

**Draft not for citation**

**THE COMMUNITY REGISTRY AS AN EXPRESSION OF  
FARMERS' RIGHTS:**  
*Experiences in Collective Action Against The Plant Variety Protection Act  
of the Philippines*

*by*

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Paper presented at the CAPRi-IPGRI International Workshop on Property Rights,  
Collective Action and Local Conservation of Genetic Resources  
Rome September 29th -October 2nd, 2003

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**ABSTRACT**

*For years, farmers have relied on farm-saved seeds to use, share, exchange and sell to other farmers. They have been practicing a traditional seed supply system based on free and open access to genetic sources. In the Philippines, however, the adoption of the Plant Variety Protection (PVP) Act, or Republic Act 9168, threatens this traditional seed system and farmer's rights to seeds and genetic resources. The Act grants plant breeders exclusive protection or rights over new plant varieties they claim to have developed and will thus restrict farmers' traditional practice of using, saving, exchanging and selling seeds. The Act could also make farmers less willing to share or exchange seeds of protected varieties for fear of violating the law.*

*In this regard, the project of SEARICE in Bohol, Central Philippines embarked on an active information and education campaign and local discussions with farmer-partners to facilitate communities' understanding and analysis of the implications of the law. As a collective response to the PVP Act, the Campagao Farmers' Production and Research Association (CFPRA) of Campagao village in the municipality of Bilar decided to establish a community registry as the community's way of asserting its control over and access to seeds and other genetic resources.*

*Since 1996, CFPRA members have been involved in rice breeding and varietal selection and they have already developed a number of stable varieties that are widely used among farmers in the local communities. The group recognized the implications and effects of the PVP Act on farmers' efforts in conserving and developing rice varieties considering that the law does not recognize farmers as breeders. The farmer-breeders in Campagao are thus concerned that the rice varieties they have developed might be subjected to the PVP Act. In view of these concerns, the group agreed to set up a community registry to protect local rice varieties from misappropriation and unfair monopolization, and to assert the community's rights over its genetic resources.*

*After a series of group meetings and discussions, the group formulated a community affidavit declaring that all rice varieties maintained in their community shall be protected from the PVP Act, and that seeds of these varieties shall remain freely accessible to farmers for purposes of using, selling, saving and exchanging with other farmers. The affidavit also includes a list of names and kinds of rice varieties that the community has been using and continually developing since they started their efforts in participatory plant breeding. The registry also includes basic characterization of the varieties. SEARICE project staff assisted the farmers in identifying and documenting the rice varieties used in the community.*

*The community affidavit is supplemented by a Resolution passed by the organization that also details the process of how the entries in the registry will be updated every cropping season. The organization also successfully lobbied with the local village council (barangay council) for the passage of a Council Resolution recognizing and affirming the community affidavit, and expressing full support to the efforts by farmers to protect local genetic resources.*

*In establishing the community registry, SEARICE and CFPRA are also working closely with a local academic institution, namely, the Central Visayas State College of Agriculture, Forestry and Technology (CVSCAFT). Since 1999, SEARICE has been collaborating with the Research, Development and Extension Department of CVSCAFT in supporting community efforts to conserve and develop plant genetic resources. The institution provides back up storage and documentation of the farmers' rice varieties in the community, including the varieties in Campagao's community registry. CVSCAFT provides free access for farmers to the materials stored in the institution's seedbank and disseminates characterization information of these materials through rice catalogs. Hence, farmers' access to the seeds and information from CVSCAFT helps ensure that farmers' materials remain in the public domain and*

*strengthens farmers' efforts to establish the community registry as a means to protect their genetic resources from misappropriation and monopolization.*

*Through community registry, the people of Campagao believe that the rights of communities to exercise control over their resources will be duly recognized and respected.*

## A. BACKGROUND

The Philippines passed a repressive law on plant variety protection (PVP) in 2002, Republic Act 9168, that farmers who were made aware of the defects of the law looked for ways to enable their free exchange of seeds continue, in spite of the jeopardy the practice faced, as the Philippine PVP Act will now lay down certain conditions before it will be exercised, depending on the regulations that may be set by the National Plant Variety Protection Board and in the lands owned by the farmers.<sup>1</sup>

The Republic Act 9168, otherwise known as Philippine Plant Variety Protection Act of 2002, allows plant breeders to apply for protection, or exclusive rights, over new varieties they claim to have developed or discovered. Through such form of protection, plant breeders, whether individuals or corporations are able to regulate and restrict access to protected varieties including the use, sale and exchange of seeds of these varieties among farmers. The law grossly favors the rights and interests of plant breeders and seed companies, and effectively violates farmers' traditional rights to seeds. The law in effect does not recognize farmers as breeders and restricts their rights to save, exchange, share and sell seeds.

The PVP Act, which is an offshoot of the government's commitment to the World Trade Organization (WTO), will definitely have an adverse impact on our country's farmers who have traditionally relied on seed-saving and exchange to sustain their on-farm production. The new law considers farmers' acts of saving, selling and exchange of seeds of protected varieties as criminal offenses punishable by maximum of six years imprisonment and fines of up to P100,000. Although there were efforts by civil society organizations to stop the passage of such a law or modify its onerous provisions during the legislative deliberations, these efforts were overturned by the government's insistence to follow WTO rules over and above the interests of our country's small farmers.

With the passage of the PVP law, it is all the more important to monitor and strengthen the local seed supply system of the communities. The law clearly poses a major threat to the traditional seed supply system that is based on free and open access to genetic resources. Monopoly and private control of seeds now becomes possible through the law. As a result, farmers could become less willing to share and exchange seeds for fear of violating the law. The threat of local genetic resources being misappropriated and claimed by other people also serves to dampen the farmers' traditional practice of sharing seeds to anybody.

Recognizing the grave threats that the PVP Act pose on the country's farmers, there is however very little awareness among farmers and other sectors regarding this law and its implications.

In this regard, the CBDC-SEARICE project has conducted discussions with its farmer-partners to understand and analyze the implications of said law. Besides actively opposing the implementation of the law, the farmers have vowed to continue with their efforts in conserving and developing plant varieties as their way of asserting their rights.

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<sup>1</sup> Sec. 43 (d) of Republic Act 9168 states that :

Thus, farmers will continue doing their breeding activities and exchanging their seeds with other farmers.

## **B. METHODOLOGIES/ PROCESS ME**

As part of its efforts to strengthen control by communities over their seeds and other resources as well, the project assisted farmer-partners in establishing and documenting baseline information on their communities. Among other information, the activities generated communities' analysis of their seed systems. This highlighted the importance of local seed exchange in maintaining and enriching the genetic resources in the communities. The results also showed how varieties first introduced by the project and used by farmer-partners have spread to other farmers.

In the village of Campagao, the project assisted the farmer-group, the Campagao Farmers' Production and Research Association (CFPRA) in coming up with community registries, which is an effort by farmers to inventory and assert public control over the genetic resources within their boundaries. Farmers have listed the names of rice varieties that are maintained in their communities, including the characterization of these materials. The project also assisted the farmers in identifying and mapping out the rice varieties planted in their communities. This information served to back up the establishment of a community registry of varieties in their communities. The registry is essentially an information system on plant genetic resources managed and asserted by the community.

CFPRA also included in the inventory the materials stored in their established seedbank. Registry is also a means to document and make known the materials maintained in their seedbanks. The materials in the seedbank are for free exchange and access to farmers. The community seedbank maintained by the farmers will help keep community members aware of who is planting which variety where. This will facilitate monitoring of varieties and later on exchange and access of seeds among farmers. This is part of their effort to make materials readily available and accessible to farmers who need them. The seedbanks maintained by the farmers are intended to help them conserve the materials they have tested and evaluated. When farmers need these materials for breeding purposes, they can get them from the seedbanks. The seeds are usually kept in jars and stored in a small hut that farmers themselves constructed. Farmers plan to regenerate the materials periodically to ensure their viability.

At the same time, SEARICE and CFPRA are also working closely with a local academic institution, namely, the Central Visayas State College of Agriculture, Forestry and Technology (CVSCAFT). Since 1999, SEARICE has been collaborating with the Research, Development and Extension Department of CVSCAFT in supporting community efforts to conserve and develop plant genetic resources. The institution provides back up storage and documentation of the farmers' rice varieties in the community, including the varieties in Campagao's community registry. CVSCAFT provides free access for farmers to the materials stored in the institution's seedbank and

disseminates characterization information of these materials through rice catalogs. Hence, farmers' access to the seeds and information from CVSCAFT helps ensure that farmers' materials remain in the public domain and strengthens farmers' efforts to establish the community registry as a means to protect their genetic resources from misappropriation and monopolization.

### **C. RESULTS**

SEARICE implemented or set up a mechanism that merely serves as an affirmation or documentation of existing systems in the community. For now, the Community registry has still focus on rice as it already has a PGR map including a characterization of the materials and an exchange system that has been in place for quite some time.

The Campagao Farmers Production and Research Association came up with a joint affidavit, which in their experience involves a solemn declaration of facts on matters that are of concern to them. The joint affidavit declares the kinds of varieties the community has been using and has continuously developed since the time they started participatory plant breeding activities in their area. This affidavit has been supplemented by a Resolution of the officers of the Association which details the process how the registry is modified and updated at regular intervals set by the community.

The community has managed to get the support of their local barangay (village) in recognizing the registry. The Council recently passed a resolution recognizing the system. This resolution has the effect of publicizing the registry, putting the joint affidavit in the public domain, so to speak.

It is presumed that publication of information regarding genetic resources will keep them in the public domain.

### **D. CONCLUSION**

SEARICE together with the community really made an effort to carry out the specific activities in order to realize the community registry system. The project did a thorough community organizing (CO) preparation, it covered the farmer bred varieties developed through SEARICE's PGR CDU work over the years, it involved all stakeholders in the community and it stood on the seed supply system that it has been supporting and promoting.

This community registry is an attempt at experimenting on ways how to challenge the PVP system in particular and the IPR system in general. The Community Registry should go hand in hand with the seed supply system in challenging the PVP system and the IPR system as they open up everything the farmers have to free and open access. There is no inherent contradiction between the Community Registry Model and free access. It is up to the community to decide on the modalities of access that they wish to adopt. The ComReg Model that SEARICE evolved go hand in hand with the idea on Community

Protocol, which is the notion that communities, through their own processes, can come up with their own set of rules or standards or guidelines, or mechanisms, through which the use of their resources are governed or regulated.

At this point, it is not yet known how the model will fare against the PVP System. It is agreed that SEARICE should not raise the expectations of its farmer-partners and others on whether it can effectively challenge the PVP system, but it does not mean that SEARICE will not be using it to challenge the PVP system. The model will be used to enable the farmers to assert their rights to their seeds vis-à-vis the PVP system.

## **STEPS IN ESTABLISHING THE COMMUNITY REGISTRY OF CFPRA- CAMPAGAO, BILAR**

The following refers to the activities undertaken by the CFPRA members:

1. Community discussion on PVP Act (RA 9168)
  - A series of discussion and meetings were conducted on the issues on PVP Act and its implications to farmers' seed supply system
  - From the discussions, it appeared that the farmer-partners of SEARICE were disheartened by the impending difficulties to be posed by the new law
  - The CFPRA members decided to make a joint affidavit for the protection of their seeds and taking Community Registry (ComReg) as an alternative action
  - The Minutes of the meeting during their discussion:
    - A Joint affidavit (which is approved by the group) will be submitted to the barangay (village), to the municipal and to provincial councils, but noting the fact that these entities may not recognize their community effort, as long as the group shall have a record on all of the existing varieties in the community.
    - The affidavit has to be signed by all members
    - The group will conceptualized the content of the Affidavit but drafting of the joint affidavit will be assigned to one member
  
2. Making and finalization of the Joint Affidavit
  - The Minutes of the meeting during their meeting:
    - The group discussed content of the affidavit
      - list of name, type and number of varieties existing in the community (includes all farmers' selections, farmer-bred varieties, farmer-varieties, traditional, formal released, and exotic varieties)
      - the characterization of the varieties, which includes the name of variety, origin and the agronomical and morphological characteristics
      - no. of years the variety is used or has existed in the community
      - the PO is united on not to register the all seeds listed in their Community Registry
      - this details the process of how the entries in the registry will be updated every cropping season.
  - It was moved and seconded by CFPRA members that the draft Joint Affidavit be approved
  - CFPRA members affixed their signatures therein
  
3. Making of the Resolution

- The group conceptualized the resolution which was based from the draft PO-resolution made by one farmer-member
- This Resolution served as a supplementary to the community-joint affidavit made by the group
- The group decided to present the Resolution to the village council and one member (who is also a Village councilor) volunteered to sponsor the resolution and present it during the council's regular session-meeting
- The group then informed the Village Council Leader regarding CFPRA's plan to present their Community Registry activity to the village council which is a way of raising community-wide awareness regarding PVP issues and Community Registry
- It was agreed during the meeting that SEARICE staff will discuss on the PVP issue and that some selected PO members (chairman, vice-chair, and the education committee) should present and discuss on the Community Registry process activities

#### 4. Lobbying at the village council

- Presentation of the CFPRA-Community Registry resolution to the Village Council session-meeting
- The group discussed the purpose of their Community Registry Resolution which is for the protection of the seeds developed by CFPRA from misappropriation and unfair monopolization and explained that the action came about due to the farmers' apprehensions on the Plant Variety Protection Act
- This was successfully lobbied by the organization with the local village council (*barangay* council) for the passage of a Council Resolution
- The village council expresses full support to the efforts of farmers to protect local genetic resources by recognizing and affirming the community affidavit and resolution

#### 5. Inventory of varieties and Seed Mapping

- Each member was assigned to list down their own varieties planted for the season (from the period covered in the year 2002 until 2003)
- The inventory of varieties would also cover/include the varieties and its characterization grown by other farmers in the community
- It was agreed that the Inventory of seeds will be by purok (sub-village) and every CFPRA member residing in a specific purok is assigned to gather the inventory of varieties of that area
- The inventory of varieties is conducted through a survey
- The group also prepared a PGR Diversity Map wherein the all the varieties planted in the community during the season are reflected