

Setting the Agenda on Crop Genetic Resources: South Asian Contexts and Complexities

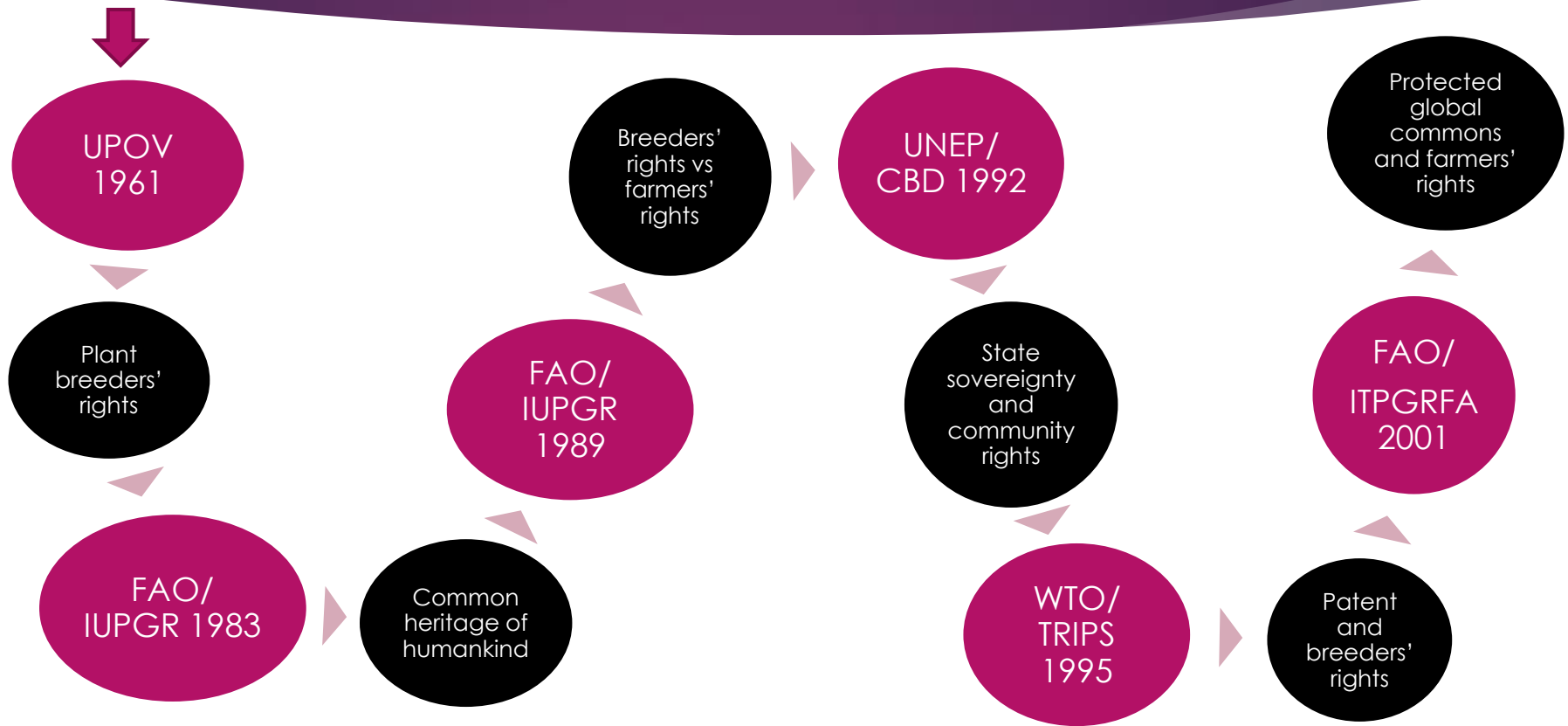
Regional Meeting on Conservation, Use and Exchange of Crop Genetic Resources: Promoting Regional Cooperation for a Food-secure, Climate resilient South Asia

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Global regulatory shifts in commons and private property rights dynamics



Red ovals mean international treaties and agreements, and black ovals highlight their coverage of property rights. UPOV: The Convention of the International Union for the Protection of New Varieties of Plants; FAO/IUPGR: International Undertaking on Plant Genetic Resources of the Food and Agriculture Organization; Convention of Biological Diversity of the United Nations Environment Program; WTO/TRIPS: The Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade Organization; ITPGRFA: International Treaty on Plant Genetic Resources for Food and Agriculture

South Asian status in the implementation of global governance of crop genetic resources

SAARC countries	Membership				
	CBD	Nagoya Protocol	WTO/TRIPS	UPOV	ITPGRFA
Least-developed countries					
Afghanistan	2002	Not a party	Observer	Not a member	2006
Bangladesh	1994	2011 (signed only)	1995	Observer	2003
Bhutan	1995	2014	Observer	Not a member	2003
Nepal	1994	Not a party	2004 (accession)	Not a member	2009
Developing countries					
India	1994	2014	1995	Observer	2002
Maldives	1993	Not a party	1995	Not a member	2006
Pakistan	1994	Not a party	1995	Observer	2003
Sri Lanka	1994	Not a party	1995	Observer	2013

- ▶ Except India, other countries have not implemented the related national laws. India's national law on plant variety protection of 2001 also incorporates farmers' rights to seeds and traditional knowledge.

South Asian contexts of the use and exchange of crop genetic resources

Formal vs informal seed system

- ▶ The so-called informal seed system contributes between 80 to 90 percent to total seed supply
 - ▶ Farmers access, use, exchange and sell seeds within farmer-to-farmer networks at individual/household, community, and national levels
- ▶ Seed laws promote formal seed system through public and private seed entities, including international agriculture research centres

In situ and ex situ conservation

- ▶ *In situ* conservation initiatives are limited, and not linked adequately with sustainable use of native, local crop varieties, including neglected and underutilized species
- ▶ *Ex situ* conservation is mostly the work of national/regional agriculture research centres and gene banks
- ▶ Community seed banks are expanding with different models and practices of *in situ* and *ex situ* conservation

Addressing complexities and challenges for regional cooperation...1

Climate and natural disasters

- ▶ Identification of native, local crop varieties with climate-adaptive traits (flood-resistant, drought-tolerant varieties) for *in situ* and *ex situ* conservation
- ▶ Breeding and development of such varieties through programs such as participatory plant breeding and participatory variety selection
- ▶ Regulation of “seed aid” for disaster relief

Regional, national and local gene/seed banks

- ▶ Mobilization of SAARC Seed Bank and operationalization of regional Material Transfer Agreement
- ▶ Conservation and development of native, local varieties through community seed banks, and also the SAARC Seed Bank
- ▶ Creation of linkages among regional, national and community gene/seed banks

Addressing complexities and challenges for regional cooperation...2

Patent and Plant Variety Protection Laws

- ▶ Least-developed South Asian countries to capitalize on the TRIPS' transition period until 2021
- ▶ Learning from the implementation of India's Plant Variety Protection and Farmers' Rights Act of 2001
 - ▶ The question of intellectual property protection of farmers' varieties?
- ▶ Developing regional guidelines on *sui generis* options within formal as well as informal seed systems

Access and Benefit Sharing Laws

- ▶ Implementation of ABS laws
 - ▶ Regional Model?
- ▶ Learning from India's Traditional Knowledge Digital Database
 - ▶ Regional Database?
- ▶ Regional guidelines on biosafety and genetically modified seeds

Addressing complexities and challenges for regional cooperation...2

Multilateral System of the ITPGRFA

- ▶ Implementation of farmers' rights
 - ▶ Regional guidelines?
- ▶ Operationalization of standard material transfer agreement
 - ▶ Can SAARC Framework Agreement on MTA help?
- ▶ Inclusion of regional crops under Annex 1 of the Treaty
 - ▶ State sovereignty vs property rights considerations

Role of International and National Agriculture Centres

- ▶ Focussing on varieties important for climate-resilient South Asia
 - ▶ Not neglecting native, local varieties and traditional knowledge
- ▶ Promoting regional exchange for collaborative breeding and development of varieties
 - ▶ Property rights issues in relation to public, private and community participation