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UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS

PALAIS DES NATIONS

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THEME: Indigenous peoples and the international and domestic protection of traditional knowledge systems.

Statement by **Kanyinke Sena**¹, from the Ogiek² people on behalf of Ogiek cultural initiative programme(OCIP) and Ogiek rural integral programme (ORIP)³.

My name is **Kanyinke Sena** from the Ogiek people and I am greatly honoured to be given this humbling opportunity to address this venerable gathering of indigenous peoples and their friends from around the world.

Out of the about 20 000 Ogieks, about 4000 of them have since May this year been forcefully removed by the government of Kenya⁴ from the Mau forest⁵ which has been the traditional home of the Ogiek since time immemorial.

The continuing evictions are ostensibly to conserve the forest yet ironically, **Mau forest is because the Ogiek are and the Ogiek are because Mau forest is**. The eviction of the Ogiek from their familiar environment of the Mau forest means the automatic extinction of their traditional knowledge systems that are inextricably linked to: -

- To their land, territories and resources therein⁶.
- To their cultures and intellectual heritage and
- To their spirituality and customary laws.

Such evictions also leave the Ogiek territories open for bio and copyright pirates to do as they please⁷.

The loss of our TK is further exacerbated by: -

¹ Kanyinke Sena is a lawyer and human rights activist from the Ogiek people of Kenya. At the moment he does consultancy work on intellectual property rights for the Ogiek and other indigenous communities in Kenya. Email. kanyinke@yahoo.com.

² The Ogiek people are a hunter-gatherer group from Mau forest in Kenya. They number about 20 000 and are continually marginalized by successive regimes in Kenya since colonial times. For more info please visit www.ogiek.org, www.orip.org, www.ecotera.org.

³ both these NGOs work to support the Ogiek people .

⁴ The GOK is under immense pressure to evict people from Mau forest- a water catchments area- from governments of Tanzania and Egypt vide the Nile treaty agreement, international bodies like WWF, Nobel Laurette Wangari Mathai, and from the private players in the tourism and agriculture sector.

⁵ the Government is not bothered by where the evicted Ogieks will go. This makes the Ogiek internally displaced persons currently seeking shelter and food from churches and other well wishers.

⁶ Hunter-gatherer lifestyle of the Ogiek can only be practiced in the forest. Evicting means relocating them to open grasslands which only sustain nomadic pastoralism.

⁷ Researchers and photographers have been sighted.

- By the lack of international and domestic political will to recognise and protect TK.⁸
- Unfair and discriminatory laws⁹
- Being cut out from the information highway due to lack of the necessary infrastructure.¹⁰
- Western education, tourism and Christian evangelism which, through portrayal of affluence makes us feel inferior and discard our cultures in favour of western culture and
- The lack of sufficient funds and resources to enable full participation of the Ogiek in all processes necessary for the protection of our TK¹¹.

To protect our TK, a conducive environment that enables there continued practice and protection is necessary. This should involve: -

- The recognition of Ogieks as a distinct peoples and the respect of their rights including the right to self determination and to land and we urge UN and all friends of the Ogiek to petition the Government of Kenya to do so.
- The establishment of a legally binding intellectual property rights regime that recognises and protects traditional knowledge systems.
- The recognition of our right to control access to our TK on the basis of prior informed consent and share in the benefits accruing from the use of our TK.
- The introduction of studies in TK in schools from the primary level to ensure their preservation and continuity and to act as a springboard for indigenous based development in our areas.
- But most all, the capacities of Indigenous peoples should be strengthened to enable them fight for the recognition and protection of TK at all levels.

Thank you.

⁸ The issue of Intellectual property rights of indigenous communities has never been mentioned by any politician.

⁹ None of the intellectual property rights in laws in force or in the pipeline in Kenya touch on indigenous peoples. The argument is that they have to tally with international instruments which sadly rarely mention TK.

¹⁰ Ogiek areas have no roads, electricity telephones or even hospitals. Only a handful of the Ogiek are aware of the the debates going on globally concerning TK.

¹¹ Ogiek representatives are rarely invited to meetings that discuss TK and the Kenya Industrial Property Institute (KIPI) the body concerned with TK has never organised a workshop to sensitize the Ogiek or indigenous communities on the debates going on globally about TK.