

**Act 2**

*Kush Institution Act*

**2008**

**LAWS OF SOUTHERN SUDAN**

**THE KUSH INSTITUTION ACT, 2008**

**CHAPTER I  
PRELIMINARY PROVISIONS**

1. Title and Commencement.
2. Purpose.
3. Authority and application.
4. Interpretation.

**CHAPTER II  
ESTABLISHMENT OF THE INSTITUTION**

5. Establishment.
6. The Structure of the Institution.

**CHAPTER III  
FUNCTIONS, OBJECTIVES AND POWERS OF THE  
INSTITUTION**

7. The Functions and Objectives of the Institution.
8. Powers of the Institution.

**CHAPTER IV  
THE GOVERNING COUNCIL OF THE KUSH INSTITUTION**

9. Composition of the Governing Council.
10. Functions of the Governing Council.
11. Loss of Governing Council Membership.

**CHAPTER V  
THE POLICY STUDIES COUNCIL**

12. The Policy studies Council.

**CHAPTER VI  
GENERAL MEETINGS OF THE INSTITUTION**

13. The Institution's Meetings.

**CHAPTER VII  
FINANCIAL PROVISIONS**

14. Sources of Financing.
15. Financial Management.

**CHAPTER VIII  
GENERAL PROVISIONS**

16. General Provisions.

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**LAWS OF SOUTHERN SUDAN****THE KUSH INSTITUTION ACT, 2008**

**In accordance with the provisions of Article 59(2) (b) and 85 (1) read together with Articles of the Interim Constitution of Southern Sudan, 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 Kush Institution Act, 2008”, and shall come into force on the date of its signature by the President of the Government of Southern Sudan. *Signed on 23rd January, 2008*

**2. Purpose.**

The purpose of this Act, is to provide for the establishment and management of the Kush Institution as an independent public strategic research and policy studies institution.

**3. Authority and application.**

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

- (2) The Kush Institution shall operate under the Presidency of the Government of Southern Sudan, and the provisions of this Act shall apply throughout Southern Sudan.

#### 4. Interpretation.

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

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

**“Institution”** means the Kush Institution;

**“Governing Council”** means the Governing Council of the Kush Institution;

**“Chairperson”** means the Chairperson of Kush Institution;

**“Policy Studies Council”** means the Policy Studies Council of the Kush Institution;

**“Director General”** means the Director General of the Kush Institution; and

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

## CHAPTER II

### ESTABLISHMENT OF THE INSTITUTION

#### 5. Establishment.

- (1) There shall be established an institution to be known as “the Kush Institution”, and shall be a body corporate with perpetual succession and shall sue and be sued.

- (2) The President shall be the Patron of the Institution and may confer upon other individuals of high calibre and esteem such honorary membership.
- (3) The Head Office of the Institution shall be in Juba.

## **6. The Structure of the Institution.**

The structure of the Institution shall be as follows—

- (a) a Governing Council;
- (b) a Policy Studies Council;
- (c) specialized Research Units and Programmes; and
- (d) branches and local offices.

## **CHAPTER III**

### **FUNCTIONS, OBJECTIVES AND POWERS OF THE INSTITUTION**

## **7. The Functions and Objectives of the Institution.**

The Institution is, *inter alia*, established to—

- (a) carry out strategic and applied research, policy studies and policy analysis in matters which are of Sudanese, African and global interests or concerns;
- (b) provide original critical thinking and practical innovative solutions to inform the processes of social policy formulation, implementation and evaluation of public services and programmes;

- (c) conduct comparative strategic and applied research, policy studies and policy analysis whether independently or in collaboration with other research and policy studies, academic, private sector or civil society institutions;
- (d) manage specialised research units or programmes for the purpose of conducting the intended research and strategic policy studies;
- (e) provide consultancy, educational and training programmes or services as a development agency or otherwise to public, private, civil society, regional or international institutions; and
- (f) initiate or participate with others anywhere in the world on advocacy initiatives or activities, in furtherance of any specific policy or policies.

## **8. Powers of the Institution.**

In furtherance of the said objectives, the Institution may—

- (a) collect and disseminate information on all matters and exchange such information with other bodies having similar objectives, interest in research activities or results thereof;
- (b) bring together in conference representatives of public, private and voluntary or civil society institutions, regional or international organisations and individuals;
- (c) raise, and accept or reject donations, subscriptions and any gift of money, property or other assets, and established local offices;

- (d) 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;
- (e) researchers and employees of the Institution 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 and such institutions shall comply and assist in that process;
- (f) contribute towards the development and improvement of structured analytical thought, planning, public policy research, policy studies and law making capacities of the government structures through creativity and innovation;
- (g) ensure that the legislative, public policy formulation and implementation processes are based on research, latest attainable knowledge and evidence in terms of facts, figures and the vital strategic interests of Southern Sudan;
- (h) promote and protect the creation and sustainability of a thriving culture of strategic research that is participatory, representative and legitimate on the bases of the highest standards of practical and relevant theories and methodologies of strategic policy research, policy studies, applied research and innovations across the spectrum of public, private and civil society sectors;
- (i) arrange and provide for the holding of exhibitions, meetings, workshops, lectures, seminars, educational and training courses or programmes;

- (j) employ and pay any persons of the highest calibre to supervise, organise and carry out the work of the Institution, and ensure their being trained to the highest standards professionally, technically and academically; and
- (k) Undertake other relevant activities as are consistent with the laws of Southern Sudan.

## **CHAPTER IV**

### **THE GOVERNING COUNCIL OF THE KUSH INSTITUTION**

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

- (1) The Governing Council shall consist of the following—
  - (a) the Chairperson;
  - (b) five members elected annually from the wider categories of research memberships of the institution;
  - (c) a representative from each of the Ministry of Presidential Affairs, Cabinet Affairs, Internal Affairs, SPLA Affairs, Regional Cooperation and the Ministry of Finance and Economic Planning of the Government of Southern Sudan;
  - (d) a representative from each of the Education, Research, Science and Technology Committee, the Security and Public Order Committee, the Development, Economy and Finance and Regional and International Relations Committee of the Southern Sudan Legislative Assembly; and



- (e) the Director General as an ex-officio member and the Secretary of the Governing Council.
- (2) The Chairperson and the Governing Council members shall be appointed by the President with the approval of the Southern Sudan Legislative Assembly for tenure of five years.
- (3) After its formation and completion of its initial tenure, the Governing Council shall be recommended by the institution, appointed by the President with the approval of the Southern Sudan Legislation Assembly.
- (4) Membership of the Governing Council may not exceed seventeen members.
- (5) The Governing Council may co-opt up to a third of its members, and such members shall not have the power to vote.

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

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

- (a) exercise such powers, functions and carry out any other duties as shall further the interests of the institution;
- (b) develop and formulate the policies and approve activities of the institution, including research and other memberships' criteria and regulation;
- (c) submit progress reports to the President of the Government of Southern Sudan and the Southern Sudan Legislative Assembly;

- (d) prepare and present the budget of the institution for passing and subsequent submission of the same to the relevant authorities for approval;
- (e) the Governing Council shall formulate its own rules, regulations, functions and conduct of business, subject to approval by the Southern Sudan Legislative Assembly;
- (f) the Governing Council shall meet at least three times a year and ten members present shall constitute a quorum; provided that, decisions shall be taken by a simple majority.

## **11. Loss of Governing Council Membership.**

A Governing Council member shall cease to be a member if he or she—

- (a) resigns his or her office by written notice to and accepted by the Governing Council;
- (b) dies;
- (c) is absent without notice for three consecutive meetings without convincing reasons;
- (d) ceases to be a Governing Council member by virtue of any provision of laws or upon conviction of an offence under civil or criminal laws;
- (e) becomes incapable by reason of mental disorder, illness or serious injury;
- (f) if 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 Institution.

**CHAPTER V****THE POLICY STUDIES COUNCIL****12. The Policy Studies Council.**

- (1) The Policy Studies Council may propose the formation of such research units and programmes, as may be deemed necessary in any relevant area of specialisation.
- (2) The day-to-day general management of the affairs of the institution shall be directed by a policy studies which shall be the executive body of the institution.
- (3) Appointments and remunerations for the Policy Studies Council shall be determined by the Governing Council.
- (4) Manage the assets of the institution and administer its financial and human resources in accordance with the regulations made under this Act.
- (5) The functions, powers, rules, regulations and conduct of business of the Policy Studies Council shall be determined by the Governing Council of the Institution.

**CHAPTER VI****GENERAL MEETINGS OF THE INSTITUTION****13. The Institution's Meetings.**

- (1) The Institution shall hold an Annual General Meeting at such time and place as it shall be determined by the Governing Council; provided that at least 30 days' notice shall be given in writing by the Director General to each member.

- (2) At such Annual General Meeting the business shall include the consideration of an annual report of the work done by the institution, the audited accounts and the transaction of such matters as may from time to time be necessary.
- (3) All General Meetings other than Annual General Meetings shall be called Extraordinary General Meetings, and shall be chaired by the Chairperson.
- (4) The quorum at Annual and extraordinary General Meetings shall be by simple majority of its membership.
- (5) Decisions and Resolutions shall be made by consensus, and in the event of differing views voting shall be through show of hands, provided that in case of a tie, the Chairperson shall have a casting vote.

## CHAPTER VII

### FINANCIAL PROVISIONS

#### 14. Sources of Financing.

The financial sources of the Institution shall be the following—

- (a) Income generated from grants, donations, royalties, joint ventures and services.
- (b) Funds appropriated to the Institution by the Government of Southern Sudan.
- (c) Money borrowed by the Institution as shall be determined by the by-laws.

#### 15. Financial Management.

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

- (a) preparing an annual independent budget to be submitted to the Southern Sudan legislative assembly for approval;
- (b) opening and properly managing of bank accounts in the name of the institution; and
- (c) keeping of accounting records, preparation of annual accounts and for such annual accounts to be audited by the Southern Sudan Audit Chamber.

## CHAPTER VIII

### GENERAL PROVISIONS

#### 16. General Provisions.

Subject to the provisions of this Act—

- (a) The governing Council may make such rules and regulations as it may deem necessary or convenient for the proper conduct and management of the Institution, and without prejudice to the foregoing it may provide in such regulations for—
  - (i) duties, scope, procedure, powers and composition of the Specialised Research Units and Programmes;
  - (ii) terms and conditions of employment;
- (b) all by-laws, rules and regulations of the Institution shall be consistent with this Act;
- (c) any member of the Governing Council or employees of the Institution shall not divulge any information, which he or she had acquired during the course of their duties;

- (d) save as shall otherwise be determined by the by-laws all researches, studies and outcomes made by researchers of the Institution in the course of carrying out their duties, shall be the property of the Institution and shall not be published or reproduced without the written consent of the Governing Council;
  - (e) the employees of the Institution shall protect the property of the Institution from any misuse, loss or damage; and
  - (f) any 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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