
THE EAST AFRICAN COMMUNITY

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THE EAST AFRICAN COMMUNITY

THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA BILL, 2008.

MEMORANDUM.

The object of this Bill is to establish the Inter-University Council for East Africa.

It is an objective of the Community to rationalize and harmonise the Partner States' policies in the development of human resources, science and technology, through inter alia the co-ordination of human resources development policies and programmes; strengthening of existing and, where necessary, establish new common research and training institutions; development of such common programmes in basic, intermediary and tertiary education and general programmes for adult and continuing education in the Partner States as would promote the emergence of well trained personnel in all sectors relevant to the aims and objectives of the Community; revival and enhancement of the activities of the Inter-University Council for East Africa; identification and development of centres of excellence; the joint establishment and support of scientific and technological research and development and of institutions in the various discipline of science and technology. (Articles 102 - 103 of the Treaty).

The Community, in its Development Strategy 2001 - 2005, perceived the development of human resources by Partner States to be one of the fundamental bases for sustainable development of co-operation. Currently Partner States have varying education syllabi, certification and standardization. As background preparation for the attainment of a common market where the labour force will be moving freely in the region, the education syllabi and training standards shall be harmonized. Under this strategy the Partner States undertook to coordinate all human resource training programmes focusing on their development e.g. basic intermediary, tertiary and special education, adult and continuing education, full professional oriented training programmes at higher levels and vocational training.

In addition, the Partner States undertook to focus on the operationalisation of an East African Advisory Committee on Education, Research and Training; the harmonization of curricula, examination and certification and accreditation of education and training institutions, extension of support to the Inter-University Council for East Africa; and the promotion and development of Centres of Excellence at the institutions of higher learning.

In its institutional arrangements, the Bill establishes the Inter-University Council for East Africa and confers on the Council, corporate personality. The Bill also establishes the Governing Board as the governing body of the Council, and the Secretariat which shall serve as the Secretariat of the Council.

Funds of the Council shall comprise equal contributions by the Partner States in accordance with the budget drawn by the Governing Board and approved by the East African Legislative Assembly. Accounts of the Council shall be audited by the Audit Commission.

Finally the Bill makes provision for the privileges and immunities which the Partner States shall grant to the Council.

RT. HON. ERIYA KATEGAYA,
Chairperson, Council of Ministers.

THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA
BILL, 2008

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A BILL For an Act

ENTITLED

**THE INTER-UNIVERSITY COUNCIL FOR EAST
AFRICA ACT, 2008.**

**An Act of the Community to provide for the establishment
of the Inter-University Council for East Africa and for
other related matters.**

ENACTED by the East African Community and assented to
by the Heads of State.

PART I—PRELIMINARY

1. This Act may be cited as the Inter-University Council Short title
for East Africa Act, 2008.

2. In this Act, unless the context otherwise requires— Inter-
pretation

“Audit Commission” means the Audit Commission
established by Article 134 of the Treaty;

“Chairperson” means the Chairperson of the
Governing Board provided for under section 12;

“Community” means the East African Community
established by Article 2 of the Treaty;

“Council” means the Inter-University Council for East Africa established by section 3;

“Council of Ministers” means the Council of Ministers of the East African Community established by article 9 of the Treaty;

“Executive Secretary” means the Executive Secretary provided for under section 14;

“financial year” means a period of twelve consecutive months from 1st July to 30th June;

“Governing Board” means the Governing Board established under section 9;

“member universities” means the member universities of the Council provided for under section 5;

“Partner States” means the United Republic of Tanzania, the Republic of Kenya, the Republic of Uganda, the Republic of Rwanda, the Republic of Burundi and any other country granted membership to the community under Article 3 of the Treaty;

“Permanent Secretary” means a person occupying a position of Permanent Secretary in a Partner State, or an equivalent position by whatever name called;

“Secretary General” means the Secretary General of the East African Community;

“Treaty” means the Treaty establishing the East African Community and any annexes and protocols to it;

“Vice-Chairperson” means the Vice-Chairperson of the Governing Board provided for under section 11;

“Vice-Chancellor” means the executive head of a member university by whatever name called.

PART II—INSTITUTIONAL ARRANGEMENTS

3. (1) There is established a Council known as the Inter-University Council for East Africa.

Establishment of Inter-University Council for East Africa

(2) The Council is a body corporate with perpetual succession and a common seal and may—

- (a) acquire, hold and dispose of moveable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things as a body corporate may lawfully do.

4. (1) The purpose of the Council is to advise the Partner States on all matters related to higher education.

Purpose of Council

(2) Without limiting the generality of subsection (1), the Council shall help its members to contribute to—

- (a) meeting national and regional development needs;
- (b) resolving issues in every appropriate sector of activity of higher education in the Community; and
- (c) the development of human resource capacity in all disciplines of higher education in the Community.

5. (1) The Council shall consist of—

Membership of Council

- (a) universities, university colleges and other degree-awarding institutions; and

- (b) such other universities, university colleges and degree awarding institutions as may from time to time be established in the Community and admitted to membership by the Governing Board.

(2) The universities, university colleges and other degree awarding institutions specified under sub-section (1) shall be member universities.

(3) The Council shall, from time to time, publish a list of member universities and their respective categorizations.

(4) Membership of the Council shall be open to universities, university colleges and degree-awarding institutions that fulfill the requirements under this section.

(5) A university, university college or degree-awarding institution in the Community desirous of becoming a member of the Council shall apply to the Executive Secretary with such evidence as may be required, to satisfy the Governing Board that it is properly incorporated in the Partner State in which it is situated and is pursuing objectives proper to universities, university colleges and degree - awarding institutions and subscribes to the objectives set out in section 6 of this Act.

(6) The Governing Board may make rules to govern applications and admission to membership, as may be necessary.

(7) A university, university college or other degree-awarding institution that joins the Council subsequently shall have the same status and privileges as the member universities.

(8) A member university which ceases to be a university, university colleges or degree-awarding institution or which ceases to be incorporated as such, shall immediately cease to be a member university.

6. The objectives of the Council shall be to—

Objectives
of Council

- (a) strengthen regional communication through networks which link regional member universities to relevant sites in East Africa and the world;
- (b) encourage and develop mutually beneficial collaboration between member universities and between them and Government and other organizations both public and private;
- (c) initiate, assist and encourage the development of East African higher institutions of learning;
- (d) encourage collaboration in regional research and assist member universities to develop centres of advanced study and research in a rationalised manner;
- (e) encourage member universities to offer quality education for the production of graduates in all academic disciplines;
- (f) promote curriculum reform in order to equip graduates with the skills and knowledge which meet the needs of employers and conform to the development plans of the Community;
- (g) develop quality assurance processes in order to ensure that teaching and research achieve and maintain international standards;
- (h) assist member universities with their respective academic staff development and management development activities;
- (i) assist member universities identify and implement good practices in the management of institutions and the use of resources;

- (j) keep abreast of international developments in higher education and to inform member universities accordingly;
- (k) assist government and other appropriate bodies and authorities with the development of strategies for adequate investment in higher education in the Community;
- (l) encourage the exchange of staff and students between member universities;
- (m) conduct subject meetings, conferences, workshops and meetings of its specialised committees;
- (n) solicit for funds from local and international sources for the strengthening of its activities;
- (o) promote through relevant activities in the member universities, the meaning and value of East African unity; and
- (p) strive for excellence in all its undertakings.

Functions of
Council

7. The functions of the Council shall be to—

- (a) ensure development of a comprehensive electronic network linking member universities, for use in supporting and promoting new methods of teaching and learning information dissemination by the Council and between member universities and research partners;
- (b) promote collaborative research and development programmes including the following—

- (i) co-operative development of postgraduate courses and research for masters and doctoral programmes;
 - (ii) facilitation of the development of centres of advanced study, based on excellence in research including the most effective use of capacity utilisation on rationalised basis;
 - (iii) creation and development of collaborative relationships with development partners and existing organizations with similar research objectives; and
 - (iv) helping to establish a database on research capacity and current activities in the Community;
- (c) ensure the establishment of quality assurance through—
 - (i) the facilitation of harmonised entry standards in partnership with the Partner States' accreditation councils, examination boards and relevant university bodies;
 - (ii) the development, in partnership with the national higher education commissions and accreditation councils, of criteria for assessing standards and assuring the quality of teaching and research in the Community through advice on quality assurance mechanisms, ways of self evaluation and comparability of degrees;
 - (iii) promotion, modernisation and harmonisation of university curricula in the Community;

- (iv) assisting governments and universities to identify the main causes of brain drain of academic and administrative staff and to find appropriate solutions;
- (d) facilitate the development of regional policies for the exchange of academic staff and students, and monitor the effectiveness of such policies;
- (e) identify training needs in academic staff development curriculum reform, teaching methods and management development for university leadership at all levels; and
- (f) undertake such other activities to further the objectives of the Council, as the Council may from time to time determine.

Annual
Meetings of
Council

8. (1) The Council shall meet at least once in each year.

(2) Each annual meeting of the Council shall be referred to as the Annual Meeting of the Council.

(3) The Annual Meeting of the Council shall be attended by the Chairperson, Vice-Chancellors and Principals of all member universities, all the members of the Governing Board, representatives of Partner States and representatives of the private sector.

(4) The office of Chairperson of the Annual Meeting of the Council shall be held on rotational basis by the executive heads of the host institutions.

(5) At every meeting of the Annual Meeting of the Council, one third of the representatives shall form a quorum, provided that there shall be at least two representatives from each Partner State.

(6) Every question arising at any of the Annual Meetings of the Council shall be decided by a majority of the representatives present and voting.

(7) The Chairperson shall have an original vote, and in the event of an equality of votes, he or she may exercise a casting vote.

(8) The purpose of the Annual Meeting of the Council shall be to—

- (a) determine the general policies of the Council;
- (b) approve and amend the general framework for the work programmes of the Council;
- (c) receive and endorse the budget and audited accounts of the Council;
- (d) review and determine membership subscriptions;
- (e) direct the Governing Board to undertake any task that is compatible with the aims and objectives of the Council;
- (f) elect the Chairperson of the Council and members of the Governing Board;
- (g) receive annual progress reports on all activities of the Council; and
- (h) give professional guidance to the Governing Board and the Secretariat.

(9) The Council shall determine its own procedure, including that of convening its meetings and the conduct of business.

9. (1) There is established a board known as the Governing Board
Governing Board.

(2) The Governing Board is the executive organ of the Council.

(3) The Governing Board shall comprise the members specified in the First Schedule.

(4) The Second Schedule shall apply to meetings of the Governing Board and other matters provided for in the Schedule.

Functions of
Governing
Board

10. The Governing Board shall, subject to the provisions of this Act carry out the following functions—

- (a) act as the supreme operational organ of the Council;
- (b) be responsible for all the operations and activities of the Council including approval of service, financial and other regulations;
- (c) ensure the realisation and execution of the general and specific policy guidelines set out by the Council;
- (d) direct the administrative and financial affairs of the Council;
- (e) receive and approve the budget and audited accounts of the Council;
- (f) appoint the staff of the Council;
- (g) represent the Council in all legal matters affecting it;
- (h) receive gifts, donations, grants and other resources and make such disbursements as may be required on behalf of the Council; and
- (i) take all necessary decisions conducive to the fulfillment of the objectives of the Council.

11. (1) Subject to the provisions of sections 9 and 10, the Governing Board shall meet at least two times in each year and in such places as it may determine.

Meetings of
Governing
Board

(2) Every meeting of the Governing Board shall be convened by the Executive Secretary in consultation with the Chairperson.

(3) The Executive Secretary shall issue notice of any meeting of the Governing Board not less than twenty eight days before the meeting and such notice shall contain a statement of the business to be transacted at the meeting.

(4) The Chairperson shall, upon request in writing addressed to him or her by not less than five members, cause the Executive Secretary to call an extraordinary meeting of the Governing Board.

(5) At every meeting of the Governing Board one third of the members in office, for the time being, shall form a quorum, provided there is at least one university representative or Government representative from each of the Partner States;

(6) Every meeting shall be presided over by the Chairperson, and in his or her absence, by the Vice-Chairperson and in the absence of the Vice-Chairperson, the members present and constituting a quorum shall elect a temporary Chairperson from among themselves.

(7) Every question arising at any meeting of the Governing Board shall be determined by a majority of the members present and voting.

(8) The Chairperson of the Governing Board shall have an original vote and in case of an equality of votes, he or she may exercise a casting vote.

(9) The Governing Board may transact any of its business other than consideration of the budget by circulation of papers, and any decision made in writing by the majority of the members to the Governing Board shall be as valid as it if had been made at a meeting of the Governing Board.

(10) The representation and participation in the activities of the Governing Board shall be on the basis of equal participants from each Partner State regardless of the number of member universities in any given Partner State.

Executive
Committee

12. (1) There shall be an Executive Committee of the Governing Board comprising—

- (a) the Permanent Secretary from the Ministry responsible for higher education in each Partner State;
- (b) one Vice-Chancellor representing the public universities in each Partner State;
- (c) one Vice-Chancellor representing the private universities in each Partner State; and
- (d) the Secretary General.

(2) Members of the Executive Committee shall be members of the Governing Board.

(3) The Chairperson of the Governing Board shall be the Chairperson of the Executive Committee.

(4) The Vice-Chairperson of the Governing Board shall be the Vice-Chairperson of the Executive Committee.

(5) The Executive Committee shall deal with any matters within the competence of the Governing Board but shall not approve the budget of the Council.

(6) At every meeting of the Executive Committee one-third of its membership shall form a quorum, provided that each Partner State is represented by at least one individual.

(7) Subject to this section, the Executive Committee shall regulate its own procedure.

13. (1) The Governing Board may from time to time establish specialised and other committees as it may determine, to assist it in the carrying out of its functions and may delegate to any committee such functions as it may consider fit, and subject to such conditions as it may determine. Other committees

(2) Every Committee shall determine its own procedure for the conduct of its meetings.

14. (1) There is established a Secretariat of the Council. Secretariat.

(2) The Secretariat shall be composed of the Executive Secretary, the Deputy Executive Secretary and such other staff as the Governing Board may from time to time appoint.

(3) The Executive Secretary and staff of the Secretariat shall be appointed on such terms and conditions of service as the Governing Board may determine.

(4) The Executive Secretary shall be the principal executive officer of the Council and shall—

- (a) be the Secretary to the Governing Board;
- (b) be the Accounting Officer of the Council;
- (c) keep the records of the Council;
- (d) implement the decisions of the Council; and

- (e) perform such other duties as the Council and the Governing Board may require.

(5) The Executive Secretary shall attend all meetings of the Council and the Governing Board and of its committees but shall not be entitled to vote in such meetings.

(6) The Executive Secretary may delegate some of his or her duties to other officers of the Council as he or she may deem fit.

(7) The office of the Executive Secretary shall be held on contract for a period of five years and shall not be renewable.

(8) The post of Executive Secretary shall—

- (i) be held on a rotational basis among Partner States;
- (ii) upon falling vacant, be advertised in all the Partner States.

(9) The office of the Deputy Executive Secretary shall be held on contract for a period of three years which may be renewable once; and shall be rotational among Partner States.

(10) The post of Deputy Executive Secretary shall, upon falling vacant, be advertised in all the Partner States.

(11) The modalities for the appointment and the nature of the rotation for the Executive Secretary and Deputy Executive Secretary, shall be determined by the Governing Board.

PART III—MISCELLANEOUS

15. (1) The Headquarters of the Council shall be located in Kampala in the Republic of Uganda. Headquarters

(2) The Headquarters shall be the permanent seat of the Council and shall not be transferred unless the Council of Ministers so decides.

(3) Any transfer of the headquarters temporarily to another location shall not constitute a removal of the headquarters, unless there is an express decision by the Council of Ministers to that effect.

(16. (1) The Council shall be financed directly by Governments of the Partner States through annual grants in equal proportions, in accordance with the budget prepared by the Governing Board and approved by the East African Legislative Assembly. Financial provisions

(2) Other sources of finance shall include membership fees and grants from development partners and other sources to be approved by the Governing Board.

(3) The income and property of the Council shall be used for the promotion of the objectives of the Council.

(4) Article 146 of the Treaty shall apply to a Partner State who fails to honour its obligations under subsection (1) of this section.

(17. (1) The Council shall keep proper accounts and records of its transactions and affairs and shall ensure that the moneys recovered are properly brought to account, all payments out of its money are correctly made and properly authorised and that adequate control is maintained over its property. Accounts, audit and report

(2) The annual accounts of the Council shall be audited by the Audit Commission or an auditor appointed by the Audit Commission.

(3) The Council shall within three months after the end of each financial year submit—

(a) to the Council of Ministers an annual report in respect of that year, containing—

- (i) the financial statements;
- (ii) a report on the operations of the Council;
- (iii) an audit of the procurement processes for goods and services; and
- (iv) such other information as the Governing Board may deem appropriate; and

(b) to the Audit Commission—

- (i) the accounts of the Council for the financial year just ended; and
- (ii) the annual report referred to in paragraph (a) of this sub-section.

(4) The Audit Commission shall audit the accounts of the Council submitted to it within three months and deliver to the Governing Board and the Council of Ministers the audited accounts and their report on the audit.

(5) The Council of Ministers shall cause to be laid before the East African Legislative Assembly, the annual report together with copy of the report of the Audit Commission within six months after receiving them.

18. The Partner States shall grant the Council the status, privileges and immunities pertaining to the Community in accordance with article 138 of the Treaty. Privileges and immunities

19. The Council of Ministers may, by statutory instrument after consultation with the Governing Board, make regulations for the better carrying into effect the provisions of this Act. Regulations

20. The Council of Ministers may, on recommendation of the Governing board, amend the Schedules to this Act. Amendment of Schedules

FIRST SCHEDULE

S.9 (3)

COMPOSITION OF THE GOVERNING BOARD

The Governing Board shall comprise—

- (a) the Permanent Secretary Responsible for higher education from each Partner State;
- (b) two Vice-Chancellors representing Public Universities from each Partner State;
- (c) one Vice Chancellor representing Private Universities in each Partner State;
- (d) one Chief Executive in higher education regulatory bodies from each Partner State;
- (e) one Senate representative from each Partner State as may be determined by the Council;
- (f) the Chief Executive in charge of Science & Technology from each Partner State;
- (g) one representative from the private sector appointed by the East African Business Council;
- (h) the Secretary General of the East African Community; and
- (i) two persons representing international organisations with interest in higher education, selected by the Council.

SECOND SCHEDULE

S.9 (4)

PROCEDURES OF THE GOVERNING BOARD

1. (1) There shall be a Chairperson of the Governing Board who shall have the powers provided under this Schedule and such other powers as may be conferred upon him or her by the Council and the Governing Board. Governing Board

(2) The office of the Chairperson of the Governing Board shall rotate appointment every two years among the Partner States, while within each individual Partner State the Chairmanship shall rotate among the Vice-Chancellors of the member universities according to the alphabetical order of the names of the universities, provided that in all cases, the Chairperson shall be elected from members of the Governing Board, taking into consideration gender balance.

(3) There shall be two Vice-Chairpersons of the Governing Board.

(4) The office of the Vice-Chairpersons, shall be held for two years by Vice Chancellors of member universities located in Partner States other than that of the Chairperson, and shall rotate among the Partner States, while within each individual Partner State the Vice-Chairperson shall rotate among the Vice-Chancellors of the member universities, according to the alphabetical order of the names of the universities, provided that in all cases, the Vice-Chairperson shall be elected from members of the Governing Board taking into consideration, gender balance.

(5) A member of the Governing Board, other than the Chairperson and the Vice Chairpersons shall be eligible for re-appointment only once.

(6) Except for ex-officio representatives, every representative shall hold office for a period of three years from the date of his or her appointment unless—

(a) he or she dies or resigns the appointment by giving three months' notice in writing to the Chairperson;
or

(b) his or her appointment is revoked.

(7) In the event of a vacancy arising among the non ex-officio representatives, the appointing authority shall appoint another person who shall hold office for the remainder of the term of the original representative.

(8) Any representative other than an ex-officio representative shall be eligible for re-appointment.

Meetings of
the
Governing
Board

2. (1) The representation and participation in the activities of the Governing Board shall be as provided for under section 11 of this Act.

(2) The Governing Board shall meet at least two times in each year and in such places as it may determine.

(3) Every meeting shall be presided over by the Chairperson or, in his or her absence, a Vice-Chairperson and in the absence of the Chairperson and the two Vice Chairpersons, the members present and constituting a quorum shall elect a temporary Chairperson from among the Vice-Chancellors present.

(4) The Chairperson shall, upon request in writing addressed to him or her by not less than five representatives, cause the Executive Secretary to convene a special meeting of the Governing Board.

(5) Every meeting of the Governing Board shall be convened by the Executive Secretary in consultation with the Chairperson.

(6) The Executive Secretary shall issue a notice of a meeting, not less than twenty-eight days before the meeting and such notice shall, contain a statement of the business to be transacted at that meeting.

(7) Notwithstanding the provisions of sub-paragraph (4), a meeting may, in any special case be convened by giving a notice of not less than twenty-eight days.

(8) At every meeting of the Governing Board one-third of the representatives in office, for the time being, shall form a quorum, provided there is at least one university representative or one Government representative from each of the Partner States.

(9) Every question arising at any meeting of the Governing Board shall be decided by a majority of the representatives present and voting and the Chairperson shall have an original vote and in the event of an equality of votes, may exercise a casting vote.

(10) The Governing Board may transact any business except consideration of the budget, by circulation of papers and any decision made in writing by the majority of the representatives to Council shall be as valid as if it had been made at a meeting of the Council.

3. (1) At every meeting of the Executive Committee one-third of the membership shall form a quorum, provided that each Partner State is represented by at least one individual.

Executive
Committee
of the
Governing
Board

(2) Subject to this Schedule, the Executive Committee shall regulate its own procedure.

(3) Except for the Permanent Secretaries, the term of office of the members of the Executive Committee shall be two years.

(4) The Governing Board may establish specialised and other Committees.

(5) The members of each Committee shall hold office as determined by the Governing Board and shall exercise such powers and functions as the Governing Board may determine.

(6) Subject to this Schedule, each Committee shall determine its own quorum and procedure for the conduct of its meetings.