

16. Dezember 2010/MBa

Field Report on the Forest Concession (Permis d'Exploiter) of THEODOR NAGEL TIMBERTRADE, HAMBURG for Exporting Ebony from the Masoala Peninsula

Introduction

M. D. Krauth, CEO of THEODOR NAGEL TIMBERTRADE, and his chief buyer M. F. Wahrenburg came to Zurich Zoo on February 15, 2010 in order to convince us about the legality of the ebony wood that they imported from the Masoala region, Madagascar. This visit was because we had questioned the legal origin, basing on forest inventories (Kremen et al. 1999, Anonymous 1994). M. Krauth informed us that THEODOR NAGEL TIMBERTRADE imported in 2009 50m³ Ebony from THUNAM ROGER ET CIE, Antalaha.

This ebony was exported under the Permis d'Exploiter no. 045 MEF/SG/DG/DGDRF/SGRF/EF O.04/02/03 issued to M. TSION Badady (Annex I). Despite the fact that THEODOR NAGEL TIMBERTRADE imported raw sawn ebony boards (Plaquettes) this timber was declared as finished product (Bois d'Eben finis, Annex III) in the export document.

The 500 ha forest concession of concern in this Permis d'Exploiter is described as: "Ankoalahidibe-Andranomatahitra" Fokontany Tanambao-Ampanio, Commune Rurale de Vinanivao ; « délimité au Nord par une forêt domaniale, à l'Ouest par une forêt domaniale, au Sud par une forêt domaniale, et une rizière et konkona, à l'Est par une forêt domaniale ».

General observations about the Permis d'Exploiter

This concession was issued not to the exporting company THUNAM ROGER ET CIE, but to TSION Badady. According to the *Arrete Interministriel no3/2009* only BODY Thierry was authorised in 2009 to export ebony, but not THUNAM ROGER ET CIE (Annex II), who is the provider of ebony imported by THEODOR NAGEL TIMBERTRADE (Annex III).

Field report from the concession

THEODOR NAGEL TIMBERTRADE promised to provide us with the "plan-croquis", showing the exact location of the 500 ha forest concession, which is part of the Permis d'Exploiter (Annex I) to enable us to assess the site. However, despite several inquiries the company has, as of the time of this report, failed to deliver this document. In spite of the fact of not having the "plan-croquis", we were able to locate the concession with support of Wildlife Conservation Society Madagascar (WCS), and the Masoala National Park Service (Annex IV).

On November 8, 2010 we visited this forest block and performed a transect inventory of all ebony stumps and standing ebony (*Diospyros sp.*) trees. The transect was carried out by Jean-Luc Mora (Forester of WCS), Jao Aridy (Ranger and Botanist of Masoala National Park), Dr. Martin Bauert (Botanist Zoo Zurich) and Simon (Local guide of Ankilahila). The field team was accompanied by Kristina Karrer (Swiss Journalist) and Peter Baumann (Photographer). We censused to a distance of 5m to the left and 5m to the right of the transect. All standing ebony trees or ebony stumps were identified with unique GPS coordinates and the diameter at breast high (DBH) for standing trees was measured. The diameter of stumps was measured, its probable DBH and the minimal time span since cutting was estimated. The full data is compiled in Annex V.

Start of Transect	S15° 35,981' E050° 19,127'
End of Transect	S15° 35,439' E050° 19,090'
Length of Transect	1.007km
Width of transect	10m
Surface of transect	1,007ha

Table 1: Transect location, length and surface investigated

	DBH / stump below 47cm	DBH / stump equal or above 47cm	Cut before 2000	Cut after 2000
standing ebony trees	11	0	-	-
Standing ebony trees carved to the core-wood	3	0	-	-
Ebony stumps	7	1	8	0

Table 2: Summary of ebony trees and stumps detected in the transect

To better understand the local history of the area, an interview was held with local resident Simon at Ankilahila: Simon helped with the exploitation of ebony in this region. He stated that the exploitation of ebony started in the region of Ankilahila in 1984 and ended in 1998 because there was no ebony left that was worth for exploitation.

Conclusions

According to Madagascar forestry regulations, timber of category 2 (2^o catégorie) under which ebony falls, must have a minimal DBH of 47cm to be exploited (Malagasy Forest Law: ARRETE N° 13.855/2001)

In the examined transect surface of 1,007 ha only one cut ebony tree had the legal demanded DBH of minimal 47cm. In contrast ten infractions of the forestry regulations were documented: seven ebony trees with diameter at breast high (DBH) of 12-40cm had been cut. Three ebony trees with DBH 40cm and below were carved to the core wood, which is also forbidden by the forest regulations.

All detected ebony stumps were in a progressed stage of decomposition and starting to be overgrown by strangling figs and lianas. It was evident from these physical conditions, that all stumps had been cut before 2000, which is also supported by the statement of the local resident.

The observed original density of about 1 ebony tree per hectare with an exploitable DBH of more than 47cm is in line with the extant forestry inventories, that were established during the delimitation of the National Park boundaries in that region (Kremen et al. 1999, Anonymous 1994). This inventory reports a frequency of exploitable ebony (*Diospyros sp.*) of 1 tree per hectare, making 0,16m³/ha volume of exploitable ebony in logs or 0,04m³/ha volume of sawed ebony timber (volume moyen en bois scié par ha). Basing on this density of ebony, which is confirmed by our transect inventory, only 20m³ of sawed ebony timber could be legally gained of the 500ha concession in quest.

Since the Visa of the Permis d'Exploiter dates from 26.01.2000 and since we were not able to detect any sign, that ebony was cut in this concession after the year 2000, and considering the normal mean volume of ebony per hectare, we must conclude that the ebony imported by THEODOR NAGEL TIMBERTRADE under the presented permit does not come from this concession but must have another, illegal source. Kohlhöfer and Smith (2010) documented in their field report, that the ROGER THUNAM CIE is currently cutting ebony within the boundaries of the Masoala National Park.

Dr. Martin Bauert
Curator of Conservation and Botany

References

- Anonymous, 1994. Internal report of "Projet Masoala". Inventaire Forestière Préliminaire de la Péninsule Masoala: Faisabilité d'une Gestion Forestière durable dans la Zone périphérique du Parc. Unpublished Manuscript.
- Malagasy Forest Law, ARRETE N° 13.855/2001 sur l'application du décret 98.782, relatif au régime de l'exploitation forestière, portant approbation du cahier de charges de prescriptions générales relatives à l'octroi de permis par voie d'adjudication. Republic of Madagascar.
- Kohlhöfer, P. & Smith, T., 2010. Operation geplünderter Wald. GEO **04/2010**: 44 -60.
- Kremen, C., Razafimahatratra, V., Guillery, R.P., Rakotomalala, J., Weiss, A. & Ratsisompatrarivo, J.-S., 1999. Designing the Masoala National Park in Madagascar based on Biological and Socioeconomic Data. Conservation Biology, **13/5**: 1055-1068.

Annex I
 Permis d'Exploiter presented by Theodor Nagel Timbertrade Page 1

Recette à imputer au compte n° 92-23 « AJAKB »

PERMIS D'EXPLOITER N° 08 **MEF/SG/DG/DGDRF/SGRI/EF**
 C. 4/02/03
 délivré de gré à gré
 Numéro au sommaire : 08 /DGDRF/ERT- 478

En application des textes régissant l'exploitation forestière, dont :

- le décret du 25 janvier 1930, réorganisant le régime forestier applicable à Madagascar
- le décret n° 82-312 du 19/07/82 réglementant la fabrication du charbon du bois ;
- le décret n° 87-110 du 31/03/87 fixant les modalités des exploitations forestières, des permis de coupe et des droits d'usage ;
- l'arrêté du 17/11/50, portant application du décret forestier du 25/01/50 compte tenu de ses modifications ultérieures ;
- l'arrêté n° 2767-MDR/FCR/DEF/MEF du 03/08/73 modifié par l'arrêté n° 2661/84 du 16/05/84, fixant les contributions des exploitants forestiers dans le cadre de l'obligation au reboisement ;
- l'arrêté n° 3383-MDR/FCR/DEF/MEF du 26/09/74 complétant la réglementation en vigueur en matière d'exploitation forestière ;
- l'arrêté N° 4615/85 du 29/10/85 portant conduite de l'exploitation des produits principaux des forêts ;
- en suite à la demande de permis d'exploiter formulée par Monsieur TSION Badiady

LE MINISTRE DES EAUX ET FORETS

ACCORDE

à Monsieur TSION Badiady, domicilié au lot ZK 747 A route de l'Aérodrome Antalaha BP. 172, le droit d'exploiter les produits principaux de forêts de 2^e, 3^e et 4^e catégories, d'un lot forestier de sis à « Ankoalahidibe-Andranomatahitra » Fokontany Tanambao - Ampantio, Commune Royale de Vinanivao, Fivondronana d'Antalaha, Fantany d'Antsiranana, d'une contenance approximative de 500 ha et délimité comme suit :

- AU NORD : par une forêt domaniale ;
- A L'OUEST : par une forêt domaniale ;
- AU SUD : par une forêt domaniale, et une rizière et kori-kona ;
- A L'EST : par une forêt domaniale.

Ce lot étant figuré au plan-croquis ci-joint

ARTICLE 1 - L'exploitation aura lieu suivant les règles et conditions fixées par les décrets, arrêtés et cahier des charges générales ci-joint et en outre soumise aux clauses et conditions spéciales fixées ci-après.

- CLAUSES TECHNIQUES -


ARTICLE 2 - Le présent permis est accordé pour une durée de SEPT(7) ans à compter de la date de notification du présent permis.

YISA N° 233 du 26/01/2000
 Le Directeur Général de Contrôle
 des Dépenses Engagées
 signé: RAMATYO Henri
 Inspecteur Général à l'Etat

Annex III


Document showing the shipment of ebony from STÉ. THUNAM ROGER to THEODOR NAGEL TIMBERTRADE in 2009.

STÉ. THUNAM ROGER et Cie



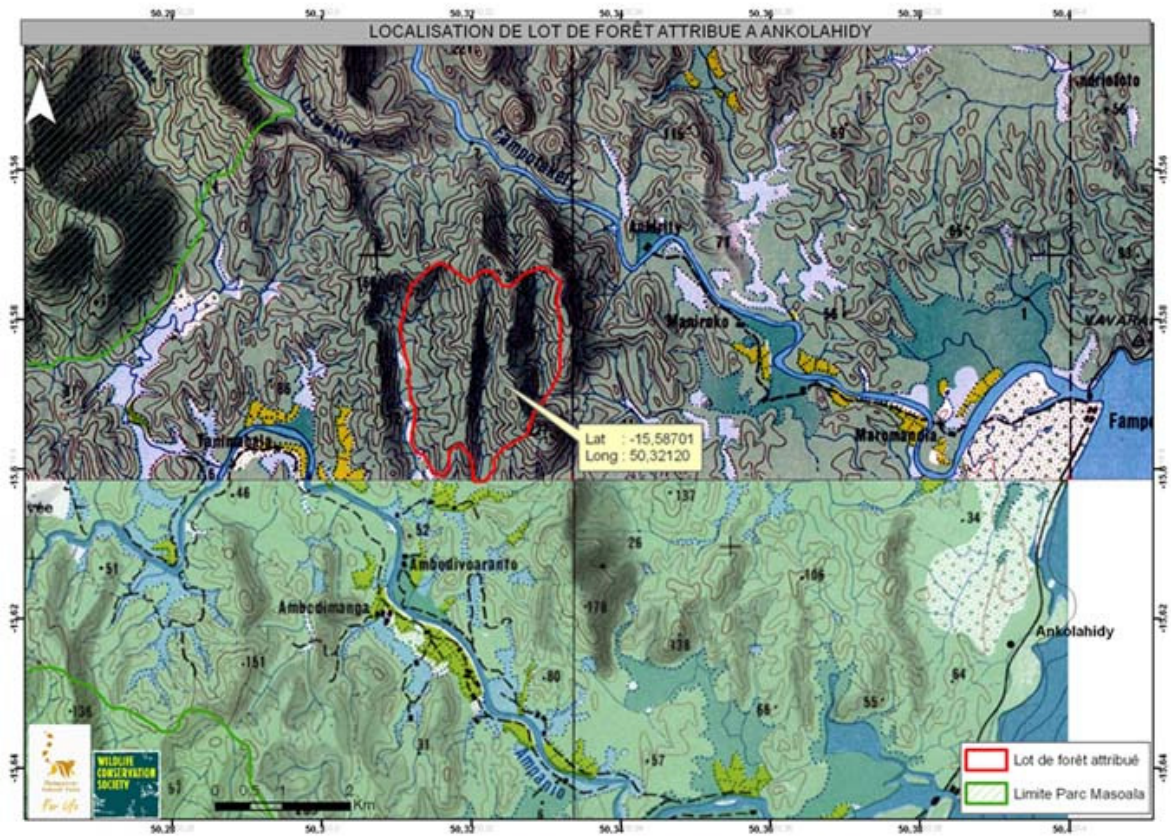
Antalaha 206 - MADAGASCAR

Préparation - Exportation des Produits Locaux
Route de l'Aérodrome Ankoalabe Lot ZK 747
BP 172 - GSM (+261) 320 716 031 ou (+261) 320 716 032
e-mail : rthunam@moov.mg
N° Stat: 51216 72 2007 0 00118 du 05/11/07
FDA Registration Number:

CLIENTS		FACTURE N°	
Noms:	SOCIETE THEODOR NAGEL	129/exp/09	24
Adresse:	118 BILLSTRASSE P.O BOX 28 02 66 / D - 20515	Exportation	
Ville:	Hambourg 26	Bois Travillés de Mar	
Pays:	Allemagne		
Nomenclature Douanière H 4 1 8 9 0 0 0			
Ref Comm	Désignations Nom	Volume en m3	Montant en Euro
	Bois d'Ebène finis	13,901	36 046,98
	Palissandre finis	0,864	2 029,70
	Faho Finis	0,712	450,16
Arrêté la présente facture à la somme de:		15,48	38 526,84
Trente huit mille cinq cent vingt six euro quatre vingt quatre centimes			
L'EXPORTATEUR 		<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p style="text-align: center; margin: 0;">DOMICILIATION EXPORTATION</p> <p style="text-align: center; margin: 0;">N° 03.00510-09-0055</p> <p style="text-align: center; margin: 0; color: red; font-size: 1.2em;">26 MARS 2009</p> <p style="text-align: center; margin: 0;">BFV - SOCIETE GENERALE</p> <p style="text-align: center; margin: 0;">ANTALAHA</p> </div>	
STÉ THUNAM ROGER et Cie EXPORTATION DE PRODUITS LOCAUX ET BOIS TROPICAUX B.P. 172 ANTALAHA-206			

Annex IV

Localisation of the forest concession derived from description in the Permis d'Exploiter no. 045 MEF/SG/DG/DGDRF/SGRF/EF O.04/02/03 issued to M. TSION Badady.



Annex V

Table of all ebony trees and stumps in the transect; GPS coordinates, DBH, in braked estimated DBH for stumps, stump diameter, observations

Field book no	Location	Standing Tree= T Stump: S	(estimated) DBH cm	Stump diameter	observations
2	S15°35,964' E050°19,121'	T	23		
3	S15°35,945' E050°19,109'	T	35		Carved to core
4	S15°35,945' E050°19,109'	T	25		
5	S15°35,937' E050°19,105'	T	24		
6	S15°35,931' E050°19,109'	S	(12)	12	At least 10 years old
7	S15°35,921' E050°19,109'	S	(40)	43	At least 10 years old
8	S15°35,919' E050°19,106'	S	(40)	25x60	At least 10 years old
9	S15°35,914' E050°19,128'	S	(15)	15	At least 10 years old
10	S15°35,901' E050°19,109'	T	12		
11	S15°35,866' E050°19,107'	T	10		
12	S15°35,775' E050°19,008'	T	6		
13	S15°35,972' E050°19,070'	T	40		Carved to the core
14	S15°35,972' E050°19,070'	T	15		
15	S15°35,702' E050°19,063'	T	12		
16	S15°35,659' E050°19,083'	S	(50)	50	At least 12 years old
17	S15°35,643' E050°19,085'	S	(35)	35	At least 10 years old
18	S15°35,623' E050°19,087'	T	35		
19	S15°35,626' E050°19,087'	T	7		
20	S15°35,617' E050°19,089'	T	25		
21	S15°35,567' E050°19,100'	S	(40)	40	At least 10 years old
22	S15°35,567' E050°19,097'	T	25		Carved to the core
23	S15°35,501' E050°19,101'	S	(25)	25	At least 10 years old