

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

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March 2002

Interpretation and implementation of the Convention

Trade in time-sensitive research samples

OBSERVATIONS FROM MÉXICO ON THE ISSUE
OF TIME-SENSITIVE BIOLOGICAL SAMPLES FOR RESEARCH

We have two general observations with regard to the process that has led to the preparation of the document and some specific comments on the document itself.

The first general observation refers to the decisions and the mandate of the working group:

There are four COP decisions related to the subject of biological samples for research:

11.87, 11.88 addressed to the SC, as well as

11.103, 11.104, y 11.105 to the animals committee.

In decision 11.87 párragraph c the SC is instructed to ensure that all recommendations related to biological samples should be made in close consultation with the Convention on Biological Diversity.

Decision 11.88 to the SC and 11.105 to the animals Committee also state that decisions on this subject should be adopted in close consultation with the CBD

This is especially relevant because the document contemplates access to genetic resources through these samples and the sample types proposed as not subjected to the dispositions of CITES. We commented on this in a communication to the working group on December 13th, 2001, indicating that, in accordance to the decisions, it was necessary to consult closely with the CBD before we could agree with the text of the document. Our request, then, is that this document should be carefully examined by the CBD.

The second point refers to translation problems. This is a delicate issue with serious implications that may further complicate this subject and that we have pointed out on several occasions both to this Standing Committee and to the Animals Committee. We are referring to the English word "trade". The origin of the Convention refers to commerce, which is one of the meanings of the word trade, BUT, the other meaning in english is the exchange between countries, with no relation to commercial, economic, or business issues. Given the objective of the working group, to facilitate the shipment of biological samples for research between countries, this must be made clear. In the Spanish version of document SC46 Doc. 12, the word COMERCIO appears in the title and also six times in the text, three of them in the Project of Resolution, Annex 2.

It must be clear that the original mandate of the COP to this working group is in reference to the **transborder movement of time sensitive biological samples** for research towards conservation of the species and it was never contemplated for commercial purposes.

In the discussions by email of the working group, of which México is a member, the Secretariat proposed to replace the word trade with cross-border movement of samples and we supported it. We are surprised that it was not incorporated into the document.

Tus, we propose that in every case in which in the english document the word trade appears, it should be replaced with cross border movement of samples, so that this is also reflected in the Spanish version.

With regards to the recommendations of the Secretariat (paragraph 3 of the document), we have the following specific comments:

Subparagraph a) recommends that the Standing Committee requests the repository government to prepare a proposal to be submitted for consideration of COP 12, to put on the record that the following types of specimens are not covered by the Convention. There, among others, are metabolic excretions such as urine and feces.

In this particular case, we would like to state our concern for the implications related to Access to Genetic Resources, and as discussed above, this must be consulted with the CBD. We agree with the proposal that the other types of samples cited in Annex 1 are not covered by the Convention.

Subparagraph b), We agree, and also with the text proposed in Annex 2, but once again we request that the word comercio in spanish (trade in English in this context) be replaced by cross-border movement of samples.

Subparagraph c) we agree 100% , AND

In relation with this last issue, we would like to refer to the document prepared by the U.K. (Doc.SC46. Inf. 3), in general we support this proposal that we profoundly thank, and that can be used as a basis to resolve this point except in the sense that the operations with commercial purposes could be registered for a fast track of their samples. Although we recognize the importance to analyze the expedite treatment of commercial samples, this has no relation with the original mandate of the working group, which is for samples for research and in the interest of the conservation of the species. This means that maybe a separate working group could be created to discuss this point and come up with specific recommendations to that end, this group of course working in close consultation with the CBD also.

Gracias.