


Chapter 12

Recognition of African Indigenous Knowledge Systems (AIKS) Through Legislation: Kenyan and South African Laws as a Case

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ABSTRACT

The Protection, Promotion, Development and Management of Indigenous Knowledge Act (South Africa) and the Protection of Traditional Knowledge and Cultural Expressions Act No 33 of 2016 (Kenya) were thematically analysed guided by the following research questions: What are the laws' main aims? (ii) How do the acts seek to promote preservation of African indigenous knowledge systems (AIKS)? and (iii) How can technology be leveraged to promote AIKS? The laws were found to make provisions for state regulation and demonstrate a commitment to reach out to diverse groups. Kenyan stakeholders are urged to avail copies of the law in at least a single indigenous language like Swahili which is understood across Eastern Africa. Governments, cultural organisations and businesses are urged to capacitate citizens with devices, gadgets and training on how to access and preserve AIKS electronically.

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INTRODUCTION

Knowledge is culture specific, so AIKS are perfectly poised to deal with challenges facing African people. However, during colonization, white settlers inculcated, among locals, the perception that their indigenous knowledges were inferior to Western forms and technology is a western (modern) concept. This was fallacious because, at any given time, ways that societies improvise to deal with their issues include what are effectively forms of technology (Sithole, 2016). In his 1972 novel, *Mumbo Jumbo*, Reed satirizes Western misconceptions that Africans do not have meaningful value systems. Laws are key instruments in regulating and promoting cultures and knowledges and African countries have made a raft of legislative changes to reflect democratic societies.

Disregard for African cultures created distrust for Western aspects among African people (Ali, & Rose, 2022) which partly explains African countries' initial reluctance to adopt new forms of media. However, human beings have generally shown a tendency to distrust new technology. Writing from a Western context, Cohen popularized the term, "moral panic" to describe "an episode, often triggered by alarming media stories and reinforced by reactive laws and public policy, of exaggerated or misdirected public concern, anxiety, fear, or anger over a perceived threat to social order" (1972, p.1). Similarly African cultural purists were initially cynical of cellphones, AI and other technological affordances which have since proved to be effective vehicles for communication and preserving African cultures (Walsh, 2020).

Although technological affordances have revolutionized communication, oral traditions which encompass myths, songs, proverbs, folktales and taboos among other African aspects have largely remained undocumented (Osman, 2009; Ayeni & Aborisade, 2022, p.156). Deaths (literally and figuratively) of storytellers from the old generation, a reluctance to use digital media to project African cultures because of the perception that western cultures are superior, are the main contributory factors. Although there is an old African adage, "when an elder dies, a library burns to the ground", technological affordances such as YouTube, social media networks like Facebook and X, websites, blogs, to name a few, can be leveraged to preserve such wisdom from senior citizens before their demise. However, high illiteracy levels and poverty have delayed initiatives to promote the growth of technology in Africa. Increasing inequalities and "economic malaise" led to "the shift from industrialization in the early post-independence period, to the current focus on poverty reduction" across the continent (Duarte, 2021).

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