

12.10 Public health implications of the Nagoya Protocol

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The Protocol recognizes States have sovereign rights over their natural resources including pathogens, and access is subject to prior informed consent and fair and equitable benefit sharing with the country providing the resources.

Pathogen sharing for public health with advanced laboratories as well as the pharmaceutical industry is often conducted in the absence of fairness and equity. R&D results are not shared with the country providing the biological materials. Instead, patent claims are made over the materials' use and cost of treatment remains prohibitively high.

For instance, a new Ebola drug has been developed from genetic sequence of an Ebola virus from the 2014 West African epidemic, posted online by a European research institute. The company has attracted 400 million dollars in development and purchase commitments. The precise price of the patented drug is unknown, but likely to be unaffordable. While drug development is valued, there is no indication of any benefit sharing agreement with government from where sample was sourced, consistent with the Nagoya Protocol.

The access and benefit sharing principles of Nagoya Protocol are crucial to ensure fairness and equity and to prevent the misappropriation of biological resources and as such need to be recognized and safeguarded.

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