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Analysis and Recommendations on the Draft Malawi National Seed Policy and Strategies 2014*

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*This paper shall be considered a working document under the framework of the Joint Capacity Building Programme for the Implementation of Farmers' Rights, aiming to provide suggestions to decision makers on better ways to balance Farmers' Rights and breeders' rights in policy and legal national frameworks.



1.0 Background and Introduction

The Ministry of Agriculture, Irrigation and Water Development presented the 2014 Draft Malawi National Seed Policy and Strategies aiming to have a vibrant, sustainable and dynamic seed industry supported by a comprehensive and dynamic seed policy.

The draft Seed Policy recognizes that the seed industry in Malawi is comprised of the formal and informal seed systems as main sources of seeds to farmers. The formal seed system is comprised of local and multinational seed companies most of which have their own breeding, production and distribution programmes. On the other hand, the informal seed sector constitutes the major source of seed for the majority of smallholder farmers. Sources of seed in the informal sector are largely from farm saved seed, farmer to farmer exchange, local markets, Non-Governmental Organizations (NGOs) and Community Based Organizations (CBOs).

Despite the above recognition, the draft Policy focuses only on the formal seed system, as it considers this sector to be the only system having scientifically traceable sources and mechanisms of the genetics in the seed used, making quality control easily applicable due to this traceability phenomenon. It also recognizes that it is also the system that seed breeders use in order to develop, improve and sustain particular varieties.

The draft Seed Policy seems to ignore the fact that Malawi is a Contracting Party of the International Treaty on Plant Genetic Resources for Food and Agriculture, and ratified this instrument in 2002. This international instrument recognizes Farmers' Rights and establishes that the responsibility for realizing those rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In this context, national governments should take measures to protect and promote Farmers' Rights.

The draft Policy does not recognize the importance of the informal sector neither the valuable contribution of smallholder farmers for the conservation and development of plant genetic resources for food and agriculture, which constitute the basis of food and agriculture production in Malawi and throughout the world. The draft Policy becomes incomplete in its scope and regulation when ignoring Malawi smallholder farmers as key players of the agricultural sector; and the need to support and improve this sector by increasing seed quality, seed conservation, protection of traditional knowledge; ensure smallholder participation in decision making, guaranteeing that smallholder farmers' needs and interests are protected; and ensuring their right to save, use, exchange and sell farm-saved seed and propagating material.

The draft Seed Policy has significant implications for the informal seed sector. It establishes the Malawi National Seed Commission, which, in collaboration with the private sector, will establish and develop the institutional, regulatory and legal framework for the effective and efficient functioning of the seed industry. It is clear that the interests and needs of the formal seed sector will be ensured, while those of the informal seed sector, particularly the interests and needs of smallholder farmers will apparently not have any representation within the Commission.

The commercialization of formal seeds will be promoted and favoured as the Malawi National Seed Commission, in collaboration with the private sector will operate a market-oriented variety improvement programme for all the main crops grown in Malawi. However, no strategies are proposed to promote, strength and encourage the commercialization of quality informal seeds to ensure the conservation of genetic diversity of crops, essential in adapting to unpredictable environmental changes and future human needs.

Thirdly, the Malawian National Seed Commission will play a key role in seed certification and quality control, using the system created specifically for the formal seed sector (test for distinctiveness, uniformity and stability) and not considering any special measures to test the quality of seeds coming from the informal sector.

It is helpful that the draft Policy also encourages the establishment of village seed banks by extension programmes at the village level as suppliers of planting materials for the crops which are not handled by the existing commercial seed sector. This will be done through Smallholder Seed Multiplication Groups aiming to improve the informal seed sector to an organized formal seed production system. However, the draft Policy should not limit the aim of community seed banks, also called as village seed banks, only to be providers of planting materials not handled by the existing commercial sector. Community seed banks are much more than simple providers of raw material to the formal sector. They are crucial for agro-biodiversity conservation; promoting farmer-to-farmer exchange of local seed varieties; crucial for local food security and a contingency measure in case of natural disasters or emergency situations. Community seed banks or village seed banks should be a collective initiative with the participation of smallholder farmers, and not an exclusive activity of researchers. The responsibility of the management and sustainability of community seed banks should be to farmer communities.

The focus should not be solely about formalizing the informal seed sector as is put forward in the draft Policy when establishing the Smallholder Seed Enterprises to improve the informal seed sector to an organized formal seed production system. To the contrary, it should be about strengthening the informal seed sector to become an effective and support counterbalance of the formal seed sector.

The draft Policy includes some provisions that could affect Farmers' Rights to save, use and re-sow farm-saved seeds, as it establishes that farmers' organizations will be pressured not to recycle seeds and farmers encouraged to buy and use newly purchased seed annually from certified seed agencies. Finally, it is very apparent that the draft Seed Policy includes a chapter on breeders' right but not on Farmer's Rights.

2.0 Recommendations

In order to improve the draft Policy and include some balance and equity among actors of the seed sector (formal and informal), the draft Policy could consider the following additional elements and recommendations, better recognizing Farmers' Rights:

2.1 Conservation of seeds and propagating material relevant for food and nutrition security

- Farmers and local communities' efforts to manage and conserve their seeds on farm will be supported and promoted; and
- *In situ* conservation of wild crop relatives and wild plants for food production will be promoted by supporting the efforts of smallholder farmers.

Strategies

The Malawian National Seed Commission will:

- i) Undertake an inventory of local crops and wild relatives, as well as of the traditional knowledge of indigenous and local communities relevant for the conservation and sustainable use of these resources, with the participation of indigenous and local communities;
- ii) Identify main threats for the conservation and sustainable use of on-farm seeds and wild relatives; and
- iii) Adopt incentives addressing smallholder farmers contributing to the conservation and sustainable use of agrobiodiversity and improving the conservation and sustainable use practices of local crops and wild relatives.

2.2 Sustainable use

Strategies

The Malawian National Seed Commission will:

- i) Promote participatory plant breeding to develop new varieties that allow farmers adapt to climate change and meet their needs and preferences; and
- ii) Strengthen farmers' organizations for the production and commercialization of local seeds and agricultural products.

2.3 Protection of traditional knowledge relevant for the conservation and use of seeds and propagating material

Strategies

The Malawian National Seed Commission will:

- i) Promote the documentation, use and exchange of traditional knowledge, innovations and practices relevant for the conservation and use of seeds and propagating material.

2.4 Recognition, strengthen and promotion of local seed systems

Malawian government will recognize and promote local seed systems that facilitate the access, use and conservation of seeds on farm.

Strategies

The Malawian National Seed Commission will:

- i) Conduct national inventories of farmers and farmers' organizations working towards the conservation and use of agro biodiversity;
- ii) Identify factors to ensure the sustainability and promotion of local seed systems;
- iii) Promote the establishment of community seed banks, with the participation of smallholder farmers;
- iv) Encourage local seed systems through local seed fairs, field days, exchange of experiences to facilitate the dialogue among farmers and researchers and the exchange of seeds;
- v) Increase the awareness among researchers, farmers and decision makers on the importance of local seed systems;
- vi) Establish a monitoring system for local seed systems;
- vii) Establish and strengthen value chains of local products and add value through the use of intellectual property rights, such as the denomination of origin; and
- viii) Promote greater use of nutritious local crops and varieties to existing feeding programs.

2.5 Quality declared seed certification

Strategies

The Malawian National Seed Commission will:

- i) Establish a *sui generis* system of quality declared seed certification of seeds of smallholder farmers produced under local seed systems, which recognizes their distinctive features and problems; and

- ii) Establish alternatives for registration of seeds produced under the informal seed system.

2.6 Institutional, Regulatory and Legal Framework

Strategies

The Malawian National Seed Commission will:

- i) Promote the institutional support to community seed banks, for example through the inclusion in local policies and plans for adaptation to climate change and food security;
- ii) Establish joint programmes between public and private organizations to add value and promote the use of quality declared seeds, for example through the denomination of origin, regional food fairs, food tourism, organic and natural products, etc.;
- iii) Include the promotion of the use of local crops in policies and budgets for food security and family agriculture;
- iv) Establish mechanisms to include measures to support the establishment and maintenance of community seed banks contributing to food security and disaster response;
- v) Identify national laws and policies recognizing and protecting Farmers' Rights;
- vi) Implement legal measures to protect traditional knowledge; and
- vii) Develop mechanisms to guarantee the right of smallholder farmers to participate in making decisions on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

2.7 Implementation of Treaties and Protocols on Seeds

Strategies

The Government of Malawi, through the Malawian National Seed Commission and other relevant national authorities will:

- i) Implement the International Treaty on Plant Genetic Resources for Food and Agriculture, particularly on those issues relevant for Farmers' Rights;
- ii) Implement legal, administrative and policy measures for the protection of the traditional knowledge, according to international treaties, protocols and conventions; and

- iii) Promote the equitable participation of smallholder farmers in the benefits arising from the use of plant genetic resources and traditional knowledge, in line with the Convention on Biological Diversity, its Protocol of Nagoya and the International Treaty on Plant Genetic Resources for Food and Agriculture.

2.8 Farmers' Rights

The Government of Malawi recognizes:

- The contributions of smallholder farmers in conserving, improving and making available plant genetic resources for food and agriculture, which constitutes the basis of Farmers' Rights;
- The rights of smallholder farmers to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision making regarding, and in the fair and equitable sharing of benefits arising from, the use of plant genetic resources for food and agriculture;
- The need to improve the capacity and increase awareness on Farmers' Rights and how they can be implemented in practice;
- Farmers and Breeders' Rights should not be antagonistic, but mutually reinforcing.

Strategies

The Malawian National Seed Commission will:

- i) Develop a draft national action plan for the Implementation of Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture on Farmers' Rights, with the participation of farmers' organizations and other relevant stakeholders for the consideration of the Minister of Agriculture and its possible adoption;
- ii) Review, and if necessary, recommend the adjustment of national legal, administrative and policy measures affecting the implementation of Farmers' Rights; and
- iii) Promote and support capacity building and public awareness efforts relevant for the implementation of Farmers' Rights in Malawi.

Background information on Farmers' Rights initiative in Malawi

The Global Forum on Agricultural Research – GFAR; and the Development Fund of Norway, with its local partner in Malawi the Centre for Environmental Policy and Advocacy- CEPA, have joined efforts to increase awareness of Farmers' Rights over seeds and traditional knowledge in Malawi and to strengthen their implementation.

The implementation of these human collective rights (Farmers' Rights) is critical for the conservation of the cultural heritage of Malawi, securing sustainable local and global food production and implementing the commitments Malawi has acquired as a Contracting Party of the International Treaty on Plant Genetic Resources for Food and Agriculture.

In the context of the Farmers' Rights Initiative in Malawi, the Global Forum on Agricultural Research; the Development Fund and the Centre for Environmental Advocacy and Policy here provides decision makers in Malawi and relevant stakeholders with the analysis of recommendations of the Draft Malawi National Seed Policy and Strategies, 2014 to support the recognition of Farmers' Rights and the identification of possible measures to ensure their realization in practice, strengthening the informal seed sector in Malawi and the seed sector as a whole.

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