

Integrating the intangible traditional forms of farming knowledge and practices of the Alur people of North-Western Uganda into the IP laws of Uganda

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Abstract. Documentation of traditional knowledge about traditional forms of farming knowledge and practices is essential to prevent its erosion over time, to enable its accessibility to subsequent generations of the same community, as well as other communities to attempt value-addition and possible benefit-sharing among various stakeholders, and finally to link innovation, investment and enterprise. Therefore, in the absence of documentation, potential investors and entrepreneurs would have to bear a very high transaction cost in order to seek information about potentially viable and useful IP produced by local communities and individual innovators. The transaction cost for a community to scout potential partners for value addition would even be higher. In such a situation, a single TK documentation could be beneficial. Accordingly, Integrating Intangible Traditional Farming Knowledge and practices in the IP laws of Uganda for global opportunities is a project intended to identify, collect, organize, register or record traditional forms of farming knowledge and practices (TK), as a means to dynamically maintain, manage, use, disseminate and or protect TK (positively or defensively). It is intended to form part of a comprehensive, thought-through the process of TK documentation and, in effect to act the documented knowledge would be shared only following the directions of the provider of knowledge. Unless authorized by the provider of knowledge, it will not be shared with anyone for any purpose and will be kept in the register as a confidential entry. However, broad categories of the knowledge or practices will be shared, so that interested seekers of this knowledge can be put in touch with providers.

Keywords: traditional forms, Alur people, IP laws.

1. Introduction

Integrating intangible traditional farming knowledge and practices in the intellectual property (IP) laws of Uganda for global opportunities is a project that was successfully implemented with support from SIDA and PRV by W Gilbert through Okoro Coffee Growers Cooperative Union Ltd. [1]. The project's focus was among others intended to identify, collect, organize, register or record traditional forms of farming knowledge and practices (TK), as a means to dynamically maintain, manage, use, disseminate and/or protect traditional knowledge either positively or defensively. This is intended to form part of a comprehensive, thought-through the process of TK documentation.

Okoro Coffee Growers Cooperative Union Ltd. is a farmer-based cooperative union whose mandate among others is to empower and promote the interest of smallholder farmers of West Nile region and safeguard the norms, values, beliefs, indigenous knowledge and practices, and also



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collaborate with actors and institutions that promote culture and strengthen Uganda's diverse cultural identities to uphold the existing heritage for community empowerment [2].

This change project was implemented in Arua, Nebbi and Zombo Districts in the North-Western Uganda and lie between latitudes 2030' and 2045' N and between longitudes 30045' and 31010' E. The northern boundary of the districts is marked by Arua District. River Nile and Lake Albert highlight the eastern border. Bulisia District lies to the south-east while the Democratic Republic of Congo DRC marks the west and south-west limits. These boundaries are primarily political. The two districts occupy a total area of 3,288 km² of which 83.19% is arable land, 2.91% game reserve, 6.4% swamps and open water and 7.5% forest reserve.

The pilot project identified various intangible traditional farming knowledge and practices from the sampled districts and among these include practices need urgent safeguarding (Koya) to prevent them from complete disappearance. The objective of the project is to identify, collect, organize, register or record traditional forms of TK, and to create new IP rights through scientific validation of the traditional forms of TK and collaborative research and development.

2. Methodology

2.1. Community consultation–inception of the project

The consultations involved two aspects, namely the involvement of different stakeholders at all levels and identification of elements. Stakeholders consulted included community members, Okoro Coffee Growers Cooperative Union's Bod (as the host), District Commercial Office of Zombo, Nebbi and Arua Districts, kerAlur (Traditional kingdom), Nyaravur Cultural Troops, Jang'Okoro Cultural Troops, Nyapea Cultural Groups. NGO/CSOs such as life concern a human right based local organization, human rights crew, Zombo District Farmers Association (an umbrella organization for the farmers in the district), Zombo District Farm Institute (agricultural research institute), and some selected elders from the District of Arua, Nebbi and Zombo.

During the inception of the project, focus was put on tangible and intangible elements of the TK potential threats to their enactment and the transmission, availability of associated tangible elements and resources, concerned organizations (NGOs and others) and expected results, to ensure coherent and integrated results-based management (RBM) to frame the documentation process.

The consultations included the community consent to participate in the project, identification of elements, and culture bearers consent to provide prior information. This also necessitated the community to identify practices that needed urgent safeguarding by listing them.

2.2. Identification of the community data collectors

The community members identified the community data collectors. The community data collectors included both men and women, youth and elderly who were able to communicate in local language and from the community and sub-counties of operation.

2.3. Training of the community data collectors

The project trained six community data collectors. The training took two days during January 2018 and was flagged off to the field to collect information from the people familiar with the cultures and farming practices of the Alur. The fieldwork was carried out in the community for a period of two months (February–March 2018). The participatory approach was promoted by the project. The data collectors were divided into groups of two per district. This was to allow for the collection of data effectively. Each team was to identify an element of farming practice and interview the cultural bearers, until all the information was exhausted, then transcribes the data for the day.

2.4. Data collection strategy

Both primary and secondary data were collected and analysed as part of the documentation process. Different instruments were designed to cater for the different categories of stakeholders that were interviewed. These included; the board and management tool, farmers' tool, local NGO tool and the

focus group discussion tool. The tools were aligned with the project objectives and indicators measured. The tools were pretested to ensure that they can capture relevant and valid information.

In consultation with OCGCU, the project used both random and purposive strategies to select participants from the community during the project documentation. The sampling was done at the zonal level to make sure that all zones located in the three districts targeted are represented in the project implementation. There are seven zones include Zone A-Errusi, Zone B-Paidha, Zone C-Pakadha, Zone D-Nyapea, Zone E-Zeu, Zone F-Warr and Zone G-Kango. From each zone, two producer societies were selected making a total of 14. From each primary society, six farmers were selected making a total of 84 farmers.

The project planned to interview key informants who were purposively selected as follows, Okoro Coffee Cooperative Union board members, agricultural researchers, development practitioners and policymakers, district production officers (Nebbi, Arua, Zombo, farmers, cultural groups and religious leaders).

Focus group discussions were held with beneficiaries of the project to gain a better understanding of general community and institutional perspective on the means to dynamically maintain, manage, use, disseminate and or protect TK (positively or defensively). One FGD was held in each of the three selected zones making a total of 3 FGDs. A gendered approach was taken into consideration during the selection of members for the group discussions i.e. men, women and the youths. Notes were taken during the discussions. The discussion was guided by an interview guide.

Key project design and implementation activities were reviewed during the documentation process in order to properly understand the context and situation of the TK to date. Findings from the document review further informed the methodology and enabled refinement of the project framework by filling information gaps and helping to identify further data collection needs. Some of the documents that were reviewed include but not limited [3].

Whether TK is secret and confidential, sacred, individually or communally held, orally transmitted, documented and systematized in some form, codified, already partially documented or subject to customary restrictions for use or disclosure. The content or expression of TK, whether TK is technical knowledge or know-how, embodied in a tangible product or related to TCEs, TK and biological resources/genetic resources; whether specific biological or genetic resources be collected as part of the documentation, or are resources imbued with distinctive characteristic developed through traditional methods of selection, breeding or processing. How extended is the TK use and dissemination, whether the TK is non-disclosed or disclosed to the general public (made publicly available) or to individuals that do not belong to the community like researchers, students alternatively or known by a community individual or leader or elder, the community as a whole, a group, an indigenous nation, other social actors; whether TK commercialised or traded in some form.

Applicable national and international legislation, focussing on what specific laws and regulations are applicable for traditional farming knowledge and practices, which can provide specific IP advice in this regards. Other relevant legal regimes and instruments like customary laws and traditions, community protocols, biodiversity laws and access and benefit-sharing legislation.

2.5. Data analysis and interpretation

The project team compiled and analysed all collected data on progress towards meeting the project targets, results achieved, and gaps reported. For qualitative data, the initial step was to read through the FGD transcripts several times while making notes in the transcript. All investigators participated in this process. Disagreements or issues needing further clarity were resolved through discussions and triangulation of data source. Qualitative content analysis technique was used. This technique refers to what the text talks about with relationship aspects and involves in-depth interpretation of underlying meanings of the text. Data was therefore condensed, i.e. shortened without losing quality. Open coding was done and codes grouped into categories and then themes identified.

Qualitative data from crucial informant Interview and in-depth FGD interviews were analyzed manually where variables run through the interviews, the data was quantified, whenever possible, all data were triangulated.

3. Results and discussion

3.1. Farming practice–Koya (*the practice of communal*)

One outstanding traditional farming knowledge (Koya) identified and documented. This practice of communal work among the Alur community of Nebbi and Zombo Districts was a measure of affirmative action to help chiefs, vulnerable and needy persons to dig a plot, build a house in order to provide social support and show solidarity to them by the community members. The practice manifests itself under the domain of social practice, rituals and festive events.

The practice of communal work was a collective effort by able and energetic persons usually mobilized or hired as volunteers to dig a plot or build a house for a clan chief or a vulnerable member within the clan. The chief clan elder who mobilizes people of communal work is ritually prepared by taking him for throat cleaning at dawn to a secret spot of the river bank. The major categories of those who are vulnerable are women, widows, the aged, the disabled, widower who are characterized by low status, limited access to ownership of assets, low participation in decision making and inadequate social wellbeing and security. It is an approach focused on empowering the disadvantaged to gain greater access to and control over resources. A crucial step in this process is to stimulate people to organize themselves efficiently and functionally so that they can gain control over their situation using the strength of their numbers.

The person organizing communal work would prepare what he/she had to appreciate the communal workers and inform the community mobilizer. The mobilizer would come and assess the quantity, fix the day for the work and inform the workers to go for the work on the appointed day. The communal workers would then come for the work on the agreed day and date. They would work wholeheartedly then go for a reception organized for them either on that day of the work or any other appointed day.

Communal work was mainly organized through the guidance of the elders who provided leadership during work because of their experience. Working together to provide service empowered the disadvantaged socially and economically. People worked for others in expectation of a return in food or drinks. The central idea was to assist people and to help others. Young children were made to work and were given food with fish because goat meat was worked for by the elders. The Alur women worked together in harvests of millet, simsim, groundnuts, sorghum and on the other hand men worked on digging fields, construction works and hunting.

Insensitivity to the disadvantaged persons, deteriorating relations between the people and the traditional chiefs, the younger have generation lost for respect for and loyalty to traditional chiefs, the allegiance paid to traditional chiefs has shifted to property owners whose decisions are more respected, insensitivity to the vulnerable people, food insecurity among communities, inadequate labour force due to rural-urban migration by the younger generation, selfishness and discrimination against the vulnerable, the introduction of white-collar jobs for the youth, poor attitude towards helping the needy and above all, laziness, idleness among the youth and inadequate skilled workforce [4].

Most younger generation now segregate against the vulnerable people in communities, poverty and disparities within the communities, low level of sensitization of the masses, contrary foreign cultural practices and influence, insufficient appreciation of cultural values, norms, practices and lack of cohesion, social isolation between cultural institutions, the vulnerable and the younger generation leading to generation gap since most young people spend most of their times in school, inadequate collaboration and coordination among communities, food insecurity among the vulnerable people to reward the labours, low household income, apathy and low attitude of the younger generation, poverty which limits access to the service, lack of maintenance of cultural norms and values, weak institutional arrangements on the side of cultural institutions, poverty and disparities within communities, people are becoming more egoistic on self-centred, differences in education and in social status make the

society more heterogeneous thus limiting promotion of common interests, needs, priorities and, although education is seen as a way of development, it can alienate young people from their family and culture and loss of respect by the younger generation for traditional chiefs besides, their failure to pay allegiance to them has shifted property ownership and decision making and finally, disrespect by the youth are among the factors hindering the transmission of the element [5].

3.2. Availability of associated tangible elements and resources

Land on which communal work is done is owned by the traditional chiefs and the vulnerable persons. The materials used for construction such as poles, reeds, mud, grass and strings have become scarce due to population pressure. Animals such as goats and birds such as chicken are available. Foodstuff such as maize, cassava and millet for making local brews and for consumption are available.

The land is a permanent asset. Materials used for construction such as poles, reeds, mud, grass, strings, etc. are readily available and can easily be obtained. The animals such as goats and birds such as chicken can be reared. Foodstuff such as maize, cassava and millet can be planted and be grown or produced. The skills for doing work can be trained and transmitted. Positive traditional practices are supported by healthy family life can be learnt. Attitude and behaviour of people towards communal work can still be acquired.

3.3. Project outcomes

The outcomes of the project are the preservation of traditional knowledge for community-oriented objectives, such as education, awareness, cultural preservation and for developing more systematic future research projects.

To date, the data generation and compilation, characterization of materials underlying the farming practices (tangible and intangible elements), community consultation, and document review was done so far. However, a new IP right for integrating intangible traditional farming knowledge and practices through scientific validation, and collaborative research and development of TK was not done yet.

3.4. Recommendation

- Existing human resources to do communal work.
- Support from NGO's to advocate for the preservation of culture.
- All the chiefdoms among the Alur community need to support positive traditional practices in support of the practice.
- Local government to set aside some fund for further documentation.
- Politicians and NGOs to get involved in formulating policies concerning support to the vulnerable members of communities, e.g. income-generating activities and construction of structures to give them social support and protection.
- Need to promote community participation in their cultural norms.
- The private sector should steer community participation in the promotion of the practice through the creation of favourable climate.

4. Concluding remarks

Traditional knowledge may be produced by individuals, by groups of individuals or local or indigenous communities. Some of this knowledge may be kept confidential to the originators and their descendants and may be accessed only with restrictions; some may be disseminated locally, but may, nonetheless, be restricted in scope or terms of accessibility; some of this knowledge may be shared widely within a community and with outsiders, so that the knowledge becomes public domain. Integrating intangible traditional farming knowledge and practices in the IP laws of Uganda for global opportunities, being a pilot project was majorly guided by document review from Ministry of Gender Labour and Social Development. There are quite several practices identified, but one elaborated is outstanding and being practised across the three districts understudies.

5. References

- [1] Ministry of Gender Labour and Social Development 2014 *The Intangible Cultural Heritage of the Alur People of North-Western Uganda*
- [2] Gupta A K 2001 *WIPO-UNEP Study on the Role of Intellectual Property Rights in the Sharing of Benefits Arising from the Use of Biological Resources and Associated Traditional Knowledge*
- [3] WIPO 2012 *The World Intellectual Property Organization Traditional Knowledge Documentation Toolkit; Consultation Draft* (Geneva, Switzerland)
- [4] WIPO 2017 *Protect and Promote Your Culture; A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities* (Geneva, Switzerland)
- [5] WIPO 2017 *Key Questions on Patent Disclosure Requirements for Genetic Resources and Traditional Knowledge* (Geneva, Switzerland)