

# 2018 KP Civil Society Coalition Annual Report to the Kimberley Process

## Introduction

The KP CSC 2018 Annual report outlines activities of KP Civil Society Coalition members at the international, regional, national and local level in 2018. The KP CSC's mission is to defend the rights of communities in diamond mining areas. This is being done through research, advocacy, community empowerment and engagement with Government and the diamond industry at the local, national, regional and international level. Below is a brief description of the work of KP CSC members in 2018;

## General

Under the EU Chairmanship of the Kimberley Process, the KP civil society coalition pushed hard for reform, amongst others on changing the definition of conflict diamonds beyond the limited and outdated scope of rough diamonds financing rebel movements.

The CSC, together with industry (World Diamond Council) and Canada submitted a joint proposal to the 2018 Brussels plenary for a wider definition of conflict diamonds. This strong joint call to urgently adapt the KP to crucial concerns such as systematic and widespread violence, forced labour, the worst forms of child labour, violations of International Humanitarian Law and illicit financing of private and public security forces met with great resistance of other participating states ("Participants") at the KP plenary, despite the commitment to reform expressed by the 2017 Brisbane Plenary.

## KP CSC Participation in KP Meetings and Working Groups

KP CSC members participated in the 2018 Intersessional and Plenary meetings in Belgium. CSC participation was supported by the European Union. Below are details of CSC activities related to the KP in 2018;

- ***Intersessional and Plenary meetings:*** All the 11 members KP CSC members attended the 2018 KP Intersessional and Plenary meetings. Each organisation was represented by at least two representatives. The huge presence of CSC members enabled the coalition to effectively cover all the Working Groups of the KP. CSC members participated in all meetings at Intersessional and Plenary organised by the Adhoc Committee on Reform and Review including separate sessions organised by the Su-Group on Expanding the scope of the KP in the Sub-Group on Core Document, Sub-Group on Establishment of a

Permanent Secretariat, Sub-Group on Establishing a Multi-Donor Trust Fund and Sub-Group on Improving the Peer Review Process. <https://www.kimberleyprocess.com/en/2018-plenary-opening-remarks-civil-society-coalition-shamiso-mtisi> and <http://www.zela.org/zelanews/kp-civil-society-coalition-2018-plenary-closing-speech/> .

- **Working Group Meetings and Teleconferences** : CSC members participated in various meetings and teleconferences organised by KP Working groups, including the Working Group on Monitoring, the Committee on Participation and Chairmanship, Working Group on Artisanal and Alluvial Production and the Central Africa Monitoring Team.

**KP CSC Internal Planning Meetings:** In 2018 CSC members attended internal planning meetings in Antwerp in February, in Paris in April, in Antwerp in June and in Brussels in November 2018 to discuss strategies in advocating for KP reforms. IPIS hosted the 2 meetings of the KP civil society coalition (KP CSC) in Antwerp and contributed by organising and actively participating in the internal reflection meetings.

## **Participation in Review Visits: Russia and Angola**

The KP CSC participated in Review Visits to the Russian Federation and Angola in August and September 2018 respectively. Review visit reports are still pending.

## **Regional Events and Initiatives**

### **Artisanal Diamond Mining Conference**

The KP CSC attended and participated in a panel discussion on Artisanal Diamond Mining that was organised by the EU during an ASM Conference in Zambia on 14 September 2018. The conference resulted in the adoption of the Mosi o Tunya Declaration on ASM.

### **Mano River Union Regional Approach meetings**

In West Africa, CSC members in the Mano River region including NMJD, CECIDE, GRPIE and Green Advocates participated in the Mano River Union Regional Approach to the Kimberley Process Workshop on Customs and Border Security to curb Diamond Smuggling and the Implementation of KP National Action Plan held from the 9<sup>th</sup> – 11<sup>th</sup> May, 2018 in Monrovia, Liberia. From 22<sup>nd</sup> – 25<sup>th</sup> October 2018, NMJD participated as Regional Representative for the KP CSC in a training of Law Enforcement Agencies, Customs Officers on KP processes in Conakry, Guinea. Each country team had an

opportunity to develop an action plan for implementation in 2019 in their respective countries. From the 23<sup>rd</sup> – 24<sup>th</sup> August 2018, NMJD participated in a capacity building workshop for KP Civil Society Coalition members from Sierra Leone and Liberia, to empower them on their role as the third arm of the Kimberley process. This was funded by the German corporation GIZ through the Support of the MRU in Sierra Leone.

### **Engagement with trading centres and other international actors**

In Belgium, IPIS continued engagement with the diamond industry and other KP participants on KP reforms. Information sharing on diamond governance issues with other international organisations continued.

### **National level Events and Initiatives**

**Zimbabwe Diamond Security Conference:** In Zimbabwe, ZELA and CNRG attended the First and Second Zimbabwe Diamond Security Conference in June 2018 and November 2018 organised by Zimbabwe Diamond Security Conference. The Conferences brought together communities affected by diamond mining operations to sit on the same table with Ministry of Mines officials, diamond miners, state security agents especially the police and military involved in human rights violations and civil society groups. Discussions centred around the impacts of diamond mining operations including human rights, environmental impacts, illicit digging and discussions on how Zimbabwe can enhance compliance with the Kimberley Process Certification requirements in trading diamonds. Commendably, the two conferences organised by ZCDC reflected the tripartite nature of the KP. This approach was highly appreciated by community groups and civil society actors in Zimbabwe. ZCDC was encouraged to continue organising such events in future.

**Capacity Building for Parliamentary Committees:** In Zimbabwe ZELA provided legal advice to the Committee on Mines and Energy on several issues including the Mines and Minerals Amendment Bill and on the diamond mining sector. ZELA was also invited by the Committee on Mines and Energy to give oral evidence on diamond mining operations in Marange and the role of the Kimberley Process in the diamond sector. (*See Parliament Report and Analysis of the Mines and Minerals Amendment Bill and Second Report of the Portfolio Committee on Mines and Energy on the Diamond Sector in Zimbabwe for the Period 2009-2016 S.C15, 2018*). In Sierra Leone NMJD had meetings with the Parliamentary Oversight Committee on Mines & Mineral Resources to establish a collaborative partnership for the purpose of monitoring the mining operations in the country in order to improve the governance of the mineral sector.

## **Multi-Stakeholder Diamond Governance Meetings**

**In Zimbabwe ZELA organised a session on diamond governance during the Zimbabwe Alternative Mining Indaba from the 10 to 12 OCTOBER 2018 under the theme “Accountable and Transparent Governance of Mineral Resources: Safeguarding Development Interests of Local Communities in Mining Sector Reforms’.** See <http://www.zela.org/zami2018/> Participants included parliamentarians, faith-Based Organisations (FBOs), traditional leaders, civil society organisations, officials from ZCDC, government departments, rural district councils, the media and mining communities. The Zimbabwe Consolidated Diamond Company (ZCDC) attended the sessions and answered questions from communities and legislators on diamond mining operations and their impacts on local communities.

In Sierra Leone, NMJD organized civil society coalition diamond governance meetings comprising 7 organizations. The organisations developed action plan to monitor and document human rights abuses such as child labour in mining areas. The group held bi-lateral meeting with the New Minister of Mines & Mineral Resources to discuss civil society perspectives on the sector.

## **Central African Republic**

IPIS organized an event on the Central African Republic and the Kimberley Process. The Keynote speech “A critical look at the Kimberley Process in the Central African Republic conflict” was delivered by Terah DeJong, TetraTech expert on the Kimberley Process

## **Community Level Engagements**

### **Monitoring Visits to Diamond Mining Areas and Communities affected by mining:**

In Zimbabwe, ZELA and CNRG separately visited communities affected by diamond mining operations in Marange. The purpose of the visits was to monitor the impact of mining on communities and it was observed that human rights violations were continuing in Marange including beatings and in some cases deaths of artisanal miners. Illegal mining and trading of diamond was still happening.

In Sierra Leone, NMJD participated in a national tripartite engagement with chiefs and Chairpersons of diamond mining communities of Kenema and Kono districts. Discussions centred around harmonisation of fees for obtaining surface rent licences in their chiefdoms and use of proceeds for community development and tackling illicit mining in communities.

In Liberia Green Advocates and GRPIE in Côte d’Ivoire conducted visits to diamond mining areas to assess the situation in mining affected communities. Such visits documented weak enforcement of mining laws, smuggling of diamonds across

borders, problem of alien miners and dealers in artisanal diamond mining and lack of complete data on artisanal mining operations and actors involved. GRPIE in Côte d' Ivoire visited diamond mining areas to assess the implementation of the Washington Declaration.

Coalition members in Cameroon, Sierra Leone, Zimbabwe, DRC, Cote d' Ivoire and Liberia mobilised, organised and trained youths to actively engage in monitoring of mining activities in their local communities.

### ***Community educational campaigns***

In Sierra Leone, Guinea, DRC, Zimbabwe, Liberia, Cote d' Ivoire and Cameroon CSC members conducted community educational meetings on human rights, the KP minimum requirements and environmental management issues. In Zimbabwe for example, community monitors were trained on independent data gathering by the community members on the impacts of diamond mining, environmental management, revenue management and illegal mining and trade of diamonds. CNRG in Zimbabwe trained communities on non-violent methods to resist abuse in Marange and conducted human rights monitoring and advocacy strategies. Additionally, CNRG organised the fourth edition of Operation Hakudzokwi Commemorations in November 2018 in Marange to commemorate the human rights violations that happened in Marange. The event was attended by over 6000 locals, CSOs and the National Peace and Reconciliation Commission.

In Sierra Leone, community engagements resulted in increased awareness amongst Diamond communities on responsible use of artisanal mining proceeds and the Diamond Area Community Development Fund (DACDF), including women participation in the mining business and calls for communities to benefit from the Community Development Agreement (CDA). In DRC, GAERN continued with community educational sessions on mining legislation, safety, environment and health practices and on establishment of mining cooperatives and school remedial centres in mining communities in partnership with DDI.

### **Legal training for diamond mine-workers:**

**In Zimbabwe** ZELA conducted a Labour Rights Training workshop for members of the Zimbabwe Diamond and Allied Workers Union (ZIDAWU). The objective was to train diamond mining workers to understand and protect their labour rights and to enable diamond mine workers to understand contracts, contractual obligations and termination of such contracts as well as to equip workers with skills for claiming and asserting their rights.

### **Legal action**

In **Lesotho**, Maluti Community Development Forum filed a court case against a diamond mining company for violating community rights (See MCDF and 7 others vs. Letseng Diamond Mines)

## Research, Publications and Press Conferences

The following research publications relevant to the Kimberley Process were produced by CSC members in 2018 ;

- In Sierra Leone, NMJD published a research paper on “*impact of industrial mining on women in Sierra Leone*. The paper is serving as an advocacy tool to make mining policies and laws more gender sensitive.
- ZELA published a paper with relevant information on Illicit Financial Flows in the diamond mining sector under the title ‘*Amnesty on Illegally Externalised Funds and Assets: An Assessment of Zimbabwe’s Administrative and Legal Efforts to Combat Illicit Financial Flows (IFFs)*’. See <http://www.zela.org/download/amnesty-on-illegally-externalised-funds/>. The paper assessed the legal and administrative efforts taken by government to fight against illicit financial flows in the mining sector, especially the gold and diamond sector.
- ZELA also published media articles on the Ease of Doing Business Reforms in Zimbabwe’s diamond mining sector: See generally; [http://www.zela.org/zela\\_blogs/the-return-of-anjin-to-marange-the-blind-side-of-the-zimbabwe-is-open-for-business-agenda/](http://www.zela.org/zela_blogs/the-return-of-anjin-to-marange-the-blind-side-of-the-zimbabwe-is-open-for-business-agenda/) and <https://www.newsday.co.zw/2019/02/the-blind-side-of-zim-is-open-for-business-agenda/> .
- ZELA produced a paper on the work of the Auditor-General on accountability of state owned enterprises and implementation of recommendations -See *Auditor General’s Report: Accountability Issues for State Owned Enterprise*; See; [http://www.zela.org/zela\\_blogs/auditor-generals-report-accountability-issues-for-zcdc/](http://www.zela.org/zela_blogs/auditor-generals-report-accountability-issues-for-zcdc/) and also see <https://www.insiderzim.com/zimbabwe-diamond-company-failing-transparency-test/>
- **IPIS produced a report “[Central African Republic: a conflict mapping](#)”** that includes references to diamond mining and the Kimberley Process.

**Press Conference** –In Zimbabwe CNRG organised several press conferences in 2018 to update the nation and the international community on the situation in Marange. The organisation and submitted a Petition to Parliament in 2018 on the situation in Marange and a documentary on the situation in Marange. See

### Press releases

The Kimberley Process CSC issued press statements calling for reform after intersessional in Antwerp and before and after the plenary meeting in Brussels.

IPIS supported KP CSC outreach through social media and press work and voiced its views and concerns in interviews and articles in Flemish news outlets

## **Challenges Observed**

- Limited participation of affected diamond mining and affected communities in multi-stakeholder processes to articulate the issues affecting them 'first hand'.
- Weak implementation of the Washington Declaration 2012 and weak compliance of the KP minimum requirements in many diamond producing countries.
- Inadequate capacity (logistics and personnel) of national Authorities and other relevant institutions to monitor all the mining sites and border crossing points for smuggled diamonds in many diamond producing countries.
- Financial constraints for civil society to attend all strategic meetings on the KP at the national level and regional level, especially those from districts/communities. The lack of finance for civil society limits their effectiveness and relevance to engage in evidence-based work to express their concerns on the gaps in KP implementation. The funding for activities in 2019 is more secure with the funding from the EU-IcSP programme coming in.

## **Positive Lessons learnt**

- The Government, diamond mining companies and Civil Society collaboration in Zimbabwe and Sierra Leone or at the Mano River Union Regional Approach level enhances information sharing, mutual understanding and implementation of the tripartite nature of the KP at the national and regional level. Such efforts and best practices should be upscaled and replicated in other KP countries. The increased collaboration has opened the door for civil society to work more closely with different units of the government on the mining sector.

## **Conclusion and recommendations**

- More inclusivity and replication of the tripartite arrangement of the KP at the national and regional level is needed in other KP participating countries to complete and strengthen the Multi-stakeholder collaboration arrangement (government, civil society, communities and companies) for a productive engagement. The recognition and involvement of affected mining communities enriches the relevance and validity of the KP process.

KP reforms requires open and honest contributions to debate by all participants and observers. Key going forward is to enhance discussions on the substantive nature of widening the scope of the KP.