

Administrative Decision

Plenary has received the reports of the Working Group on Monitoring (WGM), Working Group on Statistics (WGS) and the report of the review mission to Zimbabwe which took place from 30 June to 4 July 2009. Plenary has also reviewed the responses by Zimbabwe to the review mission report including the various presentations to Plenary for implementing the recommendations of the Review Mission.

Plenary welcomes the acknowledgement by Zimbabwe that certain challenges have been experienced in complying with the minimum standards of the KPCS and further welcomes Zimbabwe's stated commitment to address urgently the issues identified in the above mentioned reports. Plenary concludes that, as found by the Review Mission, there are "credible indications of significant non-compliance" by Zimbabwe with the minimum requirements of the KPCS. Plenary also welcomes Zimbabwe's willingness to receive KPCS monitoring visits to assess progress in this regard, as well as to receive follow-up review missions in terms of Section VI, Paragraphs 13-15 of the KPCS framework document and Section III, paragraph (a) of the Administrative Decision on Implementation of the Peer Review in the KPCS.

Plenary stands ready to engage with Zimbabwe to address the issues identified in the above mentioned reports of KPCS experts and, to this end, adopts the Joint Work Plan developed by Zimbabwe and the KPCS for implementing the recommendations of the above mentioned 2009 Review Mission, for the purposes of working with Zimbabwe toward full compliance with the minimum standards of the KPCS. The Joint Work Plan is to be supported by technical assistance from Participants and Observers in the KPCS. In this regard, Plenary also calls upon KPCS Participants and Observers to promote strengthened regional cooperation and outreach in support of the implementation of the Joint Work Plan.

The above mentioned Joint Work Plan is appended as an annex to this Administrative Decision.

The Intersessional and Plenary Sessions of the Kimberley Process in 2010 are to review the implementation of the Joint Work Plan. As stated in the Joint Work Plan a KP Monitor is to examine shipments of rough diamonds from the Marange area; if the KP Monitor is not able to fulfil the tasks set forth in that section of the Joint Work Plan, the KP Chair is to take appropriate action to address the situation. Shipments of rough diamonds from the Marange area require certification by the KP Monitor prior to export.

Plenary requests the WGM to monitor on an ongoing basis progress in Zimbabwe's compliance with the minimum standards of the KPCS and the implementation of the measures contained in the Joint Work Plan and to inform Participants and Observers, through the Chair, about developments in this regard.

Swakopmund, Namibia, November 5, 2009

JOINT WORK PLAN

Strategic Issue	Action	Responsibility	Time Frame	Key Result Areas
1. Acknowledgement of non-compliance	1. Write a letter to the Review Team and the KPCS Chair	Inter-Ministerial Task Force	Done	
2. Request for technical assistance and support from the KPCS	1. Write a letter requesting technical assistance and support from the KPCS	Inter-Ministerial Task Force	Done	
3. Curbing illegal digging	1. Identifying resource areas within the 70 000 hectare	ZMDC	Within 3 months	Demarcation of Areas
	2. Subdivision into manageable areas	Ministry of Mines and ZMDC	Within 12 months	Subdivisions
	3. Identification and engagement of potential investors	Ministry of Mines and ZMDC	2 JVs already finalised balance of 3 by April 2010	JV agreements
	4. Identification of small scale miners	Ministry of Mines	February to June 2010	Licensed small miners
	5. Development of licensing and control systems including removing incentives for smuggling (see 4.4)	Ministry of Mines, ZMDC and Investors	By December 2010	
	6. Setting up of adequate security infrastructure	Ministry of Mines, ZMDC and Investors	Immediate to December 2010	Gradual securitisation of the area- progress to be included in regular reports (including maps and

	7. Education of the villagers on the dangers of illegal mining and trading in diamonds	Ministry of Mines, ZMDC, local community representatives and Investors	Immediate and on-going	other items) Structures in place
4. Curbing leakages and smuggling	<ol style="list-style-type: none"> 1. Installation of modern/hands-free processing equipment at mining sites 2. Installation of physical security systems at mining sites 3. Urgent tightening of border controls between Zimbabwe and Mozambique <ul style="list-style-type: none"> • Develop a strategy for enhanced cross border control including border patrol and training for enforcement personnel 4. Develop a cooperation strategy with Mozambique to restrict smuggling <ul style="list-style-type: none"> • Urgently establish diamond buying structures in the Marange Diamond fields, allocated to small scale miners 	<p>ZMDC and New Investors</p> <p>ZMDC and New Investors</p> <p>ZRP Border Patrol Unit and ZIMRA</p> <p>Ministry of Mines</p> <p>Ministry of Mines /MMCZ</p>	<p>Immediate</p> <p>Already in progress and to be completed by December 2010</p> <p>Already in progress To December 2010</p> <p>By June 2010</p> <p>Immediately following allocation</p>	<p>DMS + flow sorts plus glove boxes</p> <p>Security structures & security departments</p> <p>Visible patrols and high profile police presence, X-rays at Mozambique/Zimbabwe border</p> <p>Agreed strategy</p> <p>Buying structures</p>
5. Improving accounting for recovered diamonds by ZRP	Create paper trail specifically for diamonds seized by police and implement system to document the chain of custody and disposal of the diamonds	ZRP/Ministry of Justice, MMMD and MMCZ	End December 2009	Chain of custody
6. Provide security in the Marange area	<ol style="list-style-type: none"> 1. Contract private security companies for mining areas 	ZMDC and new Investors	Immediate up to December 2010	Trained security personnel

	<p>2. Ministry of Mines, Zimbabwe Police to provide security for the entire diamond field (see 4 above)</p> <p>3. Phased withdrawal of military personnel</p>	<p>Ministry of Mines</p> <p>Ministry of Mines in conjunction with Zimbabwe military authorities</p>	<p>Immediate</p> <p>As investors take occupation and implement security on site</p>	<p>Spot checks by Government Ministry of Mines Diamond Inspectors and establishment of a Police Post in the fields</p> <p>Demilitarization of area</p>
7. Enhance security and control measures at MMCZ and ZMDC	Urgently improve security at access control points and enhance security of processing and storage areas	MMCZ and ZMDC	By April 2010	Physical security items
8. Reconciliation Audit	<p>1. Identify independent forensic auditor agreed with Chairs of WGM and KPCS</p> <p>2. Reconciliation of production and sales records from 2007 – 2009 to account for what happened to stock piles and what is currently in the stock pile (including production, sales, police recovered diamonds, mop-up and ACR)</p>	<p>MMMD</p> <p>MMMD, MMCZ, ZMDC and ZRP</p>	<p>1 March 2010</p> <p>1 March 2010</p>	Final report to be forwarded to WGM and WGS Chairs
9. Regional cooperation initiative	Continuous engagement on technical assistance with countries in the region to support implementation	Ministry of Mines	By December 2010	Full compliance
10. Monitoring and evaluation	<p>1. Reports to the KPCS Chair and WGM by end of 2009, and thereafter, quarterly:</p> <p>a. The Ministry of Mines will continuously inform the KPCS on</p>	Ministry of Mines	From the end of 2009 and thereafter quarterly	Reports and Invitations to the WGM for monitoring visits on periodic basis or

	<p>developments on legal disputes over mineral rights and, as the case may be, adjust the work plan accordingly in consultation with the WGM.</p> <p>2. The KP Monitor designated by the KPCS/WGM to report on progress on Joint Work Plan implementation on a regular basis.</p> <p>3. Follow up Review Mission</p>	<p>KPCS</p> <p>Zimbabwe and the KPCS Participation Committee</p>	<p>No later than March 2010, subject to normal logistical arrangements by WGM and the Ministry of Mines</p>	<p>review mission at any time in event of urgent need . Monitoring should be tri-partite</p>
11. Supervised export mechanism	<p>With immediate effect, all shipments from all production sites in the Marange area will be subject to examination and certification by the KP Monitor prior to export to ensure that the production and export of rough diamonds is compliant with the minimum standards of the KPCS. The KP Monitor will have unhindered access as required for certification and will include in his responsibilities visits to all relevant sites at a minimum on a monthly basis or upon invitation from Zimbabwe authorities in order to conduct inspections. The KP Monitor to be agreed to by both parties, the KPCS and the Government of Zimbabwe.</p>	<p>KP Expert; Mining Ministry; Investor</p>	<p>Immediate effect</p>	<p>KPCS compliant exports from Marange</p>

12. Footprinting	Collaboration of Zimbabwe with KP working groups, especially WGDE, to establish detailed footprinting and production estimates	Ministry of Mines, WGDE	Ongoing	Footprint and production estimates
------------------	--	-------------------------	---------	------------------------------------