



NORTH WEST PROVINCIAL LEGISLATURE

NEGOTIATING MANDATE


TO : **HON. E. PRINS**
CHAIRPERSON: SELECT COMMITTEE
ON COMMUNICATIONS AND ENTERPRISE

NAME OF BILL : **PROMOTION, PROTECTION,**
DEVELOPMENT AND MANAGEMENT OF
INDIGENOUS KNOWLEDGE BILL

NUMBER OF BILL : **[B6B - 2016]**

DATE OF DELIBERATION : **05 JUNE 2018**

VOTE OF LEGISLATURE : The Portfolio Committee on Culture, Arts and
Traditional Affairs mandates the North West
NCOP Permanent delegate to negotiate in
favour of the Promotion, Protection,
Development and Management of
Indigenous Knowledge Bill [B6B – 2016],
considering the attached proposed
amendments.



Hon. B. Moiloa

12/06/2018
Date

Chairperson: Portfolio Committee on Culture, Arts and Traditional Affairs

North West Provincial Legislature

ANNEXURE

PROPOSED AMENDMENT

Establishment of Advisory Panel

7. (1) Appointment of the advisory panel:

It proposed that it should be explicit that knowledge holders and practitioners, including Indigenous Knowledge system ambassadors and graduates should be included in the advisory panel. This is ensure that the industry will not exploit the Indigenous Knowledge for their own benefit.

7. (2) (d) specialist in the discipline of practice, based on criteria prescribed

The proposed number of the panel not enough, proposal is therefore made that at least each province must be represented, and criteria of the selection criteria should be disclosed.

Chapter 4

Protection of Indigenous Knowledge

9. (1) Protection of registered indigenous knowledge

The above clause should address how the unregistered knowledge will be protected within the indigenous community.

Chapter 5

Accreditation of the assessors

14. (2) in the processing a subsection (1) application, NIKSO

(a) must evaluate each application in accordance with the prescribed procedures and requirements and

(b) may issue an accreditation certificate to act as assessor if it is satisfied that the applicant meet the prescribed criteria.

The Bill is not clear as to the situation prior the selection of the assessor with regard to the standard, and who is eligible to evaluate assessors at NIKSO as communities differs as well as the standards are not the

same. The approval should be based on how long was the candidate been involved in a certain community.

14. (d) accepted unlawful compensation, in respect of the certification of an indigenous knowledge **practitioner**.

There should be a clear interpretation of the word “**practitioner**” as the word means someone who is practicing the use of this knowledge but the bill is describing “**practitioner**” as someone who has acquired knowledge from the knowledge holder/practitioner to teach and facilitate.

Certification of indigenous knowledge practitioners

15(6) subject to subsection (5), no indigenous knowledge practitioners may practice for gain, unless the practitioner is registered with the relevant government department and granted permission to practice in terms of the applicable prescribed practice standards.

Based on the definition of the word “*practitioner*”, what if the practitioner is traditional healer who uses knowledge to provide for the family, does the clause deny him/her to provide for the family since he is a registered practitioner facilitating or providing knowledge. There should be a clear distinction between those categories.

Chapter 6

Registration office for indigenous knowledge

17. NIKSO must establish a Registration office for indigenous knowledge

It is proposed that offices to be accessible across the country and not only in Pretoria. Accessibility of resources/offices are common factors amongst local communities because even the National Recordal systems are not accessible to communities. Awareness regarding NIKSO should be made as it seems as if local knowledge practitioners are overlooked.

Curator of indigenous knowledge

18. (2) the curator is responsible for the control of the registration office, subject to the directions and instructions issued by the Minister or Director –General as delegated by the Minister.

Proposal to change the word “curator” to “researcher” based on the explanation of the curator and the subject involved as it refers to knowledge and not art.

Chapter 7

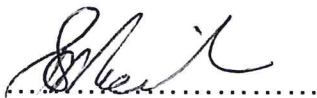
Product development, commercialisation, services and processes

25. (1) NIKSO may at the request of indigenous community, provide assistance or facilitate the commercial use of its indigenous knowledge.

Proposal that the benefit sharing model to be applied as far as commercial use is concerned to assist practitioners to benefit what is rightfully theirs.

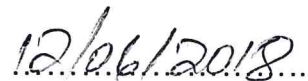
25. (2) NIKSO must, in respect of commercial use of indigenous knowledge.

In terms of commercial use of products, proposal is made that there should be an establishment of Indigenous Knowledge machines/facilities in the communities, e.g. Use of indigenous plants to make coffee etc., as well as empowerment of women and youth knowledge holders. Knowledge empowerment provided by knowledge holders, jobs can be created as those machineries will require operators.



Hon. Moiloa

Chairperson: PC: - Culture, Arts and Traditional Affairs



Date