



# Fair Research Contracting

Dr Albert van Jaarsveld

October 2012



# NRF Mandate – NRF Act



**Promote and support research**

**through**

**funding, human resource development** and the provision of the necessary research facilities

**in order to**

facilitate the **creation of knowledge**, innovation and development in all fields of science and technology, including indigenous knowledge

**and thereby to**

contribute to the **improvement of the quality of life** of all the people of the Republic

*NRF Act, No 23 of 1998*

# Contracting Process



- The process of signing agreements takes place at **government level** when two respective Ministers, dictated by a **mutual need for learning** from each other in matters of Science, Technology and Innovation sign a bilateral agreement.
- The document to be signed must meet the two legal processes in respective countries.
- Prior to implementation, a **Programme of Cooperation** will have to be signed and it will outline the details on how the implementation will take place. This is not a legal binding document, but should be viewed as a Memorandum of Understanding.

# SA: International Research Collaboration



## **Bi-nationals**

Country-to-Country  
Agreements for S&T  
cooperation

## **Focus on Africa**

Strengthening SA's  
engagement in S&T  
cooperation across Africa,  
in support of NEPAD

## **Bi-laterals**

Agency (NRF)-to-Agency  
Agreements for S&T  
cooperation, not flowing  
out of Binational Agreement

## **Memberships**

Payment of membership to  
international bodies to enable  
SA access to international pool  
of S&T knowledge

## **"Special Projects"**

Various international  
engagements not fitting the  
groupings indicated

## **ICSU National Secretariat**

Providing the secretariat for  
the SA ICSU National Board  
& its National Committees

# SA: International Research Collaboration (Bi-national)



Algeria

Argentina - **grow**

Brazil - **develop**

China - **expand**

Cuba

Flanders - **renewed**

France

Finland

Germany - **priority**

Hungary

India

IBSA - **grow**

Italy

Japan - **expand**

Kenya - **grow**

Mozambique - **grow**

Namibia - **develop**

Norway - **priority**

Poland

Romania

Russia - **grow**

Slovakia

**South Korea**

Spain

Sweden

Switzerland

Uganda - **new**

UK

USA

# Transferring Grants to other Countries – Challenges



- Transfer of funds across borders requires **permission from Treasury**
- Process takes **no less than three months**
- Where financial systems are out of sync, **reporting can be problematic**

# Entering into S & T Agreements



## NEGOTIATIONS - Governments

**S&T Agreement  
signed**

**Technical Visits**

**Programme of Action  
signed / reviewed**

## IMPLEMENTATION – Science Councils / NRF

# Typical Agreement Contents



## **Objectives:**

Parties shall promote and support development of cooperation in the fields of science and technology between countries on the basis of equality and mutual advantages.

## **Modalities of Cooperation, e.g.:**

Exchange of scientists, scientific and technological information and documentation, etc.

## **Competent Authorities:**

Ministries of Science and Technology of the respective Governments are designated as Competent Authorities responsible for facilitating the implementation of Agreements.

## **Joint Committees:**

A Joint Committee on Science and Technology, composed of representatives designated by respective Parties, shall be established. These Committees are tasked to identify priority fields of cooperation, create favourable conditions for the implementation of Agreements, facilitate the implementation of joint programmes, promote exchange of information, and review progress made.

## **Intellectual Property Rights:**

Implementation agreements / protocols shall give due consideration to protection and distribution of IPR resulting from the cooperative activities under the Agreement.



# Typical Agreement Contents



## **Implementing Agreements and Protocols:**

Parties shall promote under the framework of the Agreement scientific and technological cooperation between respective government agencies, research institutions, etc., including the signing of implementing agreements / protocols.

## **Equipment and Apparatus:**

The terms of supply and delivery of equipment required for joint research instituted in support of the Agreement shall be agreed upon in writing.

## **Exchange of Information:**

Parties shall promote cooperation among scientific libraries, centres of scientific and technological information, and scientific institutions for the exchange of books, etc.

## **Third Parties:**

No Party shall divulge information obtained by it or its personnel under the Agreement to any third party without the specific written consent of the other Party.

## **Financial Matters:**

Cooperative activity will be undertaken within the scientific remits and budgetary appropriations of both sides, and according to terms agreed upon between Parties.

# Typical Agreement Contents



## **Assistance and Facilities:**

Each Party shall, subject to the domestic law in force in its country and international obligations, extend to the assigned personnel of the other Party who stay in its territory, all assistance and facilities for the fulfilment of the tasks with which they are entrusted in accordance with the provisions of the Agreement.

## **Medical Matters:**

The sending Party shall ensure that all personnel visiting the other country within the ambit of the Agreement have the necessary resources, or that appropriate mechanisms are in place, to cover all expenses in the event of sudden illness or injury.

## **Entry into Force, Duration and Termination:**

The Agreement shall enter into force on the date of signature, and shall remain in force for 5 years whereafter it will be automatically extended for further periods of 5 years unless terminated by either Party, by giving 6 months notice through the diplomatic channel. Termination shall not affect completion of projects under the Agreement.

## **Amendment of Agreement:**

The Agreement may be amended by mutual consent of Parties through the diplomatic channel.

# SA: International Research Collaboration (Bilateral)



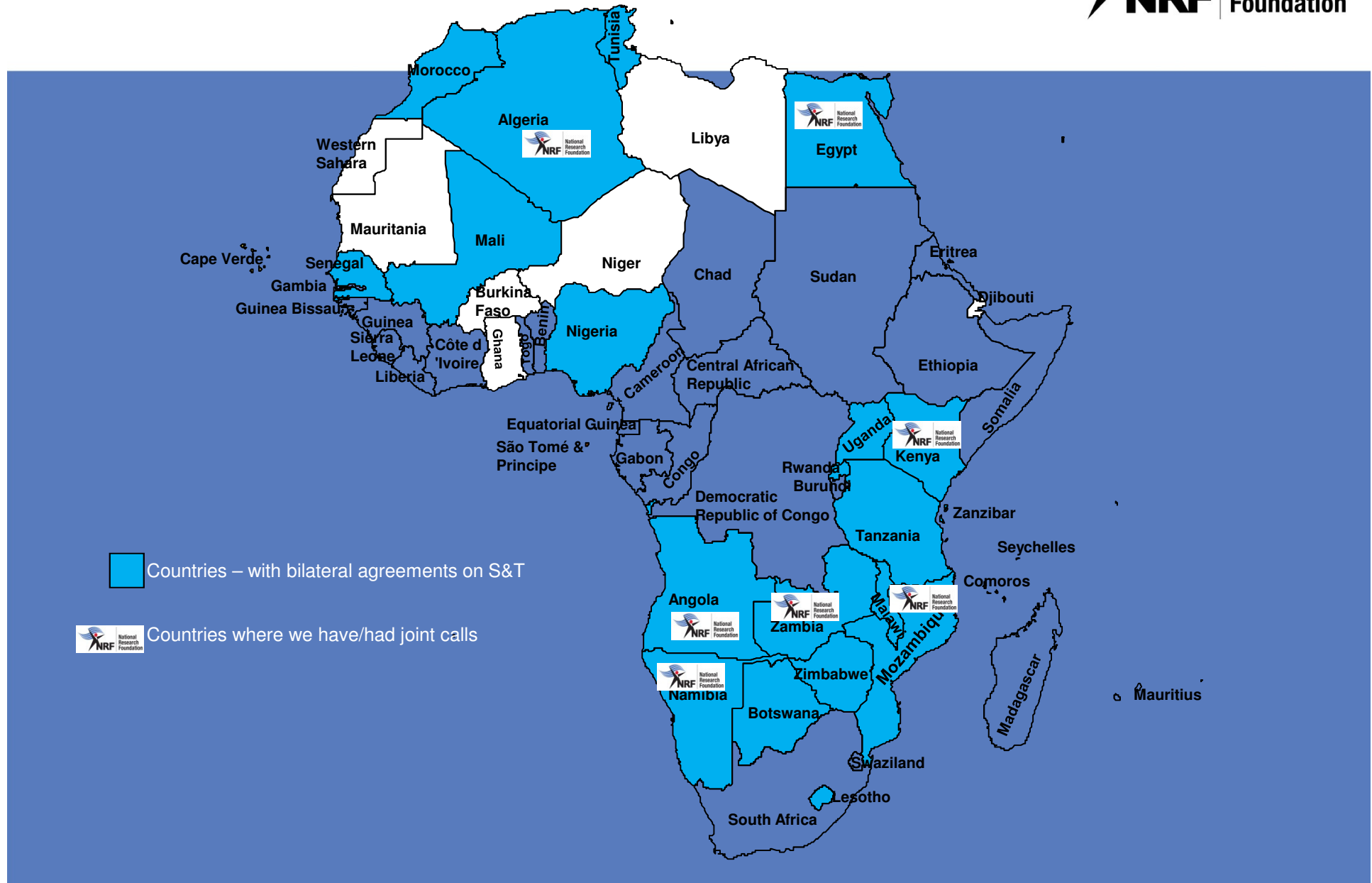
- **DFG:** research, education & training
- **DAAD:** post-graduate scholarships
- **CNRS:** research cooperation; multi-national research cooperation
- **ASCR:** research cooperation
- **NSF:** material sciences network
- **RS, UK:** mobility (dormant)
- **RFBR:** research cooperation
- **NSFC:** signed in 2010
- **FWO:** research cooperation

# SA: Africa Research Collaboration



- Programme of Action signed with Algeria and Egypt Namibia, Mozambique, Kenya, Uganda, Zimbabwe.
- Signed Agreement with Tunisia.
- New S&T Agreement with Tanzania.
- SADC Regional Research Cooperation re 'Climate Change'.
- Regional Science Service Centre [RSSC] Initiative – German funded by the BMBF over five years – to be launched 2011 – with the FRG, Namibia, Angola, Botswana, Zambia and SA as the lead countries with thematic foci of 'climate change, land-use management and water'.

# S & T Agreements



# Funding Instruments



Joint Calls for Proposals

Scholarships\* (new and exclusive)

Exchange Programmes

Regional Collaboration\*\* (under review)

Workshops, training, seminars, etc.

# Concluding remarks



- NRF is not a research performing body – agency
- Few African countries have counterpart national funding agencies
- NRF not inclined to sign or award research contracts
- Disparate legal systems
- Drive collaborations through cooperative agreements
- Numerous international partners leverage our agreements with African neighbours
  
- Leverage Political and Diplomatic commitment

**PARTNER** with us  
Realise the **POTENTIAL**



**Enkosi, Thank you,  
Re a leboga, Siyabonga,  
Dankie**

