



Seed policies and laws: Do they sufficiently guide emergency assistance in Africa?

ISSD Africa Community of Practice:
Advancing the HDP-Nexus for Africa's seed sector

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Seed policy and law: An underexplored factor in emergency assistance in Africa

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Webinar is in English only



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Emergency seed aid and the law

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Seed aid can be very effective

- Providing farmers with a possibility to sow and harvest
- Generate income
- Support move to normality

Seed aid can be very disruptive

- When 'wrong seed' is provided: poor quality / wrong variety
- When seed is provided for free: notion of value is lost
- When local seed systems are disrupted (lost knowledge)
- When emerging private seed systems are destroyed


Seed aid

- **Increasing scale 2023 FAO:** \$470 million emergency
-- much of it seed
- **Widening geographically:** Sudan, South Sudan, Burundi, CAR, Chad, Nigeria, Mozambique, Lesotho, Niger, Mali . .
- **Repetitive:** e.g. Ethiopia over 40 years

Trends in Humanitarian Seed Aid

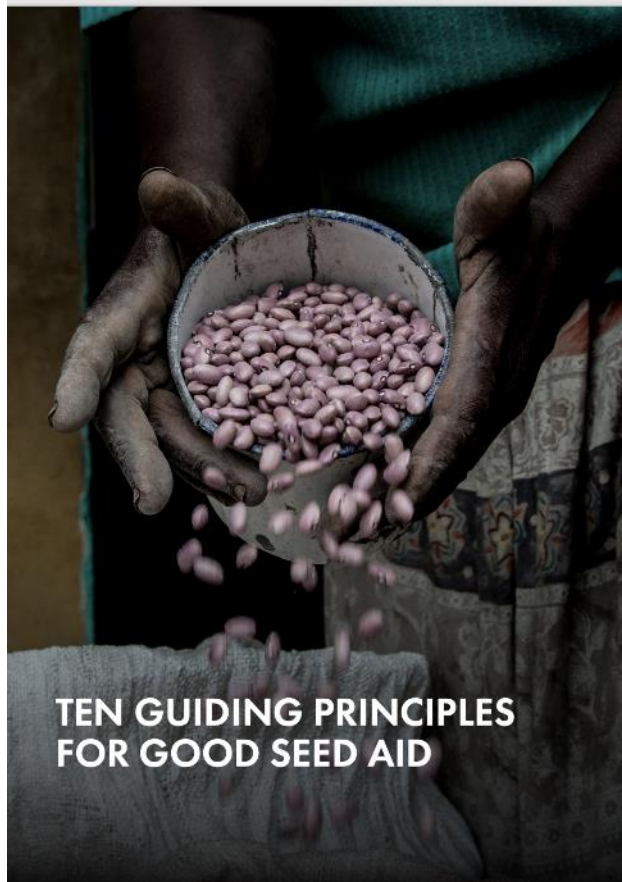
1. From Direct Seed Distribution (DSD) of certified seed, sometimes including local seeds
2. Market-based approaches: vouchers/cash and supply-side actions (formal/farmers' systems)
3. Stronger focus of processes: assessments; giving farmers choice; feedback

Response interventions: Diversity

DIRECT DISTRIBUTION	SEED FAIRS/VOUCHERS	CASH TRANSFER
		

Humanitarian seed aid processes

(10P = Ten Principles)



Seed systems are highly regulated in normal times

- Variety release procedures, including GMO regulations
- Seed certification and quality control standards
- Seed governance issues
- Rights that may rest on seeds:
 - of plant breeders (plant variety protection)
 - of innovators (patents on e.g. plant traits)
 - of nations (on biological diversity / plant genetic resources)
 - of communities on genetic resources and/or seeds
 - of farmers on farm-saved seed

Seed systems are highly regulated in normal times

How does the diversity of seed aid actions fit in with these rules?

Seed systems are highly regulated in normal times

Or:

**How do policies and laws
support/guide, or block
better seed aid responses?**

Our key questions

- How do different humanitarian seed responses fit in with standard rules in African countries?
- Do national/regional/global policies and rules explicitly include emergency seed response clauses?
- Are there specific rules that facilitate emergency responses?
 - * within the formal system?
 - * recognizing other systems?

We analysed

- Global agreements/instruments that may affect seed systems:
 - OECD Seed Schemes, IPPC, ISTA, TRIPS, UPOV, CBD, ITPGRFA, UNDROP
- Regionally harmonized legal systems: COMESA, ECOWAS, SADC, OAPI
- Policies and regulations in six countries:
 - Ethiopia, Mali, Nigeria, South Sudan, Uganda, Zimbabwe
 - and a quick scan of seed laws in FAO-Lex

Findings 1/2 – intergovernmental level

- Global agreements/instruments to not mention emergencies nor include explicit exemptions
 - (Exception: TRIPS Agreements mentions 'force majeure')
- Regionally harmonised systems do not mention emergencies; also, they relate to formal seed systems only
 - (Exception: ECOWAS allows regional cross-border trade of non-certified seed in situations of shortages)
- However, organisations may have Disaster Response Units, but such policies have not affected their seed rules

Findings 3 – national rules (normal situation)

- Rules generally exclude seed in the market that is not formally tested
- Rules generally exclude any seed in the market of non-registered varieties
- Rules commonly prescribe that seed sellers need to be formally registered
- Explicit linkages between seed rules and rights are minimal (except PVR), Ethiopia makes space for farmers' and community rights.

Findings 3 – national rules (emergencies)

- Seed laws hardly ever mention emergency situations, let alone aspects of processes. Exception: the Ethiopian minister can call for a seed emergency

Three challenges:

1. **Quantity:** Ethiopia: certified seed is commonly in short supply during emergencies
2. **Varieties:** registered varieties may not always be the best option, as formal breeding commonly does not target farming systems under severe stress
3. **Distribution:** if only registered seed distributors are allowed – this may limit choices

Do seed aid responses fit in the law?

Conventional seed regulations

Direct Distribution

- a) of certified seed
- b) of imported seed
- c) of locally sourced 'seed'

Fit

If certified/reg. traders

NO

Market based options

- d) vouchers to be used in agri-input shops
- e) vouchers to be used in seed fairs
- f) cash to be used to purchase seeds from fellow farmers

If formal seed

Normally NO

NO

However: some interesting clauses

- **Quantity:** Some countries have systems to increase legal amounts of seed through 'Quality Declared' or 'Standard seed' classes
- **Variety:** Ethiopian and Nigerian laws and South Sudan seed policy recognize farmers' seed systems
- **Markets:** Nigeria applies the law only to 'commercial markets'
- **Processes:** Tigray has an elaborate set of rules to cope with emergencies
- Uganda and Zimbabwe have an 'escape clause' in the seed law allowing the Minister to decide on certain actions outside of the rules

Effects

- The large majority of documents do not provide specific guidance
- So: either agencies can provide seed from certified sources
- Or: other seed aid programmes may still be implemented
 - *either through ad-hoc decisions (example: DRC)
 - *or simply outside of any scrutiny

Opportunities - governments

National level:

- **Preparedness:** Include seed in all its diversity and complexity as an essential component of emergency responses, including at the regulatory level. Develop an explicit policy on the topic, including both the seed material and the response processes (*10P*) when crafting policy guidance.
- **Regulations:** Use or create articles in the law to effectuate these policies and rules for emergencies. Make sure that articles in other regulations (e.g., on biodiversity, intellectual property, and biotechnology) do not run counter to the emergency seed policies. NOT RIGID LAWS

Intergovernmental levels:

- **Awareness and policy coherence:** Discuss policy space for emergency seed issues. Include seeds in disaster preparedness. In the frame of regional seed rules, share experiences and advise member governments on regulatory solutions.

Opportunities - stakeholders:

Donor governments:

1. Develop emergency seed guidance and share with both humanitarian organisations and governments in affected countries.
2. Strengthen connections more generally between humanitarian and development offices within donor, partner, and collaborating organisations.
3. Sharpen emergency seed aid policy/ guidelines

Humanitarian agencies:

1. Develop/adopt humanitarian seed guidelines – include processes (10P) and the diversity of humanitarian seed options into account; support seed-related institutions (at local/community and market levels) during and after the emergency.
2. Take regulatory issues into account and discuss with governments

Thank you!
We look forward to your comments

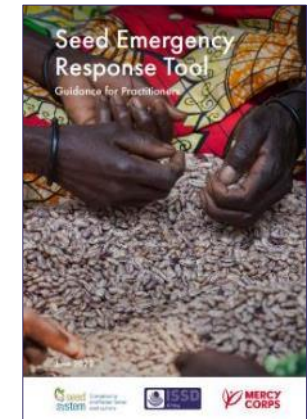
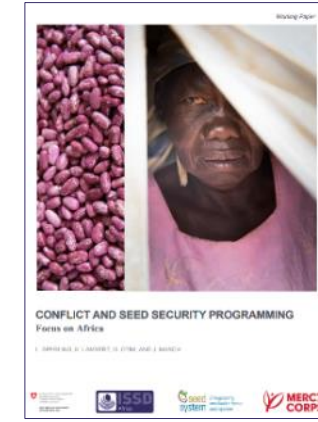


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ISSD Africa Action Learning Project 2: Emergency seed security responses in Fragile and Conflict-affected States (FCS)

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