



Opening Remarks by KP Civil Society Coalition
Kimberley Process, Intersessional
June 18 - 22, 2018
Antwerp, Belgium

Kimberley Process Chair, Ms Hilde Hardeman
Distinguished guests,
Kimberley Process colleagues,
Ladies and Gentlemen,

We meet again here in Antwerp, Belgium. They say *Diamonds love Antwerp* - I am sure Antwerp loves clean diamonds more.

Firstly, on behalf of the KP Civil Society Coalition, let me thank and congratulate the European Union for chairing and hosting this 2018 Intersessional meeting. I would also like to thank the EU for enabling civil society to meet and attend this meeting, as well as supporting other KP and diamond governance related initiatives, such as the Regional Approach in West Africa. The Civil Society Coalition looks forward to robust and constructive debates and contributions that can lead to quick, but informed reform proposals for adoption by Plenary in November this year.

Reconfiguration of CSC

Ladies and gentlemen, 2018 is yet another Reform Year. Madam Chair, the Civil Society Coalition has followed your speeches since your assumption of the KP Presidency. You have always said the EU as Chair wants to ensure that the ***KP is fit for purpose***. For us this means urgently responding to calls for promoting peace, human rights and the rights of communities in diamond mining areas.

The KP's failure to do so thus far has led to devastating NGO and industry departures from the system. There has been a long trail of industry and Government officials who left the scheme silently, who were frustrated by year-long processes of working on reform proposals that in the end were not adopted. Despite this, the KP continues and reform remains key if it is in any way to truly tackle conflict issues affecting the lives of poor women, children and men in diamond producing countries, to address the challenges artisanal mining communities as well as to provide assurance to those consumers who associate diamonds with the purity of love and beauty. The Civil Society Coalition is engaged in the current reform agenda in the hope that progress might be made; We stand ready to engage, and help refine the system by working on reforms.

In light of IMPACT's departure from the KP Civil Society Coalition we would like to take this opportunity to **re-emphasize our mission which is to defend the rights of diamond mining communities**. Comprised of 7 African and one European-based civil society organization, we are actively engaged in widening our membership reach to help provide these communities with a voice in the KP forum. In this respect we

are at an advanced stage of recruiting new independent civil society members who are actively and positively working with diamond mining affected communities to the latter's benefit in West Africa and Southern Africa. Most of us are based in Africa and we know the terrain and the human rights violations against our people. Our legitimacy and space in the KP is derived from that. Our space should be respected and protected.

In this regard, I would like to give brief mention of the **Diamond Security Conference recently held in Zimbabwe**. The Conference took place on the heels of community protests that recently took place in Marange and reflected the tripartite nature of the KP through participation of civil society, industry, Government, and most importantly diamond mining affected communities. What it demonstrated is that national level tripartite arrangements and processes are achievable. We therefore encourage the Zimbabwean Government and ZCDC to progressively implement and act on some of the recommendations made by communities and civil society, including looking at the possibilities of inviting a KP Review Visit.

The CSC re-emphasises the **URGENT need to expand the scope of the conflict diamond definition**. The KP's current diamond definition fails to reflect the prevailing reality of the role of diamonds in conflict financing. Nor does it provide assurances to ethically minded consumers that their stones really do represent the beauty, love or purity that they are supposed to symbolise.

Serious diamond-related violence and rights abuses are not – nor have they ever been – only perpetrated by rebel movements. More and more, ASM communities are seeing them unfold at the hands of state and private security agents, individuals and mining companies. Violations include killings, torture, forced labour, displacement of populations, worst forms of child labour and environmental damage, including pollution of water systems that sustain the lives of vulnerable communities. Many, except a minority of the diamond industry, have failed to take measures to assess the human rights risks associated with their operations. Failure to assess those risks aid to put blood-stained diamonds on the fingers of brides everywhere. Industrial mining is a key sector involved in such human rights abuse –it can never be guaranteed as abuse free without further explanation and verification of how community rights affected by that mining have been managed – whether in Canada, Russia, Botswana or anywhere else.

But ethical issues also include misuse of revenues – for example, if communities truly saw the benefits of their diamond exploitation, child labour of the likes raised by Human Rights Watch in their February report wouldn't exist in the sector. We encourage diamond producing countries not to live under the illusion that if you do not directly interface with ethically minded consumers then ethics are not your concern. Diamonds are only worth their symbolic value and that is fragile. If a jeweller cannot sell his goods due to consumer resistance, he will go out of business or will look for alternatives. Then enter the likes of synthetics or "light box" which all has potential economic impacts on natural diamonds producing countries. The chain reaction of these factors for African producers is limited demand for your stones. Its

simple economics-ladies and gentlemen. And consumer resistance to unethically mined diamonds and millennial demands for clean diamonds is real, not imagined.

As the CSC, with decades of experience of working with diamond and other mining communities, we must stress that the KP conflict diamond definition has to be revised. We strongly encourage all of you to look at and consider our original 2017 **reform proposals outlining both the contours of such a revised definition and the need for a clear procedure for determining how and when such a definition would come into effect**. We are happy to provide you with a more detailed outline for those interested. Please approach us for this. In any case, the definition and procedures we have been proposing are not new at all-many of them are already engrained in international law as either *jus cogens*, international human rights treaties as well as national Constitutions and human rights legislation. This shows the human rights issues we are talking about are not new. They are already part of the law in all the countries represented here and there are national human rights bodies the KP can utilise for its purpose.

We likewise support improvement of the **peer review mechanism**, and would again encourage you to approach us to discuss views on how this process can be enhanced.

Related to this, we continue to support the need for an unfettered earmarked budget for the civil society coalition and less resourced KP members to effectively participate in KP working activities, including review visits and KP meetings, as well implementation. We look forward to seeing the KP's commitment to levelling the playing field in seeing how discussions on the **Multi-Donor Trust Fund** unfold.

With respect to the **establishment of a Permanent Secretariat**, we all agree lessons should be drawn from the current functions of the ASM, but also from related initiatives like EITI. The CSC would emphasise the need for independent, lean and professional staffing, including situating the secretariat in a neutral country.

Despite the potential of this reform agenda however, **the CSC remains seriously concerned about the agonisingly slow speed of the current reform process and the lack of clear delivery timeframes for the Reform Sub-committees**. Only the Peer Review sub-group has so far put together proposals while other groups are still fumbling with questionnaires. In the last reform cycle of 2012 and 2013 most of the issues currently being consulted on were already discussed. Then, in Australia, refreshed submissions were already made on all of these points in 2017. The existential threat facing the KP requires urgent action: achievable reform must be expedited through a clear, transparent and well organised process. We all already understand that implementation itself may need to be graduated but agreement to reform in principle should at least be expedited. Here, we call on the European Union and India to work together to ensure that reforms in principle are adopted this Plenary and, where necessary, discussions on Implementation be continued into 2019. We also call for more intensive face to face meetings in the coming months to expedite the reform process.

Allow me finally, to refer to one further preoccupation of the CSC: **the Central African Republic**. We wish to express concern about the ongoing armed conflict currently taking place in many areas of the CAR. As we all know, this conflict is in large part, funded by mining related revenues generated by armed groups in the east of the country. The CSC wishes to express its support and encouragement to the Central African government in the difficult job it is currently tasked with in trying to restore peace and stability in the CAR. We call on all KP member states to assist the Central African government in doing so by adopting enhanced vigilance measures to prevent illicit flows from leaving the country, particularly those funding the brutal targeting of civilians, the UN and humanitarian personnel in the east.

In this regard, we want to express our strong concern about the contamination of diamonds from the rebel-held East with those from the West. We understand the audit on the Stockpile in CAR included conflict diamonds from the embargoed zone. This suggests that the work programme to regularise and bring normalcy to the CAR may not be properly working.

What is also worrying to the CSC are the statistics from CAR on the KP Website. Unless if it is a mis-posting, the KP website shows that in 2017 CAR has been trading diamonds with a non-KP member state -Saudi Arabia on several occasions in Quarter 1-4. If it is a mistake it should be corrected, but it goes on to show how unreliable KP statistics are.

If the CAR fails to adequately address these concerns to prevent conflict stones entering KP channels then **a temporary ban on all exports of diamonds from the Central Africa Republic** must be considered. If the system allows injection of Conflict diamonds into the Compliant zones, then it means the KP is allowing trade in conflict diamonds which are being used to fuel armed conflict in the West and to violate the rights of communities we seek to protect.

Finally, we welcome efforts by the Working Group of Artisanal and Alluvial Producers and the European Union to support the Regional Approach in West Africa, and believe a similar approach in the Central Africa region to help the CAR address internal control challenges and combat illicit cross border transfers is essential.

I thank you ladies and gentlemen for your attention and look forward to our further engagement throughout the rest of this week.

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