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The role of diamonds in fuelling conflict

Argentina, Austria, Belgium, Bulgaria, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Singapore, Slovakia, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

The General Assembly,

Recognizing that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

Recognizing also the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

Noting the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security,

Recognizing that continued action to curb the trade in conflict diamonds is imperative,

Noting with appreciation that the Kimberley Process, as an international initiative led by the Governments of participant States, has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,



Recalling that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberley Process, and stressing the need to continue its activities in order to achieve this objective,

Calling for the consistent implementation of commitments made by Kimberley Process participant States,

Acknowledging that the diamond sector is an important catalyst for promoting economic and social development, which are necessary for poverty reduction and meeting the requirements of the Millennium Development Goals in many producing countries, particularly in developing countries,

Bearing in mind the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of the producing, exporting and importing States,

Noting that the vast majority of rough diamonds produced in the world are from legitimate sources,

Recalling the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

Recalling also Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme¹ as a valuable contribution against trafficking in conflict diamonds,

Welcoming the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries.

Noting with satisfaction that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and would help to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

Acknowledging that lessons learned from the Kimberley Process may be useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

Recalling its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007, 63/134 of 11 December 2008, 64/109 of 11 December 2009, 65/137 of 16 December 2010 and 66/252 of 25 January 2012, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

Welcoming, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in

¹ See A/57/489.

diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

Welcoming also the decision of the fifty-four Kimberley Process Participants, representing eighty countries, including the twenty-seven members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Process and implementing the Kimberley Process Certification Scheme,

Noting the outcomes of the tenth plenary meeting of the Kimberley Process hosted by the United States of America from 27 to 30 November 2012,²

Welcoming the important contribution to fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society organizations from across participant countries, and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry in the Kimberley Process, to assist international efforts to stop the trade in conflict diamonds, as noted in the Kimberley Process communiqué of 30 November 2012,

Welcoming also the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,¹ to ensuring the effectiveness of national systems of internal control for rough diamonds,

Recognizing that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

Recognizing also that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices, as well as differences in institutional controls thereof, may require different approaches to meeting minimum standards,

Welcoming the efforts to improve the normative framework of the Kimberley Process through the elaboration of new rules and procedural norms to regulate the activities of its working bodies, participants and observers and the streamlining of the procedures for preparation and adoption of the decisions and documents of the Kimberley Process, thereby enhancing the effectiveness of the Kimberley Process Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme¹ and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme can help to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and act as a mechanism for the prevention of future conflicts, and calls for the full implementation of existing

² See A/67/640.

Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

3. *Welcomes* the admission in August 2012 of Cameroon and in November 2012 of Cambodia, Kazakhstan and Panama as full Participants in the Kimberley Process;

4. *Recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process Certification Scheme, have made to the settlement of conflicts and the consolidation of peace in Angola, Liberia and Sierra Leone;

5. *Notes* the efforts to further strengthen implementation of the Kimberley Process, including efforts to examine the application of Kimberley Process Certification Scheme requirements in cross-border Internet sales;

6. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006,³ the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012,⁴ and the decision of the General Council of 11 December 2012 granting an extension of the waiver until 31 December 2018;⁵

7. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 66/252, and congratulates the participating Governments, the regional economic integration organization (European Union), the diamond industry and civil society organizations, and the new Observers, namely the Diamond Development Initiative and the African Diamond Producers Association, involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

8. *Acknowledges* the progress made by Kimberley Process working groups, participants and observers during 2012 in fulfilling the objectives set by the Chair to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process Certification Scheme, foster a sense of ownership by Participants, improve information and communication flows and enhance the capacity of the Certification Scheme to respond to emerging challenges;

9. *Notes* that the annual reporting process on Kimberley Process Certification Scheme implementation is the main comprehensive and regular source of information on the implementation of the Kimberley Process provided by Participants, and calls upon Participants to submit consistent and substantive annual reports in order to conform to this requirement;

10. *Expresses appreciation* to Canada, Lebanon, Switzerland, Thailand and the United States of America for receiving review visits in 2012, welcomes the

³ World Trade Organization, document WT/L/518 (available from <http://docsonline.wto.org>).

⁴ World Trade Organization, document G/C/W/559/Rev.1 (available from <http://docsonline.wto.org>).

⁵ World Trade Organization, document G/C/W/675/Rev.2 (available from <http://docsonline.wto.org>).

commitment of those countries to continuously open their certification systems to reviews and improvements, and calls upon other participants that have not already done so to make themselves available to receive review visits;

11. *Acknowledges* the efforts of the Kimberley Process to strengthen implementation and enforcement, and in particular to ensure coordination of Kimberley Process actions in relation to the occurrence of fraudulent certificates, to apply vigilance and ensure the detection and reporting of shipments of suspicious origin and to facilitate the exchange of information in cases of infringement, and acknowledges with appreciation the increased level of collaboration among Participants and with the World Customs Organization in this matter;

12. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, encourages all Member States to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and acknowledges the importance of the increased involvement of civil society organizations in the Process;

13. *Calls upon* the Participants of the Kimberley Process to continue to articulate and improve rules and procedures to further enhance the effectiveness of the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Process with respect to developing transparent and uniform rules and procedures and improving the mechanism for consultations and coordination within the Process, including through the adoption of rules related to non-compliance and statistical anomalies;

14. *Notes with appreciation* the willingness of Kimberley Process Participants and Observers to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

15. *Recognizes* the importance of the Kimberley Process in promoting economic development, particularly in the artisanal and small-scale diamond mining sector, and encourages an increased focus on issues related to development, including through the work of the Diamond Development Initiative;

16. *Welcomes* the increased focus in 2012 on technical assistance through the creation of a development and assistance section on the Kimberley Process website, the monthly issuance of technical assistance bulletins and the organization of a conference on 7 June 2012 to enhance the development potential of artisanal and small-scale mining;

17. *Notes with appreciation* the continued cooperation of the Kimberley Process with the United Nations on the issue of diamonds from Côte d'Ivoire, in accordance with the provisions of Security Council resolution 2045 (2012) of 26 April 2012 in line with the administrative decision on sharing information with the United Nations,⁶ also notes with appreciation the visit by a team of experts from the Kimberley Process Working Group of Diamond Experts to diamond mining areas in Côte d'Ivoire, in accordance with the mandate from the Security Council Sanctions Committee; and encourages the Kimberley Process Working Group on Monitoring and the Working Group of Diamond Experts, with the support of the

⁶ A/64/559, annex, attachment I.

Friends of Côte d'Ivoire, to continue to actively collaborate with the United Nations Group of Experts on Côte d'Ivoire, established pursuant to Council resolution 1584 (2005) of 1 February 2005, and through liaison with Côte d'Ivoire, with the ultimate objective of meeting the preconditions for the lifting of United Nations sanctions on the trade in rough diamonds from Côte d'Ivoire;

18. *Notes* the visits made to Côte d'Ivoire in May, August and September 2012 by the Friends of Côte d'Ivoire and, in acknowledging the importance of technical assistance to the Inter-Ministerial Kimberley Process Permanent Secretariat, calls upon the Friends of Côte d'Ivoire to provide further assistance and upon the Kimberley Process to support the efforts of Côte d'Ivoire to prepare for implementation of the Kimberley Process Certification Scheme;

19. *Encourages* the Kimberley Process, in collaboration with the Panel of Experts on Liberia, whose mandate was extended by the Security Council in its resolution 1903 (2009) of 17 December 2009, to support Liberia's efforts to continue reinforcing its internal controls system and to continue to address the challenges to the implementation of the Kimberley Process Certification Scheme, and notes Liberia's intention to host a review visit in early 2013;

20. *Recognizes* Guinea's commitment to fulfilling the terms of the Swakopmund administrative decision on Guinea (2009) and the support provided to Guinea by Kimberley Process Participants and Observers, notes with satisfaction the efforts by Guinea, the United States Geological Survey and civil society to develop a framework for collaborative, multi-stakeholder monitoring of remote artisanal mining areas, and welcomes the decision by the Kimberley Process plenary to conclude the 2009 administrative decision;²

21. *Acknowledges* the progress made by Zimbabwe to resolve concerns about its compliance with the Kimberley Process Certification Scheme in Marange, Zimbabwe, and notes the decision of the plenary to lift the Kimberley Process special measures under the terms of the administrative decision adopted at the plenary meeting held in Kinshasa in 2011, and recognizes Zimbabwe's commitment to the Process;

22. *Notes* the decision of the plenary regarding the continued participation of the Bolivarian Republic of Venezuela in the Kimberley Process, acknowledges the positive step represented by the submissions presented by the Bolivarian Republic of Venezuela in response to the decision of the plenary, and invites the Bolivarian Republic of Venezuela to continue its efforts to fully reintegrate into the Kimberley Process Certification Scheme through the steps outlined in the Kimberley Process communiqué of 30 November 2012;²

23. *Notes with appreciation* the approval, by the plenary, of the administrative decision on selection, engagement and operation of a Kimberley Process administrative support mechanism, with the World Diamond Council acting as host for 2013;²

24. *Notes* the discussions during 2012 on the subject of the Kimberley Process reforms and the proposed changes to the definition of "conflict diamonds" among other proposals, also notes that consensus was not reached on whether or not to change the definition of "conflict diamonds", and further notes that the plenary reaffirmed the mandate of the Committee on the Kimberley Process Certification Scheme Review to continue discussions and consultations on the subject;

25. *Acknowledges* the adoption by the plenary of the Kimberley Process, in addition to the decision mentioned in paragraph 23 above, of four other documents, namely the administrative decision on the data anomalies questionnaire process, the Washington Declaration of 2012 as a complement to the Moscow Declaration of 2005, a revised administrative decision on Kimberley Process Certification Scheme peer review, and the revised guidelines for the Participation Committee in recommending interim measures as regards serious non-compliance with Kimberley Process Certification Scheme minimum requirements;

26. *Notes with appreciation* that the Kimberley Process website, developed by the United States of America with support from the Antwerp World Diamond Centre, has been enhanced significantly to make it a more efficient and effective system;

27. *Notes* ongoing work on the guidelines on bilateral reconciliation and the methodology analysis review document within the Kimberley Process;

28. *Reaffirms* the importance of the tripartite nature of the Kimberley Process, and welcomes the commitment of the plenary to continue its constructive engagement with civil society in recognition of the role that civil society plays in the Kimberley Process;

29. *Encourages* further improvement of the enforcement of the Kimberley Process Certification Scheme, and notes the new efforts made to increase information-sharing and collaboration in enforcement;

30. *Acknowledges with great appreciation* the important contribution that the United States of America, as Chair of the Kimberley Process in 2012, has made to curb the trade in conflict diamonds, welcomes the selection of South Africa as the incoming Chair of the Kimberley Process for 2013, and notes with appreciation the offer by China to serve as the incoming Vice-Chair for 2013;

31. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its sixty-eighth session a report on the implementation of the Process;

32. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "The role of diamonds in fuelling conflict".
