

To engage or not to: That's the question - Safeguarding cultural heritage from a predatory and poisoned environment¹

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Abstract

This paper engages with the issue of predatory academics who through the need for patents and discoveries have become voracious cannibals that have carried out research in local communities and in the process have plundered not only the local cultural goods of the communities but also their faith in academics. It argues that in an effort to get a scoop for themselves and their universities, some academics have in actual fact created a poisoned chalice. The paper notes that the atmosphere has in addition become soured by greed such that scholars are more interested in perceived windfalls that may come their way if they are to successfully come up with major discoveries, especially in the areas of medicinal flora and fauna. This has seen communities not being prepared to share knowledge relating to cultural goods that are under their custody because previous academic visitors have extracted knowledge from them but they have not seen themselves benefitting. The paper thus posits that such rapacious and grasping behaviour by some academics is a threat to the safeguarding and promotion of cultural heritage since some people have now become sceptical in engaging with some of these dons. In addition to the need to honestly engage communities, the paper also laments that fact that academic institutions in Zimbabwe are a disjointed lot that is in competition with one another instead of embracing the cooperative spirit that is informed by *ubuntu/unhu*, and not the *umbimbindoga* (go it alone) syndrome. It as well submits the argument that institutions of higher learning, government arms like National Archives and National Museums and Monuments of Zimbabwe also need to work together as well as with those in industry to explore ways of extracting maximum benefits from Zimbabwe's heritage

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in all its manifestations and in the process explore ways of safeguarding and enhancing its value.

Key words: tangible heritage, intangible heritage, academic cannibalism, ARIPO, *ubuntu*,

Introduction

The Zimbabwean landscape is awash with different aspects of cultural heritage. This heritage is a rich resource that has benefitted business and some communities. Academia has of late also been making attempts to unravel and tap into cultural heritage especially in the area flora, fauna and some sites. Unfortunately, some have ventured into this area with not so noble intentions, but for purposes of exploiting the resources for their own benefit and not for the communities. Their failure to appreciate this is may be an end result of greed and letdown to understanding what culture is. To therefore have a better understanding of what is meant by cultural heritage it is important to give a brief definition.

The term cultural heritage encompasses some of the following which fall into two main categories of the tangible and the intangible. The tangible includes, but is not limited to some of those mentioned hereafter: historical monuments and buildings, as well as archaeological sites. In addition to these are artifacts such as paintings, drawings, prints, mosaics and sculptures. Cultural heritage also goes beyond these to encompass the natural environment in the form of flora, and fauna, books and documents in addition to under water heritage. Under water heritage in Zimbabwe can be found in buried in huge man-made water bodies like lakes such as Kariba, Mutirikwi and Tokwe-Mukosi.

Intangible heritage, also known as living heritage focuses on non-material objects like practices that are manifested through oral histories and traditions, performing arts, traditional craftsmanship, rituals and other social practices and skills that are transmitted inter-generationally. Living heritage thus consists of an assortment of customs that include music and dances such as *muchongoyo*, *isitshikitsha* and *mbende*. Included under it is also indigenous knowledge. Language is considered a key constituent of living heritage because it is the main carrier of such legacy.

Cultural heritage is reflective of the diversity that characterizes humanity. Each human community, despite its demographic size has cultural heritage characteristics that are outstanding and thus make them visible as unique. This diversity has to be celebrated. This

uniqueness is also important because each reflection of diversity is a product of how the environment in which each community finds itself influences how each culture develops. Cultural heritage is thus very important not just as an identity marker but also because of the knowledge that is found embedded in each host society.

Importance of cultural heritage

Cultural heritage is an intrinsic component of humanity. It is informed and shaped by how humanity responds to its immediate environment. Cultural heritage is as well vital because as a central part of humanity it stoutly influences people's sense of identity including their loyalties and beliefs in addition to their behaviours. It confers on people a sense of connection to specific social ideals, viewpoints, religious convictions in addition to customs. It consents and tolerates to their identifying with others who are of related frames of mind and related environments. Another important aspect about cultural heritage is that it has the capacity to provide an automatic nous of accord and belonging within a group thus giving a platform for the society to scrutinize and better appreciate and value preceding generations and the history of our progenitors and where humanity has descended from.

Cultural heritage's importance also lies in its value as a data bank of various knowledge forms that are embedded in what are generally referred to as Indigenous Knowledge Systems (IKS), which in essence are methods and processes that the indigenous peoples in a given area use to exploit and make the most of indigenous data that is generated from their interaction with their immediate environment in all its entirety (Mapara 2017). Among the data that is contained are practices as well as knowledge that relates to foods and medicinal plants and fauna. It is this heritage that is the target of predatory academics who in the case of Zimbabwe, are motivated by the desire to set up income generation projects because the central government is failing to fund its universities and related institutions. This may also be because some universities as the case of the University of Zimbabwe versus Lausanne University that is discussed below are motivated by greed, and in the process collect heritage materials in the form of medicinal plants and choose to exclude the custodian communities as partners. It is not only the University of Zimbabwe (UZ) that is complicit. Other institutions are illicitly harvesting food products like baobab fruit and processing it and marketing it as their own products, something that is not good. Instead of empowering the custodian communities or going into partnerships with them, the institutions are commercialising

intellectual property that does not belong to them. Such deplorable acts of academic and intellectual property thievery are deplorable and have to be condemned by all right thinking academics.

Cultural heritage in Zimbabwe is under serious threat from predatory academics that are a serious threat to indigenous cultural capital. These academics, motivated by the get rich quick mentality, deliberately violate the intellectual property rights of the custodian communities under the banner of research and community engagement. This sad reality is clearly brought to the fore by one Zimbabwean journalist, Matonho, who writing in one local newspaper, states:

LACK of resources for operations and capital investment by the government have led to leaky and porous borders through which 29 sable antelopes, other game and special plants have been smuggled by gangs posing as tourists.
(*NewsDay* 2016, January 14)

While his observation that gangs posing as tourists are part of the ring of smugglers is worth noting, it is important to point out that sadly some Zimbabwean academics have not made the situation any better. This is not because they have smuggled biological products out of the country (although that cannot be ruled out), but by claiming ownership over that which is not theirs as some researches on medicinal plants and food products indicate, they are not different from such poachers. These insalubrious and despicable activities place some Zimbabwean academics in the same league with threats such as wars, terrorists and others among menaces that imperil cultural heritage. The behaviour of such academics has made some communities distrustful of university and research institutions teams where some communities have openly stated that they are not prepared to work with certain institutions because they fear losing their rights over their intellectual properties.

Threats to cultural heritage

Cultural heritage, from the description above comes across as a lot of wealth that has been bequeathed to humanity by those who have gone before as well as by nature itself. This wealth can be and has been exploited for the benefit of humanity. Unfortunately most of these heritage forms are under threat, more from human beings than from natural elements. UNESCO states that “Cultural heritage sites around the world are increasingly becoming the collateral victims of both natural disasters and armed conflicts” (UNESCOPRESS 25 May

2012). According to UNESCO (2012) there are several threats and hazards that are ominous and are menacing the world's cultural heritage. Among these threats are occurrences such as wars and political crises as well as ethnic and religious conflicts. These clashes have serious consequences for the reason that they are more often than not pursued by trails of looting, theft, illegitimate export and import and illicit trafficking of cultural property. In addition to these, the same heritage forms are moreover subject to wear and tear, neglect and avoidance, destruction of or alteration to heritage elements, contamination, and disappearance. The destruction of such heritage is in violation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This is one of the major international statutes that in its preamble has States parties recognizing that:

...damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world ... the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection.

While these words are important in that they draw attention to the sacrosanct-ness of cultural heritage (property), what is inopportune is that it is not only militants who pose some of the biggest threats to cultural heritage but other players such as those in business and even governments.

It is interesting to as well point out that such disreputable acts that are generally associated with militants among others as well as those who do not celebrate the multiplicity of cultural expressions as enshrined in the UNESCO 2005 Convention on the Diversity of Cultural Expressions have unfortunately affected some in the academy. There are now cases theft or cannibalism and looting of intellectual property of communities in the form of cultural heritage by some who are in search of the elusive greenback. This has left some communities with suspicion such that when academics approach them indicating their research intentions, community members, through their leadership are left pondering whether they have to engage with the academics or not. This is mainly because previous encounters with some members of the academic fraternity has left most of them culturally and materially scarred. Communities are custodians of heritage that has a bearing on their survival and sustainability. It is therefore important that any engagement with them on matters relating to the exploitation of any one of

their cultural goods has to be done with them as partners as well as the major beneficiaries, and not to have them treated as invisible and thus inconsequential.

Shuman (1999) states that thievery of books and related materials that include, but not limited to magazines, periodicals, newspapers, manuscripts, maps, and single-page items, as well as non-book items such as video tapes, DVDs, and CDs – in libraries, archives, and special collections is not a recent phenomenon. He further posits that at some point in the Medieval Period, monks and priests had to chain books to desks and shelves. While Shuman makes reference to libraries and archives which are built up areas, it is essential to point out that theft and vandalism of intellectual goods that include cultural artifacts and other material is equally prevalent today just like the theft of books and other reference resources in the Middle Ages. These include the theft of cultural goods both tangible and intangible by among others academics. The depressing and heart-rending reality as this paper posits is that such avaricious and selfish as well as acquisitive behaviour by some intellectuals is a serious menace to cultural heritage. This peril is realized in the reality that the activities of these academics threaten to torpedo and thus imperil the safeguarding and promotion of cultural heritage in the form of bringing knowledge of this heritage to the fore since some people and communities have now become sceptical in engaging with some of these academics who like some donor agencies and tourists come with cameras and notebooks. Smith aptly sums up such predatory academics who turn into scholastic anthropophagites:

Researchers enter communities armed with goodwill in their front pockets and patents in their back pockets, they bring medicine into villages and extract blood for genetic analysis (1999: 24).

These words of Smith are important because they underscore how a diseased academia has become, not only in Zimbabwe but globally, (but with the scourge having a greater and more debilitating effect on the global south) has become a victim of another form of colonialism – scientific colonialism. This comes clothed in the garb of so-called bio-prospectors and their accomplices in some universities, colleges and other research institutions. In the case of Zimbabwe, the case of the University of Zimbabwe and its grappling and spurring in the courts with Switzerland's Lausanne University is a case in point.

The University of Zimbabwe (UZ) Case

It is essential to state from the beginning that the University of Zimbabwe is not the only culprit. It is referred to here by name because its case is well publicized and it thus epitomizes a clear case of cultural and heritage hoodlumism. It is a case that has its origins in the 1990s when the UZ and Lausanne University signed an agreement. In accordance with Landon (2001), in 1995 Lausanne University of Switzerland entered into and signed an agreement with the University of Zimbabwe as well as the National Botanical Gardens and Herbarium to get access to in excess of 5000 species of plants that are used by the country's traditional healers. Among the plants to which access was granted is the snake bean tree (*swartzia madagascariensis*). As said by Chinyanganya who was then Chairperson of Department in the concerned UZ unit, the contract stipulated that in the event that any product that may result in the need for application for intellectual property rights, if such an opportunity arose, this was to be subject to joint negotiation and dual and co-operative application for any patent that was to be filed. Unfortunately for UZ, the lead investigator at Lausanne did not stick to the letter and spirit of the agreement. This is confirmed by the actuality that in further laboratory researches and tests one Swiss graduate student managed to also isolate a fungus-killing molecule. Rather than publishing the findings of the research and clearly motivated by greed Professor Hostettmann in 1996 quietly signed a contract with an American pharmaceutical company by the name Phytera Inc. The agreement was that this firm Phytera Inc. consented to testing and developing the compound for commercial use. This means that Hostettman and LU, and Phytera would have benefitted and nothing would have accrued to Zimbabwe at large but to UZ's Department of Pharmacy as observed in what was stated in the agreement that is summed up below:

Phytera received an option for an exclusive worldwide license and in return agreed to pay royalties of 1.5% on the net sales of any product marketed under this license. Professor Hostettmann, on the other hand, is obliged to give 50% of any royalties received to the National Herbarium and the Botanical Garden of Zimbabwe and to the Department of Pharmacy at the University of Zimbabwe (Mushita, Meienberg and Chavunduka 2000: np).

From the above observation it is clear that this is a foul agreement that is skewed in favour of the American company and Hostettmann. It is also an agreement that besides excluding the UZ from negotiating as part of the team entirely ignores the real owners of the knowledge of

the medicinal plant who in this case are the Zimbabwe National Traditional Healers Association (ZINATHA).

The above words of Mushita, Meienberg and Chavunduka show an incident of serious betrayal and underhand dealings. There is a new twist to the whole saga in that although the UZ is presented as getting something out of the LU-Phytera deal, they are no longer directly part of the deal and they are as well not privy to other nuances that are in the agreement.

In the case of LU and UZ the problem is more complex for the reason that even though on the surface it appears as if something was coming back to Zimbabwe, the real issue and one which is a case of serious academic cannibalism and theft is that of the absence of prior informed consent from the indigenous people who are the custodians of the medicinal plant. These people were not informed about the terms of the agreement between LU and UZ yet the person who brought the samples; the late Chavunduka was there and was supposed to have been approached for consent as the representative of the indigenous community, which in this case is ZINATHA. In any case, if LU and UZ were serious and honest, they should have made ZINATHA a partner because their President was as well a fellow academic who was a faculty member at UZ.

It is disheartening that some scholars like Rosenthal argue:

The principle problem for the research community is the absence of a clearly delineated governance hierarchy in many indigenous societies that formally establishes, for the outside world, what level of an indigenous community or nation has the authority to give consent (2007: 376).

Although he is not necessarily referring to the LU-UZ case, his words on the surface are quite convincing. Despite the seeming convincing argument, on the converse, a more critical analysis of them reflects the thinking of a person who remains caught up in the myth of *terrae nullius* that was a largely peddled lie by colonialists who had to justify the dispossession of the colonized of their lands and other resources. Given the fact that the so-called bio-prospecting is a new form of colonialism on the scientific front, Rosenthal's thinking is easy to understand, but it is quite disturbing. If Rosenthal's words are looked at in the context of the LU-UZ debacle, it is patent that Chavunduka was the President of ZINATHA. There was therefore a hierarchy and an authority. Additionally, there is the

Government of Zimbabwe and according to the Convention on Biodiversity they are the ones who were supposed to have cleared Hostettmann. This unfortunately was not the case.

What is also disconcerting is the reality that notwithstanding the actuality that UZ was at the material time the only university in the country that was host to a law school, there is no indication that they were advised by barristers in their Law Faculty. If they chose not to seek legal advice from their Law School, it can only be argued that it was a case of ignorance or sheer arrogance.

Arrogance at times leads to pitfalls as the case of UZ reveals. An appraisal of its relationship with LU shows that what is out of the ordinary in this case of the UZ and Lausanne University (LU) is not just in the breach of contract and trust by LU represented by Hostettmann. While Hostettman's action cannot be condoned, the UZ's act is a clear sign of the betrayal of the trust that was invested in it by the Zimbabwe National Traditional Healers' Association (ZINATHA). It is easier to see through the duplicity of LU than the iniquity that was perpetrated by UZ, yet in reality blame should be placed equally on both UZ and LU, if not more on UZ. In the case of the snake bean plant, it can be realized that academics or some academics cannot be trusted because Chinyanganya negotiated for UZ and not on behalf of the community that was the custodian of the medicinal/poison plant. What UZ did was tantamount to theft of intellectual property. It is clear that UZ entered into the agreement with LU in an act that was not only immoral and unethical, but one that was in addition illegal because they were not and still are not allowed by law to give access to the country's genetic resources. Under the Convention on Biological Diversity (1992) Article 15 (1):

Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

As stated in this Article, it was only the Government of Zimbabwe that was entitled to grant access to Zimbabwe's genetic resources, something that the UZ ignored or chose not to take cognizance of. This situation is made worse by the fact that the then President of ZINATHA, the late Gordon Chavunduka underscored the treachery and fraudulent behaviour of the UZ in its handling of this important heritage when he stated:

We have never given our consent to this deal. The idea was just to confirm the properties of this medicine which traditional healers have been using for time immemorial.

What comes out of Chavunduka's lamentation at the UZ's betrayal is that they had submitted their samples for purposes of verification, because as he states, these medicinal plants had been used by indigenous healers in Zimbabwe since ancient times.

The incident of the UZ's dishonesty and deceit is not just an illegitimate act but is also one that is motivated by ravenousness. The UZ entered into this wicked relationship three years after the Convention on Biological Diversity which came into being in 1992, and signed by 150 governments at the Rio Earth Summit also known as The Rio de Janeiro United Nations Conference on Environment and Development (UNCED) (1992). For the UZ to therefore complain (not that she did not have to) is like a case of a thief who complains and reports a theft because s/he has been pained by his/her loss of a product of larceny to another more daring and cunning crook.

The matter of the UZ's supposed loss best explains and demonstrates why some communities as highlighted in Chavunduka's words, are no longer interested in engaging with some academics on matters that relate to their cultural goods especially those that relate to medicinal flora and fauna. Like South Africa's Council for Scientific and Industrial Research (CSIR) that sold *hoodia* to a pharmaceutical company, the UZ never bothered to check for and acknowledge the novelty that lies behind the plant. What the institution only thought of was access to sharing benefits because it was only thinking of itself (Amusan 2017), and not ZINATHA or the Zimbabwean community at large as the custodians as is stated in Article 8 (j) of the African Regional Intellectual Property Organization (ARIPO) that declares:

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

The acts of the UZ are clear testimony to the actuality that in addition to scientific colonialism that is recognized and identified through acts of bio-piracy that are clothed under

so-called bio-prospecting and perpetrated by some western institutions and companies, local institutions are also traitorous through their very acts. The above quotation is an indictment on UZ and like institutions that the onus is on them to do right and give credit where it is due. They in fact have to avoid being immersed in the deluge of greed to make money for themselves but to register the custodian communities as owners of intellectual property. Such acts will empower communities to develop and harvest benefits from their heritage and intellectual property.

What is as well clear from the case of the UZ-LU partnership is that communities should only enter into partnerships with institutions and companies where there is guarantee that their intellectual property rights are protected and promoted. These guarantees can only be there if there are written agreements that are in a language that is accessible to both parties, and not ones that are donned in legalese that is opaque, impervious and unfathomable to most people. There should be clauses in agreements that would allow communities to withdraw from relationships that they consider exploitative. Communities should also not act on faith as Chavunduka representing ZINATHA did, because if they have faith in academics they risk being disappointed when they lose their heritage. Written agreements are also important because they will give room for recourse to the courts in the event of falling foul of the agreement as happened between the UZ and LU where in 2001 LU and the Government of Zimbabwe, and not UZ started to renegotiate on the snake plant.

The case of the UZ and LU's duplicity as well as backing from some scholars like Rosenthal raises a lot of disquiet in as far as the protection of indigenous heritage in the form of indigenous knowledge relating to medicinal plants in particular and biodiversity in general are concerned. One may ask: Despite the need for legislation to protect indigenous intellectual property rights as enshrined in Conventions and Protocols such as the African Regional Intellectual Property Organization's Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore (Swakopmund, Namibia 2010), the question is are indigenous academics aware of this legal framework? If they are, are they prepared to adhere by it? In addition to that, are they aware of all or most of conventions and protocols as well as others related to them that relate to culture and heritage? These questions are pertinent because an awareness of them will help in the avoidance of calamitous engagements such as the one that the UZ got entangled in.

The UZ's calamity can best be summed up by the following axioms that come from three different parts of the world – Africa, the Caribbeans and Europe. These same proverbs also serve to warn and advise other institutions to tread carefully and to avoid being motivated by what may on the surface appear to be promising agreements.

1. A person's character is like pregnancy, it cannot be hidden forever – African proverb.
2. The spider and the fly can't make a deal – Jamaican proverb.
3. A prudent man does not make the goat his gardener – Hungarian proverb.

The above three proverbs underscore the reality that Europe cannot be trusted in its dealings with the global south. The passage of time as the LU-UZ partnership reveals exposed LU through Hostettmann to be dishonest. Entrusting LU to call on UZ to apply for the registration of a patent is not only like a spider entering into a deal with a fly but is as well synonymous with a man hiring a goat to be his gardener.

Value addition, not research findings

While the case of UZ is one of wilful greed and pilfering of indigenous cultural heritage of some Zimbabwean communities, other institutions of higher learning are also complicity in cases relating to theft of indigenous communities intellectual property through researching into their different flora and fauna for medicines as well as valuable foods. What is really the cause for concern is as in the case of UZ, academics go out and ask known custodians of such knowledge for information, and they then claim to have made new discoveries. This is being very much like whites lying that David Livingstone discovered Victoria Falls which the indigenous community called and still call Mosi-o-a-tunya, or an even worse scenario like that other lie that Christopher Columbus discovered America. It is now a known fact that he is a confirmed plunderer and mass murderer who caused the deaths of about 7.5 million people (Freeland and Tink 2008).

What Zimbabwean institutions need to do is to avoid stealing the communities' heritage as Heinrich's Chibuku Breweries did with indigenous beer. They need to add value for example, indigenous foods and do research around how they can give these a longer shelf life. They should also focus on how they can get these to international and regional markets but clearly acknowledging that they are either marketing them under licence from the custodian communities, or in partnership with these host communities. Such acts are in line with the

Swakopmund Protocol that below Section 8 under the sub-heading “Assignment and licensing” declares:

8.1. Owners of traditional knowledge shall have the right to assign and conclude licensing agreements; however, traditional knowledge belonging to a local or traditional community may not be assigned.

Item 8.1 as quoted above makes clear that licensing of the knowledge of a community that relates to traditional (indigenous) knowledge lies with the community and no one has the right to reassign some other party to the agreement to exploit this cultural heritage. More importantly, however is the weight and impact of entering into a written agreement between the parties concerned. Academics should therefore avoid lying about purported findings and producing indigenous products by merely stating that they entered into an agreement with the host community without proof of such an agreement and contract. If anything, as section 8.2 of the said Swakopmund Protocol states that as regards all access to traditional knowledge, there has to be authorization and licensing that are not only granted, but that the grantee’s legal rights have to be confirmed by a written deed “in respect of protected traditional knowledge shall be granted in writing, otherwise they shall be of no force or effect.”

Since cultural heritage is also an economic resource, Section 9 of the Swakopmund Protocol in sub-section 9.1 addresses the issue of sharing benefits in a manner that is equitable. The sub-section reads:

The protection to be extended to traditional knowledge holders shall include the fair and equitable sharing of benefits arising from the commercial or industrial use of their knowledge, to be determined by mutual agreement between the parties.

The need for equitability is a call to the licensee to be honest and transparent. It is important to note that in line with the need for being honest on the part of those who want to exploit genetic and other biological resources, the Swakopmund Protocol is addressing this issue in line with the dictates of the Convention on Biodiversity (1992). What is also of great significance is the issue of value addition to traditional knowledge that may arise from commercial or industrial use of a given community’s heritage. This is what academics should focus on – empowering communities and not exploiting them as some are attempting to do through the attempts at commercializing *mutandabota* (baobab porridge) which some call baobab yoghurt without the express permission and informed consent of the custodian

communities who in this case cover almost the entire Zimbabwe and other areas beyond her borders.

In fact, to get approval and being licensed by the custodian communities do not only fall under the purview of ARIPO but is also something that UNESCO in the 2003 Convention on the Safeguarding of Intangible Cultural Heritage underscores. Article 2 of the Convention clearly states that measures that ensure the viability of ICH include identification, documentation and research. The others that are significant and are given in the same Article are preservation, protection, promotion, *enhancement* and transmission, mainly through formal and non-formal education. Revitalization is also considered as important. Enhancement is deliberately italicized for emphasis by the writer because creating yoghurt for example, from baobab fruit, or separating a certain compound from a medicinal plant is but enhancement which is a key component of value addition.

Since heritage goes beyond vegetation and fauna but also includes sites and monuments, it is also essential that instead of academics and some academic units appropriating such heritage for their use, they can lend a hand by means of adding value to these important sites of memory and history through community involvement. They can as partners and with written permission from the host communities contribute to safeguarding through further research and documentation to inform stories and histories around monuments and sites. In the event that there are documentaries that are produced as a result of the agreements entered into, as in the case of traditional knowledge as enunciated in the Swakopmund Protocol, arrangements for profit-sharing should be clearly outlined to avoid conflict and misunderstandings. Failure on the part of universities and related research institutions to abide by this will only foment doubts in the minds of communities and most are likely to avoid engaging academics because of fear of exploitation.

The curse of disunity

Linked to the scourge of greed that characterizes our institutions of higher education is that of disunity among Zimbabwe's higher education citadels. With the exception of a few semblances of unity such as Zimbabwe Universities Vice Chancellors' Association (ZUVCA) and Sports Associations for tertiary and higher education institutions, what is there is a war zone and battlefield of some sort. Zimbabwe's universities and colleges do not collaborate. Some may point to the case of the UZ and its associate relationship with teachers' colleges in

Zimbabwe, but the UZ's relationship with teachers' colleges is a product of a historical legacy. It is not co-operation as willingly entered into between parties that have agreed to the act together, but something that was a result of government intervention.

What kills the co-operative spirit which thus sees Zimbabwe's institutions even going against the dictates of *ubuntu/unhu* is partly a result of big brother arrogance and hubris. For example, the University of Zimbabwe which rightly deserves honour as the country's mother university, is alleged to have had one of its senior officers publicly declaring and boasting that there are only two universities in Zimbabwe that are the UZ itself and others. The veracity of such a statement cannot be ascertained. What is however key here is that it underlines and brings to the fore the reality that universities in Zimbabwe are a divided lot that are characterized by each seeing itself as the best when compared to others.

The tragic reality of the non-existence of academic partnerships between Zimbabwean universities are partly a result of some who are of the opinion that some so-called junior universities cannot contribute anything meaningful to the long established ones. More poignant however is the fear in some institutions of having some of their programmes being looted by others. A brief survey by this researcher has revealed that when some university departments develop some course of study they no longer submit them for evaluation to some colleagues in local universities. This is because the ugly head of academic cannibalism is also very much alive in this sphere. Some departments that may have been asked to review proposed academic regulations are said to have quickly cobbled their own from those submitted for assessment and submitted them for review elsewhere and then went on to offer a programme or programmes similar to the ones submitted to it for review. This was especially so before programmes had to be submitted to the Zimbabwe Council for Higher Education (ZIMCHE) which now identifies and appoints reviewers.

Another example is one that this writer went through. He brought in scholars from certain two European universities to his institution. His institution then invited a certain university unit's members to participate in a meeting that had been arranged. When minutes of the meeting that were taken by one member from the invited institution were later released the local non-host institution presented these presenting itself as one that had been nominated to be the host of the proposed activities that were to be undertaken by the four institutions. This dishonesty killed the spirit. The European universities members never commented and

resultantly the proposed programme of activities never took off the ground. It was again torpedoed by the Judas Iscariot syndrome, the desire for self-enrichment. Such a syndrome unfortunately is *adversus ubuntu* which is summed up in the Shona proverb *Rume rimwe harikombi churu* (A big man on his own cannot surround an anthill) that is also buttressed by this Ethiopian proverb that says, “When spiders unite they can tie up a lion.” The message carried in these proverbs, which are part of our heritage is that co-operation is important for one to overcome challenges that may appear insurmountable. Unfortunately Zimbabwe’s institutions are in the one man for himself and God for us all mode of John Heywood (1497-1580), something that Martin Luther King Jr., advised against when he stated, “We must learn to live together as brothers or perish together as fools.”

The scenario that is discussed in the fore-going paragraph is as well replayed intra-institutionally when Deans and Directors embark on academic plunder and pillage through relieving some faculty members of leadership and coordination of initiatives that they would have kicked off. This does not only demotivate the affected initiator but has the effect of also dampening the spirit of innovativeness and taking initiatives among other faculty members. In some instances, some of these supposed senior academics who are supposed to give leadership even at faculty level turn into academic parasites. This academic vermin is identified through making themselves lead supervisors in research projects of students in areas that they have little or no knowledge about. What they are more interested in is to see their names appearing on the completed thesis with themselves as main supervisors. This has resulted in most cases in some potential supervisors withdrawing, or in the worst cases, with students changing or moving to other institutions.

Conclusion

This paper has highlighted the dangers that lurk behind academic cannibalism and thuggery that is realized when academics or academic units in universities and other research institutions attempt to steal and patent knowledge that is not theirs. It has demonstrated this through the conflict that developed between the University of Zimbabwe and Lausanne University of Switzerland. The paper has also underscored the need for host communities not just to hand over material but to enter into comprehensive written agreements with those who want to use their heritage that in today’s situation are largely plants most of which have medicinal value. The writer has also lamented the fact that institutions in Zimbabwe are

packaging some indigenous foods and beverages as their own instead of them acknowledging the real owners and enter into licensing agreements which would allow them to produce those foods under licence from the host communities. It has in light of this also questioned whether Zimbabwe's academics are aware of international conventions, protocols and legislative instruments that govern dealings and activities around cultural heritage goods. The paper has also lamented the lack of co-operation between Zimbabwe's universities and has in the process alluded to the fact that this may be due to how some members in some university departments behave when it comes to the pilfering of programmes of study as well as attempts at academic-jacking where some may try to take over potential academic partners that would have been brought into the country by other institutions. It points out that such behaviour is very much against *ubuntu* whose emphasis is on co-operation, not disunity and individualism.

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