

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.)

REPORT OF MADAGASCAR

1. This document has been submitted by Madagascar.*

A. Context

At its 69th meeting (SC69, Geneva, November 2017), in accordance with its mandate, the Standing Committee (SC) examined Decision N°17.207 on “Malagasy ebonies (*Diospyros* spp.), and palisanders and rosewoods (*Dalbergia* spp.)” based on reports submitted by the CITES Secretariat and Madagascar. At this meeting, the Standing Committee decided to maintain the suspension of commercial trade in specimens of *Diospyros* spp. (Notification No. 2018 – 007) (population of Madagascar; Annotation #5) and *Dalbergia* spp. (Annotation #15) from Madagascar. Moreover, the parties were advised not to accept exports or re-exports for commercial purposes of specimens of *Diospyrus* spp. (population of Madagascar; Annotation #5) and *Dalbergia* spp. (Annotation #15) from Madagascar as well as the application by Madagascar of the provisions set out in paragraphs e) and f) of Decision 17.204, in:

- i) *significantly strengthening control and enforcement measures against illegal logging and export at the national level, including seizures, investigations, arrests, prosecutions, and sanctions, including towards high-level offenders;*
- ii) *submitting an audited inventory of at least a third of the confiscated and declared stockpiles of logs, sawn wood and veneer sheets of species of *Dalbergia* spp. and *Diospyros* spp. from Madagascar for consideration and approval of the Committee; and*
- iii) *submitting a use plan, revised as recommended on page 12, paragraph d) of document SC69 Sum. 10 (Rev. 1), for examination and approval by the Standing Committee.*

The illegal trade in natural resources severely tarnishes the country's image.

* *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.*

In order to preserve its unique biodiversity, Madagascar, has continued to combat this scourge, so as to meet the requirements of the CITES Standing Committee. These efforts included the proposal of the implementation of a national strategy to combat the illegal wildlife trade.

On a political level, Madagascar experienced a period of crisis (April 2018), which led to a change in government in May 2018.

This document is Madagascar's report for the 70th Meeting of the Standing Committee and responds to the abovementioned paragraphs e) and f) and Decision 17.204. A review of this report is planned before the 70th meeting of the Standing Committee.

B. Progress report on the implementation of Decision 17.204 and its paragraphs e) and f)

I. Measure to control and combat illegal logging and exports at a national level

1. Measure to control illegal logging at a national level

a. Law enforcement

➤ Efficiency of the Special Court for rosewood and ebony

The process of making the Special Chain to Fight against the Trafficking in Rosewood and/or Ebony (Organic Law N°2015-056 of 3 February 2016) operational is continuing in 2018. In 2017, the Ministry of Justice already designated the magistrates who were to make up the Special Court planned by the abovementioned law through Decree No. 25120/2017 of 9 October 2017. This Decree was then modified and completed by Decree No. 20320/2018 of 29 January 2018 regarding the designation of the magistrates who should make up the Special Chain to Fight against the Trafficking in Rosewood and/or Ebony, and the appointed magistrates were thus officially established at a formal hearing on Friday 13 July 2018.

This Court is responsible for trying cases on offences related to the illegal trafficking in rosewood and ebony so as to impose the significant penalties set out in Law No. 2015-056 of 3 February 2016 on the Creation of the Special Chain to Fight against the Trafficking in Rosewood and/or Ebony, and to enforce sanctions for offences involving rosewood and/or ebony.

– Budget allocated

The Ministry of Justice allocated a specific budget line for 2018 to the Special Chain to Fight against the Trafficking in Rosewood. This envelope was allocated to the aforementioned jurisdiction, in order to allow it to operate and carry out the activities for which it is responsible.

– Jurisdiction

The Special Court sits in Antananarivo, but has a national territorial competence. However, whilst the permanent headquarters of the trial court is in the capital, if required it can also sit in other regions. It alone has the jurisdiction for following up on and judging offences related to rosewood and ebony, as set out in articles 69, 70, 71 and 72 of the Law of 3 February 2016, without prejudice to the application of the dispositions set out in Article 13 of Organic Law N° 2014-043 of 9 January 2015 regarding the High Court of Justice. It has full jurisdiction and thus is familiar with the examination of the legality of administrative acts.

– Transfer of cases

After the establishment of the Special Chain, the various cases that fall under the competence of the Special Court and that have been dealt with by common law jurisdictions, by economic and anti-corruption penal chains, as well as by the specialised "anti-corruption unit" jurisdiction have been transmitted, in the state, to the Special Court to determine the jurisdiction.

The Special Court also has the jurisdiction for the judgement of minors aged under 18 at the time the offences they are accused of were committed.

It should be noted that any aggrieved persons, including the State and any associations or organisations, may bring civil proceedings before the appropriate trial court in order to rule on any actions for damages arising from the issues that are the subject of the proceedings.

– *Processing time*

In order to ensure swiftness of the processing of cases that come under the jurisdiction of the Special Court, Article 26 of abovementioned law provides for deadlines for the preliminary investigation and the judgement. Indeed, according to the Law on the Special Chain: “All procedural cases must be examined and judged within a deadline of under 6 (six) months from the date the accused is referred to the court”.

– *Review procedures*

In order to guarantee fair and impartial justice,

- ✓ the decisions handed down by the Trial Court are issued in the first and last instance for offences provided for in articles 69 and 70 of Law N° 2015-056 of 3 February 2016 and are open to appeal, the terms of which are set out in the le Code of Criminal Procedure;
- ✓ the decisions made by the Trial Court for offences provided for in Article 71 of the abovementioned Law can be appealed;
- ✓ objections may be lodged against any decisions rendered in absentia by the Trial Court, following the terms laid down by the Criminal Procedure Code.

➤ **Follow-up of ongoing legal proceedings**

Madagascar is currently continuing its efforts to prosecute and punish environmental crime. In addition to the old cases, new criminal cases linked to this subject have been brought before different jurisdictions in Madagascar this year. With regard to the crackdown on environmental offences, the country has penal texts specifically related to the environment as well as general texts. The specific texts include Law N° 2005-018 of 17 October 2005 on International Trade in Wild Fauna and Flora (CITES) as well as Law N° 2015-005 of 26 February 2015 recasting the Management Code for Protected Areas (COAP). In parallel with this, the Malagasy Criminal Code remains the basic text for offences.

- **Case of 79 cases (cf. table in Appendix)**

As a reminder, of the 79 cases recorded in 2017, twenty-one (21) cases were still being processed. The data collection work carried out by the Ministry of Justice with the Courts of First Instance situated in the regions affected by the trafficking in rosewood and/or ebony, has made it possible to establish the following situation regarding these cases:

- ✓ four (4) have been tried: three (3) of them led to unconditional sentences whilst the defendants in the fourth case were acquitted due to lack of evidence;
- ✓ four (4) of these cases do not appear in any of the registers of the country’s public prosecutor’s offices and still remain at a preliminary investigation stage;
- ✓ thirteen (13) cases are still being monitored closely and the results will be communicated at a later date.

- ***Monitoring of the investigations at a national level to identify and prosecute accomplices in the illegal exports to Singapore***

Following the information received from the Independent Anti-Corruption Bureau, the case regarding the illegal export of rosewood to Singapore is still being investigated. Suspects have been interviewed and investigations are underway.

- **New cases of offences recorded by ministries responsible for law enforcement**

The ministries responsible for law enforcement are making an effort to collaborate, in order to monitor forest crime closely. The following tables summarise the statistics regarding the results obtained through the actions of those responsible for enforcing the law (the national Gendarmerie, the national Police, and the Independent Anti-

Corruption Bureau [Bureau Indépendant de lutte Contre la Corruption, BIANCO] for the protection of fauna and flora).

Table 1: Crackdown on trafficking in rosewood (2016 – 2018, source: National Gendarmerie Headquarters)

Year	Number of cases	Logs seized	Individuals arrested	Judicial Follow-up	
				Remanded in custody	Bail
2017	03	541	16	16	00
1st semester 2018	02	7 bags of rosewood (50 to 90 cm in length, weighing 380 kg)	0	-	-

Table 2: Statistics of the results of cases monitored by BIANCO (source BIANCO, 2011 – 2018)

Years	Species	Types of offence	Regions involved	Number of cases processed	Status in 2018
2014 - 2018	Turtles	Abuse of function, illegal export of natural resource, collusion	Atsimo Andrefana - Tulear, Androy, Antananarivo – Ivato airport, Mahajanga, Fianarantsoa	18	2 cases transferred to the Anti-Corruption Penal Chain [Chaîne Pénale Anti-Corruption, CPAC]
					2 cases with no further action taken
					14 BIANCO proceedings ongoing
2014 - 2016	Corals	Illegal exploitation of banned products	Anosy	4	2 cases reported at a BIANCO level
					1 case with no further action taken
					1 case transferred to the Court of First Instance
2011 - 2017	Rosewood and/or Ebony	Illegal export of rosewood, forgery and falsification using genuine handwriting and in and trade, active and passive corruption, passive corruption, active corruption, collusion, money laundering, illegal transport and export of rosewood	Sava (Antalaha, Vohemar, Ambilobe), Toamasina, Menabe, Atsimo Atsinanana, Mananara Avaratra, Fenoarivo Atsinanana, Anosy, Atsimo Andrefana, Diana	50	31 case transferred to the Court of First Instance (TPI) or the CPAC
					5 cases with no further action taken
					14 cases reported at a BIANCO level
2014 - 2017	Palisanders	Abuse of office, forest rime, corruption, illegal logging	Atsimo Atsinanana, Atsimo Andrefana, Mahajanga	6	3 cases transferred to the Court of First Instance
					1 case with no further action taken
					2 cases reported at a BIANCO level
2011 - 2017	Lumber	Abuse of office, passive and active corruption	Atsimo Atsinananat, Menabe, Matsiatra Ambony	4	3 cases reported at a BIANCO level
					1 case transferred to the Court of First Instance
2017 - 2018	Mangrove forests	Forest crime and corruption	Atsimo Atsinanana, Menabe, Matsiatra Ambony	2	2 cases reported at a BIANCO level
2011 - 2017	Forests	Illegal logging in Protected Areas, passive		9	4 cases transferred to the Court of First Instance

		corruption, abuse of office and illegal tree felling	Atsimo Atsinananat, Menabe, Matsiatra Ambony		5 cases reported at a BIANCO level
--	--	--	--	--	------------------------------------

Note: Cases initiated by BIANCO several years ago still remain under investigation.

- **Environmental crimes in 2018 (cf. Annex II)**

Forty-three (43) cases of offences have been transmitted to the courts in 2018 – to date -. The most recurrent offences include crimes committed in protected areas and trafficking in protected animal species (turtles and lemurs):

- ✓ in all, eighty-nine (89) individuals have been referred to the Public Prosecutor and fifty-two (52) of them have been remanded in custody;
- ✓ twenty-two (22) cases have been tried and twenty-one (21) are still under investigation.

It is appropriate to specify that of the cases listed, those relating to offences linked to rosewood or ebony will be referred to the Special Court, the only jurisdiction competent to judge these cases.

Among these cases, is important to mention that, in some of offences that were committed this year, species protected by national legislation and the conservation of protected areas were targeted.

- **Cases of the LUMINA vessel and the Botry**

With regard to the attempted export of rosewood logs aboard a vessel named LUMINA and the Botry, the investigation is currently being finalised and the case is awaiting the order for referral to the Ordinary Criminal Court of Antananarivo. Now, with the establishment of the Special Court, the case should be transmitted as it is to the latter at a later date.

- **Case of trafficking in turtles in Southern Madagascar - Toliara**

A total of 10,196 specimens of the radiated turtle (*Astrochelys radiata*) (known as sokake in Madagascar) were seized in April 2018, victims of illegal trade. This trafficking was uncovered thanks to the network of stakeholders made up of public structures responsible for law enforcement, NGOs, and civil society organisations that support the Regional Directorate for the Environment, Ecology and Forests in the Atsimo-Adrefana Region in protecting the environment. Five (5) people directly involved in the affair were arrested and remanded in custody. Investigations by the Independent Anti-Corruption Bureau [Bureau Indépendant Anti-Corruption, BIANCO] continue in order to dismantle this network of traffickers.

- **Case of land clearing in the “Bongolava” Protected Area in the Sofia Region**

As a result of the problem of the migration of people from Southern Madagascar, several protected areas are suffering from human-induced pressure. This is the case of the new “Bongolava” Protected Area located in the Sofia Region (in Western Madagascar), where, in June 2018, unauthorised clearing of natural forests were identified in the very centre of the protected area. Seven (7) people behind these actions were arrested by representatives of the Regional Directorate for the Environment, Ecology and Forests, with the support of the national Gendarmerie. However, unhappy with these law enforcement actions, a group of malicious individuals demanded the release of the people involved in this offence and then ransacked and burned the office of the Department of the Environment, Ecology and Forests of the town of Boriziny as well as the District Chief’s home. They also physically harassed the manager and members of the local community who manage the abovementioned protected area. In view of this alarming situation, the Ministry of the Environment, Ecology and Forests called on the Government for support in order to stop this land-clearing phenomenon. It should be noted that legal proceedings are underway with the competent jurisdictions.

- **Case of lemur hunting in a protected area**

The lemur species in Madagascar are classified as animals that are protected by Malagasy legislation and are included in Appendix I of CITES. In February 2018, 12 lemurs, including 11 *Indri indri* and 1 *Propithecus diadema*, were hunted involving the use of a Class III firearm, without authorisation, in the Antavolobe Iaroka Forest, in the Rural Commune of Andasibe. This was discovered by the Regional Directorate of the Ministry of the Environment,

Ecology and Forests (MEEF) of Alaotra Mangoro. The person involved directly in this hunt was arrested and remanded in custody. The search continues for another person who is also suspected of having taken part in this offence.

b. Measure to prevent illegal logging

For two years, there have been no reports of illegal trade in precious wood to foreign countries. However, attempts have been thwarted by the government's internal organisation. Permanent maritime and coastal surveillance is carried out by the Maritime Data Analysis Centre [Centre de Fusion des Informations Maritimes, CFIM] and the Port, Maritime and River Agency [Agence Portuaire, Maritime et Fluviale, APMF] by satellite tracking. In sensitive areas, the surveillance has been reinforced by mixed patrols made up of gendarmes and military personnel. There are informers in the ports who provide information on the movements of small vessels and about any recruitment of stevedores. Moreover, offences are processed on a case-by-case basis.

i. Surveillance of Madagascar's maritime and coastal space

The area encompassing the coast of Eastern Madagascar is a sensitive zone and famous for being a high-risk area for rosewood trafficking. The permanent surveillance of this area is currently effective, thanks to the use of sophisticated surveillance tools by the CFIM in collaboration with the ministerial bodies involved in this combat.

These structures warn the local authorities in locations near the coast where the suspected vessel is present in order to check for and investigate on land to see if there are any possible illegal movements or trans-shipments of rosewood. Moreover, the CFIM draws up a daily monitoring report on the vessels in the area surrounding the high-risk zone. They also send this report to the bodies involved in this combat, which in this case are the Inter-ministerial Committee in charge of the Sanitation of the Rosewood and Ebony Sector [Comité Interministériel en charge de l'assainissement de la Filière Bois de rose et Bois d'ébène, COMINT] and the Ministry of the Environment, Ecology and Forests [Ministère de l'Environnement, de l'Ecologie et des Forêts, MEEF].

Thus, from January 2017 to date, three attempts at illegal trafficking have been thwarted, including 2 attempts reported in the Madagascar document SC69, doc 49.1 R1 and another on 31 December 2017 arrested by the national police in the Atsinanana Region. Three (3) cases of the suspicious presence of vessels in the vicinity of the abovementioned area were processed in collaboration with the stakeholders in this fight. It should be noted that all of the abovementioned attempts were thwarted and or stopped by the state stakeholders and, therefore, no rosewood was removed from Madagascar.

ii. Reinforcing the surveillance of protected areas

The surveillance of protected areas is one of the main activities carried out by the managers of the protected areas. In the six (6) "Rainforests of Atsinanana" national parks, 98% of the surface area of this World Heritage Site was controlled or monitored in 2017 by agents from "Madagascar National Parks". Thirty-eight (38) surveillance mission raids were carried out on the site by mixed brigades (gendarmerie, military personnel, local authorities, water and forests officials and the Mining Police [Police des Mines]).

In 2015, "Madagascar National Parks", like other managers such as the "Wildlife Conservation Society" or "Conservation International" started to use the Spatial Monitoring and Reporting Tool (SMART) to monitor the land and the illegal wildlife trade affecting the biodiversity within the protected areas they manage.

iii. Cooperation in combating the illegal trade in natural resources

➤ At a national level

- **Official publication of the review report by the United Nations Office on Drugs and Crime (UNODC)**

After the validation at a national level of the UNODC's review report, the official publication of the assessment mission regarding offences linked to wildlife and forests was carried out on 22 and 23 March 2018.

- **SCAPES project, "sustainable conservation approaches" initiative**

With the initiative of Madagascar's partners such as USAID and a consortium made up of the World Wide Fund for Nature (WWF), the Wildlife Conservation Society (WCS), Conservation International (CI) and TRAFFIC (an international organisation forming a network that monitors the trade in wild fauna and flora), a project entitled SCAPES or "Sustainable Conservation Approaches in Priority Ecosystems" was implemented in Madagascar

(2013 to 2016). Its activities focused on combating the illegal trade in precious wood and reptiles, as well as on the training of key stakeholders in order to raise awareness and to monitor and fight the illegal trade in wood and wildlife at landscape, regional and national levels. This process mobilised different members of society, from community organisations to timber traders and also including journalists, forest rangers, the authorities in charge of law enforcement, the courts and the ministries. The areas of intervention involve the northern eco-region of the Atsinanana Region including the Marojejy-Tsaratanana-Anjanaharibe (COMATSA) corridor, Makira-Masaola-Antongil Bay (MaMaBay), and the Ankeniheny-Zahamena corridor.

Training was provided to improve the identification of species of wood (report carried out in the committee for animals) and reptiles, to draw up a legislative framework for improved management and to reduce the illegal trade in wildlife species, to develop the skills of civil society organisations (CSOs) and investigative journalists, in order to facilitate the reporting of illegal practices. Thanks to this support, a new national Coalition for the defence of the environment and three CSO regional coalitions (LAMPOGNO, COCAZ, TMTI) are now able to identify, monitor and report wildlife crimes. Community forest rangers and the personnel in protected areas are better trained in law enforcement monitoring techniques and methods by using the SMART (Spatial Monitoring And Reporting Tools) conservation software.

This method has allowed better techniques to be adopted in order to control trade and to monitor protected areas at a national level. The support for the introduction of SMART in Madagascar has opened the way for the improvement of the enforcement of the wildlife law and for ecological monitoring in this country. The NGOs that did not take part in the programme are increasingly adopting the system and, more importantly, the government is adopting SMART across the entire country. Since the system allows data to be collected and ensures the transparency of the information added, it will constitute an important factor in the improved environmental governance for many stakeholders.

➤ At a regional level

TWIX (Trade in Wildlife Information eXchange)

Madagascar has taken part in international initiatives to reduce trafficking in natural resources. Information sharing and cooperation within and between the law enforcement authorities, and within and between countries, are essential in the fight against transnational organised crime concerning wild flora and fauna. TWIX (Trade in Wildlife Information eXchange) is an Internet tool that facilitates the exchange of information and encourages international cooperation between law enforcement officers and control with agents in management authorities.

In November 2015, the ministers of the environment of the “**Southern African Development Community**” (SADC) Member States approved the Law Enforcement and Anti-Poaching (LEAP) Strategy. This was followed by a workshop for the ministers of the environment in Gaborone in July 2016, where actions were explored for implementing the LEAP and developing the Wildlife Crime Prevention and Cooperation Unit (WCPCU) required by the strategy.

In November 2016, a workshop on the implementation of TWIX in the SADC region was held in Gaborone. Madagascar was represented there by customs officers and CITES Management Authority officials. It was agreed unanimously that the development of a SADC-TWIX would be an effective tool for fighting against the illegal wildlife trade in the region. This tool follows the AFRICA-TWIX model in Central Africa where the TRAFFIC experts are carrying out an exploratory mission in each country in order to demonstrate how TWIX works to more agents from the competent services.

In July 2018, Madagascar finished developing its TWIX system and nominated its TWIX focal point in order to ensure the liaison with the other agencies that are to be included in the list of users of this system. The institutions involved in the illegal trade in fauna and flora in Madagascar (Customs, the Air and Border Police, Gendarmerie, Fisheries Monitoring Centre [Centre de Surveillances des Pêches, CSP], the anti-corruption unit, the magistrates and the Special Chain for rosewood and the magistrates from the Courts of First Instance) with BIANCO, agree unanimously about the implementation of TWIX. The system will be up and running well before the end of 2018.

- Zanzibar Declaration

Madagascar participated in the 6th Annual East Africa Timber Trade Stakeholders' Forum where the theme was “**The Role of Regional Economic Commissions (RECs) in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Timber Trade**”, which was organised by TRAFFIC, WWF and Uganda's Forestry Sector Support Department (FSSD) under the Ministry of Water and took place from 19 to 20 June 2018 at the Protea Hotel, Marriott Entebbe, Uganda. The objective of the 2018

forum was to strengthen the implementation of CITES by the East African region's forest authorities, member states under the Zanzibar Declaration, in preparation for the 18th Conference of the Parties (CoP) to CITES in Sri Lanka in May 2019.

During the last forum in 2017, Madagascar established an action plan to combat the illegal timber trade, but this action plan was not implemented. However, the action plan adopted by CITES is in line with the implementation of the Zanzibar action plan. At the end of the forum, it was clear that a bilateral cooperation protocol between countries needs to be established in order to help the countries in which the illegal trade originates to rule on the return of seized timber. The representatives of the members states of the East African Community (EAC) and the SADC made note of Madagascar's wish to obtain the support of the countries that signed the Zanzibar Declaration for the implementation of the CITES action plan, including the implementation of the precious wood business plan. However, since Madagascar is not part of the EAC, the issue must be discussed with the SADC for the establishment of the agreement. At present, only Mozambique has signed an agreement with China on this issue.

At this forum,

- a proposal was made for a block agreement with China, notably on issues regarding the export of forest products to that country.
- all member countries agreed on the organisation of a workshop to prepare the Conference of the Parties and a workshop after the CoP for its assessment.

II. Audited stockpile inventories

1. Inventory of declared timber

Following Decree No. 2014-906, the mission to consolidate the rosewood and ebony sector was assigned to the Inter-ministerial Committee in charge of the Sanitation of the Rosewood and Ebony Sector, led by the Primer Minister who has an Executive Secretariat. This committee is the decision-making and coordination body, whose mission is to encourage consistency and synergy in the actions carried out by the different ministerial departments in order to reach a "zero stock" situation, as well as to have "zero tolerance" with illegal trade, so as to eliminate the "laundering" of any new illegal logging activities.

In 2011, faced with the deterioration of the forests, the escalation in the plundering of and the illegal trade in rosewood and ebony, Madagascar issued a ruling to crack down on offences related to rosewood and ebony. All holders of rosewood or ebony stockpiles were also asked to declare their stockpiles to the forestry administration in each region.

1.1. Stockpile control objective

In order to satisfy the recommendations of the Standing Committee regarding carrying out inventories and auditing stocks, in 2017 the Government Madagascar decided to allocate a budget of 750,000,000 ariary (around 234,000 USD) to this task. The mission was dispatched to the region with a high concentration of stockpiles. Following the voluntary declarations in 2011 (Ruling N° 2011 – 001) by the operators with stockpiles, physical inventories of timber and comparisons with declarations were carried out. The mission was carried out between November 2017 and January 2018.

1.2. Methodology and approach

a. The coordination and choice of sites

The rosewood and ebony sector sanitation operation and the coordination of inventory activities on the ground were carried out by the Executive Secretariat of the Inter-ministerial Committee [Secrétariat Exécutif du Comité Interministériel, SE COMINT].

The methods used for the inventory follow the same procedures as those adopted by the SGS Company during the audit of stockpiles of seized timber, involving the recording, marking with barcodes, coding and sealing. The marking system proposed in the business plan (version SC 69 – 49 – 01 A4) was not available during the mission.

The Sava Region was chosen, because the geographical location of the declared timber shows that this region is the one of greatest importance in terms of rosewood and ebony.

b. The composition of the teams

The teams are made up of members of SE COMINT, of the Forest Law Enforcement Directorate [Direction du Contrôle Forestier, DCF], the Regional Directorate of the Environment, Ecology and Forests [Direction Régionale de l'Environnement, de l'Ecologie et des Forêts], civil society, the Independent Anti-Corruption Bureau, and representatives of regional administrations: District and Region, and have been divided into 4 groups to cover the Sava Region.

During field operations, the Maritime Data Analysis Centre [Centre National de Fusion d'Informations Maritimes, CFIM] and the Port, Maritime and Waterways Agency [Agence Portuaire, Maritime et Fluviale] were responsible for monitoring the movements of suspicious vessels through satellite operations.

c. Methods and approaches

Before implementing the inventories, meetings were organised between the regional leaders (Regional Leader, District Leader, the Mixed Planning Body that is in charge of aspects related to safety) to explain the reasons for the delegation's visit.

Meetings initiated by the Regional Prefect, the Sava Regional Leader, and SE COMINT were held with stockpile declarers to explain the reason for the raid on Sava, the procedure for the inventory of declared rosewood stockpiles, and the achievement of collaboration with the operators for access to stocks and maintenance.

d. Results

- Number of stockpiles counted

This funding made it possible to carry out inventories, marking, coding and stamping over a period of 61 days in 64 sites within the North Region of Madagascar. The details are presented in the following table:

Description	Number of stockpiles declared	Number found	Volume (m3)	Weight (t)
LOGS	53 852	33737	3252.772	4383.296
VENEER SHEETS		12143 + 1 BATCH	442,85	759,172
OTHER		2642 + 4 BATCHES	226,88	281,206

In addition to the physical checking of the wood, each site holding stockpiles was recorded administratively indicating the corresponding Region, District, Commune and Fokontany. The GPS coordinates of the location were also recorded and included in a database.

- Custodial guards

Since the transportation of the stockpiles is very expensive in comparison with the funding granted, SE COMINT decided to name each declarer as a custodial guard of the wood he had declared. He is responsible for his timber both administratively and under criminal law. This constitutes progress in the safeguarding of the declared rosewood. The wood counted in this manner was sealed.

- The preparation of verbatim records

On each field visit, the declarer's authorisation was requested, revealing the sites that the latter wanted to inventory. Five copies of the verbatim record are prepared and signed by the declarer, forestry officials, and judicial police officers and agents. Observers such as BIANCO or members of the gendarmerie and the national police force also sign the verbatim report. The reports include the following points: reference of the declaration, number of rosewood logs declared, number of rosewood logs found, difference between these two figures (higher or lower numbers), information identifying the site, information identifying the declarer. Three (3) copies of the verbatim report are for the special chain to fight against the trafficking in rosewood and ebony, one (1) copy is sent to the Regional Directorate of Forests [Régionale des Forêts], one (1) copy is for the SE COMINT files. Moreover, two types of verbatim report are drawn up: the verbatim report for the counting and the verbatim report for the sealing and the nomination of the custodial guard.

Clarification of the statuses of the timber stockpiles identified during the inventories in comparison with the 2011 Order is ongoing. In accordance with Article 28 of the Implementing Decree for the Special Chain N° 2016 – 801, SE COMINT must collaborate with the Special Chain, notably in sending any information, data or documents that may be of use in making a ruling on their fate.

III. Strategy and plan for the identification of undisclosed and hidden stockpiles of *Dalbergia* spp. and *Diopsyros* spp.

Any timber that is hidden or concealed will be seized, the mixed investigation brigade will open an investigation, and the Special Court will decide on its fate in accordance with existing regulations.

IV. Review of the business plan

1. Update of the document entitled, “Stockpile audit mechanism and business plan”

At the 69th meeting of the Standing Committee of CITES reviewed the document entitled “Stockpile audit mechanism and business plan”, presented by Madagascar. The Committee did not approve the document and asked the Secretariat to continue to collaborate with Madagascar and its partners so as to revise and finalise the document, bearing in mind the observations made in paragraphs 33 and 34 of document SC69 Doc. 49.2. The review includes the implementation schedule; the budgets and resources required to execute the plan; the allocation of the potential revenue and the monitoring mechanisms for the control and distribution of the finances generated; the scope and role of independent, external supervision; the enforcement aspects relating to the operations and the implementation of the plan; the monitoring of the possible effects of any sales on illegal logging and timber trafficking; and issues of transparency and cooperation.

Following this decision, and in order to comply with it, Madagascar recruited a consultant to help with the review of the Business Plan, in accordance with the recommendations of the CITES Standing Committee. It also entered into in-depth discussions with technical partners, in particular the World Bank and the International Tropical Timber Organisation (ITTO). These discussions also led to a proposal by Madagascar to hold a workshop bringing together the stakeholders concerned from governments (the CITES Secretariat, the European Union, the Government of the USA, USAID, FAO, GIZ, a representative of the Chinese CITES Management Authority), from civil society (AVG), the private sector, academia, legal experts and international organisations (WWF, TRAFFIC, EIA), and the Malagasy Government (Executive Secretariat in charge of the Sanitation of the Rosewood and Ebony Sector, the Ministry of the Environment, Ecology and Forests, the Ministry of Justice, the Ministry of Finance and Budget, BIANCO) to discuss the phases that could lead to the implementation of the revised business plan in order to tackle the issues raised by the Standing Committee.

This workshop was held in Antananarivo, Madagascar, from 19 to 21 June 2018. The workshop was co-organised by Madagascar (MEEF) and ITTO. Several points of the business plan were discussed, including the aspect regarding compensation for the stockpile holders, the financing of its implementation, transparency in the execution of inventories and the results. Moreover, associated activities including the enforcement of the law on illegal logging and exports, the fight against fraud and the possible effects of the potential opening up of trade, were also highlighted by the participants. The updated and finalised document is attached to this report.

2. Updating of Decree N° 2016 – 801 on the enforcement of Law N° 2015-056 of 3 February 2016 regarding the creation of the “Special Chain to Fight against the Trafficking in Rosewood and/or Ebony” and the crackdown on offences linked to rosewood and ebony.

Following the recommendation from CITES, the update of the decree for the implementation of the special chain, in terms of the apportionment formula for the income from sales, and in order to include the idea of “compensation” is currently being prepared. Moreover, the granting of a percentage of the profits from the sale of precious timber to the Ministry of Justice, in order to allow the latter to increase its activities to disseminate the law and raise the population's awareness so as to promote environmental justice, is currently being discussed. Indeed, it has been noted that the coercive and repressive measures are not sufficient to eliminate the illegal activities that are commonly carried out by some members of the population. When poverty is added to the equation, on the one hand the vulnerable populations find it hard to resist the juicy profits that can be made through trade in turtles and lemurs. On the other hand, for some people the exploitation of forest resources is more a question of survival than a means of making a profit, and hence awareness-raising is necessary.

3. Implementation of a decree for processing the declarers following Order N° 2011 - 001

The legal status of the stockpiles declared by the operators pursuant to Order 2011-001 of 8 August 2011, was not taken into account in the law on the Special Chain. A legal loophole was identified by the lawyers.

Therefore, a draft decree is currently being prepared in order to rule on this position and to establish the conditions and the means of allocating the compensation scheme for rosewood and/or ebony that have been declared non-controlled. Non-compliant or hidden timber is excluded from the compensation scheme provided for by this decree. An ad-hoc committee will be responsible for checking the compliance with the declarations in accordance with the abovementioned conditions.

The Committee is notably made up of the Forestry Administration involved at a regional level, the Executive Secretariat in charge of the Sanitation of the Rosewood and Ebony Sector, and representatives of civil society, working to protect the forests involved at a regional level.

V. Perspectives

1. Malagasy forest policy

Madagascar is in a paradoxical situation with its enormous economic and environmental potential and the extreme poverty of its 25 million inhabitants, living in a huge country with a surface area of 592,000 km² and a coastline 5,600 km long.

The country is potentially rich in mining products and natural resources. It is a country with a huge terrestrial and marine diversity, with high levels of endemism even at a local level.

Thus, the General State Policy and the National Development Plan consider the environment to be one of the priority sectors, in order to ensure the sustainability of the fight against poverty and the development of the country.

These economic, social and environmental contexts and the future availability of clear, precise, coherent references to guide public action in favour of the sustainable management of the country's forests, inspired the Ministry of the Environment, Ecology and Forests to renew its forest policy (2016-2030), and to draw up strategies aimed at reversing current trends.

This is the vision of new Malagasy forest policy for the period 2016-2030: "All stakeholders must get organised and work together in order to ensure that Madagascar's forest resources are protected and developed in a sustainable, rational and responsible manner". Thus, the forest policy guidelines focus on the following interdependent elements:

- ensuring the sustainable and effective management of Madagascar's forest capital;
- improving forest governance;
- establishing sustainable financing systems;

Moreover, the following points will also be implemented:

- a complete assessment of the current status of wildlife trafficking in Madagascar in view of the preparation of a natural strategy to fight against wildlife crime. This activity will be carried out with the support of USAID Madagascar and all the American government organisations present or providing their support to Madagascar (for example: the US Department of State, the US Department of Defense, the US Fish and Wildlife Service, etc.);
- the implementation of the recommendations of the assessment mission regarding crime linked to wildlife and forests, led by UNODC;
- the revision of forest legislation including concerns about palisanders – the conducting of studies on non-detriment findings (NDF) on precious wood species.

2. Decision on the exploitation of rosewood and ebony species

With regard to the exploitation of precious forest species, the forest code that is currently being updated will consider the following general guidelines that will allow:

- the *Dalbergia* spp. and *Diospyros* spp. that are shown as being critically vulnerable in the results of the national inventory to be excluded from all forms of exploitation;
- the MDE for the exploitation to be established on for each species, based on the results of scientific inventories;
- the maximum exploitable volumes per species to be established based on inventories carried out on an appropriate development scale.

In this respect, for species that are properly identified as *Dalbergia* spp. and *Diospyros* spp. Madagascar is to propose a precautionary export quota based on reliable scientific data and where adequate non-prejudice findings can be undertaken.

Conclusion

Madagascar has invested a great deal of time and resources in updating the business plan document, following the instructions received from the CITES Standing Committee.

SC 69 to point iii) *submitting a use plan, revised as recommended on page 12, paragraph d) of document SC69 Sum. 10 (Rev. 1), for examination and approval by the Standing Committee.*

This document will be the roadmap for the sanitation of the rosewood and ebony sector in Madagascar, whose aim is to achieve “stock zero”. In order to allow for its implementation, Madagascar asks the Standing Committee for its validation of this document during this 70th meeting.

Moreover, Madagascar is asking for the support of the CITES member parties consisting of supplying technical and financial support in order to help implement and verify stockpiles of *Dalbergia* spp. And *Diospyros* spp. In Madagascar, following Decision 17.205.

Current status of the 21 cases being processed in 2017

REGIONS	Number of cases received	Number of cases tried	Number of cases not registered	Number of cases to follow up
ATSIMO ATSIANANA	01	00	00	01
VATOVAVY FITOVINANY	06	03	00	04
ANALAMANGA	03	01	04	03
ATSINANANA	05	00	00	05
TOTAL	21	04	04	13

Status of 43 new cases of environmental crime

REGION	Number of cases received	Number of people brought to justice	Number of defendants remanded in custody	Number of cases tried	Number of defendants convicted	Number of defendants released	Number of cases being processed	Number of cases with a referral order
ANALAMANGA	3	2	2	0	0	0	3	0
VAKINANKARATRA	1	4	0	0	0	0	1	0
BOENY	5	24	1	1	4	0	4	0
VATOVAVY FITOVINANY	5	12	9	1	1	0	4	2
MENABE	18	25	19	17	15	7	1	0
ATSIMO ANDREFANA	6	15	15	2	4	0	4	0
SOFIA	5	7	6	1	1	0	4	0
TOTAL	43	89	52	22	25	7	21	2