

AFRICAN CIVIL SOCIETY DEMANDS INCLUSION OF FOOD SOVEREIGNTY AND THE RIGHT TO FOOD IN THE GERMANY G7 PRESIDENCY AGENDA.

1.0 Implications of the G8 New Alliance on Food Sovereignty

The G8 New Alliance for Food Security and Nutrition was launched in 2012 by the eight most industrialised countries to mobilize private capital for investment in African agriculture. It aims to transform African farming by boosting private sector investment. Ten African countries are participating (Ethiopia, Burkina Faso, Cote d'Ivoire, Ghana, Mozambique, Tanzania, Benin, Nigeria, Malawi and Senegal) and almost US\$8 billion has been committed. To be accepted into the programme, African governments are required to make important changes to their land tenure and seed laws in order to protect the investors. The New Alliance prioritises granting national and transnational corporations (TNCs) new forms of access and control to the participating countries' resources, and gives them a seat at the same table as aid donors and recipient governments. The push of the G8NA's agriculture in Africa is to allow for transnational agribusiness and big seed companies to capture the African market for their improved seed varieties including Genetically Modified seeds. To do this, African countries are changing their seed laws to create a favourable policy environment for foreign seed companies. For example, Mozambique is required to "systematically" cease distribution of free and unimproved seeds (peasant varieties) and instead to pass a PVP law in order to promote private sector investment in seed production. Similar trends are being pushed in all participating countries. Moreover, farmers' seeds are not the only target. African Governments have been coaxed to embrace the Green Revolution package wholesomely whose hallmarks include monoculture crops, where large tracts of land are planted to a single crop; package of hybrid seeds which responds to chemical fertilizers and are protected by chemical herbicides and pesticides, produced and controlled by agribusiness; export oriented, mechanized and capital intensive systems of farming. Agricultural land held under customary law is also being privatized, by means of new land tilting regulations, and leased to participating corporations. For example, Government of Malawi has committed to making 200, 000 hectares of prime farmlands available to participating investors by 2018.

1.1 The G8 Privatising Seed in Africa

The changes to seed policy being promoted by the G8 New Alliance refer to neither farmer-based seed systems nor farmers' rights. They make no effort to strengthen farming systems that are already functioning. On the contrary however, it is not conventional agriculture that provides food for the majority of households in Africa. Ecological forms of agriculture, practiced by small-



scale farmers who provide food security directly to their families and local communities, still contribute the largest proportion (contributing about 50% of the global food chain)¹. While the industrial food chain provides 30 percent of our food needs, the bulk is produced by peasant farmers. It is worth noting that 70% of the world's food is produced by small scale farmers using roughly 30% of the world's farmland. Only 30% of the world's food is produced by industrial agriculture on 70% of the world's farmland. Today, formal seed systems are dominated by private corporations, which profit from ownership of germplasm and the technologies used to modify it. But in Africa, a very significant base of germplasm and plant selection techniques still resides in the hands of farmers.

Africa is awash with PVP legal frameworks at the national and regional levels. These are in various stages of development and are, almost without exception, based on UPOV 1991. This is so despite African countries having a clear choice in terms of the TRIPS agreement to develop their own sui generis PVP system. One by one, African governments are being co-opted into reviewing their seed laws and buying into a process of implementing PVP laws through a fast-tracked regional harmonisation process. The harmonisation of PVP laws across regions, and eventually across the whole continent, is promoted as being vital to stimulate regional seed trade in Africa and thereby, give farmers access to a wider range of 'improved' varieties. For the seed industry, it is not just the tapping of a bigger seed market, but the even bigger reward is that harmonisation through trade blocs will ensure that even the more reluctant countries are forced to enact PVP laws that comply with the highest level of IP protection.

Both the Southern Africa Development Community (SADC) and the Africa Regional Intellectual Property Organization (ARIPO) have prepared draft legal frameworks for the Protection of New Varieties of Plants (PVP) while COMESA has commissioned national consultations of its draft Seed Trade Harmonization Regulations 2012. ARIPO has just reviewed its draft legal framework for the Protection of New Varieties of Plants but without implementing regulations and the ARIPO secretariat is now advancing plans for the adoption of this draft protocol at the Diplomatic Conference scheduled to be hosted by Tanzania in early July 2015. Similarly seventeen (17) mainly francophone countries belonging to the African Organisation for Intellectual Property (OAPI) have already had a plant variety protection law based on UPOV '91 since 2006. It was established in 1977 by the Bangui Agreement, and revised in 1999 to align it with the WTO TRIPS Agreement. The OAPI PVP protocol confers on breeders an exclusive right to "exploit" new plant varieties for 25 years. Farmers are nonetheless allowed to save and re-use seed from protected

¹ ACB (2014). Understanding the impacts of Genetically Modified crops in Africa. An Activist handbook



varieties on their own farms – for any crops and without paying successive royalties. But like all UPOV-modelled laws, the Bangui Agreement makes it illegal for farmers to share, exchange and sell farm-saved seeds of protected varieties outside their own farms.

Similarly, the COMESA Seed trade harmonisation regulations would allow corporations to certify their seeds in one member country and automatically acquire the rights to market them in all COMESA states. By nullifying national legislations, the seed industry will facilitate the marketing of seeds over large parts of Africa. A common catalogue, listing authorized varieties for all countries, will be drawn up and all countries will adopt the same certification system. Seed companies would be under no obligation to declare where they got the seeds that they register as "new varieties" and this would increase the likelihood of biopiracy. Regrettably, the COMESA seed laws contains no measures to foster local peasant seed varieties.

The problem with the commercial model of seed production as underpinned by the COMESA Harmonised seed trade regulations is that it relies on economies of scale for profitability. This results in standardisation of quality requirements based on the lowest common denominator that obliterates context specificity and ends up being a sub-optimal solution for most if not all users. The challenge is to improve seed for context-specific need, and the profit-driven, centralised commercial model is unable to meet this challenge

COMESA has also approved draft policy guidelines for GMOs, a step that bypasses national regulations on GMO trade, farming and food aid. Pan-African Civil Society and farmer organisations have contested the process that has led to the adoption of the COMESA Biotechnology and Biosafety policy framework as fundamentally flawed and therefore lacking credibility. Several key players have also echoed similar concerns that the policy guidelines are not informed by interests of member countries but rather framed from a biotechnology policy perspective of the Bio tech industry. Experts trained by the USAID dominated the drafting process while the voice of farmers and civil society groups was marginalized and dismissed. Just as is the case with the Seed marketing regulations, the GMO policies have immediate application in all COMESA countries, undermining the sovereign rights of member states on decisions that have national impact on seed security and the right to food.

Infringement on Sovereign Rights of Contracting Parties - one application, one grant centralized Seed and PVP harmonized regional laws

These centralized PVP and seed laws are with foreign vested interests to take precedent and supersede national laws and decision making powers of contracting parties is marginal. This



raises serious implications on the sovereign rights of member states to safeguard their national interests pertaining to food and seed. Furthermore, it will most likely be the foreign breeders that will benefit most from a regional PVP system. They have the breeding capacity, the resources to file PBR applications and to pay fees to maintain the grant. They have the most interest to protect varieties across the region to prevent competition from domestic constituencies. By way of one application and grant, a foreign breeder will have enforceable rights in all Parties to the Protocol. Such a breeder is unlikely to make available the protected variety in all of the Parties but yet with the PBR grant, the breeder has obtained the right to prevent competition from domestic entities. In the longer term, a resulting effect is likely to be the domination of foreign companies over local seed systems.



2.0 Privatising Land in Africa

Land in Africa is regarded not simply as an economic or environmental asset, but as a social-cultural and ontological resource (Friends of the Earth Europe, 2010). In many of the African countries, there are inadequate administrative frameworks and legal safeguards to fully protect land rights and entitlements of local communities and indigenous people. Also the official documentation of land records and property rights and ownerships in these countries is limited. For example, only about 10% of rural land in sub-Saharan Africa is officially registered. And the rest is informally administered through traditional institutional mechanisms. These conditions make African land as most vulnerable to land grabbing (Byamugisha, 2013) and also place the farmers in a weak position in their legal claim of ownership and for adequate compensation in



case of land acquisition by investors. One of the policy commitments of beneficiary countries to the G8NA programme is the demand of land for commercial agriculture that removes small holders from the land and turns them into contract labourers. The G8 New Alliance for Food Security framework is pushing countries through bilateral trade agreements to change or adopt national land laws to suit private sector investments. With the G8 New Alliance, the government of Malawi has committed to giving private investors 200,000 hectares of land for large scale commercial agriculture by 2018. The 2014 Progress Report on Malawi confirms that a new land bill was passed by parliament. However, it was then subjected to comments by civil society and the president returned it to parliament for review instead of endorsing it. The report says that some pilot investment schemes have been set up and that the private sector is advocating for for the 200,000 scaling these up as basis overall ha.



In Africa the majority of farmers are women with small farms. Significantly, two-thirds of all farms in the region have below 2 ha and 90% of farms below 10 ha (Altieri, 2009). As acquisition of land is being advanced on large scale, a large number of small farms will be submerged in this new investment trend. This will hinders the efforts to achieve food security at household level and further disturb the cultural intimate link of farmers with food production systems

2.1 Why is Africa being bulldozed to industrialize its agriculture?

Africa is now recognised as the most important market for mineral fertilisers, with potential growth from current 0.75 to 6 million tons/year², generating around \$5bn more sales annually. Syngenta, one of the three seed companies that control half of the \$50bn global seed trade, is

² http://investorintel.com/agbusiness-mmj-intel/africas-fertilizer-challenge/



targeting \$1bn African annual seed sales by 2022. Altogether around 50 global food industry corporations are lining up alongside the G8 New Alliance to take control of African agriculture, which the African Development Bank foresees growing from current \$280bn to \$500bn output per year by 2020. The Bio tech industry reckons that it is much more profitable for them to pump non-renewable fossil fuels from beneath the ocean floor, convert it to chemical fertilizer, ship it halfway round the world, ferry it a thousand kilometres inland, generating corporate profit and CO2 emissions at every step, and then sell it for more than a dollar per kg to farmers earning less than a dollar a day. The intent of the Green Revolution hinges on making maximum returns through agribusiness in the pretext of supporting food security programmes. Evidently, TNCs have realised that there are no profit to be made from fertilising agricultural fields with farmyard manure, or by intercropping grains with nitrogen-fixing legumes, or saving harvested seeds for planting next year. Studies show that peasant farmers and communities produce slightly less than half of the world's food from approximately 20% of all agricultural land in the world. The Green Revolution is undoubtedly jeopardizing the rights of peasant farmers to their customary land and the right to food. The recent food crisis and the consequent grabbing of peasant lands in Africa expose the industrial agriculture as a false solution to global hunger.

2.2 No miracles without land

The G8 New Alliance sidelines the diverse and sustainable food systems of small-scale farmers which offers the credible potential for food security and nutrition in Africa. All the fertilizers and seeds in the world cannot make much difference for the great mass of farmers in Africa, who do not even have enough land to grow the food their families need. For example, the average small farmer in Malawi cultivates less than half a hectare, while in the fertile southern part of the country the average per capita landholding is only 0.33 ha. Access to land has become dramatically worse in Africa due to inequitable distribution of land. The future of Africa can no longer be underpinned on the premise of continued reliance of costly agricultural inputs and large scale industrial agriculture alone. Small scale farmers need access to land. A genuine agrarian reform, which redistributes land to the poor, has to precede national programmes to boost food production, whatever their form – otherwise only the big commercial farmers will benefit.

3.0 Agro-ecology as a credible alternative to Industrial agriculture

As a matter of priority, the G8 New Alliance should shift its current policy of bulldozing African countries into submitting to the ideologies of the green revolution and instead become a strategic partner in strengthen institutional capacities of African countries in the adoption of economically and ecologically viable farming practices including agro-ecology that enhances



increased food outputs, improves income for farmers and provides food security for the local communities at very low transaction costs while delivering huge returns on the investment, both socio-economic and for the environment. Agricultural policies in Africa should be developed on the basis of agro-ecology, a part of food sovereignty that has emerged as a proven alternative to the industrial food regime. Such a shift in policy should entail the recognition of peasant farming and protecting them from external market forces by proofing the vulnerability of national markets from exploitation by global corporations. African countries should be supported to introduce systems that guarantees fair prices for peasant food production. Governments should be supported to sync their agricultural research and extension systems that can advance the farmer-to-farmer agro-ecological innovation concept. Agroecology works in harmony with nature, using cultivation techniques and breeding programmes that do not rely on chemical fertilisers, pesticides, or artificial genetic modifications. It builds on traditional agricultural practices using research, technology and existing indigenous knowledge, while at the same time ensuring that farmers are in control of all aspects of food production. This is a bottom-up participatory approach to develop new ways and technologies in farming, with farmers playing a leading role in the design of the new technologies unlike the Green Revolution model that favours a top-down approach. Using ecological agriculture, farmers produce abundant, healthy food sustainably. The Alliance for Food Sovereignty in Africa (AFSA) is working to make an evidencebased, coherent case for Agroecology as the sustainable long-term solution for farming in Africa. The AFSA Agroecology Working Group is gathering case studies from around Africa, showing the many benefits in terms of food security, nutrition, poverty reduction, climate change adaptation, biodiversity conservation, cultural sensitivity, democracy and justice. So far nine case studies have been documented and are available on the AFSA website at http://afsafrica.org/casestudies and 1000 packs have been printed and shared across Africa (Shashe agro-ecology school for farmer-to-farmer training, Zimbabwe conducted by ZIMSOFF; Community-led approach sustains livelihood improvement in Kotoba, Ethiopia conducted by Send a Cow; Orange-fleshed sweet potato brings health and livelihood to Pelungu, Ghana conducted by TRA); African leafy vegetable enterprise boosts livelihood of rural communities in Kenya facilitated by the Busia Environmental Management Program; and Sand dams bring water and food security to Southeast Kenya facilitated by Excellent Development). A further 30 case studies are being finalized, while more are being planned. AFSA has planned to document at least 80 African case studies by the end of 2015. AFSA is also working through its member organisation, La Via Campesina to develop over 40 agro-ecology schools through which to promote exchange of experiences on farmer-tofarmer as a tool for disseminating (through horizontal learning) agro-ecological practices and sustainable peasant agriculture. The farmers are the best researchers, and agents of local-specific change. Such experiences are documented, systematized and socialized. These schools are also



entry points of new farmer's innovations and mutual beneficial scientific knowledge sharing. There are thus an incubator of new ideas and sharing of success stories based on farmer-to-farmer methods. Such new technologies are passed down through the extension agents or inputs suppliers. This makes agro-ecology a credible farming practice for Africa as the knowledge is hinged on farmer's experiences, experimentation and innovation. The practice is not strait-jacket therefore makes it highly adaptive to different environments and climatic conditions. Even modern beneficial scientific knowledge is incorporated and adapted to local context by farmers, who are key change agents in this system.

Agro-ecology and other forms of sustainable peasant agriculture practiced on smaller farms make food production more secure. The higher level of on-farm diversity under agro-ecology means that if one crop is negatively affected, another one is likely to compensate for it. Such diversity of peasant varieties makes peasant farms more able to adapt to changing conditions. Mulch and green manures that cover soils protect them from erosion, high temperatures and conserve moisture. It thus promotes food sovereignty and ensures the right to food. Through agro-ecology small farmers will harness the opportunity to be independent in terms of their food production as their reliance on external inputs will be limited. Farmers will have capacity to harvest and save seeds, produce organic fertilizers in situ and control pests using traditional methods. This will allow small scale farmers to grow and harvest their food timeously. The case studies documented by AFSA demonstrate that agro-ecology is a credible alternative to produce more food (intercropping etc.) on less land, using less water and energy. It promotes local food systems while ensuring that farmers conserve and utilize their own seeds through community seed banks and local breeding systems. This would guarantee peasant farmers in Africa the right to food.



Key message:

- Agro-ecology offers the most credible approach to attain Food Sovereignty in Africa
- Food Security cannot be attained in Africa through the Industrial agriculture model while land distribution remains inequitable
- The largest proportion of the global food chain is provided by ecological forms of agriculture
- The focus of the G8 New Alliance has been nothing but a profit-oriented package whose hallmarks include monoculture crops, where large tracts of land are planted to a single crop; package of hybrid seeds which responds to chemical fertilizers and are protected by chemical herbicides and pesticides, produced and controlled by agribusiness; export oriented, mechanized and capital intensive systems of farming.
- The COMESA Seed Trade Harmonisation regulations implicitly criminalises the marketing of farmers' varieties as farmers are unable to register traditional varieties while bulked up farmer varieties do not conform to the certification requirements of the COMESA rules and therefore listed to be ineligible for marketing (based on the very nature of the registration system established by COMESA)
- More than 80% of all seed in Africa is still produced and disseminated through 'informal' seed systems³, that is, through on-farm seed saving and unregulated distribution between farmers by farmer managed seed systems, we refer to any recycled seed currently in use including open pollinated varieties (OPVs), improved OPVs, hybrids that were not certified in the current planting season, and local and indigenous varieties that have never gone through any formally regulated process. These seeds are in widespread use across Africa and are a fundamental part of seed sovereignty.
- Consumers in Africa rely on a much wider range of products to meet their nutritional needs. It has been established that in many rural areas "women tend to manage complex production systems with multiple functions, purposes, and species. These systems are not designed to maximize the productivity of any single crop but to ensure overall stability and resilience among the crops that are produced"4. These are often crops of minor commercial significance but are key to household nutrition and food security5. This essential work carried out by women is often invisible and neglected by support agencies due to its diversity and lack of commercial value

³ Smale, M., Byerlee, D. & Jayne, T. 2011 **Maize revolutions in sub-Saharan Africa**. *Policy Research Working Paper 5659*. Washington DC, World Bank, Development Research Group, p.7

⁴ World Bank. 2008. **Gender in agriculture**. http://siteresources.worldbank.org/

⁵ Ibid



4.0 Key Demands to the Germany G7 Agenda

- a) G7 should support meaningful agrarian reforms in Africa to safeguard Community Land Rights. The G7 should prioritise inclusive and transparent agrarian reforms in Africa to safeguard communities' access to productive land. This should not be limited to just the redistribution of land but ceding of full rights over lands. Such rights should also recognize the legal rights of local populations over their territories and the right of access to and control over livestock migration routes and pastures. Custody of customary land previously grabbed illegally from communities should be returned to the appropriate rights holders.
- b) The G7 should identify with and echo the European Parliament joint motion for a resolution on Tanzania, notably the issue of land grabbing 2015/2604 (RSP)⁶.

⁶ Informed by the G8 Land Transparency Initiative of 2013; the African Union's Framework and Guidelines on Land Policy in Africa (ALPFG), to the African Union's 'Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities' adopted by the Conference of African Ministers of Agriculture in October 2010 and approved by the 18th ordinary session of the Executive Council held in Addis Ababa in January 2011 (Doc. EX.CL/631 XVIII) and to the African Union's Declaration of 2009 on Land Issues and Challenges in Africa; the declaration of the World Summit on Food Security, adopted in Rome in 2010, to the Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources (PRAI), and to the Food and Agriculture Organisation (FAO)'s Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT); the Guiding Principles on Large-Scale Land Based Investments in Africa (LSLBI) of the African Union, the African Development Bank and the Economic Commission for Africa; the report of 11 June 2009 by the United Nations Special Rapporteur on the Right to Food, Olivier De Schutter, entitled 'Large-scale land acquisitions and leases: a set of core principles and measures to address the human rights challenge', the Millennium Declaration of 8 September 2000 setting out the Millennium Development Goals (MDGs), in particular Goals 1, 3 and 7; the UN's 'Millennium Development Goals Report 2014; the report of the UN Conference on Sustainable Development, held in Rio de Janeiro (Brazil) from 20 to 22 June 2012; the 2008 United Nations Human Settlements Programme (UN-Habitat) study entitled 'Secure Land Rights for All' and to the UN-Habitat guide on 'How to Develop a Pro-Poor Land Policy: Process, Guide and Lessons', the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and to the Indigenous and Tribal Peoples Convention (No 169) of 1989 of the International Labour Organisation (ILO); the Village Land Act No 5 of 1999 and the Local Government Act of 1982 of the United Republic of Tanzania; the EU Land Policy Guidelines of 2004 providing guidance for land policy development and programming in developing countries; the Commission's announcement of 9 April 2014 of the establishment of a new programme to the sum of EUR 33 000 000, aimed at improving land governance and food and nutrition security for family farmers and vulnerable communities in sub-Saharan Africa; the UN Guiding Principles on Business and Human Rights of 2011; the ACP-EU Joint Parliamentary Resolution on the social and environmental impact of pastoralism in ACP countries adopted in November 2013 (ACPEU/101.526/13/fin); the 2015 study on 'Addressing the Human Rights Impact of Land Grabbing' commissioned by its Subcommittee on Human Rights; the revised Cotonou Agreement; the Universal Declaration of Human Rights; and the African Charter on Human and Peoples' Rights.



- c) **G7 should provide policy support for farmer-managed seed and knowledge systems**, in particular, on the production and distribution of seeds to strengthen public sector investment and participatory extension methodologies.
- d) **G7 should exert its influence in redirecting resources** that have been committed from the EU, DfID, SIDA, USAID and others for the harmonisation of seed trade regulations as advanced by COMESA/ ACTESA towards a policy and action plan supportive of public sector Participatory Plant Breeding (PPB). This will empower farmers to harness the capacity of developing negotiated, trust-based quality criteria and produce seed for use, exchange and sale that conforms to their model. This is in line with the legal obligations of ACTESA and member states in terms of the COMESA Treaty.
- e) **G7 should exert its influence in redirecting resources** that have been committed from UPOV Secretariat, the US patent and trademark Office (USPTO), the EU the WIPO Secretariat and the French Seed and Seedling Organization (GNIS) for the development of centralized Plant Variety Protection laws meant for Regional Economic Commissions in Africa towards making information available to African governments on alternative *Sui generis* PVP systems that ensures long-term food security, protects fragile livelihoods and provides incentives to maintaining biological and genetic diversity other than the UPOV-type system which is currently in monopoly.
- f) G7 should condemn COMESA Biotechnology and Biosafety policy in its totality and exert its influence for stringent and robust biosafety regulations for Africa based on the precautionary principle.



Points to Note

The Alliance for Food Sovereignty in Africa (AFSA) is a Pan African platform representing small holder farmers, pastoralists, hunter/gatherers, indigenous peoples, citizens and environmentalists from Africa who possess a strong voice that shapes policy on the continent in the area of community rights, family farming, promotion of traditional knowledge and knowledge systems, the environment and natural resource management. The strategic focus areas of AFSA are three: Seed; Land; Agro-ecology. AFSA also marshals a single and louder voice against the proliferation of GMOs across the continent while tabling clear and workable solutions.

Members of AFSA include networks and farmer organisations working in Africa including the African Biodiversity Network (ABN), Coalition for the Protection of African Genetic Heritage (COPAGEN), Comparing and Supporting Endogenous Development (COMPAS) Africa, Friends of the Earth- Africa, Indigenous Peoples of Africa Coordinating Committee (IPACC), Participatory Ecological Land Use Management (PELUM) Association, Eastern and Southern African Small Scale Farmers' Forum (ESAFF), La Via Campesina Africa, FAHAMU, World Neighbours, Network of Farmers' and Agricultural Producers' Organizations of West Africa (ROPPA), Fellowship of Christian Councils and Churches in West Africa (FECCIWA), African Centre for Biosafety, Rural Women Forum, Ground Swell Africa, Tanzanian Biodiversity Coalition, ANORAF Togo and Plate forme Sous Régionale des Organisations Paysannes d'Afrique Centrale (PROPAC).