

Statement of Principles

Musical Instruments and Appendix II Annotation #15

Annotation #15 pertaining to *Dalbergia spp.*, *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii* (bubinga) provides that the rosewood and bubinga Appendix II listings cover:

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; and
- d) Parts and derivatives of *Dalbergia spp.* originating and exported from Mexico, which are covered by Annotation #6.

The absence of a clear and complete exemption for the commercial and non-commercial movement of musical instruments and parts presents a significant impact on the trade, hinders international cultural activity, and unnecessarily burdens CITES management authorities. If the Parties do not replace or amend Annotation #15, the world of music and culture will lose certain instruments that produce the highest quality tones, with no corresponding conservation benefit.

At CoP18, music industry stakeholders support adoption of [the proposal](#) made by the European Union and Canada, in accordance with the consensus recommendation made by the Standing Committee at its 70th meeting (SC70, Sochi, October 2018) to amend Annotation #15 as follows:

All parts and derivatives, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Finished products to a maximum weight of wood of the listed species of 500g per item;
- c) Finished musical instruments, finished musical instrument parts and finished musical instrument accessories.
- d) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4;
- e) Parts and derivatives of *Dalbergia spp.* originating and exported from Mexico, which are covered by Annotation # 6.

As the proposal states, this revision “exempts from CITES controls finished musical instruments, finished musical instrument parts, and finished musical instrument accessories, reflecting the consensus view that the regulation of these items imparts little conservation value while increasing greatly the permit and compliance burdens.”

The music industry and those that supply wood product inputs to music instrument manufacturers strongly support efforts to conserve rosewood and bubinga as well as further study of their biology, conservation, and trade. Protecting these trees is a priority.

The making of musical instruments requires very limited quantities of rosewood and bubinga. For example, guitars, violins, violas, cellos, double basses, clarinets, piccolos, oboes, flutes, xylophones, and pianos that contain rosewood or bubinga typically contain substantially less than 10kg of the material. Marimbas and a small minority of pianos may contain larger quantities of the wood, but will usually not exceed 30kg per instrument. For certain instruments, such as those of the violin family, the use of this material is at the same time minimal and crucial, as it is the most suitable material, for instance, for tuning pegs. In aggregate, these instruments represent an extremely small proportion of the worldwide trade in rosewoods and bubinga in term of volume, while representing a significant proportion of the permits issued.

Musicians and instrument makers support a solution that will address both the commercial and noncommercial movement of instruments. Given the long lifespan of musical instruments in use - decades, if not centuries - instruments are typically re-sold by their musician owners and are frequently used in performances. For musicians, and particularly for orchestras and ensembles, limitations on travel and re-sale of instruments present a threat to livelihoods and artistic activity. For instrument makers and related businesses (e.g., violin accessory makers), increases in the cost of international sales can greatly erode marginal profitability and threaten livelihoods. Imposing permitting and documentation requirements on musicians for the transboundary resale and use of their instruments will hinder trade and cultural activity and potentially undermine the substantial investments (sometimes life savings) of musicians with no apparent accompanying conservation value.

Limited administrative and enforcement resources should be focused where they will have the greatest conservation benefit. Musical instruments remain in use and are re-sold over a long period of time by both retailers and individuals, multiplying the cost and burden of permit issuance and enforcement. Decisions at CoP18 must address the substantial increase in the volume of permits that Parties are processing in the aftermath of the *Dalbergia* listing. The overburdening of management authorities is not helpful from the perspective of either trade or conservation. It is important to note that these permits include multiple permits for the same piece of wood as it moves from blanks to finished product. Finished musical instruments, parts, and accessories should be exempt from permit requirements.

Focus is best placed on trade from range states and not finished musical instruments. [Resolution Conf. 11.21 \(Rev. CoP17\)](#), provides guidance and principles for annotations, and recommends that the Parties ensure that annotations are clear and unambiguous in the three working languages of the Convention; consider the conservation impact of excluding certain specimens; and consider enforceability. It further states that: 1) controls should concentrate on those commodities that first appear in international trade as exports from range States; and 2) controls should include only those commodities that dominate the trade and the demand for the wild resource. Finished musical instruments do not first appear in international trade as exports from range States and are very far from dominating the trade. These principles and facts should guide the development of the new annotation. CITES Parties implicitly recognized the conservation value of regulating trade from range states when they agreed on Annotation #10, for *Caesalpinia echinata* (also known as *Paubrasilia echinata* or Pernambuco), which covers "Logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed instruments."

Essential elements of any annotation for *dalbergia* and bubinga:

- All trade in finished musical instruments, parts, and accessories should be exempted from CITES permitting requirements, including:
 - Commercial shipments of musical instruments and parts
 - Non-commercial shipments, including for performances, repair, and display in trade shows
 - Musical instruments as personal effects, hand-carried or shipped as cargo
- The language of a revised annotation should leave no ambiguity at the enforcement level that musical instruments, parts, and accessories are exempted. Annotation #15 adopted at CoP17 required substantial clarification of terms of reference related to non-commercial activity, consolidated shipments, weight limits, and identification and marking requirements, as agreed in [CITES Notification 2017/078](#). Exemptions related to musical instruments and their parts can be enforceable as customs officials are well acquainted with and readily identify musical instruments through the use of the Harmonized System of the World Customs Organization (HS) codes (see, e.g., [Chapter 92 on Musical Instruments; parts and accessories of such articles](#) and [Chapter 97.05 and 97.06 on collectors' pieces and antiques](#)), and the use of HS codes is encouraged in [Resolution Conf 10.13](#) paragraph c) and d).
- A revised annotation should ensure consistency with current practices in customs, shipping, documentation, and declarations procedures.