



FROM LAGGARD TO LEADER?
Zimbabwe's turbulent diamond history



EDITORIAL

From laggard to leader? Zimbabwe's turbulent diamond history

Antwerp, January 2023

Front cover image:

Top left: Banner at the strategic meeting of Kimberley Process working group chairs in Dubai in January 2023 (Photo: KP, 2023); Centre left: Zimbabwe's Minister of Mines and Mining Development Winston Chitando takes over the helm from Botswana's KP chair Jacob Thamaga at the November 2022 plenary meeting (Photo: Mining Zimbabwe, 2022); Right: High security fence at the Marange diamond fields. (Photo: Andrew Mambondiyani, 2012); Bottom: Homestead in Arda Transau (Photo: CNRG, 2021).

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1. INTRODUCTION

In 2009, Zimbabwe became the centre point of controversy in the global diamond community gatherings of the Kimberley Process (KP – see Box 1), which operates a United Nations-mandated certification scheme to break the link between rough diamonds and conflict. This controversy followed reports of severe violence, including more than 200 killings, and human rights abuses perpetrated by government forces in the Marange diamond fields. Serious disagreement over how the KP Certification Scheme (KPCS) should respond to this situation plunged this mechanism into the biggest crisis since its launch in 2003.

Over a decade later, member countries endorsed the candidacy of Zimbabwe to be the 2023 chair of the Kimberley Process. Although the violence in Marange no longer makes headlines, this surprised many observers as horrific pictures and testimonies from Marange are still fresh in peoples' minds. Moreover, reports continue to surface of smuggling, corruption, desperation among relocated communities and occasional human rights violations. Observers therefore wonder how Zimbabwe managed to move beyond the controversy to become the chair of the world's leading control regime for diamonds.

This IPIS Insight provides a sequence of events since 2006, when diamond mining started in Marange, in a bid to understand how Zimbabwe and the KP seem to have arrived at their silent reconciliation. Further, we try to sketch a balanced picture of the current situation in Marange, although reports are scarce as the area cannot be entered without government permission.

This Insight first describes how Zimbabwe became a source of controversy in the global diamond sector. Thereupon, we analyse how these developments divided the KP. A subsequent section details the issues that have continued to linger in the years after the KPCS again approved exports of diamonds from Marange. We then examine Zimbabwe's efforts to improve its reputation, followed by the opportunities this offers to address various other challenges that have long been overshadowed by brutal human rights violations.

Box 1: What is the Kimberley Process?

The Kimberley Process is a political forum with a UN-backed mandate to stem the flow of conflict diamonds. The KP consists of 59 participants, which represent 85 countries (as the 27 Member States of the European Union are represented by the European Commission) and observers from industry and civil society. The KP operates a certification scheme (the KPCS) that imposes a number of minimum requirements (see below) on participants in an effort to ensure that no conflict diamonds enter the legal trade. The KPCS defines conflict diamonds as 'rough diamonds used by rebel movements or their allies to finance armed conflicts aimed at undermining legitimate governments'. KP participants and observers cooperate in a number of working groups and meet twice a year under a chairmanship that rotates.

The KPCS minimum requirements are described in its Core Document. These require every KP participant to:

- establish a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported from its territory;
- designate an Importing and an Exporting Authority, and amend or enact appropriate laws or regulations to implement and enforce the Certification Scheme, including dissuasive and proportional penalties for transgressions;
- only trade rough diamonds with other KP participants, and ensure that all rough diamonds are transported in a tamper-resistant container accompanied by a valid Kimberley Process certificate;
- participate in the KPCS peer review system by exchanging relevant official production, import and export data, annual reports and inviting review teams to verify compliance with the above minimum requirements.

In the past decade, the KPCS has faced increased criticism not only from civil society, but also from industry representatives and governments. Paramount is the critique that its conflict diamond definition is extremely narrow and outdated, allowing diamonds affected by various types of violence and human rights abuses to be certified as conflict-free. A key example was the violence in Marange that, albeit systematic and widespread, did not fall under the KPCS's definition as it was not committed by rebels, but by public, and later also private, security forces. Criticism has also centred around participants' weak internal controls and the KPCS's substandard peer review system, which leaves large loopholes open to abuse by ill-intended actors.¹

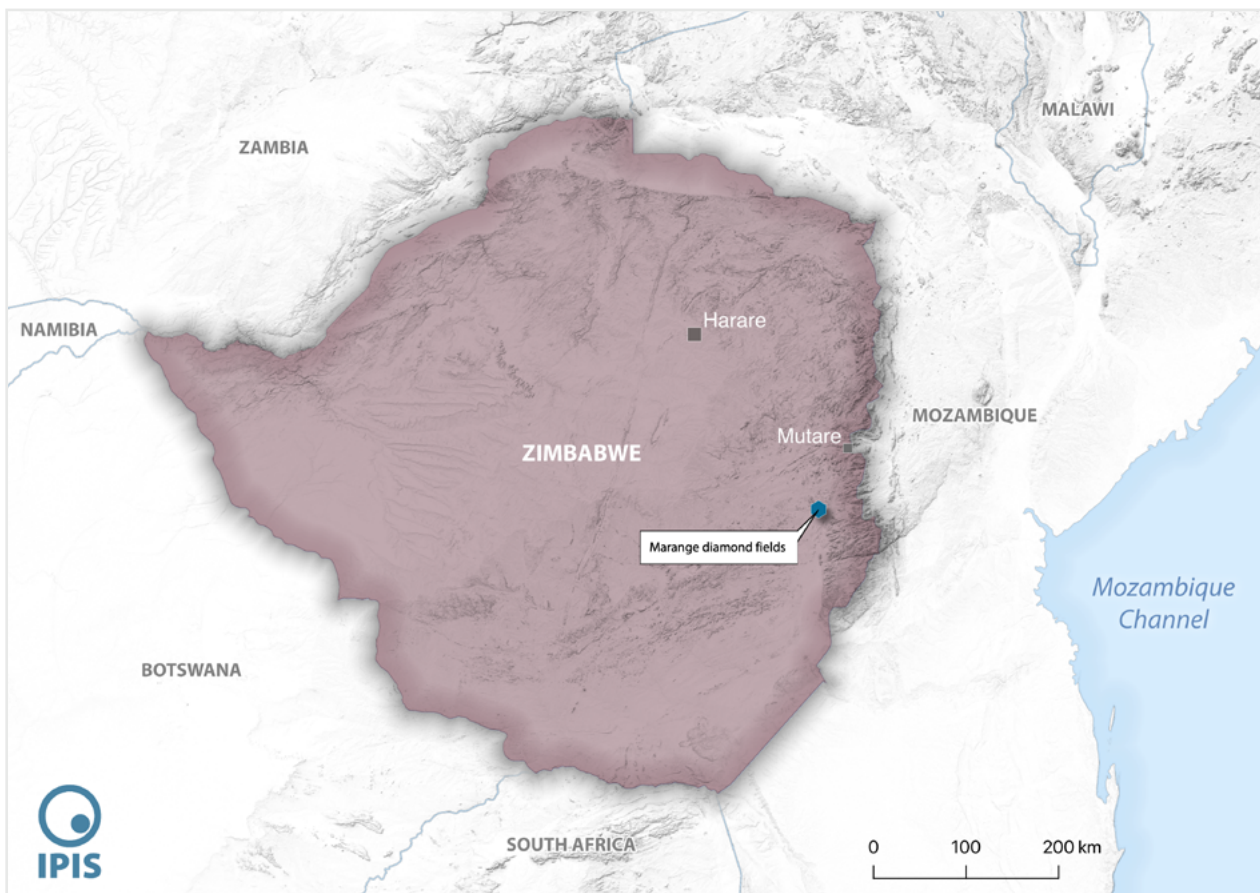
IPIS is a member of the Kimberley Process Civil Society Coalition (KP CSC) which acts as an observer to the KP and constitutes one of its three pillars, along with the World Diamond Council (WDC), which represents industry, and the participating governments.

¹ For a recent overview of the KP's various limitations see: Merket H., *'Belgium's fight against conflict diamonds: an assessment of the country's diamond sector controls from a global perspective'*, IPIS, May 2021, pp. 42-51.

2. TROUBLE IN MARANGE

2.1. DIAMONDS FREE-FOR-ALL

The Marange diamond fields span approximately 80,000 hectares in Mutare district, which lies along the border with Mozambique and is home to the important border town Mutare. In 1993, De Beers, the world's largest diamond company at the time, started prospecting in the area. A decade later, the fact that De Beers never registered any diamond exports, led some – including then president Mugabe — to wonder whether the company had not been covertly exporting diamonds all along.² As a result, De Beers' license was not renewed in 2006, after which the British company African Consolidated Resources (ACR) obtained mining rights for the area. Only a few months later, these rights were called into question again by the government, citing irregularities in ACR's application.³



Map of Zimbabwe and the Marange diamond fields (IPIS)

Around the same time, news broke out that Marange was home to the world's biggest diamond find in generations. This caused a massive rush with thousands of people from Zimbabwe and beyond flocking to the Marange fields to search for diamonds.⁴ While unlicensed mining is illegal under Zimbabwean law, many joined this rush on encouragement of ruling party ZANU-PF, which declared the fields open for anyone to mine. In violation of its own laws, authorities even encouraged citizens to sell their diamonds

2 Nyamunda T. & Mukwambo P., *'The State and the Bloody Diamond Rush in Chiadzwa: Unpacking the Contesting Interests in the Development of Illicit Mining and Trading, c.2006–2009'*, Journal of Southern African Studies 38, no. 1 (March 2012): 145–66; Chimonyo G., Mungure S., & Scott P., 'The Social, Economic and Environmental Implications of Diamond Mining in Chiadzwa', Centre for Research & Development, January 2014, pp. 5-6.

3 Following years of uncertainty and wrangling, ACR's rights were eventually revoked in 2010; Human Rights Watch, *'Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe'*, 26 June 2009, pp. 11-13; Partnership Africa Canada, *Diamonds and clubs: the militarized control of diamonds and power in Zimbabwe*, 2010, pp. 4-5, 9.

4 Richard Saunders, 'Geologies of Power: Conflict Diamonds, Security Politics and Zimbabwe's Troubled Transition', in *Facets of Power: Politics, Profits and People in the Making of Zimbabwe's Blood Diamonds*, ed. Saunders R. and Nyamunda T. (Oxford, ZIMBABWE: Weaver Press, 2016), 28–43.

to the state-owned Minerals Marketing Corporation of Zimbabwe (MMCZ), the country's only institution authorised to trade rough diamonds.⁵

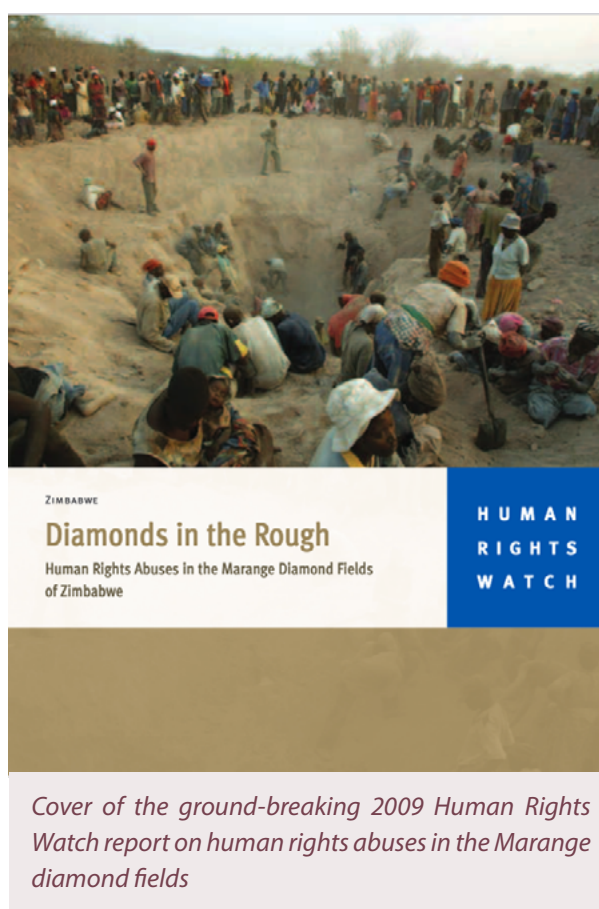
However, as many artisanal miners perceived MMCZ as unreliable and as its prices could not compete with those offered by illegal networks, smuggling practices grew rapidly.⁶ Consequently, most diamonds left the country illegally via traders in Mozambique and South-Africa, implying that neither MMCZ nor the Zimbabwean state were benefiting much from the Marange rush.⁷

2.2. GOVERNMENT CRACKING DOWN ON ARTISANAL MINERS

In November 2006, against the backdrop of a major economic crisis caused by failed monetary and fiscal policies, the government launched a nationwide police crackdown on illegal mining, called operation Chikorokoza Chapera ('no more illegal mining').⁸ For Marange, this kickstarted a series of interventions that escalated into chaos, desperation, lawlessness and impunity.

The police established control over the area by setting up checkpoints and patrols. Yet, rather than making an end to illegal mining and trading practices, police forces exacerbated and exploited these for personal gain, leaving a trail of harassment, beatings, torture and killings. Miners who tried to enter the area without bribing the police were tortured or shot.⁹ In April 2007, Marange was declared a protected area, making unauthorised entry a criminal offence, and excluding access for local communities without clearance from the Ministry of Home Affairs. The practice of checkpoint bribery subsequently evolved into a system of syndicates and patronage powered by political elites, with police officers contracting workers, sometimes forcefully, to mine diamonds for them.¹⁰ The local community equally suffered, with reports of police extorting inhabitants and sexually assaulting women in villages nearby the Marange diamond fields.¹¹

The situation only got more out of hand in October 2008 when the Zimbabwe National Army (ZNA) got involved by launching Operation Hakudzokwi ('no return'). While this was portrayed as an attempt to restore order in the mining fields, other motivations turned out to be at play. Against the backdrop of dramatic inflation, looming bankruptcy and ZANU-PF fearing to lose its grip on the country in a year of elections, Operation



5 Tinashe Nyamunda, 'Free-for-All. Artisanal Diamond Mining and Economic Redistribution on the Edges of the State, 2006-2008', in *Facets of Power: Politics, Profits and People in the Making of Zimbabwe's Blood Diamonds*, ed. Richard Saunders and Tinashe Nyamunda (Oxford, ZIMBABWE: Weaver Press, 2016), 97-112.

6 Saunders, R., '*Crisis, Capital, Compromise: Mining and Empowerment in Zimbabwe*', *African Sociological Review / Revue Africaine de Sociologie* 12, no. 1 (2008).

7 Human Rights Watch, 'Diamonds in the Rough', pp. 14-16.

8 Saunders R., '*Geologies of Power: Blood Diamonds, Security Politics and Zimbabwe's Troubled Transition*', *Journal of Contemporary African Studies* 32, no. 3 (3 July 2014): 378-94.

9 Human Rights Watch, pp. 19-25; Global Witness, '*Return of the Blood Diamond*', 14 June 2010, pp. 6-8.

10 Saunders, 'Geologies of Power: Conflict Diamonds, Security Politics and Zimbabwe's Troubled Transition'; Towriss D., '*Buying Loyalty: Zimbabwe's Marange Diamonds*', *Journal of Southern African Studies* 39, no. 1 (March 2013): 99-117.

11 Maguwu F., 'Zimbabwe: Withdrawal of Basic Freedoms of the Marange Community to Pave the Way for Diamond Mining', *Ukrainian Policymaker*, 2022, Volume 11, 57-64.; Global Witness, '*Return of the Blood Diamond*', pp. 6-8.

Hakudzokwi allegedly also served to buy loyalty from military leaders by allowing them a share of Marange's diamond wealth.¹² The army was ruthless in its methods, with reports of helicopter gunships firing down upon artisanal miners, and soldiers terrorising local communities.¹³ According to Human Rights Watch over 200 people were killed in the first three weeks of this operation alone, with witnesses describing the area as a 'war zone'.



Community commemoration for the victims of Operation Hakudzokwi in November 2017 in Marange (Photo: CNRG, 2017)

Like the police intervention, Operation Hakudzokwi did not eliminate illegal mining and smuggling, but rather institutionalised it.¹⁴ This is evidenced by the fact that the value of Zimbabwe's formal rough diamond exports stagnated at a mere USD 26.7 million in 2008 (which was even less than the USD 39.4 million worth of rough diamonds exported in 2005).¹⁵ The new army syndicates simply built upon the old networks, while increasingly making use of forced and child labour.¹⁶

12 Nyamunda & Mukwambo, 'The State and the Bloody Diamond Rush in Chiadzwa'.

13 Human Rights Watch, 'Diamonds in the Rough', pp. 30-34.

14 Saunders, 'Geologies of Power: Conflict Diamonds, Security Politics and Zimbabwe's Troubled Transition'.

15 KP statistics: https://kimberleyprocessstatistics.org/public_statistics.

16 Chimonyo, Mungure, and Scott, 'The Social, Economic and Environmental Implications of Diamond Mining in Chiadzwa', pp. 11-12.; Towriss, 'Buying Loyalty'.

3. DISCORD IN THE KIMBERLEY PROCESS

3.1. ZIMBABWE UNDER ENHANCED MONITORING

In July 2009, NGO reports¹⁷ on human rights abuses in Marange brought Zimbabwe under scrutiny of the KP, which took enhanced monitoring measures under its peer review system (see Box 2). The KP sent a tripartite fact-finding team – termed review mission in KP jargon – to assess Zimbabwe’s internal controls system, and verify reports on violence and smuggling. The delegation concluded that Zimbabwe did not comply with the Kimberley Process Certification Scheme’s (KPCS) minimum requirements. Whilst noting that “illicit mining and smuggling can rarely, if ever, be fully eliminated”, the review mission report pointed out that the particular problem with Zimbabwe is that these practices are “largely operated and maintained by official entities”.¹⁸ The team, furthermore, interviewed victims and witnesses of human rights abuses by the police and military, which contributed to raising international awareness of the troubles in Marange.¹⁹ In light of these serious concerns, the final report of the review mission called on Zimbabwe to suspend itself from the KPCS.²⁰

Box 2: KPCS Peer Review

The KPCS has no supervisory body but works with a system of peer review. It was last revised in 2019 and consists of several components.²¹

Firstly, every year, participants are required to submit an annual report in which they demonstrate that they comply with the KPCS minimum requirements. The Working Group on Monitoring is tasked with reviewing these reports and following up on any issues or anomalies. Secondly, participants are encouraged to periodically invite a review visit. During such a visit, representatives from the KP’s three pillars visit diamond production and trading centres to assess compliance with the KPCS.

If there are indications of significant non-compliance, the KP chair or the Working Group on Monitoring can recommend the Plenary to conduct a review mission. A review mission has the same composition as a review visit but relies on the initiative of the Plenary rather than the participant in review.

In November 2009, the KP Plenary - where decisions are made by consensus - could not agree on suspension and instead decided to put diamond exports from Marange on hold, while placing the country under a special monitoring regime. This regime was based on a Joint Work Plan that was agreed with Zimbabwe.²²

The Joint Work Plan mainly focussed on curbing illegal digging and smuggling in Marange. Illegal mining was to be addressed through a mix of measures aimed at small-scale miners (education as well as better identification, licensing and control) and by attracting investors. This was to be combined with a phased withdrawal of military personnel, to make way for regulatory and security oversight by the Ministry of

17 Partnership Africa Canada, *'Zimbabwe, Diamonds and the Wrong Side of History'*, March 2009; Human Rights Watch, 'Diamonds in the Rough'.

18 *KPCS Review Mission to Zimbabwe*, 30 June – 4 July 2009, Final Report.

19 Golan E., *'Final KP Review Mission Report Calls Zimbabwe to Suspend Self from KP'*, IDEX, 5 November 2009; Mtisi S., *'The Kimberley Process Dance with Zimbabwe, Pt. 1'*, Zimbabwe Environmental Law Association, 6 August 2020; Global Witness, *'Return of the Blood Diamond'*, pp. 9-11.

20 In the KPCS either the chair proposes to a Participant to suspend itself or the plenary meeting can agree to suspend a Participant. In the case of Zimbabwe it was the former. See also: Kimberley Process, *'Revised Guidelines for the Participation Committee in Recommending Interim Measures as Regards Serious Non-Compliance with KPCS Minimum Requirements'*, 5 November 2008; and Golan, 'Final KP Review Mission Report Calls Zimbabwe to Suspend Self from KP'.10,14]], "issued": {"date-part s": [{"2009", 11, 5}]}}], "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]

21 Kimberley Process, *'2019 Administrative Decision (Revised) on Peer Review System'*, 2019.

22 Partnership Africa Canada, *'Reap What You Sow: Greed and Corruption in Zimbabwe's Marange Diamond Fields'*, 2012, p. 7.; Mtisi S., *'The Kimberley Process Dance with Zimbabwe, Pt. 2'*, Zimbabwe Environmental Law Association, 20 August 2020.

Mines, police and private security companies. The strategy to fight illegal trade consisted of removing incentives for smuggling by establishing formal diamond buying structures and tightening cooperation with neighbouring countries. Further, the work plan contained measures to improve security over diamond processing and storage facilities as well as at border points with Mozambique, and to enhance accountability for seized diamonds.²³

Finally, and crucially, the KP installed a supervised export mechanism. This implied that an appointed KP monitor, former KP chair Abbey Chikane from South Africa,²⁴ was to supervise the implementation of the Joint Work Plan. He was mandated to oversee all shipments from production sites in Marange prior to export in order to ensure their compliance with KPCS minimum requirements and to confirm their certification. Also, the KP monitor was to have unhindered access at least once a month to all relevant sites. From 2011 to 2012 the individual monitor teamed up with a WDC representative.

The implementation of the Joint Work Plan caused many controversies. Tensions ran particularly high over a follow-up review mission, which took place in March 2010 and had been provided for in the Joint Work Plan. While the KP monitor reported that Zimbabwe had made significant progress, the KP Civil Society Coalition (KP CSC) argued that indications of continuing human rights abuses were ignored.²⁵ Civil society further denounced that the KP monitor had a one-sided focus on the new joint ventures (see Box 3) operating on a small part of the Marange diamond fields, while illegal mining, forced labour and smuggling at the hands of security forces continued in other areas.²⁶ Global Witness, then member of the KP CSC, also reported links between these joint ventures and elites in the military and ZANU-PF. The advocacy group moreover flagged that Zimbabwe was making no efforts to hold the perpetrators of abuses and crimes in Marange to account.²⁷ What particularly alarmed civil society was the arrest of Zimbabwean activist Farai Maguwu shortly after he had met with the KP monitor to present evidence of alleged abuses by the military in Marange.²⁸

Box 3: Joint ventures in Marange

In 2009, the first two joint ventures to start mining operations in Marange were Mbada Diamonds and Canadile Miners. Both companies had no previous mining experience and had alleged links to the Zimbabwean security services.²⁹ A damning enquiry by Zimbabwe's Parliament in 2013, among other issues, indicated that Zimbabwe's state-owned miner ZMDC (Zimbabwe Mining Development Corporation) may have been "coerced into accepting these two companies", as ZMDC's due diligence report "revealed that the two investors were probably not the best suitors for the country". Over the years more companies started mining operations in Marange, until, in 2016, all seven active companies (Anjin, Mbada Diamonds, Marange Resources, Diamond Mining Company, Ji-nan, Gye Nyame and Kusen) were forced to shut down following allegations by president Mugabe's government that they had facilitated widespread diamond looting. Their operations were merged into the state-owned Zimbabwe Consolidated Diamond Company (ZCDC).

23 Kimberley Process, *'Kimberley Process Administrative Decision and Joint Work Plan.'*, 5 November 2009.

24 Krawitz A., *'KP Appoints Chikane to Monitor Marange Diamonds'*, diamonds.net, 2 March 2010.

25 *'Kimberley Process Zimbabwe Monitor Expresses Outrage Over Theft of Documents'*, VOA, 1 June 2010.

26 Human Rights Watch, *'Deliberate Chaos'*, 21 June 2010 pp. 5-8.

27 Global Witness, *'Return of the Blood Diamond'*, pp. 12-17.

28 Saunders, 'Geologies of Power'; European Commission, 'Kimberley Process: *The EU Urges Further Efforts to Overcome the Impasse Regarding the Implementation of the KP in Zimbabwe's Marange Diamond Fields*', 29 June 2010; Front Line Defenders, *'Case History: Farai Maguwu'*, 17 December 2015.

29 Saunders, 'Geologies of Power: Conflict Diamonds, Security Politics and Zimbabwe's Troubled Transition'; Global Witness, *'An Inside Job'*, 11 September 2017, pp. 7-8, 20-21, 39.

3.2. THE KP ON THE ROPES

At the June 2010 KP Intersessional Meeting, a split emerged between a group of western countries with support from civil society wanting to maintain restrictions on diamonds from Marange, and African countries backed by China, India and Russia opposing any further limitations for Zimbabwe.³⁰

As no consensus could be reached, another meeting between KP representatives and Zimbabwe was convened a month later in Saint Petersburg. Helped by the release on bail of activist Farai Maguwu after one month in prison and the fact that Zimbabwe was in dire need of revenue to prevent the collapse of its economy, the meeting yielded a compromise that was laid out as the 'Saint Petersburg Agreement'.³¹ The agreement allowed Zimbabwe to organise two supervised auctions on the following conditions: It had to allow an audit of its diamond stocks, invite another review mission and agree to the appointment of a local civil society focal point. The latter was to assist the KP monitor and advise on Zimbabwe's compliance with the joint work plan.³² Civil society welcomed its enhanced role and self-organised in a dedicated structure uniting seven Zimbabwean NGOs.³³



KP Monitor Chikane holding a KP certificate awarded to Zimbabwe for one of its authorised auctions in 2010 (Photo: Tsvangirayi Mukwhazi/Associated Press, 2010)

The hard-fought compromise would however not be the end of controversy in the KP, which revolved around the ensuing two auctions of Zimbabwe diamonds in August and September 2010. These auctions caused a spike in Zimbabwe's rough diamond exports from a value of only USD 28.9 million in 2009 to USD 320.2 million in 2010 (see graph below).³⁴ Citing concerns of continuing violence in Marange, the US-based Rapaport Diamond Trading Network called on its more than 10,000 international diamond buyer

30 Kabemba, C. *'The Kimberly Process and the Chiadzwa Diamonds in Zimbabwe: Challenges and Effectiveness'*, Heinrich Böll Stiftung, 19 July 2010.

31 Vircoulon T., *'Time to Rethink the Kimberly Process: The Zimbabwe Case'*, International Crisis Group, 4 November 2010.

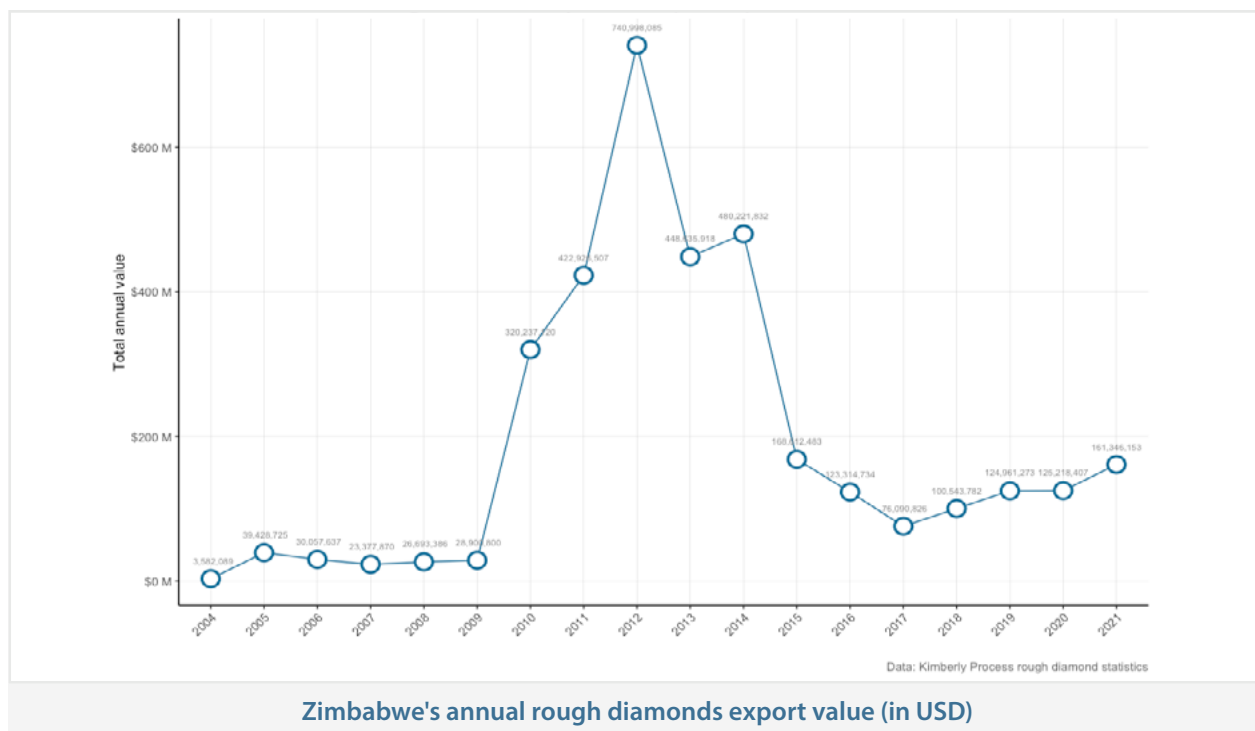
32 Partnership Africa Canada, 'Reap What You Sow', pp.1,13.; European Commission, *'Kimberly Process: Agreement reached on Zimbabwe's diamond exports'*, 19 July 2010.

33 ZELA, CNRG, National Association of Non Governmental Organisations, Crisis Coalition, Women's Coalition, Counselling Services Unit, and Zimbabwe Lawyers for Human Rights.

34 KP rough diamond statistics.

and supplier members to boycott Zimbabwe diamonds, while two major European Banks, ABN AMRO and the Antwerp Diamond Bank, announced that they would not finance any transactions involving Zimbabwe’s diamonds.³⁵

As planned in the Saint Petersburg Agreement, a third review mission was deployed in August 2010. It reported on progress in implementing the Joint Work Plan, including the compliance of Mbada and Canadile with KPCS minimum standards. The review mission report also pointed to persisting problems, including smuggling by military and illegal mining syndicates. Yet again, the findings were contested by the KP CSC, lamenting that the report failed to document ongoing abuses by the police and army.³⁶



At the November 2010 KP Plenary, the said report was discussed with Zimbabwe rejecting any proposals for further supervision of its exports while claiming to be compliant with KPCS minimum requirements. Once again, no decision could be reached, and the KP Working Group on Monitoring (WGM) was tasked to find a way out. Ultimately, in November 2010, it hammered out a compromise that would allow the two joint ventures to start exporting diamonds on the condition of continued monitoring based on a so-called ‘violence clause’. This clause would allow the KP to halt exports if it ascertained an outbreak of violence in Marange. The agreement frustrated Zimbabwean authorities but was declared ratified by Israel, the outgoing KP chair, on 18 January 2011.³⁷

When the Democratic Republic of Congo (DRC) took over KP chairmanship in 2011, the dynamics clearly changed, and the DRC declared the agreement unratified under claims that WGM member Namibia had objected the ‘violence clause’. Things took an even more dramatic turn when the DRC chair unilaterally issued a notice permitting exports from compliant companies in Marange without additional monitoring. The WGM, then chaired by the European Union, pushed back against the declaration, which was an unprecedented deviation from the KP’s consensus-based decision-making process.³⁸ Arguing that the human rights issues in Marange were not taken seriously by the chair and many participants, the infighting prompted the KP CSC to walk out of the June 2011 Intersessional meeting.³⁹

35 Caroline Mvundura, “India purchases 83 percent of Zim gems: report”, Zim Online, 18 August 2010; Vusumuzi Bhebhe, “EU banks ban Zim diamond transactions”, The Zimbabwean, 15 October 2010.

36 Human Rights Watch, *‘Kimberley Process: Demand End to Abuses in Diamond Trade’*, 1 November 2010.

37 Bates R., *‘The Kimberley Process, at War With Itself’*, JCK online, 21 March 2011.

38 Ibid; Southward F., *‘Kimberley Process. Observations Form the Sidelines. Part I’*, IPIS, 20 November 2013, p. 14.

39 Mtisi, ‘The Kimberley Process Dance with Zimbabwe, Pt. 1’; Global Witness, *‘Civil Society Expresses Vote of No Confidence in Conflict Diamond Scheme’*, 23 June 2011; Krawitz A., *‘Yamba Endorses Zim Exports, Civil Society Walks Out of KP Meeting’*, diamonds.net, 23 June 2011.

The stalemate caused considerable confusion in the diamond industry. The resumption of exports in the absence of consensus raised questions about whether Marange diamonds should be considered KPCS compliant. The WDC reacted by calling upon its members to hold off trading in Marange diamonds until a KP decision could be reached.⁴⁰

Despite the confusion, it became increasingly clear in which way the wind would blow. The strong pushback against further restrictions by a large group of participants, combined with the KPCS's narrow conflict diamond definition, settled the fight in favour of Zimbabwe. At the November 2011 Plenary, boycotted by the KP CSC for the first time since the scheme's inception, it was decided that compliant mining operations in Marange would be granted export rights without the condition of further monitoring.⁴¹ Finally, the following year's plenary meeting in Washington, decided to lift the special measures imposed on Zimbabwe entirely.⁴²

The Zimbabwe saga caused irreparable damage to the KPCS and to the trust among its participants and observers. Already in June 2009, the KP's approach to the issues in Marange and other problematic KP cases had led one of the KP's founding fathers, civil society spokesman Ian Smillie (of Partnership Africa-Canada, today called IMPACT), to leave the KP. He was followed in January 2010 by WDC member Martin Rapaport who bluntly called the KP a "sham" that "has become a process for the systematic legalisation and legitimisation of blood diamonds".⁴³ Further, the decision by the 2011 Plenary to re-approve diamond exports from Marange caused UK NGO Global Witness, a founding member of the KP CSC, to abandon the KP.⁴⁴ Finally, some participants, including the EU⁴⁵ and US⁴⁶, decided to unilaterally sanction diamonds from Marange, in response to the absence of KPCS restrictions.

40 Human Rights Watch, *'Zimbabwe: Kimberley Process on the Brink'*, 28 June 2011.

41 *KP Administrative Decision on Marange*, 001/2022, Kinshasa plenary meeting, 01 November 2011.

42 *Final Communiqué from the Kimberley Process Plenary Meeting*, 30 November 2012, Washington, D.C. United States of America, para. 16.

43 Rapaport M., "Stop buying and selling blood diamonds", Rapaport Magazine, February 2010.

44 Gooch C., *'Why We Are Leaving the Kimberley Process'*, Global Witness, 3 December 2011.

45 European Council, *'Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe'*, 15 February 2011.

46 U.S. Department of the Treasury, *'Zimbabwe Designations'*, 25 July 2008.

4. SAME CHALLENGES AMID INTERNATIONAL FATIGUE

When the KPCS's special measures for Zimbabwe were lifted this enabled a record annual rough diamond export value for the country of USD 741 million in 2012, followed by USD 448.6 million in 2013 and USD 480.2 million in 2014. Nonetheless, international attention for the abuses in Marange's diamond fields faded. Many malpractices that had caused the preceding controversy, however, persisted below the radar, despite attempts by civil society to bring them to the fore.

4.1. IN BUSINESS WITH THE MILITARY

A 2017 Global Witness report provided new evidence of the involvement of Zimbabwe's government elite and security forces in siphoning the country's diamond wealth through hidden stakes in five major mining companies.⁴⁷ These operations were merged into the state-owned ZCDC in 2016. The report contributed to uncovering a scheme of political elites privately profiting and buying loyalty from the military establishment by granting them shares in diamond mining companies, whilst simultaneously enabling a parallel system of mining syndicates that illegally operated on the same companies' concessions.



*A private security guard at an industrial diamond processing plant in Marange in December 2011
(Photo: Jekesai Njikizana/AFP, 2011)*

One of the five mining companies with reported links to the military, and with a dubious human rights record,⁴⁸ was Anjin Investments. Despite having been evicted in 2016 amid accusations of having smuggled USD 200 million worth of diamonds to China, the company was invited back to Marange in 2019.⁴⁹ Anjin is a joint venture between the Chinese Anhui Foreign Economic Construction Company (AFECC) and the Zimbabwean holding company Matt Bronze.⁵⁰ The latter firm is an investment vehicle for the Zimbabwean army and is partly owned by EU-sanctioned Zimbabwe Defence Industries.⁵¹ The

47 Global Witness, *'An Inside Job'*, pp. 20-28.; Global Witness, *'Return of the Blood Diamond'*, p. 18.

48 Dzirutwe M., *'Chinese firm denies abuse at Zimbabwe diamond mine'*, Reuters, 15 December 2011.

49 Mathew Nyaungwa, *'Anjin Returns to Full-Scale Marange Operations as It Pumps in \$38 Million'*, Rough&Polished, 10 August 2020.

50 Ibid.; Global Witness, *'An Inside Job'*, p. 28.; Eve Nyemba et al., 'The Handbook of Zimbabwe-China Economic Relations', ZELA, 2021, pp. 88-89.

51 Zimbabwe Defence Industries is sanctioned over its links with the Zimbabwean security forces who continue to commit human rights abuses: Global Witness, *'An Inside Job'*, pp. 28-29.; Council of the European Union, *'Zimbabwe: Declaration by the High Representative on Behalf of the European Union'*, 21 February 2022.

ownership of Anjin is opaque, but in 2012 Global Witness discovered that a significant part of its executive board consisted of people from the Zimbabwean military, police, and Ministry of Defence.⁵² Anjin's return was seen by various observers as a sign that Chinese foreign policy is becoming increasingly dominant in Zimbabwe.⁵³

4.2. TORTURE AND KILLINGS

After the brutal crackdown on artisanal miners by the Zimbabwe police and military from 2006 to 2008, the violence in Marange became systemic. Moreover, a designation of Marange as a protected area in 2007 incited heavy militarisation to control access and movement of people. As it now became illegal for locals to enter the area without clearance, those found in or near the diamond fields risked brutal repression by state security forces. This resulted in a stream of reports and testimonies of torture, beatings, killings, illegal detention and sexual violence by the military or the police.⁵⁴



Community members from Marange demonstrating against human rights abuses linked to diamond mining (Photo: CNRG, 2017)

Since 2016, the main culprits of such abuses were allegedly more often private security guards of ZCDC and Anjin, the two only mining companies active in Marange. A horrific practice, which surfaces in community testimonies with striking regularity, is the setting of dogs on those entering the area illegally, in often cases while the hands of victims are tied behind their backs.⁵⁵ This is evidenced by numerous reports and photographs circulating of maimed faces, limbs and corpses.⁵⁶

"Impunity still prevails, as perpetrators are not investigated, arrested or prosecuted for human rights abuses"

Farai Maguwu, CNRG

52 Global Witness, *'Financing a Parallel Government'*, 11 June 2012 pp. 9-10, 16-18. Anjin reportedly also provided a loan of \$98 million to build a defence college for the Zimbabwean military in 2011 (Partnership Africa Canada, 'Reap What You Sow', p. 7).

53 Chimhangwa K., *'Why is a company accused of looting diamonds back in Zimbabwe's mines?'*, Open Democracy, 28 May 2021.

54 Andersson H., *'Marange diamond field: Zimbabwe torture camp discovered'*, BBC, 8 August 2011.; "Police accused of escalating rights violations against villagers accused of illegal diamond mining in Marange diamond fields", The Southern Daily, 17 July 2016; Gweshe E., *'Marange rape victims suffer in silence'*, The Standard, 22 March 2015.

55 *'Many injured as guards set dogs on illegal diamond miners in Marange'*, New Zimbabwe, 18 August 2019.

56 KP CSC, *'Real Care is Rare'*, September 2019, p. 12.

In 2022, while allegedly still part of life in and around Marange, the violence appears to have become less frequent, with occasional outbursts.⁵⁷ In January 2023, when interviewed by IPIS as part of the research for this Insight, Shamiso Mtisi of the Zimbabwe Environmental Law Association (ZELA) confirmed that “the human rights situation in Marange has significantly improved”. Yet, he added that “communities continue to have concerns around social, economic and cultural rights”.⁵⁸ Farai Maguwu of the Zimbabwean NGO CNRG (Centre for Natural Resource Governance) noted that “reports of dog bites continue to come out of Marange, [while] impunity still prevails, as perpetrators are not investigated, arrested or prosecuted for human rights abuses.”⁵⁹

The latest reports of a resurgence of violence emerged during the 2021-2022 Christmas break, which is traditionally a time of tension in the area as many are in need of cash for school fees and other bills, and decide to try their luck in mining. An investigation published in Rapaport Magazine in January 2022 exposed how private security guards, but occasionally also police and military officers, inflicted brutal punishments on miners who refused to play by their rules and failed to pay protection money to enter the Marange diamond fields.⁶⁰



Wounds inflicted by security forces that set dogs on an artisanal miner in Marange (Photo: CNRG, 2022)

57 Matendere B., ‘Fresh Human Rights Violations by State Security Agents in Marange’, The NewsHawks, 23 September 2022; Majavu A., ‘Broken houses and promises: residents still in poverty near massive diamond project’, Mongabay, 24 October 2022; Nyangani K., ‘Fresh rights abuses hit Marange’, The Standard, 16 October 2022.
58 IPIS interview with Shamiso Mtisi, January 2023.
59 IPIS interview with Farai Maguwu, January 2023.
60 [Torture in Zimbabwe](#), Rapaport Magazine, Special Report on Blood Diamonds, March 2022.

5. ZIMBABWE'S PUBLIC RELATIONS PUSH

Zimbabwe is no longer under KPCS monitoring since 2012 and EU sanctions were lifted in 2013.⁶¹ Nonetheless, a bad reputation continues to haunt its diamond sector. Besides the US sanctions that remain in place, the most concrete impact is that Zimbabwe often sells its diamonds below market prices, as they are not sought for and even explicitly banned by major jewellery retailers for ethical reasons. India has been accused of unethical conduct and profiteering by buying these controversial diamonds at 25 to 40% discounts before obscuring their origin through cutting and polishing in Surat, the world's largest diamond manufacturing centre.⁶² Further, in 2019 US sanctions were reinforced with Customs and Border Protection restricting imports of rough diamonds from Marange on suspicions of forced labour.⁶³

This situation caused government to step up efforts at burnishing its international image and gaining more value from its diamond wealth as part of Zimbabwe's overall ambition to become an upper-middle-income economy by 2030.⁶⁴ These efforts also served to demonstrate that under the government of president Mnangagwa, who had taken over the helm from Mugabe in 2017, the country was turning a page on corruption and bad governance. It was seen as a first milestone that Zimbabwe in 2018 managed to attract investment from Russian Alrosa, the world's largest diamond mining company.⁶⁵ This was done through a joint venture with ZCDC, in which Alrosa, itself partly state-owned, holds 70% of the shares. In September 2022, the joint venture, which reported to have invested USD 17 million in exploration, announced it had discovered 22 new diamond deposits.⁶⁶ However, the fact that, following Russia's invasion of Ukraine, Alrosa is subject to sanctions by various countries including the US, UK, Canada and Australia, cast a shadow on this partnership.⁶⁷



Zimbabwe's Minister of Mines and Mining Development Winston Chitando takes over the helm from Botswana's KP chair Jacob Thamaga at the November 2022 plenary meeting (Photo: Mining Zimbabwe, 2022)

61 The EU sanctions were lifted in 2013 following a lobby by the Antwerp's diamond industry umbrella AWDC and later the Belgian government, which argued that the EU needed to encourage democratic changes in Zimbabwe (see further: <https://ipisresearch.be/wp-content/uploads/2021/05/Belgiums-fight-against-conflict-diamonds.pdf>).

62 KP CSC, '*Real Care is Rare*', pp. 18-20.

63 U.S. Customs and Border Protection, '*CBP Issues Detention Orders against Companies Suspected of Using Forced Labor*', 10 January 2019.

64 The ambition is to annually extract minerals worth USD 12 billion, to which diamonds should contribute USD 1 billion. According to the Mines Minister this last figure would already be achieved by the end of 2023 (Rusike T., '*Diamonds will achieve US\$1bn target next year*', Sunday Mail, 20 November 2022).

65 Jamasmie C. '*Russia's Alrosa back to mining diamonds in Zimbabwe*', Mining.com, 14 January 2019.

66 '*Alrosa, Zimbabwe JV investing around \$17 mln in exploration, plans to start mining*', Interfax, 2 June 2022; Ndlovu R., '*Russia's Alrosa Discovers 22 new Diamond Deposits in Zimbabwe*', Bloomberg, 27 September 2022.

67 For more on this Russian diamond controversy, see: Merket H., '*Russian diamonds and the war in Ukraine*' (IPIS, Antwerp, 2022), 18p

A second milestone, termed “a massive recognition for the country” by Zimbabwe’s Mines minister was the country’s successful bid to become the 2023 chair of the KP.⁶⁸ Much to the surprise of many observers, this bid hardly met resistance at the November 2021 plenary meeting in Moscow. Part of the explanation lies in the fact that KP participants and observers, many of whom were following the meetings online due to COVID-19 restrictions, had not received advance notice of the bid. Yet, it also seemed to reflect a sentiment in the KP that it was time to move on. Around the same time, Zimbabwe secured another relevant leadership position for 2023, namely that of chair of the African Diamond Producers Association (ADPA).⁶⁹

After years of tension and hostility, Zimbabwe also started making efforts to improve relations with domestic civil society organisations working on diamond governance. In line with the KP’s three pillar structure, it created a national tripartite taskforce in September 2020 to oversee the implementation of the KPCS in the country.⁷⁰ In March and April 2022, the taskforce oversaw a government-led self-assessment exercise to prepare for peer evaluation by the KP.⁷¹ The resulting report was mostly positive with regards to Zimbabwe’s compliance with KPCS minimum requirements, but highlighted continuing challenges relating to illegal mining, cross-border smuggling and poor redistribution of diamond wealth to communities impacted by diamond mining. Whilst noting that “it was gathered from community members that the level of human rights abuses and violations by state and private security agents had significantly gone down”, the self-assessment report called on ZCDC and Anjin “to hold monthly meetings with the community living near their concessions to discuss any security and human rights issues”.⁷²



The KP review team to Zimbabwe in May 2022 (Photo: KP, 2022)

Said KP review visit took place from 15 to 21 May 2022. Although participants are expected to invite such peer reviews at least every five years, this sequencing is hardly ever respected. In the case of Zimbabwe, the visit was the first one since the contentious review mission of August 2010. In its final report, the KP review team confirmed Zimbabwe’s compliance with KPCS minimum requirements and commended the country for its recently improved relations with civil society and industry representatives among others. It should however be noted that a standard KP review visit does not investigate practices of illegal mining, smuggling, or human rights issues, as these are considered to fall outside the scheme’s scope.⁷³

68 Moyo A., ‘*Zim elected Kimberley vice chair*’, The Herald, 13 November 2021.

69 Kwaramba F., ‘*Zim reaps huge benefits from re-engagement*’, The Herald, 31 March 2022.

70 This taskforce brings together officials from the Ministry of Mines, Parliamentary Portfolio Committee on Mines, Minerals Marketing Corporation of Zimbabwe (MMCZ), Zimbabwe Mining Development Corporation (ZMDC), diamond mining companies and the two Zimbabwean KP CSC members: CNRG and ZELA.

71 Mathew Nyaungwa, ‘*Zim in Self-Assessment Exercise Ahead of KP Evaluation*’, Rough & Polished, 25 March 2022.

72 Portfolio Committee on Mines and Mining Development, ‘*Report of the Portfolio Committee on Mines and Mining Development on a Self-Assessment of the Diamond Sector in Zimbabwe*’, 18 May 2022, p. 10.

73 Moreover, these government-planned and led visits would not allow to impartially investigate such issues.

6. FROM TROUBLEMAKER TO CARETAKER?

Under the layer of violence and human rights abuses which have dominated the news about Zimbabwe's diamonds over the past fifteen years, lies a whole range of other challenges. Zimbabwe's appeal to improve its standing in the international diamond industry also offers an opportunity to minimise other harms caused by diamond mining and maximise the sector's potential for socio-economic advancement.⁷⁴

Farai Maguwu believes that "Zimbabwe's KP chairmanship offers an opportunity to improve transparency and accountability so that Zimbabweans have a better appreciation of how diamond revenues are being used. Successful chairing of the KP, coupled with satisfactorily addressing community grievances and the well-known human rights and accountability concerns, is the chance for Zimbabwe to be endorsed by key stakeholders in the diamond sector".⁷⁵ Beyond showing it has turned a page, Shamiso Mtisi argues Zimbabwe "can even promote reforms in the Kimberley Process by showing other countries how it has embraced the tripartite arrangement domestically and dares to talk about human rights issues", which still tend to be a taboo for many KP participants.⁷⁶

6.1. UNTAPPED POTENTIAL FOR LOCAL DEVELOPMENT

After the November 2022 KP plenary meeting in Botswana, Zimbabwe invited WDC representatives to Marange to show them the progress made. The public relations visit upset villagers and various CSOs who claimed that government obfuscated the dire state of infrastructure and near absence of basic services in Marange, the seriously underperforming corporate social responsibility (CSR) programmes, the danger of open and non-demarcated mining pits, and the immense needs of displaced families in Arda Transau (see below).⁷⁷



Zimbabwe's KP chair Chitanda at strategic meeting of KP working group chairs in Dubai in January 2023 (Photo: KP, 2023)

"Diamonds have not yet transformed lives for the majority in Marange. ZCDC and Anjin are under pressure from communities to do more than just a few isolated CSR projects that are not viewed as sustainable."

Shamiso Mtisi, ZELA

⁷⁴ Marima T., '*Zimbabwe's Chance to Shine*', Foreign Policy, 3 December 2021.

⁷⁵ IPIS interview with Farai Maguwu, January 2023.

⁷⁶ IPIS interview with Shamiso Mtisi, January 2023.

⁷⁷ Marange Development Trust, '*Marange CBOs and CSOs Press Statement on Alleged Divisions and Community Demonstration*', 7 November 2022; '*Chiadzwa Villagers Seek to Overturn ZRP Ban of Protest Over Diamond Proceeds*', Zimbabwe Lawyers for Human Rights, 28 November 2022.

According to Farai Maguwu of CNRG “living conditions in Marange continue to be dire”.⁷⁸ Shamiso Mtisi of ZELA confirms that “diamonds have not yet transformed lives for the majority in Marange. ZCDC and Anjin are under pressure from communities to do more than just a few isolated CSR projects that are not viewed as sustainable.”⁷⁹ Communities from Marange planned to raise attention to these issues during the WDC visit, but their demonstrations were banned by the police.⁸⁰ These events gave a glimpse of how Zimbabwe’s good news show may lead to the suppression of critical voices, and of the desperation among the population in Marange.

A case in point are the thousands of families from Marange that have been relocated to a site called Arda Transau, a desolate previously state-owned farm over 100 kilometres away. Evictions in Marange began in 2009, when the government started clearing the area for industrial mining, and went on until 2013.⁸¹ Some inhabitants were forced by soldiers, at gunpoint, to relocate, without knowing where they would end up.⁸² Zimbabwe’s non-recognition of community-based forms of land ownership – a legacy from colonial times — meant that many people in Marange living on ‘communal lands’ did not legally own their land and could thus be relocated without proper compensation.⁸³



Homestead in Arda Transau (Photo: CNRG, 2021)

There are various reports flagging that social amenities at Arda Transau are severely lacking.⁸⁴ Grievances include insufficient school capacity, deficient healthcare, exhausted soil, little to no employment opportunities, a lack of ownership rights, loss of culture and heritage, and poor access to electricity and water.⁸⁵ For example, in 2022 the more than 5,000 households living in Arda Transau faced water shortages that lasted for several months.⁸⁶

78 IPIS Interview with Farai Maguwu, January 2023.

79 IPIS interview with Shamiso Mtisi, January 2023.

80 Villagers from Marange clashed again with soldiers and police officers late January 2023. They had been protesting over the looting of diamonds, mismanagement of mining proceeds and restrictions to their freedom of movement (*Villagers, army officers in violent clashes*, Bulawayo24, 22 January 2023).

81 Chimonyo, Mungure, and Scott, ‘The Social, Economic and Environmental Implications of Diamond Mining in Chiadzwa’, p. 13; Nyamunda and Mukwambo, ‘The State and the Bloody Diamond Rush in Chiadzwa’.

82 Centre For Natural Resource Governance and WoMin, *‘Guns, Power and Politics. Extractives and Violence against Women in Zimbabwe’*, 5 September 2020, pp. 12-13; Nyemba et al., ‘The Handbook of Zimbabwe-China Economic Relations’, pp. 94-95, 139-140.

83 Mushayavanhu D., *‘Application of Free, Prior and Informed Consent (FPIC) and Resettlement of Mining Affected Communities in Zimbabwe’*, pp. 10-13, 16 December 2020; Centre For Natural Resource Governance and WoMin, *‘Guns, Power and Politics. Extractives and Violence against Women in Zimbabwe’*, 5 September 2020, p. 12; Centre For Natural Resource Governance, *‘Marange Relocations Lead to New Poverty’*, April 2014, pp. 11-13.

84 Centre For Natural Resource Governance and WoMin, *‘Guns, Power and Politics. Extractives and Violence against Women in Zimbabwe’*, pp. 11-13; Centre For Natural Resource Governance, *‘Marange Relocations Lead to New Poverty’*, pp. 14-35; Mupfumi J., *‘Alluvial Diamond Mining in Marange’*, Centre for Research & Development, May 2015, pp. 4-5.

85 Portfolio Committee on Mines and Mining Development, ‘REPORT’; Centre For Natural Resource Governance, *‘Marange Relocations Lead to New Poverty’*; Majavu, ‘Broken Houses and Promises: Residents Still in Poverty near Massive Diamond Project’.

86 Muleya M., *‘Relocated Chiadzwa People Suffer Water Shortage at ARDA Transau’*, Post on Sunday, 20 March 2022.

Among communities in Marange, there is also frustration about a lack of employment opportunities and other economic benefits from industrial diamond mining.⁸⁷ Combined with rampant poverty and a lack of alternative livelihoods, this explains why community members continue to be tempted to enter Marange illegally in search for diamonds, even if it puts their lives at risk.



Informal artisanal diamond mining activity close to a village in Marange (Photo: CNRG, 2021)

Some people who do benefit from employment by the mining companies complain about the working environment, including dangerous and unhealthy conditions, discriminatory practices, months of outstanding wages, unfair dismissals in violation of labour laws and even physical abuse.⁸⁸ In 2020, in the midst of the COVID-19 pandemic, workers at ZCDC and Anjin were reportedly forced to camp on site for months in cramped and unhygienic facilities, without wages and with canteens regularly running out of food.⁸⁹

Grievances out of poverty and despair are not limited to Marange, but also surface in Murowa, Zimbabwe's other major diamond mining operation.⁹⁰ The mine there is named RZM Murowa and, contrary to the companies active in Marange, is a renowned member of global industry associations such as the Responsible Jewellery Council and the Natural Diamond Council. Tensions between the community and RZM Murowa reached a boiling point in 2020 when the mine reportedly started drilling on the premises of a local school as part of their exploration for new diamond deposits.⁹¹

A few recently announced initiatives hold potential for poverty reduction on the basis of Zimbabwe's diamond wealth. The first is the recommitment by ZCDC to grant 5% community equity ownership via a Community Share Ownership Trust (CSOT) to invest in the sustainable economic development of Marange. According to ZELA's Shamiso Mtisi, this trust "can act as a vehicle for community development

87 ZELA et al., '*Inequalities in Mining Communities in Zimbabwe September 2021*', September 2021, pp. 26-27, 37; Simiso Mlevu, 'Alternative Livelihood Options for Marange Diamond Affected Community', Centre For Natural Resource Governance, August 2020. "language": "en-US", "title": "Inequalities in Mining Communities in Zimbabwe September 2021", "URL": "https://zimcodd.org/sdm_downloads/inequalities-in-mining-communities-in-zimbabwe-september-2021/", "author": [{"literal": "ZELA"}, {"literal": "ZIMCODD"}, {"literal": "ZCC"}, {"literal": "AFRODAD"}], "accessed": {"date-parts": [{"2022", 10, 5}]}, "issued": {"date-parts": [{"2021", 9, 11}], "id": "1172", "uris": [{"http://zotero.org/users/7887845/items/MVWZ9YCW"}], "itemData": {"id": "1172", "type": "report", "publisher": "Centre For Natural Resource Governance", "title": "Alternative Livelihood Options for Marange Diamond Affected Community", "author": [{"family": "Mlevu", "given": "Simiso"}], "issued": {"date-parts": [{"2020", 8, 11}], "schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}}

88 '*Improve Anjin and ZCDC workers living conditions*', Mining Zimbabwe, 24 March 2020; '*ZELA laments Mining Workers' Dire Working Conditions*', Zimeye, 3 May 2019.

89 Ncube M., '*Govt miner's workers see red, Covid-19 safety rules shoved through window*', New Zimbabwe, 1 June 2020; Mtisi S., Nyamukunda J., Mabhikwa N., Machinga J., Sibanda C., '*Covid-19 Mining Sector and Communities' Situational Report 3rd Series*', ZELA, 13 May 2020.

90 '*The curse of Murowa diamonds*', Bulawayo24, 24 March 2019; '*Murowa Diamonds moves in to douse worker unrest at sub contractor's mine over five month failure to pay wages*', New Zimbabwe, 17 August 2022.

91 Maponga G., Bureau M., '*School drags diamond mining giant to court*', The Herald, 8 March 2021.

if it is implemented”.⁹² Additionally, ZCDC in 2019 granted a community ownership share in a Marange mining concession, to be mined by the company itself with revenues flowing back to the community. However, these initiatives are yet to achieve the forecasted results.⁹³



Billboard by ZCDC (Photo: ZIDAWU, 2022)

Secondly, Zimbabwe is exploring the legalisation and formalisation of artisanal and small-scale diamond mining (ASDM). It has joined the KP working group dealing with the matter and the Parliamentary Portfolio Committee has recommended to include provisions on legalising ASDM in a Mines and Minerals Act Amendment Bill, as had already been recommended in the KP Joint Work plan of 2009. This would be a sea change for artisanal miners who up to the present day can only operate illegally, risking to be criminalised at best or violently repressed at worst.

Finally, ZCDC has – as the first diamond mining company in the world – announced an interest in having its mine assessed and certified by the Initiative for Responsible Mining Assurance (IRMA).⁹⁴ IRMA is co-created and governed equitably by the private sector, local communities, civil society, and workers. It offers the only third-party, arms-length certification of industrial-scale mine sites. Engaging in the IRMA certification system would allow an independent audit of the mine against a comprehensive set of criteria that cover business integrity, planning for positive legacies, social responsibility and the environment.⁹⁵

6.2. ENVIRONMENTAL CONCERNS

Another important concern that has been overshadowed by Marange’s legacy of violence is the environmental impact of mining operations. In 2012, ZELA sampled the water quality of two rivers in the area and found that downstream from the mines pH levels exceeded the World Health Organisation’s limits. The water also contained a high quantity of heavy metals potentially resulting from the use of

92 IPIS interview Shamiso Mtisi, January 2023.

93 Mtisi S., ‘My Take Always [Sic] from the All Stakeholders Diamond Indaba’, ZELA, 11 November 2019; Nyamucherera O. and Sibanda M., ‘Tracing Progress Towards Revenue Transparency and Revenue Sharing in the Zimbabwe Extractives Sector 2013–2019’, Publish what you pay, September 2020, pp. 4–6.

94 Makaza J., ‘ZCDC mine site assessment commendable’, ZELA, 29 March 2022.

95 See: <https://responsiblemining.net/what-we-do/standard/>

ferrosilicon during the extraction process.⁹⁶ In 2015, the Zimbabwean NGO Centre for Research and Development (CRD) reported that in the first three years of mining over 3,000 cattle had died after drinking contaminated water in Marange.⁹⁷

Mining operations are also the cause of problematic deforestation. At first, trees were cut for firewood by artisanal miners and later to clear the land for commercial diamond extraction. This caused among others a serious decrease in fruit trees, which has social and economic consequences for local communities. The deforested land today has many mining pits that were never filled after abandonment, resulting in a dangerous landscape for people, especially children, and animals.⁹⁸



One of many abandoned pits scattered across Marange (Photo: CNRG, 2021)

6.3. TRANSPARENCY AND CIVIC SPACE

Another sore spot in Zimbabwe's diamond governance is transparency. For several years, stakeholders have been calling on Zimbabwe to join the Extractive Industries Transparency Initiative (EITI) to combat corruption.⁹⁹ EITI is the main international standard promoting open and accountable management of extractive resources. It requires members to publicly disclose information on the mineral value chain, thus showing how revenue makes its way through government and how it contributes to the economy.¹⁰⁰

Although mining companies started issuing audited annual reports in 2020, with data going back to 2016, transparency is still seriously lacking in Zimbabwe's mining sector. For example, a 2019 report by ZELA indicated that diamond mining companies for years had failed to remit royalties to the Zimbabwean fiscus.¹⁰¹ The problems resulting from opaque governance were highlighted by the discovery in 2021 that ZCDC could not account for the use of revenue exceeding USD 400 million, nor for 352,583.11 carats of diamonds worth about USD146.3 million it had in stock.¹⁰²

The strengthening of cooperation between civil society, industry and government in the national KP tripartite taskforce could be a positive step towards more transparency and accountability regarding diamond revenues. The arrangement, however, is under threat from the Private Voluntary Organisations Amendment Bill that is currently in the pipeline and may seriously restrict civic space in Zimbabwe.¹⁰³ According to Farai Maguwu, the Bill holds important risks for CSOs, particularly for those who have a critical approach toward government. It may result in "numerous civil society organisations, including KP CSC members, to be deregistered with immediate effect".¹⁰⁴

96 [Report on the Scientific Investigation of the Impact of Marange Diamond Mining Operations on Water Quality in the Save and Odzi Rivers: Including Assessment of the Health, Environmental and Livelihoods Impacts](#), ZELA, July 2012, pp. 24-30.

97 Mupfumi, 'Alluvial Diamond Mining in Marange', p. 5.

98 Chimonyo, Mungure, and Scott, 'The Social, Economic and Environmental Implications of Diamond Mining in Chidzwa', pp. 23-25; Nyemba et al., 'The Handbook of Zimbabwe-China Economic Relations', p. 90.

99 Matiashe F., 'Govt urged to adopt EITI to curb corruption', NewsDay, 16 July 2019.

100 Mlambo L., 'Transparency Reforms in the Mining Sector in Zimbabwe Position Paper', ZELA, October 2020 pp. 11-13.

101 Ibid; Mushipe P. and Mapope G., 'Mineral Revenue Disclosure Trends: Following the Diamond Money', ZELA, September 2019, pp. 25-26.

102 Mananavire B., 'State diamond company fails to account for US\$400m', The NewsHawks, 18 June 2021.

103 [Zimbabwe: Private Voluntary Organisation Amendment Bill poses serious threats to freedom of association](#), International Federation for Human Rights, 22 March 2022.

104 IPIIS interview with Farai Maguwu, January 2023; see also: Zimbabwe Lawyers for Human Rights, [ZLHR Statement on NGO Day](#), 27 February 2022.

7. CONCLUSION

From 2009 to 2012, Zimbabwe's poor diamond governance and the violence in Marange severely challenged the KP and damaged trust among participants and observers. Amid attempts by the KP to address the unprecedented situation in Zimbabwe, the saga brought some serious deficiencies to the fore. These include the limitations of the consensus-based decision-making system, problems with the effectiveness and impartiality of peer review, and the incapacity of the KP to enforce decisions in order to ensure that participants have proper internal control measures. Moreover, the realisation that a considerable number of KP participants was "willing to ignore the contribution the diamond trade is making to insecurity, human rights violations and conflict" started raising serious questions about the KP's role as a regulator.¹⁰⁵

While some see Zimbabwe's chairmanship in 2023 as another indication that the KP is not interested in curbing human rights violations, others identify an opportunity for the country to exorcise its demons in the spotlights of the international community. So far, Zimbabwe has been undertaking efforts to make a success of its KP chairmanship in a year of much-anticipated general elections. This charm offensive appears to have had a tangible impact at the grassroots level, with some indications that human rights abuses in Marange have become less frequent. It remains to be seen whether the violence and abuses by public and private security forces can be rooted out entirely, and whether these improvements will outlive Zimbabwe's year in the spotlights.

An improved human rights record in Marange offers important opportunities for government and corporate actors to meaningfully address a range of other challenges. These include impunity related to human rights abuses, abject poverty, a lack of wealth redistribution, poor working conditions, the absence of alternative livelihoods for relocated communities, environmental degradation, and corruption.

105 Vircoulon T., *'Time to Rethink the Kimberly Process: The Zimbabwe Case'*, International Crisis Group, 4 November 2010. At present, these questions are again brought strongly to the fore by the controversy over Russian diamonds following the invasion of Ukraine; see further: Merket H., *'Russian Diamonds and the War in Ukraine'* (IPIS, Antwerp, 2022).

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