

Bio-cultural Community Protocol and Customary Laws

The Role and Rights of Peoples and Local Communities, and TK: Atty. Jennifer Corpuz, Tebtebba Legal Desk Coordinator

The involvement of indigenous peoples (IPs) in the CBD and ABS negotiations were discussed. She also discussed the rights of IPs and local communities under the Nagoya Protocol, which are to own, use, develop and control their genetic resources and TK. Other topics were use of customary law or community protocols as part of the compliance mechanism.

Developing ABS Regulations: The Sabah Perspective: Dr. Abdul Fatah Amir, Sabah Biodiversity Center Director

Sabah's biodiversity governance approach and the role of the Sabah Biodiversity Centre in ABS were highlighted. Cited three steps for Sabah to reach ABS "maturity": the need to finalize the ABS toolkit, developing an ABS community protocol, and testing new ABS approaches and strategies.

Community Protocols: Mr. Harry Jonas, Natural Justice

Natural Justice's work on community protocols. He discussed community protocols in the Nagoya Protocol, the complexity of biocultural diversity, and community-level pressures that affect IPs and ABS were presented. Biocultural community protocols are not the perfect solution, but they allow communities to identify their management of TK and customary laws associated with genetic resources. These allow communities to develop protocols and engage outsiders in ABS issues. He presented a case study on Traditional Healers in Awareness-raising for ABS.

Country Experiences and Cases of Actual ABS Model Contract (Pre-Nagoya) - Malaysia

Malaysia's experience in ABS model contracts, particularly TK documentation in Peninsular Malaysia and the State ABS Standard Agreement was presented. The first experience concerns TK documentation being conducted by the Forest Research Institute of Malaysia (FRIM), whose objective is to safeguard TK from extinction and misappropriation, and identify potential use of biological resources for medicinal purposes with the aim of developing such resources and sharing the benefits with the indigenous local communities (ILCs). The process of TK documentation, which includes a formal request to the Department of Orang Asli Development (a government agency dedicated to ILCs) through a Memorandum of Understanding was presented. This is followed by a rapid rural assessment on selected communities, which will then provide their consent through their village headman, which in turn will be translated into written consent or PIC. The second experience focused on the experience of Sarawak State, specifically the newly developed standard agreement. The contents of the Standard Agreement were presented and explained. Discussions focused on the nature of TK documentation, which is essentially conducted to screen if there are any potentials for development in the biological resources. The United Nations Development Programme (UNDP) funded a FRIM project to do pilot cases with two communities, and this was mentioned during the activity. It was also clarified that the first experience presented talks about a written consent in local language, a

safeguard in the absence of an ABS law. The second experience was an example of a Standard Agreement (in English) in a State that has an established ABS law, which can be modified according to the specific cases of the ABS agreement.

Indigenous Peoples and Local Communities, Health and Well-Being, and Traditional Knowledge

The conference stressed that indigenous peoples and local communities (IPLCs) play a very important role in protected area management. There is a continuing need to build the capacities of local communities on protected area management and to actively involve them in biodiversity conservation. IPLCs possess a wealth of traditional knowledge which can be harnessed and adopted by PAs. At a larger scale, the Asian region needs a paradigm shift by rediscovering and celebrating its ancient wisdom, traditional ecological knowledge, and philosophy in developing contemporary approaches in protected area management. The Community Protocol can facilitate an increased awareness and better understanding of the community on the customary sustainable uses of biodiversity, the protection of their traditional knowledge, and the related policy and legal frameworks such as on access and benefit sharing.

Documentation of TK on Medicinal and Aromatic Plants Used by Orang Asli Peninsular Malaysia

Dr. Norini Haronof introduced the documentation of the TK on medicinal and aromatic plants used by Orang Asli Peninsular Malaysia. She presented an overview of selected issues and challenges in documenting TK, including the issues of biopiracy, protection and documentation, and dissemination and loss of bioresources. Also discussed was TK research under the 9th and 10th Malaysia Plans as well as the current status of the documentation process, including the laboratory analysis they conducted from the collected resources and the benefits gained from the endeavor.

The importance of ensuring that the local community is involved, informed, empowered and acknowledged from the outset was clearly highlighted in the presentation. The process of rapid rural appraisal, which they conducted, was explained. The local community was given the opportunity to understand what was happening around them, discuss matters openly, and have local community members included as part of the National Technical Working Committee. It is the concept of giving back to the community, teaching them, and making them involved. The importance of getting the PIC of the local community was also noted.

Indigenous TK in Peninsular Malaysia: Phytochemical and Bioactivity Screening

Dr. Nik Musa'adah Mustapha made a presentation on the research activities being conducted by her organization, including TK awareness workshops, obtaining of PIC, socio-economic survey, documentation and specimen collection training, sample collection, and phytochemical and bioactivity studies of selected species. The TK documentation process was also explained. It included selecting community and tentative sites, followed by the rapid rural appraisal, a household survey (PIC 1), a capacity-building workshop (PIC 2), and documentation in the TK database and TK Website. The process involved in selecting species was also discussed, specifically of species that are commonly used or popular in the community; the medicinal uses of such species, which are not publicly available; species that are traditionally used for fever,

infection, diabetes and personal care, among others; and the availability of such species. The process of the phytochemical and bioactivities screening was also explained.

Dr. Mustapha highlighted the importance of holding meetings and discussions with the local community to inform them of the results gained from the analysis, to preserve and maintain TK, and to empower the local Orang-Asli community. She mentioned the potential product development and benefit-sharing with the communities from the ACB-UNEP-GEF Regional Project on ABS.

Indigenous Involvement in Documenting Traditional Medicinal and Aromatic Plants

Mr. Norya Abas explained the reasons of the local communities for being involved in the TK project, which are to protect the intellectual property of their TK and the loss and erosion of their TK over the years. He focused on the point that FRIM's approach is very practical and beneficial to his community. The community has a good relationship with the FRIM researchers.