

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

Seventeenth meeting of the Conference of the Parties
Johannesburg (South Africa), 24 September – 5 October 2016

Species specific mattersEbonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.)IMPLEMENTATION OF THE CONVENTION FOR TRADE IN MALAGASY EBONIES
(*DIOSPYROS* SPP.) AND PALISANDERS AND ROSEWOODS (*DALBERGIA* SPP.)

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 rosewoods and palisanders* (*Dalbergia* spp.), as follows:

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

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

Implementation of Decision 16.152

3. The Secretariat and Madagascar presented to the Plants Committee, at its 21st and 22nd meetings (PC21, Mexico, May 2014; PC22, Georgia, October 2015)], and to the Standing Committee at its 65th and 66th meetings (SC65, Geneva, July 2014; SC66, Geneva, January 2016), 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. 7.3.1](#) and [PC22 Doc. 7.3.2](#)) and, specifically, on the implementation of paragraph 4 of the Action Plan (see documents [SC65 Doc. 48.1](#), [SC66 Doc. 46.1](#) and [SC66 Doc.46.2](#)).
4. According to paragraph 7 of the actions directed to Madagascar in the Action Plan, Madagascar "shall 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." This matter will be addressed under agenda item 55.1 of the current meeting. Madagascar did not provide the document requested in the Action Plan by the deadline for the submission of working documents to be considered at CoP17.
5. At SC66, the Secretariat concluded that in general, Madagascar seemed to have made progress with the implementation of activities in paragraphs 1, 2 and 3 of the Action Plan, involving in particular its Scientific Authority (see document SC66 Doc. 46.1).
6. Also at SC66, the Standing Committee noted that progress with the implementation of paragraphs 4 and 5 of the Action Plan remained insufficient, and agreed that there was a need to keep the Action Plan in place in relation to Malagasy ebonies (*Diospyros* spp.), and Malagasy palisanders and rosewoods (*Dalbergia* spp.) until sufficient progress was made to ensure that trade in these species is conducted in compliance with the Convention, and illegal trade is minimized.

7. At the same meeting, the Standing Committee further recommended that all Parties suspend commercial trade in specimens of the species *Dalbergia* spp. and *Diospyros* spp. from Madagascar until:
- i) *Madagascar submits a report to the Secretariat by 25 July 2016, demonstrating that the country has significantly increased enforcement actions at the national level. Madagascar should in particular report about seizures, prosecutions and sanctions, in line with point 5 of the action plan adopted at CoP16 and recommendations b) and c) adopted during SC65, as well as implementation of the recommendations of the WIST mission presented in paragraphs 11 and 12 of document SC66 Doc. 46.1;*
 - ii) *the Secretariat has assessed the report by Madagascar and evaluated in particular how the actions implemented by Madagascar fulfil the requirements presented under point 5 of the action plan adopted at CoP16 and recommendations b) and c) adopted during SC65.*
 - iii) *the Secretariat shares its assessment of Madagascar's report with the Standing Committee at SC67; and*
 - iv) *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.*
8. The Standing Committee agreed at SC66 on an additional recommendation directed to the Secretariat that reads as follows:
- 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.).*

Revision of Decision 16.152

9. As requested by the Standing Committee, the Secretariat has prepared a draft revision of Decision 16.152. To enhance clarity and better distinguish the responsibilities of those entities to which the actions are directed, it proposes that the instructions no longer be amalgamated into a single action plan, but presented in separate decisions.
10. The proposed new set of draft decisions, as shown in Annex 2, is based on the activities contained in the Action Plan annexed to Decision 16.152, and maintains the substantive work articulated in that plan. The draft decisions are designed to provide better guidance to Madagascar, the Parties, the Standing and Plants Committees, and the Secretariat on the activities they need to undertake in order to improve implementation of CITES with regard to international trade in Malagasy ebonies and Malagasy palisanders and rosewoods.
11. As indicated in paragraph 7, Madagascar should submit a report to SC67 concerning *inter alia* its enforcement actions at the national level, which the Secretariat is required to assess. Furthermore, Madagascar should provide the results of a stock audit and use-plan for approval by the Standing Committee. At that meeting, taking account of the Secretariat's assessment, the Standing Committee will consider at SC67 whether the existing recommendation to suspend commercial trade in specimens of species of the genera *Dalbergia* and *Diospyros* from Madagascar can be lifted or should be maintained. The draft decisions in Annex 2 might need to be amended in the light of any actions taken by Madagascar before SC67, and the Standing Committee's deliberations.
12. In Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decides that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. In Annex 3 the Secretariat proposes a tentative budget and source of funding for the implementation of the proposed draft decisions in Annex 2.

Recommendations

13. The Secretariat recommends that the Conference of the Parties:
 - a) note this report; and
 - b) adopt the draft decisions on *Malagasy ebonies* (*Diospyros spp.*) and *Malagasy palisanders and rosewoods* (*Dalbergia spp.*) presented in Annex 2 and the draft budget in Annex 3.
14. If the draft decisions in Annex 2 are adopted, they will replace Decision 16.152 which should consequently be deleted.

Annex 3 to Decision 16.152 on
Malagasy ebonies (Diospyros spp.) and
Malagasy rosewoods and palisanders (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.

DRAFT DECISIONS OF THE CONFERENCE OF THE PARTIES

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

Directed to source, transit and destination Parties

17.AA Source, transit and destination Parties for specimens of species of the genera *Dalbergia* and *Diospyros* occurring in Madagascar are urged to:

- a) enforce all the measures that are recommended by the CITES Standing Committee concerning commercial trade in specimens of these species from Madagascar, including suspensions of such trade; and
- b) develop action plans to effectively manage timber stockpiles of *Dalbergia* spp. and *Diospyros* spp. from Madagascar .

Directed to Madagascar

17.BB Madagascar shall:

- a) after the Standing Committee has lifted any recommendation to suspend trade in specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar, further develop an inclusive process to identify the main species of these genera to be exported from Madagascar, in cooperation with transit and destination Parties, the CITES Secretariat and relevant partners, such as, ITTO, ICCWC, FAO and other intergovernmental and non-governmental organizations concerned with trade in timber of rosewood, ebonies and palisanders;
- b) for those species identified for export under paragraph a), establish, in collaboration with the CITES Secretariat, a precautionary export quota based upon a scientifically robust non-detriment finding;
- c) organize workshops in support of the implementation of Decisions 17.BB a) and 17.BB b), and to strengthen the national capacity to formulate non-detriment findings, and identify and agree on monitoring mechanisms that include appropriate technology (e.g. timber tracking);
- d) continue the production of identification materials for identifying timber and timber products of species of the genera *Dalbergia* and *Diospyros* from Madagascar;
- e) submit regular updates on audited inventories of stockpiles of species of *Dalbergia* and *Diospyros* from Madagascar, and a use-plan for consideration, approval and further guidance from the Standing Committee;
- f) provide written reports: on progress with the implementation of Decisions 17.BB paragraphs a) to d) to each meeting of the Plants Committee; on progress with the implementation of Decision 17.BB paragraph e) to the Standing Committee; and on progress with the implementation of this Decision to the Conference of the Parties at its 18th meeting.

Directed to the Plants Committee

17.CC The Plants Committee shall:

- a) review and assess reports from Madagascar on its implementation of Decisions 17.BB paragraphs a) to d), and from the Secretariat on the implementation of Decision 17.EE, and provide recommendations to Madagascar and the Standing Committee and other bodies as appropriate; and

- b) continue supporting the preparation of a standard reference for the names of species of the genera *Diospyros* and *Dalbergia* occurring in Madagascar, to be adopted, if appropriate, at the 18th meeting of the Conference of the Parties.

Directed to the Standing Committee

17.DD The Standing Committee shall review and assess reports from Madagascar on the implementation of Decision 17.BB paragraph e), and from the Secretariat on the implementation of Decision 17.EE, and shall make recommendations, which may include appropriate compliance measures.

Directed to the Secretariat

17.EE The Secretariat shall:

- a) subject to available funding, assist Madagascar, concerned Parties, and the Standing and Plants Committees, in the implementation of Decisions 17.AA to 17.DD;
- b) subject to available funding, assist with relevant capacity-building activities in Madagascar and transit and destination countries concerned by the trade in specimens of *Diospyros* spp. and *Dalbergia* spp. from Madagascar, including through international capacity building workshops; and
- d) provide written reports on progress with the implementation of this Decision to the Plants Committee and the Standing Committee as appropriate.

Directed to Parties

17.FF Parties and relevant partners indicated in 17.BB a) are invited to provide technical and financial assistance to support the implementation of Decisions 17.AA to 17.EE on *Malagasy ebonies* (*Diospyros* spp.) and *Malagasy palisanders and rosewoods* (*Dalbergia* spp.).

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding. The Secretariat proposes the following tentative budget and source of funding.

Tentative budget: USD 110,000 (for supporting general capacity building activities in line with the implementation of draft Decisions in Annex 2).

Source of funding: a possible source of funding has not yet been identified, hence, all interested Parties and organizations are invited to consider contributing donations to support the implementation of the draft decisions as presented in Annex 2 of the present document.