

Statutory Instrument No. 2 of 2003

PRECIOUS AND SEMI-PRECIOUS STONES (PROTECTION) ACT  
(Cap. 66:03)

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS, 2003  
(Published on 7th January, 2003)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I-*Preliminary*

1. Citation
2. Interpretation

PART II- *Exportation of Rough Diamonds*

3. Prohibition against unauthorised export of rough diamonds
4. Application for certificate to export rough diamonds
5. Refusal to issue certificates

PART III- *Importation of Rough Diamonds*

6. Prohibition against importation of rough diamonds
7. Validity and transfer of certificates
8. Appeal to President

PART IV- *Administration*

9. Duties of Minister

PART V- *Offences and Penalties*

10. Offences and penalties

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Minerals, Energy and Water Resources by section 38(1)(c) of the Precious and Semi-Precious Stones (Protection) Act, the following Regulations are hereby made—

PART I — *Preliminary*

1. These Regulations may be cited as the Export and Import of Rough Diamonds Regulations, 2003, and shall be deemed to have come into operation on the 1st January, 2003.

Citation

2. In these Regulations, unless the context otherwise requires –  
“conflict diamonds” means any rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments, as described in the relevant United Nations Security Council resolutions insofar as they remain in effect, or in other similar United Nations Security Council resolutions recognised in the United Nations General Assembly Resolution 55/56, or in other similar resolutions;

Interpretation

- “exporter” means a dealer authorised to export rough diamonds;  
 “importer” means a dealer authorised to import rough diamonds;  
 “Kimberley Process Certificate” means a certificate issued by the Minister to accompany a consignment of rough diamonds exported from Botswana;  
 “Kimberley Process” means an international method of certification of exports and imports of rough diamonds in order to exclude conflict diamonds from the legitimate trade of rough diamonds;  
 “UN General Assembly Resolutions” means Resolutions 55/56 and 56/263 passed by the UN General Assembly on 1 December, 2000 and 13 March, 2002 respectively.

## *PART II- Exportation of Rough Diamonds*

Prohibition against unauthorised export of rough diamonds  
 Application for certificate to export rough diamonds

3. (1) No person shall export rough diamonds unless he has been issued with a certificate in terms of regulation 4(2) by the Minister.

4. (1) A person wishing to export rough diamonds shall submit an application as set out in Form 1 of the Schedule, to the Minister and the application shall be accompanied by a fee of P500 and such other information as may be required by the Minister.

(2) Where the Minister is satisfied that the requirements of subregulation (1) have been satisfied, he shall issue the applicant a Kimberley Process Certificate as set out in Form 2 of the Schedule.

(3) Where the Minister rejects an application to issue a certificate, he shall inform the applicant in writing stating his reasons for the rejection thereof and he may advise the applicant to fulfil the requirements of these Regulations and re-submit the application.

Refusal to issue certificates

5. (1) The Minister may refuse to issue a certificate if he is satisfied that—

- (a) the rough diamonds in question are conflict diamonds; and
- (b) the applicant fails to satisfy any provision of these Regulations.

(2) Where the Minister rejects an application for the importation of rough diamonds, he shall notify the applicant in writing of that decision stating his reasons for the refusal thereof and he may advise the applicant to fulfil the requirements of these Regulations and re-submit the application.

## *PART III- Importation of Rough Diamonds*

Prohibition against importation of rough diamonds  
 Validity and transfer of certificates  
 Appeal to President

6. No person shall import any rough diamonds unless such rough diamonds are accompanied by a Kimberley Process Certificate issued in the State of export.

7. A Kimberley Process Certificate issued in terms of regulation 4 shall be valid for one month and shall not be renewable, nor transferable.

8. A person aggrieved by any decision of the Minister under these Regulations may appeal to the President against the decision.

**PART IV- Administration**

**9. The Minister shall —**

Duties of  
Minister

- (a) monitor the movement of rough diamonds;
- (b) adopt new technologies to safeguard the exportation and importation of rough diamonds;
- (c) ensure to the extent possible that rough diamonds are exported or imported in tamper resistant containers; and
- (d) collect and maintain export and import data and collate and exchange such data with any State which has adopted the UN General Assembly Resolutions.

**PART V- Offences and Penalties**

**10. Any person who exports or imports or causes to be exported or imported any rough diamonds contrary to these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding P1000 or to a term of imprisonment not exceeding 1 year, or to both.**

Offences  
and  
penalties

SCHEDULE  
(reg. 4)

REPUBLIC OF BOTSWANA

FORM 1

EXPORT AND IMPORT OF ROUGH DIAMONDS REGULATIONS  
(Cap. 66:03 (Sub. Leg.))

APPLICATION FORM FOR  
KIMBERLEY PROCESS CERTIFICATE

EXPORT OF ROUGH DIAMONDS

COUNTRY OF ORIGIN.....	NUMBER OF PARCELS.....
NAME AND.....	NAME AND.....
ADDRESS OF.....	ADDRESS OF.....
EXPORTER.....	IMPORTER.....

*HS CLASSIFICATION CARATS VALUE (THE PULA EQUIVALENT-US DOLLAR)*

7102.10		
7102.21		
7102.31		

Signed:

Capacity:

Date:

Place:

**REPUBLIC OF BOTSWANA**

**FORM 2**

**IMPORT AND EXPORT OF ROUGH DIAMONDS REGULATIONS  
(Cap. 66:03 (Sub. Leg.)  
(reg. 4 (2))**

**KIMBERLEY PROCESS CERTIFICATE**

CERTIFICATE NO:.....



**THE ROUGH DIAMONDS IN THIS SHIPMENT HAVE BEEN HANDLED IN ACCORDANCE WITH THE PROVISIONS OF THE KIMBERLEY PROCESS INTERNATIONAL CERTIFICATION SCHEME FOR ROUGH DIAMONDS**

COUNTRY OF ORIGIN..... NUMBER OF PARCELS.....

NAME AND..... NAME AND.....

ADDRESS OF..... ADDRESS OF.....

EXPORTER..... IMPORTER.....

*HS CLASSIFICATION CARATS VALUE (THE PULA EQUIVALENT-US DOLLAR)*

7102.10		
7102.21		
7102.31		

**THIS CERTIFICATE**

**ISSUED [DD/MM /YY]**

**EXPIRES [DD/MM /YY]**

**SIGNATURE OF  
AUTHORISED  
OFFICER.....**

**OFFICIAL STAMP**

MADE this 6th day of January, 2003.

**B. MOKGOTHU,**  
*Minister for Minerals, Energy and  
Water Resources.*