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Ladies and gentlemen, brother and sisters of Traditional knowledge and culture expressions,

I would like to thanks the Voluntary Fund for facilitating Ogiek representative participation and congratulate WIPO for organizing this Eleventh session

### **Traditional knowledge issues**

According to the Ogiek Community(Hunter Gatherer)Traditional Knowledge should be defined as an origin means of invention and creativity of ideas and use that sustains indigenous people's livelihoods. Traditional knowledge is unique among many indogenous and non- indogenous people's definition should recognize the transmitting process of TK from a current generation to the next in an attempt of protecting it from the verge of extinction through copyrights and patterning. For instance, the forest provided firewood, herbal medicine, and wild fruits besides acted as secret sites for the ogiek culture; any mechanisms applied in protecting the forest will safeguard the interest and value of the community.

The right to hold the TK is vested among the inventors and the community that appreciated its vitality in using it on their daily activities. It is the basis local level decision-making in education, natural resource management, hunting & gathering, health care, food preparation and a host of other activities in rural communities. indigenous people as communal and individuals by sharing equitable benefits which arise from the use of their knowledge, innovations and relevant practices for conservation and sustainable use of its components are direct beneficiaries, then the Governments through charging registration fees and Foreigners for commercial purposes.

The objectives sought to be achieved in IPR through protection of TK need to be approached from the best practices and mechanism put in place to ensure the role of tradition knowledge systems have been protected and transmitted to the next generations. Through the tradition knowledge TK products like honey, arrow e.t.c. the locals earns income hence improve their livelihoods. Any behaviour that exposes the TK to non-TK holders should be prohibited and unaccepted. WIPO committee needs to entrench limitation to prevent exploitation and misuse of TK by non-holders

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The period under which the TK should be protected demands a long term approach. This is to ensure that the rights holders benefits for their livelihoods. For instance, when a hunter decides to harvest his honey from a traditional beehive at a particular time, there are various factors to be considered. E.g. temperature, and meter logical conductions among others, the hunter is using empirical knowledge which generates replicable refutable and verifiable results over time.

The already existing IPR have got no protection locally, nationally and internationally. This calls for urgent measures to identify, recognize in statutes, register and respect the TK from rightful holders. All the stakeholders must develop procedural and flexible understood statutes that shall set penalties against those who are in breach Of TK.

### **Traditional Cultural Expressions (TCEs) Expressions of Folklore issues**

Many terms may be used in defining TCE in relation to cultural identity and solidarity in livelihoods. For instance among the Ogiek People, TCE is experience during circumsions(rites of passage), marriage, burial and while hunting. Traditional cultural expression therefore is a source of identifying traditional way of life which human is born and brought up.Folklore has been applied in tradition informal education to provide stories, tales to the young generations so as to shaprn their understanding in relation to their parents and strangers. An expression of folklore has been vital in warning young generations against of the community norms.

The beneficiaries of the TCE/E oF deserve to hold the rights of protection to their cultura values. Through cultural exhibition, the community holding TCE and practicing earns income from the tourist, reseachers and who may in turn be vital to their nationall development. Any behaviour that promotes and respects the culture and folklore of community using it should be acknowledged. There has to be limitations for attaching to protection of TCE/EoF as they might be misused at wrong places. For instance many scientific institutions use traditional cultural symbols and practices to generate an extra ounce of confidence of certainty. As long as the community still relies on their good cultural practices, then the TCE demands for policies that promotes it for a longer period of time. This will ensure that the future generation has adapted the cultural issues.

The issues to be dealt both nationally and internationally should be based on identification and promotion of good traditional practices and prohibits harmful behaviours that mya expose these practices to danger. The policies development internationally should be regulated/domesticated nationally, hence foreign right holders have to adhere within difeerent jurisdictions.