

ILLICIT TRAFFICKING OF DIAMONDS: NEW FRONTIERS

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ABSTRACT. As it is often said, diamonds are forever. Lives, however, are not. At the hands of rebels, dictators, and terrorists, diamonds have crystallized into a source of financing for conflict and civil wars, which not only caused the deaths of more than two million people, but also mutilations and atrocious suffering for the sake of “conflict” diamonds. By briefly describing the attempts made by the international communities and governments to fight against the illicit trafficking of diamonds, this article wants to summarize the issue of “conflict” diamonds, discuss the role of the Kimberley Process, and summarize the vulnerability of this complex issue.

1. Introduction

The United Nations define "conflict" or "bloody" diamonds¹ as those originating from places controlled by revolutionary groups, rebel insurgents, and factions that use the diamonds to fund the procurement of weapons and military actions in opposition to legitimate governments (Hummel 2007). The civil wars that took place in the 1990s in Angola, Sierra Leone, Liberia, and the Democratic Republic of the Congo were significantly financed and fueled by the trade in conflict minerals, and in particular, diamonds (Price 2003). More recently, a link between these "conflict" diamonds, terrorist financing, and human rights violations has increased international commitment to addressing the problem of “conflict” diamonds (Hummel 2007). In December 2000, the United Nations General Assembly adopted Resolution (A/RES/55/56)² on the need to break the link between the trade in

¹At Earth's surface, diamonds are found in primary magmatic deposits of kimberlite and olivine lamproite, or secondary deposits weathered from these primary sources. The primary magmatic host rocks for diamond mines include kimberlite, olivine – lamproite, and carbonate – rich olivine lamproite (CROL). Additional rock types such as ultramafic lamprophyre (variety aillikite) are known to be diamond-bearing, as well as some possible kamafugite localities, but these have not yet been proven to be mineable resources (Kjarsgaard *et al.* 2022). Secondary diamond deposits are formed by a range of sedimentary and diagenetic processes that operate under different climatic and geomorphological conditions of which the fluvial and marine environments have shown to have been the most effective (W. R. Taylor, Jaques, and Ridd 1990; Ireland, Rudnick, and Spetsius 1994; Mendelsohn and Milledge 1995; Damarupurshad *et al.* 1997; Bluck, Ward, and de Wit 2005; Hutchison and Frei 2009; Phillips and Harris 2009; Harte and Richardson 2012).

²The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts.

rough diamonds and armed conflict so as to counteract this emerging and ever-changing issue. Earlier, in May 2000, a meeting had been called by the South African government in Kimberley, South Africa, to discuss the issue of “conflict” diamonds. This led to a series of meetings that became known as the ‘Kimberley Process’ (KP). After 30 months of negotiation, the KP agreed to implement a regulatory mechanism: an international certification system for rough diamonds called the KP Certification Scheme (KPCS). This scheme came into force on January 1, 2003 (Winetroub 2013). The issue of “conflict” diamonds, with its related illicit activities, does not appear easy to solve, since diamonds, legitimate or not, travel international routes from source to market, just like other commodities. In the case of diamonds, the source is mining in countries where rough diamonds can be found under the ground. The ultimate market destination is retail jewelry shops and similar dealer-to-customer sales. Diamond mining happens in many countries, but the main sources of mining output by serious volume are limited. Diamonds can be stolen from mining operations or at other points in the supply chain. In the market, for example, diamonds make attractive targets for theft due to the difficulty in subsequently discerning those that have been stolen from those that have not and the high value for their relatively small size. Trafficking can follow such thefts before selling the stolen diamonds in a different country (Siegel and Nelen 2008).

This article summarizes the contribution on the illicit trafficking of diamonds made during the “International Workshop on Advances and Applications in Geoforensics: Unraveling Crimes with Geology”, held in Messina on September 26, 2022. This contribution briefly reviews the issue of “conflict” diamonds, discusses the role of KP, and summarizes the vulnerability of this complex issue. The topics covered in the mentioned International Workshop, included “conflict” diamonds, intended to provide the role of Geosciences disciplines applied in the field of Criminalistics (Somma *et al.* 2023; Spoto, Barone, and Somma 2023).

2. The Kimberley process

As described before, since 2003, international diamond trade has been led by the KP, which is a voluntary export/import control regime, supported by the United Nations, and focused on stopping the illicit trade in rough diamonds to finance armed conflict (for instance, the use of rough diamonds as an alternate currency used mainly to by weapons) (McManus *et al.* 2020). It is not an international legally enforceable agreement, and its compliance flows from the national implementation legislation in participating countries. Furthermore, diamond mining in some countries involves significant human civil rights violations, such as indentured servitude, child labor, and inhumane working conditions (Hummel 2007). The KP’s primary objective is to certify that all rough diamonds exported from member-associated are conflict-free. All rough diamonds are exported in tamper-resistant packaging with a KP Certificate authorized by the country of origin; import and export of rough diamonds are allowed only between KP countries (McManus *et al.* 2020).

3. The diamond pipeline

To understand the issue of the illicit trafficking of diamonds, it is necessary to figure out the diamond supply chain (also known as the “diamond pipeline”) and the vulnerabilities

of the diamond trade throughout the various stages of the diamond pipeline. Also, understanding how this unique and complex industry works contributes to having an in-depth knowledge of the risks associated with these vulnerabilities (Siegel 2009). Connecting diamonds from production (mining) to the retail consumer involves several processing stages and various transactions. The sectors of the diamond pipeline may be subdivided as following: (i) production (including mining, sorting, and valuing), (ii) rough diamond trading/sales, (iii) cutting and polishing, (iv) polished diamond sales, (v) jewelry manufacturing, (vi) jewelry retail sales (Siegel 2009).

The diamond industry begins with the mining of diamonds in the production segment. There are a few primary locations for diamond mining worldwide. South, Central, West Africa, Russia, Australia, and Canada. The diamond trade in most African mining countries is highly economically important, accounting for a large part of the Gross Domestic Product (GDP). The next step of the production stage will be to sort and evaluate the diamonds and have them ready for sale. Sorting and valuation are done by dividing the diamonds into different groups according to their quality and value. This process will provide added value to the price of the rough diamonds (Siegel 2009). Rough diamond dealers purchase diamonds recovered from mining processes through the global diamond markets. Purchases are usually arranged through diamond bourses in countries such as Belgium, the United Kingdom of Great Britain and Northern Ireland, India, Israel, and the United Arab Emirates. While many of these centers are located in countries with no diamond production, their rough diamond trading industry has evolved over decades or hundreds of years. A diamond bourse or exchange is a private commercial business with membership restricted to individuals only (not companies). The bourse provides a trading floor where members and buyers meet to trade in rough and polished diamonds. There are around thirty diamond bourses affiliated with the World Federation of Diamond Bourses. Other localized markets may exist in proximity to diamond mining locations, where street vendors purchase diamonds from artisanal miners. The diamonds are sold to regional dealers and then often to global diamond markets. The rough diamonds may be sold several times between rough diamond dealers and several diamond bourses before being sold to a diamond cutter/polisher (Siegel and Nelen 2008). The beauty of a diamond is realized through cutting, faceting, and polishing. Cutting and polishing centers exist in several parts of the world, with main centers existing in Belgium, India, Israel, and the People's Republic of China. Once the diamonds are cut and polished, they are ready for use in jewelry and are moved along the "pipeline" to be utilized in diamond jewelry manufacturing and sales (Hofmeesterb 2013). The transformation from a rough to a polished diamond is another vulnerable stage, as it becomes much more difficult to track once it has been cut and polished. While it is possible to judge when certain diamonds were polished using antiquated techniques, it is virtually impossible to ascertain when they were polished for the vast majority of them on the market. All diamonds one might view in a shop window might not be first-hand goods (Hofmeesterb 2013). Once the diamonds have been cut and polished, they are ready to be sold in jewelry and, to a very limited but growing market, as an investment product. Diamond dealers are the first merchants of diamonds after they have been cut and polished. These dealers usually operate from the major diamond dealing centers of the world, including the "diamond capitals" such as Antwerp, London, New York, Tel Aviv, Dubai, India, and the People's Republic of China. Their clients include other diamond dealers, large diamond jewelry manufacturers,

and diamond wholesalers (Hofmeesterb 2013). Diamond Wholesalers are a segment of the diamond pipeline that deals in smaller amounts of diamonds. They often deal with specific products, such as diamond size or quality spectrums. They are often involved in branding their diamonds. This segment usually trades with jewelry retailers but increasingly deals directly with consumers. The jewelry sector is structurally, organizationally, and operationally distinct from the diamond sector. Diamond jewelry sales are the diamond industry's driver, which occurs through retail jewelry sales. All the processes that have previously occurred are in support of this segment. Diamond jewelry sales arise in virtually all countries through retail stores. These stores exist as single independent or franchising stores. Increasingly the internet is being utilized to market and directly sell diamonds and diamond jewelry to the consumer. Polished diamonds and jewelry are also sold through pawn shops. Jewelry can then be resold to jewelry stores, pawn shops, lately to wholesalers, and at special fairs conducted for this purpose. Someone wishing to sell their jewelry can do so at these venues (Hofmeesterb 2013).

4. The “vulnerability” of the Diamond pipeline

According to Siegel (2011), three main types of diamond smuggling can be described: (1) smuggling for survival when extreme poverty pushes miners and diggers to steal diamonds from the mines and sell them to local dealers; (2) smuggling by organized crime groups when false certificates are used so that the origin of diamonds is provided with a legal cover; (3) the diamonds laundry, where diamonds from conflict regions are smuggled to neighboring non-conflict countries to enter the legal trade. Diamonds have unique physical and commercial properties which carry value in small and easily transportable quantities. Worldwide trade varies from modern international transactions conducted through the financial system to localized informal markets. Dealers range from poor individuals in some of the most remote and tough places on the planet to large multinational companies working in major financial centers through specific unique trade mechanisms and diamond bourses. Transaction methods also range from anonymous exchanges of handfuls of stones for cash to deal with the most advanced anti-money laundering policies. These are some of the features that make diamonds appealing to criminals seeking to move, conceal, and store the proceeds of crime. Nevertheless, unlike cash, diamonds are often not required to be reported when transported or sent across borders (Siegel 2011). Among them, diamonds can store very high value. The higher the value, the more vulnerable a commodity is to money laundering. As already said, diamonds are also easy to move and conceal, which makes them susceptible to smuggling. That is due to their low weight/mass ratio and relatively small size. The transfer of value between countries is often part of a money laundering scheme, and diamonds allow for the transfer of very high value. Diamonds have high durability, stable pricing, and the ability to retain value over long periods. If, on the one hand, this makes them suitable for investment purposes, on the other, it may attract criminals as they can distance the funds from their origin by transferring proceeds of crime into diamonds with minimum risk of confiscation and low risk of loss of value (Hofmeester 2013). Diamonds can go undetected (non-metallic and odorless). Once the items change hands and enter the licit market, they become untraceable. Additionally, once the diamonds have gone through the beneficiation process and the rough diamonds are cut and polished, it becomes almost

impossible to determine the origin of a stone since KP only applies to rough diamonds. Diamonds are easily bought and sold outside the formal banking system. Also, diamonds can be purchased and sold in all parts of the world at almost any jewelry. It is virtually impossible to distinguish between rough diamonds that were illegally obtained and those that were legally obtained. Technology allows for the non-invasive laser nanomarking of diamonds, so it would be possible to follow the trail of the diamonds. Diamonds are also easily disguised as stones of much lesser value through synthetic diamonds and diamond simulants (Siegel 2009). The subjectivity of the valuation of diamonds is a significant vulnerability. There are no official or agreed tariffs for rough or polished stones. The *per carat* price of a diamond can vary considerably based on the crystalline shape, the carat weight, the color, and the clarity [the four (4) C's] (R. Tappert and M. Tappert 2011). As stated previously, what is important to understand is that diamonds are not one product. From rough to cut and polished diamonds, the price *per carat* can vary from a few tens of USD to tens of thousands of USD, based on the 4C's and the specific evaluation of the gemmologist or evaluator (R. Tappert and M. Tappert 2011). Different professional evaluators may provide two reasonably and considerably different evaluations of the same diamond. This may cause difficulties in investigation and judicial proceedings since it will be challenging to establish the price of a diamond where there is no true and unique value. On the other hand, it is just as tricky for criminals as for law enforcement to determine the value of diamonds (Siegel 2009). Changing the dimensions of illegally gained diamonds make identification virtually impossible and can inhibit law enforcement from pursuing criminal charges. Nevertheless, diamonds are also susceptible to investment fraud. The ease with which diamonds can be imitated and adulterated for diamond simulants makes fraud more possible (Siegel 2009). These distinctive characteristics create vulnerabilities for money laundering, illicit funding, and other criminal activity, including theft, smuggling, and fraud. As diamonds do not have an expiry date, no restrictions are imposed on illegal strategies by the physical nature of the product itself (R. Tappert and M. Tappert 2011). Diamonds are also very easy to be transported covertly. Diamonds offer criminals many possibilities for setting up and continuing an extremely flexible organization and activity (R. Tappert and M. Tappert 2011). Unlike marked diamonds, diamonds cannot be individually identified or traced at any time. Diamonds are fascinating as a means of payment or investment, and also concern criminal activities. These properties ensure that diamonds can fit neatly into the illegal strategies of criminal groups without a structural link to the diamond sector (Siegel 2009). As previously described, the diamond industry has a long production chain from the mining to the final customer. This "pipeline" involves practically all parts of the globe, including internet trading platforms, when considering the retail level. On top of each jurisdiction's vulnerabilities in regulation, supervision, and enforcement, there are vulnerabilities associated with each level of the trade where the level of risk may change from jurisdiction to jurisdiction (Siegel 2011) For instance, the vulnerability of the mining stage depends on the level of supervision and controls the relevant national authorities put in place. In general, the vulnerabilities of the mining stage are those associated with illegal mining, the commingling of illicit diamonds, and theft. Since kimberlitic mines are usually much easier to secure and control, they are less vulnerable and less exposed to these risks. In contrast, since alluvial deposits are much harder to secure, the risk of abusing these vulnerabilities is much higher. Thus, countries, where alluvial particularly artisanal mining

is more prevalent, are more vulnerable to laundering activities. This trend is facilitated by the fact that some illegal miners are either mine workers or former employees who know the workings of their target mines. Because of their size, diamonds are smuggled out of the mine premises without detection as they can be slipped under fingernails or swallowed. Unfortunately, certain players in the industry are willing to buy illegal diamonds without questioning their origin. It was also indicated that the issue is that once illegal diamonds have entered the licit markets, it is impossible to track them. The diamond will be presented as if they were mined legally. Afterward, they will be sold to diamond dealers, who will export the diamond with a KP certificate issued by the appropriate authorities. This method of commingling illegally mined diamonds is also conducted when diamonds are mined in neighboring countries, smuggled across the border, and then inserted into the legitimate trade (Siegel 2009). The product vulnerabilities discussed above are characteristics of the trade in rough diamonds. There are additional vulnerabilities concerning the KP certificate, which should also be noted. KP certificate is required only for import and export. According to section II(a) of the KP Certification Scheme, "Each Participant should ensure that: (a) a KP Certificate accompanies each shipment of rough diamonds on export". Thus, when a rough diamond is traded locally, there is no need for a KP certificate (Siegel 2009). Nevertheless, it is possible to cut an illegally mined or otherwise illegally gained rough diamond, polish it locally to conceal its source, and export the polished diamond without the need to issue or present a KP certificate. The risk of rough diamonds being smuggled, cut, and polished to conceal their illegal source may also increase. For instance, it would be easier to conceal rough diamonds bought with cash proceeds of crime by cutting and polishing the stones locally and exporting the polished diamonds without issuing a KP certificate (Siegel 2009). Cutting and polishing are often essential parts of illicit diamond trading. A diamond's size and form can be significantly altered, making it more difficult to trace the stone back to its origin as illicit rough. It is also possible to further cut an illicit polished stone to avoid identifying the polished stone that was illegally gained. Thus, disguising the origin of an illegally gained rough or polished stone can be done by cutting or recutting, polishing the diamond, and then selling it within the local or international market. It should be noted that while there is an increasing trend for diamonds to be cut and polished in the country of origin, the majority of diamonds continues to be processed in the 'cutting centers' outside the producing nations (Siegel 2009).

5. Conclusions

Diamond is undoubtedly one of the most well-recognized and sought-after materials. The use of diamonds as gemstone is deeply ingrained in many cultures, and many attributes are associated with diamonds. Diamonds have been associated with unique qualities and symbolized power and grace for centuries. By appealing to the customers' sentiments, diamonds are considered one of the most luxurious products and historically enjoyed almost global acceptance. That is mainly due to targeted advertising campaigns and marketing programs in which all elements send a consistent, integrated message of romance, love, tradition, elegance, and value creation (Bergenstock, Deily, and L. W. Taylor 2006). Despite their popularity as a gemstone, it is long time that they are a close friend to organized crime. Criminal activities use sophisticated and unique schemes to exploit the diamond sector. Lack

of awareness of laundering risks associated with diamonds and the trade in diamonds could contribute to the risks of laundering posed by the abuse of the trade. This lack of awareness amongst key players about their role in fighting illicit activities is a significant vulnerability, particularly since certain expertise is required to improve understanding and awareness. Understanding the laundering risks associated with the trade-in of diamonds by government bodies and the private sector, including financial institutions, would assist in addressing this vulnerability and taking any needed steps to mitigate the risks. Awareness-raising is very useful by enhancing the enforcement of existing regulations. This would require resources for outreach, training, or other cooperative activities and may result in enhanced information exchange (Bergensstock, Deily, and L. W. Taylor 2006; Siegel 2009). Given the interest and importance of the issue discussed in this article, it may be worth further exploring a combination of multidisciplinary and interdisciplinary protocols that can actively untangle a complex system such as the illicit trafficking of diamonds, as well as shared database on the diamonds' characteristics at the mining sources. Detecting the evidence of the geographic (or geological) signatures of diamonds in a non-invasive and non-destructive way, as it is made in archaeometry and environmental sciences (Caridi *et al.* 2022; Spoto *et al.* 2022), is the real challenge for the scientific community. However, achieving this is not straightforward because the “diamond pipeline” has generated substantial illicit interest.

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