

THE SEEDS ARE OURS

Who we are:

The Rural Women's Assembly (RWA) SADC is a collective of rural women grassroots organisations involved in food production, feeding our families, communities and beyond, bringing together smallholder farmers, peasants, fishers, pastoralists and farm workers. RWA has active membership in eleven (11) SADC countries (Lesotho, Eswathini/Swaziland, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Tanzania, Zambia, Zimbabwe). Collectively we have embraced and practice agroecology. We organise as "We are the guardians of Land, Life, Seeds and Love".



1.Introduction

We acknowledge:

- That, in preparation for the 2026 AU Seed Summit, “Resilient Seed Systems for a Food Secure Africa,” and in anticipation of the Summit’s launch of the African Union Policy, Strategy and Action Plan on Farmer Managed Seed Systems, particularly Thematic Area 4, Sub-theme 4.1, members of the Rural Women’s Assembly (RWA) SADC leadership group came together to discuss the proposed AU Policy, Strategy and Action Plan and to collectively prepare this submission.
- That the opportunity provided by the 2026 AU Seed Summit for diverse stakeholders to contribute to discussions on farmer-managed seed systems is important and welcome. We particularly recognise the Summit’s stated commitment to bringing together state and non-state actors, officials responsible for seed sector development, and representatives of farmers’ organisations. This commitment creates an important space for the experiences, knowledge, priorities and recommendations of smallholder farmers, including rural women, to inform continental seed policies and strategies.
- That this commitment to inclusive participation and consultation is consistent with the principles of the Comprehensive Africa Agriculture Development Programme (CAADP), which emphasises broad-based participation and consultation in shaping Africa’s agricultural policies and programmes. We therefore welcome the opportunity to strengthen this commitment by ensuring that rural women farmers are meaningfully represented and their voices reflected in the development and implementation of the AU Policy, Strategy and Action Plan on Farmer Managed Seed Systems.
- That farmer-managed seed systems are central to the livelihoods, food and nutrition security, resilience and cultural heritage of rural communities across Africa. Rural women, in particular, play a critical role in seed selection, saving, multiplication, exchange, preservation and transmission of indigenous knowledge. Their knowledge and lived experiences should therefore be recognised as an essential foundation for policies and strategies governing farmer-managed seed systems.



2. BACKGROUND TO RWA SADC SUBMISSION

WE NOTE:

- That one of the objectives of the AU seed Summit is to advance the CAADP Kampala Declaration and Action Plan 2026-2035, which for the first time provides for the inclusion of smallholder farmers, women and youth in its programmes.
- As rural women food producers we have been following developments in CAADP for many years. It has been with disappointment that we have watched the repeated failures of CAADP, especially the Farmer Input-Subsidy Programme to fulfil its promises, that:

- a) Implementing the Maputo Declaration (2003-2013) Africa would increase agriculture productivity to address food (in)security;
- b) Implementing the CAADP 2014 - 2024 Malabo Declaration, would end hunger in Africa and reduce poverty by half by 2025.

In contrast, FAO data indicated that in 2024 more than 3000 million people (more than 20% of the population) in Africa faced hunger, more than 60% experienced moderate or severe food insecurity and around 30% of children under 5 suffered from stunting. FAO data also indicated that while hunger declined globally in 2024, it rose in Africa and Western Asia., and Africa is unlikely to meet the UN Sustainable Development Goals.

- That the CAADP Strategy and Action Plan 2026-2035 states: "Africa has witnessed significant economic and agricultural growth over the past two decades, with its gross domestic product (GDP) doubling from 2000 to 2021 and its agricultural sector becoming the fastest-growing globally" (p. 9). This leads us to ask: What type of agriculture production is increasing? What is being produced? Where is this increasing production going? Why has hunger been increasing in African countries? Who is benefitting from this agricultural growth?

The Kampala Declaration commits to Ensure Food and Nutrition Security and to: *achieving zero hunger in all African Union Member States by 2035; reducing stunting by 25%, wasting by 25% and overweight by 25%, ensuring that 60% of the population can afford a healthy diet.*

Thus, we ask: can Africa expect different outcomes from the new CAADP Strategy and Action Plan 2025-2036?

• We welcome that, for the first time, CAADP provides for the inclusion of smallholder farmers, women and youth in its programmes. However, as rural women practicing agroecology (AE), we note with concern and disappointment that AE is NOT included by CAADP as a form of sustainable food production and that CAADP's objectives lack details on how to meet the needs of smallholders. This, despite AE being repeatedly recommended by several UN bodies (including UN Special Rapporteurs on the Right to Food and the FAO) as the only way to address the right to food and nutrition.

• Finally, we want to "weave" the background outlined above, into the following statement in the Preamble of the AU Policy on Farm Managed Seed Systems (FMSS) in Africa:

FMSS are the backbone of African agriculture, providing 80-95% of the seeds used by smallholder farmers across sub-Saharan Africa.

We welcome that, similarly to CAADP, this is the first time that the AU is acknowledging the immense contribution of small-scale farmers and the ESSENTIAL role that African farmers continue to play in access to food and in preventing the levels of hunger malnutrition and stunting in Africa not having deteriorated further than those reported by the FAO.

In our submission, which follows, we conclude that the AU Policy on FMSS, as it stands, is NOT providing FMSS with protection against any attempts by commercial breeders and the private sector, to capture, undermine and eventually destroy our FMSS. African women are the guardians, custodians, protectors and defenders of FMSS and this has been the historical role of our ancestors. FMSS now, more than ever, need protection in defending African biodiversity and seed sovereignty – for us, our children, generations to come, and indeed for our countries and the African continent.

Thus, we are proposing and motivating for the current version of the AU Policy on FMSS (October 14, 2025 - Kigali, Rwanda) NOT to be launched during the AU Seed Summit in the Kingdom of Eswathini (5-7 October 2026). We submit for a postponement and creating time and space for greater inclusion and participation by rural women and farmers' organisations and supporting civil society across Africa. As an immediate proposal is the inclusion of the UN Declaration on the Rights of Peasants and People working in Rural Areas (UNDROP) in the AU Policy on FMSS, strongly urging states to domesticate it in their respective national laws.

3. RWA SADC'S PROPOSALS FOR CHANGES TO THE AU POLICY ON FMSS

We start by making proposals for changes in the definitions, given that the meanings of the words used in the definition decides their meaning throughout the rest of the text, as well as in the implementation of the AU Strategy for FMSS.

The recommendations proposed by us come as a result of extensive discussions with members from 11 countries, when we looked at the definitions in the AU FMSS Policy and tried to reach consensus on how to express various opinions. One of the comments: "RWA thinks that some words are not clear – how will they be interpreted and used by different people/ interest groups? How will FMSS remain autonomous?"

3.1 – RWA SADC comments/ proposals on changes to the DEFINITIONS on the AU Policy on FMSS

Community seed bank – it should be added that a community seed bank should be community-driven and coordinated by local farmer associations for local seed sovereignty.

DUS (Distinctiveness, Uniformity and Stability) – RWA has a problem with DUS – we think that this is not for FMSS. Our seeds do not follow these rules – our seeds are adapting to our environments and we choose what we observe to be the best. We learned that DUS is subjected to Intellectual **Property rights – we have developed our own.** Since it does not apply to FMSS, why is it included in the definitions of a Policy for FMSS? This term should be removed from the definitions.

Farm-saved seed – ok in general, but besides selecting our seeds, we should add that these seeds are developed, saved and exchanged throughout the cultivating cycles.

Farmer variety - we should add that these farm-saved seeds are seeds that, with time, have adapted to our different agroecological zones.

Farmer-Managed Seed System (FMSS) – we should add farmer-led and community-governed. It is not enough to say "community-based" – i.e. This is to address the questions: Who controls it? Who makes the rules? etc

Formal seed systems – This is not for FMSS. We do not need regulated value chains for producing our seeds. We have nurtured our own seeds, moreover our seeds have already been improved by us over the seasons and years. We ask whether we really need our FMSS to be formalised? For whom?

We have already been using them for decades, we inherited them from our grandparents. Commercial seed breeders are trying to commercialise FMSS and make us follow principles that apply to the commercially bred seeds. How are our own local seeds recognised? How do we register our own local seeds?

Gene bank – this definition is mostly OK, but we must make sure that farmers do not lose the mandate to manage their own community farm-managed seed banks.

Genetic resources – ok, besides recommending to also include the word “seeds”, we had no other comments.

Indigenous knowledge – mostly ok, but RWA emphasises that our ancestors also had and applied science relevant to the times – they learned, observed, adapted and changed with time in their different environments.

Labelling – ok, but we ask: what systems will be put in place to recognise FMSS? Our seeds must be recognised and easily traceable – labelling must not take away our own power to control our own seeds. Therefore, labelling must use our own words. For example, it should also include: planting time.

Land races – ok. But we need to teach others what some of us learned during our visit to the national gene bank: we were told that maize, for instance, is not indigenous. It came to us from somewhere else, across the ocean. Thus, we should prefer local land races.

Phytosanitary measures – to some extent this is good – it assures quality and will help to control the spread of diseases. Our seeds need to be recognised and certified but must not be subjected to the same rules as the commercially bred seeds. We want to continue the current seed exchange systems. We are also looking for taste and smell and texture.

Seed quality assurance – We do not like this! We do not want official certification of quality; we need to add, colour, taste, texture and nutrition. RWA women have a different definition of what “quality” is.

Registration - we need to keep our seeds away from patented seeds and from being patented by others. What is the meaning of “produced according to “official regulations”? In our view this is for commercially bred seeds only.

Seed – ok- but who has the power to determine true seeds? We have to agree on who has the power to determine this? Should be defined as a genetic resource that is able to germinate and grow into a healthy plant and true seed to be determined by the farmers.

Varieties – This section is generally fine. However, we have to consider how FMSS varieties will be protected as the farmers define them. But all agreed that the last words in the sentence, “propagated consistently without change”, are a problem. We think that the last words in the sentence, “propagated consistently without change”, should be removed.

Further comments:

- The AU definitions should also include and add seed sovereignty.
- We noted that “access benefit sharing [ABS]” is not included anywhere.
- Some of us added that some members are being prevented from selling seeds, denying rights prescribed in UNDROP. “There are attempts to confine our own seeds to local use only.”



3.1 RWA SADC comments on the PREAMBLE to the AU Policy on FMSS

We are happy with the recognition of FMSS. This is what we have been asking for over a long time. RWA thinks that it is positive that the Preamble recognises that smallholders feed Africa, (and we know that, indeed, we feed the world).

AND WHEREAS it is recognized that FMSS are informal, community-based systems that enable farmers to conserve, select, produce, save, exchange, and replant seeds tailored to their local contexts.

We propose that rather than recognising FMSS “as informal systems”, these words should be removed. FMSS should rather be recognised as being farmer-led, community-rooted and governed systems.

We are also happy with the recognition of the role played by rural women. But we do not act as custodians, we ARE the custodians. However, we remain constrained by not having land, with secure and protected tenure, land with water, as well as by lack of policies that protect us and our FMSS. We hope that this will be recognised and the Preamble makes a statement that this needs to be addressed.

We reject the use of the words “improved seeds”. These are part of formal seed systems – they are very expensive, take our money and at the moment they are already selling seeds through their outlets everywhere, allegedly in preparation for El-Nino. The providers are only interested in profits – they will destroy our FMSS.

In addition, when the preamble states that only 20% of small-scale farmers are able to access high-quality seeds, what does this mean? Our seeds are the ones with the best qualities for our environments.

What is limiting us are the policies that do not protect our rights to FMSS. We need policies that protect and support us.

We have already mentioned above that in our observations CAADP has not transformed Africa's agriculture. Hunger has been increasing in our countries. CAADP has not been considering and protecting our FMSS. Based on our experience of CAADP, Kampala will commercialise food even more. What does transformation mean for us, small holders? How about cross-border trade when we live in the same agroecological areas? We are not allowed to do it, while commercial breeders trade across Africa do so. We want the right to engage in cross-border trade without strict regulations and barriers.

RWA thinks as positive that the Preamble reminds AU member states that they are members of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the Convention on Biological Diversity and the Nagoya Protocol. Nevertheless, RWA proposes to add that this brings the need to comply with international obligations under such UN international agreements– ie, the rights of communities over genetic resources and knowledge.

However, what is missing and should be included and added is reference to the United Nations Declaration on the Rights of Peasants and other People Working the in Rural Areas (UNDROP) with the AU recommending that states **should undertake the commitment to domesticate and comply with UNDROP and protect the rights to save, use, exchange and sell seeds.**

4. Discussion and conclusion

We recall our histories – We, in Africa, through colonialism, lost control over our production and have been pushed into the production of cash crops and primary commodities. It has been rural women who have remained in charge of feeding our families and communities, relying on our FMSS.

We continue to work relentlessly to feed out communities. As the AU Policy acknowledges, we contribute to food production and we know that we can potentially increase our contribution to rural and our country's development. But we need infrastructure, be connected to community-controlled supply chains to link us to consumers, cooperatives and beyond, not controlled by middlemen.

Disruptions in long corporate and commercially controlled supply chains are subject to many disruptions, including to arbitrary changes in trade tariffs, conflicts and wars.

We have relied on knowledge transmitted to us over generations. But colonialism and continuing policies undermined Africa's confidence and power to resolve our challenges. We embrace traditional agroecological knowledge and also embrace developments in contemporary science that can increase our production and address new challenges, including a changing world climate.

Most of all, we need to remain in control of our land, our water, irrigated land, seeds, development of relevant and support for community based enterprises – our struggle for FMSS is a continental struggle.

The African Union and call for reparations -

We cannot erase Africa's and our countries' histories. We know that in 2025 the AU called for reparations for the continent: "Justice for Africans and People of African descent through Reparations'.

Since then, Ghana advanced a UN Resolution on slavery reparations, which was passed on March 25, 2026, by a majority vote of 123 in favour, 3 against and 52 abstentions. The resolution was linked to enduring legacies of slavery, structural racism and inequality. Slavery and the slave trade have been designated as crimes against humanity. There are ongoing and organised struggles to carry this forward, including for the cancellation of debt, which is burdening our governments and the ability to deliver services, health, education, etc. Our FMSS struggle is part of these struggles to prevent our further dispossession and subordination.

UNDROP – RWA SADC's support for and ongoing popularisation and mobilisations calling for the domestication of UNDROP into our respective national laws.

RWA SADC regularly holds schools and meetings on various topics – from agroecology schools to feminist schools. We want to refer to something we learned recently in one of our study groups.

Although we have been popularising UNDROP in our respective countries, below we refer to the legal opinion given in 2022 by the Geneva Academy of International Humanitarian Law and Human Rights and APBRERES[i]), which we only read recently. We are not academically inclined; thus, we quote directly from that text (the underlining is RWA's emphasis).

States affirmed the over 10,000 years customary rights of peasants and farmers to freely saved, selected, exchanged and sell seeds, and reused them to produce food by adopting the Convention on Biological Diversity (CBD) and its Protocols, the International Treaty on Plant and Genetic Resources (ITPGRFA – the Treaty), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and UNDROP.

Discussion and conclusion

Farmers' rights were recognized in international law for the first time with the adoption of the International Treaty in 2001 (Preamble and Article 9). In this regard, the International Treaty can be seen as counter-balancing the obligatory protection of plant varieties under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

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UNDROP explicitly and unambiguously recognizes the right to save, use, exchange and sell farm-saved seeds (p. 2).....Article 9.3 of the Treaty states that "nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate."

UNDROP's Article 19 reinforces the legal effect of those rights by recognizing the right to save, use, exchange and sell farm-saved seed or propagating material as an integral part of the rights of peasants and stipulates that States have an obligation to "take measures to respect, protect and fulfil the right to seeds of peasants" (Article 19.3). UNDROP reaffirms the rights outlined in the International Treaty (ITPGRFA) in Article 19.1, and stipulates that States shall respect, protect and fulfil these rights (Article 19.3). It adds that States shall promote and protect peasants' traditional knowledge, innovation and practices (Article 20.2). UNDROP goes further and requires that States also: – guarantee peasants' right to maintain, control, protect and develop their own seeds and traditional knowledge (Article 19.2); (p. 2)

On this point, UNDROP is unequivocal that States have a duty to "ensure that seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants and other people working in rural areas" (Article 19.8). UNDROP provides a framework of action towards the full protection and implementation of peasants' right to seeds, and needs to be taken into consideration in the implementation of Article 9 of the International Treaty (p. 2)

THE PRIMACY OF HUMAN RIGHTS: In international law, in accordance with the UN Charter, international human rights instruments take precedence in the hierarchy of norms over other international instruments, such as those protecting intellectual property. (p. 2)

The UN Charter also provides that "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail" (Article 103). It is noteworthy that in defining the right to seeds, **UNDROP has built on a number of binding international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), in which the right to food is enshrined, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (p. 2).**

In Article 19.8, UNDROP also calls on **States to prioritize the rights, needs and realities of peasants over seed policies, plant variety protection and other intellectual property laws, certification schemes and seed marketing laws.**

Both these provisions reflect the fact that as higher-order norms, human rights cannot be traded off or undermined. On the contrary, international norms including trade agreements and national laws and policies must be adapted to ensure the ongoing protection of human rights. UNDROP further stipulates that “Nothing in the present Declaration may be construed as diminishing, impairing or nullifying the rights that peasants and other people working in rural areas and indigenous peoples currently have or may acquire in the future” (Article 28.1), and that the “exercise of the rights set forth in the present Declaration shall be subject only to such limitations as are determined by law and that are compliant with international human rights obligations.” ***This hierarchy needs to be taken into consideration by Contracting Parties when they implement Article 9 of the International Treaty. (p. 3)***

ACCOUNTABILITY MECHANISMS LINKED TO HUMAN RIGHTS: *A critical effect of UNDROP is that it brings to bear the accountability mechanisms linked with recognising peasants’ rights as human rights guarantees that can be enforceable before judicial or quasi-judicial bodies at national, regional or international levels.*

We, as RWA, were also inspired by learning, in this APBREBES document, about a number of court cases at international level, where the rights of farmers have been asserted and prioritised:

Canada provides an example of how UN human rights declarations can be incorporated into national law and become enforceable. In 2019, the province of British Columbia became the first Canadian jurisdiction to incorporate UNDRIP into law, by passing an Act “requiring] the government of British Columbia to prepare and implement an action plan to achieve the objectives of the Declaration.

.”²⁷ In 2021, “the federal government followed suit by passing its own legislation ‘to affirm the Declaration as a universal international human rights instrument with application in Canadian law’” and to provide a framework for its implementation. In 2022, the Supreme Court of British Columbia ruled in favour of the Saik’uz First Nation in a case opposing the mining company Rio Tinto Alcan, stating in its decisions that UNDRIP legislation “supports a robust interpretation of Aboriginal rights.”

·UN human rights mechanisms, in particular the Human Rights Council, Special Procedures and Treaty Bodies, also monitor UNDROP’s implementation. For instance, in 2019, the UN Human Rights Committee became the first UN Treaty Body to refer to UNDROP, in its decision in Portillo Cáceres and Others v. Paraguay. While the decision concerns the right to land, it shows how UNDROP can also be used to bring States to fulfil their obligations related to peasants’ right to seeds. There are already a number of instances in which national courts and regional human rights bodies have referred to UNDROP in their decisions.

·In 2021, the Supreme Court of Honduras unanimously declared the Plant Variety Protection (PVP) Law (Decree N° 21-2012) unconstitutional, on the grounds that it violated the Constitution, various international treaties ratified by Honduras, as well as international standards related to the protection of the right to adequate nutrition. The Law restricted the right to use farm-saved propagation material and made it illegal to give away, exchange or sell seeds from plant varieties protected by plant breeders’ rights. The judgment by the Supreme Court of Honduras is one of the first to explicitly refer to the International Treaty’s Article 9 and to UNDROP’s Article 19.....

..... In 2022, the Constitutional Court of Ecuador referred explicitly to UNDRIP and UNDROP in its decision on a legal challenge to the Seed Law adopted in 2017.³³ The Court stated the obligation of States to adopt measures to permit the rural development of peasants, their agriculture, and the preservation of their means of subsistence, including seeds; and the right of indigenous peoples to “maintain, control, protect and develop” the knowledge of their sciences and technologies, which includes knowledge of seeds and flora.

Finally, we are also inspired and encouraged to have learned that:

·In November 2025, after a three-year court case, the High Court of Kenya ruled that key sections of the Seed and Plant Varieties Act were unconstitutional and violated the farmers rights to life, livelihood and food. International experts have pronounced on this decision, saying it is aligned with UNROP (Article 19).

Furthermore, on APBREBES noting that UNDROP built on existing binding international human rights instruments, such as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women - 1979), we note that besides providing for women's rights to have an equal voice and special protection, it provides for rights to land reform and protection for marginalised landless peasant and indigenous women.

References

Although our further comment in this respect is not part of the definitions, we support “government's unwillingness to delegate certain seed certification functions to the private sector”(AU Inaugural Africa Seed Summit, Concept Note - p. 4, 1st paragraph). Rather than surrendering Africa's and national genetic resources and seed sovereignty to the private sector, particularly foreign owned companies and corporations, top priority should be given to fund public institutions to carry out and implement relevant policies, including to support and protect FMSS.

https://archives.geneva-academy.ch/joomlatools-files/docman-files/Apbrebes_BriefingPaper_9-22_final.pdf



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Website:

Rural Women's Assembly

www.ruralwomensassembly.org

Contact:

Mercia Andrews

mercia@tcoe.org.za

+27 823683429

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