

Creating the Ulu Papar biocultural community protocol

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Background

Ulu Papar is a remote place in Borneo, located at the uppermost reaches of the Papar River in the District of Penampang, Sabah, Malaysia. The landscape is inhabited by about 1000 indigenous Dusun people, in nine small settlements. The natural environment is the source of their food, crafts, medicine, construction materials, recreation, cultural heritage, history and identity. Having managed their forests communally according to customary practices for generations, the community has a rich and deep cultural and ecological knowledge.

In 2010, the people of Ulu Papar came together to create a biocultural community protocol (BCP) – a document articulating the interests, rights and responsibilities of the Ulu Papar community in the preservation, management and utilisation of their territories and culture. The idea for the Ulu Papar protocol developed out of community concerns over three main issues: lack



Photo: Yassin Miki

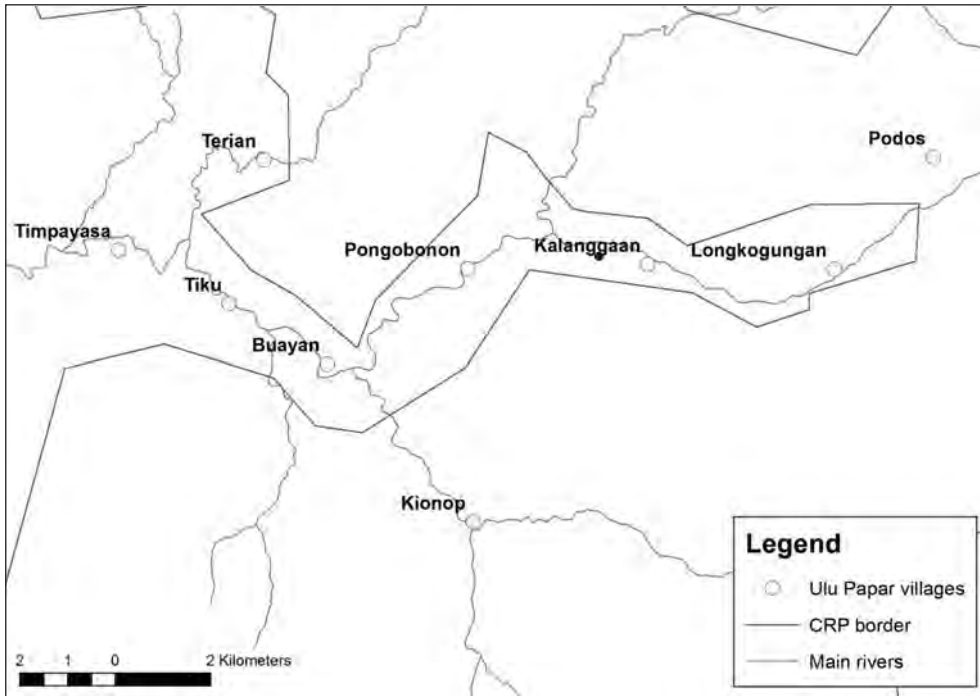
Panorama of Buayan village in the Ulu Papar valley.

of tenure security, conflicts with State-driven conservation and destructive development.¹

Background on land, resource and conservation in Ulu Papar

Indigenous Dusun people have inhabited the Ulu Papar landscape for generations. Oral histories affirm their presence since colonial times. Almost all villages have no

¹ The BCP process was initiated as part of activities under the Darwin Initiative projects in Ulu Papar, with the assistance of Natural Justice.



Map of Ulu Papar showing location of villages in relation to the Crocker Range Park (CRP) boundary.

road access, and the rugged and hilly terrain makes Ulu Papar a remote and difficult area to reach. Community members consider this area to be their ancestral lands and depend almost entirely on the surrounding natural resources and landscapes for survival.

Loss of customary lands in Ulu Papar began after Malaysia was formed in 1963 with the gazettelement of the Crocker Range Forest Reserve in 1969, followed by its conversion to the Crocker Range Park (CRP) in 1984. The remaining customary lands – a narrow strip along the Ulu Papar valley – were classified as alienable State Land. The Ulu Papar community has not been granted legal title over their customary lands, for reasons not explained by the authorities.

Conflicts surfaced when a large portion of Ulu Papar's customary lands were incorporated into the Crocker Range Park in 1984 without the community's participation or consent. Many people's daily livelihood activities, such as subsistence

swidden farming, hunting, freshwater fishing and gathering forest products, which have always been carried out within the park's boundaries, were considered 'unlawful', generating a bitter, 20-year conflict. Excision of customary lands from within the park was once considered but given the substantial area involved, it was felt that such an exercise would significantly impact on the conservation of biodiversity and ecosystems of the Crocker Range Park (Sabah Parks, 2006). As an interim measure, in 2006 the CRP Management Plan introduced the concept of community use zones (CUZs), designated areas inside the park where communities will be permitted to access and use resources and lands (with certain limitations) as a compromise to soften the conflict between the community and the park, with a view to exploring a mutually agreeable resolution in the longer term (Sabah Parks, 2006). Although this granted certain rights (on paper) to the people of Ulu Papar, many were not satisfied. CUZs would not confer the

Photo: Noah Jackson



Agriculture, a key livelihood for the UP community, is limited due to access restrictions to traditional agriculture sites.

community with legal tenure of customary lands inside the park, and it was unclear whether the CUZ areas could support their livelihood needs (Pacos, 2004).

In 2009, the Sabah Government began the process to nominate the Crocker Range Biosphere Reserve (CRBR), which is a designation under UNESCO's Man and the Biosphere Programme.² The CRBR would adopt the entire Crocker Range Park (1,400 km²) as the core zone for strict conservation. Areas adjacent to the boundary would form the buffer zone, where limited activities would be permitted.³ A transition zone would encircle the buffer zone, where conservation activities and mixed development, such as housing and commercial estates, roads and infrastructure, would be permitted. Ulu Papar falls under both buffer and transition zones, while the CUZ would be implemented as an exemption within the core zone. Poten-

tially impacting over 400 villages on the park periphery, the CRBR is still at a conceptual phase and community consultations are still preliminary.

Then in 2009, the Sabah State Government announced plans to build the Kaiduan Dam, to supply water to the capital. The project would impound 320ha of Ulu Papar as a catchment area and submerge the villages of Timpayasa, Tiku, Buayan and Babagon Laut (adjacent to Ulu Papar). The project met with public outrage when it claimed the Ulu Papar valley was uninhabited. Although the plans pose immediate and obvious contradictions to the government's plans to nominate the CRBR, the status of the dam project remains unknown. The Ulu Papar community vehemently oppose the dam. However, their complete lack of tenure security means they have no legal foundation for rejecting the proposed dam.

Collaborative research in Ulu Papar

In 2004, spurred by interest in Sabah Parks to find innovative solutions to the Ulu Papar conflict, a consortium of partners initiated a joint research project to investigate and document resource use patterns in Ulu Papar.⁴ A participatory action research approach was designed to build the capacity of indigenous community researchers to document the key ethnobiological resources important for community livelihoods and jointly monitor how they are used, managed and protected by the community (GDF, 2009).⁵ The term

² The UNESCO Man and the Biosphere (MAB) Programme aims to set a scientific basis for the improvement of the relationships between people and their environment globally. See: <http://tinyurl.com/unesco-mab>

³ Existing legislation in force on State lands may place limitations on communities in buffer zones, for example prohibitions on hunting and restrictions in watershed areas.

⁴ Led by the Global Diversity Foundation (GDF), Sabah Parks and the Ulu Papar community, and funded by the Darwin Initiative UK, this eight-year initiative has, over the years, included partners such as Pacos Trust, Universiti Teknologi Malaysia, Universiti Malaysia Sabah and the University of Kent UK.

⁵ Research to collect baseline data (e.g. locations of important areas, key resources important for livelihoods) was a necessary first step for communities to voice their concerns and expectations. The data amassed from this research is vital to building a convincing and realistic proposal to resolve access, use and tenure issues, understanding the resource use and cultural significance of the Ulu Papar landscape so that discussions could focus on practicable solutions and realistic expectations.



Photo: Ephraem Lompoduk

Community researchers update the location of gravesites on the Ulu Papar participatory 3D map.

'resource catchment area' was coined: the total area required to sustain community livelihoods in Ulu Papar, both inside and outside the park. Research results continue to inform the ongoing discussions within the community, and between the community and park managers on land-use planning and resource management, whether in the proposed CUZ, buffer and transition zones to the CRBR, community conserved areas or community-managed multiple resource use areas (Wong *et al.*, 2009).

An important outcome was the enriched capacity within the community to engage in conservation dialogue and action (Agama *et al.*, 2011). Over 300 young and elderly men and women from Ulu Papar villages have participated in research activities, as community researchers, collaborators, informants, workshop participants, field guides and hosts. Over eight years, more than 25 community researchers have been trained to work with their villages to map key resource areas and mark them on 3D models, conduct livelihoods assessments,

record oral histories, collect botanical specimens of useful plants, and produce a series of participatory videos that share the concerns of their community in their own words and using their own images. Conducted through fieldwork, workshops, community exchanges, training courses, expeditions and travelling roadshows, these activities yielded a significant amount of data on resource use patterns and cultural landscapes. The process has also facilitated discussions and information-sharing amongst community members and with outside agencies.

This collaborative initiative has been critical in promoting the role of the community in the conservation and management of Ulu Papar (Majid-Cooke and Vaz, 2011). However, many threats remain to their livelihoods, well-being and future. These include the lack of legal tenure of their customary lands, prolonged delays in CUZ implementation and lack of clarity on CRBR zoning, continued stand-off with the park and plans to construct the Kaiduan Dam.

Photo: Nick Lunch



Community researchers trained in participatory video.

The biocultural community protocol

To deal with these problems and ensure the recognition of Ulu Papar as an important site for the protection and promotion of biocultural heritage in Sabah, the community researchers complemented the ongoing broad range of participatory advocacy activities by launching a process to develop the Ulu Papar BCP in 2010 with the support of various partners. In this context, it was the participatory research and advocacy processes that provided community researchers with the techniques and experiences to draw on, in the process of developing the protocol.

The Ulu Papar BCP is a document describing the community, its members' way of life and culture, and the activities that sustain their daily lives, such as agriculture, hunting and harvesting forest and river resources. It elucidates the rights, responsibilities, interests and roles of the community in overcoming the challenges they face as well as their unique management and conservation approaches that are based on their *adat* (customary laws) and

culture. The protocol represents the product of consultations that have involved many community members in the process of thinking about and analysing their priorities as a united collective. In this way, it also embodies a framework guide to stimulate unity as they move to resolve the problems faced in each village.

Most importantly, and moving beyond village-level problems, the protocol represents a clear articulation of the community's aspirations in terms of future interactions with outside actors, including representatives of government agencies. In this sense, the protocol is a fundamental tool in any process where outside parties intend to obtain the community's free, prior informed consent (FPIC), and therefore represents the first step in a larger mechanism for engagement with outside actors, within the community, and with future generations.

The process to develop the Ulu Papar protocol was conducted through a series of workshops, trainings and discussions with community members and relevant parties

Table 1: Community consultations while developing the Ulu Papar protocol

Date	Activity	Place	Participants ⁶
1st–2nd March 2010	Centralised community workshop with Natural Justice and GDF	Buayan	61 people from the Ulu Papar villages of Buayan, Tiku, Timpayasa, Terian, Pongobonon and Kalanggaan (including three from GDF and two from Natural Justice)
10th–11th March 2010	Training course for community researchers with Natural Justice, Sabah Parks and GDF	Crocker Nature Centre, Crocker Range Park Headquarters in Keningau	34 people comprising community researchers from the Ulu Papar village of Buayan and the village of Bundu Tuhan Ranau, Sabah Parks naturalists, trainers from Universiti Teknologi Malaysia (UTM), Natural Justice and GDF
29th–30th March 2010	Centralised community workshop with GDF	Buayan	54 people from the Ulu Papar villages of Buayan, Tiku, Pongobonon, Kalanggaan and Timpayasa and GDF
3rd May 2010	Centralised community workshop	Buayan	32 people from the Ulu Papar villages of Buayan, Tiku and GDF
24th August – 6th September 2010	Ulu Papar Roadshow I	All Ulu Papar villages	93 people from the Ulu Papar villages of Buayan, Tiku, Timpayasa, Terian, Podos, Longkogungan, Pongobonon and GDF
10th–19th August and 18th–19th September 2011	Ulu Papar Roadshow II	All Ulu Papar villages	99 people from the Ulu Papar villages of Buayan, Tiku, Timpayasa, Terian, Podos, Longkogungan, Pongobonon and GDF
29th January – 10th February 2012	Ulu Papar Roadshow III	All Ulu Papar villages	71 people from the Ulu Papar villages of Buayan, Tiku, Timpayasa, Terian, Podos, Longkogungan, Pongobonon and GDF

(see Table 1). The first workshop, held in early March 2010, was a centralised event, where each village in Ulu Papar self-selected representatives to come to Buayan to participate in a joint discussion with the Global Diversity Foundation (GDF) and Natural Justice about ways to resolve the problems they face. During this workshop, participants agreed to collect information to develop the Ulu Papar biocultural community protocol, as a preliminary step in articulating the community's identity, way of life and their vision for a collective future.

A 'training of trainers' course, designed with expertise from Natural Justice (Box 2), was held to strengthen the capacity of

community researchers who played a leading role in designing and facilitating community consultations, compiling the information needed and polishing the text of the protocol. The course incorporated interactive workshop exercises, such as role plays, to review and follow-up the developments of the first centralised workshop in Buayan. These sessions aimed to explore in detail the legal approaches for supporting communities and conservation in relation to human rights and environmental laws at international, national and local levels. They also gave trainees the opportunity to better understand the diverse perspectives of the different stakeholders implicated in deciding the future of Ulu Papar.

⁶ Aside from GDF, Natural Justice, Sabah Parks and UTM trainers, the participants were all community members: men and women who live in Ulu Papar. Some were leaders, some were not, although all are Dusun; farmers, fisherfolk, hunters and gatherers of forest products.

Photo: Natural Justice



Group discussions at the first biocultural community protocol workshop.

Photo: Inanc Tekguc



Community researcher Theresia explaining the draft protocol to another community member.

Box 1: The Ulu Papar BCP training session 10th–11th March 2010

The first training session consisted of informative presentations, role play and group discussions:

i. Presentation on international legal instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on Biological Diversity (CBD) that support indigenous peoples' rights to manage their resources

ii. Role-play: participants divided into three groups. In each group, five pairs of participants were given different 'stakeholder' roles. Each pair had 30 minutes to prepare a position and strategy based on a fictional scenario. They then returned to the group to negotiate and arrive at a consensual and constructive 'way forward', which included strategies such as developing a protocol, collecting more data, improving inter-agency communication, raising awareness amongst community members and conducting more training for community researchers. Then an overall evaluation discussion was held to comment on the negotiation process, explore the challenges involved in arriving at a group decision and distil lessons learnt for the community.

iii. Presentation on biocultural community protocols, drawing on the role-play to explore situations in which community protocols may be useful. This included a discussion in which concerns and questions from the community were addressed.

iv. Field update from the first Ulu Papar BCP workshop (see Table 1). Participants then carried out group discussions on the main themes of importance to the community (Kaiduan Dam, customary land inside the park, the need for improved education materials and buildings and for better local infrastructure, and the possibilities for tourism in the area).

v. Planning and next steps: in two groups, participants discussed priorities, strategies and short- and mid-term actions. They developed a six-month plan to facilitate community consultations and data-gathering to develop the protocol. This plan incorporated a selection of techniques, such as a collaborative data gathering expeditions to villages in the uppermost reaches of the valley, travelling roadshows, further training of community researchers in community outreach approaches, and interviews using participatory videos. They agreed that the plan should be evaluated and revised after six months. In the longer term, priority was placed on raising the profile of Ulu Papar as an important cultural landscape. Tentative plans included launching a Ulu Papar community and conservation campaign as the principal vehicle to structure the use of the protocol (along with the participatory videos, photography galleries and maps) to engage with government agencies and raise public awareness.

Following this, subsequent community workshops were held to flesh out the contents of the Ulu Papar protocol and seek feedback from all participants. Community researchers played a pivotal role in designing the community consultation activities that enabled them to compile information needed for the protocol, from workshops and discussions and drawing upon the significant corpus of data gathered during the Darwin Initiative projects to support the viewpoints asserted in the protocol. For example, geo-referenced maps were used to show locations of important resources and cultural sites, while ethnobiological data displayed in charts and graphs demonstrate the interrelationship between the community and the natural landscape they rely on. During the follow-up workshops, participants were given the opportunity to discuss with each other, give information and share their views on the framework draft protocol that was beginning to take shape.

In the earlier stages of drafting the protocol, participation was somewhat unsatisfactory due to remote locations of villages. Difficult journeys prevented community members from far-flung villages from attending. The community researchers decided to design and conduct a travelling workshop – which became known as the Ulu Papar Roadshow – to visit each of the villages, sharing the same information regarding the protocol drafting process in each, while collating feedback from all community members to finalise the draft protocol. To review the protocol text, community researchers chose to embark on a lengthy word-for-word process that examined each section and sub-section of the protocol with each of the villages they visited. Although tedious and demanding, the roadshow format permitted more women and elderly community members to participate in the consultation process, whilst also ensuring ownership and commitment from each village. At the end of each roadshow, the community researchers improved and revised the draft

text based on the views and comments collected from community members. In March 2012, after almost two years, the protocol was finalised and printed in Bahasa Malaysia for community members and researchers to disseminate (a digital English version has also been prepared).⁷

The protocol forms part of the backbone of the Ulu Papar Community and Conservation Campaign launched in 2011 to disseminate information about the importance of Ulu Papar as a biocultural heritage site for the State of Sabah. Activities conducted under this campaign include:

- roadshows that visit each Ulu Papar village to share the latest updates and enable community members to discuss the critical issues they collectively face;
- dialogues with government to raise awareness about the heritage value of Ulu Papar and the role of the community in the conservation of this heritage;
- the circulation of the Ulu Papar BCP as a document that represents the desire and

commitment of the Ulu Papar community to work together in preserving Sabah's biocultural heritage.

Overall, the Ulu Papar BCP, and the participatory process undertaken to create it, have helped the community articulate a common vision and aspirations for well-being. Most importantly, it has fostered a sense of solidarity among Ulu Papar people, giving them a belief in the future. These, however, remain early steps in the larger journey of equipping state governments to recognise and support indigenous peoples' rights to self-determination. As the Ulu Papar community researchers begin to use the BCP as a means of engaging with government agencies in Sabah, receptivity and reciprocity on the part of state actors remains to be seen. To bring their aspirations to reality, what was an intensive community process must now reach out and inaugurate constructive relationships with outside actors and government agencies.

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⁷ Developing the protocol was not a full time task – villagers had to tend their farms, look after their families, participate in cultural and religious observances, etc. Developing the protocol also involved a lot of unaccustomed paperwork – often it proved useful to ‘take a breather’ and allow people the time to talk, reflect and the return to the document later.



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NOTES

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