

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



Twenty-second meeting of the Plants Committee
Tbilisi (Georgia), 19-23 October 2015

Interpretation and implementation of the Convention

Species trade and conservation

Trees

Malagasy ebonies (*Diospyros* spp.) and Malagasy rosewoods (*Dalbergia* spp.)
(Decision 16.152)

REPORT OF THE SECRETARIAT

1. This document has been prepared by the Secretariat.

Background

2. At its 16th meeting (CoP16, Bangkok, 2013), the Conference of the Parties agreed to the inclusion in Appendix II of the Malagasy populations of the genera *Dalbergia* and *Diospyros*, with an annotation restricting the listing to "logs, sawn wood and veneer sheets" (annotation #5). The Conference of the Parties also adopted Decision 16.152 on *Malagasy ebonies* (*Diospyros* spp.) and *Malagasy rosewoods and palisanders* (*Dalbergia* spp.), as follows:

*The Conference of the Parties has adopted the Action Plan attached as Annex 3 to these Decisions to facilitate adequate implementation of the Appendix-II listings of *Diospyros* spp. (populations of Madagascar) and *Dalbergia* spp. (populations of Madagascar).*

The Action Plan is attached as Annex 1 to the present document.

3. The Secretariat and Madagascar presented to the Plants Committee, at its 21st meeting (PC21, Mexico, May 2014) and at the 65th meeting of the Standing Committee (SC65, Geneva, July 2014), their respective reports on the overall implementation of the Action Plan (documents [PC21 Doc. 18.3.1](#) and [PC21 Doc. 18.3.2](#)) and, specifically, on the implementation of paragraph 4 of the Plan (document [SC65 Doc. 48.1](#)).
4. The Action Plan states that the Plants Committee shall "work with Madagascar to implement the Action Plan and provide a format for and guidance on reporting on progress at the 17th meeting of the Conference of the Parties."
5. This report contains a description of the progress made by the Secretariat on the five action points addressed to it in the Action Plan.

Assistance provided to Madagascar in the preparation of a stockpile audit and use plan

6. Since November 2013, numerous reports of suspected illegal exports of rosewood from the country, using various routes, were received by the International Consortium on Combating Wildlife Crime (ICWC) partner agencies. In particular, illegal consignments have on a number of occasions transited through ports in East Africa, and were primarily destined for Asia. More than 4 000 tons of rosewood suspected to have been illegally exported from Madagascar were seized by authorities in various transit and destination countries between November 2013 and April 2014. The significant largest seizure was made on 14 March 2014, when the Agri-Food and Veterinary Authority (CITES Management Authority of Singapore) supported by Singapore customs, seized approximately 3 000 tonnes of rosewood by acting on intelligence received from ICWC partners. The case was still under investigation at the time of writing this document.
7. At its 65th meeting, the Standing Committee agreed a set of recommendations directed to Madagascar. These recommendations are contained in Annex 2 of the present document. SC65 recommended that Madagascar significantly increase its enforcement actions at national level and strengthen its enforcement cooperation at the international level to combat the illegal trade in Malagasy ebonies and rosewoods. Furthermore, it recommended that Madagascar consider as a matter of urgency the offer from ICWC to deploy a Wildlife Incident Support Team (WIST), and encouraged Madagascar to make use of the ICWC Wildlife and Forest Crime Analytic Toolkit to assist it in undertaking a national assessment of its current enforcement resources and efforts.
8. On 31 December 2014, the Management Authority of Madagascar submitted the “Use plan for precious timbers from Madagascar.” The Secretariat transmitted the plan to the Chair of the Standing Committee who shared it with the Committee for comments. The Committee had until the end of April 2015 to provide its input.
9. The President of the Republic of Madagascar and the CITES Secretary-General met for the second time in on 25 September 2014 in New York¹ (as previously reported to the PC21, they had met in Brussels, Belgium, on 3 April 2014), to discuss urgent actions to stem the illegal timber trade from Madagascar. They discussed at length various elements of the Action Plan on rosewood, palisander and ebonies. The President expressly recognized the urgent need to mobilize all necessary legislative and enforcement measures to combat illegal logging and related illegal exports and called for international support and cooperation to combat illegal exports and imports of these valuable tree species from Madagascar.
10. On 30 September 2014, the Secretariat received a formal request from the CITES Management Authority of Madagascar, Direction Générale des Forêts, Ministry of Environment, Ecology, Sea and Forests of Madagascar, for the implementation of the ICWC Wildlife and Forest Crime Analytic Toolkit in the country. At the time of writing, the United Nations Office on Drugs and Crime (UNODC) was in contact with the focal point appointed by Madagascar to put in place arrangements to commence with toolkit implementation.
11. Upon invitation from Malagasy customs, a mission team funded by ICWC and led by the World Customs Organization (WCO) visited Madagascar from 19 to 23 January 2015, to evaluate measures put in place by Malagasy customs to combat illegal trade in protected species, and to recommend additional measures that could be implemented. This was followed by the deployment of an ICWC Wildlife Incident Support Team (WIST)² to Madagascar from 9 to 13 March 2015, to provide analysis and support on the Government’s efforts to deal with illegal logging and trafficking in rosewood and other precious species. The WIST led by INTERPOL was hosted by the INTERPOL National Central Bureau (NCB) in Antananarivo and the Madagascar General Directorate of Forests, and included experts from the CITES Secretariat, UNODC and the World Bank. The WIST noted and welcomed the actions already taken in Madagascar to fight illegal logging and the associated illegal trade, but concluded that the impact of these may be fragile without further concrete measures in the near future.
12. Following the WIST to Madagascar, the Secretariat provided the Minister of Environment, Ecology, Sea and Forests with the findings of the WIST and its recommendations, while INTERPOL sent it to the INTERPOL NCB in Antananarivo. These offices were invited to take note of the recommendations and to discuss the urgent implementation of these recommendations with all relevant national agencies responsible for wildlife law enforcement in Madagascar.

¹ https://cites.org/eng/mg_president_unqa

² <https://cites.org/eng/dec/valid16/192>

13. In response to the recommendation k) adopted at SC65, Madagascar requested, in March 2015, a further extension of its zero export quota that will now remain valid until the next meeting of the Standing Committee (SC66, Geneva, January 2016). This was communicated to Parties through [Notification No. 2015/029](#) of 21 May 2015.
14. Further to the above, the Minister of Environment, Ecology, Sea and Forests of Madagascar visited the Secretariat in Geneva on 23 March 2015 to discuss the fight against illegal trade in CITES-listed timber species from Madagascar and related matters. As a follow-up to the meeting, the Secretariat sent a letter dated 13 April 2015 to the Minister highlighting some of the key activities related to CITES decisions and recommendations such as enforcement actions; the stockpile audit and use plan; extension of zero export quota; the ITTO-CITES programme and livelihoods.
15. From the Standing Committee, comments on the 'Use plan for precious timbers from Madagascar', were received from the United States of America and from the European Union. These were transmitted to the Management Authority of Madagascar.
16. On 15 May 2015, the Minister of Environment, Ecology, Sea and Forests from Madagascar, sent a letter to the Secretariat requesting it to assist Madagascar with the following actions:
 - i) marking of the seized stockpiles;
 - ii) identification and marking of non-seized stocks;
 - iii) transport of precious timber to secured locations; and
 - iv) security of the stockpiles until the 66th meeting of the Standing Committee (SC66, Geneva, January 2016).

The Minister further requested the Secretariat's assistance on the verification of the stockpiles and the revision of the use plan.

17. The Secretariat responded to the request in paragraph 16 offering the support it can provide considering the lack of financial and human resources available to assist Madagascar. The long-distance support from the Secretariat included the recommendation that the services of an experienced consultant be secured to assist Madagascar with its stockpile audit.
18. Regarding i) and ii) in paragraph 16, the Secretariat advised Madagascar to draw upon national expertise available through the University of Antananarivo. Hard and electronic copies of the publication on timber marking and traceability technologies produced by the ITTO-CITES programme were also made available to Madagascar.
19. Regarding iii) and iv) in paragraph 16, the Secretariat advised Madagascar to consider outsourcing the marking, inventory and securing of the stockpiles to internationally recognized organizations who can provide objective and robust support to ensure that the stockpiles do not become "fluid" as they have in the past. Careful handling of the stocks and eventual "sell-off" of the logs could easily cover the overheads with an expected profit.

Fundraising and information to relevant Parties

20. Finally, regarding the request of assistance in paragraph 11, the Secretariat recommended that, owing to the current embargo on all trade of *Diospyros* spp. and *Dalbergia* spp., Madagascar could seek funding from donors in order to train its national authorities so they can manage the legal stocks at a later date.
21. As reported to the 65th meeting of the Committee, the Secretariat continues seeking external funding from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other entities directly interested in supporting the implementation of the Action Plan. The Secretariat has identified different sources of possible funding for various elements of the Action Plan. Although the intention is not to channel these various funds through the Secretariat, the latter is coordinating the different agencies to avoid overlapping of activities.
22. The Government of Madagascar has received support from various organizations, including the CITES Secretariat, the Food and Agriculture Organization of the United Nations (FAO), INTERPOL, UNODC,

UNESCO, the World Bank and WCO. The World Heritage Committee of UNESCO has recommended corrective measures, including law enforcement, restoration of degraded areas and liquidation of stockpiles. The World Bank is also contributing funding for a stockpile audit and on measures to legally export specimens. FAO has already funded and undertaken some studies on legislation and stockpiles. The implementation of the Action Plan should be closely coordinated with these and other organizations to avoid duplicating activities.

ITTO-CITES programme on implementing CITES-listed tree species

23. Due to the worldwide range of distribution of the genus *Dalbergia*, Parties have experienced difficulties in identifying the species of this genus to which shipments in international trade belong. The identification of CITES-listed timber species continues posing problems to all CITES authorities.
24. Due to the above, the identification of timber species and, especially, of CITES-listed timber species, has become a priority area of work for the Parties. In this context, the ITTO-CITES programme has funded a global project, that brings together the work of Guatemala, Madagascar and, Switzerland, on DNA and wood anatomy timber identification. The project *Establishment of a fully documented reference sample collection and identification system for all CITES-listed Dalbergia species and a feasibility study for Diospyros and look-alike species* will be implemented from the second half 2015 to the end of 2016 and may be the first of a series of activities oriented to support Parties in their efforts to address timber identification.

Capacity-building

25. In line with the Action Plan, the Scientific Authority of Madagascar will organize a workshop on NDF for *Dalbergia* and *Diospyros* spp from Madagascar. The Secretariat has secured funding for this purpose with the generous contribution of the European Union through the European Commission. The team of the Scientific Authority for plants from Madagascar will have new colleagues in early 2016 so the current team and the Secretariat have agreed to organize this workshop in 2016 when the new colleagues join.
26. Under the auspices of the International Consortium on Combating Wildlife Crime (ICWC), the World Customs Organization (WCO) and the Regional Intelligence Liaison Office for Asia and the Pacific (RILO AP) organized a workshop to combat the smuggling of timber from Madagascar to Asia in Seoul, Korea, from 19 to 20 May 2014. The workshop brought together 23 delegates from relevant customs administrations and other competent authorities along the supply chain, including from Madagascar. Participants of the workshop identified the following main challenges: inadequate enforcement measures in Madagascar to combat the illegal export of timber and lack of resources to control the 5 000 km long coastline; tracking and tracing of suspicious containers and vessels; identification of species and determination of origin of timber; verification of authenticity of documents accompanying consignments; and storage and disposal of illegal timber consignments and associated costs.
27. WCO's Regional intelligence Liaison Office for Asia/Pacific (RILO AP) is acting as information hub to gather, analyze and disseminate relevant information and intelligence on suspicious consignments and vessels involved in illegal rosewood trade. To facilitate secured information sharing between source, transit and destination countries, WCO has set up an internet based Customs Enforcement Network Communication application called CENcomm Rosewood, which is accessible to a closed user group.
28. From 12 to 14 May 2015, the Secretariat participated in the Indian Ocean Forum on Maritime Crime (IOFMC) technical level meeting on wildlife and forest crime in Nairobi, Kenya. IOFMC was established by the UNODC Global Maritime Crime Programme in 2015 as a response to the main threats identified by UNODC in the report "Transnational Organized Crime in Eastern Africa: A Threat Assessment,"³ and upon request from member States in the region. The meeting was organized by UNODC in cooperation with the Government of Kenya's Ministry of Environment, Water and Natural Resources. Senior law enforcement and prosecution experts who focus on wildlife and forest crimes as well as wildlife and forest authorities from ten countries, mainly from Africa including three participants from Madagascar, attended the meeting. IOFMC provides a regional network among Indian Ocean states to promote cooperation and response to maritime crime issues including wildlife and forest crimes at the strategic and operational level. One of the particular focus of the IOFMC's wildlife and forest crime group is illegal trade in rosewood.

Recommendations

³ See https://www.unodc.org/documents/data-and-analysis/Studies/TOC_East_Africa_2013.pdf

29. The Committee is invited to:

- a) note this report;
- b) advise on an appropriate format and provide guidance to enable Madagascar to report on progress at the 17th meeting of the Conference of the Parties (CoP17);
- c) review Madagascar's report on the implementation of the Action Plan and provide it with relevant support and advice; and
- d) recommend and facilitate the preparation of a standard nomenclatural reference for Malagasy species of *Diospyros* and *Dalbergia* to be adopted, if appropriate, at CoP17. This item should be considered and discussed under agenda item 21 on *Standard nomenclature [Resolution Conf. 12.11 (Rev. CoP16)]*.

ACTION PLAN FOR *DIOSPYROS* SPP. AND *DALBERGIA* SPP.

Madagascar shall:

1. Establish, in collaboration with the CITES Secretariat, a science-based precautionary export quota for the listed taxa where an adequate non-detriment finding can be undertaken and clearly documented for any species planned for export;
2. Establish, as appropriate, and with key partners [including the CITES Secretariat, CITES Plants Committee, International Tropical Timber Organization (ITTO), main importing countries, and national and international research/conservation organizations] a process (research, information gathering and analysis) to identify the main species to be exported. Workshops should be organized for selected species to establish the adequate non-detriment findings required in paragraph 1;
3. Collaborate, as appropriate, and with key partners, as indicated in paragraph 2 above, to prepare identification material and tests for use in CITES enforcement to identify main taxa as they are traded;
4. Put in place an embargo on export of stocks of these timbers until the CITES Standing Committee has approved the results of a stockpile audit and use plan to determine what component of the stockpile have been legally accumulated and can be legally exported;
5. Collaborate, as appropriate, and with key partners, as indicated in paragraph 2 above, to establish enforcement mechanisms to assist in implementation of any export quota, stockpile control and opening of any legal and sustainable trade utilizing timber tracking systems and other technology as appropriate;
6. Provide written reports on progress with the implementation of the plan to the Secretariat and Plants Committee, in compliance with document deadlines for meeting of that Committee; and
7. Provide a document outlining progress with the implementation and any required adjustments to the Action Plan at the 17th meeting of the Conference of the Parties.

The Plants Committee shall:

1. Work with Madagascar to implement this Action Plan and provide a format for and guidance on reporting on progress at the 17th meeting of the Conference of the Parties;
2. Receive reports from Madagascar on the implementation of the plan, analyse and assess these, and assist and advise on same at its 21st and 22nd meetings; and
3. Recommend and facilitate the preparation of a standard reference for the names of *Diospyros* spp. (populations of Madagascar) and *Dalbergia* spp. (populations of Madagascar) to be adopted, if appropriate, at the 17th meeting of the Conference of the Parties.

Importing countries, especially developed country Parties, shall:

1. Work with Madagascar to implement this Action Plan, make recommendations on sources of funding when necessary, and provide funding and technical support to implement the plan on a voluntary basis.

The Secretariat shall:

1. Subject to available resources, assist Madagascar in the preparation of a stockpile audit and use plan, consistent with the Convention and relevant Resolutions and Decisions of the Conference of the Parties, for presentation to the CITES Standing Committee;
2. Seek external funding from interested Parties, intergovernmental and non-governmental organizations, exporters, importers and other entities directly interested in supporting this Decision;
3. Inform relevant Parties of the management of funds that have been raised, of technical assistance available and how they may access these resources;

4. Request technical assistance of ITTO in the framework of Resolution Conf. 14.4 on *Cooperation between CITES and ITTO regarding trade in tropical timber*, and
5. Promote, facilitate and assist capacity building in Madagascar and in importing countries, including as appropriate transit countries, through workshops, training and other activities considered relevant between the 16th and 17th meetings of the Conference of the Parties.

SC65 Summary Record

On agenda item 48. on Malagasy ebonies (*Diospyros* spp.) and Malagasy rosewoods (*Dalbergia* spp.)

The Committee agreed to:

- a) ask Madagascar to continue working and present a stockpile audit and use plan at the 66th meeting of the Standing Committee (SC66);
- b) request Madagascar to significantly increase the enforcement actions at a national level and to strengthen their enforcement cooperation at the international level;
- c) request Madagascar to consider as a matter of urgency the offer from the International Consortium on Combating Wildlife Crime (ICCWC) and to deploy a Wildlife Incident Support Team (WIST);
- d) encourage Madagascar to make use of the ICCWC Wildlife and forest crime analytic toolkit to assist it in undertaking a national assessment of its current enforcement resources and efforts;
- e) note the preliminary checklist of *Dalbergia* species from Madagascar, presented as information document SC65 Inf. 21 by the Botanical Nomenclature Specialist of the Plants Committee and, encourage Parties to use it as a provisional reference;
- f) encourage Parties to remain vigilant in detecting illegal shipments of CITES-listed timber species coming from Madagascar, taking into account the zero export quota;
- g) encourage Parties that are possible destinations or transit countries for shipments of Malagasy ebonies, palisanders and rosewoods and, that have not yet done so, to incorporate the CoP16 amendments to the Appendices into their national legislation as soon as possible, and to identify any other legislative authority that might be used in the interim to support appropriate law enforcement actions in case of the discovery of shipments without CITES permits;
- h) request that the Secretariat continue its collaborative efforts with the government of Madagascar and organizations that work on elements of the Action Plan on *Dalbergia* and *Diospyros* from Madagascar and that it reports back on its findings to the SC66;
- i) request Madagascar to extend the zero export quota until SC66;
- j) request Madagascar to submit a use plan by 31 December 2014 for consideration of the Committee by postal procedure; and
- k) in the case that Madagascar does not communicate to the Secretariat the extension of the zero export quota by the 10 August 2014 (quota valid until the 11 August), recommend that all Parties suspend trade in specimens of the species *Dalbergia* and *Diospyros* from Madagascar, to be reviewed at SC66.

Finally, the Committee agreed that, if Madagascar did not make significant progress in the implementation of the recommendations above before SC66, the Committee may consider compliance measures at that meeting.