

Kimberley Process Civil Society Coalition
Brussels Meeting, November 17-19, 2011
Communiqué

We welcome the Kimberley Process initiative agreed to at the Kinshasa Plenary (October 31-November 3) to study possible reforms to the overall diamond regulatory system.

We have seen efforts to reform the KP in the past, however, and too often, badly needed reforms have been blocked by political, commercial and vested interests.

We will work with the reform process in the year ahead, but we expect to see tangible results by the end of 2012, with clear indicators of success at the mid-year Intersessional meeting. Taking note of our absence at the Kinshasa Plenary, we are making our full engagement with the KP dependent on the adoption of substantial and sufficient reforms such as those listed herein.

The Kimberley Process Civil Society Coalition notes the decisions made by the KP at the Kinshasa Plenary with regard to Zimbabwe. These decisions were made in the absence of civil society and our concerns and objections have been made known. The Civil Society Coalition will work with the agreement to ensure the best outcomes possible.

We also intend to work on parallel initiatives until it becomes clear that the KP is willing and able to address fundamental concerns about its operation.

We recognize the KP as a necessary, yet insufficient, means through which to regulate the international trade of rough diamonds, particularly those coming from high risk and conflict prone areas.

The KP Civil Society Coalition believes that the following recommendations and outcomes are a necessary prerequisite to an effective, credible, clean and responsibly managed diamond supply chain:

1. DEFINITIONS:

Human Rights

The current definition of conflict diamond is outdated and does not address the way in which violence in the diamond producing areas has evolved in the decade since the Kimberley Process was formed a decade ago.

The KP must include respect for human rights in its minimum standards for all Participants. By this we mean the provision and administration of security measures in Participants' diamond mining sectors should be consistent with international human rights law.

As a means of addressing the potential for smuggling and other concerns relating to KP compliance in artisanal diamond mining, Participants should further provide and administer security standards and measures consistent with international human rights law with respect to diamond miners and members of local communities.

Until the KP has adopted such clear human rights provisions, we will work with national, regional and international human rights organisations, including the UN High Commissioner for Human Rights and other UN organs and human rights mechanisms to inform them of the KP's unwillingness and inability to include human rights as a basic standard in the diamond industry.

2. GOVERNMENTS:

Independent Monitoring

The KP peer review mechanism has considerable value but it also has limitations. The civil society coalition believes that the KPCS would greatly benefit from additional independent oversight. As a means of informing the KP on this issue, we recommend a preliminary, independent, professional "review of reviews" to examine:

- the quality of the review visits and missions that have already been done;
- action taken on the recommendations;
- follow-up by the KP.

This should be agreed at the Intersessional Meeting with a target completion date by the 2012 Plenary.

3. INDUSTRY:

Inclusion of the Cutting and Polishing Industry in KP Oversight and Statistics

The exclusion of the cutting and polishing industry from the KP system creates a vacuum between the production and trading system and retailers and consumers. Until the cutting and polishing industry is included in KPCS oversight, the Civil Society Coalition will work to inform retailers and consumers that there can be no confidence in the KP certification system.

Clearer Responsibilities for Industry throughout the Supply Chain

The Civil Society Coalition will work with industry, the KP, and the OECD to create a supplement on diamonds as an integral part of the OECD Due Diligence Guidance for the Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

4. CIVIL SOCIETY:

The Role of Civil Society Organizations

We insist that the KP adopt clear language in support of the role of civil society organisations in the monitoring of their country's KPCS compliance, that member states respect the role of civil society organisations in this process and accord them full protection under the law. The civil society coalition will work with the incoming Chair to draft appropriate language for adoption at Plenary 2012.

5. KIMBERLEY PROCESS:

Decision Making

Until the KP has adopted an effective decision making policy, and as long as it retains its dysfunctional "consensus" decision making arrangement, the CS coalition insists that consensus on any decision must include the agreement of the CS coalition and the World Diamond Council. Without the involvement of all stakeholders of this tripartite initiative, and

without the agreement of observers on issues before the KP, there will be no consensus.

Transparency

Transparency was a founding KP principle but in practice it has proven very elusive. As a minimum, we believe that all KP monitoring reports, participants' annual reports, and statistics should be made public. Until this happens we will work with other organisations, including EITI and Transparency International to create a KP Transparency Index showing which KP participants make these reports publicly available.

Administrative Support Mechanism

The KP needs a permanent, small, flexible, professional, technical support mechanism to support the work of the Chair and the KP Working Groups, and to provide analysis, archiving, and dialogue facilities. The need for this has become a matter of urgency and details must be agreed at KP Intersessional in June and operationalized by the end of 2012.

Wider and Better Compliance

Any regulatory system needs a system of standardized and graduated penalties as well as a technical support mechanism to remedy technical problems of compliance. The KP needs to examine similar international regulatory systems such as those governing financial and sporting bodies. The KP Ad hoc Committee on Reform must develop such a system for adoption at the 2012 Plenary. The CS coalition will work with the Ad hoc Committee to advance this issue.

Development

Diamonds have not fulfilled their development potential in many producer countries. The KP should use its good offices to create a wider forum among multilateral, bilateral and non-governmental development organisations to promote the development agenda in the diamond industry. We will work with the KP and DDI to convene a major development conference in connection with the 2012 Plenary in order to inform the wider development community about the challenges and opportunities that exist for promoting diamond related development. This will build on the one day round table discussion in Windhoek in June 2009.

6. CLEANER DIAMOND INITIATIVE:

Until there are clear indications of serious KP reform, we intend to pursue with immediate effect with interested governments and industry a parallel diamond regulatory body that will include all of the existing KP standards and those included in the many reform proposals that have been discussed over the years. This initiative aims to create a higher level of certification for consumers – a “Triple A Rating” that will build confidence and greater value in the diamonds of those countries and companies that participate.