



FEED THE FUTURE

The U.S. Government's Global Hunger & Food Security Initiative

GHANA FEED THE FUTURE AGRICULTURE POLICY SUPPORT PROJECT (APSP)

**FIRST REPORT ON DEVELOPING AN ENABLING
ENVIRONMENT FOR SEED INDUSTRY GROWTH FOR GHANA
— DESKTOP ANALYSIS**

Contract No. 641-C-14-00001



USAID
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This report was produced for review by Chemonics International Inc. It was prepared by Iowa State University's consultant Joseph E. Cortes (PhD). The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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A. BACKGROUND

Component 1 of the USAID/Ghana Feed the Future Agriculture Policy Support Project (APSP) is to facilitate and assist the government of Ghana in agricultural sector policy formation and implementation. One objective of this component is to draft and implement favorable seed regulations and policies in order to establish an enabling environment for improved seed innovation and production. In 2014, Chemonics International entered into a partnership with subcontractor Iowa State University to launch project activities under this component. These activities will facilitate the development of a vibrant Ghanaian seed industry to ensure that farmers nationwide have access to high quality and advanced seed varieties. The planned activities respond to Sections 4 and 5 of the Fiscal Year 2 (FY2) APSP Annual Work Plan, namely: 1) to train Plant and Fertilizer Act council members and; 2) to operationalize the inputs regulations and policies.

The government of Ghana requested that APSP support the implementation of the Plant and Fertilizer Act, 2010 (Act 803). Among other activities responding to this request, the project has conducted a preliminary analysis of the current seed regulatory framework. This report details the findings of the desktop study of the Ghanaian seed component of the Act. It analyzes the proposed regulations to ensure that the legal framework conforms to the ECOWAS seed agreement signed by all West African countries and promotes the growth of the national seed industry.¹

B. INTRODUCTION

The National Seed Policy of Ghana was developed in the context of the current agricultural policy document “Food and Agricultural Sector Development Policy II” (FASDEP II), which outlines the path to enhance the competitiveness and profitability of crops using quality seeds.

The objectives stated in FASDEP II are:

- Productivity enhancement
- Sustainable land management
- Expansion of production and trade
- Enforcement of standards
- Engagement of the private sector

The strategies to be adopted are:

- Support farmers’ use of certified seeds through increasing public awareness
- Intensify dissemination of technological packages
- Facilitate the development of new improved varieties of seeds

¹ This Quarterly Report was developed by Joseph E. Cortes (PhD), a consultant from Iowa State University, in partnership with Chemonics International Inc. for the implementation of the USAID/Ghana Agriculture Policy Support Project, Ames, USA, March 2015.

- Ensure access to technology information and inputs

FASDEP II outlines the Medium Term Agriculture Sector Investment Plan (METASIP) of the Ministry of Food and Agriculture (MoFA) which acknowledges the use of quality seeds as a key factor to enhancing agricultural productivity in Ghana. The National Seed Policy also addresses key issues for the development and growth of the seed industry such as: introducing improved seed varieties, strengthening seed trade, providing capacity building of public and private seed industry stakeholders, expanding the infrastructure for seed services to facilitate private sector development, reviewing the role of the public institutions, developing a seed value chain, and enhancing the adoption of quality seeds. The National Seed Policy objective, as stated in the NSP document (Section 3.2), is clear; “The main objective of the National Seed Policy is to support the development and establishment of a private sector-driven seed industry that would continuously create and supply farmers with improved varieties.”

The Plants and Fertilizer Act of 2010, Part II establishes the provisions related to seeds. These provisions cover the registration of seed dealers, seed production, and marketing including the registration of new varieties, official quality control of production, a description of the function and composition of the Seed Council and related committees, as well as other provisions dealing with offenses and penalties, funding sources, and audits.

The proposed Seed (Certification and Standards) Regulation of 2014 addresses the main provisions and standards and establish the ground rules for implementation.

C. ANALYSIS AND FINDINGS

This report covers three areas of analysis: the National Seed Policy (NSP), the seed section of the Plant and Fertilizer Act of 2010, and the proposed Seeds Regulations of 2014. The NSP section identifies critical elements and provisions of the policy where APSP can provide support or technical assistance to enhance the regulatory enabling environment for the growth of the private seed sector. The Seed Act section analyzes any limiting articles (called sections in Ghana) that could be improved with a legal basis through the proposed regulations. The last section provides an analysis of the proposed seed regulations and provides recommendations for those that should be individually modified to contribute to their ongoing development and discussion.

C1. National Seed Policy

The NSP is a comprehensive document which outlines the forthcoming regulations and identifies areas that require additional clarification. The NSP strongly indicates its support of the growth and participation of the private seed sector in several instances throughout the document. All the critical regulatory elements are addressed in the NSP, including variety release, licensing of varieties to the private sector, accreditation of seed quality control functions, and simplification of seed import and export processes. The following are the most critical elements of the policy and the corresponding potential support actions for APSP.

- Ensure that seed enterprises have a balanced representation in the governing bodies of the National Seed Council and the National Variety Release and Registration Committee (NSP 4.1 and 4.2). This will require that the National Seed Council and the Technical and Variety Release Committee (TVRC) understand the NSP and the Seed Act, expand the private sector participation through sub-committees, and participate fully in the development of the final version of the regulations. This will require immediate assistance from APSP and the project will hold at least one workshop dedicated to this goal in Q3 of Fiscal Year 2.
- Assist in the establishment of a Seed Industry Development Office within the proposed National Seed Association (NSP 4.3). This is one of the areas where APSP could provide technical assistance to regional offices in work planning, fundraising, and implementation to assist seed enterprises of all sizes, including new enterprises.
- Support the informal sector to systematically upgrade its practices and facilitate their entry into the formal sector (NSP 8.1, 8.2, 8.3; NSP 10.1.1). APSP could identify and engage the informal sector and encourage its development through the Seed Industry Development Office. Through this intervention, the informal seed growers and dealers of today will become the backbone of the local seed enterprises of tomorrow.
- Build the human, financial, and institutional capacity of national institutions to derive new seed varieties which are most suited to the Ghanaian agro-ecologies (NSP 5.1, 5.2). This should be one of the main focal points of APSP, with the goal to expand breeder training, facilitate variety releases and registrations, and establish licensing mechanisms to ensure that all seed enterprises have access to all the new public materials. Without new and improved varieties, seed enterprises are not likely to succeed.
- Promote the use of the spare capacity of existing seed conditioning plants to service the needs of the emerging private sector and privatize any redundant seed plants (NSP 9.1, 9.2). A substantial startup investment for any seed enterprise is the purchase of seed conditioning and seed storage facilities. The proposed initiative should be rapidly implemented, widely disseminated to the existing seed enterprises, and communicated to potential seed enterprises interested in participating in the new seed system. APSP could provide technical assistance by training operating personnel, upgrading or repairing conditioning equipment, and ensuring there are no regulatory barriers to equipment ownership. These activities will contribute to the growth of the Ghanaian seed industry.

APSP will collaborate with other Feed the Future projects in Ghana, such as ADVANCE II and ATT, in the implementation of the aforementioned activities.

C2. Plants and Fertilizer Act, 2010 (ACT 803)

Some sections and articles of the Seed Act need to be better developed and clarified. The first two sections/articles are addressed through the drafting and implementation of strong protocols, which would be accomplished by the proposed regulations. We present an analysis of the Seed Act sections that require additional clarification in the proposed Regulations in Annex I. That annex identifies the Seeds Act section requiring expansion or clarification, the basic purpose and goals of the section, the suggested revision, and the legal basis that supports the change. Below is a detailed analysis of the suggested additions.

- Section 31 (3) (b): Registration requirements for seed-related entities should facilitate the growth of the national seed industry by minimizing fees and conditions for seed growers, seed enterprises, agro-dealers, seed importers, exporters, and laboratories. High fees restrict market entry for small or emerging seed enterprises and agro-dealers. Fees should be commensurate with the level of effort government officials dedicate to the registration process.
- Section 31: Expand the register of seed-related entities with definitions of different participants in the system to accommodate all stakeholders. These categories should be clearly defined so the registry has a complete informational record to provide the Ministry. These records should include and define each participant category, including but not limited to: contract grower, seed enterprise, agro-dealer, seed importer or exporter, seed conditioner, and seed laboratory.
- Section 32: A National Seed Authority should be created for the administration of the Seed Act. Although this section only deals with application process for registration, it provides a strong justification for the creation of a National Seed Authority that will administer the Seed Act. Though the Directorate of Crop Services appears to be the most appropriate body to administer the law, a separate dedicated institution under the DCS would be more appropriate. A good alternative would be the Ghanaian Seed Inspectorate Service (GSIS).
- Section 33: Establish the conditions for each seed participant category with a corresponding Registration Certificate Form. It is important to clearly define consistent standards for each actor in the new seed system and to communicate these standards to new applicants. This applies to: contract growers, seed enterprises, agro-dealers, seed importers and exporters, seed conditioners, and seed laboratories, as well as to farmer-based organizations and community-based organizations.
- Section 39 (1) (a) and (1) (b): Provide quality control for seed imports and minimize the risk of the introduction of pests and diseases. Imported seeds for experimental or research purposes should only need to be tested for seed transmitted diseases if the shipment is suspect. The shipment would not need to be tested for germination or purity since it is not intended for use by farmers. In the case of (1)(b), the tests should be limited to certain prescribed crops and to phytosanitary, physical, and physiological tests only to avoid misinterpretation and confusion, which contributes to unnecessary delays in a seed import or export.

- Section 41: This section is not in accordance with the ECOWAS agreement. ECOWAS has a standard tag for Parental or Pre-Basic Seed that is not included in the Seed Act. Therefore, another tag “white with diagonal violet stripes for parent material and Pre-Basic Seed” should be added to the text.
- Section 42: This section is not in accordance with the ECOWAS agreement. ECOWAS has additional and modified information on seed container tags. These include: minimum germination, species suitable or variety type, year and month of production, and minimum genetic purity.
- Section 43 (3): This section does an excellent job of allowing public or private entities to conduct VCU or DUS tests, a popular provision with breeders and seed enterprises. To strengthen this provision, it should be expanded to accept government-supervised breeders’ data of DUS and VCU as partial or total fulfillment of the requirement, in addition to public or private entities. This would decrease testing time and costs, and decrease the time for seeds to become commercially available.
- Section 44 (7) (d): The moisture standard is stated as “minimum”. This needs revision as the moisture standard was established to ensure that the seed does not deteriorate as quickly by maintaining the seed at low moisture contents. Therefore, the standard should read “maximum moisture content.”
- Section 44 (4) (5): There is an article missing in Section 144 related to the procedures for accreditation. This article is necessary to place the responsibility for establishing the conditions and mechanisms to allow individuals, third parties seed laboratories or seed entities to inspect fields, sample and test seeds, and issue certification labels on the certifying agency. This is another ECOWAS provision that requires implementation to facilitate seed quality control mechanisms.
- Section 58 (1): Meetings of the Technical and Variety Release Committee should be mandated to occur biannually, rather than be determined on a case-by-case basis by the Chairperson. Since Ghana is a two season cropping country, this would allow varieties to be presented at the end of either season, rather than forcing them to wait six months for evaluation and release. This will also accelerate the distribution of new varieties to farmers.
- Section 60: The functions of NVRC in Section 60 are already assigned to the Technical and Variety Release Committee as provided in Section 56. This repetition will lead to increased time, effort, and resources being dedicated to the same objective. Therefore, it is critical to ensure that General Provision #4 of the regulations, which interprets the Seed Act on this subject, is left as is and enforced.

C3. Seed (Certification and Standards) Regulations (April, 9 2014)

Beyond the recommended additions to the Seed Act in the regulations in Annex I, modifications to the existing regulations to help to clarify terminology or correct technical inconsistencies are presented in Annex II. Below is the detailed analysis of these recommendations:

- Section 2: The object of certification is to verify the genetic purity of varieties in the market. However, it is also important that this section explain that the ultimate purpose is to reassure farmers that the seeds on the market are high quality and comply with strict standards.
- Section 6, 7 (1), (2), (3): Changing the word “shall” to “may” would give the Committee options for different crops and varieties with special characteristics.
- Section 6: This section should define the mandate for the TVRC to establish the procedures for variety evaluation and release. It is important that all breeders, public and private, are assured of a common set of procedures for the evaluation and release of varieties applicable in the same form to minimize the possibility of bias. These procedures should be developed including the suggestions proposed by the ECOWAS Instrument #2: “Draft Proposal on the Creation of a Regional Catalogue” and the “Draft Technical Regulation for Testing Crops Varieties.”
- Section 9: The Seed Certification Authority should develop and follow a procedure manual for seed certification rather than having procedures established in the Regulations. This would allow the Authority to easily change methodologies and conditions without having to send each proposed change to the Ministry, National Seed Council, or its designated authority for approval. This suggestion applies to Sections 15-143. This procedure manual can and should be adapted and based on the seed certification procedures manual developed in the ECOWAS region and on the ECOWAS Regulation of April 5, 2008.
- Section 144 (1) (d): The final label is added to the “container” after seed conditioning and treating in the conditioning or storage unit, not in the field.
- Section 144: The seed authority should be responsible for developing and following a procedure manual for seed certification accreditation. A draft procedure manual developed in the ECOWAS region can be used as a guiding template. Adding numeral (3) would give this responsibility to the certifying authority.
- Section 145 (1) and (3): Containers should have only one official tag but could have an unofficial tag from the seed enterprise. In (3), the responsibility for tagging should be under the seed authority and/or the accredited entity, as established in 144 (1).
- Section 148 (2): Adding this numeral (2) will increase the efficiency and efficacy of the seed import and export process, reducing time and cost. One of the main complaints of the seed industry is the volume of paperwork and bureaucracy involved in obtaining the needed permits. A one-stop drop off and pick up will increase the volume of seed imports and exports. A procedure manual outlining this process has been developed and could be adapted to the Ghanaian context.
- Section 149 (1) (b): There are noxious weeds that can be eliminated during seed conditioning. Differences in length, width, thickness, and weight between the crop seed and the weed are some of the markers used in seed conditioning to eliminate noxious weed seeds that could cause the rejection of an entire seed lot. Refining of the definition of the noxious weed seed as proposed is technically correct and acceptable.
- Section 151 (1): It may be more convenient to use seed enterprise rather than a “grower of seeds”. Normally, a seed enterprise would seek the authorization on behalf

of the seed grower. The grower, in turn, is contracted by the seed enterprise to produce the category of seed sought by the seed enterprise. Even in the case of farmers based organizations (FBOs) and civil society organizations (CSOs), and CBOs, these would request the approval, selecting the most appropriate fields among its members.

D. REFERENCES

Republic of Ghana Plant and Fertilizer Act (Act 803, Part 2), September 2010

Republic of Ghana National Seed Policy, May 2013

Proposed Seed Regulations, April 2014

ECOWAS Regulation C/Reg.4/05/2008 on Harmonization of Rules Governing Quality Control, Certification and Marketing of Plant Seeds and Seedlings in the ECOWAS Region

ECOWAS Draft Proposal on Regulations for Creation of a Regional Catalogue for Crop Species and Varieties in West Africa, December 2005

ECOWAS Draft Technical Regulation for Testing Crops Varieties

ANNEX 1: ANALYSIS OF PROPOSED CHANGES TO THE SEED ACT

Seed Act Sections requiring further provisions in the Regulations	Reason	Suggested regulation text	Legal/Policy Basis
Section 31 (3) (b)	Registration requirements for seed-related entities established in the regulations should facilitate the growth of the national seed industry by minimizing fees.	The amount of the registration fee shall be based on the service cost per category (xx units/ category.)	National Seed Policy: “Appropriate fees shall be charged.....” Section 18.3 93 2 nd bullet.
Section 31	Expand the register of seed related entities with definitions of different actors in the system to accommodate all actors.	Include and define all actor categories, including: contract grower, seed enterprise, agro-dealer, seed importer or exporter, seed conditioner, and seed laboratory.	Section 37 (b)
Section 32	National Seed Authority should be designated for the administration of the seed act.	Directorate of Crop Services shall be responsible for processing the application for dealer’s registration.	NSP: Section 4.4 Seed Act: Part V Section 122
Section 33	Establish the conditions for each seed participant category with the corresponding Registration Certificate form.	The conditions for registration into the different seed participant categories are as follows: <i>-(conditions then are fully developed)</i>	National Seed Policy: Overall Strategy in the Policy Page 42
Section 39 (1) (a) Section 39 (1) (b)	Keep imported seed quality high and minimizing the risk of introduction of pest diseases.	For Phytosanitary testing as needed. For phytosanitary, physical and physiological quality tests as needed (purity and germination.)	Technically acceptable
Section 41	Not in accordance with ECOWAS Agreement.	Add: tags white with diagonal violet stripes for parent material and pre-basic.	Signed Regional Seed Agreement
Section 42 €	Not in accordance with ECOWAS Agreement.	Add: minimum germination, species suitable or variety type, year and month of production, minimum genetic purity.	Signed Regional Seed Agreement
Section 43(3)	Limits authority to accept breeder data, causing additional testing seasons that delay putting new varieties in farmers’ hands.	Add in Seed Regulations Section 5 (2): “if necessary.”	Seed Act Section 123 (1) (b) Part two for (i)

Section 44 (7) (d)	The moisture standard is stated as “minimum” not maximum.	Change in Regulation 147 (2) (d) to “Maximum moisture content.”	Seed Act ; Section 123 (1) (b) Section 42 (d)
Section 44 (4) and (5)	There is an article relating to the procedures for accreditation missing in the Regulations section 144.	Add “(3) The certifying authority shall develop procedures for accreditation in support of (1)”.	Seed Act Section 123 (1) (b) NSP: page 62 (10.1.1) last bullet point
Section 58 (1)	Meeting of Variety Release Committee holding should be biannual, for a two season cropping country	Incorporate into procedures for biannual variety release to accept and evaluate applications of new varieties.	Seed Act Section 123 (1) (b)
Section (60)	Functions of National Variety Release and Registration Committee are already included in the Technical and Variety Release Committee in section 56 of the Seed Act.	Ensure as it is established in Section 4 of the proposed regulations.	NSP: New entity for variety registration, Section (10.2.3) 3 rd bullet point.

ANNEX II: PROPOSED MODIFICATIONS TO THE SEEDS REGULATIONS

Sections Where Modifications Are Proposed in Seed Regulation	Reasons	Suggested regulation/text
Section 2	Reassurance farmers of the quality of seed in the market.	Add 'and reassure farmers of the quality of the seed in the marketplace.'
Section 7 (1) (2) and (3)	Gives the Committee options for different crops and varieties with special characteristics.	Replace verb "shall" with "may" in first phrase.
Section 6	This section should set the mandate for the TVRC to establish the procedures for variety evaluation and release in line with ECOWAS Draft Regulation.	Add "following the procedures developed by the TVRC" after the word "released".
Section 9	Seed certification authority should have a procedure manual for seed certification. Can base on document developed in ECOWAS region.	Add a "(3)": "the certifying authority shall develop the procedures for seed certification, including field inspection, sampling, testing, and labelling for the purpose of ensuring clarity in the process".
Section 144 (1) (d)	The final label is added to the container.	Replace Field with "Container"
Section 144 (2)	Seed authority shall follow the procedure manual for seed accreditation developed in ECOWAS region	Add (3) the certifying authority shall develop procedures for accreditation in support of (1).
Section 145 (1)	Containers should have only one official tag but could have another from the seed enterprise.	Change "two" for "one" official certification tag.
(3)	Seed authority and/or the accredited entity should be responsible for tagging.	Add: "or an accredited entity as described in 144 (1)."
Section 148 (1)	Typo Correction:	Place a (1) before "A person..."
(2)	Adding this numeral (2) will increase the efficiency and efficacy of the seed import and export process, reducing time and cost.	Add a "(2):The appropriate authority shall prepare a document containing the procedures for seed import and export that facilitate "one stop" process."
Section 149 (1) (b)	There are noxious weeds that can be eliminated during seed conditioning.	Add: "and cannot be eliminated through seed conditioning."
Section 151 (1)	It may be more convenient to use seed enterprise rather than a "grower of seeds."	Change "grower" for "seed enterprise"
Section 164 (1)	More clarity.	Add: " in accordance with the procedures"