

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



Twenty-third meeting of the Plants Committee
Geneva (Switzerland), 22 and 24-27 July 2017

MUSICAL INSTRUMENTS BACKGROUND PAPER,
DALBERGIA SPP. APPENDIX II, ANNOTATION 15

The attached information document has been submitted by the Secretariat in relation with agenda item 22 on *Rosewood timber species [Leguminosae (Fabaceae)]* and agenda item 33 on *Annotations*, at the request of the American Federation of Musicians of the United States and Canada (AFM), the American Federation of Violin and Bow Makers (AFVBM), the Entente Internationale des Luthiers et Archetiers (EILA), the International Federation of Musicians (FIM), the International Wood Products Association (IWPA), the League of American Orchestras, the National Association of Music Merchants (NAMM), the Performing Arts Employers Associations League Europe, (PEARLE)*.

* *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.*

CITES 23rd Meeting of the Plants Committee Meeting

MUSICAL INSTRUMENTS BACKGROUND PAPER

Dalbergia spp. Appendix II, Annotation 15

(PC Doc. 22.1; PC Doc. 22.2; PC Doc. 33)

Background

We strongly support the Parties' efforts to conserve *Dalbergia* and support further study of the biology, conservation, and trade in the species. At the 17th Conference of the Parties, all species of the genus *Dalbergia* (aside from those listed in Appendix I) were included in Appendix II of CITES.

While initially proposed for listing without annotation, the Parties adopted the listing to include annotation #15, which reads as follows:

#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.

Makers of guitars, violins, violas, cellos, clarinets, oboes, flutes, bagpipes, xylophones, marimbas and other instruments use very limited quantities of *Dalbergia* to create instruments that bring music into the world and enrich our lives. Musicians rely on these tools of the trade for their livelihoods, and use them internationally. Protecting rosewood is a priority for the music community.

Considerations

For makers of musical instruments, all instrument retailers, and the many musicians that undertake person-to-person resale activity and shipments for repairs across the globe, the absence of a narrowly tailored exemption for commercial movement of musical instruments as finished products presents a significant impact on the trade, hinders international cultural activity, and unnecessarily burdens CITES management authorities. Sharp increases in the cost of materials can greatly erode marginal profitability and threaten the livelihoods of instrument makers and related businesses (e.g., violin peg makers).

For travelling musicians, and particularly for orchestras and ensembles, the noncommercial exemption in annotation 15 is incomplete and unclear. The 10-kg limit "per shipment" will not aid ensembles that transport numerous instruments for tours in cargo shipments until and unless each CITES party uniformly interprets the exemption to apply to the weight of *Dalbergia* in *each* item shipped, as has been adopted by United States and European Union management authorities. The current ambiguity forces musicians to assess, identify, and document each instrument's *Dalbergia*-contain components. The related time and financial expense impedes the ability of musicians to travel with their best instruments.

A great many musicians perform with legally crafted and legally purchased musical instruments that in aggregate represent an extremely small proportion of the worldwide trade in *Dalbergia*. If no further action is taken to correct the *Dalbergia* annotation, the ultimate impact on music may be the loss of certain rosewood instruments that produce the highest quality tones, with no corresponding conservation benefit.

Recommendation

We appreciate the leadership that CITES parties have demonstrated at previous meetings and Conferences of the Parties in advancing consideration of both non-commercial transportation and commerce with musical instruments.

PC Doc. 22.1 and PC Doc. 22.2 both propose consideration of the Dalbergia genus listing. PC Doc. 33 describes upcoming plans for the Standing Committee Annotations Working Group to consider recommendations for improving annotations. We recognize the challenges posed where large finished products are concerned, and believe that the issues we've described could be addressed through a modified annotation that could satisfy concerns about illegal trafficking, while also preventing an undue burden on noncommercial travel and commercial trade in musical instruments. As potential changes are considered, any eventual resulting new annotation should accomplish the following outcomes:

Exempt Commercial Shipments of Finished Musical Instruments or Instrument Parts from Permit Requirements

Ensuring consistency with current practices in customs, shipping, documentation, and declarations procedures

Exempt Non-Commercial Transportation of Finished Musical Instruments from Permit Requirements

Including clear accommodations for instruments carried both as personal effects and for instruments shipped as cargo

Industry stakeholders were not granted the opportunity to fully register these concerns during the CoP17 proceedings, when a solution could have been adopted to avoid the present impact on trade and travel. We stand ready to engage in an ongoing, direct dialogue towards more complete solutions as the next and future steps regarding the Dalbergia genus Appendix II listing unfold.





American Federation of Musicians of the United States and Canada. The American Federation of Musicians of the United States and Canada (AFM), celebrating 120 years of existence, is the largest organization in the world dedicated to representing the working interests of professional musicians. The AFM's more than 80,000 members perform all styles of music: alternative, rock, classical, pop, gospel, jazz, country, folk, big band, reggae, contemporary Christian, to name just a few. AFM musicians can be found in recording studios for motion picture and film, as back up musicians for internationally recognized featured artists, in American and Canadian symphony orchestras, and any other venue that requires the use of highly trained professional artists. www.afm.org



American Federation of Violin and Bow Makers. The American Federation of Violin and Bow Makers was founded in 1980 to provide the musical community with a standard of work and expertise upon which they could depend. The Federation's mission is to enhance the public's understanding and appreciation of the violin and bow families, and of related areas of expertise, including the making of new instruments, as well as conservation and restoration of historical and modern instruments. Now numbering over 170 of the finest makers, dealers and restorers in the United States and Canada, the Federation has strict requirements for membership. In addition to submitting an example of his or her work for review, a prospective member must have at least nine years of experience working in the profession. www.afvbm.org



International Association of Violin and Bow Makers (EILA: Entente Internationale des Luthiers et Archetiers). Founded in 1950 in Europe, the Entente Internationale is an association of violin and bow makers from around the world. The Entente was established with the aim of bringing together master craftsmen on the basis of friendship and exchange and for taking any steps deemed pertinent to defending their working conditions, developing understanding of their art, perfecting teaching methods for their students and combining the strengths and talents of each member in order to promote a revival in the art of violin and bow making. www.eila.org



International Federation of Musicians. The International Federation of Musicians (FIM), founded in 1948, is the only body representing musicians' unions globally, with members in about 65 countries covering all regions of the world. FIM is recognised as an NGO by diverse international authorities such as WIPO (World Intellectual Property Organisation), UNESCO (United Nations Educational, Scientific and Cultural Organisation), the ILO (International Labour Office), the European Commission, the European Parliament or the Council of Europe. www.fim-musicians.org



International Wood Products Association. Established in 1956, IWPA is the leading international trade association representing the North American imported wood products industry, with over 200 companies and trade organizations engaged in the import of hardwoods and softwoods from sustainably managed forests in more than 30 nations across the globe. Association members consist of three key groups involved in the import process: U.S. importers and consuming industries, offshore manufacturers and the service providers that facilitate trade. www.IWPAwood.org



League of American Orchestras. The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of more than 2,000 organizations and individuals across North America includes world-renowned symphonies, community orchestras, festivals, and youth ensembles. Founded in 1942 and chartered by Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers and administrators, board members, volunteers, and business partners. www.americanorchestras.org



National Association of Music Merchants. The National Association of Music Merchants represents more than 10,000 worldwide manufacturers and retailers of musical instruments and related accessories. NAMM is dedicated to promoting the joys of making music. www.namm.org



PEARLE*. Pearle* Live Performance Europe, is the 'Performing Arts Employers Associations League Europe'. Pearle* represents through its member associations the interests of more than 10000 organisations in the music, performing arts and live entertainment sector. This includes profit as well as non-profit organisations, ranging from micro-enterprises to organisations with over 250 employees. Pearle* is recognised by the European Commission as a European sectoral social partner, representing the employers in the European sectoral social dialogue committee live performance. www.pearle.ws