

Republic of the Philippines
Congress of the Philippines
Senate
Manila City

Sixteenth Congress

Second Regular Session



RESOLUTION No. 85

RESOLUTION CONCURRING IN THE ACCESSION TO
THE NAGOYA PROTOCOL ON ACCESS TO
GENETIC RESOURCES AND THE FAIR AND
EQUITABLE SHARING OF BENEFITS ARISING
FROM THEIR UTILIZATION TO THE CONVENTION
ON BIOLOGICAL DIVERSITY

WHEREAS, the Constitution, Article VII, Section 21 states:
“No treaty or international agreement shall be valid and
effective unless concurred in by at least two-thirds of all the
Members of the Senate”;

WHEREAS, the Nagoya Protocol on Access to the Genetic
Resources and the Fair and Equitable Sharing of Benefits
Arising from their Utilization to the Convention on Biological
Diversity was adopted on 29 October 2010 in Nagoya, Japan;
to date, 51 countries have ratified the Protocol;

WHEREAS, the Protocol strengthens the Convention on Biological Diversity (the Convention) signed on 5 June 1992 which promotes the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising from utilization of genetic resources;

WHEREAS, under the Protocol, each Party shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring that the benefits arising from the utilization of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on the mutually agreed terms;

WHEREAS, the Protocol shall apply to the genetic resources within the scope of the Convention, Article 15, to the traditional knowledge associated with genetic resources within the scope of the Convention, and to the benefits arising from the utilization of such resources and knowledge;

WHEREAS, the Protocol enables biodiversity to ultimately contribute to development by providing incentives and rewards to promote the sustainable use of genetic resources and benefit-sharing when these resources are accessed and used; through these mechanisms, the Philippines can potentially obtain resources for the conservation of its remaining patches of biological diversity, and at the same time ensure the protection of the rights and well-being of its indigenous and local communities, and other stewards of biodiversity;

WHEREAS, the Protocol, Article 33 provides that it shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organization that are Parties to the Convention;

WHEREAS, the President of the Philippines acceded to the Nagoya Protocol on Access to the Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their

Utilization to the Convention on Biological Diversity on 5 May 2014, and has accordingly submitted it to the Senate for concurrence in accordance with the Constitution;

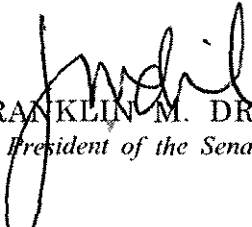
WHEREAS, in the hearing conducted by the Senate Committee on Foreign Relations on 5 March 2015, the following government agencies endorsed the concurrence in the accession to the Protocol;

1. Department of Foreign Affairs;
2. Department of Environment and Natural Resources;
3. Department of Agriculture: and
4. National Commission on Indigenous Peoples


Now, therefore, be it

Resolved, as it is hereby resolved, That the Philippine Senate concur, as it hereby concurs, in the accession to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

Adopted,


FRANKLIN M. DRILON
President of the Senate

This Resolution was adopted by the Senate on May 25, 2015.


OSCAR G. YABES
Secretary of the Senate