

# San, Khoi & Rooibos Factsheet

## What is the relationship between the San, Khoi and Rooibos?<sup>1</sup>

The San and Khoi people are the original knowledge holders to the uses of rooibos. Known scientifically as *aspalathus linearis* but called “rooibos” by the locals, the plant has been used by the San and Khoi for generations as a remedy for a wide range of ailments. The fine, needle-like rooibos leaves are high in antioxidants and caffeine-free. It can relieve allergic symptoms, provide an energy boost and help heal damaged skin. This was confirmed by a traditional knowledge study<sup>2</sup> the South African government commissioned during 2014.

After spending hours walking through the Cederberg mountains to find optimal plants, the San and Khoi people would harvest them and then chop them into small pieces with axes. After crushing them with stones and then later hammers, the plants would be fermented in heaps and then finally dried in the sun.

Harvesting and processing wild rooibos is a time consuming and difficult task, and for centuries the health benefits of rooibos were enjoyed by the San and Khoi people. Farming and rooibos production was small-scale, and the popularity of the tea was limited to these communities historically. Rooibos remained unknown to the rest of the world until 1772, when the San and Khoi introduced the plant to a Swedish botanist. Although he took some to Europe and wrote about it, the real potential for the plant was not recognised until 1904 when a Russian immigrant to South Africa became interested in rooibos tea and started trading with the San and Khoi people. Through his efforts, rooibos tea quickly became popular throughout South Africa, together with a range of other rooibos health and cosmetic products.

## Traditional knowledge and international law

South Africa has a rich cultural and biological heritage and diversity, with an expansive history of linking these through the traditional use of biological resources. Local traditional knowledge of the value and use of biological resources is unique to a culture or society and is passed from generation to generation through word of mouth and cultural rituals. This traditional knowledge is usually built by a group of people living in close contact with nature.

Traditional knowledge, particularly traditional ecological knowledge of an indigenous species, is an important component in the improvement of natural resource management in South Africa and can provide valuable information for the sustainable use and protection of ecosystems and species. This kind of knowledge is developed by local communities through their experiences with natural resources over time.

<sup>1</sup>Source: [www.wipo.int](http://www.wipo.int)

<sup>2</sup>Traditional Knowledge Associated with Rooibos and Honeybush Species in South Africa, Department of Environmental Affairs, South Africa, 2014.



In 1992 the Convention on Biological Diversity (CBD), an international agreement, provided an approach to ensuring equity in the exploration and exploitation of biological resources and regulating the benefits of bioprospecting (the search for plant and animal species from which medicinal drugs and other commercially valuable compounds can be obtained).

This approach, also called 'Access and Benefit Sharing' (ABS) set out in Article 1 of the CBD states that one of the fundamental objectives is the *fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.*

South Africa, being party to the CBD, regulates the exploration and exploitation of the country's rich biodiversity for commercial purposes through the National Environmental Management: Biodiversity Act (NEMBA or 'Biodiversity Act') (Act No. 10 of 2004)<sup>1</sup> and the Bioprospecting, Access and Benefit Sharing (BABS) Regulation, 2008 (including amendments). South Africa's groundbreaking bioprospecting legislation and regulations are further supported by the ratification of the CBD's Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization (ABS), adopted in Japan in 2010.

The South African legislation and regulations and the international Nagoya Protocol have increased awareness of ABS and provide new opportunities for communities to benefit from their role as custodians of traditional knowledge of biological and genetic resources in South Africa. In relation to this, in 2014 the Department of Environmental Affairs commissioned a study on the traditional knowledge associated with two key species in the bioprospecting sector of South Africa, namely rooibos (*Aspalathus linearis*) and honeybush (*Cyclopia spp.*) which study is referred to further below.

## Who has the rights to Rooibos in South Africa?

In relation to Rooibos, research shows that communities in areas where rooibos is grown associate the knowledge of rooibos to the African indigenous communities (the Khoi and the San) and in turn, believe that they transferred this knowledge to the European settlers, particularly the Moravian Missionaries. Interviewees from the communities believe that the knowledge of rooibos originated directly from their region and that benefit-sharing for their traditional knowledge of the use and commercialisation of rooibos should be provided to them.

Academia, in certain instances, supports community assertions that the traditional knowledge of the use of *Aspalathus* stems from the Khoi and San communities in the area of *Aspalathus* products. However, industry interviews on the other hand show a strong perception that there is a weak link between local communities and the origin of traditional knowledge for rooibos.



A South African government study on the traditional knowledge associated with rooibos was conducted by the Department of Environmental Affairs in 2014<sup>3</sup>. The conclusion of the report states that the traditional knowledge associated with rooibos lies with the San and Khoi. The following is an extract from the report conclusion:

"Perceptions of community members interviewed in this study were very clear that the originators of the knowledge of the use of these two species was the Khoi and the San people. Individuals interviewed in this study had a long history in the communities, in some cases more than 300 years. Knowledge of the use of the species is passed orally from generation to generation of family members. Current use of the species is for its health benefits but also for other purposes such as in cosmetics and to treat skin disorders. The sources of indigenous knowledge in a family was largely passed from the older to younger generations of the family. The harvesting and preparation practices currently used for these species is also passed orally from one generation to the next. One could conclude that rooibos and honeybush has been utilized by local communities for many generations and that traditional knowledge of this use had been passed through the generations."

The fact that these species are endemic (in certain areas), combined with the fact that the San and Khoi populations were resident in these areas for centuries before the arrival of the settlers, and with the fact that the industry has evolved and expanded in these particular areas all largely support the communities' *perception* that the traditional knowledge for rooibos and honeybush rests with the communities who originate in these areas.

This conclusion is further supported by this study which shows that the depth of knowledge regarding the use of the species is particularly rich in the limited area of the province where the indigenous species are found naturally. A process is underway for the unique relationship between Rooibos and the Cederberg region of the Western Cape to be registered internationally as a Geographical Indication.

### **South African government position on San, Khoi and Rooibos**

The 2014 SA government commissioned study which was formally endorsed by the South African Minister of Environmental Affairs, makes the following recommendations:

1. DEA to engage with the sector to indicate the outcome of the study, which concludes that there is no evidence to dispute the communities' perceptions that traditional knowledge rests with the communities where the species is endemic and/or with the Khoi and the San people of South Africa.

<sup>3</sup>Traditional Knowledge Associated with Rooibos and Honeybush Species in South Africa, Department of Environmental Affairs, South Africa, 2014.



2. DEA should encourage any individual or organization planning a bioprospecting or biotrade project with rooibos or honeybush to engage with the above mentioned communities/people to negotiate and enter into a benefit sharing agreement in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) and the Bioprospecting, Access and Benefit Sharing Regulations, 2008.

### **What is the process currently under way?**

The National Khoi & San Council and the South African San Council have been in an ongoing process of working towards ensuring the South African Rooibos Industry complies with their benefit sharing obligations as per the SA bioprospecting law and regulations. These negotiations are currently underway. The hope is that the South African Rooibos industry will conclude an agreement with the Khoi and San in the near future. That process is currently underway.

### **How can I get involved or find out more information?**

For more information, people can get in contact with the National Khoi & San Council and/or the South African San Council in South Africa.

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