



## **Final Communiqué from the Kimberley Process Plenary Meeting 3 November 2011 Kinshasa Democratic Republic of Congo**

1. The 9th Kimberley Process Plenary meeting convened from 31st October to 3rd November in Kinshasa, Democratic Republic of Congo. The debates were opened on 31st October by His Excellency Martin Kabwelulu, Minister of Mines of DRC. 40 Participants and the World Diamond Council as Observer attended the meeting, which was chaired by Mathieu Yamba, the KP Chair.
2. The Kimberley Process has 50 participants (including the European Union, which represents its 27 Member States, which brings the total number of represented countries to 76). The Kingdom of Swaziland became a Participant in May 2011 and participated for the first time in the KP Plenary as a Participant.
3. The Participation Committee (PC) deliberated extensively on actual and prospective applicants. In particular, Mali, Mozambique, Cameroon, Panama, Burkina Faso and Kazakhstan have expressed interest in joining the KPCS and are being assisted by the PC to submit their applications. The PC is also continuing outreach to a number of prospective applicants that seem to be relevant applicants to KPCS, amongst which are Peru, Chile, Kenya, Zambia and Mauritania.
4. The Republic of Cameroon, as an applicant to the KPCS, attended the Plenary Meeting and presented its draft legislation for approval. The PC will continue the dialogue with Cameroon within the coming weeks after Plenary in order to assist with their joining the KPCS as soon as possible.
5. The Plenary expressed concern of the non-submission of statistics by a number of Participants and called upon the PC to act according to the Guidelines for the Participation Committee with respect to Statistical Non-Submission.
6. Plenary expressed concern that the Bolivarian Republic of Venezuela has not complied with the terms of the Delhi Plenary Decision and the Jerusalem Plenary Decision and has not submitted its annual reports for 2009 and 2010, and the relevant statistical data. The Plenary took note that a representative for Venezuela submitted a letter to the KP explaining the current status of the diamond mining operations in Venezuela and its plan to develop them. The Plenary decided to allow Venezuela until December 20<sup>th</sup>, 2011 to submit the outstanding annual reports mentioned above. If the reports will not be submitted at this time, Venezuela will be removed from the list of KP Participants.
7. The Plenary adopted the revised Terms of Reference of the Participation Committee as drafted jointly by the PC and the CRP.

8. Plenary took note that the PC has prepared Recommendations to applicant countries on Kimberley Process Certification Scheme Implementing Legislation. The recommendations will be presented to new applicants when needed.
9. The Plenary took note of the result of the 2011 annual reporting process, as the main comprehensive and regular source of information on KPCS implementation by Participants and welcomed the submission of annual reports on KPCS implementation by 45 Participants representing 71 countries. The Plenary requested the KP Chair to engage with the two Participants (Indonesia, Zimbabwe) that have so far failed to submit their annual reports so as to call upon them to conform with this requirement at the earliest. The Plenary reviewed the assessment of annual reports and called upon Participants to submit substantive annual reports on national KP implementation in line with the Guidelines on annual reports. The Plenary stressed that information on follow-up to review visits, and resolution of trade and statistical discrepancies should be provided in the annual reports. The Plenary requested the Working Group on Monitoring (WGM) to clarify the Guidelines in order to encourage Participants to report systematically on KP-related enforcement. The Plenary noted with satisfaction the best practice reported by certain Participants, and pointed to Brazil's electronic monitoring system as a possible best practice to ensure traceability of artisanal mining, and congratulated the Republic of Congo for their efforts to support the artisanal mining sector and its compliance with KPCS requirements.
10. The Plenary welcomed the report of the WGM 'technical expert team' on implementation of the KP minimum requirement for import confirmation, coordinated by the EU, and concluded that implementation of that requirement should be further strengthened. The Plenary endorsed an Administrative Decision setting out Guidelines on import confirmation and requested the KP Chair to call the attention of Participants to those Guidelines with a view to enhancing the implementation of the import confirmation requirement throughout the KP and thus reinforce the robustness of the KP chain of controls over international diamond trade. The Plenary further noted the WGM's observations regarding export pre-notification practices and requested the WGM to set a 'technical expert team' to assess implementation of that recommendation. The Plenary called on Participants to designate experts to take part in the work of that 'technical expert team'.
11. The Plenary reviewed the activities of the WGM 'technical expert team' on internet trading and decided that the technical expert team should continue to research trends in rough diamonds internet trade. Plenary welcomed Canada's readiness to coordinate the activities of this 'technical expert team'.
12. The Plenary took note of reports of review visits conducted in diamond producing (Botswana, Lesotho) and manufacturing countries (India, Ukraine) and welcomed WGM plans to organize review visit to other Participants, including key producing (Canada), manufacturing (Thailand), trading (Switzerland, Lebanon) and consumer (United States of America) centers. The Plenary welcomed the commitment of those countries to continuously open their certification systems to

review and improvements, and called on Participants to continue to invite review visits under the KP's Peer Review System.

13. The Plenary reviewed implementation of the Administrative Decision on Cooperation on KP implementation and enforcement, and welcomed WGM actions to coordinate the detection and investigation of fraudulent KP certificates, the detection and reporting of shipments of suspicious origin, and the exchange of information regarding infringements. The Plenary in particular congratulated India on its active enforcement of KP regulations and reporting to the KP. The Plenary encouraged the WGM to pursue efforts to seek ways to enhance the exchange of enforcement information and to promote concerted KP enforcement, including through collaboration with diamond industry associations and organizations.
14. In light of UN Security Council Resolution 1980 (2011), the Plenary discussed the situation in Côte d'Ivoire and expressed the KP's commitment to engage with Ivorian authorities to prepare for KPCS implementation in Côte d'Ivoire. The Plenary requested the WGM, in association with the Friends of Côte d'Ivoire and other KP bodies as appropriate, to actively collaborate with the relevant Ivorian authorities and the UN Group of Experts, and to pursue satellite monitoring of diamond mining in Côte d'Ivoire. The Plenary called on Participants to continue implementation of the vigilance requirements and report any shipment of suspected Ivorian origin.
15. The Plenary welcomed efforts to strengthen KPCS implementation in West Africa. The Plenary expressed appreciation for Guinea's efforts to strengthen its certification system under the Swakopmund Decision on Guinea, and expressed appreciation for the geological assessment by the USGS and WGDE as well as its decision to provide technical assistance to further implement the Administrative Decision and to set up a tripartite task force bringing together representatives of Government, industry and civil society to support KPCS implementation in Guinea.
16. In light of UNSCR 1961 (2010), the Plenary welcomed the continued progress in Liberia's implementation of internal controls and underlined the need to pursue efforts to address continuing challenges to KPCS implementation in collaboration with Liberia's KP authorities and the UN Group of Experts.
17. The Plenary commended Ghana for its actions under the 2006 Gaborone Administrative Decision, to strengthen internal controls and prevent infiltrations of illicit Ivorian diamonds, and decided that the Gaborone Administrative Decision should be terminated. The Plenary welcomed Ghana's decision to continue to record pictures of shipments as a best practice.
18. The Plenary took note of the report by the Central African Republic regarding a resumption of violence in the diamond-producing region of Bria in September 2011 and welcomed the rapid actions taken by the KP Chair, the WGM and the CAR authorities in that respect, and noted that the conflict appears to have been settled so that the risk of a resurgence of conflict diamonds there can be discarded. The Plenary also expressed appreciation at the PRADD project financed by the US to

promote the formalization of the artisanal mining sector and reinforce the CAR's chain of custody.

19. The Plenary endorsed the KP Chair proposal for a Decision on Marange (Zimbabwe) and commended the Democratic Republic of Congo, as KP Chair, the EU and Zimbabwe for their relentless efforts at promoting an agreement that allows for trade of compliant Marange diamonds under the KPCS and maintains the KP integrity and credibility. The Plenary called on Zimbabwe and the WGM to jointly implement the Decision with a view to bringing Zimbabwe's KPCS implementation in the Marange mining area into full compliance with minimum requirements. The Plenary also called upon representatives of the KP Civil Society Coalition to engage actively in the implementation of that Decision.
20. The Plenary endorsed the designation of Ghana as a WGM member and welcomed Ghana's commitment to actively support the Kimberley Process.
21. India and Belgium reported to the WGM and WGDE about the progress made on the pilot project of KP data-sharing, as decided at KP Plenary meeting in New Delhi 2008.
22. The Plenary took note of the activity of the sub-group on trade facilitation in discussing problems that have been noticed in the past year. These problems were resolved during the meetings earlier in the year and since then no additional problems have been raised.
23. The Plenary welcomed the work done by the Ad Hoc Committee on KP reform, which had completed the two primary tasks of coming up with a possible solution for improving efficiency within the KP and Developing terms of reference for KPCS review. The Plenary agreed to amend the 2010 administrative decision so that the Ad Hoc Committee can go into the next phase of approaching an international organization including the World Bank, for the setting up of an Administrative Support Mechanism (ASM). The Plenary requested the Adhoc Committee to enter into detailed discussions on the form, operation and funding for the proposed structure or mechanism. The outcome of the discussion will be reported to the KP at the 2012 Intersessional.
24. On the second task, the Plenary adopted an administrative decision in which it requests that the Adhoc Committee continue its work for the next two years during which it will review the KPCS Core document on an ongoing basis. The committee will report its recommendations to the KP Chair during Intersessional and plenary meetings.
25. The plenary took note with satisfaction of the new enhancements to the KP Rough Diamond Statistics Website. These improvements will make the KP Rough Diamond Statistics Website a more efficient and effective system.
26. The plenary was also informed that the WGS members completed 42 statistical analyses by the time of the Plenary and had received 15 responses from

Participants. The Plenary encourages Participants to contribute actively to this process and respond to the analyses.

27. The WGS is working on an implementation of its Data Anomaly Questionnaire process, which will be used to obtain supporting information regarding anomalies found in data reported by Participants.
28. The WGS held a joint WGS/WGM meeting to discuss the Venezuela Regional Analysis. The WGS presented to the WGM its preliminary findings on the Venezuela exercise. In light of Venezuela's continuing non compliance with the KPCS minimum requirements and its failure to begin the process of reintegrating into the KPCS, the WGM mandated the WGS to conduct research into the rough diamond trade and production surrounding Venezuela as part of a statistical analysis review.
29. The Plenary welcomed the positive acceptance of the collaboration agreement between the Kimberley Process and the World Customs Organization by the Enforcement Committee of the WCO at their March 2011 meeting in Brussels. As a result, customs organizations of KP Participants and non-Participants alike, will assist the Kimberley Process in the achievement of its objectives and the enforcement of its policies. Officials of the WCO have engaged with the KP in organizing an Enforcement Seminar during the Kinshasa Intersessional in June, and provided valuable assistance to KP working groups, notably the WGDE on classification and country of origin issues. Furthermore, the WCO has opened its network of Regional Offices of Capacity Building (ROCB's) to the KP to assist in the training of customs agents in the implementation of the Kimberley Process minimum requirements. The Plenary was briefed on the organization of a high profile 1 week-seminar for Congolese customs agents in Kinshasa in September that was organized in collaboration with the WCO structures in Cote d'Ivoire and the Republic of Congo, and with the much appreciated technical assistance of Belgian Customs. The Plenary is grateful for this valuable contribution of the WCO and looks forward to expand this collaboration further.
30. The Working Group of Diamond Experts' scientific sub-group on origin characterization led by South Africa has engaged with the UN Group of Experts and the UN Sanctions Committee on Côte d'Ivoire to start exporting diamonds from Côte d'Ivoire under the export exemption programme for state-of-the art scientific origin determination research. The recent reunification of Côte d'Ivoire – paradoxically – halted the exemption procurement programme as this was found to be in contradiction with the national laws and regulations that are now also applicable in the diamondiferous areas in the North. However, the WGDE notes with appreciation the efforts of the new Côte d'Ivoire Government to assist the scientific sub-group in finding creative solutions within the law to overcome these difficulties, and permit the updating of the footprint of diamonds from Côte d'Ivoire and start with tests in laboratories in the US, South Africa and China in developing a geochemical fingerprint.
31. Footprinting work continued notably on diamond productions from Liberia with the assistance of the relevant UN Group of Experts and the KP authority in Liberia in

partial fulfillment of the mandate as tasked by the relevant resolution of the UN Security Council.

32. As requested by the Chair in his Enhanced Vigilance Notice of 22 September 2011 on the situation in the Central African Republic, the WGDE has started footprinting work on diamonds from the Bria diamondiferous zone (Mouka Ouadda). The first results of this examination are expected to be made available to the KP before year's end.
33. Footprinting work further continued on diamonds from the DR Congo, Sierra Leone and Marange (Zimbabwe). The WGDE further briefed the Plenary on the potential of automated footprinting based on digital images allowing enhanced vigilance to KP Participants lacking technical experts. The Plenary also notes with appreciation the footprinting work on diamond deposits in Brazil by the Brazilian KP authorities and has decided to work together on a number of issues.
34. The Plenary was informed about the intensified collaboration with the World Customs Organization on ongoing work on proposals to reduce classification differences between KP Participants that are causing disruptions of the trade: notably differences between rough and polished diamonds. The Plenary welcomed Canada's willingness to lead a mapping project to identify critical divergences between KP Participants to that effect.
35. As a consequence of the 2008 financial crisis, increased price volatility has forced the WGDE to step up the work on the Valuation Methodology Project. The just finalized Valuation Data Matrix is already in need of an update and methodological readjustment. The Plenary welcomed South Africa's offer to take the lead in this important project.
36. The Plenary endorsed the membership of Ghana and Namibia to the Working Group of Diamond Experts (WGDE).
37. The Plenary adopted the Administrative Decision on "Clarifications and Recommendations on Written Procedure."
38. Regarding the discussions around a possible draft administrative decision on minimum requirements, the Plenary commented on the work being done by the CRP and decided that that draft was not necessary given that it represented a summary of the basic requirements from the Core Document.
39. The Plenary welcomed the work being done by the Working Group on Artisanal and Alluvial Producing Countries (WGAAP) on the follow-up of the Moscow Declaration Recommendations on internal controls, based on information given by Participants.
40. The Plenary took note of the discussions on the terms of reference, the action plan and the composition of the WGAAP, as well as the work being done on the feasibility of adoption of an ethical code for artisanal alluvial diamond production.

41. The Plenary also took note of the request by WGAAP members to receive technical assistance and training in the field of geology and exploration methods, which are adapted to artisanal mining.
42. The Plenary reaffirmed its commitment to continue its constructive engagement with Civil Society in recognition of the role that Civil Society plays in the KP.
43. The Plenary thanked the Democratic Republic of Congo for hosting this Plenary Session and appreciated the hospitality extended to the delegates.
44. The Plenary welcomed DRC as the incoming Chair of the PC for 2012.
45. The Plenary welcomed the selection of the United States as the KP Vice-Chair in 2011 and incoming KP Chair for 2012. The Plenary welcomed as well the selection of South Africa as incoming Vice-Chair for 2012. The Plenary took note of the submission by the United Arab Emirates to the Selection Committee of an expression of intent to submit a candidacy for KP Vice-Chair for 2013.