



Towards influencing National Legislation, Policies,
Strategies and Programmes for appropriate
Protection and Benefit-Sharing of Traditional Knowledge
(TK) with Traditional Herbalists in Uganda

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Towards influencing National Legislation, Policies, Strategies and Programmes to ensure appropriate Protection and Benefit-Sharing of Traditional Knowledge (TK) with and by Traditional Herbalists in Uganda

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List of Acronyms

TK	Traditional Knowledge
THM	Traditional Herbal Medicine
IK	Intellectual Knowledge
UNJCST	Uganda National Council for Science and Technology
IP	Intellectual Property
BoP	Base of Pyramid
STI	Science, Technology and Innovations
NCRL	Natural Chemotherapeutics Research Laboratory
IPR	Intellectual Property Rights

Executive Summary

Today, the importance of Traditional Knowledge (TK) in Uganda cannot be overemphasized given the country's widespread cultural wealth in knowledge, creativity and innovation. To-date however, there are no established laws, policies or programmes in Uganda, to give a firm and clear guidance in the utilization, appropriate protection and benefit-sharing of Traditional knowledge pertaining to the work of traditional herbal medicine (THM) in the country. This policy brief therefore, highlights the findings of the IK research project – Uganda and how they seek to enable Ugandan traditional herbalists to better access and benefit from TK opportunities and resources through appropriate protection, promotion and benefit-sharing, in collaboration with key stakeholders i.e. policy-makers and users of traditional medicine, among others.

Accordingly, interviewing key informants, focus-group discussions and in-depth questionnaire interviews comprised of the tools that were used to establish the actual status of the situation and best practices for addressing it. The research project was implemented by a team of researchers from LOG`EL Project, Uganda National Council for Science and Technology (UNCST), a herbal researcher/medical plant scientist from Tropical Aloe Land Foundation and, one environmentalist working with a local government authority (in Luweero district) about 60km North of Kampala City. ATPS – Uganda chapter liaised between the project team and the main ATPS office in Nairobi. Eventually, the project rolled out a host of lessons learnt and best practices, identified recommendations and conclusions - as detailed in the main research report.

In brief, however, the findings indicate that,

- Although THM is widely practiced in Uganda, it receives minimal support and thuits quality, safety and efficacy is either not standardized or ineffective and largely unreliable
- While the policy on THM is in draft form, legislation on the sector is not effectively enforced
- The Natural Chemotherapeutics Research Laboratory (NCRL) as the institution responsible for THM in Uganda, is not sufficiently facilitated to effectively support the sector
- Conservation of biodiversity is minimal as the resource is being depleted throughout most parts of Uganda at an alarming rate, hence, warranting urgent intervention measures to reverse the situation
- Preservation of THM/IK systems in Uganda is in low gear given the absence of enforcement mechanisms to protect the sector from widespread bio-piracy and related exploitative practices.

1. Context and importance of the problem

Traditional Knowledge systems in situ are fast disappearing as degradation of natural resources like forests, wetlands, grasslands, is taking place at an alarming rate especially in developing countries (Uganda inclusive) as well as losing cultural values and customary laws. This calls for protection of community rights over their bio-cultural heritage as a whole; that is, traditional knowledge, bio-resources, culture and land.

To date, however, intellectual property rights (IPR) are not adequately extended to the holders of TK. The requirements for IP rights protection under current IP regimes remain largely inconsistent with the nature of TK. As a result, it is neglected and considered part of the public domain with no protection or benefits for the knowledge holders, or expropriated for the financial gains of others, often referred to as biopiracy.

2. Critique of policy option(s)

Despite being endowed with vast resources in the areas of biodiversity and IK, Uganda has not yet embraced THM as a priority sector, to enrich its development process. Likewise, THM is either not facilitated at all or if so, such facilitation is not only minimal but most likely, ad hoc. To make matters worse, there are no deliberate efforts to advocate for the protection and promotion of the sector coupled by the non-existence of an ethical framework, to guide and monitor the activities of THM in the country, thereby leading to unregulated ways in which THM operates.

3. Policy recommendations

In order to uplift the THM sector in Uganda, the following measures are worth considering for implementation i.e.

- The need to develop a Base of Pyramid (BoP) as a foundation comprising all the key stakeholders
- Existing IK should be documented in a manner that will not render such IK worthy of piracy
- The fauna and flora used in IK activities should be documented for protection and conservation for sustainable utilization
- Efforts should be made to add value to IK resources, to enable it fit into and match with, the current trends of modernity
- In order to develop a sustainable THM infrastructure in Uganda, there is need for a policy on domestication and cultivation of the species being utilized
- Policy makers need to carry out research, to enable them develop a policy to regulate the development of THM activities
- There is need for enhancing awareness, raising all levels of society in Uganda, to gear up and increase respect for THM/IK, biodiversity for socio-economic development and policy creation.
- The UNCST should include THM/IK in its science, technology and innovations (STI) policy, strategies and programmes

In conclusion, policy development for the protection and advancement of THM and IK in Uganda is a critical requirement in concretizing the sustainable utilization of biodiversity resources - for socio-economic activities, health, nutritional value, food security, wealth creation advancement and for the sustainable protection of the environment and natural resources.

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