

Darwin Initiative Annual Report

Important note:

To be completed with reference to the Reporting Guidance Notes for Project Leaders – it is expected that this report will be about 10 pages in length – Submission deadline 30 April 2007

Darwin Project Information

Project Ref Number	15/028
Project Title	Community Resource Management in the Maichin River Valley (Chile)
Country(ies)	Chile
UK Contract Holder Institution	CESAGen, Lancaster University
UK Partner Institution(s)	
Host country Partner Institution(s)	All the Lands Council (Ad Kimun Ltd)
Darwin Grant Value	203,977
Start/End dates of Project	Original 1/6/2006-30/05/2008. Revised 1/10/2006 to 30/09/2008
Reporting period (1 Apr 200x to 31 Mar 200y) and annual report number (1,2,3..)	1 June 2006 - 31 Mar 2007
Project Leader Name	Paul Oldham
Project website	N/A
Author(s), date	Paul Oldham. Includes summary of Spanish annual report written by Margot Collipal in Chile. 25 April 2007.

1. Project Background

In 2003 members of the Biodiversity Team at the All the Lands Council, a Mapuche indigenous peoples organisation in central Chile, requested assistance with addressing environmental management planning and the possible creation of a Mapuche managed protected area in the Maichin River Valley. This project is a response to that request.

The Maichin Valley is a 45 kilometre Andean Valley on the with Argentina. There are approximately 390 families living in 8 Mapuche communities in the Valley who practice agro-silvo-pastoralism. The Mapuche communities depend for part of their livelihoods on access to upland summer pastures that fall within the Villarrica National Reserve. The mountain ridges in which the upland pastures are located are also the habitat of the protected *Araucaria araucana*

tree upon which the local Mapuche or Pehuenche (lit. people of the Araucaria) depend for elements of their livelihood and which features strongly in Mapuche culture and religion.

The establishment of the Villarrica National Reserve under the authority of the National Forestry Corporation (CONAF) resulted in a loss of access to the upland pastures. In 2000 the Biodiversity Team at the All the Lands Council negotiated a five year Framework Agreement between the communities and CONAF. Under the terms of the agreement, the communities would be provided with access to the upland pastures for a variety of purposes and a series of complementary agreements would be established to specify these arrangements and mutual responsibilities. This is the first known agreement of its type among the Mapuche.

However, while representing a significant step forward the complementary agreements were not put in place. In addition, the communities have been affected by the entry of colonists into the mouth of the valley who seek access to the upland pastures, the introduction of exotic tree species and recent pressure to promote large scale tourism in the area.

In response to this the present project was requested to assist the communities with developing an environmental management plan for the Valley and negotiating with state authorities on the possible creation of a Mapuche managed protected area. The project places a strong emphasis on capacity-building in the communities and participatory research methods such as community led resource mapping using GPS.

2. Project Partnerships

An important focus of the project is building a relationship with CONAF to move forward with implementation of the Framework Agreement and environmental management planning. Additional relationships are under development with National Environment Commission (CONAMA) and the Biodiversity Team are involved in discussions around the creation of a new environment ministry in Chile.

3. Project progress

3.1 Progress in carrying out project activities

The project was scheduled to be initiated from June 2006. In early June 2006 the project leader visited Chile to prepare the start up phase with the project partners, meetings were held with the communities and the process of hiring a Research Associate to work in Chile was set in motion.

As a condition for sending funding to Chile, Lancaster University's contracts office determined that a collaboration agreement was required with the Chilean partner. While this was not a Darwin requirement, given that the project involves sending significant amounts of University funds to Chile this appeared to be entirely sensible.

However, the project ran into trouble in relation to the provisions on intellectual property rights within the collaboration agreement. Under these terms the University reserved the right to pursue the commercialisation of any intellectual property that might arise from the project.

For the project leader and project partner this was a significant problem for two reasons. The first of these is that the subject of traditional knowledge, intellectual property and access and benefit-sharing in relation to indigenous peoples and in developing countries is a considerable focus of controversy. In particular, indigenous communities are particularly vulnerable to exploitation by the unscrupulous while accusations of "biopiracy" (whether well founded or not) are very difficult to defend against in the absence of agreed standards of evidence.

In designing the project we had aimed to avoid these controversies by emphasising that the project was non-commercial in character. In accordance with existing best practice we further established that relations with researchers and the communities would be subject to a mutually agreed protocol and that changes to the project would require the communities consent. Given

the objectives of the project focus on environmental management planning and protected areas we did not wish to become embroiled in controversies around ABS and biopiracy.

We explained to the University Contracts Office (under the Research and Enterprise Service) that the research was non-commercial in nature, that we did not intend, or wish to give the appearance of intending, to pursue intellectual property and commercialisation. This is not what the project is about. The project leader went to considerable lengths to explain the delicacy of these issues and reputational damage that could be caused by allegations of biopiracy.

In particular we explained that under Article 8(j) of the Convention and related international standards and guidance (i.e. the Covenant on Economic, Social and Cultural Rights) the communities consent would need to be sought in relation to any intellectual property protection arising from work with them and the determination of benefits (see CESCR General Comment 17). Condition 20 of the Darwin terms and conditions was also explained in this context.

Furthermore, it was explained that under the terms of the professional codes of ethics (i.e. the Association of Anthropologists of the Commonwealth or the American Anthropological Association) there is a professional responsibility to ensure that consent is received for research activity and that potential harms to research participants are anticipated and addressed.

On this basis it was argued that reference should be included to the non-commercial nature of the project and that intellectual property arrangements would properly be the subject of a separate agreement with the communities in order to comply with the terms of the CBD.

Unfortunately, the University Contracts Office refused to countenance reference to the non-commercial nature of the research and the need for consultations with the communities and a separate agreement in the event of the pursuit of intellectual property claims and commercialisation arising from the project.

Given that the original project design anticipated the participation of Lancaster University researchers in collecting samples etc. for analysis this represented a significant problem. The main problem that arose here is that while the 8 communities in the Maichin Valley were not party to the collaboration agreement, they would be affected by its provisions. Thus, the only conceivable intellectual property (specifically patents) that could arise from the project would originate in research on community lands/Villarrica National Reserve and could involve Mapuche traditional knowledge. As such their rights would be affected and the terms of Article 8(j) of the Convention were clearly applicable. However, while the communities would be affected by the terms of the agreement their rights and interests were not recognised. In professional terms this is unethical and is inconsistent with the provisions of the Convention on Biodiversity and other relevant guidance. An additional concern related to the refusal of the Contracts Office to include reference to respect for the relevant national legislation and regulations on access to genetic resources and benefit-sharing within the collaboration agreement. However, the project could not fully start until the University agreed to release funds for which the collaboration agreement was required.

In the period to October, this was a subject of significant exchanges culminating in a meeting with the Dean of Faculty, the University Contracts Office, the head of Research and Enterprise, and Professor Brian Wynne as Associate Director of CESAGen. During this meeting text was agreed that included reference to the recently adopted University guidelines on ethics and reference to condition 20 of the Darwin terms and conditions. It was also agreed to soften the language on commercialisation of intellectual property. However, despite an understanding to the contrary, reference to a separate agreement with the communities prior to the pursuit of intellectual property was not included. Furthermore, the language was extended to include licensing of intellectual property to third parties. In doing so, the University Contracts Office sought to pre-determine what would happen in the event that condition 20 of the terms and conditions was triggered through the use of 'reach around' clauses. In the absence of reference to consultation with the communities regarding such determinations this remained unacceptable. An impasse had been reached.

The Darwin Initiative Secretariat was informed at an early stage of this emerging problem. In particular we sought guidance from members of the Secretariat and their colleagues at DEFRA

who work on these issues. We are very grateful for their support and understanding in attempting to address this problem. However, it is also clear, that these issues are complex, difficult to deal with, and become very time consuming.

In response to the intractability of the Contracts Office position on the collaboration agreement it became clear that some form of work around was needed. In professional terms the lack of reference to the communities within the collaboration agreement was unacceptable. However, at the same time, this needed to be balanced against the commitments made to the Biodiversity Team and in particular the communities of the Maichin Valley to deliver a project to address their needs.

In response to this and, in consultation with the Secretariat, the project leader and project partner decided on the following approach.

1. It had originally been envisaged that small teams of UK students and researchers would carry out environmental and biological research to assist with the project. While this was not strictly necessary, the aim was to promote longer term collaborations between the UK and Chile as part of the project legacy. However, given the difficulties around intellectual property considerations, notably in relation to trust, it was decided that it would be prudent to ensure that these issues could not arise by excluding their participation at this stage. Furthermore, the UK Research Associate and the project leader will not engage in field collections under the project. This is disappointing, but has also provided an opportunity to invite indigenous specialists from elsewhere in Latin America working on similar projects to visit the area and participate in the project.

2. Under Condition 20, DEFRA reserves the right to the final say in relation to intellectual property considerations arising from Darwin projects. The Darwin terms and conditions override any conditions that may be imposed by Universities. In response, the project partner and the Associate Director of CESAGen (Prof. Brian Wynne) submitted letters to Glenys Parry, as the head of the Secretariat, outlining the respective concerns and expressing confidence that DEFRA would pay close attention to Condition 20 in the event that intellectual property claims were pursued by the University. The Associate Director of CESAGen expressed the firm view that the collaboration agreement was unethical and that modification of the agreement would be required to include agreement with the communities prior to field collections that may lead to intellectual property claims. On the basis of these measures and common understanding the partners would proceed to sign the collaboration agreement as it stood in the interests of delivering the project.

In a letter responding to the Chilean partner Glenys Parry as the head of the Darwin Initiative Secretariat communicated with the project partner in Chile stating that "...we also expect our projects to respect and comply with all the principles and requirements of the Convention".

3. In light of the complexity and delicacy of these issues it was thought appropriate to delay proceeding with signing the collaboration agreement until a meeting could be held with Glenys Parry and the team at the Secretariat. The meeting was originally proposed for December but due to unavoidable circumstances was delayed until late January. During the meeting the issues revolving around the collaboration agreement and proposed measures were discussed in considerable detail.

4. When it became clear that the project was suffering delays in implementation rescheduling the project and adjusting the project budget was discussed in detail with the staff of the Secretariat. This consisted of:

a) Allocating funds for the Research Associate position that had not been filled during the dispute to increase the number of local staff in Chile. This has the advantage of increasing the local benefits for the project.

b) Allocating part of the funds anticipated for the UK research team to facilitate visits by indigenous specialists working on similar community led projects elsewhere in the region.

c) Revising the start date to October 2006 and extending the end date for the project from the end of May 2008 to the end of September 2008. This has the effect of making up for some of the lost time. The corresponding budget has also been rolled forward to cover the period from

May 2008 to the end of September 2008. Revised budgets and timetables have previously been submitted to the Secretariat based on these understandings.

The difficulties experienced with the collaboration agreement, which was not anticipated by the project, provide an illustration of the changing climate within UK universities in relation to intellectual property. Given that this may have implications for other Darwin projects, we provide a series of initial lessons learned and recommendations that may assist in identifying practical ways to address these issues in future. In this way we hope that constructive lessons may be learned that may be of benefit to the Darwin Initiative.

While the first year of the project was dominated by the dispute over the collaboration agreement and a corresponding lack of financial resources, the Biodiversity Team has been active in pursuing project activities within the constraints of available resources. The method adopted consists of the following components: a) Individual meetings with community authorities; b) meetings in individual community assemblies; c) inter-community meetings in the relevant zone of the Valley; d) larger inter-community meetings with all eight communities, and; e) Roundtable meetings with CONAF, other relevant bodies, and the communities. Within this framework, between October and early March the Biodiversity Team engaged in the following activities.

In mid-October eleven community meetings were held to discuss mechanisms for improving the collaboration agreement with CONAF and existing experiences. The delays to the full implementation of the project following the meeting in June were also explained.

One important outcome of these meetings was the realisation that while CONAF had signed the Framework agreement with the traditional heads of the communities (*lonko*), CONAF had subsequently sought funding from the French government for a project known as PROMACIN. This project operates through the "presidents" of the communities based on the Framework Agreement. This had resulted in a degree of internal conflict and division with the communities. In particular, during an inter-community meeting in November it became clear that while families in the communities seek authorisation from the *lonkos* as the heads of the communities to use the upland pastures and collect non-timber forest products, forming part of the management process, it was felt that CONAF's focus on working through the "presidents" was undermining this process.

However, it was also observed that at the time the Framework agreement was signed with CONAF the communities made a commitment to develop lists of the families taking animals to the area, the number of animals, and the dates as part of the management process with a view to addressing ecological degradation and ensuring that the use of the pastures was not indiscriminate. The communities had also agreed to maintain a reserve of the ecological zones around the communities, including the upland pastures. There were therefore issues to be addressed with CONAF on the other side of the balance sheet in relation to meeting the terms of the Framework agreement.

During November, members of the project team also gave a presentation to a joint meeting of the five Darwin Projects in Chile to explain the purposes of the project with the National Environment Commission (CONAMA), the British Embassy and a member of the Darwin Committee.

In mid-December, drawing on the results of meetings with the individual communities and small inter-community meetings, a general meeting of all eight communities was held to discuss the process of engagement with CONAF. At this meeting it was agreed that while many issues remained to be addressed, the engagement with CONAF officials was alleviating the tensions that had surrounding access to the upland pastures and provided a way forward.

At the end of January, another meeting of the eight communities was organised in Curarrehue to discuss the Darwin Initiative project in detail, including the programme of work in the Mapuche language (Mapudugun). This included identifying people interested in joining the technical teams, notably young people, to implement the mapping components of the project and serve as a resource for future work. Having set out a revised plan for the project, the Biodiversity Team engaged in a series of visits to the individual communities for further discussions in early February.

At the end of February the Biodiversity Team organised an inter-community workshop on traditional knowledge in Curarrehue (at the mouth of the Maichin Valley). The workshop focused on the importance of promoting and valuing biodiversity and the traditional knowledge of Mapuche communities. In particular, the workshop discussed the development of plans and programmes to protect these resources from a Mapuche perspective. As the first known workshop on traditional knowledge and biodiversity with Mapuche communities in this area one of the main outcomes was a request for more activities of this kind and, in particular, promoting the greater participation of women and young people.

A second important outcome of the workshop was an assessment of the issues and problems confronting each of the communities on a day to day level. One aspect of this was a lack of clarity within the communities over the respective roles of state and non-state institutions within the communities. A second aspect concerned the loss of cultural values, including the loss of historical memory within the communities, the loss of the traditional organizational structure and the Mapuche educational system. The workshop focused on how these issues might be addressed by considering the role of elders with knowledge of biodiversity in the area and the need to promote the participation of women and young people in future work on traditional knowledge and biodiversity conservation. The workshop also touched upon the wider context of the Convention on Biological Diversity and in particular advances within the Working Group on Protected Areas under the CBD with respect to indigenous peoples and the co-management of protected areas.

An important feature of the project is the creation of a series of Roundtable Meetings with CONAF to negotiate the management plan for the Maichin Valley and neighbouring Reserve. The first of these Roundtables was held on the 7th of March in Curarrehue with the assistance of local Basque missionaries. A one day meeting was held with the communities immediately prior to the Roundtable to agree on the priority issues to be addressed in dialogue with CONAF. The participants in the Roundtable included: communities who are part of the agreement represented by the *lonkos*, the local head of protected areas from CONAF, the administrator of the Villarrica National Reserve and the Director of the French sponsored PROMACIN project operating in the Maichin Valley with CONAF.

This meeting addressed three main points:

1. Rules regarding access and use of the upland pastures within the protected area;
2. The legal status of the upland pastures vis a vis the communities;
3. Establishing new criteria for working relationships between the communities and CONAF.

The Roundtable provided an opportunity for a frank exchange of views, with a particular emphasis on the participation of the communities. Thus, women from the communities expressed frustration that the authorities were only concerned with protecting the uplands from an ecological perspective and ignored the historical, cultural and spiritual significance of the uplands for the communities. CONAF also conceded that by working with the presidents of the communities, the traditional authorities (*lonko*) with whom the Framework Agreement had been signed had been marginalised.

In seeking to address this problem, the following conclusions were reached:

- That cooperation would be promoted between the traditional authorities and the presidents of the communities;
- The traditional authorities would play an active role in the Roundtable process;
- The participation of the signatories to the framework agreement would be reactivated;
- A constructive dialogue would be promoted with the Presidents of the communities;
- CONAF would recognise and legitimise the role of the traditional authorities;
- Criteria would be established for access, use and control of the upland pastures.

A second Roundtable meeting was held on the 29th of March 2007 consisting of the Biodiversity Team, the *lonkos*, the presidents of the communities, CONAF and the PROMACIN project. In the course of this Roundtable the conditions under which the PROMACIN project had been established were discussed in detail. In particular, while welcoming aspects of the project, it was noted that not all communities who are part of the agreement are involved, and dissatisfaction was expressed that a primary focus of the project appeared to be introducing exotic tree species into the Valley, notably eucalyptus and pine plantations. Opposition was expressed to this activity.

The second Roundtable concluded with a series of decisions to:

- Reconvene the Roundtable involving the traditional authorities, presidents of the communities, CONAF, the Biodiversity Team and other public organisations;
- That when spring arrives meetings will be held in all the communities, jointly with the Biodiversity Team and CONAF;
- That a case by case analysis will be made on access to the uplands in order to examine the geographical space involved and the number of animals and users of the uplands;
- The Roundtable would initiate a process of establishing criteria for the establishment of complementary agreements on access to forest resources in the protected area;
- The Roundtable established the principle of participation and the right to consultation as the basic condition for future work.

The activities within the communities have clearly been more limited than had been hoped. However, the above summary of work by the Biodiversity Team since October provides an illustration of the participatory approaches that are being used by the Team to create a constructive dialogue between the communities, CONAF and other relevant actors in relation to the protected area. In particular, the Biodiversity Team have been pleasantly surprised by CONAF's openness to dialogue and reconfiguring relationships with the communities. This bodes well for the work in the coming year.

Creation of the Project Office:

In January 2007 the Biodiversity Team were able to rent a project office and a small house on Curarrehue. Due to the delay with the collaboration agreement, the sum total of the available equipment at this time was four inflatable mattresses. However, following the signing of the agreement in March the project leader travelled to Chile to assist the Biodiversity Team with purchasing the equipment and consumables necessary for a fully function operational base and the mapping and related work with the communities. We are pleased to report that a fully functional project office has been established in Curarrehue with Mapuche staff. All necessary equipment for the mapping phase of the project has been obtained and a Mapuche specialist in GPS mapping is initiating training for community members in preparation for the summer mapping exercises.

Lancaster University will shortly appoint a Research Associate to be based in Chile (May).

Additional co-funding for the economic component of the project requested by the communities has been applied for from the International Fund for Agricultural Development (IFAD) fund for indigenous peoples.

The project will now proceed as planned with a revised timetable and a revised completion date of the 30th of September 2008.

3.2 Progress towards Project Outputs

Progress towards project outputs has been limited by the factors outlined above. However,

1. A series of 11 community meetings have been realised to discuss the Framework agreement;

2. 2 intercommunity meetings of the eight communities have been held;
3. 2 Roundtables have been held with CONAF;
4. Preparations are underway for the community framework proposals;
5. GPS training for community members is being initiated (April) prior to the survey and mapping phases.

3.3 Standard Output Measures

Table 1 Project Standard Output Measures

Code No.	Description	Year 1 Total	Year 2 Total	Year 3 Total	Year 4 Total	TOTAL
Established codes						
3	12 community members and local staff trained in GPS and surveying techniques					
6A	32 community members trained in the above					
6A	40 members of 8 communities receive training in planning workshops					
6A	40-100 members of communities receive training in sustainable livelihoods					
8	surveying activity					
9	1 environmental resource management plan and supplementary plans					
11A	6 + 2 case studies for CBD					
14A	1 Latin America Regional Workshop					
15B	At least one plus regular radio communications					
20	£48,432					
New - Project specific						

measures						
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Publications

Type * (e.g. journals, manual, CDs)	Detail (title, author, year)	Publishers (name, city)	Available from (eg contact address, website)	Cost £ (if applicable)
N/A				

3.4 Progress towards the project purpose and outcomes

As reported above, we are getting there. The project purpose and expected outcomes remain the same. However, the Mapuche and indigenous specialists contribution will be increased to compensate for the more limited UK participation. This will enhance local project ownership and promote regional networking.

3.5 Progress towards impact on biodiversity, sustainable use or equitable sharing of biodiversity benefits

Too early to be determined at this point.

4. Monitoring, evaluation and lessons

A series of lessons learned have been generated by the project which have potential implications for other Darwin Initiative projects and the terms and conditions. These lessons learned relate to transformations in University policies towards intellectual property and their implications for projects directed towards implementing the CBD in partner countries.

1. Within the UK Universities are increasingly adjusting their policies on intellectual property to reserve the right to determine the uses of intellectual property originating from the work of their staff and students. This forms part of a wider process described in the 2003 OECD report "Turning Science into Business: Patenting and Licensing at Public Research Organisations" centring on the role of intellectual property within the knowledge economy. This represents an emerging new climate for research collaborations in the UK. The most recent review of trends in the UK is the 2003 'Lambert Review of Business-University Collaboration' for the Treasury.

2. Universities, in this case Lancaster, will commonly seek to use a standard contractual formula (i.e. merging copyright, trademark and patents) to reserve rights over intellectual property that may arise and cover potential eventualities for commercialisation. Contract's offices may refuse to change these terms to reflect the demands of non-commercial research, work with vulnerable populations, or the provisions of the Convention on Biological Diversity.

3. University contracts and enterprise offices will generally lack familiarity with the provisions of the Convention on Biological Diversity. In particular, experience at Lancaster reveals that contracts and enterprise offices may actually refuse to recognise the existence of access and benefit-sharing regulations and laws in partner countries affecting material transfers, intellectual property rights and benefit-sharing.

4. Experience at Lancaster suggests that contracts and enterprise offices may seek to reach around Darwin terms and conditions on intellectual property (notably condition 20).

5. Experience at Lancaster suggests that contracts and enterprise offices may refuse to recognise that indigenous and local communities have interests and rights in relation to intellectual property that may arise within projects. In particular, universities may fail to recognise or, in this case, refuse to accept Article 8(j) and related human rights provisions of

relevance to Darwin projects. This could usefully be clarified in the terms and conditions through reference to Article 8(j) and related provisions.

6. Staff and students have ethical responsibilities towards those individuals and communities with whom they conduct research. These obligations are frequently set out in professional ethical codes or are identified in publications on best practice. Many universities are now establishing ethical guidance and review panels. However, ethical issues in relation to intellectual property is a relatively new area and guidance in this area is presently limited. Within this context more attention could perhaps usefully be drawn to a need to ensure consistency with relevant instruments (i.e. the European Convention on Human Rights), the provisions of the Convention on Biological Diversity (i.e. Article 8j) and the relevant guidance of international instruments i.e. General Comment 17 of the CESCR on intellectual property and human rights. But, in practical terms, guidance on best practice within the ethical guidelines of professional associations and related literature could assist Darwin project leaders in understanding and addressing ethical issues in a pragmatic manner.

7. Project leaders may be placed in a difficult position when University officers seek to assert rights as their employer that are contrary to their professional ethical obligations and the provisions of the CBD. Project officers may need to seek independent legal advice in negotiations with their employers regarding such issues. Nevertheless, opportunities to obtain such advice may be constrained by: a) budgets; b) confidentiality requirements for contracts.

8. Project leaders, or staff, may be placed in a vulnerable position regarding their professional ethical responsibilities where the funding for their post is provided by a Darwin project and depends on agreement by University offices with limited, if any, knowledge of the Convention.

9. It may be tempting, and indeed understandable, for project leaders to ignore provisions about intellectual property and access and benefit-sharing in the interests of executing the project. This will be unwise where due account is not taken of the reputational damage that may arise. Accusations of exploitation of indigenous and local communities (or developing countries) in the form of "biopiracy" are extremely difficult to refute in the absence of agreed standards of evidence for alleged misconduct/exploitation.

10. Complying with professional ethical responsibilities is not optional. Ethical considerations are particularly important in projects that involve vulnerable populations such as indigenous and local communities.

11. Respect for the letter and the spirit of the CBD should not be optional. However, it is nevertheless necessary to recognise that some of these issues remain in flux. Projects could usefully be briefed on these issues and advised on areas where caution is required.

Recommendations:

a) The Darwin terms and conditions with respect to access and benefit-sharing and intellectual property may need to be updated to reflect the growing importance of intellectual property within the University sector and a lack of awareness of the CBD within University enterprise/technology transfer offices.

b) As the UK's flagship initiative for the implementation of the Convention on Biological Diversity in partner countries it is reasonable to expect that projects will uphold the letter and the spirit of the Convention. Universities that host Darwin projects could usefully be presented with a briefing pack on the Convention that could be used to explain expectations of grant holders to University officials.

b) Project leaders may benefit from practical guidance and support in addressing intellectual property issues. One potential option would be to consider the example of the Lambert Review of Business-University Collaboration. One of the main outcomes of the Lambert Review was the creation of "The Lambert Model Agreements" to facilitate collaborations between Universities and Business in relation to intellectual property. These agreements consist of five models, a decision guide and guidance notes for selecting the appropriate model agreements.

The Lambert Report:

<http://www.innovation.gov.uk/lambertagreements/index.asp?lvl1=1&lvl2=3&lvl3=0&lvl4=0>

A similar approach could be considered under the Darwin Initiative to assist project leaders in addressing intellectual property issues. Elements of the Bonn Guidelines on Access and Benefit-Sharing could potentially be incorporated into these models. The models could then be provided on Darwin Initiative website as practical (and voluntary) tools for project leaders seeking to meet the Initiative's terms and conditions and facilitate equitable collaborations with a range of actors and institutions. This could usefully include a model for non-commercial research relationships.

c) Attention to ethics is an increasing focus of research projects involving indigenous and local communities and research in relation to the biodiversity and the biosciences more generally. UK researchers have made major contributions to advancing work in this area. Recent examples of developments in guidelines include the International Society of Ethnobiology 'Code of Ethics' (2006) and associated 'ISE Ethics Toolkit Strategy'. The Working Group on Article 8(j) and related provisions will also further consider a 'code of ethical conduct' for research with indigenous and local communities at its meeting in October 2007.

Taking into account the variety of disciplinary backgrounds of Darwin project leaders, familiarity with research ethics and best practice may vary considerably. However, it is reasonable to expect that projects funded by the Initiative will conform with ethical standards and existing best practice for biodiversity related research. Darwin projects could benefit from a resource list for relevant examples of guidelines and best practice for projects that involve indigenous and local communities. Resource books such as Laird, S (ed.) (2002) *Biodiversity and Traditional Knowledge: Equitable Partnerships in Practice* provide very useful discussion, analysis and examples of the issues involved.

d) Monitoring. One challenge with respect to intellectual property and access and benefit-sharing is monitoring whether the terms and conditions of project grants have been complied with (i.e. condition 20). A requirement to inform the Secretariat that patent applications arising from Darwin project funding have been submitted and provide verifiable details of benefit-sharing represents one potential way to address this issue. Such a requirement could contribute to ensuring benefit-sharing and managing risk. However, proposals regarding enhanced disclosure of origin within patent applications and separate debates on certificates of origin/source/legal provenance (or compliance) under the CBD also have implications for the longer term monitoring of compliance. Care should presumably be taken to ensure that the Secretariat does not become overburdened by such considerations.

5. Actions taken in response to previous reviews (if applicable)

6. Other comments on progress not covered elsewhere

7. Sustainability

8. Dissemination

9. .

10. OPTIONAL: Outstanding achievements of your project during the reporting period (300-400 words maximum). This section may be used for publicity purposes

[I agree for ECTF and the Darwin Secretariat to publish the content of this section](#)

Annex 1 Report of progress and achievements against Logical Framework for Financial Year: 2006/07

Project summary	Measurable Indicators	Progress and Achievements April 2006 - March 2007	Actions required/planned for next period
<p>Goal: <i>To draw on expertise relevant to biodiversity from within the United Kingdom to work with local partners in countries rich in biodiversity but constrained in resources to achieve</i></p> <p><i>The conservation of biological diversity,</i></p> <p><i>The sustainable use of its components, and</i></p> <p><i>The fair and equitable sharing of the benefits arising out of the utilisation of genetic resources</i></p>			<i>(do not fill not applicable)</i>
<p>Purpose To strengthen the capacity of Mapuche organisations and communities to participate in the negotiation and implementation of the provisions of the CBD with regard to conservation, sustainable use and community co-management of protected areas</p>	<p>Staff and community members trained</p> <p>Surveys conducted</p> <p>Management plans developed</p> <p>Negotiation phase completed</p> <p>Case studies disseminated to partners and CBD</p>	<p>Initiated</p> <p>Initiated</p>	<p>Training initiated (April)</p> <p>From September 2007</p> <p>November 2007</p>
Project summary	Measurable Indicators	Progress and Achievements April 2006	Actions required/planned for next

		- March 2007	period
<p>Output 1. Capacity of the Mapuche-Pehuenche communities, the Consejo de Todas las Tierras and the relevant national body (CONAF) with regard to conservation and the sustainable and participatory management and use of the Villarrica National Reserve and bordering areas strengthened.</p>	<p>1. Year 1: 40 members from 8 communities trained through: capacity-building and planning workshops and training.</p> <p>2. Year 1: Technical Training of 2 staff from biodiversity team of the CTT.</p> <p>3. Year 2: Regional Latin American workshop held.</p>	Initiated	<p>April 2007</p> <p>November 2007</p>
<p>Output 2. Survey of the natural resources, conservation status, use, and status of traditional knowledge and practices associated with these resources completed.</p>	<p>4. Survey completed by UK team with the participation of the communities and local institutions by the end of the first half of year 2.</p>		<p>Indigenous communities, UK team and indigenous specialists to conduct from September 2007</p>
<p>Output 3. Community resource management proposals</p>	<p>5. Year 1: Minimum of 4 framework community proposals based on established conservation practices and traditional community knowledge and practices elaborated.</p>		<p>2007 period</p>

Project summary	Measurable Indicators	Progress and Achievements April 2006 - March 2007	Actions required/planned for next period
<p>Output 4. A community plan for the participatory management of the Maichin valley and co-management Villarrica National Reserve elaborated.</p>	<p>6. Year 1: Framework community management plan agreed.</p> <p>7. Year 2: Detailed co-management plan agreed.</p>		<p>2008</p> <p>2008</p>
<p>Output 5. Community co-management plan and establishment of a community managed protected area negotiated with CONAF (note re-introduction of community protected area)</p>	<p>8. Year 2: Roundtables between the communities and CONAF established</p>	<p>Initiated</p>	
<p>Output 6. Lessons learned related to the objectives 1.1 and 2.2 of the programme of work on Protected Areas provided to partners and the CBD.</p>	<p>10. 2 Case studies elaborated in the course of the project.</p>	<p>N/A</p>	<p>November 2007</p>

Annex 2 Project's full current logframe

Project summary	Measurable Indicators	Means of verification	Important Assumptions
Goal: To draw on expertise relevant to biodiversity from within the United Kingdom to work with local partners in countries rich in biodiversity but poor in resources to achieve <ul style="list-style-type: none"> • the conservation of biological diversity, • the sustainable use of its components, and • the fair and equitable sharing of benefits arising out of the utilisation of genetic resources 			
Purpose			
<i>To strengthen the capacity of Mapuche organisations and communities to participate in the negotiation and implementation of the provisions of the CBD with regard to the conservation, sustainable use and community co-management of protected areas.</i>	Staff and community members trained Surveys conducted Management plans developed Negotiation phase completed Case studies disseminated to partners and CBD	Reports Surveys Management plans Reports Case studies	Community socio-economic and political situation remains stable. Community leadership and CTT staff remains committed to project implementation CONAF remain committed to participation and negotiation.

Outputs			
Capacity of the Mapuche-Pehuenche communities, the Consejo de Todas las Tierras and the relevant national body (CONAF) with regard to conservation and the sustainable and participatory management and use of the Villarrica National Reserve and bordering areas strengthened.	1. Year 2: 40 members from 8 communities trained through: capacity-building and planning workshops and training. 2. Year 2: Technical Training of 2 staff from biodiversity team of the CTT. 3. Year 2: Regional Latin American workshop held.	1. Workshop materials, reports and list of participants. 2. Course inscriptions and certificates and records of attendance. 3. Workshop report, material and list of participants.	Community leadership and CTT staff remain willing and available to participate in training and capacity-building component.
Survey of the natural resources, conservation status, use, and status of traditional knowledge and practices associated with these resources completed.	4. Survey completed by the project team with the participation of the communities, local institutions and the UK team by the end year 2.	1. Survey report	Permits to operate in the Reserve granted by CONAF; Villarrica volcano remains stable.
Community resource management proposals	5. Year 2: Minimum of 4 framework community proposals based on established conservation practices and traditional community knowledge and practices elaborated.	1. Copies of 4 framework proposals	Ongoing community engagement.
A community plan for the participatory management of the Maichin valley and co-management Villarrica National Reserve elaborated.	6. Year 2: Framework community management plan agreed. 7. Year 3: Detailed co-management plan agreed.	1. Copy of framework community management plan 2. Copy of detailed co-management plan	Consensus among the communities achievable.

Community co-management plan and establishment of a community managed protected area negotiated with CONAF (note re-introduction of community protected area)	8. Year 2: Roundtables between the communities and CONAF established.	1. Reports and lists of participants in roundtables 2. Formal agreements	CONAF remains willing to negotiate co-management Villarrica National Reserve. Full Community consensus on establishment of a community managed protected area and successful negotiation with CONAF.
Lessons learned related to the objectives 1.1 and 2.2 of the programme of work on Protected Areas provided to partners and the CBD.	10. 2 Case studies elaborated in the course of the project.	Copies of the case studies	Above outputs available.
Activities	Activity Milestones	Assumptions	
Planning and capacity-building workshops	Year 1: Project steering committee established; Year 1 & 2: 3 inter-community planning workshops; 3. 8 local community workshops each year. Year 2: Regional Latin American workshop on community/co-management of protected areas.		

<p>Training in surveying and participatory research methods</p>	<p>Year 2. 8 young community members and 2 CTT staff trained by UK staff in cooperation with local institutions in: GPS mapping, remote sensing; sampling techniques, procedures and analysis; and socio-economic surveying (months 1-6). Training of 32 young community members in the same fields (months 6-12).</p>	
<p>Survey</p>	<p>Socio-economic and environmental survey including, zoning and resource mapping and impact assessment by 4 interdisciplinary and intercultural teams of 6 persons (September Year 2).</p>	
<p>Elaboration of community proposals, management plans and case studies</p>	<p>Year 2: Minimum of 4 community framework resource management proposals. Year 3: Framework community management plan agreed. Year 3: Detailed management plan Year 2 & 3: 1 case study per year elaborated by community member/s and CTT staff.</p>	

Negotiation roundtables	Roundtables between communities and CONAF (2 in year 1 and 4 in year 2).	
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Annex 3 onwards – supplementary material (optional)

Checklist for submission

	Check
Is the report less than 5MB? If so, please email to Darwin-Projects@ectf-ed.org.uk putting the project number in the Subject line.	X
Is your report more than 5MB? If so, please advise Darwin-Projects@ectf-ed.org.uk that the report will be send by post on CD, putting the project number in the Subject line.	N
Do you have hard copies of material you want to submit with the report? If so, please make this clear in the covering email and ensure all material is marked with the project number.	N
Have you completed the Project Expenditure table?	Y
Do not include claim forms or communications for Defra with this report.	N