



Photo: Turgunbaev Kubanychbek

**Regional workshop on Farmers' Rights
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
21-24 April 2009**

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Day 1, Tuesday 21 April 2009

Muhabbat Turdieva and Isabel Lypez Noriega presented a summary of the previous policy workshop held in the context of the project “In situ/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia”. In this earlier workshop, held in Tashkent, in November 2008, the participants defined a programme of work for the project to deal with some policy issues related to the conservation and use of genetic resources of fruit crops and wild fruit species. The two main topics addressed at that workshop were those related to the access to genetic material and the sharing of the benefits arising from their use, and the recognition and protection of farmers’ rights in Central Asia.

Muhabbat and Isabel introduced the agenda of the workshop and highlighted the following objectives:

- To follow up on the programme of work defined in the previous workshop.
- To define possible actions for the project “In situ/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species)” to contribute to recognizing and implementing farmers’ rights in Central Asia.
- To identify the main elements of the benefit-sharing tools to be used by the project.
- To define a roadmap for regional collaboration between project partners based on the benefit-sharing tools.

The final agenda of the workshop and the list of participants are attached as Annexes 1 and 2 to this report. Muhabbat’s and Isabel’s presentations are attached as Annexes 3 and 4.

Following the introductory session, one representative from each country provided an overview of how they have been progressing with the implementation of the programme of work on policy issues and their main achievements so far. Presentations from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are attached as Annexes 5, 6, 7, 8 and 9.

Day 2, Wednesday 22 April, and Day 3, Thursday 23 April 2009

Prior to the workshop, each country prepared a report on the status of farmers’ rights in current national legislation. Days 2 and 3 of the workshop were dedicated to the presentation of these reports and the discussion of possible actions to improve the recognition and protection of farmers’ rights in each country. Presentations by representatives from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are attached as Annexes 10, 11, 12, 13 and 14.

The participants worked in five groups, one representing each country. Each country proposed actions for building on current strong points in national policies and laws, with the understanding that this approach will facilitate the work and increase the possibilities of success. The group's conclusions were recorded on cards and presented to all the participants. The result of this exercise was the development of a workplan summarizing the actions, responsibilities and timeframe for each country. The workplan is attached as Annex 15.

Participants agreed to review and discuss the status on implementation of the agreed workplan at a workshop, around October 2009.

Day 3, Thursday 23 April 2009

In the second part of the workshop, the participants focused on identifying the principles that should define how the project's benefits are shared. By benefits, we understand all those tangible products of the project "In situ/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia" that are of actual or potential interest to a diversity of stakeholders.

In order to decide how these benefits can be shared with partners within the project and interested people outside the project, the participants were asked to first identify the actual benefits and second the potential beneficiaries, i.e., those stakeholders interested in having access to and use of the project's products.

Participants broke in three groups and discussed the benefits and the beneficiaries of the project. Each group recorded its conclusions on cards. These conclusions can be found in Annex 16 to this report. The groups presented their conclusions and after a general discussion in plenary, all participants came to a common understanding on the key nine benefits of the project and the list of actual and potential beneficiaries for each of the benefits.

Day 4, Friday 24 April 2009

On the last day of the workshop, the participants worked in the same three groups. Each group was given three of the nine benefits or products that had been identified in the previous exercise, and was asked to address, for each benefit, the following issues:

- Which beneficiaries should have full access to the benefit, with no conditions for its use?
- What tools are necessary to guarantee full access for these beneficiaries, both at the national and the regional level?
- Which beneficiaries should have restricted access to this benefit or should be subject to certain conditions for its use?

- What tools are necessary to define and apply the conditions to these beneficiaries?

Muhabbat and Isabel designed a table where each group could record their proposed answers to these questions. The three groups presented their proposals in plenary and, after intense discussions involving all the participants, the members of the workshop agreed on the general principles that should govern the sharing of the project's benefits with the different types of beneficiaries identified. Annex 17 represents the conclusions of the whole group after the plenary discussions on how to share the project's benefits.

General remarks

Participants in the workshop were very interested and active in the discussions. Their capacity to familiarize themselves with new legal principles and to introduce these principles into their own activities within the project is quite remarkable.

The workshop was very useful for defining a programme of work for the project to contribute to the recognition and implementation of farmers' rights in Central Asia. The national reports developed prior to the workshop provided a very good basis to identify important gaps in current national legislation and define practical and realistic actions that may help address these gaps. The following proposed actions on farmers' rights complete the three pillars of the project in the area of policy and legal intervention:

- Enhance policies and laws dealing with in situ conservation and protected areas.
- Promote benefit-sharing tools that allow farmers to benefit from the use of genetic diversity they maintain on farm.
- Support the farmers' role in the conservation and development of genetic diversity of horticultural crops.

The workshop was also useful in setting the foundations of future benefit-sharing tools that will ensure that project's products reach possible beneficiaries and are used according to the specific conditions defined by project partners.

Many participants agreed that a number of the issues put on the table could be addressed at regional level and that some of the measures to be adopted by the project would be easier if there was a regional legal instrument recognizing the will of countries to collaborate on genetic resources issues at the regional level. This is especially true for the benefit-sharing measures. The benefits of the project could be more easily shared between partners in different countries if regional tools supporting the flow of genetic resources and information between countries in Central Asia were already in place. For this reason, it is important for the project and the participants of this workshop in particular, to keep

promoting the adoption of some type of collaborative agreement by all the five Ministries of Agriculture.

The organization of the workshop was excellent. Participants enjoyed the quiet and friendly atmosphere of the Shodlik and had plenty of time between sessions to interact with each other at a more informal level.

Annex 1: Agenda of the workshop

Regional Workshop on Farmer's Rights

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"

**Tashkent, Uzbekistan,
21-24 April 2009**

PROGRAMME

Tuesday, 21 April, 2009		
Session 1: Status on Policy improvement including benefit sharing issue		
9.00-10.30	<p>Summary of the previous workshop and of the main concepts that were discussed then.</p> <p>Introduction of the agenda and the objectives of the workshop:</p> <ul style="list-style-type: none">- Follow up on the programme of work defined in the previous meeting- Define possible actions to improve farmers' rights in the countries- Define a roadmap for regional collaboration <p>9.45-16.30 Overview of the workplan for policy issues under the project. Presentation of participants.</p> <p>Presentations should address, as precisely as possible, the following issues:</p> <p>How far have they got in the implementation of the national tasks defined in the first policy workshop?</p> <p>What difficulties have they encountered?</p> <p>How do they plan to implement the pending work?</p> <p>Is it necessary to revise the national workplan to make it more feasible, achievable?</p> <p>What are the concrete products they are planning to get from each task?</p> <p>What are the impacts expected from every activity?</p>	<i>Isabel Lopez Noriega, Muhabbat Turdieva</i>
9.45-10.30	<p>Kazakhstan</p> <p>Presentation on progress since the first policy workshop.</p> <p>(30 minute presentation + 15 minute general discussion)</p>	<i>Tleu Nurmuratuly</i>
10.30-10.45	Coffee/Tea	

10.45-12.30	Kyrgyzstan Presentation on progress since the first policy workshop (30 minute presentation + 15 minute general discussion)	<i>Baktybek Koychumanov</i>
12.30-14.00	Lunch	
14.00-14.45	Tajikistan Presentation on progress since the first policy workshop (30 minute presentation + 15 minute general discussion)	<i>Zulfira Imamkulova</i>
14.45-15.30	Uzbekistan Presentation of national legal reports (30 minute presentation + 15 minute general discussion)	<i>Dr. Nikolay Skripnikov</i>
15.30-15.45	Coffee/Tea	

Wednesday, 22 April, 2009		
Session 2: Farmers' rights and traditional knowledge protection		
9.00-9.45	Kazakhstan Presentation of the report on farmers' rights. (30 minutes presentation + 15 minutes general discussion) <i>(the main points will be registered in cards that will help the work of discussion groups on Thursday)</i>	<i>Tleu Nurmuratuly</i>
9.45-10.30	Kyrgyzstan Presentation of the report on farmers' rights. (30 minutes presentation + 15 minutes general discussion)	<i>Baktybek Koychumanov</i>
10.30-10.45	Coffee/Tea	
10.45-11.45	Tajikistan Presentation of the report on farmers' rights. (30 minutes presentation + 15 minutes general discussion)	<i>Zulfira Imamkulova</i>
11.45-13.00	Turkmenistan Presentation on progress since the first policy workshop and the report on farmers' rights. (45 minute presentation + 30 minute general discussion)	<i>Galina Kamahina</i>
13.00-14.00	Lunch	
14.00-14.45	Uzbekistan Presentation of the report on farmers' rights. (30 minutes presentation + 15 minutes general discussion)	<i>Nikolay Skripnikov</i>

14.45-15.30	Discussion groups: What are the priorities regarding farmers' rights in each country? Where are the biggest gaps? What can the project do to promote farmers' rights at national and regional level? Where should the project focus its efforts to promote farmers' rights in each country? What are the concrete activities the national groups can carry out? (for each activity, groups should discuss and define geographical scope, timeline, resources, responsibilities, expected products) (groups will register ideas in cards)	5 groups, one for each country
15.30-15.45	Coffee/Tea	
15.45-17.00	Continuation of discussion groups on farmers' rights	5 groups, one for each country

Thursday, 23 April, 2009

Session 2: Farmers' rights and traditional knowledge protection(continuation)

9.00-9.30	Clarification of comments on national reports on farmers' rights	All participants
9.30-12.30	Presentation of the results of the discussions groups. 45 minutes for each group, including general discussion.	
10.45-12.30	Discussion groups: Concrete proposals will be registered in a logframe similar to the one prepared in previous workshop	1 presenter for each group
12.30-14.00	Lunch	

Session 3: Sharing the benefits of the project: Defining the main elements for benefit-sharing tools

14.00-17.00	Discussion groups: What are the expected products or benefits of this project? Who are interested in getting access to these products/benefits? (groups will register ideas in cards)	3 groups: 1) Kyrgyzstan and Tajikistan 2) Uzbekistan and Turkmenistan 3) Kazakhstan and
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		Uzbekistan
15.30-15.45	Coffee/Tea	
15.45-17.00	Presentation of the result of the discussion groups	1 presenter for each group

Friday, 24 April, 2009		
(Continuation of Session 3: Sharing the benefits of the project: Defining the main elements for benefit-sharing tools)		
9.00-10.00	Getting a common understanding on the benefits and the beneficiaries of the project	<i>Session lead by Muhabbat. Participation of all participants</i>
10.00-10.30	Coffee/Tea	
10.30-12.30	Discussion groups: For each benefit identified previously, groups will discuss and agree on the following questions: <ul style="list-style-type: none"> - Which beneficiaries should have full access to the benefit, with no conditions for its use? - What tools are necessary to guarantee full access for these beneficiaries, both at the national and the regional level? - Which beneficiaries should have restricted access to this benefit or should be subject to certain conditions for its use? - What tools are necessary to define the conditions for these beneficiaries? <i>(ideas will be registered in cards)</i>	3 groups: 1) Kyrgyzstan and Tajikistan 2) Uzbekistan and Turkmenistan 3) Kazakhstan and Uzbekistan
12.30-14.00	Presentations of the results of the discussion groups followed by general discussions	1 presenter from each group + All participants
14.00-14.15	Closure of the workshop	<i>Isabel Lopez Noriega, Muhabbat Turdieva</i>
14.14-15.00	Lunch	

Annex 2: List of participants

Annex 3: Summary of previous workshop. Presentation of the agenda and objectives of the workshop

Presentation of Isabel Lopes Noriega

**Farmers' rights in Central
Asia: A Follow Up
Workshop on Policy
Issues**

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

**Summary of previous
workshop**

**Main objective: Define a workplan to achieve
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.**

Two big areas of work:

- **Sharing the benefits with farmers**
- **Recognizing and protecting farmers' rights.**

Objectives of this workshop

- 1. To present the progress made since the previous workshop and adjust the workplan in necessary.**
- 2. To understand strengths and gaps in national legislation with regard to farmers' rights**
- 3. To propose actions to improve recognition and protection of farmers' rights**
- 4. To define a roadmap for regional collaboration**

Structure of the workshop

Session 1: Overview of status of activities under the programme of work

Session 2: Presentations of national reports and discussions on farmers rights

Session 3: Definition of actions to recognize and protect farmers rights

Session 4: Workplan for regional collaboration

Important things to bear in mind during the workshop

- 1. Policy activities and outputs must rely on technical work of the project.**
- 2. All policy activities must be inter-connected in the workplan.**
- 3. We must be realistic**

Annex 4 – Presentation of the workshop’s objectives

Presentation by Muhabbat Turdieva

**Biodiversity / UNEP-GEF project «In Situ/On Farm Conservation
and Use of Agrobiodiversity in Central Asia»**

DO FARMERS HAVE RIGHTS?

REGIONAL WORKSHOP ON FARMERS RIGHTS

21-24 April 2009

Tashkent, Uzbekistan

QUESTIONS

- ❖ **Do farmers still maintain diversity on farms and in wild?**
- ❖ **Do farmers still deal with selection and breeding?**
- ❖ **Do farmers possess knowledge on diversity in their farms?**
- ❖ **Should and/or can famers have rights on their diversity and knowledge?**

QUESTION

- ❖ **Do farmers still maintain diversity on farms and in wild?**
- ❖ Do farmers still deal with selection and breeding?
- ❖ Do farmers possess knowledge on diversity in their farms?
- ❖ Should and/or can famers have rights on their diversity and knowledge?

RESPONSE

Uzbekistan

- ❖ 24 households were surveyed in 2008
- ❖ 49 varieties and forms of apple, 52 – apricot, 26 – grape, 17 – pear, 13 – pomegranate, 10 forms of walnut, 6 varieties and forms of almond and 2 forms of pistachio were identified.
- ❖ Of them 71% of apple varieties and forms, 96% - of apricot, 65% - of pear, 69% - of grape, 85% - pomegranate, 100% - walnut, 83% - almond and 100% - pistachio are local

QUESTION

- ❖ Do farmers still maintain diversity on farms and in wild?
- ❖ Do farmers still deal with selection and breeding?
- ❖ **Do farmers possess knowledge on diversity in their farms?**
- ❖ Should and/or can farmers have rights on their diversity and knowledge?

RESPONSE

- ❖ Two apricot varieties found in Varz village are high yielding and their dried fruits are of excellent taste
- ❖ Local apple varieties Atlasniy and Kulmat growing in orchard of farmer H. Yusupov and K. Kodirov in Vigoni village, Istravshan District are early ripening and resistant to diseases and pests. Fruits of these apple varieties have attractive appearance for markets

QUESTION

- ❖ Do farmers still maintain diversity on farms and in wild?
- ❖ Do farmers still deal with selection and breeding?
- ❖ **Do farmers possess knowledge on diversity in their farms?**
- ❖ Should and/or can farmers have rights on their diversity and knowledge?

YES?

**WHAT CAN WE DO TO HELP FARMERS IN
RECOGNITION/PROTECTION OF THEIR RIGHTS?**

Annex 5. Presentation on progress and achievements in Kazakhstan since previous workshop

**Analysis of national
legislation of the
Republic of Kazakhstan**

Annex 14.

Priority Area 1

Developing the recommendations, supporting in situ/on farm conservation of local varieties of horticultural crops and wild fruit species

Country	Gaps	Implementation
Kazakhstan	Lack of special legislation on flora, agrobiodiversity and plant genetic resources	The Project of Law Conception of the Republic of Kazakhstan on “Flora protection” has been jointly developed with the GEF/UNDP project on Mountain Agrobiodiversity, which was approved by the Committee of Forestry and Hunting of the Ministry of Agriculture of the Republic of Kazakhstan.

Annex 14.
Priority Area 1
Developing the recommendations, supporting in situ/on farm conservation of local varieties of horticultural crops and wild fruit species

Country	Gaps	Implementation
Kazakhstan	Lack of incentives for the farmers on conservation of traditional varieties of horticultural crops and wild fruit species	For raising the incentives for the farmers there have been approved the new Rules of using the target current subsidies from the state budget (Resolution of the Government of the Republic of Kazakhstan from February 2, 2009, №98). According to the new rules, the subsidies are given priority to the farmers, that found the gardens from the traditional local varieties of the horticultural crops.

Annex 14.
Priority Area 1
Developing the recommendations, supporting in situ/on farm conservation of local varieties of horticultural crops and wild fruit species

Country	Gaps	Implementation
Kazakhstan	Insufficient level of responsibility for destroying (damaging) the forms of agrobiodiversity, included to the Red Book	This issue has been discussed with the specialists from the Committee of Forestry and Hunting of the Ministry of Agriculture of the Republic of Kazakhstan. It was decided to prepare the recommendations for making the amendments and additions to some legislative acts of the Republic of Kazakhstan («Forestry Code», «Most protected natural territories», «Administrative Code»)

Annex 14.
Priority Area 1
Developing the recommendations, supporting in situ/on farm conservation of local varieties of horticultural crops and wild fruit species

Country	Gaps	Implementation
Kazakhstan	Lack of legislative mechanisms of accessing to the genetic resources and mechanisms of benefit-sharing	There have been developed the training programs and materials for improving the legal knowledge of the farmers and governmental authorities, that work at the provincial and regional departments of agriculture.

Annex 6. Presentation on progress and achievements in Kyrgyzstan since previous workshop

Bioversity International/UNEP-GEF

Bioversity/UNEP-GEF project "In situ/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia"

**B. Sharsheev
B. Koychumanov**

Tashkent – April, 2009

Requirements for presentation

Presentations should contain the exact information about the following issues:

- How far they have gone in implementing the national action plan, defined at the First Regional Workshop on Policy Issues?
- What were the obstacles they have faced in the process of implementation?
- How do they plan to implement the agreed proposals?
- Is it necessary to make the amendments to the national plan of work, for making it more realistic and feasible?
- What are the concrete results they are expecting to achieve by implementing each activity?
- What are the expected impacts from the each activity?

Tasks from the first Workshop (Priority Area 1)

Developing the recommendations:

- ❑ Include the norms about **in-situ** conservation of wild fruit crops at the conservation area and forest lands;
- ❑ Include to the list of most valuable tree varieties of Forestry Code of the Republic of Kyrgyzstan the Kyrgyz apple, Sogdian alycha and sea-buckthorn;
- ❑ Develop the recommendations/norms for farms development, occupied in **on farm** conservation and dissemination of horticultural crops and wild fruit species.
- ❑ Develop the training program for improving the legal knowledge of the farmers.

Mechanisms of implementation

- ❑ Promotion of norms into the national legislation;
- ❑ Enforcement of working with the bodies of local self-government, NPO;
- ❑ Experience exchange and implementation of new technologies and principles of Community holding of forestry, etc.

How is implementing

- At present there have been developing the project of Forestry Code and the project of law on conservation area, to which it is planned to include the norms on **in-situ** conservation of wild fruit varieties at conservation area and forest lands, and also to include the list of most valuable tree varieties of the Forestry Code of the Republic of Kyrgyzstan the Kyrgyz apple, Sogdian alycha, sea-buckthorn;
- Recommendations for farm development, occupied in **on farm** conservation and dissemination of horticultural crops and wild fruit species would be considered in the Strategy of biodiversity conservation, preparing by the State Agency on Environment Protection and Forestry.

Recommendations from the first Workshop (Priority Area 2)

Analyzing and developing the recommendations:

- Property right for grown production
- Property right for growing technology
- Patenting the variety and technology of growing

How is implementing

The following norms have been analyzed:

- ❑ Civil Code of the Republic of Kyrgyzstan, Law of the Republic of Kyrgyzstan on "Farms", regulating the **property rights** for the property of the farms and grown production.
- ❑ Law of the Republic of Kyrgyzstan on "Legal protection of selection achievements" by June 13, 1998, N 79, protecting the **Right for intellectual property** on selected and used varieties;
- ❑ Law of the Republic of Kyrgyzstan on "Protection of traditional knowledge" by July 31, 2007, N 116, regulating **the right for documenting and protection of traditional knowledge**.

In compliance with the Law of the Republic of Kyrgyzstan on "Legal protection of selection achievements"

The criteria of the protection-capacity of the selection achievements are the followings:

- ❑ 1) novelty;
- ❑ 2) distinguishability;
- ❑ 3) uniformity;
- ❑ 4) stability.

Patent for selection achievement is issued by the Republic of Kyrgyzstan. Period of expiration of the patent for the plants is **20 year**, for the grapes varieties, tree ornamental, horticultural crops and forest tree varieties, including their stocks, and also for animal breeds, period of expiration of the patent is **25 years**.

In compliance with the Law of the Republic of Kyrgyzstan on "Protection of traditional knowledge"

- Traditional knowledge – knowledge, methods and ways, including with the use of genetic resources, used in different areas of human activities, that were passed through the generations in defined order and significance.
- Legal protection of traditional knowledge comes from the base of registration order, stated by the Law or Agreement of the Republic of Kyrgyzstan, that comes into effect.
- Traditional knowledge could be registered.
- Patenting the objects, which could be considered as a traditional knowledge, could not be excepted in the Republic of Kyrgyzstan.

Recommendations from the first Workshop, out of project activities

- Implement the norms of responsibility of the bodies of local self-government, local governmental administrations, state body of the environment protection at that region.
- Form the norms, that consider [the advantages](#) for the rural producers, occupied with horticultural crops;
- Ratification of the Treaty on using the Plant Genetic Resources for Food and Agriculture (Ministry of Agriculture and Water Resources and Processing Industry).

Implementation: Projects of Laws of the Republic of Kyrgyzstan:

- «On including the additions into the Law on «Local self-government and local state administration bodies»,
- «On including the additions into the Law on «Farms».

Periods: 2009 (4 quarter).

Obstacles

- In present conditions the Government (Ministry of Economic Development and Trade, Ministry of Finance) does not support NGO, that considers some advantages for the farms in taxing and other obligatory payments to the budget;
- It is possible to change a little the national task : «Form the norms, that consider the advantages for the producers of the agricultural production, occupied in horticultural crops» - to change the word «advantage» to «support»;

Planned results

- Project of the Forestry Code with the norms of **in-situ** conservation of the wild fruit varieties at the forest lands, with the list of most valuable tree varieties, to which are included the followings: the Kyrgyz apple, Sogdian alycha, sea-buckthorn;
- Project of Law on conservation area with the norms of **in-situ** conservation of wild fruit crop varieties at the conservation area;
- Project of Strategy of biodiversity conservation with the norms for farms development, occupied in **on-farm** conservation and dissemination of horticultural crops and wild fruit species;

Expected impacts

- Improving the works in the sphere of biodiversity conservation, including ***in situ/on farm*** conservation of local varieties of the horticultural crops and wild fruit species;
- The raise of responsibility level of the bodies of local self-government, local governmental administrations, state bodies of environment protection at that region;
- There is given special attention for ***in situ/on farm*** conservation of local varieties of the horticultural crops and wild fruit species;
- The farmers' rights have been protected effectively and they receive the benefits from growing the local varieties of the horticultural crops.

Thank you for your attention

Annex 7. Presentation on progress and achievements in Tajikistan since previous workshop

**Report on implementation of
work plan on policy issues**

Component “Tajikistan”,
Dushanbe, 2009

Priority Area 1

Developing the recommendations, supporting in situ/on farm conservation of local varieties of the horticultural crops and wild fruit species

- The recommendations for the Project of Law on “Biodiversity” have been prepared
- There have been included the recommendations to the Project of Law of the Republic of Tajikistan on «Farms» to the articles 27, 31, 34, 35 and 39 on improving the investments, production realization for conservation and using by the farmers, providing the benefit conditions for conservation of the forms and varieties of the plants and also organization of Farmers’ Associations, according to the production activities on using the land, water, nature resources and material values.

- Developing the mechanism of defining the moral and material values of the forms, varieties, forms of the horticultural crops and wild fruit species, material supporting of the farmers for evaluation and dissemination of the valuable forms and varieties

- The recommendations on improving the laws on «Farms» and «Selection achievements» regarding the discussed issues have been presented on the base of analysis the conditions of works on conservation of varieties and forms of the horticultural crops and wild fruit species.

- Providing the analysis of the conditions of the form, varieties and forms of the horticultural crops and wild fruit species at the places of their growing and present the recommendations to the re-issued Red Book of the Republic of Tajikistan

Priority Area 2

Analyzing and developing the recommendations on protection of farmers' rights

- Provide the inviolability of the farms activities in conservation and growing the varieties and forms of the horticultural crops and wild fruit species at the legislative level and aware about this the other farmers. The possibilities of farms receiving the supports from the many-year programs of horticulture development and combination of activities of National Project Implementation Unit and other international organizations, functioning in Tajikistan.

- Solving the question on patent issuing for the variety, form and technology, presented for the farmers.
- Presenting the list of varieties and hybrids, and also wild fruit crops for the farmers.

Priority Area 3

Developing the mechanism of benefit-sharing among the partners

- Developing and present the form of partnership of the farmers with the farmers, farmers with the research institutions and interested juridical and physical bodies.
- Developing the methodology of benefit-sharing and implement it at the farms

Obstacles in realization the legislative acts on agrobiodiversity conservation

- Logging
- Overharvest of wild fruits and nuts
- Construction of roads
- Overgrazing

Annex 8. Presentation on progress and achievements in Turkmenistan since previous workshop

Report

on implementation of the work plan on developing the legal mechanisms for supporting the farmers and local communities for the period of (14.11.2008 - 21.04.2009)

TURKMENISTAN

National expert G.Kamahina

Achievements in writing the laws

- Turkmenistan has developed the project of National Legal Conception «*For improving the legislative frames of Turkmenistan, supporting for in situ/on farm conservation of local varieties of horticultural crops and wild fruit species*», which was presented at the Round Table (14.04.2009) in Ashgabat to all the interested sides.

The main components of the Conception

1. **Agrobiodiversity** – is the component of **traditional life setup** and national culture of the community.

The farmers occupied in conservation of agrobiodiversity in the places (**daikhans**).

In the country the new system of market relations has been formed - **farms**, in which the farmer is the main force in realizing the food program. Работают There have been functioning the **daikhan associations**, juridical bodies, granted with the right for protection its members.

The main components of the Conception

- 2. For our country, that provides the plant genetic resources (PGR), **it is necessary to have** the appropriate pack of laws and normal acts on regulation the right for access to PGR, including the protection of farmers' rights for traditional knowledge and genetic resources, making by that the real effort for establishing the national biosafety.
- 3. **Concrete steps** (including legal also) for conservation of genetic diversity of all agricultural crops and local varieties, providing the food independence of the country **have not been developed** at present (except the wheat) in sufficient amount.
- The information field about GMP products **has not been created** and even the decision makers do not have the exact information about this issue.

The main components of the Conception

- 4. Mechanism of legal regulating in the sphere of conservation, using and exchanging of PGR bases on **the balance** of international obligations and sovereign right of the state for its own bioresources.
- 5. **International legal basement**, acting in the country, allows Turkmenistan, as for the member country of Convention of Biodiversity (1996) and Cartahena protocol on Biosafety (2009), to became a member of **International FAO Treaty** on Plant Genetic Resources for Food and Agriculture (2007) and **Regional Strategy of Conservation**, renewal and use of plant genetic resources for food and agriculture in Central Asia and Caucuses for the period till 2015 (2007).

The main components of the Conception

- 6. **National legislation** ensures compliance with key provisions of international environmental agreements, although **not always prescribed** a mechanism for their implementation.
- Not all the international obligations are reflected in the existing **national environmental legal space**.
- The legislative acts of Turkmenistan are **not adequate** to assess the relationship between agricultural practices and the conservation and sustainable use of biodiversity components, in particular, **fruit crops and their wild relatives by the farmer**

Results of invention of legislative and legal aspects

- Acting normative-legal acts are based on the provisions of **the Constitution of Turkmenistan** (1992, with additions from 2008);
- **Farm laws** designed to maintain a program of privatization of state property, ie **the restructuring of the farm.**

Results of invention of legislative and legal aspects

- The country has begun the process of constructing the **rental relationship**. Plots can be transmitted to rent for up to 40 years. The farmer was able to own land area to 50 hectares with the right to transfer it by succession;
- Direct assessment of **knowledge and practices of farmers** in maintaining the sustainability of agricultural biodiversity in the country **had not been conducted**;
- There are **no legal instruments** to protect the rights of farmers and supporting farmers engaged in growing local varieties of fruit crops and their wild relatives;

Results of invention of legislative and legal aspects

- Maintaining national agrobiodiversity - one of the priority issues of national **Strategy and action plan for the conservation of biodiversity** (SPDSB)
- and **National Program of President of Turkmenistan Saparmurat Turkmenbashi of the Environment** (NEAP), as a legal document approved by the leadership of the country;

Results of invention of legislative and legal aspects

- **intellectual property** rights in biodiversity only indirectly addressed in the prism of existing pieces of legislation of Turkmenistan, is **not fully addressing** the problem of farmer's rights;
- problem of **protection of traditional knowledge** of indigenous and local communities at the farm level is **not reflected** in any existing legal instruments;
- existing regulations **do not protect the rights** of holders of intellectual property (particularly farmers) to plant genetic resources, or a country benefits from their use in the territory of another country;

Results of invention of legislative and legal aspects

- not innovative
- do not reflect
- considered almost not their wild relatives. genetic resources and

Resume

- Further efforts are needed to make changes and additions to the existing national legislation, in particular, **to develop legislation** for the protection of farmers' rights, intellectual property, access to genetic resources and to obtain equal benefits from their use.

Resume

- In preparing the legal acts the special attention should be addressed to the issues, related to **economic stimulation** of the farmers, **creation of** market for selling and material-technical **support** of the local farmers, occupied in growing the local varieties and wild fruit crops and grapes in the conditions of (in situ/on farm).
- **The protection system** of traditional knowledge of **providing country** (developing country) **is necessary**. Also it is important to define **the rights for regulating the traditional knowledge**, for creating the possibility to of rights and interests conflict.

Resume

Non-appropriateness of national legislative base to the demands of farm development was discussed in the following conception of developing the conception of two linked project proposals:

- «**Ways of supporting the farms in growing the local varieties**»;
- «**Protection of farmers rights and mechanism of benefit-sharing**».

Project of legal act on

«Protection of farmers rights and mechanism of benefit-sharing in growing horticultural crops and wild fruit species in Turkmenistan»

- **Part I. General propositions**
- **Article 1.** Principal concepts
- **Article 2.** Global significance of Turkmenistan territory
- **Article 3.** Farm legislation
- **Article 4.** International legal base

Part II. Subjects of farmers rights on growing the horticultural crops and wild fruit species

- **Article 5.** Triad of farmers right
- **Article 6.** Protection of traditional knowledge, innovations and practices
- **Article 7.** Elements of legal system of traditional knowledge
- **Article 8.** Right to access to genetic resources
- **Article 9.** Equal participation of the farmers in benefit-sharing
- **Article 10.** Collection of ex-situ plant genetic resources for food production and agriculture
- **Article 11.** Responsibility for violation of farmers rights, occupied in growing horticultural crops and wild fruit species

Project of legal act on
«The ways of supporting the farms of Turkmenistan
in growing the local varieties of horticultural crops
and wild fruit species»

■ **Part I. General propositions**

- **Article 1.** Principal conceptions
- **Article 2.** Supporting of farms
- **Article 3.** Normative-legal base of farms developing
- **Article 4.** Legal frames of farms development
- **Article 5.** Responsibility for violation of farms rights, occupied in growing the local varieties of horticultural crops, grapes and wild fruit species

Obstacles on the place

- **Lack of** national project documents in the process of preparation
- Widely **information exchange** with the national experts in farmers rights and specialists from the other regions of Central Asia

Plan of implementing the results

- After holding the **National Conference** on policy issues of protection farmers' rights the projects of the documents should be admitted to the
- **Turkmenistan Ministry of Justice,**
- **Copies of the documents – State Commission** on improving the legislation and **Inter-agency commission** on providing the fulfillment of international obligations of Turkmenistan in the sphere of human rights.

Amendments in National Plan of Work

- None

Concrete results on providing every activity

- Project documents of **two legal acts**;
- Round table by 14.04.2009;
- **National Conference**;
- Wide discussion of the documents among the farmers on the places (**mobile workshops**).

Expected changes

- **Approving** the legislative acts on protection of farmers rights and supporting of farms in **TURKMENISTAN**

Annex 9. Presentation on progress and achievements in Uzbekistan since previous workshop

Annex 10. Country report on national legislation regarding farmers' rights in Kazakhstan

**Analysis of the national
legislation of the
Republic of Kazakhstan**

**The categories of agricultural
formations**

- **Agricultural enterprises: limited partnership, production cooperative, join-stock company, etc.;**
- **Farms;**
- **House-hold farms;**

The number of acting agricultural formations (Agency of Statistics of the republic of Kazakhstan, 2007)

	Agricultural enterprises	Farms	House-hold farms
In the Republic	5 282	169 326	1 345 700
Almaty province	652	45 988	21 204
Djambyl province	206	14 276	24 271
Southern-Kazakhstan province	1 328	61 260	84 118

Beside, there are garden associations in the republic – 243 965

The main laws of the Republic of Kazakhstan, regulating the activity of the farms:

- **«On Farms», 1998**
- **«On protection of selection achievements», 1999**
- **«On associations», 1999**
- **«On financial leasing», 2000**
- **«On agricultural associations and their unions», 2000**
- **«On quarantine of the plants», 2002**
- **«On seeding», 2003**
- **«On consuming cooperation of water-users», 2003**

- **«On credit associations», 2003**
- **«On micro-credit organizations», 2003**
- **Land Code of the Republic of Kazakhstan, 2003**
- **Forestry Code of the Republic of Kazakhstan, 2003**
- **Water Code of the Republic of Kazakhstan, 2003**
- **«On obligatory insurance in plant industry», 2004**
- **«On state regulation of the development of agri-industrial complex and rural territories», 2005**

The main legislative acts of the Republic of Kazakhstan in the sphere of conservation the wild fruit crop varieties

- **«On environment protection»,1997**
- **«On ecological expertise»,1997**
- **Forestry Code, 2003**
- **Land Code, 2003**
- **Water Code, 2003**

- «On protected natural territories» (2006),
- Conception of sustainable development, 2006
- Ecological Code, 2006
- «On including the amendments and additions to some legislative acts of the Republic of Kazakhstan on the issues related to specially protected natural areas», 2008

About the farmers' rights

- a. Right to access to the genetic resources – *every farmer has the free access to the genetic resources of the horticultural crops and grapes*
- b. Right to conserve and exchange the reproduction material- *it is granted to all citizens of the Republic of Kazakhstan.*
- c. Right to get benefit from using the genetic resources – *mechanism has not been regulated yet.*
- d. Freedom of choice the variety for growing – *farms could freely choose the crops and varieties for growing.*

- e. **Right to access and use the land resources – *the agricultural lands have been sold or given to rent for the farmers.***
- f. **Right to get financial and technical support from the state – *the state gives the subsidies and agricultural equipment for leasing***
- g. **Right to improve the qualification, by getting knowledge – *the regional centers of knowledge distribution through the farmers have been established.***
- h. **Right to get the legal support at the national and regional levels – *the branches of the state holding “Kazagro” has been providing the free services in every region.***

- i. **Right to support and participate in the process of decision-making – *every farmer has got the right to participate in the process of decision-making.***
- j. **Right to manage the results of their own works – *farmers manage by themselves.***
- k. **Right to get the intellectual property right for selected and used crop varieties - *if the farmer selects the new variety of the horticultural crops or grapes, the State Commission on Variety Testing of the Ministry of Agriculture and the patent agencies of the Ministry of Justice of the Republic of Kazakhstan should issue the appropriate documents***
- l. **Right to document and protect their traditional knowledge – *farmers have the right to document and protect the traditional knowledge.***

Annex 11. Country report on national legislation regarding farmers' rights in Kyrgyzstan

Bioversity International/UNEP-GEF

Project LoA No 07/070
Bioversity/UNEP-GEF project In situ/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia

B.Sharsheev
B.Koychumanoov

Tashkent – April, 2009

The numbers...

- In 2008 more than **90 %** of agricultural production was produced in the private sector, thus the share of farms was more than **44%**.
- There are more than **286, 000** farms, about **700** different associations, including **462** cooperation farms in the Republic of Kyrgyzstan.
- About **80 %** conflict situations have come because of non-sufficient level of legal knowledge of the farmers.

The laws of the Republic of Kyrgyzstan about the farms:

- "Civil Code of the Republic of Kyrgyzstan" by May 8, 1996, № 15
- The law of the Republic of Kyrgyzstan on «Quarantine of the plants» by June 27, 1996, № 26
- The law of the Republic of Kyrgyzstan on«Seeds» by June 19, 1997, № 38
- The Land Code of the Republic of Kyrgyzstan by June 2, 1999, № 45
- The law of the Republic of Kyrgyzstan on "Farms" by June 3, 1999, № 47
- The law of the Republic of Kyrgyzstan on «Management of agricultural lands» by January 11, 2001, № 4

3

The laws of the Republic of Kyrgyzstan about the farms:

- They have been creating the legal base for organizing and functioning of the farms.
- The rights and obligations of the farms, the head of the farms, governmental and local self-governmental bodies have been stated in these laws.

4

The farmers' rights:

- Right to access to the genetic resources.
- Right to conserve and exchange of the reproduction material.
- Right to get benefits from using the genetic resources.
- Freedom of choosing the variety for growing.
- Right to access and use of land resources.
- Right to get the financial and technical support from the state.
- Right to improve the qualification, by getting knowledge.

5

The farmers' rights:

- Right to get the legal support at the national and regional levels.
- Right to support and participate in the processes of decision-making.
- Right to manage the results of their own works.
- Right to get the intellectual property right for selected and used varieties of the crops.
- Right to document and protect their traditional knowledge.

6

The legislation of the Republic of Kyrgyzstan:

- The legislation system grants all the farmers with the equal rights:
 - for access and use of the land resources,
 - for free choice in selecting the crop variety for growing,
 - for managing the results of their own works.

7

The legislation of the Republic of Kyrgyzstan:

- the right to access to the genetic resources has not clearly recognized, but there are no hard obstacles for the farmers in access to the genetic resources, excepting limited or secret resources.

8

The legislation of the Republic of Kyrgyzstan:

- Right to get financial and technical support from the state comes up at the farmers in the situations of force majeure.
- Right to get knowledge has been granted to all citizens of the Republic of Kyrgyzstan.
- Right to get the legal support on national and regional levels farmers could realize through rural consultative services, legal aid to rural citizens, system of offices, private lawyers.
- Right to support and participate in the process of decision making is realized by the farmers through local and national governmental bodies, associations and unions.

9

The legislation of the Republic of Kyrgyzstan:

- Right for intellectual property for selected and used crop varieties has been protected by the law of the republic of Kyrgyzstan on «Legal protection of selection achievements» by June 13, 1998, N 79.
- Right to document and protect their traditional knowledge has been regulated by the law of the Republic of Kyrgyzstan on «Protection of traditional knowledge» by July 31, 2007, N 116.

10

About the steps, taken by the Government of the Republic of Kyrgyzstan

- The Conception of the agricultural policy of the Republic of Kyrgyzstan has been approved with the Resolution of the Government of the Republic of Kyrgyzstan, issued on June 22, 2004, № 465
- The program of actions of the Government of the Republic of Kyrgyzstan for 2009 has been approved with the resolution of the Government of the Republic of Kyrgyzstan, issued on February 11, 2009, № 116

11

About the steps, taken by the Government of the Republic of Kyrgyzstan

- buying the agricultural equipment in charge of grant funds;
- developing the CK services in agri-technology, marketing, etc.;
- financial supporting of the farmers through debt forgiveness for the budget and foreign credits for the period of 1992-2007;
- integration of subsidy expenses of the seed farms;
- enlarging the growing area of agricultural crops up to 1165 ths.ha, wheat growing - 420 ths.ha.

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*Annex 12. Country report on national legislation regarding farmers' rights
in Tajikistan*

Report on protection of farmers' rights

Component "Tajikistan"

Dushanbe, 2009

Right to access to the genetic resources

•

Right to conserve and exchange the reproductive material

-
-
-
-
-

Right to get benefit from using the genetic resources

-

Freedom of choice the crop or variety for growing

- Regarding the crop - yes.
- Regarding the variety - no.

•

Right to access and use of land resources

•

•

**Right to access and use of land
resources**

**Right to access and use of land
resources**

•

•

**Right to get financial and technical support
from the state**

•

•

**Right to get financial and technical support
from the state.**

•

Right to get legal support on national and regional levels

-

Right to manage the results of their own works

-

-

**Right to get the intellectual property right for
selected and used crop varieties**

•

•

**Right to document and protect their
traditional knowledge**

•

Annex 13. Country report on national legislation regarding farmers' rights in Turkmenistan

Bioversity International/UNEP-GEF

Report of Turkmenistan

On analysis of national legislation on the issues of farmers' rights protection

National expert G. Kamahina

TURKMENISTAN

- At the regional workshop there has been presented the short report on «***Legislation on conservation of wild fruit crops at the protected territories and farms***».
- This material was prepared on the base of analytical surveys on two themes: «***Legal-normative acts on conservation of wild fruit crops at the protected natural territories and forest lands***» (executor G.Kamahina) and «***Legislative base in the sphere of protection of plant genetic resources and supporting of the farms***» (executor P.Kepbanov).

Short report

- The policy issues were highlighted in technical and practical oriented direction, and showed, that Turkmenistan has got the significant experience in the sphere of genetic resources conservation and knowledge about legislation and legal conceptions in this sphere.

Results of analysis of the key legislative and legal aspects

- National legislation provides the execution of the principal provisions of international ecological agreements.
- Most of legislative acts are not sufficiently adequate for providing the assessment of interconnection between agricultural practice and conservation and sustainable using of biodiversity components with the farmers' efforts.
- In restructuring of the farms in all acting national legal acts the knowledge of the local farmers' and their ability for innovations have not been considering directly.

Amendments to the Land Code of Turkmenistan

- Land plots are given for renting for building and other non-agricultural aims for the period of 40 years.
- Land plots are given to the citizens for using, renting and private property.
- The new system of market relations have been formed – farms, in which the farmer becomes the main force in realizing the food program.

Agronomic Sector

- 497 daikhan associations;
- 395,7 thd. Tenants and private bodies;
- About 83% (1,5 mln. ha) of irrigated lands are given to the farms in the form of ownership or long-time renting.

Normative-legal acts on protection of farmers' rights (daikhans)

- **Constitution of Turkmenistan** (1992), with additions (2008)
- Law on «Property» (1993)
- Civil Code (1997)
- Law on «Renting and rent relations»
- Law on «Farms (daikhans)» (2007)
- Law on «Daikhan associations» (2007)
- Land Code of Turkmenistan (2004)
- Water Code of Turkmenistan (2004)

Legal acts on intellectual property

- Law on scientific intellectual property 1992
- Patent law 1993
- Law on legal protection of algorithms, programs for computers, databases and topology of integral micro-schemes 1994
- *Law on seeds 1996*
- *Law on licensing the separate kinds of activities 1999*

Laws in the sphere of intellectual property

- Laws consider the issues of biosafety, and do not consider the legal norms of nature-protecting and forestry property, including the national property for genetic resources of horticultural crops and wild fruit species.
- The provision of protection of the right of the owners of intellectual for genetic resources and getting benefits from using them at the territory of the other country is not possible to realize based on these documents.

Project of the new law on «Protection of selection achievements»

- In the new law there would be considered the right of each citizen for getting intellectual protection over the newly created varieties.
- But the issue of the farmers' rights and legal protection of the varieties, created with the using of wild fruit crops gene fund, is still open.

Acting laws on protection of intellectual property

- Theoretically the small farmers could declare about their rights for intellectual property for their varieties
 - The legal and practical obstacles in variety protection, using the rights for intellectual property are possible to come out
 - The procedure of getting the authorship for selected variety is complicated and costly for the farmers
 - The varieties, grown by the farmers, could not be appropriate to the demands of the legislation.
 - This would complicate the conservation of traditional small and not marketable varieties of the horticultural crops and grapes, even they have the potential economic benefit.
-
- Lack of legislative acts on farmers' rights in the country, occupied in growing wild fruit crops and grapes at the renting plots, could bring to the impoverishment (or loss) of its national nature gene fund.

- Today, the leadership of Turkmenistan's agricultural sector has priority over the rapid development of fruit production, in which a key must take the wild relatives of horticultural crops. However, small farmers who do not have a practical opportunity to benefit from a farmer's rights will not be able to save on their sites. Farmers growing wild fruits, no farmers' rights by law and access to genetic resources from other sources, will not have access to improved varieties sold in markets.

Situation on the place

- The resource of getting the genetic material outside (national gene bank at Magtymkuly scientific-production experimental center of plant genetic resources) is poor-accessible for the farmers, as long as the partnership links with research institutions.

Situation on the place

- Basing to the acting legal acts of the national legislation, it is not possible to provide fully the rights of the owners of the intellectual property (farmers) for plant genetic resources and getting the benefits for using them on the territory of the other country.
- The acting international agreements also do not give the exact definition to «Farmers' rights».

Farmers' rights

- At the regional workshop within Bioversity International project there were defined 12 rights of the farmers, which were presented in the project of national legislative act on farmers' rights. All of these rights were offered to be considered by the national legislation of Turkmenistan, or if they would not be considered, there should not be any legal obstacles for the farmers in access to genetic resources.

The results of the works

- Turkmenistan has developed the project of working conception on *«Improving the legal frames, supporting in situ/on farm conservation of local varieties of horticultural crops and wild fruit species»* (Annex 1).

Results

- The conceptions of two connected project proposals have been developed
- *«The ways of supporting the farms in growing the local varieties»* (Annex 2)
- *«Protection of farmers' rights and mechanism of benefit sharing»* (Annex 3).
- First discussion of these project proposals was held during the Round Table Meeting (Ashgabat, 14.03.2009)

Conceptions

- Legislative documents are directed for enforcing the farmers activities, highlighting their main role in agrobiodiversity conservation on the places, focused on using the traditional knowledge and appropriate skills.

Farmers' rights protection

- Creation of full and orderly normative-legal base on protection of farmers' rights and developing the legal forms of householding in the villages, allows to make an important step in agrobiodiversity conservation of Turkmenistan, rare varieties of horticultural crops and wild fruit species.

*Annex 14. Country report on national legislation regarding farmers' rights
in Uzbekistan*

Annex 15. Workplan for the project to improve the recognition and protection of farmers' rights in Central Asia

Proposed actions FOR FARMERS RIGHTS (FINAL VERSION 27 APRIL 2009)

Country	Strengths	Proposed Actions	Responsible person	Deadline
Kazakhstan	<ul style="list-style-type: none"> • Subsidies system for orchards well established and functioning but it does not favour cultivation of traditional varieties. • Legal protection of wild species. • Plant variety protection system in place. 	<ul style="list-style-type: none"> • Promote the use of local varieties among farmers so that the demand for subsidies for these varieties increases. • Prepare a proposal to include an article on the documentation and protection of traditional knowledge in the draft Law on the Protection of Flora. 	<ul style="list-style-type: none"> • National Project Implementation Unit (NPIU). • National Project Implementation Unit (NPIU). 	<ul style="list-style-type: none"> • November 2009 • November 2009
Kyrgyzstan	<ul style="list-style-type: none"> • Law on traditional knowledge (TK): Holders of traditional knowledge certificates have the right to receive fees for the use of such knowledge, but this is a very young law and it has not got very far yet. • Requirement to disclose origin of traditional knowledge in patent applications. 	<ul style="list-style-type: none"> • Develop a model agreement or contract form for benefit-sharing with farmers. • Promote law on traditional knowledge through booklets and other 	<ul style="list-style-type: none"> • National Project Implementation Unit (NPIU). • National Project Implementation Unit (NPIU). 	<ul style="list-style-type: none"> • September 2010 November 2009

Country	Strengths	Proposed Actions	Responsible person	Deadline
	<ul style="list-style-type: none"> • There is an information system in place for farmers, also to provide them legal advice and assistance: Rural Advisory Services and Kyrgyz Agricultural Market Information System. • Tools in place for farmers' participation in decision-making (associations, unions, local and national representative bodies). • Plant variety protection system in place (breeders' rights and patents) but it recognizes the rights of the breeder but not the rights of the keeper of the material used for breeding (farmers). 	<p>measures.</p> <ul style="list-style-type: none"> • Publish brief and concise booklets on farmers' rights, which will be presented in round tables and disseminated among farmers through rural structures. 	<ul style="list-style-type: none"> • National Project Implementation Unit (NPIU). 	<p>November 2009</p>
Tajikistan	<ul style="list-style-type: none"> • Benefit-sharing for use of natural resources 	<ul style="list-style-type: none"> • Prepare recommendations to develop mechanisms to share benefits with farmers, defining the benefits to be shared, among whom, and the legal documents needed (contract, agreement...) 	<ul style="list-style-type: none"> • National Project Implementation Unit (NPIU), partners and consultant. 	<ul style="list-style-type: none"> • November 2009

Country	Strengths	Proposed Actions	Responsible person	Deadline
	<ul style="list-style-type: none"> The project team has proposed amendments to the law on Farms to include incentives for conservation of traditional varieties. 	<ul style="list-style-type: none"> Develop proposal to amend law to include a provision to recognize the right of farmers to get patents for the protection of their varieties. 	<ul style="list-style-type: none"> National Project Implementation Unit (NPIU) and partners. 	<ul style="list-style-type: none"> December 2009
Turkmenistan	<ul style="list-style-type: none"> System for plant variety protection is being developed, but it does not recognize the rights of the keeper of the material used for breeding. 	<ul style="list-style-type: none"> Prepare a document on the need to protect farmers' rights including some proposals to define and protect farmers' rights. This document will be submitted to the relevant Ministries to be taken into consideration for the next Action Plan for Biodiversity (2010). Prepare a document with recommendations for some legal provisions on farmers' rights to address gaps in plant variety protection law and to recognize and protect farmers' rights, ie. the right to participation in 	<ul style="list-style-type: none"> Galina Kamahina, National Project Implementation Unit (NPIU). Galina Kamahina, National Project Implementation Unit (NPIU) 	<ul style="list-style-type: none"> September 2009 November 2009

Country	Strengths	Proposed Actions	Responsible person	Deadline
		<p>decision-making and to get economic incentives to conserve traditional and local varieties.</p>		
Uzbekistan	<ul style="list-style-type: none"> • Patent system very well developed for plant variety protection through the law on breeding achievements, but the law doesn't provide tools to share the benefits with the keepers of the initial material used in breeding. 	<ul style="list-style-type: none"> • Prepare recommendations to amend law on breeding achievements so that the benefits arising from the patent are divided between the producer of the new variety and the keeper of the initial material used to produce the new variety. • Prepare recommendations to amend the law on breeding achievements so that authorship/ copyright over the variety is granted upon application/ submission to the State Variety Testing Commission. 	<ul style="list-style-type: none"> • Nikolay Skripnikov, National Project Implementation Unit (NPIU). • Nikolay Skripnikov, National Project Implementation Unit (NPIU) and partners. 	<ul style="list-style-type: none"> • November 2009 • November 2009

Annex 16. Benefits and beneficiaries of the project: Conclusions of groups and plenary discussion

PROJECT BENEFITS AND BENEFICIARIES

Benefits types	Beneficiaries within the project	Beneficiaries outside the project
Information about the importance of PGR, local diversity of fruit crops for regional and global community	<ul style="list-style-type: none"> • Farmers, local communities • Policy makers (Ministries, Government, agencies, etc.) • Research Institutes • Private sector (nurseries, processing industry) • Non-governmental organizations • Forestry farms 	<ul style="list-style-type: none"> • Other international projects • International research organizations and Universities • International Seed Production Companies • National Seed Production Companies
Technology on cultivation and management of orchards	<ul style="list-style-type: none"> • Farmers • Forestry farms • Research Institutes • Private sector (nurseries, processing industry) • Non-governmental organizations 	
Training programs and materials	<ul style="list-style-type: none"> • Research Institutes and Universities • Farmers • Forestry farms • Non-governmental organizations 	<ul style="list-style-type: none"> • International research organizations and Universities • Other international and national projects
Germplasm	<ul style="list-style-type: none"> • Research Institutes • Farmers • Private sector (nurseries, processing 	<ul style="list-style-type: none"> • International and National Seed Production Companies • International and National research

Benefits types	Beneficiaries within the project	Beneficiaries outside the project
	industry) <ul style="list-style-type: none"> • Forestry farms 	organizations and Universities
Improved legislation on Farmers' Rights protection	<ul style="list-style-type: none"> • Farmers • Decision-makers • Non-governmental organizations 	<ul style="list-style-type: none"> • International organizations, dealing with PGR
Database on local fruit crop varieties and wild fruit species	<ul style="list-style-type: none"> • Farmers • Research Institutes and Universities • Private sector (nurseries, processing industry) • Non-governmental organizations • Decision-makers • Forestry farms 	<ul style="list-style-type: none"> • Other international projects • International and National Seed Production Companies • International and National research organizations
Traditional knowledge	<ul style="list-style-type: none"> • Farmers • Research Institutes • Forestry farms • Private sector (nurseries, processing industry) • Non-governmental organizations 	<ul style="list-style-type: none"> • Other international projects • International research organizations and Universities
Planting material of fruit crops (local varieties and wild species)	<ul style="list-style-type: none"> • Farmers • Private sector (nurseries, processing industry) • Research Institutes 	<ul style="list-style-type: none"> • International and National Seed Production Companies

Benefits types	Beneficiaries within the project	Beneficiaries outside the project
	<ul style="list-style-type: none"> • Forestry farms • Non-governmental organizations 	
Laws and regulations	<ul style="list-style-type: none"> • Farmers • Decision-makers • Non-governmental organizations • Private sector (nurseries, processing industry) • Scientific research institutes • Forestry farms 	<ul style="list-style-type: none"> • International legal frameworks (Conventions, agreements)

Annex 17. How to share project's benefits: Conclusions of groups and plenary discussions

Table 1. SHARING OF BENEFITS IN FREE ACCESS

Type of benefit	Beneficiaries	Benefit-sharing Tools			
		Within the project		Outside of the project	
		Among partners within the country	Among partners in the region	Within the country	In the region and outside
Traditional knowledge	<ul style="list-style-type: none"> • Other international projects • International research institutions and universities • Farmers • Research institutes • Forestry farms • Private sector (nurseries, processing industry) • Non-governmental organizations 	<ul style="list-style-type: none"> • Publication on the web-site. • Dissemination of publications among partner organizations. • Before publishing traditional knowledge, project partners will get permission from the farmers. • The publication will mention name of the farmer or farmers who are the knowledge keepers. 			
Planting material of fruit crops (local varieties and wild species)	<ul style="list-style-type: none"> • Farmers • Private sector (nurseries, processing industry) • Research institutes • Forestry farms • Non-governmental organizations 	<ul style="list-style-type: none"> • Agreement, indicating the conditions where access for conservation and research purposes only, is free of charge. 			
Laws and	<ul style="list-style-type: none"> • International legal 	<ul style="list-style-type: none"> • Publication on the 	<ul style="list-style-type: none"> • Dissemination 	<ul style="list-style-type: none"> • Publication on the web-site. 	

Type of benefit	Beneficiaries	Benefit-sharing Tools			
		Within the project		Outside of the project	
		Among partners within the country	Among partners in the region	Within the country	In the region and outside
regulations	frameworks (Conventions, agreements) <ul style="list-style-type: none"> • Farmers • Decision-makers • Non-governmental organizations • Private sector (nurseries, processing industry) • Research Institutes • Forestry farms 	web-site. <ul style="list-style-type: none"> • Copies of the laws and regulations to be disseminated amongst farmers through government bodies, agriculture departments, Farmers' Associations, etc. 	among the countries in the region through the regional office.		
Improved legislation on Farmers' Rights protection	<ul style="list-style-type: none"> • Farmers • Decision-makers • Non-governmental organizations • International and national research organizations • International organizations, dealing with PGR 	<ul style="list-style-type: none"> • Free and open access through publications and web-site. 			
Germplasm	<ul style="list-style-type: none"> • Research institutes • Farmers • Forestry farms 	<ul style="list-style-type: none"> • Agreement between project partners guaranteeing free access to germplasm for these beneficiaries. • Collaborative activities, guaranteeing free access to partners. 			

Type of benefit	Beneficiaries	Benefit-sharing Tools			
		Within the project		Outside of the project	
		Among partners within the country	Among partners in the region	Within the country	In the region and outside
Database on local fruit crop varieties and wild fruit species	<ul style="list-style-type: none"> • Research institutes • Universities • Farmers • Decision-makers • Forestry farms 	<ul style="list-style-type: none"> • Agreement between project partners guaranteeing free and full access to the data base to these beneficiaries. • Collaborative activities, guaranteeing free access to partners. 			
Information about the importance of PGR, local diversity of fruit crops for regional and global community	<ul style="list-style-type: none"> • Other international projects • International research organizations and Universities • International Seed Production Companies • National seed production companies • Farmers, local community • Decision-makers (Ministries, Governments, agencies, etc.) • Research institutes and universities • Private sector (nurseries, processing industry) 	<ul style="list-style-type: none"> • Trainings • Workshops • Conferences • Mass media • Web-site 	<ul style="list-style-type: none"> • Publications • Web-site 	<ul style="list-style-type: none"> • Publications • Web-site 	

Type of benefit	Beneficiaries	Benefit-sharing Tools			
		Within the project		Outside of the project	
		Among partners within the country	Among partners in the region	Within the country	In the region and outside
	<ul style="list-style-type: none"> • Non-governmental organizations • Forestry farms 				
Technology on cultivation and management of orchards	<ul style="list-style-type: none"> • Forestry farms • Farmers • Non-governmental organizations • Research Institutes • Education institutions 	<ul style="list-style-type: none"> • Agreements between project partners defining responsibilities in relation to training courses. • Publications. • Agreements on free exchange of publications on technologies. 			<ul style="list-style-type: none"> • Free access to publications on technologies.
Training programmes and materials	<ul style="list-style-type: none"> • Research institutes and Universities • Farmers • Forestry farms • Non-governmental organizations 	<ul style="list-style-type: none"> • Agreements between project partners guaranteeing free access to the training programmes and materials for these beneficiaries. 			

Table 2. SHARING OF BENEFITS IN RESTRICTED ACCESS

Type of benefit	Beneficiaries	Benefit-sharing Tools			
		Within the project		Outside of the project	
		Among partners within the country	Among partners in the region	Within the country	In the region and outside
Planting material of fruit crops (local varieties and wild species)	<ul style="list-style-type: none"> • International and National Seed Production Companies 	<ul style="list-style-type: none"> • Agreement between the provider and the recipient indicating the fee to be paid to get the planting material and the conditions for its use. 			
Germplasm	<ul style="list-style-type: none"> • Private sector (nurseries, processing industry) • International research organizations • International seed production companies • National Seed Production Companies 	<ul style="list-style-type: none"> • Agreement defining conditions for the use of the germplasm and possible benefit-sharing obligations for the user. 			
Database on local fruit crop varieties and wild fruit species	<ul style="list-style-type: none"> • Non-governmental organizations • Private sector (nurseries, 	<ul style="list-style-type: none"> • Agreement between project partners defining the conditions for these potential users to access and use information included in the data base. 			

Type of benefit	Beneficiaries	Benefit-sharing Tools			
		Within the project		Outside of the project	
		Among partners within the country	Among partners in the region	Within the country	In the region and outside
	<ul style="list-style-type: none"> processing industry) • International research organizations • International research projects • International seed production companies • National seed production companies 				
Technology on cultivation and management of orchards	<ul style="list-style-type: none"> • Private sector (nurseries, processing industry) 	<ul style="list-style-type: none"> • Agreement, defining the conditions of access to information. 			
Training programmes and materials	<ul style="list-style-type: none"> • International research organizations and universities • Other international and national scientific projects 	<ul style="list-style-type: none"> • Agreement, defining conditions of payment for training materials and programmes. 			

