INTERPRETATION AND IMPLEMENTATION MATTERS

GENERAL COMPLIANCE AND ENFORCEMENT

MALAGASY PALISANDERS AND ROSEWOODS (DALBERGIA SPP.)
AND EBONIES (DIOSPYROS SPP.)

1. This document has been prepared by the Secretariat in consultation with the Chair of the Standing Committee.

Background

2. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.94 to 18.99 on Malagasy palisanders and rosewoods (Dalbergia spp.) and ebonies (Diospyros spp.) as follows:

Directed to source, transit and destination Parties for Malagasy Dalbergia spp. and Diospyros spp.

18.94 Source, transit and destination Parties for specimens of species of the genera Dalbergia and Diospyros occurring in Madagascar are urged to:
   a) enforce all the measures that are recommended by the CITES Standing Committee concerning commercial trade in specimens of these species from Madagascar, including suspensions of such trade;
   b) effectively manage timber stockpiles of Dalbergia spp. and Diospyros spp. from Madagascar; and
   c) provide written reports describing progress made with implementation of paragraphs a) and b) of this Decision to the 73rd and 74th meetings of the Standing Committee.

Directed to Parties and other relevant partners

18.95 Parties and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO), the International Consortium on Combating Wildlife Crime (ICCWC) and other intergovernmental and non-governmental organizations, are invited to:
   a) enforce all measures that are recommended by the CITES Standing Committee concerning commercial trade in specimens of Malagasy Dalbergia spp. and Diospyros spp. from Madagascar;
   b) collaborate with Madagascar in the implementation of the agreed parts of the use plan to manage stockpiles of timber of these species from Madagascar; and
   c) provide technical and financial assistance to support the implementation of Decision 18.96.
**Directed to Madagascar**

**18.96** Madagascar shall:

a) continue to identify the main commercially valuable species in the genera Dalbergia and Diospyros from Madagascar, in cooperation with the Secretariat and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations;

b) continue to make progress in the development of non-detriment findings for commercially valuable species in the genera Dalbergia and Diospyros, including implementation of appropriate monitoring mechanisms;

c) for those species identified under paragraph a) establish, in collaboration with the CITES Secretariat, a precautionary export quota based upon a scientifically robust non-detriment finding;

d) continue the production of identification materials for timber and timber products from species of the genera Dalbergia and Diospyros from Madagascar;

e) for those species identified under paragraph a), strengthen control and enforcement measures against illegal logging and export at the national level, including seizures, investigations, arrests, prosecutions, and sanctions, regardless of the title and level of responsibility of the offenders;

f) subject to available funding, secure the stockpiles (including undeclared and hidden stocks) of timber of Dalbergia and Diospyros in Madagascar, and submit regular updates on audited inventories thereof, and a use plan based on transparency and independent oversight mechanisms, for consideration, approval and further guidance from the Standing Committee;

g) share with the Secretariat a proposed budget, to seek assistance from Parties and technical and financial partners for the implementation of this Decision; and

h) provide reports on progress with the implementation of Decision 18.96 to the 25th and 26th meetings of the Plants Committee and the 73rd and 74th meetings of the Standing Committee;

**Directed to the Plants Committee**

**18.97** The Plants Committee shall, at its 25th and 26th meetings:

a) review reports from Madagascar and the Secretariat as appropriate on the implementation of Decision 18.96, and provide recommendations to the Standing Committee and the Secretariat; and

b) provide assistance to Madagascar with the implementation of Decision 18.96.

**Directed to the Standing Committee**

**18.98** The Standing Committee shall, at its 73rd and 74th meetings:

a) review reports from Madagascar and the Secretariat on the implementation of Decisions 18.96 and 18.97, and make recommendations to Madagascar, relevant Parties and the Secretariat as appropriate, and take measures in accordance with Resolution Conf. 14.3 on CITES compliance procedures if Madagascar fails to satisfactorily implement the actions directed to it in Decision 18.96.

b) consider establishing a small intersessional advisory group of Parties to assist and advise Madagascar on the implementation of all measures regarding Dalbergia spp and Diospyros spp.
**Directed to the Secretariat**

**18.99** The Secretariat shall:

a) assist in the implementation of Decisions 18.94 to 18.97;  
b) subject to external funding, assist with relevant capacity-building activities in Madagascar and transit and destination countries concerned by the trade in specimens of Dalbergia spp. and Diospyros spp. from Madagascar;  
c) issue a Notification calling on potential destination countries, of shipments of illegal specimens of Dalbergia spp. and Diospyros spp. from Madagascar to take appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and apply appropriate sanctions against traffickers in accordance with the provisions of the Convention; and  
d) provide reports on progress with the implementation of this Decision to the Plants Committee and the Standing Committee, as appropriate.

3. In the context of implementation of Decisions 18.96 and 18.99, the Standing Committee reviewed reports from Madagascar and the Secretariat at its 74th meeting (SC74, Lyon, March 2022) – see documents SC74 Doc. 28.3.1 and SC74 Doc. 28.3.2. The Secretariat reported to SC74 that considerable progress had been made with the scientific aspects of Decision 18.96 and with control and enforcement measures against illegal logging and exports at the national level. However, despite the considerable efforts made by Madagascar and its partners, insufficient progress regarding the governance aspects of Decision 18.96 had been made. The Stockpile Verification Mechanism and Business Plan also no longer seemed appropriate in the framework of CITES in light of Madagascar’s announcement that only national use of stockpiles was envisaged. Concerns were raised at SC74 about undeclared and hidden stockpiles. The Standing Committee agreed the following recommendations (document SC74 Sum. 4 (Rev. 1) (08/03/2022)):

*The Committee:*

a) decided to uphold the recommendation for Parties not to accept exports or re-exports for commercial purposes from Madagascar of specimens of Diospyros spp. (populations from Madagascar; annotation #5) or Dalbergia spp. (annotation #15) from Madagascar, until Madagascar has made a legal acquisition finding and a non-detriment finding for these species on a national level to the satisfaction of the Secretariat;  
b) invited Parties of origin, transit and destination of specimens of Dalbergia spp. and Diospyros spp. from Madagascar to implement all the measures recommended by the Standing Committee regarding commercial trade in specimens of these species from Madagascar, including the suspension of such trade, and to effectively manage the stockpiles of wood of Dalbergia spp. and Diospyros spp. from Madagascar. Parties are invited to follow the guidance included in Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species, in particular paragraphs 2 and 8;  
c) noted the progress made by Madagascar regarding paragraphs a) to d) of Decision 18.96 (i.e., scientific aspects) and paragraph e) (i.e., enforcement); invited Madagascar to identify where additional training would be needed and called on the Parties and relevant partners to provide technical and financial assistance to support the work of Scientific Authorities and enforcement authorities;  
d) noted:

i) the statements by Madagascar about its intention to make domestic use of the ‘officially controlled’ stockpiles;  
ii) that, for this reason, the management and use of these stockpiles corresponding to Step 1 of Phase 1 of the Stockpile Verification Mechanism and Business Plan no longer falls within the scope of CITES; and  
iii) that, consequently, paragraph g) of Decision 18.96 is no longer appropriate;
e) invited Madagascar to implement all the necessary control measures for the application and respect of annotation #15 in the event of any export of objects made from Dalbergia spp.;

f) invited Madagascar to refer to the Standing Committee after completion of the process to manage and use the ‘officially controlled’ stockpiles on a domestic level in order to report its outcomes;

g) noted the progress made in the framework of the Intersessional Advisory Group established to assist and advise Madagascar on the implementation of all measures regarding Dalbergia spp. and Diospyros spp., and considers that its mandate has been fulfilled;

h) noted document SC74 Doc. 28.3.2 and the progress made regarding the provisions of paragraphs a) to c) of Decision 18.99 directed to the Secretariat;

i) instructed the Secretariat to publish a Notification to the Parties reflecting paragraph a) of the present recommendations;

j) requested the Secretariat, subject to the availability of resources, to assess the administrative and legislative provisions for the implementation of CITES in Madagascar, in accordance with Article XIII of the Convention, to explore the necessary measures and to provide Madagascar with the technical assistance required for implementing the Convention; and

k) agreed to propose to CoP19 the renewal of paragraph f) of Decision 18.96 amended as follows:

   f) subject to available funding, secure the stockpiles (including undeclared and hidden stocks) of timber of Dalbergia and Diospyros in Madagascar, and submit regular updates on audited inventories thereof, and a use plan based on transparency and independent oversight mechanisms, for consideration, approval and further guidance from the Standing Committee;

4. The Secretariat noted that, during the past years, there had been some overlap between the decisions adopted by the Conference of Parties and the Standing Committee recommendations on Malagasy palisanders and rosewoods (Dalbergia spp.) and ebonies (Diospyros spp.). A detailed comparison of the CoP18 Decisions and the SC74 recommendations is available in Annex 2 to the present document.

5. In order to avoid challenges in aligning CoP Decisions and Standing Committee recommendations moving forward, the Secretariat proposes the adoption of a new set of CoP draft decisions and the deletion of the CoP18 Decisions that appear to be redundant, while renewing paragraph f) of Decision 18.96 and deleting paragraph g) of the same Decision as agreed by the Standing Committee. Thus, the Secretariat proposes that the Conference of the Parties consider the following:

   a) Decisions 18.94 and 18.95 directed to Parties and others relevant partners be deleted, considering that they are covered by paragraphs a) to c) of the recommendations made at the 74th meeting of the Standing Committee;

   b) Decision 18.96, paragraphs a) to e), directed to Madagascar be deleted as they are covered by paragraph c) of the Standing Committee’s recommendations inviting Madagascar to identify where additional training would be needed and called on the Parties and relevant partners to provide technical and financial assistance to support the work of Scientific Authorities and law enforcement officers;

   c) Decision 18.96 paragraph g) directed to Madagascar be deleted as agreed by the Standing Committee;

   d) Decision 18.98 paragraphs a) and b) be deleted as the Standing Committee considered that they had been implemented;

   e) Decision 18.99 paragraph a) directed to the Secretariat be deleted as it is covered by paragraph j) of the Standing Committee’s recommendation. In paragraph j), the Secretariat, subject to the availability of resources, is requested to assess the administrative and legislative provisions for the implementation of CITES in Madagascar, in accordance with Article XIII of the Convention, to explore the necessary measures and to provide Madagascar with technical assistance required for implementing the Convention.

6. As noted in recommendation c) of the Standing Committee, Madagascar has made progress on the development of non-detriment findings, the production of identification materials and enforcement measures
against illegal logging. The Secretariat thus recommends that the new set of draft decisions focus on the securing of the stockpiles with the Secretariat reporting to the Standing Committee on the issue.

7. The Secretariat will implement recommendation j) of the Standing Committee and, subject to the availability of resources, explore the necessary measures, i.e. any remedial action to be implemented by Madagascar, in accordance with Article XIII of the Convention. The Secretariat will report on the implementation of this recommendation to the Standing Committee and will identify any potential compliance matters and bring them to the attention of the Standing Committee in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance procedures. Should any compliance matters be identified, the Secretariat will trigger an Article XIII procedure following the Guide to CITES compliance procedures in the Annex to Resolution Conf. 14.3 (Rev. CoP18). In accordance with SC74 recommendations, the Secretariat proposes that the new set of draft decisions focus on securing the stockpiles and providing capacity-building activities in Madagascar and transit and destination countries concerned by the trade in specimens of Dalbergia spp. and Diospyros spp. from Madagascar.

8. It is further noted that the implementation of draft decision 19.CC paragraph a) would require significant funding. The implementation of part of this draft decision could take place after the implementation of recommendation j) of the Standing Committee mentioned in paragraph 3 above. In Annex 3, the Secretariat provides a tentative budget for the implementation of activities involving the Secretariat.

Recommendations

9. The Conference of the Parties is invited to:

   a) adopt the draft decisions on Malagasy palisanders and rosewoods (Dalbergia spp.) and ebonies (Diospyros spp.) as presented in Annex 1 to the present document; and

   b) delete Decisions 18.94 to 18.99 as they are covered by the Standing Committee’s recommendations or carried forward in the draft decisions in Annex 1.
Directed to Madagascar

19.AA Madagascar shall:

a) secure the stockpiles (including undeclared and hidden stocks) of timber of *Dalbergia* spp. and *Diospyros* spp. in Madagascar, and submit regular updates on audited inventories and independent oversight mechanisms, for consideration and further guidance from the Standing Committee; [see paragraph f) of Decision 18.96 as amended by the Standing Committee]

b) provide reports on progress on the implementation of paragraph a) of this Decision to the Secretariat 60 days before the 77th and 78th meetings of the Standing Committee.

Directed to the Secretariat

19.BB The Secretariat shall:

a) subject to external funding, assist with relevant capacity-building activities in Madagascar and transit and destination countries concerned by the trade in specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar; [see paragraph b) of Decision 18.99]

b) reissue a Notification to the Parties reminding potential destination countries of shipments of illegal specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar to take appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and apply appropriate sanctions against traffickers in accordance with the provisions of the Convention; and [see paragraph c) of Decision 18.99]

c) provide reports on progress on the implementation of this Decision and Decision 19.AA directed to Madagascar to the Standing Committee, as appropriate. [see paragraph d) of Decision 18.99]

Directed to the Standing Committee

19.CC At its 77th and 78th meetings, the Standing Committee shall review reports from the Secretariat on the implementation of Decisions 19.AA and 19.BB, and make recommendations to Madagascar as appropriate.
COMPARISON OF THE COP18 DECISIONS AND THE SC74 RECOMMENDATIONS ON
MALAGASY PALISANDERS AND ROSEWOODS (DALBERGIA SPP.)
AND EBONIES (DIOSPYROS SPP.)

<table>
<thead>
<tr>
<th>CoP18 Decisions</th>
<th>SC74 recommendations</th>
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<tbody>
<tr>
<td><strong>18.94</strong> Directed to source, transit and destination Parties for Malagasy Dalbergia spp. and Diospyros spp.</td>
<td>Decisions 18.94 and 18.95 are covered by the following SC recommendations: The Committee: a) decided to uphold the recommendation for Parties not to accept exports or re-exports for commercial purposes from Madagascar of specimens of Diospyros spp. (populations from Madagascar; annotation #5) or Dalbergia spp. (annotation #15) from Madagascar, until Madagascar has made a legal acquisition finding and a non-detriment finding for these species on a national level to the satisfaction of the Secretariat; b) invited Parties of origin, transit and destination of specimens of Dalbergia spp. and Diospyros spp. from Madagascar to implement all the measures recommended by the Standing Committee regarding commercial trade in specimens of these species from Madagascar, including the suspension of such trade, and to effectively manage the stockpiles of wood of Dalbergia spp. and Diospyros spp. from Madagascar. Parties are invited to follow the guidance included in Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species, in particular paragraphs 2 and 8; c) noted the progress made by Madagascar regarding paragraphs a) to d) of Decision 18.96 (i.e., scientific aspects) and paragraph e) (i.e., enforcement); invited Madagascar to identify where additional training would be needed and called on the Parties and relevant partners to provide technical and financial assistance to support the implementation of Decision 18.96.</td>
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<td>Source, transit and destination Parties for specimens of species of the genera Dalbergia and Diospyros occurring in Madagascar are urged to: a) enforce all the measures that are recommended by the CITES Standing Committee concerning commercial trade in specimens of these species from Madagascar, including suspensions of such trade; b) effectively manage timber stockpiles of Dalbergia spp. and Diospyros spp. from Madagascar; and c) provide written reports describing progress made with implementation of paragraphs a) and b) of this Decision to the 73rd and 74th meetings of the Standing Committee.</td>
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<td><strong>18.95</strong> Directed to Parties and other relevant partners</td>
<td>Paragraphs a) to e) of Decision 18.96 are covered by the following SC recommendation:</td>
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<td>Parties and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO), the International Consortium on Combating Wildlife Crime (ICCWC) and other intergovernmental and non-governmental organizations, are invited to: a) enforce all measures that are recommended by the CITES Standing Committee concerning commercial trade in specimens of Malagasy Dalbergia spp. and Diospyros spp. from Madagascar; b) collaborate with Madagascar in the implementation of the agreed parts of the use plan to manage stockpiles of timber of these species from Madagascar, and c) provide technical and financial assistance to support the implementation of Decision 18.96.</td>
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<td><strong>18.96</strong> Directed to Madagascar</td>
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<tr>
<td>Madagascar shall:</td>
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a) continue to identify the main commercially valuable species in the genera *Dalbergia* and *Diospyros* from Madagascar, in cooperation with the Secretariat and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations; 

b) continue to make progress in the development of non-detriment findings for commercially valuable species in the genera *Dalbergia* and *Diospyros*, including implementation of appropriate monitoring mechanisms;  
c) for those species identified under paragraph a) establish, in collaboration with the CITES Secretariat, a precautionary export quota based upon a scientifically robust non-detriment finding;  
d) continue the production of identification materials for timber and timber products from species of the genera *Dalbergia* and *Diospyros* from Madagascar;  
e) for those species identified under paragraph a), strengthen control and enforcement measures against illegal logging and export at the national level, including seizures, investigations, arrests, prosecutions, and sanctions, regardless of the title and level of responsibility of the offenders;  
f) subject to available funding, secure the stockpiles (including undeclared and hidden stocks) of timber of *Dalbergia* and *Diospyros* in Madagascar, and submit regular updates on audited inventories thereof, and a use plan based on transparency and independent oversight mechanisms, for consideration, approval and further guidance from the Standing Committee;  
g) share with the Secretariat a proposed budget, to seek assistance from Parties and technical and financial partners for the implementation of this Decision; and  
h) provide reports on progress with the implementation of Decision 18.96 to the 25th and 26th meetings of the Plants Committee and the 73rd and 74th meetings of the Standing Committee; 

c) noted the progress made by Madagascar regarding paragraphs a) to d) of Decision 18.96 (i.e., scientific aspects) and paragraph e) (i.e., enforcement); invited Madagascar to identify where additional training would be needed and called on the Parties and relevant partners to provide technical and financial assistance to support the work of Scientific Authorities and enforcement authorities; 

The Standing Committee agreed to propose the renewal of paragraph f) of Decision 18.96 as follows:  
f) subject to available funding, secure the stockpiles (including undeclared and hidden stocks) of timber of *Dalbergia* and *Diospyros* in Madagascar, and submit regular updates on audited inventories thereof, and a use plan based on transparency and independent oversight mechanisms, for consideration, approval and further guidance from the Standing Committee;  

The Committee:  
f) invited Madagascar to refer to the Standing Committee after completion of the process to manage and use the ‘officially controlled’ stockpiles on a domestic level in order to report its outcomes  

The Standing Committee agreed to propose the deletion of paragraph g) of Decision 18.96 since it is no longer appropriate. 

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**Directed to the Plants Committee**

The Plants Committee shall, at its 25th and 26th meetings:  

a) review reports from Madagascar and the Secretariat as appropriate on the implementation of Decision 18.96, and provide recommendations to the Standing Committee and the Secretariat; and  
b) provide assistance to Madagascar with the implementation of Decision 18.96.  

Paragraph a) of Decision 18.98 is implemented and can be deleted; The Standing Committee reviewed the reports from Madagascar and the Secretariat and made recommendations.  

Paragraph b) of Decision 18.98 is implemented and can be deleted; The Standing Committee:

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**Directed to the Standing Committee**

The Standing Committee shall, at its 73rd and 74th meetings:  

a) review reports from Madagascar and the Secretariat on the implementation of Decisions 18.96 and 18.97, and make recommendations to Madagascar, relevant Parties and the Secretariat as appropriate, and take measures in accordance with Resolution Conf. 14.3 (Rev. CoP18) on CITES compliance.
### Procedures if Madagascar fails to satisfactorily implement the actions directed to it in Decision 18.96.

- **b)** consider establishing a small intersessional advisory group of Parties to assist and advise Madagascar on the implementation of all measures regarding *Dalbergia* spp and *Diospyros* spp.

### Directed to the Secretariat

The Secretariat shall:

- **a)** assist in the implementation of Decisions 18.94 to 18.97;
- **b)** subject to external funding, assist with relevant capacity-building activities in Madagascar and transit and destination countries concerned by the trade in specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar;
- **c)** issue a Notification calling on potential destination countries, of shipments of illegal specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar to take appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and apply appropriate sanctions against traffickers in accordance with the provisions of the Convention; and
- **d)** provide reports on progress with the implementation of this Decision to the Plants Committee and the Standing Committee, as appropriate.

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Paragraph **a)** of Decision 18.99 is covered by the following SC recommendation:

- **j)** requested the Secretariat, subject to the availability of resources, to assess the administrative and legislative provisions for the implementation of CITES in Madagascar, in accordance with Article XIII of the Convention, to explore the necessary measures and to provide Madagascar with the technical assistance required for implementing the Convention;
TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP18) on Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

The Secretariat estimates that the activities involving the Secretariat would require the following estimated budget, for which no sources of funding have been identified to date, noting however that several partner organizations have expressed their continued interest in providing support for strengthening the implementation of CITES in Madagascar.

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<tr>
<th>Decision</th>
<th>Activities</th>
<th>Budget estimation</th>
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<tr>
<td>19.CC Directed to the Secretariat</td>
<td>Activities could include:</td>
<td>- USD 70,000 [international meeting]</td>
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<td>- An international meeting with relevant Parties,</td>
<td>- USD 70,000 [national training workshop]</td>
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<td>- Training of CITES authorities in Madagascar, and</td>
<td>- USD 80,000 [national enforcement capacity building]</td>
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<td>- Enforcement-related capacity building activities.</td>
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<tr>
<td>Total</td>
<td>USD 220,000</td>
<td>USD 220,000</td>
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