

KIMBERLEY PROCESS CERTIFICATION SCHEME

國際鑽石原石進出口認證標準機制

PREAMBLE

前言

Participants,

RECOGNISING that the trade in conflict diamonds is a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate governments, and the illicit traffic in, and proliferation of, armaments, especially small arms and light weapons;

所有參與方

咸認衝突鑽石之交易乃一國際嚴重關注之事件，因它與資助武裝衝突、意在削弱或推翻合法政府之叛亂活動及資助軍火（尤以輕型武器）之非法交易及軍備擴張有直接之關係。

FURTHER RECOGNISING the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries and the systematic and gross human rights violations that have been perpetrated in such conflicts;

復咸認因衝突鑽石之貿易而加劇之衝突，對受難國家人民之和平、安全、保障帶來衝擊；該等衝突並衍生出有系統而大規模對人權之侵犯。

NOTING the negative impact of such conflicts on regional stability and the obligations placed upon states by the United Nations Charter regarding the maintenance of international peace and security;

注意到該等衝突，對於區域安全及聯合國憲章所賦予國家在維持國際和平與安全之義務，帶來負面衝擊。

BEARING IN MIND that urgent international action is imperative to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of many of the producing, processing, exporting and importing states, especially developing states;

謹記緊急採取國際行動勢在必行，以預防引發衝突之鑽石對合法鑽石交易產生不良影響；那些合法交易對鑽石生產、加工及進出口國家之經濟至為重要，尤以對開發中國家之經濟為尤然。

RECALLING all of the relevant resolutions of the United Nations Security Council under Chapter VII of the United Nations Charter, including the relevant provisions of Resolutions 1173 (1998), 1295 (2000), 1306 (2000), and 1343 (2001), and determined to contribute to and support the implementation of the measures provided for in these resolutions;

回顧聯合國安理會基於憲章第七條所賦予而通過之所有相關決議案，包括安理會第 1173 號(1998 年所通過)、第 1295 號(2000 年所通過)、第 1306 號(2000 年所通過)及第 1343 號(2001 年所通過)等決議案之相關規定，決意履行並持上述決議案所規定之各項作為。

HIGHLIGHTING the United Nations General Assembly Resolution 55/56 (2000) on the role of the trade in conflict diamonds in fuelling armed conflict, which called on the international community to give urgent and careful consideration to devising effective and pragmatic measures to address this problem;

強調聯合國大會第 55/56 號決議案(於 2000 年通過)所論及衝突鑽石交易在助長武裝衝突之角色，該決議案呼籲國際社會正規該問題，予以急切而仔細之考量，構思設計有效而可行之解決之道。

FURTHER HIGHLIGHTING the recommendation in United Nations General Assembly Resolution 55/56 that the international community develop detailed proposals for a simple and workable international certification scheme for rough diamonds based primarily on national certification schemes and on internationally agreed minimum standards;

再次強調聯合國大會第 55/56 號決議案所建言者：即國際社會研提方案，以便設計出簡單而可行之國際鑽石原石認證機制，其主要係基於各個國家本身之認證機制及國際間合意之最低要求標準。

RECALLING that the Kimberley Process, which was established to find a solution to the international problem of conflict diamonds, was inclusive of concerned stake holders, namely producing, exporting and importing states, the diamond industry and civil society;

回顧 KP 機制-此一被建立以尋求對國際間衝突鑽石問題解決方案之機制，其包含所有相關之各方，即生產、進出口國家、鑽石產業及公民社會團體。

CONVINCED that the opportunity for conflict diamonds to play a role in fuelling armed conflict can be seriously reduced by introducing a certification scheme for rough diamonds designed to exclude conflict diamonds from the legitimate trade.

咸認引進鑽石原石認證機設計以將衝突鑽石的交易從合法的鑽石交易中排除，將可大幅降低衝突鑽石所扮演資助武裝衝突之角色。

RECALLING that the Kimberley Process considered that an international certification scheme for rough diamonds, based on national laws and practices and meeting internationally agreed minimum standards, will be the most effective system by which the problem of conflict diamonds could be addressed;

回顧 KP 認為一套國際鑽石原石認證機制－基於各國國內法律與實踐並符合國際上所同意之最低要求標準－將係最有效之機制據以解決衝突鑽石之問題。

ACKNOWLEDGING the important initiatives already taken to address this problem, in particular by the governments of Angola, the Democratic Republic of Congo, Guinea and Sierra Leone and by other key producing, exporting and importing countries, as well as by the diamond industry, in particular by the World Diamond Council, and by civil society;

認知若干重要之倡議已經著手處理此一問題，特別是由安哥拉、剛果共和國、幾內亞、獅子山等國政府所提出者，以及其他主要鑽石製造、出口國家及鑽石產業(尤以世界鑽石協會)與公民社會團體所提出者。

WELCOMING voluntary self-regulation initiatives announced by the diamond industry and recognising that a system of such voluntary self-regulation contributes to ensuring an effective internal control system of rough diamonds based upon the international certification scheme for rough diamonds;

歡迎由鑽石業界所主動宣佈之自發性自律作為，並且咸認該自發性自律之機制，有助於確保基於 KP 機制對鑽石原石所作之有效內部管理，其內部管理係基於符合國際間鑽石原石之認證標準。

RECOGNISING that an international certification scheme for rough diamonds will only be credible if all Participants have established internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories, while taking into account that differences in production methods and trading practices as well as differences in institutional controls thereof may require different approaches to meet minimum standards;

咸認此一國際鑽石原石認證機制唯有在參與方能做到下列情形始具有可信度：即所有參與方均建立內部管理制度，用以消除衝突鑽石出現，其在自身領域內之生產及進出口鏈環中，同時吾人亦瞭解：基於各國自身不同之生產方法及交易習慣及相應之管理制度，各參與方需採行不同之途徑以符合最低標準之要求。

FURTHER RECOGNISING that the international certification scheme for rough diamonds must be consistent with international law governing international trade;

復咸認國際鑽石原石認證機制必須與現行規範國際貿易之國際法一致。

ACKNOWLEDGING that state sovereignty should be fully respected and the principles of equality, mutual benefits and consensus should be adhered to;

認知國家主權應該受完全之尊重，以及平等互惠與共識之原則須被遵循。

RECOMMEND THE FOLLOWING PROVISIONS:

爰建議訂定下列規定：

SECTION I

第一章

Definitions

定義

For the purposes of the international certification scheme for rough diamonds (hereinafter referred to as “the Certification Scheme”), the following definitions apply:

為實施國際鑽石原石認證標準機制（以下簡稱 KP 機制或該機制），適用下列定義：

CONFLICT DIAMONDS means rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments, as described in relevant United Nations Security Council (UNSC) resolutions insofar as they remain in effect, or in other similar UNSC resolutions which may be adopted in the future, and as understood and recognised in United Nations General Assembly (UNGA) Resolution 55/56, or in other similar UNGA resolutions which may be adopted in future;

衝突鑽石，意謂著鑽石原石被叛亂團體或其同盟所用以資助削弱合法政府之武裝衝突，如同相關聯合國安理會目前仍有效之決議案、或如安理會其他未來可能採行之決議案所載述者，或如聯大第 55/56 號決議案或其他未來可能採行之決議案所載述者。

COUNTRY OF ORIGIN means the country where a shipment of rough diamonds has been mined or extracted;

原產國，鑽石原石之原開礦採掘國。

COUNTRY OF PROVENANCE means the last Participant from where a shipment of rough diamonds was exported, as recorded on import documentation;

來源國，根據進口文件列示，出口該批鑽石原石最後之本機制參與方。

DIAMOND means a natural mineral consisting essentially of pure crystallised carbon in the isometric system, with a hardness on the Mohs (scratch) scale of 10, a specific gravity of approximately 3.52 and a refractive index of 2.42;

鑽石，主要成份為純結晶碳以立方體形式呈現之天然礦石，其摩式硬式度為 10，其比重約 3.52，折射率為 2.42。

EXPORT means the physical leaving/taking out of any part of the geographical territory of a Participant;

出口，意指實際上離開或帶離開任何參與方之領域。

EXPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant from whose territory a shipment of rough diamonds is leaving, and which are authorised to validate the Kimberley Process Certificate;

出口主管機關，意指機關或單位被參與方指定作為境內鑽石原石出口之主管機關，並授權執行核驗 KP 證書之效力。

FREE TRADE ZONE means a part of the territory of a Participant where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory;

自由貿易區，意指參與方其領域內劃定非屬關稅之區域，任何貨物輸入該區域通常被視為關稅領域外之產品(僅就進口關稅及稅賦而言)。

IMPORT means the physical entering/bringing into any part of the geographical territory of a Participant;

進口，意指實際進入或帶入參與方之領域。

IMPORTING AUTHORITY means the authority(ies) or body(ies) designated by a Participant into whose territory a shipment of rough diamonds is imported to conduct all import formalities and particularly the verification of accompanying Kimberley Process Certificates;

進口主管機關，意指機關或單位被參與方指定作為境內鑽石原石進口之主管機關，負責執行所有進口之管理，尤其是查驗所附 KP 證書之有效性。

KIMBERLEY PROCESS CERTIFICATE means a forgery resistant document with a particular format which identifies a shipment of rough diamonds as being in compliance with the requirements of the Certification Scheme;

KP 證書，證明鑽石原石之運送符合 KP 機制規定並防範偽造之文件。

OBSERVER means a representative of civil society, the diamond industry, international organisations and non-participating governments invited to take part in Plenary meetings; (Further consultations to be undertaken by the Chair.)

觀察員，受邀出席全體大會之公民社會團體、鑽石產業、國際組織，及非參與方政府之代表（待主席進一步諮商）。

PARCEL means one or more diamonds that are packed together and that are not individualised;

一批鑽石，一個或以上之鑽石，經包裝在一起且無法分割者。

PARCEL OF MIXED ORIGIN means a parcel that contains rough diamonds from two or more countries of origin, mixed together;

一批來源不同之鑽石，指一批來自二或以上國家，混合包裝在一起之鑽石。

PARTICIPANT means a state or a regional economic integration organisation for which the Certification Scheme is effective; (Further consultations to be undertaken by the Chair.)

參與方，KP 機制對其產生效力之一個國家或一個區域經濟整合組織（待主席進一步諮商）。

REGIONAL ECONOMIC INTEGRATION ORGANISATION means an organisation comprised of sovereign states that have transferred competence

to that organisation in respect of matters governed by the Certification Scheme;

區域經濟整合組織，由數個主權國家組成之組織，此等國將相關認證機制管理事務之職權轉移予該組織。

ROUGH DIAMONDS means diamonds that are unworked or simply sawn, cleaved or bruted and fall under the Relevant Harmonised Commodity Description and Coding System 7102.10, 7102.21 and 7102.31;

鑽石原石，未經加工或僅經鉅、劈或磨邊之鑽石且 HS 號列為 7102.10、7102.21 及 7102.31 者。

SHIPMENT means one or more parcels that are physically imported or exported;

貨物，指實際上輸入或輸出一或多批鑽石。

TRANSIT means the physical passage across the territory of a Participant or a non-Participant, with or without transshipment, warehousing or change in mode of transport, when such passage is only a portion of a complete journey beginning and terminating beyond the frontier of the Participant or non-Participant across whose territory a shipment passes;

過境，在鑽石運送過程中經過參與方或非參與方之領域，但不涉及轉運、倉儲或改變運輸模式，而該過境僅係完整運輸過程（起迄於參與方或非參與方領域之外）中之一部份。

SECTION II

第二章

The Kimberley Process Certificate KP 證書

Each Participant should ensure that:

每一個參與方應保證做到下列事項：

- (a) a Kimberley Process Certificate (hereafter referred to as the Certificate) accompanies each shipment of rough diamonds on export;
KP 證書應隨貨運送。
- (b) its processes for issuing Certificates meet the minimum standards of the Kimberley Process as set out in Section IV;
證書之發證過程必須符合第四章所訂之最低要求標準；
- (c) Certificates meet the minimum requirements set out in Annex I. As long as these requirements are met, Participants may at their discretion establish additional characteristics for their own Certificates, for example their form, additional data or security elements;
證書須符合附錄一之最低要求標準。既經符合該等要求標準，會員國可以斟酌建立自身證書額外之特徵，如該等表格、額外資料或是安全項目。
- (d) it notifies all other Participants through the Chair of the features of its Certificate as specified in Annex I, for purposes of validation.
每個參與方須將其自身證書之特徵（如附錄一所述者），經由主席通告所有其他會員國，以便有效執行。

SECTION III
第三章

Undertakings in respect of the international trade in rough diamonds
相關鑽石原石國際貿易之承諾

Each Participant should:

每一個參與方國應：

(a) with regard to shipments of rough diamonds exported to a Participant, require that each such shipment is accompanied by a duly validated Certificate;

每一筆鑽石原石輸出至另一參與方時，要求該批貨物均須附適當有效之證書。

(b) with regard to shipments of rough diamonds imported from a Participant: 當鑽石原石貨物從一參與方進口時：

- require a duly validated Certificate;
須檢附經適當核驗之證書。
- ensure that confirmation of receipt is sent expeditiously to the relevant Exporting Authority. The confirmation should as a minimum refer to the Certificate number, the number of parcels, the carat weight and the details of the importer and exporter;
確認回條（或進口確認聯單）應被迅速送達相關之出口主管機關。前述確認至少須包含證書號碼、鑽石批數、克拉重量及進出口商之詳細資訊。
- require that the original of the Certificate be readily accessible for a period of no less than three years;
要求證書正本須保存三年以上。

(c) ensure that no shipment of rough diamonds is imported from or exported to a non-Participant;

確實執行不得從非參與方進出口鑽石原石。

(d) recognise that Participants through whose territory shipments transit are not required to meet the requirement of paragraphs (a) and (b) above, and of Section II (a) provided that the designated authorities of the Participant through whose territory a shipment passes, ensure that the shipment leaves its territory in an identical state as it entered its territory (i.e. unopened and not tampered with).

認知涉及鑽石原石轉運之參與方，在其指定之主管機關確保該批鑽石貨物進入及離開時保持原狀（即未開封及未破損），即不須符合上述第一、二項條文以及第二章第一項條文之規定。

SECTION IV **第四章**

Internal Controls **內部管理**

Undertakings by Participants 參與方之承諾作為

Each Participant should:
每一個參與方均應：

- (a) establish a system of internal controls designed to eliminate the presence of conflict diamonds from shipments of rough diamonds imported into and exported from its territory;
建立一套內部管理制度，以消除衝突鑽石出現在其領域進出口之鑽石原石。
- (b) designate an Importing and an Exporting Authority(ies);
指定一管理進出口之主管機關。
- (c) ensure that rough diamonds are imported and exported in tamper resistant containers;
確保鑽石原石進出口時係以抗破損之容器運送。
- (d) as required, amend or enact appropriate laws or regulations to implement and enforce the Certification Scheme and to maintain dissuasive and proportional penalties for transgressions;
一如所要求者，修訂或製訂適當之法律或行政規定，以執行與實施 KP 機制，並維持具勸導性質及與違法程度成比例之處罰措施。
- (e) collect and maintain relevant official production, import and export data, and collate and exchange such data in accordance with the provisions of Section V.
蒐集並保存相關官方出版品、進出口資訊，並依據第五章之規定，進行該等資訊之比對及交換。
- (f) when establishing a system of internal controls, take into account, where appropriate, the further options and recommendations for internal controls as elaborated in Annex II.
當建立一套內部管理制度時，應適當時考量附錄二涵蓋相關內部管理更進一步之方案與建議。

Principles of Industry Self-Regulation 產業自我規範之原則

Participants understand that a voluntary system of industry self-regulation, as referred to in the Preamble of this Document, will provide for a system of

warranties underpinned through verification by independent auditors of individual companies and supported by internal penalties set by industry, which will help to facilitate the full traceability of rough diamond transactions by government authorities.

參與方瞭解到本文件前言提及之產業自願性制度，將提供一項保證制度，其係透過個別公司獨立稽核員之查驗以及產業訂定之內部罰則支持本項自願性制度，其有助於加速各政府機關對鑽石原石交易之徹底追蹤。

Section V
第五章
Co-operation and Transparency
合作與透明化

Participants should:
參與方應：

- (a) provide to each other through the Chair information identifying their designated authorities or bodies responsible for implementing the provisions of this Certification Scheme. Each Participant should provide to other Participants through the Chair information, preferably in electronic format, on its relevant laws, regulations, rules, procedures and practices, and update that information as required. This should include a synopsis in English of the essential content of this information;
透過主席相互提供資訊，包括確認其指定負責本項認證機制之主管機關或機構、相關法律、規定、條例、程序與施行細則等（最好係以電子檔），必要時應更新資料。交換之資訊至少應有重要內容之英文摘要。
- (b) compile and make available to all other Participants through the Chair statistical data in line with the principles set out in Annex III;
蒐集並經由主席提供符合附錄三原則之統計資料。
- (c) exchange on a regular basis experiences and other relevant information, including on self-assessment, in order to arrive at the best practice in given circumstances;
定期交換經驗及其他相關資訊，包括自我評估資訊，以獲致特定情況下之最佳管理方式。
- (d) consider favourably requests from other Participants for assistance to improve the functioning of the Certification Scheme within their territories;
優先考量其他參與方提供有關改善驗證制度之請求。
- (e) inform another Participant through the Chair if it considers that the laws, regulations, rules, procedures or practices of that other Participant do not ensure the absence of conflict diamonds in the exports of that other Participant;
如果認為其他參方之相關法律、規定、條例、程序與施行細確保有關鑽石原石之出口充分排除鑽石時，應透主席通知該等參與方。
- (f) cooperate with other Participants to attempt to resolve problems which may arise from unintentional circumstances and which could lead to non-fulfilment of the minimum requirements for the issuance or acceptance of the Certificates, and inform all other Participants of the essence of the problems encountered and of solutions found;

在非故意之情況下問題產生，且該等問題可能會導致無法滿足 KP 證書所能接受之最低要求時，應與其他參與方合作以嘗試解決問題，並將所遭遇根本問題及已知解決之道告知所有其他參與方。

- (g) encourage, through their relevant authorities, closer co-operation between law enforcement agencies and between customs agencies of Participants. 透過相關主管機關，鼓勵參與方之執法機構及海關間更綿密之合作。

Section VI
第六章
Administrative Matters
行政事項

MEETINGS

大會

1. Participants and Observers are to meet in Plenary annually, and on other occasions as Participants may deem necessary, in order to discuss the effectiveness of the Certification Scheme.
參與方與觀察員每年舉行大會，參與方認有必要討論認證制度之有效性時，亦得舉行大會。
2. Participants should adopt Rules of Procedure for such meetings at the first Plenary meeting.
參與方應在第一次全體大會時通過大會議事規則。
3. Meetings are to be held in the country where the Chair is located, unless a Participant or an international organisation offers to host a meeting and this offer has been accepted. The host country should facilitate entry formalities for those attending such meetings.
大會舉行地點應為主席所在國，但參與方或國際組織願意主辦會議且並獲同意時除外。主辦國應提供與會者之各項便利。
4. At the end of each Plenary meeting, a Chair would be elected to preside over all Plenary meetings, ad hoc working groups and other subsidiary bodies, which might be formed until the conclusion of the next annual Plenary meeting.
全體大會結束時，應選至下一次全體大會前主持有會議及特別工作小組之主席。
5. Participants are to reach decisions by consensus. In the event that consensus proves to be impossible, the Chair is to conduct consultations.
參與方決議採共識決。共識決不可行時，由主席進行諮商。

ADMINISTRATIVE SUPPORT

行政支援

6. For the effective administration of the Certification Scheme, administrative support will be necessary. The modalities and functions of that support should be discussed at the first Plenary meeting, following endorsement by the UN General Assembly.
為有效管理認證機制，行政支援係屬必要。第一次全體大會應討論行政支援之形式與功能，並請聯合國大會予以支持。
7. Administrative support could include the following functions:

行政支援之功能可包括：

- (a) to serve as a channel of communication, information sharing and consultation between the Participants with regard to matters provided for in this Document;
作為參與方間就本工作文件所載事項進行溝通、交換資訊及協商之管道；
- (b) to maintain and make available for the use of all Participants a collection of those laws, regulations, rules, procedures, practices and statistics notified pursuant to Section V;
蒐集與維護第五章規定之法律、規定、條例、程序及統計資料，並使參與國得取得前述資料；
- (c) to prepare documents and provide administrative support for Plenary and working group meetings;
準備文件及提供全體大會與工作小組會之行政支援；
- (d) to undertake such additional responsibilities as the Plenary meetings, or any working group delegated by Plenary meetings, may instruct.
負責全體大會或任何工作小組指示之額外工作。

PARTICIPATION

參與

- 8. Participation in the Certification Scheme is open on a global, non-discriminatory basis to all Applicants willing and able to fulfill the requirements of that Scheme.
基於全球性及不歧視之原則，開放所有有意願且有能力遵行所有要求之申請者參與本認證機制。
- 9. Any applicant wishing to participate in the Certification Scheme should signify its interest by notifying the Chair through diplomatic channels. This notification should include the information set forth in paragraph (a) of Section V and be circulated to all Participants within one month.
有意參與認證機制之申請者應經由外交管道通知主席，表達加入之意願。本項通知應涵蓋第五章第一項之資訊，並應於一個月內分送所有參與方。
- 10. Participants intend to invite representatives of civil society, the diamond industry, non-participating governments and international organizations to participate in Plenary meetings as Observers.
參與方可邀請公民社會團體、鑽石產業、非會員國政府及國際組織代表以觀察員身份參與年會。

PARTICIPANT MEASURES

參與方措施

- 11. Participants are to prepare, and make available to other Participants, in advance of annual Plenary meetings of the Kimberley Process,

information as stipulated in paragraph (a) of Section V outlining how the requirements of the Certification Scheme are being implemented within their respective jurisdictions.

參與方應在每年全體大會前準備並提供其他參與方，有關第五章第一項規定之資料，說明在其管轄境內執行國際認證機制之方式。

12. The agenda of annual Plenary meetings is to include an item where information as stipulated in paragraph (a) of Section V is reviewed and Participants can provide further details of their respective systems at the request of the Plenary.

年度大會之議程應包括檢視第五章第一項規定之資料，及參與方可應大會要求進一步提供之細節。

13. Where further clarification is needed, Participants at Plenary meetings, upon recommendation by the Chair, can identify and decide on additional verification measures to be undertaken. Such measures are to be implemented in accordance with applicable national and international law. These could include, but need not be limited to measures such as;

出席大會之參與方得應主席之建議，確認及決定採行額外之認證措施。此等措施之執行應符合可行之國際與各國國家法規，包括下列措施，但不以此為限：

- a. requesting additional information and clarification from Participants;
要求其他參與方提供額外之資訊及釐清；
- b. review missions by other Participants or their representatives where there are credible indications of significant non-compliance with the Certification Scheme.

具可信跡象顯具有明顯不符國際認證機制時，由其他參與方或其代表進行檢視。

14. Review missions are to be conducted in an analytical, expert and impartial manner with the consent of the Participant concerned. The size, composition, terms of reference and time-frame of these missions should be based on the circumstances and be established by the Chair with the consent of the Participant concerned and in consultation with all Participants.

檢視工作之進行應據分析、專業及公正方式，並取得參與方之同意。此等檢視工作之規模大小、內容、職權範圍及時間，應經參與方同意且與所有參與方協商後，由主席裁定之。

15. A report on the results of compliance verification measures is to be forwarded to the Chair and to the Participant concerned within three weeks of completion of the mission. Any comments from that Participant as well as the report, are to be posted on the restricted access section of an official Certification Scheme website no later than three weeks after the submission of the report to the Participant concerned. Participants

and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter. 完成檢視工作後三週內應提供主席及參與方驗證機制符合性評估報告，參與方應於接獲報告後三週內提出評論，併同原報告，登載於認證機制之官方網站，其列為限閱文件。參與方與觀察員應嚴格遵守有關本事項及相關符合性事項內容之機密要求。

COMPLIANCE AND DISPUTE PREVENTION

符合性及爭端之預防

16. In the event that an issue regarding compliance by a Participant or any other issue regarding the implementation of the Certification Scheme arises, any concerned Participant may so inform the Chair, who is to inform all Participants without delay about the said concern and enter into dialogue on how to address it. Participants and Observers should make every effort to observe strict confidentiality regarding the issue and the discussions relating to any compliance matter.

涉及參與方是否符合本工作文件規定或任何其他有關執行認證機制之議題浮現時，任何參與方均得立即通知主席，由主席立即通知所有參與方並進行對話，討論解決方案。參與方及觀察員應盡力嚴格遵守有關本事項及相關符合性事項內容之機密要求。

MODIFICATIONS

修訂

17. This document may be modified by consensus of the Participants.

本工作文件之修訂由參與方共識為之。

18. Modifications may be proposed by any Participant. Such proposals should be sent in writing to the Chair, at least ninety days before the next Plenary meeting, unless otherwise agreed.

任何參與方均得提出修訂意見，並以書面方式最晚於下次全體大會之前 90 天提供予主席，但另徵得同意之情況不在此限。

19. The Chair is to circulate any proposed modification expeditiously to all Participants and Observers and place it on the agenda of the next annual Plenary meeting.

主席應立即分送提議之修訂內容予所有參與方及觀察員，並將之排入下次年度全體會員之議程。

REVIEW MECHANISM

檢視機制

20. Participants intend that the Certification Scheme should be subject to periodic review, to allow Participants to conduct a thorough analysis of all elements contained in the scheme. The review should also include consideration of the continuing requirement for such a scheme, in view of the perception of the Participants, and of international organisations, in

particular the United Nations, of the continued threat posed at that time by conflict diamonds. The first such review should take place no later than three years after the effective starting date of the Certification Scheme. The review meeting should normally coincide with the annual Plenary meeting, unless otherwise agreed.

參與方認為應定期檢討本國際認證機制，以使所有參與方對本機制之全盤細節進行徹底分析。本項檢討應包括考量是否有必要維持認證機制—參考參與方及國際組織（尤以聯合國）對當時衝突鑽石所引發威脅之見解。第一次檢討應於證證機制生效後三年內進行，檢討會議應和全體大會同時進行，除非另經同意。

THE START OF THE IMPLEMENTATION OF THE SCHEME

開始執行認證機制

- 21. The Certification Scheme should be established at the Ministerial Meeting on the Kimberley Process Certification Scheme for Rough Diamonds in Interlaken on 5 November 2002.**

基於人道及安全立場，並體認情況之迫切性，應儘速透過國際諮商建立本認證機制。可以開始簽發 KP 證書者應立即為之，鼓勵其他參與方於 2002 年 6 月 1 日開始實施。參與方應於 2002 年 12 月 31 日起同步實施 KP 機制。在 2002 年底後決定參與本認證機制之申請者，於依據第六章第九項規定通知主席後即可生效。

ANNEX I
附錄

Certificates
證書

A. Minimum requirements for Certificates
證書之最低要求

A Certificate is to meet the following minimum requirements:
證書應具備下列最低要求

- Each Certificate should bear the title “Kimberley Process Certificate” and the following statement: “The rough diamonds in this shipment have been handled in accordance with the provisions of the Kimberley Process Certification Scheme for rough diamonds” 。
證書之名稱應為「Kimberley Process Certificate」，並有 Kimberley Process 之標誌及下列文字：「本批運送之鑽石原石，業依 KP 機制之規定處理」。
- (II) Country of origin for shipment of parcels of unmixed (i.e. from the same) origin Certificates may be issued in any language, provided that an English translation is incorporated 。
此批鑽石之原產國（來源相同者）：證書得以任何語言簽發，但應附其英文翻譯：
- Unique numbering with the Alpha 2 country code, according to ISO 3166-1 。
予以獨一之編號，並根據 ISO3166-1，標示 Alpha2 國家代號；
- Tamper and forgery resistant
防塗竄改及偽造設計；
- Date of issuance
發證日；
- Date of expiry
有效日；
- Issuing authority
發證主管機關；
- Identification of exporter and importer
進出口商；
- Carat weight/mass
克拉重量／質量；
- Value in US\$；
價值（美金）；
- Number of parcels in shipment
鑽石之批數；
- Relevant Harmonised Commodity Description and Coding System
相關商品描述及 HS 號列；
- Validation of Certificate by the Exporting Authority

出口主管機關核驗確認；

B. Optional Certificate Elements A Certificate may include the following optional features:

選擇性（非必要之）證書項目：

- **Characteristics of a Certificate** (for example as to form, additional data or security elements)

證書得包括下列選擇性之項目

- **Quality characteristics of the rough diamonds in the shipment**

證書的特色（如格式、額外之資料或安全項目）

- **A recommended import confirmation part should have the following elements:**

建議確認進口之項目應包括下列數項：

- **Country of destination Identification of importer**

目的國

- **Carat/weight and value in US\$**

克拉重量及美金價值

- **Relevant Harmonised Commodity Description and Coding System**

相關之商品描述及 HS 號列

- **Date of receipt by Importing Authority**

進口主管機關之簽收日期

- **Authentication by Importing Authority**

進口主管機關確認

C. Optional Procedures

選擇性程序

Rough diamonds may be shipped in transparent security bags. The unique Certificate number may be replicated on the container.

鑽石原石應以透明安全包裝袋運送，驗證號碼可重複顯示在包裝外。

Annex II 附錄二

Recommendations as provided for in Section IV, paragraph (f) General Recommendations

第四章第六項之建議：

1. Participants may appoint an official coordinator(s) to deal with the implementation of the Certification Scheme.
參與方得指定官方協調員處理認證機制之執行
2. Participants may consider the utility of complementing and/or enhancing the collection and publication of the statistics identified in Annex III based on the contents of Kimberley Process Certificates.
參與方得考量，基於附錄三 KP 證書所列項目，補充加強其統計資料之蒐集與發布之效用。
3. Participants are encouraged to maintain the information and data required by Section V on a computerised database.
鼓勵參方以電腦處理資料庫之方式，維護第五章所彙之資訊與數據。
4. Participants are encouraged to transmit and receive electronic messages in order to support the Certification Scheme.
鼓勵參與方以電子檔方式傳輸與接收訊息，支持認證機制。
5. Participants that produce diamonds and that have rebel groups suspected of mining diamonds within their territories are encouraged to identify the areas of rebel diamond mining activity and provide this information to all other Participants. This information should be updated on a regular basis.
生產鑽石且可能有叛亂團體在其境內挖掘鑽石之參與方，應鼓勵其確認叛亂團體進行挖掘鑽石之區域，並將該項訊息提供所有參與方，並定期更新該項訊息。
6. Participants are encouraged to make known the names of individuals or companies convicted of activities relevant to the purposes of the Certification Scheme to all other Participants through the Chair.
鼓勵參與方透過主席，將承認違反相關認證機制活動之個人或公司之名單提供所有其他參與方。
7. Participants are encouraged to ensure that all cash purchases of rough diamonds are routed through official banking channels, supported by verifiable documentation.
鼓勵參與方確保所有鑽石原石現金買賣之交易，均可透過官方銀行管道追蹤，並備有查驗文件。
8. Participants that produce diamonds should analyse their diamond production under the following headings:

- Characteristics of diamonds produced
- Actual production

生產鑽石之參與方應分析其生產鑽石之特性及實際生產情形。

Recommendations for Control over Diamond Mines

管制鑽石礦之建議

9. Participants are encouraged to ensure that all diamond mines are licensed and to allow only those mines so licensed to mine diamonds.

鼓勵參與方確保所有之鑽石礦區均經許可設立，且僅允許在經許可之礦區進行開採。

10. Participants are encouraged to ensure that prospecting and mining companies maintain effective security standards to ensure that conflict diamonds do not contaminate legitimate production.

鼓勵參與方確保勘探及開掘公司維護有效之安全標準，以確定衝突鑽石不致混入合法之生產中。

Recommendations for Participants with Small-scale Diamond Mining

對具小規模鑽石開採之參與方之建議

11. All artisanal and informal diamond miners should be licensed and only those persons so licensed should be allowed to mine diamonds.

所有技工及非正式鑽石開採者應取得許可且僅允許有照者開採。

12. Licensing records should contain the following minimum information: name, address, nationality and/or residence status and the area of authorised diamond mining activity.

許可紀錄應至少包含下列資料：姓名、地址、國籍及／或合法居留身分以及授權進行採礦之區域。

Recommendations for Rough Diamond Buyers, Sellers and Exporters

對鑽石原石購買者、銷售者及出口商之建議

13. All diamond buyers, sellers, exporters, agents and courier companies involved in carrying rough diamonds should be registered and licensed by each Participant's relevant authorities.

所涉及攜帶鑽石原石之鑽石購買者、銷售者、出口商、代理商及送件公司均應獲得參與方相關主管機關之註冊許可。

14. Licensing records should contain the following minimum information: name, address and nationality and/or residence status.

許可紀錄應至少包含下列資料：姓名、地址、國籍及／或合法居留身分。

15. All rough diamond buyers, sellers and exporters should be required by law to keep for a period of five years daily buying, selling or exporting records listing the names of buying or selling clients, their license number and the amount and value of diamonds sold, exported or purchased.

所有鑽石原石購買者、銷售者及出口商應依法保存每日買賣、銷售或出口紀錄五年，紀錄上應包含購買者或銷售委託人之姓名、該等人士許可編號及銷售、出口或購買之鑽石數量及價值。

16. The information in paragraph 14 above should be entered into a computerised database, to facilitate the presentation of detailed information relating to the activities of individual rough diamond buyers and sellers.

上述第十四項之資訊應以電腦資料檔處理，以加速提供相關個別鑽石原石購買者及銷售者活動之詳細資訊。

Recommendations for Export Processes

出口程序之建議

17. An exporter should submit a rough diamond shipment to the relevant Exporting Authority.

出口商應提供相關出口主管機關有關鑽石原石運送資料。

18. The Exporting Authority is encouraged, prior to validating a Certificate, to require an exporter to provide a declaration that the rough diamonds being exported are not conflict diamonds.

鼓勵出口主管機關在核發證書之前，應要求出口商提供一份切結聲明，保證該批出口之鑽石原石並非衝突鑽石。

19. Rough diamonds should be sealed in a tamper proof container together with the Certificate or a duly authenticated copy. The Exporting Authority should then transmit a detailed e-mail message to the relevant Importing Authority containing information on the carat weight, value, country of origin or provenance, importer and the serial number of the Certificate.

鑽石原石應密封於不可抗損之容器內，並同時附有證書或正式認證之副本，隨後出口主管機關應傳送詳細之電子郵件資訊予相關之進口主管機關，電子郵件中之訊息，應包含克拉重量、價值、原產國或來源、進口商及證書之序號。

20. The Exporting Authority should record all details of rough diamond shipments on a computerised database.

出口主管機關以電腦處理資料庫方式紀錄所有鑽石原石運送之詳細資料。

Recommendations for Import Processes

進口程序之建議

21. The Importing Authority should receive an e-mail message either before or upon arrival of a rough diamond shipment. The message should contain details such as the carat weight, value, country of origin or provenance, exporter and the serial number of the Certificate.

進口主管機關應在鑽石原石運送前或抵達時收到電子郵件訊息，電子郵件訊息該包含克拉重量、價值、原產國或來源、進口商及證書之號碼。

22. The Importing Authority should inspect the shipment of rough diamonds to verify that the seals and the container have not been tampered with and that the export was performed in accordance with the Certification Scheme.
進口主管機關應檢查此批運送之鑽石原石，以查證號碼及容器有無破損，以及該項出口是否符合認證機制之規定。
23. The Importing Authority should open and inspect the contents of the shipment to verify the details declared on the Certificate.
進口主管機關應開封及檢查該批鑽石原石之內容，以核對證書內容是否屬實。
24. Where applicable and when requested, the Importing Authority should send the return slip or import confirmation coupon to the relevant Exporting Authority.
倘經要求並具可行性時，進口主管機關應以回條或進口確認聯單方式回覆出口主管機關。
25. The Importing Authority should record all details of rough diamond shipments on a computerised database.
進口主管機關應以電腦處理資料庫方式，記錄所有鑽石原石運送之詳細資料。

Recommendations on Shipments to and from Free Trade Zones 貨物進出自由貿易區之建議

26. Shipments of rough diamonds to and from free trade zones should be processed by the designated authorities.
自由貿易區輸入及輸出鑽石原石應指定主管機關為之。

Annex III **第三章**

Statistics **統計**

Recognising that reliable and comparable data on the production and the international trade in rough diamonds are an essential tool for the effective implementation of the Certification Scheme, and particularly for identifying any irregularities or anomalies which could indicate that conflict diamonds are entering the legitimate trade, Participants strongly support the following principles, taking into account the need to protect commercially sensitive information:

體認鑽石原石國際貿易與生產之可信賴及相互核對之資料，係有效執行本認證機制之關鍵方法，特別是防範任何合法規定或異常之行爲。參與方強力支持以下原則，並考量保護商業敏感資訊之必要：

- (a) to keep and publish within two months of the reference period and in a standardised format, quarterly aggregate statistics on rough diamond exports and imports, as well as the numbers of certificates validated for export, and of imported shipments accompanied by Certificates;
在參考期間之兩個月內以標準化格式，保存並公佈鑽石原石進出口之季統計資料，以及核發之進出口證書編號。
- (b) to keep and publish statistics on exports and imports, by origin and provenance wherever possible; by carat weight and value; and under the relevant Harmonised Commodity Description and Coding System (HS) classifications 7102.10; 7102.21; 7102.31;
保存並公佈進出口統計資料，儘可能記載原產地及來源，另包含克拉重量、價值、相關商品描述及 HS 號列。
- (c) to keep and publish on a semi-annual basis and within two months of the reference period statistics on rough diamond production by carat weight and by value. In the event that a Participant is unable to publish these statistics it should notify the Chair immediately;
在參考期間之兩月內，保存並公佈半年度鑽石原石生產統計報告，包含克拉重量及價值。參與方若無法公佈此等統計資料時應立即通知主席。
- (d) to collect and publish these statistics by relying in the first instance on existing national processes and methodologies;
蒐集並公佈優先依據現行國家處理程序與方法之統計資料。
- (e) to make these statistics available to an intergovernmental body or to another appropriate mechanism identified by the Participants for (1) compilation and publication on a quarterly basis in respect of exports and imports, and (2) on a semi-annual basis in respect of production. These statistics are to be made available for analysis by interested parties and by the Participants, individually or collectively, according to such terms of reference as may be established by the Participants;
使政府間組織或其他經參與方認定為適當之機構均可取得下列統計資料：(1) 有關進出口之季統計資料；(2) 有關生產資料之半年度統計資料。依據參與方建立之相關職權範圍、利害關係人、參與方、個人或團體得要求取得統計資料。
- (f) to consider statistical information pertaining to the international trade in and production of rough diamonds at annual Plenary meetings, with a view to addressing related issues, and to supporting effective implementation of the Certification Scheme.
在年度全體大會檢視相關鑽石原石國際貿易與生產之統計資料，以討論相關之議題並支持本國際認證機制之有效執行。