

Access and Benefit Sharing: Views from the Philippines, A Mega-diverse Developing Country

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Abstract

The Philippines is one of 17 megadiversity countries in the world and a signatory to the Convention on Biological Diversity (CBD) in 1992. In 1995, it became the first country in the world to develop policies and regulations as well as to implement these with regards to Access and Benefit Sharing (ABS), one of the cornerstones of the CBD. This happened with the issuance of Executive Order 247 (EO 247) which became known as the Philippine Bioprospecting Law. It was implemented for six years and ultimately some of its more controversial provisions were either repealed or amended when a new legislation (the Wildlife Conservation Act) was passed which incorporated lessons learned from the implementation of the EO 247.

The EO 247 distinguished between Academic Research and Commercial Research and the appropriate agreements were designed and signed. Throughout its short lifespan, only one academic research agreement and one commercial research agreement were signed. Under the new Wildlife Act, only commercial research was identified as needing stringent requirements while academic research were treated separately but still regulated. To date, no commercial undertakings had been made under the new law. On the other hand, while academic research was treated differently, there were still requirements to secure collecting permits which were contingent on securing Prior Informed Consent (PIC) from the relevant stakeholders.

The experience of local and foreign academic researchers from the noncommercial sector in the Philippines on ABS and its impact on academic research will be highlighted, while other issues and concerns will also be discussed.