

Indigenous Arts and the Commons

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Abstract: Since time immemorial, humans have given vent to their creativity in the arts and these have stood the test of time. Unfortunately, the opening up of global corridors has done more harm by erasing the native arts, leading to the slow death of scores of arts around the world. The death of the last surviving speaker of the Bo language of India's Andaman Islands is testimony to this fact, since this language did not have a written record.

The birth of open source forums like Creative Commons, however, offers a glimmer of hope. By using the licenses offered by such forums, several disciplines of study like anthropology, linguistics, history, psychology, music and the arts, stand to gain. This paper seeks to study from two different perspectives – one, how different forms of traditional art forms are being threatened in the name of intellectual freedom and copyright law around the world; two, how open source forums can be used to preserve and promote traditional cultural expressions. More specifically, this paper will explore what kind of frameworks – in terms of accountability and legality - need to be adopted to archive cultural heritage in the public digital domain. This paper also seeks to address how open source forums can provide due recognition to these people and help in restoring dignity to their art forms and sustain the travails of the future.

Keywords: Traditional cultural expressions, indigenous peoples, exploitation, Creative Commons, dignity

INTRODUCTION

Ever since man felt the need to communicate, he has tried many different ways to express himself. He has used several media to make himself felt across ages. Indigenous knowledge refers to the knowledge, innovations, and practices of indigenous groups in areas related to various sectors like agricultural, environmental management, health and the arts. Traditional cultural expressions are also a part of indigenous knowledge. These expressions have been passed from one generation to the next in many ways, mostly oral or by tradition. Thereby, these are an integral part of a culture's identity and heritage. These expressions include, but are not limited to: music and song, stories, symbols, dances, rituals, architecture, arts, and crafts. (Burtis, 2009)

Indigenous knowledge has been a growing topic of interest among scholars from various fields like anthropology, geography, agriculturists and even musicians. This interest has been generated sometimes in the pursuit of greater good such as development studies, and sometimes also in the pursuit of economic profit. The second is perhaps a serious threat to the cultural identity of the peoples from whom the knowledge originated. Indigenous and tribal peoples, worldwide, are facing complex threats to their survival as distinct peoples. Traditional knowledge of medicinal plants and crops is being taken by multinational companies, while

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traditional songs and designs are being commercialized for the industry (Bengwayan, 2003).

In 1961, American folk singer Peter Seeger and songwriter George Weiss took a traditional melody *Mbube* recorded by Solomon Linda in 1939, and added the lyrics, "In the jungle, the mighty jungle." The song was recorded by The Tokens and became a world-wide hit. But Linda whose *Zulu* roots as a cattle herder in South Africa actually inspired the song, died impoverished at the age of fifty three with less than twenty five dollars to his name (Wassel, 2010).

On similar lines, a *sloka* (scriptural recitation) from the *Bhagavad Gita* is played out as the background score of an orgy scene in Stanley Kubrick's 1999 film *Eyes Wide Shut*. This was an instance where a musical heritage of one culture, which is presumably in the public domain, was taken out of context and used in an entirely different perspective and brought upon hurt among the many Hindus of America and Great Britain (Tripathi, 2004).

On the other hand, legal restrictions have started to cause a slow death to some of the distinct cultural expressions across the globe. The Jogi-Nath community of traditional snake charmers was among the worst hit due to the declaration of the profession of snake charming as illegal in the Indian Wildlife (Protection) Act, 1972. Although this was a much needed reprieve to protect the extinction of snakes in India, it resulted in the erosion of one of the ancient music forms namely, the *Been*. The *Been* is a flute made of bitter gourd which is the principal instrument which the Jogi-Nath snake charmer uses to gather audience for his snake charming show. But with the ban on snake charming, the *Been* also seems to have been forgotten today (Dutt, Kaleta, & Hoshing, 2005).

The above instances lead us to the integral question of who "possesses" the rights to indigenous knowledge, in this case, traditional cultural expressions. And if someone does possess a specific cultural entity, how does the community preserve it to stand the test of time. Are international copyright laws the only way out or is there any other way to protect the rights and traditions of these peoples?

This paper attempts to study the framework used to understand the commons, cultural commons and traditional cultural expressions of music and dance. The author tries to understand the ramifications of treating traditional music and dance as "commons". And by treating them as commons, will the indigenous communities be able to preserve the value system and cultural heritage inherent to their art forms. The paper also seeks to explore if the digital commons established by forums like Creative Commons enhance the preservation of the cultural commons. The author in doing so will try to put forth some suggestions as to how Creative Commons should also exhibit caution in treating the indigenous communities with respect.

THE COMMONS AND THE PUBLIC DOMAIN

Before embarking on the analysis of cultural heritage as cultural commons, we will first have to set the ground rules about what constitute the commons. This is especially true in the light of the fact that the term "commons" is full of ambiguity and not very easily defined. Ostrom has focused on the common pool resources which

are subtractable and difficult to exclude (Ostrom, 1990). Hardin originally conceived of the commons as an unregulated and open access pasture (Hardin, 1968). Creative Commons offers six different licenses when one chooses to publish a work of creative art, thus applying a pseudo copyright license to open access works of art.

Hess has tried to bring out the plethora of definitions present on the “commons” by presenting an entire page on the definitions alone (Hess, 2008). In the same paper, she quotes former IASC president, Erling Berge, from 2004 that “it would be reasonable to call it (commons) a fuzzy concept.”

Even though there seems to be no consensus on defining “commons”, there seems to be a common voice to describe in terms of a “shared heritage” of something in common (Rowe, 2001). This shared heritage can apply to the atmosphere, the oceans, the roads, healthcare, public art, knowledge, landscapes and so on. So for the purpose of this paper, we will use Hess’ proposed definition (Hess, 2008):

“A commons is a resource shared by a group where the resource is vulnerable to enclosure, overuse and social dilemmas. Unlike a public good, it requires management and protection in order to sustain it.”

Cultural Commons refer to “cultures located in time and space – either physical or virtual – and shared and expressed by a socially cohesive community”. Hence, the cultural commons is again a social dilemma based on the confluence of three different phenomena - culture, space and community (Fiorentino, Friel, Marrelli, & Santagata, 2010).

Traditional cultural expressions (TCEs) as quoted by the World Intellectual Property Organization (WIPO) are “often the product of inter-generational and fluid social and communal creative processes, (and) reflect and identify a community’s history, cultural and social identity, and values.” Further, TCEs are characterized by certain features like they “(i) are handed down from one generation to another, either orally or by imitation, (ii) reflect a community’s cultural and social identity, (iii) consist of characteristic elements of a community’s heritage, (iv) are made by ‘authors unknown’ and/or by communities and/or by individuals communally recognized as having the right, responsibility or permission to do so, (v) are often not created for commercial purposes, but as vehicles for religious and cultural expression, and (vi) are constantly evolving, developing and being recreated within the community.” (WIPO)

If one were to consider aspects of culture as information, then we have to realize that it is just not some free floating data without context; it is rather a way of establishing the social relations in society (Webster, 2000). This is the essence through which the Creative Commons operates. But when we bring it into the purview of the public domain, we tend to define it only in legal terms and not in the context of traditional obligations. Just because these entities are in the public domain, does not entitle us to use them as background music for films, as advertising jingles or in articulation with other creative material. We may appreciate the indigenous peoples’ musical contributions to culture, but we should not fail to recognize their culture in the first place (Coleman, Coombe, & MacAraill, 2009). The following section will provide

specific instances of how economic motives have failed to recognize indigenous rights and exploited their cultural expressions.

CORPORATE CONTROL OF CULTURAL EXPRESSION

The vital question is of course who controls the indigenous knowledge systems, in this case, traditional cultural expression. But before entering into that debate, we need to take a glimpse how the public domain vis-à-vis the cultural commons is being pulled in opposite directions by the privatizing logic of the world's corporations on one side and by native peoples' rights proponents on the other side (Brown F., 2003). Even professionals in the Library and Information Science sector seldom attempt to place traditional cultural expressions in the cultural context (Burtis, 2009).

The indigenous people's position is that "Our collective knowledge is not merely a commodity to be traded like any other in the market place. We strongly object to the notion that it constitutes a raw material or commercial resources..." Further they even "reject the application of the public domain concept to any aspect" related to their cultural identities (WSIS, 2003). Their anxiety is not without reason as can be seen in several instances over the years.

In 1996, a commercial recording "Return to Innocence", a song by the international group *Enigma*, included a recording made in 1988 of a live performance of members of the Ami, Taiwan's largest indigenous group, without any authorization from any of the representatives of the Ami. Following a lawsuit and then an out of court settlement, the record companies gave full credit to the Ami in future releases of the album. Similarly in 1992, another group *Deep Forest* used digital samples from Ghana, the Solomon Islands and other African tribes. The track went on to secure a Grammy nomination, as well as used in advertising campaigns for corporate giants like Sony, Porsche and Coca-Cola. However, the musicians whose traditional music has been commercialized seem to have received neither credit nor profit (Arewa, 2006).

There has also been continued debate on the use of Native American words and symbols by sports teams in the United States of America. The teams sport logos such as Washington Redskins, Cleveland Indians, Atlanta Braves, Chicago Blackhawks, and Kansas City Chiefs. In spite of appeals that these are disparaging and offensive to the sentiments of the Native Americans, nothing has been done so far. In a similar case, Air New Zealand had to remove the Koru logo from its door mats (the Koru symbol is derived from the Maori tradition), since the logo is situated in a place where people would walk on it. However, the company still holds the "rights" to usage of the logo (Arewa, 2006).

The concept of ownership in the Western school of thought is restricted to individuals (or an entity like a corporation) while in indigenous systems it is defined by communal ownership. Further this communal ownership is not defined by a single agenda such as the Western agenda of copyright laws (Christen, 2005). International laws and guidelines also seem to be aligned against the indigenous peoples. For instance, the General Agreement on Tariffs and Trade (GATT), the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPS), have imposed an intellectual property rights regime that does not take into account the diversity of

cultures (Bengwayan, 2003). This is substantiated by the rise in the power of the media monopoly – the number of media corporations in the United States has dropped from fifty to ten (Kranich, 2004).

While commodification of indigenous arts by media moguls is purely for economic gain, the claim to native peoples' heritage in spite of its "public domain" status is because it is integral to indigenous survival. And the source of their protection is not in the commodification logic of commercial law, but rather has its roots in human rights law (Graham & McJohn, 2005). To begin to address the human rights aspect of indigenous peoples' claim to their cultural heritage, we should understand why it is so indelible to them.

CULTURAL TRANSMISSION – THE RIGHT TO SURVIVAL

Every ethnic community is bound by ethnic and cultural boundaries. The former is a demarcation based on the membership in the community, namely the persons. The latter signifies the symbolic practices which each community attributes to itself and thus seeks to differentiate the community expressively. Every community would thus like to "protect" its cultural identity from being misappropriated and "polluted". This leads us to the issue of commercial exploitation of indigenous cultures, especially their graphic arts, music and other forms of knowledge (Ziff & Rao, 1997). This increasing resistance is a result of the perception that cultural heritage is a form of property, which is again an offshoot of the privatization and commoditization of all kinds of cultural information by the Western world (Coombe, 1998). This explains to a certain extent why communities need to exercise their right to "cleanse" their culture of the perceived pollution (Harrison, 1999).

Music for many of us from urban households may imply plain entertainment. But it is used for a variety of purposes depending on the social context. This is especially true in much of sub-Saharan Africa. For example, in the Republic of Benin, there are songs when a child cuts his first teeth, and in Nigeria to even insult rivals in courtship among the Hausas, while the men folk among the Hutus sing a different song while paddling a canoe against the current or with the current. This is protected by a customary form of intellectual property rights wherein specific people are allowed to sing certain songs, play certain instruments and at what time, etc. These cultural norms are enforced strictly by the community leaders. Violation could result in punishments such as fines, ostracism and sometimes even expulsion from the community (Wassel, 2010).

In the Western world interestingly, appropriation of indigenous music and other art forms is only seen as an extension of the artistic tradition of musical quotation (Coleman, Coombe, & MacAraillt, 2009). They thus consider the sampling of indigenous music forms as a form of artistic homage and respect across cultural, geographic and territorial divides (Feld, 1996). But this practice leads to caricaturing of the art form and the communities which results in trivializing their cultural heritage.

Ancestral song performances of Australian Aboriginal and Torres Strait Islander peoples are being used in legal proceedings as proof of customary legal title to hold land. This has triggered the Gitanyow people of Canada to challenge the Federal

Government's treatment of their lands using similar tactics (Coleman, Coombe, & MacAraill, 2009).

From the above few illustrations, it can be inferred that the musical sound system and in a larger context the traditional cultural expressions, act in support of a particular value system. The further the system moves away from its origins, the binding of the values becomes fuzzy and is most likely to get lost in transit. The further it is from its origin, the erosion of values leads to commodification of traditional music. Thus music becomes a product; musician becomes producer in a capitalist centric process of commodity production. If this commodification continues unchecked (which is already happening), the humanization of cultures and a shared heritage of arts will be diminished (McCann, 2001). The manipulation and adaptation of traditional cultural expressions by appropriators diminishes the social context of the indigenous communities. Thus it is a question of their cultural rights being snatched away and thus their obligation towards their cultural responsibilities are lost causing harm to their ethical and ethnic fabric as an indigenous community (Coleman, Coombe, & MacAraill, 2009).

EFFORTS TO PROTECT INDIGENOUS CULTURAL RIGHTS AND ITS INADEQUACIES

Considering the situation of the erosion of the cultural rights of indigenous peoples' worldwide, several efforts have been taken to address this issue. These efforts might not have exactly been successful in addressing the heart of the matter but it is important that one begins to understand what has been done so far.

The United Nations established the World Intellectual Property Organization (WIPO) with a mandate in 1967 "to promote the protection of IP (Intellectual Property) throughout the world through cooperation among states and in collaboration with other international organizations." WIPO does intend to address several important questions like to whom does a cultural heritage belong? How can IP promote cultural diversity and best serve a public domain? What is the difference between 'borrowing' and 'copying'? Is there any relation between 'preservation' and 'protection' of traditional cultural expressions?

While the attempts of WIPO are commendable, the outlook is not all encompassing primarily because the main intent is support economic development and only then prevent unwanted usage by others. Further there appears to be cynicism that discussions at organizations like WIPO remain elitist and there is a considerable gap between the international debate and the local realities (Bengwayan, 2003).

Following the UN declaration of 1993 as the International Year for the World's Indigenous Peoples, over 150 delegates from 14 countries attended the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples held in New Zealand during June 1993. Of many declarations and recommendations laid out by the indigenous representatives, the prime declaration was that the "Indigenous peoples of the world have the right to self-determination and in exercising that right must be recognized as the exclusive owners of their cultural and intellectual property." (Mataatua Declaration, 1993)

The UN Working Group on Indigenous Peoples (WGIP) submitted a first draft Declaration on the Rights of Indigenous Peoples to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, which was later approved in 1994. The process for approval of the declaration moved very slowly because of concerns expressed by the member States. It was however adopted by the General Assembly in September 2007 (UNPFII) (UN, 2008). The declaration seeks to address the indigenous peoples' rights, among others, to cultural, religious, spiritual and linguistic identity.

However international declarations are not enforceable by law. Individual nations though, have taken the lead to provide 'protection' to TCEs. A Copyright Act enacted by Nigeria offers protection against unauthorized reproduction and/or adaptation of traditional expressions where they are made outside the ambit of the customary context. Cameroon protects TCEs without a time limitation. Mali has a similar arrangement (Wassel, 2010).

But subjecting the traditional expressions to copyright opens up a whole new Pandora's Box. Most of the legal ramifications of cultural appropriation have rarely been agreed to by the source community. More importantly, cultural expressions are a confluence of practices, process and creative contributions over time. And these essentially do not conform to the concepts of Market Economy. Thus the copyright framework subjects TCEs to a capitalistic hegemony and allows for financial exploitation of traditional culture.

Copyright is basically attributing authorship to a particular work of creativity. However, no one entity or group could be attributed as a sole creator of a traditional work of art; this is essentially because of the fact that TCEs are derivative, collaborative and never solitary. Some theorists have even gone to the extent of the saying that copyright is actually theft because it steals ideas from a naturally flowing cultural milieu (McCann, 1998).

As a result of these inherent contradictions, we need to explore what are the factors one needs to consider when trying to promote, preserve and protect the traditional cultural expressions of the indigenous peoples.

THE QUEST FOR A FRAMEWORK

Whenever an attempt is made to provide a system to protect indigenous rights in the public domain, there are several things we need to keep in mind. Any attempt to represent TCEs should be attempted only after putting them in the proper cultural context. Intellectual freedom should not lead to skilful manipulation of indigenous knowledge systems. One needs to realize that these works of art and expression are not "things" that exist separately from their culture. Care should be taken to avoid the making of TCEs into mere data, divorcing them from the contextual environment where they were conceived (Burtis, 2009).

The greatest threat that opening up of cultural expression in the public domain could do is of dishonouring the original meaning and value of the work. In this context, the American Library Association came up with a policy for managing TCEs. This policy outlined some of the precautionary principles that need to be adopted while archiving

and disseminating TCEs. This framework should include understand the meaning and social context; respect, recognize and understanding the traditions of the TCEs; responsibility to appreciate the traditions and cultures associated; maintain a dynamic and reciprocal relationship that guides acquisition, preservation, and access to traditional cultural expressions; enforce stewardship by playing an active role to help the communities who choose to preserve and promote their cultural heritage (ALAOITP, 2010).

Of critical importance is the notion that the resources of the indigenous peoples can be measured in dollars. It is diametrically opposite to these people who see themselves as custodians of culture, who have an obligation to pass on their traditions. No framework should try to make these people the owners of their culture and try to fix a price for appropriating their heritage, however high the price may be (Bengwayan, 2003).

The best way to avoid any disrespect to the people involved is to involve the local community and give them the rightful ability to participate in the decisions regarding the usage of indigenous knowledge and its treatment in the public domain (Arewa, 2006). One example of such an initiative is the Native American Graves Protection and Repatriation Act (NAGPRA). This encourages reliance on negotiation and mutual respect for traditional Indian arts and crafts in the United States, wherein museums have been proactively negotiating with Native Americans. This has helped both parties as the Native Americans have had their treasures preserved in museums and the latter have learnt to estimate the true worth of these art forms (Graham & McJohn, 2005).

WIPO has provided a policy framework for nations to follow in protecting TCEs as well as promoting their cause for economic development. It is not the most apt one, but it could help to navigate to approach the essential problem. It suggests the determination of a national policy which includes the needs of the communities in relation to the intellectual property under question. All options, including IP laws as well as indigenous and customary laws, are to be explored in drafting the policy. If needed sui generis systems might have to be drafted, then the required practical measures, programs and institutions have to be conceptualized and implemented. This system should interact in the larger framework to provide regional, international protection through appropriate networks (WIPO).

It is however beyond doubt that the public domain helps the indigenous peoples to learn and renew their cultural heritage. Hence the question of cultural transmission needs to be addressed also from the perspective of digitization of the public domain (Graham & McJohn, 2005). The following section tries to place the considerations expounded in this section within the larger context of the digital public domain.

DIGITIZATION OF TRADITIONAL CULTURAL EXPRESSIONS

While the cultural commons are not same as information commons, it is still a resource which is shared by a community of creators (producers) and consumers. The internet age has enabled ordinary consumers to become creators, producers and distributors of creative content. This has triggered a widespread production of content which has changed the equation of who owns the rights to creative produce.

It has also created new business models, such as the media industry's creation of Digital Rights Management (DRM) to enforce stronger control of digital media. If TCEs are enforced in this forum for digital media, some fear that over exploitation will lead to the Tragedy of the *Cultural Commons*. However, some argue that with increased participation from the community, the members will further enhance the solidarity of the cause and it will bode better for all, quite "simply the more, the merrier" (Kranich, 2004).

Some interesting and successful initiatives have been taken to archive and showcase cultural heritage. The Galiwinku Knowledge Centre on the north eastern coast of Australia is a software project undertaken, developed and perfected by the indigenous people to map their cultural heritage (Kranich, 2004).

Yet another successful project to translate a culture onto the digital domain is the *Warumungu* project in the Nyinkka Nyunyu Art and Culture Centre of Northern Australia. This project is primarily an archival service, but it takes into consideration the cultural context and has brought forth a digital video disc (DVD) which simulates the traditional practices of the indigenous people of that region. The digital menu of the format has succeeded in preserving the monitoring of access to specific images and digital content. This is akin to preserving the cultural practices among their kinship networks. Each prompt through the DVD has a cultural protocol prescribed: gender restrictions, country of origin, social relations and the like. This project has helped to both prescribe as well as expand the traditional practices of these people. Hence, it is possible to circumvent electronic exploitation of cultural heritage and achieve a balance between innovation, preservation and expansion (Christen, 2005).

A common digital public domain could then be utilized to promote the cause of traditional cultural expression. The next section will try and analyze if forums like Creative Commons could be the best way to achieve this.

CREATIVE COMMONS AND CULTURAL HERITAGE

Creative Commons (CC) is a non profit organization which works "to increase the amount of creativity (cultural, educational, and scientific content) in "the commons" — the body of work that is available to the public for free and legal sharing..." CC provides legal tools (licenses) to enable people to reserve some rights to their works of creation and at the same time provide a channel for sharing media with a certain amount of self restraint. It is important to note that CC licences are *not* an alternative to existing copyright laws, they are only an innovative way of using a user friendly and custom made legal system of copyright (CC-Website).

In the actual sense of its purpose, CC does not intend to preserve or promote the cause of cultural heritage. The intention is only to serve the end consumer and encourage the producer to put up their creations in the public domain. However, the licenses are constantly being revamped and some of the restrictive licenses could be modified to suit the needs of the indigenous people. For instance, the Library and Information Advisory Commission in New Zealand has begun a debate on the possibility of an indigenous Creative Commons license (Pauling, 2008).

As mentioned previously, copyright law tend to enclose TCEs within a time bound framework attributed to specific creators. Creative Commons licenses provide an opportunity to collectively protect, own and share traditional culture. CC offers four core licenses: *Attribution*; *Non-Commercial*; *No Derivative Works* and *Share Alike*, the combination of which produces six distinct licenses. The original creators should be credited in all the six types of licenses. They are:

- *Attribution (BY)*: copy, distribute, transmit and adapt the work for commercial and non-commercial purposes
- *Attribution-Share Alike (BY-SA)*: copy, distribute, transmit and adapt the work for commercial or noncommercial purposes; but any adapted work must be distributed under the identical terms of license
- *Attribution-No Derivative Works (BY-ND)*: copy, distribute and transmit the work for commercial or non-commercial purposes; as long as the work is not altered
- *Attribution-Non Commercial (BY-NC)*: copy, distribute, transmit and adapt the work for non-commercial purposes only
- *Attribution-Non Commercial-Share Alike (BY-NC-SA)*: copy, distribute, transmit and adapt the work for noncommercial purposes only; but any adapted work must be distributed under the same or similar license.
- *Attribution-Non Commercial-No Derivative Works (BY-NC-ND)*: copy, distribute and transmit the work for noncommercial purposes only; as long as the work is not altered (Hobson, 2009).

The last license is the most restrictive of the lot and would provide the most appropriate of available ways to put TCEs in the public domain. It provides for sharing of creative works of art, without adapting or modified, and not used for commercial exploitation. This would help communities to spread their cultural heritage in an electronic domain.

However, it does not take into consideration the cultural restrictions that would be enforced on the outsiders or even members with a community. Further, care should be taken to ensure that the license does not bestow individual rights on a person or a group of persons – this would act in contravention to the welfare of cultural transmission.

For insiders within the community, the same license could be modified to allow future authors to derive and adapt the original works. This would promote the effect of freedom to transmit ideas, to innovate and help future generations express themselves in the traditional cultural forms.

There is still a lot of work to be done in coming up with an indigenous Creative Commons license. It is important that the jurisdiction of specific licenses created

from the generic CC licenses take into consideration the needs, aspirations and requirements of the indigenous peoples of the region when drafting the licenses. The framework outlined earlier should provide some insight into how this can be achieved.

CONCLUSION

A song or story is not a commodity or a form of property “but one of the manifestations of an ancient and continuing relationship between people and their territory” (Daes, 1996). In this paper, we have explored the conflict between promoting and misappropriation of traditional cultural expressions. The legal instruments available insofar for appropriating artistic content have proven to create more harm than good to the indigenous peoples’ moral obligations towards their cultures. It is therefore imperative that the policy makers and theorists of intellectual property rights and cultural expressions consider the social and cultural context of peoples’ heritage rather than the economic and legal aspects. These cannot be addressed without adequate participation of the people who are at the centre of this debate – the indigenous peoples.

The paper has also initiated a discussion on how the digital public domain and media like the Creative Commons can be effectively used for cultural transmission. The paper has tried to place all these discussions within the ambit of the cultural commons and hopes that the dissemination of these thoughts will help achieve greater credibility to the clarion call of the indigenous peoples to preserve the sanctity of their cultures, and at the same time provide a mechanism for the propagation of their heritage for future generations to come.

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