INTRODUCTION TO THE NAGOYA PROTOCOL

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SUERIE MOON, MPA PHD
PRINCIPAL INVESTIGATOR: “UNDERSTANDING THE NORMS AND PRACTICES OF PATHOGEN- AND BENEFIT-SHARING FOR GLOBAL HEALTH SECURITY”
PROJECT ADVISORS: WHO, BRAZIL, LIBERIA, UNIVERSITY OF GENEVA, GEORGETOWN

PROJECT DIRECTOR, KNOWLEDGE NETWORK ON INNOVATION AND ACCESS TO MEDICINES
DIRECTOR OF RESEARCH, GLOBAL HEALTH CENTRE & VISITING LECTURER
GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES, GENEVA
ADJUNCT LECTURER ON GLOBAL HEALTH, HARVARD T.H. CHAN SCHOOL OF PUBLIC HEALTH
SUERIE.MOON@GRADUATEINSTITUTE.CH
WHAT IS THE NAGOYA PROTOCOL?

1. Convention on Biological Diversity (CBD)
   • Motivation: concerns about loss of biodiversity and unfair benefits (biopiracy)
   • 1993 into force: 196 States Parties
   • Objectives:
     a) Conserve biological diversity,
     b) Sustainable use of biodiversity,
     c) Fair and equitable benefit-sharing from genetic resources

2. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization
   • Motivation: concerns about inadequate benefit-sharing
   • 1998: Intergovernmental discussions begin
   • 2014 into force: 116 States Parties
   • Focus on benefit-sharing objective of CBD
   • Requirements:
     • Rules for Prior Informed Consent (PIC) and Mutually Agreed Terms (MAT)
     • Equitable sharing of benefits when resources leave country of origin
     • Domestic legislation or regulations on access and benefit-sharing
HOW IS NAGOYA RELEVANT FOR HEALTH?
SOME OBSERVATIONS

• Nagoya: binding, formal international law
  • One of few such instruments for access to medicines (vaccines, drugs, diagnostics)
  • Can inform and complement other international rules: human rights, health, trade, intellectual property

• CBD & Nagoya not specific to health sector
  • Few health experts involved or aware
  • Awareness raising & analysis needed
  • Involvement likely of: Ministries of Environment, Agriculture, Marine, Health, Science & Technology, Security
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Global public health strengthened with:

• “Access” to pathogen samples:
  • Identifying, understanding, tracking pathogen spread and mutations,
  • Developing vaccines, therapeutics and diagnostics
• “Benefits” from pathogen samples:
  • Acknowledgment, co-authorship
  • Co-ownership of IP and royalties
  • Research funding, training, shared data,
  • Technology transfer,
  • Access to vaccines, therapeutics and diagnostics

• **Key question**: How to ensure all of these “goods” for global public health?

Thank you, comments welcome:
Suerie.moon@graduateinstitute.ch