

Introduction

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In a world saddled with consumerist undertones, Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs) are seen with a prism that is geared to generate economic gains and in which TK and TCEs become patented commodities to be sold at the highest profit. This trend has adversely affected the significance of TK and TCEs which are an intrinsic part of any civilisation.

Traditional wisdom that is passed from generation to generation, and incorporates the best practices drawn from nature, is manifested in the TK and TCEs of the indigenous people. However, with an extensive reliance on scientific knowledge and growing globalisation and homogenisation, the TK systems and TCEs are facing the threat of extinction. The impact of multi-national corporations and media in promoting and marketing local products and services globally and global products and services locally, has become a great threat to the indigenous cultures, their knowledge systems and cultural expressions. Obtaining patency for traditional knowledge by third parties and sharing very little with the original bearers of traditional knowledge is another impact of globalisation. The influence of information technology in creating homogenisation of culture is also threatening TK and TCEs. If the rich and diverse traditional knowledge is not safeguarded from the influences of globalisation, we may risk their extinction.

What is Traditional Knowledge (TK)?

The UNESCO defines TK as ‘cumulative and dynamic body of knowledge, know-how and representations possessed by peoples with long histories of interaction with their natural milieu. It is intimately tied to language, social relations, spirituality and worldview, and is generally held collectively. Too often, it is simplistically conceived as a pale reflection of mainstream knowledge, in particular, Science’. (UNESCO: 2006) These unique ways of knowing are important facets of the world’s cultural diversity, and provide a foundation for locally-appropriate sustainable development. (UNESCO: Links).

Indigenous knowledge is the traditional knowledge of indigenous peoples, or local knowledge particular to an area, region or country, etc. Thus all indigenous peoples are traditional knowledge holders, yet all traditional knowledge-holders are not indigenous. (UNESCO: 2006)

Traditional knowledge, technologies and cultural expressions although is old, can be highly evolutionary, adaptive, creative and even novel. It greatly contributes towards strengthening social cohesiveness and cultural identity, as it is a body of knowledge, customs, beliefs and cultural works and expressions handed down from generation to generation. (Dutfield: 2006)

Indigenous knowledge is local knowledge that is unique to a given culture or society. It is the basis for agriculture, health care, food preparation, education, environmental conservation and a host of other activities. Much of such knowledge is passed down from generation to generation, usually by word of mouth.

What are Traditional Cultural Expressions (TCEs)?

Traditional cultural expressions (or, “expressions of folklore”) include music, art, designs, names, signs and symbols, performances, architectural forms, handicrafts and narratives. TCEs are integral to the cultural and social identities of indigenous and local communities, they embody know-how and skills, and they transmit core values and beliefs. Their protection is related to the promotion of creativity, enhanced cultural diversity and the preservation of cultural heritage. (Traditional Cultural Expressions: Online)

Various aspects of preservation, protection and promotion of the traditional knowledge, innovations and practices of local and indigenous communities are looked into by many international bodies such as World Intellectual Property Organization (WIPO), UN, UNCTAD, and UNESCO, etc. The work carried out by the international bodies over the years is reflected in signing of various treaties, conventions, agreements, etc. by a number of nation states (**Table 1**). Though these initiatives have had tremendous impact in safeguarding TK systems and TCEs in different parts of the world, their direct impact in preserving and sustaining the TK and TCEs of South Asia is seen to be less than adequate.

II

The South Asian region boasts of a rich and diverse heritage of TK systems and TCEs, which cover a vast spectrum including agriculture, weather forecasting, health and wellbeing, etc. TK and TCEs play a vital role in defining the identity of South Asian people. The recorded heritage of TK and TCEs in South Asia dates back to early civilisation of the world. The TK of the South Asian Region has

evolved over the centuries with the influence of internal and external factors. These systems, particularly those practiced by the minority, indigenous and vulnerable communities, however, face a great threat in this modern era due to the influence of globalisation.

The SAARC Cultural Centre, Colombo (estb. 2009) recognises the impact of work already done in conserving TK Systems and TCEs in direct and indirect means, but also realises that most of the programmes that look into the preservation and promotion of TK and TCEs are developed by Western policy makers with little or no consultation with the policy makers and bearers of TK in South Asia and, as a result, the views and issues of the South Asians are neither adequately represented at international level nor are they properly reflected in the global policy making. There is, therefore, a dire need to examine in detail the unique features, problems and challenges of the TK systems and TCE of South Asia. This volume is a small effort in this direction.

This volume explores and reflects on the status of TK and TCEs in South Asia both in defining the region's character and also in influencing the lifestyles of its people. This topic is of particular importance at a time like this when there is a growing trend of TK and TCEs being used for the sheer advantage of a consumerist culture disregarding the inter-connectedness of tradition, culture and people. The volume includes contributions from six countries written by experts in their fields and is divided into eight broad themes, viz. Understanding TK, Traditional Healing and Wellbeing, Traditional Living and Livelihood, Legal Safeguards for TK and TCEs, Traditional Music and Dance, Traditional Art and Design, Traditional Costumes and Traditional Handicrafts.

The World Intellectual Property Organization (WIPO) defines TK or the knowledge of indigenous/ local communities involving innovations and practices inherent to them as “knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity” (Traditional Knowledge: Online). TCEs on the other hand is defined as *expressions of folklore*, that “include music, dance, art, designs, names, signs and symbols, performances, ceremonies, architectural forms, handicrafts and narratives, or many other artistic or cultural expressions” (Traditional Cultural Expressions: Online). The distinction however, does not suggest mutually exclusive phenomena. TCEs are an expressive mode of TK in which a TK base is used to build upon and create

expressions that are unique to a culture. TK alternatively is used both in TCEs and also function independently in that it refers exclusively to the content of knowledge itself.

Notwithstanding this minor distinction, both TK and TCEs are increasingly facing grave threats in a commercial context. While in some cases these have being substantially altered, in others these are facing the threat of extinction. **Daya Dissanayake**'s opening paper discusses in detail how TK and TCEs are being unfairly used for commercial advantages and the importance of safeguarding all TK for the wellbeing of mankind and Mother Earth.

Bringing to the fore a much neglected yet crucial theme of Traditional Healing and Wellbeing, **Anurag Chhabra** discusses the issue of mind management using power of cosmic sound vibrations. He argues for a more productive human capital via the development of mental faculties beyond the average using a special technique invented by the sages of Siddha tradition. The second contribution on this theme is by **Nirekha De Silva** who gives an overview of Sri Lanka's TK about health and wellbeing in which she discusses a range of issues from traditional medical practices to rituals pertaining to mental health and wellbeing, methods of safeguarding TK to existing efforts geared towards same and calls for the authorities to give due recognition to dying forms of TK in the health sector in order to prevent them from dying a natural death.

Traditional Living and Livelihood is a recurrent theme in three papers that present three diverse yet connected issues. **Zaha Ahmed** explores the Maldivian craftsmanship and lifestyles as depicted in traditional Maldivian houses detailing their size, selection of material, construction methodologies, interior layout and utility value of different sections of the house, while **G.P.P.G. Manusinghe** delves into the TK base of fishing practices in the Maduganga system in Sri Lanka. Third paper under this theme is by **Satish Selukar** and **Anurag Chhabra** on energy-based farming in which they argue for turning towards tradition (in this case Siddha Krushi or farming) which presents both affordable and effective techniques for agriculture.

Presenting the legal aspect of TK and TCEs, **J.M. Swaminathan** analyses the issues involving the protection of TK as intellectual property. Detailing reasons that justify the protection of TK as intellectual property he further introduces approaches that could be used in the protection of such knowledge.

The next three papers move to explore Traditional Music and Dance. While **Jayaprabha Ravindran** discusses various dance forms (both ritualistic and folk dances) of Kerala including Kathakali, Mohiniyattam, Koodiyattam, Teyyam, Thullal, Aivar kali, Arjuna Nritam, Makachuttu, Parichamuttu, Poorakkali and Thitambu Nriyam, challenges faced by them and measures for safeguarding such dances, **Sumuditha Suraweera** and **Sinharaja Tammita-Delgoda** concentrate on Sri Lankan music and dance. In his paper Suraweera presents a musical collaboration specifically that of Sri Lankan Low-country, Bali ritual music and elements of modern Jazz and Sound Art as a means to revive local interest in a diminishing form of traditional music. Tammita-Delgoda's concentration is on the eighteen Vannams of the Kandyan tradition in which he presents a proactive method to preserve traditional culture, that of keeping tradition in place while it is still alive.

Firoz Mahmud and **Nayana Tadvalkar** explore Traditional Art and Design in South Asia. While Mahmud discusses various aspects of the popular art of rickshaw and rickshaw painting in the Dhaka city as an established part of the city's cultural tradition, Tadvalkar analyses the symbols of Rangoli art in the Indian cultural context and traces the traditional meanings such symbols carry.

Shahida Khatun, **Shabnam Bahar Malik** and **Sonam Yudon** discuss various aspects of Traditional Costumes in South Asia. Khatun touches on the rich textile heritage of Bangladesh taking the Jamdani Sari as a case study which has now been inscribed in the UNESCO's Representative List of Intangible Cultural Heritage of Humanity. Malik's paper presents an overview of the traditional costumes of the Kalasha Kafirs of Chitral, Pakistan and ends on the note that traditional costumes in the Kalasha valley are slowly but steadily disappearing and those will soon be gone if measures are not taken to preserve this textile heritage. Taking the readers to Bhutan, Yudon discusses traditional weaving (*Thagzo*) in Bhutan detailing traditional methods of dyeing and raw material used in the process. It ends on a note of caution that access to markets with cheaper raw material in neighbouring countries has created competition and is having a toll on indigenous weaving and if continued will be detrimental to the whole industry.

The volume concludes with a paper from **Kalinga Tudor Silva** on Traditional Handicrafts in which he discusses the relationship between caste, craft and TK using *Nakati*, *Kinnara* and *Navandanna* castes as case studies. The

objective of this paper is twofold. It examines both the roles of caste structures and globalisation/ policies in the preservation/ promotion of TK and also argues for a strong policy framework that would match cultural dynamics of different castes with that of globalisation and market forces.

All of these contributions aim at creating awareness on different forms of TK and TCEs in the South Asian region and reflect on their current status. Most importantly these contributions identify the challenges faced by TK bearers and proponents and call for a strong policy framework within which these can be confronted and tackled successfully. This volume, with articles from six South Asian countries, is by no means complete and does not make any such claim either. It only underscores the need for more research on TK and TCEs of the South Asian region and purports to serve as a stepping stone by reflecting on the current status of a valuable part of our collective and shared heritage.

References

PRINTED MATERIAL

- Berkes, F., *Sacred Ecology: Traditional Ecological Knowledge and Resource Management Systems*, (Philadelphia, 1999).
- Brown, Michael F., *Who Owns Native Culture?*, (Cambridge, 2003).
- Connell, Raewyn, *Southern Theory: The Global Dynamics of Knowledge in Social Science*, (New South Wales, 2007).
- Dutfield, G., *Protecting Traditional Knowledge: Pathways to the Future*, International Centre for Trade and Sustainable Development, Issue Paper No. 26, (Geneva: 2006).
- GRAIN and Kalpavriksh (2002), 'Traditional knowledge of biodiversity in Asia-Pacific: Problems of piracy and protection', from <http://tinyurl.com/csrukmg> (last accessed 16 January 2013).
- Gupta, Anil, 'Rewarding Creativity for Conserving Diversity in Third World: Can IPR Regime Serve the Needs of Contemporary and Traditional Knowledge Experts and Communities in Third World?' in T. Cottier, P. Widmer and K. Schindler, (eds.), *Strategic Issues of Industrial Property Management in a Globalising Economy*, (Oxford, 1999), pp. 119-29.

Lawton, J.H. and R.M. May, (eds.), *Extinction Rates*, (Oxford, 1995).

Pereira, W., and A.K. Gupta, 'A Dialogue on Indigenous Knowledge', *Honey Bee*, vol. 4 (4), 1993, pp. 6–10.

Posey, D.A., (ed.), *Traditional Resource Rights: International Instruments for Protection and Compensation for Indigenous Peoples and Local Communities*, (Gland, 1996).

-----, Darrell, (ed.), *Cultural and Spiritual Values of Biodiversity, UNEP and Intermediate Technology*, (Nairobi and London, 1999).

Shiva, V., (2011), 'Swaraj: A Deeper Freedom', in *The Creek Blog: Self Sufficiency in the Sub Tropics*, from <http://tinyurl.com/armt76m> (last accessed 22 February 2013).

-----, (2011), 'Swaraj: A Deeper Freedom', in *Navdanya International Website* from <http://www.navdanya.org/earth-democracy> (last accessed 25 October 2011).

Smith, F.D.M., R.M. May, R. Pellew, T.H. Johnson and K.S. Walter, 'Estimating Extinction Rates', *Nature*, No. 364, 1993, pp. 494–96.

Stiglitz J.E., 'Knowledge as a Global Public Good', in Inge Kaul, Isabelle Grunberg, and Marc Stern (eds.), *Global Public Goods: International Cooperation in the 21st century*, (Oxford, 1999), pp. 308-25.

The SAARC Culture: Rituals, Ethics and Societal Stability in the SAARC Region, SAARC Cultural Centre, vol. 1, (Colombo, 2010).

Tobin, Brendan, 'Know-how Licenses Recognising Indigenous Rights Over Collective Knowledge', *Bulletin of the Working Group on Traditional Resource Rights*, vol. 4, 1997, pp. 17-18.

Twarog, S., 'Preserving, Protecting and Promoting Traditional Knowledge: National Actions and International Dimensions', in Stefano Inama and Nilaratna Xuto (eds.), *Progressing Towards the Doha Development Agenda: Selected Papers on Trade and Development Research Issues for Asian Countries*, International Institute for Trade and Development, ADB and UNCTAD, Issue 1, (2003).

Twarog, S., and P. Kapoor, (eds.), *Protecting and Promoting Traditional Knowledge: Systems, National Experiences and International Dimensions*, UNCTD (UNCTAD/DITC/TED/10), (Geneva, 2004).

UNCTAD, Plan of Action, 10th Session of the United Nations Conference on Trade and Development (TD/386), (Bangkok, 2000).

UNCTAD-ICTSD, *Intellectual Property Rights: Implications for Development. United Nations Conference on Trade and Development and International Centre for Trade and Sustainable Development*, (Geneva, 2003).

UNEP, V/16. Article 8(j) and Related Provisions. Decisions Adopted by the Conference of the Parties to the Convention on Biological Diversity at its Fifth Meeting. UNEP/CBD/COP/5/23, pp.139-146, Nairobi, Kenya, 15-26 May 2000.

UNESCO (2006), Traditional Knowledge from http://www.unesco.org/bpi/pdf/memobpi48_tradknowledge_en.pdf (last accessed 24 February 2013)

UNESCO, Kit on Intangible Cultural Heritage, (Paris, 1995) from <http://tinyurl.com/3f753yp> (last accessed 27 October 2012).

Varma, Sundaram (1999), 'Traditional Knowledge: A Holder's Practical Perspective', presented at the World Intellectual Property Organization's Roundtable on Intellectual Property and Traditional Knowledge (WIPO/IPTK/RT/99/4), November 1 and 2, 1999, Geneva.

ONLINE RESOURCES

International Labour Organization (ILO): Indigenous and Tribal Peoples Website: <http://tinyurl.com/5t6q8to>

Office of the High Commissioner for Human Rights (OHCHR): Indigenous Peoples: <http://tinyurl.com/bpqr176>

The International Treaty on Plant Genetic Resources for Food and Agriculture: <http://tinyurl.com/c7lagdc>

'Traditional Cultural Expressions', wipo.int (n.d.) from www.wipo.int/tk/en/folklore/ (last accessed 13 January 2015).

‘Traditional Knowledge’, wipo.int (n.d.) from www.wipo.int/tk/en/tk/ (last accessed 13 January 2015).

UNCTAD: www.unctad.org/trade_env

UNESCO: www.unesco.org/links

United Nations Indigenous Peoples’ Partnership (UNIPP):
<http://tinyurl.com/cup27js>

World Intellectual Property Organization (WIPO): <http://www.wipo.int/tk/en>

1883	The Paris Convention for the Protection of Industrial Property
1886	The Berne Convention for the Protection of Literary and Artistic Works
1891	The Madrid Agreement Concerning the International Registration of Marks
1891	The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods
1934	The Hague Agreement Concerning the International Deposit of Industrial Designs
1957	The Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks
1958	The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration
1961	The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations
1967	The Convention Establishing the World Intellectual Property Organization (WIPO)
1967	Tunis Model Law on Copyright for Developing Countries
1968	The Locarno Agreement Establishing an International Classification for Industrial Designs
1970	The Patent Cooperation Treaty (PCT)
1971	The Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms
1971	Berne Convention for the Protection of Literary and Artistic Works
1971	The Strasbourg Agreement Concerning the International Patent Classification
1973	The Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks
1977	The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

1982	UNESCO-WIPO Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and other Forms of Prejudicial Action
1989	Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks
1989	International Labour Organization (ILO) Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries
1989	UNESCO Recommendation on Safeguarding of Traditional Culture and Folklore
1992	Convention on Biological Diversity
1994	The Trademark Law Treaty (TLT)
1996	The WIPO Copyright Treaty (WCT)
1996	The WIPO Performances and Phonograms Treaty
2003	International Convention for the Safeguarding of the Intangible Cultural Heritage
2005	Convention on the Protection and Promotion of the Diversity of Cultural Expressions
2007	United Nations Declaration on the Rights of Indigenous Peoples
2010	Nagoya Protocol regarding the Convention on Biological Diversity (1992)
2010	Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore
2012	Beijing Treaty on Audiovisual Performances
Table 1: International Instruments pertaining to TK and TCE	