

Something to Declare

A new “passport” for instruments may change international travel for musicians.

by Robert Sandla

Say you’re a musician who is about to tour. You’ve booked the gig, purchased airline tickets for yourself *and* your cello, updated your passport, and dealt with the visa. You’ve followed up on the usual duty requirements and carnet process. It’s a gig you’ve done before, in a country you’ve visited many times. You hit the airport and bang: some official tells you your bow includes an endangered type of ivory, and it is seized. Your instrument—your livelihood, and, often, your pride and joy—vanishes.

Welcome to the confusing world of international travel with musical instruments. The worst-case scenario just described may happen with rising frequency as authorities begin beefing up enforcement of laws governing the transport of objects containing material from protected animal and plant species. Those laws have been on the books since 1973, but many orchestras and musicians may have had no idea they existed. It’s surprising that musical instruments fall under the same jurisdiction as white rhinos, but the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) aims to protect the natural world, no matter where its products are found. That’s a laudable aim, but a lack of clarity concerning compliance and enforcement, and the existence of regulations such as the Endangered Species Act and the Lacey Act, add up to a complicated web of laws that can make life for musicians and orchestras challenging.

Recently, the U.S. Fish and Wildlife Service, which regulates trade in and

travel with protected species, proposed a “passport” for instruments that would streamline the CITES permit requirements for musicians. At a conference this March in Bangkok, 178 nations approved development of the proposed passport. The League of American Orchestras has partnered with the American Federation of Musicians, the National Association of Music Merchants, the Recording Academy, and the International Society of Violin and Bowmakers to work with U.S. Fish and Wildlife as it pursues implementation of the passport. The League and its partners are working to ensure that practical issues of cost and time are considered.

Advocating for the interests of orchestras and musicians on travel with instruments is just one of the many issues in the portfolio of Heather Noonan, the League’s vice president for advocacy, and Najean Lee, senior manager for government affairs and education advocacy. Noonan recently spoke with *Symphony* about the League’s work on this front.

Robert Sandla: Could you provide some history concerning the rules for travel with instruments?

Heather Noonan: CITES, the international agreement, came into being in 1973, so this agreement among countries to regulate trade in endangered species has been around for some time. As various plants and animals have come into protected status, the stakeholders, from small violin and bow makers to the broader industry of manufacturers as well as traveling musicians, have come to the table when species like rosewood, ebony, pernambuco, and ivory have drawn

international attention. We get involved to make the case for what new permit rules will mean for traveling artists.

Sandla: Why are things heating up now?

Noonan: Every three years, the nations that are a party to CITES meet, and this year the U.S. delegation to the convention proposed a passport concept as a way of streamlining the permit process to relieve the burden on the musicians—and to relieve the burden on the agencies of each country issuing permits. Few musicians are aware of the existing permit requirements, so the implementation of this form of relief may feel like a whole new set of requirements. There is a lot of work needed to bring folks up to speed on what is required to travel with instruments without the danger of being out of compliance.

Sandla: Will this new passport cover all regulations concerning instruments with material from endangered species?

Noonan: No. There are domestic rules in many countries, in addition to the international rules concerning endangered species. In the U.S., in addition to CITES, there is the Endangered Species Act, which has its focus on conservation, and the Lacey Act, which relates to the illegal harvesting of materials. There is a rich climate for confusion among these points. There have been a few stories about an artist having his or her instrument confiscated, or even having the instrument confiscated and destroyed for being out of compliance. U.S. authorities have informed us that immediate destruction of instruments is not part of their protocol. But all it takes is two or three stories like this to strike fear in the community of musicians. We want to help get good, reliable information to musicians.

Sandla: Many older instruments were created before the agreement. Are they grandfathered in?

Noonan: There are two things to consider. One is whether the instrument was manufactured before those materials came on the CITES protected-species

listing. That's the first threshold—is it a legal product? If you satisfy that, the next concern is: you need to have proper documentation to cross international borders. If you can document that your instrument includes these species and it was produced legally, the next step is securing permits from each country that allow you to move it from one country to another. Currently, you need permits to take it out of where you are and bring it to where you are going. And you may need permits to allow you to bring it back to your country of origin. These are separate permits, need to be obtained anew for each trip, and the process varies from country to country.

Sandla: Can an orchestra, as an employer of musicians, coordinate these permits?

Noonan: There is a Traveling Exhibition Permit that allows a group to obtain a single permit to cover multiple instruments, but the instrumentation cannot change while traveling. In a touring ensemble, musicians often splinter at some point and carry their instruments individually. So the single group permit isn't always feasible. Navigating the permit process may be coordinated by orchestra administrators, but would likely also involve action by individual musicians to document their particular instrument.

Sandla: When did you become involved in this?

Noonan: Before the 2007 CITES meeting, when there were discussions around pernambuco wood. Pernambuco is frequently used in fine bows, and it was being contemplated that instruments containing pernambuco would require permits for travel. Our goal was to make sure that musicians didn't have to go through a burdensome permit process. We partnered with bowmakers, who have a serious stake in conserving the pernambuco tree. Ultimately, the U.S. delegation to the 2007 CITES meeting successfully championed a permit exemption for finished musical instruments that contain pernambuco wood. [See the September-October 2007 issue of *Symphony* for coverage of pernambuco.]

We have been encouraged that U.S.

Fish and Wildlife continues to acknowledge the challenges that musicians face when traveling and create policies that will be helpful, while also meeting the mandate of conserving and protecting threatened species. We are working with them on an ongoing basis as they shape new permitting policies.

Sandla: A naïve question: When you talk about helping to shape policy, how does that work? Face-to-face meetings, phone calls, public appearances?

Noonan: All of the above. We meet face to face with officials at U.S. Fish and Wildlife. We appear at public engagements and forums. There is a formal process agencies must undertake for engaging the public when they are developing new policy, and we submit comments for the federal record. We take each opportunity we can to be present during that formal dialogue as well as meeting one-on-one with the people who craft the policy.

The most important part of what we do is engage with the League membership to help understand the issue from their point of view. We have been in very close communication with orchestra operations personnel, especially at orchestras that travel and tour frequently, to understand the challenges in securing permits, what could be helpful in the new passport concept, and what the practical realities are.

Sandla: What about your collaboration with partners such as the AFM?

Noonan: We have a strong and long history of collaborating on a wide range of policy issues. For more than a decade we have been working intensely side by side with the AFM on three issues related to traveling musicians. One is improving the visa process for international musicians, another is working on Federal Aviation Administration regulations to make it easier to transport instruments in airplane cabins, and the third is the endangered species permit process.

Sandla: The passport process has been approved in theory. Do you have expectations for a timeline for implementation?

Noonan: We anticipate that by mid-June U.S. Fish and Wildlife will put into place an initial process for obtaining a

The League of American Orchestras has compiled a list of resources regarding international travel with musical instruments made of protected materials that includes a free, on-demand webinar with the U.S. Fish and Wildlife Services about current regulations; fact sheets; permit application forms, and contact information. Visit americanorchestras.org and look for Advocacy and Government.

passport good for up to three years of travel. We are communicating with them while they refine their process.

One reason the permitting process remains complicated is that the CITES passport only covers one aspect of permit requirements. CITES is the minimum permitting threshold set by all 178 of the participating countries. Each country could have its own domestic requirements, as we do here. The CITES passport will help musicians satisfy one layer of permitting with a single document. Musicians will still need to check with each country to which they travel to see if additional permits are required. We hope that there will eventually be some central resource that musicians could access so they can understand the requirements of each country. As yet that kind of resource doesn't exist.

Sandla: Did you ever expect to become an expert in exotic woods?

Noonan: [*Laughs.*] I would use the term "expert" cautiously—or probably not at all. But yes, at the same time that the League is working on tax-reform policies that impact nonprofit arts organizations, and visa issues, and the ever-present threats to the NEA and arts education, we're also wrapping our minds around endangered-species policy. But it's inspiring when you think that music is so embedded in our life and culture that nearly every aspect of public policy touches it. That's another indicator to me of how essential music is in daily life. **S**

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