

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



Twenty-fifth meeting of the Plants Committee
Geneva (Switzerland), 17 and 20-23 July 2020

ANNOTATION #15 – RESPONSES TO NOTIFICATION TO THE PARTIES NO. 2020/033

1. This document has been submitted by the Secretariat in relation to agenda item 36 and provides background on and progress in the implementation of Decisions 18.321 and 18.322 on *Annotation #15*.
2. In support of Decision 18.321, through Notification to the Parties No. 2020/033 published on 21 April 2020, the Secretariat requested Parties and relevant stakeholders to submit relevant information, including any relevant guidance developed after the 18th meeting of the Conference of the Parties (CoP18), on the implementation of exemptions contained in annotation #15 for finished musical instruments, parts and accessories, and the conservation implications thereof.
3. This information document summarizes the responses received to the Notification as a complement to document PC25 Doc. 36.

Responses

4. A total of seven Parties responded to the Notification: Cambodia, China, India, New Zealand, Switzerland, Thailand, and the United States of America.
5. In its response, the United States of America included a document by a musical instrument group, which represents the views of the following eight organizations and companies: C.F. Martin & Co. Inc., Fender Musical Instruments Corporation, ForestBased Solutions, International Association of Violin and Bow Makers, International Wood Products Association, League of American Orchestras, National Association of Music Merchants, and Taylor Guitars.
6. The following five non-Party stakeholders submitted responses: *Chambre syndicale de la facture instrumentale* (CAFIM), *Confédération des industries musicales européennes* (CSFI), ForestBased Solutions, *International Federation of Musicians* (FIM), and *Performing Arts Employers Associations League Europe* (Pearle).

Information submitted by Parties

7. **Cambodia** expressed interest in the results of the study called for in Decision 18.231, paragraph a), as soon as this becomes available.
8. **China** reported (as of May 2020) not having issued any CITES permits for finished products, finished musical instruments, parts and accessories containing timber of *Dalbergia* spp. (except for the species listed in Appendix I) and *Guibourtia* spp.
9. **India** sought clarification of the interpretation of paragraph b) of annotation #15 ("*b*) *Finished products to a maximum weight of wood of the listed species of up to 10 kg per shipment*"). The Secretariat notes that similar consultations have been made by other Parties, and that these are more appropriate for consideration and clarification under the mandate of the Standing Committee's working group on annotations; which is already considering this in detail.

10. **New Zealand** noted that the exemption under paragraph c) of annotation #15 was well received by their commercial importers of Appendix II listed *Dalbergia* spp., particularly for musical instruments such as acoustic and electric guitars. However, as of June 2020, New Zealand noted not having collected data on the implementation of the exemptions provided by annotation #15, and was therefore unable to determine “if the removal of permitting requirements has led to an increase of importations of Appendix II *Dalbergia* spp. as finished musical instruments, parts and accessories”. New Zealand also informed on the measures taken in preparation of the entry into force of the CoP18-amended annotation #15, by notifying regular importers of the pending changes to annotation #15 and how they could prepare for this to ensure that all importations were legal. They also recommended that either they, or their overseas suppliers, contacted the Management Authority of each Party they were intending to obtain specimens from to determine that Party’s permitting requirements.
11. **Switzerland** shared the following links relevant to the incorporation of CoP18 amendments in the Swiss legislation: <https://www.blv.admin.ch/blv/en/home/import-und-export/import/importe-artengeschuetzte-tiere-pflanzen.html> and <https://www.blv.admin.ch/blv/en/home/import-und-export/export/pflanzen-und-pflanzliche-produkte.html>
12. **Thailand** provided information on the measures taken to comply with the exemptions contained in annotation #15, as follows:
 - a) Ongoing progress in updating Ministry Regulation under Plant Act. B.E. 2518 (1999);
 - b) Regarding the import of finished musical instruments, parts, and accessories containing wood in the genera *Dalbergia/Guibourtia*, the Management Authority continues to monitor that imports of said specimens are in full compliance with the exemptions allowed by annotation #15;
 - c) Regarding exports, which they inform are few, the Management Authority develops legal acquisition findings for specimens relevant to annotation #15; and
 - d) Additionally, Thailand highlighted national laws such as the Forest Act to control the source of wood and wood products in trade.
13. **USA** shared the updated version of their “question and answer” document regarding the CoP18-amended annotation #15. The document is available at: https://fwsepermits.servicenow.com/fwsepermits?id=fws_kb_article&sys_id=f6c585461ba390501f45dbdbe54bcbda

Information submitted by non-Party stakeholders¹

14. Joint response by C.F. Martin & Co. Inc., Fender Musical Instruments Corporation, Forest Based Solutions, International Association of Violin and Bow Makers, International Wood Products Association, League of American Orchestras, National Association of Music Merchants and Taylor Guitars (Annex 1, as received). These stakeholders highlighted *Inter alia* the benefits of the newly revised annotation #15, noting that:
 - a) it has greatly reduced administrative burden; they continue to support conservation of *Dalbergia/Guibourtia* species, permit requirements for range state wood exports, and CITES compliance;
 - b) it has heightened consumer confidence regarding the international use and resale of finished musical instruments, parts, and accessories; and
 - c) the ongoing awareness among instrument makers and consumers regarding the long-term conservation of wood species.

These stakeholders also mention next steps, where they express interest in following up on any results or developments regarding the study called for under Decision 18.321.

¹ Non-Party stakeholders provided extensive attachments in their responses, that the Secretariat deemed were best to include “as received” in the form of Annexes, in addition to what is summarized here.

15. ForestBased Solutions, in addition to signing the joint statement above, provided information on a conservation project for *Dalbergia latifolia* (Annex 2, as received), amongst projects for other CITES-listed timber producing trees.
16. A joint statement by CSFI-CAFIM, FIM and Pearle (Annex 3, as received). *Inter alia*, they highlight the efforts of the music industry and those that supply wood product inputs to music instrument manufacturers actively support efforts to conserve rosewood (genera *Dalbergia* and *Guibourtia*) as well as to study their biology, conservation, and trade.

May 29, 2020

Anne St. John, Biologist
Wildlife Trade and Conservation Branch
Division of Management Authority
U.S. Fish and Wildlife Service

Dear Anne,

Thank you for your email of May 26th requesting input from musical instrument stakeholders concerning our experience in the implementation of the Annotation #15 exemption for "Finished musical instruments, finished musical instrument parts, and finished musical instrument accessories." We appreciate the leadership of the U.S. Fish and Wildlife Service (USFWS) throughout the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) deliberations leading up to and during the 18th Conference of the Parties (CoP18).

Following CoP18's adoption of the revised Annotation #15, musical instrument stakeholders have experienced a smooth transition, despite varying implementation dates as the Parties integrated Annotation #15 into their regulatory regimes. Some countries, such as the Philippines, have not yet implemented Annotation #15 and continue to require CITES export permits. The following are our preliminary observations regarding the benefits of the annotation to date and our requests regarding next steps:

Benefits of Revised Annotation #15:

- Greatly reduced administrative burden.
- Musical instruments stakeholders continue to support conservation of *Dalbergia/Guibourtia* species, permit requirements for range state wood exports, and CITES compliance.
- Heightened consumer confidence regarding the international use and resale of finished musical instruments, parts, and accessories.
- Ongoing awareness among instrument makers and consumers regarding the long-term conservation of wood species.

Next Steps:

- We would like to urge USFWS to:
 - Continue to provide leadership to support Annotation #15 musical instrument exemptions during ongoing CITES deliberations. Track and inform musical instrument stakeholders of any developments regarding the study proposed under Decision 18.321.

- Should the Secretariat initiate the study, we urge USFWS to 1) support a transparent process and encourage the involvement of musical instrument stakeholders throughout the process, 2) take into account the brief period of time that has transpired since the revised Annotation #15 was implemented and the ongoing disruptions to trade in the midst of the COVID-19 crisis when considering the timetable for such a study, and 3) assert the need for the study to address the impacts of other Annotation #15 exemptions and other trade practices on the species.
- Continue to promote harmonization of implementation of CITES listings and annotations across CITES parties.
- Convene public engagement and a webinar on the implementation of new rules affecting the musical instrument sector.

We look forward to continued cooperation with USFWS, in particular in connection with efforts to educate and inform our stakeholders, and we look forward to ongoing dialogue as CITES working group discussions continue.

Sincerely,

C.F. Martin & Co., Inc.

Fender Musical Instruments Corporation

ForestBased Solutions

International Association of Violin and Bow Makers

International Wood Products Association

League of American Orchestras

National Association of Music Merchants

Taylor Guitars

ForestBased Solutions, LLC
www.forestbased.com

Founded by Rob Garner, ForestBased Solutions, LLC (ForestBased) is an industry leader in pioneering species specific and landscape level management of tonewoods and CITES listed species. Rob is a professional bass player and technical expert on supply chain and forest management of high-end forest products such as ebony, rosewood, pau-brazil, mahogany, cedar, spruce and host of other tonewood species through what we describe as dendro-musicology.

A Few Examples of ForestBased's Conservation and Sustainable Use Work for Tonewoods

ForestBased focuses on species specific issues in natural forest landscapes as key economic indicators for keeping value in forests through Sustainable Forest Management and Use.

ForestBased has initiated, invested and evaluated nursery, afforestation and reforestation programs as components of holistic solutions to landscape and species health. FBS recently directly invested in reforesting multiple species of *Dalbergia* and *Diospyros* spp. in Madagascar, in the Makira corridor. In 2020, 5000 trees will be planted in coordination with capacity building for local foresters and eco-guardians.

Often, planting trees is not necessary for the conservation of many species. ForestBased focus is on species management systems to evaluate key threats and opportunities. Key Conservation initiatives: Ecosystem Services from Sustainable Forest Management and Market-Based Conservation Investment based on work with governments, environmental NGOs and the private sector globally.

- Forest policy consultation with a range of government and inter-government agencies.
- Partner and provide services to CF Martin building legality compliance in their supply chain, conservation investments and providing sourcing solutions globally.
- Introduce scientific and trade studies such as the Indian rosewood – NDF framework.
- Training on harvesting and tracking systems for ebony in Cameroon for over nine years.
- Training and implementation of legality frameworks for forest product markets globally.
- Developed the Stockpile Management and Business Plan for the government of Madagascar to audit and inventory illegal stocks of rosewood and ebony.
- Develop Sustainable Forest Management investment planning and implementation with producers and investors in Africa, Central and South America, Asia, North America and Europe.

Indian rosewood (*Dalbergia latifolia*): ForestBased and Indian partners developed a study, which is responsible for the first direct investment and engagement for determining the conservation status and significance of trade of Indian rosewood. The impetus was based on the lack of good data for CITES, the importance of *D. latifolia* for musical instruments and moreover, the years of misinformation in the music industry particularly around the lack of understanding of how *D. latifolia* is actually managed.

ForestBased recently evaluated the results of (Phase 1) and made recommendations for next steps, which includes a number of different management strategies. The study has identified threats and opportunities and created direct opportunities for local PhD researchers. The study is a model for addressing key CITES issues for India and for completing NDFs for rosewood and other listed and non-listed species.

FBS was instrumental in partnering with Martin Guitars and Indian partners in addressing legal export requirements with the Indian government for processed Indian rosewood components. This resulted in the direct change in the Indian legal notification to CITES and thus the continued legal export and import of Indian rosewood into Europe, USA, Japan and other CITES member countries.



Ebony (*Diospyros crassiflora*): ForestBased provides direct training and management systems in Cameroon and the Congo Basin. ForestBased has actively worked with Cameroon Special Permit holders to increase transparency in harvest and tracking procedures for the legal harvest of ebony in allocated non-permanent forest permit areas. This has led to critical evaluations of special permit use, the quota system and allocation of permit volumes, which continues to be a key issue for corruption.



Mahogany (*Sweitenia macrophylla*): ForestBased has been active in ongoing sustainable management and sustainable use of mahogany based on non-detriment findings and market development from a range of countries. ForestBased has been actively engaged in conservation of mahogany since 1998. As US Director of Fauna & Flora International and Soundwood, hosted the first ever Sustainable Tonewood Sourcing Conference, in 2002, with a key focus on mahogany when it was up-listed to CITES Appendix II.



African blackwood (*Dalbergia melanoxylon*): ForestBased has worked on the issues of managing African blackwood for many years. ForestBased is currently developing a species and trade study, similar to the Indian rosewood study, with Mpingo Conservation & Development Initiative. The goal is to provide direct scientific and trade data to the Ministry of Forests and CITES stakeholders.



Bigleaf maple (*Acer macrophyllum*): ForestBased has completed FSC controlled wood certification and extended conservation risk assessments for Bigleaf maple in the Pacific Northwest. Work focuses on legal acquisition and permit allocation, traceability and harvesting practices.

Sitka spruce (*Picea sitchensis*): ForestBased worked with native Alaskan and Canadian companies to evaluate and compare forest certification standards and to evaluate the long term effect for a range of management planning for old and second growth stands of Sitka spruce for multiple markets including musical instruments.



ForestBased has pioneered the concept of using musical instruments and music to finance and invest in social, environmental and economic incentives for conservation and trade of high value species. This includes developing direct links between legality, conservation and trade long before the Lacey Act and before timber was a focus in CITES. We have many examples.



**25 May 2020 – Joint statement by CSFI-CAFIM, FIM and Pearle*
regarding the implementation of the exemptions contained in Annotation #15**

The undersigned organizations representing the music industry are pleased to contribute to the survey carried out by the CITES Secretariat about the implementation of the exemptions contained in Annotation #15 for finished musical instruments, parts, and accessories, and the conservation implications thereof, pursuant to decision 18.321 made at the CoP18, in August 2019.

For all the musicians whose jobs rely on their ability to travel, and particularly for orchestras, ensembles and music groups, the end of non-commercial exemption in Annotation #15 would create acute difficulties and uncertainties. It would not only hinder international cultural activities but also generate unnecessary burdens for CITES management authorities. Customs and permit application delays are very costly and disruptive for permit applicants and can entail the missing of a performance. This is a situation that no musician, orchestra, ensemble or music group can afford, particularly in the context of the disastrous economic consequences of the Covid-19 crisis for the entire live performance sector.

The making of musical instruments requires minimal quantities of rosewood and Bubinga. For example, guitars, violins, violas, double-basses, clarinets, piccolos, oboes, flutes, xylophones and many pianos contain less than 10kg of rosewood. Marimbas and some pianos generally contain less than 30kg per instrument. Instrument makers, retailers, and musicians rely on the trade in instruments for their livelihoods and produce art that uplifts human experience. In aggregate, these instruments represent a tiny proportion of the worldwide trade in rosewoods and *Bubinga*. According to our data, less than 3% of the global consumption of *Dalbergia* is used for the making of musical instruments. In 2018, the global music industry consumed 6,000 trees to manufacture both oboes and clarinets. This figure dropped down to 1,500 in 2019.

Instrumental manufacturing is, therefore, a small sector representing only a tiny part of the *Dalbergia/Bubinga* exploited worldwide. Out of 250 existing species, no more than ten species of *Dalbergia* are used for musical instrument manufacturing. Most of those *Dalbergia* used by musical instrument manufacturers, such as *Dalbergia melanoxylon* or *latifolia*, come from plantation woods. The outstanding added value that these wood species bring to the sound of musical instruments is the result of ancestral know-how. Not only does its use by the sector of musical instruments not endanger the preservation of the habitat of these natural resources but, on the contrary, it brings high financial value to these woods, thus preventing them from being replaced by agricultural and forestry crops for commercial purpose, at the expense of biodiversity.

The music industry and those that supply wood product inputs to music instrument manufacturers actively support efforts to conserve rosewood and *Bubinga* as well as to study their biology, conservation, and trade. Protecting these species is a priority for us to ensure the rational and sustainable exploitation of tropical forests, hence the preservation of the diversity of timbers. This is why members of the music community are directly involved in projects aiming to improve forest management and to preserve biodiversity through reforestation of tropical forests. For example, in France, several replanting initiatives have emerged. The first one, initiated by the CSFI and some of its members (Buffet-Crampon, Henri Selmer Paris, F. Lorée Paris, Marigaux Paris and organisations such as ALADFI, UNFI and APLG), consists of financial support to the ABCP¹ association for the replanting of *Dalbergia melanoxylon* in Tanzania, which is essential for the making of clarinets. Furthermore, the APLG (Association of Guitar Luthiers) collaborates with the American association *One Tree Planted*² to set up projects for the replanting of endangered wood species. Likewise, the *Anjanaharibe* project in the Makira Natural Park (Northeastern Madagascar), which fights against intentional burning of trees and unregulated chopping of exotic woods such as ebony, rosewood, and palisander, is supported by the German association of music instrument manufacturers and the German Orchestras Association³.

For these reasons, we continue to believe that it is both necessary and appropriate to exempt finished musical instruments, parts, and accessories from the permitting process. As a matter of course, we remain actively engaged in CITES conservation and trade discussions in the long term, particularly on rosewood conservation and permitting, and the effectiveness of annotations.

¹ <https://www.blackwoodconservation.org>

² <https://onetreepanted.org>

³ <http://eben-holz.org/projektgeb.htm>

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