

## Bioversity International/UNEP-GEF Project

*“In situ/On farm conservation and use of agrobiodiversity (fruit crops and wild relatives) in Central Asia”*



## Regional Workshop on Legislative Framework of Agrobiodiversity Conservation and Access and Benefit Sharing (ABS)

*4-6 May 2011*

*Tashkent, Uzbekistan*

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

**Regional Workshop on**  
**Legislative Framework of Agrobiodiversity Conservation and Access and Benefit**  
**Sharing (ABS)**

*4-6 May 2011.*

*Tashkent, Uzbekistan*

## **Executive Summary**

Regional workshop on Legislative framework of agrobiodiversity and access and benefit sharing which was organized within Bioversity International/UNEP-GEF Project *“In situ/On Farm conservation and use of agrobiodiversity (fruit crops and their wild relatives) in Central Asia”* was held on 4-6 May 2011 in Tashkent, Uzbekistan. 12 representatives of project partner countries from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan participated in the workshop. Isabel Lapena, Regional Consultant on Legislation (Bioversity International), Isabel Lopez Noriega, Specialist on Legislation (Bioversity International) and Muhabbat Turdieva, Regional Project Coordinator, participated as the instructors of the workshop. Galina Kamakhina, National Consultant on Legislation of the project in Turkmenistan, was not able to participate in the workshop as it was planned due to the difficulties on obtaining visa.

### **Day 1, 4 May 2011.**

#### **Opening Session**

Muhabbat Turdieva, Regional Project Coordinator of Bioversity International/UNEP-GEF Project *“In situ/On Farm conservation and use of agrobiodiversity (fruit crops and their wild relatives) in Central Asia”*, opened the workshop, welcomed all the participants and thanked them for accepting the invitations for participation in the workshop. During her welcoming speech, she underlined that the workshop is the continuation of workshops on legislation which were organized in 2008, 2009 and 2010 within the project.

Further M.K. Turdieva briefed attendants with the main aspects of workshop agenda. She listed three main issues, which should be considered at the workshop: a) review the state of advances of proposals developed by countries to improve national legislation frameworks regarding conservation of wild varieties of fruit crops and supporting farmers in their activities on conservation of local varieties of fruit crops; b) evaluation of work state on final execution of reports on analysis of national legislation frameworks for their publication; c) the state of review of draft Agreements on Access and Benefit Sharing in each country and development of proposals on these Agreements for finalization of Guideline on Access and Benefit Sharing. She stressed that

this year is the final year of the project and therefore it is very important to realize all works, planned in the area of legislative framework within the project and bring them to the end this year. And as a result of work implemented on legislation framework within the project, it is necessary to publish reports on analysis of national legislative frameworks on *in situ* conservation of wild fruit crops, on farmers' support in conservation of local varieties etc. These reports should be, at first, well-formatted, at second, the proposals in these reports must be well-timed and, at third, these reports should give a clear picture of legislation framework state directed at agrobiodiversity conservation in countries of the region.

Then, Muhabbat Turdieva introduced the participants and thanked them for participation in the workshop. The list of participants is attached in Annex 1.

Isabel Lapena, Regional Project Consultant, also welcomed the participants of the workshop and pointed out the high significance of this workshop, as the given workshop is the final one on legislation within the project, and application of knowledge and experience of the invited specialists is very important in order to publish the final report on analysis of legislation on conservation of agrobiodiversity and, in the result, for the productive implementation of the project. She also noted that during the workshop it is necessary to discuss the possibilities for the further partnership among project partners after the finalization of the project and to define the possible difficulties faced during this process. Due to this fact, she proposed to make changes into the workshop programme. She proposed that after presentations of each country on advances and outputs on legislation, participants will divide into groups to discuss the issues on regional cooperation, outputs and difficulties. In the process of discussion, the participants of the workshop exchanged ideas about legislative, strategic issues and about work on those issues; defined the main issues of current importance, advances on legislation and strategies in their countries within the project, and defined why they are of current importance. In the end of the discussion one representative of each group presented the discussion results. The amended workshop program is presented in Annex 2.

### **Session 1. Update of the status of proposals in countries for improving national legislation**

Representative of National Project Implementation Unit in Kazakhstan, A. Kultaev, presented the report on update of the status of proposals for improving national legislation in Kazakhstan in the field of agrobiodiversity conservation. During his presentation he emphasized that in the last years the project partners conducted analysis of laws in the field of conservation of wild relatives of fruit crops and other legislative acts related to the issues of the given project and provided the proposals on their improvement and extension to the respective government agencies. For example, in the present in the Republic of Kazakhstan no special law on conservation of genetic plant resources exists. Due to this fact, the concept model of the law "About the flora protection" has been developed and provided to the Ministry of Agriculture of the Republic of Kazakhstan (Committee of Forestries). The concept has not been yet reviewed by the Ministry of Agriculture of the Republic of Kazakhstan. Besides developed proposals on establishment of trade and purchasing bases, on inclusion of fruit trees and grapes in the list of insured crops in the Republic and on improvement the mechanism of subsidies' distribution among farmers were submitted to

the Ministry of Agriculture of the RK. Further, A.K. Kultaev explained the need for developing each proposal. For example, due to difficulties in sale and storage of fruit crops in the Republic, usually intermediary company buy them at low prices and resell at very high prices and as a result, the main income from sales of fruit crops is earned not by producers, but by brokerage companies. In this regard, proposals on establishment of trade and purchasing bases were developed so producers were able to store their products. The Law of the Republic of Kazakhstan "On obligatory insurance in plant growing" as of 2004 states on obligatory state insurance of agricultural crops, and in case of harvest lost the state covers losses. But the law does not include fruit crops in the list of obligatory insured crops. Project implementers in Kazakhstan have developed proposal on inclusion of fruit crops to the list of obligatory insured crops. Under the state program in Kazakhstan development of horticulture and viticulture is subsidized. But there is a limit according to which only farmers having plots under fruit crops with more than 5 ha area are illegible for state support. Project implementers have developed proposals on cancelling this limit. Because in the country only 10% of farmers have 5 ha plots of fruit crops. And other farmers can't increase areas due to lack of land resources.

At the end of the presentation, workshop participants asked several questions regarding developed proposals in Kazakhstan. Isabel Lopez Noriega interested about the role of the project in development of above-mentioned proposals and asked whether these proposals could be developed without project participation. A.K. Kultaev responded that development of these proposals is mainly merit of the project. The project gives impulses for development of legislation acts and improvement of legislation framework in the area of biodiversity conservation. Presentation of A.K. Kultaev is attached in Annex 3.

Further the representative of Kyrgyzstan on legislation, B.A. Koichumanov, made a presentation on advance developed proposals on improvement of National legislation base in Kyrgyzstan in area of agrobiodiversity conservation. Within the project National Project Implementers in Kyrgyzstan have developed a proposal on inclusion of Kyrgyz apple and sea buckthorn to the "List of especially valuable wood species" of Forest Code of Kyrgyz Republic. B.A. Koichumanov noted that the list earlier included wood species like walnut, juniper and pistachio. This proposal is included to the Draft Law of Kyrgyz Republic "On inclusion amendments and additions to the Forest Code of Kyrgyz Republic" and at present time this Draft Law is being agreed with the ministries and administrative departments, and then will be submitted to the Government of KR and after its approval by the Government - with relevant resolution will be submitted to the Jogorku Kenesh of Kyrgyz Republic. Participants took an interest on necessity to include these fruit crops to the list of especially valuable wood species. B.A. Koichumanov clarifies that inclusion of these fruit crops to the list determines illegality of use of these fruit crops. B.A. Koichumanov also noted that experts from National Project Implementation Unit in Kyrgyzstan participated in development of the "Strategy and Action Plan for Biodiversity Conservation in Kyrgyz Republic for the period until 2025", "National Action Plan of the Kyrgyz Republic for forestry development for the period 2011-2014". Project implementers developed proposals on "state support for breeding local varieties of fruit crops and their wild relatives" and "compensating local authorities of additional expenses incurred as result of decisions on farms' support in cultivation of local

varieties of fruit crops and their wild relatives". Presentation of B.A. Koichumanov is attached in Annex 4.

Further T.J. Samiev, National Consultant on Legislation in Tajikistan, presented to the participants' attention the presentation on advance of developed proposals on improvement of National legislation base in the field of agrobiodiversity conservation. In his presentation, T.J. Samiev stated that within the project National Project Implementers in Tajikistan conducted an analysis of legislation base of the Republic in the area of conservation of wild relatives of fruit crops, noted difficulties and complexities at the National strategy and legislation and provided their proposals on advancement and addition to the relevant state authorities. Presentation of T.J. Samiev is attached in Annex 5.

National Project Coordinator in Uzbekistan A.K. Kayimov also made a presentation on works and achievements' state in advancing developed proposals for improving National legislation base in area *In situ* conservation and farmers' support in conservation activities of local varieties and wild relatives of fruit crops. In his presentation A.K. Kayimov listed main developed proposals for improving legislation framework of Uzbekistan. For example, the National Project Implementation Unit in Uzbekistan developed and provided proposals on conservation of wild relatives of cultivated crop for inclusion to the "Forest Code of RU", project experts participated in development and discussion of the draft "Concept of Forestry Development in Uzbekistan for the period until 2030," and the draft of new "Forest Code of the Republic of Uzbekistan", etc. A.K. Kayimov also stressed particularly important role of the project in the development of these proposals. Presentation of A.K. Kayimov is attached in Annex 6.

Then workshop participants were divided into four groups and discussed challenges and achievements in each country in development of proposals for improving legislation framework, related to agrobiodiversity conservation. In the course of the work, participants also responded to prepared questions on evaluation of project role in this process. For example, the representative of Kazakhstan, A.K. Kultaev noted that development of the Concept of the law "On protection of fauna in the Republic of Kazakhstan" and inclusion of proposals on amendments and additions to the Law "On obligatory insurance in plant growing" were the most significant achievements of the project, and period length of consideration stage, agreement in government instances and adoption by Parliament of RK were the most significant complexity in the process. Representatives of Uzbekistan consider that inclusion of the list of 11 species of wild fruit crop to the forest code and development of scheme of variety testing of local varieties in demonstration plots were the most significant developments in Uzbekistan. At the same time representatives of all countries positively evaluated the project and recognized significant project contribution to improvement of legislative framework in area of agrobiodiversity conservation. Results of group works are presented in Annex 7.

**Day 2, 5 May 2011**

## **Session 2. Advances on Access and Benefit Sharing**

Isabel Lapena presented the final model of Information Sharing Agreement. In the beginning of her presentation, she emphasized the importance of the given Agreement, because in the process of project implementation the lack of information was one of the most significant hardships. The signing of the given agreement allows project partner to exchange and share information and gives the opportunity for partnership between five countries. The signing of the given agreement is also important for development of project web-site content. Currently the project ICT specialists have developed web-site with three levels of access. Level 1 is the level of free access, which is open for everyone for obtaining information. Level 2 is the level of restricted access and it will be open only for project partners. And level 3 will be open only to National project partners. All project information and data will be published on the project website only after signing given Agreement by all countries. Isabel Lapena familiarized participants with content of the Agreement and explained each article of this document. Workshop participants were interested in information types and terms of their exchange between partners under the agreement also they proposed to move data collected during socio-economic survey in the frame of the project to the section "absolutely restricted access" of the agreement. Besides workshop participants proposed to move the content of scientific articles to the section of open access. After discussion it was decided that all proposals will be considered and included to the document until 20 May of this year. And the final version of the Agreement in Russian and English will be sent to countries for signing. Updated agreement on access and information exchange is presented in Annex 8.

## **Session 3. Presentation of countries' Final Reports on national legislation and policy frameworks as will be included in a publication**

A. Kultaev reported on the status of implementation of final report on analysis of legislation in Kazakhstan in relation to *In situ* conservation and farmers' support in conservation of local varieties. He informed that National Executive Agency in Kazakhstan prepared three separate reports on legislation and provided them to Regional Office for review and approval. Report of A. Kultaev on preparation of reports in the result of analysis of national legislation is attached in Annex 9.

National Consultant on Legislation B. Koychumanov also made the presentation on the status of implementation of final report on analysis of legislation. He informed that all the three reports are ready and provided for review and approval. Presentation of B. Koychumanov is attached in Annex 10.

Then, T. Samiev, National Consultant on Legislation in Tajikistan, demonstrated the presentation of final report on analysis of national legislation. He informed that in the present time the reports are being processed after the comments of Regional Consultant on ABS and will be sent to the Regional Office until 13 May 2011. Presentation of T. Samiev is provided in Annex 11.

A. Kayimov, National Project Coordinator in Uzbekistan, also reported on the progress of implementation of the final report on analysis of legislation on agrobiodiversity conservation and

farmer support in conservation of local varieties. According to his presentation, all three reports were finished and sent to the Regional Office for review and approval. Presentation of A. Kayimov is attached in Annex 12.

Following the presentations of countries, Isabel Lapena proposed some recommendations on the structure of those reports for publication. She pointed out that the reports of each country should consist of three separate reports: a) report on in situ conservation; b) report on farmers' support; and c) report on farmers' rights. The text of the reports should avoid abbreviations and needs to be clear and understandable for common public.

Muhabbat Turdieva recommended to publish these reports on both English and Russian languages. She also asked national representatives to provide to Regional Office the list of developed proposals of each country and to indicate on which stage each proposal is.

Then Isabel Lapena presented the model of Guidelines on Access and Benefit Sharing. She underlined that the given Guidelines have recommendatory nature and project partners can use them as the sample during the process of development of agreement on access and benefit sharing in the result of the project. The model of Guidelines on Access and Benefit Sharing is attached in Annex 13.

In the end of the workshop, the participants were asked to make evaluation of the workshop and to provide their comments and recommendations. In general, the participants evaluated the workshop positively, underlining a good level of organization and effectiveness of discussions. There were expressed some comments on strict maintenance of programme and regulations. Evaluation of the workshop is presented in Annex 14.

In the end of the day, Muhabbat Turdieva closed the workshop and thanked all the participants for their productive work and participation during the workshop.

On the third day, the participants of the workshop visited the project sites established within the project in Sidjak forest area of Bruchmulla Forestry in Tashkent Province.



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**Legislative framework for agrobiodiversity conservation and access and benefit sharing (ABS)**

**4-6 May 2011**  
**Tashkent, Uzbekistan**

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**PROGRAMME**

<b>Wednesday 4<sup>th</sup> May 2011</b>		
09:00 – 09:30	Introduction of the agenda and objectives of the workshop.  Presentation of participants	Muhabbat Turdieva
<b>Session 1: Update of the status of proposals in countries for improving national legislation</b>		
Presentation by countries focused on the advances realized and outputs attained in the development of legislation in the three sets of frameworks of 1) in situ conservation, 2) on supporting farmers for conservation of local crop varieties (on farm) and 3) recognition of farmers' rights.		
09:30- 09:45	Kazakhstan Presentation of advances and outputs on legislation. (presentation and general discussion)	Amantay Kultaev
9.45-10.00	Tajikistan Presentation of advances and outputs on legislation. (presentation and general discussion)	Tuychi Samiev
10:00- 10:15	Kyrgyzstan Presentation of advances and outputs on legislation. (presentation and general discussion)	Baktybek Koychumanov
10:15 – 10:30	Turkmenistan Presentation of advances and outputs on legislation. (presentation and general discussion)	Galina Kamahina
10:30 – 10:45	Uzbekistan Presentation of advances and outputs on legislation. (presentation and general discussion)	Abdikhaliil Kayimov
10:45 – 11:00	Summary of the session and plan of action on reporting legislative national advances and outputs as a result of the Project	Isabel Lapeña/ Muhabbat Turdieva
11:00 – 11:30	<i>Coffee/Tea &amp; Group photo</i>	
<b>Session 2: Presentation of countries Final Reports on national legislation and policy frameworks</b>		
Presentation of countries final reports on the analysis of national legislation and policy frameworks 1) in situ conservation, 2) on supporting farmers for conservation of local crop varieties (on farm) and 3) recognition of farmers' rights, as will be included in a publication as a result of the Project.		

<p>The presentations will follow the guidelines given at the 22-24<sup>th</sup> November 2010 workshop on policy and legislative framework and particularly emphasize on the following issues:          Difficulties and complexities encountered on national policy and legislation development;          Lessons learned through the Project;          Recommendations for future steps in relation to policy and legislation frameworks;          Recommendations for regional collaboration in the improving sustainable use of agrobiodiversity and implementation of Farmers' Rights in the region.</p>		
11.30- 12.10	Kazakhstan Presentation of Final report on Legislation and Policy (30 minutes presentation + 10 minutes general discussion)	Amantay Kultaev
12:10 – 13:45	<i>Lunch</i>	
13:45-14.25	Tajikistan Presentation of Final report on Legislation and Policy (30 minutes presentation + 10 minutes general discussion)	Tuychi Samiev
14:25- 15:05	Kyrgyzstan Presentation of Final report on Legislation and Policy (30 minutes presentation + 10 minutes general discussion)	Baktybek Koychumanov
15:05 – 15:30	<i>Coffee break</i>	
15:30 – 16:10	Turkmenistan Presentation of Final report on Legislation and Policy (30 minutes presentation + 10 minutes general discussion)	Galina Kamahina
16:10 – 16:50	Uzbekistan Presentation of Final report on Legislation and Policy (30 minutes presentation + 10 minutes general discussion)	Abdikhali Kayimov
16:50 – 17:00	Summary of the session and future steps in relation to Final reports Discussion among participants	Isabel Lapeña / Muhabbat Turdieva
<b>Thursday 5<sup>th</sup> May 2011</b>		
<b>Session 3: Advances on Access and Benefit Sharing</b>		
<ul style="list-style-type: none"> <li>• Presentation of the final version of the Information Sharing Agreement to be signed by parties before any information is downloaded in the Project website</li> <li>• Update on national progress in relation to ABS agreements</li> <li>• Presentation of Guidelines on ABS</li> </ul>		
9:00-10:30 11:30 – 11:45	Turkmenistan Presentation of the final version of the Information Sharing Agreement Update on national progress on ABS	Isabel Lapeña/ Galina Kamahina Isabel Lopez Noriega
11:45 – 12:00	Uzbekistan Presentation of the final Information Sharing Agreement as a result of the March 2011 ICT Workshop Update on national progress on ABS	Abdikhali Kayimov
12:00 – 14:00	<i>Lunch</i>	
14:00 – 15:00 10:30 – 10:45	Uzbekistan Presentation of Guidelines on ABS <i>Coffee/Tea</i> Presentation of Guidelines on ABS + general discussion	Isabel Lapeña
10:45 – 11:00 15:00 – 15:15	Kazakhstan Following steps on Final reports on legislation and policy Update on national progress on ABS	Amantay Kultaev Isabel Lapeña/ Muhabbat Turdieva
11:00-11:15 15:15 – 15:30	Tajikistan <i>Coffee break</i> Update on national progress on ABS	Tuychi Samiev
15:30 – 16:30 11:15- 11:30	Kyrgyzstan International Conference on in-situ/On farm conservation Update on national progress on ABS	Muhabbat Turdieva Baktybek Koychumanov

	Introduction of the International Conference related to In situ/On farm conservation Future steps towards presentation of Project results at the International Conference + general discussion	
16:30 – 16:45	Closure of the workshop	Muhabbat Turdieva
<b>Friday 6<sup>th</sup> May 2011</b>		
Field Trip		

## Improving National legislative framework related to conservation of agrobiodiversity in Kazakhstan

*Amantay Kultaev,*


*Department of Financial Resources Development in Agribusiness,  
Research Institute of Agribusiness Economy and Rural Territories Development*



**Slide 1 – Main laws of the RK,  
regulating farming activities :**

- **«On farming», 1998**
- **«On taxes and other obligatory payments to the budget ( the  
Tax Code) 1995, 2001, 2008»**
- **«On economic partnership», 1995**
- **«On rural consumer cooperatives», 1999**
- **«On protection of breeding achievements», 1999**
- **«On financial leasing», 2000**
- **«On agricultural partnerships and their associations ( unions)»,  
2000**

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**Slide 1 – Main laws of the RK,  
regulating farming activities :(continuation):**

- **«On plant quarantine», 2002**
- **«On seed growing», 2003**
- **Land Code of RK, 2003**
- **«On credit partnerships», 2003**
- **«On microcredit organizations», 2003**
- **«On rural consumer cooperatives of water users», 2003**
- **«On obligatory insurance in plant growing», 2004**
- **«On state regulation of agricultural complex and rural areas»,  
2005**
- **«On private entrepreneurship», 2006**

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## Slide 2 – The main legislative acts of RK in area of conservation of wild relatives of fruit crops



GEF

- **«On environmental protection», 1997**
- **«On ecological expertise», 1997**
- **Forest Code, 2003**
- **Land Code, 2003**
- **Water Code, 2003**
- **«On specially protected natural areas», 2006**
- **«Environmental Code», 2006**
- **«On inclusion amendments and additions to some legislative acts of RK on SPNA issues», 2008**

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## Slide 3 - The volume of government support (subsidies) to the development of horticulture and viticulture (according to data of the Ministry of Agriculture of RK)



GEF

#	Indicators	2007	2008	2009	2010	Total for 4 years
1	State subsidies for laying new plantations, mil. tenge	800,0 (7 million 200 thousand USD)	1551,7 (more than 12 million USD)	1506,3 (more than 10 million USD)	1562,9 (more than 10 million USD)	5420,9 (about 40 million USD)
2	New plantations laid at the expense of budgetary funds, ha:					
	Orchards	904,0	2099,0	4525,0	1271,0	8799
	Vineyards	845,0	945,0	638,0	1159,0	3587

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## The state of advancement of developed countries' proposals for improving national legal frameworks

*Baktybek Koichumanov,*

*Department of Forest Ecosystems Development,*

*State Agency for Environment and Forestry of the Kyrgyz Republic*

**Bioversity International/UNEP-GEF**

**Project "In Situ/On Farm Conservation and Use of Agrobiodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia"**

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**The state of advancement of developed countries' proposals for improving national legal frameworks**

**Koychumanov B.A.  
Sharsheev B.K.**

Tashkent – May, 2011

### **Focus area of achievements and results**

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- In situ* agrobiodiversity conservation;
  - Farmers' support in conservation of local varieties;
  - Recognition of farmers' rights.
-

## **Legislation acts of KR on In situ agrobiodiversity conservation**

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- ❑ Forest code of Kyrgyz Republic as of 29.06.1999 # 66;
- ❑ Law of KR "On specially protected natural areas" as of 28.05.1994 #1561.

On 21 April, 2011 Jogorku Kenesh of Kyrgyz Republic in the second and third readings adopted a new Law of the KR "On Specially Protected Natural Areas" and sent for signing to the President of the Kyrgyz Republic (in the first reading the draft law was adopted on 21 January, 2010)

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## **Following documents were developed and transferred to SAEPF :**

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- ❑ Draft Law of Kyrgyz Republic " On inclusion of additions and amendments to the Forest Code of Kyrgyz Republic", providing addition to the article 57-1 "The list of especially valuable wood species":
  - Kyrgyz apple,
  - Sea buckthorn. (Earlier the list included walnut, juniper and pistachio).

At present time this Draft Law is being agreed with the ministries and administrative departments, and then will be submitted to the Government of KR and after its approval by the Government - with relevant resolution will be submitted to the Jogorku Kenesh of Kyrgyz Republic

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## **Developing acts of KR on *In situ* agrobiodiversity conservation**

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- Strategy and Action Plan for Biodiversity Conservation in Kyrgyz Republic for the period until 2025;
- National Action Plan of the Kyrgyz Republic for forestry development for the period 2011-2014

(Drafts of these acts were discussed at round tables and directed to State Agency for approval with ministries and administrative departments)

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## **Legislative acts of KR on farmers' support in conservation of local varieties**

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- Law of KR "On peasant (farm) householdings" as of 3 June 1999 # 47;  
Developed draft Law of Kyrgyz Republic "On inclusion amendments to Law "On peasant (farm) householdings "  
(it is assumed that Article 5 "Rights of Peasants (farm) holdings" will be added with new subparagraph of following content:  
- 13) on state support for breeding local varieties of fruit crops and their wild relatives.
-



## **Law of Kyrgyz Republic "On local self-government and local state administration"**

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Developed Draft Law of Kyrgyz Republic, assuming inclusion to the article 9 "Powers of state authorities in local governance" following amendments:  
subparagraph 10 to read in following redaction

- "10) compensating local authorities of additional expenses incurred as result of decisions on farms' support in cultivation of local varieties of fruit crops and their wild relatives;"
- 

## **Legislative acts of KR, regulating issues of recognition of Framers' Rights**

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- Law of KR "On peasant (farm) households" as of 3 June 1999 # 47;
  - Law of KR " On legal protection of breeding achievements" as of 13 June 1998 # 79;
  - Law of KR "On protection of traditional knowledge" as of 31 July 2007 #116.
    - Booklets with the basic provisions of the Law of KR "On protection of traditional knowledge" have been developed and distributed among farmers;
    - State agency for intellectual property took a raticipation at the round table on topic: relationship of traditional knowledge with genetic resources
-

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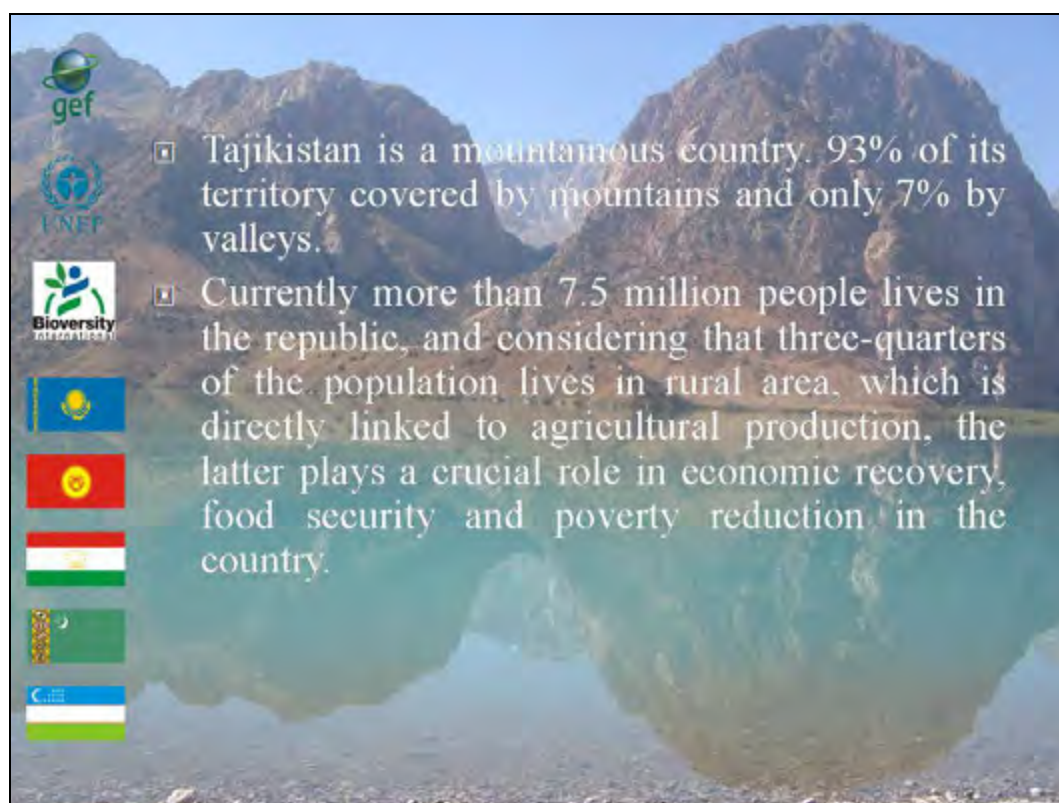
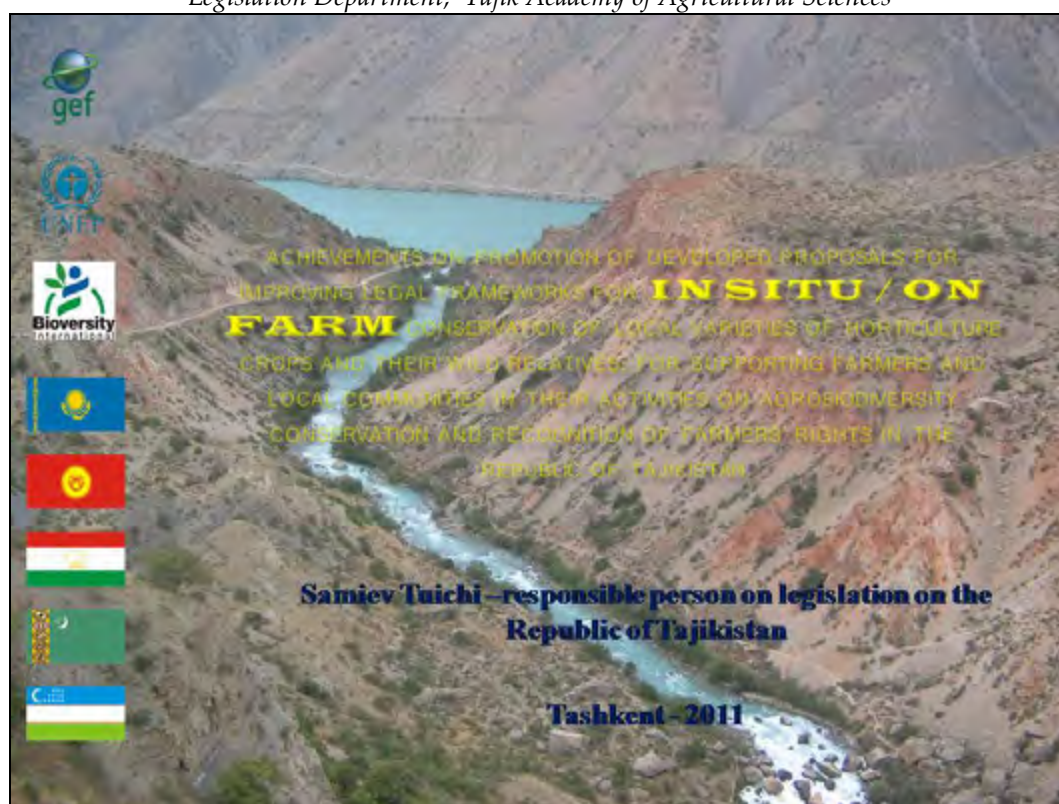
Thank you for attention!

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## Improving National legislative framework related to conservation of agrobiodiversity in Tajikistan

Tuychi Samiev,

Legislation Department, Tajik Academy of Agricultural Sciences







Currently in accordance with effective laws and normative acts in agriculture of the Republic of Tajikistan following forms of economic management (administrative structures) exist:

- state economy;
- dekhkan (farm) economy, based on private entrepreneurship; on joint property and on joint ownership on the agreement basis;
- tenant communities;
- agriculture cooperatives;
- associations;
- agro-companies;
- agricultural joint-stock companies and others.



Tajikistan is a country with limited irrigated land area, equal to 710 thousand ha, or 0.9 ha per capita and only intensive way of conducting agriculture complex is justified here.

Unfortunately for the present increase in agricultural production is mainly based on the extensive way of land use.



- In improving food security in the country the special role played by the Law of the Republic of Tajikistan “On dekhkan farms” and Decrees of the President of the Republic of Tajikistan, Emomali Rakhmonov, as of October 9, 1995, # 342 and as of December 1, 1997, # 874 “On allocation of 50 and 25 thousands ha of land for personal farming of citizens” and a number of resolutions of the Government of the Republic of Tajikistan.



- Due to support to farming development by Government of the country more than 40000 dekhkan farms , 245 associations and 31 agricultural cooperatives were organized in the period from 1992 to 2009.
- Currently 434 thousand ha of arable land, including 287 thousand ha of irrigated are in possession of dekhkan farms.





- iv For coordination of dekhkan farms' activities in 1997 it was organized Association of the dekhkan farms as a public association, collaborating with government agencies, NGOs, donors and other organizations.



- iv It is necessary to work out a special State Program to increase knowledge level of dekhkan farmers s and agricultural producers on issues of **local planning, marketing, agricultural services, rational use of micro-credits, fundraising, compiling effective business plans** and others on republic scale and on long-term basis for a condition of legal and production capacity of dekhkan farms' managers.



□ In our opinion the process of reform is not in accordance with made decisions, sometimes is not democratic and is not transparent. Many farms' workers and the village population, living and working for many years in collective and state farms, do not receive information about the processes going in their farms.

□ In many districts instead of restructuring state and collective farms, only its name, regulation and status in accordance with directive documents. Land, property and other means of collective farms are not allocated to shares, and this process should be carried out before the reorganization.



□ Another important factor for agriculture development undoubtedly is the availability of resources in fields.

□ In our opinion, in prospects it is necessary to give legal status to all dekhkan farms.

□ It is necessary to include amendments to Article 3 of the Law "On the dekhkan farms." This will facilitate the future expansion of their production activities.



- In articles 3, 5 and 17 of the same Law it is stated that private farms should be independent in their productive activities and should rationally use land to get more products, support their families and to enrich market.



### *Achievements, motivations and results that were obtained within the project*

- In recent years the Government support of *In situ* conservation of genetic resources is expressed in improvement of legislation, in attracting projects on conservation and development of agrobiodiversity of horticulture crops and their wild relatives, and in establishment of new protected areas.
- As a result of environment degradation and with a view of protection of unique ecosystems, rare and endangered species of flora, and implementation of scientific works, it is raised necessity of adopting the law of the Republic of Tajikistan "On specially protected natural territories".





## *Achievements, motivations and results that were obtained within the project*



- Currently, collected genetic material of cultivated crops, landraces and wild relatives are conserved at their places of growth, in collections of the Institute of Horticulture and Vegetable Growing, in National Republic Center for Genetic Resources, in Pamir Biological Institute, and in Sughd branch of the Institute of Horticulture and vegetable grow.



## *Achievements, motivations and results that were obtained within the project*



- Approximately 1500 species of plants, of which 750 are endemic for Central Asia are collected in botanical garden. However, this number has significantly decreased as soon as 20 years ago, there were more than 2500 species in a botanical garden. These species have mostly been lost due to lack of attendance, and deforestation in years of civil war and postwar period in the Republic of Tajikistan.



## *Achievements, motivations and results that were obtained within the project*



- In the 2000's on ICARDA initiatives in Tajik Academy of Agriculture Sciences for the first time it was established the Gene bank , which is currently transferred to newly established Republican National Center for Genetic Resources, which stores collected samples, including fruit crops.



## *Achievements, motivations and results that were obtained within the project*



Expedition to collect genetic resources of horticulture crops and their wild relatives in Tajikistan was conducted with the support of Biodiversity International. However such one time expeditions can not fully cover all natural areas of horticulture crops and their wild relatives growth, and to conduct purposeful collection of genetic material. It is necessary to develop a national plan or program of target complex expeditions in order to study this diversity in detail



## *Achievements, motivations and results that were obtained within the project*



- In 2003 in the Republic of Tajikistan within the project it was established Regional Training Centre for Plant Genetic Resources of apricot (PGR), located in Sughd branch of the Institute of Horticulture and Vegetable Growing, where short-term workshops on evaluation and dissemination of diversity of apricot and cultivated crops were conducted for researchers and farmers of Central Asian countries.



## *Legislative base*



- In recent years a number of laws, government regulations, regulatory and legal acts in the field of environmental protection, specially protected areas, protection of breeders' rights, seed production, plant quarantine, protection of flora, farmers' rights, farming systems and land use were adopted in the Republic of Tajikistan.





## Information systems



- An important link in issue of conservation and sustainable use of PGR is information exchange.
- Therefore, information on the number of collections, collected material on crops, varieties, wild relatives and landraces should be national heritage and all interested people can obtain them.
- However, in Tajikistan this issue has not found its solution.
- In connection with these, there is an urgent need in first order that specialists and scientists, involved in collection and conservation of PGR, realized the importance of their activities for future generation



## Public Awareness



Education of population to careful attitude to PGR should be conducted from kindergarten level up to council of elders, which is usually practiced at the community level in rural areas and villages in Tajikistan.

It is necessary to conduct workshops, meetings, arrange radio and television programs about PGR value and need of its conservation.

Agro - theaters, presenting scenes, narrating about importance of PGR conservation were organized in frame of the project in Tajikistan.

It is also necessary to publish a sufficient number of propaganda material as brochures, recommendations, posters and booklets. In Tajikistan 6 brochures, 3 posters and 2 booklets were prepared and published.



## Public Awareness



The Republic of Tajikistan signed several international Conventions and agreements including the Convention on Biological Diversity, the Cartagena Protocol on Biosafety, the Convention for Protection of World Cultural and Natural Heritage (Paris, France, 1992) etc.

The Republic of Tajikistan has applied for membership of the International Union for the Protection of New Varieties of Plants (UPOV).

Tajikistan adopted Law of RT "On Protection of Plant Varieties" on 2 August, 2010.



## Access to Plant Genetic Resources



- ❑ The Government of the Republic of Tajikistan officially recognizes the principles of promoting and improving access to PGR on the base on international standards
- ❑ Collaboration with ICARDA and the project in carrying out surveys, inventories, collection and conservation of PGR allowed to share existing PGR with research centers and other organizations of interested countries .





## Access to Plant Genetic Resources



The main policy document for benefit sharing is the Law of the Republic of Tajikistan “On Selection Achievements of agricultural crops”, 2008. The law appeals to protect rights of farmers -owners and breeders – owners of PGR in receiving an honorarium for use or development of varieties or forms of agricultural crops.

Although the law was not adequately carried out, because to present time subordinate regulatory acts, facilitating implementation of the law, have not been developed and adopted.



## Access to Plant Genetic Resources



To present time the system of the of honorarium collecting have not been not created.

Protection of breeders’ rights is weakly facilitated, that in some way hinders the introduction of new varieties of foreign breeders and allows farmers to grow different varieties - protected and unprotected, without payment of royalties to breeder

Law of the Republic of Tajikistan “On dekhkan farms”, adopted on 19 May, 2009, defines legal basis for establishment and operation of dekhkan farms.

However, this law does not sufficiently facilitate farmers’ rights in their daily activities.



## Access to Plant Genetic Resources



- One of important moments of fair benefit sharing from PGR use is well-established and functioning system of the test varieties, which includes testing of varieties for yield, product quality, uniformity and stability and detection of their economic-valuable traits.



## Regional and international cooperation



Close cooperation is established with international and regional organizations (FAO, ICARDA, BIVERSITY INT) and research centers, genebanks and botanical gardens of U.S., Russia, Japan, France, Turkey, Mexico, Central Asian republics and Trans-Caucasus and other countries, agreements were signed and joint activities were started.

It is known that the national, regional and international cooperation networks allow to avoid duplicate activities and provide essential support in technology transfer, dissemination of gene pool, broadening of information on gene pool, sharing technical expertise, training of researches, access to the latest achievements of science, description and characterization of gene pool and possibility of providing information on PGR for food production and agriculture.



## Access to Plant Genetic Resources



Insufficient financial support is a major limiting factor for development of networks of cooperation on PGR use.



Tajikistan actively participates in network of cooperation between Central Asia and Trans-Caucasus on Plant Genetic Resources, and is a co-executer of the major projects implemented in recent years.



## Access to Plant Genetic Resources



It is known that only well-established network and information exchange will allow Tajik specialists to have more detailed and accessible information on PGR and its location.



It is very important that Tajikistan had access to other international networks and to information, and was able to share existing databases on PGR.



In order to prove that Tajikistan is one of the centers of origin and diversity of number of valuable crops, it is necessary to regularly collect PGR, store, effectively use, create adjusted database, become a member of international networks on PGR and share information and PGR with other countries .





## Difficulties and problems, highlighted in the national strategy and legislation



- ▣ Difficulties of registration of land use.
- ▣ Problem with taxation.
- ▣ Lack of clarity of functions of government executive authorities.
- ▣ Lack of knowledge on their rights by members and dekhkan farms.
- ▣ Interference of government executive authorities in activities of dekhkan farms.
- ▣ Lack of awareness of farmers on the land reform.
- ▣ Low state tax on imports of agricultural products.
- ▣ Нехватка техники и оборудования по обработке земли, по уборке и переработке урожая. Lack of techniques and equipment on tillage, harvesting and processing.
- ▣ Проблемы с выделением льготного предмета и финансовой помощи фермерам. Problems with assigning preferential objects and financial means to farmers.
- ▣ Lack of strong linkages with processing enterprises.

## Difficulties on realization of legislative acts on agrobiodiversity conservation



Illegal logging



Illegal harvesting



## Difficulties on realization of legislative acts on agrobiodiversity conservation



Unsystematic  
Harvest transportation



Uncontrolled grazing



## Recommendations for further action to improve the legal framework.

- ▣ Signing of intergovernmental agreements on transit of agricultural products
- ▣ Increasing customs duties on imports of agricultural products.
- ▣ Reducing the size of a single tax.
- ▣ Организации семинаров среди членов фермерских (дехканских) хозяйств по повешение уровня их правовых знаний. Organizing workshops to members of dekhkan farmer on increasing level of their legal knowledge

**Thank you for attention**





## Achievements in promotion of developed proposals on legislation

*Abdikhali Kayimov,  
National Project Coordinator in Uzbekistan*



Bioversity International/UNEP - GEF  
On-farm Conservation of Agricultural Biodiversity (Horticultural Crops  
and Wild Fruit Species) in Central Asia (Component Uzbekistan)

### Achievements in promotion of developed proposals on legislation

**Abdikhali Kayimov**  
National Project Coordinator

Institute of Genetics and Plant Experimental Biology  
Uzbek Academy of Sciences  
111226, Tashkent region,  
Kibrai district, Yukori-Yuz vil.

**Tashkent, 2011**

## Proposals for draft Concept and Forest Code

- Draft Forest Code was analyzed as a result of activity of our partners and experts, and proposals on conservation of wild relatives of cultivated crops were made for inclusion to the "Forest Code of the Republic of Uzbekistan". According to our experts' assessment, the draft Forest Code is compiled sufficiently full, reflects all aspects of forestry development and, in general, can be a sufficient starting base for improvement of forest legislation and normative acts, promoting the advancement of forestry state.
- However, projects have a lot of shortcomings, which were presented in form of proposals at the workshop organized by the Main Department of Forestry of the Republic of Uzbekistan (April 2009).

## Law on forest

- The Law on Forest plays essential role in regulation of relations in use and conservation of wild relatives of horticultural crops. In this regard draft of "Concept of development of forestry of Uzbekistan for the period up to 2030" and a draft of new "Forest Code of the Republic of Uzbekistan" are being developed at present time.
- **Main project partners and experts participated in development and negotiation of these documents and submitted proposals on biodiversity conservation and reforestation in zone of pistachio and walnut crops and their wild relatives (Samarkand, April 2009)**

## List of varieties of specially valuable wood species for inclusion to forthcoming Forest Code of the Republic of Uzbekistan

Project partners prepared a letter to the Chief of the Main Department of Forestry, the Deputy Minister of MAWR of the Republic of Uzbekistan, Ergashev S.F., noting that many local varieties of horticulture crops and their wild relatives currently under the influence of human activities are under threat of possible loss of their gene pool. Within the project experts developed a list of varieties of specially valuable wood species, which are the ancestors of many cultivated varieties, used to population nutrition. In this connection it is necessary to include the list of these varieties of valuable wood species to forthcoming Forest Code of the Republic of Uzbekistan for taking measures for their conservation and sustainable use. The list of it is recommended to include to the list following varieties:

- Apple – *Malus*;
  - Pear – *Pyrus*;
  - Apricot – *Armeniaca*;
  - Almond – *Amygdalus*;
  - Walnut – *Juglans*;
  - Grape – *Vitis*;
  - Pomegranate – *Punica*;
  - Pistachio – *Pistacia*;
  - Alycha – *Prunus*;
  - Fig – *Ficus*;
  - Hawthorn – *Crataegus*.
- **The letter, dated 12.04.2010, was sent to the Deputy Minister of MAWR of the Republic of Uzbekistan, Ergashev S.F.**





## Protecting Farmers' Rights

- As a result of analysis of legislation system of RU on farming and farms within the project experts developed recommendations for establishment of organizational and legal measures to support farmers and local communities in conservation of local varieties of fruit crops:
  - Combining efforts of all stakeholders - local authorities, self governments, district and regional khokimiyats, farmers' associations, research institutions and other organizations for conservation of bio-and agrobiodiversity in the Republic, and strengthening the role of farmers and farms in given direction;
  - Through mass media, organization of workshops and trainings to farmers, to explain more detailed the advantage of local varieties over introduced, concluded in their better adaptation to the environment, suitability for different types of processing, particularly resistance to stressful environmental factors (salt tolerance, heat resistance, drought tolerance, resistance to late spring frosts) etc;
  - To propose legislative support to investment of new technologies and techniques for cultivation of planting materials;
  - To enhance the role of local communities in forest management

## Protecting Farmers' Rights

- Analysis of legislative framework for farmers' rights of the Republic of Uzbekistan, conducted by project experts, demonstrated:
  - 1) that farmers are poorly informed about the presence of legislation on protection their rights on intellectual property and results of selection works;
  - 2) existence of bureaucracy obstacles from the side of various officials;
  - 3) existence of problem with financing of selection achievements;
  - 4) lack of qualified consultants able for reasonable fee to farmers to assist in carrying out these works.

## Law on Selection Achievements

Research, conducted under the project, showed that the process of forming and updating local assortment of fruit crops and grape continues today also.

Farmers are mainly engaged in analytical selection. It is identified or selected new forms, authors of which are farmers.

Patents ownership gives farmers the right to organize fruit nursery and cultivate fruit seedlings for selling:

- to develop and implement in nursery the effective technology of cultivation of fruit crops seedlings;
- to present author's descriptions of cultivated varieties;
- to produce seedlings with high varietal and sowing characteristics;
- to periodically prepare and publish catalogs of varieties.

Seedlings cultivated in farmer's nursery must be certified with indication varietal and sowing characteristics and farmer is obliged to guarantee their compliance.

## Law on Selection Achievements

- In general, the "Law on Selection Achievements" protects intellectual property of farmers and allows to effectively work on selection new varieties of horticulture crops
- **In connection with the abovementioned National Project Implementation Unit prepared and sent to destination station two letters:**
- To Minister of Agriculture and Water Resources of the Republic of Uzbekistan, R. Sh. Ruziev, with proposition to organize a variety testing at demonstration sites established under the project to facilitate obtaining patents for creation of varieties by project farmers.
- To Chairman of the Committee on Agriculture and Water Resources of the Legislative Chamber of Oliy Majlis of Uzbekistan, M. M. Teshaboev, with proposition to legalize obtaining patents to farmers, engaged in breeding new varieties of horticulture crops at demonstration orchards, established within the project.

## Protection of farmers' rights on selection achievements

- As a result of analysis of legislation / normative acts on protection farmers' rights to intellectual property of selected new varieties of horticulture crops following recommendations were done, submitted to the MAWR of the Republic of Uzbekistan and Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan:
- 1. We recommend to conduct testing of claimed selection achievement at demonstration plots on methodic of State Committee on variety testing of agriculture crops.
- 2. We recommend to conduct work on variety testing in close cooperation with farmers and researchers.
- 3. Patent holder is required to maintain variety during patent effective period in such way as to preserve features, noted in official variety description, composed to the date of their registration in the appropriate register. This means that for each variety there are should be mother trees. Recommended mother trees better to plant at demonstration plots.
- 4. We recommend following scheme for obtaining a patent for selection achievements:
  - ◆ • Selection achievements "variety" derived "selected" by farmer
  - ◆ • Transfer to scientific institutions on horticulture crops for obtaining confirmation of novelty and distinctness of selection achievement
  - ◆ • Testing of selection achievement by the applicant
  - ◆ • Transfer of selection achievement to State Committee on variety testing of agriculture crops.
  - ◆ • Examination of the patentability of a selection achievement
  - ◆ • Patent obtain.
  - ◆ • Multiplication of selection achievement (creation of mother plots of selection achievement, certification of seedlings).
  - ◆ • Seedlings realization.

## Proposals for development of horticulture and viticulture

- **On 25 August, 2010 verbal and written proposal for development of horticulture and viticulture in the Republic of Uzbekistan was submitted to the Cabinet of Ministers by the National Project Coordinator , professor Kayimov A.K.**
- **As a result, 2-year program of measures to establish 15,101 hectares of horticulture crops orchards and 6,569 hectares of local grape varieties vineyards was developed**

**THANK YOU FOR ATTENTION!**



## Issues and achievements in development of proposals for improvement of legislative framework

#	Questions	Answers
<b>Kazakhstan</b>		
1.	What was the most important achievement in your country?	The project implementation permitted: 1. to develop concept of the Law "On protection of flora in the Republic of Kazakhstan" 2. to develop and submit proposals on amendments and complements of the Law "On compulsory insurance in plant industry" (to include fruit crops and grapes to the list of compulsory insured agricultural crops)
2.	Why it is important?	1. In the Republic there is no Law on conservation of plant genetic resources 2. Currently, the harvest of fruit crops and grapes are not insured
3.	What was the most difficult in these achievements?	Passing of the prepared proposals through review of state authorities until the stage of adoption by the Parliament of the Republic
4.	Which initiative of other countries do you like and you think that it would be useful to apply it in your country?	The proposal of the project team in Uzbekistan on inclusion of 11 species of wild fruit crops to the list of specially protected genetic resources
5.	Which activity was planned, but not implemented?	Adoption of the Law "On conservation of flora"
6.	What was the cause for not implementation of these objectives?	Long duration of the stage of review, and agreeing with the state authorities and adoption by the Parliament of the Republic
7.	If the project started again, on which issues you would focus the activities on improving national legislation?	Further improvement of legislative acts in conservation and wide use of local varieties of fruit crops and financing of these activities by the government
8.	Assess the project and your activities within the project	The project permitted to conduct comprehensive analysis of current legislation in this domain and to prepare concerning proposals on its improvement. Therefore, the

project is assessed positively

### **Kyrgyzstan**

1. What was the most important achievement in your country? completion and adoption of the Law “On specially protected areas” by the Jokorku Kenesh of Kyrgyz Republic
2. Why it is important? this law of Kyrgyz Republic was developed within the process of implementation of international agreements (Conventions, Agreements, IUCN criteria and etc.), and contains provisions, directed to development of specially protected natural territories.
3. What was the most difficult in these achievements? Agreeing with non government environmental organizations, local administration, local communities, deputies, who adopted the project of this Law.
4. Which initiative of other countries do you like and you think that it would be useful to apply it in your country?
  - initiative of project team of Uzbekistan on large-scale plantings of fruit crops with the support of the government;
  - initiative of project implementation team in Kazakhstan on elimination of limit for subsidies on identification and maintaining of old varieties of fruit crops and grapes.
5. Which activity was planned, but not implemented? adoption of Environmental Code of Kyrgyz Republic (proposal of Environmental Code was adopted by Jokorku Kenesh of Kyrgyz Republic and submitted to the President for signature, but it was returned to the Parliament with several comments for improvement)
6. What was the cause for not implementation of these objectives? political issues (events in 2010, which also influenced to legislative branch of the government)
7. If the project started again, on which issues you would focus the activities on improving national legislation? on the issues of analysis and development of complements to the current legislative norms, which provide adaptation mechanisms in the changing climatic conditions for conservation and use of genetic resources of flora and fauna
8. Assess the project and your activities within the project
  - the strength of the project is the cooperation of specialists of high level, including foreign specialists;
  - the work is interesting and permitted us to understand issues of other countries and complex approach to

solutions of issues;

- we hope, that we could address certain issues of national legislation in the domain of in situ/on farm conservation and use of genetic resources.

### **Tajikistan**

- |    |  |   |
|----|--|---|
| 1. | What was the most important achievement in your country?   | Adoption of the Law “On protection of varieties of plants”  |
| 2. | Why it is important?   | After adoption of the Law “On protection of varieties of plants” the selectionists will have wide opportunities to protect their interests, cover expenses, related to creation of new selection achievements and also to receive additional financial resources. This will contribute to development of agriculture in the republic, with increase of food production and updating the market with new varieties |
| 3. | What was the most difficult in these achievements?   | Delays in reviewing of proposals by the State agencies  |
| 4. | Which initiative of other countries do you like and you think that it would be useful to apply it in your country? | Law of the Republic of Kazakhstan on government support for development of farm enterprises   |
| 5. | Which activity was planned, but not implemented?   | Adoption of the Law «On biodiversity»   |
| 6. | What was the cause for not implementation of these objectives?   | -   |
| 7. | If the project started again, on which issues you would focus the activities on improving national legislation?    | -   |
| 8. | Assess the project and your activities within the project  | -   |

### **Uzbekistan**

- |    |  |   |
|----|--|---|
| 1. | What was the most important achievement in your country? | 1. Inclusion the list of 11 wild fruit varieties into Forest Code<br>2. Development of the scheme of test of varieties of |
|----|--|---|

		local varieties in demonstration plots
		3. Identification of wild fruit forests as specially protected territories
2.	Why it is important?	1. The included 11 species is main gene pool of wild species for selection of new varieties 2. The scheme facilitates and accelerate process of testing of varieties of fruit crops Specially protected territories contribute to conservation of gene pool of wild species
3.	What was the most difficult in these achievements?	Bureaucratic obstacles and misunderstanding the issues
4.	Which initiative of other countries do you like and you think that it would be useful to apply it in your country?	Initiative of Kazakhstan on allocation of subsidies for farmers for establishment of orchards
5.	Which activity was planned, but not implemented?	Development of concepts of the Law on protection and use of genetic resources
6.	What was the cause for not implementation of these objectives?	Issues in collecting of materials
7.	If the project started again, on which issues you would focus the activities on improving national legislation?	<ul style="list-style-type: none"> <li>• Focus on protection of genetic resources;</li> <li>• Improve and complete the Law on farmers;</li> <li>• Creation of new protected territories</li> </ul>
8.	Assess the project and your activities within the project	<p>The project permitted to assess/analyze current legislation and develop proposals</p> <p>Project partners participated actively in improvement of legislation</p>



## INFORMATION SHARING AGREEMENT

*Isabel Lapena,  
Regional Consultant on Access and Benefit Sharing*

## INFORMATION SHARING AGREEMENT

**THIS AGREEMENT is made BETWEEN the following parties (hereinafter, the parties):**

- 1. Name and address of the National Executive Agency in Kazakhstan**
- 2. Name and address of the National Executive Agency in Kyrgyzstan (same thing)**
- 3. Name and address of the National Executive Agency in Tajikistan (same thing)**
- 4. Name and address of the National Executive Agency in Turkmenistan**
- 5. Name and address of the National Executive Agency in Uzbekistan**

**Hereinafter, these five parties will be referred to as National Executing Agencies**

### **6. Bioversity International (“Bioversity”)**

### **BACKGROUND**

This agreement deals with the collaboration on sharing and dissemination of the information and data generated by the UNEP/GEF Project “*In Situ/On-Farm Conservation and Use of Agricultural Biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia*”. The main purpose of the Project has been the conservation and sustainable use of horticultural crops and wild fruit species genetic diversity in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan through addressing the problem of inadequate information, coordination and knowledge, thereby contributing to the elimination of the other major barriers to conserving fruit genetic resources (unsustainable use of wild fruit species and loss of traditional diversity-based farming systems).

As a result, better information and knowledge on wild resources, on the number and quality of horticultural crops and their genetic resources, distribution, conservation, and use has been attained. Therefore, knowledge about levels and distribution of fruit species genetic diversity, and the value of this diversity for sustainable agriculture and ecosystem health have been enhanced in order for them to be used to strengthen national and regional policies and legislation towards the conservation and sustainable use of agrobiodiversity.

Main features during the implementation of the Project have been the good collaboration and coordination among national partners in sharing knowledge and experience and in strengthening links among scientists and farmers. The present Information Sharing Agreement reflects this desire of continuous collaboration among national partners, so that existing linkages among institutions will continue in the future through enabling facilitated access to data, publications and resources that have been developed as a result of the Project and regional collaboration is increased towards agrobiodiversity conservation.

In consideration of the foregoing, the parties agree as follows:

### **1. OBJECTIVES**

The objectives of this Information Sharing Agreement are:

- a) To provide a framework for the provision, storage, sharing and dissemination of the Information resulting from the Project.

- b) To set forth the terms and conditions under which Project partners will share Information between themselves and with non Project partners through a Website.

## 2. USE OF TERMS

Project: UNEP/GEF Project “In Situ/On-Farm Conservation and Use of Agricultural Biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia”

Project partners: Individuals that have been involved in the implementation of the Project, either as members of the National Executing Agencies and not, and who will be granted access to all the Information stored in the Website:

Website: digital database held by the Project Coordinator which stores the Information and is available on the Internet.

Information: all the information generated by the Project that will be included in the Website.

Survey data: Information collected through focus group discussions and household surveys and interviews during the Project.

Project Coordinator: Institution in charge of coordinating the implementation of the Project, i.e. Bioversity.

National Executing Agencies (hereinafter NEA): Institutions in charge of implementing the Project at the national level and parties to this agreement.

National Focal Point (hereinafter NFP): person or persons designated by each National Executing Agency with capacity to provide Information to be uploaded on the Website and take decisions about the access and use of the Information by third parties.

## 3. OPEN ACCESS INFORMATION AND RESTRICTED ACCESS INFORMATION

3.1. Parties agree that there will be three types of Information:

- a. Open Access Information: information published on the Website and publicly available to Project partners and the general public.
- b. Restricted Access Information: information that will be stored in a restricted area of the Website which will be accessible only by Project partners. Restricted access Information will be made available to non Project partners upon permission from the party that provided the Information. Restricted access Information will be considered publicly available without limitations or restraints after a period of 7 years from the official date of finalization of the Project (December 2011).
- c. **Absolute Restricted Access Information: information that will be stored in a restricted area of the Website which will be accessible only to the representatives of the country that provided the information. Absolute restricted access Information will be made available to Project partners and the general public upon permission from the party that provided the information.**

3.2. Parties agree that the following Information will be Open Access Information:

- A list of all the Scientific publications (articles, research papers, monographs and other publications) as a result of the project;
- Abstract of the Scientific publications (articles, research papers, monographs and other publications) as a result of the project;
- Publications on technologies related to the cultivation and management of orchards
- Database on Project partners;
- Draft laws and regulations;
- Project’s proposals to conserve agrobiodiversity;
- Training materials (on technologies for the cultivation and management of orchards, etc.) for education and capacity building purposes, and under protection of intellectual property rights in case of replication;
- Information on training centers;
- Number of key nurseries and their agroecological zone;
- Farmer and households’ Code Number;

- Farmer´s major specialization;
- In relation to location references of households, farms and settlements, only open access to latitude and longitude location references of their District information degree and minutes without seconds;
- Morphological characterization of varieties and species;
- General information related to traditional knowledge and management practices; not Know How; and
- General information about the importance of plant genetic resources and local diversity of fruit crops and wild species for the regional and global community.
- All the information included in the survey data that is not under the consideration of Restricted Access Information or Absolute Restricted Information.

3.3. Parties agree that the following Information will be Restricted Access Information:

- Full content of Scientific publications (articles, research papers, monographs and other publications);
- Database on demonstration plots;
- Database on key nurseries and their location;
- Farmers and households´ name;
- Socioeconomic data resulting from household surveys;
- Evaluation data of varieties and species; and
- Traditional knowledge and management practices: Restricted access under acknowledgement and copyright protection.

3.4. Parties agree that the following Information will be Absolute Restricted Access Information:

- Latitude and longitude location references of households, farms and settlements;
- Settlements name;
- Endangered species geographical location (for example, varieties under the Red List and CITES).

## 4. OBLIGATIONS

4.1. The National Executing Agencies (NEA) will:

- Share with all the parties complete contact details of the individuals that have been designated as National Focal Point (NFP);
- Ensure that the NFP will coordinate the execution of the responsibilities under this agreement and act as the main contact point between the NEA and the Project Coordinator;
- Through the NFP, regularly provide the Information to be uploaded on the Website to the Project Coordinator;
- When providing the Information to be uploaded on the Website, confirm its open or restricted nature according to Article 3 of this agreement;
- Specify the Project partners that will have access to the restricted access information and communicate their contact details to the Project Coordinator;
- Obtain any necessary permissions to make the Information available on the Website.

4.2. Project Coordinator/Biodiversity will:

- Design the Website;
- Upload the Information provided by the NFP to the Website following the conditions of accessibility specified in Article 3 of this agreement for each type of Information;
- Provide technical guidance on Information quality;

- d. Manage the legal basis for access to and use of the Website (disclaimers, copyright notifications, terms of use and acknowledgment, etc.) and prominently display them on the Website;
- e. Place a copy of this agreement on the restricted access area of the Website;
- f. Not alter, modify, or otherwise change, the Information in any way if the quality standards are met;
- g. Not claim exclusive property rights over any Information provided by the NFI;
- h. Not express any opinion on the Information when making them publicly available;
- i. Acknowledge that the NEAs are the source of the Information and encourage Website users to acknowledge the Website as the source of the Information. The “terms of use” and acknowledgements will be prominently displayed at the Website.

## **5. MAINTENANCE OF THE WEBSITE**

Bioversity commits to maintain the Website for the first two years of functioning, from the moment the Website is published on the Internet; after this period, NEA will take the responsibility for its maintenance. Parties may decide to amend or terminate this agreement or to sign a new agreement regulating the new responsibilities.

After the mentioned period of two years, Bioversity will not have any coordination responsibilities and will not be accountable for the Information displayed on the Website.

## **6. CONDITIONS FOR SHARING RESTRICTED ACCESS INFORMATION AMONG PROJECT PARTNERS AND WITH NON PROJECT PARTNERS**

- a. All Project partners will have access to the Restricted access Information provided by all parties. If a Project partner wants to use Restricted access Information for commercial purposes, such Project partner will ask the permission of the NEA that provided such information.
- b. Each National Executive Agency will be able to reproduce and distribute Restricted access Information originally provided by the same National Executive Agency, without any need to obtain permission from the other Parties.
- c. Parties agree that once the Restricted access Information is considered to be publicly available, without limitations or restraints according to Article 3 of this agreement, Parties will have non-exclusive, royalty-free licenses to use, reproduce and distribute such Information, without any need to obtain permission from one another.
- d. Non Project partners’ access to restricted access Information will require the explicit permission from the NEA that provided such Information. In this case, the NEA can impose specific terms and conditions for the use of the Information. The contact details of all the NFP will be available on the Website for non Project partners to get in touch with the NFP regarding the access to and use of restricted access Information.

## **7. DISSEMINATION OF INFORMATION AND ACKNOWLEDGEMENT**

- a. When disseminating and publishing the Information or any research finding based on such Information, the Parties will recognize the other Parties through citation, acknowledge or reference to the source of Information as well as UNEP-GEF as financial supporter of the Project.
- b. Parties will publicize the Website by including its links in their institutional websites and in scientific publications resulting from the use of the Information stored in the Website.



- c. Parties will make efforts to ensure that all Website users publicly recognize the Parties as the authors of the Information as well as UNEP-GEF and any other donor as financial supporters of the Project.

**8. INTELLECTUAL PROPERTY**

Neither the receipt of the Information nor its publication through Website shall affect whatever intellectual property rights the National Executive Agencies may hold with respect to the Information.

**9. EFFECT, AMENDMENT AND TERMINATION OF AGREEMENT**

This Agreement will enter into force on the date of signature by at least two Parties and will become effective for every Party at the moment of signature by each Party.

The terms of this agreement can be amended upon written agreement by all the Parties.

Any Party may unilaterally renounce the agreement by giving the depositary of the Agreement at least thirty (30) days prior written notice of intent to terminate the Agreement.

**10. SETTLEMENT OF DISPUTES**

Any disputes or differences of any kind arising between the Parties during the implementation of this Agreement shall be settled amicably upon consultation between all Parties in accordance with tenor and intent of this Agreement.

**DATE AND SIGNATURES**

Date:

\_\_\_\_\_

Signature:

\_\_\_\_\_

Name:

\_\_\_\_\_

Title:

\_\_\_\_\_

On behalf of the [ORGANIZATION WITH LEGAL PERSONALITY]

Date:

\_\_\_\_\_

Signature:

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Name:

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Title:

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On behalf of the [ORGANIZATION WITH LEGAL PERSONALITY]

Date:

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Signature:

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Name:

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Title:

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On behalf of the [ORGANIZATION WITH LEGAL PERSONALITY]

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Title:

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On behalf of the [ORGANIZATION WITH LEGAL PERSONALITY]

## **Presentation of the final report on analysis of legislative frameworks in the domain of recognition of farmers' rights and supporting them by the government**

*Amantay Kultaev,*

*Department of Financial Resources Development in Agribusiness,  
Research Institute of Agribusiness Economy and Rural Territories Development*

### *1.1. Identification of legal status of farm enterprises*

The base laws, identifying legal status of farm enterprises in Kazakhstan are the Laws "On farm enterprises" (1998), "On private entrepreneurship" (2006). According to these laws farm enterprises are agricultural production unit with equal rights of Kazakhstan, and independently decide the direction of their activities, structure and volume of production, cultivate, process and sell products and solve other issues related to activities of the farm. This means, that every farmers is provided with the rights for free choice of the cultivated crops and its varieties, and at the same time he has free access to genetic resources of agricultural crops, including fruit crops and grapes. As well the farmer has right to conserve and to exchange the reproduction material.

It is known that in the system of economic relations the main factor is property rights, which has some particularities in agriculture of Kazakhstan, where it can be in two forms:

- farm enterprise, where entrepreneurship activities is implemented in the form of family enterprise on the basis of common property;
- farm enterprise, based on individual entrepreneurship;
- farm enterprise, organized in the form of ordinary partnership on the basis of agreement on joint entrepreneurship.

In the Republic, the private property has immunity and this immunity is guaranteed by the Constitution.

As well, according to the Land Code, adopted in 2003, farmers have private property rights on lands which are in use by them.

The head of farm enterprise can be any legally capable citizen of the Republic of Kazakhstan, who achieved 18 years age (without professional, educational or other limit)

The Law of the Republic of Kazakhstan "On private entrepreneurship" defines farm enterprises with no more 50 staff, as the small enterprise. The legislation of Kazakhstan permits to get a range of privileges and benefits by the government and the farmers widely use these privileges.

In the process of obtaining financial and technical government support, the main role has the Law "On state regulation of development of Agricultural complex and rural territories" (2005), and also normative legal acts as Laws "On financial leasing"(2000), "On credit partnerships" (2003), "On microcredit enterprises" (2003).

In this domain an important role have Laws "On rural consumption cooperatives" (1999), "On agricultural partnerships and associations" (2000), "On rural water consumers cooperatives", ensuring legal base for joining efforts of farmers in implementing common socio-economic objectives.

All above mentioned and other legislative and other acts, related to agrarian sector, meet requirements of free entrepreneurship in the condition of market economy and encourage

initiatives of citizens in increasing effectiveness and competitiveness of the production and also create favorable conditions for attracting investments.

In general system of citizen, property and other economic rights for the farmers, the main role has land law, which is based on Land Code of Kazakhstan and expressed in the Law “On farm enterprises”.

### *1.2. Regulation of rights of farm enterprise to land plots*

For activities of farms, land plots are given to citizens of the Republic of Kazakhstan with the right of private property or with the right of temporary land use for the period of 49 years.

In terms of the right to private property and right to own and use land plots, farm enterprises have right to:

- 1) to manage independently the land, using it for production of agricultural products;
- 2) to sow and plant agricultural or other crops and plants, right to own produced agricultural products, received in the result of use of land plots and to revenue from its commercialization;
- 3) to use sand, clay, gravel and other widespread minerals, peat, wood products, on and underground water resources and also to use other useful resources of the land;
- 4) to cover all losses, if the land plot is taken (purchased) for government needs;
- 5) to construct production, domestic, and other buildings on small part of land plot according to zoning of lands for household needs, which doesn't contradict with target purpose of the land plot;
- 6) to conduct irrigation, drying, and other melioration activities, construct pond or other water body according to fixed construction, environmental, sanitation and other special requirements.

The farm enterprise, having the right for temporary land use, has the same rights, except the rights to manage the land plot.

The rest of the rights can be limited with the terms of the agreement of temporary land use.

### *1.3. Regulation of issues of intellectual property rights of farm enterprises*

In general, in the republic intellectual property is protected by concerning legislative acts, as Civil Code (1999), Law “On protection of intellectual property in the Republic of Kazakhstan” and Law “On protection of selection achievements”.

According to this Law the right to selection achievement is protected and confirmed with a patent. The patent gives exceptional right to its owner on use of selection achievement, its priority and authorship of the breeder. In order to get the patent it is established certain norms and requirements, which are indicated in this Law.

In this connection, norms of the Law “On seed farming” also should be noted.

Farmers as producers of seeds (planting materials) have the right to identify independently the volume of production of seeds, except tested producers of seeds, who have obligation to provide with seed materials in certain volume. For these farms the authorized state agency will fix the quota for production of seed materials.

At the same time, this Law determines rather large list of requirements and responsibilities of seed producers, which ensures high level of responsibility for their seed farming activities.



#### *1.4. Regulation of phyto sanitary protection*

This issue is regulated according to the Law “On protection of plants” and Law “On quarantine of plants”.

The Law of the Republic of Kazakhstan “ On protection of plants” determines legal, economic and organizational basis for implementation of activities in protection of plants from pests, weeds and diseases, and focused on conservation of harvest and its quality.

The Law of the Republic of Kazakhstan “On quarantine of plants” determines the principles for implementation of activities concerning quarantine of plants.

#### *1.5. Legislative framework for receiving financial and technical support of the government by farm enterprises*

The main legislative act, providing rights to farmers for receiving financial and technical support of the government, is the basic Law “On state regulation of development agro-industrial complex and rural territories”.

In this Law of the Republic of Kazakhstan, adopted in 2005 with further complements and amendments, determined the main directions of the government regulation and financial support for development of agrarian production, including farm enterprises, as:

- development of crediting in agro-industrial complex and rural territories;
- subsidization of agro-industrial complex;
- conducting wholesale purchase operations and intervention in fixing the price;
- technique equipping of agro-industrial complexes;
- information-marketing services;
- scientific, normative - methodical services and training of personnel;
- implementation of investments in development of social-engineering infrastructure of rural territories;
- provision of veterinarian-sanitary and phyto-sanitary security;
- taking steps for tax, budget, customs, technical regulation and other steps according to legislation of the Republic of Kazakhstan.

Crediting in the domain of agro-industrial complex and rural territories is implemented through budget credits to following directions:

- organization and development of infrastructure of agricultural production;
- leasing of agricultural machines and equipments;
- organization and crediting of credit associations, which is investing in agro-industrial complex;
- crediting non-agricultural entrepreneurship activities in rural territories;
- procurement, production, processing and sale of agricultural production;
- organization of micro-crediting for rural population.

Subsidizing farmers-horticulturists is implemented in following directions:

- decreasing interest rates in crediting for farmers;
- conservation and development of gene pool of high valuable varieties of plants;
- development of seed farming;
- establishment and cultivation of planting materials of perennial planting materials of fruit-berry crops and grapes;

- decreasing the price (40%) of fuels and lubricants and other inventory holdings, needed for field activities in the spring and harvesting of priority crops;
- decreasing the cost (50%) of fertilizers (except organic fertilizers) and cost of processing of agricultural crops with herbicides, produced in Kazakhstan;
- covering part (40%) of expenses for establishment and cultivation of perennial fruit-berry crops and grapes.

The procedure of disbursement of abovementioned subsidies (list of priority crops, norms of subsidies, etc.) developed by the Ministry of Agriculture and these procedures are approved by the government of the Republic every year.

For example, in order to implement the provisions of the Law “On seed farming”, the government decree #89, dated 11 February 2011 determines rules and norms of subsidies, which cover 100% expenses of farmers for establishing and maintaining the orchards of mother trees in following size:

- for establishing orchards of perennial fruit-berry crops and grapes – 1323,7 thousand tenge;
- for maintenance of orchards of perennial fruit-berry crops and grapes – 1126,0 thousand tenge.

Thus, the most considerable support for establishing and maintenance of new orchards and vineyards is provided by the government. Since 2007, the government approves annually the procedures and size of subsidizing for establishment new orchards and vineyards. If in 2007, 800 mln. tenge (7.2 mln. US\$) was allocated for this purpose, in 2008 1551.7 mln. tenge (about 12 mln. US\$), and in the period of 2009 – 2011 – about 2.0 billion tenge (about 14 mln US\$) was allocated.

## **Slide 2**

A lot of tax privileges are provided for agricultural enterprises, including farm enterprises in the Republic.

According to norms of chapter 62 of current Tax Code of the Republic of Kazakhstan (2008), farm enterprises have right to choose special tax regime or generally established procedures. Farms and farm enterprises pay single tax for land and they are exempted from other types of taxes and compulsory payments, including VAT.

As mentioned above, farm enterprises are included in the category of small and medium enterprises. According to the Law “On private entrepreneurship”, they:

- are exempted from payments for additional charge on electricity, heating, water supply and sewage system with application of legislation of the Republic of Kazakhstan on natural monopoly and regulated markets;
- can open bank accounts of the level II with participation of the government without payments;
- submit accounting reports in a simplified way, as individual entrepreneurs;
- have privileged rights in covering purchase orders for government needs;
- receive statistical and information services (resources), and also scientific-technical developments and technologies in privileged terms;
- conduct training, retraining and improving qualification of its staff at the expense of resources, allocated for supporting small entrepreneurship.

An important direction of financial support for farm enterprises is micro crediting. Farm enterprises and domestic households of rural population (about 46% of population of the country)

is one of main segments for market of micro crediting in the Republic of Kazakhstan. The system of micro crediting of rural population is regulated with the Law of the Republic of Kazakhstan "On micro credit organizations" (2003).

In order to facilitate the access to financial-credit resources for rural population, not-covered by current financial services of bank and private credit organizations, the Ministry of Agriculture of Kazakhstan will implement the budget program on micro crediting of rural population. For the period of realization of this government programme (2006-2007), about 57 thousand micro credits were allocated for total amount of 12.5 billion tenge, or about 9 mln. US\$. During these years in rural territories, 51 micro credit organizations were established.

These micro credit organizations will allocate credits for the period of 3 years with 7,5% annual interest rates.

At the same time, farmers-horticulturists of the southern regions of the republic have possibility to use the services of functioning microcredit organizations and credit partnerships: in Almaty province – 25, in Jambyl province – 19 and in the South Kazakhstan province – 36.

According to the new Strategy of development of the republic until 2020, "Kazakhstan – 2020", one of the priority directions for supporting the individual entrepreneurship in rural territories is identified to increase the level of development of micro crediting.

It is known that the farm enterprises cannot develop without leasing of agriculture machines and equipments.

On the basis of the Law "On financial leasing", adopted 2000, a state program on leasing in the system of Agro-industrial Complex through JSC "KazAgroFinance", where full stack package belongs to the government.

The main goal of this company is to implement the programme of provision of agricultural producers and processing enterprises with necessary machines and equipments through leasing.

In this process, the annual interest rates of the credits are minimal – 4-5% (for the period of 5-8 years), which is 3-4 times lower than in private financial structures (banks of the second level).

In spite of all privileges, provided by the government to farm enterprises, the access to these financial resources is extremely limited. The main issue in this situation related to provision of guarantees for the requested amount of credits. In these conditions, it is obvious the necessity to join small farmers into different associations, cooperatives, the activities of which is regulated as followings: for agricultural associations are regulated by the Law "On agricultural partnerships and their associations" (2000), cooperatives – by the Laws "On production cooperatives" (1995), "On rural consumption cooperatives" (1999) and "On rural consumption cooperatives of water users" (2003). According to these laws, farmers can join, on voluntary basis, to partnerships (associations) or create different cooperatives, providing services to the main production.

The agricultural partnerships are established for following objectives:

- 1) satisfaction of socio-economic needs of agricultural producers (including farmers) through their voluntary joining for ensuring sale, storage and processing of agricultural production, provision with technique resources, water supply and other services for the members of the partnership;
- 2) ensuring profit of agricultural producers, even if the service partnerships (cooperatives) don't have profit;

- 3) creation of competitive condition in the domain of sale, storage, processing of products and provision of material and technical resources;
- 4) ensuring direct provision of agricultural production from the producers to the consumers;
- 5) contribution to procurement of necessary resources and receiving the access to financing of agricultural activities of the producers of agricultural production.

In the akimat of every district (Akimat is local executive authority, mayor's office), the farmers' council is established. For the process of decision making, the issue is discussed at the Council with participation of higher authority representatives.

For the farmers, working in conservation and use of plant genetic resources, the most acceptable form is service agricultural partnerships, which provide services to its members, related to production process and sale of agricultural products and also in provision of material-technical resources, agro-chemical services, water supply, electricity supply, maintenance of agricultural machines, selection activities, researches in plant industry forestry, etc.

Currently in the republic, 161 rural credit associations are established and operating (in every rural district), which include 6,8 thousand agricultural producers, and also 138 agricultural consumption cooperatives for processing and sale, conservation of agricultural products and also for agro- technical services.

In the southern provinces currently, 83 of 60% of all operational credit associations are providing their services.

In 2011-2014, establishment 455 such types of cooperatives is planned with the financial support of the government. Majority (60-70%) of these cooperatives will be established in the southern provinces, which include farmers-horticulturists and also domestic households, who has orchards and vineyards.

In turn, the agricultural partnerships can join into associations at district, province and republican level. Currently, 120 such associations of farmers are operating.

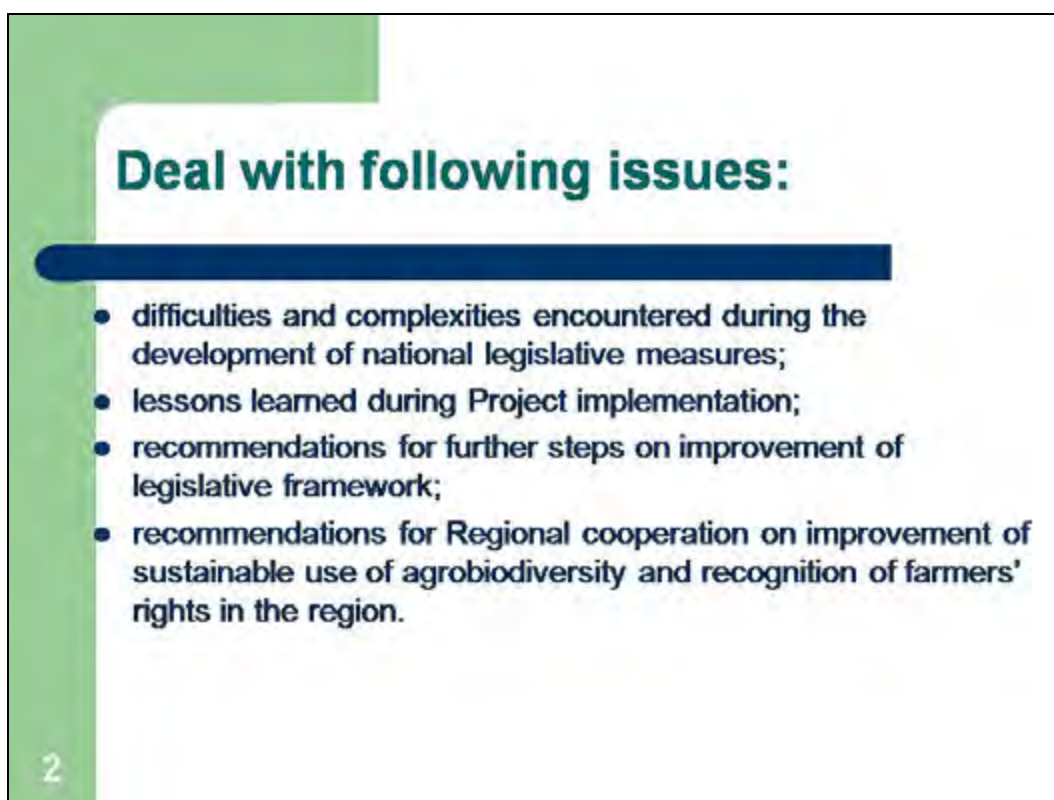
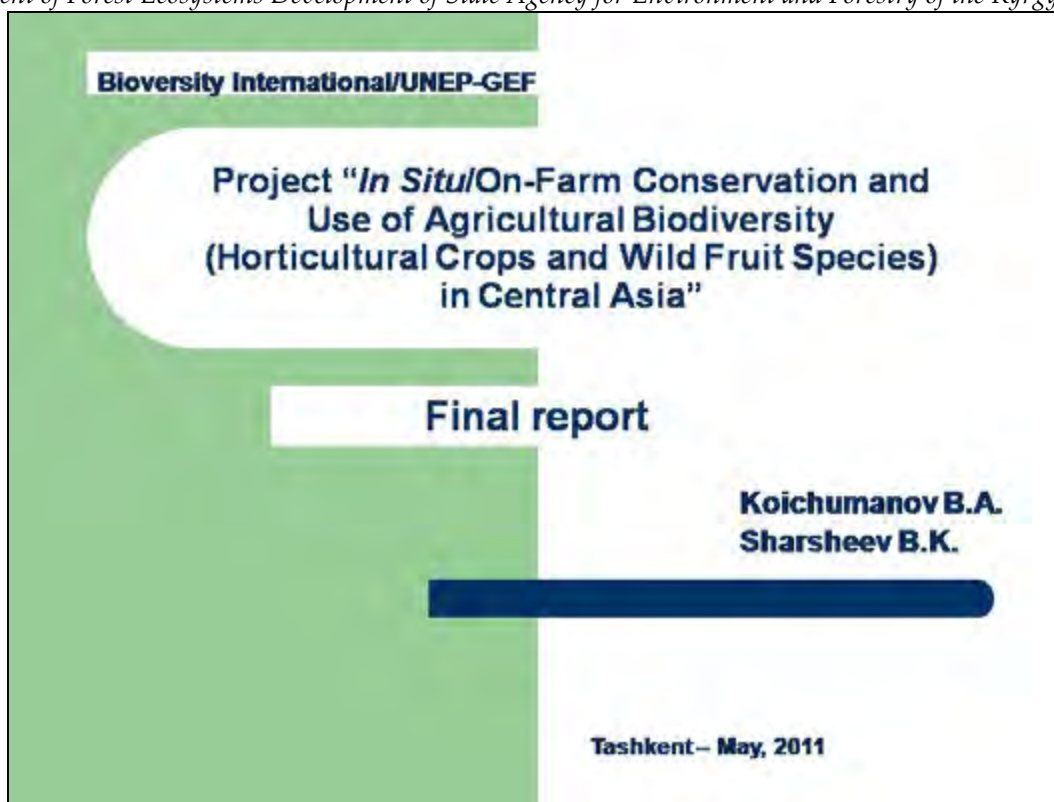
This way, in the Republic of Kazakhstan the government created all necessary legislative basis for successful functioning and development of farm enterprises in horticulture and viticulture, which creates all necessary to conservation and use of biodiversity of genetic resources of fruit and berry crops.



Final report on Legislation and Policy

*Baktybek Koichumanov,*

*Department of Forest Ecosystems Development of State Agency for Environment and Forestry of the Kyrgyz Republic*



## Achievements under the project

**Review, analysis and identification of deficiencies of national legislation of the Kyrgyz Republic were conducted:**

- in area of specially protected natural areas (SPNA), forest legislation on conservation of wild relatives of horticultural crops in protected areas and forest lands (*in-situ* conservation);
- regulating legal relations arising in the process of establishment and functioning of peasant farms;
- legislation acts directed at establishment and protection of farmers' rights.

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## Main legislative acts of KR on SPNA and biodiversity:

- Forest Code of the Kyrgyz Republic as of 29.06.1999 #66;
- Land Code of the Kyrgyz Republic as of 2.06.1999 #45;
- Law of KR "On Specially Protected Natural Areas" as of 28.05.1994 #1561;
- Law of KR " On protection of environment" as of 13.05.1999 # 53;
- Law of KR " On fauna " as of 13.05.1999 # 59;
- Law of KR "On the biosphere reserves of the Kyrgyz Republic" as of 06.09.1999 #48;
- Law of KR "On Protection and Use of Flora" as of 20.06.2001 #53.

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## Main legislative acts of KR on farms:

- "Civil Code of the Kyrgyz Republic" as of 8 May, 1996 #15;
- "Land Code of the Kyrgyz Republic" as of 2 June, 1999 # 45;
- Law KR "On peasant farms" as of 3 June 1999 #47;
- Law of KR "On agriculture land management" as of 11 January, 2001 #4;
- Law KR "On legal protection of selection achievements" as of 13 June 1998 #79;
- Law KR " On protection of traditional knowledge" as of 31 July 2007 #116.

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## Main legislative acts of KR on SPNA and biodiversity:

- determine the legal status of SPNA, forestry and the order of their establishment;
- determine the order of use of natural resources in SPNA, state forest fund (SFF);
- determine standards and requirements for environmental protection, SFF during implementation of economic and other activities;
- determine the types of environmental violations (forest disturbance), measures of responsibilities and procedures to prosecute
- determine order of compensation for damages, brought to natural resources and complexes as a result of illegal actions of legal and natural entities;
- determine principles of international cooperation in area of biodiversity conservation, SPNA, forest ecosystem and other networks development.

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## Main legislative acts of KR on farms:

- create a legal framework for organization and functioning of farms;
- clearly regulate rights and duties of farm, the Head of farm, state authorities and institutions of local self-government;
- guarantee all farmers equal rights to access and use of land, to access to genetic resources for conservation and exchange of reproductive material, to benefit from use of genetic resources, to freedom of choice of crops or varieties for cultivation, to dispose of results of their work.

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## Main legislative acts of KR on SPNA and biodiversity ( gaps)

- Do not address the issues of locals' participation in process of planning, organization and functioning of SPNA
- Do not have mechanisms of full implementation of competency of institutions of local self-government and public administrations, state authorities on environmental protection in area of *in situ* \ on farm conservation of biodiversity;
- Issues of use of SPNA and SFF potentials have not been regulated for development of ecotourism, for reservation of territories for development of SPNA network.

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## **Main legislative acts of KR on farms have gaps:**

- mechanisms for providing of state support for rural producers have not been sufficiently developed;
- articles have referential rules, "in established order, in accordance with Civil Code, Tax Code, etc.", which makes difficult farmers' direct use of legislation on farms;
- right on access to genetic resources is not clearly recognized, although there is no rigid legal barriers for farmers in access to genetic resources, with an exception of restricted in circulation or black out resources;
- implementation of intellectual property rights on the selection achievements is rather complicated.

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## **Difficulties and complexities encountered during the development of national legislative measures**

- Political and economic instability;
- Need to introduce new ideas to existing related legislation;
- Lack of research and information on specific material benefits and preferences of agrobiodiversity conservation and distribution;
- Different approaches of countries to issues of food security.

## Lessons learned during Project implementation

- Systematic approach covering considered issues of *in situ* on farm conservation and PGR distribution, Farmers' Rights protection on the base of comprehensive analysis of national legislation, NAP and international organizations' experience;
- Need of unification (harmonization) of national legislations, regulations and rules in order to promote regional cooperation on these issues

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## Experience on introduction of new approaches and principles

- There is some experience on introduction with the support of the Kyrgyz-Swiss Program LesIK Community Forest Management (CFM). 3663, 1 ha of SFR land was passed to CFM, 932 agreements were signed, more than 2,880 people were provided by additional job places
- Based on analysis of the introduction of CFM supported by Japan International Cooperation Agency (JICA) the principles of Joint Forest Management (JFM) are being introduced.

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## Recommendations for further steps

- To legislation of KR on farm: it is necessary to insert norms, providing specific guarantees and support for agricultural producers;
- it is necessary to insert norms, which will interest farmers to be involved in *on farm* conservation and distribution of horticultural crops and their wild relatives, in conservation and distribution of local varieties of crops.

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## Recommendations for further steps

- To finalize work on NAP discussion, agreement and approval, developed in the frame of project implementation , and targeted at *in situ* \ on farm conservation and distribution of local varieties of crops and their wild relatives
- Complete and organize an endorsement and signing of agreements on access and exchange of information between national implementation agency and project partners.

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## Recommendations for regional cooperation

- To conduct purposeful work on harmonization of national legislations of Central Asian countries, regulating relations in the field of *in situ* \ on farm conservation and distribution of local varieties of crops and their wild relatives

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## Logic of Final Report

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## Logic of Final Report

**4. IMPORTANCE OF OTHER NORMS AND LAWS, WHICH CAN NEGATIVELY AFFECT ON AGROBIODIVERSITY CONSERVATION AND CAUSE DISAPPEARANCE OF LOCAL VARIETIES OF HORTICULTURE CROPS**

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**ANNEXES**

**Annex A.**

**List of international conventions and agreements related to tissues of farms' development and conservation of wild relatives of horticultural crops.**

**Annex B.**

**Legislation of the Kyrgyz Republic on specially protected natural areas and biodiversity conservation.**

**Annex C.**

**List of normative legal acts regulating relations in area of farms' development**

**TABLE 1.**

**Consolidated analysis of normative legal acts regulating relations in the field of conservation and use of agro-biodiversity (horticulture crops and their wild relatives) in Central Asia, and farms' development.**

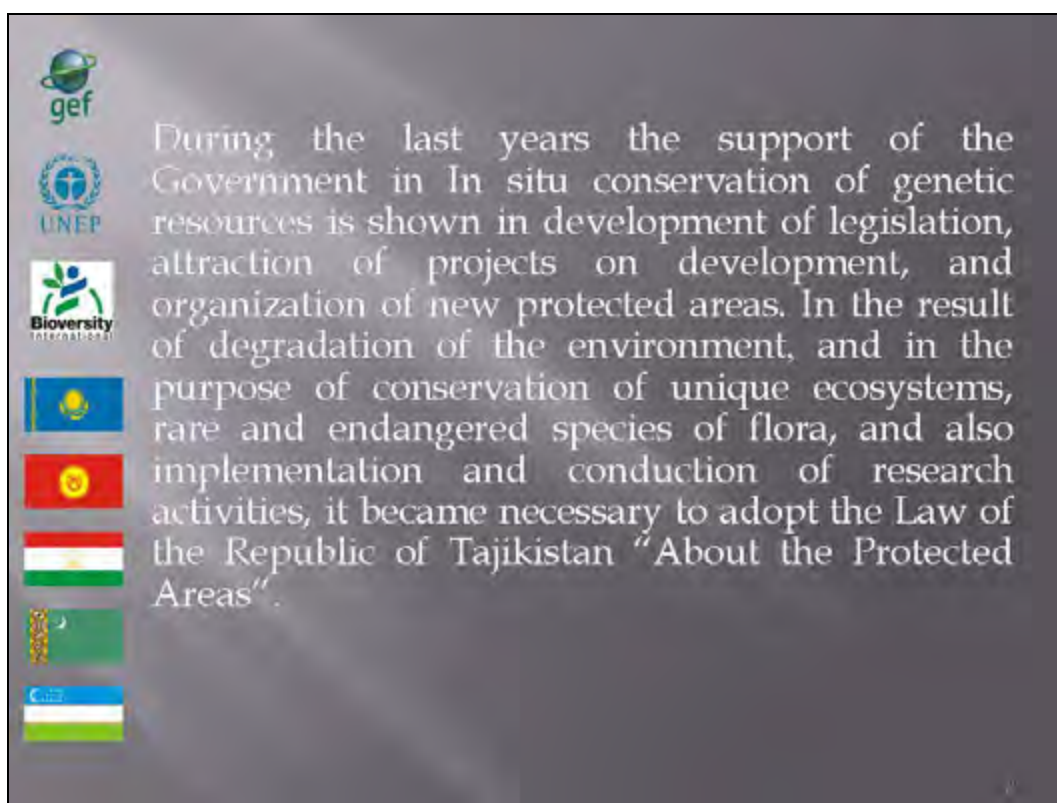
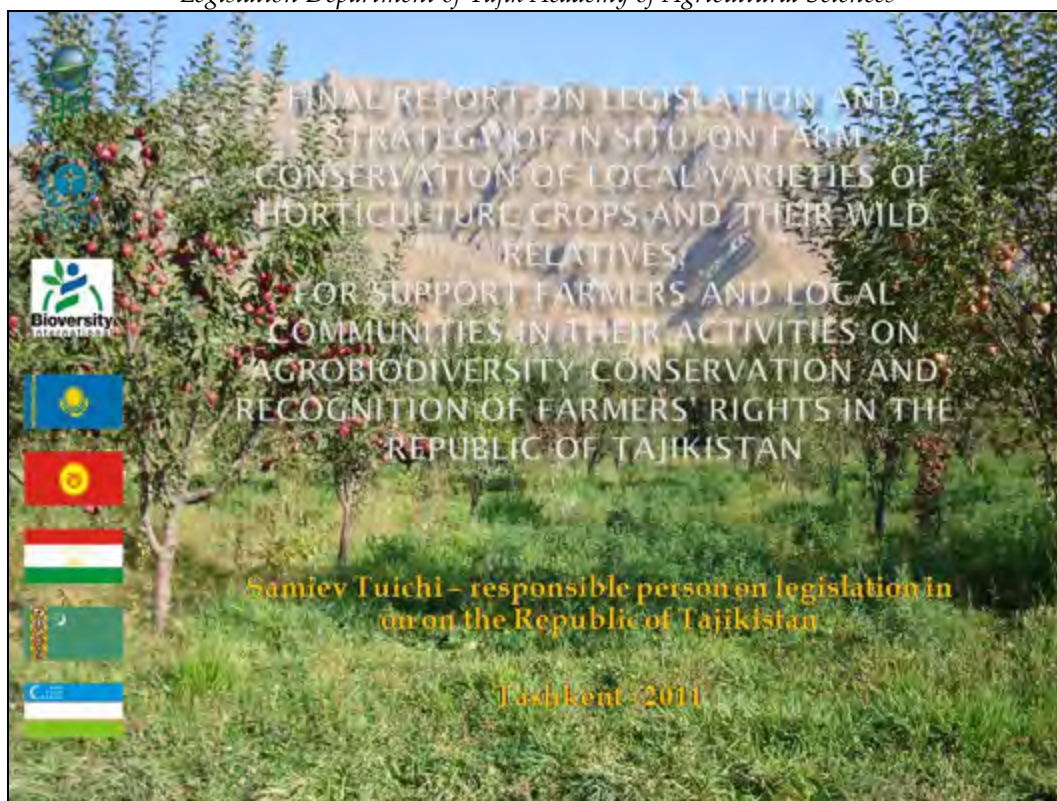
- Thank you for your attention!



## Final report on legislation and strategy of in situ/on farm conservation of local varieties of horticulture crops and their wild relatives

Tuychi Samiev,

Legislation Department of Tajik Academy of Agricultural Sciences





In order to solve socio-economic problems in June 2002 Parliament of the country approved document Strategy of population poverty reduction of the Republic of Tajikistan

"For achievement success strategy of poverty reduction in this sector involves three directions:

- effective use and access of poor to basic resources, in particular to land and water;
- creating of favorable environment for development of private sector in agriculture
- создание;
- reforming of current system of management in agricultural sector, including elimination of practice of intervention to decision making process of private entrepreneur



The legislation of the Republic of Tajikistan on the protection and use of plant resources is based on the Constitution of the Republic of Tajikistan and consists of the current Law and other normative legal acts of the Republic of Tajikistan, as well as international legal acts, accepted by the Republic of Tajikistan.





Tajikistan participates in quite a number of international agreements and processes, in frame of which the work on development of system of specially protected natural areas (SPNA) is conducted. Following can relate to the most important international instruments in this area:

The Convention on Biological Diversity, which was signed by the Republic of Tajikistan in 1997, according to which (Article 8) each contracting party should create a system of protected areas or areas in need of taking special measures for conservation of biological diversity.



In Tajikistan in the framework of the implementation of bilateral collaboration with neighboring and other countries in the sphere of environment protection, joint actions on the development of protected area system are provided. As examples of such actions, the following agreements can be given:

“About joining to the Agreement among the Government of the Republic of Kazakhstan, the Government of the Republic of Kyrgyzstan and the Government of the Republic of Uzbekistan on collaboration in the sphere of environment protection and sustainable nature management” (Dushanbe, 20 November 1998);

Agreement among CIS countries (Azerbaijan Republic, Republic of Armenia, Republic of Belorussia, Georgia, Republic of Kazakhstan, Kyrgyz Republic, Republic of Moldova, Russian Federation, Turkmenistan, Republic of Uzbekistan, Ukraine) on informational collaboration in the sphere of ecology and environment protection.



As a result of environment degradation it is emerged the need of adoption of the Law of the Republic of Tajikistan "On specially protected natural areas" for conservation of unique ecosystems, rare and endangered species of flora, and implementation of research works.

For control and regulation or relations in the field of specially protected natural areas State agency of specially protected natural areas "Tajik National Park" was established by the Decree of Government of the Republic of Tajikistan as of March 1, 2004 # 70 "Issues of the State Committee for Environmental Protection of the Republic of Tajikistan".



Special Law of the Republic of Tajikistan "**On specially protected natural areas**" was adopted on December 13, 1996. This law for the first time gave the definition SPNA, expanded the list of categories of SPNA (in particular, they were classified as natural and dendrology parks, botanical gardens, therapeutic areas and resorts), established the ability of public authorities to create other types of SPNA.





"State program of development of specially protected natural areas for 2005-2015" was adopted in pursuance of this law. The main goal of this program is to improve further functioning of specially protected natural areas of the Republic of Tajikistan

The definition "land of SPNA" is contained neither in legislation, nor in literature. According to **the Land Code of the Republic of Tajikistan** according to mission it is distinguished categories of natural conservation, recreation, historical and cultural destination to which following lands are referred:

Specially protected natural areas, including therapy health medical areas and resorts;

Nature conservation purposes; Historical -cultural purpose; Other specially valuable lands



Land Code of the Republic of Tajikistan adopted in 1994 (Article 88) attribute lands of state natural reserves national parks, state wildlife preserves, national parks, natural monuments, dendrological parks, botanical gardens, and land of therapeutic areas and resorts to Lands of Specially Protected Natural Areas. Land relations in the Republic of Tajikistan are governed by the Constitution of the Republic of Tajikistan, current Code and other legislative acts of the Republic of Tajikistan.

Mountain, forest and water relations, relations on use and protection of flora, fauna, and air, are governed by legislation of the Republic of Tajikistan.

Land in Tajikistan is exclusive property of the state and the state guarantees its effective use in interests of people.

Extermination of land formerly belonging to ancestors, is not allowed.





State registration of rights of land use is executed by state agency of land-utilization of the Republic of Tajikistan and its local agencies in the field regarding all natural and legal persons, having land plots in use.

Registration and issuing of documents, claiming the right of land use, are done in accordance with Article 17 of current Code.



The order of state registration of rights of land use is established by normative legal acts of the Republic of Tajikistan.

Form of state registration book of right to land use, a form of land cadastre documents required for reporting and registration of land plot, are determined and approved by authorized state agencies on land utilization. (LRT as of 5.01.08 #357)



It is important to note that the Land Code of the Republic of Tajikistan repeats the provisions of Law of the Republic of Tajikistan "On specially protected natural areas" on establishment of specially protected natural areas in order to protect lands from adverse anthropogenic impacts to adjacent land plots, protected zones of land users and tenants lands are not confiscated and used by them with maintenance of prescribed legal regimes for this lands. According to article 89 of the Land Code of the Republic of Tajikistan, lands of sanitation purposes includes land, possessing natural medicinal resources, favorable climate and other natural factors and conditions that are used or may be used for prevention and treatment of human diseases.



**In the Republic of Tajikistan there are 27 protected areas, among which:**

**Forest reserves - 11;**

**National park- 1;**

**Natural historical park -1;**

**Natural park- 1;**

**Game reserves - 13.**



Protection of state natural parks of local significance, the state reserves and other specially protected natural areas is carried out by agencies in charge of which they are located, in order, prescribed by the legislation of the Republic of Tajikistan.

### **Wild plants, horticulture and forest crops**

All forests in the Republic of Tajikistan should be protected from fires, illegal cutting. Breach of established order of forest exploitation and other actions that cause harm to forest, as well as protection from pests and diseases.

Protective afforestation includes creation of the state forest belts and anti-erosion plantings in order to prevent processes of wind and water erosion.



On the basis of analysis of modern horticulture and viticulture in Tajikistan, in all the categories of households and in the purpose of implementation of targets in the field of horticulture and viticulture which are indicated in the Programme of Economic Development of the Republic on the period until the year of 2015, there was adopted "Programme of Restoration and Further Development of Horticulture and Viticulture in the Republic of Tajikistan in the period of 2005-2010" that is approved by the decree of the Government of the Republic of Tajikistan dated 31 December, 2004, no. 499.





In connection with this it was adopted the "Program for protection of orchards and vineyards from pests and diseases in the Republic of Tajikistan", approved by the Decree of Government of the Republic of Tajikistan as of July 4, 2006, # 290. The main objective of the program is to increase productivity and gross production of fruit and grape of high quality, by carrying out activities to protect orchards and vineyards by integrated method of pest control.



In situ conservation of wild species and wild relatives of horticulture crops for different users is considered one of the most important and priority directions of the National Programme on Biodiversity and Biosafety.

However, currently there are serious problems in this area.

Increasing of public awareness, involvement of local people and farmers in In situ conservation, as well as implementation of legislative acts and decisions adopted by the Government will help to solve existing problems



The Forest Code of the Republic of Tajikistan was adopted in 1993. According to it the reserves and national parks are equated to forestry. Forests of state natural reserves, national natural parks, nature monuments referred to the relevant categories of forests protection of the first group. All forests in the Republic of Tajikistan should be protected from fires, illegal cutting. Breach of established order of forest exploitation and other actions that cause harm to forest, as well as protection from pests and diseases.



It should be noted that there is no ideal laws among common proposals for improving legal biodiversity regulation.

But full implementation of already existing legislation would cover most of problems of biodiversity conservation.

To improve In situ conservation of wild relatives of cultivated plants at first place it is necessary to take political measures, that is concluded in improvement of legislative framework of protection of genetic resources.





## Proposals for support and conservation of horticulture crops and their wild relatives

### On specially protected natural areas :



-organization of transboundary interstate natural parks, reorganization and transformation of specially protected natural areas according to their ecological condition and value;

-reconstruction of scientific research work in nature reserves and sanctuaries;



## Proposals for support and conservation of horticulture crops and their wild relatives



- conduction of forest and land management every ten years;

- development of scientifically grounded recommendations for development and targeted use of specially protected natural areas;

- creation of a database on specially protected natural areas;

- publication of popular science books and booklets on specially protected natural areas of the Republic of Tajikistan;

- increasing environmental awareness through the media.



## Proposals for support and conservation of horticulture crops and their wild relatives



### On conservation of wild plants, fruit and forest crops



For conservation of wild plants, fruit and forest crops it is necessary to introduce a systemized information collection, quantitatively and qualitatively describing all varieties of plants. Currently, such data exists, but it is not systematized and is in uncoordinated state.



It is necessary to develop large-scale projects for collecting and breeding of endangered species and their reproduction, and it is necessary assistance from international and regional organizations in training and retraining of specialists.



It is necessary to stimulate and support the initiatives of farmers cultivating local crops.

It is necessary to adopt new edition of Forest Code of the Republic of Tajikistan because the Forest Code (adopted in 1993, amended in 1997) was adopted before adoption of the Constitution of the Republic of Tajikistan (1994) and Law of the Republic of Tajikistan "On normative legal acts" (2003) and does not meet requirements of present time demanding to normative techniques and legal mechanisms. For example: the Code is missing part which should consolidate basic concepts used in it, because the Forest Code of the Republic of Tajikistan does not contain the meaning " forest" and many other meanings.





It is necessary to develop normative acts that would consolidate norms on forest cutting and thinning, as for private use so for state needs, because at this stage, cutting and thinning depend in large measure on subjective factors rather than on legal regulations.

Although the Tajik nature-protection legislation declares biodiversity conservation, and Tajikistan is member of the Convention on Biological Diversity, the system of practical measures to protect rare and endangered animals and plants is poorly developed. Forestry agencies and timber processing companies usually do not have programs for inventory and conservation of forest biodiversity. They employ extremely few specialists able to assess negative effects of economic activities on biodiversity



### On dekhkan farms

It is necessary:

- to develop mechanism for protection of wild horticulture crops on land plot, which is provided to dekhkan farm;
- to specify rights and obligations of dekhkan farms in relation to wild horticulture crops;
- to develop rules for possible transplantation of wild horticulture crops to other areas or exchange and removal of territories plots on which wild horticulture crops present





- because dekhkan farms of the Republic of Tajikistan are mostly located in rural areas, remote from urban and regional centers, and authorities, in general it is necessary to develop mechanism of possible monitoring of wild horticulture crops in their plots.

To develop ways to inform and to increase awareness and responsibility of dekhkan farms' members on need of biodiversity conservation.

to legally assign association of dekhkan farms households with responsibilities on conducting cadastres of horticulture crops, presented in plots of dekhkan farms.



For implementation of proposals on dekhkan farms it should be adopted the Law "On protection of plant varieties", which would regulate private property and private non-property relations, arising in connection with creation, use and legal protection of selection achievements. With adoption of this law wide opportunity will be provided to plant breeders to defend interests, to compensate costs associated with creation of new selection achievement, as well as to obtain additional funds for future investments.

It will also promote the development of agriculture in the republic, qualitatively and quantitatively expanding food production, renewing market with new varieties and attracting foreign seed companies and their varieties to work.

Thank you  
for attention





## Final report on legislation and policies

*Abdikhali Kayimov,*

*National Project Coordinator in Uzbekistan*



Bioversity International/UNEP - GEF /  
-In Situ/On farm Conservation of Agricultural Biodiversity  
(Horticultural Crops and Wild Fruit Species)  
in Central Asia (component Uzbekistan)

## Final report on legislation and policies

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Institute of Genetics and Plant Experimental Biology  
Uzbek Academy of Sciences  
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Kibrai district, Yukori-Yuz vil.

**Tashkent, 2011**

## Legislation on conservation of wild relatives of horticulture crops

Project experts analyzed:

- Complex program “Forest of Uzbekistan”,
- “National strategy on increasing environmental and economic potential of forest resources”,
- “National Program for sustainable development of forests”.

As a result of our partners and experts activities the draft Forest Code was analyzed and suggestions for conservation of wild relatives of cultivated crops were developed for inclusion to the “Forest Code of the Republic of Uzbekistan” (Seminar in Samarkand, April 2009).

## Legislation on conservation of wild relatives of horticultural crops

- **REPORT** was prepared
- **ON ANALYSIS OF LEGISLATION ON CONSERVATION OF WILD HORTICULTURE CROPS IN SPNA AND FOREST AREAS**

**Consultant on legislation, N.K. Skripnikov (Tashkent Institute of Law) and implementers on legislation, A. Grigoryants (State Committee for Nature) and A. Ismatov (Main Department of Forestry ).**

## Legislation on conservation of wild relatives of horticulture crops

**The reasons for not efficiency of conservation of wild relatives of horticultural crops are:**

- Lack of legislatively formalized list of wild relatives of horticulture crops in need of conservation.
- Lack of preparation of decision-makers to understand the role of wild relatives of horticultural crops in agricultural development and benefit obtaining.
- Lack of awareness of local population, and public about the role of wild relatives of horticultural crops in development of horticulture (absence of advertisement).
- Low level of professional training of middle and lower parts of stakeholders –organs of management and control in issues of conservation of wild relatives of horticultural crops.
- Lack of direct material (financial) interest of local people in conservation of wild relatives of horticultural crops

## Legislation on conservation of wild relatives of horticulture crops

### RECOMMENDATIONS AND SUGGESTIONS

- It is necessary within the project to conduct scientific researches in areas of growing wild relatives of horticultural crops for expanding existing and creating new SPA with strict regime of protection for covering the diversity of wild relatives of horticultural crops
- To request the Main Department of Forestry to conduct survey missions to the habitats of wild relatives of horticulture crops at the territory of forestry, to determine their state and to prepare a proposal for relocating them to protected natural areas.
- According to results of scientific researches to prepare draft decisions of local organs of public authorities to organize protected natural areas of various categories.
- It is necessary to prepare amendments to the Decree of the Cabinet of Ministers dated 22.11.1999, # 506 "On approval of certain normative acts on protection forests of the republic", on the basis of the Law "On Protected Natural Areas", according to legal economic activities of various categories of SPA.
- For conservation of wild relatives of cultivated crops, at first place, it is necessary to develop a draft decision of the Cabinet of Ministers on issues of conservation of these species with concrete activities on the habitats and restore their numbers. It is necessary to provide some benefits for those who will deal with this problem (micro-credit, tax incentives, etc.)

## Legislation on conservation of wild relatives of horticulture crops

National partners participated in workshop, organized by the Main Department of Forestry (April 6-8, 2009) to discuss the "Concept of Forestry Development in Uzbekistan for the period up to 2030" and a draft of new "Forest Code of the Republic of Uzbekistan" and made their proposals, notably :

- to submit a proposal to the Oliy Majlis (Parliament) on increasing the area of protected territories in the Republic of Uzbekistan for conservation of biodiversity, including wild relatives of horticultural crops;
- to develop normative-legal acts, defining procedures and criteria for classification of forest and other areas to protected natural areas. This would significantly increase the area, covered by territorial form of protection and use of bio- and agrobiodiversity;
- to improve training, education and professional development of forest workers, as in the Republic so abroad;
- to improve system of sustainable management of forests for which to develop new normative legal acts and provision of community-based forest management, meeting to international requirements;
- Combining efforts of all stakeholders - local authorities, self-government, as well as district and regional khokimiyats, farmers' associations, research institutions and other organizations for conservation of bio- and agrobiodiversity in the republic; and strengthening the role of farmers and farms in this direction.
- through mass media, conduction of workshops to farmers, explain in more details the advantage of local varieties over introduced, concluded in their better adaptability to the environment, suitability for different types of processing, particularly resistance to stressful environmental factors (salt tolerance, heat resistance, drought tolerance, resistance to late spring frost), etc;
- increasing the role of local communities in forest management.



## Legislation on conservation of wild relatives of horticulture crops

Project partners prepared a letter to the Chief of the Main Department of Forestry, the Deputy Minister of MAWR of the Republic of Uzbekistan, Ergashev S.F., noting that many local varieties of horticulture crops and their wild relatives currently under the influence of human activities are under threat of possible loss of their gene pool. Within the project experts developed a list of varieties of specially valuable wood species, which are the ancestors of many cultivated varieties, used to population nutrition. In this connection it is necessary to include the list of these varieties of valuable wood species to forthcoming Forest Code of the Republic of Uzbekistan for taking measures for their conservation and sustainable use. The list of it is recommended to include to the list following varieties:

- Apple – *Malus*;
  - Pear – *Pyrus*;
  - Apricot – *Armeniaca*;
  - Almond – *Amygdalus*;
  - Walnut – *Juglans*;
  - Grape – *Vitis*;
  - Pomegranate – *Punica*;
  - Pistachio – *Pistacia*;
  - Alycha – *Prunus*;
  - Fig – *Ficus*;
  - Hawthorn – *Crataegus*.
- The letter, dated 12.04.2019, was sent to the Deputy Minister of MAWR of the Republic of Uzbekistan, Ergashev S.F.

## Farmers' Rights protection

Project expert conducted analysis of the legal system on farmers' rights, covering following issues:

- farmer's right to access genetic resources,
- his rights for conservation and exchange of reproductive material,
- to benefit from use of genetic resources,
- right to access and land use, the farmers' right to receive financial and technical support from the government,
- farmers' right to professional development by knowledge obtaining,
- farmers' right to obtain legal assistance at national and regional levels,
- right to contribute to and participate in decision-making,
- farmers' right to use results of their work, farmers' right to documentation and protection of their traditional knowledge.



## Farmers' Rights protection

Besides, following issues were analyzed:

- legal regime for intellectual property,
- legal protection of intellectual property,
- right of authorship,
- contractual relationship of using rights to intellectual property
- legal regulation of selection achievements.

## Farmers' Rights protection

- The analysis showed that under the legislation of the Republic of Uzbekistan, farmers are not limited in rights to access to genetic resources. The main problem is in existence of farmers' financial resources and their interest in obtaining and multiplication of genetic resources. Farmers have right to conserve and exchange reproductive material, but they need government support for it's conservation and exchange. Considering the special importance of farmers' rights to benefits from the use of genetic resources, it was conducted a separate analysis of legislation of the Republic of Uzbekistan on protection farmers' rights to intellectual property, which showed the presence of farmers' ability to execute and protect rights to intellectual property objects, and primarily to selection achievements.

## Farmers' Rights protection

- **Complete analysis of the legislation / normative acts on protection farmers' rights to intellectual property to bred new varieties of horticulture crops. Report was prepared on the base of conducted analysis**

## Farmers' Rights protection

- Thus, the analysis of laws "On Selection Achievements" and " On seed growing" shows that laws fully support and protect intellectual property of farmers
- In Uzbekistan the institutional framework of legal protection of selection achievements was established. There is a patent office and the State Committee for crops variety testing under the Ministry of Agriculture and Water Resources of the Republic of Uzbekistan.
- Any farmer, created a variety, can become the author of the selection achievement. He can become co-author, if several persons participated in creation of selection achievement.
- Researches, conducted within the project, showed that the process of forming and updating local assortment of fruit crops and grape continues today. Farmers are mostly involved in analytic selection. New forms are identified or selected, authors of which are farmers.

## Farmers' Rights protection

- Project activities include participation of farmers in joint scientific-research projects. In this regard, the most promising is joint their participation with scientific workers in selection programs. In this regard, farmer will be mentioned in application for a patent, in patent and in all publications, relating to selection achievement. Farmer has the right to obtain a patent for a selection achievement. In this case, prior to selection works it is necessary to draw up and sign an agreement that reflects the relationship of farmer with a scientific institution and specifies who will be the patentee and under what conditions rewards will be distributed.

## Farmers' Rights protection

- In general, the "Law on Selection Achievements" protects intellectual property of farmers and allows to effectively work on selection new varieties of horticulture crops.
- **In connection with the abovementioned National Project Implementation Unit prepared and sent to destination station two letters:**
- To Minister of Agriculture and Water Resources of the Republic of Uzbekistan, R. Sh. Ruziev, with proposition to organize a variety testing at demonstration sites established under the project to facilitate obtaining patents for creation of varieties by project farmers.
- To Chairman of the Committee on Agriculture and Water Resources of the Legislative Chamber of Oliy Majlis of Uzbekistan, M. M. Teshaboev, with proposition to legalize obtaining patents to farmers, engaged in breeding new varieties of horticulture crops at demonstration orchards, established within the project.



## Farmers' Rights protection

- As a result of analysis of legislation / normative acts on protection farmers' rights to intellectual property of selected new varieties of horticulture crops following recommendations were done, submitted to the MAWR of the Republic of Uzbekistan and Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan:
- 1. We recommend to conduct testing of claimed selection achievement at demonstration plots on methodic of State Committee on variety testing of agriculture crops.
- 2. We recommend to conduct work on variety testing in close cooperation with farmers and researchers.
- 3. Patent holder is required to maintain variety during patent effective period in such way as to preserve features, noted in official variety description, composed to the date of their registration in the appropriate register. This means that for each variety there are should be mother trees. Recommended mother trees better to plant at demonstration plots.
- 4. We recommend following scheme for obtaining a patent for selection achievements:
  - ◆ • Selection achievements "variety" derived "selected" by farmer
  - ◆ • Transfer to scientific institutions on horticulture crops for obtaining confirmation of novelty and distinctness of selection achievement
  - ◆ • Testing of selection achievement by the applicant
  - ◆ • Transfer of selection achievement to State Committee on variety testing of agriculture crops.
  - ◆ • Examination of the patentability of a selection achievement
  - ◆ • Patent obtain.
  - ◆ • Multiplication of selection achievement (creation of mother plots of selection achievement, certification of seedlings).
  - ◆ • Seedlings realization.

## Analysis of the legislation on issue of farmers' support.

- **REPORT OF ANALYSIS OF THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN ON ISSUE OF FARMERS'S SUPPORT**

**U. Narynov**

**(Farmers' association of Uzbekistan )**



## Analysis of the legislation on issue of farmers' support.

Report reflects following issues :

1. ANALYSIS OF EXISTING NATIONAL LEGISLATION ON AGRICULTURE AND DEVELOPMENT OF FARMS IN UZBEKISTAN
2. FARMERS' SUPPORT IN ACTIVITIES FOR CONSERVATION OF LOCAL DIVERSITY OF HORTICULTURE CROPS (ON FARM): MAIN CHALLENGES AND THREATS
3. FARMERS' SUGGESTIONS
4. RECOMMENDATIONS TO IMPROVE FARMS' ACTIVITIES ON CONSERVATION OF LOCAL VARIETIES OF HORTICULTURE CROPS AND THEIR WILD RELATIVES
5. PROPOSALS FOR LEGISLATION

## Analysis of the legislation on issue of farmers' support.

- A number of normative-legal acts functions in the Republic of Uzbekistan, regulating agricultural relations, in particular laws "On agricultural cooperatives (shirkats)" (Law of RU # 600 as of 30.04.1998), "On farm" (Law of RU #692 as of 30.04.1998), "On dekhkan farms" (Law of RU #604 as of 30.04.1998), "On microfinancing" (Law of RU # LRU-50 as of 15.09.2006), "On seed growing" (Law of RU #267 as of 29.08.1996), etc. The Decree of President of the Republic of Uzbekistan: "On the most important directions for deepening reforms in agriculture", as of 24 March, 2003, "On additional measures on providing implementation of laws directed at reforming in agriculture", as of 11 March, 2004, "On measures for deepening economic reforms in fruit and vegetable growing and viticulture" as of January 9, 2006.

## Analysis of the legislation on issue of farmers' support.

- On the base of analysis of legislative and normative-legal acts it should be noted that against the background of conducted reforms in agriculture, reforms in horticulture and viticulture are gradually conducted. By decision of the Government of the Republic of Uzbekistan, establishment of farms is considered the most priority direction in agricultural development in the country. This influenced to making of more independent decisions by farmers, to development of horticulture, using local varieties and to increase of their diversity. Also, these conditions have improved conservation of wild relatives and wider scale multiplication of diversity of local varieties of horticulture crops.

## Analysis of the legislation on issue of farmers' support.

- To ensure effective functioning of fruit production farms, to ensure protection of the farmers' rights it is recommended to:
- Join efforts of stakeholders - local self-government institutions, district and regional authorities, farmers' associations, scientific institutions and other organizations on conservation of local varieties of fruit crops in the republic. To regularly organize round tables, trainings, to demonstrate in media on importance of local varieties of horticulture crops, to participate in fair exhibitions and to carry out activities on increasing awareness of farmers about the importance of conservation of local varieties on farms.
- According to banking legislation, to pay a special attention on simplifying procedures for credit execution, and implementation of legislative norms to pledge right to land tenancy, as well as the expected harvest.
- For improving of provided service to farms by mini-banks and more simplified procedure of crediting.
- Organization of system of fruits and vegetable products purchase and development of their export

## Analysis of the legislation on issue of farmers' support.

In accordance with work plan, agreed at the Regional workshop on protection of farmers' rights, organized on 21-24 April 2009, National partners developed following recommendations to protect farmers' rights:

- To facilitate joining efforts of all stakeholders-local self government institutions , and district and regional khokimiyats, farmers' associations, research institutions and other organizations on conservation of bio-and agrobiodiversity in the republic, as well as strengthening the role of farmers and farms in this direction;
- through mass media, organization of workshops to explain to farmers in more details the advantage of local varieties over introduced, concluded in their better adaptation to environment, suitability for different types of processing, particularly resistance to stressful environmental factors (salt tolerance, heat resistance, drought tolerance, resistance to late spring frost), and so on;
- to propose legislative support to registration of new technologies and techniques investment for cultivation of planting material;
- enhancing the role of local communities in forest management.

THANK YOU FOR ATTENTION!

**Guidelines Access and Benefit Sharing Agreements**

*Isabel Lapena,*

*Regional Consultant on Access and Benefit Sharing*

# Guidelines

## Access and Benefit Sharing Agreements

In situ/On farm Conservation and Use of Agricultural Biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia



## I. INTRODUCTION

Central Asia is considered to be the centre of origin and diversity for many globally important agricultural crops, particularly temperate fruit tree species. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are rich in highly variable domesticated crops with many landraces with unique characteristics. Farmers have conserved landraces and local varieties of peach, quince, cherry, pomegranate, persimmon and others are still maintained in home gardens and on small farms. Many wild fruit species of pistachio, walnut, apple, pear, plum, almond, pomegranate and grape also grow in forests in the region, which are valuable genetic resources for food crops because of their resistance to insects, disease and their wild adaptation.

The Project “In situ/On farm Conservation and Use of Agricultural Biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia”, supported by UNEP-GEF and coordinated by Bioversity International, has as a main objective the conservation of the high diversity of horticultural crops and wild fruit species found in the Central Asian countries, the valuable genetic stocks important to plant breeders, researchers, and local populations who depend on them for their livelihoods.

One of the main components of the In situ/On farm project in Central Asia is to provide options to policy-makers for strengthening legal and policy frameworks. In particular, the need to strengthen protection of crop wild relatives of the fruit crop species, to protect Farmers’ Rights, and to explore ways through which the benefits derived from the use of genetic resources can be shared with the farmers that conserve them in situ were found to be the most prevalent issues.

## II. ACCESS TO TRADITIONAL KNOWLEDGE: PRIOR INFORMED CONSENT

### a) Significance

Researchers should follow a code of ethical practices in the way they carry out research by obtaining farmers prior consent in relation to the use of their knowledge. In situ/On farm Projects imply that researchers are in contact with local communities and register their knowledge, skills and practices in relation to agrobiodiversity management and conservation and use such knowledge to generate publications, new varieties, technologies, etc.

Traditional knowledge is the knowledge on the conservation and use of agricultural biodiversity that people have developed over time in a given community, based on experience and as a result of local culture and environmental conditions. Traditional knowledge is a dynamic element. It evolves as it is transferred through generations.

During the implementation of the In situ project in Central Asia, national partners were exposed to farmers' practices, skills and methods related to fruit trees management in Central Asia; particularly in relation to the choice of species, varieties and rootstocks; the layout of trees and shrubs (bushes); the way they carry out agricultural activities in orchards and vineyards: row-spacing in orchards; inter-row tillage; cultivation of soil; watering and fertilizing; the formation and pruning of trees and shrubs; disease and pest control; spring frost protection; storage, processing of fruits and other methods that are necessary for the agricultural biodiversity management. Farmers are not always properly recognized by researchers as the originators of this knowledge, which has a huge actual and potential value. Such lack of awareness and respect of farmers' rights over their traditional knowledge may contribute to the loss and misappropriation of such knowledge. On the other hand, it is in the right of local populations to make informed decisions about matters that affect them, their resources and practices.

For these reasons, it is necessary that researchers obtain and document the consent of local communities before the beginning of any new study that will involve the collection of traditional knowledge from farmers. This agreement is called Prior Informed Consent and is based on the understanding that an agreement has been reached between the provider and the intended recipient of the traditional knowledge.

Similarly, the contribution of traditional knowledge holders shall be acknowledged and cited in all publications and presentations. To this aim, before disclosing traditional knowledge on scientific articles, databases, books, presentations, websites, among others, the consent of traditional knowledge holders shall be sought and an understanding regarding authorship and attribution shall be reached.

Besides, research partners should take the steps necessary to protect traditional knowledge from misuse and misappropriation and help, to the extent possible, communities that wish to actively seek measures of protecting traditional knowledge and to ensure its maintenance within the local context

**b) Content**

- “Prior Informed Consent” or PIC refers to the consent obtained by the formal researcher from the farmer or community after disclosing fully the intent and scope of the research, in a language and process understandable to the farmers, and before any activity or use of traditional knowledge is undertaken.
- “Prior”: It is necessary to document the PIC before the beginning of any new study, based on the understanding that has been reached between the provider and the intended recipient.
- “Informed”: This PIC can take the form of an agreement and should reflect that both sides understand what TK is going to be shared, how the TK is going to be used, how and when the results of the research will be reported back to the providers, as well as other points that have been discussed in order to bring about a full understanding of the research project and the implications for both sides regarding the use of the TK in the project. It is highly recommended that researchers and farmers previously discuss and agree all the different issues covered by the PIC, to avoid any possible misunderstanding.
- “Consent”: the consent would be given under the form of a written agreement or certificate that refers to all the issues above mentioned. It will provide security to researchers and local communities regarding future public disclosure of the TK.

**c) Model of Prior Informed Consent Certificate**

PRIOR INFORMED CONSENT CERTIFICATE

Dear Traditional Knowledge holder(s),

The researchers Mr....., and Mr..... and Mr....., from the Research Institution, intend to conduct a research project which involves collecting and using traditional knowledge and practices related to the use of crop diversity in your farm.

The research is described here:

Objectives

Scope.....

Purpose of the use of traditional knowledge.....

We would like to get your consent to collect and use the traditional knowledge and practices.

With this purpose, please tick the appropriate boxes below and sign at the end of this certificate.

FOR INDIVIDUALS

- Can (Name of the Research Institution) use your traditional knowledge in its research activities?
  - Yes ( )
  - No ( )
  
- Can (Name of the Research Institution) share your contact details with those interested in your traditional knowledge/practice?
  - Yes ( )
  - No ( )
  
- Can (Name of the Research Institution) share your traditional knowledge with other individuals and institutions?
  - Yes( )
  - No( )
  
- Can (Name of the Research Institution) publish your traditional knowledge on the Internet/ a magazine or any other media?
  - Yes ( )
  - No ( )
  
- Should (Name of the Research Institution) include your name as the source of the traditional knowledge in any publication where such knowledge is mentioned or used?
  - Yes( )
  - No( )
  
- If Yes, to what extent can (Name of the Research Institution) share your traditional knowledge
  - Partial disclosure: only a summary ( )
  - Full disclosure ( )
  
- Would you like (*Name of the Research Institution*) to pursue further research on your traditional knowledge (if applicable), if yes, please specify.....
- Would you like to be informed about how your traditional knowledge has been used by (Name of the Research Institution)?

FOR A COMMUNITY

- Name of the community's authorised leader
  - elected .....
  - traditional.....
  
- Can (Name of the Research Institution) use the traditional knowledge of the community in its research activities?
  - Yes( )
  - No( )



- Can (*Name of the Research Institution*) share the address of the community with those interested?
  - Yes ( )
  - No ( )
  
- Can (Name of the Research Institution) share the community's traditional knowledge with other individuals and institutions?
  - Yes()
  - No()
  
- Can (*Name of the Research Institution*) publish the traditional knowledge on the Internet/in a magazine or any other media?
  - Yes ( )
  - No ( )
  
- Should (Name of the Research Institution) refer to the community as the source of the traditional knowledge in any publication in which such traditional knowledge is mentioned?
  
- If Yes, to what extent can (*Name of the Research Institution*) share the traditional knowledge ?
  - Partial disclosure/summary ( )
  - Full disclosure ( )
  
- To what extent specific traditional knowledge/community knowledge is known and / or practiced within or among the concerned communities ?
  - Known to few ( ); Known to many ( ); Known widely ( )
  - Practiced by few ( ); Practiced widely ( ); Practiced by many ( )
  
- Should (Name of the institution) inform the community about how its traditional knowledge has been used?
  - Yes ( )
  - No ( )

Declaration: I/We have read this Prior Informed Consent Form carefully and have understood the implications of sharing my/our traditional knowledge in the context of the research project described above. I/We have voluntarily decided to select the option/ options which I/we have ticked above. I/We assure (*Name of the Research Institution*) that all the information given here is true to the best of my/our knowledge, understanding and belief.

Name and Address of the Community/Traditional Knowledge Holder.....

Signature.....

Name and Address of Witness/Collaborator/ (Name of the Research Institution) Representative.....Signature.....

Date.....



### III. ACCESS TO GERMPLASM AND PLANTING MATERIAL OF FRUIT CROPS (LOCAL VARIETIES AND WILD SPECIES) FOR RESEARCH PURPOSES ONLY

#### a) Significance

Free access to germplasm of fruit crops is based on the premise that germplasm will be used for research and breeding with non commercial purposes, and that the research will be devoted to generating new knowledge and other research results that are shared openly with farmers, the global research community and society in general.

A simple standard material transfer agreement can be used in this case.

#### b) Content

Main elements that may be included in a Material Transfer Agreement are related to the identification of the material, the purpose of the transference of biological material (samples) and provider and user's rights and obligations.

In relation to provisions that relate to access conditions, the following issues, among others, may be considered in the agreement:

- Description of genetic resources covered by the material transfer agreements, including accompanying information (for example: information about its conservation or agricultural management practices);
- Definitions of material to be transferred (for example, "Material(s)" includes progeny, mutants, or replicated forms there of, and all cell, tissues, plants, and seeds containing the "Material" including any replicated forms);
- Permitted uses of the genetic resources under the Material Transfer Agreement (for example: research, breeding, etc.);
- Provisions on the mandatory reporting of any new intended use of genetic resources (for example, from purely research purpose to commercial purposes), mentioning specifically the requirement to renegotiate the Material Transfer Agreement in such cases;
- Undertaking to minimize environmental impact of collection activities;
- Provisions regarding access to related traditional knowledge;

In relation to legal provisions, rights and obligations clauses, the following issues, among others, may be considered to be included in the Material Transfer Agreement:

- Provisions stating that no warranties will be given by the provider regarding the identity or quality of the provided material;
- Indication of whether the genetic resources and/or accompanying information may be transferred to third parties and if so the conditions that should apply.
- Regulations on the rights and obligations of the provider and recipient/user;
- Provisions for the exclusion of the right of the recipient to claim any property rights, including intellectual property rights, to the genetic resources obtained through the Material Transfer Agreement;
- In case of public disclosure (for example, through publications) acknowledgement and citation of the origin of the material;
- Arrangements for the settlement of disputes;
- Duration and termination of the agreement

**c) Model of Material Transfer Agreement (MTA) for research, breeding, training and conservation purposes**

1. This material transfer agreement is made between:  
(Name, position, institution, country) ('the provider', from now on) And  
  
(Name, position, institution, country) (' the recipient', from now on)
2. Obligations of the provider
  - a. The provider agrees to transfer to the recipient the following biological material ('the material' from now on):
  - b. The provider agrees to transfer available information related to the material, such as passport data and agronomic and evaluation data.
  - c. The provider makes no warranties as to the identity, safety, quality, viability or purity of the material being furnished, nor as to the accuracy or correctness of any passport and other data provided with the material.
3. Obligations of the recipient
  - a. The recipient can use the germplasm for research, breeding, training and conservation purpose, without any commercial objective.
  - b. In the case the recipient aims at using the germplasm for commercial purposes, the recipient commits to refer to the provider and negotiate a new material transfer agreement.
  - c. The recipient agrees not to claim ownership over the material, not to seek any intellectual property rights over the material and/or its genetic components. The recipient also agrees not to seek intellectual property rights over related information received.
  - d. The recipient agrees to share with the provider information collected during the utilization of the material, including information about the performance of the material, breeding methods applied for the improvement of the material, and agronomic techniques tested with the material.
  - e. The recipient agrees to acknowledge the source of the material if used in research publications.



- f. The recipient may distribute the material and related information to third parties, provided that such parties accept the same obligations that this agreement imposes on the recipient.
- g. The recipient will inform the provider about transfers of the material to third parties.
- h. The recipient assumes full responsibility for complying with the recipient nation's quarantine and biosafety regulations and rules as to import or release of biological material.

Place, date and signatures

#### **IV. ACCESS TO GERmplasm FOR COMMERCIAL PURPOSES: POSSIBLE BENEFIT SHARING PROVISIONS**

##### **a) Significance**

Research partners may grant access to germplasm to germplasm users that seek to develop commercial products with such germplasm.

Benefit sharing conditions can be included in the Material Transfer Agreement as explained before or in a different Contract Agreement to be signed between the provider and the recipient. This agreement will define, therefore, the conditions for the use of the germplasm and possible benefit-sharing obligations for the user.

##### **b) Content**

The benefits arising out of the utilization of genetic resources can be divided into two very general categories: monetary (commercial) and non-monetary (non-commercial) benefits. This distinction will arise mostly from differently targeted uses of genetic resources: in basic research, non monetary benefits are especially important, while applied research will be more focused on commercial utilization.

It is important that provider and recipient agree on the extent and amount in which the benefits should be shared, so that both parties be aware of the possibility to begin benefit sharing as early as during the research process.

- **Non-monetary benefits:**

Non commercial benefits should be given particular attention when negotiating a benefit sharing agreement, especially in relation to research and capacity building. The following non-monetary benefits can be included as terms of benefit-sharing arrangements, and as a condition for granting access:

- To inform the competent authority/research partner of all research findings for subsequent research and development on the collected samples;
- Contributions to research capabilities of the provider;
- Making available or sharing the infrastructure requires for research activities;
- Access to ex situ collections;
- Creation of research networks;
- Establishing and mantaining a mechanism for sharing the information about research and its findings with academic partners;

- Involvement of the provider in the research project;
- Deposit of duplicates of each sample collected and associated information in germplasm collections of the provider;
- If the research and development project results in a new plant variety or a useful product for agriculture, access to such product at a lower price or under advantageous conditions.
- Pre-publication access by the provider to research results,
- Joint publication of research findings, among others.

Non monetary benefits in relation to Farmers' Rights implementation, can also be:

- To have access to seeds and propagating material, and related information;
  - To participate in the definition of breeding goals;
  - Participatory plant breeding in collaboration between farmers and scientists;
  - Strengthening of farmers' seed systems;
  - Conservation activities, including local seed banks, enhanced use of farmers' varieties, including market access.
- **Monetary benefits**

If Recipient desires to use the Material for profit-making or commercial purposes, in advance of such use the Parties may negotiate to establish the terms of a commercialisation agreement. Additionally, if Recipient's research involving the Material results in a new invention or modification that may be commercially useful, then the Parties may determine (i) relative contribution, (ii) inventorship, (iii) intellectual property registration, and (iv) process of commercialisation and distribution of benefits that might arise from the commercialisation process.

In relation to monetary or commercial benefits, the following provisions can be stated as benefit sharing arrangements:

- A flat fee and upfront payments.
- Royalties
- Milestones payments.
- Recognition as a partner in intellectual property ownership of products derived from the supplied material.
- Concessionary rates or free supply of commercial products derived from the resources provided.
- Transfer of technologies.
- Donation of equipment to national institutions.

In addition, benefits in relation to Farmers' Rights: 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.

### **c) Model of Benefit Sharing Agreement**

The previous model of a Material Transfer Agreement can be adapted in order to include provisions in relation to what benefits will be shared between parties and how. Such provisions obviously need to be previously discussed and agreed by the provider and the recipient of the germplasm.

As example of provision in relation to monetary benefit sharing can be the following:

*“In the case the recipient gets some monetary benefits from the use of the material, the recipient shall annually pay ..... % of the annual benefits to the provider institution” or “to a fund established by the Ministry of Agriculture to support conservation and research activities within (certain country)”*



## **V. FREE AND RESTRICTED ACCESS TO INFORMATION AS A RESULT OF THE IN SITU/ON FARM PROJECT**

### **a) Significance**

As a result of the In situ/On farm Project, a database on crop varieties and wild fruit species would be created, together with the development of information of very different nature (training materials; technologies on management of orchards; names of conservationist farmers; list of nurseries; scientific publications, among others). An agreement will be required that enables a continuous relationship of exchange and cooperation among Project partners, and also defines their conditions for third beneficiaries' access and use to the information.

In practical terms, a website will be created with different levels of access according to the definition by parties of the information as open or restricted to third parties.

In legal terms, three different relations should be contemplated: the first one refers to the one between the coordinator of the data-base and project partners; a second one establishes the conditions for sharing information among national partners and their obligations as providers of the information and a third one includes the agreement among partners defining the conditions for third parties beneficiaries.

### **b) Content**

Main issues in the definition of an Information Sharing Agreement will be:

- Identification of project partners representatives to act as national focal points in providing information and maintaining dynamic relations of sharing and exchange of information among stakeholders;
- Definition of what information and data is considered to be of open access to the global community; restricted for sharing to project partners and absolute restricted and accesible upon applicaiton and permission of the provider of the information;
- Intellectual Property Rights arrangements;
- Maintenance of the website and the data-base, among others.

### **c) Information Sharing Agreement as adopted by the In Situ/On Farm Project in Central Asia**

The agreement that is being reached among In situ/On farm Project partners in Central Asia is being included as a model of Information Sharing Agreement.

## **INFORMATION SHARING AGREEMENT**

THIS AGREEMENT is made BETWEEN the following parties (hereinafter, the parties):

1. Name and address of the National Executive Agency in Kazakhstan
2. Name and address of the National Executive Agency in Kyrgyzstan (same thing)
3. Name and address of the National Executive Agency in Tajikistan (same thing)
4. Name and address of the National Executive Agency in Turkmenistan
5. Name and address of the National Executive Agency in Uzbekistan

Hereinafter, these five parties will be referred to as National Executing Agencies

6. Bioversity International (“Bioversity”)

### **BACKGROUND**

This agreement deals with the collaboration on sharing and dissemination of the information and data generated by the UNEP/GEF Project “*In Situ/On-Farm Conservation and Use of Agricultural Biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia*”. The main purpose of the Project has been the conservation and sustainable use of horticultural crops and wild fruit species genetic diversity in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan through addressing the problem of inadequate information, coordination and knowledge, thereby contributing to the elimination of the other major barriers to conserving fruit genetic resources (unsustainable use of wild fruit species and loss of traditional diversity-based farming systems).

As a result, better information and knowledge on wild resources, on the number and quality of horticultural crops and their genetic resources, distribution, conservation, and use has been attained. Therefore, knowledge about levels and distribution of fruit species genetic diversity, and the value of this diversity for sustainable agriculture and ecosystem health have been enhanced in order for them to be used to strengthen national and regional policies and legislation towards the conservation and sustainable use of agrobiodiversity.

Main features during the implementation of the Project have been the good collaboration and coordination among national partners in sharing knowledge and experience and in strengthening links among scientists and farmers. The present Information Sharing Agreement reflects this desire of continuous collaboration among national partners, so that existing linkages among institutions will continue in the future through enabling facilitated access to data, publications and resources that have been developed as a result of the Project and regional collaboration is increased towards agrobiodiversity conservation.

In consideration of the foregoing, the parties agree as follows:

## **11. OBJECTIVES**

The objectives of this Information Sharing Agreement are:

- c) To provide a framework for the provision, storage, sharing and dissemination of the Information resulting from the Project.
- d) To set forth the terms and conditions under which Project partners will share Information between themselves and with non Project partners through a Website.

## **12. USE OF TERMS**

**Project:** UNEP/GEF Project “In Situ/On-Farm Conservation and Use of Agricultural Biodiversity (Horticultural Crops and Wild Fruit Species) in Central Asia”

**Project partners:** Individuals that have been involved in the implementation of the Project, either as members of the National Executing Agencies and not, and who will be granted access to all the Information stored in the Website:

**Website:** digital database held by the Project Coordinator which stores the Information and is available on the Internet.

**Information:** all the information generated by the Project that will be included in the Website.

**Project Coordinator:** Institution in charge of coordinating the implementation of the Project, i.e. Bioversity.

**National Executing Agencies (hereinafter NEA):** Institutions in charge of implementing the Project at the national level and parties to this agreement.

**National Focal Point (hereinafter NFP):** person or persons designated by each National Executing Agency with capacity to provide Information to be uploaded on the Website and take decisions about the access and use of the Information by third parties.

## **13. OPEN ACCESS INFORMATION AND RESTRICTED ACCESS INFORMATION**

3.1. Parties agree that there will be three types of Information:

- d. **Open Access Information:** information published on the Website and publicly available to Project partners and the general public.
- e. **Restricted Access Information:** information that will be stored in a restricted area of the Website which will be accessible only by Project partners. Restricted access Information will be made available to non Project partners upon permission from the party that provided the Information. Restricted access Information will be considered publicly available without limitations or restraints after a period of 7 years from the official date of finalization of the Project (December 2011).
- f. **Absolute Restricted Access Information:** information that will be stored in a restricted area of the Website which will be accessible only to the representatives of the country that provided the information. Absolute restricted access Information will be made available to Project partners and the general public upon permission from the party that provided the information.

3.2. Parties agree that the following Information will be Open Access Information:

- A list of all the Scientific publications (articles, research papers, monographs and other publications) as a result of the project;
- Abstract of the Scientific publications (articles, research papers, monographs and other publications) as a result of the project;
- Publications on technologies related to the cultivation and management of orchards
- Database on Project partners;
- Draft laws and regulations;
- Project´s proposals to conserve agrobiodiversity;
- Training materials (on technologies for the cultivation and management of orchards, etc.) for education and capacity building purposes, and under protection of intellectual property rights in case of replication;
- Information on training centers;
- Number of key nurseries and their agroecological zone;
- Farmer and households´ Code Number;
- Farmer´s major specialization;
- In relation to location references of households, farms and settlements, only open access to latitude and longitude location references of their District information degree and minutes without seconds;
- Morphological characterization of varieties and species;
- General information related to traditional knowledge and management practices; not Know How; and
- General information about the importance of plant genetic resources and local diversity of fruit crops and wild species for the regional and global community.
- All the information included in the survey data that is not under the consideration of Restricted Access Information or Absolute Restricted Information.

3.3. Parties agree that the following Information will be Restricted Access Information:

- Full content of Scientific publications (articles, research papers, monographs and other publications);
- Database on demonstration plots;
- Database on key nurseries and their location;
- Farmers and households´ name;
- Socioeconomic surveys;
- Evaluation data of varieties and species; and
- Traditional knowledge and management practices: Restricted access under acknowledgement and copyright protection.

3.4. Parties agree that the following Information will be Absolute Restricted Access Information:

- Latitude and longitude location references of households, farms and settlements;
- Settlements name;
- Endangered species geographical location (for example, varieties under the Red List and CITES).

## **14. OBLIGATIONS**

14.1. The National Executing Agencies (NEA) will:

- g. Share with all the parties complete contact details of the individuals that have been designated as National Focal Point (NFP);
- h. Ensure that the NFP will coordinate the execution of the responsibilities under this agreement and act as the main contact point between the NEA and the Project Coordinator;
- i. Through the NFP, regularly provide the Information to be uploaded on the Website to the Project Coordinator;



- j. When providing the Information to be uploaded on the Website, confirm its open or restricted nature according to Article 3 of this agreement;
- k. Specify the Project partners that will have access to the restricted access information and communicate their contact details to the Project Coordinator;
- l. Obtain any necessary permissions to make the Information available on the Website.

14.2. Project Coordinator/Biodiversity will:

- j. Design the Website;
- k. Upload the Information provided by the NFP to the Website following the conditions of accessibility specified in Article 3 of this agreement for each type of Information;
- l. Provide technical guidance on Information quality;
- m. Manage the legal basis for access to and use of the Website (disclaimers, copyright notifications, terms of use and acknowledgment, etc.) and prominently display them on the Website;
- n. Place a copy of this agreement on the restricted access area of the Website;
- o. Not alter, modify, or otherwise change, the Information in any way if the quality standards are met;
- p. Not claim exclusive property rights over any Information provided by the NFI;
- q. Not express any opinion on the Information when making them publicly available;
- r. Acknowledge that the NEAs are the source of the Information and encourage Website users to acknowledge the Website as the source of the Information. The “terms of use” and acknowledgements will be prominently displayed at the Website.

## **15. MAINTENANCE OF THE WEBSITE**

Biodiversity commits to maintain the Website for the first two years of functioning, from the moment the Website is published on the Internet; after this period, NEA will take the responsibility for its maintenance. Parties may decide to amend or terminate this agreement or to sign a new agreement regulating the new responsibilities.

After the mentioned period of two years, Biodiversity will not have any coordination responsibilities and will not be accountable for the Information displayed on the Website.

## **16. CONDITIONS FOR SHARING RESTRICTED ACCESS INFORMATION AMONG PROJECT PARTNERS AND WITH NON PROJECT PARTNERS**

- e. All Project partners will have access to the Restricted access Information provided by all parties. If a Project partner wants to use Restricted access Information for commercial purposes, such Project partner will ask the permission of the NEA that provided such information.
- f. Each National Executive Agency will be able to reproduce and distribute Restricted access Information originally provided by the same National Executive Agency, without any need to obtain permission from the other Parties.
- g. Parties agree that once the Restricted access Information is considered to be publicly available, without limitations or restraints according to Article 3 of this agreement, Parties will have non-exclusive, royalty-free licenses to use, reproduce and distribute such Information, without any need to obtain permission from one another.
- h. Non Project partners’ access to restricted access Information will require the explicit permission from the NEA that provided such Information. In this case, the NEA can

impose specific terms and conditions for the use of the Information. The contact details of all the NFP will be available on the Website for non Project partners to get in touch with the NFP regarding the access to and use of restricted access Information.

## **17. DISSEMINATION OF INFORMATION AND ACKNOWLEDGEMENT**

- d. When disseminating and publishing the Information or any research finding based on such Information, the Parties will recognize the other Parties through citation, acknowledge or reference to the source of Information as well as UNEP-GEF as financial supporter of the Project.
- e. Parties will publicize the Website by including its links in their institutional websites and in scientific publications resulting from the use of the Information stored in the Website.
- f. Parties will make efforts to ensure that all Website users publicly recognize the Parties as the authors of the Information as well as UNEP-GEF and any other donor as financial supporters of the Project.

## **18. INTELLECTUAL PROPERTY**

Neither the receipt of the Information nor its publication through Website shall affect whatever intellectual property rights the National Executive Agencies may hold with respect to the Information.

## **19. EFFECT, AMENDMENT AND TERMINATION OF AGREEMENT**

This Agreement will enter into force on the date of signature by at least two Parties and will become effective for every Party at the moment of signature by each Party.

The terms of this agreement can be amended upon written agreement by all the Parties.

Any Party may unilaterally renounce the agreement by giving the depositary of the Agreement at least thirty (30) days prior written notice of intent to terminate the Agreement.

## **20. SETTLEMENT OF DISPUTES**

Any disputes or differences of any kind arising between the Parties during the implementation of this Agreement shall be settled amicably upon consultation between all Parties in accordance with tenor and intent of this Agreement.

**Signatures**

**Date**

### Results of evaluation of training course

<b>Title of training event: Regional workshop on legislative framework and Access and Benefit Sharing (ABS)»</b>
<b>Date: 4 - 6 May 2011</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

	<b>Score</b>	<b>Number of participants</b>
	<b>1 = Very poor/very low, etc.</b> <b>2 = Poor/low</b> <b>3 = Acceptable</b> <b>4= Good/high</b> <b>5 = Very good/ very high, etc.</b>	
<b>A. Overall assessment of the course (or training workshop)</b>		
1. Overall satisfaction with the course	<input type="checkbox"/> 1 <input type="checkbox"/> 2	4 participants assessed as high and 5 participants considered the workshop

	<input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	as a very high quality training
2. Relevance of the course content in relation to my training needs	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	5 participants considered that the content of the course is highly related to their needs, 3 assessed as fully related
3. Overall quality and effectiveness of course delivery	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	4 participants assessed as high and 5 participants assessed as very high
4. Overall learning (knowledge and skills) achieved in the course	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	5 participants considers that the quality of knowledge and skills is high and 4 participants assessed the course as very high
5. How well did the course meet its objectives?	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	According to this parameter 3 participants gave 4 grade and 6 participants evaluated as 5 (very high)
Comments: The workshop is organized with high quality and effectively		
<b>B. Evaluation of course content and teaching/learning methods</b>		

<p>6. Duration of the course/workshop</p>	<p><input type="checkbox"/>1 <input type="checkbox"/>2 <input type="checkbox"/>3 <input type="checkbox"/>4 <input type="checkbox"/>5</p> <p>(1=too much/little 5=just right)</p>	<p>3 participants assessed the duration as good and 5 considered as just right</p>
<p>7. Contents covered in relation to time available</p>	<p><input type="checkbox"/>1 <input type="checkbox"/>2 <input type="checkbox"/>3 <input type="checkbox"/>4 <input type="checkbox"/>5</p> <p>(1=too much/little 5=just right)</p>	<p>1 participant assessed the content of exercises as too much/little, 5 participants as normal and 4 as just right</p>
<p>8. Quality and effectiveness of theoretical teaching and learning methods (lectures)</p>	<p><input type="checkbox"/>1 <input type="checkbox"/>2 <input type="checkbox"/>3 <input type="checkbox"/>4 <input type="checkbox"/>5</p>	<p>4 participants gave good point, 5 participants gave the best grade</p>
<p>9. Quality and effectiveness of practical exercises &amp; field activities</p>	<p><input type="checkbox"/>1 <input type="checkbox"/>2 <input type="checkbox"/>3 <input type="checkbox"/>4 <input type="checkbox"/>5</p>	<p>6 participants put good grade, 3 participants put the highest point</p>
<p>10. Balance between theory/lectures and practical work</p>	<p><input type="checkbox"/>1 <input type="checkbox"/>2 <input type="checkbox"/>3 <input type="checkbox"/>4</p>	<p>4 participants considered as good and 5 participants as just right</p>



	<input type="checkbox"/> 5 (1=poor balance 5=just right)	
12. Quality and amount of training materials distributed during the course	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	The quality and quantity of publications were assessed as good by 2 participants and as the best by 7 participants
13. Comments:		
<b>C. Evaluation of administration and logistics</b>		
14. Access to equipment during the course	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	Access to equipments 3 participants assessed as good and 6 participants as very good
15. Quality and timing of information received	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	According to this criterion 2 participants put a good grade and 7 participants put highest grade
16. Food and accommodation	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	Food and accommodation were assessed as very good by 6 participants
17. Travel arrangements	<input type="checkbox"/> 1	Quality of travel

	<input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	arrangements were assessed by 7 participants with the highest grade
18. Financial arrangements	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	7 participants assessed the quality of financial arrangements as very high and 1 as high
19. Comments:		
<b>D. Others</b>		
20. Number of participants	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5  (1= too few/many 5 = just right)	The number of participants were identified as good by 3 participants and by 6 participants as just right
21. Active participation in the learning process	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	3 trainees considered the active participation as good and 5 trainees as as very high
22. Interaction with other participants	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	2 trainees assessed interaction with other participants as good and 6 participants as very high

	<input type="checkbox"/> 4 <input type="checkbox"/> 5	
23. Interaction with instructors	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	Interaction with the instructors were assessed as very high by 8 participants
Comments::		