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“Diamonds Are a Warlord’s Best Friend”— Enforcing Human Rights in the Supply Chain

The United States is not content to let businesspersons go about their affairs if there are perceived negative consequences to their actions. To the contrary, the United States has a demonstrated record of using its trade laws to enforce its view of what should be the appropriate levels of protection for the environment,¹ wildlife,² U.S. citizens’ commercial inter-

ests,³ and human rights.⁴ Taken together with the health and safety and the national security overlays of the trade laws, all of these constitute a considerable tangle attached to doing business in (or with) the United States. If the activities of the various states are considered, such as the recent legislation adopted by California to enforce human rights in the supply

chain,⁵ the social responsibility tangle becomes even more knotted. This column focuses on human rights legislation.

Minerals and Gems

Any discussion of U.S. human rights legislation would be well served by concentrating on the monitoring and policing of activities associated with trade arising from certain extractive industries, i.e., trade in the fruits of mining for certain minerals or gemstones in specified geographic locations. Accordingly, this col-

umn looks at trade in certain diamonds from Africa, rubies and jadeite from Burma, and other minerals from the Democratic Republic of Congo (DRC).

Diamonds are a warlord’s best friend. Probably the best jumping off point for a discussion of trade restrictions that aid human rights enforcement is the Clean Diamond Trade Act of 2003.⁶ Congress noted that some 3.7 million people had died in the previous decade from civil wars in Angola, Sierra Leone, and the DRC, waged largely over con-

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