



Proceedings

of

**UNIVERSITY OF IBADAN
INDIGENOUS KNOWLEDGE STUDY GROUP WORKSHOP**

Themes

African Indigenous Knowledge & Intellectual Property Rights: Implications for Nigeria's Development

University of Ibadan, Conference Centre, Ibadan.
April 20-24, 2009

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INFORMATION AND COMMUNICATION TECHNOLOGIES, INTELLECTUAL PROPERTY RIGHTS AND INDIGENOUS KNOWLEDGE PROTECTION AT UNIVERSITIES: ROLE OF LIBRARIES

By

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ABSTRACT

The framework for understanding Intellectual Property Rights and Indigenous Knowledge is studied in this paper. Discussion of acquisition of materials oral, written and archival reveals that knowledge gathering for purposes of conservation and preservation is one that needs urgent attention especially on the African Continent. Current Indigenous Knowledge gathering practices are examined and the role of the librarian or archivist in this process is highlighted. The impact of the environment in which the indigenous knowledge comes from on the Library, Archive or Collection Centre is reviewed, noting Intellectual Property Rights, Copyright issues and sanctions involved. Recommendations on the way forward for Africa in building up a formidable IK content and protecting it in libraries are made.

Definition and Characteristics of Indigenous Knowledge

Indigenous Knowledge (IK) is the body or corpus of knowledge that is peculiar or indigenous to a community, locality, ethnic group or nationality. This knowledge is a product of the people's culture and belief system. It may be written and unwritten. The general understanding of IK for our paper is in the context of that in a non-literate society.

IK is a product of its environment. It is the environment in which a community lives that defines the IK it produces e.g. equine (horse) with the Hausa people of Northern Nigeria. Hausas are expected to know more about this than others because they live in the environment conducive to horse breeding unlike the Yorubas who do not usually have horses in their environment.

By conventional understanding Indigenous Knowledge is by nature oral which means that it is a body of knowledge handed down from generation to generation through word of mouth. It resides in the memory of the holder and relies on this memory for it to be kept or preserved in the community.

By nature still, IK is a body of knowledge communally owned. It covers virtually all aspects of the society or community some of which may be agriculture related, norms and control, hunting, business transaction, governance and spiritual or mode of worship including health care of the community. Members of the general community have access to knowledge in the public domain through daily interpersonal interactions or through consultation with designated individuals in the community charged with the custody of such knowledge. These aspects are ones generally known, for example, knowledge about farming, preparing the soil for planting and so on.

Some aspects of the knowledge however are in the private domain, restricted to a limited number of professionals or groups e.g. to the priests and cults like the Ogboni, the kingmakers and the artisans e.g. guild of bronze and brass casters in Benin and Bida respectively. The knowledge in the private domain may be accessed through membership of groups and associations provided such members

have been initiated. This is the case with known societies that may not necessarily be opened to members of the public. Above all, the intellectual property rights (IPRs) in a technical sense cannot be ascribed to individuals but instead such rights are common assets of the community. The knowledge is more exclusive, for example the 'babalawo' (diviner) in traditional medical care is consulted and he gives remedies, but not the principles behind it. In herb gathering for the remedies, he may pick well known ones, but one never knows *how* he picked them, as some herbs are only efficacious when picked at certain times of the day, say after or before sunset. Pawpaw leaves for example are used in treating malaria but not everyone knows that it is the leaves that drop naturally that are most useful not the one deliberately plucked. In some cases however, such rights may by convention or tradition be vested in the traditional head of the community since they are seen as the embodiment of the totality of the Indigenous Knowledge, holding it in trust for the people.

Another issue is that in traditional names. The names given indicate some indigenous or cultural aspect that is obvious to an indigene but may be foreign to one who does not understand. The name 'Awani' in Kogi State indicates indigenous bonesetters and no matter the age of a child from that family, the traits of orthopedic training are there. For those from a warrior family, the name 'Balogun' for example gives away that information as they are believed to have knowledge of protective charms. Any name with 'Ayan' indicates belonging to a family of drummers. Where does knowledge stop and myth begin?

The role of the library

Joranson (2008) alluded to the fact that IK is part of a knowledge commons and describes the importance of preserving and disseminating IK. She also notes that "with recording and disseminating IK comes the risk of piracy and inappropriate use" (pg. 67). There are problems with data gathering and preservation here. The multimedia technologies in reproducing what has been recorded open up access (legal or illegal), to the use or misuse of the knowledge.

The library by nature, assumes responsibility for any knowledge collected or gathered if it has acknowledged the source of the knowledge acquired. If a book is acquired and procured, the library has the responsibility to protect the intellectual property of the author. There are restrictions as to how much of the work can be photocopied for academic purposes for example. The responsibility to protect Intellectual Property of information sources in the library is at the level of post procurement, but for Indigenous knowledge, how do you protect the intellectual property rights of what is acquired, especially those in oral form? Two main sources of Indigenous Knowledge acquisition in libraries are:

- 1.) Depending on researchers or fieldworkers to acquire the knowledge content, or
- 2.) The library going on an acquisition bid into the field to collect the information.
- 3.) Purchase of literature in which indigenous knowledge has already been recorded in one form or the other.

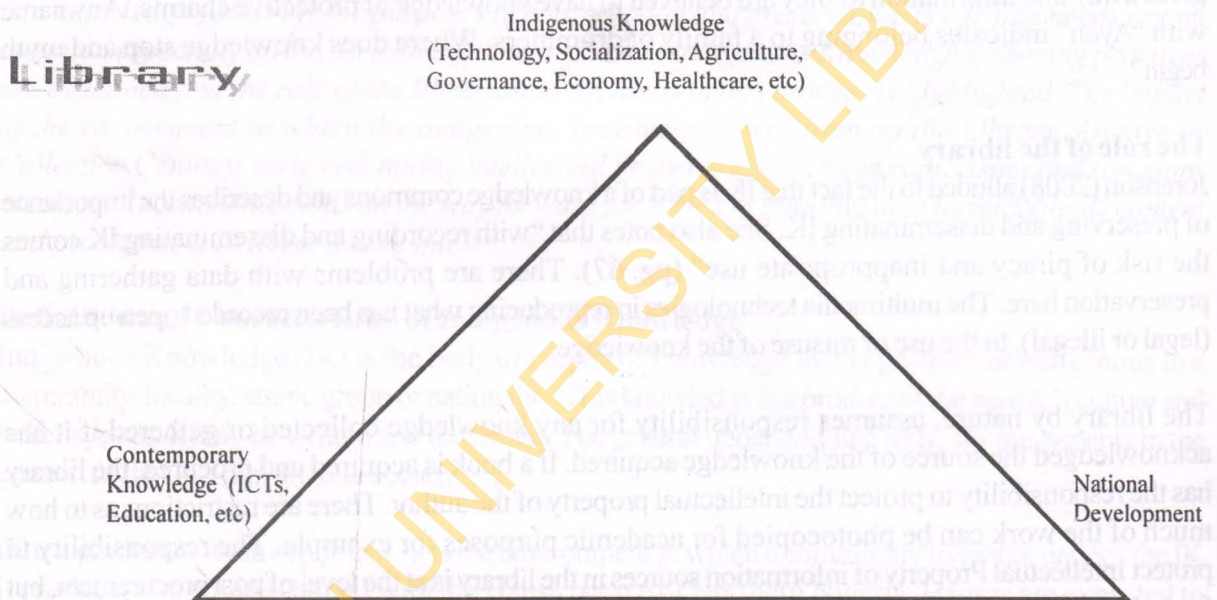
With any of these options the question of ethics comes in. Whom does the library ascribe the Intellectual Property Rights to? Is it the author or researcher that has the copyright of the knowledge? The researcher is just repackaging what the community has given. Is it ethical for one or two to arrogate copyright to the researcher? Take Ifa Divination as an example. Who owns it? The issue is if someone writes about Ifa, the copyright law applies, but not in the case of 'Odu Ifa' (the Ifa Corpus) since the 'babalawo' is holding the knowledge in trust.

But there is no doubt that the library's role is to preserve the knowledge itself – for posterity and future use. It is expected that the researcher or library that goes into the field adds value to the knowledge gathered by transcribing what is recorded and at the same time leaving the knowledge recorded in as close to the original form in which it was given as possible. The library after repackaging performs its traditional role and makes the knowledge available to the public. The format in which IK is stored in

modern times adds value to the IK gathered. The oral nature of IK makes it necessary for the repackaging. ICT is therefore necessary. The pen, the tape recorder, the transcription, the preservation procedure like putting it in a database, on CD ROM or podcasting it are done with Information and Communication Technology. ICT helps one to capture Indigenous Knowledge, process the IK, preserve the IK and organize it by extracting metadata with which to provide access, and finally to disseminate IK regardless of time, location or physical barriers. ICT is a tool for the management of IK.

Indigenous Knowledge is most useful in effective information literacy education. The knowledge can be stored in various formats and the user of the information can get to use it in the library after adequate training or explanation on how to use the technology, with which it is stored, organized, and from which it can be retrieved. The collector of Indigenous Knowledge thus makes use of Contemporary Knowledge so to say, and can further refine it to develop the Nation.

The diagram below illustrates the relationship between Indigenous Knowledge, Contemporary Knowledge, the Library and National Development. It is a modification of Dorman and Gorman (2007) who discussed Indigenous Knowledge and Information Literacy Education.



(Modification of Dorman & Gorman, 2007; pg 4)

Challenges to indigenous knowledge protection in libraries

Since libraries have a role in Indigenous Knowledge Management, they face the challenge of putting the IK in language that makes it more widely acceptable. Translation of the knowledge gathered has to be done. Software that has the capability for translation needs to be used. In many libraries, the scarcity of such and the cost where available is a problem. Unfortunately also, except for the Yoruba language that has indigenous typing keyboard, other local Nigerian languages are left out for now and therefore documenting knowledge in the local languages is difficult.

The librarian, archivist or field researcher gathering IK has to understand the language of Information and Communication Technology, to be acceptable. As such, libraries where staff ICT appreciation and use is of low level cannot adequately cope with IK protection. Lack of appropriate technology and know-how prevents prompt and efficient service in the libraries. Inadequate infrastructure and trained

staff also compounds the problem and makes IK especially the oral forms out of the reach of the researcher, librarian, anthropologist, tourist or whoever needs the knowledge.

Security of the IK collected is a problem. Artifacts, recordings and other valuable collections have been known to be stolen and carted off by unknown persons from libraries and Documentation Centres. How best can the IK be physically protected? Backups of whatever is electronically preserved are essential. The space and location for these could be problematic especially in a small library. For electronically preserved IK, the challenge is that of providing security measures through passwords, digital signatures, encryption and others to ensure that unauthorized access is not permitted.

The sustainability of IK projects is another challenge that needs to be faced. Some IK Centres have been started and the interest in them has dwindled over the years. Konandu (n.d) lamented the inability of the Bonoman Resource Centre for Indigenous Knowledge (BORCIK) in Ghana to be sustained. The ARKIC programme in the Nigerian Institute of Social and Economic Research (NISER) is also one that has not been sustained. In the Department of Library, Archival and Information Studies, University of Ibadan teaches a course in Oral Archives where the students go into the field to gather oral information of various subjects. These recordings are there, nothing is being done about them. The same applies to indigenous music, dance and drama that is recorded and kept in the Institute of African Studies, University of Ibadan. A lot needs to be done to systematically organize these collections, preserve and protect them.

The issue of whether priority should be given to Indigenous Knowledge protection or its promotion was discussed in South Africa at a Conference on African Information Ethics in 2007. It was decided that Africa needs to do both, and however focus on IK in the areas of medicinal plants, game reserves, environment and so on is necessary to add value to the knowledge before it is protected (Msuya, 2007). Libraries have to face the challenge. Ways have to be found to create databases that will be regularly updated and made available. IK has to be protected *and* promoted by libraries.

In conclusion, libraries need to be adequately funded and used as knowledge base or repositories for African Indigenous Knowledge. The classification of IK rests with the libraries, librarians, and archivist s and information managers. Above all, the intellectual property rights of Indigenous Knowledge holders should be protected especially in these libraries.

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3. Konandu, Kwasi (n.d). Indigenous Knowledge Archives in a West African Society. Msuya, J. (2007).

INFORMATION AND COMMUNICATION TECHNOLOGIES,

INTELLECTUAL PROPERTY RIGHTS

AND

INDIGENEOUS KNOWLEDGE PROTECTION AT UNIVERSITIES:

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Definition and Characteristics of Indigenous Knowledge

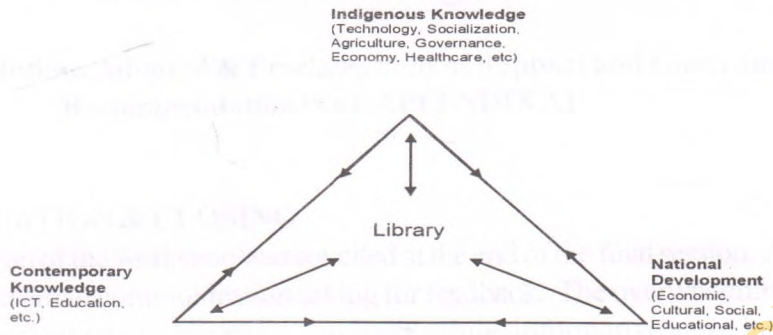
IK is:

- * A product of its environment
- * By nature oral
- * Communally owned
- * Domained publicly or privately

The role of the library

- * Collect the IK
- * Process the IK
- * Preserve and protect the IK

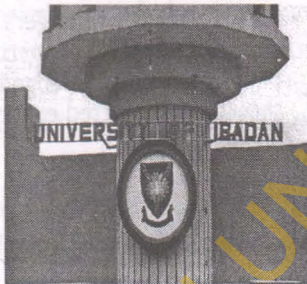
The library, IK, Contemporary Knowledge and National Development



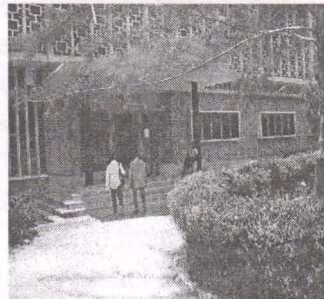
Modification of Dorman & Gorman, 2007; pg 4

THE UNIVERSITY OF IBADAN

At the Gate



BACK ENTRANCE OF KENNETH DIKE LIBRARY

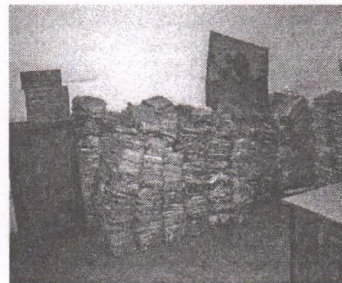


ENTRANCE TO KENNETH DIKE LIBRARY



FILES AWAITING PROCESSING

Materials in the Archives Building



Challenges to Indigenous Knowledge Protection in Libraries

- Translation (Language)
- Training of Staff in ICT use
- Security of the IK
- Sustainability
- Setting priorities

Conclusion

- Libraries need to be adequately funded and used as a knowledge base or repository for African Indigenous Knowledge. The classification of IK rests with the libraries, librarians, and archivists and information managers. Above all, the intellectual property rights of Indigenous Knowledge holders should be protected especially in these libraries.