



ALLIANCE FOR FOOD SOVEREIGNTY IN AFRICA

UNPACKING THE AfCFTA PROTOCOL ON INTELLECTUAL PROPERTY RIGHTS

Analyzing and Dissecting the Protocol of the Agreement Establishing the African Continental Free Trade Area on Intellectual Property Rights Related to Genetic Resources

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Farmers Ecosystem
Horticulture Agro-biodiversity Diversity
Smallholder Sustainability Biosafety
consent Transformation Rights
generis Systems Biopiracy Trade-Offs
Plant Adaptation Biodiversity FMSS Benefit
Resilience Protocol Framework Protection Pesticides Transgenic
informed Crops Legal Land Soil Agro-inputs
Agrochemicals Free Knowledge Consumers
Innovation Agriculture Climate
Monoculture Resources prior Seed
Sharing Sui Agroecology IPR Fertilizers
Organic Policies security IP Varieties
Health Environmental Africa
Awareness Corporations UPOV
Trade Degradation Genetic
Governance Traditional Flexibility Food
Frameworks

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EXECUTIVE SUMMARY

Alors que la déclaration de Malabo du Programme détaillé de développement de l'agriculture As the 2014 Comprehensive African Agricultural Development Programme (CAADP) Malabo Declaration concludes in 2025, and discussions for a Post-Malabo Road Map gain momentum, Africa's food and seed systems face a paradox. While smallholder farmers produce over 80% of the food consumed in Africa, agriculture supply chains are increasingly dominated by large seed and food corporations. There is also an increasing permeation of economic policies, agreements, and initiatives at both continental and national levels that consolidate corporate power in agriculture, often neglecting smallholder farmers. Unless this trajectory is rethought, we risk further marginalization of smallholder farmers, perpetuation of food and nutrition insecurity, increased dependence on food and seed imports, and increased inequalities across the continent. Moreover, the existing policies that promote corporate-managed seeds are eroding the seed biodiversity preserved by smallholder farmers over generations.

The African Continental Free Trade Area (AfCFTA) is launching within this global governance framework for agriculture, food, and seed ecosystems. However, unless policy changes are made, the AfCFTA risks disrupting agroecology and farmer-managed seed systems (FMSS). This is because contemporary trade policies focus on increasing trade shares, often leading to significant investments in corporate-managed seeds and agro-inputs like inorganic fertilizers, eroding biodiversity and disadvantaging farmers by neglecting FMSS. Furthermore, the progressive liberalization of seed trade under the AfCFTA risks contaminating FMSS with genetically modified organisms (GMOs), as 11 AfCFTA State Parties have authorized GMO field trials and/or commercial production. The risk of GMOs is exacerbated by the absence of biosafety provisions in the IPR Protocol which is likely to undermine seed sovereignty on the continent. This is in addition to the rise in patent theft of farmers' knowledge and the lack of explicit disclosure provisions in the AfCFTA which could negatively impact FMSS and seed sovereignty. Moreover, the recent MoU between AGRA and the AfCFTA Secretariat which is aimed at fostering agri-food trade and agro-industrial development exacerbates these challenges by giving multinational corporations significant influence over AfCFTA's policy direction while sidelining smallholder farmers.

Despite these limitations, there is hope. Africa is increasingly embracing agroecology, promoting FMSS, leveraging technology, and enhancing traditional agriculture while supporting farmers' seed rights. There is increasing evidence that agroecological techniques like community seed banks, water harvesting, and compost application are helping small-scale farmers manage resources sustainably and reduce reliance on costly inputs (Fitzpatrick, 2015). Furthermore, initiatives like the UN Cartagena Protocol on Biosafety, the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), and national movements promoting healthy diets are part of broader efforts to advance FMSS and biosafety. Furthermore, under Article 3b (General Objectives), the AfCFTA aspires to promote agricultural development and food security. However, achieving this aspiration requires the prioritisation of smallholder farmers and agroecology over corporate-driven commercial agriculture.

Furthermore, the AfCFTA Intellectual Property Rights (IPR) Protocol aims to strengthen Africa's agricultural sector by fostering technology and innovation. However, its focus on the commercialization of agriculture led by food and seed corporations neglects the critical role of smallholder farmers and agroecological entrepreneurs in increasing intra-African food trade and addressing the continent's food and dietary needs. Nevertheless, a well-crafted AfCFTA and its IPR Protocol can safeguard farmers' seed sovereignty and welfare while boosting intra-African trade in agricultural goods and services. This necessitates a standalone Annex on farmers' rights, FMSS, and seed sovereignty within the Protocol. Indeed, to promote agroecology in Africa, free trade agreements like the AfCFTA need to be reimagined as current provisions in the main agreement and its IPR Protocol undermine efforts to promote FMSS and safeguard seed sovereignty. State Parties must shift their approach to allow agroecology to thrive as a tool for creating a sustainable, democratic, and resilient food system. The International Fund for Agricultural Development (IFAD) supports this view:

With the right conditions, smallholders can be at the forefront of a transformation in world agriculture. With their immense collective experience and intimate knowledge of local conditions, smallholders hold many of the practical solutions that can help place agriculture on a more sustainable and equitable footing (IFAD, 2013, p.34).

The IPR Protocol must be designed to foster innovation in both commercial and farmer-managed seed systems, ensuring traditional seed exchange practices essential for FMSS and food security are protected. Most importantly, the Protocol should advance *sui generis* systems that fundamentally protect farmers and enhance their resilience to climate and other large-scale disruptions in agro-food systems.

The study concludes by reaffirming that the AfCFTA main agreement and the IPR Protocol as currently designed cannot promote seed sovereignty and FMSS. While the Protocol acknowledges a *sui generis* system that includes farmers' rights, plant breeders' rights (PBRs), and access and benefit sharing rules, these are framed within a commercially driven context. This creates an agreement and Protocol that do not support agroecology and farmers' rights. Moreover, the Protocol's alignment with the UPOV 1991 model consolidates corporate power through tightly defined PBRs, disregarding farmers' rights. The study also notes that the Protocol encourages proof of free prior and informed consent and fair benefit sharing, which can protect farmers' seed systems from biopiracy and theft of traditional knowledge. However, this should be strengthened by advancing provisions that build *sui generis* systems protecting farmers and strengthening their resilience.

Finally, the flexible rules of origin within the AfCFTA risk corporate capture of African seed production, pricing, and trade. Therefore, to promote FMSS and seed sovereignty, the AfCFTA main agreement and IPR Protocol should adopt a coherent approach to seed governance, prioritizing agroecology during the review process. State Parties should enact a standalone Annex on farmers' rights, FMSS, and seed sovereignty while the proposed Annexes to Article 18 (traditional knowledge) and Article 8 (Protection of New Plant Varieties) should address patent threats and build State Parties' capacity to protect and promote FMSS.

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1. INTRODUCTION

John Madeley's book, "Hungry for Trade: How the Poor Pay for Free Trade," provides a striking introduction to the complex issues addressed in this paper. Madeley highlights the paradoxes within contemporary trade and agricultural and seed policies, which often exacerbate global crises such as food and nutrition insecurity and the dispossession of smallholder farmers' rights. He writes:

The proverbial visitors from Mars to planet Earth might have some difficulty understanding the way that earth dwellers connect food and trade. Food is the most basic need of these people, they might reason, yet they have subordinated this to the rules and regulations of international trade. They have elevated trade into a kind of God; nothing must interfere with it, not even food... they may scratch their heads at why countries that are poor, with so many hungry people, seem to grow food quite abundantly on their land. But- and this is where the real puzzle sets in, countries that have millions of hungry people are exporting food to countries where people are already well fed (Madeley, 2000, p.1-2).

In today's corporate-led globalization era, food is often treated as a profit-making commodity, even at the expense of millions who suffer from hunger. To achieve this, the rules governing the global food system are crafted by and for large corporations, facilitating a global corporate takeover of food and seed systems. In Africa, this manifests itself through an aggressive push against millions of smallholder farmers. Indeed, under the guise of a 'new green revolution' and commercial agriculture for agro-industrialization, both food production and land control in Africa are increasingly removed from those who farm and till the land (Fitzpatrick, 2015). It is key to note that Agricultural trade is significant in Africa, generating US\$100 billion annually and contributing over 15% of Africa's gross domestic product (GDP) (UNECA, 2021). Indeed, recognizing this potential, the continent was dubbed by the World Bank in 2013 as the "last frontier" in global food and agricultural markets (World Bank, 2013). The desire to maximise this potential has led to the rise of corporate-led agriculture which is threatening smallholder farmers and agroecological enterprises.

This profit-driven approach has also led to the destruction of natural species (biodiversity) and the promotion of manufactured products, including GMOs and hybrid seeds, which yield profits for capitalists. Crop varieties are now determined through gene banks and laboratories, eroding biodiversity. This has resulted in extreme oligopoly in the agriculture sector. For instance, as of 2022, four firms—Syngenta, Bayer, BASF, and Corteva—controlled 62% of the global agrochemical market; three multinational companies—EW Group, Hendrix Genetics, and Tyson Foods—controlled 100% of commercial poultry genetics; four firms controlled 61% of the global animal pharmaceutical market; two companies—Syngenta Group and Bayer—controlled 40% of the commercial seeds market (Shand, Wetter, & Chowdhry, 2022); and four firms—Archer Daniels, Bunge, Cargill, and Louis Dreyfuss—controlled 90% of the global grain trade (World Bio Market Insights, 2023). This oligopoly facilitates a system where millions suffer due to a lack of market power to control food and seed production and supply chains. Policies pushing for corporate-managed seeds, based on biased "simulations and projections," assert that these will lead to agro-industrialization, economic growth, and rural transformation in Africa. In reality, they often result in the erosion of seed biodiversity and displacement of

small-scale farmers, who are forced to adopt high-input, industrial agriculture using hybrid and GM seeds (Fitzpatrick, 2015).

While trade liberalization poses risks to biodiversity, food, and seed security, it can also offer benefits if informed by an agroecological paradigm that empowers smallholder farmers. One major cause of food insecurity in Africa is limited market access due to high tariffs (such as value-added tax and excise duties) and food quotas, which lead to high food prices. The Organisation for Economic Cooperation and Development (OECD) notes that high tariffs result in 30% to 40% higher food prices in sub-Saharan Africa compared to the rest of the world (Peter, 2021). By progressively reducing tariffs to zero, trade agreements can eliminate barriers to trading agricultural products between surplus and deficit regions, potentially lowering food prices and reducing food insecurity and hunger in Africa. However, this is not automatic, as current trade liberalization operates within a context where a few corporations control agro-inputs and food markets, acting like a cartel to reduce competition and increase profits. As a result, those at the bottom of the food chain (peasants, family farmers, and rural workers) struggle to earn a living, while those at the top profit enormously (Fitzpatrick, 2015). Therefore, the positive effects of trade liberalization on biodiversity, food, and seed security can only be harnessed by tackling this oligopoly through agroecology, which emphasizes a paradigm shift in food production and distribution.

By investing in technologies to support food production, promoting access to raw materials for value addition, and establishing sanitary and phytosanitary (SPS) standards to ensure safe and high-quality seed and food trade (e.g., free of aflatoxins), trade agreements can promote agroecology, food, and seed security in Africa. However, maximising these benefits will require trade agreements to offer flexibility and give countries the policy space needed to navigate rapidly evolving seed and food systems dynamics. Importantly, intellectual property rights (IPR) provisions in trade agreements should prioritize Participatory Plant Breeding (PPB) over Conventional Breeding (CB), which serves large-scale corporate farming rather than small-scale farmers. PPB can empower smallholder farmers by involving them in the development of new varieties, giving them more control over the developed plant varieties.

Under the Comprehensive African Agricultural Development Programme (CAADP), African Union Member States commit to increasing food security by tripling intra-African trade in agricultural commodities and services by 2025 (AUDA-NEPAD, 2023). The Malabo Declaration on Accelerated Agricultural Growth and Transformation reinforces this commitment, aiming to end hunger in Africa by 2025. Among other actions, this includes fast-tracking the establishment of the AfCFTA and transitioning to a continental Common External Tariff (CET) scheme (African Union, 2014). In pursuing these commitments, Africa's agricultural ecosystem faces the challenge of promoting the rights of smallholder farmers, who produce over 80% of the food consumed in Africa (Kamara, Conteh, Rhodes, & Cooke, 2019), amidst increasing corporate domination of agricultural supply chains. Current economic policies, agreements, and initiatives at continental and national levels consolidate corporate power in agriculture with few safeguards for smallholder farmers. This industrial model of agriculture is pursued at the expense of small-scale farmers who produce 80% of Africa's food through agroecology, disrupting FMSS and causing genetic erosion (Westengen, Dalle, & Mulesa, 2023).

The importance of smallholder farmers in promoting agroecology cannot be overstated. For example, as of 2015, farmers in Tigray, Ethiopia, had seen grain yields double with increased

biodiversity and fertility; in Senegal, agroecological pest management techniques allowed farmers to produce 25% more rice than conventional farmers; and in southern Africa, farmers practicing agroecology increased maize yields by 3–4 metric tons per hectare (Fitzpatrick, 2015). Agroecological techniques such as community seed banks, water harvesting, and compost application enable smallholder farmers to sustainably manage land and water resources, reducing the need for expensive and unsustainable inputs (FAO, 2024). By reducing dependence on costly agro-inputs, increasing yields, and sustainably scaling up food security and climate resilience, agroecology can help Africa realize the aspirations of the CAADP and Malabo Declaration while promoting the rights of smallholder farmers. Olivier de Schutter, the former UN Special Rapporteur on the Right to Food, encapsulates this well, stating that “today’s scientific evidence demonstrates that agroecological methods outperform the use of chemical fertilizers in boosting food production where the hungry live – especially in unfavourable environments” (United Nations, 2010). In their current form and coupled with existing agricultural policies at continental, regional, and national levels, free trade agreements like the AfCFTA may hinder efforts to bolster agroecology. However, a consciously crafted AfCFTA and its attendant IPR Protocol can safeguard farmers’ seed sovereignty while boosting intra-African trade in agricultural goods and services.

The preamble and objectives of the AfCFTA promote agricultural development and food security, although these are the only explicit mentions of agriculture in the main agreement text. These goals are viewed as achievable through an industrial model of agriculture led by a few seed and food corporations, rather than the over 200 million smallholder farmers and agroecological entrepreneurs in Africa (AFSA, 2024). Furthermore, the Protocols on Trade in Goods and related annexes, including those on non-tariff barriers (NTBs), sanitary and phytosanitary (SPS) standards, technical barriers to trade (TBT), transit, customs cooperation, trade facilitation, trade remedies, and rules of origin (RoO) relate to agricultural development in some respects (Erasmus, Kuhlmann, & Traub, 2020). The AfCFTA’s Protocol on Trade in Services also considers the nexus between agricultural development and services. These provisions have the potential to scale up agricultural trade, agroecology, and seed sovereignty, but only if the agreement provides for a standalone Annex on farmers’ rights, FMSS, and seed sovereignty. Otherwise, other provisions may undermine these objectives if not reviewed.

This paper examines the potential opportunities and threats of the AfCFTA to agricultural trade in Africa, provides a SWOT analysis of the AfCFTA in relation to the transition to agroecology in Africa, and assesses the implications of the AfCFTA IPR Protocol on FMSS and seed sovereignty. It concludes with recommendations on changes to the AfCFTA IPR Protocol to make it more responsive to farmers’ rights to seed and identifies advocacy entry points for AFSA’s members and coalitions to effect this change.

2. THE AFCFTA: STATE OF PLAY AND IMPLICATIONS FOR AGRICULTURE IN AFRICA

An initiative of the African Union (AU)’s Agenda 2063, the African Continental Free Trade Area (AfCFTA) aims to create a single continental market for goods and services, laying the groundwork for a Continental Customs Union as a precursor to establishing the African Economic Com-

munity (AEC). The AfCFTA potentially unites a market of over 1.3 billion people with a combined GDP exceeding US\$3.4 trillion (ITC, 2022). Proponents of the AfCFTA suggest it could boost intra-African trade by 53% (41% in agri-food, 39% in services, and 39% in industry), grow Africa's manufacturing sector by US\$1 trillion (UNECA, 2021), generate \$470 billion in income by 2035, create 14 million jobs, and lift 50 million Africans out of poverty (UNECA & TMEA, 2020). Beyond the numbers, the AfCFTA has the potential to consolidate regional economic communities and open new markets for African businesses, particularly if they can benefit from preferential trade margins compared to foreign competitors, emphasizing the critical role of enforcing rules of origin.

However, these projected opportunities are not guaranteed for smallholder farmers. In its present form, the AfCFTA focuses on large-scale industrialization, commercialization, and commodification of seed and food, often overlooking smallholder farmers. The signing of a Memorandum of Understanding (MoU) between AGRA and the AfCFTA Secretariat to promote agri-food trade and agro-industrial development (DEVEX, 2024) exemplifies this orientation. Under this framework, only a small fraction of smallholder farmers who can scale up may integrate into the corporate value chains perpetuated by the AfCFTA and the IPR Protocol, leaving millions excluded from the market dominated by a few food and seed corporations. Addressing this existential threat requires tackling the contemporary geopolitics of food and seed governance in Africa through a dedicated AfCFTA Annex on farmers' rights, FMSS, and seed sovereignty. By enacting and implementing this Annex, State Parties can promote inclusivity, ensuring smallholder farmers—who are central to Africa's seed and food systems and agroecology—are integrated into AfCFTA trade and investment opportunities while being safeguarded from profit-seeking corporations that have historically shown an inability to coexist with smallholder farmers.

2.1. BRIEF AFCFTA STATE OF PLAY

The 18th ordinary session of the AU Heads of State and Government in Addis Ababa in 2012 decided to establish the AfCFTA (African Union, 2024). After ten negotiation rounds, the agreement establishing the AfCFTA was adopted at the 10th Extraordinary Meeting of the Heads of State of the African Union on 21st March 2018 in Kigali, Rwanda (Habte, 2020). As of February 2024, 54 out of 55 African countries have signed the AfCFTA, and 47 State Parties have ratified and submitted their instruments of ratification to the African Union Commission (AUC) (African Union, 2024). Currently, Niger, Guinea, Mali, Burkina Faso, and Sudan are suspended from the AfCFTA. Regarding trade in goods, as of February 2024, the number of adopted Provisional Schedules of Tariff Concessions for market access has risen to 45 (African Union, 2024). For trade in services, twenty-two Schedules of Specific Commitment have been adopted, covering five priority sectors (African Union, 2024). The AfCFTA's tariff elimination schedule is gradual, with the process set to complete by 2034 (Mold & Mangeni, 2024). Rules of origin have been agreed upon except for vehicles, textiles, and clothing (Mold & Mangeni, 2024). Additional legal instruments, including the Protocols on Investment, IPR, Competition Policy, and Digital Trade, have been incorporated into the AfCFTA framework and are awaiting ratification by State Parties. These will enter into force 30 days after the deposit of the twenty-second instrument of ratification for each. Duty-free trading under the AfCFTA officially commenced on 1st January

2021, following the 13th Extra-Ordinary Session of the Assembly of the AU on the AfCFTA (Kuwonu, 2021). This decision was catalysed by the AfCFTA Guided Trade Initiative (GTI), launched in October 2022, aiming to test the operational, institutional, legal, and trade policy environment under the AfCFTA (Tralac, 2024). Initially involving eight State Parties (Cameroon, Egypt, Ghana, Kenya, Mauritius, Rwanda, Tanzania, and Tunisia) and focused on nine products¹, the GTI's scope has expanded to include thirty-five State Parties and more products² (African Union, 2024). A similar initiative is planned for trade in services under the AfCFTA's five priority service sectors.

2.2. DOES THE AFCFTA HOLD ANY OPPORTUNITIES FOR SMALLHOLDER FARMERS IN AFRICA?

For food and seed corporations promoting the industrial agribusiness paradigm, the AfCFTA presents immense opportunities by creating a liberal market for further expansion and consolidation of control over food and seed systems in Africa. However, the frequently cited simulations on the benefits of AfCFTA to agriculture are flawed, as they overlook the inherent danger of the agreement benefiting only a handful of smallholder farmers while corporations reap most of the rewards. While the AfCFTA could potentially increase intra-African trade in agriculture by 574% by 2030 if tariffs and non-tariff barriers are eliminated (WEF, 2024), there is no guarantee that smallholder farmers and agroecological enterprises will benefit due to the existing oligopoly in the continent's food and seed market. For instance, Africa's agriculture and food & beverage sectors currently have 56 companies with annual revenues above US\$500 million, of which 14 have turnovers exceeding US\$1 billion (Hodder & Migwalla, 2023). Such figures have shaped a narrative that a rising liberal AfCFTA trading regime will benefit all, including smallholder farmers and agroecological enterprises. However, unless the AfCFTA is reviewed to adopt a farmers' rights, FMSS, and seed sovereignty approach, the long-term implications of corporate expansion will likely displace and replace millions of farmers. A farmers' rights, FMSS, and seed sovereignty approach in AfCFTA review and implementation can help consolidate these gains for smallholder farmers.

Simulations suggest that eliminating non-tariff barriers (NTBs) could reduce logistics costs and increase the flow of agricultural products within Africa. One major cause of food insecurity in Africa is limited market access rather than production challenges, as high food prices due to high tariffs and NTBs affect availability, affordability, and accessibility for over 868 million Africans projected by FAO to be in food distress (FAO, 2023). The AfCFTA could potentially address this issue by committing to progressively liberalize over 97% of product tariff lines, facilitating the movement of agricultural products among AfCFTA State Parties. In theory, moving food from surplus to deficit areas could reduce Africa's high levels of food import dependency, recorded at US\$75 billion a year for cereals alone (AfDB, 2023). While this could provide a market for agroecological enterprises, existing preconditions like a complex standards system, the AfCFTA Tariff Book and the lack of a simplified trading regime to support territorial

¹ Products included ceramic tiles, batteries, pharmaceuticals, palm kernel oil, rubber, avocados, horticulture, tea, and components for air conditioners.

²Product scope has been broadened to include mushrooms, flowers, biopesticides, powdered milk, fish oil, frozen tuna, mineral and chemical fertilizers, essential oils, packaged moringa, fortified maize porridge, honey, nut butter, fruit jams, tea, coffee, meat products, beverages, milling (flour and maize meal), pasta, and fabric (material).

markets create a trading environment that excludes smallholder farmers and agroecological enterprises. Furthermore, the blanket 97% threshold of tariff liberalization coupled with weaker safeguard measures that State Parties can invoke to protect smallholder farmers and agroecological enterprises creates a loophole for seed and food corporations to control the supply chain and market. Ultimately, this could result in a trading regime that benefits only a few profit-seeking corporations while marginalizing smallholder farmers and agroecological enterprises.

To truly benefit smallholder farmers, the AfCFTA must undergo a paradigm shift to prioritize farmers' rights, FMSS, and seed sovereignty. Only then can the AfCFTA help build an inclusive and sustainable agricultural trade environment in Africa. Furthermore, Free trade agreements like the AfCFTA often promote the liberalization and privatization of seeds through patents or Plant Breeders' Rights (PBRs). These rights enable seed companies to claim exclusive rights to seed varieties for 20 to 25 years, imposing royalties or other payments from farmers for each generation of seeds they use, justified by the need to recoup research investments (GRAIN & Coulibaly, 2023). Under Article 8 of the AfCFTA IP Protocol, state parties must protect new plant varieties through a legal system that includes farmers' rights, PBRs, and rules on access and benefit sharing as appropriate (African Union, 2024). However, this provision acts more as a guideline, allowing member states to apply it as they see fit, which perpetuates the status quo due to the influence of UPOV (GRAIN & Coulibaly, 2023). Instead of promoting PBRs which would strengthen corporate control over the seed market, the AfCFTA should support smallholder farmers who manage 80% of seed systems (AFSA, 2024). As Thomas Sankara famously warned, “he who feeds you controls you”. In this context, there is an underlying danger of leaving Africa’s seed and food systems in the hands of profit-oriented corporations which could deepen corporate control and impoverish farmers.

Corporate-led agriculture may prevent farmers from saving and exchanging protected seeds, leading to a loss of biodiversity and expanding corporate power in the food and agriculture industries (GRAIN & Bilaterals.Org, 2023). For instance, the Kenyan Seed and Plant Varieties Act Cap 326 of 2012 prohibits farmers from sharing, exchanging, or selling uncertified and unregistered seeds, imposing severe penalties (Gordon, 2023). This law has impaired Farmer-Managed Seed Systems (FMSS) in Kenya, as publicly bred local potato varieties face pressure from foreign varieties flooding the market, supported by government policies (ACB, 2022). A study by the FAO found that the WTO Uruguay Round Agreement on Agriculture led to a surge of food imports into developing countries, forcing local farmers out of business and concentrating on farm holdings (Madeley, 2000). By being based on Article XXIV of the WTO General Agreement on Trade and Tariffs (GATT), the AfCFTA risks undermining smallholder farmers’ right to seed and fuelling trade in corporate-controlled seeds across the continent.

The AfCFTA Rules of Origin (RoO) also risk enabling corporate capture of Africa’s agricultural value chain. The RoO allow countries to import seeds as part of cumulation³. For example, maize harvested in an AfCFTA State Party is regarded as wholly obtained even if the maize seed was imported from Argentina (AfCFTA Secretariat, 2022). This provision could discourage countries from supporting community seed banks, which are crucial for seed sovereignty and biodiversity. Poorly designed RoO may disrupt FMSS and affect market access for supply chain actors,

³ Cumulation in RoO lets you combine materials from different free trade agreement (FTA) countries as if they originated from a single country. This makes it easier to qualify final products for preferential trade benefits within the FTA zone.

increasing dependence on imported seeds. Trade liberalization can lead to increased food imports and decreased food self-sufficiency, either by displacing small-scale farmers directly or forcing them out due to increased competition (Tiba, 2023). Notably, Germany, home to major seed corporations like Bayer and BASF, has been the largest financier of AfCFTA negotiations, committing EUR 55.0 million through GIZ (GIZ, 2022). The RoO cumulation provisions create loopholes for corporations to dominate Africa's seed and food systems while marginalizing smallholder farmers and agroecological enterprises.

By facilitating corporate dominance in the agricultural supply chain, the AfCFTA may increase the risk of food scandals and cross-border contamination of food and seed, leaving consumers vulnerable to fraudulent actions affecting food safety. Unsafe food reduces the bioavailability of nutrients, undermining dietary intake and utilization, and contributing to dietary-related non-communicable diseases (NCDs) in Africa. For example, in Uganda, managing Type 2 Diabetes Mellitus (T2DM) in 2022 cost the government and households UGX 2.2 trillion (approximately US\$629 million) (EPRC, 2023). T2DM affects the most productive population group, creating both medical and economic concerns. Liberalizing trade in processed foods may increase the prevalence of unhealthy diets and NCDs. The rise of "supermarketization" in Africa's markets introduces cheap, unhealthy imported products, threatening territorial markets and agroecological enterprises due to inadequate government support for these markets. Moreover, the lack of a Simplified Trading Regime (STR) in the AfCFTA limits the participation of informal cross-border traders in territorial markets, who typically trade in agricultural products. An STR simplifies the documentation and procedures for low-value consignments, facilitating small-scale cross-border trade (Mudzingwa, 2022; Luke, 2023). Without an effective STR, small supply chain actors and agroecological enterprises may be marginalized, exacerbating inequalities in AfCFTA benefits distribution among State Parties and citizens.

Open markets under trade agreements like the AfCFTA can increase competition for imported goods, pressuring agroecological farmers who prioritize sustainable practices over immediate yields. Since agroecology often requires initial investments and may have lower initial yields, it struggles to compete on price with imports based on economies of scale. This pressure may incentivize a shift to industrial farming practices, leading to the decline of traditional, small-scale farming methods and the loss of agroecological knowledge. Standardization of agricultural products and farming methods, driven by AfCFTA's SPS and seed policies, may further consolidate corporate control over seed and food systems, undermining efforts by smallholder farmers to manage seed quality through community seed banks. Experience has shown that Trade liberalization inherently favours larger food and seed producers, often at the expense of millions of smallholder farmers (Madeley, 2000). With its seed and agriculture-related provisions, the AfCFTA supports the corporate-driven mandate of the Alliance for a Green Revolution in Africa (AGRA). While intra-African trade liberalization under the AfCFTA may improve living standards and business opportunities in the food and seed trade, it may also lead to hunger and displacement for many Africans. Countries prioritizing food exports to wealthier nations could exacerbate food insecurity domestically. If trade liberalization concentrates power in transnational corporations, smallholder farmers risk being driven off their land, allowing corporate capture of natural resources and markets. Historically, trade liberalization has primarily benefited seed and food corporations, not the hungry.

In conclusion, while the AfCFTA has potential opportunities for supporting smallholder agricultural production in Africa, these are not guaranteed. Poor negotiation and implementation, combined with the current geopolitics of seed and food governance that jeopardize FMSS, could pose significant threats. The AfCFTA must navigate a landscape where corporate-controlled value chains, based on centralization and standardization, limit participation to a few players, marginalizing smallholder farmers. Ensuring inclusivity requires protecting the interests of smallholder farmers and agroecological enterprises from profit-seeking agricultural corporations. This is crucial for achieving the positive aspirations of the African Union Agenda 2063, the United Nations Sustainable Development Goals (SDGs), the Comprehensive Africa Agriculture Development Programme (CAADP), and the Malabo Declaration on Accelerated Agricultural Growth and Transformation.

3. SWOT ANALYSIS OF AfCFTA VIS-À-VIS THE TRANSITION TO AGROECOLOGY IN AFRICA

STRENGTHS

- **Increasing Market Access** : The AfCFTA can enhance access to wider consumer bases for African agroecological products, such as Ethiopia's organic coffee, organic dried papaya from Senegal, and organic fruits from Rwanda, Côte d'Ivoire, Ghana, Burkina Faso, Uganda, and Tanzania (GIZ, 2020).
- **Boosting Intra-Africa Trade** : By promoting trade in organic seeds and other agro-inputs (biopesticides, organic fertilizers), the AfCFTA can facilitate the spread of agroecological practices among farmers and seed banks.
- **Decolonizing Trade** : Increased cross-border trade, cooperation, and knowledge exchange on agroecology among smallholder farmer groups can help decolonize seed and agro-inputs trade.
- **Policy Alignment** : The AfCFTA encourages policy harmonization to support agroecology. Initiatives like the COMESA Sustainable Agriculture Programme and the East African Organic Products Standard (EAC, 2007) can be models for broader AfCFTA implementation.
- **Investment in Agroecology** : As countries adopt strategies to reduce non-communicable diseases (NCDs) by promoting healthy diets, the AfCFTA's potential to boost trade in organic agricultural products could attract more investment into agroecological production systems.

Note : The strengths listed above are undermined by the prevailing industrial, corporate-led agriculture in Africa. To consolidate these strengths, AfCFTA State Parties must rethink policies to bring food, seed, and market control back to smallholder farmers. This requires prioritizing farmers' rights in AfCFTA review and implementation, including regional and national policies.

WEAKNESSES

- **Commercialization of Seed and Inputs** : The distribution of seeds and inputs through agro-dealers can compromise existing agroecological practices.
- **Inadequate Infrastructure** : Poor infrastructure, especially in cross-border territorial markets, affects the trade of agricultural products, particularly those with limited value addition and shelf life. The AfCFTA's focus on trade in goods often neglects other aspects of the value chain.
- **Low Investment in Trade Infrastructure** : There is inadequate investment in infrastructure that facilitates agricultural trade.
- **Low Intra-African Agricultural Trade** : Intra-African agricultural trade remains at 20%, compared to the EU's 60% (FAO, 2020), and is likely to decrease as industrial food and seed imports from third parties rise.
- **Stringent Standards and Certification** : The emphasis on standardization through rules of origin may disadvantage small-scale agroecological farmers, who often lack resources for expensive certification processes.
- **Non-Tariff Barriers (NTBs)** : Rigid sanitary and phytosanitary (SPS) measures can hinder trade in agroecological products. Common standards for organic products are needed to ensure smooth movement of goods.
- **Data Gaps** : Scattered data on agroecological production and trade makes it difficult to assess the AfCFTA's potential impact on this sector, risking inadequate regulations to promote agroecology.

OPPORTUNITIES

- **Access to Organic Food** : The AfCFTA can create opportunities for organic farmers and agroecological enterprises. Nearly 60% of consumers in wealthier AfCFTA State Parties are increasingly interested in organic and sustainable food options and willing to pay a premium (Nielsen, 2016). With supportive infrastructure and strong territorial markets, trade by agroecological enterprises and smallholder farmers can be facilitated, ensuring the availability of organic food across the continent.
- **Value Addition** : The AfCFTA can encourage value addition at the farm level, integrating smallholder farmers into supply chains. For example, in Chad, value-added sesame products enable participation in domestic and cross-border markets. Cross-border trade can also boost value addition, as seen with Kenyan maize processors sourcing from Tanzania and Uganda.
- **Awareness and Education** : Increasing awareness among policymakers and farmer organizations about agroecology's role in promoting food security and building resilient food systems.
- **Promotion of Traditional Knowledge** : Article 18 of the AfCFTA IPR Protocol commits State Parties to protect traditional knowledge. This can safeguard Farmer Managed Natural Regeneration and community seed banks. For instance, in Ethiopia's Oromia region, local seed cooperatives have improved access to higher-yielding varieties through seed banks, providing income opportunities for farmers (Fitzpatrick, 2015).
- **Climate Resilience** : Agroecological practices enhance resilience to climate change. The AfCFTA can promote these practices by creating markets for climate-resilient agricultural products. Article 12.f of the IPR Protocol encourages environmentally friendly innovations, supporting smallholder farmers developing climate-adaptive seeds, such as Uganda's virus-resistant cassava variety (Fitzpatrick, 2015).

THREATS

- **Corporate Capture** : Powerful corporations may lobby against policies supporting agroecology, threatening their profits. State Parties have adopted laws privatizing seeds, forcing farmers to pay for them and sustaining seed companies (Greene, 2024).
- **Market Dominance** : The AfCFTA might facilitate the expansion of large-scale agribusinesses, marginalizing small-scale farmers practicing agroecology. Corporate consolidation can suppress local food systems and the adoption of agroecological methods.
- **UPOV-aligned Provisions** : These provisions marginalize and criminalize FMSS. Currently, 50% of AfCFTA State Parties have introduced IPR systems for seeds following UPOV (Geneva Academy, 2022).
- **Compromised Soil Health** : Increased trade in agro-inputs like fertilizers and herbicides can harm soil health. Despite Africa's low average fertilizer application rate of 22 kg per hectare, rising input costs are eroding soil health (Goodman, 2023).
- **High Cost of Credit** : Farmers in Africa need up to US\$65 billion in loans annually to produce enough food to curb imports (Hoijs, 2023). Viable credit support for agroecological farmers must be scaled up.
- **Consumer Awareness** : Limited awareness of agroecological products' benefits and price sensitivity may limit demand, especially if these products are priced higher than conventional alternatives. Efforts are needed to raise consumer awareness of agroecology and healthy diets.
- **Environmental Degradation** : Increased trade under AfCFTA could lead to more intensive land use for export-oriented agriculture, particularly monoculture production, requiring high inputs of chemical fertilizers and pesticides. This can cause environmental degradation, undermining agroecology principles that promote ecosystem health and resilience. la santé et la résilience des écosystèmes.

4. RELATIONSHIP BETWEEN THE INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV) AND AfCFTA IPR PROTOCOL PROVISIONS ON GENETIC RESOURCES

To understand the connection between UPOV and the AfCFTA IPR Protocol provisions on genetic resources, it is essential to first clarify UPOV's core agenda. UPOV was established in Paris in 1961 by a few European countries, a time when only 21 African countries had gained political independence. It was subsequently revised in 1972, 1978, and 1991. UPOV's primary goal is to provide an effective Plant Variety Protection (PVP) system for the development of new plant varieties, benefiting both plant breeders and society at large. However, UPOV is often criticized for promoting the commodification and privatization of seeds, limiting access to seeds and food by granting plant breeders patent-like exclusive intellectual property rights (IPRs) over seeds (AFSA, 2021). By promoting uniformity in seeds, UPOV contributes to uniformity in the food supply, eroding both seed and food diversity, and granting transnational seed corporations' control over seed and food systems. Indeed, the flexibility for farmers to save, reuse, exchange, and sell farm-saved seeds, as provided under the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), is constrained by the UPOV 1991 Convention, which prioritizes the interests of commercial plant breeders over farmers (Štrba, 2019). For example, in Kenya, a UPOV member since 1999, sharing, exchanging, or selling uncertified and unregistered seeds is criminalized, with farmers facing up to two years in prison and fines up to 1 million Kenyan shillings (approximately USD 7,500) for non-compliance. Smallholder farmers are thus caught between the high costs and onerous standards of commercial farming and the criminalization of traditional farming practices.

Under the AfCFTA, both the African Regional Intellectual Property Organization (ARIPO) and L'Organisation Africaine de la Propriété Intellectuelle (OAPI) have significantly influenced the drafting of the AfCFTA IPR Protocol. This raises concerns, as both organizations have promoted the extension of UPOV 1991 in Africa, consolidating commercial breeders' rights over seed and genetic resources, and diminishing small farmers' rights and power over their seeds and genetic diversity. UPOV actively shaped the Arusha PVP Protocol, even though many ARIPO member states are not UPOV members (UNCTAD, 2021). While UPOV membership is not mandatory for AfCFTA State Parties, countries with ARIPO membership are developing PVP systems with the objective of joining UPOV 1991 (Sackey, 2023). Morocco, Tunisia, Egypt, South Africa, Kenya, Tanzania, and OAPI, with its 17 member states from West and Central Africa, have already joined UPOV (Sackey, 2023). Thus, AfCFTA State Parties are either UPOV members or in the process of joining. However, in countries like Zambia and Zimbabwe, PVP laws are not aligned with UPOV 1991 and offer some protection for farmers' rights. For instance, under Part III-8 of the Zambian PBR Act of 2007, farmers can save, exchange, or use part of the seed from the first crop for subsequent crops (FAO, 2007). The challenge arises because while some countries have PVP laws that support farmers' rights more than UPOV, the AfCFTA IPR Protocol aligns with UPOV 1991, reinforcing regional policies based on UPOV 1991, including the Arusha Protocol. Monitoring how countries like Zambia and Zimbabwe harmonize their PVP laws with the AfCFTA IPR Protocol will be crucial, as harmonization is a required principle under the AfCFTA implementation guidelines.

The impending entry into force of ARIPO may further limit the safeguards on farmers' rights being negotiated in an Annex to Article 8 (Protection of New Plant Varieties) of the AfCFTA IPR Protocol. According to Article 40(3) of the Arusha Protocol, it will enter into force twelve months after four states deposit their instruments of ratification or accession with the Director General of ARIPO (ARIPO, 2023). With Ghana submitting its Instrument of Ratification in November 2023, joining Rwanda, São Tomé and Príncipe, and Cabo Verde, the Protocol will take effect on November 24, 2024 (ARIPO, 2023). Although the OAPI PVP agreement does not require ratification, its functionality is limited. Thus, while the AfCFTA IPR Protocol awaits ratification by AfCFTA State Parties (requiring 22 ratifications to enter into force 30 days later) and negotiations on eight Annexes continue, ARIPO will become effective on November 24th, 2024. This timing suggests that ARIPO might significantly shape the implementation of the AfCFTA IPR Protocol, given the prevalent challenges of policy harmonization that state parties face in their respective regional economic communities (RECs). While AfCFTA State Parties must harmonize their national seed laws with the IPR Protocol, poor policy harmonization at the REC level and flawed interpretation⁴ by State Parties may render safeguards in the pending Annexes ineffective in promoting and safeguarding farmers' rights.

Forty-eight of the 55 AfCFTA State Parties have introduced or are introducing PVP systems based on, or likely to be modelled on, UPOV 1991 (Sackey, 2023; Štrba, 2019). While countries like Ethiopia have PVP laws that harmonize access regulation and implementation of breeders', farmers', and community rights by combining elements of the CBD and ITPGRFA (Mulesa & Westengen, 2020), the promotion of FMSS may be challenged unless an Annex to Article 8 of the IPR Protocol is redrafted to safeguard farmers' rights and allow for a sui generis PVP system. This is concerning because the contemporary PVP regime continues to be imposed on national seed systems through harmonized policy and trade agreements like the AfCFTA, requiring countries, especially in the Global South, often through coercion and co-optation, to adopt UPOV's rules. The AfCFTA is not exempt from this, as PVP provisions in the AfCFTA IPR Protocol emphasize the UPOV PVP approach, with less consideration for the rights of smallholder farmers.

UPOV focuses on granting plant breeders exclusive rights over new and distinct plant varieties, often at the expense of indigenous seeds, which are a smallholder farmer's entitlement. While the AfCFTA IPR Protocol has a broader focus on IPRs, including provisions on PVP, it also addresses access to genetic resources, benefit-sharing, and traditional knowledge associated with them. Under the IPR Protocol, State Parties agreed that the Annex to the PVP Protocol may draw from relevant African and international instruments that meet their developmental priorities and interests, distinguishing the AfCFTA from UPOV. However, the Protocol still commits State Parties to provide some form of PVP, even though the WTO Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement grants a waiver on developing a PVP system for Least Developed Countries (LDCs). This means that for many of the 33 LDCs in Africa, the AfCFTA IPR Protocol would be the first international agreement forcing them to implement a PVP law.

⁴ Under recital f of Article 5 (Principles) of the AfCFTA, State Parties commit to the preservation of the *acquis* which ensures that the most advanced of rules apply. The problem here is that State Parties may onerously interpret this principle to mean rules which promote commercial breeder's rights rather than farmer's rights. Onerous interpretation and application of this principle has been already witnessed in the East African Community (EAC) by Kenya using it to negotiate free trade agreements with UK, Kenya and the U.S. without the approval of other Member States, even then these agreements affect the EAC Integration agenda.

4.1. IMPLICATIONS OF AfCFTA IPR PROTOCOL FOR FMSS AND SEED SOVEREIGNTY

The AfCFTA IPR protocol holds both promise and challenges for FMSS and seed sovereignty. If properly crafted and implemented to safeguard and promote farmers' rights, the Protocol can partly strengthen FMSS and seed systems, ultimately improving the welfare of smallholder farmers. To realize these potential opportunities, onerous provisions in the Protocol need to be addressed as, in their current form, they undermine efforts by AfCFTA State Parties to promote FMSS and safeguard their seed sovereignty. This section explores the potential opportunities of the AfCFTA IPR Protocol on FMSS and seed sovereignty and identifies the potential threats that State Parties need to address in the Protocol's pending annexes and before its ratification.

4.1.1. POTENTIAL OPPORTUNITIES

The AfCFTA Protocol on IPR aims to preserve and promote both farmer-managed seed systems (FMSS) and intra-African trade in agricultural goods and services. One of the Protocol's guiding principles is for State Parties to promote coherence between intellectual property (IP) and socio-economic development policies, balancing private and public interests, and prioritizing public interests in sectors vital to socio-economic development, such as education, public health, agriculture, and food security (African Union, 2024). Article 8 of the Protocol (Protection of New Plant Varieties) mandates State Parties to protect new plant varieties through a *sui generis* system that includes farmers' rights, plant breeders' rights (PBRs), and rules on access and benefit-sharing (African Union, 2024). By incorporating farmers' rights, the Protocol seeks to balance empowering farmers to save, share, and improve seeds with protecting PBRs to ensure rewards for developing new varieties. Additionally, enforcing access and benefit-sharing rules could provide farmers with access to genetic resources and ensure they benefit from their use of new varieties. This fosters a system where FMSS can thrive alongside formal breeding efforts, promoting seed sovereignty. However, this balance is not guaranteed. Realizing this potential requires State Parties to update the Protocol and strengthen the Annex on the Protection of New Plant Varieties to prioritize FMSS, avoiding the trap of systematic commodification of seeds that IP laws often advance.

The Framework on PVP and its Implications for Africa

The Framework on Plant Variety Protection (PVP) outlined in the AfCFTA IPR Protocol offers African states the opportunity to develop a *sui generis* system, aligning with the African Union (AU) Model Law on the Protection of Cultural Property and Heritage. As Adebola (2020) argues, the AfCFTA IP Protocol presents a timely opportunity for Africa to reconstruct its fractured IP architecture by harmonizing conflicting sub-regional IP regimes with the development-oriented aspirations of the African Union's IP agenda. For instance, the stringent provisions under the EAC Seed and Plant Varieties Bill complicate matters for countries like Uganda, which have opted to implement frameworks that support farmer-managed seed systems (FMSS) and the

maintenance of agricultural biodiversity (ACB, 2023). The AfCFTA IPR protocol addresses such inconsistencies by requiring State Parties to harmonize their national regulations with the AfCFTA IPR. Under the Protocol, protection for new plant varieties is provided through a sui generis system that includes farmers' rights, plant breeders' rights, and rules on access and benefit sharing. This ensures that smallholder farmers can save, use, exchange, and sell farm-saved seeds, balancing plant breeders' rights with farmers' rights and mandating equitable sharing of benefits arising from the use of plant genetic resources. However, realizing these benefits requires a carefully crafted Annex on Plant Variety Protection that prioritizes farmers' rights.

Emerging Technologies and their Impact

Article 17 (Emerging Technologies) of the protocol encourages State Parties to adopt measures promoting access to and use of new and emerging technologies through existing IPR categories or sui generis systems to facilitate trade under the AfCFTA (African Union, 2024). These measures should also ensure that the promotion of technology includes environmentally friendly practices. By ensuring access to these technologies and tailoring them to local agricultural needs, farmers can enhance their seed selection, breeding (especially for community-based seed networks), and crop management practices. Digital technologies, for example, can facilitate peer-to-peer exchanges via platforms like WhatsApp or Facebook (Belay, 2024). They can also help track or aggregate goods from multiple producers and connect farmers with cost-effective logistics and transport options (ibid). However, leveraging emerging technologies to promote farmers' rights and agroecology requires a regulatory environment where data taken from farmers is not used for profit. Therefore, farmers should have the right to decide with whom their information is shared. This is crucial to prevent big food and big tech companies from using their technological advantage to extend control over African food and seed markets (Belay, 2024).

Safeguarding Traditional Knowledge

The AfCFTA IPR protocol has the potential to safeguard FMSS and seed sovereignty through its recognition of safeguards on Traditional Knowledge (Article 18). Under this article, State Parties must take measures to prevent and prohibit the unauthorized utilization of traditional knowledge in all IPR categories (African Union, 2024). Effective implementation of these safeguards can promote FMSS and seed sovereignty, as traditional knowledge encompasses indigenous agricultural practices and seed varieties often exploited without benefiting the communities that preserve them. For example, Eritrea and Ethiopia successfully lobbied the European Patent Office to revoke a patent on a process for milling and storing teff flour⁵ initially granted to a Dutch company, Health and Performance Food International (HPFI) (Coulibaly, Brac de la Perrière, & Shashikant, 2019). The Protocol requires IPR applicants to provide proof of free prior and informed consent and proof of fair and equitable benefit sharing from the relevant national authorities (African Union, 2024). This ensures that smallholder farmers retain control over their seed varieties and agricultural methods, preserving biodiversity, promoting food security, and upholding the rights of local communities to their seed systems.

⁵ Teff is a traditional staple crop in Ethiopia and Eritrea and is central to the countries' culture and identity.

Genetic Resources and Transparency

Article 20 (Genetic Resources) mandates that IPR applicants declare the lawful acquisition of the genetic material used in developing plant varieties. This strengthens FMSS and seed sovereignty by promoting transparency and accountability. Knowing the origin of genetic material allows farmers to identify and preserve traditional varieties, which is critical given the increasing permeation of genetically modified seeds and foods in Africa's food and seed systems. As of August 2023, only eleven AfCFTA State Parties had approved the commercial production of GMOs (Ombogo, 2023). By making the declaration of genetic resources mandatory, the AfCFTA IPR protocol prevents the misappropriation of indigenous knowledge and enables farmers to seek legal redress if their traditional varieties are stolen.

Geographical Indications

The AfCFTA IPR protocol also promotes FMSS and seed systems through provisions on geographical indications. A geographical indication identifies goods originating from a specific locality, region, or territory, conferring upon them a recognized quality, reputation, or other characteristic due to their geographical origin (UNCTAD, 2021). Apart from promoting biotrade and cooperation among producers, geographical indications can preserve traditional production practices associated with biological resources. Under Article 9 of the AfCFTA IPR Protocol, State Parties commit to protecting geographical indications through sui generis systems, including establishing a database and information portal of registered geographical indications (African Union, 2024).

Enforcement of IPRs and Balancing Interests

The AfCFTA IPR protocol attempts to promote FMSS and seed sovereignty under its provisions on the enforcement of IPRs. Under Article 25 (General Provisions), State Parties recognize the importance of balancing the interests of right holders and consumers (African Union, 2024). However, this provision needs to be updated to strongly state the need to balance and safeguard farmers' rights. Article 26 (Responsibilities of State Parties) charges AfCFTA State Parties with building the capacity of organizations representing rights holders with limited capacity, including farmers, traditional communities, and small and medium-sized enterprises (African Union, 2024). While enhancing the capacity of these organizations is crucial, caution is needed to ensure that states do not grant more rights to private breeders but rather prioritize farmers' rights over those of private breeders.

4.1.2. POTENTIAL THREATS

While the AfCFTA IPR protocol offers opportunities to promote and enhance FMSS and seed sovereignty among State Parties, it also presents significant threats. The inherent nature of an IPR in a Free Trade Agreement (FTA) contradicts the spirit of an FTA. FTAs aim to create a level playing field for free trade in goods and services, whereas IPRs enforce stringent protectionist rules benefiting a small group of corporations or individuals. Historically, industrialized countries developed by using flexible or non-existent IPR rules. As Chang (2007) notes, during their

developmental periods, countries like Switzerland, Germany, and the USA "borrowed" inventions and intellectual property without paying what would be considered "just" compensation today. Despite this history, these now-rich countries are pressuring developing nations, particularly in Africa, to strengthen IPR protections to unprecedented levels through the TRIPS agreement and numerous bilateral free-trade agreements (Chang, 2007). For a continent where smallholder farmers control 80% of seeds (AFSA, 2024), premature implementation of stringent IPRs can exclude communities like smallholder farmers, creating uneven development. Currently, some African countries, such as Kenya, are implementing seed systems that reward private breeders while punishing smallholder farmers, subjecting them to a predatory seed system reliant on private breeders (Gordon, 2023). Instead of addressing such injustices, various provisions of the AfCFTA IPR Protocol may perpetuate them.

A critical analysis of the AfCFTA Protocol on IPRs reveals provisions that if not addressed could undermine African FMSS and agricultural trade supply chain actors, and ultimately, limit the continent's efforts to achieve seed and food sovereignty. For example, Article 8 (Protection of New Plant Varieties) is vague on the protection of farmers' rights and does not clearly delineate appropriate rights for both farmers and plant breeders. This vagueness could lead to the undermining of farmers' rights. Furthermore, Article 12 (Patents) focuses largely on pharmaceutical products and lacks clarity on farmers' rights in this category, which could restrict farmers from sowing, planting, harvesting, or breeding certain varieties without permission. It would have been commendable for Article 12 to explicitly prohibit patents on plants and animals, thereby supporting FMSS. Other key articles requiring further focus due to their limited consideration of farmers' rights include Article 17 (Emerging Technologies), Article 18 (Traditional Knowledge), and Article 25 (General Provisions). For example, Article 25 does not sufficiently provide mechanisms for seeking redress by communities and smallholder farmers in case of rights infringement.

In its preamble, the AfCFTA IPR Protocol envisions establishing harmonized rules and principles on IPRs to boost intra-African trade and development-oriented IPRs that prioritize African-driven innovation and creativity. However, the weak safeguard measures under these principles and the overall protocol, coupled with Most Favoured Nation (MFN)⁶ and National Treatment (NT)⁷ provisions may act as conduits for commercially produced seeds from other countries to flood the African market. This could undercut FMSS seed, displacing locally adapted varieties and eroding seed sovereignty by increasing dependence on external sources. Unequal competition introduced by NT is a concern because large seed companies may have a cost advantage due to economies of scale, potentially harming FMSS and undermining seed sovereignty on the continent.

While the AfCFTA IPR Protocol builds on existing policies at the REC level, the existing regional PVP laws in the OAPI and ARIPO regions offer inadequate rights to farmers. For example, the

⁶ The Most-Favoured Nation (MFN) provision under the Protocol provides that any advantage, favour, privilege, or immunity that a State Party grants to nationals of another State Party or Third Party concerning the protection of intellectual property rights, shall be accorded immediately and unconditionally, to the nationals of the State Parties (African Union, 2024).

⁷ The National Treatment (NT) provision charges State Parties to accord, to nationals of the other State Parties treatment no less favourable than it accords to its nationals for the protection of intellectual property rights (African Union, 2024). This means that a State Party cannot discriminate against seeds from another State Party e.g. if Senegal is granting free access to millet seeds from Niger, she is obligated to grant the same treatment to Millet exports from Uganda.

laws' provisions on farmers' exceptions only allow them to save seeds harvested from a protected variety for replanting on their own holding, excluding fruits, ornamentals, or forest trees (Coulibaly, Brac de la Perrière, & Shashikant, 2019). This limited exception violates smallholder farmers' right to seeds as enshrined in the ITPGRFA and UNDROP, which include "the right to save, use, exchange, and sell their farm-saved seed or propagating material" and "the right to maintain, control, protect and develop their own seeds and traditional knowledge" (Coulibaly, Brac de la Perrière, & Shashikant, 2019). The AfCFTA IPR Protocol is not explicit on farmers' exceptions and does not consider the varying definitions of farmers' right to seeds under PVP laws in non-REC African countries. Unless this is addressed under the proposed Annex for Article 8, the protocol risks further marginalizing smallholder farmers by restricting the diversity of locally adapted seeds available on the market.

The AfCFTA IPR protocol also lacks biosafety provisions to guarantee smallholder farmers' right to maintain and control their own seeds while protecting FMSS from GMO contamination. This omission is significant, given that most African countries have yet to fully operationalize biosafety and biotechnology frameworks, despite the majority ratifying the UN Cartagena Protocol on Biosafety (Convention on Biological Diversity, 2024). Without these frameworks, peasant seed systems remain vulnerable to GMO contamination. While Article 20 addresses Genetic Resources, it does not mention promoting biosafety. Given the increasing infiltration of Africa's seed and food systems by GMOs and the fact that eleven countries have authorized GMO field trials and/or commercial production, the AfCFTA IPR protocol must address biosafety to protect farmers' seed systems.

The AfCFTA IPR Protocol also faces challenges from existing regional regulations concerning agricultural inputs, particularly seeds. Variations in seed governance across regions, such as the differing requirements for regional release in ECOWAS, COMESA, and SADC, complicate policy harmonization. For instance, SADC recognizes landraces eligible for regional registration and trade and quality declared seed (QDS) as a more accessible form of seed quality control for small farmers than formal seed certification (Erasmus, Kuhlmann, & Traub, 2020). Although the AfCFTA *acquis* principle suggests applying the most advanced rules, flawed interpretation by State Parties could prioritize private breeders' advanced rules over farmers' rights. The AfCFTA IPR Protocol must clearly state that "advanced rules" prioritize farmers' rights.

Like UPOV 1991, the Arusha Protocol provides narrow exceptions to breeders' rights, especially affecting smallholder farmers who are often the custodians of seed. This regime undermines traditional farming practices, impeding the implementation of smallholder farmers' rights as outlined in the ITPGRFA. The AfCFTA, in its current form, offers little safeguard for farmers' rights to the seed value and supply chain and innovative FMSS. This can be remedied by ensuring that the Annex to Article 8 explicitly recognizes and protects farmers' rights, preventing the protocol from facilitating the transformation of African agriculture into an inherently inequitable and ecologically unsustainable model. Research shows that agroecological farming methods have significantly increased yields in Africa compared to conventional farming, and organic farming systems promote biodiversity and resilience (UNEP & UNCTAD, 2008; Bolwig, Gibbon, Odeke, & Taylor, 2007; Fitzpatrick, 2015). These successes may not be replicated unless farmers' rights are central to the Annex to Article 8 of the AfCFTA IPR Protocol.

The AfCFTA IPR Protocol was launched in an era where corporate influence over food, seed, and agriculture is rising. Corporations, both in the North and increasingly in the South, are reordering the Industrial Food Chain using an extractive model (Shand, Wetter, & Chowdhry, 2022). Dominant companies in uncompetitive markets can squeeze out competitors, raise prices, hijack R&D, monopolize technologies, and maximize profits, reinforcing unequal power relations in Africa's seed and food systems. IPR provisions under the Protocol grant broad and exclusive powers to plant breeders without considering the impact on farmers' entitlements to seed. To achieve seed biodiversity and promote innovative FMSS, the proposed Annex to Article 8 must provide voluntary measures to protect farmer seed varieties not meeting commercial PVP criteria and be guided by the AU Model Law on the Protection of Cultural Property and Heritage.

From a gender perspective, the AfCFTA IPR Protocol does not address existing gender inequalities in FMSS and seed governance. IPR laws and policies have historically been crafted in environments with structural gender inequalities, favouring men over women in access to land, seed, and technology. These inequalities affect women farmers and entrepreneurs by reducing their access to seeds, farm inputs, and plants. A well-functioning seed system ensures seed security for all farmers, but the AfCFTA IPR protocol assumes a gender-responsive landscape, which is not the case. By prioritizing the rights of seed and food corporations over smallholder farmers, IPR laws exacerbate gender inequalities, perpetuating food and seed insecurity, especially for women. The protocol must recognize and address these systemic and structural inequalities.

Lastly, the AfCFTA IPR Protocol risks exacerbating the theft of farmer seed varieties and knowledge by plant breeders who slightly adapt existing seeds to create "improved varieties." This theft is facilitated by the poor performance of Africa's IPR associations, such as ARIPO and OAPI. The entry into force of ARIPO increases the risk of farmer seed appropriation. OAPI's centralized intellectual property office for its 17 member states does not function as expected, with high implementation costs and many registered varieties being stabilized versions of traditional varieties (UNCTAD, 2021). Like UPOV, the AfCFTA IPR Protocol does not obligate disclosure obligations critical for identifying farmers and local communities entitled to benefit-sharing payments (FAO, 2019). The lack of disclosure provisions means the absence of mechanisms to implement ITPGRFA Article 9.2(a) and (b), safeguarding genetic resources and traditional knowledge from misappropriation. This directly negatively impacts FMSS and seed sovereignty.

5. CONCLUSIONS AND RECOMMENDATIONS

While the AfCFTA IPR Protocol includes provisions that could potentially promote and strengthen FMSS and seed sovereignty, its primary focus on industrial agriculture and private breeders' rights undermines these goals. This issue is exacerbated by the absence of a stand-alone Annex on farmers' rights, FMSS, and seed sovereignty. As a result, the current provisions could disrupt FMSS and seed sovereignty by perpetuating the dominance of profit-seeking entities like seed and food corporations, marginalizing smallholder farmers. Seed sovereignty is vital for the transition to agroecology, as farmers need access to diverse, locally adapted seeds that thrive in various agroecological systems, rather than relying on commercial seeds designed for high-input agriculture (AFSA, 2023). To achieve the objectives of Agenda 2063, questions arise: Can food security and seed sovereignty be advanced with less trade rather than more, as pushed by the AfCFTA? Should AfCFTA State Parties prioritize food security and seed sovereignty over increased intra-African trade and investment flows? This section explores the changes required to make the AfCFTA IPR Protocol more supportive of farmers' rights to seeds and identifies advocacy entry points for policy actors, including CSOs, farmers' organizations, and policy-makers.

5.1. CHANGES TO MAKE THE AFCFTA IPR PROTOCOL MORE SUPPORTIVE OF FARMERS' RIGHTS TO SEEDS

The AfCFTA aims to boost regional food and seed value chains to reduce Africa's massive annual food and seed imports, aligning with CAADP aspirations. However, the continent is divided between industrial agribusiness and smallholder agroecology (GRAIN & Coulibaly, 2023). Regionalization of food and seed systems must prioritize ecological sustainability and social equity, focusing on localization and agroecology rather than merely creating long value chains vulnerable to disruptions.

Despite the AfCFTA IPR Protocol's provision for traditional knowledge protection under Article 18, current African IPR regulations inadequately prevent the misappropriation of peasant varieties and traditional knowledge. For example, Technisem, a French seed company, was initially denied IP rights for "Violet de Galmi," a popular onion variety from Niger, but later secured a PVP for the same onion under a different name (Coulibaly, Brac de la Perrière, & Shashikant, 2019). UPOV, which heavily influences the AfCFTA IPR Protocol, prohibits the disclosure of origins and prior informed consent in PVP laws. The proposed Annex to Article 18 should address these dynamics and capacity challenges for State Parties to safeguard FMSS and seed sovereignty.

AfCFTA State Parties need to strengthen the language on disclosure of origin in the IPR Protocol. Current provisions use best-endeavour language, creating a democratic deficit that leaves the protection of traditional knowledge and seed systems to the discretion of State Parties. For example, under recital 6 of Article 18 (Traditional Knowledge), it is stated that "State Parties may cooperate on granting prior informed consent of the right holder, access, and benefit sharing

based on mutually agreed terms as well as the disclosure of the source of the traditional knowledge” (African Union, 2024). This provision creates a democratic deficit by leaving AfCFTA State Parties with a leeway to decide whether or not to guarantee disclosure of origin on seed and food systems under examination for a patent. Strengthening these provisions to make disclosure of origin mandatory as a precondition for granting a PVP certificate is crucial.

Technological development under Article 17 (Emerging Technologies) is vital for improving African farming, but it primarily benefits foreign plant breeders and seed companies. African countries must enhance the capacity of small-scale farmers to participate in technological developments. Involving farmers in seed development ensures the final products are well-adapted to local environments and needs, leveraging the rich collective experience and local knowledge of smallholder farmers (Fitzpatrick, 2015).

Under the Acquis Principle, AfCFTA State Parties must negotiate sector-specific obligations, taking into account best practices from RECs. Progressive policies on seed governance from RECs should take precedence. However, the AfCFTA acquis principle needs to prioritize farmers' rights over those of private breeders to avoid misapplication, as evidenced in some RECs like the EAC. Furthermore, the AfCFTA IPR Protocol should incorporate biosafety provisions to guarantee smallholder farmers' rights to maintain and control their seeds while protecting FMSS from GMO contamination. This requires reviewing Article 20 to include biosafety measures and ensuring compliance with the UN Cartagena Protocol on Biosafety.

Article 8 on PVP should be strengthened through its Annex to regulate genetically uniform transgenic varieties by promoting biodiversity. This is critical to safeguarding and promoting farmer's seed sovereignty. Article 28 (Transit Trade) should also be reviewed to ensure trade in GM-free seeds and food or compliance with the biosafety rules of the destination country.

AfCFTA State Parties should disassociate the protocol from the UPOV 1991 model on PVP laws, which consolidates the power of seed corporations. The AfCFTA IPR Protocol should instead align with the ITPGRFA provisions on smallholder farmers' rights. This can be achieved by introducing a new article on the relationship with other policies and commitments made by State Parties.

To balance IPR and traditional knowledge related to genetic resources, the language on disclosure obligations in Articles 18, 19, and 20 should be strengthened to guarantee farmers' and local communities' entitlements to benefit-sharing payments. This will support the implementation of ITPGRFA Article 9.2(a) and (b), safeguarding genetic resources and related traditional knowledge.

Articles 5 (MFN Treatment) and 6 (National Treatment) should include stronger safeguard measures to prevent the flooding of markets with cheap, commercially produced seeds and food, which could undermine FMSS and seed sovereignty. These articles should ensure fair treatment of goods without promoting trade in cheap commercial seeds at the expense of local varieties.

The AfCFTA IPR Protocol is not explicit on farmers' exceptions and does not account for the varying definitions of farmers' rights to seeds across African countries. The proposed Annex to

Article 8 should specify and strengthen the language on farmers' rights to ensure they are protected.

Under Article 38 (Review), the AfCFTA IPR Protocol commits to regular reviews to ensure effectiveness and adapt to evolving developments. The review process and the negotiation of IPR Protocol Annexes should be transparent and inclusive, addressing civil society's concerns and preventing powerful actors from skewing the process in their favour.

Article 25 (General Provisions) should be updated to include mechanisms for farmers to seek redress in case of rights infringement. Article 26 (Responsibilities of State Parties) should clarify capacity requirements for each specific right to ensure effective implementation by State Parties.

Finally, while designing and implementing the AfCFTA IPR Protocol, it is important to recall UPOV's agenda, which was set up in Europe to promote PBRs globally. Any attempt to integrate African countries into a seed system that consolidates the rights of patent owners, while undermining those of farmers and innovative FMSS, will mainly benefit foreign interests. Harmonizing intellectual property through the IP Protocol of the AfCFTA may be an opportunity to rewrite and introduce sui generis PVP instruments more suited to Africa. This will complement efforts by the African Group at the WTO. AfCFTA State Parties should reimagine the Pan-African Intellectual Property Organisation (PAIPO) to focus on addressing power imbalances in IPR rules. Complementary policies and processes must be harmonized to support farmers' rights and FMSS, potentially through an Annex on farmers' rights, FMSS, and seed sovereignty.

5.2. ADVOCACY ENTRY POINTS TO MAKE THE AFCFTA IPR PROTOCOL MORE SUPPORTIVE OF SEED SOVEREIGNTY

Evidence has shown that IPR regimes have historically undermined farmers' rights by prioritizing those of private breeders. Even when IPR policies claim to balance public and private interests and protect new plant varieties through a sui generis system that includes farmers' rights, their primary purpose has been to safeguard private breeders' rights, often at the expense of smallholder farmers. A close reading of the AfCFTA IPR Protocol reveals that the few existing safeguards for smallholder farmers are diluted by strong protections for private plant breeders' rights. Therefore, it is urgent to strengthen the Protocol to support seed sovereignty and biodiversity conservation for its State Parties. This can be achieved through strategic advocacy engagements. Stakeholders can work towards limiting the scope and reach of IP regimes to the large commercial sector and advocating for a separate Protocol or Annex focused on FMSS, farmers' rights, and seed sovereignty that promotes agroecology and farmers' rights. CSOs should engage with several key spaces, including national Ministries and Directorates in charge of trade and regional integration, Directorates of Trade and Agriculture in REC Secretariats, and Trade and Agriculture Sectoral Council meetings at the REC level⁸. Under the AfCFTA negotiating mandate, the AfCFTA Secretariat and RECs are tasked with ensuring stakeholder engagement at

⁸ For example, at the EAC, CSOs can lobby to engage under the Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI), and the Sectoral Council on Agriculture and Food Security. At ECOWAS, the Regional Agency for Agriculture and Food (RAAF) is a key platform to engage.

all levels, including establishing a Consultative Dialogue Framework that includes trade unions, civil society, farmers, academia, and the private sector. The following are key entry points for CSOs to explore:

a) Advocate for a Sui Generis System for PVP in the Proposed Annex on Plant Protection :

Push for a sui generis PVP system that accommodates and supports the protection of FMSS. Article 8 of the protocol calls for this, but many countries have already adopted UPOV 1991. Reinforcing a sui generis approach will require consolidation under the proposed Annex on Plant Varieties, emphasizing farmer rights and traditional seed exchange practices. AfCFTA State Parties could emulate provisions in the African Model Law on the Protection of Cultural Property and Heritage to negotiate the Annex.

b) Advocate for Biopiracy Safeguards : Article 41 (Annexes to this Protocol) commits State Parties to develop and negotiate Annexes on PVP, Geographical Indications, Patents, and Traditional Knowledge. This provides an opportunity for AFSA and its members to engage in the development of these Annexes to address potential biopiracy threats. Provisions in these Annexes should ensure clear regulations on access to genetic resources and fair benefit sharing with local communities. With the rise of digitalization in agriculture, it is crucial to advocate for data sovereignty over seed-related data, ensuring State Parties control access to and benefit from this data, critical for promoting climate-resilient traditional seeds as part of agroecology.

c) Advocate for Farmers' Rights and Traditional Knowledge Protection : Stakeholders should lobby for provisions within the Annexes for Articles 18, 19, and 20 of the AfCFTA IPR Protocol that explicitly recognize and protect farmers' rights and traditional knowledge related to seeds. This includes ensuring farmers can save, exchange, and sell their seeds without restrictive intellectual property laws. The pending Annexes should provide mechanisms to safeguard Indigenous communities' knowledge of seed selection, preservation, and cultivation practices. Advocacy should prioritize exemptions or specific provisions that protect traditional seed systems from strict intellectual property regimes and recognize Community Rights over locally developed seeds and associated knowledge through benefit-sharing mechanisms, ensuring free prior and informed consent from farming communities before their traditional knowledge is commercially utilized.

d) Promote Capacity-Building Efforts for Smallholder Farmers : Stakeholders should demand commitments by State Parties to ensure training, co-creation of knowledge, and material support for farmers engaged in Farmer Managed Natural Regeneration and community seed banks.

e) Leverage the Upcoming AfCFTA Review for Amendments : Article 28 of the Agreement establishing the AfCFTA mandates a review every five years to ensure effectiveness, achieve deeper integration, and adapt to evolving regional and international developments. With the AfCFTA entering into force on May 30, 2019, the first review is due on May 30, 2024. This presents an opportunity for CSOs to mobilize and engage in both the review of the AfCFTA and the development of relevant Annexes, calling for a specific Protocol or Annex on FMSS and seed sovereignty based on UNDROP and ITPGRFA provisions. CSOs should engage national Ministries

in Charge of Trade and Regional Integration and the Directorates for Trade at their respective REC Secretariats.

f) Advocate for the Integration of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) : The UNDROP should guide a rights-based approach to seed and food system development while implementing the AfCFTA. Article 19 of the UNDROP provides specific guidance on rights to seed, genetic diversity, traditional knowledge, benefit-sharing for the use of plant genetic resources, decision-making rights, and state support for these systems. Given that every African country voted for the approval of the UNDROP, it should be a guiding framework for developing the Annex or Protocol. CSOs should leverage partnerships with the African representative of the United Nations Working Group on the Rights of Peasants and Other People Working in Rural Areas to engage in drafting the outstanding Annexes to the AfCFTA IPR protocol and the review of the AfCFTA main agreement, which legally commences in July 2024.

5.3. AVENUES FOR ENGAGEMENT

NATIONAL	REGIONAL	KEY ACTIVITIES (EXAMPLES)
Ministries in charge of Trade, Commerce and Regional Integration.	EAC : Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI); Trade Directorate; Agriculture Directorate	▪ Face to face meeting with Negotiators to present key findings and key demands by Farmers' Organisations.
Ministries in charge of Agriculture, Science & Technology.	SADC : SADC People's Summit; Directorate of Industrial Development and Trade	▪ Develop a short position paper/state-statement to flag up key positions by farmers' Organisations on AfCFTA implementation and IPR Negotiations. ▪ Lobby for consultations during the development of the Annex on Plant Varieties Protection.
Parliamentary Committees on Trade, Regional Integration.	ECOWAS & ECCAS : Directorate of Trade; Directorate of Agric	▪ Lobby for representation at the National and Regional AfCFTA Implementation Monitoring Committees

Table 1. Source: Author's compilation

In conclusion, the AfCFTA has the potential to significantly impact the rights and livelihoods of agricultural supply chain actors. However, in its current form, the AfCFTA primarily supports industrial agriculture, enabling seed and food corporations to dominate African food systems while undermining smallholder farmers, who constitute the majority. The IPR protocol further exacerbates this issue by focusing on protecting the rights of commercial private plant breeders rather than smallholder farmers. The signing of an MoU between the AfCFTA Secretariat and AGRA underscores this concern. If this policy orientation is not altered, it risks creating an exclusionary AfCFTA that undermines FMSS, farmers' rights, and agroecology.

A major flaw in the logic of IPR regimes, as reflected in the Protocol, is the belief that industrial agriculture is essential for transforming Africa's agriculture by increasing yields, leading to food security and improved farmer welfare. In reality, industrial agriculture often leads to a concentration of power among a few food and seed corporations, enriching themselves at the expense of smallholder farmers' rights to seeds and land. A sustainable solution is for AfCFTA State Parties to support smallholder farmers, who are the custodians of agroecology. Empowering smallholder farmers to play a greater role in food production and agroecology is one of the quickest ways to ensure food and nutrition security on the continent. There is substantial evidence that agroecology can increase food productivity and yields comparable to or better than those of corporate-controlled agriculture. For example, agroforestry practices in Malawi, where farmers grow crops with *Faidherbia* trees, have increased yields by up to 100% for maize, cotton, and peanuts, and by up to 400% in some regions (Fitzpatrick, 2015). The success of agroecological practices has led governments and international organizations to recognize their potential for achieving sustainable food systems (FAO, 2024).

However, shifting towards agroecology and seed sovereignty in Africa faces significant challenges. These include the dominance of industrial agriculture models, limited policy support, and insufficient research and extension services tailored to agroecology. While the FMSS movement is gaining traction, it faces strong opposition from proponents of industrial seed systems that promote uniformity through highly commercial hybrid and GMO seeds. Consequently, most seed policies on the continent, including the AfCFTA IPR Protocol, are inspired by UPOV, which promotes individual and exclusive plant breeders' rights, often at the expense of collective/community farmers' rights. Achieving a self-sustaining and food-secure continent requires rethinking the AfCFTA and its IPR Protocol by developing a specific Protocol or Annex that prioritizes FMSS, farmers' rights, and agroecology. Addressing the identified gaps in the IPR Protocol and the AfCFTA during its review is also crucial.

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ABOUT AFSA

The Alliance for Food Sovereignty in Africa (AFSA) is a broad alliance of different civil society actors that are part of the struggle for food sovereignty and agroecology in Africa. These include: African farmers' organizations, African NGO networks, specialist African NGOs, consumer movements in Africa, international organizations which support the stance of AFSA, and individuals. Its members represent smallholder farmers, pastoralists, hunter/gatherers, indigenous peoples; faith-based institutions, and environmentalists from across Africa. It is a network of networks and currently with 40 active members. The core purpose of AFSA is to influence policies and to promote African solutions for food sovereignty. AFSA serves as a continental platform for consolidation of issues pertaining to food sovereignty and together marshal a single and louder voice on issues and tabling clear workable solutions.



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