

DARWIN INITIATIVE FOR THE SURVIVAL OF SPECIES: APPLICATION FOR GRANT FOR ROUND 10 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. Although you may reproduce this sheet in a reasonable font, you should not expand it beyond an A4 sheet (leaving the allocated space for DEFRA 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)
52-53 Russell Square, London WC1B 4HP

2. Principals in project

Details	Project leader	Other UK personnel (if working more than 50% of their time on project)	Main project partner or co-ordinator in host country
Surname	Lasén Diaz		Manzur
Forename(s)	Carolina		Maria Isabel
Post held	Staff Lawyer		Biologist - Researcher
Institution (if different to above)			Fundación Sociedades Sustentables
Department			Biodiversity
Telephone			
Fax			
Email			

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

3. Project title (not exceeding 10 words)

Access, benefit sharing and traditional knowledge in Chile

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

The project aims to assist the Fundación Sociedades Sustentables (FSS) in raising awareness and promoting the policy debate on a national framework on access to genetic resources, the sharing of any benefits derived therefrom, and the protection of traditional knowledge in Chile, implementing Articles 15, 16 and 8(j) of the Convention on Biological Diversity (CBD). The project would include:

- An analysis of cases concerning access to Chile's genetic resources, including the granting of intellectual property rights (IPRs) over those resources, in the context of CBD requirements;

- An overview of the relevant international law and policy on access to genetic resources, benefit sharing and the protection of traditional knowledge and related IPR issues, including experience from other countries and regions and the ongoing international dialogue;

- A study of the Chilean legislation and policy on biodiversity and IPRs, including analysis of existing contractual arrangements, and

consideration of elements of a possible national framework on access to genetic resources, including the views and proposals of local and indigenous communities.

The aim of the studies is to identify the main gaps and needs in Chile's legal and institutional framework in this area and to recommend ways of addressing these with a view to achieving an effective national regime on access to genetic resources.

- A set of accessible information materials on the CBD and its access provisions, including the protection of biodiversity-related knowledge, innovations and practices of indigenous and local communities.

- The studies and research papers mentioned above will be presented and discussed by representatives of all relevant stakeholders at two workshops (one national and one sub-national). The sub-national workshop will be organised to provide information on, and discuss issues of, access to genetic resources, benefit sharing, traditional knowledge, and IPRs, with indigenous and local communities, and to develop specific proposals to protect their genetic resources and their collective rights. All the studies and proposals emerging from the project will be presented for discussion at a national workshop with representatives of all relevant stakeholders.

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

Start in May 2002, for two years.

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

FIELD's activities include legal research and the provision of legal advice and assistance on a range of issues, including biodiversity and marine resources, climate change and energy, and trade and environment, as well as academic and professional education and legal training at London University on the international protection of the environment.

Achievements

FIELD provides international legal advice and assistance on a range of issues to many governments, international organisations and NGOs. A seventh round Darwin project allowed us to work on access to genetic resources with the South Pacific Regional Environment Programme and WWF's South Pacific Programme on a two-year project (1999-2001). The project developed draft regional guidelines on access to genetic resources and benefit sharing and considered the need for regional co-operation in respect of shared resources. These draft guidelines were considered at the national level in the context of two pilot projects in countries in the region. At each stage of the project, FIELD's role was to provide expert legal advice and comparative research.

In the area of education and training, at London University, FIELD has taught 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 also has an internship programme for young lawyers from developing and developed countries working on international environmental law.

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

FIELD has received funding for projects from the Darwin Initiative in the second, fifth, seventh and ninth rounds.

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 'Fundación Sociedades Sustentables' (Sustainable Societies Foundation), set up in 1998 in Santiago, Chile. Individuals from the Foundation involved with this project will be Dr. Maria Isabel Manzur and Mr Rene Hernández.

The Sustainable Societies Foundation will research and draft the paper analysing national experience on access to Chile's biological resources. They will commission a legal study on national legislation and policy on biodiversity and intellectual property rights, including existing contractual arrangements. The project partner will also organise the sub-national and national workshops, in collaboration/consultation with FIELD.

The project partner will lead in the preparation of accessible information materials on the CBD and its provisions on access to genetic resources, benefit sharing and the protection of traditional knowledge. FIELD will collaborate in the preparation of these materials.

PROJECT DETAILS

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

The main objective of the project is to contribute to the consideration of an appropriate legal framework on access to genetic resources, benefit sharing, and the protection of traditional knowledge in Chile with the participation of local and indigenous communities and other relevant stakeholders.

Specific objectives of this project are: (i) to raise awareness among local communities, farmers, indigenous peoples, NGOs, academics and government officials on the situation of access and IPRs in Chile and abroad, the ongoing CBD process to develop international guidelines on access to genetic resources, and the need to establish an appropriate access framework in Chile; and (ii) to identify and assess the gaps and needs in the existing legislative and policy framework on biodiversity in Chile through a participatory process, putting forward proposals on the main elements of an appropriate legal framework on access to genetic resources in Chile.

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 'Fundación Sociedades Sustentables' (FSS) as a result of the lack of relevant legislation and public awareness in this field in Chile and the increasing number of access "events" and overseas patents based on Chilean genetic resources occurring outside the CBD framework. Although the National Environment Commission is undertaking work on access contracts, no comprehensive legislative or policy initiative has yet been considered. In 1995, the Ministry of Agriculture established a programme on genetic resources and access and collection rules, but no funding has been allocated to it. This project would support that programme.

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

The project is aimed at contributing to Chile's implementation of the CBD, in particular Articles 15, 16, and 8(j).

Chile is a country with a very rich biodiversity and a very high level of endemism, but relatively poor in financial and human resources to implement adequately the provisions in the Convention on in-situ conservation, access to genetic resources, and the Convention's objective of fair and equitable sharing of the benefits arising out of the utilisation of genetic resources.

Although Chile has yet to adopt a national biodiversity strategy and action plan (NBSAP) under the CBD, the National Environment Commission is currently developing an NBSAP and a national policy for the sustainable use of natural resources that is scheduled to be completed in 2003.

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 CBD by focusing on those obligations related to access to genetic resources, the sharing of any benefits derived from the utilisation of those resources; in-situ conservation; and access to, and transfer of, technology. The project aims to raise awareness of the potential to regulate access to genetic resources, benefit sharing, and the protection of traditional knowledge. This project also aims to increase the participation of civil society in the implementation of the Convention by bringing together a number of stakeholders to discuss the need for, as well as the elements of, a future national regime on access to genetic resources, benefit sharing and the protection of traditional knowledge. Recent international meetings of CBD Parties have recognised the need for capacity-building and awareness raising, both for relevant institutions and stakeholders, on issues related to access to genetic resources, benefit sharing and the protection of traditional knowledge.

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 on Biological Diversity. It is intended to provide assistance to a developing country rich in biodiversity to implement the provisions of the Biodiversity Convention. 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 experts and government officials from neighbouring countries in the national seminar.

The project will be identified as a Darwin project in any research and academic articles published by the collaborating partners. All publications, events and reports 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.

PROJECT OUTPUTS		
Year/Month (starting April)	Output Number (see standard output measures)	Description (include numbers of people involved, numbers of publications printed or produced and days/weeks where applicable)
2002/November		Research paper reviewing experience on ABS/IPRs in Chile. This paper will also review and assess the existing biodiversity laws, policies and the institutional framework at the national level. (FSS)
2002/November		Research paper reviewing relevant international and regional law and policies on: (i) access to genetic resources, (ii) benefit sharing, (iii) the protection of traditional knowledge, and (iv) intellectual property rights related to biodiversity. (FIELD)
2003/March		Accessible information materials on access, benefit sharing, traditional knowledge and IPRs for use at local and national level in host country - 500 copies. (FSS and FIELD)
2003/April	14A	Subnational seminar to discuss the research papers and disseminate information materials, and to consider possible elements of a national framework on access to genetic resources.
2003/April	8	4 person weeks to attend sub-national and national seminar/s in Chile
2003/April	15A/15/B	At least two news releases in host country
2003/October	14A	National seminar to discuss reviewed papers after regional seminar.
2004/March	7	Draft recommendations on appropriate elements for a national access regime in Chile, based on research papers and results of seminars. Present the final recommendations to relevant authorities in Chile. (FSS with FIELD)

Key Milestones	
Year/Month (starting April)	Description (include travel dates, drafts and other processes that support the delivery of outputs)
2002/November	Draft research papers completed
2003/March	Draft information materials on access, benefit sharing, traditional knowledge and IPRs
2003/April	Subnational seminar
2003/September	Revised information materials on access, benefit sharing, traditional knowledge and IPRs (after feedback)
2003-4/tbc	Project leader and project co-ordinator to attend CBD meetings on access and benefit sharing (ABS) and Article 8(j), where the findings of this project would be disseminated
2003/October	National seminar
2004/March	Draft recommendations on elements of a national access regime in Chile and presentation to relevant authorities.

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

Chile's National Environment Commission (CONAMA) is currently preparing the terms and conditions to be used in contracts regulating access to genetic resources in the country. This work is part of a process towards an access law in Chile to which this project is intended to contribute. CONAMA's contract proposal for access to genetic resources could be presented and discussed at this project's seminar. The national Agriculture Research Institute ('Instituto de Investigaciones Agropecuarias') is developing access contracts for Chile's native tomato and the Ministry of Agriculture has a work plan to develop norms for the collection of genetic resources. This project proposal has been discussed with both institutions (CONAMA and Ministry of Agriculture), which recognise that it would contribute to, and complement, their ongoing work.

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.

Training Activity	Dates	Who will participate, how many will participate and for how long?

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

While the project does not focus specifically on training, it does have an important element of information dissemination and public awareness raising in the field of access to genetic resources, fair and equitable sharing of benefits and the protection of traditional knowledge. The broad dissemination of the information materials produced under this project, and the presence of representatives of indigenous and local communities at the subnational and national seminars will increase the level of knowledge and expertise on the CBD provisions on access to genetic resources and benefit sharing, and related processes, in the host country.

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 access to genetic resources. The results of the legal and policy research and the two seminars will raise awareness of this issue among affected stakeholders, as well as identifying the main elements of an appropriate legal and institutional framework on access to genetic resources, benefit sharing and the protection of traditional knowledge in Chile. The project is expected to contribute to the development of an access law in Chile. The need for, and nature of, follow up work will be considered at the national and sub-national seminars under this project.

Institutional links between civil society, government bodies and academia will be strengthened in-country. This will build on efforts under our existing Darwin project with the Environmental Law Centre, University of Chile (Building Legal and Institutional Capacity on Biosafety in Chile).

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 will be monitored by senior staff at FIELD and by the President of Sustainable Societies Foundation. In addition, it is envisaged that international, regional and national experts will provide peer review of the materials produced.

Documentation and information materials on the results of the research undertaken under this project will be distributed among relevant stakeholders. The final conclusions and recommendations will be sent to the relevant government authorities in Chile.

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>Goal</p> <p><i>To assist countries rich in biodiversity but poor in resources with the conservation of biological diversity and implementation of the Biodiversity Convention</i></p>	/	<ul style="list-style-type: none"> - Publication and dissemination of information materials on access to genetic resources, benefit sharing and traditional knowledge. - Organisation of seminars, with a broad representation of relevant stakeholders. - Publication of recommendations for an access regime. 	<ul style="list-style-type: none"> - Access to genetic resources, benefit sharing and the protection of traditional knowledge, innovations and practices associated to biodiversity remain a priority area of work for Chile, in the context of its NBSAP preparation.
<p>Purpose</p> <ul style="list-style-type: none"> - To assist a Chilean NGO in raising awareness and promoting the policy debate on a national framework on access to genetic resources, benefit sharing and traditional knowledge. - To address the lack of legislation on access to genetic resources at national level. 	<ul style="list-style-type: none"> - To raise awareness about the need to consider a legal and institutional framework on access to genetic resources. - To produce a set of accessible information materials on this issues. - To produce a set of proposals with the main elements of an appropriate legal framework on access. 	<ul style="list-style-type: none"> - Dissemination of project objectives and outputs through the two seminars and the publication of relevant research papers, informatin materials and set of recommendations. 	<ul style="list-style-type: none"> - Interest of stakeholders in participating in dialogue and developing recommendations on access and benefit-sharing. - Recommendations submitted to, and considered by relevant government departments.
<p>Outputs</p> <ul style="list-style-type: none"> - Two research papers. - A set of information materials. - Sub-national seminar. - National seminar. - Recommendations on appropriate elements for a legal framework on access to genetic resources, benefit sharing and traditional knowledge in Chile. 	<ul style="list-style-type: none"> - Papers produced. - Information materials produced. - Seminars held. - Recommendations drafted. 	<ul style="list-style-type: none"> - Papers published. - Information materials published and distributed. - Reports of the two seminars. - Recommendations published. 	<ul style="list-style-type: none"> - The issues addressed by these papers and seminar are considered of key importance in Chile in order to implement the Convention on Biological Diversity and its NBSAP.
<p>Activities</p> <ul style="list-style-type: none"> - Research and review of relevant national and international legislation and policy on this access and benefit sharing issue. Analysis of experiences on access and IPRs in Chile. - Preparation of accessible information materials. - Two seminars to discuss and review papers. - Draft recommendations. 	<ul style="list-style-type: none"> - Research, review and analysis activities undertaken. - Seminars held. - Recommendations on appropriate elements for a national access regime in Chile drafted. 	<ul style="list-style-type: none"> - Research papers and information materials produced/published. - Reports and outputs of the seminar produced. - Recommendations published. 	<ul style="list-style-type: none"> - Research, review and analysis activities highlight the need to address access to genetic resources in Chile. - Willingness and availability of key stakeholders to attend the seminars. - Opportunities to input the project outputs into Chile's policy debate on access.

FINANCIAL ASPECTS

20. Please state gross expenditure on the programme of work. Please work by financial year (defined as April to March) using 2001/2002 prices throughout - do not include any allowance for assumed future inflation. Indicate salary costs on Table A and total costs on Table B. For programmes of less than 3 years' duration, enter 'nil' as appropriate for future years. It would be helpful to highlight (by bold, italics or underlining) the areas for which Darwin funding is requested. Show Darwin funded items separately; do not include with other funding

Table A Salary costs

	2002/2003 (£)	2003/2004 (£)	2004/2005 (£)
List each member of the team and their role in the project			
a) UK			
Carolina Lasen Diaz, project leader			
Ruth Mackenzie, senior lawyer			
Rachel Holmwood, programme assistant			
b) collaborators			
Maria Isabel Manzur, project co-ordinator			
René Hernandez, project assistant			
Nancy Alanoca, local assistant			
Consultant			
Show the % of time each person would spend on this work			
Carolina Lasen Diaz			
Ruth Mackenzie			
Rachel Holmwood			
Maria Isabel Manzur			
René Hernandez			
Nancy Alanoca			
Consultant			
Total cost of salaries			

Table B Other costs (Please highlight or underline the areas for which Darwin funding is requested)

	2002/2003	2003/2004	2004/2005
Rents, rates, heating, lighting, cleaning or overheads			
Office costs eg. postage, telephone and stationery			
Travel and subsistence			
Printing			
Conferences, seminars etc			
Capital items/equipment (please specify)			
Other (please specify)			
Sub-total			
Cost of salaries (from previous table)			
Total of spend*			

* Grants may be limited to a percentage of the total cost of the project. The Department will look for balancing income from non-public sources (eg. private sector funding, subscriptions, donations, fees).

21. How is your organisation currently funded?

FIELD is funded through a variety of grants from US and UK foundations, as well as UK and EU governmental institutions. We also receive some fee income for the provision of advice and assistance on international environmental law.

22. Please give details of resources you have sought from the host country partner institution(s) for this project. Include donations in kind eg. accommodation with these costed where possible. Indicate any income or donations which are confirmed.

23. Please state all other sources of income and amounts to be put towards the costs of the project (including any income from other public bodies, private sponsorship, trusts, fees or trading activity).

£7,500 from the Esmée Fairbairn Foundation (general support to FIELD).

FIELD and the Sustainable Societies Foundation would seek to raise additional funds to support activities planned under the project, in particular the national and sub-national seminars.

24. Please deduct any confirmed income or donations from elsewhere (where these may be costed) and indicate in Table C the amounts of grant requested under the Darwin Initiative.

Table C Darwin funding request

	2002/2003	2003/2004	2004/2005
Income to be deducted	nil	7,500	nil
Amount of Darwin Initiative funding requested	39,352	44,261	2,920

FCO NOTIFICATION

25. Please check the box if you think that there are sensitivities that the Foreign and Commonwealth Office will need to be aware of should they want to publicise the project's success in the Darwin competition in the host country

CERTIFICATION

On behalf of the trustees/company (*delete as appropriate*) FIELD

I apply for a grant of £ _____ in respect of expenditure to be incurred in the financial year ending 31 March 2003 on the activities specified in paragraph 13.

I certify that, to the best of our knowledge and belief, the statements made by us in this application are true and the information provided is correct.

I enclose a copy of the organisation's most recent audited accounts and annual report.

Name (block capitals)	
Position in the organisation	

Signed

Date:

Please return completed form to the Department for Environment, Food and Rural Affairs, 4/A2 Ashdown House, 123 Victoria Street London SW1E 6DE.

Department for Environment, Food and Rural Affairs
August 2001