Public Health Considerations Relating to the Implementation of the Nagoya Protocol
WHY is this a matter for Health Ministries?

1. Nagoya Protocol is also a Public Health instrument…
   - Preamble
     - Parties are mindful of the IHR (2005) and of the importance of ensuring access to human pathogens for public health preparedness and response purposes
   - Article 8(b)
     - Obligation on Parties to “pay due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health, as determined nationally or internationally” in implementing the Protocol

2. Its implementation has public health implications…
WHAT has WHO already done?

- Established in 2018 an internal WHO working group composed of representatives from all relevant units under the direction of the DG

- EB138 (1/2016) requested the DG to “prepare a study …”; presented at EB140 (1/2017, **EB140/15**)

- Key findings:
  1. The Nagoya Protocol has implications for the public health response to infectious diseases, including influenza; and
  2. These implications include opportunities to advance both public health and principles of fair and equitable sharing of benefits.
WHY is pathogen sharing important?

- Pathogen sharing is essential to:
  - Conduct surveillance and risk assessment;
  - Develop diagnostic tools;
  - Implement evidence-based public health strategies;
  - Develop more effective vaccines and therapeutics;
  - Conduct scientific research for health

- Timely sharing strengthens global efforts to prevent and respond to public health events and emergencies
WHAT is the status of NP implementation?

- As of December 2018:

  ~ 116 Parties
  ~ 59 countries with ABS legislation in place
  ~ 33 countries have specific ABS procedures for public health
  ~ 60 days to ≥ 6 months: timelines for issuance of permits

Data from ABS Clearing-House: https://absch.cbd.int/
WHAT are examples of NP implications for PH?

Implementation of NP has resulted in reports of issues regarding Zika, Lassa fever, Ebola, malaria, influenza and cholera samples due to:

- Uncertainty about ABS measures
- Delays in replying to queries under the Nagoya Protocol;
- Resource constraints re: negotiating bilateral PIC and MAT agreements
WHAT NP mechanisms are there for ABS for pathogens?

- Article 4(4)
  - The Protocol does not apply to genetic resources that are covered by a “specialized international access and benefit-sharing instrument” that is consistent with, and does not run counter to the objectives of the Convention and the Protocol

- Article 10
  - …global multilateral benefit-sharing mechanism to address … sharing of benefits …

- Article 19
  - Sectoral and cross-sectoral model contractual clauses for mutually agreed terms

- Article 20
  - Voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing
WHAT are the Potential opportunities for public health?

- Improved equity and fairness, leading to greater trust in global public health system;
- Improved global access to affordable vaccines and treatments, technologies, and knowledge;
- Support capacity-building for public health, e.g., disease surveillance and R&D, particularly in developing countries.
HOW do we advance these opportunities?

- Understanding
- Collaboration