



**Bioversity International/UNEP-GEF Project “*In situ*/On farm conservation and use of agrobiodiversity (fruit crops and wild fruit species) in Central Asia”**



**Regional Training Workshop on  
*Access and Benefit Sharing (ABS)***

**23 - 25 March, 2010  
Tashkent, Uzbekistan**

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# **Bioversity/UNEP project “*In situ*/On farm conservation and use of agricultural biodiversity ( Fruit Crops and Wild Fruit Species) in Central Asia”.**

## **Regional Workshop on Access and Benefit Sharing (ABS)**

*23-25 March, 2010  
Tashkent, Uzbekistan*

### **Executive Summary**

Regional workshop on access and benefit sharing (ABS) was organized within the Bioversity International / UNEP-GEF project “*In situ* / On Farm conservation and use of agricultural biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia” on 23-25 March, 2010 in Tashkent, Uzbekistan. Representatives of project partners from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan participated in the workshop. As a trainer at a workshop attended by Isabel Lapena, Regional Consultant on Legislation, Bioversity International, where she assisted by Kamola Kayumova, Assistant to Regional Consultant.

#### **Day 1, Tuesday 23 March, 2010**

##### **Opening session**

Muhabbat Turdieva, Regional Project Coordinator of the Bioversity International / UNEP-GEF project “*In situ* / On Farm conservation and use of agricultural biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia”, opened the workshop, welcomed all participants and thanked them for accepting the invitation to take part in this workshop. In her statement, she clarified that this workshop is a continuation of workshops held in 2008 and 2009, namely, a workshop on Law Issues (November, 2008) and a workshop on Farmers' Rights (April 2009).

Then M.Turdieva submitted trainer of conducted workshop in the person of Isabel Lapena, highlighting her previous experience in Legislation at the international level. Each participant of workshop introduced himself. List of participants is attached in Annex 1. M.Turdieva briefed those present on the main aspects of the program of the workshop, which included: 1) Status of work on development of proposals in countries for improving national legislation according to the Workplan agreed at the Regional Workshops on Legislation Issues (November 2008) and Farmers' Rights (April 2009); 2) Access and Benefit Sharing: Tools and guidelines for Sharing of Benefits in Free Access; 3) Access and Benefit Sharing: Tools and Guidelines for Sharing of Benefits in Restricted Access. The Program of workshop is attached in Annex 2.

The first session of the seminar was opened by M.Turdieva and she presented to the participants a report on the progresses of the project at the regional level for each component of the project for the period from 2006 to 2009. Particular attention was paid to progresses as: **Component 1. - legislative base and awareness:** there was analysis of legislative base in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan; on the basis of this analysis; prepared proposals for the establishment of five protected areas for conservation of wild fruit species, including a national natural park in Kazakhstan, two state wildlife park in Kyrgyzstan, and 2 natural park in Uzbekistan. There were also organized performances of agro-theaters in Tajikistan, Turkmenistan and Uzbekistan; Video-films on the Conservation of fruit crops were shoot in Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan. **Within component 2** - Knowledge and methodology were conducted expeditionary surveys, discussions in focus groups and individual interviews of farmers, as a result had been identified 160 local grape varieties and forms, including 145 varieties and forms of apple, and 103 – of apricot, 40 - of walnut, 32 - of pears, 68 promising forms of

wild pistachios, currants, sea buckthorn, walnut, apple, almond and plum; assisted in the use of new methods to ensure the quality of data on the level of diversity (molecular markers, survey methodology, handles crops); strengthened by 63 key nursery for propagation of planting material of local varieties of fruit crops targeted; set up 47 demonstration plots in the orchards of farmers to share knowledge and experiences among the farmers prepared and published 36 recommendations. **For component 3 - Creating Partnerships:** created two Farmers' Associations in Tajikistan, and one Association - in Kazakhstan; organized exhibitions of planting material of fruit crops in Tajikistan and Uzbekistan; created Multifunction local committees and organized the coordinating committee in Kazakhstan and Kyrgyzstan; **For Component 4 - Capacity building:** established and equipped with 5 Regional and 8 National Training Centers, organized 18 Regional trainings. More than 600 farmers were trained at national workshops. Presentation of M.Turdieva is attached in Annex 3.

Then the floor was given to Isabel Lapena. In her presentation she reminded to participants about the results of the discussion on access and benefit sharing in the previous workshops, namely workshops on Legislation and Farmers' Rights, which were held in November 2008 and April 2009. Presentation of I.Lapena is attached in Annex 4.

### **Session 1: Status of work on development of proposals in countries for improving national legislation according to the Workplan agreed at the Regional Workshops on Legislation Issues (November 2008) and Farmers' Rights (April 2009).**

In this session, representatives of the countries reported on the successes and achievements in the area of law since the previous workshop on Legislation (November 2008) and Farmers' Rights (April 2009). In particular, they informed those present how far have the countries gone in the implementation of the national tasks defined in the previous workshops regarding the program of work to improve conservation of wild fruit species (in situ), supporting farmers in on farm maintenance of local diversity of fruit crops, recognition and protection of Farmers' Rights. Also in the reports the countries indicated what difficulties they have encountered in solving the above issues and how can regional collaboration between project partners contribute in the improving sustainable use of agrobiodiversity and implementation of Farmers' Rights in the region.

The first speaker was T.Nurmuratuly, National Project Coordinator in Kazakhstan, who noted that the national implementing on an ongoing basis is tracked, and what new laws are adopted by the state. During the implementation of project activities by national artists developed jointly with the implementing GEF-UNDP project of the Conception on Law "On Flora" of the Republic of Kazakhstan. The so-called "Green" program for the conservation of biodiversity is being developed by Ministry of Environment of the Republic of Kazakhstan. State receives an annual subsidy for the development of horticulture and viticulture, in particular for the establishment of new plantations in 2007, was allocated 800 million tenge (\$ 7 million 200 thousand U.S. dollars) in 2008 - 1551.7 million tenge (over 12 million U.S. dollars) in 2009 - 1506.3 million tenge (about 10 million U.S. dollars). Finally, National Coordinator added that they took into account all recommendations of the Regional Office on improve their proposals. Presentation of T. Nurmuratuly is attached in Annex 5. T. Nurmuratuly invited to watch a film about the "Wild fruit forests of Semirechya", which was shoot within the framework of the National Division of the project in Kazakhstan.

Then E.Kaparova presented her Presentation, Senior Lecturer of Kyrgyz Agrarian University. Elmira Kaparova noted that currently a State Agency of Environment and Forestry under the Kyrgyz Republic (State Agency) is developing a new strategy for biodiversity conservation and Action Plan on biodiversity conservation for the period of 2011-2014. The draft of a new Law of the Republic of Kyrgyzstan "On Especially Protected Natural Areas" – "On EPNA" – includes standards of in-situ/on-farm conservation of fruit crops and their wild relatives on protected areas. In addition, standards of in-situ/on-farm conservation of fruit crops and their wild relatives and on the use of genetic and biological resources have been included into Chapter 24 "Access to Genetic and Biological Resources" of a draft of

a new Environmental Code of RK. A draft of a Forest Code has been elaborated, which includes a list of especially valuable wood species of the Forest Code of RK (Article 57-1) listing Kyrgyz' Apple and sea-buckthorn. Proposals to support farmers are being prepared; proposals were made to develop farming enterprises that are involved in on-farm conservation and dissemination of fruit crops and their wild relatives to be reflected in the Strategy for Biodiversity for 2011-2014, which is being developed by the State Agency. There is, currently, a preparation of the following RK Draft Laws: "On inserting additions to the Law 'On Local Governance and Local State Administrations' and "On inserting additions to the Law No. 47 'On Peasant (Farming) Holdings' as of 3 June 1999". A new National Action Plan for the development of forest ecosystems in the 2011-2014. Brochures to promote the law on traditional knowledge are being developed; round tables on farmers' rights are planned. Presentation is attached in Annex 6.

The next speaker was Tuychi Samiev, Lawyer of the Tajik Academy of Agricultural Sciences. In turn, Tuychi Samiev stressed that they have been made the proposals for the Law of the Republic of Tajikistan "On Dehkan (Farming) Enterprise" as of 19 March 2009; proposals regarding the improvement of current laws "On Breeding Achievements" are being prepared; proposals for the consideration by the Committee for Rare and Endangered Animal and Plant Species were provided with regard to the incorporation of rare wild species of grapes, pomegranate, cherry plum into the new (second) edition of the Red Data Book of Tajikistan. Also proposals are given on ensure the integrity of the farms while maintaining and growing species and forms of fruit crops and their wild relatives on a legal and regulatory level and bringing it to the attention of other farmers, on issuing patents on varieties, form, or technology presented by farmers. Standard forms are being developed for cooperation of farmers and farmers, farmers and research institutions and stakeholder legal entities and individuals; a mechanism of profit sharing and its introduction at farms is underway. Presentation is attached in Annex 7.

The next presentation was presented by Galina Kamahinoy national consultant on Legislation of Turkmenistan. First Galina Kamahina noted that Turkmenistan has started a project to implement a Zumban Park, which will cover economic, social, etc. questions and where it will be possible to make proposals for the conservation of biodiversity. Two concepts of the legal initiative are presented: "On Protection of Farmers' Rights and a Mechanism of Benefit Sharing when Growing Fruit Crops and their Wild Relatives in Turkmenistan" and "On Measures to Support Farms where Local Varieties of Fruit Crops and their Wild Relatives are Grown". A working document "Concerning enforceability of farmers' rights to eliminate gaps in current drafts of new laws" (Forest Code, On Seeds, On Legal Protection of Breeding Achievements and EPNA) was prepared; the gaps in new edition of enactments of Turkmenistan concerning protection of plant genetic resources and farmers' rights were discussed; proposals regarding legal protection of forest genetic resources for the new edition of "Forest Fund of Turkmenistan" were made. Proposals were prepared on recognizing the protection of rights of farmers and farms to conserve genetic diversity of local varieties of fruit crops and their wild relatives. A Training Module on Farmers' Rights was prepared using an interactive teaching method. Presentation is attached in Annex 8.

Then Abdihalil Kayimov presented his presentation, the National Project Coordinator in Uzbekistan. Abdihalil Kayimov noted that they submitted proposals to "Concept of Forestry Development in Uzbekistan until 2030" and draft of a new "Forest Code of the Republic of Uzbekistan"; also is being developed a concept of the law "On Conservation of Genetic Resources of Cultivated Species and their Wild Relatives". A list of wood species of special value whose protection needs to be strengthened was recommended for the Forest Code, which was submitted to the Main Forestry Department of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan. A Register of local varieties of local fruit crops should be developed. Thirty- five agreements were concluded on creation of demonstration sites and fruit crop mini-nurseries for target crops with farmers and renters.

Twenty-two demonstration plots were set up on conservation of local varieties of fruit crops; ten local multifunctional committees (LMC) were set up in 9 provinces of the Republic. Prepare recommended

additions/amendments for the law "On Breeding Achievements": 1) to test the submitted breeding achievement on demonstration sites as well according to the methodology of the State Committee for Testing Varieties of agricultural crops; 2) to conduct variety testing in close cooperation with farmers and scientists; 3) a patent holder shall maintain a variety for the period of patent validity in such a way as to preserve traits declared in the official description of the variety compiled at the moment of their registration in a relevant registers. This means that for each variety, there is a need for a mother tree. Presentation is attached in Annex 9.

Isabel Lapena summed up the first day of the workshop, stressing that all countries much has been done to improve their national legislations in the sphere of in situ / on farm conservation and utilization of agro-biodiversity (fruit crops and their wild relatives). She also noted the positive aspects such as the establishment of Farmers Association from an institutional point of view; opportunities for farmers' certificates for planting material; as well as the establishment of local multi-functional committees in Uzbekistan, which will facilitate the introduction of scientific achievements into production; creation of a roster of local varieties and forms of fruit crops; establishment of networks of nurseries to enhance their activities. Wild fruit species included in the legal instruments, such as the Forestry Code and Environmental Code.

Isabel Lapena emphasized that the reports of all five countries used a practical approach, and in turn recommend to all countries consider the implementation process to be developed.

At end of the first day of the workshop M.Turdieva informed the participants that in the handouts they will find a model contract / agreement with the free and restricted access to the products of the project, and participants have the opportunity tomorrow to read them.

The first day ended with watching the movie "On the prospects of viticulture", shoot in the project by the National Division of the project in Kazakhstan.

## **Day 2, Wednesday 24, 2010**

### **Session 2: Access and Benefit Sharing: Tools and guidelines for Sharing of Benefits in Free Access.**

M.Turdieva, Regional Project Coordinator welcomed the participants and presented the work plan for the second day of the seminar, which was devoted to consideration of tools for benefit sharing in the free and restricted access.

M.Turdieva presented to the participants the presentation with information about the benefits of the project, potential beneficiaries and tools to enable sharing, both nationally and regionally, which were agreed at the recent regional workshop on Farmers' Rights (April 2009). Presentation is attached in Annex 10.

Isabel Lapena familiarized participants with access to traditional knowledge. The concepts such as "objects of traditional knowledge", "main beneficiaries" and the notion of "traditional knowledge" were defined. Lecturer paid particular attention to the main tools for access to traditional knowledge, which is the "prior informed consent", which is a term proposed by the International Convention on Biological Diversity. Isabel Lapena elaborated on every word that defines this term. "Prior" - implies informing farmers in advance, before the publication of its traditional knowledge. "Informed" - implies alert the farmer that you plan to publish his knowledge. Isabel advised to participants, that "prior informed consent" always be confirmed, since in practice there is a negative experience when the farmer's consent was not recorded in writing, and much work was done by researchers in vain. Particular attention was also paid to such a concept as the authorship of which is assigned to the farmer, as it is the source of that knowledge and it is necessary to give a reference to the farmer's source of knowledge with the publication of information received from the farmer. In this regard, a participant from Turkmenistan asked that, if we give a link to a farmer, you may have that the rest of the farmers community can show

his displeasure that the mention of only one farmer, although they know the data of traditional knowledge. What the lecturer said that farmers must coordinate this with the community before giving any traditional knowledge. The discussion revealed that researchers are often faced with an issue like the reluctance of farmers to share their traditional knowledge, which is their inalienable right. Also the lecturer was addressed to a question regarding the need to harmonize with the public authorities of the traditional knowledge, publication of which is planned. To which an answer was received, that everything is determined by the legislation of any country. In her presentation, Isabel presented to the participants of a sample of the certificate of "prior informed consent" before the publication of traditional knowledge. Presentations of Isabel Lapena with the basic concepts and provisions on free access to traditional knowledge, as well as a sample of prior informed consent are presented in Annex 11.

Then Isabel Lapena familiarized participants with tools and guidelines for free access to products of the project, as planting material and germplasm of fruit crops. Objects and beneficiaries were identified and such key issues as the provisions on access and benefit sharing, which consists of: a) descriptions of genetic material and legal status; b) allowed the use of genetic resources; c) inability to change; d) application for intellectual property rights; e) terms of the distribution of benefits; f) providers' rights; g) third parties' rights.

Two samples of material transfer agreements were offered to participants. The first model agreement used by the private sector and was granted legal department of FAO. A second sample agreement was used for a long time by CGIAR. Both agreements can be used by national partners. The presentation with principles of free access to planting material and germplasm of fruit crops, as well as samples of the agreements are presented in Annex 12.

The second presentation provided by Isabel Lapena was the exchange of information memorandum of understanding. Isabel Lapena stressed that this type of agreement – an agreement between the project partners, guaranteeing free and full access of beneficiaries to the databases, also it may be useful for: agreements on free exchange of publications on technologies of cultivation and horticulture. Presentation is attached in Annex 13.

After M.Turdieva offered to participants to discuss the project agreement (MOU) worked by Isabel Lapena between the projects partners, guaranteeing the free and full access to the databases. There was determined a list of information products in conjunction with the seminar participants derived from the project in all five countries in the region, which included the: 1) scientific publications (articles, research reports, monographs, guidelines and other publications); 2) field data - a database of local varieties / forms; 3) database of partner organizations and farmers; 4) database of key nurseries; 5) database of demonstration plots; 6) traditional knowledge; 7) teaching materials; 8) legislative components; 9) proposal of the project; 10) conclusions and suggestions. The list of products information, as agreed by the participants, is presented in Annex 14.

Defining information products, with participants agreed on whether these products are freely available to everyone or should they be in the limited access granted to certain specified conditions. During the discussion it was decided that those publications that were issued under the project should be freely available and gives everyone. Later, after the completion of the project, wishing to place their publications on this portal can post a summary of their work and complete information can be found on the agreed terms.

At the end of the second day M.Turdieva summarized up the results of the workshop.

### **Day 3, Thursday 25, 2010**

#### **Session 3: Access and Benefit Sharing: Tools and Guidelines for Sharing of Benefits in Restricted Access.**

M.Turdieva welcomed participants and noted that the third day of the seminar will be devoted to discussion of the limited access to planting materials horticultural crops (local varieties and wild relatives).

Isabel Lapena notify all participants that today would be considered the previously requested samples of contracts to restricted access, in which participants are the supplier and the recipient, but also indicates fee payable for obtaining planting material and conditions of using. Lecturer reported that the model agreement, which provides a payment, is similar agreement on the transfer of material (germplasm). She pointed to a paragraph stating that the material is available on coordinated conditions, at a coordinated price and payment will be made after the conclusion and signing of the contract. Also, this type of contract is used to transfer material (germplasm) for research. Presentation of Isabel Lapena is attached in Annex 15.

Also, Isabel Lapena noted that the agreement need to add one more point, which determines that the right to obtain a biological resource does not cause the rights to genetic resources and has one of the examples, when, after obtaining the material international seed companies might use it for breeding, then get on it intellectual property rights.

Following draft agreement defines the conditions of restricted access to germplasm. This type of agreement defines the terms of germplasm and possible liabilities user concerning the benefits sharing. (Annex 16). Later it was submitted an agreement defining the conditions for potential users in relation to access and use of information contained in the database of local varieties of fruit crops and wild relatives (Annex 17). Also, Isabel Lapena added that the conditions in this agreement may be determined under the same conditions as specified in the memorandum related to information exchange.

Later during the discussion of this issue, Lecture noted that there are two agreement on obtain the materials (germplasm).

1. Agreements concluded between research institutes on the use of the material (germplasm) for research.
2. Type of agreement, which does not specify charges in exchange of material (germplasm).

She pointed out that if the agreement is with an international seed company and the price is indicate in it, then such an agreement does not cause any intellectual property rights. A participant from Uzbekistan asked if it is a farmer who has a grade and want to buy from the farmer and the farmer does not know the true value of this class, what have to do to ensure that this farmer has not suffered loss. At this M.Turdieva explained that the standard agreement should be concluded. Then Isabel Lapena noted that normally the material transfer agreement concluded between research institutes, private companies engaged in scientific research, etc. Everything is complicated when it comes to benefits sharing. Also in the agreement the parties want to be assured, and they attract third parties to obtain such assurances. In the late Trainer added that now the participants have a clear idea of how in the world there is a transfer of materials and that research institutions usually use the material transfer agreement (germplasm).

M.Turdieva presented to the participants the draft work plan for further steps to improve national legislation, ensure access to the products of the project and benefit sharing. During the reviewing and discussing the work plan identified the date of submission of information on the work plan. The workplan presented in Annex 18.



Then M.Turdieva noted that the National Coordinators to organize national workshops with the executive authorities and project partners to discuss the submitted samples of agreements on access and benefit sharing of restricted and free access, also provide coordination and signing of agreements on access and information sharing between the national executing agency and project partners.

All participants were given the opportunity to evaluate the seminar, providing comments and recommendations. These evaluations of the workshop are presented in Annex 19.

**Bioversity International/UNEP-GEF Project**  
**“In situ/On farm Conservation & Use of Agricultural Biodiversity (Fruit crops and Wild Fruit Species)in Central Asia”**

**Regional Workshop on "Access and Benefit Sharing (ABS)"**

**List of participants**

*March 23 – 25, 2010*  
*Tashkent, Uzbekistan*

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**Biodiversity/UNEP Project**  
**“In situ/On farm conservation and use of agricultural biodiversity (Fruit crops and Wild Fruit Species) in Central Asia”.**

**Regional Workshop on Access and Benefit Sharing (ABS)**

**Tashkent, Uzbekistan**  
**23-25th March, 2010**

**PROGRAMME**

<b>Tuesday, 23 March, 2010</b>		
<b>09:30 – 10:00</b>	<b>Overview of the project, introduction of the agenda and objectives of the workshop.</b>  Presentation of participants  <b>Introduction of the agenda and objectives of the workshop.</b>	<i>Muhabbat Turdieva</i>
<b>10:00 – 11:00</b>	<b>Summary of the previous workshop on Farmers Rights and the main issues that were discussed.</b>	<i>Isabel Lapeña/ Kamola Kayumova</i>
<b>11:00 – 11:15</b>	<i>Coffee/Tea</i>	
<b>Session 1: Status of work on development of proposals in countries for improving national legislation according to the Work plan agreed at the Regional Workshops on Legislation Issues (November 2008) and Farmers' Rights (April 2009).</b> <ul style="list-style-type: none"> <li>• Presentation on progress and achievements since the previous workshops on Legislation Issues (November, 2008) and Farmers' Rights (April, 2009)</li> <li>• How far have the countries gone in the implementation of the national tasks defined in the previous workshops regarding the program of work to improve conservation of wild fruit species (in situ), supporting farmers in on farm maintenance of local diversity of fruit crops, recognition and protection of farmers' rights?</li> <li>• What difficulties have national partners encountered?</li> <li>• How can regional collaboration between project partners contribute in the improving sustainable use of agrobiodiversity and implementation of Farmer Rights in the region?</li> </ul>		
<b>11.15- 12.00</b>	<b>Kazakhstan</b> Presentation of Progress since the workshop on farmers' rights. (25 minutes presentation + 10 minutes general discussion)	<i>Tleu Nurmuratuly</i>
<b>12:15- 12:45</b>	<b>Kyrgyzstan</b> Presentation of Progress since the workshop on farmers' rights. (25 minutes presentation + 10 minutes general discussion)	<i>Elmira Kaparova</i>
<b>12:45 – 14:00</b>	<b>Lunch</b>	
<b>14:00 – 14:45</b>	<b>Tajikistan</b> Presentation of Progress since the workshop on farmers' rights. (25 minutes presentation + 10 minutes general discussion)	<i>Tuychi Samiev</i>
<b>14:45 – 15:30</b>	<b>Turkmenistan</b> Presentation of Progress since the workshop on farmers' rights. (25 minutes presentation + 10 minutes general discussion)	<i>Galina Kamahina</i>
<b>15:30 – 15:45</b>	<i>Coffee/Tea</i>	

15:45 – 16:30	<b>Uzbekistan</b> Presentation of Progress since the workshop on farmers' rights. (25 minutes presentation + 10 minutes general discussion)	<i>Abdikhalil Kayimov</i>
16:30 – 17:00	Summary of the session and future steps on regional collaboration for the implementation of Farmer Rights in the region	<i>Isabel Lapeña/ Kamola Kayumova</i>
<b>Wednesday, 24 March, 2010</b>		
<b>Session 2: Access and Benefit Sharing: Tools and guidelines for Sharing of Benefits in Free Access</b>		
9:30 – 10:15	<b>Presentation of the table that summarizes products of the project, possible beneficiaries and possible benefit-sharing tools</b>	<i>Muhabbat Turdieva</i>
10.15 - 11.00	<b>Access to traditional knowledge</b> Proposal of a legal instrument. Guidelines. + 15 minutes general discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
11:00 – 11:15	<b>Coffee/Tea</b>	
11:15 - 12:00	<b>Access to planting material of fruit crops</b> Proposal for an Agreement indicating the conditions of free of access only for conservation and research purposes Guidelines. + 15 minutes general discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
12:00 – 12:45	<b>Access to germplasm</b> Proposal of an agreement between project partners guaranteeing free access to germplasm Guidelines. + 15 minutes general discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
12:45 – 14:00	<b>Lunch</b>	
14:00 – 15:00	<b>Access to the database on local fruit crop varieties and wild fruit species</b> Proposal of an agreement between project partners guaranteeing free access to the data base Guidelines. + 15 minutes general discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
15:15 – 16:00	<b>Access to technology on cultivation and management of orchards and training material (modules)</b> Discussion on a proposal of agreements between project partners defining responsibilities in relation to training courses. Discussion on an agreement on free exchange of publications on technologies	<i>Isabel Lapeña/ Kamola Kayumova</i>
16:00 – 16:45	<b>Review of instruments related to free access</b> <b>Other issues in sharing of benefits in free access</b> -Publications on the website and dissemination of laws and studies regarding on farm conservation; farmers´ rights and laws.	<i>Isabel Lapeña/ Kamola Kayumova</i>
16:45 – 17:00	<b>Summary of the day</b>	<i>Isabel Lapeña</i>
<b>Thursday, 25 March, 2010</b>		
<b>Session 3: Access and Benefit Sharing: Tools and Guidelines for Sharing of Benefits in Restricted Access.</b>		
9:30-10:15	<b>Access to planting material of fruit crops</b> Discussion on a proposal of an agreement between the provider and the recipient indicating the fee to be paid to get the planting material and the conditions for its use Guidelines General discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
10:15 – 11:00	<b>Access to germplasm</b> Defining a proposal of agreement on conditions for the use of	<i>Isabel Lapeña/ Kamola Kayumova</i>

	the germplasm and possible benefit-sharing obligations for the user. General discussion: Defining benefit sharing in the context of farming communities and Farmers Rights. Guidelines	
<b>11:00 – 11:15</b>	<b>Coffee/Tea</b>	
<b>11:15 – 12:00</b>	<b>Access to technology on cultivation and management of orchards</b> Proposal of an agreement defining the conditions of access to information Guidelines General discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
<b>12:00 – 12:45</b>	<b>Access to database on local fruit crop varieties and wild fruit species</b> Proposal of an agreement between project partners defining the conditions for these potential users to access and use information included in the data base Guidelines + 15 minutes General discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
<b>12:45 – 14:00</b>	<b>Lunch</b>	
<b>14:00 – 14:45</b>	<b>Review of the instruments related to restricted access Other issues in sharing of benefits in restricted access</b> + 15 minutes General discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
<b>14.45 – 15.15</b>	<b>Regional collaboration between project partners based on the benefit-sharing tools.</b> + 15 minutes General discussion	<i>Isabel Lapeña/ Kamola Kayumova</i>
<b>15:15 – 15:45</b>	<b>Coffee/Tea</b>	
<b>15:45 – 16:15</b>	<b>Summary of the workshop and following steps</b>	<i>Isabel Lapeña/ Muhhabat Turdieva</i>
<b>16:15 – 16:30</b>	<b>Closure of the workshop</b>	<i>Isabel Lapeña/ Muhhabat Turdieva</i>

**Presentation of M. Turdieva**

**PROJECT ACHIEVEMENTS FOR THE PERIOD 2006-2009**

# PROJECT ACHIEVEMENTS

Regional workshop on Access and  
Benefit Sharing (ABS)

23-25 March, 2010

M.Turdieva, Regional Project Coordinator

## 1. LEGISLATIVE BASE

- ▣ The analysis of the legislative bases in Kazakhstan, Kyrgyzstan, Tajikistan Turkmenistan and Uzbekistan was conducted.
- ▣ Proposals for the establishment of protected areas for conservation of wild fruit species were prepared: 1 – in Kazakhstan, 2 – in Kyrgyzstan, 2 – in Uzbekistan.
- ▣ Mechanisms to promote of prepared proposals were agreed in Regional Workshop on Legislation (November, 2008).

## 1. LEGISLATIVE BASE

- Regional Workshop on Farmers' Rights ( April, 2009).
- Project Benefits and tools of Benefit Sharing were identified.
- Articles were published, presentations on radio and television to raise public awareness were organized.
- Performances of Agro-theaters in Tajikistan, Turkmenistan and Uzbekistan were organized.
- Films in Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan were made.

## 2. KNOWLEDGE AND METHODOLOGY

- Expedition surveys, discussions in focus groups and individual surveys farms were conducted.
- 160 local varieties and forms of grapes, 145 - apple, 103 - apricot, 40 - walnut, 32 - pears, 26 - pomegranate were identified.
- 68 promising forms of wild pistachios, currants, sea buckthorn, walnut, apple, almond and plum were identified.



## 2. KNOWLEDGE AND METHODOLOGY

- ▣ Many of the identified varieties of folk selection differ early ripening, resistance to early-spring frost, soil salinity and drought, the lack of periodicity of fruiting.
- ▣ Using of new methods to ensure the quality of data on the level of diversity were promoted (Molecular markers, survey methodology, descriptors cultures, GIS).
- ▣ Knowledge on the development of market strategies were increased.

## 2. KNOWLEDGE AND METHODOLOGY

- ▣ 63 key nurseries for reproduction of planting material of local varieties of fruit crops targeted were reinforced.
- ▣ 47 demonstration plots in farmers' orchards to exchange with knowledge and experience among farmers were created.
- ▣ 36 recommendations on the technology of cultivation of local varieties, work in nurseries, budding, with the description of local varieties were prepared and published.

### **3. CREATING THE PARTNERSHIPS**

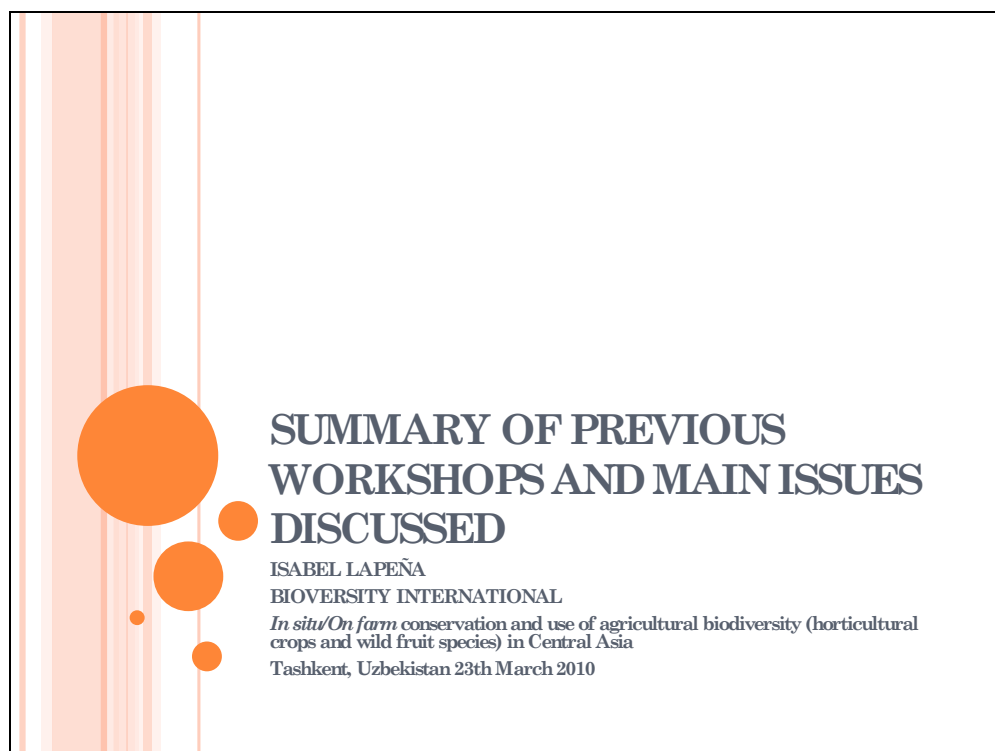
- ❑ Multifunction local committees and the coordinating committee in Kazakhstan and Kyrgyzstan were created.
- ❑ Farmers' Associations : 2 - in Tajikistan 1 - Kazakhstan were created.
- ❑ Republican scientific-practical conference in Uzbekistan was organized (December 2009).
- ❑ Exhibitions of planting material of fruit crops in Tajikistan and Uzbekistan, farmers' participation in international exhibitions in Uzbekistan were organized.

### **4. CAPACITY BUILDING**

- ❑ 5 Regional Training Centers were created and equipped : Socio-Economic Research, walnuts, apricots, pomegranates, molecular markers.
- ❑ 8 National Training Centers for priority nut-fruit crops were created.
- ❑ Regional Seminar on Capacity Building (March 2009) was organized.
- ❑ 18 regional training courses in 2006-2009 were organized.
- ❑ More than 600 farmers in regional and national trainings were trained.

Presentation of I. Lapena

SUMMARY OF PREVIOUS WORKSHOPS AND MAIN ISSUES DISCUSSED

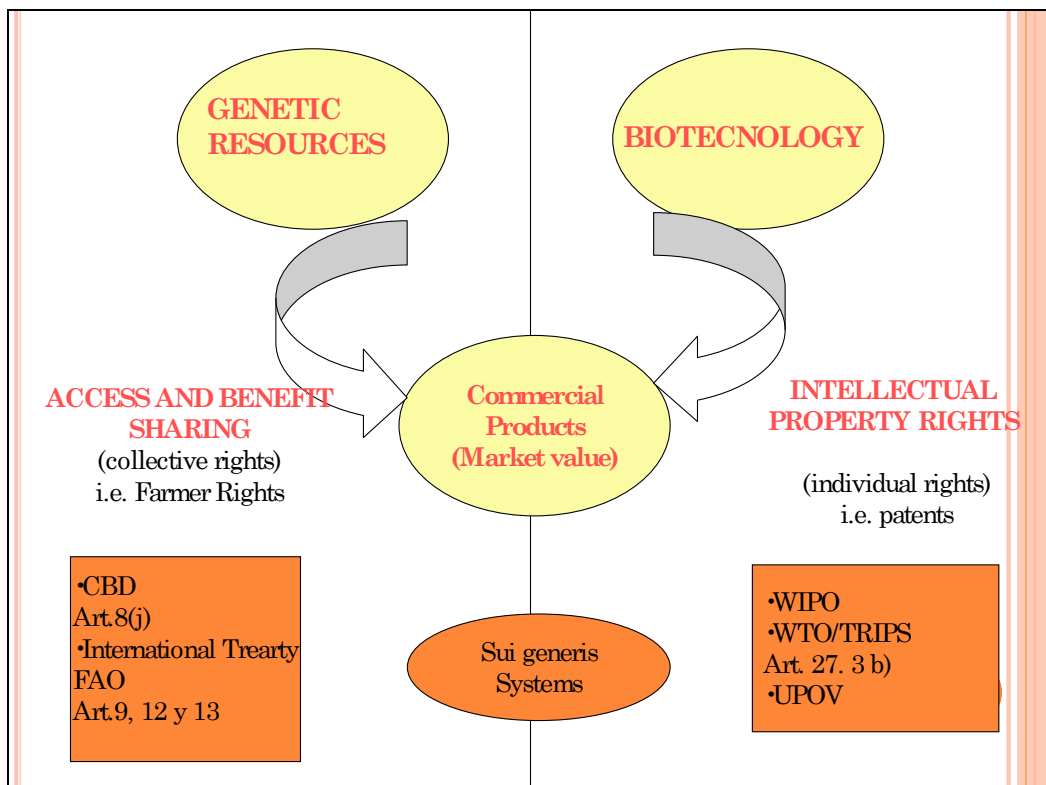


**1ST WORKSHOP 11-14 NOVEMBER 2008**

- International legal landscape: A review of the Convention on Biological Diversity, the International Treaty and other legal instruments: -Countries ratified CBD/Not International Treaty
  - Access to genetic resources and Benefit Sharing: **Art. 15 CBD**
- (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.

# 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
- **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



## MAIN RECOMMENDATIONS:

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




## CONSERVATION ON WILD FRUIT SPECIES IN PROTECTED AREAS- IN SITU


- Include *in-situ* conservation of wild fruit species in norms related to specially protected areas and forest lands;
- Include species in lists of especially valuable species (i.e. valued wood species)
- Include importance of crop wild relatives and on farm conservation in legislation (i.e. Environmental Code; Forest Code; Biodiversity Strategies, etc. )
- Include species in list of species under threat of disappearance



## SUPPORTING FARMERS IN CONSERVATION OF LOCAL DIVERSITY OF FRUIT CROPS (ON-FARM)

- Reforms on legislation (i.e. regulation on subsidies for establishment and management of orchards of fruit crops)
  - Develop proposals of norms on farms development, dealing with *on-farm* conservation and multiplication of local varieties of fruit crops and wild fruit species
  - Proposal of norms for improving the investment and conditions of farmers and organization of Farmers Associations
  - Develop laws on conservation of genetic resources of the cultivated crops and wild fruit species
  - Establish demonstration plots and extension services
  - Capacity Building (i.e. for increasing the legislative knowledge of farmers)
- 


## PROTECTION OF FARMER'S RIGHTS

- Protection of Traditional Knowledge
  - Use of Intellectual Property Tools for Farmers benefit
  - Capacity Building
- 


## 2ND WORKSHOP: 21-24 APRIL 2009

- **Advances in recommendations made in 1<sup>st</sup> workshop proposals**
  - **To understand strengths and gaps in national legislation with regard to farmers' rights:**
    - **To propose actions to improve recognition and protection of farmers' rights**
    - **To define a roadmap for regional collaboration**
- 


## FARMER'S RIGHTS

- **Art. 9 of the Treaty**
    - **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 farmsaved seed/propagating material
- 

## FARMER'S RIGHTS: IMPLICATIONS

- Right to access to the genetic resources
  - Right to conserve and exchange the reproduction
  - Right to get benefit from using the genetic resources
  - Freedom of choice the variety for growing
  - Right to access and use the land resources
  - Right to get financial and technical support from the state
  - Right to improve the qualification, by getting knowledge
  - Right to get the legal support at the national and regional levels
  - Right to support and participate in the process of decision-making
  - 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
- 

## FARMERS' RIGHTS: STEPS FORWARD

- Workplan for the project to improve the recognition and protection of farmers' rights in Central Asia
  - Identification of benefits and beneficiaries of the project: Templates on Access and Benefit Sharing
    - Sharing the benefits in Free Access
    - Restricted Access
- 



**Presentation of T. Nurmutatully**

**PROGRESS REPORT ON LEGISLATION FRAMEWORK IMPROVEMENT  
IN KAZAKHSTAN**

**Progress Report Regarding  
Suggestions for Legislation in  
Kazakhstan**

***T. Nurmuratulli,  
National Project Coordinator,***

**March 23-25, 2010  
Tashkent, Uzbekistan**

**Key Legal Acts in the Republic of Kazakhstan (RK) Regarding  
Conservation of Wild Relatives of Fruit Crops**

- “On Environmental Protection”, 1997
- “On Environmental Assessment” «Об экологической экспертизе», 1997 г.
- Forest Code, 2003
- Land Code, 2003
- Water Code, 2003
- “On Especially Protected Natural Areas” (2006)
- Sustainable Development Concept, 2006
- Environmental Code, 2006
- “On Amending and Supplementing Some Legal Acts of the RK on EPNA Issues”, 2008

**Key Laws of RK Regulating the Activities of Peasant (Farming) Enterprises:**

- **“On Peasant (Farming Enterprises)”, 1998**
- **“On Protecting Breeding Achievements”, 1999**
- **“On Economic Partnership”, 1999**
- **“On Financial Leasing”, 2000**
- **“On Agricultural Partnerships and Their Associations (Unions)”, 2000**
- **“On Plant Quarantine”, 2002**
- **“On Seed Production”, 2003**
- **“On an Agricultural Water User Consumer Cooperative”, 2003**

**Key Laws of RK Regulating the Activities of Peasant (Farming) Enterprises (continued):**

- **“On Credit Societies”, 2003**
- **“On Micro-Credit Organizations”, 2003**
- **Land Code of RK, 2003**
- **Forest Code of RK, 2003**
- **Water Code of RK, 2003**
- **“On Mandatory Insurance in Plant Farming”, 2004**
- **“On State Regulation of Development of the Agro-Industrial Complex and Rural Areas”, 2005**
- **“On Amending and Supplementing Some Legal Acts of RK with the view of Food Security”, 2009**

**Expenditure Rates for Establishment and Growing Perennial Plantations of Fruit and Berry Crops and Grapes**

Characteristics of Perennial Plantations		Establishment with regard to acquisition and assembly of irrigation equipment for drip irrigation	Subsidies (40%) tenge/ha	USD
Stone Fruit Orchards:	established using semi-small-stature form of stock and tall-growing rootstocks without using fruit frames	847 546	339 018	2 322
	established using small-stature form of stock and fruit frames	1 017 055	406 822	2 786
Seed Fruit Orchards :	established using semi-small-stature form of stock and tall-growing rootstocks without using fruit frames	1 126 294	450 518	3 085
	established using small-stature form of stock and fruit frames	1 407 867	563 147	3 857
Traditional Orchards*		0	0	
Vineyards:	Established using fruit frames	876375	350550	2 401
Traditional Vineyards*		0	0	

\* Only applicable for payment from budget subsidies for growing (maintaining) fruit and berry crops established in fall 2008 and(or) spring 2009, fall 2007 and (or) spring 2008, fall 2006 and (or) spring 2007 under this budgetary program

**Volumes of Government Assistance (Subsidies) for the Development of Fruit and Vine Growing**

No.	Indicators	2007	2008	2009
	<b>Public investment (for the establishment of new plantations)</b>	<b>800 million tenge (7 million 200 thousand US dollars)</b>	<b>1,551.7 million tenge (over 12 million US dollars)</b>	<b>1,506.3 million tenge (nearly 10 million US dollars)</b>

### Description of Demonstration Sites, in selected orchards of farms in 2009

No.	Crop Variety Name	Year Planned	Area, ha	Origin L (local I (introduced))	Rootstock Type	Planting System (m)	Ripening Period	Fruit Bearing Capacity, year	Winter Resistance, score	Yield Capacity		Benefits	Shortcomings	Note
										Kg per tree	centner per ha			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>1. "Aydarbayev E." Farming Enterprise headed by Aydarbayev Erik, tel. 8(727)391-31-43, 8701-749-08-79 Address v. Saymasay of Yenbekshikazakh District in Almaty Province</b>														
<b>A p p l e</b>														
1	Zarya Alatau	2007	1	L	M-9	4,0-1,4	Winter	3	5	13	228	Fast yielding	-	1,800 trees per ha
2	Grany Smit	"	1	I	-/-	-/-	-/-	3	5	5	90	-	-	-
3	Pinova	"	1	I	-/-	-/-	-/-	3	5	15	240	-	Lengthy Blooming	-
4	Elstar	"	1	I	-/-	-/-	-/-	3	4,5	12	216	-		
1	Talgarskoye	2008	1	L	-/-	-/-	-/-	2	5	6	108	Shows likeness of clones		

2	Renet Burkardta	"	1	L	-/-	-/-	Summer	2	5	5	90			
3	Voskhod	"	1	L	-/-	-/-	Winter	2	5	6	108	High yielding	Fruit slough	
4	Aynur	"	1	L	-/-	-/-	-/-	2	5	6	108	-/-	Fruit grow smaller	
5	Vaynsapur	"	1	I	-/-	-/-	-/-	2	5	4	75	Fast yielding	-	
6	Pinova	"	1	I	-/-	-/-	-/-	2	5	6	108	Lengthy blooming	-	
7	Elstar	"	1	I	-/-	-/-	-/-	2	5	4	75	-	Fruit crack	
8	Golden Delicious	"	2	I	-/-	-/-	-/-	2	5	5	90	-		
1	Aport	2009	2	L	MM-106	-/-	-/-	5	5	-	-	-		
2	Pestrushka	"	2	L	-/-	-/-	Summer	5	5	-	-	-		
3	Suislepper	"	2	L	-/-	-/-	-/-	5	5	-	-	Fast ripening, excellent taste		
4	Zailiyskoye	"	2	L	-/-	-/-	Winter	4	5	-	-	-		
5	Sinap Almatinskiy	"	1	L	-/-	-/-	-/-	6	5	-	-	-		
<b>Total:</b>														

## On Farmers' Rights

- a. **A right to access genetic resources.** – Each farmer has free access to genetic resources of fruit crops and vineyards.
- b. **A right to keep and exchange reproductive material.**- All citizens of RK are entitled to this.
- c. **A right to benefits from using genetic resources.** – The mechanism has not yet been piloted.
- d. **Freedom of choice of crop or variety to grow.** – Peasant (farming) enterprises are entitled to free choice of crop or plant variety.

- e. **A right to access and use land.** – Arable lands are sold or rented out to farmers.
- f. **A right to receive financial and technical assistance from the government.** – The government allots subsidies and leases agricultural machinery.
- g. **A right to career development through awareness raising.** – Regional Knowledge Extension Centers for Farmers.
- h. **A right to receive legal support nationally and regionally.** – Subdivisions of the state holding “Kazargo” renders services on a gratis basis in each district.

- i. A right to promote and take part in decision-making. – Each farmer has a right to take part in decision-making.**
- j. A right to manage outcomes of own work. – Only farmers manage the outcomes.**
- k. A right to obtain an intellectual property right to bred and used crop varieties. - If a farmer breeds a new fruit crop or grape variety, the State Committee for Variety Testing under the Ministry of Agriculture of RK is to issue relevant documents.**
- l. A right to document and protect their traditional knowledge. – Farmers have a right to document and protect their traditional knowledge.**

Presentation of E. Kaparova

NATIONAL LEGISLATION IMPROVEMENT STATUS IN KYRGYZSTAN

## National Legislation Improvement Status



Kyrgyzstan

Koychumanov B.A.

Tashkent, 2010

### Implementation of Wild Relative Conservation (in situ) Improvement Objectives

- A State Agency of Environment and Forestry under the Kyrgyz Republic (State Agency) is developing a new strategy for biodiversity conservation and Action Plan on biodiversity conservation for the period of 2011-2014.
- The activities to create the following national parks have been included in the action plan on biodiversity for the period 2011-2014 according to the proposal of national consultants for the project to cover the diversity of wild relatives of horticultural crops, included activities to create state natural parks:
  - "Sarah Zhaz" (approximate area of 180 thousand ha)
  - "Alay" (approximate area of 180 thousand ha).

### **Implementation of Wild Relative Conservation (in situ) Improvement Objectives**

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- In present, a draft Law on EPNA, which has been developed and accepted during the first reading of the Parliament of Kyrgyz Republic (20 January 2010), is now under consideration.
- The draft of a new Law of the Republic of Kyrgyzstan “On Especially Protected Natural Areas” – “On EPNA” – includes standards of in-situ/on-farm conservation of fruit crops and their wild relatives on protected areas.

### **Implementation of Wild Relative Conservation (in situ) Improvement Objectives**

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- In addition, standards of in-situ/on-farm conservation of fruit crops and their wild relatives and on the use of genetic and biological resources have been included into Chapter 24 “Access to Genetic and Biological Resources” of a draft of a new Environmental Code of RK.
- A draft of a Forest Code has been elaborated, which includes a list of especially valuable wood species of the Forest Code of RK (Article 57-1) listing Kyrgyz’ Apple and sea-buckthorn.



## **Implementation of Objectives Related to Support Farmers (on farm) in Conservation of Local Diversity of Fruit Crops**

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- **Suggestions for relevant regulatory acts (laws, regulations, charters) are being prepared to support farmers and local population to grow local varieties of fruit crops and their wild relatives.**
- **Proposals were made to develop farming enterprises that are involved in on-farm conservation and dissemination of fruit crops and their wild relatives to be reflected in the Strategy for Biodiversity for 2011-2014, which is being developed by the State Agency.**

## **Implementation of Objectives Regarding Farmer Rights Recognition and Protection**

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- **There is, currently, a preparation of the following RK Draft Laws:**
  - **“On inserting additions to the Law ‘On Local Governance and Local State Administrations’”,**
  - **“On inserting additions to the Law No. 47 ‘On Peasant (Farming) Holdings’ as of 3 June 1999”,****designed to reinforce accountability of local governments and local self-government bodies for violation of farmers’ rights and empowering farmers to protect their own rights and that set forth support for agricultural producers who deal with fruit crops.**

## **Implementation of Objectives Regarding Farmer Rights Recognition and Protection**

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- **A new National Action Plan for the development of forest ecosystems in the 2011-2014**  
which is expected to include provisions on the establishment of forest protection in the fruit and nut forests, as a population, after the moratorium on cutting the nut, the fuel was cut down undergrowth trees (apple, plum, cherry plum, maple and other related species of the second and third tiers) is being worked out.
- **Brochures to promote the law on traditional knowledge are being developed.**
- **Round tables on farmers' rights are planned.**

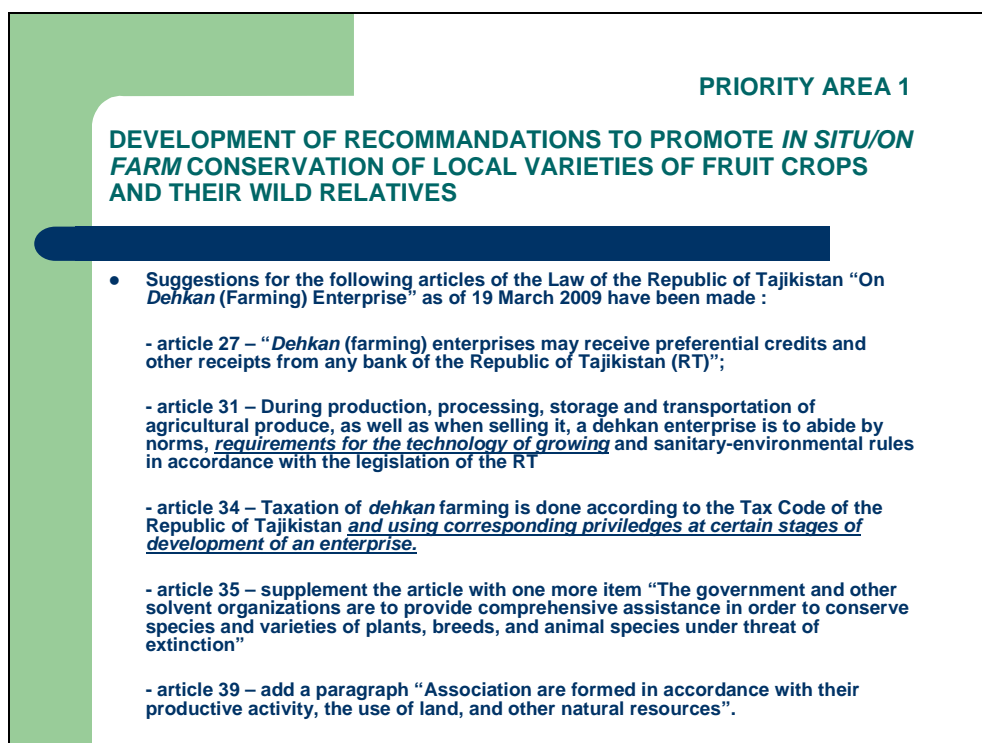
## **Difficulties in Implementing the Objectives**

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- **Coordination procedures with national ministries and departments are difficult, since with the introduction of new rules – mandatory ARI – analysis of a regulatory impact of a regulatory legal act (RLA) – requires a submission of ARI documents.**
- **In present, the consultants are rendering practical assistance to the State Agency to conduct ARI of submitted drafts of RLAs.**

Presentation of T. Samiev

PROGRESS REPORT ON LEGAL ISSUES IN TAJIKISTAN



#### PRIORITY AREA 1

##### DEVELOPMENT OF RECOMMENDATIONS TO PROMOTE *IN SITU/ON FARM* CONSERVATION OF LOCAL VARIETIES OF FRUIT CROPS AND THEIR WILD RELATIVES

- In 2003, the "National Strategy and Action Plan on Conservation and Sustainable Use of Biodiversity" of the Republic of Tajikistan was approved with the Resolution of the Government of Tajikistan (Resolution No. 392 of RT as of 1 September 2003)
- The scientific potential of the Institute for Horticulture and Vegetable Farming of the Tajik Academy of Agricultural Sciences was tapped on for the development of the National Strategy and Action Plan on Conservation and Sustainable Use of Biodiversity

#### PRIORITY AREA 1

##### DEVELOPMENT OF RECOMMENDATIONS TO PROMOTE *IN SITU/ON FARM* CONSERVATION OF LOCAL VARIETIES OF FRUIT CROPS AND THEIR WILD RELATIVES

- improvement of the environment for attraction of investment;
  - sale of farmers' produce to build their capacities;
  - ensuring favorable conditions for the conservation of species, forms and varieties of plants;
  - organization of the Farmers' Association in accordance with their production activities;
- creating favorable conditions for the use of land, water, natural resources and tangible assets.

#### PRIORITY AREA 1

##### DEVELOPMENT OF RECOMMANDATIONS TO PROMOTE *IN SITU/ON FARM* CONSERVATION OF LOCAL VARIETIES OF FRUIT CROPS AND THEIR WILD RELATIVES

In August 2010 the Institute of Agricultural Economics of the Academy of Agricultural Sciences of Tajikistan plans to:

- develop a mechanism for determining the moral and material values of species, varieties, forms of fruit crops and their wild relatives,
- provide farmers with material incentives for evaluation and dissemination of valuable forms, species and varieties

#### PRIORITY AREA 1

##### DEVELOPMENT OF RECOMMANDATIONS TO PROMOTE *IN SITU/ON FARM* CONSERVATION OF LOCAL VARIETIES OF FRUIT CROPS AND THEIR WILD RELATIVES

- The National Association of Farms, National Project Implementation Unit (NPIU) and partners shall, based on analysis findings of the status of conservation of varieties and forms of fruit crops up to August 2010, put forward suggestions regarding the improvement of current laws “On Breeding Achievements” regarding this issue.

#### **PRIORITY AREA 1**

##### **DEVELOPMENT OF RECOMMENDATIONS TO PROMOTE IN SITU/ON FARM CONSERVATION OF LOCAL VARIETIES OF FRUIT CROPS AND THEIR WILD RELATIVES**

- **The Institute of Botany, Pamir Biology Institute under the Academy of Sciences of the Republic of Tajikistan, National Project Implementation Unit (NPIU) and the partners have analyzed the status of breeds, types, and forms of fruit crops and their wild relatives in situ.**
- **Proposals for the consideration by the Committee for Rare and Endangered Animal and Plant Species were provided with regard to the incorporation of rare wild species of grapes, pomegranate, cherry plum into the new (second) edition of the Red Data Book of Tajikistan.**

#### **PRIORITY AREA 2**

##### **ANALYSIS AND DEVELOPMENT OF RECOMMENDATIONS REGARDING FARMERS' RIGHTS**

- **Ensure the integrity of the farms while maintaining and growing species and forms of fruit crops and their wild relatives on a legal and regulatory level and bringing it to the attention of other farmers.**
- **Provide opportunities for support of farms through multi-year development programs of horticulture and a combination of activities of this Project Implementation Unit and International Organizations working in Tajikistan.**

#### PRIORITY AREA 2

##### ANALYSIS AND DEVELOPMENT OF RECOMMENDATIONS REGARDING FARMERS' RIGHTS

- **Proposals were made on issuing patents on varieties, form, or technology presented by farmers.**
- **Provision of a Register of varieties and hybrids as well as wild forms of fruit crops to farmers.**

#### PRIORITY AREA 3

##### DEVELOP A MECHANISM OF BENEFIT SHARING AMONG THE PARTNERS

- **Standard forms are being developed for cooperation of farmers and farmers, farmers and research institutions and stakeholder legal entities and individuals.**
- **A mechanism of profit sharing and its introduction at farms is underway.**

## **Difficulties that hamper the implementation of legal acts concerning agrobiodiversity conservation**

- **Illegal felling of forest plantations.**
- **Overexploitation of wild fruit crops and berries.**
- **Overgrazing.**



**Presentation of G. Kamakhina**

**PROGRESS MADE IN PREPARING LEGAL INITIATIVES FOR IMPROVEMENT OF  
THE NATIONAL LEGISLATION FRAMEWORK FOR PGR CONSERVATION AND  
FARMERS' RIGHTS IN TURKMENISTAN**

**TURKMENISTAN**

**A PRESENTATION  
OF PROGRESS MADE IN PREPARING LEGAL INITIATIVES  
REGARDING THE IMPROVEMENT OF THE NATIONAL  
LEGISLATION AND FARMERS' RIGHTS  
(2008 – 2010)**

**Kamakhina G.L.,  
National Expert**

**Regional Seminar  
Issues of Access and Joint Benefit Sharing  
Tashkent, Uzbekistan  
March 23-25, 2010**

**In accordance with  
the national plan of activities coordinated at the  
Regional Workshop on Legislation Issues (November  
2008) and Regional Workshop on Farmers' Rights  
(April 2009),**

**the National Project Implementation Unit in  
Turkmenistan is presenting Progress and Achievements  
made in the reporting period in three categories**

#### FIRST CATEGORY

### **PROGRESS MADE IN PREPARING LEGAL INITIATIVES OF TURKMENISTAN**

The national project implementation unit for legislation within the realm of implementing national objectives according to the work program related to the improvement of conservation of wild relatives (in situ), support for farmers (on farm), and conservation of local diversity of fruit crops, recognition and protection of rights of farmers in Turkmenistan, has completed the following scope of work

#### FIRST CATEGORY

In 2008, trainings for decisions-makers in three areas: “Specifics of Conserving Biodiversity of Turkmenistan”, “Legal Aspects of Conserving Plant Genetic Resources” and “Legal and Regulatory Acts on Biosafety” were held in Ashkhabad.

## **FIRST CATEGORY**

A final version of

“Turkmenistan’s Report on the Analysis of National Legislation on Protection of Farmers’ Rights” (April 2009)

was prepared, edited, and submitted to the Regional Office of the Project (Tashkent).

The Annex to the Report contains two concepts of the legal initiative

“On Protection of Farmers’ Rights and a Mechanism of Benefit Sharing when Growing Fruit Crops and their Wild Relatives in Turkmenistan”

“On Measures to Support Farms where Local Varieties of Fruit Crops and their Wild Relatives are Grown”

A working document

“Concerning enforceability of farmers’ rights to eliminate gaps in current drafts of new laws” (Forest Code, On Seeds, On Legal Protection of Breeding Achievements and EPNA) was prepared.

The gaps in new edition of enactments of Turkmenistan concerning protection of plant genetic resources and farmers’ rights were discussed.

The new edition of the Forest Code holds a rationale for recognition of farmers’ rights to take part in the conservation of genetic diversity of wild relatives of fruit crops in forests of protected natural areas (national parks) and discusses gaps that exist in the current legislation on EPNA.

In order to regulate legal protection of intellectual property of breeding achievements, gaps were analyzed in

the current law “On Seeds” and new draft law “On Protection of Breeding Achievements”

A rationale of the necessity to recognize the protection of rights of farmers and farms to conserve genetic diversity of local varieties of fruit crops and their wild relatives was provided and 15 relevant proposals were prepared.

A package of specific proposals regarding the recognition of rights of farmers and farms to take part in the conservation of genetic diversity of wild relatives of fruit crops on especially protected natural areas and 7 proposals on legal reform of EPNA were expressed.

Suggestions regarding legal protection of forest genetic resources for the new edition of “Forest Fund of Turkmenistan” were made.

A specific recommendation to include wild fruit crops into the List of Wood Species of Special Value (358 plant species were suggested: woods, shrubs, and semi-shrubs) in the process of approving a new edition of the Forest Code. Priority conservation of 16 types of forest wood species was determined.

Two concepts of above mentioned project draft proposals were summarized and presented as one document –

“On Protection of Farmers’ Rights, Measures to Render Assistance to Farms and a Benefit Sharing Mechanism while Growing Fruit Crops and their Wild Relatives in Turkmenistan”

On the basis of direct consultation with and recommendations of Muhabbat Turdieva, the regional consultant on legislation issues, “Training Guidelines” (author – K. Turgunbayev, 2009) and “Teaching Aid for in-situ Conservation on Farms”

A Training Module on Farmers’ Rights  
(2 December 2009)

was prepared using an interactive teaching method.

## A Training Module

“Increasing a Level of Legal Knowledge of Farmers in Turkmenistan, who Grow Fruit Crops and their Wild Relatives”

### Contents of the Module:

1 –A Training Curriculum; 2 – A Training Plan; 3 – Contents of Handout Materials (booklets, role-play cards); 4 – Description of a Venue and Method of Training; 5 – A Plan for Conducting the Training; 6 – A Presentation of Training Outcomes (a brief review of the studied material; repetition of key training points; evaluation of a training course)

## **Guidelines**

### **conducting the theoretical part of the training (lecture)**

- 1 – “Genetic Resources of Fruit Crops in Turkmenistan and their Wild Relatives”
- 2 – “Modern Legal Framework, to Promote Farming and Growing Local Agrobiodiversity”
- 3 – “Main Components of Farmers’ Rights”

Lecture scripts are attached.

In conclusion – Presentation of Training Outcomes



**Guidelines**  
**conducting the practical part of the course (role-plays)**

Role-plays supported a relevant section of a Lecture  
with a practical example

**Role-Play Topics**

- 1 – A Choice Model of a Fruit Crop (a demand from a farmer both as a producer and a consumer of a variety)
- 2 - A Market Incentive to Grow an Ancient Variety
- 3 – Market Values of Agrobiodiversity
- 4 – A Farmer's Right to Breeding Achievements

A goal was set before each role-play and the results were discussed with the farmers. Role-play scripts are attached.

**Handout Material**

**Brochures**

“Local Fruit Crops and their Significance in Conserving Genetic Potential of the Country”, “The Current Legal Framework in Relation to Farmers' Rights”, “What is a Farmer's Right”

**Role-Play Cards**

Training Course Evaluation Questionnaire:  
overall evaluation of the training course, course content and teaching methods evaluation, teaching process evaluation, evaluation of weaknesses and strengths of the course

The text of brochures and the questionnaire is attached.

## **SECOND CATEGORY**

### **DIFFICULTIES**

**THAT NATIONAL PARTNERS FACE WHEN  
WORKING ON SITE**

## **CAPACITY**

The national project implementation unit for Legislation Issues is represented by one expert

The current visa regime between Uzbekistan and Turkmenistan limited the extent of inviting other experts to take part in Regional Workshops

## Experts

who specialize in law and environmental issues, without an appropriate training at Regional Workshops, were unable to get involved right away into the implementation of assigned tasks in the working order without relevant preparation

The Certification Process and Assigning a Legal Entity Status by the Gun (Sun) Institute of the Academy of Sciences of Turkmenistan –

to the National Executive Agency -

will be finalized by April 2010.

A lack of registration of a new National Executive Agency (NEA) limited an opportunity to hire all national partners (research institutes under the Academy of Sciences and Ministry for Nature Protection, Ministry of Justice, Medzhlis (Council), and other organizations)

There is a need for invitation letters signed off by the management of NEA

The National Biodiversity Strategy (NBDS) is valid until the end of 2010

The country has completed an analytical report “Monitoring and Evaluation of Efficient Implementation of the Biodiversity Conservation Strategy and Plan of Action” for the period of 2002-2007

A discussion of a new edition of the Strategy within the Ministry for Nature Protection has not been planned for.

## A RECOMMENDATION

to present a prepared legal initiative of the legal act

“On Protection of Farmers Rights, Measures to Provide Support for Farming Enterprises and a Mechanism of Growing Fruit Crops and Wild Relatives in Turkmenistan”

for extensive discussion to all interested participants to include its provisions into the new version of the National Biodiversity Strategy.

With support from NEA, the prepared provisions on forest resources and farmer rights for EPNA will be submitted to the Ministry for Nature Protection

The material was duly submitted for familiarization (2 November 2009) to the Deputy Minister of Nature Protection  
D. S. Saparmuradov  
and National Project Coordinator  
A. Saparmuradov.

Thus,  
the materials of the Report on Legislation, developed Recommendations with a relevant draft of a legal act have not been discussed extensively among interested persons from line ministries and have not yet been presented to Medzhlis of Turkmenistan for consideration in the form of a legal initiative

### **THIRD CATEGORY**

How has regional cooperation between project partners promoted

the improvement of sustainable use of agrobiodiversity  
and enforcement of farmers' rights in the region

A system of regional trainings, familiarization with lawmaking resources of the countries in the region, analytical reviews of the legal framework of each country, joint creation of a matrix of farmers' rights have laid the foundation for regional cooperation between project partners


### **Regional Cooperation Outcomes**

facilitated the improvement of sustainable use of agrobiodiversity locally and helped prepared drafts of legal documents to enforce rights of farmers in the entire region

**THANK YOU FOR YOUR ATTENTION!**

Presentation of A. Kayimov

**PROGRESS ON IMPROVEMENT OF LEGAL FRAMEWORK FOR CONSERVATION OF LOCAL VARIETIES OF FRUIT CROPS AND THEIR WILD RELATIVES.**




**Biodiversity International/UNEP – GEF**  
**"In Situ/On farm Conservation and Use of Agrobiodiversity (fruit crops and their wild relatives) in Central Asia"**  
**(component Uzbekistan)**

**REPORT**

**on completion of activities related to the legal framework for conservation of local varieties of fruit crops and their wild relatives**

Abdikhaliil Kayimov  
National Project Coordinator

Tashkent, 2010



**Preparation of Proposals for the Forest Code Related to Conservation of Local Fruit Crops and Theirs Wild Relatives**

**TASK No. 1.**

- **Develop and submit proposals regarding the promotion of *in situ/on-farm* conservation of local fruit crops in the current legislation**
- In accordance with a plan of action developed at the Regional Workshop on November 11-14, 2008 in Tashkent, National Partners analyzed a "Concept of Forestry Development in Uzbekistan until 2030" and draft of a new "Forest Code of the Republic of Uzbekistan" and made the following suggestions:





**Preparation of Proposals for the Forest Code Related to Conservation of Local Fruit Crops and Their Wild Relatives**

**For the Concept of Forestry:**

In the section of “Forests of Uzbekistan” :

- Forests are not a natural objects of biodiversity conservation, but part of republic’s biodiversity.
- “and conservation of biodiversity, which one of the main purposes of forestry” must be included in the list of important questions related to the Concept of Forestry Development in Uzbekistan



**Preparation of Proposals for the Forest Code Related to Conservation of Local Fruit Crops and Their Wild Relatives**

**- In the Forest Code:**

- “conservation of biodiversity” should be added as one of dimensions of forestry
- a title of section 2.4 should be clarified as follows “Conservation of Biodiversity of Flora, Especially Wild Relatives of Cultivated Crops, and Fauna”, since conservation of biodiversity is necessary not only for survival in line with the convention, but also to prevent extinction of plants and animals that are an invaluable gene pool – an asset of the republic. Uzbekistan is one of the centers of dispersal of wild relatives and their conservation should be paid great attention to and more so with imminent hunger on the Earth, the gene pool of wild relatives will be necessary for breeding new highly yielding varieties of cultivated plants.
- A phrase “Special attention shall be paid to conservation of ecosystem biodiversity in the State Forest Fund, including that of wild relatives of crops” should be added on p. 7 in the first paragraph of section 2.4.



**Preparation of Proposals for the Forest Code Related to Conservation of Local Fruit Crops and Their Wild Relatives**

National Partners participated in the workshop organized by the Main Department of Forestry (April 6-8, 2009) to discuss the "Concept of Forestry Development in Uzbekistan until 2030" and a draft of the new "Forest Code of the Republic of Uzbekistan" and provided their recommendations, namely: suggest to *Oliy Majlis* (the Parliament) that areas of protected areas in the Republic of Uzbekistan be increased for conservation of biodiversity including wild relatives of fruit crops.



**Preparation of Proposals for the Forest Code Related to Conservation of Local Fruit Crops and Their Wild Relatives**

**A list of wood species of special value whose protection needs to be strengthened was recommended for the Forest Code :**

1. Wild Apple (*Malus*).
2. Wild Pear (*Pyrus*).
3. Wild Walnut (*Juglans regia*).
4. Wild Pistachio (*Pistachio vera*).
5. Wild Almond (*Amygdalus*).
6. Wild Pomegranate (*Punica granatum*).
7. Wild Apricot (*Armeniaca vulgaris*).
8. Wild Grapes (*Vitis*).

A list was compiled by Project experts and submitted to the Main Forestry Department of the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan.



### The Law "On Conservation of Genetic Resources of Cultivated Species and their Wild Relatives"

#### Task No. 2.

Develop a concept of the law "On Conservation of Genetic Resources of Cultivated Species and their Wild Relatives" (improve the mechanism of enforcing legal and regulatory acts, additional funding from the government)

It is planned to be finished in 2010.



### Preparation of Recommendations for the Current Legislation

#### Task No. 3.

**Prepare recommendations on changes to the current legislation on conservation of genetic resources of local varieties of fruit crops and their wild relatives**

A Register of local varieties of local fruit crops should be developed. At the moment, the Register is being supplemented by GPS data of the locales.

It is planned to submit the final version of the Register to the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan for consideration and approval.

Справка 1009/1007  
от 10.04.2010 года  
Информация о состоянии дел по выполнению поручения  
Генерального директора

Перечень мероприятий по выполнению поручения Генерального директора по выполнению поручения  
Генерального директора

№ п/п	Наименование мероприятия	Сроки	Исполнитель	Статус	Примечание
1	Разработка рекомендаций по изменению законодательства о сохранении генетических ресурсов местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
2	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
3	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
4	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
5	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
6	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
7	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
8	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
9	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	
10	Разработка рекомендаций по созданию реестра местных сортов плодовых культур и их дикорастущих родственников	до 30.04.2010	И.И.И.	выполнено	





## Demonstration Sites

### Task No. 4.

#### **Creation of demonstration sites for conservation of local varieties of fruit crops**

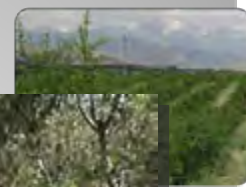
Twenty-two demonstration plots with a total area of 13,9 ha were set up within the selected agro-ecological zones featuring local varieties and forms of fruit crops and their wild relatives on the basis of existing orchards within farms and forest areas.



## Demonstration Sites

### **The following demonstration sites were set up:**

- 2 sites in Namangan Province
- 3 sites in Fergana Province
- 3 sites in Tashkent Province
- 2 sites in Bukhara Province
- 1 site in Khorezm Province
- 1 site in the Republic of Karakalpakstan
- 3 sites in Samarkand Province
- 2 sites in Kashkadarya Province
- 2 sites in Jizzakh Province
- 3 sites in Surkhandarya Province





## Demonstration Site



Thirty-five agreements were concluded on creation of demonstration sites and fruit crop mini-nurseries for target crops with farmers and renters.



## Demonstration Sites

One hundred local varieties and forms of target crops including 17 local varieties and forms of apple, 28 of apricot, 12 of pears, 24 of grapes, 13 of pomegranate, 1 of almond, 3 forms of walnut, and 2 forms of pistachio grow on the demonstration sites.





## Demonstration Sites

The main idea for the creation of demonstration sites is to show the farmers the benefit of growing precisely local varieties of fruit crops, since they are better suited to local environment, they are less susceptible to diseases (mainly fungal) when compared to the introduced forms. Farmers who have demonstration orchards, in addition to generating income from growing local varieties of fruit crops, will facilitate awareness raising of other farmers about local varieties thus attaining a higher extent of sustainable use of local fruit crops and their conservation.



## Implementation Service

### Task No. 5.

#### Creation of an implementation service at the national level

Ten local multifunctional committees (LMC) were set up in 9 provinces of the republic:

- 2 LMCs- in Samarkand Province,
- 1 LMC- in Surkhandarya Province,
- 1 LMC- in Jizzakh Province,
- 1 LMC- in Fergana Province,
- 1 LMC- in Namangan Province,
- 1 LMC- in Bukhara Province
- 1 LMC- in Khorezm Province,
- 1 LMC- in Tashkent Province,
- 1 LMC- in the Republic of Karakalpakstan.



## Implementation Services

The local multifunctional committees include representatives of district *hokimiyats* (administrations), departments of agriculture and water resources, forest farms, associations of farmers and agro-companies, chairperson of *makhalla* (local community) committees of villages on project sites and 3-4 key farmers.

LMC managers concluded agreements on cooperation and provision of assistance by local committees and authorities for the project on its pilot sites. The managers of LMCs discussed and agreed upon a round of duties of an LMC. In 2009, LMC members took part in round table discussions with farmers.



## A Training Program

### **Task No. 6.**

**Development of a training program to enrich legal awareness of farmers (Ensure the implementation of the Resolution of the Parliament of the Republic of Uzbekistan as of 11 January 2006 “On Organizational Measures to Reform Fruit and Grape Farming” by local government agencies.)**

To be developed in 2010.



## Recommendation on Supplementing/Amending the Law "On Breeding Achievements"

### Task No .7.

**Prepare recommended additions/amendments for the law "On Breeding Achievements", so that authorship/copyright for varieties is issued upon filing an application to the State Variety Testing Committee**

As it is known, tests of the submitted breeding achievement are conducted within periods established by specialized organizations on the state-owned variety testing stations, other organizations from the list approved by the Cabinet of Ministers of the Republic of Uzbekistan.



## Recommendation on Supplementing/Amending the Law "On Breeding Achievements"

1. It is recommended to test the submitted breeding achievement on demonstration sites as well according to the methodology of the State Committee for Testing Varieties of agricultural crops.
2. It is recommended to conduct variety testing in close cooperation with farmers and scientists.
3. A patent holder shall maintain a variety for the period of patent validity in such a way as to preserve traits declared in the official description of the variety compiled at the moment of their registration in a relevant registers. This means that for each variety, there is a need for a mother tree. We recommend to plant parent trees on demonstration sites.





### Recommendation on Supplementing/Amending the Law "On Breeding Achievements"

4. The following arrangement of obtaining a patent on a breeding achievement is suggested:

- Breeding achievements "varieties" bred "isolated" by a farmer are handed over to research institutions for fruit crop studies to confirm novelty and distinctiveness of a breeding achievement.
- Testing of a breeding achievement by an applicant.
- Submission of a breeding achievement to the State Committee for Variety Testing of Agricultural Crops.
- Examination of patentability of a breeding achievement.
- Acquisition of patent.
- Propagation of a breeding achievement (creation of mother plants, certification of saplings).
- Sale of saplings.

## Presentation of M. Turdieva

**TABLES SUMMARIZING THE BENEFITS OF THE PROJECT, POTENTIAL BENEFICIARIES AND TOOLS FOR BENEFIT SHARING, AGREED ON THE REGIONAL WORKSHOP ON FARMERS' RIGHTS (APRIL 2009).**

**PROJECT BENEFITS AND BENEFICIARIES**

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

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

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

**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"> <li>• Other international projects</li> <li>• International research institutions and universities</li> <li>• Farmers</li> <li>• Research institutes</li> <li>• Forestry farms</li> <li>• Private sector (nurseries, processing industry)</li> <li>• Non-governmental organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Publication on the web-site.</li> <li>• Dissemination of publications among partner organizations.</li> <li>• Before publishing traditional knowledge, project partners will get permission from the farmers.</li> <li>• The publication will mention name of the farmer or farmers who are the knowledge keepers.</li> </ul>			
Planting material of fruit crops (local varieties and wild species)	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Private sector (nurseries, processing industry)</li> <li>• Research institutes</li> <li>• Forestry farms</li> <li>• Non-governmental organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement, indicating the conditions where access for conservation and research purposes only, is free of charge.</li> </ul>			
Laws and regulations	<ul style="list-style-type: none"> <li>• International legal frameworks (Conventions, agreements)</li> <li>• Farmers</li> </ul>	<ul style="list-style-type: none"> <li>• Publication on the web-site.</li> <li>• Copies of the laws and regulations to be</li> </ul>	<ul style="list-style-type: none"> <li>• Dissemination among the countries in the region through</li> </ul>	<ul style="list-style-type: none"> <li>• Publication on the web-site.</li> </ul>	

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"> <li>• Decision-makers</li> <li>• Non-governmental organizations</li> <li>• Private sector (nurseries, processing industry)</li> <li>• Research Institutes</li> <li>• Forestry farms</li> </ul>	disseminated amongst farmers through government bodies, agriculture departments, Farmers' Associations, etc.	the regional office.		
Improved legislation on Farmers' Rights protection	<ul style="list-style-type: none"> <li>• Farmers</li> <li>• Decision-makers</li> <li>• Non-governmental organizations</li> <li>• International and national research organizations</li> <li>• International organizations, dealing with PGR</li> </ul>	<ul style="list-style-type: none"> <li>• Free and open access through publications and web-site.</li> </ul>			
Germplasm	<ul style="list-style-type: none"> <li>• Research institutes</li> <li>• Farmers</li> <li>• Forestry farms</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement between project partners guaranteeing free access to germplasm for these beneficiaries.</li> <li>• Collaborative activities, guaranteeing free access to partners.</li> </ul>			
Database on local fruit crop varieties and wild fruit species	<ul style="list-style-type: none"> <li>• Research institutes</li> <li>• Universities</li> <li>• Farmers</li> <li>• Decision-makers</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement between project partners guaranteeing free and full access to the data base to these beneficiaries.</li> <li>• Collaborative activities, guaranteeing free access to partners.</li> </ul>			

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"> <li>• Forestry farms</li> </ul>				
Information about the importance of PGR, local diversity of fruit crops for regional and global community	<ul style="list-style-type: none"> <li>• Other international projects</li> <li>• International research organizations and Universities</li> <li>• International Seed Production Companies</li> <li>• National seed production companies</li> <li>• Farmers, local community</li> <li>• Decision-makers (Ministries, Governments, agencies, etc.)</li> <li>• Research institutes and universities</li> <li>• Private sector (nurseries, processing industry)</li> <li>• Non-governmental organizations</li> <li>• Forestry farms</li> </ul>	<ul style="list-style-type: none"> <li>• Trainings</li> <li>• Workshops</li> <li>• Conferences</li> <li>• Mass media</li> <li>• Web-site</li> </ul>	<ul style="list-style-type: none"> <li>• Publications</li> <li>• Web-site</li> </ul>	<ul style="list-style-type: none"> <li>• Publications</li> <li>• Web-site</li> </ul>	
Technology on cultivation and	<ul style="list-style-type: none"> <li>• Forestry farms</li> <li>• Farmers</li> </ul>	<ul style="list-style-type: none"> <li>• Agreements between project partners defining responsibilities in relation to</li> </ul>		<ul style="list-style-type: none"> <li>• Free access to publications on technologies.</li> </ul>	

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
management of orchards	<ul style="list-style-type: none"> <li>• Non-governmental organizations</li> <li>• Research Institutes</li> <li>• Education institutions</li> </ul>	training courses. <ul style="list-style-type: none"> <li>• Publications.</li> <li>• Agreements on free exchange of publications on technologies.</li> </ul>			
Training programmes and materials	<ul style="list-style-type: none"> <li>• Research institutes and Universities</li> <li>• Farmers</li> <li>• Forestry farms</li> <li>• Non-governmental organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Agreements between project partners guaranteeing free access to the training programmes and materials for these beneficiaries.</li> </ul>			



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

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
	research organizations <ul style="list-style-type: none"> <li>• International research projects</li> <li>• International seed production companies</li> <li>• National seed production companies</li> </ul>				
Technology on cultivation and management of orchards	<ul style="list-style-type: none"> <li>• Private sector (nurseries, processing industry)</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement, defining the conditions of access to information.</li> </ul>			
Training program and materials	<ul style="list-style-type: none"> <li>• International research organizations and universities</li> <li>• Other international and national scientific projects</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement, defining conditions of payment for training materials and program.</li> </ul>			

**Presentation of I. Lapena**

**ACCESS TO TRADITIONAL KNOWLEDGE**

**ACCESS TO TRADITIONAL  
KNOWLEDGE**

**ISABEL LAPEÑA**

**BIOVERSITY INTERNATIONAL**

*In situ/On farm* conservation and use of agricultural biodiversity  
(horticultural crops and wild fruit species) in Central Asia

Tashkent, Uzbekistan 23th March 2010

**OBJECT**

- **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.**

## BENEFICIARIES

- **Other international projects**
- **International research institutions and Universities**
- **Farmers**
- **Research Institutes**
- **Forestry farms**
- **Private sector (nurseries, processing industry)**
- **Non-governmental organizations**

## PRIOR INFORMED CONSENT - PIC

- **To follow ethical practices in the way to carry out research: extends to awareness and respect of the rights associated with traditional knowledge (TK) acquired from local populations.**
- **Threats: the potential for loss and misappropriation of TK; lack of recognition.**
- **Right of local populations: it is a process that recognizes their right to make informed decisions about matters that affect them, their communities and their lands.**
- **It is necessary to document the PIC that has been established before the beginning of any new study, based on the understanding that has been reached between the provider and the intended recipient.**

## PRIOR INFORMED CONSENT - PIC

- What is Traditional Knowledge?
- What is Prior Informed Consent (PIC)?
  - **Prior (to the activity being undertaken): to publishing**
  - **Informed (use of the TK; benefits; opportunities; possible consequences)**
  - **Consent given:**
    - **Written agreement/certificate**
    - **Description of what TK is being considered**
    - **How it will be used**
    - **Risks or opportunities regarding public disclosure: TK holders must be informed about reasonably foreseeable consequences of the public disclosure of their knowledge before publication.**

## ACKNOWLEDGEMENTS

- **The contribution of the TK holders shall be acknowledged and respected in all publications and presentations.**
- **Compromise by the counterpart that uses TK**
- **Pre- established forms of citing TK in websites, portals, scientific articles.**

## Proposed Model of Prior Informed Consent Certificate Before Publishing Traditional Knowledge

- This is to certify that the undersigned has agreed on the proposal of publishing his/her traditional knowledge that has been/will be gathered under the project....
- in the benefit of .....
- through (mechanism of disclosure) .....
- and understands the implications of the proposed publicity/disclosure.
- The description/nature of traditional knowledge to be documented refers to.....
- The purpose of publishing the traditional knowledge will be..... (e.g. third parties access, research partners access, open access), which will be realized subject to the following conditions (if any) .....(and shall not in any way affect their traditional use of the resources/or clause of confidentiality if provided).
- The publication will make fully acknowledgement of the contribution and mention the name of the undersigned who is the traditional knowledge holder/keeper.
- The Prior Informed Consent Certificate is issued to support the application of ..... for publishing ...(farmer).....traditional knowledge under the research project.....
- Done this.....day of .....2010 at.....

Presentation of I. Lapena

**FREE ACCESS TO PLANTING MATERIAL OF FRUIT CROPS GERMPLASM.**

**PLANTING** **FREE ACCESS TO PLANTING MATERIAL OF FRUIT CROPS GERMPLASM**

ISABEL LAPEÑA  
BIOVERSITY INTERNATIONAL

*In situ/On farm conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia  
Tashkent, Uzbekistan 24th March 2010*

**OBJECT**

- ◉ **Planting material of fruit crops (local varieties and wild species): Agreement indicating the conditions of free of charge access only for conservation and research purposes.**
- ◉ **Germplasm: Agreement between project partners guaranteeing free access to germplasm to these beneficiaries**

## BENEFICIARIES

- ◉ **Planting material of fruit crops (local varieties and wild species):**
  - Farmers
  - Private sector (nurseries, processing industry)
  - Research Institutes
  - Forestry farms
  - Non-governmental organizations
- ◉ **Germplasm:**
  - Research Institutes
  - Farmers
  - Forestry farms

## MATERIAL TRANSFER AGREEMENT: IMPORTANT POINTS TO BE DEFINED

In relation to Access and Benefit-Sharing provisions:

1. Description of genetic resources covered + know-how
2. Permitted uses (e.g. research).
3. Changes of use (from non-commercial intent to commercial intent)
4. Intellectual property rights
5. Benefit sharing arrangements: non monetary
6. No warranties: identity/quality material provided
7. Conditions of transmissions to third parties
8. Impact of collecting activities (endangered species)
9. Traditional Knowledge
10. Definitions



## MATERIAL TRANSFER AGREEMENT: IMPORTANT POINTS TO BE DEFINED

In relation to Legal provisions:

1. Definition of the material to be transferred
2. Rights and Obligations =provider+user
3. No claim of property rights on the genetic resources obtained through MTA
4. Confidentiality clause
5. Publications: acknowledgement
6. Arrangement for settlement of disputes
7. Duration of the agreement
8. Note to terminate the agreement

## MATERIAL TRANSFER AGREEMENT FOR GENETIC MATERIAL FOR (TYPE OF RESEARCH/USE)

- This Material Transfer Agreement is made by and between,  
.....("Provider") And ..... ("Recipient").
- The parties have agreed as follows:
  1. Provider agrees to transfer to Recipient the following (biological) material and/or accompanying information (information about its conservation and/or related agricultural management practices): ..... (hereinafter "Material").
  2. This Material will be used by Recipient solely in connection with the project described as follows: ..... (hereinafter "Research Project").
  3. This Material will only be used for research purposes by the Recipient (e.g. in its laboratory). By requesting the material and signing this agreement, the Recipient is considered responsible for appropriate handling of the material and guarantees that suitable containment conditions are available and will be applied by the Recipient. This Material will not be used for commercial purposes, such as production or sale of products or services, for which a commercialization licence may be required. Recipient will promptly, after termination of the Research Project, inform Provider of the results of the Research Project.

4. To the extent permitted by law, Recipient agrees to treat in confidence, for a period of ....(e.g. five years) from the date of its disclosure, any of the Provider's written information about this Material that is stamped "CONFIDENTIAL" (hereinafter "Confidential Information"), except for Information that was previously known to Recipient or that is or become publicly available through no fault of Recipient or which is lawfully disclosed to Recipient without a confidentiality obligation or that is independently developed by Recipient or its affiliated companies without the benefit of any disclosure by Provider.

Recipient may publish or otherwise publicly disclose the results of the Research Project, provided that in all such oral presentations or written publications concerning the Research Project, Recipient will acknowledge Provider's contribution of this Material unless otherwise requested by Provider.

5. The recipient has no rights to obtain Intellectual Property Rights (IPRs) on the material received or related information.

6. This Material is considered proprietary to Provider. Recipient therefore agrees to retain control over this Material, and further agrees not to transfer the Material to other people not under its supervision without prior written approval of Provider. Provider reserves the right to distribute the Material to others and to use it for its own purposes.

## MATERIAL TRANSFER AGREEMENT FOR GENETIC MATERIAL FOR (TYPE OF RESEARCH/USE)

7. This Material is being supplied to recipient with no warranties, express or implied, including any warranty of merchantability or fitness for a particular purpose. Provider makes no representations that the use of the Material will not infringe any patent or proprietary rights of third parties. Recipient agrees to hold harmless and indemnify Provider for all liabilities, demands, damages, expenses and losses arising out of or as a result of Recipient's use of the Material for any purpose.

8. Nothing in this Material Transfer Agreement shall or may be construed as granting Recipient any right or license to the Material for any use other or further than the evaluation described here above.

9. A copy of this MTA will be made available to ..... for its records.

10. This Agreement shall be governed and construed in accordance with the laws of the ..... where the 'Research Project' was conducted.

RECIPIENT

PROVIDER

Date:

Presentation of I. Lapena

**INFORMATION/DATA BASE SHARING: MEMORANDUM OF UNDERSTANDING**

**INFORMATION/DATA BASE  
SHARING:  
MEMORANDUM OF  
UNDERSTANDING**

**ISABEL LAPEÑA**

**BIOVERSITY INTERNATIONAL**

*In situ/On farm* conservation and use of agricultural  
biodiversity (horticultural crops and wild fruit species) in  
Central Asia

Tashkent, Uzbekistan 24th March 2010

**OBJECT**

- **Agreement between project partners guaranteeing free and full access to the data base to these beneficiaries.**
- **Could be also of use for: Agreements on free exchange of publications on technologies on cultivation and management of orchards.**

## Beneficiaries

- **Research institutes**
- **Universities**
- **Farmers**
- **Decision-makers**
- **Forestry farms**

## Important points to be defined

- 1. Definition of the Parties that manage the information:**
  1. Coordinator
  2. National partners
  3. Other partners
- 2. Definition of the types of information to be included**
- 3. Information management:**
  1. Obligations and limits of National partners;
  2. Obligations and limits of the Coordinator
- 4. Intellectual Property Rights**
- 5. Conditions of dissemination:**
  1. The level of access by third parties.
  2. Acknowledgement
- 6. Resolution of Disputes**

**INFORMATION PRODUCTS DERIVED FROM  
BIOVERSITY INTERNATIONAL/UNEP-GEF PROJECT “IN SITU/ON FARM CONSERVATION AND USE OF  
AGRICULTURAL BIODIVERSITY (FRUIT CROPS AND WILD FRUIT SPECIES) IN CENTRAL ASIA.**

<b>№</b>	<b>Information materials</b>	<b>Free access</b>	<b>Restricted access</b>
1.	Scientific publications (articles, research reports, monographs and other publications)	<ul style="list-style-type: none"> <li>• Full versions of publications for the project partners</li> <li>• A list of publications and annotations for other users</li> </ul>	Full versions of publications for other users
2.	Field data - a database of local varieties / forms	<ul style="list-style-type: none"> <li>• Morphology and ecology of varieties / forms - out of the project</li> <li>• Full versions of publications for the project partners</li> </ul>	Full versions of publications for other users
3.	Database on partners - organizations and farmers	<ul style="list-style-type: none"> <li>• Free access for all users</li> </ul>	Free access for all users
4.	Database on key nurseries	<ul style="list-style-type: none"> <li>• Free access for partners</li> <li>• Free access to data on the culture, grade, agro-ecological zone for other users</li> </ul>	Full database of key nurseries, including the location of the nursery for other users
5.	Database on demonstration plots	<ul style="list-style-type: none"> <li>• Free access for partners</li> </ul>	Restricted access for other users
6.	Traditional knowledge	<ul style="list-style-type: none"> <li>• Free access for all users</li> <li>• Protection of intellectual property rights</li> </ul>	Protection of intellectual property rights
7.	Training and educational materials	<ul style="list-style-type: none"> <li>• Free access to all users for education and training</li> <li>• Protection of intellectual property rights for replication</li> </ul>	Protection of intellectual property rights for replication
8.	Legislative documents	<ul style="list-style-type: none"> <li>• Free access for all users</li> </ul>	Free access for all users
9.	Projects' proposals	<ul style="list-style-type: none"> <li>• Free access for all users</li> </ul>	Free access for all users

**Presentation of I. Lapena**

**RESTRICTED ACCESS: PLANTING MATERIAL OF FRUIT CROPS (LOCAL VARIETIES AND WILD SPECIES).**

**Restricted Access:  
PLANTING MATERIAL OF FRUIT CROPS  
(LOCAL VARIETIES AND WILD SPECIES)**

**ISABEL LAPEÑA**

**BIOVERSITY INTERNATIONAL**

*In situ/On farm* conservation and use of agricultural biodiversity (horticultural crops and wild fruit species) in Central Asia

Tashkent, Uzbekistan 25th March 2010

**Object**

**Agreement between the provider and the recipient indicating the fee to be paid to get the planting material and the conditions for its use.**

## Beneficiaries

### International and National Seed Production Companies

## Important points to be defined

1. Inclusion in the terms and conditions of the Material Transfer Agreement of a clause that could make reference to: “ The Material is provided with a fee of ..... \$, the amount of which, is payable upon execution of this Agreement”.
2. Restrictions can be added: rights of the recipient in relation of access to the biological resources does not imply any rights on the genetic resources/biochemical compounds comprising or contained in the biological resource.


Presentation of I. Lapena

**RESTRICTED ACCESS TO GERMPLASM.**

**RESTRICTED ACCESS TO  
GERMPLASM**


ISABEL LAPEÑA  
BIOVERSITY INTERNATIONAL  
*In situ/On farm* conservation and use of agricultural  
biodiversity (horticultural crops and wild fruit species)  
in Central Asia  
Tashkent, Uzbekistan 25th March 2010

**OBJECT**


- **Agreement defining conditions for the use of the germplasm and possible benefit-sharing obligations for the user.**
- 




## CONTEXT

- **Provide a framework to manage access to genetic resources, provide for benefit sharing, give legal certainty to researchers and ensure that biodiversity research remains ecologically sustainable**
  - **The framework apply for biological resources taken for research and development on any genetic resources, or biochemical compounds comprising or contained in biological resources**
  - **For research for commercial or potentially commercial purposes, a benefit sharing agreement with the access provider must be agreed before a permit can be issued**
- 


## BENEFICIARIES

- **Private sector (nurseries, processing industry)**
  - **International research organizations**
  - **International Seed Production Companies**
  - **National Seed Production Companies**
- 

## IMPORTANT POINTS TO BE DEFINED PROVIDER PERSPECTIVE:

1. **Definition of the resources to be accessed (e.g. name of species or lowest level of taxon, to which the resources belong, if known)**
  2. **Purpose of the access**
  3. **Benefit Sharing clauses**
  2. **Prohibition to transfer resources accessed to Third parties without the authorization of the Provider**
  3. **User notification before application of Intellectual Property Rights**
  4. **Reporting obligations in relation to the collection activity: number of samples; frequency of entry to the area; information gathered...**
  5. **Ecological impact: not deplete populations**
- 

## IMPORTANT POINTS TO BE DEFINED PROVIDER PERSPECTIVE:

1. **Definition of the resources to be accessed (e.g. name of species or lowest level of taxon, to which the resources belong, if known)**
  2. **Purpose of the access**
  3. **Benefit Sharing clauses**
  2. **Prohibition to transfer resources accessed to Third parties without the authorization of the Provider**
  3. **User notification before application of Intellectual Property Rights**
  4. **Reporting obligations in relation to the collection activity: number of samples; frequency of entry to the area; information gathered...**
  5. **Ecological impact: not deplete populations**
- 

## IMPORTANT POINTS TO BE DEFINED: USER PERSPECTIVE:

1. **Access conditions and collection of germplasm**
2. **Confidential information should be clearly indicated**
3. **Publications (acknowledgement of the Provider)**
4. **Commercialization and Intellectual Property Rights**




## MONETARY AND NON MONETARY BENEFITS (1)


- **Differences exist in benefit-sharing options between basic research, applied research and R&D for commercial uses.**
- **Academic research does not lead to economic benefits in most cases.**
- **A large part of the sharing of benefits may have to be carried out during the research itself .**
- **Benefits also exist that must be implemented once research in itself has been accomplished.**



## MONETARY AND NON MONETARY BENEFITS (2)

- **Sharing of Academic Benefits**
    - Provide access to scientific data resulting from the research, including the necessary infrastructure
    - Provide access to ex-situ facilities
    - Integrate partners into the reviewing process
    - Co-publish research findings with partners
    - Support the academic careers of partners
    - Maintain institutional and professional relationships
  
  - **Capacity building, scientific cooperation, participation, technology transfer**
    - Train local researchers in the field and in the laboratory
    - Share samples
    - Secure finance for maintenance of collections
    - Provide research infrastructure (e.g. laboratory equipment)
    - Provide communication infrastructure
    - Integrate local researchers into scientific and practical work
    - Integrate local assistants into practical work
    - Implement research on a cooperative basis: cooperative project design; cooperative project implementation
- 

## MONETARY AND NON MONETARY BENEFITS (3)

- **Increased availability of information and knowledge**
    - Provide ongoing information about research, progress and expected results
    - Inform all stakeholders involved about results in a form that is adapted to suit the target audience
    - Maintain contact with (local) representatives of administration, government agencies and research institutes
  
  - **Application, R&D, commercialization of results**
    - Develop research directed at the practical needs and problems of the provider
    - Promote participation in product development
    - Establish joint ownership of relevant intellectual property rights based on the level of contribution
    - Share economic benefits.
- 

## **MONETARY AND NON MONETARY BENEFITS: In relation to Farmers' Rights**



## **FARMER'S RIGHTS: IMPLICATIONS IN CENTRAL ASIA**

- **Right to access to the genetic resources**
- **Right to conserve and exchange the reproduction**
- **Right to get benefit from using the genetic resources**
- **Freedom of choice the variety for growing**
- **Right to access and use the land resources**
- **Right to get financial and technical support from the state**
- **Right to improve the qualification, by getting knowledge**
- **Right to get the legal support at the national and regional levels**
- **Right to support and participate in the process of decision-making**
- **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**



## MONETARY AND NON MONETARY BENEFITS

- a) The right of farmers to be rewarded for genetic material obtained from their fields and used in commercial varieties and/or protected through intellectual property rights.
- b) Access to seeds and propagating material, and related information;
- c) Participation in the definition of breeding goals;
- d) Participatory plant breeding in collaboration between farmers and scientists;
- e) Improvement of management practices
- f) Strengthening of farmers' seed systems;
- g) Conservation activities, including local seed banks,
- h) Enhanced use of farmers' varieties, including market access.
- g) Others.....?



## OTHER POINTS

1. Arrangement for settlement of disputes
2. Duration of the agreement
3. Note to terminate the agreement



Presentation of I. Lapena

RESTRICTED ACCESS: INFORMATION/DATA PORTAL

**RESTRICTED ACCESS:  
INFORMATION/DATA PORTAL**

**ISABEL LAPEÑA**  
**BIOVERSITY INTERNATIONAL**  
*In situ/On farm conservation and use of  
agricultural biodiversity (horticultural crops and  
wild fruit species) in Central Asia*

Tashkent, Uzbekistan 25th March 2010

## Object

- **Database on local fruit crop varieties and wild fruit species: Agreement between project partners defining the conditions for these potential users to access and use information included in the data base.**
  - **Terms and conditions for the use of the Project Data portal/Web portal by Third parties**

## Beneficiaries

- **Non-governmental organizations**
- **Private sector (nurseries, processing industry)**
- **International research organizations**
- **International research projects**
- **International Seed Production Companies**
- **National Seed Production Companies**

## Important points to be defined (1)

### 1. Terms and Conditions of Use

**“This Data Portal/Web Portal on local fruit crop varieties and wild fruit species.... is operated by ..... and may be used only under the following Terms and Conditions. By using the database, users give consent to the practices described in these Terms and Conditions and agree to abide by these Terms and Conditions”.**

### 2. Copyrights Statements. Examples:

- **Parties/ In situ/On farm Project..... holds the copyright in the information contained in the Data Portal/Web Portal and the Data Portal/Web Portal itself. Parties hereby grant users a license to use it, and to download and print information generated.**
- **In the web portal: Copyright © XXX [years] by XXX [institution]. All rights reserved. All media are for non profit, educational and personal use by students, researchers and the general public. Any commercial use or publication by printed or electronic media is strictly prohibited without the express, written permission of XXX [institution]. Contact XXX [institution].**
- **All the data are copyright protected by the authors and contributors and may not be copied or reproduced without approval of the owners.**



## Important points to be defined (2)

### 3. Acknowledgement of the Source

- Data Use Agreements: Example:
  - “ .... data sharing should take place within a framework of due attribution. Therefore, using data available through the ..... requires agreeing with the following:  
In order to make attribution of use for owners of the data possible, the identifier of ownership of data must be retained with every data record.  
  
Users must publicly acknowledge, in conjunction with the use of the data, the data providers whose biodiversity data they have used. Data providers may require additional attribution of specific collections within their institution.  
Users must comply with additional terms and conditions of use set by the data provider. Where these exist they will be available through the metadata associated with the data”.
- Citing Data: Example from GBIF:  
Biodiversity occurrence data provided by: Field Museum of Natural History, Museum of Vertebrate Zoology, University of Washington Burke Museum, and University of Turku (**Accessed through GBIF Data Portal, [data.gbif.org](http://data.gbif.org), 2007-02-22**)

## Important points to be defined (3)

### 4. Warranties

- “ .....will not provide any warranties for information or data posted on the .....Central Data Base Portal and disclaims any responsibility for data content, accuracy or the use of the data”.
- This disclaimer will be stated clearly on the Data Portal.

## Important points to be defined (4)

### 5. Disclaimer

- ❑ **In the Web Portal/Data Portal: Examples:**
  - a) **XXX [institution] will not be liable for any damage suffered by users of the database [or software], programming and other documentation found on these web pages and databases. XXX [institution] further disclaims any liability for any information, documentation, programs, software or any other materials which is or may become part of this web page.**
  - b) **The user is thereby put on notice that by accessing and using these web pages or these databases the user assumes the risk that information and documentation contained therein may be inaccurate or incomplete and may not meet the needs and specific requirements of the user. The entire risk as to the use of these web pages or this database is assumed by the user.**
  - c) **Right to suspend, restrict, or terminate access to the website for any reason at any time.**

## Important points to be defined (5)

### 6. Restrictions of Use: Examples:

- ❑ **The material and content contained within or provided by the website is for personal use only/ for academic use and may not be used for commercial purposes, distributed commercially or used for commercial purposes without permission. To request such permission, an email needs to be sent, including name, address and a description of the intended use and the material or content to be used to Central Data Base at.....**
- ❑ **Unauthorized commercial publication or exploitation of text, images, or content of this website is specifically prohibited.**
- ❑ **Anyone wishing to use any of these files or images for commercial use, publication, or any purpose other than fair use must request and receive prior written permission.**
- ❑ **Permission for such use is granted on a case-by-case basis at the sole discretion of the Central Data Base. A usage fee may be assessed depending on the type and nature of the proposed use.**
- ❑ **Restrictions on specimen records of Endangered and Threatened Plant Species: Some of specimen data (such as specific locality information) has been removed from those online records for endangered species. These data is made available to researchers on request.**
- ❑ **No disclosure of the database to third parties.**

## Important points to be defined(6)

### 7. Liability.

- **“Neither Parties....shall be liable for any direct, indirect, incidental, special, or consequential damages of any kind whatsoever (including, without limitation, attorneys' fees and lost profits or savings) in any way due to, resulting from, or arising in connection with the use of information generated through the database, or the operation of the Data Portal, regardless of any negligence, including any malfunctioning of the Data Portal. Users agree to report any errors or deficiencies in the Data Portal”.**

**Thank you!**

[i.lapena@bioversity.org](mailto:i.lapena@bioversity.org)  
[isalapena@gmail.com](mailto:isalapena@gmail.com)

**WORK PLAN  
ON LEGISLATIVE ISSUES, PROVIDING ACCESS TO THE PRODUCTS OF THE  
PROJECT AND THE BENEFITS SHARING  
( MARCH 25, 2010)**

**I. LEGISLATIVE ACTS**

**Submit to the Regional Office:**

**1. Kazakhstan**

- Proposals to the project of legislative concept "On Protection of Flora", based on the recommendations of the Regional Office: **April 2, 2010**
- Data on the area of orchards under the local varieties in the dynamics from year to year until the adoption of the Rules for grants the subsidies to bookmark and management of orchards and after: **April 30, 2010**

**2. Kyrgyzstan**

- Proposals to support farmers on farm conservation of local crop varieties in the new version of the National Strategy for Biodiversity Conservation and Action Plan: **April 30, 2010**
- Completed booklets on traditional knowledge: **April 30, 2010**
- Completed program of round tables on Farmers' Rights: **April 30, 2010**
- Completed proposals / standards for in situ conservation of wild fruit species in protected areas: **April 30, 2010**

**3. Tajikistan**

- Information on the status of the project Law "on Biodiversity": content of sections, a tentative completion date: **April 2, 2010**
- Proposals for the inclusion of wild species of grapes, pomegranates and plums in the Red Book: **April 2, 2010**
- Proposals to the State Commission for Variety Testing of granting a patent on varieties derived by farmers: **April 30, 2010**
- Information on the development stage of the Register of local varieties of fruit crops and promising forms of wild fruit species, indicating the number of crops, varieties and forms: **April 15, 2010**

**4. Turkmenistan:**

- A list of wild fruit species in the list of "Most valuable tree species" to the Forest Code: **April 15, 2010**
- Proposals to the Law "On Selection Achievements": **April 15, 2010**

- Proposals for the mechanism to ensure farmers' participation in decision-making on the management of forests, in particular the preservation and use of wild fruit species (to the Forest Code): **April 30, 2010**
- Completed 15 proposals put together by legislative acts: **April 15, 2010**
- Proposal for the Protection of forest genetic resources in the new edition of "Forest Code": **April 15, 2010**

#### 5. Uzbekistan:

- A list of the most valuable tree species to the Forest Code: **April 2, 2010**
- Specify the date of submission of the List of the most valuable tree species to the Forest Code: **April 2, 2010**
- Finalize the developed law "On the conservation of genetic resources of cultivated species and their wild fruit species": **October 1, 2010**
- Expected date of submission the developed Register of local varieties and promising forms of wild fruit species in the Ministry of Agriculture and Water Resources of Uzbekistan: **April 15, 2010**
- Proposals to the Law "On Selection Achievements" and the supposed date of their submission to the Ministry of Agriculture and Water Resources of Uzbekistan: **April 15, 2010**

#### II. **Access to the products of the project and the benefits sharing:**

1. The national coordinators to appoint persons responsible for providing information to the Regional Office for Central database and the regional web site: **There**
2. National coordinators to organize national workshops with the artists and project partners to discuss the submitted samples of agreements on access and benefit sharing for a restricted and free access: **up to 30 April 2010**
3. The national coordinators to organize coordination and signing of agreements on access and exchange of information between the national executing agency and project partners: **prior to April 30, 2010**
4. National and Regional coordinators agree and sign an agreement on access and exchange of information between national executive agencies and Bioversity International: **May 15, 2010.**

#### III. **Place and date of the next seminar:**

End of October 2010, Tashkent, Uzbekistan - to coordinate and finalize arrangements formats access and benefit sharing, taking into account suggestions and comments from national partners.

## COURSE EVALUATION FORM

<b>Title of training event: Regional workshop on Access and Benefit Sharing ( ABS )</b>
<b>Dates: 23-25 March, 2010</b>
<b>Venue: Tashkent, Uzbekistan</b>
<b>Organizer: Regional office Bioversity International</b>

An evaluation should be conducted at the end of a training course or training workshop.

The purpose is to sum up the effects of the program, to see whether the curriculum has achieved its goals. The evaluation will provide important feed-back to the organizers regarding content, delivery and administration of the course, which will be used to improve future courses.

We kindly ask you to spend 10- 15 minutes to complete the form, and return it to the course organizers.

Thank you for your time!

The organizers

	Score 1 = Very poor/very low, etc. 2 = Poor/low 3 = Acceptable 4= Good/high 5 = Very good/ very high, etc.	Number of participants
<b>A. Overall assessment of the course (or training workshop)</b>		
1. Overall satisfaction with the course	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	5
	<input type="checkbox"/> 5	3
2. Relevance of the course content in relation to my training needs	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	1
	<input type="checkbox"/> 4	4
	<input type="checkbox"/> 5	5
3. Overall quality and effectiveness of course delivery	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0

	<input type="checkbox"/> 4	1
	<input type="checkbox"/> 5	7
4. Overall learning (knowledge and skills) achieved in the course	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	3
	<input type="checkbox"/> 5	5
5. How well did the course meet its objectives?	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	1
	<input type="checkbox"/> 4	5
	<input type="checkbox"/> 5	2
6. Comments:		
<b>B. Evaluation of course content and teaching/learning methods</b>		
7. Duration of the course/workshop	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	1
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	1
	<input type="checkbox"/> 5	6
	(1=too much/little 5=just right)	
8. Contents covered in relation to time available	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	1
	<input type="checkbox"/> 3	2
	<input type="checkbox"/> 4	2
	<input type="checkbox"/> 5	2
	(1=poor balance 5=just right)	
9. Quality and effectiveness of theoretical teaching and learning methods (lectures)	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	1
	<input type="checkbox"/> 4	3
	<input type="checkbox"/> 5	4
10. Quality and effectiveness of practical exercises & field activities	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	1
	<input type="checkbox"/> 4	4
	<input type="checkbox"/> 5	1
11. Balance between theory/lectures and practical work	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	1
	<input type="checkbox"/> 4	1
	<input type="checkbox"/> 5	4
	(1=poor balance 5=just rights)	
12. Quality and amount of training	<input type="checkbox"/> 1	0

materials distributed	<input type="checkbox"/> 2	0
during the course	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	2
	<input type="checkbox"/> 5	6
13. Comments:		
<b>C. Evaluation of administration and logistics</b>		
14. Access to equipment during the course	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	2
	<input type="checkbox"/> 5	6
15. Quality and timing of information received	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	4
	<input type="checkbox"/> 5	3
16. Food and accommodation	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	1
	<input type="checkbox"/> 5	7
17. Travel arrangements	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	1
	<input type="checkbox"/> 5	7
18. Financial arrangements	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	2
	<input type="checkbox"/> 5	6
19. Comments:		
<b>D. Others</b>		
20. Number of participants	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	1
	<input type="checkbox"/> 4	1
	<input type="checkbox"/> 5	6
	(1=poor balance 5=just right)	
21. Active participation in the learning process	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0



	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	6
	<input type="checkbox"/> 5	2
22. Interaction with other participants	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	3
	<input type="checkbox"/> 5	5
23. Interaction with instructors	<input type="checkbox"/> 1	0
	<input type="checkbox"/> 2	0
	<input type="checkbox"/> 3	0
	<input type="checkbox"/> 4	3
	<input type="checkbox"/> 5	5
<p>24. Comments:</p> <p>Based on the course evaluation form estimated by the workshop participants, in general it may be noted that the workshop was held at a high level. After the workshop, participants also provided their comments and suggestions on this course:</p> <ol style="list-style-type: none"> <li>1. More workshops should be organized between the partners.</li> <li>2. To take into account the peculiarities of the laws of each country in Central Asia.</li> <li>3. Workshop should be organized prior of working with farmers.</li> <li>4. Review and fill out one of the available agreements, as an example.</li> </ol> <p>Participants of workshop noted the high quality of the material and the professionalism of lecturers; clarify the legal framework and countries' presentations. The fact that they have tools for advancing the rights of researchers and farmers; submitted material, the need is high enough, according to the situation of biodiversity in each country and a lot of other useful information. Also that the Regional Training - Workshops allow discussions carried out in stages to conduct activities and develop a work plan for subsequent years.</p>		