

MURUT TAHOL COMMUNITY PROTOCOL

Naufasan Tavol



Traditional Resource Management Practices of
the Murut Tahol Community in
Alutok, Ulu Tomani, Tenom

2018

Murut Tahol Community Protocol

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Published By:

PACOS Trust (Partners Of Community Organizations in Sabah)

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This documentation was produced with funding from the Commonwealth Foundation. However, all information and views presented in this document in whatever form cannot be taken as officially reflecting the views of the Commonwealth Foundation.

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Glossary

Murut Language	Meaning in English
<i>Iningaan Mai</i>	Customary area / territory
<i>Naufasan / Naulayan</i>	Practice / System
<i>Ikaa Ulawan</i>	Continuous
<i>Kalawon</i>	Individuals who have knowledge and experience such as in hunting, forest resource gathering and fishing in rivers.

Foreword

Sabah is blessed with incredible cultural and biological diversity as well as legal pluralism. As the Chief Judge of the High Court of Sabah and Sarawak and the Chairman of the Native Laws, Materials and Cases Committee, respectively, and as proud Indigenous people ourselves, we know first-hand that respect for this diversity requires recognition of the deep connections between Indigenous peoples, our customary laws and the environments upon which we depend. It also requires recognition of the diverse worldviews, rights and responsibilities of Indigenous peoples, including to protect and maintain our customary territories and ways of life and to define our own development paths.

This community protocol, developed through an intensive participatory process over more than three years, is an embodiment of this cultural, biological and legal diversity. It showcases how closely the community's identity, culture, *adat* and ways of life depend upon their territory and natural resources, and how much they want to sustain them for current and future generations. The protocol also does not shy away from the realities on the ground. The community is facing challenges, but they set out how they would like to address those challenges in a respectful manner, drawing on customary, state and international law.

As lawyers and judges, we know that procedural rights of access to information, participation in decision-making and access to justice are also crucial to upholding the rule of law and achieving sustainable development. Under international law, all stakeholders have the responsibility to respect Indigenous peoples' right to provide or withhold free, prior and informed consent before any activities that may affect them or their territories. In any situation of disagreement or conflict, it is incumbent upon all parties to listen respectfully and seek a fair, equitable and culturally appropriate resolution.

Every living being on Earth depends on a healthy environment for survival and well being. Indigenous peoples are often on the frontlines of efforts to protect, conserve and restore the environment. However, they are also increasingly under threat for the same efforts. Everyone has a

responsibility to defend and support those who are defending the environment - for their sake and ours, and for the sake of the planet.

Overall, this community protocol illustrates the strength and resolve of Sabah's Indigenous peoples and the importance of supporting them to share in their own voices their plans, priorities and visions for the future. Through the participation of community representatives in meetings of the Native Laws, Materials and Cases Committee, we have heard their story personally and commend them for their efforts. They are leaders not just within their communities but also in Sabah and Malaysia as a whole. We acknowledge and applaud this community and others in Sabah who have taken the time and care to document their *adat* and protocols. They are a source of pride and strength for our people and we encourage all fellow Sabahans and Malaysians to join us in supporting them.



Tan Sri Datuk Seri Panglima Richard Malanjum
Chief Judge of Sabah and Sarawak



Datuk Douglas Cristo Primus Sikayun
Retired High Court Judge of Sabah and Sarawak
Chairman of Native Laws, Materials and Cases Committee

Background

This protocol made by the Alutok community is meant to document the traditional knowledge and resource management practices of the Murut Tahol in Alutok, Ulu Tomani. It is a result of community documentations and inputs from community representatives during community workshops organized by PACOS Trust with funding from the Commonwealth Foundation from 2015 to 2018.

Several people have contributed to the production of this community protocol. First and foremost, acknowledgement is given to the community representatives who have provided input and carried out the documentation. We also would like to thank PACOS Trust and all individuals who have directly or indirectly contributed to the realization of this community protocol.

This protocol has been consolidated and refined by the PACOS Trust team and has gone through a review process with community representatives to ensure the information contained within is authentic and is truly according to the views and wishes of the community.

What is *Tavol*?

Naufasan Tavol is a form of Murut Tahol traditional knowledge in management of natural resources. *Tavol* means protection or prohibition of against conducting activities and resource collection without agreement from the community. *Tavol* covers the *Iningaan Mai* area which includes forests, rivers, water catchments, sacred sites and resource collection areas such as for traditional medicine and handicrafts.

Background of the Murut Peoples

“Before the arrival of outside influences into the lives of the Murut peoples in the interior, they did not refer to themselves as Murut. The Murut peoples themselves do not know the meaning and origins of the word ‘Murut’.

Seeing as the word ‘Murut’ is not understood by the Murut peoples themselves, strengthens the notion that the word ‘Murut’ was given by outsiders and not from the Murut communities themselves.

According to John Hunt in his notes during the year 1812, ‘There is one group known as the ‘Moruti Peoples’ that live in Borneo Proper (Brunei) at the time’. There are Western Authors that suppose that the word Murut is taken from that group of people. There are also those that say the word Murut came from Murud Mountain in Sarawak. Whatever the supposition, there is no validity in their proposition that strengthens those suppositions. Regardless, the meaning of the word Murut is defined as ‘Forest Dweller’.”

(Source: ‘Kalawon Ontoros Antanom. Mempertahankan Kemerdekaan Negeri Murut’, by R. M. Jasni (2012), p. 12-13)

The Murut peoples can be divided to various ethnic groups according to the area and place where they flourished (according to the interpretations of Sabah Natives in the 2003 proposed enactment):

Murut Ethnic	Geographical Location
Alumbis	Pensiangan, Tahol Ulu Tomani, Sungai Alumbis Sabah—Kalimantan Indonesia Border
Baakan	Ulu Kinabatangan, Ulu Sook, Keningau, Lanas
Gana	Bingkor, Keningau and Apin-Apin
Kalabakan	Kalabakan, Tawau
Kolor	Merapok and Long Miau, Mailo, Pamulian, Tenom
Lundayeh	Tenom, Sipitang, Sindumin and Mengalong
Mokioliga	Sepulut, Padas Tenom
Nabai	Keningau, Bingkor
Paluan	Nabawan, Pensiangan, Kemabong
Pamatang	Ulu Padas and Sipitang
Rundum	Rundum, Pensiangan
Salilir	Pensiangan, Saliliran, Kalimantan Indonesia Border
Selungai	Pensiangan, Semambu-Rundum, Maligan, Tagol, Tolokoson, Tomani
Sembakung	Melalia, Kabul, Perbatasan Kalimantan
Serudung	Serudung, Kalabakan, Tawau
Simambu	Sapulut, Pensiangan
Tagol/Tahol	Keningau, Tenom, Pensiangan, Sipitang, Kemabong, Tomani
Takapan	Keningau
Tengara/Tangaran	Kuamut, Kinabatangan
Timugon	Beaufort, Keningau, Tenom, Melalap, Padas, Senagang
Tolokoson	Sungai Tolokoson, Tenom

(Source: 'Kalawon Ontoros Antanom. Mempertahankan Kemerdekaan Negeri Murut', by R. M. Jasni (2012), p. 11-12 and the Alutok community)

***Tavol* and Murut Tahol Culture**

Murut people have a very unique culture in Sabah. In the past, our lives were very dependent on hunting game and catching fish in the river. A person who has customary and traditional knowledge such as in hunting as well as forest and river resource gathering in the village is considered a *Kalawon*, a person who is knowledgeable and respected.

Ceremonial gatherings are a part of Murut life that is still practised today. Murut people usually hold ceremonial gatherings or unique festivals by celebrating day and night for a week.

The most unique ceremonial gathering for the Murut is marriage or "***Tina'uh /Ansakoi***". Marriage is considered an important ceremony and the most important part is during the delivery of the last wedding gifts.

For the wedding ceremony, hunting and gathering forest resources is important to the community. The game and resources gathered are essential components in carrying out the ceremony. Adequate preparation is needed and it takes about a year or according to the period of engagement decided to make the preparations. Families from both sides will make the preparations which includes hunting game, collecting wild forest vegetables and fishing.

To ensure game and food resources from the forest and river such as fish are enough and would be continuously available for future use, we have a traditional *Naufasan/Naulayan* (practice) that has been used since our ancestors' time known as *Naufasan Tavol*.

If considered in current times, *Tavol* is the care of a specific area, with the purpose of controlling resource collection from overharvest in the *Iningaan Mai* to ensure resources do not go extinct.

In addition, this *Naufasan* also gives opportunity for animals to continue reproducing in *Iningaan Mai* areas to provide for the daily needs of the community.

Tavol is not only practised during wedding preparations, but also for events such as *Kukula'* (cockfighting festival) and *Kitanan* (100th day of mourning).

History of Alutok Village, Ulu Tomani

The history of Alutok Village has its origins in stories from our ancestors of a time long ago where only the Tomani River area was known as a place for hunting and fishing. Anybody who went hunting or fishing will surely have a bountiful harvest because at that time the river and forest was still *himbaan* (virgin forest). At that time, many people came to hunt or fish from all over the place such as Telokoson, Pangulobon, Bakuku and Mahunsop.

One day, while fishing, a few people found a very deep pool which had a stone in the middle. They found that the water that flowed from the stone was always murky even though it had not rain. In our language, murky water is known as *alutok*. They tried to find the source of the murkiness but could not find anything. From that incident, the story of the stone that produced *alutok* water spread and many people came to see that stone.

Until one day, the community that always went hunting in that area found that the area was very suitable for agriculture, especially paddy. They made the decision to settle in that area and named it Alutok Village. The population of Alutok Village came from Anampui Village, Ulu Padas, Sipitang; Tolokoson Village; Kundai Village; Salair Village; and Sungai Tahol Village, Pensiangan. We started settling down in Alutok in the 1940s and to this day, we have been here for three generations.

Implementation of *Tavol*

Before making any plans or implementing *Tavol* in an area, a few aspects have to be taken note of to ensure the plans can be carried out well and successfully. Before an area is implemented with *Tavol*, discussions must be carried out by the community to obtain consensus. *Tavol* cannot happen if there is any internal problems or conflict in the community.

Management of *Tavol* is under the jurisdiction of the individual who has the need, and endorsed by the village chief. When an area is determined for *Tavol*, the village chief will be responsible for announcing to the community and the neighbouring villages of the *Tavol* boundaries and time period.

In implementing *Tavol*, elders and experts have to be consulted as well. Consulting elders who are more knowledgeable of the area is essential. Usually, the information obtained from the experts are of boundaries with other villages and historical sites.

Normally, the areas chosen for *Tavol* include hunting grounds, water catchment areas and *Iningaan Mai* areas. Areas for *Umoon-mai* (rotational farming) and for daily resource collection, as well as areas for collection of handicraft materials and traditional medicine are not included in the *Tavol* area.

In the past, the boundaries of a *Tavol* area is determined by rivers, ridges and hills. The advancement of technology in current times has helped in determining the *Tavol* area through a mapping process in the *Iningaan Mai*. This mapping enables our community to see the *Tavol* area in the customary territory as a whole in the map produced.

The size of a *Tavol* area cannot be valued in numbers, but what is certain is that it is found within the *Iningaan Mai* and includes hunting grounds, the community forest and water catchment areas. Adding to the *Tavol* area can be done based on the needs of the community and will be discussed within the community.

In a situation such as a wedding ceremony, the time period an area is placed with *Tavol* correlates with the period of engagement for the

couple that is about to be married. As an example, when a newly engaged couple decides to have a six months engagement period before having the wedding, that same six months period would be the period of *Tavol* placed. When the wedding date nears, the family members of the couple will enter the *Tavol* area to collect the resources needed during the ceremony.

Once the wedding ceremony is over, the *Tavol* area specially invoked for the couple also ends. The *Tavol* area would then be allocated to another family that require the resources for their own ceremony or activity which they are going to hold. Thus, the *Tavol* system is done in a continuous and rotational manner.

Role of Women

The role of women in the *Naufasan Tavol* can be seen through their involvement in decision-making to identify areas outside *Tavol* for the daily needs of the community. This takes into account the areas which are normally used to collect daily food resources, or active areas for food such as *paku pakis*, *umbut*, and fishing. Not to mention, areas identified as places for handicraft materials such as bamboo and rattan are also taken into account.

Women have an integral role in preparing the handicrafts needed for wedding ceremonies such as *silaung* (hat), *apin* (mat), *vuyung* (basket for carrying items) and *tikalis* (or *nyiru*, a tool for cleaning or separating hulled rice from husk). The number of handicrafts that are required to be prepared for the ceremony is usually in the range of 200 pieces or more according to needs.

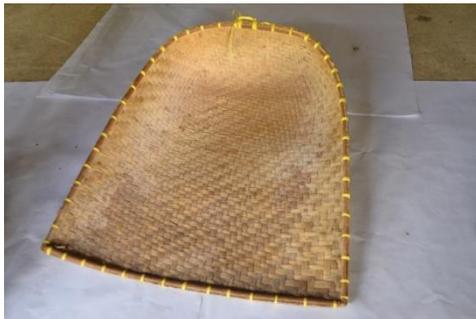
***Silaung* (Hat)**



***Apin* (Mat)**



***Tikalis* (Tool for cleaning or separating hulled rice)**



Vuyung (Basket for carrying items)



Hahau (Equipment to carry baby)



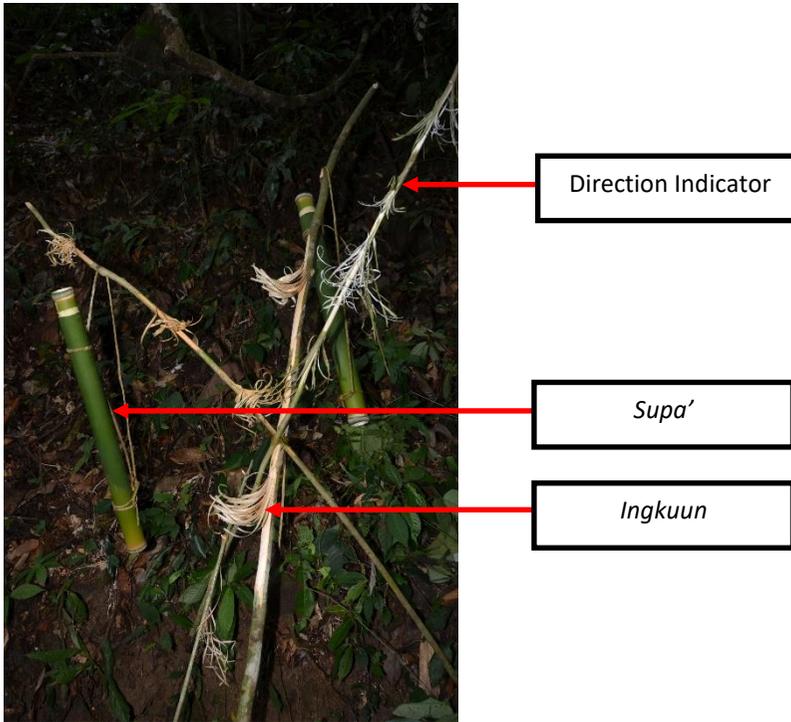
Role of Men

Men play an integral role in hunting for game and collecting resources such as firewood and building materials. Thus, *Naufasan Tavol* is important to ensure that the resources needed by the community are continuously available and do not go extinct.

Sapu'k (Sumpitan)



Markers to know whether an area has *Tavol*:



The picture above shows the markers of an area that has been placed with *Tavol*. Every detail of the markers has its own meaning. The ends of the sticks that have been crossed and tied together shows the directions of the prohibited area. For example, ridges and hills. *Supa'* is container where they will place pickled meat or fish. While *Ingkuun* is a type of wood carving in the form of sliced strips that shows the symbolic motifs of the Murut. This picture is also an example how other communities know that the area has *Tavol* and that they are prohibited from entering this area.

Ingkuun - *Tatandu* (marker) of Murut motif



Supa' - Container for keeping pickled meat or fish



The number of *supa'* to be prepared (for example, before a wedding ceremony is conducted) can be up to 200 to 300 pieces. During *Tavol*, the bride's family will first enter the forest to hunt for the animals required to make the pickle which will be placed in bamboo (*supa'*). All the *supa'* that has been prepared will then be buried in the ground. After two to three months (when the pickle has matured), the family members will once again enter the *Tavol* area to collect other resources required for the wedding preparations.



Preparing the marker for the *Tavol* area.

During the open season of *Tavol* (when family members enter the forest to collect resources), fish in the river can be caught with the help of *tobah* such as the following:

1. *Sakut* – Fibrous root (potato)
2. *Ruruang* leaf
3. *Tindok* – Tree climbing root

4. *Kuom* leaf – Leaf of Kepayan tree
5. *Tabayan* – Tree climbing plant
6. *Hanggasing* – Tree climbing plant
7. *Ondop* – Tree
8. *Sonsonon* – Tree
9. *Tulasikon* – Tree climbing plant

These plants will be crushed on a rock and soaked in the water to "intoxicate" (weaken) the fish in the river. The strength of the *tobah* can reach up to two miles and will neutralize itself (no poison) so that fishes will not be killed. All of these plants come from the forest and have been tested and proven to have no ill effects when eaten since our ancestors' time.

Fishing equipment made and used by the Murut:

1. *Tamu/pahal*
2. *Tampaah*
3. *Bangkala*
4. *Ambong*
5. *Saluir marangkau*
6. *Pakang*
7. *Sondou*
8. *Amparawai*
9. *Rambat*
10. *Pukat*

If the resource collection exceeds the *Tavol* area, then action must be taken against the person who is in charge of that *Tavol* according to village customs.

Enforcement

The village chief holds the power in the management of *Tavol*. He/She will announce the implementation of *Tavol* to the community and surrounding villages, including the boundaries, the time period, the family whom the *tavol* is for, and the rules, fines and *Sogit*.

If a person is found to have violated the rules intentionally, then a fine and *Sogit* will be imposed. Both of these will be imposed on individuals from our village and also to any outsiders that enter or take any resources from the *Tavol* area.

Sogit for those that violate the *Tavol* rules include one livestock [pig as big as five *jengkal* (length between middle finger to the thumb at horizontal position in an L-shape)] and RM500.00 (five hundred ringgit).

Offenders who were unable to get anything from the forest will still be penalized the same because they violated the *Tavol* prohibition.

If the offender did managed to get a kill, be it on land or river, his kill will also be added to the penalty according to the price per kilogram in the market or decided by the community. The payment of the *Sogit* and game value will be given to the individual/family for whom the *Tavol* was established for. Any person found to have violated the *Tavol* more than once will have a higher penalty based on the decision made and will be referred to the Native Court.

Importance of *Naufasan Taval*

Customs and Culture

In Murut culture, hunting is a *Naufasan* that has been practised since our ancestors' time. Therefore, the extinction of animals or resources in the *Iningaan Mai* can happen if there is no control or management system in place. *Taval* is practised to ensure resources in the *Iningaan Mai* is maintained and this traditional knowledge can be passed down to future generations.

Furthermore, through *Taval*, the community is taught to be more cooperative and it instils a sense of responsibility in them. The success of any given *Taval* depends on the cooperation within the community.

Traditional customs or customary law can also be strengthened through *Taval*. The whole community has to follow the customary law or rules that has been decided together and will feel ashamed if they violate the rules.

Natural Resources

In the balance of natural resources, *Taval* ensures that there is continuity of resources. Through this *Naufasan*, human activities can be controlled.

All manners of development or activities that can negatively affect the natural resources available is controlled and handled immediately without conflict such as fights.

Community Challenges

One of the challenges faced by our community in implementing the *Tavol* system is encroachment in the *Tavol* area by our own community members, nearby communities and outsiders. This encroachment happens because some villagers have a lack of awareness and do not respect the traditional customary rules of the village. Furthermore, there are a few who are poor and desperate to find a source of income from forest resources. Encroachment from outsiders and surrounding communities, on the other hand, happen intentional or unintentionally.

Another challenge is open burning nearby and even inside the the *Tavol* area. This will disturb the ecosystem and also damage the resources within the area. We also feel that our *Iningaan Mai* area is becoming more and more limited and cramped. Overlaps with the forest reserve and logging company concession as well as other government plans that do not align with our aspirations have caused our *Iningaan Mai* us to feel squeezed in.

Other than that, there is also a lack of cooperation in the community and our relationship with the government needs to be improved. *Naufasan Tavol* is also less practised by the youger generation due to modernization and lack of exposure to traditional practices and customs. Globalization has made our community more prone to conventional ways of management and has provided alternative resources in daily life. This has caused many youth to have a lack of interest and understanding of their own identity.

Community Initiatives

To overcome these challenges, we the community of Alutok have taken several initiative. One of them is to conduct activities to raise awareness and understanding of *Naufasan Taval* and its importance together with community members, village leaders and stakeholders. In addition, we also hold exhibitions on this *Naufasan* in the village as well as on the district and state level.

We will distribute this *Taval* protocol to community members, village leaders, the Native Court and elected representatives. With this documentation, we hope that support and cooperation from the community, village leaders and stakeholders will improve.

We will also hold workshops together with stakeholders to improve the cooperation between our community and these stakeholders, namely the Sabah Forestry Department, the Wildlife Department and the company Sabah Forest Industries in sustainable forest and resource management. In addition, we will highlight zoning in our *Iningaan Mai* area to stakeholders for support and to tell them that our Murut Tahol community is able to govern our customary territories. Besides that, we will form a monitoring plan and place signboards in our *Iningaan Mai*.

Passing down knowledge is important to ensure the continuity of our identity as Murut Tahol. Hence, we wish to pass down our knowledge to the younger generation in our community by promoting *Naufasan Taval* through the celebration of *Orou Taval* (*Taval* Day) which will be celebrated every year. We believe that through this initiative, the younger generation will practise and pass down this knowledge to the next generation.

Community Hopes

Through this protocol, we hope that this traditional practice will continue. We believe that as long as we have our resources, this practice will continue. We also hope the community, especially the younger generation, village leaders including also elected representatives in the State assembly and Parliament will give their full support to this practice. Furthermore, we hope government agencies such as the Forestry Department, Wildlife Department, Agriculture Department, Environmental Protection Department and Health Department as well as NGOs and companies will support our aspirations.

We also very much hope that this traditional practice can be passed down to the younger generation as well as future generations. We are confident that with this practice, our resources will be maintained and we will have a source of income, specifically in socio-economy. This can give job opportunities to youths that return to the village and at the same time give them pride in their identity as Murut Tahol.

Conclusion

Through *Naufasan Taval*, we can see that the traditional knowledge of Indigenous peoples can contribute to the sustainable management of natural resources. It is important to educate and pass down this knowledge to the younger generation now to ensure that it does not disappear. Hence, this documentation of *Naufasan Taval* can be used as a reference for years to come and contribute to the maintenance of Murut Tahol customs and traditions.

This book has been made to document the traditional knowledge of Indigenous peoples, more specifically the Murut Tahol in the Ulu Tomani area. The villages involved are Alutok, Kaang and Malutut. The purpose of this documentation is to be made as a reference for the younger generations so they do not lose their heritage against modern development.

Besides that, this documentation also explains to the public how dependent the Murut are to the forest and its natural resources. The culture of the Murut peoples cannot be separated from the natural environment. This documentation also educates outsiders that Indigenous peoples generally have value and sustainable resource management systems to ensure biodiversity is always conserved to be passed on to future generations.

Through this documentation it is also hoped that understanding and views of Indigenous systems and practices in natural resource management is accepted and made a reference in line with modern systems of sustainable resource management.

Annex

Rights of the Murut Tahol Community in Alutok, Ulu Tomani

1. International Laws

- **United Nations Declaration on the Rights of Indigenous Peoples, UNDRIP**

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with Indigenous peoples, Malaysia and the state of Sabah specifically, shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their

free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

- **Convention on Biological Diversity**

Article 8(j):

Malaysia and the state of Sabah specifically, shall respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.

Article 10(c):

Malaysia and the state of Sabah specifically, shall protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

2. Sabah State Laws

- i. **Sabah Biodiversity Enactment - Section 9(1)(j):** The Sabah Biodiversity Centre shall establish or cause to be establish a system for the protection of biological resources or associated relevant knowledge so that the native and local communities shall, at all times and in perpetuity, be the legitimate creators, users and custodian of such knowledge, and shall collectively benefit from the use of such knowledge.

