



A Comparative Analysis and Development of Legislative Regulatory Framework of Naturopathy and Traditional Medicines Practices in Southern Africa Region

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Author's contribution

The sole author designed, analysed, interpreted and prepared the manuscript.

Article Information

DOI: <https://doi.org/10.9734/jocamr/2024/v25i12599>

Open Peer Review History:

This journal follows the Advanced Open Peer Review policy. Identity of the Reviewers, Editor(s) and additional Reviewers, peer review comments, different versions of the manuscript, comments of the editors, etc are available here: <https://www.sdiarticle5.com/review-history/124705>

Commentary

Received: 15/08/2024

Accepted: 19/10/2024

Published: 14/12/2024

ABSTRACT

Objectives: Law and policy are critical instruments for enhancing health systems. The development of modern medicine relies heavily on stringent laws and policies. Additionally, the legislative framework for naturopathy and traditional complementary alternative medicines emphasizes the registration of both products and practitioners. This paper aims to examine the legislative regulatory framework governing naturopathic practices and other traditional complementary medicines in the Southern African region.

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Cite as: Obu, Raphael Nyarkotey. 2024. "A Comparative Analysis and Development of Legislative Regulatory Framework of Naturopathy and Traditional Medicines Practices in Southern Africa Region". *Journal of Complementary and Alternative Medical Research* 25 (12):97-109. <https://doi.org/10.9734/jocamr/2024/v25i12599>.

Methods: This study involves a comprehensive review of various health laws and policy documents across Southern African countries. A country-specific analysis is conducted using keywords such as "naturopathic law," "naturopathic medicine practice," "legislation," "traditional medicine act," "alternative medicine act," and "healthcare laws."

Results: The findings indicate that Southern African nations have well-established laws pertaining to naturopathy, as well as distinct regulations for traditional medicine. These countries recognize naturopathy and other complementary therapies as part of allied health professions. Moreover, there is a minimum educational requirement for registration as a traditional medicine healer, which applies to alternative complementary medicines.

Conclusions: The research reveals that specific laws regulating naturopathic practice exist in Southern African countries. This commentary on the legislative regulatory framework for naturopathic and other traditional complementary medicines aims to inform public health decisions in Africa.

Keywords: Naturopathy; traditional medicine; Southern Africa; legislation; regulatory.

1. INTRODUCTION

The practice of naturopathy and traditional medicine has deep historical roots in Southern Africa, providing holistic approaches to health and well-being that are vital to many communities. As the demand for alternative and complementary therapies continues to rise, understanding the legislative and regulatory frameworks governing these practices becomes increasingly important. This comparative analysis seeks to explore the legislative landscapes surrounding naturopathy and traditional medicine practices throughout the Southern African region, highlighting both similarities and differences, as well as identifying areas for improvement.

The Southern African Development Community (SADC), which includes 16 member states, serves as a key platform for regional cooperation and integration (Community SA, 2024). Each member state has developed unique legal frameworks that regulate naturopathy and traditional medicine, influenced by historical, cultural, and socio-economic factors. While some countries have established specific laws that provide comprehensive guidelines for practice, others still lack formal regulations, leading to varying levels of recognition and legitimacy for practitioners.

The World Health Organization (WHO, 2013) underscores the importance of incorporating traditional medicine into national health systems, advocating for clear regulatory frameworks to ensure the safety and efficacy of these practices. However, the absence of cohesive legislation can lead to significant challenges, including the risk of unsafe practices and the marginalization of traditional healers. Therefore, a thorough analysis of existing laws is essential for

promoting effective regulation that safeguards both practitioners and patients.

Laws and policies are crucial for the development of any sector (Burris et al., 2010). While the medical profession has made substantial advancements through effective legislation, the same progress cannot be made for traditional and complementary medicine. Modern medicine has achieved considerable recognition largely due to its robust legislative framework (E. Blythe Stason, 1967). In contrast, public concerns persist regarding the regulation of naturopathy and other traditional complementary practices, particularly regarding who oversees these practitioners and the standards governing their scope of practice. An unregulated profession poses significant public health risks.

The gaps in regulatory frameworks for both modern and traditional medicine have made alternative medicine less attractive in Africa.

This review will address several key objectives: examining the legislative regulatory framework for naturopathy and traditional medicine in Southern Africa, identifying countries with specific laws regarding naturopathy, analyzing statutory definitions and classifications, assessing the types of legislation currently in place, and evaluating the minimum requirements for statutory registration. Ultimately, this study aims to propose recommendations for strengthening legislative frameworks to support the growth and legitimacy of naturopathy and traditional medicine practices in the region.

1.1 Theoretical Framework

Theory of regulation: The theory of regulation consists of propositions regarding the

emergence of regulation, the actors involved in that emergence, and the typical interactions among these regulatory actors (Yeung, 2012). Legislative regulation is essential for maintaining the public good and protecting public interests.

The positive variant of this theory seeks to provide economic explanations for regulation and analyzes its effects. The normative variant, on the other hand, explores which types of regulation are most efficient or optimal. Additionally, regulatory compliance fosters fair competition within a field and establishes necessary rules and standards.

The regulation also defines a clear framework within which health professionals can acquire and maintain the competence required to practice effectively.

1.2 Objectives

1. To examine the legislative regulatory framework for naturopathy and other traditional complementary medicine practices in Southern Africa.
2. To identify which Southern African countries have specific laws regarding naturopathy.
3. To investigate the statutory definitions and classifications of naturopathy and traditional medicine.
4. To analyze the types of legislation pertaining to naturopathy and other traditional medicines.
5. To assess the minimum requirements for statutory registration of naturopathy and other traditional complementary medicines.
6. To propose recommendations for legislative regulations concerning naturopathy and other traditional complementary medicine in Southern Africa.

2. METHODOLOGY

This paper draws on existing literature related to healthcare laws, ministerial directives, orders, proclamations, and decrees from Southern African countries. The materials for this research were sourced from various publicly accessible databases.

The databases utilized include policy documents, WHO reports, country-specific healthcare laws, regulations, ministerial reports, and online search

engines like PUBMED, Google Scholar, ResearchGate, and news websites.

In conducting the database searches, a variety of keyword combinations were employed. The initial search focused on terms such as "health laws," "policy documents," "naturopathic law," "naturopathic medicine practice," "legislation," "traditional medicine act," "alternative medicine act," "complementary medicine act," "ministerial directives," "public health laws," "decrees," "proclamations," "orders," and "medical laws" across the five regions of Southern Africa.

The search results included articles from international peer-reviewed journals, legislations, and regulations on health laws, WHO reports, and online publications related to traditional complementary medicine acts. Relevant articles from these sources were compiled and analyzed through meta-analysis

3. DISCUSSION

To examine the legislative regulatory framework for naturopathy and other traditional complementary medicine practices in Southern Africa.

The first objective of this review is to examine the legislative regulatory framework for naturopathy and other traditional complementary medicine practices in Southern Africa. I herein provide the analysis:

Southern African region: The Southern African Development Community (SADC) is a regional economic community consisting of 16 member states: Angola, Botswana, Comoros, the Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, the United Republic of Tanzania, Zambia, and Zimbabwe. SADC's mission is to promote sustainable and equitable economic growth and socio-economic development through efficient and productive systems, enhanced cooperation and integration, good governance, and lasting peace and security. This aims to position the region as a competitive and influential player in international relations and the global economy (Community SA, 2024). In this context, I have analyzed the legislative regulatory frameworks of these countries regarding naturopathy and other traditional complementary therapies.

Angola: The Angolan government approved the National Policy of Traditional and

Complementary Medicine (Allafrica, 2020). However, there is no legislative regulatory framework for naturopathy and other traditional complementary therapies.

3.1 Botswana

Traditional medicine law: Section 14.86 of the National Development Plan of 1976–1981: provided some strides for the traditional healer (ngaka) in Botswana, in the rural areas (WHO, 2001).

Section 13.28 of Chapter 13 of the National Development Plan of 1979–1984 (10, 11) also admonished the fact that there are traditional healers in Botswana and there is the need to provide a policy framework (WHO, 2001).

As of 2024, no legislative regulatory framework for traditional medicine. However, the government plans to consider legislation (Xinhua, 2019).

Naturopathy and other complementary therapies law: On the other hand, Naturopaths, Chiropractors, Homeopaths, Osteopaths, and Acupuncturists are considered *Associated Health Professions* under Part 111 of the Botswana Health Professions Act, 17 of 2001 (Botswana Po, 2001).

The long title of the Act reads: “*An Act to regulate and control the practice of medicine, dentistry, pharmacy, and allied health professions, and for matters connected and associated therewith*”. The Act was Assented on 19/10/2001 with Commencement on 2/11/2001.

The act did not provide for the definition of naturopathy or who is a naturopath. However, section 2 of Part I deals with interpretation, and considers a Naturopath as an associated medical practitioner”

An associated Medical Practitioner herein means” *a duly qualified member of one of the professions referred to in Part III of Schedule B, and registered as such in terms of section 9, entitling him to practice that profession in Botswana.*”

This means that a Naturopath who intends to practice has to have the same requirements as a qualified Medical Practitioner under the same law. Section 9 is under part III of the act — Registration and Licensing of Practitioners.

An “intern” in Naturopathy also means a person registered as an intern in terms of section 9, who

is required to complete a period of internship training in an approved hospital or institution to acquire practical skills and experience before becoming entitled to practice his profession without supervision.

In Part II of the Act— Botswana Health Professions Council, Committees and Professional Boards, there is only a slot for the associated medical practitioners such as Naturopath, Homeopaths, chiropractors, etc, and have to be elected amongst themselves.

3.2 Comoros

Traditional medicine law: Law No. 11–001/AU of 26 March 2011 on the Public Health Code in its Title III: Exercise and Organization of Traditional Medicine, particularly in Articles 262–279, of Comoros provides the policy roadmap for traditional, complementary and alternative medicine. However, no legislative regulatory framework exists for traditional medicine.

Naturopathy and other complementary therapies law: On the other hand, there is no legislative regulatory framework for alternative medicine or a specific law on naturopathy.

3.3 Democratic Republic of Congo

Traditional medicine law: The Decree of March 19, 1952, on the practice of medicine, as amended (WHO, 2005), recognizes the important role of traditional medicine practitioners while also imposing certain restrictions on their practices. Section 15 states: “The provisions of this Decree shall not apply to nationals of the Belgian Congo or neighboring African territories who provide treatments and administer medications in accordance with local customs, as long as these practices do not violate public order.”

In November 1977, the Second Ordinary Congress of the Popular Revolutionary Movement in Zaire passed a resolution advocating for research into the rehabilitation and recognition of traditional medicine as a complement to allopathic medicine. The resolution also called for the establishment of a dedicated division for traditional medicine within the Department of Health.

Naturopathy and other complementary therapies law: No specific legislation on

naturopathic Medicine. However, naturopaths can take solace under traditional medicine.

3.4 Eswatini

Traditional medicine law: No legislative regulation for traditional healers.

Naturopathy and other complementary therapies law: However, the Medical and Dental Practitioners Act, of 1970, which registers and licenses medical and dental practitioners under the Medical and Dental Council also extends to Naturopaths.

Section 32 of Part IV deals with Regulations. Section 32(b) gives the authority to the Minister based on the recommendation of the Council to make Regulations for the control of chiropractors, homeopaths, naturopaths, and electropaths (Act Ma, 1970).

Hence, in 1978, The Control of Natural Therapeutic Practitioners Regulations 1978 was made and commenced on 24th February 1978.

In this law, section 2 defines a "Natural Therapeutic Practitioner" as a person who practices as a chiropractor, homeopath, naturopath, or electropath.

The law also places restrictions on practitioners. It states that: "A person practicing as a natural therapeutic practitioner shall not;

- a) perform any surgical operation or administer any injection to any person;
- b) practice midwifery;
- c) withdraw blood from any person;
- d) treat or offer to treat cancer or prescribe a remedy for cancer or claim that any article, apparatus, or substance will or may be of value for the "alleviation of the effects of the curing or treatment of cancer;
- e) perform any internal examination on any person;
- f) claim or by any means whatsoever hold himself out, to be a medical practitioner or use the name medical practitioner, or doctor or any other name, title, description or symbol indicating or calculated to lead persons to infer that he has any qualifications of a medical practitioner, or
- g) prevent any person from being treated by, or improperly influence any person to abstain from treatment by, a person registered in terms of the Act.

3.5 Lesotho

Traditional medicine law: The Lesotho Universal Medicinemen and Herbalists Council Act of 1978 followed the Act of 1976 (Abrams et al., 2019). This law regulates traditional healers and is distinct from naturopath statutes.

Naturopathy and other complementary therapies: The regulation of naturopaths is governed by the Natural Therapeutic Practitioners Act of 1976. According to Section 2 of this Act (Abrams et al., 2019), natural therapeutics is defined as providing services to prevent, heal, or alleviate sickness or disease, or to alleviate, prevent, or cure pain "by any means other than those typically recognized by the medical profession."

This law encompasses the regulation of naturopaths, homeopaths, osteopaths, chiropractors, and acupuncturists. Section 3 specifically prohibits individuals who are not registered from practicing as natural therapeutic practitioners.

3.6 Madagascar

Traditional medicine law:

Decree N°221/02/MI/SPAT/ ANTA/ as of 3rd June 2002 formed the national association of traditional healers.

Decree N°2339/2002 dated 28th August 2002 provided the roadmap for setting up the National Advisory Committee on Traditional Medicine.

Traditional medicine is regulated by the public health code (**Law N° 2011 – 002**) With The Health Code. The explanatory memorandum on The Act to the Health Code, which is the subject of the Act replaces Order No. 62072 of 29 September 1962 codifying the laws regarding Public Health (Law No. 2011-002 With The Health Code).

Article 92 regulated traditional health practitioner:

Article 95.- The exercise of Traditional Medicine is legally authorized and recognized, to any natural or legal person, individually or in combination, in the conditions determined by the provisions of this Code. Traditional practitioners engaged in the treatment of patients as part of traditional medicine can exercise according to local laws and regulations. But in any case, they can make a diagnosis by use of slang

terminology or allopathic medicine, homeopathy, and osteopathy or manipulate prepared or classified chemicals "pharmaceutical" and outside the traditional pharmacopeia, prescribe any drug product or pharmaceutical specialties within the competence of pharmacists.

Article 96.- Under the terms of this Code is meant by: *Traditional Medicine: the sum total of all knowledge and practices used in diagnosis, prevention, and elimination of physical imbalances, and mental and social processes based solely on practical experiences and passed down from generation to generation observations orally or in writing, to prevent, cure diseases and alleviate suffering.*

Tradipraticien Health: anyone who practices Traditional Medicine as defined and the principles set out above. The traditional healer can be:

- ☉ A traditional birth attendant: a term for anyone found to be competent to provide a woman and her newborn, before, during, and after delivery based health care on concepts prevailing in the community where she lives;
- ☉ One or a traditional therapist: a term for any person recognized by the community in which she lives as competent to provide health care based on the concepts of disease and disability prevailing in the said community. These Traditional Healers are designated by different names depending on the region. A full list and details will be made by the Enforcement Decree of the Act;
- ☉ one or Herbalist: a term for anyone selling medicinal plants;
- ☉ one or Medical-druggist: a term for anyone who sells medicinal substances other than plants (animal or mineral origin).

Naturopathy and other complementary therapies law: Naturopathy, homeopathy, osteopathy, and acupuncture are regulated by the same public health code (**Law N° 2011 – 002**).

Article 72.- No person may practice the profession of physician acupuncturist (trice) of odonto oral surgeon and midwife if it is nationality Malagasy, holder of diplomas or certificates recognized by the Malagasy State, and registered in the Roll of the Order concerned.

Article 97.- The practice of HOMEOPATHY and OSTEOPATHIE, individually or in combination, is legally permitted and recognized in Madagascar by the provisions of this Code.

Article 98.- Under the terms of this Code is meant by:

- Homeopath: a physician who received training in homeopathy, the original processing method developed by Hahnemann in 1790 and based on the principle of pharmacological reversal of infinitesimal dose-effect or law of similars. In essence, homeopathic techniques enable a holistic and individualized therapeutic approach.

An osteopath is any person having received training in osteopathy, a manual therapy method developed in 1874 by Andrew T. STILL drawing on his observations and his knowledge of anatomy.

3.7 Malawi

Traditional medicine law: There is currently no specific information available regarding laws that regulate traditional medicine and naturopathy. However, the Medical Practitioners and Dentists Act Chapter 36:01, which was assented to on August 28, 1987, and came into effect on February 5, 1988, permits the practice of African traditional medicine. This version of the Act has been revised and consolidated in the Fourth Revised Edition of the Laws of Malawi (L.R.O. 1/2015) by the Solicitor General and Secretary for Justice, under the authority of the Revision of the Laws Act (Malawilli, 2014).

The long title of the Act states: *“An Act to provide for the establishment of the Medical Council of Malawi, the registration and disciplining of medical practitioners and dentists, the licensing of private practice of medical practitioners and dentists, the regulation of training within Malawi of medical personnel and generally for the control and regulation of the medical profession and practice in Malawi and for matters incidental to or connected therewith.”*

Section 61 emphasized that African systems of therapeutics allowed. *“Nothing contained in this Act shall be construed to prohibit or prevent the practice of any African system of therapeutics by any person in Malawi: Provided that nothing in this section shall be construed to authorize the performance by a person practicing any African system of therapeutics of any act which is dangerous to life”.*

No law found to regulate naturopathy and other complementary therapies.

3.8 Mauritius

Traditional medicine law: The Ayurvedic and Other Traditional Medicines Act 37 of 1989 revised 3rd September 1990 is the principal that regulates Ayurvedic and other traditional medicine in Mauritius (The Ayurvedic and Other Traditional Medicines Act of 1989).

The Act (Mauritius Go, 1990) interpretation sections define "Ayurvedic medicine" as an Indian system of medical practice.

Traditional medicine in this act is defined as "*the practice of systems of therapeutics according to homeopathy, Ayurvedic, and Chinese methods*".

Section 24 places illegality on any practitioner who uses any title that is not recognized by the Act.

Section 25 also mandates only titles authorized by the Minister are supposed to be used by the practitioners.

Also, once your name is removed from the registered, you are banned from practicing traditional medicine.

Section 27 also provides the regulations for the minister to make the requirement for education qualification to practice traditional medicine; the scope of practice and the universities to be recognized to deem to graduate from to practice traditional medicine.

Section 13 also mandates that the minimum qualification needed to practice traditional medicine is a Diploma.

Hence, Naturopathy is also regulated by The Ayurvedic and Other Traditional Medicines Act 37 of 1989 revised on 3rd September 1990.

Other complementary therapies law (Mauritius LS, 2023): The Allied Health Professionals Council ACT 2017 Act No. 9 of 2017 regulates only Chiropractors and Osteopaths (The Allied Health Professionals Council ACT 2017).

Chiropractors and Osteopath are regarded as allied health professionals and regulated under the General Chiropractor: One needs a Chiropractic degree (BAC or HSC + 5-6 years

study) issued by an institution accredited by the Council on Chiropractic Education (CCE) Europe, USA, Canada or Australia (2) Chiropractic Specialist A General Chiropractor qualification and Post-graduate Diploma (2 years issued by a recognized Board of Specialist Chiropractors or Master's Degree (3 years) issued by an institution accredited by the Council on Chiropractic Education (CCE) Europe, USA, Canada or Australasia (World Chiropractic Federation, 2021).

Osteopath: Minimum of 4 years of study for a Diploma in Osteopathy from a recognized osteopathic training school approved by the Ministry of Health of the country in which courses are dispensed

3.9 Mozambique

Though a national policy exists (WHO, 2005), no law exists to regulate both traditional and alternative complementary practices.

3.10 Namibia

Traditional medicine law: Two public policy documents acknowledged traditional healers – the National Health Policy Framework (MHSS 2010a) and the Community-Based Health Care (CBHC) Policy (MHSS 2009, 2007) (Meincke, 2018).

There exists a Namibian traditional medicine programme within the Department of Primary Health Care of the Ministry of Health and Social Services (MHSS) (Meincke, 2018).

In the case of the National Health Policy Framework, the definition of traditional medicine was regarded as one of the alternative medicine systems, that is cemented on culture.

Traditional healers previously were given the needed recognition as a profession by the Allied Health Services Professions Act in 1993 under 'any other profession' relevant to healthcare provision. This led to the creation of the Traditional Medical Practitioners Board. The board was later dissolved after the amendment of the Allied Health Services Professions Act in 1993 as the amendment did not recognize them to be regarded as allied health professionals (Meincke, 2018).

There is a draft proposal in 2010 for the development of the Traditional Health Practitioners Bill. This bill intends to set up the National Traditional Health Practitioners Council (Meincke, 2018).

In the absence of a law on tradition, The Namibia Eagle Traditional Healers Association (NETHA) established in 1990, provides self-regulation.

Naturopathy and other complementary therapies law: On the other hand, the Allied Health Professions Act 7 of 2004 (Act No. 7 of 2004) Section 55 is the principal law that regulates naturopathy in Namibia (Centre LA, 2004). The act also regulates homeopaths, chiropractors, osteopaths, and other complementary practitioners in Namibia.

The long title of the Act states that it: *“provides for the establishment and constitution of a professional Council for the allied health professions; to determine the powers, duties, and functions of such Council; to regulate the registration of persons practicing the allied and complementary health professions; to specify the education, training, and qualifications of persons practicing such professions; to prohibit the practicing of such professions without being registered; and to provide for matters incidental thereto”.*

Furthermore, there a specific Regulations relating to the Scope of Practice of a Naturopath enshrined in Government Notice 351 of 2022 (GG 7951) that came into force on the date of publication: 10 November 2022.

The Government Notice which publishes these regulations notes that they were made on the recommendation of the Allied Health Professions Council of Namibia. It also repeals the regulations contained in GN 90/ 2014 (GG 5503).

The law defines “Naturopathy” to means a *“system of healing, treating diseases and promoting health in which neither surgical nor medical agents are used, but which is based on the use of - (a) non-toxic natural substances, other than medicines; and (b) the human body’s inherent biological healing mechanisms to self-heal, for the treatment of a disease.”*

Also, there is a Regulation relating to the Minimum Requirements of Study for Registration as a Naturopath in Government Notice 73 of 2011 (GG 4730) that came into force on the date of publication: 8 June 2011. In this subsidiary legislation, the minimum requirement to practice naturopathy is a degree or a Diploma in Naturopathy with not less than 5 years of study from an accredited university.

The regulations further recognized schools such as the University of the Western Cape and, the

Republic of South Africa-Bachelors Degree in Science: Complementary Medicine (Naturopathy).

3.11 Seychelles

Traditional medicine law: No legislative regulations exist for traditional and alternative medicines. Though, national policies are being developed (WHO, 2005).

Naturopathy and other complementary therapies law: In Seychelles, Acupuncturists are regulated under the Health Professionals Act which came into force on 20th June 2006 and later consolidated on 30th June 2012. The act did not recognize Naturopaths, homeopaths, and other complementary healers.

3.12 South Africa

Naturopathy and other complementary therapies law: The Health Professions Act 56 (South Africa) 1974 No. 31825 was amended in 2009 to include rule 8A, which created a framework for practitioners to collaborate with other registered professionals under the Act. However, this regulation did not extend to recognizing complementary practitioners as part of the public health system.

Over time, the Chiropractors, Homeopaths, and Allied Health Service Professions Council evolved into the Allied Health Professions Council of South Africa in 2000. This council underwent further amendments and was published in Government Gazette No. 21825 of 2000, leading to its enactment as the Allied Health Professions Act 63 (South Africa) R127 2001 No. 22052.

It facilitated the establishment of professional boards, enabling naturopaths and others to register with their respective boards. The previous legislation, the Associated Health Service Professions Act 63 (South Africa) 1982 No. 8160, also provided for legal recognition and registration, leading to the creation of the Associated Health Services Professions Board. Under this law, individuals registered in 1974 were permitted to re-register as part of the savings and transitional provisions (Ericksen-Pereira, 2020).

However, the law did not allow for new registrations of naturopaths after 1982. The register was subsequently opened to

chiropractors and homeopaths with the enactment of the Associated Health Service Professions Amendment Act 105 (South Africa) 1985 No. 9867. This amendment granted the new board the authority to oversee and regulate the education of allied registered practitioners (Ericksen-Pereira, 2020).

Training courses for chiropractors and homeopaths were approved by the Minister of Education in 1987, with classes commencing in 1989 (Ericksen-Pereira, 2020).

Currently, the Allied Health Professions Act 63 of 1982, as amended, serves as the legal framework regulating naturopaths, homeopaths, chiropractors, and other complementary medicine practitioners in South Africa. This legislation consolidates several earlier laws, including the Chiropractors Act 76 of 1971, the Chiropractors Amendment Act 96 of 1972, the Homeopaths, Naturopaths, Osteopaths, and Herbalists Act 52 of 1974, the Chiropractors Amendment Act 20 of 1976, the Health Laws Amendment Act 20 of 1977 (Sections 4 to 8), and the Homeopaths, Naturopaths, Osteopaths, and Herbalists Amendment Act of 1980 (The Allied Health Professions Council of South Africa, 2015).

The Act established the Allied Health Professions Council of South Africa (AHPSCSA) as a statutory body responsible for regulating all allied health professions, including Ayurveda, Chinese Medicine and Acupuncture, Chiropractic, Homeopathy, Naturopathy, Osteopathy, Phototherapy, Therapeutic Aromatherapy, Therapeutic Massage Therapy, Therapeutic Reflexology, and Unani-Tibb.

The long title of the act states: *“To provide for the control of the practice of allied health professions, and for that purpose to establish an Allied Health Professions Council of South Africa and to determine its functions, and to provide for matters connected therewith”*.

The act also defines ‘allied health profession’ “means the profession of ayurveda, Chinese medicine and acupuncture, chiropractic, homeopathy, naturopathy, osteopathy, phytotherapy, therapeutic aromatherapy, therapeutic massage therapy or therapeutic reflexology, or any other profession contemplated in section 16(1) to which this Act applies.”

The Act did not provide a clear definition of naturopathy. However, it established various

professional bodies to oversee the profession, including the Professional Board for Homeopathy, Naturopathy, and Phytotherapy (PBHNP). The Act permits the registration of students enrolled in accredited institutions as students and interns and outlines the educational requirements for registration. For individuals who obtained their qualifications outside South Africa, registration is permitted if those qualifications would enable them to obtain a license to practice in their respective countries.

3.13 New Developments in South Africa

In its current form, the Allied Health Professions Act 63 of 1982, as amended, still lacks a legal definition of naturopathy (1982 ah, 2015; Africa TA, 2015). After 42 years, a clearer definition was introduced through Section 38 of the Act, which allows the Minister to create regulations based on the recommendations of the Council, as published in the Gazette on February 9, 2024. These regulations are cited as the Regulations Relating to the Profession of Naturopathy (2023).

It defines naturopathy as” As a system of medicine that involves the diagnosis and treatment of a physical or mental defect, illness, disease, deficiency or abnormality in any person, or in the promotion and maintenance of health based on a holistic approach which uses the healing power of nature to stimulate the body’s ability to heal itself supported by natural and traditional medicine systems, together with the use of various therapies, including, but not limited to, nutritional and herbal therapy, hydrotherapy, thermal therapy, massage therapy, exercise therapy, vibration therapy, reflex therapy, light therapy, electrotherapy, and magnetic therapy.”

The regulation provides a clear definition of the modalities that constitute naturopathy in South Africa, outlining the scope of practice. Naturopathy’s diagnostic scope extends beyond conventional methods like laboratory tests, diagnostic imaging, and clinical examinations. It also encompasses naturopathic diagnostic and assessment tools, such as iridology, provided the practitioner is qualified to utilize them.

In South Africa, naturopaths have a broader authority to prescribe naturopathic substances approved by their Council. Additionally, the law allows naturopaths to incorporate other recognized naturopathic substances into their practice if they are acknowledged in literature or

referenced in any other naturopathic legislation or Council outside South Africa.

Traditional medicine law: Traditional healers in South Africa are also regulated by the Traditional Health Practitioners Act No. 22 of 2007. The Act came into force on 7 January 2008 after receiving Presidential assent and establishing the Traditional Health Practitioners Council of South Africa (Government SA, 2007).

The Act allows the Minister to make regulations on the minimum educational requirements for training and prior registration. The training could be under a traditional tutor or educational institution.

3.14 United Republic of Tanzania

Unified law: The United Republic of Tanzania has Traditional and Alternative Medicine No. 23 of Act 2002 that regulates both traditional and Alternative Medicines and established the Traditional and Alternative Health Practice Council.

The long title of the Act states: *"An Act to make provisions for promotion, control, and regulation of traditional and alternative medicines practice, to establish the Traditional and Alternative Health Practice Council and to provide for related matters"*.

The Act defines an alternative health practitioner" as *"a person formally trained and has acquired knowledge, skills and competence in alternative medicine practices and disciplines as recognized internationally"*;

"alternative medicine" means *"the total sum of knowledge and practice used in diagnostic, prevention and elimination of physical, mental and social imbalance relying exclusively on various established alternative medicine system of respective disciplines"*;

"traditional health practitioner" means a person who is recognized by the community in which he lives as competent to provide health care by using plants, animals, mineral substances, and other methods based on the social, cultural, and religious background as well as on the knowledge, attitudes, and beliefs that are prevalent in the community regarding physical, mental and social well being and the cause of disease and disability; *"traditional medicine" means a total combination of knowledge and*

practice, whether applicable or not, used in diagnosing, preventing or eliminating a physical, mental or social disease and which may rely exclusively on experience and observation handed down from one generation to another orally or in writing;

The Act has no educational requirement to practice traditional medicine. However, for alternative medicine, the mandate is that a degree or certificate is needed to practice alternative medicine from an accredited school.

3.15 Zambia

Traditional medicine law: The Health Professions Act. No 24 of 2009 regulates osteopaths only and not other complementary practitioners.

For traditional and alternative medicine there is a proposed draft bill (Zambia Po, 2009).

3.16 Zimbabwe

Traditional medicine law: Traditional medicine is regulated by the Traditional Medical Practitioners Act [Chapter 27:14]. The law came into force on 16th October 1981, except for s. 31 (2) and (3): 1st June 2000. The Act established the Traditional Medical Practitioners Council.

The long title states *" AN ACT to establish a Traditional Medical Practitioners Council; to provide for the registration and regulation of the practice of traditional medical practitioners; and to provide for matters incidental to or connected with the foregoing."*

The law defines the practice of traditional medical practitioners as *" means every act, the object of which is to treat, identify, analyze or diagnose, without the application of operative surgery, any illness of body or mind by traditional methods."*

The Act specifies the title to be given to the practitioners. Section 32 mandates practitioners to use the title "Registered Traditional Medical Practitioner" or by the initials "R.T.M.P." It also gives a platform for those giving honorary traditional medicine practice titles to use "Honorary" or the abbreviation "Hon."

Naturopathy and other complementary therapies law: There is a different law for naturopathic practitioners and others outside traditional medicine (zw Lc, 2020).

The Health Professions Act Chapter 27: 19, Act 6/2000, 22/2001 (s. 4), 14/2002 (s. 43), 28/2004 (s. 29), provided the framework for the regulations of naturopaths, homeopaths, chiropractors, and others.

Section 37 of Part VI of the Act established the Natural Therapists Council of Zimbabwe; to provide for the registration and regulation of the practice of homeopaths, naturopaths, and osteopaths in Zimbabwe, and to provide for matters incidental to or connected with the foregoing.

The second objective is to explore which countries have distinct laws on naturopathy:

Lesotho, for instance, classifies naturopaths as natural therapeutic practitioners under its Act, while the Herbalist Council oversees traditional medicine practitioners.

Eswatini lacks a legislative framework for traditional medicine but has a distinct law governing naturopaths, which are regulated by the Medical and Dental Council under the Health Professions Act.

Table 1. Southern African countries with identifiable laws on traditional and alternative medicines

S/N0.	African Countries	Law on (Naturopathy)	Law on Traditional Medicine
1.	Botswana	Associated Health Professionals Act, 17 of 2001	N/A
2.	Comoros	N/A	Public Health code (Title III)
3.	DR. Congo	N/A	Decree of 19 th March, 1952
4.	Eswatini	Medical and dental practitioners Act, 1970 (regulation 1978 on control of natural therapeutics)	N/A
5.	Lesotho	Natural Therapeutic Practitioners Act of (1976)	Universal Medicinemen and Herbalist Council Act (1978)
6.	Madagascar	Public Health code (law no. 2011.002) with the Health Code.	Public Health code (law no. 2011.002) with the Health Code.
7.	Mauritius	Ayurvedic and other traditional medicine Act 37 of 1989 revised 3 rd September 1990 Allied Health Professionals Council Act no.9 of 2017 for only Chiropractic and Osteopaths.	Ayurvedic and other traditional medicine Act 37 of 1989 revised 3 rd September 1990
8.	Namibia	Allied Health Professions Act 7 of 2004	N/A
9.	Seychelles	Health Professionals Act 2006 for only acupuncturists	N/A
10.	South Africa	Allied Health Professions Act 63 of 1982 Regulations Relating to the Profession of Naturopathy (2023)	Traditional Health Practitioners Act no.22 of 2007
11.	Tanzania	Traditional and Alternative medicine no. 23 of Act 2002	Traditional and Alternative medicine no. 23 of Act 2002
12.	Zambia	The Health Professions Act no. 24 of 2009 for only Osteopaths	N/A
13.	Zimbabwe	The Health Professions Act Chapter 27:19, Act 6/2000, 22/2001 (s.4), 14/2002 (s.43), 28/2004 (s.29)	Traditional Medical Practitioners Act 1981 chapter 27:14

Source: Author's Construct- Tab 1-Southern African countries have distinct laws on Naturopathy & Traditional Medicine

N/A-means not applicable

In Botswana, naturopaths are recognized as associated health professionals under the Botswana Health Professions Act, although there is no regulatory framework for traditional medicine practitioners.

Zimbabwe has specific legislation that regulates naturopaths and other complementary therapy practitioners under the Health Professions Act. Traditional medicine practitioners are governed by the Traditional Medical Practitioners Act.

Zambia only regulates osteopaths under the Health Professions Act, with no legislative framework in place for naturopathy or other traditional complementary medicine practitioners.

In South Africa, naturopaths are recognized as allied health professionals and are regulated under the Allied Health Professions Act. Traditional medicine practitioners are regulated separately under the Traditional Health Practitioners Act.

Lastly, in Namibia, naturopaths are also considered allied health professionals and are regulated under the Allied Health Professions Act, while traditional healers operate without a legislative framework. However, Namibia has successfully developed its laws using regulatory sections.

4. CONCLUSION

The legislative regulatory frameworks for traditional medicine and naturopathy in the Southern African region vary significantly. Some countries define modalities such as homeopathy, osteopathy, and ayurveda as part of traditional medicine. Despite these differences, naturopathic practices tend to emphasize more scientific approaches, while traditional medicine remains closely tied to specific cultural practices within each country. Notably, traditional medicine practitioners may utilize the same healing modalities as naturopathic practitioners.

5. RECOMMENDATIONS

This paper aims to propose recommendations for legislative regulations regarding naturopathy and other traditional complementary medicine practices in the Southern African region.

I recommend that countries lacking a clear definition of naturopathy should establish one.

Additionally, it is essential to protect the titles of traditional medicine practitioners through statutory measures. Finally, South Africa's legislative regulatory framework can serve as a model for other countries, providing a roadmap for integrating traditional and alternative medicine into their own regulatory frameworks.

CONSENT AND ETHICAL APPROVAL

It is not applicable.

DISCLAIMER (ARTIFICIAL INTELLIGENCE)

Author(s) hereby declare that NO generative AI technologies such as Large Language Models (ChatGPT, COPILOT, etc.) and text-to-image generators have been used during the writing or editing of this manuscript.

COMPETING INTERESTS

Author has declared that no competing interests exist.

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Peer-review history:
The peer review history for this paper can be accessed here:
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