

ABS AND TK IMPLIMENTATION ; KENYA'S EXPERIENCES



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KENYA'S RICH CULTURAL DIVERSITY AND BIODIVERSITY

- ✓ Kenya is rich in cultural diversity whose indigenous knowledge and cultural expression have evolved overtime and is part of the national brand and some been commoditized in various forms .
- ✓ The Country has 42 tribes of which have unique distinct cultural heritage expressed in their tradition knowledge over various issues and cultural expressions
- ✓ The cultural and traditional knowledge contribute greatly to science, developmental agenda in various subsectors such as Agriculture ,biodiversity among others
- ✓ **It may seem accidental, but is not accidental, that where indigenous peoples live is where the greatest biological diversity, the diversity of nature, exists too. The values on which indigenous peoples have built our complex systems are founded in the ethical, spiritual and sacred nature that links our peoples with the whole work of creation” Klaus Toepfer, UNEP Executive Director**

TK in National development

- Research and Development on Indigenous knowledge systems
- Discoveries, industrial applications , including breeding for both animals and plants
- Cultural expressions –branding
- Paleoclimate/climate impacts
- Conflict resolutions

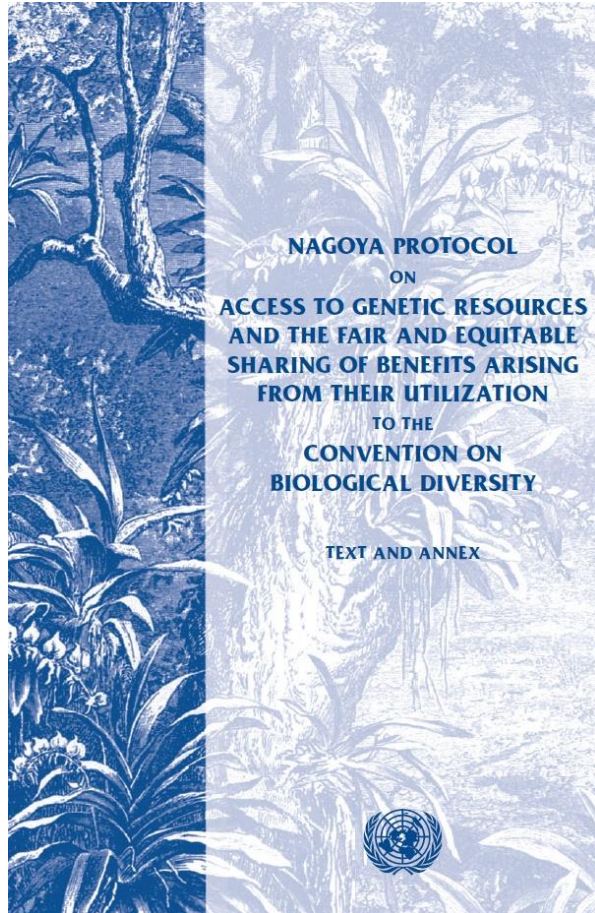


Recognition of IPLC and TK in legal systems

- ✓ Kenya's Constitution article 2 (5-6), Article 11 - Culture as foundation of the Nation, Article 69
- ✓ Party to CBD, Nagoya Protocol, Cartagena, ITPGRFA, CITES, WIPO treaties, among others
- ✓ TK and Cultural expression Act 2016
- ✓ EMCA 2015 amendment Act
- ✓ Wildlife Act 2013
- ✓ Forest Act 2016
- ✓ Intellectual Property Acts (IP, Copyrights, Varieties)



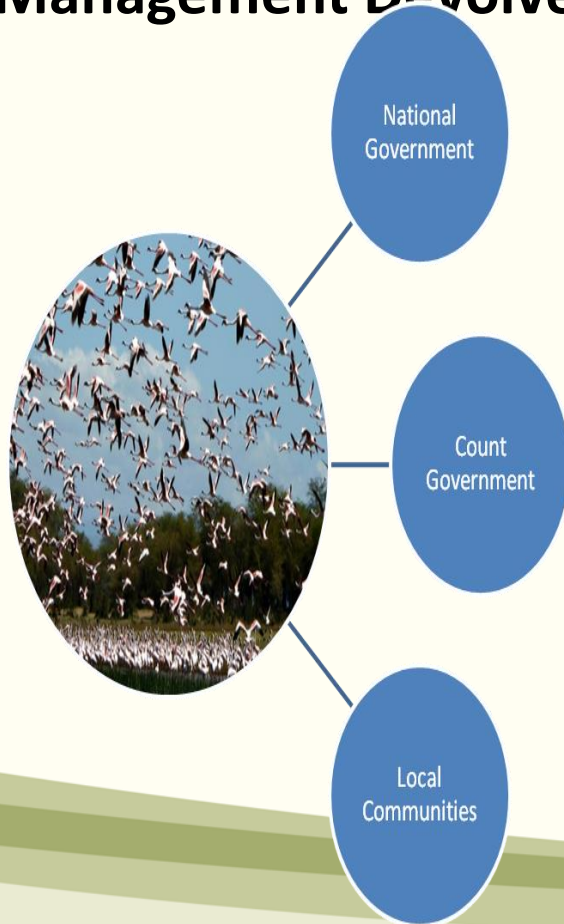
Nagoya Protocol and IPLC



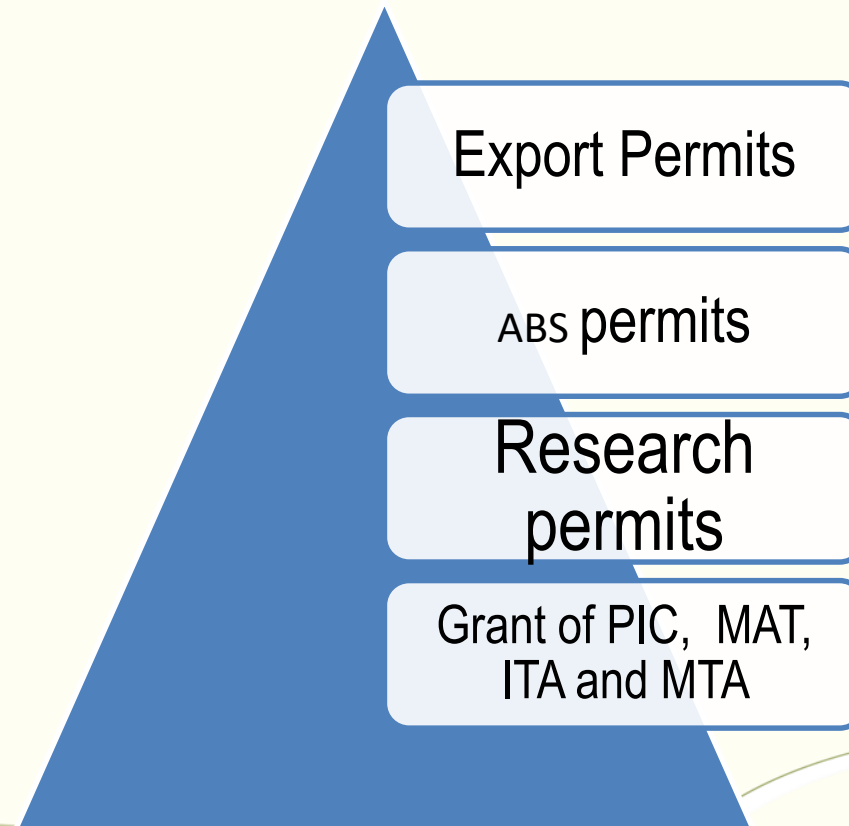
- ✓ Traditional Knowledge part of the scope
- ✓ IPLC part of competent authorities for grant of PIC and MAT
- ✓ Rights and obligations in access to genetic resources, traditional knowledge, utilization and share equitably on the resultant benefits including rights to appropriate technologies

Biological resource management and granting of user rights

Resource Management Devolved



Permitting process



KEY CHALLENGES

- ✓ Streamlining ABS from National ,county and local communities .coordination challenges and institutional arrangements
- ✓ Quantification on contribution of TK systems in National development goals and streamlining g with in key subsectors
- ✓ Lack of coordinated IPLC platform to Act as a competent authority
- ✓ Linking TK with IP systems wanting



Practical ways

- ✓ Review and establishment of effective legislative policy and institution framework linking the Nation ,County and local communities/institutiolizing TK systems
- ✓ Commoditizing TK
- ✓ Making TK as part of IPR granting process
- ✓ Educational and awareness
- ✓ Compliance and enforcement



Current on going Activities

- GIZ ABS initiative work plan review with focus on IPLC
- UNDP ABS global project a component focusing on IPLC
- National review of ABS laws
- County's establishment of ABS committees
- Education and awareness
- Compliance and enforcement on PIC and MAT



THANK YOU

