

# Harnessing the economic value of indigenous knowledge in Kenya: a qualitative review of the legal framework

Economic  
value of  
indigenous  
knowledge

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Received 5 September 2023  
Revised 20 November 2023  
Accepted 14 January 2024

## Abstract

**Purpose** – Commercial entities have recently expressed growing interest in commercialising indigenous knowledge (IK) due to its enormous economic and intrinsic value. As this happens, custodial communities must not be disadvantaged in the process. This paper aims to understand the legal framework of the commercialisation of IK to identify the opportunities and factors impeding or affecting the commercialisation of indigenous knowledge in Kenya.

**Design/methodology/approach** – The study used a qualitative research approach. An extensive exploratory literature review of existing legal instruments was done to establish the progress and gaps for commercialising indigenous knowledge in Kenya.

**Findings** – The study shows that the legal framework of IK in Kenya is inadequate. There are no well-established frameworks and policies to protect IK in Kenya, and thus, host communities are subjected to exploitation. The diversity of tribes and communities makes it challenging to have a clear framework, mainly because IK is a devolved function. The study identifies the Protection of Traditional Knowledge and Cultural Expressions Act 2016, The National Museums and Heritage Act 2006 and the Natural Products Industry as the key milestones towards commercialisation of IK, while inadequate documentation of IK, communal ownership and inadequate legislation were identified as the main impediments to commercialisation of IK in Kenya.

**Research limitations/implications** – Owing to the diverse cultures and tribal communities in Kenya, the research could not access all the literature on all traditional IK in Kenya, and very few case studies have been conducted in Kenya.

**Practical implications** – The gaps identified in the legal framework can form a basis for legislation, policy change, actions and research needed to improve the commercialisation of IK.

**Originality/value** – The paper underscores the importance of balancing economic empowerment with preserving cultural integrity and protecting indigenous rights in commercialisation.

**Keywords** Indigenous knowledge, Commercialisation, Legal framework, Cultural preservation, Challenges, Opportunities, Kenya

**Paper type** Research paper

