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Investigating the Strategic Selectivity of the Kimberley Process

by

Marcus McCorkell

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Appendices

Appendix A: Civil Society Interview Transcripts

Interviewee: Former negotiator for TNGO

Interview Type: Skype

Location: Interviewer: UK – Interviewee: New York

Date: 19/02/2015

In-text reference: TO

[The interview began with an extensive discussion regarding the PhD process. The interviewer then also gave a description of the study and its aims.]

TO: It's funny because when I read your email it said about Sierra Leone it, it struck me I can't remember on my time on the KP Sierra Leone ever being used as a kind of a reason that something needed to change. I mean the stuff that was being done on West Africa was much more about improving conditions for artisanal miners and so on although it did come up a bit when people were talking about changing the definition of a conflict diamond. It did then come up in terms of labour standards and child labour and what does it mean to actually have an ethical diamond. It wasn't in the time I was working on it, Sierra Leone, Liberia were not used as... they weren't driving the agenda. Cote D' Ivoire a little bit because it was actually still under sanctions but yeah the focus was very much more on Zimbabwe, Angola to a certain extent which cracks me up that they are going to be the next Chair.

MM: [laughs] yeah that's a disaster.

TO: Perfectly shows why GW walked away from the whole thing but that is, that's too much. The reputational damage to be part of something where Angola can be leading the fight against unethical diamonds is just too much.

MM: Err well there is talk, I'm sure you know more about this than I do, but there's talk about them championing their new system of dealing with artisanal miners have you heard about that?

TO: Oh good god I hate to think! What just send the police in to beat them up?

MM: Oh no they've stopped beating them up now, now they just round them up and just drive them across the border and dump them. And they just keep doing it, apparently that's their solution currently.

TO: Oh the horror.

MM: Before we get going I need to ask a couple of questions for ethics type stuff.

TO: [laughs] oh yes, I know this pain.

MM: Well the first is a statement really. Everyone in this study is being anonymised I just give you a random pseudonym and then just sort of say an NGO source commented that...is that ok or would you want me to make the reference to you even vaguer?

TO: No that's fine but it's probably more accurate to say 'former NGO' because obviously I haven't been working on conflict diamonds for a few years now so I'm a little bit out of the loop on the last couple of years.

MM: Ok yep no problem and the other thing was, is it ok if I record our conversation?

TO: Yeah sure no worries.

[There then followed an irrelevant but brief discussion concerning the pitfalls of PhD ethics and consent gathering.]

MM: So Sierra Leone as you say has not been a big sort of place for the kinds of things that have been going on for the past five or six years but there has been stuff happening in Sierra Leone that has been kind of interesting and I think maybe some

of the Sierra Leone authorities have been intentionally keeping quiet about it a little and they've perhaps been overshadowed by much bigger and more important stuff going on in places like Zimbabwe obviously. But it seems to me, with the whole conflict diamond definition, there is quite a lot of violence in the pipeline in Sierra Leone and so the whole human rights thing and the expansion of the conflict diamond definition then starts to become relevant to Sierra Leone in theory. So if you could cast your mind back to those meetings when you guys were arguing for an expansion of the definition, how were you guys arguing for it? That's kind of a big part of my thesis to try and understand almost how you were arguing something and what sort of reasoning you were putting forward for expanding the definition? And then also what were people saying back to you in terms of justifying saying no, can you remember that stuff?

TO: Yeah I mean its interesting, the whole KP is an interesting question in negotiation tactics because, talking to some of the founding NGO negotiators, my old director Charmian [Director of Global Witness], she'd been there at the very beginning, she likened it, she said basically what you need to understand about the Kimberley Process and about the diamond industry is that they don't want to be the fur industry. When it started off they were terrified of going the way of the fur industry and having this sort of big and kind of devastating consumer turn-off and NGOs successfully used that threat for quite a long time to sort of get them into the KP and get that going. And so I think we tried to do the same kind of thing with the ethical diamond issue and in changing the definition, saying look these are your livelihoods at stake. People don't want to buy diamonds that have been produced in situations of violence you know whether that's strictly speaking the conflict diamond situation from a rebel group or whether it's the government's own forces or whether it's a situation of kind of informal violence and so on. So that's how it was kind of presented, consumers are becoming more ethically aware and you're not responding to that.

MM: So how did they respond to that?

TO: Sorry?

MM: So how did they respond to that?

TO: Well this is the thing, this is a bit of a problem when you actually – it was always a bit of a – most diamond consumers don't care where the diamonds come from so its always been a bit of a bluff that approach of like 'you're going to go the way of the fur industry people will stop buying and the whole thing will collapse' and so on because really most diamond consumers, they just go and buy it. They might kind of, a few might ask about the ethics of it but they don't really and sometimes I kind of wonder if they [inaudible] because the answer was really like, no it'll be fine or this is unworkable or.

MM: Do you think that's what they were tacitly doing, the industry and producing states, do you think they were effectively saying to you we don't really buy it?

TO: Yeah, I mean I'm just thinking, I 'm trying to cast my mind back now. I think the other, the other dynamic that I felt really shifted in the time I was working on the KP which was the African producing states becoming more confident in their dealings with it and kind of saying well why should we do this? Why, you're just...you know anything with Zimbabwe you tend to kind of get that dynamic anyway, of you know this is imperialism, this is just kind of the British. I mean it does not help when you're a British organisation trying to tell Zimbabwe you should be doing something because you immediately get that dynamic coming back into it. But I did get the impression in that time that there was really kind of an upsurge in confidence from the African diamond producing countries just to say, you can't tell us what to do. These are our resources and we are going to exploit them in the manner we see fit. And that was interesting, I got the impression that that was kind of a shift that was happening so that also kind of came into the

question of you know changing the definition, just you know, don't tell us what to do, these are our choices.

MM: So in many ways they're playing kind of a sovereignty card and kind of saying we can do whatever the hell we like this is our stuff?

TO: Yep very much yeah. I don't know if you've spoken to anyone from the ADPA?

MM: The ADPA? The African Diamond Producers Association?

TO: Yeah they kind of started trying to assert themselves a bit more during that time as well and the whole thing was um [pause] sorry its all a bit of a, its quite a long time ago now but it did feel like that was one of the elements of it was kind of this much more confident...

MM: You're not the only person to say that, that's the second time someone's actually remarked on that.

TO: Yeah it did fell like you know and even like ...countries like South Africa, their participation in it changed qualitatively and its interesting because I think that was partially down to a kind of a turf war within the umm, not a turf war that's not the right way of putting it but kind of a change in the structure of the government itself but you went from having some kind of quite technocratic participation by South Africa which was by people who had been doing it for years and years and years to them leaving and I remember like the final meeting in DRC, it was completely new people who were not approaching it in a kind of technocratic way but were very much approaching it on political terms and kind of coming in and saying yeah well why is this being done like this, you shouldn't be telling us how to run our affairs. So there were kind of shifts in key players like that which kind of went from – which changed the negotiating dynamic of the whole thing to ill effect.

MM: Yeah I'd heard that actually a few people had sort of said to me that, and people said this to me in Freetown as well with real frustration, which is that a lot

of the time the people turning up to these meetings are kind of being de-powered if you know what I mean so a lot of the guys turning up are either not particularly able or a lot of the time they don't even have a mandate actually to discuss anything that's going on. Is that the kind of thing that we're talking about as well?

TO: Its both its that half the...some of the cases it was people not having a mandate, not having the knowledge and so on and I remember with Botswana for instance always a real mixed bag there was this one guy a guy called Jacob who was really on top of it, had been doing it for years and years and years, had a mandate to do things but if he wasn't there then the people they'd send instead were awful. They'd just sit quietly, not say a word, not make any kind of interventions of note and so you had that but also you had the opposite which was this kind of bullish, you know, we're here to make a political point rather than engage on the technical details. And it is a technical import export scheme so you do, if its going to work, you do need people who know, who understand how the import and export of diamonds in their country works not just kind of come and say well, we're going to oppose this for the sake of it. So it was kind of a mix of both, you had, especially around Zimbabwe issues you had the purely political interventions coupled with other people that were just not, not empowered to do or say anything which made it very difficult negotiating content really.

MM: So then when doing this, when they're wheeling this out about the expansion of the definition, can you remember how you tried to counteract that? Was it just more of the same or did you guys come up with something else to try and work round it?

TO: To be honest we only started introducing this at the end of my tenure and my final meeting was the intercessional in DRC and I know the more concerted effort to change the definition started on the US presence I think?

MM: Yes

TO: So I missed that. My final act was to walk out of the Kimberley Process and leave it for good. So yeah I couldn't tell you because I wasn't actually part of the...we started to introduce the idea of changing the definition but we weren't, we left when it just became clear that it was just, it was just untenable for our organisation to be part of this. And the thing I did work on for reform was err, I think they've changed it into the Kimberley Process review committee now? But I helped to draft the terms for what it was going to be, it was around kind of discussions of the secretariat and whether there should be or could be a secretariat and that was actually one of those things that was quite, it was really, it felt like it was going to be a success for a while because we managed to have a really good drafting session with Russia, China the US, I think India as well, the industry, to try and produce a document that was kind of a road map of possible steps forward in terms of developing a secretariat, developing a review capacity and independent funding and so on but the momentum on that was lost. I remember very clearly the meeting in which the momentum on that was lost it was the first meeting of the intercessional in DRC. Botswana had stepped up to chair and there was a young guy from Botswana who was really quite good he looked like he was going to be really engaged with it but it was one of these moments when the South Africans, who had been there negotiating it to start off with, at this meeting they then sent a new set of negotiators who just blocked it, who just picked it apart and said why are we doing this, why should we bother, no we don't want to do this and now I was kind of looking on the website the other day and kind of saw that the whole committee has been kind of downgraded from a 'lets have a road-map for Kimberley Process reform' to 'lets do a review of the Kimberley Process' which is a subtle change but its an important one, its kind of, rather than plotting out definite steps forward its, ok what's worked and what hasn't worked in the last three years.

MM: Yeah ok, so the secretariat you say you can remember that meeting quite clearly um what was it then, the South Africans picked it apart, what was it that they were saying then that was the problem can you remember?

TO: Not really anything specific that was half the problem. We used to laugh because that was in the committee on rules and procedures which was the most boring committee you could possibly be on. It was chaired by the Russians and it was something that had originally been created just because the Russians wanted something to Chair. It was when they were, they wanted to be Chair of the Kimberley Process one year and they couldn't be because they weren't actually in compliance. I can't remember what it was there was something in their production, there was something very important but pretty boring that they hadn't actually done so as a point of principle they couldn't become Chairs of the Kimberley Process but this was kind of created to give them something to do [laughs] and they loved it. The CRP all sorts of things were introduced then and we were like oh god do we really need – I remember there was a document that was introduced on how to prepare minutes on working group meetings correctly and that kind of thing. But it actually became, it was one of those things where you kind of thought oh there's a bit of light at the end of the tunnel. I remember having a talk with the Canadians and the Americans saying at the moment this is a bit of a waste of space but we need to try and understand what we can do and it became quite a productive committee and I understood what the Russians wanted and had a chat with them and they said yeah please we would love you to bring things to the table. We really want ideas as to what should be done, this should be a productive committee, and it became a productive committee – less politicised than say the working group on monitoring which is where they were discussing compliance and could be quite combative and so we were bringing forward ideas and getting things discussed and getting things tabled and so on until this fateful meeting where it went from being this kind of constructive, lots of people talking about lots of ideas and very, you know we used

to call it a happy place and then that stopped because it wasn't kind of the constructive disagreement any more of well actually we're not sure about this could we do it another way, could we find another way around it, it was just – what is this document? Why is it here? What's the point? How's it got to this? Which is very frustrating you know when you've had South Africa on board, they've been part of that negotiation to get that document, to create this working group and be sitting there and then suddenly you've got new people there and they're just undermining the very existence of the committee. You know there was no joined up messaging coming through so, they weren't challenging it substantively on well we don't think this is a, this is the most efficient way of running the Kimberley Process or we think it might compromise its neutrality – it was just why, what's the point of this and lets just kind of slow things down.

MM: Right ok so presumably then they are then falling back on the fact, tacitly, that it's a consensus decision making thing and they can just do that.

TO: Yep completely. And actually the consensus decision making thing was something that was interesting as well because it was over those couple of years that that clarified because before it had been kind of implicitly understood or it was never challenged that the consensus decision making included industry and NGOs but it was over Zimbabwe that the states, the governments kind of came down and said, you know what it doesn't include NGOs and industry.

MM: Really it wasn't actually until then that it became clear that that was the case?

TO: Yep it was one of those kinds of things that was left maybe purposefully a bit...

MM: vague?

TO: Yeah – because it was over Zim. Because the first negotiations on Zimbabwe which were in Namibia, there they did everything to keep us on-board. You know that's how we ended up with the work plan and they did absolutely everything to

keep the NGOs on board and to not depart from consensus but by the next time it became clear that Zimbabwe hadn't stuck by the work plan, things were getting worse and they were harassing NGO observers and so on and we said no and they said well, you not part of the consensus you're just observers so actually...thanks.

MM: Ok um that's a bit of a bombshell, I'd never heard of that. I'd just assumed that they'd just taken the diplomatic definition of consensus isn't there and then there's the standard dictionary definition that the entire rest of the world understands and I wonder if it...

TO: No it was very much on the, well it was from the NGOs point of view, it was understood that we were a part of the consensus and certainly it kind of worked like that for a long time, because I think that's the point – having NGOs in the room gives meaning to the Kimberley Process and you have to keep them on board because if the NGOs are saying this is bullshit then what's the point of the Kimberley Process, its not like you can trust the governments and the industry to police themselves. So I think for a long time they did try very hard to keep, to interpret consensus in that way but when it came down to it, when it was governments versus NGOs then they went well you're not part of this.

MM: Who was it that said that? Which delegation was it that said that?

TO: I think it was understood from several, I think it just basically came down to, to well look this will go through, you don't have the power. And you know you've always got, for example the Russians are sticklers for the rules and they would have made that clear and I think that South Africa and I think Zimbabwe and I mean it was pretty widely put across at that point, you know even ones that were kind of allied with us in terms of thinking were like you know, when that kind of came up were like yeah.

MM: Um right ok that's interesting because part of my study is actually investigating the very early days when the KP was negotiated and stuff and I spoke

to quite a few of the government negotiators and the impression they gave me was that um actually that they felt...actually that is interesting because when I think back, at no point did anyone – everyone always seems to be very vague about what the status of industry and the NGOs was, some people saying they were observers some people saying they were equal participants.

TO: Yeah its interesting because that's where that kind of issue really came to a head because going by the rules, the rules of the KP are that they are observers, you know the don't, that is their status that is how they are named in the founding document and god forbid you cannot open that founding document. That's the idea that puts most governments participating into a panic.

MM: Yeah can I ask why that is in just a second.

TO: Oh god mention of the opening of the document to the Russians and their eyes would glaze over and oh no, no that cannot happen. So yeah by that document NGOs and industry are observers not participants but they've always had an equal participation in every area of the Kimberley Process in practice so every activity at the Kimberley Process had industry and NGOs in it and surely, especially in things that basically a lot of governments couldn't be bothered to do properly like the statistical analysis and the review missions and so on. But when it came down to it really when the chips were down and it was a case of stopping the exports from a country, then they fell back on the wording within the document.

MM: Extraordinary. So in terms of opening the document then – it was named the Kimberley Process, so you would think that there's a clue in the name – why did the Russians have such a problem with opening the document and renegotiating some parts of it?

TO: I just think that they, they used to say well you know if you open up that document then just everything's up for negotiation, like you know the minute you

open that then the whole scheme is up in the air, the whole thing could be – and that's opening pandora's box.

MM: So can you remember specifically what that excuse was attached to? I mean was that, are we talking about the definition or...

TO: Yeah the definition, the secretariat absolutely everything. Anything you'd say that wasn't a small change they'd be like well if you're opening the document then, nothing, nothing is off the table then and we're going to have to do the whole thing. Because the only thing I think with legal standing, it was the only – because it was signed into treaty by governments I think, I'm a bit fuzzy on this now but it's the only thing that actually has ministerial level kind of approval so I think they were like well if you open that then...

MM: They were going to have to start changing laws and things like that and it was just too much bureaucracy for them to be bothered with.

TO: Exactly, yep.

MM: Ok that's interesting.

TO: And the thing with the Russians is that they don't like the idea that there could be mission creep and they didn't like the idea that this would start to, they're big on setting boundaries and precedent. So a lot of the stuff like for example, I mean in some ways they were quite easy to negotiate with because you knew where you stood. It wasn't like negotiating with India where they would smile and say absolutely yes, yes, yes and then no in the actual meetings. Russia you always knew where you stood, they'd say no we don't want to do this, we don't want to stop these exports from Zimbabwe because it's a region rather than a country and if we start setting that precedent then that can applied elsewhere and that would be ridiculous. And that was the kind of way they approached most reform and say

well no we don't want to do this because its creeping into other areas that this wasn't designed to do and that sets a precedent that we'd never be able to stop.

MM: Hmm well if there's one thing the Russians know it's a bureaucracy.

TO: Yeah.

MM: So on transparency then, something that came up when I was in Freetown was that they had recently had a review visit to the Mano region and even though some of the NGOs had submitted their portion they weren't being allowed to read the actual report itself and obviously it wasn't going to be published on the website and in know this is an argument that the NGOs picked up – can you remember anything about this, about transparency?

TO: Hmm I'm trying to remember. I mean hmm I mean we were pro transparency really but I'm trying to remember what we were pushing for...

MM: If you cant remember you cant remember.

TO: No what I can do after this I'll have a look into my um, I have a lot of stuff on my emails somewhere so I can have a look and root around and see if there's any um any bits and bobs in there that might shed some light on some of this.

MM: That would be great if it doesn't interrupt your referencing.

TO: [Laughs] that would actually give me a good excuse to not be looking at the 5 and half thousand words of references. Yeah I'll have a look I'll just make a note of that. Because I think a summary of the review missions is on the err

MM: Well I think the interesting thing about all that was that it was kind of another great KP fudged compromise which was that you can um, the review visit reports can be published on the KP website but only with the permission of the receiving country. So you know its obvious if there's anything negative in there, its not going to get published.

TO: I should also say though that that is a bit of a failing as to how civil society works because civil society is a coalition in there and when it came to review missions it was always civil societies kind of job to a certain extent to make sure that, to push the review mission to meet local civil society groups to make sure that was heard. But this was a criticism that would come from some of our civil society partners in the coalition from the global South that would be come on this is a two way thing we need to get the information back through, from the KP and you're a conduit for that and I would say that is also a failing of civil society for not making sure that kind of information filters back through because we could do that you know, that would be a doable thing I think. And sometimes I look back at the time I spent in there and we were always under huge constraints of funding and time and we ran the Kimberley Process, the conflict diamonds campaign from GW with me and 30% of another person so you're always under vast amounts of time constraints and so on but I don't think we did a good enough job in making sure our local civil society partners were fully, fully engaged with it.

MM: Yeah and its interesting one or two of the civil society people I spoke to in Freetown I think they were frustrated that there wasn't more funding available to help them out and this sort of touches on something else – I saw mentioned every now and again this idea that there could be a central pool to sort of help fund research into what's going on and to also help with implementation and stuff like that, I mean do you remember any conversations about that?

TO: Isn't that, I'm trying to remember, isn't that, I cant remember if this was reality or if this was a proposal that the impounded diamonds that got – that the diamonds would be sold and the value would be put towards this kind of thing.

MM: Yes I'd heard that had materialised at some meeting or another.

TO: Yeah I remember having discussions about that as a potential thing. This is, I mean it was a dangerous thing to ask about because there was a horrific situation

that happened in the Zimbabwe negotiations in I think it was Tel Aviv or Jerusalem where one of the American diplomats got completely the wrong end of the stick and was like, yes well if money was made available to local civil society in Zimbabwe then maybe diamond exports could go ahead? Which was awful because of course the Zimbabwean government just went ah that's all they want they're just doing this because civil society wants money, its extortion and so on and we all just sat there just going what, what on earth just happened who said that, no one said this. So it was all a bit um, it was kind of a delicate subject. Because that's the kind of thing that gets brought up a lot by certain governments and certain elements of the industry they say oh there's no such thing as conflict diamonds anymore and Sierra Leone is fine, Liberia is fine, Cote D'Ivoire is fine, there are no conflict diamonds it's just a thing that civil society has made up to try and get funding. Which is a joke because the GW diamond campaign had not had funding for the entire time I was there it was just entirely coming out of core funding because it wasn't sexy enough for donors anymore but that's something that you hear a lot you're just making this up because it's a way for you to get money and justify your existence.

MM: So sorry that's interesting in itself, you couldn't secure funding from elsewhere then...

TO: No the conflict diamonds, the conflict diamonds campaign had not been funded for about three or four years directly. So we would use our central funding and some of the core funding would be used to, you know kind of unrestricted core funding from certain donors some of that would come and fund the campaign but...where as other campaigns, I don't know oil revenue share in South Sudan would get specific funding and different donors would be like yes this is the thing, this needs to be looked at. Conflict diamonds were just not interesting or sexy or new enough. People thought that that was an issue that had been dealt with and had been solved by the Kimberley Process and we didn't attract funding for it.

MM: Really so you think then that generally people think the problem has been sorted out?

TO: Yeah, yeah. People have seen the film and they see at the end that there's this nice negotiating and that the Kimberley Process has started and they're like oh that's ok then.

MM: Right ok then, so that makes life quite difficult then for Global Witness and PAC because could you guys, I mean obviously Global Witness walked away in the end and certainly to my knowledge you guys didn't really hit the streets, there was no sort of attempt at mass education as to what was going on.

TO: No that's not the kind of organisation GW is. We have a style, a kind of a forte which is we do the investigative work and then use that to lobby. I think Amnesty did some work awareness raising there were definitely a bunch of leaflets hanging around that Amnesty produced and so on and we did work with the Blood Diamond director and stuff like that. Actually I think the director of Blood Diamond is now a patron or a director of GW.

MM: Oh is he? I think he's got something to do with the WDC as well. Yeah I mean don't get me wrong that question is not in any way accusatory I was just interested to know what happened.

TO: No, no because its funny GW is a very particular type of organisation, I mean I can't speak for PAC but we still get, I say we its been so many years since I worked there, we used to get a lot of stick for why don't you do X, why don't you do Y? Why don't you do capacity with your Southern partners, why don't you do mass education, you know public outreach work that kind of stuff and we'd always say look its not, and the most common thing was why don't you come up with solutions you just always come up with problems and we'd say look that's just not the kind of organisation we are. We know what we're good at, we have a specific approach and a specific way of working that we are very successful at and we are filling a gap

in the market. There are other organisations like Amnesty that do big outreach, there are other organisations that do capacity building but what GW does well and does specifically and that no-one else really does is these kind of hard hitting investigations that then produce very targeted, very strong lobbying. And that was very much, I mean its funny, we had the same thing, I did some work in Eastern DRC on conflict minerals and we'd get that a lot as well. Why aren't you doing this, why aren't you doing that, well because other people do that. You know why aren't you addressing sexual violence in Eastern Congo and you know that's not, that's not what we are good at. We are good at this nexus here, we've got loads of experience at it so we'll bring that to bear.

MM: There are many ways to skin a cat. So when it comes to lobbying then who do you guys, who would you go and try and talk to about conflict diamonds, particularly when it came to the reform agenda, who did you try and talk to and what did they say back?

TO: Um so industry and government.

MM: Powerful governments, UK government or...

TO: All of them so to go for governments we were trying to build up a coalition of like-minded groups so to try and, and that was very much the way that stuff got negotiated in the KP. You would try and get a group of people, industry, government, civil society that was supporting an issue that we could together draw up a proposal and then lobby and stuff like that. So reform it was very much Canada, the US, Europe to a certain extent but Europe is always held back by the Belgians; it was industry, some elements more than others, industry very fractured, so some parts of the industry oh god whats the American body called I've forgotten, I cant remember the name. Basically in the industry the closer you are to consumers the more reform focused you are because they are actually the guys that get the sharp end of things. So the jewellers associations, they'd be much more, much more kind

of reform minded but the miners would be a lot less because they don't care. And so yeah we try and build a core coalition up, I'm trying to think who else was pro-reform, Liberia was always pretty helpful when minister Fayia was doing it.

MM: So what would these guys say back to you when you tried to lobby them?

TO: Well that was the thing these guys were already on the same page.

MM: So it was like preaching to the choir they just say yeah great we'll support you.

TO: Yeah what we do is kind of work with them, come up with ideas, how can we do this, how do you think we should approach this. So basically you'd work within that small group to try and come up with proposals and a strategy and then from that you'd kind of go to the others. So you'd say look you've got good relationships with here you go and kind of push them, we'll speak to the industry here and you know we'd kind of come up with a strategy like that. And then it would depend completely on each different actor that you went to [interviewee's dog then barks and interrupts the interview momentarily]. And what they'd say back completely depends on the different people you're speaking to so and as I say some members of industry would say certain things, be more pro or be more anti and also the personality, its really something I learned from working on most of this is how important personalities are to negotiations. You know you'd have some, the Canadian lead was incredibly, incredibly – probably the only diplomat I ever had any respect for – she was really really strong, very good.

MM: You cant remember her name can you?

TO: It was Donnica, Donnica Pottie if you can speak to her she's brilliant, yeah she's really, really great. I think she's in Canada again now, she was in India for a few years.

MM: Is that Potty?

TO: Pottie. She's great really, really good. I can suggest people to talk to at the end, yeah there's lots of people still around who are good. But it really depends on personality. Cecelia Gardner who was the lead legal counsel of the was just an utterly abhorrent woman and she was just such an unpleasant person to work with and you just knew that any time you went into a negotiation with her that it was going to be awful as where as I say the Russians were just as implacably opposed to whatever we were suggesting but weren't as unpleasant although were just as frustrating in their own way and really it did come down to personality a lot. And especially as I said when you then had a shift in personnel, you know things could change completely.

MM: That's interesting in itself, how often did personnel change?

TO: Quite often.

MM: So at every plenary would there be different characters there?

TO: Not that much but, I'm just trying to think I must have been at three revolutions of the KP cycle and probably had three different UK representatives in that time and the Americans were all changing out when I left, there was a completely new set of South African's. There was, the EU more or less stayed the same I think. Yeah there were some people who were in it for a long time but others yeah there was a real turnover. Actually it did feel like at that point that there was a real change in the guard because a lot of the people who had been on it a long time were leaving.

MM: Right can you remember who they were?

TO: Sorry?

MM: Can you remember who any of those guys were?

TO: yeah I would think that the guy that would be really interesting to talk to if you could track him down was from South Africa, was a guy called Sheldon Moulton.

He was one of those people who negotiated at the very start and was in it until 2009 maybe. I think his second name is Moulton. But I don't know where he is now or what he's doing.

MM: Yeah well I can google these people, its amazing people cant hide.

TO: Well its quite nice now as well because when you're a few years away from it you're kind of freed up to say whatever you want about it [laughs]. It'll just be the ravings of a bitter old person [laughs].

[What follows for some considerable time after this is the interviewee sharing with the interviewer a series of names and possible contact details for those she considered worthwhile speaking to regarding the Kimberley Process. Interspersed with this were a few questions from the Interviewer. Owing to the length of this exchange, with much of this data simply not relevant to the study, this part of the interview is only partially transcribed.]

MM: Talking about industry, I had a question about them. I know that industry are very fractured and I know there's different parts of them. You know I've spoken to the De Beers guys...

TO: Oh did you speak to, is um Andy still there, Andy Bell?

MM: Er Andy Bone, there's an Andy Bone still there?

TO: Yeah Andy Bone sorry oh god that man!

MM: [laughs] Whats the matter with him?

TO: He invited me to go and watch Chelsea play football with his son in the De Beers box once and I was like this is not going to work! [laughs].

MM: Yeah it was interesting actually immediately after I had done an interview with De Beers then suddenly I got an invite to some evening soiree type thing – which I quite quickly turned down [laughs].

TO: [laughs]. Oh I would have gone I mean its hilarious, but yeah they are, they're quite something.

MM: They're quite canny and you know he's very charming and you know all the people they wheel out are really good, they're really charming, you can have a lovely conversation with them and they'll buy you lunch and all that kind of stuff but the thing is, how committed to reform do you really think big industry were. I mean obviously there are some people in the industry who are not interested at all but De Beers, they sort of try and claim that they are committed to reform but I kind of wonder you know because if they were really committed to reform how come it hasn't happened?

TO: That's a really good question, I don't know. I mean I think they were, someone like De Beers was more committed to reform than elements of industry, I think they were more aware of the reputational risk, especially De Beers because they are at the centre of that, people still believe they are, they own all the diamonds and so on but they definitely weren't so committed that they'd stick their neck out. They were relatively committed and if everyone else had gone along then they would have gone along with it probably but they weren't so committed that they were going to make their thing [inaudible] campaign.

MM: Right that's interesting so they are committed as long as everyone else is? Well I need to be careful not to ask leading questions! [laughs]. So the NGOs are committed and are making a lot of fuss about something and De Beers respond. Do you think that De Beers would still have been interested had Global Witness and Partnership Africa Canada not been pushing the reform agenda?

TO: Oh absolutely not no. No not at all, not at all. They would do the least...I mean it's a business right they will do the least possible thing that will keep their bottom line going and if it hadn't been for NGOs pushing and pushing and embarrassing them, they wouldn't do a single thing. I mean its funny you must have spoken to Ian Smillie?

MM: Yes I shouldn't really be telling you all these people I've been talking to.

TO: Sorry?

MM: Well I always get a bit worried about talking to people about who I've spoken to because then they might get worried that I might pass on to others that I've spoken to you.

TO: Oh yes, yes I shouldn't be encouraging you. I've had the same thing.

MM: No no its fine you're out the industry now anyway.

TO: I remember him saying to me early on in my naïve early, everyone's lovely isn't everything wonderful, days campaigning I thought that maybe he was laying it on a bit thick but I think he's right; the only way any of these governments or any of these industry partners will every do anything is if you embarrass them into it. And that is very much the case and I believe that entirely with De Beers is that they talk a good game and they are probably more likely to reform, they are more amenable to reform than a chunk of the diamond industry but only because they, they also have more reputational risk than most of them. If you want to talk to a really, really unpleasant person from the diamond industry you should try Peter Meeus [then follows a brief exchange of details and an explanation from the interviewer to the interviewee regarding the recent issues within the Kimberley Process concerning Peter Meeus and FATF].

MM: But there was something else, did this come up at any meeting you can remember – something that's happening in Sierra Leone at the minute, and its not

directly a result of the Kimberley Process but the Kimberley Process is being used as an excuse for it. Obviously Sierra Leone is nowhere near controlling its fields and I think that for whatever reason the FATF report and I don't know if you ever saw the MSI report as well, it was commissioned by the Kimberley Process, I think that has put the wind up local policy makers and they've been sort of doing this thing for years. Rather than try and control their fields, they've been selling concessions to sort of medium scale miners to come in and do the mining instead and you know in the process of doing that you know they put a fence around their spot and they control the concession and they do that quite often violently. And so what policy makers are doing is first and foremost they're claiming that they're doing this to drive development but also they're kind of claiming too that we need to do this to comply with the Kimberley Process, particularly if the Kimberley Process is going to start getting tough. Can you remember anything even remotely like that being mentioned at a KP meetings at all, anyone bringing it up?

TO: No not at all. And do you know I meant to say before just er it kind of slipped my mind, I think one thing that was interesting about somewhere like Sierra Leone in the time that I was in it [KP], they proved the value of a little bit of good will. So they didn't try, they didn't approach the KP negotiations in the same way that say Zimbabwe did, very combatively, you know these are our resources you guys get out kind of thing. They approached the whole process with much more yes thank you yeah we need help and so on and as a result there was less asked of them – I don't know the fact that they were trying to implement some stuff made people more willing to overlook when they were failing to implement other stuff.

MM: Yeah this is sort of something that I can't quite get my head around. When people talk about implementation and enforcement and stuff, it kind of seems to apply to the bad guys or the perceived bad guys but not, not anyone else. So Sierra Leone, Liberia, you know most artisanal producers aren't anywhere near

compliance and yet it seems to be really one or two that kind of get picked out for punishment.

TO: Yeah I think it was more, I think it comes from a good place largely and then slightly from a bad place. I think because places like, there's an acknowledgement of the vast difficulty of bringing those fields into compliance and the lack of resources to do so and so on so I think there was very much – my perception was that in my time there was a feeling that if they're working towards it, if they are taking steps in the right direction, that should be rewarded. You know, we shouldn't be really kicking them when they're down because if they are improving, if they are implementing things then, more of a carrot than a stick. Whereas somewhere like Zimbabwe where there was, I mean Zimbabwe will tell you that there were no killings in the diamond fields, that did not happen. There was no violence at all, that's not a thing that happens. So in that case I think the kind of feeling was well if they are not even going to acknowledge there was a problem, then there's no space for being um [pause] there's no space for a carrot. But it doesn't, I think the approach of the Sierra Leonean and Liberian governments for example was quite different and there was a feeling of trying to reward that and trying to encourage good behaviour. Whether or not that was the right thing to do or whether now that's meant that they've been able to get away with pretty crappy behaviour for a long time and then it makes it even more difficult to come back and try and force compliance on those issues I don't know really.

MM: Well one of the luxuries of being a PhD student is you don't have to worry about what's right and wrong you just have to find out what's happening. You just completely ignore those kinds of things. From my perspective it looks like there's quite a lot of shady stuff going on. I think there's quite a lot of money laundering going on, there were some quite unusual practices that the sort of KP mandated licensing system is being used for and I think there's a huge amount of smuggling going on to lower tax jurisdictions and you know none of this stuff is, you know, its

not the kind of horrors that you associate with Zimbabwe or the war time stuff but its still in theory the kind of stuff that the KP is there to stop from happening.

TO: I disagree in theory its not. I mean the KP, the way most governments understand it unfortunately is that it is an import export control scheme to stop rebel groups profiting from diamonds and I think its almost our fault for trying to understand it to be more than that. We'd like it to be something that would produce ethical diamonds but its not, its absolutely not, it's a very simple tool that was developed to deal with one situation and we were perhaps stupid at the very beginning of this to not, to not think more broadly and to not develop a tool when the conditions were there and the motivation was there to not develop a tool that could be able to be used for this stuff. It's not in its current form a scheme that will ensure ethical diamonds in anyway. It will only make sure that rebel groups don't profit from them, from conflict diamonds.

MM: Even in Sierra Leone though it doesn't even achieve that, the fields are so unbelievably open, I'd be amazed if some Cote D'Ivoire diamonds didn't go through somewhere like Kenema or Kono.

TO: but the thing about tax harmonisation did come up with regards to West Africa a few times you talking about this incentive to smuggle but nothing was ever really achieved it was kind of noted a few times in reports and so on as something that's really not helping the situation but it wasn't a top priority for anyone I don't think.

MM: I'm worried I'm not taking up too much of your time am I?

TO: Oh no don't worry about it, the dogs asleep, as soon as the dog wakes up then I've got to start to take her outside because otherwise my floors will take the punishment.

MM: yeah my daughter's out at the minute otherwise you'd be hearing her. So when you guys left then, when Global Witness left, did you ever get the feeling, was it

ever part of the discussions amongst you guys that actually it kind of suited everyone very well to have this multi-lateral thing continuing – how do I put this question. I get the impression sometimes that the fact there is in existence a multi-lateral body is an end of itself for certain people in the Kimberley Process.

TO: Yeah this is the reason Global Witness left. We wouldn't be part of being a fig-leaf for the industry. It got to the point where it became clear that there was no, no appetite to actually be serious on conflict diamonds or blood diamonds I would say because conflict diamond has that specific definition. When it became clear that there was no appetite that there was no way it was going to change they weren't going to take the necessary action then we're not going to stand around and be used as the excuse that they could point to and be like look, but look we're being ethical and we've got this scheme and Global Witness are in it and yeah it must be ok. That was absolutely the reason and for a lot of people having a completely ineffective Kimberley Process was the best thing that can happen. You know you turn up twice a year you get to go somewhere fancy, sit in a hotel for two weeks, have some fancy dinners, go home make it look like the industry is ethical and the number one reason we left is that we didn't want to give it legitimacy.

MM: Um what were the people saying to you guys did some of the lovely people at De Beers come up and try and convince you not to?

TO: You'd have thought you'd just kicked Andy's puppy, he was so sad. It was oh TO, oh you cant do this is there no way oh. You know, yeah legitimately, some governments were very upset and could see this was kind of the beginning, a bit of the beginning of the slow end of the KP I think. And they knew, partially because of legitimacy issues and partially because frankly we did a lot of damn work. You know this is an organisation that functions without a secretariat so what gets done is down to having committed, skilled members, you know participants and observers. We did a lot of work and I think that was a bit of a concern for a lot of

people that oh god suddenly we're losing one of the few members that actually does their share of the analysis properly. So yeah some, some so the UK, I don't they don't participate as one but the UK, Canada, the US, Switzerland very upset umm parts of the industry very upset but others just didn't care because civil society wasn't leaving, as long as they can keep a few...and actually it was interesting with what happened with Zimbabwe was they started bringing their own pet civil society with them.

MM: No!

TO: Yeah, yep and they said come and say we're part of the civil society coalition and we say no you're not. And yeah they bring...I cannot remember the name of organisation but it was just an organisation that they had brought and they'd say look, they can be the civil society monitor – no, no they can't. So you know as a strategy it was pretty smart. But absolutely it was the best possible solution for a bunch of these governments and the industry and you've got a weak civil society participation in a weak scheme that is not achieving its most basic aims but to the outside world that has seen the film they can go into the shop and go is this diamond conflict free and they can say yes it says on the back of the receipt its conflict free and they're happy. I think as well that the GW decision was slightly made on the fact that we are part of a bunch of different multi-lateral schemes and you could see, I mean we were part of, a founder member of Extractive Industries Transparency Initiative in which civil society participation was slightly more formalised more strongly you know as a member rather than an observer and so on and I think when you're part of something, I mean EITI has huge problems as well, but when you are participating in something that is a bit stronger you then look at the weak thing and think this is ridiculous, this is actually a farce.

MM: Yeah I mean were you guys actually pointing that out at meetings – were you actually saying look, look at this other stuff, look at the EITI.

TO: Yeah absolutely because a lot of the spokesmen kind of, well mainly the Western diplomats were actually their representatives in the EITI as well. Someone like Donica that was her portfolio she was doing all of this stuff. She was in EITI, three Ts, you know they knew this was ridiculous but there was no appetite to change it. Well there was appetite from some people but for the most part.

MM: So you know the consensus thing, the decision making. When it actually came down to a decision, I'm sort of imagining that actually just for one country, lets say Zimbabwe for instance, just for them to block something on the basis of consensus, I mean would that be difficult for them to say no?

TO: It comes down to the country. So Russia could block something on their own easily. They wouldn't care.

MM: Why?

TO: Well I think its partially their relative power as a country and so on and your comfort level. Its quite interesting, and again it comes down to negotiation and so on but I don't think the US would ever have just blocked something, I don't think they would have been comfortable doing it and I think that's partially Brad being very much a consensus seeker by nature, partially because they are trying to be seen as the good guys and so on. Russia, they wouldn't care. Somewhere like Liberia wouldn't probably have the strength to block something on their own.

MM: Why wouldn't they because they've got this structure that gives them that strength so why wouldn't they?

TO: I think because they would have a lot of pressure put on them outside. They know they are beholden to a bunch of other countries within the Kimberley Process for aid and so on and whereas somewhere like Zimbabwe they were able to call on this discourse of Southern African unity and anti-neo-imperialism and so on. So they didn't stand alone and were able to say hey South Africa you stick up for us in

this because that's what you do. And I think to a certain extent what was also happening was you were seeing the impact on the KP of other things going on. So for South Africa for example, the Kimberley Process is seen within the diplomatic universe as a relatively minor thing so when you had other things going on, SADR negotiations, negotiations about elections in Zimbabwe all that kind of stuff, it's a quick win to give to Zimbabwe that gets something else sorted elsewhere. So you can say ok look we'll support you on the diamonds but you need to pipe down in this over here, you need to give us a concession here. And my feeling at the time was that was another element of what was going on there, that there was, you can't see the Kimberley Process as existing in a vacuum, its very much about other processes and other things that are going on as well.

MM: So it was sort of getting mixed up then in wider diplomatic horse trading?

TO: Very much, Zimbabwe, massively. It was so wrapped up in wider diplomatic issues. It was wrapped up in the EU sanctions regime and the US sanctions regime and then that would come up for negotiation and change and so on, it was wrapped up in things to do with the elections, it was wrapped up in regional politics and its very, very difficult to separate them out.

MM: So just finally then about industry. Industry often try to claim that this isn't an industry led initiative blaa blaa blaa I mean you hear that a lot. And yet in a lot of countries, I mean really key to the Kimberley Process you cant really separate industry and the countries themselves I mean like De Beers and Botswana they're the same thing really so if it really came down to it...I'm just really surprised that a lot of this reform stuff isn't going through and it seems to me that industry are sort of wringing their hands and going oh well there's nothing we can do about that but I'm not sure, is that really true?

TO: Um I don't know, its interesting. I think in some respects the balance, I mean somewhere like Botswana the balance between De Beers and the government is quite delicate.

MM: Really?

TO: Yes, yes while they're saying this is a joint venture, there is this kind of neoimperialist politics going on and you struggle to separate them out and I think they don't want to overstep the mark in some respects. For sure they could be doing more but I don't know they could drive...it is a government scheme and I think that governments are the ones in the driving seat rather than the industry. As much as the industry should have done so much more and they failed, you know the original document of the Kimberley Process has it in concrete that it envisages that this is a two part system in which the Kimberley Process covers the rough exports and imports and the industry sets up something that does the rest of it and they've failed to do that. They literally just write on the back of your receipt to the best of our knowledge this is a conflict free diamond and so there is a million things they could be doing to make it better, the whole system, and they should be sorting reform more, but I do reluctantly kind of agree with them on the point that it is first and foremost a government scheme and I don't think that they have necessarily huge amounts of, or as much sway as you might think in these countries. Or I think that if they tried to exert it to the point where it would be necessary to change government policy then I think there would be a huge backlash. Well if De Beers tried to actually, actively change Namibia's and Botswana's policy towards Zimbabwe there would be a huge backlash.

MM: But like at the minute for example, Peter Meeus he is the industry representative for Dubai and he is the state representative for Dubai. Now would think that with the kind of market share that De Beers have that they would find a

way of disciplining him, to make him sort of come to heel, but that hasn't happened. That's surprising isn't it?

TO: Er yes and no I don't know how they could discipline him, he's put himself into a pretty smart position there because he's got a supply that's coming to him that's not going to De Beers, that's coming straight to him. He's got an exchange and he's got a free route into India so why does he need De Beers, how's he gonna, how are they going to discipline him? He's got all the elements of the supply chain kind of locked down away from them so I wonder what they would do.

MM: Yeah I don't know either. My initial thought was that they would do what they did with Mobuto and just try and flood the market with whatever type of stones it was they were dealing with.

TO: Yeah but they don't have as much of a market share as they used to. They don't have that ability anymore. It started when Russia took their production back and now you have other stuff coming out of Zim you have Rio Tinto obviously doing a bit, its not as controlled by them, I don't think they have the ability to do that and also then you think that they're caught up in anti-trust law suits that have been going on for ages and it is a more complex business and legal situation than it used to be. I mean they should still do more.

[There then followed a brief exchange concerning shared experience of interacting with De Beers as a company followed by the interviewee kindly sharing the contact details of certain individuals who might also participate in the study].

TO: And I think one of the things it comes back to all of this as well is that the characters it needed to get the KP off the ground are quite different to the characters that then go into it you know as a working thing so a lot of the characters in the beginning, they are characters, kind of people that sat through all those awful negotiations all around the world and so on but then as its going you get more of the kind of dull bureaucrat types.

[A further protracted conversation regarding potential interviewees].

TO: India, they are really hard to get in touch with all the time and actually they are an interesting case of what you were saying about the industry and the government being one and the same. India was almost always mainly represented by the GJEPC so the Gem and Jewellery Export Promotion Council so that was their main, their main err thing was always the industry body not the err they would send a pretty bumbling government representative but um...

MM: So that's a private organisation?

TO: Yeah, well I don't really know its status but it's the export promotion council so its kind of industry and its got a bit of a government side to it but its mainly industry.

[There then follows another protracted exchange regarding possible further contacts after which the interview draws to a close].

Interview Transcript: Contemporary TNGO Negotiator

Interview Type: Skype

Date: 04/12/2014

In-reference: TG

[Following a brief exchange about current affairs in the UK the interview proceeded as follows]

MM: So Thanks very much for doing this, this is a massive help. Trying to get people to talk to me on this over the past couple of years has just been an absolute nightmare so

TG: Really? Who have you tried to talk to?

MM: Well I mean talking to people in industry has been very difficult. I managed to get one or two from De Beers.

TG: Andy Bone?

MM: Yeah he was good enough to have a chat with me but really the problem was people in Sierra Leone people over there were a little bit nervous about speaking to me particularly in the government, which was a bit tough. But yeah just generally I think it's a bit of sensitive topic for a lot of people.

TG: Well it shouldn't be unless, I guess it depends on what you're asking them. Did you try talking to Gina Ibrahim or Samuel Koroma? They're guys, they work for the diamond office, they're not industry guys they're government guys.

MM: Yeah I did I managed to hook up with a couple of people at the GGDO, yeah they were nice guys actually.

TG: Yeah were they ok or were they...

MM: Umm they were ok, they were alright. There were one or two people in the building who weren't particularly keen to see me.

TG: Hmm why?

MM: I don't know, I don't know it was just...there were some things going on when I was there that to me looked a little bit shady to be honest with you.

TG: Seriously, really?

MM: Yeah I mean when I was waiting, you know they've got that waiting room round the back. I was sort of sat there chatting and I bumped into a couple of South African miners who were just getting set up who I then met afterwards and they were telling me all sorts of dodgy goings on that's been happening.

TG: Sorry the line's breaking up there just say that again – there were a couple of South African miners?

MM: Yeah there were just a couple of South African miners I bumped into in the waiting room and I sort of got chatting to them afterwards and they were telling me all sorts of dodgy things going on in the background. For some reason there was someone there from Mutare as well, I don't know what he was doing there...

TG: Really? What year was this?

MM: This was in the spring, this was in March.

TG: Really I mean wow...

MM: Yeah I don't know why I mean because Zimbabwe are in aren't they, they're not suspended at the moment?

TG: Yeah Zimbabwe's in but I mean there's always been this theory that Zimbabwe's diamonds were going through, I mean I've heard anecdotally about Zimbabwe's diamonds being peddled as far away as Liberia and it's very possible

they could go through Sierra Leone but that was more during the period of um embargo. There's no real reason now to go to all the effort of sending them all the way there.

MM: No and that was what I found slightly strange. He was definitely there I mean the guy I was interviewing kept getting up to go out and see this very important person from Zimbabwe and I was overhearing snippets of their conversation.

TG: Was he a Lebanese guy or a black guy?

MM: I didn't actually get too see him because he was, because you know when you go into their offices they've got all these screens up? You're in one office but they've got a sort of a screen so you can't see who's in the next door office to you so I could hear some of the discussion but I couldn't actually see who it was.

TG: Did he sound African or?

MM: Umm yeah he sounded African, quite a deep voice, he didn't sound to me like a white South African or a white Zimbabwean.

TG: Or a Middle Eastern guy.

MM: No, no particularly by what he then said – there was some mumble in the conversation and then guy I was interviewing asked why they couldn't do this in Harare and the guy just goes oh Harare's a white man's town now.

TG: Jesus, what! That's bizarre.

MM: It is I don't know what was going on but this guy was important enough to have a lot of people at the GGDO flapping around about him and there was something happening that day that certainly meant that the guy I was interviewing was quite wary and a lot of people around the offices were too and he cut the interview short in the end so he could go and spend more time with this person and

I had come back two or three days later. It was strange I have no idea what was happening.

TG: Well when I get off the phone call I'll go and look at the Sierra Leone export stats and see if there's anything coming from Zimbabwe. That's err interesting.

MM: Because it would only be industrial from Zimbabwe wouldn't it? It wouldn't be gems?

TG: Oh no, no there's some gems, it's sort of one of the anomalies of the Marange stuff is that the majority of it is crap but within that crap there's probably about 20% that are very good stones, some very unusually large stones and umm but again because of that, well Sierra Leone just changed its laws, its taxation laws. Before it used to be 15% tax on big stones or special stones so again that would be another reason why there wouldn't be any reason to take the good stuff to Sierra Leone but if you were just doing production or if you like, you kind of wanted to get you know mass bulk you could send it to Sierra Leone but again that would be, would probably lead to, it would look strange in the production figures to kind of see suddenly a huge spike in production so I don't know I'll look into that, its kind of interesting. I know that there was something when Sierra Leone a few years ago, during this period of time when the embargo was going on around 2011, Sierra Leone suddenly got very vocal and supportive of South Africa, sorry of Zimbabwe which I thought was very surprising considering their history. You know during the 2009 review visit or review mission to Zimbabwe was led by a Liberian guy umm [inaudible] Fia who was the deputy minister and he, I wasn't on that trip it was before my time at PAC but there was umm you know stories about this guy breaking down when he was meeting people who had been abused, you know when they were telling their stories about, you know about their abuse at the hands of the Police and the military and you know he was very sympathetic because obviously you know the stories were very close to Liberia's history and I presume

the same would be for Sierra Leone. So, but again this is one of the kind of things about diamonds as you say I mean there's a lot of dodgyness there's a lot of um if you're some guy who wants to engage in illicit activity all you have to do is buy off one person, you have to find the right price and the right person and you can change government policy pretty much overnight which is pretty frustrating.

MM: Yeah that happened in Sierra Leone while I was there actually that was when they dropped the tax, what was it 15% to 3% on special stones because...

TG: Yeah well that made sense, that was the thing that all the, and we actually told them to do that because it was all the neighbouring countries have 3% tax and they had 15 and I think in the entirety of that tax or in the duration of that tax they saw one special stone come into the GGDO and that was by mistake and as the guy, as he walked out the door he said you'll never see me again now I know [laughs].

MM: [Laughs]

TG: So they realised they were losing a lot of value to neighbouring countries so they changed that, that made sense and that's part of the project that I'm on right now about a regional approach in West Africa, its that idea of trying to create policy harmonisation and trying to avoid these things that act as drivers to smuggling so if you remove them then you remove [breaks up] taxes like that which are an impediment to people [breaks up] revenues you should do it so I think that was a good move by Sierra Leone. It was a dum move and a lot of it comes to the issue of governments getting very wide eyed. You know they see, they see these resources as being something where they want to tax the hell out of them or they want to get err you know whether its setting prices for licencing fees for artisanal miners where they charge you know \$200 which is too much for any artisanal miner to pay and so no artisanal miner licenses themselves and they get \$200 of nothing whereas if you make it \$5 then you can actually get thousands of miners for \$5 apiece. Actually you get \$5 of something right? And I think it's the same thing with taxation these

guys were getting greedy and were just saying oh you know we can just tax the hell out of it and they got nothing in return. So, so yeah I think there's a lot of things where I think African governments have been, in some ways I think, very unrealistic about, about what umm, you know they don't do sort of policy making or thinking things through the way you might get in a kind of a context where people like you know they come with different options and they've gamed the different pros and cons you know all the options that are on the table and then they come with a policy, instead of just saying ah we're going to charge 15% without thinking about the consequences of that right so

MM: Did you hear about the vice-presidents involvement in all of that?

TG: umm tell me more about that, I know, I've heard some stories about that but what do you know?

MM: umm well apparently there was a very large stone, I think it was discovered outside Kono and it was reputedly or I heard from a pretty reliable source from an illegal pit and it found its way into the Vice-President's hands who then wanted to export it but unfortunately it became common knowledge that the Vice-President had it so obviously if he was going to export it then he was going to have to pay 15% tax on it and then this became the driving force behind them then dropping the tax to 3%.

TG: Oh really!?

MM: Yeah, yeah there were a couple of guys out there who told me that. It seemed to me to be quite plausible.

TG: Well you know its good to see a politician is coming in touch with the real world that's good, that's funny [laughs].

MM: Yeah I think he's probably cursing that anyone came to find out about it.

TG: [Laughs] That's quite hilarious. So tell me about your research what's the scope of it? Its obviously focused on Sierra Leone?

MM: Well it's kind of focused on Sierra Leone, it's certainly a big part of it but it kind of comes in two stages. I'm looking at how the KP was formed so you know going back 10 years or so trying to see how it was negotiated and trying to figure out sort of where those holes in it are and then trying to figure out as well then how the reform efforts are going and how Kimberley is kind of resisting it basically or how the agents within it are resisting. So I'm kind of interested to know sort of the dynamics of a lot of the meetings really and how it is that you guys are arguing for reform and, what the reforms are, how you're arguing for them and then equally how the participants themselves are going about, not just resisting but how they're justifying that resistance you know what it is they're kind of saying. And so I needed then at some point to go down to ground level which is why I sort of selected Sierra Leone to try and sort of figure out what it is the KP is doing on the ground and how it is people are reacting to it as well.

TG: Well I can, I can

MM: Sorry Alan just before we get going there were a couple of things I need to check with you as part of university protocol. Is it ok if I record our conversation?

TG: Yeah of course it is go ahead.

MM: And just, sorry I've got press a couple of buttons, and the other thing was that just so you know I'm going to anonymise everyone in the study just because I think it's just easier basically to not use anyone's names unless you particularly wanted me to quote you on anything.

TG: I'm quite happy either on the record or off the record, if there is something I wanted off the record I can tell you but I don't mind. I am a former journalist so I believe in truth.

MM: [laughs] So you're an anomaly of an interviewee then.

TG: Yeah [laughs]. So I'll start by saying then that for me I started this in, I started work in 2010 so that was well after the initial negotiations around the KP because that was sort of secured mostly around 2000 they created the idea in principle and then it was operational in 2003. So PAC was obviously a part of that initial negotiation, we did the report on Sierra Leone that was a contribution to the global awareness of the problem. At the time, just to give you historically the background, Global Witness did a report mostly on Liberia and Charles Taylor's role in that and then the UN security council led by the Canadian ambassador Robert Fowler did a report on Angola and how Jonas Savimbi was using diamonds to further that conflict and then our report I think came out between those two reports on Sierra Leone and err called the Heart of the Matter and so we were obviously there at the ground level and we had people mostly led by Ian Smillie who I really recommend you speak to as he has written several books about diamonds and was actually the first witness in the Charles Taylor trial, he also lives in Ottawa – I can send you his details after if you wanted to speak to him. So I can only really speak for things post-2010 and I can give you a bit of anecdotal stuff that I've heard from before that time but I think yeah sure the KP was created as a response to a pretty gruesome series of wars that were fuelled by diamonds and I think that the diamond industry had a moral imperative and an economic imperative to do something about it and they were forced into a corner and De Beers particularly and Antwerp were forced to do something. I think that Robert Fowler went to Antwerp, sorry Brussels and said essentially you guys can do something about this or you're going to go the way of the fur trade. Meaning that people in Canada who had ignored opposition to the fur trade essentially eventually there was very little of that trade left internationally. So I think that pushed the industry to do something and they did and I think that in the beginning it was very much industry and civil society banding together to convince and push governments to do something and I think De Beers probably

leaned very heavily on South Africa at the time for South Africa to convene this meeting in Kimberley back in 2000 and you know that was sort of the one meeting that sort of secured the beginning of the KP and I think you know that governments were belated dragged to the table but they did the right thing eventually but I think that for many African countries at the time it was easy to convince them of joining the KP or getting behind the idea of the KP because they did see the issue of instability and loss of economic revenues from not controlling the trade of rough diamonds. I think more recently in terms of the, and I guess again in that kind of rush to create the KP I think there was a lot of issues that were left off the table or were not part of the...you know a lot of loopholes were created in the system. So for example we never talked about the possibility of human rights abuses beyond those committed by rebel groups, you didn't talk about labour conditions and environmental conditions, revenue transparency, a lot of things that are now very much common norms in any revenue resource discussion, EITI the OECD due diligences on conflict affected areas and all these kinds of things that people are now buzzing around and talking about. The KP was I think, you know it left those off the table because I think that was mostly just because I think they had to rush to kind of get something secured. I think at the time that even the idea that the KP was what solved these conflicts is probably overstated. I think that a lot of, if you look historically, you know the issue of Angola got resolved when Savimbi was killed, which was before the KP came on-stream, the issue of West Africa was solved mostly when the UK intervened militarily in Sierra Leone and forced the peace agreement and so a lot of these things I don't think the KP can necessarily take credit for, for stopping those conflicts you know as some people have done but umm. So I think to the issue of these, these so there was a sort of a rush to create the KP and I think in doing so they left a lot of holes and I think that the biggest one that others have learned from since and I'm thinking particularly things like EITI where there's at least been an acknowledgment, an explicit acknowledgment in the EITI that there will be regular internal reviews if you will of how the EITI is performing and

whether they have to adopt reforms. There was sort of a recognition that these initiatives are organic they have to move with the times and the KP didn't do that, the KP was very much like the here and the now addressing this issue of rebel violence as opposed to governance of the diamond sector. And so when it came time, when in, in Marange I think was a watershed moment it was the first example of abuses perpetrated not by rebels but by state actors. There was also evidence in Angola of abuses not only committed by state actors but by private security companies. The norm now in the diamond industry in Africa are with the exception of things like umm the Central African Republic and Cote d'Ivoire is that the majority of abuses that are done in diamond zones are done by non-state err non-rebel actors and so the Marange issue in Zimbabwe was definitely the impetus for people to start discussing ways to address primarily the definition of what is a conflict diamond and the one that people were pushing for was this idea that that there would be a definition that would address human rights abuses in diamond trading and producing zones, essentially systemic violence. So we were not going to be looking at a country's wider human rights problem, we were not going to be going after Zimbabwe for its election related violence or Israel for the West Bank or the US for Guantanamo or Canada for treatment of first nation people or China, Tibet or Russian, Chechnya. I mean we weren't going to have those discussions it was clearly about diamond related violence, organised systemic violence that was the issue discussed. And I think in the, because of the way in which I think diamonds, the close proximity of diamonds have to political elites in many countries not just African countries but I think primarily in the discussions we had, because of the context of Zimbabwe I think people see everything through a Zimbabwe lens and so I think that that for people who were democratically challenged, to say it diplomatically, they saw this as the thin end of the wedge and we would start talking about systemic violence and then later it would spread to other stuff so they just wanted to nip it in the bud. This is my interpretation of why they acted that way. The other thing too in the KP that you should realise is that everything, all

decisions are taken by consensus. So all you have to have is one country that says, I don't agree and essentially everything grinds to a halt and a lot of times you had governments, you know for example like Russia or China you know, we know were not very happy about this idea of the conflict diamond definition they could just sit back and not really declare a position because they knew that the African guys were going to do the heavy lifting for them and be the ones who said no. But in the end most of the people, you know anecdotally and also just in conversations we had with people I mean I think there was err you know India was ambivalent to this and sometimes the industry guys who had taken receipt of a lot of Marange diamonds were adamantly opposed to the definitional change. Russia I think once they were convinced that this was solely about systemic organised violence and it wasn't about Russia's human rights record, they were, they could have been convinced I believe. But otherwise the opposition was mostly or entirely from other African countries and I think the thing in the KP that err is one dynamic that is very frustrating is that I think you have many delegations who are led by people who have essentially eked out personal fiefdoms they're, at some points they're just bureaucrats with really not much political power but in other instances you can have governments who send individuals who you know, where it essentially becomes a personality contest or personality politics where one individual might be making decisions for his government which are really not in the best interests, you know national interests of the government. I think primarily of examples like South Africa, Namibia, people who are essentially making policy which I would submit is actually counter to the national interests of the governments that they represent. So those are a lot of the dynamics. Some of the dynamics you would find where you know UAE is led by a former, well he's still Belgian but he's formerly of Antwerp. He was essentially head hunted by Dubai and went over there, his name is Peter Meeus, he is probably one of the biggest obstacles to progress in the KP and he, again its very much a personality thing, he has done something recently where he's very strategically appointed individuals from some of these countries like

Zimbabwe, Namibia, South Africa to the Dubai diamond exchange and um of course when it becomes time to take a position on something those individuals essentially parrot whatever UAE says and I think that's very problematic and very counter to the idea of how we could advance things in the KP that are actually in the interests of African producer countries. So the one thing that was on the table was this idea of having a secretariat, similar to the EITI which be a professional body which would take care of you know helping countries organise KP meetings, act as a sort of institutional memory, you know with cataloguing all the different sort of administrative decisions and reports and everything sort of easily there. And we had argued that this be done by a third party an independent third party, there would be a modest budget for this and in the end we were overruled and we ended up with something called the administrative support mechanism, the ASM, which umm is now run by err I think the website is done by India, part of it is done by Antwerp I mean its really a complete dogs breakfast of like four or five you know different industry people in different parts of the world who do stuff. And I think Ghana had taken on the idea of arranging technical support or technical you know advice and you know in the end they didn't pony up, they didn't do anything and that was removed from them and given to the diamond development initiative, the DDI which Ian Smillie now chairs and is led by a woman called Dorothee Gizenga. So yeah we got something but not exactly what we wanted and I think a lot of the times in the last year we've been pushing for this idea of a discussion on the Financial Action Task Force. The FATF came out with a report last November on money laundering and possible terrorist financing and its relationship to the diamond world. A lot of things a lot of the recommendations were very specific recommendations to the Kimberley Process based on case law of convictions and interdictions involving diamonds, cases of money laundering and tax evasion that kind of stuff. A lot of KP countries including many, many in Africa had customs and other enforcement agencies involved in this research and when it came down for a discussion you had these very same governments you know declaring

ignorance about that report you know what is it about, never heard of it, you know sort of asking me to do their homework and give them a synopsis of it, I was like listen here is a url you download it you read it. So in June these guys were very hostile to it but the WDC got behind it and they pushed for it and I pushed within the WDC for it and I went to Antwerp in June to a World Diamond Congress where I raised this issue and encouraged people to read it and respond to it so industry did the right thing, they pushed for it and its now on the agenda but I think that's a good example of something where you have a very clear case of you know, you know very well established evidence of concern of reputational risk, vulnerabilities to the diamond chain, where the diamond industry or sorry the KP is essentially abdicating any responsibility or any interest in discussing it, not even acting on it just discussing it and again a lot of the stuff is, similarly as with the definition or the conflict diamond definition, a lot of the people who are most affected by it are people who are vulnerable you know people like Dubai. Dubai has a massive problem with transfer pricing, has massive reserves that don't equal what they've imported. There's other things where its, you know everywhere I've been, whether its border towns in Mozambique, whether its in Zimbabwe, whether its in West Africa I mean every single dodgy diamond goes to Dubai to get a second life. So this is really why again you know if you think about these appointments to the DDE by Peter Meeus, very strategically done to shut down discussion by you know people who want to have a conversation about Dubai's behaviour. So that was, so those are some of the issues that I think that when the KP responds that way the result is that you see people talking as we are right now about looking at alternatives, you know parallel structures, parallel initiatives which you know where industry members, concerned industry members and civil society and governments that wish to do so can have a discussion about due diligence similar to that already agreed with gold and three Ts. So this makes them obviously very nervous but I think if the KP is unwilling to do that job and be a regulatory system which it is, umm I think a lot of people forget that, its not just a matter of exchanging pieces of

paper it's a regulatory system and I think if people are not in the business of regulating the rough diamond industry then people will go elsewhere and I think really that's where the conversation is going.

MM: So are there then some really quite important governments who are talking about side-lining the KP so have we got the US, the UK or the EU talking about setting up some other alternative to the KP?

TG: Well I wouldn't call it side-lining it, I think that's the way the opponents want to present it, its more about supplementing the KP – strengthen the KPs work. I think the KP, there are some things that the KP does fine and the KP should continue doing those things but I think in terms of addressing these growing reputational issues, the things that the fore-fathers either did not anticipate or you know overlooked for the expediency of creating the KP, if the KP is not willing to have those discussions then I think people will find other avenues and other forums to do that. So we've had several conversations, I mean just the last couple of days have been discussing a lot with a very significant, err well the most significant retailer in the world about this issue of creating, you know going forward with some kind of system. So I think its one of those things where you know over the last two years in this kind of parallel initiative called the multi-stakeholder group on precious stones working group or something, a really convoluted thing you know there's a lot of things where we perhaps should have done things differently. I think there's a lot of things where again people, the opponents were being very purposely ignorant and dum about what we were doing objecting to the fact that we you know we hadn't invited them, it was a secretive thing when all the meetings were open to anybody who wanted to join we made multiple invitations to them to join us and you know when we finally had it out in Paris in May you know they were saying well you didn't you know its not for an industry group to invite us you have to ask government to government I mean South Africa telling us of all people I mean as if these people would never take a call from De Beers if they called. I mean what

happened at the beginning of the KP? Was it not De Beers calling South Africa? So it's kind of a bit disingenuous but um so I think we're at the phase where I think we're taking stock as to how to go forward but it's not stopping. These are issues where I think the ethical landscape if you will or the CSR landscape has changed dramatically since the KP started and issues that people never thought to ask or know about like revenue transparency is a good example, I mean nobody 10 years ago talked about revenue transparency, nobody talked about are governments getting the right amount of taxes, you know you now have the tax justice network and you have a lot of people pointing out how governments are getting ripped off from money that they deserve. So I think these are kinds of things where the longer the KP tries to ignore them or to try to think that they don't exist and sort of do the lalalala I don't hear you I think it just gives more value to these other initiatives. And I think the other thing too is you know Marange was a good wake-up call in terms of recognising those things but you know there are other supply chains or other commodities which have been equally caught flat-footed when something strikes and I give you the example of the collapse of the textile factories in, the one factory that collapsed in Bangladesh last year. The textile industry was something which was at the forefront of a lot of these CSR initiatives you know going back ten years ago you think what happened to Nike and all these other kinds of things where there were sweatshops and you know people forced all these Western companies to put in place err you know codes of practice and pay people living wages and making sure that people weren't working in slavery kind of conditions. And everybody thought that issue was resolved until it took one collapse of a building and you had everyone from Walmart in the US, Primark in the UK er Joe Fresh in Canada every country in the world, every western country was implicated, every company was implicated as somehow being involved in that collapse and the next thing you knew was within a week or two you had you know these companies agreeing to unionisation, agreeing to check on the construction quality of these buildings I mean it was, essentially the civil society guys who had been lobbying

for that kind of change essentially got everything they wanted in about two weeks or very much of it just because of one incident and the diamond industry sort of forgets that, they say oh well nobody cares about this shit right now and you know there's no rebel groups and as Dubai will say or as are saying in Guangzhou last month about how this is, now the issue of conflict diamonds has been resolved, we're now on phase two. I mean it's like what world are these guys on? And so I think they, they are deluding themselves, there will be another Marange somewhere there's going to be another example of something where, you know something happens which is going to reflect badly on industry and I think what a lot of these guys, I mean the guys at the end, the retailers get it because they're the ones who are faced with people coming in off the street saying where is this diamond from? And if you think back to even the initial blood diamond movie and where you know all these reports started coming out in the late nineties, the people who were the most concerned about this stuff was De Beers and the retailers who had people throwing red paint at you know Tiffany windows and things like that. The guys who are digging these things out the ground and the countries that are selling them onto Dubai and then onto India, India you know if someone wants to go and express their disgust at India where are you going to go? You know you're going to have to get on a plane and fly to Surat. I mean they are removed they're buffered from the public condemnation that comes from this but the retailers were the ones who are at the coal face of it, they're the ones who get the brunt of concern and also at the end of the day the ones who also have bought all these goods from other parts of the supply chain, you know from the cutting factories in Dubai and err sorry from India and all the way down to the countries or the companies that have sort of dug them out of the ground they are the ones left holding the bag of all these really expensive goods that nobody wants to buy. But if nobody starts buying them at the retail end then that's going to ricochet all the way down the supply chain and I think people really are, I think a lot of African producers are really tone deaf to that. It sort of reminds me a bit of guys who, you know you're in Sub-Saharan Africa and

you see the guys selling the wooden curios by the road on the roadside right, they might make a thousand elephants or giraffes or whatever it is well I mean if nobody buys them what the hell do you do you just have all these of these elephants getting dust and I think that's what a lot of African producers are really um, I think they need a wake-up call and if they don't adhere to these better standards the people that will lose are those governments. They will not get revenues that they need to essentially have these economic miracles that they keep on hoping for.

MM: Because, back in the day when it first started, Botswana they sort of got it didn't they, it was quite obvious to Botswana what was happening, I think the South African government got it so do you think those governments are forgetting or are we talking about the slightly lesser producers, guys like Sierra Leone and Zimbabwe are they failing to make the connection?

TG: I mean I think that in South Africa, South Africa's is well enough managed, I think there's certainly concerns about, you know during the Marange issue, there was very clearly substantial amounts of Marange goods that were funnelling through South Africa and both in outright illicit ways and later there was a period where the KP Chair which was the DRC made a controversial and unilateral decision to allow exports in defiance of the ban and South Africa used that as justification to import Marange goods. The only country in the world to do that but of course after Zimbabwe diamonds go from Zimbabwe to South Africa they'd be given a South African certificate and will then go onto Dubai and Dubai will say oh I'm just accepting South African goods, I'm not dealing in Marange goods. So I think the issue of Botswana is that it's a country that a lot of African governments like to beat up on because its like the Dudley Durant of Africa, I mean it's the one who got it right. Forty years ago they head-hunted, they sort of convinced some ex-De Beers guys to give them the inside scoop and to work for them. They came to Canada and they got the guys from the natural resources ministry in Canada to go on secondment to Botswana and these guys helped them draft really solid policies

about how they could reap the benefits of these diamonds. I would even counter that South Africa is not even in that league, that Botswana is probably the only country in Africa that has created good policy making, its policy coherent, they follow their policies, they make them and they follow them. Where as in a lot of other African countries you see people who, they might well have a policy on the books which is ok but as I was saying with the example of Sierra Leone earlier I mean in many instances it's a matter of some nefarious guy finding the right person at the right price and suddenly that policy doesn't exist anymore. So the application of those policies can sometimes be very spotty and I think Botswana really is the exception to that and India, exactly another country which you know spent decades working very solidly on creating a niche market for itself as the cutting and polishing centre of the world. Now 92% of the world's diamonds go and get cut and polished in Surat that didn't happen overnight and it didn't happen by accident. Now you have all these African governments that are looking at Botswana and India and saying oh we want to have what they have. You know you now have De Beers moving its sorting facilities from London to Gaborone and again that happened because Botswana demonstrated that they were capable of doing it and they were a stable environment in which to create that kind of infrastructure. You know, why did they choose Botswana and not South Africa? De Beers have very good relationships in South Africa. There's a lot of things where you know I think companies are going to make those kinds of decisions based on issues of rule of law, technical ability and I hear you know a lot of the stuff you know that I've heard lately out of a lot of ministers, you know Zimbabwe and South Africa in particular is they're talking about beneficiation and stuff like that. Quite frankly for me the best beneficiation any African government should be concentrating on right now is not about setting up cutting and polishing centres in Zimbabwe like the minister talks about its actually like getting control of the very basic internal controls. If you can actually capture your production and you can actually trace and capture that production and you can tax that production at a fair and accurate rate, you know at

the appropriate valuation that is how you are going to get beneficiation you're actually going to see governments getting the resources that they should be getting or the value they should be getting from their resources and people are talking with big eyes they're looking at you know with big bellies and big eyes about what they want and they haven't done you know the most basic policy thinking and they haven't created conditions which are going to see that kind of coherence bring any fruit – they don't have any coherence and so that's something that I think has been overlooked and I think it's a message that needs to be started to be given to a lot of these African governments that they're just dreaming in Technicolor. There's more things that they should be focusing on than looking at what India or Botswana are doing and thinking that they can do that themselves.

MM: the thing is though that, and just to talk about some of these reforms and how the KP could help here. So we're talking about African governments getting carried away I mean the KP could help couldn't they in that actually if they were to start enforcing some of this stuff, if they were to say to the Sierra Leone government you need to license all your miners and you need to effectively control your fields then obviously that means that they are going to capture a lot more tax revenue as a result of that. Ian Smillie said to me that this is something that the NGOs have been pushing for to actually get the KP to enforce itself to actually get the KP to enforce its own rules, what have you been doing in terms of that, what's the NGO coalition been pushing at meetings and what are you getting back I mean are people just saying oh there's no problem here we're completely compliant or is there any admission?

TG: I think there is a, this is another example of a big problem that the KP didn't address back in the day and that's why Ian Smillie later led the creation of DDI was the development aspect. There's a lot of times over the past ten years when the KP has passed administrative decisions and raised the bar and raised the bar and raised the bar and all these African governments are going just like I can't do this, I don't

have the capacity and therefore their internal controls suffer because they have, they just can't live up to those administrative decisions. So I think one of the lessons that we had around Marange was that I think that in instances where there is very clear examples of human rights abuses and government intervention in those abuses I think we have every right to, to take the boots to those governments and those involved and to point out how these guys are being corrupt and you know are promoting bad governance but I think there's a lot of indifference to a lot of these other African producer countries. I think that in many cases the problems they face are not necessarily ones of illegality or wilful illegality or countries wanting to break the rules I think its just that they don't have the ability to do this stuff and so one of the things we are working on right now is the idea of this regional approach in West Africa and the Mano river region so Guinea, Liberia, Sierra Leone and Cote d'Ivoire to create this you know regional approach, harmonising policies and practices and I think it's good, you know the way it's been received is actually very positive it's got very high level ministerial sometime even presidential support which is good, it's a good sign that they recognise that there is a problem and they want to do something about it and it's a recognition that a lot of these countries have shared, have the same shared vulnerabilities its the same network of people who live and work across the borders and who take diamonds back and forth, they have the same problems of artisanal mining, of traceability of weak enforcement capabilities of you know corruption at different levels. So I think what we're trying to do right now is we have managed in the last year to get them to create a work plan where they are going to start working on these issues, obviously Ebola has thrown a wrench into that a bit because it has stopped a lot of activity. None of us are going to be travelling to any of those countries until that gets cleaned up so yeah that is in many ways also the example we've found is that I think in the KP that, sometimes when, if you know when you look back at the history at the way in which the reform thing played out, sometimes when the KP is presented with an idea, like a big scary idea about changing the definition everybody panics and they go oh we can't have that and

they find excuses to reject it or whatever it is. I think one of the things we're finding is that if you do this approach that we're doing in West Africa, you get the political support of four countries, these four countries agree that they're going to do it. It doesn't matter what Dubai says, Dubai is not part of the conversation, this is about four countries agreeing that they want to work together on an issue. They start to make a bit of movement on that issue and then you have a precedent and then that precedent is something that other regions in the world might want to, you know maybe Central Africa or Southern Africa might then want to do the same thing and then you take that model and you can maybe, and this is what we're thinking right now is you find ways of extrapolating that perhaps to other regions. We already have people in West Africa wanting to expand this to gold. So there are ways which we can, we're still skinning the cat but we are doing it in a different way. We are changing the KP from within, we're getting the kind of results we want in terms of greater collaboration and making links to Interpol you know trying to create different institutional structures that can help to sort of advance these things and I think overtime that's where it kind of snowballs within like it sort of becomes this thing where we can change the KP incrementally through precedent, so yeah I don't know if that answers your question.

MM: Yeah that does. In terms of helping then and helping these states that are struggling to meet the requirements, its quite striking to me the way that, and I think I read something about this on the PAC website the other day, that really industry have kind of got off scot free in terms of putting any money into this. Because when you think about it these are really quite a lot of poor African states being asked to guarantee their product. Has anyone in KP meetings put their hand up and said maybe industry should be trying to help with this assistance and if so what response have you got?

TG: Well in some of them, in some instances you've had you know industry has supported DDI and DDI one of the things they work on is this idea of licensing

artisanal miners mostly in DRC and they've had some success in that. I think there was one thing in a pilot project where they thought they were going to sign up about 9,000 and ended up with about 90,000 so you know that was about finding the right price. They convinced the government to drop their fee from \$250 a miner to \$5 a miner and boom you know people signed up. You know I think there's things where I know that we convinced the industry guys to give a bit of money to you know one of these work-shops we had in Cote d'Ivoire last May or last March. You know its very ad hoc and its piecemeal umm but the argument I would also make is for a lot of these, for the Africa diamond producers association for example the ADPA, they've made a lot of noise about how they're you know defending the rights of the African producers and they want a voice in the KP and they've now become observers in the KP. You have a conversation with somebody from Angola for example and I remember having a conversation with this guy Paulo Mvika who is a big guy in the Angolan business and he said you know you guys keep on thinking that Angola's a poor country, we're a rich country and he goes on about how rich Angola is. Ok great so Angola's rich so what's stopping Angola giving out money to help its African brothers? You know you have ADPA which you know to hear a lot of these countries, you know Botswana's rich, South Africa's rich, Namibia's rich, Angola's rich you know a lot of African countries have very sizeable and very lucrative resource sectors that could certainly pony up \$20-30,000 a year to do something for their African brothers if they wanted to. Do they do that? I mean they don't. I think there's a lot of things where even, you know I was having a discussion recently about the African mineral development centre in Ethiopia this was something that was supposed to be implementing the African mining vision which was high level, supported by every single president in the African Union – yeah we're going to get control of our mineral wealth we are going to harness it, we are going to have beneficiation and all this, all the key buzzwords that get presidents excited. Two years later its gone nowhere, its funded I think entirely by Canada and Australia, its staffed entirely by UN staff and now these guys in the African Union

are getting concerned that you know they're sort of losing control of it, well if you don't want to lose control of it then pony some money like you know it err, you're telling me that African countries all the rich, Libya and all these other countries that have money can't find 15 mil in the same way that Canada and Australia did I mean its ludicrous. So I think a lot of it also, so I think sure Industry has a role but I'd also argue that it's a matter also of African government's stepping up to the plate and taking some kind of ownership of this stuff and I think that its becoming too often a case of governments talking a lot of noise. So yeah I think industry, the issue that I have with industry and it's the one thing we've been pushing, we did a report last May on, it was mostly about the illicit gold trade from DRC. You know 99% of the artisanal gold from DRC is [inaudible] almost entirely to Dubai and the [inaudible] has long complained about the issue of transfer pricing of diamonds between DRC and Dubai. In Dubai on average diamonds exiting Dubai come out 42% higher value than when they went in and sometimes its even higher like 72% or even hundreds of percent higher and its by comparison, Antwerp, Tel Aviv, Switzerland you're looking at maybe between 8 and 10% difference in price when they exit those countries so there is clearly something going on in Dubai that is not happening in other jurisdictions and I think that the larger issue that industry does not want to have but should be having is this issue of valuation and I think the way in which diamonds are valued, a lot of African governments don't quite understand how to properly value stones so when they exit these countries for the most part they are probably undervalued, well they are undervalued in a lot of instances and I think people who are, who like that system are definitely industry guys because its all about them making profit as the diamond goes down the chain right. So I think that's a conversation that African governments are again you know, that's for African governments to be making noise about that and saying we want an open discussion about how we value things and it's a little like bringing a horse to water, like we've done it we did this report we made a lot of noise about it and now its really a matter of African governments saying, yeah this matters to us and we want

to open a discussion about it but again a lot of it is again you have guys who just in a very generic boring kind of a way and how people do policy making, that system is absent in so many African countries. You know Botswana again I mean like you know, in China last month I have never, Botswana continues to amaze me, these guys are professional, they know their stuff, they've done their file, they come prepared they know the issues where as many of these African countries you have these times where, and even this issue of due diligence right you can have all these countries in the SGLR who are up to their eyeballs in creating due diligences for three Ts and people on the other side of the corridor who are dealing with diamonds are fighting it tooth and nail and you're going do you understand what your own ministry is already doing you guys are actively supporting it with three Ts, why are you not there for diamonds. You know they don't even know what their own department is doing on other very similar issues.

MM: Yeah I'd heard that, I mean some people I spoke to in Freetown said that one of the frustrations that they were having with dealing with the KP was that increasingly the governments from West Africa were sending some really underpowered individuals, which was the term they used so I think some quite low level diamond valuers were sent from the GGDO attended one of the artisanal mining meetings in Ghana, so clearly that's something you guys are having trouble with as well then? That the people they are sending are just muppets.

TG: Yeah I think this is the case, generally you have...so Western governments they send, I mean it depends on the government, but I mean there's confusion in that you have different governments sending different ministries so in Canada for example its mostly foreign affairs and Natural Resources Canada which are the two [inaudible], the US its entirely state department, Switzerland it's the customs guys, European Union its sort of more people from the [inaudible] from the foreign affairs of the EU if you will, UK foreign affairs with a few guys from customs then in the African context its almost entirely guys who are ministry of mines, mostly. And you

have different representatives. You have guys who are sometimes very high level like in the case of South Africa you know their delegation is led by the [inaudible] the South African precious metals regulator [inaudible], Zimbabwe sends very high level delegations, sometimes you know including ministerial representation, Angola very much industry led but very high level, I mean politically very important or they have very good connections. But then a lot of other times you have governments that are sending very, as you say in Sierra Leone, guys who are just diamond valuers, guys who when it comes down to making a political decision or a decision that kind of binds a government to doing something, these guys realise they don't have the mandate and if they accept this who knows if they will have a job when they get back to the capital city so they will almost always defer to the status quo or they'll, they're not going to do something that's going to jeopardise their job. And that's pretty much the case in you know, I mean DRC is an example of how you know in China we had a discussion about who's going to be the Chair or Vice-Chair, the Vice-Chair is the [inaudible] is the Chair the year after so 2016 and there was a choice between UAE and Dubai sorry UAE and Australia and you know I'm on very good terms with the Congolese delegation and one of the guys beforehand I asked you know who are you going to support and they're like yeah you know we are going to support Australia mostly because of the issue of transfer pricing which DRC had been banging on about. And we get to China and we are doing the tour du table of where governments sit on this issue and who do they support suddenly DRC has changed its mind and it's supporting a country that is probably **the** biggest country that is undermining, you know Dubai's [inaudible], undermining, you know absolutely ripping off DRC and I went to this friend and I went what the fuck is going on, how can you have changed your mind? He says 'I don't want to talk about it I'm really pissed off.' He sent another underling to kind of make the announcement because he didn't want to do it himself. It was a matter of that like UAE sent around a bunch of heavies to the Ministry of Mines in Kinshasa that morning – vote changed. I mean it was, I mean...and I like

said to this guy this is ridiculous you guys look foolish, you guys have been, you know when DRC wanted to, was Chair, the issue they wanted to push for, which industry talked them down from was to make this issue of transfer pricing one of their legacy issues and here they are giving DRC, err giving the thumbs up to the UAE. Its unbelievable.

MM: Did anyone pull them up on it? Did anyone say, I'm sorry you've suddenly changed your mind – any explanation as to why?

TG: Well it wasn't really the place to do that I mean I did that after and I just said you guys are, you are looking foolish, you know you are [pause] you can't be taken seriously on this issue now. You are, you squawked about it but when you had the time to actually do something about it you decide to reward the country that is undermining your fiscal base, you've got to be joking.

MM: Jesus ok right and obviously the consensus thing means that that whole thing is screwed. Alan I'm worried I'm not taking up too much of your time here am I?

TG: I should probably, I should probably get going in about maybe five or ten minutes, I've got a report I've got to give to a donor so but we can maybe have another conversation later I don't mind chatting.

MM: Really that would be fantastic if you don't mind. As is often the case with these things sometimes I talk to people and I sort of walk away with my head spinning and with even more questions than I started out with. Ok so then you've got five minutes so can we just have a chat quickly about the human rights thing? We talked about violence in the pipeline and that's what the KP are trying to sort of change the definition for. When you say violence in the pipeline now there is something happening in Sierra Leone which I'm sure you know about which is that the government are sort of using the KP as an excuse to sell concessions where artisanal miners were working to international mining companies who are then coming in and clearing people off the fields, quite often violently, is that the kind of thing we're

talking about with human rights abuses or are we in fact talking things like Lebanese traders under valuing, err over valuing stones to basically keep diggers in servitude err what are we talking about do you think you could break it down for me?

TG: Ok well the servitude thing is a different matter and I think its something that anyone who's been to an artisanal mine site will recognise the Dickensian conditions under which those people live and work and I think this issue and I think this why DDI is trying to do that and I think the KP should be giving more attention to the development aspects of, of artisanal mining. The idea of forced removal and particularly violent forced removal would certainly be something that I think would come within this err realm of what we were talking about, this idea of systemic violence and you know the good example is Angola where they used to do this all the time. Almost every year, a couple of times a year they would round up all these illegal Congolese miners who'd come across the border and you know they'd beat them, they'd dispossess them of all their possessions including any diamonds they might have, sometimes rape them sometimes kill them and it went on forever and people kept pointing it out, Human Rights Watch, PAC and we were beating them over the head with it and they were arguing no there's no problem here, no problem here and then eventually you know they came along and they wanted to be chair of the KP and we essentially said, it's not going to happen. And for them it was a prestige thing, they wanted the prestige of being the chair, they didn't get it because of the way they were acting then they eventually walked away and they scratched their heads about it and then finally last year they decided to call in the UNHCR and they voluntarily repatriated without one, you know, piece of blood-shed, 90,000 people and that's how you do it. I think you can kind of find ways of doing this in a non-violent way. In Cote d'Ivoire for example they have a very interesting model where sodiam the state mining company or state mining agency has created a system and its one we are trying to recommend for this West African approach

where you try and find a way of coexistence between industrial and artisanal miners. So you can do something where you give legal title to an industrial guy to come in and mine this particular area but you do allow artisanal miners to continue to work on particular plots on that land that the industrial miners might not be using and those artisanal miners are allowed to be there so long as they agree to certain conditions. So there's a way they can still eek out a subsistence doing that stuff but it's very clear that the top dog is the industrial guy. And in the case of Cote d'Ivoire I mean their diamonds have been under embargo for duration of the KP because of the civil war which started in 2002 or whatever it was just as the KP was coming on stream but they've done this for other minerals and its worked quite well so I think there's a err...that would be the model we would recommend to Sierra Leone as to try and find some kind of coexistence some way of coexisting because if they were to continue to use that kind of systemic kind of way of removing people and people are getting err, you're sort of enabling your sort of creating a driver for violence, your creating an environment where artisanal miners are going to be upset and they're going to respond in a violent way, they are going to respond to violence in a violent way and nobody is going to come out of the you know in a good way.

MM: So is this being spoken about at KP meetings and if so what are people saying back to you?

TG: Its not been discussed in the KP meetings and I think that err they in which I think, and it goes back to this issue of the kind of precedent setting ways of doing things. I think civil society and in some quarters of industry are very aware that, the industry is one incident away from another black eye. You know there is always going to be people that are going to operate in ways that I think undermine the legitimacy of the brand and the reputation of diamonds. I think we are cognisant of it and that's why we are trying to find ways of alleviating those problems or to diminish their likelihood of happening and that's why we talk about things like due diligence for diamonds or we are continually trying to find ways of inserting

discussions into the KP to address those problems. But I think with the issue of err or this issue in Sierra Leone I think the better way would be to probably try and find ways of getting them to adopt the sodiam model of Cote d'Ivoire or to find ways to bring in the UNHCR or you know implementing the voluntary principles you know people recognising that there's many ways to, to remove people without umm you know beating heads umm because again all it takes is like you know a bunch of people to be killed and that gets its way into the media somewhere and its going to be a shit sandwich for Sierra Leone you know and that's again why I'm always amazed by the tone deafness of both in this instance the company involved, is this the err Koidu Holdings or who's the company?

MM: Yeah Koidu/Octea I've heard nasty reports about but I think there's actually quite a few now quite small companies who are doing this.

TG: Yeah well I know with Koidu I heard that one of the security men for Koidu was a former, he was a South African guy he was a former Executive Outcomes guy who used to walk around with a pistol on his hip I mean you're just kind of like, are you out of your mind? I mean do you have absolutely no consideration of the country you're operating in and the relationship that Executive Outcomes has with that country? I mean hello.

MM: Yeah I mean I heard rumours when I was out there that umm they had an unspoken agreement with the ministry of mines that anyone, you know they've now got this big concession I think it's like 200 square kilometres or something on Tongo fields that if any local there bends down to reach to the ground then they can shot them and in reality they'll probably get away with it.

AM: This is a private security company?

MM: Yeah this is G4S that actually do their security. Certainly those were the guys that were waving automatic rifles at me when I went to see their office. They were G4S and I know G4S employ some quite unsavoury characters. One of the guys I

spoke to said that in theory you could be shot for bending down to tie up your shoe laces.

TG: Jesus man, well I think this is worthy of another conversation and maybe its time PAC went back to Sierra Leone and took a look you know it's ah that's nuts.

MM: Well I know that NMJD, I spoke to some of their people and they're clearly very worried about what's happening.

TG: This is Aminata or Abu?

MM: Both I spoke to I mean Abu was just furious, he gave me about an hour of his time and he just ranted at me in incredible anger for about an hour but yeah Amie she was really, really helpful and yeah it was her that told me some of the stuff about Koidu. She said that she had heard rumours of them just shooting people in the concession but I went to talk to the Koidu people and they said oh no we're now trying to tread much more lightly, we recognise that this could cause problems, I'm like well that's not really what everyone else in town is telling me but yeah its extraordinary really.

TG:[Laughs] Hey listen I've got to go but lets have another conversation.

[Interview ends].

Interview Transcript: Contemporary TNGO negotiator

Interview Type: Skype

Date: 09/04/2015

In-text reference: TG

[The interview began with a long personal discussion between the interviewer and interviewee which contained little of relevance to this study – consequently this discussion is not transcribed].

In response to a question regarding specific elements of the Kimberley Process reform agenda, and having given permission for the interview to be voice recorded the interview continues as follows:

TG: Well some of those were easier than others. Actually all the ones you just talked about were raised and the other one was a change to decision making you know the idea of a consensus based system ah and so there was I mean several things all these issues had been bubbling away for a long time in purely the diamond definition thing was there around Marange, around Angola and so I think there was this push by civil society and other governments to adopt a formal process that was going to look at ways that there could be a systematic review of things and I think there was something in the core documents of the KP that allowed for this to happen there was a systematic review of the KP. And so the US was definitely a big pusher for that and it started under the Chairmanship of DRC I believe in 2011 officially, although there had been discussions, you know I had joined in June 2010 and there was ah people sort of having discussions one day prior to the KP. For example in Tel Aviv at the intercessional there was a, we had a sort of informal discussion with governments and industry and civil society and people could come if they wanted to it wasn't, it was completely voluntary, but the ideas from that were later the ones that became the discussion points during the official reform process. So we'd

prepared a lot of, you know from our side we'd prepared a lot of, a lot of you know briefing papers, ideas about how we thought you know, of laying out the problematique of why we thought that we needed to have these reforms and then during the actual reform process then there actually was this thing where there was a solicitation of more ideas and people were contributing through teleconference calls to, you know around the definition, about you know what kind of violence should we be talking about, should it be any violence in the diamond sector or should it be only about violence in producing zones and not trading zones and you know how do you safe-guard the idea that its still linked somehow to the mandate of the Kimberley Process which was about, you know not making this, you know making a point about or a comment on a country's wider human rights problems. I mean how do you define human rights or how does the wider human rights record of a country, how could it impact on the KP compliance of a country. So we were very clear that we did not want to go down that route. The final definition was about systematic violence in diamond producing and trading zones and we wanted to make several distinctions one being that we weren't going to ah you know two miners get into a fight over a woman after a night of drinking, one guy gets whacked over the head with a shovel and dies is that a conflict diamond definition situation and we clearly said its not. I mean it had to be very systematically orchestrated violence by either state actors, private security companies or rebels where they were engaged in that kind of behaviour and we were also very conscious about the idea of not, not commenting on a country's wider human rights problems because it was very clear that if you went down that route essentially every single participant country could you know somehow run afoul of that, whether its Israel and the West Bank and the wall, whether it's the occupied territories, Russia and Russian Chechnya and Ukraine and Australia and Canada's first nation records, the US and Guantanamo I mean you could go on and on and you know that's before you're getting into the African countries that have you know very fragile commitments to democracy so that was the intention and that's what we ended up with. I think what

happened was during that process it really did become very clear that there was two camps there was people who were being very propositional who were putting things on the table, discussing things who were really trying to push things along and there were others who were sort of standing at the side lines with sticks sort of trying to put them in the wheel and trying to trip us up and you know saying no to things and not counter-proposing or not giving reasons why they didn't like something or why they objected to something. They would just say no, don't like it. And I think that was ah...you know so that was very frustrating and very successful and it, you know in a system where you have consensus based decision making you effectively have to convince 100% and that's another thing that I think I might have mentioned to you the last time we talked as well about how over the course of the KP even the concept of what is consensus changed quite dramatically. I think before it was one more in keeping with something that the African Union uses which is essentially majority rule and those who object abstain or accept the will of the majority unless they have a very virulent opposition to something and they can give good reasons why they oppose it and I think over time and I think largely because of very contentious issues like Marange um it polarised the two camps into very polar opposite positions and people would take very distinct, very hard line positions about either you would have 100% approval or not or if I don't agree with you then I'm going to hold my, you know use my veto. And that is something that has now become unfortunately codified into the KP and it becomes very difficult even to get minor non-contentious things passed because you know some guy, some country just figures he doesn't like it. And I think a lot of to is you know some people in a you know you see some countries, NGOs and things like that they change their representatives every, you know certainly governments like Canada, US, you know the Western governments essentially, they rotate their people, they do a two year stint at the KP and then they go onto another file. Whereas a lot of countries like India and UAE and Russia and things like that a lot of those people have been essentially the same characters since the beginning. Industry recently has

started to change its representation but again also those guys very much the same since the beginning. So I think that really creates a system where personalities, or the cult of personalities, or the personality conflicts that could exist between people become a lot more apparent and a lot more important in how things pass or not. If I like you then I'll work with you but if I find you to be aggravating in some way or you know I recall something that you did before where you stabbed me in the back then it'll be payback time and that kind of very kind of petty approach where people are not really making decisions on the substance or the merits of an issue but just based on whether they have a good rapport with you or not which I think is very tragic.

MM: Yeah I mean I don't know how you would go about combatting that sort of going on some kind of ridiculous charm offensive I don't really know how you could turn that kind of thing around. So when they're objecting to definitional change, a lot of the time its nothing substantive its just literally they're just saying no we don't see anything in this? They're not sort of saying I don't know that human rights are, they're not saying that there's anything internal to this that's a problem?

TG: Well may be those guys should speak for themselves but I know one argument they would give was, the KP is not a human rights organisation, we're not trained experts in investigating human rights abuses and you know we're not a, we're not a legal system where we have judges and advocates and people like that who understand legal systems and who are able to, to... you know where a country can be accused or a company or whatever it is can be accused of human rights problems and then we can have a trial. Why are we doing this, we have a UN commission for human rights where this should be adjudicated, not in the KP. And I think that's a bit of a bogus argument for a couple of reasons I mean firstly the issue of human rights in the KP is widely acknowledged to be in the DNA of the KP. Its, its people in industry will admit that, people in most governments will admit that. There would be no KP if it had not come out of concern and the reality and the existence

of human rights abuses in war zones and the relationship between civil war and diamonds I mean that is very clearly established and I think secondly the point is that it is very unlikely that there would have been a KP if it hadn't been for organisations like PAC and Global Witness writing about the civil wars in West Africa. I mean Robert Fowler at the UN did the report on Angola which was very influential and I think Robert Fowler certainly took that bone and ran with it but I think really the pressure that was brought by NGOs to this issue and the concern that industry had in response to it because of the reputational problems it was going to have to its industry I think led to the creation of the KP. And I think if you look at things such as problems that every report that PAC has brought to the KP about, whether its about corruption or smuggling in Venezuela and Brazil or stuff in Zimbabwe we have always been proven correct in what we did, I mean there's a, if you look at you know even a cursory scan of google and the goings on in Marange right now; admissions by government ministers, ministers within ZANU about missing revenue, human rights problems, missing diamonds, smuggled diamonds all those things had been things that had been accurately reported on multiple times. So I think my argument is that you know in instances where NGOs play this role of bringing to the fore issues which governments and industry members are either reluctant to acknowledge or do themselves um and I think we play a very valuable role in doing that and I think that there's nothing stopping the KP as being the regulatory instrument that governs the trade of rough diamonds. I mean if you recall, its not, the KP is not some kind of system where governments are exchanging on a curtesy basis certificates of production and trade, it's a system to regulate, to ensure that, to ensure the provenance and ensure the legitimate legal trade of diamonds, it's a regulatory system and so I think what is a regulatory system if it doesn't have any kind of teeth and it doesn't have anybody actually enforcing that regulatory credibility.

MM: Yeah I mean its amazing how often you hear people saying that somehow or other this is not supposed to regulate the diamond trade or something like that and its almost that there are some people that wilfully want to keep it in its little box isn't there, there are some people that just want to keep it restricted like that. It really gets on my nerves actually when I hear people telling me its not an anti-smuggling thing and that's like NASA saying sending a man to the moon isn't about getting him into space and it's like you can't do one without going through the other. I mean if you cant get a grip of smuggling then you cant stop conflict diamonds and you cant control the trade.

TG: You know the other thing to is that you talk to any cop and they're always going to talk to you about how the criminals are always innovating, they're always observing how cops are responding to ways in which they break in for example and if you look at the ways in which we, society responds to criminality. I mean if you, the example that Ian Smillie likes to give which I think is a good one, you know a hundred years ago when people first starting making cars, or how ever many years ago it was, you essentially you had a crank start a little system where you crank the front of the engine and it started going like a lawn mower and off you went. But then people starting stealing cars so people said ok we're going to put, we're going to put ignitions on you know and then you know people were breaking into the ignitions so they put on doors and they put on windows, and they put on security alarms and they put on things to block the steering wheel from being able to be driven and you know its sort of always been this, and now you look at South Africa where they have flame throwers out the side of the car to prevent car-jacking because people are responding to how criminality works and I think that a lot of the people who are, who are resistant to any kind of change are really trying to believe in this fantasy land that the ethical landscape and the vulnerabilities to the diamond trade are static, that they are never evolving, that the criminals are not finding ways of getting round systems. You know I think this is the point we've argued several

times is that some of the biggest smuggling that happens in the KP is actually, stuff is done legally with legitimate Kimberley Process certificates. You know in Zimbabwe we've seen that where people have been exporting with Zimbabwean certificates at valuations that are half the real price. They get sent to Dubai where they are properly valued and the owners of those diamonds are essentially twice as rich as they were at the point of export, yet people who are, you know DRC admits that for about 50% of its diamond production it has absolutely no idea where it comes from, it could come from Angola, it could come from Congo-Brazzaville, who knows it's a...you know in many cases that was where people first started noticing again Zimbabwe and diamonds back in 2008 there were these sort of brown stones that had no relationship to the Congolese foot-print that had been exported so those were, you know I would argue that the world changes and it's a constant thing its not just something where you can make one amendment or one system and one amendment and then that's it. You've got to continually try and acknowledge and keep up with how things are going.

MM: Problem obviously in the KP is that some of the crooks are sat round the table and are supposed to be doing the legislating as well which makes life much harder.

TG: Yeah that ah, that's ah I mean certainly in the case of Zimbabwe the guys who are in, the joke are guys who are the, who are the officials, they are the ones who are...

MM: Yeah I mean its literally like asking turkeys to vote for Christmas. Ok cool so on the, were you involved in the discussions about increasing transparency, particularly with regard to review visit reports were you part of that?

TG: Yeah.

MM: Can you remember how you guys pushed for that?

TG: Sure, we've always been arguing for this idea about transparency and so I think again that was one thing where, you know I think there was a lot of things where we believe that you know you put things like that into the public domain and you know its good for people's understanding of how the KP works and it's a way of demystifying things and also taking away you know sometimes erroneous perceptions of things and so we've always argued for this idea of making things more public. I think that was sort of half successful and I think in an ideal world it would be good if they had you know teleconference calls, if they had the minutes of those put online and publicly disclosed but that's one argument that we've so far lost but um on the issue of the reports I think that was a pretty significant win and again I think we were lucky that we were able to convince and also had representatives from countries like the United States who in their role as being the chairman where they essentially just took the lead and started posting things online they just started you know sort of accepting, pretty much I think just doing a reverse onus where they said we are going to put everything online unless you tell us what, what it is, you have to specify what it is you don't want publicised and then if you don't say, if you don't say you don't want it publicised we are essentially going to publicly post it. And I think that was a fairly good move and I think it's worked fairly well.

MM: So there are almost like tacitly shaming people then, they are almost challenging them to say hide your dodgyness or we are going to show it basically.

TG: I mean there's things where, I mean when you go on a review visit there's things where you are, you are privy to a lot of things which are not in the public domain and there is an acknowledgement of confidentiality about some documents or some conversations you might be privy to but generally I think people have been pretty good at acknowledging that even civil society groups, and I think there is only one that I can think of that was actually an industry guy who ended up, you know this guy Chaim Evan-Zohar, who is also a journalist, an industry journalist and he ended

up using his position on a review visit to South Africa to embarrass the European Union with some emails which I think was pretty ah and I think since then he's pretty much never going to be allowed on a KP review visit again so.

MM: Well yeah that's pretty counter-productive for him then really. Right ok, but it is the case then just so that I know that the win there was that a country now has to actually object to having the review visit report put up – so it goes up unless they object?

TG: Yeah and there are things where, you know again from our perspective you also have to be very um [pause] you know as civil society we have to also ensure that depending on the KP chair that that the chair who has the right, who has the job of posting that information actually does. So you know some countries are very open to transparency like the United States but you could also have countries like Angola or China where there is not really a tradition of that kind of openness who can sort of just conveniently forget to publish something of another country.

MM: So its up to the chair then to post it then its not like the ASM would post it?

TG: Well the ASM does post, the ASM is actually the one that sort of does the uploading to the KP site but it can only do that once its been given the go ahead by the Chair.

MM: Right ok so the Chair is in quite a powerful position there.

TG: Yeah administratively yeah I mean they can, they either be helpful and very progressive and very proactive or they can not be. You know they can be...I mean I noticed this with China last year where there were a couple of instances where we had to sort of really shake the cage a bit to make sure they put stuff up.

MM: Right ah which report were those?

TG: Ah [pause] if my recollection is right I don't even think it was a, if my recollection was right I don't even think it was a, I don't even think it was a KP review visit report I just think it was something oh I think it was something like posting of country reports or something like that it was fairly innocuous but they weren't really doing it so, I had to bug them.

MM: Ok so the secretariat then, same question then really, how, how did you guys sort of pitch those arguments can you remember?

TG: Well our, the secretariat is actually um, in its current form its pretty useless. We argued for a professional office similar to what you see in EITI where you could have an executive director, you could have a professional staff, people who understood issues with the KP and diamonds and artisanal mining and you know technical knowhow – very small though like may be five people. This would be based in, this would be housed in within an existing organisation, ideally Africa, we were thinking [breaks up] for example or [breaks up] we acknowledged that you know from our point of view, symbolically and otherwise that it should be an African based organisation and that that organisation would provide advice on technical matters it would be one that would help the KP chair which obviously as you know changes every year, be the sort of institutional knowledge about things, it would be the repository of all KP documents it would organise teleconference calls and would help with the actual organisation of the KP meetings every year and I think we had a very modest budget I think it was under a million bucks. It was pretty reasonable. That was our position and our perspective. And the counter-proposal was really put on the table by the World Diamond Council and it sort of had a very decentralised system where I think you had it split into I think about five parts where the Antwerp World Diamond Centre was going to take care of the ah [pause] I don't even know what they all do, the AWDC was going to be doing the website stuff with the help of people in India, Ghana which is actually a government, they somehow found somehow Ghanaian organisation that was going to help with

the technical advice. They did nothing so after a year that was handed over to the diamond development initiative which takes on board different technical, expressions of different technical need. And um [pause] what was the fourth one, anyway this is a very disparate kind of system and I think the guys in the US also had some role. We, I just thought it was a very cumbersome, it wasn't very efficient, the people the response back was that countries like Russia and others was that we were creating a bureaucracy that was going to get very unwieldy very costly and we had sort of proposed this idea that every different industry members and governments could pay \$10,000 a piece or whatever it is to essentially cover the costs which even the poorest African country could have covered that. I mean 10,000 bucks from the diamonds is not a lot of money if you look at the, you know what they were going to get out of it. But um so that was our perspective and the WDCs perspective won. And again if I recall I think it was a bit of an underhanded way in which they did it. It wasn't a very open way in which it was proposed and in which it was accepted but I suppose that's how things work.

MM: Yes, I'm getting used to that. Cool thank you that's some of the boring stuff that I kind of needed to know really. There were some other things though that I wanted to ask you about, you spoke last time about this regional West African initiative, can I just ask you to explain what it actually is and what problems you're hoping its going to address and how happy everyone out there is with that?

TG: Yeah sure. Well I mean the, the idea of it had been talked about for a long time and I can even send you something I wrote, a sort of scoping report I did a while ago but the genesis essentially is um that really got the ball rolling was the 2013 review visit to Liberia in March and we went there and it was pretty clear that Liberia was non-compliant in ways of Sunday I mean it there was some many things where it was, it was, I mean I think even by their own admission they didn't know where 30% of their diamonds came from or whatever it was and that was very...

MM: their statistics are extraordinary have you seen them? They are like the fourth highest per carat exporter in the world.

TG: Exactly and that was essentially I remember, I remember the advice Ian Smillie gave me before I went on that he said take a good calculator and that was the thing they went from these ah...I mean generally people had talked about Liberian diamonds having per caratage between two and you know around \$200 per carat average you know right and I remember looking at the numbers they gave me and you there was you know thousands, you know average carat of like 2000 bucks and it was just ridiculous, which were all pretty much Sierra Leone diamonds and anyway so we were faced as a team with a choice of really getting pretty medieval on Liberia and sort of forcing them, of declaring them non-compliant, you know just throwing the book at them or taking a different approach.

MM: Sierra Leone as well? Was there talk about...

TG: No we didn't um...Sierra Leone is actually due for a review pretty soon but we also made the thing before we went of inviting representatives from Guinea and Liberia, sorry Sierra Leone on that tour so they could see the shared reality of the landscape which was also a novelty that had never been done before. And I think that review team, there was three of us in particular who were on that to propose this idea of a regional approach and three of us are now on that team, which is now three of the four members that are on the technical team that is now the West African approach. And we proposed this idea that there be a scoping study that people start looking at this idea and we sort of started building this political will by the government because they could see that they all had the same shared vulnerabilities and challenges. There were all these things about porous borders, shared networks on a tribal basis but also even within the diamond industry there were all these guys that had different offices in capital cities and those problems about weak understandings of legal frameworks for artisanal miners, a lot of issues about no

capacity by the government to actually identify where mine sites were, what people were doing with production, how they were trading it and in cases like in, one, one issue we found was that in Liberia you know all the mines on the Sierra Leone border, the mines would be pretty close to the border and so the miners were faced with a thing whereby they could mine and then if they were going to work it in the legal system they were going to have to walk back through the jungle several hours to a regional office where they would declare that production and then it would go on down to Monrovia for export or they could just cross the border, literally just cross the river in Sierra Leone there'd be a diamond office right there on the Sierra Leone side so you know it doesn't take rocket scientist to figure out that people the world over are always going to try and find the easiest way to get their stuff to market. So a lot of this stuff was being declared across the border in Sierra Leone and conversely, because of bad decisions that we spoke about before by Sierra Leone to tax, to excessively tax specials, stones over 500,000 and those conversely were coming into Liberia where there was a 3% tax. So those kinds of things you could see the smuggling across the border, we saw examples of diamonds from Cote D'Ivoire or a very likelihood of Cote D'Ivoire diamonds coming across the border into Liberia as well because at the time there was a UN embargo which had not been lifted yet and so we sort of said it was pretty much all these countries were like acknowledged that they were all you know struggling to meet KP compliance on these issues and so we said listen this is in your interests you can either, either we are going to take a very forceful approach and you guys are going to have to dig yourselves out of it and its going to impact on your right to export and things like that or you can get on board with this idea of a regional approach. And so I think countries were fairly, we were also very lucky in that we had fairly good support from political leaders. In Liberia they had just fired the former deputy minister and they replaced him with this guy called Steven Dohbor who is first rate, he's a really good guy, very, you know he's incorruptible, he's genuinely interested in fixing things and you know Steven has been pushing things very hard in Liberia. Cote

D'Ivoire had the incentive that they wanted to get the embargo lifted so they didn't want to have anything that would jeopardise that, and I think Guinea was also, had also faced KP measures because of their smuggling of, ah a very high likelihood that it was Ivorian diamonds, it could have been elsewhere but there was [inaudible] of these diamonds going from Guinea being exported at dollars apiece and then re-exporting out of Lebanon at hundreds of dollars apiece which we at one time called miracle diamonds – the way in which they suddenly found value at the Lebanese side. So all of these countries had vulnerabilities that were kind of acknowledged and were hard to escape and obviously in Sierra Leone was the case of the non-existent specials that had somehow never materialised in any diamond office in Freetown. So we pushed that and then we did this whole scoping exercise which I will send to you where we sort of acknowledged or pinpointed all these shared vulnerabilities and I think what I like about it is you know it's got very high level political support you know either from presidential or prime ministerial level down so its got and that's something that we are continually working on and maintaining because as soon as these things loose political will they're DOA. But um yeah so its been this kind of gradual thing where we did a scoping exercise where we went around all the four countries and we sort of assessed what these vulnerabilities were, where were the areas of common challenge, were there any best practices that could be used in one country or in the other four countries and we sort of sat down last year and we sort of laid out an action plan of what they should be doing and Ebola really sort of screwed that up because a lot of people obviously didn't got to mine sites or do anything in that period of time but I think we're back on board with that. This meeting I had in Abidjan last month was sort of kick starting that, you know getting that going. So yeah I think that the advantage to it is that one of the realisations we've made is that the civil society coalition and PAC is that there is this idea that sometimes, you know is a lesson of the reform period is that you can go in the front door with very ambitious and very valid ideas about how you want to reform something but a lot of times you are going to be faced either with

governments that don't get it, are scared of change or you can have some guy who it might not even affect but who just might want to kind of stick the, put the stick in the wheel and you know those things are going to go nowhere and so with this approach I think there's a way in which you get the buy-in of those countries and you start from point of willingness of these countries. They start to show success and innovation and doing something different and I think over time you know those kinds of precedents become practice and they become codified in the fact that other people want to adopt those precedents for themselves so there are other, already we're seeing countries saying they want to create a regional approach, the guys in West Africa are already saying they want to extend it to the gold sector and there's all these kinds of things where, where its sort of snowballing in a good way but it's a way where you can do things where you know potentially in five years you can have a situation where you could have one KP certificate from West Africa, where obviously a little like the European Union where countries obviously have to figure out a way to equitably share the taxes of those diamonds but you could do something where, really where, where a diamond dealer or digger decides to export is sort of immaterial its more the idea that its actually in the legal chain.

MM: What would happen though if, I mean lets say in our dream world that the conflict diamond definition does get expanded and suddenly human rights things come into it, what happens if there are proven to be human rights abuses say in Kenema, how would you isolate that production?

TG: Well again I think there's an advantage or things where you can look at umm benefits or things that came out of the Marange debacle, people concentrate on a lot of the really negative things that happened about how we didn't get a perfect deal and that road has been fairly well covered about what the short comings of the KP response to that but I think the advantage of that if you're looking at one example is generally in the KP or well according to KP rules, if you are looking at the legal framework of the KP such as it is, its about national compliance, like government

being able to demonstrate that it has control over its internal controls from the point of production to the first point of export that it has essentially a legal chain within its country, and it can guarantee provenance and it can guarantee that that diamond has not been, that it exported was exported from within that legal chain. And in Zimbabwe it was the first time that the KP actually sectioned off a problematic part of the country and said you can't export from this part but the Murowa mine which Rio Tinto owned which was a kimberlite mine unaffected by violence that it could continue to export legally and you've since seen in the Central African Republic for example, maybe a bit prematurely but still coming and proposing exactly that and they are arguing that they have control over the western part of the country and they are saying that we accept that if we want to continue to keep an embargo on the stuff that produced in the east we're ok with that but you know please let us export the stuff in the west. I think that's something, I'm not going to be part of that review visit but I'm sure that that is going to be one of the, one of the discussion points on that mission when it goes later this month undoubtedly.

MM: Right ok so there's precedent then that productions can be isolated, presumably then that would be run of mine identification?

TG: Yeah so in the case of a hypothetical situation where in Kenema for example you could do something where you would say, you know, of course the enforcement part is proof of the pudding but you would essentially argue that Kenema export productions has to stop and that it can't get into the legal chain. I mean its similar to again what the international conference on the great lakes region the SGLR is doing in central Africa where with gold and three T's where they're sort of green light, orange light, red light. You can have a mine that is fully compliant, it gets the green light, maybe you have an instance where somebody goes and has concerns about soldiers not necessarily controlling you know the production but maybe taxing the stuff as it leaves the area so you'd put that under orange, under orange watch and then then they could be given a timeline like three months or

whatever to fix that and then you'd go back in three months and if that was still going on you'd red light it. It would be sort of, until you fix this problem you're not going to be able to export. So that was ah...you know these were things that we discussed informally, it was never put on the table during the reform process but there was several of us discussing this idea about, ideally that should be something that the KP um and you know this is the kind of thing that I find really bizarre about the KP is that a lot of the time, and I think I might have complained to you about this before in our last conversation about how you can have a lot of instances where because of personalities or because of ignorance or because of whatever the case, you can have a guy come to the Kimberley Process and be just completely objectionable to anything it doesn't matter how reasonable it is and across the hall way you can have a guy working on gold and three T's who is accepting an OECD definition of conflict minerals completely, you know the government has completely accepted that perspective you know its not controversial, its been long acknowledged by that government to be a legitimate definition but you can have this guy who for whatever reason doesn't want to acknowledge that. You can have other governments, African governments, who again would think that this was you know some kind of western plot when again these definitions were, as the OECD does, defined and drafted with the input of African governments. You know a lot of these times these people are pandering to a gallery of [inaudible] because they don't want to do anything [inaudible] of the governance of the sector or [inaudible] they don't want to affect their own bottom line.

MM: Yeah I find the whole issue of isolating production and run of mine and things that could be built round that very interesting and I think its something that I'm going to bang on about a little bit in the thesis to be honest because I find talking to industry about this in particular very, very interesting because I spoke to them about it, you know it came up when they first negotiated the KP and it was dismissed by industry as being something that doesn't work, that its not feasible etc,

etc and yet when I talk to other people about it and a friend of mine is a quite well respected geologist in this area and he tells me it does work, categorically it does work, and then I went and talked to De Beers about it only three or four weeks ago and then they tell me oh no now we are actually working on ways to do this and its like well hang on a minute which is it guys?

TG: Yeah, yeah you know this issue of um you know the industry likes to talk about, in very exceptionalist terms, they always like to talk about like the diamond industry is like no other industry in the world, there's too many small little diamonds and there's no way you can keep track of all these diamonds and you know its too burdensome and da da da. You look at the way in which you know big companies whether its De Beers, Alrosa, Endiama you know take your pick if it's a diamondtaire even in Surat these guys will be able to account for every single bloody stone, down to the stone I mean if you go into a, for example, any sorting house in the world, you know a guy who's working in a sorting room, you're evaluating whatever it is, you're given a parcel of diamonds, you open up that parcel and you have to account for every single carat. They count it, they weigh it, they do everything so if those diamondtaires and those companies can have that precision about accounting for those stones through the entire chain, their argument that they cant section off a mine site is just bullshit quite frankly its just absolute bullshit and I think the issue too is this case of, I mean if you go towards this issue of sectioning off mine sites or regions then I think the question is it always comes down to enforcement, how do you, how does the KP or anybody, civil society or whatever it is police that and I think that already in the cases of review visits for example, more often than not you have the same suspects who are the majority representation. The same guys who keep going back are the same pool [inaudible] so its costly and not everyone can set aside you know 10 days or a week or whatever it is to go and bang around somewhere. So I think if you had a, you know if the KP made a move to that system I think it would be something where the KP would all

of a sudden start or where industry members or whatever it is would have to start committing some fairly serious, you know, people and money to maintain that system because in a case like Sierra Leone as we know too often you can section off Kenema but that stuff is going to go anywhere.

MM: Yeah I mean I...from what I've seen when it come to industry you just cant be too cynical with them and the fact that they are claiming one minute that they cant keep track of diamonds and that run of mine wont work etc when they are weighing diamond dust in Surat to account for where its going its just clearly bullshit.

TG: Well you know the other thing is I had a, I remember Eli Izhakoff the former president of the WDC once saying, I don't even think it was in a private conversation I think he actually said this publicly he said you know this issue of smuggling is a problem for Africa its not a problem for industry. And I just said I beg to differ I mean if like if you see people who are smuggling those guys are not doing it in some kind of silo, the might be some guy who is working at a mine site who is working in Dickensian conditions because he believes he is going to find that one big stone which is going to change his life forever, which is never going to be found, who sells his production to somebody in Freetown or wherever it is and that person – all these guys, Freetown or wherever it is in Africa they have their connections everywhere they have them in Antwerp, they have them in Surat, they have them in Lebanon, they have them in Dubai they have them everywhere its not like they're some kind of country bumpkin who doesn't get it, they have people they have connections and eventually those illicit stones are going to get into the wider global system. So I think that, you know, we've argued for a long time that this idea of, of the burden of responsibility, again I think that the KP puts that burden entirely on governments, governments have to demonstrate that they are compliant with minimum requirements and yo know there are instances where the government can be doing everything right, they really do give a damn they really do want to capture their production so they can tax it appropriately, they want those

revenues and you have bad apples in industry who are skirting the system, playing the system, smuggling those diamonds inside or outside of the legal chain into the system and why are those guys not getting nailed? Why should the government pay the price for the misbehaviour of people in industry and I don't care if that industry member is a guy in Freetown or is a guy in Dubai or Antwerp you know you look at these cases that you see in Antwerp and Dubai about people, you know multi, multi-million dollar, multi-billion dollar efforts in some cases, efforts to engage in this kind of activity and these guys should get nailed to the wall and I think, I think in some ways a more effective way would be to actually make a few exceptions out of people in those jurisdictions as opposed to worrying about guys who are in Freetown.

MM: Yeah I think if you were to actually to umm and I think there was actually an instance of this in 2004 in the UK when some diamonds were imported to the UK and KPUK had a look at them and said they weren't from the stated region that they were supposed to have come from, I think it was Congo-Brazzaville and the guy said sorry but these are not Congo-Brazzaville production and they prosecuted the importer and they confiscated the stones and had them. If you start doing that then suddenly they are going to start taking a lot more interest in their suppliers and they are going to start looking down the supply chain because they've got risk there suddenly.

TG: Absolutely and I think that's where the guys who have the money and who have the most to lose are the people who are in Western or places like you know I don't know what Dubai calls itself um I mean those guys have a lot of things that you could um...I mean Dubai has demonstrated over and over again that it doesn't have any interest in legal prosecution of anybody but I think if you had that, a few good examples would, would totally sort out the problem. You confiscate them you have absolutely zero tolerance on them. People in the US have talked about how there would be cases sometimes even just where people, diamondtaires, have not

taken the time to understand the law or what their obligations are and in the US the penalty is that you essentially forfeit your diamonds, I mean one guy lost something like \$700,000 worth of diamonds and he was pissed off and the KP person was like sorry man, that's your problem.

MM: Ignorance of the law has never been any defence.

TG: I guarantee that guy is never going to fuck up again I mean he is gonna pay attention to the law.

MM: Yeah I mean I think this touches on something that find, I mean you can say that I'm hopelessly utopian here but I find it amazing that the KP really does look only at states and takes very little interest in industry at all and we've come up with this amazing thing that is supposed to regulate their own product and is supposed to guarantee its integrity and yet the people that are paying for it are actually some really very poor governments who are actually not in a position to do it. I mean you look at aviation security and things like that, that's provided at airports in the UK, that's all paid for by the airlines. I've no idea...

TG: Even the issue, I mean there's a big discussion right now in the industry about you know all the big banks, ABN Amro was the most recent one which just closed its diamond lending section, it just said you guys are too much of a risk. You are not credibly acknowledging and responding to threats that you know all this post 9/11 stuff about know your customer [inaudible] all that stuff you know the industry was completely blind to – well not necessarily blind – most guys in the industry know these issues but were not seriously taking on-board you know the fact that they had to clean up their act and start imposing things on people like not voluntarily but mandatorily and saying this is the way you are going to have to behave if you want to get money or to do anything. So all these guys are leaving I mean Lomi bank I think in Israel is out you know all these guys are out and essentially it has come down to a bunch of banks in Dubai that nobody knows about,

that have no credibility or no track record of saying we'll give you or we'll lend you money. And you know these guys can continue to be blind to things but eventually its going to nail them.

MM: One of my friends works for one of these banks actually, an investment house, and actually I don't think they do diamonds anymore actually I need to talk to him about that. I think that kind of answers the next question I was going to ask you really which was, I'm getting a little bit confused in some ways as to where industry really sit in terms of the reform debates because on the one hand you've got the WDC publicly making statements about being very pro-reform etc, etc and yet in many ways its surprising that hasn't happened if they are so pro-reform so I was kind of wondering what your view was on where they really stand? Are they being janus faced or is there anything genuine there?

TG: I think the first thing you have to realise about industry is its not a homogenous group. I mean obviously people speak in generalised terms about industry but I think there are different parts of industry that are very progressive and that totally get and who sound and are as legitimately concerned as NGOs about different issues and I think again that the history of the KP is I think that areas and at times when industry and civil society have been on the same page about stuff, that's when we actually get to see quite a lot of fairly [inaudible] because you know if those two sections adamantly support something then its going to make it very hard for governments to oppose it. However, that said, clearly people who represent the WDC now, I mean there was a bit of a purge in the KP, sorry the WDC team. I mean Eli Izhakoff was a, was a politician. He was a guy who liked the spotlight, who liked to say a lot of nice things but he wasn't a guy who did things. He was a guy who showed up and represented but he wasn't a guy who was really a leader in the sense of sticking his neck out or taking very principled decisions. Industry as well can you know, several parts of it can be very conservative, people like De Beers, De Beers is a very conservative company. It takes a lot to kind of move De Beers to do

something when it sort of realises that you know, if its sort of indifferent to something it can just stick, it can just do nothing. But I think generally right now the purge that happened led to the, essentially getting rid of a lot of the dead wood. I mean they've got guys like Edward Asscher right now who's [inaudible] she's very good as the new WDC president, you know he and I have disagreements about things but I trust him and I think he's a very honest and sincere guy. Ah you have guys in the American system, in the American market who are very, by and large are very progressive guys. You know Ronnie Van der Linden is the secretary or whatever it is of the WDC right now, you know 100% guy but then you have the Russians you have the Angolans you have guys in Dubai you have the Chinese you have all these other guys who are not necessarily playing a lead role in the WDC but they are significant players in the sense that they control a fairly large percentage of the industry right. And increasingly the African Diamond Producers Association – ADPA – is trying to exert some kind of presence on the scene although not very successfully. I mean they sort of exist in name but in terms of what they do it's a bit less clear but they have tried to create a sort of parallel structure to the WDC and have not really done very much with it, but still when they want to dig their heels in they can and I would argue that ADPA really does not have, you know I think if you need to be an industry group you have to essentially have people who are like policy makers, guys who actually study whats going on, who understand the lay of the land, they're aware of emerging trends, they are sort of feeding in, briefing the leadership in terms of what's going on. ADPA doesn't have any of that, I mean just between you and me, there's a guy in ADPA, a South African guy a former um well he still is a lawyer, he was a government lawyer for South Africa, actually one of the guys who claims he was there at the beginning of the KP and we were in Cote D'Ivoire and he had no idea that Cote D'Ivoire had even been in a civil war. It was one of those things where you just sort of go, you know it was one of those moments where you're just banging your head on the wall where you're just going I just can't fucking believe that guy. It was like, we were having this briefing

you know, end of day briefing and you know saying well tomorrow we are going to go Seguela which is a diamond producing zone and I said ok well tomorrow we are going to go to Tortiya and you know we didn't got to Tortiya because it was too insecure and the guys goes why was it insecure? Because there was a fucking war here man. You know he didn't understand why we were driving around in UN vehicles and UN helicopters.

MM: [laughs] He didn't notice that?

TG: I mean I want to be generous but that is ignorance and I think that kind of thing where if you're that clueless about the reality of the situation, he was also upset about, like why is Cote D'Ivoire doing this? In South Africa with De Beers and you know he's going on about the South African context and I said listen man its, this is a country that has artisanal production its not about, he didn't even get the idea of what the challenges of what an artisanal zone were, you know the fact the government is obviously going to do things differently in terms of legal frameworks and everything because they have to respond to that kind of reality. And there are a lot of guys like that in the KP who are really, really quite clueless about the vulnerabilities, the real challenges about how do you actually account for production, how do you, you know all that kind of system, they don't get it. So I think to your question about industry I think there's things where you have to sort of look at which representatives of industry are you talking about, you know whats their objective, what's their mandate, you know what are their vulnerabilities, what are their interests and those things are all very different. But generally I think right now in terms of who represents industry in the KP, it's a very progressive wing, its guys like Edward and Ronnie and there's a few old people and you know obviously De Beers is still there but um there's a guy, Andy Bone just left and there's a new woman who I think has [inaudible] a way of defining herself and she's a woman which is going to be hard for a very male dominated organisation like the KP.

MM: That's interesting isn't it that they are sending people like that to countries like Cote D'Ivoire for review visits and yet they bang on about how they need, you know how opaque the industry is and how they need experts to be involved in it and yet the industry sends people like that.

TG: Yeah no and that was the case. You know we had someone from the WDC there from Rio Tinto, a Congolese woman who was really absolutely perfect I mean that woman was, I mean it was the first time she'd been on a review visit and she was outstanding. I mean she was probably one of the best industry guys I've ever met. You know she was Congolese, she knew the system, she'd been around the block a few times, really good at sizing up people, seeing through the bullshit. But then you had the ADPA guys who were, who also had observer status in the KP who, quite frankly I don't know why the hell they sent the guy. He was a complete waste of space he never proposed stuff he never presented ADPA's position, he never got the wider picture so yeah...

MM: Ok so just finally then, am I pushing your time limit here?

TG: One more question and then I should run.

MM: Ok I just wanted to know and don't take this to be in anyway accusatory, I'm just interested to know whether or not its been discussed or not, there were a few things that I'd wondered if they had come up at KP meetings, something like um you know the KP implementation, you know its impact on customary land rights has anyone discussed that has that come up?

TG: I think there's things where, I know that, you know I think a lot of these about [pause] you know again from our perspective we'd argue that there are a lot of things that were left off the negotiation table or that were not adequately thought about or planned for when the KP was created and I think that the resistance to sort of accept that the ethical landscape has changed and its not just about how violence might change its also about you know what do you do about child labour or what

do you do about the environmental degradation caused by diamond producers in artisanal zones for example. How do you reclaim pits and make them economically viable for agriculture or whatever it is and you know this issue of, of addressing land issues and who has the right to the land or the right to land are things that are not discussed anywhere in the core documents and I think that the, no mention of it. And I think that civil society has talked about things like environmental stuff and labour rights and things like that and people sort of go oh that's very interesting but the core document says nothing about that so we don't have to worry about it. I think that things like you know in Cote D'Ivoire again I think there's been some things where they do have a system that sort of acknowledges the inter-relationship between industrial players and artisanal players and so you can have a situation where you can have artisanal guys actually mining on a concession which might be where the land has been given to an industrial player. Its hypothetical because they don't have any industrial players but they at least have that system in place. Now in DRC there's been several cases where things, not just diamonds but mostly in gold where they've had foreign companies that have been given land, land rights or whatever it is over communities and I think it is something that, it is being played out, people are starting to realise that this inter-play is a conflict and I think that those things are going to become more apparent as people start fighting about them. So I would argue that its only a matter of time before you had that kind of conflict between an industrial player and a community over land and I think I have heard some of this in Sierra Leone where the mine is getting bigger and its moving the community.

MM: Yeah um Koidu/Octea they were granted a very large concession on Tongo, I think it was about 200 square kilometres or something and it think just generally speaking and I think this is what a lot of people were saying to me out there was that actually we're getting, we're now seeing quite small mechanised miners, you external guys from South Africa and Lebanon and elsewhere coming in and taking

relatively small concessions but actually preventing artisanal miners from getting access to that ground while they are doing their mining which is causing a fair bit of anger and local resentment and a bit of violence as well from what I understand. So and obviously that's not the KPs fault but what some of the policy makers are saying is oh you know we have to do this to meet our KP obligations so they're kind of wheeling the KP out as something of an excuse for these policies.

TG: Well one thing that is becoming more apparent and this is something again that I think is coming out in things like the Washington Declaration that was signed in 2012, you see it again in the regional approach in what we are doing in West Africa, you see it in DRC in different ways, is the increasing discussion and um emphasis being placed on African governments to start formalising artisanal miners because I think that pretty much in every, in most, probably 99% of African countries artisanal miners work in a completely illegal zone. They have no rights they have no obligations there's no legal recognition for them and in that context if they are found to be mining it is considered criminal and they are punished fairly heavily. But I think that we've been making a lot of noise about this and DDI has also been doing this thing that you, the importance of formalising people and giving them legal title to mine under certain conditions and you make that [inaudible] then in the case of DRC DDI did something where they did a pilot project on formalisation and at the time I think the government had, they wanted each of the miners to pay something like \$200 a license and I mean these guys make a dollar a day there's no way they can afford \$200 and DDI made the case they said listen your \$200 of nothing is nothing but if you drop that \$200 to \$5 and you make it affordable then you are going to get people who are going to contribute money to the state coffers and it would be legal and 90,000 people signed up for this, it was completely beyond DDI's wildest imagination they thought they might get 10,000 people, I think that was what they were catering for and they 90,000 people. So that kind of stuff where you begin the process of creating the legal and regulatory framework for people to

be legalised and to be working on certain pieces of land um is good but I think the other point I would say about Africa, if I can make a generalisation is that in many contexts and I think DRC is a good example of this, it doesn't take much for the legal and regulatory system to be overturned by corruption or by political necessity and you know you even have the example of something where Kabila recently made, or about a year ago, gave a mine it was a gold mine that had been you know the concession had been legally to some European company, I forget the name of which one it was and then the next thing you know Zuma's nephew comes on a, Zuma comes on a state visit and the next thing you know his nephew has that concession. So those kinds of things can happen. There's things like Dan Gertler has a bunch of like pieces of land that people, some of its not even you know publicly known until you go and actually try and make a claim and then suddenly you find out oh shit Dan Gertler owns it. You know Gertler the way he works is that he sort of makes these deals with presidents and you don't find out about them. So I think the issue of land title is something that I think is, and I think this idea of formalisation is necessary, it doesn't necessarily have to be done in the context of KP compliance it should be done in the context of good economic and good natural resource management. You want to have that idea of creating systems by which everybody is very clear about what their rights and obligations are and if you create that system then I think you create a more certain system and well you create certainty. But that certainty can always be bought right or undermined.

MM: Well it can yeah and I suppose the slightly worrying thing for me might be that if people start getting land titles to artisanal mines and stuff then they can be manipulated into selling that for below the market rate or...and those kinds of problems. But it's a problem right the way across West African society I mean there was a guy I knew in Freetown whos got not for sale daubed on the wall of his house because pretty much it was getting to the point where once a week he was coming back and there was someone showing some potential buyer around his house. And

he says look guys I own this house and they're like show us your deeds and he hasn't got any deeds to show that he owns it so they can just sell the house from underneath him.

TG: I mean the other aspect of that too is you know PRADD, Property Rights and Development bla bla from the US. I mean USAID and these guys, they really believe in this whole concept of property rights and you know very Americanised you know idea that you have your one square acre or whatever it is that's yours and you pay money for it and you...and quite frankly I think that's absolute bullshit but I think you have this system where, how do you, you know you have this system of sort of customary land title that comes through the head man, the chief or whatever it is sort of you're part of the village and here's your piece of land and the idea of what is in the ground is owned perhaps by the state and there's all these different kinds of things where in some parts of the US and Canada for example if you buy the, if you own a piece of land then you own the oil and the minerals below it right. That doesn't exist in a lot of, in many African countries, the state owns mineral rights not an individual. So how do you deal with the mineral rights, how do you deal with the customary rights all these kinds of things are competing at the same time and anyways so there's PRADD god bless them doing all their work to try and create this idea of private land title and I think its, I think its just a waste of time I mean...

MM: Well it might be the SOAS student in me saying this but it just strikes me as colonialism really, it's a way of just parcelling everything up so that you can sell it on the market really.

TG: Yeah, they're imposing a Western system that has no place in reality and create conflicts right.

MM: Yeah you're creating a system that actually is fundamentally unequal for local people so they're not going to be happy about that. [Loss of internet connection]

TG: Hello are you there?

MM: Yeah it just seems to me that you are creating a system that is fundamentally fixed against local people because the guys coming in are going to understand property rights and how those things work much better and they are going to have the financial wherewithal to take advantage of what might lie underneath it. Well thanks Alan that's great.

TG: Sure any time.

[Interview draws to a close].

Interview Transcript: Former TNGO Negotiator

Type: Skype

Date: 21/11/2014

In-text reference: WP

[Following a brief exchange of greetings and a thank you from the interviewer the interview proceeded as follows]

MM: There were a few things that I wanted to talk to you about really. I wanted just to go on and have a chat with about the reforms that you've been pushing for I know that you're pretty expert in this area. And yeah I was just sort of wondering, well I thought we'd start with quite a broad question to begin with, just generally what reforms have you pushed for with the Kimberley Process and how you've gone about doing it? And sorry just before you answer can I ask is it ok if I record our conversation, would that be ok?

WP: Sure, sure. Umm to say that I'm pushing for reforms, I speak to a lot of the players behind the scenes but I don't go to the Kimberley meetings and I don't put forward position papers so its really what I do in my own writing or talking to NGOs and people in the industry and government about this. So I can tell you more specifically about the sorts of things I do when we get along here but um I think the kinds of things I've been pushing for and this generally is the NGO line and what a lot of governments and some industry are keen to see, one is a bigger, an expanded definition of conflict diamonds. What is a conflict diamond? Basically to include the human rights dimension in the definition. When we started the Kimberley Process we didn't envisage a situation where a government would beat and shoot and rob and rape and kill people in order to enforce Kimberley provisions. I mean that doesn't make any sense, but that's what happened in some places, notably in Zimbabwe and you know I think that a lot of people understand that Kimberley has

an obligation to make sure that it isn't ignoring violence in a system that was designed to end it. So that's the first thing, the definition of conflict diamonds. A second issue that I've pushed for comes up in some of that stuff that I've sent you and in other places is the inclusion of cutting and polishing centres in the Kimberley Process system. Diamonds are...the Kimberley Process only covers diamonds that are traded internationally so diamonds leaving one country and going to another have to be reported but what happens to them while they are in a particular country isn't of any interest. It's just assumed that if they arrive and go to a cutting and polishing factory, that's the end of it. The cutting and polishing factory doesn't have to record anything and what that means is that you have an easy way of dropping illicit goods into the system and legitimising them through the cutting and polishing factories without any kind of Kimberley oversight. Kimberley – it wouldn't be a huge job to include cutting and polishing centres. They all record every smidgen of diamond that comes in and out including weighing of the diamond dust when it leaves the place so everybody keeps close track of everything.

MM: Yeah I remember reading that in your book actually.

WP: And then the other thing is basically is to enforce the provisions of the Kimberley Process, to make sure that countries are abiding by the conditions that they've agreed to so that, you know, in a country that exports diamonds, you can track them back to the place where they were mined or to the place they were imported. There's very little of that being done. I mean some countries are very rigorous but in others it is total hit and miss.

MM: Yeah I saw that in Sierra Leone earlier this year – they don't really have much in the way of internal controls in Sierra Leone at the moment. Umm so how have you gone about trying to get these things changed then? I know that in the early days you were involved and then you left in, what was it 2009 – up until you left

how was it you went about pushing for these reforms and what sort of response did you get?

WP: Well until I left I was with Partnership Africa Canada and they continue to do the kinds of things that I was doing at the time and that includes investigative reports showing that the system is not being rigorously monitored and basically exposing some of the problems, the Venezuela problem, there was a big problem in Brazil, a problem between Guinea and Lebanon. So you expose these things and you raise them in Kimberley Process meetings not just in the plenary but in the working groups, because NGOs are members in each one of the working groups; so there's a monitoring working group and these things can be raised and you can make as big or a small a stink as you want. The problem is, is that if nobody wants to do anything then you come back to this consensus issue – there is no consensus on the way forward so nobody moves forward. Then there's discussion, you know taking some of this stuff to the media. You know you can do internal investigations and report to the Kimberley Process umm if nobody does anything and you go to the media and it gets picked up then there's a possibility that will spur people into action. A couple of years ago after I'd left the Kimberley Process I was amazed to discover that the per carat, the value, the per carat value of Liberian diamond exports was up in the neighbourhood of seven hundred to eight hundred dollars which just didn't make any sense I mean Liberia's best years and best diamonds are around \$25 a carat and I mean not only were these numbers excessive, except for Lesotho, they were the best in the world. How could a country with almost no diamonds of any quality suddenly be exporting stuff that was worth this much I mean it's absolutely incredible. Lesotho diamonds do have a high value and one of the reasons their average is high is because they find big rocks and these are always news worthy, they get in to newspapers and they get into Christies and Southerby's and all the rest of it you know these are gigantic very valuable stones. Liberia – there's no report of a single stone of any value of any note being discovered ever

and yet these numbers are way up there so what's going on? I blew the whistle I mean in quotation marks, I blew the whistle, I'm on the UN mailing, this came out from a UN report. Well the UN had noticed it and I had noticed it in the Kimberley statistics and when the UN report came out and said, and just reported the numbers I replied to the entire mailing list and said these numbers make no sense there's something wrong here. Everyone was very embarrassed and the UN people said ok well let's take this discussion offline – well of course they wanted it offline because they hadn't twigged at the fact, this is a UN panel of experts they had a diamond expert on it, they hadn't twigged at the fact for some reason that this made no sense. And of course Liberia in the UN reports they say that basically Liberia's Kimberley system has fallen into a state of complete collapse. You know the Kimberley Process put a huge effort at great cost into getting it set up to allow Liberia back into the Kimberley Process and it fell flat on its face within, I'd say within about 18 months and there's a good reason for that I mean, the value, the value to the government of Liberia of its legitimate exports doesn't really cover the costs of running the Kimberley Process. You know if you take three percent export tax and a few other taxes here and there and you apply that to the legitimate export costs less the value of Liberian diamonds – \$2-300,000 – the cost of running the Kimberley system that was set up was more than \$2 or \$300,000 so it's not surprising that this isn't going to be a big priority for the government of Liberia. They're not in it just to make money or to break even, diamonds do create jobs for a lot of Liberians so it may be worth breaking even or even losing a little bit of money in the best of all worlds but Liberia isn't the best of all worlds so, so you know pointing out these anomalies and pushing that's the kind of thing that I've done and the NGOs have been doing for the last 10 years and not getting very far.

MM: Yeah umm I mean how come you've not been getting very far? I know that consensus is a serious problem but how is it that people are umm what is it that some of these governments are arguing as justification for not giving their consent?

What are they saying for instance to including human rights, or trying to restructure the artisanal sector to give, to get a better balance in favour of artisanal miners – what is it that they're saying as to why it is they don't want to do this?

WP: Well on the human rights issue I think there's two, two kinds of line. One is, human rights is a big problem, everyone agrees human rights is an issue but this is not something the Kimberley Process can manage. You've got all kinds of bodies out there that deal with human rights issues including the United Nations so these organisations should deal with this and kind of a subset to that argument is that if these agencies can't deal with these issues then how do you expect the Kimberley Process to do it. So that's one line and then the other line is there are no human rights abuses. If you looked at that speech by Peter Meeus, I don't know what dreamland he's in but he was arguing that there was, there is no human rights, there is no problem – what's all this about? This is a figment of some-ones imagination. So you get these two lines. Some are not, you know they, they can't, they've got enough decency not to pretend that's there's no human rights abuse but their argument is that we can't handle it we can barely handle what we've got so let's not mess with something that really is somebody else's...that's the argument about human rights.

MM: Right ok, so when it comes to ethics then these guys are arguing that ethics somehow, sorry human rights, somehow fall outside the remit of the Kimberley Process even though clearly that's what the Kimberley Process was set up for.

WP: They would argue that it was not set up for that it was set up to end conflict diamonds, it was set up to end the wars because that is the limited mandate and a lot of those people right from the beginning were saying there should be a grandfather clause on the whole thing – once the wars are over we don't need Kimberley anymore. There's a few that still think like that, but there are others who don't. There are people within the industry, and this is what Peter Meeus and the

subtext to his speech and that gathering of thugs and morons in Zimbabwe, and the subtext there is that one part of the industry is fighting another part of the industry. There is a part of the industry that really wants reform, that wants the Kimberley Process to do a better job, understands that if it doesn't then the OECD or the Financial Action Task Force, somebody else will come after them and all of this will impinge on the reputation of diamonds so from a business point of view it just doesn't make any sense to allow the Kimberley Process to fester and rot when something else will come if you allow that to happen. So a lot of governments and a lot of people in the industry that want change and a lot of the industry people that want change happen to be in the US. I don't know whether that's coincidental, I haven't discussed it really with them much, so that has turned into what it looks like is a fight and people like Peter Meeus sort of egging this fight on sort of throwing coal on the fires, trying to create a conflict between the Americans and the rest, you know that the Americans are trying to gang up on us and they hate us and this is more neo-colonialism and people like Peter Meeus, he didn't say it much in that speech that you saw but you know he tries harder to be African than most Africans and harder to be an Arab than most Arabs and I don't know how many of them see that he's over-egging the pudding but some do and it'll probably backfire.

MM: Yeah it was interesting he was clearly trying to court the African producing states. It'll be interesting though won't it because I can't, if he were to be successful and get these states to export their product straight to Dubai then I mean where would they go to market? If the Kimberley Process got really tough on them then you know these states were suspended then they wouldn't be able to get access to market really would they? I mean they'd only be able to export to China perhaps and that can't be a very large market.

WP: Well I think in their dream world, I mean one of the things that they've all forgotten is, just to back up a bit. When the United States became the chair of the Kimberley Process a couple of years ago, they and a lot of other people thought that

at last we'll get some of this stuff fixed err but the resistance, it was a bit like electing Barack Obama you know, you think wow it's going to be good and instead you got nothing but opposition just the republicans come out of the woodwork and block everything, and that's really what happened. The United States had about three big ideas and they got none of them, none of them through in the Kimberley Process, plus it turned into, it became, the Africans played the race card and that had never been done before and that was very odd and very unfortunate. They started talking about neo-colonialism and the white countries and it really turned quite ugly and the Africans you know I think when they get backed into a corner over things like human rights they band together and become very defensive and very, very hard to...very, very hard to change that.

MM: Why are they so defensive about human rights? I mean I understand obviously that they are in breach of human rights but you know what's stopping them from actually trying to enforce them and to try and change their sectors? I know it's a bit of an obvious question...

WP: Well some of them are just thugs, I mean it's that simple, I think the Zimbabweans are just monsters.

MM: But I mean in the context of Sierra Leone for instance, why wouldn't Sierra Leone try and simplify its pipeline and try and get closer to conformance?

WP: Well I think some of it has to do with capacity. But where human rights are concerned I mean a country like, I mean what people say behind the scenes because we've had these discussions with people behind the scenes in DDI because we've said look we'll take on this human rights issue but let's go at it slightly differently, let's do some human rights capacity building and training. Let's help inform the law enforcement agencies, work with the law enforcement agencies so they understand what their rights and limitations are and ditto companies and miners and all that kind of thing. Let's start easy, let's just back into this quietly and not,

and see how it works and see if this approach can make any difference. The reason we did that is that several African governments said in the privacy of closed rooms at the Kimberley Process that they understand that there is human rights abuse, maybe not big human rights abuse in their countries but there are generally human rights abuse in the diamond sector and what they're afraid of is that if they agree to do something on this and fail which is maybe likely then they will just get bashed even more. They're having a hard enough time just meeting the bare bones conditions and if they take this on in a world where human rights – I mean no matter what the government says, human rights when you get down to a road block where Kapu earns \$30 a month has stopped a taxi that's very, very hard to enforce all of this properly. So that's what some of them are saying, we understand there's an issue, we would like to do something about it but we want to be careful because if we promise too much we'll just get whacked again and we get whacked all the time because we have so much trouble getting anything done properly.

MM: Right so it's a capacity issue then. They're worried that by agreeing something like this then they're going to make a rod for their own backs.

WP: For some of them, for some of them I mean I wouldn't say that's the case for Zimbabwe they just want to do whatever the hell they want to do and they don't care what anybody says. And then you've got others like South Africa who will protect them till the ends of the earth. For some reason South Africa, who should know more about human rights than almost any other country in Africa, seems to have forgotten everything and has become a major disappointment on some of these issues.

MM: Yeah what are South Africa saying, why are they blocking this kind of reform, what's the argument they're using – sovereignty something like that?

WP: [pause] Yes I think sovereignty is part of it and then they come back to the issue of this isn't something that the Kimberley Process should be dealing with and

depending on which individuals show up at the meetings you'll get some of the arguing that it's not true there are no human rights abuses anyway. I mean it's like a mad-hatters tea party sometimes when we discuss these things.

MM: Yeah something I've got over the past couple of years, the answers I get sometimes I mean my jaw just hits the floor and I think are we actually living in the same reality are we talking about the same thing its quite amazing at times. Ok so when we talk about the cutting and polishing sectors obviously that's quite a big omission – a lot of people have tried to get that now included in the Kimberley Process. How have you argued for it and how have people stopped it?

WP: Well the easiest way to stop it is just to say no and you know just keep saying no. I mean you can say any stupid thing you want but you don't have to say anything very stupid at all you can just so no. So it's too complicated, it's not necessary, it's beyond the mandate, it wouldn't make any difference and you know all the rest of it. I think one argument that I think hasn't yet arisen but it will come and I've been pushing this with some of the people that I talk to within the industry it's the problem of synthetics. Synthetic diamonds are suddenly showing up all over the place. People are mixing synthetics with real diamonds, with natural diamonds. They're very hard to detect, most jewellers can't tell the difference you need quite a bit of equipment and expertise to distinguish them so these things are getting mixed and the reason they can be mixed is because no-one is watching the cutting and polishing centres where it's happening. A cutting house produces \$100,000 worth of polished diamonds but you have no idea where they came from, you've no idea what went into the factory you don't know whether they came from a Kimberley certificate, you have no idea whether they came from a smuggler or whether they came from a factory down the road that made them. So this is a big worry to a lot in the industry because synthetic diamonds are cheaper and um cheaper to make and if they're getting passed off as natural diamonds could undercut the market. They're, they're um the comparison and I think I have this in my book, the amethyst used to

be a semi-precious stone and I forget what they were worth let's say \$20 a carat or \$15 a carat. Now they're worth pennies a carat. Nobody cares anything about amethyst because they can all be made and become a dime a dozen and that's what a lot of people in the industry are concerned about because you know they all argue that their margins are only 2 or 3 per cent, I don't know what they really are and for some they're much, much higher but for those that operate on that kind of a margin you need volume and you need high prices to stay in business. If your product sells for a hundred dollars and you get two percent then you've got two dollars but if the same product only sells for 10 dollars then you've only got 20 cents and so you either have to increase you volume tremendously or go out of business or live on 20 cents.

MM: So how does that affect the cutting and polishing centres then?

WP: Well it would affect the entire industry in due course but what's happening at the moment is that a lot of these synthetics are getting dropped into the pipeline as natural diamonds and I think, I think a logical place for that to happen is at the cutting and polishing level, that where the transition, the illicit transition would be made. You can take your synthetics, let's say I manufacture synthetics, I can sell them as synthetics but as synthetics they're worth less than natural diamonds so I want to palm them off as natural diamonds. If I take a whole whack of synthetics into a jewellery store then they'll probably smell a rat but if they come from a cutting and polishing factory they are less worried.

MM: Yes right I see. And people are arguing then that this is too complicated, is that what they're saying?

WP: Well up to now they've been saying too complicated, not necessary, we don't want to, you know whatever comes to mind [laughs]. My thought is that maybe, maybe this issue will galvanise the industry to get a bit tougher on this whole thing. Some will say that it has nothing to do with blood diamonds but then neither does

your common all garden variety of diamond smuggling. Smuggling diamonds down to Brazil doesn't have anything to do with blood diamonds, the reason that smuggling is included in the Kimberley Process is because of the way the Kimberley Process is set up. If you were really going to take a wholesale approach to the regulation of diamonds then everything had to be included we are not going to check each and every diamond, we are going to check parcels of diamonds and that means everything has to be included because you can move diamonds from DRC to Brazil as they've done or from Sierra Leone to Guyana as they've done or from Zimbabwe to anywhere as they've done. So you have to be able to, you have to be able to, you have to some kind of overall control on the industry. So it's clever, you know the Kimberley Process is very clever and it was I think heaven sent for an industry that was riddled with corruption and illegality. I haven't heard very many people say the Kimberley Process helped us out of a real bind quite apart from conflict diamonds but I think it did and has. It really has forced a lot of bottom feeders to think differently or go legit. What you want is you want more of that.

MM: Yeah it seems though as I read something from you on your website, the DDI website, it does seem that there are sort of holes and blind spots in it that these people can, that these people can still exploit and I suppose the cutting and polishing centres has got to be considered one of them. The other thing as well that I wanted to ask you about was this issue of a secretariat and the revolving chair type thing. I understand that that's been a bit of an issue lately could you tell me what it is that you've been saying about that and what response you've got?

WP: Well umm I've just forgotten what the discussion on this was like in 2002-3. I think a lot of us assumed that there would have to be a secretariat but we hadn't really I guess got that fleshed out in our heads before the Kimberley Process came on stream and there was quite a lot of opposition to it at the beginning – particularly from the Russians and their argument and there's some validity to it, their argument was that if we create a secretariat it will cost a lot of money and pretty soon you'll

have the tail wagging the dog. The bureaucrats in the secretariat would start running the thing and

MM: Well if there's one the Russians know about its bureaucrats.

WP: [laughs] but if the members run it there will be much greater ownership and much more involvement and you'll get a more sort of organic Kimberley Process. You know I think there's maybe some legitimacy to that argument because some countries, some governments, certainly do participate in everything and play an active role - the Russians notably, they're everywhere and in everything and are constantly saying no to any good idea. But I think it's been really hit and miss and quite chaotic and the rotating chair every year is a problem too because you just get up to speed and then your time is over, you haven't really had time to accomplish very much, you just sort of get it figured out and then it's too late to carry through. It would have been better, nothing wrong with the rotating chair, but I think two years or three might have been better. The argument always gets shot down for some reason or other. They, they finally sort of came up with an idea for dealing with a secretariat by creating four different functions that different bodies will manage and this all falls under the general purview of the world diamond council. So err, I've forgotten what all the things are umm we at the diamond development initiative have finally agreed to take on the technical assistance component. There had been a lot of talk right from the beginning about some kind of technical assistance function within the Kimberley Process because a lot of governments need help, you know there's problems with their statistics, problems with their certificates, problems with this that and the other thing. Where they could go for help was all very hit and miss. The Americans were quite keen on setting up a technical assistance function and they ran it for a bit but ran it in quotation marks I mean they would get requests, governments would send in a request and they would scatter those requests about and if someone said they would help then something might happen or not mostly it didn't. It was, it was just not well done.

First of all they didn't even understand the terminology. Technical assistance in the development business really it means sending people, training and sending people. Often what governments need is considerably more than that or less than that, it isn't always about sending people. But in any case the idea was developed a couple of years ago to farm this out in a more systematic way so there's four different functions and they're all managed by the world diamond council sort of, and this was one of them. And Ghana agreed to take this part on, well that resulted in zero activity zero nothing happened at all. They for some reason had no idea how to manage it, what to do; so I don't think they even issued a single email to anyone, nothing zero. So last year, let me see that I get my timing right on this, no I think it was at the last plenary they started putting pressure on DDI would we do it err because this is part of our mandate to try and help get things organised you know in a way that kind of makes some sense in the development aspect of the Kimberley Process. We said we would if there was money but we didn't have the money for it and this thing had to be properly funded and we put together a budget and we said we would need a full time staff person to work on this and there would need to be money for travel to Kimberley meetings and for communications and that sort of stuff. And finally in the summer, I guess after the summer intercessional meeting signet jewellers said that they would put up the cash for this for two years. So basically we've hired somebody and we're basically started to do it and that person went with Dorothee to the plenary last week in China and met everybody and you know sorted out what requests had been sent in and had been lying around there for the past two or three years and trying to figure out whether they're still valid and then working on a system for how to solicit response. So we're taking that on for two years to see how that works. Now that's the kind of thing that a secretariat would do, it's been sort of broken up into pieces in order to avoid having a secretariat. They won't even call it that, they call it the Administrative Support Mechanism.

MM: [laughs] yeah I'd heard about this sort of terrible fear of actually calling it a secretariat and they needed to invent some other name for it. Umm does that mean then that this exists alongside the rotating chair principle?

WP: Yes

MM: it does so the rotating chair stays as is. Ok so that's interesting because coming at it from a Sierra Leone perspective, some of the people I spoke to out there were getting very frustrated with dealing with the Kimberley Process in general and they were saying that one of the problems that they were having was that with the rotating chair they were spending a lot of time overseas and travelling to and from meetings and that actually it was becoming very frustrating to actually deal with the Kimberley Process full stop. Is that something you've experienced or that you would agree with?

WP: Well the rotating chair doesn't have much to do with the travel issue I mean there are two meetings a year and anybody can go or not go and it's fairly important for the diamond producing and importing, fairly important for the major countries to attend these meeting because you never know what's going to happen. But that wouldn't be changed if the chair was in place for two years or three years or even five – the meetings are always held where the chair is. So it means there are different places for the meetings every year and sometimes they can be very costly. You know if you're in Sierra Leone and Ghana was the chair then that wouldn't be very costly and it wouldn't take you a long time to get there but with China it's a big deal to get there.

MM: That's what I was thinking yeah.

WP: except that China said that nobody from Sierra Leone or Liberia could come this year and DRC and that was a huge stink.

MM: Why DRC?

WP: Well because they've had an Ebola outbreak in the backwoods somewhere and the Chinese heard about it so err you know. They finally rescinded the ban at the last minute but there was a lot of unhappiness and very bitter communications I mean China was really caught flat-footed on this because you know a bit like people in Texas they read the news and got it all confused and don't know what it is and don't know how to deal with it and just want to slam down the shutters on everybody. But so the frustration with Kimberley I think, the frustration those governments would have is there is just a constant debate going on about how to fix it and it's this 'yes you have to – no we won't' so this just goes on and on and on. It never settles down. That is probably what they're frustrated about.

MM: Yeah I got that, certainly I got that from talking to some of the smaller NGOs in Freetown were very frustrated by this idea that they would have to fly to China or somewhere like that and clearly they felt that that meant that they were under-represented. That was what they were feeling. But I think there's another part of it too which is that they felt that first of all there was a lot of no answers which you've clearly illustrated is the case but also that the people that they're sending to these meetings are increasingly sort of minor individuals who don't really have a mandate to say anything anyway and it sort of makes all of those meetings a bit of a mockery and it's a waste of time them going to them anyway.

WP: Yeah that's a problem, that's a problem. In the beginning there were fairly high profile people that went to these meetings and they were usually people who had a pretty clear mandate for what they could negotiate. I mean there were occasions where somebody would say, I remember there was one meeting I think it was in South Africa where there was some big issue and finally everybody agreed – I think this was on monitoring – and finally everybody agreed and they caved on a big issue and the Australians were the odd man out. The Australian guy said, he assumed that this issue would fail and it didn't it actually went forward. So he didn't come with any mandate to discuss it or approve it. So he was the lone guy,

even the Russians, the Chinese, all the NGOs and the industry they're looking at him and saying you're holding this up and he said I've no mandate, I've no authority to discuss this. Well it happened that a guy from Rio Tinto was friendly with the foreign minister in Australia and he phoned him that night and the Australian delegate also phoned his people and I got in touch with Oxfam Australia which was sort of on the case as well and I don't know which one paid off but by the morning – we were asleep and its day time in Australia and they were able to figure things out and was able to announce that he had new instructions from Canberra and everything was ok. But I think nowadays you get a lot of low level bureaucrats going and a lot of them are really people going on shopping trips and you see them heading off from the Kimberley Process at about 10 o'clock in the morning with their shopping bags and you don't see them again till dinner.

MM: [laughs] Yeah I think that's the case with the Sierra Leone delegates. I think they sent two very junior diamond valuers apparently to the last working group on artisanal mining meeting and the result was that they had no mandate to discuss anything at all and so anything that they discussed they immediately had to go back to Freetown and sort of ok it and you know obviously that kind of thing is going to hold everything up an awful lot.

WP: Sure and if you're new to it, even if you know something about UN meetings and the way some of these things work normally, the Kimberley Process isn't normal its different and a lot of these people don't understand, you know why are these NGOs here, why are they putting up their hands. How come they're able to say these horrible things [laughs]. You know they don't get it. And then suddenly a bun fight erupts in the diamond industry and you have people like Peter Meeus trying to undermine the world diamond council and you know the under currents are... you know the under current between Taiwan and China another big one. The Chinese seem to have, seemed not have used their power as chair to wreck things over Taiwan but there have been moments, pretty bizarre. I remember I told you

the story of this one, I think this meeting, where was this one, I think this one was in India. You can see issues that people have tried to advance, NGOs do this all the time, they push forward an argument and then they get beaten back, but always pushing forward. Anyway, on this occasion the Taiwanese delegation, which is not really a Taiwanese delegation, they come under the fiction that they are part of the world diamond council, they are fictionally part of the private sector delegation so you've got three or four Chinese [meant Taiwanese] that are always sitting behind the world diamond council people and nobody speaks to them and they don't speak to anybody and they never put their hand up and if they do they're not recognised so anyway that fiction was maintained until the Indian plenary when the Chinese, the Taiwanese decided they would sit somewhere else and they wouldn't sit with the world diamond council and they were sitting a little bit closer to the front and the Chinese went berserk. And you know they put up their hands and said they wanted to discuss the Taiwanese and luckily the Indian chair understood it and was very, very strong and said listen you came to me before the meeting and I told you I was not going to entertain this discussion here and that we would work on this offline and that is that and the Chinese were beaten back but its that kind of stuff that goes on all the time. Everybody has got an agenda of their own that they would like to push, I don't mean everybody but a lot do and if you're the Sierra Leone delegation and you've not been to one of these things before and you see something like that happening you wonder what the hell is all this about.

MM: Its almost like a Monty Python sketch or something like that isn't it.

WP: It is like Monty Python and I remember one of the Australian, the Australians were changing all the time and one year, one year a whole big thing had been happening behind the scenes and so a big resolution was put forward, you know its agreed that the sky is green and the moon is made of blue cheese, all in favour and everybody put up their hands and said yes. And I remember the Australian delegate who came with no instructions on that and didn't know what to do did nothing, he

abstained and after he said what was all that about? He said its like everything is being decided behind the scenes. I said you just noticed?

MM: This must be a real problem though mustn't it? I mean in terms of getting reform and engagement you know this must be a real problem because you know for the NGOs it must be hugely frustrating and eventually people are going to lose interest in this and they are going to drop out. So I spoke to one or two NGO people in Freetown who were involved right from the outset and were sort of with you and driving this forward, they've completely lost interest in it now and decided it's a total waste of their time – surely this is fairly catastrophic for the Kimberley Process isn't it because it means that those really powerful voices, the Kimberley Process is losing them?

WP: Well some continue, Partnership Africa Canada continues and there are other NGOs that go and they make a stink about things but I don't know how long that will continue. Global Witness finally had enough and pulled out and you think when you go and you slam the door as I did that maybe it will have some impact and it does momentarily but then the noise is gone and nothing seems to have happened the door closes and there's a big bang and everyone sort of sits up and notices and then they slump back and continue. You know its only when other things happen like the arrival of the OECD and the Financial Action Task Force, this is causing real concern in some quarters because they realise that the Kimberley Process could suddenly be dead in the water and diamonds would be regulated in some way by somebody else that they don't know and have absolutely no control over.

MM: Yeah I read that report and umm it was pretty scathing really you know people are obviously starting to get very worried about the money laundering capacity for diamonds. So you think that's going to shake up the KP quite a lot and get some of the bigger players to worry about the industry?

WP: Well I think that's perhaps why some of the bigger companies De Beers, some of the Americans and others are saying we are going to fix Kimberley because if we don't fix Kimberley then we'll have something we can't predict and don't understand. I mean there's two parts to the argument – Kimberley should be fixed because it needs to be fixed yep but the other one is if you don't fix it something bad, something really bad could happen.

MM: hmm so why is the financial action task force why have they suddenly taken an interest in diamonds and the Kimberley Process have you any idea?

WP: Well err the financial action task force is about money laundering. It was created to try and block money laundering for terrorist purposes and its gotten quite tight. In the beginning it was all voluntary and it was quite loose, quite losey goosey but its become much tougher as its moved on and that's why if you want to transfer more than \$10,000 out of the US or into the US this has to be reported, it has to be reported to the authorities. People, so any large transaction you've got to have papers for it, I mean we're having trouble, all NGOs are having difficulty until they figured out how to do it properly, difficulty in funding projects overseas because banks would say no – you want to transfer \$10,000 to the Congo? Oh no way because the banks are, the banks have to report on all this stuff. They have to know what it is, they have to know their customers. So if you're controlling money that tightly why would you allow diamonds to go back to where they were in the 90s? I mean, diamonds are the most, the best and easiest way to launder money because they're so undetectable and have such a high value to weight ratio and all the rest of it, you know just heaven sent for money laundering.

MM: They're hard to value as well aren't they? Its quite subjective when they're in rough form so you can easily clean money that way can't you.

WP: Sure there's all kinds of ways, and you know tax evasion, these are the kinds of things that go on and Kimberley, Kimberley can prevent a lot of that but isn't and did I send you a copy of that diamond intelligence briefs article about the OECD?

MM: No I don't think I got that.

WP: Anyway big fuss but the OECD – oh I know yes – it was in Zimbabwe, they got the guy from the OECD to come to Zimbabwe, why he did that I don't know. I guess he thought he was going to a meeting of legitimate people instead of a bunch of thugs and killers, but he gave them the impression, I don't know what he actually said, but the impression was received that the OECD has no interest in diamonds whatsoever and this is something they've all been arguing for a long time. Who are these people? Get away from diamonds, the OECD is a bunch of rich countries, its more white people trying to tell us what to do and so on and so forth. They think its over I think its wishful thinking, I don't think its anywhere near over and the NGOs have been pushing these other angles as well telling the financial action task force – if you want to stop money laundering you better take a look at diamonds.

MM: Yeah, yeah I mean one of the biggest problems the African states have got isn't it is that at the end of the day their customers are white people? And eventually those diamonds have got to end up in Northern countries.

WP: Well that's the fundamental missing piece in this thing. A lot of people in the industry and by industry I'm including governments, a lot of governments don't think about who is buying their product. If people don't want their product, the goose that lays this golden egg will die and they've had a brush, a near death experience with conflict diamonds and you know there's always other problems, you know artisanal diamonds and money laundering and the fact that Kimberley isn't working and you know all of this stuff, they're all real threats to the reputation of something that is only sold for beauty and love and all that kind of stuff. They just don't get it and you know when I listen to the diamond guy from Namibia

shooting his mouth off at the Kimberley Process I think who do you think buys your stuff? Do you not think that you have a stake in cleaning this thing up?

MM: Even a Namibian is struggling to make that connection?

WP: Well Namibia has played kind of an odd game in all of this. Its semi clean, I mean its industry is pretty clean lets put it that way and easy enough to regulate and because they're a small country but in this case a big player they like to throw their weight around and the individuals that they've sent have had big egos and big chips on their shoulders and not, not all the knives in the draw are at their sharpest. I mean the guy who chaired the Kimberley Process a Namibian who chaired the Kimberley Process was a dope I mean he really did so much damage to the Kimberley Process at a moment when it really could have taken a grip on this human rights issue, he just threw it all in the garbage.

MM: Were they chair when the Zimbabwe thing was...

WP: Yes, yes. The next big issue is the next chair – this another kind of bun fight that happens. So what happens is the vice chair for 2014 becomes the chair next year and the vice chair was Angola. [pause] Yeah the vice chair was Angola, so Angola becomes the chair and you appoint at the same time at this plenary that's just finished, the idea is that you appoint the vice chair for 2015 and that country will become the chair for 2016. Well guess who wanted to be Chair? Dubai wanted to be chair which is part of the reason for Peter Meeus' bad behaviour, and because of his bad behaviour and the really big problems in Dubai a lot of people don't want Dubai to become chair you know that's money laundering heaven, its tax evasion heaven you know it's the place where diamonds, the Kimberley Process, I think I said in the book that Dubai, did I say it or was I quoting somebody? Dubai is the place where the Kimberley Process goes to die. Actually I may have said India I'm not sure. I mean Dubai is a black hole and everybody knows it and so there was a lot of concern that Dubai should not be the vice chair and this was a line that was pushed very

hard by the NGOs making themselves very unpopular. Australia was apparently sniffing around and thinking maybe you know we're not too sure. So what the NGOs are hoping for is Australia but I said to them before the meeting I said be very careful with this because whatever you propose could be the kiss of death so maybe better not to propose anything just oppose, don't propose. Anyway they wound up coming out of the meeting with no vice-chair. So I'm not sure what's going to happen.

MM: Forgive my ignorance here but what exactly, what powers are associated with the Chair?

WP: [laughs] umm well in reality nothing. So I guess why should there be a fight umm I suppose you hope that the Chair will actually take a couple of issues on-board and really push an issue and really work it you know. That was the hope that the United States would be able to bring human rights in onto the agenda – but they couldn't. I guess with Dubai, I was very instrumental in opposing Angola some years ago because I said this was the reputational kiss of death for diamonds and the Kimberley Process, you know they've got every kind of problem in the book. Why would you want Angola to be the Chair? The Angolans actually threatened me. We blocked them, we did block them and this was at a meeting in Botswana and they told someone in the Congolese delegation and he told me, he said listen the minister from Angola he came for the coronation, they sent a minister and then he was thwarted it didn't happen and he was so angry he told the Congolese delegation that if Ian Smillie ever comes to Angola we know how to deal with him. The Congolese guy said don't go to Angola! I was walking from one building to another under a canopy and there was no way to avoid him as I was heading towards him and he was coming towards me so I had to say hello and he said to me 'assassin'. He was so angry he saw me as the assassin that I had stabbed him in the back that I was the arch enemy. Anyway everybody seems to have got over that

because we've had all kinds of dodos, Namibia being one. We had DRC as the chair and now Angola is going to be the chair and um who knows what next.

MM: So if you're the chair then its your job to sort of um to direct conversation to direct debate.

WP: Yes and so you can block, you actually chair the meetings so you can block things in the meetings.

MM: So if you've got something you're particularly worried about like that actually you know that the monitoring of internal controls might suddenly be taken seriously, you can block that by just not putting it on the agenda?

WP: Yes you can control the agenda, you can control the debate and the discussion and you can talk to the media as the Namibian chair did when there was a Kimberley monitoring team in Zimbabwe, before it had even finished its work this guy flew in and reported that there were no problems in Zimbabwe and that there would be no discussion in the Kimberley Process of human rights. I mean he just totally undercut them, it was disgraceful.

MM: That's extraordinary.

WP: Yeah it is extraordinary it really is.

MM: Right ok [laughs] the other thing for monitoring, for reform was umm this issue of review visits and the confidentiality of publication of review visit findings. As I understand it the NGOs have got somewhere with this or nearly got somewhere with this and that its kind of been fudged a little bit at least that's what I've been told in Freetown. Is that correct? The NGOs pushed quite hard for review mission findings to be published publicly and you got that agreement but actually you still needed the consent of the country concerned. Is that correct?

WP: I'm not sure what happened to that issue but two things there are review visits and there are review missions, two different things – you know the distinction?

MM: err yeah one is compulsory and one is...

WP: One is routine the review visits are routine and a review mission is when something has gone wrong and you have some extra reason to go and try to sort out the problem. For the longest time the reports were not public. There's finally an agreement to put a summary on the websites and some countries said look we don't care you know we're happy to have ours up there. So you might actually find on the website some full reports, I don't know if there are.

MM: There are one or two yeah

WP: But I'm not sure and if the agreement is voluntary and umm those that don't want it don't have to then what difference, there's no real change – no transparency.

MM: Yeah exactly, because I mean there was one in Sierra Leone last year I think and umm and I had a chat with a guy that was part of it and even he wasn't allowed to look at the final findings and there's no chance of those being published in public apparently.

WP: Well the other problem is not the reports, the problem is the follow up. You know the reports on DRC, the first two reports, there was one done in 2004-5 and there was another done a few years later. The same recommendations both times and nothing is done, no follow up, nobody is held accountable, nobody says to them look we recommended this and you haven't done it – nobody says that.

MM: Its astonishing inaction, its quite amazing and I'm trying to figure out how it all actually happens is unbelievable. I mean I suppose this consensus thing must be a big part because it means that you can block things.

WP: It's a well-designed, pretty well designed regulatory system that is not being managed properly they don't regulate. You know if you have laws about robbery and you don't enforce them then there will be robbery.

MM: yes yeah so then, in terms of getting this changed from within the Kimberley Process is going to be very tough but the big thing that seems to that's changed in the last fifteen years is that in 2000 there seemed to be a big sort of, I know how you could express it but almost a sort of wider pressure from the media, from a much broader array of NGOs to try and actually get something done that's in 2000 as where now there doesn't seem to be that kind of public interest. Do you know why that is? Do you know why this doesn't seem to have caught the public imagination in the same way it did in 2000?

WP: Well because then you had major humanitarian crises that were being fuelled by diamonds and that was real in Angola, Sierra Leone, Liberia, DRC. Diamonds were at the heart of the trouble and everybody knew it. The industry was really alarmed as the industry was completely unregulated and it was just all over the place and I think senior players in the industry were alarmed that the whole thing was going to collapse like a house of cards, that the diamond industry would just coming crashing down. And of course governments that earned money from diamonds were also very concerned, South Africa was concerned, Namibia, Botswana but all of that pressure has gone.

MM: Because the wars have stopped and people have, presumably people have lost interest in the issue itself or do you think there's not the funding there to continue to look at it?

WP: No I think there's enough funding to look at it you know. The NGOs seem to be able to get enough funding to keep going umm and people write stories about diamonds and I mean there are some really scathing things that come out and you know the fact that the OECD and the Financial Action Task Force is taking an

interest but it just doesn't have the public sex appeal that it once did so it becomes much more of a negotiating thing. You know at the moment the United Nations has a treaty, a small arms treaty, and the idea is to get a grip on the movement of small arms and it took years to negotiate that treaty and it finally got negotiated and agreed and then the next step in the UN is that the countries sign the agreement. Signing means that you intend now to take it to your parliament and get it essentially get it ratified. So a lot of governments have signed it and actually had it ratified and when enough governments, I forget what the formula is in the UN, but when enough governments have ratified an agreement then it becomes a binding international UN treaty. It's taken years for them to get this done and just to give you an example of the kinds of problems, Canada was part of the negotiating team and pushing I guess for all the right things but then when the cement was poured and you got a final text, we backed off Canada didn't sign the treaty. Now the Americans signed it, the chances of Obama getting it ratified in the United States are probably zilch I mean they can't get anything approved especially where guns are concerned but at least the American signed it means that the Obama administration likes it negotiated it, is part of it, likes it and will in due course try to get it ratified. But Canada wouldn't even sign it, we wouldn't even sign it much less indicate any willingness to take it to parliament because guess what happened our gun lobby got hold of our foreign minister and said this is going to in some way impinge on our right to bear arms. Now Canadians, we don't have a right to bear arms, we don't, we're not that crazy but we have a very right wing government and it is playing up to an insignificant little gun lobby. So you can imagine a thing like that, this is the kind of stuff that has infected the Kimberley Process. You know just everybody and their brother with different ideas and really an unwillingness, always an unwillingness somewhere in the system, not always from the same place but there's enough unwillingness somewhere in the system to agree to any idea that comes up you it's just very, very hard to move forward. So I think the threat of synthetic diamonds, the threat of the OECD, the threat of the Financial Action Task

Force and maybe some big blow up maybe some catastrophe that no one can anticipate are the pressure points now. It isn't really public opinion. You need to keep doing that, writing books and doing articles and talking to the media but it just doesn't have the public appeal that it once did and in fact when we talked to the media in 2000-1-2-3 we really weren't trying to build up public opinion anyway, we were really talking to the naysayers. You know an article in Vanity Fair about blood diamonds, it doesn't matter whether 2 or three of 500,000 people read that they're not going to do anything about it, it may, it may in general have a bit of an impact on diamond buying and probably not that much but it alarmed the industry and you get an article like that in Vanity Fair and they can see the future and it doesn't look good.

MM: So why is it then that that's not really happening so much now, why are we not getting articles in Vanity Fair or Tatler or whatever?

WP: Well because what would the article be about? That the Kimberley chairman is a dope?

MM: Well it could be about that but there could be something about slave labour on the Sierra Leone diamond fields.

WP: Yeah but the Kimberley Process doesn't deal with that.

MM: But it could be forced to though couldn't it if there was enough of a groundswell of public opinion about it, there's a chance that the really powerful people in the KP might have the wind put up them in the same way they were in 2000 is that possible?

WP: Well its possible and there are and have been articles like that but you know a lot of the arrows don't strike the mark. Sometimes, you know [pause] one thing that I learned in this is that small mistakes in a big story can kill the whole thing. You really need to do your research very, very well and try to keep it simple and a lot of

journalists and some NGOs don't. They go off on tangents and overload the rickshaw and then you know it collapses.

MM: So do you think then that the industry has become almost brazen about this then. They don't seem to be in anyway concerned about it anymore.

WP: No I think industry is concerned, and it tends to be shaking down where it's the big companies and the Americans. If you listen to Peter Meeus again you'll hear him talking about the fees, the fees structure in the world diamond council, the fees structure is quite high if you want to be a member and that means that the smaller companies really don't get a look in. They don't get to go to the meetings, they don't get to vote they don't hear the debate. So and you know obviously the more there are the harder it is to get agreement on anything so I think there may be method in the world diamond council madness, you know lets keep it smallish and the bigger the company, hopefully the more mature the discussion, not necessarily but so far I think it seems to be that way.

MM: And so you think then that the bigger players are starting to take these issues more seriously now and are going to be pushing more forcefully for reform

[conversation break-off as interviewee loses internet connection]

WP: Hello

MM: Hi Ian can you hear me?

WP: Yeah sorry it was my modem I had to unplug it and start it over again.

MM: Umm right where were we.

WP: I'm just looking at the time I'm going to have to run pretty soon.

MM: Ah ok sure so just finally then I just wanted to ask a few general questions about the DDI and where it sort of fits in with the Kimberley Process because I can't quite figure out what the relationship between the two is.

WP: Well um [pause and then laughs] I guess others have that problem too in the Kimberley Process. The Kimberley Process originally had, its got participants I think is what they're called and that's governments and there are observers and the observers fell into two camps; there was the private sector and the NGOs and the NGOs were represented by the NGO coalition but the NGO coalition had no real existence it wasn't formal in anyway. People came and went and you know, it wasn't a formal entity and so a couple of years ago they tried to clarify this and so it was agreed that anybody could apply for observer status but there would be two main chunks. There would be the industry as represented by the world diamond council, this is why Peter Meeus and his group are so annoyed because the world diamond council has that privilege, and then there would be the NGOs but I think there's some wording about NGO coalition and I think that was understood what that might be and I think the NGOs sort of formalised some wording around it. That didn't mean that other observers couldn't be admitted. There was some UN agency that wanted to be an observer and a big fuss should they be or shouldn't they be and I thought why are they arguing about this, why shouldn't they be? The United Nations Security Council is what created this thing in the first place. Anyway it turned out there wasn't enough sticking power there and they didn't want to be an observer anymore by the time it was decreed they could be. But ah [pause] Partnership err sorry DDI was sort of going along as part of the NGO crowd but we wanted a different relationship. We wanted really to promote the development agenda with Kimberley. We didn't want to be fighting them on human rights and all that kind of stuff, we couldn't really do both. So we applied and finally received [observer status] about a year ago. It took a long time just because it was so convoluted no one could figure out what the heck was going on with anybody but

we applied for separate observer status so we now have that. So we go to the meetings, I never go because I'm sort of *personae non grata* with some of them and I know it'll hurt DDI if I show up so I don't go but Dorothee our executive director goes and she'll participate in the debates but she's separate from the coalition so when the NGO coalition demands and rants and raves and calls them all bastards she's often at the side and doesn't participate in that. And DDI's major role is to work with the working group on alluvial and artisanal diamond production so there's a special working group that needs to talk about these issues and those issues are partly about regulation but really they're a lot about development so those are countries that got the development message right from the beginning and they would have voted had there have ever been one, they would've voted for the inclusion of development initiatives inside Kimberley so we talked development in a round-about way in the side rooms off to one side of the plenary and that's where DDI sort of floats some of its ideas and works with all of them when it needs to and with individuals when its more suitable. So it's a way for DDI to be part of the bigger picture to have access to all of the governments concerned about these things including some of the donors who are in the Kimberley as well but different from the, different from the others.

MM: So some of the agendas that DDI has been pushing then as I understand it, particularly the simplification of the pipeline within a country like Sierra Leone so that you know artisanal miners can for cooperatives and can value their stones more effectively and get a greater reward for them is that correct?

WP: Yeah we call it development diamonds and it's a complicated thing its about getting conditions and prices for the diggers but also creating a reliable supply chain, a credible reliable supply chain from those diggers through to retail so its quite a complicated project and then in DRC we've had a big registration project and we're doing another now to basically try and bring diamond miners into the formal sector

and to show them and government that there is some advantage to working together instead of just constantly beating them up and chasing them away.

MM: So just as a final question then, how much success are you experiencing in these meetings in terms of getting some of the participants to take artisanal mining problems seriously and how's its going down in the plenary I mean are you getting anywhere with it and if not who's stopping you?

WP: Well I think with the artisanal working group, there's about 15 or 17 governments that participate in that and we get along very well. I think Dorothee is the de facto chair you know, we have more requests than we can handle. If we had more money we could do an awful lot more that was one of the reasons that we took on the technical cooperation coordinating function because it was being done so badly and they asked us to do it. So I think with that group you know we're got very good, very good working relations. Dorothee went to Tanzania earlier this year to talk to them about something they might do there and they were super keen and we've just got some funding to actually do a bigger study. In Tanzania they are actually way ahead of the eight ball as to how they actually relate to artisanal miners they treat them much better there's all kinds of systems there's an encouragement for cooperatives and all kinds of stuff but it isn't working and they want to know why it isn't working. What's wrong here, they seem to be doing everything that we're recommending Sierra Leone do for example and yet it isn't working so they want to know why and we better know why because there's no point in recommending stuff that in the end doesn't work. So we had a lot of enthusiasm from those governments, from those governments where there is an artisanal mining community, its very positive. Where the bigger Kimberley is concerned, when that comes back to plenary it comes back as a report, here's what's going to be done and you'll see some reference to it in the final communique. Dorothee called me from the DRC a couple of days ago and she said DDI is in the communique – I haven't seen it yet its on the website but it comes back and it just goes into the

communiqué. Most of the other governments don't care I mean not interested in the slightest. You know Ukraine, they have no interest in what goes on in Tanzania, not in a million years so you know so as long as it doesn't require something from them and as long as it doesn't threaten to change the Kimberley Process in some horrible way, and as long as there's enough consensus around it from a community of governments then they'll leave it alone. They won't encourage it but they won't get in its way.

MM: So then at the plenary you think some of these things have a good chance of being taken on?

WP: Well on the development side [pause] sure. I guess what, the way it's working, we're working on pilots and projects and initiatives and things without asking everybody to approve them I mean it doesn't require everybody's approval. That's why we created DDI because we couldn't get everybody's approval in the first place this is the sort of like minded and we sort of piggy back on the Kimberley meetings to have the discussions with all of the governments that we couldn't afford to have in a totally separate forum. It's useful for Kimberley to have the semblance of some kind of development activity on the side and it's useful for us to have everyone gathered at the Kimberley meetings so we can get access to all of them in one place but the individual projects take place with individual governments or NGOs or whatever.

MM: Beyond the auspices of the KP.

WP: Yeah beyond the auspices of the KP, we don't ask for their approval or get it, they don't; they're not involved. We raise our own money and we do what we want with our own partners.

MM: Right ok well thanks Ian that's great I won't take up any more of your time.
[Interview ends].

Interview Transcript: Former TNGO Negotiator

Date: 22/01/2014

Interview type: Skype

Interview Length: 1 hour and nineteen minutes.

In-Text Reference: WP

[Having spoken to WP briefly, giving him some background information on the study, I asked if he would mind me recording the interview. WP replied that this would be fine. The following transcription begins from this point].

MM: So the issue of a boycott was quite important wasn't it but I spoke to Judith Sargentini on Monday and she was quite keen to emphasise that it wasn't something that the NGOs were sort of pushing but it was something that you guys were hinting at. Would you agree with that?

WP: Yes umm, the only time the word boycott was ever used, I think, you know to any effect was when Nicky Oppenheimer and Nelson Mandela spoke about it. They assumed that that's what the NGOs were heading towards or that would be the most logical conclusion as to what the NGOs were up. And it might have been had there not been any kind of engagement on the industry's part. But none of us ever threatened um a boycott. It might have come to that. It might have been lurking there in the background but I always made the point to NGOs that wanted to go in that direction, and there were some, that we really only...a boycott represented one bullet in the rifle. As long as the bullet stayed in the rifle its ok it's like the sheriff defending the prisoner in the jail in front of the mob and he's only got one bullet and he tells the ring leader you're the one I'm going to shoot first. So long as he keeps that bullet in the gun its ok and the mob disperses but once you fire it you haven't got anything left. And I was pretty sure that the industry could survive a boycott. I think the industry has got more sticking power than NGOs do and err it

didn't make a lot of sense especially once we got their attention and the negotiations started. All through the negotiations there was still a lot of, a lot of NGO advocacy, a lot of street theatre, a lot of guerrilla theatre tactics and all the rest of it. It was difficult to get them and increasingly governments, governments started to become more problematic than industry, getting them to agree to some of the teeth that were needed in the Kimberley system. So it was necessary to keep up the street theatre stuff but the idea of a boycott was really never very serious.

MM: Ok so it was one of those sort of things that the NGOs were, I mean you talk about street theatre and stuff like that, this wasn't something that you ever actually really threatened with industry then it was just sort of something that was there in the background.

WP: Yep yep

MM: Right ok umm when it came to the idea of leaving the boycott alone I've sort of assumed that there were also in the back of your mind concerns about err the impact on development in some countries is that correct?

WP: Well umm yes and err and I think that the industry made that point more strongly than NGOs did. Err they talked about how important the diamond industry was to countries like South Africa, Botswana, Namibia, the cutting and polishing industry in India and so on and so forth and they really didn't have anything to do with conflict diamonds err and how bad it would be if they were hurt. But I often said in response to that kind of thing was while that's very true, how many jobs in South Africa equate to a death in Sierra Leone. I mean what's, what's the trade-off there? You know the horrors of the wars in Angola and DRC and Liberia and Sierra Leone were so vivid you couldn't really justify doing nothing about those in order to protect jobs in South Africa. It just didn't scan, it's true, but it didn't scan. Really it made the case for negotiating an agreement more powerful with them I think than it did with us.

MM: Right that's very interesting. Ok so if we move on to the negotiations then. Were there, I'm imaging that when you went into the negotiations in May 2000 that you had in your mind certain things that must be included in it umm is that the case and if so could you run me through them?

WP: Well that first Kimberley meeting was kind of an odd thing and I don't think anyone went into it with a lot of expectations. The minister of mines in South Africa had called the meeting after talking to Global Witness in London and us at Partnership Africa Canada here in Canada and I think what she was interested in knowing was whether we were just a bunch of anti-capitalist Bolsheviks out to destroy industry or whether we could actually come to grips with this thing in a more serious way. I guess we passed muster and um that was when she invited everyone to come to Kimberley. Everybody in those days didn't mean everybody, there were a lot of governments that didn't come and that was one of the reasons it took longer. It took quite a while for the industry, the industry writ large to get its head around this. The diamond industry, we often use that expression but its err everything from mining companies, some big, some huge and some tiny, right through to the retail trade and Tiffanies and Cartier and mom and pop jewellery stores. Diamonds...you know the industry itself is huge and varied and for the industry to get its act together was also a bit tricky so none of that was, none of that was obvious before Kimberley. I think at Kimberley, I think it was probably De Beers, I mean looking back on it now, one day I'll have to have a discussion with them and talk about what role they played behind the scenes but I think the idea of a certification scheme that would deal with the international trade in rough diamonds and some of the underlying principals all of that came out fairly easily in two or three days. Everybody felt pretty good about it and the minister said basically, 'it's a done deal'. We'll have a technical meeting in Luanda in a month and in two months (I forget whether these dates are exactly right) but in a couple of months we'll have a ministerial meeting to wrap it all up and it'll be settled. So

everybody left Kimberley thinking that we were on a roll umm but we weren't and there were a lot, a lot of questions and the technical meeting in Luanda brought in a whole lot of new players and it got very very complicated and it took dozens, I think a dozen formal meetings and another maybe two dozen informal meetings with many of the same players to get the whole thing hammered out.

MM: Yeah that's an awful lot of meetings...

WP: Yeah and they were everywhere! They were in Moscow, they were in Luanda they were in err Gaborone, they were in Ottawa, London, Antwerp. Where else did we go? We seemed to be constantly on planes and it was tough for the NGOs because everybody had to pay their own way, nobody was paying for this so we had to raise our own money so that we could go to these meetings. I remember the last one in Interlaken, Switzerland and I think it was late November and you know Interlaken, luckily it was between seasons so it was the off rate at the hotels but all the government people were staying at the Victoria Palace Hotel, a big grand old hotel with room rates running at ahh I don't know maybe 2-300 pounds a day. The NGOs we all had to stay down the road at a much cheaper place but still just getting there and being part of all this...and some of the bizarre events that took place in between all of it. I remember one of the sessions in Moscow, not a very successful meeting, but the Russians decided to really lay it on, the entertainment, the hospitality. One night they took us, one night they had a fashion show err and it was women, hardly wearing anything at all except diamonds I guess they were wearing clothes but all I remember was the diamonds and the guys with machine guns who were all around them protecting them for our visual delectation. And then we all went off on a river cruise on the Moscow river, up and down the Moscow river with tons of food and a jazz band and just as much vodka as anyone could consume and lots of people consumed a lot. I mean these were bizarre events with very odd bed-fellows, industry people, governments with very different interests, NGOs that were trying to push them to do things and everybody getting as drunk

as newts. In London, London we had one session that was at the Twickenham Rugby, is it a Rugby pitch?

MM: Yeah yeah it's a rugby ground.

WP: Yeah so we were meeting in the err conference facility in the, underneath the stadium and we were meeting there and 9/11 happened while we were there. You know and the cell phones started to go and we were stuck because the buses weren't supposed to come back until five but it was only ten or eleven in the morning in London and we couldn't get out of there and the Russians said we should adjourn the meeting out of respect for the Americans which was nice but then we couldn't go anywhere and we were stuck at Twickenham football err rugby ground with nowhere to go.

MM: Twickenham is out of the middle of nowhere as well.

WP: I know I know and we couldn't get away without the buses. And that night or the next night or even the night before, the British government had taken us to Hampton Court Palace for a reception in the evening. Now, I've been to Hampton Court Palace a few times as a tourist but to be in there as a umm as a what? As a guest as a reveller there are no lights in the place or if there are they're hidden so there was a lot of sort of candle light and wine and it was night and you could have expected Henry VIII to come through the door at any moment. There were some quite special but very bizarre moments in a very tense but very important advocacy err movement.

MM: I suppose though that's it's a very different scene from what the NGOs, from what you guys would have been used to, presumably there would have been a lot of legalise and diplomacy type stuff where you know as you say they're throwing huge sums of money around and entertaining each other in the process...

WP: [interrupts] Well the legal side and the detail and the hammering of some of the people and the difficulties in making compromises, all of that was there but on the edges of it we had all these other things going on and I think in a way that helped I mean, in a way, you know NGOs had to suspend its judgment of industry and industry had to suspend its judgment of NGOs. Everybody had to sort of park their prejudices and start talking about how this thing could be done and the continuity of people, and I guess some of that socialisation didn't hurt. I think it, I think it may have helped and as I hinted earlier one of the things that developed was that industry, once it decided it needed an agreement, I mean what industry really wanted was for the NGOs to go away and the NGOs were not going to go away until they got an agreement. Industry understood that so lets get an agreement and industry's concern was that the agreement not be so expensive and so clunky so unwieldy, so stupid that it wouldn't be workable. NGOs wanted something that was effective but we couldn't design it, what we would have designed would have been expensive and clunky and unworkable. So when we all started to put our heads together err we more or less on many issues were on the same page. The problem towards the end was governments, it wasn't so much industry and NGOs anymore, NGOs had industry had moved together on many things.

MM: What was it you'd moved together on? Can you recall specifically?

WP: Well the need for an agreement first of all, that's the first thing, and then the need for some of the content which was, which would be tamper proof certificates, a chain of custody arrangement from mine to export and countries like Belgium that import and re-export rough diamonds, a chain of custody there so you could trace back from the export to the import. Umm err

MM: That was something the industry were quite happy with then, the chain of custody from mine to export.

WP: Yeah I don't know about quite happy but err it had to be done you couldn't make this thing work without it. Umm I think they and we pretty much agreed, it took a while, but we pretty much agreed within about a year that there had to be a statistical database. That was a big sticking point for some governments. Some governments were dead, dead opposed to it particularly the Russians it took quite a while to get that one agreed.

MM: Sorry why was that can you recall? Were they worried about transparency and sovereignty and things like that?

WP: Well I think they were worried about a number of things. I think everybody saw as this thing developed that the industry was going to have to work in a different way than it had. I think at least 25% of rough diamonds reaching cutting and polishing factories in the 90s were illicit in some ways. They were either conflict diamonds or they were used to evade taxes or they were involved in money laundering. I mean the industry had become badly infected with criminality and a lot of people had sort of tacitly understood that and looked the other way, they began to realise that was going to have to change. Umm and that was difficult. A lot of Russian diamonds were being submarined, the term is submarined, and they were being submarined out. The Russians had a deal with De Beers and De Beers were to buy all of their diamonds but they were cheating on De Beers and they were selling diamonds under the table and laundering them out through African countries and having them turn up as African diamonds in the market. If you had more transparency that was going to change that was one issue. Another issue for the Russians was err Russian diamond statistics were designated as err a state secret err I don't know why, you could probably guess as well as I could but anyway erm they were not about to let any of this state secret out. This turned into a big problem, we let them off the hook for the first year of Kimberley but it turned into a huge problem in 2004 after Kimberley was up and running and the Russians expected to become the chair of the Kimberley Process, I think the next year 2005, they were to

become the chair but the African delegations got together and said no. This was in the Ottawa Kimberley Process plenary meeting, very embarrassing for everybody we didn't usually have that kind of confrontation. The Africans said no you are not going to be the chair of the Kimberley Process unless you meet all of the rules and regulations that we have to meet and that includes getting your diamond statistics out. Well the Russians got up and walked out in a huff, a little mob of Russians leaving the room, everyone wondered what was going to happen next but they had come with orders to make sure that nothing went wrong with their upcoming chairmanship and so basically they knuckled under. One of the things we discovered later was that if you're a civil servant in Russia and you're privy to state secrets your pay grade is higher than if you're not and these guys had access to state secrets so they got a higher pay grade and if all of the diamond stats were suddenly going to be declassified maybe they were going to lose some of their income. That was one of the reasons they objected at a purely bureaucratic level. Anyway it happened and umm but there were other things like that. That was a big a fairly obvious one but there were other issues about monitoring and err I forget what err I know membership, membership in the Kimberley Process this became a big issue in the negotiations towards the end.

MM: That was sort of about WTO rules and things like that wasn't it?

WP: Well that was one part of it but [pause] the Kimberley Process is a voluntary scheme in the sense that a country can either be in or not in you don't have to be a member of the Kimberley Process, it was voluntary in that sense. But if you do come in you have to pass rules and regulations and legislation conforming to the KP details and that's compulsory. If you're in then there's a lot of things you must do. Erm so who should be in and who shouldn't be in became a big thing. Should we have umm standards for membership? The NGOs thought absolutely we certainly have to have [them]. You know there were some governments coming to the meetings who you wouldn't trust as far as you could throw them. Burkina Faso,

Togo, these were countries that had been caught breaking UN arms embargos on weapons and diamonds. They didn't have any diamonds so why were they at these meetings, should they be allowed in? We thought no and we opted for, or rather we argued for fairly stringent membership or at least admissions standards. The Americans started to argue against it, they said it should be open to any country willing and able to meet the criteria. Umm the Chinese started to argue against the Americans, the Chinese who usually didn't have much time for any position taken by NGOs did on this occasion and it became quite heated. We were in Botswana in a big barn of a place and we were supposed to leave at 5 and go for dinner and see some dancing or something or other so anyway five o'clock came and went and they had to order dinner; we were there until nearly 2am arguing about this. It got more and more heated with one government taking this side and another government taking that and it took quite a while to understand what it was all about. It was all about Taiwan. The word Taiwan never came up but the Taiwanese, there is a cutting and polishing industry in Taiwan and so they really do need to be in and the Americans wanted to make sure that they could be in and the Chinese wanted absolutely to block them, they wanted to make sure that Taiwan could not be in under any circumstances. That was what the fight was all about and it took quite a while to resolve that with quite an odd compromise. Taiwan could attend but only as part of the industry delegation so Taiwan attends the meetings, there's a sort of a Chinese group sitting with the industry people, they never speak, nobody speaks to them. They try to speak to others but mostly people don't speak to them but they're there and there is a tacit understanding that they will be part of this and occasionally they attempt to move away from the seats where the industry sits and the Chinese put up their hand and order them back. Bizarre stuff but anyway that was what was needed to make it work.

MM: Right so how did, I don't know if you can remember but in the end was that compromise reached? Were there sort of appeals to common ground to try and convince the Chinese?

WP: Well I think behind the scenes there must have been a lot of gnashing of teeth and yelling and shouting and carrying on umm and I think the Chinese must have been persuaded, behind the scenes, to buy this kind of a compromise. You know, they would fight against Taiwan tooth and nail but I guess somebody made them understand that the thing would fall apart if Taiwan couldn't be in. Umm you know it happened, you mentioned the WTO, it happened at the same time roughly that both Russia and China had been admitted to the WTO and so this became, you know weeks after they were admitted they started to [lost/inaudible] and this issue started to spill out onto the floor of the Kimberley Process and in a way it was the first test of their being in the WTO and maybe someone said to them, look get serious, this is not that big a deal for you but it is for this industry.

MM: Right ok, do you think it was the American government that leant on them like that?

WP: I don't know, there was a bit of panic at that meeting, at that meeting in Ottawa and it hadn't been resolved as of 2004, it was still bubbling and the Taiwanese showed up uninvited, or at least they were not expected but they showed up and I remember the fellow who was in charge of the Canadian delegation panicking because he didn't want this to happen in Ottawa and tried to find a way of keeping them out of the meeting, blocking the doors, putting Mounties at the doors to keep them away. That's when it may have been resolved behind the scenes. After that they came err in this new guise and nobody discussed it. The Chinese occasionally put up their hands and tried to introduce it but each Chair has usually been able to bat it away without too much trouble.

MM: Right ok! So in terms of entry requirements then because at the minute their aren't really entry requirements are there, you've just got to be able to prove that you can meet the stipulations. So presumably that means that you guys must have given ground at some point and allowed that to continue. Is that right?

WP: Well no not exactly, we did give ground on the principle but umm it became very clear...the Kimberley Process was supposed to come into effect on the first of January 2003 and it was obvious that a lot of countries were not, not just not ready but were unlikely to become ready any time soon and a few governments got together and said we really have to have a credentials committee and we have to do it fast. It wasn't called a credentials committee, they called it a participation committee but it meant and this seemed to be err agreed by everybody, at least nobody disagreed that we would go over all of the things that had to be done in order for a country to be a member of the Kimberley Process. Umm it included having written down rules and regulations as well as legislation. Umm and if a country didn't have it then they couldn't be a member. So in fact in that first year, 2003 a whole lot of countries that had put their hands up at Interlaken and said they wanted to be in were dropped. This is the euphemism for being kicked out, they say being dropped from the list. So dropped from the list were Burkina Faso and they never came back, Brazil because they just couldn't get their act together on legislation, Norway, same reason err I forget, Lebanon, there were quite a few that were dropped. Some never came back like Burkina Faso but others like Norway and Brazil did umm so it set a precedent for a kind of a credentials examination and that's quite rigorous now. New countries have applied to come in and the participation committee usually gives them a pretty good examination before they are admitted.

MM: So really then in basic terms you won really umm you convinced everyone that they did actually need to meet certain entry requirements to get in.

WP: Yea yeah.

MM: so was it just purely on the basis of time constraints then that you guys were making this argument or were there other things? Presumably if you were making a time constraints argument, if you're saying 'we need to get on with this'

WP: [interrupts] Well when we got to Interlaken by then we'd had these dozen formal meetings and dozens of others. The cost had been enormous and err you know there had been a lot of blood sweat and tears to that point and it was fairly clear that although there were a lot of things still missing from the agreement including a monitoring mechanism, it was pretty clear that we were not going to get any further by having more meetings err and that if we pushed it, the chance, the chances were fair that there might be some governments walk away from the table. The Russians might have defected and if we had lost the Russians the whole thing would have gone belly up. So I think everybody understood, I think there was something in the agreement for everybody to like and there was also something not in agreement or something in the agreement for people to dislike but we knew we wouldn't get any further and I remember talking to a guy who had been on the American negotiating team for the financial action task force and he said you know you may not get a perfect agreement at the beginning but as it starts to settle in you can negotiate and you can keep negotiating and keep pushing for more things. So you can adapt and improve it and strengthen it. That's what we thought and in some ways we did umm that credentials committee or participation committee became quite strong. We did get a monitoring system. It took about a year but, but umm it happened and there have been some other changes. But ultimately the big problem with Kimberley is, you know we got, it's like getting a law against theft. We got the law passed but the police wont deal with it the police won't go out and stop the thieves. So we got an agreement with all the bells and whistles minus one or two key ones err so its become frozen in time, it hasn't really been able to adapt

to some of the things that are really important and it isn't doing what it's supposed to do. So we won the battles in a sense but the war goes on.

MM: Yeah, I assume you're referring to Zimbabwe and the problems there.

WP: Well that one and err you know and the chains of custody are not working. In DRC and Angola there's all kind of internal problems umm Sierra Leone the same and Liberia you know. These were the countries where conflict diamonds began and these are the countries where it really should be made to work and it's not.

MM: Yeah I mean this is sort of the second part of my thesis really which looks at how the Kimberley Process works in Sierra Leone, I'm supposed to be going out there, well I am going out there in a month to try and talk to some people about how its working umm. It is quite surprising isn't it, the way that the Kimberley Process works is that it was designed for, to prevent conflict diamonds and conflict diamonds are produced mostly from alluvial diamond fields and so we've ended up with these internal controls that are designed to mean that all miners have got to be licensed and then the audit trail has got to be traced from there but it seems surprising as to how that was going to happen I mean in a country like Sierra Leone, that was always going to be a bit difficult wasn't it?

WP: Yes, yes it is difficult and umm and of course the pavlovian expression that comes up every time there any criticism of implementation its porous borders, porous borders. If I've heard that expression once I've heard it a thousand times. It's not that it's not true umm but it's often used as an excuse along with other things as an excuse for doing nothing. I chair the board now of the Diamond Development Initiative I don't know if you've had a look at our website umm one of the things we've done is a registration project in DRC which demonstrates not only that you can register diamond diggers umm but that they want to be registered. There are benefits for them, if you can demonstrate that there are benefits for them they're not going to run away. They don't want to be treated as thieves and crooks and be

beaten up and extorted by cops and soldiers. Umm we registered in a year 100,000 artisanal diamond diggers in DRC. That's more than exist in Sierra Leone so where there's a will there's a way. Those governments are weak, they don't have big budgets umm but if you want to protect an industry that brings in a lot of money, taxes and royalties and that sort of thing then err you have to make some effort. In Sierra Leone the opposite was true through the 70s, 80s and 90s. Diamonds were just a milk cow for a kleptocratic criminalised government and taking that back and doing what you're supposed to do umm without much infrastructure and without much external support is a problem but I think it can be done. One of the, one of the examples of how lax the government of Sierra Leone has been in all this is the brilliant idea they had to put a 15% export tax on higher value goods. Normally the export tax was 3%. Everybody in the industry with any experience, I mean a school child can grasp this concept, if you've got porous borders and you put up export tax then you're either going to drive the diamonds underground or you're going to drive them across the border to another country. Tax harmonisation is important. Unfortunately it's been driven down to such a low level that governments don't get very much so 3% doesn't seem like very much and so the government, I don't know what the cut-off point is, but anything over half a carat or a carat you can find out, errm there's a 15% export tax but guess what happened. Suddenly the high quality goods coming out of Sierra Leone vanished. Gosh! Have we mined out all the mines is what it is? No. Now look next door in Liberia, Liberia traditionally has very low quality goods and Sierra Leone's run of mine average is \$225 a carat, in Liberia it was under \$25 per carat historically not much and not very good diamonds. This was why it was so obvious what Charles Taylor was doing because the statistics coming out of Liberia just didn't make any sense and they still don't. I made this point I think two years ago when a UN team, not the Kimberley Process which has the statistics, they have the data you can look up the data yourself on the Kimberley Process statistics website and see it, the per carat average coming out of Liberia was over \$700 a carat. It was the highest in the world except for Lesotho and in Lesotho

they have some very big diamonds that are well known publicly auctioned, you know why the average is high. In Liberia two or three years ago, over \$700 a carat, there is no place on earth with that kind of average, the Kimberley Process what had it done? Zero, nothing nobody noticed. The UN report just blithely said and look everything is good in the diamond, look how much...it was garbage, total garbage.

MM: Why do you think then that the Kimberley Process hasn't done anything about it? I mean Sierra Leone are quite obviously not matching the stipulations for internal controls why haven't the KP done anything?

WP: Well the first thing that doesn't make any sense to me is why Sierra Leone haven't figured this out and changed the export tax. You know 15% of nothing is nothing, 3% of something is at least something. Try 4%, see what happens at 4% umm but they've blithely continued with this bizarre situation for three years losing their goods. Is it corruption or stupidity what is it? I don't know but it's got to be one or the other. Umm Kimberley, Kimberley Process won't do anything without a really sharp slap in the face. Umm and when I made a stink about this and starting writing about it and embarrassed the UN expert panel and they, they had to write a new report and quoted me and said you know this isn't good and then the diamond average fell to I think it's now about \$260 per carat, still bizarrely high, not not credible at all, at least it's come down. Umm the Kimberley Process sent a review team to Liberia to look at the whole thing and make recommendations. What they found was that the internal control system that had been set up at great expense with USAID and with help from the diamond industry and others was in a state of complete collapse. Nothing was working, all of the field officers had vanished, nobody knew what the hell was going on. The export department in Monrovia was recording simply whatever was put in front of it and that was the end of it. Umm that's the draft report. The final report, that team went in there I think in February last year and the final report has still not been released. So I mean that's an example of how the Kimberley Process functions it takes for ever to A) notice B) start to move

and C) actually do something. So in terms of fixing this problem we're, we're at least a year or two away from any kind of fix that might be tried. It's just bizarre, that's why I left. I mean you could see it in human rights, you could see it smuggling, I mean everything was just sliding back into the bad old ways of doing things.

MM: Yeah I mean one of things I'm actually really interested in is particularly why Ghana got suspended and yet Sierra Leone wasn't. I think there's sort of hints at it really. I mean do you think that the presence of some relatively large scale industry in the case of Sierra Leone is playing a part in this, presumably, I think it's Koidu Holdings, presumably they've got some kind of representation in the Kimberley Process and I don't know is it possible they're convincing the Kimberley Process to look the other way, is that a reason for the Kimberley Process to look the other way?

WP: No I don't think so, Koidu Holdings is not a very big company and umm they're a bit questionable you know the owner is Benny Steinmetz and I don't know if you've read the article in the Atlantic about him in Guinea, have you seen that?

MM: Yes I have.

WP Yeah so everyone is a bit shy about Koidu Holdings. They are exporting, I think their statistics are pretty good. You could check on that but I think their statistics are fairly good and open and they're probably exporting run of mine average. Umm I doubt they would bother or even want the trouble of taking their stuff out through Liberia. If they wanted to move it some other way they would just probably put it on a plane and just take it away. Umm they don't need Liberia so I don't think, I don't think that's what's going on.

MM: So you think that it's just purely that the Kimberley Process is just so, I don't know how to put it, overburdened with formal mechanisms err and red tape and bureaucracy that they just move very, very slowly?

WP: I wouldn't put it that way, I would say more that they're slack and lazy and unwilling, unwilling to confront difficult problems. They treat every kind of problem as some kind of a diplomatic nightmare that has to be avoided umm and so they're not willing to hold anyone accountable for anything. Now I don't means that true...everyone of these issues gets raised and debated. The NGOs shout about it and some governments shout about it but nothing happens and umm part of the reason that nothing happens is that a very, very big mistake that we made in the early days of Kimberley. It was agreed [pause] it was agreed that the Interlaken agreement, the Interlaken agreement on which everything is based now, was accepted by a consensus and I think the Chair at that meeting said umm we need everybody to agree on this, we can't have anybody saying after the fact that they didn't like it so it was necessary to get the Russians and the Americans and the Chinese and the South Africans and the NGOs and the industry, everybody had to put their hand up and say we're ready for this. Umm and there were no nay-sayers, nobody disagreed. That got locked in as a decision making process without I think anybody actually noticing. Maybe some noticed. I guess some definitely noticed, but the NGOs we didn't notice. Umm I always understood the word consensus from the dictionary definition which means most people agree.

MM: Yes that's what I thought it meant as well!

WP: Not that everybody agrees, but the idea of consensus in the Kimberley Process is that everybody must agree and if one doesn't agree then the thing won't go forward, so in dealing with Zimbabwe it only took one or two, there were more but it only took one or two to block any kind of action. With Venezuela it only took one or two, there were more, but it only took one or two to block any action umm and the willingness to accept outright lies umm I don't know whether this is a problem of diplomacy writ large one thing I do know is that when you see a government publicly attacking another government over some issue you know it must be pretty bad because Kimberley it's like see no evil hear no evil and sometimes the only, the

only ones to call a spade a spade are the NGOs and they get vilified for it. I don't know if you can find it but I made some statements when I left and Global Witness stuck with it another couple of years and when they left they were pretty clear as well and it just doesn't seem to make any difference. I mean it changed because the compelling reason for creating Kimberley is gone because the wars are gone so that urgency is no longer there and the delegations that go are not quite the same ones that negotiated the Kimberley Process. The ones that negotiated it were pretty high profile and went with a political idea, they saw the humanitarian imperative and the political requirements that were required what now happens is that some governments are represented by their foreign ministries others by the mining ministries umm the Swiss are represented by the customs department. Some see it as a trade issue, some see it as a mining issue some see it as a human rights issue some see it as a political issue and they all come at it with fairly low level delegations who don't come with much in the way of permission to make changes and so things get put off until the next time. And it's easy to bloc stuff, any kind of whacking of Venezuela was blocked for years and years and years, I don't know if they've yet dealt with it. Ghana wasn't suspended it was sort of suspended they were put under heavy manners because it was reported again by a UN expert panel, not the Kimberley, that diamonds were escaping from Cote d'Ivoire which were then mined within a rebel held area and these diamonds were laundered out through Ghana. This through everyone into a great panic and err and its interesting. Have you seen that show meerkat manner?

MM: Err no I haven't

WP: Well its great I think it's a British programme, you know what a meerkat is?

MM: Yep yep

WP: Well they're cute little things and they're very umm family orientated, and tribal and all the rest and they stand up on their hind legs and look about, you know

a female will babysit while others mums go off but if one of the meerkats makes a mistake they all jump on it and they kick it out of the pack and it has to skulk around the outside of the pack for days before they let it back in. This is what happened to Ghana, they were easy to beat up, they were a small player and although we had many, many bigger fish to fry umm it was easy to jump on them and so it was demanded that they clean things up and they do this and they do that every export was inspected by experts for a year and they finally redeemed themselves. The interesting thing about Ghana was that Togo exports which are not big didn't change at all. The nature and value and volume of exports didn't change from before all this to during and after. So if diamonds were coming out of Ghana, from Cote d'Ivoire they were either not big in number or they were not being laundered by the Ghanaian system they were just going out through the airport. I think the UN report was probably wrong and the diamonds were probably going out through Guinea. The Guinean statistics have never made any sense, Guinea is a disaster area and Kimberley has never, never whacked them at all.

MM: Yeah I read some of umm Gavin Hilson's stuff as well you know where he looks directly at Ghana and why they got thrown out. He claims or at least he put the idea out there anyway that the diamonds are also going through Sierra Leone yeah and he sort of posited the question why is that Ghana have been suspended and yet Sierra Leone haven't even been subject to a serious review visits or investigations and I thought that perhaps it was either to do with the presence of industry, a slightly larger scale industry in Sierra Leone than in Ghana or alternatively that it could be to do with the significance of the diamond industry in Sierra Leone versus Ghana as to why Sierra Leone wasn't clobbered but Ghana was. Do you think there's any truth in that at all?

WP: Err well I, I'm not sure a lot were going out through Sierra Leone but one argument in favour of taking them through Sierra Leone is that they have fairly big export numbers and Cote d'Ivoire diamonds are not that good. It would be easy to

bury them in Sierra Leone and no one would notice but ditto Guinea and the Guinean border is right next to those diamond areas in Cote d'Ivoire so I think its more likely that they were going through Guinea. I think the big point is that they were probably not going through Ghana at least they weren't getting officially laundered in Ghana, however they were moving they weren't getting laundered into the Kimberley system through Ghana and everybody jumped on Ghana because of this UN report and oddly six or nine months before, or a year before the UN report came out, the Kimberley Process sent a review team to Ghana, not looking for this but just a standard review team and they hadn't got their goddamn report out in a full twelve months and they were skunked by this UN report, they then issued their report and it made no reference to any of this and it was such a weak garbagy report that it just demonstrated how useless the Kimberley Process was in all of this.

MM: So the Kimberley Process, its strikes me that the Kimberley Process are just not really interested in regulating diamonds at all anymore. It seems to be that they've got their agreement and the wars in Africa have for various other reasons gone away and so therefore they've kind of lost interest in it really its just about paying lip service to it and keeping up appearances as far as consumers are concerned I suppose, would you say that's true?

WP: Well err you know as with the expression 'diamond industry' the expression Kimberley Process covers a lot of players. It includes industry and NGOs and governments but the governments, there's a wide rainbow of types, that's what I was getting at with these types...kinds or representations that go to the Kimberley meetings, some have very serious vested interests in seeing things stay the way they are or in other kinds of change umm on the human rights issue just getting, just getting human rights into the definition of conflict diamonds because of Zimbabwe but not Zimbabwe only Angola has got a big problem in that regard umm NGOs were pushing that for quite a long time and it became a huge fight for I'd say four

or five years and it hasn't yet been resolved, it's still on the table. Some governments are very supportive of the NGO position as are some parts of the industry. Canada, the United States umm the EU to some extent are very big on getting a human rights clause into the definition others are dead set against it and as I said it only takes one to say no and they can't get anywhere. So there are some governments that are very keen to reform the Kimberley Process, to change the decision making and to toughen it up and make it work. If it's just going to be a joke then why do we have to spend hundreds of thousands of dollars on meetings and certificates and all these systems that you have to play with. I think there's another issue and I keep saying this in the hope that its true umm I don't know that it is true but my guess is that its true and it will come to pass err that if Kimberley doesn't start to toughen up then something else will happen. Umm the err, the governments, western governments are now and the Russian government too I guess are very concerned about terrorist financing and diamonds are heaven sent for that purpose err they're the highest value to weight ratio in the world they're easy to move umm, clearly there are not very many big restrictions on them and if you want to get around the Kimberley Process it isn't difficult. Umm there was evidence of Al Qaeda involvement in Liberia just before everything went south for Charles Taylor and I said what terrorist organisation worth its salt wouldn't look at diamonds as a way of moving money or buying things or whatever.

MM: That was a big bargaining chip with the Americans wasn't it at the time.

WP: Yeah although they denied that err, you know the 9/11 commission looked at that and denied that diamonds and denied that Al Qaeda were involved in Liberia. I don't know why they did that I think it must have been politics because I think there was enough evidence to know that you couldn't deny it. It might not have been a big deal but it was there. Anyway nowadays you can't transfer \$10,000 you can't even put \$10,000 in your bank account without the bank having to report it. Banks now have to report transactions or more than, I think all countries that are in

the financial action task force, it \$15,000 or euros and some have set the bar lower so if governments are that concerned about money movement they've got to sooner or later pay attention to diamonds again and if the Kimberley Process wont clean itself up then there will be something else that the diamond industry and some of these governments that refuse to play ball won't like, I think. I think that's where the future lies and the threat of that may help Kimberley in due course to get some lead in its pencil.

MM: Yeah, has there been in recent years, in terms of these internal controls of artisanal mining because this is a key part of it isn't it as to smuggling and how the Kimberley Process needs to toughen up a bit, I mean has anyone really approached, I know they must have done, but how have people approached the Kimberley Process to try and get it to reform these stipulations. Has anyone pursued arguments towards it and how has the Kimberley Process dealt with it I mean I know there's a working group on artisanal mining isn't there, was that used as a tool to try and keep dissenters quiet in some ways?

WP: Err let me come to that one in a minute. I think umm most of the push for reform has come from NGOs and a lot of its come from Partnership-Africa-Canada so if you look on their website you can see a lot of papers that have been written about everything under the sun umm since Kimberley came on stream, many many papers. Some have had an effect; papers on Brazil certainly had an effect, their papers on Venezuela certainly kicked up a storm. It didn't result in any improvement but it certainly kicked up a storm and the NGOs have, you know without the NGOs Zimbabwe, the human rights abuses there probably would have passed without much of a blip so you know these things are discussed it's getting a decision that's the tough thing and I think as I say that most of it has come from NGOs and the kinds of, essentially investigative journalism that they've done umm...what was the think I said I'd come back to?

MM: Umm was it was how the Kimberley Process has responded to it umm but just to clarify quickly, you're saying that a lot of the policy papers that I've read dozens of on the PAC website and on the Global Witness website, these are actually, you would view these as a formal way of communicating with the Kimberley Process?

WP: Yes, yes and they sort of follow the original advocacy work, in the sense that you make them public and you hope or work to make sure that the media picks them up. Because it's the media, it's not really NGOs, it's the media that makes government and industry pay attention. Its public embarrassment, it isn't the logic of the argument it's the embarrassment, so that's really what has continued and, and I think it's the thing that's made these things at least discussable in Kimberley if not actionable.

MM: Hmm so its not just that the ideas are being put out there, it's the idea that the media are picking them up I suppose. And I wonder. You know, the response from the Kimberley Process, particualry with regard to reform umm of internal controls and the stipulations with regard to artisanal mining. They don't seem to have responded to it really as far as I can make out apart from the creation of this artisanal, of this artisanal mining working group.

WP: Right, right ok so that, that was created because, just to go way back umm, when NGOs were joining this advocacy coalition before we had the agreement there was a lot of noise, at least 200 NGOs making a racket in a whole variety of countries and a lot of the came to it and they asked questions and I remember I had discussions with many of them umm what are the other issues with diamonds? Are there environmental issues, are there labour issues, what about child labour what about gender what about arsenic, you name it. I said and we agreed, PAC and Global Witness were the leaders in all of this, we agreed that our basic line was that we were trying to stop the wars, if we can't stop the wars then we would prefer to kill the industry dead. So we are not terribly interested in the additional problems

until we can get this main one dealt with and I think that was one of our strengths. I think if you look at the other attempts to get forestry agreements and other things that have got every kind of issue in there and it gets them much more difficult to get environmental issues in and labour and all the rest. We were focused exclusively on conflict but as soon as we had the agreement umm PAC and Global Witness decided to err take on the development side of things because the Kimberley is only a regulatory system its got nothing to do with development or fair prices or the environment or anything else. The internal controls are only about tracking diamonds not about how they're mined or who mines them err so now having got this thing up and running we could start talking about the development thing and we co-published a paper called *Rich Man Poor Man* you can find it on the probably on both of the websites and it argued for taking a look at the development issues in the artisanal mining sector because that's where conflict diamonds had come from and nothing had changed there. You know you can police that as governments have tried to do for a hundred years umm but you're not going to keep poor people out of those diamond fields by policing, not out of four or five hundred square miles of territory. Umm so there had to be development solutions when that was debated briefly in the Kimberley Process, we presented the paper, I presented it and this was at the meeting in 2004, the plenary meeting in 2004, I remember it was in Ottawa umm a number of governments said that's nice, Sierra Leone I remember said they thought it was a good idea yes something had to be done umm but that was that. It was time for lunch, the bell rang and the meeting was over and everyone went off to the dining room. The De Beers people came up to me as I was stepping down off the podium and they said to me can we talk about this, can we have lunch and what they meant was not lunch sometime, can we have lunch right now. Umm and I said sure they having been caught flat footed by the conflict diamond issue could see that this was, that this was an issue, ethical diamond production was going to be an issue or at least could be umm and they said we get it and we'd like to discuss how this could be taken forward. It was clear that a lot of governments in Kimberley

didn't want to talk about development issues, they said we've got enough on our plate and we're just not interested the answer is no, niet that's the end of that. But De Beers could see that it was an issue that wasn't going to go away and maybe they should get on top of this wave before it broke and so they proposed to PAC and Global Witness that we co-host in London with them a meeting to talk about all of this which we did early in 2005. We invited governments and industry and NGOs that were interested so governments were annoyed they hadn't been invited and demanded to be invited, I remember the Russians, I got a call from Moscow saying 'what are you doing, we demand to be invited, you cant...I said listen you want to come, come by all means come we didn't, you said you weren't interested! That's why we didn't invite you, if you're interested come. They came and they tried to block but they couldn't because this was not the Kimberley Process err and so we agreed at that meeting to create an NGO called the diamond development initiative that would work on this. It would parallel Kimberley. It would work in the same sort of way it would have industry and NGOs and interested governments but it would focus on development and umm basically the development of economic issues around artisanal diamond mining umm we had another meeting Accra and managed to get it institutionalised and registered as a charity in the US and then Canada I Chair the board umm. I think it's doing good work, its growing and umm when the Kimberley Process began to see that was happening, some of the African governments said we do want to talk about this in Kimberley so this, that's where this artisanal, alluvial whatever it's called working group came from. It was an attempt to bring back that discussion into Kimberley but without a huge amount of clout so some of these things, and from my point of view it was a good way of, a good way of keeping Kimberley on its toes where this was concerned but without requiring anything of Kimberley beyond what those African governments wanted to do. So it's there it's a useful place for discussion for some of these issues but all of the activity takes place under the DDI rubric and doesn't require unanimity or anything else.

MM: Right ok umm that's very interesting. Have you come across the work of Phillippe Le Billon.

WP: Umhum yes.

MM: Because one of the things that sort of inspired this project umm really was some of his research in Sierra Leone about how the government there was sort of pushing industrialisation of alluvial mining and umm trying to formalise it by effectively selling concessions to industry and getting them to meet the various requirements of the Kimberley Process. And it struck me that therefore the Kimberley Process, if you're an African politician of a certain mind set, umm could be used to justify industrialisation of your diamond fields with people like Benny Steinmetz for instance umm and that might actually be very profitable. So the Kimberley Process stipulations regarding internal controls, if they're not particularly well enforced then you can use them when you want to effectively fill you pockets. What do you think of that idea, do you think there's any traction in that.

WP: I think it's more obviously the case in Angola where the government has decided that umm where the government has decided it's not going to have any unaffiliated artisanal miners roaming around, all diamond territory would be parcelled out to companies. These might be very small companies but they might be very large companies and everybody will have to be an employee of one of these companies or cooperative or some kind...it's an attempt to formalise the informal sector and err it isn't working very well in Angola partly because there's a lot of territory that has diamonds where government where companies are not interested and the cost of investment is much higher than the returns are ever going to be so it's just not going to happen. It's a pie in the sky idea. Umm I don't think there's anything particularly wrong with trying to formalise and this is what has to happen, these people have to be brought in out of the rain, they have to become people with

a stake in the industry and be treated as, as criminals and chased away whenever the army seems to think it's time to do that. So formalisation is important the question is how to do it. Err should it be cooperatives, should it be companies should it be some other thing. Umm so in Angola it isn't working, it may be working to some extent in some areas but you know if theres no company interested then it just isn't going to happen. In Sierra Leone it's a bit that way there are areas, in fact there are a lot of areas where you have a lot of artisanal mining and there aren't any companies interested, now Koidu Holdings has got the err the err kimberlite concession in Koidu and they have umm the kimberlite dykes in Tongo field which is a much broader area where there has been anarchy for a long time I guess the question is whether, whether they can actually formalise this whether they can make those concession work in a formal sense and hire people because it is going to be labour intensive and bring them into the formal sector and pay them properly. Or [pause] if they can't do that just suffer from the anarchy that will happen when they are constantly invaded by illicit diamond diggers. This is a bigger problem in the gold, gold mining where companies just can't keep people out of the area and you know a lot of the stuff is stolen and a lot of their profits are stolen and then they turn to violence and pretty soon you have human rights abuse and everybody making claims and counter claims and umm there's often no way of fixing it because the legacy of five or ten or fifty years of this kind of behaviour umm is too complicated to fix. So I don't think the government in Sierra Leone is wrong to try to get a company to take over an area. I guess the question is what does it do to the prospects of the people who were once making money off it. How do you either bring them in or keep them out, how do you bring them in in a fair way or keep them out without killing them. Umm how do you make it benefit the government and the company and the local community. It's got to be worthwhile to the company otherwise they won't do it.

MM: Yeah absolutely and reports are from Sierra Leone that the various companies aren't managing to do this very well and there's been a fair amount of local civil unrest associated with that.

WP: Yeah and I'm not sure what the answer is. You know when Koidu Holdings came back after the war and started to invest in plant and get that kimberlite working again, I don't know what size the area is, let's say its twenty acres, it's not very big umm but there were people living on the land that had to be moved because they were going to be dynamiting and also they didn't want them on their land. Umm and so there was a legitimate problem. How do, how do you move people who have some kind of, let's say squatters rights, umm but it turned into a battle royal between the NGOs and the company, neither side handling it well and an invasion of people came in and started to set up shop and said we live here it's our land you have to... so the company was help held to blackmail, they didn't know how to deal with it. The police and the army were called in there was violence and anger and all of that is still there. You'll find lots of people who are very angry about Koidu Holdings and will tell you all kinds of horror stories and vice versa. How do you fix that, I don't know. I mean I think that they've got, I think they've reached a standoff in Koidu around that mine, whether they can ever do it in Tongo field I don't know. It's a big problem for artisanal mining everywhere in gold mining, tin mining, coal mining you name it and umm and err getting a grip on it isn't easy. This is one of the challenges of diamond development initiative, trying to get a grip on this and you know in one case we are asked by one company to have a look in DRC and the mess that they'd got on their plate with artisanal gold miners invading their territory and our conclusion was you can't get to where you want to be from here. Its too late it's a mess, it's not fixable.

MM: hmm so yeah the problem is that if you've got 50,000 odd people mining somewhere then they way to try and regulate it and control it could be pretty ugly really and err you're not really going to get an end result out of it.

WP: Yeah I mean the government can sell you a concession but the government may have sold you a pig in the poke. I know Koidu Holdings are not stupid, they know what they're buying umm whether they figured, whether they have a solution or not I don't know but you can't just say get off my land to people who won't.

MM: No but obviously the thing is that if you then end up with civil unrest umm and serious problems and then international reports of that civil unrest politically speaking the government have got a bit of a get out clause haven't they because they can just point at the Kimberley Process and say oh well we're trying to meet our requirements. So politically for local elites the Kimberley Process is sort of useful in that way.

WP: Well Kimberley is not really interested in any of this. They don't care, as long as the diamonds whether they're coming from the little old guy who found one in the bush or Koidu Holdings it doesn't matter as long as they are tracked from that guy or that company to Freetown and logged as they go out, that's all Kimberley cares about. They don't care about human rights that's been the debate in Zimbabwe. They don't care about how crooked Benny Steinmetz is, they don't care about any of those rumours as long as he's got a company that's legit, that looks legit and they don't even care if he's legit or not they just want to know that the diamonds coming from his mine and going out to, out through Freetown are logged that's what they care about. They are not going to solve the problems of the world or any other problem.

MM: Yeah the priority seems to be to be seen to be doing this rather than actually doing it properly. Ok Ian thank you very much you've been very generous with you time.

WP: that's ok.

Brief exchange of thanks and an undertaking from WP to talk to me again should I need it before interview ends.

Interview Transcript: 28/02/2014

Lead Sierra Leonean NGO representative

Duration: 1 hour.

Location: Freetown

Interview type: Face-to-face (not voice recorded).

In-text Reference: CI

The interview began with me asking CI what was happening in the Sierra Leone diamond sector. He replied that the Sierra Leone diamond sector was seeing some serious and detrimental change. CI maintained that the government was selling concessions to international mining companies as fast as it possibly could and this was causing serious social issues in the diamond producing regions. I asked what the government said about this when challenged by the Network Movement for Justice and Development (hereafter NMJD) and CI replied that they argued that the selling of concessions brought in foreign investment which was good for development and that therefore it was good for local people.

I then asked CI if the government ever argued that the selling of concessions to international miners was necessary in order that the government control the mining areas in line with its Kimberley Process requirements. "Hardly ever" was his reply "hardly ever do you hear the government talk about the Kimberley Process in those terms, simply because they don't have too." He stated that the government of Sierra Leone was not concerned about the Kimberley Process at all because there was really no chance at all of expulsion from it and this was because of a lack of what he termed "international pressure." When I asked what he meant by that, he replied that "there is no war here. The international community is more concerned with Zimbabwe and the Congo than it is with our problems." As a result the Kimberley Process is not interested in what is happening in Sierra Leone and the government

of Sierra Leone is unconcerned about external pressure to alter its practices in the diamond mining areas.

What is more, the government has no interest in reforming its policies in the diamond mining sector. According to CI a huge amount of corruption is involved in the interaction between the mining companies and the government. The selling of concessions and the attraction of large scale mining companies to Sierra Leone allows for the enrichment of individuals within government national, local and traditional. It is therefore unlikely to alter its policies in the diamond mining areas and is extremely unlikely to raise the issue in Kimberley Process meetings as the Kimberley Process' refusal to deal with the issue of artisanal miners' rights works very well in the interests of both large scale miners and governments.

I asked what the NMJD itself was doing in terms of engaging with the Kimberley Process in an attempt to get it to change its stipulations in order to take account of the rights of local artisanal miners, their rights to land and their working conditions. CI answered that they have been talking incessantly to the Kimberley Process about these issues and had attempted to get the definition of what constitutes a 'conflict diamond' changed to take account of what he termed the 'human rights violations' going on in the artisanal diamond mining sector. Specifically NMJD has lobbied the Kimberley Process to expand their definition of a 'conflict diamond' to include those instances where a diamond is produced using child labour, where there is no safety protection for workers and where those diamonds have been produced from concessions where the land rights of local people had been infringed. CI stated, however, that despite persistent efforts the NMJD had had no success whatsoever in this regard. The Kimberley Process has instead prevaricated and stated that it was merely a trade body. Abu also stated that it was the clear intent of the Kimberley Process to placate those who raised dissenting voices on these issues and this it did through the creation of bodies such as the Working Group on Artisanal and Small Scale Mining and through the Diamonds for Development Initiative. At

this point CI became quite animated and stated that these initiatives were useless tools designed to distract the NGOs. In addition he felt that the heavy influence of industry within these bodies compromised their integrity and prevented them from lobbying for the kind of radical changes the sector and indeed that the Kimberley Process really needed.

CI then returned to the topic of the effectiveness of the Kimberley Process in Sierra Leone in general. He stated that Sierra Leone was not even nearly in conformance with the Kimberley Process' stipulations regarding the internal controls necessary to stop smuggling and laundering. The authorities in the diamond producing districts were hugely understaffed, underequipped and underpaid. There were far too few mines officers and simply not enough radios. There was also no equipment at the border either with Guinea or Liberia capable of detecting smuggled diamonds. Indeed the system was so lax that CI indicated that some of the Sierra Leone based mining companies themselves were laundering diamonds through the country.

Such was CI's distrust of the Kimberley Process that he himself has no dealings with it. He said that he had been involved in the few review visits that the Kimberley Process had sanctioned to look at the internal controls of Sierra Leone and Liberia. In both he said that he had seen serious breaches and had submitted his portion of the report. However, he personally and the NMJD had been prevented from seeing the finished draft of the review teams report either before or after it was sent to the Kimberley Process for assessment. CI asked simply "what kind of transparency is that?" He was visibly annoyed and asked the rhetorical question, that when the author of a report cannot access a copy of its final draft then how can a system like that be taken seriously. He then restated that he personally wanted nothing more to do with it and that it was a "fig-leaf to protect industry in the eyes of the consumer" and that it could not be used to change the realities of the industry on the ground. Finally he stated that the government had taken some aspects of the Kimberley

Process seriously and had attempted to implement a mining cadastre system but that this was still very slow and generally unsatisfactory.

I then refocused the discussion and asked CI of his memories of the formative negotiations of the Kimberley Process. I asked what the NMJD had wanted as they entered into the negotiations. Firstly he reiterated that, in contrast to what government and industry representatives had told me, the NGOs status was that of observer rather than equal partner. He also stated that the NMJD was the only African based NGO present at the first five meetings of the Kimberley Process, although, he said, others did join. In answer to my initial question he said that really there only concern was to get the abuses that were happening in the diamond fields of eastern Sierra Leone stopped as quickly as possible. He said that at the time many of the arguments about what he termed as the 'nitty-gritty' of the certification scheme were really a distraction from dealing with the real issues which were the rights of artisanal miners in the sector.

CI stated then that he and NMJD consistently argued for greater scope for the Kimberley Process to include working conditions and human rights abuses on the fields themselves. However, NMJD were told that that would involve the expansion of the Kimberley Process beyond its remit. Governments maintained that it would be better to keep the negotiation as tightly focused as possible so as to get an outcome as quickly as possible. However, a key point put forward as to why this was not possible was that the extension of the Kimberley Process into such areas would impose unacceptable bureaucratic costs to governments and increase running costs to industry and as result hinder the industry's expansion.

In the face of the omissions that so concerned CI, the NMJD were assured that the Kimberley Process was an ongoing process and that changes and additions to it could be made at each plenary meeting. CI stated emphatically, however, that in practice this has not proved to be the case and that the definitions and stipulations

had proved almost impossible to change. Instead, as already discussed, the Kimberley Process had responded to criticism by sponsoring the establishment of the initiatives mentioned above.

I then asked what, beyond the points that he had already mentioned, that CI felt were the most significant sticking point during the meetings. He again mentioned the issue of the review visits and the fact that they were not regular or compulsory as he and others within the NGO community had asked for. He said that the arguments about this dragged on across meetings for some considerable time and that in order to get the final document approved he had partially accepted reassurances that these issues could be discussed at later meetings as the Kimberley Process itself was refined.

Here the meeting concluded.

Interview date: 11/03/2014

Interview type: Face-to-face [not audio-recorded]

Interviewee: Lead delegate to the Kimberley Process from a major Freetown based NGO.

Location: Freetown

In Text Reference: BB

Through prior contact with the interviewee, I was aware that she had recently travelled to Ghana and Cote d'Ivoire to attend meetings related to the Kimberley Process. I therefore asked her what these meetings concerned and how they had gone. She replied that the meeting was in many ways productive however, it was hard to be certain as to what in real terms would come of it. The government delegations were small and low level. This massively reduced the ability of the delegates to negotiate in real terms as clearly they did not have the authority to make any binding decisions. This was a theme that we returned to later in the interview.

The interviewee then stated that what was especially disappointing about the low level status of the delegates dispatched by the Mano river basin nations was that this meeting directly concerned their mining sectors and how in future they could be effectively controlled. The meeting was called with the express purpose of addressing the results of a recent review visit to the region which had raised concerns about illicit mining, lack of proper monitoring of the diamond fields and of production in general which allowed for the possibility of smuggling and laundering. All of this applied in the context of Sierra Leone. The mission also noted the high cost of buying an artisanal license [\$200]. This, the review concluded, contributed to the problem of illegal mining and resulted ultimately in the stones being mined under such conditions being slipped into the legitimate production

chain thus compromising the entire system. It also increased the likelihood of stones being smuggled and exported from neighbouring countries. The source confirmed that all of the review visit's findings were in her view entirely valid and that in sum, these findings meant that Sierra Leone was simply not in compliance with the Kimberley Process.

In response, I then asked the source what the NGOs had been doing about these clear breaches of Kimberley Process stipulations. The source replied that the relevant NGOs had been concerned about these issues for some time and had consistently raised them at Kimberley Process meetings but with no real effect. This reached its peak in 2011 at a Kimberley Process plenary meeting in Kinshasa when the NGOs walked out of the meeting on mass in protest at the lack of real action on these issues. The source continued, stating that the NGOs had been campaigning for some considerable time, trying to convince the other parties that the Kimberley Process required alteration so as to better represent the interests of artisanal miners. This involved the NGOs arguing for the Kimberley Process to incorporate measures which would improve the working conditions of artisanal miners. In response to this pressure, in 2007 at the Moscow plenary there was an agreement to publish the 'Moscow Declaration' which provided a series of recommendations to governments of alluvial diamond producing countries. However, the source stated, since then there had been no real improvements on the ground as there was simply nothing binding in the Moscow Declaration. All that had in fact occurred between the Declaration and the 2011 Kinshasa meeting, she said, was a series of meetings and endless discussion with nothing in the way of end result. Following the NGO walk out, however, the Kimberley Process participants invited the NGOs to re-join the process stating that while a lot of the issues the NGOs wanted to introduce to the Kimberley Process were ostensibly beyond the legislative remit of the Kimberley Process, the delegates were willing to seriously discuss them.

I then asked if there had subsequently been any movement on some of the issues raised by the NGOs. The source replied that yes, in a limited sense there had been. A major issue for the NGO which the source represented was that smaller producers were struggling to make their voices heard at the meetings. This could in part be alleviated in the view of the NGOs if smaller nations were given financial support so as to enable them to assume the Kimberley Process chair. The source explained that chairing the Kimberley Process was extremely expensive for a nation to do and this worked to exclude smaller producers and privilege the more powerful states in the system. The NGOs therefore suggested that the Kimberley Process should have a permanent body dedicated to performing the administrative tasks associated with the running of the Kimberley Process Chair, thus alleviating a lot of the costs associated with the position. Initially the governments involved resisted this proposal but after much negotiating a compromise was reached that saw the creation of the 'Administrative Support Mechanism' which was to be housed within the WDC. This, however, was intended only as a pilot scheme and would be subject to review after three years. The source stated that she was not optimistic about its future given that the three years in which it had been running had not seen a smaller nation take the opportunity to chair the Kimberley Process.

A further major suggestion of the NGOs was that the Kimberley Process should attempt to include stipulations designed to make sure that communities local to the sites of diamond production benefitted from that production. Such suggestions built on the Moscow declaration and the source stated that they had been successful in that elements of this principle had been included in the Washington Declaration of 2012. However, she added these were still only recommendations and therefore there was no obligation on any state to comply with them.

I then moved the conversation on to ask the source what her view was of where Sierra Leone was in terms of Kimberley Process compliance. The source replied that there were some significant problems of which the most acute regarded the Mines

Monitoring Officers [MMOs]. The MMOs were extremely poorly equipped and don't even have appropriate vehicles for the terrain in which they work. Illegal mines are often located deep in the bush and are therefore very difficult to reach and in addition artisanal miners "often had spies within the regional MMO offices" who inform the miners of a forthcoming visit with the end result that the miners simply disappear on the designated day and then return to work the day after.

I then ask about the influence of the large scale mining companies and specifically the activities of Ocea. I ask how Ocea goes about enforcing its rights on its very large Tongo field concession and whether its activities caused any local social problems. The source laughed and said of course Ocea caused problems "it was the kind of company that shoots on sight!" The source then stated that she was being slightly facetious but that she had heard reports of this from local people and that certainly Ocea had in the past been extremely heavy handed in terms of maintaining control of its concession. In any event, the source confirmed that Ocea's attitude to the maintenance of control of its Tongo field concession had certainly caused some considerable local unrest in recent times.

I then tried to draw the conversation back to the MMOs and asked if, as some previous interviewees had suggested, MMOs were appointed on the basis of political expediency. The source replied yes of course, but that the point here was that these individuals were almost totally ineffective. The source then reiterated what many previous interviewees had pointed out which was that MMOs were extremely poorly paid and yet they were supposed to critically monitor dealers who routinely made deals that ran into the millions of Leones. Under such conditions their bribery had become a matter of course, it had simply become part of the diamond production culture and this of course meant that smuggling and laundering were extremely easy to engage in. I ask if the source had personally, or had heard any other party raise this issue with the Kimberley Process and if so what the response had been. The source replied that yes the issue had been raised a

number of times by the NGOs concerned and that there had been lengthy discussion on the topic but little in the way of concrete action. At the end of the day, she said, it was up to the nations themselves to implement the Kimberley Process minimum requirements which the government of Sierra Leone was simply not doing. When she pointed this out to the Kimberley Process a standard response was to hide behind statistics. The export figures, the Kimberley Process often argues, were roughly in line with projected production and therefore the smuggling couldn't be that bad. This, the source stated, was a laughable response in light of the findings of last year's review visit which apparently found that Sierra Leonean diamonds were smuggled through Guinea almost as a matter of course.

I then ask why the review visit's findings were not effective in terms of getting the Kimberley Process to take the issue of non-compliance in Sierra Leone seriously. The source replied that she simply didn't know but that a lack of transparency might play a part here. The source stated that the NGOs had lobbied hard for the findings of the review visits to be published in full on the Kimberley Process website so as to enable international scrutiny of the various failings of the government of Sierra Leone and of the Kimberley Process more generally, however, this had been largely unsuccessful. What the NGOs achieved was firstly, extremely slow in coming, requiring as usual huge amount of discussion, and in the end a fudged compromise. This compromise, the source laughed, allowed the publishing of the finding of any review visit to be voluntary according to the wishes of the state concerned. If the report was critical, the source added, the state concerned was extremely unlikely to allow publication. I then asked how the Kimberley Process justified this compromise. The source replied that opposition stems from the notion that any prescription in this regard may breach the norms of sovereignty, broadening the remit of the Kimberley Process to a degree that would require the involvement of high level political decision makers.

I then seek to steer the conversation towards domestic issues within the sector and ask about the ramifications of the increasing incursion of mechanised industry into the artisanal sector. The source states that this is now happening a great deal and that it is causing some considerable social unrest on the diamond fields themselves, this was hardly surprising she said as peoples livelihoods were being destroyed by these companies. I ask her if the government was encouraging this process [the incursion of small scale mechanised industry into formerly artisanal mining areas] and if they are, are they using the need to comply with Kimberley Process regulations as a justification for doing so. The source replies “yes of course – the government is encouraging this process and they always tell us that this helps, in a holistic way, to meet our Kimberley Process requirements” but of course this shouldn’t be taken seriously. I then ask if in actual fact this process might be motivated more by corruption in government than any need to meet Kimberley Process requirements and the source smiles and says she didn’t know for certain and this was something that was difficult to research but quite possibly this was the case.

The source then adds that it was not the Kimberley Process that was to blame here but in fact the government and its interpretation. I agree and then inquire as to where the capital for this mechanisation process was coming from. I say that a government source had informed me that in many cases, artisanal miners themselves were leading this process by leasing equipment from large scale miners. The source laughs and states that no, artisanal miners are not engaging in this. The process of mechanisation was being led by offshore investors and by the Sierra Leone based Lebanese community already involved in the sector. Both these demographics were buying concessions formerly mined by artisanal miners, whether licensed or not. From there they were employing some miners and driving others off the concession thereby creating the previously discussed social problems. This was resulting in a change to the structure of the industry. Previously artisanal

miners were forwarded their production costs by dealers in town and these costs were then deducted, usually at a vastly inflated rate, from the price of the diamond eventually presented to the dealer for sale. Now the international or Lebanese Sierra Leonean miners employ fewer miners and therefore pay lower living costs. The miner has direct control of the mine and therefore of all the proceeds. The source then reiterates that this is not the fault of the Kimberley Process but it is being used as a justification for this process.

It is surprising, in the eyes of the interviewee that the Kimberley Process has done so little about not only the problems associated with the mechanisation being done in its name but also all the various problems we had discussed in terms of controlling artisanal production. This lack of attention was despite the fact that for Sierra Leone artisanal production was still roughly equal she thought to all industrial production combined. I confirm this having just recently been presented with the figures at the GGDO. In many ways this is hardly surprising given that the official figures for artisanal miners in the country are in the region of 300,000 and that her organisation estimates there may be many times this number if one includes the many unlicensed miners.

I then asked if the issue of mechanisation and the problems this was causing artisanal miners had been raised at all at Kimberley Process meetings. The source responded that it had been discussed, although really not in any great depth. The NGOs had argued that the solution to the problem lay in the full formalisation of the sector whereby all miners would become licensed and issued with an ID card from their local mines monitoring office. This would be valid throughout the country and allow them to work in any pit on any field (assuming of course that the pit itself was licensed). From there miners could form cooperatives and/or unionise thereby enabling them to drive harder bargains with dealers and also allow them to engage in their mechanisation. I asked what the response of the Kimberley Process had been to this and the source replied that so far there had been little response and

that both the Kimberley Process and the government of Sierra Leone had no response. She added that clearly this was not a suggestion that would go down well with Sierra Leone's diamond dealers and exporters and would result in large scale changes to the way the artisanal sector currently operates.

The source then states that this is a serious issue in terms of social stability at the local level. Artisanal miners and the communities which they come from are simply not seeing the benefits of the exploitation of their diamond resource. In fact they are suffering as a result of it – particularly in terms of increased flooding owing to the environmental degradation. The mining license is supposed to include a sum which is set aside to deal with the environmental issues that arise as a result of mining activities. However, according to the interviewee, there is no evidence that these funds are being used for the purposes for which they are intended. I ask where this money is going and the source smiles and shrugs her shoulders. I press her and ask if the money was being used as a tool of political patronage, she smiles and replies "possibly." The source then moves on and discusses the Diamond Area Community Development Fund [DACDF]. This fund was set up to ensure that a proportion of the tax revenues derived from the export of diamonds is returned to the communities that produce it. However, this fund is administered through the paramount chieftaincy system and simply doesn't seem to be reaching the communities themselves. I ask if the DACDF is viewed as a further lever of political patronage and again the source laughs and replies "perhaps, perhaps." The problem, the source added was that local people were unaware of the fund and so were equally unaware of its misappropriation by local authorities. If they are unaware of the existence of the fund then they cannot demand their right to it.

I then steer the conversation towards what if anything the Kimberley Process is doing about these issues. The source replies that it is doing as little as possible. A serious problem she reiterates, is that increasingly, states send only very small and very low level delegations to the Kimberley Process meetings. For example, at the

recent working group meeting she had attended in Ghana, Sierra Leone sent two delegates who were very low level diamond valuers from the GGDO who had no real authority to negotiate on any major changes. This was in part a function of the manner in which the Kimberley Process operates. There were she stated a huge number of meetings. The recent meeting she had attended was a 'working group meeting' to discuss particular recommendations regarding the regulation of artisanal mining. There had been many of these meetings. From there the results are taken to the intercessional meeting which occurs once a year and, if passed as appropriate, the findings are then presented at the full Kimberley Process plenary meeting. To get something presented to the full plenary where real decisions can be made is a long and tedious process involving a huge number of meetings and extensive (and expensive) international travel with no guarantee of any success at the end. It therefore required deep pockets and a huge amount of patience and determination to get any issue even considered. These meetings, in the view of the interviewee, often served to diffuse debate and create large scale inaction on any issue. I then ask what excuses are given at these meetings for ignoring the petitions of the NGOs concerning the extension of the Kimberley Process into the regulation of the artisanal sector in order to alleviate the problems we had discussed. The source stated that the most common refrain was towards the issue of sovereignty. The Kimberley Process, according to the arguments of many participating nations could infringe on the rights of sovereignty for many participating members if it extended its regulation deeply into the governance of the artisanal sector. What was also often used in defence, particularly by the developing producing nations was that increases in regulation would be expensive to enforce and as there was such little revenue derived from the export of diamonds the funds to pay for these increases in regulation could simply not be found.

Interview Transcript: Kimberley Negotiator for a Freetown based NGO coalition.

Date: 03/03/2014

Location: Freetown

Interview type: Face-to-face (not audio recorded).

In-text reference: ID

The meeting began with a question from the interviewer regarding what ID considered to be the main issues regarding international involvement in the Sierra Leone diamond sector. ID did not really address this question directly but instead said that she felt that artisanal mining remained a 'problem' under the Kimberley Process as it remained totally unregulated although she qualified this by saying that the mining cadastre office was beginning to make some progress albeit extremely slowly. She added however that this has speeded up since the Extractive Industries Transparency Initiative (EITI) had been introduced. I asked if the EITI had made a full cadastre system compulsory and she replied that she thought it had and that the government were attempting to comply with it, although very slowly.

I then asked if the Kimberley Process was having any impact in Sierra Leone and if so what it was. ID replied that it wasn't the case that the Kimberley Process was having no impact in Sierra Leone but that its impact had not been what it might have been. ID maintained that there had been no proper discussion within the Kimberley Process as to how the regime might deal with the issue of artisanal mining and that the governments of the countries themselves had not put forward any schemes that could be incorporated into Kimberley either. She listed the countries affected by conflict and artisanal mining, Sierra Leone, Angola, Liberia and the Congo and asked the rhetorical question, where are these governments schemes designed to solve this problem? In 14 years she said there had been almost no serious initiatives from the governments themselves directed at the Kimberley

Process designed to solve the issues in the artisanal sector. She then repeated that the Kimberley Process itself had simply not put any suggestions forward in 14 years as to how the artisanal sector in the conflict affected countries might be managed.

I then asked what if anything had happened at the Kimberley Process meetings to address this issue. At this point ID became quite animated. "Talking" she replied, "talking, talking talking talking and then more and more meetings." She then reiterated that at recent meetings the Sierra Leone government team had not raised any concerns at the meetings themselves and had put forward no arguments or suggestions as to how the Kimberley Process should be reformed to improve conditions for artisanal miners. I ask why she thought the team from the government of Sierra Leone hadn't sought to reform the Kimberley Process, ID paused looked uncomfortable, and then refused to answer saying that I should ask them.

Unsolicited from me ID then spoke at some length, arguing that no impetus for change would come from the government of Sierra Leone and that the Sierra Leonean people themselves would need to be the force for change. A combination of pressure from 'the people' and civil society organisations only could force the government to change its attitude and therefore pursue reform of the Kimberley Process. I ask why this has not happened to date and ID responds that this is "because the Kimberley Process is not popular." I ask what exactly she meant by that and ID replies that the Kimberley Process is not well known in Sierra Leone unlike the EITI and therefore there was no pressure from the people to reform it. I asked why this was the case, why the Kimberley Process was not well known in Sierra Leone? Was this something to do with government not being willing to publicise it? Again ID looked uncomfortable and said she didn't know. She then added that since the end of the war many people had assumed that the issues with the diamond sector had gone away and this was diffusing public pressure in terms of forcing the government to deal with the residual issues.

My next question to ID was to ask her views on the land ownership issues within the artisanal diamond mining sector and whether the Kimberley Process was exacerbating this in terms of providing an excuse for government to sell concessions to international mining firms. ID confirmed that this was an issue but that the human rights abuses on the fields in terms of labour conditions and the general levels of remuneration were the real problems; problems which the Kimberley Process had refused to address. I then asked if she agreed with a previous unnamed interviewee who stated that Sierra Leone was some way from being in compliance with the Kimberley Process, that the number of MMOs was too few, that they were poorly equipped and that border measures were non-existent. She replied that she did but that the Kimberley Process had really done nothing to help the government of Sierra Leone in terms of capacity building to help meet the stipulations regarding the internal controls.

I asked how inclusive she felt the talks at the Kimberley Process meetings were and she replied that they were not exactly open but that she felt her views were heard it was just that there was a total lack of action. Again, she repeated that all that happened at these meetings was talking and more talking and that these discussions were often circular. She added that the final output was often merely to have another meeting.

My final question was to ask why the government was so keen to encourage international mining firms into the diamond sector. ID replied that they argued it was easier to collect taxes and therefore drive development through the incursion of international mining companies but she "no studies have been done to assess the benefits of artisanal mining to local communities so we simply don't know what its impact is." I ask why the government has not sponsored any studies looking at this, ID replies "go and ask them yourself."

The meeting then came to an end and I asked ID to sign a consent form and she refused asking what it was. I told her it was merely written confirmation that she had agreed to be interviewed. She asked “why do you need that?” and then refused to sign it.

Interview Transcript: Kimberley Process Negotiator for Fatal Transactions.

Date: 20/01/2014

Interview Type: Telephone

In-Text Reference: SJ

MM: So I suppose really my first question is what were the core arguments of the NGOs going into the negotiations, what were your core arguments as to why the Kimberley Process was needed?

SJ: Umm there was still a civil war going on in Angola between UNITA and umm ah come on what was the name of the government party (inaudible) the MPLA I think and there was the err on-going war in the Congo and err there was the Sierra Leone and Liberia err the Liberia Sierra Leone war and they were clearly funded by commodities erm. And all three by diamonds, not only by diamonds but absolutely by diamonds and these diamonds were very attractive to be smuggled by rebels. Oil is difficult to smuggle in large quantities, you need a lot of investment in equipment. That's not the case with diamonds, so diamonds got a bad reputation and that's also the simple reason why the industry at a certain point understood they had to act because they are selling a product that is actually useless and lives on image. I mean you can use diamonds for cutting but that industrial diamonds and that is small change but I mean gem quality diamonds, nobody needs them so image is everything.

MM: Yeah I mean they are actually worthless product really, its quite amazing that keep so much value. Umm so in terms of strategies then, when Fatal Transactions and Global Witness and people like that, when you were doing your publicity campaigns, those were things that you were pressing very hard then, that these diamonds were involved in conflict

SJ: [interrupts] That was the main thing, it was thinking about how to end the continuous wars that were fuelled by the trade in commodities, yes.

MM: And the issue of the boycott, you stressed that quite hard didn't you in your publicity stuff

SJ: [interrupts] I don't think so no. Maybe in Great Britain, but we did not. We hinted upon it but we not umm, in the Netherlands and in Germany, the Fatal Transactions did not hint on boycotts.

MM: Ok so why was that?

SJ: Why? Because Umm the whole umm, I mean umm the whole image of diamonds and whether it is important if you get engaged or something or or married is an Anglo-Saxon thing. For instance colleagues from Global Witness thought that it would be good to have big campaigns around the 14th February which is Valentine's Day, that's an Anglo-Saxon thing. In continental Europe maybe people give each other nowadays a rose or send a card but theres nothing big about Valentine's Day so boycotting diamonds that were not a normal thing to buy anyway, we didn't play on that.

MM: So it was just that you didn't think there was really much traction in continental Europe regarding diamonds and a boycott anyway?

SJ: No but I mean hinting on it could never harm.

MM: No absolutely! [laughs]

SJ: [laughs] But we, I mean I actually don't think that actually in the UK there were ever public statements on a boycott. I mean there's been hinting towards the industry but I never made material that said boycotting and I don't think colleagues did either, in Europe.

MM: No I mean, It is sort of, in all the literature that Ive read, its noticeable by its absence in some ways, the way that its sort of hinted at but never really followed through. And I was wondering as well in addition to what you're saying there you know, whether or not the idea that diamonds, that the diamond industry could be a force for development in these countries.

SJ: Of course, of course, umm that is clear, that's also why we never hit upon it and that also why De Beers were so understanding of entering into the whole negotiation. Most diamonds at that point were coming from mines in umm more or less stable regions and at that point Botswana was still err the mine where the gem quality came from and De Beers actually looked into ways of stabilising Angola as they wanted to source again in Angola which was also providing gem quality. And the Botswana government started a PR campaign called diamonds for development because they were fearing for their business model and that I understood very well but the developing NGOs in Fatal Transactions were very aware of that and they were all on the ground in countries like Botswana. My own organisation in the Netherlands was working in Botswana on free press and developing the country and that was a message that we understood very well.

MM: So this was umm so these were buttons that were being pressed very hard by De Beers then to try and get across, almost like a counter to some of the campaigns maybe being mounted by Global Witness and Fatal Transactions

SJ: Global Witness were part of the Fatal Transactions, that's one eh? I mean that's one campaign financed through subsidies from the European Commission err and it was Medico in Germany err and the [inaudible] for southern Africa and the Netherlands, Global Witness in the UK and Intermon, Oxfam Intermon in Spain

MM: Right ok then, but the idea that diamonds should be a force for development that was being pushed by De Beers and by industry quite hard

SJ: Sure

MM: I understood right, ok that's very interesting. Ok so in terms of the actual Kimberley Process itself, what were the sort of key ingredients that the NGOs thought needed to be included in the Kimberley Process, can you remember?

SJ: How do you mean the key ingredients?

MM: err the key controls, the key actual policy areas and regulations that were required.

SJ: The regulations. I don't think that the NGOs had a very clear vision as to what the regulations should look like. There was a genuine wish for a certification scheme. Umm but err I know that from the beginning Global Witness still thought that it should be country by country based and did not understand that if it concerns trade then that's a European Union responsibility and therefore it had to deal with the whole of the European Union in cooperation with countries outside of the Union. So the whole 'how does it really look like' was drafted by a member err an advisor of the European Commission [inaudible] I never really got involved in the nitty gritty of what a certificate should look like.

MM: No umm in terms though of umm things like, and I know this may have come later on in the negotiation process, but in terms of those stipulation on monitoring, auditing, internal controls all those things that currently make up the Kimberley Process, where did the NGOs stand on those? Umm at about the half way point in the negotiations, were they being pressed by the NGOs?

SJ: Absolutely because we were working with countries that you could question their democratic performance. I mean this Kimberley Process also has China at the table, Russia at the table, Angola at the table and they tried to downgrade, I mean they tried to make it into a paper tiger instead of something that really had teeth. Umm so yes we [inaudible] constantly pushed for control mechanisms and monitoring. So having NGOs present in the monitoring there instead of making it a complete err multilateral system where only nation states had a say.

MM: Right that's really interesting. So how did you go about then, can you remember, how or what sort of arguments were put forward by Fatal Transactions to make sure that monitoring got in, can you recall?

SJ: Honestly no, I think the best source for that is, cos I did the coordination of the campaigning work, really the day to day negotiation work was done by Global Witness and Ian Smillie at Partnership-Africa-Canada but I guess we played it along the same lines as err as the whole debate which is that you want a credible system. And we can give you that credibility.

MM: Right ok umm ok so I'm talking to Ian Smillie actually on Wednesday. Were there any points where, did Fatal Transactions come up with policy documents and things like that that might be online that I could find anywhere?

SJ: Err those were mainly drafted by PAC and Global Witness so if they're online they're online with them. The err Netherlands Institute for Southern Africa ceased to exist so with that a lot of the digital heritage is also lost.

MM: Ok I've had a good look on their websites but I'll definitely ask Ian. One of the key things in terms of getting this through then, particularly in terms of monitoring was in effect threats that you know if this didn't happen, then the whole thing wouldn't be credible. Credible in the eyes of the NGOs is that what you mean?

SJ: exactly which comes back to is this umm is this a precious stone that you want to give your wife for your marriage, well the whole issue that we spoke about before.

MM: Right. In terms of that monitoring, one of the ideas I've see put forward was the idea that diamonds could be branded. Err

SJ: Branded?

MM: Yeah you know err inscribed with where it was actually found and that err was dropped can you remember why that was dropped?

SJ: I think because at the point where you find them you do not necessarily have the equipment to do so and later on when you have it polished you polish it off anyway. You could also approach Marc Van Bokstel at the diamond high council in Antwerp its called differently nowadays who is a geologist and made the point that erm without being branded, from a bunch of diamonds you can still, a geologist can still figure out where they came from as long as they're not polished.

MM: Right

SJ: But in the end the whole system is not about trying to find out exactly where they came from but it is a closed shop system which is why later on a lot of countries joined as the basis of the system is our not trading with countries that are not a member.

MM: Yes absolutely. So in terms of closing that, when it came to internal controls, umm one of the stipulations I saw was um that there should be a dedicated export office. Can you remember why, because that as far as I know that was sort of compromised on, so actually a nation could just assign that duty to an existing office. Can you recall how that compromise was made?

SJ: Assigning it to an already existing office?

MM: Yeah

SJ: That compromise? I mean I do daily work of legislation now and it ridiculous red-tape if you've got an office that does more or less the same to make a whole new office where people need to have a salary. But you need some sort of an export office because you need to make sure that taxes are paid and are going to the national treasury.

MM: Yeah of course. I'm interested because erm, at some point or another this agreement, the Kimberley Process had to be attractive in some ways to industry because you obviously needed to compromise so was

SJ: [interrupting] no it needed to be attractive to nations not to industry.

MM: Ok

SJ: But we don't want to bother industry more than necessary but it needs to be attractive to nations.

MM: Yes but what I was getting actually was what you just said there was that, there must have been an element of concern wasn't there not to overburden industry?

SJ: Of course.

MM: And presumably that would be linked back to the idea of diamonds being linked to development.

SJ: No it is a very more general thought, which is money makes the world go round. Countries at the table understand that they don't want to see the diamond trade disappear at all because people are making a living in it. The writers of the err the head of the European Commission who was actually the pen holder in the whole process is very well aware that you need industry to [inaudible] for your economy so it is not, yeah it's a very logical thing that you don't want to just abandon a business and that also has never been our view.

MM: No um no that really been, I've never read anything in any of the literature saying anything like that from the NGOs. No there's always been quite a concern to maintain the industry. Which I suppose goes some way towards explaining my next question really which was there was quite a large stockpile of diamonds wasn't there that De Beers had, which I think I read somewhere was estimated to be in the region of four billion pounds worth of diamonds and obviously some of those are going to be tainted. Was there, what were the discussions surrounding them at the time, even just amongst the NGOs? How did you did you guys eventually decide to deal with that or not deal with that can you remember?

SJ: I don't know, but I would say that's with the knowledge of ten years later. That umm you don't do law that goes back into history, you do err you do err, laws are made for future work and you set a point in time from which time on you start monitoring and certifying but you don't look back.

MM: Right ok. Did anyone have any sort of moral or ethical objections to sitting down with people like De Beers bearing in mind what it was that Fatal Transactions had discovered they'd been up to?

SJ: Yeah sure sometimes but hey you don't make peace with nice people.

MM: No so I suppose it was a pragmatic

SJ: [interrupts] Yeah

MM: It was just a pragmatic approach that you had to take then really?

SJ: Yes, but I mean this is a cultural thing. If I look at the NGOs in Europe and I notice that umm in the Netherlands and the UK and maybe in Scandinavian countries it is more common to sit round a table with business as where in Belgium and France and further down south, NGOs are really trying to stay far away from politics and decision making. This is more of a cultural thing whether you want to get your hands dirty and whether you're proud of it or whether you're trying to stay out of that. Umm and that's still the case but err my stance, I think that, I mean you could ask the question the other way around to industry whether they were happy to down with NGOs and if they're honest they say that they really don't like it. When you sit down with governments you know they have a democratic, they are democratically scrutinised. But NGOs who are they representing? So that is also the comment you get back, working for NGOs. So then in the end you just have to make do.

MM: Yes right. Did industry umm make that point during negotiations?

SJ: Yes sure.

MM: They did ok. There was something else I was wondering about, the US government had quite a problem with the KP with regards to the WTO is that right?

SJ: Yeah they kept saying that err there would be a need for a WTO waiver if we would go along with a process like this that was contested by other countries but we asked for the waiver in the end just to get it over with and I think the waiver came. But I'm not sure of that anymore, but yeah that's something between lawyers, whether you actually needed one or not.

MM: Ok, as I understood it, I thought that the NGOs and Industry got together here to try and push this through, to try and convince the American government that this was something worth sponsoring. Do you remember anything about that?

SJ: Now a waiver or the Kimberley Process as such?

MM: To try and get a waiver, to basically try and get the American government to accept umm that the Kimberley Process could get a waiver.

SJ: I can imagine that that happened err but that was something that was not really on the fate of the NGOs from continental Europe but lets be honest the err world the errm the New York based diamond organisations, I think it was Eli Izahakoff running the show there erm they understood very well that they needed to keep the US on-board otherwise the New York diamond industry would have a serious problem.

MM: Right ok so

SJ: [interrupting] And they wanted action fast because hey there was still this risk of US NGOs campaigning for an embargo.

MM: Yeah I didn't see that any US NGOs campaigned for that but

SJ: [interrupting] No me neither but somehow they are very often on issues like this [pause] more aggressive.

MM: Ok, because I have read every now and again mention of diamonds going the way of fur so do you think that's likely to have come from some of the American NGOs involved?

SJ: Yes I can imagine that, yeah.

MM: Ok, that interesting umm so in terms then of umm just as a general question what would you say were the major stumbling blocks that the NGOs came across with getting the Kimberley Process through?

SJ: Umm governments [pause] they were actually not too keen on transparency in this field. I mean we were fighting rebels, every government likes to fight rebels but if in the slip stream they also have to empty their pockets and show what's happening err it's not so attractive to for instance Angola.

MM: Yeah I can imagine that! Umm so in terms of appeals then to governments to get their, because I thought that all of the decisions were made by consensus is that correct?

SJ: That's correct.

MM: So how was consensus reached on that can you remember?

SJ: Talking an awful lot! Talking talking talking and some threats and a lot of that of course we have not seen cos that's been done by ambassadors and umm by countries umm errr by countries among each other.

MM: Right ok umm yeah Ive got a meeting with Clive Wright in a couple of weeks. I think he was the UK's representative so I'll ask him about that. But you can't remember in general terms anything the NGOs did to try and contribute towards

that pressuring of governments like Angola I imagine Sierra Leone was one of those governments that was a bit intransigent on that as well is that right?

SJ: Sierra Leone was err I think from the start quite happy to do this because it was Sierra Leone and diamonds that were err that were smuggled out by Charles Taylor from Liberia so it was more Liberia that was the issue rather than Sierra Leone as such.

MM: Ah right ok that's interesting errr but how did the NGOs contribute to the debate regarding transparency, can you remember as to how the NGOs might have put pressure on Angola?

SJ: We had colleagues errm and we cooperated with NGOs in these countries and in Sierra Leone there was an organisation, an NGO, called [inaudible] to try to work with their government umm but honestly that's not something I spent a lot of time on so I can't tell you.

MM: Ok I understand, so that was the main sticking point, were there any others that you can recall, maybe on internal controls or anything like that?

SJ: One is always finds in situations like these that those countries that do not have a war going on but they do produce the particular mineral or commodity that we are looking at they try to organise the situation in such a way that they don't have to do the administrative burden. So Canada is mining diamonds, Russia is mining diamonds and they had to do the same administrative burden err which particularly Russia did not like so I guess they and particularly Russia thought that is an interesting way to promote Russian diamonds and it's not nice to have extra administrative tape that was also quite a debate.

MM: Right ok what were their reasons for not wanting extra admin? Was it purely on the basis of cost or were there sort of, I don't know, ideological underpinning there about the idea of the minimalist state.

SJ: Well as always with Russia there is something called the sovereignty of the state and the whole idea, and that's what they also argue for other countries, the whole idea that err that others are getting involved in your sovereign decisions is a problem. Err furthermore NGOs are creepy, creepy people anyway and also hey the argumentation of um state information and commercially interesting information is a topic. Nobody wants to really put down on the table how much money they're making out of diamonds cos of commercial interests and tax issues etc.

MM: Umm so industry weren't particularly keen on transparency either?

SJ: Of course not!

MM: [laughs] Yeah the diamond industry has a history doesn't it of yeah slightly opaque in that way.

SJ: Yeah and in some countries business and governments are the same thing err and that's the case in Angola that's the case in Russia that's the case in China. There's no, there's no differentiation. You're dealing with one and the same person.

MM: Yeah as I understand the industry in Botswana, I think err dosent the government own 50 percent of Debswana?

SJ: They do but they had to gain by being transparent. First of all they understood, Be Beers and Botswana know very well how much they're making because otherwise they can't do the 50/50 split and second of all they were selling something completely conflict free so, hey, they were benefitting from the system, the sooner the better.

MM: But obviously some weren't so I imagine that for instance Charles Taylor's Liberia would be very unhappy with this and there must be some figures in industry that weren't happy with this either, and I'm imaging they were at the slightly shady end of the scale. Can you remember what the WDC had to say about

it and what their negotiating position was? Were they very influenced by De Beers and so not very concerned by transparency?

SJ: 10 years down the line I find it difficult to err distinguish between the two of them and people had different opinions as to whether the World Diamond Council was actually just saying what De Beers were saying and were on the leash of De Beers or whether they were doing their own thing; I can't really judge that. Umm for De Beers it is clear that they had to gain by transparency because they stopped sourcing in Angola and they were at that point only sourcing from their own mines where there were no wars going on. So pushing through with De Beers would maybe get others out of business.

MM: Ok that makes sense. So then at some point, I mean in order to have got consensus its likely to have been governments that put pressure on the WDC to ok this, to ok the transparency measures is that correct?

SJ: The whole position, I mean this is a consensus driven process but it was consensus between countries between states. The diamond industry and the NGOs were different players but we were in a similar position which was we were allowed to sit in and debate but this is not a, the Kimberley Process is a deal between countries not between industry and the transparency was mainly a government transparency at the point of export where the taxes are paid. So I don't think, I mean yes a lot of industry does not like that kind of transparency but it was not them err having to umm, they are not the only ones that need to be transparent. It was mainly exports umm controls by governments that needed to be transparent.

MM: Right ok I understand so that would mean then really umm that if governments were being transparent then that would mean that industry would end up being transparent by default, they didn't really have much choice.

SJ: Exactly.

MM: Ok. That's very much that's great.

SJ: You're welcome

Interview Ends.

Appendix B: Industry Interview Transcripts

Interview Transcript: De Beers and WDC Kimberley Process Negotiator.

Type: Face-to-face

Location: London

Date 23/04/2014

In-text reference: OB

[This interview was conducted in the staff canteen at the De Beers head office, London. Following a preliminary discussion I asked OB if he would mind me recording the interview and he gave his verbal consent. The following is the full transcription of the resulting recording. The interview picks up after OB had just informed me that he was an 'outside market' buyer for De Beers for 6 years from the mid-1980s at Mbuji Mayi, DRC. I asked if this was something that many De Beers employees did.]

OB: Marcus it was an absolute privilege. There I was in my mid-twenties, basically running a micro-business by myself and this is actually really good because it was before internet and mobile phones and technology so it as a great way of just digging deep inside yourself to see how you cope with the many challenges that were there and you had multi-million dollar purchases, especially in high season. So you had security issues, you had to, you know your responsible for your expat colleagues that were with you and also the local people that you employed. And then there were links with local security government and national government.

MM: And this would be pre-conflict days as well? Did that make life a lot easier?

OB: Yes yeah although it was sort of towards the end anyway, the beginning of the end of the Mobutu and we did have riots in Mbuji Mayi so that was about 1990 err and I had to evacuate the office, just myself and a colleague stayed behind and we

had about a week or so of rioting but we came out unscathed thank goodness although many others didn't.

MM: Yeah it seems to be something of an occupational hazard of the diamond industry, you do end up being drawn to these kind of places where there is a lot of unrest.

OB: [laughs] Well that's why again you know talking about the diamond development initiative that one of the main objectives of that initiative is to empower these communities. I mean no one is pretending that it's going to happen this year or even at the end of this decade, this is an ongoing project that's going to take some time. But it is about empowering these people. I mean if you give them the economic clout and confidence and err intelligence and education that they need then they are going to be far less vulnerable to persecution and violent takeovers and whatever you know that they've had in the past. They'll be organised, that's what it is that's all its, its organising them.

MM: It seems to be, certainly from a lot of the NGOs I spoke to in Freetown is that one of the big problems out there is that particularly the miners are effectively working as slave labour to then dealers and if somehow they could be organised into cooperatives whereby they could strike a much harder bargain with dealers and be trained to actually value the stones themselves.

OB: Are you going back out to the region again any time soon?

MM: Maybe yeah

OB: Because I'd say a good place to go to would be Ghana where they do have a lot more organisation in that respect.

MM: Yeah because its funny, Ghana, there's talk about whether I'm going to do another case study or not and...

OB: Well look it might be a nice contrast because its in same region and err and sure, I'm absolutely sure you'd find some exploited miners there too but you'd also find some rather interesting and err examples of proper cooperatives that are working well and the key thing is also that as they organise themselves, they still have people who sort of own it as it were err they work far more in a cooperative framework err and they can invest, start investing then in machinery because, cos that's quite a key thing as well is the mechanisation of it all err not just in the recovery process out of the gravels but you know on land itself and processing it there and that obviously requires money and you can only get that if you organise yourselves into proper formal groups. There was something we were trying to do when we owned the, sorry I'm going off onto all sorts of tangents here...

MM: No no please do, as long as I'm not taking up to much of your time...

OB: No this has been my life blood. I was, I was running a project about seven, eight? Seven years ago when we owned the Williams mine in Tanzania and that's sort of geologically an interesting deposit because it is a primary source, a volcano, but the way it erupted it was sort of like a big chocolate pudding and deposited umm

MM: Is that like dykes, kimberlite dykes?

OB: No because normally it would like shoot out and then died and went but this one came out and splooged sort of like this and it spread the kimberlite far and wide and then it sort of eroded and got into the gravel and things. So you had this unusual geological set up where you had a primary source, the kimberlite pipe itself and then nearby you had all these alluvial diggings as well. And so what we were trying to do on this was to organise these diggers and communities umm and we got quite a long way and then unfortunately they sold the bloody mine so we were never able to bring it to full conclusion which was terribly, terribly err, but I'm happy to err share the working we did on that if you like?

MM: Yeah some information would be great.

OB: I'll just do you an info dump and you'll have to sort through.

MM: Anything your prepared to share with me would be great and I think there are some people in Sierra Leone who would be interested to hear about that as well particularly some of the people at the Network Movement for Justice and Development?

OB: No, but I'm sure Dorthy has.

MM: Yeah. I think they do a lot of work err certainly they've teamed up a lot with PAC in the past and yeah that would something they'd be very interested to hear about as to how perhaps some of the larger scale companies or certainly some of the juniors that are working in Sierra Leone could perhaps help a little bit.

[OB's phone rings, has asks to take the call and there is a brief pause in the interview.]

OB: So Yvonne is a good person for this anyway but I appointed her as the manager for this, she's our communities' expert in the field. She left us for a while and how now come back and she was the one that was actually running this what we called the Modui Community Diamond Partnership.

MM: Right ok, is she based in the UK now?

OB: Yeah, yeah, for now. We are looking to transfer her to Joburg that's why she's doing all this running around outside at the moment. She's having to do passport and something about medication and goodness knows what they require these days to try and get a work permit down there so...jumping through lots of hoops. Anyway...

MM: They do like their red tape. Yeah anyway, so when it came to the KP negotiations then, as I understand it you were present for almost all of them is that right?

OB: A lot of them yeah, a lot of them.

MM: I mean then, I'm imaging that this didn't exactly catch De Beers on the hop? And that even as you approached this De Beers must have had some idea as to what you wanted this thing to look like?

OB: I think once we had we did. There was a huge learning curve Marcus, a rather steep one, I would dare to say also for civil society. In a different way there was a very steep learning curve for them as well. Understandably, you and I just spoke briefly early on about the complexities of this disparate and far flung global industry and the centuries of development and evolution; quite a complicated thing and I think they...it was a rather more complicated picture than they had anticipated when they came in. Umm but also for us as I think, you know I was talking about earlier on about how we had kept purposefully a low profile. It just suited us we had nothing, we felt we had nothing to say anyway. Umm so when this came along umm I think it would be far to say yeah we were caught on the hop a bit. Umm we had no experience, no real capacity to engage with a cross section of stake holders as we needed to do at that time. Umm it had been quite narrow we had worked with governments, we'd worked with the United Nations on the err

MM: Angola

OB: Yeah following the err what is it 1173? In 1998 umm that was in June so we started working with the UN then and the Angolan government who we were in partnership with; the MPLA government in Luanda umm purchasing diamonds there, so then they had their own certificates that were created for that. So, it was quite narrow for us. Governments, international organisations; civil society we didn't really have any experience with.

MM: So you'd been involved in the creation of certificates of origin already up then, even before the thing started, you were involved with the MPLA government to draw up these certificates?

OB: Oh no the government did it by itself but these were quite rudimentary certificates. Just jumping a year forward for example we lost confidence in them because they were easily umm errr

MM: Forged?

OB: Forged that's it sorry. They were easily forged and umm so we no longer had any confidence in them. We had to protect our lines of distribution so that's when in December 1999, well October 1999 we decided to withdraw from our Angolan operations and that cost us because it really soured relations with the Angolan government in Luanda.

MM: It's a big deposit as well?

OB: Well commercially it wasn't such a big hit but certainly in terms of our future commercial relations with the Angolan government, I mean it took quite a long time to repair those. I mean they, they really did not, they weren't impressed with us withdrawing, but we had to protect our channels of distribution. We had to be confident that the diamonds that we were purchasing were conflict free.

MM: How was De Beers operating in the country at the time? Was it just operating a buying office?

OB: A buying office yes with the government. It was in partnership with the government, with the MPLA government yeah. We never did business with UNITA at all, you know (pause) nothing direct on that. Umm but obviously the diamonds that were coming through Luanda were both from MPLA and UNITA forces because you had the government of national unity at the time and one of the things that had to be done leading up to the elections was demobilising a lot of soldiers on both sides. So you had the UN over... and what do they do with them? You've got all these people who have just been trained to kill each other, you can't exactly send them to work in the post office. So what they did, and we actually advised the

government against it, but the government went ahead anyway and you could sort of understand why they did it because it was a short term fix; they deregulated the whole trade of digging and trading diamonds, rough diamonds. So essentially they basically said to these demob soldiers, there you go, you can have access to these diggings umm and it was just basically to keep things safe and quiet. And as I say you can understand why the government did it but it was rather short term and we did caution the government against that. Umm so you had the UN at the time, peacekeepers overseeing, umm you know umm situations where literally on one side of the river you had demob MPLA soldiers going through the gravels and on the other side you had UNITA de mob combatants doing the same and very soon a lot of these places became like lunar landscapes because no-one really knew what they were doing they just knew that the diamonds were here so they just dig, they dig anywhere so it was a complete mess but diamonds were being found and they were being traded. And so at that time, with this government of national unity you know you had diamonds that were coming from these demob UNITA soldiers as well as the MPLA and they were all being mixed in, no-one knew which side they came from.

MM: So this created a problem for De Beers didn't it? I mean it, at the time the word monopoly gets kicked around a lot and I don't whether De Beers were trying to maintain a monopoly or not but certainly...

OB: What with our outside purchasing?

MM: Yeah, understandably you guys were quite interested in controlling the supply of diamonds...

OB: On the outside it was umm more about price support, its more about support the market, stabilising the market.

MM: Not completely controlling it?

OB: Not controlling it because even... [Speaking slowly and deliberately] in that, in that outside market as we call it we were significant players but no, by no means the biggest umm you know because there were a lot of competitors there. For example when I was in Mbuji Mayi buying diamonds for De Beers, our operating name out there was Sedizer and there were between, and it varied from time to time, but there were between eight and fifteen other competitors in town buying diamonds umm...

MM: Were these local operators or international?

OB: Err international. Mainly from Belgium and Lebanese community err were there so you know it was more about stabilising the market and this a crucial time also you know that whole time in Angola because what was happening after the deregulation was that diamonds were just haemorrhaging on to the market, huge values as well and much of it was bypassing Luanda and going straight into these, the international [tails off, changes focus]...and so what we did was we intervened there to stabilise the situation because it was affecting prices and you know we had partnerships with, you know this is affecting the income of the governments of Botswana, Namibia, South African, Angola umm and also for ourselves so we did what we knew best, was to go out and try and stabilise the market by mopping these, these goods up and we were buying them mainly in Tel Aviv and Belgium. But as I say at that time we had no idea whether they were UNITA, MPLA or whatever but we knew and assumed and/or assumed that they were not Angolan production.

MM: So then when you get into the Kimberley Process and certainly when you read A Rough Trade you can certainly see what the NGOs were driving at here was that there was a problem in the structure of the industry because you guys are obliged to mop up these diamonds. And then you see in, what was it 2000, 2001 I think it was De Beers change tact and decide that rather than be the buyer of first resort you guys are going to be...

OB: The supplier of choice, yeah.

MM: Umm so I mean was that choice anything to do with what was going on?

OB: Err it was largely coincidental. I wouldn't say that they were totally unrelated but it was largely coincidental. I mean by, one of the reasons we had started that strategic review that led to the err demand led business model if you like, 'supplier of choice,' we started that in 98. We had a strategic review that led to that so that's before conflict diamonds. But obviously err as other external issues developed like conflict diamonds that did inform some of the things we were doing and that accelerated also in the recommendations that we needed formalised standards of business behaviour umm for ourselves and for our clients. That's when we started our best practice principals as well around that time. And again clearly this was, what was happening in the area of conflict diamonds informed how we developed that part of it. But the BPP [Best Practice Principals] is quite a wide ranging umm it covers everything from health and safety in cutting factories, right up to human rights violations umm and full compliance with the Kimberley Process so it err and everything inbetween.

MM: Is there an old copy of that I might be able to have a look at? Presumably that was being developed then as the Kimberley Process was being negotiated?

OB: Yeah yeah

MM: Is there an old copy I could have a look at?

OB: Well you could certainly, you should be able to find...certainly a pretty good overview of our BPP is on the website, De Beers group.com But I'll try

MM: But you know how it's changed...

OB: Oh yeah well obviously its evolved over the years and err it umm its independently audited by a third party SGS goes out into the field umm on a risk

management basis, going to our clients operations and looks at our operations as well to ensure compliance with BPPs. Umm and actually if you look at that and take into consideration it is everything from are there enough fire extinguishers on the wall in the factories right up to, you know, training on human rights and full compliance with Kimberley Process. Our clients account for between 70 and 80% of the world's trade in rough diamonds.

MM: Really? Is that still the case?

OB: Yeah yeah these are big players. They don't just buy from us they buy everywhere else but even if they buy them anywhere else they're still under, they're still subject to those BPPs, those best practise principals. They're contractually obliged.

MM: [inaudible]

OB: Yeah any breach of the BPPs, it's in their contracts, it's not just a voluntary thing it's in their contracts and any breach of that will be penalised, you know on a sliding scale you know and the biggest of all, we will cease to do business with them. So when you consider that, that 70% in that respect is independently audited umm through the BPP system umm that covers quite a lot of the trade in rough diamonds already. And then you put on top of that membership and compliance of RJC, the responsible jeweller's council and you know other initiatives going on and national laws etc you know it's pretty well covered.

MM: Err yeah that's quite stringent I wasn't aware of that

OB: [interrupts] and this, sorry, I just wanted to add to that, this comes from the, and we are supposed to be talking about the Kimberley Process as well but you know the constant sort of thing about the Kimberley Process, it doesn't do this, it doesn't do that you know its...the BPPs, the RJC all these industry initiated measures is a reflection of the industry's recognition that the Kimberley Processes

was never going to be a one-stop shop. It was never going to be a silver bullet that's why we created all these things around it. So whilst others the critics of the KP have just been standing by shouting down KP, what we've done is created these initiatives that complement the KP. The KP will always be a central point on this because it's a government overseen structure or [inaudible] in the international trade and makes a very good foundation for any of these other industry led initiatives and so it will remain important but you know again, I hate to say it, but you know its obvious that the KP, why bother criticising it for something it was never going to be anyway. That's why we created these other things to complement it. We see the Kimberley Process as one of a suite of initiatives that are there to ensure good business behaviour along the value chain and to maintain consumer confidence. So as I say, it is one of a suite of initiatives and it was, we never saw it as a one-stop shop, we never saw it as the silver bullet.

MM: So how do you find dealing with the Kimberley Process now? I mean I understand a lot of people have made efforts to try and reform it.

OB: Yeah and the industry is fully behind that, the World Diamond Council, of which we are members. We supported the reform agenda but you know that's, you've got something like 85 countries, all with differing agenda and the whole thing is run on consensus and that was part of the reform process as well to try and get some of the decision making with a qualified majority but again sadly that hasn't come through but you know we'll persevere and, you know, because that three year term of the review was chaired by the, was chaired by Botswana, umm co-chaired by Canada. There are the ad hoc committee on Kimberley Reforms, its tenure came to an end at the end of last year. But we ensured, because I was in there then, that we had at the end of that the opportunity to revisit any of these points on the reform agenda and that we ensure that there will be another three year review by 2017 at the latest which again will be another opportunity to discuss and bring in on a formal basis these reforms. So we haven't given up hope on that umm and this is

the industry doing this, this is the industry that got that in on the final communique at the end of last year against some opposition from some countries.

MM: Yeah I think that's a problem with any trade regime that going to involve so many countries, its going to be quite unwieldy...

OB: Yeah and that's again as I would say, everyone is quite frustrated with the progress and the slow, sort of [inaudible] but it is getting there. You've got to, you've got to confine yourself to the reality of the situation, what the Kimberley Process structure is. You know it will not have a cure for the common cold this time next year. It's just not going to happen. Unreasonable expectations are not going to assist. Sometimes it actually does provoke resistance which might not have been there in some quarters if you are continually pushing too hard, you've got to carry on the negotiations in good faith however unappetising that might be sometimes.

MM: no it is a diplomatic process and err the UK delegate that I was chatting to about this he said that he was absolutely amazed that the whole thing managed to get negotiated in three years and then he spoke to the NGOs about it and they were all absolutely disgusted that it had taken so long.

OB: Well that's a good point Marcus because there was a lot of complaint about that, that it took three years. My view however is that perhaps it should have taken longer. If it had taken longer we might not have had the difficulties with consensus and some of the structural defects that we subsequently found in there which stopped the progress.

MM: That's what Ian said actually that I found very interesting which is he said actually that at one point he wanted to continue pressing...

OB: He was one of the first to complain that it was going so slowly! I remember because he was one of the first people I actually put that point to because the example that I used was the good old EU umm and that it had taken something like

ten years for the European Union to discuss and conclude what they should call British chocolate. And there is a room about the size of a large double bedroom full of documents about that ten years. Umm so to put something like the Kimberley Process together in three years is remarkable; remarkable that it works full-stop. But I would have said maybe five years might have been a more realistic time schedule. We did have an emergency at the time, there was a great urgency, we needed to get something in place so we could start marginalising...

MM: [interrupts] but things had pretty much quietened down at the end though I mean the war in Sierra Leone had almost come to an end by mid 2002 umm and Angola had gone quiet. It seemed that there was actually a bit of time...

OB [interrupts] Yeah UNITA still had a way to go, I mean wasn't err when was Savimbi assassinated? 2006 wasn't it something like that? 2005? Something like that anyway, mid noughties. Yeah so there are some, and I believe that it would have been wiser to get something in-place but carry on negotiations to embellish it rather than having that deadline that you know, we finish everything by then. And there were countries that wanted a sunset clause in it.

MM: What they wanted a sunset clause in it, in that it only lasts so long?

OB: Yeah

MM: Who wanted that?

OB: I won't say [laughs] but it wasn't, it wasn't who, it was what I would call a part of the western alliance, a member of the western alliance. They were soon dissuaded from that and err but there was talk about having an err sunset clause in it umm. But as far as we are concerned, certainly here at De Beers, and I would say the vast majority of the industry as well, the Kimberley Process is here to stay and its not going anywhere, it is as I say the foundation stone of many of the initiatives that we've put in place umm and you know and it works reasonably well. And we've

had some good hits in terms of the creation of, since implementation, the creation of the peer review mechanism for example and we've got a lot more transparency on statistics and sharing information err you know we've progressed on that and use of technology we've got umm the err, many countries hate it being called the secretariat but we've got the umm, I forget what its called...

MM: Isnt it called...

OB: The ASM or something the support mechanism, the administrative support mechanism, the ASM is a ridiculous name but it got around a lot of objections. So you know we've had them in place, put in place since implementation so there has been progress; that demonstrates that progress is possible but it doesn't make it any less challenging but it is possible. Umm and also I would say on things like umm, first of all I must point out that as you know but everyone else should know, because still its often thought that the industry runs the Kimberley Process, it is a government run organisation, I like to call it, we are observers that's our official status as you know, civil society and industry are observers but I like to call us executive observers because we are members of the various working groups which are like the dynamic for policy creation which then goes to plenary to be either passed or not passed or whatever – certainly discussed anyway. So umm, so yeah its a government umm run organisation. And I'm not an apologist for it this is something that we are partners in but at the same time we are not running it but I will say to the enormous criticism that came during the Zimbabwe, what we could call the Marange crisis by the end of 2008 umm that the Kimberley Process did not step up to the plate. I think you've just got to step back from that and view what did happen umm first of all in 2009 during the Namibian chairmanship [pause] very divisive because you had the southern African diamond producers, the mining countries, who were very much playing the sovereignty card, rallying around Zimbabwe, all sorts of historical legacy issues for that, to explain why that happened and then you had the western alliance that was looking for, pushing very

hard in terms of these are human rights violations we need to make sure that the consumer only buys non conflict...and then you had what I call sort of for want of a better word the non-aligned, maybe the conservative bloc of Russia, India and China and again so this, this showed this [pause] put a spotlight on those differences. Having said that, and with all the opposition for any kind of umm action on Zimbabwe, because civil society were clearly wanting Zimbabwe to be at least, at the very least suspended from the Kimberley Process. There were others in the middle, there were others on the extreme who wanted nothing done to Zimbabwe just business as usual but then in the middle I think what emerged was this compromise situation which I thought was very good which was, you know, lets stay engaged with Zimbabwe err this is not a country in, in err civil war or anything like that. This is a very serious allegation of human rights abuses in a diamond producing area but umm it did have other diamond producing areas that weren't under that [tails off]

MM: There's a kimberlite mine isn't there right down in the south?

OB: Yeah that Rio Tinto umm runs and mines. So this is new, so to say first of all that the Kimberley Process wasn't doing new or innovative, right from the beginning it did because what it did was take it on a mine by mine basis so what then was the process was to draw up this road map umm with Zimbabwe and if you look at it again this went to several pages, it was quite an intrusive and robust framework of exercises and initiatives and whatever for the Zimbabwe government to comply with to bring it back into compliance which included regular monitoring, which had never happened to any other country umm to that point so it was very much under the microscope of the entire Kimberley Process and this was new this was innovation. This was going beyond the remit this was ignoring the core document and this was creating innovation. Umm and

MM: That kind of gets ignored because I'd not heard that. I mean I don't really study Zimbabwe but umm but I hadn't heard that there was a course of monitoring going on.

OB: Yeah there was regular monitoring going on. There was, with the agreement of the Zimbabwean government an embargo on exports from Marange; now this lasted three years. Umm now this again caused huge issues, looking and recognising the complexities of the international trade and the dependency along that value chain of livelihoods as well umm so they, you know this was depriving the Zimbabwe government of millions of dollars of exports. Absolutely we knew that some was being smuggled out of the country. We knew that the Kimberley Process as never designed to stop smuggling and when you have the greatest concentration of wealth in the world in this unique mineral, diamonds, its very difficult to stop smuggling completely; so we knew some was getting out but the large part weren't. Stocks were being accumulated in Harare and working with our clients here who would have been purchasers of this, we worked together to hold that line, to make sure that they weren't purchased. Having said that, going further downstream say to India, Surat, now again this is where you have lots of little cottage industries, factories as well as the big factories as well, 600,000 people depend on keeping those polishing wheels turning. Marange, supplies to Surat at the time, Mumbai and Surat were pretty sort of tight so Marange was a lifeline for them so clearly you can imagine their huge concern that Marange exports were being stopped. So India was furious as well on this because it saw it had to do the right thing in terms of going along with the consensus on this but at the same time looking to protect these jobs these thousands of jobs. So again you're juggling, this is not a black and white issue. You're dealing with peoples livelihoods here, at the same time you're looking at human rights abuses in the same, in the same context.

MM: You are and obviously you're looking at the wider health of the industry as well?

OB: Absolutely. So it was very complex for all, as I'm saying we were quite clear on what we were requiring here. We required our clients to hold the line with us and the rest of the industry in terms of stopping, ensuring that no exports, there was no breach of that export ban on Marange goods and that held umm for three years and in the end, Marcus, the err government did come back into compliance. Umm they brought in these umm other firms, these external firms, ok not any of them were noted diamond mining experts but they did bring formality and regulation to the area umm proper security umm and also with the transfer of communities to places which they had built; purpose built homes for these communities as well umm and so on. So in the end what the Kimberley Process did was actually bring about behavioural change in the government of Zimbabwe which to my knowledge no other international organisation had been able to achieve. Not the UN, not the sanctions from the US not from Europe, all that did was make Mugabe and his regime dig their heels in deeper. We actually got them to change.

MM: Hmm yeah the international community has struggled to get any sort of leverage on Zimbabwe.

OB: Exactly and the KP for all its flaws, and I'll acknowledge all of those its got many flaws and its got a long way to go before anyone is totally satisfied with it, but for all of those flaws it was the only international organisation that brought about significant behavioural change.

MM: Yeah I'm not one of those people that would bash the Kimberley Process

OB: No I'm not saying you are but for the record, whilst we acknowledge that its not perfect and we are as disappointed as anyone that the reform agenda did not get through at the end of last year.

MM: Umm what was the reform agenda?

OB: Well it was about bringing in human rights wording into the core documents but again only focusing on diamond activities, only diamond mining and such like. It wasn't meant to be like nation wide human rights issues, quite simple straightforward human rights abuses; to change the definition to broaden the definition away from just about rebel organisations trying to undermine legitimately recognised governments to a broader sense of violence in areas.

MM: So did this thing get through?

OB: No. We got the secretariat through which was good and we got got a few technical issues through but the broader ones and things like switching to, for some decision making processes, to qualified majority which is something else we wanted as well and would have very much assisted in terms of getting things moving more quickly umm and these were things that unfortunately that we failed to get through but that's why at the end of it umm at the meeting when we were going through that part of the communique umm we insisted that that discussion went on and also that we had another review of the Kimberley Process by 2017 at the latest.

MM: So can I test your memory a little bit on some of the [inaudible] I'm imaging that De Beers took the idea of a consumer boycott or consumer campaigns very seriously. Was that something that really concerned De Beers deeply?

OB: It did concern us because obviously there was err a commercial concern that we had there clearly. Because the problem with the diamonds is that there are very few brands so you couldn't say, I'm going to have, you couldn't at that time fifteen years ago, you couldn't say oh well I'll have that De Beers diamond or I'll have that Rio Tinto diamond because by the time that they get to that clearing house of the cutting and trading centres you know it's a conduit for all of those productions. So there were no brands at the end of it, it was generic, it was diamond jewellery. Umm and our fear of course was that people would become so concerned and confused about

the whole thing that they would just turn off diamond jewellery completely. And then given the fact that umm it was here at De Beers that we made an umm attempt to properly quantify what was the def...what was the volume of conflict diamond was by that definition and we came to a figure of 3.75%. Which if you umm took all of those areas of conflict, umm know production, scientifically assumed productions and so on and so forth it was just under four percent umm that we came to. So our concern then was that there was also, we thought, a you know that there was a just thing here as that, yeah, this is an issue that is very important that we must all address but at the same time if you're looking to go to the consumer with this proposition that, you know, diamonds, there are these things called conflict diamonds and they have no, you know, there is no ability either with the retailer or the consumer to differentiate at that time. You know this was going to severely damage a country like Botswana, bring it to its knees for example.

MM: Yeah that was going to be my next question really that I imagine that when it came to engaging with the NGOs on this issue, was that something that you stressed very hard?

OB: Yes, yes we did umm and because our partners in the government of Botswana wanted us to. I mean they were very very concerned and the vast majority of diamonds, you know whether you take it as the 4.4% we did or the 15% that the NGOs came up with its still the case that the vast majority came from reputable sources that were actually assisting socio-economic development in developing countries like Botswana. Diamonds had helped Botswana go from at independence the poorest country in the world to now a mid-income country and has provided the stability that makes it the only African country to have uninterrupted democratic elections since independence. That was all going to put at high risk with this blanket thing. Now to be fair, civil society did listen to that and also with the intervention of people like Peter Hain, who was quite crucial to this as well, Peter Hain also with great knowledge of, he was umm Minister for Africa at the time and

err contributed quite a lot to the early days of the development of the Kimberley Process, now he understood Africa.

MM: Did he talk to the NGOs as well and try and get this across?

OB: Yes oh yes very much he was close to the NGOs and he played a vital role. I mean he was quite critical of the industry in the first place but I think he came on board a lot and umm and again being an Africa specialist and coming from Africa himself, he did realise that the industry there was, was you know crucial to economic growth. Umm and it was his intervention amongst others and us trying as well, but he was quite a significant intervention, to pull us back from that blanket that [inaudible]. But civil society reacted pretty quickly and credit to them that they did see that as well and the enormous damage that it could have done.

MM: Yeah that's what I was going to say, there does seem to have been quite a big change actually around the late nineties very early noughties you know, 2000, where actually you can see in the documents they were publishing where they were clearly threatening saying that we could do some consumer campaigns and then actually that goes very quiet after about 2000, 2001 and the negotiations get going so presumably then they must have taken that on-board?

OB: They did and as I say they umm you know there's a lot of credit that needs to go to civil society on this, Global Witness, Partnership Africa Canada umm. First of all there was a bandwagon issue at the beginning of the noughties. Clearly a lot of NGOs saw this as a great way to get in, because it was in the papers it was on the news, a great way to get funding or whatever. So I think at one point there was something like 160 or so NGOs who had associated themselves with this, with conflict diamonds. And again this then tested those sort of leadership qualities of Global Witness and Partnership Africa Canada and I have to say they were not found wanting. Because you had big hitters as well who had come on board as well you know like World Vision, Oxfam. World Vision played a big role though umm

err on that as well. But Global Witness and Partnership Africa Canada really stepped up to the mark and showed great leadership in containing what could have been a very messy affair in terms of messaging going out left right and centre. And so again credit to civil society leadership in that respect. Umm So in those early days you did have that but you know they learned and they moved on and also at the same time my responsibility with colleagues in De Beers was – De Beers had been placed as part of the problem, clearly in the Rough Trade and to a certain extent in err in err the Heart of the Matter. Umm so what we had to do was move De Beers from being perceived as part of the problem to being part of the solution and I think the breakthrough we had was in 2000 when we were invited to submit evidence to the err to Congress and there was a committee that was discussing this. We put forward what I feel was a document of good worth in terms of using our expertise of the market, industry, the trade and umm and I think we provided a document that was recognised as being very much a part of that solution and I think that from that time on, De Beers was recognised as being central to that and galvanising the industry we eventually were able to do also in 2000 with the creation of the World Diamond Council.

MM: Yes, how then did you go about I mean winning, I don't want to use the terms winning the argument with the NGOs but how did you manage to separate De Beers from this conflict diamond issue because the way that they presented it initially was that this is actually a problem of the industry, this is something integral to it.

OB: Well it was, it was I mean industry was certainly, because of the way it was structured, umm made it easy, easier for this trade in conflict diamonds to go on umm but that did not make the industry, or the industry players the problem, it was just err the structures of it that needed to be seen to.

MM: And you took that on board?

OB: We totally took that on board we had to, we had to Marcus. And so that learning curve was very steep for us to and we had to. We had to engage positively and we had to take everything seriously and you know realising this wasn't just a security imperative it was a humanitarian imperative as well.

MM: It was an ethical issue as well

OB Yeah and we needed to take that on board and quickly and I think we did act as quickly as we could, the key was to galvanise the industry and I think that once people had seen that De Beers had not dealt with UNITA and all of that umm and that we had acted responsibly and withdrew completely one we found that we had no confidence at all in the outside market, you know, De Beers I think was recognised as being an essential part of that breakthrough to get the industry organised and to get structures in place and to get it to engage positively with civil society and governments and that's what we did through the creation of the World Diamond Council.

MM: Because I mean that's sort of what we were talking about earlier isn't it in terms of the position you were in, in terms of trying to stabilise prices. Umm there was obviously a withdrawal from that, when it came to dealing with people, well your buying offices in DRC and Conakry and places like that, there was clearly quite a large withdrawal from there umm can you remember was it just purely ethical issues, was it just eh NGOs saying this is unethical this is immoral and you are ...

OB: I think up to that point I mean look we [pause] again I think credit has to go to Global Witness and PAC umm in terms of rationalising this issue and bringing it to the attention of the world in a way it could understand. I don't think the industry at large had understood what this was as an issue and I think, as I was saying earlier on, suggesting earlier on, I think we saw it more as a security issue that's why we were working very effectively with the UN in terms of closing this illegal trade down once those political and economic sanctions had been imposed on UNITA

and we were very much for that but we saw it purely as a legal and security issue. And it was only when Global Witness and Partnership Africa Canada came forward with you know their, the research with the evidence and everything like that, that we realised that there was also a huge humanitarian dimension to this.

MM: It goes back to what you were saying earlier, in some ways it's a very conservative industry and its one that's not really...it doesn't change a great deal anyway so there are these protocols, these practices in place and I would imagine that for someone sat in the bush as you were in DRC its quite hard to imagine all the ramifications of what's going on in the wider world and where the stones are coming from.

OB: Yeah, yeah because its one of the few products that looks the same all the whole way through the value chain and it is quite a long value chain. There you are..

MM: Yeah it is quite a long value chain, I've been scratching my head on and off for four years trying to figure it all out. It's very complex.

OB: Yeah and you know shifting through the gravel on the river side and umm you know and that's where the journey begins and then it goes on to, probably you sell it to umm a croupier and then another group and it goes through so many hands, and once it comes through the hands you just, you know I suppose it's just human nature I guess. Its just something I'm going to get cash for, it's part of my business and you don't think about where it came from. And that was something that we had to make sure that the industry did realise, that provenance was an important aspect of the trade, of the international trade in diamonds.

MM: And presumably there were two strands to that argument then; there was the strand of the argument that said there is a morality argument here and there was the other one as well that said that there is the long term health of our industry as well which we need to sort out otherwise we're going to end up in trouble.

OB: Yeah totally and utterly. We'd spent, remember, decades promoting diamonds with positive emotional messaging; umm the whole diamond dream, aspiring to the highest values of human kind. You don't, you can't put in hundreds of millions of dollars into that as we did over the past seventy years or so and then allow that to be undermined by negative emotional messaging.

MM: Which could be done very very quickly as well.

OB: Which we saw could be done very quickly. Umm and we needed to be [greeted someone walking past] and we needed to be part of that, you know that protected our product and at the same time demonstrated to people in the markets in the consumer markets you know that those diamonds did still aspire to the highest human values. Umm and also there was another umm issue as well; employees. Umm I because I've been asked some personal questions about this, how can you be part of [tails off]. I'm part of a company that I'm actually proud of what we did do. We had a lot to learn but I'm pretty proud that we learned it pretty quickly. And part of my task as well, you know apart from interacting and engaging with the outside world is interacting and engaging with your colleagues and this is part of what we call the pub test. If you go down the pub and you're able to defend what you do for your living you know that's important. And people will not work for a company that's, will allow suffering and misery and goodness knows what - largely. And I was very aware of that on a personal basis umm and I was aware that many of my friends and colleagues here at De Beers needed to be reassured that De Beers was doing the right thing and it was moving in the right direction umm on this very important issue. I remember on a very personal basis, a very personal story was umm sat down 2006-2007? Umm and this is really umm don't put anything about this when you write up or anything like that but umm I was, how old would he have been then about 14 I suppose, watching blood diamond with my son in the sitting room. And it got a point, because obviously, this is 2006 2007 and I'd been working with the Kimberley Process and also working you know on this film,

interacting with the studios and everyone on that. And umm it got to the point when they, had a scene with the child soldiers and just being a father of teenage boys myself this, I don't know, it hit me like a train. I just did not expect it and I just burst into tears. And it really was a strange experience. But then what happened, what was worse was that my son reached out and touched my shoulder don't worry daddy you're working to make it better. Oh and then that was it, I just completely dissolved and broke up. I had to go into the garden and have a fag it was, you know it was terrible. But again what that built up was the need, that need and I've said to many friends in the NGOs and in civil society, I think you target the wrong people when you go out on campaigns because I think generally speaking the mainstream consumers are pretty fickle. You know they'll gladly answer a questionnaire outside a supermarket saying of course I buy Fairtrade coffee and then they'll go in and buy what the hell they like.

MM: there's a big social desirability bias.

OB: Exactly, quite. The people they, the people they should be targeting are employees because that really will hurt a business and quite rightly too because I don't think anyone, any individual should be able to stand up and put their hand on their heart and say that the company they work for does the right thing if it doesn't. And that experience that I just told you about with my son that really did bring it home to me that it really was very important to me as a person and then I assumed and I know pretty well that its true for many of my friends and colleagues in De Beers as well.

MM: I think there was a problem in the NGOs and from talking to them I think it was a problem that they kind of viewed the diamond industry and De Beers as this monolith and I don't think it really quite got through to them that we are dealing with people inside this thing and these people will have values in the same way that we have values...

OB: Exactly and as I also say to them they've got no umm they've got no monopoly on the moral high ground or of righteousness here.

MM: Umm you know I've got a lot of friends in financial services and they're all deeply embarrassed to admit that they work in financial services and some of them are even training to do other things because as you say, they're failing the pub test. So it is important, it's a very important thing. Just so you know I'm recording it but I won't be using any names or anything like that...

OB: Oh no that's fine that's fine it was only on that personal one because I just thought it was a bit soppy, it was just to umm illustrate the umm as I say the importance of employees in this. I think it was our biggest...they were so hungry for information they wanted to know; these people cared. Umm and that's what should be known as well as you quite rightly say it's not just the NGOs that you know care about these issues and we were all in the privileged position where we could do things about it. You know I was able to create the diamond development initiative with civil society. It may be a small organisation but it's doing fantastic stuff which we were told could never be done, umm for example. That's the great thing about the private sector, we have the power to do a great deal of good as well, but it works at best I found in this tripartite partnership where you are working with governments, where you're working with civil society as equal partners.

MM: That's what I was going to say was that the problem with the private sector is that frankly you guys don't have time to look at all this stuff because you're too busy doing what you're bloody well paid for.

OB: Well we haven't got time not to I would say Marcus. To give a different perspective I would say look we absolutely have the time to protect the integrity of our valuable, beautiful product. And it's not just about selling, we know it's not just about selling. Diamonds will not sell themselves, diamond; the first thing to know about diamonds is that it's an emotional product. What people are investing when

they buy them, not so much the money but they are investing emotions and that's vitally important to know and its one of the most important things for people to know and realise and therefore the integrity, what we call the diamond equity, is hugely valuable and it is not by any means a waste of time spending money on.

MM: Because you're buying something that is significant but that is not particularly practical.

OB: Yeah you're quite right but it's a brilliant product to convey those emotions that we are not capable of conveying verbally, or in any other way that's why its such a great product.

MM: If I can drag us back to the negotiations, but if you want to stop me, if you've got

OB: Well I'll have to stop soonish, actually do you want lunch?

MM: Well if you can that would be great.

OB: Yeah lets have lunch.

[Interview breaks off as we go to the staff canteen]

Second recording:

OB: I think what bothered me most were the opportunists.

MM: The NGO opportunists who jumped on the bandwagon for the sake of funding?

OB: Yep and also there were some political players [inaudible] but you know some politicians saw it as a good opportunity to make a name, without necessarily [inaudible] but hats off to people like Peter Hain though he was brilliant.

MM: Yeah because I heard that at the time the Blair government were very keen on having an ethical foreign policy so I imagine that the blood diamond issue or conflict diamond issue was very useful for them?

OB: Yeah, yeah absolutely. And I also had some deep frustrations with some people in the industry who just weren't getting it. Either through ignorance or through an unwillingness to get it.

MM: Do you think there was anyone in industry who was just genuinely not keen to get it? Who didn't want things to change because it worked quite nicely in their interests?

OB: Yeah, you know again just sometimes through appalling naivety, I mean I would hear it from some traders who would say look Sierra Leone is 6000 miles away what's this got to do with us? Umm you know just not getting that chain of custody thing.

MM: Umm when it came to the chain of custody there are many different forms it could have taken if I understand it. The NGOs at one point pushed very hard for either run-of-mine identification or they were talking about finger-printing at one point...

OB: Umm that was the purpose of the first Kimberley Process meeting in May 2000 in Kimberley.

MM: Right did you discuss technology?

OB: It was a church hall, yeah, it was called a technical forum it wasn't called the Kimberley Process then but it was held in Kimberley in err a church hall, I think there were about 60 of us in all, err and it was there to discuss technical issues could you identify diamonds chemically or through their characteristics, their physical characteristics and we helped in bringing in scientists from all around the world including our own research scientists etc. Conclusion was yes you can but there were huge challenges and you could not use it immediately umm and then there was a whole question about building up databases which would take a better part of a decade umm in order to get it right because you couldn't use it in a court of law.

And there's also the issue of, you understand the difference between primary and secondary deposits? You've got in the Lunda Norte say for example you know that were subject to UN sanctions and were deemed to be conflict diamonds. Now from those primary sources, those diamonds were washed down to a place like Tshikapa in DRC which is not a conflict area so if you were picking up a diamond in Tshikapa originally that came from Lunda Norte. Now if you were capable of doing a chemical analysis of that they would say it's a conflict diamond I'd say no, no I bought it in Tshikapa it was found in the gravels of Tshikapa river umm so you see there was a dilemma there. So after all of that discussion that was when we finally decided on the certificate route.

MM: So it was sort of a combination then of a time issue...

OB: yeah we needed something quickly

MM: And also on the basis of a practicality issue because alluvial stones can get washed all over the place.

OB: Well quite yeah.

MM: But was there also a cost issue?

OB: Oh yeah

MM: Because I think I read somewhere, Ian Smillie or I'm not sure it was Ian Smillie it might have been Global Witness about actually branding stones, that there was technology that you could laser on a hall-mark.

OB: Oh that's what we [pause] that's our technology. Its invisible, it's so minute you need an instrument to see it. We use that now for our forever mark which is the only umm the fully traceable system on the market at the moment, the forever mark. You can actually trace it back to a mine but it's under stringent auditing monitoring and reviewing.

MM: Right, I mean why was it decided that that kind of thing couldn't be used in say Tongo field for example?

OB: Just the volume and the instrument I mean getting the technology out there. And fraud, how could you, who would you possibly send that out to? Who would be responsible for running these machines? Err the risk was just too high. It would have been a huge cost for very little return in terms of assurance.

MM: how much are the machines just out of interest?

OB: Umm I don't know. But to a small polisher in Surat you know it's a big investment.

MM: Umm completely impractical.

OB: That's what I mean so where do you do it? Do you do it in the bourses but who brings it in? How do you know that their diamonds are conflict free? And so on and so forth.

MM: Yeah and you couldn't have one at the mine site? You couldn't ship one out to Kenema or Kono or somewhere like that? Too big and unwieldy?

OB: And you'd polish them off anyway, the hall-markings.

MM: You'd polish them off?

OB: Well of course, if you're polishing a rough diamond you're polishing off any markings that go with it.

MM: Right ok. So presumably you just put this to the NGOs and did they just drop the issue?

OB: No I don't think they dropped it but I think they saw the practical side of it and again credit to them, they recognised that was reality. You know the chemical and the physical characteristic way of identifying diamonds is not practical and given

the volumes we're talking about and where all these stones come from spread out over a wide area so the certification route was the one we all agreed to take. And industry had already, even before that, already been working with the Sierra Leone government to make the prototype Kimberley Process certificate even though we didn't know it as the Kimberley Process certificate then, you know, this is back in 2000.

MM: So it was almost like then, there was already an alternative in the making anyway so yeah I can then see how...

OB: And the industry then was leading the way quite a lot in this whether it be the HRD and that's umm the Antwerp industry working with the Sierra Leone government, their technical guys creating this unforgeable document with them or whether it be us galvanising, taking a leadership role in the industry, developing that paper for congress and such things; you know we weren't being dragged and as soon as we realised that something needed to be done we were just as keen to get through this as anyone else in fact more than anyone else apart from the persecuted communities that we were talking about that started this in the first place. Out of those three, tripartite three, the industry had more to gain through a rapid response and solution than anyone else.

MM: They did by miles and it does come through in the literature, well particularly the academic literature you can see that industry were the ones that were making the proposals and once things had got going you could see that industry were effectively leading where the thing was going to go and then you came together with the NGOs and it almost seems that on some issues you were working together.

OB Oh yeah we did there was a lot of collaboration there and again, I've said it several times already its not empty words, credit to those two NGOs. They really did, for want of a better phrase, a grown up approach to this of course every now and then they could be antagonistic and of course they could be pushy and bolshie,

that's part of their job description anyway. But that was just tactics. Strategically they were a lot more mature umm and constructive.

MM: That's something again that you see in the literature that while the...they clearly seemed to have accepted that a consumer boycott was actually something that they didn't want to see but they kind of left it lingering in the background if you know what I mean. It was always kind of there but they kind of moved on from that.

OB: Well I don't think they wanted that on their hands in the end, to be responsible for the destruction of an entire economy, an entire country like Botswana.

MM: Yeah and at the time Botswana was one of Africa's few success stories if you like.

OB: Yeah that would have really fucked up their CV.

MM: It would have looked terrible, Africa's one shining light and in stepped the NGOs and destroyed it! I mean it would have looked terrible.

OB: With irresponsible campaigning. So I think they realised that.

MM: Yeah and thank god they did umm it could have got messy. On the things that you came together on, I sort of noticed that when it came to talking about the transparency measures and the ramifications of the transparency. So you know you had the chain of custody umm and then you know the idea that effectively government would be in charge of that chain of custody and you could manage that. But some people stood against it didn't they and there were some countries that weren't keen on that idea at all?

OB: Yeah

MM: And I'd heard that you guys, De Beers and the NGOs had pressed governments?

OB: Funny you should say that Marcus because yeah that reminds me when you talk [inaudible]. Several times I remember industry and civil society working in complete unison in attacking governments to get things moving to get things done. Yeah that was also a feature of negotiations as well this, you know, people would be surprised to hear that industry and civil society were working in complete and utter harmony on some things.

MM: Well you shared so much in common you both had an enormous interest in making sure that both were happy. It shouldn't be surprising but it is.

OB: Well I think a lot of people just perceived business and civil society as natural adversaries.

MM: Yeah I think they do and particularly the way this issue was presented originally was deliberately adversarial from the NGOs. They wanted to paint industry as the bad guys and that made life much easier for them in terms of getting the message across and you can tell that as things went on they realised that that wasn't the case and that [inaudible] a bit better to get things done. Umm ive noticed from talking to people in the NGOs that they've clearly recognised that pretty early on, in fact they probably knew it from the outset and it was kind of a bit of a tactic to try and get things done quicker.

OB: Umm there were tactics and then there was the overall strategy and in the overall strategy we were more or less like this. I always liken it to looking at a road, you know, looking at a map. You knew what the destination was but we both had differing views on how to get there I think that was the issue. Absolutely agreed on the destination but we differed somewhat on the route which roads, turning to take to get there.

MM: Well as Ian said he was very keen to get across that he wasn't some sort of Bolshevik who was up for smashing the entire industry. So once you'd got to the stage then that you'd decided that you wanted a certificate of origin up and actually

that these ideas, the technology wasn't going to be how you were going to go about getting it. How did you then go about convincing people like the government of Angola or Burkino Faso and people like that?

OB: Well they were part of it. In fact at the developmental stage one of the big and important KP meetings was actually held in Luanda with the Angolan government hosting. The Angolan government, I mean these governments wanted to make sure they could still export diamonds.

MM: It was getting to that point as well wasn't it where by, I think Clive Wright said to me that it had kind of snowballed a little bit in that if you were left out of this then effectively you were finished.

OB: Exactly that was the key to it, was putting into that core documentation that you could not trade in diamonds with a non-member of the KP and because every country has to put that into their domestic legislation.

MM: Right, how did you get that past people like the US for example who were very concerned about free trade and WTO...

OB: There is a guy that you need to talk to if you haven't already – Marc Van Bokstel? He's at the Antwerp World Diamond centre and he is the most knowledgeable, certainly on the technical side of the Kimberley Process than anyone else I know from the industry side. He's the one that led the, was because he resigned last year, he was the only industry chair of the, of a working group and that...

MM: Really?

OB: Yeah the group on diamond experts. The diamond experts working group.

MM: That was one of the earliest ones wasn't it?

OB: And he's the one that leads all the interaction with national geographic agencies and whatever in the UN and in particular in the early days the world trade organisation as well where we had to get a waiver.

MM: Right so there was actually a waiver in the end?

OB: Yep. Now, Marc is crucial to understanding all of that is umm

MM: It was something to do with and I couldn't believe I was reading it but it was something about turtle nets it was fishing err there are regulations as to what size nets you use as apparently some might kill off turtles or something and somehow or other that was a restriction of trade and they managed to get a waiver for that which then applied to the Kimberley Process. Although I can't quite remember how that actually worked.

OB: No Marc would be a fabulous guy, your research wouldn't be complete without him. He was that central and as far as I'm concerned he was one of the heroes of the Kimberly Process because he did the stuff that just bored the shit out of everybody else [laughs]. He was Mr Detail.

MM: Yeah I've looked at some of the detail and Jesus its boring, I don't know how he could have stuck it.

OB: But a lovely guy and his son Stephen has done quite a lot of research on the Kimberley Process and conflict diamonds as well.

MM: Oh really that would be great to have a chat with him then.

OB: Working with Egmont in Brussels.

MM: Russia had a bit of a problem with it as well didn't they because?

OB: Pardon?

MM: The Russians had a bit of a problem with it as well at some point didn't they? About statistics no? Was there anyone else that had trouble with the publishing of statistics or anything...I imagine that industry was quite...

OB: Well because Alrosa is umm seen as err umm [pause] is partly owned by the government and so they saw it as, these are state confidentiality, you know that was the issue for them. And these guys had just come out of the Soviet era and did you see that it was in 2005 they were the Chair? It was really strange just watching it because you had one person to take a document from over there to the guy there and then the guy took the document to the guy there and then eventually it came up and was given to the Chair, you could see...

MM: Actually I worked there for two years and I don't find it hard to imagine that.

OB: You could see that Soviet legacy of heavy bureaucracy, of everyone must have a job kind of thing.

MM: Yeah they just don't seem to understand why human beings are expensive and why you should have as few of them as possible. It's just a non-issue for them, they just think the more people the better rather than fewer. So you just end up with people bloody everywhere doing absolutely nothing. Were there people in industry who were, there must have been, people in industry who were very hesitant about transparency measures?

OB: Yeah, I mean who wants to change the way that they've done business for years and the way that their father and their grandfather – you know why am I doing this? They needed to be convinced so it was a mixture of either naivety or fear or...

MM: Bloody mindedness?

OB: Sometimes just bloody mindedness or just good old human emotions and you know it was just all so new to them at the time.

MM: Also the chain of warranties stops doesn't it at the cutting centres because as I understand it you basically can't follow them through?

OB: No the chain [pause] the Kimberley Process certificate does, the chain of warranties then takes over, the system of warranties then takes over.

MM: Right but the KP stops at the door of the cutting centres?

OB: Yeah but umm the system of warranties was designed to complement that. So as you probably know a parcel comes in from Sierra Leone, comes in to Antwerp and because we sort and value here at De Beers down in Gaborone these days 12 [inaudible] no one is going to buy a kilo of diamonds you've got to sort it. Now when it comes into Antwerp the guy who, the importer, will then split it up into parcels bespoke to his clientele. So he could then break that down into six parcels for six clients and then what the whole idea with the system of warranties was that on those invoices you put the affirmative wording which is basically err umm...

MM: This came to me as a [inaudible]

OB: Yeah. And then from those, four of them might just polish them all and then sell them on but again even when it has been polished, right up to the retailer they are going to have this affirmative wording on the invoice. And then the other two parcels might be broken up further still but the whole idea is that you can, conceivably, theoretically conceivably bring it back to the original KP certificate.

MM: Was that negotiated at the same time as the

OB: Yeah

MM: So it was decided, right the KP goes as far as the cutting centre and then we come up with another way of taking it through. Why couldn't the KP certificate continue through.

OB: I just think it was an administrative issue. Umm it would have been very costly to do that.

MM: So it would have taken a lot of time...

OB: Yeah.

MM: Umm so how did you convince the NGOs of that because I imagine they weren't very keen to hear it?

OB: No I think they were cool with that. I mean the first step is the most important one. It's the place of export ensuring that you get it properly sealed and certificated and things like that and then you export it. That was...and then its imported in that way without anything being touched or broken any seals or anything like that. That's the real crunch of it, is that initial journey if you like. Nothing is coming to Antwerp that is not Kimberley compliant and if it is with all these certificates, non-tamper boxes and things like that then it's working. So it wasn't recognised that there was any need to take it further within the country of import. The only area though that still needs looking at are internal measures and that's very difficult for poorer countries those countries without good enough institutions to be able to...they've all got internal measures, they've got these wonderful laws but unless you've got anything to implement it with its not going to work. So you have, certainly, you have cross border smuggling where goods are then mixed with others and they then go out on a Kimberley certificate of that country so that's an area that needs to be worked on.

MM: Yeah I mean in Sierra Leone I won't mince words it's clearly a total free for all out in the fields I mean anything could be laundered through Sierra Leone's fields. To be honest you probably wouldn't need to go that far you could probably turn up in Freetown with a whole load of stones and lauder them there quite easily.

OB: Yeah so those internal controls need to be attended to.

MM: Yeah so that's an issue and it's something that I find a little bit puzzling. I do hear a lot that the Kimberley Process isn't an anti-smuggling thing. But it must be an anti-smuggling thing mustn't it?

OB: No that's a side effect. It can help I mean certainly its helped cut down smuggling that's for sure and what it's done is marginalise smuggling err its certainly done that. People now if you're doing things the KP way its a lot more apparent than before the KP was here. Do you see what I mean so it has sort of pushed them closer to the gutter as it were. Umm but again when I was buying diamonds in Congo I can tell you some very interesting places in and outside the human body that you can smuggle diamonds undetected and I've seen most of them. So you're never ever going to stop smuggling 100%. What you can do with the Kimberley Process is marginalise it and push it nearer the gutter and then with other issues that came on such as anti-money laundering err because it's a smuggling because its black market as it were. They used to use cash for that you know suitcases full of cash. You can't do that anymore you know it's very much more difficult. So smuggling is certainly a much higher risk pastime now than it was 15 years ago.

MM: Did you need to make a move?

OB: I will shortly umm

MM: Yeah I notice in Sierra Leone smuggling is still happening a lot but you struggle to imagine large consignments of stones suddenly turning up in Freetown and getting stamped. Who knows to be honest, I don't know. I met one or two people from Zimbabwe in Freetown when I was there and I don't know what they were doing there... I mean on the one level it seems to work but then the big problem you have is these internal controls is that it has the potential to provide the excuse and it does seem to be doing this in Sierra Leone for government ministers to use the Kimberley Process as an excuse to sell concessions to relatively small scale

international miners who bring in technology and who also bring with them quite hefty security and they clear people off an area of the fields and then they mine using diggers and that I think is causing a lot of problems in Sierra Leone, particularly in Tongo field.

OB: Yeah I imagine those communities don't want to be moved out, but again its where you need that dialogue and it's another thing I've advocated and tried to get through on the reforms personally was the creating mini KPs within each member country so you had this tripartite system that worked in the country itself, you had a proper KP working group that was there permanently, full time, comprising governments, industry and local civil society. Umm now that kind of thing would assist the government in coming to those kind of decisions where you could at least get compromise instead of railroading this in their eyes for the right reasons but carried out in the wrong way and the wrong destination. So having these mini KP structures within each member country would I think assist enormously.

MM: It would put pressure on politicians to behave properly.

OB: It would put pressure on them but you know maybe they don't need pressure on them just maybe it would expose them to other people's views in a structured way, so you sit down...I got all this from, I was so impressed again I was lucky enough with another experience I've had here which was managing a partnership between De Beers and the world health organisation. It was something we just wanted to you know just mark the millennium with, something significant and important and it was helping them with their polio vaccination initiatives and we chose Angola as the place we'd do it and it was a \$3 million investment and helping to do that. First time the World Health Organisation had ever done anything like this. I remember I had to go to Geneva and make a presentation on this partnership and they hated my guts umm all these people there because they saw, this is private money for the first time coming in at this level and stinking money as far as these

purists were concerned, not all of them but there was antagonism. Luckily within 18 months I felt as though I'd succeeded again in getting across this whole thing that partnerships can work and that again this is a human face of a company. But I think it was, the thing that impressed me most was going into the field and going to Luanda and being part of these structures that the World Health Organisation had set up which they had basically given autonomy to the government but the [inaudible] chairs this committee but the committee comprises civil society industry and you know other interested party's and what it means is that there's these checks and balances and it helps cut down on corruption as well because obviously money flowing into these things, you can keep an eye on where it's going. I remember flying to Harare which is the regional headquarters of the WHO and I had to, because my finance director here was saying if we're putting three million in I want to know where every penny is going, so that was part of it, my mission was to find this out and I was really totally convinced. Umm this guy was actually pointing out to me 6 months prior to my visit there had been an almighty row because a box of biros had gone missing umm such was the micro accountability, it was brilliant. And I thought that works beautifully, this cross sector committee where everyone was keeping an eye on everyone else. There were these checks and counter-checks and you got cooperation, you cut down dramatically on corruption and all of this and but the big thing is that you got understanding, everyone sat around the table talking. There weren't emails going around or rumours you were actually sitting like you and I are and it worked and that was what I thought we could do with the Kimberley Process in country, in each member state. So it might not be that the government is reluctant to do the right thing but it might be that they don't know what the right thing is unless it's got someone explaining it to them...but had you thought of this? If you do A it's going to result in this and they might say honestly no we didn't realise that you know let's talk about it.

MM: I think they're realising and I think that one of their ways round it is to try and umm to try and encourage the companies engage with the communities but again the problem with that is a lot of these guys are engaging, or think they're engaging with the local community when they engage with the paramount chief...

OB: But again if [inaudible] sit down, have the paramount chief, have the communities, have the government, have the business all sitting round the same table.

MM: Yeah and if you can get that, if you can get that kind of engagement then that would be fantastic.

OB: Yeah and that's one of the reforms that I personally wanted to get through umm because I've seen it work in a different context and I'm pretty sure that it would help enormously in implementing proper good practice on the ground.

MM: I'm sure it would, you see it happening umm and I saw the problems with it particularly with iron ore mining actually and a large scale iron ore company came in and rather than actually try and do that they did it through the paramount chief and just all hell has broken loose. So they have corrupted the paramount chief, they didn't mean to do it but they have, they've ended up...

OB: But if you have these bilateral meetings you're going to, its, you're just asking for corruption where as if you had the err the multilateral ones around the same table, everyone is keeping an eye on everyone else, everyone is keeping an eye on the paramount chief – is he on the take? You know it becomes more apparent when you're in those kind of more plural structures.

MM: Absolutely but I think there is a problem if the paramount chief comes to the table at the request of the company because if he does that then he's not perceived to be acting in their interests but in the interests of the mining company.

OB: Then that depends on who's chairing, that's the issue. You need an honest broker chairing it.

MM: It almost looks to me like it's almost there its just maybe needs a bit more time to figure out ways to get it to work. I know an academic who's working on it actually and one day he's tearing his hair out and the next minute he's quietly smiling. It's all a bit risky for them because obviously the history of the country is not great with these things.

OB: It used to be great. We used to have a huge presence there. It's where our outside buying started back in the 1950s. We even owned a beach there.

MM: Really?

OB: Yeah up until the early 80s.

MM: It was a beautiful place, very safe, the people were lovely. I think it was one of the safest countries I've ever been to. But there was just a little bit of an undercurrent of tension that is still there not just with diamonds but with extractive industries which it strikes me just needs to be worked through. But thank you very much for your time.

OB: You're welcome

[Interview draws to a close].

Interviewee: De Beers and WDC Kimberley Negotiator

Interview type: Face-to-face

Location: London.

Date: 25/02/2015

In-text reference: OB

[Following a brief introductory discussion and the interviewer asking and receiving permission to voice record the interview, the interview proceeds as below. The recording begins as the interviewee is discussing the terminology used with regard to the Kimberley Process secretariat – called in the case of the Kimberley Process, not a secretariat but in fact an ‘administrative support mechanism’. I ask why the term secretariat could not be used.]

OB: Well in some countries the term is loaded. They basically want and in some ways I have some respect because its their view, I don’t agree with it but I respect its their view that they would feel that calling it a secretariat it would have executive powers of some kind and there would be a risk of creepage in terms of power and they want sovereignty to remain with plenary.

MM: So they are worried that this is going to grow some kind of political brain and start doing its own thing basically?

OB: And start developing policy by itself – and it’ll be surreptitiously done. This is what they fear.

MM: So how has calling it the ASM got around that?

OB: Well, Administrative, Support and it’s a mechanism so pretty well-chosen words I think.

MM: But substantively how is it not going to do that kind of thing, how is it not going to grow a brain?

OB: Er well because it will be sort of kept in check like that but I think words are everything in the Kimberley Process and this is a big, you know 80 odd countries are involved in the – can you imagine what its like in the European Union and that's with people who largely agree. So no words are very important with the Kimberley Process, picking words, you know I've been for hours in working groups before where your, where we will spend the better part of an hour or two debating two words in a document. It doesn't happen that often but it has happened.

MM: Um does that get quite soul destroying I would imagine.

OB: Um you get used to it.

MM: Does it get frustrating?

OB: It gets frustrating when either you can't get your message across clearly enough or people you suspect are wilfully misunderstanding you or you're points.

MM: Wilfully misunderstanding as a delaying tactic? Trying to drag it out and frustrate you?

OB: Yeah absolutely.

MM: Yeah that's interesting because that touches on sort of what I'm really quite keen to know actually which are the words that you guys are using, the arguments that you guys are using to actually try and convince people to adopt certain things. I mean for instance the conflict diamond definition. I know you guys have pushed hard to get that changed with not a lot of success. How is it you guys are pushing that at what is it that the naysayers are coming back at you with?

OB: Well the naysayers on that is again, just worried that it will expand the role of the Kimberley Process. They want the Kimberley Process to remain very much

focused on what it was set up to do in 2003, this is their view. And by expanding the definition, by changing the definition it could expand the remit in order to accommodate that definition because they are quite right it is a big, big change and none of us can be sure what the consequences in the long term will be and there is a possibility they, this is their focal point, the possibility that it could lead to a widening of the remit and a deepening and this could cause a lot of unforeseen problems in their view.

MM: Right. So then we're talking about certain states presumably we're talking about perhaps Russia or China or Zimbabwe, countries that have human rights issues beyond the diamond sector and so they're concerned then that is something that could see them get whacked in other areas even beyond the diamond sector?

OB: Well we've bent over backwards to assure them, and in fact the wording that has been put forward specifically says 'related to diamond activities'.

MM: Right and still there's

OB: And still, and still. Look one day it might happen, but its very difficult to see it in the short or medium term. There is just too much divergence of view on this and there is I think quite a chunk of people in the middle, nations in the middle who see the value of changing the wording because it will strengthen the credibility of the Kimberley Process but at the same time also have not been convinced of being able to mitigate the risks that might come from changing the definition. So then you've got a group who are really against it, a minority, and then you've got another minority at the other end who just want it put through come what may and I think you've got a big section in the middle that's up for it. But the thing is it doesn't matter because another part of the reforms, and it's a really important part as well which doesn't really get a great deal of exposure is the issue of the voting mechanism, the decision making process. Should there be qualified majority voting, across the board, just in certain circumstances, because at the moment everything is

on consensus. That has its benefits but it does mean that you have a lot of delay and you end up with the inevitable compromise but again that's not necessarily a bad thing.

MM: To what extent does the consensus really work? Because I would imagine a country like the US or Russia for instance or the EU said no then presumably there is not a lot that people can do to shift them but I would imagine that a country like Liberia, Sierra Leone, a country like that said no and they stood alone against something is it really the case that they can completely block everything?

OB: Technically yes.

MM: But in reality?

OB: in reality, in real politic, who knows I mean would certain countries be willing to put political pressure on Sierra Leone or Liberia to follow suit or whatever I don't know I don't think we've really been tested in that area yet. And I would, yeah its difficult to imagine, its difficult to imagine a scenario that's a good enough example to test that, you know that would make those countries feel that they were in that position.

MM: Right ok. So when it comes to transparency then, I mean how does the WDC feel about greater transparency actually coming into the KP particularly with regards to the findings from review visits?

OB: Er well look we're making progress on that I think. You know the Kimberley Process has made progress in terms of putting up stats and things like that and sharing statistics and these were things that people were vehemently against at the time so this gives one hope as I said earlier that in the long term reforms will come through but not overnight. That's clearly now 11 years on, 12 years on, its not, its not the nature of the beast to make decisions overnight like that. You know this is a slow process but progress has been made on transparency I don't think that's an

issue that really vexes us that much. I think there are other reforms that we'd rather see put forward. In terms of transparency I don't think there is anything substantive that is being hidden from the world, you know that makes, that compromises the integrity of the Kimberley Process. I think that those things that are kept secret are for, by and large are for legitimate national security issues and commercial issues and IP issues and so on. So I don't see transparency as a big issue its not one that is as I say really keeping us awake at night and you know I think, looking at other things, decision making process, definition, human rights wording in the core documents and I think these are bigger beasts that we need to focus on.

MM: Um you guys have got somewhere though haven't you?

OB: we have and I dare to say that the WDC has had a big hand in that in terms of running the ASM and the World Diamond Council has revamped the Kimberley Process website and they have made things available and made contacts between the Kimberley Process and the outside world and its done a very good job. But I would say that wouldn't I.

MM: I mean when it comes to review missions and review visits and stuff like that and the actual documents, as I understand it, originally in the core document there is no provision for the findings to made public at all and there was some discussion about that, I think a while ago now, I think it was three or four years ago, there was some discussion about trying to get the stuff publically published on the website and you guys won the argument to a certain extent. How did you go about, can you remember if you cast your mind back, how you convinced some of the states to actually do that?

OB: Well look they are not yet at that point where they are going to be made completely public and that's, so therefore [pause] again you have to look at the, what is the benefit of making these documents public? There is just the bare-balls principle that everything should be made public and we've already spoken about

that. There will be times when national security issues, IP issues will inform people that perhaps there are certain things that need to be kept close. And I think also with the review documents, what benefit does the outside world have in doing this? You know its already fairly open within the KP itself so this is not sort of a lock down, triple screw in a bank vault kind of secret. These documents are first of all, they are discussed across the tripartite structure of the review teams, so governments, civil society and WDC officials so, and you know they are constantly exchanging emails on this kind of thing. So its not that it's a deep, deep secret but there are some countries who have been saying that if there are problems, they would rather and again the principle they use is that the Kimberley Process family, the family sorts it out and we don't embarrass and name, because I think a lot of countries would fear those that lack the resources to come out and there isn't a country that's come out 100%, not even in the West. So there are some that just find it, not distasteful but against the principle of the family ethos to, to um effectively name and shame.

MM: It does of course make it difficult to put pressure on people who are not behaving themselves, I mean obviously if people can't publish the review visit...

OB: It does but it'll come out anyway. I mean look at Zimbabwe, it doesn't need a report visit review being published to raise that to another level.

MM: Can the NGOs though I mean could they take, I mean lets say they're in the KP and they're reading these documents, can they take snippets of those documents and then publish them?

OB: No, they're not um they're not...that would violate trust and once you've broken that trust, who's going to trust any NGO to sort of, or it might be an industry member who does that, to be on review visits in the future. You've got to have that trust, so therefore civil society, one thing again and I think I've said it before and I will always say it again, civil society involvement in Kimberley Process has always been extremely responsible. And as I say credit to civil society in that way, yeah

they keep us on our toes, and sometimes make it very uncomfortable for us but having said that they, they know how far to go and no further and they know the pressure points and they know where they can do damage which is not in anyones benefit, just for a cheap short term gain. You know there are many other ways of dealing with the issues that they want raised other than leaking documents that they shouldn't.

MM: You say they know what the pressure points are, I mean what are the pressure points do you think? How would the NGOs or someone like that really get to producing states and get them to actually change the Kimberley Process in your view?

OB: Well in my view its very difficult. No one handled the Zimbabwe issue well on any side, not in any geopolitical region, no grouping no single nation no sector of the tripartite system handled the Zimbabwe issue well. I'd say in mitigation it was the first time anyone had ever faced such a crisis but you know the Kimberley Process went beyond the requirements and the core document and we made it up as we went along. I mean the whole monitoring system that was set up was unprecedented and the whole idea of isolating production areas within a country was unprecedented because up until then you know it had been the country. And so all this is new ground so if anyone is talking about broadening remits, its already been done basically. So and I think the, as I say no one really came out of that well. I think overall the Kimberley Process probably did come out well as an institution. But I don't think any of its component parts necessarily dealt with it terribly well. But again I would say that was because it was new territory, and I think there was a lot of good intent on perhaps all sides um but there were clearly huge differences in terms of what people wanted to get out of the Kimberley Process and also different governments seeing what was the responsibility of a government within the Kimberley Process and they are wildly different from producing states to the

processing states to the consumer states you know these views were quite divergent and really exposed during that time.

MM: So when it comes to enforcement generally then, this is something that came up when I was in Freetown was that people were saying we want the KP to be enforced or I think implemented is I think what they mean there. I mean the WDC, is that something that concerns the WDC that many countries its not being...

OB:[interrupts] Well lets, um lets, lets remind ourselves that it is in the strictest sense, it is implemented in all nations. In order to be part of the Kimberley Process you have got to enact legislation to do it so no lets go away from the thing that's often said that it's a voluntary system, its not you need legislation in place otherwise you don't get in the club full stop. But also then you say to someone you can have, I mean for example DRC has some of the most fantastic and advanced mining laws in the world yet it doesn't have the institutions to enforce them. So that's going to be a difficulty and there is nothing different to that in the Kimberley Process, weaknesses will appear and this is something that's got to be tackled in the wider sense, how much aid and assistance should be given if any to those countries that struggle to get together the resources. Now you can have fantastic teams, DRC has one of the greatest teams that I know of and they hosted a very successful chairmanship of the Kimberley Process, you know they don't want for people but of course as we know in DRC and in several other countries the institutions are weak. Not the people the institutions. And that's an issue that has to be faced an what kind of support of aid or whatever should be given to them and from whom and for how long and to what end.

MM: So what are the WDC saying at the KP then about this? Are you guys pressing for greater support?

OB: We see the Mano River Agreement as a great step forward in terms of having regional.

MM: The Mano River Agreement, I haven't heard of that, is that recent thing?

OB: Um yeah its been, it came through last year and its just this regional grouping, coming together to share resources and information and data and everything like that. And I think a regional approach is an excellent one. So you've got that. We have, I've been personally putting forward the idea that we should, that part of the institutional support that should be given is that we should have, if you like for want of a better phrase, mini KP structures in each of the member nations.

MM: What so a tripartite thing in those states?

OB: Exactly, exactly, precisely that would comprise members of each of those three sectors.

MM: Hows that gone down? Seems like a sensible suggestion.

OB: Er well not with masses of enthusiasm I would say but I just think it would be the first step in terms of helping to secure and prop up those institutions by giving them encouragement and support and I use the word encouragement and support in all its senses and I think that would be a very useful first step, in all countries as well, have it in the United States as well as in Liberia as well as in India as well as in Australia. And it would be constantly liaising with the various authorities to make sure that the Kimberley Process mechanism is properly in place as well as it can be in the circumstances.

MM: So when it comes to weaknesses in internal controls umm somewhere like Sierra Leone for instance they've got MMOs, mines monitoring officers, but by all accounts they don't do a great deal, and Sierra Leone is, and I think a lot of alluvial producers are really struggling to get a grip on that sector and I've heard a few state negotiators mention it sort of saying that there have been talks within the KP trying to assist these countries either with technical assistance ie sending people to do

training and also supplying finance as well, Where has the WDC stood on that, have you guys pushed for it?

OB: Yeah we would encourage it, openly encourage it. We can't dictate that they should do a b and c because we are not the experts in institutional structures and reforms in that respect but we do see areas in which governments could lend assistance and you know the way to look at that is to really go back to those review reports and see where those weaknesses are and what patterns and themes are really coming out of them. This has to be done in a cost effective way, this can't be, and we would very much discourage, a just sort of chuck money at it approach, its got to be a lot more sophisticated than that and no one wants to see money going down the drain. So its not just the case that the United States and the European Union cough up 25 million a year to help sort mechanisms in other countries. It can't be that, its got to be a lot more sophisticated, you've got to start with the structures themselves are they delivering on this and you talked about the monitors earlier on, who do they report to? Why aren't they doing what they should be doing? Is it a case of just bad management structure? Is it the case that they are just not being paid and they're taking back-handers? You know what is? Just find out what the problem is first, properly what the problem is first and not just...because I mean we, De Beers in the beginning we were assisting a couple of nations in bringing their physical capabilities up to scratch. Things like providing balances and sorting blocks and sorting equipment and training and how to identify them I mean we did a lot of that. But there was one country for example that we put a great deal of time and effort into and sent someone down there to oversee the whole thing, fitting out the office; within six months half the office had burned down, nothing had been replaced, only half the compliment of staff were there, and so its got to be more than just throwing money or just going in, doing a great job and getting out again.

MM: So in terms of this then in the KP meetings this is what the WDC are saying – we need to learn better what the problems are and then go from there?

OB: And address them in a more, yeah in a more methodical way with a more defined system of remedial action that needs to be taken because again you cant look at Africa as one bloc, you know its got to be nation by nation and so the regional approach helps you know you've got now this small West African sort of group emerging and you know why cant we have a Central African, Southern African regional area as well.

MM: I mean it raises an interesting question the regional approach to it, I mean what happens if you have a conflict within that region? I mean if you then have structures that mean that diamonds are moving freely across borders how would you exclude diamonds from say a conflict in Liberia for example?

OB: Well we would do, we do the same as we did with Marange and we're very advanced on that and this is again the massive work that the WDC has done in investing in, you know we are Chair of the working group of diamond experts, done an awful lot on production identification, foot-printing, working with national geographic, working with the United Nations and all of these things so we are not in a bad place in order to be able to isolate various productions. And you know we had a very big break-through in 2006 when there were issues of Ivorian goods coming over the border into Ghana and Ghana cooperated extremely well on that and the industry sent down experts and civil society got involved as well. It was a very good show of how things can be done if we are all agreed and we put our minds to it. So I think that issue wouldn't be too much of a problem in isolating...because we've sort of already done it, you know with the Ivorian goods because when they were...you're never ever, I mean no one out there should be under any misunderstanding on this you are never, ever, ever, ever, ever going to secure 100% of the goods. It's impossible. You know it's the biggest concentration of wealth in the world is a diamond. So you're never going to stop that completely but you will be able to stop major flows, you will be able to interrupt distribution channels and things like that and what we would seek to be doing is the actual

logistics of it, interrupting the logistics of this but you are never going to stop it 100% - its just impossible.

MM: You don't need to stop it completely though do you because one diamond is not going to fund an army?

OB: Um yeah as I say you want to stop the logistics of it, stop the gangs that are doing it, interrupt them make life at the very least extremely difficult for them and this is what in the early days the Kimberley Process, just by being there, helped assist in terms of taking those people who were you know, the RUF and UNITA and others, it took them out of the mainstream and as a colleague put it put them into the gutter where they were reduced to dealing in suit cases full of cash. And then post 9/11 even that stopped because you can't get hold of that kind of cash anymore. So taking it out of the mainstream, making it very, very difficult for them to do business, interrupting those flows of distribution and so on and so forth, these are the kinds of things we do and should continue doing because as I say, you look at some of the borders that are involved here, they are thousands of kilometres long and probably no more that three dozen people along those thousands of kilometres manning it. So something like a diamond, I spent six years in Central Africa buying diamonds in the bush and I saw some very interesting places that you can smuggle diamonds in.

MM: Yes I've heard all kinds of stories about the ingenious ways of getting diamonds around. They don't set off, they don't set off metal detectors either do they so most airports you can get them through quite easily?

OB: You can, I mean they will show up in certain x-rays.

MM: But you have to suspect someone's carrying first before you do that.

OB: Exactly, exactly.

MM: So when it comes then to actually providing this assistance, you guys really, particularly within the KP, you're looking to states to provide that? There's no talk about the industry actually getting involved again in the same way that you did in the past because...

OB: In what respects sorry Marcus?

MM: Well in terms of providing actual assistance, training on the ground, doing the kinds of things you spoke about a moment ago. So the industry has actually pulled back from that and are looking for people like the EU and the US...

OB: Well when it comes to technical training, you know we are the only ones who can do that and we've been open to that and certainly as far as I know at De Beers we haven't turned anyone down.

MM: So that's self-financed from within De Beers?

OB: Yeah, yeah we have done both in Sierra Leone and Liberia for example and I think Angola we've done it for sending people down to our valuation facilities in Kimberley, you know we ask them of course to pay their own expenses and airfares and accommodation but we will provide training. So we've done that kind of thing.

MM: Other stuff as well I mean have you been involved in training MMOs and people like that, I mean is there anything on the website or anything like that about what De Beers have been doing?

OB: In what respects sorry training them in what?

MM: Training them in diamond smuggling detection, you know getting them up to speed in terms of prevention in terms of smuggling.

OB: Well again yeah that really is that's a government responsibility. We are there, we have knowledge of it and we certainly put that kind of information out to our partners in industry and industry is very aware of that. You know even here at De

Beers our best practice principals, AML is quite a large chunk of that and so certainly we do it within the industry, an awful lot of that. But it is not our place to approach governments and train them up that really is something that other governments should be doing. That's quite right that it should be other governments that should be doing that not the industry.

MM: Its not an accusatory question.

OB: No, no but if you think about it as well it's a bit muddy. There you are, an industry which potentially has amongst its membership somewhere people who will put in place very elaborate mechanisms to get round AML legislation and you know that industry is talking to governments about it. You know there's almost like a conflict of interests there. If anything went wrong for example would that then be the fault of the industry because they lured...the government would turn round and say yeah well the industry, the industry didn't tell us this or the industry told us that and that's a loop-hole and you see what I mean? It would just be compromising the industry if we did that.

MM: Right I see that makes a lot of sense.

OB: And you know, that kind of thing that is government responsibility.

MM: Yeah it is but, you know the WDC, you guys aren't involved in that kind of thing? The WDC these days is just the big players isn't it?

OB: It is but it does represent a lot of the industry as well because its got the WFDB IDMA, SIJMO on the board as those entities not as individuals who represent them. And so behind that it does represent a lot of the industry too. And the WFDB has taken a lead in tacking money laundering and instructing its membership around the world in the diamond bourses. As far as De Beers goes no, we've got no issues there ourselves but we've made it, De Beers from the very beginning made a conscious effort not to be leading this. We led the way in terms of engaging with

governments and civil society in the very beginning of the conflict diamond issue. Leading by example and encouraging the rest of the industry to come along, galvanising the industry to address this grave humanitarian human crisis. But once we got the WDC and part of our reasons for wanting the WDC was that we could be part of a wide, you know pan-industry group rather than De Beers always leading it. And for people constantly phoning up De Beers from the media for example...so De Beers never wanted because of various reasons, a) because obviously its high risk for us to be always seen associated with this issue even though we've got nothing to do with it directly and there's always a rub off issue, you know a rub off effect – you know its always De Beers talking about conflict so surely they must be guilty. And then you know there's the other thing, the industry has got to be responsible as well. And you know in the past De Beers because of its, you know it's a very big place, the biggest player in the industry and we would get accusations from within the industry, oh De Beers is dictating this oh De Beers is dictating that; so we wanted to avoid that as well. We much more wanted to move towards collective responsibility and that would be in principle quite right too. Industry as a whole has got to take responsibility for these issues.

MM: Yeah and that sort of brings us on to something else I was hoping to ask you about as well actually is – actually I'm sorry I didn't say none of this will be attributed to you, I'm sorry I didn't say, I explained that last time we spoke. You know everyone I've spoken to I've just given them pseudonyms because it just easier. So when it comes to De Beers I mean I know that you guys have moved away now from trying to control diamond supply, so where does De Beers now sit in the industry in terms of market share and in terms generally of, I don't want to use the word clout but...

OB: Between 30 and 35% in terms of market share of rough diamonds.

MM: Rough diamonds that you guys are producing or...

OB: Yeah we only sell what we produce, we don't, I mean we stopped all our outside buying operations in 1999.

MM: Yeah I remember that but you guys though, is it not the case though that you guys have approved suppliers that still sell diamonds to De Beers?

OB: No, no that's again, the last ones we had were the Russians and that stopped about 6 or 7 years ago.

MM: So ALROSA no longer sell diamonds to De Beers?

OB: Or was it 10 years I'm losing sense of time. No no for a long, long time. They were a bit pissed off with us actually because it was of enormous benefit to them to just receive a cheque every month without having to go because you know, selling diamonds effectively, especially big productions, you know small parcels are not such an issue but you know the sort of volumes that we are and ALROSA are selling, you know it's a huge logistical set up and its costly and you need decades of experience and this is something that ALROSA were getting almost for free if you know what I mean. Just so you know, they'd dig it up and we'd buy it so you can see there was a huge benefit for them and they actually contested the ruling by the European Commission that we had to stop because we went voluntarily to the Commission this was the time when we were changing our business model in 98-2000 and part of that was to go around and clarify issues, clarify our legal status in all of the areas we were operating including the United States and so one of the things we were doing was to voluntarily go to the Commission with a letter saying there is this, this and this that we'd like you to consider and that included the contract we had with the Russians.

MM: Right so all that's gone, ok, I didn't know that. But obviously you are still in business with the government of Botswana...

OB: Oh like that [interviewee crosses his index and left middle fingers]. Our business is really in Botswana and the majority of our operations, the volume of goods the value of goods, the value of our collective profits, our shared profits is really Botswana.

MM: You still get a lot out of South Africa and Namibia?

OB: We've got Venitia and a couple of other smaller mines in South Africa and Namibia, the land deposits are declining as they have been for the past twenty odd years but the sea bed mining is still going strong.

MM: Right and that's in partnership with Botswana, er Namibia as well?

OB: Yeah, yeah with the government of Namibia as well.

MM: So when it comes to, again please don't think this accusatory or anything but it comes to negotiations within the KP, I would imagine then that going into it you guys would be talking to the governments of Botswana and Namibia and saying look X and Y is going to work for us and that isn't going to work for us I mean how responsive are they about that kind of thing when you talk to them?

OB: they will take a view. I mean just because we are in partnership, and again this is, we saw this as an example, Survival International and the Bushman issue within the Kalahari Game Reserve – about 250 bushmen being re-located by the government outside the reserve and things like that. Now there were external people who thought that De Beers had, just because we were in partnership with the government, that we could tell the government what to do. And it's a very...sometimes I would chuckle at it and other times it would be very frustrating as well that people would genuinely, educated people had this view. It's a quite naïve view. You know when we approach the government of Botswana, to them the whole Bushman issue was, because they saw Survival International as a foreign hostile organisation that was seeking to undermine the integrity and sovereignty of

Botswana and pushed the government of Botswana right into the corner and talk about, and who knows what their objectives were but certainly Survival International did not make it easy for themselves to address this issue because they drove the Botswana government right into the corner and the government of Botswana just held up the sovereignty card. Every time anything was thrown at them, this is our country, we will do this, we will do that and they then made pretty good explanations as to why they were doing this and that. For the good of the nation there is nothing in our culture that takes out one ethnic grouping from another, you know that's not what Botswana's about and so on and so forth. Obviously falling on deaf ears with Survival International but we were then caught between a rock and a hard place. Survival International very challenging to engage them in...

MM: were they quite aggressive?

OB: Well I wouldn't call them aggressive but they're very, they're very final in their view...it was very difficult to get them to compromise, I don't think that compromise is something that they do. And then we had the government of Botswana if we tried to talk to them and said if you [inaudible] and they were like, no. Survival have done this, they've pushed us into this, this is now, we see this as an attack on our sovereign authority. So just don't come to us with any of this because we are not interested. So that's what I mean, getting back to your original thing, if we are in KP negotiations and we are talking about X Y and Z, they're not going to listen to us, err they will and they won't always disagree but there is nothing in the structure of the relationship we have that would make them agree with everything we put forward. And Namibia as we know was a massive supporter of Zimbabwe through that crisis so, you know we weren't going to budge them on that.

MM: No I don't think, I certainly don't think that there's any kind of a crass thing going on here whereby you guys turn up and tell the government of Botswana what to do and then they say oh yes and carry on and do it but it is interesting the dynamics of the relationship between De Beers and Botswana and how that they translate into the KP. So it sort of sounds like you guys make requests and...

OB: Yeah we always do that and that's our right to do that and its their right to say bugger off or its their right to say yes we agree we can work together on this.

MM: I mean the sovereignty card when it comes to a lot of this [Interviewee's phone rings]. When it comes to a lot of the things we've been talking about, you know the conflict diamond definition the secretariat etc, is the sovereignty card something that gets played a lot in KP meetings, is it something that you hear banded around?

OB: Yes, not always for legitimate reasons but it is a very [pause] it's a very convenient card to use, quite an effective one as well because its difficult to argue against.

MM: What's it attached to generally?

OB: Basically that we are, whoever it is that's using it, we are a sovereign nation and we'll make our own laws thank you very much indeed. We wont be dictated to by A B and C whoever you are. You know we don't care how powerful you are or how powerful you think you are, we'll do our own thing thank you.

MM: And that would be on topics like?

OB: That would be on things like definitions and you know the reform issues that we were talking about.

MM: So that would be played at almost any point?

OB: Well quite it's a very easy one to use.

MM: It's a kind of get of jail free type card.

OB: Yep yeah.

MM: So this sounds like a bit of a stupid question but bear with me. How, do you get a sense presumably of what the industry thinks in general within the WDC, how do you guys feel that the Kimberley Process is working in general? I mean are there people who think that its working fine and that there's no problem?

OB: I think that if anyone says there is no problem with it then they'd be rather naïve. But if you look at what we set out to do back in May 2000 when the whole thing kicked off and then after implementation in 2003, I think it would be fair to say that the KP has been a success in the context of what it was set up to do. Now that's very different from some peoples view as to what it should be doing now. Ok so in terms of what it was set up to do I think it has been a very big success but of course as you were saying earlier on the WDC would like to see certain reforms in there. And you see that's part of the problem here you know the language, reforms. By the very nature of using that word reform, it implies that there is something wrong that there's a problem and a lot of nations get very sensitive about this, who don't necessarily say there's no problem so we're not doing anything but I think they get rather sensitive and hurt by the constant barrage of this is got to be done, that's got to be done because otherwise its not going to be...so you know even using that word reform. You know I prefer to use the word evolution, evolutionary, its organic and also pointing out that the clues in the title, it's a process so of course its going to morph and change just as any one that's growing and progressing in the world will do. So have we made enough progress in that sense, WDC say no because we put forward changes that we would like to see enacted and they haven't been so clearly we would like it to go a little further. But again when you look at some of the successes that we've had, you know the whole review mission thing was never discussed in pre-implementation and that came afterwards and that was really good.

You know what we've had in terms of the sharing of statistical data, you know I remember a time when several very big powerful nations said no way on that. But now we do. So you know we'll get there but people have just got to recognise that this is a big, big diverse church with countries not just with different cultures but with different political agendas and with different economic needs and requirements and the politics are very different, what the politicians are afraid of in the developing countries, they're afraid of the loss of jobs. In western economies especially the consumer markets, the governments are scared stiff of human rights issues and NGOs holding them responsible for that. So again you have to remember that, and you have to have the patience to walk through this and understanding.

MM: Because it is interesting, corporate social responsibility has moved on a lot since 2000 and I know that the WDC, you guys are scrambling to keep up with but very obviously there are some people in the industry who are not and we both know who they are. Peter Meeus and people like that they don't seem to be particularly interested in really making the KP evolve. I mean are you guys worried about what that means for the consumer, is that something that continues to concern you and is that something that's concerning them at all? Is that what lies behind their reticence?

OB: Well confidence in the product is everything, it's what it is, it's an emotional product. And therefore it's our commercial duty if nothing else to assure the consumer that they are getting what they want. So that's mostly where we're coming from. There are those who can, will stick their head in the sand and pretend there is nothing going on and they will say, you know I've heard really nice decent people who were in the retail sector or the cutting and polishing sector who say we know so few people who come into the shop and ask about conflict diamonds. What they're missing though is the point that how many are not coming in because of conflict diamonds. That's what concerns us more because we can handle that with information and we've got nothing to hide. We can fully inform the consumer if

they so wish on what's what with the Kimberley Process and conflict diamonds, that shouldn't be the worry but that's where a lot of people still, that's where their mentality is, they're scared of the questions and the exposure and that kind of thing but what I worry about much more are the people that don't go into the shops anymore because of conflict diamonds and other associated issues.

MM: Because I mean at De Beers you guys, it almost looks like demonstrable that you guys aren't entirely comfortable with the KP to offer that assurance to consumers.

OB: No but we've never – Marcus of course – and this whole thing about and this is where we would part ways with civil society because civil society have given the impression have given the indication that they want a one-stop shop. The Kimberley Process has to be a one stop for human rights, for laws, basically for a governance mechanism for the entire industry. Which is ridiculous and is never going to happen and neither I think should it because if you make something so big its going to be cumbersome its going to be ineffective and slow down the industry and you are going to have far more problems than you started off with. I'm much more one for having institutions that cooperate better together. You know keep the KP focused on what it does best so obviously there are things you can do inside it like the definition and the decision making process but there is no need to widen the remit any further than that, but get it working with the ILO, get it working with, more effectively it does work with the UN but other UN agencies, with the EITI and so on and so forth get all of those and its not just the Kimberley Process that does this, others should be putting hands out to each other as well. We need this more across the international arena. All of these organisations that have even just the smallest thing in common should be liaising and exchanging information, views or whatever because it will make them all individually that much more effective and certainly from the end of it, it will be greater than the sum of its parts the result of that for all of them. And that's certainly what I would advocate so you know we recognised

from the beginning that the Kimberley Process was not the silver bullet and neither should be and that's why we created the best practice principles, that's why we are co-founders of the responsible jewellery council, that's why we are co-founders of the Diamond Development Initiative, all of this voluntarily. No one dragged us kicking and screaming. It was done for sound commercial reasons but also because of the humanitarian side as well never forgetting that this is an industry that is highly competitive in terms of talent, you know getting talent, retaining talent. A company as I've always argued is not just a logo and a building, the company is the people that work in it and the people that work at De Beers want the company to act responsibly. They want De Beers to do the right thing, they want De Beers to be a leader in this, they want De Beers to live up to diamonds and so this is also what's driving us, not just for those very sound commercial reasons are we doing this but also because our employees want it and why not and we should listen to them.

MM: I know I think that something that people often forget, often people treat governments in exactly the same way, as if a homogenous whole as if you are actually dealing with a person and talk about De Beers doing something but actually its more complicated than that. That said though, De Beers have a slight problem though don't you because and while you say the KP cant be a one-stop shop and I understand that, you've also then got, your product you cant differentiate it from your diamond sourced from a mine in Botswana cant be differentiated in the shop from a diamond...

OB: Our forever mark can.

MM: Yeah but still you are unfortunately tainted by association aren't you.

OB: No the forever mark is an incredibly strong mechanism err internal third party auditing system – very robust indeed and it's a world leader in that, it's the first offered to the consumer that comprises both the quality side and the ethical side as an integral part of the consumer offer not just a bolt on that you have with some

other initiatives you know this is a commercial... every forever mark diamond carries its own unique number and it can be traced right back to the mine it came from. So we do have that in place and we do have the BPPs. You know again the, looking at the, if you look at the BPPs it is quite an involved piece of governance in terms of the way people do business and that includes some very specific things on human rights as well. We've got human rights very much at the centre of our best practice principles and our clients are contractually obliged, if there is any proven infringement of the BPPs we will stop supplying our client that client. So you know this is no sort of slap on the wrists, you know just a paper job a fig leaf, this is actually, and we ourselves are subject to it as well, we will be independently audited to make sure that we are up to scratch on this. Now if you take into consideration the fact that our clients comprise some 70 or more but lets say 70% of the worlds trade in diamonds, you know that's a lot, that's a huge volume is covered by all of these various layers of industry initiatives that are in place.

MM: Sorry can you dum that down for me – 70% of the world's diamonds come into De Beers?

OB: No, no, no our clients are responsible amongst themselves, independent from us.

MM: So your sightholders are responsible for 70-80% of the world's diamonds still?

AB: Our sightholders yeah. These are big players.

MM: But you guys have only 30% of the world's diamonds coming in through the front door?

OB: I know they're not, it would be illegal for us to say you can only buy from us of course they buy from other sources. I mean many of our clients are also clients of Rio Tinto, are also clients of ALROSA for example.

MM: Right, right I understand.

OB: but whether they buy from us or from ALROSA, even if they buy from ALROSA they are still bound by the BPPs that's why I said it covers 70-80% of the world's trade in diamonds, is covered by this and I don't know any other industry that has these kinds of mechanisms in place you know in a global sense.

MM: Yeah you know that's a powerful mechanism.

OB: It is and people again, that's not something we can readily, because people don't want to know about that because it's a good news story, why would they want to know about that? But you know it has to be said. Diamonds in all their respects whether they come from government or industry initiatives is one of the most monitored and audited commodities in the world.

MM: So has all this come about then, I mean you guys have got all these systems in place and has this come about partly in frustration at the KP and the slight worry that the KP is not performing?

OB: Not really because if you look, the BPPs germinated, we began developing the BPPs actually slightly before the first Kimberley Process meeting in May 2000. You know the BPPs itself has grown and evolved from those early days it wasn't as a reaction to anything because the BPPs were well on the road to being developed before the implementation of the Kimberley Process in 2003.

MM: So then this is something that you guys saw from the outset then that you wanted to augment the KP with this, its not a reaction to...

OB: No it wasn't a reaction to any perceived failure of the KP no, not in that sense.

MM: So then I know that I'm asking you to speculate here and I completely understand that you might not be able to help me but those people that are being naughty, why do you think it is that they're being naughty

OB: [Immediately interrupts] Because they can be. Because as I say if they think, in any walk of life, in any business, in any commodity or anything like that you know if one thinks, I mean look at tax avoidance, you know why do people avoid tax? Because they can.

MM: So they can free ride on the ethical principles that the KP is producing.

OB: Yeah.

MM: and the idea that the diamond is ethical, they can free ride on that whilst actually doing some stuff that is a little bit underhand?

OB: Yeah, there are some people who, if they feel and as I say this is not exclusive to diamonds by any means, but if people think they can get away with something they will. It just has to be, and that's why again getting the BPPs was a major factor in making sure that we had industry wide compliance because, and one thing I hadn't mentioned, was that its not just our client but its their contractors as well that are obliged to submit themselves to auditing.

MM: So its their contractors as well?

OB: Yeah so that's quite a lot and you know when you look at some of the small units, hundreds of them in Surat and places like that, the BPPs reach out quite widely. So there will always be, look say in your terminology, the terminology you use someone wanted to be naughty in the coal industry. You'd have to shift thousands of tonnes of coal to get any kind of reasonable profit from your mideme...you know from coal. But with diamonds you just need enough to fill this coffee cup you know and you're made for life you know, you only have to be naughty once. And so you know that's the problem, that's the problem we all face. In the industry in the security forces, in the police forces, in border controls – that's the problem – that you could put enough diamonds in this one pot basically to keep a whole city going, you know for a while. So that's the logistics part of our problem.

MM: So these people, they're not really concerned anymore about the consumer?

OB: No there are people who just don't see the consumer, they just see diamonds as a commodity, its something to turn a profit.

MM: Do you think that's to do with geographical separation?

OB: I think that's partly to do with it, I think its also psychological. Their responsibility is to themselves or their families or whatever, and you know the diamond comes in they paid X for it, they put on a value and then they sell it for Y. That's all they are concerned about. And I can understand that in a way. I think it's a shame but I can understand it.

MM: That's understandable. When you are not confronted with the realities at either end ie production or consumer, its just something that goes across your desk.

OB: This is again, it needs education and I think that the industry is in a far better place than it was 15 years ago and I think we've all done our part and I certainly hope that, I know, that De Beers has played a big part in educating the industry in what needs to be done and why these things are important. But I remember when we were trying to get the industry involved back in 2000-2001, sorry 99-2000, there were people again who were educated, worldly people who were saying we don't understand, Sierra Leone is 6000 kilometres away, what's its got to do with us, you know we're not killing people. And they just didn't get that whole custodial thing along the pipeline, you know we've all got a responsibility.

MM: Are you still getting that?

OB: I think, you, I haven't heard it recently for quite a while. I dare say there are other people out there who do still think that way but there are far, far fewer in fact its just a minority now and I think that the vast majority of the people in the industry get it. Whether they want it is another matter but they do understand it now which is a long way from where we were 15 years ago.

[Interview draws to a close.]

Interview Date: 05/09/2014

Interview Type: Phone Interview

Interviewee: Geologist and deposit assessor for an extractive industry finance house.

Not quoted, used for background information.

Earlier in the week I had emailed N with a number of questions regarding the issue of the estimation of the size of a given diamond deposit and whether these estimations could produce accurate country wide export projections. N advised that I should call him to discuss this issue. The following is an account of that conversation.

The first question I asked N was simply is it possible to accurately estimate the size of a given deposit? N replied that there were two issues with estimating the yield of a given diamond deposit the first was geological, the second was financial and the problems associated with this often led him to advise against providing finance for diamond deposit exploitation.

In the first instance, in the interviewees view, it was extremely difficult to accurately predict the output of a given mine. In most Kimberlite deposits the diffusion of diamonds within a physical space and the frequency with which they will occur within that space makes the valuation of a diamond deposit incredibly difficult and also therefore the estimation of the production of that deposit similarly difficult. This is true even under circumstances where a massive bulk sample is taken. Furthermore it is hard to know, according to the interviewee, even when production comes on-line exactly how much a deposit will produce. I then asked whether the same issue was true of alluvial deposits and that, given their more diffuse nature, presumably this would make estimating production here even more difficult. The interviewee replied that in fact that may not be the case although estimating the production of an alluvial deposit was still very difficult.

The interviewee then explained a second difficulty in terms of estimating a deposit. From a financial perspective, estimating the yield of a deposit so as to enable finance houses and investors to provide finance with some degree of certainty regarding the probability of realising a return on that investment is extremely difficult. This owed much to the geological problems in terms of estimating the size of the deposit as previously discussed, however, the nature of diamonds themselves made this extremely difficult. Diamonds in their rough form contain flaws and certain characteristics that mean that they can only be cut in certain ways. Consequently a rough diamond's value is difficult to estimate. For example if a very large rough diamond arrives at a cutting factory it may end up, owing to the natural characteristics present within the diamond, being cut into numerous separate stones of a cumulative lesser value. Consequently it can be very difficult to estimate the yield of a rough diamond deposit.

I then asked the interviewee for some clarification regarding what this meant for estimating a state's potential yearly production. The source replied that it was extremely difficult to assess with any great accuracy the likely production of any given state. I then replied that the Kimberley Process often monitors export statistics of participants for spikes in production against projected production figures as a way of looking for possible breaches of Kimberley Process rules. The source replied that this was not a good way of assessing compliance and then speculated that those projected nation-wide statistics could have a margin of error of up to 25%.

I asked whether there were any academic papers he could point me in the direction of regarding this issue and the interviewee replied that no there weren't as this was not an area well researched but that within his field it was widely acknowledged that assessing the size of a diamond deposit with any degree of accuracy was highly problematic.

I then asked the interviewee whether it was ever in the interests of any mining firms to underestimate the size of a potential deposit and he replied yes, this often happens. Reputable companies in the sector would be unlikely to do this as the deposit would be evaluated by an outside third party, however, companies at the less reliable end of the business would have an interest in underestimating the size of their deposit. The source listed two principle reasons for this. Firstly, should a company discover a larger deposit than was anticipated, central government may attempt to renegotiate the concession on terms less favourable to the company. Second, the mining company may be concerned to manage expectations in terms of revenue both from the host government and from investors. I put it to the interviewee that it may also be in the interests of a mining company to underestimate potential production in the event that the deposit is located with a high tax state as this would enable a proportion of production to be exported through a nearby state with a more favourable tax regime without raising questions concerning a lower than expected output. The source agreed that this was possible.

I then moved the discussion in the direction of run-of-mine techniques for diamond identification. I asked the interviewee if, in his opinion, run-of-mine was a viable method of establishing a diamond's origin where parcels were unmixed. The Interviewee replied that yes, run-of-mine techniques were a valid method for establishing the origin of rough diamonds; however, this would require the training of experts in the use of this technique and their positioning at major points of export and import.

Interviewee: NR, River Gravel Miners.

Date: 04/03/2014

Interview type: Face-to-face followed by a phone interview.

Location: Freetown

In-Text Reference: NR

The interviewee was met whilst I was waiting in a mining related government office in Freetown. I first asked NR what he thought of the Kimberley Process. He stated that the Kimberley Process in many ways worked fine, at least from the industry end but "that this was not the problem, the problem with it is at the political end." He then stated that it wasn't a good idea to talk about it here [the government office waiting room] and that I should give him a call later. NR then showed me his Kimberley Process Certificate and sealed package of diamonds, making a particular point of showing me the signatures.

At an appropriate time shortly after, I called NR on the number he provided. The following is an account of that telephone conversation.

I first asked NR what he meant when, during our previous conversation, he said that the problem with the Kimberley Process was at the political end. He replied by saying that individuals within the GGDO [Government Gold and Diamond Office, now known as the Precious Minerals Trading Department] were highly corrupt. "You know that man you saw Mr J, he's a crook. When it came to him signing the KP documents he said he wanted something so I offered him \$20. He gave it back to me and said 'no I need at least \$50.'" NR continued and stated that you can pay this individual and he will sign the Kimberley Process document making it legal to export and this is the same the whole way along the export process. From pit to GGDO officials have to be bribed the whole way along the way in order that they sign KP documents. I put it to him that under such circumstances the KP was

working very well if you were a corrupt government official and he replied “exactly, very well indeed.”

Interview Date: 17/03/2014

Interview Type: Phone Interview [not audio-recorded].

Interviewee: NR, River Gravel Miners. Follow up Interview.

In-Text reference: NR

Following a discussion and brief interview in Freetown concerning the Source's experiences of working in the Sierra Leone diamond sector as a medium scale mechanised rough diamond producer, I took the interviewee's offer of a follow up interview once he had returned from a holiday in South Africa. This necessitated a phone interview, however, as by the time he had returned to Freetown I had returned to the UK.

My first question to NR concerned his experience of buying a mining concession [located in the Kenema district]. NR replied that in reality the hard work in terms of gaining his concession revolved around the chieftaincy system. First the company commissioned the usual surveys of the size of the potential deposit in the area. Once their surveys had come back they approached the local Paramount Chief and put their plans for the concession to him. He then discussed this further with the local Chiefs and put the case for the company to the communities affected. Once the company had gained approval from the local people, the Paramount Chief was offered a share-holding in the company. In fact the Source later revealed that the Paramount Chief had received a "substantial share-holding" in the company. In reply the company agree to employ local people wherever possible with the caveat that where the required skills were not available locally the company could source labour externally. The Source then added that the company currently employed around 150 local people and that this would shortly be extended to over a 1000.

Following this I felt the need to double check the relationship between the company and the Paramount Chief. I asked "so the only way you felt you could go about this

[gaining a concession] was through the Chieftaincy system?" The source replied "yes, you British don't understand this but we African's have to understand this – if you want to do business the only way to get things done is through the Chiefs and Paramount Chiefs." I then asked what he had to do in terms of central government to get his concession granted and he replied that he had to do very very little. Once he had the support of the Paramount Chief the granting of the concession became very straightforward and was essentially just waved through.

I then move the conversation on to discuss the issue that he had raised during our discussion in Freetown, that of the issue of the '419ers.' The Source stated that these were individuals who advertised on the internet for potential international buyers. They had listed inventories and pictures of their supposed stocks of rough diamonds. When you as a buyer arrive to inspect their diamonds and negotiate a price they produce legitimate rough stones for you to inspect and negotiate the sale of. These people then also introduce you to an individual they claim is a Paramount Chief except that this person is a fake. You negotiate on the stones and exchange the money. They then argue that they should take the stones to the GGDO to get them valued, taxed and Kimberley Process certified because 'as a white man' they will attempt to extract significant amounts of money from you in the form of bribes to perform these services. If you agree to this you will never see the stones again. Another scam involves the buyer inspecting a consignment of stones and then buying them. They are exported through the normal channels except, and the source was not clear on how this happened, the package that the buyer then receives are just gravel. This happened to someone the Source knew personally in Zurich. There was also according to the source, a type of stone unique to the Mano River region known locally as a 'waterproof.' These stones, when in water, look exactly like a rough diamond. Buyers, unaware of the existence of these stones, are showed them and sold them as diamonds.

I then ask the Source how these individuals escape prosecution. He replied that they cultivated corrupt contact within official circles and paid large sums to them for protection. While the Source was unwilling to name names he stated that these individuals were located within the Police, Judiciary and government and that they included people high up in each, particularly government. Indeed the Source was especially keen to emphasise this; "these individuals are high up in government and I mean very high up in government". NR had made it clear he wasn't prepared to give me names but he said then stated that the extent of these individuals political connections could be demonstrated by the fact that despite the high numbers of people operating scams like this only one person had ever been prosecuted. The individuals name was Mohammed Baqwi and he was only prosecuted because in the process of running a scam he kidnapped an Indian national and the Indian embassy then became involved in the case.

Sensing this was not a topic area that the Source wanted to discuss further I moved the interview on to a discussion of his experiences of dealing with the export licensing system. NR explained that export licenses were sold to an individual known as a 'principle' - at a cost of \$35,000. From there the principle has the right to sell 4 sub-licenses at a cost of \$8500. The source engaged in this process buying a sub-license and then proceeded to export his diamonds legally. However after I had met him at the GGDO, the Source was informed by his principle that this system had now changed. As where previously the money used to buy stones had to be shown entering the country through the sub-licensees current account held at a local bank, the money used to purchase stones now had to transit through the principles account and the principle would then undertake to return the sum to the sub-license holder. There were obvious problems with this system in terms of laundering and outright theft. I asked how this was possible and whether these principles were backed politically. NR replied that that did seem to be the case. He had attempted to raise this issue with the GGDO and the MMR and asked for a list of all the sub-

license holders so he could contact them and discuss a communal response to this. However, after initially agreeing to the release this list the government then declined to do so. The source stated that this was almost certainly as a result of the principles exerting pressure on government officials.

Interview Transcript: 05/03/2014

Diamond Mining Consultants, Freetown

Location: Freetown

In-text Reference: NG

The first question I asked NG concerned whether he thought Sierra Leone was currently in compliance with the Kimberley Process requirements concerning internal controls. NG replied that certainly that was what the government would tell you. He added that they often point to the export figures and state that since the Kimberley Process was introduced in 2003, official exports rose considerably. This however owed much more to the end of the war and the fact that the government once again regained control of the diamond fields. So you're saying then that Sierra Leone is not in compliance now? NR said that he thought not, adding that "the real problem lies in the chain of custody from pit to export." At the mining sites themselves, he said, the Mines Monitoring Officers [hereafter MMOs] were almost totally ineffectual. They were extremely poorly paid and therefore were open to bribery, which dealers frequently did in order to obtain false documentation. I ask if anyone from civil society has raised this issue with the Kimberley Process and NR replies yes but the Kimberley Process "fudges the issue" by discussing it at meetings but in the mean-time taking no action.

In another issue regarding compliance NR talks of the issue of unlicensed mining and reiterates a story that I had heard off the record from another industry source. Recently a very large stone came up for export at the National Minerals Authority [hereafter NMA]. However the NMA raised serious concerns that it was mined from an unlicensed pit and not in fact from the licensed pit as claimed by the exporter. At this point the Vice-President intervened and vouched for the origins of the stone and it was certified and exported according to Kimberley Process protocols. NR stated that he was certain, according to the information available to

him that the stone was not mined at a licensed site. He returned to this topic later in the interview.

I then ask if the government of Sierra Leone has, in his view, any control of the diamond fields at all. NR replies that I really didn't have a great deal. MMOs were simply not doing their jobs. The government had appointed MMOs not on the basis of ability but on the basis of political support. NR maintained that when the post of MMO was first created it was envisaged by all involved in the industry that an appointment would require at least the equivalent to an A-Level standard, if not undergraduate standard, level of education. The idea was then that these individuals could be trained to understand the mining sector including the environmental issues that arise as a result of artisanal alluvial mining. This, however, was blocked from within the government and MMOs are now appointed on a discretionary basis. As a result of their overtly political appointment and their very low basic pay MMOs harass artisanal miners for bribes and pay-offs. In fact AK recalled that at one stage, so political had the appointment of MMOs become that the government appointed more than it had the capacity to pay resulting in an even larger amount of bribery, harassment and corruption in the vicinity of the mines.

I then asked NR about the involvement of large scale miners and any problems within this sector. NR replied that the problems associated with mechanised industry usually concerned the medium sized enterprises. I enquired as to whether these were firms mining in areas where shallow depth deposits were previously exploited by artisanal miners. He replied in the affirmative and added that these firms were buying concessions from central government, although sometimes they were bought from local concession owners themselves. These concessions were not mined out as the government official I had spoken to had claimed. In fact, according to the source, while some of the pits within the artisanal concessions may have been exploited, this does not preclude the ground only twenty meters away from proving

to be productive [and of course this ground would still be within the same concession]. As a result, it was not possible to say that these areas had been mined out as far as artisanal methods were concerned; however, this was the justification used, at least in part for the government's sale of these concessions to small and medium scale mechanised industry. This process was leading to a clash involving the local community's claims to customary rights to land and the claims of the incoming mining companies seeking to make profits.

I then asked NR to tell me exactly how these firms were creating problems by asking if these firms were enforcing their rights to the concession by forcibly driving off artisanal miners. NR replied that this certainly does happen but that what then also happened was that some former artisanal miners were subsequently employed on the site but under highly exploitative conditions.

I then asked if NR knew of any larger scale mining firms, like for instance Koidu, who had expressed any concern about Sierra Leone's inability to meet the Kimberley Process requirements. I said that bearing in mind Koidu's possible losses if Sierra Leone were suspended from the Kimberley Process that you perhaps might have expected them to have done so. NR replied that no, the larger scale companies were simply not concerned. I expressed some surprise at this, given what had happened in Ghana in recent times. NR answered that this had meant very little in the context of Sierra Leone and that Sierra Leone's large scale miners were unconcerned as they knew that the Kimberley Process would be extremely unlikely to suspend Sierra Leone for non-compliance.

I then moved the conversation on to ask NR if he knew of any government agency had attempted to raise the issue of Sierra Leone's obvious non-compliance with Kimberley Process stipulations, either directly with the Kimberley Process or internally within the state. NR answered that there had been some disquiet within the NMA [which includes the GGDO], especially with regard to the recent

intervention of the Vice-President in the export of a special stone as mentioned above. However, it was in the view of NR never likely to go any further than this as the NMA's budget was determined by figures high up in the government and therefore no-one at the NMA would seriously speak up even within government about Sierra Leone's non-compliance, let alone speak publically or to the Kimberley Process itself. NR stated that "you won't hear anything negative about KP compliance over there at the NMA because they are all frightened." They are all good people at the NMA he said, however, they all had families to think of and ultimately they needed their jobs.

NR then speaks at some length regarding the relationship between those high in government, the Ministry of Mines and Mineral Resources [hereafter MMMR] and the NMA. He remarks that the GGDO was moved from the MMMR sometime ago in order to try and reduce political interference and corruption in the certifying and export of rough diamonds. However, even as the GGDO was moved to its current location [George Street, Downtown Freetown] the MMMR was advertising for individuals to fill posts and duties that were clearly parallel to those of the GGDO. Clearly the idea here therefore was to undermine the existing GGDO whilst keeping its potentially lucrative functions under the auspices of the MMMR. The move of the GGDO has, however, not stopped it from coming under huge political pressure from the MMMR and figures high in government. NR went on to discuss the MMMR which he claimed was subject to an enormous amount of patronage appointments. According to NR the position of Minister of Mines and Mineral Resources was an extremely important one within the patronage system and usually involved the appointment of only the most trusted supporter of the President. NR stated that whoever was appointed had to be trusted to "share the pot properly" as far as those higher up the chain were concerned. A recent incident whereby the Minister of MMMR was removed from his post and demoted was triggered by his greed and his failure to spread the financial benefits associated with

his post around judiciously. NR continued that the current occupant of the post of Minister at MMMR was a very old and trusted friend of the President; they were apparently colleagues from their pre-politics days.

NR then commented that the Extractive Industry Transparency Initiative [hereafter EITI] has recently suspended Sierra Leone for failing to comply with its protocols. This apparently had caused a great deal of embarrassment within the MMMR and for the government in general. In response the government had made some changes, resubmitted its report and was hopeful of re-admittance. I asked if the Kimberley Process could ever have such an impact and NR replied quite simply no, because the Kimberley Process would never suspend Sierra Leone and politicians know this.

Interview: 10/03/2014

Interview type: Face-to-face [not audio-recorded].

Representative of Large Scale Miners, Freetown.

Location: Freetown

In-Text Reference: CM

The interview began with me asking what protocols the large scale mining company in question [hereafter LSMC] had in place to ensure their compliance with the Kimberley Process. There followed from CM an extended monologue whereby he explained exactly how LSMC went about this. First, he said, it begins at the mining site itself. LSMC has complete control of its concessions and has physical structures in place to ensure this control. This includes firstly a perimeter fence which is patrolled by armed security personnel [from the international security firm G4S] and monitored along its entire length by CCTV. Employees and visitors are checked before entering the site and are signed in and out so that the company knows exactly who is onsite at all times.

Within the perimeter fence there are several permanently stationed MMOs who monitor for the company's Kimberley Process compliance. In addition LSMC also processes their diamondiferous gravel at a plant on site and this is monitored even more closely. Only three people have access keys to this plant where the diamondiferous gravel is washed and then passes onto a conveyor that runs past workers who pick the stones from the gravel. These individuals are separated from the actual conveyor by a glass screen and handle the stones through gloves that are themselves fixed to the screen [as in an incubator]. The stones are picked out of the gravel and placed in a separate container which is then tipped into a box which is then sealed and shipped directly to the GGDO in Freetown where the diamonds are

weighed and valued. As a result of this process, the stones themselves are never actually handled directly by any employee at the mining site.

I ask if these controls are the same at both mining concessions that the LSMC owns [one is more established than the other. The first is much smaller, while the second is a very large geographical area]. CM replies no. Owing to the large scale of the geographical area of the second concession, and the preliminary stage of the mining operation there, the security provisions were not the same. At this concession, the company had identified relatively shallow Kimberlite dykes on the site of what was, until the company moved in, an alluvial deposit mined by local artisanal miners. In order to comply with Kimberley Process requirements IK maintained, the company had erected a perimeter fence around the concession and within that, had fenced around the area within which the company was undertaking bulk sampling [a preliminary mining test to establish the most profitable areas to dig]. Both fences were patrolled by G4S and armed security guards and the internal fences also had CCTV. There is no processing plant at this site owing to the early stage of production and therefore the extracted gravel is put into open backed trucks and shipped under an armed escort provided by the RSLAF [Republic of Sierra Leone Armed Forces] to the LSMC processing plant at its first site [some distance away] where it is processed and evaluated.

I ask if there have been any challenges at this site in terms of meeting the Kimberley Process' requirements. CM sighs, and says there have been many. In the first instance he says the site itself is much larger and is surrounded by a lot of very poor communities and many within these communities were previously involved in artisanal mining. As a result the company had to deal with regular night-time incursions into their concessions by artisanal miners attempting to mine illegally. CM stated that the company security patrols cleared these groups from the concession by force if necessary, however, he added the company itself had specifically tried not to be too heavy handed when doing so. Too aggressive an

approach on behalf of the company security patrols may result in excessive confrontation with the local community and local civil unrest which could create serious operating difficulties for the company, as indeed it had done in the past. CM was keen to point out that in order to attempt to avoid this scenario the company had held meetings with the local communities and 'major stakeholders.' In fact it held a major one just last month [February] to try and warn the local communities not to mine on the site illegally and that the incursions onto the site must stop. I put it to CM that really this was about protecting the company's property as opposed to meeting the Kimberley Process requirements and he answered that it was both and that the company took meeting the Kimberley Process requirements very seriously.

I then ask how the company went about securing its concession at the former alluvial site. IK answered that they did it according to the rules outlined in the Mines and Minerals Act 2009. The company first approached the government and requested a license to sample in the area. Then when the company found what it was looking for it engaged with the local community to seek their support. I asked if this was done through the chieftaincy system or whether the company had attempted to bypass the paramount-chief and chiefs. CM replied emphatically no, this was impossible he said and dangerous. Working with the chieftaincy system was the only way to gain local support.

CM then continued to explain how the company has gone about securing its concessions. It should not be overlooked he said that securing a concession also required the support of local people. I asked if this was a formal arrangement, in that the paramount chief or local chief had to formally support the application to government. CM said no, this was not necessary but that the government was unlikely to grant a concession in an area where community leaders vehemently opposed the incoming company's proposals. CM continued, stating that the company drew up proposals for its activities. This includes its plans to protect the

local environment and what it was going to bring to the local community in terms of development. I asked him to clarify what he meant by that and CM stated, that these plans included proposals for company funding school building projects and the scale of employment opportunities for the local youth. CM then digressed somewhat and spoke of the problems associated with this process. He stated that a flashpoint the company had experienced revolved around the extent of these proposals to local communities. These development proposals, CM said, were based on the projected output from the concession in question and the profits produced as a result. He said that instances of unrest had stemmed from the fact that local communities were dissatisfied with the company as it had not carried through with its commitments in this regard, however, the company was not to blame here simply because the output from the concession was not as expected and therefore the amount of funds available to carry out the originally proposed development projects was not there. Local people, he said, simply did not understand this but the company had shareholders and had an obligation to them. CM then continued on this topic stating that what had also likely happened was that some community leaders [he would not say who] were guilty of exaggerating the company's development plans, exacerbating the problem. As a consequence "there have been accusations of broken promises and incidents of local civil unrest."

CM states unsolicited from me that often the development plans for the local communities as laid out by the company have been very attractive to some that sections of those communities have been happy to invite the company to begin its operations.

I then move the conversation on to discuss the company's attitude towards the artisanal sector. I ask if the company was aware that there were some problems as far as Kimberley Process compliance was concerned in the rest of the mining sector. CM responded emphatically that yes the company was very aware of the problems but states that this was hardly surprising. He uses the example of the Kono district,

which he states, has a huge diamondiferous area. In Kono, local people associate the diamond mines with the possibility of a huge financial break that could lift them out of the poverty that characterises life for most people in the area. However, the way the artisanal mining is set up prevents any real possibility of this. Local miners, he says, may operate the pit but their living expenses are advanced to them by a diamond dealer, usually of Lebanese extraction. The result is that artisanal miners are in constant debt to these dealers, who on receipt of a diamond from the miner, deducts the cost of the forwarded expenses from the value of the diamond presented for sale. These costs are often inflated by the dealer to keep the miner in a constant state of debt and servitude. In sum, states the source, these miners exist in almost slave like conditions working extremely long days, seven days a week to keep up with their debts. The source then asks rhetorically 'how are men such as this to keep up with Kimberley Process documentation? And how could they not take outside stones if this meant easing their situation?'

In the view of the interviewee, the exploitative conditions that exist between dealers and miners are not the only area in which the Kimberley Process is being breached in Sierra Leone. MMOs according the source are almost totally ineffective. They are too few in number and patrol a vast area while being woefully under resourced in terms of communications and vehicles. MMOs are not even equipped with motor-bikes let alone proper 4x4 vehicles. I ask about possible corruption amongst the MMOs and the source replies that he is not in a position to comment on that, however, the numbers of MMOs against the numbers of illegal miners makes their job impossible. Again the source asks a rhetorical question "if you are an MMO and two or three of you arrive at an illegal site with 20 or 30 miners working there what are you going to do? Many MMOs take the attitude that if you can't beat them, you join them." The MMOs wages exacerbate the problem. The interviewee states that if wages for MMOs are as low as they are, for individuals expected to manage

exchanges between miners and dealers that run into millions of Leones, then this inevitably leaves MMOs open to bribery and corruption.

Unsolicited by me, the interviewee moved on to discuss corruption in the wider sector and how this was affecting Kimberley Process compliance. According to the source, there was a significant amount of corruption within the exporting process involving Sierra Leone's small and medium scale miners, dealers and exporters. Until recently the tax on special stones stood at 15%, it has since been dropped to 3% [to make a flat rate of tax across all grades of diamonds]. This 12% cut in taxation was in response to the widely known practice of the smuggling of these special stones out of Sierra Leone to principally Guinea but also Liberia where the levels of taxation are 3% for all diamond exports regardless of size or grade. I put it to the interviewee that this reduction was therefore a tacit acknowledgement from the government of Sierra Leone that it was not meeting its Kimberley Process requirements. The source simply smiled and shrugged his shoulders. I took this as his agreement that this was in fact self-evident.

I then ask the source if LSMC had raised any of these concerns with the Kimberley Process and he replied that they would have done except that they didn't have to as numerous others including DFID and USAID had already done so. In fact, he informed me that a KP team had visited only last year to investigate these reports. I ask for clarification here as to whether this was an external visit from the KP or whether this was a review conducted by the government of Sierra Leone. The source replied that this was definitely an external Kimberley Process team of about ten people. The team had visited the LSMC and the company had raised its concerns regarding the lack of regulation of the artisanal sector. The Kimberley Process team had taken this on-board and then visited the Kono region to assess this for itself. I asked if the Kimberley Process had offered the government any assistance in terms of dealing with the problem and he replied no, nothing had changed since the visit was conducted. The problem, he continued, did not necessarily lie with the

Kimberley Process, however. In his view the problem was a regional and local one. Regional in terms of tax harmonisation as we had just discussed, but a local one in terms of government in action within the mining areas themselves. MMOs were ineffective as discussed, however, what was needed were “physical structures on the ground in mining areas.” The interviewee elaborated, stating that what was needed here were actual fences to keep illegal miners off mining sites and properly paid and highly motivated monitoring officials, not just MMOs but also local police and even armed forces. Without these things in place these problems would persist. According to the interviewee getting control of this problem would not be such an enormous undertaking. He argued that if the local authorities started seriously patrolling the diamond producing regions, visiting pits and asking to see proper licenses and prosecuting illegal miners then illegal mining could be controlled if not entirely stopped. However, he noted this wasn’t happening and was not likely to happen any time soon.

I then asked the interviewee about the impact of increasing involvement of medium and small scale mechanised miners in areas previously the preserve of artisanal mining. I asked him for his views on the information that I had been given by unnamed government officials that these largely foreign funded operations were mining artisanal concessions that have been mined out as far as artisanal miners were concerned. The interviewee leaned back in his chair and smiled and said quite pointedly “you really have to think here – really don’t take these things at face value.” Again he posed a rhetorical question stating, “why would a company, mine a concession that has been mined out? The company would have investors and responsibilities and would have conducted surveys and made estimates as to the size of the deposit. The deposit simply wouldn’t be mined out.” He also added that these deposits were not kimberlite, they were alluvial deposits and therefore they could be mined by either artisanal or mechanised methods. I then asked if the government justified the selling of these concessions on the basis that it helped it

meet its Kimberley Process requirements. The source replied yes of course but really they more often justified it on the basis of increasing production and development. It should not be forgotten, he said, that while these companies created problems in the diamond producing regions in terms of land ownership, they did still employ significant amounts of former artisanal miners, albeit on very different terms. The miners now earned subsistence costs plus a wage, however, the hope of hitting it big and finding a life-changing diamond no longer existed as obviously this would now be a company asset.

Interview Transcription: Legal Counsel for WDC at Kimberley Process negotiations, formative and contemporary.

Date: 18/12/2013

Interview Type: Telephone

In-text Reference: GAC

MM: My first question was, with regard to the stipulations for the monitoring of mines and licensing, can you remember who it was who actually proposed these stipulations?

GAC: They were generally what the group would anticipate would be needed by a mining location in order to be able to account for the journey of a diamond from the point of extraction to the point of first export. So a committee really was put together to determine what would be required to implement control. Now there are certain parts of it that are minimum standards that everybody has to engage in but there are other parts that are recommended but were not part of the minimum standards that were required for participation in the Kimberley Process.

MM: Yes because some of them are just recommendations aren't they; they're not compulsory?

GAC: Right, they're only recommendations as opposed to requirements. They're not like err a specific group of things like for instance licensing, is not required it's only recommended.

MM: But I mean monitoring, control of the diamond mines themselves that does seem to be compulsory is that correct?

GAC: Well there are certain actions that need to be taken at the mining sites and some of the requirements, [are] to implement internal controls to allow the diamonds to be controlled from the point of extraction to the point of first export.

MM: Right ok, and there was a committee put together to actually figure this out, who was on that committee, can you remember? Were there NGOs or

GAC: [interrupting] Oh no I can't remember.

MM: Long time ago...

GAC: It was a long time and also it turned into the Working Group off Diamond Experts. Which exists now.

MM: Ah ok, the Working Group off Diamond Experts?

GAC: The chair of that group was Angola.

MM: Right that's interesting, umm I know this may seem a silly question but the reason they were introduced was to make sure that diamonds couldn't be laundered through alluvial fields is that right?

GAC: Ah the general reason for these controls to be implemented was to ensure again that the internal movements from the point of extraction to the point of first export was controlled by the government and [pause] the whole point here is to ensure that the diamonds being exported were not used for the purposes for which the Kimberley Process was created. To prevent that, that is the reason for these requirements, [inaudible] why they were put in place.

MM: Ok I understand. Did the NGOs, or did anyone actually raise concerns as to what this might mean for some developing countries because obviously for a country like Sierra Leone or Angola.

GAC: [Interrupting] Yes but both Sierra Leone and Angola were a part of that committee at the time, and agreed to these internal controls.

MM: Right ok so they were happy with them then? Did anyone oppose it?

GAC: Umm I think there were a lot of discussions as to the details of it, as to what would be required and what would be recommended but nobody opposed it, no not all.

MM: That's interesting [pause] yeah that's interesting umm in terms of the dynamics of that negotiation what bits did people have trouble with, can you recall?

GAC: Well for instance licensing that's a good example. I mean, not everyone was, umm engaged in the process of licensing, umm and every country has different rules on that in terms of who can buy and sell rough diamonds so umm that did not [breaks off], that did umm, that clearly could not have been a minimum standard that could be required, it had to become a recommended provision.

MM: Right err can you be suspended from the Kimberley Process for failing to meet those recommended standards? I'm thinking of what happened recently with Ghana.

GAC: Err your trade can be suspended yes.

MM: So in many ways then you kind of do have to meet those recommendations otherwise you can get into a bit of trouble?

GAC: Well yes, I mean what you, trouble [laughs] is a term you need to define here I mean what happens in the concept of the Kimberley Process is if you're having trouble meeting the minimum requirements you are subject to hosting what's called a review mission which assess conditions on the ground and help you correct them. So a number of countries have been subject to the suspension of trade while a team went in to help governments reinstitute the internal controls.

MM: Right so some states then, well some governments, objected on the basis that this sort of conflicted with their internal laws, did anyone object on the basis of...

GAC: [Interrupts] no no no, they objected to certain provisions, no one objected to the concept of internal controls.

MM: No sorry some...

GAC: [Interrupts] [inaudible] there are certain things that while we understand they are recommended we cannot do in our country so therefore do not make them be minimum requirements.

MM: Right I understand so they were not entirely happy because this conflicted with sovereignty?

GAC: I don't know about sovereignty but it would have been complicated for them to change their laws to meet certain provisions of the minimum standards. By the way everybody had to implement legislation in order to meet the minimum standards, it wasn't a question of 'do we need legislation' everybody, every participating country had to pass legislation. It's just a question of whether or not that legislation was a radical divergence from what they'd been doing in the past.

MM: And for most countries presumably it wasn't that much of a radical change?

GAC: Well actually for most countries implementing the legislation was a radical change but there were certain things that I guess some countries felt were not possible for example [phone cuts out]. Hello?

MM: Hello I'm sorry I don't know what happened there, bit strange sorry somehow the line cut off. I'm in a very small town in Southern England it's probably a miracle I can call anywhere. So, sorry where were we. I'm imagining a country such as Sierra Leone would have had trouble implementing these stipulations; they would have to have enacted some quite major changes?

GAC: They don't seem to have had any difficulties, they don't seem to have had any difficulties because they have never been subject to a review mission and they've

been subject to what's called a review visit which is a normal routine visit that happens periodically by the Kimberley Process and their internal controls were always found to be in compliance with the minimum standards.

MM: Right ok that's interesting [pause] hmm. In terms of the monitoring of the actual monitoring of their compliance as I understand it this caused quite a lot of debate within the Kimberley Process is that right? I think it was in, I can't actually remember which Annex it was but it basically comes down to issues surrounding independent and regular monitoring of compliance; this caused quite a few problems didn't it?

GAC: I'm sorry?

MM: Err the measuring of compliance, the idea that review missions should be regular and independent etc. There was quite a lot of debate about this.

GAC: [interrupts] Review visits, review visits. There's a difference between a review mission which is sort of an emergency and a review visit which is routine.

MM: There was a problem with that though wasn't there because as I understood it there were a lot states that were uncomfortable with the idea of their being a routine of review visits?

GAC: Yes that was a negotiation point exactly but consensus was reached.

MM: So I'm sorry I've obviously misread something here monitoring visits are routine...

GAC: [Interrupts] monitoring visits are routine yes they are.

MM: At the time though who objected to this? As I understand it some members of the WDC objected?

GAC: WDC? No we didn't object. I'm going to press my memory here but I do, I do recall that Russia had a problem with this, I think the government of China, those were the two main objectors.

MM: But there was no one within the WDC that objected? I imagine that someone like De Beers obviously had no trouble with it all.

GAC: [interrupts] None at all.

MM: But I'm sort of surprised that those people who were operating alluvial mines in countries like Angola might have been a bit worried about it because obviously, you know, they might have been playing by the rules but their neighbour might not be and that could see the country suspended and therefore cause problems.

GAC: Well you have to understand the position of the industry at the time which was that this was a major crisis in confidence in the diamond industry and any steps that could be taken to rebuild confidence we were in favour of. Internal monitoring to us seemed very logical.

MM: So it was literally just expediency then, just the pressure of having to do something do I assume

GAC: [interrupts] It wasn't just pressure of having to do something we wanted to provide a system that assured consumers that they were not buying conflict diamonds. And it wasn't because we were being pressured but because we had economic interests, commercial interests in restoring the confidence in the diamond trade [pause]. And we very much believed in the goals of the Kimberley Process.

MM: Yeah I was going to say there was quite a moral imperative as well. Some of the people I've spoken to have been very very keen to fix the problem purely on that basis rather than actually being worried to look after the industry. Umm ok (pause) so there were some dissenting states though, China and Russia.

GAC: That's who I remember best, I mean I think I remember Australia had some issues with it as well, you know you're pressing my memory.

MM: No I completely understand it was some time ago.

GAC: [interrupting] But I don't remember any African nations being very much opposed to this.

MM: They didn't really have a problem?

GAC: No

MM: That's interesting because you would have thought that they'd have the most trouble in terms of actually meeting those obligations?

GAC: Well I have a feeling that there was a recognition that because what brought us to the table was problems in Africa that um they needed to [pause] to agree to this sort of regime.

MM: So they kind of felt umm a sort of communal pressure from everyone else, or not really pressure but an obligation to get things sped along?

GAC: Well I also think that they thought this would help, you know that this would solve some of their issues regarding their diamond production and the integrity of it. I mean I think they believed that the help of the international community to get these internal controls in place would be very useful to them.

MM: Yeah [pause, line breaks off]. I'm sorry I don't know what going on! But yeah I'm kind of surprised to hear that. I imagined that some of the states involved would umm would have some reservations about it even at the time in terms of what was going to happen after the conflicts themselves came to an end umm but clearly not, clearly they weren't thinking that far ahead so presumably they were just very fixated then on the short term and trying to bring the conflicts to a close as quickly as possible.

GAC: Well In wouldn't put it that way I don't think they were focused on the short term I think they felt that the Kimberley Process was a long term solution and that it would bring a lot of umm assistance and development to these burgeoning err, to these African nations who were struggling to control their natural resources. I think they thought of this as a long term solution, because there were international governments and international development institutions who were engaged in the process. They felt it was a very positive development. There was no resistance from African governments, no resistance at all.

MM: That interesting, so generally speaking then they probably would have viewed the artisanal mining going on in their countries as a problem that needed to be solved. Would you say that's fair?

GAC: Right well I don't know if they'd think of it as a problem that needed to be solved in that they felt it was an industry that needed help [laughs].

MM: [laughs] Something that needed regulation?

GAC: Yes exactly and that the international community was focused on it in order to give them some assistance.

MM: Right ok. I mean just generally do you think that people saw the solution to the conflict diamond issue lying in umm sort of the formalisation of diamond mining in these states?

GAC: When you say formalisation are you talking about [pause] implementing systems within a country of internal controls then the answer is yes that's what they felt [pause] that this was certainly a mechanism to bring this natural resource into the modern stream of commerce and, so they can benefit from a very valuable natural resource that they had within their country and that the international community would feel comfortable dealing in those diamonds. And a part of what the Kimberley Process did was focus on technical assistance I mean to this day we

still have active technical assistance projects ongoing within the Kimberley Process to help countries develop umm their natural resources umm and the diamond development initiative was created as not as an arm of the Kimberley Process but an obvious next step that was needed in terms of setting standards and addressing challenges in the artisanal diamond sector and of course the working group on diamond experts agreed that that was an important focus for the Kimberley Process and then the working group on artisanal production was created as a result of that. So artisanal mining facilities have always been a focus of the Kimberley Process.

MM: Yes absolutely, its been very difficult though hasn't it. In a country like Sierra Leone, as I understand it, there's something like 200,000 artisanal miners and they're going to be very difficult to license and also, you know, to control what is they're doing on a day-to-day basis is that something that has concerned the Kimberley Process in recent times.

GAC: Yes as I said we've been dealing with that issue from the beginning and while you say it is difficult it is not beyond the pale of possibility as we have seen in a number of countries that have artisanal mining facilities.

MM: Has anyone approached the Kimberley Process and tried to actually change these internal monitoring mechanisms or tried to reform them? I know there's the working group on artisanal mining, how did that come about presumably someone must have spotted there was something of a problem here in terms as implementing it.

GAC: You're characterising it as a problem. I think we may have a divergence of views as to the approach that Kimberley Process has taken and the concerns that have been expressed in this regard. No country with artisanal mining has ever raised the issue that these minimum standards are too hard or too challenging to meet. What they have raised is that we, we need help. We need technical assistance to bring our artisanal mining sector more compliantly into the fold. And of course

every country with artisanal mining has had to demonstrate to the Kimberley Process periodically during their review visits that they are making progress in this area and all of them have been seen to be making progress.

MM: Ok I understand.

GAC: And as I mentioned there are various projects on going for technical assistance in countries with artisanal mining and finally we have the diamond development initiative which is specifically working in Sierra Leone in umm the DRC, in Angola to help that sector meet the minimum requirements. That being said in these last two years these minimum requirements in this annex have been reviewed carefully by a working group, have been modified somewhat but no one has come to us, no one asserted that these are too difficult for artisanal miners to meet. Instead the countries with artisanal mining have participated in the reform process and have maintained that these minimum standards are probably the right thing.

MM: I'm certainly not arguing that they're the right or wrong thing at all. I'm just interested in understanding the dynamics around them. So in terms of the assistance the Kimberley Process has been giving, is that assistance on the ground in terms of trying to introduce some sort of cadastral system and then trying to figure out where individual miners' concessions are? Is that the kind of thing we're talking about?

GAC: Yes. Umm you know we have had requests from a number of countries, mostly with artisanal production, asking for assistance and we have provided that assistance as available. Sometimes they want training, sometimes they want umm you know help umm help err developing legislation sometimes it's about requests for assistance in terms of determining value umm sometimes its special monitoring projects umm that they've asked us to come in on a more frequent basis umm you know the requests have been varied and I'm happy to report that the industry and governments have stepped up and provided this assistance as needed. Sometimes

the requests have been in connection with statistical data gathering. You know it depends on the country and what they find the challenges are.

MM: Right Ok. Is a solution to this problem..

GAC: [Interrupting] Sorry what problem are we talking about?

MM: Sorry not a problem. The issues that some of these countries are having in terms of, you know, continuing to improve and meet the Kimberley Process minimum requirements, it would obviously be much easier wouldn't it to actually try and encourage foreign direct investment and try and get big companies to come in and help them because then obviously these companies are going to be able to do a lot of that work for them. Have you heard anything about that and some companies actually going in to try and help these governments?

GAC: That's sort of beyond the range of the Kimberley Process I mean there is obviously an interest in investment and these countries seek to attract investment in their mining sectors but that's got nothing to do with the Kimberley Process.

MM: No I just wondered whether some governments thought it might assist them in some way in terms of meeting the Kimberley Process requirements.

GAC: Well yes umm the technical assistance request that we get from these countries are often met with offers of assistance from governments.

MM: Right, ok so from neighbouring countries or the United States..

GAC: [interrupts] Right yes the United States has been very involved in offering assistance to Cote D'Ivoire Brazil has been very involved in offering assistance to Guyana umm lets see err the United States has also been very involved in other African countries, oh the EU has been involved in offering assistance, technical assistance to the Democratic Republic of Congo the WDC has been very involved in Guinea and in umm Zimbabwe. I mean I'm just remembering, these are just off the

top of my head. Examples of instances where technical assistance has been provided. We've also, the WDC has also provided assistance to Ghana when they had some issues umm there have been any number of these technical assistance requests which have been met by either governments or the industry within the context of the Kimberley Process.

MM: Ok great. You mention Ghana and obviously Ghana was suspended for a little bit, I think for about a year or so umm. There clearly there was a problem in terms of meeting the minimum stipulations umm no one sort of at the time, I'm reading some of the literature and I'm hearing that there might have been trouble in terms of conflict diamonds being smuggled into other countries as well to your knowledge is there any truth in that?

GAC: Well umm you know we didn't need to necessarily prove it in order to decide that it was time to suspend Ghana and work on their internal controls which includes of course strengthening controls at the borders to stop the leaking of Ghanaian diamonds to other locations for export but that was part of the program, you know that was part of the technical assistance program in Ghana which was to strengthen what was going on at the borders.

MM: Yeah there are two things I'm looking at here which are Sierra Leone and Ghana and I'm sort of interested as everyone talks about how porous the borders are in Sierra Leone and how vast their diamond fields are and I've sort of heard from one or two people that there was credible evidence that there was smuggling going on in Sierra Leone as well so I suppose that what I'm driving at is..

GAC: [interrupts] You do understand that the Kimberley Process is not an anti-smuggling organisation.

MM: Yes I understand that ...

GAC: [Interrupts] there are laws already in place and are enforced by countries within their criminal laws. That's not what the Kimberley Process does.

MM: Yeah it's just to regulate the international trade isn't it, just to make sure that nothing nasty is getting in effectively. Yeah I'm just interested to know as to why, or what the difference was between Ghana and Sierra Leone circa 2007. I assume that Ghana must have just been in a worse position than Sierra Leone in terms of its internal controls.

GAC: Yes

MM: Right ok so do you know anything about the internal controls in Sierra Leone.

GAC: No I promise you I do not. I know that they are monitored I know that they've been meeting their minimum requirements and that they have not been subject to any controls monitoring.

MM: Right well thank you I think I've got some stuff there that's very useful so thank you very much.

Interview ends.

Appendix C: State Representatives Interview Transcripts

Interview Transcript: UK Government Negotiator formative negotiations.

Type: Face to Face

Location: London

Date: 30/01/2014

In Text Reference: WR

WR: So umm it's a huge, well its not a huge subject but there's an awful lot of detail I just wondered umm whether there were particular areas that you wanted to focus on rather than have me sort of ramble which I'm perfectly capable of doing.

MM: Well I'm interested first of all to try and figure out what it was the British government kind of wanted from the Kimberley Process umm I know obviously that it was to stem conflict diamonds I understand that but what beyond that, you know, there must have been things that the British government were worried about that they wanted to protect and certain other things they wanted. And then when it actually came to the negotiations umm what I'm really interested to learn about is the actual give and take of the negotiations. Your memories of how it was you got what you wanted or how it was that you gave ground and for what reasons. How you sort of pitched your arguments, did you try and find common ground or was it based as you've just been telling me on personal relationships. So that's the sort of stuff I wanted to know really and so I'm happy for you to ramble away on anything you can remember. I know it's a while ago...

WR: Yeah its umm I guess you know as a starting point, what did the British government want out of this. It does go back to what I was saying earlier about Sierra Leone and the fact that the British government of the day were heavily invested in seeing Sierra Leone emerge from a very, very dark period with the RUF and the sort of a, I mean the awful things that happened in that civil war you know the cutting of the hands and the mutilation it was just shocking but, but I think the

UK government felt and still feels that we do have an obligation to Sierra Leone with that colonial past and of course for Sierra Leone they were very much looking to us to help them out more so than anybody else really. Umm and they felt that Tony Blair in particular was a friend they could rely on and yeah so in terms of trying to look at ways in which you could consolidate what you hoped would be a peaceful political settlement in Sierra Leone that lasted and became a truly sort of democratic system umm to the extent that it could be that was, that was seen as one of the key reasons why we wanted to engage in something like ahh what became the Kimberley Process. We recognised obviously that there were benefits going beyond that in terms of what you might be able to do for Angola, DRC and for others umm and of course there was always at the back of our minds the fact that it's a really important industry that generates huge amounts of money, that employs a certain number of people in the UK, partly from De Beers being based here and that that industry was arguably increasingly under threat because of conflict diamonds, because of the pressure the NGOs were exercising on the industry and were claiming with some justification I think that industry wasn't doing enough to address the issue. Some went even further and suggested that they were even complicit in what happened. I not sure there was firm evidence of that but the complacency is fair to some extent. So err at some point we had a situation where within congress for example there were moves promoted by the likes of Oxfam and Amnesty and others to, to try and even sort of ban imports of diamonds or to have some sort of trade restriction placed upon them. Which given the size of the market in the US would be catastrophic for the industry. And we also had some fairly umm fairly strong pleas from the likes of Botswana, I don't think this is talking out of school too much, who were desperately worried that one of the main-stays of their economy, their diamond industry was, partly as a result of what was happening in Congress or what might happen in Congress, was under real threat and that in terms of their GDP in terms of their employment would have been an absolute disaster for them. So they were desperate and were lobbying us very

intensely behind the scenes to actually even have a bilateral deal just with Botswana because all the stones were coming out of Botswana and coming into the UK through De Beers. And then going out to places like the US after that. And we had to say, look you know, we understand your fears and worries but actually what we're looking for is a much broader multilateral agreement and not a bilateral one. So there were those kind of drivers umm and as I mentioned before there was still I think a residual view within the administration in London at the time that this ethical dimension to our foreign policy was still very important and there hadn't been perhaps enough evidence that the government could show what they meant by that and how it would be applied. So, so something like conflict diamonds provided the perfect moment to do that, to say well you know this, this above and beyond anything else is an ethical issue. Look what's happening in Sierra Leone, look at the way illicit sales of rough diamonds are promoting the most horrendous civil wars. DRC, four million people dead err since 96 or whenever, that's astonishing. So I think it's all those reasons.

MM: There's a lot of common ground then between the British government and particularly the NGOs.

WR: There was and that was really important to us. I mean that relationship with someone like Global Witness and we had a secondee, Diana Melrose umm from Oxfam. We talked a lot to Amnesty International and Save the Children err there were a lot of NGOs involved. I think in the end the way it worked out was that you had a couple of NGOs, in particular Global Witness and Partnership-Africa-Canada who came forward as the main spokesmen for the NGO community as a whole. I mean we did have at one stage, which I think was really interesting, was that we had trade unions involved as well err from the, from South Africa through Cassata.

MM: Really?

WR: Yeah, and I was quite keen to see that because obviously in terms of the mining industry you had De Beers and you had other aspects of the industry at the World Diamond Council and so on there umm but civil society and the trade unions were very important aspect of that. Unfortunately I think that the unions decided that amongst their other priorities that they couldn't fund their participation at the meetings beyond the first couple of ones which were held in Southern Africa anyway, once we started branching out and having meetings in places like London and Canada and Moscow and goodness knows where else it got a bit much so, so they were seen less and less but at least initially you had a really good selection of governments, industry, civil society, trade unions all sitting around the table which is important.

MM: So everyone must have come into that situation with a whole load of ideas, a whole load of wants as to what it was they thought needed to be included in the Kimberley Process the nitty-gritty of the actual deal umm did the British government actually have a firm idea as to what the thing should look like?

WR: Yeah we did err I remember having a meeting with Peter Hain where, I guess this was October, yeah October 2000 thereabouts so we were just about to have a meeting in London which he was going to chair of a few governments and he was pretty clear about he wanted which in fact to get something through the UN, through the security council, which would be a legally binding umm treaty which would regulate the trade in diamonds.

MM: Wow that's ambitious.

WR: Incredibly ambitious and it would all be done by Christmas! I remember Peter saying, we can do this by Christmas [laughs]. I said umm I'm not sure we make it quite that quick. I said in particular, it will be very difficult to get the Americans to come along on that basis because the American government would know better than anyone else that if you have a legally binding instrument that's gone through

the UN the chances of Congress ratifying that agreement is pretty low because they just don't, they don't, like the UN [laughs]. Well there are some elements, I have to be very careful, there are some elements within the Republican Party in particular that just have err a bee in their bonnet about the UN. So, so the American administration at the time knew full well that a legally binding agreement was just not going to work for them because they would never get congress on board.

MM: I suppose the Republicans had pretty much just come in as well, was it 2000?

WR: Yeah it was err George Bush's first terms wasn't it? I cant remember when he beat Al Gore in the hanging chard, was it 2000? It was wasn't it. So yeah it was going to be very difficult. So anyway that aside, we had a fairly clear idea as to what we wanted to do we'd had the previous experience on the bilateral basis with Sierra Leone in trying to help them set up a system that meant that umm when they exported as a government, when they were exporting their diamonds they did so on the basis of this certificate which they issue and they control and there was enough, there were enough umm security built into that system that gave us in the UK confidence that what we were getting was a genuine product that had gone through the right channels within the government.

MM: Did that, sorry, did that include internal controls as well? To make sure they couldn't be laundered...

WR: Yeah, yeah that was the idea so I think we were fairly confident, I mean there's no guarantee in life about anything, but I think we were quite confident that it was a system that was as robust as it could be and pretty effective and therefore why don't we extend it on a global basis, overnight! Well I didn't quite say that but that was the theory that you had that prototype err and a fairly successful one. It hadn't been running for very long but it did seem to be making a difference certainly Sierra Leone government was seeing that difference in terms of the amount of royalty that it was getting which I think in the space of three years went from, I don't know

some paltry sum like two million dollars in 99/2000 and by 2003/2004 its like 125. So there were clear sort of wins for them. Umm so yeah, so extend that out on a global basis. It wasn't without controversy within the UK government because if you were the foreign office that's what you want to do, that's what Peter Hain wanted to do. And that was a good thing and err and certainly from Number 10's point of view doing something positive in Sierra Leone was a good thing to do. However, if you were the Department for Trade and Industry you hated it because its regulation, its red tape. You are actually going for the first time ever to impose a trade restriction on highly successful, highly affluent London based industry [laughs].

MM: That's one of the things that's amazing about this is that its an era of massive deregulation really, I mean I suppose we're still in it, and yet here we have a new piece of regulation coming in.

WR: Yep, we were proposing as a foreign office a 180 degree policy reversal. Which the DTI instinctively said 'you've got to be kidding.' And we said no, we're not actually. So I, I was quite keen to see if we could thrash this out sooner rather than later and that was a job for the Cabinet Office as I saw it because they coordinate departmental wide policy when it has an impact on so many departments so we got together, the Cabinet Office, Foreign Office, Customs err as I remember they had a role to play, and DTI as it was then umm they were the main ones [Waiter interrupts]. So we had this meeting, umm and it wasn't as difficult as I thought it was going to be. I think we kind of worked on DTI in the background and tried to explain more about it and about how any regime we hoped would be a relatively light touch regime so they were mildly reassured by that. But the meeting with the Cabinet Office, and there were two or three in the end, they were ok, they were kind of on-board. They could see the foreign policy, humanitarian benefits and so on, so they realised they were really outnumbered and outgunned and actually what we were proposing wasn't some awful draconian throwback to the sort of 1960s

socialism [laughs] or maybe we were I don't know! But I can understand why they were apprehensive.

MM: So I mean things like err, because at one point the NGOs were proposing the idea of setting up an actual dedicated diamond office that and that each participant was going to actually need to do that?

WR: Yep, yep

MM: I imagine that didn't go down very well with the Department of Trade and Industry?

WR: Well no they managed to wriggle out of doing that, umm I mean they, they so I suppose part of the, part of the concession, part of the compromise was that DTI would swallow hard and go along with this but they were damned if they were going to have anything to do with it on a regular basis so the Foreign Office had to step in and say no, no if, if the negotiation leads to an agreement that we each have a government diamond office we'll have that in the Foreign Office.

MM: Really?

WR: Yep, yep we had to accept that.

MM: Blimey, I imagine that must have been quite a stretch?

WR: It was a little bit umm because we had no idea what we were going to do or how we should do it umm but I think as time went on and as the negotiation proceeded it became much clearer how you would err set up, structure such an office and what it would do umm. So it turned out ok.

MM: So it was literally just to [inaudible] almost a case of saying to the department of trade and industry umm sorry guys but if this is what agreed you're going to have to swallow it.

WR: That was the cabinet office when they were chairing those meetings, that was their conclusion because there were so many others around the table, customs and excise, foreign office, DFID and so on. They knew it was a good thing to do, there were lots of reasons why it was the right thing to do umm. And it wasn't that the DTI were kind of hanging on saying no no no we can't possibly allow this for great principled reasons. They saw the arguments and they agreed there were good humanitarian and other reasons why umm why a trade restriction as awful as this may sound at first flush why it was necessary. Because when the cabinet office concluded that there was an overwhelming case in their view for going forward with the Kimberley Process umm they said yes provided that they were kept very clearly in the loop as to what the mechanics, the details would be, and I had a very close relationship with their legal team in particular. And providing that they had nothing to do with its administration, they weren't being called upon to find resources that they'd never, you know, budgeted for to run this thing. So it was ok, it wasn't a huge spat, it was more the DTI saying humm god, you know this is the complete opposite direction of travel to what we've been doing and how do we err, how do we square that circle?

MM: So I imagine then that industry weren't particularly keen on that either? I mean presumably industry weren't particularly keen on any of this at all but...

WR: And therefore we had to have very long conversations with industry, and for us, for the UK government had to engage with De Beers more than anyone else umm but I think in fairness to industry they sooner rather than later came round to the fact that this was inevitable, something had to be done.

MM: Because they were scared presumably.

WR: Well, yeah they could look at it, they could look at it from the point of view that if nothing happened and they sat back and refused to engage and refused to accept any system whatever that might be; but then it would be imposed upon them.

Or they could be part of that process very closely, helping to design and engineer the whole thing. And I think umm certainly from our discussions with De Beers and their government relations people, they very quickly saw the benefits of engaging. There was some initial resistance within the industry as a whole because they just instinctively, perhaps understandably, hated the idea of government interference as they saw it which [inaudible].

MM: So was there an element then of having to reassure them that this wasn't going to be so draconian, as you say, 1960s type...

WR: Well of course the fear was that there was this err parallel, separate but parallel, agenda to break up umm the sort of monopoly or near monopoly situation [pause] and we made it clear that we had no intention as the British government, we couldn't speak on behalf of others, err but as the British government we had no intention of having such a separate secret agenda. Our interest was making sure that we helped craft an international agreement that was politically binding only, going back to the American issue, but that was entered into with good political intent by all involved err and that would bring about those results and those results only. That we could be confident that the trade in rough diamonds was, was a legal one, a transparent one and that you could to the extent possible, choke off the illicit trade.

MM: Umm right so the NGOs got themselves quite wound up about the whole monopoly situation from what I've read.

WR: [interjects] Yes

MM: From their perspective the idea of there being a monopoly was err made the company unaccountable due to a lack of transparency.

WR: Yeah, yeah. It had always been a highly secretive industry, with good reason! You don't want to talk about umm deals in a multi-billion dollar industry, a product

that's highly portable and therefore highly susceptible to theft. So you can see how a whole ethos and structure of secrecy and opaqueness had developed around the industry which was fairly hard to untangle. So for example the Russians were quite honest with us during the negotiations in saying that they had several pieces of legislation on the books from Soviet times which made it illegal and punishable with imprisonment if you talked about their statistics and any diamonds they produced. They had to literally go through the process of changing their legislation before they could share that information with the rest of us.

MM: Almost before they could negotiate then.

WR: Well before they could sign up to what became the information exchange element of the agreement. Umm so it presented genuine challenges err like that and I think for the NGOs there was always a suspicion that was totally unfounded that industry would try and get away with the least that was possible when it came to transparency measures or measures that promoted transparency or required it. Umm from the industry's point of view they were deeply suspicious that the NGOs were looking to break up the industry or, or make it a sort of a scape goat for all that had happened in Sierra Leone and Angola in those years. Umm and I think industry and NGOs separately were somewhat suspicious about what governments would do. You know, the NGOs thought that governments were simply not prepared to go far and would be brow beaten by industry. And industry felt that governments should stay out of it altogether. So it sort of came together around the table with quite different agendas perhaps, or at least coming at it from very different angles. Umm quite suspicious perhaps of each other to some extent.

MM: I imagine there was quite a lot of anger floating around as well.

WR: Yeah I think there was. The NGOs were very frustrated. They had tried, Global Witness Amnesty and others, had tried for many years through things like reports out of Sierra Leone that the Foreign Office commissioned, to make it blindingly

obvious to all those that would listen that there was an issue and industry needed to be part of the solution, that as far as the NGOs were concerned the industry was simply ignoring hoping that it would somehow go away.

MM: Surprising in some ways that NGOs were so keen for industry to be part of the solution. When you bear in mind that De Beers have this mythical £4bn stockpile of diamonds sat under the CSO and I'm sure some of them were of dubious origin. It doesn't seem to have ever been...was it discussed at any point in the negotiations as to what should happen with them?

WR: Not really no, no. Industry were, not just De Beers but industry generally, got frustrated by what they considered to be some of the wilder claims of the NGOs as to what the industry did or did not do. From the NGOs point of view I could well see that using [inaudible] you know using demonstrations outside of meetings and conferences of err the diamond industry and indeed the Kimberley Process was a good way of keeping it in the media spotlight. Which helped, to be perfectly honest, with their funding as well, err it did, I think that's fair you know you have to survive umm but it also kept the pressure on the parties and themselves frankly, to negotiate the right sort of deal.

MM: So, when everyone came to sit down around the table then can you remember what the main sticking points were? Because as I understand it it was at the Kimberley meeting, I spoke to Ian Smillie last week and he said the Kimberley meeting, the first one it was decided right we need a Kimberley Process and then from there the whole descended into a four year long argument.

WR: [laughs] Yeah I think industry were amazed when governments said they were impressed they could do it in just three years. You know for a multilateral negotiation involving, I think in the end it was seventy plus countries if you include all the EU member states, yeah those things don't happen quickly. I think when we first came together there was a high degree of nervousness amongst all the parties

as to where this may end up going. So if you were the Americans and on the one hand you saw the benefits of a legally binding treaty but you hated it at the same time because you knew domestically it wouldn't work for you so you had to argue for something else. Industry hated it the idea of a legal treaty and really wanted something quite informal, and almost self-regulating you know industry was keen to take care of things and there was no need for anyone else to be involved. Err NGOs were deeply suspicious of both governments and industry for those reasons and took very badly initially the rationale to not seek a legally binding treaty because they thought congress could be turned around, that this was just a convenient excuse for governments to get out of doing something through the UN. Our own view was, I mean we did have some sympathy with the US view because we did see plenty of evidence as to how acidic congress could be towards a UN initiative but also our strong view was that actually you should keep it out of the UN because we felt it really important to limit the negotiations to those countries, plus industry and NGOs of course, to those that had a direct interest in the industry. But once you broadened it out to the UN, the whole 190 strong membership, you get all kinds of other agendas coming along and typical UN fashion of horse trading you know, I'll help you on this issue if you help me on something completely unrelated. Err we just didn't want to go down that route. So although Peter Hain in the early days was very keen to get a UN Security Council resolution to do it, to fix it quickly, which in theory you could, in theory. We argued that in practice it made sense to keep it as a tightly focused group of countries, NGOs and industry but to keep the UN informed on a very regular basis to get the UN to bless that process as it made progress. So we ended up actually having a couple of UN General Assembly resolutions and then finally a non-binding Security Council resolution which did exactly [inaudible] endorse the process today, encourage those that who had yet to join but who had a direct interest in the industry to join in, so it was quite good.

MM: So those arguments were presumably put to the NGOs to try and sort of placate them on, on this issue then?

WR: Yeah and I think it took a while. I think they were quite disappointed initially that they were going to end up in their view with a, if there was an agreement that it was a much weaker one than would otherwise be the case if it was done through say the UN Security Council chapter 7 resolution. Umm but on the other hand I think they recognised that if there was consensus on the type of agreement that might be possible it was around a strongly worded quite detailed but none the less politically binding only type agreement and not a treaty. Umm and that was a hard thing for them to swallow and I well understood that. We spent a lot of time talking quite candidly to NGOs about what we saw as the genuine political prospects for a legally binding versus politically binding. But also for the reassurance, certainly for the UK government, and we knew for a lot of other governments around that table, that in practice we made little distinction between the two in terms of how we implement them. Obviously for legally binding there are sanctions, you know, put in place if you fail to honour your treaty obligations that's clear. Umm but for us and the UK government generally, we enter into these agreements with the clear understanding that we have every intention of implementing them. What we hate, frankly, is having the finger pointed at us saying you signed up to this and you're not doing it. You know, you gave a pixie pledge that you'd do it and you haven't, so what's going on? And we hate that because [pause] because that's an embarrassment that we don't want to suffer basically.

MM: Presumably though would have been more or rather less worried about the British government and far more worried about people like Angola or Mali or Liberia or not holding up their end of the bargain?

WR: Yeah right, exactly and that's a valid point but and there's no need to name names but there are a number of participating governments who's track record is

likely to be [pause] not as good as others I think is the way to put it diplomatically. And its true, we all recognise it. Our answer to that was that we you really needed to do was to devise a system which put as much pressure on all the participants from their peers as you possibly could in order to get them to engage. And that eventually led, although it was quite a difficult negotiation much much later on, it eventually led to this peer review system which the NGOs quite understandably came at from the point of view that you need an independent third party to do all the reviews. You can't possibly self-regulate in that way because that never works and we were arguing 'no actually we can self-regulate in that way; that peer pressure counts for a lot.' I think, I think we were right till Zimbabwe came along and then I think we were wrong.

MM: Yeah the Zimbabwe one is a sticky situation err not one that I know a tremendous amount about actually. I haven't really looked very much at Zimbabwe.

WR: Well it all blow up after I'd, long after I'd gone so I don't really know a huge amount about it. Essentially umm there was some fairly compelling evidence that the government of Zimbabwe had erm carried out some fairly gross human rights violations and killed tens if not hundreds of people to secure control of these diamond mines

MM: So a key part of that actually is that during the negotiations, at some point or another it looks like someone decided that only governments could be the legal exporters of diamonds err which obviously places a lot of faith in governments which is problematic, as in the case of Zimbabwe. Was the British government, were you guys concerned about people like the MPLA I mean effectively this is intervening in an internal conflict and you're likely to favour one side that may not actually be an awful lot nicer than the other side.

WR: Yeah that's very true. I think we, we recognised that any agreement would fundamentally have to be between governments; as well as industry and NGOs but

implementing that agreement, only governments could actually do that. It would require internal legislation either primary legislation or in the case of Russia they had to change their legislation. We err well we did it through the EU and that was relatively easy for us but none the less it was only governments that could actually enact something like the Kimberley Process. Now some of those governments were a little bit dodgy I think its fair say umm but again I think our conclusion was fairly pragmatic I think as to some extent not sort of swallow hard and hold your nose but you just had to engage with those sort of governments on various fronts, the Kimberley Process was one of them but in the wider sense of that governments human rights record, that governments degree of transparency, democracy whatever it's something that the foreign office and others were engaged in anyway and so the Kimberley Process became one of the tools or potential levers you could use to encourage better behaviour. So what I found quite interesting for example was umm I think it was the Central African Republic, our old friend, where they were behaving quite badly umm they were basically allowing, they were allowing stones to be smuggled in from DRC and elsewhere and they would launder them. The government were running a sort of diamond laundering operation and were claiming them as their own and exporting them. And everyone knew that they were, geologically they just couldn't [inaudible]. So umm the Kimberley Process actually umm sanctioned them err which is quite an amazing thing for a politically binding agreement to achieve and we essentially expelled them, temporarily. We did Lebanon as well and one other I think. But then what happened was err the IMF got to hear about that and got in touch with the government of the Central African Republic and said what's this about you not honouring your commitments to the Kimberley Process that doesn't sound very good to us and that was something, that was a big wakeup call. So overnight they became a great fan of the Kimberley Process and implemented it [inaudible].

MM: That's really interesting I've never heard of anything like that.

WR: It is and that's one of the side benefits. There were odd little bits that happened over the three years that I found quite interesting. The Chinese for example, you know the Chinese government doesn't have a particularly strong record on engaging with NGOs, they don't trust NGOs but they had to in the Kimberley Process, they had to be part of the Kimberley Process err and they had to engage with NGOs and quite rightly so what happened was as the Kimberley Process went on the Chinese became a little more confident in their dealings with the NGOs [inaudible] and that, it went across to what they were doing in the UN where traditionally they didn't like NGOs being part of any UN negotiations or discussion and they got a little more relaxed about it. So there were little side benefits like that.

MM: So on the internal controls um particularly I was thinking about licencing of miners and I know this is technocratic detail but were there any objections to this from any of the nations that you can remember?

WR: Yeah there were a number of objections. There was the, I suppose quite understandable objection that the Process was bureaucratically quite daunting. If you're Sierra Leone if you're Liberia, if you rely very heavily on artisanal mining it's incredibly difficult to kind of track. But again there were very interesting outcomes that we hadn't really expected. So for example in Sierra Leone their system as they developed it was really quite high tech. They had laptops linked to cell phones in the middle of the jungle somewhere, where they would err there would be err checking up on what the miners were producing and they would be weighing it and photographing it and they were transferring all this data from laptops and cell phones back to Freetown and central government so part of the chain of custody and the evidence trail for us when we received umm consignments from Sierra Leone we could go all the way back to a jungle clearing somewhere so that was quite interesting.

[Waiter interrupts to offer dessert menu, WR briefly comments that he has to leave at the latest by 1:40]

MM: But it is quite amazing those stipulations in some regards because a country like Sierra Leone or DRC or Angola. I mean someone told me that at the end of the war in Sierra Leone there were 200,000 artisanal miners in the fields and the diamondiferous areas are absolutely enormous.

WR: It is and therefore the degree of confidence that you had in the ability of that government, even with the best will in the world, the ability of that government to properly control each and every one of those 200,000 it was a huge challenge umm what do you umm you had to place a certain amount of faith in that government umm being partly driven by royalty payments or whatever to set up a system that captured all that as best they could so that anything coming their way, anything going out of that country could only go out legally if it had that Kimberley Process certificate err because they knew that whatever country was receiving it would reject it without the certificate. Err and in the UK we did indeed have several examples err where that happened. Several examples where it was clearly a rather badly forged Kimberley Process certificate and rather a well forged one so that was interesting in itself the way that they quickly realised that the only way they could get those stones legally into the country apart from smuggling, and we caught a few of those too, err was to have the right certificate.

MM: So it wasn't then a case of them objecting and arguing hard against it was just a question of them realising that they weren't going to win.

WR: No they weren't going to win, probably weren't going to win. There was a lot of discussion around that detail and how you implement and what the provisions are. So the chain of custody and the chain of warranties that you might have, going through the system was quite a difficult discussion because the level of detail required was sometimes quite daunting and they recognised that they needed a lot

of support. We had a long discussion with Liberia for example about how they could put that system in place and they came with a huge long shopping list of all the things they'd need right down to, I remember they had curtains for the office [inaudible] but they spelled it out with great detail. So it was quite daunting but it didn't change the fact that for the vast majority of participants that the government were willing to take this on, at least make a genuine fist of it, to try and put in place those controls umm

MM: How did you convince them to actually give it a go?

WR: Well I think, again it's quite interesting what happened in Sierra Leone for example, allowing Sierra Leone to talk to other governments in their region about how their situation in terms of the royalty payments alone had improved dramatically as a result of having essentially a sort of bilateral Kimberley Process type arrangement in place with the UK. So we had these amazingly expensive certificates produced for them and they were using them and they had that chain of warranties all the way back to that jungle clearing and the guy with the laptop and mobile phone [inaudible] so we had quite a high degree of confidence in that and we let that be known and Sierra Leone were waxing lyrical about its system so I think a number of governments realised that it was doable.

MM: But also in their interests in many ways

WR: Yeah

MM: I mean it stops leakage it stops smuggling there's more money coming in through the front door which presumably means more money can leave through the side doors as well.

WR: Well I'm afraid so, yeah it probably does and also probably because in creating that trade restriction that meant that they had to be inside that tent because if they're outside that tent then they're screwed. They had to come in umm and I think as

other countries, we went from that initial six to I can't remember how many at one stage it probably went to a dozen to 16 to 30 to 70 plus and that's partly the realisation that this was something that was happening, something that had at least the possibility of success, something that the UN endorsed and encouraged. So as that process went on so more and more countries realised they had to be in this and it wasn't you know, you couldn't just sit back and leave it to the main producers I mean you may well have err you know if you're Indian you have a very important diamond polishing sector err

MM: Right so it's almost like it gathered momentum and was the case that if we're not a part of this then we're not going to be able to sell our diamonds.

WR: You're going to get frozen out, yeah you're going to get frozen out err and there was a real fear, although we were very clear we were focusing on the rough diamond trade only, we weren't talking about finished goods, polished gems but obviously the impact on your polished gem industry, if you can't get your raw material is huge so we didn't need to [inaudible] and that the point I kept making that there were a number of countries who saw some benefit in expanding this out to take in the whole of the industry all the way through to umm to the retail sector I said that's a little daunting for us but I felt quite strongly that if we got in place something quite workable at the err the rough stone trade aspect then the rest would follow because without that raw product you couldn't do anything.

MM: Interesting isn't it that cutting diamonds is a very skilled business and you can't just do that in the bush with a chisel.

CW: No, no it does require huge expertise and training and the right tools. The tools can be fairly basic although these days they're much more modern with lasers. But essentially, going back to Roman times it was fairly well established but a great amount of skill involved err one false move and you've taken millions off that stone [laughs] I'm not sure I could deal with the pressure.

MM: No, I heard about one diamond cutter having a heart attack.

WR: Err well I'm not surprised yeah. You hear stories about some of the larger ones that were dug up and err for top quality the cutter would spend a hell of a lot of time staring at the thing and trying to work out what to do before they ever when near it with a chisel or whatever or diamond cutter, so yeah pretty daunting. So erm I think it was right to focus on the trade in rough diamonds, it was right to avoid things like err linking it through to err controls on conventional arms, small arms and light weapons as some people proposed given that you know a lot of the diamonds were sold to buy those very weapons in Angola and Sierra Leone. But that would have just expanded out so much that you'd just be overwhelmed by the err we really felt, and I felt, that we had to be quite focused on a relatively small set of issues to see if we could get agreement and then separately once that was in place how we could build on that. Umm and in the end we had a bit of a focus on the artisanal trade whose working conditions and pay and stuff was diabolical so that was an obvious spin off but you had to get the agreement first. If you tried to take on too much then we'd still be discussing it now.

[Waiter offers dessert. Brief exchange as orders are placed]

MM: What was industry's attitude then to the internal controls? I'm imagining De Beers would have been quite happy to hear it in many ways?

WR: Yeah I think so I mean the way they were looking at it I guess was that if you could put in place a system which on the one hand guaranteed you your continuing flow of diamonds and on the other hand gave you a high degree of confidence that they were all being sourced legally; exported from that supplier, from that country from that producing state legally and imported properly through the UK customs and excise system or whatever then that offered you quite a high level of protection. Umm now, there may have been some debate, we don't know within industry about whether this was going to end up costing them an awful lot of money because

putting those systems in place is not necessarily cheap and the extent to which some governments would umm defray those costs or recoup those costs in some way would add to the price. I think there were some fears that the price at the wholesale level would go up as a result umm and then later on when you saw a lot of pressure on the retail industry to sign up to this chain of warranties notion so they were able to say hand on heart to the customer that we know exactly where this diamond came from all the way back to where it was dug out of the ground, bit debatable but maybe in theory you could, there were real worries that that would add considerable costs. I think they were largely unfounded I don't, as far as I'm aware, there was no hard evidence of a substantial increase in the cost to industry as a result of...a lot of governments took it on the chin, we did, we didn't pass those costs onto industry we just staffed the government diamond office in the Foreign Office, the certificates that we ordered as part of the E.U. wide certificate, we just took that on the chin.

MM: Its interesting, part of, part of what my project is looking at really is umm there's been some research done in Sierra Leone and in Angola that actually err, I'm not sure you'd describe it as passing the costs onto industry, they are trying to formalise their artisanal sectors' by selling concessions to the Junior firms effectively.

WR: Yeah we recognised that that would probably happen. In fact there was always a strong argument in the UK that whatever you do in providing a service to an industry that you should recoup that cost from that industry and that's true for what I do today you know. With aviation security you expect the likes of British Airways and Easy Jet and so on actually bear part of that cost and they do so you know the cost of screening passengers at Heathrow is met by the industry umm.

MM: Its regulation in their interests really, without it, it wouldn't function so

WR: Yeah, yeah we could have billed industry for that, it wouldn't be very popular but we decided that [slight pause] it didn't actually amount necessarily to a huge

amount of money and the administration costs would outweigh the benefit we might get back so we just, we just took it on the chin and paid for three officers and a bit of travel. But we had to develop quite a close relationship with the UK industry umm because we were constantly inspecting them at very short notice or indeed no notice inspections. We would suddenly turn up in [inaudible] knocking on ones door, we had a whole series, a small number rather of diamond consultants that we hired, people that knew the business very well and they would do spot checks on [inaudible] and that was the understanding that we had with industry, that they would quite literally open their books for us to look at which I always thought was just amazing. To go from being this highly, supposedly, highly secretive and opaque industry to one that would quite literally open the books as you walked through the door and say there you go that's what I'm doing, and we could look at the diamonds and inspect them and weight them...

MM: I suppose it must have been scared a little bit about what would happen if they didn't but also I suppose they must have been convinced that the whole process was going to reasonable?

WR: I think that's what we had to demonstrate, that it was a reasonable process, that industry had always been part of the negotiation and they were, as an equal partner and they were, and had agreed to the whole process which they did. So they'd signed up to it in a big way and err they knew what was coming and we'd always been very clear about how we'd implement it and what was required, that was always very clear. And we'd spoken time and again to, to industry [food arrives, WR thanks waiter] umm so there were no surprises but also we had to give some verbal assurances to industry that we would be incredibly discreet with the information that we got. We'd never publish it obviously. We never go into the detail of their commercial transactions. But what we would do would be very public within the Kimberley Process and say that we'd conducted x number of inspections in that particular month and this is what we found.

MM: So in many ways then there was umm there was a recognition from government, from you guys that you did have to reassure them on their own terms in order to get them to cooperate properly.

WR: Yeah you had to stick very carefully to the brief that had been agreed in that part of the negotiation you couldn't stray outside of that, not without their agreement, not without absolutely there being a clear consensus amongst the industry that yes you could something otherwise they'd say quite rightly no no this isn't what we signed up to and it's that far and no further.

MM: When you say a brief I mean was there an agreed set of rules then almost as to where you would and wouldn't go?

WR: Yep. So what we did was umm even though industry were represented in the negotiation and even though De Beers were always there at every negotiation and their sort of government relations people would always turn up, I felt very strongly that we had to give feed back to the British industry, I don't know about anybody else that was up to them, but I felt very strongly that we had to do that. So we had these quite interesting sort of meetings, I can't remember how many sort of half a dozen or so where industry would come along and it was basically me and a couple of colleagues feeding back to the industry where we thought we were in the negotiations process, where we thought this was heading and what the implications were for them and therefore

MM: did they have many questions?

WR: Oh boy did they! But we kept trying to be very upfront and very detailed saying this is, this is what it is, this is what it means and this is where it could end up so that when we finally did get err an agreement on the scheme we were able to report back to industry that well, this is where we've ended up, the World Diamond Council, who were negotiating on your behalf have fully signed up to this and this is what we think. We've said to you before, this is what we think it means in practice

now we have to implement the agreement this is the nature of our relationship with you going forward. We kind of hammered out not exactly a code of conduct as that's too formal but just an agreed set of principles about how we do this and who would be involved and so our consultants all signed non-disclosure agreements and those sort of things so we had to be very careful to err to set up something quite discreet but quite effective.

MM: so would I be allowed to see a copy of that document or I imagine that might be...

WR: Oh I'm not sure where it is, its probably on the files somewhere umm.

MM: I could put in a Freedom of information

WR: Yeah yeah

MM: I could put one into the Foreign Office although what would come back I don't know.

WR: They'll probably come back to me and say 'do you know anything about this and I'll say no [laughs]. I mean I had several long conversations with, god, umm Freddie who was the head of the British diamond industry at the time. Freddie, Freddie Hom [inaudible] poor chap has passed away now and that's what we were trying to do, we were trying to set out some clear principles on how we would umm effectively behave with each other umm when implementing the Kimberley Process and what the expectations were on industry.

MM: But there wasn't umm but there wasn't a document then that you would have drawn up with industry that would form the basis for your negotiation?

WR: As far as I can remember I think there was an exchange of letters with the UK diamond industry where I'd set out how we were going to implement and what we'd be looking for and I think that I got a response back from them essentially

saying that they accepted that this was a good basis for a working relationship [inaudible] because we wanted to be very clear as to how we would do this. Not least because we've never done it before so it was new ground. We knew that as a government diamond office that we would be inspected quite frequently by the European Commission who of course see themselves as being the true protectors of that agreement from the EU perspective umm and we were and it was quite tough err so it was slightly odd working with these guys and had spent so much time working with them over the past three years trying to help them in the negotiations and then they turn that colleague into some sort of inspector who gives you the evil eye and says now how are you doing this, well I told you how do it [laughs]. That was fine we knew that was coming.

MM: Can you remember any of the details though as to what it was you said to industry about how you were going to go about negotiating?

WR: About negotiating the agreement?

MM: Yeah did you say to them, we're not going to go here and prepare yourselves for X. Can you remember any of the details of that?

WR: Yeah, they had real concerns from the early stage about the level of detail umm I mean there were some who were clearly quite frightened by the prospect, that they thought umm that this would lead to a vast increase in their tax bill. That if we saw their books we were going to report them straight to the Inland Revenue err I never had one conversation with the Inland Revenue umm they felt perhaps more sensibly that the negotiation would be legally binding and there would be costs. There were great worries about where, in the early stages of exactly where this negotiation was going. We couldn't hand on heart reassure them necessarily because we didn't know ourselves. We did have a fairly firm idea of where we wanted it to end up which was clearly as a politically binding but hopefully fully implemented agreement umm that it would be very similar to the regime that was

in place in Sierra Leone in its technicalities and applications umm but it would require a great deal more in terms of transparency from industry in terms of the information exchange elements of the agreement. You know, who's importing what, who's exporting what, who's producing what err all those sorts of details that the Russians and others found so difficult to... and the Chinese, the natural instinct is not to be quite so open about what they're doing as a government, as an industry. So I think we were, and then umm there was quite a big focus on umm the idea of a peer review system within the Kimberley Process.

MM: That was the next thing I was going to ask you about actually.

WR: Yeah that that was a real worry that they had because, of course in the early stages there was a lot of pressure from the NGOs to have an independent third party. A lot of focus from the NGOs on that third party, for example, being part of the UN structure err and err you could identify certain parts of the UN who were very used to dealing with industry, with trade like UNCTAD, the UN commission on trade and development so they'd have expertise in place to umm to validate information exchange about production.

MM: The NGOs wanted one of them, really?

WR: Yeah well the theory was that someone like UNCTAD could be an honest independent broker umm whereas if you left it to the parties to exchange information and for each party to somehow take that on trust well that just wasn't good enough, that was just a recipe for cooking the books basically [inaudible] and we said well it was absolutely clear that some governments would never accept an outside third party doing it and they were cautious enough just exchanging with themselves and having someone from outside that Kimberley family if you like because the longer these negotiations went on, and they tended to be the same individuals involved, the more confidence we had in each other I think, that's fair to say and that's quite an important element umm most of us, yeah very few people

certainly amongst the core group of countries, sort of the most active 20 say umm yeah it was almost the same people the whole time for three or four years so err we spent a bit of time with each other and got to know each other and so there was some confidence in terms of exchanging information on that basis but not to then hand that information over to complete strangers or a UN structure or whatever to interrogate it. So we had to again try and assure the NGOs that we were fairly confident, the UK government for example that the peer review system of information exchange was quite robust and I think that again the personalities came into play. We had a very good, very active Canadian who was chairing the working group on information exchange, really quite robust in setting the whole structure up err and you had NGOs like Partnership Africa Canada who were very much, also Canadian and very much on the case of making sure that it was as robust as it could be and I think the outcome was kind of ok. But it did lead to a lot of challenges err on the information that was exchanged. I remember having long discussions with umm customs officers in the UK about whether the figures from a certain country should be believed or not err and I had to go back and challenge them and say country X you say you exported 450 carats to the UK during this particular quarter and we only have evidence of err or worse you know we have evidence of a thousand carats. There could be a number of explanations for that the statistics are, you have to be a little bit careful umm one of the biggest exporters of diamonds to the UK is not South Africa or Botswana but Switzerland. They don't actually produce anything but they go round and round.

MM: Yeah I think I read there was this sort of situation wasn't there where the point of production was listed as the last point of export so you ended up with these ludicrous figures. Obviously Liberia has only got industrial grade diamonds and suddenly they were producing these amazing gems.

WR: I know well that's what the Central African Republic were doing which overnight become a producer of these fantastic volumes and quality of umm

diamonds and it was so ludicrous that they, they...but they didn't think anyone was watching, but we were.

MM: That was the thing though and I'm not sure whether I'm going to pursue this or not but what happened in Ghana in 2007-2008 when they suspended them. it seemed very strange. They suspended them because there was apparently smuggling going on from Cote d'Ivoire but these were gem quality diamonds and of course Ghana only produces industrial grade diamonds. I spoke to a guy at University of Surrey, Gavin Hilson?

WR: Yeah I know that name yeah.

MM: He started to a lot of the work [inaudible] and he was laughing about it really saying that this is totally ridiculous you know that a gem quality diamond could turn up in Ghana is absolutely amazing.

WR: Yeah it just was, they were kind of taking the mickey really. Although Cote d'Ivoire are also quite interesting in the sense that they at some point voluntarily removed themselves from the Kimberley Process, maybe before we could do it. The trouble with the Kimberley Process of course and it goes back too that legally binding treaty versus politically binding agreement is that you have no sanctions really that you could use to encourage better behaviour. And its only because umm you had a chairman at the time who was willing to, and the South Africans and the Canadians that followed it, who were willing to stick their neck out and say to the country I'm sorry but I feel very strongly that you can no longer be part of this err this agreement. Poor old Lebanon were horrified, they got kicked out umm and they couldn't believe it but no one would stick up for them and said no wait hang on a minute this is the Kimberley Process and everything is done via consensus yeah well not everything, not really [laughing]. So they quickly changed their minds about what they were doing. But err Zimbabwe again was a real issue, we had problems with Venezuela as well [inaudible] there were a lot of issues that would

crop up as to exactly how confident you could be that the Kimberley Process remained um a tightly run, properly run, effective err agreement that everyone played by the rules. I don't think we've ever, I don't think we really believed that every single participating country would achieve 100% implementation in a very honest and transparent way, I don't think we were that naïve. But we felt, we did feel quite strongly that you could rely on 75 to maybe 85% of those countries doing the right thing or at least even if they weren't that they would react to pressure and then do the right thing. So that that peer review system that we eventually, after a long laboured negotiation eventually got in place, I believe, certainly in the early stages, I led a couple of missions and we umm went to Botswana and Mauritius which was lovely [laughs] except that it rained the whole time umm but I think that peer review system was actually quite robust. I think that you had people that had put a lot of capital into getting the Kimberley Process up and running, negotiating it and seeing it through to the end who were now leading those missions to implement it and were actually really quite determined to make sure that there were no real grounds for any third party to say oh no that's not right what they're doing there and we were quite tough on countries in the early stages. The initial peer review reports were quite critical.

MM: They were yeah, I've sort of seen snippets of them and in the case of Sierra Leone very, very critical.

WR: Yeah it was kind of a feature of the Kimberley Process in a way that it wasn't particularly diplomatic at times, people were quite brutally honest you know, when commenting on each other's performance. Quite refreshing in a way but quite scary too so when we got inspected we were quite nervous about how that would go umm and then I did an inspection, when I went to Washington I got time off from my day job to join an inspection team doing the US you know and they were quite nervous about it and we found a few things we didn't like.

MM: So the third member of the peer review team then, now that is umm an external someone from the external of that country isn't it?

WR: Oh is it I've lost track of it, they've actually got external representation now.

MM: Not external to the KP but I think it works to...

WR: Well it used to be that you would try and put together a team that comprised err government industry and NGO err and that was actually one of the issues, just as a quick aside err once we'd signed, once we'd agreed the Kimberley Process erm what was the role of the NGOs? It was clear what the governments had to do, they had to legislate depending on what we needed to do to get it on the statute books [inaudible] and it was clear what industry had to do, be partners in the implementation but what was the NGO role err and I always argued that it was a policing role. They had to police the governments and they had to police industry and they had to be part of the peer review process as well because they had a lot of expertise as equal partners. So each team, each team had to have the three main players there umm beyond that we tried to be very careful umm to make sure that there was a fairly sort of broad selection of industry and governments that would be inspecting a particular government. It didn't work for immediate neighbours, they were either too friendly or worse they were so antagonistic you knew that if you appointed a team leader somebody from a country where there was animosity then you were asking for trouble. So we tried to balance at that point but yeah we didn't have, we didn't have any third parties coming into it I don't think, no. That was always clear from the negotiation, again NGOs and others tried to argue quite strongly that it could only be done by third parties. You had to have a completely neutral impartial but expert body whatever that might be to conduct these reviews.

MM: What was industry's view of that?

WR: No way, [laughs] absolutely not. Again it goes back to what I was saying earlier that you'd built up a degree of confidence, maybe not trust...

MM: Credibility in each other eyes perhaps?

WR: Yeah I think so and again the idea of introducing a complete set of strangers into that equation for industry was particularly bad news because they were very nervous, again going back to the discussions I had with the British arm of industry, very nervous about the degree to which they were going to have to open up their books and somehow as a member of the Kimberley family that was sort of ok. Umm but if it was someone who may have a very very different agenda, there were lots of conspiracy theories one could think of as to what they would want to do but err no they didn't, they hated that. So you had governments sort of in the middle actually quite attracted to the idea of a third party external review to be honest because it would validate the entire process. From the UK government's point of view, err as long as we picked the right sort of organisation, whatever that might have been, yeah sure we don't mind but you had industry saying absolutely no bloody way and the NGOs saying there has to be so we had to kind of broker that. I remember at the time we had a really able guy from the European Commission, Kim Ealing, who was chairman of the working group on implementation and looking at a peer review or some review system umm and he and I had a long, long conversation about how we could do this umm. I felt very strongly that governments had to take the leading role in trying to close that gap because it was enormous and both sides were very hard to tug in. There were some in industry who didn't want a peer review system never mind an external peer review system. They just didn't want one. So it was obvious to me that there was that middle ground where, and it happens in other multilateral agreements anyway umm in arms control where I'd come from by sheer luck having spent four years with the minutia of arms control inspections where that's what we do, it's a peer review system. You say you've got two hundred tanks in this location alright I'm going to come in and I'm going to bloody well count them. So these slightly bizarre scenes at least in my view and history and background of Royal Marines walking up and

down a Russian air field saying one, two, three, four so yeah its quite an effective system. So yeah in the end, it was obviously the only realistic compromise. To be honest as governments, at least the UK government, we weren't very happy about it.

MM: You weren't?

WR: No. It was simply because we believed that the best way to promote and protect the integrity of the Kimberley Process was to have a highly respected and obviously quite independent party come in and say yes its good or no its bad, this is what you need to do to make it good or whatever.

MM: This is what it lacks now isn't it and it's a big problem in Zimbabwe.

WR: Yeah it was and the whole credibility... and this was our worry, that sooner or later the credibility of the Kimberley Process would be put in doubt and Zimbabwe has managed to achieve that and that's the one thing that, as someone who believes very passionately in the Kimberley Process, that you can never forgive Zimbabwe for [inaudible] they undermined it so, well almost fatally. I don't think its quite...again sheer coincidence my neighbour across the street in Ottawa was Partnership Africa Canada [laugh, inaudible] which is weird isn't it so I used to bump into Alan and say you know, what's happening? And he, he Alan at the time, 2010-11 I guess had a big focus on Zimbabwe so he was quite useful.

MM: On the negative side their deposit is huge isn't it which why its significant isn't it. But what I hear on the other side is that's its industrial grade most of it so

WR: I think a lot of it is err although Zimbabwe does have some high quality. A couple of mines in particular do produce some high quality umm diamonds which is obviously an attraction to the Zimbabwean government umm and their supporters.

MM: A friend of mine was one of the first people to actually go out there and prospect and have a look for it. He was chatting to the locals and he was told that local kids were using diamonds to kill birds with a sling shot.

WR: Oh really! That would be quite effective I would think. Very hard.

MM: So in terms then of that gap between industry and NGOs.

WR: Oops my times up. Yes yeah go ahead.

MM: How did you convince them. Because industry sort of won, how did you convince people...

WR: Well industry I mean industry had to compromise. There were people on the industry side who just didn't want any review, any peer review what so ever and that was a fairly easy argument to knock down because it would visibly and fatally have undermined the credibility of the Kimberley Process. So that was fairly easily dealt with, there had to be something. Dealing with the NGOs was much more difficult because they felt this was the last opportunity from their perspective, the last opportunity to have some confidence that the Kimberley Process, despite not being a treaty, nonetheless could be transparent enough and credible enough because you've got that, whoever it was, that third party and they were deeply disappointed by that outcome and it took a long time to reach the point where they realised either where there was a peer review system or there was literally nothing.

MM: Presumably no Kimberley Process either then in reality?

WR: Well no there wouldn't be because it would be just undermined so much that [inaudible].

MM: Did they stamp their feet and say oh well we'll go back to the streets...

WR: Well there was some mention of that by some and they did press quite hard and publicly to have something better put in place. They tried to rally others to come

round and put pressure on various governments to do that but you know we err, although we had a lot of sympathy for what they were trying to achieve err it was quite clear to us as governments in the middle there that umm if we didn't get a peer review system then we wouldn't get anything and that was the worst outcome of all and I think it just took a matter of time really just to kind of convince the NGOs that was, those were the options. So while they had the peer review system with all its flaws and all its potential downsides and err insider dealing and nudge nudge wink wink we won't tell on you this time to having nothing at all. I do think, I do hope, actually I do think that they were relatively reassured by the results that came out from the early reviews that took place. They were part of it and they signed up to them, they reluctantly signed up to a peer review system but they willingly took part in peer review and they did sign up to those reports, whether they wanted them a bit stronger in places I don't know but...

MM: At no point though did governments try and impose this on industry. You didn't turn round and say look guys, sorry but this is how it is going to have to be.

WR: No I mean we couldn't do that. It would be very hard umm very hard for the British government to umm or the European Union for that matter to take a politically binding agreement and say err here is a legally enforceable requirement on industry err coming from this politically binding agreement that's not the way we can work these things so it has to be err consensus based that industry are as willing as governments to fully implement that agreement despite the fact it's, it not being legally binding. That's I think that's, I think again that's part of the constant repetitive engagement with industry I think we sort of took them along on that basis. I'm sorry I've really run out of time Marcus.

[Meeting comes to a close].

Interview Transcript: UK Kimberley negotiator formative negotiations.

Type: Face-to-face (Follow up interview)

Location: London, UK.

Date: 14/05/2014

In Text Reference: WR

[Interview was conducted in a noisy pub close to the interviewee's offices.]

MM: Yeah so I was just sort of hoping really, there were one or two smaller points that I was hoping you could clarify because I'm now trying to look in a little more detail. Umm so there were the arguments that started before the Kimberley Process really got going and they kind of ramified into the actual negotiations themselves, that's what it looks like. Umm and the first part of that would be the issue of the consumer campaign that was quite threatening for industry.

WR: It was and quite effective umm. I couldn't help but admire it. I think it was exactly what they needed to do and umm because it was perfectly clear that you had a certain reluctance on behalf of all the key partners that became the negotiations. So if you were government, if you were the British government what was your hesitation about the Kimberley Process it was, as I mentioned to you earlier I think, it was the complete reversal of policy from deregulation to actually for the first time ever actually regulating that industry and if you were DTI or now BIS you were just horrified. I remember the looks on the faces of the people at BIS when I explained to them what we had and mind and they went like 'oh my god you can't do that' and I said well yeah actually I think we can actually I think we have to as long as we take the industry along with us. So we had that from the government's point of view and you know from the NGOs point of view, they were deeply sceptical about the willingness of the industry and also governments to genuinely engage in this. And then from industry absolute horror that they umm

that they were being dragged into something that would make their industry far more transparent where traditionally, from their perspective, for good reasons quite opaque and quite secretive. So yeah.

MM: But when it came to the NGOs, because obviously they were slinging a lot of mud around, being very aggressive towards industry, and then it seems, from a lot of the stuff I've read that, and I'm trying to trace this chronologically as the negotiations progressed as time moved forward, they seem to have gone from a position the NGOs where they were being very aggressive about consumer campaigns to actually sort just sort of backing off a little bit.

WR: Yes

MM: And sort of accepting the argument, well not necessarily accepting but understanding anyway that there was a real point here that you could damage some growing economies as well.

WR: Yeah I think that's fair

MM: And I was wondering if you guys sat down with them at any point and had a chat with them about this?

WR: Yeah very many times, yeah I had lots of conversations with Global Witness and Partnership Africa Canada on just that very point. So one stage in the early part, before it became a much bigger negotiation, umm we were, as the British government we were approached by the government of Botswana who were frankly terrified that because of the NGO pressure their industry was going to collapse overnight. I remember them saying to me this is like being in the fur business you know and what happened there, people throwing red paint on your fur coat so we're going to be stigmatised in the same way and yet for Botswana, diamonds have produced enormous benefits and that was clear. They were almost literally in tears saying it's going to take so long to negotiate this, why don't we do

a deal now just between Botswana and the British government umm where you would only accept from us diamonds with the proper certificates and all the rest of it and we have a mini Kimberley Process now but on a bilateral basis to which our answer was to Botswana was, understand where you're coming from but no sorry we really want to do this on a multi, on a multilateral level. Umm but taking that argument that Botswana put forward [interviewee interrupted by a phone call and recording is stopped].

WR: [continues after phone call] So we took that message to Global Witness and Partnership Africa and said look you know we're not trying to suggest that you as the NGOs should dial this back and that you shouldn't have these campaigns you've got because actually quite privately [inaudible] that's not actually a bad thing to do to get people to come to the table. Because frankly it was only the public campaigning and in particular, and this is what really upset the Botswanans, in particular the real prospect that congress was going to take some action in the United States. Because Global Witness had done very well, and PAC, I shouldn't give Global Witness all the credit though, they were very much on the front line with PAC umm they'd done very well in finding people in congress who were willing to introduce legislation which would have a terrible impact on Botswana, because obviously their rough diamonds going to London and then so much of it heading to New York to be sold, cut and polished not so much these days, but to be actually sold.

MM: So they had the sword over the throat so they'd done well.

WR: Yeah, yeah it was very effective but there were those sort of if you like those unintended consequences or the sort of collateral damage to somewhere like a Botswana or indeed an Angola and others as well, Liberia, that they would suffer very badly from that sort of backlash.

MM: But that was an argument that you put to the NGOs and that they took on board was it? That they were prepared to just hold fire a bit?

WR: They absolutely recognised it and it was a difficult sort of balancing act because you know on the one hand we were saying on the one hand actually you are quite right to press certain buttons because if we don't have a genuine full engagement with industry what's the point. I knew from my side that DTI now BIS would absolutely dig in their heels if they knew that what the foreign office was proposing was a regulation was regulation that the industry itself was resisting strongly. They would just, they would so hate that [laughs] because their whole policy thrust was to deregulate.

MM: Would it be possible for them to block it on that basis?

WR: Umm I'm not sure. We had a fairly robust conversation around, actually in the cabinet office because you know they obviously coordinate HM err Whitehall wide policy. So I had asked the Cabinet Office to call a meeting which I wanted Customs and Excise, then Customs and Excise, I wanted DTI then as it was, Foreign Office and err who else? Umm maybe that was it. Oh I think the Ministry of Defence came along as well because I think they had a lingering issue over Sierra Leone that sort of thing you know and umm and we had a fairly sort of robust discussion where obviously DTI were saying this is awful. This is a complete anathema to us, you're seeking for the first time ever to regulate and entire industry, just shock horror. And so we had a very good discussion about it and I remember the Cabinet Office being quite robust about it, saying to DTI understand where you're coming from but tough. There are overriding concerns as to why it will be necessary as to why we need to regulate an industry we've never regulated before in that way [pause] however, it is of course absolutely crucial that the industry itself, in this the UK industry, umm is broadly content to do that. They may not run out the bunting and say wow this is the best thing we've ever heard of but they would at least see the

wisdom of umm of doing this. So that's how it ended up. So we had a, we had a combination, we had a discussion with the NGOs where we said on the one hand you need to be a little bit careful that you don't unduly frighten the horses, and people like Botswana were about to have a collective heart attack, particularly if you're successful in Congress in umm essentially umm blocking the trade that way. Umm but on the other hand actually on the other hand it probably will prove quite effective in convincing industry that they really needed to engage. I mean there were elements in industry who had already got it but there were some at a more senior level who were, including in the UK, who were quite sceptical that they were somehow part of the problem and had to therefore be part of the solution so it took a while to...on the other hand once De Beers in particular, across the piece, Nicky Oppenheimer all the way down had bought into this, then the rest of industry kind of folded anyway and went along with it. Why would you hold out if De Beers were going to be there anyway?

MM: Well yeah because De Beers were, in the rough diamond industry at the time, they were kind of it weren't they. They ran the show pretty much.

WR: They were so dominant, yeah. And that was the advantage of course that the British government had which was that you had De Beers on our doorstep and umm we had gotten to know them a little bit. Umm and we had talked to them for long periods of time about why we thought it was important for them to engage in this and it wasn't a hard sell because at the sort of middle management level umm Rory More O'Farrell and Andy Bone, Simon Gilbert. They'd all bought into it, they could see that that was the direction of travel and they had to get De Beers engaged. And then some time shortly after that Nicky Oppenheimer came over and we had a meeting with him and he said look, I'm absolutely convinced that's the way to go so we are in but what we don't want to do is to dominate industry at that negotiations because that would be seen as big brother laying down the law so, so they helped set up this industry wide body the World Diamond Council umm and

they gave them a mandate to negotiate on behalf of industry as a whole. Umm of course De Beers were there at every meeting umm and were sitting in the background listening intently to every word but they left it to Eli Izhakoff and the rest of the World Diamond Council to be the actual voice at the negotiation.

MM: Umm so talking about them, so obviously just before the negotiations really got going De Beers had a bit of a change of structure didn't they umm they moved from price stabilisation to, well they effectively relinquished their role as a monopoly, well they certainly seem to have done anyway. Did that affect how people negotiated with them and also how you sort of understood the problem? Because for the NGOs for instance, in some of the literature that they produced at the time, you see them particularly in Global Witness' A Rough Trade they are just tearing into industry and as far as they're concerned industry are fundamentally at fault, they are the problem. And then you see after this move they start to talk about a legitimate industry and an illegitimate industry. It was almost like this move had somehow managed to separate De Beers and the huge portion of the industry that they represent from the actual conflict diamond issue itself and that must have had some kind of impact in terms of how you guys were thinking about how to regulate the industry, I mean did it have any effect?

WR: Umm, yes to a certain extent but I don't want to overemphasise it. So I mean the argument you got from industry very consistently in the early months was this is an issue that obviously impacts on the industry as a whole but the problem actually is in a tiny, tiny proportion of industry who are kind of outside of the mainstream and that what it represented, in terms of whose figures you believe, was less than 2% or 2% or 4% of the world trade in rough diamonds. I mean you can debate till the cows come home what the percentage is but relatively small. So, so we said ok we are not in a position to challenge your particular assertion that umm that the vast majority of the industry is absolutely clean and above board and so on but the fact remains that the industry as a whole is perceived not to be. And

there is a genuine problem that rough diamonds have been sold to fund civil wars and that the only way that you're going to have any hope of preventing that and at the same time giving the industry some sort of clean bill of health is to have a certification scheme of some description, or whatever, that gives governments confidence, that gives the NGOs confidence and therefore gives the industry confidence and then all the way through, what became the chain of warranties idea, all the way through to the buying public that they are buying something that is kosher umm.

MM: But for you as the British government representative you were, you were fairly happy that once De Beers had ended its open market buying, its outside buying, you were happy that De Beers had separated itself from that issue to some extent.

WR: Yeah, I think it was helpful umm. I think it helped politically within the government. Where I was really unsighted was the fact that really there wasn't anyone in the British government that knew the industry intimately enough to say that was actually a very substantial move on their part. It looked like that and therefore it came down to the issue that are you confident or do you have confidence in the fact that the industry, or De Beers, umm have acted in a way which at least indicates travel in the right direction and I think the answer to that was yes it does. In other words you're giving them the benefit of the doubt but you're doing so in a way, you're doing so partly because you don't fully understand the industry well enough to know umm you're being told by others in industry outside De Beers that actually that's a really significant move so again you take that, to some extent on trust, and you say ok umm that's helpful then.

MM: I'm trying to figure out exactly how much of a significant move it was and its quite difficult to actually establish it. On the one hand it looks a significant move and then I went to De Beers a few weeks ago and the hint was that it kind of was and it kind of wasn't; that they, the diamonds, were coming via other routes now.

WR: Well yeah, that's true I think.

MM: Umm sorry, but when you say it gained them some political capital, what did you mean by that? Were there some people who were happy to see De Beers move in a more competitive liberal direction?

WR: Yeah. I think the, the common perception you know or more than perception was that De Beers were still a monopoly. And I remember having a discussion with De Beers and umm they were quite sort of outraged that anyone in the British government could possibly think that. And they said well that's outrageous because in fact we only control two thirds of the diamond industry and so I said oh is that it...

MM: Oh well clearly then [laughs]

WR: [Laughing] I said oh a mere 66% well so what are we worried about.

MM: Actually they were very indignant when I mentioned something similar as well. No, no, no it's not a monopoly its price stabilisation.

WR: That's lovely. Yeah so I think what we saw, really as the whole sort of industry became more transparent I think things like that move by De Beers and just the whole process of information exchange that eventually found its way into the Kimberley Process, it was very instructive for the British government and umm I'm sure for many others as well. These were things that we hadn't really...I suppose that we hadn't had cause to look at before. I mean if you were customs and excise or HMRC perhaps you knew a bit more about some of the slightly odd things that went on like how come the biggest importer of British diamonds was Switzerland, I mean who knew [laughs]. These were the weird things that get thrown up.

MM: There's no incentive for the government to know that and there's no incentive for the government to look, it's not financial services is it or anything like that is it.

The diamond industry is not a big deal. It's not something the government would take a huge amount of interest in unless something went wrong.

WR: Yeah and that was it. We, largely with the help of Global Witness and others we identified a huge problem with the industry, well politically a huge problem with the industry umm which chimed so well with the umm labour government's rod and hook ethical foreign policy and because of the Sierra Leone link you know we had to do something. Yep and Peter Hain he was the Africa Minister and he was very determined to get this done.

MM: So there was something else that you mentioned last time that we spoke that was about the difference between a legally binding and a politically binding agreement umm and my understanding was that this caused a lot of argument and that the NGOs weren't happy about it.

WR: No

MM: But, and forgive my ignorance here, but the difference between a politically binding agreement and legally binding one, I'm not exactly sure what that would mean?

WR: Right well, to be honest, the argument we made at the time was as the British government, we saw no actual practical difference between a legally binding and a politically binding agreement. And that's simply because we like to think that we're honest enough to abide by whatever we agree to whether that is simply a memorandum of understanding in a very vague way or if it's a formal treaty that we've signed and stuck lots of little red seals on it and done pennants on you know umm and then becomes enshrined in UK law as a result, but on the other hand we were very conscious of the fact that a lot of other governments would find ways of avoiding their obligations under a politically binding agreement and that even though you could obviously put some direct pressure on them or you could within the Kimberley Process family if you like kind of humiliate them by publicly outing

them for not doing something. Some of them were pretty thick skinned and would just kind of shrug it off. So we were, Peter Hain, was very keen to have a legally binding agreement and the Americans just went oh my god no way absolutely not, I mean they were horrified. Because it would have to go through Congress.

MM: I remember you saying this last time.

WR: Yeah.

MM: What is Congress' problem here? I mean I...

WR: Because umm, two reasons really. One it takes Congress a very long time to ratify a legally binding agreement, or can do. It can take a very long time. There are literally umm treaties, or draft treaties umm awaiting ratification by Congress that go back to the 1960s. So there's a hell of a long list [laughs].

MM: How does anything every get done?

WR: Well exactly how does it. Umm and then the second problem that the State Department absolutely recognised was that if you put something forward like what became the Kimberley Process umm that at the time was under consideration as a legally binding instrument done under the auspices of the UN then there is absolutely no chance that Congress will accept that because anything that has any hint of a UN connection sends certain Republicans off the deep end and they refused point blank to allow that to go through.

MM: This may be an obvious question but why in particular have the Republicans got a problem with the UN? Is it sovereignty...

WR: It's because they've, yeah, it's because they've convinced themselves that there's this enormous conspiracy being concocted and perpetrated in New York in the UN that has the UN kind of taking over the world and usurping the sovereign right of the US to tell the rest of the world what to do.

MM: Much like our view of the EU then I suppose...

WR: Hmm damn right [laughs]. But they are [pause] they were quite, I have to be careful how I chose my word here, they were so reactionary to any UN reference or hint. The State Department knew full well that ratification of that treaty would prove absolutely impossible so we had to umm, first of all persuade our own Ministers that this is not achievable, it really wasn't and that therefore we had to go for a politically binding agreement but that we would make every effort to be very specific in that agreement what the rights and obligations of each party were going to be and we would try very hard to err for example have some sort of independent review or peer, not, not peer review but some sort of independent validation of what we were doing err which would give people confidence that at least when we said as the Kimberley family if you like that we will exchange this information on a monthly basis and that we will umm ensure that every shipment is err attached to a certificate and its received - you know all those sort of obligations that we entered into were being reviewed quite independently and were working. Now that unfortunately proved far too much for certain governments to sign up so in the end the compromise which the NGOs absolutely hated was that we would do a peer review and we would inspect each other.

MM: Err yes [laughs] that was an issue. In terms of what it meant though for the negotiations; politically binding versus legally binding. Does this mean that it became harder, when push really came to shove on certain issues, I remember you saying that actually the UK government wasn't really that happy with peer review either?

WR: No we weren't.

MM: Did the fact that it was a politically binding rather than legally binding make it harder to cajole industry into behaving or rather force them to adopt it?

WR: That's a good question. Umm to be honest I think it cut both ways because there were some at the negotiation who felt that this was automatically diluting the effectiveness of any agreement that you had and of course if you were the NGOs that was exactly the line you took. If you were being really aggressive about it you would say that any agreement is not worth the paper it's written on because it's unenforceable. You know, what are you going to do when country X fails to carry out one of those obligations. You know what are the sanctions? If you breach, if you breach a treaty, if you breach a legally binding agreement then you err find yourself in a court [laughs] of one description or another.

MM: Yeah which court though?

WR: Well...

MM: I mean that would be the question I would ask straight away, how are you going to prosecute people under international law?

WR: Yeah, umm we err of course the initial concept was that what you would have is a treaty under the UN auspices umm then if you fail to honour your obligations under that treaty then you find yourself in front of the international court in the Hague and you would be sanctioned as a government. I don't know whether, well speaking on behalf of the UK government we hate the idea that we are put on trial in that way and umm held to account for our failure or alleged failure to implement an agreement. I think a lot of governments feel that way. So it would have some moral and legal force. But umm I guess from our point of view what we continually worried about was, in the absence of any legal mechanism to enforce the treaty and given that even worse than that there was no consensus around having independent validation of that process, the way that it was implemented how much confidence could we have in the Kimberley Process as a whole. And that was quite a difficult discussion that we had amongst ourselves. Err in other words were we party to a very weak politically binding agreement that would seriously undermine its own

credibility within the first five minutes and yet we put our signature to it [long pause]. Well, those are perfectly good questions. The outcome for us was that we had the real prospect of securing an international agreement, politically binding, we could do that umm we had the real prospect of being very closely involved as the EU as a whole in the peer review system, because at the time the Working Group was chaired by someone at the European Commission by Kim Ealing and I was sort of De Facto Kim's umm deputy in trying to draw up acceptable terms and conditions for the peer review system. So we thought it could be credible and we spent a lot of time talking to the NGOs very quietly but quite intensely about our views on that. They were very unhappy.

MM: You felt then that umm, if I've got this right that a legally binding agreement would give you a bigger stick umm but almost actually that it would be very, very difficult and it would take a long time and actually it would be better to get a political agreement in place and see how it goes.

WR: Yeah, it wasn't just the US. I mean the US had a particular if you like domestic, internal difficulty which they recognised straight away. Irrespective of the subject matter they are just horrified if you suggest something that has some kind of UN flavour to it would be a treaty, oh my god...

MM: I'm sure Russia loved it as well.

WR: Well exactly yeah. It could be a recipe for doing nothing and the Chinese too. There were certainly those considerations that, it certainly suited the interests of some countries to err have a protracted debate about legal versus politically binding. Umm on the other hand our own ministers, Peter Hain in particular, umm were very keen to see err the UN Security Council pass a chapter seven type resolution about umm the rough diamond trade which would be legally binding umm which of course was err a red rag to the State Department, I mean that was their worst nightmare.

MM: I mean had it have passed into international law, then would it have, I'm assuming it would, then would it have become possible to put companies as well and individuals responsible for illegal rough diamond sales on trial up in the Hague for breaking the Kimberley Process?

WR: Oh yeah, yeah. Well with an international treaty of course you are obliged as a participating country to enshrine all the umm all the provisions of that agreement in all your own domestic legislation. Err and your obliged to umm establish a series of penalties and umm. So now we did this as the EU of course because quite rightly the Commission said you know this is a, this is our competence because it's a trade negotiation err so they issued a directive that required each member state to enact primary legislation to effectively convert the provisions of a politically binding agreement into a legally binding one within the EU. So if you breach the Kimberley Process within the UK or any EU member state, you open yourself up to prosecution, you would have broken the law. So when we seized some consignments at Gatwick and at Waterloo umm in the days when the Eurostar came into Waterloo, I was summoned down there one night yeah. Customs and police very excited, they'd nabbed someone who umm yep had a consignment of rough diamonds on him umm also had four different passports on him I seem to remember one of which declared him as a diplomat I think for the Republic of Congo.

MM: Well at least he was very thorough.

WR: So he was bang to rights was that guy. Yeah so the police and customs had legal backing to prosecute people with that. Yeah I was supposed to turn up in court once to be a witness at a trial, to give the governments, to explain the governments umm legislation and the Kimberley Process.

MM: So in reality then if you were say working for a relatively dodgy diamond firm somewhere like Sierra Leone the difference between a legally binding and a politically binding is only that umm it's not actually compulsory for certain

countries to prosecute you. As where we would prosecute them here or they would prosecute them in the States, in DRC or the Central African Republic they are unlikely to be prosecuted or it's not compulsory for the government to use those methods.

WR: Umm yes. It's not compulsory unless they had subsequently taken the decision that they wanted to enshrine that politically binding agreement within their legislation for their own domestic reasons which they are perfectly entitled to do of course and of course we actively encouraged, as the EU, we actively encouraged all the other countries to do that umm but it's purely up to them where as if they had signed a treaty then there would be an obligation on their part to do it. That the Kimberley Process is pretty voluntary unless they enact legislation to enforce it but our argument to them was you have to enact some regulation I mean you are signing up to something that says that any import of rough diamonds can only happen if its accompanied by a Kimberley Process certificate issued by another participating country or if you export diamonds likewise it has to be there. So surely you have to implement very minimum regulations to give force to that political requirement that you've signed up to. So whilst you're doing that have you not given some thought to umm you know sanctions for those that fail to do that? It could be a hefty fine or in extremis a mandatory prison sentence or whatever. So there were things you could do with certain countries and you know by and large a lot of them took that sort of action. So they converted what was a politically binding set of provisions in the Kimberley Process into something that domestically they were required by their own law. So, that's good. What you still lack of course is a mechanism internationally to challenge them when they fail to umm to take action err because they are in breach of a legally binding agreement. In the same way as if the UN Security Council, you know enacts a chapter seven resolution and regardless of whether you've been part of that negotiation or not if you're in breach of it as a country you're in deep shit basically [laughs].

MM: Well umm that's quite interesting then as to how the umm negotiations progressed then because that would give De Beers a lot more leeway to, well actually the WDC, a lot more leeway to dig their heels in because.

WR: Umm that was the flip side. Yeah that they were going to umm, once they were confident there was no prospect of it being a legally binding treaty, and it was quite clear from the early stages that it could not be, partly because the US were so nervous about that prospect and partly because lots of other governments for different reasons didn't want it, as EU member states, we found ourselves clearly in the minority in terms of wanting a legally binding treaty and we had to go back to Peter Hain and other ministers and say I'm sorry but this is just not going to happen. You can either go forward as politically binding and we do what we can to make it as stiff as possible or whatever, or you have nothing. What are you going to do? And he was very unhappy.

MM: He's a politician.

WR: Yeah, what are you going to do? But, you're right I think it provided some wriggle room for the industry to say well you know, actually I have to be very careful here because I have no evidence of that, but if I was a member of industry who was over or very nervous about what was going to be happening then I would take some comfort from knowing that wherever it came out, I would not be legally bound, unless you're unfortunate enough to in the EU, to carry this out. Or it might not be...

MM: Yeah I mean let's say theoretically that you're a Debswana executive, you've probably just taken a big sigh that it's not going to be an internationally binding agreement bearing in mind the wriggle room they have with the Botswana government.

WR: I think so yeah, and of course in that situation in Botswana you can bring an enormous amount of influence to bear on that government. If you're an American

based trader or British one, far less so. I have to say in fairness we umm, apart from De Beers, there was a rump if you like British diamond industry in [inaudible] and Birmingham and elsewhere and I have to say the engagement with them umm was always extremely positive. Now umm you could argue that was because they saw straight away that De Beers had gone down that route they had no choice but to follow but they could have been awkward if they wanted to umm but they won't.

MM: But equally it didn't affect them really because this was about rough diamonds.

WR: Yeah absolutely, it's very small, De Beers aside there's almost no one. Umm I mean there was quite a lot of discussion about how you would create and sustain a chain of warranties that would lead all the way through to that retail sector umm fair enough and we didn't pretend for one moment that we knew exactly how that would work and we said well don't look to the government to do that, that's not our job that's your job. You as an industry, and not just the rough diamond industry, you as the whole diamond industry, because the World Diamond Council encompassed the whole, the cutters the polishers the retailers so you've all signed up to this, so in terms of implementation of course it comes down hugely to governments to enforce the Kimberley Process through as we believe through domestic legislation or through EU legislation sorry, through EU direction leading to domestic legislation so you could argue that 90% or 80% or whatever fell to governments but there was a fair chunk, even if it was only 10 or 20% that fell to industry, particularly taking all the way through the rough diamond trade through to the retail side. Our issue was what's the role for the NGOs now?

MM: Yes I remember you saying that, they kind of end up with nothing to do.

WR: Well they're still the police. You know they are and they should be the, not self-appointed police because I think there was an almost conscious decision by industry, not governments which industry did not like but sort of understood that the likes of Amnesty and Oxfam and Global Witness and so on would umm would hold us

all to account which personally we absolutely welcomed because umm I found it really useful if I got a tip off from someone in the NGOs saying we think this country is misbehaving or this has happened and we could follow up on that ourselves or actually if they said to me actually we think there is something odd going on in the British government, I could say oh really? I don't think anyone actually said that but and then of course we were subject to fairly brutal inspections by the err Commission itself which they were determined to ensure at least with the Brits and Belgians that they set a very high standard. [interlude as drinks are ordered].

MM: Yeah there's something that's just occurred to me actually, when you bear in mind the position of Congress, you've got a UN piece of legislation coming in which is also trying to legislate an industry as well, I imagine that made it doubly unpleasant?

WR: I think it would be yeah that was always a worry so I guess part of our problem was we clearly had a minister who believed quite passionately that the UN Security Council was the one to go down and then we were able to persuade him that actually it causes more problems than solutions err but how do you, what are the ways in which you give the Kimberley Process due legitimacy in the international community and obviously that's to have a UN role in it. So how do you somehow maintain a little bit of distance, it sounds awful but how do you maintain a little bit of distance from the UN because our worry and I may have explained this to you before was almost that if you got deep into the UN process then you're lost because all that wider horse-trading that goes on in the UN on issues that are completely unrelated to the issue that you're negotiating on, come into play, and we really wanted to confine it to countries, as well as industry and NGOs, but to countries that had a legitimate clear interest, as a producer as a trader as in our case as the place where De Beers had their headquarters or whatever, umm there was a legitimate interest if you could limit that way. But at the same time if you could routinely go back to the UN and report saying this is the progress we're making and

if you could set it up with the UN that you would do that, that you would go back and with a report and you would invite the UN, as a general assembly not a security council but as a general assembly to endorse what you are doing and to tell you to carry on and that you were doing a great job, come back and tell us in two months' time how it's going umm and that worked actually really well. So we had umm a number of General Assembly resolutions which did exactly that, welcomed the progress made, looked forward to you know further progress as a result of negotiations and to the next report. And then finally had a non-binding resolution within the Security Council that said 'well done guys that's a good outcome and we the UN Security Council like what you've done and we endorse it.' I think it was ok.

MM: It's a compromise solution...

WR: Yeah a good fudge by the diplomats [laughs]

MM: But there's no reason why it wouldn't have worked if everyone had entered into it in the same faith.

WR: Yeah I think so, I think so. It was very important to us' joking aside, to have the UN genuinely say on repeated occasions as we spent those three years negotiating the detail to say they liked what we were doing and that it was heading in the right direction and that they therefore, in so far as we had agreed anything that they endorsed what that agreement looked like as it gradually took shape. They never tried to umm suggest what more we might do or what less we might do or you know, they never tried to direct and that's simply because the member states of the UN who were most actively involved were the Kimberley Process guys and they said, we'll decide this [laughs] and we'll go along and we'll get cosponsors from those countries who are not at the table because that makes them feel warm and fuzzy and loved and we'll consult them and ...it was kind of unanimous it kind of went through without any dissent.

MM: Yeah because almost all the members of the UNSC were major players...

WR: Yeah they were there anyway. The Russians, the Chinese, the French, the Brits, the Americans I mean we were all there, the permanent members were all there umm the major EU players were there, the Germans were the Italians were, the Spanish sometimes, the Belgians of course umm so you know and then beyond umm and in the wider world you had a lot of African countries there and of course they were always there, the original six, of the six three were South Africa, Zimbabwe and Botswana umm and then you had plenty more, the DRC, Republic of Congo, Sierra Leone, Liberia so a lot of African countries so you sort of had Africa stitched up err Venezuela and Brazil err came on board and they would carry the South Americans along with them quite happily. You had the Australians on board from that part of the world and of course very big players in the industry. So yeah we had kind of sewn it up.

MM: It was very representative. So If I could test your memory even further. Having a look at some of the technocratic decisions. At some points it seems that junctures were reached where it could have gone one way, it could have gone the other on particular topics and so I'm interested to try and figure out what you can remember about them really. So particularly things like umm if I start off with a straightforward one, the idea that everyone should have an independent diamond office, obviously this got shot down, as the negotiations went on, I was wondering who it was that had a problem with it and why it was that they objected?

WR: Well we umm as far as I can remember we were quite relaxed about the argumentation. We felt that once we had struck an agreement we were obviously then into the implementation phase. Err we felt instinctively that it was right for the government in each independent country to take the lead in implementing this because I said to you before easily 80 if not 90% of the implementation fell to the government anyway by default no-one else could take that on. Umm we thought that having an independent, outside government, outside industry, outside NGO, truly independent implementation body per country would be a lot to ask various

countries, personally from a UK perspective, we weren't sure that that was the right way forward.

MM: Can I ask why.

WR: Well because and this is a resources thing, we were confident that we had people now so well versed in the Kimberley Process that they were the obvious choice to implement it. So what happened was I became the implementer, or the head of implementation unit and the Foreign Office had led the negotiation took on the cost of setting up and running that unit. And umm we felt that to go down a different route to train up some other outside structure to do this given that that outside structure was going to have to deal with the European Commission and the European Parliament obviously had an interest, British government, British Parliament you know given all that it seemed to us to make much more logistical administrative and simple common sense to have a government body do that. DTI now BIS made it quite clear they had no interest [laughs] in being that customs and HMRC said they couldn't because they had a very clear role to play and they shouldn't muddy the waters by doing anything else, I mean they were there to, I mean they were always there to regulate imports and exports anyway.

MM: Yeah so its kind of their job really?

WR: Well they would argue that that, they of course argued that it's a trade restriction and you know that therefore its BIS and BIS said its having nothing to do with us. The very thought of being a regulator of industry just fills us with such a collective horror that we'll have a collective nervous breakdown and so the foreign office just said well ok then, we'll do it. I mean why not. As luck would have it my home tour was exactly half way through which is the point in the Foreign Office where, when you're on a home tour you have to switch jobs so I switched from being the negotiator of the Kimberly Process to being the implementer. So I was a

kind of a free agent in that sense and I knew who I could take with me from my old department who were very keen, that's two other guys, to set up this three man unit.

MM: So its nice to be able to follow it though?

WR: Yeah I was delighted because I personally would have found it very frustrating to have gone more or less the whole way through in negotiating and then not be able to see how it actually worked in practice. In that great Foreign Office way and say right I'm now going to go and do something completely different. Drawing on none of my experience in the past I'm going to go off to Japan and sell them Whiskey or something which is what we generally do.

MM: Was there any worry as well that if you created a separate office that this would somehow impact on industry, that there was going to be an extra layer of bureaucracy somehow?

WR: Yeah I think umm. I think for a lot of countries they felt that way. I think we did to some extent. Umm so earlier on in the negotiation for example we had, as the UK, we had sort of argued for err a second secretariat to be created within the Kimberley Process.

MM: Which they've now got.

WR: Yeah well better late than never, we were quite convoluted about that. You absolutely see the benefit of having a permanent and therefore a professional secretariat that was the institutional memory, that was the arbiter of the rules and procedure and so on. Someone quite neutral but quite effective who you invest with quite good authority to opine on certain things. Umm on the other hand we have this quite clear understanding amongst ourselves and amongst the Kimberley Process that this would be as light touch as possible. What we hated was creating big structures and having to fund them. It's always the case that when you get into that situation where you have to set up that structure and you have to negotiate the

funding arrangements – it takes forever, it absolutely takes forever and you can say well why don't you apply the same rules that you have in the UN where the UK you pay 6%, if you're Niger you pay 0.0001% you know whatever the outcome is. And the Americans say oh god that means we automatically pay 25% and the Japanese say oh god that means we have to pay 14% or whatever their figure and oh it just goes on forever.

MM: And it rubs up against some quite deeply held beliefs as well I imagine. As you said people don't like the idea of increasing regulation and creating yet more bureaucracy and government bodies...

WR: Yeah once you do that, it's very hard to undo it. Once you've created something like that it's really hard to row back from it. Now the messy compromise, and Kimberley was always about the messy compromise was that the South Africans very kindly ran with the chairmanship for three straight years.

MM: So why was it, and that's another question, why were the meetings dotted all over world?

WR: Ah that was another compromise. On the one hand you had a sort of De Facto secretariat in the shape of the South African Ministry of Foreign Affairs and Reno who was the sort of the queen bee of the secretariat was fantastic and Abbey Chikane was, was Chair but the flip side of that was that no way was South Africa to bear the costs of hosting these meetings and they of course hosted the original and at least two others didn't they? So of course we had the first meeting at Kimberley hence the name and of course we did meet again in Johannesburg at least once yeah so we agreed that we would take it in turn to host in different locations so all the costs of hosting a round pretty much fell to the host. That was the understanding. Everyone would pay their own airfare, everyone would pay their own hotel bills of course but the cost of setting up the venue and the cost of interpretation was quite expensive. You pay for that in the knowledge that someone

else would do it next time made it sort of ok. We did it, we did it two or three times but that was ok. We recognised that you know EU countries the US one or two other countries ought to shoulder more of the financial burden.

MM: Did anyone talk about what that would mean for participation of some of the smaller NGOs and some of the labour unions and so on?

WR: Yeah, yeah and indeed the trade unions eventually fell away because they really couldn't afford to do this. I mean the initial meetings because they were South African based, we had one in Kimberley, we had one not so long afterwards in Johannesburg we had one in Namibia, we had one in Botswana. I mean they were all the venues that because the trade union movement was very much Southern Africa focused in terms of actual participation, [inaudible], and that was fine and then eventually it fell away. So yeah there was that slight worry that we were pricing some out of the market by saying we are going to meet in Antwerp or we were going to meet in Moscow or Switzerland in some very swanky hotel in Interlaken [laughs]. So I said well, it's a downside err there was never any talk as far as I'm aware, of trying to subsidise participation.

MM: There wasn't?

WR: No there wasn't we never had a request from any organisation to do that which to honest looking at it now we would have definitely considered.

MM: You just didn't receive the requests?

WR: No, no-one asked us, no trade unions, no NGOs came to us and said, flying to Switzerland flying to Moscow this is incredibly expensive can you help out they never did that. Now of course we had given funding separately to Global Witness anyway but that was very specific to earlier reports about what was going on in Angola and Sierra Leone.

MM: That's interesting because there's an NGO I spoke to in Sierra Leone the Network Movement for Justice and Development, they were there at the early ones I think and they decided they couldn't afford to continue with it and now equally they are talking about that they're struggling to participate in all of the meetings that are going on and again they claim that they can't do it because they've got to go to, they've got to travel too far so the question I should ask is whether they've actually bothered approaching.

WR: the problem would be that we as the British government would say, what's the Sierra Leone government said. It's somewhat unrealistic but it's kind of an automatic reaction but I think that there's a case that they could possibly make which could be looked at maybe not by the Foreign Office but say DFID as part of the broader picture of the economic development of that country its clearly essential that the diamond industry is a heavy contributor. So I think there's a case that could be made, umm yep there's nothing to lose by asking.

MM: No, it's just interesting that they didn't ask at the time.

WR: No I don't recall any request coming through.

MM: So obviously now it's become a huge issue but I imagine at the time that it wasn't but the whole definition of a conflict diamond which is now of mayhem in Zimbabwe, can you remember who suggested it?

WR: Who suggested it?

MM: I read somewhere that it was De Beers but...

WR: Well I think in fairness we had various offers, various err suggestions as to how you define it. I remember it being a discussion but I don't remember it being a particularly huge one at the time. Umm we from the UK perspective we always understood it to mean rough diamonds and rough diamonds used to actively, directly promote and sustain civil war umm. So they were rough diamonds that

were sold illegally with the express purpose of funding civil war whether that's in Africa or elsewhere we didn't specify. Umm and as far as I can recall there wasn't any significant challenge to that sort of wording umm because...

MM: I mean at some point it got inserted in there rebel armies and of course then the insurgent was criminalised versus the government.

WR: Well yeah but at the time of course we were very much focused on what the RUF were doing, what UNITA was doing in Angola and what transpired eventually or increasingly clearly in DRC yeah it was about rebel movements or rebel organisations umm and what you were doing was essentially protecting the sovereign state err from loss of income or whatever and protecting it from rebel movement insurgencies that were being funded through illegal sales of rough diamonds. Now for industry they could take some comfort in that definition and they may indeed have suggested something very similar in the first instance or simultaneously I really can't remember. But for them it was important to specify that what they were talking about was the illicit sale of diamonds because again their argument was again that 96 or 98% of the industry was involved in the purely legal trade in rough diamonds so I think by and large we could coalesce around that definition fairly comfortably.

MM: So much of then was about the fact that everyone's eyes were on the RUF and UNITA at the time and that was really what you were talking about was really that these conflict diamonds that was where they were coming from.

WR: Yeah and what you saw in the DRC was clearly a move by certain rebel organisations, whether they're funded outside through Rwanda or it was the M23 or whatever and whatever one thought of the democratic process that led to Kabila and then Kabila junior becoming president the fact was yeah you could coalesce around that definition. I think where there was disagreement concerned whether the Kimberley Process was only ever about the conflict diamond or whether or not

it ought to be broader and look at small arms and light weapons as I think I said to you before which the French were very keen on at one stage.

MM: Any mention of ethical issues in production?

WR: Yeah, yeah there were I think, I remember having discussions where we were quite divided on the issue in the sense that if you were trying to introduce an ethical human rights dimension into the err, particularly with the artisan sector where it was perfectly clear that human rights abuses were quite rampant err and then when you start talking about Zimbabwe umm and there were a number of us who felt that this was the wrong time to be doing this. It sounds terrible doesn't it but I think the worry was that we would get quite distracted by those arguments which were quite emotional and quite relevant argument but we saw a real danger in, and I remember the EU having this discussion and we agreed almost unanimously that there was a real danger that this would divert that sole ambition of the Kimberley Process to regulate the trade, to stop the trade in rough diamonds. You get diverted down this, understandably down this very important sort of avenue that there was no way back and you would find very quickly that what you had was a complete paralysis almost, that you were so taken up by the human rights aspects or whatever it might have been that you simply couldn't agree on how you would certify or how you would regulate the trade in rough diamonds.

MM: So you were concerned then that the issue would just become paralysed and would take too long which is interesting because time is something that gets brought up a lot and talking about time, do you have to go back to the office shortly?

WR: I have to be back by 2:15 but we're ok at the moment yeah.

MM: Ok, yeah so time seems to be a real constraining factor that everyone seems to be very worried, everyone seems to think that everything needed to be done very, very quickly which seems to mean that at various points decisions were made that perhaps might not otherwise have been made in order just to get this thing done.

WR: Yeah. I think that's true there was a real momentum behind the Kimberley Process which we were, we I mean the British government and lots of other governments and industry and NGOs were keen to maintain but then the question came up to what extent are you prepared to make sacrifices in order to ensure that that momentum continues but in so doing you maybe lose one or two of the key sort of objectives or principals that you have in mind. Now that really came to a head over several issues some of them more serious than others, well all of the serious but some perhaps more so. I mean one of the early ones was the information exchange. How could we be sure that the information we were exchanging amongst ourselves was genuine; should there not be third party validation and that caused the Russians and the Chinese to completely freak out. I mean for the Russians and I think I mentioned this to you before, they genuinely required legislation for the information to be released in the first place let alone some UN type organisation or whoever coming along and verifying oh my god [laughs] that was just some sort of nightmare scenario for them. The Chinese similarly.

MM: I remember De Beers telling me about the Russians and the problems they were having it just sounded like an absolute nightmare, Soviet era legislation...

WR: Yeah it was that was what they faced. I remember in Ottawa I had a seriously drunken debauched night with the Russians where they kind of poured it out and I was desperately trying to remember you know the next morning exactly what they said but it was clear that they had real, they had real issues and at the time by coincidence Canada was chairing the sub group on information and then when we got into the review and peer review versus third party review, oh wow it really was...and that was almost a breaking point with the NGOs because they quite rightly I think decided, quite rightly I think that this was the moment. You were so close to agreeing everything in the Kimberley Process that you could really push very hard to get third party validation on the system or, or you would make it clear to government and industry that you might be prepared to walk away from it. And

if you did as NGOs you would completely undermine the whole scheme. Umm so that was a very tough moment and I remember having very difficult discussions with the NGOs trying to explain why as the UK government we felt that peer review was, despite the fact personally we did not like that at all, that it was the only way forward.

MM: How did you argue, how did you argue that it was the only way forward? Was it just that other people just full stop weren't going to accept it and therefore as far as an agreement was concerned it was either this or nothing?

WR: yeah more or less. You clearly had some governments that hated peer review, they didn't want anything. We'll sign this, alright its politically binding but we'll put our name to it and we'll implement it and no we don't need anyone else to come along and...the Russians were like that and the Chinese were like that umm

MM: Sort of getting on a high horse almost and saying do you not trust us?

WR: Yeah exactly and some of the African governments, and I loathe to say who because I may be falsely accusing them but yeah there were some that just did not like this at all. Now as luck would have it the job I did, yeah the job I did immediately before the Kimberley Process was arms control was arms control in Vienna where peer review is common practice and is very, very robust because these military people are absolutely as straight as a dye and if you say you have twenty tanks I'm going to bloody well count them, one two three and they go there and they do it. So you get this weird sort of situation from what you're used to as a cold war child. I remember as a child on tv watching Royal Marines walking around at a fighter base in Russia counting MIGs as they went along. So they've got a check list supplied by the Russian government which says they've got 35 MIGs at this base so right...

MM: Or before Victor Bout sold them off anyway.

WR: Yeah right. So I knew that peer review under certain circumstances could actually be very effective and quite robust so I was fairly confident it could work in the Kimberley Process as well. I tried to sell it on that basis knowing that actually the only way forward in terms of a compromise was going to be peer review because if you couldn't, if you had to try and persuade the Russians and the Chinese and one or two others from Africa to accept something the best you could hope for was peer review and we were all treated the same way and umm that we are all as honest as we hopefully can be and that we treat it within the family if you like as being the problem child or the slightly awkward uncle that needs a bit of help and we'll try and sort that out.

MM: So umm what you've just outlined there about how peer review actually worked in arms control, those were the arguments that you used with the NGOs to try and get across to them that this could work?

WR: Yeah, yeah absolutely. I remember having this discussion with them saying, it's not perfect, of course it's not perfect and I didn't want to pretend that the inspections we did in Vienna and all round Europe and Russia and so on that there was never an issue of course there were issues umm but I couldn't genuinely think of an issue that had come up in that context where the peer review system didn't sort it out. Because we did have that vested interest in having...is it a question of trust versus confidence. Do you trust that particular government? Ok maybe not. Do you have confidence in that government? Well actually maybe you do but you never trust them [laughs]. I don't know its just ingrained that you don't or whatever but err trust and verify was the Russian slogan wasn't it oh sorry the American one.

MM: Trust and verify.

WR: yep trust and verify so you know. What that meant was that you could have confidence in someone and they did have confidence in them, in the Russian information on conventional arms in Europe umm but you could never entirely

trust them and that confidence came in the main from the peer review system so there was a plan of inspections that came at short notice. Several countries would go along and you'd all agree with your host government that yes that was the situation and yes those were the numbers and yes there was perhaps a discrepancy – hopefully not – and yes we are signed up to this rectification program to make sure it all matches up. And that was pretty good.

MM: And that was...Global Witness took that on board and PAC took that on board and said ok we'll roll with it?

WR: Umm yeah they didn't quite say it like that they said we hate it, we hate it, we hate it but yes we'll kind of go along with it because the message you're giving us is the message we're getting from other governments which is that this is the only way forward so we are still seriously thinking about whether we should be associated with the Kimberley Process and we'll reflect on that and we'll come back to you. You know because obviously Global Witness and Partnership Africa Canada were representing a much broader NGO base you know from Amnesty to Oxfam to much smaller groups and you know there were tens if not 90 plus NGOs...

MM: It was some staggering number.

WR: Yeah it was a huge number that had an interest in this, yeah. So they had a constituency that they had to go back to and come back to us afterwards.

MM: So sorry just quickly. At some point there was a discussion very early on about the introduction of technology into the certification process. It seems to me and I can't quite see why this happened but technology was basically dropped as a way of either complementing a certificate of origin or just replacing it effectively. Can you remember why it was that that happened?

WR: I think there were a lot of sceptics umm I mean we were big fans of some of the possible technological things and we'd explored this with Sierra Leone with some

simpler things, well they weren't that simple but you know, having that sort of digital audit trail of the diamonds and the certificates...

MM: And also ways of branding diamonds and actually identifying them as to source...

WR: Yeah, yes we looked at all that and of course the Canadians were big on the little polar bear symbol and I think we were quite comfortable with that sort of approach other countries were less so, they were quite sceptical, either because they recognised that they were going to be challenged in implementing that technology if that was the route we were going to go down so it was adding another layer to the Kimberley Process.

MM: They had trouble with the bureaucracy?

WR: Yeah, yeah the bureaucracy. They were much more comfortable dealing with certificates you know and the likes of De La Rue and their security devices they were very comfortable with that, most of them had contracts with De La Rue to make their bank notes anyway so it was a low tech solution that they were comfortable with and recognised. And the idea of putting RD tags on the diamond consignments, RD oh what's it called, RFD umm little dots on the bag that you could track them and that sort of thing umm yeah and we were very sort of open to those sort of solutions umm if we felt that it would really help. But many other governments said no what we would not like would be, even within a politically binding agreement, err a clear sort of pressure on us to implement a sort of high tech solution because we're kind of not ready to do that.

MM: Its very interesting that that happened and I'm still sort of trying to figure out how it happened because if you give up on technology and you say we are just going to try and supply a certificate of origin in somewhere like Sierra Leone where you have no control over the mine site then its starts to undermine the system and also if you adopt only a certificate of origin system then that means that only

governments are responsible for when it fails as opposed to if you were to use some form of identification you could actually point the finger at individual traders and exporters?

WR: Well yeah I think we looked at some of the technological solutions as offering a quite useful additional layer of protection for governments and therefore for industry to. So if you were able to mark your diamonds or, or putting a tracking device on them or on the package, whatever it might be, we saw that as quite a useful thing to do. Now some of those discussions happened really towards the end and I think there was a view that we had gone a long long way down the road that this is the process, this is the certificate. Everyone knew what it looked like, everyone knew that it had to contain these minimum security levels, minimum security features in them and they just didn't want to start thinking about what else we should be looking at. So as far as I remember the outcome was, no we are not going to as a Kimberley Process sort of umm recommend a particular technology addition or part solution but we are going to come back to that at some point and again it was a classic sort of cop out. Ok not now but maybe later umm...

MM: I mentioned it to the De Beers person I spoke to and I think if there was a red panic button somewhere he would have been pressing it pretty hard.

WR: oh really?

MM: Yeah I mean the attitude was just absolutely not, who would bear the costs of it et etc...

WR: Yeah but there were low cost solutions you know that were being put forward if it's the radio frequency or the...

MM: Or the run-of-mine identification as well where you just, you if I understood it as it was explained to me you just generate a kind of a foot print as to what certain

mines would produce, you put together a stockpile or a database as to what it is that you should see from say Kenema...

WR: Well we used that, we used that sort of technical knowledge so for example the independent inspectors that would be hired in the UK in the government diamond office were well versed in being able to say, if I said to them we are going to look at a package of diamonds that has allegedly come from Sierra Leone they could take one look at it and say no that's not come from there, not directly because they knew geologically that was not possible.

MM: That's not part of the Kimberley Process though is it?

WR: Sorry?

MM: That's not part of the Kimberley Process though?

WR: No it isn't no but there was always an understanding that for many years now err apparently if you know your diamond industry you can tell, you can tell. If you are telling me that is sourced in that particular country I am telling you that is not geologically possible and here are the reasons why. And it did happen to us once. We had a consignment from DRC arrive in London err and you know we didn't inspect every consignment that came in because we just weren't resourced to do that but we would do a random selection, no notice we would just ring up because we get the certificate come through to us saying we just delivered x amount of carats of diamonds to this particular organisation in London and we would ring up an organisation and say we're coming we are on our way now. Sorry stop what you're doing, here's my inspector show me that consignment, umm show me the certificate, show me the package it came in, err lets have a look at the diamonds err...

MM: Err I one of them there was a package that was allegedly from DRC and wasn't? What could you do as far as the KP was concerned?

WR: Yeah right so err my inspector said to me that I can assure you that that particular batch of diamonds there has not come from the DRC because, and he showed me all the colour patches and you could clearly see, you could physically see anyway that they were different and my strong suspicion was, actually I can't remember where he said they'd come from, probably across the river and they were actually from the Republic of Congo, the Northern part so quite different sort of mining, quite different look to the diamonds. Because we were fairly confident or we had strong suspicions that the Republic of Congo were smuggling diamonds across the river into DRC because we'd suspended them from the Kimberley Process because of their bad behaviour. So what actually did happen there? Umm yeah so we asked the UK company, it wasn't De Beers it was a small company to put those diamonds aside and we informed customs and excise who came along and seized them umm as an illegal import and it was a breach of import regulations under the Kimberley Process. Umm and then actually we did have this kind of discussion with them a few months later when we asked them what was happening err and they were prosecuting the company for a breach of regulations for allowing these things to be imported which is a bit rough actually because I was fairly convinced that the British company had no prior knowledge that this was going to be a...but you know that's just the way it breaks. I don't know what happened in the end, I left not long after the event, they were probably fined for breaching the regulations they were fines in place for those kinds of things. But I remember customs and excise saying they were going to destroy the diamonds and that actually led to quite an interesting debate and my immediate reaction was no don't do that. Don't destroy them because actually, yes they are illicit but there is a way of making them legal and putting them back into the system. Why would you automatically destroy them? I'm not quite sure how we resolved that debate.

MM: How would you get them back into the system? Would you have to wait until the Congo were allowed back into the KP?

WR: well exactly, you're fairly confident about the origin of these could I, could the government diamond office, recertify those diamonds saying we are confident they came from the Republic of Congo now you can't do that because you're just treading such a fine, you're walking on such thin ice if you do that. But it did kind of prompt a slightly wider debate in the Kimberley Process, amongst some of the countries anyway, you know what do you do when you seize diamonds? Do you destroy them? What if you were to auction them off and use that money to invest in development in African countries or I don't know. I mean to simply destroy them...

MM: I suppose you have to give them back to the country from which they were illegally exported.

WR: you could do that and put it back into their system or the natural, the default setting for customs and excise was well you know it's no different from any of the other illegal stuff we get we're just going to destroy them. I said well I thought you auctioned them off? Oh we couldn't possibly do that, they're illegal. Well now that you've seized them maybe they're not, you've stopped anyone profiting from those illicit diamonds in theory assuming that action has been taken in the source of origin so...I don't know it was just that kind of philosophical argument...

MM: Well the state decides whether something is illegal or legal and if customs have seized something it's the act that's illegal isn't it not the product?

WR: Yeah exactly its sort of an innocent product in that way so why not try and exploit that for the benefit of a country, if not the UK, then of a country that needs that sort of support particularly those that are somewhat impoverished but are involved in the diamond trade I mean why not?

MM: If something like that had been included in the Kimberley, I know we are talking hypotheticals but if something like that had been included in the Kimberley Process you could have prosecuted individual, you could have suspended individual traders on the basis of handling stolen goods.

WR: Yeah yeah and you could have actually pulled, you could've, it would have been hard to negotiate but you could have reached a decision where you were putting into some sort of central pot you know the proceeds of seized assets umm and you can reinvest that, what would have otherwise been ill gotten gains, you're investing that in implementing and enforcing the Kimberley Process so...

MM: To fund a secretariat or something like that...

WR: Yeah we had this idea and I'm not sure if it ever caught on I think it sort of did which was that the Kimberley Process secretariat or whatever you want to call it would be a collecting post for all the calls for technical assistance. You would pool all those together and then you would invite some of the wealthier members of the Kimberley Process to dip into that pool and say right ok we'll take on that particular issue with that country or we'll get the Americans to do that and maybe you could fund that sort of thing that way. I don't know it was just a thought at the time but I'm not sure it ever caught on. I must go oh its past my witching hour oh sorry they'll be after my blood.

[Interview ends]

Interviewee: US government representative at formative negotiations.

Interview type: Phone interview.

[The interview began with a brief exchange]

Not cited in-text

MM: So when it came to the negotiations, what really concerned the US, what was it that you guys wanted to get out of it and how did you manage to do it, just as a general question.

D: Yep well just let me step back for one second and say that the leaders in this process were actually the NGOs and they stirred up the public interest. That led to [inaudible] action in the United Nations that governments got involved in. The interest of Nicky Oppenheimer and De Beers brought the industry together and eventually the governments said ok we have the article seven for the three so ok we'll go along with you guys if you organise the whole thing so governments were actually not leaders in this process they were dragged in and the interest becomes one of umm dealing with the United Nations was the most important. That was the driver for the US government and trying to deal with umm the...I mean its very rare to get an article seven decision out of the UN and then to take that to the international community. So the dynamic was really in the politic of the UN and the US congress where there were a couple of people that pushed us into this. So by the time that we get there we're trying to deal with the governments because in the twentieth century, governments did negotiations and then outside of negotiations work with the lobbyists and interest groups. In this case they were technically in that sense but they were not really because they were all inside the room all the time and so for us [inaudible] would be to work with the industry who had come together in a single voice which was rather unusual and then try to pull together the NGO community. Now I didn't start the negotiations I came in later in the negotiations [inaudible] when I came I there was a framework already set up and

in the US case, the US, mostly the US based NGOs although Global Witness and others Partnership-Africa-Canada were obviously as entwined as any, they had a different view. They had gone to these negotiations and they had asked for more than they were able to get in the framework agreement which they asked for monitoring and statistics and a labour diamond development initiative amongst other things and were unable to get them. So when I came into this process I told the State Department that first of all the inter-agency group, that meant 10 or 15 different American agencies and departments, none of them wanted to continue this. They were just not interested in sanctions or doing some kind of certificate of origin, just not interested. And the NGO community, and that was the NGO community as well as the world diamond council in New York was based in New York and they were willing to try to organise the markets. They suggested a set of warranties that they would offer as a way to control the market, well that's nice but that's self-regulation and governments don't go for self-regulation. It didn't have any legitimacy. So I basically told them if they wanted to work with the US government they had to do a couple of things. They had to accept that the US government would validate, would actually do something with this certificate but we weren't going to print any certificate because nobody in the US government wanted to print them and they had to figure out a way to do that. So they were willing to create an NGO and print bank note quality certificates for this process. I took that back to the state department and began to talk to the agency's [inaudible] at the same time talking with the NGO community. Now the NGO community and the State Department didn't really get along a lot there was the Durban round of the, the trade round in Durban you may recall?

MM: Yes, yeah

D: There was a huge demonstration against the trade round led by Oxfam, that the US NGO. And there were huge demonstrations there and that was an awful, awful time and they'd already done Seattle and if you remember Seattle there were street

battles in Seattle which was terrible. So what I did was I invited them in, I can't remember exactly, maybe seven or eight of them to the State Department which was like going into the den of iniquity for them and I sat down with them at the table, I had no note taker I'll tell you, I listened to what they had to say and I basically said you have your right to do whatever you wish to do and I have my right to say that your wish is to see killing continue if you don't get your way. That wasn't a very nice thing to say but it was very provocative and it got the point across. They were angry, they were not together, they left and I was prepared to see it collapse because it had already collapsed so I wasn't losing anything personally and the US government. It was a high stakes move. They came back they came back a couple of weeks later and said we'll work with you. And that set the framework and then I said you set aside the things that are not in framework agreement and we'll go for the final framework agreement and make it a political commitment. I went to the White House which is, one has to have authority to do these things, one can't just do these things on your own obviously and the way the US government is structured is the cabinet secretaries have deputies, they have what's called a deputies committee which actually is the authority that I then used to continue the negotiations because we were running close, this was already September of 2002. Congressional session ended in the election campaign about the same time so I asked for permission, authority, to implement an agreement with an executive order. The same as the legislation except offered by the President instead of Congress and I got that authority and we went back to, in September, to South Africa and then in November to Interlaken. So with the authority to implement an agreement, with the tacit agreement of the NGOs to accept, at least for an interim period they would continue their fight outside of this process, received the support of the World Diamond Congress to provide the bank note certificates. The thing that was missing of course was umm validation by the government. I went to the US census bureau umm because they do the certificates of imports and exports and in the US log there is an existing US log that controls the imports and exports and

what's banned and what's not banned so the legislation of the authority to change that legislation was very simple you just added rough diamonds and the FITC code and so the legislation didn't really take a lot to do that. And then the census bureau was in the process of moving from paper to electronics and the digital world comes late sometimes but it was there. They agreed to validate, that is they agreed to put a number on the certificate that would make it a unique certificate and thereby be able to be traced for imports and exports and customs enforcement. Now with that we went to err, I went to Interlaken. There were some other side issues that were difficult. One was the Chinese, Beijing did not want Taiwan to have anything to do with this. Taiwan of course were delighted to do these certificates and stamp across them ROC, Republic of China [laughs]. We had several rows back and forth across the two of them when in our discussions I used the fact that Taiwan was a customs region, a customs agency could issue those certificates and as long as it had ROC on it Beijing would agree. So that's, [inaudible] there were several problems like that. And our biggest problem that remained was that we were creating a certificate of origin and banning trade without that certificate which of course under WTO rules is not legal. So you need if you are going to do this a trade ban waiver and I know the UK isn't always so friendly with the EU but the EU representative refused in the negotiations to support the trade ban waiver which made the whole system kind of questionable, whether or not anything could happen. I did two things there, during one of the plenary sessions I called in an open session on the EU representative and made a comment similar although a little more mild that I made to the NGOs and said in an unfriendly way I must say to the EU representative who was Dutch I said in German [German phrase]. Now that's probably over the line err speaking German to a Dutchman is of course difficult and suggesting that he was, the words [inaudible German expression] is not just unserious, it's that you're flagrantly violating the rules of decency. Umm he became apoplectic, very angry, but that didn't change his position and he went back to the EU and I reported back to my State Department and to the EU that I had done this that err the remaining issues to

overcome would be the World Trade Organisation trade ban waiver which the Canadians and the Japanese had prepared a request which if I remember correctly would be based on the article seven decision of the United Nations. It was strong and it would be very unusual if it were not accepted. So a couple of things happened after that, the internal situation in the United States became one of umm the Ways and Means chairman Mr Miller noting that the agreement had come through in November 5th 2002 but it was being implemented by a presidential executive order and not legislation. The House of Representatives had passed an earlier version by a vote of 400 to 8 and it wasn't really a question of whether they would be for it or not but we were not going to them. Mr Miller called Bob Zoellick who was the US trade representative at the time and asked him while he was going around the err Congress and that if he would chose to do that perhaps the [inaudible] with which he was using in the trade negotiations perhaps could be withdrawn. That's a very strong statement as you can imagine. I was invited back to the White House for a discussion of where we were in the process and during that discussion I was told wow you've really got the agreement, this is a really good agreement – the Interlaken agreement- and you can implement it January 1st but do you [inaudible] with a presidential executive order. Now I'm a loyal bureaucrat at this point and a public servant and I said I don't operate for myself, this isn't for me and I operate on the authority that you all give me and no I wouldn't do that [laughs]. I would not go around Congress that's not something I would do but I would ask that the Congress pass legislation as fast as possible and the White House agreed. I went back err to Tony Wain who was the assistant secretary for international business affairs and Tony and I consulted with the lawyers for the Ways and Means committee and for the finance committee and they agreed to do the legislation expeditiously. That all worked very nicely and I left actually but umm I left the government on January 3rd 2003 before the legislation passed and I'll tell you on a personal note, I had spent several years negotiating on holocaust issues, not that of any relevance to you, but holocaust issues have a connection with the diamond

industry in that many in the diamond industry are Jewish and umm I was told by the people I had negotiated with previously to the diamond negotiators that I was personally responsible for making sure this worked. I don't I work for the government; no you're personally responsible for making it work. I had an opportunity to go to Brussels to meet with Mr [inaudible] and while I was waiting to meet him I was [prolonged inaudible speech] and he asked me about the Kimberley Process and I told him where we were when I left, what the Process would be that legislation would happen but the WTO waiver was still being stopped by the EU and frankly - no longer being in the government - if that were to happen it would appear to me that the EU wanted the killing to continue in Africa financed by diamonds. He said that I should not say that, I agreed [inaudible] and a couple of weeks later I understood that the EU representative to the Kimberley Process transferred and that the EU would agree to the World Trade Organisation trade ban waiver, the legislation passed in April, the president of the United States signed it [inaudible]. Ten years later the starting point of illicit diamonds trade was at around 4% of the market of a round 10 – 15 Billion dollars, 10 years later I was invited back to the 10th anniversary which was very nice I obviously had nothing official to do at this but they invited me back and talking to the participants at the plenary session in Washington I learned that there were now 80 countries participating in the Kimberley Process and the trade in illicit diamonds had been reduced to 0.4%. So almost nought, there are some in Zimbabwe [inaudible] corruption and that kind of thing and some from Cote d'Ivoire and CAR but for the most part the diamond business, the rough diamond business is under control and is not used for what we call conflict diamonds [inaudible]

MM: Yeah its been an enormous success in that regard, there no getting around it umm its just very interesting to hear all the too and throughs in terms of how the negotiations worked and how you were able to convince people because as you said you know understanding how these things work is going to be crucial in the future

because it can't just be governments negotiating with governments its going to be multiple stakeholders and so yeah we need to figure out how that works. Umm so it was the EU that had a major problem with the WTO waiver? Because for some reason I thought it was the US?

D: [laughs] We had a problem because we didn't have it, that was the problem but it was the EU – it may have been more the person than the EU itself I'm not sure because I'm not in that although I did raise it with others in the EU and they stuck by their person but I don't know that dynamic internally within the EU and I did make it personal, I did make it a personal issue and it went away so I don't know, its not something I like to say but you know sometimes you have to do something that is out of the ordinary or shocking to make people rethink what they are doing and that was what my purpose was.

Transcription abandoned due to poor recording quality

Interview Transcript: Contemporary EU negotiator

Interview type: Phone

Date: 23/03/2015

In-text reference: FI

FI: So you're doing a PhD partly on the Kimberley Process or...

[There then follows a brief description by the interviewer of the study in question].

FI: Oh interesting because I am interested in the West African context because we're currently running a regional approach kind of initiative in West Africa to try and improve Kimberley Process compliance there you know in the artisanal mining setting.

MM: Yeah yeah that's quite a challenging setting from what I've seen.

FI: Very.

MM: And that's with the KP is it?

FI: Sorry?

MM: That's with the Kimberley Process is it?

FI: That's right yes

MM: Oh right

[Brief interlude as the interviewee gets up to shut her office door].

FI: Yeah so is it worth me letting you know the different angles that I come to the Kimberley Process from? So the Commission where I work represents the EU member states on the Kimberley Process and we happen to be chairing the working group on monitoring at the moment which is one of the key working bodies on the

Kimberley Process. And you probably know all this because you've read into it but we run a peer review exercise in relation to Kimberley Process participants where every three years they are supposed to invite the Kimberley Process to come and verify their arrangements for implementing the Kimberley Process so that's [pause] I participate in those peer review visits from time to time and in the context of those peer review visits particularly in well in a number of African diamond producing countries there are some big challenges in terms of getting Kimberley Process compliance kind of on a strong footing and a lot of that is to do with obviously securing the rough diamonds from the point of being mined to the point of being exported and just getting that supply chain sorted out. And er so the [inaudible] picked up on these fairly obvious things in the context of the Liberia review visit in 2012 we decided to establish a kind of a West African initiative looking at Kimberley compliance in Sierra Leone, Cote D'Ivoire and Guinea. And the theory behind that is really that a lot of the kind of um borders between these kind of West African countries are fairly arbitrary in the sense that they follow river systems which in themselves can form alluvial diamond mining deposits and the people of those countries just routinely cross back and forth as part of everyday life in some of those areas. So having a KP compliance system that is purely nationally based in some ways doesn't make a lot of sense so we thought that some of the challenges related to Kimberley compliance are definitely shared right across the region so we thought it would be a good idea to see how these countries could potentially collaborate to try and address some of their common challenges.

MM: Right ok that's really interesting because I didn't know that you were on the monitoring working group I didn't realise that.

FI: Yeah so you can see it, I think it should be open source information from the Kimberley Process website those countries that are members of the working group but we are chairing it at the moment and have done actually for years and years and we are likely to do it for another, for a little while yet. But it means we have a role

in helping to organise or schedule the review visit and encouraging countries to invite a review visit getting the teams together to go along and then following up on the reports and that kind of thing.

MM: Ok that's great I hadn't thought about that so I don't know how many questions I've got on that topic but I can maybe give that some thought as we're going through. Err there's a couple of things I need to ask you actually just quickly. Umm first of all is it ok if I record our conversation would that be alright?

FI: Yeah I don't mind but only if you're happy to keep that just for your own personal use and not publish it.

MM: Err ok so when you say not publish it you mean don't use any direct quotation or would I be alright to use a quotation but just not attribute it to you?

FI: Um could you come back to me on that because I don't mind you recording it for refreshing your memory on what I say but I'm not, I think I couldn't be really quoted as representing a view of the commission because the commission would have its own means to formulate a formal commission position on this kind of thing and normally if we're, I mean I can speak in my personal capacity as someone who works closely on the Kimberley Process but to have a commission position I would actually be representing the EU member state position on something so I don't think I could be quoted as speaking formally for the EU and member states.

MM: No no I understand that completely I mean when I've been talking to state people I've had a similar thing really.

FI: State department or...

MM: Well I shouldn't say who I've been talking to for obvious reasons because then you don't know that I might tell other people that I've been talking to you so yeah I've been talking to other state people and they've said the same thing really. The way that I've been dealing with it and you know its up to you to think about this

and if the answer is no then the answer is no I completely understand, the way that I've been dealing with this is to talk to you not in your capacity as EU commissioner, as [part of the EU commission sorry, so Ive not been attributing any quotes to anybody in the entire thesis so no one is named, everyone is assigned a random pseudonym so their identity is kept secret. So no one would even know that Ive spoken to someone at the EU if you see what I mean I would put down 'a state negotiator said X' and that would be that.

FI: uh huh

MM: That's how I've been approaching it but I understand if you want to think about that and as things stand I can just use what we're talking about at the moment as just background stuff if that's how you'd like it to be dealt with.

FI: Yeah sure I mean if there were specific things that you felt would be useful to attribute then just let me know and I can try and be as helpful as possible.

MM: Ok brilliant thanks. So obviously the EU then, you guys have been quite integral to all this and when it comes to the reform agenda generally across the KP that's kind of what I'm interested in at the minute and I'm trying to understand a lot of the dynamics at a lot of the debates and the discussions that have been going on. So I was kind of wondering what you guys have been kind of pushing for in terms of reform and what you've been getting back from other people – particularly when they've been saying no, you know why have they been saying no basically.

FI: Right well there is a formal review process or a commitment by the KP to keep reform on the agenda and it comes around every three years. So during the last intensive reform discussion which was the year before last the EU had a formal position to promote reform of the KP in several respects but including the conflict diamond definition and also look for ways to improve the decision making process in the Kimberley Process so at the moment of course its an entirely consensus based system so it means that if one government objects then a proposal would fail and

this means we tend to get rather bogged down. Yeah so our idea was that the Kimberley Process definition should be expanded because you know it had largely, at least on some views, succeeded on some of its core mandate, the problem of conflict diamonds funding rebel groups but um it could have a wider utility than that and I mean obviously the EU and member states appreciate the Kimberley Process partly because it gives us a platform for dialogue with other Kimberley Process participants and that can be a really useful thing. So we didn't succeed in persuading, well with others who are in the same basket, we didn't end up persuading everyone and we didn't reach a consensus position on reforming the definition but in the Washington Plenary communique there was a commitment by the Kimberley Process participants to continue discussions on that and that was reaffirmed in the Guangzhou plenary as well so you can get that from the Kimberley Process website at the Guangzhou plenary there was a commitment to keep it on the agenda for discussion. I think during South Africa's chairmanship the one that followed the US they did err Shlapo was the ambassador for South Africa, they did show a kind of willingness to engage on the issue but I got the impression that the South African mining ministry took a very kind of conservative approach and was going to resist reform of the definition at all costs – or at least that was my impression [laughs]. While there were lots of discussions they didn't really go anywhere. I think this is one of my frustrations with the Kimberley Process that its, the representation is generally mining departments and they seem to have an interest in preserving the status quo. They will say the Kimberley Process is working very well, there's no need to change it so you don't tend to get a lot of engagement or wider perspective that you might if you were engaging with ministry of foreign affairs representatives who are tapped into that wider sort of governance and human rights type concerns. So that's a bit of a frustration and I think that's why the Kimberley Process doesn't seem to move very far in persuading people that reform is necessary. And the other thing is that the time, I think that industry has, certainly at the time of the reform debate, was, it was formally pushing for reforms

so the spokes people for the world diamond council were pushing for reform but there are never the less a lot of conservative elements still in the industry who sort of remain to be convinced. And in fact some KP participants actually allow industry representatives to represent their national position at KP meetings and I find that myself actually quite problematic. For example Dubai, the UAE, sends along someone from the Dubai Diamond Exchange to represent their interests who doesn't seem to be accountable to political masters in the Abu Dhabi administration.

MM: Really!

FI: Yeah

MM: So sorry I've heard about the lovely Peter Meeus from a few other people and I've heard that he is something of a road block.

FI: Yeah, he's a big road block, that's one way of putting it. You can't have any kind of sensible discussion.

MM: So when you say that he's not accountable to any kind of political masters is that the case then that, when you say that, that political people within Abu Dhabi, sorry Dubai are just not interested in what he's saying, are they just handing the whole thing over to him?

FI: Well so for example, he came recently to Brussels to see us and he was here together with oh what's his name? I'm trying to think, the...ive forgotten actually his name Sheik something, someone very senior in UAEs kind of err...but interested to talk more on the industry side. They don't come together with someone say from the Brussels embassy, you know the UAE embassy in Brussels and they don't come with anyone from the MSA so they come it seems to me wanting to basically engage on the basis that all their systems trading in diamonds in Dubai are absolutely world class there is nothing that needs to change. So they just come in a sort of defensive mode trying to say that they are absolutely fine and they actually come equipped

with certain reports that they've commissioned from friends of theirs in the industry that purport to say that everything is hunky dory and that transfer pricing is not a problem and you know for me its just kind of the wrong attitude when you're kind of in a peer review system you basically um people need to take the view that you can learn something from the peer review process and that no one is above, is above kind of constructive criticism. But if you're coming at it on the basis that you're there to defend the status quo then I think there's no point in engaging with the peer review system but if you're coming in an open minded way then everyone can learn something.

MM: So you're getting the feeling then that they are just turning up then already with the answers already in their heads, they are just not interested in any kind of constructive dialogue.

FI: Yeah so I just feel there is a certain defensiveness. Yeah, I don't know what sort of angles you're looking at whether its more sort of theoretical angles or looking at current issues at the KP I mean what sort of angles are you looking at for your PhD

MM: Umm well its sort of, the thesis itself is sort of a hybrid, there's a theoretical background to it but then there's a very strong empirical element too. So when it comes to the sort of theory part I'm interested to find out how the Kimberley Process has succeeded in not changing really because it seems to me from some of my research that if you're interested in maintaining the status quo, and I think there are some quite conservative elements of industry who this works for quite well.

FI: Exactly

MM: If you are interested in maintaining the status quo then actually the Kimberley Process is great for you, it seems to suit your interests really, really well.

FI: Yeah

MM: Because you can just frustrate all kinds of progressive elements.

FI: Exactly.

MM: And so there's a theory that is based on how interactions work in the international political-economy that sort of says that's generally how these things work so I'm sort of trying to use the KP as an example of that.

FI: Ok yeah that's really interesting like umm it is famously like this tripartite initiative and that is at the heart of it you know that in a way that it means that we are all having to move in formation. I think its actually quite heavy to sort of motivate people to move but yeah because I mean industry is basically scared of any additional compliance costs to the diamond supply chain and they argue that they're not needed, its kind of like um, they argue that they are needed very conveniently because they say that the KP is working within its current mandate and there would be costs I guess to them to expand the mandate or do something different. So there's sort of a commercial incentive against change but then on the other hand people you know talk to you about the conflict minerals due diligence proposals.

MM: Yeah I've heard of these, these are outside the KP though aren't they like three Ts?

FI: Exactly three Ts and gold and there is currently an EU legislative proposal for conflict minerals, a voluntary scheme for conflict minerals for the three Ts and gold and the idea there is that you have the due diligence system that requires those dealing in those minerals to ask questions about where, where the materials are sourced from. And the kind of collective of certain governments and civil society groups and certain parts of industry in particular the retail end in the US who are strongly promoting a due diligence scheme in the US for diamonds and precious stones.

MM: Right because there have been sort of in the past, that have tried to almost to – I don't want to use the term – but they've almost tried to outflank the industry with this you know the OECD came up with something didn't they?

FI: They did but there's already existing guidance for minerals that exists for the three Ts and gold and that's for all OECD members so that's, that's currently in place but many argue that for diamonds and precious stones that because the supply chains work differently you have to come up with some special guidance adapted to that supply chain um to give traders guidance on the questions they should ask at key points in that supply chain. But the reason why I mention it is that on one view if the KP doesn't move you will see other initiatives kind of taking over potentially because the market is demanding it. So the US retail market is a really significant part an important part of the diamond industry and if we cant keep up with demand for that market then you know the Kimberley Process could be pretty defunct in one view because if you cant meet what the consumers want in the US then the value of diamonds you're not going to be able to maintain that because people are going to associate it with conflict and suffering and that's not what they want from diamonds.

MM: [Interrupts and then apologises]

FI: I was just going to say that on one view KP is already at risk in a way if they don't keep up with those demands.

MM: I mean how do you think that Meeus and people like that are responding to that because one or two people are saying that they just don't get it and that they're really not listening to that point of view is that your experience?

FI: Yeah they don't, they don't seem to be interested and in fact what he does is try and dress himself up as kind of friend of Africa saying that all these due diligence schemes are designed by western interests against African interests so he promotes the idea of an us against them, South against North kind of idea and that he also

tries to promote the idea that it's the West's way of trying to impose embargoes on African countries by the back door and if they can't do it by the KP then they'll try and come up with a new standard that would mean that they would have the power to effectively embargo diamonds from certain countries in the world at whim which is not the purpose of it. Its not country based the due diligence scheme it would be regional, regionally based it would be voluntary and it would only require people to ask certain questions so it wouldn't be the formal embargo in the way that the KP could do anyway. But yeah so he, he's basically resisting change at all costs and has even commissioned certain writers in the diamond industry to come up with reports that give kind of the popes blessing to everything that they do in Dubai with diamonds that kind of thing.

MM: Can you tell me who wrote those reports or are they available publicly?

FI: Yeah Chaim Evan-Zohar have you come across him?

MM: Evan-Zohar has been writing in support of Dubai? Blimey that's a bit of a departure.

FI: Really I find him to be a very curious one to track, Chaim to be honest.

MM: Really ok.

FI: Yeah there's a lot on the internet you can um. I mean I don't think I would, don't dismiss what he says I always find it interesting to read but I think he doesn't bite the hand that feeds him put it that way so yeah.

MM: Um ok that's interesting. I might try and chase him for an interview because surprisingly Peter Meeus has not been very keen.

FI: He's not been keen? Hmm I guess [pause]

MM: I guess that's not surprising though, I mean really I'm a researcher from a western university so he's not interested at all.

FI: Well actually one person I would recommend to speak to is um, I work a lot with him on the regional approach and he's been on a lot of review visits is Maurice Miela? He's the Congolese representative.

MM: Sorry how do you spell that?

FI: Miela – I mean I could write to him and see if he would be interested in speaking to you but the reason why he's um someone's whos the team leader of a team that supports the regional approach in which I participate as well and we've also both participated in as well in an initiative that the Australians set up, a study tour that they held in Perth last year to promote better KP compliance and to think together with a group of about 12 KP representatives of KP participants to try and think about how the KP could be improved and all the different implementation challenges. So Maurice is well read into the KP and might have some interesting ideas to share from an African perspective.

MM: Katharine if you would write to him for me I'd be so grateful that would be brilliant. A few people have mentioned this guy to me before actually and I was kind of hoping that I might be able to track him down. I heard that at the recent plenary he was not a happy man?

FI: No he wasn't very happy. The other people I would possibly get in touch with are Eleanor Flowers the Australian focal point, she's been very, shes got a kind of perspective on the KP about how it can become a really credible, useful tool. Even within its current mandate if you focus on technical improvements and yeah I think she would be an interesting person to speak to as well.

MM: Ok well um I'll google her and see if I can find her that would be great er thank you that's brilliant. So when it comes then – when these guys are sort of saying this stuff to you um that there's no problem and trying to bury their head in the sand and stuff I mean how do you argue against that? I mean I'm sort of mystified as to what can be said beyond that.

FI: Well I actually think that um we have to look for, those that support reform, have to look for all the different levers that would support that and that would be different for every KP participant and every element of industry. I mean since the reform debate we've actually got a new president of the World Diamond Council who is very reform minded and very progressive – Edward err Edward Asscher – and I think he would like to um I think he has a personal passion actually for making change and sorting out industry but he knows that he's got a very diverse, very diverse stakeholders that he needs to bring along with him. So in a way it's a kind of, a civil society voice is very important because civil society call it how they see it and this is very helpful to governments and progressive elements of industry because they can always say we need to listen civil society you see. So have you read the PAC report, the Partnership Africa Canada report on diamonds and gold in the Congo that will give you an idea as to some of the issues that they see?

MM: I think I've read all their reports now so I must have read it at some point.

FI: Ok well on the diamond side they were talking about transfer pricing in Dubai and how basically a company will buy in diamonds in Dubai then at a reduced discounted cost and then sell them on at a much inflated say 25% higher price they are exported from a related company when they leave Dubai so they're basically ripping off African governments of their revenues by doing that to the tune of many billions over the last several years.

MM: So what um, I find this really interesting actually – this is something that's relevant to Sierra Leone as well and I don't know if you know about this you probably know more about it than I do but in Sierra Leone they've changed it recently but until lately they've had a 15% tax on special stones so lo and behold no special stones left Sierra Leone for the entire duration of that tax.

FI: That's right but then through the regional approach actually we kind of advocated actually for them to align their tax rate with other regional countries and they did that, they reduced it to the same level as Liberia.

MM: Yeah did you hear the gossip on that?

FI: Sorry?

MM: Did you hear the gossip on that? When I was in Freetown I heard an alternative explanation as to why that happened did you...

FI: Yeah?

MM: Yeah there was a very large special stone found in Kono, in an illegal pit and err the Vice-President managed to get his hands on it and everyone found out about it so he couldn't just smuggle it out to Liberia so the only way of getting out the country without paying the full whack was to actually get the tax reduced and he did.

FI: Well that's interesting. The Vice-President?

MM: Yeah he's hit some political trouble as well recently I don't know whether, he tried to seek political asylum in the US embassy in the last week, he's fallen foul of some people in the Sierra Leone government. Whether or not that's got anything to do with it I don't know but certainly there was a lot of money involved.

FI: That's a fascinating theory I hadn't heard that one.

MM: No well when I was in Freetown everyone was a-buzz about it, it was the big local gossip in the diamond industry. But yeah obviously there's a transfer pricing issue of a kind around Sierra Leone and obviously it's a much bigger issue with DRC and Dubai but what were you guys proposing to deal with this and what sort of policy suggestions were you making to try and address that can you remember?

FI: For umm in the regional approach you mean um the sort of suggestions we made to Sierra Leone on their policy or...

MM: No actually I mean in general on transfer pricing because presumably if you made changes on transfer pricing it would impact on Sierra Leone's problem with it as well?

FI: Yes exactly well certainly in the Partnership-Africa-Canada report they were arguing that transfer pricing should be sorted out so that you're –first of all – that you're ensuring that there is a fair price paid for rough diamonds at the level that, you know in the country that they're produced but also so that, you know, measures should be taken to ensure that you're sourcing your diamonds from legitimate sources so at least African countries are getting the revenues that they're owed.

MM: So how were they talking about how they were going to do that valuation? Was there talk of perhaps industry stumping up some money to perhaps pay to train some valuers or anything like that?

FI: Well from time to time there are efforts made on valuation and the Antwerp world diamond centre has sent some valuers to Cote D'Ivoire to help them, too train them and actually sent some Ivorian staff to Antwerp to do a placement I think for several weeks to learn about valuation. So it happens on a fairly ad hoc basis but the gemmological institute in America has also provided some training in Cote D'Ivoire. I actually think, my impression is in Sierra Leone that they have some good valuers in the government diamond office there. One of the people we deal with in Sierra Leone is Samuel Koroma, he is a valuer.

MM: Yeah I spent some time in the GGDO in Freetown.

FI: What was your impression of that?

MM: Umm my impression was very lopsided. I had some interviews with some guys there who were really good guys but I just noticed that they were quite

nervous and quite scathing of some of the people working that office and it was funny actually even while I was waiting, it was one of those random things that happens, while I was waiting in the waiting room to talk to someone there was a medium scale South African miner there who was exporting his first package of diamonds and I witnessed him paying a bribe to one of the valuers there and then afterwards...

FI: Oh my gosh – how did that work? I mean how does it happen in practice? Because one of the arguments they make is that if you have a group of at least 6 valuers working in an office its really hard to bribe people because you have to bribe everyone or at least everyone has to be somehow party to the deal or party to the bribe – so how did he do it just by bribing one?

MM: I think the money went through one guy and I would think that its very likely that that then got shared around everywhere else in fact I'm certain it would have been I mean the sum was not big. I then spoke to the South African miner afterwards, he agreed to an interview and we had a chat about it, and it was only 50 bucks and it was given to him as you would imagine in a little brown envelope.

FI: So was the bribe to give a low valuation is that what the bribe was for?

MM: Actually no the guy wouldn't tell me what the bribe was for...

FI: Or was it for fast processing or something or...

MM: No, no, no it was an illegal payment that was very clear but it wasn't, he didn't seem very keen to tell me precisely what the payment was actually for. I don't think it was to avoid tax, I think it was, you know I really don't know actually it may have been to actually change some numbers on the actual Kimberley document because later on the guy that I actually interviewed at the GGDO, he was very happy to tell me that there were people working behind him as he said who were working with exporters and they were changing Kimberley Process documents.

FI: Oh my god, I reckon this is probably, I mean who knows possibly we are just all completely naïve and this is just absolutely endemic everywhere but...that is disturbing. I mean how do you begin to address that because you really need the country itself to want to address that because corruption is what it is.

MM: Yeah it is but, you know I don't know a lot about it but, the problem you've got is that the pipeline is so open that the moment those diamonds turn up at the GGDO, you know if you're minded to abstract bribes from people then you can cant you because there is just some much discretion involved in it. You can just say to the guy right well show me your documents where I can trace this back to the mine and most of the time they cant so you know if you want to you can just abstract bribes from people.

FI: But in theory at least there is a way of establishing the supply chain and you know if they haven't done that then...

MM: Yeah the impression I get, I mean the thing is I didn't, I didn't really, you know this project looks at the international political economy of the KP, I'm not really interested in assessing the supply chain of Sierra Leone so I sort of kept away from it to be quite honest as much as anything else just because I didn't think it would be very good for my health to start digging around and asking questions.

FI: I know I mean it is a pretty um...I know what you mean about that.

MM: Yeah there's some, there's some unpleasant people in Sierra Leone working on this but you know the people I did talk to, whether they were in industry or you know there was one industry consultant I spoke to who was very open about it, everyone said the same...

FI: Which one was he? Which industry consultant? Because I recently met, was it Mustapha?

MM: No, no it was a guy called Andrew Keili.

FI: Oh I don't know him he sounds British though.

MM: No he's not, he's Sierra Leonean. He works with Koidu Holdings and people like that – please don't tell anyone I spoke to you about him.

FI: Oh yeah I've actually I think I've been into those offices, they have an office in Freetown I think?

MM: Yeah off the spur road down a dirt track out in the middle of nowhere. Please don't tell anyone I spoke to him.

FI: No, no. So when you were there did you come up with ideas about things that could be done better or, like ways in which the Kimberley Process could become more meaningful?

MM: Um yeah I mean I do personally I'm sort of with, I have to...I don't really know it's such a huge problem isn't it. Those fields are just enormous, they're just huge.

FI: The fields are huge and yeah we haven't had a review visit in Sierra Leone for some years, they're due to have one in fact they're a little bit over due to have one and when the Ebola crisis lessens they're due to have one and I'm sort of encouraging them to aim for either the end of this year or early next year. So I don't know as much about their Kimberley Process scheme as much as I do possibly say Cote D'Ivoire or Liberia but in theory they do need to have a system that they can you know track the diamond right back to the person who produced it but it sounds like that's in theory more than in practice.

MM: The problem they've got there I think is that the pipeline is so complicated, you know you have digger then you have miner then you have usually a local dealer who sells onto an exporter. You know you've got all those layers in between and you know there's just so much scope for fabrication.

FI: Actually scope for fabrication is a good way of putting it I'm afraid.

MM: And you know they've got these mines monitoring officers, but I'm sure you know, you talk to anyone about them and they're a joke, if anything they're more part of the problem than the solution. They're harassing miners, they're taking back handers.

FI: Really?

MM: Yeah yeah they're not nice people.

FI: They're not paid well probably and that's part of the push for having better compliance but whether its counter-productive in the end I don't know.

MM: Well the thing was that when they first devised them they came up with the idea that these guys were going to have to be relatively highly qualified, you know that they would have to have the equivalent of UK A-Level qualifications type thing or even a degree but the government quite conspicuously removed all barriers as to who could be appointed so now they're just appointed on the basis of patrimonial...

FI: nepotism.

MM: Yeah absolutely so you know these guys are just appointed to return votes, to keep people happy in key spots which you know a lot of African governments are very adept at. So you know these guys, and apparently someone actually told me that the ministry of mineral resources actually appointed more MMOs than they could have possibly budgeted for in their entire budget. They just appointed all these guys and basically said go out and pay yourselves and the result was you know enormous harassment of miners and there was social unrest in the fields and all sorts of problems as a result.

FI: Misery, well you have been out into the field and so I think its really interesting to ask yourself having had that experience you know what are the incentives to change here because when you look at that all the incentives are going the other way like all the incentives are for those to get their little slice of the pie whether

that's completely illegitimate or not, like those that are harassing the miners to get their little cut and the illegal dealers kind of hanging around the mining areas looking out for a good deal and all of that so all the incentives are going the wrong way aren't they [laughs].

MM: They are and you know first of all if there was a way of finding another way of certifying the origin of diamonds you know right from the off industry tried to deny that this whole idea of diamond finger printing and run of mine identification could work but randomly I've actually got a friend of mine who's one of the leading assessors of diamond deposits and he's told me several times that that's just not true and its known throughout the industry that that's not true you can actually do run of mine identification very effectively and if you could do that and somehow incorporate that into the KP then you've got something there at least that means that when it turns up in Freetown, when a package turns up in Freetown you can actually...

FI: You know where its from or you've got an idea. Well the KP does place emphasis on that and there's actually a project being run by the working group on diamond experts which is another one of the key working bodies, to do finger printing and to develop a better a profile of diamonds from different parts of the world so that even when they come to trading centres you have an idea or at least you can have some sense as to whether or not the country where they're supposed to have come from is correctly declared or not. So they talk about finger-printing and foot-printing this project ongoing to sort of look at those things. When it comes to current conflict diamonds from Central African Republic we'd like to be able to look at countries where those diamonds might be smuggled to at the moment and assess when they possibly arrive at trading centres whether those diamonds are possibly from those regions.

MM: Yeah I mean not being completely expert in this area but to me that seems like a big step forward. Its just interesting to me the extent to which industry have dragged their feet about this, its been spoken about for nigh on 15 years and its been well known for a long time that it can be done and yet I spoke to someone from large scale industry the other day and they're saying you know we're getting there and I'm thinking Christ you guys have been getting there for 15 years. There are times when it almost seems wilful you know and that actually they don't particularly want to, they don't particularly want to do it – that's just my impression.

FI: I mean so in terms of kind of getting an industry perspective on that, currently the Antwerp World Diamond Centre co-chairs the working group on diamond experts together with Canada and they might be willing to give you an interview, I mean I don't know...

MM: Yeah its been a bit weird actually I've been in touch with a guy called Mark Van Bockstael – he works there doesn't he?

FI: Yeah, yeah he does.

MM: He initially agreed to an interview but then just stopped returning my emails.

FI: He actually got really, really sick at the end of last year so I don't know when you were in contact with him but he was actually in hospital for quite some time and I find that, he doesn't really respond to my emails either even when he's well but there's another, his colleague Carla is around and I wonder, she's currently the co-chair of this working group and I could see if she'd be willing to speak to you.

MM: Katharine that would be great thank you that would be fantastic. Yeah I've been really keen to talk to someone, anyone from Antwerp really to hear what they had to say about the whole thing.

FI: Yeah you'd have to bear in mind of course that they'd want to tell you how brilliant they are [laughs] but they have their own complexion on the Kimberley Process as well.

MM: Its one of things that has amazed me about this since I've been studying really is that you don't just get differing views from one camp to another, you get like stratospherically different views [laughs].

FI: I know [laughs] is anyone looking at the same elephant, its ridiculous.

MM: Yeah its like people are sort of saying, they'll tell you the moon is made of blue cheese and stuff [laughs].

FI: I know, I often feel this too which is, getting back to that little conversation that we almost started on those levers for change I think those levers are different for every actor within the KP, if you want to bring about big change you have to be really strategic about how you persuade people that that's in their interests and that therefore in the industry's interests.

MM: Yeah that's really interesting, how would you go about that with specific actors, how would you gain leverage over someone like Peter Meeus or you know Zimbabwe or Namibia, how do you guys go about that?

FI: Well with um, I'm actually still thinking that one through with actors like Peter Meeus because I think when you cant have a genuine conversation with someone about the problem then they themselves, if they are the roadblock then you've got to actually think well is that someone, is it constructive and useful to continually deal with that person and I'm actually wondering whether in our lobbying lines the EU could begin to say to Dubai, we really need to make this a much more serious political discussion and we need to be able to talk to you about the wider political ramifications of having a KP that's so narrow and potentially you know arguably not delivering what we need it to deliver more broadly so then you sort of open up

the debate and the other angle that for me is really disappointing is that Dubai has effectively paid off a lot of African producing countries by having certain KP focal points from say South Africa, Namibia etcetera sitting on the diamond Dubai exchange board.

MM: No

FI: And I think that how can someone come along from these countries and give a genuine view when they've got such a conflict of interest and I think its not just a perception of a conflict of interest that's an actual conflict of interest.

MM: Yeah that's not a conspiracy theory is it.

FI: No its not and I think that's not, that doesn't support the KPs credibility either. So I think these kinds of discussions are things that we need to be willing to raise and we need to be able to address them head on. But I think civil society is going to be willing to raise them and you know governments that are like minded need to be willing to speak up and say yeah, we've got to get our house sorted out [laughs].

MM: Yeah so I mean you sort of talk about trying to get round Peter Meeus, do think then that it could be possible that the EU could be prepared to talk to people sort of higher up in the emirate government about him and try and budge him, do you think that's a possibility?

FI: Yeah I mean, I think so, I mean we I mean obviously a country is allowed to, to send who they like to be their representative at KP meetings but we've recently had a conversation in the KP on, on whether you can represent industry and a government at the same time in a KP meeting and there were many that were bothered by this idea that some governments sent industry representatives to represent them at meetings because they were really only giving voice to certain angles on an issue. So we recently, we negotiated an amendment to something called the AD administrative on observer status in the KP and the up-shot of that

was, I'd have to recall the precise wording but, the up shot of that discussion in Guangzhou was that you couldn't represent industry and a government at the same time in the same meeting but it didn't foreclose the possibility that a government could send an industry representative to represent them so long as they didn't switch hats half way through. Its worth having a look at it.

MM: Yeah I didn't even know about that, that's really interesting. What did Peter Meeus and the likes of him say about that, I'm guessing they weren't very keen on that?

FI: Yeah he was really tied up in Guangzhou on Dubai's bid for chairmanship of the KP so I don't think he was very active in that particular discussion in that working group which was in the participation committee and was a joint session between the participation committee and the committee on rules and procedure where we were looking at this idea.

MM: So it kind of snuck under the radar a little bit then he didn't...

FI: A little bit under the radar yeah but also I think you have to...when people are driven by their back pocket or their commercial interests you really have to really be able to speak to that and so in terms of influencing Peter Meeus you have to kind of make the case that the diamond industry will be more profitable if its clean or if its seen to be clean anyway. So I think that if we were trying to persuade him that some sort of additional measures were necessary we'd have to be able to say this is genuinely market driven.

MM: Do you think that's possible because I've sort of seem loads of his speeches and presentations and stuff on you tube and he's quite keen to emphasise that as far as he's concerned now his markets are China and India, not really western markets so I mean do you think he really feels like that, do you think he's stupid enough to think that there's a big enough market in China?

FI: Well I guess it's a growing market probably I don't know and maybe China's middle class Chinese have different preoccupations from a middle class American, I don't know.

MM: Maybe yeah I mean who knows to be honest.

FI: Yeah I mean who knows and I would say that China is probably of growing importance but I don't know the numbers exactly. Its probably possible to get the trade figures from the internet though.

MM: I just wondered if he really believed his own rhetoric really or whether or not it was just kind of a bit of a bluff.

FI: Yeah well to me, and this isn't something I'd really want you to quote but he doesn't come across as a very genuine person does he.

MM: No, no one I've spoken to and I must have spoken to close to thirty people, no one has said anything particularly positive when Peter Meeus has come up, no one. Even some of the people in industry who I've thought of as being quite morally dubious have still said that they don't like him. And one or two people have said that even just that is a problem because his personality is very confrontational and he's just not really willing to engage constructively.

FI: That is a problem yeah.

MM: So there were a couple of other things I was hoping we could have a chat about. You know the administrative support mechanism, were you part of the negotiations for that and if so what were your memories of trying to get that through?

FI: Well I was coming into the KP just around that time and that was, kind of, everyone was phobic of talking about a secretariat because they were worried that a secretariat would have some kind of policy or political voice on the KP and they wanted to avoid that and they wanted to really neutralise it and make it purely

about paper pushing and I think its true that I, I mean we're very happy that they've established something because the KP to be an effective organisation clearly needed some better administrative capacities including storage of information and out reach, especially I think I mean the EU can do a lot of that reasonably well although we...for the working group on monitoring but a lot of the other working groups the chairmanship rotates much more often and you might have some governments Chairing it that has may be less resources available in terms of just you know providing for the administrative needs of that working group, distribution of materials and setting up teleconferences and all that kind of thing. So in a way I think its good because it potentially levelled the playing field a bit because it means that some governments might be interested in Chairing a working group if they had someone suitable to be Chair could still do it with a little extra support from the ASM in theory. I still think that, I mean I was seeing a lot of teething problems with the ASM last year when it was doing a written procedure and you need a written procedure to get responses from a minimum number of KP participants within a certain period of time and they hadn't sent it to everyone so it was very frustrating, we only heard about it indirectly and we hadn't even been sent it ourselves. So I feel they are probably building their capacity and it probably needs to be further reinforced to make it a genuinely effective...

MM: Yeah again, I mean that's funded by industry isn't it, a WDC thing?

FI: AWDC, yeah so AWDC actually devote some human resources to it, the woman that kind of heads it up in Antwerp gives I think about an hour of her time every day to it but she has other duties as well and then other aspects of the ASM are kind of farmed out to other KP participants so I think Israel does communications, the Diamond Development Initiative does the technical assistance and then...there's another one as well, I've forgotten.

MM: Don't India do something as well?

FI: Oh yeah India, they do...what do they do? I'd have to look again at how all the different roles are divided up but it's a very cumbersome thing really, they're all operating in the furthest reaches of the world and I think they're still sorting that out.

MM: Yeah has there been any pressure on industry to fork out a little bit more and try and make that a bit more real?

FI: A bit more effective? Yeah I wouldn't want to completely discourage them by [inaudible] what they've done so far but I do think that more resources would make it better. I think you could easily have someone full time really getting into it and supporting the Chair so you know Angola as Chair this year I think needs quite a bit of support I mean they have some great ideas for their Chairmanship and setting up all these seminars on different related things like money laundering, terrorist financing, voluntary principles and all these things but in order to get those seminars off the ground and they really need to get into developing their concept and organising speakers and that's something that an administrative support mechanism should be able to do.

MM: Yeah so like when it comes to chairing the monitoring group or anything like that how much resources are we talking about you guys having to put into that?

FI: Quite a lot really I mean it involves setting out an agenda, preparing minutes of each meeting also preparing specific agenda items, so coming up with policy ideas on issues that the working group should address. We have a sub-group on information sharing which we are coming up to having another tele-conference on so we've got to develop our ideas on how information sharing in the KP could be improved – that's just an example. And then also going on review visits and organising review visits quite a lot really.

MM: There was one other thing as well that I think you really might be able to help me with. When I was in Freetown they said, I'd heard about this review visit to

Liberia but people told me that they went to Freetown as well and spoke to some people there and one of the guys I interviewed said that he was on, that he was on the review team actually and that the report, he had submitted his portion of the report, as a civil society representative on that visit he had submitted his part of the report but he had been prevented from reading it himself, the final draft, and then it was sent to KP plenary and, he was implying that Sierra Leone were involved in this as well, and they had refused to actually publish the final report.

FI: That was, were you in Monrovia speaking to someone there or was that in Freetown?

MM: No that was Freetown.

FI: Oh right well because the civil society representative on the Liberia review visit was Alan Martin from Partnership Africa Canada so I don't know who that person was in Freetown.

MM: Um it was a guy called Abu Brima who's Network Movement for Justice and Development and I can actually quite remember whether it was a visit or a mission but I'd assumed it was a visit and that they'd come to Freetown and actually another guy I spoke to at Koidu Holdings confirmed that he'd spoken to people at the KP as well.

FI: Yeah, yeah well we did, we did go to Freetown as part of our visit on the regional approach so we did a regional visit of all of the capitals of all the West African countries we were working with. I don't recall Abu Brima but there wasn't a, I don't think there was, I certainly didn't have any kind of official input from him in terms of that visit and so I don't know whether he's maybe thinking of something else, I can't think what it would be though. The civil society coalition does supply annual reports to the KP and that is all coordinated through Partnership Africa Canada so any civil society organisation that's officially part of the coalition could contribute to that report so I don't know if that's what he could be referring to um but yeah we

definitely did speak to people from Koidu Holdings when we were in Freetown, I'm pretty sure as part of our regional approach visit but we didn't ask them for any written material we wrote up our own report so I wouldn't have expected Koidu Holdings to be directly writing any contribution themselves so I'm not quite sure what their complaint would be.

MM: No no no I'm sorry that was not their complaint that was Abu saying that to me and actually I think that probably clears up what happened there, I think he may have meant that he submitted something to PAC and then he wasn't able to read it

FI: [interrupts] and it wasn't included or it wasn't read out. Yeah because what happens with civil society is that they contribute to the KP in different ways and the civil society have a written report that they provide to the KP but they also do a speech and they agree the terms of their speech just before plenary and it may be that Abu submitted some ideas for inclusion in the civil society speech that weren't picked up or something I don't know what he's saying but...

MM: But when it came to...what it was he was really complaining about to be honest was that this situation whereby initially all the review visit findings were completely confidential weren't they, they were just kept within the KP family and obviously there's been some work to try and increase transparency and then we sort of got this classic KP fudged compromise whereby its down to the government to decide whether or not it wants to publish the findings or not. I think that that was really what he was complaining about and I sort of find that quite interesting in that...were you party to those negotiations at all?

FI: About the principles that govern the confidentiality of reports or...

MM: Yeah and how we ended up with that compromise.

FI: Well I would say that most governments are keen to demonstrate transparency and you know now that there's this clear mechanism to put on the KP, the open part

of the KP website, a lot of governments have taken that up. So I think it does improve transparency to have that as a mechanism and I think in practice it will be more of the default position because I think if you want to keep things on a confidential basis in the closed area of the KP website people will always wonder why you know [laughs]. So it sort of begs the question what the sensitivity is. So I think we'll find more and more that people take up the option unless it's a really, really difficult report in which there's serious questions about compliance or something normally I think people will want...and even then if there are serious questions of compliance and the government is wanting to address those the report can actually be really helpful to them because it flags up areas in which they might need technical assistance so it might actually be very useful to them to have the report out there so they can say actually we need some help with this, can you help?

MM: So you sort of think then that almost peer pressure or shaming will mean that more and more governments are going to post those reports regardless of what it is they say?

FI: I think that's going to become more of the position yeah and even with countries that you might think have pretty water-tight procedures you know you'd be amazed at, the KP usually comes up with some kind of recommendations for improvement it might be, so you look at the Canada report from 2012 or the US report its not like they are all like that there's no comment there as to how they could improve but they are all kind of published and they were, the US and Canada were very, well certainly the US I remember really wanting to have it out there as a public document.

[Interview draws to a close].

Interview Transcript: Recent US government Kimberley negotiator

Interview Type: Skype

Date: 05/02/2015

In-text reference: HD

[Following a brief exchange of greetings, a short discussion concerning the nature of the study and a thank you from the interviewer, the interview proceeded as follows]

MM: Can I just ask Brad quickly would it be ok if I recorded our conversation?

HD: No problem to record it, if you end up wanting to, I guess I'll just say if you end up wanting to use anything you know general background information, you know general anonymous 'someone at the KP said' that's fine but if you do end up wanting to quote any of my spectacular nuggets of wisdom I'd ask that you come back to just because my...for some reason graduate level researchers in the UK seem to have a particular knack for finding me so I've now talked to a few different researchers doing different things around the KP and diamonds and that's the sort of view I've got from the corporate communications people is you know its fine but if you're going to get quoted treat it as you would with the media so you know, so just let me know if you intend to use anything but um go ahead and quote I mean go ahead and record that's fine.

MM: Thank you yeah actually I'm not using any names at all in this study.

HD: Ok, great.

MM: I'm anonymising absolutely everybody because I just think it's easier to do it that way.

HD: Yeah no you're right.

MM: So sorry other people from the UK have been studying this? I'm a little bit frightened to hear that?

[The interviewee then explained at some length the studies of the two other PhD candidates he had spoken to on the subject of the Kimberley Process – to save time this part of the interview is not transcribed as it is not relevant to the study.]

HD: Well look in terms of yeah, some of those are big issues. I guess I would, you know I worked on the KP, I was the US representative to the KP from the 1st January 2009 to the middle of 2013 so and you know really right when the Zimbabwe issues started to, you know had been around for a couple of years but really started to pick up steam as a real kind of cause celebre in different areas and you know in some ways it really was a kind of moment for the KP to have to deal with its first real crisis. You know maybe as just an interesting anecdote you know I had worked before coming to our state department at our treasury department, our finance ministry on economic sanctions and worked on a number of Sub-Saharan African sanctions programs mostly related to UN sanctions on conflicts in the Congo and Liberia and Sudan and elsewhere and the KP kind of came into my orbit because the implementing regulations in the US for how we implement the KP are on the books of that agency. And so I started going to meetings, sounded interesting, decided I wanted to work on it some more and, anyway, I ended up getting to transfer over and my predecessor told me, sanctions can be a pretty, it's a lot of long hours and there's a lot of stuff going on you know writing executive orders and dealing with the White House and all this pressure and my predecessor told me you know the KP is very much a kind of, you know, yesterday's news. You know you'll work, it's interesting but you won't work that hard and it's sort of err, and it's become a kind of a technical, a really kind of technical thing that most people have forgotten about and I think coincidentally, you know I think that was generally true, and coincidentally when I started principally because of Zimbabwe all that changed and you know within two years I remember I was going up to the secretary of state

about the Kimberley Process so it was a thousand times different than what my predecessor had done and I think that's really in some ways emblematic of what people wanted the KP to be right. It came in in January 2003 and I think for most or many governments and certainly for the industry, they kind of said right, problem solved. We'll have this certification system, we've covered everything and you know [pause] that's that. And you know there weren't any really huge crises. Venezuela became a bit of an issue for a couple of years but you know there weren't really a lot of major problems and so I think the original systems that were set up, those original compromises such as, you know we won't have a secretariat because there were suspicions about it being in different places and we'll keep this consensus by unanimity structure and some of the other initial things just sort of stayed that way. And there were some additional procedural things put in place, internal controls, administrative decision and stuff like that but you know – pretty basic stuff – and like Congo-Brazzaville being kicked out in 2004 was a kind of initial crisis but you know dealt with pretty quickly and pretty handily and politically Congo-Brazzaville is not a country that is going to generate a lot of huge interest or political concerns on either side. And so I think a lot of the things that had been unaddressed in the original structure, you know again not having a secretariat, and really not having a clear means of enforcement, not having a structure that's set up to actually enable countries to implement this thing and it being an unfunded mandate so to speak and a lot of places where they lose money implementing what is ultimately a requirement if you want to be a part of world trade. The lack of foresight and the lack of awareness of other issues starting to emerge at that time in the same industry, you know when KP comes on line that's right around the same time as EITI starts to get its first discussions, the voluntary principles were launched in 2000 but were still sort of coming around to initial notice and you know none of those kinds of mechanisms were really put in place so the KP was a little bit to my mind frozen in time for you know five or six years and then you know Zimbabwe kind of ripped off a lot of um, a lot of that initial band aid you know or whatever

and showed that there wasn't much transparency and that the KP really wasn't so clear about what its role was and what its role wasn't and [pause] I used to say that the Zimbabwe issue that started in 2008, started with a problem that really was a voluntary principles problem and the issue at core was the role of public security forces and the human rights of those people around the mining location. That's what the voluntary principles were set up to deal with and then it became an EITI problem now which is where's all the money going. It was never a conflict diamond problem but the KP at the end of the day was set up, was the organisation that ended up having to deal with it because people expected it to deal with diamonds and because of the tool it had as being this kind of linchpin of world trade it had a WTO waiver that sort of says you know if you want to trade in world diamonds you've got to be a part of this system. So the KP is sort of everything and nothing. It's this mandatory system that people have a lot of expectations of but when you drill down into what it really does, to my mind there really isn't a lot there. So anyway that's kind of rambling in a bunch of different directions. And on the secretariat there's a lot of legend and I would think that at this point you probably know more than I do about the original arguments and decisions but I think between questions of funding and you know suspicions – at the time you had a lot of transition in the diamond trade and De Beers kind of moving away from being the monopoly to having a lesser share but you know still bank-rolling a lot of the KP but you know the different trading centres and the questions about data and you had a lot of transition at the time as well around, I mean the Rapaport price nets, price lists had been around for a while at that stage but they really started to come onto the internet and a lot of the traditions as to how the diamond trade was done were in flux. I think there were a lot of suspicions at the time about who [pause] um who would do what, who would have access to what information and then I also think probably a lack of um you know like on the one hand the diamond industry is one that has 8000 trade associations like there are just so many. So on one level my guess is that the industry thought we can't, not another secretariat, not another

organisation, not another thing that we have to pay for – can we sort of deal with this separately?

MM: You think that that came from the industry that they were worried about that?

HD: That was my sense, that the industry was worried about that. There's so many associations already and who's going to have the data and there was jostling for some level of control and then governments you know the traditional governments – the US was basically opposed to the Kimberley Process in the early years – we're now one of the main governments people look too to fund something like that but at the time we weren't supportive and you know again I think European governments were I think willing to be supportive but the fact that South Africa had taken a lead, I think there was some interest in seeing other governments step up and take the lead and so nobody, at once nobody really owned it and the way the negotiations went for a couple of years where they kind of rotated around different countries I think basically people sort of said well alright we can manage this without really any understanding of what it actually takes to run an organisation and I think today, at the time you were really at the beginning of these multi-stakeholder type although I mean at its core the KP is not a multi-stakeholder initiative in the way EITI and the voluntary principles or all these other organisations are because governments are the members or are the participants and everybody else is observers so it's not equal footing in the way EITI or other organisations are. You know its close enough and you have the three pillars of kind of involvement and I just don't think people got or understood what it would take to run an organisation like this efficiently and effectively and you know if you were starting this today you would have any number of organisations to look to that say, what does it take to host meetings, what does it take to keep track of all the data and the reports, what does it take to keep up a website, what does it take to help support countries that are trying to implement it. I mean the EITI secretariat has what now 15 -20 people something like that, its huge and the voluntary principles secretariat

is run by a law firm that gets paid a bunch of money to do it and every kind of small, even small organisations have a secretariat and yet here is an organisation that is again at some level quasi-regulating \$50 billion of world trade and it doesn't have a proper secretariat so... You know the arguments over time, when we were trying to get it stood up, and I suppose we ultimately did sort of were, they were all about, who's going to pay for it, and again those suspicions of you know is someone going to use this to drive an agenda and I think the problem was that there were still a lot of people at the KP who frankly don't appreciate what the KP could be if it was run effectively and efficiently. You know because I think a lot of people in the KP aren't connected to those other organisations, they're part of mining ministries or part of commerce ministries and they're not aware of the power of an organisation like EITI. And what it's been able to achieve at the communications level and at the perceptions level, even at an actual activity level, I think EITI is way less relevant and important than the KP in terms of, or way less impressive in terms of what it actually tries to do but if you were to walk around a lot of Western capitals and kind of say which is more legitimate the KP or EITI you wouldn't even get a laugh if you said the KP. A lot of that is because there isn't the kind of centralised effective, efficient secretariat that can communicate, that has people that run the organisation efficiently but I just think that a lot of people in the KP sort of don't know what that could look like as its always been done this way they're not part of their systems and they are probably part of a government that's not... many governments are you know equally inefficient and are not necessarily aware of how it should go. So I really think that's a really big part of it and you know when we tried to stand it up around 2012 a lot of the suspicions at that point involved or were driven by the Zimbabwe mess which I think had reignited a lot of North/South, East/West type suspicion so when we had different applicants [to run a secretariat] so if they were based in the West or if they were from organisations that were working on issues like, one of the organisations involved like the EITI applied and another organisation that was probably best suited was a Swiss organisation connected to

the international code of conduct for private military security contractors, a really effective organisation that's done a great job of getting that staff set up...and you know some of the Southern/Eastern countries looked at it and said you're just going to use that to promote this agenda around non-conflict or human rights issues and we don't want to be a part of that so...you know again sorry more rambling but you know I think that err so we ended up stuck with the diamond industry [running the secretariat] because A it was going to be free and B because they were sort of like a lot of known actors even though what we set up was remarkably inefficient you know kind of arguably not much better than what we had before – the system, it could be better. The Belgians have ultimately hired somebody [inaudible] so I think that's going to take years for that to really sink in and change and for chairs to really use it properly.

MM: Yeah it's been described to me as a real dogs breakfast. At least that was how someone described it.

HD: Yes, yeah you know, I'll say it's a dogs breakfast but it has the chance to pull together as a pretty good human breakfast but you know it takes ownership and it takes some commitment and it takes or it probably takes the Chair's to be committed to it and maybe Angola will be but neither South Africa or China ever were. I think if we were chair again I think that would be something we'd prioritise. I take pride in the fact that people say that when we were the Chair, forget about the agenda, forget about the reforms we tried to make but just making everything run smoothly; communicating, making people aware of what was going on, sending out documents well in advance, making the agenda clear, the documents that were up for decision were communicated to everybody well in advance by our embassies. People knew what it was they were coming to before they got there which is almost never the case and I think that's, you know that takes organisation that takes kind of thinking, right this is how we are going to do this, how are we going to plan and

if you had a Chair that thought that way and thought right well let's use the ASM to do this then I think it could work.

MM: So sorry then just to clarify then you think that South Africa and China, I mean how would the Chair not use the ASM?

HD: Just do what they did...The Chair has their own offices they have their own staff so they just do what they're doing just kind of setting up the meetings, thinking about the agenda and...

MM: They just ignore it?

HD: Yeah they just ignore it. They don't communicate through the ASM, they don't work through the ASM they don't coordinate – because that's you know that's how its always been done right. You hired your own staff you hired your own people, you set up the meetings, you did everything yourself, you coordinated conference calls you did all those kind of things on your own and I think people just don't...it's a pain in the butt and especially for governments you know I wouldn't say that... you know South Africa's government is remarkably dysfunctional in my view but so are most governments right. But you know the South African government and the Chinese government obviously have the capacity and the wherewithal to be organised, to organise big meetings and to communicate to people that are involved in something. You can't host summits of the BRICS countries or the G20 if you cant do things like that and they do that but I think the issue is again from the KP its just not what's expected and people don't realise the potential of what could be going on within the organisation. So you just don't use the ASM you just do things yourself and we would just err I think over the last couple of years since I've been connected to people in the ASM, you know they reach out to the Chairs they reach out to the Chair staffs and they don't get a reply and you know there's no obligation necessarily right, that the Chairs use them and no-ones paying for it so its not like

you feel you're losing something if you don't use it, its just, its there and but boy it could be so much more than just stats.

MM: Ok so lets just pretend for a minute then that the ASM is something useful and effective when it came to, if we just go down into some of the detail of this, so when you were actually sat round the table discussing the possible introduction of the ASM what sorts of arguments did you use to try and convince the naysayers to actually implement this and what were they saying back to you, what were their objections?

HD: The main things we focused on were the inefficiency of the organisation and, you know the fact that you cant...that people in the KP really have no ability to find old documents, things are not organised in an efficient way. If you go on the website, I mean the website is better than it used to be but, you know, and there's no, there's no sense that you're part of a real organisation. If you're not in a couple of the working groups that do a lot of the work then you have basically no idea what's going on in the KP at any given time. So if you're Switzerland or Korea or Tanzania, you don't have any clue. And you show up to a meeting and you, you – I mean there are times literally when people who are participant governments, people who have been a focal point for a decade would be emailing me a month before a meeting saying 'hey is there a meeting, where do we register, where do we sign up', I mean no communication at all – the years when Angola and Congo - I mean Angola, Congo, South Africa you know those, even the Israelis struggled – even we struggled right I mean people change, don't get the right information there is no...and that's no way to run, that's no way to run an organisation that has some 80 some countries that are members.

MM: So how would people know the agenda then before they turned up?

HD: Sometimes they wouldn't, sometimes you would only get it when you got there. Sometimes the Chair would post it, sometimes [inaudible] they would put it up on

the website and usually it would be very different once you showed up but again none of that would be communicated and even for the working groups that work they're giving everything themselves. The EU has been the Chair on the working group on monitoring since the beginning, you know it's the EU's staff that set up the conference call, make sure the phones are working, get all the information out. There's no reason the EU's staff time should be being spent on administrative details like that. And the other working groups that don't have conference calls, its entirely because the staffs of those governments don't have the time or the wherewithal or the capacity to do them. And so you would have several working groups that basically only meet during in person meetings and that makes things remarkably inefficient – similar to just getting out the communications stuff all those things, you know those things take time, they take follow up.

MM: So sorry does this mean then that actually you can have a lot of people turning up at plenary and being presented with issues and not having any mandate to agree anything really at all?

HD: Ah that's a great question – yes. And I would say that goes back to my point at the beginning which was, for most of its time, the level of issues that people were needing to deal with was such that you know you don't necessarily need a clear mandate, they're not controversial issues, they're not, they're within the mandate of the working level person like me, you know a kind of functionary person because it's just about the nitty gritty of how the KP works. So it's a lot of those kinds of details. When we had the Zimbabwe crisis that's when you had ministers getting involved and at that point that's when we had big impasses in the KP because people would turn up and we'd be negotiating and people didn't have mandates, they didn't have mandates [inaudible] and people weren't used to needing to get a mandate before they came to a KP meeting because nothing mattered. You know the ministers didn't care but when it came to Zimbabwe over time well then they cared and then that's when you had all these big months-long, year-long impasses

around different issues because those kinds of systems weren't in place and again all of those, to my mind much of that, we could have gotten through that much more efficiently if there had been a secretariat. It was just communicating and ultimately it was then moving from just communicating to ultimately facilitating right which is dispute – you want a secretariat that isn't writing its own ideas, that isn't drafting documents saying let's do it this way but is shepherding ideas back and forth and is communicating back and forth to parties what others are saying and you know, this is what they're saying what do you think and none of that exists and so all of that is happening really at the level again and really there are at any given time a half dozen maybe a dozen of the functionary people like I was who make the KP work there are 10 maybe 15 people at any KP meeting who really understood what's going on and really understand the breadth of decisions. There might be a couple of working groups who understand their own but who have no view as to what's happening in the other working groups and at really a kind of meta political level overall. And so those were our arguments and the arguments back were really basically all the you know where's it going to be, who's going to pay for it, the KP works fine. The Indians would say well we'll just make a better website and everything can run efficiently through a website and we'd say ok fine build the website and then we'll talk but you know it's a lot of those kinds of – this can be handled by technology, we'll take care of it and no-one ever does so. You know so we get a lot of that kind of stasis so its just like well, it just easier to do it the way we always did it and you know there are some people within the KP who, you know the Russians, not just the Russians but the Chinese and a few others who have that...it's the double edge of the double edged sword in this case. Because the KP has that world trade kind of regulatory requirement piece to it and the fact that every country has to pass national legislation to get in, right so every country has its own law about the KP, countries would say look we can't make changes. We signed up to X and you can't make it X+1 or you can't make it Y or X+Y. We signed up to that.

MM: Because then there are knock-on implications then for everyone's domestic regulations?

HD: Yeah for everyone's domestic legislation. And I mostly find that to be a red herring you know but there's only so far you can take an argument with the Russian government about what the Russian implementing law for the KP is right so, and you know the consensus by unanimity problem means that ok that's that. If they don't want to do it, they don't want to do it. And the fact that the KP was kind of, I think for a lot of governments like ours was a mostly technical kind of thing, diamond trade was not such a big deal to the US those kinds of things – we're not going to demarche the Russian government at a super high level to say make a decision about the KP when obviously there are much more significant items on the agenda between the United States and the Russians. And that's true of any government, any other government with which we have differences in the KP Dubai, China, South Africa you know there are always pages of issues that are higher up the agenda so you know I think a lot of times those governments know that like I can scream till I'm red in the face but ultimately people not that much [inaudible] couldn't care. That was another issue when the KP really struggled on the issue of Zimbabwe was when people above me, above all of the people at the KP did care and this issue was a big deal and I had to give all of them a KP 101 education because its not the kind of thing that they're used to in the way that if there's a disagreement in the UN or OECD or somewhere else, they're used to knowing how those organisations work, they don't know how the KP works...so anyway.

MM: No that's great, that's interesting. Actually some people, particularly in Freetown actually, guys who are trying to reform the KP, they're getting frustrated with the constant meetings the constant hold-ups and this sort of stasis that you've been describing there. So it sounds like if you had a secretariat that would be one of the ways out of that. So just moving on then, just moving on to this issue of human

rights, I know that this was a big thing for the US wasn't it when you guys became Chair that you were trying to press for.

HD: Well you know umm initially human rights but ultimately we modified that to these sort of broader sets of conflict beyond the definition which is extremely narrow and you know doesn't cover a lot of situations where I think people think it should cover. Even governments that oppose the definition change, if you talk them through a scenario they'd say well yeah that should be out but you'd say well its not out according to the current definition. Even the Central African Republic which was suspended under the KP for two years doesn't technically meet the definition. So err you know human rights I think became an issue for people before I started and before we became the Chair but it certainly became a stronger issue during the time I was there for a whole range of reasons um and yeah we pushed a definition that, and it's still technically on the agenda, that we thought would get at more of the kinds of situations that the KP should be covering and you know but not necessarily bringing in...you know people made good arguments about broader sets of human rights concerns and our argument was things like, so the Washington declaration around artisanal mining was adopted when we were the Chair, you know gets at some of those human rights issues but from a positive development perspective rather than from an exclusionary negative perspective.

MM: The Washington consensus that is just recommended though isn't it, there's no changes to the stipulations there though is there?

HD: [Laughs] correct it's a positive development that should be included in review visits and people making, you know the Angolans will be featuring it a lot this year in terms of their focus on what's being done around these issues but again much more from a 'hey these issues are important we should work on them' rather than people seeing them as exclusionary and I think some of those issues are very hard to objectify in a way of what, how you exclude trade from a certain place if human

rights are being violated, who's deciding how the human rights violations are happening and how its connected to the diamond trade and who enforces that and those are tough questions. We kind of narrowed it down to, well look if we are about conflict diamonds then it should cover conflict and not conflict in the way its defined now. You know the way I put is, if you're, the certification question is a yes no question. You either are a conflict diamond or you're not. If you're certifying no this is not a conflict diamond, when the answer could never be yes then that's not much of a certification system. In 99% of world diamond production unless there are radical changes in geopolitics then 99 – 95% of world production has no chance of falling under the definition of conflict diamond barring some crazy changes in events which obviously can happen but you know the places where you were vulnerable to having conflict diamonds are really small so you know all of the talk about the KP covers all this trade etc again you know you might as well say could these diamonds come from Mars? There's as likely an answer of yes in most cases as there is do you meet the definition, the KPs definition, of a conflict diamond and I don't find that to be an effective certification system. Now, what I do think, and this is what I've said in various different places is you know the KP is really successful just not at stopping conflict diamonds. So it's a really successful organisation in many ways – transparency you know countries like Sierra Leone having to over the course of many years, in fact probably decades, formalise their trade and moving towards formal systems, of building connections between governments around the diamond trade, improving development – all those things are true. The KP doesn't actually stop conflict diamonds and I think that's a fundamental reason and you know people say well, if you're arguing and we've had these arguments and we'd say look the only example of actual conflict diamonds in the KPs time was Cote D'Ivoire and the KP was an abject failure in Cote D'Ivoire and I think few people would disagree with that. So people would say well if we can't do that then people at the KP would say shouldn't we concentrate on strengthening what we have before we expand it and my argument

was no there has to be a broader sense of the potential impact of the definition before people start taking it more seriously and giving the right kinds of assistance to countries like Sierra Leone, throughout the Mano River Union and in small trading countries in South East Asia where you know Vietnam, Taiwan you know where there's not a lot of...and then also in South America, Brazil, Guyana where there's not a lot of, there's just not a lot of attention paid to this, its really just a blip on the radar. You know the potential for more countries to be potentially covered in some way, you know would wake some people up – not that we are looking to exclude lots and lots of countries but you're hoping that the prospect of that actually causes change right. We weren't necessarily, you know we were obviously always accused of trying to exclude lots and lots of countries so that our Canadian friends would be able to market Canada Mark better – that was the allegation at the time – but you know which obviously was silly but we weren't interested in excluding people we were interested in ways that were going to promote better completion and very few people in the KP had any sense of...you know I chaired Friends of Cote d'Ivoire which became a Friends of West Africa for a couple of years, for several years and you know I was aware of what was happening on the ground in West Africa to some extent but very few people in KP were I mean I think if you asked the Chinese delegates or the Russian delegation or the Swiss delegation or whoever, point out to me which is the Sierra Leone delegation they would struggle and then what's happening on the ground in Sierra Leone, or what's happening on the ground in Angola they have no clue. At the international level there is really little effort put on, emphasis put on national implementation. And that's another, again, another interest that we had in both in the definition, another a proposal that we put forward but which didn't get adopted which was the idea of adopting kind of national implementation task forces which Brazil has and which is the EITI model frankly. Every country if you're implementing this thing should have an actual task force [inaudible] where you bring the other sectors together to talk about local or national implementation and that sort of thing just doesn't happen so.

MM: How did that get shot down? Who...

HD: It didn't really get shot down it was more a, you know again with the voluntary thing it was more that it just got lost in the shuffle of the other much bigger kinds of...it didn't really have a umm

MM: It didn't really get any air time is that what you're saying?

HD: Yeah it didn't get any air time and it was you know over-shadowed by lots of other things. It was sort of a pet idea for me but there weren't a lot of other people getting fired up about it. Civil society was here and there but there were much bigger issues and again I think that's the kind of thing, that's the sort of basic, and I tie it back to the secretariat discussion. Unless you have people who are focused on the fundamentals it all kind of gets lost and countries like Sierra Leone kind of get left out in the cold and people don't understand what's going on on the ground, they don't understand what difficulties they face and the KP is lucky that organisations like Global Witness have left but don't point out to the world as often how many gaps there really are.

MM: Well yeah to be honest Brad I've been studying this now on and off for about five years and some of the stuff that you come across, you read what's being said in a meeting or how people understand the KP to be working then you look at it on the ground and you think oh my god, its almost like sometimes people are just living in a completely separate reality. Its quite startling actually and it is amazing the way that some of the NGOs, the way they don't seem to be shouting more about it and its one of the things I've found quite puzzling actually. But anyway that's a side issue so just to get this cleared up for me then. You guys came up with a new definition for a conflict diamond which if my memory serves me right is a conflict diamond is any diamond that is, that had violence associated with it in the pipeline or something like that I think.

HD: Yeah

MM: So when you guys presented that who was it that came back and said no that's not great and what were their reasons for it can you remember?

HD: Err yeah I mean there were lots of concerns I think you know the main ones were. I mean there were a couple of levels. One was just, we tried to be very precise in terms of how we defined other kinds of conflict um but the definitional issues were always questioned and you know what it comes down to is who's making the decision right. I think a lot of the objections, the current definition relies on some kind of decision being taken by the security council or general assembly and err most of the people in the KP wanted some other actor to be making these decisions.

MM: Sorry Brad I don't quite understand that you...

HD: They want human rights experts or conflict diamond experts to be making those decisions right their sort of feeling is...

MM: As to what was violence?

HD: Right, what was conflict and what was violence. So the idea is, and this was a big argument for Dubai and for India and at some level I can understand it. The people involved for us at the KP, they don't have their foreign ministries involved like our state department does or the UK does or most of the Western governments have; foreign ministry representation. So in terms of the [inaudible] understanding at times of what we thought of the conflict in X place you know I can walk around the hall and get that sense whereas that's much more complex in a country like India and you also have places, many governments, many countries I should say represented more or less by their industry right. So Dubai, a number of African governments, if you look at the people who are sitting behind those pegs [long pause] they're industry people and there's no, and this is one of the things that KP insiders like to argue about but doesn't catch on outside, the conflict of interest problems in the KP are legion, legion and so the guy writing everything, anything that happens that comes from Dubai now, he's a Belgian guy, who works for the

Dubai diamond exchange, the Dubai multi-commodities centre and you know the Emirati government...

MM: So sorry, Peter Meeus, he's also the Dubai representative as well as speaking for the Dubai Diamond Exchange?

HD: Yeah he occasionally will hide behind some Emirati person but for all intents and purposes, on every KP call, on every KP meeting for the last [inaudible] years – if you want to find the KP representative, its Peter Meeus. And occasionally his boss Ahmed Bin Sulayem will come but again his boss is not a...his boss runs the Dubai Multi Commodity Centre, he doesn't have a ministry of commerce or a ministry of foreign affairs position. So you have a number of people like that who it's really not in their mandate and they say well the KP can't make these decisions because, they can't do that. So we'd say well get the people in your government who can but again that's not that easy. And so ultimately I think that became the biggest [problem] on a kind of substantive level. There's all the arguments of again you know this is the West trying to exclude things, and politics and people saying no to us and you know a lot of that probably motivated people but putting aside the political bullshit, at a substantive level I think those were the strongest arguments where what, what...how is the KP going to make a decision like that and kind of what right do we have, what mandate do we have from the international community to make that decision. That's what the security council is for, that's what the Human Rights Commission is for, that's what regional governmental bodies are for so we can build from them but we shouldn't be making that determination ourselves. Our argument back was always well that's you know, then you're essentially A) you're going to have most of these situations where the international community won't act and the diamond industry will bear the brunt of that indecision or the international community will act and the people making those decisions won't be diamond people, they won't understand the impact on the trade, they won't understand how the trade works so you're essentially outsourcing your

decision, the decisions about what impacts the trade to non-experts and that doesn't make sense when, as the Zimbabwe example showed, the world even though you know there was really no argument that these were conflict diamonds, the world came to the KP to solve that problem and so the expectation was there and you know the KP kind of fumbled around with it for a couple of years but that was always in the back – look the world expects us to make these decisions and if we are not going to then this thing will continue to become less and less [inaudible].

MM: Hmm because the Financial Action Task Force is doing that now really isn't it?

HD: Of course yeah and a perfect example I mean you look at, the KP should be taking that bull by the horns right. FATF even wrote a letter to the KP last year saying you know waving its arms saying 'hello, we wrote this report what are you going to do about it?' and frankly that report has plenty of problems and whatever else but the most interesting parts of that report in my mind are the few pages that deal with the KP and the failure of the KP. And one of the lines in there that I've used in a bunch of presentations is that you know the KP lacks transparency to kind of enforce more officials at the borders right, its kind of all about national implementation is failing anyway but the FATF report makes a lot of good points and the KP, the industry just in the last couple of months was arguing that the KP shouldn't be doing anything around the FATF report. And the World Diamond Council, you know the industry body representing the industry at the KP, when it said it wanted to do something around the FATF report you know all India, Dubai and all these countries revolted and said that's beyond your mandate. The WDC doesn't have any right to be doing this because that's not the mandate of the KP and you know that's crazy but you know again I think it comes down to, the KP was set up in this little box and some people want it to stay in the little box and whether its because there are legitimate questions about mandate and role and authority or you know more you can take a more conspiracy theory approach and you can say well they like it that way, you know the consumers are happy and they know something

is in place even if they don't look at the details so... Anyway those were the big arguments around it and I think we knew going in that pushing the definition was going to be a long shot and people argued to us that there was this human rights language that had been agreed by many countries in 2010 which we had developed, originally given to the NGOs to run with. It was you know in a couple of the administrative decisions to kind of concerned generic language around respect for human rights and the way internal controls were administered and reviewed and you know we probably could have gotten further if we had run with that but my feeling really was look if we're going to, you know why spend a lot of diplomatic and political effort on something that arguably won't make a difference? If we are going to spend the capital, do something, put something on the table that would make a real change. And it might take years but keep it on the agenda keep pushing it and you know the industry keeps pushing it and a number of countries keep saying it has to be done so you know I think at some point it will probably under a different structure but err anyway that's err because I think in the end some of the political suspicions and BS will fade and at some point some country maybe like Angola will say look that's actually to our benefit and realise that frankly this isn't huge, that its actually not a huge amount of change and realise its probably to our benefit to be seen to be doing this even if, you know it might not have a huge impact but the perception of the KP getting stronger is a good thing.

MM: Well the thing is you know as you say is that if they don't do it then someone else from the outside might do and that would be, that would potentially be an awful lot worse.

HD: Yeah right and I think a lot of people in governments and industry don't buy that argument and if you look at things I mean if you read some of the industry press and certainly in Israel and elsewhere when there was an advert a couple of years ago, there's this thing that's sort of on the margins of the OECD called the precious stone multi-stakeholder working group you know a couple of countries

fighting against that you know pushing back and you know kind of putting their fingers in their ears and closing their eyes and just saying, no we don't want anything else, we don't want anything else and people like Peter Meeus says diamonds are the most regulated commodity in the world blaa blaa blaa and you know its really unfortunate that people don't have more foresight into. But yeah so you know a lot of countries say look they can either, they can make efforts like that precious stones group go away which they mostly have or they don't think that the threat of other regulation is real. And you know that's the thing about regulation, its not real until it is right and so you don't usually get the Dodd-Frank regulations in the US on conflict minerals you know nobody thought that would happen and then literally overnight it was law and that's the much more typical way these things happen its not a long process. But people you know can think you know and the other argument is always consumers don't care, the industry doesn't care the industry has other problems and if consumers don't care why are we bothering doing this? So anyway sorry.

MM: So just to wrap that up then and to make sure that I understand. You think that the main thing about human rights, the main counter-argument that people like Peter Meeus were putting down was that actually they didn't really have a mandate to discuss this and that this needed to go higher up in government and I suppose that's sort of linked to a sovereignty issue.

HD: Yeah right partially its sovereignty I mean its more of, its not even a matter of like, yeah ultimately they wouldn't have a mandate to make a decision. There's the mandate to make a decision that the definition should be expanded and then but more importantly there's, going forward if a conflict diamond situation came up under the new definition we don't have a mandate to make that kind of decision and we're not the experts, it should be other organisations that are the experts on that. So then you'd say alright then which organisation do you want to link it to then they'd say you know we don't, they won't understand the diamond trade so it

can't be up to the UN or another organisation so its sort of a circular argument of sorts. We, the KP is not a human rights or conflict expert organisation so it shouldn't be up to us and then you'd say alright so which one of those expert organisations should it be up to? Well it should be up to the KP because this is where those issues should be discussed so that's awesome [laughs].

MM: [laughs] yeah that is circular!

HD: Take the human rights question right, the human rights question would be, you know when we had the OECD thing came up right so we set up this precious stone working group and the arguments back would be, you know these issues should be dealt with in the KP and you say well you're not letting them be discussed in the KP because you say they're not KP issues. Well you know...its that kind of circular...each of those arguments are legitimate on their own but its when you put them together you sort of see the circularity. But look and yeah there are real questions about, you know what about taxation issues right, what about if you know if the US is involved in conflicts and taxes that the diamond industry paid go to the support those conflicts umm you know how do you deal with those issues and again if there are ways in which you can get over those kinds of things and that's a pretty remote example but there are more direct ones; Israel, you know, [inaudible] has a particular focus question of you know of obviously a huge human rights question in terms of the occupation and err is the industry connected to it etc etc and you know those are tough questions and we'd say lets sit down and negotiate that and we never quite got that far.

MM: Right ok so just moving on then I'm a little bit concerned I'm not taking up too much of your time here am I?

HD: Yeah I've got to about another 5 or 10 minutes and then I've got to run.

MM: Ok cool well um then in the topic of enforcement. A few people have raised this, you know in places like Sierra Leone smuggling is rife its just constant and you

know I think KP review visits have commented on this numerous times and yet there are complaints that there is no follow up, you know first of all that there's no follow up and secondly that there's no mechanism within the Kimberley Process to try and help these countries meet their requirements under the KP. So could you give me an idea as to where it was that the United States stood on those topics?

HD: Yeah I mean we prioritised those a lot I mean we did you know we did in 2010 we funded an effort to sort of try and do these smuggling profiles in each of the four West African countries which led to the first ever enforcement conference at a KP meeting – in the Tel Aviv meeting – which led to a report called diamonds without borders. So you know which was all about smuggling issues and raised these kinds of questions. And we did another version in 2011 and we did a separate enforcement conference in 2012, you know, where we invite enforcement officials and we had sort of a separate meeting. You know there's a lot of, I mean again it's a couple of things one is [pause] I think it's a few problems. One is again a lack of awareness that many countries have about the struggles that other countries face and so you know the problems that a Sierra Leone faces are unknown and frankly not of that much interest to countries further down the supply chain or in other parts of the world. The fact that its rough diamonds only I think means that the enforcement piece kind of fades away for people that are further down the supply chain because the problems disappear once the diamonds are cut and polished. I think again it goes back to the secretariat. You know if you had a secretariat that would do a better job of keeping people informed and also making connections, I you know like around those conferences I ended up making a lot of connections through Interpol and UN office of drugs and crime and FATF and I made those connections on my own you know because I was interested and because there were things that we as the US wanted to advance. Last March there was a conference on West African regional implementation approach conference and I got brought back as a contractor to lead the enforcement piece precisely because I had helped you know

make a lot of these connections and frankly they are all connections that a KP secretariat should've had and should've been running with but were you know left to individual folk. So I think the lack of a sort of a secretariat that keeps up the relationship with Interpol and the World Customs Organisation. The World Customs Organisation is another good example. The KP actually has a decision from 2010 that sets up cooperation between the KP and the WCO but that decision has been mostly useless partially because there really isn't, nobody owns it at the KP and you know one of the recommendations made in that report in 2010 was that there should be an enforcement working group and we tried to get that set up in 2012 and you know it got opposed again by some governments who said look enforcement is not in our [inaudible] enforcement means something different in India than it does in other places. And where again where there's industry involved in representing governments you know industry is at odds with its enforcement agencies in many countries so they don't want more, you know they're at odds with anti-money laundering guys because they're coming down on the industry all the time so they're not looking to build more roles for those guys to come into the KP so you have all these kinds of complicated connections you know where you don't. And then they would start to talk about sovereignty right so enforcement is ultimately a national sovereignty, enforcement is a domestic issue not a kind of international issue in as much as smuggling and those kinds of things have international connections but ultimately it all starts with domestic enforcement and so people say well this isn't the KP's job so you know lots of reasons why all these kinds of things fumble and you know its really again its countries like Sierra Leone and others that sort of get left to figure all this out without really any, with no resources or funding that comes from outside and no capacity that's given to them to train or other kinds of things that are done so you know there's lots of reasons [inaudible]. And you know my, if you're really thinking about it, you know Sierra Leone and the whole Mano River Union and we went through this regional enforcement or this regional approach last year, my argument there was do away

with national certification. Smuggling between Sierra Leone, you know diamonds leaving through Liberia or going out through Sierra Leone or vice versa or leaving Sierra Leone and going out through Conakry, you know what's the KPs problem there? There really isn't one. There's one in that the KP is supposed to rely on national certification but there's no conflict diamond problem there now but there could be but why not have a West African certification right as long as...if you could better trace the diamonds from a rural part of Sierra Leone out through Conakry you know do that and why force these governments to figure out ways to try to control, to control borders which they can't do anyway. You know, who cares, there's no difference to whether or not you're funding a rebel movement trying to overthrow a national government. The diamonds are mined in Sierra Leone and they're exported through Guinea like, as long as there is some visibility into what, how those diamonds have come out of the ground and have gone out the door, it doesn't, it shouldn't matter. And so again I think this is a lot of, it's like initially you want a certification system that has to be done at the national level etc etc, you know enforcement, law enforcement is a problem for Sierra Leone everywhere, I mean it's the drug problem, agriculture you know all kinds of trade. I mean err and I learned a lot about this last year when I was doing this work shop looking at kind of the things that Interpol and ECOWAS and the West African Police Chiefs Organisation and they're all trying to tackle so many different issues because law enforcement is a problem across the board, lack of capacity, corruption the ability to control borders, you know, infrastructure for internet capacity. All those basic things, you know diamonds for all these countries are kind of low on the totem pole. Sierra Leone more than, and Guinea and Sierra Leone more than Liberia and Cote D'Ivoire, diamonds are a bit more important but certainly you know kind of optically Sierra Leone matters to the conflict diamond situation because of the historical connection but in terms of the economic impact of diamonds for Sierra Leone compared to iron ore or coal or gas or oil or whatever, or gold, diamonds sort of drifts and so you know anyway the reasons enforcement drifts I think again from the sort of basic like

just the secretariat pieces to some of the more kind of problematic ones like countries that don't want more enforcement and are able to force that on other people and countries that face enforcement challenges across the board, you know why should they prioritise that.

MM: I mean that's something that I'm sort of, that I'm struggling to get my head around a little bit and I don't know why I am but the way that some people talk about enforcement, and I mean even people in Freetown, you know guys in the NGOs there were telling me that they wanted to see proper enforcement of the Kimberley Process in Sierra Leone and you know that would probably mean that Sierra Leone would be suspended from the Kimberley Process and then when I talk to international actors about proper enforcement people are, guys are saying we want to see proper enforcement, we want to see Zimbabwe suspended. And its like well if you have proper enforcement you lose Sierra Leone as well and you probably lose almost every alluvial producer.

HD: [laughs] Zimbabwe as well would be one of the few that actually doesn't do a bad job of enforcing and implementing it. You might not like who's there but there's certainly still plenty of enforcement challenges there. No I mean look you're right, the US would be suspended to be honest, I mean our system is extremely, you know we don't have a diamond office, you know you can fly tomorrow with a rough diamond and probably get in and out without a problem, I really hope you're not, don't quote me on that but you know we have, there are very few countries that really implement the KP properly. So I think at one level the word enforcement gets sort of doubled. Is it implementation or is it enforcement? And I think there's a blurring of the lines on the two in many situations, but yeah I mean its true I mean if you really want to look at it, Liberia I mean every country in West Africa would be out probably, the US would be out Lebanon would be out you know Congo would be out and I'm sure the Indians and the Belgians do a pretty good job so they'd probably be in but...and so countries with big, you know large industrial

mining its pretty easy to comply which is why Zimbabwe isn't...countries where you have a fence and a proper company and you know things might get out the back door and things might get out the side but generally those countries have the easiest time complying because you just put a fence around it and issue certificates for whatever comes out the ground inside the fence. So its the artisanal countries, and pretty much every artisanal country would probably face some level of suspension. There's a few that do a decent job of controlling, I mean Guyana and a few others do a pretty good job but basically every country that has artisanal production and has a low level of trade like the US and a few others would probably be out.

MM: So you know its quite amazing, you know its just a point of interest but Sierra Leone apparently has 20,000 km² of diamondiferous ground. I have no idea how you would go about policing that ground stopping people getting on and off and smuggling stones.

HD: You can't and even if you could why would you put the resources there I mean it was a historical problem and that was obviously a huge problem but there are probably better ways to deal with that and that comes back to my point. You know things like the problem of you know those diamonds, it doesn't really matter where they go out, if you can monitor them in a way that means that they don't have to go out via Freetown then that eases things up a little bit. And again if your answer, I mean you know, given I think in most of the cases...this is the question I ask also and I think this is an interesting question that you may know more about, you know and then I've got to run but um. The decision to certify everything, is really a puzzling one right. To set up a certification system where, like I said before, 99% of the diamonds will never, the answer will never be yes, they're conflict diamonds, not in a million years or at least in a hundred years anyway so why set up a process where Botswana exports to Belgium have to get certified or Canadian exports to the US or Russian exports to, actually Russia could be an interesting question but for

now lets say Russian exports to India or Tanzanian exports to India or Dubai I mean why in the world would you set up all of this infrastructure all of these regulatory systems when they're not the problem and they're unlikely to ever be the problem. Diamonds are the only commodity at least that I'm aware of that has a universal certification system, there is a reason that no other commodity has gone in that direction, because it doesn't work. Its really hard to make that work especially when you have, the products that are closer to having that are products with factories, right like textiles and even they struggle right because of where the cotton comes from and those kinds of things but you know you need something that's regulatable in a way that artisanal mining is not regulatable. And you know EITI and most other extractive industry focused initiatives, they just exclude artisanal mining because its too hard to deal with and so the KP said we'll deal with that, which is to the KPs credit because that's where the vulnerabilities are but you know coming up with this universal certification system is a really, it's a puzzling decision. And partially I'm sure it relates to wanting to address public perception and really saying we've dealt with the problem but also kind of a lack of real appreciation for the level of difficulty in really doing that properly and what it would take for these countries to do it and you know Martin Rappaport, a big diamond industry actor, he likes to say the KP is a big Kosher kitchen um and so you know as long as everything going into the kitchen is, all the ingredients coming into the kitchen are kosher you don't really care what happens then. You know you're setting up a big fence around the outside and whatever happens on the inside you don't really care about. My argument has been really you set up 80 Kosher kitchens kind of all next to each other each with their own slightly different view of the world and different rabbis and different rules and so its not one big kitchen and even though you're really only asking, I don't know what's kosher and what's not kosher but you know you're only asking is this bacon – which obviously is pork so its not kosher. You're not asking is this a cheeseburger which is also not kosher or is this shrimp. You know you're not asking the full suite of questions, you're just asking one question – does this meet a

particular definition that you want the diamond to go through all of these 80, you know potentially travel through two or three or four or five of the 80 kitchens and somehow and you know wind its way through and that's a lot of effort and that's a lot of infrastructure for something that probably doesn't need it. So you know I think that's a big part of the problem, you can't really do away with it because there are benefits to it and it would probably look terrible to get rid of, being generous it's a lack of appreciation for what it would really take to do this well. Being less generous, they knew full well they just knew it wouldn't really work it would just be a good show. You know I don't know, that's a pessimistic view of the world.

MM: I mean it is amazing, no that's where I've drifted to be honest. Even from the very early days I've been trying to make sense of it really and to me it just looks like a fig leaf really. It just doesn't look like a genuine and serious attempt to solve this problem, it looks like a quick fix to keep certain people happy and quiet.

HD: Yeah right

MM: And as you say it is very interesting in the way that its actually an incredibly broad system designed to actually solve what is really a very small problem, so rather than just focusing on a country like Sierra Leone actually sort his problem out we seem to have gone for this enormous sort of thing that actually doesn't really do the job and you know the result has been that we are asking some of the poorest countries in the world to actually guarantee the integrity of quite a lucrative business' product. That to me just doesn't make any sense at all and its something ive been struggling with for a long time. I'm aware that I'm using up a lot of your time.

HD: No that's ok as you can see there's nothing I like to do more than talk about the KP but um. But no I think you're right about that. If you look at how the conflict minerals problem in Eastern Congo has been addressed over the last five to 10 years, you know there has never been a serious call for a worldwide gold or tin

certification system rather the focus has been on can we make sure the smelters the guys in the middle of the supply chain you know put in real systems and that's where you develop this the OECD due diligence which is really just focused on and is really ultimately just focused on the supply chain in Eastern Congo and the neighbouring countries and the Dodd-Frank regulations in the US and ultimately maybe the one that got adopted in the EU really focused on those countries and potentially with applicability to places like you know there's a tin conflict between Columbia and Venezuela you know maybe you could apply it there and but really you know the focus is on that's where the problem is. And even then, even when you just try to focus on dealing with the problem in Eastern Congo, that regulation has proved really problematic and really difficult because people say it impacts people on the ground in a difficult way but err all the resources have gone into building a bag and tag system for minerals coming out of eastern Congo and traceability for minerals for eastern Congo so you know rather than setting up traceability between Australia and the US or Mozambique or wherever else the focus has been on those problems and a lot of the NGOs involved in developing the conflict minerals approach were a lot of the same NGOs that were involved at the beginning of the KP and I think a lot of them used the lessons from that to say this is what needs to be done better and we need to focus on the real problem and we need to develop real capacity and statistical analysis and data and enforcement so now you are seeing this mineral supply chain auditing and mineral supply chain data collection and an enforcement office being set up in the international conference of the great lakes region so the countries that are affected are the ones where, the ones that are really going to own this and have the data and be the ones to follow up on issues not some annually rotating kind of organisation so...have you spoken to Ian Smillie?

MM:..

HD: Ok so Ian probably knows more than anyone about some of the issues at the beginning and he was really a kind of a key person in the development of what has now become the ICGORs traceability system and the papers he wrote along with Shaun Blore an important researcher in the early days of the KP, again a lot of it was based on you know lessons learned from the KP and a lot of those are the same lessons that we are talking about here in terms of how things need to be administered, what are the kinds of solutions you put in place, what kinds of capacities you expect to provide to the governments that are doing these things, how you engage with the industry, which parts of the industry do you engage with and how. And I think a lot of those things weren't done and I think if we were doing them now we would do it differently in the diamond world so.

MM: So, so just finally then, something that has been puzzling me a little bit is, bearing all this in mind, the US is the biggest market isn't it for diamonds, you guys have got the clean diamond act and take this whole thing very seriously, has there ever been any talk about just, you know basically going it alone, just saying the KP is not working we are going to regulate what comes into the US ourselves and we are going to stop engaging with this multi-laterally?

HD: You know I um, no. I think the view in the US, at least when I was a part of it anyway was that the KP was important, like I said before it might not be stopping conflict diamonds but it's doing a lot of other good things and ultimately these things take a long time to get done and it's important to be a part of that and to make changes and that's why we decided to become Chair and a lot of people argued that we shouldn't do that because you don't want to give legitimacy to something that isn't working that well um so I do think um yeah certainly those arguments came up but I certainly I wasn't ever part of any discussion where that was sort of made seriously and again that would need a much different regulatory system to do that right, we don't have a US diamond office, we don't have a centralised point of import/export regulation for diamonds. And really the bigger issue for the US is

frankly the polished diamond trade which is you know a separate kind of [inaudible] from the KP, you know our rough diamond trade is pretty small um the polished diamond trade is really what matters to the US and that's really a separate conversation about how to regulate that better if at all. You know the US has a long way to go and I think, you know the same kind of questions you ask about Sierra Leone, where are the resources going to come from? Whos going to do it? Where do you make this happen and all the regulatory challenges the US faces now is the diamond trade one that is going to get resources from Congress, new capacity, new everything else you know that's kind of hard to see so I think those were the kinds of things. You know in a perfect world maybe there might be some consideration of that but you know not really, not really...and there was talk of there was um...I mean I guess a few years ago there were arguments about KP plus which was an effort that ultimately we kind of thought about and thought about with some other countries to try to have KP as a floor and ultimately try to have some additional efforts and standards but you know we never got super far with those conversations and discussions about anything specific and you know we put our efforts into a KP reform policy.

MM: So its almost like then you're saying that really its like then that multi-lateral is just viewed as the way to go because that's the way to do things and because any other option would just be too difficult administratively in the US?

HD: Well that's partially true I think in some cases multilateral is what you had in this situation so you have multilateral so you stick with it right. And certainly this administration's approach tends to be much more multilateral and so that kind of fits within the thinking of the way the administration worked and if you're going to go unilateral you need a whole range of additional resources and capacities that may or may not be there so you have to kind of be aware of that regulatory of those regulatory capacity needs that may not be available so...but again if you find articles about KP plus from 2010 and I think we sort of talked about raising the top

and kind of the KP is the KP and try and come up with ideas that could be an additional kind of level but those conversations kind of proved, they got very complicated very quickly and I don't think we ever got...and we never sort of thought of them as a go it alone kind of thing you know we never thought oh the US is going to do this on its own. It was more a matter of how to get a number of other countries involved and then we sort of turned to the looking more at the Responsible Jewellery Council and then the kind of work that the RJC is doing and seeing if pushing more companies to implement RJC would get us there and RJC was working for a while on diamonds and chain of custody protocols so you'll find articles about our support of that and saying ultimately industry... I think what we did in that was say that industry needs to be the one to solve this because all the things we've just been talking about in terms of government regulatory questions, unless industry are really committed to implementing these things then they will all prove challenging you know they'll all prove difficult so you know things like RJC and other kinds of industry initiatives are critical to that so you know there's a lot of good industry interest in the US and certainly in other places to kind of do those things so you know things like the diamond source warranty protocol, there's a US industry initiative designed to say if you want to add an additional kind of level to the things you want in your supply chain here's how you could do it.

[Interview draws to a close with the interviewee stating that he would be happy to talk again in the future if I felt that the study required it].

Interview Transcript: 05/03/2014

A senior representative from a Government office involved in the diamond trade.

Location: Freetown

In-test reference: DG

DG made it clear from the outset that he would be in and out of his office during our interview as there were several large diamond consignments that needed to be processed that day. Consequently, the interview was quite broken up, however, this gave time for some quite detailed note taking on my part. On a visit to his office on the previous day DG had supplied me with two restricted access documents and suggested I read them before the meeting which I duly did.

Our meeting began with DG asking me what I had thought of the two documents he had supplied me with the previous day. I responded that the MSI document was highly critical of the Kimberley Process and had highlighted a number of clear failings and ambiguities. DG agreed that it had indeed, he then asked me if I had looked at the statistics contained on the second document he had given me, the GGDOs own *Gold and Diamonds Exports Report 2013*. I said I had. DG then asked whether I had noticed the large increase in official exports at the time the Kimberley Process was introduced in 2003 and the steady increase in diamonds being exported through official channels up to the present time. He seemed very keen to emphasise this. I said that I had and that these figures perhaps suggested that the Kimberley Process was effective in Sierra Leone.

Following this exchange, my first question to DG concerned how thoroughly he thought the Kimberley Process was being implemented in Sierra Leone. After a pause he replied that by and large there was little problem with the Kimberley Process and that Sierra Leone was meeting its requirements. I probed by asking his views on Mines Monitoring Officers (MMO) and asked his views on their

effectiveness in terms of controlling the diamond fields. DG replied that “the effectiveness of the MMOs should not be overemphasised.” According to DG their low salaries often led them to connive with smugglers thus potentially allowing illicit stones into the system.

I then said that as I understood it Sierra Leone had been subject to three Kimberley Process review visits, and I asked what the outcome of these had been, whether there had been any criticism in those reports. DG answered that there had in fact been two review visits one led by Abbey Chikane and the second by the Namibian Minister of Mines. The reports of these two visits were broadly positive according to DG however in the first instance, the Chikane visit, the team had apparently witnessed some young boys working in an alluvial pit and therefore raised some concerns regarding child labour in the fields. DG stated that he argued at the time that this was not child labour as these boys were not actually employed formally within the mining system. He said that in mining areas it was not uncommon for local school children after school to stop at a mine and pan for diamonds in the hope of finding something worth-while. DG argued that this was common in diamond producing areas and that this did not necessarily mean that these boys were working within the mining system itself. In fact, DG maintained that the MMOs actively prevented children from working in the fields.

I then stated “so apart from that non-issue, Sierra Leone has no problem with the Kimberley Process?” At this DG paused for some time and said no, that they have and continue to have problems, especially within the chain of custody. According to DG the main problem they came across was with the exporters tampering with the packages and altering the figures on the Kimberley Process documents once they had left the GGDO. I asked how this was possible as I had just seen a Kimberley Process package in the waiting room of his office and that it was clearly sealed; both the box containing the diamonds and the transparent zip bag package which contained both the box and the Kimberley Process certificate were sealed with wax

and stamped. I suggested that therefore there must exist forgeries of the official seal. DG seemed to suggest that this was unlikely but his response from there was mumbled and inaudible. As we were in the GGDO, I chose not to press him too hard on this and took the inference that there may be people in the department assisting exporters in this regard. Following this exchange DG left the room to oversee an exchange in another office.

When DG returned he stated unsolicited that the real problem within the artisanal diamond sector in Sierra Leone resided in the exhaustion of the shallow lying diamond deposits. According to DG, after nearly a century of artisanal diamond mining, the diamond fields themselves were all but mined out. Consequently to get at the diamondiferous gravels, miners now needed to go deeper, something that artisanal miners were unable to do. Deeper mining required mechanisation, diggers and apparatus to wash the gravel and so on. I questioned whether this was something that local people were able to do or whether this required foreign investment. DG responded that the majority of this mining was done by relatively small-scale outside miners on concessions previously used by artisanal miners. He added, however, that sometimes local former artisanal miners also engaged in this practice by leasing equipment from larger scale companies such as Koidu. Following this he immediately left the room again.

On DG's return I attempted to steer the conversation back to the issue of the MMOs and control of the mines. I ask the question "are the MMOs capable of controlling the mining sites in line with Kimberley Process requirements?" DG replied that controlling the fields to the extent of knowing who goes onto the fields and who leaves them was very difficult. He argued that investors and business people needed free access to the fields and controlling their movements and actions was impossible and as a result smugglers could get onto the fields posing as investors. He then added, however, that implementation [of the Kimberley Process requirements concerning control of the fields] had not been such a problem for

Sierra Leone as a result of the fact that artisanal mining was becoming harder and so as discussed previously the Sierra Leone mining sector was shifting towards small scale mechanised mining.

I then ask if, as a result of the ability of small scale mining to help the government meet its Kimberley Process requirements, Sierra Leone was attempting to encourage an increase in small scale mining and if so how. DG replied that of course the government was trying to encourage it and had in this regard hugely increased the amount of licenses it has issued for this purpose. I ask in reply if such policies also protect the government of Sierra Leone should measures such as those outlined in the MSI report ever come to fruition and whether such policies would cause problems in terms of implementation. DG replied that yes the recommendations in the MSI report could potentially cause some issues in terms of implementation but that the shift he had outlined in terms of the move from artisanal production to small scale production would certainly help in this regard [as obviously mining would become better regulated by the companies involved and there would be fewer artisanal miners to monitor]. I then ask if there had been any social problems associated with this shift, whether there had been any anger at the local level from artisanal miners concerning violations of their land rights. DG replies that this had not really been a problem simply because, as these areas had been mined out, artisanal miners had moved from mining diamonds to gold in different areas of the districts and again this shift made meeting the Kimberley Process requirements easier.

I then attempt to press DG on the subject of social unrest, asking about the recent riots at some Koidu mining sites. DG replies that this was some time ago and was at the Koidu kimberlite mine and was therefore not related to artisanal production. I then asked about the Koidu concession on Tongo field [which is an alluvial deposit] and DG stated that that section of Tongo was totally mined out and that there was

no artisanal mining occurring there. Koidu, he maintained, planned to exploit the concession according to the methods outlined previously in our conversation.

DG then left the room briefly and when he returned asked me again if I had looked at the figures in the GGDO report. I replied that I had and I asked him about the large increases in kimberlite production that Sierra Leone had seen in the past two years. DG replied that this was down to the increased productivity of Koidu since the introduction of new technology at their processing plant. From here I stated that, as we had previously discussed, clearly such production was easier to monitor according to Kimberley Process requirements than artisanal mining. DG agreed with this. He then explained that problems with the artisanal sector owed much to the relatively complex chain that sees a diamond extracted from an artisanal site to export. In addition this process usually involved an agreement between miner and exporter that saw these stones exported through a specific exporter and it was some of these individuals that were causing problems with the Kimberley Process certificates as previously discussed. DG argued further that kimberlite mining was much easier in general to regulate than artisanal mining as a result of the complexity of the chain of custody within the artisanal sector.

DG then got up to leave the room and was away once again for an extended period. On his return he apologised for the long delay and asked if I had one last question as he would now have to give the goings on in the room next door his full attention. I then stated that, if I understood him correctly, in the view of the government mechanised production was preferable to artisanal as it increased output and therefore tax revenues and therefore the opportunity for increased development. To this he agreed immediately. I then added that bearing in mind the relative ease of monitoring small scale and kimberlite production in line with Kimberley Process requirements versus the difficulties involved in monitoring artisanal production, whether the Kimberley Process was playing even a small part in the government's preference for mechanised production and the resulting attempts to attract

investment into small scale mining? DG stated that of course it did and that fulfilling the Kimberley Process requirements was important especially if the regime was to be tightened as the MSI suggests. At this another GGDO official entered the room and DG told me to return to his office on Friday [7th March] to collect a copy of the MSI document. I then presented the university consent form to DG which he looked at hesitantly and replied that he would take away with him and consider whether to sign it.

Interview date: 10/03/2014

Interview type: Face-to-face (not audio-recorded)

DG – A senior representative from a Government office involved in the diamond trade. Brief follow-up interview.

Location: Freetown

In-text reference: DG

I had returned to the central Freetown office of DG on his advice in order to pick up a promised photocopy of a restricted Kimberley Process document which he had promised me. DG offered his apologies however as he had neglected to have the document copied. He instead asked me if there were any further questions that I would like to ask him. I replied that there were a couple if he had the time to help.

The first question I asked revolved around the Government of Sierra Leone's 2013 diamond and gold production statistics. I asked him simply "so what happened in October?" October had seen and almost total cessation of diamond exports from Sierra Leone. DG laughed and replied that there had in fact been a country wide export strike in response to government plans to open a government run diamond bourse in Freetown. The bourse would have compelled all exporters to market and exchange their diamonds in Freetown rather than export them Antwerp. Across the entire diamond sector there was universal opposition to this proposition. I asked DG why there was such opposition to this proposal. DG paused for some time and smiled before replying that there had been rumours that the running of the bourse would be left to a Chinese company and also that 'various other factors' would work to increase industry costs. Given the environment in which we were talking [his office in a government buildings surrounded by colleagues] I decided it was best not to press him on this.

I then moved the conversation on and asked the source about a very recent, controversial and quite radical change in government taxation policy regarding the export of special stones. Export duty on special stones had recently been dropped from 15% to 3% [3% being the basic rate of export tax paid on the export of all rough diamonds]. I asked DG why this change had occurred and he responded by saying that this was a change that had been pushed for by the President and Vice-President and had previously been argued for by the National Minerals Authority. The change was necessary because "Sierra Leone was losing special stones to Guinea and Liberia" where the export tax was set at 3%. This change therefore brought Sierra Leone into line with other regional exporters and would as a result stop the smuggling of special stones out of the country. The change DG argued would result in an increase in tax revenue and keep Sierra Leone in compliance with its Kimberley Process requirements. I asked who, to DG's knowledge was responsible for the smuggling of special stones and he replied immediately "the artisanal sector, always and only it is the artisanal sector."

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