Workshop to strengthen the capacity of scientists from CGIAR Centres and NARS to deal with genetic resources policy issues

27-30 November 2017,
ICARDA, Rabat, Morocco.

CGIAR Genebank Platform

ICARDA
Science for resilient livelihoods in drv areas

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Organized by the CGIAR Genebank Platform,
in coordination with ICARDA

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We deliver scientific evidence, management practices and policy options to use and safeguard agricultural and tree biodiversity to attain sustainable global food and nutrition security. We work with partners in low-income countries in different regions where agricultural and tree biodiversity can contribute to improved nutrition, resilience, productivity and climate change adaptation.

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Workshop participants and Rabat.
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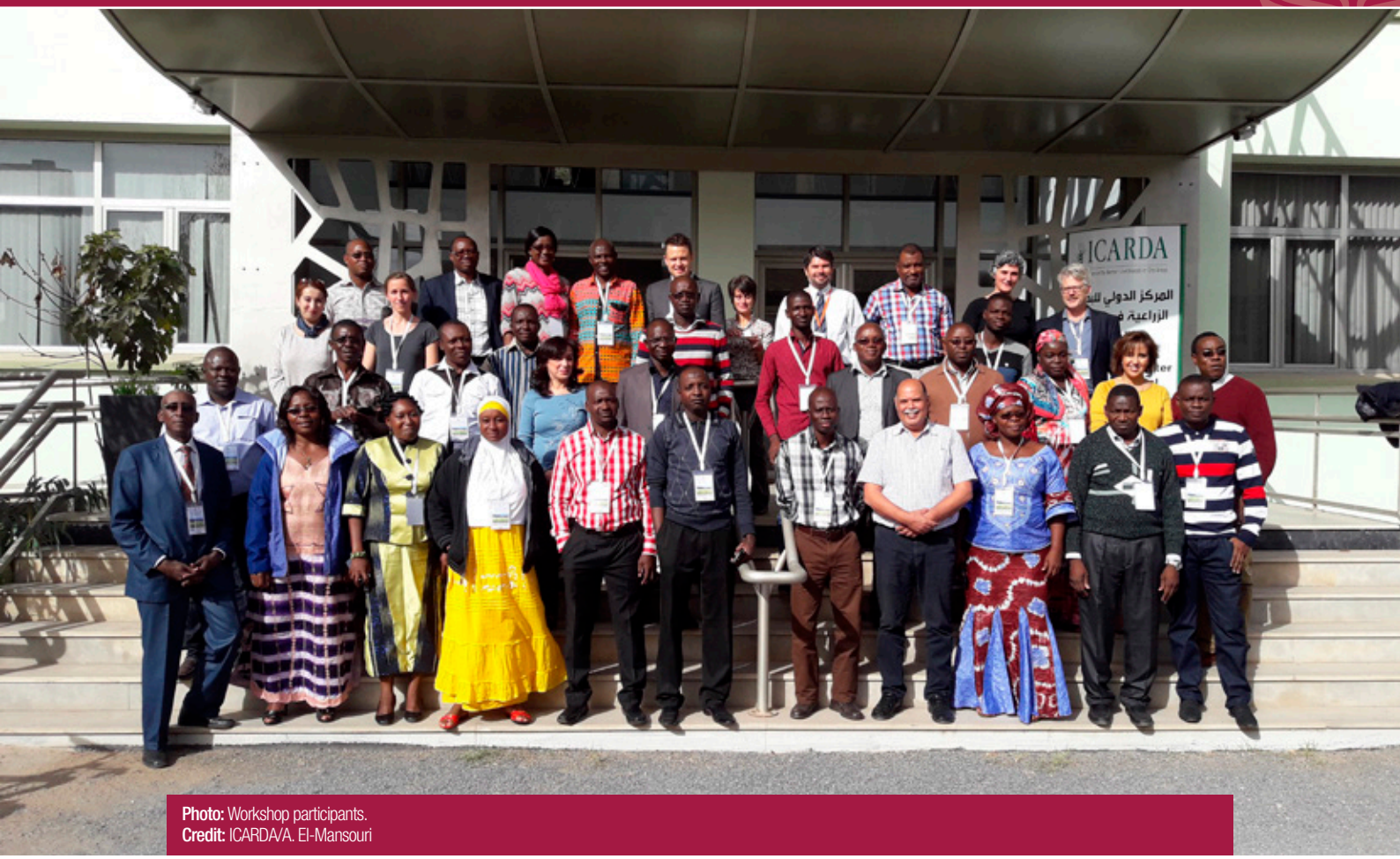

Photo: Workshop participants.
Credit: ICARDA/A. El-Mansouri

Report on the 'Workshop to strengthen the capacity of scientists from CGIAR Centres and NARS to deal with genetic resources policy issues', 27-30 November 2017, ICARDA, Rabat, Morocco.

The CGIAR Genebank Platform Policy Module, in coordination with the International Center for Agricultural Research in Dry Areas (ICARDA), organized the 'Workshop to strengthen the capacity of scientists from CGIAR Centres and National Agricultural Research Systems (NARS) to deal with genetic resources policy issues'. The workshop was held from the 27-30 November 2017, at the ICARDA campus, in Rabat, Morocco.

The workshop brought together 23 staff members from 5 CGIAR Centres (including Genebank managers and technical staff, plant breeders, information technology, intellectual property, and genetic resources policy specialists), 13 representatives of national agricultural research organizations in Nigeria, Senegal, Cote D'Ivoire, Morocco, Burkina Faso, Benin, Cameroon and Tunisia (some of whom were also ITPGRFA National Focal Points), and representatives of the Secretariats of International Treaty on Plant Genetic Resources for Food and Agriculture, the Convention on Biological Diversity and the ABS Capacity Development Initiative. The workshop was conducted in French. Simultaneous translation into English was available for those who needed it.

Objectives

The workshop was designed to increase participants' understanding of how international laws promoting the conservation and sustainable use of genetic resources and benefit-sharing can apply to the day-to-day management of genebanks, plant breeding programs and other forms of agricultural research and development. Given the direct relevance of the International Treaty on Plant Genetic

Resources for Food and Agriculture (ITPGRFA) to these activities, the workshop focussed on boosting participants' capacity and confidence to proactively engage in the ITPGRFA's multilateral system of access and benefit-sharing, and to use the Standard Material Transfer Agreement (SMTA) as both providers and recipients of genetic resources and related information. Because it is also true that national laws implementing the Nagoya Protocol may govern some activities of genebanks and breeding programs, the workshop sought to increase participants' appreciation of how to comply with Nagoya Protocol, and when the ITPGRFA or the Nagoya Protocol applies in different situations. Another, related objective of the workshop was to promote mutually supportive implementation of the ITPGRFA and the Nagoya Protocol at national levels, in ways that provide much needed policy support for genebankers, breeders, farmers and agricultural research and development more generally. Where relevant, the workshop sought to clarify the differences in how the ITPGRFA and Nagoya Protocol apply to CGIAR Centres, national agricultural research organizations, farmers and companies.

Setting the scene

The first session of the workshop was dedicated to building-up participants' common understanding of a range of 'baseline' issues, including the rational for the development of the ITPGRFA and Nagoya Protocol, and their current state of implementation. This session also provided an overview, in very general terms, of how the ITPGRFA and Nagoya Protocol apply to the work of national agricultural research organizations and CGIAR Centres as they conserve crop, forage and tree genetic resources, and engage in plant breeding and other forms of agricultural research and development. Information was shared about the ongoing discussions for the reform of the ITPGRFA's multilateral system of access and benefit-sharing. There were presentations from representatives of the Secretariat of the ITPGRFA and the CBD, and National ITPGRFA Focal Points from Benin and Morocco.

Implications for daily operations

The second, third and fourth sessions of the workshop focused in more detail on how the ITPGRFA, Nagoya Protocol and related national laws can support or create challenges for the daily operations of genebanks, plant breeders, and researchers in CGIAR Centres and national agricultural research programs. These sessions also considered the complementarity and interplay of access and benefit-sharing laws with the CGIAR's own Guiding Principles for the Management of Intellectual Assets, and with the standard operating procedures that CGIAR Centres' genebanks are developing as part of their Quality Management Systems. In this context the workshop focused considerable attention on how CGIAR Centres and national organizations transfer and receive so-called Plant Genetic Resources for Food and Agriculture under Development.

Each of these three sessions started with presentations by genebank managers, plant breeders and/or research managers about how their work was being impacted by relevant laws and policies. They also identified situations where they were uncertain how the laws applied, and how to make practical decisions. These presentations were followed by lively question and answer sessions wherein participants compared experiences, raised more questions, and worked toward common understandings of outstanding issues.

The participants were divided into small groups to work through pre-scripted scenarios. The scenarios were designed to 'tease out' practical ways to address uncertainties about how the ITPGRFA and Nagoya Protocol could apply to genebanks, breeders, and farmers when the access, use or transfer plant genetic resources for food and agriculture. The participants compared and discussed the results of their small group analysis results. Expert resource persons provided guidance where the small groups raised unanswered questions.

Downstream management of intellectual property

The fifth session of the workshop was dedicated to looking at the interplay of ABS laws, and national intellectual property and seed laws and the CGIAR IA Principles when national research organizations use improved lines received from CGIAR Centres for the development and release of new cultivars.

Farmers' rights

The final session focused on how the work of national agricultural research organizations and CGIAR Centres can promote farmers' rights as articulated in Article 9 of ITPGRFA.

Throughout the course of the workshop, the resource persons introduced published background materials, decision-making tools and fact sheets in French that the participants could use in the future when faced with similar sorts of 'real life' scenarios in their daily work.

> *"It was really useful to have this workshop in French. Most of the CGIAR meetings about the genebanks and genetic resources policy are in English, so lots of us who are not English mother tongue don't ever fully understand all of the concepts. This is the first time in years I really have full clarity about many of these policy issues."*
>
> Amy Bodian, Institut Sénégalais de Recherches Agricoles-Ceraas/Coraf, Thiès (Senegal)

It was a good opportunity for us, tree scientists from ICRAF and national research organizations, to understand how all the relevant laws and policies affect our daily work on tree resources conservation and distribution.

Photo: Amy Bodian (Ceraas/Coraf), Sanogo Diaminatou (Institut Sénégalais de Recherches Agricoles), Catherine Ky Dembele (ICRAF).
Credit: Bioversity International/M. Halewood

A lot of time we do our jobs without fully understanding the international policy framework. I have a much better understanding about those laws and policies now, and am confident I will be able to direct our operations in future to be in compliance and advance the goals of those agreements in ways that also support our mission.

Fatimata Bachabi, AfricaRice, Cotonou (Bénin)

I wish that in the coming years, we will have a website we can go to that includes all possible scenarios addressed by experts. That would really help our decision making.

Jilal Abderrazek, Institut National de la Recherche Agronomique, Rabat (Morocco)

Inspired by their experiences working together, the participants decided to form a network to share questions, experiences and resource materials over the years to come.

Furthermore, the small groups' answers to some of the practical exercises will be used to develop additional 'scenarios' to be included in future editions of *Mutually supportive implementation of the Nagoya Protocol and the Plant Treaty: Scenarios for consideration by national focal points and other interested stakeholders* that has been developed by Bioversity International, the ABS Capacity Development Initiative and the Secretariats of the ITPGRFA and the CBD.

The workshop agenda, list of participants, scenarios addressed by small groups, and resource materials shared during the workshop are included in annexes to this report.

This is one of a series of workshops organized by the Genebank Platform Policy Module for scientists and research managers from CGIAR Centres and national agricultural research and development organizations.

ANNEX 1 – Agenda

Workshop to strengthen the capacity of scientists from CGIAR Centres and NARS to deal with genetic resources policy issues - 27-30 November 2017, ICARDA, Rabat, Morocco

Workshop goals

- Increase participants' understanding of the CGIAR Centres' obligations vis-à-vis international treaties and conventions dealing with access and benefit-sharing, and how these international instruments influence the day-to-day management of the collections.
- Increase participants' knowledge of the multilateral system of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and their self-confidence in using the Standard Material Transfer Agreement (SMTA) for the acquisition and transfer of plant genetic resources.
- Increase participants' awareness of the Nagoya Protocol and how it affects the Centres' operations.
- Enhance participants' capacities to make decisions about what protocols and transfer agreements can or must be applied for acquiring or transferring genetic resources outside the multilateral system of the ITPGRFA.
- Increase participant's familiarity with resource people and material which can help them deal with policy and legal issues when managing genetic resources.

DAY 1: Monday, 27th November 2017

8.30	Registration	
Opening		
9.00	Welcome and opening	Dr. Ahmed Amri (ICARDA)
	Participants' introductions and expectations	All
	Objectives of the workshop. Program overview, adaptation, adoption	Hugues Quenum
9.40	Brief Introduction to the Genebank Platform and its modules	Dr. Ahmed Amri
10.00	Coffee break	
General introduction to International Policies affecting centres' use of genetic resources and national experiences in implementing those policies		
11.30	Presentation of the result of the pre-workshop survey	Isabel Lopez Noriega (Bioversity International)
	Presentation of the International Treaty on Plant Genetic Resources for Food and Agriculture. History and emerging issues (including digital sequence information).	Tobias Kiene (Secretariat of the International Treaty)
	A close look at the SMTA (Standard Material Transfer Agreement)	
	Presentation of resource material (including Easy-SMTA)	Tobias Kiene and Michael Halewood
13.00	Lunch	
14.30	Presentation of the Nagoya Protocol on Access to Genetic Resources and Benefit-Sharing	Kathryn Garforth (Secretariat of the Convention on Biological Diversity) - online
15.00	Implementing the ITPGRFA in Morocco; implementing the ITPGRFA and the Nagoya Protocol in Benin.	Touissant Mikpon (Institut National des Recherches Agricoles du Bénin, INRAB)
15.30	Coffee break	
16.00	Genetic resources policy quiz	
16.30	Presentation on Quality Management Systems: documenting and monitoring genebanks' practices and policies.	Janny Van Beem (Global Crop Diversity Trust) - online
17.00	Summary and end of the session	

Day 2: Tuesday, 28th November 2017

Using and transferring genetic resources in compliance with applicable laws (and figuring out what to do when there are no laws)		
9.00	Introductory presentations on how genebanks and breeders distribute materials, to different users, for different purposes, and the policy challenges they encounter.	Mariana Yazbek (ICARDA)
9.30	Small groups work through exercises/scenarios that raise key issues related to the application of different international and national laws to uses and distribution of genetic resources and information.	
10.30	Coffee break	
11.00	Feedback from small groups, and discussion in plenary	
12.00	Presentation and discussion in plenary on the transfer of PGRFA under Development and the CGIAR Principles for the management of Intellectual Assets.	Michael Halewood Selim Guvener (International Potato Centre, CIP)
13.00	Lunch	
14.30	Small groups work through exercises/scenarios that raise key issues related to the transfer of PGRFA under development.	
15.30	Coffee break	
16.00	Small groups work (cont)	
17.00	Summary and end of the session	

Day 3: Wednesday, 29th November 2017:

Acquiring genetic resources and information in compliance with international and national laws (and figuring out what to do when there are no laws)		
9.00	Introductory presentations on how users acquire materials and policy challenges they encounter	Falalou Hamidou (ICRISAT-Niger)
	Ensuring due diligence under the Nagoya Protocol	Lena Fey (ABS Capacity Building Initiative)
9.40	Genetic resources policy quiz	
10.15	Coffee break	
10.45	Small groups work through scenarios regarding the application of ABS laws to acquiring genetic materials and information.	
13.00	Lunch	
14.00	Visit to ICARDA genebank	
15.30	Coffee break	
16.00	Feedback from small groups and discussions in plenary.	

Day 4: Thursday, 30th November 2017

Using and transferring genetic resources in compliance with applicable laws (and figuring out what to do when there are no laws) (cont.)		
9.00	Registration and release of new varieties	Selim Guvener
10.00	How to report acquisitions and transfers of genetic resources	Marimagne Tchamba (IITA)
10.30	Coffee break	
Links to farmers' rights		
11.00	Introductory presentation on farmers' rights and non-monetary benefit-sharing	Mario Marino (Secretariat of the International Treaty)
11.45	Collecting experiences on farmers' rights and non-monetary benefit-sharing	
13.00	Lunch	

ANNEX 2 – List of participants

Workshop to strengthen the capacity of scientists from CGIAR Centres and NARS to deal with genetic resources policy issues - 27-30 November 2017, ICARDA, Rabat, Morocco

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ANNEX 3 – Scenarios

Workshop to strengthen the capacity of scientists from CGIAR Centres and NARS to deal with genetic resources policy issues - 27-30 November 2017, ICARDA, Rabat, Morocco

Scenario 1 - Farming association wants to place PGRFA in a genebank

A farmer association that ICARDA has been supporting to establish a community genebank wants to include 20 accessions of their local barley varieties in the international barley collection hosted by ICARDA for its long term conservation and sustainable use.

Can the farmer association decided on its own to make this barley deposit directly to ICARDA? Please explain the rational for your answer.

What kind of agreement should be developed for this transfer of materials?

What provisions should be included?

Who should be able to sign the agreement?

What procedures need to be followed to ensure the farmers rights/interests are protected?

Would it make any difference if the community wanted instead to place the material in a national genebank? Or share it with another community genebank in the same country? In another country?

Scenario 2 - A sorghum research and development chain

2.1. You are a sorghum breeder in Country A. Your organization has previously received sorghum germplasm with an SMTA that you used in your breeding program. You have now developed a segregating population which you want to distribute to a range of organizations as part of an international evaluation network. You want the recipients to send you back information about the performance of the materials which you will analyze and make available on a dedicated website maintained by your organization. Beyond sharing the evaluation data with you, you don't care what the recipients do with the materials, including incorporating it in their own breeding programs. What legal instrument should you use to distribute the materials? What kinds of information do you have to include?

2.2. In the course of evaluating the materials it has received from your organization as per 2.1 above, Sweet Sorghum Dreams (SSD) identifies a line that is well suited to the agroecological niche conditions in Country B. SSD wants to sell seed of that line in Country B. Can it do so?

2.3. Another recipient of your materials, Sorghum Storm, crosses some of the material received from you with locally adapted materials and creates a new sorghum variety. Sorghum Storm does not have the capacity to bulk up and sell seed on its own. Instead it makes an agreement with another company, Miracle Seed Co., to do that. What legal instrument should Sorghum Storm use to transfer the material to Miracle Seed Co.?

Scenario 3 - Millet madness

3.1. You are a CGIAR genebank manager. You are asked to send samples of:

a) pearl millet to a recipient in another country. What legal instrument should you use?
b) foxtail millet to a recipient in another country. What legal instrument should you use?
c) pearl millet to a recipient in the same country where you are located. What instrument should you use?
d) pearl millet to the national agricultural research organization of the country where it was originally collected. What instrument should you use? Would it be different if it was foxtail millet?

Would it make a difference if you were a national genebank manager? Or if you were managing a private company's millet collection? Or a research in a university?

3.2. You are a national genebank manager. Farmers have attended a field day you have organized. They ask for samples of some of the millets to take home and use on their farms.

a) Can you give it to them? Using what instrument?
b) Would it make any difference if you were the manager of a CGIAR genebank?

3.3. You are a genebank manager. A mad scientist discovers that pearl millet flour can be used to make housing insulation. A building construction company writes asking for a range of pearl millet samples to test. Can you sent it to them? If so, under what legal instrument. Does it make any difference if you are a national genebank curator, a CGIAR genebank curator?

ANNEX 4 – References

Workshop to strengthen the capacity of scientists from CGIAR Centres and NARS to deal with genetic resources policy issues - 27-30 November 2017, ICARDA, Rabat, Morocco

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For further information about the workshop,
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