

TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES

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In the modern world the quantity of innovations is increasing in the sphere of medicine, ecology, biology and other industries. Such technologies as genetic engineering, biochemistry, biotechnology have also taken an advantage. With the development of these types of technologies, there is a huge importance in the usage of traditional knowledge as well.

The society is concerned about the provision of environmentally friendly or safe treatment, about food as well as the state of environment in general. Therefore people have begun to use traditional medicine and national secrets of various communities and communes even more often.

In the context of access and benefit-sharing, traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities (ILCs) related to genetic resources. This traditional knowledge is developed through the experiences of communities over centuries, adapted to local needs, cultures and environments and passed down from a generation to a generation [1].

There is no exact definition for a given concept, but it is considered by means of the wide list of objects. It is possible to refer to them:

- traditional knowledge;
- genetic resources;
- folklore.

Traditional Knowledge can refer to, for example, agricultural, environmental or medicinal knowledge, or knowledge associated with Genetic Resources. The examples include, among thousands of others:

1. the knowledge about traditional medicines;
2. the traditional hunting or fishing techniques;
3. the knowledge about animal migration patterns or water management.

Genetic Resources are defined in the Convention on Biological Diversity (CBD). In short, they are parts of biological materials that:

1. contain genetic information of value;
2. are capable of reproducing or being reproduced [2].

Examples include the material of plant, animal, or microbial origins, such as medicinal plants, agricultural crops and animal breeds.

In particular, we will consider traditional knowledge as the bound to genetic resources as all these objects immediately intertwine with each other.

Traditional knowledge is relevant for certain groups:

- Indigenous and local communities (ILCs);
- Users;
- Competent National Authorities (CNAs) [1].

Taking into account various scientific doctrines, **indigenous and local communities** are owners who create, develop and use the biological resources throughout many centuries. **Users** are consumers and others who look for these biological resources in order to carry out a scientific research in various areas and also who use them for various commercial actions, in particular, for development of marketable products. **Competent national authorities** is also an important part of this list because due to exactly legal regulations they are in force to organize and create the balance between communities users and also to use this knowledge in the sphere of development of absolutely new genetic products.

Returning to value of traditional knowledge and genetic resources, one may say that they are absolutely various in all regions. It promotes the coming out entry into the market with a huge advantage to those regions, the cities and communities which possess rich biodiversity. Therefore genetic resources and traditional knowledge are the potential tools which are relevant for the integration of the least developed regions into economically developed ones [3].

The benefit from the use of genetic resources and traditional knowledge is obvious: in 1995 market value from the pharmaceuticals of folk remedies was estimated as billions of dollars [4].

In Nagoya Protocol it is written down that parties allude to actuality of the article 8 of The Convention on Biological Diversity, as it applies to traditional knowledge, related to the genetic resources, and to sharing on just equal basis of benefits from application of such knowledge [5].

Considering the Article 8 of the Convention on biological diversity, it is possible to find out that each contracting party is possible and expedient as far as it:

- creates the system of the protected areas or areas where it is necessary to take special measures for the conservation of biodiversity;
- promotes protection of ecosystems, natural habitats and preservation of viable populations in the native habitat;
- on condition of keeping the national legislation respects, maintains knowledge, innovations and practice of the indigenous and local communities, reflecting a traditional way of life which matters for preservation and steady use of biological diversity, and promotes their broader application from approval and with participation of owners of such knowledge, innovations and practice and encourages equitable distribution of the benefits resulting from the use of such knowledge, innovations and practice [6].

In this regard the solution of exercising the large international agreement which is valid in Belarus is important - The Convention on Biological Diversity which can make impact on how the traditional knowledge associated with the usage of genetic resources is subject for protection and distribution.

Recognizing the great value of intellectual property for legal protection of genetic resources and traditional knowledge, the membership countries of this Convention have offered to develop technically correct and balanced provisions of the relation of genetic resources and traditional knowledge concerning intellectual property to specialized bodies of the United Nations - World Intellectual Property Organization [3].

It follows that traditional knowledge and genetic resources are not only under legal defense, but also under IP protection. IP protection for traditional forms of creativity and innovation, which are under the conventional IP system and are regarded as being in the public domain, and thus are free for anyone to use. Indigenous peoples, local communities and many countries reject a "public domain" status of TK and TCEs and argue that this opens them up to unwanted misappropriation and misuse [2].

Local people and communities have particular requirements and values. Therefore IP considers their historical, cultural, spiritual and biological property. Taking into consideration this fact, one can consider these aspects as well as their weak points, IP after all provides the protection of TK and TCEs. Also it involves other legal issues, as well as ethical and cultural sensitivities, reaching far well beyond IP.

As it was already written above, Belarus is a participant of the international agreement between a number of countries, namely, The Convention on Biological Diversity. For implementation of provisions of this Convention the resolution of Council of ministers of the Republic of Belarus, dated on June 26, 1997 N 789 "About the approval of National strategy and the action plan for preservation and steady use of biological diversity of the Republic of Belarus" was adopted [7].

The analysis of the implementation of the specified documents shows that the Republic of Belarus has made considerable efforts on preservation and steady use of biological diversity [8].

For example, The Republic of Belarus participated in the Global UNDP-GEF Project «Strengthening Human Resources, Legal Frameworks, Institutional Capacities to implement The Nagoya protocol» for 2016-2018 which provides technical and financial support to develop the national ABS systems. The national ABS system should include legislative and administrative parts, as well as the part related to the legal mechanism of public participation in the decision making process relevant to access genetic resources and benefit-sharing [9].

Summing up the results, it should be noted that traditional knowledge has become an integral part of the modern world. In particular, genetic resources have a huge value for each country, especially for member countries of the Convention. It is bound to huge biological diversity of various regions. At this stage, there is a set of regulations and international treaties, regulating this sphere. But it doesn't cancel the fact that values, culture, identification of each people demands a bigger protection than it does now. Regarding the Republic of Belarus, there is a desire to note a huge aspiration and participation of the state in all cases of biodiversity and preservation of ecology that puts the country to a higher level.

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