

REPUBLIC OF
BOTSWANA

PERMANENT MISSION OF THE REPUBLIC OF
BOTSWANA TO THE UNITED NATIONS

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STATEMENT

DELIVERED BY

**HON. FRANS VAN DER WESTHUIZEN
MINISTER OF LOCAL GOVERNMENT AND RURAL
DEVELOPMENT OF THE REPUBLIC OF BOTSWANA**

**ITEM 9 INDIGENOUS PEOPLES' TRADITIONAL
KNOWLEDGE, GENERATION, TRANSMISSION AND
PROTECTION**

**DURING THE EIGHTEENTH SESSION OF THE
PERMANENT FORUM ON INDIGENOUS ISSUES**

**22nd April to 03rd May 2019
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1. In Botswana, the issue of traditional or indigenous knowledge is viewed from a perspective consonant with our definition of "indigenous people." As previously explained in this important forum, all Batswana are considered indigenous. However, there is understanding of the country's cultural diversity and existence of historically marginalized people from some parts of the country.
2. We have indigenous or traditional knowledge which can be understood from traditional practices, laws, or even artistic expressions of our various communities or their culture. As pointed out in our National Policy on culture, "Botswana is an independent democratic state comprising of different ethnic groups which together represent a rich and diverse cultural heritage. This valuable heritage must be preserved, nurtured and developed to foster a strong sense of national identity, pride and unity to become a vitalizing force in the development process." It is therefore important that traditional knowledge is recognised, promoted and utilised to advance the educational and socio economic interests of societies. Governments or states can play a pivotal role in creating a conducive environment in facilitating traditional knowledge development in consultation with affected communities.
3. It is essential that Governments or States ensure that indigenous people enjoy the right to their traditional knowledge. This can be done by promoting development and utilisation of such knowledge, including its legal protection, in consultation with indigenous people. In our document entitled "Affirmative Action Framework for Remote Area Communities," our Government maintains that in promoting and preserving or protecting cultural heritage "Financial and other material support should be provided to promote, publish, record, patent and market products made by the Remote Area Communities." This will also go a long way in fostering the long term preservation of traditional knowledge.
4. We all know that traditional knowledge has been transmitted from generation to generation through various means and such knowledge covers a wide range of areas like conservation or preservation of the environment, traditional medicine or herbal remedies, traditional knowledge on water surveying etc.

5. In addition to oral or traditional methods of transmitting traditional knowledge, the formal education system can also be used. The same applies to nongovernmental and professional associations.
6. As regards protection of traditional knowledge, in Botswana an Act of Parliament was passed some years ago to protect traditional knowledge, the "Industrial Property Act (Cap 68:03)". Under Section 115, it stipulates that "Traditional Knowledge shall be registered together with a description of such knowledge..." It further states at Section 117 that "ownership and other rights to traditional knowledge shall belong to the owner of the traditional knowledge... Where traditional knowledge is collectively owned, rights over it shall be exercised and enjoyed collectively in accordance with cultural practices."
7. In addition, Botswana is in the process of drafting an "Access and Benefit sharing" legislation for the purpose of domesticating the Nagoya Protocol. It is part of the convention on Biological Diversity. The legislation will give communities right and power to partake in the fair and equitable sharing of benefits and have power to authorize access to their traditional knowledge.

Thank you.