

Biodiversity Challenge Funds Projects Darwin Initiative, Illegal Wildlife Trade Challenge Fund, and Darwin Plus Half Year Report

Note: If there is any confidential information within the report that you do not wish to be shared on our website, please ensure you clearly highlight this.

Submission Deadline: 31st October 2023

Project reference	IWT127
Project title	Conservation Litigation & Wildlife (CLAW)
Country(ies)/territory(ies)	UK, Indonesia, India, Cameroon, USA
Lead partner	Lancaster University
Partner(s)	Law and Wildlife, Wildlife Trust of India, Indonesian Center for Environmental Law, Environmental Law Institute, Wildlife Conservation Society, Last Great Apes Organisation
Project leader	<i>Jacob Phelps</i>
Report date and number (e.g. HYR1)	<i>30 October, 2023 HYR1</i>
Project website/blog/social media	www.conservation-litigation.org , @ConsLitigation

Outline progress over the last 6 months (April – Sept) against the agreed project implementation timetable (if your project has started less than 6 months ago, please report on the period since start up to end September).

Although we are not looking for specific reporting against your indicators, please use this opportunity to consider the appropriateness of your M&E systems (are your indicators still relevant, can you report against any Standard Indicators, do your assumptions still hold true?). The guidance can be found on the resources page of the relevant fund website.

A 1.1 LaW to establish online CoP platform (LinkedIn “closed” group) for practitioners as a hub for CL community, growing the CoP with targeted invitations via the partners and engagement activities.

We discussed a range of platforms/configurations with the partners, and have established a closed WhatsApp group for our practitioners as a starting point. Although we are interested in other platforms with greater functionality, the partners decided that practicality and regular engagement were the priorities. In addition, we are managing a closed google folder where we are sharing relevant information. We have also included 2 additional partners from Liberia and Finland to this closed community (not funded by the project but still involved/supporting our objectives).

A 1.2 LaW and LU to maintain active CoP member engagement via posts of news, questions, consultations, organising discussion threads

The group members are active, not only in their individual activities, but also in their interactions with one another. This is both self-driven by the partners and guided by LaW/LU.

A 1.3 LaW and LU to establish a broad/inclusive network of people interested in CL/keeping in touch, via new mailing list (active participants may later join the CoP)

We are organising a list of all the people/organisations we engage with in order to develop this, and have developed a communications strategy that stratifies people into 4 different groups with

different types/levels of engagement, from those with very active involvement to those with more passive interest.

A 1.9 LU to host 2 in-person workshops of CLAW partners, to discuss project start, case resources and frameworks, and then case develop development and strategy

From 4-9 Sept. 2023, Conservation Litigation held its kick off workshop in Ambleside with country partners - WTI, ICEL, and LAGA - plus additional collaborators from Liberia Chimpanzee Rescue & Protection (LCRP) and academics from Lancaster University and University of Helsinki, to advance the CLAW project. Partners worked on developing cases in India, Indonesia, Cameroon, and Liberia, and discussed CL development, strategy and direction. Importantly, the workshop was successful in bringing together lawyers and experts from across the world to form a network to discuss liability litigation, and a cohort for this “green wave” of cases.

A 1.8 LU and LaW to host meetings with Advisory Committee to discuss key topics (e.g., see Indicator 2.4, 2.5)

We have recruited a very high quality group of Advisors (<https://www.conservation-litigation.org/advisors>). We have held a number of bi-lateral discussions with them on specific issues related to their expertise (e.g., security, strategy, case development approaches). On 10 Oct. we also convened them for a broader strategy discussion.

A 2.1 Cooperation with lawyers in 7 countries, LaW will conduct legal analysis about how CL can be operationalised in each country, following the CL checklist we have developed/trialled in 4 countries.

We have analyses complete for Liberia, Cameroon and Indonesia, and are working with lawyers in those countries on case-development. We have recruited lawyers in India, Philippines and Uganda to work with us on baseline legal analyses. Plans for engaging lawyers in Brazil and Mexico are on track for Year 2 (2024-2025).

A 2.3 Publish 7 country-specific reports and “In Brief” summaries that synthesise CL laws and procedures, for dissemination via website, social media, CoP, network and events

Reports and In Brief summaries are published for Liberia, Cameroon and Indonesia. Indonesian and Thai language versions of these reports are forthcoming. The other reports will be completed after the country legal analyses are done (A 2.1).

A 2.4 All partners will develop resource on “lessons learned about strategic conservation litigation”, based on a virtual workshop and discussions with partners and CoP.

Lessons Learned resource was discussed at the Sep 2023 Ambleside workshop and is on track.

A 2.6 All partners and Advisory Committee will build a case-selection framework, to guide selection of strategic CL case) (*To comment it has started and on track*)

Case-Selection Framework resource was discussed at the Sep 2023 Ambleside workshop and is on track.

A 2.7 LU will develop risk identification and mitigation framework through consultation with partners, based on review of other organisations’ protocols (including via IWTCF recipients) and in discussion with Board of Advisors (*To comment it has started and on track*)

Risk Identification and Mitigation Framework resource was discussed at the Sep 2023 Ambleside workshop and is on track.

A 2.11 LU to lead partners in co-authorship of blogs/editorials, website updates, and 2 key academic publications via collaborative GoogleDocs

The website was redesigned and updated in Sept. 2023. We have a blog forthcoming on environmental values and courts. We have a journal manuscript started on this same topic. A

journal article with an overview of our approach to IWT and conservation is currently under academic review in *Science*.

A 2.12 LU and LaW to disseminate new resources (above) via website, social and print media, CoP, network mailing list, and in-person and virtual workshops, IWTCF newsletter

With the kick off workshop in September, these resources are on track for publication in late 2023 and onwards. We have engaged on Twitter and Linked in, notably with a press release about the launch of the project. We contributed a piece to the Sept. call for the IWTCF newsletter.

We are preparing for our first newsletter in Q1 of 2024. Dissemination of resources will be forthcoming.

A 3.4 LAGA, WTI and ICEL to coordinate with government and legal team to prepare selected case details, evidence, and legal argumentation– for comment from other partners, LaW, ELI, LU

Indonesia: The case plaintiff, a government Ministry, is already in the advanced stages of case development with our ongoing support, via our partner ICEL. We are also scoping for a 2nd case, which is beyond the project logframe and the ICEL team believes is realistic.

India: WTI has identified a priority case related to elephant IWT and has discussed the approach with the government. In advance of leading that main case, the WTI team plans to develop a number of small “test” cases to trial the new legal approach. These are under development, and also pending completion of our legal analysis in India.

Cameroon: We have not identified a case yet, but have decided that this will focus on chimpanzee IWT in Cameroon. We have had 3+ virtual discussions and email exchanges about how to develop this approach in Cameroon/what is most strategic.

Others: We had also initiated IWT cases using our approach, not funded by this project but highly linked to it, in Liberia and Italy. These will be complementary to the CLAW project, and are being incorporated.

A 4.2 WTI and ICEL host in-person engagement workshop with practitioners to discuss developing future conservation litigation cases in their jurisdictions

Beyond the Sept. 2023 Ambleside workshop, we have held a number of bilateral discussions with WTI and ICEL about details of case development. This is particularly advanced in Indonesia, where we have longer engagement /experience. This is on track.

A 4.5 ELI and LU to lever international and partners’ networks co-host open virtual events for law practitioners globally

We have discussed two likely topics for these events, but have decided to only hold them once we have more material to discuss (i.e. cases further developed, resources published). We have a further planning meeting scheduled for early Nov. 2023.

2. Give details of any notable problems or unexpected developments/lessons learnt that the project has encountered over the last 6 months. Explain what impact these could have on the project and whether the changes will affect the budget and timetable of project activities.

We have submitted a Change Request Form to request movement of some budget to Y2.

India: India has announced that it will enter a period of state and national elections, expected to occur sometime between April and May 2024. In the lead up to the, the model code of conduct for civil servants will be in effect, which limits the participation of government employees in discussions related to government rules and policy matters. As the workshops target government lawyers, prosecutors and judges this event cannot be carried out early next year, when we had it planned. We cannot do it this calendar year because we are still undertaking the baseline legal analyses upon which those workshops will be based.

Indonesia: ICEL is supporting litigation of a wildlife trade case that is being led by the Ministry of Environment and Forestry (MoEF), and the case filing depends on them. ICEL recognizes

that the MoEF resources are currently focused on managing forest fires due to an El Nino Year drought cycle, and so is prioritising the filing of the forest fire lawsuit cases. Due to these circumstances, the wildlife trade case we are working on is expected to occur next year instead, and the budget is being moved to Year 2 (2024-2025).

Lancaster: LU has only found 2 of the 3 country lawyers with time availability to do the country liability research in Year 1 (2023-2024). To ensure we are getting the best possible work, we want to work with these top lawyers and need to account for their availability. We also faced a challenge with LU ability to execute single, multi-party contract at the start of the project; because this required final sign-off from all of the partners in order for any partner to begin work, this created a slow/frustrating start to the project, but the project is now moving smoothly.

3. Have any of these issues been discussed with NIRAS and if so, have changes been made to the original agreement?

Discussed with NIRAS: No

Formal Change Request submitted: Yes

Received confirmation of change acceptance No

Change request reference if known:

4a. Please confirm your actual spend in this financial year to date (i.e. from 1 April 2023 – 30 September 2023)

Actual spend: [REDACTED]

4b. Do you currently expect to have any significant (e.g. more than £5,000) underspend in your budget for this financial year (ending 31 March 2024)?

Yes No Estimated underspend: £ [REDACTED]

4c. If yes, then you need to consider your project budget needs carefully. Please remember that any funds agreed for this financial year are only available to the project in this financial year.

If you anticipate a significant underspend because of justifiable changes within the project, please submit a re-budget Change Request as soon as possible. There is no guarantee that Defra will agree a re-budget so please ensure you have enough time to make appropriate changes if necessary. Please DO NOT send these in the same email as your report.

NB: if you expect an underspend, do not claim anything more than you expect to spend this financial year.

5. Are there any other issues you wish to raise relating to the project or to BCF management, monitoring, or financial procedures?

NA

If you are a new project and you received feedback comments that requested a response, or if your Annual Report Review asked you to provide a response with your next half year report, please attach your response to this document.

All new projects (excluding Darwin Plus Fellowships and IWT Challenge Fund Evidence projects) should submit their Risk Register with this report if they have not already done so.

Please note: Any planned modifications to your project schedule/workplan can be discussed in this report but **should also** be raised with NIRAS through a Change Request. **Please DO NOT send these in the same email.**

Please send your **completed report by email** to BCF-Reports@niras.com. The report should be between 2-3 pages maximum. **Please state your project reference number, followed by the specific fund in the header of your email message e.g. Subject: 29-001 Darwin Initiative Half Year Report**