

International Perspectives of Traditional Environmental Knowledge

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Abstract: *The first and most urgent problem associated with integration is the rapid disappearance of TEK with the passing of elders. Orally based knowledge systems lost in this way cannot be retrieved. It is only through documentation that the usefulness of TEK can become apparent and an improved understanding can be gained of the practices and conditions that lead to the breakdown and reestablishment of TEK management systems. For example, what does TEK have to say about the use of modern technology for harvesting? What can it tell us about the allocation of resources and commercial incentives in the current sociopolitical context? TRIPS, WIPO contributions to TEK, How would traditional institutions of authority operate and enforce traditional laws in a modern context? If TEK is to be revitalized, research must be initiated by aboriginal peoples themselves. The guidance of the elders and the cooperation of the youth are needed to make TEK relevant again. The concept of traditional ecological knowledge (TEK), along with synonymous or closely related terms like indigenous knowledge and native science, has some of its origins in literature on international development and adaptive management. There is a tendency to want to determine one definition for TEK that can satisfy every stakeholder in every situation. Yet a scan of environmental science and policy literature reveals there to be differences in definitions that make it difficult to form a consensus. What should be explored instead is the role that the concept of TEK plays in facilitating or discouraging cross-cultural and cross-situational collaboration among actors working for indigenous and non-indigenous institutions of environmental governance, such as tribal natural resources departments, federal agencies working with tribes, and co-management boards. Reaching a conclusion like CBD by checking all relevant conventions.*

Key Words: TEK, TRIPS, WIPO, CBD, Indigenous

Introduction

The sundries of traditional knowledge, indigenous knowledge, and indigenous peoples have acquired wide operations in transnational debates on sustainable development as well as those on intellectual property protection. still, their operation is frequently subject to confusion. There have been colorful sweats to define the generalities of traditional knowledge, indigenous knowledge, and indigenous peoples, but there are so far no widely unfathered delineations. Different persons define them differently depending on their intellectual persuasion and professional interests. And numerous frequently use the concept of traditional knowledge interchangeably with that of indigenous knowledge.¹ Stephen Brush has defined indigenous

knowledge as “the methodical information that remains in the informal sector, generally verbal and saved in oral tradition rather than textbooks.

1. It is culture-specific, whereas formal knowledge is common. ”
2. One may well ask whether Brush’s description of indigenous knowledge and his distinction between similar knowledge and that which he terms “formal knowledge ” stands for repeated empirical testing. First, he reduces(maybe unconsciously) knowledge to information and as similarly misplaces the “ practical or chops aspect” of indigenous knowledge holders one who possesses knowledge generally has skill and experience in the particular problem sphere, but one may retain

¹ Competitive Strategies for the Protection of Intellectual Property. (1999). Canada: Fraser Institute.

information without experience and skill. Knowledge.²

3. The International Labor Organization(ILO) Convention Concerning Indigenous and ethnical Peoples in Independent Countries defines indigenous peoples as Peoples in independent countries who are regarded as indigenous on account of their descent from populations which inhabited the country, or a geographical region to which the country belongs, at the time of subjection or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, profitable, artistic and political institutions

4. The ILO Convention description carries four vital factors of time, geographical space, adaptability, and territorial occupation by outside populations to be considered in any discussion of indigenous peoples and knowledge. In a recent publication Darrell Posey and Graham Dutfield tend to use the generalities of indigenous peoples and traditional peoples interchangeably.

5. While we appreciate the abstract difficulties that one runs into in any attempt to define the two affiliated generalities, we dodge the use of the two as synonymous. In this study we subscribe to the ILO Convention description of indigenous peoples and define traditional peoples as those who hold a verbal corpus of long-standing customs, beliefs, rituals and practices that have been handed down from former generations. They don't inescapably have a claim of previous territorial residency to the current niche; that is, they could be recent emigrants. Therefore, traditional peoples aren't inescapably indigenous but indigenous peoples are traditional. Indigenous knowledge, as far as we're concerned, is that knowledge that's held and used by a people who identify themselves as indigenous of a place grounded on a “ combination of artistic distinctness and previous territorial residency relative to more lately- arrived population with its own distinct and latterly dominant culture ³”

² Traditional Knowledge in Policy and Practice: Approaches to Development and Human Well-being. (2010). Japan: United Nations University Press.

³ Woolombi Waters, M. (2018). Indigenous Knowledge Production: Navigating Humanity

.6 Traditional knowledge is, on the other hand, that which is held by members of a distinct culture and/ or occasionally acquired “ by means of inquiry peculiar to that culture, and concerning the culture itself or the original terrain in which it exists. ”

7 Indigenous knowledge fits neatly in the traditional knowledge order but traditional knowledge isn't inescapably indigenous. That's to say, indigenous knowledge is traditional knowledge but traditional knowledge isn't inescapably indigenous.

Bio Prospecting

Bio prospecting is the hunt for and the commercialization of new products that have been sourced from nature. While biopiracy is when experimenters and scientists use sources from nature and traditional knowledge without authorization and exploit the indigenous societies they 're getting their information from. Since the 1970s, The World Health Organisation(WHO) and the United Nations Educational, Scientific and Cultural Organization(UNESCO) have recognised the significance of utilising and integrating the knowledge of indigenous communities from around the world to ameliorate global health. This has led to the global patenting of constituents, medicine development and product commercialization. ⁴

The World Trade Organization(WTO) member countries have to apply intellectual property rights protections; still, these processes are frequently beyond the understanding of indigenous communities and limit their access to legal rights. The hunt for areas with the topmost natural diversity frequently leads to some of the world's poorest countries, which end up being hit hardest by biopiracy.

Regulations

There are numerous regulations that tie in with bioprospecting and biotechnology. These include Convention on Biological Diversity The Convention on Biological Diversity was established in 1992 and entered into force in 1993

Within a Western World. United Kingdom: Taylor & Francis.

⁴ State of the World's Indigenous Peoples. (2009). United States: UN.

with 30 countries, including Australia, signing and ratifying it. The Convention is the transnational law that regulates the "the conservation of natural diversity, the sustainable use of its factors and the fair and indifferent sharing of the benefits arising out of the application of inheritable coffers." moment the law has been ratified by 196 countries. Its main charge is to encourage conduct that will lead to a sustainable future. It covers ecosystems, inheritable coffers, and biotechnology. It clarified the rights of indigenous people and original communities and set out to control the use of intellectual property and establish indifferent benefit sharing. Environment Protection and Biodiversity Conservation Act 1999, the Australian Government's environmental legislation that covers traditional knowledge.⁵

The donation towards the development of high technology knowledge diligence in agreement with bioprospecting, bioprocessing, and other biotechnologies. The impact that the growth of these technologies will have the capability to maximize the benefits through intellectual property rights that support the development of this diligence in Australia. The impacts on and the benefits to the terrain. Resolve legal issues on the power of Australian natural coffers. Address matters relating to indigenous people and their power of natural coffers.⁶

The Nagoya Protocol

The Nagoya Protocol was espoused by the UN Convention on Biodiversity in 2010 and sets out to cover biodiversity and provides guidelines for how countries pierce and partake in biodiversity benefits. Challenges and enterprises. Thanks to biotechnology, numerous natural resources like fungi, creatures and shops have played a big part in the development of numerous life- saving and life-changing treatments. Bioprospecting is the practice of looking for these shops and creatures. In recent times, bioprospecting has decreasingly utilized indigenous knowledge about the use of natural resources. One of the main problems related to

"bioprospecting is the issue of conservation". How can scientists and experimenters insure that the hunt for natural resources doesn't affect in ruining nature? Another big issue around bioprospecting is biopiracy- that's when pharmaceutical companies use original knowledge about shops, creatures and natural resources without admitting that it was firstly the intellectual property of indigenous people. It results in the pharmaceutical companies gets profit and no profits for Indigenous people who are the real owners. Although there are regulations in place to stop biopiracy, some of those regulations also have loopholes that can make the threat of biopiracy advanced.

The International Convention on Biological Diversity (CBD)

For illustration CBD, although they've established marketable values for biodiversity in developing countries, it relies on representatives in different countries meaning that some representatives may not recognize indigenous rights or have the power to cover biodiversity from private, fat companies.⁷

Although the Nagoya Protocol covers important issues like global biodiversity, environmental and health justice and transnational Intellectual Property Rights Frameworks, it also fails to address the issues of representation, indifferent compensation and medicine access which are crucial enterprises for indigenous communities. International Cooperative Biodiversity Groups(ICBG) Some programs like the International Cooperative Biodiversity Groups(ICBG) program of the National Institutes of Health contend that bioprospecting sets out to cover biodiversity resources and laboriously avoids causing any damage. Promotes host-country intellectual property rights and capacity structure quests for natural resources to use for profit. This program has been espoused by numerous exploration groups who are passionate about securing profitable benefits for host countries and indigenous people and the creation of biodiversity conservation. Bioprospecting is one of the main ways to promote the development of drugs that are available to the global population. still, the issues of biopiracy and

⁵ Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions. (2015). Switzerland: World Intellectual Property Organization.

⁶ Crop Genetic Resources as a Global Commons: Challenges in International Law and Governance. (2013). Italy: Routledge.

⁷ State of the World's Indigenous Peoples. (2009). United States: UN.

sustainable biodiversity still mean that there are crucial issues that still need to be addressed.⁸

Most indigenous people are proud of their diversity, their languages, and knowledge systems. In fact, in some cases, these unique artistic means may also help raise their norms of living. Overglories, for illustration, numerous indigenous societies have come to understand the significance of shifting civilization, fetching shops with mending powers, and the sustainable harvesting of food, fodder, and energy wood from timbers. Revitalizing this knowledge helps to ameliorate food security, raise ménage inflows, and foster tone-regard. Likewise, creating request links between indigenous communities and external buyers can increase inflows and reduce poverty situations. National and original economics can greatly profit from indigenous people's benefactions to tourism and the trade of natural products. There are numerous ways of enabling indigenous peoples to overcome poverty, but one of the most effective is to support their sweat to shape and direct their own fates. Strengthening associations of indigenous peoples for illustration increases their capability to successfully negotiate with others on their own behalf. In this regard, further and indigenous people are seeking transnational recognition and the right to share in defining agreements on issues that affect them, similar to global warming.⁹

Indigenous peoples constitute one-third of the world's extremely poor pastoral people. Any trouble to annihilate poverty must thus address the special requirements of these nonage ethnical groups. For a host of political and literal reasons, indigenous peoples tend to suffer from neglect and demarcation. Numerous have been pushed onto the least rich and most fragile lands. In these insulated and harsh surroundings, numerous indigenous peoples find it difficult to grow enough food to eat, earn a living, get an education learn new chops, admit medical care, and do what's necessary to ameliorate their lives while conserving their artistic identity. Living far from the center of commerce and power, they may also find it hard to impact the

⁸ Intellectual Property and Development: Understanding the Interfaces: Liber Amicorum Pedro Roffe. (2019). Germany: Springer Nature Singapore.

⁹ Our Common Future. (1990). United Kingdom: Oxford University Press.

programs, laws, and institutions that would ameliorate their circumstances and shape their futures. Numerous indigenous peoples, for illustration, don't have the legal right to live on the lands they depend on for survival or use the coffers they've managed sustainably thousands of times. Decreasingly, outlanders exploit these coffers, with many benefits flowing to indigenous communities and little regard for the natural terrain. International conventions and covenants dealing with indigenous knowledge are infrequently, if ever enforced. ILO Convention No. 169, which says a lot about legal norms for indigenous rights, fails to cover the Intellectual Property Rights of indigenous people. Whereas the UN Declaration on the Rights of Intellectual Property recognizes the rights and bourns of Intellectual Property, it'll be an on-binding document, which cannot be fairly executed.

In the International Treaty on Plant Genetic Resources, developed nations have successfully blocked transnational recognition of growers' Rights. They also dispute any notion of paying for the use of traditional germplasm in a benefit-participating arrangement. The CBD, which has tried to push through the interests of indigenous knowledge, has been baffled by the American turndown. to confirm it and accept its condition.¹⁰ The artificial property systems were set up centuries ago for insensible objects and that too in formal systems of invention. The time has come to readdress them. The arising challenge is to look at the systems that will deal with animate objects similar to shops and creatures and with informal systems inventions similar to those by lawn root originators like growers, crafters, lines, fishers, and so on. The standard intellectual property systems will not suit similar originators and their inventions. We, thus, need invention in the intellectual property system itself.

Traditional knowledge in many cases, when blended with modern science and technology, can generate immensely valuable solutions for societal problems and opportunities for the holders of such knowledge.¹¹ Various issues faced by traditional

¹⁰ The Second Report on the State of the World's Plant Genetic Resources for Food and Agriculture. (2010). Italy: Commission on Genetic Resources for Food and Agriculture, Food and Agriculture Organization of the United Nations.

¹¹ McManis, C. R. (2012). Biodiversity and the Law: Intellectual Property, Biotechnology and

knowledge are that they are not documented properly, the origin is very difficult to trace, the source of knowledge is often a person and it is very difficult to particularize it. It does not fit in the known form of IP regime as well as there is very little awareness available for such knowledge.

CONCLUSION

It's clear that the integration of the two knowledge systems TEK and Western wisdom — remains a distant thing. still, if it's to be done, the following conditions must be met

- Support for the comprehensive attestation of TEK. Sufficient fiscal and acceptable executive support at the political, regulatory, scientific, and original situations must be made available to support the attestation of TEK before it's lost.
- Recognition of indispensable knowledge systems Governments and the scientific community must work to develop an environmental assessment and operation process that's flexible enough to accommodate new ideas and styles and that accepts Western wisdom as only one system of seeking new knowledge and new interpretations of that knowledge.¹² New and innovative resource-operation programs must be given the necessary fiscal and executive support to allow them to flourish.
- Support for cross-cultural education of both Western scientists and endemic peoples Training programs and hands-on literacy must be available to both groups to introduce them to each other's knowledge system.
- Political recognition of endemic claims to land and resources. Aboriginal peoples must be completely involved in the design and product of any unborn resource management schemes; they must be honored through their participation with equal authority and legal standing.

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¹² Lore: Capturing Traditional Environmental Knowledge. (2014). Canada: IDRC/CRDI.

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