**Summary: Second meeting - Advisory group on fair benefit-sharing of scientific data**

*Participants*: Prof Salim Abdool Karim (CAPRISA), Prof Tulio de Oliveira (Stellenbosch University), Prof Anthony So (Johns Hopkins Bloomberg School of Public Health), Dr Magda Robalo (former Minister of Health of Guinea Bissau), Dr Sikhulile Moyo (Botswana-Harvard AIDS Institute Partnership), Fatima Abba (Bill & Melinda Gates Foundation), Mikael Garnier-Lavalley (French Ministry of Health), Aurélie Jousset (Gavi).

**Discussion on principles and obstacles in international discussions**

* Fair benefit-sharing is not approached in the same way by various players in the system, depending on their position. the tension that this notion carries between public good and common good. For some, the notion applies to the knowledge generated, for others to the technological innovation that results from it.
* Several participants insisted on the need to a form of solidarity in pandemic preparedness and response, particularly in the wake of unequal access to medical countermeasures during the COVID-19 pandemic. A pragmatic and working materialization of solidarity could involve the notion of fair benefit-sharing as a tool, to go beyond the concepts of charity or humanitarian purpose – that has shown not to be very conducive to productive international discussions - while ensuring an adequate return on investment. The conversation led participants towards the concept of reciprocity. implying a selflessness on the part of scientists and institutions at the heart of pandemic preparedness and response. This concept could be developed and extended to determine its exact contours and link with solidarity and fair benefit-sharing.
* The discussion on terminology has concrete effects on fair benefit-sharing, and in particular on the determining aspect of compensation induced by the notion. Participants also discussed the fundamental difference between compensating talent (the scientist) and knowledge (the data).

**Defining principles for compensation**

* The focus on the finished medical product appeared to be difficult, since it implied a discussion of proportionality that is currently inaudible as it appeared in the negotiations for a pandemic treaty. Similarly, several participants rejected the idea of monetizing scientists, as this would imply endless debate about scientific training. Instead, they insisted on the need to build a reward mechanism that does not involve patenting per se, but rather recognizing the value of discovery for the general interest, which ultimately leads back to the notion of the commons. Participants spoke of the usefulness of the FIFA model, with its regulatory mechanism leading to compensation without any specific intellectual property.
* Within this framework, compensation could be a means of ensuring access to medical countermeasures in an integrated system built to develop talent actively participating in pandemic preparedness in an ecosystem integrating all the aspects needed. In a nutshell, a compensation system could enable scientists in the South to stay in their home countries and train a new generation, something many participants are calling for.
* However, some participants noted that a compensation mechanism cannot be wishful thinking, and be divorced from the system in which it would take place.
* At this stage, the market references imposed and the incentives of the private sector pose a political challenge, since the various players do not obey the same rules with a common goal. Negotiations under the pandemic treaty are taking place in a total absence of incentives to set up compensatory mechanisms.
* Participants evoked a circle of responsibility in which countries do not see the issue as global and envisage a market-based system, imagining that competition leads to equity despite the striking example of the COVID-19 pandemic. In particular, Operation Warp Speed was cited by some participants as an example of the provision of considerable funding without any incentive for solidarity or compensation afterwards.

“*The current approach in this kind of pandemic situation is anti-system. It is deliberately designed to encourage individual entrepreneurs to operate outside the system with free money and then to make huge amount of profits for which they are completely unaccountable*”

**Towards international solutions**

* Participants called for common rules to be drawn up for governments and the private sector. Institution dedicated to such a compensatory mechanism remain to be identified. Known options were discussed: A new version of COVAX could be one possibility, perhaps with a procurement pool at regional level. Another possibility would be to link such a mechanism to the Pandemic Fund, with an AMC system as exists for Gavi (African Vaccine Manufacturing Accelerator). Building manufacturing facilities in small countries could be a way of avoiding vaccine nationalism observed during the COVID-19 pandemic.
* The V0 draft of the pandemic treaty was also mentioned, in particular the Access and Benefit-Sharing mechanism, which provides for binding distribution of medical products in the event of a pandemic.
* A suggestion was made that these compensations could be allocated to specific **scientific networks** to help solidify these networks in the Global South, in connection with the training issues mentioned above. The participants noted that these networks must be identified and depend largely on the scientific background of the countries concerned. The example of the construction of a high-performance scientific ecosystem in South Africa was cited, with philanthropic foundations and the government investing heavily in these structures to date. Participants noted the absence of private-sector funding in this context.
* In this context, it is essential to make the link between the different processes underway, and in particular to consider the international ecosystem as a whole. Some participants, for example, mentioned TRIPS as a potential venue to explore in greater depth, since it contains specific provisions on access.
* Aware of the difficulties surrounding negotiations on the mechanisms mentioned, participants expressed their desire to see viable mechanisms emerge and to pursue discussions with this objective in mind. The PPF and MAA will be organizing further meetings to launch a broader discussion, on the basis of the possible avenues outlined here.