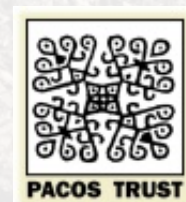


Report of the  
Community Conservation  
Resilience Initiative in



# Sabah, Malaysia





## Country report on Sabah, Malaysia Community Conservation Resilience Initiative (CCRI) April 2018

**Author:** Lysandra Chin Voon Oi

**Editor:** Holly Jonas

**For more information:** <http://globalforestcoalition.org/resources/supporting-community-conservation/>

**Cover photo:** Efforts have been made by communities to replant damaged areas with mangrove trees.  
PACOS Trust/GFCC

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### Disclaimer:

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## ACRONYMS & ABBREVIATIONS

BMU	Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
CBD	Convention on Biological Diversity
CCA	Community Conserved Area
CCRI	Community Conservation Resilience Initiative
EIA	Environmental Impact Assessment
FPIC	Free, prior and informed consent
G6	<i>Gabungan 6 Kampung</i> (combined group of six villages in Pitas)
GEF-SGP	Global Environment Facility Small Grants Programme
GOMPITO	<i>Momogompi, Moinigolig, Tinungkusan om Kotolunan Tokou</i> (Kiau)
GSI	Global Support Initiative for ICCAs
ICCA	Indigenous peoples' and community conserved territories and areas
JOAS	<i>Jaringan Orang Asal SeMalaysia</i> (Indigenous Peoples Network of Malaysia)
NGO	Non-governmental organization
NTFP	Non-timber forest product
PACOS	Partners of Community Organizations in Sabah
SDGs	Sustainable Development Goals
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

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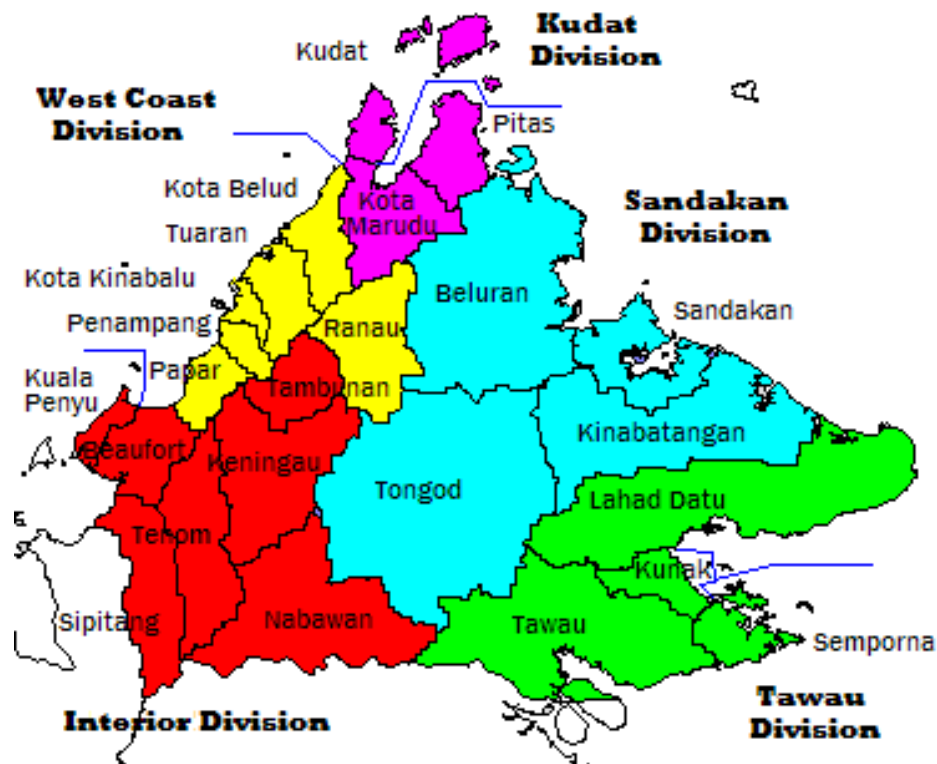
## **1.0 Introduction**

The Community Conservation Resilience Initiative (CCRI) in Malaysia was undertaken in the state of Sabah by Partners of Community Organizations in Sabah (PACOS) Trust, a community-based organization dedicated to supporting indigenous communities in Sabah with over 30 years of experience. Beginning with an initial seed grant from the Global Forest Coalition in 2015 as part of the CCRI, PACOS embarked on a three-year project (2015-2017) with independent funding secured from the Commonwealth Foundation. The overall aim was to increase the resilience of indigenous peoples' customary institutions and natural resource stewardship systems in Sabah through constructive engagement with decision-making processes that affect them. Involving five communities from different parts of Sabah, each facing different issues, the project set out to document customary institutions and natural resource stewardship systems, to strengthen local and international networks, and to engage with policy- and decision-makers to improve implementation of supportive laws as well as promote legal and institutional reform. Through this process, it was hoped that the communities would have greater capacity to implement their self-determined plans and priorities, and that regional and international networks, as well as State and international laws, policies and institutions, would recognize and support their resource stewardship systems.

## **2.0 Geographical Location of the CCRI**



**Figure 1:** Map of Malaysia (source: United States Central Intelligence Agency (2002) via commons.wikimedia.org)



**Figure 2:** Map of Sabah and its administrative divisions (source: Kawaputra via commons.wikimedia.org).

Located in the northernmost part of the island of Borneo, Sabah is the second largest among the thirteen states in Malaysia, covering an area of 73,904 square kilometres. Separated from Peninsular Malaysia by the South China Sea, Sabah borders the Malaysian state of Sarawak in the west and Indonesia's Kalimantan in the south. Sabah is normally hot and humid throughout the year with an average rainfall between 1800 mm to 4000 mm annually depending on the region; the southeastern part of Sabah receives the lowest and the western mountainous slopes the highest (Tongkul, 2002).

Sabah is richly endowed with forests with about 60 percent (4.5 million hectares) of its total land area under forest cover (Tongkul, et al., 2013). This ranges from forest vegetation found in coastal beach and mangrove forests to the dipterocarp forest in lowland areas and montane forests in mountainous regions (Globinmed, 2015). According to Tongkul (2002), Sabah has an estimated 10,000 species of wild plant species, a majority of which are already named and described scientifically but a significant number are still unknown or inadequately described. The natural ecosystems in Sabah also support a diverse range of fauna from mountains to coasts, including many endemic as well as threatened and endangered species. Notable species include the orangutan, proboscis monkey, sun bear, dugong, Sumatran rhino, Borneo pygmy elephant and clouded leopard, all of which are included in the IUCN Red List.

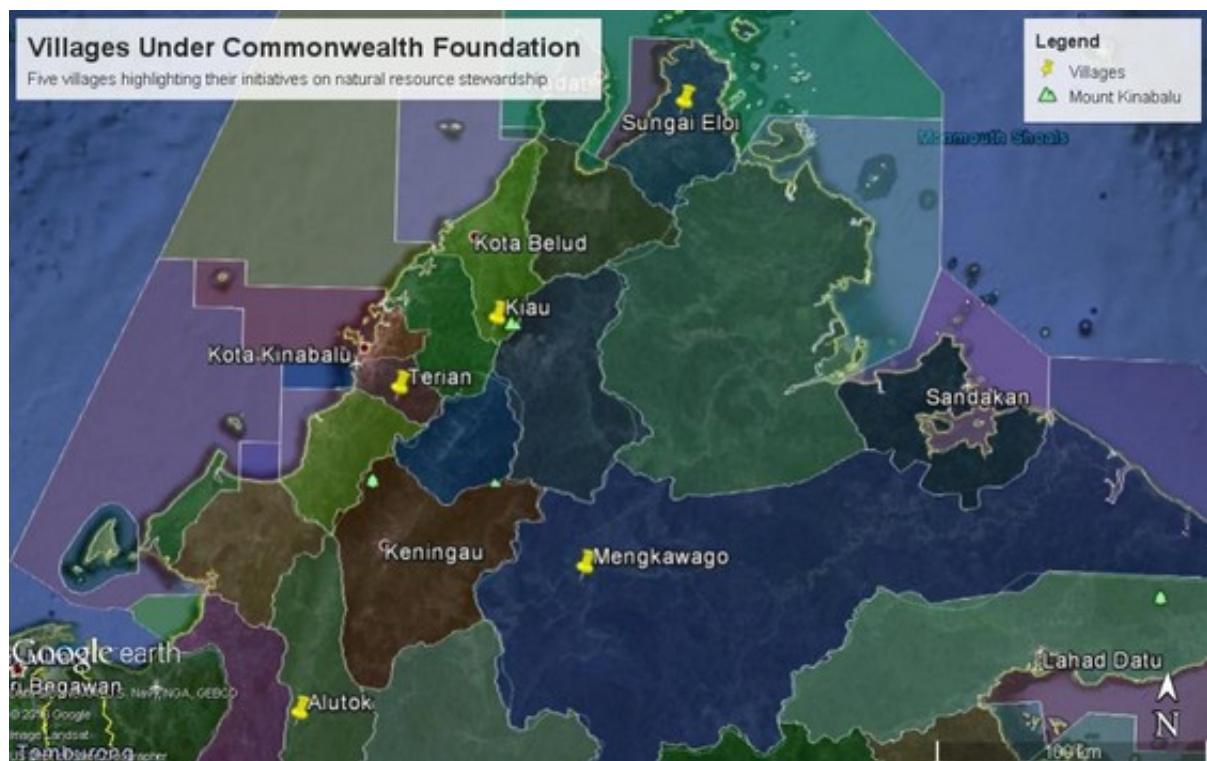
Based on the national census in 2010, roughly about 62 percent of the 3.2 million people in Sabah are natives (*bumiputera*). That population includes more than 30 ethnic groups that speak more than 50 languages and 80 dialects (Tongkul, 2002). Most of these indigenous peoples live in rural areas and depend on the land, forests and water to sustain their traditional livelihoods (Tongkul, et al., 2013).



## 2.1 Overview of the Communities Involved in the CCRI in Sabah

The CCRI was undertaken in five villages located in different parts of Sabah. They reflect diverse livelihoods and land use practices as well as diverse ecosystems.

- Sungai Eloi is located in the District of Pitas, specifically the mangrove areas at the mouth of the Pitas River. Their traditional knowledge and practices contribute to the protection, restoration and sustainable use of their community mangrove forest.
- Alutok, found within the District of Tenom, has parts of their traditional territory located within a commercial forest reserve, the Sipitang Forest Reserve. They are working to secure their customary tenure, including by highlighting their traditional practices of forest and wildlife stewardship.
- Kiau is located at the foot of Mount Kinabalu in the District of Kota Belud. They are currently seeking formal recognition for their community forest from the government, and are actively working to strengthen and revive their traditional practices.
- Mengkawago is in the District of Tongod, where their village overlaps with a commercial forest reserve, the Mangkuwagu Forest Reserve. They are seeking to secure their community forest for the continuity of their traditional practices and livelihoods, including in the face of threats from both logging and oil palm operations.
- Terian is in the District of Penampang on the mountains along the Crocker Range. The village is located adjacent to the boundary of a state park, Crocker Range Park. They are working to strengthen their community watershed management system and secure access to parts of their customary territory within the Park.



**Figure 3:** Map showing the location of the five villages involved in the CCRI in Sabah, Malaysia (source: modified from Google Earth).

### **3.0 Methodology**

Overall, the CCRI was built on years of community organising work with PACOS Trust. This was essential to the process as it meant that PACOS staff already had strong relationships with the communities and had invested in building the capacity of community organisations on an ongoing basis. The assessment process, as summarised below, was guided by the key elements of the CCRI methodology.

#### **3.1 Coordination and Facilitation**

In coordinating and facilitating the CCRI, the PACOS team guided the communities through the process and ensured that inputs were from the communities themselves. This meant being mindful and impartial as facilitators and respecting the communities' needs, perspectives and time. In line with the CCRI's emphasis on open communication and mutual sharing and learning, group activities and discussions were at the core of workshops and meetings, with not only men but also women, and youth encouraged to participate together and share their views and perspectives. The PACOS team guided and encouraged the community to document and present their own discussions wherever feasible, with an emphasis on confidence building. Community members presented their work between smaller groups in community-specific workshops, between communities in centralized workshops, at regional and international workshops and to high-ranking government officials such as the Chief Justice of Sabah and Sarawak.

#### **3.2 Identification of Communities, including FPIC**

As members of PACOS Trust and JOAS (*Jaringan Orang Asal SeMalaysia*, the Indigenous Peoples Network of Malaysia), the communities involved in the assessment have been exposed to various workshops and discussions to map out the sustainability of their villages. The communities were proposed by PACOS based on the presence of a strong community organisation as well as the diversity of their struggles for their native customary rights, of their traditional knowledge and customary practices (concerning mangroves, rivers, forests and customary territories), and of the applicable laws relating to the environment and natural resources.

PACOS' coordinators then discussed the CCRI with each community, shared information about the methodology and potential benefits and risks in the local language and encouraged a community process of free, prior and informed consent (FPIC). The CCRI was framed as an opportunity and platform for the communities to continue their ongoing struggles to protect their lands and traditional practices.

#### **3.3 Strategic Visioning and Planning**

After the selection and FPIC process, the communities went through a process of preliminary visioning and planning to discuss their situations and what could be done to strengthen their customary stewardship systems. PACOS facilitated community-level strategic visioning and planning meetings in each of the five communities from late February



to mid-March 2015 to discuss the project overall, the natural resources in the community, the threats and challenges faced by the community regarding these resources and the steps that could be taken to overcome them. Among the threats and challenges identified by the communities included loss of resources for their livelihoods, medicine and handicrafts, use of pesticides and chemicals, loss of traditional knowledge concerning natural resources, loss of territories due to totally protected areas and industrial development projects such as dams and plantations, and decreasing wildlife populations. One of the solutions suggested was to do proper documentation of their stewardship and management systems to strengthen recognition of the communities' stakes in their land and territories. This provided a strong basis for the CCRI. Each community formed their own plans and teams for carrying out their assessments and related activities.



**Figure 4:** The Alutok community discussing the roles and responsibilities of community members in carrying out the documentation (credit: PACOS Trust).

### **3.4 Capacity-building Workshops**

With strong emphasis on participatory and multimedia community documentation of their own practices, capacity-building was seen as essential to the assessment process. Methods such as sketching, community mapping, interviews, and photo and video documentation were addressed in one or more of capacity-building workshops carried out over the course of the project. Each capacity-building workshop also prepared the communities for the next part of the assessment process and in developing their community protocols. Among the workshops conducted were:

*i. CCRI Capacity-Building Workshop (National)*

The CCRI capacity-building workshop was framed as a national workshop on community conservation and the Sustainable Development Goals (SDGs) and held in conjunction with Malaysia's World Indigenous Peoples' Day celebration in August 2016. Although the workshop was primarily for indigenous peoples from across Malaysia, the 187 participants also included indigenous representatives from Thailand, Nepal, Myanmar and Cambodia, as well as two representatives from the Malaysian office of the Global Environment Facility Small Grants Programme (GEF-SGP), one from the German Embassy and two from the Global Forest Coalition (which co-funded the workshop through a grant from the German BMU). The workshop included presentations on the SDGs, how they relate to indigenous peoples' rights and how indigenous peoples can get involved in the SDG process; an introduction to the CCRI; gender roles in conservation; and community initiatives from Sabah and Sarawak on protecting and stewarding their natural resources. Interactive discussions and breakout groups led to participants identifying relevant initiatives as well as threats in their villages, and how they protect their natural resources. Several villages, especially in Peninsular Malaysia, expressed an interest in becoming more involved in such initiatives. A key outcome of the workshop was an agreement to develop a network or working group in Malaysia about ICCAs and community conservation resilience and to seek funding from GEF-SGP Malaysia.



**Figure 5:** Group discussion during the breakout session (credit: PACOS Trust).

## ***ii. Paralegals and the Environment Workshop***

This workshop provided an introduction to local and international laws relating to indigenous peoples' rights to manage and protect their resources and how these laws affect them, using a creative sketch mapping exercise (see Figure 6 below). The participants increased their understanding of how to apply these laws to defend their rights to manage and protect their resources. By the end of the workshop, the participants produced preliminary strategies for defending their rights and achieving their plans and priorities, which were subsequently shared and pursued with their respective communities.



**Figure 6:** During the workshop, communities were asked to sketch a map of their territories and the related customary laws attached to them. After learning about local and international laws, they were asked to look at this map once again to see how these laws coincide with their customary laws (credit: PACOS Trust).

## ***iii. Strategic Planning and Basic Advocacy Training Workshop***

The objectives of this workshop were to reflect and further refine the community determined plans and priorities formulated during the previous paralegal workshop, and to introduce advocacy methods to gain recognition of their stewardship systems and their Native Customary Rights or customary territories.

## ***iv. Visioning and Planning Workshop***

In this workshop, the communities ruminated on what is important to them and their hopes for the future. Through visioning exercises, they drew how they would like their communities to be in 10, 20 or 50 years. The communities then made plans on how they can achieve this vision by reflecting on the challenges they are facing and their strengths and weaknesses.



### 3.5 Community Exchanges and Skill-shares

In addition to the capacity-building workshops, five community exchanges and skill-shares were held in Sabah. Each of the five communities involved in the CCRI hosted an exchange and shared information about their respective issues, methods and strategies, providing exposure and promoting solidarity between the communities.

- i. **Alutok:** Field visit to areas in the village to experience Murut Tahol culture, including the community managed river, the women's handicraft group and sacred sites (stone carvings).
- ii. **Sungai Elo:** Field visit to the community mangrove forest where the communities learned about the efforts to protect the mangrove from large-scale shrimp farming.
- iii. **Terian:** Field visit to the Ulu Papar blockade where the Ulu Papar (including Terian) communities shared how they manage their watersheds and also their experience and challenges with resisting the proposed dam.
- iv. **Kiau:** Field visit to the Kiau community forest where the community shared about the traditional practices of *Mamason* and *Mamatang* that are to be performed before entering the forest and the special forest language to be used while in the forest.
- v. **Mengkawago:** Field visit to the community forest where the other communities saw how the Mengkawago community practises wild honey collection and the effects of deforestation faced by the community.



**Figure 7:** A community member from Terian explaining their river and tributary network in the Ulu Papar area during the field visit to Ulu Papar blockade (credit PACOS Trust).



**Figure 8:** Youths from the five communities designing a banner to show their solidarity for Ulu Papar (credit: PACOS Trust).



**Figure 9 (left):** Jungle trekking during the visit to Mengkawago (credit: PACOS Trust). **Figure 10 (right):** Participants were able to see how the Mengkawago community harvest their honey by making tools out of forest resources (credit: PACOS Trust).

### **3.6 Engaging with Regional and International Networks**

Community representatives and PACOS staff also participated in network meetings at the regional and international levels from 2015-2017 to provide further exposure and knowledge exchange. These included:

- i. A regional workshop on indigenous peoples' and community conserved territories and areas (ICCAs) in Lombok, Indonesia. The objective of this workshop was to share knowledge and enhance capacity among key regional actors on promoting and strengthening appropriate recognition of and support for ICCAs.
- ii. The ASEAN CSO forum on "Ensuring Community Rights, Safeguards and Equitable Benefits in Livelihood and Environment Conservation in the context of the ASEAN Economic Community (AEC)" in Yangon, Myanmar. It focused on four key themes: community economy and livelihood, tenure and access rights, governance and safeguards.
- iii. The Fostering Community Conservation Conference in Durban, South Africa, where there were discussions on the threats to the world's forests and how community initiatives are trying to protect the forests in their areas. The CCRI methodology as well as experiences and lessons from organizations undertaking the CCRI in other countries were also shared.
- iv. The ICCA Consortium's 10<sup>th</sup> General Assembly in Mexico. PACOS Trust has been a member of the ICCA Consortium for several years, and attending the General Assembly was an important opportunity to share our activities and expand our network, especially with other indigenous organizations with the same aspirations to protect their land and resources.
- v. The 13<sup>th</sup> Meeting of the Conference of the Parties to the UN Convention on Biological Diversity (CBD COP 13) in Cancun. In addition to following COP13 negotiations on issues concerning indigenous peoples and conservation, the representative gave a presentation during a side event on tourism and biodiversity, focusing on how tourism can negatively affect community conservation areas and traditional customs and beliefs, especially when tourists do not respect them.

### **3.7 Baselines and Assessments**

In parallel with the community documentation of their practices, the PACOS team also conducted baselines on the status of government recognition of community conservation as well as bottlenecks and key opportunities. A study on the experiences of the five communities with different forms of government recognition of community conservation in the state was conducted to look at the current and potential conflicts, barriers, opportunities and assisting factors to their traditional stewardship systems and participation in the management of their natural resources. This included reviewing existing literature on *Tagal* (a customary management system for fisheries that is recognised by the Department of Fisheries), community use zones (recognised in principle by Sabah Parks in state parks), community forestry (recognised by the Sabah Forestry Department in Forest Reserves), and other mechanisms for protecting natural resources. As the study is based on the experiences of the communities themselves, it adopted a qualitative approach to understand social phenomena from the perspective of the actors themselves. Over the course of the study,



semi-structured interviews and focus group discussions were conducted where individuals were chosen based on their involvement in the community conservation initiatives. The sample also included government officials in the departments with jurisdiction over the different forms of recognition and representatives from NGOs to include a broader range of perspectives on how the different forms of recognition have been handled.

A Sabahan lawyer-in-training was contracted to undertake a legal review as part of the baseline. As a detailed legal review on ICCAs was already undertaken from 2010-2012 (Vaz, 2012), the PACOS Trust team decided that it would make more sense to draw from that review and focus specifically on the five communities. For each community, the 'new' legal review includes information on legislative obstacles to recognition as well as opportunities for legal recognition of their respective ICCAs. This helped inform the advocacy strategies of each community. As PACOS Trust and the same five communities are now involved in the Global Support Initiative for ICCAs (GSI) with SGP-Malaysia funding, an updated legal review for the whole of Malaysia will be undertaken in the coming months. This will follow a comprehensive methodology similar to the 2012 review.

### **3.8 Visioning, Strategic Planning and Consolidation**

All of the documentation from the assessment process, including the various workshops and group discussions, were then consolidated and culminated into a community protocol for each of the five communities, which set out each community's story, struggles and recommendations. Drawing from their vision of how they want their future to look like and what they think needs to be done in order to achieve it, these community protocols also went through a process of verification and validation as the communities reviewed and reflected on how they wanted the protocols to be framed and what key messages they wanted to present. The community protocols are now being used as tools for the communities to communicate and engage with external actors.

### **3.9 Strategic Advocacy and Engagement**

Although advocacy efforts are still underway and expected to continue well into the future, so far they have included meetings with policy- and decision-makers such as local assemblymen and government officials; awareness-raising activities such as poster and photo exhibitions at public events and conferences; participating in state and regional policy processes on social forestry; and participating in international policy fora such as the UN Convention on Biological Diversity (CBD) and UN Permanent Forum on Indigenous Issues.

Representatives from the communities have presented their findings and draft protocols to the Chief Justice of Sabah and Sarawak, Tan Sri Richard Malanjum, and other members of the judiciary. The Chief Justice has been very supportive of the work undertaken and subsequently began a larger process of documenting customary laws across the main Indigenous groups in Sabah.

In addition, one community (Sungai Eloi) hosted a fact-finding mission as part of the 6<sup>th</sup> Regional Conference on Human Rights and Agribusiness in Southeast Asia, held from 2-4 November 2016 in Sabah; their case was mentioned in the Conference Resolution and in a

letter sent to the Chief Minister. It was also independently covered in an article by environmental news site Mongabay (Harbinson, 2017).

## **4.0 Findings of the Community Assessments**

### **4.1 Sungai Eloi**

Sungai Eloi is a village situated in the mangrove areas at the mouth of Pitas River in northern Sabah with a population of about 600 people. A majority of them are of indigenous Tombonuo descent and rely on the resources around them for their livelihoods as farmers and fishermen. In addition to being a source of protein, firewood, medicine and building materials, the mangroves hold cultural significance for the community. They express a close relationship with the mangroves, which are the center of many of their customary practices. This is evident in their practice of *Momokan*, through which they maintain their close relationship with nature and give thanks by carrying out rituals at sacred sites where they believe spirits reside. If they have a problem or a wish, they may also seek help from these spirits, especially in working together to protect the area from encroachment and destruction.



**Figure 11:** The ritual *Momokan* is done when the community wishes to ask for help from the forest spirits to protect the mangroves from encroachment and destruction, and to maintain the relationship between humans and nature (credit: Sudin Ipung/G6).

In the Sungai Eloi community, conservation areas are identified and managed based on traditional customary uses and practices. Their community protocol for the management of the mangroves, for instance, was based on village customs with rules for both their own community members and for outsiders. These rules dictate resource use, giving special care

to limiting activities that may affect availability of resources, including those that are hazardous or cause overharvesting. Certain areas in the forest are also restricted from any resource collection. The protocol also states what must be observed when entering the mangrove area. Visitors who wish to enter the community mangrove forest are required to obtain permission based on FPIC and with respect to indigenous peoples' rights. Those found to have violated the rules set forth in the community protocol will be fined by the community and are required to replace the resource that has been affected.

The main external threat to the management and conservation of mangroves in Sungai Eloi is the conversion of land for monoculture tree plantations and large-scale aquaculture. The community has faced challenges since the 1980s from *Acacia mangium* plantations when part of their traditional territory was included in a government project area. Currently, they face threats from aquaculture development, specifically shrimp farming. The Pitas Shrimp Park was hailed by Sabah's Chief Minister as Malaysia's largest shrimp farm aiming to provide job opportunities and help the rural poor (Anon., 2014). However, it has caused more than 2000 acres of virgin mangrove forest to be cleared. The Sabah Environment Protection Department approved the Environmental Impact Assessment (EIA) and the company plans to clear another 1000 acres despite protests from the affected communities and non-governmental organizations (NGOs). This is a significant cause of concern for the Sungai Eloi community because mangrove clearance has already affected the remaining forest ecosystem and resources. Ever since the company came to this area and cut down the mangroves for the construction of shrimp ponds, the community has been experiencing a decline in food resources, especially their main sources of protein such as shellfish, crabs, and fish, as well as the habitats from which they collect these resources.



**Figure 12:** Mangroves that have been destroyed to make way for the shrimp farm near Sungai Eloi (credit: PACOS Trust).

For the Sungai Eloi community, this encroachment and destruction of traditional territories and community mangroves has not only caused the loss and degradation of natural resources on which they directly depend for their culture, identity and wellbeing, it has also contributed to the deterioration of their traditional knowledge and way of life. In addition, it has increased their vulnerability and pushed them toward a state of resource and economic



poverty despite the aquaculture project's stated aim of poverty eradication. Their rights as indigenous peoples have not been respected as there was no FPIC process and they were not consulted properly in any of the decision-making processes that have affected their traditional territories. Only a select few members of the community in certain positions were consulted, namely, government elected village chiefs and leaders who are in support of the project.

To combat the encroachment, the Sungai Eloi community decided to reach out to other villages nearby who are also affected by the project. This culminated in the formation of an action committee called G6 (*Gabungan 6 Kampung*), a network of six villages. Through this G6, they are trying to promote the environmental, social and cultural importance of the mangroves and their management and protection of the mangroves so that they may appeal to the company, state government and related agencies to stop the clearing of the mangroves and assist with restoration. They have also worked on a voluntary basis to replant some of the trees that were cleared by the companies. They have tried to introduce their traditional practices, especially *Momokan*, to outsiders – including the company, the District Officer and various government agencies – to show that they are taking care of the land and natural resources as an ICCA. Community members are also raising awareness about their struggles at regional and international meetings related to human rights and biodiversity conservation.

In terms of defending their land directly against encroachment, they are using their community protocol, which lists rules to follow for the protection and conservation of their mangroves, to inform and educate community members and others. The Sungai Eloi community has even engaged with the media to share their story and inform the public of what is at stake (Teh, 2016; Harbinson, 2017). In addition to exploring legal options, they aim to have dialogue sessions together with the company as well as the government in order to undergo a process of negotiation, problem-solving and increased understanding between them about what needs to be done to resolve the issues in a respectful and equitable way. As the federal government is funding the aquaculture project and the EIA system has been ineffective to date, the community's resistance is likely to continue to be an uphill battle. Some community members have already faced threats to their resistance, including being taken to the police station after making statements to the media and being chased away from exhibitions.



**Figure 13:** Efforts have been made by the community to replant the affected areas with mangrove trees (credit: PACOS Trust).

## 4.2 Alutok

Located in the District of Tenom on the southeastern side of Sabah, the village of Alutok has roots as a hunter-gatherer community. This indigenous Murut Tahol community now mainly engage in farming as their source of income, cultivating crops such as paddy, fruits and vegetables for subsistence purposes, with rubber and any excess fruits and vegetables sold commercially. However, their traditional practices of hunting animals, gathering forest produce, and catching fish in the river are still important to their way of life and livelihoods. Aside from providing food security, plants are still used for traditional medicine while bamboo provides an income to women in the village through weaving and is still used for making hats, baskets, mats, and building materials. These practices are important cultural expressions, especially during times of festivities. For example, hunting and gathering forest resources are part of the preparations for *Tina'uhl/Ansakoi* (weddings). Women have to prepare handicrafts while men have to hunt and gather firewood and building materials. Meat or fish pickled in bamboo containers are an essential component of the preparations, acting as party favors for guests that attend the wedding festivities.

To ensure forest resources are continuously available and not depleted as a result of these preparations, the Murut Tahol community in Alutok have a practice known as *Tavol*. This involves both temporal and spatial restrictions on resource use, whereby the community determines a specific area of forest as a restricted zone for a certain period of time. Areas

chosen for *Tavol* are usually hunting, water catchment or community forest areas while farming land and areas for daily resource use are excluded. This process of land use planning and zoning relies on village elders and experts to provide knowledge about boundaries and historical areas and on women for areas of daily resource use. An area can only be determined as a *Tavol* area when it is mutually agreed by the community as a whole to prevent internal conflict or problems. The period of restriction also needs to be discussed collectively and is based on community needs and whether the resources are sufficient for their preparations. Management of *Tavol* is under the authority of the village chief who is responsible for announcing the implementation of any *Tavol* to everyone in the village as well as communities in surrounding villages on matters such as the *Tavol* boundaries and its time period, to whom the *Tavol* applies and punishments involved for violators to prevent trespassing. Nobody is allowed to enter a *Tavol* area except the family who requested it for their festivity preparations.



**Figure 14:** Community members preparing the boundary marker for the *Tavol* area. The ends of the sticks that have been crossed and tied together show the directions of the prohibited area (credit: PACOS Trust).

The customary village chief has to be referred to for all rules and punishments. If a person is found to have intentionally violated any rule, *sogit*<sup>1</sup> will be enforced regardless of whether the person is a community member or an outsider, and whether any resources have been taken because the *Tavol* order still would have been defied. The rules set for *Tavol* areas include, among others, prohibitions on land application and clearing, construction and tourism activities, pollution and burning, entry of outsiders without permission, and resource use except in desperate situations. All community members are encouraged to conserve the *Tavol* area and remind visitors to be aware of the customary *Tavol* rules. The practice

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<sup>1</sup> *Sogit* is a form of compensation focusing on the restoration of balance after violations of customary law create 'heat' and the offender has to pay offerings to the offended spirit or affected community in order to 'cool' the situation and restore the balance.



cultivates collective cooperation and responsibility because the success of any implementation of *Tavol* depends on the cooperation of every individual in the community. Community members' observance contributes to the maintenance of traditional systems and customary law as well as sustainable use of the wildlife and other resources in the forest.

The main challenge the Alutok community is facing now in conserving their community forest is from encroachment, both by outsiders and also individuals in the community. The forests of their traditional territory have been included in a state forest reserve. As a Class II Forest Reserve, it is held in concession by a company and set aside for commercial purposes. As the Sabah Forest Enactment 1968 prohibits any human activities in forest reserves without permission, the community is barred from entering their forest and they face the possibility of losing their community forest to deforestation for monoculture plantations of *Acacia mangium*. They are already experiencing biodiversity loss from deforestation and have also experienced flash floods and mudslides in the past from the logging. In addition, the community also faces threats from illegal poaching by outsiders and a lack of awareness among some community members of the importance of protecting the forest. Another significant internal challenge is the migration of youths out of the village, as they are increasingly losing touch with traditional customs and practices that are still only known orally and have not been thoroughly documented.

To combat these challenges, the Alutok community has documented their traditional knowledge to be used as references for the younger generations and to educate others that indigenous peoples' knowledge has value and can contribute to sustainable use of natural resources. They are currently trying to promote and gain recognition and support for their *Tavol* system as a good practice for resource stewardship. For example, they are trying to garner support from and improve their relationships with government officials and the company holding the forest reserve concession through discussions and dialogues. In addition, they have tried to improve their forest management efforts through capacity-building workshops, documentation, community mapping, making an inventory of resources, and forming an action committee to monitor the implementation of *Tavol* and raise awareness among the community and youth of its importance. They also plan to increase exposure and understanding of laws relating to the preservation and conservation of *Tavol*. Through all of these efforts, they hope to show and change public perception, especially among government officials and key decision-makers, that indigenous peoples are not destructive but can contribute to the stewardship, conservation and sustainable use of the environment through their customary practices.

### **4.3 Kiau**

Kiau is an indigenous Dusun village located at the foot of Mount Kinabalu in the District of Kota Belud. About 1,400 people live in this village, the majority of whom are of Dusun Tindal descent. Agriculture is still the main source of income and livelihoods for many of the villagers here, not only for subsistence purposes (hill paddy, maize, banana) but also for commercial purposes (pineapple, lemongrass, cacao, yam), although export growth is limited due to the remoteness of Kiau and the high transport costs involved. Some villagers are also involved in the tourism industry, especially in community-based tourism and as licensed mountain guides because of their proximity to Mount Kinabalu and Kinabalu Park.



**Figure 15:** View of Mount Kinabalu from the village (credit: PACOS Trust).

The Dusun people regard the forest as important to their identity. Traditionally, the forest functioned as a source of food and medicine. However, the Kiau community goes into the forest not only to gather resources but also to be with nature. They believe that the forest spirits and nature itself must be respected and that humans and nature have a close and reciprocal relationship. They only take what they need from the forest, including hunting and gathering forest products, for personal use and not commercial use. The community has rules to ensure that all forest resources – from the plants and animals to the bugs, soil and water – are protected.

Notably, the community has formed their own conservation area: *Hutan Simpan Komuniti Kg. Kiau* (Kiau Community Forest Conservation Area) is a 1024-acre forest area set aside as a heritage area for sustainably managing and protecting their forests. They are also trying to revitalize and strengthen their traditional forest practices such as the use of Dusun forest terms (*Boros Puru*) and giving respect to the forest spirits (*Mamatang* and *Mamason*). *Boros Puru*, *Mamatang* and *Mamason* invoke deep appreciation and respect for the forest, its resources and the spirits of ancestors that live there. The forest is believed to be sensitive to the actions and behaviour of people that enter it. Accordingly, the ritual *Mamatang* or *Mamason* has to be performed before entering the forest. The purpose of this ritual is to inform the forest spirits of the reason for entering forest and to request protection throughout the time spent in the forest. *Mamatang* has to be performed when the purpose of the visit is to collect resources while *Mamason* is for when there is no intent to acquire resources but simply to spend time deep in nature. The Kiau community also believes that before the creation of their village, the forest spirits had told them to speak in the forest language that is understood by them when entering the forest. As a result, use of the forest language, *Boros Puru*, is compulsory when in the forest. The villagers believe that if the knowledge of forest

language is lost, the forest will be disappointed and will not provide any resources. Lack of respect for the forest language or talking inappropriately might cause bad weather and an individual might even feel their body ache or feel lost while in the forest.

Together with their community organization, GOMPITO (short for *MomoGOMPI, Moningolig, Tinungkusan om Kotolunan Tokou*, which means preserving and maintaining cultural heritage, customs, traditions and nature), the Kiau community monitors and manages the forest and restrict resource access. They have also formulated a protocol to govern resource use. The protocol employs a combination of customary rules used by their forefathers in relation to the forests (such as *Boros Puru* and *Mamatang*) and other rules of conduct derived from their discussions of how to sustainably manage their forests to ensure the continuity of resources and its ecological value and spiritual and cultural importance. These rules have been formally documented since 2000. Offenses and violations of the protocol have to be referred to the Board of Trustees for the community forest. Offenders have to pay *sogit* and are fined according to the village customary laws.

Currently, the Kiau community forest is facing pressure from insecure tenure. The community forest is still legally State Land after having been gazetted within and then excised from a state park, Kinabalu Park. As State Land, the area is open to land title applications and thus, the community forest has little protection from outsiders and is at risk of encroachment. There have already been attempts by a few interested parties to gain ownership of the land, including for tourism development. This is why the Kiau community believe that legal recognition of their community forest is vital. If they lose the area to outsiders, their access to the forest and the related traditional knowledge as well as culture embedded in it will be lost. Rich in biodiversity, the community forest is also threatened by illegal poaching and trading of rare orchids by outsiders. Internally, there are also concerns about cultural continuity and transfer of knowledge as youths in the village lack exposure to traditional practices due to mainstream religion, modernization and migration.

The Kiau community believe that formal recognition of their conservation initiative is the most important step in securing their relationship with, access to and management of the forest. They are currently in the process of applying for a Native Reserve title under Section 78 of the Sabah Land Ordinance for their community forest area. The community, especially GOMPITO, have actively met to discuss this issue with relevant parties such as the Sabah Department of Lands and Surveys, the District Office, and their elected parliament representative.

In addition to efforts to secure land rights, the community is also involved in the Kinabalu Ecolinc Project, an initiative led by Sabah Parks that aims to form an ecological corridor between state parks through the establishment of Community Conserved Areas (CCAs)<sup>2</sup> (Sabah Parks, 2018). As Sabah Parks is a state government agency, this move to work together strengthens their efforts to gain recognition of their community forest and its governance. To further support this, the Kiau community plans to continue documenting their practices, update their community protocol and meet with relevant government agencies to present their protocol and seek recognition.

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<sup>2</sup> Sabah Parks has chosen to use the term CCA (i.e., not explicitly including “indigenous”) instead of ICCA. For more information on the Kinabalu Ecolinc Project, please see Sabah Parks, 2018.



The community is also working to revitalize their customs to ensure the close relationship of the community with their cultural heritage. GOMPITO, for instance, has carried out youth camps to provide exposure to *Boros Puru* and the forest among the youth in the community and they have been working on producing written documentation of their traditional knowledge, including of medicinal herbs, and the flora and fauna found in the forest. They have already established an herb garden and mini museum featuring their traditional handicrafts, musical instruments and hunting traps.

#### **4.4 Mengkawago**

Mengkawago is a village located 270 kilometres from Kota Kinabalu in the District of Tongod in the heart of Sabah. Boasting a history of about 300 years, it has a population of approximately 600 residents who mostly come from the sub-ethnic indigenous group Sungai Rumanau. Their history and occupancy is evident through their ancestral graves and old fruit trees still maintained to this day. These fruit trees are remnants of their tradition of planting a fruit tree whenever a new house was built in the village. This marks ownership and also provides fruits and shade. Trees remain standing longer than houses and can continue to exist as territorial markers when the houses are gone. The main socio-economic activities of this village include agriculture, hunting and gathering forest products. What someone produces in their plot of land is used for their own needs but if there is any surplus, it may be sold in the village market or even distributed within the community to ensure everybody has what they need. Now, with better road access, goods can be sold outside the village. The Mengkawago community relies on the forest not only for food but also for their water supply (water catchments), building materials, handicrafts (for daily use as well as decorative purposes) and medicine. They have a vast knowledge of the plants around them and their uses. Many of these plants have medicinal properties that are still useful for the community to this day despite having access to modern clinics. They believe that modern medicine cannot completely replace their traditional knowledge of herbal remedies.

*Ingaladan* or “use and protect” is one of the main principles underpinning how the Mengkawago community manages their resources. This is important because, like the community in Kiau, they view their relationship with the forest as close and reciprocal. If the forest is not cared for, they not only lose their source of food, water, materials and medicines, but also their knowledge and culture.



**Figure 16 (left):** The Mengkawago community harvests honey from hives high up in the trees (credit: Tony Allison/PACOS Trust). **Figure 17 (right):** To get to the hives at the top of a tree, the community makes a ladder out of bamboo stakes (credit: Tony Allison/PACOS Trust).

This principle of *Ingaladan* is also embedded in the traditional practice of honey collection. Mengkawago is one of the few communities in Sabah that still maintains knowledge of wild honey collection from bees that establish their hives in large flowering tree species, namely *mengaris* (*Koompassia excelsa*). Honey is important as a source of income and medicine for the community. This importance also extends to the trees that house the hives. In the Mengkawago community, *mengaris* has several values including as dowry to the bride's family, as payment of debts (through the collection of honey), and as boundary markers. The traditions and rules of honey collection in the community cover various stages in the process and emphasis is placed on ensuring a continued supply of honey. These include the time periods in which honey may be harvested, the specific tools to be used, and the prohibitions involved in the collection process. Made from forest products such as bamboo, rattan and tree bark, the tools used are simple and are intended to avoid harm to the trees. Harvesting is prohibited if the honey is deemed insufficient for the bees and honey can only be collected from hives that are sufficiently large while the small ones are to be avoided. This also has a safety reason behind it as small hives are usually located on branches that are thin and frail. Specifications are not only on the size but also on the part of the hive to be collected. Only the part of the hive that contains honey can be taken while the parts that contain the bee larvae are to be avoided. In addition, the area where the trees grow is maintained and protected by the community. They believe that disruption to the habitat of the honey bees may affect the bees' return during the next honey harvesting season.



**Figure 18:** Stakes made from bamboo used in making the ladder for climbing the trees, positioned next to a pen to show the relative size (credit: PACOS Trust).

Much like Alutok, the community in Mengkawago faces challenges from having their land included within a Class II Forest Reserve since 1984. The community has no *de jure* governing power over the forest area and there is a possibility that it may be logged for commercial purposes. Even if the forests in the Class II Reserve are not logged, the Forest Enactment prohibits human activities within the Reserve without a licence. This limits the community's access to forest resources and their traditional practices and knowledge related to forests and honey collection.

There are also challenges from oil palm plantations near their village. This problem is further exacerbated by government plans to have a fast-tracked communal title scheme in their area, which involves a joint venture between communal titleholders<sup>3</sup> and a company to plant oil palm. Some community members who are tired of struggling for their already limited land are in favour of this as there is promise of land to be given to beneficiaries of the joint venture. Large-scale clearing of land and planting of monocrops significantly affects the habitat and biodiversity of flora and fauna in the surrounding forest. The community also believes that loud noises from clearing activities will make the forest animals uncomfortable and affect their reproduction. Since the presence of these companies along the Mengkawago River, the community has noticed a decline in river health due to erosion and run-off from plantations; this affects their supply of clean water and the fish in the river,

<sup>3</sup> Communal titleholders are chosen from indigenous communities, particularly those who are considered "hard-core poor" by the government. They are designated as participants or beneficiaries who receive dividends from profits of the joint venture on the communal title land. The notion of communal title was initially intended to enable communal ownership of customary lands, but amendments of the Sabah Land Ordinance have instead led to the use of communal titles for joint ventures, often without the FPIC of the communities concerned.



especially breeding areas. In addition, the community faces problems with communication with government agencies, encroachment of illegal poachers for profit or entertainment, and migration of youth from the village for education and work.

The community of Mengkawago hopes to show the importance and multiple values of the forest area and to secure legal recognition and protection of their customary lands, practices and livelihoods. To date, they have successfully completed their community mapping, community profile and documentation of historical sites. They are also in the process of documenting their traditional practice of honey collection as an example of customary community forest stewardship. By harvesting honey sustainably, the community is also protecting the surrounding forest area and therefore providing broader environmental benefits.

The community hopes that they can advocate to key decision-makers and garner recognition and support for their customary practices and community protocols related to forest stewardship and sustainable use. Communicating their practices and ways of life as mutually beneficial for the community and for conservation could help ease tensions between the community and the Sabah Forestry Department; both parties would like to conserve the area but the latter has not yet embraced the community as an ally in forest stewardship. The community is also very interested in building their capacity to protect their water catchments and formulating a management plan to ensure uninterrupted clean supply of water in the long term to the village.

#### **4.5 Terian**

Terian is located near the boundary of Crocker Range Park in the District of Penampang, around 16 kilometres from Donggongan Town. Situated in a hilly area, the village is fairly isolated with poor access to gravel and paved roads. The main access to the village is via a foot pathway, well known as the Salt Trail, which may take up to 6-8 hours of hiking through thick forests. For the indigenous Dusun people there, agricultural land is important to their livelihoods, as many are farmers who depend on agriculture as their main source of income. The forest also provides for the daily needs of the community. The remoteness of their village has made it all the more important for them to be self-sufficient and rely on the resources available to them. Traditional medicine from the forest is vital, especially in terms of access to health care. It is far more affordable than visiting the nearest town, which entails costly transport and medical fees. The community also uses traditional handicrafts for construction, agriculture, recreation and other needs, made from resources found in the forest. Part of their income also comes from the sale of these handicrafts. Most importantly, they depend on the Terian River and water catchment areas around their village for clean water, irrigation, and electricity provided by a micro-hydro turbine.



**Figure 19:** Aerial view of Terian village (credit: JOAS).

For the Terian community, without productive land and natural resources, the existence of their culture and even the community itself would be called into question. The continuity and management of available resources is thus crucially important. Like Mengkawago, they observe the concept of *Gompi-Guno* or “use and care” in their traditional resource stewardship practices where they only take what is needed and what is used will be replanted or given time to regenerate. Resources are conserved so as to ensure continued access and availability.

One form of *Gompi-Guno* practiced by the community is in their management of water catchment areas. The Terian community believes that anyone who pollutes the river will get retribution from the river spirits. This is based on the belief that springs and bodies of water in water catchment areas have spirits that act as the guardians of that area and will bring illness to those who disturb or damage it. The community has voluntarily set aside 180 hectares of primary forest as a water catchment area. Not only that, every river tributary has also been designated as a water catchment area that cannot be developed. Even the land surrounding these conserved areas have strict conditions on what activities may be allowed.

To ensure these water catchment areas are protected, the community has drafted a community protocol based on the traditional knowledge of elders in the village, detailing the

restrictions, rules of conduct, responsibilities of community members and punishments for violators. The practice of *Tagal* has also been integrated into the protocol. Similar to *Tavol* in Alutok, *Tagal* is a traditional natural resource management system that restricts resource collection temporally and spatially and prohibits activities that may damage the continuity of the resource. For example, *Tagal* rules prohibit waste disposal in the river and use of chemicals and electrocution to catch fish. *Tagal* is a shared responsibility of the community and is managed and implemented through collective decision-making. Likewise, the community's management of their water catchment is communal in nature, involving collective responsibility, consultation and decision-making. They are even working together with other communities in the Ulu Papar region and forming water catchment committees to monitor their rivers and water catchments regularly for pollution, erosion and water level and quality.



**Figure 20:** Children playing in the Terian River (credit: PACOS Trust).

One of the problems faced by the Terian community has to do with their primary forest water catchment area, part of which is located in privately owned land while the other part is located within the boundary of Crocker Range Park. For the former, the local committee (*Tinimungan Popoburu tuluhan Kg. Terian* or Peoples of Terian Organisation – Friends of Village Development) negotiated with the specific landowner and reached an agreement to set aside the water catchment for the benefit of the community. For the latter, although the Terian community has an informal understanding with Sabah Parks to use and care for the water catchment, they do not have security of tenure. Furthermore, legal access of the community to the forest and collection of resources is limited. Moreover, there have been incidents of encroachment by outsiders looking to profit from the sale of exotic animals and agarwood (*gaharu*). Bio-piracy is also a problem with companies working to patent and commercially exploit medicinal plants without crediting the community who were the original holders of such medicinal knowledge. Within the community, there is also conflict with



individuals who seek short-term economic advancement through cultivation or sale of community land that is otherwise set aside for conservation.

The most pressing issue for the community at the moment is the Sabah Water Department's planned construction of a massive water reservoir dam for the purpose of supplying water to areas in Kota Kinabalu City and the District of Tuaran. The proposed location of the dam is in the Ulu Papar area and would submerge a 12-km<sup>2</sup> area. Even if Terian may not be in the area to be submerged, the dam would still involve the gazettement of another 350 km<sup>2</sup> to be used as a water catchment reserve. If this happened, the villagers would be forcibly relocated and would lose their stewardship of the land, forests, watershed and rivers as well as their identity, history, culture and livelihoods that are tied to the landscape.

The community has taken several measures in response to the proposed dam. They have tried proposing alternatives with less ecological impact such as using micro-hydro turbines. Memoranda have been sent to relevant government authorities advising against proceeding with the project and underscoring the ramifications it would have to the communities living in the area as well as the surrounding environment. They have held workshops with NGOs and met with government agencies to share their views and demands. When they were not respected, blockades were set up to block entry to the village, especially when EIA consultants were alleged to have used unethical tactics to obtain data favourable to the project proponent.

The community's main strategy in resisting the proposed dam focused on showcasing their sustainable management of natural resources based on their traditional knowledge, notably, their water catchment management practices which contribute to the continual supply of clean water. It is hoped that by documenting and communicating their traditional knowledge and practices, they will be able to convince the government to re-evaluate their decision to build the dam. They plan to provide a copy of their watershed management protocols to relevant government agencies, including the Native Court. They want their protocols to be recognized legally and adhered to by all, from both within and outside the village.

As for the issue of limited access to the forest due to overlapping boundaries with Crocker Range Park, the community has been working together with Sabah Parks to establish a Community Use Zone where the community would be allowed to continue their subsistence activities while managing the area together with Sabah Parks. However, this has yet to come to fruition. More broadly, the Crocker Range Park and surrounding areas – including Ulu Papar – was declared as a UNESCO Biosphere Reserve in 2014 (UNESCO, 2014). This designation could provide an opportunity to engage with UNESCO over the concerns with the dam, though more pervasive challenges remain with government financing and approval processes for the dam.

## **5.0 Recommendations**

The communities involved in the CCRI identified the following recommendations, with support from PACOS Trust. A common recommendation across all of the communities is to seek recognition of their community protocols from the Native Court, especially where the

state legal system has fallen short in its recognition of customary law and traditional knowledge and practices.

- **Sg. Eloi:** Any further development of the shrimp farm should be halted to prevent further damage of the mangroves. The Environment Protection Department should retract the EIA clearance for the aquaculture project and undertake a proper public review, with full and effective participation of the villages in that area. The project developers should restore or at the very least pay for restoration of the mangroves destroyed. More broadly, an independent review should be undertaken of the impacts of the federal and state governments' "poverty eradication" programmes (such as the shrimp farming project). The community should be allowed to determine what form of development is appropriate to their way of life. Government agencies, especially the Forestry Department, the Lands and Surveys Department and the Native Court, should formally recognize the community's protocols and customary laws for protecting and sustainably using their mangroves. Another legal option being considered is to work with the Drainage and Irrigation Department to recognise Water Conservation Areas in the community's mangrove areas.
- **Alutok:** The Sabah Forestry Department should excise the community forest from the Class II Forest Reserve or reclassify it as a domestic forest reserve (Class III) and devolve governance and management responsibilities to the community, based on Indigenous knowledge and practices. This arrangement should not impose any requirements to clear the forest under the guise of 'poverty eradication'. At the very least, a co-management agreement should be established with the community for the community forest.
- **Kiau:** Sabah Parks should continue to assist with efforts to recognise the community's conservation practices but should do so in ways that are tailored to each community in the Ecolinc (corridor) area, including by considering the pros and cons of Native Reserves and other forms of legal recognition more fully with the community before proceeding with gazettment. Sabah Parks and companies interested in tourism operations in the area should also assist the community in setting up eco-tourism initiatives in accordance with the community's protocol and development plans. Another option being considered is to work with the Sabah Forestry Department to demarcate and gazette their community forest reserve in accordance with the community's protocol, as the Forestry Department has more political clout than Sabah Parks.
- **Mengkawago:** Similar to Alutok, the Sabah Forestry Department should excise the community's traditional territory from the Forest Reserve and grant the community formal ownership. A possible alternative is to reclassify it as a Class III forest reserve and devolve governance and management responsibilities to the community, based on Indigenous knowledge and practices. At the very least, the Forestry Department, concessionaire and community should establish a co-management agreement to allow the community secure access to forest products for their subsistence use and to protect the trees on which the honey bees depend. An additional option being considered to support their livelihoods is to work with the Forestry Department's Social Forestry Unit to establish a local enterprise for the harvested honey.

- **Terian:** The state government should immediately halt plans to build the Kaiduan Dam and identify alternatives for addressing the city's water supply needs, including by retrofitting pipes to stop leakages. Sabah Parks and the Ministry of Tourism, Culture and Environment should play a more active role in supporting the communities in Ulu Papar to resist the dam and should leverage the designation of the UNESCO Biosphere Reserve to recognise the communities' contributions to water catchment stewardship and biodiversity conservation more broadly, and the need for sustainable economic activities in the area. This could include legally recognising Water Conservation Areas and Community Use Zones. The community's watershed management protocols should be formally recognized and supported by all relevant government agencies.

## **6.0 Conclusion**

Through the CCRI process, the five communities have documented their customary laws and traditional knowledge previously only known orally in the hopes of ensuring the continuity of their traditional knowledge and practices, and also demonstrating that they are capable of managing resources sustainably. This process has also facilitated the visioning of the communities' self-determined plans and priorities, especially in the long term, initiating a process of engagement with key decision-makers through their community protocols and demonstration of good practices.

Although the communities involved have demonstrated their resilience and ability to be stewards of their customary territories, significant challenges threaten their territories and practices in both the short- and long-term. Consolidating their community protocols will provide a clear basis for targeted dialogues and negotiation with government agencies and other stakeholders. Different government agencies can usefully implement existing provisions in policy and legal frameworks to recognise and support the communities. However, several weaknesses may need to be addressed for this to be effective, including possible conflicts of interest, ensuring recognition is appropriate, management effectiveness, effective participation and decision makers within the community, limits of coordination and jurisdiction, and research and education (Lasimbang, 2016).



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