



Darwin Initiative for the Survival of Species

Building Legal and Institutional Capacity
on Biosafety in Chile

Ref. 162/10/12

Annual Report



Foundation for International Environmental Law and Development (FIELD)
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1. Darwin Project Information

Project Title	Building legal and institutional capacity on biosafety in Chile.
Country	Chile
Contractor	Foundation for International Environmental Law and Development (FIELD)
Project Ref. No.	162/10/12
Grant value	£80,317
Start/Finishing dates	May 2001-June 2002
Reporting period	May 2001-March 2002

2. Project Background

The need for this project was identified by the collaborating institution, University of Chile's *Centro de Derecho Ambiental* (CDA) (which translates as 'Environmental Law Centre') as a result of the lack of a comprehensive and coherent policy on biosafety in Chile.

Chile is a Party to the Convention to Biological Diversity (CBD) and is therefore bound by the need, under Article 8(g), to regulate and manage the 'risks associated with the use and release of living modified organisms resulting from biotechnology and which are likely to have adverse environmental impacts on the conservation and sustainable use of biodiversity'. In addition, Chile is a signatory of the 2000 Cartagena Protocol on Biosafety, adopted under the CBD. It is expected that this Protocol will enter into force in 2003.

3. Project Objectives

The project aims to assist the CDA to assess the legal and institutional framework needed for an effective biosafety regime in Chile, implementing Article 8(g) of the CBD and the 2000 Cartagena Protocol on Biosafety. The project includes:

- an overview of the relevant international law and Chile's international commitments;
- a study of existing national legislation and institutions;
- five case studies of comparative law that look at legal and institutional frameworks on biosafety in different countries of the region (Argentina and Brazil) as well as in other regions such as the EU, Cuba and New Zealand.

The aim of the research papers was to identify the main gaps and needs in Chile's legislative and institutional framework and to recommend ways of addressing these with a view to achieving an effective national biosafety regime. A copy of the Logical Framework for this project is included as Appendix 1.

In addition, and more broadly, the project aims at helping build the institutional capacity of the CDA to work on biodiversity-related issues.

There has been no change to the project objectives. In relation to the operational plan, the following changes to the project schedule were previously agreed with the Darwin Secretariat:

- The visit of the project co-ordinator from CDA (Ms Dominique Hervé) to FIELD in London took place on 10-25 February 2002 instead of in November 2001, as previously agreed, due to heavy workload at the CDA.
- The national seminar was rescheduled from January to March 2002, due to national elections and summer holidays in Chile. This change also affected the completion of the research papers on relevant national and international legislation, and comparative law case studies, which were then finalised in January 2002 (instead of December 2001).

4. Progress

The reporting period corresponding to this annual report (May 2001 – March 2002) coincides with the start of the project (May 2001) so there is no history of the project prior to the beginning of this reporting period.

A summary of the progress of this project over the last year is presented below:

1. An 'advisory panel' was established at the beginning of this project. Its members include representatives of the public and private sectors, academia and NGOs. A list of the members of the advisory committee is attached as Appendix 2.
2. The CDA conducted a series of interviews aimed at obtaining information as to the situation in Chile regarding policy and legislative approaches to biosafety as well as the different options available in the country in relation to biotechnology and biosafety.
3. Technical consultants:
 - 3.1 A consultant expert on Chile's biodiversity (Dr Mary Kalin) was sub-contracted by CDA to carry out an analysis of the status of biodiversity in Chile, including the risks derived from GMOs taking into account the specific conditions of the country's biodiversity.

3.2 A consultant expert on biotechnology (Mr Romilio Espejo) was sub-contracted by CDA to undertake an analysis of the development and application of modern biotechnology in Chile.

4. Research papers:

4.1 The CDA produced a study analysing the existing policies on biotechnology and GMOs in Chile, which also reviews relevant Chilean legislation in force as well as legislative proposals. The aim of this paper was to determine whether there is a country position on biosafety.

4.2 The project partners agreed on the selection of countries and terms of reference of the case studies that have been undertaken. FIELD produced the case studies on EU and New Zealand whereas the CDA completed those on Cuba, Brazil, and Argentina. Hard copies of the case studies are attached to this report (in an A4 arch-lever) and sent to ECTF as a sample of materials presented at the seminar.

The choice of countries reflects the importance of specific countries in the region in terms of production of GMOs as well as for having specific legislation on biosafety (Brazil, Argentina and Cuba). In addition the EU was selected for being one of the main trading partners of Chile and for the impact that EU regulations may have in Chile. New Zealand was selected due to having a similar biodiversity to Chile and also as it represents an interesting case of a policy with a strong emphasis on transparency and public participation.

5. The project co-ordinator from CDA attended the second meeting of the Intergovernmental Committee on the Cartagena Protocol (ICCP-2) held on 1-5 October 2001 in Nairobi, Kenya. The meeting offered an opportunity for her to discuss this project with the Chilean delegation to the meeting and the regional co-ordinator for Latin America of the UNEP-GEF project on National Biosafety Frameworks.
6. Visit of the CDA project co-ordinator to FIELD (10-25 February 2002) to finalise the draft research papers and the arrangements for the seminar in Chile. As reported above, this visit is included in the project schedule as taking place in November 2001 but it was agreed with the Darwin Secretariat to change it to February, at the request of the project partner, due to heavy workload at the time in CDA.
7. National seminar on 'Biosafety: A legal framework for Chile' held on 19-21 March at the Law Faculty of University of Chile. The seminar was attended by 68 participants, which agreed on a list of ten recommendations. See attached the seminar report and related recommendations as Appendix 3. A hard copy of the seminar agenda and materials distributed at the meeting are sent to ECTF together with this report.

As reported above, the seminar had been scheduled to take place in January 2002 but it was agreed with the Darwin Secretariat to change it to March 2002 at the request of the project partner due to national elections and public holidays in Chile at that time.

The project partners kept the environment attaché at the British Embassy in Santiago, Chile, informed of the project activities and jointly invited him to participate in the seminar held last March, which he was unfortunately unable to attend.

8. Attendance of the CDA co-ordinator to the Sixth Conference of the Parties to the CBD and Third Meeting of the Intergovernmental Committee of the Cartagena Protocol (ICCP-3) held on 7-19 April and 22-26 April, respectively, in The Hague, The Netherlands.

9. Additional outputs:

9.1 Participation of the CDA project co-ordinator in working groups on biosafety co-ordinated by Chile's National Environment Commission (CONAMA) and the country's Foreign Affairs Ministry.

9.2 Participation of Dr Raul Brañes in the project seminar thanks to the support of the Law Faculty of the University of Chile.

9.3 Participation of the CDA on a related research project on legal aspects of biosafety in Chile funded by the University of Chile and complementary to this Darwin project.

9.4 Participation of the CDA in the 'Inter-disciplinary Programme on Biodiversity' of the University of Chile.

9.5 Invitation to the CDA project co-ordinator to present research results of this project at different seminars and workshops related to biosafety in Chile, such as the First National Meeting on Environmental Law (November 2001) and a round table on biosafety at INTA (*Instituto Nacional de Tecnología de Alimentos*) from the University of Chile (July 2002).

10. Work plan for the next reporting period:

- The seminar report and recommendations are sent to all participants and are available in both organisations' websites (May 2002)
- May/June 2002: Updating and review of the draft research papers produced within this project.
- July 2002: Drafting of project recommendations related to Chile's legislative and policy framework on biosafety to be sent to relevant authorities and key stakeholders in Chile.

- July/August 2002: Preparation of the publication of the project research papers in Spanish and translation into English.
- August 2002: Visit of the CDA project co-ordinator to FIELD to jointly evaluate the project results, co-ordinate the publication of the project outputs in both Spanish and English and discuss possible future collaboration between the two institutions in the area of biodiversity legislation.

5. Partnerships

The level of collaboration and co-operation between the UK organisation (FIELD) and the host country partner (CDA) over the last year has been excellent. Being able to communicate in Spanish with the project partner as well as contribute 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 CDA. In addition, the fact that the project co-ordinator at CDA (Dominique Hervé) had taken part in FIELD's internship programme during her time as an LL.M student at University of London in 1997 meant that there was already an understanding of the work of both institutions before this project.

The foreign experts invited to the seminar created an opportunity for the partner organisation to get to know similar institutions in the region and expand the CDA's network both in Latin America and Europe.

There has been no collaboration with similar projects in the host country as this project has represented an innovative approach, being the first time that all main stakeholders interested in the regulation of biosafety issues in Chile got together to discuss the country's current policy and address future needs.

Both the CDA and FIELD are keen in exploring possibilities for further future collaboration in the area of biodiversity law and policy.

6. Impact and Sustainability

Within Chile, the project research activities and the national seminar held in Santiago in March 2002 have contributed to raising the profile of the partner organisation, CDA, in the area of biosafety. As a direct consequence of the seminar, the CDA has been invited to participate in a series of events organised by both the Chilean government and academia in the area of biosafety, thus recognising the expertise and good work of the CDA in this area as shown at the national seminar.

The March meeting resulted in renewed and stronger links between the CDA and Chilean organisations and institutions in the public, private and non-governmental sector, as well as with foreign experts and agencies. The national seminar helped raise awareness of biosafety as an issue and the Cartagena Protocol as a priority area for implementation at the national level.

The CDA intends to further strengthen these links and collaborate with other institutions in Chile towards achieving a national framework on biosafety. The timing of this project to coincide with the start of the UNEP/GEF project on national biosafety frameworks, and the communication between the CDA and its national coordinator, will also help ensure that both projects remain complementary and that the Darwin project outputs are taken into account within the UNEP/GEF project.

7. Outputs, Outcomes and Dissemination

Table 1: Project Outputs (According to Standard Output Measures)

Code No.	Quantity	Description
11A	6	- Research papers submitted for peer review
14A	1	- International seminar organised to present and discuss the research papers
14B	1	- CDA lawyer attends ICCP-2 meeting in Nairobi, Kenya (October 2001)
8	1	- One person's week attending project seminar in Chile (March 2002)
15A	3	<ul style="list-style-type: none"> - Short articles on project seminar posted on both partner institutions' websites. - Article on the project seminar published in the electronic newsletter 'Boletín Transgénicos' published by Chilean NGO <i>Fundación Chile Sustentable</i> (Issue no.9) - Article on the project published in the University of Chile's Newsletter (February, 2002, Year No 4, Issue No 32).
15C	1	Article on the project published in FIELD's newsletter

Additional outputs of this project in the reporting period have been:

- Two person/week of the project partner co-ordinator in UK host organisation to contribute to institutional capacity-building element of this project. The visit also served to finalise research on project papers and prepare for national seminar in Chile.
- Two radio interviews of the CDA project co-ordinator about the project and biosafety issues at the radio station of the University of Chile (March and May 2002)
- 14B: Presentation by CDA project co-ordinator at Chile's First National Meeting on Environmental Law (November 2001) organised by CONAMA and CDA.

Table 2: Publications

Type	Detail	Publishers	Available from	Cost £
Research paper*	' <i>Diagnóstico sobre la legislación e institucionalidad chilena en materia de seguridad de la biotecnología</i> ' by Hervé, D. (March 2002)	<i>Centro de Derecho Ambiental</i> , University of Chile, Santiago (Chile).	-CDA contact Dominique Hervé -Or see FIELD's website http://www.field.org.uk/fieldmain/biodivf/pg2.htm	FREE
Research paper*	' <i>Estudio de Derecho Comparado: Caso Argentina</i> ' by Hervé, D. (March 2002)	<i>Centro de Derecho Ambiental</i> , University of Chile, Santiago (Chile).	http://www.field.org.uk/fieldmain/biodivf/pg2.htm	FREE
Research paper*	' <i>Estudio de Derecho Comparado: Caso Cuba</i> ' by Main, M (March 2002)	<i>Centro de Derecho Ambiental</i> , University of Chile, Santiago (Chile).	CDA – contact Dominique Hervé Or see FIELD's website http://www.field.org.uk/fieldmain/biodivf/pg2.htm	FREE
Research paper*	' <i>Estudio de Derecho Comparado: Caso Brasil</i> '	<i>Centro de Derecho Ambiental</i> , University of	CDA – contact Dominique Hervé	FREE

	by Durán, V. (March 2002)	Chile, Santiago (Chile).	Or see FIELD's website http://www.field.org.uk/fieldmain/biodivf/pag2.htm	
Research paper*	' <i>Estudio de Derecho Comparado Caso UE</i> ' by Lasén Diaz, C. (March 2002)	FIELD, London, UK	See FIELD's website http://www.field.org.uk/fieldmain/biodivf/pag2.htm	FREE
Research paper*	' <i>Estudio de Derecho Comparado: Caso Nueva Zelanda</i> ', by Lasén Diaz, C. (March 2002)	FIELD, London, UK.	See FIELD's website http://www.field.org.uk/fieldmain/biodivf/pag2.htm	FREE
Research paper	'Genetically Modified Organisms and the Environment – Recommendations', by Kalin, M. (March 2002)	<i>Centro de Derecho Ambiental</i> , University of Chile, Santiago (Chile)	CDA – contact Dominique Hervé	FREE
Research paper	'Biodiversity and case studies of exotic species: Present patterns, future predictions and general recommendations', by Kalin, M. (March 2002)	<i>Centro de Derecho Ambiental</i> , University of Chile, Santiago (Chile)	CDA – contact Dominique Hervé	FREE
Research paper	' <i>Experiencia Chilena en Biotecnología Moderna</i> ' by Espejo T., R. (March 2002)	<i>Centro de Derecho Ambiental</i> , University of Chile, Santiago (Chile)	CDA – contact Dominique Hervé	FREE
Report*	Report of the	CDA/FIELD	See FIELD's	FREE

	seminar 'Biosafety: A legal framework for Chile' by FIELD/CDA (April 2002)		website http://www.field.org.uk	
Report	' <i>Informe del seminario 'Bioseguridad: Un marco jurídico para Chile'</i> by CDA/FIELD (April 2002)	CDA/FIELD	See CDA's website http://www.dercho.uchile.cl/cda/	FREE

8. Project Expenditure

(See excel file attached).

9. Monitoring, Evaluation and Lessons

This project is monitored by senior staff at FIELD and by the CDA's Director. In addition, the members of the project's advisory panel and seminar participants, in Chile, together with the foreign experts involved in the seminar, have provided feedback on the research papers and activities undertaken within this project.

The good level of communication and collaboration between project staff has been an important factor in the implementation of this project. The good experience of our working relationship is resulting in the exploration of additional areas of collaboration beyond this Darwin Initiative project to further support the development of CDA's biodiversity work at the national, regional and international level.

10. Author(s)/ date

This report has been compiled by Carolina Lasén Diaz and Jose Gama at FIELD, with input from Dominique Hervé (CDA).

London, May 2002.