

Draft Administrative Decision

Plenary has reviewed the status of implementation of the Joint Work Plan (JWP) under the Administrative Decision on Marange (Zimbabwe) that was adopted in Swakopmund in November 2009.

In view of the quarterly reports on progress made by Zimbabwe, the reports of the KP Monitor regarding implementation of the JWP, and the findings of the KP Review Mission of August 2010, plenary welcomes the significant progress achieved by Zimbabwe in moving towards the goal of full compliance with the KPCS in the Marange diamond fields while noting the need for further action on certain provisions of the JWP.

1. Exports

a) Compliant mining operations. Plenary recognizes that the Review Mission and KP Monitor have confirmed the compliance with KP minimum standards of certain mining operations (i.e. Mbada and Canadile). Plenary endorses exports of current production with immediate effect from the compliant mining operations.

The KP monitor will verify, as part of his regular visits to the Marange area referred to in paragraph 3a, the continued compliance of producing mines including access to mine-level data. Exports from compliant mining operations are to continue until the review at the Intersessional 2011 unless the WGM reaches consensus that sufficient progress is not being achieved on the remaining items under the JWP).

b) Other mining operations: exports may take place under paragraph 1a from new mining operations in the Marange diamond fields following confirmation of compliance by the KP Monitor, subject to review by the WGM of the report provided by the KP Monitor within 15 days.

c) Stockpile. Plenary takes note of the presentation of the audit of the stockpile of diamonds produced in Marange from 2007-2009, as well as diamonds produced by the compliant mining operations (i.e. Mbada and Canadile) prior to the date of their certification of compliance.

- Stockpile from compliant mining operations (ie Mbada and Canadile). Plenary endorses exports of the stockpile of compliant mining operations, to take place in regularized intervals until Intersessional 2011.

- 2007-2009. Plenary decides that exports may take place upon determination by the WGM that Zimbabwe has complied with the JWP, based on decision of KP Plenary, as informed by the WGM.

2. Actions to bring diamond mining in Marange into full compliance with KP requirements

Zimbabwe will report quarterly on actions taken under the JWP. The first quarterly report presented by Zimbabwe is to include Zimbabwe's progress on the following:

- a. The Government of Zimbabwe is to identify an appropriate small scale mining model and provide (in consultation with stakeholders including local communities) an implementation plan including timelines, key benchmarks (such as registration of artisanal miners, establishment of buying structures, villager education, allocation of resources and requirements for technical assistance) and delegation of responsibility to a senior public official, per JWP issues 3, 4, and 9.
- b. The Government of Zimbabwe is to provide a credible plan for identifying additional investors and for security management in areas of diamond fields that are either: (a) not yet allocated to investors or (b) not intended to be allocated to investors, with clear timelines and benchmarks for shifting control from the military to the police, per JWP issues 3 and 6.
- c. The Government of Zimbabwe is to provide a credible anti-smuggling enforcement plan including: (a) cooperation with the government of Mozambique; (b) clear protocols on enforcement and intelligence sharing; (c) timelines and benchmarks; (d) responsibilities of security officials; (e) evidence that enforcement actions have been and are being taken against persons involved in illegal mining and smuggling, per JWP issue 4, as well as provided evidence of significant progress towards fully implementing the plan throughout the Marange diamond fields, including by demonstrating that smuggling has decreased further and substantially, and is not systematic;

and subsequent reports will update on the implementation of these plans.

3. KP-Zimbabwe cooperation regarding monitoring arrangements

- a) Zimbabwe's Quarterly reports and WGM monitoring. Zimbabwe is to continue with its quarterly reporting to the WGM on the remaining issues identified under the JWP, including on

the exports undertaken by compliant mining operations and any information which may have implications for their compliant status¹.

The WGM monitoring is to be based notably on quarterly reporting provided by the Government of Zimbabwe and reports from the KP Monitor with support from the Local Focal Point, as established at St. Petersburg and designated by the KP Civil Society Coalition. Plenary endorses the designation of the Local Focal Point, and calls upon Zimbabwe to grant free and unfettered access to the whole of the Marange area and to guarantee the safe operation of the KP Monitor, Local Focal Point, and any future KP Review Mission.

b) Oversight of JWP commitments. The KP notes Zimbabwe's progress in implementation of the JWP and remains committed to the maintenance of this progress. The KP Plenary calls upon the Government of Zimbabwe to actively undertake all commitments under the JWP, so that the provision and administration of security measures and internal controls in Marange should ensure the prevention of lawlessness and violence, particularly when involving government entities, and to ensure the gradual demilitarization and the reduction of smuggling in/from Marange. Zimbabwe reaffirms its commitment to the elimination of incidences of harassment of persons reporting on conditions in the Marange diamond fields.

In light of the importance of this call, Plenary acknowledges that Zimbabwe agrees to the following self-cessation mechanism. Any three WGM members may submit a report on a serious breach of the above JWP commitments, to the WGM; the WGM is to notify Zimbabwe immediately of any such submission and invite information to be submitted in response. Within 7 working days of such notification, the WGM is to consider any information that may have been provided by Zimbabwe in that timeframe, or from other available sources. Zimbabwe commits to cease exports from Marange by the end of those 7 working days unless the WGM (not including any of the three members submitting the report) is able to reach consensus that the submitted report does not warrant cessation. In case of such a cessation of exports, the WGM is to continue consideration of the situation on at least a monthly basis, and may decide at any point that the cessation of exports is no longer appropriate. Should no credible reports be received within one year, this mechanism is to automatically terminate.

4. Final provisions.

Plenary commends the provision of technical assistance in support of the implementation of the JWP, and calls upon Zimbabwe and KP Participants and observers to further engage on this issue.

¹ The KP Chair will request clarification from Zimbabwe regarding any possible implication for KP Compliance of the recent developments at the Canadile mine.

At Intersessional and Plenary 2011, the WGM will review the implementation of the JWP, including the compliance of producing mining sites in Marange, and may make a recommendation to continue exports under the JWP, to be submitted by the KP chair by written procedure.

Plenary remains seized of the matter and will review the JWP in 2011. Plenary will reassess Zimbabwe's compliance with KPCS requirements in light of progress achieved under the JWP and may decide on the termination of the JWP.

This decision is without prejudice to fundamental KP principles including that of country certification which are reaffirmed.