



NOTIFICATION TO THE PARTIES

No. 2022/005

Geneva, 20 January 2022

CONCERNING:

Current status of Malagasy rosewood logs seized by Kenya in May 2014
and advisory on rosewood stockpile originating from Madagascar

1. This Notification to the Parties is prepared by the Secretariat following a request of Madagascar.
2. In May 2014, the Kenya Wildlife Services (KWS) seized a shipment of 34 containers containing approximately 4,400 logs of rosewood (640 tonnes) with an estimated value of US\$12.8 million from Madagascar to Hong Kong Special Administrative Region (SAR) at the port of Mombasa. In November 2021, a Kenyan Court ordered the release of this stockpile and its return to the Hong Kong-based company *Shihua Industry Alliance Co. Ltd*¹.
3. The Secretariat recalls that the export of rosewood from Madagascar at that time contravened Madagascar's obligations under CITES². Madagascar had also established a zero export quota for specimens of *Diospyros* spp. and *Dalbergia* spp³. In addition, at the 66th meeting of the Standing Committee (Geneva, January 2016), Madagascar had already confirmed that these rosewood logs had been illegally exported from Madagascar⁴.
4. In this context, it is feared that the stockpile in question is being traded illegally, in contravention of the Convention and Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.
5. **The Secretariat invites Parties to communicate without delay any information they may receive regarding the export, transit, transshipment, import or re-export of stocks of rosewood originating from Madagascar.**
6. Pursuant to Decision 18.99 and Notification to the Parties No. 2019/051 of 26 September 2019, potential destination countries of shipments of illegal specimens of *Dalbergia* spp. and *Diospyros* spp. from Madagascar should take **appropriate measures to ensure that such timber is not illegally transported or traded, including prohibiting entry, seizing such specimens upon arrival and applying appropriate sanctions against traffickers in accordance with the provisions of the Convention.**
7. In addition, in accordance with Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, countries of import have an obligation to exercise due diligence in cases of suspected illegal trade in specimens of CITES species. In other words, if the Management Authority of the State of import or re-export has reason to believe that specimens of CITES species are traded in contravention of the laws of any country

¹ [Press release, Mongabay, 28 December 2021 Kenya court orders return of \\$13m in seized rosewood to suspected traffickers](#)

² [Decision 16.152 adopted at the 16th session of the Conference of the Parties \(CoP16, Bangkok, 2013\)](#)

³ [Notification to the Parties No. 2015/029 of 21 May 2015](#)

⁴ [Report from Madagascar to the Standing Committee \(Geneva, January 2016\) SC66 Doc. 46.2](#)

involved in the transaction, or that the specimen accompanied by a CITES document may not have been traded in accordance with the provisions of the Convention, it should:

- a) immediately consult with the Management Authority in the country whose laws were thought to have been violated and, to the extent possible, provide that Management Authority with copies of all documentation relating to the transaction;
 - b) where there is uncertainty with regard to the legal acquisition finding, the required non-detriment finding, or other CITES requirement(s), if appropriate, request the basis for the relevant determination;
 - c) if after consulting with the Management Authority of the relevant State, the Management Authority of the State of import or re-export has not received satisfying information including regarding the basis for the determination that the specimen was legally acquired, or the required non-detriment finding or other CITES requirement(s), it should not authorize the import or re-export of the specimen concerned and should not issue an import permit or a re-export certificate;
 - d) if there is no satisfactory response, call upon the assistance of the Secretariat, in the context of its responsibilities in Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP18); and
 - e) if needed, make use of the provisions of Article XIV, paragraph 1. a) of the Convention to take stricter measures with regard to that transaction.
8. Within its mandate and subject to available resources, the Secretariat stands ready to support Parties in implementing the provisions of the Convention and in combating illegal trade in specimens of CITES-listed species.