



*Darwin Initiative for the Survival of Species*

**“Access to Genetic Resources, Benefit Sharing and  
Traditional Knowledge in Chile”**

Ref. 162/11/011

**Final Report**

30 June 2004

Foundation for International Environmental Law and Development (FIELD)  
52-53 Russell Square  
London WC1B 4HP  
United Kingdom  
Tel: +44 (0)20 7637 7950  
Fax: +44 (0)20 7637 7951  
<http://www.field.org.uk>

## Table of Contents

1. Darwin Project Information .....	3
2. Project Background/Rationale .....	3
3. Project Summary.....	4
4. Scientific, Training and Technical Assessment.....	6
5. Project Impacts.....	7
6. Project Outputs.....	10
7. Project Expenditure.....	11
8. Project Operation and Partnerships.....	11
9. Monitoring and Evaluation, Lessons Learning.....	12
10. Actions taken in response to annual report reviews .....	14
11. Darwin Identity .....	14
12. Leverage.....	15
13. Sustainability and Legacy .....	15
14. Post-Project Follow-up Activities.....	16
15. Value for Money .....	17
16. Appendix I: Project Contribution to Articles under the Convention on Biological Diversity (CBD).....	18
17. Appendix II Outputs .....	20
18. Appendix III: Publications.....	22
19. Appendix IV: Darwin Contacts .....	24
20. Appendix V: Logical Framework of this Project.....	25
21. Appendix VI: Responses to Comments from the Independent Evaluator on Project's Annual Report 2003.....	26

## 1. Darwin Project Information

Project Reference No.	162/11/011
Project title	Access to genetic resources, benefit sharing and traditional knowledge in Chile
Country	Chile
UK Contractor	Foundation for International Environmental Law and Development (FIELD)
Partner Organisation	Fundación Sociedades Sustentables (FSS)
Darwin Grant Value	£86,533
Start/End dates	1 May 2002 – 30 April 2004
Project website	<a href="http://www.field.org.uk/biodiversity_pg4.php">http://www.field.org.uk/biodiversity_pg4.php</a>
Author(s), date	Carolina Lasén Diaz (FIELD), Maria Isabel Manzur (FSS)

## 2. Project Background/Rationale

- 2.1 The need for this project was identified by the collaborating institution, Chile's *Fundación Sociedades Sustentables* ('Sustainable Societies Foundation' - FSS). The background of this project was the lack of relevant legislation and public awareness and information in Chile regarding access to genetic resources, benefit sharing, and the protection of traditional knowledge. Although some policy and legislative initiatives in this field took place in the mid-1990s, they were later abandoned. This project addressed that regulatory vacuum with the aim of generating momentum to move these important issues forward.
- 2.2 Chile is a Party to the Convention on Biological Diversity (CBD) and therefore is bound by its provisions in Articles 15, 16 and 8(j) related to the need to take measures to regulate access to genetic resources, the fair and equitable sharing of the benefits derived from the utilisation of those resources, and the protection of the knowledge innovations and practices of local communities and indigenous peoples. Decisions of the Conference of the Parties to the CBD 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.
- 2.3 In addition, the rationale for this project was to look at Chile's international obligations under the (CBD) regarding access to genetic resources, as well as related and relevant commitments under the World Trade Organisation on intellectual property rights, due to the interest in Chilean genetic resources and the increasing number of overseas patents based on those materials. Chile is a country with a very rich biodiversity and a very high level of endemism, but relatively poor in financial and technical resources.
- 2.4 This project was also developed to strengthen FSS to make an ongoing contribution to the implementation of the CBD in Chile. FSS has worked on biodiversity for six years, focusing on biodiversity conservation and sustainable use; agricultural genetic

resources; access to genetic resources; intellectual property rights; biotechnology; and biosafety.

### 3. Project Summary

- 3.1 The purpose of this project was two-fold:
  - 3.1.1 to assist FSS in raising awareness and promoting a policy debate on a national framework on access to genetic resources, benefit-sharing and the protection of traditional knowledge in Chile; and
  - 3.1.2 to address the lack of legislation on this issue at the national level by identifying and assessing the gaps and needs in the existing legislative, policy and institutional framework on biodiversity in Chile, leading to a set of recommendations on the main elements of an appropriate legal framework on access to genetic resources in Chile.
- 3.2 This project also aimed to increase the participation of civil society in the implementation of the CBD by bringing together a number of stakeholders to discuss the need for, as well as the possible elements of, a future national regime on access to genetic resources, benefit sharing and the protection of traditional knowledge.
- 3.3 There has been no change in the project objectives. However, as a result of the comments received by the evaluator on the basis of our annual report submitted in May 2003, we made some changes to the 'Purpose indicators' of the logical framework in line with the comments received. The amended Logical Framework is annexed to this report.
- 3.4 In terms of the operational plan, there were changes to the project schedule due to a delay in the contract being finalised with DEFRA. This delay resulted from changes to the financial conditions of the Darwin Initiative, as reported in this first six-month progress report of this project. The late start of the project had knock-on effects on a number of specific activities, including the completion of the draft research papers and the scheduling of the workshops. These changes to project activities were communicated and agreed with the Darwin Secretariat in September 2002 and have not affected the timely completion of the project. In addition, and as indicated in the Half Year report submitted in November 2003, the national seminar was held in November 2003 rather than October due to the availability of a suitable venue.
- 3.5 The key elements of the project were as follows:
  - 3.5.1 Research papers covering: (i) a review and analysis of relevant national and international laws and policies on access to genetic resources and benefit sharing, the protection of traditional knowledge and the role of intellectual property rights; (ii) experiences of bioprospecting in Chile, including contracts, benefit-sharing and patents on Chilean materials; (iii) the legal, policy and institutional framework in Chile regarding this issue; and (iv) a comparative study of regulation of access and benefit-sharing in selected Latin American countries: Costa Rica; Andean countries and central America. The final versions of these papers are available on the project website: [http://www.field.org.uk/biodiversity\\_pg4.php](http://www.field.org.uk/biodiversity_pg4.php).
  - 3.5.2 A regional and a national seminar held in Chile in May and November 2003, where workshop participants discussed the project reports, the input from other

experts, and agreed on a set of recommendations regarding access to genetic resources and benefit-sharing in Chile. Each seminar produced a set of recommendations from the participants. They are included in the reports of the two seminars – copies of which are enclosed with this report. They are also available in electronic form at: [http://www.field.org.uk/biodiversity\\_pg4.php](http://www.field.org.uk/biodiversity_pg4.php). Copies of the seminar reports were also distributed to all participants in each seminar, and made available at the project side-event in Montreal in December 2003, in both Spanish and English, as well as through the project website.

- 3.5.3 A brochure (“*Acceso a Recursos Genéticos: Chile en el Contexto Mundial*”) with accessible information on the issues covered by this project. 1000 copies were produced and distributed widely in Chile.
- 3.5.4 A set of recommendations and proposed elements for a policy and regulation on access to genetic resources and benefit-sharing in Chile.
- 3.6 The CBD Articles that best describe this project are: Article 15 on Access to Genetic Resources; Article 16 on Access to and Transfer of Technology; Article 8(j) on in situ conservation and biodiversity-related traditional knowledge; and Article 13 on Public Education and Awareness. Appendix I of this report includes an estimation of the project’s contribution to CBD provisions.
- 3.7 In our view, the project has achieved the objectives specified. Over the last two years, FSS has become a reference in Chile in relation to access to genetic resources and benefit-sharing. In May 2003, half-way through the project, the UK and overseas coordinators met with Government representatives from different departments to present the preliminary results of our research and discuss the ongoing activities. Authorities, academics, researchers, farmers, NGOs and indigenous peoples’ organisations have been informed and involved in the activities of this project, both through the materials and reports produced and distributed, as well as through the two seminars organised. The need for further information and public participation in the regulatory process regarding access and benefit-sharing was also highlighted by participants in both project seminars, as was indeed reflected in the recommendations resulting from both events.
- 3.8 We also believe that the project has influenced the process of developing legislation on access to genetic resources, and we hope the project recommendations will be taken into consideration within this process. As an example, the comments we submitted to an earlier draft law by the Ministry of Agriculture, such as the need to include all genetic resources in the legislation as opposed to just certain genetic resources, is being considered in the new proposal currently under discussion in Chile’s Ministry of Agriculture.
- 3.9 The host country project partner has been invited to many meetings and conferences at a number of local and rural locations in Chile to raise awareness and disseminate information regarding the country’s experience on bioprospecting and the issue of access to genetic resources in Chile, where the objectives and main activities of this Darwin project were presented. A summary list is included below:
  - August 2002: Talks at CET-Yumbel, VIII Region; Catholic University of Chile, Villarrica Campus, IX Region; CODEFF Aysén, XI Region
  - 2002: Meetings of the Working Group on Genetic Resources, National Environment Commission (CONAMA)
  - January 2003:

- Access to and Privatisation of Genetic Resources, at CONAF Viña del Mar, V Region.
  - ‘The privatisation of genetic resources and its implications’, Course on Conservation of Ex Situ Genetic Resources, Austral University, Chile, INIA, held in Valdivia
  - August 2003: ‘Patents and Seeds’, at the seminar ‘An alternative approach: Citizens and the Free Trade Agreement. Arcis University, Santiago.
  - September 2003: ‘Bio-engineering and Biodiversity’, at the seminar “Participatory Model for Recovering Local Biodiversity”. Capacity Centre, CET-Yumbel, Yumbel.
  - October 2003: ‘Experience on Access to Genetic Resources in Chile’, at the 5th International Congress on Medicinal Plants - Chile ’03, in Santiago.
  - February 2004: ‘Natural wealth of the Patagonian Eco-region in Chile’. Seminar on the ‘Protection of Patagonia’ organised by Greenpeace in Puerto Aysén, XI Region.
  - April/May 2004: ‘Crops from Northern Chile: Their natural and cultural value’, Santo Tomás University; Tarapacá University; Farming Schools of Azapa and Codpa and Putre School, I Region.
- 3.10 The international profile of this Darwin project has been enhanced through: (i) submitting information on the project to the CBD Secretariat to input into their database of activities on access and benefit-sharing; (ii) inviting overseas experts to present their experience at the national seminar held in Santiago in 2003, regarding the regulation of access to genetic resources and benefit-sharing in other countries in Latin America and the Pacific-Rim region; and (iii) a side-event organised by the project partners and held in the margins of the second meeting of the CBD Ad Hoc Open Ended Working Group on Access and Benefit-sharing, held on 1-5 December 2003. At the side-event, the Darwin project objectives, activities and preliminary results were presented by FIELD and FSS.

## 4. Scientific, Training and Technical Assessment

- 4.1 The research papers produced under this project were undertaken by the following project staff:
- 4.1.1 Carolina Lasén Diaz (FIELD), UK-based project co-ordinator, researched and drafted the following two reports on the basis of desk-based and internet research, as well as information from Latin American lawyers:
- *“El marco legislativo internacional sobre acceso a los recursos genéticos, el reparto equitativo de beneficios y la protección del conocimiento tradicional asociado, y su relación con los derechos de propiedad intelectual”* (‘The international legal framework on access to genetic resources, benefit-sharing and the protection of associated traditional knowledge, and its relationship with intellectual property rights’).
  - *“Estudio comparado de las regulaciones de acceso a los recursos genéticos, distribución de beneficios y protección del conocimiento tradicional asociado: la Comunidad Andina, Costa Rica y el Borrador de Protocolo Centroamericano”*. (‘Comparative study of regulations on access to genetic resources, benefit-sharing and the protection of associated traditional knowledge: the Andean Community, Costa Rica and the Draft Central

American Protocol'). Substantive research for this report was conducted by former FIELD intern and Uruguayan lawyer Mr. Gabriel Gari.

4.1.2 Dr. Maria Isabel Manzur (FSS), overseas project co-ordinator, conducted desk-based and internet research, as well as interviews and questionnaires, and drafted the following report:

- “*Experiencias en Chile de acceso a recursos geneticos, protección del conocimiento tradicional y derechos de propiedad intelectual*” (‘Experience in Chile regarding access to genetic resources, protection of traditional knowledge and intellectual property rights’).

4.1.3 Dr Manzur (FSS) and Ms Lasén Diaz (FIELD) compiled and prepared the information brochure: “*Acceso a Recursos Genéticos - Chile en el Contexto Mundial*” (‘Access to Genetic Resources – Chile in the Global Context’).

4.1.4 Luis Flores, Chilean lawyer and FSS collaborator, conducted desk-based research and drafted the following report:

- “*Análisis del manejo regulatorio e institucional de los recursos genéticos en la legislación chilena*” (‘Analysis of the Regulatory and Institutional Framework of Access to Genetic Resources in Chile’).

4.2 The draft versions of all four project reports were presented at the sub-national and national seminars in May and November 2003, respectively, as well as at the side-event held in Montreal on 3 December 2003. Electronic versions of the four draft reports were available through the project website in November 2003, inviting comments and feedback until the New Year. The comments received were considered by the authors and incorporated in the final versions of the four reports, available on the project website.

4.3 The draft version of the information brochure was presented at the sub-national seminar in Yumbel, Chile, in May 2003. Comments and feedback were invited and the final version was produced in October 2003, in time to be distributed at the national seminar in Santiago. Participants in the Yumbel seminar were sent copies of the information brochure too.

## 5. Project Impacts

5.1 The project has contributed to raising awareness on access to genetic resources, benefit sharing and traditional knowledge in Chile. Much remains to be done in terms of public information and awareness, but the project has received numerous compliments for addressing these issues and the FSS project co-ordinator has been invited to speak on access and benefit-sharing at seminars and workshops in different parts of Chile (see para.3.8 above).

5.1.1 1000 copies of the publication ‘*Access to Genetic Resources – Chile in a Global Context*’ were produced and distributed at the national seminar in November 2003, and also sent to all participants of the regional project seminar in May 2003. In addition, copies of that information brochure on access to genetic resources have also been distributed to other organisations in Chile, and also disseminated at relevant meetings and workshops where FSS has participated.

- 5.1.2 The two project seminars brought together, for the first time, a wide range of Chilean stakeholders with an interest in access to genetic resources, benefit sharing and the protection of traditional knowledge, such as: national, regional and local authorities from different departments, non-governmental organisations, local communities, farmers, indigenous peoples, academics, representatives of herbaria, botanic gardens, seed banks and wildlife collections, museums, universities, private and public institutions.
- 5.1.3 Draft versions of the four project reports; Spanish and English translations of the two workshop reports; an electronic copy of the publication '*Access to Genetic Resources – Chile in a Global Context*'; all the presentations made at the two seminars by project staff and other speakers; and the presentations made at the side-event in Montreal, were all posted on the project website as soon as they became available. Comments on the draft project reports were invited and have been considered and incorporated in the final version of the research papers.
- 5.1.4 Press releases on the two seminars were distributed by the journalist engaged by FSS for each seminar; numerous press articles having been published in local and national newspapers; the project was described in two national radio programmes, and a number of articles in web sites.
- 5.1.5 This project targeted many relevant stakeholders who lacked information on these issues and who had had no previous knowledge of the national and international context to regulating access to genetic resources in Chile. The project also targeted and highlighted the need to raise awareness among authorities and those in charge of collections of genetic resources held in private and public institutions, so these institutions elaborate policies regarding access to their collections, leading to more regulation and information.
- 5.2 The project partners have engaged and communicated closely with the relevant Chilean authorities throughout this project, especially with those Government departments with competences on these issues, such as the National Environment Commission (CONAMA) and the Ministry of Agriculture.
- 5.2.1 The project partners were invited to present the initial conclusions of the project's research at a meeting in the Ministry of Agriculture, attended by other Government departments, in May 2003.
- 5.2.2 Representatives from the Ministry of Agriculture participated in the sub-national and national seminars in 2003, making presentations and contributing to the debate. They were very willing to participate and have the opportunity to present and discuss in public the draft bill on access to genetic resources for the first time, as well as receive feedback and comments from seminar participants. Project partners were invited to submit comments to the draft bill on access to genetic resources developed by the Ministry of Agriculture in 2003. The draft bill was presented and discussed at both seminars.
- 5.2.3 The Chilean government sent a representative to the second meeting of the CBD Ad Hoc Working Group on Access and Benefit-sharing, in December 2003, who participated in the side-event organised by the project partners to present and discuss this Darwin project.
- 5.2.4 The UK and host country project partners were contacted by organisations working on another Darwin project in Chile (Royal Botanic Gardens

Edinburgh and *Universidad Austral* of Chile) and were invited to comment on the aspects of their project related to access to genetic resources. They participated in the national seminar organised in the framework of the FIEL/FSS Darwin project, in November 2003, and commented on the project draft research papers. In addition, the host country project co-ordinator has been invited to attend the presentation of that other Darwin project to the National Environment Commission (CONAMA) in June 2004.

- 5.2.5 There will be Parliamentary elections in Chile in 2005 and therefore the current legislative plans for the end of the Parliamentary terms are uncertain. However, there have been a number of policy developments regarding access to genetic resources and benefit sharing:
- (i) Chile finalised the country's National Biodiversity Strategy in December 2003, with strategic priorities and proposed actions including the need to adopt regulatory frameworks on access to genetic resources and benefit-sharing, and to strengthen national and local capacities on these issues.
  - (ii) The National Biodiversity Strategy includes the development of an Action Plan through a broad participatory process and including a timeframe for action. An Operative Committee for the National Biodiversity Action Plan will be set up including Government authorities, NGOs and the private sector.
  - (iii) In addition, we understand that the draft legislative proposal to regulate access to genetic resources within the scope of the Ministry of Agriculture will be revised and submitted to Parliament before the end of 2004, together with a draft law on biotechnology.
- 5.3 There has been a very good level of communication and collaboration between the UK and host country partner (FSS) throughout the duration of the project. Continuity in the project staff involved in this project has been an important factor in the implementation of the project. Work on this project has been complementary to other biodiversity work in Chile which FSS has led or contributed to.
- 5.4 An additional area of collaboration between the institutions arising out of this project entailed the participation of the host country project leader in a side-event organised by FIELD and the Environmental Law Centre (*Centro de Derecho Ambiental*) of the University of Chile, our partner organisation on a previous Darwin project (re.162/10/012). The side-event took place in the margins of the First Meeting of the Parties to the Cartagena Protocol on Biosafety, held in Kuala Lumpur, Malaysia, in February 2004.
- 5.5 The high level of commitment of the host country organisation has been crucial to the success of this project. It has also resulted in additional partnerships and collaborations which benefited this project, such as the involvement of the *Centro de Educación y Tecnología (CET)* - ('Education and Technology Centre') of Yumbel as hosts and co-organisers of the sub-national seminar in May 2003. Their collaboration ensured the participation of all key regional and local stakeholders at the regional seminar, and has been instrumental in achieving a high level of outreach and information dissemination of project-related information in many rural areas in Chile. This collaboration continued in the national seminar held in November 2003, which was facilitated by the Director of CET-Yumbel, and included presentations of CET's work on the conservation and sustainable use of plant genetic resources for food and agriculture in several regions in Chile.

- 5.6 The evaluation forms filled in by seminar participants in Yumbel, in May 2003, showed the importance that local communities, peasant farmers, local and regional authorities, indigenous peoples and academics attach to the issues addressed by this project and the limited information and knowledge they had about the national and international policies and laws that relate to them. The main conclusion of the sub-national seminar in Yumbel was the need for more information on these issues given their high importance, the little public knowledge about them, and the impact that any policy on these issues will have on local communities, peasant farmers, and indigenous peoples.

## 6. Project Outputs

- 6.1 See tables in Appendices II (project outputs) and III (publications).
- 6.2 Additional outputs from this project are listed below:
- (i) An additional project activity was held on 3 December 2003, when a side-event organised by the project partners was held in the margins of the second meeting of the CBD Ad Hoc Open Ended Working Group on Access and Benefit-sharing on 1-5 December 2003. The UK and Chilean project coordinators presented the Darwin project, its activities and preliminary results, together with the local lawyer engaged by FSS to analyse Chile's legislation and to address possible regulatory options in the field of access to genetic resources and benefit-sharing in Chile.
  - (ii) The national seminar held in Santiago in November 2003 provided an opportunity for all relevant stakeholders to discuss, identify and assess how to make progress on these issues in Chile. The Government acknowledged the value of the forum organised under this Darwin project as those stakeholders are keen to become more informed and participate in this process, and had not been previously consulted on these issues of access and benefit sharing. An initiative of the seminar participants was to set up an emailed-based list or similar electronic communication network to exchange information and coordinate activities on access to genetic resources in Chile. Funding options are being explored to support the setting up and maintenance of such a network.
- 6.3 Regarding the dissemination of project outputs, this has taken place through:
- 6.3.1 The website of the UK-based organisation, FIELD (<http://www.field.org.uk>);
  - 6.3.2 FIELD's newsletter 'FIELD in Brief', which has a distribution of 2,500 copies world-wide;
  - 6.3.3 The two seminars held in Chile in May and November 2003 where the draft project reports were discussed. All seminar participants received hard copies of the presentations as well as the seminar reports and recommendations. Participants in the sub-national seminar in Yumbel received a folder with hard copies of the presentations, a summary of the project and the draft research papers, general information about access and intellectual property rights, and a paper with relevant sections from the CBD. Participants in the national seminar received hard copies of the presentations made, the recommendations of the sub-national seminar and the information document. The draft research papers were displayed for consultation in both seminars.

All participants in both project seminars have also been sent a copy of the final project conclusions and recommendations.

- 6.3.4 The 1000 copies of the publication '*Acceso a Recursos Genéticos – Chile en el Contexto Mundial*' were distributed to participants in both seminars, as well as to those invited but who could not attend, at other seminars and related activities where FSS has participated, and through other organisations. To increase the dissemination of information throughout the country, a number of copies were sent to relevant Chilean organisations for them to distribute through their networks. The publication is also available in electronic format through the project website.
- 6.3.5 The translation into English of the two seminar reports and a project summary distributed at the project side-event in the margins of the second meeting of the CBD Ad Hoc Open-ended Working Group on Access and Benefit-sharing, in December 2003.
- 6.3.6 Press releases and press articles on the two seminars, two radio interviews in Chile, and information posted in the project website and in the Darwin Initiative website under 'Darwin Projects News'.

## 7. Project Expenditure

- 7.1 See Excel file attached.

## 8. Project Operation and Partnerships

- 8.1 The host country partner was the *Fundación Sociedades Sostenibles* – FSS ('Sustainable Societies Foundation'). Joint work and regular liaison and communication between the two organisations working on this Darwin project over the last two years has led to strong institutional links between FSS and FIELD. The need for this work had been identified by the collaborating institution, FSS, as a result of the lack of relevant legislation and policy on access to genetic resources, benefit sharing and the protection of biodiversity-related traditional knowledge in Chile. FSS had envisaged the core activities of the project, which were then discussed with FIELD. Project planning and implementation were undertaken in close partnership between the two institutions. Indeed, FSS played a leading role in delivering key activities of the project, such as the research on Chile's experience in bioprospecting and existing contracts and patents over Chilean biological materials, as well as research on Chile's legislation and policy on these issues. In addition, FSS organised the two project seminars in 2003; led the drafting and publication of the information brochure covering the main issues under this project; and led the development of the final project conclusions and recommendations.
- 8.2 Although not a formal partner in this project, previous collaboration between FSS and the *Centro de Educación y Tecnología* – CET ('Education and Technology Centre') led to CET's involvement in the sub-national and national seminars, hosting the sub-national seminar in Yubel, in May 2003, and bringing the benefit of their experience of working on biodiversity conservation and sustainable use with rural communities and traditional farmers in Chile. CET provided a low cost venue and equipment for the sub-national seminar, as well as accommodation and meals for local communities and indigenous representatives attending the seminar. In addition, CET Director Mr Agustín Infante acted as facilitator of the national project seminar in Santiago, in

November 2003, contributing to the realisation of synergies between the two project seminars.

- 8.3 The national seminar in November 2003 also benefited from the participation and contribution of recognised legal and policy experts on access to genetic resources and benefit-sharing from other countries, such as: Mr Manuel Ruiz (Director of the International Affairs and Biodiversity Programme at the Peruvian Society of Environmental Law); Dr Silvia Rodriguez (former professor at National University, Heredia, Costa Rica); and Mr Santiago Carrizosa (researcher at University of California, Davis, US). In addition, legal and scientific experts from Chile also participated in the seminar, such as lawyer Mr Luis Flores, Dr Alberto Cubillos (Faculty of Agricultural and Forestry Sciences at the Ibero-American University of Sciences and Technology); Dr Gloria Montenegro (Catholic University of Chile); Mr Pedro León (National Institute for Agricultural Innovation); and Mr Carlos Venegas, (CET-Chiloé).
- 8.4 The level of collaboration and co-operation between the UK organisation (FIELD) and the host country partner (FSS) over the last two years has been excellent. Being able to communicate in Spanish with the project partner as well as contributing to the project research and seminar presentations in this language has been a clear advantage in achieving a good working relationship with the project co-ordinator and other staff at FSS. In addition, the fact that the project co-ordinator at FSS (Dr Maria Isabel Manzur) had participated in a seminar co-organised by FIELD in 2002 in the framework of a previous Darwin project, meant that there was a previous connection and that FSS valued FIELD's previous experience of working on biodiversity issues in Chile.
- 8.5 As soon as the Darwin grant was awarded in 2002, the UK project co-ordinator contacted other Darwin project leaders with projects in Chile. However, there were no similar projects in the host country as this Darwin project has been the first and, so far, only Darwin project to address legal and policy issues regarding access to genetic resources and benefit sharing in Chile. Furthermore, this project organised the first national discussion forum on the regulation of access to genetic resources in Chile, embracing all main stakeholders. The host country project co-ordinator is liaising with Chile's National Environment Commission to take part in activities related to the further development and implementation of the country's National Biodiversity Strategy, adopted in December 2003, especially regarding access to genetic resources, benefit sharing and the protection of traditional knowledge.

## **9. Monitoring and Evaluation, Lessons Learning**

- 9.1 The project has been closely monitored by senior staff at FIELD and the President of FSS. In addition, the overseas experts involved in the national seminar provided feedback on the research papers and activities undertaken within this project. The four research papers were posted in a draft form on FIELD's website and comments on them were invited until the end of 2003.
- 9.2 In summary, the project activities and outputs have all contributed to an increase in the level of information and awareness about Chile's international obligations and the need to regulate the access to the country's genetic resources. The two project seminars, the dissemination of project outputs through the seminars, the side-event and FIELD's website, the distribution of the information publication and project reports and materials, and the final project recommendations, have all been well received by the main stakeholders in Chile as useful tools that make a valuable contribution to the

national debate on access to genetic resources and benefit-sharing. Chile's finalisation of its National Biodiversity Strategy and the inclusion of access to genetic resources as an area for priority action, together with the elaboration and discussion of an access law during the project's timeframe, prove the good timing of this project and its role in increasing the levels of public information and awareness as well as the Government's interest in regulating these issues and the recognised need for action at the policy and legislative level.

- 9.3 In addition, this project has contributed to strengthening the profile of FSS in the country and the region as a professional and able organisation with valuable expertise in these important and complex biodiversity issues. The host country project co-ordinator is recognised in Chile as an expert on access to genetic resources and benefit-sharing and has been invited to participate in a number of conferences, seminars and workshops on these issues (see above).
- 9.4 The good level of communication and collaboration between project staff has been recognised as an important factor in the implementation of this project. The good experience of the working relationship between FIELD and FSS has resulted in the exploration of additional areas of collaboration to follow on this Darwin Initiative project. In this sense, the two project partners are currently engaged in seeking funding for follow-up work, including further information, dissemination and training of local and rural stakeholders on the issues related to access to genetic resources and benefit-sharing. At the policy and legislative level, FSS and FIELD are interested in further addressing the relationship between the CBD, the WTO TRIPS Agreement, bilateral free trade agreements Chile has signed with the US and the EU, and the FAO International Treaty on Plant Genetic Resources for Food and Agriculture, which Chile has signed but not yet ratified and which enters into force on 29 June 2004.
- 9.5 It has been crucial that the impetus and drive for this Darwin project came from the host country. FSS identified the need for this work and contacted the UK-based organisation (FIELD) in 2002 for possible collaboration and advice on potential funding sources. The two organisations have truly worked as 'partners' throughout the project, discussing and planning together every phase of the project and providing feedback in each other's research papers. However, FSS took a leading role in the drafting of the final project recommendations as they relate to Chile's national circumstances and interests, and as they are addressed to the country's decision-makers on options for the regulation of access to genetic resources and benefit-sharing in Chile.
- 9.6 There have been no major problems throughout this project. As we reported early in the project, changes to the financial management of the Darwin Initiative in 2002 resulted in the requirement to claim the grant quarterly in arrears, rather than in advance, which in turn resulted in both FIELD and FSS having to advance the funds themselves. This has been difficult at times due to the financial circumstances in which small charities operate both in the UK and Chile.
- 9.7 A number of key lessons can be drawn from the experience of this project. The list below reflects what we believe are areas of good practice that have been crucial in the success of this project:
  - (i) early planning and clear allocation of tasks among the project partners and collaborators, while remaining flexible to adjust to any change in circumstances;
  - (ii) both organisations learning from each other, regarding substantive issues and best ways of working;
  - (iii) the combination of scientific, legal and policy knowledge of the relevant issues with the right approach to decision-makers to maximise impact;

- (iv) working with local communities, peasant farmers, indigenous peoples, NGOs, local authorities and academics, as well as decision-makers, in order to improve the conservation and sustainable use of biodiversity at the local or global level.
- (v) the dissemination of information and maximised public participation on the development of policies and laws that have an impact on biodiversity and livelihoods;
- (vi) transparency and openness regarding Darwin project objectives, the role of each organization involved, and the participation of relevant stakeholders in the host country in shaping the outcome of the project.

## **10. Actions taken in response to annual report reviews**

- 10.1 In July 2003, we received some comments to our annual report from the independent evaluator. The comments addressed three issues:
- (i) the purpose indicators in the project's logical framework;
  - (ii) the possible need for additional support in further dissemination of the project outputs, especially the final recommendations to policy-makers; and
  - (iii) the institutional strength of FSS.
- 10.2 We replied to the evaluator's comments in August 2003 addressing those three issues and we were informed that the evaluator was satisfied with our response. We include our response as Appendix VI.
- 10.3 However, it was indicated to us that there were concerns as to the 'institutional strength of the counterpart organisation, FSS' especially regarding its 'long term financial sustainability'. This comment arose in the context of FSS not being able to advance funds to cover their project expenditure as the new Darwin Initiative rules changed in financial year 2002/03 from previous arrangements to release funds quarterly in advance to disbursing funds quarterly in arrears. This has implications for project partners in that they need to 'finance' Darwin project activities before they can claim the funds from Darwin, which can pose problems for charities as it implies using other funds to cover the costs of Darwin projects before they can be claimed and received. In that respect, we would like to add that FSS has been operating for six years and that it is recognised as one of the most active NGOs working on issues related to biodiversity conservation, genetic resources, sustainable use and traditional knowledge in Chile. The financial environment in which small non-governmental organisations operate in developing countries is a challenging one, but FSS has successfully built its profile as a stable organisation in Chile, proved by the fact that FSS had worked in conservation of agriculture genetic resources and access to genetic resources prior to this Darwin project and is currently working on similar issues in the North of Chile under another project which has started in 2004.

## **11. Darwin Identity**

- 11.1 The Darwin Initiative was mentioned in the two project seminars as the key donor and is also acknowledged in the four research papers and in the information material published under this project. Funding received from the Darwin Initiative is also reflected in the seminar reports. In addition, the Darwin Initiative was made acknowledged at the project side-event in the margins of the second meeting of the CBD Working Group on Access and benefit-sharing, held in Montreal on 1-5 December 2003. Posters, brochures and postcards on the Darwin Initiative were displayed and available at the project seminars in Chile and at the side-event in

Montreal. We have also drawn the attention of our project partners to the Darwin Initiative website, publicity materials and reports.

- 11.2 The host country partner was already familiar with the Darwin Initiative as they had attended a seminar organised under a previous Darwin project in Chile between FIELD and the Environmental Law Centre of University of Chile (re.162/10/012).
- 11.3 The Darwin logo has been used in all project outputs, including research papers, information material, seminar reports and final project recommendations, as well as in the issues of FIELD's newsletter featuring articles on this Darwin project. Furthermore, the role of DEFRA's Darwin Initiative as main project funder was also highlighted at the two project seminars, while the project website has links to the Darwin Initiative home page.
- 11.4 Notices were posted on the Darwin Initiative homepage under the 'Darwin Project News' section, to inform and invite other 'Darwin friends' to our two project seminars and the side-event held in 2003.
- 11.5 We believe that this project has greatly contributed to the dissemination of information about the Darwin Initiative among Chilean academics, NGOs and decision-makers working in the area of biodiversity. It was apparent at the two seminars that most of them had not had previous contact with or information about the UK's Darwin Initiative.
- 11.6 The project has had a distinct identity in the host country while linking to related activities and events in Chile to maximise synergies with the work of other organisations on biodiversity conservation and sustainable use.

## **12. Leverage**

- 12.1 As included in the project application, FIELD contributed £7,500 of its own core funds to this project. In addition, CET-Yumbel provided the venue for the sub-national seminar at a very low cost and the Yumbel Town Council further supported the sub-national seminar by arranging the transport of participants to the venue free of charge.

## **13. Sustainability and Legacy**

- 13.1 The enduring impact of the project has already been demonstrated as the host country project co-ordinator has been invited to participate in the work of the National Commission on Access to Genetic Resources set up by the Chilean government. In this context, the project has contributed to the elaboration of Chile's report to the CBD Secretariat on the country's situation regarding access to genetic resources and benefit sharing. In addition, the project is expected to contribute to the development of a regulation under an existing draft bill on access to genetic resources and benefit sharing which will shortly be discussed in Parliament. This project has been very timely as the awareness raising and discussion that will take place at the two project seminars, together with the research reports and the information materials that will be distributed, will inform the policy and legislative debates on access to genetic resources and benefit sharing in Chile as they begin to develop. The Chilean authorities have already expressed a great interest in the outcomes of these research papers.

- 13.2 The UK and host country project partners believe that the project has had significant impact on the development of Chile's National Biodiversity Strategy published in December 2003, as access to genetic resources, benefit sharing and the protection of traditional knowledge all feature among the strategic priorities outlined in the Strategy. In addition, there are already plans underway to further develop the Strategy by preparing a National Biodiversity Action Plan with more concrete and time-specific activities and measures. We expect that the research findings and final recommendations from this project will be considered and taken into account throughout that process.
- 13.3 Other valuable achievements which can be built upon include: the information that this Darwin project has put in the public domain in Chile; FSS' knowledge and expertise on access and benefit-sharing; the discussion forums that the project created; and the network of stakeholders that was established through the two project seminars. Project partners in the UK and Chile will remain in close communication as we continue to seek funding to continue our joint work addressing the needs identified through this project.
- 13.4 To increase our effectiveness and co-ordination, FIELD and its project partners are exploring the continuation of this and related work through a collaborative work programme in the country. We aim to further increase awareness and build the capacity of Chile's institutions and civil society to address the country's international commitments and policy options to regulate and implement access to and utilisation of their wild and domesticated genetic resources in the context of applicable international and bilateral legal frameworks in the fields of biodiversity, agriculture and trade. We plan to (i) undertake a research paper analysing the interactions between the CBD, the FAO International Treaty on Plant Genetic Resources for Food and Agriculture, and bilateral trade agreements signed by Chile, including the implications for Chile of these overlapping regimes; and (ii) organize two workshops to raise awareness about these issues and build the capacity of decision-makers, rural communities, indigenous peoples and NGOs to address access to genetic resources and benefit sharing. This approach would allow us to build on the success of this Darwin project and further consolidate the partnership between FIELD and FSS. In this respect, FIELD and FSS are approaching a number of US Foundations to submit proposals which will allow us to get this work underway in 2005.
- 13.5 The 7<sup>th</sup> Conference of the Parties to the CBD (COP-7) held in Kuala Lumpur, Malaysia, in February 2004, resulted in the adoption of important decisions regarding the issues that this Darwin project focused on, including an Action Plan on Capacity-building for Access and Benefit-sharing at the national, regional and global level. The aim of this Action Plan is to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and benefit-sharing. In this context, the work undertaken within this Darwin project and the follow-up activities that the project partners are planning fit perfectly with the approaches and actions included in the CBD Action Plan.

## **14. Post-Project Follow-up Activities**

- 14.1 The host country partner is scheduling meetings with relevant authorities in Chile to discuss the project recommendations and their further involvement in the following processes:

- review of the legislative draft on access and benefit sharing from the Ministry of Agriculture;
  - development and implementation of the National Biodiversity Strategy and future Action Plan in the field of access to genetic resources and benefit-sharing.
- 14.2 In addition, FSS and FIELD are seeking funding for a number of follow-up activities to address the needs identified through this Darwin project. In particular, we are planning to increase awareness and build the capacity of Chile's institutions and civil society to address the country's increasingly complex web of international and bilateral commitments in the context of applicable international and bilateral legal frameworks in the fields of biodiversity, agriculture and trade. Key activities planned include research on the interactions between the CBD, the FAO International Treaty on Plant Genetic Resources for Food and Agriculture, and bilateral trade agreements signed by Chile with the US and the EU, including the implications of these overlapping regimes. Further workshops to raise awareness and build the capacity of decision-makers, rural communities, indigenous peoples and NGOs to address access to genetic resources and benefit sharing are also needed.
- 14.3 The proposed activities would build on the success of this Darwin project and would help consolidate its outcomes by expanding its target base while adding the complementary element of the FAO International Treaty. This convention was taken into account in the research undertaken within this project but new factors such as its entry into force in June 2004, the bilateral trade agreements signed by Chile in late 2003, and the plans to develop national legislation on access to genetic resources before the end of 2004, demand a detailed analysis of the changing national and international framework on biodiversity. In addition, by continuing with further workshops and seminars in rural locations and in the capital, the project partners would consolidate a network of informed stakeholders and the project's role as facilitator of a participatory process to develop national policy and regulation on access to genetic resources and benefit sharing.

## **15. Value for Money**

- 15.1 Bearing in mind the costs and benefits of this project, both those already realised and those expected in the near future, we believe that this project has delivered good 'value for money'. Taking into account the project duration (2 years), the grant value (£86,533), the project activities carried out and their impacts, as described in this report, the project partners consider this project as highly successful. This Darwin Initiative grant has allowed FSS and FIELD to raise awareness, disseminate information and contribute to the local and national debate on access to genetic resources, benefit-sharing and traditional knowledge in Chile, including concrete proposals and recommendations addressed to the relevant authorities and decision-makers.
- 15.2 The division of work among the project partners led to a clear allocation of roles and responsibilities throughout the project which, together with the involvement of a Chilean lawyer engaged by FSS, the additional support provided by local collaborators CET, and the willingness of the relevant Chilean authorities to engage with the project, resulted in an efficient, cost-effective and timely delivery of this Darwin project.

## 16. Appendix I: Project Contribution to Articles under the Convention on Biological Diversity (CBD)

Please complete the table below to show the extent of project contribution to the different measures for biodiversity conservation defined in the CBD Articles. This will enable us to tie Darwin projects more directly into CBD areas and to see if the underlying objective of the Darwin Initiative has been met. We have focused on CBD Articles that are most relevant to biodiversity conservation initiatives by small projects in developing countries. However, certain Articles have been omitted where they apply across the board. Where there is overlap between measures described by two different Articles, allocate the % to the most appropriate one.

<b>Project Contribution to Articles under the Convention on Biological Diversity</b>		
<b>Article No./Title</b>	<b>Project %</b>	<b>Article Description</b>
<b>6. General Measures for Conservation &amp; Sustainable Use</b>		Develop national strategies that integrate conservation and sustainable use.
<b>7. Identification and Monitoring</b>		Identify and monitor components of biological diversity, particularly those requiring urgent conservation; identify processes and activities that have adverse effects; maintain and organise relevant data.
<b>8. In-situ Conservation</b>	10% (Art.8(j))	Establish systems of protected areas with guidelines for selection and management; regulate biological resources, promote protection of habitats; manage areas adjacent to protected areas; restore degraded ecosystems and recovery of threatened species; control risks associated with organisms modified by biotechnology; control spread of alien species; ensure compatibility between sustainable use of resources and their conservation; protect traditional lifestyles and knowledge on biological resources.
<b>9. Ex-situ Conservation</b>	5%	Adopt ex-situ measures to conserve and research components of biological diversity, preferably in country of origin; facilitate recovery of threatened species; regulate and manage collection of biological resources.
<b>10. Sustainable Use of Components of Biological Diversity</b>		Integrate conservation and sustainable use in national decisions; protect sustainable customary uses; support local populations to implement remedial actions; encourage co-operation between governments and the private sector.
<b>11. Incentive Measures</b>		Establish economically and socially sound incentives to conserve and promote sustainable use of biological diversity.

<b>12. Research and Training</b>		Establish programmes for scientific and technical education in identification, conservation and sustainable use of biodiversity components; promote research contributing to the conservation and sustainable use of biological diversity, particularly in developing countries (in accordance with SBSTTA recommendations).
<b>13. Public Education and Awareness</b>	10%	Promote understanding of the importance of measures to conserve biological diversity and propagate these measures through the media; cooperate with other states and organisations in developing awareness programmes.
<b>14. Impact Assessment and Minimizing Adverse Impacts</b>		Introduce EIAs of appropriate projects and allow public participation; take into account environmental consequences of policies; exchange information on impacts beyond State boundaries and work to reduce hazards; promote emergency responses to hazards; examine mechanisms for re-dress of international damage.
<b>15. Access to Genetic Resources</b>	70%	Whilst governments control access to their genetic resources they should also facilitate access of environmentally sound uses on mutually agreed terms; scientific research based on a country's genetic resources should ensure sharing in a fair and equitable way of results and benefits.
<b>16. Access to and Transfer of Technology</b>	5%	Countries shall ensure access to technologies relevant to conservation and sustainable use of biodiversity under fair and most favourable terms to the source countries (subject to patents and intellectual property rights) and ensure the private sector facilitates such access and joint development of technologies.
<b>17. Exchange of Information</b>		Countries shall facilitate information exchange and repatriation including technical scientific and socio-economic research, information on training and surveying programmes and local knowledge
<b>19. Bio-safety Protocol</b>		Countries shall take legislative, administrative or policy measures to provide for the effective participation in biotechnological research activities and to ensure all practicable measures to promote and advance priority access on a fair and equitable basis, especially where they provide the genetic resources for such research.
<b>Total %</b>	<b>100%</b>	<b>Check % = total 100</b>

## 17. Appendix II Outputs

Code	Total to date (reduce box)	Detail (←expand box)
<b>Research Outputs</b>		
8	Number of weeks spent by UK project staff on project work in host country(s)	Two: to participate in sub-national and national seminars in Chile in 2003.
11b	Number of papers published or accepted for publication elsewhere	Publication with accessible information on access to genetic resources, benefit sharing, traditional knowledge and IPRs – 1000 copies.  Four research papers produced by UK and host country project staff.  Paper with final project conclusions and recommendations.
<b>Dissemination Outputs</b>		
14a	Number of conferences/seminars/workshops organised to present/disseminate findings from Darwin project work	Two: a sub-national seminar in May 2003 and a national seminar in November 2003.
14b	Number of conferences/seminars/ workshops <b>attended</b> at which findings from Darwin project work will be presented/ disseminated.	- 14 talks and lectures in different parts of Chile concerning access to genetic resources presenting the results of this project.  - Numerous meetings with national and regional authorities regarding this project (see body of this report).  - CBD side-event in Montreal in December 2003.
15a	Number of national press releases or publicity articles in host country(s)	
15b	Number of local press releases or publicity articles in host country(s)	- Three articles were published in regional paper <i>La Discusión</i> - One article appeared in <i>La Tribuna de Los Angeles</i> regarding the sub-national seminar held in May 2003.

Code	Total to date (reduce box)	Detail (←expand box)
15c	Number of national press releases or publicity articles in UK	<p>- Two project-related articles featured in FIELD's newsletter 'FIELD in brief' in 2003 and 2004, reaching approx. 2500 institutions and individual contacts worldwide. They are also available on FIELD's website.</p> <p>- 2 press releases, one for each seminar, around 8 articles in national and regional newspapers, as well as articles in websites.</p>
17a	Number of dissemination networks established in host country	An informal network of people working on/interested in ABS issues resulted from the national seminar.
19a	Number of national radio interviews/features in host country(s)	Two radio interviews in Chile featuring access to genetic resources and this Darwin project.

## 18. Appendix III: Publications

Provide full details of all publications and material that can be publicly accessed, e.g. title, name of publisher, contact details, cost. Details will be recorded on the Darwin Monitoring Website Publications Database that is currently being compiled.

Mark (\*) all publications and other material that you have included with this report

<b>Type *</b> (e.g. journals, manual, CDs)	<b>Detail</b> (title, author, year)	<b>Publishers</b> (name, city)	<b>Available from</b> (e.g. contact address, website)	<b>Cost £</b>
Research paper*	<i>“El marco legislativo internacional sobre acceso a los recursos geneticos, el reparto equitativo de beneficios y la proteccion del conocimiento tradicional asociado, y su relacion con los derechos de propiedad intelectual”</i> by Carolina Lasen Diaz, 2004	FIELD	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE
Research paper*	<i>“Estudio comparado de las regulaciones de acceso a los recursos genéticos, distribución de beneficios y protección del conocimiento tradicional asociado: la Comunidad Andina, Costa Rica y el Borrador de Protocolo Centroamericano”</i> by Carolina Lasen Diaz and Gabriel Gari, 2004	FIELD	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE
Research paper*	<i>“Experiencias en Chile de acceso a recursos geneticos, protección del conocimiento tradicional y derechos de propiedad intelectual”</i> by Dr Maria Isabel Manzur, 2004	FSS	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE

Research paper*	<i>"Análisis del manejo regulatorio e institucional de los recursos genéticos en la legislación chilena"</i> by Luis Flores, 2004	FSS	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE
Information brochure*	<i>"Acceso a Recursos Genéticos – Chile en el Contexto Mundial"</i> by Dr Maria Isabel Manzur and Carolina Lasen Diaz, 2003	FSS/FIELD printed in Chile	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE
Report*	Report of the seminar 'Access to genetic resources' held on 29-30 May 2003 By FIELD/FSS, 2003 (available in Spanish and English)	FIELD/FSS	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE
Report*	Report of the seminar 'Access to genetic resources' held on 4-6 November 2003 by FIELD/FSS, 2003 (available in Spanish and English)	FIELD/FSS	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE
Report*	<i>"Recomendaciones finales del proyecto 'Acceso a recursos genéticos, distribución de beneficios y protección del conocimiento tradicional en Chile"</i> by FSS/FIELD, 2004	FSS/FIELD	FSS (Seminario 744, Nuñoa, Santiago de Chile) FIELD website ( <a href="http://www.field.org.uk">http://www.field.org.uk</a> )	FREE

## 19. Appendix IV: Darwin Contacts

To assist us with future evaluation work and feedback on your report, please provide contact details below.

<b>Project Title</b>	Access to Genetic Resources, Benefit Sharing and Traditional Knowledge in Chile
<b>Ref. No.</b>	162/11/011
<b>UK Leader Details</b>	
Name	Carolina Lasén Diaz, Programme Director, Biodiversity, FIELD
Role within Darwin Project	Project co-ordinator in UK, main author of two project research papers, main contact with Darwin Secretariat responsible for project reporting and finances
Address	52-53 Russell Square, London WC1B 4HP
Phone	
Fax	
Email	
<b>Other UK Contact (if relevant)</b>	<b>N/A</b>
Name	
Role within Darwin Project	
Address	
Phone	
Fax	
Email	
<b>Partner 1</b>	
Name	Dr Maria Isabel Manzur
Organisation	Fundación Sociedades Sustentables
Role within Darwin Project	Host country project co-ordinator, main author of one project research paper, responsible for two project seminars and liaison with Chilean authorities on project recommendations
Address	Seminario 744, Santiago de Chile, Chile
Fax	
Email	
<b>Partner 2 (if relevant)</b>	<b>N/A</b>
Name	
Organisation	
Role within Darwin Project	
Address	
Fax	
Email	

## 20. Appendix V: Logical Framework of this Project

Project summary	Measurable indicators	Means of verification	Important assumptions
<p><b>Goal</b></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"> <li>- Publication and dissemination of information materials on access to genetic resources, benefit sharing and traditional knowledge.</li> <li>- Organisation of seminars, with a broad representation of relevant stakeholders.</li> <li>- Publication of recommendations for an access regime.</li> </ul>	<ul style="list-style-type: none"> <li>- 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.</li> </ul>
<p><b>Purpose</b></p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- To address the lack of legislation on access to genetic resources at national level.</li> </ul>	<ul style="list-style-type: none"> <li>- Increased awareness of decision-makers and society at large about issues related to genetic resources.</li> <li>- Accessible information materials on access to genetic resources produced (x500) and distributed among key stakeholders in the country.</li> <li>- The proposals generated by the project are taken in consideration by policy makers.</li> </ul>	<ul style="list-style-type: none"> <li>- Dissemination of project objectives and outputs through the two seminars and the publication of relevant research papers, information materials, and set of recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>- Interest of stakeholders in participating in dialogue and developing recommendations on access and benefit-sharing.</li> <li>- Recommendations submitted to, and considered by relevant government departments.</li> </ul>
<p><b>Outputs</b></p> <ul style="list-style-type: none"> <li>- Two research papers.</li> <li>- A set of information materials.</li> <li>- Sub-national seminar.</li> <li>- National seminar.</li> <li>- Recommendations on appropriate elements for a legal framework on access to genetic resources, benefit sharing and traditional knowledge in Chile.</li> </ul>	<ul style="list-style-type: none"> <li>- Papers produced.</li> <li>- Information materials produced.</li> <li>- Seminars held.</li> <li>- Recommendations drafted.</li> </ul>	<ul style="list-style-type: none"> <li>- Papers published.</li> <li>- Information materials published and distributed.</li> <li>- Reports of the two seminars.</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 in Chile in order to implement the Convention on Biological Diversity and its NBSAP.</li> </ul>
<p><b>Activities</b></p> <ul style="list-style-type: none"> <li>- Research and review of relevant national and international legislation and policy on this access and benefit sharing issue. Analysis of past experience on access and IPRs in Chile.</li> <li>- Preparation of accessible information materials.</li> <li>- Two seminars to discuss and review papers.</li> <li>- Draft recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>- Research, review and analysis activities undertaken.</li> <li>- Seminars held.</li> <li>- Recommendations on appropriate elements for a national access regime in Chile drafted.</li> </ul>	<ul style="list-style-type: none"> <li>- Research papers and information materials produced/published.</li> <li>- Reports and outputs of the seminar produced.</li> <li>- Recommendations published.</li> </ul>	<ul style="list-style-type: none"> <li>- Research, review and analysis activities highlight the need to address access to genetic resources in Chile.</li> <li>- Willingness and availability of key stakeholders to attend the seminars.</li> <li>- Opportunities to input the project outputs into Chile's policy debate on access.</li> </ul>

## 21. Appendix VI: Responses to Comments from the Independent Evaluator on Project's Annual Report 2003

### Response to annual review of DI PROJECT 11-011

#### 'Access, benefit sharing and traditional knowledge in Chile'

**I) Comment no.1:** *'The purpose indicators in the logical frame require revision as they are objectives rather than indicators. Need to develop indicators that try to measure impact'*.

The logical frame includes the following under 'Purpose indicators':

- 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.

We would suggest replacing them with the following:

- Increased awareness of decision-makers and society at large about issues related to genetic resources.
- Accessible information materials on access to genetic resources produced (x 500) and distributed among key stakeholders in the country.
- The proposals generated by the project (key elements for a national legal framework on access to genetic resources, benefit-sharing and the protection of traditional knowledge) are taken in consideration by policy-makers.

**II) Comment no.2:** *'There may be a need for additional support to further dissemination, particularly in the presentation of policy recommendations to relevant authorities'*.

We take note of this comment by the evaluator. We had not anticipated the need for substantial funds for this activity as the Chilean authorities are supportive of the project and interested in getting the final recommendations and proposals from the project. However, it could be that further dissemination is needed to inform other countries in the region about the outputs and outcomes of the project.

In addition, we were planning to hold a meeting with the relevant authorities of different government departments to present and discuss the recommendations of this project and how they were developed in the framework of this project. This activity does not need extra funds but, as we have not included extra travel funds for the UK-based project leader to participate, the meeting would be attended by the project co-ordinator in Chile (Dr Manzur) as well as the local lawyer involved in the project (Mr Luis Flores).

**III) Comment no.3:** *'The continuation of further work after the project may depend on the institutional strength of FSS'*

The '*Fundación Sociedades Sustentables*' has worked on issues related to biodiversity conservation, genetic resources, biotechnology, traditional knowledge, and intellectual property rights since 1998. The co-ordinator of this Darwin project in Chile (Dr. Maria Isabel Manzur) has 10 years' experience in working in these issues at the national and international level. The issue of access to genetic resources and protection of traditional knowledge is one of the main areas of work of FSS, having conducted project work in the north of Chile in 2000-2003 on the protection of genetic resources together with indigenous and local

communities. FSS is committed to this work which is a priority area for the organisation, as it plans to continue its involvement in the same topics, building on the experience generated by this Darwin project as well as previous work.

---

Carolina Lasén Díaz (FIELD) & Dr Maria Isabel Manzur (FSS)

1 August 2003