

Indigenous Peoples and International and Domestic Protection Of Traditional Knowledge

Good Morning. Distinguished guests, ladies and gentlemen it is my pleasure to have this opportunity to share with you the views, interests and concerns of the Maasai Community in regard to this year's WGIP theme "**Indigenous Peoples and International and domestic protection of Traditional Knowledge**"

The Maasai Community recommends as follows:-

- i. That the databases of Indigenous people's knowledge by member states of the world intellectual property organization (WIPO) and the World Bank (WB) constitute a misappropriation of indigenous peoples (IP's) knowledge and violation of their rights to self determination.

Existing rules regulating intellectual property rights at the global level are not conducive to the participation of indigenous people in the national or global economy. Current patent laws, for example, do not recognize traditional knowledge and systems of ownership. They ignore the cultural diversity inherent in customary practices of sharing innovations as well as the diversity of opinion on what can and should be owned. The patent regime under the TRIP's agreement renders the accumulated knowledge of indigenous people especially vulnerable to the interests of biotechnology companies.

By design and default this is further compounded by the ineffective participation of indigenous peoples in the intergovernmental committee on intellectual property and traditional knowledge. We call upon WIPO and UNESCO to ensure provision of nominal seats to voice IP's concerns and interests on traditional knowledge since they are a repository of knowledge.

- ii. At the domestic level, even though the 1992 CBD recognize the need to protect property rights as well as the need for companies to obtain free, prior informed consent before doing research, the convention is redundant and not legally binding unless translated into national law, worse still the Maasai Community seldom obtains fairness before the national justice system. We call on WIPO and the government of Kenya jointly with the UNDP to look into ways and means of domesticating the convention on biological diversity (CBD) 1992.

Statement by:

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On behalf of the Maasai Community in Kenya, Narok District.

FOR THE WGIP 2005 SESSION, GENEVA