

Kimberley Process

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The Kimberley Process (KP) is a global negotiation forum between states, nongovernmental organizations (NGOs), and the diamond industry, which seeks to regulate the trade in rough diamonds. The KP emerged in 2000, in response to growing concerns about the role of diamonds in funding brutal civil wars in parts of Africa. An estimated 4 million people have died in wars involving conflict diamonds. Specifically, wars in the Democratic Republic of Congo, Angola, and Sierra Leone were funded through the sale of so-called “blood” or “conflict diamonds” in the 1990s. In response, an international campaign developed, which sought to raise global awareness about, and to end the connections between, diamonds and war. NGOs accused the industry and the states of supporting rebel groups by trading these conflict diamonds. The United Nations also conducted investigations, which zeroed in on De Beers, the dominant market player, and Belgium, which hosts a key diamond-trading center in Antwerp. Jointly, these global political activities shook some industry players and states into action.

African diamond-producing states not affected by conflict – South Africa, Botswana, and Namibia – called for a meeting in Kimberley, South Africa in May 2000. Key civil society groups, members of the diamond industry, and important diamond-trading states – notably the United States, Britain, and Belgium – also attended this meeting, which would come to mark the beginning of the KP (Grant 2012; Wright 2004). Less than three years later, a voluntary, global certification named the Kimberley Process Certification Scheme (KPCS) was adopted in October 2002 and implementation was set to commence in January 2003. To date, 81 states have adopted the certification.

The KPCS regulates the diamond trade by certifying all legitimate, conflict-free rough diamonds. KP participating states are required to trade only with other KP states. They must adopt domestic legislation in accordance with the criteria spelled out in the KPCS. Those minimal criteria seek to ensure that blood diamonds cannot enter the certified diamond pipeline. For instance, rough diamonds must be traded in tamper-proof containers and must be accompanied by a government-issued forgery-proof KP certificate documenting the content and origin of the shipment. To ensure the exact source of the diamonds, producing states have to implement a chain of custody that tracks stones from the mine to the regional office where KP certificates are issued. KP certificates must accompany the gems until they reach the diamond cutter. Once diamonds are cut and polished, they are no longer under the auspices of the KP, which polices solely rough gems.

Despite its voluntary status, KP membership has essentially become a requirement for any country that seeks to trade with rough diamonds; this is due to the high level of participation in the scheme and to the requirement that members trade only within the scheme. To date, the KP covers 99.8 percent of the global rough diamond trade, and the proportion of conflict diamonds has declined from about 15 percent in the 1990s to under 1 percent of the total diamond trade (Kimberley Process n.d.; Wright 2004).

A unique feature of the KP is its tripartite governance structure. While states are official members of the KP and are charged with implementing KPCS requirements domestically, non-state actors are formally incorporated in the KP too. NGOs and industry representatives have Observer status in relation to the KP. The Kimberley Process Civil Society Coalition consists of around 10 NGOs (Kimberley Process n.d.). Partnership Africa Canada, a Canadian NGO, has consistently represented civil society in the KP since the

start of negotiations in May 2000. The diamond industry is represented via the World Diamond Council (WDC), an industry organization that was created to address the issue of conflict diamonds. Over the years, these non-governmental groups have served the process as experts and watchdogs.

Compared to other global agreements or certifications, the KP has been only weakly institutionalized. For instance, the KP does not have a fixed secretariat or headquarters; it has no staff; nor does it have a budget. Instead the KP is headed by an annually rotating chairmanship held by member states. Much of the work of the KP is conducted in working groups, and non-state representatives tend to have quite extensive input through their representation in those groups.

Important and equally challenging is the process of monitoring such global regulatory efforts. The KP has developed an internal monitoring mechanism, requiring member states to submit annual reports and trade statistics and to host voluntary peer review visits investigating compliance on the ground. In addition, members can be ordered to undergo a review mission when there is serious concern about noncompliance.

Despite these achievements, KPCS implementation has been hampered and the KP's monitoring mechanism has faltered – especially in recent years. Large amounts of diamonds produced in the former conflict-ridden areas continue to be unaccounted for, due to weak internal controls in those countries. Moreover, NGOs have accused the KP of condoning the trade of blood diamonds from Zimbabwe, which remains a KP member despite ample evidence of rampant violence and human rights abuses in some of its diamond mines. As a result, several key Observers have left the process in protest, namely the British NGO Global Witness, Ian Smillie, former NGO representative and KP

founding member, and Martin Rapaport, an early industry advocate of the KP. To blame for the KP's crisis are capacity issues, a KP fatigue plaguing some members, a narrow definition of conflict diamonds focused solely on violence inflicted by non-state actors while disregarding diamond-fueled state brutality, and the KP's own governance structure, namely a consensus principle that requires unanimous voting on all matters (Grant 2012; Smillie 2005). Reestablishing the political will of KP member states will be key to ensuring conflict-free diamond trading in the future.

SEE ALSO: Conflict: global anti-Jewish violence; Governance; International nongovernmental organizations (INGOs); Policing; Political globalization; Tripartite Standards Regime.

REFERENCES

- Grant, J.A. (2012) The Kimberly Process at ten: reflections on a decade of efforts to end the trade in conflict diamonds. In: Lujala, P. & Rustad, S.A. (eds.) *High-Value Natural Resources and Peacebuilding*. Earthscan, London.
- Kimberly Process (n.d.) Website. <http://www.kimberleyprocess.com> (accessed Jan 5, 2015).
- Smillie, I. (2005) The Kimberly Process Certification Scheme for Rough Diamonds. Verifor. <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4470.pdf> (accessed Jan 5, 2015).
- Wright, C. (2004) Tackling conflict diamonds: the Kimberly Process Certification Scheme. *International Peacekeeping* 11 (4), 697–708.

FURTHER READING

- Bieri, F. (2010) *From Blood Diamonds to the Kimberly Process: How NGOs Cleaned Up the Global Diamond Industry*. Ashgate, Farnham, Surrey, UK.
- Smillie, I. (2014) *Diamonds*. Polity Press, Malden, MA.