

## 41 Nepal

### Government policies and laws related to community seed banks

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Community seed banks promote collective efforts to strengthen traditional seed systems and facilitate the systematic preservation, access, availability, exchange and maintenance of high-quality seeds, especially of local varieties. In Nepal, community seed banks hold great potential for improving food security and community resilience by promoting local crop varieties. However, without government support and appropriate policies, it is difficult to manage and sustain these seed banks effectively. They continue to receive little attention from government: policies and laws are generally not supportive, although a few recent examples of positive change do exist. As a result, the traditional seed supply system is under threat from the formal system, which promotes modern varieties. Thus, it is important to review existing policies and laws, identify sources of policy constraints and suggest appropriate ways to strengthen community seed banks in the future.

After reviewing various policy documents, we identified gaps and constraints in policy, law, regulatory and legal frameworks and administrative procedures concerning community seed banks in Nepal. Looking at major regulatory documents related to seed and agro-biodiversity conservation, we identified the pros and cons of the relevant policies. The documents included are approved or draft versions of the National Seed Act (1988 and amended 2008), Seed Regulation (1997 and revised 2013), Seed Policy (1999), Plant Variety Protection Act (2004), Access and Benefit Sharing Law (2002), Seed Vision 2025, Agrobiodiversity Policy (2007, revised 2011 and revised 2014) and Community Seed Bank Guideline (2009).

In 2003, a turning point for community seed banks occurred in Nepal when the nongovernmental organization (NGO) Local Initiatives for Biodiversity, Research and Development (LI-BIRD) established a seed bank at Kachorwa, Bara. This facility, which is very active, well functioning and growing, is seen by many as an example to follow (see Chapter 34).

#### **National Seed Act**

Although policies and acts formulated and promulgated before the establishment of the Kachorwa seed bank in 2003 did not mention community seed banks

proper, some of them did lead to the emergence of community initiatives in production and distribution of plant genetic resources. The first act to do with seeds, the National Seed Act (1988), has a provision for inviting two seed entrepreneurs, two seed producers and farmers to sit on a national level seed committee, a body responsible for providing advice on formulation and implementation of seed-related policies. However, although the original seed act opened the door, the amended act of 2008 has no mention of community seed banks.

### **Seed Regulation**

In 1997, the Seed Quality Control Centre prepared a Seed Regulation, which was revised in 2013, effectively as a way to implement the National Seed Act. The regulation is in favour of promoting local varieties improved by farmers or jointly by farmers and scientists using participatory approaches. This has opened up opportunities for farmers to register their local landraces provided they meet some basic criteria, which are not very complicated. Community seed banks can play an important role in identifying promising landraces and registering them in the name of individual farmers or farmer groups. However, the Seed Quality Control Centre still has to prepare a comprehensive guideline on seed quality control to ensure that legislation is properly enacted. It would be beneficial if both community seed banks and the national gene bank were involved in this process.

### **Seed Policy**

The Seed Policy (1999) emphasizes organization and management related to the formation of farmers' groups, revolving fund support and management, technical services and a transportation subsidy on seed with a focus on remote areas of the country. This is directly related to community seed banks, but, to date, relevant programmes have made few resources available to support them.

### **Plant Variety Protection Act**

The Plant Variety Protection Act (2004) recognizes plant breeders' efforts and farmers' knowledge and resources used in developing new varieties. It allows farmers to register, control, reproduce and market their own varieties if they meet distinctness, uniformity and stability criteria. The act also promotes export and import of seeds of farmer-released varieties and allows farmers to secure remuneration from the sale. The act allows room for community seed bank members to test promising local varieties and release them in their own name. For instance, the Kachorwa community seed bank has been playing an instrumental role in developing and releasing new varieties.

## **Access and Benefit Sharing Law**

As a signatory of the Convention on Biological Diversity, Nepal is obliged to pass a law on access and benefit sharing that protects the rights of local communities to indigenous knowledge and plant genetic resources and permits the fair and equitable sharing of benefits arising from their use. The first draft of the law was prepared in 2002; however, no progress has been made since then, because of controversy mainly over issues related to indigenous rights. The draft version states that indigenous knowledge concerning genetic resources belongs to the community and prior informed consent is necessary if such knowledge is used in variety development.

In 2013, community seed banks operating around the country met to form a network and discuss a strategy to secure their rights. This network could play a vital role supporting these provisions in the Access and Benefit Sharing Law before it is passed.

## **Seed Vision 2025**

Seed Vision 2025 is the first policy document that has a clear statement about community seed banks, gene banks, community-based seed production and capacity-building among seed producers and producer groups to promote production of and access to high-quality seeds. The document also envisions identifying, mapping and developing seed production pockets within the country and emphasizes investment by the private sector. If implemented properly, this policy can make a desirable level of contribution to the growth of community seed banks in the country.

## **Agrobiodiversity Policy**

The Agrobiodiversity Policy, first developed in 2007 and revised in 2011 and 2014, is a second policy document that gives credit to community seed banks, although implicitly. It focusses on enhancing agricultural growth and food security by conserving, promoting and sustainably using agro-biodiversity; securing and promoting farming communities' rights and welfare in terms of their indigenous knowledge, skills and techniques; and developing appropriate options for fair and equitable sharing of benefits arising from the access to and use of agricultural genetic resources and materials. It also aims to promote links among international ex-situ genetic resources, national gene banks, public and private national research institutions, seed multipliers, extension agents and farmers engaged in in-situ conservation and use. Emphasis is also placed on strengthening traditional seed production and distribution systems to protect farmer-to-farmer seed exchange and improve access to genetic resources. As there is a chance of false advertisement of the quality of seeds, the sale of spurious seeds and piracy of farmers' varieties, the policy includes penalties for fraudulent activities.

## **Community Seed Bank Guideline**

The Community Seed Bank Guideline (2009) is a comprehensive document developed to guide appropriate planning, implementation and regular monitoring of community seed bank activities. The guideline focusses on marginalized, subsistence, indigenous peoples and war-affected households that often have poor access to seed materials. The guideline shares a clear vision and outlines strategies for coordination and collaboration with various governmental organizations and NGOs; for the complementary roles communities need to play; and for capacity-building and community empowerment plans. The guideline has been used by some government agencies to establish and support a number of community seed banks, but it has not been widely disseminated.

## **Key reasons for poor policy formulation and implementation**

There is still lack of knowledge among agricultural scientists of the importance of agro-biodiversity conservation, in general, and the role of community seed banks, in particular. The promotion of community seed banks is still seen as an NGO activity. The government has not given it priority, except in terms of some small efforts to test a particular type of seed bank in a few districts.

Serious challenges that obstruct scientists who try to promote conservation efforts are the bureaucratic hurdles imposed by the government. It takes a long time to agree on legislation and then draft, review, revise and pass it into law, but no proper input is received from farmers and grassroots organizations before drafting of the subsequent policies. The passed laws are not clearly or transparently communicated to all levels. Their clauses, statements and articles are vague, dubious and contradicting. International treaties are signed without prior research into their relevance and without an appropriate support mechanism in place.

As a result, there is poor buy-in from the relevant government agencies and NGOs, which results in less chance of successful implementation. A high rate of turnover among leaders and managers holding key decision-making positions in government further complicates things. Although government agencies and NGOs in Nepal have cooperated in the past and continue to do so – sometimes largely based on personal contacts and friendships – a true coalition has not yet been created.

## **The way forward**

Although several relevant policies are silent about community seed banks, they are not against farmers' rights to conserve, use and distribute plant genetic resources and to share the benefits generated from them. Farmers can exercise some rights individually, but collective efforts, such as those represented by community seed banks, remain a challenge. Strong governance and collective

action by local communities in conjunction with relevant government agencies and NGOs will be instrumental in advancing community seed banks in Nepal (Plate 28). Strong and continuous functional collaboration between organizations is necessary to facilitate the fluid exchange of plant genetic resources and associated knowledge.