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Meeting Summary

Diamonds and Human Rights in Zimbabwe

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INTRODUCTION

This is a summary of a meeting that took place at Chatham House on 6 November, with Farai Maguwu, the Director of the Zimbabwe Center for Natural Resource Governance.

While Zimbabwe's economic situation has been progressively improving in the last few years, there are still significant concerns over transparency, revenue allocation and tackling human rights violations in the controversial Marange diamond fields. Farai Maguwu presented his view of the current situation and the complex political and economic landscape that has led to the predicament in Zimbabwe's diamond fields.

Farai Maguwu

Diamonds have become the lifeblood of the Mugabe regime. The revelation of diamond mines was first released in 2006 to the public, around May when local people started digging. Zimbabwean diamonds now constitute approximately 25% of world deposits although this figure is disputed and the volume could be much more. Mugabe encouraged locals to organise the new-found resource however the number of locals multiplied and unemployment was at 80% by 2007. In 2008 Mugabe lost in the elections to surprise and this was followed by violence and 500 people were killed. A coalition party was created and Mugabe was isolated with no resources. Diamonds became the only cash source available to develop his regime. In November 2009, the national army deployed in Marange and the army sought payback and massacred hundreds of people. Women were raped and people were rounded up, up to 90km from Marange and tortured without food and water and forced to sing revolutionary songs.

The research Mr Maguwu conducted involved going to diamond fields to talk to victims and survivors. When violence escalated, networks were formed with private hospitals to build a larger assistance network. The researchers spoke to about fifteen victims of torture and rape. They recommended diamonds from Zimbabwe must be banned from world market. There was unanimous agreement that Zimbabwe diamonds were tainting the diamond industry and human rights issues must be resolved.

One year later: what do we have to show?

Many Zimbabwe diamond mining companies are certified and have met requirements. Zimbabwe would earn \$2bn annually from diamond sales.

Zimbabwe could increase government spending on diamond mining however it later emerged that diamonds were not performing as well on the markets. Some companies accused the Zimbabwe diamond mining companies of giving nothing to the treasury and instead were serving army officials, leading to a continuation of abuse in terms of abuse to employees.

A Global Witness report showed all diamond companies have links with the military: diamonds became a touchy political issue. There is also a lot of concern as to which direction Zimbabwe will take following death of Mugabe. There are two clear factions in the government and the Minister of Defence has the upper hand as he is supported by the military. Diamonds are a major part of the succession dispute and more recently the involvement of China has become a cause for concern as China supplied a \$98 million loan to build a defence academy, which is linked to the company that is not remitting payment to the Zimbabwe treasury. The loan should have been paid by now but this is not the case.

Are diamonds conflict diamonds? What message should we give to consumers?

The traditional definition of conflict diamonds is rough diamonds used by rebel movements to finance wars against legitimate governments (the Kimberley Process definition). This is not the case in Zimbabwe, but if it is looked at closely there is a military junta which controls diamonds that is set up parallel to government. The Minister of Finance does not know where the money from diamond mining is going. In this context there is conflict related to diamonds in Zimbabwe. Whilst there are human rights violations taking place, this violence can be exported elsewhere especially during election times. The fight will be over the control of resources. It is hard to say if Zimbabwean diamonds are conflict free, or to advise consumers with a guilty conscience.

Q&A

Question:

Recent conversations suggest people have the idea that human rights violations are over and the main concern is environmental issues. Water quality tested suggests heavy metals are in the water. Are human rights violations over?

Farai Maguwu:

The environment is definitely a big issue but it is not accurate to say human rights abuses have ended. Two weeks ago men were mauled by dogs in the diamond mining area and so violence is continuing, which necessitates investigation. The environment is a big issue because the life of communities revolves around the river and the river cannot purify itself due to deposition and mud from mining companies. Fish are dying in the water and the water cannot be used for domestic purposes. Water samples showed the water was bad and no longer fit for purpose. Families living near diamond mines are affected by dust from the mines which gets into homes. The local CPO says there is an increase of airborne diseases such as typhoid as well as noise pollution too. As a result over four thousand families are being relocated from Marange. These families survive on subsistence agriculture and the new area is tiny, the area of a football pitch. Families are asking NGOs for food and the government is doing nothing to help. Children are out of school as there is no provision for school transfers.

Question:

Under the new term of parliament, there is provision for discussion of the Diamond Act. Can you share your thoughts on this? Is this a potential site of conflict for stakeholders or can anything positive be done in terms of development?

Farai Maguwu:

There is talk of a diamond bill but already there is a bill prepared by the Ministry of Mines. There were consultations since last year that the Center has been a part of. Even if there is a diamond bill the problems will not disappear as there is no political will to see it through. There will be no

resistance as the Ministry of Mines is pushing it. Technically speaking there will be problems as the way the ministry gives licenses for mining is not strict. Not all mining companies have proven track records in mining and many learnt about the process on the job. Licenses must be nullified and issued properly again but it is doubtful this will happen. It is unlikely there will be a large turnaround and there is not enough determination to come up with an effective strategy.

Question:

South Africa was involved in the transition, do diamonds play a role?

Farai Maguwu:

South Africa was trying to manage a transition without violence and when South Africa tried to talk about security sector reform it became a sensitive issue that was damaging to sovereignty.

Question:

Talking about a lack of transparency, what level of diamond proceeds could we be talking about? There is no solution and people in power do not want transparency.

Farai Maguwu:

It is necessary to be pragmatic. With the current political setup there is no way Zimbabwe can turn around and start allowing transparency. People in control are responsible for keeping Mugabe in power. The real issue is who is in power and making decisions. A democratically elected government is the solution to Zimbabwe's problems.

Louise Arimatsu:

Speaking of human rights abuses from an international law perspective, it is necessary to consider if the definition of violation has been addressed. There needs to be a broader understanding of what rights are. Is there a possibility of bringing litigation to those violators? If states cannot comply with minimum standards then the onus is on corporations and the international community. Should external organisations such as the OECD put responsibility on other

states? External pressure has caught China in the past and this could work for Zimbabwe. Can the rule of law be used rather than resolving the problem politically?

Farai Maguwu:

The problem in Zimbabwe is that the enforcement of the ruling is very difficult. For example, President Mugabe decided to shut down the SADC tribunal following its ruling in favour of the farmers. There are some excellent guidelines like the OECD one could be followed, but political will is necessary to apply it.

Question:

What are the politics of the Kimberley Process in Zimbabwe?

Farai Maguwu:

The Kimberley Process is a voluntary initiative in which all participant countries have equal veto power. If not all countries reach consensus it is difficult to reach a decision. Therefore although people think highly of the Kimberley Process, it is weakened by these factors. In addition the Marange problem does not have a precedent in the Kimberley Process.

Question:

What is the role of London and DeBeers in the Marange problem?

Farai Maguwu:

DeBeers exploration in the Marange ended in 2006 and it has not had any involvement with Zimbabwe Diamonds since. London has avoided speaking about the problem.

Question:

Who are the buyers of diamonds from the Marange field?

Farai Maguwu:

Jewellers are not bound by the Kimberley Process. The diamonds are mostly sold in India, China and the United Arab Emirates. However they have been distributed to other countries as well. The problem is that it is very difficult to say who these countries are. Due to the sanctions they are very private about their activities and the system of buying has become clandestine.

Question:

The secrecy is a problem. However is there consumer power? Can people ask and find out from the stores where the diamonds from?

Farai Maguwu:

Marange diamonds are very distinctive and can be easily identified. However even if sold, traders will keep the secret safeguarded in order to avoid being identified.