

PRESS RELEASE

The Tanzania Organic Agriculture Movement (TOAM) has noted with a very serious concerned widely circulated internet article that **Tanzanian farmers are facing heavy prison sentences if they continue their traditional seed exchange.**

These articles appeared in various internet sites to provide a misleading and incorrect statement involving Tanzanian farmers for selling uncertified seeds or seeds that are protected under the current Tanzanian Plant Breeders Rights legislation.

Quoting one of the Tanzania Organic Agriculture Movement (TOAM) former staff, Mr. Michael Farrelly, it was asserted that one is not allowed to share the seeds with neighbours "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."

The defamatory words used in the articles suggest to the readers that ***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.***

The authors indicate that in 2014, Tanzania enacted a Plant Breeders' Rights Act "disregards the contributions of small-scale farmers, marginalizes their varieties and adversely impacts on their interests and livelihoods as it severely restricts farmers from engaging in their customary practices of freely sharing, exchanging and selling seed/propagating material,".

It is further argued that the legislation protects the intellectual property rights of plant varieties new to Tanzania, and penalizes violators with a fine of 2 million to 10 million Tanzanian shilling (about \$900 to \$4,500) or up to three years imprisonment, or both.

Also, the authors alleged that Tanzania has amended its 2003 Seed Act to align with the 1991 UPOV convention and became a member state a year later — to the objection of farmers' organizations and civil society organizations.

The amended Seed Act imposes a fine of 100 million to 500 million Tanzanian shilling (about \$445,000 to \$225,230) or between five to 12 years imprisonment or both for selling or trading of certified seeds. In other areas, the articles claimed that under the new law, Tanzanian farmers risk a prison sentence of at least 12 years or a fine of over €205,300 (about \$213,000), or both, if they sell seeds that are not certified.

Some of the said defamatory publications statements appeared at www.mo.be published by Ebe Daems, on 7 December 2016; www.politifact.com published on January 9th, 2017 authored by Danielle Nierenberg; and www.techdirt.com published on Jan 9th 2017 authored by Glyn Moody.

Given the fact that a staff and member who responded to the interview was summoned and confirmed to have made reference to African Center for Biodiversity (ACB) study reports with opinion of having negative implication to smallholders' farmer seed systems,

indigenous knowledge on seed and seed exchange as the Act is silence about these issues but has much more emphasis on formal and commercial seed system.

The TOAM would like to inform the members of public and particularly all key stakeholders in the seed industry that the information contained in the articles are misleading and contain false statements.

In this regard, TOAM wishes to clarify and disown the article. Recent clarification obtained from the Management of the Ministry of Agriculture Livestock and Fisheries suggests that it is not true that Tanzanian Government has passed any law that criminalize the farmers as intentionally and negligently suggested by the publishers of the said articles.

It should be clearly understood that the Tanzania law governing Plant Breeders' Rights was enacted in 2012 and not in 2014 as asserted by the authors of the misleading articles. As internationally recognized, this law is a private law dealing with rights of the breeders or developers of new plant varieties. The only general penalty provided for violators of the law is on section 49(2) of the law which is imprisonment only up to one year or fine not exceed ten million shillings.

It should be noted that Tanzanian Seed Legislation is amongst few unique laws in the world which to a large extent considers farmers rights by allowing farmers to produce seed through informal system (Defined as Quality Declared Seeds (QDS) through Section 19(2) of the Seed Act, 2003 and regulation 26(4) of the Seeds Regulations 2007. Such sale is permitted if the said seed "are grown by smallholder's farmers for use as seeds in his own farm".

With this notice, we invite the authors of the articles to immediately delete the publications from the internet or elsewhere. Otherwise, TOAM will have no other alternative than to initiate any possible legal remedy through appropriate forum against the authors and the owners of the websites.

TOAM regrets for inconveniences caused by this article which does not depict the reality of the laws in Tanzania.

Issued by



Constantine Akitanda
Communications Advisor