

What the Bangladesh-Japan trade agreement means for our bio-cultural resources



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Just like the Bangladesh-US trade deal, the signing of the Bangladesh-Japan Economic Partnership Agreement (EPA) at the end of the interim government's tenure has sparked much debate. There are concerns that this agreement could put the country's sovereignty, agriculture and food systems, traditional knowledge, economy, and intellectual property rights at risk.

To ensure a stable and rules-based trade framework, Bangladesh has entered into this economic partnership agreement with a developed country for the first time. The 1,272-page agreement, consisting of 22 chapters and nine annexes, covers tariff reduction or elimination on goods, liberalisation of services, investment protection and promotion, customs and trade facilitation, and the protection of intellectual property rights. The EPA includes provisions about protecting genetic resources, geographical indications (GI), and intellectual property rights (IPR) in line with the World Trade Organization's (WTO's) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement.

However, Article 27.3(b) of TRIPS remains highly controversial for allowing patents on inventions derived from genetic resources and traditional knowledge. If implemented without adequate safeguards, this could threaten the rights of farmers, rural communities, and Indigenous peoples over their traditional knowledge, bio-cultural resources, and intellectual property. Therefore, this agreement should not be implemented without full public consent, meaningful participation, and a strong public framework to protect national interests.

Local genetic resources, traditional knowledge, and the biopiracy debate

Across the world, in the name of research, development, bioprospecting, or innovation, numerous cases of biopiracy have taken place without the consent of local and Indigenous communities. Vandana Shiva's *Biopiracy: The Plunder of Nature and Knowledge* (1997)

and Graham Dutfield's *Intellectual Property, Biogenetic Resources and Traditional Knowledge* (2004) both highlight these dangers and call for stronger protection of community rights over traditional knowledge.

Beyond Ayurveda, Unani, and Chakra traditions, numerous medicinal plants are used in traditional healing practices among Bangalee and indigenous communities in Bangladesh. The EPA could put these local herbal resources, their traditional uses, and local markets at risk. Foreign companies may isolate specific pharmacological properties, create new formulations, patent them, and engage in unilateral commercialisation. There is no strong public framework or registry in Bangladesh to prevent biopiracy or protect traditional intellectual property.

Authoritarian patents and IPR

Philosophically, Bangladesh's subaltern communities have long opposed the patenting of life. Yet, under the global patent regime, both biological and intellectual resources are increasingly appropriated. Several plants widely used in Bangladeshi traditional medicine have already been patented abroad. In 1990, the US company W.R. Grace patented Neem; in 1995, the University of Mississippi Medical Center patented turmeric; and in 1997, RiceTec attempted to patent Basmati rice—sparking global debates on intellectual property rights. Japan holds patents related to the Berela plant (*Sida cordifolia*), commonly used in Bangladesh. Japanese companies, including Fujifilm Corporation, Morishita Jintan Co. Ltd., and Kobayashi Pharmaceutical Co. Ltd., have patented applications involving *Salacia reticulata*, traditionally used in diabetes treatment.

Under the Bangladesh-Japan EPA, intellectual property includes copyright, trademarks, GI, industrial designs, patents, plant variety protection, integrated circuit layout designs, and the protection of undisclosed information. Article 12 of the EPA

states that Japan and Bangladesh will work together to ensure effective and balanced protection of intellectual property in line with international agreements. But how can Bangladesh, with its still fragile institutional framework, build capacity equal to that of a wealthy and technologically advanced country like Japan?

According to the Bangladesh Patent Act, 2022, only technological inventions that

Will local innovators receive recognition?

While the EPA permits Bangladesh to develop its own unique (*sui generis*) laws for plant protection, it requires that these laws be "effective." Because the TRIPS agreement fails to define "effectiveness," the term often functions as a legal loophole. In practice, international trade pressure typically forces developing nations to abandon local protections in favour of rigid, corporate-

friendly standards—such as Union for the Protection of New Varieties of Plants (UPOV)—effectively neutralising any laws designed to protect traditional farming practices.

In light of the Convention on Biological Diversity (1992) and TRIPS, Bangladesh enacted the Plant Variety Protection Act in 2019 as its *sui generis* system. However, this law has yet to become fully effective in protecting crop varieties. Many locally developed rice varieties created by farmers and breeders still await formal recognition. A local variety from Jashore known as Khaskhani was later refined through pure-line selection and released as BRRI Dhan 34. Through the EPA, will Japan recognise this rice as Khaskhani or simply as BRRI Dhan-34? Will the farmer who preserved and developed the original variety receive any share of the benefits? Bangladesh still lacks a national benefit-sharing guideline and policy for traditional knowledge and genetic resources. Through the EPA, foreign companies or institutions could use aromatic local rice varieties like Kalijira, Kataribhog, Chinigura,



VISUAL: ANWAR SOHEL

are novel, involve an inventive step, and are industrially applicable are patentable. Natural objects, agricultural methods, literature, performing arts, music, artworks, and innovations derived from traditional knowledge are excluded from patentability.

On the other hand, under Article 12.33 of the EPA, any new, inventive, and industrially applicable product or process is patentable without discrimination. However, inventions against the interest of humans, plants, animals, or the environment cannot be patented, while plants, animals, and essentially biological processes are also excluded. However, microorganisms and microbiological processes may still be patented. This has serious implications. Traditional fermented foods, drinks, and many heritage agricultural products rely on microbial processes. The commercial patenting of such microorganisms, techniques, or preparations could undermine the collective ownership embedded in the cultural practices.

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or Tulshimala, and develop innovations and patent them. This would violate farmers' age-old seed rights. If Bangladesh is required to join the International UPOV under the EPA, farmers could lose their traditional ownership of crop varieties, as UPOV recognises only breeders' rights. This would strengthen the multinational seed companies and erode farmers' rights to save and exchange seeds.

GI and Nakshikantha rights Bangladesh enacted the Geographical Indications of Goods (Registration and Protection) Act in 2013. Although Nakshikantha is woven across the country, on April 24, 2024, it was granted GI of Jamalpur (GI-35). According to the Department of Patents, Designs and Trademarks, Bangladesh has 62 GI products. The EPA states that each country must protect GI under its own laws in a manner consistent with TRIPS (Article 12.25). This is intended to prevent misuse of names and the marketing of counterfeit or misleading products.

Let citizens unite to protect public resources

The resources included within the EPA's framework are part of the living heritage of both countries. Shaped by the complex interplay of nature and culture, they embody history, heritage, existence, identity, and pride. The commercialisation, degradation, appropriation, or control of these public resources without consent through any agreement will not be accepted. For a comprehensive public review, the agreement should be made accessible to people of all classes and groups in the country.

Nuclear power and the sun we wasted

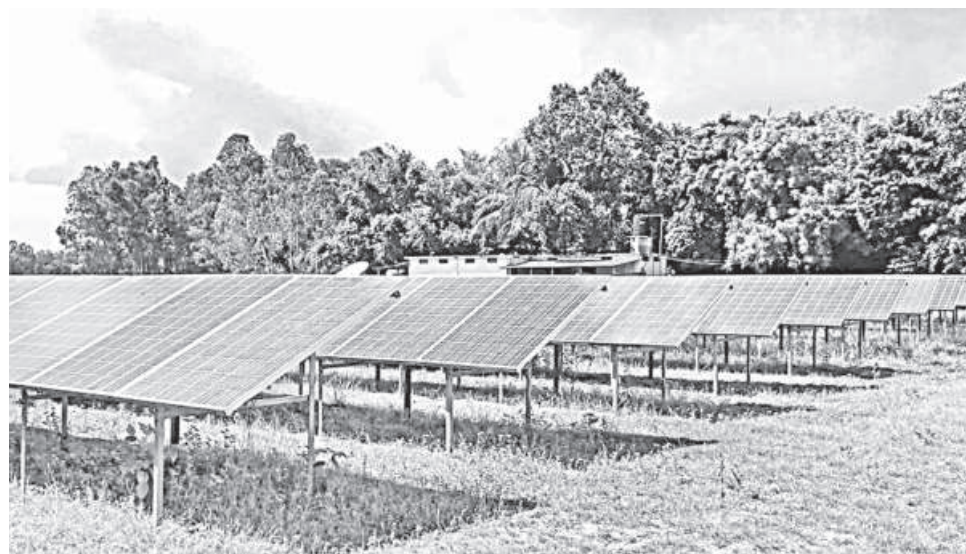


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Last week, uranium fuel loading began at the Rooppur Nuclear Power Plant in Pabna, a moment Bangladesh's scientists and engineers have awaited since plan to build a nuclear power plant was first conceived in 1961. According to *Prothom Alo*, this milestone makes Bangladesh the 33rd country in the world to operate nuclear power and the third in South Asia after India and Pakistan. The achievement is real and deserves acknowledgment. Yet as the nation celebrates entry into this exclusive club, a harder question demands an answer: how did Bangladesh arrive at a point where a \$12.65 billion debt-financed reactor became the primary answer to its energy crisis, when solar energy could be significantly more affordable?

The Rooppur plant, built by Russia's Rosatom, will eventually generate 2,400 megawatts across two units and is expected to meet around 10 percent of Bangladesh's electricity demand. *The Daily Star* reports that initial grid supply of around 300 MW is anticipated by late July or early August this year, with full capacity reached gradually over the next two years. Considering Bangladesh's chronic electricity deficit and high annual



Despite being considerably more affordable than nuclear energy, Bangladesh's solar energy sector continues to lag behind due to policy failures.

FILE PHOTO: STAR

demand growth, this energy development is truly significant.

But the financial architecture of Rooppur should propel every Bangladeshi to pause

and think for a moment. Russia extended \$11.38 billion in export credit for the Rooppur project. As the taka depreciates against the dollar, *Prothom Alo* reports that actual expenditures have risen by Tk 260 billion above contractual amounts, with total outlays now approaching Tk 1.39 trillion. Debt service on a foreign-currency obligation of this scale, especially for a country already burdened with LNG import costs and coal procurement

has initiated a formal investigation into allegations of financial irregularities in Rooppur's procurement process. The full scope of those allegations remains under active investigation, and the public deserves a transparent accounting before the debt repayments that will burden the national budget for the next two decades are simply accepted as the cost of doing business.

These grievances would have been more tolerable had Bangladesh simultaneously invested in domestic renewable energy. Institute for Energy Economics and Financial Analysis (IEEFA) reports that Bangladesh installed only 245 MW of rooftop solar capacity in the entire 17 year period from June 2008 to June 2025. For a tropical nation receiving 4-5 kilowatt hours of solar irradiance per square metre daily, this figure is indefensible. The Financial Express reports that within Dhaka alone, approximately 375 MW of installed rooftop solar sits almost entirely idle because no functioning net metering system exists and no government plan integrates this capacity into the distribution grid. Bangladesh mandated solar panels on new buildings in 2012 and then never built the regulatory infrastructure to use the power those panels generate.

The argument that solar is unreliable or insufficient does not survive scrutiny. Germany, at 51 degrees north latitude, receives a fraction of Bangladesh's sunshine but has an impressive solar capacity. Vietnam deployed more than 20 gigawatts in five years through decisive feed-in tariff policy. Morocco now exports solar electricity to Europe. However, despite strong sunlight, Bangladesh has produced only a bit over 1 GW of solar power after 20 years of policy efforts.

The reason is not entirely technical but political too. Importing LNG generates lucrative procurement contracts. Importing nuclear technology and fuel generates commissions accessible to politically connected intermediaries. Domestic solar, by contrast, is decentralised, transparent, and difficult to extract rent from. The sun does not require a middleman. This structural misalignment between the public interest and the interests of energy procurement syndicates has cost Bangladesh dearly—in foreign exchange, debt accumulation, and in the foregone clean energy that could have powered millions of homes at zero recurring fuel cost.

A \$5 billion investment in distributed rooftop solar and utility-scale ground arrays, less than half the Rooppur debt, could have delivered 5,000 to 8,000 MW of domestic capacity with no fuel import cost, no foreign-currency loan, and no geopolitical dependency. According to IEEFA, Bangladesh now needs to deploy approximately 760 MW of new renewable energy annually between 2026 and 2030 just to achieve its modest goal of 20 percent renewables by that date. The FY2025-26 national budget allocates no specific incentives to the renewable energy sector. The gap between stated targets and budgetary commitment is itself an indictment.

Rooppur will generate electricity we need. But Bangladesh must understand that a single \$12.65 billion nuclear plant—financed by a geopolitical creditor, repayable in foreign currency over 20 years, vulnerable to sanction disruption—is not an energy strategy. It is a monument to the failure to develop what was free, domestic, and abundant.

CROSSWORD
BY THOMAS JOSEPH

ACROSS

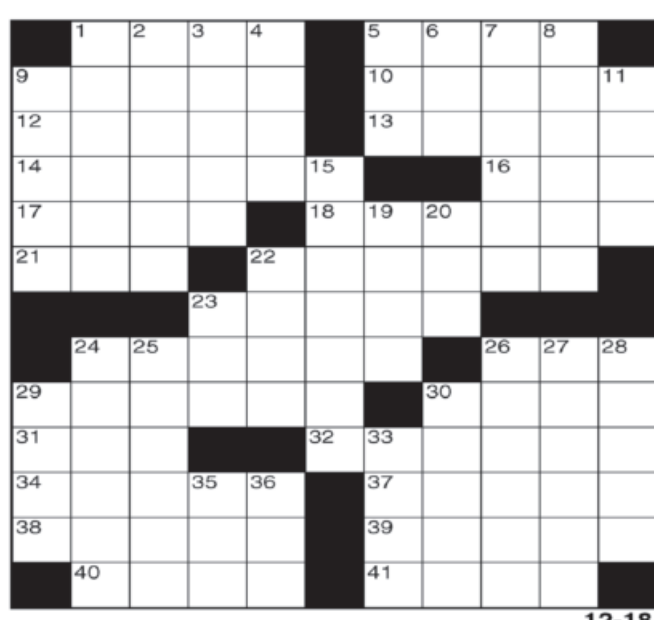
- 1 Richard of "Chicago"
- 5 Cavalry base
- 9 Inspired
- 10 Shaq of the NBA
- 12 Spoken tests
- 13 Temple leader
- 14 Roof features
- 16 Chicken N king
- 17 Hideous
- 18 Sway
- 21 Catch sight of
- 22 Kayaks' cousins
- 23 Moscow money
- 24 Rather
- 26 Vietnamese New Year
- 29 Singer King
- 30 Surrounding glow

DOWN

- 1 Mechanic's place
- 2 Facilitate
- 3 Political meeting
- 4 Different
- 5 In favor of
- 6 Stop N dime
- 7 Money-back

offer

- 8 Cafe fixtures
- 9 Fake
- 11 Teller of tales
- 15 Horse houses
- 19 Just
- 20 Foot part
- 22 Area under a wave
- 23 Carnival city
- 24 Aesop's output
- 25 Secret
- 26 New Orleans university
- 27 Builds
- 28 Chores
- 29 Group of actors
- 30 Dogpatch boy
- 33 Regarding
- 35 Cowboy nickname
- 36 Pig's place



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