Reviewer's report

Title: Benefit sharing: An exploration on the contextual discourse of a changing concept.

Version: 1 Date: 1 May 2013

Reviewer: Doris Schroeder

Reviewer's report:

Benefit Sharing: An Exploration of the Contextual Discourse of a Changing Concept

1. Does the debate present a novel argument, or a novel insight into existing work?

Benefit sharing is an important topic and there has been insufficient attention on benefit sharing with international clinical trial participants. The article makes a start to address this gap.

2. Does the debate address an important problem of interest to a broad biomedical audience?

The question of justice for clinical trial participants should interest a broad biomedical audience. There are also a range of NGOs working on the topic, which is usually an indication for broader public interest.

3. Is the piece well argued and referenced?

Overall, yes. Some minor problems are indicated in the requests for improvements below.

4. Has the author used logical arguments and sound reasoning?

The article distinguishes several forms of benefit sharing and therefore has an analytical focus. Setting up these distinctions is done fine.

5. Is the piece written well enough for publication? (nb. Since we do not charge for access to published research, we cannot undertake the costs of editing poorly written manuscript. If you tell us that the writing is not acceptable for publication, we will ask the authors to find someone, or an editing service, to help them rewrite it. If you tell us that the manuscript is too poorly written for it to be peer reviewed, we will ask them to rewrite it now.)

There are minor typos, which I haven’t listed. It would be advisable to ask the authors to let a native speaker check the manuscript (I am not a native speaker on English myself).

It would also be good if the person looked at the precision of wording. For
instance, the authors refer to "heritage of humankind" when, in the context, it should be "common heritage of humankind". Or they write "common heritage" on its own, which is also unclear. If the term is too long, they should use an abbreviation, but not drop parts of it. Instead of "outsourced country" use "host country".

Does the journal not require page references? The authors only ever refer to a whole document, which makes finding a quote almost impossible or very time-consuming.

Discretionary Revisions (which are recommendations for improvement but which the author can choose to ignore)

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Talking about "paradigmatic meanings of benefit sharing" gives the impression that everybody is talking about benefit sharing. On the contrary, the topic receives way to little attention. I would remove this sentence.

The authors wrote: "In this context, benefit sharing... genetic resources [16]." I tried to find out whether Kadri Simm [16] has indeed defined benefit sharing for genetic resources exactly as I have (Schroeder, your number 1). The report you quote was written when Kadri was doing research for me and I can't find the definition. I was happy to see that the authors quoted Kadri, but if somebody tried to find what they say she wrote, they won't find it. Easier to use [1] instead of [16], as I definitely gave this definition.

Millum [21] doesn't talk about commutative justice. Given that the sentence following straight on is an exact reference to Aristotle I have used in one of my benefit sharing publications (and I do talk about commutative justice a lot), I suspect that this is also a misquote. I only picked this up, because I was criticised for citing Aristotle in this way, using an ancient copy of the Nichomachean ethics that nobody has access to.

The Merck example is too old and can't show anything meaningful about ABS after Nagoya. The article is less credible using this example and I would replace.

Minor Essential Revisions (such as missing labels on figures, or the wrong use of a term, which the author can be trusted to correct)

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It would be much better if the term "international research" were given more precision. I assume what is meant is "international medical research involving human beings".

The authors talk of non human genetic resources and give as examples plants and of human genetic resources and give as examples DNA. Obviously, both types of resources consist of DNA.

Whilst the authors say they are quoting the 2008 Declaration of Helsinki (32),
they are quoting an older version. Reference to prophylactic methods was taken out in 2004, if I recall correctly. It is definitely not part of 2008 and the authors should cite the latest version.

Unfortunately, for the authors, the Declaration of Helsinki is currently being revised. Major changes on reasonable availability and fair benefits are under way. It may be possible to comment at least on the draft.

The authors use the term ABS in their second section as a stand-in for the Nagoya Protocol [18]. That is misleading and needs to be fixed. The Nagoya Protocol should be given more weight in this article.

The table needs to be made more precise:

Third line, first column – same as before, Nagoya as equated with ABS. Simply remove ABS. The CBD includes Nagoya.

Why are fair benefits only concerned with procedural justice? Not clear from text.

Line two, fourth column – what does that mean? The UN laws of the sea?

What is reciprocal solidarity? This is a married bachelor unless one redefines solidarity to be a group behaviour that aims ultimately at personal benefit through reciprocation. That would be an unusual definition, though. Better to drop this term.

Major Compulsory Revisions (which the author must respond to before a decision on publication can be reached)

I have noted many minor revisions, which all need to be dealt with, but none of them was major.

Level of interest: An article whose findings are important to those with closely related research interests

Quality of written English: Needs some language corrections before being published

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:

I declare that I have no competing interests.