What Is Traditional Knowledge?

The term ‘traditional knowledge’ is used to describe any knowledge, innovation, or custom of indigenous, tradition-based local communities that is of relevance in ensuring the conservation and sustainable use of biodiversity.

Knowledge developed over centuries is a collective good of the communities in question and is passed on from generation to generation in the form of stories, songs, cultural values, traditional laws, local languages, rituals, healing arts, and agricultural practices.

Traditional Knowledge in the Convention on Biodiversity

Reference is made to indigenous and local communities in the preamble to the CBD and in four of its articles. The most important section in this regard is Article 8 (j). It urges respect for, and the preservation and maintenance of, traditional knowledge of indigenous and local communities that is of relevance to the conservation and sustainable use of biodiversity. It also encourages application of this knowledge, with the approval of those holding it and on the understanding that they will share in the benefits arising from it.

At the Fourth Conference of the Parties (COP) in May 1998, an Ad Hoc Open-ended Intersessional Working Group was established. This meets at regular intervals and is attended by all interested parties. The task of the working group is to develop and implement suitable instruments for protecting indigenous knowledge. At the Fifth Conference of the Parties in May 2000, it was decided that there should be a Programme of Work on the Implementation of Article 8 (j), with indigenous representatives participating. The topic is a cross-sectoral one and therefore extends into many other CBD-implementation activities.
Biodiversity and the Convention on Biodiversity

The term “biological diversity”, or short “biodiversity”, encompasses the diversity of life on earth, ranging from genetic diversity and diversity of species to the diversity of ecosystems. The Convention on Biodiversity adopted in Rio de Janeiro in 1992 comprises three elements: the conservation of biological diversity, its sustainable use and the equitable distribution of benefits arising from its use. In the meantime, 179 countries and the European Union have joined the Convention. By signing the Convention, Germany has agreed not only to conserve biodiversity on its own territory but also to support developing countries in implementing necessary measures.

Priorities for action

At the national level

- Contracting states must inform indigenous communities of their rights and duties under Article 8 (j) and of other relevant provisions.
- Contracting states must work with indigenous representatives to develop national legislation assuring the protection of indigenous knowledge.
- Contracting states must recognize land rights and rights of access to resources, because they represent the basis for the continued existence and further development of indigenous systems of knowledge.

At the international level

- The collective rights of indigenous and local communities over their biodiversity and over the knowledge based on this must be recognized.
- Indigenous communities must be involved in the political process: the convention does not grant the same status to indigenous communities as to contracting parties, but indigenous people can be granted information and unlimited right of expression – i.e. more than mere observer-status.
- In order to ensure the equitable distribution of benefits accruing from traditional knowledge, these benefits must be acknowledged in the relevant trade-agreements (such as TRIPS) and in regulations on intellectual property (activities of the World Intellectual Property Organization – WIPO).

Further Information

Secretariat of the Convention on Biological Diversity/Traditional Knowledge:
http://www.biodiv.org/socio-eco/traditional

Decision V/16: Article 8 (j) and Related Provisions, UNEP/CBD/COP/5/23, 139-42 – and Programme of Work on the Implementation of Article 8 (j) and Related Provisions on the CBD, UNEP/CBD/COP/5/23, 143-6:
http://www.biodiv.org/decisions/default.asp?lg=0&m-cop-05&d-16

‘The Yunnan Initiative’:
ftp://cbik.org/congress/Initiative/Index.htm

Relevant web-pages of the World Intellectual Property Organization:
http://www.wipo.int/traditionalknowledge/introduction/index.html

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