A study into seed laws in selected developing countries

Bert Visser, 29 September 2016

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Community Technology Development Trust (CTDT)
OXFAM

Background

Topic

- Study on seed laws in eight countries (India, Laos, Mali, Myanmar, Peru, Senegal, Vietnam and Zimbabwe)

Motive

- Impact of seed laws on the functioning of small-scale farming systems relatively less studied than impact of intellectual property rights laws

Scope

- Series of other policies, for instance on land rights, road and water supply infrastructure, family and gender, and health care, not discussed here

Farmers' seed management

- Seed systems in many developing countries are predominantly farmers' seed systems
  - activities include accessing, selecting, crossing, testing, multiplication and storage of seeds by farmers under local conditions
  - (largely) without formalized oversight or quality control
- Farmers select new varieties and traits in response to various environmental conditions and cultural considerations
- Climate change is affecting agricultural production, yet
  - largely unclear how farmers varieties (as much as modern varieties) will be able to respond to alterations in climate

Farmers' seed systems: farmer specialists

- Small number of farmers may be identified as ‘key seed suppliers’ by their neighbours
- Seed villages, seed clubs, farmer cooperatives, or seed regions/centres within local production systems form evidence of farmers’ roles in seed markets
  - strong example: 40+ seed clubs in the Mekong Delta
- Farmers assess not only the quality of the seed but also the ‘quality’ of the provider
  - it is not always possible to ‘see’ seed quality

Interface with formal sector

- Seed from formal sources may offer new important traits relating to yield and resistances or higher quality than is regularly available in farmers' markets
  - continuous influx of formal varieties into farmers' seed systems
- Still, formal sector seed is often not readily available to small-scale farmers
  - farmers often lack information about where seed can be purchased, nor do they know of which cultivars, quality or price
  - may have to travel to a nearby town for an agrochemical outlet
- Interventions attempt to take away such market access limitations (e.g. farmer field schools)

History of recent seed policy

- Over last three decades, government strategies for seed sector development in developing countries changed
  - until the 1980s, national governments played a major role in seed sector development
  - since then, national agricultural research systems and other government agencies have largely disengaged from seed production
  - in some countries and for certain crops, this has led to the development of a dynamic private seed sector (e.g. maize and vegetables)
  - in many other countries and for many crops the public seed sector has collapsed whereas no private seed sector has emerged to replace it
  - hence, strong reliance on farmers' seed systems

Formal and farmers' sector roles

- Seed policy should address the respective roles of the formal (public and private) and farmers' sectors
  - need for coordination between the different seed systems
  - countries should develop complementary approaches that strengthen both the formal and farmers' seed systems
  - countries should address the common practice of selling any seeds locally, including seeds of protected varieties

Seed law provisions

- Seed laws commonly provide the procedures and standards for:
  - variety release systems which aim to register only varieties of proven value to be made available to farmers through the formal seed system
  - seed certification which aims to monitor and guarantee varietal identity and purity throughout the seed chain
  - seed quality control which checks on other seed characteristics such as viability and seed health, protecting the farmer as well as *bona fide* seed producers from unfair competition

Features of seed laws

- Provisions in many seed laws include
  - requirement for a seed producer to be registered
  - requirement for (new) farmers' varieties to be registered
  - requirement for seed lots of registered varieties to be certified

Issues in seed (and PVP) laws (1)

- Seed law may hinder farmers in acquiring seeds
  - only certified seeds of registered varieties may be offered in the market, and only by registered sellers
  - negative impact on diversity of varieties in the market
- Saving of seeds of varieties protected by plant breeder's rights and re-using these seeds on the same farm is effectively fully exempted from obligations for small-scale farmers; but ..... to which extent exchange (vis-à-vis organized marketing) in the community is also exempted, is unclear and controversial
  - selling from small farmer to small farmer appears to be either allowed or ignored, but not legalized

Issues in seed laws (2)

- Breeding and selection of farmers' varieties is not regulated, as is also apparent from a wide array of community support activities undertaken by project partners
- Formal registration and public marketing of resulting farmers' varieties might appear very difficult or even impossible if requirements to be met would be identical to those posed for the formal sector (time, capacity and cost)
  - DUS/VCU testing (multi-locational trials), as well as seed seller registration (facilities and formal training)
- Farmer seed producers report less concern on seed certification; general response is that they can meet standards

Conclusions

- Major barriers for farmers' seed systems
  1. Requirement for **registration of seed producers** (formal training, access to processing and storage facilities)
     - —› limits the number of farmer seed producers in local markets
  2. Requirement for **registration of farmer varieties** (both traditional and newly developed; costs of multi-locational trials); relevant for impact of farmer field schools
     - —› limits the number of new varieties in local markets
  3. Prohibition on the **sales of seeds of protected varieties** in the community (depending on national legislation)
     - —› limits the diffusion of new important traits
- Seed quality control requirements generally not a disincentive
  - —› many farmer producers are confident in meeting standards