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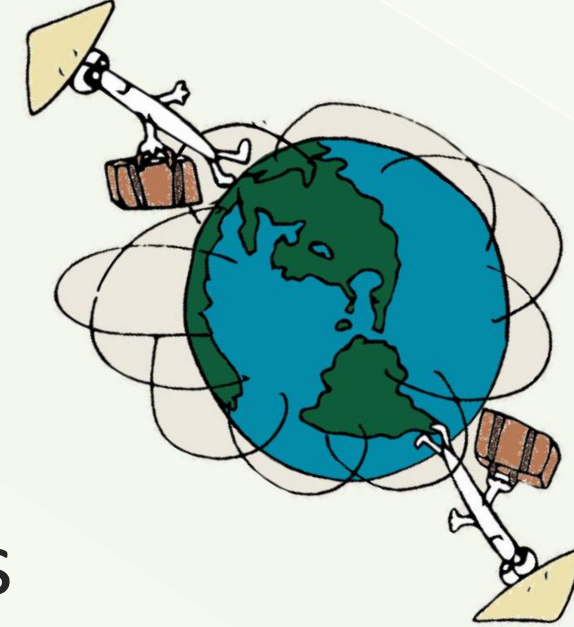
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1. Context: Need to produce enough & proper food to face population increase, food crises & climate change : Access to seeds as a key



Since the birth of agriculture, farmers around the world exchanged seeds to develop new varieties adapted to their geography, climate and population tastes



PARADIGM: Use of seeds is the backbone for their conservation & exchange

BUT: Access to seeds is more and more limited. This leads to restricted seed use which leads to mass diversity erosion & potential food production shortage

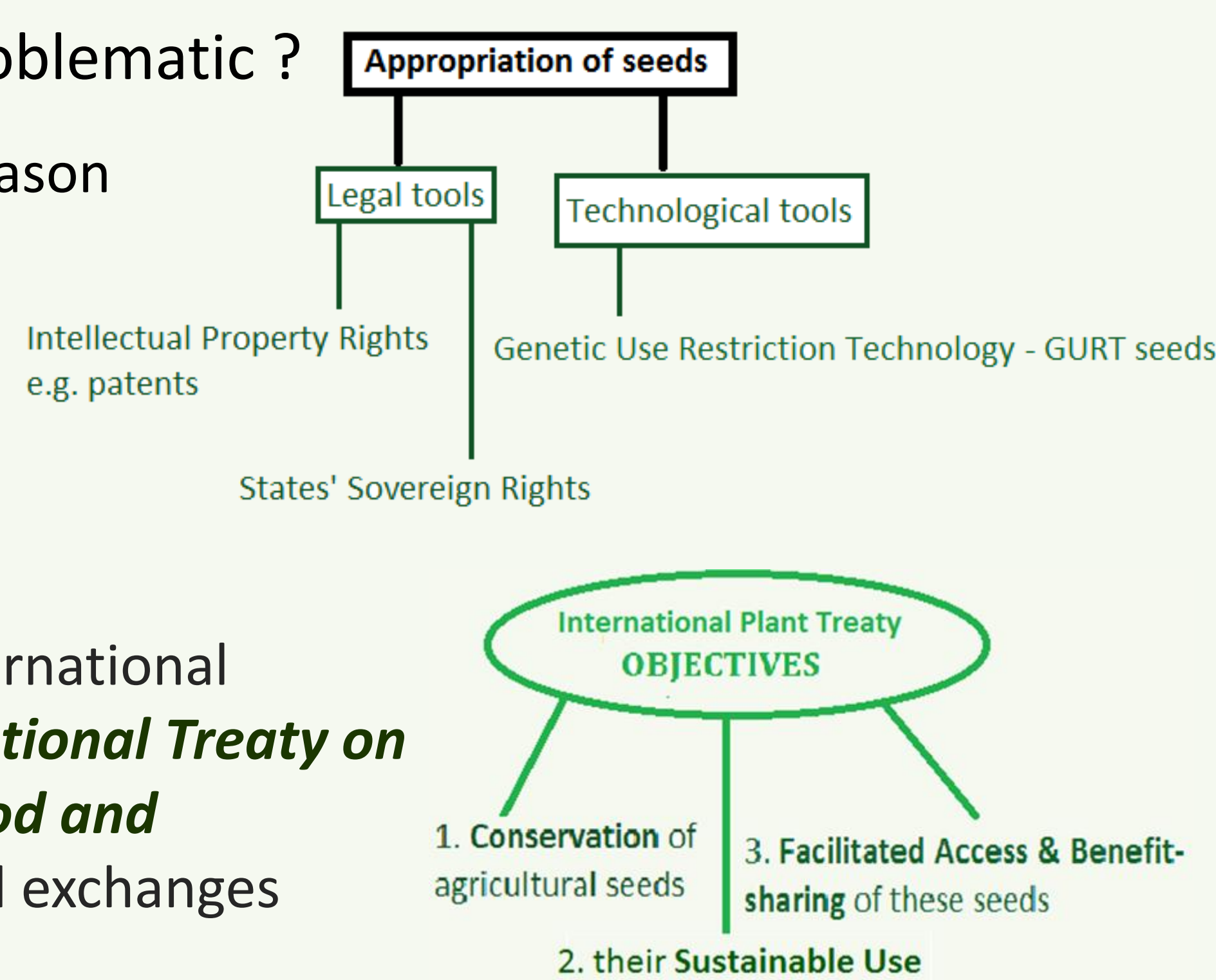


Plants, people & countries around the world are heavily interdependent

2. Research Question: Why is seed exchange problematic & how can access be promoted for conservation, sustainable use & benefit-sharing purposes?

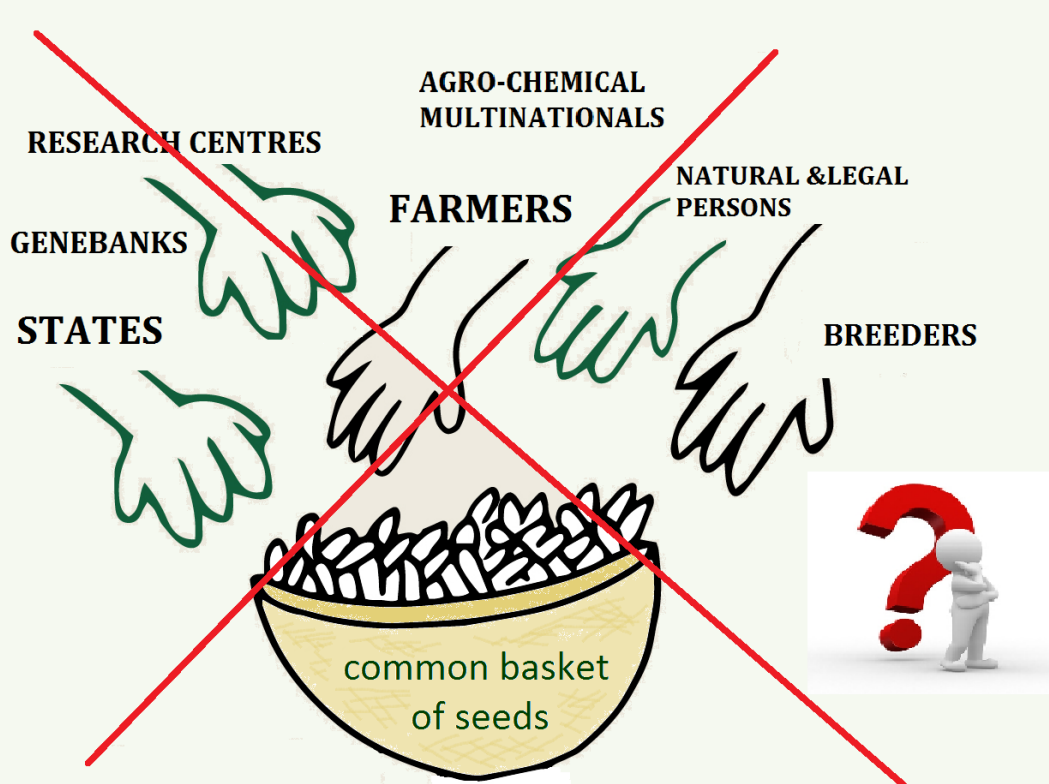
2.1 Why is seed exchange problematic ?

Appropriation of seeds is one reason



To answer this problem, the international community adopted the **International Treaty on Plant Genetic Resources for Food and Agriculture**, which rules on seed exchanges (2001, FAO, 133 member states)

Main operationalizing legal tool: the Treaty **Multilateral System of Access & Benefit-sharing** = virtual common basket of seeds



Facilitated access to 64 crop and forage species for all agricultural stakeholders & equitable sharing of the benefits using a unique contract: the Standard Material Transfer Agreement (SMTA)

But the MLS does not work well:

- Access to seeds remains difficult
- Benefit-sharing remains limited

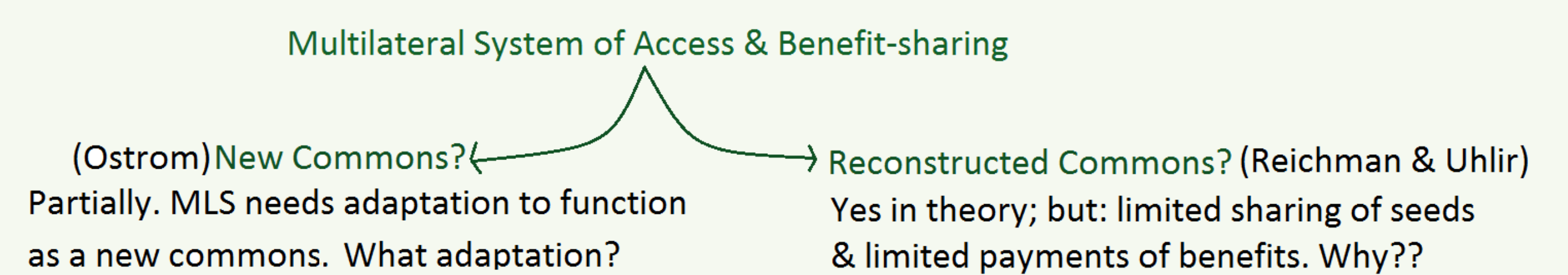
2.2 How can access be promoted for conservation, sustainable use & benefit-sharing purposes?

I answer this question with both a literature review & Treaty stakeholders analysis

3. Methods & Analysis: Literature review, stakeholders analysis & Global Public Goods theory (GPG)

3.1 Literature review: **MLS as a Commons regime?**

A commons regime is a collective management by stakeholders based on existing political, economic, social & environmental regulatory mechanisms



3.2 Stakeholders analysis: **Identification of Treaty limitations** (Frison et al 2011)

Stakeholders identified 17 items to be improved for the Treaty to reach better its objectives, including:

- Limited sharing of seeds & benefits (Treaty Art. 10 to 13)
- Administrative burden (i.e. identification & tracking obligations in the SMTA)
- Limited funding
- Lack of trust
- Highly political debates in negotiating forum
- Poor recognition of **Farmers' Rights** (Treaty Art. 9)

3.3 Method: Apply **Global Public Goods** to the MLS (Kaul et al., 1999)

I propose to consider seeds and the MLS as a 'Global Commons' by expanding the 'commons' concept with the Global Public Goods theory. I hope to mitigate the 17 identified problems & allow the Treaty to reach its objectives by bridging the GPG gaps: **participation gap**, **incentive gap** & **jurisdictional gap**

4. Results

3 types of problems identified

- Political & economic pressure = **Participation gap**
- Technical problems = **Incentive gap**
- Legal imbalance in the design of the Treaty & the MLS = **Jurisdictional gap**

5. Solutions: Bridge the gaps

Participation gap	Include all stakeholders in the seed management process
Incentive gap	Provide more financial means to support implementation with effective & accessible technical tools, trainings, etc.
Jurisdictional gap	Adapt international legal instruments over seed management Reduce conflicts on governing mechanisms & regulatory tools

Example

Farmers' Rights

Despite the objectives of Article 9, Farmers' Rights (FR) are far from being implemented. There is still a need to:

- Allow social movements such as farmers' associations to effectively participate in the political negotiation & decision making process regarding seed management
- Improve existing tools included in the Treaty 'package', including the payment of benefit scheme to generate more financial benefits & formally recognize the direct use of seeds for farmers
- Equilibrate the legal imbalance between formal strong international recognition of IPRs (part of the MLS) ≠ poor recognition of FR (only national levels / not part of the MLS)