



**Report from the ZEN capacity building tour for Zimbabwe's Local Focal Point,  
Israel, Belgium, the Netherlands and Germany;  
26/10-13/11-2010.**

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*Participants:*

- *Shamiso Mtisi, Head of Research, Zimbabwe Environmental Law Association,*
- *Sure Kasenye, Finance Office, Centre for Research and Development*
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## **1. Summary**

1.1 The diamond mining operations in the Marange area of Manicaland Province in the East of Zimbabwe have been controversial since diamonds were discovered there in 2006.

1.2 The Kimberley Process Certification Scheme (KP) has been actively trying to assist the government of Zimbabwe and the local diamonds industry in finding a way forward to halt the massive human rights violations that have taken place in the area and thus avoiding the mining operations being dubbed 'blood diamonds'.

1.3 In July 2010 the KP created a space for Zimbabwean civil society in the monitoring process through a local focal point (LFP). In October 2010 a group of NGOs, including the Manicaland-based Centre for Research and Development (CRD) and five national NGOs chose Shamiso Mtisi to coordinate this LFP. To strengthen the work of the LFP and Shamiso in particular, ZEN organised a capacity-building trip for him and one of the locally-based monitors, Sure Kasenye of the CRD, in connection with the KP Plenary in early November 2010.

1.4 This tour gave the participants valuable experience in the KP processes and exposed them to all the actors in the KP, governments, industry and the civil society coalition. It provided a direct opportunity to influence the proceedings of the KP and ensured that the Zimbabwean voice was not that of the government alone. It gave strength to the statements of the KP civil society coalition in that they were able to present their findings as coming from Zimbabweans themselves. The full programme of the tour can be accessed through <http://www.zimbabwecountry.org/sites/default/files/ProgrammeDiamondTripNov2010.pdf>

1.5 Particularly valuable was the exposure to the industry, and the visits to two of the main centres for diamonds polishing and sale in the world: Israel and Antwerp. It gave the participants good insight into how the industry works and what its position and role within the KP is.

## **2. Background**

2.1 The Zimbabwe Europe Network (ZEN) has been involved in supporting the work of civil society in monitoring the diamonds mining in the Marange area of Zimbabwe since September 2009. At that time ZEN co-hosted Farai Maguwu, Executive Director of the Centre for Research and Development (CRD), in a mission to four European countries together with other key civil society actors such as Fatal Transactions, Human Rights Watch and Netherlands Institute for Southern Africa. This was followed up with capacity building activities of CRD both in Zimbabwe and through participation at the 2009 plenary session of the KP.

2.2 When Farai was arrested while attempting to participate in the 2010 inter sessional meeting of the KP in June 2010 ZEN at the last moment secured alternative civil society participation with NANGO's programme manager Machinda Marongwe. The inter-sessional ended without a result on Zimbabwe. An extraordinary meeting in St Petersburg in July however managed to come up with an agreement on Zimbabwe exports from Marange. Part of this agreement was the inclusion of civil society in the monitoring of the area through a Local Focal Point (LFP).

2.3 Civil society in Zimbabwe decided that they would have a group of organisations as the LFP, led by Farai. However, when there was resistance to this Farai withdrew and the organisations elected Shamiso Mtisi, Zimbabwe Environmental Law Association, as the coordinator of the LFP with NANGO serving as the technical secretariat.

2.4 In this situation ZEN found it important to support the creation of the LFP and to undertake capacity building for its members.

2.5 As part of this ZEN decided to have two Zimbabwean civil society representatives going to the KP Plenary and to organise a programme in Europe after the KP Plenary to ensure that the situation in Zimbabwe, including the LFP was highlighted to a wider audience and that the capacity and reach of the LFP was increased. ZEN therefore invited the LFP coordinator Shamiso and Farai of the CRD to both the KP Plenary in Jerusalem and the additional advocacy trip to Europe.

2.6 Farai belatedly had to cancel his participation. A replacement was found in Sure Kasenye. It was however not possible to secure both an Israeli and a Schengen visa in time for his replacement. Sure therefore only participated in the KP Plenary.

2.7 Similarly ZEN was unable to secure visas for UK as originally planned so a replacement programme was arranged in cooperation with ZEN member organisations in Germany and the Netherlands.

### **3. KP Plenary in Jerusalem**

3.1 There were two aims for the participation at the KP Plenary: Firstly to ensure a critical Zimbabwean voice in addition to that of the government. Secondly, to give the LFP coordinator KP exposure and experience.

3.2 The Plenary session had Zimbabwe as the main issue on its agenda, and in spite of several very late nights, it was not possible to reach consensus on a programme of action to replace the Joint Work Plan adopted at the last Plenary in Namibia in November 2009. There were several proposals on the table but they were all blocked either by Zimbabwe and its main allies Namibia and South Africa or by Canada and its main allies Australia and civil society. The chair of the KP, Israel, promised to use the last two months of their presidency to find a solution to the Zimbabwe issue.

3.3 ZEN and the delegates ZEN had brought from Zimbabwe encountered major debates on the LFP, since the Government of Zimbabwe had brought their own “civil society” representatives, proposed as the LFP and subsequently when they realised that an LFP had already been appointed, wanted to join LFP.

3.4 The Zimbabwean delegation was by far the biggest of any government delegation with 17 delegates, including four representatives that represented themselves as part of civil society, plus representatives of the state media.

3.5 The Zimbabwe Minister of Mines, Obert Mpofu, protested that he had not been informed about the appointment of the LFP, leading to discussion on whose responsibility it should have been to inform the Zimbabwean authorities. The chair of the Working Group on Monitoring, Mr Stephane Chardon of the EU stated that the appointment of the LFP was something that civil society did in consultation with the WGM and they should therefore have informed the government. Civil society however stated that the final approval was with the WGM and that it is always the working groups role to inform governments. This meant that the formal information to the Minister only came at the opening session of the KP which was unfortunate, even if the official line was that the appointment had happened so late that there had not been any time to inform before the Plenary.

3.6 Also the minister criticised Shamiso for not having introduced himself. Shamiso had a talk with the minister where he introduced himself and explained that due to the late appointment (only days before he was due to leave to Israel) it would have been inappropriate to and ask for a meeting.

3.7 ZEN had planned to launch a document during the plenary and have a public event to highlight the situation on the ground in Zimbabwe, for which we had also secured permission to show the recently released Channel 4 (UK) production on diamond mining in Zimbabwe. However, given the tenseness of the Plenary and the fact that Zimbabwe was top of every discussion already, we did not find this necessary or useful. There was a lot of press interest and both of the Zimbabwean civil society delegates gave several interviews including also on radio and TV.

3.8 During the plenary a number of informal and some more formal meetings were held with government delegations. In all, talks with government representatives from more than ten delegations were held, including with the South Africans, the Zimbabweans and the chair, Israel.

3.9 There were considerable numbers of meetings with representatives from the industry since there was a split in the World Diamond Council (WDC) delegation on the issue of Zimbabwe.

3.10 Our conclusion was that as a platform to present the LFP to the KP this was successful as was the importance of having alternative voices present.

#### **4. European tour**

4.1 After the KP Plenary Shamiso with the ZEN coordinator visited Belgium/EU, the Netherlands and Germany.

4.2 Aims for this part of the tour were to give the LFP coordinator exposure to the main European actors, including governments, the diamond industry and civil society.

4.3 The tour met with high level government officials in all the countries visited in addition to meetings with the main EU Commission officials dealing with the Kimberley Process and with Zimbabwe.

4.4 In Belgium we visited Antwerp, where representatives of industry explained to the delegation the role of the industry in the KP and that of Antwerp in particular. In the evaluation of the trip this was seen as the most useful part of the trip. In particular this was seen as useful since it gave civil society direct knowledge of the diamond industry, which whom neither Zimbabwean civil society nor ZEN had dealt with directly in the past. It also gave insight into the detailed knowledge that the industry has of Zimbabwe and its mining operations, suggesting that the industry should be considered as a potential partner on the issues. It also became apparent that much of the Zimbabwe government propaganda has been bought by some of the actors in the industry, even at European level.

4.5 The trip met with civil society organisations in all the countries visited, and as an added bonus ZEN was able to host public meetings in all three countries; in the Netherlands a meeting chaired by well-known journalist Hans van Schaaren, in Germany Shamiso shared a platform with one of the founders of the KP, who later resigned in protest, Ian Smilie, at the European launch of Smilie's new book, *Blood on the Stone* and in Belgium the public meeting was addressed by Geoffrey van Orden, MEP from the Conservative party, part of the UK's ruling coalition.

4.6 It was of course regrettable that the European part of the tour did not include the UK as planned, although the added value of trips to Netherlands and Germany, and the very high level meetings achieved there, were valuable. Additionally it was unfortunate that only one participant from Zimbabwe civil society could come for this part.

## **5. Progress (or not) after the KP Plenary**

5.1 Since the Plenary provided no conclusions on Zimbabwe, it was important to assess follow-up.

5.2 Since the Plenary the LFP has been consulted at all stages in the process and ZEN has had access to information from all major players, ensuring that the local critical voice has been present in the debates after the KP Plenary as well. However, funding of the LFP to ensure it is as efficient as it should be has not been secured four months after the Plenary, in spite of a good deal of expressed interest.

5.3 After the KP Plenary a number of initiatives have been taken by the Israeli chair Boaz towards the end of their presidency, including a meeting in Brussels in late November, where all main actors except the Zimbabwean government attended. The participants had hoped that this meeting and the follow up negotiations had reached a conclusion acceptable to all, but the agreement was stopped in the 13<sup>th</sup> hour by Zimbabwe and Namibia.

5.4 On January 1 Labfa Yamba of the DRC took over the presidency of the KP. Immediately after the blocking of the administrative decision circulated by Boaz, Yamba tried revising the text to please Zimbabwe. However, he did not succeed and on 19 March surprisingly sent a notice saying that since the Joint Work Plan and the additional St Petersburg agreement had a time limit up to 1 January 2011 he considered that Zimbabwe could now export their diamonds. This was however immediately blocked by a number of countries, including Botswana, the EU and the USA. There is currently (March 2011) waiting for a withdrawal of this original administrative decision by the chair. The next discussion will take place in Dubai on 14 April.

5.5 So the stalemate on the Zimbabwe issue in the KP continues, a situation not expected to end soon. This lack of ability to make progress on the Zimbabwe issue might affect the whole operations of the KP. But for as long as the KP still exists and there is not a solution, the exports of diamonds from Marange is officially banned by the KP and officially there have been no exports.

## **6. Overall conclusions of the tour**

6.1 The Kimberley Process capacity building tour achieved all its aims, in that it successfully exposed the LFP to all main actors in the KP, including major governments.

6.2 Additional progress in this tour as compared to previous initiatives was the high level meetings with the diamond industry.

6.3 The tour also ensured that Zimbabwean civil society, including the CRD, took centre-stage in the processes of the KP. After the arrest of the CRD Executive Director ahead of the inter-sessional meeting in June 2010 there was some reluctance from some of the partners in the KP. The renewed respect of the KP is evidenced by the invitation to continue sending reports to the KP and the LFP's inclusion in events despite the government of Zimbabwe claiming that the agreement giving the LFP legitimacy (the St Petersburg agreement of July 2010) has expired.

## **7. Acknowledgement**

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