

Draft Version: On knowledge and value: biocultural protocols as a means of cultural security in times of (economic) uncertainty

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Introduction

On the 5th of May 2012 the Kukula Traditional Healers Association of Buskbuckridge Municipality in Mpumalanga Province in South Africa celebrated a three years process of the associations formation, the development of a Biocultural Protocol (BCP), the implementation of a code of ethics and newly established cooperations and negotiations with stakeholders from the commercial, the non-profit and the political sector. Present at this interim function were, apart from about 200 healers, representatives of the Department of Agriculture and Tourism, of the Kruger National Park, of the Kruger to Canyon (K2C) Bioreserve committee, the municipality and finally journalists of the German Prime TV.

Given that traditional knowledge and healing as a knowledge system and a cultural practice was officially prohibited by the Apartheid government, this function was an unusual gathering of different stakeholders that would not have met in this constellation in times of the Apartheid regime. The meeting itself was like a representation of the “new Post-Apartheid South Africa” and of what Thabo Mbeki in 1998 proclaimed as the “African Renaissance”. This paper is based on 6 months fieldwork in Cape Town and the Bushbuckridge Municipality to examine issues of property rights and environmentalism. The fieldwork was actually finalized with the preparation and participation of this function.

Continuation

The Kukula Traditional Healers Association is a group of 300 traditional health practitioners living in Bushbuckridge Municipality in Mpumalanga province close to the gates of the well-known Kruger National Park (KNP). Bushbuckridge municipality lies in the heart of the South African lowveld, which is bordered by the KNP to the East, and Swaziland to the

South. The lowveld was home to the former homeland Gazankulu (the homeland for Tsonga people) during the Apartheid era, where black people were expected to pursue “separate development” (Thornton 2002) from white people. Today former Gazankulu is inhabited by a variety of ethnic groups, predominately Shangaan (or Tsonga), but also Sotho, Sepedi, Swazi and further up North Venda people. This diversity also reflects on the ethnic composition of the Kukula healers association. The Bushbuckridge area encompasses many more traditional healers (numbers ranging from 2000 to 8000 healers), but the Kukula healers decided to declare themselves independent of other local associations. Their formation process started in 2009 with 80 healers and continued until today, with 300 members as the latest figure. This association is managed by a management group of 26 healers, and guided by a management team of 6 members. The formation of the association started with the initiation of the development of a biocultural protocol (BCP) in cooperation with the Department of Agriculture and Tourism, the Kruger to Canyon (K2C) committee and, most importantly, Natural Justice, an NGO based in Cape Town. The idea was to develop a bio-cultural community protocol (BCP) which provided clear terms and conditions for access to the healers collectively held traditional knowledge. This BCP supposed to outlines the communities’ core cultural values and customary laws relating to their traditional knowledge and resources. Based on these values and laws the community protocol would then provide clear terms and conditions under which access to community knowledge and resources shall be provided.

Next to traditional knowledge the BCP is also ought to protect the biological resources of the environment the healers are living in. The Buskbuckridge area provides an immense biological diversity with several private and governmental nature and game reserves, amongst them Mayeleti game reserve, adjacent to Kruger National Park, and Mariepskop Nature Reserve, a reserve in the mountainous a area of the Drakensberg escarpment and the Blyde river canyon. Due to its rich biodiversity the region was announced an UNESCO Bioreserve,

the “K2C (Kruger to Canyon) bioreserve region”. However, access to land is difficult due to land rights. Reserves and farmland are usually either owned by white (Afrikaaner farmer) owners or by the government. However, areas in the former homeland are under control of local tribal authorities, namely the respective chiefs. Whilst the reserves and the white farmland are not accessible for the black population, the land under control of a chief is either occupied by the population or is open as communal land (e.g. for herding of cattles). This communal land is free for access, unless the chief puts restrictions on it, e.g. to prevent over-harvesting of medicinal plants. To collect medicinal plants is vital for the healing practices of traditional healers. Part of the BCPs purpose is to enable the healers to negotiate access to the restricted areas, in particular to the mountainous area (Mariepskop) and to Kruger National Park, because both areas are a habitat of rare medicinal plant species important for the healers. Yet, within this ethnically and biologically rich region, traditional healers play an important role. They are the custodians of traditional (medicinal) knowledge and knowledge on the local biological diversity respectively. They received their knowledge on healing and medicinal plants through a long process of training with an experienced trainer and communication with the ancestral spirits, which obliged them to share this knowledge and serve their communities through healing powers that the knowledge bestowed on them. Originally and historically, this knowledge is held individually or remains in the healers *Impande* (lineage). These *Impandes* have their origin in times unknown, many generations ago. Amongst the Kukula healers the *Impande* that was most often mentioned was the *Nkomo Le Lwandle Impande (the cow from the sea)*. Its founder, it was said, went to live in the ocean in Mosambique and when back he had acquired strong healing powers. Not all healers were members of the *Nkomo Le Lwandle impande* though. Other *impandes* were mentioned as well. What differentiates the Kukula healers association, as a newly organised group, from an *Impande* is the idea of organized and agreed knowledge sharing beyond the commonly known and structured *Impande* system. In order to be able to protect their knowledge, the Kukula

healers decided to agree on a traditional knowledge commons, which would then be manifested but not specified, in their bio-cultural protocol. A commons, according to the definition of Elinor Ostrom and Yochai Benkler is “a particular institutional form of structuring the rights to access, use, and control resources”. The traditional healers deal with two different kinds of resources. Firstly, natural resources as a material item that has economic or social value when extracted from their natural state (Buck 1999), and secondly, knowledge as an intangible resource, which also has an enormous social and potential economic value, once entered the economic market. Both, material and immaterial resources are embedded in the social, and natural environment of the healers. The knowledge, as emphasized above, is also deeply embedded in a socio-cultural context. Agreeing on a knowledge commons includes agreeing on sharing both, natural resources and related knowledge, with a third party. The process of knowledge sharing is hence a very considered process. Every healer has to endorse the sharing but was at the same time needs to be canny on what knowledge to share and what knowledge to keep secret. Healers often specialize on particular illnesses and methods -be it diabetes or house cleansing- to be known as an expert in that particular field. To instigate the commons, each healer had to decide how much of this individually held knowledge should be disclosed to enrich the commons. According to some interviews taken with some Kukula healers, they “simply sat together and talked and then agreed on the commons”. A considerable thinking process might have forgone on what knowledge to share and what knowledge not to share. Interestingly, the healers never wrote the shared knowledge down. But the sharing was a process of conscious **reciprocity**. For that the healers did put knowledge into the commons and will at a later stage possibly receive other resources back, in case financial benefits would come into play. This is a crucial point in the debate. The commons is primarily important when commercialization is involved. As Donald Nonini commented: “All commons are functioning arrangements that connect people to the material and social things they share and use to survive and operate outside of – but most

frequently alongside- capitalists markets.” (Nonini 2007). The implementation of a commons, and subsequently of the bio-cultural protocol, had many positive aspects. The process unified them as a group; it stabilized them and gave them more self-esteem in negotiating their rights and needs with other stakeholder. And, it helped them to clarify their position in negotiations with a small regional cosmetic company, with who they shared plant material and some of their knowledge on plants with potential sun blockage and hair nourishment properties. A non-disclosure-agreement (NDA) was signed between the healers and the company for the case that a product would be released onto the market. The knowledge given by the healers would then not be disclosed to any other company without the consent of the knowledge holders. The NDA would be followed by an access and benefit sharing agreement (ABS) in case a product would be developed and successfully marketed by the company. These developments have their political prelude in the Convention of Biodiversity (CBD) activated in 1993 and the subsequent 2010 Nagoya protocol on „On access to genetic resources and the fair and equitable sharing of benefits arising from their utilization“.

In the Nagoya negotiation the bio-cultural protocol was declared an official tool to help indigenous communities to claim their customary values, rights and rules about biocultural heritage. These international political guidelines and tools for the first time officially underpinned the idea of the sustainable use of natural resources and the fair and equitable sharing of benefits that arise out of the utilization of these resources with the original knowledge holders.

These political guidelines help to undermine biopiracy and support the involvement of communities as strong and equal partners in benefit-sharing agreements. Within this realm, bio-cultural protocols help communities to understand the values they offer when sharing their knowledge with third parties, such as the cosmetic company. BCPs are thus community based tools to facilitate the interface between communities that want to engage in ABS on the one hand and ethical users of TK on the other hand. Their development helps communities to

evaluate the value of ABS as a means to generate local livelihoods. The cosmetic company, was not able to identify any commercializable valuable property in the plants that were handed over. In fact, the plants with sun block properties did have a certain degrees of sun protection factor (factor 10) which unfortunately is not sufficient for the market. Also, the plant with hair nourishment properties did indeed show these properties, but at the same time did produce a burning sensation on the scalp, which does not call for commercialisation (information from interview taken in May 2012, Sue Godding, Hoedspruit). With the high level of unemployment in the Bushbuckridge area (up to 80%) and in Mpumalanga and Limpopo provinces in general, a financial benefit arising out of such a product would be of vital importance for the economic survival of the healers in times of economic uncertainties. It would also contribute to local development projects, that in theory exist already on the agenda of the healers, but would need sufficient funds for its realization.

Still, the healers will have to work out a system of proper knowledge protection and potential benefit sharing within the group. An issue that even in academic circles has not resolved with a proper solution (there is no common solution for the protection of traditional knowledge, but there are precluding ideas on e.g. a licence or trust systems). However, a coming product does not seem to be in sight yet. The idea of access and benefit sharing remains a theoretical concept without practical implication. Nonetheless, important work was done by implementing the commons and the BCP and their collective effort to strive for rights in cooperation with local initiatives like K2C, NGOs like Natural Justice and the governmental. Although the whole process is still fresh and at the beginning, it might stand a chance to deal as a role model for other indigenous communities in South Africa and in Africa, Asian and Latin American countries.

Conclusion

In this paper only scratches a few aspects of the use of (both political and epistemic) local knowledge in a specific regional area of South Africa. In the process of implementing a bio-cultural protocol knowledge becomes a highly valuable commodity for the traditional healers. A commodity that becomes economically valuable when of interest for the economic (global) market. To be able to fulfil the needs of the market, indigenous communities have to find grounds for negotiations. One way could be the agreement on a knowledge commons, which can be manifested in a BCP. The implementation process creates group identity amongst formerly scattered and suppressed communities, and it geared up for the identification and manifestation of collectively held values. Thus, BCPs support inner and outer negotiation processes of indigenous communities and hence improves the self-representation and self-esteem. But, still BCPs are not the solution for the protection of traditional knowledge, since they are not anchored in any national or international legislation. BCPs stand alone so far, even though they are recommended by the Nagoya protocol parties.

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