

# TOWARDS A MORE HARMONIZED AND REPRESENTATIVE LAW ON SEED SYSTEMS IN MALAWI

## Civil Society demands the expedited enactment of the Seed Bill

### Key messages:

1. The Coalition of civil society organizations in agriculture and private seed traders recognizes the strides the Government of Malawi has made in an effort to create a conducive environment for seed industry growth, enhanced availability of high quality seed to farmers and alignment of seed legislation to regional ones to facilitate regional seed trade.
2. The growth of the seed sector cannot be fully realized until the Government enacts the Seed Bill, a framework law seeking to guarantee creating a conducive environment for the growth of the sector.
3. The Coalition therefore calls upon the Government to prioritize tabling of the Seed Bill in the forthcoming Parliamentary sitting of November 2021.
4. The coalition further calls for the bill to be enacted to safeguard the interests of all Malawians in an effort to leave no one behind.

### Background

Agriculture is the mainstay of Malawi's economy and seed is the major input. It accounts for 30 percent of Gross Domestic Product (GDP), generating over 80 percent of national export earnings and provides employment to about 80 percent of the rural population, production per unit area of land for cereals and grain legume crops still remains very low with smallholder farmers realizing less than a ton per hectare (APES, 2019). These low production levels have been attributed to poor quality and fake production inputs such as seed that put farmers at a disadvantage.

Malawi government recognizes the importance of high quality seed of improved crop varieties for improved productivity, food and nutrition security. The Ministry of Agriculture (MoA) launched a new Seed Policy in May, 2018 and gazetted new Seed Regulations in 2018 in order to create a conducive environment for seed industry growth and enhanced availability of high quality seed to farmers. Implementation of the seed policy however awaits enactment of the Seed Bill (review of 1996 Seed Act) which validated on 16th January, 2019 is currently at the Ministry of Justice.

The Seed Bill is a framework law to provide for the regulation and control of production, processing, sale, importation, exportation and testing of seed, and further to provide for the certification of seed, regulation of release and maintenance of seed varieties and for matters incidental to or connected therewith. The development of the Bill responds to the recommendations made by Civil Society and NGOs, Farmer Associations, Regional Experts and Development Partners.

The Seed Bill has revised penalties upwards to make them more deterrent to would be offenders. The country has over the years encountered proliferation of fake seed on the market which has affected production levels for small holder farmers. The current Seed Act stipulates that fake seed perpetrators pay maximum fine of K2,000 imprisonment or 6 months in prison or both. Deterring fake seed perpetrators has been futile due to the current weak penalties. The Bill also proposes harmonized seed certification and quality assurance systems with SADC

and COMESA seed regulatory system. Seed certification and quality assurance systems in Malawi differed from those of other member states in the region. This has contributed difficulty to move seed across borders in times of deficit. It has also delayed farmers access to high quality seed due to re-testing of seed consignments. As such, regional harmonization will integrate small and isolated local markets into one larger regional-wide market trading high-quality seeds. The Malawi Vision 2063 highlights increased agriculture productivity and commercialization as a key pillar to the development of Malawi. The enactment of the Bill will provide a conducive environment for smallholder farmers to reap the fruits of their labour through increased production and access to profitable markets.

Regrettably, the Seed bill has been in draft form since 2019. This has continued to undermine programming, and has compromised access to high quality seed and potential income benefits to the most vulnerable people. When the framework law on the Seed is in place, the Government of Malawi would benefit significant increase in seed production and export thereby contributing to foreign exchange earnings, increased farmers' accessibility to high quality seed of various crop varieties as a result of increased competition in the seed sector, increased employment opportunities as a result of increased seed production amongst other benefits.

#### Civil Society demands to Government of Malawi

The Civil Society commends the Government for the efforts that have been made to move the Seed Bill forward towards enactment. It applauds the commitment by the Ministry of Agriculture to increase access to certified seed by implementing the scratch card system for the 2021/22 AIP Season in its efforts to curb the proliferation of fake seed on the market.

The Civil Society has however, been concerned with the slow progress towards tabling this Bill in Parliament. It is against this background that the CSOs and private sector organizations undersigned collectively call on Government of Malawi to:

1. Prioritize tabling of the Seed Bill in the forthcoming Parliamentary sitting of November 2021. This will provide an opportunity for the Legislature to judiciously deliberate and reflect on the provisions of the Bill, propose its improvement to make it complete, and recommend its adoption as a framework law for Malawi.
2. Enact the bill for the people of Malawi to realize their right to high quality certified seed .

#### Signatories | Endorsements

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