



COLLECTION, PRESERVATION, PROTECTION AND ACCESS OF TRADITIONAL KNOWLEDGE

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INTRODUCTION

Traditional knowledge is the knowledge that we receive through word of mouth at home or through social, cultural and religious customs, environment, age-old skill, habits, local languages, arts, crafts, folklore etc. This Knowledge is achieved through complex processes that have succeeded protecting it for generations in the past. This knowledge may be known to in person or to a group of persons. The indigenous people of the world possess an immense knowledge of their environment, based on centuries of living close to nature. Living in and from the richness and variety of complex ecosystems, they have an understanding of the properties of plants and animal, the functioning of ecosystems and the techniques using and managing them that are particular and often detailed. In rural communities in developing countries, locally occurring species are relied on for many- sometimes all – foods, medicines, fuel, building materials and other products. Equally, people's knowledge and perceptions of the environment, and their relationships with it, are often important elements of cultural identity. Traditional knowledge is frequently described and under stood as communal or public knowledge, WIPO considers that traditional knowledge would encompass 'the content of knowledge would encompass 'the content of knowledge itself as well as well as traditional cultural expressions, and signs and symbols associated with traditional knowledge', and would also refer to 'the comment or substance of traditional know-how, kills, practices and learning.'

Traditional knowledge is thus tradition-based. It may or may not be proven scientific or authentic in a modern since but it could have all such attributes and yet be termed as traditional. We notice, therefore, that knowledge is eternal. It is the leveling that it receives as a result of its occurrence and form in the time and space it flourishes in and then flows down to

generations, spreads to other lands or diminishes as a result of various economic, scientific and technological factors. The scientists often reject traditional knowledge as they consider it to be anecdotal and unscientific. But a good scientist will consider it necessary to test traditional knowledge within scientific principles while scientists test traditional knowledge, it would be ideal to collect and classify it. That would help its interpretation in a scientific manner. We all known that science is the systematized body of knowledge and traditional knowledge and traditional knowledge is not systematize but has flowed down from generation to generation after getting tested in nature settings time and time again. This time-tested characteristic of traditional knowledge could also be readable within a fixed set of parameters. But to identify those parameters is a complex process. Thus, in the absence of such tests traditional knowledge is not looked at as scientific knowledge, although within a fixed set of parameters. But to identify and quality those parameters is a complex process. Thus, in the absence of such tests traditional knowledge is not looked at as scientific knowledge is as much a reality as a scientific observation could be. Therefore, comparisons are not necessary unless scientific study would trivialize traditional institution. In the field of environment, for instance tradition knowledge may be supplemented by new scientific studies. People could admit a change in practices and beliefs, as a result of such studies.

Collection

Traditional knowledge is collective in nature and is consider being the property of the entire community. It does not belong to a single individual but sometimes, it may be known to a single individual. It is transmitted through cultural and traditional information exchange methods that are natural and evolutionary in nature. It is also transmitted orally from



generation. Traditional knowledge is thus location-based and therefore while capturing it, local terms do get precedence. This results in the creation of a terminology which may not be a standard one. While recording it, the context within which a particular traditional knowledge component is used needs to be highlighted. Also, certain terms may not get properly translated. Therefore, while capturing traditional literature which already exists in different fields such as: Agriculture; art including artifacts, designs, motifs etc.; environment including ecological knowledge; flora and fauna; health; folk music; literature including stories and legends; inventions (local); medicinal plants. Names and symbols; dances including performances; cultural habits; customs; food; skill, spiritual practices; and scientific works and local discoveries, etc.

Traditional knowledge is important not only for the society to which it belongs but to the world at large. It is therefore essential to identify if and record it in such a way that it can be accessed and archived. We have seen that traditional knowledge covers a wide range of subjects and can be collected from a variety of sources. It is responsible for transformation the personality of a person as it is a part of the culture of the society to which the person belongs. It gets reflected through language and all kinds of practices following by a society. It not only gives the means for individuals to remain economically independent but also gives them moral strength by following it.

The Factors

Collection of traditional knowledge is thus important. Various factors need to be kept in mind while recording traditional knowledge. Generally interview or survey method are used for doing so but both methods cannot give perfect result unless the questions framed to not take into account ambiguities inherent in the collection process of traditional knowledge. For instance the local names emerging out of different language groups, say in biodiversity including agriculture create many ambiguities. These ambiguities can be avoided if in addition to the local terms, scientific equivalents are also given. Also a tradition can be veiled from various contexts and each context would have a separate meaning. We therefore notice that in the absence of a reference to the context, improper translation of local terms may emerge. Thus the using of local terms with their scientific equivalent should not create ambiguities in the final result of the captured data, which need to be checked. Few examples of procedures adopted in collecting sample of traditional knowledge:

The Principles

Respective the stakeholders and communities;
“Clarity the objectives of data collection;
Develop an interactive approach and communication between the team and the stakeholders;
Recognize the limitation of the information;
“Recognize informants of informants’ biases;
“Recognize and minimize biases of the team members including gender, education/ discipline background, language, outsider priorities;
“Take detailed notes;
“Cross-check data;
Create opportunities to reflect on learning;
“Recognize when to stop.”

The GIS

The Geographical Information System (GIS) is also used in collecting traditional Knowledge. The information so collected makes the traditional knowledge more dependable. The tools that are used in GIS include cartographic and database management techniques. These techniques help in collecting data about natural resources, land usage, condition of monuments, etc. This helps in developing local databases and tries to identify skill that would be useful to a particular community.

Preservation

Interest in the preservation of traditional knowledge is growing all over the world. We have seen that traditional knowledge is available through a variety of intellectual products and sources including traditional medicines, medicinal plants, ecosystems, traditional symbols, traditions, folk tales, religious and other cultural heritage etc. I would like to highlight the issue associated with the preservation of traditional knowledge. These issues include:

Traditional values and languages are diminished in scope and number around the world. There is a slow regression in this area because of various factors, including modernization, impact of Internet and ICT. Preservation of this heritage may not necessarily stop its regression, but it could stop its wholesale elimination, thus allowing the traditional societies to continue using traditions for religious, economic and artistic issue in mind. Preservation would eventually help in maintaining a historical link with the past. World Intellectual Property Organization (WIPO) supports preservation programmes, but the erosion is so fast that WIPO programmes help partly in maintaining the available traditional knowledge by developing historical sources. This can help in correcting unauthorized and improper presentation of traditional knowledge by developing historical sources. This can



help in correcting unauthorized and improper presentation of traditional knowledge includes the following policy objectives.

I Meet the actual needs of traditional knowledge holders

II Promote conservation and preservation of traditional knowledge

III Empower holders of traditional knowledge and acknowledge the distinctive nature of traditional knowledge systems

IV Support traditional knowledge system

V Contribute to safeguarding traditional knowledge

The archiving of traditional knowledge in the digital form or in other forms, such as display in museums, maintenance of documents, preserving through sound-recording, video recording etc. are specialized jobs, for which the facilities are not generally available in small libraries. At national and international level very elaborate programmes need to get established and executed. There is a need of preservation specialists and there is a need for preservation centers of traditional knowledge and each Government, whether at the State level or at the national level should draw plans to undertake this job. The issues that come up for understanding, evaluation and application include preservation ethics, role of memory in traditional knowledge, role of local languages, and the use of information and communication of traditional knowledge. Preservation methods of traditional knowledge vary from item to item. The data collection through field trips resulted in finding solutions to the depletion of the bio-diversity. Some of the recommended initiatives are creation of micro reserve, the organization of private fishing and hunting facilities, wood vegetation along artificial channels and reservoirs, promotion of local species of valuable herbs, etc.

Digitization of recorded knowledge: This is being done all over the world. It will not be possible to go the method used in the preservation of traditional knowledge on each item around the world. For instance the role of oral traditions has been important in preservation religious teachings and values, and traditional knowledge on various issues including, for instance, the traditional methods of creating dyes; and preserving high altitude medicinal plants.

Protection

A number of efforts were made since the 1980s by the U. N. Agencies at the international level to protect traditional knowledge from misuse. Some of the major international efforts that were undertaken are listed below:

1983 Recognizing that the environmental problems were global in nature the U.N General Assembly passed the Resolution No. 38/16 in 1983 which recommended that a Commission be established to prepare the Environmental Perspective to the Year 2000 and beyond.

1983 The Brundtland Commission was established by the United Nations to look into the deterioration of the human environment and natural resources and their impact on economic and social development on indigenous people.

1987 The Brundtland Report (1987), highlighting the relevance of collective human rights recognized the local rights and aspirations of indigenous people and recommended to the United Nations to establish a Working Group on Indigenous Populations.

1989 The importance of collective human rights was later recognized by the International Labor Organization (ILO) Convention 169 (1989)

1992 The importance of collective human rights was recognized at the Rio Declaration on Environment and Development. (1992).

1992 Convention on Biological Diversity (CBD) recognized the value of traditional knowledge in protecting species, ecosystems and landscape Environments and landscapes.

1996 Convention on Biological Diversity (Buenos Aires) emphasized the relevance of local Knowledge. The Convention further appealed to States to let local communities and indigenous people to take care of their biodiversity within their territories in order to protect.

1999 World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), establishes rules for creating and protecting intellectual property.

1999 World Intellectual Property Organization (WIPO) established a Fact Finding Mission in 1999 which covered music, song traditional designs, etc. WIPO established the Inter- Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

WIPO started investigating the relationship between traditional knowledge, biodiversity and intellectual property rights.

2007 The importance of collective human rights was recognized at the United Nations Declaration on the Rights of Indigenous Peoples.

2009 WIPO General Assembly decided that discussions should continue for the next two years on the protection of traditional knowledge.

India had to fight for revocation of turmeric and basmati patents granted by United States Patent and



Trademark Office (USPTO) and neem patent granted by European Patent Office (EPO) In 1999, the Department of Ayurveda, Yoga & Naturopathy, Unani, Sridhar and Homoeopathy-(AYUSH) previously known as Department of India System of Medicine and Homeopathy (ISM&H) constituted an inter-disciplinary Task Force, for creating an approach paper on establishing a Traditional knowledge Digital Library (TKDL). It was in 2001 when the project was initiated by the Council of Scientific and Industrial Research (CSIR) Ministry of Science and Technology and Department of ayush, Ministry Of Health and Family Welfare. In case of, medicinal plants, mineral, animal resources Classification (TKRC) was established for developing a structured Classification system. This was done to systematically arrange traditional knowledge so that its dissemination is achieved well. The classification system covered about 25000 subgroups.

But the Patents Act, Plant Variety Protection and Farmers Rights Act, Biological Diversity Act, 2002 and Geographical Indication of Goods (Registration and Protection) Act, 1999 have provisions that can be utilized for protecting traditional knowledge.

Thus set practices have revolved to protect traditional knowledge from being used by other without the permission of the people to whom it belongs. Documenting of traditional knowledge without the consent of the people and documenting it with certain biases in mind amount to the violation of rights and there are instance when this knowledge slip out of their right hands. At the institutional level, both governmental and non-governmental, suitable steps can be taken. I am illustrating the role of knowledge Centers in protecting and promoting traditional knowledge.

Knowing full well that traditional knowledge is precious, it needs to be protected from getting patented by other individual's organizations and Governmental as their own. India has such an old heritage and its traditional knowledge is immeasurable. Therefore steps need to be taken to show that a particular traditional knowledge, available in a community, town, city or country needs to be done and published.

There are a number of traditional/indigenous knowledge centers functioning around the world. The activities of knowledge centre are vary from centers to centre and will be determine by various factors including the immediate needs of peoples. The role of the knowledge centers could greatly help in preparing documentations of traditional knowledge in different sections of the society in the countries, In order to collect, organize and disseminate traditional knowledge, the knowledge Centre could undertake the following activities.

Getting TK Patents: Traditional knowledge is a type of intangible heritage. As traditional knowledge could be giving economic support to a community, its patenting by another agency and marketing it outside the economic zone to which it originally belonged could sharply affect the community economically, it would be a serious human rights violation. Therefore, if any individual or organization is trying to get IPR for the traditional knowledge which is within the scope of the knowledge Centre [KC]. The KC should prevent it from happening by forwarding the objection to the next higher authority under which the KC is functioning. For instance, when turmeric was being patented in the United States, the Government of India fought to reverse the process. Similarly there has been the case of patenting Basmati rice. There is a great effort needed to reverse the patents on Neem, Amla, Anar, Karely, among others. The role of the knowledge Centre becomes very potential in protecting it.

Stopping Misrepresentation and Misuse: Misrepresentation of local knowledge by individuals who may be local or non-local people or experts should be resisted. The KC should identify such a local traditional knowledge which has been willfully or mistakenly put in public domain or used by others without permission of the community, and which has been willfully or mistakenly put in public domain or used by other willfully or mistakenly put in public domain or used by other without permission of the community, and which use may be derogatory in nature or culturally offensive to the community.

Liaising on behalf of the community: The role of the knowledge centre is potential because the people who own the traditional knowledge should give consent for revoking any patenting of their knowledge should give consent for revoking any patenting if their traditional knowledge belongs would be the right people who can give some rights to other considerations.

Supporting Innovations: The innovation developed by local people based on traditional knowledge could be promoted by the KC.

Free Flow of TK: There were lobbies around the world that feel that traditional knowledge has remained a great source of support to people as it give access to cheap medicines and food. And therefore, the curbs should remove.

Promotional Support for Economic Development: The KC could make effort to see how the community they are serving can benefit from economically using their traditional knowledge. The KC could locate agencies that would help the community within a legal framework.



The KC could also try to introduce new innovations, crops products that would let the community benefit and introduce transformation in the society. Traditional knowledge has always give rise to skill that result in local product including handicrafts etc. The KC could find how such local products could be marketed well so that the community could get sufficient economic benefit from its sales.

Research in TK: There is always a need to undertake research in traditional knowledge so that the community could be benefit from it. The experts who want to do in-depth research on certain traditional knowledge products such as local drugs and natural products could introduce change in a community. One the permissions are received for such is shared with the local community. The KC could archive such research results could be used by the local community if relevant, for economic and other social purpose

Access

A modern public library or a Knowledge Centre for public in community should have access to local sources of knowledge including traditional knowledge available in the community. These sources of knowledge are used for several purposes. The first purpose could be to amplify their use by propagation and the other to bring to notice of the local people the improvements and advances made in the field around the world. The publicity given to the advances made in the field is to uplift the knowledge of people living in the community who may have become a victim of the old knowledge and are not ready to change. Nevertheless, traditional knowledge has let communities live and take care of their members in all times including difficult times. Any change to be undertaken has to be gradual with the consent of the local people.

The public libraries and knowledge centers have an obligation to give access to traditional knowledge that has been collected or access to which has been made possible by the public library or the knowledge centre. Reference service plays an important role in such a situation.

Reference Service

A Librarian or an official in a Library giving Reference Service to a user on traditional knowledge will have to either collect traditional knowledge or use the one already created by any other individual or agency. While giving reference service, the staff should keep in mind the following characteristics of traditional knowledge;

1. Traditional knowledge is authoritative in its character as it is supported by a community a long traditional history

2. Traditional Knowledge is a reality and should not rejected, even if it looks trivial, at the face of it and should be recorded
3. It gives a special identity to the people
4. It reflects a way of life of the people that follow it
5. It should n not be separated from the people by any method, including the interpretation while giving access to it
6. Each tradition, skill, craft etc. has long history behind it and the staff should verify if it has been recorded well
7. Classification of the facets of traditional knowledge within each genre is very important. It has to be done in case of every community where a tradition is flourishing. Library staff will gain more access to traditional knowledge
8. The users of traditional knowledge need to be informed if is patented and protected well
9. All knowledge needs to be shared. So is traditional knowledge. It has therefore to be organized in a knowledge Centre in such a way that it is comparable, it is shareable and is archived in which the knowledge Centre is not specializing should be verified or got verified thorough expert
10. The staff could answer questions on the subject in which the KC is specializing. But the replies to the traditional knowledge in which the knowledge Centre is not specializing should be verified or got verified the thought experts
11. The knowledge Centre should develop an educational kit for educating administrators, planner is a local community and other about the importance of local values, traditions etc.
12. Information about traditional knowledge may be promoted by the KC by establishing links with national and international experts in a given field
13. In a KC for public, the welfare of the society has to be taken into account. Appropriate solutions in the fields of food, nutrition, arts, craft etc. need to be passed on to public by the KC

CONCLUSION

The following recommendations emerge from the above presentation:

1. The collection of TK is essential. It is necessary to arrange proper training for all those \that are associated with the collection of traditional knowledge.



2. The archiving or traditional knowledge in the digital form or in other forms, such as display in museums, maintenance of documents, preserving through sound-recordings, video-recordings etc. is also essential.
3. Preservation methods of TK vary from item to item. Different methodologies need to be used for different types of TK
4. TK needs to be recorded and digitized.
5. Oral traditional should be maintained in institution where they are still in practice.
6. Coordination with international bodies like WIPO needs to be strengthened.
7. All traditional knowledge which is in finger of getting patented by other agencies and individuals should be got patented at the national level
8. Misrepresentation of local knowledge by individuals who may be local or non-local people or experts should be resisted
9. The innovation developed by local people based in traditional knowledge could be promoted by knowledge Centers
10. Research in TK should be support by Government agencies
11. A modern public library or a knowledge Centre for public in a community should have access to local sources of knowledge including traditional knowledge
12. Knowledge Centers should be established to collect promote, preserve TK

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