

Traditional Knowledge through a Human Rights Lens: Contemplating Conflicts

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Human rights are frequently invoked in traditional knowledge (TK) discourse to justify expansive protection regimes, often grounded in the right to culture. Yet, aside from concerns related to free speech and access to knowledge, little attention has been paid to potential conflicts between human rights and TK protection itself. This Article takes up that question. Given the lack of clarity regarding ownership and control under a TK regime, such protections may be vulnerable to appropriation by cultural or political elites, potentially reinforcing essentialized identities and internal hierarchies. TK enforcement, in this sense, could function not only as a tool of preservation, but also as a mechanism of exclusion. This Article explores how human rights law might serve to constrain such risks, focusing in particular on religious freedom and the right to culture.