

Domestic and International Protection of Indigenous Traditional Knowledge

Statement prepared for the
23rd Session of the UNWGIP, Geneva, Switzerland, July 2005

by

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There have been several important advances by the San of Southern Africa on protecting their intellectual property rights. These include a recent and world-renowned agreement on benefit sharing from the profits from the exploitation of *Hoodia gordonii* (to be used as an appetite suppressant) as well as a provincial agreement concerning the protection of San rock art in KwaZulu-Natal, South Africa.

Legislation and contractual agreements are important in setting frameworks and precedents for the protection of San intellectual property. South Africa now has a Biodiversity Act of 2004 which is designed to ensure benefit sharing with holders of traditional knowledge, and a Traditional Knowledge Bill is currently before parliament. These laws were not yet in place in 2002 when the San negotiated their Hoodia and Rock art contracts, and there is no doubt that the activism of the San in the field of heritage contributed greatly to the Government meeting its duties in terms of the Convention for Biological Diversity.

The San leaders and San Youth Leagues are learning more and more about the value of their culture and traditional knowledge, as they recognize that it is of international importance. They are learning the skills required in order to manage their heritage, for example by requiring all media representatives and researchers sign a contract designed to protect their intellectual property rights. This document stipulates that 'any individual or organization wishing to engage in any form of media transmission, whether of film, video, radio, newspaper, magazines, photographs or the popular press, which transmission involves the San peoples, must apply for permission from a designated San leader. ... If permission to publish is granted, it is provided on terms and conditions clearly stipulated by WIMSA.' WIMSA, our advocacy and networking organisation, has succeeded in convincing most media workers and researchers to sign these contracts, thereby stopping years and years of cultural theft and disempowerment.

San communities are working hard at establishing local capacity in order to further protect their intellectual property rights. Training of leaders empowers the most rural communities to benefit from rather than be abused by that dangerous creature, tourism. It is our sad experience that some researchers, photographers and filmmakers still bribe individual San by with alcohol or other substances in order to get them to sell collectively owned traditional knowledge. The San leadership condemns such practices and will pursue those who abuse our rights. Full awareness and action at community level is central in the protection of our dignity and intellectual property.

!Khwa ttu

The San Culture & Education Centre

!Khwa ttu is an 850 ha nature reserve on the West Coast, a one and a half hour's drive north of Cape Town (R27). The site has magnificent views over the Atlantic coast with Table Mountain in the distance. Impeccably renovated old farm buildings house the San Culture & Education Centre, a place dedicated to the oldest inhabitants of Southern Africa – the San or Bushmen.

!Khwa ttu is a joint venture by the San people and a Swiss philanthropic foundation, and the only San-owned and operated heritage centre in the Western Cape.

!Khwa ttu is a choice destination for the discerning tourist who wishes to meet and learn about South Africa's First People while enjoying a beautiful natural setting in the unique West Coast environment.

The visitor will be informed about the San culture that dates back more than 40,000 years. The descendants of these early people wish to reconnect with their history, their cultures and languages, while gaining the skills to make a living in the present. Both visitors & the San guides benefit from their encounter in this dignified & beautiful natural setting. Tourists leave !Khwa ttu with the satisfaction of having supported a well-run & truly African development project.

*Experience the celebration of the
San culture, present and past.*

!Khwa ttu offers:

Beautifully renovated old farmhouse restaurant (60-seater)

Craft shop with top-quality Bushman crafts, arts and books

Photo Gallery with historical & contemporary San photographs

Audiovisual theatre with 25-30 seats
(films, power point, slide shows)

Hill-top Boma area for picnics or lunches
with incredible views

San-guided walking trails (1-2 hours) to learn about
tracking, the local flora and see herds of elands,
springboks & zebra.

Prime bird-watching most of the year.

Rustic conference facilities in a quiet, natural environment

Small tour groups are welcome, bus parking and easy
access from the R27 are provided. Visits will be tailored to
the group's interest, time and numbers.

You are welcome to contact the General Manager
to secure a booking:



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Website: www.khwattu.org

An experience you won't find anywhere.