## Perspectives on implementation of the Nagoya Protocol and the ITPGRFA

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### 1. What policies or mechanisms have been put in place to implement the multilateral system of the ITPGRFA? The requirements of the Nagoya Protocol?

As to ITPGRFA, the final draft Executive Order entitled “Providing for the Collection, Characterization, Conservation, Protection and Sustainable Use of Plant Genetic Resources for Food and Agriculture, Appropriating Funds Therefor and For Other Purposes” is pending for approval of the Office of the President of the Republic of the Philippines in the last administration. The Philippines needs to resubmit the said final draft E.O. to the Office of the President for his approval.

As to the Nagoya Protocol, considering that the Philippines prior to its ratification of the Protocol has already an existing ABS legislation, namely, Wildlife Resources Conservation and Protection Act (Republic Act 9147), Guidelines on Bioprospecting Activities in the Philippines (Joint DENR, Department of Agriculture, Palawan Council for Sustainable Development and National Commission on Indigenous People Administrative Order No. 01). Said guidelines recognizes the ITPGRFA, and for the protection of traditional knowledge associated with the genetic resources of indigenous peoples and local communities. There is also the Indigenous Peoples’ Rights Act (Republic Act 8371), what is currently pending is a draft legislative measure that will strengthen the monitoring and tracking mechanisms that are laid out by the Nagoya Protocol, and incorporates some of the key provisions of the Nagoya Protocol in the existing institutional and regulatory framework on ABS.

### 2. What measures, policies, practices have been established for coordination between the lead agencies?

As to coordination, there is the Sub-Committee on Biodiversity of the Philippine Council on Sustainable Development that has been operating since 1996 and this is the body that is regularly activated each time the lead agencies coordinate their positions on sustainable development issues, the most recent of which is the development of Philippine positions to COP 13-CBD, including COP-MOP 8 Cartagena and COP-MOP 2 Nagoya held in Cancun, Mexico last December 2016.

A Technical Working Group (TWG) for the ITPGRFA was created under the Department of Agriculture chaired by the Bureau of Plant Industry (BPI) and co-chaired by the Crop Science Cluster-University of the Philippines, Los Banos with members from other government agencies, DENR, DOST-PCARRD & DA (Bureau of Agricultural Research, Field Operations Service-Corn Program) and Philippine Coconut Authority (PCA) and civil society organizations (SEARICE). The TWG formulates the policies and programs for the implementation of the ITPGRFA. This TWG meets to discuss and resolve issues concerning the Philippines’ position on the Plant Treaty.

### 3. What challenges have you encountered developing measures to implement the Nagoya Protocol? The multilateral system of the ITPGRFA?

The development of measures have not been difficult, it is the implementation in the case of Nagoya Protocol, and the enactment of the draft Executive Order on PGRFA, that has taken a lot of time. As a basic rule, a number of national consultations are undertaken before the Executive Order is finalized. Getting the attendance and participation of stakeholders sometimes contribute the problem too.

The Philippines has still to put in-place its domestic framework. In the last administration, the E.O. was transmitted to the Office of the President with the concurrences of the Departments of Environment and Natural Resources, Science and Technology and Trade and Industry and National Commission on Indigenous Peoples. Under the current administration, the Department of Agriculture needs to complete the required concurrences of agencies for the resubmission.

### 4. List 3 things that would help you to make more progress implementing these agreements more effectively.

1. Strong directive from the upper echelons of the Government, including the President of the Philippines and the Secretaries of the Department of Agriculture and Department of Environment and Natural Resources;
2. Active focus on these issues, for now, the respective agencies have other priorities that have been laid out by their respective principals;
3. Greater engagement by the sectors involved, particularly industry groups, civil society organizations and indigenous peoples and farmers’ organizations; and
4. Collective effort from the relevant Department Secretaries to push for the approval of the final draft of the Executive Order.

### 5. List at least 3 outcomes that will result from implementing the Nagoya Protocol and the multilateral system of the ITPGRFA in a mutually supportive way in your country.

1. It is important that biological materials that have been patented by commercial entities prior to, during and more recently, the entry into force of these two treaties be clearly identified and set out whether they have provided fair and equitable sharing of benefits from their utilization to the country and for the country to actively determine how to come up with a good outcome for all the stakeholders involved.

2. Researchers and other users who use the loopholes provided by ITPGRFA should be pinpointed and demands for benefit-sharing be made on them so they will be made to comply with their fair and equitable benefit-sharing commitments to the country.

3. Farming communities should be able to decide how they would like their traditional knowledge to their plant genetic resources for food and agriculture protected, either through their community intellectual rights system provided for under the Indigenous Peoples Rights Act, or through the existing intellectual property system, including the plant variety protection system or through the maintenance and strengthening of their customary laws and practices in seed saving and other ways of exchanging, using, sharing and selling their seeds.