

**MINISTÉRIO DE
MINAS E ENERGIA**

**MINISTÉRIO DAS
RELAÇÕES EXTERIORES**

RELATÓRIO DE MISSÃO INTERNACIONAL

**Reunião Plenária do Sistema de Certificação do
Processo de Kimberley**

**Swakopmund – Namíbia
02 – 05 de novembro de 2009**



Vistas parciais da Plenária de Swakopmund, Namíbia

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SUMÁRIO EXECUTIVO

Realizou-se em Swakopmund, Namíbia, no período de 02 a 05 de novembro de 2009, a Reunião Plenária do Processo Kimberley de certificação de diamante bruto para exportação, tendo o Brasil participado como coordenador para a América do Sul do Grupo de Trabalho de Diamante Aluvionar, em articulação com a Venezuela e Guiana.

O encontro foi aberto pelo Ministro de Minas da Namíbia, Erkki Nghimtina e pelo presidente do Processo Kimberley, Bernahard Esau, que após breve pronunciamento de boas-vindas iniciou a coordenação das exposições dos grupos de trabalho de regras e procedimentos, produção aluvionar, estatísticas, monitoramento, participações, especialistas, conselho mundial de diamante e sociedade civil.

Durante o evento, do qual participaram cerca de 70 países e mais de 130 representantes dos países membros, observadores e da sociedade civil, as maiores atenções foram voltadas para o problema do Zimbábue, no sentido de regularizar a situação da mina de Marange, onde, desde 2006, houve uma invasão de milhares de garimpeiros, totalmente descontrolados, quando foi evidenciado que grande parte dos diamantes extraídos era contrabandeada, provocando insegurança e um caos total na região.

Atualmente, com a adesão do México, aprovada nessa Plenária, o SCPK conta com a participação de 75 países (considerando a inclusão dos países da União Européia), número esse que deverá ser acrescido com a aprovação das solicitações de outros países interessados, tais como: Argélia, Burkina Faso, Chile, Egito, Filipinas, Panamá, Peru, Qatar, Quênia, Suazilândia e Uganda.

O Banco de dados estatísticos do Sistema foi transferido para os Estados Unidos, que deverá distribuir entre os países participantes novas senhas de acesso e novo modelo de sítio.

As visitas de revisões continuam e mais da metade dos países participantes já foram visitados pela segunda vez. O Brasil deverá receber a segunda visita antes da Plenária de 2010, em data a ser acordada entre as partes envolvidas (DNPM e o GT de Monitoramento).

A divulgação das atividades que o Brasil vem desenvolvendo para minimizar os problemas da informalidade e aqueles enfrentados pelos pequenos mineradores, bem como a apresentação das nossas metodologias empregadas na extração de diamantes brutos artesanais aluvionares, foram muito bem recebidas durante o evento e vários países africanos mostraram-se interessados em receber a transferência das nossas tecnologias empregadas para esses fins.

A nova Presidência do SCPK ficará, a partir de janeiro de 2010, sob a responsabilidade de Israel e a Vice-Presidência, aprovada em Plenária, será ocupada pela República Democrática do Congo, a quem caberá assumir a Presidência no ano de 2011.

I – INTRODUÇÃO

As reuniões plenárias do SCPK, de caráter mais oficial e deliberativo, acontecem anualmente, quando são apresentadas as atividades desenvolvidas, as resoluções, os problemas enfrentados durante o ano, a solução desses problemas, entre outros assuntos e a indicação e aprovação do país que deverá exercer a nova vice-presidência. Além dos componentes dos grupos de trabalho, conta com a participação de delegados de todos os países membros, além de observadores e representantes de entidades governamentais, privadas e ONG's de todo o mundo. Neste ano, a Plenária foi realizada em Swakopmund, Namíbia.

A Namíbia foi declarada um protetorado alemão por Bismark em 1884. A conquista da África Sudoeste Alemã pelas forças sul africanas durante a I Guerra Mundial resultou em sua subsequente administração pela África do Sul sob o mandato da Liga das Nações de 1920. Uma prolongada guerra entre as forças ocupantes sul africanas e o movimento de libertação da Swapo (Organização dos Povos do Sudoeste Africano) teve início em 1966.

Em 1989, a implementação da Resolução 435 das Nações Unidas pela libertação e eleições justas fez com que a Swapo assumisse o poder. No dia 21 de março de 1990, após 106 anos de domínio estrangeiro, a Namíbia tornou-se independente. Dr. Sam Nujoma, que deu início à defesa da independência da Namíbia junto as Nações Unidas em Nova Iorque quando ainda jovem nos anos 60, foi instalado como o primeiro presidente do país.



Fig. 1. Mapa geográfico da República da Namíbia com localização das principais cidades (fonte: site oficial da embaixada da Namíbia no Brasil – www.embassyofnamibia.org.br).

A Namíbia é fundada sobre os princípios da democracia multipartidária, um estado unitário, democrático, secular e soberano. Os poderes legislativos namibianos são investidos ao parlamento, que consiste em duas casas, a Assembléia Nacional e o Conselho Nacional. Para que qualquer projeto se torne lei, ele precisa ter a aprovação do Presidente, conforme estabelecido na Constituição. O presidente é eleito diretamente pelo eleitorado por dois períodos de cinco anos cada.

Após a independência, o país foi dividido em 13 regiões político-administrativas: Omusati, Oshana, Ohangwena e Oshikoto ao norte; Kunene ao noroeste; Kavango e Caprivi ao nordeste; Erongo ao oeste; Otjozondjuba ao centro; Omaheke ao leste; Khomas ao centro e Hardap e Karas ao sul. A capital da Namíbia é Windhoek.

A densidade demográfica, 2,2 pessoas por metro quadrado, é uma das menores do mundo. Com sua superfície de 824.268 km², a Namíbia pode ser considerado um país grande em comparação a outros. Localizado no sudoeste da costa atlântica do continente africano, faz fronteira com Angola e

Zâmbia ao norte, África do Sul ao sul e Botsuana ao leste. De acordo com o censo oficial (2001) a Namíbia tem uma população de 1.826.854 milhões.

Embora o inglês seja o idioma oficial da Namíbia, muitas outras línguas são faladas. Elas podem ser divididas em três categorias: os idiomas Bantos; as línguas indo-germânicas, alemão e inglês e as línguas Khoisan.

A Namíbia tem o clima seco típico de um país semi-desértico. Os dias em sua maioria vão de mornos a muito quentes, enquanto as noites geralmente são frescas. A média da temperatura durante o dia no verão varia de 20°C a 34°C e a média para a temperatura noturna no inverno é de 0°C a 10°C.

O diamante tem sido a espinha dorsal da economia da Namíbia desde a virada do século. Mesmo sendo apenas um produtor de porte médio, a Namíbia possui a maior média de valor de quilate por produção do mundo. Uma vez que as reservas de diamante em terra estão se esgotando, a atividade de mineração de diamantes tem crescido rumo ao mar. A Namdeb Diamond Corporation está envolvida nas operações de mineração tanto no continente quanto no litoral, bem como na recuperação de usinas e tem minas satélites na Baía de Elizabeth e em Aucas. Outras grandes companhias marítimas de diamantes são Ocean Diamond Mining (ODM) e a Diamond Fields Namíbia (DFN). Além dos depósitos de gemas de diamante de mais alta qualidade, a Namíbia também tem urânio, metais de base tais como: cobre, chumbo, zinco, magnésio, cádmio, arsênico, pirita, prata e ouro, minerais de lítio (espatoflúor, sais), pedras ornamentais (granito, mármore) e muitas pedras preciosas, incluindo a ágata, ametista, turmalina, quartzo rosa, água-marinha, granada, crisólita, calcedônia e diopásio.

O Governo criou um ambiente legislativo, fiscal e institucional moderno e que permite que as companhias de exploração e minério possam operar. Ele regula a alocação de licenças para atividades de prospecção e mineração, e tem uma estratégia apropriada pronta para tratar das implicações ambientais de tais operações.

Um dos mais recentes investimentos estrangeiros significativos foi feito pela Anglo American no oeste da Namíbia, onde a Skorpion Zinc Mine and Refinery foi projetada para produzir cerca de 150.000 toneladas de metal galvanizado por ano. A Ongopolo, empresa 100% namibiana, reabriu uma das maiores produtoras de cobre do país.

O setor de energia desempenha um papel vital na economia namibiana, uma vez que vários setores – agricultura, mineração, pesca, turismo, transporte e comunicação – dependem fortemente de petróleo para o transporte de mercadorias e serviços. O país é dotado de recursos de energia tais como gás natural, vento, sol e biomassa. Entretanto, os recursos hídricos da Namíbia são limitados e, assim sendo, dependem em grande parte da importação de eletricidade para suprir a demanda nacional. Oportunidades para a exploração de hidrocarboneto são oferecidas em terra e no litoral.

Outras informações sobre a Namíbia poderão ser encontradas no sítio oficial da Embaixada da Namíbia em Brasília: www.embassyofnamibia.org.br

A intersessional de 2009, realizada no período de 23 a 25 de junho de 2009, foi também de especial importância para a América do Sul, face à pressão imposta à Venezuela no sentido de que a mesma fosse excluída do SCPK.

Uma vez mais, o Brasil se colocou em defesa da Venezuela, o que permitiu que as sanções propostas contra aquele país não fossem levadas a termo.

A Intersessional de Windhoek contou com a participação de mais de 100 delegados representantes de aproximadamente 30 países Participantes, bem como de observadores representantes de países não Participantes, de ONG's e da sociedade civil. O Brasil se fez representar pela Secretaria de Geologia, Mineração e Transformação Mineral - SGM, pelo Departamento Nacional de Produção Mineral - DNPM, pela Divisão África I, do Ministério das Relações Exteriores, contando ainda com o excelente apoio da Embaixada do Brasil em Windhoek.

II – OBJETIVO

Participar da Reunião Plenária do Sistema de Certificação do Processo de Kimberley – SCPK, das reuniões dos grupos de trabalho e apresentar um relato sobre as principais atividades realizadas em 2009, no âmbito do SCPK e do Grupo de Trabalho Artesanal Aluvionar da América do Sul, do qual o Brasil é Coordenador-Geral. O período de afastamento foi devidamente autorizado pelas esferas competentes da Presidência da República, do Ministério de Minas e Energia e do Ministério das Relações Exteriores.

III – PROGRAMAÇÃO

Durante o período de afastamento foi cumprida a seguinte programação:

- 01/11 (sábado) - Viagem Brasília – Johannesburg
- 02/11 (domingo) - Viagem Johannesburg – Windhoek

- 03/11 (2ª feira) - Viagem Windhoek – Swakopmund (via terrestre)
 - Registro dos Participantes na Plenária do SCPK
 - Abertura Oficial da Plenária
 - Relatório sobre a Visita a Zimbábue
 - Apresentação do Representante da Sociedade Civil
 - Apresentação do novo sítio do GT de Estatísticas
 - Reuniões setoriais dos Grupos de Trabalho

- 04/11 (3ª feira) - Relatório do GT de Monitoramento
 - Relatório do Comitê de Participação
 - Relatório do Grupo de Trabalho de Estatísticas
 - Relatório do GT de Especialistas em Diamantes
 - Relatório do GT de Produção Artesanal Aluvial
 - Relatório do Comitê de Assistência Técnica
 - Reuniões setoriais dos Grupos de Trabalho

- 05/11 (4ª feira) - O Estado da Mineração Artesanal e seu Impacto no PK
 - Sessão Conjunta do GT de Estatísticas e o GT de Especialistas em Diamante
 - Reunião do Comitê de Seleção
 - Reuniões setoriais dos Grupos de Trabalho

- 66/11 (5ª feira) - Relatórios Finais dos Grupos de Trabalho
 - Aprovação do Comunicado Final
 - Pronunciamento de Encerramento do Presidente do PK
 - Pronunciamento do Novo Presidente do PK
 - Encerramento da Plenária

IV – MISSÃO BRASILEIRA

A missão brasileira, que participou do evento, foi composta por:

- **João César de Freitas Pinheiro** – Diretor-Geral Adjunto do DNPM, MME – Chefe da Missão.
- **Samir Nahass** – Assessor para Assuntos Internacionais da SGM, MME – Ponto Focal Brasileiro do SCPK
- **Walter Lins Arcoverde** – Diretor de Fiscalização Mineral do DNPM, MME
- **Antonio Augusto Martins César** – Chefe da DAF I, DEAF, MRE
- **Myron Moraes Pires** – Oficial de Inteligência da ABIN, PR
- **Dario M. Rocha** – Presidente da Cooperativa de Coromandel
- **Francisco de Assis Ribeiro** – Presidente da GAR Mineração



Representantes do Governo Brasileiro
(E – D) Myron – Walter - Antonio Augusto – João César - Samir

V – ATIVIDADES DA PLENÁRIA

V – 1 Apresentação do Ministro de Minas e Energia da Namíbia

O Sr. Ministro Erkki Nghimtina deu as boas-vindas aos presentes e em breves palavras informou que o diamante é a maior riqueza do seu país e que tem efetuado um grande esforço no sentido de que esse bem mineral seja benéfico ao desenvolvimento sustentável da Namíbia, assim também como do mundo, e seja usado principalmente para erradicar a pobreza. Assim como tem feito em seu país, é dever de todos os Participantes do PK combater o comércio ilícito de diamantes, e oferecer suporte a aqueles que desejam se beneficiar do seu comércio legal. O seu pronunciamento integral encontra-se no **Anexo I**.

V – 2 Apresentação do Presidente do SCPK

O Presidente do SCPK, Bernhard Esau, Vice-Ministro de Minas e Energia da Namíbia, apresentou um resumo das atividades realizadas durante 2009, lembrando que neste ano, em que o seu país está como responsável pela Presidência do PK, não tem sido dos melhores, em face da crise mundial, o que provocou uma queda substancial, em torno de 60%, nos preços dos diamantes brutos.

Há que se formar uma base muito sólida e efetuar uma estratégia muito bem elaborada para enfrentar a atual crise. Há que se continuar, como tem sido feito até o presente, a elaborar mecanismos eficientes para combater o comércio ilegal, que ainda permanece em alguns países.

Discorreu sobre o problema de Zimbábue, que será apresentado no item VI deste relatório.

Durante o ano foram envidados esforços no sentido de ampliar o quadro de Participantes do SCPK, atualmente contando com 75 países, com a aprovação da adesão do México e incluindo os países da União Européia. Atualmente, em termos de novas adesões, somente o Quênia solicitou oficialmente o seu ingresso no quadro de Participantes do PK.

Informou que todos os países, com exceção de 2, enviaram os seus relatórios anuais e de acordo com os Estados Unidos, que assumiram a presidência do GT de Estatística, somente 3 países não forneceram seus dados estatísticos relativos ao ano 2008. Dessa forma, já se encontra no sítio de estatísticas do PK todos os dados atualizados de 2008.

Em termos de assistência técnica, os estudos elaborados pelo Instituto Egmont sobre os diamantes artesanais, serão publicados e encaminhados a todos os Participantes, inclusive no idioma português. Atualmente, esses estudos estão sendo focados nos países do Oeste Africano. O projeto para analisar os dados estatísticos do PK em conjunção com os estudos de “footprints” tem dado bons resultados e espera-se executá-lo em todos os países que sentirem a necessidade determinar a origem dos seus diamantes.

Várias visitas de revisões foram solicitadas e realizadas durante o ano e outras mais estão prevista para o ano de 2010. Espera-se que até o final do próximo ano todos os países Participantes já tenham recebido as referidas visitas.

As recentes descobertas de certificados falsos, encontrados em Guiné e na Namíbia leva-nos a ficarmos mais atentos a esse tipo de violação e torna-se de grande importância a informação tempestiva a todos os Participantes, quando tal fato ocorrer novamente.

O GT de Produção Artesanal e Aluvial vem envidando esforços no sentido de implementar as recomendações da Declaração de Moscou, isto é elaborar uma matriz na qual contenha o inventário semestral de todas atividades relacionadas às ações voltadas aos diamantes brutos artesanais dos países componentes desse GT.

Lembrou que todas ações atinentes à Secretaria do PK têm sido compartilhadas com os respectivos Presidentes dos Grupos de Trabalho, aos quais agradeceu pela cooperação e orientação permanente, esperando que essa cooperação mútua perdure no âmbito e fora das reuniões do Sistema.

Finalmente, prestou sua homenagem a um dos pioneiros do SCPK, Sr. Louis Selekane, da África do Sul e a todos aqueles ausentes à Plenária, porque partiram para outro mundo, desejando que as suas almas descansem em eterna paz.

V – 3 Apresentação dos Comitês e dos Grupos de Trabalho

Todos os presidentes dos comitês e dos Grupos de Trabalho do PK apresentaram as suas atividades realizadas durante o ano, bem como o planejamento futuro, fundamentados nas discussões e sugestões apresentadas na última reunião intersessional.

Foram apresentados os informes dos seguintes comitês e grupos de trabalho, cujas cópias dos respectivos pronunciamentos encontram-se em anexo:

- Comitê de Regras e Procedimentos
- GT de Produção Artesanal e Aluvial
- GT de Estatísticas
- GT de Monitoramento
- Comitê de Participação
- GT de Peritos em Diamantes
- Conselho Mundial de Diamantes
- GT de Participação da Sociedade Civil
-

V – 3.1 Comitê de Regras e Procedimentos

O Comitê de Regras e Procedimentos apresentou um documento no qual são estabelecidos os parâmetros que servirão de base para a atuação dos observadores, tanto para os representantes dos países não Participantes do Processo, como para os representantes de entidades convidadas. O documento foi apresentado e aceito em Plenária. No **Anexo II**, apresentamos a minuta da “Decisão Administrativa” sobre o assunto.

V – 3.2 GT de Produção Artesanal e Aluvial

O Presidente do GT de Produção Artesanal Aluvionar - GTPAA enfatizou o impacto da crise mundial na produção aluvionar de diamantes brutos, a qual, no âmbito do KP, iniciou-se no quarto trimestre de 2008, tendo um impacto maior no início de 2009 até o presente.

Esforços têm sido empreendidos para cumprir as Recomendações de Moscou; isto é: manter em dia a matriz de inventários alimentada pelos países produtores de diamantes aluvionares da África e da América do Sul. Além das reuniões realizadas entre os países desse GT, informou que foi firmado um Memorando de Entendimentos entre o GTPAA e o DDI (*Diamond Developing Initiative*) com o objetivo de implementar cooperação técnica no âmbito das necessidades do GTPAA, visando ao desenvolvimento por intervenções que possam melhorar os conhecimentos e habilidades dos produtores artesanais.

Recebeu propostas de treinamento, de vários países africanos e uma proposta da Guiana. Atualmente, devido à crise, o GT tem vivenciado uma série de problemas causados pela baixa dos preços do diamante (cerca de 60% menos em valor), o que se torna difícil garantir os preços desejados pelos garimpeiros e pelos compradores. Dessa forma, há um considerável aumento da pobreza rural, o que provoca o envolvimento de novos atores na atividade aluvionar. Destaca-se que a

maior preocupação do GT são os diamantes de conflito, que ainda não foram dizimados em algumas regiões da África

V – 3.3 GT de Estatísticas – GTE (Anexo III)

Atualmente, o GT de Estatísticas – GTE tem um representante dos Estados Unidos como o seu Presidente e tem como membros representantes dos seguintes países: Angola, Botsuana, Canadá, República Democrática do Congo, Comunidade Européia, Índia, Israel, República Popular da China, Federação Russa, África do Sul, Suíça, Emirados Árabes Unidos, além do Conselho Mundial de Diamantes, *Partnership Africa Canada*, e *International Peace Information Service*.

O GTE informou que, além do Sítio de Estatísticas elaborado pelo Canadá, o qual permanecerá em vigor até dezembro de 2009, está sendo desenvolvido outro portal pelos Estados Unidos, patrocinado pelo “USA Census Bureau”, que em breve será submetido à apreciação de todos os Participantes. Os dados estatísticos de 2004 a 2008 já foram atualizados, de acordo com os dados submetidos pelos Participantes. Entretanto, caso haja ainda alguma discrepância, há possibilidade de atualizá-los. Todos os participantes já apresentaram as suas estatísticas de 2008. Embora já existam estatísticas relacionadas ao período de 2003 a 2008, os dados de 2003 não estão sendo considerados, por não apresentarem consistências pela maioria dos Participantes.

Foram realizadas durante o ano várias teleconferências, para tratar assuntos de interesses do grupo e dos GT's de Participação e de Monitoramento. Objetivando apresentar subsídios para as visitas de revisões, o GTE preparou análises estatísticas sobre a CE, Libéria, Turquia, Serra Leoa e Zimbábue, para atender solicitação do GT, bem como do Líbano e Guiné para verificar as discrepâncias nos dados de exportação apontados no artigo “*Diamond Intelligence Briefs*”. Foi realizada uma análise estatística detalhada para cada um dos países Participantes, com a qual os mesmos tiveram a oportunidade de eliminar as discrepâncias que se apresentaram entre os valores e quantidades de diamantes exportados por um país e os valores e quantidades das remessas recebidas pelo país alvo.

No futuro, o GTE deverá continuar aperfeiçoando a habilidade dos Participantes em submeter os seus dados tempestivamente, bem como em fornecer assistência técnica aos participantes atuais e novos. Dentre outras atividades, pretende identificar a aplicação da metodologia “footprinting” em seu trabalho de estatísticas, por intermédio da colaboração do Presidente do GT de Especialistas em Diamantes. É também intenção deste GT atualizar sempre a estimativa da proporção dos diamantes de conflito que se encontram nos mercados globais.

V – 3.4 GT de Monitoramento - GTM(Anexo IV)

Esse GT continua sendo presidido pelo representante da CE, Stephany Chardon, o qual informou que a maioria dos Participantes enviou os seus relatórios anuais de 2008, faltando ainda receber os relatórios de 3 países. O GT é composto por membros representantes do Canadá, República da África Central, Comunidade Européia, Índia, Israel, República Popular da China, Federação Russa, África do Sul, Estados Unidos, Conselho Mundial de Diamantes, e organizações representantes da sociedade civil, *Global Witness (GW)* e *Partnership África Canadá (PAC)*.

Durante o ano realizaram visitas de revisão à Libéria, Serra Leoa, CE, República Democrática do Congo, Zimbábue, Angola, Namíbia e Bangladesh. O Brasil, representado por João César, participou da visita de revisão a Angola.

A equipe analisou os relatórios anuais de 2008 e encaminhou a cada país participante as suas apreciações, em tempo hábil, que permitiu a cada um justificar ou discordar das discrepâncias apontadas. Além disso, vêm envidando esforços no sentido de solucionar os problemas advindos dos países da África, realizando reuniões e verificações “in loco” com autoridades e responsáveis pelos respectivos SCPK’s. Foi o caso, por exemplo, da Costa de Marfim em que os Estados Unidos foi designado para promover uma reunião com o objetivo de solucionar os problemas que o país vem enfrentando nas atividades relacionadas aos seus diamantes brutos, alguns dos quais são contrabandeados na fronteira com Gana e são exportados como produção ganense legítima, tal como acontece também com as fronteiras de Mali, que ainda não é Participante do PK.

V – 3.5 GT de Participação - GTP

O GTP é liderado pela Índia e tem como membros representantes dos seguintes países: Angola, Botsuana, Canadá, República Popular da China, CE, Índia, Israel, Rússia, África do Sul, Suíça, EUA, Conselho Mundial de Diamante, *Partnership África Canada* e *Global Witness*.

O SCPK conta atualmente com 49 Participantes, o que corresponde a 75 países, se considerarmos os países da CE, conforme a tabela seguinte. Entretanto, vários países foram convidados a participarem do Sistema, dos quais manifestaram interesse: Argélia, Bahrain, Burquina Faso, Camarões, Cabo Verde, Egito, Gabão Quênia, Kuwait, Mali, Filipinas, Catar, Suazilândia Tunísia, Moçambique, Uganda, Níger e Panamá. Entretanto, somente o Quênia enviou formalmente o seu pedido de inclusão no SCPK.

PAISES PARTICIPANTES DO SCPK – 2008

1. África do Sul	11. Coreia	21. Índia	31. Namíbia	41. Suíça
2. Angola	12. C. de Marfim	22. Indonésia	32. Normandia	42. Tanzânia
3. Armênia	13. Croácia	23. Israel	33. N. Zelândia	43. Tailândia
4. Austrália	14. C E	24. Japão	34. R C A	44. Turquia
5. Bangladesh	15. E Á U	25. Líbano	35. R D C	45. Togo
6. Belarius	16. E U A	26. Libéria	36. R D L	46. Ucrânia
7. Botsuana	17. Rússia	27. Lesoto	37. China	47. Vietnam
8. Brasil	18. Gana	28. Malásia	38. Serra Leoa	48. Venezuela
9. Canadá	19. Guiné	29. Maurícius	39. Singapura	49. Zimbábue.
10. China	20. Guiana	30. México	40. Sri Lanka	

CE (Comunidade Européia) – EAU (Emirados Árabes Unidos) – EUA (Estados Unidos da América) – RCA (República Central Africana) – RDC (República Democrática do Congo) – RDL (República Democrática do Laos)



De acordo com o entendimento do SCPK, a Venezuela, mesmo estando temporariamente afastada do Sistema, deveria manter correspondências, responder mensagens do GT's, bem como apresentar o seu relatório anual de 2008, narrando os progressos efetuados durante o período, objetivando o seu retorno ao PK. Coube a esse GTP analisar as causas do silêncio da Venezuela e apresentar uma solução para o problema, bem como colocar-se à disposição da Venezuela para atender a qualquer assistência necessária que venha a contribuir para o seu melhor reingresso no SCPK.

V – 3.6 Peritos em Diamantes – GTPD (Anexo.V)

O GTPK, presidido pelo Conselho Mundial de Diamante, é assessorado pela África do Sul, tendo como demais componentes representantes da Austrália, Botsuana, Canadá, República Popular da China, Comunidade Européia, Índia, Israel e Federação Russa. Esforços continuam sendo empreendidos para estabelecer um padrão de “fooprinting” para os países da África produtores de diamantes aluvionares.

Um dos maiores problemas enfrentados por esse GTPD é erradicar os diamantes de conflitos que ainda existem na Costa de Marfim. Levantamentos mensais por helicóptero e verificações de campo têm sido realizados nas áreas de garimpos com o objetivo de detectar irregularidades e saná-las em tempo hábil, procedimento esse que tem apresentado resultados alentadores. Entretanto, tem sido observado que enquanto a produção mundial de diamantes aluvionares tem caído consideravelmente, essa mesma produção tem aumentado na Costa de Marfim, em face do grande número de produtores artesanais de kimberlitos encontrados ilegalmente nas áreas produtoras.

Problemas de ilegalidade foram também verificados em Senegal, cuja origem dos diamantes, em posse de um cidadão da Gâmbia, ainda não foi definida. Supõe-se que diamantes comercializados nesse país poderiam ter sido originados da Costa de Marfim (?). Um estudo minucioso de “footprinting” poderá servir de arma para solucionar o problema.

No que diz respeito ao método “footprinting” da produção de diamantes, o GTPD, graças ao patrocínio da Bélgica, desenvolveu “footprinting” (distribuição da frequência do tamanho dos cristais e características de qualidade) para Gana, em estreita colaboração com o USGS (Serviço Geológico dos Estados Unidos).

Eles já completaram o “footprinting” da produção dos diamantes de Togo, Costa de Marfim, Zimbábue (Campo de Marange) e estão dando andamento aos estudos correlatos em Guiné, Serra Leoa e Libéria. No caso da Libéria, as pesquisas

só poderão ser levadas a termo, após haver diamantes exportados suficientes, para se ter estatisticamente dados relevantes.

No caso de Gana, o “footprinting” foi baseado na “Frequência do Tamanho dos Cristais x Frequência da Distribuição desses Cristais”. Nesse caso, a fiscalização pode ser baseada na comparação entre o “footprintig” da produção e o “footprinting” da exportação de cada trimestre.

Está sendo executado pelo GTPD um Projeto de Metodologia de Avaliação de Diamantes Brutos, que foi idealizado para distribuir a todos os Participantes, visando colocá-los em dia com as técnicas modernas de avaliação.

V – 3.7 Conselho Mundial de Diamantes – CMD

O presidente do CMD, Eli Izhakoff em seu informe exaltou o trabalho realizado por Ian Smillie, que não mais está colaborando com o PK e conclamou a todos os participantes a atuarem conjuntamente, dando um suporte coeso ao Sistema, principalmente no que tange aos esforços para combater a ilegalidade e aos diamantes de conflito.

Enfatizou o apoio e o trabalho que o CMD vem empreendendo no sentido de resolver os problemas que se apresentam, citando como exemplo o caso do Zimbábue e da Venezuela.

Sobre o Zimbábue, o CMD tem apresentado publicações e documentação fotográfica, com orientação detalhada sobre como identificar os diamantes de Marange. De mesma forma, uma equipe de especialistas liderados pelo CMD foi destacada para investigar e analisar estatísticas regionais, e verificar as anomalias encontradas.

O CMD sugere que se deva haver uma cooperação mais eficaz entre todas as equipes que se dedicam às atividades do SCPK e as autoridades governamentais responsáveis pela segurança e controles fronteiriços, com o objetivo de acabar com o comércio ilegal de diamantes brutos.

O Sistema deverá se juntar à sociedade civil conclamando aos governos, para: agir rapidamente ao enfrentar casos de não cumprimento das normas estabelecidas pelo PK;

Exigir dos Participantes uma supervisão governamental mais efetiva ao respectivo setor diamantífero, incluindo controles “in loco” das empresas relativas; bem como o aperfeiçoamento dos controles internos e aumentar a colboração, envidando esforços para combater o contrabando de diamantes brutos.

- Requerer a adesão do setor de corte e polimento aos padrões mínimos do PK;

Sugeriu finalmente que o SCPK promova cooperação com outras iniciativas como o EITI (*Extractive Industries Transparency Initiative*), enfatizando que o CMD sempre estará de braços abertos para colaborar em qualquer assunto relacionado aos diamantes brutos.

V – 3.8 Participação da Sociedade Civil

A sociedade civil, representada no evento por membros da *Partnership Africa Canada*, *Global Witness*, *Green Advocates - Liberia*, *CECIDE - Guiné*, e *GRPIE - Costa de Marfim*, fez um pronunciamento durante o evento, apresentando críticas e sugestões com o objetivo de contribuir para um melhor desenvolvimento das atividades do PK, enfatizando que após 7 anos de consolidação, não será permitido que todo esforço elaborado caia por terra, devido aos problemas que no presente o Sistema vem enfrentando.

Segundo os representantes da Sociedade Civil há necessidade de que o KP faça uma clara e inequívoca abordagem aos direitos humanos no setor diamantífero. Foram lembrados os sérios problemas de anomalias estatísticas apresentadas pela Guiné e pelo Líbano, a violência nos campos de diamantes do Zimbábue, a falta de engajamento com a Venezuela e o comércio contínuo nos diamantes de conflito da Costa de Marfim. Torna-se então necessário que haja grandes mudanças na abordagem do Sistema, no que diz respeito à fiscalização, ativado por uma maior vontade política por parte dos governos envolvidos. O PK tem todas as ferramentas para exercer o seu mandato no sentido de preservar o comércio internacional de diamantes limpo, mas alguns governos estão falhando nesse desiderato.

Segundo os representantes da Sociedade Civil o SCPK deve:

- Assegurar-se de que toda visita de revisão seja conduzida de uma maneira exaustiva, transparente, oportuna e profissional;
- Investigar as anomalias estatísticas como um assunto prioritário;
- Garantir um acompanhamento imediato e significativo das recomendações formuladas no âmbito da sistemática de revisão.
- Estender suas análises estatísticas ao setor de corte e polimento.
- Estreitar cada vez mais os laços de ações entre o governo, a indústria e a sociedade civil, tomando-se como exemplo o caso da Libéria (vide Anexo VIII).
- Estreitar dos laços entre diamantes para indústria e diamantes para o desenvolvimento.

Agradeceram o suporte financeiro dos governos e membros da indústria, sem o qual seria impossível a participação da sociedade civil nas atividades do SCPK.

VI – ASSISTÊNCIA TÉCNICA

Durante a Plenária foram apresentadas todas as iniciativas de capacitação de RH que foram empreendidas pelos Participantes e Observadores. Todas modalidades estão detalhadamente descritas no **Anexo VI**, apresentando, inclusive, os Participantes que proporcionaram e receberam assistência técnica e/ou treinamento. Da mesma forma, encontra-se também no referido anexo um resumo do Projeto Egmont.

VII – REUNIÃO DO GT PRODUÇÃO ARTESANAL E ALUVIONAR

O Presidente do GTPAA, Paulo Mvica, iniciou a reunião informando que a produção artesanal e aluvionar de diamantes brutos foi muito afetada pela crise econômica internacional, o que foi confirmado pelo pronunciamento de todos os representantes dos países que são membros desse GT. Em seguida analisou as atividades realizadas durante o ano de 2009, salientando o encontro realizado na

cidade de Coromandel – MG, no Brasil, realizado pelo Fórum Brasileiro do Processo Kimberley, passando a palavra ao Presidente desse fórum, João César que informou aos presentes que, entre os dias 15 e 17 de outubro de 2009, foi realizada a V Reunião Ordinatória do Fórum Brasileiro do Processo Kimberley. O encontro teve como objetivo discutir as atividades desenvolvidas e futuras relacionadas ao PK, bem como a preparação para a atuação brasileira e do GT de Produção Artesanal Aluvionar na VII Sessão Plenária do Processo Kimberley,

A reunião foi presidida pelo Diretor-Geral Adjunto do Departamento Nacional de Produção Mineral – DNPM, João César Pinheiro e contou com a participação do Assessor para Assuntos Internacionais da Secretaria de Geologia, Mineração e Transformação Mineral do Ministério de Minas e Energia, Samir Nahass, o presidente do Subgrupo de Trabalho sobre Produção de Diamantes Artesanal Aluvionar do PK, Paulo Mvika, o Gerente-Geral da Comissão de Geologia e Minas da Guiana, Kampta Persaud, o Superintendente de Mineração e Metalurgia da Secretaria de Estado de Desenvolvimento Econômico de Minas Gerais, Diógenes Scipioni Vial, e a Prefeita do Município de Coromandel, Dione Maria Peres, além de representantes da Agência Brasileira de Inteligência – ABIN, Polícia Federal, DNPM, cooperativas de garimpeiros, comunidade local, indústria de diamantes e a organização não-governamental Partnership Africa Canada..

A agenda consistiu em ciclo de palestras seguidas de debates. Os temas abordados foram: A Crise, a Saída da Crise e as Expectativas do Setor de Diamante; As Possibilidades da Relação entre o Brasil e a África na Produção e Comércio de Diamantes; O DNA do Diamante – o Estado da Arte na Ciência e Tecnologia; O Cooperativismo e o Extensionismo Mineral no Setor Brasileiro de Produção e Comércio de Diamantes; A Sustentabilidade Ambiental da Produção e do Comércio de Diamantes; As Atuais Condições Brasileiras de Certificação e Fiscalização da Produção de Diamantes; e A Preparação para a Participação Brasileira na Plenária na Namíbia.

No último dia do encontro foi prevista a realização de visita de campo às áreas onde são empreendidas as lavras de diamantes pela empresa GAR Mineração, que realiza parceria com a Cooperativa COOPERGAC. Nessa ocasião foi possível observar a parceria entre os garimpeiros e a mineradora, as técnicas mecanizadas e manuais empregadas para a extração de diamantes aluvionares, o processo de recuperação de áreas degradadas.

Os resultados do Fórum:

- A apresentação dos avanços do projeto “DNA do Diamante” empreendido pela Polícia Federal. Tem por objetivo estabelecer metodologia de controle de origem para os diamantes brasileiros e desenvolver um banco de dados nacional de acesso irrestrito ao público com as informações dos diamantes descritos. O projeto prevê duas fases: a primeira, denominada Projeto Piloto, realizada na Terra Indígena Roosevelt no Estado de Roraima e a fase posterior, denominada Projeto Nacional, que irá abranger os demais depósitos brasileiros.
- A proposta de intensificar os diálogos com países africanos para a firmação de acordos técnicos de cooperação objetivando compartilhar conhecimento e técnicas para o aperfeiçoamento do Processo Kimberley nos países envolvidos.
- Os convites à ABIN, Polícia Federal, Secretaria de Estado de Desenvolvimento Econômico de MG, Prefeitura de Minas Gerais e representantes das cooperativas locais de garimpeiros a participarem da V Plenária do PK em Swakopmud, Namíbia.

- O Presidente do Subgrupo de Trabalho sobre Produção de Diamantes Artesanal Aluvionar do PK, Paulo Mvika, declarou que seria apresentado na sessão Plenária de Swakopmud dados acerca das conseqüências sociais da crise financeira mundial para os países africanos, bem como uma avaliação dos resultados obtidos no combate à pobreza nesses países entre novembro de 2008 e o mesmo mês em 2009.
- O Gerente-Geral da Comissão de Geologia e Minas da Guiana, Kampta Persaud, destacou a importância de se realizar parcerias entre esse país, o Brasil e a Venezuela para combater a ilegalidade da atividade em regiões transfronteiriças. Destacou também que os garimpeiros brasileiros na Guiana são responsáveis por aproximadamente metade da produção do país. Atualmente são implementados mecanismos de controle para o combate à atividade ilegal. Pode-se citar o controle de dragas por meio de instalação de aparelhos de GPS e iniciativas de promover a educação dos garimpeiros para o preenchimento dos registros de certificação.



João César apresentando atividades do PK brasileiro

Foram discutidos e analisados os inventários elaborados pelos países participantes deste GT, bem como avaliada a matriz consolidada dos inventários apresentados pelos Participantes, que se relacionam com os controles internos (Declaração de Moscou), indicando o progresso registrado por cada país, o qual, consolidado, foi apresentado durante os trabalhos gerais realizados em plenário. João César, Coordenador-Geral do Subgrupo para a América do Sul, apresentou as atividades desenvolvidas pelo Brasil e pelo Subgrupo de Produção Aluvionar da América do Sul em 2009, informando que, apesar da produção brasileira de diamantes brutos não ser significativa, a mesma, assim como todo o Setor Mineral brasileiro, sofreu um forte impacto devido à crise.

O representante do Subgrupo da República Centro-Áfricana informou que o impacto provocado pela crise mundial não foi muito expressivo e que várias atividades foram desenvolvidas, no âmbito do seu subgrupo, visando a desenvolver melhor o PK da região, como por exemplo: criação de novos gabinetes para fiscalizar as novas áreas artesanais e mineiras que têm surgido; instalação de 5 oficinas minerais estrategicamente localizadas; aumento do número de trabalhadores locais; e a realização do senso de atores artesanais. Por outro lado, necessitam de ajuda externa para resolver os problemas ecológicos provocados por determinadas minerações artesanais.

Mvika reiterou que os países africanos sofreram muito com a crise, principalmente, no Setor Mineral. Os preços dos bens minerais baixaram muito e em

Angola o decréscimo foi na ordem de 50%. Caso a conjuntura não melhorar, as atividades diamantíferas em vários países da África, incluindo Angola, serão abandonadas. Para minimizar o problema, foi criada em seu país uma comissão para oficializar e incentivar as atividades artesanais. Angola, atualmente, está enfrentando um problema muito sério relacionado à questão migratória, principalmente oriunda dos países fronteiriços. Um trabalho intenso está se desenvolvendo junto às embaixadas pertinentes, para minimizar o problema. Todos estrangeiros ilegais estão sendo expulsos do país.

A representante da DDI (*Diamond Development Initiative*), Dra. Dorotéia, informou que a sua instituição está elaborando um manual para servir de orientação aos produtores artesanais, além do suporte técnico que está oferecendo a Angola para reformular o seu código de mineração, para atender aos produtores artesanais. O DDI deverá organizar um seminário que será realizado na África do Sul, no início do próximo ano, com o objetivo de discutir o “modo operandis” do SCPK relacionados aos países africanos e da América do Sul, que tratam dos diamantes artesanais aluvionares. No que se relaciona ao Projeto Egmont, ele deverá ser publicado em todos os idiomas oficiais do PK, inclusive em português. Da mesma forma, todos os estudos efetuados pela CASM (*Communities and Small Scale Mining*), voltados à mineração artesanal serão publicados e distribuídos aos países participantes do SCPK. Finalmente, a representante do DDI solicitou que lhe fossem enviados todos os tipos de treinamento que o GTPAA desejaria, para que fosse verificada a possibilidade de patrociná-los em determinada ordem de prioridade.

O representante da República da África Central informou que, devido ao problema de contrabando vivenciado em seu país, a sociedade civil solicitou vigilância aos diamantes oriundos do Zimbábue, impedindo assim que esses diamantes venham a fazer parte do circuito oficial. O representante da Sociedade Civil, também presente nessa reunião, declarou ser necessário saber qual é a contribuição dos diamantes brutos para erradicar a pobreza, ou seja: o que fazer para transformar os diamantes brutos em diamantes para o desenvolvimento, evitando assim que eles continuem se transformando em diamantes de conflito.

O representante da Serra Leoa declarou que a crise afetou muito o comércio de diamantes artesanais em seu país, sendo que muitos grupos já não existem mais e muitos exportadores tradicionais não conseguem vender os seus produtos e somente conseguem a preços aviltantes. Dessa forma, preferem dedicar-se ao comércio do ouro. Tendo em vista que o seu governo também foi sensivelmente afetado pela crise, solicita ajuda do SCPK aos mineradores artesanais do seu país.

V III– O CASO ZIMBÁBUE

O caso do Zimbábue foi exaustivamente tratado durante toda a Plenária de Swakopmund.

Os problemas do Zimbábue começaram em 2006, quando foi divulgada a existência de grande depósito aluvial de diamantes na área de Marange, no sudeste do país, o que causou grande afluxo populacional à região. As tentativas do governo do Zimbábue de conter esse afluxo causaram mais confusão e foram consideradas muito violentas. O uso de militares e o caráter essencialmente repressivo da medida, sem planejamento em relação à exploração sustentável dos recursos, foi muito criticado por ONGs e teria causado vários incidentes de desrespeito a direitos

fundamentais das populações envolvidas¹. Em composição ao problema, o contexto político confuso do país teria dado margem à exploração dos diamantes por grupos militares e policiais ligados ao governo da ZANU-PF, o partido do Presidente Robert Mugabe, o que alimentou a formação de mercado clandestino que utiliza como principal rota de escoamento a fronteira com Moçambique.

‘A visita de Revisão do PK em 2007, apesar de fazer recomendações, concluiu que os controles do Zimbábue eram “satisfatórios”. A partir de 2008, as ONGs intensificaram a pressão para que o PK assumisse postura mais dura, apesar de a PAC ainda admitir ressalvas de que o mandato do PK não incluía a fiscalização de alegações de desrespeito aos direitos humanos ou problemas de governança ou falta de democracia de um determinado país.

A situação tornar-se-ia crítica em 2009, que pode ser caracterizado, no que se refere ao PK, como o “ano do Zimbábue”. Em março, a PAC publicou artigo intitulado “*Zimbabwe, Diamonds and the Wrong Side of History*”, que fez críticas veementes ao PK no seu tratamento ao caso Zimbábue.

Em sua conclusão, o artigo faz recomendações ao Conselho de Segurança das Nações Unidas - CSNU, aos governos de Zimbábue e África do Sul e ao PK. Ao CSNU, que determine embargo aos diamantes do Zimbábue, até o momento em que exista legitimidade e competente governança dos recursos de diamantes do país.

Os representantes do Zimbábue, tanto na Intersessional como na Plenária, se defenderam, declarando que o que houve foi uma operação governamental para expulsar “mineradores ilegais” da região de Marange, para o que a estatal “Zimbabwe Mining Development Corporation (ZMDC) contou com reforços da “Zimbabwe Republic Police”. A operação não seria diretamente responsável por nenhuma morte, ao contrário do alegado por ONGs e artigos de imprensa. Entretanto, o que houve foi algumas lutas em garimpos ilegais de diamantes, provenientes da venda de diamantes e até mesmo de mulheres, no que resultou em 3 mortes lideradas por 8 prisioneiros.

Fundamentados nas duas visitas do Presidente do SCPK, no decorrer deste ano, e na última Visita de Revisão ocorrida em junho, após a reunião Intersessional e após quatro dias de discussões durante a Plenária, o Plano de Ação para Zimbábue foi aprovado, com duração de doze meses, incorporando as recomendações da Visita de Revisão e outras exigências feitas pelas ONGs, apesar de suas lutas intensas pela expulsão ou suspensão do país como Participante do SCPK.

IX– O COMÉRCIO MUNDIAL DOS DIAMANTES BRUTOS - 2008

De acordo com os dados oficiais do SCPK, para o ano 2008, os maiores produtores mundiais de diamantes brutos foram, em ordem decrescente: Rússia, República Democrática do Congo, Botsuana, Austrália, Canadá, África do Sul e Angola, em termos de volume. A produção desses países correspondeu a 93,5% da produção mundial. A produção brasileira representou apenas 0,05% da produção mundial. No Quadro 3, verifica-se que as posições no “ranking” mundial são alteradas, de acordo com as especificações de volume ou de valor . Em valor, esses países responderam por 92,1%.

Produção mundial de diamantes brutos (2008)

Classificação pelo quantum			Classificação pelo valor		
País	mil ct	%	País	US\$ milhões	%
1º Rússia	36.925	22,0	1º Botsuana	3.273	25,7
2º RDC	33.402	20,0	2º Rússia	2.509	19,7
3º Botsuana	32.276	19,8	3º Canadá	2.255	17,7
4º Austrália	14.932	9,20	4º África do Sul	1.236	9,70
5º Canadá	14.803	9,00	5º Angola	1.210	9,50
6º África do Sul	12.901	8,00	6º Namíbia	918	7,20
7º Angola	8.907	5,50	7º Austrália	326	2,60
Brasil	80	0,05	Brasil	6,2	0,05
Total	162.908	Ct	Total	12.732	100

Fonte: Banco de dados oficial do Sistema de Certificação do Processo Kimberley

O Quadro 4 ilustra as exportações. A União Europeia lidera as estatísticas de exportação, tanto em volume como em valor, e a Índia, que se coloca como o 2º maior exportador em termos de volume, não aparece no quadro dos maiores exportadores em termos de valor. A Índia exporta consideráveis volumes, mas com baixo valor comercial, na média de US\$ 22/ct, de acordo com o SCPK. O Brasil, nos dois casos contribui somente com 0,03% e 0,02%, respectivamente, das exportações mundiais.

Exportação mundial de diamantes brutos (2008)

Classificação pelo quantum			Classificação pelo valor		
País	mil ct	%	País	US\$ milhões	%
1º UE	152.133	36,9	1º UE	14.705	46,4
2º Índia	37.597	9,1	2º Israel	4.198	10,8
3º EAU	35.579	8,6	3º EAU	3.085	7,9
4º Botsuana	26.950	6,5	4º Botsuana	2.966	7,6
5º Rússia	24.472	5,9	5º Canadá	2.417	6,19
6º China	23.146	5,6	6º China	1.821	4,7
7º RDC	21.284	5,2	7º Suíça	1.663	4,3
8º Israel	17.928	4,3	8º Rússia	1.607	4,1
Brasil	107	0,03	Brasil	9	0,02
Total	412.280	100	Total	39.022	100

Fonte: Banco de dados oficial do Sistema de Certificação do Processo Kimberley

No que respeita às importações mundiais (Quadro 5), a Índia e a União Europeia são responsáveis por 73% em termos de volume e 62% em termos de valor, trocando de posições entre o 1º e o 2º lugar quando se considera volume e valor. Os principais importadores, além da Índia e da EU, são os Emirados Árabes Unidos, China, Israel e Suíça. A participação brasileira é insignificante, considerando que o Brasil importa somente os diamantes brutos industriais, para serem utilizados principalmente em equipamentos de perfurações.

Importação mundial de diamantes brutos (2008)

Classificação pelo quantum			Classificação pelo valor		
País	mil ct	%	País	US\$ milhões	%
1º Índia	147.786	36,5	1º UE	14.508	37,5
2º UE	147.751	36,5	2º Índia	9.592	24,8
3º EAU	38.776	9,6	3º Israel	5.358	13,9
4º China	26.659	6,6	4º China	2.331	6,0
5º Israel	20.726	5,1	5º EAU	2.156	5,6
6º Suíça	8.434	2,1	6º Suíça	1.560	4,0
7º EUA	4.743	1,2	7º Tailândia	512	1,3
8º Líbano	2.384	0,6	8º África do Sul	510	1,3
Brasil	36	0,009	Brasil	0,573	0,001
Total	405.236	100	Total	38.676	100

Fonte: Banco de dados oficial do Sistema de Certificação do Processo Kimberley

Cabe enfatizar que, em termos de valor médio, de acordo com os dados oficiais do SCPK, os diamantes brutos mais caros foram vendidos por Lesoto (US\$ 999/ct), Turquia (US\$ 741/ct), Nova Zelândia (US\$ 556/ct), Siri Lanka (US\$ 446/ct) e Namíbia (US\$ 400/ct), os quais não aparecem no quadro de grandes produtores, exportadores e nem mesmo importadores. O Brasil apresenta-se no 25º lugar, exportando os seus diamantes brutos a uma média de US\$ 90/ct. A média final apresentada pelo SCPK foi da ordem de US\$ 95/ct.

Se considerarmos a importação, dentre os principais, o país que pagou mais caro foi a Serra Leoa (US\$ 1.261/ct), vindo a seguir Namíbia (US\$ 1.023/ct), a África do Sul (US\$ 867/ct) e Botsuana (US\$ 800/ct). Os diamantes industriais comprados pelo Brasil foram da ordem de US\$ 15/ct. A média final de importação apresentada pelo SCPK foi da ordem de US\$ 95/ct.

X – CONCLUSÕES E RECOMENDAÇÕES

A Plenária de Swakopmund foi importante principalmente por verificar que o Brasil, apesar de modesto produtor de diamantes brutos é bem ouvido nos assuntos que dizem respeito à Venezuela e aos países produtores de diamantes aluvionares. Isso se fez sentir, quando a delegação brasileira foi por diversas vezes procurada por interessados (principalmente da África) em estabelecer parcerias em torno de projeto brasileiro de erradicar a informalidade nos garimpos, bem como em conhecer “modo operandis” do Processo Kimberley brasileiro e estabelecer ações de cooperação técnica bilateral.

Nesse sentido, sugere-se que se faça convites aos países do Subgrupo de Trabalho de Produção Aluvionar da América do Sul, bem como a países africanos para conhecer de perto o nosso PK. Além disso, foi sugerido que seja realizada no próximo ano outra reunião Tripartite Brasil-Guiana-Venezuela, com o objetivo de verificar o andamento das atividades programadas, integrar os dados relativos ao inventário e discutir as programações conjuntas futuras.

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- A Presidência do PK, bem como do GTM têm feito inúmeros convites para que o Brasil venha a participar das visitas de revisão e verificação.

- **Sugerimos que tanto a SGM, como o DNPM venham a destacar representantes para participarem dessas visitas,**

Enfatizamos que o PK tem envidados esforços para oferecer aos países Participantes cursos voltados à identificação e avaliação de diamantes brutos, bem como cursos técnicos e execução de projetos voltados principalmente aos países que possuem produção aluvionar de diamantes brutos

- **Recomenda-se elaborar projetos nas áreas de diamantes aluvionares, que possam vir a receber suporte financeiro de patrocinadores, bem como enviar o maior número possível de nossos técnicos para participarem dos cursos de identificação e avaliação de diamantes brutos, objetivando cobrir essa lacuna nos quadros técnicos do DNPM e mesmo da CPRM.**

Reiteramos que raros são os geólogos e engenheiros de minas brasileiros do DNPM e da CPRM que conhecem kimberlitos e até mesmo depósitos aluvionares de outros países produtores de diamantes brutos

Recomenda-se reiteradamente a organização de uma missão brasileira, composta de profissionais do DNPM e da CPRM, de preferência que sejam responsáveis por ações voltadas às atividades geológicas e mineiras em áreas com potencial diamantíferos, ou que sejam componentes da equipe de diamantes e/ou chefes de distritos diamantíferos do DNPM, para visitar as principais áreas e minas de diamantes africanas (primárias e secundárias), para que possam posteriormente correlacioná-las com os terrenos brasileiros prospectivos para esse bem mineral. Recomenda-se incluir no roteiro de visitas as minas kimberlíticas de Botsuana e África do Sul e as aluvionares da República Democrática do Congo e de Angola.

Brasília, março de 2010

Antonio Augusto Martins César
Chefe da Divisão África I
DAF1 – DEAF - MRE

João César de Freitas Pinheiro
Diretor-Geral Adjunto
DNPM - MME

Samir Nahass
Assessor Assuntos Internacionais
SGM – MME

ANEXO I



Ministry of Mines and Energy

**STATEMENT BY HONOURABLE ERKKI NGHIMTINA, MINISTER OF
MINES AND ENERGY AT KIMBERLEY PROCESS CERTIFICATION
SCHEME PLENARY MEETING ON 02 NOVEMBER 2009,
SWAKOPMUND**

Director of ceremonies

Honorable Ministers and Deputy Ministers

Your Excellencies High Commissioners and Heads of Missions

Distinguished Chairs of Working Groups and Committees of the KP

Distinguished members of the Kimberley Process Family

Distinguished members of the Namibian Diamond Industry

Members of the media

Ladies and Gentlemen

I welcome you all to Namibia, and this time around to our magnificent town of Swakopmund. I do recall that some of you attended the KP Inter-Sessional

meeting we have had in June this year. Allow me to start by congratulating the organizers in their outstanding choice of venue for the conference. A place we would like to call the 8th Wonder of the World, where the Namib Desert meets the Atlantic Ocean or more rarely, the immense beauty of the arid desert meeting the tempestuous ocean, a place to be.

The Kimberley Process entered into force in 2003, after persistent negotiations in our neighboring country of South Africa from the year 2000 – 2002. It has been seven years since the inception, and we should always note down the status of the KP in our proceedings, that rather than legally binding in international law, it is instead a commitment undertaken by Participants who must implement its requirements by domestic legislation. The KP as a unique mechanism entirely depends on this commitment and continuous contribution by its Participants.

Today, we meet yet again to continue strengthening the Scheme, our presence here shows continued co-operation among governments, the private sector and civil society for the greater good and peaceful of utilizing diamond resource to the benefit of our societies.

In addition, we are gathered as representatives from the industry, mining companies, governments and NGO's to discuss common goals and strategies. Deliberations between governments and industry that both include commercial and humanitarian elements

At the inception of KPCS, our meetings were held in the gloominess of a crisis, as conflict diamonds gush of blood found their way into the legitimate pipelines and we struggled to develop a system that would stanch the flow.

Confronted by challenges that we never aspired for, the diamond industry showed keenness to take a burden of applying regulation and self monitoring, to tackle a humanitarian problem stemming from illegitimate flow of diamond that was besetting many countries particularly in Africa.

As you all know, Namibia is world renowned for its gem quality placer diamonds that occur onshore and offshore along the coastline of the country. The country is further emerging as one of the leading uranium producer, making it one of mineral resource driven economy. The role of the mining industry can never be overemphasized; it built and continues to build the economies of many African countries including that of Namibia. Irrespective of that the continent remains under explored. Both the existing reserves and those still to be discovered require investments and, importantly, continuous human skills development to help further build the continent and rid it from poverty.

Thanks to the Kimberley process, the governments of the producing countries no longer deem the strain of rough diamond deposits to be a mixed blessing but rather as a constructive prospect. The mining industry if managed correctly can and should be the cornerstone of industrialization and further development of the countries of our continent. This needs to be handled properly so that it assists

in the economic and social development of the communities in which the deposits are located.

Chairing the KPCS has been a key milestone for Namibia, and as Chair for 2009, we hope we have attained our outlined objectives to further strengthen the work of the KP, and added more building blocks to the legacy of previous Chairs. Namibia will continue to be an active participant together with all other participants to continue in the contribution of global peace and social upliftment of indigenous people in the producing countries.

The establishment of the Kimberley process is indeed of great significant value to the global diamond industry and it has been a clear demonstration of the beneficiation in action. Today, less than one percent of conflict diamonds enter the legal mainstream and more countries are reaping their own resources and enjoying an increased turnover from the export and sales of their diamonds because KPC makes it more difficult for criminal activities surrounding diamonds become less.

The Kimberley Process is the first far reaching step forward in enhancing the diamond industry transparency, however just like any other mechanism, the KP continues and will continue to face new challenges. But on the brighter side there are more opportunities than challenges that will be a reward to this mechanism; the opportunity to build on its triumph, the opportunity to exhibit greater harmony, dedication and purpose. The opportunity to echo the values of the

unique beautiful product from which we and millions others obtain their livelihoods.

The KP network should ensure the protection of the legitimate diamond industry from adverse publicity for the foreseeable future and also ensure the retention of consumer confidence which is the final link in the value chain that we cannot deal without.

Before I close off, I would greatly like to applaud the KP for its work thus far and for its continued co-operation and commitment from governments, industries and the civil society.

I want to emphasize on the classic tripartite because as jointly working together, the 3 institutions work reasonably in a different manner individually. We should always bear in mind the operations of our joint stakeholders, in order to further strengthen mutual cooperation. I urge the diamond industry and civil society to always be mindful of the concerns of the political situations in participating countries.

Your excellencies, Ladies and Gentlemen; we have an agenda before us and I invite you all to participate fully in the discussions over the next few days. With these words I wish you fruitfulness in your deliberations and let us work towards ensuring that the diamond industry is as transparent as our objectives are outlined, to further contribute to peace and prosperity. Once more welcome to

ANEXO II

ADMINISTRATIVE DECISION

Participation of Observers in the Work of the Kimberley Process

- 1. In the definition given in Section I of the KPCS Document, "Observer means a representative of civil society, the diamond industry, international organizations and non-participating governments invited to take part in Plenary meetings."**
- 2. Observers may seek to participate in the existing civil society or industry coalitions, membership in which is determined by the respective coalitions. The KP Chair informs all KP Participants of current membership in the Observer coalitions. Each such coalition may participate in KP activities as a single entity with a unified voice.**
- 3. Observers may also participate independently as individuals or entities. Applications for the status of independent Observer are reviewed by the Participation Committee, which makes its recommendations to the KP Chair. The KP Chair informs the applicant and the KP Participants of the results of reviewing the applications for gaining the status of independent Observer.**
- 4. Representatives of Observer coalitions and independent Observers may fully participate at Intersessional and Plenary meetings of the KP. They may also participate in meetings of the Working Groups on a temporary or permanent basis, at the invitation of their respective Chairs or the KP Chair. Observers have the same responsibilities regarding confidentiality as Participants.**
- 5. All Observers should meet at least the following criteria:**
 - 1). Experience in/knowledge of activities related to natural resource exploitation, particularly diamonds;**
 - 2). Demonstrated interest in the activity of the Kimberley Process;**
 - 3). A willingness and ability to participate in the activity of the KP Intersessional and Plenary meetings, KP working bodies, review visits and missions.**
- 6. In cases where an independent Observer is not fulfilling its responsibilities as set out above, the withdrawal of its privileges could be discussed. In cases where a member of either Observer coalitions is not fulfilling its responsibilities as set out above, the matter can be raised with the relevant coalition.**

* * *

Administrative Decision
Sharing Information with the United Nations

The Kimberley Process ("KP") recognizes that cooperation with the United Nations ("UN") is an important responsibility of the Kimberley Process Certification Scheme ("KPCS"), and is committed to facilitating the timely sharing of information whenever possible. This administrative decision is intended to clarify the procedures by which the working groups may share KPCS information with the UN Groups of Experts ("GOE") or other bodies with a UN-mandate to work on KPCS-related issues.

1. If a UN GOE or other body believes that the KP possesses information that would be useful to its investigations, programs, or activities, the head of the UN GOE or other body should submit a written request outlining the specifics of the information being requested and the motivation for the particular need for the information. This request should be sent to the KP Chair.
2. Prior to receiving any such information, assurances of confidentiality are to be given by the UN GOE or other body, to the effect that the information is not to be further disclosed or used for purposes other than those described in the request without prior written consent of the Participant(s) to whom the information is related.
3. Upon receipt of such a request, the KP Chair should forward it to the Chairs of the relevant working groups, who should consult with Participants of the working groups and provide any comments or concerns within ten working days. The KP Chair should consult any affected Participants that are not members of relevant working group.
4. In the absence of any objections by Chairs of the working groups and/or the concerned Participant(s), with due consideration to commercial sensitivities of Participants, the KP Chair should grant the request and provide the relevant information to the requesting UN GOE or other body.
5. If objections to the request are received, the KP Chair should attempt to resolve the objections through discussions with the objecting Chair(s) of the working group(s) and/or the Participants. After a consensus is reached, the KP Chair may propose an acceptable alternative arrangement to the requesting UN GOE or other body. If the alternative proposal is not accepted, the KP Chair should direct the matter to the attention of the working groups Chairs and should attempt to resolve the matter and reach consensus. If no consensus is reached the KP Chair refuses to share the requested information.

In cases when the request on sharing information is connected with a cooperation provision in a UN Security Council resolution, the KP Chair may overrule these objections and share the requested information. The KP will fully cooperate with UN sanctions panels without undue delay.
6. If on the recommendation of the KP Chair, information is provided, the UN GOE or other body should, at the end of that time, provide a brief, written report to the KP summarizing what information was used and for what purposes. The UN GOE or other body may also request expanded information as needed; the KP should consider any such request as described above.
7. The KP Chair should inform the Participants of the Plenary about the cases in which information has been shared.

ANEXO III

**CHAIR OF THE WORKING GROUP ON STATISTICS
REPORT TO THE KIMBERLEY PROCESS CERTIFICATE SCHEME
PLENARY MEETING
Swakopmund, Namibia
2-5 November 2009**

1. Statistical Submissions

Collection and compilation of statistical data submitted pursuant to the WGS protocol continues. It is of note that ALL Participants have submitted the required statistical data for 2008. As of this writing (27 October 2009), only three Participants have submitted incomplete statistical data for Q2 and H1 2009, and they are listed as follows (with missing data identified):

- DRC – Production for H1 2009
- Indonesia – Trade and KP Certificate Counts for Q2 2009
- Venezuela – Production for H1 2009

To achieve this result has required the collaborative efforts of the WGS, the Participation Committee, and the KP Chair.

Although Q3 2009 data is not due until 31 December 2009, 15 Participants have already submitted their Trade and KP Certificate Count data.

2. Status of the statistical database

Within the Participants-only website, the statistical database now includes 2003 through the first half of 2009 of statistical information, as submitted by Participants (although data for the year 2003 is considered weak and not generally used in statistical analyses). The WGS recently posted revised statistics for 2004 through 2008 on the Participants-only site. Also, the 2008 summary statistics and charts were posted to the Public website at the end of July 2009.

3. 2008 Data Analysis

All 48 annual statistical analyses were prepared for the 2008 statistics. The analysis for Mexico was not required since Mexico joined the KPCS in November 2008, and there was no trade/production for Mexico during the last part of the Q4 2008 statistical period. In addition, statistical analysis for Cote d'Ivoire was not required since official trade or production was not authorized. Thirty-one of the 48 Participants have responded to the questions or observations raised in their particular annual statistical analysis. As of 27 October 2009, the WGS has yet to receive responses from 17 Participants.

Although there is no procedure in place to require responses from Participants, it is nevertheless important to the integrity of the data and the overall process, as well as the work of the WGS, for Participants to take the time to review the analyses and answer any questions/observations raised by the reviewer.

4. Draft AD on Data Sharing with the United Nations

The WGS drafted an Administrative Decision (AD) on the sharing of information with the United Nations, in particular the UN Group of Experts (GOE), in response to the requests from the various UN GOEs. Currently, there is no standardized procedure or rule to govern the method for providing this information. The WGS collaborated closely with the Chair of the Committee on Rules and Procedures on the issue. Both Working Groups will present this at the Plenary.

5. Analysis of Guinea-Lebanon Trade

In response to the *Diamond Intelligence Briefs* report on Lebanon and Guinea, the WGS staff conducted an analysis on the trade of Lebanon and Guinea during 2008. The report was sent to the KP Chair and WGM Chair along with the governments of Lebanon and Guinea for their official comments. Both governments have responded. However, the WGS noted discrepancies in the statistics reported to the KPCS by Lebanon, as well as in the statistics provided by the Lebanese in their official comments to the analysis (these were later determined to be data entry errors). Lebanon provided detailed information on all imports and exports during 2007 and 2008 periods, which enabled the WGS to draw certain conclusions and develop proposed recommendations for measures that could improve identification of the origin of rough diamonds exported from Guinea. The WGS is appreciative of Lebanon's willingness to cooperate and assist in this investigation. The analysis and recommendations of the WGS team, condensed into two short reports, have recently been forwarded to the WGM and PC, and will be discussed in a joint WGS/WGM meeting at Plenary.

NOTE: Errors in Lebanon's trade statistics were corrected in the KP Rough Diamond Statistics website and these corrections are reflected in the most current (21 October 2009) 2008 Statistical Summary Tables for Lebanon.

6. Working Group Activities

The WGS has convened eight teleconferences to date in 2009. Collaboration with other working groups, particularly Committee on Rules and Procedures (administrative decision), Participation Committee (follow-up on non-submission of data), Working Group on Diamond Experts (footprinting), and Working Group on Monitoring (statistical summaries) continue, as evidenced by the joint working sessions scheduled during Intersessional and again during the course of this Plenary. The Participation Committee has been instrumental in getting Participants to comply with the statistical requirements. To date, the WGS provided the following statistical analyses to the WGM for use in Review Visits and Missions: Angola, Democratic Republic of Congo, the European Community, Liberia, Turkey, Sierra Leone, and Zimbabwe. In addition to the statistical analysis on Lebanon and Guinea, the working group updated the regional analysis of the West African Participants, at the request of the WGM, as well as the regional analysis of Zimbabwe and its surrounding countries.

7. Internet Sales and Postal Shipments

The WGS began initial discussion on the issues and concerns raised by Australian Customs regarding Internet Sales and Postal shipments. Australian Customs indicated that they are having difficulty tracking and reconciling rough diamond shipments sold via the Internet and sent via the postal service. Because of this, KP certificates are not being received by Customs. There is also a concern that persons purchasing or selling the shipments are unaware of the KP requirements. With the increase in Internet sales and postal shipments, from a statistical standpoint this will impact the quality of Participants and their trading partners statistics. Since Internet sales/postal shipments are often low in value and carat volume, it will impact the KP Certificate Counts statistics most. A number of other WGS members noted similar issues, including Switzerland and the United States.

The WGS staff conducted preliminary research into the websites offering rough diamond sales and found 51 companies located in 13 countries. It is highly likely that the actual figures are much higher. Note that one of the 13 countries (Uganda) found is not a member of the KPCS. This topic will be discussed in a joint WGM-WGS meeting at the Plenary.

8. Cutting and Polishing Center Research

A draft proposal on data collection in cutting/polishing centers was on the agenda for discussion at the Intersessional, but no discussion took place due to time constraints. Notwithstanding the lack of discussion, following side consultations, civil society decided to take various steps to research the proposal further. In that respect, the civil society coalition (CS) began researching the scope and structure of the cutting and polishing centers. Global Witness is leading the survey on this initiative and began contacting Participants with cutting or polishing centers in October. Note that, as of this writing, the study has not been completed yet, but we look forward to further information on it.

During the preliminary discussion, comments and questions were raised regarding whether this could reasonably fall within the scope of the KPCS and, if so, within which working group. Additionally, India and Israel stated that an earlier TET (Technical Expert Team) has already conducted a similar study covering the implementation of the KPCS in participant countries with trading and manufacturing centers. The TET submitted a report, which was adopted in the Brussels Declaration.

This topic will be re-introduced at the Joint WGM-WGS meeting.

9. Website

Canada continues to maintain the KP Rough Diamond Statistics website, while the United States develops a comparable website to be hosted by the US Census Bureau. The new KP Rough Diamond Statistics website will be launched on 9 November 2009. Although every effort was made to minimize changes to the structures, look, and feel of the website, there are minor differences between the existing and new

websites. The minor differences will not have much of an impact on users. Since the United States was given ample time to develop the new website, we built in security measures to prevent unauthorized access as well as implemented quality edit checks and controls to ensure data consistency during the data entry phase. Participants will receive new Username and Password for the new website at the Plenary. For those Participants who are unable to attend the Plenary, the WGS staff will inform each of his/her Username and Password via email after the Plenary.

On behalf of the United States, I would like to express our gratitude to our Canadian colleagues, especially Gabrielle Fitzgerald and David Wojcik from Natural Resources Canada, for their tireless assistance and support throughout our development process. The new KP Rough Diamond Statistics Website would not have been possible without their cooperation and assistance.

10. Composition Of the Working Group

Since January 2009, the United States has assumed the position of the WGS Chair position. The current WGS members consisted of representatives from Angola, Botswana, Canada, the Democratic Republic of the Congo, the European Community, India, Israel, the People's Republic of China, the Russian Federation, South Africa, Switzerland, the United Arab Emirates, the United States, International Peace Information Service, Partnership Africa Canada, and World Diamond Council. Although there has been no change to the composition of the Participants in the WGS membership, there have been many changes to representatives from several of the Participants, including: Angola, Botswana, Canada, the European Community, South Africa, the United States, and Partnership Africa Canada.

11. Issues Facing the WGS

The following areas should be considered by the WGS in the future:

- (1) Assess the quality of the annual statistical analysis and response follow-up, with recommendations for improvement;
- (2) Continue to improve the ability of Participants to submit requisite data in a timely fashion;
- (3) Continue to provide technical (statistical) assistance to current and new Participants;
- (4) Determine what analyses are worth doing and what new directions overall analysis should take;
- (5) Deal with any new data variables that may be required within the KPCS and build useful historical time series;
- (6) Assess data quality and compile a "best practice" document on KPCS data submission; and
- (7) Identify the application of footprinting in its statistical work through collaboration with the WGDE Chair.

ANEXO IV



Kimberley Process Certification scheme

WORKING GROUP ON MONITORING

Working Group on Monitoring

2009 Activity Report

to the Swakopmund Plenary meeting

(2-5 November 2009)

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EXECUTIVE SUMMARY

In 2009, the activity of the Working Group on Monitoring (WGM) ensured, as its core task, the operation of the Peer Review system, in line with the provisions of the Administrative Decision on Peer Review (ADPR) in the KPCS. The WGM pursued implementation of the '2nd round' of Review Visits, essentially with six country reviews to important diamond producing and trading centres (European Community, Democratic Republic of Congo, Turkey, Liberia, Sierra Leone, Angola) as well as a review mission to Zimbabwe. The WGM also implemented the 'annual reporting process' as a basis for dialogue with Participants in order to encourage their continuous engagement with the KP and identify particular implementation issues for consideration at Plenary. The WGM identified KPCS implementation issues for consideration, notably as regards modalities of import confirmation and internet sales of diamonds.

In addition, the WGM monitored specific country implementation issues in 2009. The WGM was confronted with developments in the Marange mining area affecting KPCS implementation in Zimbabwe and recommended a series of KP actions to contain the flow of illicit diamonds from Marange and bring Zimbabwe's KPCS implementation into compliance with minimum requirements. The WGM recommended introduction of new KP tools, notably as regards international efforts to enhance 'vigilance' against illicit Marange shipments.

The WGM continued to monitor implementation of the 2007 Brussels Initiative on Côte d'Ivoire and the 2005 Moscow Resolution, and maintained close cooperation with the United Nations as well as a technical dialogue with Ivorian authorities. The WGM welcomed the creation of a group of 'Friends of Côte d'Ivoire' that aims in particular at fostering regional cooperation. The WGM continued to monitor progress under Ghana's plan to strengthen internal controls and attempted to assess challenges arising from KPCS implementation in Guinée.

The WGM pursued discussions on the enhancement of cooperation on KP implementation and enforcement and prepared a draft Administrative Decision for consideration at Plenary.

The WGM also held discussions on proposals to clarify the relation between Kimberley Process implementation and human rights.

The WGM held eight meetings in 2009 and operated as a permanent platform for exchange of information in order to ensure continuous monitoring of KP-related developments.

Introduction

This report is established pursuant to Article 1.d) of the Terms of Reference of the Working Group on Monitoring (WGM), which stipulates that the WGM shall “Prepare reports on progress and issues relating to monitoring and review for the Plenary through the Chair”. This report is consequently intended to provide a succinct overview and assessment of the main activities of the Working Group on Monitoring in 2009 and complements the oral report of the Chair of the WGM to the Swakopmund Plenary.

I. Composition, mandate, working methods and operational capacity of the Working Group on Monitoring

Composition. The WGM is composed of Botswana, Canada, the Central African Republic, the Democratic Republic of Congo the European Community, India, Israel, the People’s Republic of China, the Russian Federation, South Africa, the United States, the World Diamond Council (WDC), and civil society organizations. The WGM is chaired by the European Community and Israel acts as Vice-Chair. The composition of the WGM has changed after the Dehli Plenary in 2007, with the additional membership of the DRC and Botswana.

Mandate. The mandate of the WGM is set out in its Terms of Reference, adopted by the Sun City Plenary meeting in October 2003. The specific tasks of the WGM with regard to the implementation of the Peer Review System are set out in the Administrative Decision on the Implementation of Peer Review in the KPCS (ADPR), also adopted at the Sun City Plenary meeting. The mandate of the WGM remained unchanged in 2009.

Working methods and operational capacity. In 2009, the WGM convened on eight occasions (teleconferences on 22 January, 4 March, 7 April, 21 September, 2 and 22 October 2009, and WGM meetings at Intersessional on 29-30 June as well as Plenary on 2-5 November) and maintained a continuous working relationship through exchanges by electronic correspondence and telephone, thereby ensuring that the WGM operates as a permanent platform for monitoring of KP-related events.

As regards working methods, the WGM used an updated format for Review visit reports so as to include a reference to the effect that such reports are ‘internal – for KP use only’, and applied the same format to its own deliberations.

The operational capacity of the WGM has benefited from contributions of certain WGM members, and has been enhanced through specific KP actions, such as the setting up of an expert team to document developments in Marange, which significantly contributed to the WGM’s appraisal of the situation. The WGM’s assessment of relevant developments was also enhanced through the EC’s technological support in the form of satellite images on Zimbabwe and Côte d’Ivoire and dedicated statistical research on priority issues.

Technical assistance supporting KP implementation in specific countries such as Ghana and Liberia also provided a direct contribution to the WGM's assessment and the effectiveness of KPCS implementation in those countries.

Furthermore, the WGM has introduced new KP tools in the course of 2009, in particular with the introduction of 'vigilance' measures requesting KP authorities to follow precise guidelines with a view to detect and disrupt illicit shipments from Marange. The WGM is thus now able to mobilize an increasing number of instruments, in addition to the basic tools provided for by annual reporting and review visits.

Intra-KP coordination. In 2009, the WGM closely coordinated with other Working Groups as well as the KP Chair. Specific contributions from other KP bodies, such as the WGS statistical analysis for Review visits and WGS Regional statistical analysis on West Africa, have supported the WGM in performing its task. The WGM has also collaborated on a regular basis with the Participation Committee and KP chair as regards the annual reporting process. The WGM is also grateful to the WGDE for elaborating a 'footprint' of Marange diamonds, which has proved invaluable in order to operationalise the call for 'vigilance' against illicit Marange diamonds. Last but not least, throughout the year, the WGM has maintained close relations and interaction with the KP Chair in order to respond to pressing challenges, in particular in relation to developments in Marange.

II. Annual Reports

2008 Annual reporting process/electronic use of KP certificates. At the request of the KP Chair, and consistent with the conclusions of the Dehli Plenary, the Republic of Korea informed the KP Chair by Note Verbale that it has ceased issuing electronic KP certificates online in order to bring its certification practice into compliance with KPCS requirements.

2009 Annual reporting process. Section I of the ADPR sets out the process for the submission of annual reports by Participants on the measures taken to implement the KPCS, and for the assessment of these reports by the WGM. In February 2009, a KP Chair letter to Participants initiated the process and drew attention to the priority issues of enforcement and infringements. Most Participants presented their annual reports in a timely manner, however a few Participants failed to submit their annual reports within the deadline and the WGM had to refer the issue to the Participation Committee. Joint action by the WGM and Participation Committee helped resolve these few cases and all Participants have submitted their annual reports, thus resulting in full compliance with the annual reporting requirement.

The WGM undertook a detailed assessment of annual reports and conducted a dialogue with Participants, requesting clarifications on specific issues – notably in relation to internal controls, enforcement and infringements, as well as follow-up to Review visits.

The WGM notes a certain lack of uniformity as regards the responses to the requests for clarification, and would encourage KP Participants to actively contribute to the KP Annual reporting dialogue.

Annual reports help highlight general implementation issues and also identify specific bilateral trade issues between Participants, most of which can subsequently be resolved through dialogue with and between Participants. In 2009, the WGM has thus identified the following general issues for consideration by Plenary¹:

- *Import confirmation and statistical reconciliation.* As last year, some Participants requested consideration of import confirmation practices, and complained about the lack of uniform implementation of this minimum requirement. Import confirmation thus remains an area of concern as regards KPCS implementation as a whole and also affects the consistency of KP statistical data (TG 14 for missing certificates is not implemented in a systematic manner). The WGM notes that this may call for revisiting the rules concerning import confirmation which is a mandatory requirement and a vital element in the chain of custody, in order to make them more effective.

- *Internet sales, shipments by post & courier companies & personal transport.* Cross-border internet sales, as well as shipments delivered by post or courier companies or in person, emerge as a general issue for consideration, in consideration to the difficulty to apply KP controls to such diamond flows.

- *Enforcement and infringements:* a growing number of Participants provide summary information on enforcement and infringements, but some Participants do not provide any information on the subject. The WGM observes that the use of annual reports as a tool to exchange summary information on KP implementation and enforcement could be further expanded.

Annual reports thus remain a major source of information for the KP, as they provide a comprehensive and regular overview of the state of implementation of the KPCS in all Participants, and the “Annual reporting process” provides for continuous dialogue between the WGM and Participants, and adds value in terms of exchange of information as well as awareness-raising. Moreover, Review teams make extensive use of annual reports as background documentation. Annual reports are available on the Participant’s section of the Kimberley Process website.

Proposal for amendment to the Administrative Decision on Peer Review concerning multi-stakeholder involvement in annual reporting. The WGM initiated discussions of a US proposal promoting the involvement of civil society in the production of annual reports with a view to replicating the KP’s tripartite structure at the level of Participants.

III. Review visits

¹ For details, see Annex 1 - Annual reporting process ‘Matrix’

Section II of the ADPR stipulates that the KPCS will conduct Review visits as one essential element of the Peer Review mechanism. The WGM, in collaboration with the Chair, has been responsible for coordinating the implementation of this provision, designating experts representing Participants and Observers to set up Review visit teams and liaising with host Participants for the organization of the review visits.

In 2009 the WGM actively implemented the 'second round' of Review visits. The WGM organized six Review visits to important diamond producing and trading centres – European Community, Democratic Republic of Congo, Turkey, Liberia, Sierra Leone, Angola. Moreover, the WGM also organized the KP review mission to Zimbabwe. The WGM further prepares to send Review visits to New Zealand, Namibia, Bangladesh, Belarus, as well as the US and India. A Schedule of Review visits is attached in Annex 2 to this report.

Review visits have typically followed the format laid down in the standard Terms of Reference annexed to the ADPR, while in the case of the review mission to Zimbabwe, a specific mandate was conceived to take particular issues into consideration. Intra-KP coordination has also been useful, and Review teams have benefited from the support provided by the WGS in the form of concise statistical analyses of the Participant under review, which are crucial for the statistical underpinning of the overall assessment as well as to identify possible trade discrepancies.

The mobilization of review teams, the preparation of review visits and the production of reports has occasionally been hampered by delayed contributions. The WGM notes that the effectiveness of the Peer Review System depends largely on the dedication and commitment of each and every Participant and calls for renewed commitment and dedication to this key element of the KPCS.

IV. Monitoring of specific implementation issues

In 2009, the WGM monitored specifically KPCS implementation in certain countries, and was in particular with developments in the Marange area of Zimbabwe affecting KPCS compliance. The WGM also continued to follow progress under the 2007 Brussels Initiative on Côte d'Ivoire, and under Ghana's plan to strengthen internal controls. The WGM noted implementation issues in relation to Guinea-Lebanon trade and liaised with the WGS to clarify those issues.

a) KPCS implementation in Zimbabwe.

Since the 2006 diamond rush, when tens of thousands of diggers invaded the Marange diamond fields in Zimbabwe, security in and control of the diamond fields as well as mounting evidence of wide-spread smuggling have become a particular concern for the

KP. Zimbabwe subjected to enhanced monitoring measures in the form of an ad hoc review visit in June 2007 and regular reports to the KP on the implementation of the review's recommendations.

In Nov. 2008, the Zimbabwean government launched operation Hakudzwoiki ('no return'), deploying considerable military resources in order to take effective control of the fields and was publicly associated with reports of violence and human rights abuses, denied by the Government. The Delhi Plenary noted with concern the continuing challenges to KP implementation in Zimbabwe and recommended further monitoring of developments and concerted actions in that respect.

In response to these developments, the WGM recommended a KP double-track approach:

- on the one hand, the WGM has taken *steps to address the reports of non compliance and violence* in the Marange fields:

- A KP *public statement* was issued, expressing 'growing concerns at the reports of violence and indications of smuggling in the Marange mining area';
- A KP *High-level envoy* (KP Chair) visited Zimbabwe in March 2009 to convey the KP message at political level – The Envoy met with ministers and the acting Prime Minister;
- The WGM launched *research* into the situation, with a view to providing a solid information-basis on Marange developments;
- The WGM prepared a *review mission* that visited Zimbabwe on 30 June-4 July 2009 and reported elements of non-compliance.

- on the other hand, the WGM developed *specific measures to step up international efforts to contain the flow of illicit Marange diamonds*:

- the KP Chair issued a notice on 10 February 2009, calling for *vigilance* based on footprint, and another notice on 30 April 2009, calling for reports by Participants;
- the KP Chair called in May 2009 for *regional cooperation* to establish a first line of containment of illicit Marange diamonds.

The implementation of KP measures is summarized in a table 'Summary of KP actions' in Annex 5 to this report. The WGM has initiated discussions on the indications of non-compliance identified by the review mission and invited Zimbabwe to respond to these conclusions. The WGM is also reviewing possible additional KP actions in light of those new developments.

b) Implementation of the KPCS in West Africa: Côte d'Ivoire, Ghana and Guinée

Monitoring of Ivorian diamonds. The WGM has continued to implement a multi-faceted approach to monitor the challenge posed by Ivorian 'conflict diamonds' under the Brussels Initiative and the Moscow Resolution. The WGM pursued dialogue and technical concertation with Côte d'Ivoire regarding plans for implementing a national

certification scheme compliant with the KPCS, and received a report from Côte d'Ivoire in view of the Swakopmund Plenary meeting. In accordance with the terms of UNSCR 1842 (2008), the WGM has maintained close cooperation and exchanged information with the UN Group of Experts (GoE) on Côte d'Ivoire. The WGM has also continued the use of satellite monitoring to monitor illicit production, but noted with concern indications that illicit production in Côte d'Ivoire may continue and even increase, while new mining activities have been identified. At the request of the WGM, a KP Chair notice was circulated, requesting for reports of possible Ivorian shipments – no such shipments were reported by Participants. As regards regional cooperation, the WGM welcomed the efforts of the 'Friends of Côte d'Ivoire' to promote specific actions, e.g. in the context of the Mano River Union. The WGM notes that UNSCR 1893 (2009) renews the measures preventing the importation of rough diamonds from Côte d'Ivoire and further requests the Kimberley Process to continue cooperation with the GoE.

Ghana Action Plan. The WGM also produced an update assessment of Ghana's Action Plan that recognises Ghana's progress, though it notes that the strengthening of internal controls should be further pursued.

KPCS implementation issues in Guinea. While the vulnerability of Guinea's internal controls chain was confirmed by the 2008 review visit report, the WGM further examined inconsistencies in Guinea's trade and production, and has requested the WGS, with the support of the WGDE, to conduct a statistical analysis of Guinean statistical data, which highlights in particular a dramatic increase in production and trade as well as a considerable increase of exports to Lebanon and raises questions regarding the origin of certain shipments. The WGM will further discuss these issues at the Swakopmund Plenary.

V. Cooperation on implementation and enforcement

In 2009, the WGM pursued discussions on **cooperation on implementation and enforcement** with a view to tackle certain implementation and enforcement issues of general nature - such as use of fraudulent certificates, treatment of suspicious shipments, cooperation in cases of infringements to the KPCS. The WGM prepared a draft Administrative Decision for consideration at the Swakopmund Plenary.

VI. Human rights and the Kimberley Process

The civil society organizations introduced a proposal to amend the basic KPCS document and certain other KP documents with a view to clarifying the relation between human rights and KPCS implementation. The WGM will pursue examination of those proposals at the Swakopmund Plenary.

ANNEX 1: Annual reporting process: Standard overall assessment matrix

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Angola	Yes	Yes	Yes	Angola has submitted regular statistics to the WGS.	Recommendations are mentioned, but no comprehensive information on follow-up is provided.	Angola provides summary information on enforcement actions.	- The Review visit to Angola will follow-up in August 2009. - Angola requests that confirmation of imports be enhanced.
Armenia	Yes	Yes	Yes	Armenia has submitted regular statistics to the WGS	-	-	-
Australia	Yes	Yes	Yes	Australia has submitted regular statistics to the WGS	Yes – detailed information on follow-up to RV recommendations.	Australia provides summary information on enforcement actions Australia also informs about steps to enforce KP ‘vigilance’ measures against illicit Marange diamonds	-
Bangladesh	Yes	Yes	Yes	Bangladesh has submitted regular statistics to the WGS	Bangladesh has not yet received a review visit, but has made an invitation to this effect.	Bangladesh provides summary information on enforcement actions.	-
Belarus	Yes	Yes	Yes	Yes	Belarus has invited a Review visit in 2009	Belarus provides detailed information on an irregular shipment from Israel	- the review visit to Belarus should take place in 2009
Botswana	Yes	Yes	Yes	Yes	-	Botswana provides summary information on enforcement actions.	-

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Brazil	Yes	Yes	Yes	Yes Exports for 2008 apparently exceeded production in 2008. Brazil explains this by reference to a stockpile from the previous year.	Discrepancies identified have been resolved.	Brazil has up till now had difficulties preparing accurate production (rather than export) statistics, but anticipates that a new register system will help to provide a solution to this problem. Brazil is the general co-ordinator for the S. America sub-group of the WGAAP, and also reports on a meeting with Venezuela	Brazil could be requested to inform about infringements and enforcement.
Canada	Yes	Yes	Yes	Yes	Yes	Canada provides summary information on enforcement actions.	-
CAR	Yes	Yes	Yes	Yes	No	CAR informs that a new mining code is under preparation	CAR could be requested to report on RV recommendations, and also on enforcement/infringements
China, PR (and HK SAR)	Yes	Yes	Yes	Yes	-	Two more import/export authorities have been set up in 2008 (Guangzhou Airport and Shanxi); Hong Kong amended its legislation for issue of KP certificates in 2008. China held in Nov 2008 a workshop for gov officials from African countries, which was attended by 21 African officials.	-
D.R. Congo	Yes	Yes	Yes	Yes	A review visit was sent to DRC in March 2009	DRC informs about some KP-related activities	DRC informs about its wish to join the WGDE; - DRC could be requested to inform about infringements/enforcement.
Congo (Republic of)	Yes	Yes	Yes	Yes	-	Congo presents its first full-year annual report	-
Côte d'Ivoire	Yes	-	-	-	-	Côte d'Ivoire informs about progress and challenges for preparing a KP-compliant system	-

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Croatia	Yes	Yes	Yes	Yes	A review visit was sent to EC in February 2009		
EC	Yes	Yes	Yes	Yes	Yes although more details on overall progress would be welcome	Fake Ghanaian certificates were reported. They are currently being investigated by Ghana.	Statistical discrepancies were noted in statistical reports (2007 & 2008) and Ghana reported that they were addressed.
Ghana	Yes	Yes	Yes	Yes		Guinée explains the increase in production in 2008, notably by the discovery of new diamond areas, certain social movements in other areas, and the sale of stocks of industrial diamonds.	Guinée notes that the new areas still need to be fully registered. Guinée could be requested to report progress on the application of internal controls in those areas.
Guinea	Yes						
Guyana	Yes	Yes	Guyana does not have procedures in place to monitor and regulate potential imports.	Yes	Yes. Report reiterates Guyana's request for assistance in diamond valuation.	Report notes Guyana's participation in second tri-lateral meeting with Brazil and Venezuela to enhance regional cooperation and information-sharing. Guyana informs about court proceedings.	Timelines for implementation of import procedures as per KPCS requirements and recommendation of 2007 review visit. - Guyana could be requested to inform about infringements/enforcement
India	Yes	Yes	Yes	Yes		India provides information on a seizure of diamonds of Zimbabwean origin, and on the implementation of the vigilance measures against Marange diamonds.	India further reported on proceedings as regards the seizure of Zimbabwean diamonds- the matter has been submitted to a court in view of the examination of the shipment by a panel of experts.
Indonesia	Yes	Yes	Yes	Yes			

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Israel	Yes	Yes	Yes	Yes	Yes. Israel provides information on follow-up to review visit recommendations, and in particular as regards plans for spot checks of diamond companies and proceedings.	Israel provides information on enforcement actions.	Israel could be requested to further inform about internal control plans and the origin of the seized Mali shipment
Japan	Yes	Yes	Yes	Yes	-	-	-
Korea	Yes	Yes	Yes	Yes	-	Korea informs about its electronic issuance of the KPC, but appears to ignore KP observations regarding the compliance of this system.	Korea confirmed that it has abandoned the electronic certificate to bring its practice in compliance with KPCS requirements.
Laos	Yes	Yes	Yes	Yes	-	-	-
Lebanon	Yes	Yes	Yes, but significant deficiencies noted	Yes, although improvements in reporting would be welcome	There has been some follow-up, with positive impact. Much further work remains.	<ul style="list-style-type: none"> - Although formal minimum requirements are met, best practice is generally not followed. - Lebanon requests technical assistance in a number of areas including: <ul style="list-style-type: none"> - verification of rough diamond stocks prior to KPCS participation; - developing tracking & audit system; - range of technical expertise; - developing industry self-regulation. 	<p>Lebanon's request for technical assistance, in line with the Review Visit recommendations, require further follow-up.</p> <p>Questions raised in connection with Lebanon's trade with Guinea require further clarification.</p>
Lesotho	Yes	Yes	Yes	Yes To provide a breakdown by Participant of certificates issued.	-	-	-

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Liberia	Yes	Yes	Yes There was no confirmation of receipts in a few cases of exports.	Yes Discrepancy between number of certificates issued on the WGS website and that provided by Liberia.	The Annual Report notes weakness of Internal Controls and measures undertaken. It confirms needs to continue technical assistance and guidance of the KP. Recommendations of the second round Review Visit and follow up measures are submitted in the 2008 Annual Report.	Liberia has taken measures to control the possibility of Zimbabwean diamonds entering the Liberian territory.	Report of recent Review Visit will recommend what further follow-up is needed.
Malaysia	Yes	Yes	Yes	Yes	Malaysia has not provided complete info on follow-up to recommendations in the Review Visit in 2006.	Malaysia did not have any rough diamond trade in 2008 and virtually none in 2007.	Need to clarify follow-up to RV recommendations.
Mauritius	Yes	Yes	Yes	Yes. Amended information is needed on Table 7 of the 2008 Annual Report.	-	-	-
Mexico							
Namibia	Yes	Yes	Yes	Yes	-	-	Namibia clarified discrepancies regarding the number of certificates issued, and was encouraged to further conduct reconciliation of imports/exports.
New Zealand							
Norway	Yes	Yes	Yes	Yes	There is no mention of review visit in April 2007.	-	Norway could be requested to provide information on any actions undertaken in follow-up to 2007 review visit.

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Russian Federation	Yes	Yes	Yes	Yes	-	Russia informs about technical irregularities of certain shipments.	-
Sierra Leone	Yes	Yes	Yes	Yes	-	-	-
Singapore	Yes	Yes	Yes	Singapore submitted all statistics on the KP Website.	-	-	Singapore provided a breakdown of certificates issued and received by Participant.
South Africa	Yes	Yes	Yes	Yes	-	SA reports on measures taken to deal with illicit diamonds from Zimbabwe.	SA could provide further information on the two parcels confiscated and referred to Police.
Sri Lanka	Yes	Yes	Yes	Yes	-	-	Amended information is needed on the total breakdown table of the KP certificates issued and received.
Switzerland	Yes	Yes	Yes	Yes	-	In 2008, SECO started a project to streamline statistical data gathering and reporting processes. Switzerland favorably responded to two requests for judicial assistance from another Participant by transmitting relevant bank documentation and by ordering the freezing of bank accounts. Switzerland committed an annual contribution of CHF 15'000 to the Kimberley Process Civil Society Trust Fund established to support Southern Civil Society's involvement in the Kimberley Process.	Switzerland points out that postal shipments containing rough diamonds are virtually impossible to detect if not accompanied by a customs declaration. This could be further researched by KP authorities.
Tanzania	Yes	Yes	Yes	Yes	-	Tanzania reports about the Mwadui Community Diamond Partnership (MCDP) project	The international organizations and donor countries could follow-up on the need for technical and financial assistance to Tanzania to achieve the goals of MCDP project.

Participant	Formal compliance with Administrative Decision (yes/no, and reason if no)	Institutional Framework and Legal Framework: completeness (yes/no)	Import and Export Regime: completeness (yes/no)	Statistics: completeness (yes/no)	Follow-up to previous annual report assessment or to Review Visit (where appropriate)	Optional entry: Comments on information disclosed on voluntary basis / best practices	Follow-up
Thailand	Yes	Yes	Yes	Yes	All recommendations of the KP Review visit team have been realized. Thailand insists that when a confirmation of receipt is requested, the name of both the importer and exporter should be stated to enable the check up.		
Togo	Yes	Yes	Yes	Yes	-		Togo could provide a breakdown by Participant of certificates issued.
Turkey	Yes	Yes	Yes	Yes	- Turkey received a review visit in May 2009.		Turkey provided full information on names of contact persons in the AR and reported on enforcement.
Ukraine	Yes	Yes	Yes	Yes.	-		Amended information is needed on the breakdown of the KP certificates received and their total amount.
United Arab Emirates	Yes	Yes	Yes.	Yes.	The U.A.E. received a review visit in 2008, which made 17 recommendations. There appears to have been no official response.	- UAE KP Office and customs authorities enhanced controls of passengers from Zimbabwe and neighboring countries as a further step to stem the flow of smuggled rough diamonds from Zimbabwe entering the legitimate trade in U.A.E. - UAE informed on four attempts of smuggling	UAE provided a response to 2008 Review Visit recommendations. UAE also provided a breakdown by Participant of certificates issued and received.

ANNEX 2: Review visit Schedule

SECOND ROUND REVIEW VISITS				
1	Zimbabwe	28 May – 2 June 2007 (completed)	Invitation letter of 17 January 2007	Russia (lead), South Africa, Norway, WDC, PAC
2	UAE	14-17 January 2008 (completed)	e-mail invitation of 29 April 2007	South Africa, US, India, WDC, GW
3	Central African Republic	2-7 April 2008 (completed)	Letter of invitation of the Minister of Mines of 25 /01/07	DRC, Bangladesh, Congo, EC, WDC
4	Côte d'Ivoire (joint KP-UN visit)	21-25 April 2008 (completed)	UN GoE invitation	EC, Canada, WDC, BICC/Fatal Transactions
5	Liberia	28 April – 2 May 2008 (completed)	Letter of invitation from Minister of Mines 22/02/08	EC, US, Ghana, WDC, GW
6	Israel	19-23 May 2008 (completed)	Invitation at Bruxelles 2007 Intersessional	EC, Canada, Turkey, US, WDC
7	Guinea	11-15 August 2008 (completed)	Invited by Guinean Delegation to the Moscow Plenary	CAR (leader), RDC, US, Côte d'Ivoire, WDC, GW
8	EC	2-6 Feb. 2009 (completed, report pending)	Invitation at Bruxelles 2007 KP Plenary	US (leader), Russia, Switzerland, Turkey, WDC, NGOs
9	Democratic Republic of Congo	20-30 March. 2009 (completed)	Invitation at Bruxelles 2007 Intersessional	Canada (leader), Republic of Congo, Namibia, US, WDC, GW
10	Turkey	6-7 May 2009 (completed)	Invitation by e-mail of 6 March 2008	Israel (leader), EC, India, Namibia, WDC
11	Liberia	17-24 May 2009 (completed, report pending)	Minister of Mines' invitation of Feb. 2009	Namibia (leader), EC, Ghana, US
12	Sierra Leone	24-29 May 2009 (completed, report pending)	Invitation at Dehli Plenary	Namibia (leader), EC, Ghana, US, Civil Society
13	Angola	20-24 August 2009 (completed)	Invitation at 2007 KP Plenary	Namibia (leader), Brazil, Russia, US, Canada, Civil Society
14	New Zealand	2009	Invitation from Foreign Affairs and Trade, 14 August 2008	Australia, Russia, Ukraine
15	Namibia	2009	Invitation at 2007 KP Plenary	Russia, Switzerland, Botswana

16	Bangladesh	2009	Invitation received on 23 January 2008	Namibia, PRC
17	Belarus	2009	Invitation at Dehli Plenary	EC, Norway, Russia
18	Ukraine	To be defined	Invitation at Dehli Plenary	
19	USA	To be defined	Invitation at Dehli Plenary	
20	India	To be defined	Invitation by Department of Commerce on 18 March 2009	
Review missions				
	Zimbabwe	30 June-4 July 2009 (completed)	Invitation from Ministry of Mines, 21 April 2009	Liberia, US, CAN, EC, Namibia, South Africa, Civil society, WDC

ANNEX 3: Draft Administrative Decision on cooperation and enforcement

DRAFT ADMINISTRATIVE DECISION COOPERATION ON KP IMPLEMENTATION AND ENFORCEMENT

Introduction. The implementation and enforcement of Kimberley Process (KP) rules are governed primarily by applicable national legislation of Participants. Since the inception of the Kimberley Process Certification Scheme (KPCS), specific implementation and enforcement issues - such as use of fake certificates, treatment of suspicious shipments, investigations of infringements – have occurred. These instances typically affect more than one Participant and can best be addressed through cooperative actions. The United Nations has also encouraged the KP to develop coordination on such issues. Cooperation in this regard therefore appears necessary to enhance the overall effectiveness of the KPCS. Participants and Observers recognise the need for more detailed guidance relating to cooperation on KP implementation and enforcement issues, with a view to ensuring an effective and credible system of internal controls.

1. Cooperation on enforcement of KPCS rules: Existing provisions

Section V ‘Cooperation and transparency’ of the KPCS document sets out the minimum standards for Participants for the exchange of information and experiences, cooperation between and among Participants to resolve problems in relation to KP implementation, and closer cooperation between law enforcement agencies.

Participants are also encouraged to include information regarding implementation and enforcement issues in their annual report, or during Review Visits or through other reporting to Plenary.

Furthermore, the Working Group on Monitoring has occasionally been requested, on an ad hoc basis, to provide further guidance to Participants on various issues affecting KP implementation.

These provisions apply without prejudice to national laws and international agreements on information exchange.

2. Guidance for cooperation regarding fraudulent certificates

KP Participants have occasionally been confronted with the occurrence of fraudulent KP certificates. Fraudulent KP certificates are documents that clearly have not been issued by the KP authority of a KP Participant, but consist of fraudulent or counterfeit documents that may or may not emulate characteristics of authentic KP Certificates. The KP Chair and the KP WGM have served as coordination points between Participants and provided support for exchange of information and identification of fraudulent certificates.

The KP considers that the following measures would enhance the detection and identification of fraudulent certificates:

- a ***general warning to the public*** could be posted on the public section of the KP website to inform about the risk of fraudulent KP certificates:

“Trade in rough diamonds (HS Code 7102.10, .21 or .31) is permitted between Participants of Kimberley Process Certification Scheme only on the basis of authentic KP certificates. It is advised that Participants should examine KP certificates to protect against the use of fraudulent KP certificates.

In case of reasonable doubt of the authenticity of a KP certificate, the matter should be brought to the attention of the KP authorities in the respective countries and the KP Chair and Working Group on Monitoring;

Participants are encouraged to post specific warnings on the websites of individual national KP authorities, particularly with respect to fraudulent KP certificates that have directly impacted the Participant’s own trade (e.g., fraudulent certificate emulating the Participant’s own certificate or that were attempted to be submitted for an import into the Participant’s territory).

- a ***warning to all Participants*** could be sent through KP Chair notice upon detection of fake certificates and confirmation by the issuing country, drawing their attention to the risk. Specimen copies of the fake certificates, after removing the names of companies/individuals and clearly indicating that the certificates are specimen copies may be attached for information of all Participants.
- a ***compilation of specific instances of fraudulent KP certificates*** could be placed on the home page of the Participants section of KP website as well as under each Participant’s page, after written confirmation from the country of origin of the fake KP certificate. Specimen copies of fraudulent KPCs clearly indicating that the certificates are specimen copies may be uploaded for information of all Participants. Additional details – such as the names of companies/individuals involved - may be communicated or removed / blanked out from the fraudulent certificate according to the national legislation of the Participant concerned.

- Participants are encouraged to keep *records of fraudulent certificates* relevant to their own certificate.
- Participants are *encouraged to report*, through the Annual Reporting or other ad hoc processes, on specific enforcement measures taken with respect to instances of fake certificates reported to the KP.

3. Guidance regarding the treatment of suspicious or problematic shipments

Since the KP's inception, instances of "suspicious or problematic" shipments have occurred. Problematic shipments involve technical irregularities, such as the failure to use KP certificates for shipments containing natural rough diamonds and KP certificates with incorrect or missing data. Suspicious shipments include cases where there exist suspicions regarding the origin of the diamonds. The United Nations has also encouraged the KP to ensure appropriate 'handling of suspicious or problematic shipments'³. Considering that the appropriate use of KP certificates is crucial for the credibility of the KPCS, Participants are encouraged to exercise caution and ensure transparency on such occasions:

a) Treatment of suspicious shipments

- when confronted with a suspicious shipment that can be considered as a 'first export', Participants should exercise *due diligence* and request the necessary information from relevant national authorities in order to determine, where possible, the origin of the goods;
- Participants confronted with a suspicious shipment should ensure transparency and duly inform the KP Chair and the WGM and issue a *suspicious shipment report* for their consideration, subject to national applicable provisions. The suspicious shipment report could contain KP information e.g. in view of the determination of the origin of the goods and without prejudice to the confidentiality of commercial information. Where necessary, the WGM would ensure coordination with other KP working bodies such as WGS or WGDE. Participants are also encouraged to issue a report informing Participants as to the eventual outcome of the investigation;
- the WGM could recommend to the KP Chair to place the suspicious shipment *report on the Participants section of KP website*. The WGM will maintain a matrix of suspicious shipments. Participants are also encouraged to keep their own records of suspicious shipments.

³ See letter of 5 august 2008 from Chair of the UNSC Sanctions Committee on Liberia

- when Participants confronted with a suspicious shipment requires **assistance of technical nature** for the examination of suspicious shipment and/or evaluation of the origin of the goods, the WGM will liaise with the WGDE or other KP bodies as the case may be, and encourage KP Participants to provide the required technical assistance;

b) Treatment of problematic shipments

- The WGM and the KP Chair will support exchange of information and dialogue between Participants on the **handling of problematic shipments** in order to avoid unnecessary disruptions of trade while ensuring full respect for KP provisions. Without prejudice to sanctions applicable under national law, the resolution of problematic shipments may involve the transparent and mutually accepted issuance of 'technical certificates', the mutual recognition of experts' evaluation for issuance of KP certificates and other mutually accepted and transparent technical adjustments.
- A "technical certificate" consists of a valid and validated KP Certificate from a KP Participant destined to cover and accompany a returned rough diamond shipment to a KP Participant. Technical should only be issued:
 - ✓ if proven that an unintentional error caused the problematic shipment;
 - ✓ if consultations with the exporting authority to resolve the matter without sending back the shipment were unsuccessful, and the shipment must be returned to the issuing authority; and
 - ✓ upon formal written agreement (by e-mail) by importing and exporting KP authorities.

Moreover, the issuance of "technical certificate" should be subject to firm controls:

- ✓ technical certificates should be clearly identified as such, with notes, signature and stamps of authorized persons of both sides confirming the technical character of the certificate;
- ✓ the Participant receiving a 'technical certificate' should return it to the issuing authority by post after having used it as a technical certificate.

The data of technical KPCs **should not** be included in the KP statistics provided by the exporting or the importing KP Authority to the WGS. The KP authority issuing a technical KPC should, instead, keep track of these KPC numbers and data and include this information in its annual report. KP Authorities are also encouraged to report on "voided" or "cancelled" KP Certificates through their annual reporting.

4. Guidance for cooperation in relation to KP infringements

Enforcement of KP rules by national institutions and agencies, in application of national law, relate to infringements and affects transactions or persons that may be active on the territories of other Participants. In order to address the risks associated with the infringements, coordination and cooperation between KP Participants should be ensured:

- *Sharing and exchange of KP information relating to KP infringements* should be encouraged between KP authorities on a bilateral basis, in the context of annual reports or through ad hoc reporting in cases of particular importance. Participants are thus encouraged to report on the handling of cases of fake certificates, suspicious shipments, decisions and sanctions applied upon infringements to KP rules, and without prejudice to national law and applicable international rules and agreements on the confidentiality of data. The KP will maintain a 'consolidated matrix of infringements reports' on the KP Participants website with a view to facilitating access to information.
- *Sharing and exchange of KP information for enforcement purposes* should be encouraged between KP authorities, with due respect to legal requirements and privacy concerns and applicable national law and international agreements, in order to facilitate investigations and enhance enforcement of KP rules. The information should be used for enforcement purposes only and restricted to agents involved in the relevant enforcement actions. For these reasons, the distribution of general information or general warnings on the subject would not be recommended.
- *Sharing of KP information with specific UN agencies*, such as Sanctions Committees monitoring restrictive measures on rough diamond trade, should be encouraged to the extent permissible under relevant law and in line with the provisions of the [DRAFT] Administrative Decision on Sharing of Information with the UN.

5. Technical assistance

Kimberley Process Participants, as well as other multilateral and bilateral donors, are encouraged to provide financial and/or logistical support for the implementation and enforcement of KPCS rules, and the implementation of this document.

Plenary therefore encourages Participants to ensure cooperation on implementation and enforcement issues in order to an effective and credible system of certification of rough diamonds and achieve the objective of eliminating the presence of conflict diamonds from rough shipments diamonds imported into and exported from their territory.

ANNEX 4: draft WGM recommendations in view of the findings of the KP Review mission report

Kimberley Process Working Group on Monitoring

Situation in Zimbabwe – WGM recommendations in view of the findings of the KP Review mission report

DRAFT

With reference to previous KP actions – cf. Summary table attached - and in consideration of the report of the review mission to Zimbabwe of 30 June-4 July 2009, the WGM recommends to pursue and complement KP actions along the following lines:

*1) The KP Chair could renew its call on Participants to actively implement **KP actions** actions to contain and prevent illicit trade of Marange diamonds, and in particular:*

*a) Promote strengthened **regional cooperation and outreach**:*

- *Coordinated actions by KP Participants in the region should be reported to the KP Chair on an ongoing basis;*
- *a KP demarche could be organised to Mozambique, in order to request the cooperation of that country in the regional efforts to fight against illicit trafficking of Marange diamonds and to promote its rapprochement with the Kimberley Process (e.g. invitation to Plenary etc).*

*b) Promote effective implementation of the **enhanced vigilance** measures in order to step up efforts against the illicit trafficking of Marange diamonds at international level:*

- *actions in this respect, as well as any other enforcement action involving Marange diamonds, should be reported to the KP Chair on an ongoing basis;*
- *vigilance measures should be upgraded with a view to provide a basis for detaining suspicious shipments (see attached draft guidance).*
-

*c) Promote **cooperation on enforcement** between KP Authorities and, as the case may be, with non-KP Participants, where their nationals are reportedly trading*

illicit Marange diamonds, and report to the WGM about the results of their investigations.

Alternative Russian proposed formulation: Promote cooperation between the KP Authorities of the Participants in conducting inquiries into cases when nationals of these KP Participants are purchasing rough diamonds in non-Participants and report to the WGM the results of the inquiries therein

2) The KP Chair could actively engage with Zimbabwe to promote the urgent elaboration of a joint 'KP action plan', based on a comprehensive approach addressing internal controls and security in the mining areas, fight against illicit production and trade as well as possible technical assistance, with clear timelines.

The WGM will review implementation of KPCS requirements and measures to safeguard the credibility of the KPCS in light of the review mission's final report and will also consider a possible referral to the Participation Committee for consideration of Zimbabwe's status within the KP.

ANNEX 5: KP actions in relation to KPCS implementation in Zimbabwe

Action	Description	Status
Additional reporting by Zimbabwe's KP authority	Regular reports on situation in Marange	<ul style="list-style-type: none"> Feb. 2009 report by Minister of Mines
KP Chair High-level envoy and public statement	Public expression of KP concern	<ul style="list-style-type: none"> KP Chair statement (March 2009) and High-level envoy (April 2009)
KP expert reports	Research into the situation in Marange	<ul style="list-style-type: none"> WGM experts report January 2009 EC/JRC report, June 2009
Review mission	KP field mission in Zimbabwe and in particular in Marange	<ul style="list-style-type: none"> Draft final report presented on 4 Sept. 2009 Zimbabwe's initial response presented on 22 October 2009
Regional cooperation (main actions reported)	Actions of neighbouring countries to contain or prevent the flow of illicit diamonds from Marange	<ul style="list-style-type: none"> The South African Police Services' diamond and gold branch has been given more information about the Zimbabwean diamond and has increased vigilance on such diamonds. A sample of typical Zimbabwean goods is available at the Diamond Inspectorate as well as at the Diamond Exchange and Export centre (DEEC) to assist with identification of such diamonds. Diamond inspectors together with the GDV have been sent out to the local trading houses and diamond offices to check for illegal Zimbabwean goods as well as any other illegal transactions.
Enhanced vigilance	Procedure to detect illicit Zimbabwe diamonds based on a footprint, introduced in February 2009	<ul style="list-style-type: none"> India: circular to the local diamond traders and authorities; Awareness Seminars in processing centres EC: 5 reports on suspicious shipments (4 shipments cleared with Israel, Switzerland and DRC – one pending)
Enforcement by Participants	Actions by law enforcement authorities of KP Participants	<ul style="list-style-type: none"> India: 2 seizure of rough diamonds of Zimbabwe origin <ul style="list-style-type: none"> - 19.9.2008: 3605.73 cts @ USD 800,000 approx - 19.7.2009: details to be confirmed (incl. Zimbabwean origin of diamonds); UAE seizure of rough diamonds (53.000 cts) on a Zimbabwean national; South Africa: Two parcels confiscated at the DEEC - both cases handed over to the South African Police Services (SAPS).

ANEXO V



REPORT TO PLENARY
WORKING GROUP DIAMOND EXPERTS

KIMBERLEY PROCESS PLENARY MEETING, 2-5 NOVEMBER 2009
SWAKOPMUND, NAMIBIA

Swakopmund, 3 November 2009

1. Membership of WGDE

The Democratic Republic of Congo has indicated its interest to join the Working Group of Diamond Experts. The KP Plenary is requested to adopt this application.
 Current membership: Australia – Botswana – Canada – China – EC – India – Israel – Liberia – Russia – Sierra Leone – South Africa – UAE – USA – World Diamond Council (Chair).

2. Côte d'Ivoire - Follow up on Moscow Resolution / Brussels Initiative

The WGDE has been tasked by the Moscow Resolution (2005), and the Brussels Initiative (2007) to
 1. calculate the possible diamond production of Côte d'Ivoire on a yearly basis for the two diamondiferous regions in Northern Côte d'Ivoire, and 2. study the characteristics of diamonds produced in West-Africa, and assist with their identification by developing footprints for the different diamond productions in order to stop Côte d'Ivoire diamonds from being mixed with their own productions.

- 2008-2009 Production Assessment

The production estimates have been partly based on satellite imagery in collaboration with the EC-Joint Research Centre (JRC) and the USGS and monthly observations (helicopter and ground) by UNOCI-Embargo Cell and Force Licorne. On specific request of the UN Group of Experts, the Chair of the WGDE joined a reconnaissance visit to the Séguéla area on 22/5/2009, to investigate indications of increased production. In Annex I the followed trajectory (helicopter and ground) is shown on a map including relevant georeferenced images of new production areas.

Following observations were made:

- No signs of mechanisation have been observed. The diamond production operations (digging and washing) are still completely artisanal.
- The previously rebel-controlled Bobi-dike is almost completely abandoned. The rebel-roadblock has been dismantled.
- Diamond production is shifting from Bobi and Toubabouko to Diarabana. The area is covered with many shallow test pits.
- The dirt road ('piste') from Diarabana to Bobi linking it to the main road to Séguéla has been cut-off south of Diarabana due to artisanal mining activity close to the village.
- The mining activities seem to be well organised, the mining gangs are well supplied.
- A newly opened kimberlite/lamproite dike has been identified east of Diarabana. At the time of the visit, this site was already four months in operation.
- Shift in artisanal mining activity from mostly secondary alluvial deposits to primary kimberlite occurrences (blows and dykes).

As before, the production assessment calculation is based on a combination of photographic information obtained by remote sensing and ground visits from the sources mentioned. In stark contrast to the situation in many other Participants with artisanal diamond mining, the financial crisis of October 2008 has not provoked the collapse of artisanal diamond mining and a shift to gold mining. On the contrary, the mining villages around Séguéla seem to have been blessed with newfound riches as any satellite image will tell based on the amount of new (corrugated steel) roofs put in.

In terms of number of workers employed there are no indications of important changes. The surface worked has increased considerably, but many pits observed seem to be test pits only. The biggest unknown in the assessment exercise consists of "guesstimating" the diamond content of the kimberlite structures that are brought into production. As no test results for these concealed kimberlites have been found in the pre-2002 data collections received, the diamond content is highly speculative. For this calculation an average has been used of the (explored) Bobi and Toubabouko dykes and blows. However, the statistical uncertainty concerning the use of this average is quite high. When considering other indicators such as wealth accrument in the immediate vicinity of the new pits, (much) higher concentrations and yields seem plausible. In our opinion, the proposed figures for the current level of diamond production in Côte d'Ivoire as listed in following table should be considered as conservative. In order to improve the quality of these data, continued verification and ground checks are necessary. Furthermore, access to confidential exploration documentation may yield crucial information such as

diamond content (cpht) and size of the kimberlite bodies. This will allow predicting diamond production with a better degree of accuracy.

	2007-2008	2008-2009
Séguéla:		
1. Bobi kimberlite dyke	47,500 ct < prod. < 81,500 ct	24,000ct < prod. < 35,000ct
2. Alluvials	45,000 ct < prod. < 75,000 ct	45,000 ct < prod. < 75,000 ct
3. Sandramines	1,500 ct < prod. < 3,000 ct	1,500 ct < prod. < 3,000 ct
4. Toubabouko	10,000 ct < prod. < 14,000 ct	10,000 ct < prod. < 14,000 ct
5. New dyke (N08°11,0250' W006°35,7633')	-----	10,800 ct < prod. < 21,600 ct ?
6. New 'blow (N08°09,8774' W006°34,3307')	-----	21,500 ct < prod. < 45,000 ct ?
7. Diarabana 'blow' (N08°10,9096' W006°36,7757')	-----	23,000 ct < prod. < 83,500 ct ?
Tortiya:		
Alluvials	10,000 ct < prod. < 15,000 ct	10,000 ct < prod. < 15,000 ct
Total:	114,000 ct < prod. < 188,500 ct	145,800 ct < prod. < 292,100ct

The observed shift to start mining new, previously concealed kimberlitic bodies is quite worrying. The chance to find 3 relatively small sized bodies in this wide area within a few months by artisanal miners without proper geological training or documentation is ridiculously low. After all, these structures have remained undiscovered during more than 40 years of intense diamond production. It appears that a directed search has been organised using information contained in confidential exploration documents. As the chance of repeats is high, this should be thoroughly investigated.

- Improving the Côte d'Ivoire diamond footprint

One of the difficulties in improving the quality and applicability of the available Côte d'Ivoire diamond footprint, as requested by the Working Group on Monitoring, has been obtaining good photographs and scientific observations of Run of Mine of the different production areas. The impossibility to legally obtain sanctioned diamonds for this verification purpose has been brought to the attention of the Sanctions Committee on Côte d'Ivoire. These comments have been taken into account in the new Resolution on Côte d'Ivoire (SC Res. 1893/2009) as follows:

“16. Decides that, the measures imposed by Paragraph 6 of Resolution 1643(2005) shall not apply to an import that will be used solely for the purpose of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process, and approved on a case by case basis by the Committee;

17. Decides that a request made in accordance with paragraph 16 shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State, and decides further that where the Committee has approved an exemption pursuant to this paragraph, the importing member shall notify the Committee of the results of the study and share the results, without delay, with the Group of Experts on Côte d'Ivoire to assist them in their investigations;”

As a result, it will become possible to obtain exemptions on the diamond sanctions-regime on Côte d'Ivoire solely for scientific research to identify characteristics to determine their origin and to be coordinated by the Kimberley Process on a case by case basis.

- Origin Verification of a Shipment of Rough Diamonds Seized in Senegal

In April 2009, the UN Group of Experts on Côte d'Ivoire requested technical assistance from the KP WGDE through a letter from the Sanctions Committee on Côte d'Ivoire (UNSC), concerning the origin verification of a shipment of rough diamonds stopped by Senegal Customs.

On 19 May 2009, accompanied by the diamond expert of the UN Group of Experts, the origin of a shipment of rough diamonds was verified at the headquarters of Senegal Customs. The shipment had been apprehended from a Gambian national by customs in November 2006 and has remained in their custody since.

Based on a detailed observation of the characteristics of the rough diamonds in the shipment, a Côte d'Ivoire origin could be excluded.

Although not being a KP Participant, Senegal increased the level of vigilance in order to stop sanctioned diamonds from Côte d'Ivoire and Liberia (sanctions ended only in 2007) and apprehended a shipment of rough diamonds. After due process, the courts decided to confiscate and sell the blocked diamonds. However, as Senegal is not a KP Participant, buyers of KP Participants cannot legally import these auctioned diamonds from a non-Participant. Senegal has requested the KPCS to find a solution for this awkward situation.

3. Footprinting & Fingerprinting

- Footprinting

In order to identify contamination with Ivorian diamonds of their own productions, production footprints for specifically West-African diamond producing Participants have been prepared.

Production footprints consisting of a combination of a Size Frequency Diagram (SFD), a Quality Frequency Diagram (QFD) and morphological and other gemmological characteristics, have been prepared for Côte d'Ivoire, Togo and Ghana (see Annex II).

An "export footprint" for Liberia is being prepared upon request and based on submitted detailed information from the UN Group of Experts on Liberia. Additional information to collect the production footprint may need some more time, as little information on the regional make-up of the Liberian production is available to date. The last West-African diamond producing Participant for which a production footprint needs to be collected is Sierra Leone.

- Guinea:

In view of the controversy concerning the Guinea-Lebanon trade within the Working Group of Statistics and in preparation of a production footprint for diamonds from Guinea, an export footprint has been assembled based on information available on all KP Certificates from Guinea issued since 2006. Since June 2001 until January 2003, all diamond shipments from Guinea have been accompanied by Certificates of Origin, and by Kimberley Process Certificates since January 2003. The certificates from Guinea feature a detailed description of the contents of the shipment printed on the back of the certificate. Aggregated, this information can be transformed into a Quality Frequency Distribution (QFD) diagram that can be used as export footprint. For this project, data have only been obtained directly taken from all (available) issued copies of KP Certificates, graciously made available by the Guinea Kimberley Process Authority.

*Table : Detailed composition of exported shipments from Guinea between 2006-2008.
Listing the proportional composition in % for the values (Ct), (usd) and (usd/ct), and the difference in % of usd/ct.*

	2006 Ct %	2007 Ct %	2008 Ct %	2006 usd %	2007 usd %	2008 usd %	Diff.06- 07 usd/ct	Diff.07- 08 usd/ct
Boart	9.6	60.4	70.0	0.2	3.0	5.4	-0.4	-18.7
Rejection	5.0	7.4	7.0	0.8	1.6	5.0	-32.3	66.3
Coated	3.3	0.4	9.1	0.9	0.2	12.2	-4.5	42.8
Clivage	52.6	24.9	11.0	13.6	12.9	14.2	2.7	27.8
-6	1.4	0.1	0.0	0.2	0.1	0.0	97.9	56.7
-11	2.3	0.2	0.1	0.6	0.2	0.2	125.5	6.4
G Meless (-11 < 0.88)	1.8	0.5	0.8	1.0	0.4	3.1	-20.4	146.8
G Grainers 0.89 < <1.79	3.3	1.1	0.6	2.2	2.9	2.7	108.8	-7.2
G 1.80 < < 2.49	5.5	1.2	0.2	5.3	5.1	2.8	133.7	54.4
G 2.50 < < 4.79	11.0	1.1	0.7	15.6	7.8	15.4	159.9	52.1
G 4.8 < < 10.79	3.7	2.7	0.3	50.3	62.7	21.9	-13.5	44.2
Specials G => 10,80	0.5	0.1	0.1	9.4	3.0	17.0	-4	171.7

The Guinea export footprint research project yielded following conclusions:

1. The use of the QFD Export Footprint of Guinea for 2006-2007-2008 as proxy and in preparation for the collection of a Guinea Production Footprint, has proven to be unrealistic as a result of the too large yearly variation. The Guinea Production Footprint-project will have to resort to collecting data on the ground, directly derived from production sites, in order to provide statistically meaningful results, against which the future Guinea Export Footprint can be matched. In order to do that a geological production capacity assessment needs to be undertaken, taking into account the methodology that is being developed by BRGM and USGS in collaboration with KP-WGDE, for mostly alluvial deposits.

2. An Mbujiamaie- or Marange-like deposit with a yearly production capacity of approximately 2.5MCt and producing mainly low-quality diamonds needs to be identified somewhere in Guinea. This examination should form part of a comprehensive geological diamond resource assessment.

The WGDE has been formally requested by the Guinea government to deliver technical assistance in developing a geological production capacity assessment.

- Marange Diamond Area, Zimbabwe:

Upon request of the Working Group of Monitoring, the WGDE prepared a detailed, informative "Marange diamond footprint" to be used by non-diamond specialists working for a.o. customs organisations. Based on this footprint, that is annexed (Annexed III) to this report, the WGM requested all Participants to perform enhanced vigilance to identify diamond shipments containing illegal Marange diamonds.

- Fingerprinting

Where diamond footprints refer to characteristics of diamonds from a given area or from exported diamond shipments, fingerprinting refers mostly to geochemical characterisation of diamond deposits to try to identify the origin of individual diamond crystals. Several Participants have initiated research projects predominantly destined to be used as forensic tools intended for prosecution. As such these fall largely outside the scope of the KPCS. However, in view of the recent developments under the new diamond sanctions regime for Côte d'Ivoire requiring all scientific research to be coordinated by the Kimberley Process, this position must be reviewed.

Furthermore, the WGDE has been informed by a number of its Members, of the intention to pool their research efforts and coordinate these activities within the WGDE. To this effect, they suggest to organise these activities into a "Sub-Group on Geotechnical and Material Characterization". The proposed subgroup would focus on :

- quantitative trace element geochemistry of diamond and its inclusions
- isotopic profiling of diamond of its inclusions
- crystallographic studies on diamond
- spectroscopic analysis of diamond and its lattice impurities
- chemistry-linked colour analysis of diamond
- surface texture analysis in the context of mantle residence and crustal transport models
- modeling and statistical interpretation of diamond characteristic data

Thus the emphasis of this sub-group would be on geo-analytical, quantitative and qualitative outputs, with specific focus to aid ongoing and future Kimberley Process activities in diamond provenance determination and more in particular in relation to Côte d'Ivoire..

4. Follow up on the Administrative Decision on Ghana

Since the Gaborone Plenary (2006) and as a result of the 'Administrative Decision on Ghana', all diamond exports from Ghana have been closely monitored. Since 1 March 2007, all diamond exports from Ghana have been digitally photographed and the pictures have been transmitted to WGDE for

inspection. At the Brussels Plenary (2007) it was decided that the "all-in" approach had to be substituted by a "risk based approach". However, as these verifications are done post facto, Ghana continues to send pictures of all diamond exports.

Following the finalisation of the work on the Ghana production footprint in February 2009, at the Windhoek Intersessional (2009), the WGDE suggested to change the enhanced vigilance-approach in relation to Ghana from monitoring all export shipments to quarterly statistical comparison of the export footprint with the production footprint. The latter task would be performed by the Working Group of Statistics based on the methodology developed by the WGDE. For this work the WGDE received financial support from the Belgian Government.

5. Revision of Relevant Explanatory Notes to the HS Classification System

The revision proposals are intended to significantly address critical issues in the classification of diamonds across the relevant HS codes, taking into account the impact of the change to industry and governments (TG10). Furthermore, the baseline principle "if it looks like a rough diamond, it should be called a rough diamond" still applies. Lastly, also the question whether the issue could be a vector to channel conflict diamonds into the legitimate trade should be considered.

- 7102.31 vs. 7102.39:

The text proposals from Canada and US to better describe the exact position of the borderline have been discussed in detail, and good progress has been made. However, when testing the edited text changes on digital pictures presented by Russia and China, no immediate consensus could be reached on the exact position of the borderline for "makeables".

The photo table adopted at the KP Plenary in Gaborone (2006) is not clear on this as it contains digital images of "sawables" only. The question boils down to whether makeables of which the surface has already been fully covered by facets, but that still have a temporary outline or shape, will be considered 7102.31 or 7102.39. Again, when answering this question, one must also take into account whether this situation could be abused and become a vector to mix conflict diamonds in the legitimate diamond trade.

- 7105.10 (Dust & Powder of Diamonds):

The text proposed by Canada introducing a top limit for grain sizes at 1mm (1000µm), has been discussed in detail.

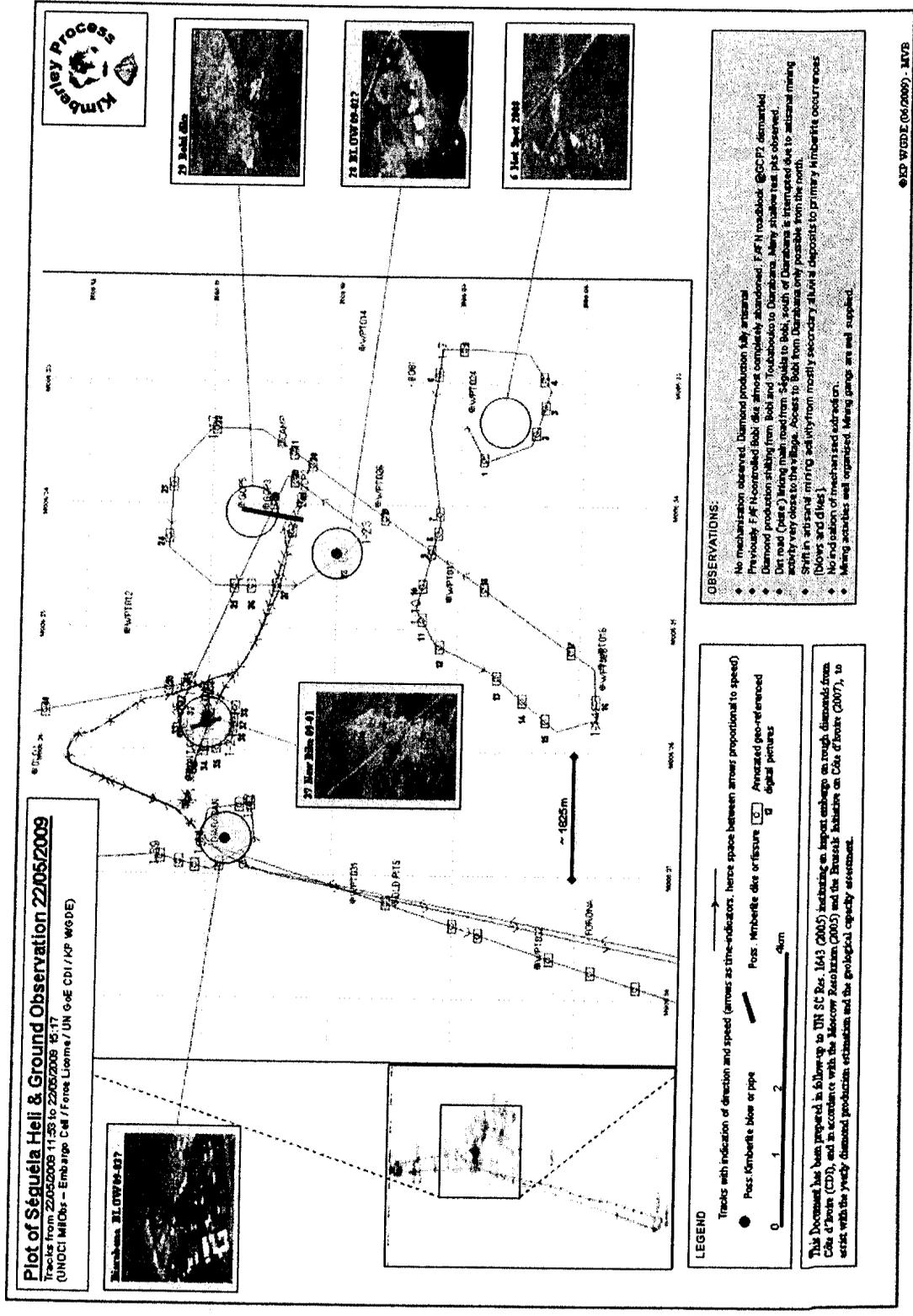
Members are encouraged to contact the industrial diamond tool manufacturers and traders in their respective countries to be informed on the current technical needs and requirements concerning sizes and mixtures (natural/synthetic) of powders available on the market.

6. Valuation Data Matrix

Australia has provided a current status of the valuation data collection that needs to be fed into the data matrix. Any Participants that still have not submitted these valuation data, are requested to contact the Chair of WGDE or Australia directly.

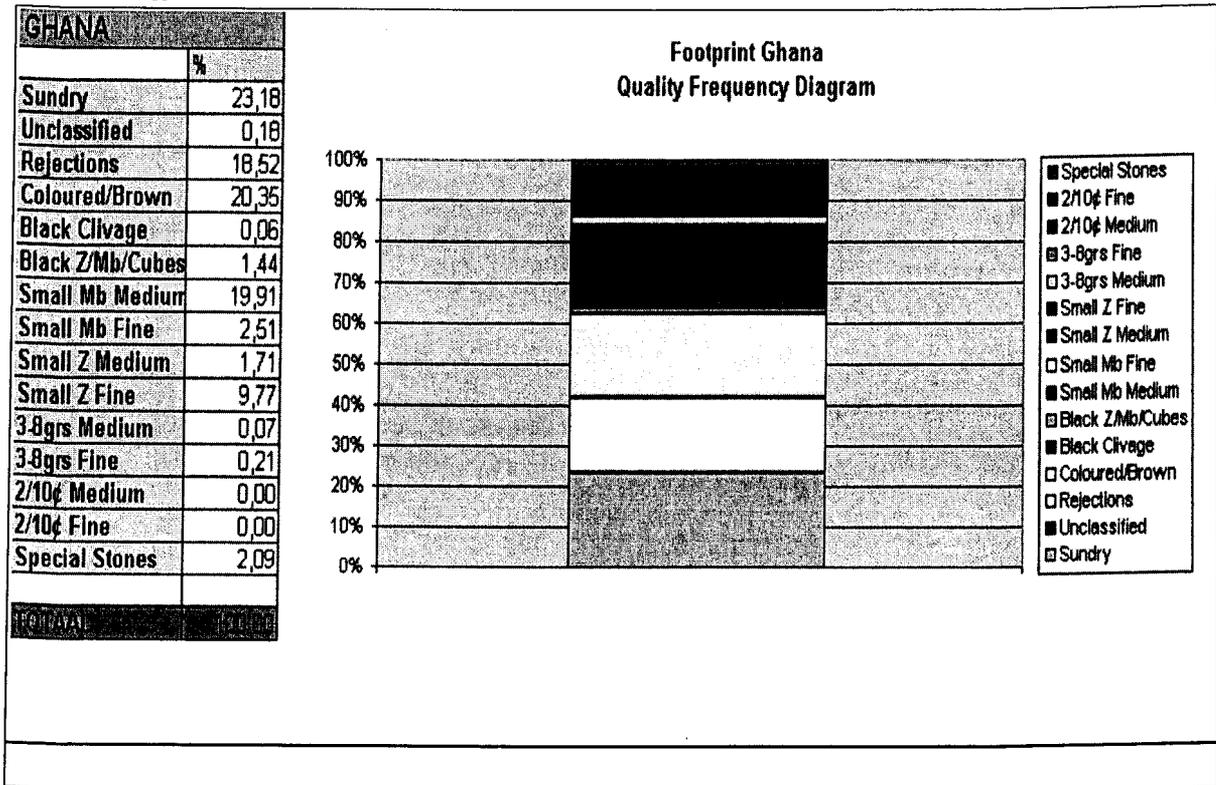
In the current uncertain economic climate, recommending particular procedures and methodologies may seem somewhat "science fiction" like. As a result we cannot hope to accomplish more than finalising the valuation data matrix and provide initial analysis of the obtained information.

Mark Van Bockstael (WDC)
Chair Working Group of Diamond Experts

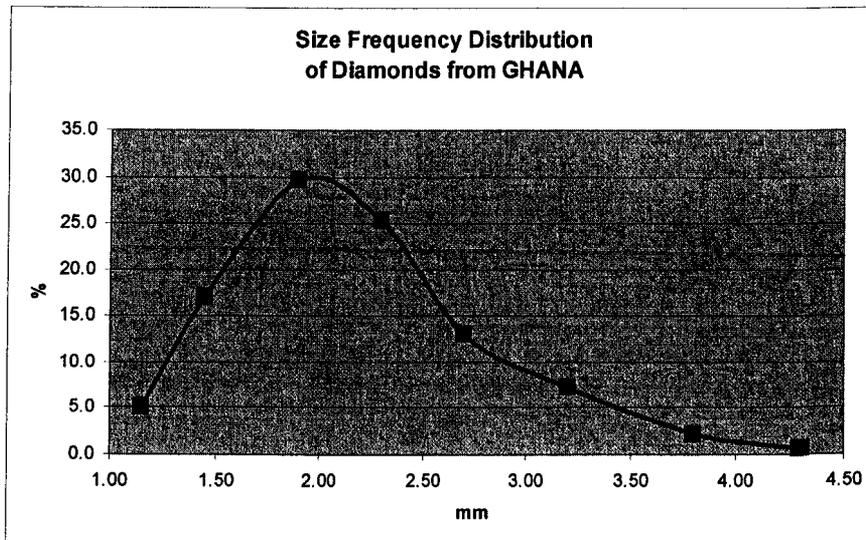


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ANNEX II



Sieves (mm)	%
1.15	5.1
1.45	17.0
1.9	29.6
2.3	25.3
2.7	13.0
3.2	7.2
3.8	2.1
4.3	0.7
100.0	



1

(©KP WGDE – February 2009)

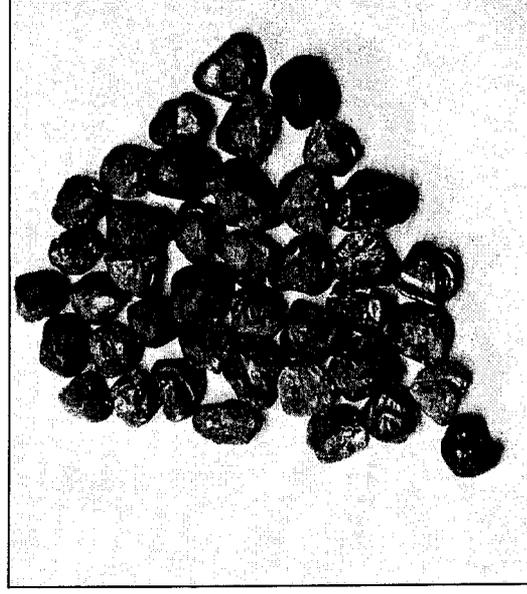
¹ The Size Frequency Diagram of diamonds from Ghana has been prepared on the basis of historical records made available by the Ghana authorities, mining companies and recent research undertaken and graciously made available by the United States Geological Survey (USGS).

ANNEX III

FOOTPRINT OF ROUGH DIAMONDS FROM MARANGE DIAMOND FIELD (Zimbabwe) FOR IMPORT AND EXPORT AUTHORITIES AND LAW ENFORCEMENT

1. HOW THEY LOOK LIKE

On first sight, strong "gravel" impression resembling rounded pebbles in a riverbed. Look like tumbled and abraded coarse chips of broken beer bottles with colours ranging from dark brown to black to darkish green. Most surfaces are matt and dulled with rounded corners and edges. Broken surfaces display "metallic-like" lustre.



PRODUCTION FOOTPRINT MARANGE DIAMOND FIELD (Zimbabwe)

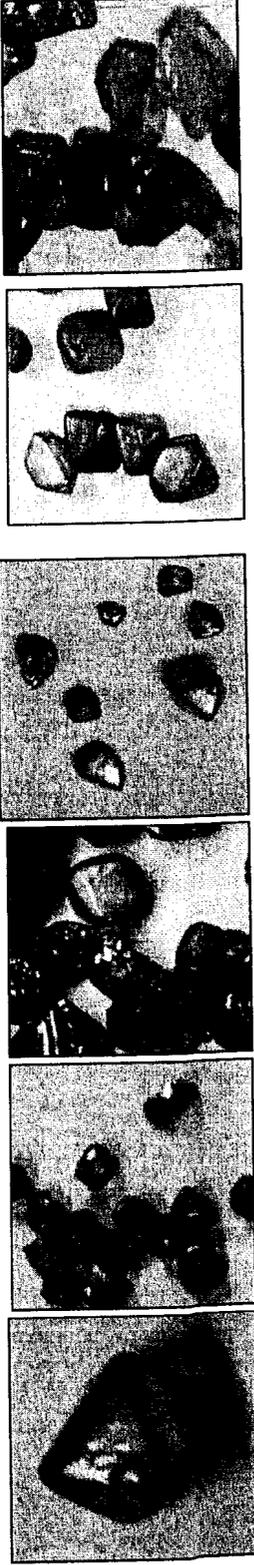
Two distinct qualities can be observed:

1. The largest group (~90%) consists of coarse very low quality diamonds resembling rounded pebbles with colours ranging from dark green to dark brown and black. The most characteristic feature of these diamonds is their rounded "abraded" nature.

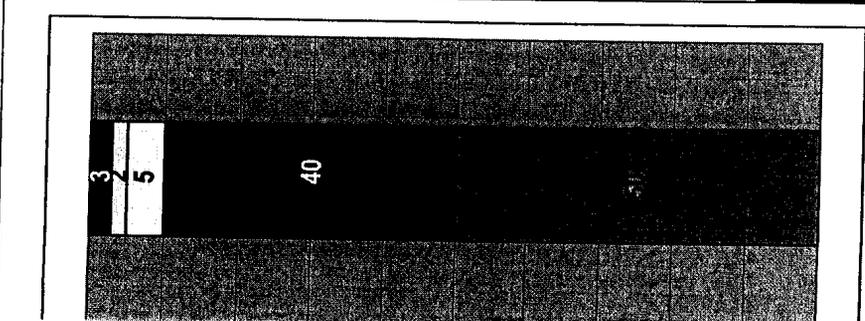
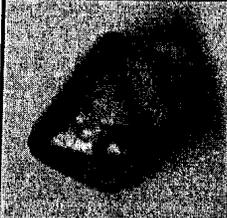
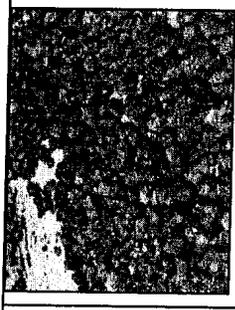
Due to these unique features this group of diamonds cannot be mistaken for diamonds from other deposits, and THE PRESENCE OF THESE DIAMONDS IS AN IDENTIFYING FEATURE.



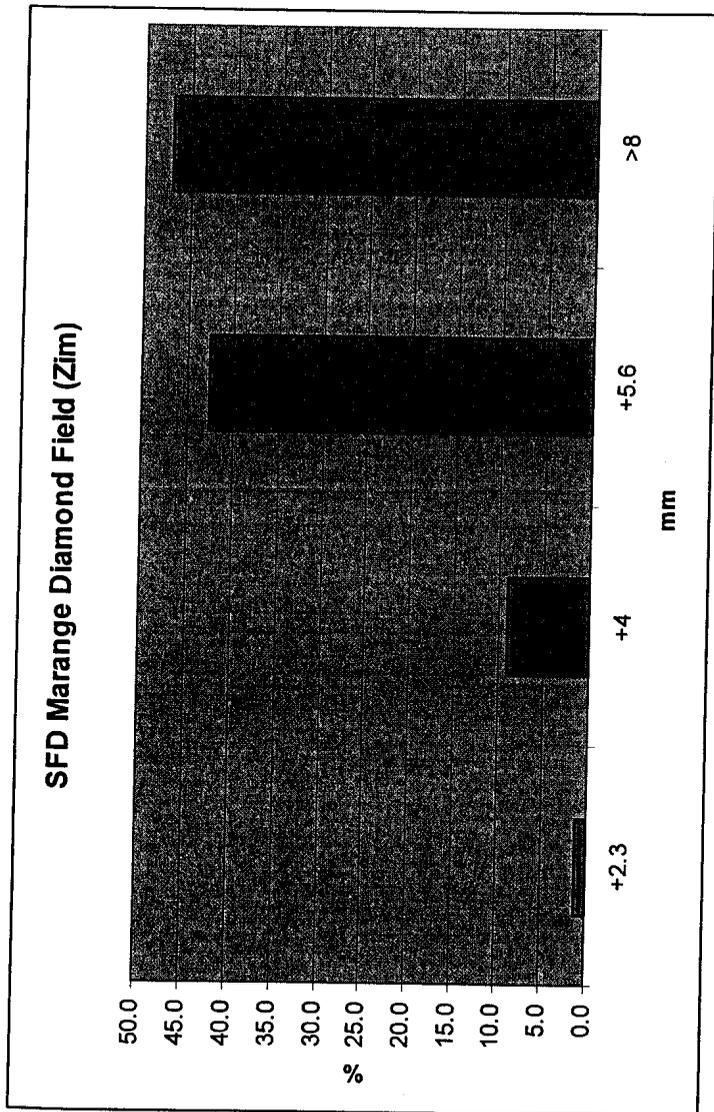
2. A small fraction (~10%) consists of near gem and gem quality diamonds with mostly greenish and brownish colours. Most greens tend to be smaller while browns tend to be larger and more abraded. Both greenish and brownish diamonds show spots with intense colouration. The features of this group of diamonds are not unique, and diamonds similar to these can be found in many different diamond deposits throughout the world.



PRODUCTION FOOTPRINT MARANGE DIAMOND FIELD (Zimbabwe)

	<p>QUALITY FREQUENCY DIAGRAM</p>	<p>RUN OF MINE (ROM) 100%</p> 	
<p>GEM</p> 	<p>SAWABLES 3%</p> 	<p>NEAR GEM</p> 	<p>INDUSTRIAL</p>  
<p>REJECTION 40%</p>	<p>CLIVAGE 5%</p>	<p>REJECTION 40%</p>	<p>REJECTION 40%</p>

PRODUCTION FOOTPRINT MARANGE DIAMOND FIELD (Zimbabwe)



**SIZE
FREQUENCY
DISTRIBUTION**

- : ~47% of the diamonds are larger than 8mm
- ~43% of the diamonds are in between 5.6mm and 8mm in size
- ~9% of the diamonds are in between 4mm and 5.6mm in size
- ~1% of the diamonds are smaller than 4mm

ANEXO VI

**Report to the Kimberley Process on
Coordination of Technical Assistance
Submitted by the United States
November 2009**

I. INTRODUCTION

Kimberley Process participants and private organizations continued in 2009 to provide technical assistance and development assistance to various diamond-producing countries to strengthen KP implementation and address related issues. Projects included providing advisors to governments of diamond-producing countries, mining production estimates, efforts to establish property rights, and research on artisanal mining.

As part of an effort to facilitate a discussion on the experience and future direction of technical and development assistance within the KP, the United States has prepared a draft of a summary matrix and word document intended to include all of the technical assistance and development projects reported through this mechanism of the WGM since it began in 2006.

Participants and Observers are invited to review these documents carefully and provide any comments, corrections, or additions by 1 December 2009; please send them to Brad Brooks-Rubin at brooks-rubinba@state.gov.

No later than 31 December 2009, the documents will be forwarded to those who participate in technical assistance teleconferences and the Working Group on Monitoring for consideration and further discussion. If you would like to participate in future technical assistance teleconferences, please notify Brad, brooks-rubinba@state.gov.

II. ON-GOING/COMPLETED PROJECTS

Angola reported that the project focused on local community development in the Lunda Norte region and funded by **Lazare Kaplan International Inc. (LKI)**, in partnership with **USAID** and **Fundo de Apoio Social (FAS)**, and in cooperation with the **Ministry of Territorial Administration**. The project supports communities and civil society in preparing municipal development plans and participating in provincial planning and budgeting. The project establishes a municipal development fund to support community

infrastructure. **Angola** also reported on the commencement of a mining registration program.

Belgium is expanding the study on artisanal mining being conducted by **Egmont** (The Royal Institute for International Relations). Funding delays have altered the schedule slightly, with “desk study” now complete and field study to be undertaken in both Angola and West Africa from November 2009 – February 2010. Egmont continues to look for cooperation and participation by artisanal mining experts in its work. The expanded study is also looking into regional complexes. Egmont hopes to be able to present the expanded study at the 2010 Plenary. Finally, the original study presented at the 2008 Plenary has now been translated into French.

Brazil, through the Brazilian Cooperation Agency, has been attempting to make financial assistance available to Participants interested in traveling to Brazil to learn about the efforts there in the field of alluvial production, including cooperatives. Brazil cannot support travel to Brazil but can provide assistance for Participants once in-country and is eager to share best practices and other information on the alluvial sector.

Ghana received technical assistance from a number of Participants in 2009. Two diamond valuers received training in rough diamond valuation in **Dubai (UAE)**, and two staff have been trained on KP statistics in **South Africa**, with technical assistance provided by South Africa and Canada. Ghana received technical assistance from the **European Commission**, under which two experts from South Africa provided assistance to the improvement of internal controls. The **European Commission** continues to support the registration of artisanal miners and traders. The **U.S. Geological Survey (USGS)** is completing a database to collect and produce data related to diamond production and exports; the **USGS** is also nearing completion of a geologic assessment of diamond production capacity in selected diamondiferous areas in Ghana and will provide geologic technical training in Ghana thereafter, likely in early 2010.

Guyana reported on training received from the American Institute of Diamond Cutting related to evaluation/grading and identification of Guyanese diamonds. The training was provided to both government agencies and the private sector and was an important project to assist Guyana’s on-going efforts to provide better distinction between diamonds from Guyana and those of its neighboring countries.

The **European Commission (EC)** continued to provide technical advisors to **Liberia's** Ministry of Lands, Mines and Energy to help Liberia comply with recommendations made by the April 2008 KP review team. Substantial progress has been made in Liberia as a result of this assistance in training and monitoring at the regional office level, as well as efforts to raise awareness and hold inter-ministry meetings.

USGS provided **Liberia** with a reformatted database, which will allow for more searching and operational reports (licenses and production, brokers trade, production sold but not exported, etc).

The **U.S. Agency for International Development**, through its contractor **ARD**, continued to implement its project underway in the **Central African Republic (CAR)** with the aim of strengthening property rights so that alluvial diamonds will be brought into the formal export chain and communities will benefit from diamond production. The Government of CAR has invited a proposal for a significant scaling-up of the project, and assessment of the possibilities for such expansion are underway. The **ARD** team also produced a series of films, including an instructional/training film, on the project.

USGS, in cooperation with the **French Bureau de Recherches Géologique et Minières (BRGM)**, has completed reports of baseline surveys of diamond production potential in **CAR** and **Mali**.

The Foundation for Environmental Security and Sustainability, with support from the **Tiffany & Co. Foundation** and core funding from **USAID**, completed a pilot project in **Sierra Leone** in which three communities in the Kono and Kenema districts reclaimed mined-out diamond pits and restored the land for planting food crops including rice, cassava, garden vegetables, and oil palms. Community oversight committees set up seed banks to assist farmers and bank accounts for managing proceeds from sales of agricultural products. With additional support from the **Tiffany & Co. Foundation**, **FESS** scaled up the project sites in size and productivity through a second phase of land reclamation and agricultural diversification to help ensure sustainability. Complementing and expanding this project is a **FESS**-led effort supported by the **Diamond Development Initiative International (DDII)** to provide skills training and livelihoods development associated with the production, processing, and marketing of cassava and garden vegetables on the pilot reclamation sites. **FESS** plans to expand

project activities to other communities in Sierra Leone and the region. A report on the project is available at: www.fess-global.org.

III. REQUESTS FOR ASSISTANCE

In **Guyana**, the primary need for technical assistance is in diamond valuation training. Two evaluators exist presently in Guinea, but the government would like to have training for an additional few evaluators various diamond valuation and identification techniques.

In **Liberia**, the Ministry of Land, Mines, and Energy has prepared a project document and budget for an integrated approach to reducing smuggling and illicit mining through retrenching inspectorate officers and then **retraining and equipping a smaller more functional unit**. The Justice Ministry in Liberia is also aware of a need to create specific training sessions for senior Police Officers and Immigration officials. The possibility also exists to include a diamond issue awareness session as part of basic Police training delivered to new recruits. **Any prior information from other Participants on such training of security forces is requested.**

Tanzania requested assistance in furthering the Mwadui Community Development Project. This effort was begun in 2006 as a project to improve the incomes and working conditions of miners operating outside the formal diamond sector. The diagnostic phases have been completed, and funders are requested to continue the project.

Zimbabwe has requested technical assistance in the areas of mine security, diamond sorting and handling techniques, and methods for streamlining KP implementation.

Green Advocates (Liberia) introduced a proposal related to a civil society platform to support efforts in the Mano River Union countries. The main objectives of this platform would be:

- To serve as a regional civil society platform in partnering with relevant national and international stakeholders to research, investigate, monitor, document and report on national implementation of the KP;

- To serve as a regional civil society platform in partnering with relevant national and international stakeholders in strengthening the Working Group of Artisanal Alluvial Producers(WGAAP) in linking the implementation of the Kimberley Process to achieving poverty alleviation.
- To serve as a regional civil society platform in partnering with relevant national and international stakeholders to directly campaign, engage, and lobby the Secretariat of the Mano River Union as a way of ensuring that KP implementation is integrated into the MRU Secretariat strategy and work plans to further regional collaboration and harmonization of the KP.

Donor support is needed for this new effort.

Civil society continues to administer the KP Civil Society Coalition Fund to facilitate the participation of civil society, primarily from Southern organizations, in the work of the Kimberley Process. Recent contributions to the Fund have been made by Norway, Switzerland, and Rio Tinto. The United States recently pledged a contribution of \$50,000. The Civil Society Coalition would also like to be able to include training opportunities within the work of the Fund so as to expand the number of representatives capable of participating in the work of the KP.

The diamond trading entity of Chinese Taipei informed participants of its offer to sponsor officials from up to 2 Participants in human resources management seminars, with a variety of focuses that could be used to further KP implementation.