



**PORTFOLIO COMMITTEE  
ON EDUCATION, SPORT, ARTS  
AND CULTURE**

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To: Hon. T Modise  
Chairperson – National Council of Provinces

**FINAL MANDATE**

Name of the Bill: **Promotion, Protection, Development and Management of  
Indigenous Knowledge Bill**

Number of the Bill: **B6D – 2016**

Date of deliberation: **Friday, 17 August 2018**

Vote of the Legislature: **The Committee Supports the Promotion, Protection and  
Management of Indigenous Knowledge Bill [B6D – 2016]**

  
**Hon. JT Beukes**  
**Acting Speaker: NCPL**

Date: 17/08/2018



## PORTFOLIO COMMITTEE ON EDUCATION, SPORT, ARTS AND CULTURE

### FINAL MANDATE FOR THE PROTECTION, PROMOTION, DEVELOPMENT AND MANGEMENT OF INDIGENOUS KNOWLEDGE BILL [B6D-2016]

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Education, Sport, Arts and Culture, Hon MM Lekwene, tables the Committee's Negotiating Mandate on the **Protection, Promotion, Development and Management of Indigenous Knowledge Bill, [B6B-2016]** as adopted by the Portfolio Committee on 13 June 2018.

#### 2. PROCESS FOLLOWED

2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the **Protection, Promotion, Development and Management of Indigenous Knowledge Bill, [B6B-2016]** to the Portfolio Committee on Education, Sport, Arts and Culture, on 09 February 2018.

2.2 The Portfolio Committee received a briefing on the Bill on 29 May 2018, from the Northern Cape's Permanent Delegate to the NCOP, Hon N Koni. Mr. Tom Suchnandam, representative from the National Department of Science and Technology made a presentation on the bill.

2.3 The Portfolio Committee resolved at the meeting of 29 May 2018, to conduct public hearings in all five Districts in the Province, on the referred Bill, to solicit the views of communities and stakeholders with regard to the **Promotion, Protection, Development and Management of Indigenous Knowledge Bill, [B6B-2016]**.

*The Portfolio Committee further called for written submissions via print media and radio.*

A Public Hearing was conducted in the Pixley ka Seme Region (Douglas), ZF Mgxawu Region and Namakwa Region (Springbok) on 31<sup>st</sup> May 2018. The Frances Baard Region (Plaatfontein) held its public hearing on the 06 June 2018 and John Taole Gaetsewe Region (Churchill) was held on 11 June 2018, as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature and the Representatives from the National/Provincial Department of Science and Technology in respect of the Bill.

2.4 On 13 June 2018, the Portfolio Committee on Education, Sport, Arts and Culture deliberated and considered the **Protection, Promotion, Development and Management of Indigenous Knowledge Bill, [B6B-2016]**.

2.5 Subsequently, on **17 August 2018**, the Portfolio Committee on Education, Sport, Arts and Culture met to consider the **Final Mandate** of the Protection, Promotion, Development and Management of Indigenous Knowledge Bill [B6D-2016].

### 3. COMMITTEE INPUTS ON THE BILL

- a. Noting the Negoya Agreement, the Bill must seek to investigate past agreements/contracts where the external person has researched and now has patent rights and the indigenous community never benefitted or received recognition.
- b. The terminology does not address the Nama Communities as indigenous knowledge practitioners.
- c. The Oral History Centres to document and store oral history.

### 4. GENERAL COMMENTS MADE BY THE PUBLIC

- a. The Bill must make provision for the protection of indigenous languages.
- b. The Bill must ease the challenges faced by practitioners for cross border use of indigenous knowledge.
- c. Recognised indigenous knowledge practitioners' certificate should also grant them access to private farm land.
- d. Recognition should also be afforded to Communal Property Association as Trustees
- e. The Bill establish the National Indigenous Knowledge Systems Office (NIKSO) in all regions for easy access.

### 5. WRITTEN INPUTS ON THE BILL

- Written submissions were not received.

### 6. KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

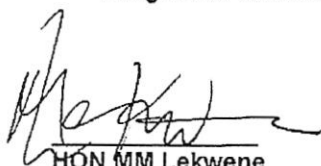
***NB: The majority of the people who attended the public hearing supported the Bill.***

### 7. PORTFOLIO COMMITTEE POSITION ON THE NEGOTIATING MANDATE

After due deliberation and taking note of the Public's input, the Portfolio Committee on Education, Sport, Arts and Culture **supports** the Bill.

### 8. FINAL VOTING MANDATE

In terms of Section 65 of the Constitution, the Portfolio Committee on Education, Sport, Arts and Culture, **after meeting on Friday, 17 August 2018 to discuss the Minutes from the Select Committee on the D- version of the Bill**, recommends that the House confer authority on the Head of its Delegation to the NCOP to **vote in support of the Promotion, Protection, Development and Management of Indigenous Knowledge Bill [B6D- 2018]**.



HON MM Lekwene

Chairperson: PC on Education, Sport, Arts and Culture