



**PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA**

No. 639-MTA-2016

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honor to transmit the attached response of the Philippines to the questionnaire from Mr. John H. Knox, Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

The Permanent Mission of the Republic of the Philippines in Geneva kindly requests the OHCHR to transmit the attached document to Mr. Knox that will be used for the SR's thematic report on biodiversity and human rights during the 34th Session of the Human Rights Council in February-March 2017.

For information, the soft copy of the inputs has been sent as requested to srenvironment@ohchr.org .

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 23 December 2016



Office of the United Nations High Commissioner for Human Rights
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OHCHR REGISTRY

27 DEC 2016

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**Philippines' Inputs on the Questionnaire from the
UN Special Rapporteur on the Issue of Human Rights and Biodiversity
for reporting during the 34th Session of the Human Rights Council in 2017**

Question 1. Provide examples of biodiversity-related legislation, policies and programmes that incorporate human rights obligations.

Examples of biodiversity-related legislation are Republic Act (RA) No. 7586, otherwise known as the "National Integrated Protected Areas System Act" ("NIPAS Act") and RA 9147 or the Wildlife Resources Conservation and Protection Act ("Wildlife Act").

Article 25 (1) of the Universal Declaration of Human Rights (UDHR) recognizes right to a standard of living adequate for the health and well-being of himself and of his family.

Article II, Section 16 of the 1987 Philippine Constitution declares that "[t]he State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Section 2 of NIPAS Act expressly acknowledges the existence of "areas with biologically unique features to sustain human life and development" as well as the need to protect and conserve these areas. In a similar manner, Section 2 of the Wildlife Act states the objective to "conserve and protect wildlife species and their habitats to promote ecological balance and enhance biological diversity."

The right to freedom of opinion and expression, including access to information, (UDHR, Article 19) is incorporated in Section 5 of the NIPAS Act on the establishment of protected areas (PAs), which require public notification through publication in a newspaper of general circulation or through other effective means as well as the conduct of public hearings.

Furthermore, the NIPAS Act requires that views, opinions and recommendations made at the public hearings be given due consideration and that the government agencies concerned sufficiently explain the reasons for taking positions that are contrary to the general sentiments expressed in the public hearings.

Much in the same way, the Wildlife Act requires prior informed consent from the local stakeholders for certain activities such as introduction of exotic wildlife (Section 13), bioprospecting (Section 14), and scientific researches on wildlife (Section 15).

The right to take part in the government of one's country (UDHR, Article 21) is expressed in Section 11 of the NIPAS Act. Each *barangay* (smallest political unit) and each tribe of Indigenous Peoples can participate in decision-making on matters relating to planning, peripheral protection and general administration of the PA through their respective representatives in the Protected Area Management Board (PAMB), which decides by a majority vote.

The Wildlife Act, in its Section 25, also requires coordination with local government units and other concerned groups in the protection of critical habitats.

There are certain rights of Indigenous Peoples (IPs) that recognized under both the NIPAS Act and the Wildlife Act. Section 13 of the NIPAS Act prohibits the resettlement of IPs in PAs without their consent while Section 7 of the Wildlife Act, exempts IPs from the permit requirements for their traditional and non-trade collection or hunting of non-threatened species of wildlife.

Question 2. Provide specific examples of good practices in the implementation of human rights obligations in biodiversity-related matters.

I. Implementation of the National Integrated Protected Area System (NIPAS) Act.

a) Establishment

The different states in the establishment of a protected area involve processes that take into consideration aspects of human rights. From the time an area is being screened to be suitable as such, until it would be proclaimed through an enactment by the Congress, people get to participate in the process by being informed and consulted.

b) Security of Tenure

There are communities in the protected areas that are given security of tenure. These are those who would qualify the requirement of 5 years occupancy in the area prior to its designation as such and are substantially dependent therein for subsistence. For those who would not qualify, they are managed in place or are given alternative areas in the buffer zone of the protected area.

II. Indigenous Communities Conserved Areas (ICCA)

By recognizing the primacy of the Indigenous People's knowledge and practice systems in managing and conserving their territories and resources, including biodiversity, the ICCA recognizes, respects, promotes, and develops indigenous peoples' rights to self-determination in relation to their internal affairs.

ICCA ensures that it follows a holistic and inclusive approach by empowering indigenous cultural communities in documenting their ICCA, increasing the participation of women and youth, and respecting their cultural diversity.

Question 4. How are the right of those who may be particularly vulnerable to the loss of biodiversity, including but not limited to indigenous peoples, provided with heightened protection?

ICCA also promotes the exercise of indigenous people's rights to develop their lands and resources in accordance with their traditional knowledge and practices. Once recognized, ICCAs give indigenous peoples an extra layer of protection from dispossession as well as destruction of their lands, territories and resources.