

## DeSIRA-LIFT Terms of Reference

*Sub-service area 3.3: on-demand requests*

### International Seed Law Expert (NKE 3.4, Cat I)

***Strengthening capacity development of smallholder farmers for international seed negotiations in Africa***

#### Background

The [DeSIRA Initiative](#), funded by the European Commission (DG INTPA) seeks to enhance an inclusive, sustainable and climate-relevant transformation of rural areas and agri-food systems, by linking agricultural innovation with research and education for developmental impacts at scale. It supports actions in low- and middle-income countries (LMICs) to strengthen agriculture and food systems resilience, the relevance of the national and regional innovation systems, and the coherence and efficiency of their agricultural public research and extension services related to climate change adaptation.

DeSIRA-LIFT is a *service project* (June 2021 – May 2024) to the European Commission (EC), Directorate General for International Partnerships (DG INTPA) with the main objective to enhance the impact of the DeSIRA Initiative by providing (on-demand) services to DeSIRA project holders and partners. DeSIRA-LIFT includes three service areas aligned to the three DeSIRA Pillars: *Service Area 1* supports country-led DeSIRA projects to enhance their impacts on climate-oriented innovation systems in line with more sustainable food system transitions. *Service Area 2* supports the Comprehensive Africa Agriculture Development Programme (CAADP) ex-pillar IV organizations in their Agricultural Knowledge and Innovation Systems (AKIS) related roles. *Service Area 3* supports policy makers on themes related to agricultural research for development (AR4D) and innovation policies and programming.

This assignment is part of *Service Area 3: Sub-service area 3.3 - On-demand requests*.

#### Rationale of the assignment

The African Union (AU) has embarked on a mission to set up seed regulatory frameworks across the continent, beginning with establishment of a set of Guidelines on seed law harmonisation.<sup>1</sup> It is believed there is an intention to formalise farmers' rights and farmer managed seed systems within a regulatory system that only favours industrial and commercial agriculture. Indeed, there is a risk that processes like seed and biotechnology harmonisation are being decided directly between industry and the AU without proper consultation of the majority of small-scale farmers concerned and that the result will facilitate rapid expansion of the corporate seed industry at the expense of the informal seed system. This is likely to undermine any attempts to promote agroecology on the continent whilst at the same time increase the risk exposure of agricultural systems to climate change and contribute to biodiversity loss<sup>2</sup>. A weakened agriculture system could also lead to increased food and nutrition security risks and accelerated rural-urban people migration.

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<sup>1</sup> SEE:

<https://www.acbio.org.za/guidelines-harmonisation-seed-regulatory-frameworks-africa-call-african-social-movements-block>

<https://actalliance.eu/wp-content/uploads/2021/02/seed-markets-for-agroecology-act-eu2020.pdf>

[https://ec.europa.eu/info/sites/default/files/br\\_toolbox-nov\\_2021\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/br_toolbox-nov_2021_en_0.pdf)

<sup>2</sup> SEE: <https://actalliance.eu/resources-post/seed-markets-for-agroecology-act-alliance-eu-pcd-discussion-paper-on-seeds-and-food-security-2020/>

The process underway has seen draft Guidelines prepared in 2021 put on hold because of pressure from Civil Society actors<sup>3</sup> demanding consultations to be more democratic and inclusive and therefore legitimate. However, it is believed the process of finalising the guidelines will take place sometime in 2022 in the run up to the AU Summit in October/November.

The situation is furthermore characterised by the recent establishment of the African Continental Free Trade Area (AfCFTA) and deepening trade integration. Recent examples show that countries are being encouraged to accede to the Plant variety UPOV 91<sup>4&5</sup> treaty as part of trade agreement packages. Accession results in domestication of the UPOV law obliging smallholder farmers using corporate seeds to pay hefty sums and prohibits them from replanting or exchanging the seed<sup>6</sup>.

The recent EU Green Deal and Farm-to-Fork strategy have placed more emphasis on climate change and biodiversity considerations, notably in farming and through the promotion and transition to organic agriculture in the EU. This will lead to several new EU regulations (e.g., seed marketing, GMO, Sustainable Food System Labelling) in the coming years, some which are already under public consultations.

This strategy should ultimately be used to promote similar agricultural innovations in third countries in consistency with Policy Coherence for Development.

### **Scope of the assignment**

The Expert will review the current state of European, African and International seed laws, regulations and treaties and give advice on the impact of the rights of smallholder farmers in Africa to use, breed, save and exchange seeds in the future. The expert's assignment will especially focus on the impact this is likely to have on the ability to promote agroecological solutions in Africa and by extension other third countries where DG INTPA is working. It will map out a way forward for promoting smallholder participation in development of international seed systems guidelines with a view to making the related laws, regulations and treaties more inclusive and sustainable.

### **Deliverables**

- A 15-page report on the status of international, EU and African seed laws, regulations and treaties, including current and future perspectives, conclusions and recommendations for a way forward that secures smallholder farmer rights. The report should include a 2-page Executive Summary also providing a brief strategy for INTPA to follow to communicate results to the AU and EU, but also to CSOs, Farmers' Organisations and EU Member States.

### **Reporting**

The Expert will report to the DeSIRA-LIFT team and DG INTPA F3.

### **Duration and size of the assignment**

The assignment includes 15 working days in April 2022.

Draft report to be submitted 2<sup>nd</sup> May 2022, final report to be submitted 12 May 2022.

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<sup>3</sup> Brot für die Welt (Bread for the World)

<sup>4</sup> <https://www.upov.int/portal/index.html.en>

<sup>5</sup> International Convention for the Protection of New Varieties of Plants. As a treaty, it has probably been surpassed by more modern treaties and declarations (for example the CDB 1994, the ITPGRFA 2004 and the Declaration of the Rights of Peasants 2018

<sup>6</sup> <https://urldefense.com/v3/https://www.the-star.co.ke/amp/news/2021-12-28-farmers-shock-as-sharing-seeds-could-land-them-six-months-in-jail/!!DOxrgLBm!Tq4hMDbtcjA1kWTwTQdSISZa1aAPTJxO1ulKISJ54vBbEpxJRr4GTZ8G1AR5iP5VffkYTjMS>

## **Location of the assignment**

The assignment will be home-based and includes a desk review.

## **Required qualifications and experience**

The expert will have:

### Qualifications and skills

- At least MSc/MA-level in a discipline related to International Development, Social Sciences or Agricultural Sciences.

### General professional experience

- At least 12 years' professional experience in areas directly relevant to international development, agricultural sciences, seed systems, or likewise.
- A research track record in the following fields is appreciated: social studies in formal and informal seed systems, policy studies in food and agriculture with an agroecological content.
- Proven knowledge and expertise in research and innovation with a systemic view, institutional change and system transformation.
- Knowledge and experience in Agricultural Innovation Systems (AIS)
- Practical experience in supporting, promoting or facilitating smallholder farmer representation in international dialogues on seed systems, such as foresight, visioning, public engagement in science, or technology co-design workshops.

### Specific professional experience

- At least 5 years' professional experience in areas directly relevant to agriculture in an international setting, including
  - Knowledge of international seed law
  - Knowledge and experience of formal and informal Seed systems in Africa
  - Seed system development and policies in LMICs.
- Experience working in LMICs in consultation with professional organizations (farmer organizations, NGOs, private companies, research centres, etc.) and/or international organizations in the field of informal and formal seed systems development and / or multi-stakeholder processes.

### Soft skills

- Ability to work in a team and in a multicultural context
- Motivation, self-direction and proactiveness
- Methodological rigour, priority management and organisational skills
- Excellent writing and oral presentation skills in English.