

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

General compliance and enforcement

Compliance in relation to Malagasy ebonies (*Diospyros* spp.) and
palisanders and rosewoods (*Dalbergia* spp.)

REPORT OF MADAGASCAR

1. This document has been submitted by Madagascar. *

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).
3. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted Decisions 17.203 to 17.208 (Cf. Annex I) "*Malagasy ebonies* [(*Diospyros* spp.) Annotation #5] and *palisanders and rosewoods* (*Dalbergia* spp.)" to clarify responsibilities and present the instructions as separate decisions instead of merged into a single action plan. The Conference of the Parties also agreed to include in Appendix II the global population of *Dalbergia* spp. including the Malagasy taxa with Annotation #15¹.
4. At its 67th meeting, the Standing Committee decided to maintain the suspension of trade in specimens of the species *Dalbergia* spp. and *Diospyros* spp. from Madagascar and asked Madagascar to submit a report by 31 December 2016 on the implementation of paragraph 32 a), subparagraphs i), ii) and iii) (Report of the Secretariat, SC Doc. 19.1). Madagascar submitted its report in accordance with this request. After reviewing the report, the Standing Committee decided by postal procedure to maintain the recommendation (Notification No. 2017 – 047 of 27 June 2017) to suspend commercial trade of specimens of the species *Dalbergia* spp. and *Diospyros* spp. from Madagascar that are included in the CITES Appendices with annotations #15 and #5 respectively until Madagascar has complied with the provisions in Decision 17.204, paragraphs e) and f). This recommendation to suspend trade was reconfirmed by Notification No. 2018 – 006 of 14 January 2018.

* 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.

¹ #15 All parts and derivatives are included, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Non-commercial exports of a maximum total weight of 10 kg. per shipment;
- c) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4;
- d) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.

Implementation of Decision 17.204 directed to Madagascar

5. For Madagascar, this action plan is outlined in Decision 17.204 and has three dimensions:
 - a) Sustainable management of biodiversity and scientific research [paragraphs a) to d)]
 - b) Significant strengthening of law enforcement regarding forestry infractions [paragraph e)]
 - c) Management of stockpiles of precious woods [paragraph f)]
6. Madagascar submitted its reports on the implementation of Decision 17.204, paragraphs a) to d) and paragraphs e) and f) to the Plants Committee at its 23rd and 24th meetings [(PC23, Geneva, July 2017; PC24, Geneva, July 2018)] and to the Standing Committee at its 69th and 70th meetings [(SC69, Geneva, November 2017; SC70, Sochi, October 2018)], respectively (see documents PC23 Doc. 21.1; PC24 Doc. 18.1 and SC 69 Doc. 49.1; SC 70 Doc. 27.5.1).
7. The present document is the progress report of Madagascar on the implementation of Decision 17.204 for the 18th meeting of the Conference of the Parties. The following table summarizes the progress made by Madagascar and refers to the implementation of Decision 17.204, paragraphs a) to f).

17.204 Directed to Madagascar

- a) continue to develop an inclusive process to identify the main commercially valuable species in these genera from Madagascar, in cooperation with transit and destination Parties, the CITES Secretariat and relevant partners, such as the International Tropical Timber Organization (ITTO), the International Consortium on Combating Wildlife Crime (ICWC), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations concerned with trade in timber of rosewood, ebonies and palisanders;

Date/Status	Progress by Madagascar	Comments
Since 2015	Madagascar, 2 PhD theses on the 2 genera: 1/ "Phylogeny and genetics of the populations of <i>Diospyros</i> species of the Mascarene Islands". RAD-seq database of 10 species of <i>Diospyros</i> and 39 species of <i>Diospyros</i> .	Molecular research in Saint Louis conducted by Alex Linan on <i>Diospyros</i> was financed by MBG and the University of St. Louis with the support of the project Global Ebony Assessment project. This thesis generated RAD-seq databases of about 350 samples and 200 chloroplast sequences.
September 2015 to February 2019	2/ "Conservation genomics of Malagasy <i>Dalbergia</i> precious woods: insights and implications for forensic species identification", in progress.	This molecular study of <i>Dalbergia</i> at IBZ-ETH is conducted in the framework of the thesis of Simon Cramer and post-doctoral research by Sonja Hassold.
2016	Creation of a consortium coordinated by the CITES Scientific Authority and composed of: The University of Antananarivo, represented by the Forestry Department of the School of Agronomy (ESSA) and the Plant Anatomy Laboratory (LABAP) of the Plant Biology and Ecology Section, Missouri Botanical Garden (MBG) Paris and Madagascar, ETH Zurich University, represented by IBZ (Integrative Biology Zurich), and the University of St. Louis, Missouri.	Studies to identify Malagasy species of <i>Dalbergia</i> and <i>Diospyros</i> require the use of several disciplines. Forestry Department of the School of Agronomy (University of Antananarivo): near infrared spectroscopy (NIRS); Plant Anatomy Laboratory (LABAP): wood anatomy; Missouri Botanical Garden (MBG) Paris and Madagascar: taxonomy; IBZ-ETH Zurich: Molecular analysis of <i>Dalbergia</i> ; University of Missouri-St. Louis: Molecular analysis of <i>Diospyros</i> .
2015-2017	ITTO-CITES project (TMT-SPD 022/15), near completion. "Establishment of a fully documented reference sample collection and identification for all CITES-listed <i>Dalbergia</i> species and a feasibility study for <i>Diospyros</i> and look-alike species". Inclusion in the collection of herbarium specimens and reference wood samples composed of 22 species of <i>Dalbergia</i> , 21 of <i>Diospyros</i> and 8 look-alike species from 5 regions of Madagascar.	Its aim is to collect complete samples of species of <i>Dalbergia</i> and <i>Diospyros</i> , composed of herbarium specimens, wood, fresh leaves and wood cores, accompanied by photographs taken in the field. The specimens were collected respecting the harvesting conditions of specimens used to develop the various identification methods such as wood anatomy, molecular analysis and mass spectrometry. Species of <i>Dalbergia</i> and <i>Diospyros</i> occur in the 22 regions of Madagascar. In this project, specimen collection took place in five regions of Madagascar.

2018	Progress on the in-depth morphological analysis of available herbarium specimens of <i>Dalbergia</i> species. Precious woods of Madagascar Consortium (University of Antananarivo, ETH Zurich, MBG).	The taxonomy currently available for Malagasy species of <i>Dalbergia</i> is far from adequate and thus needs to be refined and updated. In total, about half of the 48 species currently recognized seem to be well defined, but other species will have to be subject to an in-depth study in order to reassess their limits. It will also be necessary to develop more practical identification tools that can be used when no flowers or fruits are present (as is often the case).
2018-2021	Palynology, anatomy and genetic diversity of some of the most exploited species of <i>Dalbergia</i> .	The aim of this thesis is to (1) collect and analyze the pollen of Malagasy <i>Dalbergia</i> species based on herbarium specimens, (2) describe the anatomy of the vegetative organs (young stems, petioles, leaflets), and (3) study the genetic variations of wide-ranging <i>Dalbergia</i> species.
2018-2022	Project: "Sustainable management of the Malagasy <i>Dalbergia</i> and <i>Diospyros</i> precious woods, scientific support for the implementation of the CITES action plan". Funding: European Union	The specific objectives are: 1/ To clarify the taxonomic delimitation of Malagasy <i>Dalbergia</i> and <i>Diospyros</i> species in order to enable the reliable identification of species through the creation of a reference collection (leaves, fruits, flowers, timber); 2/ to develop and disseminate reliable and easy-to-use identification methods for Malagasy <i>Dalbergia</i> and <i>Diospyros</i> timber species designed to support CITES in the monitoring of trade; 3/ to establish a conservatory for the genetic resources of Malagasy <i>Dalbergia</i> and <i>Diospyros</i> species; 4/ to train the main players in the precious wood sector in the identification of <i>Dalbergia</i> and <i>Diospyros</i> timber species. This project is implemented by the Precious woods of Madagascar Consortium: Department of Plant Biology and Ecology (University of Antananarivo), School of Agronomy (University of Antananarivo) and Missouri Botanical Garden. Several international partners are involved. During 2018 and in the first semester of 2019, work consists mainly of: (i) the collection of samples of plant material for analysis and (ii) the acquisition of new equipment for the laboratories. The final list of the main species with commercial value will be available in July 2019. Some morphological identification manuals for traded species will be available around July 2019.

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- b) for those species identified under paragraph a) establish, in collaboration with the CITES Secretariat, a precautionary export quota based upon a scientifically robust non-detriment finding;

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Since March 2017	FAO-FLEGT Programme; terms of reference drafted on: Development of methods to estimate the amount of standing timber in order to make a non-detriment finding (NDF).	The FAO-FLEGT Programme will support a pilot programme on the development of methods to identify and monitor the status of the existing populations of <i>Dalbergia</i> spp. in order to establish a management plan for each species or group of species and assess the stocks of standing timber. Such methods will later be developed and used for the rest of the species.
May 2018 – July 2019	Project: “Support for the strengthening of forest governance and the implementation of the CITES Action Plan for Malagasy precious woods through the formulation of pilot non-detriment findings for <i>Dalbergia</i> species with a limited range”. Funding: FAO-UE-FLEGT Programme	The objective of this project is to carry out the relevant inventories for the making of pilot NDFs for three species of precious woods (<i>D. normandii</i> , <i>D. lemurica</i> , <i>D. suaresensis</i>). An initial version of the NDFs (scientific aspects) will be completed for presentation to the CITES Parties during a side event that will be organized by Madagascar during CoP18 (Sri Lanka, 28 May to 3 June 2019). The final version will be drafted after this presentation (in June/July 2019) in order to take into account the feedback and suggestions for improvement collected during the side event.

- c) subject to the availability of funds, organize workshops in support of the implementation of paragraphs a) and b) of this Decision, 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);

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May 2016	Identification of the needs, capitalization of the achievements made on Malagasy species of <i>Dalbergia</i> and <i>Diospyros</i> and identification of priority activities. Established by the World Resources Institute (WRI) and the World Bank, in cooperation with researchers from ETH Zurich, MBG, the SA of Madagascar and the University of Antananarivo, with the financial support of the Program on Forests (PROFOR). 65 species of <i>Diospyros</i> currently recognized (described and not described) are assessed as having minimum exploitable diameter (MED).	The assessment dealt with: 1) the geographic range and status of the population of the species; 2) the technologies for species identification; 3) the regeneration potential of these species for forestry; and 4) the potential of the private sector to develop a value chain for the sustainable harvest of precious woods.

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January 2017	Validation workshop of the IUCN conservation status of 51 species of <i>Diospyros</i> (of which 20 are of MED). Funding: Global Ebony Assessment	The IUCN mandated the Madagascar Plant Specialist Group, based at the University of Antananarivo, to validate the scientific data on Malagasy species according to the IUCN Red List assessment criteria. The categories proposed for 51 species of <i>Diospyros</i> were validated on 18 January 2017. PC23 Doc. 21.1– p. 7. The 51 species were classified as follows: 3 CR, 6 EN, 10 VU, 16 LC, 14 NT and 2 DD. These categories are still in the process of being validated by the IUCN and will soon be included in the official Red List.
June 2017	Meeting to finalize the identification method and transfer skills on the genus <i>Dalbergia</i> . Funding: Consortium	A meeting with all the national and international institutions such as MBG, SNGF, RBG Kew, PBZT, ETH, ESSA and MBEV is planned in June 2017. Its main objectives are to finalize the identification method for species of <i>Dalbergia</i> and transfer skills from senior Malagasy researchers to young researchers.
July 2017	National capacity-building workshop on CITES implementation for precious wood species listed in Appendix II. Funding: WWF DMCO Madagascar	The specific objectives of the training were (1) strengthen or update the understanding of national legislative and regulatory frameworks and decisions and resolutions of the CITES Convention on tree species included in Appendix II; (2) update and present scientific results on the methods of identifying <i>Dalbergia</i> and <i>Diospyros</i> species; (3) building the capacity of the officials involved in the control of the exploitation, transport, marketing and export of precious woods, and on the macroscopic and microscopic identification of some Malagasy woods traded with palisander, rosewood and ebony.
May 2018 – July 2019	Project: “Support for the strengthening of forest governance and the implementation of the CITES Action Plan for Malagasy precious woods through the formulation of pilot non-detriment findings for <i>Dalbergia</i> species with a limited range”. Funding: FAO-UE-FLEGT Programme	Training on (i) project management, and (ii) the forest management inventory was provided from 7 to 14 December 2018 in Morondava (Menabe Region) in cooperation with international experts on NDFs with the support of the teams from the Congo (DRC). The objectives were to collect the necessary bio-ecological data for the making of NDFs. Participants were officials of the Management Authority and Scientific Authority for Flora.
September 2018	Cooperation with the Royal Museum for Central Africa (MRAC).	From 23 to 28 September 2018, a training course entitled “Timber biology at the service of the sustainable management of forests” took place at the University of Antananarivo. Participants were the officials of the forestry administration and scientists from the university.

d) continue the production of identification materials for identifying timber and timber products of species of the genera *Dalbergia* and *Diospyros* from Madagascar;

April 2017	Official publication by SPRINGER of the first atlas based on wood anatomical traits of 19 species of <i>Dalbergia</i> (of which 17 are of MED) and 31 species of <i>Diospyros</i> (of which 23 are of MED) from Madagascar. "Stem anatomy of <i>Dalbergia</i> and <i>Diospyros</i> species from Madagascar, with a special focus on wood identification".	The atlas provides anatomical descriptions of 19 species of <i>Dalbergia</i> and 31 species of <i>Diospyros</i> , most of which are endemic to Madagascar. Each species is illustrated with colour micrographs of sections of the xylem, the bark and the pith of the trunk, branches and twigs, double stained with Safranin O and Astra blue.
May 2017	Completed taxonomic revision of 33 species of <i>Diospyros</i> , of which 13 are of MED. The related articles are in preparation and in press.	The titles of the scientific articles are the following: Schatz, G. E. & P.P. Lowry II. Synoptic revision of the <i>Diospyros</i> L. (Ebenaceae) Squamosa group in Madagascar (in prep.), with a description of 5 new species. Schatz, G. E. & P. P. Lowry II. New Species of <i>Diospyros</i> L. (Ebenaceae) from the island of Nosy Mangabe in the Bay of Antongil region of Madagascar (in prep.), with 7 new species. Mas, C., P.P. Lowry II & G.E. Shatz. Révision taxonomique des <i>Diospyros</i> L. (Ebenaceae) de la région malgache-comorienne. I. Le groupe Gracilipes. Boissiera (in press).
May 2017 (in progress)	Identification catalogue of 20 species of <i>Dalbergia</i> (of which 18 are of MED), 20 of <i>Diospyros</i> (of which 14 are of MED), and 10 look-alike species available at the LABAP, University of Antananarivo.	The catalogue provides macroscopic and microscopic descriptions of the wood of 20 species of <i>Dalbergia</i> , 20 species of <i>Diospyros</i> and 10 look-alike species endemic to Madagascar. Each species is illustrated with photographs of the plant as well as macroscopic and microscopic colour micrographs of anatomical sections of the trunk.
Mars – December 2018	Project: "Creation of a guide for the macroscopic identification of timber of species of <i>Dalbergia</i> from Madagascar and similar species". Funding: Federal Food Safety and Veterinary Office (FSVO) Switzerland.	The aim of this project is to establish a database and develop a technical manual for the identification of species, based on macroscopic characteristics of <i>Dalbergia</i> timber from Madagascar. The specimens of timber collected during two ITTO-CITES projects (SSFA/2014/MSS and TMT-SPD 022/15) will be used in this project. A macroscopic identification manual with 15 species of <i>Dalbergia</i> and 12 similar species has been developed.

e) for those species identified under paragraph a), significantly strengthen control and enforcement measures against illegal logging and export at the national level including seizures, investigations, arrests, prosecutions, and sanctions;

1. Establishment of the Special Court to combat illegal trade of rosewood and/or ebony and punish offences;

Date/Status	Progress by Madagascar	Comments
2017 – 2018	<p>- Functional status</p> <p>Installation of the magistrates of the Special Court: 13 July 2018</p> <p>Appointment of the 20 assessors of the Special Court by the Ministry of the Environment, Ecology and Forests: Order No. 23.808/2018/MEEF of 26 September 2018.</p> <p>Appointment of the court clerks: Decision No. 1133 of 2 October 2018 on the provision of staff.</p> <p>- Progress of cases</p> <p>An inventory of the cases of infringements involving illegal trade of rosewood and/or ebony is in progress: letter No. 322-MJ/SG/DGAJER/DAJ/SJPS/18 of 26 November 2018.</p> <p>Once the inventory is completed, all the cases of infringements involving illegal trade of rosewood and/or ebony will be referred to the Special Court.</p> <p>8 cases have been referred by the Anti-Corruption Unit to the prosecutor's office of the Special Court from 15 November 2018 following <i>procès-verbal</i> No. 023-MJ/DCN/PAC/PV.18.</p> <p>Of these 8 cases, 4 have been subject to an application for the opening of an investigation and are under investigation by the Investigatory Chamber of the Special Court.</p> <p>Regarding the other 4 cases, it is necessary to conduct additional investigations either as preliminary inquiries or at the Special Court prosecutor's office.</p> <p>Arrest warrants have been issued by the Investigation Chamber and sent to the judicial police.</p>	<p>Headquarters: 6th floor of the CNAPS building in the "67 hectares" district</p> <p>Office furniture and materials: 8 office desks, 8 office chairs, 8 chairs for visitors, 3 fully equipped computers, 2 printers, 2 filing cabinets and some office supplies.</p> <p>The material available is insufficient considering the number of magistrates and the staff envisaged (8 magistrates and 3 clerks) and the provisional venue is too small; a change of venue should be considered.</p> <p>The Special Court has exclusive powers regarding infringements related to illegal trade in rosewood and/or ebony.</p> <p>In addition, under Article 25 of Organic Law No. 2015-056 of 3 February 2016, the powers of the Special Court extend to infringements that constitute an indivisible whole with the infringement persecuted, as well as any related ones provided that they have been prosecuted in the same proceeding.</p> <p>Thus, the Special Court has powers to rule on other infringements apart from those related to illegal trade in rosewood and/or ebony as long as there is a connection between them.</p>

2. Follow-up of the 89 cases of forestry infractions identified (SC 67 doc. 19.1): after coordinated work with the courts of first instance (i.e. lower courts), the number of cases amounts to 79;

Date/Status	Progress by Madagascar	Comments
2017	<ul style="list-style-type: none"> ➤ 53 cases have been judged with the following outcomes: <ul style="list-style-type: none"> - 6 cases closed without further action - 3 cases committed to trial - 127 defendants tried, of which 107 convicted and 20 acquitted ➤ 21 cases being processed ➤ 5 cases not registered at the public prosecutor's offices 	<p>The dissemination of the court records in the jurisdictions of 10 regions leads to delays in the transmission of information at the Ministry of Justice. It should be noted that these 79 cases of forestry infractions do not only concern illegal trade in rosewood and ebony but also cases of land clearing, bushfires, illegal trade of turtles...</p>
2018	<p>21 cases were still being processed</p> <ul style="list-style-type: none"> ➤ four (4) were judged: three (3) of them led to convictions whereas the defendants of the fourth case were acquitted for lack of evidence; ➤ four (4) of these cases are not in any of the records of the prosecutors' offices of the country and are still at the stage of preliminary inquiries; ➤ thirteen (13) cases are still being the subject of specific monitoring (Cf. Annex 2). 	

3. Follow-up on the actions regarding the seizure of rosewood in Singapore;

Date/Status	Progress by Madagascar	Comments
2016	<p>February 2016: the Prime Minister of Madagascar, Mr Jean Ravelonarivo, stated that the shipment of rosewood to Singapore was illegal in a letter sent to the Singapore court.</p> <p>December 2016: the Prime Minister of Madagascar, Mr Mahafaly Solonandrasana, confirmed that the export of timber to Singapore was illegal (report after SC 67, December 2016).</p>	<p>The two former Prime Ministers of Madagascar confirmed that the shipment of rosewood to Singapore was illegal.</p>
2017 – 2018	<p>Civil action in Singapore: Madagascar initiated a civil action against the importer to 1) claim the restitution of the timber and also 2) obtain damages.</p> <p>The lawyer representing Madagascar in Singapore appealed again. The hearing took place on 26 May 2018. Yet, considering the political problems that occurred in Madagascar</p>	<p>The lower court of Singapore rejected Madagascar's request.</p> <p>Limits of the civil action brought by Madagascar:</p> <p>The civil action is closely linked to the criminal proceedings. In the event that the judge acquits the defendants again, the civil action will be seriously affected.</p>

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	in April 2018, the lawyer filed a grievance before the judge and the relevant documents were submitted on 16 July 2018. To date, the Court of Appeal has not issued a ruling yet and has postponed its verdict to a later date.	
2017 – 2018	Prosecution of accomplices in Madagascar: Launch of a nationwide investigation to identify and arrest accomplices in the illegal export of rosewood seized in Singapore following the complaint “against persons unknown”. The case involving the illegal export of rosewood to Singapore is still under investigation by the Independent Anti-Corruption Bureau (BIANCO). Suspects have been questioned and inquiries are under way.	For confidentiality reasons, no information is provided on current investigations.

4. Control measures against illegal exploitation;

Date/Status	Progress by Madagascar	Comments
2017	3 attempted exports thwarted (February, June and December 2017): cases of vessels LUMINA and Botry in Mananara. 1 attempt foiled: December 2017	Cf. Report of Madagascar (SC 69 Doc. 49.1 R1; SC70 Doc 25.5.1).
October – December 2018	1 case of presence of a Panamanian-flagged vessel named Flying that attempted to illegally trade in rosewood in Sainte Marie Region. The operation is closely monitored by satellite tracking and land control by law enforcement officials has been reinforced. The ship is currently seized at the port of Tamatave.	Since October 2018, the Malagasy maritime and coastal surveillance system has reported the presence of a suspicious vessel in Sainte Marie Region (in the east). The Government has taken measures for the surveillance of areas with high risk of trafficking. Following the verification of information on the preparation of an illegal rosewood export operation, forest control missions are currently implemented in 4 regions – DIANA, SAVA, ANALANJIROFO and ANTSINANANA – to thwart any attempts of timber transshipment. The navy (CONFONA) is in charge of the surveillance of the marine border. The suspicious vessel “FLYING” was intercepted on 19 December 2018 60 km from the Antongil Bay and brought to the port of Tamatave.
From December 2016 to date	Suspension of the exploitation of palisander: Instruction Note No. 897/16/MEEF/Mi suspending all commercial logging authorizations and exploitation permits within management transfer areas for precious woods. Exclusion of inventoried trees of <i>Dalbergia</i> spp. and <i>Diospyros</i> spp. from the sale of forestry plots.	

Date/Status	Progress by Madagascar	Comments
2017 – 2018	Control measures at the regional level The Ministry of the Environment, Ecology and Forests, in keeping with its role, conducts forest control missions in the regions. 2 rounds of recruitment of forestry administration officials to strengthen teams of regional services in charge of forests and of protected areas.	Forest controls have been reinforced by mixed patrols made up of gendarmes and military personnel. There are informers at the ports who provide information on the movements of small vessels and about any recruitment of stevedores.
2017 – 2018	Reinforcing the surveillance of protected areas Use of the Spatial Monitoring And Reporting Tool (SMART) to monitor the illegal harvesting and trade of biodiversity within protected areas.	Mixed brigades conduct surveillance operations in the six (6) national parks "Forêt humide de l'Atsinanana".
Mars 2018	Validation at the national level of the UNODC's review report, an official publication of the assessment mission report on offences involving wildlife and forests.	Every ministry concerned is currently implementing the recommendations arising from this report.
July 2018	TWIX (Trade in Wildlife Information eXchange): information sharing and cooperation within and between the law enforcement authorities, and within and between member countries of the Southern African Development Community (SADC).	Creation of an information exchange platform between law enforcement officials in the SADC.

f) submit regular updates on audited inventories of at least a third of the stockpiles of species of *Dalbergia* spp. and *Diospyros* spp. from Madagascar, and a use plan for consideration, approval and further guidance from the Standing Committee; and

1. Updates on audited inventories: Inventories of declared wood (cf. Annex 3);

From November 2017 to February 2018, the Executive Secretariat (ES) of the Interministerial Committee (COMINT) conducted the inventory of declared wood (funded by the Government of Madagascar).

Number of declarers: 65

Number of sites visited: 64

Designation	Total no. declared	Total no. observed	Volume (m3)	Weight (t)	Observations
Logs	53,852	33,737	2,976.477	3,690.831	During the inventory taking, the team of the COMINT ES drew up reports of the facts and of the sequestration that will be sent to the Special Court as soon as the inventories are completed.
Planks	45,424	17,336 + 4 BATCHES			

Designation	Total no. declared	Total no. observed	Volume (m3)	Weight (t)	Observations
Other	4,856	4,313 + 4 BATCHES			Rosewood specimens were marked, measured, sealed and sequestered (Cf. Doc SC 70-27-05-01-A3; p. 60, 61, 62). The Special Court will clarify the status of the inventoried timber with regard to Ordinance 2011. Indeed, in accordance with Article 28 of the decree implementing the Special Chain (No. 2016 – 801), the COMINT ES must cooperate with the Special Chain, particularly by sharing any intelligence, information and useful documents to determine what to do with the timber. As a result of the implementation of the ordinances issued from 2011 onwards, the individual status of each stock will be determined by the Special Court based on the reports received from the COMINT ES as soon as the inventories are completed.

2. Status of the timber seized by the Government of Madagascar;

No. of regions investigated	Total no. of rosewood logs seized	Total no. of rosewood logs inventoried, marked and secured	Percentage of completion	Observations
11 regions	28,666	27,725	97 %	Rosewood specimens seized but not documented increased the percentage. Seized rosewood specimens are goods associated with illegal activities seized by government officials. They belong to the State of Madagascar.

3. Submission of a use plan for review, approval and additional guidance;

Date/Status	Progress by Madagascar	Comments
2017	Submission to SC69 of a first draft of the "Stockpile Verification Mechanism and Business Plan"	Document not validated, CITES recommendation (SC 69 Doc. 49.2 paragraphs 32 to 35).
2018	Submission to SC70 of a revised version of the document "Stockpile Verification Mechanism and Business Plan".	Document not validated. CITES recommendation to review certain steps of the phases, the governance: establish an independent observer, and strengthen the oversight mechanism (SC 70 Com. 14).

Prospects

8. Madagascar remains committed to implementing the CITES Action Plan following the recommendations arising from the meetings of the Committees. To this end, for the next stages, the following priority actions will be implemented in view of the next meeting of the Standing Committee, among others:
 - a) Request for the assistance of ICCWC to conduct the inquiries and for the cooperation of countries having seized significant shipments of specimens of rosewood, palisander or ebony from Madagascar, to share information supporting investigations and prosecutions by Madagascar;
 - b) Review of the “use plan” document (i.e. the form, the idea of compensation, the role of an independent observer, the use of funds);
 - c) Review of Decree No. 2016 – 801 implementing Act No. 2015 – 056 of 3 February 2016 concerning the reallocation of the proceeds from the sale of timber and the creation of an independent trust fund (pending approval by the Ministry of Finance and Budget);
 - d) Establishment of the governance structure of the use plan;
 - e) Risk analysis of the options for use identified and/or assessment of the potential effects of the sales on illegal logging and timber trafficking; and
 - f) Undertake steps 1 and 2 of Phase 1 (reverification of seized stockpiles, inventory of non-controlled declared timber).

Conclusion

9. Despite the lack of means available to the Government of Madagascar, the measures taken and implemented (e.g. satellite surveillance, land control, coordination of law enforcement activities on a regional and local level) to control illegal trade of timber seem to be effective. There are still attempts to conduct illegal activities but they are thwarted.
10. Madagascar is in an election period, apart from the festivities, and during these occupations of the government attempts to smuggle rosewood and ebony persist. Thus, regarding timber stockpiles, Madagascar must take control to avoid/reduce the risk of attempts to illegally export this rosewood and/or ebony. To this end, it is necessary to continue drawing up an inventory of the timber declared in 2017. However, to ensure this inventory is consistent with CITES requirements, a prior analysis of the inventories already completed should be conducted in order to establish a protocol or manual and the inventorying methodology validated by the stakeholders. It is therefore necessary to designate an independent observer to monitor the process in the field. Several technical partners are ready to assist Madagascar in this regard.
11. As regards the prosecution of traffickers, the Special Court is currently functional. The cases referred to it will be dealt with the required time limits. The outcome of the cases dealt with will be reported by Madagascar during SC71 and CoP18.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat recognizes that Madagascar made significant progress in meeting the requirements directed to it in Decision 17.204, despite their complexity and the limited resources available. The report by Madagascar on its implementation of Decision 17.204 summarizes achievements in each of the six areas of work that it was asked to address between CoP17 and CoP18. The report is up-to-date and shows the efforts that have been put in place by the country and its partner organizations to comply with the comprehensive set of instructions emanating from CoP17. It should be noted that Madagascar already provided several reports on progress with these activities to the Plants and Standing Committees for their review and monitoring.

- B. Madagascar's report anticipates that a number of activities mentioned in Decision 17.204 will continue after CoP18 (see section 'Perspectives'). New draft decisions in this regard were developed by the Standing Committee and are presented in document CoP18 Doc. 30.2.
- C. In its report, Madagascar does not propose specific recommendations for the Conference of the Parties. The Secretariat recommends that the Conference of the Parties take note of document CoP18 Doc. 30.1, congratulate Madagascar for its ongoing commitment, and agree that Decision 17.204 can be deleted.

DECISIONS ON MALAGASY EBONIES (*DIOSPYROS* SPP.) AND
PALISANDERS AND ROSEWOODS (*DALBERGIA* SPP.)

17.203 Directed to source, transit and destinations Parties for Malagasy *Diospyros* spp. and *Dalbergia* spp.

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;
- b) develop action plans to effectively manage timber stockpiles of *Dalbergia* spp. and *Diospyros* spp. from Madagascar; and
- c) provide written reports describing progress made with implementation of paragraphs a) and b) of this Decision to the Standing Committee.

17.204 Directed to Madagascar

Madagascar shall:

- a) continue to develop an inclusive process to identify the main commercially valuable species in these genera from Madagascar, in cooperation with transit and destination Parties, the CITES Secretariat and relevant partners, such as the International Tropical Timber Organization (ITTO), the International Consortium on Combating Wildlife Crime (ICWC), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations concerned with trade in timber of rosewood, ebonies and palisanders;
- b) for those species identified under paragraph a) establish, in collaboration with the CITES Secretariat, a precautionary export quota based upon a scientifically robust non-detriment finding;
- c) subject to the availability of funds, organize workshops in support of the implementation of paragraphs a) and b) of this Decision, 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) for those species identified under paragraph a), significantly strengthen control and enforcement measures against illegal logging and export at the national level including seizures, investigations, arrests, prosecutions, and sanctions;
- f) submit regular updates on audited inventories of at least a third of the stockpiles of species of *Dalbergia* spp. and *Diospyros* spp. from Madagascar, and a use plan for consideration, approval and further guidance from the Standing Committee; and
- g) provide written reports on progress with the implementation of paragraphs a) to d) of this Decision to each meeting of the Plants Committee; on progress with the implementation of paragraphs e) and f) of this Decision to the Standing Committee; and on progress with the implementation of this Decision to the Conference of the Parties at its 18th meeting.

17.205 Directed to Parties

Parties and relevant partners indicated in Decision 17.204 paragraph a) are invited to:

- a) provide technical and financial assistance to support the implementation of Decisions 17.203 to 17.208;
- b) provide technical and financial assistance in support of conducting audited inventories of *Dalbergia* spp. and *Diospyros* spp. from Madagascar; and
- c) provide reports to the Standing Committee, including information received from relevant partner organizations, concerning progress with the implementation of paragraphs a) and b) of this Decision.

17.206 Directed to the Plants Committee

The Plants Committee shall:

- a) review and assess reports from Madagascar on its implementation of Decisions 17.204 paragraphs a) to d), and from the Secretariat on the implementation of Decision 17.208, and provide recommendations to Madagascar and the Standing Committee and other bodies as appropriate;
- 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; and
- c) assist Madagascar in the identification of technical resources in support of the implementation of Decisions 17.204 paragraphs a) to d), and if needed, make recommendations to Madagascar, Standing Committee and other relevant organizations.

17.207 Directed to the Standing Committee

The Standing Committee shall review and assess reports from Madagascar on the implementation of Decision 17.204 paragraph e) and f), and from the Secretariat on the implementation of Decision 17.208, and make recommendations, which may include appropriate compliance measures and an assessment as to whether the conditions for a partial sale of audited stocks are in place, in accordance with the criteria established in Decision 17.204, paragraphs e) and f).

17.208 Directed to the Secretariat

The Secretariat shall:

- a) assist Madagascar, relevant Parties, and the Standing and Plants Committees in the implementation of Decisions 17.203 to 17.207;
- 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
- c) provide written reports on progress with the implementation of this Decision to the Plants Committee and the Standing Committee, as appropriate.

Status of the 13 pending cases of the 79 cases of 2017

Region	Number of cases received	No. of cases judged	No. of cases resolved	Number of cases to follow
Atsimo Atsinanana	1	0	0	1
Vatovavy Fitovinany	4	1	0	3
Analamanga	3	0	0	3
Atsinanana	5	0	0	5
Total	13	1	0	12

Status of the 21 cases of 2018 involving environmental offences

Region	No. of cases received	No. of people brought before the courts	No. of defendants with a detention order	No. of cases judged	No. of defendants convicted	No. of defendants acquitted	No. of cases ongoing	No. of cases committed to trial
Analamanga	3	2	2	0	0	0	3	0
Vakinankaratra	1	4	0	0	0	0	1	0
Boeny	4	20	0	2	0	13	2	1
Vatovavy Fitovinany	4	10	8	2	5	0	2	2
Menabe	1	1	0	1	1	0	0	0
Atsimo Andrefana	4	11	11	3	8	0	1	0
Sofia	4	6	5	2	0	0	2	0
Total	21	54	26	10	14	13	11	3

Report on the stockpile inventory (DOC by the Executive Secretariat of the Interministerial Committee)

Work conducted by the Executive Secretariat between CoP17 and CoP18

I. Mission of the Executive Secretariat

Decree No. 2014-906 of 24 June 2014 on the creation of the Executive Secretariat (ES) in charge of reforming the rosewood (RW) and ebony sector (EB) marked a pivotal moment in the political will of the Government of Madagascar to solve the problem of reforming this sector. In order to have a single command while conducting the field mission, the twelve ministries concerned, brought together in the Interministerial Committee (COMINT) mandate the ES, which is their executive arm to coordinate this reform according to the government's policy.

II. Starting points

The initial data on the sector were tables listing the name of offenders, the locations of offences and stockpiled timber and especially the number of logs per person cited both regarding seized timber and declared timber.

Official data

The status of the RW and EB included in the national catalogue of the *Direction Générale des Forêts* (DGF) provides the following numbers:

Seized RW and EB: 28,666 logs
 Declared RW and EB: 294,936 RW logs + 6 containers
 6,717 EB logs
 450,409 EB planks + 1,774 kg of EB
 138,935 RW planks + 4 containers

III. Work on seized RW and EB

Mission: to inventory, mark and secure 28,666 rosewood specimens seized by government officials.

- A. **Location**: the map showing the stockpile sites and the number of logs to inventory is displayed in Annex I;
- B. **Methodology used**: decisions in the field were made in a collegiate manner way with the expanded *Organe Mixte de Conception* (OMC, the regional law enforcement body in charge of making decisions regarding public order) and the ES. Importantly, transparency was ensured thanks to the presence to civil society entities, BIANCO and decentralized authorities. Security was provided by officers of the national gendarmerie, the national police and the Malagasy army. The rosewood was inventoried, counted and marked by forestry officials of the DGF under the supervision of forestry engineers;
- C. **Observed results**: the following table summarizes the results; details can be consulted in Annex I of the present report:

No. of regions investigated	Total no. of RW logs seized	Total no. of RW logs inventoried, marked and secured	Percentage of completion	Observations
11 regions	28,666	27,725	97%	RW specimens seized but not documented increased the percentage

- D. **Difficulties encountered in the field**: transporting RW specimens to secure them is too expensive and thus limits the possibility of securing them in one single location. Sometimes the OMC is reluctant to attend meetings due to its many obligations.

IV. Work done on the declared timber:

- A. **Mission:** to inventory, mark and seal declared timber in accordance with CITES requests and requirements; and
- B. **Location:** the 7 regions with declared RW are recorded and marked on the map (in Annex 2);
- C. **Methodology used:**
- i) training of forestry officials to apply the new criteria for qualification and classification of RW and EB required by CITES, under the coordination of the COMINT ES;
 - ii) 4 heads of operations assisted by 5 or 6 officials conducted the fieldwork (inventorying, counting, marking, sealing);
 - iii) strategy adopted: approach the inventory of the declared RW in a totally peaceful atmosphere in order to detect concealed or undeclared RW; and
 - iv) memorandum of collaboration between authorities in the field (enlarged OMC), operators and COMINT ES;
- D. **Observed results:**

Designation	Total no. declared	Total no. observed	Volume (m3)	Weight (t)	Observations
Logs	53,852	33,737	2,976.477	3,690.831	
Planks	45,424	17,336 + 4 BATCHES			
Other	4,856	4,313 + 4 BATCHES			

During 61 days of work, the teams of the COMINT ES managed to inventory, mark and seal 33,737 RW logs, with a volume of 2,976.477 m3 and a weight of 3,690.831 tonnes in 64 locations, as well as 17,336 planks + 4 batches and an additional 4,313 + 4 batches.

Current situation regarding the CITES recommendations:

- A. Reverified inventory required by CITES:
- i) Officials trained;
 - ii) Inventories made in authorized sites; and
 - iii) RW secured by designating the declarers as sequestration guardians;
- B. Measures taken to strengthen controls and the fight against illegal exploitation and export on a national level:
- i) Full surveillance by local forest officials and the gendarmerie of sensitive RW areas (i.e. protected areas and coastal areas);
 - ii) Memorandum of collaboration between operators and the COMINT ES;
 - iii) Protocol for real-time alert on suspicious vessels with CFIM, the Regional Centre for Maritime Information Fusion;
 - iv) Protocol of surveillance of vessel movements in ports with APMF (the Maritime and River Port Agency, the authority responsible for traffic regulation);
 - v) Memorandum of collaboration between BIANCO and the COMINT ES to avoid any wrongdoing;

- vi) Achievements of the COMINT ES = 1/6 of RW verified, marked, sealed and secured; and
- vii) Due to a lack of funding, the issue of the traceability of products after the inventory has not been resolved;

V. Difficulties encountered in the field

The transport and maintenance expenses of RW are too high and limit the transfer of the timber to locations secured by the Government.

Current status of the RW: state of preservation

a) Seized RW: 27,725 logs:

- i) 5% are indoors in closed premises and are therefore in good condition. Their commercial value is maintained; and
- ii) 95% are outdoors, exposed to the elements and therefore in poor state of preservation. Radial cracks are increasing and the market value of the products is decreasing over time.

b) Declared RW:

- i) 45% are indoors in closed premises and 40% are underground or buried in rivers. Their market value is maintained; and
- ii) 15% are outdoors; their market value will decrease over time because of the increase of radial cracks and the wood rot due to exposure to the elements.

VI. Conclusions

- a) for the inventory work to continue, it is necessary first to buy materials to ensure the traceability of the inventoried RW;
- b) it is expensive to maintain RW. Solutions must be found to ensure that the security of inventoried products is not jeopardized; and
- c) seized rosewood logs will soon have spent 10 years outdoors in the rainy area of Madagascar. It is therefore urgent to address this issue.

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 authors of this document propose the following tentative budget and source of funding.