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The Quest for Regulating the Global Diamond Trade

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The Quest for Regulating the Global Diamond Trade

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ABSTRACT (ENG)

Campaign efforts by NGOs initially put conflict diamonds on the global radar screen in the late 1990s. In response, the Kimberley Process (KP), a negotiation forum between states, NGOs, and industry, was formed to discuss possible solutions to curb the trade in conflict diamonds. Less than three years later, a voluntary, global certification named the Kimberley Process Certification Scheme (KPCS) was adopted. The KPCS regulates the trade of rough diamonds by certifying all legitimate diamonds. This paper outlines the problem of conflict diamonds, how a global campaign raised awareness about the issue, and how the process of solution building unfolded in the KP. My analysis focuses on the diverse set of actors (NGOs, states, and industry) and their changing interactions over the course of the campaign and global regulation efforts. I conclude with several key lessons that capture important elements observed in this case study.

Keywords: conflict diamonds; Kimberley Process; nongovernmental organizations; global campaigns

ABSTRACT (CAT)

Els esforços de les campanyes fetes per les ONG van portar a un primer plànol internacional els diamants de guerra - els conflictes lligats als conflictes armats -a finals dels anys noranta. Com a resposta, es va formar el Procés de Kimberley (PK), un fòrum negociador entre estats, ONG i indústria, per debatre possibles solucions que possessin fre al comerç de diamants de guerra. Menys de tres anys després es va adoptar un sistema voluntari de certificació internacional anomenat Sistema de Certificació del Procés de Kimberley (SCPK). El SCPK regula el comerç de diamants en brut certificant tots els diamants legals. Aquest article repassa el problema dels diamants de guerra, explica com una campanya internacional va despertar

la consciència sobre el problema, i com el procés de recerca de solucions va culminar en el PK. L' anàlisi es centra en els diferents actors implicats (ONG, estats i indústria) i les seves interaccions canviant al llarg de la campanya i dels esforços realitzats per crear una regulació internacional. Com a conclusió, es destaquen algunes lliçons fonamentals, en termes analítics i d'acció, derivats d'aquest estudi de cas.

Paraules clau: diamants de guerra; Procés de Kimberley; organitzacions no governamentals; campanyes internacionals.

ABSTRACT (CAS)

Los esfuerzos de las campañas realizadas por las ONG llevaron a los diamantes de guerra - los diamantes ligados a los conflictos armados - a un primer plano internacional a finales de los años noventa. Como respuesta, se creó el Proceso de Kimberley (PK), un foro negociador entre estados, ONG e industria, para discutir posibles soluciones que pusieran freno al comercio de dichos diamantes. Menos de tres años después se adoptó un sistema voluntario de certificación global llamado Sistema de Certificación del Proceso de Kimberley (SCPK). El SCPK regula el comercio de diamantes en bruto certificando todos los diamantes legales. Este ensayo se ocupa del problema de los diamantes de guerra, explica cómo una campaña internacional despertó la conciencia sobre el problema y cómo el proceso de búsqueda de soluciones culminó en el PK. El análisis se centra en los diferentes actores implicados (ONG, estados e industria) y en sus interacciones cambiantes a lo largo de la campaña y de los esfuerzos en pro de una regulación internacional. Como conclusión, se destacan algunas de las lecciones clave, en términos analíticos y de acción, derivada de este estudio de caso.

Palabras clave: diamantes de guerra; Proceso de Kimberley; organizaciones no gubernamentales; campañas internacionales.

ACRONYMS:

CASM	Community and Small Scale Mining Initiative
CSO	Central Selling Agency
DDII	Diamond Development Initiative International
DRC	Democratic Republic of Congo
JCK	Jewelers' Circular Keystone
KP	Kimberley Process
KPCS	Kimberley Process Certification Scheme
NGOs	Nongovernmental Organizations
MPLA	Popular Movement for the Liberation of Angola
NIZA	Netherlands Institute for Southern Africa
NMJD	Network Movement for Justice and Development
NOVIB	Nederlandse Organisatie Voor Internationale Bijstand (Dutch Oxfam)
PAC	Partnership Africa Canada
RUF	Revolutionary United Front
UN	United Nations
UNITA	National Union for the Total Independence of Angola
UNSC	United Nations Security Council
USAID	United States Agency for International Development
WDC	World Diamond Council

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1. INTRODUCTION

Conflict diamonds are rough diamonds – diamonds not cut or polished – traded by rebel forces and used to fund their war efforts. The most horrific wars funded through the sale of diamonds, including in the Democratic Republic of Congo, Angola, and Sierra Leone, peaked in the mid to late 1990s. This resource driven-violence would likely have continued and sparked many more deaths in the 21st century, had there not been a human rights campaign that raised global awareness about the connections between diamonds and war.

What are the problems caused by conflict diamonds and how did the trade in these gems become defined as a global issue? Furthermore, how did a solution to this problem come about and how effective is it? These are questions I will answer in this paper by reviewing the problem of conflict diamonds, the campaign efforts that raised awareness about the severity of the issue, and the KP in its efforts to curb conflict diamond trade.

Diamonds are not the only natural resource that has been associated with conflict and civil war or more generally with threats to human security. In fact, there has been a burgeoning literature on the links between natural resource trades and warfare (Ballentine and Nitzsche 2005; Ballentine and Sherman 2003; Bannon and Collier 2003; Humphreys 2005; Ross 2004). A substantial number of those scholars have focused on oil (Frynas and Wood 2001; Le Billon 2001; Swanson 2002) and some have studied the role of conflict fueling resources in Africa specifically (Bayart, Ellis, and Hibou 1999; Cilliers and Mason 1999; Dietrich 2000; Grant, MacLean, and Shaw 2003; Taylor 2003). There have also been important studies on the role of conflict diamonds in fueling warfare (Cilliers and Dietrich 2000; Mokhawa and Taylor 2003; Smillie 2002). In fact, analysis on the problem is even more extensive if one considers the contributions of research institutes, think tanks, governmental and nongovernmental experts.

However, there has been a curious silence on the campaign efforts which have put conflict diamonds on the map. Only very few studies have

investigated the conflict diamond campaign, describing how the various stakeholders initially engaged the problem (Bieri 2008; Sanders 2001; Smillie and Gberie 2001; Tamm 2004). A bit larger is the scholarly interest in the more recent regulation efforts. Studies have analyzed various aspects of the KP and its workings (Bone 2003; Grant and Taylor 2004; Scheiber 2006; Smillie 2005; Tamm 2002; Wright 2004).

I build on those studies as well as my own research on the campaign and the KP to provide an overview of the socio-political contexts of diamonds in recent history (a more comprehensive account is provided in Bieri, *forthcoming*). The account of the conflict diamonds campaign and the KP is based on my dissertation research (Bieri 2008), which included over 20 interviews with state, nongovernmental organization (NGO), and industry officials engaged in the campaign or the KP (Table 4 in the Appendix provides a detailed list of the interviews). Moreover, my study also draws on analyses of relevant documents published by the United Nations, NGOs, the KP, various industry organizations, and a wide range of news sources.

This case study is relevant in several respects. First, understanding how conflict diamonds became regulated is pertinent for peace efforts targeting other natural resources. Second, the case study also illuminates changes in global governance structures, which increasingly involve state and non-state actors alike. While multi-stakeholder approaches are en-vogue, little is known about how these different actors actually come together and how they can sustain effective, collective work on an issue area. Third, this study provides further evidence on the important function of NGOs. Through this case study we can observe the multifaceted roles NGOs play, including as agenda setters, norm creators, and watchdogs.

The paper will proceed as follows. I will first provide a brief overview of the problem of conflict diamonds. I then review the campaign events that made the problems associated with diamonds more widely known. Then, I trace the history of the KP and discuss the strengths and weakness of the Kimberley Process Certification Scheme, or KPCS, the global regulatory framework governing the rough diamond trade. The paper concludes with some key lessons we can draw from the case study.

2. THE PROBLEM OF CONFLICT DIAMONDS

The United Nations defines conflict diamonds as “diamonds that originate from areas controlled by forces or factions opposed to legitimate and internationally recognized governments, and are used to fund military action in opposition to those governments or in contravention of the decisions of the Security Council” (United Nations 2001: n.p.). Conflict or so called blood diamonds have funded and fueled many bloody wars in the past two decades. Conflict diamonds funded rebel groups in Angola, Sierra Leone, and the Democratic Republic of Congo (DRC)¹. The National Union for the Total Independence of Angola (UNITA) rebels, under their leadership of Jonas Savimbi, funded its war efforts against the MPLA government of Angola by trading diamonds. Similarly, in Sierra Leone, the Revolutionary United Front (RUF), renowned for their brutal war tactics including the amputation of limbs and the recruitment of child soldiers, were funded by the sale of diamonds. Liberia’s Charles Taylor provided the RUF with weaponry and military training in exchange for diamonds. Diamond sales also funded various factions in the DRC’s multiple civil wars in the 1990s. In the DRC alone, about 4 million people lost their lives in the brutal wars of that decade (Amnesty USA, n.d.).

It is estimated that during the mid to late 1990s, conflict diamonds made up about 15 percent of the total global rough diamond trade (Global Witness 1998). Today, under the new diamond trade regulation of the Kimberley Process, implemented in 2003, the percentage of conflict diamonds is under

1. These conflicts were fueled by other factors also. Financial support from international sources aided rebel factions or government armies. In Angola, the Soviet Union funded the Marxist MPLA government of Angola, while the United States supported the UNITA rebels and their leader, Jonas Savimbi. After the cold war ended and alternative sources of funding dried up, UNITA increasingly funded its war effort through the trade of diamonds. Moreover, other natural resources in addition to diamonds fund rebels. In Angola this includes oil and in the natural resource rich DRC, timber and coltan have contributed to conflict there.

one percent (Kimberley Process, n.d.). Most of the fighting in the diamond rich areas has subsided. Sierra Leone's and Angola's civil wars both came to an end in 2002 and Liberia's civil war ended in 2003. Still, there continue to be areas which produce conflict diamonds. The Forces Nouvelles is a rebel group that controls parts of the diamond rich Northern areas of Côte d'Ivoire. Côte d'Ivoire's diamonds are currently under UN sanctions, but smuggling still leaks a proportion of those diamonds into the world market. The Goma district in the eastern DRC has also experienced flaring conflicts. Diamonds as well as other natural resources provide funding for the various factions in these clashes. As I will discuss in greater detail below, diamonds from Zimbabwe and Guinea have created concerns due to massive human rights violations of those regimes in recent months. Besides those notable exceptions, today conflict diamonds make up only a small fraction of the global trade and much of the efforts of the KP in regulating the rough diamond trade are preventative. To understand this massive decline in conflict diamonds, we must look at campaign efforts which brought about the crack down on rebel traded gems.

3. THE CAMPAIGN AGAINST CONFLICT DIAMONDS

The beginning of the conflict diamonds campaign was marked by the publication of *A Rough Trade* in December 1998, in which Global Witness documented massive violations of UN sanctions against UNITA. The United Nations imposed sanctions against UNITA diamonds in July 1998 (UNSC Res 1173). UNITA had been funding its war efforts through its control of close to 70 percent of Angola's diamond mines (Global Witness 1998). Global Witness, a London based NGO, had previously investigated conflict fueling resource trades in Burma, but this was its diamond debut. *A Rough Trade* implicated De Beers, the dominant company in the diamond industry², Belgium, which holds the diamond trading capital of the world, Antwerp, and several other nations, in trading sanctioned - and therefore illegal - UNITA diamonds. In its accusations against De Beers, Global Witness wrote, "It is time that a business which operates in an arcane way, like a family business, re-assess its operation and accepts that corporate accountability is now an important factor in international business. The South African-British group De Beers and its Central Selling Organisation (CSO), as the major player in the diamond trade, must assume significant responsibility for this" (Global Witness 1998: 2).

The timing of the report was crucial. Fighting in Angola had intensified and peace seemed unachievable. The Lusaka Peace accord had become acknowledged as a failure by the UN and the international community at large. Moreover, Bob Fowler, Canadian Ambassador to the United Nations, became the new chairman of the UN Angolan Sanctions Committee shortly

2. De Beers for much of the 20th century had monopoly control in the diamond industry, controlling up to 80 percent of the market. However, De Beers lost much of its market share in the 1990s. The South African company faced growing competition from new mines in Russia, Australia, and Canada and it surrendered many of its monopolistic practices. Today it continues to be a key player in both the trade and extraction of diamonds. But other major players also include Rio Tinto, BHP Billiton, and Alrosa, the Russian state owned diamond company.

after the release of “A Rough Trade”. Through his position, Fowler reinvigorated the peace efforts in Angola and began investigations on the effectiveness and violations against Angola sanctions. These activities were important follow-ups that raised awareness about the diamond-war links in Angola within the international community but also sensitized the industry that trading conflict diamonds might carry consequences. Moreover, the NGO report set the standard for any subsequent investigations fairly high: UN inquiries had to uncover at least as much as the small British NGO had established in its investigation a year earlier.

In late 1999, the campaign against conflict diamonds gained momentum. Global Witness joined the German NGO Medico International and two Dutch relief organizations (NIZA and NOVIB) in a public awareness campaign called Fatal Transactions, which sought to raise consumer awareness about conflict diamonds. Its focus on consumer awareness caused discomfort amongst industry officials, in particular as they began to fear a replay of the successful anti-fur campaign as became evident from my interviews with industry officials. For fear of hurting legitimate, conflict free African diamond producers, like South Africa or Botswana, the campaign did not call upon consumers to stop purchasing diamonds, but rather sought to give the consumers the ‘right to know’ about the products they buy. But it was not always easy to reconcile the goals of raising public awareness about the role of diamonds in fueling brutal wars by publishing graphic images of amputations, rape, and murder, while not instigating a boycott.

In the meantime, a Canadian NGO, Partnership Africa Canada (PAC), began to investigate the diamond-conflict link. The PAC report *The Heart of the Matter* released in January 2000 expanded concerns regarding conflict diamonds beyond Angola, by documenting the key role of the diamond trade in Sierra Leone’s brutal civil war. It concluded that no sustainable peace could be established in that country without addressing conflict diamonds domestically and internationally. “Initial reactions to *The Heart of the Matter* from the industry and some governments were extremely hostile, and there was no rush to accept any of the recommendations”, but “the PAC report suggested to many in the industry

that denial was no longer a viable option” (Smillie and Gberie 2001: 3). Essentially, by January 1999, after *A Rough Trade*, the creation of Fatal Transactions, *The Heart of the Matter*, and UN actions on conflict diamonds, it became clear to key players in the industry, most notably De Beers, that the campaign was here to stay.

De Beers was receptive to the campaign’s causes relatively early on. “De Beers understood the vulnerability of the diamond industry. The wider industry had a lot to lose as well, but with an industry leader the size of De Beers willing to engage, the problem in unifying thousands of small family businesses around the issue barely arose” (Smillie 2005: 2). Instead of an insurmountable obstacle for social movement action, De Beers’ power essentially provided a political opportunity. The conflict diamonds campaign was more quickly achieving success because it could focus on one dominant market player as their key target.

De Beers and a few progressive individuals in the industry³ took the lead within the industry to pull others into action or at least into conversation regarding conflict diamonds. Specifically, the way this was achieved was through the creation of an industry NGO. The World Diamond Council (WDC) came into existence at the 29th World Diamond Congress in Antwerp, Belgium in July 2000. What facilitated the creation of the WDC were fears about an outright diamond boycott. From now on, the WDC would represent the entire industry on conflict diamond matters and be the representative body at the KP.

In summary, by early 2000, it became quite clear that conflict diamonds were significantly contributing to warfare and conflict in large parts of Western Africa, including Angola, Sierra Leone, DRC, and Liberia. While NGOs – Global Witness, PAC, and Fatal Transactions – played a key role in elevating the urgency to address the conflict diamonds problem, key individuals within states, international organizations, and the industry also

3. A key figure that stood out in the industry was Martin Rapaport, a major US diamond dealer and publisher of the Rapaport News and the Rapaport Price List, a major industry guide on diamond prices and market information. Deeply affected by his visit to Sierra Leone in 2000, Rapaport became an important voice in the industry on conflict diamonds.

helped put the issue on the radar screens of public and private actors. To many policy makers and key industry players it was evident that a solution to the problem would need to involve African producing states as well as Northern consumer nations. This solution was pursued via the establishment of the Kimberley Process.

4. THE KIMBERLEY PROCESS

In May 2000, a meeting was held in Kimberley, South Africa, that would become known as the first KP meeting (see Table 1 in the Appendix for a chronological list of key KP meetings). The organizers of this gathering were African ‘clean’ diamond producing countries – South Africa, Botswana, and Namibia – which increasingly became concerned that the negative images of conflict diamonds would harm the demand of all African diamonds. A diamond’s origin cannot be easily established and knowing if a diamond originated from a conflict region in Western Africa or a peaceful mine in Namibia is virtually impossible. But how then can the trade in conflict diamonds be curbed? Kimberley Process negotiations relatively quickly started to focus on a process by which clean gems would be certified.

Involved in the initial KP meeting were key diamond trading states – Britain, the United States, and Belgium – the industry, and NGOs, which had developed a reputation as knowledgeable actors in their report writing on conflict diamonds. KP meetings continued to unfold, with a growing number of participating states. While some states were initially highly critical, others made great efforts to keep NGOs at the table. According to Alex Yearsley, a NGO representative from Global Witness, at a meeting some states “tried to stop us from coming in and certain governments said if Global Witness doesn’t come then we’re not going to come and the meeting will be cancelled”. While initially, NGOs presence primarily served to increase the legitimacy of KP negotiations, NGOs expertise and input on the matter became appreciated by many in the KP.

In addition, non-KP meetings facilitated the debate on finding a solution to the trade in conflict diamonds. “Although not a formal part of the process, a dozen other meetings in various locales helped the parties to rehearse the issues and to grow more familiar with the challenges and each other” (Smillie 2005: 3). Such meetings included Bill Clinton’s White House Conference on Conflict Diamonds in January 2001, to which NGO, industry and state official were invited. Moreover, some of those exchanges between the

various parties occurred in a more casual atmosphere. “In the diamond industry there are always receptions and cocktail parties; this has helped enormously” (Smillie 2005: 7). The diverse nature and the frequency of those meetings was important in shaping a new reality of interactions between the protagonists. During the early campaign stages, it would have been unthinkable that the NGOs were to know De Beers officials and mining ministers from South Africa by their first name and that they would engage in collaborative talks. But within a few months of KP negotiations, collaboration was evident. Still, the intensive and close working relationships between the parties did not mean that NGOs became complacent. While some compromises were made, NGOs continued to press for progress, especially when delays in negotiations made a solution ever more distant.

By the beginning of 2001 several key decisions regarding diamond certification had already been made. It was clear that the certification scheme would be voluntary in nature, that it would require states to implement national certification schemes based on minimal standards set out in the international body, and the content of the certificate that would accompany rough diamond shipments and certify them as conflict free was already decided. In February 2001, a continent removed from splashy Valentine campaigns in front of jewelry stores in the United States, a meeting in Windhoek, Namibia marked the beginning of formal KP negotiations and set up a road map that intended for KP negotiations to be completed by October 2001.

Despite the fact that most important details had already been established, the delay for completing negotiations and putting the certification into effect was substantial. “Tension between governments and NGOs became apparent at the end of an April, 2001, meeting in Brussels when the NGOs there went public about their frustration with delays in creating a global certification system” (Smillie and Gberie 2001: 6). In fact, the lack of progress in KP negotiations reinforced the alliance between the industry and the NGOs: “united in their frustration at the governments’ intransigence and procrastination... Both these parties have been able to adopt a more pragmatic approach to negotiations as a level of mutual trust has developed between them” (Bone 2003: 7).

Eventually, and with one year delay, in November 2002 at a meeting in Interlaken, Switzerland the Kimberley Process Certification Scheme (KPCS) was launched. Implementation of this certification was to begin in January 2003 in all 37 states plus the European Commission, representing the members of the European Union, which had signed the documents in Interlaken. “De facto, every country present at the Interlaken meeting became a participant by virtue of its representative raising a hand” (Smillie 2005: 4). What is the KPCS?

The Kimberley Process Certification Scheme

The KPCS is a voluntary scheme under which participant countries adopt domestic legislation in accordance with the minimum criteria outlined by the KP. While the KPCS is voluntary, it essentially became obligatory to join for any country that seeks to import or export rough diamonds since all KP members vow to only trade rough diamonds with other KP members. So, staying outside the system simply leaves you without trading partners given the high level of participation in the KP. Today, 75 countries are members of the KP (see Table 2 in the Appendix for a list of all participants).

Countries that participate must meet minimum criteria as outlined by the KPCS. Those include that shipments of rough diamonds must be traded between countries in tamper proof containers and be accompanied by a Kimberley Process certificate. In producer countries, a chain of custody must track the exact origins of the diamonds from the mine to the regional field office where KP certificates are issued. From then on, KP certificates accompany rough diamonds all the way to the diamond cutter. This certificate, describing the content of the package, is government issued and validated by the respective issuance authority and must be forgery resistant. Thus, the KP is implemented via participating states’ legislative processes, which then bind private entities doing business in those countries to abide by these legally binding criteria or, if in violation, they can face criminal charges in the respective country.

The Kimberley Process is unique in that it formally incorporates non-state actors in the decision making and implementation aspects of the

agreement. The industry is represented via the WDC and the two NGOs that have consistently represented civil society at the KP are Global Witness and PAC. While KP member countries are designated as ‘participants’, civil society and industry representatives have ‘observer’ status.

The KP does not have a central secretariat or a pooled budget. Instead, the KP is headed by an annually rotating chair (see Table 3 in Appendix for a list of KP chairs), which usually swaps between key producer and key trading states. Despite the annual rotation, thus far, there has been a fair amount of consistency across the various chairs. In the absence of a continuous secretariat, much of the work is conducted in seven KP working groups. NGOs and industry are represented in the monitoring, statistics, diamond experts, participation committee, artisanal and alluvial, and rules and procedures working groups. Representation in the working group that selects the annually rotating KP chair is open only to member countries and not to non-state KP observers. In the KP most of the decision making occurs via these working groups and this gives non-state actors quite extensive influence. The KP gathers twice a year, once at the intersessional meeting which is usually held around June and once at the plenary meeting around November. At those meetings working groups recommendations are discussed and voted on with all KP participants and observers present. While the working group structure afforded NGOs with opportunities for pushing more stringent regulations forward and providing a healthy dose of ‘checks and balances’, most recently this structure has come under criticism for hampering swift action. Ian Smillie, KP founder and long term NGO representative to the KP and several of its working groups, recently described the shortcomings in an interview: “issues just go on the working group merry-go-round with nobody really willing to bite the bullet and do something” (Bates 2009: n.p.).

The absence of a budget or a central KP secretariat has led to substantial inequities within the KP with regard to workload and financial commitments. Those member states, who volunteer as KP chair and various other work intensive positions, carry a disproportionate resource burden. As the same countries have stepped forward and taken on responsibilities within the KP, this inequity has grown in the six years of the KP’s existence. Observers too

have carried a disproportionate weight, both monetarily and in terms of time commitment. Particularly for the NGOs this has become problematic. Both PAC and Global Witness had to commit full time staff to ensure civil society's representation at the KP. Moreover, costs associated with frequent KP meetings around globe are substantial. Perhaps one of the most expensive but also most crucial NGO activity regards monitoring.

Monitoring

While initially the KPCS came into existence without formal monitoring mechanisms, to the regret of NGOs, in October 2003 a review mechanism was formally adopted at the KP plenary meeting in Sun City, South Africa. The KP review mechanism includes the submission of annual reports by KP member states on the status of KPCS implementation, the process of voluntary peer review visits of member states, and review missions, if there is serious concern for noncompliance of a member state. Several review missions have been ordered, including to the Central African Republic (2003), the Republic of Congo⁴ (2004), Brazil (2006), Ghana (2007), Venezuela (2007), and Zimbabwe (2009)⁵. Peer review visits on the other hand are voluntary and seek to assess compliance with KPCS requirements for all participants, not just those that exhibit signs of noncompliance. Voluntary peer review visits are conducted by review teams, which are composed of three state officials, one industry, and one NGO representative. Subsequent to their country visit, review teams write a report and make recommendations for improvements.

Thus far, there has been one round of voluntary peer reviews visits of KP members. Between 2004 and 2007 each KP member (with the exception of

4. The Republic of Congo, also known as Congo Brazzaville, subsequent to the review mission, was expelled from the KP. At the time, it was an important sign that the KP had the political will and ability to enforce KP compliance of its participants. Thus far, this has been the only case of expulsion of a KP participant. The more temporary suspension tool however has been used by the KP (Lebanon was suspended in 2004). The Republic of Congo was readmitted to the KP in 2007.

5. While several countries have problems regarding the effective implementation of the KPCS, they are as such not sources of conflict diamonds, since their illegal or illegitimate diamond extraction do not fund warfare.

Venezuela) voluntarily invited KP review teams to monitor the effectiveness of their implementation of KPCS requirements. Normative pressures have ensured that this voluntary process was widely abided by. Once numerous volunteers stepped forward (the United Arab Emirates was the first to host a voluntary peer review visit), others quickly followed suit, and eventually volunteering became the norm. These peer reviews were conducted without relying on shaming campaigns against countries that were slow in stepping forward to invite a review. This essentially was a testament that the KP had achieved quite substantial legitimacy. More recently however, NGOs have started to rely on shaming tactics, not with regard to individual countries but toward the KP voluntary peer review mechanism itself. Ian Smillie recently summarized the concerns in a speech to the diamond industry: “The KPCS peer review mechanism, which I helped to design, is a disaster. Some reviews are thorough and recommendations are heeded. In many cases, however, recommendations are ignored, and there is little or no follow-up. Some reviews are completely bogus. In 2008, a bloated, nine-member team visited Guinea, a country whose diamond industry is beset by corruption, weak diamond controls, rotten statistics and almost certain smuggling. Over the past two years, official Guinean diamond exports have increased by a staggering 600%. The Kimberley team spent less than two hours outside the capital city and its report remained unfinished for almost 11 months. This is a parody of effective monitoring, and sadly, it is not the exception” (Smillie 2009, n.p.).

NGO criticism on the KP’s internal monitoring process shows that NGOs are acting as important watchdogs. Both PAC and Global Witness have continued to publish reports on particular KP member states and their violations when they believed that KP internal responses were insufficient. In the cases of Brazil, Venezuela, Guyana, Zimbabwe, and the Central African Republic extensive NGO research uncovered problems of the global diamond trade. NGO reporting on KP rule violations in a number of countries led to subsequent KP actions, which would have been unlikely without these reports. As watchdogs, NGOs provide critical information as unpartisan bystanders, the reports have consistently been of high accuracy,

which has only bolstered NGOs legitimacy as important guardians of the clean diamond trade.

NGOs watchdog role has been critical from the onset of the campaign, when NGOs initially raised awareness about conflict diamonds and NGOs were key in pushing negotiations forward toward the KPCS, achieving a faster and more rigorous outcome. Most recently, NGOs have been important in speaking out about the problems in the KP, plagued by lack of commitment and ineffective implementation in the last three years. Specifically, the KPs have been ineffective in responding to clear evidence of KPCS violations in several of its member countries including Brazil, Côte d'Ivoire and Ghana, Lebanon, Guyana, Venezuela, and most recently, Zimbabwe. Consider the problems with two of those cases, Venezuela and Zimbabwe.

PAC reported Venezuela's inability to control their diamond trade and the massive smuggling of Venezuelan diamonds in its report *The Lost World: Diamond Mining and Smuggling in Venezuela* (November 2006). A KP review team was eventually sent to Venezuela in October 2008, and found exactly what PAC had documented two years earlier in its report, that Venezuela is non-compliant with the KPCS. But rather than suspending or expelling Venezuela, an apparent 'solution' was put in place with Venezuela's self imposed export ban, allowing the country to remain a KP participant. Since then, however, Venezuelan diamonds have continued to be mined and smuggled out of the country to its KP neighbors, Brazil and Guyana, as an independent PAC investigative visit in May 2009 confirmed. Still, the KP has taken no actions, which has led the NGOs to conclude the following: "In condoning the status quo, the Kimberley Process has become an active party in an overt diamond smuggling enterprise" (PAC 2009b: 2).

Pressures for suspending Zimbabwe from the KP have been mounting. Not only NGOs, but key figures in the industry and representatives of many KP member states, have been seeking KP action against Zimbabwe. The KP sent a review mission to Zimbabwe nearly half a year after NGO reports detailed that around 200 miners were murdered by the Mugabe military in the Marange mining area in October 2008. Moreover, evidence is mounting on massive violence and human rights abuses in other mining areas too, where the

Mugabe regime seeks to extend its control (see PAC's report *Zimbabwe Diamonds and the Wrong Side of History*, March 2009). The report of the KP review mission team sent to Zimbabwe for a non-voluntary review mission in June/July 2009 also recommends suspension in its preliminary report to the KP. Thus far however, no action has been taken in light of several countries' reluctance, notably South Africa and Russia, to act in suspending Zimbabwe. Since a unanimous vote is required for suspending a KP member.

Most importantly, effective implementation has been hampered by the absence of a central authority and the consensus principle, i.e., decisions are made by unanimous votes, in the KP. Ian Smillie recently commented on the necessary adjustments that would be required for overcoming those weaknesses: "The solutions are straightforward: the Kimberley Process requires explicit reference to human rights in the management of diamond resources. It requires an independent, proactive and efficient body of expertise that can analyze problems and act quickly to correct them, applying meaningful sanctions where necessary. It needs an independent review mechanism. It needs a conflict of interest policy that will recuse parties with commercial or political interests. It needs a good dose of transparency. And it needs a voting system instead of a vetoing system" (Smillie 2009: n.p.). Achieving those solutions will require sufficient political will among KP participants and observers. Whether or not NGOs are once more able to engage key stakeholders, as they so successfully did during the early campaign stages in 1999 and 2000, is not yet clear. A public consumer campaign is unlikely to succeed in the absence of brutal civil wars which previously created a sense of urgency and helped garner media attention. Similarly, campaign strategies targeting consumers now would have a much more complicated story to tell: rather than rebels selling blood diamonds, the problem now is governments' non-compliance with abstract and technical KP standards. Technocratic details about the KP and violations to the KPCS are hardly considered newsworthy and difficult to induce widespread collective action. Still, NGOs' campaigns against human rights abuses in Zimbabwe and, most recently, Guinea will likely raise the stakes once more for the industry as well as concerned governments.

5. BEYOND CONFLICT DIAMONDS: SHIFTING TO FOCUS TO DEVELOPMENT DIAMONDS

Perhaps the most fundamental limitation of the KP, is that it was not designed to address the underlying problems of conflict diamonds. The rampant poverty that is tied to alluvial diamond mining is one of the root causes for conflicts in diamond rich areas.

Whether diamonds are curse or a blessing, whether they are associated with poverty or development, conflict or peace largely is a function of whether diamonds originate from kimberlite or alluvial mines. In kimberlite mines, diamonds are extracted directly from their original source, the kimberlite pipe. Kimberlite diamonds are mined with capital intensive machinery that digs deep underground to extract the diamonds from the volcanic pipe. South Africa, Botswana and Namibia largely extract diamonds from kimberlite mines. Angola, Sierra Leone, and the DRC however are endowed with alluvial diamond deposits. In alluvial mines, diamonds are spread over large areas, frequently in riverbeds, and mining occurs by removing diamonds from the sand, clay or gravel. While some of this mining is done via industrial style extraction (e.g. on the coast of Namibia), much of alluvial diamond deposits are mined by artisanal miners, working with simple tools like shovels and buckets. Alluvial mines are often beyond state or private enterprise control due to their expansive geographic areas.

Most of the 13 million artisanal diamond miners worldwide earn less than \$1 a day and while many hope for the big find, this rarely ever happens. According to a report by PAC and Global Witness, *Rich Man, Poor Man* (2004), 10-20 percent of jewelry diamonds are mined by artisans. Artisanal miners have few if any other employment opportunities. Overall the situation in alluvial diamond mines is dire. High crime rates, poverty, HIV infections, child labor, and dangerous working conditions all make this a

dangerous business. Moreover, this sector of the diamond industry is closely linked to instability, conflict, and civil wars: “The poverty, the hundreds of thousands of willingly exploited adults and children, and the volatility of the diamond fields make for a highly flammable social cocktail, one that has ignited several times in recent years, with tragic results” (PAC/Global Witness 2004: 6-7). Rebels can fund their war efforts by controlling alluvial fields and using forced labor for extracting diamonds. Moreover, artisanal diamond workers are easily recruited for rebel armies. Thus, at the core of the problem of conflict diamonds, lay ‘poverty’ diamonds. Several initiatives have developed to get at those root causes and to promote so-called ‘development’ or ‘fair trade’ diamonds.

The most comprehensive of those initiatives is the Diamond Development Initiative International, or DDII. The DDII seeks to integrate artisanal diamond mining initiatives already underway, specifically the USAID sponsored Peace Diamond Alliance in Sierra Leone, the World Bank’s Community and Small Scale Mining Initiative (CASM), or the Campaign for Just Mining initiated by the Sierra Leonean NGO Network Movement for Justice and Development (NMJD). The DDII brings together NGOs, industry, and states, a multistakeholder approach is similar to KPs structure and, indeed, the parties that developed the DDII got to know one another and began strategizing on how to approach problems associated with artisanal mining through the KP. At the October 2004 KP plenary meeting in Ottawa, Canada, PAC made a presentation on their report *Rich Man, Poor Man* and subsequently, De Beers approached the NGOs on whether they would be interested in working on a joint initiative regarding artisanal diamond mining. In an interview, Ian Smillie describes: “We didn’t get very much time and we were put on the agenda for an hour before lunch and you know by the time we finished making the presentation there was hardly any time for comments from the Plenary. Sierra Leone, I think the DRC and a couple of others were quite positive. They said yes, this is a problem. But then we broke for lunch and that was more or less the end of it. But De Beers said at lunch, they said, ‘we’d like to have lunch and talk to you about this’. They said, ‘this is a problem. We recognize it. We’d like to work with you on

this. Would you be amenable to having a joint conference, Global Witness, PAC and De Beers, to bring governments and industry and NGO's together to see where we might go with this thing?' We thought long and hard about it, but to make a long story short, in January 2005 we had a joint meeting in London”.

Indeed, Global Witness and PAC agreed and in January 2005 a strategic meeting was held, which included the two NGOs, De Beers, representatives from USAID, the World Bank, the UN, and from several states. The first official DDII meeting was held in Ghana in October 2005, with 80 representatives from the three sectors, states, industry and civil society. However, not all NGOs are comfortable with and willing to join such tripartite efforts. Essentially for skeptical NGOs, the DDII puts them too close in contact with the initial targets of the conflict diamond campaign, De Beers in particular. Similarly, not everyone in the industry is enthusiastic about being associated with and collaborating with NGOs. In an interview, Andrew Bone from De Beers comments, “it’s a risk on both sides and the NGOs, they run the risk of being accused of being too close to business. And vice versa”.

In 2008, funding for the DDII has been provided by the government of Sweden, Tiffany & Co. Foundation, PAC, and the JCK Industry Fund, totaling a total of \$287,580 for their annual budget (DDII Annual Report 2008: 9). 2008 was the DDII’s first operational year and it has made important progress. The DDII has produced several “Standards and Guidelines” materials offering various stakeholders important information on artisanal mining in specific countries. The DDII engaged in a pilot study on Guyana’s registration system of alluvial miners and its internal diamond production tracking mechanisms. This study now serves workshops and training session in Africa to implement similar systems there (DDII Annual Report 2008).

Most significantly, initiatives like the DDII, the Peace Diamond Alliance, the Community and Small Scale Mining Initiative, the Campaign for Just Mining, and industry fair trade programs like Rapaport’s Fair Trade Diamond & Jewelry Initiative or the Council for Responsible Jewellery

Practices have started to address the root causes of conflict diamonds and as such will become important partners to the KP in preventing future diamond funded wars and conflicts.

6. LESSONS LEARNED

Over the course of the last decade important changes have reshaped the global diamond trade. The conflict diamonds campaign initially raised awareness about the link between diamond and violent conflicts. More recently, the same NGOs more intensively began working on development diamonds, while initial KP negotiations were marked by civil wars and conflicts at the time, the KP now is largely engaged in conflict prevention. While the goals regarding conflict diamonds have evolved, there have also been important changes in the main targets of this campaign. Initially, UN sanction violations were at the center of concerns. De Beers, the most powerful company in the diamond business, was an obvious and central target. With key industry and state constituencies aboard to solution building in mid 2000, new targets included sluggish governments and several elements within the industry, though bringing those in line was mostly left to the industry NGO, the World Diamond Council. Increasingly, NGOs targeted governments and the KP directly rather than zeroing in on the industry. Moreover, for NGOs, moving from awareness raising on conflict diamonds to join KP negotiations and later on KPCS implementation was a dramatic shift in terms of their tactics and resource commitments. But PAC and Global Witness stood the course and today play an important role as watchdogs of the KP.

Whether a global voluntary certification mechanism with tripartite input is a viable solution for other conflict fueling natural resources will depend on the particular commodity. For instance, the complexity of supply chains of coltan makes its certification more complex (Molango 2008). In addition, the political viability of a boycott, an embargo, or a certification mechanism may be in question for 'essential' products like oil, coltan, and other ores in

comparison to luxury products like diamonds. In fact, this in part explains why awareness campaigns like “No blood on my cellphone” or “blood oil” have not achieved the same success as the blood diamond campaign. Despite those important differences, other conflict fueling trades are facing in many ways similar challenges that have been addressed in the KP and the DDII. For example, the difficulty of differentiating between legitimate and illegitimate or legal and illegal commodities is universally challenging. In addition, creating structures that maximize the benefits of natural resources to local communities and minimize the ‘resource curse’ are complex across the globe.

We close, with a few key lessons that emerge from observations of the conflict diamonds campaign and the Kimberley Process.

- **NGOs need allies.**

NGOs needed allies during the agenda setting phase of the campaign, when progressive leaders within the UN, various governments, and the industry emerged and acknowledged the seriousness of the problem. NGOs also required allies in bringing about a solution: South Africa’s leadership in the KP was key for instance. More recently, NGOs have collaboratively taken on complex social problems associated with artisanal diamond mining, building on networks with local NGOs, industry figures, and governments.

- **Tripartism is key for legitimacy.**

Just as NGOs need allies, industry and states too increasingly must incorporate civil society in global decision making in order to have legitimacy and hence be more effective. The KP could not have been effectively built without non-state know-how, input, and commitment. Having industry and NGOs at the KP table, was critical so that the new norms regarding diamond trading were perceived to be legitimate and that they were internalized more rapidly. NGO participation was therefore sought in formal KP meetings, as well as the many informal gatherings which also provided opportunities to debate possible solutions in a tripartite setting.

- **NGOs need to have long term commitment.**

With the growing civil society participation in various aspects of global governance, NGOs are becoming permanent participants in bureaucracies, which come to depend on their input. From this case study we have seen that some NGOs, namely PAC and Global Witness, were more willing and able to pursue the issue of conflict diamonds from campaign, through decision making, to implementation in the KPCS. Such long term commitment is costly but also critical for any effective multi-stakeholder initiative.

- **Effective monitoring is essential for success.**

NGOs have served as watchdogs of the KP and its members by writing independent reports and information on the effectiveness of the KP internal policies and states compliance with the KPCS. Indeed, NGOs have been effective in the past to entice allies in the industry to join them in their calls for more stringent and effective monitoring of KP member states. However, the KP must institutionalize more effective monitoring mechanisms, ensure accountability, and restructure to create sufficient political will to match words with deeds.

- **Building networks and alliances across sectors.**

Some have referred to the KP as a family, where former enemies have come together and learned to collaborate and appreciate one another. Frequent informal meetings, in addition to formal KP meetings, between various stakeholders significantly contributed to the development of such collaborations. The networks and alliances that were built since the beginning of the KP between NGOs, the industry, and some governments will be crucial in resolving the shortcomings that are stifling the KP and have already shown important in pursuing related social problems, like the links between mining and poverty.

- **Global social problems require multidimensional approaches.**

Addressing underlying problems of artisanal mining is critical in ensuring the permanent prevention of conflicts fueled by diamonds. It was also

realized by the various stakeholders, however, that not all can be done in one institution. Dense communication networks between various initiatives and programs are critical in order to ensure effective solution building on multiple fronts.

The NGO led global awareness campaign against conflict diamonds has resulted in unprecedented steps of regulating a violence-fueling natural resource. Without these campaign efforts and the creation of the KP, the dramatic reduction of conflict diamonds from around 15 percent to less than one percent of the total diamond trade could not have been achieved. Since the KPCS inception, the independent monitoring role of NGOs has been invaluable in continuing to push the KP to tighten its controls and to fulfill its mission in keeping conflict diamonds at bay.

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APPENDIX

Table 1. Major Kimberley Process Meetings, by date and place (Source: Kimberley Process Website).

Date	Place
May 2000	Kimberley, South Africa
September 2000	Pretoria, South Africa
October 2000	London, Great Britain
February 2001	Windhoek, Namibia
July 2001	Moscow, Russia
April 2001	Brussels, Belgium
September 2001	Twickenham, Great Britain
October 2001	Luanda, Angola
November 2001	Gaborone, Botswana
March 2002	Ottawa, Canada
November 2002	Interlaken, Switzerland
April 2003	Johannesburg, South Africa
October 2003	Sun City, South Africa
October 2004	Gatineau, Canada
November 2005	Moscow, Russia
November 2006	Gaborone, Botswana
November 2007	Brussels, Belgium
November 2008	New Delhi, India
June 2009	Windhoek, Namibia

Table 2. Kimberley Process Participants, as of October 2009 (Source: Kimberley Process Website).

Angola	Liberia
Armenia	Malaysia
Australia	Mauritius
Bangladesh	Mexico
Belarus	Namibia
Botswana	New Zealand
Brazil	Norway
Canada	Republic of Congo
Central African Republic	Russian Federation
China, People’s Republic of	Sierra Leone
Congo, Democratic Republic of	Singapore
Côte d’Ivoire*	South Africa
Croatia	Sri Lanka
European Community	Switzerland
Ghana	Tanzania
Guinea	Thailand
Guyana	Togo
India	Turkey
Indonesia	Ukraine
Israel	United Arab Emirates
JapanKorea, Republic of	United States of America
Lao, Democratic Republic of	Venezuela**
Lebanon	Vietnam
Lesotho	Zimbabwe

* currently under U.N. sanctions

** currently under self-imposed export ban

Table 3. Kimberley Process Chairs (Source: Kimberley Process Website).

Year	Chair
2003	South Africa
2004	Canada
2005	Russia
2006	Botswana
2007	EC
2008	India
2009	Namibia
2010	Israel

Table 4. List of Interviews.

Name	Affiliation	Title	Date
I. Smillie	Partnership Africa Canada	Research Coordinator	5/4/05.
B. Taylor	Partnership Africa Canada	Director	5/4/05.
G. FitzGerald	Natural Resource Canada	Assoc. Director Mining Statistics	5/5/05.
R. Dunn	Natural Resource Canada	Chair of KP WG Statistics	5/5/05.
D. Ngolo	Partnership Africa Canada	Campaigner and Consultant	5/5/05. Phone
T. Martin	Canada Foreign Affairs	Former Chair of the KP	5/6/05.
A. Omar	Canada Foreign Affairs	KP Representative	5/6/05.
K. Eling	European Union	KP Chair of Monitoring	6/21/05. Phone.
E. Izhakoff	World Diamond Council	President	6/24/05. Phone.
A. Jung	Medico Germany	Research Coordinator	6/29/05. Phone.
F. Metzger	Swiss Government	KP Representative	7/5/05.
A. Bone*	De Beers	Head of Public Affairs	7/7/05. Phone.
K. Hund	NIZA, Netherlands	Campaigner	7/18/05.
J. Sargentini	NIZA, Netherlands	Campaigner	7/18/05.
C. Gilfillan	Global Witness, USA	Campaigner	9/20/05. Phone.
JD Bindenagel	US Government	Former US Special Negotiator	9/22/05. Phone.
Van Bockstael	High Diamond Council	Director of HRD Division	9/27/05. Phone
A. Yearsley*	Global Witness	Campaigner	10/5/05. Phone.
I. Smillie	Partnership Africa Canada	Research Coordinator	7/5/06.
I. Smillie*	Partnership Africa Canada	Research Coordinator	7/6/06.
D. Ngolo	Partnership Africa Canada	Campaigner and Consultant	7/6/06.
T. Martin	Canada Foreign Affairs	Former Chair of the KP	7/6/06.
G. FitzGerald	Natural Resource Canada	Assoc. Director Mining Statistics	7/7/06.

* Interview quoted in the text

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