

Briefing Note

Conflict diamonds from Zimbabwe

by Richard Saunders

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This briefing note is prepared by the following group of European based civil society organizations working jointly on the issue of diamonds and human rights in Zimbabwe.



Introduction: ‘Conflict Diamonds’ in Zimbabwe

Since 2005, Zimbabwe has reportedly been home to one of the world’s most important ‘diamond rushes’.¹ In successive and increasingly chaotic waves of influx, private title holders were succeeded by tens of thousands of informal and illegal miners, state mining companies and finally state security personnel and organized syndicates, to exploit the alluvial diamond fields of Chief Chiadzwa’s area in Marange District in south-eastern Zimbabwe. Four years later, however, the promise of the apparently vast resource seems a broken one. In the wake of spiraling cycles of violence associated with the sealing-off of the area by state security forces, and successive attacks upon illegal diamond miners, rival syndicates, rough diamond traders, vendors and surrounding local communities, it is likely that hundreds have died with untold more left wounded, traumatized – and poor. Meanwhile, the main beneficiaries of diamond fields remain hidden from view, with only a relatively small production of Marange rough diamonds reported in official state statistics.

In Zimbabwe, which has seen an extended period of economic decline and political turmoil since the emergence of concerted opposition to President Robert Mugabe’s ruling ZANU-PF ten years ago, the rapid emergence of diamonds as a new and valuable source of accumulation has fuelled not economic recovery, but instead a violent and spiraling competition for resources that has wide ranging repercussions for local communities and the national political economy alike. With both legal and illegal mining increasingly under the control of state institutions and security agencies broadly aligned with ZANU-PF, Marange’s diamonds stand as a potential point of division as the country moves tentatively forward under a new Inclusive Government formed in 2009.²

Marange’s diamonds have emerged as ‘conflict diamonds’ in a period of intense political and social conflict inside and outside the state. In Zimbabwe, conflict diamonds have fuelled not rebel groups, but rather the militarization of the state from within. The privileged access to this secreted resource by state security agencies has enabled a degree of autonomy and power to the security forces and those politically-linked to them in the multi-party state, to the detriment of electoral sovereignty and democratic government. In the struggle for political ascendancy, the Marange diamond fields have injected new elements of violence into the political realm by sustaining the capacity for political violence by partisan interests controlling the trade. Violence has also evidently involved the victimization of local communities surrounding the diamond fields, as well as those people involved in the burgeoning illegal and informal trade in diamond panning and trading, who have come to the area from across Zimbabwe and further afield in desperate search of fortune. Both have been subject to waves of extreme violence and intimidation at the hands of state security forces and others. A key finding of most human rights reports focused on Marange in the past three years is the extent and violent brutality of human rights abuses related to the exploitation of diamonds, mostly perpetrated by state security agencies.³

¹ See early accounts of the diamond fields ‘rush’ in, Richard Saunders, *Mining and Crisis in Zimbabwe, Niza/Fatal Transactions*, (Amsterdam, 2007); and Lloyd Sachikonye, “Diamonds in Zimbabwe: A Situational Analysis”, *Resource Insight* (May 2007)

² The Inclusive Government, inaugurated in early 2009, brings together ZANU-PF with two opposition parties, Movement for Democratic Change-Tsvangirai (MDC-T) and Movement for Democratic Change-Mutambara (MDC-M).

³ See, Human Rights Watch, *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe* (June 2009); “Untitled submission” to KP Review Mission (June 2009) drafted by, Zimbabwe Lawyers for Human Rights, Centre for Research and Development, Zimbabwe Environmental Lawyers Association, Counselling Services Unit and Zimbabwe Association of Doctors for Human Rights;

The deteriorating human rights and production security situation at Marange prompted a series of country review missions by the Kimberley Process-KP, the international tripartite body mandated to establish, monitor and certify the security mechanisms and procedures by which rough diamonds are produced, processed and exported under its Kimberley Process Certification Scheme-KPCS. The most recent mission, in June-July 2009, focused heavily on Marange production, and came in the wake of reports by the media and Zimbabwean civil society organizations in late 2008 of the mass killings of illegal miners by state security forces in the Chiadzwa diamond fields. Controversially, the Review Mission has yet to publish its Final Report, against the backdrop of media speculation that its findings were unusually critical of the Zimbabwe government, reportedly calling for the suspension of Zimbabwe from rough diamond exports until such time as production at Marange was regularized. There has also been speculation by those who gave evidence to the Review Mission team, and who are familiar with its deliberations, that the Report identified the need for the urgent demilitarization of the Marange diamond fields; and called for the establishment of special mechanisms for overseeing the restructuring of mining controls by government, and the investigation and documentation of human rights abuses associated with Marange diamonds.

This briefing note addresses issues of human rights abuses in the diamond fields and state security force participation in illegal mining and trade in eastern Zimbabwe. It supports the KP in its efforts to regularize Marange diamond production through the comprehensive demilitarization of diamond mining, and the establishment of transparent, KP-compliant measures for controlling diamond production and exports. This note also recognizes the need to strengthen the KP's approach in the case of Zimbabwe, where maximum pressure will be needed to encourage government, President Mugabe and ZANU-PF's allies in the security forces, to render more transparent the operations on the Marange fields, and remove the security forces from their current position of power there. In particular, this note identifies the need to provide support and protection to those organizations, communities and individuals within Zimbabwe who have been signally important in documenting developments and rights abuses in Marange since 2005, and who will inevitably play a central role in any initiatives aimed at restoring and monitoring Zimbabwe's compliance with KP standards for compliance in diamond mining.

More broadly, this briefing note understands that current efforts to regularize diamond mining have far-reaching political implications for the country. Moves towards normalization of the diamond sector stand as an important component in the consolidation of social and economic justice in Zimbabwe. It is therefore vital for the country's overall political and economic recovery that the KP Review Mission's recommendations – particularly those regarding the suspension of production and exports from Marange, demilitarization of the diamond fields and investigation of diamond-related human rights abuses – be vigorously supported and implemented without delay.

2. Background: Mining, Diamonds and Political Conflict in Zimbabwe

In the 1990s, following a period of gradual recovery in the first decade of independence, Zimbabwe seemed poised to become a significant force in African mining.⁴ With competitive mineral resources, a well-maintained infrastructure, skilled workforce, professionally-managed state production and regulatory institutions and a liberalised, relatively stable fiscal and monetary regime, the country held key ingredients for a resurgence in mining growth. Mining houses responded favourably. Investment in the gold sector saw production rise and lift the country into third place among African gold producers, and into the world top ten. Expanded interest in ferrochrome, and a large new investment in platinum – it would become the largest foreign direct investment since independence – helped boost capital inflows into mining exploration, mine commissioning and production expansion. Nearing the turn of the century, other large investments were being invited by government, and the country appeared to be on the verge of a breakthrough as an international minerals producer.

That promise was cut short at the start of the 2000s by a potent combination of economic instability and political conflict that was driven by a rising challenge to the ruling ZANU-PF of President Robert Mugabe from the Movement for Democratic Change, formed in 1999 and led by Morgan Tsvangirai. In the face of electoral defeat and removal from power in 2000, and in the wake of deepening economic crisis generated by fiscal mismanagement, disagreements and breaks with international lenders and declining overall growth, ZANU-PF embarked on the restructuring of Zimbabwean politics and business that was increasingly driven by the demands of political survival, at the expense of sustainable economic development. The immediate and longer term consequences for political and economic stability were soon evident.

Within government, a rapid erosion of bureaucratic professionalism compounded erosion of the 'rule of law', as the ruling party subordinated state institutions to the priority of its political survival and the consolidation of President Mugabe's power. Among key bodies affected were the Reserve Bank of Zimbabwe-RBZ and the state's main mining-related bodies, the Zimbabwe Mining Development Corporation-ZMDC (the government's main mine operator) and the Minerals Marketing Corporation of Zimbabwe-MMCZ (its minerals exporting agent). A period of erratic, highly inflationary and investment-dampening policies cut through the mining sector and saw the near collapse of gold mining, among other mineral sectors.

Diamonds

In 2005 significant alluvial diamond deposits were discovered in the Chiadzwa area of Marange District in southeast Zimbabwe.⁵ The finding of surface diamonds which could be accessed relatively easily through non-mechanised mining (for example, by hand-digging and panning), not only presented opportunities for important new mining development at low cost, but also created a powerful dynamic of competition and conflict for resources among a variety of actors. These included state regulatory and producer structures, such as the RBZ, ZMDC and MMCZ; state security agencies (including the Zimbabwean National Army-ZNA, Zimbabwe Republic Police-ZRP and Central Intelligence Organisation-CIO) which were soon tasked with securing the diamond fields; private sector mining companies with legal claims to the diamond fields; political and

⁴ Richard Saunders, *Mining and Crisis in Zimbabwe*, NiZA/Fatal Transactions (Amsterdam, 2007), and Richard Saunders, "Crisis, Capital, Compromise: Mining and Empowerment in Zimbabwe", *African Sociological Review*, Vol.12, No.1 (December 2008)

⁵ Diamonds are also mined on a small scale at mechanized kimberlite diamond pipe mines at Murowa (by Rio Tinto) and River Ranch.

allied local business elites; informal or 'illegal' miners; and profoundly impoverished rural communities in and surrounding the diamond-bearing areas.

Marange diamonds evidently represented a potential windfall for those who controlled access to them. For African Consolidated Resources plc (ACR), the British-registered company which staked a claim to the mining title for an important section of the fields and which had begun preliminary surface operations by mid 2005, the prize of Marange was cast in doubt soon after public attention was focused on the prospect of a major find. For government and key state institutional players involved in mining and minerals export, Marange stood as an important opportunity for reasserting ministerial and partisan political control over an unquantified resource, and re-establishing political influence in a region which was strongly contested by the opposition MDC-T. Similarly, access to small-scale production held the promise of rapid accumulation for local business and political elites in period of deepening economic crisis, particularly after the arrival in eastern Zimbabwe in 2005 of foreign black market buyers armed with foreign currency. Small-scale panners in their thousands, from Chiadzwa and environs but also from across Zimbabwe, saw the prospect of unregulated mining as an opportunity to enable the survival of their households and communities. And finally the state security forces, tasked with providing security for the diamond fields beginning in late 2006, increasingly recognized the financial and political value of controlling and managing access to the resource for both the state-mandated mining operations of the ZMDC, and the parallel illegal operations of panners, syndicates and forced labour.

In the context of contested legal claims, weakened state regulatory agencies and heightened interest in asserting control over Marange, senior state officials made important moves in late 2006 to create disorder in the fields which at once displaced the aspirant legal title-holder, ACR, from fields; and lent government and excuse for stepping into restore order under its authority and security arrangements. In September the Minister and Deputy Minister of Mines visited the area, announcing that ACR's claim was invalid⁶ and inviting informal miners to come and pan, so long as they sold their product to the MMCZ. Some reports suggested that by then, as many as 20 000 informal miners⁷ had descended on the diamond fields, creating an increasingly chaotic situation which was made worse by the fact that the under-resourced MMCZ was unable to compete with illegal traders for the stones that were brought to market by informal miners.

This chaotic situation presented an opportunity for the state to reassert control in the name of reclaiming regulatory control of an important resource. In November 2006, government launched the first of many "operations" allegedly designed to restore order and legality to diamond production in Marange. Operation "Chikorokoza Chapera" ("End to Illegal Panning") saw about 600 ZRP officers moved onto the fields, brutally evicting the diggers, imposing a seal on the area, ordering ACR to abandon its preliminary mining operations, and arresting more than 22 000 people nationwide whom it accused of being illegal miners – though most of them were not based in Marange⁸. There were soon allegations that police, too, were digging in the secured zone, and that senior government and military people were implicated in diamond dealing.⁹

⁶ ACR launched legal proceedings in 2006 to reassert its claim to title, so far without success. The company currently hopes to negotiate a partnership agreement with the ZMDC but has had no response on this proposal from the state miner.

⁷ Tony Hawkins, *The Mining Sector in Zimbabwe and its Potential Contribution to Recovery*, United Nations Development Program (Harare, 2009), p.14

⁸ Human Rights Watch, *Diamonds in the Rough*, *ibid.*, p.19

⁹ Saunders, *Mining and Crisis*, *ibid.*

By early 2007 the ZMDC, government's mining operator, had established on-site production operations. But the state's leading role only ushered in new battles over authority to manage the resource, and did little to regularize Marange production or render it more efficient or transparent. The RBZ notably challenged the mining and indigenization ministries' capacity to effectively manage production and exports, and alleged that failure to assert control meant huge losses of potential income to the national treasury. Meanwhile, the central role of the security forces in controlling access to the diamond fields was underlined by Chiadzwa's listing as a 'restricted area' under the Protected Places and Areas Act, with the ZRP given chief responsibility for securing the area. Despite these moves, large-scale illegal panning and a burgeoning black market trade in stones continued, amid reports that security personnel and influential political figures were key beneficiaries.

While it is clear from the substantial number of informal miners and buyers operating around Marange, and from the sudden flush of foreign currency into local communities after 2006 that significant volumes of stones were being mined, the full extent and value of illegal mining and trade in Marange remains unknown. No reliable, coherent and comprehensive data on production levels at Chiadzwa have been published by authorities since 2005. Occasional estimates of production which have been announced by officials, have been seen by industry experts as wildly off the mark. In 2007 Reserve Bank Governor Gideon Gono said US\$ 40-50 million per week was being lost to the public purse through smuggling.¹⁰ One year later his claims of Marange's value were even more far-fetched, when he made repeated reference to estimates that Zimbabwe could earn US \$1.2 billion per month from diamonds – when total world estimated production at that time was less than this figure.¹¹ The uncertainty surrounding Marange's output – including the volume of stones, gem quality and earnings, both legal and illegal – reflects the degree to which government's regulation and monitoring has been kept secretive, untransparent and wholly inadequate in terms of security measures required under the KPCS.

3. Political Crisis and 'Securitisation' of Marange Diamonds

This state-managed mining regime facilitated deadly new interventions in Chiadzwa in 2008 by political officials and security agencies, as they responded to an emerging political crisis during the March 29 elections and June 27 presidential run-off poll. The March vote, won by Morgan Tsvangirai's Movement for Democratic Change (MDC-T), was met with a wave of extreme violence as the former ruling party fought to survive the electoral challenge of a run-off. In Chiadzwa, however, violence perpetrated by state agencies had a double objective: to undermine the transparency of the electoral process and electoral support for the MDC; and to consolidate partisan control over diamond production, boosting potential revenues for the state and President Mugabe's campaign at a time of financial collapse. The 2008 elections therefore witnessed the comprehensive politicization of Marange diamond production against the backdrop of violent political conflict, and consolidated the role of partisan state security agencies, notably the ZRP and ZNA, as prime beneficiaries of the illegal diamond trade.

"Operation Restore Order", launched by the ZRP in Chiadzwa soon after the March 2008 elections, allegedly targeted illegal miners and traders and sought to re-establish

¹⁰ "Zim says it is losing up to \$50m a week", *Mining Weekly* (9 March 2007)

¹¹ Hawkins, *Mining Sector in Zimbabwe*, *ibid*, p.15

“government” control over diamond mining in Marange. But the victims of ensuring violence and intimidation extended far beyond the diamond fields, and typically included ordinary households and voters. Thousands of local inhabitants suffered widespread and intensive state-led violence, resulting in a cascade of serious human rights abuses including murder, severe beatings, rape and irregular detention and imprisonment.¹² Violence associated with “Restore Order” mounted before the run-off vote in June but continued to simmer in the months that followed, well past the signing of the Global Political Agreement in September 2008 ushering in a national inclusive government involving ZANU-PF and the MDC formations. By early November nearly 200 informal miners, traders and ordinary community members are known to have died violently at the hands of the police and military. Untold more beaten, tortured, raped, dislocated or deprived of their property.

While denying documented reports of spiraling human rights abuses in the diamond fields and surrounding communities, and amid new concerns about Marange black market stones raised by the KP and the WDC, senior ZANU-PF officials – still in executive control of government in the absence of agreed power sharing arrangements with the MDC factions – oversaw a new wave of intense violence perpetrated by the ZNA. Operation “Hakudzokwi” (“Area of No Return”), launched in Chiadzwa in November 2008 and soon engulfing bordering districts, opened a new chapter in the security forces’ brutal seizure of control over the diamond fields. The ZNA’s deployment of three brigades to the area was immediately accompanied by massive violence against miners, traders, rural folk, and occasionally even involved skirmishes with the ZRP. Local researchers reported the indiscriminate shooting of miners from army helicopters overflying the diamond fields, and systematic abductions, beatings, rapes and other human rights violations committed by army personnel.

In a three-week period when the ZNA was solely in control of Chiadzwa, one unchallenged report noted, “thousands of gross human rights abuses occurred” in the area and surrounding districts. By government’s own account, tens of thousands of illegal miners were chased out off the fields and more than one thousand were arrest.¹³

The new security dispensation in Chiadzwa under the ZNA, which remains in place, failed to prevent illegal mining and trade in diamonds; instead, *it facilitated and institutionalized the illegal trade*. ‘Heightened security’, the ostensible goal of government’s violent invasion of the diamond fields, was indeed realized – but its primary beneficiaries have been the security forces and their syndicate allies, not government and its mining and export operations at the ZMDC and MMCZ; nor the local communities on whose ancestral lands the diamonds are mined, and who have been dislocated by successive invasions of panners, buyers and security forces personnel. Since January 2009, illegal mining in Chiadzwa has been effectively supervised by the security forces, managed through syndicates of miners that sometimes have included contingents of forced labour.

Miners, traders and others falling outside the diamond networks patronized by the security forces have been subjected to extreme and continuing legal and extralegal violence aimed at cementing the security forces’ domination of illegal diamond production and selling chains. The new ‘security’ regime has also come at the expense of the state’s own mandated operators (and by extension the national treasury), and those communities deeply traumatized by cyclical bouts of violence, displacement and

¹² Untitled submission to KP Review Mission, (June 2009), *ibid*, pp. 26-32.

¹³ Human Rights Report, *Diamonds in the Rough*, *ibid*.

new shards of social tension that have been generated by the impact of imported destabilization.

More broadly, there is growing concern that the financial autonomy afforded some sections of the security forces and ZANU-PF by their access to the informal diamond trade and resulting hard currency earnings has nurtured the foundations of a parallel, shadow axis of power within the fragile “inclusive government”. The politicized proceeds of Marange’s illegal diamonds have enabled the strengthening of militarized power that is within, but is not entirely accountable to, the new political dispensation of multi-party unity. In Zimbabwe, conflict diamonds from the Marange fields have fuelled dissent from *within* the state, not from without; indeed, Marange’s continued partisan exploitation *requires* the continued disruption of democratic administration, transparency and rule of law. In the current period of declining opportunities for private accumulation (and by extension, privately-funded political initiatives and power), the issue of Marange’s illegal diamond trade is inextricably bound up with that of Zimbabwe’s transition to a demilitarised, democratic and stable political dispensation.

The true costs of the current diamond regime – financial, human, social and political – are incalculable and enduring, and will continue to accumulate until a more transparent, accountable regularized security dispensation is put in place in the diamond fields. For the time being, government’s regime of control in Marange stands as a “brutal, churlish, retrogressive and particularly unreasoned form of socio-economic suicide – an unmitigated failure”, which needs to be urgently abandoned in favour of a transparently secure and commercially efficient mining regime.¹⁴

4. KP Mission 2009 and Government response

The Kimberley Process (KP), this year chaired by Namibia, reacted to the diamond crisis in Zimbabwe in 2009 by paying three visits to the country so far. In March the KP Chair went without waiting for a mandate from the KP Monitoring Working Group to Zimbabwe expressing his concerns to the Zimbabwean authorities. Afterwards, he issued several statements to the press saying that he discussed with Zimbabwe its the lack of internal controls in the diamond mining areas as well as the weak performance of the diamond regulating authorities in Harare. In the meantime, an official KP Review Visit was planned right after the Intercessional meeting of KP members in Namibia in June. The KP Team visited also Mutare and the Chiadzwa diamond fields. According to Zimbabwean NGOs who met with the KP Mission Review team and are familiar with the Mission’s and Interim Report, its preliminary findings were supported by substantial evidence collected first-hand by the Review Team’s inspection of mining operations (legal and illegal), security arrangements, export accounting and black market trading, as well as by its consultation with victims of human rights abuses and local independent organizations and researchers. On the ground in Zimbabwe, the Mission was also substantively supported by a large and growing body of documentation produced by local civil society organizations and researchers.

The Mission’s internal interim report, leaked into the public domain soon after its release, included recommendations for suspension of Zimbabwe for a period of 6 months, a full investigation into the human rights abuses and an immediate withdrawal of the military from Chiadzwa. Although these recommendations were not official yet, the KP has shown no clear steps moving the issue of Zimbabwe forward. On the contrary, the KP Chair went to Zimbabwe in August, again without informing the other KP-members, and

stated in the media that suspension is off the table.¹⁵ After huge criticism from other KP stakeholders including civil society organisations, the Chair officially withdrew his statements made in the media earlier.¹⁶ Leaked information to the media, mixed messages from different KP member governments and an overall state of inaction of the KP has jeopardized its credibility as a 'regulating body to stop the trade in conflict diamonds'.

Under the irregular situation which persists in the Marange diamond fields, the state security forces continue to oversee and effectively control substantial illegal mining activity, committing gross human rights abuses and depriving the national treasury and local communities of transparent proceeds from mined diamonds. At the same time, the legal mining and export of Marange diamonds through the parastatals ZMDC and MMCZ also raises questions concerning the accountability and security of state handling and exporting of rough diamonds.

5. Recommendations: Strengthening the KP Review Mission Findings and Process

The 2009 KP Country Review Mission represents an important step forward in efforts to regularize Zimbabwe's diamond sector and bring it to KPCS compliance. As widely reported in the popular media (including Zimbabwe's state-controlled press)¹⁷ and confirmed by local organizations who have seen copies of the document, the Interim Report's key recommendations include calls for the immediate demilitarization of the Marange fields, the comprehensive investigation of human rights abuses committed or enabled by the security forces, and the normalization of diamond production and marketing overseen transparently by state-controlled entities. Media reports surrounding the Review Mission suggest that if these requirements are not met, its Report recommends the suspension of Marange rough diamonds from import or export within KPCS for an initial period of six months and until such time as Marange production is verifiably secure in keeping with KPCS norms.

These and related actions will be critical in setting things right in Zimbabwe's diamond sector. But achieving KPCS compliance in Zimbabwe should not simply be an end in itself; it also represents an important means of encouraging deeper processes of democratic renewal and consolidation. Progress by the Inclusive Government on KPCS compliance will stand as a critical indicator of its determination to address challenges of development and social justice that must be met if wider political and economic stability, and the transition to a sustainable democratic dispensation, are to be achieved. Government's willingness to pursue the reform of state institutions, including notably the security forces; to investigate rights abuses and corruption; and to regularize economic and development policy ensuring transparency and widespread benefits, will be vital to Zimbabwe's recovery.

Government's formal answer to the KP Mission's findings and recommendations, once they are published, will stand as a key litmus test of its capacity and political inclination for meaningful reform. Since the KP Mission visit, and in advance of the publication of

¹⁵ SW Africa Radio News, Zim diamonds will not be expelled despite human rights abuses, August 21, 2009 at: <http://www.swradioafrica.com/news210809/zimdiamonds210809.htm>

¹⁶ Clarification of the Kimberley Process Chair's working visit to Zimbabwe which took place 19-21 August, published at KP website September 3rd, 2009 at www.kimberleyprocess.com

¹⁷ See for example IRIN News August 26, 2009 at <http://www.irinnews.org/Report.aspx?ReportId=85875> and for the full leaked interim report see: http://www.kubatana.net/html/archive/hr/090715kpcs.asp?sector=DEMGG&year=0&range_start=1

the Mission's final report, government's response has not been encouraging: the military remains in firm control of Marange diamond production;¹⁸ there is strong evidence of continued violence including deaths and other serious human rights abuses on the diamond fields;¹⁹ and critical actors who have exposed abuses and called for reform, including civil society organizations, community leaders, industry experts, researchers and others, have been harassed, threatened, intimidated and warned against supporting KP related monitoring and review activities.²⁰

In this context, it is important that the KP Mission's findings be supported unambiguously, vigorously and strategically with a view to maximizing pressure aimed at moving the new Inclusive Government forward on the path to meaningful reform and reconstruction. This support should include recognition of those communities, interests and organizations inside Zimbabwe that have taken up the issue of Marange conflict diamonds as part of broader efforts to build a more democratic, just and peaceful order.

With a view to supporting and strengthening the KP Review Mission process in Zimbabwe, we call for the following critical interventions:

(i) Demilitarisation of the Marange diamond fields

While a broad range of industry, civil society and donors has called for demilitarization of diamond mining and trading in Marange – calls which are reportedly reflected and affirmed in the KP Review Mission's findings, and which we support unreservedly – less attention has been given to the specific institutional means and processes by which demilitarization might be accomplished. We call for urgent action on this issue.

It is critical that a protocol focusing on the scope, aims, modalities and review mechanisms relating to diamond sector demilitarization be established with the facilitation of the KP. A key component of demilitarization will be the standing-down of state security forces from the diamond fields, and their replacement through the implementation of professional, accountable and transparent security arrangements using personnel not affiliated with state security agencies. Oversight of this process must be inclusive and shared among government, the mining sector and civil society in order to ensure full transparency and confidence: it would be unacceptable for government alone – with or without the direct participation of security personnel – to unilaterally restructure security arrangements in Marange given the recent experience of rights abuses and illegal mining, and the mistrust of security personnel which has emerged in the diamond mining areas.

Therefore, oversight of the demilitarization of Marange diamonds should include, in addition to the three principal parties to the GPA currently in the government of Zimbabwe, representatives of the national and international diamond mining sector; national and local civil society organizations which have been active in researching and advocating around social, economic and environmental rights issues associated with Marange; and representatives of local communities in Chiadzwa and bordering areas. The KP, with the support of member states, should be given a clear mandate to help

¹⁸ See for example Daily Nation, July 15, 2009 at <http://www.nation.co.ke/News/africa/-/1066/624344/-/138rq22z/-/index.html>

¹⁹ The Zimbabwean NGO Centre for Development and Research, based in Mutare, started issuing short accounts of the continuing human rights abuses in the period after the KP Review Visit in June. See for example: http://www.kubatana.net/html/archive/hr/090824crd.asp?sector=DEMG&year=0&range_start=1

²⁰ The Standard, August 1st, 2009 'Chief Chiadzwa, Family Flee Security Agents' at: <http://allafrica.com/stories/200908031407.html>

facilitate the establishment of such a tripartite structure for the oversight of the demilitarization process.

At the same time, KP member states should seek guarantees from the government of Zimbabwe that it will cooperate fully in efforts to remove in their entirety and without undo delay, state security personnel from the Marange diamond fields and surrounding diamond prospecting areas. These guarantees must include specific undertakings not to interfere with those national and local organizations which have played and continue to play an important role in researching and monitoring security arrangements and the evolving human rights situation in Marange. In pursuit of this goal, the international community should press Jomic, the structure in Zimbabwe's Inclusive Government responsible for monitoring and ensuring implementation of the spirit and letter of the Global Political Agreement of 2008, to take steps to ensure civil society organizations working on issues related to Marange diamonds may operate freely, and that complaints and reports brought forward from their monitoring are swiftly and fully addressed.

(ii) Investigation of Human Rights Abuses

During its visit to Zimbabwe in mid 2009, the KP Review Mission was provided with extensive documentation, first hand reports and victim testimonies concerning large scale gross human rights abuses in and around the Marange diamond fields. Current evidence, including published reports of continuing illegal deaths in the diamond areas, suggest that rights abuses are continuing. There is urgent need to investigate the recent waves of severe abuse at the hands of the state security forces and others, with a view to exposing the truth, bringing perpetrators and their collaborators to justice and ensuring that individuals and communities in proximity to the diamond fields are no longer subjected to the violence, criminality, intimidation and dislocation experienced since 2006.

A mandated structure for investigating human rights abuses in and around the Marange fields would be an important first step in redressing past abuses. Media reports suggest the KP Interim Report includes mention of a 'special rapporteur' or similar mechanism for the pursuing the matter of rights abuses at Marange. While welcome, such a recommendation would need to include specifications concerning its investigative reach, powers and interventions, particularly as they address information and capacity gaps on the ground. Maximum clarity around the rights of any investigation process, including local support structures which will be key in its work, will be essential for any initiative.

First, the terms for a special rapporteur or similar agency needs to be specified; including, for example, the source of its mandate, limits of its focus, criteria of investigation and reporting mechanisms. As part of this process the KP, in collaboration with government, local civil society and the international community, should facilitate the establishment of a structure aimed at detailing and assessing the facts and developments related to human rights abuses in Marange since 2006. The KP should seek to incorporate and evaluate the structure's findings within its broader country assessment of Zimbabwe.

Second, there is urgent need for interventions aimed at protecting and building the capacity of organizations and individuals who have been essential since 2005 in the collection of evidence and advocacy around illegal mining and human rights abuses in Marange. Government's actions in the wake of the KP Country Review Mission in mid 2009, including public threats to its detractors on rights issues, and its recent targeting of Chief Chiadzwa, a key KP Review Mission informant, underscore the need for an effective international response that seeks to provide political and material support to

organizations seen as hostile on the issue of diamond-related rights abuses. Included in such a response should be provisions for resource support (funding, equipment, training and skills development, etc.) to local groups, communities and individuals enabling their continued, expanded and systematic documentation and analysis of the situation in the diamond fields and surrounding communities. In reality, the most effective monitoring and reporting of abuses in Marange have come – and will continue to come – from local observers and community stakeholders. Without sufficient resources, this key source of information will be unable to function adequately.

Third, there is urgent need for capacity building of local organizations in their efforts to improve information flow within Zimbabwe. One side-effect of the securitisation of state functions, particularly in the context of the dominant and fiercely partisan state-controlled media,²¹ has been the relative containment by government of information flow critical of the state. Against this backdrop, information on the recent KP review process; the situation in Marange; and the concerns raised by local groups around rights abuses, mining transparency and the role of state security agencies as perpetrators of violence and actors in illegal mining activity; has been thin on the ground, and has not circulated widely within the country. Policy makers, politicians, civil society organizations, local communities and the wider public in Zimbabwe, have struggled to gain access to sufficient information on recent developments in Marange, and the meaning and possible consequences of the 2009 KP Review Mission. It is now vital that efforts be undertaken to strengthen the information and advocacy capacity of local civil society organizations and communities affected by Marange's conflict diamonds; including the provision of material resources, information and technical training on KPCS and its implications, and political support aimed at protecting information and advocacy activities and agents inside Zimbabwe.

(iii) Suspension of Zimbabwe from the KPCS

Since the KP Review Mission of 2009, and in the wake of accumulating evidence of serious rights abuses and illegal diamond mining in Marange, there have been growing calls from industry, and international and local civil society for the suspension of Zimbabwe from the export trade of rough diamonds within the KPCS framework. According to media reports, these calls are directly echoed in the KP Review Mission's unpublished Interim Report, which allegedly recommends an initial six-month suspension from diamond trading pending significant steps taken towards the regularization of mining, including the demilitarization of security in the diamond fields, strengthened internal control measures and establishment of a workplan to bring Marange production up to KPCS compliance standards.

The threat of Zimbabwe's suspension from the export of rough diamonds within KPCS is the most powerful tool which can be deployed to encourage government's compliance with established KP standards. It is now time to make good on this threat, with the aim of bringing illegal mining, rampant illegal trading and diamond-related rights abuses to a rapid and comprehensive end in Marange.

Zimbabwe's readmission to export trade in diamonds should be contingent on its meeting the strict conditions of KPCS compliance. To move towards compliance, the KP

²¹ The sole television and radio broadcaster inside Zimbabwe is the state-owned Zimbabwe Broadcasting Corporation. State-controlled Zimbabwe Newspapers, known like ZBC for its staunchly partisan editorial content in favour of President Mugabe's ZANU-PF party, publishes the country's only two daily newspapers, as well as several national and regional weekly newspapers. Government closed down a rival independent daily newspaper, *The Daily News*, in 2003, and forced the closure of a handful of other independent tabloids shortly thereafter.

should be given a mandate to assemble an international panel of experts, including technical and security advisers, to oversee the restructuring of Zimbabwe's diamond sector. In keeping with the KP's tripartite approach, the mandated oversight body should contain government, industry and civil representatives, and should have powers to review and revisit Zimbabwe's progress with the aim of helping to lead it back to KPCS compliance.

The successful implementation of Zimbabwe's suspension has raised questions in some sections of the mining industry concerning the challenges of enforcement and the likely response from illegal operators. It has been argued that suspension may not necessarily encourage better behaviour from illegal mining operations, but may instead open up diamonds to even more illegal exploitation. These claims would be less viable if there were more readily available capacity for the documentation, investigation and tracking of the illegal trade, and particularly alleged security force collaboration in it. Monitoring by any KP technical team seems unlikely to be able to fully address the issue of production leakage and smuggling, at least for the medium term, because the Marange diamond area is too large and relatively unsecured to easily observe; mining syndicates are well established; and smuggling networks extend across the border into neighbouring countries (Mozambique, for example, is not a KP member state).

To strengthen suspension moves, it will be important to integrate local organizations, communities and individuals into monitoring and compliance processes. A key form of support needed from donors involves resources for better documentation capacity by local civil society organizations, particularly those working in Marange and other parts of Manicaland. Interventions aimed at strengthening their monitoring capacity, as well as improving their knowledge and ability to pursue accountability from state agencies and private mining operations, would enhance overall compliance monitoring mechanisms under KP, and help establish new foundations for building trust, dialogue and accountability between government, the restructured mining industry and local communities. European governments and Non-Governmental Organisations have long experience in this kind of capacity building in Zimbabwe, and are in a strong position to take the lead, in partnership with Zimbabwean civil society.

About the author

Richard Saunders is an associate professor at the Department of Political Science at York University in Toronto, Canada. Saunders worked for many years as a journalist and researcher in southern Africa. His research focuses on civil society engagement in political and economic reform processes in Africa, with a specific focus on Zimbabwe.

For more information please contact:

Fatal Transactions

www.fataltransactions.org

Anneke Galama at: anneke.galama@niza.nl

Zimbabwe European Network

www.zimbabwееurope.org/home

Tor-Hugne Olsen at: tor@zimbabwееurope.org

Bonn International Centre for Conversion

www.bicc.de

Wolf-Christian Paes at: Paes@bicc.de

Oxfam Novib

www.oxfamnovib.nl