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National Forum on Seed



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Governance

REASONS WHY THE NATIONAL FORUM ON SEED CONSULTATIVE PROCESS IS IMPORTANT FOR THE SEED SECTOR

- Agricultural producers should be able to count on a policy environment that supports well-informed decision-making and a timely response to changing conditions.
- The Canadian seed industry needs a regulatory environment that is responsive to changing market demands and emerging opportunities – one that works for producers, consumers, and innovators.
- Canada’s regulatory framework served us well – but it needs to keep pace with new markets and technology. To respond to the opportunities promised by advances in genomics, identity-preserved (IP) process and quality-specific attributes, we need to ensure that our regulatory framework is responsive to future changes.
- Technology is transforming the business of agriculture. We need to be able to respond quickly to new opportunities. There’s a real need for newer, smarter regulation that can keep pace with innovation.
- Most would agree that we need change to bring Canada’s seed regulatory framework into line with the needs of the global environment. How that change should happen needs further, broad-based discussion. Credible change can be facilitated with harmony of the collective voices working together to build a strong future.
- Credible, transparent, and science-based decision-making is the key ingredient in Canada’s recipe for success when it comes to seeds and the regulations governing the seed sector. To ensure continued success in the competitive global environment, we now need to add flexibility and responsiveness in equal measure.
- A modern, responsive regulatory framework that supports overall competitiveness, profitability, and market acceptance is important for all parties in the value chain.

TERMS OF REFERENCE: NATIONAL FORUM ON SEED

The National Forum on Seed is the core element of a national consultation process that also includes issue specific working groups and on-going links to existing national and regional commodity groups.

For NFS purposes, “seed sector” means developers, seed-growers, their primary customers, and seed regulators. The term “seed sector value chain” is broader and encompasses all those involved in development, breeding, production, sale, transport, import/export, processing, marketing, and use of seed and seed products.

The purpose of the National Forum on Seed and its consultative working groups is: “To create a timely process for developing and providing consensus-based advice to governments on policy and regulatory issues related to Canada’s seed sector. The National Forum on Seed is intended to create the means for broad-based consultation and consensus building across the seed sector and with its primary customers and other stakeholders.”

It was understood that “advice to governments” was a broad term that could comprise industry self-regulation or other actions taken independent of government. With this general purpose in mind, the more detailed goals of the National Forum on Seed are:

1. To provide comprehensive advice to government on seed sector issues in support of timely regulatory change and, where appropriate, advice on non-regulatory alternatives or options to regulations. While consensus is a goal, the failure to achieve consensus will not be an impediment to timely advice and view points to government (see consensus approach below).
2. To create a stakeholder forum for discussion and consensus building on transformative issues such as variety registration, impediments to innovation in the seed sector, and/or other important issues as identified by government or seed sector stakeholders.
3. To provide a central and 1st point of consultation with the seed sector for all government departments and agencies with regard to seed sector specific regulatory and policy issues. The scope of stakeholders and the means of their involvement will be flexible and adapted to the particular issue at hand.
4. To provide a conduit for two-way flow of issues, ideas, and recommendations for change between the government and the seed sector

Other considerations with respect to Terms of Reference include:

- This should be the primary process for government to go to for guidance and support on seed sector regulatory issues. Again, the core purpose is consensus policy advice, not an advocacy group for sectoral interests.
- The mechanism must be effective, not just another layer of bureaucracy. It must make effective recommendations to government.

- Its role is specific to consultation on regulatory and other policies related to the seed sector. The consultative process must be inclusive of all stakeholders affected by the regulations governing the seed sector.
- Government can use this as a tool to refer seed related issues brought to their attention by individuals, companies, or parties.
- The primary focus of the consultative process recommendations and advice should be evidence based, backed by solid, objective analysis (including cost/benefit) and open discussion.
- A key role will be recommendations on the best place to situate “control,” e.g., in legislation, regulation, or standards for any given regulatory matter related to seed sector issues.
- It is noted that governments will not be bound by the consultative process recommendations, nor is the Forum the Government’s sole consultation mechanism. However, strong consensus, based on solid reasoning and efficiently reached, will be the sector’s most powerful tool to influence policy.
- The consultative process should be subject to periodic review to ensure its purpose is still valid. The first review will be October 31, 2008.

Mandate

Based on the foregoing, the mandate for the National Forum on Seed is
“To facilitate broad consultation and consensus building in the Canadian seed and crop sectors on all proposals for seed sector policy or regulatory change. This mandate supports the larger goal of shared economic benefit throughout the entire value chain, from the plant breeder through commercial production to the end-user.”

Consensus Approach

As noted previously, the development of consensus positions is a central role of the National Forum on Seed and the various issue-specific consultative working groups that it may create. This raises important questions about what is meant by consensus, how this links to voting, the way that dissent is incorporated into the process, and to the role of a Chair of the National Forum on Seed.

In this connection, the following guidelines on consensus are suggested as part of the modus operandi for the National Forum on Seed or its consultation Working Groups.

Decisions will not be made via majority voting. However, votes may be used to clarify the degree of support for a proposal or recommendation in a move to reach consensus. Consensus will be defined adapted from the Canadian General Standards Board (CGSB) definition as:

“General agreement, characterized by the absence of sustained opposition, to substantial issues by any important part of the concerned interests, and

*by a process seeking to take into account the views of all parties concerned to reconcile any conflicting arguments. **Consensus need not imply unanimity.***"

To support this goal the National Forum on Seed will follow principles adapted from the CGSB:

- Equal access and effective participation by concerned interests (this entails inclusive process, equal access to information, and understanding of the process by all parties).
 - Respect for diverse interests and identification of those who should be provided access to provide the needed balance of interests,
 - A record of dissenting viewpoints
 - Note 1: Non-persuasive¹ objections are not allowed to indefinitely block resolution of proposals. On the other hand, a proposal that has received one or more persuasive negative objections may require reconsideration by the whole Forum.
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- For a consensus approach to be successful, people have to participate with an objective of reaching solutions. Flexibility, transparency, accommodation, and compromise are important elements in achieving consensus. It is equally important that people feel comfortable in dissenting, and that everyone is able to express their opinions in a non-threatening environment.
 - In cases of dissent or abstention, the onus would be on those members to explain their positions in order to build understanding and to find areas of common ground. All players should know how others stand and why.
 - Development of sector-wide consensus will take time; therefore, realistic expectations are important. For example, it may not be possible to reach conclusions in one meeting – working out compromise takes time. Members may have to take proposals back to their constituents for review, advice, or further consultation. Similarly, it may not be realistic to expect to achieve consensus in all cases. Cases where consensus was not reached will require a full explanation to be articulated in any submission or recommendation to government. The nature of the dissent will need to be clarified.

The National Forum on Seed will provide government with a starting point for its own analysis of situations. Consensus or agreement and demonstration of sufficient consultation should contribute to a shortened regulatory process. The National Forum on Seed will need to have procedures in place to ensure the effective capture of all views, and will need to provide explanation of the process used in developing its recommendations to government.

Overall, achieving consensus and the degree to which the members support that consensus will go a long way towards establishing the credibility of the National Forum on Seed and its consultative processes over time.

¹ This term is as used in the CGSB definition of consensus process.

It is suggested that continuity of members on the National Forum on Seed will help to build rapport and trust. This in turn supports good dialogue and improved consensus outcomes over time.

Structure and Membership on the National Forum on Seed

Following extensive discussion on the importance of regional balance and adequate representation of stakeholders; how to ensure input from the entire value chain and other stakeholders without making the consultation process unwieldy; a simplified core membership for the Forum was agreed to.

This consensus structure is detailed in below:

Member Organizations of the Forum are:

- Canadian Federation of Agriculture
- Canadian Seed Growers' Association
- Canadian Seed Trade Association
- Canadian Wheat Board
- CropLife Canada
- Grain Growers of Canada
- l'Union des Producteurs Agricoles
- National Farmers Union
- Plant Breeder Communities
 - Private
 - Public
 - University
- Provincial Government Representative East
- Provincial Government Representative West
- Registered Seed Establishments

Each member organization has one (1) seat at the Forum Table and is encouraged to identify an alternate. However, any member organization may send additional attendees to the meetings. These additional attendees could include that organization's alternate Forum member and others who might assist the official representative with advice or information during meetings.

Length of Members' Terms

The length of an appointees term will be decided by the member organization. Most important is consistency of attendance. Exceptions to this include the Provincial representatives (East and West), and the representative for Registered Seed Establishments. These appointments will be rotated on a 2-year basis.

Ex-officio Members of the Forum

The following Ex-officio members will attend the meetings. They will have seats at the table and may contribute to the discussion to provide advice, guidance, or support to Forum members.

- Agriculture and Agri-Food Canada (2 seats at the table)
- Canadian Food Inspection Agency (1 seat at the table)
- Canadian Grain Commission (1 seat at the table)
- Executive Directors of the four ACAAF applicant organizations (4 seats at the table)

Invited guests

These will include guests invited to join the Forum Table for a particular meeting based on topics to be covered. The guests may be invited to make presentations or serve as resources for such topics.

General Attendees

Interested stakeholders are welcome to attend the Forum meetings. Opportunities will be provided in the Forum meeting agenda for these stakeholders to express their views on the topics under discussion.

All attendees will be asked to contribute to the cost of the meeting expenses for breaks and meals.

Participants also noted that membership may evolve over time based on experience with the consultation process and the ability and commitment of organizations to sustain the Forum and its constituent Working Groups.

Roles & Responsibilities

The following was decided upon at the inaugural meeting:

1. The National Forum on Seed will act as the governing body to identify issues of interest in keeping with the aim and mandate; organize consultation processes to explore these issues including Working Groups; determine scope of Working Groups, objectives, deliverables, timelines and so on; review progress of Working Groups and provide comments, feedback and advice; receive final reports and present these to government with such additional comments as might add value to the advice.

Members will be expected to consult with their constituents on issues and to bring their positions to the table. Therefore, members should be nominated based in part on their ability to represent the views and interests of their respective organization, and in equal part on their capacity to work cooperatively and collaboratively with other parties in pursuit of consensus.

1.1 The Executive Committee (4 persons named by CFA, CSGA, CSTA, and GGC) will approve meeting agendas, provide operational guidance to the National Forum on Seed Secretariat and Management Committee, and ensure follow-up on Forum decisions.

2. The Working Group(s) are to be the primary vehicle to develop consensus-based recommendations on specific policy and regulatory issues which impact the seed sector.

The membership of consultative working groups is open to all interested parties. However, specific organizations and/or individuals may be invited to attend based on the technical nature, crop, or geographic orientation of

the particular issue. They would be drawn from a list of commodity, regional, and related organizations, including those that have expressed interest in the National Forum on Seed.

These would be topic specific consultative or technical working committees created to examine a specific issue or proposed regulatory change. Depending on the issue, this could also include creating linkages to committees which already exist and which could play a supportive role to the National Forum on Seed. Examples include Variety Registration Recommending Committees, Value Chain Round Tables on Cereal, Oilseeds, etc.

The working groups would deliberate the issues referred to them (this could involve constituency level consultations), then report consensus recommendations back to the National Forum on Seed.

3. The National Forum on Seed Management Committee (Executive Directors of 4 Canadian Seed Alliance organizations) will carry out work assigned to it by the Forum and the Executive Committee in order to plan, organize, and manage working groups and other consultation processes.

4. The National Forum on Seed Secretariat (secretariat manager and officers) will support the entire governance model in the implementation of plans and activities.

The Secretariat will provide the primary contact for day-to-day interface with government on National Forum on Seed activities. It will be responsible for all internal administrative functions, such as accounting and financial management, as well as data collection and analysis.

The Secretariat will take direction from the Executive and Management Committee to organize all professional services, advice, analyses, etc. that may be required to support the work of the National Forum on Seed. This includes all detailed planning, logistics, accommodation, document coordination, etc. for Forum and Working Group meetings.

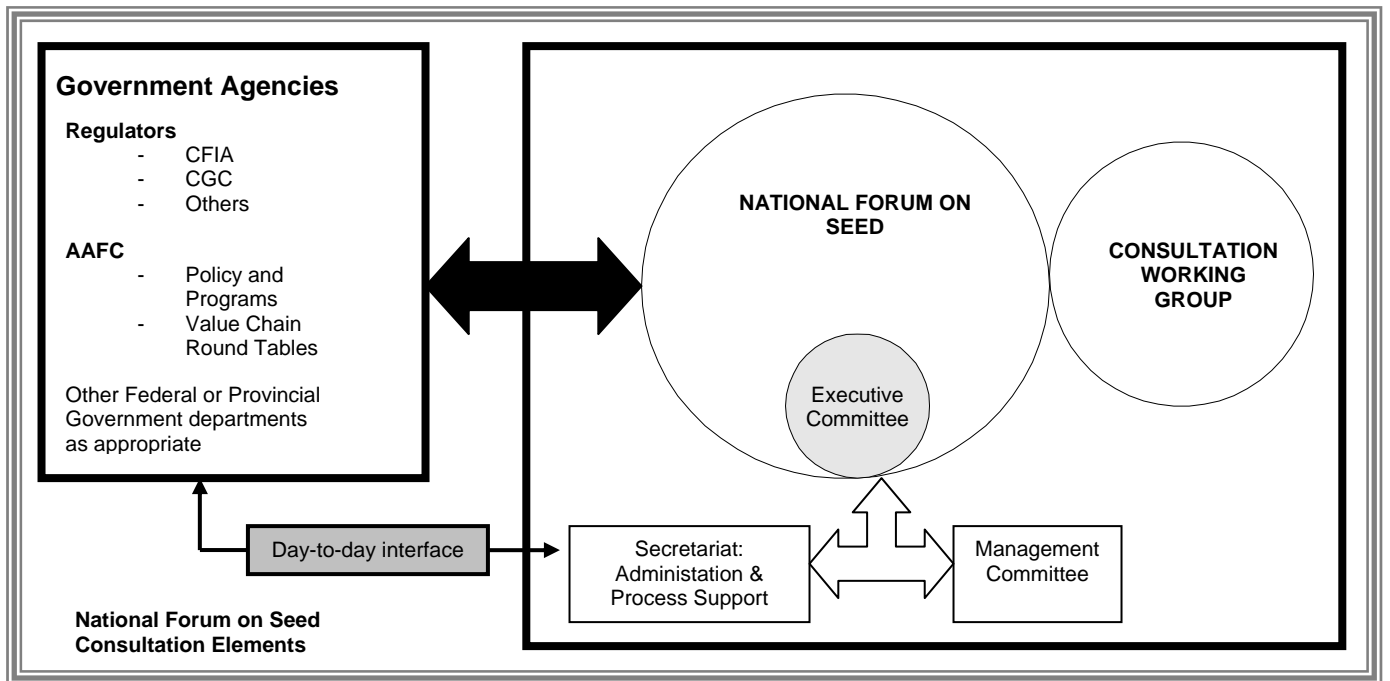
The Secretariat Manager may provide public information such as responding to media, public relations, giving presentations to interest parties, annual meetings of associations, government, and so on.

Consultative Processes for Specific Policy/Regulatory Initiatives

The National Forum on Seed would be responsible to decide on the consultative process that they believe best manages the need for timely advice with opportunity for input for a particular government policy or regulatory initiative.

Examples include consultative working groups as previously noted as well as paper- and web-based processes.

Figure 1 below, illustrates elements of the consultation process.



Meeting Format, Process, and Frequency

There was general agreement on the following:

Meeting Frequency:

Meetings of the Forum will normally be held 3-4 times per year, with meeting dates set, wherever possible, at least two months in advance.

Typical Annual Cycle – National Forum on Seed

The typical annual cycle for the National Forum on Seed will include three meetings over 12 months. NOTE: While Working Group creation, monitoring, and reporting may occur at any meeting, the following overview outlines the underlying cycle that coincides with fiscal and accountability reporting periods to ACAAF.

1. Issues Identification

In the March to May timeframe, NFS will issue an open call to all stakeholders and government for issues to be considered by the Forum. Organizations and/or individuals who wish to bring an issue before the Forum will be asked to submit a document outlining the issue, background, relevance to the seed sector, and potential benefit from the unique national convening process of the Forum.

Submissions will be reviewed by the Management and Executive committee for completeness and for areas requiring clarification. Submissions will then be presented to the Forum for review.

2. Planning Meeting

Late summer meeting to review issues agenda; determine need for consultative processes such as working groups, and to follow-up on the March meeting

Following this meeting, establish consultative working groups or other processes in the fall timeframe:

Short-term issues: 6 months to work on the issue and report back by February with interim report in December

Long-term issues: 18 months, given the need for a more comprehensive consultative process

3. Late Fall - Progress Review

Review interim work of consultative working groups or other processes.

4. Winter - Final Reports/Consensus Recommendations

Review reports of consultative working groups or other processes and communicate consensus recommendations to government (e.g., CFIA) on policy/regulatory issues.

Format for Meetings of the National Forum on Seed

The Chair of each NFS meeting will be for that meeting only and will rotate between the members of the Executive Committee. The Chair will confirm the agenda for the meeting, open each issue and frame the discussion, and help forge consensus outcomes. All NFS (and working group) meetings will be supported by a facilitator. In order to underscore openness and transparency, National Forum on Seed meetings are open to the public. A regular part of the agenda will be geared to an open forum on the issues at hand. Any attendee could then present views on those issues within specified time limits.

Responsibility for Meeting Expenses: Policy on funding support for travel expenses of members and other attendees.

Full Reimbursement for:

Secretariat (Project Manager, Facilitator, Secretariat Officer)
Executive Directors of SSA
2 members of CFIA

Reimbursement up to a maximum of 650\$ for:

2 association staff (R. Preater, B. Trask)
All official members of the Forum.

This policy will also apply to members of the Forum who participate in issue-specific Working Groups. It leaves discretion to the Forum to advise the Management Committee to provide subvention to specific groups whose participation is important but not possible without support. This policy may change as experience dictates.

Mandate Review and Sunset

There will be a full review of the mandate, structure, and governance by October 31, 2008. The longer term continuation of the National Forum on Seed will be contingent upon this review. This is to guarantee the ongoing relevance of the National Forum on Seed and to ensure that its existence does not simply perpetuate itself without purpose.

Financial Support

There was consensus that industry needed to work with government to ensure that long term funding is secured to support the consultative structures. ACAAF will continue to be an important part of the funding strategy until 2008. A permanent funding structure will be phased in prior to 2008.