

# The Unspoken War against Organic Farming in Africa: Tanzanian Farmers Are Facing Heavy Prison Sentences if They Continue Their Traditional Seed Exchange

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Global Research, February 28, 2020

[Mondiaal Nieuws](#) 7 December 2016

Region: [sub-Saharan Africa](#)

Theme: [Biotechnology and GMO](#), [Law and Justice](#)

This article was originally published in 2016.

*In order to receive development assistance, Tanzania has to give Western agribusiness full freedom and give enclosed protection for patented seeds. "Eighty percent of the seeds are being shared and sold in an informal system between neighbors, friends and family. The new law criminalizes the practice in Tanzania," says Michael Farrelly of TOAM, an organic farming movement in Tanzania.*

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In order to get developmental assistance, Tanzania amended its legislation, which should give commercial investors faster and better access to agricultural land as well as a very strong protection of intellectual property rights.

'If you buy seeds from Syngenta or Monsanto under the new legislation, they will retain the intellectual property rights. If you save seeds from your first harvest, you can use them only on your own piece of land for non-commercial purposes. You're not allowed to share them with your neighbors or with your sister-in-law in a different village, and you cannot sell them for sure. But that's the entire foundation of the seed system in Africa', says Michael Farrelly.

Under the new law, Tanzanian farmers risk a prison sentence of at least 12 years or a fine of over €205,300, or both, if they sell seeds that are not certified.

'That's an amount that a Tanzanian farmer cannot even start to imagine. The average wage is still less than 2 US dollars a day', says Janet Maro, head of Sustainable Agriculture Tanzania (SAT).

## Under pressure of the G8

Tanzania applied the legislation concerning intellectual property rights on seeds as a condition for receiving development assistance through the New Alliance for Food Security and Nutrition (NAFSN). The NAFSN was launched in 2012 by the G8 with the goal to help 50 million people out of poverty and hunger in the ten African partner countries through a

public-private partnership. The initiative receives the support of the EU, the US, the UK, the World Bank and the Bill & Melinda Gates Foundation.

Companies that invest in the NAFSN are expected to pay attention to small-scale farmers and women in their projects, but sometimes little of that is noticed. As a result, the NAFSN receives a lot of criticism from NGOs and civil-society movements. Even the European Parliament issued a very critical report in May this year to urge the European Commission to take action.

With the changes in the legislation, Tanzania became the first least-developed country to join the UPOV 91-convention. All countries that are members of the World Trade Organization must include intellectual property rights on seeds in their legislation, but the least-developed countries are exempt from recognizing any form of intellectual property rights until 2021. After that, the issues would be reviewed.

‘In practice, it means that the fifty million people that the New Alliance wants to help can escape from poverty and hunger only if they buy seeds every year from the companies that are standing behind de G8,” says Michael Farrelly.

‘As a result, the farmers’ seed system will collapse, because they can’t sell their own seeds”, according to Janet Maro. ‘Multinationals will provide our country with seeds and all the farmers will have to buy them from them. That means that we will lose biodiversity, because it is impossible for them to investigate and patent all the seeds we need. We’re going to end up with fewer types of seeds.’

‘I have seeds of my family, because my great-grandmother used them. She gave them to my grandmother, who gave them to my mother and my mother then gave them to me. I’ve planted them here in the demonstration garden in Morogoro and that’s why very rare plants now grow here’, says Janet Maro. ‘Local farmers find it hard to understand the idea that you can patent and own a seed. Seed should simply be something that is easily available”, says Janet Maro.

## **Ownership for investments**

‘Intellectual property rights ensure that farmers have better access to technology’, claims Kinyua M’Mbijewe, head of Corporate Affairs in Africa for Syngenta. Syngenta is a Swiss company that produces seeds and agrochemicals alongside Yara, one of the two largest players in the private sector in the NAFSN.

‘A company that wants to invest wants to be sure that its technology is protected. African farmers have been sharing, bartering and trading their seeds as a form of tradition. For farmers who want to continue to do so, it is important that they have that choice.’ Kinyua M’Mbijewe claims not to be aware that the Tanzanian legislation no longer allows that freedom of choice. This is strange, since Syngenta is one of the companies that is part of the leadership council of the NAFSN, meaning that they negotiate directly with the partners about the changes in legislation which must be met in exchange for aid.

Nevertheless, according to the Tanzanian Government, the legislation never intended to penalize small-scale farmers, only to protect their property rights – that is, if they patent their own seeds.

‘But who’s going to sell non-certified seeds? Small-scale farmers do not have the means to get a patent for their seeds’, says Janet Maro.

“The government is working on a revision of the seed legislation. We hope that they will add an exception for small-scale farmers and will expand the Quality Declared Seed System,” says Michael Farrelly.

The Quality Declared Seed System gives quality guarantee for seed. It is a kind of compromise, because quality is cheaper and easier to obtain than a patent.

Currently, a farmer is allowed to sell recognized seeds in only three surrounding villages, but the government says it wants to expand this at the district level with the new legislation. ‘That way, the seeds could be sold in seventy villages, which is economically viable,” says Farrelly.

### **Removal of trade barriers**

An additional problem is that the seeds of foreign companies are not always adapted to the local climate. ‘What works in Utrecht doesn’t necessarily work in Zanzibar,’ says Michael Farrelly. Tanzania alone has five different climate zones. ‘Even the region of Morogoro has different climate zones,” says Janet Maro.

Yet soon it will be easier for seeds from different regions to enter the country, and other African countries are on the way to follow Tanzania’s example. In 2015, eighteen African countries signed the Arusha Protocol for the protection of new plant varieties.

The purpose is that all countries would try to work on eliminating the trade barriers and incorporate intellectual property rights on seeds in their legislation, in order to achieve a harmonized regional system. Among others, the Community Plant Variety Office, an EU agency for the protection of plant varieties as intellectual property, invariably takes part in all meetings related to the Protocol.

Syngenta believes that these measures will help advance Africa: ‘We are pleased that it is finally going in the right direction after years of negotiations,’ says Kinyua M’Mbijewe. ‘The EU has a harmonized policy regarding the seeds that are allowed to be brought into another country. In Africa this doesn’t exist. You could not bring seeds from Kenya over the border to Tanzania, an area with the same climate zone. Africa’s trade barriers have not pushed forward the farmers and the economy.’

## **More intensive farming?**

In order to feed the world population by 2050, the World Bank and FAO (the UN food agency) state that food production must increase by half. A figurative war is fought regarding the approach to increase production, but there will likely be many victims among the small-scale farmers.

According to the business world, Africa needs more agricultural inputs: fertilizers, hybrid seeds, pesticides... But is the commercial approach best suited to help the poorest segment of the population?

All the development initiatives of the NAFSN in Tanzania focus exclusively on the most fertile part of the country. The Southern Agricultural Growth Corridor of Tanzania (SAGCOT) covers much of the southern half of the country. Fertile soil easily attracts investors. But what about the farmers who are located in less-than-ideal regions? Or what about the statement by the World Bank (2008 report) that input subsidies for fertilizer in Zambia were beneficial mainly for relatively rich farmers rather than for the small-scale farmers whom the subsidies were meant to benefit? Another essential fact: this type of intensive farming is one of the biggest causes of global warming.

Syngenta itself has admitted that it is logical that they, as a company, have little concern for the less successful farmers. 'We are a commercial company and therefore we invest in Africa. We believe that Africa is done with development aid and that it is now all about trade,' concludes Kinyua M'Mbijjewe. 'The small-scale farmers are not our target. We focus on small-scale farmers trying to grow businesses and we are happy to work with NGOs that have a commercial approach. Farmers who merely try to survive or operate in an unfavorable climate are left out.'

## **Agro-ecological alternative**

Many farmer organizations and FAO have more faith in ecological methods. Particularly the smaller-scale farmers would benefit from it, because they usually cannot afford the expensive inputs for conventional agriculture.

Janet Maro, on the other hand, works in challenging rural areas. Together with SAT, she trains small-scale farmers in agro-ecological farming methods. SAT teaches farmers to do farming with what is available in their surroundings.

'Our training center is located in the dry areas of Vianze, which most people would claim to be impossible to farm,' says Janet Maro. 'If we can do it there, we can do it anywhere. We plant additional trees that hold back the water when it rains, so that it is incorporated into the soil, and we have an irrigation system with water bottles, so we consume less water.'

'We teach small-scale farmers how to make compost with the plants they cut in their fields. We also teach them to do mixed cropping and to make extracts from plants that grow in their surroundings in order to control crop pests and diseases. The most common pest, for example, is the aphid. You can make an extract of Lantana camara, a shrub that grows in almost every village in Tanzania, to control the aphids,' says Janet Maro.

'We also trained farmers in a region where they were given government subsidies to purchase fertilizer. After our training, there were many farmers with good results who questioned why they should still go into town to buy expensive synthetic fertilizer, as they

can have a good harvest and can fight pests with resources that are available in their own fields. Those farmers returned their vouchers for subsidized fertilizer to the government. The government has now also come knocking on our door, asking us to train farmers.'

### **Choosing between grandmother and industry**

'Doing nothing and thinking that you can continue with what your grandmother grew, is a guaranteed catastrophe', says Kinyua M'Mbijewe from Syngenta. 'The reason we have hunger in Africa is that there are insufficient agricultural inputs.'

**Abel Lyimo**, the CEO of the Tanzanian Rural Urban Development Initiatives, a NGO that focusses on the development of small-scale farmers through the private sector, thinks the same: 'Tanzania is one of the countries with the lowest use of farm inputs and the lowest productivity in the world. There is a link between proper use of inputs and productivity. Use only half, and you'll produce only half.'

Janet Maro contradicts that. 'In the Mlali Region, there were projects in which they gave the farmers parcels of land to grow tomatoes. It went really well for a while and they produced a huge quantity of tomatoes, but this year things went wrong. The price of a bucket of tomatoes ranged between two and three Euros. Nowadays, because of the overproduction, you have to consider yourself lucky if you get 40 cents. Now, the farmers can no longer afford those expensive fertilizers and chemicals.'

'And I haven't even started to mention the environmental damage and the deterioration in soil fertility that these projects cause. The government has asked us to train farmers because the quality and quantity of the water from the Mzingu and Ruvu Rivers have considerably worsened because of the government's agricultural projects. They want to save the situation before it is too late and have seen that the projects of SAT have a much better impact on the environment.'

Even the United Nation's former Special Rapporteur for the Right for Food, Olivier De Schutter, stresses the importance of more research and investment in agro-ecological methods in a report in 2011.

According to FAO figures, more than 80 percent of the food in Asia and Sub-Saharan Africa is produced by small-scale farmers. If they cannot afford commercial inputs, they can still make progress with agro-ecological methods. The methods are not immediately patentable and therefore the industry treats them shabbily. An unfortunate consequence of this is that insufficient research is being done into such methods.

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