

LEGAL ASSESSMENT OF THE SEED BILL AND THE NEED FOR PROACTIVE MEASURES IN ANTICIPATION OF ITS PASSAGE

LADUN BADERINWA

background

- A legislation embedded with provisions to ensure increase in private sector participation, protection of farmers and promotion of the seed industry was long overdue.
- This informed the amendment by legislators of the National Agricultural Seeds Council Bill.

Attendant risk to Farmers

- Seed is the most essential component of farming. Hence, the high demand for seed which has exposed farmers to the danger of burgeoning cases of:
 - - seed adulteration
 - - poor seed quality
 - - unauthorised dealers
 - - other malpractices by unscrupulous individuals camouflaging themselves as agro dealers.

Imperative of a Sound Regulatory Framework

- The accelerating cases of malpractices demand a proactive response by stakeholders for the passage of the National Agricultural Seeds Council Bill and its attendant regulations.

Private sector participation

- Membership on the Board of the Council
- Attendance of Board Meetings as observers
- Private seed certification bodies
- Favourable conditions for private investment
- Seed inspectors (maybe appointed by private certification bodies)
- Research institute

Seed Certification and Control

- Private certification bodies
- The National Seed Catalogue (NSC) which lists released varieties of seed eligible for certification. Also seeds listed in the West African Catalogue of Plant species and varieties shall also be eligible for registration.
- Seed Registration and Release subcommittee to
 - update of the NSC

Seed Certification and Control

(cont.d)

- evaluate the information from National Performance Trials from the compilations of independently conducted trials;
- recommend any matters for approval by the Council regarding the release and registration of varieties; and
- implement of the ECOWAS West African Seed Catalogue.

Seed Certification and Control (cont.d)

- Multi-year and multi-location testing of new varieties for release in the domestic market before registration, in accordance to the variety and release guidelines.
- Official quality control and certification service for seed certification responsible for seed certification and quality control.

Effective Seed Control

- The Council is given power to make regulations which includes but is not limited to –
- - exemption from the requirement of certification and licensing;
- - registration of seed producers and operators;
- - seed inspection and condition for seed production;
- - uniform processing, cleaning, maintenance and distribution of seeds,

Effective Seed Control (cont.d)

- including post certification control storage, transportation and distribution requirements;
- - measures to support formulization of the informal sector and improve living conditions of rural seed producer;
- - research and promotion of plant variety improvement;

Seed Operators

- Elimination of unauthorized dealers of seeds.
- Severance of dealers who have no clue of agricultural inputs and cannot give adequate advice to farmers.
- Issuance of license to producers who qualified.

Protection of Farmers' Right

- Protection of intellectual property as it relates to plant genetic resources.
- Involvement of farmers in decision making for matters related to the conservation and sustainable use of plant genetic resources.
- Protection of farmers' rights to save, use, exchange and sell farm saved seed.
- The right to equitably share in the benefits arising from the use of plant genetic resources.

Progressive Legislative work on the Seed Bill

- The Bill –
- has passed the first and second reading in the House of Representatives
- has also passed committee stage where relevant amendments, and additions were made to the bill to ensure its in tandem with global practices
- Is currently at the third reading stage (passage).

Qou vadis?

- All stakeholders need to:
 - Sustain the advocacy for the passage of the Bill;
 - Rally support for the legislators to conclude the good work they've started and
 - Embark of preparatory measures in anticipation of the passage of the Bill so the industry is not caught unawares

Expected benefits of the passage of the Bill

- A more comprehensive law befitting the seed sector.
- Clarity of objectives: The essence of the bill is to
 - establish a body for the regularization and control of seed in Nigeria
 - promote and stimulate the development of a dependable seed industry
 - regulate and control the registration of released varieties,

Anticipated benefits of the Bill

- protect the farmers from the sales of poor quality seeds,
- protect the rights of farmers
 - facilitate the production and marketing of high quality seeds in Nigeria
- provide legal backing for official testing, certification, sales, importation, exportation and use or seeds.

Expected benefits of the passage of the Bill (cont.d)

- Greater participation of private sector in the seed subsector in line with the current agricultural seed policy, globalization and export trade promotion.
- Adequate resources for the enforcement of provisions of the bill
- Adequate inspection of fields used for seed production

Further benefits of the law

- Regularization of production, importation and exportation of seeds
- Improved quality of seeds
- Establishment of seed laboratory for seed testing
- Promotion of internal and external trade in improved seeds
- Healthy competition in the seed industry

Further benefits of the law



- Access to seed materials by registered operators

Further benefits of the law

- Provision of clear statement of Offences and Penalties;
- Increase in punishment – one million or one year imprisonment for contravention for each provision of the bill
- Deterrence – two million or two year imprisonment or both for repeat of offence.

Prohibited Activities

- ❑ Operating without license
- ❑ Obstruction of Seed Inspectors
- ❑ Sale of seed with misleading information
- ❑ Distribution of seeds treated with substance harmful for consumption and health
- ❑ Import or export of conventional and genetically modified crop seeds in violation of applicable declaration

Compatibility with Word Bank EBA Indicators

The bill to large extent aligns with the indicators.

Compatibility with ECOWAS and International Regulations

- The Bill authorizes the Council to domesticate ECOWAS regulations and international standards.

Proactive Implementation Actions

- As said in the earlier presentation, it is necessary for stakeholders to take proactive measures so they are not caught napping when the Bill is signed into law.

Recommended Action Plan

- Baseline studies aimed at determining the available human, institutional, material and financial resources;
- Implementation strategy;
- Needs assessment;
- Programmatic Action Plan or Road map.

Complimentary Instruments Required

- Law never works in a vacuum. It must be supported by other instruments. Thus, stakeholders should start putting together supportive instruments such as:
 - Seed Regulations;
 - Seed Inspection Manual;
 - Seed Certification and Analysis Manual;
 - Seed Inspectorate in the FMARD

Conclusion

- Agriculture has been stated severally to be the future of Nigeria.
- The success of farming is largely dependent on how good the seed is.
- Although, the provisions of the bill may somewhat be insufficient but we should be encouraged to work with what we have now and seek for a better Nigeria.