



WHO Executive Board 148th session

Item 14.4 - The public health implications of implementation of the Nagoya Protocol

Distinguished Delegates,

Thank you for the opportunity to speak on behalf of the World Medical Association. We welcome the report by WHO Director General on the implementation of the Nagoya Protocol to the Convention on Biological Diversity (CBD) related to influenza virus and other pathogens, including the latest emergence and spread of the SARS-CoV-2 virus.

As stated previously, we regret however that WHO's action is limited to infectious diseases and does not encompass the broad implication of Genetic Resources (GRs) use on health. GRs play a growing role in several economic sectors, such as food production, the development of pharmaceuticals, cosmetics and bio-based energy sources. The use of GRs can have a serious impact on human health, beyond infectious diseases. We therefore call on WHO to closely monitor the broad use of GRs related to the Nagoya Protocol from a health perspective in order to guarantee a fair and equitable sharing of the benefits.

In addition, we have concerns about the use of intellectual property associated with GRs. GRs as founded in nature are not innovations and thus must not be patentable. However, inventions based on, or developed using GRs may be patentable, thus falling within the scope of intellectual property legislation. It is therefore crucial to determine clear and strict criteria that identifies authentic innovations associated with GRs, in order to prevent granting erroneous patents for the sake of commercial benefits to the detriment of public health. In line with its leading value to serve public health globally, WHO should address this issue together with relevant partners, including WIPO and the CBD, so that GRs are preserved as a Common Good necessary for the sustainable development of human activity (UN Earth Summit, 1992).

Thank you.