

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 THE STANDING COMMITTEE

1. This document has been submitted by the Standing Committee.*

Background

2. At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties adopted [Decisions 17.203 to 17.208](#) on *Malagasy ebonies* (*Diospyros spp.*) and *palisanders and rosewoods* (*Dalbergia spp.*), as shown in Annex 2 to the present document. These Decisions are directed to: source, transit and destination Parties; Madagascar; the Plants Committee; the Secretariat; and the Standing Committee.
3. In the context of its implementation of Decision 17.207, the Standing Committee reviewed reports from Madagascar and the Secretariat at its 69th and 70th meetings (SC69, Geneva, November 2017; SC70, Sochi, October 2018; see documents [SC69 Doc. 49.1 \(Rev. 1\)](#), [SC69 Doc. 49.2](#), [SC70 Doc. 27.5.1](#) and [SC70 Doc. 27.5.2](#). The recommendations that the Standing Committee subsequently formulated are contained in the summary record of the 70th meeting of the Standing Committee.

Draft decisions for the 18th meeting of the Conference of the Parties

4. At SC70, the Standing Committee agreed to recommendations concerning the draft Stockpile Verification Mechanism and Business Plan submitted by Madagascar in [Annex 3](#) of document [SC70 Doc. 27.5.1](#).
5. The Secretariat explained in document [SC70 Doc. 27.5.2](#) that the Plants Committee, at its 24th meeting (Geneva, July 2018), reviewed the decisions on *Malagasy ebonies* (*Diospyros spp.*) and *palisanders and rosewoods* (*Dalbergia spp.*) directed to it, and that it had drafted amendments to Decisions 17.204 and 17.206 to allow continued collaboration with Madagascar on scientific and management matters concerning these species. The Plants Committee also agreed to inform the Standing Committee that it might need to undertake a similar review of Decisions directed to it.
6. In document SC70 Doc. 27.5.2, the Secretariat offered suggestions for replacing Decisions 17.203 to 17.208 with new draft decisions for consideration at CoP18, taking account of the proposals of the Plants Committee for Decisions 17.204 and 17.206. The proposed amendments were clarified in paragraph 19 of the document.

* 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.

7. The Secretariat emphasized that the amendments proposed a continuation of the measures that Madagascar and CITES Parties had taken since the 16th meeting of the Conference of the Parties (Bangkok, 2013) concerning trade in Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.), i.e. by means of the adoption of dedicated Decisions directed to key stakeholders. The Secretariat recognized that the compliance elements of the draft decisions should be aligned with the procedures outlined in [Resolution Conf. 14.3](#) on *CITES compliance procedures*.
8. The Standing Committee agreed to propose to the Conference of the Parties draft decisions to replace Decisions 17.203 to 17.208, as shown in Annex 1 to the present document

Recommendations

9. The Conference of the Parties is invited to:
 - a) adopt the draft decisions on *Malagasy ebonies (Diospyros spp.) and palisanders and rosewoods (Dalbergia spp.)* presented in Annex 1 to this document; and
 - b) agree that Decisions 17.203 to 17.208 can be deleted.

COMMENTS OF THE SECRETARIAT

A. The Secretariat generally supports the draft decisions on Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.), as proposed in Annex 1, and recommends their adoption by the Conference of the Parties, with the amendment indicated below.

B. To improve clarity, the Secretariat suggests that in draft decision 18.AA, a reference to the use plan be added and 'as appropriate' be removed as follows (see ~~strikeout~~ and underlined text):

18.AA Parties and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations, are invited to:

[...]

- b) ~~as appropriate,~~ collaborate with Madagascar in the implementation of the agreed parts (inventories, i.e. steps 1 and 2 of Phase 1) of the use plan to manage timber stockpiles of specimens of these species from Madagascar (see Annex 3 of document SC70 Doc. 27.5.1); and

[...]

C. The Secretariat notes that effective and full implementation of the comprehensive set of draft decisions in Annex 1, and the assistance that the Secretariat is expected to provide in this regard, would require significant funding in the millions of US dollars. In Annex 3, the Secretariat provides a tentative budget for implementing some of the activities involving the Secretariat, recognizing that undertaking the tasks in draft decision 18.BB, to be executed by Madagascar, would probably require the most funding and resources (they are not included in the tentative budget shown in Annex 3).

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

18.AA Directed to Parties and other relevant partners

Parties and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations, are invited to:

- a) enforce all measures that are recommended by the CITES Standing Committee concerning commercial trade in specimens of Malagasy *Diospyros* spp. and *Dalbergia* spp. from Madagascar;
- b) as appropriate, collaborate with Madagascar in the implementation of the agreed parts (inventories, i.e. steps 1 and 2 of Phase 1) of the use plan to manage timber stockpiles of specimens of these species from Madagascar; and
- c) provide technical and financial assistance to support the implementation of Decisions 18.BB to 18.EE.

18.BB Directed to Madagascar

Madagascar shall:

- a) continue to identify the main commercially valuable species in the genera *Dalbergia* and *Diospyros* from Madagascar, in cooperation with the Secretariat and relevant partners, such as the International Tropical Timber Organization (ITTO), the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental and non-governmental organizations;
- b) continue to make progress in the development of non-detriment findings for commercially valuable species in the genera *Dalbergia* and *Diospyros*, including implementation of appropriate monitoring mechanisms, and report on progress to future meetings of the Plants Committee;
- c) 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;
- d) continue the production of identification materials for timber and timber products of species of the genera *Dalbergia* and *Diospyros* from Madagascar;
- e) for those species identified under paragraph a), 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* and *Diospyros* from Madagascar, and submit a modified use plan for consideration, approval and further guidance from the Standing Committee; and
- g) provide reports on progress with the implementation of paragraphs a) to d) of this Decision to the Plants Committee; and on progress with the implementation of paragraphs e) and f) of this Decision to the Standing Committee.

18.CC Directed to the Plants Committee

The Plants Committee shall:

- a) review reports from Madagascar and the Secretariat as appropriate on the implementation of Decisions 18.BB and 18.EE, and provide recommendations to the Standing Committee and the Secretariat; and

- b) provide assistance to Madagascar with the implementation of paragraphs a) to d) of Decision 18.BB.

18.DD *Directed to the Standing Committee*

The Standing Committee shall review reports from Madagascar and the Secretariat on the implementation of Decisions 18.BB and 18.EE, and make recommendations to Madagascar, relevant Parties and the Secretariat as appropriate, and take compliance measures in accordance with Resolution Conf. 14.3 on CITES compliance procedures if Madagascar fails to satisfactorily implement the actions directed to it in Decision 18.BB.

18.EE *Directed to the Secretariat*

The Secretariat shall:

- a) assist Madagascar, relevant Parties, and the Standing and Plants Committees in the implementation of Decisions 18.AA to 18.DD;
- b) subject to external 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 activities related to Decision 18.AA; and
- c) provide reports on progress with the implementation of this Decision to the Plants Committee and the Standing Committee, as appropriate.

DECISION ADOPTED AT COP17 CONCERNING 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* and *Diospyros* 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 Decision 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 Decision 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.

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.

The Secretariat estimates that the activities involving the Secretariat would require the following tentative budgets, for which no sources of funding have been identified to date, noting however that several partner organizations have expressed their continued interest in proving support for strengthening the implementation of CITES in Madagascar.

Decision	Decision/Activities	Budget estimation
18.EE The Secretariat shall: a) assist Madagascar, relevant Parties, and the Standing and Plants Committees in the implementation of Decisions 18.AA to 18.DD;	18.AA, b) as appropriate, collaborate with Madagascar in the implementation of the agreed parts (inventories, i.e. steps 1 and 2 of Phase 1) of the use plan to manage timber stockpiles of specimens of these species from Madagascar; and 18.BB, c) 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;	USD 70,000 [technical meeting and verification missions] USD 100,000 per species [NDF studies and resulting export quotas]
b) subject to external funding, assist with relevant capacity-building activities in Madagascar and transit and destination countries concerned by the trade in specimens of <i>Diospyros</i> spp. and <i>Dalbergia</i> spp. from Madagascar, including activities related to Decision 18.AA;	To be determined, but could involve an international meeting with relevant Parties, training of CITES authorities in Madagascar, and enforcement-related capacity building activities.	USD 70,000 [international meeting] USD 70,000 [national training workshop] USD 80,000 [national enforcement capacity building]