



Food and Agriculture  
Organization of the  
United Nations



**The International Treaty**  
ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for  
the national implementation of Article 9 of the International Treaty**

*Note by the Secretary*

*At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights*

*This document presents information on best practices and measures of implementing Article 9 of the International Treaty submitted by African Centre for Biodiversity (ACB) on 15 June 2021.*

*The submission is presented in the form and language in which it was received.*



## Template for submission of

### Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

#### Basic information

- Title of measure/practice

Ethiopian Seed Law Proclamation No. 782/2013

- Date of submission

15th June, 2021

- Name(s) of country/countries in which the measure/practice is taking place

Ethiopia

- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

Ministry of Agriculture and Natural Resources

<http://www.moa.gov.et/web/guest/home>

- Type of institution/organization (categories)

Government institution

- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

#### Description of the examples

##### Mandatory information:<sup>1</sup>

- Short summary to be put in the inventory (max. 200 words) including:

In 2013, the Ethiopian government adopted a new seed law, 'Seed Proclamation 782/2013, repealing the previous Seed Proclamation 206/2000. The Seed Proclamation 782/2013 remains the current seed legislation in Ethiopia and is implemented by the Ministry of Agriculture. This revised seed law provides for certain provisions towards the safeguarding of farmers' rights. Article 3, which provides for the scope of application, provides the following exceptions:

- a) the use of farm-saved seed by any person;*
- b) the exchange or sale of farm-saved seed among smallholder farmers of agro-pastoralists;*
- c) seed to be used for research purposes; and*

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<sup>1</sup> This mandatory information is required in order for the measure/practice to be included in the Inventory.



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d) *forestry seed*

In regard to the first exception, ‘*use*’ is not defined in the Proclamation, and the ordinary meaning of the verb use has to be ascribed here, to include; *take, hold, or deploy (something) as a means of accomplishing or achieving something; to employ.*

The current seed law of 2013 provides for much wider safeguards for the possible realisation of farmers’ rights than its predecessor which it replaced, and in this revised seed law, specific references are made to small scale farmers and agro-pastoralists, as compared with the previous legislation of 2000. The 2000/previous law only provided very narrow safeguards by way of exemptions from the seed law in respect to ‘...*seed produced by a farmer and sold directly to another farmer*’, as per Article 3 (2).

Brief history (including starting year), as appropriate

The revision of the Seed Law was initiated in 2008 by a team of experts from the Ethiopian Institute of Agricultural Research (EIAR), Institute of Biodiversity Conservation (IBC/EBI), Ethiopian Standards Agency (ESA) and Ethiopian Seed Enterprise (ESE), convened by the Ministry of Agriculture (MoA). At least three drafts were produced, and the fourth draft was overseen by Ethiopia’s Agricultural Transformation Agency (ATA), whereafter the Seed Proclamation 782/2013 was promulgated/adopted.

- Core components of the measure/practice (max 200 words)

The main/core component of the law for the purposes of this submission is Article 3, which outlines the Scope of the seed law. The exceptions provided for in the scope of application under Article 3, provides safeguards for the realisation of farmers’ rights, as these relate to smallholder farmers in Ethiopia (over 96%), by exempting the use of any farm-saved seed as well as the exchange and sale of any farm saved seed among small holder farmers and pastoralists from adhering to variety release, certification and other requirements and regulation contained in the 2013 Seed Proclamation. In this regard, Article 3 (1) states that,

*‘Without prejudice to the provision of sub-article 2 of this Article, this Proclamation shall be applicable to any seed’.*

Article 3 (2) further states that,

*‘This Proclamation may not be applicable to:*

- e) the use of farm-saved seed by any person;*
- f) the exchange or sale of farm-saved seed among smallholder farmers of agro-pastoralists;*
- g) seed to be used for research purposes; and*
- h) forestry seed*

The previous repealed Seed Proclamation 206/2000 did provide exemptions; however, these were too narrow to constitute sufficient safeguards for the realisation of farmers’ rights and did not explicitly provide for these as in the new Seed Proclamation 782/2013 now does. Article 3 of the previous Seed Proclamation law of 2000 stated that:

- 1) This Proclamation shall apply to any prescribed seed specified by the Agency*



- 2) *Without prejudice to Sub-Article (1) of this Article, the provisions of this Proclamation shall not apply to a seed produced by a farmer and sold directly to another farmer, processor, distributor and retailer who advertised seed to engage in a sale of seeds.*
- 3) *Unless the seed is used for planting purpose, the provisions of this Proclamation shall not apply to seeds of plants intended for other purposes.*

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

Ethiopia is a crop diversity hotspot, with there being a great deal of literature published on the nature and extent of the diversity that underpins the seed systems that smallholder farmers exercise control over. Despite the rich agricultural biodiversity that Ethiopia holds, the policy development by the Ethiopian government has followed a linear model based on a formal seed sector, focusing on the development of improved high-yielding varieties and the distribution of certified seeds to farmers to increase national food security. With policy debates in the 1990s questioning this trajectory, the government policy began to shift towards revision of its Seed Proclamation and providing for safeguards for the realisation of farmers’ rights.

The farmers’ system (non-regulated) is the major seed supplier to majority of farmers in Ethiopia, while the formal system (regulated by different policies and laws) contributes relatively little to the seed and food sector in the country. The formal system is largely public sector driven across the seed value chain, from breeding to seed distribution and the Ethiopian formal seed system’s performance is well below what has been anticipated, especially in terms of ensuring the availability of quality seed of preferred varieties at the required place, time, and affordable price to farmers.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

- Art. 9.1     X
- Art. 9.2a   X
- Art. 9.2b
- Art. 9.2c   X
- Art. 9.3     X

**Other information, if applicable**

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant <sup>2</sup>	Also relevant <sup>3</sup>

<sup>2</sup> Please select only one category that is most relevant, under which the measure will be listed.

<sup>3</sup> Please select one or several categories that may also be relevant (if applicable).



1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks <sup>4</sup> , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	X	
11	Other measures / practices		

• In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? \_\_\_\_\_

• Objective(s)

• Target group(s) and numbers of involved and affected farmers<sup>5</sup>

• Location(s) and geographical outreach

Ethiopia – National

• Resources used for implementation of the measure/practice

<sup>4</sup> Including seed houses.

<sup>5</sup> Any classification, e.g. of the types of farmer addressed, may be country-specific.



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- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
  - ✓ Ethiopia's Seed System Development Strategy of 2016  
<http://extwprlegs1.fao.org/docs/pdf/eth172079.pdf>
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?

United Nations Declaration on the Rights of Peasants and People Working in the Rural Areas

- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

### Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

### Further information

- Link(s) to further information about the measure/practice

Mulesa, T. H.; Dalle, S.P.; Makate, C.; Haug, R.; Westengen, O.T. Pluralistic Seed System Development: A path to Seed Security? *Agronomy* 2021, 11, 372. <https://doi.org/10.3390/agronomy11020372>

Walshe O, C., 2019. Globalisation and Seed Sovereignty in Sub-Saharan Africa. Available at: <https://doi.org/10.1007/978-3-030-12870-8> Springer Nature Switzerland AG. 2019.

Seed Proclamation No. 782/2013 <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC146018>