



# EASTERN CAPE PROVINCIAL LEGISLATURE

## OFFICE OF THE CHAIRPERSON

### PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT

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Date: 12 June 2018

Reference: Indigenous Knowledge Bill



## NEGOTIATING MANDATE

**To:** The Chairperson:  
Select Committee on Communication and Public Enterprises

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

**Number of Bill:** [B6B-2016]

**Date of Deliberation:** 12 June 2018

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### 1. Vote of the Legislature

The province votes in favour of the Bill and mandates the Eastern Cape delegate to the NCOP to negotiate within the following parameters:

#### 1. Clause 1 of the Bill

- (a) The definition of “trustee” must be amended to accommodate not only one person as a trustee but two and not more than five people from the indigenous community who may include a traditional leader where applicable and be representative of broad stakeholder base and skills of the indigenous community.

#### 2. Clause 6 of the Bill

- (a) It is suggested that this clause be amended by the insertion of subsection 4 in clause 6 of the Bill as follows:
- (4) The Minister must ensure that NIKSO has accessible offices in all provinces.

### 3. Clause 7 of the Bill

- (a) It is suggested that this clause be amended by the insertion of a new subparagraph in subsection 2 of section 7 of the Bill as follows:
- (e) The relevant indigenous community members

### 4. Clause 12 of the Bill

- (a) It is proposed that the clause must provide for mechanisms of accountability of the trustee to the indigenous community, circumstances under which a trustee may be removed and consequences of failure to perform duties and to act in accordance with the instructions and best interest of the community.
- (b) It is further proposed that subsection 3 of clause 12 of the Bill be amended as follows:
- (3) In the event that, **[as long as,]** the indigenous community of the relevant indigenous knowledge cannot be identified and designated, NIKSO must act as a custodian of that indigenous knowledge for a period of two (2) years, with rights and obligations of a trustee of that indigenous knowledge.
- (c) It is proposed that a new subsection 4 be included as follows;
- (4) NIKSO must take all reasonable steps to identify the indigenous community to which the indigenous knowledge belongs.

## 5. General Comments

- (a) The report of the Portfolio Committee attached hereto highlights other issues raised by the stakeholders, relating to the Bill before the Portfolio Committee and are matters that ought to be given serious consideration by the Department of Science and Technology.



**HON T. DUBA (MPL)**  
**CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON ECONOMIC DEVELOPMENT,  
ENVIRONMENTAL AFFAIRS AND TOURISM**

**12 June 2018**

**DATE**

