

Formulation of National Seed Policy in Timor Leste

Addressing Issues of Governance of and Intellectual Property Rights over Plant Genetic Resources

Pratap Shrestha, PhD

Program Specialist

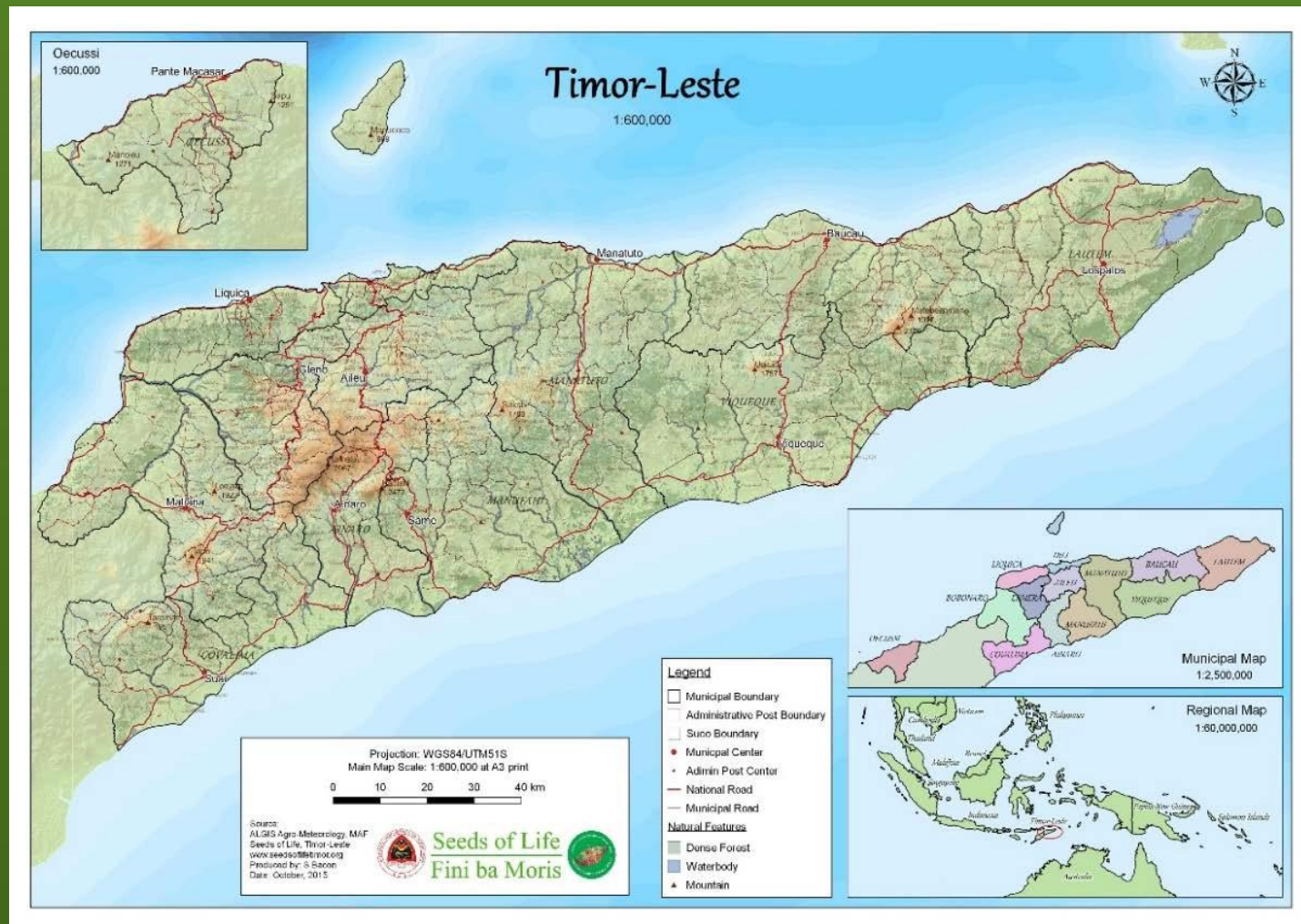
Seed Systems & Plant Genetic Resources

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Timor-Leste: Country Context



Timor Leste: Country Context

Country profile:

- Easter half of Timor islands with Atauro & Jaco islands and Oecussi enclave
- Became independent nation on 20 May 2002; 191th member of UN on 27 September 2012
- Area: 15,077 km² (40 % area hilly with 40% slope)
- Demography:
 - Population: 1.167,242 with growth rate 1.8%
 - Family size: 5.7
 - Population density: 79.7 km²
 - Rural population: 72%



Timor Leste: Country Context

Country profile:

- Economy:
 - Petroleum-based: 68% of total GDP
 - Majority of the revenues spent on infrastructure
 - Population below poverty: 42%
- Agricultural economy:
 - Provide livelihoods for 84% population
 - Contributes 7.5% of total; 30% of non-oil GDP
 - Generate 90% of non-oil export income
 - Contributes 38% of monthly household income



Agricultural Production & Food Security

Agricultural production:

- Agricultural land:
 - Land under agriculture: 380,000 ha (25.6%)
 - Land under annual crops: 155,000 ha (40.8%)
 - Smallholder farmers with average holding 1.2 ha
 - Subsistence farming
- Farming systems:
 - Low land irrigated rice based farming
 - Upland rainfed maize-based farming
 - Industrial cash crop farming
 - Livestock integrated with crop production



Agricultural Production & Food Security

Agricultural production:

- Crop production:
 - Upland rainfed farming mostly shifting cultivation practices; permanent farming around homestead
 - Low external input agriculture (fertilizers, seeds)
 - Low crop productivity

Crops	Area (ha)	Productivity (t/ha)
Rice	36,000	2.47
Maize	72,000	1.53
Cassava	5,754	3.81
Sweetpotato	3,700	2.61
Peanut	3,700	1.30
Mungbean	3,000	0.94



Agricultural Production & Food Security

Food security situation:

- Rice and maize main food but insufficient production
- 64% population experience food shortage
- Rural households have food shortage for 3.5 months
- Poor nutrition situation:
 - 50% stunting, 11% wasting and 38% underweight
- Food security strategies:
 - Integrated farming, diversified cropping system
 - Supplemented by wild and uncultivated food



Cropping Systems and Crop Diversity

Crops and crop diversity:

- Upland rainfed farming and homestead agro-forestry systems have high no. of crops and crop diversity
- Major crops: rice, maize, cassava, sweetpotato, plantain, taro, beans, peanuts, vegetables, wild foods
- Overall low crop species and varietal diversity
- Household crop and varietal diversity high
 - Staple food crops: 11 species; 35 varieties
 - Vegetable crops: 8 species; 18 varieties
 - Fruits: 7 species; 23 varieties



Cropping Systems and Crop Diversity

Research for conservation & enhancement:

- Started with Seed of Life (SoL) programme in MAF in 2000 and continued in 3 phases until January 2016
- Focused mainly on introduction of crops and varieties: 577 lines of 12 crops introduced and tested
- 18 varieties of staple crops officially released
- Research remained weak, particularly in:
 - Documentation, conservation and use of local crops
 - Breeding and enhancement of local crops
 - Strengthening of local seed systems



Seed Systems and Seed Security

Formal seed system:

- Involves breeding & maintenance, and production and distribution of new/ registered crop varieties
- National Seed System for Released Varieties (NSSRV) established in 2014 to support formal seed system
- National Seed Council formed under National Seed Policy oversees the functioning of NSSRV
- Different categories of seeds with specific qualities
- Currently, deals with 18 released varieties and contributes to less than 10% seed needs



Seed Systems and Seed Security

Farmers'/ Informal seed system:

- Involves farmers producing, saving, using, exchanging and selling their seeds locally
- Seeds well adapted and readily available but quality variable and not regulated
- Contributes more than 90% of seed needs
- No research and development support; loss of diversity
- Work on community seed banking system has started but need more support



Policy and Legal Environment in Timor Leste

Commitment to international agreements:

- Ratified UNFCCC, Kyoto Protocol, CBD, UN Conventions to Combat Desertification
- Not yet party of ITGRFA
- Process of WTO membership initiated; observer status

National policy and legal environment:

- Policy Framework for Agricultural Extension 2008 and Gender Policy 2005
- National Seed Policy 2013 adopted by MAF
- Strategic Plan (2011-30); MAF Strategic Plan (2014-20)



Formulation of National Seed Policy

Process and approach:

- Process started with the formation of National Seed Policy Working Group (NSPWG) on 26 July, 2012
- NSPWG: 13 members with representation from MAF, CSOs, INGOs, SoL Experts and Private sector
- NSPWG coordinating and overseeing the process
- National Seed Policy Advisor hired to facilitate the process and drafting the seed policy
- Used a facilitated but very transparent and participatory approach



Formulation of National Seed Policy

Stages and outcomes:

- A stage-wise process was adopted: 5 stages to facilitate wider consultations and incorporation of issues/ needs
- Stages of policy formulation process:
 - Stage 1: Review, consultation, issues to policy options
 - Stage 2: Developing policy framework and agreeing on key principles and positions; turning policy issues into policy provisions
 - Stage 3: Drafting the National Seed Policy
 - Stage 4: Wider consultation on the draft seed policy
 - Stage 5: MAF Minister endorses the policy ([Table 5](#))



Translating policy issues to policy provisions

Policy issues 1:

Protect seed sovereignty and agriculture of Timor Leste

Policy provisions:

- Farmers' right to save, use, exchange and sell seeds
- No patent on seed
- Prevent monopoly on production and marketing of seed
- Promote domestic seed production to reduce import dependency
- Discourage hybrid seeds by promoting OPV seeds
- Promote use and conservation of local seeds



Formulation of National Seed Policy

Status and implementation:

- National Seed Policy 2013 endorsed and used by MAF – a unique but practical approach
- Following are some of the key area of implementation:
 - National Seed Council (NSC)
 - NSRRV and seed certification systems
 - Registration of new plant varieties by VARRC
 - National Seed Policy in the process of approval from the Council of Ministers/ GoTL
 - MAF/SoL provided support for the implementation of community seed banking systems



Key Features of National Seed Policy 2013

General features: Provisions organized in 9 Section

1. Conservation and Use of Plant Genetic Resources
2. Variety development
3. Registration and Protection of New Plant Varieties
4. Seed Production
5. Seed Standards and Quality Regulation
6. Seed Distribution and Marketing
7. Strengthening Domestic Seed Sector
8. Import and Export of Quality Seed
9. Implementation, Coordination & Monitoring of Seed Policy



Key Features of National Seed Policy 2013

Governance of PGRFA guided by the principle of seed sovereignty:

- Statement: National seed sovereignty will be the overarching guiding principal for the National Seed Policy
- Implication of this statement:
 - Locally adapted seeds that meets farmers' needs
 - Seeds locally produced – choice & control over seeds
 - Element of protecting Farmers' Rights
 - Exclusion of strictly protected seeds – GURT/GMOs
 - Conservation and promotion of local crops/ varieties



Key Features of National Seed Policy 2013

Governance of PGRFA framed in line with CBD commitment but also ITPGRFA provisions:

- Support *in-situ* & *ex-situ* conservation and use
- Access through MAT with scope for multilateral systems and requires PIC
- Access to PGRFA in *in-situ* conditions in accordance with national law (ITPGRFA provision Article 12.3(h))
- Provision for ABS
- Take measure for the protection of Farmers' Rights
- Establishment of National Biodiversity Fund and Biodiversity Conservation Awards



Key Features of National Seed Policy 2013

Support community mechanisms for the governance of PGRFA:

- Support documentation & characterization, and establish Community Biodiversity Register
- Support community-based approach & participation for *in-situ* conservation and sustainable use
- Support efforts & practices of local & indigenous people in protecting natural habitats
- Support for registration of local PGRFA
- Supporting community seed banks



Key Features of National Seed Policy 2013

Provisions for *ex-situ* conservation of PGRFA and management of associated knowledge:

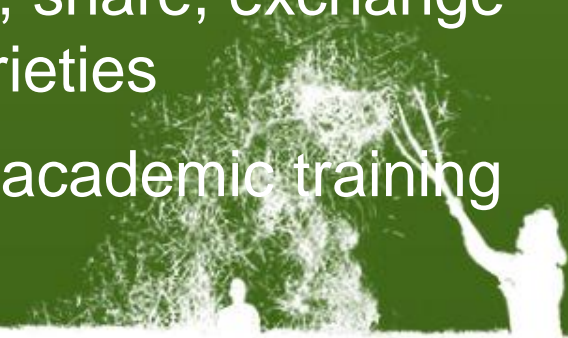
- Support documentation of PGRFA using Community Biodiversity Register and establish a national database from the information collected in this manner
- Support establish a national bank for *ex-situ* conservation of PGRFA & associated local knowledge
- Maintain a national depository of PGRFA found in on-farm *in-situ* condition at MAF until the national gene bank is established



Key Features of National Seed Policy 2013

Sui generis system for the protection of intellectual property rights:

- Timor Leste will not adopt UPOV
- *Sui generis* system for the protection of new plant varieties implemented by formulating appropriate national legislation that protect Breeders' and Farmers' Rights
- No IPR restriction for farmers on public sector varieties
- No restriction to save, use, reproduce, share, exchange and sell in non-branded form of all varieties
- No restriction in use for research and academic training



Key Features of National Seed Policy 2013

Recognition & protection of Farmers' Rights:

- Provision of PIC for access to PGRFA
- Requirement for ABS with farmers/ farming communities
- Facilitate registration of local plant varieties
- Relaxation of criteria and procedure for the registration of farmers' new plant varieties, use of farmers' information
- No restriction to save, use, reproduce, share, exchange and sell in non-branded form of all varieties
- Provision of compulsory licensing
- Farmers' participation in decision making through membership in the NSC



Implication of TL's Accession to WTO

- Seed Policy has envisioned the implication Timor Leste joining the WTO and made provisions to deal with IPR
- High risk for external pressure for changes as seed policy is being submitted to Council of Minister for approval
- It is important to farming communities and CSOs to:
 - Monitor of any changes during final approval
 - Ensure review process is transparent and participatory
 - Ensure PGRFA remains in the hands of farmers & supported & facilitated by the national authority
 - Ensure that farmers have unrestricted access to new plant varieties and their rights are protected





THANK YOU

