industry, which provides a livelihood for so many families in the world. This is what has guided my involvement in the KP for the past year."

Ultimately, the core question is whether the Kimberley Process continues to have any effectiveness or relevance in addressing today's trade in conflict diamonds. Sarah Logan: "[The Treasure and Tragedy of Marange](#)", 11 July 2011