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19 February 2026

Biowatch South Africa submission on the Right to Seeds

Seeds in Context: Significance and Practice

The dispossession of land under colonialism and then apartheid, globalisation, and deregulation of agriculture post 1994 have all contributed to a dual agricultural system in South Africa. One is industrialised with less than 35000 commercial farmers and a small number of ‘emerging’ commercial farmers. The other includes approximately 2.5 million smallholders who farm as part of their livelihood strategies and whose contribution to food security is under-studied and under-valued.

The commercial sector is powerful and dominant, claiming to produce 95% of marketed food consumed in the country but creating dependency on agribusiness inputs, including seed, and production of highly processed food.

Despite challenges, pockets of smallholder farmers, in some cases supported by NGOs, have continued seed traditions and are in the process of strengthening and reviving these farmer-led seed systems (FLSS) across South Africa.

Farmer varieties are valued for many reasons. Having seed in one’s household seed bank and distributed through a community and inter-community seed network allows farmers to be responsive to the variation in the timing of seasons; to replant if bad weather destroys crops; and to access seed without cash through reciprocity. Seed exchange rituals build social relations. Farmer varieties are resilient to variable soils, weather and pests; producing some food even in poor conditions. Farmer varieties include indigenous and traditional foods that are not available in commercial markets, support agroecological methods and are more nutritious. Particular varieties have differentiated use for foods, healing, rituals, animal feeds and fibre.

It is evident from the above that FLSS are the foundation of food sovereignty and the Right to Food.

National and International Frameworks

South Africa acceded to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) only in January 2025, at a time when the Farmers’ Rights clauses and the workings of the Multilateral System on access and benefit sharing are contested.

The South African government played a positive role in driving the adoption of the UN Declaration on the Rights of Peasants and People Working in Rural Areas (UNDROP), but this has not been domesticated in a meaningful way.

Work under the National Plan for the Conservation and Use of Plant Genetic Resources for Food and Agriculture (2018 – 2027) has included collecting accessions of farmer varieties, restoring seed to communities after disasters, and support for 3 community seed banks.

South Africa's Constitution provides strong recognition of customary law, which would include seed, but defending this against the existing statutory system, designed for the commercial seed sector, is onerous.

One of the greatest threats to FLSS in South Africa and the continent remains the capture of the seed commons and its enclosure through legal instruments. Two main laws govern seed production, distribution and use in South Africa: the Plant Breeders' Rights Act (12 of 2018) and the Plant Improvement Act (11 of 2018). Contested through an ongoing, country-wide civil society campaign; these laws align with UPOV 91 requirements but provide limited exemptions for subsistence purposes.

The Genetically Modified Organisms Act 15 of 1997 regulates the use of GMOs in agriculture. This too has been facilitative of industry. South Africa allows the commercial production of GM maize, soya and cotton. The genetic modification of our main staple food maize has undermined health and contributes to contamination of farmer varieties.

Development of National Biodiversity Strategy and Action Plans (NBSAPs) and national targets under the Kunming-Montreal Global Biodiversity Framework (GBF) in 2026 provide opportunities for agroecology and farmer seed systems, but the process for public engagement in South Africa's NBSAPs is not clear.

Challenges, Responses and Good Practices

For the farmers Biowatch accompanies, the production and protection of their seed varieties is indivisible from their practice of agroecology; support for farmer seed systems requires support for agroecological practices that nurture healthy and diverse seeds. As yet there is no systematic support for agroecology articulated in government policy. Extension services are trained in and reproduce the Green Revolution model of agriculture through the support and input subsidies they offer. Extension routinely encourages farmers to abandon "Gogo" (grandmother) seed and practices in a context where seed custodians are traditionally the elder women in the household.

Key policies meant to foster the economic liberation of small-scale farmers, such as the 2022 Agriculture and Agro-Processing Master Plan (AAMP), promote the upscaling of small-scale farmers into commercial value-chains for a handful of commercial commodity crops. Similarly, a list of indigenous crops and medicinal plants were declared as agricultural products under the Marketing of Agricultural Products Act (MAP Act) in July 2025.

However, the parastatal Agricultural Research Council is currently in the process of developing a National Agroecology Framework (not yet public) coordinated by Department of Agriculture, which civil society hopes will enable support for farmer-led seed systems.

Access to land and water are a major obstacle; most farmers maintain farmer varieties farm on land that was consolidated as 'homelands' under Apartheid separate development policies and is often marginal and crowded. Farmers also struggle to afford fencing to protect crops.

The marginalisation of small-scale producers, the weight of industry influenced law, and the push towards industrial value chains has made the revival of FLSS in South Africa challenging.

Biowatch works with partners in South Africa and regionally to revive FLSS through agroecology, by reviving the traditional and indigenous knowledge at the heart of seed custodianship, deepening agroecology and advocacy against unjust laws serving transnational corporations.

Biowatch is part of the Agroecology Action Collective in South Africa, with 11 CSO and farmer movement partners and the Seed & Knowledge Initiative (SKI) with 15 partners across Malawi, South Africa, Zambia and Zimbabwe. SKI supports seed fairs and is deepening cultural and technical knowledge to revive FLSS which is shared through a Community of Practice. Challenges and successes are linked to broader advocacy campaigns through the African Biodiversity Network (ABN) and the Alliance for Food Sovereignty in Africa (AFSA).

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