



**Regional workshop on Policy Issues within the Bioversity/UNEP-GEF project: *In situ*/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia**

**Workshop Report**

**Tashkent, Uzbekistan  
11-14 November 2008**

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#### Day 1, Tuesday 11 November 2008

Muhabbat Turdieva presented the objectives and the agenda of the workshop, highlighting how they link to the expected outputs of the project, in particular Output 1 (*Policy options for supporting farmers and local communities to conserve in situ/on-farm local varieties of horticultural crops and wild fruit species are available and used*), and the workplan to achieve this output. The workplan includes the following main activities: *a. Produce policy recommendations that support in situ/on-farm conservation of horticultural crops and wild fruit species; b. Analyze options and produce proposals on protection of Farmers' Rights; and c. Develop mechanisms for benefit-sharing among partners in cases where genetic material is conserved by farmers and used for breeding purposes, including practical field testing*).

Expected outputs of the workshop were the development of recommendations to provide support to farmers for strengthening their activities in the preservation of local varieties of fruit crops and wild fruit crops; and recommendations for the creation/development of benefit-sharing mechanisms. Muhabbat's presentation is provided as Annex 2 to this report .

The participants of the workshop introduced themselves. The list of participants is provided as Annex 3 to this report .

Isabel López Noriega and George Ayad made a presentation on international instruments concerned with the conservation and use of genetic resources, in particular the Convention on Biological Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty). This presentation is provided as Annex 4 to this report. Isabel introduced the principles of national sovereignty over genetic resources and the subsequent right of the countries to regulate the access to genetic resources and to obtain part of the benefits arising from the use of such resources. George explained how plant genetic resources for food and agriculture (PGRFA) have been subject to an internationally standardized regulation for the access of PGRFA and for the sharing of the benefits resulting from their use. The concept of farmers' rights, as presented in Article 9 of the Treaty, was introduced and explained. Finally, the presenters pointed out the linkages between international laws and the *In Situ/On farm* project.

Dr Vladimir Levin and Dr Arkadiy Rodionov, from Kazakhstan, Dr. Baktybek Koychumanov from Kyrgyzstan and Dr. Galina Kamakhina from Turkmenistan made presentations on the national legal frameworks of their respective countries. These presentations are provided as Annexes 5, 6, 7 and 8 to this report. These presentations focused on existing national laws related to land property and use, farmers and farmers' associations, forest resources management, water use, natural protected areas and endangered species. Each country representative summarized the challenges and opportunities for possible reforms of current national legal and policy instruments.

#### Day 2, Wednesday 12 November 2008

Dr. Nikolay Skripnikov from Uzbekistan made a presentation on the national legal framework of Uzbekistan, in line with the previous ones. The presentation is provided as Annex 9 of this report.

Isabel presented a summary of the results of the survey conducted prior to the workshop. This presentation is provided as Annex 10 of this report.

The participants split into four groups (one for each country) and each group discussed proposals for improving national legal frameworks for agro-biodiversity. They were asked to address the following issues in particular:

- *Gaps in current national legislation.*
- *Recommendations to improve national legal frameworks in the field of agro-biodiversity conservation.*
- *Recommendations to improve regional collaboration in the field of agro-biodiversity conservation.*
- *Mechanisms to put the recommendations in place at both national and regional level.*
- *Resources available to implement the recommendations.*

The results of the discussions were summarized in cards that were posted on flipcharts and presented by representatives from each group. The results were recorded and are provided as Annex 11 to this report

Day 3, Thursday 13 November 2008

The participants split into four working groups (one for each country) and each group discussed how the benefits generated by the project could be shared and how farmers' rights should be defined according to the objectives of the project. The groups were asked to address, in particular, the following issues:

- *What benefits will the project generate?*
- *Who will be interested in sharing these benefits?*
- *How can the benefits be shared with partners involved in the project (including farmers) and, in particular, what kind of national and regional legal agreements might be needed?*
- *What does the term "farmers' rights" mean?*

The results of the group discussions were summarized in cards that were posted on flipcharts and presented by representatives from each group. These results were later recorded and are provided as Annex 12 to this report .

Muhabbat, George, Isabel and Elizabeth collected the results of the group discussions and copied the action-oriented recommendations into a draft programme of work for 2009 and 2010. The following table represents the template that was used to pull together a draft programme of work:

	<b>Recommendations/ Mechanisms</b>	<b>Responsibilities</b>	<b>Timeframe</b>
<b>PRIORITY AREA 1</b> , Produce policy recommendations that support <i>in situ</i> /on farm conservation of horticultural crops and wild crops species			
<b>National level</b> (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)			
<b>Regional level</b>			
<b>PRIORITY AREA 2</b> , Analyze options and produce proposals for the protection of farmers' rights			
<b>National level</b> (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)			

	Recommendations/ Mechanisms	Responsibilities	Timeframe
<b>Regional level</b>			
<b>PRIORITY AREA 3, Develop mechanisms for benefit-sharing among the partners</b>			
<b>National level</b> (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)			
<b>Regional level</b>			

All the recommendations and practical mechanisms proposed by the groups to improve national legal frameworks were included as potential activities in the draft programme of work, under Priority Area 1. The definition of “farmers’ rights” and the rights identified as part of this concept were included under Priority Area 2, and the activities proposed for sharing the benefits of the project between the partners were introduced as activities under Priority Area 3. Participants were then asked to select those recommendations/actions that were more suitable for the project according to the following selection criteria:

- Timeframe: proposals should be either implemented or close to implementation by the end of the project.
- According to the outputs and the workplan of the project: proposals should fit into one of the three priority areas.
- Budget: there must be enough funds to implement the proposed activity.
- Human capacities: sufficient scientific, policy and legal expertise in the human capacities should be available.

#### Day 4, Friday 14 November 2008

The participants discussed the proposals in groups and presented the activities selected for inclusion in a definitive programme of work for 2009-2010.

After intense discussions on the possible activities for inclusion under Priority Area 2 (farmers’ rights) and Priority Area 3 (mechanisms for benefit-sharing among the partners), all the groups agreed on common activities to be carried out by all the countries and at the regional level.

Participants were interested in the fact that the project pays special attention to farmers’ rights issues. For this Priority Area (number 2), it was clear that before proposing options to protect farmers’ rights at the national level, each country should carry out a thorough assessment of how current legal frameworks address rights related to the protection of farmers as conservers of biodiversity. Participants agreed that the first activity in the programme of work will be to conduct these analyses and then convene a workshop, around March 2009, to present the results of the analyses and decide the steps forward. Isabel and George provided some guidance to participants about the content of these analyses by presenting some possible terms of reference. These terms of reference are attached as Annex 13.

With regards to Priority Area 3, all groups/countries decided to follow the activities agreed on for Uzbekistan, which include: the creation of mechanisms for benefit-sharing; the development of a general document template that can be used for agreements

between farmers and interested parties (as one of the ways of benefit-sharing); (through contracts and using the mechanisms developed)

The final programme of work for 2009-2010 is attached as Annex 14 to this report.

#### General remarks

Participants in the workshop were very interested and active in the discussions. It is worth highlighting that policy issues were not addressed in a politicized way, but rather in a practical and technical oriented manner. Participants proved to have impressive qualifications in the area of genetic resources and a great capacity to absorb policy and legal concepts in this field. This provided the possibility to have deep and useful discussions. The workshop was successful in introducing key policy and legal concepts in the project and defining a programme of work through which countries will be able to address the different policy issues in detail.

All countries showed a strong interest in enhancing collaboration at the regional level. As a result of this interest, the participants agreed to work towards getting a memorandum of understanding signed by the Ministries of Agriculture of all the countries for regional cooperation in the conservation, use and exchange of genetic resources.

Accession to the International Treaty on Plant Genetic Resources for Food and Agriculture by the countries was also of common interest. It was agreed that the project will try to set up a regional conference where the regional memorandum of understanding will be presented and where the project will raise awareness about the Treaty among relevant policy makers.

The organization of the workshop was excellent. Participants enjoyed the quiet and friendly atmosphere of the Shodlik hotel and had an excellent dinner where vodka encouraged some participants to strengthen international relationships at a more personal level...

## Annex 1

## AGENDA

## Tuesday 11 November, 2008

9.00-10.30	Overview of the project, introduction of the agenda and the objectives of the workshop  Presentation of participants	Muhabbat Turdieva
<b>10.30-10.45</b>	<b>Coffee/Tea</b>	
10.45-12.30	International legal landscape: A review of the Convention on Biological Diversity, the International Treaty and other legal instruments and fora like the World Trade Organization. Presentation, discussion and clarification.  Summary of the results of the questionnaires	George Ayad, Isabel Lopez Noriega
<b>12.30-14.00</b>	<b>Lunch</b>	
14.00-14.45	Kazakhstan Presentation of national legal reports (30 minute presentation + 15 minute general discussion)	Vladimir Levin & Arkadiy Radionov
14.45-15.30	Kyrgyzstan Presentation of national legal reports (30 minute presentation + 15 minute general discussion)	Bakytbek Koychumanov
<b>15.30-15.45</b>	<b>Coffee/Tea</b>	
15.45-16.30	Turkmenistan Presentation of national legal reports (30 minute presentation + 15 minute general discussion)	Galina Kamahina
16.30-17.00	Summary of the day and suggestions for following day	Muhabbat Turdieva

## Wednesday 12 November, 2008

9.00-9.45	Uzbekistan Presentation of national legal reports (30 minute presentation + 15 minute general discussion)	Nikolay Skripnikov
<b>10.30-10.45</b>	<b>Coffee/Tea</b>	
10.45-11.00	Introduction to the work in groups on legal and policy priority actions for the conservation of fruit trees diversity	Muhabbat Turdieva, Isabel Lopez Noriega, George Ayad
11.00-12.30	Work in groups: Brainstorming session and discussion of ideas on legal frameworks.	4 groups, one for each country.
<b>12.30-14.00</b>	<b>Lunch</b>	
14.00-15.30	Presentation of the results of the groups' work and general discussion: 30 minutes each group.	

	Kazakhstan, Kyrgyzstan.	
<b>15.30-15.45</b>	<b>Coffee/Tea</b>	
15.45-17.00	Presentation of the results of the groups' work and general discussion: 30 minutes each group. Turkmenistan, Uzbekistan.	

#### Thursday 13 November, 2008

9.00-9.15	Introduction to the work in groups on access and benefit-sharing (ABS) and farmers' rights	Muhabbat, Isabel, George
9.15-10.30	Work in groups: Brainstorming session and discussion of ideas on ABS and farmers' rights.	4 groups, one for each country.
<b>10.30-10.45</b>	<b>Coffee/Tea</b>	
10.45-11.30	Continuation of the work in groups	
11.30-12.30	Presentation of the results of the groups' discussions: 30 minutes each group (15 minutes for presentation and 15 minutes for feedback from all the participants). Kazakhstan, Kyrgyzstan.	
<b>12.30-14.00</b>	<b>Lunch</b>	
14.00-15.30	Presentation of the results of the groups' discussions: 30 minutes each group (15 minutes for presentation and 15 minutes for feedback from all the participants). Turkmenistan.	
<b>15.30-15.45</b>	<b>Coffee/Tea</b>	
15.45-17.00	Presentation of the results of the groups' discussions: 30 minutes each group (15 minutes for presentation and 15 minutes for feedback from all the participants). Uzbekistan	


#### Friday 14 November, 2008

9.00-10.30	Programme of work	
<b>10.30-10.45</b>	<b>Coffee/Tea</b>	
10.45-12.30	Programme of work Closure of the workshop	



**Annex 2.**

**Objectives and agenda of the workshop  
(presentation: Muhabbat Turdieva)**



**Bioversity/UNEP-GEF project “In situ/On Farm Conservation and Use of Agrobiodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia”.**

**Regional Training Workshop on Policy Issues**

**November 11-14, 2008  
Tashkent, Uzbekistan**

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## Component 1. Improvement of legislative frames

### Expected results:

- Recommendations on supporting and strengthening the farmers in conservation of horticultural crops and wild fruit species
- Recommendations on creating/developing the mechanism of sharing the benefits

2



## Workshop Programme

### Day 1

- International legal landscape: A review of the Convention on Biological Diversity, the International Treaty and other legal instruments like the World Trade Organization, etc.
- **Presentation of national legal consultant's reports on the results of analyzing the national policy (Kazakhstan, Kyrgyzstan and Tajikistan):**
  - Survey of existing national legal basement;
  - Efficiency of its implementation
  - Strength and weakness of the legislation;
  - Recommendations;
  - Mechanism of developing and approving of recommendations;
  - Mechanism of implementing the recommendations.

3



## Workshop Programme

### Day 1

- Summary of the day and suggestions for following day

4



## Workshop Programme

### Day 2

- **Presentation of national legal consultant's reports on the results of analyzing the national policy (Turkmenistan and Uzbekistan):**
- Work in groups:
  - Does national legislation need to be reformed, further developed or properly implemented? In which areas?
  - What are the priority areas in law and policy development and/or implementation?
  - Possible ideas for the project to contribute to national policy and legal development or implementation in the area of biodiversity conservation.

5



## Workshop Programme

### Day 2

- Presentation of the results of the work groups. Presentations discussions
- Summary of the day and suggestions for following day

6



## Workshop Programme

### Day 3

- Work in groups:
  - **Results/production of the project (information, material, etc.). What is the mechanism of sharing the benefits? How it works?**  
How? (what type of legal instruments are needed, e.g. memorandum of understanding?)  
With whom?
  - **What is the concept of «The Farmer's rights»?**
  - How could we contribute to its recognizing?
  - What is the mechanism of its recognizing/protection?

7



## Workshop Programme

### Day 3

- Presentation of the results of the work groups. Presentations discussions
- Summary of the day and suggestions for following day

8



## Workshop Programme

### Day 4

- **Our programme of work (short-term, long-term)**
  - **Priority areas**
  - **Activities**
  - **Responsibilities**
  - **Schedule**

9



**Go ahead!!!**

### Annex 3 – List of participants

##	Name	Country	Affiliation	Position	Background
1	George Ayad	Syria	Bioversity-CWANA Regional Office, Bioversity International	Regional Director	
2	Isabel Lopez Noriega	Italy	Policy Research and Support Unit, Bioversity International	Legal Specialist	
3	Elizabeth O'Keeffe	Italy	Policy Research and Support Unit, Bioversity International	Programme Assistant	
4	Muhabbat Turdieva	Uzbekistan	Bioversity International	Regional Project Coordinator	
5	Vladimir Levin	Kazakhstan	"The Farmer of Kazakhstan" Foundation	Director	
6	Saule Kazybaeva	Kazakhstan	Kazakh Research Institute of Horticulture and Wine Growing	Scientist	
7	Arkadiy Rodionov	Kazakhstan	UNDP/GEF Project "In-situ Conservation of Kazakhstan's Mountain Agrobiodiversity"	Expert	
8	Elmira Kaparova	Kyrgyzstan	Department of Technology of Processing Agricultural Production, Kyrgyz Agrarian University	Senior Tutor	
9	Kubanychbek Turgunbaev	Kyrgyzstan	Department of Forestry, Kyrgyz Agrarian University	Associate Professor	
10	Bakytbek Koychumanov	Kyrgyzstan	Department of Policy and Staff work, State Agency on Environment and Forestry under the Government of the Republic of Kyrgyzstan	Head	
11	Bulan Sharsheev	Kyrgyzstan	Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan	Department Expert	
12	Galina Kamahina	Turkmenistan	GEF-UNDP Project "Biodiversity	Independent Expert on	

##	Name	Country	Affiliation	Position	Background
			Conservation-II"	Biodiversity	
13	Karim Baymetov	Uzbekistan	Department of Fruit and Berry Crops, Research Institute of Plant Industry	Head	
14	Yevgeniy Butkov	Uzbekistan	Sector of Mountain Forest Amelioration, Ecology and Forest Protection, Research & Production Centre of Ornamental Gardening and Forestry	Head	
15	Temur Tulyaganov	Uzbekistan	Research & Production Centre on Ornamental Gardening and Forestry	Associate Scientist	
16	Sherzod Rajametov	Uzbekistan	Research Institute of Plant Industry	Academic Secretary	
17	Parhod Nazarov	Uzbekistan	Department of Fruit and Berry Crops, Research Institute of Plant Industry	Scientist	
18	Sanjar Sherimbetov	Uzbekistan	Research & Production Centre "Botany"	PhD Student	
19	Alisher Hujanov	Uzbekistan	Research & Production Centre "Botany"	Associate Scientist	
20	Shukhrat Abdulazizov	Uzbekistan	Department of Normalization, Research Institute of Market Reforms	Head	
21	Mirzokhid Yuldashev	Uzbekistan	Department of external economic links, investment and marketing, Uzbekistan Farmer's Association	Leading specialist	
22	Nikolay Skripnikov	Uzbekistan	Department of International Law, Tashkent State Institute of Law	Head	



## Annex 4

International instruments dealing with the conservation and use of genetic resources (presentation: Isabel Lopez Noriega, George Ayad)



# International Law on Genetic Resources

Isabel López Noriega  
George Ayad  
Muhabbat Turdieva  
Bioversity International  
Roma, Italia

## International law on genetic resources



1. Introduction: The origins of international law on biodiversity
2. The Convention on Biological Diversity
3. The International Treaty on Plant Genetic Resources for Food and Agriculture
4. How can the project contribute

## Introduction: The origins of international law on biodiversity

### 1970-1990: A change in the conservation strategy

United Nations Conference on Human Environment, Stockholm, 1972

#### **Genetic Diversity**

→ diversity between individuals of the same species

#### **Species Diversity**

→ number of diversity of species in a certain area

#### **Ecosystem Diversity**

→ number of habitats and biotic communities in a certain area

*(Global Biodiversity Outlook, Secretariat of the CBD. 2001)*

## The INBio-Merck Agreement: The consolidation of new principles in the access to genetic resources

<b>Merck gets...</b>	<b>INBio Costa Rica gets...</b>
	1 million USD
<b>Samples provided by INBio</b>	Lab equipment
	Capacity building
	Royalties over products of research

# The Convention on Biological Diversity

## The CBD in a Nutshell...

- ✓ Adopted in 1994
- ✓ 190 parties (189 countries + the EU)
- ✓ Principles: States have sovereign rights over their natural resources
- ✓ Objectives:
  - conservation of biological diversity
  - sustainable use of its components
  - fair and equitable sharing of the benefits arising out of the utilization of genetic resources

## Access to genetic resources and benefit-sharing

### Art. 15

(1) Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

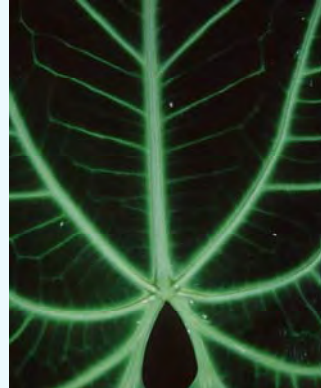
(5) Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party. (The text in Russian can be found at <http://www.cbd.int/convention/convention.shtml>)



## Access to genetic resources and benefit-sharing

### Common requirements in national access legislations:

- Prior informed consent
- Mutually agreed terms:
  - samples
  - access payments
  - intellectual property rights
  - reporting
  - benefit-sharing
  - traditional knowledge



## Access to genetic resources and benefit-sharing

### Challenges in the implementation of access laws:

- nature of genetic resources
- lack of clear, transparent regulation
- lack of resources
- lack of awareness at the community level
- boundaries of laws

### Risks:

- Insufficient flow of genetic resources for research
- No benefit generated

## **The International Treaty on Plant Genetic Resources for Food and Agriculture**

A little bit of history:

1983, **The International Undertaking**

- PGRFA are the heritage of the whole humanity
- Free exchange of material among all countries
- The Commission for Genetic Resources for Food and Agriculture

## **The International Treaty on Plant Genetic Resources for Food and Agriculture**

A little bit of history:

1992, **Convention on Biological Diversity (CBD)**

1994, **World Trade Organization and the TRIPS Agreement**

Agricultural sector: What do we do????!

→ Negotiation of a binding instrument on the basis of the International Undertaking

## The International Treaty on Plant Genetic Resources for Food and Agriculture



### The Treaty in a nutshell

- ✓ Adopted in 2001
- ✓ 113 parties (112 countries + the EU)
- ✓ Scope: Plant genetic resources for food and agriculture
- ✓ Objectives:
  - conservation of and sustainable use of plant genetic resources for food and agriculture
  - equitable benefits arising out of their use, in harmony with the CBD

### The International Treaty on Plant Genetic Resources for Food and Agriculture. Current status of ratification by Central Asian countries

Country	Treaty ratification status
<b>Kazakhstan</b>	(In the process of ratification?)
<b>Kyrgyzstan</b>	Neither signed/ratified
<b>Tajikistan</b>	Neither signed/ratified
<b>Turkmenistan</b>	Neither signed/ratified
<b>Uzbekistan</b>	Neither signed/ratified

## The multilateral system of access and benefit-sharing created by the Treaty

### Access...

- ✓ Common pool of plant genetic resources for food and agriculture for the most important crops for the purpose of research, breeding and training.
- ✓ Access to all materials in the multilateral system is free for all parties to the Treaty.

### ... and benefit sharing

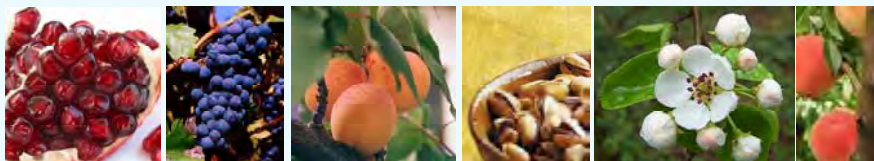
A percentage of the benefits gained through commercialization go to a common fund managed by the Governing Body of the Treaty.



## Annex 1 Crops

- ✓ Rice, wheat, maize
- ✓ Barley, rye, oat, sorghum, finger millet, pearl millet, triticale
- ✓ Beans, pea, chickpea, pigeon pea, grass pea, lentil, faba bean, cowpea
- ✓ Potato, cassava, aroids (including taro and cocoyam), yams, sweet potato
- ✓ Breadfruit, citrus, coconut, apple, banana/plantain, strawberry
- ✓ Asparagus, beet, brassicas (the cabbage family including broccoli and

**Not included:** apricot, peach, pear, plum, grape, almond, pistachio, pomegranate, fig



ABS in an average national regime inspired by the CBD	ABS under the multilateral system of the Treaty
Prior informed consent from the holder of genetic resources is required	No prior informed consent, materials are available.
Costly procedures + up-front payments	Free, or only administrative costs
Bilateral agreement between provider and recipient of the resources, according to the mutually agreed terms	A standard material transfer agreement contains all conditions for access, use and benefit-sharing
Continuous reports about the use and movement of the resources are required	The material is transferred expeditiously, no need to track each transfer
When agreed, a percentage of the benefits flow back to the provider country	A percentage of the benefits from commercialization go to a common fund and, from that fund, mainly to farmers and conservation programmes in developing countries

## Why do PGRFA need a special regime of ABS ?

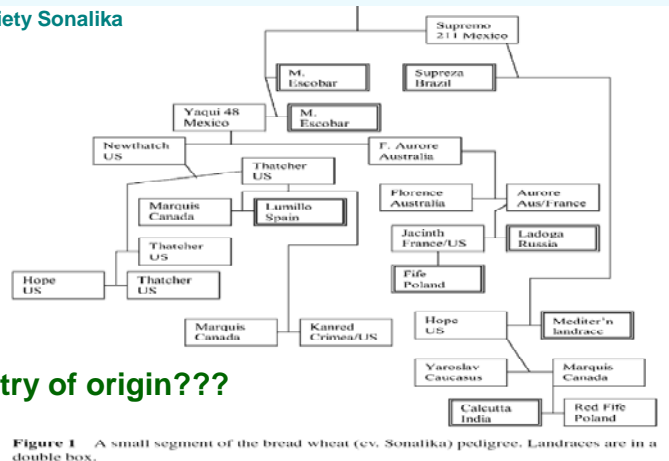
### Differences between PGRFA and wild GR

PGRFA	Wild PGR
▪ Valued for <b>intra-specific diversity</b>	▪ <b>Inter-specific diversity</b> is the focus
▪ Are essentially products of <b>human selection</b> and depend upon farmers for their continued survival	▪ Are products of <b>natural selection</b> and sustain themselves
▪ PGRFA diversity concentrated around <b>centres of origin</b> and diversity of cultivated plants and their wild relatives	▪ Distribution of wild PGR diversity largely <b>independent of human activities</b> (though limited and displaced by human activities)
▪ <b>Extensive 'movement'</b> and breeding of crop diversity due to farmers exchanging seed and cross breeding with exotic material to maintain/increase productivity	▪ Evolution of wild PGR is dependent on <b>natural forces</b> of selection
▪ <b>Global access</b> is required for the continued agricultural development	▪ <b>Global access</b> is an issue for wild relatives of crops and species of potential economic use, including potential pharmaceutical use



## Why do PGRFA need a special regime of ABS ?

Wheat variety Sonalika

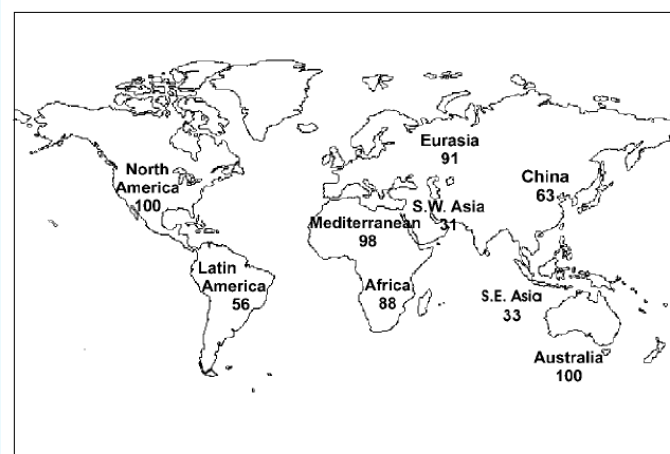


Country of origin???

Figure 1 A small segment of the bread wheat (cv. Sonalika) pedigree. Landraces are in a double box.

## Why do PGRFA deserve a special regime of ABS ?

### Interdependence of countries on PGRFA



Gepts, 2004

## Regional exchange agreements in line with the Treaty

- Regional alliance for promoting conservation and exchange of genetic resources between the Ministries of agriculture of Jordan, Lebanon, the Palestinian authority and Syria
- A European Genebank Integrated System
- ...

## Farmers rights



## What does it mean?

**Art. 9 of the Treaty** (text in Russian can be found at [http://www.planttreaty.org/texts\\_en.htm](http://www.planttreaty.org/texts_en.htm))

### •Protection of Traditional Knowledge

•The right to equitably participate in sharing benefits

•The right to participate in making decisions on matters related to the conservation and sustainable use of PGRFA

•The right to **save, use, exchange** and sell farm-saved seed/propagating material

**BUT NOT ONLY!**

## International Treaties and our project: How do they relate to each other???



## Towards a common understanding of benefit-sharing IN THE PROJECT

- ✓ What benefits do we expect the project to generate?
- ✓ What is to be shared?
- ✓ Between/among whom?

### Art. 13 Treaty

- Facilitated access to germplasm
- Take account of priority areas of Global Plan of Action
- The exchange of information
- Access to and transfer of technology
- Capacity-building
- The sharing of monetary and other benefits of commercialization

## Contributing to the development of policy and law in our countries

- How do legal frameworks affect the objectives of the project?
- Is it possible to adapt current laws as appropriate?
- How can the project contribute to this?
  - At what level should we work? Regional? National? Local?



**Thank you**




## Annexes 5 and 6

### National legal reports – Kazakhstan (presentations: Vladimir Levin, Arkadiy Rodionov)


Regional workshop  
“Legislation, mechanism of distribution of benefits from PGR use and protection of farmers’ rights”  
Republic of Uzbekistan, Tashkent,  
11-14 November, 2008

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**Regulation of wild fruit crops  
relatives conservation in national  
legislation of the Republic of  
Kazakhstan**



A. Rodionov – Committee of forestry and game husbandry under Ministry of Agriculture of the Republic of Kazakhstan, UNDP/GEF project “In situ agrobiodiversity conservation in Kazakhstan”



**MAIN REGULATING DOCUMENTS:**



- Constitution of the Republic of Kazakhstan
- Environmental Code of the Republic of Kazakhstan
- Forestry Code of the Republic of Kazakhstan
- Law of the Republic of Kazakhstan “On Specially Protected Natural Areas”
- Regulations of the Government of the Republic of Kazakhstan and legal act-orders of its central executive bodies (Ministry of the environmental protection, Ministry of agriculture, Committee of forestry and game husbandry )
- Resolutions of local representative and executive bodies of the Republic of Kazakhstan (oblast maslikhats and akimats)

### BASIC PROVISIONS OF LAWS OF THE REPUBLIC OF KAZAKHASTAN ON BIODIVERSITY AND AGROBIODIVERSITY CONSERVATION:

- The land and underground resources, waters, **flora** and fauna, other **natural resources** shall be owned by the state. The land may also be privately owned on terms, conditions and within the limits established by legislation.
- Citizens of the Republic of Kazakhstan must preserve nature and protect natural resources.

*(Constitution of the Republic of Kazakhstan, article 6 and 38).*

- Environmental basics for sustainable development of the Republic of Kazakhstan are:
  - ▶ environmental protection and conservation of biodiversity;
  - ▶ ensuring and realization of the right of the Republic of Kazakhstan to exploit natural resources and defend national interests over natural resources usage and environmental impact;
  - ▶ fair satisfaction of needs of current and future generations;

*(Environmental Code of the Republic of Kazakhstan, article 4)*

### BASIC PROVISIONS OF LAWS OF THE REPUBLIC OF KAZAKHASTAN ON BIODIVERSITY AND AGROBIODIVERSITY CONSERVATION:

**(continued):**

- Basic principles of environmental legislation include:
  - ▶ ecosystem approach in environmental relations regulation;
  - ▶ governmental approach in environmental protection and governmental management of natural resources use.
- The land, underground resources, surface and ground water; atmospheric air; **forests and other vegetation**; fauna, **gene pool of living organisms**; **natural ecosystems**, climate and ozone layer of the Earth are subject to protection from eradication, degradation, damage, pollution and other damage effect.  
*(Environmental Code of the Republic of Kazakhstan, articles 5 and 7)*
- Gene pool of biocenosis at the plots of public forest fund ..... is in republican property, geographically stands out as limited usage zones, including genetic reserves of flora and fauna, plus stands and trees, other breeding genetic objects.
- The exchange of reproduction material of forest flora and fauna gene pool with other countries is conducted on the basis of resolutions of the government of the Republic of Kazakhstan and in case of state environmental positive expert report.  
*(Forestry Code of the Republic of Kazakhstan, article 103)*

**BASIC PROVISIONS OF LAWS OF THE REPUBLIC OF KAZAKHASTAN ON BIODIVERSITY AND AGROBIODIVERSITY CONSERVATION:**  
(continued):

- **Biological resources** — genetic resources, organisms or their parts, populations or any other biotic components of ecosystems which are of actual or potential use for the humanity.
- **Natural-reserved fund units include:**
  - ▶ specially valuable plantations of public forest fund (*specially valuable woodlands, forest fruit plantations, .....*) which can be included to especially protected natural areas or enter the category of especially protected forest areas (*parts of the forest which are of scientific value including forest genetic reserves; commercial walnut zones...*);
  - ▶ rare and endangered animal and **plant** species (*protected by the government*) – wild common apricot, *Malus sieversii*, *Malus niedzwetzkyana*, *Pyrus regelii*, etc. In exceptional cases in the purpose of population recovery it is allowed under resolution of the government of the Republic of Kazakhstan to get these species to cultivate in the specialized nurseries and further transfer to habitats.

(Law "On Special Protected Natural Areas", article 1, 74 and 78)

**BARRIERS:**

- Lack of specific legislation regulating issues of flora, agrobiodiversity and its genetic resources conservation and use. Existing legislation considers issues in whole without required details;
- Insufficient orientation of existing legislation regulations to implementation of principles of ecosystem management of biological (plant) resources though this principle is in the basis of the country's legislation;
- Absence of legally approved term "agrobiodiversity" which impedes legislative regulation of its conservation and balanced use;
- Issues of forest (including wild fruit forest) biodiversity conservation and sustainable use of its components have not received system development at legislative level as a separate subject of regulation, governmental control and protection;
- Administrative Offense Code doesn't provide special composition or enhanced responsibility for elimination of rare and endangered plant species including agrobiodiversity (*regulations of criminal law apply only*) which complicates litigious procedure and indemnification for their elimination or damage.



### ACTIVITIES OF THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN ON BIODIVERSITY/AGROBIODIVERSITY CONSERVATION:

- **Creation of Special Protected Natural Areas system** – in the zone of mountain agrobiodiversity growth in the south and southeast of the republic Aksu-Jabaglinskiy, Karatauskiy, Almatinskiy wildlife preservations and Ile-Alatauskiy, Charynskiy, “Kolsay koldery”, “Altyn-Emel”, “Sayram-Ugam” national parks.
- **Being implemented:**
  - ▶ with the assistance of UNDP/GEF – “In situ mountain agrobiodiversity conservation in Kazakhstan” project covering most important territories of growth of wild apple and apricot;
  - ▶ with the assistance of Bioversity International/UNEP-GEF – “*In situ/on farm* agrobiodiversity (wild crops and their wild relatives) conservation and use in Central Asia” project.
- To enhance protective status the following species are included to the Red List IUCN:
  - ▶ Common apricot,
  - ▶ *Malus niedzwetzkyana*,
  - ▶ *Malus sieversii*.

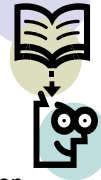
Proposals with the appropriate grounds were made at the regional workshop on woody plants species included to the Red List (*FAUNA & FLORA International under GLOBAL TREES CAMPAIGN*) (*Bishkek, Kyrgyzstan, 11-13 July, 2006*);

### GOVERNMENT OF THE RK/GEF-UNDP “*IN SITU* MOUNTAIN AGROBIODIVERSITY CONSERVATION IN KAZAKHSTAN” PROJECT ACTIVITIES :

- 5 normative legal acts **were prepared and approved** by the resolutions of the Government of RK and CFGH orders:
  - ▶ Reservation rules for land intended for creation and expansion of specially protected natural areas;
  - ▶ Land leasing rules in specially protected natural areas;
  - ▶ Rules for conducting of competitive tender for construction of tourism and recreation facilities in specially protected natural areas;
  - ▶ Procedure for design and use of symbols of environmental agency;
  - ▶ Procedure for creation of excursion routes in specially protected natural areas.
- Creation of Jongar-Alatauskiy national nature park (coverage of more than 9 thousand ha of wild fruit trees) **was prepared and approved** by CFGH EHO and TEO orders.
- **Under development:**
  - ▶ strategy for conservation and recovery of mountain agrobiodiversity in the project area;
  - ▶ concept of the law of the RK “On flora”.

**REQUIRED FOLLOW-UP ACTIVITY:**

- Preparation/definition of legislative regulations ensuring efficient conservation regulation and agrobiodiversity balanced use including biological resources of cultivated plants' wild relatives and ancient varieties of local selection that are being lost;
- Preparation and approval of national plant agrobiodiversity conservation strategy and respective government programs;
- Expansion of specially protected natural areas system and genetic reserves with economic activity limitations for *in situ* agrobiodiversity gene pool conservation. Creation of collections, genetic banks for *ex situ* species form diversity;
- Inclusion in the national legislation of the necessary and adequate norms of disciplinary and criminal proceedings for elimination and damage of agrobiodiversity gene pool.



THANK YOU FOR YOUR  
ATTENTION



UNEP-GEF project  
“In situ/on farm agrobiodiversity (fruit crops and their wild relatives) conservation  
and use in Central Asia”

LEGAL FRAMEWORK OF FARM  
HOUSEHOLDS' ACTIVITY IN THE REPUBLIC  
OF KAZAKHSTAN

Vladimir Levin – director of “Kazakhstan  
farmer” foundation

***Agriculture of Kazakhstan (2006)***

Rural areas population – 6,5 mil people (43% of  
total population)

Number of villages – 7262

Average monthly wage in Kazakhstan – 285\$

- in farming – 116\$

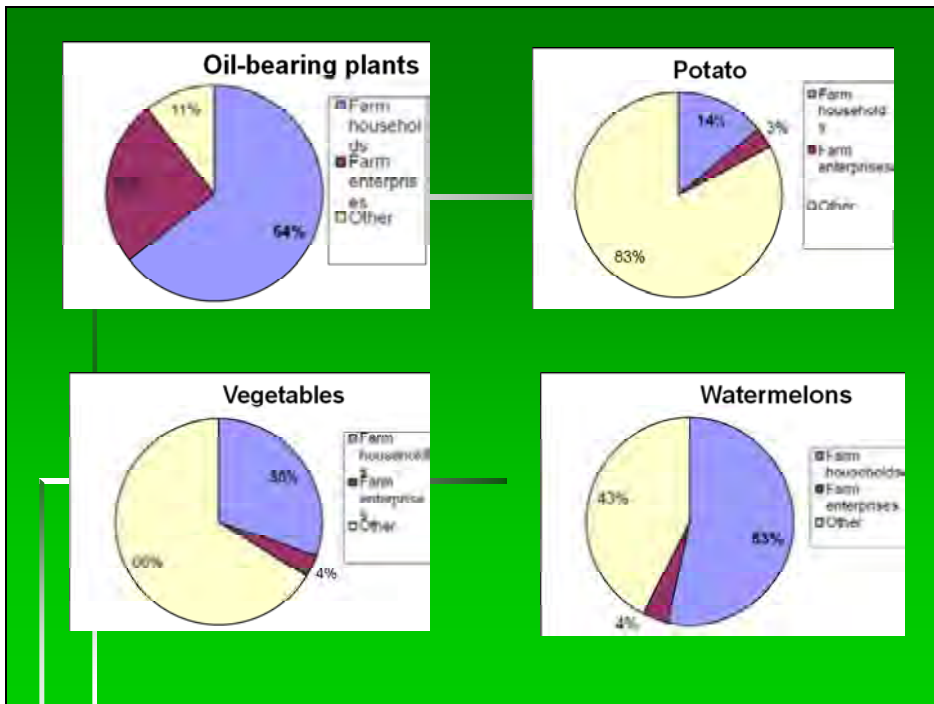
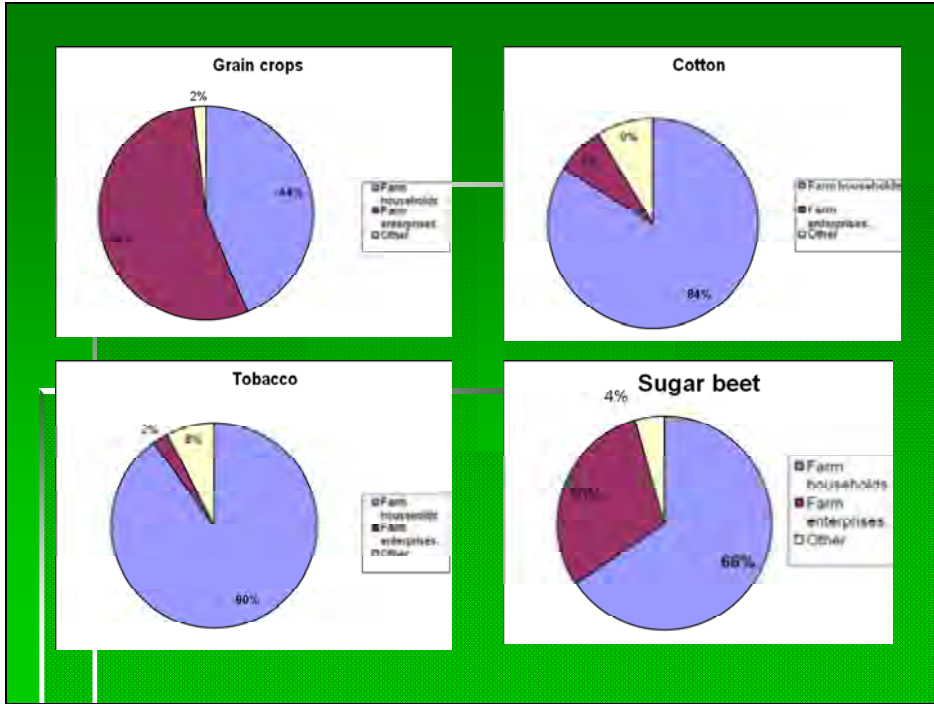
Number of – farm households – 187.000

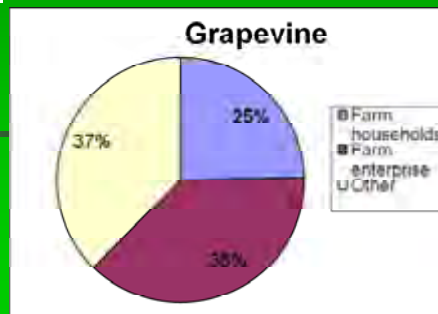
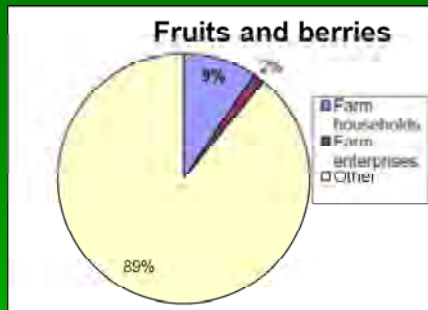
- farm enterprises – 9.600

- public enterprises – 96

- Share of agriculture in GDP – 5,7%

Agricultural land – 83,6 mil ha  
of which: arable land– 21,4 mil ha  
pasture – 52,6 mil ha





## LEGAL FRAMEWORK FOR FARM HOUSEHOLDS DEVELOPMENT

### ▪ Land, Forestry and Water codes

And the laws:

- “On government regulation of agricultural sector and rural territories development” - 2005;
- “On farm household” - 1998;
- “On household partnership” - 1999;
- “On compulsory insurance in plant cultivation” - 2004;
- “On seed production” - 2003;

- “On grain” - 2001;
- “On plant protection” – 2002;
- “On plant quarantine” - 2002;
- “On rural water consumers cooperative” - 2003;
- “On agricultural partnerships and their associations (unions)” - 2000;
- “On credit cooperatives” - 2003;
- “On microcredit organizations” - 2003

## The main feature of the Land Code

- introduction of private ownership of farm lands

### Moreover farmers have right to:

- buy out the land into private ownership;
- lease the land (long lease up to 49 years, or short lease up to 5 years).



## Buy out of land into private ownership

### ▪ IRRIGATED ARABLE LAND

South of Kazakhstan 700 – 1150\$/ha

### ▪ NON-IRRIGATED ARABLE LAND

South of Kazakhstan 120 – 210\$/ha

North (grain-growing area) 250 – 400\$/ha

- additional correction coefficients from 0,5 to 2,0 are applied (remoteness, roads, slope, etc.)

## In case of buy out

- 10 year instalment plan is provided;
- The owner cannot change the purpose of the land;
- The owner can let the land on short lease;
- Can mortgage the land;
- Can demise the land.

## Land tax

- 0,1% of the land assessed value (single tax)
- Income tax, VAT, property tax and road tax are not collected
- Single tax exempts farmers from 80% of taxes

## Land transferred without compensation to citizens and juridical entities

- for livestock breeding on pastures (seasonal pastures);
- for people's livestock grazing and haymaking;
- government land users;
- under restoration of degraded and affected land.



## Annex 7

### National legal report – Kyrgyzstan (presentation: Baktybek Koychumanov)

Bioversity International/UNEP-GEF

**Project LoA No 07/070 “In situ/on farm agrobiodiversity (fruit crops and their wild relatives) conservation and use in Central Asia”**

Sharsheev B.  
Koychumanov B.

Tashkent – November, 2008

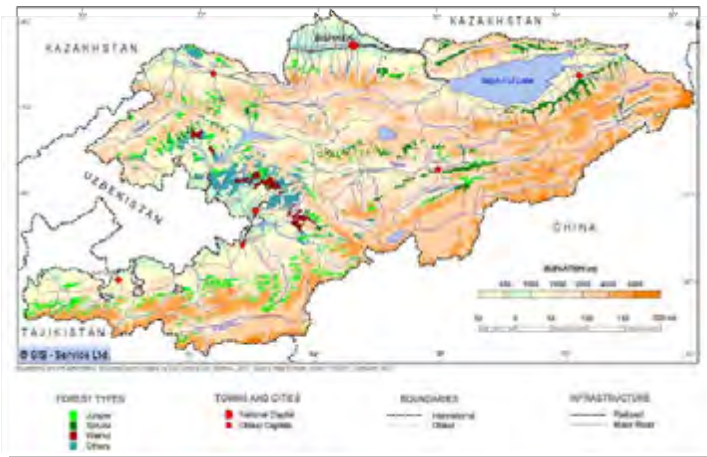
## What have been done?

The review of national legislation of the Kyrgyz Republic has been conducted:

- legislation on specially protected areas (hereinafter SPNA), on fruit crops wild relatives conservations in protected areas and forest land;
- legislation regulating legal relations in establishing and operation of farm enterprises and several legislative acts directed at farmers’ rights establishment and protection.

2

## Kyrgyz Republic



3

## Kyrgyz Republic legislation on SPNA and biodiversity:

- “On special protected natural areas” dd. 28.05.1994, #1561;
- “On accession of the Kyrgyz Republic to Convention on Biological Diversity” dd. 26.07.1996, #40;
- “On environmental protection” dd. 13.05.1999, #53;
- “On fauna” dd. 13.05.1999, #59;
- “On biosphere territories in the Kyrgyz Republic” dd. 9.06.1999, #48;
- “On fauna protection and use” dd. 20.06.2001, #53;
- The Forest Code of the Kyrgyz Republic dd. 29.06.1999, #66;
- The Land Code of the Kyrgyz Republic dd. 2.06.1999, #45;
- The Code of the Kyrgyz Republic on administrative responsibility, the Criminal Code.

4

## International conventions

- Convention on Biological Diversity dd. 3-14 June, 1992 Rio de Janeiro (ratified by the Kyrgyz Republic law dd. 26 July, 1996, #40);
- Convention to Combat Desertification in countries suffering serious droughts and/or desertification, especially in Africa dd. 12 September, 1994, Paris. (ratified by the Kyrgyz Republic law dd. 21 July, 1999, #85);
- United Nations Framework Convention on Climate Change dd. 9 May, 1992, New-York (ratified by the law dd. 14 January, 2000, #11);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora(CITES), signed on 3 March, 1973 in Washington (the Kyrgyz Republic law dd. 30 November, 2006, #192).

5

## The Kyrgyz Republic legislation on SPNA and biodiversity:

- - the legal status of SPNA and procedure for their establishing has been assigned;
- - the procedure for natural resources use in SPNA has been established;
- - norms and requirements on environmental protection when conducting economic and any other activity are determined;
- - types of ecological offences, responsibility measures and procedure for bringing to responsibility have been determined;
- - the procedure for compensation for damages caused to natural resources and complexes as a result of illegal activities of juridical and private persons have been determined;
- - the principles of international cooperation in biodiversity conservation and SPNA network development have been identified as well as a number of other issues.

6

## The Kyrgyz Republic legislation on SPNA and biodiversity:

- The issues of local population participation in SPNA planning, organization and operation are not mentioned,
- There is no clear definition of terms of reference of local self-government authorities and state administrations, state agency for environmental protection,
- The issues of use of SPNA potential for tourism development, land reservation to develop SPNA network, certain species conservation, etc. haven't been regulated.

7

## The Kyrgyz Republic legislation on SPNA and biodiversity:

- To sort categories of specially protected natural areas according to categories system of International Union for Conservation of Nature and Natural Resources (IUCN);
- Introduce norms on ecotourism development in specially protected natural areas;
- Consolidate the terms of zoning of specially protected natural areas and ensuing conditions of the respective zones;
- It is required to establish norms for public participation in SPNA planning, organization and operation to ensure transparency and availability of population awareness;
- Taking into account country's obligations to Conventions on biodiversity conservation, the assessments of impact on environment and **Орхусской**, introduce into draft law their basic principles;
- Formalize in law draft the Section on transboundary protected natural areas, their conditions and ecological corridors;

8

## The Kyrgyz Republic legislation on farm enterprise:

- “The Civil Code of the Kyrgyz Republic” dd. 8 May, 1996, #15
- The law of the Kyrgyz Republic “On Plant Quarantine” dd. 27 June 1996, #26
- The law of the Kyrgyz Republic “On seed” dd. 19 June 1997, #38
- The Land Code of the Kyrgyz Republic dd. 2 June 1999, #45
- The law of the Kyrgyz Republic “On farm enterprise” dd. 3 June 1999, #47
- The law of the Kyrgyz Republic “On agricultural land management” dd. 11 January 2001, #4

9

## The Kyrgyz Republic legislation on farm enterprise:

- Create legal framework for farm enterprises establishment and operation.
- The rights and responsibilities of farm enterprises, the head of farm enterprise, public authorities and local self-government authorities are clearly stated.

10

## The Kyrgyz Republic legislation on farm enterprise:

- Does not reflect the procedure of solving problem encountered in farm enterprise establishment and operation,
- The procedures for granting discounts and government support has been insufficiently studied.
- There no norms encouraging farm enterprises cooperation, and enterprise management aimed at ecologically pure products production and activities on conservation of natural plantings which are relatives to cultivated fruit crops.

11

## The Kyrgyz Republic legislation on farm enterprise:

- It is required to introduce regulations granting allowances to agricultural commodity producers;
- It is required to develop drafts of normative documents aimed at development of farm enterprises, rights of farmers conducting on farm conservation and distribution of fruit crops and their wild relatives.

12

## What have been done?

- On the basis of material studied and lessons learned including revealed shortcomings and gaps in legislation, expertizes conducted in agrobiodiversity (fruit crops and their wild relatives) conservation and use the general line (concept) for preparation of draft laws has been worked out.

13

## There is experience in Community based forestry management (CBFM).



14 3663, 1 ha of SFF have been transferred to CBFM and 932 contracts have been signed, more than 2880 have been ensured with additional employment

## SPNA expansion

To expand SPNA the State agency for environmental protection and forestry of the Kyrgyz Republic studies the issues of coordinated allotment of land for SPNAs:

- Alay State natural park in Alay and Chon-Alay districts of Osh oblast covering south catchment area of Kyzyl-Suu river to state border (approximate area of more than 1 mil ha),
- Surmatash state reserve in Kadamjay district of Batkent oblast (approximate area of 60 thousand ha),
- Sarkent State natural park in Leylek district of Batkent oblast (approximate area of 40 thousand ha).

15

## SPNA expansion

To cover diversity of fruit crops wild relatives proposals on creation of state natural parks have been submitted:

- “Arctanbal Ata” (approximate area of 40 thousand ha),
- “Kara Alma” (approximate area of 50 thousand ha).

16



## Proposals submitted

- A regulation on fruit crops and their wild relatives conservation has been introduced to the Environmental Code of the Kyrgyz Republic;
- Currently, the issues of respective regulations introduction to draft law of the Kyrgyz Republic “On specially protected natural areas” and the law of the Kyrgyz Republic “On farm enterprises”.

**Thank you for your attention.**

**Annex 8**

**National legal report – Turkmenistan (presentation: Galina Kamahina)**

UNEP/WHO/World Bank  
"In situ conservation of wild fruit crops and their wild relatives:  
conservation and use in Central Asia". POC-C phase.

## TURKMENISTAN

### REVIEW OF LEGISLATION ON CONSERVATION OF WILD FRUIT CROPS IN PROTECTED AREAS AND FARM HOUSEHOLDS

**G. Kamakhina, national expert  
Tashkent, 11-14 November, 2008.**

### I. LEGISLATION ON CONSERVATION OF WILD FRUIT CROPS IN PROTECTED AREAS AND FOREST LANDS

Nature conservation law (1991)	The standard regulation on state nature reserves (1995)
The law on state specially protected natural areas (1992)	The standard regulation on state wildlife preserves (1995)
The law on flora protection and rational use (1993)	The standard regulation on protective zones of state nature reserves (1995)
The regulation on Red Book (1997)	The standard regulation on state natural monuments (1995)
The law on state environmental expertise (1995)	The standard regulation on state nurseries of rare and endangered species of animals and plants (1995)
The Forestry Code (1993)	The regulation on state conservation foundation (1996)

## LEGISLATION ON FARM HOUSEHOLD DEVELOPMENT

<i>The Land Code (2004)</i>	<i>The law on daykhan associations (2007)</i>
<i>On amendments and additions to some legislative acts of Turkmenistan (2007)</i>	<i>The law on daykhan farms (2007)</i>
<i>The Water Code (2004)</i>	<i>The President's decree on gardening and planting development</i>
<i>The law on property denationalization and privatization (1992; 1993)</i>	<i>The decree on right of land possession and use in Turkmenistan</i>
<i>The law on lease and lease relations</i>	<i>The regulation on agricultural joint-stock company (2004)</i>
<i>On placing the land at citizens ownership for commercial agriculture (2008)</i>	

## THE LAWS ON INTELLECTUAL PROPERTY PROTECTION

<i>The patent law (1993)</i>	<i>The law on the licensing of certain types of activity (1999)</i>
<i>The law on scientific intellectual property (1992)</i>	<i>The seed law (1996)</i>
<i>The law on legal protection of algorithms, computer software, data bases and integrated microcircuit typology (1994)</i>	
<i>The law "On selection achievements" under development</i>	

**INTERNETIONAL AGREEMENTS AND CONVENTIONS**

*INTERNATIONAL CONVENTIONS*

**UN Convention on biodiversity (18 June, 1996)**

**Cartagena protocol of UN Convention on biodiversity (22 February, 2008)**

**UN Framework convention on climate change (March, 1994)**

**UN Convention on desertification control (18 June, 1996)**

**Kyoto Protocol (1997)**

**Convention on information access, public participation in decision making and access to justice on environmental issues (30 April, 1999)**

**THANK YOU FOR YOUR ATTENTION !**

Annex 9

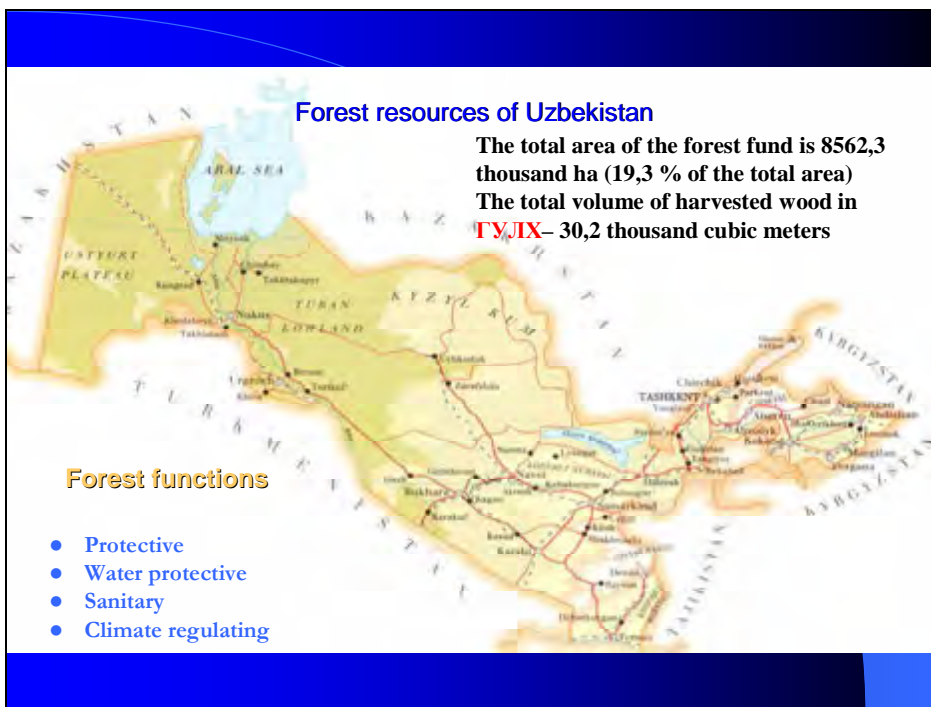
National legal report – Uzbekistan (presentation: Nikolay Skripnikov)

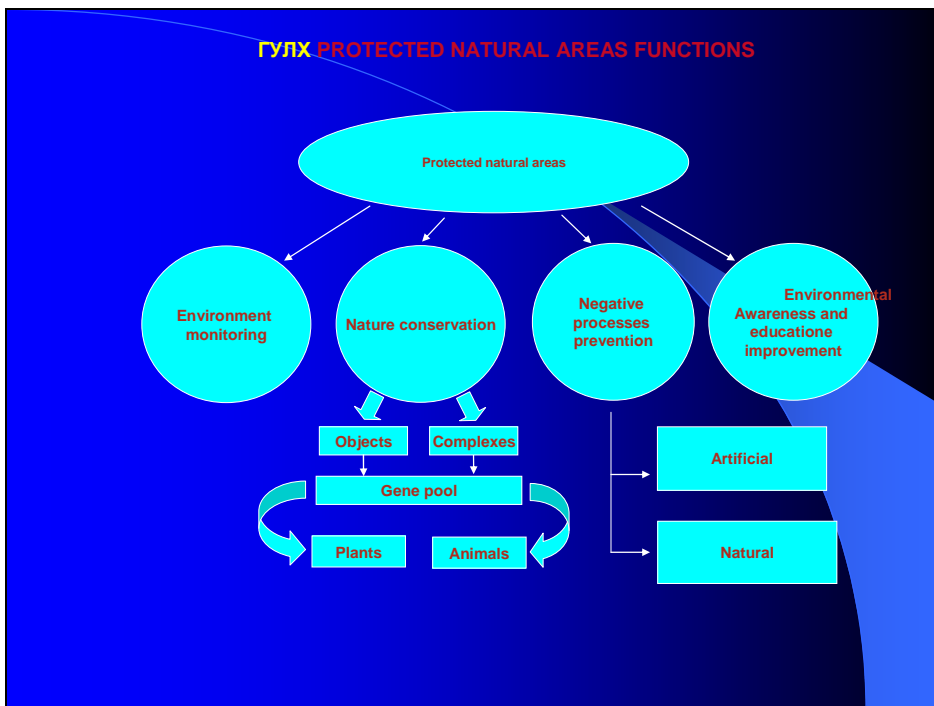
“In situ/on farm agrobiodiversity (fruit crops and their wild relatives)  
conservation and use in Central Asia” (Uzbekistan component)

**PRESENTAION OF REPORTS ON  
THE REVIREW OF NATIONAL LEGISLATION  
OF THE REPUBLIC OF UZBEKISTAN :**

**Nikolay Skripnikov – The project national consultant**

**2008**





### Fruit crops diversity level in Uzbekistan

- Uzbekistan is rich for fruit crops diversity.
- 8 of these crops, namely, apple, pear, apricot, pomegranate, grapevine, almond, walnut and pistachio are priority in the project.
- The above mentioned crops are distributed unevenly in Uzbekistan.
  - Apple, Grapevine, Apricot and Pear grow almost in all regions
  - Nut crops (almond, walnut and pistachio) are concentrated mainly in highlands and piedmont zones.
  - Pomegranate – being a subtropical crop grows in southern regions of the republic and Ferghana valley.

### NON-WOOD FOREST PRODUCTIVE



110-150 tons of nuts and 2500 tons of fruits are harvested every year

## MAIN THREATS AND PROBLEMS

### Anthropogenic factors

- Land development and follow-up water resources distribution
- Livestock breeding on pastures
- Mining and power industries
- Poaching



### Natural factors

- Desertification
- Climate change
- Wind and water soil erosion



## FACTORS AFFECTING THE FOREST AND LOCAL POPULATION LIVING NEAR FORESTS



DEMOGRAPHY

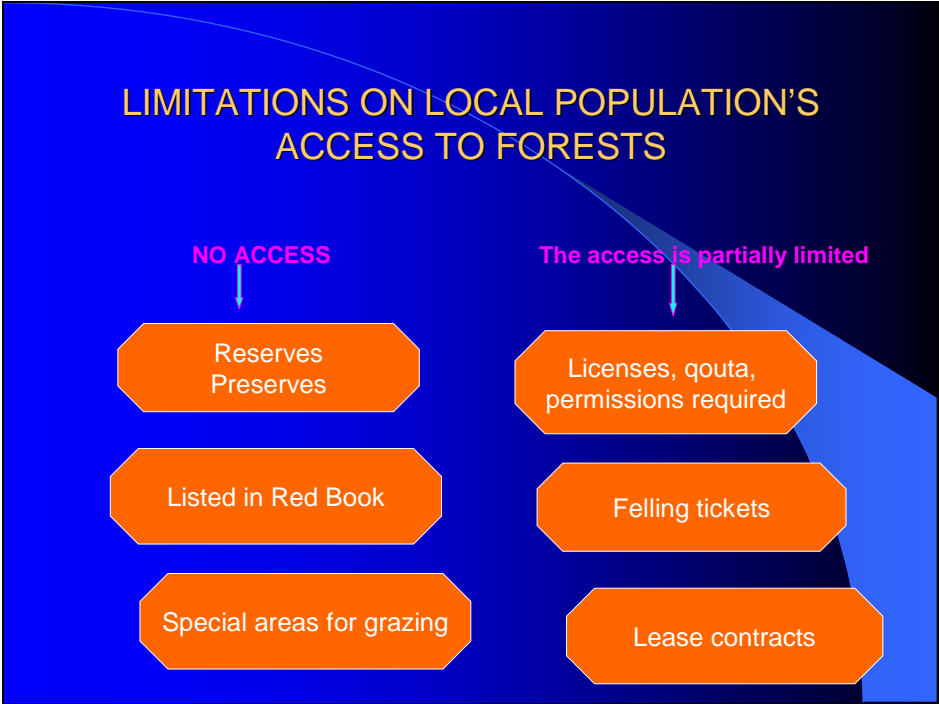
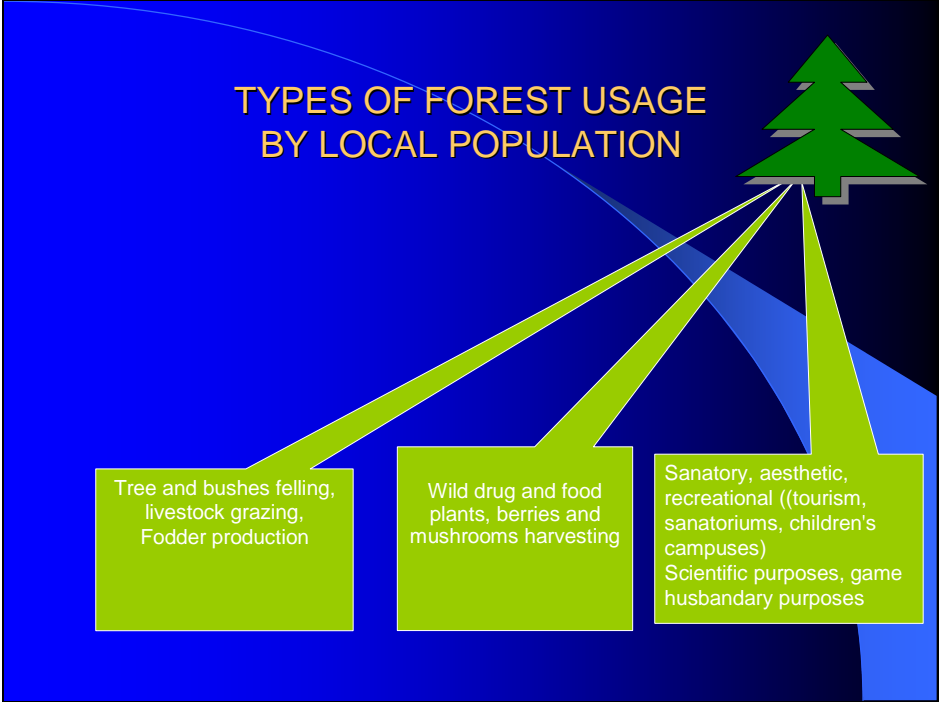
ENVIRONMENTAL FACTORS



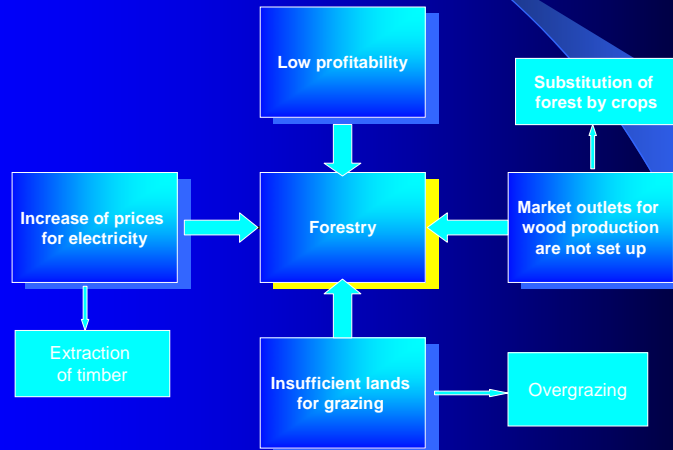
ECONOMY







## PRESSURE ON FORESTS



## DESERT ZONE - 87,1%



**BENEFIT:** firewood and brushwood – 10 thousand cubic meters. 1 cubic meter – from 8 to 12 thousand sum, grazing  
**PROBLEMS:** Wood deficiency, high prices for firewood, 1000 km and more distance to forests from human settlements, limitation of social conditions  
**SOLUTIONS:** Expansion of pastures, creation of special pasture protecting plantations for livestock. Cooperation with other organizations (karakul industry)

## MOUNTAIN-PIEDMONT ZONE -9,4%



**BENEFIT :** harvesting of nuts, berries, mushrooms, drug and food herbs, haymaking, grazing, firewood preparation (nut crops -110-130 tons)

**PROBLEMS :** Main production is located in SFF and not available, lease and licenses are not available to all people, high rental payment, short lease

**SOLUTIONS :** Term of lease increase, rental payment decrease, involvement of population into maintenance activities to prepare firewood, ecotourism development, new fruit and nut trees varieties breeding.

## Forest resources usage as a livelihood by local population





### VARIANTS OF POLICY CONDUCTING

□ The Republic of Uzbekistan conducts single policy in the sphere of natural resources rational use, environmental protection at the national and regional levels.

Priority directions of policy improvement	Main objectives
<ul style="list-style-type: none"> <li>◆ National Forest Program development</li> <li>◆ Promotion of public awareness and understanding of nature management among Uzbekistan citizens</li> </ul>	<ul style="list-style-type: none"> <li>◆ Development of mechanisms for sustainable use in the specially protected natural areas system</li> <li>◆ Increase in the level of practical participation of population</li> <li>◆ Maximum increase in benefits</li> <li>◆ Maximum conservation of national and local cultural heritage areas</li> </ul>

## WILDLIFE AGENCIES

### Government agency

- Ministry of agriculture and water industry of the Republic of Uzbekistan
- State committee for environmental protection of the Republic of Uzbekistan
- Khokimiyat of Tashkent city
- State Committee for geology

## LEGAL FRAMEWORK

### **1. Constitution of the Republic of Uzbekistan**

2. The law "On protected natural areas" (3 December, 2004)
3. The Land Code (30 April, 1998)
4. The law "On environmental protection" (9 December, 1992)
5. The law "On flora protection and use" (26 December, 1997).
6. The law "On forest" (15 April, 1999).
7. The law "On water and water management". (6 May, 1993)

- The decree of the Cabinet of Ministers of the Republic of Uzbekistan # 508 d.d. 28 October, 2004 "On increase of control over rational use of biological resources, and their import in and export from the Republic of Uzbekistan" regulates the procedure for import-export animals and plants rare species, organization and conducting of international hunts on the basis of allocated international quota (CITES) and permissions for capturing rare animals and plants in the territory of the Republic of Uzbekistan

## WILDLIFE AGENCIES

### Personnel training in wildlife management

- The Tashkent National University (bachelor, master, graduate, doctor)
- The Tashkent Agrarian University (bachelor, master, graduate, doctor)
- The Tashkent State Juridical Institute (bachelor, master, graduate, doctor).
- The Tashkent Pedagogic University (bachelor, master, graduate, doctor)
- Colleges specializing in agrarian management (technical secondary)  
Ministry of agriculture and water industry of the Republic of Uzbekistan

### Institutional reform

The reform basis is **division of control  
regulating and economic functions,  
creation of market relations between  
public authorities and private sector.**

## Problems

- No forest legislation aimed at creation of sustainable forest management framework meeting international requirements
- Poor finance technological basis
- Low level of personnel policy
- Poor forest resources monitoring
- Local population negative factor (deforestation, grazing, fire, etc.)
- Insufficient mass media

## WILDLIFE POLICY

### Granting quota, permissions and licenses

- The use of biological resources is regulated by a number of legislative acts including the law "On environmental protection" (9 December, 1999), the law "On forest" (15 April, 1999), the law "On fauna protection and use" (26 December, 1997), the law "On flora protection and use" (26 December, 1997), as well as guidelines and orders issued by authorized agencies
- The main agency responsible for ensuring biological resources use regulation in accordance with laws and decrees, approving quota according to expert findings of Academy of Science is the State Committee for environmental protection of the Republic of Uzbekistan

## 1. REVIEW OF LEGAL FRAMEWORK ON PROTECTED NATURAL AREAS

- The law "On protected natural areas" is the main legislative act that regulates relations in creation and activity of protected natural areas, classification for protected natural areas allowing for IUCN recommendations has been established.
- According to National strategy on biodiversity conservation the network of protected areas in the republic is planned to be expanded to 10% (the decree of the Cabinet of Ministers #139 d.d. 1.04.98). The last adopted law refers to protected natural areas complex (landscape) preserves, natural monuments and territories for certain natural resources management the main part of which is located in forestry enterprises and game husbandries where in some areas fruit crops wild relatives requiring conservation and protection grow.

## 2. REVIEW OF LEGAL FRAMEWORK ON PROTECTED NATURAL AREAS

However, these objects are attached the status of protected areas. In this connection the following conclusion should be made:

- In the Republic of Uzbekistan the area of protected areas for biodiversity conservation including fruit crops wild relatives is not sufficient.
- It is necessary to develop normative legal acts defining procedures and criteria for referring forest and other territories to protected natural areas. This would significantly increase the area covered by territorial biodiversity protection.



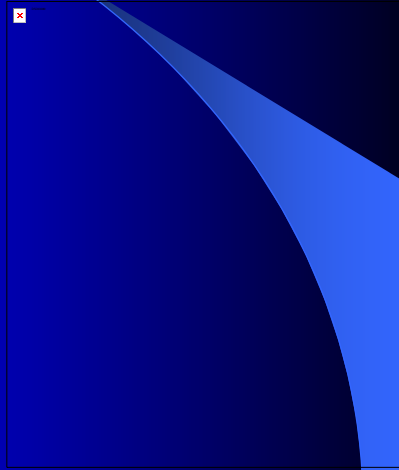
### 3. REVIEW OF LEGAL FRAMEWORK ON PROTECTED NATURAL AREAS

- The condition of wild plants in protected areas especially reserves is safe. This is ensured by the most strict conditions set up in protected areas and any economic activity is prohibited in reserves.
- In forest and other categories of land strict conditions of farm management are not set up, here the pressure on natural ecosystems is much higher.
- Fail to fulfill legislative requirements on flora conservation in situ has led to actual danger of flora impoverishment. For the past decade the list of rare and endangered plant species entered to the Red Book increased from 163 species to 301 (8% of total flora of the republic), including 6 species of wild fruit crops.

### 4. REVIEW OF LEGAL FRAMEWORK ON PROTECTED NATURAL AREAS

- Natural habitats of wild fruit crops are decreasing due to many reasons and first of all because of anthropogenic factor:
  - uncontrolled grazing
  - total fruit harvest
  - intense land development in economic purposes
  - unauthorized tree felling for firewood
  - forest fires, etc.

## Anthropogenic factors



## 5. REVIEW OF LEGAL FRAMEWORK ON PROTECTED NATURAL AREAS

### THE MAIN REASONS OF INEFFICIENT LEGISLATION ON WILD FRUIT VARIETIES CONSERVATION

- Lack of legally registered list of wild fruit varieties requiring conservation.
- Unpreparedness of decision making officials to understand the role of fruit crops wild relatives in the development of agriculture and benefit gaining.
- Local population and community unawareness of the role of fruit crops wild relatives in the development of gardening (no advertisement).
- Poor level of professional qualifications of middle and initial levels in management agencies concerned and control in fruit crops wild relatives conservation.
- Lack of direct material (financial) incentive of local population in fruit crops wild relatives conservation.

## Economic problems

- Insufficient funding from state budget.
- Low wages of workers and employees in forestry enterprises.
- Lack of experienced personnel in forestry enterprises.
- No foreign investment to the forest sector.
- Forestry enterprises poor efficiency due to outdated facilities.

## WILDLIFE AGENCIES

### Studies and researches in wildlife

- The Academy of Science of the Republic of Uzbekistan
- Zoology Institute under the Academy of Science of the Republic of Uzbekistan (fauna)
- Botany Institute under the Academy of Science of the Republic of Uzbekistan (flora)
- "Jeyran" ecocenter
- Nursery on semifree breeding and study of Severtzov argali (*Ovis ammon severtzovi*) (Nuratau reserve)
- Nurseries on semifree breeding and study of Bukhara red deer (*Cervus elaphus bactrianus*) (Baday-Tugay, Zarafshan reserves)
- Republican nature museum, Tashkent, Collection of flora and fauna of Central Asia
- Khokimiyat of Tashkent region (Tashkent regional office)

## Nongovernmental organizations

- "ECOSAN" International Foundation
- "Red Crescent" society
- International Aral Sea Rehabilitation Fund
- German Agency for Technical Cooperation (GTZ)
- And more than 30 nongovernmental organizations



## Ways to solve the problems

- To improve training, instruction and professional development of forestry workers both in the republic and abroad.
- Funding and implementation of large-scale forest management and comprehensive inventory of forest fund land and beyond forest fund using satellite observations
- Investment of new technologies and equipment on planting stock cultivation
- Promotion of regional and international cooperation to enhance forest policy, information and experience sharing between countries.

- More approaches involved and enhancement of the local population role in forest management
- Informational support of forest sector (websites creation, specialized newspapers and magazines issue, etc.)
- Provision of population isolated from areas with alternative power source.
- Improvement of sustainable forest management system and for this purpose develop and adopt “Forest Code”, develop new normative legal acts and regulation on forestry community management meeting international requirements.

## Problems and proposals

### 1. Reserves management

According to article 11 of the law “On protected natural areas” (2004) ONA are managed by designated authorities.

>It is proposed to focus main activities on precise authorities in the sphere of protected natural areas management. To improve and develop PNA in the Republic of Uzbekistan it is necessary to legislatively hand over all reserves and administration of them to a single state agency.

### 2. Funding issues

>It is necessary to develop clear and feasible plan of protected natural areas system funding under national forest program. Main funding will be allocated from state budget.

### 3. Forest areas monitoring in PNA territories game husbandry.

>To control and monitor forest areas in 6 reserves, a national park and 5 game husbandries and to study forest ranges changes and develop activities on improving, protection and usage it is required to conduct forest management activities with game and reserve management components.

## ON PROTECTED NATURAL AREAS

- **The following measures will allow efficient fruit crops wild relatives protection**
  - Strict protection conditions setup through reserves and national parks establishment.
  - Award many forestry objects the status of protected natural areas according to article 42 “Territories for certain natural resources management” of the law “On protected natural areas”
  - Review of some regulations of forest legislation which can ensure protection of fruit crops wild relatives.

List of objects according to PNA categories to expand and create new protected natural areas to cover diversity of fruit crops wild relatives (the approximate area is provided)

Name of PNA with categories	Will be organized on the basis of farms:	Area, ha
Sangardak, I	Sangardak and Zevar forestry of Uzun forestry	200,0
Pskem, III	Pskem forestry branch of Brichmulla forestry	150,0
Branch of Surhan reservation, I	Baysun forestry	85,0
Babatag, III	Babatag forestry	120,0
Kuraminckiy, III	Ahangaran forestry	60,0
Nurata-Kzilkum, IY	Extension of Nurata reservation	1000,0
Amankutan, II	Amankutan forestry branch of Samarkand forestry	10,0
Branch of Zarafshan reservation, I	«Chunkaymush» allotment of Samarkand forestry	4,5
Amudarya, IY	Baday-tugay reservation of Beruniy and Nukus forestry	15,0

## REVIEW OF LEGAL FRAMEWORK ON AGRICULTURE DEVELOPMENT

- A number of legislative acts that regulate agricultural relations are in force in the republic, namely: Civil Code, Land Code, laws “On agricultural cooperative”, “On dekhkan enterprise”, “On farm enterprise”, “On microfinancing”. “On seed production”, etc.
- The review of legal framework shows its certain ability to ensure legal regulation of relations with fruit-growing farm enterprises.

## Problems in application of normative legal acts on agriculture development

- **The President’s decree dd. 9 January, 2006 created all conditions for fruit crops cultivation and development of farming and lease gardening and viticulture enterprises.**

However there are the following problems with farming development and local fruit crops varieties conservation.
- insufficient provision of farmers with material and technical resources – fertilizers, pesticides and equipment.
- short lease duration (1-2 years), at lease plots
- limited access to resources.
- Shortcomings in funding system
- Most farmers do not realize importance of local fruit crops varieties conservation and farming techniques of their cultivation.

## Financial problems in agriculture development

- **The main shortcomings of existing funding system are:**
  - Late payment for production sold which leads to overdue accounts payable.
  - Transfer of outstanding debts of reorganized shirkat to newly established farm enterprises.
  - Limited access to loan resources primarily through monetary resources deficiency in banks.
  - Limited access to bank credits especially for low-income farmers.

## Agrobiodiversity assessment in farm enterprises

- When choosing a variety farmers pay special attention to variety's market weight first and then to the utility level for a family.
- Farmers highly rate edible qualities of the crop (57%), rarely pay attention to other qualities (ornamental, medicinal, religious, etc.)



### Agrobiodiversity distribution in farm enterprises

- Agrobiodiversity is mainly distributed by cuttings and planting stock exchange between farmers which constitutes 30% then the distribution goes itself and make up about 20-30 %

Nursery management is highly developed in Uzbekistan.

There are nurseries in almost all settlements or forestry. That is why self-provision with planting stock is wide spread among farmers.

More than 100 key farmers, local residents and leaseholders have been identified who maintain nurseries for fruit crops and grapevine planting stock cultivation.

### Farmers' progress in local fruit crops varieties conservation and use

The studies showed that during varieties selection farmers pay great attention to:

- Market weight
- High utility level for the family
- and processability
- The varieties that meet their requirements will be maintained in the households. Farmers are not interested in selective value of the sample. Regardless of origin they cultivate only those varieties that satisfy their needs.
- Introduction of foreign varieties in farm enterprises has been observed over the past years though local varieties are inferior to foreign in many parameters.

### **Promotion of public awareness on value of local fruit crops and their wild relatives**

- 25 articles have been issued for 2 years in the republican print publications.
- 6 reportages have been put on the air of the Uzbek television and radio broadcasting company.
- One 20 minute documentary film on project activity has been shot and broadcasted on 14 and 16 April, 2008.
- Booklet on objectives and expected results has prepared and issued in Russian and Uzbek.
- A brochure on the importance of fruit crops local varieties and their wild relatives conservation has been prepared and issued in Uzbek.
- Participation of national coordinator and project experts in 15 activities (workshops, meetings, conferences at local, national and international levels) on biodiversity (agrobiodiversity) conservation has been arranged. Information about project activity and results achieved was shared there.

- **Villagers recommendations from all regions:**
- **Allocate more land for lease in suitable for planting areas of forest fund by contract basis with forestries.**
- Provide local population with wood and firewood at reasonable price.
- Expand forest fund land used as pastures
- Provide more employment opportunities

- Villagers in desert zone paid great attention to pasture management problems:
- **Access and guaranteed rights for sustainable pasture management**
- Reduce fines for grazing in forest territories
- Reduce price of authorization certificate for pasture usage

- Both local population and forestry specialists recommend:
- **Strengthen penalties for illegal activity control**
- Increase control over people using forest for recreation
- Establish small furniture, woodworks processing workshops to receive more benefit (employment opportunities and profit) from wood processing

### Support of farmers and local communities in fruit crops local varieties conservation

- It is necessary to consolidate efforts of all parties concerned – local authorities of self-government and regional and oblast khokimiyats, farm enterprises associations, research institutions and other organizations on biodiversity conservation in the republic.
- Explain in details to farmers advantages of local varieties against introduced ones.
- Their adaptation to environment, suitability for various types of processing, especially resistance to stress environmental factors ( Их лучшая приспособленность к среде, пригодность к различным видам переработки, особенно устойчивость к стрессовым факторам среды (salt resistance, heat resistance, drought resistance, late winter frosts resistance), etc.
- For that end it is necessary to organize round tables, trainings, cover project goals and objectives in mass media, participate in exhibitions and promote farmers' awareness on the importance of local varieties conservation.

### Broad participation and strong partnership

- Multifunctional local committees (MLC) are established in 22 regions of the republic.

MLC members include representatives of: khokimiyat, agriculture department, regional FEA, forestry, kishlak residents council, 2-3 key farmers and community representatives.

Coordinating local committees (CLC) are established in 6 oblasts and the republic of Karakalpakstan

CLC members include representatives of: oblast khokimiyat, oblast agriculture administration, oblast FEA, oblast forestries, MLC, NGO, 2-3 key farmers and other organizations representatives.



THANK YOU

## Annex 10

Results of the questionnaire (presentation: Isabel Lopez Noriega)



### **ANALYSIS OF QUESTIONNAIRES**

#### **Types of respondents:**

- ✓ Research institutions
- ✓ People working close to farmers
- ✓ Legal experts

#### **Questionnaires on:**

- ✓ conservation of genetic resources
- ✓ farmers' rights
- ✓ natural protected areas,
- ✓ international conventions
- ✓ land and agricultural production
- ✓ genebanks and data base on germplasm

## **TURKMENISTAN** (3 respondents)

### **NATURAL PROTECTED AREAS**

- Collection of material is subject to permission issued by the Ministry of Natural Protected Areas

### **LAND AND AGRICULTURE PRODUCTION**

- Buying the land is possible but mostly short-term lease (3-5 years)
- Supply of water depends on production of cotton or wheat

## **TURKMENISTAN** (3 respondents)

### **GENETIC RESOURCES, FARMERS AND TRADITIONAL KNOWLEDGE**

- No programme to promote access, use, conservation of genetic resources
- Very little collaboration between farmers and research institutes (only for the use of local/farmers' varieties)
- Farmers don't get any compensation from the use of their seeds in research activities (only sometimes support for nurseries and seed cleaning)
- Farmers rarely participate in decision making processes, only at the local level and for agriculture production related issues
- No documentation or protection of traditional knowledge
- Farmers' associations or Daykahn farms don't lobby for the protection of farmers' interests.
- Farmers can save and exchange seed and any other reproductive material

## **TURKMENISTAN** (3 respondents)

### **INTERNATIONAL ENVIRONMENTAL CONVENTIONS**

CBD, CCD, Cartagena protocol

#### **Relevant national authorities:**

- State commission for the perfection of the legislation
- Interdepartmental commission on maintaining the international obligations regarding human rights
- State commission on fulfilling obligations according to UN environmental programmes and conventions

**Monitoring of implementation** through annual or biannual reports on the implementation of the CBD.

There is a national strategy on the Conservation of Biodiversity (2002)

## **KAZAKHASTAN** (3 respondents)

### **NATURAL PROTECTED AREAS**

- Collection of material is subject to State permit

### **LAND AND AGRICULTURE PRODUCTION**

- 7% of the land is private. Mostly long term lease (up to 49 years)
- Supply of water depends on production of cotton or wheat

## **KAZAKHASTAN** (3 respondents)

### **GENEBANKS and BREEDING PROGRAMMES**

- Access to germplasm held in genebanks requires permission from administration
- Databases on different collections exist, but they are not available for the public
- Most of the material for breeding programmes comes from the genebanks (80%)
- Yield is the most relevant trait for breeding programmes, together with resistance to abiotic stresses (frost)
- PVP is not normally sought



## **KAZAKHASTAN** (3 respondents)

### **GENETIC RESOURCES, FARMERS AND TRADITIONAL KNOWLEDGE**

- No programme to promote access, use, conservation of genetic resources
- Very little collaboration between farmers and research institutes (only for the use of local/farmers' varieties)
- Farmers don't get any compensation for the use of their seeds in research activities (only sometimes support for nurseries and seed cleaning)
- Farmers' associations rarely lobby for the protection of farmers' interests, but sometimes they represent farmers to define budgetary programmes (?).
- Farmers can save and exchange seed and any other reproductive material
- No documentation or protection of traditional knowledge

## **KAZAKHASTAN** (3 respondents)

### **INTERNATIONAL ENVIRONMENTAL CONVENTIONS**

CBD, CCD, Cartagena protocol, CITES

Monitoring of implementation through periodical reviews and reports to these conventions

## **KYRGYZSTAN** (2 respondents)

### **NATURAL PROTECTED AREAS**

- Collection of material is subject to official permit

## **KYRGYZSTAN** (2 respondents)

### **GENEBANKS and BREEDING PROGRAMMES**

- Public access to germplasm held in genebanks requires permission from administration
- Databases on different collections exist, but they are not available for the public
- Most of the material for breeding programmes comes from the genebanks (80%)
- Yield is the most relevant trait for breeding programmes, together with resistance to abiotic stresses (frost)
- PVP law exists but breeders don't normally apply

## **KYRGYZSTAN** (2 respondents)

### **GENETIC RESOURCES, FARMERS AND TRADITIONAL KNOWLEDGE**

- Very little collaboration between farmers and research institutes (only for the use of local/farmers' varieties or field)
- Farmers don't get any compensation for the use of their seeds in research activities (only sometimes scientific advice and support for nurseries)
- Farmers' associations represent farmers' interest in decision making processes and assist in the marketing of agriculture products
- Farmers participate at the local level as members of multidisciplinary coordination committees
- Farmers can save and exchange seed and any other reproductive material
- No documentation or protection of traditional knowledge

## **UZBEKISTAN** (5 respondents)

### **NATURAL PROTECTED AREAS**

- Collection of material does not seem to be subject to official permission (but contradictions!)

### **LAND AND AGRICULTURE PRODUCTION**

- Mostly long term lease (30 to 50 years)
- Farmers are obliged to fulfill environmental requirements, maintain fertility of land.
- Water supply depends on cultivation of cotton and wheat
- State supports farmers in purchasing machinery, acquiring seeds and establishes structures for agriculture, industry and habitation

## **UZBEKISTAN** (5 respondents)

### **GENEBANKS and BREEDING PROGRAMMES**

- Access to germplasm held in genebanks requires official permission
- Databases on different collections exist and they are available for the public
- Most of the material for breeding programmes comes from both the genebanks and farmers' fields (80%)
- Yield is the most relevant trait for breeding programmes, together with resistance to abiotic stresses (frost)
- PVP is not normally sought

## **UZBEKISTAN** (5 respondents)

### **GENETIC RESOURCES, FARMERS AND TRADITIONAL KNOWLEDGE**

- No programme to promote access, use, conservation of genetic resources
- Very little collaboration between farmers and research institutes (only for the use of farmers' varieties and traditional knowledge) (but contradictions!)
- Farmers get compensation for the use of their seeds in research activities (support to nurseries, seed cleaning, machinery, new varieties at a lower price, support to social projects)
- Farmers take part in decision making at the local level for farming improvement and breeding
- Farmers' associations support farmers in marketing their products, providing machinery...
- No documentation or protection of traditional knowledge
- Compare to other countries, more use of improved varieties.
- Farmers are encouraged to use traditional varieties by international conservation projects in the country.

## **UZBEKISTAN** (5 respondents)

### **INTERNATIONAL ENVIRONMENTAL CONVENTIONS**

CBD, CCD, CITES

Implementation is responsibility of State  
Committee for Nature and State Water  
Committee

Monitoring of implementation through  
periodical reviews and reports to these  
conventions

**Annex 11 – Results of group work on national legal frameworks for agrobiodiversity**

<b>ПРОБЕЛЫ</b>			
<b>КАЗАХСТАН</b>	<b>КЫРГЫЗСТАН</b>	<b>ТУРКМЕНИСТАН</b>	<b>УЗБЕКИСТАН</b>
Отсутствие специального законодательства о растительном мире, агробиоразнообразии и генетическим ресурсам растений	Не отрегулированы вопросы использования потенциала ООПТ и лесных земель для сохранения <i>in-situ</i> диких сородичей плодовых культур (ДСПК);	Отсутствие фермерских ассоциаций	Отсутствие «Лесного кодекса», учитывающего требования международного уровня по сохранению агробиоразнообразия
Отсутствие стимулов для фермеров по сохранению традиционных сортов плодовых культур и диких видов	ДСПК не полностью включены в перечень особо ценных древесных пород Лесного кодекса (Орех грецкий, фисташка, миндаль)	Отсутствие сотрудничества между фермерами и учеными	Присоединиться к Международному договору о растительных генетических ресурсах для производства продовольствия и ведения сельского хозяйства
Недостаточный уровень ответственности за уничтожение (повреждение) краснокнижных видов агробиоразнообразия	Не четко определена ответственность органов местного самоуправления и государственных администраций, госоргана охраны окружающей среды в области сохранения и распространения ДСПК.	Отсутствие экономических рычагов стимулирования	В законодательстве об ООПТ предусмотреть участие местного населения в принятии решений по сохранению культурных растений

Отсутствие законодательных механизмов доступа к генетическим ресурсам и механизма распределения выгод	Недостаточно проработаны механизмы предоставления <b>льгот и государственной поддержки</b> для ФХ, занимающихся сохранением <b>in-situ/on-farm</b> диких сородичей плодовых культур;	Неадекватная законодательная база потребностям развития фермерских хозяйств	Расширить права арендаторов по срокам использования (49 лет)
	Отсутствует мотивация для развития фермерами хозяйств плодородического направления.	Слабый уровень информирования о правах фермерах	
		Слабая профессиональная база специалистов по плодовым-виноградным культурам	

<b>ИМЕЮЩИЙСЯ ПОТЕНЦИАЛ</b>			
<b>КАЗАХСТАН</b>	<b>КЫРГЫЗСТАН</b>	<b>ТУРКМЕНИСТАН</b>	<b>УЗБЕКИСТАН</b>
Институциональные структуры: Государственные органы управления	Имеются определенные государственные и негосударственные структуры	Фермеры;	Сельскохозяйственные ВУЗЫ

(Министерство сельского хозяйства, Министерство экологии, Агентство земельных ресурсов, Комитет лесного хозяйства...)	(Правительственные органы, ФХ, НПО),		
Наука: Институт плодоводства, Институт ботаники, Институт биотехнологии, Институт зоологии, Институт экономики сельского хозяйства и др.	Имеются кадровые ресурсы	Национальная законодательная база;	Научно-исследовательские институты
Неправительственные организации: Экофорум, Экономические НПО, Фермерские Ассоциации и др.	Имеется нормативно-правовая база (в т.ч. международная),	Международная законодательная база (конвенции);	Ассоциация Фермерских хозяйств
Бизнес: Плодоперерабатывающие компании	Имеется агробиоразнообразие		Государственный Комитет по охране природы
Кадры: Имеется учебная база (аграрные университеты, институты, колледжи), где готовят специалистов по сельскохозяйственным специальностям.	Имеются земли не используемые в с/х производстве (ГЛФ, ГЗЗ, неудобья...);		Государственное Управление лесного хозяйства
Материальные ресурсы:	Имеется		Институт мониторинга



Имеются: - республиканский бюджет, местный бюджет; - инвестиции (местные, международные);	заинтересованность мировых институтов (CBD, CCD, Kartagen protocol, CITES),		действенного законодательства
	Имеются национальные интересы.		Государственный Комитет по земельным ресурсам, геодезии, картографии, кадастра
			Фермеры
			Местные органы власти (ННО, махалля)

РЕКОМЕНДАЦИИ							
КЫРГЫЗСТАН		КАЗАХСТАН		ТУРКМЕНИСТАН		УЗБЕКИСТАН	
Национальный уровень	Региональный уровень	Национальный уровень	Региональный уровень	Национальный уровень	Региональный уровень	Национальный уровень	Региональный уровень
Включить нормы о сохранении <i>in-situ</i> диких сородичей плодовых культур на ООПТ и лесных землях;	Для <i>in-situ/on-farm</i> сохранения плодовых культур и их диких сородичей использовать принципы Общинного	Совершенствование структур управления растительным агробиоразнообразием диких видов, а также		Оказание экономического стимулирования выращивания местных сортов и дикорастущих видов	Повышение уровня знаний фермеров	Разработка проекта закона «О сохранении генетических ресурсов культивируемых видов и их диких сородичей»	Создать региональную комиссию по использованию и сохранению генетических ресурсов

•	ведения лесного хозяйства (ОВЛХ), при котором участки лесного фонда передаются в аренду за счет трудоучастия арендатора в лесоразведении;	местных сортов плодовых культур и винограда народной селекции		плодовых культур и виноградарства			
Включить в перечень особо ценных древесных пород Лесного кодекса КР яблоню кыргызов, алычу Согдийскую, облепиху;	Тесное сотрудничество между странами Центральной Азии в области сохранения и обмена ДСПК (в т.ч. с учетом Глобальных изменений климата).	Разработка законопроектов о растительном мире и об охране генетических ресурсов		Создание рынка сбыта местных и диких плодовых сортов	Оказание финансовой помощи на усиление сотрудничества между фермерами и учеными внутри страны и за ее пределами по обмену опытом	Обеспечение исполнения местными органами власти Постановления Парламента Республики Узбекистан от 11 января 2006г. «Об организационных мерах по реформированию плодового и виноградарства»	Разработать проект соглашения государств Центрально-азиатского региона по сохранению генетических ресурсов

Внедрить нормы ответственности органов МСУ, местных государственных администраций, госоргана охраны окружающей среды в данной области.		Разработка и принятие правительственных долгосрочных программ по сохранению генетических ресурсов растений		Оказание материально-технической поддержки целевого назначения	Повышение доступа фермеров к генетическим материалам плодовых культур	Снижение налогообложения фермеров и других юридических лиц	Создать региональную базу данных о генетических ресурсах
Заложить нормы, предусматривающие льготы и мотивацию сельскохозяйственным товаропроизводителям, занимающимся плодовыми культурами;		Разработка механизма стимулирования фермера за сохранение генофонда диких видов плодовых и местных стародавних сортов		Постановление «О мерах по оказанию поддержки фермерским хозяйствам по выращиванию местных сортов»		Совершенствование механизма применения нормативно-правовых актов дополнительное финансирование со стороны государства	
Внедрить нормы, направленные		Ужесточение ответственности за				Повышение уровня знаний по управлению	

на развитие фермерских хозяйств, занимающихся on farm сохранением и распространением плодовых культур и их диких сородичей.		уничтожение или повреждение видов, являющихся ценным генофондом страны				агробиоразнообразием	

<b>МЕХАНИЗМ РЕАЛИЗАЦИИ РЕКОМЕНДАЦИЙ</b>							
<b>КЫРГЫЗСТАН</b>		<b>КАЗАХСТАН</b>		<b>ТУРКМЕНИСТАН</b>		<b>УЗБЕКИСТАН</b>	
<b>Национальный уровень</b>	<b>Региональный уровень</b>	<b>Национальный уровень</b>	<b>Региональный уровень</b>	<b>Национальный уровень</b>	<b>Региональный уровень</b>	<b>Национальный уровень</b>	<b>Региональный уровень</b>
Продвижение норм в национальное законодательство, ратификация договора ГРППВСХ;	Обмен опытом и внедрение новых технологий и принципов (ОВЛХ, ГРППВСХ и др.)	Подготовка предложений и их внесение в Правительство во через курирующий проект Государственный орган (МСХ)	Сбор и организация обсуждения на межгосударственной конференции	Государственная комиссия по совершенствованию законодательства	Подписание международного договора ФАО о генетических ресурсах растений для производства продовольствия	Создание коопераций по реализации местных сортов	Создать региональную комиссию по использованию и сохранению генетических ресурсов
Усиление работы с органами			Разработка межгосударственных	Межведомственная комиссия по		Внести изменения в налоговый	Разработать проект соглашения

МСУ, НПО			соглашений и их утверждение на национальном уровне (ратификация) в зависимости от уровня соглашения – через Правительство или Парламент	обеспечению выполнения международных обязательств		кодекс республики (по льготному налогообложению)	государств Центрально-азиатского региона по сохранению генетических ресурсов
						Подготовить предложения о внесении изменений в действующее законодательство по сохранению генетических ресурсов культурных растений	Создать региональную базу данных о генетических ресурсах
		Разработка механизма стимулирования				Создание показателей	

		ния фермера за сохранение генофонда диких видов плодовых и местных стародавних сортов				фермерских хозяйств по сохранению местных сортов плодовых культур	
		Ужесточение ответственности за уничтожение или повреждение видов, являющихся ценным генофондом страны				Создание «экстенционной» службы на национальном уровне	

**Annex 12 – Results of group work on access and benefit-sharing and farmers' rights**

<b>BENEFITS/ПОЛЬЗА/ВЫГОДЫ</b>							
<b>National/ Национальный Уровень</b>							
<b>КАЗАХСТАН</b>		<b>КЫРГЫЗСТАН</b>		<b>ТУРКМЕНИСТАН</b>		<b>УЗБЕКИСТАН</b>	
<b>Монетарный</b>	<b>Немонетарный</b>	<b>Монетарный</b>	<b>Немонетарный</b>	<b>Монетарный</b>	<b>Немонетарный</b>	<b>Монетарный</b>	<b>Немонетарный</b>
Помощь к доступу к гос. субсидиям	Знания	База данных	Законодательная база	Продукции фермеров	Повышение знаний и практики фермеров	Государственный бюджет (налоги, пенсионный фонд и др.)	Сохранение естественных экосистем
Создание показательных хозяйств	Доступ к информации	Коллекция сортов	Перечень ценных сортов	Нововедения	Информирование	Местные бюджеты	Сохранение агробиоразнообразия
Садовые инструменты и приспособления	Освоение новых технологий	Посадочный материал	Фермерские организации	Техническое оборудование	Методика традиционных знаний	Услуги за выращивание продукции	Информационный обмен
Получение компьютерного оборудования НИИ	Создание ассоциации садоводов	Оборудование и инвентарь	Учебный материал		Укрепление потенциала	Страховые взносы, профсоюзы	Повышение уровня жизни
	Издание научных рекомендаций НИИ		Обученный персонал			Ассоциации фермеров	Повышение уровня знаний
	Расширение контактов с фермерами, регионами					Посредники внутри гос-ва или международные	Дополнительные рабочие места
	Пополнение ампелографических коллекций						Духовные и культурные ценности

BENEFITS/ПОЛЬЗА/ВЫГОДЫ							
	сортами						
	Возможность проведения исследований для выведения новых сортов						Сохранение традиционных знаний
	Выход на международный уровень						
Regional/ Региональный Уровень							
Улучшение возможности перемещения генетических материалов и сельскохозяйственных продуктов	Обмен информацией знаниями опытом	База данных	Соглашения	Технология	Обмен опытом	Таможенные сборы	Обмен селекционным материалом
Рост товарооборота стран ЦА	Расширение международных связей	Коллекция сортов	Обученный персонал	Новые контакты	Региональные соглашения	Инвестиции в другие страны	Повышение уровня жизнеобеспечения
				Новые сорта и формы	Обмен информацией	Трансферты	Обмен опытом и традиционными знаниями
				Техническое оборудование	Сотрудничество, партнерство		
				Генетические банки			



<b>ПАРТНЕРЫ/PARTNERS</b>							
<b>КАЗАХСТАН</b>		<b>КЫРГЫЗСТАН</b>		<b>ТУРКМЕНИСТАН</b>		<b>УЗБЕКИСТАН</b>	
<b>Национальный</b>	<b>Региональн.</b>	<b>Национальный</b>	<b>Региональн.</b>	<b>Национальный</b>	<b>Региональн.</b>	<b>Национальный</b>	<b>Региональн.</b>
Государственные органы и местные органы связи	Государственные органы и местные органы связи	Фермеры, местное население МСУ, частные предприятия, НПО,	Межгосударственная комиссия по устойчивому развитию (МКУР ЦА – государств) в области охраны окружающей среды и сохранении биоресурсов	Ассоциации фермерских хозяйств	Международный центры	Государственные НИИ	Торгово-закупочные организации
Аграрные НИИ	Аграрные НИИ	НИИ, Государственные органы, лесхозы,	Bioversity, ЦОС, ГРПСХ (управляющий орган межгоссоглашений)	Ассоциация водопользователей	Трансграничные партнерные государства	Местные власти, Агрохим службы	НИИ
Фермеры и их ассоциации	Фермеры и их ассоциации	СКС (сельская консультационная служба), учебные заведения, ООПТ, Национальные парки и заповедники	По двусторонним соглашениям	Машинотракторный парк	Научные учреждения других государств	Ассоциации фермеров	Совместные предприятия
Показательные	Совместные		Учебный	Перерабатываю	Фермерские	МТС,	

ПАРТНЕРЫ/PARTNERS							
КАЗАХСТАН		КЫРГЫЗСТАН		ТУРКМЕНИСТАН		УЗБЕКИСТАН	
фермерские хозяйства, участвующие в проекте	предприятия		материал	щий продукцию организации	ассоциации	Перерабатывающая промышленность	
Не вовлеченные в проект фермеры			Обученный персонал	Научные учреждения		Торгово-закупочные организации	
Перерабатывающие предприятия				Плодопитомники			

МЕХАНИЗМ/MECHANISM							
КАЗАХСТАН		КЫРГЫЗСТАН		ТУРКМЕНИСТАН		УЗБЕКИСТАН	
Национальный	Региональн.	Национальный	Региональн.	Национальный	Региональн.	Национальный	Региональн.
Соглашения между НИИ и фермерами о взаимном сотрудничестве и распределении выгод	Межгосударственные соглашения о взаимной защите и доступе к селекционным достижениям	Договор между партнерами	Договора и соглашения	Меморандум о взаимопонимании в среде партнеров	Пакет международных соглашений	Методика распределения выгод	Информационное обеспечение о выгодах
Введение на закон уровне льгот на налогообложение фермеров	Региональные соглашения о распределении выгод при взаимном использовании селекционных достижений и	Прием-передача	Соразмерное долевое участие	Подготовка закона об охране прав фермеров	Договор о сотрудничестве	Нормативно-правовое обеспечение распределения выгод	Установление партнерских отношений

	ген. ресурсов						
		Установленные и принятые % соотношения	Фиксированные отчисления от сделки	Разработка закона по доступу и распределению выгод	Стандартные соглашения о передаче материала	Становление непосредственных контактов фермеров с заинтересованными сторонами	Наличие межгосударственных соглашений
		Устные соглашения					
		Общий доступ					

<b>ПРАВА ФЕРМЕРОВ</b>			
<b>КАЗАХСТАН</b>	<b>КЫРГЫЗСТАН</b>	<b>ТУРКМЕНИСТАН</b>	<b>УЗБЕКИСТАН</b>
Право на расширение доступа фермеров к государственным программным поддержкам	Права собственности на выращенную продукцию	Право на охрану традиционных знаний	Конституционное право
Расширение возможности приобретения на льготных условиях генетических посадочных материалов	Право собственности на технологию выращивания	Право на организацию фермерских ассоциаций	Право на землю
Программа развития сервисно-консультационных услуг для фермеров	Патентирование сорта и технологии выращивания	Право на равноправное участие в распределении выгод	Право на продукцию
		Право на сохранение, использование, обмен и сбыт семян и материалов	Право на выведение культур, сортов и т.д.
		Право на участие в принятии решений	Интеллектуальная собственность на методы ведения хоз-ва
		Право на свободный выбор культур	Право на реализацию продукции
		Право на доступ к генресурсам	Право на повышение уровня специальных знаний
		Право на материально-техническую поддержку со	Право на юридическое обслуживание

		стороны гос-ва	
		Право на льготы	
		Право на обмен информацией	
		Право на распределение денег и иных выгод от коммерциализации	
		Право на получение патента на новые сорта	

## ANNEX 13

### Issues to be addressed in an analysis of whether and how farmers' rights are recognized in national legal frameworks and whether and how they are actually implemented

The international agreements do not provide a unique definition of farmers' rights. According to the International Treaty on Plant Genetic Resources for Food and Agriculture, the member countries have to define the actual content of these rights.

The participants of the Policy Workshop held in Tashkent, in November 2008, identified the following rights as those that can be applied in practice to the theoretical concept of farmers' rights:

- a. Right to access to genetic resources.
- b. Right to save and exchange reproductive material.
- c. Right to obtain part of the benefits arising from the use of genetic resources.
- d. Freedom to choose what crops and varieties they want to cultivate.
- e. Right to access and use land.
- f. Right to get financial and technical support from the state.
- g. Right to get training to raise their qualifications.
- h. Right to seek legal assistance, at national and international level.
- i. Right to associate and participate in decision-making processes.
- j. Right to dispose of the product of their work.
- k. Right to get intellectual property protection over varieties developed and used by them.
- l. Right to document and protect their traditional knowledge.

The analysis of national legal frameworks dealing with farmers' rights in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan should address the following questions for each of the rights listed above:

- Is this right recognized for farmers in the current national legislation?
- Can small farmers cultivating horticultural and fruit crops benefit from this right in practical terms or is there any legal or practical obstacle that prevents them from exercising this right?

Some examples of different scenarios the legal consultants may find in their analyses:

**Right to access to genetic resources:**

This right may be recognized in national legislation or, if it is not explicitly recognized, there may not be legal obstacles for farmers to access genetic resources. However, in practice, small farmers cultivating horticultural and fruit crops may not be able to access genetic resources from different sources. For example, they might find it difficult to access improved varieties from the market, if these varieties are very expensive or if the distribution of these varieties is not efficient in the country. Another source of genetic material that might not be easily accessible for farmers are the national genebanks, if the collections are not freely available to anyone, or if those research institutes holding collections don't interact much with farmers and so information concerning the collections they hold is insufficient and not available for farmers.

**Freedom to choose what crops and varieties they want to cultivate:**

The national legislation may impose a cotton or wheat production quota on farmers, or

may favour the cultivation of those crops by providing subsidies and technical support in such a way that, in the end, farmers are not free to choose what they want to plant.

**Right to associate and participate in decision-making processes:**

The national legislation may not forbid farmers' associations, but it may not recognize or provide the participatory tools needed for farmers to actually take part in decision-making processes, such as consultative councils at the local and the national level where farmers can be represented.

**Right to obtain intellectual property rights over varieties developed and used by them:**

In general terms, national legislation recognizes the right of any citizen to get intellectual protection over the new varieties developed, in the form of Plant Variety Protection. Therefore, small farmers cultivating and developing horticultural crop and fruit varieties can, in theory, claim intellectual property rights over their varieties. However, there might be legal or practical obstacles that may prevent farmers to actually protect their varieties through intellectual property rights. For example, the following:

- The procedures to get the Plant Variety Protection are so complicated and costly that farmers cannot afford them.
- The varieties cultivated by the farmers do not meet the requirements of distinctiveness, uniformity and stability required by the legislation.

**ANNEX 14**

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU</i> /ON FARM conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
<b>Kazakhstan</b>	○ Lack of special laws on flora, agrobiodiversity and plant genetic resources	<b>Recommendations/ Activities</b> ○ Developing the policy bills conceptions “About Flora” and “About protection of genetic resources”	<b>National Project Implementation Unit</b> in cooperation with UNDP Project	2009
	○ Lack of stimulus for the farmers in conservation of traditional and wild horticultural crops varieties	○ Developing the recommendations for the government about the ways of conservation of plant genetic resources and the mechanisms of benefit sharing	<b>National Project Implementation Unit</b> in cooperation with UNDP Project	2009
	○ Insufficient level of responsibility for destruction (damaging) of agrobiodiversity varieties, included to the Red Book	○ Developing the proposals on mechanisms of farmers stimulating for gene fund conservation of the wild and local traditional varieties of horticultural crops (project developing of governmental program)	<b>S. Kaltaev</b> – Deputy Head, Agricultural Department in Almaty province <b>B. Shoyinbayev</b> – Leading scientist, Research Institute for Economy of Agricultural Complex and Development of Rural Territories	January-February 2009
	○ Lack of policy mechanisms of access to the genetic resources	○ Developing the study program for	<b>A.Kultaev</b> – Leading	2009

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	and for benefit sharing	<p>increasing the law knowledge between the farmers</p> <p>○ Developing the study program for knowledge increasing between the governmental officials, who are in charge of managing the farmers activities and clarifying their rights and obligations (Province and District Departments of Agriculture) (mechanism of using the state grants).</p> <p><b>Mechanisms</b></p> <p>○ Proposals preparing and their presenting to the Committee of</p>	<p>scientist, Research Institute for Economy of Agricultural Complex and Development of Rural Territories</p> <p><b>B.Shoyinbayev</b> – Leading scientist, Research Institute for Economy of Agricultural Complex and Development of Rural Territories</p> <p><b>S.Oleychenko</b> – Professor, Kazakh Agrarian University</p> <p><b>National Project Implementation Unit</b></p>	<p>February 2009</p> <p>July 2009</p> <p>February</p>



PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
		<p>Forestry and Hunting of the Ministry of Agriculture</p> <ul style="list-style-type: none"> <li>○ Presenting the specific suggestions to the Department of Farming of the Ministry of Agriculture on improving the mechanisms of using the state grants for horticultural development</li> <li>○ Proposals preparing and their presenting to the Government through the state managing agency (Ministry of Agriculture)</li> </ul>	<p><b>S.Kaltaev</b> – Deputy Head, Agricultural Department in Almaty province</p> <p><b>E. Madenov</b> – Deputy Director, Kazakh Research Institute of Fruit growing and Viniculture</p>	<p>2009</p> <p>November 2009</p>
<b>Kyrgyzstan</b>	<ul style="list-style-type: none"> <li>○ The issues on using the <b>OOIT</b> potential and forest lands for <i>in-situ</i> conservation of horticultural crops and wild fruit species have not been adjusted;</li> </ul>	<p><b>Recommendations/ Activities</b></p> <ul style="list-style-type: none"> <li>○ Including the norms on <i>in-situ</i> conservation of horticultural crops and wild fruit species at <b>OOIT</b> and forest lands;</li> </ul>	<p><b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan),  <b>B. Sharsheev</b> (Committee on agri-land issues and ecology,</p>	<p>November 2009</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	<ul style="list-style-type: none"> <li>○ The wild fruit crop varieties have not fully included to the list of especially valuable wood species of the Forest Code (Walnut, pistachio, almond)</li> <li>○ The responsibility of local self-governmental and state administrations, the state agency of environment protection on conservation and dissemination of horticultural crops and wild fruit species has not been cleared.</li> <li>○ The mechanisms of granting the benefits and state support for the farmers, occupied in <i>in-situ/on-farm</i> conservation of</li> </ul>	<ul style="list-style-type: none"> <li>○ Including the Kyrgyz apple, Sogdian cherry-plum and sea-buckthorn to the list of especially valuable wood species of Forest Code of Kyrgyzstan;</li> <li>○ Developing the proposals/norms on farms development, occupied in <i>on-farm</i> conservation and dissemination of horticultural crops and wild fruit species.</li> <li>○ Development of study program for increasing the policy knowledge of the farmers</li> </ul>	<p>Government the Republic of Kyrgyzstan)</p> <p><b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan),  <b>B. Sharsheev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan)</p> <p><b>A.Abdyvasiev</b> (Ministry of Agriculture)</p> <p><b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the</p>	<p>November 2009</p> <p>November 2009</p> <p>August 2009</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	<p>horticultural crops and wild fruit species;</p> <ul style="list-style-type: none"> <li>o Lack of motivation for the farmers in development of fruit-growing farms</li> </ul>	<p><b>Mechanisms</b></p> <ul style="list-style-type: none"> <li>o Including the norms into the national laws;</li> <li>o Enforcing the works with the institutions of local governing, NGO</li> <li>o Experience exchanging and implementing the new technologies and principals of forestry holding (Public forestry holding and others)</li> </ul>	<p>Republic of Kyrgyzstan),  <b>B. Sharsheev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan)  <b>A.Abdyvasiev</b> (Ministry of Agriculture)  <b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan),  <b>B. Sharsheev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan)  <b>A.Abdyvasiev</b> (Ministry of Agriculture)  <b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the</p>	<p>August 2009</p> <p>August 2009</p> <p>August 2009</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
			Republic of Kyrgyzstan), <b>B. Sharsheev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan)	
<b>Turkmenistan</b>	<ul style="list-style-type: none"> <li>○ Lack of Farmers Associations</li> <li>○ Lack of cooperation between the farmers and scientists</li> <li>○ Lack of economic instruments of stimulation</li> <li>○ The law base is not adjusted to the needs of farms development</li> <li>○ Poor level of informing about the farmers rights</li> <li>○ Poor professional base of the specialists on</li> </ul>	<p><b>Recommendations / Activities</b></p> <ul style="list-style-type: none"> <li>○ Developing the project proposal of the policy act “On the ways of supporting the farms, occupied in growing the local varieties” : <ul style="list-style-type: none"> <li>➤ Giving the economic stimulation on growing the local and wild horticultural crops and grapes varieties;</li> <li>➤ Creating the realization market of local and wild fruit crop varieties, material-technical target supporting;</li> </ul> </li> </ul>	<b>G.Kamahina</b> in cooperation with <b>National Project Implementation Unit</b>	November 2009

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	horticultural and viniculture crops	<ul style="list-style-type: none"> <li>○ Developing the concept of project proposal On protection of farmers rights and mechanisms of benefit-sharing</li> <li>○ Developing the study program for increasing the policy knowledge of the farmers and organizing the workshops at the farms and experimental sites for farmers educating</li> </ul> <p><b>Mechanisms</b></p> <ul style="list-style-type: none"> <li>○ The round-table for discussion of prepared recommendations</li> <li>○ Providing the national Conference of the interested persons for increasing the awareness about mechanisms of benefit-sharing, FAO International Treaty</li> <li>○ The state commission on policy improving</li> </ul>	<p><b>G.Kamahina</b></p> <p><b>G.Kamahina</b> and <b>P. Keppanov</b></p> <p><b>G. Kamahina</b> in cooperation with <b>National Project Implementation Unit</b></p> <p><b>G. Kamahina</b> in cooperation with <b>National Project Implementation Unit</b></p>	<p>September 2009</p> <p>October 2009</p> <p>November 2009</p> <p>December 2009</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
		<ul style="list-style-type: none"> <li>○ Inter-departmental commission on providing the fulfillment of international obligations</li> </ul>		
<b>Tajikistan</b>	<ul style="list-style-type: none"> <li>○ Lack of legal acts on conservation of plant genetic resources diversity, including the horticultural crops and wild fruit species.</li> <li>○ Lack of moral and material benefits for the most of the farmers in conservation of horticultural crops and wild fruit species in the local sites</li> <li>○ Poor awareness of the local governing authorities and Farmers Associations about damaging or destroying the local or low disseminated forms, varieties of the fruit</li> </ul>	<ul style="list-style-type: none"> <li>○ Preparing the recommendations to the Project of Law “About Biodiversity” of the Republic of Tajikistan</li> <li>○ Including the recommendations to the 27, 31, 34, 35 and 39 articles of the current Project of Law “About the farms” of the Republic of Tajikistan on improving the investment climate, conditions of the products realization for the farmers, giving the benefit conditions to the farmers for conservation of plant species, forms and varieties, and also organization</li> </ul>	<p><b>J. Kholikzoda,</b> Chief Department of Legislation, Ministry of Justice of the Republic of Tajikistan, National Convention on Biodiversity, <b>National Project Implementation Unit</b> and partners</p> <p><b>Research Institute of Agricultural Economics</b> of Tajik Academy of Agricultural Sciences, <b>National Farmers Association</b> and <b>National Project Implementation Unit</b> and partners</p>	<p>November 2009</p> <p>August 2009</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	<p>crops and their wild species</p> <ul style="list-style-type: none"> <li>○ Low control coordination by the governmental institutions of the horticultural crops and wild fruit species conditions and the concepts of national Convention on Biodiversity.</li> <li>○ Not full list of species, varieties and forms of the horticultural crops and wild fruit species for including to the Red Book of Tajikistan.</li> <li>○ The issue of providing the credits for the biodiversity conservation of the horticultural crops and wild fruit species, and horticultural farming development has not</li> </ul>	<p>of Farmers Associations accordingly to the producing activity on using the land, water, natural and material resources.</p> <ul style="list-style-type: none"> <li>○ Developing the mechanisms of identifying the moral and material values of the species, varieties, forms of the horticultural/agricultural crops and wild fruit species, the ways of material stimulation of the farmers for conservation and dissemination of the local forms and varieties of the agricultural crops</li> <li>○ Preparing the recommendations on improving the current laws “About the farms” and “About the selection achievements” based on the analysis results on the conditions of conservation of the horticultural crops and wild fruit species, regarding this issue.</li> </ul>	<p><b>Research Institute of Agricultural Economics of Tajik Academy of Agricultural Sciences and National Project Implementation Unit and partners</b></p> <p><b>National Farmers Association and National Project Implementation Unit and partners</b></p>	<p>August 2010</p> <p>August 2010</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	been decided yet.	<ul style="list-style-type: none"> <li>○ Preparing of the recommendations on including the local horticultural varieties and wild fruit species, which are under the threat of abundance, to the Red Book of the Republic of Tajikistan</li> </ul>	<b>Research Institute of Botany</b> of Tajik Academy of Agricultural Sciences, <b>State Society on Nature Protection</b> , and <b>National Project Implementation Unit</b> and partners	August 2010
<b>Uzbekistan</b>	<ul style="list-style-type: none"> <li>○ Lack of Forestry Code, considering the needs of agrobiodiversity conservation at the international level</li> <li>○ Joining to the International Treaty on Plant Genetic Resources for Food and Agriculture</li> <li>○ In the laws about <b>ООПТ</b> consider the participation of the local</li> </ul>	<b>Recommendations/ Activities</b> <ul style="list-style-type: none"> <li>○ Developing the law project “About conservation of genetic resources of the cultivated crops and wild fruit species” (Improving the mechanism of implementing the legal acts, additional financing by the state)</li> <li>○ Preparing the recommendations on decreasing the farmers and other juridical persons taxing, occupied in</li> </ul>	<b>N. Skripnikov</b> in cooperation with the specialists from partner organizations  <b>N. Skripnikov</b> in cooperation with the specialists from partner organizations	October 2010  October 2010



PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
	<p>population in the process of decision-making on conservation of the cultivated plants</p> <ul style="list-style-type: none"> <li>○ Extending the farmers rights on period of land using (up to 49)</li> </ul>	<p>conservation of local varieties of the horticultural crops</p> <ul style="list-style-type: none"> <li>○ Developing the study program for increasing the legal knowledge of the farmers (providing the fulfillment of the Parliament Resolution of the Republic of Uzbekistan dated from January 11, 2006 “About the organizational matters on reforming the horticulture and viticulture” by the local governing institutions</li> </ul> <p><b>Mechanism</b></p> <ul style="list-style-type: none"> <li>○ Examination by the respective Ministries, Government, Parliament</li> <li>○ Respective Ministries, Tax Committee, Ministry of Justice, etc.</li> <li>○ Creating the demonstrative sites on conservation of local varieties of the horticultural crops</li> </ul>	<p><b>N.Skripnikov</b> and <b>Farmers</b> <b>Uzbekistan Association</b></p> <p><b>Y.Djavakyants, K.Baymetov, Y.Butkov</b></p>	<p>July 2009</p> <p>July 2009</p>

PRIORITY AREA 1				
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species				
Country	Gaps	Recommendations/ Mechanisms	Responsibility	Dates
		<ul style="list-style-type: none"> <li>○ Creating the “extensive” service at the national level</li> </ul>	<b>Y.Djavakyants, K.Baymetov, Y.Butkov</b>	September 2009

PRIORITY AREA 2				
Analyzing and developing the recommendation on farmers' rights protection				
Country	Recommendations / Activities	Responsibility	Dates	
Kazakhstan	○ Right for widening the farmers access to the governmental support programs	<b>V.Levin</b> – Director, "The Farmer of Kazakhstan" Fund <b>S.Kaltaev</b> – Deputy Head, Agricultural Department in Almaty province	July 2009	
	○ Widening the possibilities of buying the planting genetic resources on beneficial terms	<b>V.Levin</b> – Director, "The Farmer of Kazakhstan" Fund <b>E. Madenov</b> – Deputy Director, Kazakh Research Institute of Fruit growing and Viniculture	July 2009	
	○ Program of developing the consultancy services for the farmers	<b>A.Moldashev</b> – Director, Research Institute for Economy of Agricultural Complex and Development of Rural Territories <b>E. Madenov</b> – Deputy Director, Kazakh Research Institute of Fruit growing and Viniculture	July 2009	
Kyrgyzstan	○ Preparing the recommendations on defining and observing the following rights in the national legislation: <ul style="list-style-type: none"> <li>➤ Right for property of the produced production</li> <li>➤ Right for property of the technology of growing</li> <li>➤ Patenting the variety and the technology of growing</li> </ul>	<b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan), <b>B. Sharsheev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan) <b>A. Abdylvasiev</b> (Ministry of Agriculture)	November 2009	



PRIORITY AREA 2

Analyzing and developing the recommendation on farmers' rights protection

Country	Recommendations / Activities	Responsibility	Dates
<b>Tajikistan</b>	<ul style="list-style-type: none"> <li>○ Preparing the recommendations on supporting the farms, occupied in conservation and growing the local varieties and forms of the horticultural crops and wild fruit species, in the frames of the long-term state programs of supporting the gardening</li> <li>○ Preparing the recommendations to the State Commission on varieties testing and protecting of the agricultural crops about including to the current legislation the article on issuing the patent for the variety, form and technology, presented by the farmer</li> <li>○ Developing the list of local varieties and forms of the horticultural crops and wild fruit species, conserving by the farmers</li> </ul>	<p><b>National Project Implementation Unit and partners</b></p> <p><b>National Project Implementation Unit and partners</b></p> <p><b>National Project Implementation Unit and partners</b></p>	<p>September 2010</p> <p>November 2009</p> <p>September 2009</p>
<b>Uzbekistan</b>	<ul style="list-style-type: none"> <li>○ Provide the analysis of the current national legislation on the issue of protecting the farmers rights for intellectual property</li> <li>○ Preparing the respective recommendations and comments to the Constitutional right, Right for the land using, Right for the production, Right</li> </ul>	<p><b>N. Skripnikov</b> in cooperation with the specialists from partner organizations</p> <p><b>N. Skripnikov</b> in cooperation with the specialists from partner organizations</p>	<p>March 2009</p> <p>December 2009</p>

**PRIORITY AREA 2**  
**Analyzing and developing the recommendation on farmers' rights protection**

Country	Recommendations / Activities	Responsibility	Dates
	<p>for crop, variety selection, Right for realizing the production, Right for increasing the level of specific knowledge, Right for the juridical service, to the Law about the selection achievements, to the Civil and Tax Codes</p> <ul style="list-style-type: none"> <li>○ Developing the list of local varieties of the horticultural crops (including the traditional knowledge)</li> </ul>	<p><b>Y. Djavakyants, K. Baymetov, Y. Butkov</b></p>	<p>December 2009</p>

PRIORITY AREA 3			
Developing the mechanism of sharing the benefits of the project between the partners			
Country	Recommendations / Activities	Responsibility	Dates
Kazakhstan	○ Developing the methodology of benefit-sharing	<b>N. Skripnikov, Isabel Noriega, Sh. Abdulazizov</b>	December 2009
	○ Developing the common template of the agreements, contracts between the farmers and interested sides (the part of the methodology of benefit-sharing)	<b>N. Skripnikov, Isabel Noriega</b>	December 2009
Kyrgyzstan	○ Developing the methodology of benefit-sharing	<b>N. Skripnikov, Isabel Noriega, Sh. Abdulazizov</b>	December 2009
	○ Developing the common template of the agreements, contracts between the farmers and interested sides (the part of the methodology of benefit-sharing)	<b>N. Skripnikov, Isabel Noriega</b>	December 2009
	○ Preparing and signing the agreements between the partners about the access to the genetic resources and related information	<b>A.Kulmukhambetova, National Project Coordinator, B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan), <b>B. Sharshev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan)	November 2009
	○ Defining the stated and agreed % ratios in benefit-sharing from using the plant genetic resources	<b>A.Kulmukhambetova, National Project Coordinator, B. Koychumanov</b> (State Agency on Environment protection and Forestry under	November 2009

<b>PRIORITY AREA 3</b>			
<b>Developing the mechanism of sharing the benefits of the project between the partners</b>			
<b>Country</b>	<b>Recommendations / Activities</b>	<b>Responsibility</b>	<b>Dates</b>
	<ul style="list-style-type: none"> <li>○ The common access</li> </ul>	the Government of the Republic of Kyrgyzstan), <b>B. Sharsheev</b> (Committee on agri-land issues and ecology, Government the Republic of Kyrgyzstan)	
<b>Turkmenistan</b>	<ul style="list-style-type: none"> <li>○ Developing the methodology of benefit-sharing</li> <li>○ Developing the common template of the agreements, contracts between the farmers and interested sides (the part of the methodology of benefit-sharing)</li> <li>○ Developing the Memorandum of Understanding between the partners of Central Asian countries</li> <li>○ Preparing the concept of the Law about Protection of the Farmers' rights</li> <li>○ Developing the concept of the law about benefits access and allocation (the part of the Law about Protection of the Farmers' rights)</li> </ul>	<p><b>N. Skripnikov, Isabel Noriega, Sh. Abdulazizov</b></p> <p><b>N. Skripnikov, Isabel Noriega</b></p> <p><b>G. Kamahina</b></p> <p><b>G. Kamahina</b></p> <p><b>G. Kamahina</b></p>	<p>March 2009</p> <p>March 2009</p> <p>December 2009</p> <p>December 2009</p> <p>December 2009</p>
<b>Tajikistan</b>	<ul style="list-style-type: none"> <li>○ Developing the methodology of benefit-sharing</li> <li>○ Developing the common template of the agreements, contracts between the farmers and</li> </ul>	<p><b>N. Skripnikov, Isabel Noriega, Sh. Abdulazizov</b></p> <p><b>N. Skripnikov, Isabel Noriega</b></p>	<p>December 2009</p> <p>December 2009</p>



PRIORITY AREA 3			
Developing the mechanism of sharing the benefits of the project between the partners			
Country	Recommendations / Activities	Responsibility	Dates
	<p>interested sides (the part of the methodology of benefit-sharing)</p> <ul style="list-style-type: none"> <li>○ Developing and presenting the typical agreement template about cooperation of farmers with the farmers, with the scientific-research institutions and interested juridical and physical persons</li> <li>○ Developing the methodology of benefits allocation and its implementing at the farms</li> </ul>	<p><b>R. Shukurov</b></p> <p><b>Research Institute of Agricultural Economics of Tajik Academy of Agricultural Sciences and National Project Implementation Unit</b></p>	<p>2009 г.</p> <p>2009 г.</p>
<b>Uzbekistan</b>	<ul style="list-style-type: none"> <li>○ Developing the methodology of benefit-sharing</li> <li>○ Developing the common template of the agreements, contracts between the farmers and interested sides (the part of the methodology of benefit-sharing)</li> <li>○ Developing the assessment methodology of the each participant's share in benefit formation (the part of the agreement and the methodology)</li> </ul>	<p><b>N. Skripnikov, Isabel Noriega, Sh. Abdulazizov</b></p> <p><b>N. Skripnikov, Isabel Noriega</b></p> <p><b>Sh. Abdulazizov</b> (Research Institute of Market Reforms)</p>	<p>December 2009</p> <p>December 2009</p> <p>October 2009</p>

REGIONAL cooperation			
Developing the recommendations for <i>IN SITU</i> /ON FARM conservation of the local horticultural crops varieties and wild fruit species, developing the recommendations on protection of the farmers' rights and developing the mechanism of sharing the project benefits between the partners			
	Recommendations / Mechanism	Responsibility	Dates
<b>Regional level</b>	<b>Recommendations / Activities</b> <ul style="list-style-type: none"> <li>○ Developing the concept of inter-state agreement of the Central Asian countries about conservation of the local varieties of the horticultural crops and wild fruit species, including: <ul style="list-style-type: none"> <li>➤ Creating the inter-state bank of the genetic resources of the Central Asia,</li> <li>➤ Increasing the farmers' access to the genetic materials of the horticultural crops,</li> <li>➤ Creating the Regional Commission on using and conservation of the genetic resources,</li> <li>➤ Creating the regional information data base of genetic resources,</li> <li>➤ Developing the mechanism of interaction between the Central Asian countries on agrobiodiversity conservation,</li> </ul> </li> </ul>	<b>Regional and National Project Implementation Units, National Implementation Agencies</b>	2009-2010
	<ul style="list-style-type: none"> <li>○ Developing the recommendation on using the principles of the Communal Forestry holding (OBJIX), used in Kyrgyzstan, in which the plots of the forest lands are given for renting at the expense</li> </ul>	<b>Regional and National Project Implementation Units, National Implementation Agencies</b>	2009-2010

REGIONAL cooperation			
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species, developing the recommendations on protection of the farmers' rights and developing the mechanism of sharing the project benefits between the partners			
	Recommendations / Mechanism	Responsibility	Dates
	<p>of farmers working in forestry growing, for <i>in-situ/on-farm</i> conservation of the horticultural crops and wild fruit species in the other countries of the region;</p> <ul style="list-style-type: none"> <li>○ Close partnership with the countries of Central Asia in the sphere of conservation and exchange the <b>ДСПК</b> (considering the Global climate changes).</li> <li>○ Creating the regional information data base about genetic resources, which would be accessible to the farmers too</li> </ul> <p><b>Mechanism</b></p> <ul style="list-style-type: none"> <li>○ Collecting and organizing the discussions at the inter-state conference</li> <li>○ Developing the inter-state agreements and their ratification at the national level depending the level of agreement – through Government or Parliament</li> </ul>	<p><b>Regional and National Project Implementation Units, National Implementation Agencies</b></p> <p><b>Regional and National Project Implementation Units, National Implementation Agencies</b></p> <p><b>Regional and National Project Implementation Units, National Implementation Agencies</b></p> <p><b>Regional and National Project Implementation Units, National Implementation Agencies</b></p>	<p>2009-2010</p> <p>2009-2010</p> <p>2009-2010</p> <p>2009-2010</p>

REGIONAL cooperation			
Developing the recommendations for <i>IN SITU/ON FARM</i> conservation of the local horticultural crops varieties and wild fruit species, developing the recommendations on protection of the farmers' rights and developing the mechanism of sharing the project benefits between the partners			
	Recommendations / Mechanism	Responsibility	Dates
	<ul style="list-style-type: none"> <li>○ Experience exchanging and implementing the new technologies and principals (OBJIX, etc.)</li> <li>○ Preparing the Agreement of cooperation between the institutes on access and information exchange about the plant genetic resources, kept in the data bases of these institutes, national and regional date bases between the institutes, working with the genetic resources of the horticultural crops at the regional level</li> </ul>	<p><b>Regional and National Project Implementation Units, National Implementation Agencies</b></p> <p><b>Regional and National Project Implementation Units, National Implementation Agencies</b></p>	<p>2009-2010</p> <p>2009-2010</p>

Recommendations, not included to the frames of the project priority areas				
	Recommendations	How to document them in the project frames and assist for their realization out of project frames	Responsibility	Dates
<b>Kyrgyzstan</b>	<ul style="list-style-type: none"> <li>○ Implement the norms of responsibility of the MCY agencies, local governmental institutions, state agency of environment protection in this field.</li> <li>○ Base the norms, that consider the benefits to the rural producers, occupied in horticultural crops;</li> <li>○ Ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture;</li> </ul>	<ul style="list-style-type: none"> <li>○ The project of the Law about including the additions to the Law about the local self-governing and local governing institutions</li> <li>○ The project of the Law about including the additions to the Law about Farms</li> </ul>	<p><b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan),  <b>B. Sharsheev</b> (Committee on agricultural issues and ecology, Government the Republic of Kyrgyzstan)</p> <p><b>B. Koychumanov</b> (State Agency on Environment protection and Forestry under the Government of the Republic of Kyrgyzstan),  <b>B. Sharsheev</b> (Committee on agri-</p>	<p>November 2009</p> <p>November 2009</p>

Recommendations, not included to the frames of the project priority areas				
	Recommendations	How to document them in the project frames and assist for their realization out of project frames	Responsibility	Dates
		<ul style="list-style-type: none"> <li>○ The project of the Law about ratification of the International Treaty on Plant Genetic Resources for Food and Agriculture</li> </ul>	land issues and ecology, Government the Republic of Kyrgyzstan)  <b>A. Abdyvasiev</b> (Ministry of Agriculture)	November 2009
<b>Uzbekistan</b>	<ul style="list-style-type: none"> <li>○ Creating the cooperative societies on realization of local varieties</li> <li>○ Include the changes to the Tax Code of the Republic (about the beneficial taxing of the farmers, growing the local varieties of the horticultural crops)</li> </ul>	<ul style="list-style-type: none"> <li>○ Preparing the recommendations on improving the agro-firms activity on realization of the horticultural crops</li> <li>○ Preparing the recommendations on including the farmers, growing the local varieties of the horticultural crops to the list of beneficial taxing</li> </ul>	<b>Uzbekistan Farmers Association</b>  <b>Uzbek Research Institute of Fruit Growing, Viticulture and Wine-Making</b>	July 2010  October 2010
<b>Regional level</b>	Considering, that legalized economic stimulation is the main factor in supporting and enforcing the farmers activities in conservation of the local varieties of the horticultural crops and wild fruit species, we consider that is necessary for the	Preparing the recommendations of the inter-governmental Regional Workshop	<b>Regional and National Project Implementation Units</b>	November 2010

Recommendations, not included to the frames of the project priority areas				
	Recommendations	How to document them in the project frames and assist for their realization out of project frames	Responsibility	Dates
	<p>each country of the Central Asia to admit the importance of implementing the following recommendations, that do not cover the priority areas of the project, like:</p> <ul style="list-style-type: none"> <li>○ Providing the financial support and enforcing the cooperation between the farmers and the scientists in/out of the country in experience exchanging</li> <li>○ Decreasing the custom fees for the export of agricultural production</li> </ul>			