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National Policy and Strategies on Traditional Knowledge and Practices related to Biodiversity

2. Effective date: 10.19.2020

3. Introduction

I. Background

Sri Lanka with a history of over 2500 years that bears testimony to an ancient culture, is a country rich and prosperous with traditional knowledge systems and traditional cultural expressions suitable for conservation, protection, promotion, development, validation and integration.

Traditional knowledge is the knowledge of people living in a particular geographical territory or area, their traditional and subconscious knowledge of the areas and people or communities within a given geographical territory. It is common practice, directly or indirectly, completely or partially, to use a traditional or tactile product for a particular purpose, such as a tangible or intangible product, or to guide such an optimal product. Traditional knowledge in Sri Lanka covers a variety of areas such as climate, agriculture, irrigation, biodiversity conservation and sustainable use.

Sri Lanka is one of the most extraordinary Island States in the world which has had cherished a great culture that has been fashioned out from a long and unbroken civilization. Although this unbroken culture was influenced by foreign invasions from time to time, it managed to flow uninterruptedly until about 15-16 century. Even today, people in rural areas of the island are very fond of preserving indigenous knowledge and practices and use them with associated traditional knowledge and practices.

Due to the influence of western technological and cultural invasions, many factors associated with traditional knowledge have degenerated in more or less. The neglecting the use of traditional knowledge which had well balanced relationship with use of indigenous natural resources that has adversely impacted on the natural resources.

II. Need for a National policy

Article 8(j) of the Convention on Biological Diversity which Sri Lanka is a party, is stated that the member states should be committed to the conservation and use of traditional knowledge in order to nurture the lifestyle of the indigenous people. This has been considered in the formulation of the national policy and strategies on traditional knowledge and practices related to biodiversity. In the same manner, this national policy provides for the other international conventions and alliances in relation to the traditional knowledge and practices and also provides for any future alliances related to the relevant field.

Recognizing the unique traditional knowledge and practices of biodiversity-rich countries, some of the developed countries are currently trying to extract them without legal authorization. Currently, there is a grave risk of disappearing the traditional knowledge and practices and along with it valuable ways of managing natural resources are lost. As a result, the benefits of our unique traditional knowledge, patent rights are being obtained by other developed countries and the economic development of Sri Lanka has been hampered by the decline in the usage of indigenous resources. In particular, the weakening of the traditional method of inheriting traditional knowledge is another major factor that contributes to the disappearance of knowledge.

Another significant problem is inadequacy of the opportunities available to make use of the traditional knowledge for national interest. By ignoring the people's attitudes towards indigenousness, the attempts made to implement the development projects aimed at development requirements of the country at present have failed most of the time, because they happen to be in incongruent with the national realities.

Relying on high cost and incompatible technology and ignoring the traditional knowledge of profitability and efficiency has resulted in wastage of even the development aids to the country. This has affected all sectors such as agriculture, food, medicine and fisheries etc.

These facts imply the need for a national policy on traditional knowledge and practices that is very much linked to the life pattern of the local community.

Through this policy suitable, strategies for traditional knowledge and practices should be developed based on human needs, apart from commercial objectives. The national policy on traditional knowledge and practices will support the sustainable development of Sri Lanka.

4. Goal

Conservation of traditional knowledge and practices within the sustainable development framework and thereby manage the use of natural resources and ensure the upliftment of the life pattern of the local people.

5. Main Principles

i. Since the traditional knowledge comes from generation to generation and since the exact origin of the knowledge cannot be traced for certain, it should be considered as the common resource of the relevant community that represents the indigenous people or of the entire population.

ii. Every citizen has the right to use traditional knowledge and practices in a sustainable manner, and no one has the right to degrade the resources used by this traditional knowledge and to prevent the use of traditional knowledge for future generations.

iii. When using traditional knowledge and applied life resources, it must be ensured that the resources are used in a systematic and sustainable manner and in accordance with ecosystems and evolutionary processes.

iv. Conservation of traditional knowledge and practices should be carried out with larger scale community participation.

v. The traditional values and customs of the traditional knowledge and practices and people who have indigenous knowledge and those who have transmitted it from generation to generation (in writing or verbally) must be properly valued, acknowledged and respected.

vi. Traditional knowledge and practices must be sustained by using appropriate techniques such as secure documentation. Similarly, the rights of indigenous knowledge and benefit generates through this traditional knowledge and practices must be shared and shared in a just and equitable manner as a common resource

within the individual, the people or the citizens of the country who have hold the traditional knowledge and practices.

vii. Traditional knowledge and practices should be used for sustainable development activities at present.

viii. Studies, exploration and research on traditional knowledge and practices should be encouraged.

6. Policy Statement

i. Through decision-making processes that involve participation, transparency and accountability on traditional knowledge and practices should be managed and used (protection, conservation and sustainability) at all levels.

ii. The economic, social and environmental importance of the conservation of the traditional knowledge must be recognized and sustainable use of this knowledge should be for the welfare of the people.

iii. The institutional framework for the conservation of the traditional knowledge and practice should be strengthened through the capacity building, legal instruments and improved inter-institutional coordination and networking and technical know-how.

iv. The government, private and community involvement and networking related to traditional knowledge and practices should be promoted at all levels.

v. Ensure that all stakeholders on traditional knowledge and practices are educated and utilized through the promotion of planned education, exploration and research.

vi. International obligations on the conservation and sustainable use of traditional knowledge and practices must be respected as part of our national and regional obligations.

vii. Traditional knowledge should be used effectively and efficiently to achieve the development targets of the country.

7. Objectives of the Policy

i. Identification of the places and areas where traditional knowledge and knowledge reserves are to be found and the collection, conservation and promotion of sustainable usage of them.

ii. Benefits derived from the usage of traditional knowledge and practices to be shared in fair and equitable manner.

iii. Ensuring that the custodians and the users of the traditional knowledge and practices are respected, guaranteed of the benefits and assured of protection required.

iv. The building up of the necessary infrastructure and the provision of legal powers and resources necessary to ensure the facilitation and coordination of the targeted programmes intended for the conservation and the use of the traditional knowledge and practices.

v. Identifying the socio economic and environmental value of the usage of traditional knowledge.

vi. Recapturing and stabilizing of the traditional knowledge of Sri Lanka that had been legally and illegally spirited out of the country and cannot be found any more within the country.

vii. Utilization of traditional knowledge to make Sri Lanka a knowledge hub for achieving the above objectives and safeguarding local identity.

8. Applicability and Scope

The National Policy on Traditional Knowledge and Practices affirms the Government's commitment to make Sri Lanka a knowledge hub to conserve traditional knowledge and practices for the benefit of present and future generations and to uplift the living standards of the local people with widespread participation of public.

The policy emphasizes that the protection of indigenous culture, the upliftment of the living standards of the local people and the conservation of traditional knowledge and practices are a duty and responsibility of all relevant governmental or non-governmental organizations and individuals.

9. Strategies for conservation, use, exchange and other activities of traditional knowledge and practices

9.1 Common strategies for conservation of traditional knowledge and practice

i. Make it known to all sectors that the conservation of traditional knowledge and practices is a national need and incorporating traditional knowledge and practices into sector policies and plans.

ii. Providing the protection to the traditional knowledge and practices by recording them wherever they may be available in a position conducive for recording using a suitable common mechanism and collecting and providing protection to the knowledge that is not recorded.

iii. Identifying areas where traditional knowledge and practices reserves are in extensive, collecting and protecting unique traditional knowledge and practices in those areas to minimize possible inappropriate development activities that could damage knowledge, practices and culture in those particular areas.

iv. Through the studying of the conservation mechanism of the traditional knowledge and practices belonging to the communities in other countries have been conserved and on deciding whether those mechanisms are compatible and suitable to our requirements.

v. Establishment of a National Center with all facilities for the conservation, use, study, exploration and promotion of traditional knowledge and practices.

vi. Establishment of language laboratories for the conservation of regional languages and folk languages which are the basis of traditional knowledge

vii. Establishment of a central database for the conservation of local languages and folk languages

viii. Utilizing the services of the Sri Lankan foreign service, action will be taken to bring

back indigenous knowledge that had flowed out of the country through legal and illegal means and re-establish within the country.

9.2 Strategies on the usage of traditional knowledge and practices

i. In the instances of the implementation of any programme, developmental project or any other activity by state or private sector related to environment, economy, social and cultural arenas, action will be taken to use and promote the traditional knowledge and practices related to the subject that can be found prevalent in that area.

ii. Before the implementation of any programme or project, action will be taken to obtain impact assessment reports from competent persons in the field of traditional knowledge and practices and ensure that implementation takes place accordingly.

iii. Provide necessary facilities for the projects where traditional knowledge and practices are in used in a particular area or place and remove barriers to the usage of traditional knowledge and practices.

iv. Action will be taken to obtain the people's participation in the use of traditional knowledge and practices, raw materials and resources required will be made available and the provisions and training required in this respect will be provided and the state level encouragement will be guaranteed.

9.3 Strategies on exchange of traditional knowledge and practices

i. Developing long-term programs for the exchange of traditional knowledge within and between countries, with the objective of preventing the disappearance of traditional knowledge and practices among the different communities and different areas, and to achieve the goals of sustainable development.

ii. Amending and enforcing the intellectual property law, as necessary, in order to prevent theft of traditional knowledge and practices in way of exchanging it in the bad intention.

iii. Traditional knowledge and practices should be used to safeguard the rights of the current source holder or holders and promote the exchange by prioritizing the rights of the current source holder.

iv. Maintaining the legal status and to ensure that the relevant knowledge and practices is an asset to Sri Lanka and retains the right to relevant knowledge and practices at all times when traditional knowledge and practices are used in overseas.

9.4 Strategies for utilizing the benefits derived by traditional knowledge and practice

i. Establishing a mechanism to ensure that the benefits of traditional knowledge and practices are always distributed fair and equitable manner among all the relevant stakeholders and communities.

ii. Considering the benefits of traditional knowledge and practices as a national asset and to give it a value in national level.

iii. Establishing a monitoring mechanism to ascertain that the benefit derived from traditional knowledge and practices flow interrupting.

iv. Ensuring the benefits derived from traditional knowledge and practices to make them accessible and usable to the relevant communities.

v. Making government intervention when necessary in order to provide benefits of traditional knowledge and practices to local people.

vi. Formulating and implementing appropriate plan with state intervention to avoid adverse impacts from monitory benefits gain through the use of traditional knowledge to the culture of the relevant community, indigenous resources and conservation of indigenous knowledge.

9.5 Institutional strategies for sustainable use and conservation of traditional knowledge and practices

i. Institutionalizing the responsibility for protection, utilization and fair and equitable sharing of the benefits of traditional knowledge and practices.

ii. Institutionalizing the maintenance, updating and management of verbal, written, audiovisual and other information on traditional knowledge and practices.

9.6 Social and economic strategies for conservation and sustainable use of traditional knowledge and practices

i. Recognition of those who bear the traditional knowledge and practices as important and distinguished persons and solicit their contributions in the social and economic activities.

ii. Establishing a national level mechanism for encouragement and appreciation for traditional knowledge holders.

iii. Establishing a mechanism with state intervention to popularize the use of traditional knowledge and practices for cultural events.

iv. Implementing welfare measures and incentives for traditional knowledge holders in special communal groups to provide the necessary infrastructure and uplift the living standard of the particular communities with indigenous knowledge.

v. Executing programmes intended to motivate the traditional knowledge holders to continue their traditional knowledge and practices uninterruptedly as well as to encourage the younger generation to take over the knowledge.

vi. Evaluating the value of traditional knowledge and practices and taking action to incorporate those values into national plans and national income.

vii. Taking appropriate actions to prevent or minimize the damages caused by any project or work to the traditional knowledge holders and their culture.

viii. Encouraging and facilitating the individual or community those who are engaging in commercially and economically viable activities based on traditional knowledge and practices.

ix. Establishing a mechanism to collect and deposit a copy of any type of document prepared by any institution on the traditional knowledge and practices in the proposed National Centre.

9.7 Strategies related to the education on traditional knowledge and practices and its promotion.

i. Take action to develop attitudes of the future generations with the intention of imparting an education about the traditional knowledge and practices.

ii. Establishing of an awareness unit at the proposed National Center for traditional knowledge and practices and providing necessary facilities.

iii. Incorporation of knowledge of traditional knowledge and practices and their uses into curriculum of school and higher education institutions.

iv. Facilitating to aware teachers, lecturers, academic staff and consultants engaged in the educational field on traditional knowledge and practices.

v. Encouraging school children to conduct projects on traditional knowledge and practices.

vi. Popularization of projects and programmes for providing awareness on the traditional knowledge and practices and their value and the need to conserve them.

vii. Preparation of mechanisms to promote programmes to popularize the traditional knowledge and practices through the mass media, engage in research, improve the facilities and to improve the people's participation for these activities.

viii. Widen the availability of books and other publications relating to traditional knowledge and practices and provide such publications to recognized libraries, and to facilitate and encourage authors to produce such kind of publications.

ix. Encouraging the local and foreign researchers at higher educational level to engage in research into traditional knowledge and practices.

x. Facilitating to conduct annual seminars and award programs to recognize the role of traditional knowledge holders in research and other studies on traditional knowledge and practices.

9.8 Strategies for the legal protection of traditional knowledge and practices

i. Provisioning of legal protection to the traditional knowledge holders and their intellectual property rights.

ii. Providing legal facilities for sustainable use of the traditional knowledge and the practices without exceeding the regeneration capacity of the environment.

iii. Providing legal protection for the conservation of traditional knowledge and practices and implementing them as a national interest.

iv. Providing legal provisions to prevent the misuses of traditional knowledge and practices including theft of that knowledge and practice.

v. Providing legal provisions to ensure that the benefits generated through the use of the traditional knowledge and practices are fair and equitably shared among all the communities.

vi. Updating the relevant rules and regulations, other international agreements, alliances and publications pertaining to the conservation of the traditional knowledge and practices.

vii. Taking action to amend the existing laws and regulations on the conservation of traditional knowledge and practices according to the requirement.