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London School of Economics - Business, International Relations & the Political Economy



Essay

## The limitations of the Kimberley Process

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## **About**

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## **The limitations of the Kimberley Process**

The Kimberley Process (KP) was initiated as a step towards an end of financing civil wars by diamond trading in Africa (Kimberley Process 2018). This analysis articulates the thesis, that the definition of conflict diamonds developed by the Kimberly Process Certification Scheme (KPCS) is insufficient in terms of the application to human rights in general, because it expels only those diamonds from the world market produced by conflict parties whilst disregarding by definition the severe production conditions under which diamonds are mined. Also the KPCS is not legally binding, but instead only a self-obligating commitment (ibid.) and simply reacts to certain symptoms of resource inequality, disregarding their causes e.g. unjust property distribution, poverty, or autocratic governments.

When governments of several states, actors of civil society and corporations from the diamond industry met in Kimberley, South Africa in 2003, following a United Nations resolution the goal was clear: Take “conflict diamonds out of the global supply chain” (Kimberley Process 2018), those diamonds being mined and sold under control of civil war participating parties in Africa (Kimberley Process 2018 / The Guardian 2014). The KPCS was developed, certifying diamonds if they:

1. “Satisfy ‘minimum requirements’ and establish national legislation, institutions and import/export controls
2. Commit to transparent practices and to the exchange of critical statistical data
3. Trade only with fellow members who also satisfy the fundamentals of the agreement
4. Certify shipments as conflict-free and provide the supporting certification“ (Kimberley Process 2018, p.1)

Until in 2015 diamonds of a total value of \$13,881,626,082.74 USD were traded under certification, whilst until today 54 countries participated in the KP (ibid.). In practice, to many, the KP has shown dramatic insufficiency regarding its effectiveness: A speaker of the Network Movement for Justice and Development from Sierra Leone has argued in 2010 that the KP was “dominated by the industry” (Medico International, 2010) making it complicated for NGO stakeholders to speak clearly about expulsion of populations or to demand

compensations from the industry, accusing the KP of being simply advertisement for the industry. Also the German branch of Medico International criticized that the origin of diamonds is often not as clear as KPCS suggests (ibid.). In 2008 the Maranga region of Zimbabwe experienced human rights violations committed by the government, while Zimbabwe was still held within KPCS (BBC, 2010). For diamonds of the Maranga region the KPCS therefore demanded a prove of standard fulfillment, but the BBC uncovered in 2010 ways how KPCS was skirted, as diamonds were smuggled out of Maranga to neighboring countries, later certified by KPCS.

In conclusion the collaboration between state and non-state actors was not as efficient as expected in 2003, considering the missing achievement to effectively improve the wellbeing of African people in conflict regions. Also the ideal of new multilateralism to interact with the civil society within international governance (M3 U2 Notes LSE & GetSmarter) was in the end not achieved concerning the ousted civil and human rights NGO's, ending up for the KP being a dialog between some states and MNC's.

In 2014 the Responsible Jewelry Council (RJC) was founded, developing higher standards than KPCS through a more complex certification process under closer control (Responsible Jewelry, 2018). But general problems remain until today:

1. The labor conditions of diamond trenching are still precarious all across Africa (Runge/ Shikwati, 2011).
2. White washing: If international agreements are not drawn into juristic dimensions, only remaining self-declaration, the appearance persists that these agreements can be misused as advertisement by the industry.
3. Resource justice: Reason of war in Africa is not diamond trade. Trading diamonds is a practical way of financing wars, but in other countries – like in Congo – other resources (e.g. coltan) properly fulfil the same function (ibid). Initial reason of resource-wars is harsh poverty, unjust property distribution and autocratic governments - and sometimes the interests of foreign powers (MNC's, governments, etc.). Neither the KP nor the RJC respond that in prevention policies or through reparation for injustice.

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**Note of understanding: This essay was written in attempt to meet the following question and requirements**

Explore the official Kimberley Process website. Find out who participates in the process and their relationship with one another.

Diamonds: Does the Kimberley Process work?: Read the arguments put forth by James Melik, a journalist for BBC News, to assess how effective the Kimberley Process has been.

Having worked through these resources, consider the Kimberley process as a case, and discuss the role of states, NGOs, corporates, and regional organizations in addressing this global problem. How effective was this collaboration between state and non-state actors? In your answer, be sure to apply concepts you learnt in this module to the Kimberley Process case.

When writing your essay, you are required to make reference to the course material, the additional resources provided in this assignment, and any other sources consulted as part of independent research (...). Your submission, excluding in-text citations and list of references, **may not exceed 600 words**.