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# UNDP Ethiopia 2011

## **An Effective Legal Framework:**

Seeds and Plant Variety for the  
Federal Democratic Republic of Ethiopia



# Contents

General context	<b>1</b>
The production, certification and marketing of seeds	<b>1</b>
The protection of plant varieties	<b>2</b>
Guidelines for the operation of a National Seed Inspection and Certification Service (NSICS)	<b>3</b>
Overall assessment	<b>4</b>

## General context

Ethiopia is a major agricultural producer, with 41% of the GDP deriving from the sector. In addition, agriculture contributes to as much as 90% of the revenue from export, while at the same time secures 85% of all employment. The Government has recognized the strategic importance of the sector and is seeking to accelerate pro-poor economic growth by promoting the concept of Agricultural Development Led Industrialization, which presupposes productivity enhancement of smallholder agriculture and industrialization, based on utilization of domestic raw materials by adopting labor-intensive technology.

In the effort to promote productivity, a series of programs have been launched, including the Agricultural Growth Program (AGP), launched with the joint effort of donor communities and in which the UNDP has played the leading role. UNDP closely works with the Ministry of Agriculture, the Agricultural Transformation Agency and other bodies involved in steering the development of the sector, also through provision of technical advice in institution building and policy development.

The present paper briefly outlines one such area of support, the seed and plant variety policy. The UNDP country office has supported the Ministry of Agriculture with the development of a comprehensive legal framework in this sector, which is critical for the development of a sustainable agricultural sector in the country. This has led so far to concrete policy proposals which have been incorporated in the draft legislation presented for peer review or already submitted to adoption by the legislative and Council of Ministers.

## The production, certification and marketing of seeds

The fact that Ethiopia lacked a coherent framework for the production, certification and marketing of seeds is an indicator of the severe structural weaknesses of the agriculture sector. Thus, the proposals made by the UNDP for a modern and comprehensive proclamation (ie, regulation, act of Government) establish important landmarks for the seed sector: quality assurance, traceability and extended use of improved seeds, differentiation between GM seeds and non-GM, controls on the quality of seeds, a research and innovation framework, the establishment of national and local certification bodies, while simplification and a minimal bureaucratic charge are sought. In concrete terms, the legislation proposed is designed to:

- promote and foster research and development towards the improvement and production of seeds as well as for the conservation and use of plant varieties of common use;

- foster and implement mechanisms that integrates and link research, production, commercialization and use of seeds;
- promote schemes that allows for smallholder farmers preferential access to new and better seeds;
- support actions and programs for strengthening the capacity of the sectors represented in the System;
- establish an information system pertaining to seeds, that considers the provisions of the Law for transparency and access to information from the public administration;
- promote the institutional organization of producers, marketers, breeders and owners of plant varieties, with the objective of strengthening their participation in matters pertaining to this proclamation;
- promote the use of new and better seeds by farmers.

The concrete result of this action is a proclamation following the general lines of the UNDP proposals submitted to peer review and following that for adoption by the legislative – Council of Ministers and Parliament.

## The protection of plant varieties

This issue is linked to the question of protection of production and marketing of seeds, representing an important element for the conduct of research and registration of new plant varieties by the private sector. This is an element of anticipation and vision, which will attract research and innovation, foreign investment in the development of new seeds and plant varieties, as well as efficiency gains for the agricultural sector. The protection of proprietorship rights is fundamental for the economic incentive of conducting research for plant varieties that are more resilient, adapt for the environment of the country, less vulnerable to pests and which provide higher yields.

The main scope of a plant variety Proclamation is to guarantee the right for a private individual or organization to be recognized as a breeder and owner of a plant variety. This right shall be intangible, that cannot be taken away and which will not prescribe. Secondly, this right should give the owner the possibility to make gainful advantage, as exclusive temporary right, personally or by third party with owner's consent, of a plant variety, and its propagation material, for reproduction, production, distribution and sale, as well as in use as parental material for the production of hybrids with commercial purpose.

The duration of the protection (18 for vines and 15 years for other plants, after which

the plant variety becomes public domain) is similar to other international regimes and seems reasonable for the current state of development of breeder rights in Ethiopia. Other regimes, such as the EU, provide for a longer duration of the protection (25 and 30 years respectively). Thus, a later revision of the duration or other elements can be considered at a later stage, should there be a demonstrated need for this.

In addition to the general framework describing the plant varieties legislation and the breeder's rights, the UNDP also submitted corresponding regulatory proposals for implementation regarding application, oversight, licensing, national registry and issues such as revocation, nullification or controls and sanctions.

Even though for the moment the proposals included in the legislative draft documents put forward by the UNDP have not been transposed into legislation yet, they are a welcome and useful.

## **Guidelines for the operation of a National Seed Inspection and Certification Service (NSICS)**

This document completes the previous proposals on seeds and plant varieties, providing the administrative framework for inspection and compliance with the regulatory framework which will be established for this sector. The NSICS is a proposed body with wide-ranging attributions, from the implementation of the seed regime to the establishment of good working relations with other bodies of the GoE and international bodies for the promotion of its area of competence.

More specifically, the proposed NSICS is designed *inter alia* to:

- strengthen national capacity on technological seed assets;
- establish policies, strategies and international resolutions related to the conservation and protection on the use of phyto-genetic resources, protection on breeder's rights and the improvement on seed quality analysis;
- promote technology transfers on issues related to seeds and phyto-genetic resources;
- implement current seed quality standards;
- develop projects for the improvement of quality standards for certification of seeds and ensure their application;
- establish, coordinate and maintain harmonization between international guidelines and the Ethiopian seed norms;
- promote and foster international cooperation;

- approve professionals who can work as supervisors on seed certification, evaluation of plant varieties towards varietal characterization or work as inspectors during the verification of certifying organisms;
- control and apply corresponding sanctions for violations to the seed proclamation, its regulations and the dispositions on this guideline

The guidelines for general operation of the National Seed Inspection and Certification Service are comparable to other similar bodies functioning at national and supra-national level, thus providing a modern and comprehensive framework for the development of a robust and well-functioning seed sector in Ethiopia. These guidelines have been submitted to analysis to the Ministry of Agriculture, which is the process of considering the establishment of such an institution.

## Overall assessment

From the set of policy proposals submitted by the UNDP to the Ministry of Agriculture of Ethiopia, it can be concluded that the comprehensive framework suggested for the production, certification and marketing of seeds, together with the protection of plant varieties, all supported by a solid institutional framework embodied by the NSICS, represents a coherent, concrete and actionable policy program that can be utilized by the Government of Ethiopia in order to efficiently regulate this essential sector for the Ethiopian agriculture and economy in general.





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