

# DARWIN INITIATIVE FOR THE SURVIVAL OF SPECIES : APPLICATION FOR GRANT FOR ROUND 9 COMPETITION

Please read the accompanying Guidance Note before completing this form. Give a full answer to each section; applications will be considered on the basis of information submitted on this form. Applicants are asked not to use the form supplied to cross refer to information in separate documents except where this is invited on the form. The space provided indicates the level of detail required but you may provide additional information on a separate sheet if necessary. Copies of this form are available on disk or by e-mail on request. You are asked also to complete the summary sheet attached at the end of this form. Although you may reproduce this sheet in a reasonable font, you should not expand it beyond an A4 sheet (leaving the allocated space for DETR comments to be made) as additional information will not be taken into account.

## 1. Name and address of organisation

Foundation for International Environmental Law and Development (FIELD) – SOAS, University of London, 46-47 Russell Square, London WC1B 4JP.

## 2. Principals in project

Details	Project leader	Other UK personnel (if working more than 50% on project)	Main project partner or co-ordinator in host country
Surname	Lasén Diaz		Hervé Espejo
Forename(s)	Carolina		Dominique
Post held	Staff Lawyer		Researcher
Institution (if different to the above)			Environmental Law Centre, Faculty of Law, University of Chile
Department			
Telephone			
Fax			
Email			

Please provide a one page CV for each of these named individuals.

## 3. Project title (not exceeding 10 words)

Building legal and institutional capacity on biosafety in Chile.

## 4. Abstract of study (in no more than 750 characters)

The project aims to assist the Environmental Law Centre to assess the legal and institutional framework needed for an effective biosafety regime in Chile, implementing Article 8(g) of the CBD and the Biosafety Protocol. The project would include:

- an overview of the relevant international law and Chile's international commitments
- a study of existing national legislation and institutions
- a comparison of a number of legal frameworks in different countries (in the region and in other regions)

The aim of the studies is to identify the main gaps and needs in Chile's legislative and institutional framework and to recommend ways of addressing these with a view to achieving an effective national biosafety regime.

In addition, this project will help build the institutional capacity of the Environmental Law Centre in Santiago to work on biodiversity-related issues.

## 5. Timing. Give the proposed starting date and duration of the project.

Start in May 2001 for 13 months

6. Describe briefly the aims, activities and achievements of your organisation. (Please note that this should describe your unit, institute or department within a university.)

Aims

To contribute to the progressive development and implementation of international law for the protection of the environment and the achievement of sustainable development.

Activities

The activities of the organisation include academic and professional education and legal training on the international protection of the environment at London University; legal research and the provision of legal advice and assistance.

Achievements

In the area of education and training, at London University's School of Oriental and African Studies, FIELD teaches graduate law programmes to a large number of students from developed and developing countries in international environmental law, the international law of natural resources, EU environmental law and international economic law. FIELD has also produced a distance learning course in international environmental law for Wye College, University of London, and has worked with the United Nations Institute for Training and Research (UNITAR) to design a GEF-funded training programme to assist government officials to implement the UN Framework Convention on Climate Change in developing countries. FIELD also has an internship programme for young lawyers of developing and developed countries working on international environmental law.

With regard to research, FIELD holds grants from a number of US foundations to conduct international legal research (including Ford Foundation, Rockefeller Brothers Fund and A.Walton Jones Foundation). FIELD also holds a number of grants from DG Research and DG Environment of the European Commission for collaborative projects. FIELD currently holds a grant from the Department for International Development (DfID) to conduct research on globalisation, food security and the international governance of modern biotechnology

FIELD provides international legal advice and assistance on a range of issues to many governments, international organisations and NGOs. FIELD also provides assistance to the Secretariat of the Convention on Biological Diversity. In addition, FIELD has worked with developing countries in the implementation of the CBD. FIELD is working with the South Pacific Regional Environment Programme (SPREP) and the WWF South Pacific Programme (WWF-SPP) to promote the implementation of those parts of the Convention that deal with access and benefit sharing in small island developing states in the Pacific.

FIELD publications are extensive and include the journal Review of European Community and International Environmental Law. Recent publications by FIELD lawyers include the four volume Principles of International Environmental Law (Manchester University Press, 1995); Greening International Institutions (Earthscan, 1996) and Improving Compliance with International Environmental Law (Earthscan, 1996).

7. Has your organisation received funding under the Initiative before? If so, please give details.

Yes. Funding was received for a Second Round Darwin Initiative project: Implementation of the Biodiversity Convention: Training Conservation Lawyers (June 1994-May 1997), for a Fifth Round project: Building legal and institutional capacity for implementation of the Convention on Biological Diversity in the Pacific Islands region (July 1997-June 1999), and for a Seventh Round project: Access to genetic resources and benefit-sharing in the Pacific Islands region (May 1999-June 2001).

8. Which overseas institutions, if any, will be involved in the project? Please explain the responsibilities of these institutions.

The collaborating institution will be the Environmental Law Centre ('*Centro de Derecho Ambiental*'), based at the Faculty of

Law of the University of Chile. Individuals involved will be Dominique Hervé Espejo, Valentina Durán Medina and Marie-Claude Plumer Bodin, all legal researchers at the Environmental Law Centre, under the supervision of the Centre's Director, Professor Sergio Montenegro Arriagada.

## PROJECT DETAILS

9. Define the purpose (main objective) of the project in line with the logical framework.

**The main objective of the project is twofold:** (1) to build the capacity of a Chilean institution to contribute to biodiversity-related issues focusing on biosafety; and (2) to contribute to the consideration of an appropriate biosafety legal framework in Chile.

Specific objectives of the project are:

- to increase the capacity of Chile's Environmental Law Centre with the aim of establishing a specific Biodiversity Programme by utilising existing FIELD expertise and resources.
- the identification and assessment of gaps and needs in existing institutional and legislative framework in Chile with a view to considering how best to address them so that an appropriate legal framework on biosafety could be established.

10. Is this a new project or the continuation of an existing one?

This is a new project.

11. What is the evidence for a demand or need for the work? How is the project related to conservation priorities in the host country(ies)? How would the project assist the host country with its obligations under the Biodiversity Convention?

How was the work identified?

The need for this work has been identified by the collaborating institution, Chile's Environmental Law Centre as a result of the lack of relevant legislation on this field in Chile. Although there are several public institutions working on this area, such as the Farming and Livestock Department of the Ministry of Agriculture, the Health Ministry, the National Environment Commission and the Chilean National Committee on Biotechnology, no comprehensive legislative initiatives have followed. These institutions and government programmes would therefore benefit from the results of this project. The Chilean government is supportive of this initiative and a letter of support from both the Farming and Livestock Department (Ministry of Agriculture) and the National Environment Commission are attached.

This project should also enable the Environmental Law Centre to make an ongoing contribution to the implementation of the Convention on Biological Diversity in Chile.

How is the project related to conservation priorities in the host country?

The project is aimed at building legal and institutional capacity and assisting a Chilean institution to contribute to the country's implementation of the Convention on Biological Diversity, in particular Articles 8(g) and 19, and of the recently adopted Cartagena Protocol on Biosafety to the Convention on Biological Diversity. Chile signed the Protocol in May 2000 and the National Parliament is now studying its ratification.

Chile is a country with a very rich biodiversity and a high level of endemism, but relatively poor in financial and human resources to adequately implement the provisions in the Convention on in-situ conservation and the management of risks associated with the use and release of living modified organisms resulting from biotechnology.

Although Chile has yet to adopt a national biodiversity strategy, the National Environment Commission is currently considering the adoption of a work plan for the development of a National Action Plan on Biodiversity. In addition, a draft Decree establishing four new advisory committees on international environmental matters is also being considered by the Chilean government. Two of the advisory committees being discussed would benefit from this project: the 'advisory committee on international conventions related to natural resources and wildlife', and the 'advisory committee on biosafety'.

How will the project assist the host country meet its obligations under the Biodiversity Convention?

This project is intended to assist Chile's implementation of the Biodiversity Convention by focusing on those obligations related to in-situ conservation, the management of risks associated with the use and release of living modified organisms resulting from biotechnology, and the handling of biotechnology and distribution of its benefits. The project aims at raising awareness of the need to legislate on biotechnology by identifying the gaps and overlaps of existing institutional and legal frameworks related to biodiversity. The project also intends to develop the Centre's legal expertise on the Biodiversity Convention as a whole, which would allow it to make an input to the development of Chile's biodiversity strategy.

12 In what ways can this project be considered a Darwin project? How does the project relate to the Darwin principles? How would the project be advertised as a Darwin project and in what ways would the Darwin name and logo be used?

The proposed project focuses on supporting the implementation of the Convention and the Biosafety Protocol. It is intended to provide assistance to a developing country rich in biodiversity to implement the provisions of the Convention on Biological Diversity. A core element of the project is institutional capacity building. The project draws on British legal experience in the field of international environmental law and, in particular, on the provisions of the Convention. The project will involve collaboration with national institutions and is intended to have a lasting impact on the country involved by raising awareness and increasing its capacity to meet its obligations under the Convention. The project also has the potential to impact on other countries in the region through dissemination of the results and involvement of regional institutions and experts in the seminar.

The project will be identified as a Darwin project in research and academic articles published by the collaborating partner, and all publications and events relating to the project will carry the Darwin logo.

13. Set out the proposed timetable for the work, including the programme's measurable outputs using the attached list of output measures.

- **May-August 2001**

Research and review of relevant legislation in force; consideration of case-studies on use of biotechnology; and interviews with public authorities, experts and NGOs. Output: mapping paper assessing the existing laws and institutional framework at national level, and including feedback from interviews.

- **September-December 2001**

Analysis and review of relevant regional and international law on biosafety, legal literature and at least three studies of comparative law in this area. Output: research paper on international legal and institutional framework on biosafety including international commitments of Chile.

- **October 2001**

Project co-ordinator of Environmental Law Centre to attend ICCP-2.

- **November 2001**

Project co-ordinator of the Environmental Law Centre to visit FIELD for 3-4 weeks to carry out research and co-ordinate planning of seminar. The seminar is envisaged to include the participation of legal experts on biosafety from the UK, Spain, Mexico and Cuba as well as Chilean academics and government officials.

- **January 2002**

Seminar to present the two research papers and identify gaps and needs in Chile's legal system in the area of biosafety. Output: Report on the results of the seminar, based on the debate and feedback on the papers. Increased level of awareness of the CBD and biosafety issues at national and regional level.

- **February-March 2002**

Draft recommendations on appropriate legal and institutional framework on biosafety based on the research and consultations undertaken. Output: Recommendations to Chile's authorities.

- **April-May 2002**

Lawyer from Environmental Law Centre to attend the CBD COP6 (possibly the first Meeting of the Parties to the Biosafety Protocol). Dissemination of project results. Output: publication of research papers, seminar outputs and recommendations.

Specific standard measurable outputs of the project will include: one seminar (14A); at least two person weeks spent by UK project staff in host country (8); at least two papers to be submitted to peer reviewed journals (11B); newsletters (16A).

Additional output: recommendations on appropriate legal and institutional framework on biosafety.

14. Do you know of any other individual/organisation carrying out similar work? Give the details of the work, explaining the similarities and differences.

There is currently no other organisation in Chile carrying out legal work in the field of biotechnology and biosafety, nor any comprehensive legislative initiatives envisaged in the near future.

15. Will the project include training and development? Please indicate how many trainees will be involved, from which countries and what will be the criteria for selection. How will you measure the effectiveness of the training and will those trained then be able to train others? Where appropriate give the length of any training course.

While the project does not focus specifically on training, it does have an important element of institutional capacity building and training as the collaborating partner is a recently established institution and this builds on FIELD's teaching and internship programme. The project co-ordinator from the Centre is a former FIELD student and legal intern. FIELD's support to developing the institutional capacity of the collaborating partner in the area of biodiversity is a key component and one of the main objectives of this project.

16. How will trainee outcomes/destinations be monitored after the end of the training?

Not applicable.

17. How is the work of the project expected to continue after the end of grant period? A clear exit strategy must be included.

At the end of the project, the collaborating partner will have expanded its institutional capacity to tackle a variety of biodiversity-related issues, particularly biosafety. The results of the legal research and the seminar will raise awareness and identify the main elements of an appropriate legal and institutional framework on biosafety for Chile. Future collaboration between FIELD and the Environmental Law Centre will be agreed and included in the work programme of the Centre.

#### MONITORING AND EVALUATION

18. Describe how progress on the project would be monitored and evaluated in terms of achieving its aims and objectives, both during the lifetime of the project and at its conclusion. How would you ensure that it achieves value for money? What arrangements will be made for disseminating results? If applicable, how would you seek the views of clients/customers?

The project would be monitored by senior staff at FIELD and the Director of the Environmental Law Centre. In addition, it is envisaged that international, regional and national experts will provide peer review of the materials produced.

19. Logical framework. Please enter the details of your project onto the matrix using the note at Annex B of the Guidance Note.

Project summary	Measurable indicators	Means of verification	Important assumptions
<p><b>Goal</b></p> <p>To assist countries rich in biodiversity but poor in resources with the conservation of biological diversity and implementation of the Biodiversity Convention"</p>	<ul style="list-style-type: none"> <li>- ability of the Environmental Law Centre to play an active role and make a contribution to Chile's implementation of the CBD.</li> <li>- The Centre's participation in international, regional and national biodiversity meetings</li> </ul>	<ul style="list-style-type: none"> <li>- publications in international and national legal journals</li> <li>- organisation of workshops, seminars, etc.</li> <li>- participation in regional and international networks of environmental law institutions</li> </ul>	<ul style="list-style-type: none"> <li>- Biodiversity and biosafety remain a priority area of work for Chile.</li> </ul>
<p><b>Purpose</b></p> <p>To build the capacity of a Chilean institution to contribute to biodiversity-related issues focusing on biosafety.</p> <p>To address the lack of legislation on biosafety at national level</p>	<ul style="list-style-type: none"> <li>- to raise awareness about the need to introduce a legal and institutional framework on biosafety</li> <li>- to produce a set of recommendations on what would be an appropriate framework</li> </ul>	<ul style="list-style-type: none"> <li>- dissemination of project objectives and outputs through the seminar and the publication of relevant papers and set of recommendations</li> </ul>	<ul style="list-style-type: none"> <li>- Chile's interest in complying with its international commitments under the Convention on Biological Diversity and potential obligations under the Cartagena Protocol on Biosafety.</li> </ul>
<p><b>Outputs</b></p> <ul style="list-style-type: none"> <li>- <b>2 research papers</b></li> <li>- <b>Seminar</b></li> <li>- <b>Recommendations on appropriate legal and institutional framework for biosafety</b></li> </ul>	<ul style="list-style-type: none"> <li>- papers produced</li> <li>- seminar held</li> <li>- recommendations drafted</li> </ul>	<ul style="list-style-type: none"> <li>- papers published</li> <li>- report of the seminar</li> <li>- recommendations published</li> </ul>	<ul style="list-style-type: none"> <li>- The issues addressed by these papers and seminar are considered of key importance by Chile in implementing the Biodiversity Convention and the Biosafety Protocol.</li> </ul>
<p><b>Activities</b></p> <ul style="list-style-type: none"> <li>- Research and review relevant national and international legislation; consideration of case-studies, comparative law and interviews with authorities, experts and NGOs</li> <li>- Seminar to identify gaps and needs in Chile's legal system on biosafety</li> <li>- Draft recommendations on appropriate legal and institutional framework on biosafety</li> </ul>	<ul style="list-style-type: none"> <li>- research and review activities undertaken</li> <li>- seminar held</li> <li>- recommendation on appropriate legal and institutional framework on biosafety drafted</li> </ul>	<ul style="list-style-type: none"> <li>- research papers produced/published</li> <li>- report and outputs of the seminar produced</li> <li>- recommendations published</li> </ul>	<ul style="list-style-type: none"> <li>- Research and review activities highlight the need to address biosafety regulation in Chile.</li> <li>- Willingness and availability to attend the seminar.</li> <li>- There are opportunities to input the project outputs into Chile's policy debate on biosafety</li> </ul>