Essentially derived varieties and the perspectives of farmer breeders

Normita G. Ignacio
SEARICE
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Farmers are the original plant breeders since the dawn of agriculture

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In recognition of the enormous contribution of local and indigenous communities and farmers on conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world

Farmers' rights
(Article 9 of the ITPGRFA)

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Farmers' Rights

Countries are mandated to take measures to protect and promote farmers' rights (Art 9.2)

- Protection of traditional knowledge
- Share the benefits arising from the utilization of PGRFA
- Participation in decision making

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Sustainable use of plant genetic resources (Art. 6)

6.1 The Contracting Parties shall develop and maintain appropriate policy and legal measures that promote the sustainable use of plant genetic resources for food and agriculture

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Art. 6.2 The sustainable use of plant genetic resources for food and agriculture include such measures as:

- Development and maintenance of **diverse farming systems**
- Strengthening research which enhances & conserve biological diversity by maximizing intra- & inter-specific variation
- Promoting plant breeding efforts with farmers' participation

Diverse farming system from a World Heritage Site: Banaue Rice Terraces, Ifugao, Philippines

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Value of the local seed system

- Contribute to agricultural biodiversity
- Basis for community resiliency
- Foundation of food security

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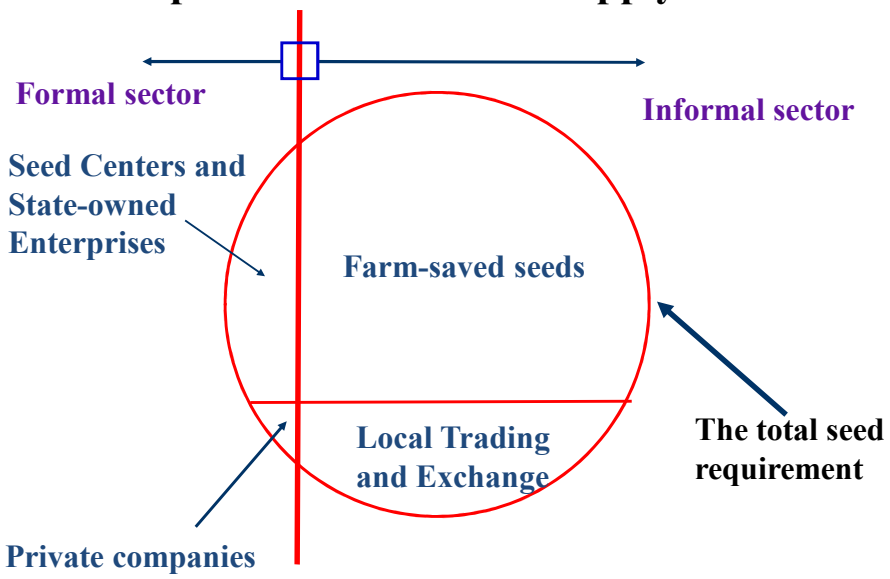
Actual partition of rice seed supply in Vietnam



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This dynamic local seed system is threatened by EDV

- Restricts farmers in using protected varieties which can potentially adapt to local conditions
- Limits the potential of farmers to adapt to changing environment
- Enhances farmers' vulnerability
- Threatens food security

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Is this informal seed system considered when UPOV 91 & the system of EDV were developed?

- The introduction of HYVs has already displaced many traditional varieties & has tremendously reduced the diversity of PGR materials available to farmers breeding
- PVP laws including EDV rules will exacerbate the situation & this will have serious implications on farmers' capacity to adapt to all the challenges that they face

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Does the social benefit of PVP including EDV rules outweigh the social costs?

- PVP in a way is an artificial monopoly on public good.
- As a society, we tolerate this in the hope that it will promote innovation, that would, in the end, lead to social benefit that would outweigh the costs
- Plant breeders are given incentives through privatization of property to ultimately to give society the benefits of new discoveries & the expansion of our collective knowledge

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For the regular consumers, the farmers and even the breeders, it is just not worth it!

- Given the important role of farmers in innovation & the adaptation pressures posed on them & our food supply by climate change, the costs to society of limiting farmers' ability to create so-called EDV would be devastating & would far outweigh the benefits.

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Farmers are an indispensable part of the innovation system that sustains formal breeders

- Cutting off farmers from this process by restricting their right to freely generate EDVs from a protected variety is inequitable and unwise
  - All of formal breeders' breeding materials are derived, to some extent, from a farmers' variety
  - These breeding materials are usually obtained from farmers with little or no restriction, not even a restriction against essentially deriving a variety from these

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It is unwise, especially for the formal breeder & humanity in general

- Because farmers' use of diverse set of germplasm is an essential component of on-farm conservation that ensures agricultural biodiversity
- In restricting farmers' rights to essentially derive varieties from protected varieties, one limits the potential of farmers to incorporate a protected varieties' traits into the informal system & the local and indigenous genetic pool

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CONCLUSIONS

- Seed development, production, exchange and sale are part of the dynamic farmers' seed system
- The dynamic farmers' innovation and seed systems are the ones that need 'protection'
- Current seed policies imported from developed countries do not fit this dynamic system
- Need to develop new approach to spur innovation & protect farmers' seeds from misappropriation

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CONCLUSIONS

- Farmers' rights are best recognized by allowing farmers to continue innovate & discover solution to their problems
- Farmers should have unrestricted access to resources, especially seeds
- If conducive policy environment is established, farmers can be more effective in playing their role as managers of agricultural biodiversity

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THEREFORE

- Before we even think of implementing EDV rules…
  - We need to step back and reflect on its potential impacts to smallholder farmers and their innovation system
  - In the test of whether extending the protection to EDVs, particularly with regard to acts of farmers, leads to a net social benefit, it comes up short
  - In addition to the social costs, the transaction costs that would be required for a small farmer-breeder to obtain a license would put it out of the small farmers' reach
  - Policy makers must not forget the collaborative nature of innovation
  - Policy makers must keep in mind that the design of an intellectual property system demands a balancing act, & that monopoly profit is justified only if it ensures a net social benefit


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