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INTERNATIONAL DIAMOND LAWS AND AFRICA: PURPORTEDLY HELPING AFRICAN NATIONS BY PREVENTING THEM FROM EXPORTING PRECIOUS NATURAL RESOURCES

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I. INTRODUCTION

A diamond is a symbol of wealth and even love and affection. The Twenty-First Century's emphasis on bling and the glitzy lifestyle has thrown diamonds in the spotlight. Interestingly, most people do not truly

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understand how diamonds are formed and or realize that the marketing genius of one company, De Beers (at one point a virtual international monopoly), has conditioned most of us to desire diamonds, regard diamonds as intrinsically valuable, and associate diamonds with romance and love.

Furthermore, some do not know that several poor African nations have large deposits of diamonds; yet, others, while aware that several African nations possess large caches of diamonds, have been led to believe that the diamonds from those nations should be shunned because African nations use diamonds to fuel wars and conflict on the African continent. Still others are familiar with the term blood diamonds but do not fully understand the genesis of the phrase or the consequence of so labelling a country's diamonds.

This Note will explain what diamonds are and how they are formed. This Note will also provide some historical context regarding De Beers, its virtual monopoly, and its campaign to promote the value and consumption of diamonds. Moreover, this Note will explore the history of the Kimberly Process Certification Scheme (KPCS) and the goals thereof to determine whether the KPCS may be used by international powers to achieve political and economic agendas that are different from the expressed goal of the KPCS. This Note will explore whether the KPCS ban against exportation of diamonds from some African nations (Angola, Zimbabwe, and Cote D'Ivoire) and international sanctions against diamonds from some African countries (Zimbabwe and Cote D'Ivoire) have helped the economies of the afore-mentioned African countries on which the bans and sanctions were imposed.

Finally, this Note will examine whether the KPCS and the international community fairly impose bans on the sale of diamonds, and this Note will recommend a more equitable and humanitarian method (not the irrational labelling of diamonds as conflict diamonds) of dealing with wars and conflict and the threat of wars and conflict in Africa. To be sure, the international community should employ methods that do not effectively decimate African economies and create the climates for civil unrest. The methods employed in Africa should be no less circumspect than the methods applied throughout and in Europe.

II. THE MODERN CONCLUSION THAT DIAMONDS ARE INTEGRAL TO ROMANCE WAS PURPOSELY MANUFACTURED.

Indeed, the public, for quite some time, have heard that diamonds are forever.¹ Diamonds have become such a part of the modern social landscape that the New York Times stated that it is hard “to imagine a time when diamond engagement rings were not the norm.”² Whether society concludes that diamonds are good or bad or to be shunned as blood diamonds is perhaps a result of conditioning and propaganda as much as any internalized reflective process about the value (or more appropriately) the intrinsic worth of diamonds.

The conclusion, that originated in the Twentieth Century, that diamonds are more than a rich person’s treasure and should be integral to romance, courtship, and the value that one places on his/her betrothed significant other, resulted from powerful propaganda.³ Consumers were

¹ DIAMONDS ARE FOREVER (Eon Productions Ltd. 1971). Unattributed, *1948: De Beers ‘A diamond is forever’ campaign invents the modern day engagement ring*, THE DRUM (Mar. 31, 2016 9:49 p.m.), <https://www.thedrum.com/news/2016/03/31/1948-de-beers-diamond-forever-campaign-invents-the-modern-day-engagement-ring> (stating,

“The iconic tagline ‘A Diamond Is Forever’ was written by copywriter Frances Gerety at Philadelphia agency NW Ayer in 1947... Nearly 70 years later, the four-word sentiment has become one of the most recognizable brand slogans of all time. According to a 2013 New York Times article, the tagline has appeared in every De Beers engagement ad since 1948, and is still being used by the brand to this day....”)

² Courtney Sullivan, *How Diamonds Became Forever*, N.Y. TIMES (May 5, 2013), at ST23 (print source), alternatively (May 3, 2013), <https://www.nytimes.com/2013/05/05/fashion/weddings/how-americans-learned-to-love-diamonds.html> (online source)

³ *Id.* (stating,

“when a De Beers representative wrote to N. W. Ayer to inquire whether “the use of propaganda in various forms” might boost the sale of diamonds in the United States, their popularity had been on a downward trend, in part because of the Depression.... N.W. Ayer conducted extensive surveys of consumer attitudes and found that most Americans thought diamonds were a luxury for the ultra-wealthy... Still, the agency set an ambitious goal: “to create a situation where almost every person

taught to inquire about the three Cs—color, clarity, and cutting.⁴ Later, after the advent of the term blood diamonds, consumers were asked to consider a fourth C—country of origin.

III. DIAMONDS DO NOT LAST FOREVER, BUT THEY OUTLAST HUMAN LIVES.

“Diamonds form under high temperature and pressure conditions that exist only about 100 miles beneath the earth’s surface. Diamond’s carbon atoms are bonded in essentially the same way in all directions. Another mineral, graphite, also contains only carbon, but its formation process and crystal structure are very different. Graphite is so soft that you can write with it, while a diamond is so hard that you can only scratch it with another diamond.”⁵

Simply put, diamonds do not last forever, but they may outlast their human owners. Over time, and under certain conditions, diamonds degrade into graphite.⁶ In fact, “[w]hen you heat up a diamond or bombard it with ions, the atoms gain enough energy to pop up over the energy barrier and reconfigure to graphite.”⁷ Nonetheless, most human beings will never wear

pledging marriage feels compelled to acquire a diamond engagement ring.”) [PLEASE NOTE that citation provided links to same article as citation at note 2]

⁴ *Id.*; see also Eric Goldscheim, *The Incredible Story Of How De Beers Created And Lost The Most Powerful Monopoly Ever*, BUSINESS INSIDER (Dec. 19, 2011 2:00 p.m.), <https://www.businessinsider.com/history-of-de-beers-2011-12#a-worldwide-decline-of-diamond-prices-in-the-1930s-led-the-oppenheimer-family-to-begin-their-world-famous-marketing-campaign-a-diamond-is-forever-5> (stating,

“Through advertising, men were convinced that the size of the diamond in an engagement ring showed how much they loved their fiancée. Movie stars were shown wearing diamonds in the relatively new motion pictures. And the [most effective piece of advertising came in 1947](#), with the creation of the tag line ‘A diamond is forever.’”)

⁵ *Gem Encyclopedia – Diamond*, GEMOLOGICAL INST. OF AMERICA, LTD. <https://www.gia.edu/diamond> (last visited Sept. 5, 2019).

⁶ Christopher S. Baird, “*Why do diamonds last forever?*”, SCIENCE QUESTIONS WITH SURPRISING ANSWERS (Dec. 17, 2013), <https://wtamu.edu/~cbaird/sq/2013/12/17/why-do-diamonds-last-forever/>

⁷ *Id.*

their diamonds in the conditions that include high ion sources and would cause the diamond to jump over the “energy barrier” and hence, most human beings will never outlive the diamonds they purchased.⁸ Consequently, a more succinct and precise conclusion is that “[o]n a human time-scale and for everyday human uses, the phrase “diamonds are forever” is a very good approximation to the reality.”⁹

Of course, man, has eaten from the tree of knowledge and thus, man has also manufactured diamonds.¹⁰ To be sure, scientists have tried to make diamonds in laboratories since the early 1990s, but scientists struggled to achieve the color and clarity that gemologist were able to obtain from “mined diamonds.”¹¹ More recently, however, scientists have successfully created white diamonds in laboratories.¹² Scientists create white diamonds in labs by using: (1) extreme pressure and temperatures to copy the natural process and or (2) a process that is very similar to 3D printing.

Lab-grown diamonds have created a hegemonical crisis for the world’s diamond mining companies. In fact, “[s]ince De Beers abandoned its decades-old policy of refusing to sell lab-grown diamonds as jewelery [sic], the price gap between man-made stones and natural gems has widened - and the difference is set to get even bigger.”¹³ Even De Beers, the famous seller of diamonds, which had initially refused to sell or brand itself with lab-grown diamonds, now sells the lab-grown diamonds through subsidiary,

⁸ *Id.*

⁹ *Id.* (stating, “On a human time-scale and for everyday human uses, the phrase “diamonds are forever” is a very good approximation to the reality.)

¹⁰ Stephanie Talmadge, *Lab-Grown Diamonds: They’re Real, and They’re Spectacular*, GQ (Oct. 16, 2018), <https://www.gq.com/story/lab-grown-diamonds-are-a-thing>

¹¹ *Id.*

¹² *Id.*

¹³ Eric Onstad & Barbara Lewis, “*Lab-grown diamond prices slide as De Beers fights back*”, Reuters (Dec. 21, 2018 2:36 a.m.), <https://www.reuters.com/article/us-diamonds-debeers-synthetic-analysis/lab-grown-diamond-prices-slide-as-de-beers-fights-back-idUSKCN1OK0MQ>.

Lightbox.¹⁴ The afore-mentioned branding, via Lightbox, “could undermine natural diamonds”.¹⁵

Of course, like “blood diamonds” that many wished to differentiate from other mined-diamonds”, De Beers and others strive to differentiate lab-grown diamonds from mined diamonds. Consequently, De Beers and other sellers of the precious stones will “reinforce the cachet of natural gems and ... undermine synthetic diamond rivals that have been earning substantial margins in recent years, analysts say.”¹⁶

IV. THE HISTORY OF DE BEERS.

De Beers has been synonymous with diamonds and has been one of the most important names in the multi-billion-dollar diamond industry for more than one hundred years.¹⁷ De Beers is no mere rags to riches story of ingenuity and innovations in a capitalist market. Instead, De Beers maintained “a monopoly that has crushed competitors and cash-strapped governments since the 1800s.”¹⁸

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Eric Goldschein, *The Incredible Story Of How De Beers Created And Lost The Most Powerful Monopoly Ever*, BUSINESS INSIDER (Dec. 19, 2011 2:00 p.m.), <https://www.businessinsider.com/history-of-de-beers-2011-12>.

¹⁸ *Id.*

In 1880, Cecil Rhodes¹⁹ bought diamonds fields in South Africa that were owned by the De Beer brothers and some of their competitors.²⁰ He then formed De Beers Mining Company. Shortly, thereafter, De Beers owned virtually all South African diamond mines.²¹ In 1888, Rhodes used the De Beers Consolidated Mines Ltd. to create and maintain a monopoly on all diamond production and distribution in and from South Africa.²² Nonetheless, the latter-named corporation was not the only vehicle De Beers employed to dominate and monopolize diamond distribution around the world. In fact, “De Beers took on many forms around the world as its influence in the diamond trade grew. To control supply and demand—and thus, prices—Rhodes created distribution arms through "The Diamond Syndicate," including "The Diamond Trading Company" in London and "The Syndicate" in Israel.”²³

When Rhodes died in 1902, De Beers controlled almost all of the world’s production and distribution of rough-cut diamonds.²⁴ Thereafter, Ernest Oppenheimer, who had created Anglo American Corporation, a rival to De Beers, sold his mining operations in exchange for De Beers stock and later became Chairman of De Beers.²⁵ “Under Oppenheimer, De Beers and its Central Selling Organization established exclusive contracts with suppliers and buyers, making it impossible to deal with diamonds outside

¹⁹ Aspie Savant, *When diamonds were a Jew's best friend*, MEDIUM (April 29, 2015), <https://medium.com/@AspieSavant/when-diamonds-were-a-jew-s-best-friend-bae3d1577ffc> (stating,

“In 1890, Rhodes became Prime Minister of the Cape Colony, which comprised of what is [South Africa](#) and [Namibia](#) today. He introduced various British imperial policies, such as the [Glen Grey Act](#), to push Black people from their lands and make way for the development of the diamond industry. A [Hut tax](#), which had such a major impact on the traditional way of life of Black locals that it sparked off two rebellions in 1898 in [Sierra Leone](#), would be enforced after Rhodes’ death and would continue the process of Black relocation and disenfranchisement that Rhodes had set in motion.”)

²⁰ See Goldschein, *supra* note 17.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*; see also Savant, *supra* note 19.

of De Beers.”²⁶ Throughout the Twentieth Century, De Beers continued its monopolistic behavior, and it set the quantity and price of the diamonds it sold.²⁷

Moreover, to maintain its vice-like grip on the international diamond market, Oppenheimer-lead De Beers entered into agreements with Cold War-era Russia. Consequently, after diamonds were discovered in Siberia, De Beers chose not to compete with Russia.²⁸ Instead, De Beers offered to purchase every diamond that was mined in Siberia.²⁹

V. DE BEERS’ SIGNIFICANT CONTROL OF DIAMONDS IN PARTS OF THE AFRICAN CONTINENT.

Canada, Australia, and Russia have significant diamond mining operations,³⁰ and, in the Twenty First Century, those nations have rebelled against the De Beers single channel system.³¹ Nonetheless, Africa is the world’s largest producer of diamonds, and a significant portion of the African mining is controlled by De Beers and Oppenheimer.³² “As the largest producer of diamonds in the world, diamond mining in Africa is woven into the history of the continent. At once the source of immense wealth, and extreme poverty, the history of diamond mining and the future of the diamond mining industry in Africa is a hot topic around the world.”³³

The largest diamond producers in Africa are South Africa, Angola, Botswana, Namibia and the Democratic Republic of Congo (DRC). In this [South-Central] region,

²⁶ See Goldschein, *supra* note 17.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Diamond Mining in Africa*, MINING AFRICA, <https://www.miningafrica.net/natural-resources-africa/diamond-mining-in-africa/> (last visited September 8, 2019).

³¹ See Goldschein, *supra* note 17.

³² *Id.*

³³ *Id.*

diamonds are mined from kimberlite mines in South Africa, Angola, and the DRC, and from alluvial dredging mining operations in Angola, Namibia and again, South Africa.

West African diamond mining is mostly from altered kimberlite pipes and eluvial deposits. West African mining operations are on a much smaller scale and many are managed and owned by artisanal miners. The largest diamond mines in Africa are in Botswana: Jwaneng and Orapa. They are also the largest diamond mines in the world.³⁴

Of course, the companies that control diamond production and distribution for more than a century control also Africa's diamond industry and those companies have a track record of employing control or quash techniques. To be sure, "De Beers is the largest diamond mining company in the world with mining operations in 28 countries."³⁵ De Beers owns mines in Namibia,³⁶ Botswana³⁷, and South Africa.

Namibia, Botswana, and South Africa, three countries in which De Beers significantly operates, are three of the four countries that have served as Chair of the KPCS.

VI. THE KIMBERLY PROCESS CERTIFICATION SCHEME AND BLOOD DIAMONDS.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Namibia is formerly called German Southwest Africa, and it is the site of the first German lead Holocaust. See Kenneth L. Lewis, Jr., "*The Namibian Holocaust: Genocide Ignored, History Repeated, yet Reparations Denied*", Nova Southeastern University, From the Selected Works of Kenneth L. Lewis, Jr. (2017).

³⁷ De Beers has a joint venture with the government; yet, most people in Botswana languish in poverty.

A. WHAT IS THE KIMBERLY PROCESS CERTIFICATION SCHEME?

The Kimberly Process purports to be a certification scheme for regulating the international trade of rough diamonds.³⁸ “The Kimberly Process was established through the initiatives of South African diamond-producing countries in 2000:

- (a) To stem the flow of rough diamonds used by rebels to finance armed conflict aimed at overthrowing legitimate governments, thereby making an substantial contribution to international peace and security;
- (b) To protect the legitimate diamond industry, upon which many countries are dependent for their economic and social development;
- (c) To achieve the above through the creation and implementation of an international certification scheme for rough diamonds, based primarily on national certification schemes and on internationally agreed minimum standards.

According to the United States Custom and Border Patrol (CBP), “The KPCS is a joint government internationally recognized certification system that imposes extensive requirements on its members to enable them to certify shipments of rough diamonds as ‘conflict-free’ and prevent conflict diamonds from entering legitimate trade.”³⁹ The CBP describes

³⁸ *FAQ: Find answers to the big challenges we face*, KIMBERLY PROCESS, <https://www.kimberleyprocess.com/en/faq> (last visited January 27, 2020); *see also*, G.A. Res. 55/56 (Dec. 1, 2000); Audrie Howard, *Note: Blood Diamonds: The Successes and Failures of the Kimberly Process Certification Scheme in Angola, Sierra Leone and Zimbabwe*,

15 Wash. U. Global Stud. L. Rev. 137 (2016) (stating, “Conflict diamonds are often referred to as “blood diamonds” because of the lives lost in violent armed conflicts funded by the sale and trade of these diamonds.”)

³⁹ *Kimberly Diamonds Process Certification*, U.S. CUSTOMS AND BORDER PROTECTION,

conflict diamonds as diamonds used by rebel movements to finance military actions against internationally recognized governments.⁴⁰

To be sure, it appears that the international community has applied a more fluid definition than the one adopted by CBP. In fact, pursuant to the information described on the Kimberley Process.Com website, “conflict diamonds, also known as blood diamonds, are rough diamonds used by rebel movements or their allies to finance armed conflicts aimed at undermining legitimate governments.”⁴¹

The foregoing definitions however beg certain questions. Who defines what comprises a rebel movement? What are the military actions to which the definition applies? What actions comprise undermining a legitimate government? Who determines whether a government is legitimate?

For example, in January 2019, President Donald Trump of the United States recognized the leader of the Venezuela’s National Assembly, Juan Guaido, as President of Venezuela.⁴² Because Mr. Guido had not been elected, but rather declared himself as the President of Venezuela, the Venezuelan government rejected Guaido’s assertions and declared him an illegitimate interloper. President Maduro of Venezuela unequivocally accused Guaido of organizing a coup to overthrow the legitimate government of the country.⁴³ Consequently, one must ask, “had Mr. Guaido used the trade in rough diamonds to support his claims or efforts to obtain

<https://www.cbp.gov/trade/programs-administration/kimberley-diamonds-process-certification> (last visited January 27, 2020).

⁴⁰ *Id.*

⁴¹ *What is the Kimberly Process?*, KIMBERLY PROCESS, <https://www.kimberleyprocess.com/en/what-kp> (last visited January 27, 2020).

⁴² Doug Stanglin, *U.S. recognizes Venezuela opposition leader Juan Guaido as president; Russia backs Maduro*, U.S.A. TODAY (Jan. 23, 2019 8:44 p.m.), <https://www.usatoday.com/story/news/world/2019/01/23/venezuela-juan-guaido-declares-himself-president-amid-protests/2658642002/>.

⁴³ Rob Picheta *et al.*, *Venezuela’s uprising: Guaido says Maduro does not have the support of the armed forces*, CNN (Apr. 30, 2019 11:36 p.m.), <https://www.cnn.com/americas/live-news/juan-guaido-venezuela-operation-freedom-live-updates/index.html>

the office of President of Venezuela, would those diamonds be regarded as conflict diamonds?

We can extend a similar inquiry to circumstances in Zimbabwe. Certainly, Robert Mugabe was not a darling of the West. His policies on repatriating wealth to Africa and redistributing land that had been seized by White settlers before Zimbabwe's independence made him extraordinarily unpopular among certain countries and leaders. For many years, several Western leaders wished Zimbabweans or others would overthrow Mugabe; and other persons plotted to accomplish his removal from office.⁴⁴ Therefore, one must ask, had militia movements and or opposition groups used the trade of rough diamonds to obtain equipment and armaments to remove Mugabe from power, would those diamonds be considered blood diamonds? Would, pursuant to the KPCS, the groups that opposed Mr. Mugabe be considered rebel groups?

B. THE HISTORY OF THE KPCS DEMONSTRATES THAT THE KPCS MAY BE CONTROLLED BY POWERFUL STATES TO ACHIEVE POLITICAL OR ECONOMIC ENDS.

The history of the KPCS, the United Nations General Assembly Resolution 55/56, and United Nations Security Council Resolution 1643 demonstrate the extent to which persons who trade in rough diamonds are categorized as rebels is and will be manipulated by international powers to accomplish political ends or agendas. Consequently, here, it is important to detail the genesis of the KPCS and the fact that the KPCS may be traced directly to international sanctions and United Nations Resolutions against National Union for the Total Independence of Angola (UNITA).

In addition, it is important to consider how the KPCS and international sanctions have impacted other diamond producing countries in Africa, namely Zimbabwe and Corte d'Ivoire.

i. Angola

⁴⁴ Journeyman Pictures, *Investigating the Plot to Assassinate Robert Mugabe* (2002), Youtube (Jan. 21, 2019), <https://www.youtube.com/watch?v=MID6Cf4govo>.

UNITA was, at one time, an ally of the West, and it (UNITA) received considerable financial and military aid from the West before UNITA lost favor, fell from grace, and was later branded a rebel organization and an impediment to peace.

In the 1960s and 1970s, UNITA fought along other groups in Angola to achieve Angolan independence from Portugal.⁴⁵ In 1974, Portugal abruptly ceased its colonial rule in Angola, and the Popular Movement for the Liberation of Angola (MPLA) declared that it was the government of the newly announced People's Republic of Angola.⁴⁶ The MPLA received support from Soviet and Cuban agencies, and UNITA received support from South Africa and the United States.⁴⁷

After Cuban and South African troops withdrew from Angola, The MPLA and UNITA agreed to a ceasefire and universal elections in 1992, but, after the elections occurred, UNITA purportedly rejected the assertion of international observers that the elections were fairly conducted and thus, UNITA continued its armed resistance.⁴⁸

In 1998, the United Nations Security Council passed Resolution 1173. Resolution 1173, in pertinent part states as follows:

RESOLUTION 1173 (1998)

Adopted by the Security Council at its 3891st meeting,

on 12 June 1998

The Security Council,

⁴⁵ Editors of Encyclopedia Britannica, *Unita*, ENCYCLOPEDIA BRITANNICA (2017), <https://www.britannica.com/topic/UNITA> (last visited Jan. 27, 2020).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*; see also Office of the Historian, *The Angola Crisis 1974 - 75*, U.S. DEP'T OF STATE, <https://history.state.gov/milestones/1969-1976/angola> (last visited Jan. 27, 2020) (stating, "South Africa withdrew its forces in the spring of 1976 [sic] and the MPLA remained as the official government of Angola. Still, Jonas Savimbi and UNITA continued an insurgency until his death in 2002.")

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolution 1127 (1997) of 28 August 1997,
Reaffirming its firm commitment to preserve the unity, sovereignty and territorial integrity of Angola, Expressing its grave concern at the critical situation in the peace process, which is the result of the failure by the União Nacional para a Independência Total de Angola (UNITA) to implement its obligations under the "Acordos de Paz"...

1. Condemns UNITA, and holds its leadership responsible, for its failure to implement fully its obligations contained in the Lusaka Protocol, relevant Security Council resolutions, in particular resolution 1127 (1997), and the plan 98-16652 (E) /...S/RES/1173 (1998) submitted by the Special Representative of the Secretary-General to the Joint Commission;
2. Demands that UNITA fully cooperate without conditions in the immediate extension of State administration throughout the national territory, including in particular in Andulo, Bailundo, Mungo and Nharea, and stop any attempts to reverse this process;
3. Reiterates its demand that UNITA complete its demilitarization and stop any attempts to restore its military capabilities;
4. Demands also that UNITA cooperate fully with MONUA in the verification of its demilitarization...

The United States, a permanent member of the United Nations Security Council, voted in support of Resolution 1173; yet, the United States

supported UNITA's armed resistance and struggle for nearly twenty years.⁴⁹ In fact, for many years, the United States regarded UNITA as the United States' buffer and resistance to Marxism in Angola.⁵⁰ To that end, The United States provided financial and military support to UNITA,⁵¹ and the United States even encouraged UNITA to obtain support from and work with Apartheid South Africa.⁵² Understanding that the United States was

⁴⁹ Howard W. French, *From Old Files, a New Story of U.S. Role in Angolan war*, THE NEW YORK TIMES (March 31, 2002) at Sec. 1, p. 4 (National Edition) (print source), alternatively (March 31, 2002), <https://www.nytimes.com/2002/03/31/world/from-old-files-a-new-story-of-us-role-in-angolan-war.html> (online source) (stating,

But Dr. Gleijeses's research shows that the Cuban intervention came in response to a C.I.A.-financed covert invasion via neighboring Zaire, now known as Congo, and South Africa's simultaneous drive on the capital, using troops who posed as Western mercenaries.

The United States gradually switched its support to Mr. Savimbi's movement, Unita, and continued to support it intermittently during nearly two decades of warfare.) (emphasis added).

see also Office of the Historian, *supra* note 48 (stating, "The crisis in Angola developed into a Cold War battleground as the superpowers and their allies delivered military assistance to their preferred clients. The United States supplied aid and training for both the FNLA and UNITA while troops from Zaire assisted Holden Roberto and his fighters.")

⁵⁰ Ann Talbot, *The Angolan Civil War and US Foreign Policy*, GLOBAL POLICY FORUM (APRIL 13, 2002), <https://www.globalpolicy.org/component/content/article/155/25956.html> (stating, "In claiming that the Angolan war was the result of super-power rivalry, the US press is echoing the words of Henry Kissinger. As Secretary of State he repeatedly claimed that the US was forced to intervene in Angola because the Soviet Union was already providing military aid to the Popular Movement for the Liberation of Angola (MPLA) in the form of Cuban troops. Recently released documents demonstrate that this was untrue and that Kissinger lied to Congress in order to justify US intervention.")

⁵¹ Ann Talbot, *supra* note 50 (stating, "It was the US administration, still stinging from the defeat in Vietnam, that started a quarter of century of war in Angola when it backed a two-pronged invasion by Holden Roberto's Front for the National Liberation of Angola (FNLA) from the Congo/Zaire and from South Africa in support of Savimbi's UNITA.")

⁵² Office of the Historian, *supra* note 48 (stating, "The U.S. Government had encouraged

UNITA's largest benefactor, but that fact could change as a result of the conflict between political ideology and the needs of US Bankers and US oil companies, Williams Minter observed and noted that,

[s]ince South Africa's withdrawal from Namibia in 1989, the US has become the primary patron on Angola's UNITA's contras.... Among the key factors in the post-war period, as in the last phase of the war, will be the US role as primary patron of ... UNITA..., since Namibian independence moved South African sponsorship of UNITA to secondary importance. The good relations of US Oil companies and banks with the Angolan government contrasted with the impassioned Reagan doctrine backing for [UNITA's] contras. Future US-Angolan relations will be played out in vastly different world context. But whether or not the Us persists with efforts to install [UNITA] in power, the history of hostility will weigh heavily.⁵³

Interestingly, in 1990, Williams Raspberry opined that the United States should end its support for UNITA.⁵⁴ He suggested that the United States should end the support for a group that could not overthrow the government of Angola.⁵⁵ It appears that Mr. Raspberry was inquiring whether the United States should continue to support a rebel group that sought to but could not overthrow a legitimate government (especially a government that had joined the International Monetary Fund and World Bank and taken steps to prove it was, by suspect standards, a good global citizen).

In his article, Mr. Raspberry suggested that UNITA's strong lobbying efforts in Washington D.C., and the United States' need for a political

the South African intervention, but preferred to downplay its connection with the Apartheid regime. However, once Pretoria's involvement became widely known, the Chinese withdrew its advisers from the region, and the Ford Administration was faced with domestic resistance to the U.S. role in the Angolan conflict....").

⁵³ William Minter, *The US and the War in Angola*, 50 Rev. of African Pol. Econ. pp. 135-44.

⁵⁴ William Raspberry, *Cut off Aid to Unita*, THE WASHINGTON POST (Sept. 12, 1990), <https://www.washingtonpost.com/archive/opinions/1990/09/12/cut-off-aid-to-unita/625a5bf0-b055-4695-96e3-a91de1b9dbae/>.

⁵⁵ *Id.*

victory were the factors that motivated the United States to continue its support for UNITA.⁵⁶ The answer simply is that the United States, at that time, did not regard the Angolan government as the legitimate government, and it certainly did not regard UNITA as a rebel group, and it mattered not how UNITA obtained the financial resources to continue its resistance in Angola.

Specifically, Resolution 1173 passed and could only pass because the United States, UNITA's former benefactor and sponsor, removed the protective labels of anti-Marxist group, independence group, liberators, and ally from UNITA thereby paving the way for: (1) UNITA to be regarded as an impediment to peace and stability in Angola, and (2) delegitimizing UNITA's control of diamond fields and the use of diamonds as a mean to finance their efforts in Angola.

To be sure, in her 2016 Note, Audrie Howard states:

At the time the Lusaka Protocol was signed, UNITA controlled over 70% of Angola and nearly all of its diamond production. Neither Angola's government nor the diamond industry made any effort to halt the trade of diamonds mined by UNITA. Between the years of 1992 and 1998, UNITA's profits from the diamond trade totaled up to 13 billion [sic] This money went to fund various UNITA ventures, including the purchase of arms.⁵⁷

Nonetheless, Ms. Howard's Note is conspicuously devoid of any discussion related to UNITA's work with the Western powers to thwart communism or that during the time that UNITA controlled diamond fields in Angola, UNITA received support from, among others, the United States and South Africa.⁵⁸ Ms. Howard states that UNITA used profits from the diamond trade to purchase arms, but Ms. Howard does not describe or

⁵⁶ *Id.*

⁵⁷ Audrie Howard, *supra* note 38.

⁵⁸ *Id.*

explain that UNITA used those arms to fight, as some describe it, another Cold War proxy conflict.⁵⁹

That Ms. Howard's Note fails to explore or describe UNITA's partnership with Western powers and or UNITA's role in fighting Marxist movements underscores this author's concern that the KPCS may be enforced to effect and achieve the political goals of powerful states that control the narrative regarding who or what is a rebel movement. Consequently, to the extent that powerful nations control the KPCS and use the process to achieve political goals, those powerful nations affect the economies of the nations where the purported rebel groups operate and trade in diamonds.

Co-incidentally, the Kimberly Process began when the diamond producing states met in Kimberly, South Africa (another country that supported UNITA and whose soldiers fought alongside UNITA's soldiers) to purportedly ensure "that diamond purchases were not financing violence by rebel movements and their allies seeking to undermine legitimate governments."⁶⁰

Indeed, it is ironic that the mission to end the trade in blood diamonds began in South Africa because that country traded in diamonds while slaughtering its Black population and brazenly and shamelessly suppressing the human and democratic rights of native South Africans for decades. Consequently, one must not overlook that Apartheid South Africa financed genocide and torture with its blood diamonds that De Beers skillfully marketed to the world.

ii. Zimbabwe

⁵⁹ See ZEMBLA – Onderzoeksjournalistiek, *The Dubious Friends of Donald Trump: King of Diamonds*, Youtube (May 11, 2017), https://www.youtube.com/watch?v=gvd7PqI_Lx0 (explaining that UNITA's so-called blood diamonds were used to finance a war against communism.)

⁶⁰ *About*, KIMBERLY PROCESS, <https://www.kimberleyprocess.com/en/about> (last visited Jan. 27, 2020).

a. KPCS Banned Zimbabwe's Diamonds Notwithstanding The Fact That No Rebel Group Traded In Zimbabwe's Diamonds To Further The Goal of Overthrowing A Legitimate Government.

Zimbabwe is one of the world's top 10 producers of gem diamonds.⁶¹ Moreover, Zimbabwe's Marange district is home to the world's richest diamond deposit, and that deposit contains easy-to-mine alluvial diamonds.⁶² In 2008, the mines in Marange District were opened to Zimbabweans for mining.⁶³

Nonetheless, in 2009, the KPCS imposed a ban on the importation and exportation of diamonds into and from Zimbabwe purportedly because the Zimbabwean government and many in Zimbabwe's armed forces committed human rights abuses in the Marange mines.⁶⁴ It is at once interesting and compelling that the KPCS imposed a ban on the diamond trade with and from Zimbabwe; yet, the KPCS offered no evidence that there were any rebel groups in Zimbabwe trading in rough diamonds to overthrow the legitimate government of Zimbabwe. Again, the KPCS achieved political and economic goals that are remarkably different from the stated goals of KPCS.⁶⁵

⁶¹ Eleni Giokos, *Why Zimbabwe shut down its diamond mines*, CNN (Mar. 3, 2016 10:17 a.m.), <https://money.cnn.com/2016/03/03/news/economy/diamond-mines-zimbabwe/index.html>.

⁶² Audrie Howard, *supra* note 38.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Kimberly Process, *supra* note 41 (stating, "The Kimberly Process started when South African diamond-producing states met in Kimberly, South Africa, in May 2000, to discuss ways to stop the trade in 'conflict diamonds' and ensure that diamond purchases were not financing violence by rebel movements and their allies seeking to undermine legitimate governments.")

b. The United States Imposed Sanctions Against Zimbabwe's Diamond Industry.

Zimbabwe not only battled and suffered from the effect of the KPCS ban on Zimbabwe's diamonds, Zimbabwe struggled from the debilitating effects of the sanctions imposed by the United States. More than one decade ago, the United States imposed sanctions against Zimbabwe's diamonds. For example, in 2003, 2005, and 2008, the United States imposed sanctions on Zimbabwe purportedly because officials in Zimbabwe's government contravened democratic processes and contributed to the instability of Zimbabwe and "[S]outhern African Region.⁶⁶ In addition, the United States Department Of The Treasury's Office of Foreign Assets Control (OFAC) imposed sanctions on Marange Resources and Mbada Diamonds. Zimbabwe Mining Development Corporation (ZMDC) (which the government of Zimbabwe owns) had a stake in both companies. Consequently, OFAC effectively imposed sanctions on ZMDC.⁶⁷ Moreover, in 2018, President Donald Trump determined that the sanctions that had been imposed pursuant to Executive Orders 13288, 13391, and 13469 should continue beyond 2018.⁶⁸

⁶⁶ Exec. Order No. 13288, 3 C.F.R. § 186 (2004); Exec. Order No. 13391, 3 C.F.R. § 206 (2006); Exec. Order No. 13469, 3 C.F.R. § 216 (2009); Donald J. Trump, *Notice of the President's Continuation of the National Emergency with Respect to Zimbabwe*, THE WHITE HOUSE (March 2, 2018), <https://www.whitehouse.gov/briefings-statements/notice-presidents-continuation-national-emergency-respect-zimbabwe/>.

⁶⁷ Unattributed, *Diamond mogul speaks on sanctions*, ZIMBABWE INDEPENDENT (Mar. 3, 2017), <https://www.theindependent.co.zw/2017/03/13/diamond-mogul-speaks-sanctions/>.

⁶⁸ Donald J. Trump, *supra* note 66 (stating,

The actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, the national emergency declared on March 6, 2003, and the measures adopted on that date, on November 22, 2005, and on July 25, 2008, to deal with that emergency must continue in effect beyond March 6, 2018. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13288.).

c. The Combined Effect of KPCS and The United States Economic Sanctions Were Ruinous For Zimbabwe's Diamond Industry and Zimbabwe's Economy.

Ironically, the United States asserts it imposed sanctions on Zimbabwe because, among other things, “certain persons” in Zimbabwe undermine democratic processes and contribute to political and economic instability in the southern [sic] African region”⁶⁹; yet, the sanctions, in and of themselves contributed to the political and economic instability of Zimbabwe.⁷⁰

According to a 2016 CNN article, “[r]evenues from [Zimbabwe’s diamond] industry still account[ed] for about 30% of government income, even though they fell to \$300 million in 2015 from \$678 million in 2013, according to Mines and Mining Development Minister Walter Chidakwa.⁷¹ Undoubtedly, sanctions and the label “blood diamonds, adversely affected, as they did with and in other African nations, the diamond industry in Zimbabwe.⁷² Consequently, in 2012, World leaders and leaders in the diamond industry noted that the sanctions against Zimbabwe’s diamonds hurt that country’s economy and caused that country to market its diamonds at depressed prices.⁷³

⁶⁹ See, e.g., Exec. Order No. 13288, *supra* note 66, (stating,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region, constitute an unusual and extraordinary threat to the foreign policy of the United States, and I hereby declare a national emergency to deal with that threat.)

⁷⁰ Unattributed, *supra* note 67.

⁷¹ Eleni Giokis, *supra* note 61.

⁷² Unattributed, *supra* note 67; see also Columbus Mavhunga, *Sanctions on Zimbabwe’s diamonds to stay*, DW.COM (Nov. 14, 2012), <https://p.dw.com/p/16j0a>.

⁷³ See [Columbus Mavhunga, supra note 72](#).

In addition to highlighting the crippling effect of sanctions imposed by the United States, others highlighted that the so-called KPCS retarded, not helped, the diamond industry in Zimbabwe.⁷⁴ Still others noted that even where Zimbabwe completely complied with the Kimberly-Process benchmarks, people in the international community unfairly referred to Zimbabwe's diamonds as blood diamonds, thereby affecting Zimbabwe's ability to market and sell its diamonds.⁷⁵

Zimbabwe, like the Democratic Republic of Congo, is evidence that rich and bountiful diamond deposits, in and of themselves, do not translate into sustained wealth and prosperity.⁷⁶ The richest diamond deposit is in Zimbabwe; yet, that country languishes economically, and its people do not enjoy the wealth and prosperity that should result from and be congruent with significant mineral wealth. Why then would anyone conclude that sanctions that prohibit Zimbabwe from exporting its diamonds would alleviate the economic ills that lead to the social and political instability that Zimbabwe has experienced? Of course, no country can convert mineral deposits into monetary wealth for the state and its citizens unless and until powerful countries and international regulatory groups permit that country to own and export the minerals that are located in the country. It is clear that Africa's diamonds have not been the only target of control. Instead, the natural resources of Africa are within the crosshairs and again, the specious reason for banning and restricting the flow of Africa's natural resources is the prevention of armed conflict.⁷⁷

⁷⁴ *Id.*

⁷⁵ [Unattributed, supra note 67.](#)

⁷⁶ The Democratic Republic of Congo, Zimbabwe, and Angola are among the largest producers of diamonds (Ehud Arye Laniado, *Worlds' Top Diamond-Producing Countries*, ALL DIAMOND (July 8, 2015), <https://www.ehudlaniado.com/home/index.php/news/entry/world-s-top-diamond-producing-countries>); yet, they are among the poorest nations on Earth (Luca Ventura, *Poorest Countries in the World 2019*, GLOBAL FINANCE (Apr. 17, 2019), <https://www.gfmag.com/global-data/economic-data/the-poorest-countries-in-the-world>).

⁷⁷ Michael Fleshman, '*Conflict Diamonds*' evade UN sanctions, AFRICA RENEWAL (Dec. 2001), <https://www.un.org/africarenewal/magazine/december-2001/conflict-diamonds-evade-un-sanctions> (stating,

Diamonds and other natural resources are continuing to finance armed conflicts in Angola and the Mano River Union states of Liberia, Sierra Leone and Guinea despite improved enforcement and monitoring of UN

Economic sanctions and the KPCS prohibited Zimbabwe from exporting Zimbabwe's diamonds. As described above, in 2008, the United States imposed economic sanctions on Zimbabwe.⁷⁸ Not surprisingly, during that year, Zimbabwe "suffered the second most severe episode of hyperinflation in recorded history."⁷⁹ Less than one decade later, in 2017, Zimbabwe again experienced hyper-inflation.⁸⁰ "Hyperinflation occurs when the monthly inflation rate reaches 50% per month and remains above

arms and diamond sanctions... Council investigators continued the controversial practice of "naming and shaming" governments, businesses and individuals suspected of sanctions busting, and recommended a number of new measures to choke off the trade in natural resources for weapons... The growing Liberian timber industry, which was expected to generate some \$25 mn in government revenue in 2001, has also come under Council scrutiny for its role in violating sanctions.);

See also, European Commission, *Service for Foreign Policy Instruments (FPI; What We do*, EUROPEAN COMMISSION, <https://ec.europa.eu/fpi/what-we-do/kimberley-process-fight-against-%E2%80%98conflict-diamonds%E2%80%99-en> (last visited January 29, 2020) (stating,

A. "The FPI's role

- Hilde Hardeman, Head of the Service for Foreign Policy Instruments, will serve as the Kimberley Process Chair on behalf of the EU in 2018.
- Through the FPI, the European Commission represents the EU in the Kimberley Process, and is advised by the EU KP Committee. The Commission also coordinates and monitors the implementation of KP rules within the EU.
- **The FPI also contributes more generally to policy making on other conflict natural resources.**

(emphasis added).

⁷⁸ Kimberly Process, *supra* note 41 and quoted as in note 65.

⁷⁹ Steve Hanke, *Zimbabwe Hyperinflates Again, Entering the Record Books For A Second Time In Less Than A Decade*, FORBES (Oct. 28, 2017), <https://www.forbes.com/sites/stevehanke/2017/10/28/zimbabwe-hyperinflates-again-entering-the-record-books-for-a-second-time-in-less-than-a-decade/#14a34c853eed>.

⁸⁰ *Id.*

that rate for at least 30 consecutive days.”⁸¹ Hyperinflations retards economic growth and furthers poverty and unrest.

Therefore, it is interesting that in 2018, President Trump renewed sanctions against Zimbabwe and opined that the sanctions should continue beyond 2018. It appears counter-intuitive that one would expect to improve a country’s so-called commitment to democracy and human rights by imposing sanctions that adversely impact the economic condition of the purportedly offending country. After all, the United States has not, to pressure Saudi Arabia into improving its human rights record, imposed economic sanctions on Saudi Arabia largest mineral deposit-oil.

iii. Cote D’Ivoire⁸²

In their 2014 article (available on Reuters) Michelle Nichols and Joe Bavier highlighted that the United Nations Security Council, at the urging of the French government, contemplated lifting a ban on diamond exports from Cote d’Ivoire. The ban had been in effect for a decade.⁸³ The Security Council claims it placed the ban on Cote d’Ivoire’s diamond exports in response to a civil war that occurred in Cote d’Ivoire between 2002 and 2003.⁸⁴ Security Council Resolution 1643 states in pertinent part as follows:⁸⁵

⁸¹ *Id.*

⁸² In 1985, the Government of Ivory Coast requested that other governments and agencies refer to Ivory Coast as Cote d’Ivoire. Consequently, this article also refers to the Ivory Coast as Cote d’Ivoire. See Côte d’Ivoire, www.newworldencyclopedia.org/p/index.php?title=C%C3%B4te_d%27Ivoire&oldid=1007818 (last visited January 29, 2020).; Mark Johnson, *Ivory Coast or Côte d’Ivoire*, ECA INTERNATIONAL (Mar. 5, 2013) <https://www.eca-international.com/insights/blog/march-2013/ivory-coast-or-cote-d-ivoire/>; U.S. Department of State, *U.S. Relations With Cote d’Ivoire*, U.S. DEP’T OF STATE, <https://www.state.gov/u-s-relations-with-cote-divoire/> (last visited January 29, 2020).

⁸³ Michelle Nichols & Joe Bavier, *Exclusive: U.N. set to lift Ivory Coast diamond ban, tweaks arms embargo*, REUTERS (Apr. 25, 2014 12:48 p.m.), <https://www.reuters.com/article/us-ivorycoast-un-diamonds/exclusive-u-n-set-to-lift-ivory-coast-diamond-ban-tweak-arms-embargo-idUSBREA301ND20140425>.

⁸⁴ S.C. Res 1643 (Dec. 15, 2005); and *supra* note 82.

⁸⁵ S.C. Res. 1643 (Dec. 15, 2005).

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good neighbourliness,[sic] non-interference and regional cooperation,

[] Expressing its serious concern at the persistence of the crisis in Côte d'Ivoire and of obstacles to the peace and national reconciliation process from all sides, Reiterating its firm condemnation of all violations of human rights and international humanitarian law, including the use of child soldiers, in Côte d'Ivoire, Taking note of the final communiqué of the Kimberley Process Plenary Meeting held in Moscow from 15 to 17 November 2005 and of the resolution adopted by Kimberley Process participants at that meeting setting out concrete measures to prevent the introduction of diamonds from Côte d'Ivoire into the legitimate diamond trade, and recognizing the linkage between the illegal exploitation of natural resources such as diamonds, illicit trade in such resources, and the proliferation and trafficking of arms and the recruitment and use of mercenaries as one of the sources of fueling [sic] and exacerbating conflicts in West Africa,...

Requests also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d'Ivoire and about the production and illicit export of diamonds;....

Again, the economic prosperity of an African nation was controlled by non-African nations (members of the United Nations Security Council) under the pretext of a “commitment to the sovereignty and independence”⁸⁶of the subject African country. Certainly, most are (if not should be) aware that France was the colonial master in Cote d'Ivoire and

⁸⁶ *Id.*

Of course, history is replete with examples of foreign powers and colonial masters depriving African persons and African nations from owning and benefiting from the cache of minerals and precious stones that are/were available in African nations. In fact, more than one hundred years ago, in January 25, 1905, in Pretoria, South Africa, a native South African discovered but had to turn over to owners of the mine, a 3,106-carat that weighed approximately 1.33 pounds. The diamond was the “Cullinan,” and it was the largest diamond ever found. The Cullinan and the pieces that were carved from it, are not on display in South Africa. Instead, those stones are on display in the Tower of London and are included in the Royal Scepter and State Crown.

that France has used agreements with its former colonies, international banking laws, and the United Nations to control former French colonies.⁸⁷ Indeed, even a United States Senator has remarked and warned leaders of African nations that France engages in Neocolonialism in Africa.⁸⁸

Here, in the case of Cote d'Ivoire, the United Nations, relying on KPCS and reports of the French government determined that the best way to help a poor country survive the ravages and vestiges of a civil war and internal unrest was to preclude that country from exporting a valuable mineral resource. In essence, the United Nations concluded that in its commitment to good neighborliness, and non-interference, it would assist Cote d'Ivoire rebuild its nation and economy by preventing it (Cote d'Ivoire), for more than ten years, from selling diamonds.

It is unconscionable that the embargo lasted that long or that a European nation, France, the former colonial master of Cote d'Ivoire, needed to urge the United Nations Security Council to lift the ban on the exportation of diamonds from Cote d'Ivoire because, as early as 2011, Cote d'Ivoire "had been pressing the Security Council to end the diamond embargo that was put in place in 2005...."⁸⁹ Of course, Cote d'Ivoire's pleas,⁹⁰ though ignored, were based in desperate reality. According to information produced by the KPCS, Cote d'Ivoire did not (because the international bodies prevented it from doing so) export diamonds between 2004 and 2014.⁹¹ Not surprisingly, Cote d'Ivoire's

⁸⁷ Promskaya, Anastacia, *France Still Robbing Its 'Former' African Colonies*, Pambazuka News (Sep. 25, 2015), <https://www.pambazuka.org/governance/france-still-robbing-its-former-african-colonies>

⁸⁸ Znacheki, *US Senator Warns African Presidents About French Neocolonialism of Africa*, YOUTUBE (Dec. 12, 2019), <https://www.youtube.com/watch?v=OuteU8b9rEY>.

⁸⁹ Nichols & Bavier, *supra* note 83.

⁹⁰ *Id.* (stating, "'We want the diamond embargo lifted. Today, Ivory Coast is not a country at war,' Fatimata Thes, the ministry of mines official heading the lobbying effort, told Reuters. 'We want to take full advantage of our wealth and practice [sic] good governance by exerting control over the marketing process.'")

⁹¹ *Côte D'Ivoire*, KIMBERLY PROCESS, <https://www.kimberlyprocess.com/en/c/%C3%B4te-divoire-0> (last visited January 29, 2020).

GDP languished between 2004 and 2014.⁹² That information is particularly frightening when one notes that, “before the embargo, [Cote d’Ivoire] produced about 300,000 carats of diamond a year, valued at around \$25 million, according to industry experts....”⁹³

The ban on the exportation of diamonds from Cote D’Ivoire eliminated the jobs of ten thousands of Ivorians, hurt the economic lives of Ivorians, and decimated an industry that the nation had to rebuild.⁹⁴ As a result, clearly, the ban on Ivorian diamonds should not be regarded as a successful strategy. Although the United Nations Security Council lifted the ban on the exportation of Ivorian diamonds in 2014, it now appears that one permanent member of the United Nations Security Council recognizes that international bans and sanctions against exporting diamonds from poor African nations is harmful and counterproductive.

Surprisingly, it appears that Russia, which has some of the largest diamond deposits in the world, and who serves as Vice Chair⁹⁵ of the KPCS, realizes that the ban on diamond exports from poor African nations does not serve to improve the lives of the citizens of African nations.⁹⁶ For example, Russia’s deputy finance minister, Alexei Moiseyev, stated that the international community should recognize that the ban of diamonds does not work, and with respect to the Democratic Republic of Congo, it is time to legalize the exportation of diamonds in general.⁹⁷ Alexei Moiseyev stated, “The current bans are unfair to **poor people** who can only earn a

⁹² See e.g., *Ivory Coast Real GDP Growth*, CEIC, <https://www.ceicdata.com/en/indicator/ivory-coast/real-gdp-growth> (last visited January 29, 2020); and *Ivory Coast GDP*, TRADING ECONOMICS, <https://tradingeconomics.com/ivory-coast/gdp> (last visited January 29, 2020).

⁹³ Nichols & Bavier, *supra* note 83..

⁹⁴ USAIDEnvironment, *Two and a Half Years After the Diamond Ban Lift, Glimmers of Hope in Cote d’Ivoire*, MEDIUM.COM (Nov. 10, 2016), <https://medium.com/@USAIDEnviro/two-and-a-half-years-after-the-diamond-ban-lift-glimmers-of-hope-in-cote-divoire-8aef1ee51d6a>.

⁹⁵ *Chair: Leading and enlarging the influence of the KP every year*, KIMBERLY PROCESS, <https://www.kimberlyprocess.com/en/chair> (last visited Jan. 29, 2020).

⁹⁶ Oliver Carroll, *Russia is trying to legalise African ‘blood diamonds’*, INDEPENDENT (Nov. 13, 2019), <https://www.independent.co.uk/news/world/europe/russia-blood-diamonds-ban-africa-war-legal-a9201911.html>.

⁹⁷ *Id.*

wage (this way) [and] [p]ractically all diamonds end up on the world market as contraband ... with earnings being used by criminals.”⁹⁸

Moiseyev’s statement is tantamount to succinctly stating that a KCPS ban on export of diamonds from poor African nations is an ineffective and cruel strategy that serves only to hurt the people of the nations on which the bans are imposed. Consequently, the international community ought to employ more humane and reasoned approaches. The internationally community should use methods that don’t strangle the economies and the nations and the lives of the people that the international community professes it seeks to enhance and or protect.

VII. KCPS and the International Community Must Employ Fair and Consist Strategies.

To ensure that the populations in poor diamond-producing countries do not suffer and those countries do not saunter or sprint down the path of civil unrest, the international community should not merely prohibit those poor countries from exporting the resources on which those countries rely for income.

For example, Angola is one of the poorest countries in the world, and its poor citizens often search for diamonds as a means to subsistence;⁹⁹ however, in Angola, it is not lawful for the population to directly sell any of the diamonds they find. Instead, Angolan citizens must sell their diamonds to Ascorp, a firm that has a reputation for cruelty, and whose stakeholder, Lev Leviev, has a reputation for being unscrupulous and greedy.¹⁰⁰ If then Ascorp and Leviev have engaged in brutality, repression, and even crimes against humanity, should the entire Angolan population

⁹⁸ *Id.* (emphasis added). Moreover, that the author, Oliver Carroll, has entitled his article as “Russia is trying to legalise [sic] African ‘blood diamonds’ demonstrates the implicit bias and subliminal fear mongering of diamonds mined in and exported from Africa. The title of Mr. Carroll’s article suggests that all diamonds mined in and exported from Africa are used as so-called blood diamonds or conflict diamonds.

⁹⁹ ZEMBLA – Onderzoeksjournalistiek, *supra* note 59.

¹⁰⁰ *Id.*

and economy suffer? No. Indeed, it would be prudent to merely impose sanctions and bans against the persons and organizations, who commit the crimes and or financially benefit from the crimes. One should not forget that the practices of cruel corporations and specific individuals,¹⁰¹ not populations in and of themselves, preclude countries like Angola from benefiting from natural resources, and consequently KCPS should not mistakenly discard the baby with the bathwater.

One should contrast KCPS actions in Africa with its inaction in Euroasia. For example, in response to Russia's military intervention in Ukraine and the resulting referendum in Crimea, the United States and the European Union, in 2014, imposed sanctions against Russian businesses, individuals, and government officials.¹⁰² Indeed, the sanctions substantially hurt Russia's economy (Russia had largely depended on oil and gas exports),¹⁰³ but neither the international community nor KCPS imposed a ban on the sale or export of diamonds from Russia.

"Russia holds what is believed to be the world's largest and richest diamond resources. [Russia] is the world's largest producer and exporter of rough diamonds by volume. In 2014, [the year that the United States and the European Union imposed sanctions against Russia for Russia's incursion into Crimea] Russian miners extracted an estimated 38-39 million carats of diamonds."¹⁰⁴ Nonetheless, the international community and KPCS did not conclude that Russia's diamond sales contributed to or contributes to Russia's ability to overthrow governments or commit international crimes.

¹⁰¹ *Id.* (journalist explaining how some individuals and corporations, who earn billions of dollars, have engaged in human rights abuses in Angola while the country remains poor.)

¹⁰² Daniel Fjaertoft & Indra Overland, *Financial Sanctions Impact Russian Oil, Equipment Export Ban's Effects Limited*, *Oil & Gas Journal* Vol. 113, No. 8, pp. 66 – 72 (Aug. 3, 2015) (print source), alternatively https://www.researchgate.net/publication/281776234_Financial_Sanctions_Impact_Russian_Oil_Equipment_Export_Ban's_Effects_Limited (last visited Jan. 29, 2020) (online source).

¹⁰³ Trude Petterson, *Russia loses \$600 billion on sanctions and low oil prices*, *THE BARENTS OBSERVER* (Feb. 5, 2016), <https://thebarentsobserver.com/ru/node/414>.

¹⁰⁴ Ehud Arye Laniado, *supra* note 76.

Certainly, this author does not suggest that KPCS should have concluded that Russia's diamonds are blood diamonds or that the international community should have placed a ban on the export of Russian diamonds, but certainly this author wishes to juxtapose the above-described ban on the sale of the Ivorian diamonds against the conspicuous inaction against Russian diamonds. How does and can the international community every justify taking measures that strip poor African nations of the ability to build wealth? Surprisingly, it appears that Russia, as expressed in the comments of Minister Alexei Moiseyev, understands that the KPCS should be and must employ a fair and balanced approach that does not serve to exacerbate the poor conditions of nations and further enrich economically stable competitors of the other countries and those who control their diamond mines and production.