

## ***Endorsement and Support***

*This position paper remains open for endorsement by farmers, civil society organisations, farmer organisations, networks, research institutions, and development partners that share the commitment to protecting farmers' rights, strengthening farmer-managed seed systems, and promoting resilient seed systems in the East African region. Interested organisations are invited to add their details [here](#) form to join this collective advocacy effort.*

## **Joint Civil Society Position on the Draft EAC Seed and Plant Varieties Bill, 2025**

**To:** The Speaker and Members of the East African Legislative Assembly (EALA)

**From:** Civil society organizations, farmer networks, and development partners across the EAC

**Date:** 30th September 2025

### **1. Introduction**

Seed is the fundamental basis of East Africa's agriculture. About 70-80% of the seeds planted by smallholder farmers in East Africa are either saved on farm or obtained informally through local markets, seed fairs or directly from fellow farmers, or in other words through Farmer Managed Seed Systems (FMSS). Cognisant of this, we, the undersigned organizations from across the East African Community (EAC), pursuant to Article 127(3) of the EAC Treaty, present this joint position on the Draft EAC Seed and Plant Varieties Bill, 2025.

In June 2025, the EAC Seed and Plant Varieties Bill, 2025<sup>1</sup> has been tabled in the East African Legislative Assembly (EALA). An earlier draft Bill from 2018 had stalled after facing heavy opposition from civil society in the region. However, even the new Bill bears big risks for farmers as well as seed diversity and impairs national sovereignty of member states.

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<sup>1</sup> EAC Gazette, No 2 of 28th February 2025: The EAC Seed and Plant Variety Bill  
<https://crops4hd.org/wp-content/uploads/2025/10/The-East-African-Community-Seed-and-Plant-Varieties-Bill-2025.pdf>



The EAC Seed and Plant Varieties Bill shall now undergo consultation with actors of civil society before being discussed for adoption in EALA. This position paper is the result of a collaborative process with numerous civil society and farmers' organisations in EAC and beyond and seeks to clearly point out the perspective of the civil society in the region. It is an offer for dialogue with EALA and other representatives of EAC, to improve the Bill and to make it better adapted to the needs of smallholder farmers and more conducive for the seed diversity in the region.

Our collective concern is that while the Bill aims to harmonize seed laws, if passed in the current form, it undermines **farmers' rights (to save, use, exchange, and sell farm-saved seeds), seed sovereignty, and puts at risk the rich agro-biodiversity** of the region, which forms the foundation of food security and climate resilience in the region. The Bill in its current form is in contravention of Article 6(d) of the EAC Treaty on the principles of the EAC Treaty specifically on social justice, equal opportunities and the promotion and protection of human and peoples rights in accordance with the provisions of the African Charter on Human and Peoples' Rights.

Furthermore, it contravenes Article 103(1)(c) on the encouragement of the use and development of indigenous science and technologies as well as Article 105 on food security.

The Bill seeks to harmonize seed laws across member states. While it aims to improve seed quality and facilitate private sector involvement, it risks entrenching corporate control over seeds, limiting smallholder farmers' rights, and threatening agro-biodiversity.

This paper analyzes the Bill's implications, highlights its potential risks to farmers, biodiversity, and human rights, and proposes actionable recommendations to align the law with **farmers' rights, agroecology, and sustainable development priorities** in East Africa.

Smallholder farming accounts for about 75 percent of agricultural production and over 75 percent of employment<sup>2</sup> in East Africa, and up to **70-80% of seed planted originates from farmer-managed seed systems**. Yet, this system is in no way recognized in the draft

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<sup>2</sup>Adeleke Salami, Abdul B. Kamara and Zuzana Brixiova, 2010 Smallholder Agriculture in East Africa: Trends, Constraints and Opportunities Working Paper No. 105



Bill and the provisions of the bill would install new barriers for farmer managed seed systems and prohibit the saving, reuse, exchange, selling and sharing in the seed system.

Restricting the sale, exchange and sharing of farmers' seeds worsens the food insecurity situation in the EAC region. The United Nations estimates that in 2022, in East Africa specifically, the number of severely food-insecure individuals rose by 25% from 87 million to 132 million people within the same period, underscoring the region's acute vulnerability.<sup>3</sup> East Africa emerges as the most vulnerable region, with 29% of export earnings allocated to food imports.<sup>4</sup> This translates to a significant reliance on international trade for food security.<sup>5</sup> In the recent past, Kenya, Uganda, and Tanzania have spent substantial amounts on food imports. In 2023, Kenya's import bill rose to sh. 201 billion with importation of 84% of the locally consumed rice and more than 90% of edible oils<sup>6</sup> and in Uganda, food importation represented 10.66% in 2023 of the total merchandise.<sup>7</sup> Furthermore, the Bill restricts the sovereignty of the EAC Partner States to define and adjust laws regarding seeds, based on their national needs and priorities, and under the participation of relevant stakeholders, including farmers. It is in contradiction with the National Agroecology Strategies, recently adopted or under preparation by EAC Partner States, such as Tanzania, Kenya, and Uganda as well as EAC's own resolution to promote Agroecology, adopted by EALA, on 21/07/2025<sup>8</sup>.

<sup>3</sup> Reliefweb 2024: FAO Stresses Innovation, Partnerships, and Efficiency to Address Food Insecurity in Eastern Africa  
<https://reliefweb.int/report/uganda/fao-stresses-innovation-partnerships-and-efficiency-address-food-insecurity-eastern-africa>

<sup>4</sup> Luke, David (ed) (2025) How Africa Eats: Trade, Food Security and Climate Risks, London: LSE Press, pp. 1–8.  
<https://press.lse.ac.uk/chapters/e/10.31389/lsepress.hae.a>

<sup>5</sup> Taku Fundira, 2017: Africa's food trade: overview  
<https://www.tralac.org/documents/publications/trade-data-analysis/962-africa-food-trade-overview-september-2017/file.html#:~:text=6-,Intra%2DAfrica%20Trade,originated%20from%20outside%20the%20continent>

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<sup>6</sup> Seair, 2023: Kenya's expenditure on food imports has reached Sh.201Billion  
<https://www.kenyatradedata.com/blog/kenyas-expenditure-on-food-imports-has-reached-sh-201billion>

<sup>7</sup> Trading Economics 2025: Uganda - Food Imports  
[https://tradingeconomics.com/uganda/food-imports-percent-of-merchandise-imports-wb-data.html#:~:text=Food%20imports%20\(%25%20of%20merchandise%20imports\)%20in%20Uganda%20was%20reported,Bank%20on%20June%20of%202025.&text=Food%20comprises%20the%20commodities%20in,nuts%2C%20and%20oil%20kernels](https://tradingeconomics.com/uganda/food-imports-percent-of-merchandise-imports-wb-data.html#:~:text=Food%20imports%20(%25%20of%20merchandise%20imports)%20in%20Uganda%20was%20reported,Bank%20on%20June%20of%202025.&text=Food%20comprises%20the%20commodities%20in,nuts%2C%20and%20oil%20kernels)

<sup>8</sup> EALA, 2025: EALA Adopts a motion urging the EAC Council of Ministers and Partner States to promote Agro-Ecology to Strengthen Food Sovereignty and Food Security.



The bill would install strict provisions for seed regulation and plant variety protection on a regional level. Almost all EAC members have their own national legislation on seeds and plant variety protection, adapted to their national needs and priorities. The bill would install new parallel and potentially conflicting law on regional level for subjects already regulated on national level. This would curtail national sovereignty and create legal uncertainty.<sup>9</sup> Rather than defining provisions that become ineffective on a national level, it should give guidance for the Partner States on how to create more space for farmers' seed systems, how to realize and protect farmers rights and how to balance breeders rights with the tradition to use farm-saved seeds.

The bill is written along the lines of standards dictated by actors outside of Africa - like UPOV, OECD and World Bank. It ignores African Standards, such as the African Model Legislation for the Protection of the Rights of Local Communities, Farmers, and Breeders, and for the Regulation of Access to Biological Resources<sup>10</sup>, as well as the AU Policy on Farmer-Managed Seed Systems, which is currently being developed. Even the AfCFTA Protocol on Intellectual Property Rights<sup>11</sup> and its Annex on Plant Variety Protection (still under discussion) prescribes that plant breeders' rights need to be balanced with farmers's rights, in line with the international obligations of the member states.

## 2. Key concerns

### 1. Restrictions on traditional seed practices

- The Bill risks criminalizing or limiting age-old practices of traditional breeding, saving, sharing, exchanging, and selling farm-saved seeds, threatening the very basis of farming in the region.

### 2. Violation of farmers' rights

- The Bill promotes breeders' rights as opposed to farmers' rights. Farmers' rights, as recognized under the **International Treaty on Plant Genetic**

<sup>9</sup> Peter Munyi, 2025: EAC Seed and Plant Varieties Bill, 2025: potential impacts on farmers' rights in Partner States

<sup>10</sup> Organisation of African Unity, 2000: African Model Legislation for the Protection of the Rights of Local Communities, Farmers, and Breeders, and for the Regulation of Access to Biological Resources

<sup>11</sup> African Union 2023: Protocol to the Agreement Establishing the African Continental Free Trade Area on Intellectual Property Rights

<https://au.int/en/treaties/protocol-agreement-establishing-african-continental-free-trade-area-intellectual-property>



**Resources for Food and Agriculture (ITPGRFA)** and national constitutions, are not safeguarded.

### 3. **Marginalization of agro-biodiversity**

- Heavy emphasis on commercial and certified seed will erode diverse, locally adapted varieties that underpin resilience to climate change, pests, and diseases.

### 4. **Exclusion of farmer-managed seed systems**

- The draft largely ignores the contribution of farmer-managed seed systems, despite their centrality to rural livelihoods and food sovereignty.

### 5. **Food sovereignty vs. trade liberalization**

- The Bill frames seeds as a commodity for trade, not as a human right linked to food sovereignty.
- Farmers' right to fully and meaningfully participate in all decisions that affect their lands, livelihoods, and lives, is undermined.

### 6. **Seed prices & affordability**

- No safeguards against monopolistic pricing.
- Certified seeds are often unaffordable for smallholder farmers, worsening inequality in access to food production.

### 7. **Corporate capture of seed systems**

- Opens the door for multinational seed companies to dominate, marginalizing smallholder seed enterprises and misappropriation of genetic resources that belong to local farmer communities and to the Partner States of East African Community.
- Farmers could become dependent on costly inputs (seed and chemicals), undermining sovereignty.

### 8. **Violation of international obligations and human rights**

- The Bill is in contradiction with international obligations of EAC member states like the International Treaty for Plant Genetic Resources for Food and Agriculture to which all EAC Partner State (except Somalia) are members and to the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas which has been adopted by UN General Assembly, whereby all EAC Partner states voted in favor.

### 9. **Introduction of new plant variety protection system on regulation basis**



The Bill Article 12 provides for unified provisions for scope and conditions for plant variety protection. However, it does not define these provisions but authorises the Council of Ministers to define them on regulations level. This is highly problematic as this shifts decision power from legislator to government and does not allow the concerned farmers and civil society to participate.

### 3. Recommendations

We urge EALA to:

- **Protect and promote farmers' rights**, including the rights to breed, save, use, exchange, and sell farm-saved seed.
- **Explicitly recognize farmer-managed seed systems** as complementary to the formal seed sector.
- **Safeguard agro-biodiversity** by ensuring policies support diverse seed varieties, including traditional and indigenous crops.
- **Align the Bill** with regional and international obligations, including the ITPGRFA, UNDROP, African Union seed frameworks, and constitutional provisions of Member States.
- **Guarantee inclusive participation** of farmers, civil society, and indigenous peoples in both the elaboration and implementation of the Act.
- Frame the right to seed as a fundamental **human right and a public good**, not just a commodity.
- Align the Bill with **food sovereignty principles** to ensure farmers define their own agricultural systems.
- Establish **affordability safeguards** (price caps, subsidies, or support to local seed multipliers).
- Cap market concentration by **reserving space for smallholder farmer's seed enterprises** in national and regional seed trade.

This position reflects the collective voice of farmers, civil society organizations, farmer networks, and partners across the EAC who are committed to resilient, sovereign, and farmer-led seed systems.



We hereby call upon the Members of EALA to incorporate these recommendations to ensure that the revised Seed and Plant Varieties Act strengthens food security, protects farmers' rights, and advances regional integration in a just and sustainable way.





#### 4. Suggested Changes of Text

Section	Suggested changes	Reasoning
Art 2	“breeder” means— (a) a person who develops a plant variety; (b) a person who employs or commissions the person who discovers and develops a plant variety; or (c) a successor in title of the person referred to in paragraph (a) or (b); -> replace “discover” with “breeds”	The mere discovery (as well as discovery and homogenisation) can not be considered breeding. The recognition of discovery as a breeding activity might facilitate biopiracy though the “discovery” and homogenisation of farmers’ varieties
Art 2	(new) “traditional variety” means variety which is: a) traditionally cultivated and developed by farmers b) predominantly bred or selected by farmers	As over 80% of seeds in EAC are farmer’s seeds this needs to be included in the Bill.
Art 6	(1) A national plant variety release committee shall not release a plant variety <u>for sale as certified seeds</u> unless that plant variety has successfully undergone two seasons of the following tests— (a) Distinctness, Uniformity, Stability test carried out in accordance with regulations issued under this Act; and (b) Value for Cultivation and Use or National Performance Trials.	Is is important to indicate that the DUS criteria only apply to the formal seed system, not to farmers’ seeds
Art 7 bis	(new) (1) Each partner state shall establish and maintain a National Register for Farmers’ Varieties. The varieties shall be registered on request by farmers or local communities who act as custodians for the variety, based on criteria that are relevant for farmers and can be assessed by farmers on their fields	To recognize farmers’ variety, a separate register shall be established, based on criteria that are better adapted to farmers’ needs (in contrast to DUS) <sup>9</sup>
Art 8	(1) Subject to subsection (2), seed for a plant variety in the Community catalogue shall be produced, imported or exported within the Community <u>as certified seed</u> if the seed is certified by a national seed authority.	Needs to be specified that this only applies to seed that is sold as certified. Else it might be understood to allow the production (including saving on farmers field) only for registered varieties
Art 12	Delete (4) (a) through (g) and replace with the suggestion below.	The provisions for PVP are contradictory: While (1) and (2) indicate that application for plant





		<p>variety protections still are to be handled on national level based on national law, (4) provides for pvp conditions and scope to be prescribed on community level based on regulations. This is problematic as regulations are not legitimized by a parliamentary decision and potentially overrule national law based on parliamentary decisions. We therefore suggest that PVP should still be defined on national level, but that EAC gives some guidance to assure that national PVP legislation is in line with African strategies and with international obligations of EAC countries.</p>
Art 12	<p>New:</p> <p>(4) The definition of requirements and conditions for plant variety protection shall remain under national authority. The Partner States shall align their seed laws with the priorities of EAC, African Union, AfCFTA and international obligations from ITPGRFA and UNDROP. Particularly, their laws shall follow the provision below:</p> <p>1) Farmers' Rights shall be granted by Partner States in their national law and nothing in this Act shall be interpreted to limit any rights that farmers rights to:</p> <p>a) the protection of their traditional knowledge relevant to plant and animal genetic resources;</p> <p>b) obtain an equitable share of benefits arising from the use of plant and animal genetic resources;</p> <p>c) participate in making decisions, including at the national level, on matters related to the conservation and sustainable use of plant and animal genetic resources;</p> <p>d) save, use, exchange and sell farm-saved seed/propagating material of farmers' varieties;</p> <p>e) use a new breeders' variety protected under this law to develop farmers' varieties, including material obtained from genebanks or plant genetic resource centres; and</p> <p>f) collectively save, use, multiply and process farm-saved seed of protected varieties.</p> <p>2) Notwithstanding sub-paragraphs c) and d), the farmer shall</p>	<p>PVP constitutes a potential threat for farmers rights. EAC Partner States are obliged to realize and protect farmers rights due to the following obligations:</p> <ul style="list-style-type: none"> <li>• AfCFTA protocol on Intellectual property rights, Article 8.1 (Farmer's rights) and Article 20 (Genetic Resources)</li> <li>• ITPGRFA Article 9 (Farmers' Rights)</li> <li>• UNDROP Article 19</li> </ul> <p>Further documents give guidance on how to implement farmer rights in PVP:</p> <ul style="list-style-type: none"> <li>• OAU MODEL LAW , ALGERIA , 2000 — Rights of Communities, Farmers, Breeders, and Access to Biological Resources</li> </ul>



	<p>not sell farm-saved seed/propagating material of a breeders' protected variety in the seed industry on a commercial scale.</p> <p>3) Breeders' Rights on a new variety shall be subject to restriction with the objective of protecting food security, health, biological diversity and any other requirements of the farming community for propagation material of a particular variety</p> <p>4) Partner States shall require that an applicant for variety protection provide the following information:</p> <p>a. source of the genetic resources utilised for breeding the new variety ;</p> <p>b. proof that the resource has been rightfully acquired and that prior informed consent from the farming communities from which the resource has been obtained;</p> <p>and</p> <p>c. proof of fair and equitable benefit sharing</p>	
Article 12 and 13	<p>a) Include explicit safeguards for farmers' rights to save, exchange, and sell seeds; establish a dual register system for commercial and farmer-managed varieties.</p> <p>b) Create a publicly accessible farmer seed register, ensuring transparency and recognition of traditional varieties.</p>	<p>Criminalization of traditional seed saving and exchange.</p> <p>Corporate monopolization of seed markets.</p> <p>Reduced access to indigenous and climate-resilient seeds.</p>

