

**PROTOCOL ON  
THE ESTABLISHMENT OF  
THE INTER-UNIVERSITY COUNCIL  
FOR EAST AFRICA**

**P R E A M B L E**

**WHEREAS** the United Republic of Tanzania, the Republic of Kenya, and the Republic of Uganda hereinafter referred to as "the Partner States" have enjoyed close cultural, economic and other ties for their mutual benefit for many years:

**AND WHEREAS** between the years 1947 and 1977 co-operation in the cultural and other fields was facilitated by the East Africa (High Commission) Orders in Council 1947 - 1967, the East African Common Services Organisation Agreements 1961-1966 and the Treaty for East African Co-operation 1967;

**AND WHEREAS** during the existence of the former East African Community (1967 - 1977) the Partner States benefited from certain services that were administered by the former East African Community one of which was the Inter-University Committee for East Africa;

**AND WHEREAS** notwithstanding the break up of the former East African Community in 1977 universities in the Partner States having regard to the interests of and desire for African unity resolved to co-operate with one another in the cultural fields and, in particular, in the field of Higher Education;

**AND WHEREAS** in 1980 Makerere University, the University of Dar es Salaam and the University of Nairobi signed a Memorandum of Understanding to establish the Inter- University Council for East Africa;

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**AND WHEREAS** the Inter-University Council for East Africa has since 1980 operated on the basis of this Memorandum of Understanding;

**AND WHEREAS** under the Treaty for the Establishment of the East African Community 1999, the Inter-University Council for East Africa is recognized as one of the surviving institutions of the former East African Community;

**NOW THEREFORE** the Partner States have agreed to establish a corporate body to be known as the Inter-University Council for East Africa.

#### **ARTICLE I Interpretation**

In this Protocol, unless the context otherwise requires,

"Chairperson" means the Chairperson of the Governing Board provided for under Article 10 of this Protocol;

"Community" means the East African Community;

"Council" means the Inter-University Council for East Africa;

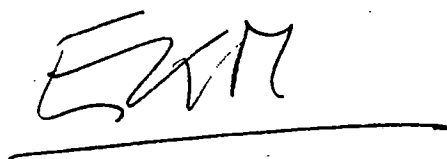
"Council of Ministers" means the Council of Ministers of the East African Community;

"East Africa" means the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda.

"Executive Secretary" means the Executive Secretary provided for under Article 11 of this Protocol;

"Financial Year" means a period of twelve consecutive months from 1<sup>st</sup> July to 30<sup>th</sup> June;

"Governing Board" means the Governing Board established under Article 8 of this Protocol;





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"Member Universities" means the member universities of the Council provided for under Article 4 of this Protocol;

"Partner States" means the Partner States of the East African Community;

"Secretary General" means the Secretary General of the East African Community;

"Treaty" means the Treaty for the Establishment of the East African Community;

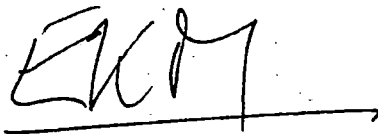
"Vice-Chairperson" means the Vice-Chairperson of the Governing Board provided for under Article 10 of this Protocol;

"Vice-Chancellor" means the executive head of a Member University by whatever name called.

## ARTICLE 2

### Establishment of the Inter-University Council for East Africa

1. By this Protocol the Partner States establish the Inter-University Council for East Africa hereinafter referred to as "the Council".
2. The mission of the Council is to encourage and develop mutually beneficial collaboration between Member Universities, and between them and Governments and other organisations, both public and private.
3. The aim of the Council is to help its members to contribute to:
  - (a) meeting national and regional development needs;
  - (b) the resolution of issues in every appropriate sector of activity of higher education in East Africa, and





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- (c) the development of human resource capacity in all disciplines of higher education in East Africa.

**ARTICLE 3**  
**Legal capacity of the Council**

1. The Council shall have the capacity, within each of the Partner States, of a body corporate with perpetual succession, and shall have power to acquire, hold, manage and dispose of land and other property, and to sue and be sued in its own name:
2. The Council shall have power to perform any of the functions conferred upon it by this Protocol and to do all things, including borrowing, that are necessary or desirable for the performance of those functions.
3. The Council shall, as a body corporate, be represented by the Executive Secretary.

**ARTICLE 4**  
**Membership of the Council**

- 1 The following shall be member universities of the Council
  - (a) the universities and university colleges set out in the First Schedule; and
  - (b) such other universities as may from time to time be established in East Africa and as may be admitted to membership by the Governing Board.
- 2 All Member Universities shall be bodies corporate and shall be situated within East Africa;


  
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**ARTICLE 5**  
**Principal objectives and functions of the Council**

- 1 The principal objectives for which the Council is established are to:
- (a) strengthen regional communications through networks which link regional Member Universities to relevant sites in East Africa and the world;
  - (b) initiate, assist and encourage the development of East African higher institutions of learning;
  - (c) encourage collaboration in regional research and thereby assist universities to develop centres of advanced study and research on a rationalised basis;
  - (d) mobilise universities to offer quality education for the production of graduates in all academic disciplines;
  - (e) 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 East Africa;
  - (f) develop quality assurance processes in order to ensure that teaching and research achieve and maintain international standards;
  - (g) assist Member Universities with their respective academic staff development and management development activities;

  
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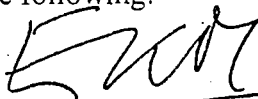
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- (h) assist Member Universities identify and implement good practices in the management of institutions and the use of resources;
- (i) keep abreast of international developments in higher education and to inform Member Universities accordingly;
- (j) assist governments and other appropriate bodies and authorities with the development of strategies for adequate investment in higher education in East Africa;
- (k) encourage the exchange of staff and students between Member Universities;
- (l) conduct subject meetings, conferences, workshops and meetings of its specialised committees;
- (m) solicit for funds from local and international sources for the strengthening of its activities;
- (n) promote through relevant activities in the Member Universities the meaning and value of East African unity; and
- (o) strive for excellence in all its undertakings; and
- (p) under such other activities calculated to further the Council's objectives as may from time to time be decided.

2. The functions of the Council include the following:

- (a) to 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) to promote collaborative research and development programmes including the following:

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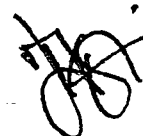
- (i) co-operative development of postgraduate courses and research for masters and doctoral programmes;
- (ii) facilitation of the development of centres of advanced study based on excellence in research including the most effective use of capacity utilisation on a rationalised basis;
- (iii) creation and development of collaborative relationships with development partners and existing organisations with similar research objectives; and
- (iv) helping to establish a database on research capacity and current activities in East Africa.

(c) to ensure the establishment of quality assurance through:

- (i) the facilitation of harmonisation of 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 East Africa through advising on quality assurance mechanisms, ways of self evaluation and the comparability of degrees;
- (iii) promotion, modernisation and harmonisation of university curricula in East Africa;
- (iv) assisting governments and universities to identify the main causes of *brain drain* of academic and administrative staff and to find appropriate solutions;

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- (d) to facilitate the development of regional policies for the exchange of academic staff and students, and monitor the effectiveness of such policies;
- (e) to identify training needs in academic staff development, curriculum reform, teaching methods and management development for university leadership at all levels.

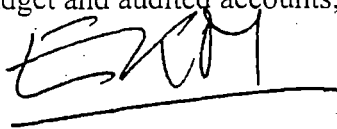
**ARTICLE 6**  
**Meetings of the Council**

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 Vice-Chancellors and Principals of all Member Universities and University Colleges and all the members of the Governing Board.
4. The Council shall determine its own procedure including that of convening its Meetings and the conduct of business thereat.

**ARTICLE 7**  
**Annual Meetings of the Council**

The purposes 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 working programmes of the Council;
- (c) receive and endorse budget and audited accounts;

  
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- (d) review and determine membership subscriptions;
- (e) direct the Governing Board to undertake any tasks that are 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 Council; and
- (h) give professional guidance to the Governing Board and the Secretariat.

**ARTICLE 8**  
**Governing Board**

1. There shall be a Governing Board composed of the membership set out in the Second Schedule.
2. There shall be held two Meetings of the Governing Board in each year and such other meetings at such times as may be necessary.
3. The Governing Board shall determine its own procedure including that of convening of its meetings and the conduct of business thereat.

**ARTICLE 9**  
**Functions of the Governing Board**

The functions of the Governing Board are to:

- (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;

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- (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 fulfilment of the objectives of the Council

**ARTICLE 10**  
**Meetings of the Governing Board**

1. 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.
2. Subject to the provisions of Article 8 of this Protocol:
  - (a) The Governing Board shall meet at least two times in each year and in such places as it may determine;
  - (b) Every meeting of the Governing Board shall be convened by the Executive Secretary in consultation with the Chairperson. The Executive Secretary shall issue notice of such meeting by post or otherwise not less than twenty-eight days before the Meeting and such notice shall, as far as possible, contain a statement of the business to be transacted at that meeting;

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- (c) The Chairperson shall, upon request in writing addressed to him or her by not less than five representatives, cause the Executive Secretary to call an extraordinary meeting of the Governing Board. Notwithstanding the provisions of paragraph (b) of this Article on extraordinary meeting may be convened by giving less than twenty eight days' notice;
- (d) 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 and/or Government representative from each of the Partner States;
- (e) Every meeting shall be presided over by the Chairperson or, in his or her absence, any of the Vice Chairpersons and in the absence of any of the Vice-Chairpersons, the members present and constituting a quorum shall elect a temporary Chairperson from among the members present;
- (f) Every question arising at any meeting of the Governing Board shall be decided by a majority of the representatives present and voting. The Chairperson shall have an original vote and in the event of an equality of votes, he or she may exercise a casting vote as well.
3. The Governing Board may transact any of its business, except consideration of the budget by circulation of papers and any decision made in writing by the majority of the representatives to the Governing Board shall be as valid as if it had been made at a meeting of the Governing Board.

#### ARTICLE 11 The Secretariat

1. There is established a Secretariat consisting of the Executive Secretary and such other staff as the Governing Board may from time to time appoint on such terms and conditions of service as the Governing Board may determine.





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2. 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 from time to time direct.
3. The Executive Secretary shall be entitled to attend all meetings of the Council and the Governing Board and of its committees but shall not be entitled to vote.
4. The Executive Secretary may delegate some of his or her duties to other officers of the Council as he or she may think fit.
5.
  - (a) The office of the Executive Secretary shall be held on contract for a period of five years, which may be renewed once subject to satisfactory service.
  - (b) 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.
6.
  - (a) The office of the Deputy Executive Secretary shall be held on contract terms for a period of five years which may be renewed once subject to satisfactory service;
  - (b) The post of Deputy Executive Secretary shall:
    - (i) be held on a rotational basis among Partner States;
    - (ii) upon falling vacant, be advertised in all the Partner States.

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7. The modalities for the appointment and the nature of the rotation for the Executive Secretary and Deputy Executive Secretary, shall from time to time be determined by the Governing Board.

## ARTICLE 12

### Executive Committee and other Committees

- (1) (a) The Governing Board may from time to time establish specialised and other committees, the members of which committees shall hold office at the pleasure of the Governing Board.
- (b) The specialised and other committees shall exercise such powers and functions as the Governing Board may determine from time to time.
- (c) Every committee shall determine its own procedure for the conduct of its meetings.
- 2(a) There shall be an Executive Committee of the Governing Board comprising the following:
- (i) three Permanent Secretaries of the Ministries responsible for Higher Education in the Partner States;
  - (ii) three Vice-Chancellors of Public Universities in the Partner States;
  - (iii) three Vice-Chancellors of Private Universities in the Partner States;
  - (iv) the Secretary General.
- (b) Members of the Executive Committee shall be members of the Governing Board;
- (c) The Chairperson of the Governing Board shall also be the Chairperson of the Executive Committee.

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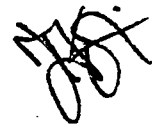
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- (d) The Vice-Chairperson of the Governing Board shall also be the Vice-Chairperson of the Executive Committee.
  - (e) The Executive Committee shall be competent to deal with any matters normally within the competence of the Governing Board but shall not be competent to approve the budget of the Council.
  - (f) 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.
  - (g) Subject to this provision, the Executive Committee shall regulate its own procedure.
3. Any other committees shall have such membership and terms of reference as the Governing Board may deem appropriate provided that the Governing Board shall not delegate its power to approve the budget.

**ARTICLE 13**  
**Headquarters Seat**

1. The Headquarters Seat of the Council shall be located in Kampala in the Republic of Uganda.
2. The Headquarters Seat shall be the permanent headquarters of the Council and shall not be removed therefrom unless the Council of Ministers should so decide. Any transfer of the permanent headquarters temporarily to another place shall not constitute a removal of the permanent headquarters unless there is an express decision by the Council of Ministers to that effect.

  
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ARTICLE 14  
Financial provisions

- 1(a) The Council shall be financed directly by Governments of the Partner States through annual grants in equal proportions in accordance with the budget approved by the Governing Board.
- (b) Other sources of finance shall include membership fees and grants from donor agencies.
2. The income and property of the Council shall be used solely for the promotion of the objectives of the Council.
- 3(a) The Council shall keep accounts of income and expenditure.
- (b) There shall be an audit of the accounts of the Council made every year by a firm of auditors appointed by the Governing Board. The appointed firm of auditors shall make a report within six months of the end of each financial year, a copy of which shall be circulated to the Governing Board together with a copy of the audited accounts not less than twenty-eight days before the meeting at which the report and the accounts are to be considered.
- (c) The firm of auditors that shall be appointed to audit the accounts shall be qualified to practice under the law of any of the Partner States;
- (d) The auditors shall be appointed annually.

ARTICLE 15  
Privileges and Immunities

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

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**ARTICLE 16**  
**Regulations**

1. The Governing Board shall have power, subject to the provisions of this Protocol, to make regulations.
2. No regulation or amendment thereof shall have any force or effect unless and until the same shall have been approved by a resolution in that behalf passed by a majority of not less than two-thirds of the Members of the Governing Board at a meeting of the Governing Board convened by notice specifying clearly the substance of the proposed regulation or amendment.
3. The regulations made under this Article shall be approved by the Council.

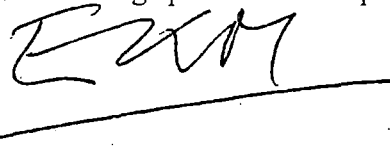
**ARTICLE 17**  
**Dissolution**

1. Subject to the provisions of the Treaty the Council may be dissolved by the Partner States.
2. On dissolution of the Council all assets and properties hitherto held by the Council shall remain for the use of and be applied solely for the promotion of the objectives of the Council.

**ARTICLE 18**  
**Transitional provisions**

1. Until the Governing Board makes regulations, the regulations made under the Memorandum of Understanding concluded between Makerere University, the University of Dar es Salaam and the University of Nairobi, 1980 shall apply.
2. Every contract made by or on behalf of the Council under the Memorandum of Understanding specified under paragraph 1 of this Article

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shall have effect as if made by or on behalf of the Council under this Protocol and shall be construed with such modifications, adaptations, qualification and exceptions as may be necessary to bring them into conformity with this Protocol.

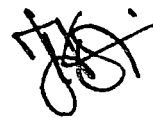
3. Any proceedings by or against the Council pending on the day this Protocol comes into force shall be continued by or against the Council.

#### **ARTICLE 19** **Amendment of the Protocol**

1. This Protocol may be amended at any time by agreement of all the Partner States.
2. Any Partner States or the Council may submit proposals for the amendment of the Protocol.
3. Any proposals for the amendment of this Protocol shall be submitted to the Executive Secretary in writing who shall, within thirty days (30) of its receipt, communicate the proposed amendments to the Partner States.
4. The Partner States, which wish to comment on the proposals, shall do so within ninety days (90) from the date of the dispatch of the proposal by the Executive Secretary.
5. After the expiration of the period prescribed under paragraph 4 of the Article, the Executive Secretary shall submit the proposals and any comments thereon received from the Partner States to the Council.
6. Any amendment to this Protocol shall be adopted by the Council and shall enter into force when ratified by all the Partner States.



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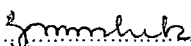


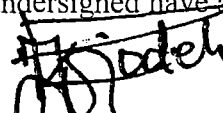
**ARTICLE 20**  
**Entry into force**

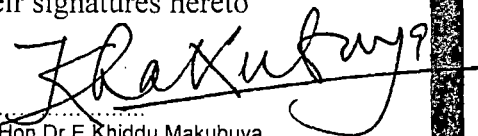
1. This Protocol shall enter into force upon ratification and deposit of Instruments of Ratification with the Secretary General by all Partner States.
2. This Protocol shall upon coming into force supersede the Memorandum of Understanding concluded between Makerere University, the University of Dar es Salaam and the University of Nairobi on July 1<sup>st</sup>, 1980.

**DONE** at Arusha on the 13<sup>th</sup> day of September Two Thousand and Two.

**IN FAITH WHEREOF** the undersigned have appended their signatures hereto

  
 Hon Zabein M Mhita  
 Deputy Minister of Science  
 Technology and  
 Higher Education  
 UNITED REPUBLIC OF TANZANIA

  
 Hon Orwa Ojodeh  
 Assistant Minister  
 for Education  
 REPUBLIC OF KENYA

  
 Hon Dr E Khiddu Makubuya  
 Minister of  
 Education and  
 Sports,  
 REPUBLIC  
 OF UGANDA.