Seed laws that promote an integrated seed sector

ALQ - How can national and regional seed laws support the development of a robust, integrated seed sector that supports smallholder farmers' needs?

**Background**

The term 'Seed Laws' refers to a wide range of laws, policies and regulations that deal with plant health, crop protection, and the identity, purity and quality of seed, as well as crop diversity.

Many countries and regional organisations in Africa aim to strengthen the seed sector by assuring that certain quality standards and regulatory conditions for the production and trade of seed are being adhered to.

From an ISSD perspective, a key question is how the various national and regional seed laws relate to the diversity of seed systems that exist in a given country.

In particular, more clarity is needed on how current seed laws affect informal (farmer-based) seed systems and in what manner seed laws can be adapted to support these seed systems.

The challenge for African countries is to establish a regulatory framework that takes into account the needs and characteristics of the various seed systems in order to increase the availability of quality seed of preferred varieties for all farmers.

**Interactions between Formal & Informal Seed Systems in Integrated Setting**

- Breeding
- Participatory plant breeding
- Genetic resources
- Facilitated access to gene bank materials
- Seed selection
- Diffusion
- Agro-dealers and marketing networks, and voucher systems
- LSS development
- Marketing
- Specialised units or producer groups for EGS
- Release
- Production

**Key activities**

**Desktop research (draft):**
African Seed Laws and Policies: An Exploration of the Space for Farmers’ Seed Systems in Africa

**Expert & stakeholder meetings:**
Expert Meeting on the Impact of Seed Laws on Smallholder Farming Systems in Africa: Challenges and Opportunities. 16-17 March 2016, Cape Town, South Africa

How can seed laws be adjusted to support an effective functioning of informal (farmer) seed systems? 21 October 2015, Harare, Zimbabwe

**Scoping paper and action planning:**
Validation of the scoping paper and identification of action learning activities and action plan for each of these with the thematic working group in Kampala February 2015

**National Workshop on Seed Laws:** How can seed laws be adjusted to support an effective functioning of informal (farmer) seed systems? 21 October 2015, Harare, Zimbabwe

**Expert Meeting:**
The Impact of Seed Laws on Smallholder Farming Systems in Africa: Challenges and Opportunities. 16-17 March 2016, Cape Town, South Africa
Output: Meeting Report: Impact of Seed Laws on Smallholder Farming Systems in Africa: Challenges and Opportunities

**National seminar in Uganda:**
Workshop in which the research questions were discussed in Uganda (23 participants), with a wide array of national seed sector stakeholders, including seed companies, research organizations, seed trade and producer organizations.
Output: National workshop report for Uganda

**Key events**

- Programme launch: Launch of the programme in Nairobi in September 2014 and the development of key research questions in thematic working groups with resource persons, validated by large audience in breakout working groups.

- Scoping paper and action planning: Validation of the scoping paper and identification of action learning activities and action plan for each of these with the thematic working group in Kampala February 2015

- National Workshop on Seed Laws: How can seed laws be adjusted to support an effective functioning of informal (farmer) seed systems? 21 October 2015, Harare, Zimbabwe

- Expert Meeting: the Impact of Seed Laws on Smallholder Farming Systems in Africa: Challenges and Opportunities. 16-17 March 2016, Cape Town, South Africa
Output: Meeting Report: Impact of Seed Laws on Smallholder Farming Systems in Africa: Challenges and Opportunities

- National seminar in Uganda: Workshop in which the research questions were discussed in Uganda (23 participants), with a wide array of national seed sector stakeholders, including seed companies, research organizations, seed trade and producer organizations.
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List of countries seed regulations

**Algeria**: Loi n° 05-03 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 relative aux semences, aux plants et à la protection de l’obtention végétale

**Botswana**: Chapter 35 :07 Seed Certification Act 1976

**Benin**: Décret No 97-302 du 28 Septembre 1987 portant Création, composition et fonctionnement du Comité National des Semences

**Burkina Faso**: Loi No010-2006/AN portant Réglementation des semences végétales

**Burundi**: Loi No01/08 du 23 avril 2012 portant organisation du secteur semencier

**Cameroon**: Loi n° 2001/014 du 23 Juillet 2001 relative à l’activité semencière

**Cote d’Ivoire**: Décret No 92-392 du 01/7/1992 relatif à l’homologation et à la production des variétés végétales, à la production et à la commercialisation des semences et plants

**Ethiopia**: Seed Proclamation No.782/2013

**Ghana**: Plants and Fertilizers Act 803 of 2010; National Seed Policy, May 2013

**Kenya**: the Seeds and Plant Varieties (Amendment) Act, 2012 and the Seeds and Plant Varieties Act (Ch. 326) of 01/01/1975(1991)

**Madagascar**: Décret 2010-1009 portant réglementation de la production, du contrôle, de la certification et commercialisation des semences; Décret 2010-0958 portant mise en place du catalogue national des espèces et variétés de plantes cultivées; décret No2010-1010 Instituant l’Agence nationale des Services Officiels de Contrôle (SOC) et fixant ses pouvoirs, compétences et attributions.

**Malawi**: Draft Seed Act 2013 and; Seed Act (Act No 9 of 1996)

**Mali**: Loi No10-032 du 12 Juillet 2010 Relative aux semences d’origine végétale; Politique Semencière du Mali (sous-secteur de l’agriculture), 2009

**Mauritania**: Loi No96-025 du 08 Juillet 1996 relative à la production au contrôle et à la commercialisation des semences et plants certifiés.

**Mauritius**: The Seeds Act No10 of 2013


**Niger**: décret No90-55/PRN/MAG/EL du 1er février 1990 portant norme de production, de conditionnement, de contrôle et de certification et commercialisation des semences; Politique Semencière Nationale, Ministère de l'Agriculture, Décembre 2012.


**Rwanda**: Ministerial Order No002/11.30 of 18/08/2010 Determining regulations on quality seeds production and control of seeds produced and marketed; Ministerial Order No003/11.30 of 18/08/2010 setting forth conditions required for marketing of quality seeds and; Ministerial Order No001/11.30 of 18/08/2010 appointing the variety release committee.

**Senegal**: Décret n° 97-603 du 17 juin 1997 portant création du Comité national consultatif des Semences et des Plants (CNCSP); Décret n° 97- 616 du 17 juin 1997 portant réglementation de la production, de la certification et du commerce des semences et des plants; Décret n° 97- 602 du 17 juin 1997 instituant un catalogue des espèces et variétés de plantes

**South Africa**: The Plant Improvement Act No 53 of 1976 (as amended); the Plant Improvement Bill 2015

**Tanzania**: The Seeds Act 2003

**Uganda**: The Seeds Act 2006; the Draft Seed Policy 2014

**Zambia**: Plant Variety and Seeds Act Chap 326 and Plant Variety and Seeds Regulations 2001

**Zimbabwe**: Seed Act Chap 19:13 of 1971

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### Main findings & lessons learned

Smallholder farmer interests and farmer-based seed systems are poorly recognized in seed laws, mainly as a result of:

- Poor understanding of their importance
- Bias of seed laws towards major market crops, thus neglecting other crops of importance
- Poor participation of smallholder farmer representatives in seed law and regulation development and implementation.

No seed law reviews taking place.

Limited or no opportunity for registration of farmer-derived varieties.

Formalities in registration and certification of seed, seed lots and producers often impose excessive transaction costs which small-scale farmer-seed producers cannot meet.

Feasible quality assurance mechanisms in farmer-based seed systems poorly understood and catered for.

Some seed laws criminalise (informal) farmer seed practices, e.g. seed multiplication, selling and exchange.

Difficult to get access to the latest seed policies, laws and regulations of all African countries.

### Next steps and future focus areas

Further research will be done to finalize this continent-wide inventory.

ISSD Africa can assist countries to establish seed laws that support an integrated seed sector, including legal space and support for farmer seed systems. This can be done by:

- Creating awareness on the importance, roles, and needs of smallholder farmers
- Supporting stronger representation of smallholder farmers in seed law development
- Lobby for explicit consideration for farmer-based seed systems in seed law reviews
- Regular review of the seed law should be captured in the law through a special provision
- Deepen understanding of functioning of alternative quality assurance mechanisms for farmer-based seed systems, and pilot institutionalization in willing countries
- Develop and test laws and guidelines for registration of farmer-derived varieties
- Strengthen farmers’ capacities to manage their own diversity, e.g. seed law provisions for Farmer Field Schools.