Zimbabwe, Diamonds and the Wrong Side of History

Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind

– Charter of the United Nations

Our majority rule could easily turn into inhuman rule if we oppressed, persecuted or harassed those who do not look or think like the rest of us.

– Robert Mugabe Inaugural Address, 1980

To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history…

– Barack Obama Inaugural Address, 2009

Summary

This report describes the role of diamonds in the Zimbabwean economy and their place in the country's increasingly repressive governance. It describes growing evidence of smuggling, the militarization of diamond resources and the killing of dozens of unarmed diamond diggers by the police and armed forces of Zimbabwe. The report describes the lacklustre role in all of this played by the Kimberley Process, the multilateral body designed to regulate the world's trade in rough diamonds, but whose members lack the initiative and the will required to investigate smuggling and non compliance, and who lack the courage required to denounce gross human rights violations in the diamond industry.

The health of the world's diamond market comes down to consumer choice. To maintain customer confidence, the onus is on the world's diamond industry and the Kimberley Process to demonstrate beyond doubt that the diamonds it certifies are clean, and that questionable Zimbabwean goods are not tainting the wider world of diamonds.

The report concludes with strong recommendations to the United Nations Security Council, the governments of Zimbabwe and South Africa, and the Kimberley Process. Our hope is that this report will strengthen the hand of Zimbabwe's new Unity Government, safeguard human rights and put some backbone into the Kimberley Process.

I. Introduction

Crisis without Limits

In January 2009, Human Rights Watch issued the latest in a series of damning reports on Zimbabwe and on the indifference of the African Union and Zimbabwe's neighbours to the plight of ordinary Zimbabweans.[1] "Zimbabwe," the report said, "is in a humanitarian crisis that is the result of a political crisis." By the end of January, a cholera epidemic had killed 3,300 people and infant mortality rates had tripled since the mid 1990s, signalling the collapse of the country's health care system. According to the United Nations, over six million Zimbabweans faced severe food shortages and were dependent on emergency international assistance. Only six percent of rural schools were open, and fewer than six percent of the population had jobs. As many as three million people had fled Zimbabwe.

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The country suffered from unprecedented hyperinflation, industry had collapsed and the currency was worthless. Zimbabwe, once the breadbasket of Africa, had become an agricultural basket case as a result of the government's disastrous agricultural policies, including the violent seizure of white-owned farms by ZANU-PF supporters. The violence and disappearances following the June 2008 elections have put Zimbabwe in a league with some of the world's worst tyrannies.

Several attempts to create a power-sharing deal between Robert Mugabe's ZANU-PF and the Movement for Democratic Change (MDC) faltered after elections in 2008 went against Mugabe. MDC organizers were arrested, brutalized and killed. Under enormous pressure from neighbouring countries, ZANU-PF and the MDC finally agreed to a "Unity Government", with MDC leader Morgan Tsvangirai sworn in as Prime Minister on Feb 11, 2009. Robert Mugabe remained President and he retained control of the military. At the time of writing, it was unclear whether the MDC would have the authority or the capacity to deal with the country's devastating humanitarian and economic crisis, and even the new Prime Minister called the political arrangement "flawed".

The Economist sounded a pessimistic note: "Saving the credibility of southern Africa's failed diplomacy on Zimbabwe is not the same as saving the wretched people of Zimbabwe. The new government, if it ever gets going, may well be no better for Zimbabweans than the previous one was. It could be even worse, providing a fig leaf of plausibility for Mr Mugabe to carry on his destructive rule."[2]

When Regulators Fail to Regulate

The Kimberley Process was initiated less than 1000 kilometres away from Zimbabwe, in the South African diamond mining town of Kimberley. That first meeting in Kimberley and those that followed aimed to halt atrocities that were being fuelled across Africa by diamonds. The governments of South Africa, Botswana and Namibia led the early discussions, which aimed to restore a sense of decency to an industry that was critical to their economic wellbeing.

This paper will show that Zimbabwean diamonds are no longer "clean". They bear the blood of Zimbabweans, shot down by their own government. They are produced from mines that benefit political and military gangsters, and they are smuggled out of the country by the bucketload.

Zimbabwe is no longer able to manage its diamond industry in a way that is consistent with respect for human rights, or in accordance with Kimberley Process minimum standards. The KP, however, as this report will show, has consistently failed to say or do anything that has made the slightest difference with respect to Zimbabwe. When regulators fail to regulate, systems collapse and the people they are designed to protect suffer.

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In the case of Zimbabwe, it is the people of Zimbabwe who suffer. In failing to push the Kimberley Process to take a more proactive stance on Zimbabwe, the founding governments of South Africa, Botswana and Namibia put the reputation of their own diamond industries at risk. In failing to act as more than a slow, timid observer of events, the Kimberley Process once again shows that it is failing in the task it was designed for, and that the diamond industry may never be made safe from thieves, murderers and warlords.

About this Report

PAC has been a leader in the campaign against conflict diamond since 1999. It is an active member of the Kimberley Process and its working groups. This report and others are available on line at www.pacweb.org.

The report was completed in February 2009, not long after the "National Unity" government of Zimbabwe took office, and it includes an assessment of the new government's ability to make substantive changes where the country's diamond industry is concerned. We are aware, however, that the political situation in Zimbabwe is fragile and that further changes may occur. These are not likely to change the basic premise, conclusions and recommendations in this report.

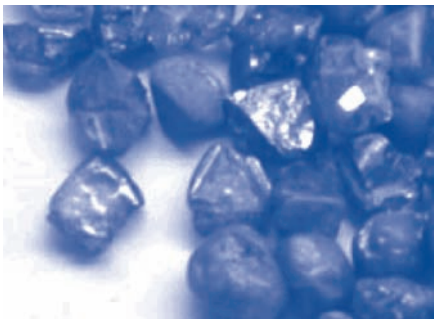
PAC would like to thank the many individuals in Europe, North America and especially in Southern Africa who have helped to make the report possible. For obvious reasons they cannot be named, but their help is very much appreciated.

II. Diamonds in Zimbabwe

Diamonds can theoretically be found almost anywhere in Zimbabwe, because much of the country lies on what is known as the 'Zimbabwe Archaean Craton' which is conducive to kimberlite deposits. The craton stretches from the northeast of the country to the south and western areas, extending into Botswana which also has vast deposits of diamonds. The border between Zimbabwe and Botswana forms what is known as the 'Orapa Kimberlite Track'. It is in this track that some of the world's largest diamond mines are found, including the Orapa and Lethlekane diamond mines of Botswana.

Before 2004, however, diamond production in Zimbabwe was mainly limited to accidental finds in alluvial gold diggings, with the exception of the River Ranch kimberlite mine near the South African border. Between 1997 and 1998 Rio Tinto Zimbabwe discovered the Murowa kimberlite cluster, and began mining in 2004. The mine produces "typical African kimberlitic" diamonds, with an average value of US$65/ct.

Then came the Marange strike of June 2006 in Manicaland, close to the Mozambique border. Following this discovery, a frenzied diamond rush developed. When the government failed to buy up the diamonds because of cash constraints, a thriving black market quickly developed, accompanied by rampant smuggling. The government reacted very slowly to this, eventually mandating the MMCZ (see page 4) to buy up the remaining diamonds at the low prices offered by illegal dealers.



Typical Marange Diamonds

The Kimberley Process Working Group of Diamond Experts has produced a "footprint" of diamonds from Marange.[3] On first sight, it says, the diamonds look like gravel, "resembling rounded pebbles in a riverbed," or tumbled chips of broken beer bottles. There are two distinct qualities. About 90% are coarse, very low quality diamonds resembling rounded pebbles, with colours ranging from dark green to dark brown and black. Because of their unique features, these diamonds cannot be mistaken for stones from other deposits. These are worth $6 - $10 per carat on the open market.

Map Showing Main Diamond Producing Sites in Zimbabwe

A small fraction, about 10%, are near gem and gem quality diamonds with mostly greenish and brownish colours. The features of this group of diamonds are not unique, and similar diamonds can be found in many different diamond deposits throughout the world. About half of the Marange diamonds are larger than 8mm, 43% are between 5.6mm and 8mm, and the rest are smaller than 8mm. They have higher values of about $150 per carat.

Diamonds and the Zimbabwean Economy

With many Zimbabweans having passed the brink of starvation, it is surprising to outsiders that the economy has not collapsed completely. The explanation lies in the country's exports. The *Economic Review*, assuming that official statistics are reasonably accurate, notes that Zimbabwe is still earning US$1.75 billion annually from merchandise exports. Platinum has emerged as the country's main export, accounting for 28% of the total in 2008. The strength of metal prices also contributed to positive numbers. Between 2000 and 2007, the volumes of nickel exports fell 28%, but revenues grew by a factor of three – from US$78 million to US$228 million, because nickel prices grew by a factor of four. The story behind ferrochrome is similar.

Although diamonds still represent a relatively small proportion of exports, they are increasing in importance.

Table 1: Zimbabwe's Top Ten Exports
(2000 and 2008; rankings in brackets)

ITEM	2000 US $ millions	2008 US $ millions
Platinum	-	480 (1)
Tobacco	549 (1)	218 (2)
Gold	216 (2)	130 (4)
Cotton	156 (3)	114 (5)
Ferro-alloys	155 (4)	147 (3)
Horticulture	125 (5)	68 (8)
Sugar	96 (6)	71 (7)
Nickel	78 (7)	98 (6)
Chemicals	64 (8)	-
Asbestos	61 (9)	-
Meat	48 (10)	17 (10)
Diamonds	-	33 (9)

Source: Economic Review, January 2009

The writing, however, is on the wall. With world trade volumes forecast to shrink some 2% in 2009 and with a steep decline in the prices of most of Zimbabwe's main exports, export revenues are projected to decline steeply.

The Management of Diamonds in Zimbabwe

The Ministry of Mines and Mining Development (MMMD) is mandated to facilitate development of a sustainable mining sector from exploration, mining, beneficiation and marketing by designing and implementing appropriate mining laws, regulations and programs. The ministry works in partnership with the Minerals Marketing Corporation of Zimbabwe (MMCZ), the Zimbabwe Mining Development Corporation (ZMDC) and other line ministries and departments.

MMCZ is a parastatal under the jurisdiction of the ministry. It acts as the sole marketing and selling agent for all minerals except gold and silver. It investigates marketing conditions, encourages local beneficiation from the production of minerals and advises the Minister on all matters connected with the marketing of minerals. MMCZ issues all Zimbabwean KP certificates. ZMDC is also a parastatal under the ministry, mandated to pursue mining investments on behalf of government and to intervene in crises to ensure best practice in the government response. ZMDC has been under a European Union embargo since January 2009.

Zimbabwe Diamonds by the Numbers

There has been considerable speculation about widespread smuggling of diamonds from Zimbabwe. South African dealers reported large volumes of smuggling during 2006 and 2007, and Zimbabwe's Central Bank Governor, Gideon Gono (see page 6) has said many times that huge volumes of government revenue are being lost to diamond smugglers.

If there has been smuggling to neighbouring countries, however, it is not clearly evident in the statistics they submit to the Kimberley Process.

At first glance, a tenfold spike in Tanzanian exports in 2006 looks suspicious, but it cannot be explained by increased production in Zimbabwe. The Marange rush did not begin until mid 2006, and the Tanzanian spike is spread evenly across all four quarters of the year. Tanzanian exports dropped significantly in 2007 and during 2008 were back to 2005 levels. Whatever the cause, the spike does not correlate in time with the Marange rush of 2006.

South African exports of industrial diamonds show a spike of 1600% in 2005, falling by more than half in 2006 and reverting to 2004 levels in 2007 and 2008. As with the Tanzanian numbers, however, these increases do not correlate in time with the Marange rush.

Three Mines Ministers in a Month

Amos Midzi became the Minister of Mines in 2004.* He had previously served as Ambassador to the United States and as Minister of Energy and Power Development. He was defeated in the elections of March 2008, but retained his post until January 2009 when Robert Mugabe replaced him with Sydney Sekeramayi.** Sekeramayi held various cabinet posts since independence in 1980, including the defence portfolio. Sekeramayi did not last long. In February 2009 he became Secretary of State for Security. Obert Mpofu, another ZANU-PF stalwart, became Minister of Mines. Mpofu, a former Minister of Industry and International Trade, was responsible for the 2007 price freeze that drove basic commodities out of the marketplace. Like Midzi and Sekeramayi, Mpofu has been on the US and EU sanctions list for several years.

* Midzi has been under European Union sanctions since 2002.

** Sydney Sekeramayi has also been under EU sanctions since 2002.

Table 2. Zimbabwe Diamond Production & Exports

Year	Exports (cts)	Production (cts)	Exports ($US)	Per carat average	Exported to
2003	26,870	26,870	$2,219,000	$82.51	EC, 100%
2004	18,481	44,454	3,582,088	193.83	EC, 100%
2005	261,538	248,264	39,428,724	150.76	EC, 100%
2006	264,585	1,046,025	30,057,636	113.60	EC, 99%
2007	489,170	695,015	23,377,870	47.79	EC, 74%; UAE, 14%; China, 9%, SA, 3%
Total	1,060,644	2,060,628	$98,665,318	$117.68	

Source: Kimberley Process

Exports of industrial diamonds from the DRC declined by about 10% per annum between 2005 and 2008. Here again, there is no obvious correlation with changes in Zimbabwe.

That said, the overall volumes of diamond exports from both DRC and South Africa are so great that even if half of all of the Zimbabwe production was being laundered through their Kimberley systems, it would not show up as more than 10% of their total industrial exports in most years.

Zimbabwe is sitting on a stockpile of 1.34 million carats – this would have a value of approximately $150 million.

In short, there is no clear statistical evidence to prove or disprove that significant volumes of Zimbabwean diamonds have been laundered through the Kimberley systems of these three neighbouring countries.

There are some very real problems in the numbers, however.

First, what Zimbabwe's own statistics show, is that there is a huge gap between what has been produced since 2003, and what has been officially exported. Table 2 indicates that Zimbabwe is sitting on a stockpile of 1.33 million carats. The number is higher if 2008 figures are factored in – more than 50% of the production between 2004 and 2008. Using the average value of diamonds exported over the past six years, this would have a value of approximately $150 million.

This is a great deal of collateral for a country as cash-strapped as Zimbabwe has been in recent years, and the question arises: *does this stockpile still exist in Zimbabwe?* Common sense would suggest no. The onus is on the Zimbabwe government – and the KP as the overseer of the world's diamond system – to show otherwise. If they can, well and good. But unless and until they do, outside observers are justified in the assumption that some of these diamonds may have been laundered into the international system, in order to prop up a shaky and increasingly kleptocratic regime.

And if, as common sense suggests, parts of the stockpile have been sold off, the question then becomes, who bought it, and where has it gone?

Second, per carat averages, except in 2007, have exceeded $110. Rio Tinto (see page 6) expected to average $65 per carat at its mining operation, while the Marange diamonds are, on average, worth a fraction of that amount. The Kimberley Process has not questioned the high per carat averages coming out of Zimbabwe. It should. The values suggest that these may not be Zimbabwean diamonds, or that there is some other form of fraud taking place.

Third, the DRC has only recently emerged from a prolonged civil war, one in which profiteering troops from Zimbabwe played an ignominious part. The country is still unstable, and its own KP internal controls are weak. The last thing the DRC needs is to become part of a diamond smuggling pipeline to or from Zimbabwe.

The diamond market, after all, is a question of consumer choice, not finely nuanced jurisprudence.

Finally, the Kimberley Process and neighbouring African diamond producers can take no comfort in a lack of statistical evidence to prove smuggling. The diamond market, after all, is a question of consumer choice, not finely nuanced jurisprudence. To date, there has been a good deal of highly suggestive evidence showing the world's diamond stream is indeed being sullied by stones from Zimbabwe. In the eyes of a consumer, circumstantial evidence can also convict. To keep their customers, the onus is on the world's diamond producers and the Kimberley Process to prove that the diamonds they certify are clean, and that questionable Zimbabwean goods are not entering the world's consumer diamond stream.

Murowa

The Murowa Diamond Mine is located near Zvishavane in South Central Zimbabwe. The owner of the mine, Murowa Diamonds Private Limited, is incorporated in Zimbabwe. Rio Tinto plc has a 78 per cent interest in the company and the remaining 22 per cent interest is locally owned through publically listed Riozim Limited. Rio Tinto has no interest in Riozim.

Three kimberlite pipes were discovered on the mine site in 1997. Feasibility studies and mine planning were conducted from 1998 to 2000, and the mine was commissioned in 2004. Murowa production was estimated to average about US$65 per carat over the life of the mine, although better stones were recovered in the start-up period. The operating plan for the Murowa Diamond Project provided for small-scale production during the first three years, followed by possible expansion.

The planned expansion has not yet materialised, initially mainly due to lack of clarity on indigenisation legislation, with proposals being put forward by the Zimbabwean government requiring foreign investors to cede control of such projects to a combination of local investors and government. Subsequently, the political impasse of 2008-9 made any investment decision impossible.

Production fell slightly in 2006 due to lower ore grades, and significantly in 2007 mainly due to frequent power cuts. Production improved in 2008 following installation of a backup power generator for the site and debottlenecking of the processing plant.

Murowa is a major contributor to the local area, employing some 300 full-time staff and contractors. It partners with the community in a range of programs including health and HIV awareness, education, and agricultural training and assistance. More recently it has implemented supplementary feeding for all local primary school children around the mine, provided seed and fertilizer to more than 1500 households and provided equipment and supplies to treat and prevent the spread of cholera amongst the more than 100,000 residents in Zvishavane District.

Gideon Gono

The Governor of Zimbabwe's Reserve Bank, Gideon Gono, has spoken frequently about diamond smuggling. In February 2007, he appeared before a parliamentary committee where he said, "No other country is blessed like Zimbabwe to a point where precious minerals *anongonyuka ega* (just sprout from nowhere). We are losing between US$40 million and US$50 million per week through the smuggling of gold, diamond and all precious minerals."

In October 2008, speaking at the Outstanding Law Officers' Award Ceremony in Harare, he said that more than 500 illegal diamond "syndicates" were operating in the eastern region of Manicaland. "A reliable estimate shows that US$1.2 billion per month would be realized from diamond sales in the country, enough to solve the economic challenges the country is currently facing," he said. "We have investors who are able to mine and bring US$1.2 billion every month while we only need US$100 million a month for all our difficulties to go."

The control and understanding of zeros may not be the governor's long suit. Gono's "reliable estimate" of US$1.2 billion per month in potential diamond sales would exceed the entire production of diamonds in all other countries of the world combined.

The Reserve Bank's role is to create and enact monetary policies. As the producer of Zimbabwe's bank notes and coins, it regulates the amount of money in circulation. According to its website, "the Reserve Bank of Zimbabwe has, as its primary goal, the maintenance of the internal and external value of the Zimbabwean currency."

Gono was appointed as Governor of the Reserve Bank in November 2003 and was reappointed to a new five year term in 2008. According to his official website, in 2008 Gono successfully completed and was awarded a PhD in Strategic Management by the Atlantic International University (AIU) in the United States. AIU is an unaccredited Honolulu-based distance learning institution.

Gono and his wife live in a northern suburb of Harare where they recently completed construction of a new house said to have 47 en suite bedrooms; a swimming pool, a gym, a mini-theatre and landscaped gardens. Like most of Mugabe's inner circle, Gono owns numerous farms confiscated from white farmers. Gono is subject to asset freezing in, and is banned from, travelling to the European Union and the United States.

Table 3. Murowa Production and Official Zimbabwe Exports

Year	Murowa Production(cts)	Official Zimbabwe Exports (cts)
2005	252,000	261,538
2006	240,000	264,585
2007	145,000	489,170
2008	263,000	n/a

Source: Rio Tinto Diamonds and Kimberley Process

Murowa probably represented about 90% of Zimbabwe's official diamond exports in 2005 and 2006, although as a proportion of the total, Murowa declined significantly in 2007 and 2008.

III. Human Rights and the Kimberley Process

What Happened in Marange

From the early 1980s, De Beers held an Exclusive Prospecting Order (EPO) over Marange through a subsidiary, Kimberlitic Searches Ltd. Their EPO expired in 2006 and exploration rights were taken up by British-registered African Consolidated Resources. The company began trial mining at one of its two claims in Marange, but a day after the work began in December 2006, with the diamond rush now under way, Assistant Police Commissioner Olbert Denge ordered the company to shut down and told employees of the company to leave immediately. The company went to court in Mutare to seek permission to mine. It won the court case, but police prevented it from resuming operations. In due course the government simply assumed all rights to the area via the Zimbabwe Mining Development Corporation.

"The decision of the government is that the Zimbabwe Mining and Development Company (ZMDC) should go it alone," said Mines and Mining Development Minister, Amos Midzi. "From what we've seen, there is no need for that (external investment). ZMDC has not drawn on any expertise or equipment from outside, which is testimony that we are able to do it on our own,"[4] This optimistic assessment was not borne out.

A diamond rush had started in September 2006, and it accelerated following the government take-over. By mid-December 2006, an estimated 15,000-20,000 illegal artisanal miners were working very small plots at Marange, with a concomitant crisis developing around food, water, shelter and sanitation. Soon the roads of Marange were being plied by vehicles with plates from as many as five different countries, and the town was alive with international diamond buyers.

In the early months of 2007, the government began to gain the upper hand by setting up police roadblocks and increasing security patrols in the area. "The security level (at the Marange diamond fields) has been upgraded," Midzi told the media. "The Zimbabwe Mining and Development Company (ZMDC) is working together with security agents to maintain high level security. An area covering two kilometres has been fenced," he said.

At the end of May 2007, a Kimberley Process Review Team overflew the area in a helicopter and saw only two men running for cover when they heard the aircraft. The team saw pits where re-vegetation had taken place, concluding that incursions of illegal miners were under control and that little illegal mining was now taking place. In fact little mining of any kind was taking place. ZMDC in its first year produced only about US$15 million in diamond revenues from a mechanised but low-tech and inadequate panning operation in the fenced-off site. This was reminiscent, a media report said, of its disastrous government management of the gold mines of Sabi, Jena and Elvington between 2000 and 2003, where reports of looting abounded.[5]

The company went to court in Mutare to seek permission to mine. It won the court case, but police prevented it from resuming operations.

Of greater concern, however, was news that Air Marshal Perence Shiri had arrived on the scene, and had placed a number of his agents on the ground.[6] Shiri, a cousin of Robert Mugabe, is the current commander of the Air Force of Zimbabwe. From 1983 to 1984, the Zimbabwean Fifth Brigade, under Shiri's command, was responsible for a reign of terror in Matabeleland (see page 8). During the slaughter, thousands of civilians were killed and thousands more were tortured. Shiri has been barred from entering the EU since 2002 and his property in the United States has been blocked since 2003.

Not long after Shiri's arrival, on the weekend of October 31, 2008 a number of illegal diamond miners were shot dead by police in the Chiadzwa diamond fields of Marange District. According to human rights lawyer Passmore Nyakureba, police drove the miners into an ambush using a helicopter, and fired tear gas and live ammunition. The miners were said to have escaped from

the diamond fields and were hiding in nearby mountains. Bloomberg news agency journalist Brian Latham said that he had spoken to Nyakureba over the phone and the lawyer confirmed that these incidents have 'become an almost everyday occurrence.'[7]

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As days passed, the extent of the killings became more evident. The South African newspaper, *The Age* was told by miners that "scores" of people had died in the assault. "First we heard the helicopter and we knew it wouldn't be good but I thought it would just deliver soldiers," said one young miner, a former student who gave his name only as Hopewell.

"Then it came over us and started shooting. There was a man next to me, he had been digging near me, and the bullet went right through his head. Everyone was in panic. People ran but they didn't want to leave their finds behind so they were stopping to grab them and getting shot."[8]

At first there was denial that there had been more than a few casualties, but more facts came to light when the District Administrator for Mutare appealed to the City Council for land to bury 83 people. The Deputy Mayor of Mutare, Admire Mukovera, confirmed the request for a mass burial. He was told that 78 people had been killed in the diamond fields, while five had died from cholera.[9] The Deputy Mayor said bodies were piling up in mortuaries at Mutare General and Sakubva District hospitals. The District Administrator said that the bodies from Chiadzwa were mixed up with cholera victims, and they were trying to stop the spread of the disease.

A policewoman working in Chiadzwa saw a pile of 50 bodies after one helicopter attack. "There were a lot of bodies. They were piled up. I don't know what happened to them. Some of the dead are just buried secretly," she said. "Miners are killed every day. The orders to the police are to shoot them if they find them digging but many of the police do not want to carry out those orders. These are ordinary people like us."[10]

By the end of January 2009, the vast Chiadzwa diamond fields resembled a military garrison. The miners were gone, but mining continued, this time by soldiers and by residents of Marange village who were forced to work for them. "They have a duty roster of villagers from Marange," one villager told the United Nations' IRIN news service, "who are supposed to report to them early in the morning to dig for the diamonds… When we get to the diamond field, we are always reminded that if anyone asks what we are doing there, we should tell the person that we are filling the pits that were left by the *makorokoza*" – the illegal miners.[11]

One soldier said that their officers permitted the mining because they were part of the scheme. He said that one of his commanders often travelled to Nairobi to deal with middlemen who would sell them to dealers in India.

International Outrage

In December 2007, ten United States Senators, including Senators Barack Obama, Hillary Rodham Clinton, Joseph Biden and John Kerry, wrote to then Secretary of State

Perence Shiri and the Fifth Brigade

In October 1980, President Robert Mugabe signed an agreement with North Korea for the training of an elite brigade of the Zimbabwe National Army. The Fifth Brigade, whose first commander was Colonel Perence Shiri, was answerable only to the Prime Minister, and not to normal army command structures. Once in the field, the Fifth Brigade was regarded as a law unto itself.

In the elections of February 1980, Mugabe and his Zimbabwe African National Union (ZANU) won a landslide victory. Mugabe, whose political support came from his Shona-speaking homeland in the north, attempted to build Zimbabwe on the basis of an uneasy coalition with his Zimbabwe African People's Union (ZAPU) rivals, whose support came mostly from Ndebele-speaking Matabeleland. Mugabe sought to incorporate ZAPU into his government, and ZAPU's leader, Joshua Nkomo, was given a series of cabinet positions.

Around this time, former ZANU and ZAPU freedom fighters awaiting demobilization or integration into the new national army clashed in Bulawayo and other areas. An abortive ZAPU rebellion and discontent in Matabeleland spelled the end of the uneasy coalition. In 1982 Mugabe dismissed Nkomo from his cabinet, setting off fighting between ZAPU supporters in the Ndebele-speaking region of the country and the ruling ZANU.

Between 1982 and 1985 the Fifth Brigade brutally crushed any resistance in Matabeleland. Over 20,000 civilians died and were buried in mass graves. The Fifth Brigade was disbanded in 1988.

Condoleeza Rice saying that they were "profoundly concerned about the deepening crisis in Zimbabwe." They asked that "all available influence be applied to encourage the government in Harare to change course." They invoked Article 4 of the Constitutive Act of the African Union, which sets out basic principles of the AU: "respect for democratic principles, human rights, the rule of law and good governance; promotion of social justice; and condemnation of impunity and politically motivated violence."

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During 2008, as human rights violations in Zimbabwe increased, a courageous Zimbabwean organization, Zimbabwe Lawyers for Human Rights, spoke out repeatedly against the government's human rights violations.* In January 2009, Catholic bishops said in a message to AU heads of state meeting in Addis Ababa that southern African officials "must stop supporting and giving credibility to the illegitimate Mugabe regime with immediate effect… Failing this, SADC leaders accept complicity in creating the conditions that have resulted in starvation, displacement, disease and death for ordinary Zimbabweans. This is nothing short of passive genocide," the bishops said.

Also in January 2009, the European Union tightened sanctions on Zimbabwe's leadership, condemning President Robert Mugabe's government for its "ongoing failure to address the most basic economic and social needs of its people." *Inter alia*, the Council of EU Foreign Ministers noted "with concern the growing trade in illicit diamonds that provide financial support to the regime. In this context, it also condemns the violence inflicted by state sponsored forces on diamond panners and dealers at Marange/Chiadzwa. The Council supports action to investigate the exploitation of diamonds from the site at Marange/Chiadzwa and their significance in possible financial support to the regime and recent human rights abuses. It calls on the Kimberley Process to take action with a view to ensure Zimbabwe's compliance with its Kimberley obligations."[12]

A Bulawayo-based economist, Eric Bloch, said that the involvement of soldiers in Chiadzwa increased the chances of Zimbabwe being struck from the Kimberley Process register. "If the troops are actually looting the diamonds," he said, "and given the adverse reports of their presence at Chiadzwa, Zimbabwe could soon be blacklisted by the Kimberley Process."[13] How wrong he was.

The Kimberley Process Squib

The Kimberley Process was designed to halt the traffic in conflict diamonds, which, as noted in the KPCS core document, are "directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate governments, and the illicit traffic in, and proliferation of, armaments, especially small arms and light weapons."[14]

Armed conflict, of course, is the ultimate thief of human rights, and so at its core, the Kimberley Process was all about stopping human rights abuse linked to diamonds. This is not a matter of semantics and it is not a stretch of the KP mandate, because the second item in the KPCS preamble clearly notes "the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries and ***the systematic and gross human rights violations*** that have been perpetrated in such conflicts."

...the Kimberley Process debated whether or not it should issue a statement, send a letter or simply do nothing.

But while the world's attention was being drawn to the horror in Zimbabwe's diamond fields, the Kimberley Process debated whether or not it should issue a statement, send a letter or simply do nothing. Calls in December 2008 from Partnership Africa and Global Witness for Zimbabwe's expulsion from the Kimberley Process were barely discussed. In response to the call to action from PAC and GW, some governments argued that the Kimberley Process is not a human rights organization, and that any action or statement on human rights would violate the KP mandate. There was no proof of smuggling, they argued, pointing out that Zimbabwe had passed a KP inspection only 18 months earlier with fluttering, if not flying colours.

In fact, the KP failed to monitor the situation adequately, failed to notice a second diamond rush developing as Zimbabwe's currency collapsed, and failed to take note of the evidence of previous smuggling provided in the report.

When UNITA rebels under Jonas Savimbi and RUF thugs under Foday Sankoh took villagers from their homes and

* Zimbabwe Lawyers for Human Rights was awarded Rights & Democracy's 2008 John Humphrey Freedom Award in recognition of its courageous pursuit of justice for victims of human rights abuses inside Zimbabwe. (http://www.dd-rd.ca/site/media/index.php?id=2332&subsection=news)

forced them into virtual slavery digging for diamonds, international civil society did not hesitate to call these diamonds what they were – blood diamonds. The situation is no different when the perpetrators belong to the police and army of a government like Zimbabwe's... nor is its name – blood diamonds.

At the height of the diamond wars in the 1990s, when the share of conflict product in the total diamond stream reached upwards of 14%, consumers began to question whether the stone they planned to give as a symbol of love was stained with suffering and misery. The process now is no different. If the KP and diamond producers cannot prove to consumers beyond doubt that diamonds are above suspicion, consumers will again begin to question, to doubt, and to reconsider.

The situation is no different when the perpetrators belong to the police and army of a government like Zimbabwe's... nor is its name – blood diamonds.

It need hardly be said that assembling proof of diamond-based malfeasance, corruption and murder does not come from glossing over problems, or ignoring them. Proof comes from looking, and in this respect, the KP is failing.

Transparency and the Kimberley Process

Transparency has never been a long suit in the Kimberley Process. Most of the statistics it gathers are unavailable to the public, and reports of review visits to participating countries are sanitized into brief summaries for the KP's public website.

So when veteran diamond journalist Chaim Even-Zohar reported on internal KP discussions about Zimbabwe, an (internal) row ensued. Somebody, it seemed, had been leaking details of the discussions about what, if anything, the KP might do about Zimbabwe. Unfortunately for aggrieved secrecy wonks, Even-Zohar got wind of this contretemps as well, and this time he took the gloves off.

In the February 19 *Diamond Intelligence Briefs*, Even-Zohar wrote the following:

Though the very existence of the KPCS has rightfully been heralded as a magnificent achievement, it is slowly degenerating into an anti-democratic, non-accountable and non-transparent mechanism. Its key members spend great efforts fighting the dissemination of relevant feedback to their constituencies and stakeholders as a way to mask their inability to act responsibly and do what they are supposed to do. As such, the KPCS is evolving in ways that will gradually erode its trust and standing within and outside its immediate stakeholder communities. I am writing these lines not just as journalist but as a member of the World Diamond Council, the body that has observer status in the governmental initiative…

The triggers for his anger were KP working group discussions on Venezuela and Zimbabwe.

It may be recalled that Venezuela created an intolerable situation for the KPCS when it decided to "withdraw" from the process, when it allowed its diamond production to remain uncontrolled and smuggled out of the country… In so doing, Venezuela made a joke out of the KPCS. But the near-paralysis of the KPCS is better illustrated by its treatment of Zimbabwe. Acknowledging that scores of innocent people are being murdered in the country's diamond fields, members participated in endless discussions about whether the KPCS should use its moral force to condemn these murders in the strongest possible manner. This would show the world that the KPCS (and, by implication, the diamond community) will not tolerate these atrocities. In the end, a meaningless message of "concern" and promised "continued monitoring of the situation" was in the making…

We want to make it unequivocally clear. The KPCS is… a monitoring system of rough diamond movements that should be proud of transparency, that should promote diamond good governance in every diamond country, and that aims to break any connection between diamonds and atrocities. These are all noble objectives; they are nothing to be ashamed of and they certainly don't involve anything that requires the member countries to hush things up behind the scenes. The KPCS should fight the causes of atrocities and the causes of widespread smuggling; it should fight corruption and abuse within the rough diamond global management. Instead, the KPCS is fighting "leaks," disclosures, the press and NGOs, which are basically the system's strongest allies.

The full text of the article can be found at: http://www.diamondintelligence.com/magazine/magazine.aspx?id=7697

IV. Criminals, Apathy and the Kimberley Process

The River Ranch Diamond Mine

Diamonds were discovered in 1971 at River Ranch in the south of Zimbabwe by Kimberlitic Searches, a subsidiary of De Beers. De Beers gave up its rights to the area in 1991 after a dispute with the government over the marketing of gems. The mine was taken over by a joint venture between two companies, one Canadian and one Australian. The mine opened officially in 1995 but ceased operations in 1998 because of low diamond prices. Bubye Minerals was appointed by the auditing firm KPMG to administer the mine.

Bubye Minerals, owned by Michael and Adele Farqhhar, and by Sibonokuhle Moyo, wife of Zimbabwe's ambassador to South Africa, Simon Khaya Moyo (a former Minister of Mines) was partially financed by Saudi Arabian millionaire Adel Abdul Rahman al Aujan and his company Rani International. After some years, the Farquhars fell out with Aujan, who called in his loans and took over the mine in 2004. He brought in Solomon Mujuru and Trivanhu Mudariki as board members (see box, below).

Bubye Minerals took the case to court, alleging that the mine had been seized without just cause, and their case was upheld. Mines Minister Midzi stepped in, however, allowing the takeover to proceed. The Farquhars appealed the case to the Zimbabwe Supreme Court, but in the meantime, in May 2007, they were arrested on charges of "gross asset stripping" at the mine during the period when they were the proprietors.

The case has been controversial for several reasons, first because of the involvement of Solomon Mujuru and Trivanhu Mudariki and the nature of the takeover. It has also been of interest because of widespread rumours that River Ranch was being used to smuggle or launder illicit diamonds into South Africa. And third, there was controversy surrounding technical assistance provided to River Ranch – after the takeover – by the African Management Service Company (Amsco), a joint entity managed by the United Nations Development Programme and the World Bank's International Finance Corporation (IFC).

The Sorter at River Ranch

Charges of diamond smuggling or laundering from or through River Ranch have never been proved. In May 2007, the Kimberley Process Review Team visited River Ranch and was told that the mine had been prevented from exporting diamonds because of the pending court case. Diamonds were being stockpiled and kept in a locked safe under the auspices of MMCZ. The Kimberley Process has received no information about River Ranch since then.

The Amsco assistance to River Ranch was controversial on several counts. First, Amsco was providing assistance to an operation that was embroiled in an ugly lawsuit charging wrongful takeover. Secondly, at least one of the principals, Solomon Mujuru, was the subject of international embargoes. And third, Rani International, a subsidiary of the giant Aujan Group of Companies,* was in absolutely no need of assistance from a foreign aid organization. The assistance included the provision of five people working

Trivanhu Mudariki and Solomon Mujuru

Trivanhu Mudariki is a prominent member of ZANU-PF and a former member of parliament. Solomon Mujuru, also known as Rex Nhongo, led Robert Mugabe's guerrilla forces during the independence war. He went on to become army chief before leaving government service in 1995. Mujuru, also a former member of parliament, is one of the most feared men in Zimbabwe. His wife, Joice Mujuru, is the Vice President of Zimbabwe. In 2001 Mujuru became the subject of the first legal action against any member of Robert Mugabe's inner circle implicated in the illegal seizure of land and assets. His seizure of Alamein Farm was ruled illegal by the Zimbabwe Supreme Court, but the seizure remained in place. Mujuru and his wife are among those subject to personal sanctions imposed by the United States and the European Union

* Aujan Industries is ranked amongst the top 50 companies in Saudi Arabia, with an annual turnover of more than US$400 million. Rani International Development Co., a real estate developer, is a wholly owned subsidiary of the Aujan Group. In the tourism sector, Aujan owns and operates Rani Resorts, a tourism development company that operates luxury resorts in southern Africa, including private game reserves and beach destinations on the East African coast.

on technical assistance contracts, among them a managing director, a chief financial officer and a chief of security. They came and went from the mine in vehicles with UN registration, leading to the rumours that UNDP was involved in diamond smuggling.

Today, the River Ranch diamond mine remains in the hands of Rani International, Trivanhu Mudariki and Solomon Mujuru, and is exporting diamonds. The volumes are not known. Amsco's contract ended in mid 2007 and was not renewed. The Farquhars' case continues.

Smugglers

The KPCS agreement recommends that participants share information on individuals or companies convicted of crimes that are relevant to the Kimberley Process: "Participants are encouraged to make known the names of individuals or companies convicted of activities relevant to the purposes of the Certification Scheme to all other Participants through the Chair."

While a very small number of countries, most notably the United States, have informed the KP of KP-related arrests, virtually no participating country has ever made known through the Kimberley Process the names of any individuals or company convicted of a KP-related crime.

The standard operating explanation is "confidentiality". Where the smuggling of diamonds is concerned, Australia, for example, declines to provide any information to anyone "because the disclosure of this information is restricted pursuant to the privacy provisions of the Customs Administration Act 1985."[15]

This type of response may be little more than an excuse for inaction. In most countries that are members of the Kimberley Process, the arrest and arraignment of people charged with criminal activity is carried out in public, and the information is freely available to the media, to all government departments, and to concerned bodies such as the Kimberley Process.

Three recent cases related to Zimbabwe illustrate the problem.

Harare, March 2007

William Nhara, principal director of Zimbabwe's Ministry without Portfolio, was arrested at Harare airport on March 1, 2007 along with his nephew and a Lebanese accomplice, and charged with illegal possession of diamonds and attempted bribery. He allegedly tried to bribe a police officer with $700 to avoid arrest. Nhara was said to be in possession of diamonds weighing 10,700 carats.

Nhara died while awaiting trial. The Lebanese accomplice, identified as Carole Georges El Martni, was also charged, and she was convicted. No information about the case or about the possible destination of the diamonds has ever been provided by Zimbabwe KP authorities to the Kimberley Process, beyond an initial list supplied to the 2007 KP review team.

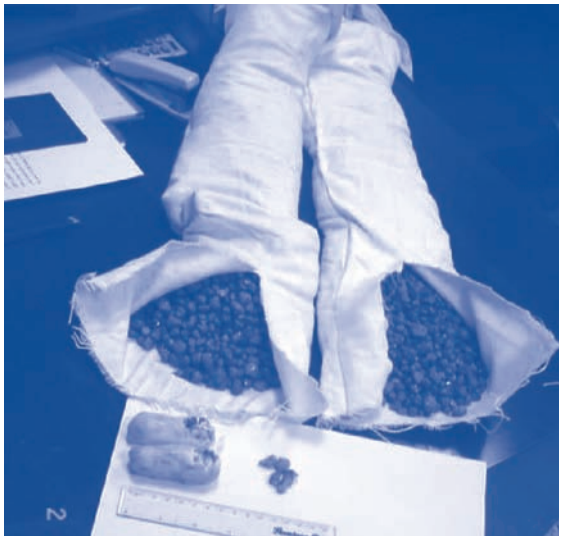
India, September 2008

On September 20, 2008, India's Directorate of Revenue Intelligence (DRI) apprehended two Lebanese nationals, named as Yusuf Oselli and Robar Hussain, from a hotel in Surat, the centre of India's diamond industry. They found rough diamonds weighing 3,600 carats and valued at almost $800,000. The pair said they had brought the diamonds from Zimbabwe, and that they had made several earlier runs. The men, who did not have a Kimberley Process Certificate or any other documentation for the diamonds, told the DRI that they had carried the diamonds through Dubai, landing undetected at Mumbai on September 15.

The case was widely reported in the Indian media, however no information whatsoever has been provided to the Kimberley Process.

Dubai, October 2008

In October 2008, Dubai Customs, using an intestines detector machine, discovered bags of diamonds wrapped around the body of a Zimbabwean woman transiting in Dubai. The diamonds weighed 53,500 carats and were valued at AED 4,325,500 or US$1.2 million.



The information was carried in the local and international media, and details are available on line courtesy of Dubai Customs, including a photograph of the diamonds. Even

at a distance it is obvious that the diamonds resemble those being mined at Marange in Zimbabwe.

No information about the case has been provided then or since by UAE authorities to the Kimberley Process. There is no information on whether the woman has been charged, no information about her travel origin or destination, no information about the disposition of the diamonds. In short, there is nothing that would assist authorities elsewhere to sharpen their vigilance or to apprehend similar shipments.

Apathy

Where Zimbabwean diamonds are concerned, the KP has asked member governments to be extra vigilant for smuggled goods. One might well ask how this is to be done when no information of any forensic value is being shared. Large volumes of diamonds are certainly being smuggled out of Zimbabwe. Some are being apprehended, but it is likely that most are not being detected at all. Even when smugglers are apprehended, KP authorities are not sharing readily available information about arrests and convictions, nor are they sharing important details pertaining to the origin, transit points and destinations of the diamonds. The problem is not specific to Zimbabwe, it is endemic throughout the KP system.

The departments of participating governments responsible for KP compliance are failing to take responsibility for simple things that could help to make the Kimberley Process much more effective.

The departments of participating governments responsible for KP compliance and enforcement are simply not making themselves aware of what is going on elsewhere in their own countries, and are failing to take responsibility for simple things that could help to make the Kimberley Process much more effective.

Nor is the KP taking note of the probability that a long-feared underground market in diamonds is developing outside the Kimberley Process. This was always a possibility and with each month that passes it is becoming more obvious that it exists, and that it is not small. All of Venezuela's diamonds, for example, disappear with impunity into this underground market.[16] During the Marange mop-up operation, several illegal dealers were arrested, including many nationals of non-KP member countries: Equatorial Guinea, Senegal, Mozambique, Mali and Zambia.[17]

Opportunists and Bottom Feeders

In the months following the Chiadzwa massacre there were rumours of deals, potential deals and sightings in Harare of important actors from the world's diamond trade. Israelis, Belgians and Indians have been named. At Zimbabwe's request, Russia's giant Alrosa sent a valuer to look at diamonds, but no deal was apparently made. Prior to the massacre, in February 2007, Russian diamond magnate Lev Leviev visited, apparently to investigate the possibility of setting up a cutting plant.

Disgrace

In February 2009, *The Times* of London reported that Ms. Grace Mugabe, the wife of Robert Mugabe, traveled to Asia the previous month to discuss investment possibilities. One was "a multi-million-pound diamond venture she is considering launching in China. This involves locating a centre for cutting and polishing diamonds at Qingdao, on China's east coast, in conjunction with Zimbabwe's central bank, which is notorious for funding her extravagant travels abroad."*

Grace Mugabe is on the sanctions lists of the United States and the European Union where she is said to have "engaged in activities that seriously undermine democracy, respect for human rights and the rule of law."** Any assets she has in the European Union and the United States are frozen and US citizens are prohibited from doing business with her. This means that Americans and nationals of many other countries, including Canada, Belgium and Israel, are prohibited from dealing with Ms. Mugabe, any factory she might invest in, or diamonds that might enter or leave the premises. An investment in such a factory would undoubtedly be seen as laundered money, and banks handling transfers would be in violation of various American and European financing laws. Any Chinese company receiving money from Ms. Mugabe would be in violation of international anti-money laundering laws (AML), and even if the diamonds were certified by Zimbabwe's KP authority, they too would be regarded part of an AML scheme in the hands of Ms. Mugabe.

* "Grasping Grace puts diamonds on her shopping list", *The Times* of London, February 15, 2009

**http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:023:0043:0059:EN:PDF

Some of the visitors may have made deals, some may have walked away, some may be nothing more than figments of Zimbabwe's overheated diamond imagination. But Zimbabwe's diamonds are real enough, and even in a time of economic downturn – perhaps especially in such times – deals can be struck with bad men. After all, diamonds, as the old advertising adage says, are forever.

V. Conclusions

Zimbabwe's diamond industry is out of control. The government has expropriated diamond lands and companies without due process, and has awarded the prizes to ZANU-PF cronies and to the military. It has used brute force to clear the diamond fields of Chiadzwa, murdering dozens of people in the process. Increasing military control in almost all of the diamond mines, and over the Ministry, suggests that a new conflict diamond scenario may be developing.

...the Kimberley Process has proven itself to be sluggish, timid and wholly inadequate, treating the process as a set of export control boxes to be checked off, regardless of the situation in the country.

Diamonds are of increasing importance to the cash-strapped government as a source of foreign exchange and as a possible means of barter for embargoed goods such as military weapons and ammunition.

In addition, Zimbabwe seems unable to halt widespread diamond smuggling, and government officials are complicit in some of it. It should be safeguarding a stockpile of 1.34 million carats, but there is no indication that this still exists.

International calls for action on diamonds have grown more strident since the Chiadzwa massacre, but the Kimberley Process has done little more than debate internally whether or not it should issue a statement, and if so, how strong or mild it should be. As in previous cases where the KP's mettle has been tested, it has proven itself to be sluggish, timid and wholly inadequate, treating the process as a set of export control boxes to be checked off, regardless of the situation in the country.

Consumer confidence in the purity of diamonds will only be maintained if the Kimberley Process is willing to take vigorous action to prevent tainted diamonds from entering the world's diamond stream. In the case of Zimbabwe, the KP is currently failing the test.

VI. Recommendations

With the inauguration of Zimbabwe's "Unity Government" in February 2009, many outsiders adopted a "wait and see" attitude towards Zimbabwe, hoping that the country's new Prime Minister, Morgan Tsvangirai, can turn the tide of economic disaster and human rights abuse. "Wait and see" should not, however, mean "do nothing". The pressure to reform Zimbabwe's diamond industry must be maintained if diamonds are to become a force for good in the country. Unfortunately, the Ministry of Mines remains under the control of ZANU-PF, as does the army, which is the de facto controller of the country's most volatile diamond resources.

Clear, firm and concerted action now may help to change the status quo, giving the new government strength to make the required changes.

To the United Nations Security Council

1. The Kimberley Process is unable to come to grips with the challenges posed by diamonds in Zimbabwe. Diamonds are a source of increasing human rights abuse in Zimbabwe, including extrajudicial killings by state security forces, and if the situation is allowed to go unchecked, they are likely to become a source of growing social instability. The United Nations Security Council should place an immediate embargo on Zimbabwean diamonds until such time as there is legitimate and competent governance of the country's diamond resources.

To the Government of Zimbabwe

2. The government must halt all human rights abuse and restore the rule of law and due process to the diamond fields of Chiadzwa and to the diamond industry as a whole.

3. The government must halt the illegal smuggling of diamonds from Zimbabwe, especially where government officials are concerned.

To the Government of South Africa

4. The Government of South Africa championed the Kimberley Process. In shielding Robert Mugabe and his disastrous management of Zimbabwe's diamond resources, however, South Africa endangers not just the Kimberley Process but the diamond industry as a whole. South Africa must again become a champion for clean diamonds everywhere.

To the Kimberley Process

5. The Kimberley Process should suspend Zimbabwe until such time as there is legitimate and competent governance of the country's diamond resources.

6. The Kimberley Process must verify that Zimbabwe's stockpile of 1.34 million carats of diamonds still exists, and that it will be held in safekeeping until such time as legitimate sales and exports can occur.

7. The Kimberley Process must develop a clear and actionable protocol on gross human rights abuse in the management of diamond resources (see box).

8. As a matter or urgency, members of the Kimberley Process must develop a mechanism for the timely sharing of information about arrests, seizures and convictions in KP-related criminal cases.

9. The Kimberley Process must develop a means of informing itself quickly and accurately in cases of major diamond controversy. It is completely unacceptable that the KP should lag behind the United Nations, the European Union and other bodies in responding to controversies that it was designed to anticipate and to solve. It is unacceptable that NGOs must continue to be the watchdog and the conscience of an industry that is so important to so many countries, rich and poor.

Suggested Wording for addition to the Kimberley Process Operating Document (Recommendation 7)

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of humankind,

The Kimberley Process shall promote respect for these rights and shall require their effective recognition and observance in the diamond industries of participating countries and among the peoples, institutions and territories under their jurisdiction.

(Basic text drawn from the UN Universal Declaration of Human Rights)

Notes

1 "Crisis Without Limits", Human Rights Watch, January 22, 2009; http://www.hrw.org/en/node/79817/section/1
2 "Wait and See", *The Economist*, February 5, 2009
3 Available at http://www.israelidiamond.co.il/UploadedFiles/footprint-marange-zim-v.1-authorities.pdf
4 http://www.mineweb.co.za/mineweb/view/mineweb/en/page37?oid=21541&sn=Detail
5 *ZimDaily*, October 6, 2008
6 *ZimDaily*, October 6, 2008
7 http://allafrica.com/stories/200811041082.html
8 *The Age*, December 12, 2008
9 "Victims of Zimbabwean diamond crackdown to be dumped in mass grave," *The Times* of London, December 13, 2008
10 *The Age*, December 12, 2008
11 http://www.irinnews.org/Report.aspx?ReportId=82477 January 20, 2009
12 Statement issued by the council of European Union foreign ministers, January 26 2009
13 http://www.irinnews.org/Report.aspx?ReportId=82477 January 20, 2009
14 KP Core Document, Preamble, http://www.kimberleyprocess.com/
15 Quoted in "Loupe Holes", Partnership Africa Canada/Global Witness, November 2008, http://www.pacweb.org/e/images/stories/documents/loupe_holes_nov2008.pdf
16 Venezuelan non-compliance has exercised the KP for more than four years, but nothing has been done to curb its illicit trade. Venezuela voluntarily suspended itself from the KP in 2008. The findings in PAC's 2006 report on Venezuelan diamonds remain current. See http://www.pacweb.org/e/images/stories//16_thelostworld_nov2006.pdf
17 "Zimbabwe: 30 Foreign Diamond Smugglers Deported" *The Herald* (Harare), September 10, 2008

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