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**ACTS**

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**Act 2**

*Southern Sudan Research Council Act*

**2007**

**THE LAWS OF SOUTHERN SUDAN**

**THE SOUTHERN SUDAN RESEARCH COUNCIL ACT, 2007**

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## THE LAWS OF SOUTHERN SUDAN

### THE SOUTHERN SUDAN RESEARCH COUNCIL ACT, 2007

In accordance with the provisions of Article 59(2)(b) and 83(4) read together with Article 85(1) of the Interim Constitution of Southern Sudan (2005) the Southern Sudan Legislative Assembly with the assent of the President of the Government of Southern Sudan hereby enacts the following—

#### CHAPTER I

#### PRELIMINARY PROVISIONS

##### 1. Title and Commencement.

This Act may be cited as “The Southern Sudan Research Council Act, 2007 and shall come into force on the date of its signature by the President of the Government of Southern Sudan. *Signed on 20th December, 2007*

##### 2. Purpose.

The purpose of this Act is to provide for the establishment and management of the Southern Sudan Research Council as an independent public institution.

##### 3. Authority and Application.

- (1) This Act is made in accordance with the provisions of Article 41(2) (a) and Article 146 of the Interim Constitution of Southern Sudan, 2005.

- (2) The Southern Sudan Research Council shall operate within the Presidency of the Government of Southern Sudan.
- (3) The provisions of this Act shall apply throughout Southern Sudan in all matters related to research and the purposes for which it is made as stated herein.

#### 4. **Interpretations.**

In this Act, unless the context otherwise requires, the following words shall have the meanings assigned to them—

**“Council”** means the Southern Sudan Research Council;

**“Governing Council”** means the Governing Council of the Southern Sudan Research Council;

**“Chairperson”** means the Chairperson of the Southern Sudan Research Council;

**“President”** means the President of the Government of Southern Sudan;

**“Secretariat”** means the Secretariat of the Southern Sudan Research Council;

**“Specialised Committee”** means the Committee which conducts research or assists therein;

**“Secretary General”** means the Secretary General of the Southern Sudan Research Council; and

**“Law”** or **“Laws”** means the Laws of Southern Sudan.

**CHAPTER II****ESTABLISHMENT OF THE COUNCIL****5. Establishment.**

- (1) There shall be established a Council to be known as the Southern Sudan Research Council.
- (2) The Council shall be a body corporate with perpetual succession and shall sue and be sued.
- (3) The President of the Government of Southern Sudan shall be the Patron of the Council.
- (4) The Head Office of the Council shall be in Juba.

**6. The Structure of the Council.**

The structure of the Council shall be as follows—

- (a) Governing Council;
- (b) Secretariat;
- (c) Specialised Committees; and
- (d) Other Offices.

**CHAPTER III****FUNCTIONS, OBJECTIVES AND POWERS OF THE COUNCIL****7. The Functions and Objectives of the Council.**

The functions of the Council shall be to—

- (a) formulate a comprehensive policy and design programmes for scientific, engineering and technological research and direct its implementation to ensure efficiency and effectiveness in the management and utilization of human, natural and material resources;
- (b) initiate, promote, encourage and organise scientific research in its various aspects with a view to achieving socio-economic development;
- (c) set standards, priorities, regulations and protocols for research;
- (d) promote innovation, creativity and originality of thought and protection of intellectual property rights;
- (e) evaluate and validate research activities, methodologies, scholarships and teaching programmes;
- (f) monitor and ensure quality standards for centres of scientific documentation, statistics, information, computer centres and such other centres as shall be deemed necessary in collaboration with relevant institutions;
- (g) promote and ensure academic and research freedoms and independence;
- (h) mobilise resources for research;
- (i) promote external academic relations, and makes bilateral and multilateral research and academic protocols or agreements between the Government of Southern Sudan and other bodies;

- (j) lay down appropriate criteria for assisting the private sector to employ scientific research as means of improving the standard of performance and promoting production efficiency;
- (k) ensure that any form of aid or assistance related to research offered by local, national, regional and international organisations and institutions is geared towards achievement of the objectives and programmes of the Council;
- (l) within the framework of its competences, design programmes and priorities for providing aid to universities, research institutions, relevant institutes and other scientific societies in Southern Sudan;
- (m) give advice and provide consultation to the Government or any of its units or public corporations on any matter concerning scientific research and on such other matters which may facilitate the regulation of the rights of industrial ownership, patent rights and copyrights concerning researchers;
- (n) offers scholarships and award prizes to individuals, government institutions, public corporations, private sector and other societies in matters related to scientific research;
- (o) disseminate knowledge through the publication of its research findings through all forms be it written, audio, visual or otherwise; and
- (p) any other function relevant to research.

## **8. Powers of the Council.**

In furtherance of the said objectives, the Council may—

- (a) collect and disseminate information on all matters and exchange such information with other bodies having similar objectives;
- (b) bring together in research conference representatives of public, private and voluntary or civil society institutions, regional or international organisations and individuals;
- (c) cause to be written and printed or otherwise legally reproduced and circulated, such papers, conference proceedings, books, periodicals, magazines, pamphlets, leaflets, documents, films or recorded tapes (audio, visual, the internet or electronic networks) as shall further the said objectives;
- (d) researchers and employees of the Council may access and obtain such data as shall be required or incidental to their work from any public, private or voluntary institutions in Southern Sudan such institutions shall comply and assist in that process;
- (e) establish where necessary sub-offices;
- (f) raise, give, accept or reject donations, subscriptions and any gift of money, property or other assets;
- (g) arrange and provide for the holding of exhibitions, meetings, workshops, lectures, seminars, educational and training courses or programmes;
- (h) employ and pay any person or persons to supervise, organise and carry out the work of the Council; and
- (i) undertake all such other activities that are consistent with the laws of Southern Sudan.



**CHAPTER VI****THE GOVERNING COUNCIL OF THE  
SOUTHERN SUDAN RESEARCH COUNCIL****9. Composition of the Governing Council.**

- (1) The Governing Council shall be the highest policy making body of the Council, and shall consist of the following—
  - (a) The Chairperson;
  - (b) The Secretary General as an ex-officio member;
  - (c) Chairpersons of Education, Research, Science and Technology, and Development, Economy and Finance Committees of the Southern Sudan Legislative Assembly;
  - (d) five members representing academic and research institutions;
  - (e) six members representing relevant Ministries and public institutions;
  - (f) two members representing the Chamber of Commerce and private sector networks; and
  - (g) two members representing civil society networks.
- (2) The Chairperson and the Governing Council members shall be appointed by the President with the approval of the Southern Sudan Legislative Assembly for a tenure of five years.
- (3) After its formation and completion of its initial tenure, the Governing Council shall be appointed by the President with the recommendation of the Council and approval by the Southern Sudan Legislative Assembly.

- (4) Membership of the Governing Council may not exceed nineteen members.

## **10. Functions of the Governing Council.**

The Governing Council shall oversee the affairs of the Council in accordance with the provisions of this Act, and shall have the following functions—

- (a) Develop and formulate the policies and decisions of the Council.
- (b) Prepare and present the budget of the Council for passing and subsequent submission of the same to the relevant authorities for approval.
- (c) Submit progress reports to the President of the Government of Southern Sudan.
- (d) Exercise such powers, functions and carry out any other duty as shall further the interests of the Council.
- (e) Determine appointments and remunerations of the Secretariat.

## **11. The Functions of the Chairperson.**

The Chairperson shall, *inter alia*, have the following functions—

- (a) chair the meetings of the Governing Council and its General Meetings;
- (b) promote the Council and its activities regionally and internationally;
- (c) initiate such creative, innovative and visionary plans as shall further the work of the Council;

- (d) work closely with the Secretary General;
- (e) represent the Council in dealing with other institutions; and
- (f) carry out any other duties, exercise powers and perform functions as shall be assigned by the Governing Council.

## **12. Loss of Membership.**

A Governing Council member shall cease to be a member if—

- (a) he or she dies;
- (b) he or she is convicted of criminal act of dishonesty or moral turpitude;
- (c) he or she becomes incapable by reason of mental disorder, illness or serious injury;
- (d) he or she resigns his or her office by written notice to the Chairperson and accepted by the Council;
- (e) absent without notice for three consecutive meetings without any convincing reason; and
- (f) in the opinion of the Governing Council it appears that the member in question is acting in a manner detrimental or prejudicial to the well being of the Council.

## **CHAPTER V**

### **THE SECRETARIAT**

## **13. The Secretariat.**

The day to day general management of the affairs of the Council shall be carried out by the Secretariat which shall be the highest executive body of the Council.

**14. Powers and Functions of the Secretary General.**

The Secretary General shall be the chief executive officer of the Council and shall have the following powers and functions—

- (a) the Secretary General after consultation with the Chairperson may appoint such committees as may be deemed necessary, and shall determine their terms of reference, powers, duration and composition;
- (b) manage the assets of the Council and administer its financial and human resources in accordance with the regulations made under this Act;
- (c) ensure the efficient and effective day to day running of the Council;
- (d) oversee the effective and timely implementation of policies, programmes coordination and planning of the Council's activities;
- (e) assist the Chairperson in exercising and carrying out the powers and functions assigned to him or her by this Act;
- (f) ensure the efficient and cost-effective management of the Council resources;
- (g) maintain accurate records of the Council activities; and
- (h) carry out any other duties as shall be assigned by the Governing Council.

## CHAPTER VI

## THE SPECIALISED COMMITTEES

## 15. Specialised Committees.

- (1) The Governing Council may establish, merge or dissolve Specialised Research Committees in various fields of research as it may deem fit and such Committees shall include, but not limited to, the following—
  - (a) **‘Social and Economic Research Committee’** shall be the body overseeing social and economic research to be conducted on all aspects of the humanities or social sciences concerned with the people of Southern Sudan;
  - (b) **‘Science and Technology Research Committee’** shall be the body concerned with research in all aspects of science, engineering and technology;
  - (c) **‘Agricultural Research Committee’** shall be the Committee to research on activities concerned with the agricultural sector;
  - (d) **‘Industrial and Environmental Research Committee’** shall be concerned with research related to the environment and industrial development;
  - (e) **‘Business and Enterprise Research Committee’** shall be concerned with research activities into business, enterprise, trading development and relations within Southern Sudan and the rest of the world;

- (f) **‘Health and Socio-Behavioural Research Committee’** shall be concerned with research activities into the medical and healthcare services within Southern Sudan;
  - (g) **‘Arts Research Committee’** shall be set up as a body to oversee research activities into arts, artefacts and artistic expressions;
  - (h) **‘Gender Research Committee’** shall be concerned with gender research activities; and
  - (i) **‘Language Research Committee’**, shall be concerned with language research and studies.
- (2) The Council may establish other Specialised Committees as it may deem fit.

## CHAPTER VII

### FINANCIAL PROVISIONS

#### 16. Sources of Financing.

The financial sources of the Council shall be the following—

- (a) Funds appropriated to the Council by the Government of Southern Sudan;
- (b) Fees collected by the Council in the course of providing services;
- (c) Grants, donations, gifts and wills;
- (d) Money borrowed by the Council as shall be determined by the by-laws; and

- (e) Income generated from royalties, patents and such other sources.

## **17. Financial Management.**

The Council shall comply with the financial management regulations with regard to—

- (a) keeping of accounting records;
- (b) preparation of the annual final accounts;
- (c) having an independent budget;
- (d) preparing annual budget;
- (e) annual auditing of the accounts by the Southern Sudan Audit Chamber;
- (f) opening and proper management of all accounts; and
- (g) issuing cheques and other financial instruments, in operating bank accounts in the name of the Council.

## **CHAPTER VIII**

### **GENERAL PROVISIONS**

## **18. General Provisions.**

Subject to the provisions of this Act:—

- (1) The Governing Council may make such regulations as it may deem necessary or convenient for the proper conduct and management of the Council, and without prejudice to the generality of the foregoing the Governing Council may provide in such regulations for—

- (a) duties, procedures, powers and composition of the Specialised Committees;
    - (b) terms and conditions of employment; and
    - (c) regulation of meetings.
  - (2) All by-laws or regulations of the Council shall be consistent with this Act.
  - (3) All researches, studies, inventions and discoveries made by the researchers of the Council in the course of carrying out their duties or in connection with their performance shall be the property of the Council and shall not be published or reproduced without the written consent of the Governing Council according to international copyright laws and standards.
  - (4) The employees of the Council shall protect the property of the Council from any misuse, loss or damage.
  - (5) Any member of the Governing Council, Specialised Committee or an employee of the Council shall not divulge any confidential information acquired during the course of his or her duty.
  - (6) An amendment to this Act may be initiated by a two third majority of the Council Members at a General Meeting and approved by the Southern Sudan Legislative Assembly.
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