



INTER-UNIVERSITY COUNCIL FOR EAST AFRICA

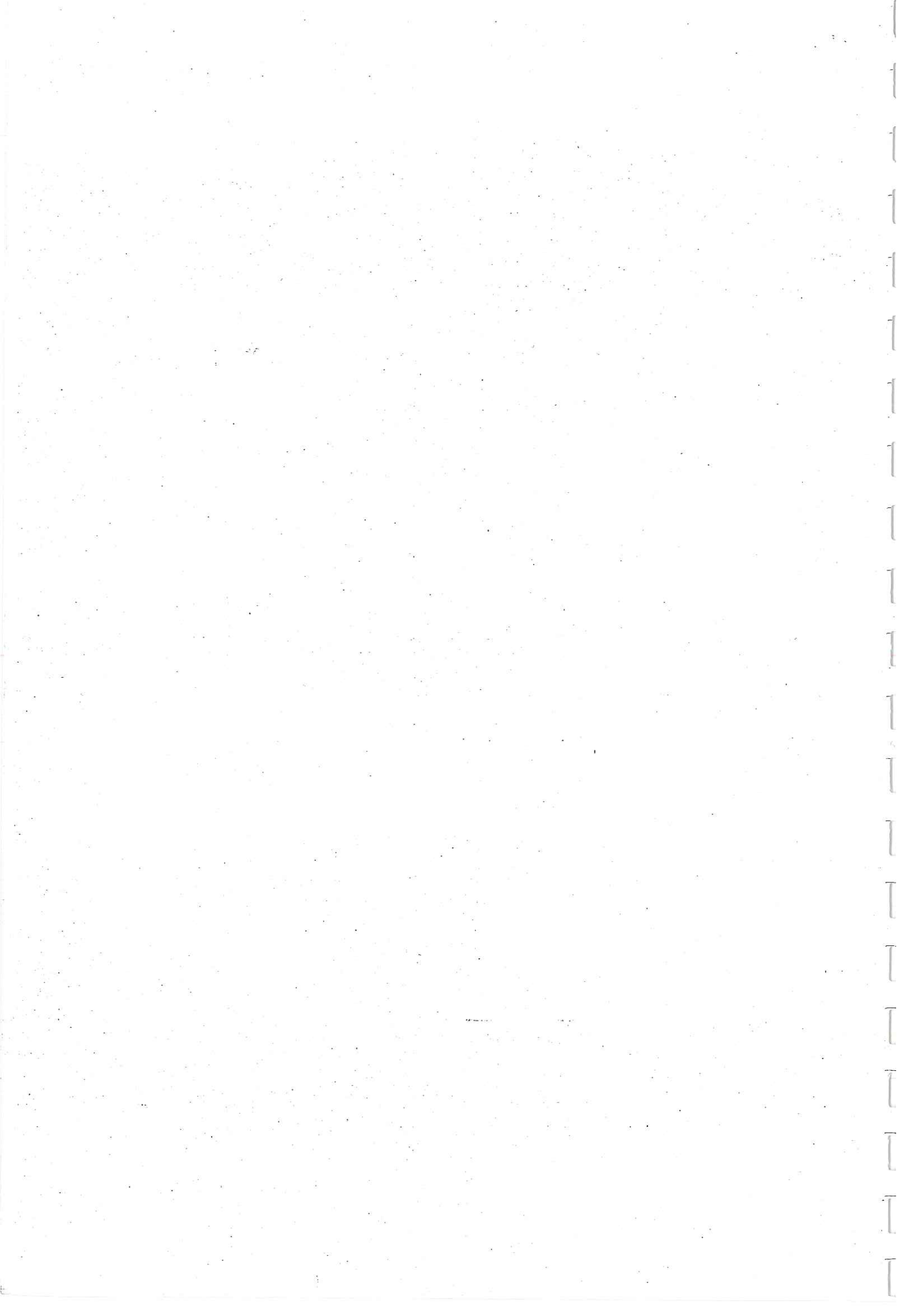
ACT, 2009

FORM OF AUTHENTICATION STATEMENT

This printed impression has been carefully compared by me with the Bill which was passed by the East African Legislative Assembly and found by me to be a true copy of the Bill.

Signed: *Inland*
Clerk to the East African Legislative Assembly

Date of Authentication *19/01/2009*



THE EAST AFRICAN COMMUNITY
ACT SUPPLEMENT

No. 2

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THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA ACT, 2009.

ARRANGEMENT OF SECTIONS.

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Inter-University Council for East Africa Act, 2009

~~THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA ACT, 2009.~~

~~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, 2009.

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

“Assembly” means the East African Legislative Assembly established by Article 9 of the Treaty;

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

“Chairperson” means the Chairperson of the Executive Committee provided for under section 10;

“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 Committee" means the Executive Committee established under Section 8;
- "Executive Secretary" means the Executive Secretary provided for under section 13;
- "financial year" means a period of twelve consecutive months from 1st July to 30th June;
- "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;

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“Vice-Chancellor” means the executive head of a member university by whatever name called and includes Director, Principal and Rector.

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 sub section (1), the Council shall contribute to—

- (a) meeting national and regional development needs;
- (b) developing quality assurance processes in order to ensure that teaching and research achieve and maintain international standards;
- (c) assisting member universities identify and implement good practices in the management of institutions and the use of resources;
- (d) the development of human resource capacity in all disciplines of higher education in the community; and
- (e) promote equal opportunities for all students of East Africa, including those with special needs.

Inter-University Council for East Africa Act, 2009

Membership
of Council

5. (1) The Council shall consist of—

- (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 Executive Committee.

(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 Executive Committee 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 Executive Committee shall make rules to govern the vetting of applications, admissions and terminations of 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.

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(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 functions of the Council shall be to

Functions of
Council

- (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;
 - (v) endorsing all approved programmes by accreditation bodies in the Partner States, of courses offered through distance learning;
- (d) identify training needs in academic staff development curriculum reform, teaching methods and management development for university leadership at all levels;
 - (e) promote curriculum reform in order to equip graduates with the skills and knowledge which meet the needs of employers as well as needs for self employment; and conform to the development plans of the Community;

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- (f) initiate the development of institutions of higher learning in the Community;
- (g) oblige member universities to offer quality education to graduates in all academic disciplines;
- (h) collaborate with Partner States and other appropriate bodies and authorities in developing strategies for increased investment in higher education in the Community;
- (i) encourage the exchange of students and staff between member universities;
- (j) conduct subject meetings, conferences and workshops;
- (k) mobilize funds and resources for its activities;
- (l) provide scholarships to students and grants to teaching and research assistants;
- (m) establish and grant awards to deserving students, faculties and individuals for outstanding contributions to education, research or public service;
- (n) promote through relevant activities in the member universities, the meaning and value of East African Unity;
- (o) resolve issues in every appropriate sector or activity of higher education in the Community;
- (p) receive and handle as appropriate complaints from its members; and
- (q) undertake such other activities to further the objectives of the Council, as the Council may from time to time determine.

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Annual
Meetings of
Council

7. (1) The Council shall meet at least once every year, Provided that one of such meetings shall be an Annual Meeting of the Council.

(2) The Annual Meeting of the Council shall comprise—

- (a) the Chairperson of the Council;
- (b) all Vice Chancellors and Principals of member universities;
- (c) one representative from the Ministry responsible for higher education from each Partner State; and
- (d) one representative from the private sector in each Partner State.

(3) 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.

(4) 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 one representative from each Partner State.

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

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

(7) 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;

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- (c) receive and endorse the budget and audited accounts of the Council;
- (d) review and determine membership subscriptions;
- (e) direct the Executive Committee to undertake any task that is compatible with the aims and objectives of the Council;
- (f) elect the Chairperson of the Council on a biannual basis;
- (g) elect the members of the Executive Committee specified under section 8;
- (h) receive annual progress reports on all activities of the Council; and
- (i) give professional guidance to the Executive Committee and the Secretariat.

(8) A meeting of the Council other than an Annual Meeting shall comprise—

- (a) one Vice Chancellor representing public universities from each Partner State;
- (b) one Vice Chancellor representing private universities from each Partner State;
- (c) the head of a higher education regulatory body in each Partner State;
- (d) one representative from the East African Business Council;
- (e) one representative of the University teaching staff from each Partner State;
- (f) one representative from the Association of Professional Societies of East Africa;
- (g) one representative from a recognized regional association of University students of East Africa;

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- (b) the Permanent Secretary responsible for higher education from each Partner State; and
- (i) the Secretary General.

Executive
Committee

8. (1) There is established a committee of the Council known as the Executive Committee.

(2) The Executive Committee is the executive organ of the Council.

(3) The Executive Committee shall comprise—

- (a) the Chairperson of the Council;
- (b) one Vice Chancellor from public universities;
- (c) one Vice Chancellor from private universities;
- (d) one person representing heads of authorities responsible for higher education in each Partner State; and
- (e) one representative from the East African Business Council.

Functions of
Executive
Committee

9. The Executive Committee shall, subject to the provisions of this Act carry out the following functions—

- (a) be responsible for all the operations and activities of the Council including approval of service, financial and other regulations;
- (b) ensure the realisation and execution of the general and specific policy guidelines set out by the Council;
- (c) direct the administrative and financial affairs of the Council;
- (d) appoint the staff of the Council;

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- (e) represent the Council in all legal matters affecting it;
- (f) receive gifts, donations, grants and other resources and make such disbursements as may be required on behalf of the Council; and
- (g) take all necessary decisions for the fulfillment of the objectives of the Council.

10. (1) Subject to the provisions of sections 8 and 9, the Executive Committee shall meet at least two times in each year and in such places as it may determine.

Meetings of
Executive
committee

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

(3) The Executive Secretary shall issue notice of any meeting of the Executive Committee 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 Executive Committee.

(5) At every meeting of the Executive Committee one third of the members in office, 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.

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(7) The members of the Executive Committee shall elect from among their number, a Vice Chairperson.

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

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

(10) The Executive Committee 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 Executive Committee shall be as valid as if had been made at a meeting of the Executive Committee.

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

Standing
committees

11. (1) The Council shall establish standing committees 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 the Council may determine.

(2) Members of the committees established under subsection (1) of this section shall be elected from amongst members of the Council, Provided that every Partner State shall be represented by two representatives one from outside a university setting and members of the Executive Committee are ineligible for election.

(3) Every Committee shall be governed by rules made by the Council.

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12. (1) The Executive Committee 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.

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

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

(2) The Secretariat shall be composed of the Executive Secretary, the Deputy Executive Secretary and such other staff as the Executive Committee 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 Council of Ministers may determine.

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

- (a) be the Secretary to the Executive Committee;
- (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 Executive Committee may require.

(5) The Executive Secretary shall attend all meetings of the Council and the Executive Committee 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.

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(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 Executive Committee.

PART III—MISCELLANEOUS

Headquarters 14. (1) The Headquarters of the Council shall be located in Kampala in the Republic of Uganda.

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

(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.

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15. (1) The Council shall be financed directly by Governments of the Partner States in accordance with the budget prepared by the Executive Committee 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 Executive Committee.

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

(4) A member university which fails to honour its obligations under sub section (2) is liable to suspension.

(5) A member university suspended in accordance with sub section (4) shall cease to enjoy the benefits provided under this Act, but shall continue to be bound by membership obligations until the suspension is lifted.

16. (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, audits and reports

(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;

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- (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 Executive Committee 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 Executive Committee 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 for consideration, the annual report together with a copy of the report of the Audit Commission within six months after receiving them.

Privileges
and
immunities


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

Regulations

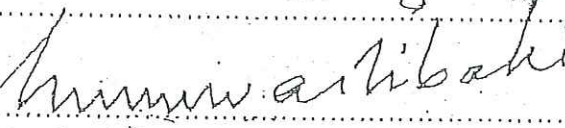
18. The Council of Ministers may, by statutory instrument after consultation with the Executive Committee, make regulations for the better carrying into effect the provisions of this Act.

FORM OF STATEMENT OF THE HEADS OF STATES' ASSENT

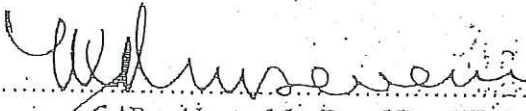
I signify my assent to the Bill

Signed: 
.....
President of the United Republic of Tanzania

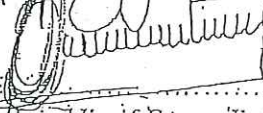
Date of Assent: *31 July 2009*
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Signed: 
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President of the Republic of Kenya

Date of Assent: *16th June 2009*
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Signed: 
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President of the Republic of Uganda

Date of Assent: *20th April 2009*
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Signed: 
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President of the Republic of Burundi

Date of Assent: *28 February 2009*
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Signed: 
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President of the Republic of Rwanda

Date of Assent: *12 February 2009*
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