



NCRST
NATIONAL COMMISSION
ON RESEARCH SCIENCE & TECHNOLOGY

Terms of Reference of the Indigenous Knowledge System Council

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1. Introduction

The National Commission on Research, Science and Technology (NCRST) is a State Owned Enterprise established in terms of Section 4 of Research, Science and Technology Act, 2004 (Act No. 23 of 2004) with a primary role of promoting, coordinating, monitoring and developing of Research, Science and Technology in Namibia. The NCRST, together with various stakeholders have successfully facilitated the development of National Programme on Research, Science, Technology and Innovation (NPRSTI), which is designed to set out the national direction on RSTI for Namibia for the next 3 (three) years. In an effort to operationalize the NPRSTI, the NCRST has established a National Council on Indigenous Knowledge System (NIKSC) with an overall mandate to oversee the developmental of a National Indigenous Knowledge System agenda for Namibia.

Namibia has an extremely rich bio-diversity, which has remained largely unexplored. Coupled with that is extensive Indigenous Knowledge (IK) relating to the use of plants, water, and animal products, for the treatment of diseases, and as a source of food. With the arrival of western philosophy of development, the indigenous knowledge was haltered, suppressed, outlawed and neglected. It had become a taboo to practice or to promote the indigenous knowledge and its belief system. This knowledge was thus not further developed and protected, though the knowledge among the elders still remains. It is for these reasons that IK should be collected/recorded, analysed, stored, protected and preserved.

With the establishment of NIKSC, it's envisaged that the fragmented indigenous knowledge related activities in the country will be well coordinated and used/ facilitated to derive optimal socio-economic benefits that both improves the quality of lives and creates wealth for Namibians.

The Indigenous Knowledge Council (the "Council") is hereby established in terms of Section 19(1) of the Research, Science and Technology Act 23 of 2004 (the "Act") which state that "the Commission, from time to time in the prescribed manner and after consultation with the Minister, may establish one or more councils in the research, science and technology sector to perform such functions as prescribed and as may be assigned to it by the Commission. A council performs its functions under the supervision of the Commission". Thus, NIKS shall performs its functions as per Section 19 (1) of the Research, Science and Technology Act 23 of 2004.

2. Purpose/role

NIKS shall performs its functions as per Section 19 (1) of the Research, Science and Technology Act 23 of 2004. Thus, the NIKSC is expected to serve as an advisory council to the NCRST in a bid to safeguard the development and implementation of a National Agenda on Indigenous Knowledge

Systems and Technologies. Furthermore, the NIKSC is expected to provide strategic direction and guidance on policy issues pertaining to IKS matters. This may include the development and implementation of National IKS Policy and Strategy, ethics in Indigenous Knowledge (IK) research, and identification of IK activities relevant to Namibia, promotion of IK research and development, as well as gathering of Namibian IK related material.

3. Membership

The NIKSC consists of 5 members appointed by the Commissioners with prior approval by the Minister. Members appointed represents the following fields or sectors:

- a) Culture
- b) Health
- c) Natural sciences
- d) Social Sciences
- e) Law

2) The Members shall elect from their number a chairperson and a vice chairperson of the NIKSC at their first meeting.

A person is not eligible to serve as a member of the Council, if he or she:

- (a) is a member of the National Assembly of Namibia or a Regional Council established under section 2 of the Regional Councils Act, 1992 (Act No. 22 of 1992);
- (b) Is an un-rehabilitated insolvent
- (c) Is of unsound mind; or
- (d) Has been convicted of an offence involving an element of dishonesty, or of a contravention of any law relating to the protection of indigenous/traditional knowledge and expression of folklore, access and benefit sharing and intellectual property rights.

4. Term of office

- (1) Subject to section 6, a member holds office for a period of three years.
- (2) A member whose term of office has expired is eligible for reappointment at the expiration of that term.

5. Vacating of office and filling of vacancy

- (1) A member ceases to hold office if he or she -
 - (a) Becomes subject to a disqualification referred to in section 6;

- (b) Resigns from the council by giving a one month notice in writing addressed to the Commission;
 - (c) Being a member, has been absent from three consecutive meetings of the Council without the permission of the Chairperson of the Council or
- (2) The Commission may remove a member from office by notice in writing, if -
- (a) There is good reason for doing so;
 - (b) The member has been given reasonable opportunity of making representations to the Commission; and
 - (c) The Commission has consulted with the Council.

6. Remuneration

The members of the Council shall be remunerated in accordance with section 16 of Research, Science and Technology Act, 2004 (Act No.23 of 2004) and the directives as laid down by the State Owned Enterprise Governance Council Directives, under section 4(1)(d)(iii) of the State Owned Enterprise Governance Act, 2006 (Act No. 2 of 2006).

7. Quorum

- (6) At a meeting of the Council -
- (a) A majority of the members shall constitute a quorum;
 - (b) All questions are decided by a majority of votes of the members present and voting; and
 - (c) The member presiding has a deliberative vote and, in the event of an equality of votes, also a casting vote.

8. Invitation to Attend

8.1 The Chairperson, subject to the approval of the Council, may invite and allow any person, or representative of a body or organization, that in the opinion of the Chairperson has an interest in the functions of the sub-Committee or whom the Committee wishes to invite for any other purpose to attend a meeting of said committee, or any part of such meeting; and to take part in such discussions of the Committee.

8.2 A person, or representative of a body or organization referred to herein may not vote in respect of any decision taken by the Council at that meeting and must leave the meeting if so requested by the Chairperson.

9. Minutes

9.1 The Committee must ensure proper minutes of all proceedings are kept and submit copies of such minutes, duly certified by the Chairperson to the Council.

9.2 The NCRST Secretariat and or her or his designate shall minute the proceedings and resolutions of all Council meetings and record the names of all present and in attendance.

9.3 The Minutes of Council meetings shall be circulated promptly within 5 (FIVE) working days of the meeting to all members of the Council, unless a conflict of interest exists.

10. Frequency of Meetings

10.1 The council shall meet quarterly and at such other times as the Chairperson may direct

10.2 The chairperson shall convene the next meeting if for any reason a meeting determined by the Council cannot take place.

10.3 The chairperson may at any time, and shall upon receipt of a request in writing of at least three other members, convene a special meeting of the Council.

10.4 The chairperson or, in the absence of the chairperson, the deputy chairperson, must preside at a meeting of the Council and, if neither of them are present, the members present shall elect one of the member to preside at that meeting.

11. Notice of Meetings

11.1 The Chairperson shall call the Council meetings and the NCRST Secretariat shall notify the members of the Committee.

11.2 Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an Agenda of items to be discussed, shall be forwarded to each member of the Council, any other person required to attend and all other Commission members, no later than 3 (THREE) working days before the date of the meeting.

11.3 Supporting documents shall be send to Committee members and to other attendees as appropriate, at the same time as the notice of the meeting concerned.

12. Duties

12.1 To advice the Commission on any matter relating to IKS affairs.

12.2 Enhance, recognise, develop, promote the value and appreciate the role of indigenous Knowledge and Technology for development.

12.3 To facilitate and manage consultations & review processes on the development of national strategies, plans, policies and programmes on IKS in Namibia.

12.4 To encourage public participation in decision making while maintaining confidentiality of information.

12.5 To undertake or promote research in connection with IK research ethics.

12.6 To provide information and advice to, and liaise with, any Office/Ministry/Agency or other State Organ charged with or engages in any matters concerning IKS.

12.7 To facilitate the integration of IKS into the Education Curriculum.

12.8 To facilitate and advise on the process of collecting and sharing of information on IKS practices in Namibia.

12.9 To advice on IPR issues pertaining to IKS, storing (database) and protecting information and data.

12.10 To perform such other functions as are assigned by NCRST and as stipulated under the Research, Science and Technology Act, 2004 (Act 23 of 2004).

13. Reporting responsibility

13.1 The Chairperson shall report to the Commission on its proceedings after each meeting on all matters within its duties and responsibilities.

13.2 The Committee shall submit an “annual work plan” for the financial year for inclusion in the Annual Report.

14. General

The Council shall at least once a year review its own performance, constitution and terms of reference to ensure it is operating at maximum effectiveness and recommend any changes it considers necessary to the Commission for approval.

15. Authority

15.1 The Council is authorized by the Commission to obtain any information it requires from any employee of the Commission in order to perform its duties

15.2 The Council is authorized by the Commission at the expense of the NCRST to obtain any outside professional advice within any the budgetary restraints imposed by the NCRST to appoint consultants and to commission or purchase any relevant reports surveys or information which it deems necessary to fulfil its duties.

15.3 The Council may co-opt and engage as consultant any person who has expert knowledge of a matter which is before the Council for determination to attend the meeting of the Council and take part in deliberations in relation to that matter, but that person has no vote.

15.4 A decision taken by, or an act done under the authority of the Council is not invalid only because of a defect or irregularity in or in connection with the appointment of a member.

15.5 The council shall have the right to declare information arising at meetings as confidential.

15.6 The Council -

(a) May regulate its own proceedings;

(b) Must cause minutes of proceedings and decisions at each meeting of the Council to be kept; and

(c) Shall submit a copy of the minutes to the Commission and to the Minister as soon as possible after the minutes have been approved by the Council.

15.7 The minutes of proceedings and decisions of the Council shall be available for inspection by members of the public on such conditions and in such form as the Council may determine.

16. Validity of Decisions

A decision taken by this Council is not invalid by reason only of a vacancy on the committee; or the fact that a person who is not entitled to sit as a member of the Committee sat as such a member at the time when the decision was taken or the act was authorised, if the decision was taken or the act was authorised by the requisite majority of members who were present at the time and entitled to sit as members.

17. Impartiality

The Committee members shall act impartially in the performance of their respective functions in terms of the Act.

13. Disclosure of interest

(1) If a member of the Council has a direct or indirect financial or other interest in any matter which is the subject of consideration by the Council and which may cause a conflict of interests in the proper performance of his or her duties as such a member, he or she must disclose that interest to the Council as soon as is practicable after the relevant facts come to his or her knowledge.

(2) A person who has an interest referred to in subsection (1) -

(a) if he or she is present at a meeting of the Council at which the matter is to be considered, must disclose the nature of his or her interest to the meeting immediately before the matter is considered; or

(b) If he or she is aware that the matter is to be considered at a meeting of the Council at which he or she does not intend to be present, must disclose the nature of his or her interest to the chairperson of the Council before the meeting is held.

(3) A member of the Council who has an interest referred to in subsection (1) must not -

(a) Be present during any deliberation; or

(b) Take part in any decision, of the Council or the committee in relation to the matter in question.

(4) A disclosure by a member under this section must be recorded in the minutes of the relevant meeting of the Council or committee.

(5) A member who knowingly fails to comply with subsection (1), (2), or (3) commits an offence and is liable on conviction to a fine not exceeding N\$20 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and such imprisonment.

18. Delegation of powers and assignment of duties

The Council may in writing, on such conditions as it may determine, delegate or assign to the Secretariat, or any employee assisting the Secretariat, any power conferred or duty imposed on the Council by the Minister or Commission.

19. Financing of Council

(1) All expenditure incurred in the administration of this Council shall be defrayed by the Commission from the National Research, Science and Technology Fund established by section 23 of the Research, Science and Technology Act, 2004.

(2) All money -

(a) derived from any operations or activities undertaken in relation to the functions of the Council, including the sale of manuals, reference material, technical guidelines or other publications issued by the Council;

(b) Received by way of donation or grant made to the Council;

(c) Accruing to the Council from any other source, must be deposited in the National Research, Science and Technology Fund.

(3) Money accruing to the Council by way of donation or grant which is made or given for a specific project or programme, must be applied solely for that project or programme and any balance on completion of the project or programme must be dealt with as agreed between the Commission and the person or body that made the donation or grant.

20. Confidentiality

Council members or any other person who is or was involved in the administration of the council, may not disclose to any other person any confidential information acquired in the performance of any function whether before, during or after his/her involvement in the affairs of the Council, except for the purposes of the performance of his/her functions or when required to do so by any law or a court law.

21. Approval of this Document

This Document was approved by the Board/Commission in terms of Section 19 of the Research, Science and Technology Act, 2004 (Act No. 23 of 2004).