Center: Mr Ralava BEBOARIMISA had a working session with the collaborators of the General Secretary of CITES, on March 23rd, 2015 - ther e is just one-month-old
- in the office of the United Nations Environment Programme (UNEP) in Geneva, Switzerland

The new malagasy government, on april, 15th 2016

Why is Mr Ralava Beboarimisa not a member of the Olivier Mahafaly Solonandrasana government anymore?

THE STRAITS TIMES

Madagascar minister seeks AGC meet-up

SINGAPORE: Madagascar's environment minister plans to meet officials here over a case involving US$50 million (S$71 million) worth of rosewood logs alleged to have been imported here illegally from the African country.

This comes after a district court here last month dismissed the case against a managing director and his company charged over the import. About 30,000 rosewood logs seized here last year on transit from Madagascar to Hong Kong are being held pending a High Court appeal to be fixed in due course.

The Attorney-General's Chambers (AGC) is appealing against the earlier decision, a spokesman has confirmed with The Straits Times.

The Madagascar minister hopes to meet AGC officials. ***« I think we may need to coordinate and exchange information among ourselves to get a positive result for the outcome of the appeal »***, said Mr Ralava Beboarimisa, Madagascar's Minister of Environment, Ecology, Sea and Forests, in an e-mail to The Straits Times.

The case has drawn keen notice abroad: The Environmental Investigation Agency, which lobbies globally for the protection of endangered species and climate issues, has urged Mr Beboarimisa to probe how the cargo was cleared for export by Madagascar before it took off. It is understood that he was not the incumbent minister then.

Last month, a district court dismissed the case against managing director Wong Wee Keong and his company Kong Hoo for allegedly importing the logs without a permit, ruling that these were in transit here and bound for Hong Kong.

The goods acquired from Madagascar by Kong Hoo were seized in March last year when a cargo vessel carrying them berthed at Jurong Port.

They were meant to be restuffed into containers and shipped to Hong Kong. It was then reported to be the largest amount of rosewood logs ever seized.

Rosewood - Dalbergia and Diospyros in this case - is a restricted item listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Cites), to which Singapore is a signatory. A Cites listing means permits are required for the commercial import, export or re-export of a specified species.

But in this case, the Madagascar authorities had cleared the items for export. A delegation came to Singapore last December to look into the case. A month later, Madagascar's then environment minister, whose name was not given in the judgment, confirmed via e-mail the export documents were authentic, noted District Judge Jasvender Kaur.

She held that prosecutors had not made the case to justify the charge under the Endangered Species Act against Mr Wong and Kong Hoo.

But Mr Beboarimisa said: « ***I do not think that Madagascar can approve this sort of export. In any case, this export will be clarified by further investigations as soon as Madagascar has access to all exhibits produced during the current trial*** » , he added.

He said Madagascar has now inventorised, marked, secured and recorded in a national database all seized or hidden logs scattered in the country's 11 regions. To complement this, «

satellite and radar surveillance activities of Madagascar's north coast - the main area of illegal boarding - are ongoing with the support of the World Bank » .

He said these measures are beginning to show results, citing the seizure of more than 1,000 tonnes of precious wood in Hong Kong on October 8 this year.

« We all need to understand that natural resources trafficking is part of international organised crime. It involves huge amounts of illegal funds. And the fact is those funds will be recycled for other illegal activities », he said.

Trafficking puts pressure on endangered species, which are part of our common legacy, he said. ***« The lessons are (that) this must be our common struggle and our common cause »***, he added.

THE STRAITS TIMES

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TODAY

High Court overturns earlier decision by lower court to dismiss the charge

SINGAPORE: The managing director of a company said to have illegally imported endangered rosewood from Madagascar will have to defend the charge against him, after the High Court on Friday (**February 19, 2016**) set aside an earlier acquittal.

Wong Wee Keong, 54, and his firm Kong Hoo are facing charges of importing nearly 30,000 rosewood logs into Singapore in March 2014 without a permit. The prosecution's case against them was dismissed last October by District Judge Jasvender Kaur, who said the defence had no case to answer.

In a decision that environmentalists criticised as setting back efforts to stop trafficking of illegal timber, District Judge Kaur had ruled that the logs were in transit and found no evidence to show they had been imported to Singapore — no permit was hence needed. The seizure of the rosewood logs, worth about US$50 million (S$70.4 million), was the largest ever recorded, according to environmental news site Mongabay.

The prosecution appealed against District Judge Kaur's decision and Judicial Commissioner See Kee Oon on Friday agreed substantially with its arguments, ordering the case to be remitted to court for trial. The evidence does not point "irresistibly" to the district judge's conclusion that the sole purpose of bringing the logs into Singapore was to ship them to Hong Kong, said Judicial Commissioner See, who will issue written grounds of his decision at a later date.

The prosecution argued that District Judge Kaur's decision was potentially inconsistent with Singapore's international obligations as a signatory to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), and was against the legislative intent of Singapore's Endangered Species Act to comply with CITES.

Although there were signed quotations of ocean freight charges for the logs from Singapore to Hong Kong, there were no particulars of the purported overseas buyers nor their departure date, argued Second Solicitor-General Kwek Mean Luck, who said this cannot be regarded as a true transit case on the "mere say-so" of Wong and Kong Hoo.

Among recommendations adopted by CITES parties, are that items in transit have named consignees, and any permits or certificates clearly show the ultimate destination of shipment. While not legally binding, they provide a basic framework for how treaty provisions should be interpreted and promote consistency in the international implementation of CITES, noted *amicu s curiae*
Kelvin Koh.

An *amicus curiae*, or friend of the court, is appointed by the court in certain cases to assist on legal issues.

The prosecution also pointed out that Wong and Kong Hoo had not informed authorities that they were shipping endangered species from Madagascar, which would be needed for authorities to exercise physical or active legal control over the goods. Mr Kwek disagreed with the defence and the judge's conclusion that the logs are within such control simply by being within the free trade zone of ports. Such an interpretation would be against Singapore's intent to comply with its CITES obligations and mean laxer regulations in certain areas that would allow wildlife traders to traffic endangered species to the exclusion of relevant authorities' oversight, he said. This does not accord with Parliament's intention to prevent Singapore from being used as a conduit for the smuggling of CITES-protected species, he said.

Wong and Kong Hoo are represented by lawyers K Muralidharan Pillai, Mr Paul Tan and Mr Choo Zheng Xi. **The trial is expected to resume after March 2016**.

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