

Malaysia's experience on ABS Model Contract

**ASEAN ABS Capacity Building
Workshop, Hanoi, Viet Nam,
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Experience 1: TK documentation in Peninsular Malaysia

- TK documentation in Peninsular Malaysia by FRIM (2006 – present)
- To date, covered documentation of 14 tribes (out of 18, 3 tribes do not practice TK)

Objectives:

- To safeguard TK from extinction and misappropriation.
- To identify potential use of BR for medicinal purposes with the aim of developing them (and share the benefits with ILCs).

The process

- A formal request to the Department of Orang Asli Development through an MOU
- Rapid rural appraisal on selected communities, which include:
 - site visit to obtain information from communities
 - how ILC uses BR in their daily life such as for medicinal purposes etc.
 - provide indication whether the community is keen to learn more about the project.
- Consent from village headman obtained.
- Written consent -PIC.

PIC form

Content:

- Title/purpose of access
- Name, identity card number and address of household heads.
- Agree to share information (including household survey conducted in May 2008) with FRIM.
- Use of information provided: non-commercial publication (printed or electronic) and development of TK database
- Name, identity card number and signature/thumb print of household heads.
- Name, identity card number and signature/thumb print of witness.
- Date of signature.

Experience 2: State ABS Standard Agreement

Research agreement

Content:

- Name of researchers/organisation
- Research title
- Types of sample to be collected and area/location
- Duration of period of research under the agreement
- Specimen to be given to SBC, together with information & data
- Fees-depending on types of species, parts, quantum
- Condition for foreign researcher: work with local collaborator
- SBC's right to access to research result
- IPR application – need PIC
- BS- to be shared in quantum MAT by both parties
- BS with ILCs when there is interface with ILCs
- Standard clauses – termination, governing laws, non-exclusive nature of agreement, notices (in writing), arbitration, cost, liability for damage or loss & other terms and condition.

Thank you