Commentary on the Zambian Plant Variety and Seeds Act 1998

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The 1995 Plant Variety and Seeds Act, by way of the 2006 Electoral (Code of Conduct) Regulations (Regulations), creates a mandatory variety registration system for a prescribed list of species. If the variety is not registered, it cannot be marketed within the country. To qualify for registration, varieties must be distinct, uniform and stable (DUS). The act also introduces the concept of quality declared seed (QDS), and the 2006 Regulations establish standards for QDS, which are lower than for other classes of seed.

Background

In recent years, the number of small-scale or resource-poor farmers in Zambia has grown – they currently constitute 70 percent of the countries’ farmers. These farmers generally use their own landraces (or farmers’ varieties), especially for indigenous traditional food crops such as millet, sorghum, cowpeas, bambara groundnuts and other minor crops. Farmers’ varieties for introduced crops such as maize, cassava, sweet potatoes, groundnuts, beans and pumpkins have, to a large extent, also been used by small-scale farmers. However, the extent to which farmers’ varieties are used, especially for maize, has been declining due partly to the introduction of new crops and the adoption of improved varieties.

The seed supply system in Zambia includes both informal and formal sectors. The informal sector, which is comprised of local seed systems dominated by the use of traditional varieties and to some extent recycled improved seed, has over the years accounted for well over 70 percent of the national seed supply system, especially for nonhybrid varieties. The formal sector has been mainly dominated by the use of improved and certified varieties, especially hybrids. The major formal sector players are seed companies who have marketed the seed through a network of seed stocklists, agencies and nongovernmental organizations (NGOs) that are scattered throughout the country.

Despite the promotion of maize production among small-scale farmers through fertilizer and seed subsidies (and despite farmers’ appreciation of the benefits of improved seed), traditional crop production systems, using farmers’ local varieties and methods of seed provision, has continued to be, and remains, the backbone of subsistence agriculture over the years.
Policy shift

Zambian agriculture in general underwent significant transformation after the country attained political independence in 1964. Major changes in the Zambian agricultural policy, which were preceded by a major shift in the economic policy from state control to market liberalization, started taking place in the mid-1990s. This was when an agricultural policy statement for the year 2000 and beyond was put in place, setting out basic guiding principles for the operation of the agricultural sector as it evolves from a highly controlled and regulated industry to one that was expected to be fully liberalized and market driven. The most visible effect of the liberalization policy was the withdrawing of subsidies on fertilizers and improved seeds since 1991. Key objectives of the new agricultural policy framework included the need to ensure household and national food security through the annual production of dependable and adequate supplies of foodstuffs and to ensure that the existing resource base was maintained and improved upon. Strategies put into place to achieve these goals included the diversification of crop production, improved use of available natural resources, helping farmers deal with natural disasters and an emphasis on sustainable farming systems.

The development of the seed system was also influenced by these policy changes, which moved from a system that only promoted the formal sector to one that sought to promote and integrate the informal sector into the seed supply system. The objectives of promoting the informal sector included the need to facilitate increased availability and accessibility by strengthening the local seed systems, which were largely based on local traditional crop varieties.

Development of seed laws

The initial seed laws regulating the seed industry in Zambia were embodied in the Federal Seeds Act, which was put into place in 1965.2 This act was later replaced by the Agriculture (Seeds) Act in 1967.3 The 1967 act provided regulations regarding the release of varieties as well as regarding the testing, inspection and import of seeds. It also outlined the necessary conditions for the sale of seeds within the country. Under this act, only varieties that have been adequately tested under Zambian conditions and that are entered into the official variety list are eligible for marketing in the country. By and large, the Agriculture (Seeds) Act was designed to promote the formal sector and improved seed, providing the regulatory framework for variety release, seed certification, production and distribution. From the start, the conditions for variety release that were included in the act did not cater to farmers’ varieties or local traditional varieties.

As a means of improving the administration of the Agriculture (Seeds) Act and broadening stakeholder involvement, a National Variety Release Committee was formed in 1984 to scrutinize the release of crop varieties for commercial use in Zambia. Around the mid-1990s, it gradually became apparent
that the current seed law was inadequate to provide a balance between the commercial and subsistence farming systems, therefore prompting the need to review and amend the existing legislation. Amendments to the 1967 Agriculture (Seeds) Act resulted in the 1998 Plant Variety and Seeds Act. This act provided for increased private sector participation in seed quality control by way of licensing and the introduction of minimum standards for QDS. These standards were designed to promote seed production at community levels and facilitate the development of seed provision systems in outlying areas. It was expected to contribute to the promotion of the informal seed sector.

According to the Food and Agriculture Organization (FAO), the purpose of QDS is to offer an alternative quality control system that can be used for those areas, crops and farming systems in which highly developed seed quality control schemes may be difficult to implement. These minimum standards offer an opportunity for accommodating varieties of crops, such as farmers’ varieties, that may not easily fit within a conventional seed quality control scheme. It is said to be an open scheme that meets the needs of farmers in a flexible way without compromising the basic standards of seed quality. Adoption of the QDS standards and approaches in Zambia has allowed small-scale farmers to become more involved in the production of certified seed through their farmers’ associations. For example, groundnut seed for a registered groundnut variety called Chalimbana has been produced by small-scale farmers and distributed through a rural and smallholder-based farmers’ association in Zambia. A few similar cases involving seed crops that are not adequately attractive to large commercial seed companies such as common beans have also taken place.

The FAO’s QDS guidelines have ensured that QDS systems could be extended to materials that were not necessarily meet the standard of DUS. To date, these guidelines have not been implemented in Zambia with respect to farmers’ varieties that did not already satisfy the DUS standards for registration. While it might be challenging to do so in practice, it would certainly be a useful approach, given that the use of farmer-saved seed, either of the traditional local varieties or of recycled seed of improved varieties, by most small-scale farmers has generally been acknowledged to be part of, and a significant component of, the local seed systems and a significant component of the informal seed sector.

Other provisions of the reviewed act include the decentralization of seed testing, which has led to the need to establish satellite seed-testing laboratories and has been useful in supporting the development of the seed provision systems in rural areas. The participation of the private sector in seed quality control has included licensing to carry out seed inspections and testing in accordance with conditions set out in the act.

Most seed companies in Zambia have concentrated on hybrid maize, which has been the most economically viable seed. This decision has left most of the traditional crops (e.g. groundnuts, beans, sorghum, millet and cowpeas) unattended to and, therefore, has led to a shortage of seed/planting material for these crops. The role of the informal sector in filling this gap, especially in outlying areas, and integrating with the formal sector has been seen as critical not
only for a viable and sustainable seed industry in Zambia but also for improving the productivity of the majority of small-scale farmers. In this regard, a number of government, NGO and donor-supported programs were put in place to assist and develop seed provision systems in rural areas. Activities under these programs have included seed training to facilitate seed production at community levels and seed distribution in disaster situations.

The development of the rural seed provision system has created enthusiasm among smallhold seed growers. However, this system does not include seed multiplication for farmers’ varieties but, rather, uses improved varieties for which it does not even have a source of breeder/basic seeds. There is a need to implement some of the measures included in the agricultural policy that relate to addressing the constraints in seed production and distribution among smallholder farmers and facilitating their increased involvement. The latter can be accomplished, for instance, through the promotion of participatory plant breeding with the aim of evaluating the products of plant breeding and local varieties. Measures that have been considered as alternatives for sustaining these seed production initiatives include the need to support the multiplication of prebasic and basic seed of varieties developed through participatory plant breeding and making them available for seed production.

Notes

4 Plant Variety and Seeds Act, supra note 1.