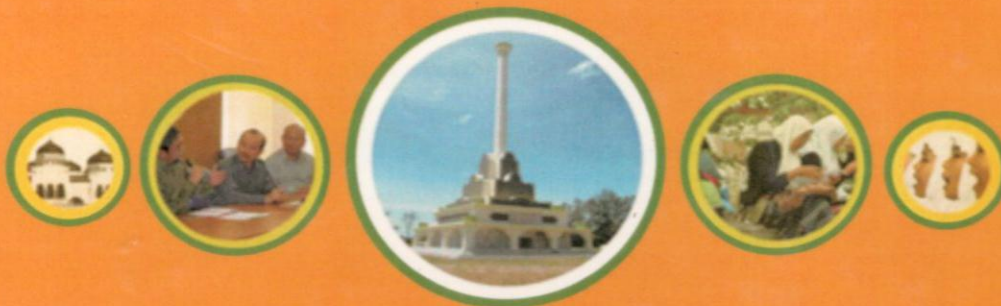


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The Protecting of biodiversity and Traditional Knowledge through the Access and Benefits Sharing (Opportunities and Challenges in Development of Aceh)

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Abstract. This paper looks, opportunities and challenges to protecting of biodiversity and Traditional Knowledge (TK) through the access and benefits sharing in the development of Aceh. Therefore, interests of the economic, social, culture and political of biodiversity and TK, causing an increase in the economically value of biodiversity and TK. Indonesia has ratified the Convention on Biological Diversity (CBD) in Act Number 5 of 1994, as a rule in protecting of biodiversity through the Access and Benefits Sharing (ABS). In addition, has the Nagoya Protocol as the implementation of ABS regulations, but not yet ratified. And this is a challenge for Aceh region of Indonesia as one area that has a large biodiversity and TK, desired to protect of biodiversity and TK through ABS contracts. Such conditions require the attention of the government in making laws and regulations, enhance the knowledge and ability to negotiate or human resources so that the opportunity for profit are balanced in the development of Aceh.

Keyword : biodiversity, traditional knowledge, protection, aceh, development.

Introductions

This article discusses some key concepts to answer the question whether the opportunities and challenges of the protection of biodiversity and TK in the development of Aceh? Namely, the concept of TK and IPR, international conventions, national regulations and the interests of protecting biodiversity and TK, supported by theories.

Biodiversity including genetic diversity, species, ecosystems and human cultural diversity. From the diversity of biodiversity also appeared in supporting the various TK human life. Biodiversity and TK have a close relationship (Van Overwalle, 2005). Regarding both have value and become its own knowledge. Values and knowledge derived from genetic resources that are available. Repertoire of TK about biodiversity is reflected in the utilization patterns of biodiversity, traditional patterns of agriculture and nature conservation efforts are still living in the community (Winarto, 1999).

The existence of nature that provide biodiversity and TK is knowledge gained from processed natural resources by the community, then it has been used repeatedly and hereditary since time immemorial. Meaning, TK is derived from biodiversity assets, which includes some information on various types of biodiversity are processed for the purposes of foods and medicines.

Indonesia is ranked the world's second after Brazil in terms of biodiversity. A total of 5.1311 million biodiversity in the world, 15.3 percents of them are in Indonesia. And this has the potential to be used as medicine, and biological potential of this tremendous need to be explored and utilized for the health and welfare of the people of Indonesia (Based on data from the Ministry of Forestry Indonesia in 1994).

IPR and TK Concept

TK with the Intellectual Property Rights (IPR) has a very different concept. Debate about the concept of IPR is strongly influenced by the style of European, which revolves around the creation, possession, transfer and utilization rights. As for traditional societies, it treats TK as the cultural heritage and does not care who the creator, owner, who may take advantage and whether the rights to TK can be transferred or not (Blakeney, 1997).

Because, the IPR is a concept of ownership that comes from the liberal state to protect of individual rights of IPR. This is inversely related to the concept of ownership of TK particularly in Indonesia who are in the realm of customary law with the main characteristics that promote communal interests (Purwaningsih, 2005).