

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

Eleventh Meeting of the Conference of the Parties, Nairobi (Kenya), 10 to 20 April 2000

DRAFT RESOLUTION

Submitted by Switzerland, Germany and the United Kingdom

Amendment to Resolution Conf. 9.6 Concerning Diagnostic Samples, Samples for Identification, Research and Taxonomic Purposes, and Cell Cultures and Serum for Biomedical Research

Article VII.6 of the Convention exempts from CITES controls the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority, thus facilitating a kind of "trade" enhancing science and deemed to be non-detrimental from a conservation standpoint.

Unfortunately, the Convention does not contain a similar provision for another kind of "trade" that is equally non-detrimental, and has animal welfare and conservation benefits: the shipment across international boundaries of diagnostic samples and samples for identification, research and taxonomic purposes aimed at the conservation of the species concerned. This implies that the sending of such samples to a laboratory abroad requires the issuance and presentation of permits or certificates in agreement with articles III to V of the Convention which delays the transaction and, consequently, the results. An expeditious diagnosis by a qualified veterinary, forensic or other laboratory for example can be crucial for the health and welfare of individual specimens, and for the management and survival of both captive stocks and wild populations. It may also assist in the proper implementation and enforcement of CITES. The same holds true for the movement of samples for identification, research and taxonomic purposes where there is a clear conservation benefit.

Article I (b)(II) of the Convention limits the applicability of CITES to "readily recognizable" specimens without providing a definition of this term. It is evident that diagnostic samples such as DNA and blood samples, and fresh or preserved tissue samples including paraffin blocks and histological slides are *per se* not readily recognizable. In legal terms they only become so if the paragraph under "AGREES" of Resolution Conf. 9.6 is implemented and applied to them. Consequently, all problems could be solved by an appropriate amendment to Resolution Conf. 9.6. "Appropriate" means that the wording has to exclude live gametes and embryos and to precisely define the purpose of the transaction in order to prevent the creation of a loophole for commercial shipments of organs or tissue material e.g. for pharmaceutical purposes, including the production of traditional medicines.

A similar problem which can also be resolved by amending resolution Conf. 9.6 concerns cell cultures and serum for biomedical research. Serum and Cell lines (which, once established and sometimes genetically engineered, are cultivated in closed circuits) have been used for decades for scientific research e.g. in oncology, or for the production of immunological products, such as vaccines and diagnostic biologicals. In other words, trade in these commodities, be it for scientific or for commercial purposes, has absolutely no conservation relevance. On the other hand, the issuance of CITES documents represents an unnecessary workload for Management Authorities and an impediment to research and legitimate trade.

Consequently, it is proposed to amend Resolution Conf. 9.6 as described in the Annex to this document.

ANNEX

After the 1st operational paragraph, the following text is inserted:

AGREES however that the following specimens are not considered readily recognizable:

- Extracted and purified DNA, and samples of blood, hair, feather and other tissues (fresh or preserved, but excluding live gametes and embryos) sent to laboratories for diagnostic, identification, research or taxonomic purposes, with the aim of conservation of the species concerned, in quantities required to properly perform DNA analyses, sexing of individual specimens, and *in vivo* or *post mortem* veterinary diagnoses.
- Cell cultures and serum for biomedical research and the production of immunological products.