

**KAAPSE
BOSSIE
DOKTERS**



Cape Bush Doctors/Kaapse Bossiedokters NPO (105461)

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Dear Ms Shanaaz Isaacs

Due to the nature of our organisation our members are mostly concerned with the recognition of their ownership of Indigenous Knowledge (specifically from Khoi and Bushman oral traditions) regarding the use of South African indigenous medicinal plants and all their forms of traditional healing.

Herewith follows then a short list of comments, concerns and questions rose on behalf of the members of the Cape Bush Doctors NPO regarding the proposed IKS Bill (B6-2016):

1. There is a concern regarding the definition proposed by the Bill for "Indigenous Community". This definition can easily exclude especially small and currently still unrecognized groups, organizations and especially individuals. It is very unclear what is meant in the definition by "recognized by other groups as a distinct collective". Who are these "other groups" referring to? How do we guarantee recognition of our healer members who are individuals that live in larger communities who do not identify themselves as any other 'distinguished group'. Our members often stand alone within their so called "coloured" or "black" communities. They more than often stand alone in a large area of people as lone custodians of their indigenous Khoi and Bushman heritage, alone amidst a majority of what has become normalized as westernized communities. These communities of indigenous people who have mostly lost touch with their traditional South African heritage due to hundreds of years of colonial and apartheid oppression. Some of our members also belong to range of different "indigenous communities" and localized groups and organizations, and are spread all over Southern Africa. What bind them together are their shared medicinal practices and knowledge, but most of all, their common link to the recognition of the indigenous Khoi and Bushman root of their knowledge. Would this definition proposed for the Bill formally recognize our organization and all its members as an "Indigenous Community" per se?
2. The Bill propose to facilitate to record and help market via product development schemes our member's individual and collective indigenous knowledge. However, it fails to even mention the fact that all our members in the Western and the Northern Cape Provinces are still currently forced by law to practice their own traditions and medicinal practices illegally. No medicinal plant harvesting permits have been issued so far, and no certification has been granted to any of our members despite our ongoing participation in all the programmes provided by government to facilitate these processes. Government has failed so far to provide our members with the necessary recognition as legitimate healers, or licenses and permits to access and harvest traditional medicinal plants, or to trade openly and legally within its own communities. How can we agree to share and trust our knowledge with the Department of Science and Technology, if we have up until now (22 year after the end of Apartheid) only seen the ongoing of Apartheid oppression and our practices and cultural

traditions and beliefs have not been recognized by the Department of Health or Department of Environmental Affairs?

3. How can the Bill propose for one department to record and commercialize our member's Indigenous Knowledge, if our indigenous practices are not even legalized yet for our members to practice freely in their own communities without fear of prosecution and imprisonment by other departments of the same government?
4. Our healer members have participated in and been instrumental in the formulation and development of Act 22 of 2007. How can we ensure that this Bill will recognize the historical efforts and ongoing participation of our members over the last ten years?
5. We do not believe that the Department of Science and Technology is the correct platform to record, protect and manage our Indigenous knowledge. From all our previous engagement with scientific researchers (and we have participated with scientists a lot in the past) we have had endless struggles in terms of inequality, intellectual abuse and always certain levels of misinformation resulting in the gross neglect of the knowledge providers. We find it difficult to accept this department as the collective to whom we should now entrust all our sacred knowledge for 'safekeeping', since we are very aware of the commercial interest underlying all Scientific and Technological development and investment.
6. We are currently very suspicious of entrusting **any** governmental department with our Indigenous Knowledge. We propose government rather fund and support our own organizational infrastructures which we have painstakingly set up over the past 5 years to record, safeguard and manage our members Indigenous Knowledge and benefit sharing. We are very competent to do this and have been doing it for the last 5 years, despite any support from government. What we need is financial support from government to continue in this task. Is this Bill designed to support our organization in our quest to preserve our member's knowledge or is it intended to become the sole custodian of all indigenous knowledge?
7. The way that the Bill is set out now raises the concern that it will divide and create conflict amongst the different groups representing IKS holders. We would like to see it should facilitate the recognition of all IKS holders equally regardless of whether individuals or groups are willing to register and 'share' their knowledge with government. It will only create a new form of 'inside' and 'outside' amongst indigenous populations, where government is suppose to break down such divisions.

Thank you for the opportunity to submit these comments and questions regarding the proposed Bill and we are looking forward to your response.

Cape Bush Doctors/Kaapse Bossiedokters NPO



Brian Damonse (Chairperson)



Lennox Olivier (Co-Director)