

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

Seventy-seventh meeting of the Standing Committee  
Geneva (Switzerland), 6–10 November 2023

ComplianceCompliance mattersExpedited application of Article XIII for West African rosewood  
(*Pterocarpus erinaceus*) for all range States

## REPORT BY SENEGAL

1. This document has been submitted by Senegal.\*
2. This document has been formulated to provide additional regional input on the Expedited application of Article XIII for West African rosewood (*Pterocarpus erinaceus*) for all range States.
3. Senegal played an active role in the listing of *Pterocarpus erinaceus* (*P. erinaceus*) in Appendices II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The transfer of *P. erinaceus* from Appendix III to Appendix II at the 16th meeting of the Conference of the Parties (CoP16) in 2016 was proposed by Senegal and co-sponsored by seven range states (Benin, Burkina Faso, Guinea, Guinea-Bissau, Mali, Nigeria, Togo) and another African non-range state, Chad. Taking into consideration the awareness regarding the regional risks associated with the trade in *P. erinaceus*, Senegal wishes to bring to the attention of the Standing Committee the ongoing regional challenges concerning ability to make legal acquisition findings (LAFs), along with management of stockpiled timber harvested without LAFs or non-detriment findings (NDFs) and suspected continued illegal harvest and regional cross-border movement of *P. erinaceus*.
4. *P. erinaceus* is a species of rosewood native to the semi-arid Sudano-Guinean savannah forests of West Africa, including those of Senegal.<sup>1</sup> The species has been listed in CITES Appendix III (the listing took effect on May 9, 2016), Appendix II (the listing took effect on January 2, 2017) and Nigeria's international trade has been suspended (the decision took effect on November 8, 2018).<sup>2,3,4</sup> Despite the Appendix II listing and suspension of trade in Nigeria, multiple reports and analyses of trade data indicate that the species has been continually exploited and traded at an unsustainable rate throughout the region.<sup>5,6,7</sup> At its 70th meeting (SC70, Sochi, 2018), the CITES Standing Committee recommended the Plants Committee

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\* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

<sup>1</sup> Hutchinson, J., et al. 1958. Flore de l'Afrique tropicale occidentale. Vol. 1, partie 2. Crown Agents for Overseas Governments and Administrations, Londres.

<sup>2</sup> [https://cites.org/sites/default/files/eng/cop/17/prop/SN\\_Pterocarpus\\_erinaceus.pdf](https://cites.org/sites/default/files/eng/cop/17/prop/SN_Pterocarpus_erinaceus.pdf)

<sup>3</sup> [https://cites.org/sites/default/files/eng/cop/17/CITES\\_CoP17\\_DECISIONS.pdf](https://cites.org/sites/default/files/eng/cop/17/CITES_CoP17_DECISIONS.pdf)

<sup>4</sup> <https://cites.org/sites/default/files/notif/E-Notif-2018-084.pdf>

<sup>5</sup> <https://www.sciencedirect.com/science/article/abs/pii/S000632071930117X>

<sup>6</sup> [http://jaesnet.com/journals/jaes/Vol\\_9\\_No\\_2\\_December\\_2020/10.pdf](http://jaesnet.com/journals/jaes/Vol_9_No_2_December_2020/10.pdf)

<sup>7</sup> <https://science.thewire.in/environment/senegal-rosewood-forests-china-demand/>

to consider the inclusion of *P. erinaceus* from all range states in the CITES Significant Trade Review [RST; Resolution Conf. 12.8 (Rev. CoP18)]. This recommendation was subsequently endorsed by the 18th meeting of the Conference of the Parties to CITES (CoP18, Geneva, 2019), in Decision 18.92. This recommendation was based on information contained in a threat assessment on illegal wildlife trade in West and Central Africa (CoP18 Doc. 34), and instructed the Standing Committee, inter alia, "to consider any report from the Plants Committee, in response to the recommendation agreed at its 70th meeting, regarding the inclusion of *P. erinaceus* from all range States in the review of significant trade and make recommendations as necessary."<sup>8</sup>

5. The review of significant trade at the 25th Meeting of the Plants Committee classified the following countries as "action is required": Benin, Burkina Faso, Gambia, Ghana, Guinea Bissau, Mali, Nigeria and Sierra Leone. As such, these countries are included in stage 2 of the RST and, due to the urgency of the matter, the Plants Committee decided "to proceed via intersessional decision-making, in accordance with Article 19 of its Rules of Procedure, once the relevant consultations with the Range States have taken place and the report to be commissioned by the Secretariat is available."<sup>9</sup> At the 26th Meeting of the Plants Committee the in-session Working Group on the Review of Significant Trade considered updates and progress on both short and long term recommendations from the Plants Committee for the eight range States, revising recommendations where necessary. A number of range States have met the short term recommendation by requesting voluntary zero export quotas and some have made progress with NDFs, which the Standing Committee may consider at its 77th session in Geneva, for those range States in both the RST and Article XIII proceedings. Senegal is hoping for a cautious approach in their review.
6. As Senegal noted in our report to the 74th Meeting of the Standing Committee,<sup>10</sup> unsustainable and illegal trade in *P. erinaceus* is a regional problem, with "the 'boom and bust' cycle of overexploitation of *P. erinaceus* to the point of commercial extinction in country after country in West Africa, often in violation of domestic laws limiting or banning harvest and export, indicat[ing] that consistent policies applicable to the entire region are needed." As such, a regional strategy, to include consistent non-detriment findings and legal acquisition findings, are essential to protect the species.
7. In view of the growing regional awareness of the illegal trade risks associated with trade in *P. erinaceus*, Senegal brought the matter to the attention of the Standing Committee, which at its 74th session in Lyon, France, in March 2022, asked states to [justify the legal and scientific basis for](#) trade within 30 days or to set a voluntary a zero quota.
8. In [Notification No.2022/045 of June 8, 2022](#), the Secretariat published the results of the expedited procedure for the implementation of Article XIII concerning West African rosewood *Pterocarpus erinaceus*. The implementation of both legal acquisition findings and non detriment findings is a prerequisite for any resumption of trade by any country included in the Article XIII proceedings.
9. The suspension of commercial trade of specimens of *Pterocarpus erinaceus* from the seven range States retained in the Article XIII review became applicable from March 28, 2022.

#### Legal Acquisition Findings and Non-Detriment Findings.<sup>11</sup>

10. In addition to the existing *P. erinaceus* listing and ongoing compliance procedures, the 19th Convention of the Parties to the Convention listed *Pterocarpus* spp. and *Azelia* spp. in Appendix II, thus requiring legal acquisition findings and non-detriment findings prior to any trade, which amplifies the capacity needs in the region.
11. The CITES Standing Committee Intersessional Working Group on Wildlife Crime Enforcement Support in West and Central Africa, established under the terms set forth in Decision 19.88, held a virtual meeting on July 28, 2023, where members noted the need to promote collaboration between source, transit and consumer countries. Additionally, Working Group members acknowledged that further funding is needed and that the problems and funding needs of Parties far outweigh the funding available. Current financing mechanisms are not sufficient to meet the demand from Parties, and additional funding is needed to

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<sup>8</sup> <https://cites.org/sites/default/files/eng/prog/enforcement/E-CoP18-34.pdf>

<sup>9</sup> <https://cites.org/sites/default/files/eng/com/pc/25/exsum/E-PC25-ExSum-04-R1.pdf>

<sup>10</sup> <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-35-01-02.pdf>

<sup>11</sup> <https://cites.org/sites/default/files/eng/com/sc/75/E-SC75-SR.pdf>

support Parties efforts, although there was not agreement on whether establishment of a CITES enforcement fund or use of existing mechanisms was preferable.

12. The development of detailed legal acquisition findings and non-detriment findings for tree species is new to the region, and additional technical and financial support is needed. Taking into account the technical and financial difficulties of the range States, it would be prudent and essential to adopt a transitional period of technical preparation for a reasonable period to achieve the expected conservation impacts of the listing of *P. erinaceus* in accordance with the vision and efforts of CITES, and to avoid premature resumption of trade that increases unsustainable and illegal harvest in violation of CITES provisions.
13. It is worth mentioning that in order to protect fragile *P. erinaceus* populations, most West African countries adopted and implemented regulatory measures at an early stage.<sup>12</sup> These measures include harvest, transport and/or export bans, or strict control of these various stages, and are still in force. In a transition from strategic preparation of range States towards the development of non-detriment findings, a review of these laws and regulations will have to be undertaken to ensure that Management Authorities can also undertake legal acquisition findings prior to issuing each export permit, tracing back through the supply chain to the point of harvest. In addition, LAFs could be further strengthened by the addition of a technological traceability system for the efficient assessment and determination of legality.
14. The management of stockpiles, prior and subsequent to the expedited application of Article XIII for West African rosewood (*Pterocarpus erinaceus*) came into effect, presents potential risks for compliance with CITES. To date, there have been four requests from range States. The first request was approved by the Standing Committee in 2021 for the export of pre-Convention stocks, but as of December 2022 the approved exports had not occurred by the deadline set by the Standing Committee of November 13, 2022, although pre-Convention certificates had been issued.<sup>13</sup> A second request to export a stockpile of confiscated timber with a volume of 3,525 m<sup>3</sup> was not approved.<sup>14</sup> The third request to export a stockpile of 163,758 m<sup>3</sup> of *Pterocarpus erinaceus* in 2022 was not authorized, as the timber was harvested without adequate NDF and LAF.<sup>15</sup> A fourth request was submitted for the export of 160,000m<sup>3</sup> of stockpiled specimens of *P. erinaceus* that were harvested before the expedited application of Article XIII,<sup>16</sup> but was not approved, also due to lack of information about NDF and LAF in place at the time of harvest.<sup>17</sup> The only reason that the Standing Committee has knowledge of these particular stockpiles is that range States have requested exceptional authorization to export these stocks, although recommendations to suspend trade and voluntary zero export quotas currently apply to all range States. It is possible that other range States may also have stockpiles of specimens of *P. erinaceus* harvested without NDFs or LAFs. It is essential that the Standing Committee be notified of any other existing stockpiles, so that the specimens in question do not perpetuate the illegal and unsustainable trade that has only recently been addressed through the coordinated regional approach of the expedited Article XIII proceeding resulting in voluntary zero export quotas, or in their absence, recommendations to suspend trade. Furthermore, any current harvest not being done based on NDFs and without LAFs will create additional stockpiles. Range States need guidance and advice to inventory, manage, and secure these stockpiles to ensure that future harvest and trade in *P. erinaceus* is both sustainable and legal, in compliance with CITES requirements.
15. Drawing on all the above, Senegal would like to see a strategy of capacity-building for range States, with direct support for field visits, in order to make decisions based on an integrated assessment of the challenges to legal and sustainable harvest and trade.
16. Senegal recommends that in this exceptional case of Article XIII proceedings, as well as the Review of Significant Trade for *P. erinaceus*, the Standing Committee, at its 77th meeting:
  1. Create an in-session working group on *P. erinaceus*, to refine recommendations contained in this document and X.2.1. Expedited application of Article XIII for West African rosewood (*Pterocarpus erinaceus*) for all range States;

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<sup>12</sup> The full table of these measures can be found in the Annex to SC74 Doc. 35.1.2, <https://cites.org/sites/default/files/eng/com/sc/74/E-SC74-35-01-02.pdf>

<sup>13</sup> <https://cites.org/sites/default/files/notifications/E-Notif-2022-082.pdf>

<sup>14</sup> <https://cites.org/sites/default/files/documents/E-SC75-07-02-01.pdf>

<sup>15</sup> <https://cites.org/sites/default/files/notifications/E-Notif-2022-045.pdf>; <https://cites.org/sites/default/files/eng/com/sc/75/E-SC75-SR.pdf>

<sup>16</sup> [https://cites.org/sites/default/files/documents/E-PC26-16-04\\_0.pdf](https://cites.org/sites/default/files/documents/E-PC26-16-04_0.pdf), Annex 4

<sup>17</sup> <https://cites.org/sites/default/files/eng/com/sc/75/E-SC75-SR.pdf>

2. Note that any current or future harvest of *P. erinaceus* must occur in accordance with approved NDFs, and LAFs made by the Management Authority. If harvest is occurring without NDF and LAF, then this timber will only increase stockpiles of timber that cannot be exported in compliance with CITES sustainability and legality requirements;
3. Request range States included in the Article XIII proceedings and with voluntary zero export quotas to inventory and secure stockpiles, prior to resuming trade, to ensure that any exports of *P. erinaceus* only occur for timber that was harvested under approved NDFs and with LAFs made by the Management Authority following the provisions and Guidelines in Resolution Conf. 18.7 (Rev. CoP19);
4. Take note of any capacity-building and training specific to the making of Non-Detriment Findings and Legal Acquisition Findings provided by the Secretariat or others, in accordance with the provisions of the Convention to Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo;
5. Invite Parties to exercise due diligence [see Resolution Conf. 11.3 (Rev. CoP18)] and to not authorize the transit or import of any specimen if there is reason to believe that it is traded in contravention of the laws of any country involved in the transaction, or if there is reason to believe that the specimen accompanied by a CITES document may not have been traded in accordance with the provisions of the Convention;
6. Re-issue the SC75 recommendation instructing the Secretariat to provide, subject to external funding and upon request, capacity-building and training specific to the making of Non-Detriment Findings and Legal Acquisition Findings in accordance with the provisions of the Convention to Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. This recommendation should also note the need for the Secretariat to undertake missions to range States before SC78 and/or CoP20, subject to range State requests.
7. Invite Parties, in coordination with the Secretariat, to support range State efforts to develop and make Non-Detriment Findings and Legal Acquisition Findings in accordance with the provisions of the Convention;
8. Remind all Parties that Notification No. 2022/045 of 8 June 2022, recommending that the Parties maintain the suspension of commercial trade in specimens of the species *Pterocarpus erinaceus* from Cameroon, the Central African Republic, Chad, the Gambia, Guinea-Bissau, Mali and Togo according to the expedited compliance procedure pursuant to Article XIII, remains valid and in effect until the following conditions are met:
  - a. The Party concerned makes scientifically based non-detriment findings for trade in the species in their countries to the satisfaction of the Secretariat and the Chair of the Plants Committee, having regard to Resolution Conf. 16.7 (Rev. CoP17) and based on the outcomes of the Review of Significant Trade process for this species; and
  - b. The Party provides evidence of adequate legal acquisition findings to the satisfaction of the Secretariat and the Chair of the Standing Committee, having regard to Resolution Conf. 18.7 (Rev. CoP19);
9. Request range States to submit a report to the Secretariat on the implementation of these recommendations at least 90 days before SC78 so that the Secretariat can in turn submit its report and recommendations to the Standing Committee at that meeting;
10. Request the Secretariat to provide its report and recommendations to the 78th Meeting of the Standing Committee.