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Digging Deep for Profits and Development? Reflections on Enhancing the Governance of Africa's Mining Sector

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ABSTRACT

Africa's wealth in mineral resources has seldom been used to the benefit of the inhabitants of the countries concerned. More often it has provided an area of contestation between governments, multinational mining companies, local communities and armed factions. The diamond fields of various African states have been particularly vulnerable to the depredations of forces seeking ways to finance civil wars. It is in this context that various initiatives intended to address these and similar situations across the world have been devised. The aim of global governance initiatives is to replace the cynical exploitation of mineral wealth by powerful parties, whether economic, military or political, by a negotiation of common areas of interest between these players and the many other entities with a stake in Africa's mining. This will ideally result in collective goal-setting that can shape the management of extractive industries and, ideally, contribute to economic and social development in the resource-rich countries.

Having described the conceptual origins and nature of global governance initiatives, the author examines and rates the three that have particular relevance for Africa's mining sectors: the Extractive Industries Transparency Initiative, the Kimberley Process/Kimberley Process Certification Scheme and the Diamond Development Initiative. The general conclusion reached by the author is that, while much remains to be done and many problems persist, the changes in practice brought about by these initiatives generally promise an improvement in Africa's development trajectory, a more ethical approach to mining practice, and perhaps a stronger voice for the merits of collaboration when it comes to global policymaking.

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ABBREVIATIONS AND ACRONYMS

CECIDE	Centre pour le Commerce International et Development
CENADEP	Centre d'Appui au Développement et la Participation Populaire
CSO	civil society organisation
CSR	corporate social responsibility
DDI	Diamond Development Initiative
DDII	Diamond Development Initiative International
DRC	Democratic Republic of Congo
EC	European Commission
EITI	Extractive Industries Transparency Initiative
GW	Global Witness
HDI	Human Development Index
ICMM	International Council on Mining and Metals
IFI	international financial institutions
IMF	International Monetary Fund
IR	International Relations
KP	Kimberley Process
KPCS	Kimberley Process Certification Scheme
MBT	Mine Ban Treaty
NGO	non-governmental organisation
OP	Ottawa Process
PAC	Partnership Africa Canada
PDA	Peace Diamond Alliance
UNDP	United Nations Development Programme
WBG	World Bank Group
ZDF	Zimbabwe Defence Forces

INTRODUCTION

> [The proposed China-Democratic Republic of Congo US$9 billion mining and infrastructure deal would] line the pockets of a few politicians while the Congolese people would see no benefit.[1]

> Global governance implies a wide and seemingly ever-growing range of actors in every domain. Global economic and social affairs have traditionally been viewed as embracing primarily intergovernmental relationships, but increasingly they must be framed in comprehensive enough terms to embrace local and international NGOs [non-governmental organisations], grassroots and citizens' movements, multinational corporations and the global capital market.[2]

The quotations above contrast the cynicism that many observers hold when it comes to the negotiation and implementation of mining deals across the African continent with the need for analysts to reflect on governance frameworks through a 'global' lens. Although the government of the Democratic Republic of Congo (DRC) is in the midst of renegotiating several mining deals inherited from Mobutu Sese Seko's notoriously kleptocratic regime as well as a number of agreements reached in the post-2002 Mining Code period, it is unclear whether the new arrangements will result in widespread and equitable development across the country. The DRC is not alone in seeking to promote economic development. Many African countries rely on their mining sectors to attract foreign investment, earn export revenues and related fees, provide much-needed employment, and support a variety of spin-off economies. Internal and cross-border migrants are also drawn to mining areas in search of either formal or informal employment.[3]

Taking cognisance of the aforementioned development issues, this paper assesses some of the governance challenges in Africa's mining sector. This will include an examination of leading governance initiatives such as the Extractive Industries Transparency Initiative (EITI), the Kimberley Process/Kimberley Process Certification Scheme[4] (KP/KPCS), and the Diamond Development Initiative (DDI).[5] Governance is a form of management that includes — yet goes beyond — 'government' action and places emphasis on processes and procedures.[6] Governance initiatives are viewed as examples of shifting authority that arise through the collective efforts of state (that is, public) and non-state (private) stakeholders at the global, regional, national, sub-national, and local levels.[7] The paper is particularly concerned with the interplay between public and private interests among and across these levels.

One of the leading challenges to broadening and enhancing mining governance initiatives in Africa is to bring various stakeholder interests and incentives together so that they coincide. Once this is achieved, these stakeholders will be able to engage in co-operative behaviour that influences policymaking processes and procedures at all levels.

THEORETICAL FRAMEWORK: GLOBAL GOVERNANCE

A useful departure point for understanding how global governance initiatives on mining arose is to frame the analysis within the International Relations (IR) literature on global governance. Given the central role of the state in the EITI and the KP (and, to a lesser extent, in the DDI), it is important to understand what motivates states to participate in and co-operate with other state and non-state actors in such global governance initiatives on mining. Comprehending the motivations underlying state behaviour is one of the enduring challenges in IR. This has led IR scholars to develop theoretical frameworks that attempt to provide insight into state motivations.

The first concrete body of IR literature to address state motivations was classical realism,[8] which was later adapted by a new generation of scholars and became known as structural realism.[9] Realism — in both classical and structural variants — casts states as unitary actors that seek to maximise power to ensure survival in an anarchical international system. Structural realism places greater emphasis on how the structure of the international system shapes the behaviour of states based on their relative power capabilities. However, these variants of realism did not account for the role of non-state actors, such as domestic and transnational firms, international financial institutions (IFIs), local and transnational NGOs, rebels, secessionists, and insurgents, transnational terror groups, and criminal networks. These shortcomings in realism led to the creation of new theoretical frameworks within IR, such as neo-liberal institutionalism[10] and constructivism.[11] Neoliberal institutionalism examines how hegemonic state powers sustain international regimes, which may include non-state actors, as a means of facilitating co-operation among states. Constructivism portrays state power as socially constructed, and emphasises the interconnectedness of ideas and interests, thereby opening up the possibility that non-state actors may influence states through the power of ideas.

The variants of realism help us understand state motivations. Neoliberal institutionalism acknowledges the growing importance of non-state actors such as NGOs and firms; and constructivism elucidates the power of ideas. However, on balance, these theoretical approaches — neo-liberal institutionalism and constructivism included — still have difficulty explaining the motivations (and hence behaviour) of non-state actors in the international arena. The more inclusive and nuanced global governance framework, which is informed in varying degrees by the theoretical approaches mentioned above, will be employed in this paper.

The conceptual origins of 'global governance' can be traced to international regime theory,[12] which gained currency among IR scholars seeking to explain the changing international order after the end of the Cold War.[13] James Rosenau is a leading proponent of the analytical value of global governance as a framework in order to understand change and the relocation of authority at the global level.[14] Building on the work of Rosenau, Martin Hewson and Timothy Sinclair declared that 'global governance theory has emerged' as a means to account for global change within the study of IR.[15] Healthy debates were evident in the evolving global governance literature, as Lawrence Finkelstein and Robert Latham provided thoughtful critiques and noted that the lexicon associated with global governance may be co-opted by IFIs such as the International Monetary Fund (IMF) and the World Bank Group (WBG).[16] Thomas Weiss and Caroline Thomas extended these concerns and argued that the IMF had attempted to 're-package' structural adjustment programmes under the rubric of global governance.[17]

Proponents of global governance frameworks seek to expand the traditional locus of IR debates about state power to encompass a wider range of actors that goes beyond states and inter-governmental organisations like the UN and the World Trade Organisation.

Global governance initiatives are viewed as examples of change and the relocation of authority that arise through the collective efforts of state and non-state actors at the global, regional, national and local levels.[18] When interests and incentives coincide, these mixed-actor coalitions may engage in co-operative behaviour and aim to influence international and national policymaking processes and procedures.[19] Thus, it is a central proposition of the paper that, while still important in the present era of emerging global governance, states and international organisations are no longer the only players. Non-state actors such as NGOs and corporate entities are becoming crucial components of the global governance equation, both in theory and in practice. Thomas J Biersteker and Rodney Bruce Hall draw attention to the authority that private firms and entities possess, and how they 'have begun to influence a growing number of issues in our contemporary world'.[20] Conceptually, global governance acknowledges and accounts for the growing importance of non-state actors and private authority in global politics.

GLOBAL GOVERNANCE, HUMAN SECURITY, & DEVELOPMENT: MINERAL RESOURCES

In the domains of both policy and scholarship, interest in global governance initiatives is growing. New forms of global governance are being looked upon as potential means of providing various public goods, such as human security.[21] Although subject to a degree of conceptual 'fuzziness',[22] the overarching idea of human security is that it privileges the needs of the individual over the state with respect to security concerns.[23] In addition to measuring the extent to which global governance initiatives can promote human security, it is important to understand how new forms of global governance evolve as means of seeking to provide a particular public good. The Ottawa Process (OP) on landmines attempts to protect civilian populations from the threat of landmines by urging countries to ban the use of these devices and to sign the Mine Ban Treaty (MBT). Although 156 countries have become signatories, problems regarding monitoring and compliance persist.[24] Furthermore, the OP and the MBT lacks the assent of the most important states that produce and deploy landmines such as the US, Russia, China, and India.

The international governance initiatives that are designed to manage certain aspects of the mining sector, the EITI, the KP and the DDI also strive to provide various public goods, ranging from ethical corporate behaviour in mining and other extractive sectors to eradicating the trade in conflict diamonds to promoting better working conditions for artisanal diamond diggers. These three global governance initiatives address the development component of human security. Like the OP, challenges relating to monitoring and compliance persist. However, it has been easier for the EITI, the KP, and the DDI to attract the participation of some of the so-called 'heavyweights' of the international community than for the OP. The KP in particular counts the US, China, Russia, the European Union[25] and India as members. (The last three served one-year terms as Chair of the KP in 2005, 2007 and 2008 respectively.) One reason for this variance is that mineral resources — while of great strategic value for some countries — do not hold the same tactical and defensive value as landmines.

For many African countries, the possession of mineral resources holds out the promise of economic development. Despite the deleterious influence that mineral resources may have in terms of extending and exacerbating violent conflict,[26] mining has retained its attractiveness as a vehicle for development in many African countries. For countries emerging from civil war, the re-establishment of mining is relatively easy to accomplish. Furthermore, Botswana's ability to translate its diamond reserves[27] into economic growth and political stability is one that many countries across Africa — and the globe — seek to emulate. Yet for every Botswana there are cases such as the DRC, Angola, Sierra Leone and Ghana, where mineral extraction is synonymous with dangerous working conditions, exposure to criminal activity, meagre and unreliable remuneration and environmental degradation.

Table 1: Sierra Leone, rough diamond exports, 1999–2007 (official figures)

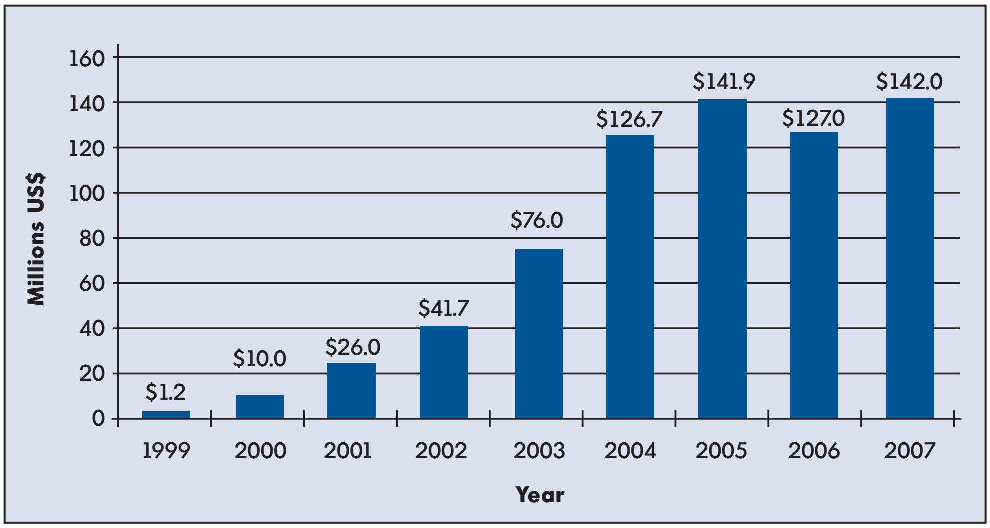

Table 2: Ghana, rough diamond exports, 1999–2007 (official figures)

Although Sierra Leone and Ghana are ranked seventh and eleventh among Africa's top diamond producers by value, it has not translated into economic growth. The same applies in the cases of Angola (at third place in Africa), which produced diamonds worth $1.272 billion, and the DRC (at fifth) worth $610 million respectively in 2007.[28] Furthermore, economic development at the individual level is notoriously difficult to ascertain with precision. Since 1994, the United Nations Development Programme (UNDP) has gathered development data on UN member countries. These Human Development Index (HDI) rankings and scores give us a valuable snapshot of development levels in Ghana, the DRC, Angola, and Sierra Leone based on longevity, education (adult literacy and enrolment ratios) and standard of living (per capita GDP balanced by purchasing power parity). Tables 3 and 4 below provide the HDI rankings and scores for the four countries examined in this paper. Given the two-year lag between the completion and publication of each survey (for example, the 1999 statistics appear in the *UNDP Report 2001*), the 2005 statistics (taken from the *UNDP Report 2007/2008*) are the most recently-published.

Table 3: United Nations Development Programme, Human Development Index Rankings[29]

Country	1999	2002	2005
Ghana	119	131	135
Democratic Republic of Congo	142	168	168
Angola	146	166	162
Sierra Leone	162	177	177
Number of countries surveyed	162	177	177

Table 4: United Nations Development Programme, Human Development Index Score[30]

Country	1999	2002	2005
Ghana	0.542	0.568	0.553
Democratic Republic of Congo	0.429	0.365	0.411
Angola	0.422	0.381	0.446
Sierra Leone	0.258	0.273	0.336

Despite possessing sizeable mineral resources, the four countries shown above are located near the bottom of the HDI rankings, with Sierra Leone finishing in last place in each of the three years listed.[31] With the exception of Ghana,[32] these countries suffered protracted periods of civil war during the 1990s and early 2000s,[33] and the mineral resources of Angola,[34] Sierra Leone[35] and the DRC[36] played an important role in the financing and prolonging of their civil wars. Initiatives such as the EITI, the KP, and the DDI arose in part as an international response to these particularly destructive internal conflicts. They were also prompted by the need to address the underlying causes of grievance that fed episodes of wanton violence. The paper now turns to a brief history and overview of these three global governance initiatives on mining, which includes an assessment of their successes and failures.

GLOBAL GOVERNANCE INITIATIVES AFFECTING AFRICA'S MINING SECTORS

The Extractive Industries Transparency Initiative

The EITI[37] is a rather ambitious global governance initiative that aims to increase transparency over financial dealings between companies dealing in extractive resources and host countries. This is accomplished by having the mining firms disclose the quantity and nature of payments they make to governments, as well as what they receive in return for these payments.

The Initiative began at the World Summit for Sustainable Development meetings in Johannesburg, South Africa, in October 2002, when the British prime minister at the time, Tony Blair, announced plans for the EITI. The first EITI plenary conference was held in London in June 2003, and followed by others in 2004 (London), 2005 (Oslo), and 2009 (Doha).

The EITI is similar to the KP in that the parties involved represent governments, industries, private firms, civil society organisations (CSOs) and NGOs. As of mid-2009, 42 'supporting companies' were EITI participants, with business interests ranging from mining to oil and gas.[38] More than half of these EITI 'supporting companies' are mining firms, including sector leaders such as Anglo American, Rio Tinto, and BHP Billiton. Global Witness (GW), Transparency International, the Open Society Institute, and the Publish What You Pay Coalition are just a few of the CSOs/NGOs that participate in the EITI. The EITI was also endorsed by the Group of 8 and the WBG in 2003, and retains the support of these multilateral organisations as well as that of the UN, Organisation for Economic Co-operation and Development, the African Union, and the IMF.

The EITI relies on donors such as the WBG to fund its operations through a trust. Because the principles behind the EITI are well-aligned with the tenor of the WBG's recent changes in approach to mining and other extractive industries,[39] the latter provides financial backing to assist several candidate states to implement EITI requirements. In order to become a 'compliant' country, each candidate must carry out a series of internal governance processes within a two-year period. These entail meetings with interested parties in the private sector and civil society, which in turn lead to the promulgation of a collaborative Country Work Plan. This sets out the manner in which that country proposes to bring about transparency in the extractive resource sector.[40] Some 15 'EITI candidate' countries are considered mining countries, including the DRC, Ghana and Sierra Leone. Angola has flirted with the idea of becoming a candidate country in late 2005, but has yet to submit a formal application to the EITI.

In terms of shortcomings, to date only Azerbaijan has achieved EITI compliance; none of the other 29 candidate countries (21 of which are in Africa) have succeeded in fulfilling the requirements.[41] Countries such as Angola also remain outside the purview of the EITI. Despite pressure by NGOs, the IMF and the WBG on the issue of transparency within Angola's oil and diamond industries, the government has remained adamant that different types of information on these extractive resources are not matters for public consumption, and therefore cannot be disclosed. This data covers a wide range: ownership of private shares in off-shore oil blocs; details of mining joint ventures and precise extraction locations; verifiable oil and diamond production statistics; and tax collection procedures and total revenues.

The Kimberley Process and the Kimberley Process Certification Scheme

The KP is a global governance initiative on rough diamonds that appears to have enjoyed the highest degree of success on the African continent. Since its establishment in 2000, the KP has sought to end the trade in conflict diamonds.[42] It should be noted that the KP is not without some guiding 'authority', nor is it completely decentralised. The KP 'Secretariat' does play a significant organisational role, particularly in setting the agenda of the plenary meetings and overseeing the workings of various committees and working groups and hence institutionalising governance structures within the KP. The Secretariat operates a website[43] and maintains an office in the host country, though it employs only a handful of people.

While the KP lacks an overarching or centralised political authority, this is not necessarily a barrier to its operational capacity. Although the relative lack of formal structures in the formative years of the KP (i.e., from 2000 to 2002) did cause some confusion and frustration for certain participants — particularly those drawn from the NGO community — this absence and the lack of international legal constraints and formal international treaty provisions have proven to enhance the operative capacity of the participant actor groupings over time. For instance, the diamond industry's self-regulation scheme was largely self-initiated as a means to complement the KPCS requirements of state participants and therefore, was not imposed upon the industry by some central authority. Similarly, the KP's review missions consisting of state and NGO representatives are voluntary and relatively informal in practice yet still sustain an effective governance-type arrangement.

In terms of its achievements, the KP enjoys the official membership and participation of global powers such as the US, Russia, China, and India, along with 71 other countries, in total representing 99% of the global production of, and trade in, rough diamonds.[44] Despite an uneasy working relationship at first, industry heavyweights — including De Beers, the World Diamond Council and Rapaport — have become active participants in the KP. For example they helped formulate its principal regulatory document, the Kimberley Process Certification Scheme, in 2003. Civil society has been represented by Partnership Africa Canada (PAC) and GW since the KP's inception. Other transnational NGOs, such as Amnesty International and World Vision were early participants, though their presence and actual work within the KP has dropped off considerably in recent years. In their place, the Fatal Transactions NGO network has increased their presence at the 2007 and 2008 KP plenary meetings through the work of the International Peace Information Service and the Netherlands Institute for Southern Africa. African NGOs have also attended the past two KP plenary meetings, including Green Advocates (from Liberia), Centre pour le Commerce International et Development (CECIDE, from Guinea) and Centre d'Appui au Développement et la Participation Populaire (CENADEP, from the DRC).[45]

In terms of shortcomings, there are reports that the trade in conflict diamonds in Côte d'Ivoire (and possibly the DRC) continues. Although Ivorian production amounts to less that 1% of global production, it remains troubling from a human security perspective and foments regional instability. Illicit diamond mining and diamond smuggling, which undermines government revenue collection, supports criminal networks and contributes to regional instability, continues throughout West and Central Africa.[46] Furthermore, it emerged in late 2008 that segments of the Zimbabwe Defence Forces (ZDF) had moved to the Marange diamond mining areas in the eastern part of the country and coerced locals (including children) into working the mines. The forced labour conditions meant that the miners received very little in terms of remuneration. The armed forces instilled fear in the miners with physical beatings, torture, and extrajudicial executions.[47] The rough diamonds from Marange are then sold to shady middlemen, who in turn smuggle the gems out of Zimbabwe. The proceeds (e.g., cash or goods) are divided among the soldiers and officers in charge of the mining area. Despite the loss of diamond-related revenues, the government tolerates this arrangement in order to mollify the armed forces. The purchasing power of ZDF salaries have eroded due to years of rampant inflation. Although PAC, GW, Human Rights Watch, and other CSOs have called on the international community to impose sanctions on Zimbabwean diamonds and urged the KP participants to suspend the country's membership in the KPCS, little progress has been made thus far.

The Diamond Development Initiative

The DDI is a relatively recent global governance initiative on mining, and it also focuses on rough diamonds. An outgrowth of the KP, the DDI is a non-profit organisation that seeks to address the development challenges in artisanal (also known as small-scale) diamond mining. As the KP evolved during the early 2000s, the issue of artisanal mining and miners came up, but many of the KP participant states were reluctant to deal with the vast logistical challenges associated with small-scale mining. By 2005 NGOs such as PAC and GW attempted to bring the issue of artisanal mining within the purview of the KP. Given the chilly reception from several states, it was decided to develop the DDI as a separate entity under the leadership of PAC and GW. The KP's industry observers (especially Martin Rapaport and De Beers) appreciated the value of the DDI early on, and were therefore early contributors to its development. From 2005 to 2007 the DDI began work on its mandate, staffing and funding. The DDI received vital grants from donors (which included the government of Sweden and the Tiffany Foundation). In 2008 the DDI appointed an experienced member of PAC who had been involved in KP-related work since 2003, Dorothée Gizenga, as its inaugural executive director.

Given the relative newness of the DDI, it is premature to provide anything more than a preliminary assessment of its record thus far and comments relating to its prospects for success. The DDI's work on artisanal diamond mining is important because, despite its importance to diamond production in Africa, the sector is often overlooked. The DDI also commissions research monographs and helps disseminate information on artisanal diamond mining on its website.[48] One of the DDI's main policy programmes is to assist artisanal miners to organise themselves so that they might receive better pay, not only for their labour but for the diamonds they find; and to bring about a general improvement in their working conditions. In terms of prospects, it will be important for the DDI to learn from the difficulties that the US Agency for International Development-funded Peace Diamond Alliance (PDA) encountered in Sierra Leone. Although much-needed and seemingly well-designed, the PDA project in Sierra Leone sought to improve the quality of life for diamond diggers by creating co-operatives.[49] The rationale for the diamond digger co-operatives was based on strengthening the bargaining power of diggers when they sell diamonds to traders and dealers. Instead of individuals or small groups of diggers attempting to sell their production each day (or every few days), the PDA-sponsored collectives would hold on to the production of its members and sell it every few weeks. Organisers would also work with members of the collective so that the latter would also learn more about the actual value of their diamonds. The PDA had plans to expand the programme to other parts of Sierra Leone, and neighbouring countries such as the DRC. After about 18 months, however, the PDA collectives failed, owing to organisational problems, delays, thefts and lack of interest by segments of the diamond-digging population.[50]

CONCLUDING REMARKS

Over the past decade, we have witnessed a rise in the 'naming and shaming' of corporations, countries, and individuals that trade in conflict minerals. Owing to the impact of such negative publicity on profits, firms have made the most progress in terms of participating in global governance initiatives among this group. Moreover, Hevina Dashwood argues that mining firms in general are steadily becoming more accepting of the need to demonstrate more ethical corporate behaviour.[51] This progressive move by mining firms is a result both of the proliferation of corporate social responsibility (CSR) norms, and of the growing profile of programmes such as EITI. The International Council on Mining and Metals (ICMM) has made some headway in its effort to not only combat the poor reputation of mining firms on issues ranging from working conditions to sustainable development, but also to promote effective CSR among its members.[52]

Although the ICMM promotes several noble principles relating to CSR, it is unclear how thoroughly its membership incorporates these principles in practice. The track record of mining firms, junior and senior, transnational and domestic, has been dismal. As Bonnie Campbell concludes in a report on mining in Africa:[53]

> Recent forms of 're-regulating' African states and societies, which have as their objective creating legal and regulatory frameworks conducive to attracting foreign investment, while clearly contributing to the latter, appear to fall very short of permitting sustainable development strategies and the introduction of norms and standards whether with regard to the protection of the environment, social impacts or labour, conducive to such strategies.

Environmental degradation continues at a rapid pace in many African countries. While the returns on foreign investment in African mining sectors may be high, it has not translated to improving human development across the continent — as the aforementioned UNDP HDI rankings for Sierra Leone, Angola, the DRC, and Ghana indicate.

As part of the ongoing efforts to broaden and enhance mining governance initiatives in Africa, several policy implications have emerged. In terms of policy (and practice), it is crucial that various stakeholder interests and incentives are brought forward in a transparent and honest fashion. This is a difficult task, particularly given the lack of trust that is common between the different parties with interests in Africa's mining sectors. Certain corporations, countries, and individuals also seem immune to 'naming and shaming' as well as so-called 'smart sanctions'. China's investments in Africa's mineral resource sectors have also drawn criticism. Although China is a long-standing member of the KP, it would be useful to include the country in the EITI and the DDI among other global governance initiatives on mining. China could also take advantage of its diplomatic relationship with Zimbabwe to pressure Harare to end the military's reign of terror and forced labour in the Marange diamond mining areas.

Policy-wise, global governance initiatives on mining must continue to evolve in order to meet new challenges. The KP has made significant strides over the past several years, yet conflict diamonds persist and related illicit activities such as smuggling continue. Despite the best efforts of DDI and other NGOs that participate regularly in the KP, official KPCS documents and communiqués rarely mention working conditions or human rights issues in mining areas. The KPCS is also rather limited in terms of scope given its narrow definition of conflict diamonds (which focuses on anti-government groups such as rebels). When groups affiliated with the government — such as the national armed forces — abuse the human rights of diamond miners, this constrained definition of conflict diamonds provides a 'policy excuse' that such activity is beyond the mandate of the KP. Hence, stakeholders should seek to emulate the successes (and avoid the shortcomings) of the global governance initiatives examined in the paper. This will inform the evolution of future 'KPs' and 'DDIs', for cobalt, cassiterite (tin ore), and other extractive commodities as well as an institutionalised 'EITI++'.[54] Azerbaijan's achievement of becoming the first 'EITI compliant' country contrasts with reports of 'conflict cassiterite' from the DRC,[55] an 'EITI candidate' country.

Although the EITI is gaining momentum and appears poised to make further headway and gain additional 'compliant' countries by 2010, the DRC is a sobering case. The majority of the 'EITI candidate' countries seem far from meeting the extant criteria. Lack of government capacity is the leading culprit, though flagging political will cannot be ruled out. EITI must vie for media, popular, and government attention among myriad competing and demanding policy issues. In a recent EITI board meeting, it was noted that not only the DRC but also Sierra Leone, Equatorial Guinea, and Mauritania were behind schedule in terms of implementing improved governance processes. Moreover, the EITI board acknowledged the urgency of getting 'validations done in a timely manner, noting that the 2010 deadline is not simply a target date'.[56] Indeed, the complex challenges presented by the DRC reinforce the point that current and future global governance initiatives (including a potential 'EITI++') must enable stakeholders to engage in co-operative behaviour that influences policymaking processes and procedures on the governance of mineral resources at all levels, from the global to the local.

ENDNOTES

1 General Laurent Nkunda, rebel commander of a Tutsi militia based in eastern DRC, quoted in Philip C, 'Search for peace "doomed" by scramble for minerals', *The Times* (United Kingdom), 8 November 2008, p. 56. Nkunda has since been captured by Rwandan forces.

2 Weiss TG, 'Governance, good governance and global governance: Conceptual and actual challenges', *Third World Quarterly*, 21, 5, 2000, p. 810.

3 See, for instance, Nyame FK, Grant JA & N Yakovleva, 'Perspectives on migration patterns

in Ghana's mining industry', *Resources Policy: The International Journal of Minerals Policy and Economics,* 34, 1–2, 2009, pp. 6–11.

4 The Kimberley Process (KP) refers to the grouping and activities of its member participants and official observers, while the Kimberley Process Certification Scheme (KPCS) refers to the specific regulatory document that governs the extraction and trade of rough diamonds, and elucidates the duties and guidelines for participants and observers. Since the KP is a more inclusive term, it will be employed in the paper unless specific reference to the KPCS document is intended.

5 The Diamond Development Initiative (DDI) is also known as the Diamond Development Initiative International (DDII).

6 Rosenau JN, 'Governance in the twenty-first century', *Global Governance*, 1, 1, 1995, pp. 13–43; Krahmann E, 'National, regional, and global governance: One phenomenon or many?', *Global Governance*, 9, 3, 2003, pp. 323–346.

7 Selby J, Introduction, in Cochrane F, Duffy R & J Selby (eds), *Global Governance, Conflict and Resistance*. Basingstoke: Palgrave Macmillan, 2003, pp. 1–18; Hewson M & TJ Sinclair, 'The emergence of global governance theory', in Hewson M & TJ Sinclair (eds), *Approaches to Global Governance Theory.* Albany: State University of New York Press, 1999, pp. 3–22; O'Brien R *et al.*, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements*. Cambridge: Cambridge University Press, 2000.

8 Carr EH, *The Twenty Years' Crisis, 1919–1939: An Introduction to the Study of International Relations*. New York: Harper & Row, 1939 (1964); Morgenthau HJ, *Politics Among Nations: The Struggle for Power and Peace, brief edition*. Boston: McGraw-Hill, 1948 (1993).

9 Structural realism is sometimes referred to as 'neo-realism'. See for example Cox RW, 'Social forces, states and world orders: Beyond international relations theory', *Millennium: Journal of International Studies*, 10, 2, 1981, pp. 126–155; Ruggie JG, 'Continuity and transformation in the world polity: Toward a neorealist synthesis', *World Politics*, 35, 2, 1983, pp. 261–285; Ashley RK, 'The poverty of neorealism', *International Organization*, 38, 2, 1984, pp. 225–286; Keohane RO, 'Realism, neorealism and the study of world politics', in Keohane RO (ed.), *Neorealism and Its Critics*. New York: Columbia University Press, 1986, pp. 1–26.

10 Keohane RO, *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton: Princeton University Press, 1984; Lipson C, 'International co-operation in economic and security affairs', *World Politics*, 37, 1, 1984, pp. 1–23; Stein AA, 'The hegemon's dilemma: Great Britain, the United States, and the international economic order', *International Organization*, 38, 2, 1984, pp. 355–386; Axelrod R & RO Keohane, 'Achieving co-operation under anarchy: Strategies and institutions', *World Politics*, 38, 1, 1985, pp. 226–254.

11 Adler E, 'Seizing the middle ground: Constructivism in world politics', *European Journal of International Relations*, 3, 3, 1997, pp. 319–363; Wendt A, *Social Theory of International Politics*. Cambridge: Cambridge University Press, 1999; Guzzini S, 'The concept of power: A constructivist analysis', *Millennium: Journal of International Studies*, 33, 3, 2005, pp. 495–521.

12 Keohane RO, 'The demand for international regimes', *International Organization*, 36, 2, 1982, pp. 325–355; Haggard S & BA Simmons, 'Theories of international regimes', *International Organization*, 41, 3, 1987, pp. 491–517; Hasenclever A, Mayer P & V Rittberger, 'Interests, power, knowledge: The study of international regimes', *Mershon International Studies Review*, 40, 2, 1996, pp. 177–228.

13 Hewson M & TJ Sinclair, *op. cit.*, pp. 3–4.

14 Rosenau JN, 'Toward an Ontology for Global Governance', in Hewson M & TJ Sinclair (eds), Approaches to Global Governance Theory, Albany: State University of New York Press, 1999, pp. 287–301.

15 Hewson M & TJ Sinclair, *op. cit.*, p. 18.

16 Finkelstein L, 'What is global governance?', *Global Governance*, 1, 3, 1995, pp. 367–371; Latham R, 'Politics in a floating world: Towards a critique of global governance', in Hewson M & TJ Sinclair, *op. cit*.

17 Weiss T, *op. cit.*; Thomas C, *Global Governance, Development and Human Security: The Challenge of Poverty and Inequality*. London: Pluto Press, 2000; Thomas C, 'Global governance, development and human security: Exploring the links', *Third World Quarterly*, 22, 2, 2001, pp. 159–175.

18 Krahmann E, *op. cit.*; O'Brien R *et al.*, *op. cit.*; Rosenau JN, *op. cit.*; Hewson M & TJ Sinclair, *op. cit*.

19 Weiss T, *op. cit.*; Cooper AF, English J & R Thakur (eds), *Enhancing Global Governance: Towards a New Diplomacy?* Tokyo and New York: United Nations University Press, 2002.

20 Biersteker TJ & RB Hall, 'Private authority as global governance', in Hall RB & TJ Biersteker (eds), *The Emergence of Private Authority in Global Governance*. Cambridge: Cambridge University Press, 2002, p. 203.

21 Duffield M, *Global Governance and the New Wars: The Merging of Development and Security*. London and New York: Zed Books, 2001.

22 Paris R, 'Human security: Paradigm shift or hot air?', *International Security*, 26, 2, 2001, pp. 87–102; Chandler D, 'Human security: The dog that didn't bark', *Security Dialogue*, 39, 4, 2008, pp. 427–438.

23 UNDP (United Nations Development Programme), *Human Development Report 1994*. New York: Oxford University Press, 1994; Hampson FO *et al.*, *Madness in the Multitude: Human Security and World Disorder*. Oxford: Oxford University Press, 2002; Burgess PJ & T Owen (eds), 'Special section: What is "human security"?', *Security Dialogue*, 35, 3, 2004, pp. 345–371; Mack A (ed.), *Human Security Report 2005: War and Peace in the 21st Century*. New York: Oxford University Press, 2005; Tadjbakhsh S & AM Chenoy, *Human Security: Concepts and Implications*. New York: Routledge, 2007; Wibben ATR, 'Human security: Toward an opening', *Security Dialogue*, 39, 4, 2008, pp. 455–462; Owen T, 'The critique that doesn't bite — A response to David Chandler's "Human security: The dog that didn't bark"', *Security Dialogue*, 39, 4, 2008, pp. 445–453; Ambrosetti D, 'Human security as political resource: A Response to David Chandler's "Human security: The dog that didn't bark"', *Security Dialogue*, 39, 4, 2008, pp. 439–444; Glasius M, 'Human security from paradigm shift to operationalisation: Job description for a human security worker', *Security Dialogue*, 39, 1, 2008, pp. 31–54.

24 Price R, 'Reversing the gun sights: Transnational civil society targets land mines', *International Organization*, 52, 3, 1998, pp. 613–644; Thakur R & W Maley, 'The Ottawa Convention on Landmines: A landmark humanitarian treaty in arms control?', *Global Governance*, 5, 3, 1999, pp. 273–302; Hubert D, *The Landmine Ban: A Case Study in Humanitarian Advocacy*, Occasional Paper 42. Providence: Watson Institute, 2000; Gwozdecky M & J Sinclair, 'Landmines and human security', in Hubert D & R McRae (eds), *Human Security and the New Diplomacy: Protecting People, Promoting Peace*. Montréal and Kingston: McGill-Queen's University Press, 2001, pp. 28–40; Brinkert K, 'The convention banning antipersonnel mines: Applying the lessons of Ottawa's past in order to meet the challenges of Ottawa's future', *Third World Quarterly*, 24, 5, 2003, pp. 781–793; Berhe AA, 'Politicizing indiscriminate terror: Imagining an

inclusive framework for the Anti-Landmines Movement', *Journal of Environment & Development*, 14, 3, 2005, pp. 375–393.

25 The European Union (EU) is represented at the KP by the European Commission (EC), though several of the member countries send national delegates under the auspices of the EC.

26 Le Billon P, 'The political ecology of war: Natural resources and armed conflicts', *Political Geography*, 20, 5, 2001, pp. 561–584; Le Billon P, 'Diamond wars? Conflict diamonds and geographies of resource wars', *Annals of the Association of American Geographers*, 98, 2, 2008, pp. 345–372; Ross ML, 'How do natural resources influence civil war? Evidence from thirteen cases', *International Organization*, 58, 1, 2004, pp. 35–67; Wennmann A, 'Resourcing the recurrence of intrastate conflict: Parallel economies and their implications for peacebuilding', *Security Dialogue*, 36, 4, 2005, pp. 479–494; Vines A, 'Dousing the flames of resource wars', *South African Journal of International Affairs*, 13, 2 (Winter/Spring), 2006, pp. 85–100.

27 Botswana is the world's leading producer of rough diamonds by value. In the last few years, Botswana's annual production has exceeded $2 billion.

28 As provided to the Kimberley Process Statistical Database.

29 UNDP, *Human Development Report 2001*. New York: Oxford University Press, 2001, pp. 143–144; UNDP, *Human Development Report 2004*. New York: Oxford University Press, 2004, pp. 141–142; UNDP, *Human Development Report 2007/2008*. New York: Oxford University Press, 2007, pp. 231–232.

30 *Ibid*.

31 Over the past decade, Sierra Leone has moved out of last place only once — to second-last in 2004.

32 See for example, Grant JA & FK Nyame, 'When good policy goes wrong: The impact of the KPCS on small-scale diamond mining in Ghana', (journal article under review) forthcoming; Nyame FK, Grant JA & N Yakovleva, 'Perspectives on migration patterns in ghana's mining industry', *Resources Policy: The International Journal of Minerals Policy and Economics,* 34, 1–2 (March–June), 2009, pp. 6–11.

33 Angolans endured approximately 27 years of civil strife. This destructive war ended shortly after the death of the rebel leader Jonas Savimbi in early 2002.

34 McMillan J, 'Promoting transparency in Angola', *Journal of Democracy*, 16, 3, 2005, pp. 155–169; Hodges T, *Angola from Afro-Stalinism to Petro-Diamond Capitalism*. Oxford and Bloomington, IN: James Currey and Indiana University Press, 2001; Blore SG (ed.), *Diamond Industry Annual Review: Angola 2007*. Ottawa: Partnership Africa Canada, 2007.

35 Grant JA, 'Informal cross-border micro-regionalism in West Africa: The Case of the Parrot's Beak', in Söderbaum F & I Taylor (eds), *Afro-Regions: The Dynamics of Cross-Border Micro-Regionalism in Africa*. Uppsala: Nordic Africa Institute, 2008, pp. 105–120; Grant JA, 'Diamonds, foreign aid, and the uncertain prospects for post-conflict reconstruction in Sierra Leone', *The Round Table: The Commonwealth Journal of International Affairs*, 94, 381, 2005a, pp. 443–457; Grant JA, 'Salone's sorrow: The ominous legacy of diamonds in Sierra Leone', in Mehler A & M Basedau (eds), *Resource Politics in Sub-Saharan Africa*. Hamburg: Institute of African Affairs, 2005b, pp. 259–281.

36 Dietrich C, *Hard Currency: The Criminalized Diamond Economy of the Democratic Republic of Congo and its Neighbours*, Occasional Paper 4. Ottawa: Partnership Africa Canada, 2002; MacLean SJ, 'New regionalism and conflict in the Democratic Republic of Congo: Networks of plunder and networks for peace', in Grant JA & F Söderbaum (eds), *The New Regionalism in Africa*. Aldershot: Ashgate, 2003, pp. 110–124; Trefon T, 'Industrial logging in the Congo: Is

a stakeholder approach possible?', *South African Journal of International Affairs*, 13, 2 (Winter/Spring), 2006, pp. 101–114; De Boeck F, 'Diamonds without borders: A short history of diamond digging and smuggling on the border between the Democratic Republic of Congo and Angola (1980–2008)' in Vlassenroot K & S Van Bockstael (eds), *Artisanal Diamond Mining: Perspectives and Challenges*. Brussels and Ghent: Egmont and Story-Scientia, 2008, pp. 41–55.

37 See also <http://eitransparency.org/node>.

38 See <http://eiti.org/supporters/companies>, accessed 31 July 2009.

39 WBG (World Bank Group), *Striking A Better Balance — The World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review*. Washington, DC: World Bank, September 2004.

40 DfID (Department for International Development), *Extractive Industries Transparency Initiative Validation Guide*. London: DfID, 2006.

41 The current list of EITI candidate countries comprises Cameroon, Central African Republic, Côte d'Ivoire, the DRC, Equatorial Guinea, Gabon, Ghana, Guinea, Kazakhstan, Kyrgyzstan, Liberia, Madagascar, Mali, Mauritania, Mongolia, Mozambique, Niger, Nigeria, Peru, Republic of Congo, São Tomé e Príncipe, Sierra Leone, Tanzania, Timor-Leste and Yemen.

42 Grant JA & I Taylor, 'Global governance and conflict diamonds: The Kimberley Process and the quest for clean gems', *The Round Table: The Commonwealth Journal of International Affairs*, 93, 375, 2004, pp. 385–401; Wright C, 'Tackling conflict diamonds: The Kimberley Process Certification Scheme', *International Peacekeeping*, 11, 4, 2004, pp. 697–708; Paes W-C, '"Conflict diamonds" to "clean diamonds": The development of the Kimberley Process Certification Scheme', in Mehler A & M Basedau (eds), *Resource Politics in Sub-Saharan Africa*. Hamburg: Institute of African Affairs, 2005, pp. 305–323; Hughes T, 'Conflict diamonds and the Kimberley Process: Mission accomplished or mission impossible?', *South African Journal of International Affairs*, 13, 2 (Winter/Spring), 2006, pp. 115–130.

43 See <http://www.kimberleyprocess.com>.

44 Chinese Taipei has also met the requirements as a diamond-trading entity as required under the provisions of the KPCS.

45 Network Movement for Justice and Democracy from Sierra Leone also attended KP plenary meetings in 2004 and 2007.

46 Grant JA, 'Informal cross-border micro-regionalism in West Africa: The case of the Parrot's Beak', in Söderbaum F & I Taylor (eds), *Afro-Regions: The Dynamics of Cross-Border Micro-Regionalism in Africa*. Uppsala: Nordic Africa Institute, 2008, pp. 105–20; Grant JA, 'Cracks, shadows, and other flaws: Examining the impact of dirty diamonds on regional security in West Africa', Paper presented at the XXIst International Political Science Association World Congress, Santiago, Chile, 15 July 2009.

47 Human Rights Watch, *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*. New York: Human Rights Watch, June 2009, pp. 3–4, 30–36.

48 See also <http://www.ddiglobal.org/>.

49 Temple P, 'Diamond sector reform in Sierra Leone: A program perspective', in Vlassenroot K & S Van Bockstael (eds), *Artisanal Diamond Mining: Perspectives and Challenges*. Brussels and Ghent: Egmont and Story-Scientia, 2008, pp. 234–252.

50 Author's in-person interviews and personal communications with a senior member of the Peace Diamond Alliance in Freetown, Sierra Leone on 6 June 2003 and New Delhi on 5 November 2008. See also Levin EA & L Gberie, *Dealing for Development? A Study of Diamond Marketing and Pricing in Sierra Leone*. Ottawa: Diamond Development Initiative, 2006, p. 9.

51 Dashwood HS, 'Norms dissemination and corporate social responsibility: An assessment of global processes and the global mining initiative', paper presented at the 46th annual meeting of the International Studies Association, Montréal, Canada, March 2004.

52 *Ibid*.

53 Campbell B, 'The challenges of development, mining codes in africa and corporate responsibility', research paper for the Groupe de recherché sur les activités minières en Afrique, University of Quebec, Montreal, Canada, 2003, pp. 15–16.

54 'EITI++' is an informal term that is often employed by the Word Bank and a handful of organisations to refer to improving the governance of natural resources worldwide (and thus beyond the 'core' group of 'EITI candidate' and 'EITI compliant' countries). The EITI Secretariat has quietly discouraged the World Bank from using 'EITI++' out of concern that it will be confused with EITI. See, for instance, Extractive Industries Transparency Initiative, *Minutes of the 6th EITI Board Meeting*. Athens, Greece, 29–30 October 2008, p. 9.

55 See, for instance, Polgreen L, 'The spoils: Congo's riches, looted by renegade troops', *New York Times*, 16 November 2008.

56 Extractive Industries Transparency Initiative, *op. cit*., p. 4.

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