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Mrs Benita Ferrero-Waldner
Commissioner External relations
European Commission
200 Rue de la Loi
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Amsterdam/Johannesburg/Frankfurt, April 18, 2007

RE: The Kimberley Process certification Scheme

Dear Ms Ferrero-Waldner,

Thank you for your response to Fatal Transactions' open letter.¹ We appreciate your detailed comments to the issues we raised and, and would very much like to stay engaged with the Kimberley Process during the Commissions chairmanship of the KPCS secretariat.

Although you indeed have addressed effectively some of our concerns regarding the effectiveness, there remain still some issues around the (conflict) diamond trade the members of Fatal Transactions are concerned about. We would appreciate a dialogue with you on this.

We share your enthusiasm about the outcomes of the latest KP plenary meeting in Gaborone. We are awaiting the results of the plans and consultations for improvement of the traceability of diamonds from the mine to export. So far the voluntary system of warranties remains rather weak, with very few measures to enforce it.

Of course the Kimberley Process cannot be 'all things to all people'. However the Chairs' motto *from conflict diamonds to prosperity diamonds* seems to imply the Commission has ambitions that go further than strictly combat the trade in conflict diamonds. How would the Commission define prosperity diamonds? We would be most interested to receive further information on your problem analysis and strategy behind the technical assistance that is being given by the co-ordination mechanism.

We would also like to applaud the way the KPCS has dealt with the situation in Ghana. We await the assessment of the KP team on the effectiveness of these measures. In the meantime, we would also like to learn about the outcomes of the EC's recent visit to Zimbabwe. The current chaos in Zimbabwe's diamond areas and the accompanying human suffering is of great concern to us.

As you know, our primary concern is the people living in diamond mining areas. They should profit from the diamond wealth of their country, not suffer. And although we fully agree with you that in many countries, diamonds indeed have brought prosperity, and we appreciate the numerous

¹ Fatal Transactions letter dated January 9 2007, your response dated march 5 2007 (ER/KK/CB/AK D(2007)503106

efforts that have been undertaken to improve the situation, this hardly seems to have had any structural effects so far. The fact that Angola is chairing the working group for artisanal, alluvial producer countries', is a worrying signal since the Angolan government is irresponsible for the violation of human rights in mining areas such as the Lunda provinces.²

The Kimberley Process is more and more presented as an example for the possible certification of other resources. Often, the KPCS is perceived as something it is not (yet): a guarantee that certified diamonds have been produced in a fair, transparent way, without the violation of human rights. We think that the structures, relations and knowledge put in place for the Kimberley Process could be used to promote real clean diamonds.

For people working in the alluvial diamond mines in countries like Angola and the DRC, the situation has not changed since the official end of war. Diamonds are still being traded in a non-transparent way. There is no sign of revenues being reinvested in the country. People living and working in the diamond mining areas are still being harassed, tortured and killed, while their governments profit from the raising diamond incomes. As you know, the situation in Zimbabwe is not much better³. In the Diamond areas around Mbuji Mai, in the DRC, children as young as 6 work in the mines, 7 days per week. 11 year old girls are used as sex slaves. The province with the highest density of diamonds has the lowest level of education.⁴ Even countries that have made relative progress, like Sierra Leone, diamonds are far from being a source for peace and development⁵.

We think that the KPCS could be much more for many people. The EC has a great opportunity to make that happen during its chairmanship. Because of its inclusive membership, the Kimberley Process is a very effective platform for dialogue and change. As Fatal Transactions, we would like to make available to you our research capacity, and our network among African diamond mining communities and civil society organisations working on diamonds, development and human rights protection. We would therefore like to propose to organise and facilitate a multi stakeholder discussion in the coming months, sharing these networks and expertise on the role of the Kimberley Process in promoting development and combating human rights violations in the alluvial diamond areas in Africa.

Looking forward to hear from you,

Sincerely yours,

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CC: Mr Karel Kovanda, Kimberley Process Chair

² Lundas - the stones of Angola's deadly diamonds: human rights abuses in the Lunda provinces, NiZA 2005 Authot Marques, Rafael; Rui Falcão de Campos. <http://www.niza.nl/docs/200605151104309973.pdf>

³ See : a.o : *Zimbabwe : Desperate Miners dig to escape poverty* (IRIN, January 17, 2007)

⁴ *Les conditions de vie et de travail des creuseurs artisanaux de diamant de la Ville de Mbuji Mayi, RD Congo*, Jean-Baptiste Lubamba; CENADEP, Kinshasa, August2006, p 26.

<http://www.niza.nl/docs/200612221605295061.pdf>

⁵ *To Mine or Not to Mine*; Network Movement for Justice and Development, Sierra Leone 2006