

IP Issues and Germplasm Exchange: How to address on a country/regional basis

Points of discussion:

- 1) Status germplasm access conditions at country level, i.e Implementation of MLS/SMTA under the Treaty
- 2) Coordination/management Arrangements
- 3) Status of TK legislation at country level

Points Raised for germplasm access conditions and MLS/SMTA implementation arrangements:

- There was need to find out if countries had already designated PGRFA falling under Annex 1 of the Treaty into MLS by notifying the Treaty Secretariat. If not is there anything that can be done to encourage countries to do so.
- Identify who are the designated national Competent Authority to sign the SMTA in each country, and if none is there something that can be done to help countries to do.
- Find out if there is need to obtain collection permit and if so who issues these permits in each the respective countries.
- Find out if there are any access regulations other than through the use of SMTA and what needs to be done to normalise the situation if the case where a country is Party to the Treaty
- Regarding the commissioning of the collection it is advised that the collection mission is led by the country in order to lessen problems that may arise from missions that are externally led.
- There is need to get some clarification from the Treaty Secretariat as regards the status of implementation of the Treaty and SMTA by countries in the SEC region

Points raised for Coordination/Management Arrangements

- There was need to involve regional bodies such as ASERECA, SADC, CEMAC etc.
- Need to set up a Steering Committee
- Need to set up an Technical Advisory Group (regional)
- Need to create coordination structures at national level, including through capacity building to support this where necessary
- Need to create Technical Core Groups at the national and regional levels for each of the technical components such as conservation (field genebanks, in vitro etc), characterisation, evaluation and documentation
- Identifying country focal persons
- Involvement of phytosanitary units
- Explore the possibility of establishing an 'Agreement' at the regional level in order to foster common understanding on the purpose and benefits of the initiative

Points raised for status of Traditional Knowledge issues:

- Need to be clear on the definition of traditional Knowledge (TK) as defined by different international policy instruments such as Treaty , Nagoya protocol/CBD. This in establishing an understanding or clarify as to whether or not TK collected from farmers could be an IP issue in some cases
- Find out if there any countries that have put in place domestic policy/legal frameworks dealing with TK and if there any implications with regard to collection and using farmers traditional knowledge
- Branding varieties that are directly selected from local landraces such as the case of TME that was originally collected as a landrace from Benin.