



Indigenous People and the Extractive Industries

Hearing – Subcommittee on Human Rights

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Angolan Blood Diamonds:

The Role of the European Union and the Kimberley Process

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I thank you for the opportunity to address you today on behalf of my fellow countrymen of the Lundas, the diamond-rich areas in the northeast of Angola. I start by showing you a series of images of the latest victim of violence in Cuango, which is one of the main centres of the mining industry within the Lundas region. Private security guards of Bicular, at the service of diamond company Sociedade Mineira do Cuango, shot dead 30 year-old Kazumiri Wanga, on April 20. The same guards had struck a deal with the illegal miners to allow them to work in an abandoned mine site in exchange for a fee and a percentage of the diamonds found. But the guards, early that morning, had changed their minds and surprised the miners with a hail of bullets while they were working. They killed Mr. Wanga.

This murderous act is part of a routine of systematic human rights abuses in Angola's diamond fields. In 2011, I wrote a report that detailed the abuses committed by the military and a private security company Teleservice, previously employed by Sociedade

Mineira do Cuango, involving the torture of more than 500 victims and the killing of more than 100 people.

The issue of protection of indigenous rights is linked to that of the efficient management of diamond farming in alluvial diamond areas. That natural resources must be conserved for the common good is a truism.

What is most shocking and peculiar in Angola is the contrast between abject poverty and scandalous wealth. On one hand, extreme violence leads to the assassination of poor villagers, who dig alluvial diamonds for basic survival because they have no alternative means of living. On the other, the presidential family, generals and the current CEO of the national diamond company Endiama, António Carlos Sumbula, have been enriching themselves by buying diamonds from such illegal miners both on the official and on the informal markets.

The fair share of the income from the mining rights must be distributed back to the population, particularly if they are deprived of the right to farm, trade and circulate. Moreover, local communities, who have been displaced from the diamond areas, must be compensated for the loss of their traditional livelihood.

The instrument available for protection of the local communities in the Lundas, and which European diplomacy could bring to bear upon the Angolan authorities is the Kimberley certification scheme.

The Kimberley Process (KP) diamond certification scheme was established in 2002 to regulate the global trade in rough diamonds and to prevent rebel groups trading in them from funding armed conflict. The KP scheme has now 54 participants, representing 80 countries, and accounts for over 99% of the global production and trade of rough diamonds. The member states of the EU are represented in the KP by the European Union, and therefore the role of the EP would be paramount in any effort to offer a measure of protection to local communities in the Lundas under this scheme with the EU's guidance.

In the different member states, several agencies are responsible for preventing illicit diamonds entering or leaving the countries, which in turn work with the rough diamond industry to provide expert advice and oversight of industry compliance with KP minimum standards. In order to achieve this, the relevant state officials carry out inspections of diamond shipments on imports and exports, and also work with industry and other KP member governments to ensure effective implementation of the KP scheme, both in a coordinated effort within the borders of the EU and around the world in the context of the membership of the KP.

Experts estimate that since the KP was established, so-called “conflict diamonds” have fallen from 15% to less than 1% of the global trade in rough diamonds. Therefore, statistically the KP can be considered a success. But significant challenges remain, including those related to artisanal mining, and particularly in certain African countries such as Angola.

The traditional concept of blood diamond as a tool for warfare and a source of cash for warlords must be expanded, not only in the letter of the agreement, but also in the spirit of the agreement as understood by politicians – yourselves, ladies and gentlemen. Diamonds being mined today in the Lundas are no less bloody than those that funded past wars. Today, my people are being assassinated not to fund a civil war, but out of sheer greed and malignance. They are no less dead, their tortures are no less inhumane, their suffering is no less painful, through the fact that instead of paying for bazookas, missiles and fighter planes, the proceeds of the sales are buying villas in Portugal and Spain, and the most expensive luxury accessories the West has to offer.

In 2012, I followed with great interest and attention the work of the EU-led “KP Friends of Côte d’Ivoire”, which is helping Côte d’Ivoire improve controls over the production and trade in rough diamonds to meet KP minimum requirements.

For most of 2012, the KP also implemented special monitoring arrangements to assess and encourage compliance with KP minimum standards in the Marange region of

Zimbabwe. Exports from Marange had been restricted by the KP since 2009 following a breakdown in internal controls on trade in rough diamonds, accompanied by serious human rights violations.

KP participants decided at the KP plenary meeting in November 2012 not to renew the special monitoring arrangements following reports of significant improvements in security and controls around Marange mining sites. The KP and the UK will continue to monitor the situation.

I note that since 2004 I have been publishing reports denouncing a pattern of killings, torture, organized rape, and starvation as a tool of enforced population displacement, abuses far more serious than anything that happened in Marange. Such reports have been published worldwide. Their diffusion and outreach was immense, involving both public and private institutions of such prestige as the Woodrow Wilson Center, The Mario Soares Foundation, the Washington Post, etc. The academic sector has welcomed these studies and they are often quoted in peer-reviewed publications as a major source in this field of study.

However, let's contrast the Marange and the Lundas cases and look at the differences.

First let's take a look at what happened in the Marange case.

The military takeover of the alluvial diamond mining area began on October 27, 2008, as military helicopters with mounted automatic rifles flew over Chiadzwa, a part of Marange, and began to drive out local miners. Soldiers indiscriminately fired live ammunition and tear gas into the diamond fields and into surrounding villages. On the ground, hundreds of soldiers indiscriminately fired AK-47 assault rifles, without giving any warning. In the panic and ensuing stampede, some miners were trapped and died in tunnels. Over three weeks, the military assault resulted in the brutal deaths of more than 200 people. Soldiers forced miners to dig mass graves for many of the dead.

One local miner said of the massacre: "Soldiers in helicopters started firing live ammunition and tear gas at us. We all stopped digging and began to run toward the hills to hide. I noticed that there were many uniformed soldiers on foot pursuing us. From my syndicate, 14 miners were shot and killed that morning."

As late as 2011, Zimbabwe police and private security guards, employed by mining companies in the Marange diamond fields, conducted violent operations that included shooting, beating and unleashing attack dogs on poor, local unlicensed miners.

The diamond companies built electric fences all around their mining concessions, while security guards with dogs regularly patrol the concessions. However, local miners were still able to reach the fields and sometimes stray into areas under the companies' control. NGO activists found and reported evidence of serious abuse by private security guards patrolling the joint venture territory. Miners in Mutare and towns close to the Marange diamond fields had been beaten by guards and attacked by their dogs after being caught by mine security. During patrols, police would also fire live ammunition at the miners as they fled, the miners said.

The EU, many Member States, and foremost Zimbabwe's former colonial power the UK, as well as NGO's from all over the world, all urged the Kimberley Process Certification Scheme (KP) to suspend all exports of diamonds from the Marange fields and asked retailers to refuse explicitly to buy Marange diamonds.

The KP has issued sanctions but not adequately addressed the abuses in Marange, as the recent incidents abundantly prove. The ongoing abuses at Marange underscore the need for the Kimberley Process to address human rights instead of capitulating to abusive governments and irresponsible companies.

On June 23, 2011, Mathieu Yamba, the KP chairman, announced that he had made a unilateral decision to lift the KP ban on exports of diamonds from the Marange fields. He took the decision even though independent monitoring, including the

organization's own investigation, had confirmed serious human rights abuses and rampant smuggling at the Marange fields. This decision, if implemented, would mean that the export of Marange diamonds is now permitted, without any monitoring of human rights abuses or credible evidence that Zimbabwe is complying with the Kimberley Process standards.

However, the Kimberley Process operates by consensus, and members such as the European Union, the United States, Israel and Canada criticized Yamba's position. Others, such as South Africa, supported it. As a result, the organization remains deadlocked over whether to allow exports of diamonds from Marange.

So let's look now at what happened in the Lundas. It's easier. The facts are, if possible, even more horrendous, insofar as the deadly violence does not consist in a spectacular raid of cinematic quality, something reminiscent of *Apocalypse Now*. Deadly violence for the average Lunda security guard is just another day at the job. Pays the rent, y'a know?

No KP inspection team ever has set foot in Cuango, the main site for alluvial mining and the hotspot for violence, after 8 years of documented reports of systematic human rights violations. After over one hundred substantiated murders in cold blood, documented with pictures and testimony, the KP has not seen fit to send an inspection team to have a look into the situation.

What can and must be done to keep the diamond industry untainted from abuse is, in fact, quite simple and mundane and well within both the mandate of the Kimberley Process and of the authority of the European Parliament. Such measures would also give to the consumers the guarantee, which they most surely demand, that they are not acquiring and enjoying a stone someone was killed over. EU diplomacy must be instructed to show to the world that Europe is united by common ideas, is guided by values and capable of showing leadership, and it's not just out to make a quick euro or two.

The EU must demand that an investigative team including European experts, unattached to the diamond industry, be sent to the Lundas, and conduct an extensive enquiry, including one-on-one interviews with the surviving victims, local NGO's and activists. Please, do not just get the official briefing, lunch and pleasantries with the foreign directors, a tour of the facilities, and a night out in the bay of Luanda, as those things are too often done, and decency prevents me from telling what is too often the later part of the tale.

The Kimberley Process appears to have lost touch with its mission to ensure that blood diamonds don't make their way to consumers. By ignoring the serious abuses taking place in Marange, it is losing credibility as a global diamond regulating body and risks misleading consumers too.

Throughout the year, the UK worked closely with the EU, industry, civil society and other governments to support efforts to expand the KP's mandate to enable it to address serious human rights violations by states. Unfortunately, resistance from a number of government participants in the KP and the fact that the KP relies on unanimous decision-making meant that progress was limited. However, for the KP to remain credible, it is paramount that these efforts should succeed, and effectively prevent blood diamonds from entering the international markets.

We, meaning local activists, bereaved families, victims of torture and outspoken community leaders, will continue to work to expose the human rights abuses led by the diamond industry in Angola, in complicity with the government, and that the Kimberley Process keeps ignoring. Ultimately, it is up to Angolans to peacefully fight to change such a gore reality. But it would be most helpful if the European Union and the Kimberley Process did not provide so much support and legitimacy for the Angolan government to continue abusing its own people, and for the mining industry to continue to savagely exploit them.