

(15) WTO member

The term “WTO member” has the meaning given that term in section 3501(10) of this title. (Pub. L. 107–210, div. B, title XXI, § 2113, Aug. 6, 2002, 116 Stat. 1021; Pub. L. 108–429, title II, § 2004(a)(19), Dec. 3, 2004, 118 Stat. 2591.)

AMENDMENTS

2004—Pars. (2), (3). Pub. L. 108–429 redesignated second par. (2), relating to Agreement on Subsidies and Countervailing Measures, as (3), substituted “3511(d)(12)” for “3511(d)(13)”, and in par. (2) relating to Agreement on Safeguards, substituted “3511(d)(13)” for “3511(d)(12)”.

CHAPTER 25—CLEAN DIAMOND TRADE

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§ 3901. Findings

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from

Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the “Kimberley Process”, toward devising a solution to this problem. As the consumer of a majority of the world’s supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds will be consistent with international trade rules.

(Pub. L. 108–19, § 2, Apr. 25, 2003, 117 Stat. 631.)

EFFECTIVE DATE

Pub. L. 108–19, § 15, Apr. 25, 2003, 117 Stat. 637, provided that: “This Act [enacting this chapter] shall take effect on the date on which the President certifies to the Congress that—

“(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

“(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.”

[A Presidential message to Congress dated July 29, 2003, set out in 39 Weekly Compilation of Presidential Documents 1002, Aug. 4, 2003, certified that an applicable waiver granted by the World Trade Organization was in effect and would remain in effect until Dec. 31, 2006. On Oct. 8, 2009, the President certified to Congress that an applicable waiver granted by the World Trade Organization had been in effect since Jan. 1, 2003, and would remain in effect through Dec. 31, 2012. See H.