

## **Opening Remarks by KP Civil Society Coalition**

Kimberley Process, Plenary

November 12-16, 2018

**Brussels, Belgium**

Kimberley Process Chair, Ms. Hilde Hardeman

Distinguished guests,

Kimberley Process colleagues,

Ladies and Gentlemen,

### **Introduction**

On behalf of the KP Civil Society Coalition, let me start by congratulating the European Union, and in particular, the KP Chair Ms. Hilde Hardeman, for chairing and hosting this 2018 Plenary meeting and for successfully presiding over the June Intersessional meeting and various KP related events and meetings. I would also like to thank the EU for supporting the civil society coalition to participate in KP meetings and Review Visits. This year we actively participated in Review Visits to Angola and Russia, the tripartite forums in the Mano River Union Regional Approach and various teleconferences.

Now, I am pleased to introduce our new CSC member, **Maluti Community Development Forum [MCDF]**, from Lesotho. During the process of reviewing the application to join the CSC, Maluti Community Development Forum demonstrated a deep commitment, thorough expertise, significant work on diamonds and shared concerns on the local, national and global governance of the diamond industry. We are proud and open to bring new committed defenders of the rights of mining communities to our ranks from different geographical regions. This enlargement process will continue based on our due diligence and internal membership processes.

As you are all aware the CSC has restructured and reconstituted itself. It is now predominantly comprised of African civil society groups. The Zimbabwe Environmental Law Association (ZELA) is the Coordinator supported by 8 other African NGOs and 1 European based organisation, all with years of experience on working with mining communities. Part of our governance structure includes a system of Regional Leads for the CSC. Please allow me to introduce them-**Network Movement for Justice & Development (NMJD)** responsible for West Africa, **RELUFA** for Central Africa, **Centre for Natural Resource Governance (CNRG)** responsible for Southern Africa and **IPIS** covering Europe and other Trading Centres.

## **KP Reforms**

This plenary provides crucial momentum to further the reform agenda focusing on broadening the Scope of the KP, establishing a Permanent Secretariat, Multi-Donor Trust Fund and improving the Peer Review System.

### **Expanding the Conflict Diamond Definition**

*As has already been mentioned by the WDC, we have expressed our explicit support to Canada's proposal to broaden the conflict diamond definition, together with the WDC. The agreement between a participant, industry and civil society provides a strong signal that there is indeed support within the KP family to agree on a definition of conflict diamonds that responds better to the challenges mining communities are faced with. We thank Canada as well as the WDC and DDI for the initiative and the constructive dialogue we have had. We would also welcome dialogue with ADPA. We call upon all participants to support this joint effort which will go a long way in restoring global confidence in the KP. However, we also note that, whilst the proposed text addresses key shortcomings in the current definition, no reference to gross human rights violations or environmental concerns are explicitly mentioned.*

Further, we strongly believe that comprehensive reforms on definition should include broadening the scope to include the impacts of diamond trade on human rights across the diamond pipeline and supply chain from artisanal and small-scale mining, large-scale mining, trading, cutting and polishing centres. We cannot continue ignoring the calls by various groups for trading, cutting and polishing centres and countries to adopt clear and mandatory measures to look at their supply chains, as part of responsible sourcing and prevent use of diamond revenues to commit human rights violations. Since it's the reform year, we need to look beyond producing countries only in reforming the KP.

Madam Chair

Ladies and Gentlemen,

That being said, we do not want this to be a discussion on paper only. If industry is committed to produce conflict free diamonds, this should be demonstrated in both words and actions. An analysis of the newly adopted system of warranties is very worrisome in that regard. Human rights are never optional, to avoid violence requires more than just encouragement. *We therefore call upon WDC to require its members to prevent, identify, account for and remedy their adverse human rights impacts in line with globally-endorsed standards.* If voluntary mechanisms fall short, let us ensure that the KP system ensures that consumers can buy responsibly sourced diamonds, not tainted by blood, violence or human rights violations as is currently the case.

## **Late submission and Poor Quality of Review Visits Reports**

It is common knowledge within the KP that reports of peer review visits are generally submitted long after the visits are made. Apart from the relatively poor quality of some of these reports, their late submission makes the purpose of the visits to lose their essence as the conditions that prevailed at the time of the visits may have changed by the time the reports are submitted. This undermines or defeats the purpose of the review visits. This highlights a compelling need to provide a timeframe or limit within which reports of peer review visits must be submitted.

## **Conflict of Interest in Review Visits**

Our participation in Review Visits this year clearly demonstrated to us the concerns we have always had about the current practice and system of Peer Review visits. Conflict of interest is one of our many worries. Review visits lack seriousness in their team composition and execution of work. I must emphasize that we are also worried by the poor quality of reports, lack of in-depth analysis and production of those reports.

## **Statistics and Confidentiality**

Useful and credible data on rough diamond production and exports must be publicly disclosed. Currently, confidentiality is killing public confidence in the KP. The data shared on public statistics area is barely valuable for communities affected by diamond mining activities to hold governments and mining companies accountable. For the purpose of transparency and accountability, we recommend further disaggregation of diamond production and export data from the producing countries by separately indicating figures for industrial and artisanal production and to make public such data once it has been formally published by the KP.

## **Tripartite Arrangements**

The Kimberley Process (KP) was an early forerunner in the development of multi-stakeholder initiatives for natural resource governance. Its inclusion of civil society and industry was best practice at the time of its creation. Therefore, if this initiative should stand the test of time there must be a collaborative approach of Government, Industry and Civil Society at the national level to ensure compliance of states and also fast-track the implementation of the Washington Declaration.

Civil Society has been very instrumental in terms of support to make the Regional Approach very successful, especially in the Mano River Union. The KP should therefore continue to encourage participants to replicate this initiative in their respective

jurisdictions. We want to see a functional multi stakeholder group (inclusive of civil society and diamond mining communities) at national levels. The KP cannot function at the global level while it is dead at the national level. We are pleased to hear that in Sierra Leone for example, NMJD (civil society) is co-chairing the Multi stakeholder task force on the KP with the Government, while in Zimbabwe, ZCDC organized a follow up and feedback Diamond Security Conference bringing together communities, state security organs, mining companies, Government and civil society.

### **Central Africa Republic**

On the other hand, Madam Chair, we remain concerned about the situation in CAR and ongoing trade in conflict diamonds. The CSC follows with great attention, activities of the CAR Monitoring Team regarding approval of exports. The CSC reiterates its commitment to participate actively in discussions on the review of the proposed extension of compliant zones to 9 other areas. We will also participate in discussions on how the KP can deal with confiscated conflict diamonds in CAR. We would also like to see discussions on how confiscated diamonds can be best dealt with in the purview of the KP in other states, despite existence of national legislation. The solutions to the above problems should allow, on the one hand, that revenues benefit mining communities, and on the other hand, to prevent the contamination of diamonds from compliant zones with conflict diamonds. The Coalition is, like many in the KP waiting for additional information from CAR on the results of investigations on the alleged case of smuggling of conflict diamonds from CAR by the Adviser to the President. We also strongly support the efforts to establish a Central Africa Regional Approach.

### **The Situation in Angola and DRC Border Districts**

The KP Civil Society Coalition wrote a letter to the KP expressing great concern over reports of grave and serious human rights violations and conflict in the border areas of Angola and DRC, in particular Lucapa in Angola and Kapende in DRC. Angolan state security was allegedly involved in forced expulsions and mass violence against migrant artisanal diamond miners and traders. This reportedly set in motion a campaign of violence, killings, sexual violence, ethnic violence and looting of property of Congolese migrants. Reports indicate that more than 300,000 Congolese miners, traders and villagers have fled Angola due to violence in Lucapa, back to conflict-affected Kasai region of the DRC. The United Nations refugee agency ([UNHRC](#)) and the Office of the High Commissioner for Human Rights ([OHCHR](#)) warns that these mass expulsions are putting thousands at risk. While the government of Angola has the right to protect its national security, sovereignty, and natural resources, this has to be done with respect to human rights, as proclaimed in various African Union and UN treaties to which Angola is a state party. The KP Core Document itself notes the negative impact of conflicts associated with diamond trade on regional stability, peace, safety and security.

As CSC, we strongly call on the KP to seek an explanation from both the Angolan and DRC Governments on the situation or to institute an Expert visit or Review Visit to assess the situation in Kapende in DRC and Lucapa in Angola-remembering that this is not the first-time mass expulsions have happened in the region. These issues might be in the purview of the WGM or the WGAAP.

### **Conclusion**

Finally, the Civil Society Coalition looks forward to robust and constructive debates and contributions that can lead to quick, but informed adoption of Administrative Decisions during this Plenary.

Thank you

**Shamiso Mtisi**

Coordinator of Global KP Civil Society Coalition