



Brussels,
ER D (2010)

M. Mathieu YAMBA
Chair of the Kimberley Process

By e-mail:

kpcs.rdcongo@kimberleyprocess.com

Dear KP Chair,

Thank you for your e-mail of 13 May 2011, in which you report on the consultations you have undertaken with Zimbabwe since the meeting of the WGM in Dubai on 15 April 2011.

I have forwarded your e-mail to the WGM, who discussed it during the WGM teleconference of 13 May. I am writing now to convey to you of the outcome of this discussion.

The WGM wishes first to express its disappointment at Zimbabwe's refusal to accept the terms of the draft Administrative Decision prepared in Dubai, and emphasises that it had made a genuine and concerted effort to take account of the concerns raised by Zimbabwe in previous consultations. More generally, the WGM would like to express its concern at the apparent disinterest shown by Zimbabwe, both in Dubai and subsequently, in engaging in any constructive discussion regarding the problems of KP implementation and non-compliance identified in the Marange area.

The WGM nevertheless confirms its willingness to pursue dialogue with Zimbabwe in the margins of the Kinshasa Intersessional meeting, and considers that direct discussions between its members and Zimbabwe would offer better prospects for productive discussions than a 'plenary meeting' of the KP at the Intersessional, that appears premature at this stage, in the absence of agreement from Zimbabwe.

Lastly, while acknowledging the difficult position of the DRC in this regard as both KP Chair and WGM member, the WGM would like to convey particular surprise at the reference to the notice of 19 March, since it has clearly appeared that this document did not, neither in substance nor procedurally, have the necessary consensus approval which forms the basis of KP decisions. The WGM considers that this risks creating a legal uncertainty regarding KP application, and calls for the situation to be clarified urgently in

order to avoid any risk of confusion by Participants and industry which could be detrimental to the integrity of the KP.

I thank you again for the effort you have given to this matter since DRC took over the Chairmanship of the KP, and assure you that the WGM continues to offer you its full support in seeking to maintain, in line with applicable rules and procedures, the integrity and credibility of the KP.

Yours sincerely

Stéphane CHARDON
Chair of the Working Group on Monitoring