

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



Sixty-sixth meeting of the Standing Committee
Geneva (Switzerland), 11-15 January 2016

Interpretation and implementation of the Convention

Species trade and conservation

Ebonies (*Diospyros* spp.) and rosewoods and palisanders (*Dalbergia* spp.) from Madagascar

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 specifying that the listing covers "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 palisanders and rosewoods* (*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 Action Plan states that Madagascar shall, among other actions,:
 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;...*
4. The Secretariat and Madagascar presented to the Plants Committee [at its 21st (PC21, Veracruz, May 2014) and 22nd meetings (PC22, Tbilisi, October 2015)] and the Standing Committee [at its 65th meeting (SC65, Geneva, July 2014)] their respective reports on the overall implementation of the Action Plan (see documents [PC21 Doc. 18.3.1](#), [PC21 Doc. 18.3.2](#), [PC22 Doc. 17.3.1](#) and [PC22 Doc. 17.3.2](#)) and, specifically, on the implementation of paragraph 4 of the Action Plan (see document [SC65 Doc. 48.1](#)).
5. At SC65, the Standing Committee agreed to additional recommendations, which are contained in Annex 2 of the present document.

6. This report contains a description of the progress made by the Secretariat on the five action points addressed to it in the Action Plan. It further provides information on the implementation status of the recommendations adopted at SC65, gives an overview of recent events communicated to the Secretariat since SC65, and presents recommendations for consideration by the Standing Committee at the present meeting. This document should be considered together with the report by Madagascar to the 66th meeting of the Standing Committee (SC66, Geneva, January 2016).

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

7. In August 2013, Madagascar adopted an 'embargo' on the exports of *Diospyros spp.* and *Dalbergia spp.* in the form of a zero export quota for these species. The embargo was extended on several occasions, most recently until SC66. Despite the embargo being in place, illegal harvest of ebony/rosewood or its subsequent illegal export do not seem to be slowing or stopping. 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, and these were reported at SC65. Since SC65, the Secretariat continued to receive information on suspected illegal shipments of timber being exported from Madagascar and on the use of fraudulent CITES permits related to this trade. Most recently, in October 2015, the Secretariat was informed by the World Customs Organization that Hong Kong SAR customs made a large scale seizure of suspect Malagasy rosewood.
8. On 31 December 2014, the Management Authority of Madagascar submitted a "Use plan for precious timbers from Madagascar" to the Secretariat in accordance with **recommendation j)** agreed at SC65. The Secretariat transmitted the plan to the Chair of the Standing Committee, who shared it with the members of the Standing Committee for comments by the end of April 2015. Comments on the use plan were received from the United States of America and Hungary (on behalf of the European Union). The Secretariat translated these into French, and transmitted them to the Management Authority of Madagascar on behalf of the Standing Committee in September 2015. Switzerland provided its comments directly to the Management Authority of Madagascar. The comments can be made available if the Committee so decides.
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 at PC21, they had met before in Brussels 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 ebonyes. 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. Regarding **recommendation d)** agreed at SC65, the Secretariat received on 30 September 2014 a formal request from the CITES Management Authority of Madagascar (General Directorate of Forests, Ministry of Environment, Ecology, Sea and Forests), for the implementation of the ICWC Wildlife and Forest Crime Analytic Toolkit in the country. The United Nations Office on Drugs and Crime (UNODC) was in contact with Madagascar at the time of writing to put arrangements in place to commence 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 a Wildlife Incident Support Team (WIST)² to Madagascar from 9 to 13 March 2015 in accordance with **recommendation c)** agreed at SC65, to provide analysis of, and support for 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, INTERPOL, UNODC and the World Bank. The WIST noted and welcomed the actions already taken by Madagascar to fight illegal logging and the associated illegal timber trade, but concluded that the impact of these may be fragile without further concrete measures in the near future.
12. 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 discuss their urgent implementation with all relevant national agencies responsible for wildlife law enforcement in Madagascar. ICWC formally offered

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

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

its continued assistance to Madagascar, indicating that it remained at the disposal of the country, if requested, to support the implementation of the recommendations resulting from the WIST.

13. 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 other CITES implementation issues. As a follow-up to the visit, the Secretariat sent a letter to the Minister on 13 April 2015, highlighting some of the key issues related to CITES decisions and recommendations to be addressed, such as: enforcement actions; the stockpile audit and use plan; the extension of zero export quotas for *Dalbergia* spp. and *Diospyros* spp.; the International Tropical Timber Organization (ITTO)-CITES programme; and livelihoods.
14. In response to **recommendation i)** adopted at SC65, Madagascar decided in March 2015 on a further extension of its zero export quota for *Dalbergia* spp. and *Diospyros* spp. until SC66. This was communicated through Notification to the Parties [No. 2015/029](#) of 21 May 2015.
15. The Minister of Environment, Ecology, Sea and Forests from Madagascar, sent a letter to the Secretariat on 15 May 2015, 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 for the verification of stockpiles and the revision of Madagascar's use plan.

16. In view of a lack of financial and human resources to provide in-country assistance, the Secretariat offered remote support from Geneva, and further recommended that Madagascar secure the services of an experienced consultant to assist with stockpile audits and other related activities.
17. Regarding points i) and ii) in paragraph 15 above, 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.
18. Regarding points iii) and iv) in the same paragraph, the Secretariat advised Madagascar to consider outsourcing the transport and security services to internationally recognized organizations with adequate expertise, and which could provide objective and robust assurances that the timber would be transported and secured in an appropriate manner, preventing it from being laundered into illegal trade. The Secretariat further suggested that careful handling of the stocks, and the potential benefits from an eventual "sell-off" of the logs could cover the costs and overheads of such outsourcing.

Financial support for the implementation of Decision 16.152

19. To date, 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, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Bank and WCO. The World Bank is contributing funding for a stockpile audit and 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 and funding.

Capacity-building

ITTO-CITES programme on implementing CITES-listed tree species

20. The worldwide distribution and trade in timber of species of the genus *Dalbergia* presents challenges to Parties when implementing CITES. One of the main difficulties is the identification of CITES-listed timber species in international trade.
21. In this context, the ITTO-CITES programme funded a global project, bringing together work undertaken by Guatemala, Madagascar and Switzerland on DNA and wood anatomy timber identification. The implementation of 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* commenced in the second half 2015, and is expected to continue until the end of 2016. It may be the first of a series of activities oriented to support Madagascar and other Parties in their efforts to address timber identification.

Missions of the Secretariat to Madagascar

22. The Secretariat has undertaken capacity building missions to Madagascar in 2013, 2014 and 2015 in support of the overall implementation of CITES in Madagascar, and the Action Plan adopted by the Conference of Parties at its 16th meeting (CoP16).
 - a) Mission from 4 to 12 August 2013 to:
 - i) Provide training to the Scientific Authorities of Madagascar, focusing on the making of non-detriment findings (NDFs);
 - ii) Explain to relevant authorities recent developments at CoP16 and the implementation of Decision 16.152 and its Action Plan, particularly to the Comité de pilotage de bois de rose; and
 - iii) Liaise with colleagues working on precious woods in Madagascar, and establish collaboration to facilitate the implementation of the Action Plan.
 - b) Mission from 27 May to 4 June 2014 to:
 - i) Represent the CITES Secretariat and provide technical support to the Government of Madagascar on the overall implementation of the Action Plan, with particular emphasis on the implementation of paragraph 4 and the reporting on this matter for SC65;
 - ii) Meet new colleagues in the Government and others in international cooperation agencies;
 - iii) Establish cooperation between all stakeholders, and identify possible sources of funding for future activities that need to be implemented under the Action Plan;
 - iv) Meet with all relevant stakeholders, including the Direction of the President's Cabinet, CITES Management and Scientific Authorities, relevant ministries (of fisheries, forests), the judiciary, UNDP, the Comité de pilotage de bois de rose, the World Bank, and others; and
 - v) Make progress on coordination with the Scientific Authority for organizing an NDF workshop for these tree species, as called for under the Action Plan.
 - c. Participation in the ICCWC WIST from 9 to 23 January 2015 (see paragraph 11 of this document)

Recent developments

Reporting to PC22

23. In preparation of PC22, the Secretariat wrote to the Minister of Environment, Ecology, Sea and Forests to point out that the report from Madagascar in document [PC22 Doc. 17.3.2](#) on *Malagasy ebonies* (*Diospyros spp.*) and *Malagasy rosewoods and palisanders* (*Dalbergia spp.*) (Decision 16.152) did not contain information on paragraphs 4 and 5 of the Action Plan. The Secretariat encouraged the Minister to send a representative from the Management Authority of Madagascar to PC22 so that it could provide the

information missing from the report. The Secretariat received a positive response from the Chief of Cabinet of the Ministry, stating that Madagascar would provide all the necessary information as advised. This information was however not received, and the Management Authority of Madagascar did not attend PC22.

24. At PC22, the Plants Committee took note of documents [PC22 Doc. 17.3.1](#) and [PC22 Doc. 17.3.2](#) on *Malagasy ebonies* (*Diospyros spp.*) and *Malagasy rosewoods and palisanders* (*Dalbergia spp.*) (Decision 16.152), presented by the Secretariat and the Scientific Authority of Madagascar respectively. The Committee agreed to encourage 'the Madagascar Management Authority to become fully involved in this critical process' [see document [PC22 Com.6 \(Rev. by Sec.\)](#)]. The absence of the Management Authority and its report on the implementation of paragraphs 4 and 5 of the Action Plan were regretted by the Committee, which was not in a position to discuss the progress made by Madagascar on these elements of the Action Plan.

25. Additionally to the above, the Plants Committee:

- l) expresses concern regarding lack of data on amount of exports, seizures and stocks in the forests;
- m) encourages Madagascar to follow the recommendations made by the Secretariat in document [PC22 Doc. 17.3.1](#).

Illegal trade from Madagascar

26. From November 2013 to October 2015, ICCWC partners have monitored illegal rosewood shipments from Madagascar by tracking the vessels and following seizures to determine illegal trafficking routes and support the arrest and prosecution of individuals and companies involved. In most cases, the rosewood was loaded into small boats that then transferred the rosewood from the coast of Madagascar to larger vessels located on the high sea, outside the customs monitoring areas.

27. The observed locations were on the eastern and western coasts of the Masoala peninsula, such as the Antongil Bay, Ambalabe, Mananara, and south of the peninsula near Toamasina. The main illegal trade route from Madagascar seems to go through Zanzibar in the United Republic of Tanzania, before heading to Asia. The Secretariat addressed this issue at a meeting with the CITES Management Authority of the United Republic of Tanzania in August 2014. Other observed transit countries were Mozambique, Kenya and Sri Lanka. In some cases, the rosewood was reloaded into containers or onto another vessel at these transit locations. The observed final destinations of these shipments were Hong Kong SAR, Singapore and China. However, there are indications that both Hong Kong SAR and Singapore may have been used as transit points. ICCWC partners have been in contact with relevant transit and destination countries regarding suspect illegal shipments of rosewood from Madagascar.

28. The most common *modus operandi* reported by customs in transit and destination countries was the use of forged documents. In some cases, the rosewood was declared to be "South African hardwood timber" and in another case as non-protected wood, with a forged stamp and signature by a non-existing issuing authority. The vessels that seemed to be directly involved in these activities are registered in the following countries: Cambodia, Panama, Sierra Leone and United Republic of Tanzania.

29. The ICCWC partners are aware of the following seizures of rosewood that took place in East African and Asian countries between December 2013 and October 2015:

Date of seizure	Country	Amount of seized timber (weight in tonnes where known; number of logs or containers shown in brackets)
December 2013	China	20.8 tonnes
January 2014	United Republic of Tanzania	110 tonnes (771 logs)
February 2014	Madagascar	(2,135 logs)
February 2014	Zanzibar (United Republic of Tanzania)	(6 containers of logs)
March 2014	Singapore	3,372 tonnes
March 2014	Sri Lanka	419 tonnes (3,731 logs; 28 containers)

April 2014	Mozambique	90 tonnes
October 2015	Hong Kong (SAR)	1,008 tonnes (7,015 logs)

Three of the countries identified as transit countries for the illegal timber trade from Madagascar are Parties identified by the Standing Committee as requiring attention as a priority under the CITES National Legislation Project (i.e. Kenya, Mozambique and United Republic of Tanzania; see document SC66 Doc. 26.1).

30. In December 2014, the Secretariat was contacted by officials of Madagascar (General Directorate of Forests) regarding Madagascar's intention to send two teams of high-level officials on fact-finding and negotiation missions to countries that had seized rosewood suspected to have been illegally exported from Madagascar (i.e. Kenya, Mozambique, Sri Lanka and United Republic of Tanzania). The Secretariat was contacted by the Minister of Environment, Ecology, Sea and Forests of Madagascar in September 2015 regarding a similar visit to Singapore.
31. The largest seizure of rosewood to date was made on 14 March 2014 when the Agri-Food and Veterinary Authority (CITES Management Authority of Singapore), supported by Singaporean customs, acted on intelligence received from ICCWC partners and seized approximately 3,000 tonnes of rosewood. This case was ongoing and subject to appeal at the time of writing this document.
32. The Government of Madagascar has been in contact with Singapore regarding this seizure, including through dedicated missions to the country in the course of 2014.
33. In October 2015, the Secretariat received a letter from the Management Authority of Madagascar, reporting that six containers of timber of *Dalbergia* spp. from Madagascar had been seized in Mauritius in 2014. According to the letter, Madagascar and Mauritius had negotiated a return of the seized timber to Madagascar. However, because it was not possible for Madagascar to repatriate the timber, Madagascar states in the letter that it had been stockpiled with the Malagasy embassy in Mauritius. The Malagasy Management Authority asked the support of the Secretariat to organise an international auction of the stocks, which would allow raising funds for improving and controlling the chain of custody. In its reply of 26 October 2015, the Secretariat reiterated paragraph 4 of the Action Plan, and requested details of the seizure (dates, volume, legal status...). It also requested further information on the agreement between Mauritius and Madagascar to return the seized timber to the government of Madagascar (see Annex 3). At the time of writing of this document, no response had been received from Madagascar's CITES authorities.

Follow up on the CITES WIST mission

34. To date, no information has been received from Madagascar concerning the implementation of the recommendations that resulted from the WIST deployed by ICCWC, as described in paragraphs 11 and 12 of the present document. On 30 October 2015, the Secretariat, on behalf of ICCWC, sent a letter to the Minister of Environment, Ecology, Sea and Forests to again draw attention to the fact that the partner agencies to ICCWC remain at the disposal of the country to, upon request, support the implementation of these recommendations.

Disposal of stockpiles

Timber confiscated outside Madagascar

35. The Secretariat is of the opinion that any Party that seized illegal consignments of timber from Madagascar should carefully consider the disposal options available under Resolutions Conf. 9.9 on *Confiscation of specimens exported or re-exported in violation of the Convention* and Conf. 9.10 on *Disposal of confiscated and accumulated specimens*. In this regard, the Secretariat would like to make the following observations:
 - a) Auction: In the view of the Secretariat, one-time auctions could take place if the proceeds from such auctions could be placed into a secure and well managed trust fund, created and administered by the Secretariat, for instance, in consultation with the Party that made the seizure, and for the dedicated purpose of supporting the implementation of CITES in Madagascar. Under the current circumstances, returning benefits from auctions to Madagascar rather than placing them in a secure fund could potentially create perverse incentives for continued laundering of timber into illegal trade for it to be auctioned off once seized. There may also be the risk that such proceeds could benefit individuals responsible for organizing the illegal logging and export of these timbers from Madagascar.

The Secretariat reminds those Parties that seized illegal timber consignments and incurred expenses for the storage of such timber that Resolution Conf. 9.10 recommends under *Regarding costs associated with confiscated specimens* that:

- g) *Parties make legislative provision to require the guilty importer or the carrier, or both, to meet the costs of confiscation, custody, storage, destruction or other disposal, including returning specimens to the country of origin or re-export (as appropriate), where the Scientific Authority of the confiscating State deems it in the interest of the specimens to do so, and the country of origin or last re-export so wishes; and*
- h) *where such legislation does not exist and the country of origin or last re-export wishes a confiscated live specimen to be returned, that country shall seek financial assistance to facilitate the return;*

Additionally, Article VIII, paragraph 2 of the Convention states that:

...a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

- b) Transformation: The Malagasy use plan considers the option of transforming part of the existing seized stock piles in Madagascar into semi-finished or finished products for export. Further research would be required to assess whether similar transformation of timber can be a viable option for stockpiles confiscated in countries outside Madagascar.
- c) Return of seized or confiscated stocks to Madagascar: Because illegal timber shipments from Madagascar continue to be detected, the Secretariat considers that there is a high risk that specimens disposed of in this manner may re-enter illegal trade. The Secretariat is not convinced that the measures implemented by Madagascar to date are adequate to prevent this. For this reason, Parties should exercise caution in the consideration of this disposal option;
- d) Destruction: As a last resort, Parties can consider the destruction of some or all seized stockpiles. This option might pass a message to organized crime groups that illegal practices are not accepted nor tolerated, and will not lead to any financial gain. Destroying illegally traded timber could provide a disincentive to further engage in illegal logging and exports. However, previously listed options should first be fully explored.

Timber confiscated in Madagascar

- 36. Stockpiles seized within Madagascar should be managed in accordance with the approved stockpile audit and use plan envisaged under paragraph 4 of the Action Plan. The use plan should be based on the results of a stockpile audit, and present options to avoid similar illegal logging and illegal exports in the future once the current stockpiles are disposed of.

Final remarks

- 37. Despite the significant support that has been provided to Madagascar by the Secretariat and other organizations, there are still serious concerns about continued illegal logging and exports of *Dalbergia* spp. and of *Diospyros* spp. While the zero export quota (or embargo) exists on paper, it does not seem to be sufficiently or effectively implemented on the ground in Madagascar. Information received by the Secretariat indicates that the provisions of the Convention for trade in *Dalbergia* spp. and *Diospyros* spp. from Madagascar are not being effectively implemented, in particular Articles IV and VIII.

Regarding the implementation of the Action Plan

- 38. The Secretariat notes that Madagascar seems to have made progress with the implementation of paragraphs 1,2 and 3 of the Action Plan. These were mainly been led by its Scientific Authority. However, at the time of writing of this document and on the basis of the information available to the Secretariat, progress on the implementation of paragraphs 4 and 5 of the Action Plan seems to have remained insufficient. No results have been produced to date on a stockpile audit to determine what components of the stockpile have been legally accumulated and can be legally exported. With regard to paragraph 6 of the Action Plan, Madagascar has submitted progress reports on the implementation of the Plan to PC21

and PC22, noting that the report for PC22 was incomplete and did not address the implementation of paragraphs 4 and 5.

39. More should be done by Madagascar to strengthen its national and international enforcement efforts to put an end to illegal trade in timber from its territory before efforts are made to negotiate the return of seized timber stocks. As mentioned in paragraph 30 and 32, a number of high-level visits were conducted by the Government of Madagascar to negotiate the return of seized timber stocks to the country. In relation to paragraph 5 of the Action Plan, it is of concern that there currently seems to be an imbalance between efforts made by the Party to combat illegal timber trade from its territory, and efforts made to negotiate the return of seized stocks.
40. There is a need to extend the Action Plan on Malagasy ebonies (*Diospyros* spp.), and Malagasy palisanders and rosewoods (*Dalbergia* spp.) until sufficient progress is made to ensure that trade in these species is conducted in compliance with the Convention, and illegal trade minimized. The Secretariat therefore proposes that a revised version of Decision 16.152 or a new set of Decisions be considered at CoP17.

Regarding the implementation of the recommendations agreed at SC65

41. Recommendations a), b) c), d), i) and j) were directed to Madagascar (see Annex 2). On the basis of the information available to the Secretariat, the status of their implementation can be summarized as follows:

Recommendations that have been implemented by Madagascar:

- Recommendation d): Madagascar has requested ICCWC to implement the Wildlife and forest crime analytic toolkit in the country. UNODC has been engaging with Malagasy authorities about its implementation (see paragraph 10).
- Recommendations i) and k): Madagascar requested in March 2015 a further extension of its zero export quota for *Dalbergias* pp. and *Diospyros* spp. until SC66. As a result of this action, there was no need to recommend that all Parties suspend trade in specimens of the species *Dalbergia* and *Diospyros* from Madagascar as per recommendation k) of SC65 (see paragraph 14).
- Recommendation j): Madagascar submitted a use plan by 31 December 2014 for consideration of the Committee by postal procedure (see paragraph 8).

Recommendations that have been partially implemented by Madagascar:

- Recommendation b): the effective implementation of this recommendation remains crucial, and the Standing Committee might wish to request Madagascar, as a matter of priority, to further enhance its efforts to increase enforcement actions at national level and to strengthen enforcement cooperation at the international level, in accordance with the provisions of this recommendation. At the international level, Madagascar has recently signed the 'Zanzibar Declaration on Illegal Trade in Timber and Forest Products'. Although relevant to all timber trade, this declaration recognizes the *need to build synergy on mechanisms to curb illegal trade in timber* and it *requests the summits of the East African Community and Southern African Development Community to hold a joint conference with the transit and consumer countries with a view to agree on joint actions to be carried out to eliminate supply, demand, and trade in the illegal timber in Africa*.
- Recommendation c): Madagascar did request the WIST mission, and that mission took place in early 2015. The Secretariat is not aware, however, of the actions undertaken by Madagascar to implement the recommendations resulting from the WIST mission. ICWCC partners have offered Madagascar support to the implementation of those recommendations, but at the time of writing this document, the Secretariat was unaware of any responses from Madagascar to this offer (see paragraphs 11 and 12).

Recommendations that have not been implemented by Madagascar:

- Recommendation a): At the time of writing this document, no report on the progress made on the overall implementation of these recommendations had been received from Madagascar by the Secretariat.

- The final recommendation of the Standing 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.*”

In the view of the Secretariat and based on available information, Madagascar has not made significant progress in implementing SC65 recommendations. It appears that the embargo is not stopping the illegal logging and illegal exports from Madagascar. A recommendation of the Standing Committee to suspend trade may encourage Madagascar and other Parties to enhance efforts to combat illegal trade in timber of Malagasy ebonies, palisanders and rosewoods.

42. Recommendations e), f) and g) were directed to the Parties, encouraging them to note the preliminary progress on nomenclatural references on these timber species from Madagascar, to remain vigilant in detecting illegal shipments of CITES-listed timber species, and to implement other measures that strengthen the implementation of CITES for timber species like for example the incorporation of the CoP16 amendments to the Appendices into their national legislation as soon as possible.
43. Recommendation h) was directed to the Secretariat. In line with this recommendation, and as presented in this report, the Secretariat continued to collaborate with Madagascar on the overall implementation of the Action Plan.

Recommendations

44. The Secretariat proposes that the Standing Committee:

- a) recommend that all Parties suspend commercial trade in specimens of the species *Dalbergia* spp. and *Diospyros* spp. from Madagascar until:
 - i) the CITES Standing Committee has approved the results of a stockpile audit and use plan to determine what components of the *Dalbergia* spp. and *Diospyros* spp. stockpiles have been legally accumulated and can be legally exported; and
 - ii) Madagascar demonstrates, to the satisfaction of the Standing Committee, to have significantly increased enforcement actions at national level (including through the implementation of the recommendations of the WIST mission) and enforcement cooperation at the international level;
- b) advise Madagascar that, if it does not make significant progress by the 67th meeting of the Standing Committee (SC67) in implementing the actions outlined in paragraph a), it will consider additional compliance measures, which may include a recommendation to suspend trade that has a scope which is broader than the species *Dalbergia* spp. and *Diospyros* spp.;
- c) draw the attention of Madagascar and relevant Parties to the options outlined in paragraph 35 of this document concerning the disposal of seized illegal consignments of timber from Madagascar, and particularly option a) in paragraph 35;
- d) encourage interested Parties to organize an international workshop on rosewood and palisanders and CITES in order to strengthen the global implementation of the Convention for trade in *Dalbergia* spp.; and
- e) request the Secretariat to submit a revised version of Decision 16.152 or a new set of Decisions for consideration at the 17th meeting of the Conference of the Parties in order to ensure effective implementation of the Convention for trade in Malagasy ebonies (*Diospyros* spp.), and palisanders and rosewoods (*Dalbergia* spp.).

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 (ICWC) and to deploy a Wildlife Incident Support Team (WIST);
- d) encourage 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;
- 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.



REPOBLIKAN'I MADAGASIKARA
Fitiavana - Tanindrazana - Fandrosoana

Antananarivo le 14 OCT 2015

L'Organe de Gestion

à

SECRETARIAT GENERAL
DIRECTION GENERALE DES FORETS
DIRECTION DE LA VALORISATION
DES RESSOURCES FORESTIERES

Monsieur le Secrétaire Général de la CITES
Maison Internationale de l'Environnement
15, Chemin des Anémones
CH-1219 Châtelaine
Genève - Suisse

N° 708 -2015/MEEMF/SG/DGF/DVRF/SGFF

Objet: Demande d'appui pour la liquidation de bois saisis au niveau international

Monsieur le Secrétaire Général,

Comme vous le savez, une grande quantité de nos bois *Dalbergia spp* ont fait l'objet de trafic international. Beaucoup de pays membres de la CITES ont prêté main forte à Madagascar pour la saisie de ces biens et c'est dans ce sens que l'Ile Maurice a pu intercepter 6 containers de ces bois en 2014.

Après les différentes tractations entre les deux pays, l'Ile Maurice a rétrocédé cette année, la totalité du lot à l'Etat malgache, une initiative que nous louons vraiment de la part de l'Etat mauricien. Toutefois, comme il nous est impossible de rapatrier ces produits, ceux-ci sont stockés auprès de l'Ambassade de Madagascar à l'Ile Maurice.

Devant cette situation qui est très compliquée, l'Etat malgache demande auprès de la CITES un appui pour la possibilité de faire un appel d'offres international pour la liquidation de ces bois saisis. Cette procédure pourrait nous constituer une source de financement pour assainir la filière.

Certes, nous sommes tout à fait conscients de la disposition prise pour Madagascar quant à la gestion des espèces *Dalbergia spp* et *Diospyros spp*, avec un quota zéro pour l'exportation, mais le cas qui se présente ici dépasse le cadre de notre juridiction.

Espérant une grande compréhension de votre part, je vous prie de recevoir, Monsieur le Secrétaire Général, l'expression de mes salutations les meilleures.


ANJALANORO Fidy Josè
Ingénieur Principal des Eaux et Forêts

B.P 243- ROUTE DE NANISANA-101 ANTANANARIVO
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N. réf. : 22102015/CITES/LATPU/JCV
V. réf. : 708-2015/MEEMF/SG/DGF/DVRF/SGFF

Mr Andriamananoro Fidy José
Directeur Général des Forêts
Direction Générale des Forêts
Ministère de l'Environnement et des Forêts
Antananarivo - Madagascar

Genève, le 26 octobre 2015

Monsieur le Directeur,

En réponse à votre lettre du 14 octobre 2015 relative à une « demande d'appui pour la liquidation de bois saisis au niveau international », nous sommes au regret de vous informer qu'après un examen attentif des éléments fournis dans votre communication, nous ne sommes pas en mesure d'y répondre favorablement.

Tout d'abord, vous avez bien raison de rappeler la disposition prise pour Madagascar quant à la gestion des espèces *Dalbergia* spp et *Diospyros* spp, avec un quota zéro pour l'exportation. Ceci est en conformité avec le Plan d'Action pour ces espèces adopté par la Conférence des Parties. Le quatrième paragraphe du plan d'action demande la mise en place d'un embargo sur l'exportation des stocks de ces bois jusqu'à ce que le Comité Permanent de la CITES ait approuvé les conclusions d'un audit et d'un plan d'utilisation des stocks afin de déterminer quelle partie de ces stocks a été légalement constituée et pourrait donc faire l'objet d'exportation légales. Dans le cas d'espèce, le requérant est Madagascar et il y a donc lieu d'établir que le cas s'inscrit bien dans le cadre de ces dispositions.

Il est aussi de notre devoir de vous faire part, à toutes fins que vous jugerez utiles, des informations dont dispose le Secrétariat sur la date de la saisie et l'endroit de stockage dudit bois. Selon nos informations, les 6 containers qui font l'objet de votre demande ont été saisis le 22 juin 2011 et correspondent à un volume estimé de 120 tonnes de bois. Il est difficile de concevoir qu'un tel volume soit stocké auprès de l'Ambassade de Madagascar à l'île Maurice.

Compte tenu de ce qui précède et afin de reconsidérer notre décision, l'organe de gestion de Madagascar devrait fournir au Secrétariat des clarifications sur les points suivants:

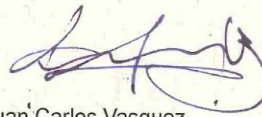
- La date de saisie;
- Le nom scientifique des espèces saisies;
- Le volume total de spécimens objet de la saisie;
- Le lieu de la saisie et l'endroit précis de stockage de spécimens saisis;
- Les bases légales pour déterminer l'origine du lot transporté dans ces six containers ;
- Les instruments légaux qui formalisent les tractations entre les gouvernements de Madagascar et de l'île Maurice afin de rétrocéder la totalité du lot à l'Etat malgache ; et
- Les résultats des activités menées par les autorités de Madagascar pour identifier les personnes qui sont à l'origine de ce trafic de bois présumé et pour faire en sorte que ces personnes soient poursuivies par la justice.

Ces points sont aussi valables pour toute demande future concernant l'utilisation de spécimens de bois saisis, confisqués et accumulés.

Nous avons eu plusieurs fois l'occasion de signaler au gouvernement de Madagascar la préoccupation de la communauté internationale sur l'exploitation illicite et le trafic de bois de rose, ébène et palissandre. Nous vous laissons le soin d'apprécier s'il ne conviendrait pas de porter avec toute la circonspection voulue, cette préoccupation, ainsi que les diverses considérations concernant le cas de l'espèce, à la connaissance du Ministre de l'Environnement et du Chef de l'Etat.

Le Secrétariat rappelle à l'organe de gestion du Madagascar qu'il est prêt à collaborer étroitement avec les autorités malgaches dans la mise en œuvre du plan d'action ainsi que de toutes les recommandations qui y sont associées.

Dans l'attente de vous lire, je vous prie d'agréer, Monsieur le Directeur, l'expression de mes sentiments distingués.



Juan Carlos Vasquez
Chargé des affaires juridiques et politiques
commerciales