

Dalbergia, more commonly known as rosewood, is used in musical instruments, furniture, and other applications.



Conserving Endangered Woods,

Advocating for Orchestras and Musicians

by Heidi Waleson

New rules under the international treaty that manages endangered species had severe unintended consequences for orchestras and musicians. Swift action by the League of American Orchestras and partner groups is addressing environmental concerns while smoothing the way for travel with musical instruments.

In the fall of 2016, Fanny Reyre-Ménard, a French luthier and vice president of an association of French musical-instrument makers, got some unexpected and unwelcome news. A hemisphere away, in Johannesburg, South Africa, delegates from 182 countries and the European Union had met at the Conference of Parties to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES). One of the Conference's decisions was to list the plant genus *Dalbergia*, more commonly known as rosewood, as a "species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival." *Dalbergia* made the list because rosewood species have been decimated to feed the demand that has exploded in China in recent years for the intricately carved furniture known as "hongmu" (red wood). Despite existing regulations, rampant illegal logging and trafficking continued, and when one source of the wood was exhausted, another was exploited. In response, CITES parties took the unusual step of listing the entire *Dalbergia* genus, including "all parts and derivatives," not just raw materials. Sud-

denly, musical instruments containing even small amounts of non-threatened rosewood were subject to a complex system of permitting when brought across international borders.

The CITES news unfolded even as music stakeholders, including the League of American Orchestras, were onsite while the treaty negotiations were progressing. The League and partner organizations

The League of American Orchestras, which has been deeply engaged with environmental policy and its impact on musicians, worked to coordinate the response from the music industry to the new regulations.

were working to secure policy changes that improved the treatment of musical instruments when musicians travel for performances. Many musicians and orchestras support conservation, and organizations like the League have been deeply engaged with environmental policy and its impact on musicians for years. But no one had expected the listing to pass in this draconian form, and Annotation #15, which set out the conditions of the listing that included a limited exemption for some musical instruments, was worded ambiguously and subject to conflicting interpretations.

“It was like an atomic bomb,” says Reyre-Ménard. “It was a huge number of permits, and the management authorities in the different countries were not able to handle it. It was very new and complicated. People didn’t know what to do. Many papers were not done properly. We have stories on instruments sent from one country, and then sent back again, because the papers were not correct.” Trade plummeted.

The broadness of the listing presented challenges to musicians and musical-instrument makers. Violins and other string instruments use small quantities of Indian rosewood (*dalbergia latifolia*) for pegs. High-quality clarinets and oboes are made from a dark-colored rosewood, *dalbergia melanoxylon*, commonly called grenadilla, that grows in Tanzania and Mozambique; other instruments that may contain rosewood or bubinga, another species listed, are guitars, xylophones, marimbas, and pianos. Neither of these *dalbergia* species is currently threatened in the way those used for Chinese hongmu furniture are, and the

amount of wood used in making instruments is tiny by comparison with that used by the furniture industry. A 2012 report said that the use of *dalbergia melanoxylon* for all musical instrument manufacture was stable at 255 cubic meters per year; U.K. luthier Peter Beare estimates that all the artisan members of the International Association of Violin and Bow Makers combined use less than one cubic meter

of Indian rosewood per year—about 4,900 sets of pegs, since one set of pegs requires 185 cubic centimeters of rosewood. In contrast, some estimates state that in 2014, China imported nearly 2 million cubic meters of hongmu red wood logs.

As a result of the listing, the number of export permits granted by U.S. Fish and Wildlife Service doubled in 2017, from 20,000 to 40,000. Most of those new permits were for musical instruments, particularly guitars from large manufactur-

ers, according to Tim Van Norman, until recently head of permits at USFWS (he retired in April 2018). James Goldberg, who represents the National Association of Music Merchants, notes that guitar makers, who deal in larger volumes of rosewood compared to the rest of industry, were particularly hard hit, and not only because of normal exporting activities. “One problem that cropped up,” Goldberg recalls, “was that a couple of U.S. manufacturers with factories in Mexico now needed permits to bring their own manufactured guitars into the U.S.”

One immediate consequence for orchestras derived from the ambiguity of the language in Annotation #15. For example, the listing exempted “non-commercial exports of a maximum total weight of 10kg per shipment,” language intended to provide for the transportation of small objects—like musical instruments—across borders, if they were not intended for sale. However, there was debate over the meaning of “non-commercial”—did travel for paid performances qualify? Also, did 10kg per shipment mean that an entire cargo of instruments for an international orchestra tour had to weigh less than that?



Fanny Reyre-Ménard, a French luthier based in Nantes and vice president of an association of French musical-instrument makers, says that the broad 2016 CITES listing of rosewood had enormous unintended consequences for musicians, instrument makers, and orchestras.

The League of American Orchestras was quick to coordinate the response from the music industry. An international group of 21 organizations representing musicians, instrument makers, wood suppliers, and others let CITES know about the severe, unintended consequences of the *dalbergia* listing. Although the listing itself cannot be changed until the next Conference of the Parties in 2019, the consortium was able, working in Geneva with the committees that govern CITES between conferences, to get CITES to issue clearer definitions for the ambiguous terms in December 2017. As clarified, “non-commercial” activity includes paid or unpaid performances as well as instruments returned for repairs and instrument loans; it was also established that the 10kg weight limit was assessed on individual portions of each item in the shipment. “This was the best possible result for the near-term and means that most musicians travelling for concerts with non-Brazilian rosewood will not require permits,” says Heather Noonan, the League’s Vice President for Advocacy, who has been spearheading the work. “We are very concerned, though, about the remaining commercial restrictions, as musicians count on being able to buy and sell their instruments across borders.”

Permits, Compliance, Clarity

The December clarification from CITES addressed the issues of non-commercial travel, but others remained. Any cross-

border sale of a musical instrument containing rosewood—even the tiny amount in violin pegs—would still require an export permit, each now costing about \$75. Such permits mean considerable increases in the cost of materials and of doing business for musical-instrument makers, as well as additional expense and burden for musicians attempting to resell their instruments—all to regulate a material that is not substantially endangered by the musical instrument trade. The music industry has complied with CITES’ conservation regulations for decades. When the Asian elephant was first listed on CITES Appendix I in 1975, effectively banning international trade in the species, most instrument and bow makers stopped using ivory and found substitutes. Similarly, Brazilian rosewood (*Dalbergia nigra*) was no longer used by instrument makers after it was listed on Appendix I in 1992.

However, an Appendix II listing is intended to control trade, not ban it, and instrument makers point out that *dalbergia melanoxylon* and *dalbergia latifolia* are the best timber for their respective uses. “Grenadilla is a very solid, very dense wood,” says Reyre-Ménard. “You need that density for the sound. Also, when you blow into a clarinet or an oboe, this wood can

handle being wet inside and dry outside without splitting. This quality is something that you don’t get with other woods.”

U.K. luthier Peter Beare explains that no other wood works as well as rosewood does for pegs: “It’s one wood on another, and when you have materials sliding, there is a perfect combination. On a maple peg box, rosewood turns best, and if you can’t turn the peg, you can’t tune. Early instruments used fruitwoods like plum and pear, but they wear out quickly. Ebony doesn’t work that well, and boxwood is good, but it’s soft, and the pegs get clicky. Mahogany is good—but it is now protected.”

The musical-instrument stakeholders are now part of a large working group, including non-governmental conservation organizations, management authorities such as U.S. Fish and Wildlife Service, and others, that will recommend changes to Annotation #15 at the next Confer-

At left, instrument cases for the Buffalo Philharmonic’s March 2018 Poland tour being readied for shipment at the Cargo Hub of John F. Kennedy International Airport. Many of the cases were loaned to the Buffalo Philharmonic by the Toronto Symphony Orchestra for the tour.



Courtesy of Buffalo Philharmonic



Courtesy of the Cleveland Orchestra

Backstage, as musicians’ instruments are prepared for the Cleveland Orchestra’s 2017 European tour—a familiar scene for any orchestra heading on the road.



League of American Orchestras Vice President for Advocacy Heather Noonan at the meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species (CITES) in Johannesburg, South Africa, Sept.-Oct. 2016.

ence of the Parties in 2019, in Sri Lanka. The coalition’s goal is to exempt all trade, both commercial and non-commercial, in musical instruments and parts containing *dalbergia* or bubinga from CITES permitting requirements. In this solution, while the raw wood materials would still be controlled at their source of export, finished instruments (and parts like pegs) would no longer require export permits. In addition to alleviating the burden for buyers and sellers of instruments, it would also free management authorities like USFWS to concentrate their efforts on more urgent conservation targets.

However, the initial conservation reasons for the genus *dalbergia* listing remain, and any change will need to take those into account. Colman O’Criodain, a policy manager for World Wildlife Fund International, who is part of the group working on Annotation #15, explains that a study of wildlife crime conducted two years ago by the United Nations Office on Drugs and Crime found that most of the trade in hongmu tree species was illegal. “The feeling was, that to make the listing effective and not to leave open loopholes, it would have to cover most finished products—furniture, at least—and it would have to cover the whole genus, because otherwise timber would be laundered as a non-listed species, which was already happening,” he says. A large part of the problem is that one rosewood species looks much like another, and while they can be distinguished



John Scanlon, then Secretary-General of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), at the November 2017 Standing Committee meeting at which clarifications related to near-term implementation of CITES’s *dalbergia* listing were achieved for musical instruments.

on a molecular level, through mass spectrometry, that process is still too expensive and cumbersome for everyday enforcement (though Dr. Ed Espinoza, deputy director of the National Fish and Wildlife Forensics Lab in Oregon, believes that wealthy countries could afford to employ the machines at ports). Charles Barber, who heads the Forest Legality Initiative at the World Resources Institute, says, “There was a suggestion that we just exclude Indian rosewood, which has been a plantation

crop for a long time. That would solve 90 percent of the guitar industry’s problems. But the counterargument is, then everyone will claim the rosewood they are exporting is that species.”

Both conservation representatives are sympathetic to the issues of the music industry. O’Criodain says, “We do accept that proportionality considerations come into play. There’s generally acceptance that the suite of annotations agreed at the last Conference of the Parties wasn’t very satisfactory, not least because different people disagree on what it actually means. And we do need to come up with something better, which would hopefully be adopted at the next Conference of the Parties. I think it will come down to whether a sufficient number of participants in the working group can live with it. I don’t think we would concede that there is no problem, but we are anxious to get consensus in this group.”

Pernambuco, Ivory, Musical-instrument “Passports”

This is not the first time that the orchestra world has had to grapple with the issue of endangered species. In 2007, CITES listed pernambuco, the preferred wood for bow makers, on Appendix II, making the wood subject to a complex system of permitting across international borders.



A showroom in China with intricately carved “hongmu” furniture made of the threatened rosewood.

In addition to alleviating the burden for buyers and sellers of musical instruments, proposed changes to the regulations would free environmental authorities to concentrate on more urgent conservation targets.

Vigorous lobbying from the musical instrument industry, including the League, limited the listing to logs, sawn woods, and veneers; finished bows, including the millions already in circulation, were not made subject to permits for their wood. The next crisis arose in February 2014, when the United States, responding to the \$10 billion illegal wildlife trade, cracked down on

League Resources

The League of American Orchestras is in ongoing policy conversations with U.S. and international agencies to seek solutions that address wildlife conservation goals while also protecting international musical activity that requires musicians to travel with the tools of their trade. In addition, the League of American Orchestras provides resources to help musicians and orchestras understand requirements concerning travel with instruments made with materials that are protected by domestic and international import/export restrictions.

- [Click here](#) for an overview with information and resources from the League.
- Read League tips for navigating the permit process for travel with protected species [here](#).
- Learn more about the [Convention on International Trade in Endangered Species of Wild Fauna and Flora \(CITES\)](#), the agreement among governments that aims to ensure that international trade in wild animals and plants does not threaten their survival. CITES rules govern international travel with musical instruments that contain protected species.
- Read about the [World Resources Institute](#), which works to protect the environment and its capacity to provide for the needs and aspirations of current and future generations.

elephant ivory trafficking with new enforcement strategies. These made it exceedingly difficult for a musician with an instrument containing ivory to travel outside the U.S. with it, since it would not be re-admitted; domestic sales of ivory-containing instruments were also set to be severely curtailed.

The League immediately formed a coalition with other stakeholders to work with USFWS and conservation organizations to come up with commonsense regulations for instruments. Over the next two years, the group's efforts were successful: new rules broadened access to permits for overseas travel and allowed for domestic commerce in legally crafted musical instruments containing small quantities of ivory.



Roger Mastroianni

Julie Kim, senior director of operations and facilities at the Cleveland Orchestra, remembers that when new CITES rules went into effect, “It took months and months to digest all this information, and make sense of it.”

Most importantly, USFWS stated clearly, “These items are not drivers of elephant poaching and do not provide cover for traffickers.” USFWS also doubled the number of ports that could handle items containing both animal and plant products.

With stepped-up enforcement came the musical instrument certificate, a document approved by CITES in 2013 and issued by USFWS and its international counterparts. This certificate or passport allowed



The Cleveland Orchestra and Music Director Franz Welsler-Möst acknowledge an ovation at the Elbphilharmonie in Hamburg, Germany during the orchestra's 2017 Europe tour.

a musician with an instrument containing protected species to make multiple border crossings over three years, rather than having to apply for multiple permits. USFWS also worked with the League and orchestras embarking on overseas tours on the permitting requirements required for instruments shipped as cargo. Julie Kim, senior director of operations and facilities at the Cleveland Orchestra, remembers that when the rules first went into effect, “It took months and months to digest all this information, and make sense of it. We worked a lot with Heather Noonan to understand it all. She came to Cleveland to talk to us, and we put in a lot of effort in to be sure we felt fully educated.” Cleveland Orchestra musicians were asked to obtain detailed appraisals of their instruments, documenting all the materials they contained, even if they weren't listed species like ivory, tortoiseshell, and monitor lizard; that information is confirmed and updated with every tour.

When the new *dalbergia* regulations went into force in January 2017, USFWS worked with the League in advance to provide guidance, develop written materials, and take part in a webinar. “We did a lot of outreach,” says biologist Anne St. John of USFWS, who serves on the Annotation working group.

As a result, for the Cleveland Orchestra's tours to Europe and Japan this season, the permitting process is a well-oiled machine. “The only change is that we are now adding more instruments and items to the list,” says Kim—like the orchestra's rose-

wood marimba. Even though instruments containing *dalbergia* weighing under 10 kilos, with the exception of Brazilian rosewood, are exempt from the permits, the orchestra lists them on a separate schedule, just to be safe. Kim notes that most musicians now place their instruments in cargo rather than hand-carrying them, since there is still uncertainty about individual musical instrument passports in some locations, and the musicians don't want to risk having their instruments confiscated by under-informed agents.

The experience of orchestras like Cleveland has paved the way for others. The



Courtesy of Buffalo Philharmonic

The Buffalo Philharmonic onstage at Warsaw's Philharmonia Hall during its March 2018 Poland tour.

Buffalo Philharmonic, which embarked in March 2018 for a visit to Poland, its first overseas tour in 30 years, began the process of documenting its instruments six months in advance. Christopher Germain, a Philadelphia-based violin maker, spent a week in Buffalo examining all the string and other instruments with listed materials that were going on tour, identifying and documenting their contents; at the same time, a staff member photographed all the instruments to create further records for the permit application. "Now we have a database," says Alison Bolton, director of orchestra and hall operations, which no doubt helped the customs process during the recent Poland tour go smoothly.

All the same, many individual musicians and ensembles feel that the time and expense required to obtain and use musical instrument certificates is prohibitive, leaving them with no option but to forgo travel with their best instruments. Noonan and the League, with eight consortium mem-

bers and European colleagues, are working to lighten this bureaucratic burden: they would like to have musical instruments being transported across borders for concerts removed from the permitting process altogether. Instruments could be exempted under the CITES "personal effects" provision; however, all the countries through which the musician travels must recognize that exemption in order for it to be applicable. In addition, the consortium would like to see permit exemptions for instruments transported by cargo under an ATA carnet—an internationally recognized customs re-export document, since the instruments that arrive and leave are the same. The stakeholders hope to introduce these refinements at the next Conference of the Parties in May 2019.

A Spirit of Collaboration

Noonan and her music-industry colleagues say that CITES officials, conservation organizations, and management authorities like USFWS have been responsive to their concerns. Reflecting on the *dalbergia* listing, John Scanlon, the outgoing Secretary-General of CITES, says, "In trying to close a loophole, we might have closed it a little bit too tightly, and the lack of clarity in the language that came out of the negotiating process was of immediate concern."

Scanlon says that he "embraced the involvement of the musical instrument community" in tackling the problems with the listing. "The music industry has been great," he adds. "They haven't been shy in expressing concern, which is beneficial to us. They've been constructive and engaged in finding a way forward. We agreed in December on a common interpretation on the language ambiguity. The next issue is whether we can we go beyond, amend the listing, and look at whether we need further exemptions. That discussion is live, and we welcome the involvement of the sector."

Like the conservationists, the music industry recognizes the importance of the survival of species on which their instruments depend. Charles Barber of the World Resources Institute says, "These



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To meet regulations covering endangered species for its March 2018 visit to Poland, its first overseas tour in 30 years, the Buffalo Philharmonic began documenting musical instruments six months in advance. "Now we have a database," says Alison Bolton, director of orchestra and hall operations, to help expedite the customs process.

people are pre-disposed to support conservation. Martin Guitars, for example, was working on getting ivory out of guitars 40 years ago. We want these people to be our friends, not to see CITES as unnecessary, intrusive regulation that is screwing up their lives." Tim Van Norman of USFWS concurs: "How do we put in the controls we need without being overly burdensome?"

Indeed, it could only help that survival to make the links between endangered species and musical instruments more explicit. Barber dreams of a movie project that would trace musical instruments back to the tropical communities of their source woods. Says Scanlon, "With a well-regulated trade under CITES, you can satisfy your clientele that the wood you are using is legal, sustainable, and reported. You can say the timber is being traded in accordance with law, not from illegal exploitation; that its trade is benefitting the communities that harvest it. We brought *dalbergia* under Appendix II of the convention to protect it, not to frustrate legal and sustainable trade. There is no better use of beautiful timber than to make beautiful instruments to make beautiful music. There's a lovely interconnection between a wild product and an instrument crafted with human hands, if we can get the regulation right." **S**

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