

Alliance



Developing seed law in Southeast Asia's Greater Mekong Subregion

TROPAG / Harlan IV

Session 7.6: The future of crop diversity

Wednesday, Nov 2, 2022

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Evolving seed laws & practices

The setting

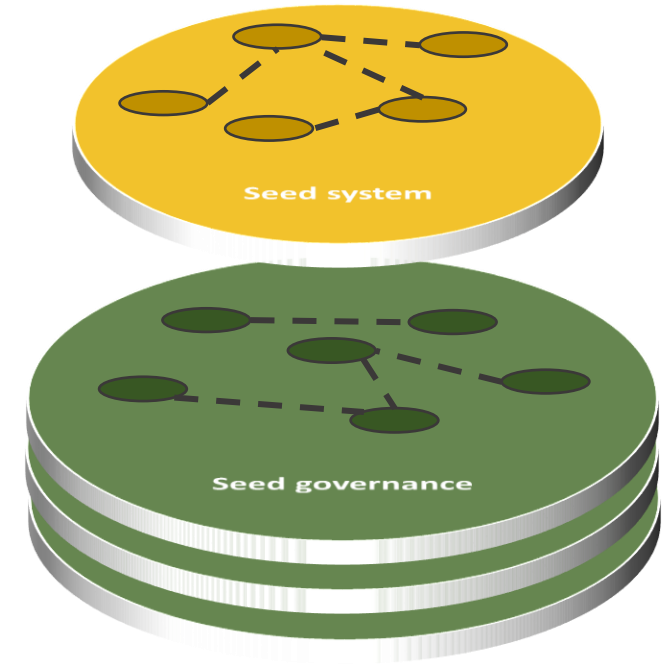
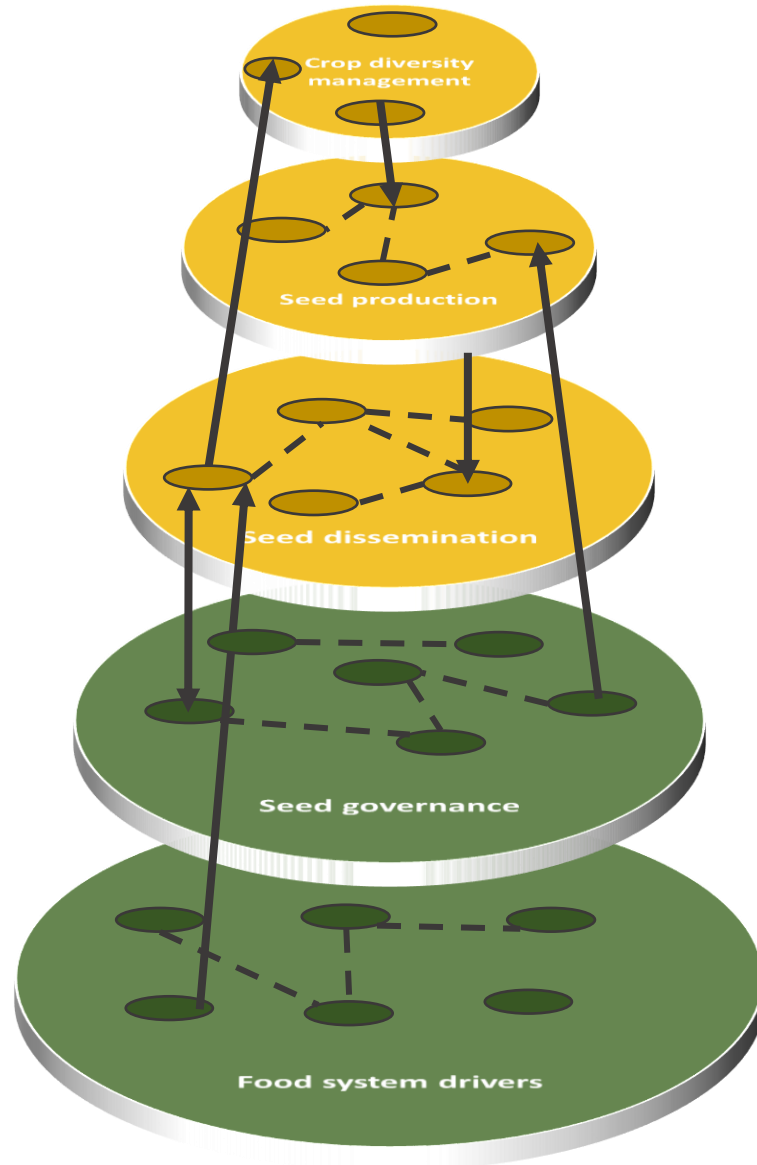
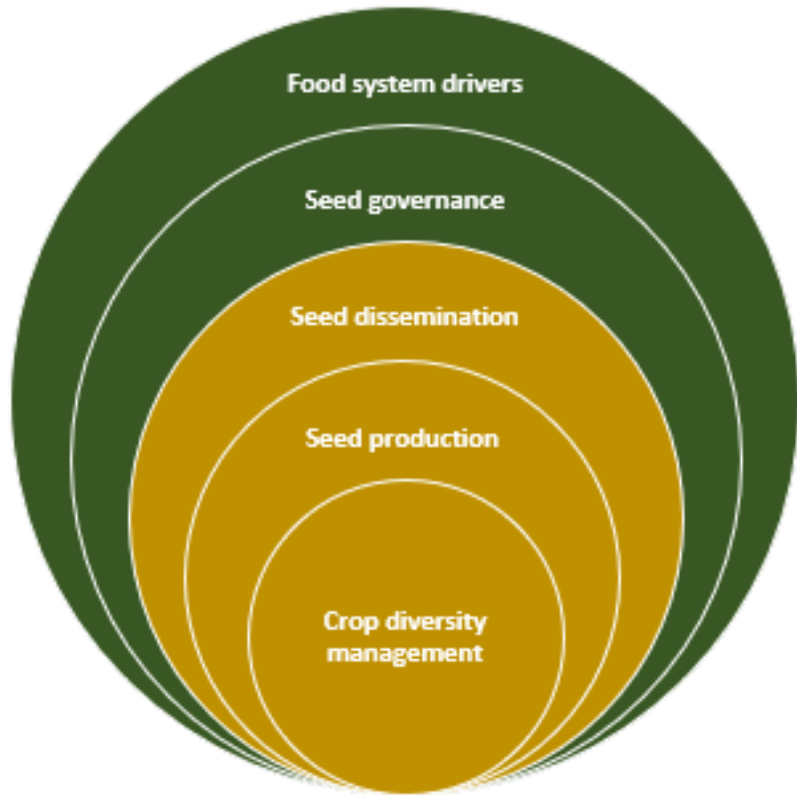
- The greater Mekong subregion (GMS)
- Transnational, > 300 M pop.

The challenge

- Diversity in governance and political frameworks
- Increasing integration & transboundary issues
- Interdependence in seed exchange/trade

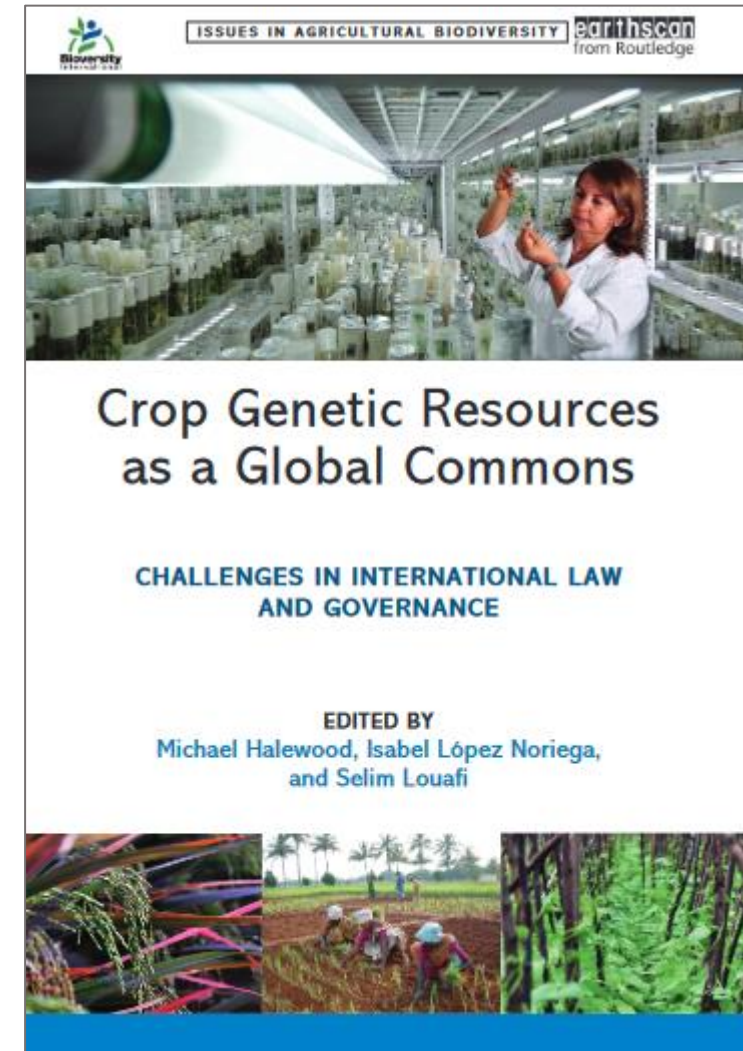


Session framework



Organizing concepts – seed as a commons

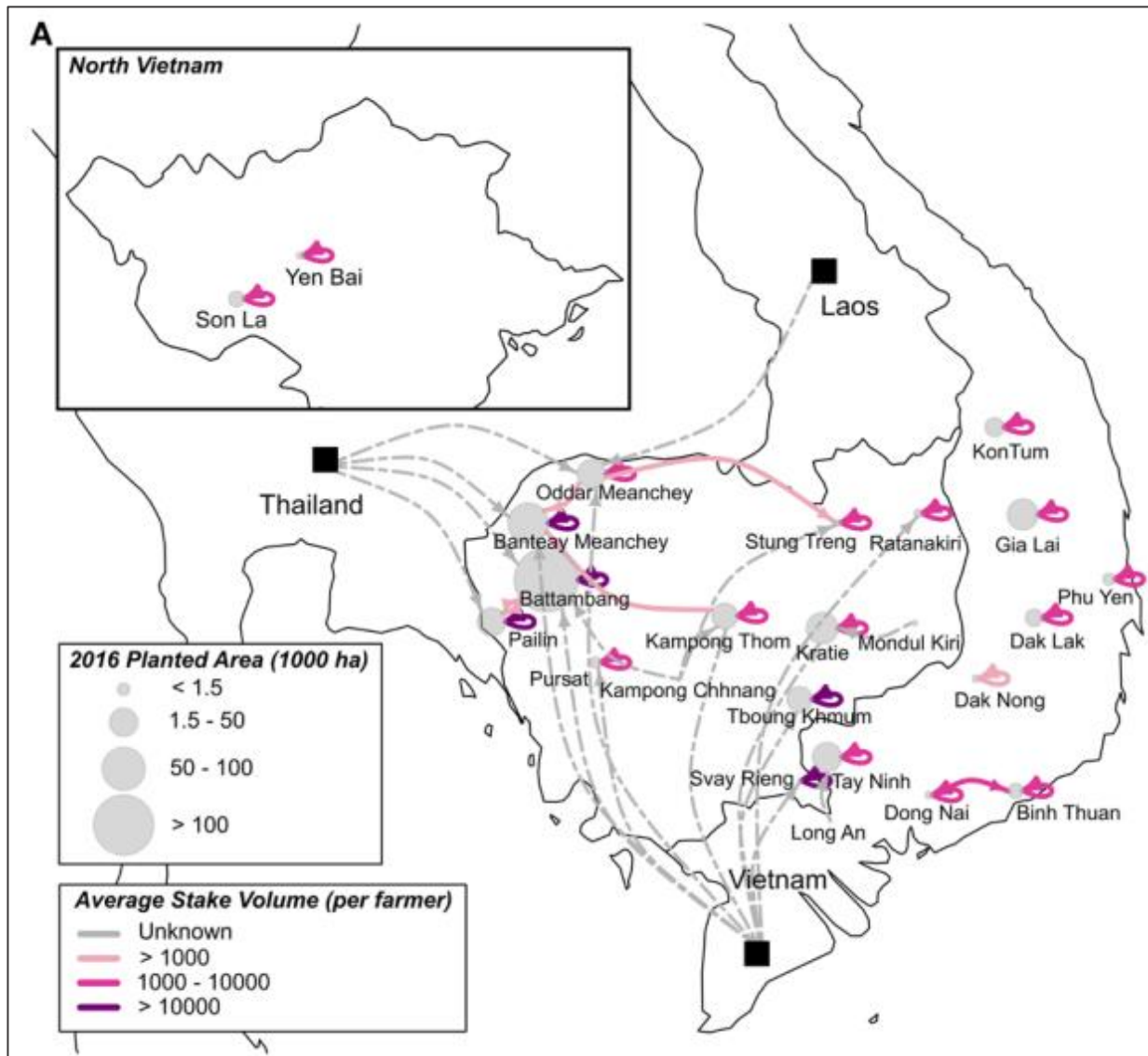
- Governance through regulation – seed law, policy
- Plant genetic resources ‘global commons’ (Halewood, 2013)
- ‘a resource, a community, governance protocols’ (Bollier 2014)
- Pluralism in seed system development, both in global North and South (Louwaars et al., 2013; Montenegro de Wit, 2019; Mulesa et al., 2021)
- The formal and the informal
- What does this look like in practice in the GMS?



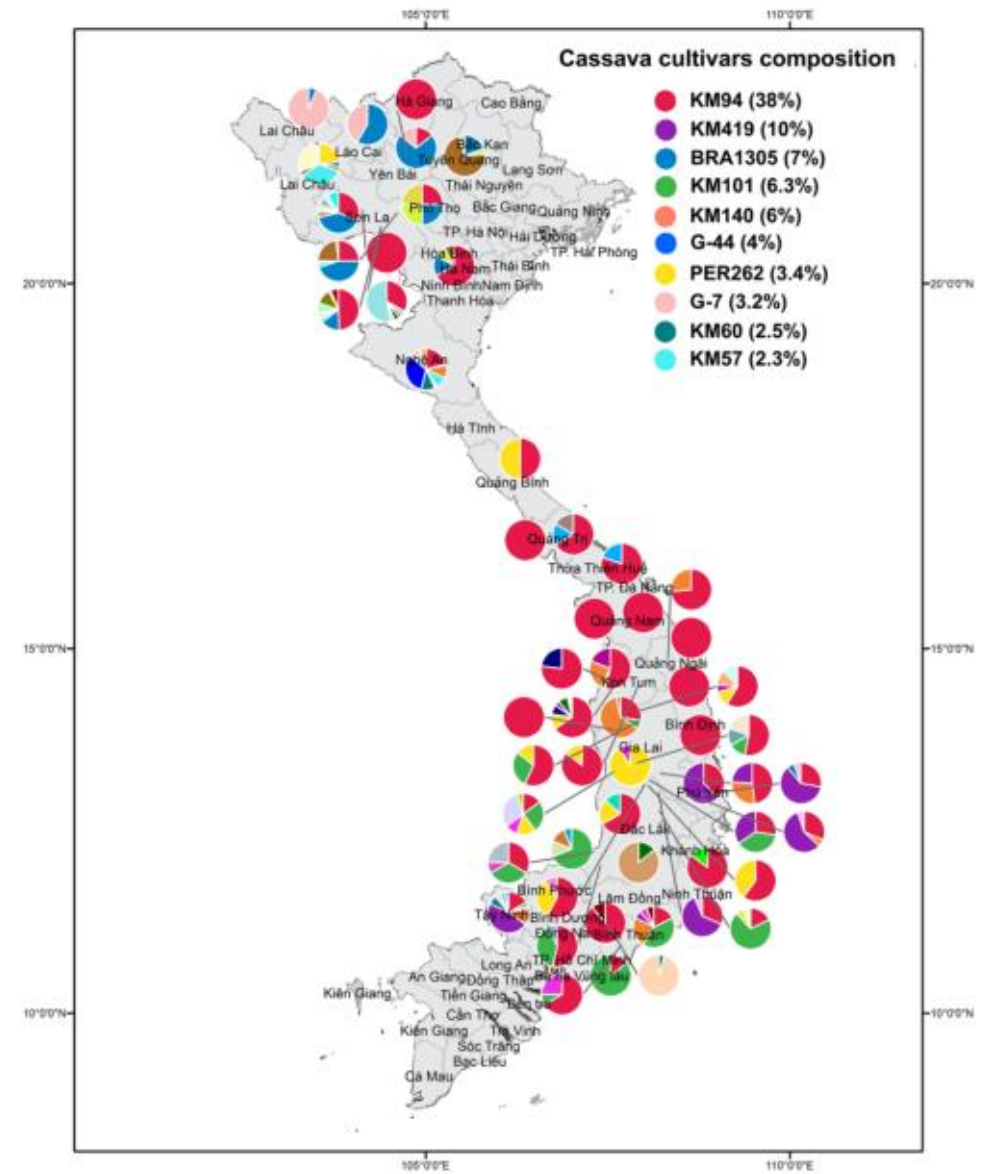
A practical case study - cassava

- 2.5 M ha in GMS, >30 M t roots annually
- 2nd or 3rd field crop by area in several countries
- Vegetative 'seed' – special attributes and needs (McEwan et al. 2021; Thiele et al. 2022)
- Asian public breeding programs (Thailand, Vietnam, China)
- Major seedborne phytosanitary constraints (CMD, CWB)



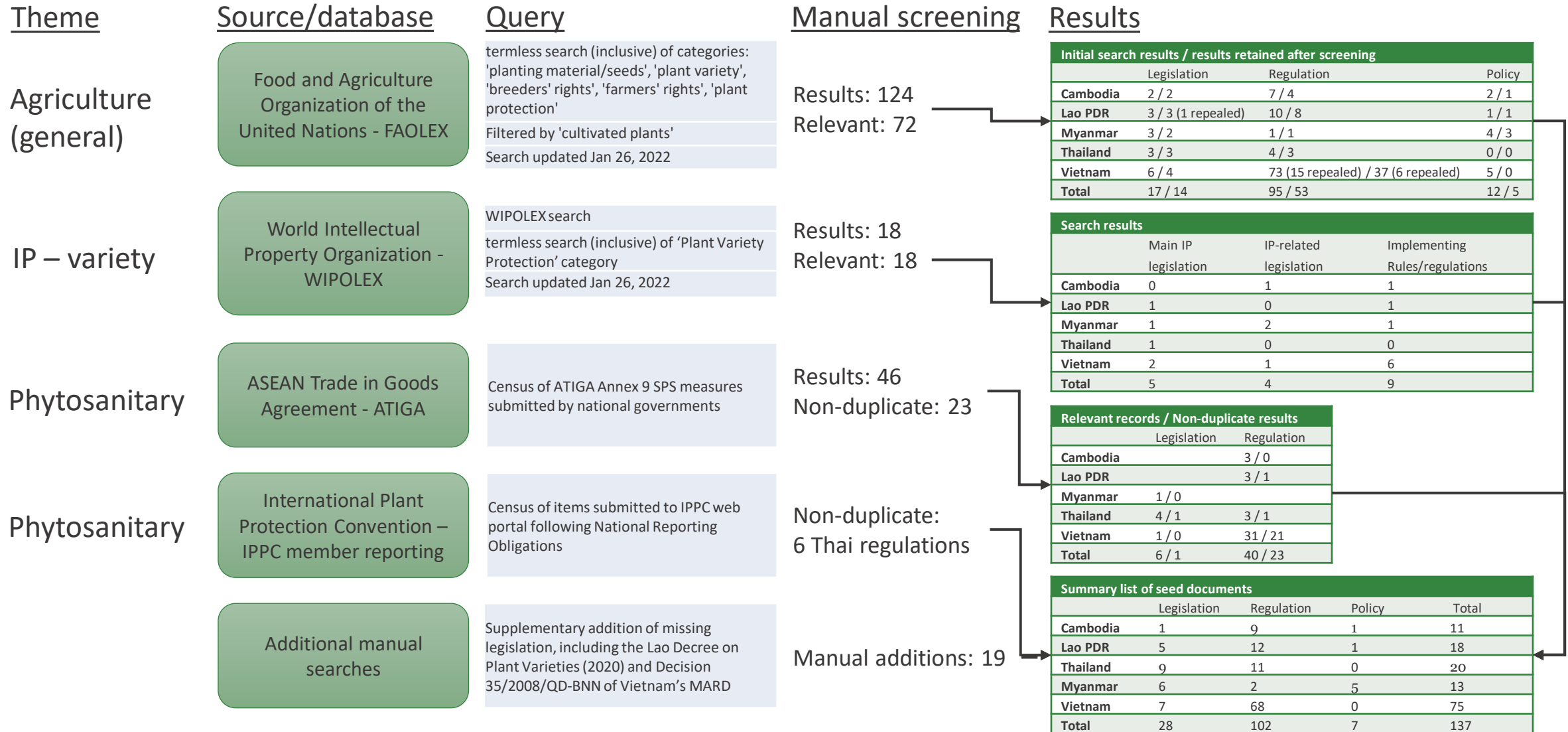


Delaquis et al., 2018



Ocampo et al., 2021

Methods: gather seed-related documents by theme, space, time

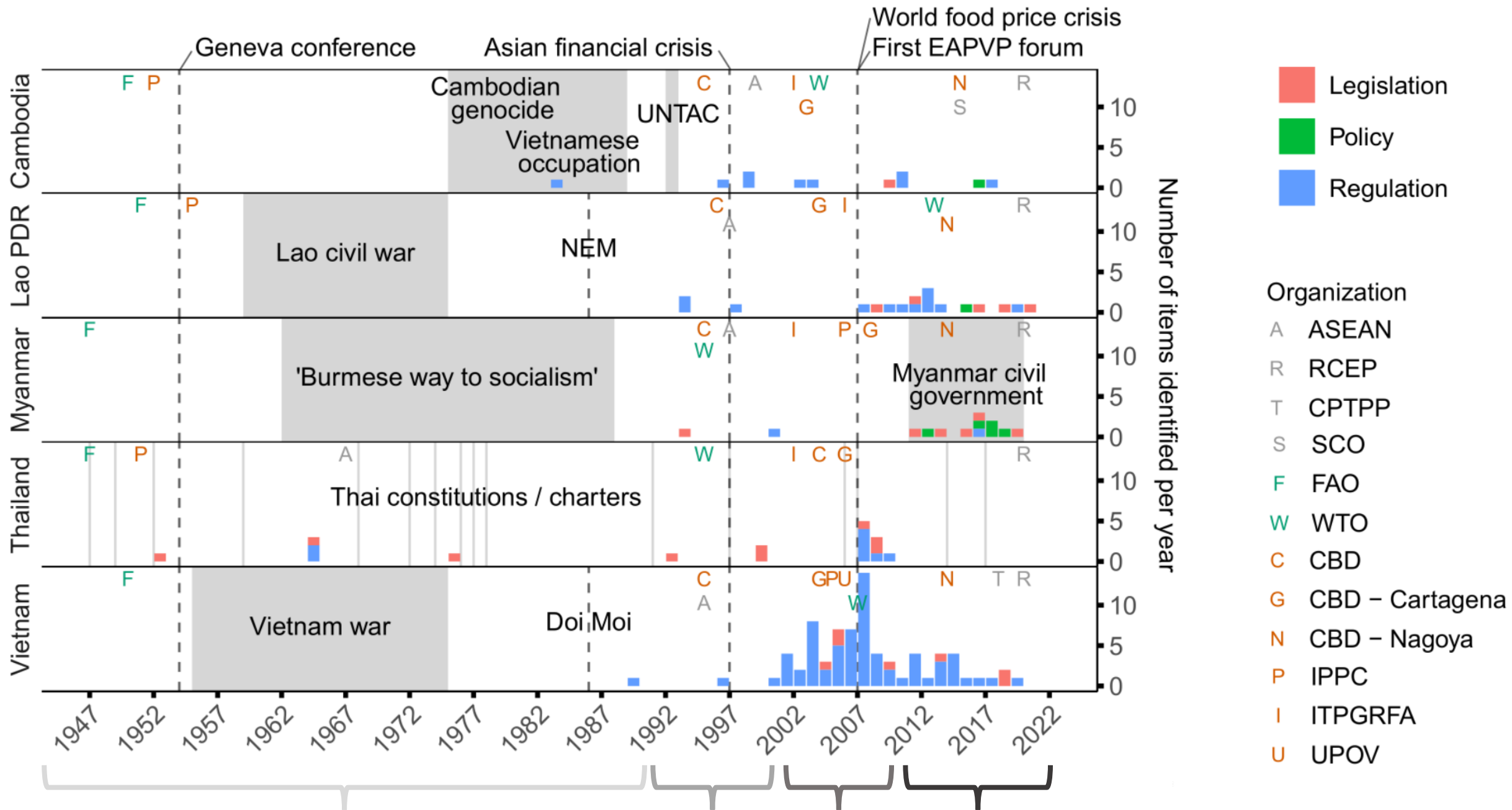


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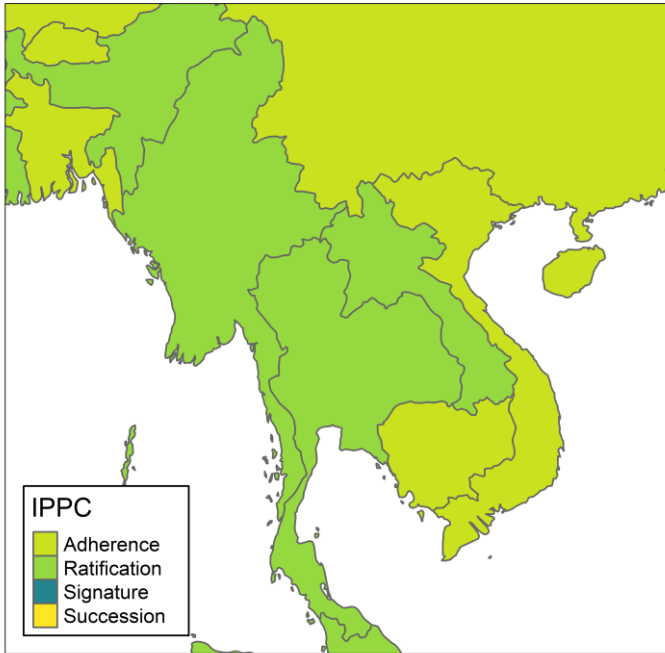
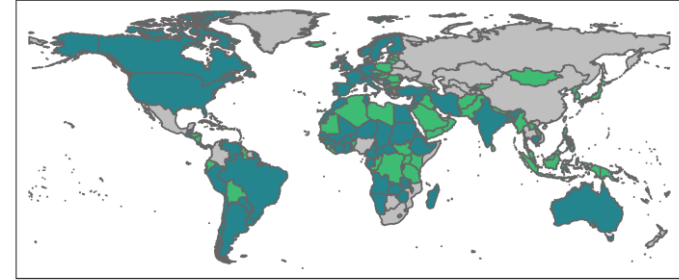
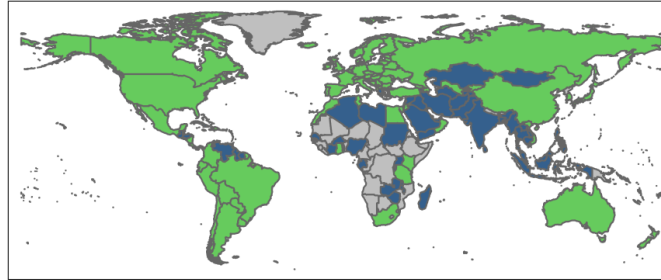
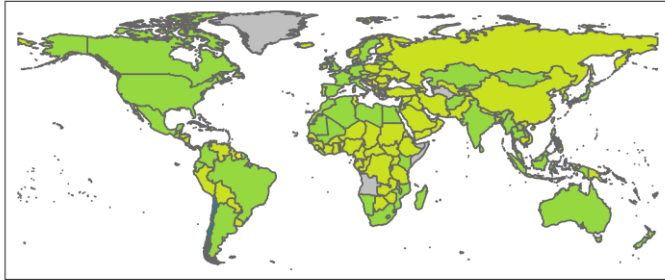
- National-level regulatory documents:

	Legislation	Regulation	Policy	Total
Cambodia	1	9	1	11
Lao PDR	5	12	1	18
Thailand	9	11	0	20
Myanmar	6	2	5	13
Vietnam	7	68	0	75
Total	28	102	7	137

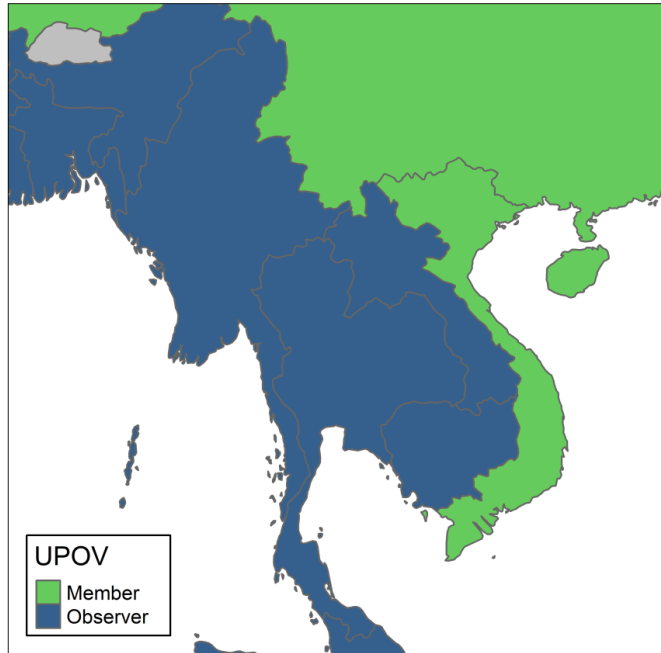
- International: participation status documented in 12 regional or global agreements, treaties, organizations with bearing on seed regulation



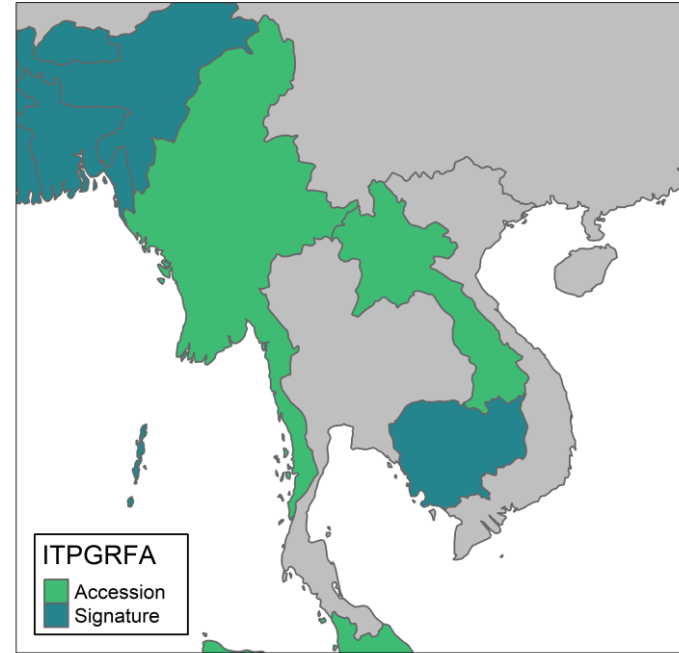
Treaties: phytosanitary, farmers' & breeders' rights



International Plant Protection Convention

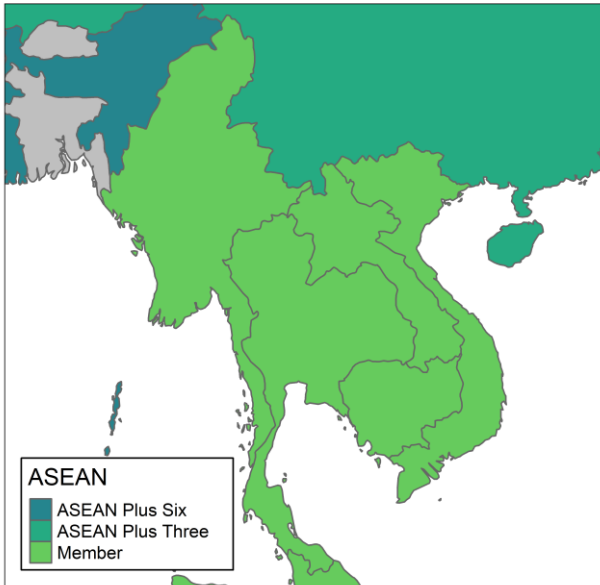
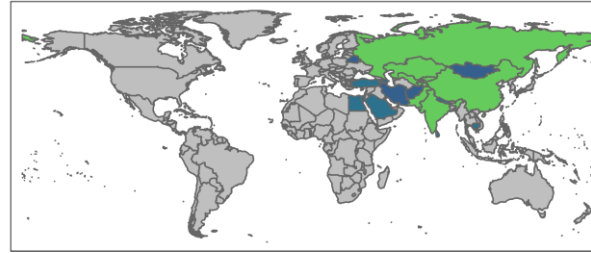


International Union for the Protection of New Varieties of Plants

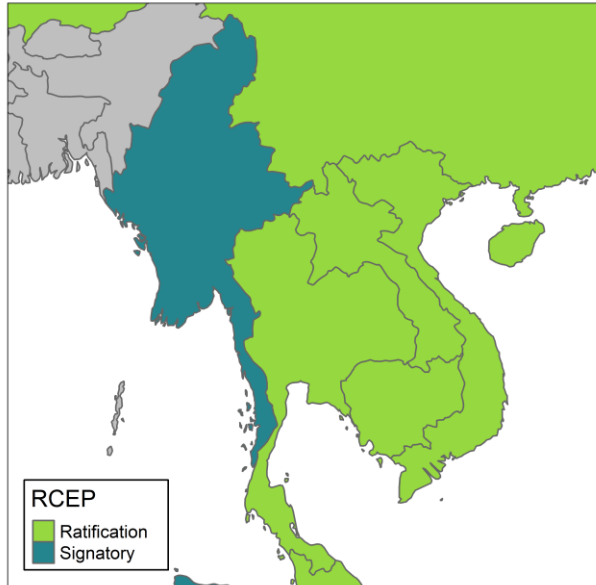


International Treaty on Plant Genetic Resources for Food and Agriculture

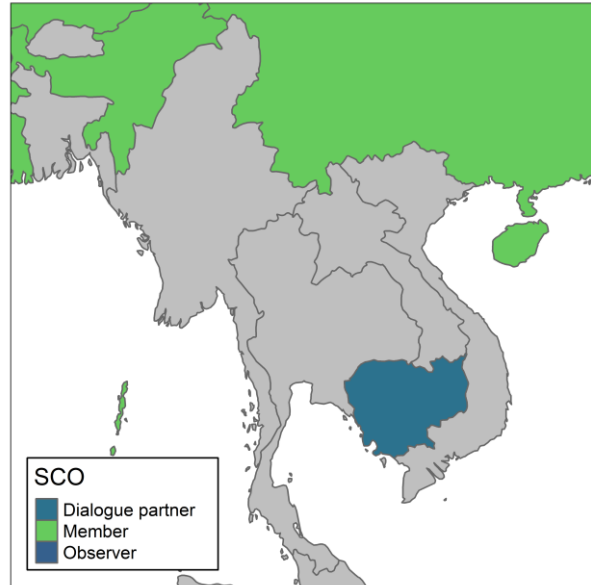
Trade areas & regional blocs



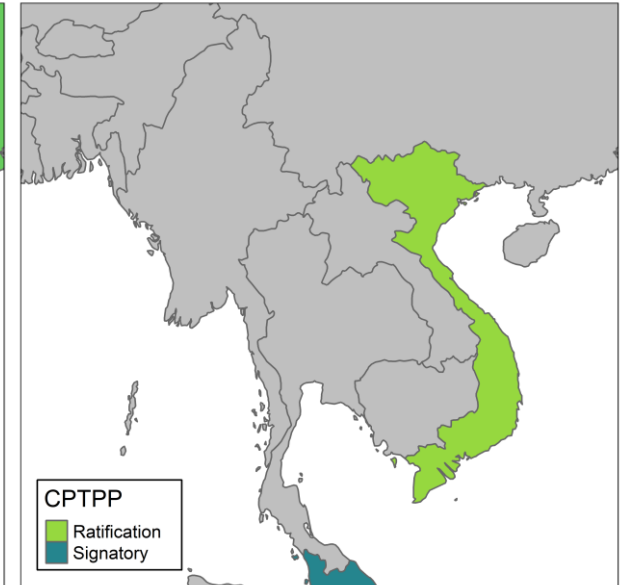
Association of Southeast Asian Nations



Regional Comprehensive Economic Partnership

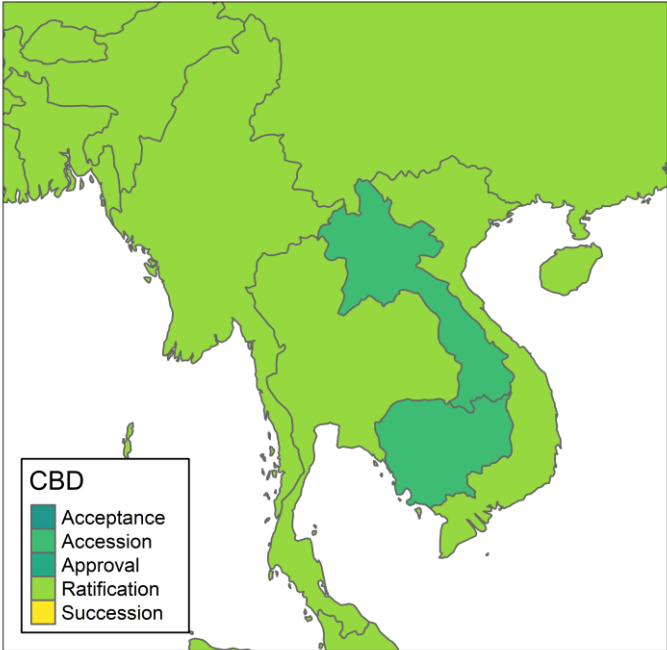
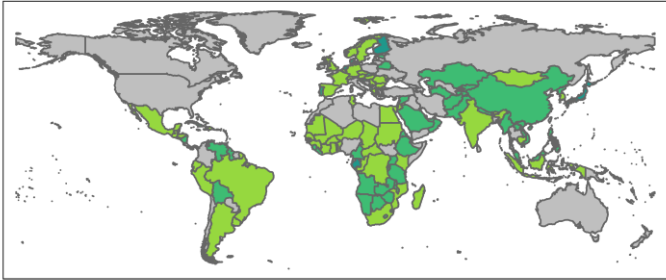
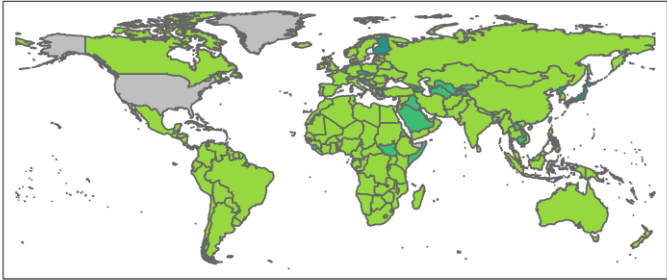


Shanghai Cooperation Organization

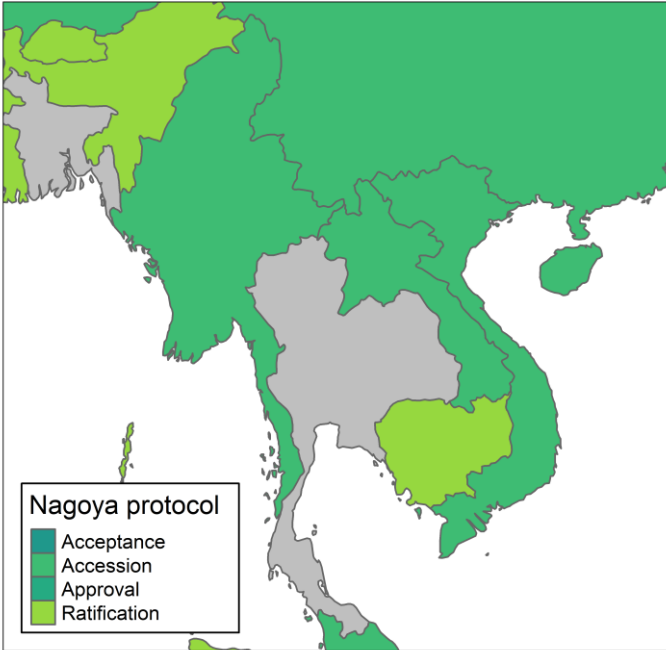


Comprehensive and Progressive Agreement for Trans-Pacific Partnership

CBD & Nagoya



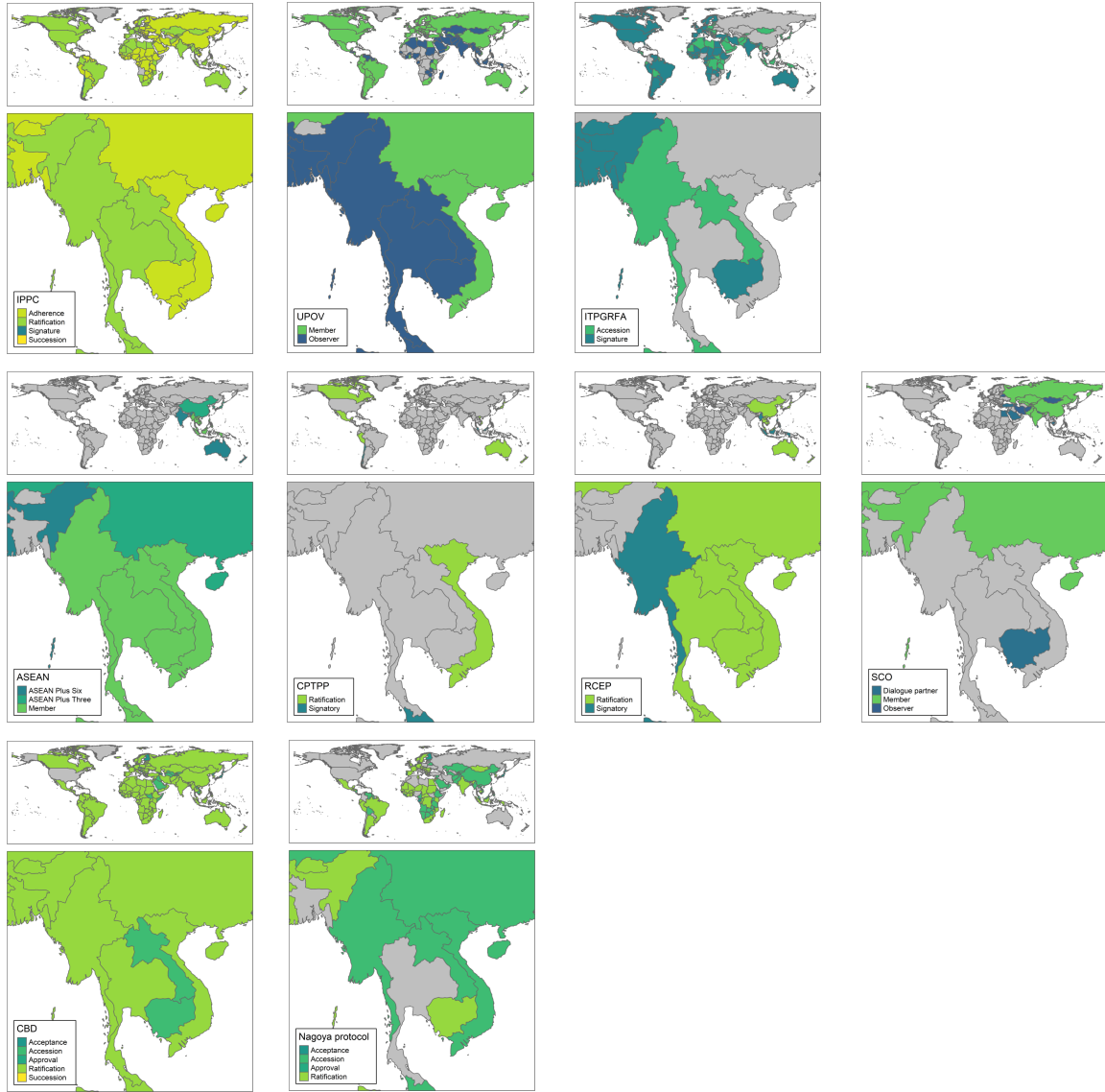
CBD
Acceptance
Accession
Approval
Ratification
Succession



Nagoya protocol
Acceptance
Accession
Approval
Ratification

Convention on Biological Diversity

Nagoya Protocol



Parliamentary
democratic
republic



One-party
socialist
republic

Constitutional
monarchy

Monist

Dualist



Lao PDR
Vietnam

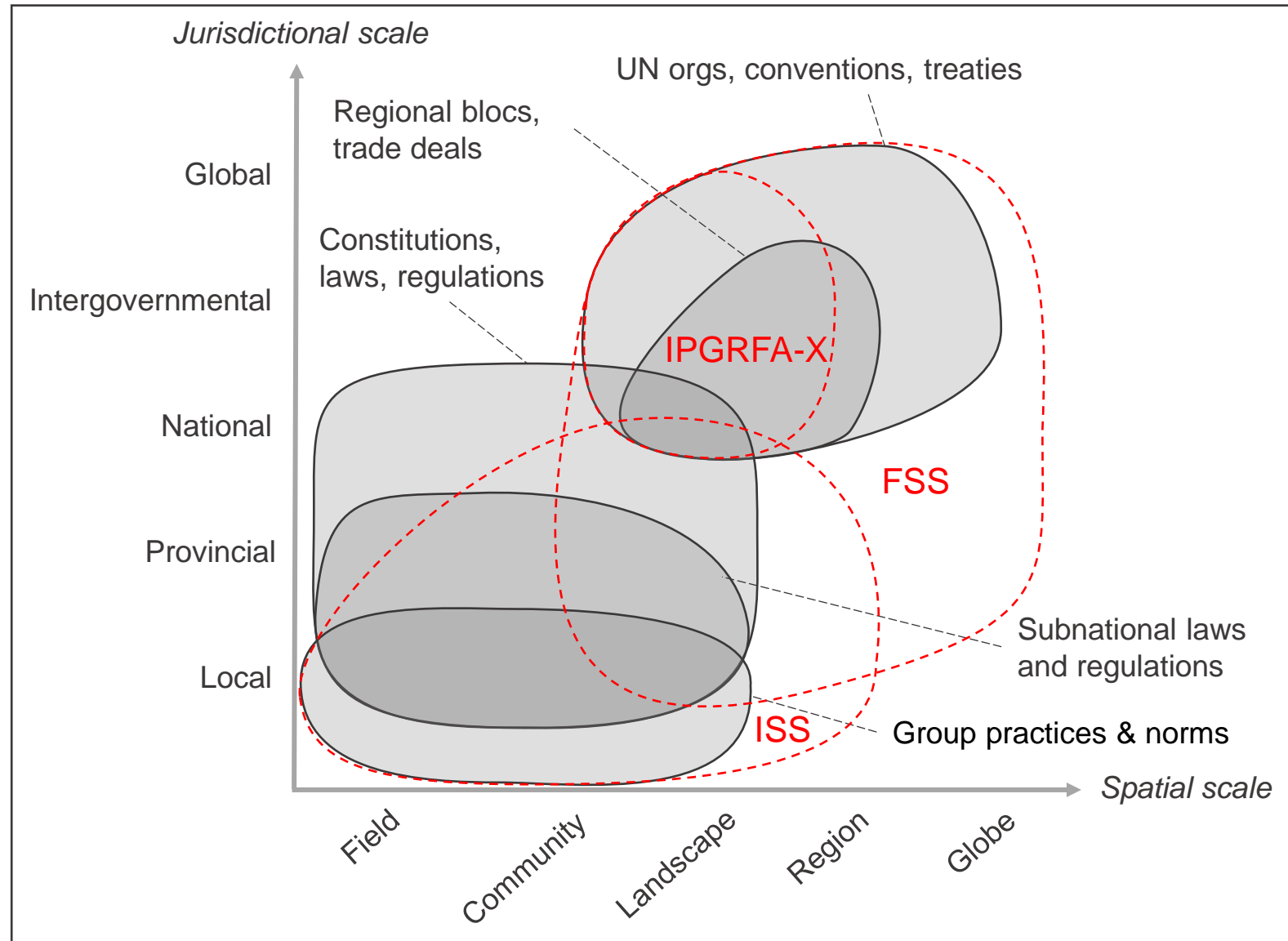
Cambodia

Myanmar

Thailand

Regulation across scales

- Regulation domains across scales: spatial and jurisdictional
- Regime complexes (Raustiala & Victor, 2004)



Source: Authors. Adapted from multi-scalar approach of Cash et al. (2006).

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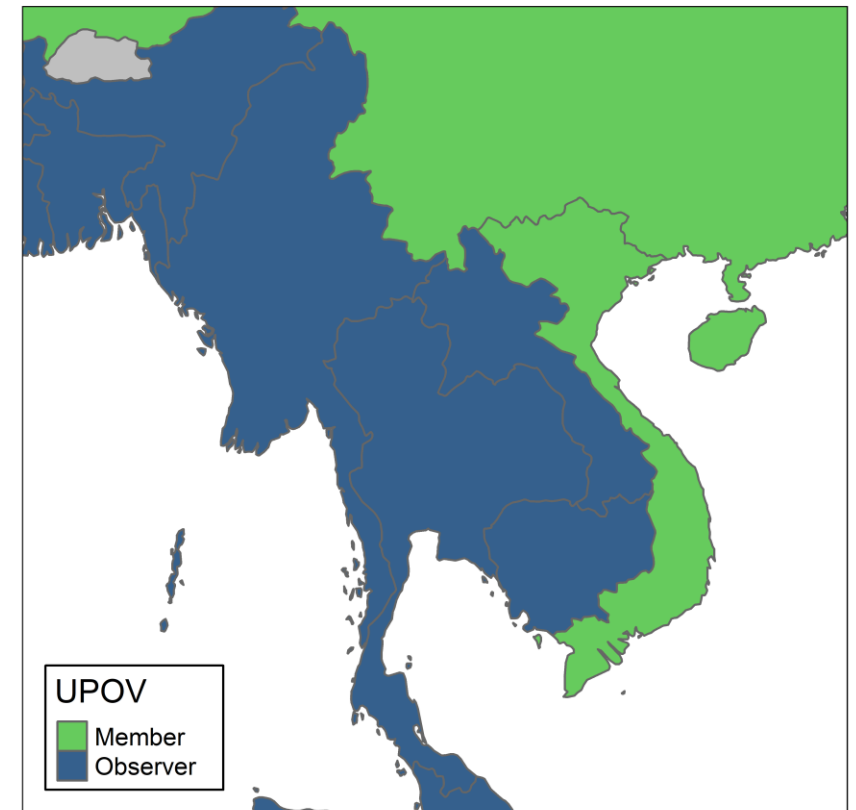
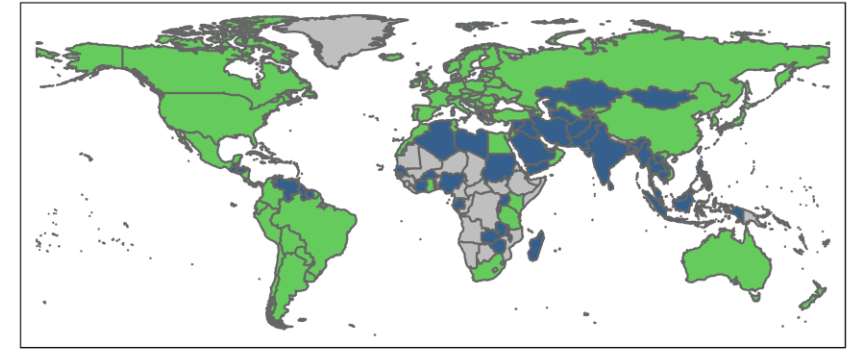


Instances of support for seed commons in legislation

- A few examples:
 - Myanmar's 'Law of Protection of the Farmer Rights and Enhancement of their Benefits' (2013)
 - acts of producing and selling seed in definition of 'farmer'
 - exceptions for gift/sale of seed 'from peasant to peasant'
 - Thailand: resistance to imposed IPR law restrictions on varietal exchange, protection of farmer exchange/sale rights, seed saving exemption explicitly including modern registered varieties
 - Vietnam's 'Mekong seed clubs' – an example of legislative flexibility

Drivers of harmonization

- Trade integration
- UPOV
 - Despite some resistance to elements of UPOV, increasing number of economic trade deals (CPTPP) requiring membership are pushing its acceptance
- EAPVP forum
 - Cassava: unified varietal descriptors
- ASEAN seed working group
 - Harmonization recognized goal for seed regulation
 - Focus on commercial seed sector, no informal

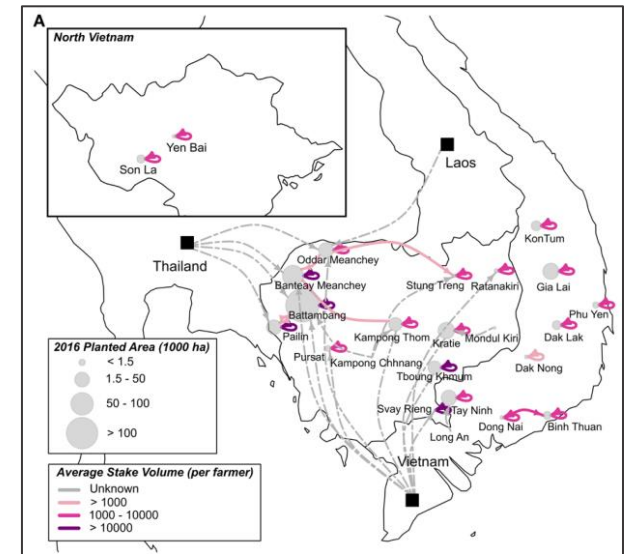


Discussion points

- Seed regulations are changing at an accelerated pace
- Risk of emerging regime complexes with actors across scales

What about our cassava case?

- ‘Informal’ seed systems and actors’ roles are poorly represented
- Vegetative ‘seed’ unsuited to many regulations designed for grains
- Unregistered sale/exchange increasingly restricted, flexibility in interpretation of ‘small farms’ and ‘non-commercial use’
- Rule by selective application?
 - Restricts pluralistic solutions – lack of enforcement still shapes the ‘innovation space’





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Australian Centre
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Thank you!

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Cassava seed systems

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