

<b>LEGAL ADVISOR</b> <b>(Medical Data/ Samples, Intellectual property)</b>
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Title:	Legal Advisor
Location:	Brussels
Duration:	18 months
	Full-time position
Reporting to:	Legal Manager for Medical Practice and Research and Access Campaign Director of Policy and Analysis

## I. MSF INTERNATIONAL

Médecins Sans Frontières (MSF) is an international, independent, medical humanitarian organisation that delivers emergency aid to people affected by armed conflict, epidemics, healthcare exclusion and natural disasters. MSF offers assistance to people based only on need and irrespective of race, religion, gender or political affiliation.

MSF International is the legal entity that binds MSF's 21 sections, 24 associations and other offices together. Based in Geneva, MSF International provides coordination, information and support to the MSF movement, and implements international projects and initiatives as requested.

MSF set up the Access Campaign in 1999 to improve access to existing medical tools (medicines, diagnostics and vaccines) and to stimulate the development of urgently needed better tools for people in countries where MSF works.

## II. POSITION BACKGROUND

**The MSF Legal Department** deals with various issues to provide legal support to MSF field operations (medical activities/ liability, care for victims of violence, medical research, field administrative/ legal framework, international humanitarian law, field human resources, logistics, MSF identification etc.). MSF Legal Department is currently composed of 10 full members of different cultural and legal backgrounds acting as non-specialized legal advisors within a specific operational center or as specialized legal advisor supporting all the other generalist legal advisors

in a given legal field. In order to manage the work load and optimize legal resources, the Legal Department pools and coordinates the legal support given by national and international law firms at headquarter and field levels.

Although MSF is not a research organization it does carry out a considerable amount of **medical and scientific research**, publishing on average 60 peer-reviewed publications per year on topics including malnutrition, mental health, and the effect of user fees in developing countries. MSF research is based on its field experience, and has often changed clinical practice and been used

for humanitarian advocacy. There is an emphasis on research with patient groups and diseases commonly neglected in international research agendas.

MSF places a high value on monitoring and documenting MSF's medical and research interventions to improve the quality of care delivered. This results in the production of a large amount of data. This collection of routine and research data and human samples can potentially be of value to researchers working in public health. In 2012 MSF decided to adopt a **Data Sharing Policy** for routinely collected clinical and research data, recognizing the ethical imperative it has to share its data openly, transparently and in a timely manner for the greater public health good.

MSF has been one of the major actors in the 2014/2015 Ebola Virus Disease epidemic in West Africa, both in providing emergency care to patients and leading various medical research programs to improve existing treatments. To learn from and address the research challenges and failures illustrated by the Ebola outbreak, MSF has launched the "**Ebola Initiative**", a platform dedicated to maximize research on Ebola by sharing existing knowledge and to promote more effective mechanisms for sharing data and biomaterial in future outbreaks.. With the epidemic coming to an end in most affected countries, the world is faced with new challenges including survivor care but also the coordination of multiple scientific and medical initiatives to prepare and coordinate international multi-institutional preparedness for the next Ebola outbreak and other emerging pathogens.

Increased vigilance by governments and global health agencies to other on-going outbreaks, managed under international legal frameworks under WHO and other relevant institutions, means that the challenges faced during and in the aftermath of Ebola are likely to emerge in other geographies and for other diseases. MSF, in its role as a key global health actor responding to such outbreaks, will continue to be at the forefront of the front-line and the international response.

Alongside front-line and international response to outbreaks, MSF is also increasingly investing in product development or product adaptations – for drugs, vaccines and diagnostics – that can support medical operations around the world. Such product development includes a range of legal, regulatory and intellectual property matters that can both enable or impede partnerships with third parties.

MSF wants to ensure its data sharing policy and agreed principles on Intellectual Property being translated in a consistent manner through the various agreements, initiatives and research projects carried out by the organization.

### III. PLACE IN THE ORGANISATION

The Legal Advisor reports to the MSF Belgium Legal Manager for Medical Practice and Research and to the Access Campaign Director of Policy and Analysis.

### IV. OBJECTIVES OF THE POSITION

The **Legal Advisor** shall primarily define, negotiate and manage the legal framework underpinning (1) MSF Ebola Initiative, (2) MSF Data Sharing Policy, (3) intellectual property components of MSF medical research activities and (4) product development and product

adaptation partnerships or collaborations with public, philanthropic and private sector entities.

He/she also coordinate and ensure the coherence of the various legal frameworks and MSF policies underpinning these different fields of activity.

## V. MAIN RESPONSIBILITIES

The Legal advisor will analyze and draft documents and contracts stating principles and rules organizing potential biobank / research networks, sample/ data sharing, collaboration with different partners (countries, NGOs, WHO, laboratories, research institutes) in line with MSF policies/ Ebola Initiative objectives etc; provide high level legal advice on projects that involve multiple actors with different and sometimes competing agendas; develop tools and policy recommendations to further the above objectives, notably MSF Data Sharing policies, IP policies etc.

### Key areas of responsibilities:

1. Through the coordination of the Ebola Initiative (EI), MSF is involved in multilateral international negotiations (including the World Health Organization, State actors, major laboratories, universities, pharmaceuticals and medical care actors). The Legal Advisor will join the EI team that shall be led and coordinated by the EI project manager (reporting to MSF Belgium medical director); the legal advisor will be responsible for supporting MSF sections and the EI in regards to the legal framework of the Ebola Initiative projects and related agreements, notably: the set-up of an Ebola Biobank; support to the setup of a national Biobank in Sierra Leone; setup of a repository of Ebola data (clinical patient data, clinical trial data, etc.) based in Oxford University; a framework with operational actors for biobanking during outbreaks; supporting representation of MSF at meetings on IP related to outbreaks; developing standard legal tools for MSF operations and medical research to legally and ethically process and safeguard human samples during outbreaks (such as Ebola) –**100% in the first 3 months, 50% after**
2. Analyze, draft, and support negotiation of MSF research and product development agreements that include a significant intellectual property stake for MSF: access to IP results, to research data, publications, affordability of resulting end products etc. in collaboration with MSF medical research team (notably Epicentre) or relevant Operational Centers, and in close collaboration with MSF Legal Advisor for medical research (based in Paris) – **25% after three months**
3. Support the implementation of MSF Data Sharing Policy (notably via Data/ Material Transfer Agreements) and any updates to it that may be required in light of work on setting up the EVD data sharing platform; analyze potential blocking elements, both internally and externally. Advise on the application and use of such Data Sharing Policy for other platforms (e.g. development of new DR-TB regimens) for which MSF may participate upon but may not currently contribute data. – **25% after three months**

## V. PROFILE REQUIREMENTS

Genuine interest in, understanding of, and commitment to the humanitarian principles, social mission, operations, and challenges of MSF.

### Education

- Legal degree - Masters

### Experience

- Minimum 5-10 years' experience as a lawyer /legal advisor – including in intellectual property, medical research, data privacy/ biobanking, corporate law (statutes) and international bioethical regulation

### Skills

- Excellent English (fluency is a must both in writing and orally); Good French is a plus
- Rigor, clarity and ability to adapt to different legal systems, sense of priorities and of organization;
- Ability to translate an operational negotiation in legal language
- Knowledge of MSF and/or medical research-ethics and/or Ebola a plus

Starting date:	As soon as possible
Contract:	Fixed-term contract at 100%
Duration:	18 months
Location:	Brussels (MSF Belgium headquarters)
Deadline for applications:	19 October 2016

Please submit all applications **only by email** to:  
[IO-recruitment.gva@msf.org](mailto:IO-recruitment.gva@msf.org) stating "Legal Advisor" in the title.

Please submit your CV and cover letter in  
**ONE file and name the file with your LAST NAME.**

**-Only short-listed candidates will be contacted-**