



THE EAST AFRICAN COMMUNITY

BILLS SUPPLEMENT

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THE EAST AFRICAN COMMUNITY

**THE EAST AFRICAN COMMUNITY YOUTH COUNCIL
BILL, 2017**

MEMORANDUM

The object of this Bill is to provide a legal framework for the harmonization of laws and policies regarding the youth in the Community. This Bill is premised on Article 120 of the Treaty for the Establishment of the East African Community, and in particular seeks to implement the EAC Youth Policy, 2014 which is an integral component of the 4th EAC Development Strategy 2011/2012- 2015/2016. This Development Strategy identifies among others the integration, strengthening and promotion of policies, laws and programmes that focus on the development of the youth in the Community.

This Bill recognizes that the Partner States have in place diverse laws and policies regarding the youth in their territories. This Bill therefore is an attempt to uniformise the laws and regulations pertaining the youth in the Community.

For this purpose the Bill seeks to establish the East African Youth Council within the East African Community, to provide for its composition, objects and functions, administration, finances and to provide for other matters related thereto.

HON. SUSAN NAKAWUKI,
Member East African Legislative Assembly.

THE EAST AFRICAN COMMUNITY YOUTH COUNCIL
BILL, 2017

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THE EAST AFRICAN COMMUNITY YOUTH COUNCIL
BILL, 2017.

A Bill for an Act

ENTITLED

**THE EAST AFRICAN COMMUNITY YOUTH
COUNCIL ACT, 2017.**

**An Act to establish the East African Youth Council within
the Community, to provide for its composition, objects and
functions and to provide 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 East African Community Youth Council Act, 2017 and shall come into force on such date as the Council may, by notice published in the Gazette appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires—
“Chairperson” means the chairperson of the East
African youth Council executive committee
elected under section 5;

Inter-
pretation.

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

“Conference” means the East African youth delegate’s conference established under section 13;

“Council” means the East African Youth Council established under section 5;

“Council of Ministers” means the Council of Ministers established by Article 9 of the Treaty;

“diaspora” means youth living outside the Community irrespective of their citizenship and who remain committed to contribute to the development of the Community;

“observer status” means entitlement conferred upon a foreign country, intergovernmental organization or civil society organization to send observers on invitation to the meetings of the organs of the Community;

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

“youth” means every person between the ages of fifteen and thirty five years;

“youth committee” means a youth committee established in respect of each youth council;

“Treaty” means the Treaty for the Establishment of the East African Community.

3. The objectives of the Council are to—

Objectives
of the
Council

- (a) guide the Community on the planning, implementation, monitoring and evaluation of programmes while assuring sustainable social, economic and political development;
- (b) mainstream youth issues in all development policies and programmes in the Community;
- (c) provide a regional platform through which the youth can present their concerns at the policy level, and in the process maintain a routine and institutionalized interaction with the Secretary General, and dialogue with governments of the Partner States;
- (d) prescribe strategic priority areas and actions to guide the implementation and address youth challenges so as to fully participate and benefit in all facets of development in the Community;
- (e) establish a regional mechanism that will promote and sustain youth culture, values, morals and ethics; and implement mechanisms outlined in the youth policy;
- (f) ensure that the youth are accorded proportionate recognition and participation at all stages in all regional development activities during the integration process; and
- (g) empower the youth so that they can fully participate and benefit from the regional economic, social and political integration.

Guiding
values of
the Council

4. The Council shall be guided by the following values—

- (a) ethics and integrity among members;
- (b) transparency and accountability in the line of Council work;
- (c) objectivity and impartiality of all parties to the Council;
- (d) tolerance and unity in diversity; and
- (e) any other values that may be determined by the Annual Youth Conference.

PART II—CONSTITUTION OF THE COUNCIL

Establish-
ment of the
East African
Youth
Council

5. (1) There is established a council to be known as the East African Youth Council.

(2) The Council shall consist of—

- (a) three persons elected from the National Youth Councils of each Partner State through their annual youth conference, where at least one person shall be of either gender;
- (b) one person from each Partner State representing the civil society;
- (c) one person representing persons with disabilities, elected through their umbrella organisations at the Partner State level;
- (d) one person from each Partner State representing the private sector;

(e) one representative from institutions of higher learning, elected through the national student umbrella association of the Partner State; and

(f) one representative from the ministry responsible for youth affairs.

(3) No gender shall occupy more than two thirds of the representative positions per Partner State.

(4) The Council of Ministers shall prescribe the procedure of nominating any of the representatives to the Council.

(5) If for any reason any of the Partner States cannot elect its representatives promptly, the Council shall be constituted, provided that at least two thirds of the Partner States are represented.

6. The functions of the Council shall be to—

Functions of
the Council

(a) ensure full implementation of the youth policy of the Community;

(b) represent and promote the interests of the youth policy of the Community;

(c) influence government policies to improve the lives of the youth;

(d) foster the interests of the youth in the integration process of the Community;

(e) disseminate information to various stakeholders and the media on regional integration issues pertaining youth in the Community;

- (f) provide a unified and integrated system through which the youth may communicate and coordinate their ideas and activities;
- (g) avail opportunities for the youth to directly participate in the activities through internships and research among others;
- (h) ensure the active and effective representation of the youth in the society as well as in the national and regional integration processes;
- (i) establish channels through which economic and social services and amenities may reach the youth in all areas of the Community through partnership with the Sectoral Council on youth, children, gender and community development;
- (j) encourage the youth to consolidate their role in development in the economic, social, cultural and educational fields;
- (k) initiate and encourage the formation of youth organisations and to facilitate communication among them;
- (l) promote relations between youth organisations in the Partner States and international youth organisations and other bodies with similar objects or interests; and
- (m) do all such other things as are incidental to or conducive to the attainment of the objects of the Council under this Act.

PART III—GOVERNANCE OF THE COUNCIL

7. (1) The members of the Council shall elect from amongst themselves twelve persons, two from each Partner State, to constitute the Governing Council.

The
Governance
Council

(2) The Governing Council shall have a Chairperson and five Vice Chairpersons, each representing a Partner State not holding the Chair.

(3) The Governing Council which shall meet four times annually.

(4) The Secretary to the Governing Council shall be the head of the Secretariat.

(5) In the event that there is change of membership at the Partner State level, the position of Chairperson shall remain in the Partner State for the length of their tenure.

8. (1) The Chairperson of the Governing Council shall hold office for a period of one year.

Tenure of
office

(2) The Chair shall be held on a rotational basis and shall be from the Partner State consistent with the Chair of the Summit

(3) The tenure of all the Governing Council members shall be three years, renewable once.

9. (1) A member of the Governing Council may resign his or her office by a thirty days' notice in writing delivered to the Secretary.

Termination
from office

(2) The Governing Council may remove a member of the council for—

- (a) incompetence;
- (b) inability to perform the functions of the Governing Council arising from infirmity of body or mind;
- (c) misconduct contravening the guiding values of the Council;
- (d) absence without prior permission of the Chairperson or without reasonable cause for more than four consecutive meetings of the Governing Council; or
- (e) bankruptcy or insolvency.

(3) Where it appears to the Governing Council that there is cause to remove a member under subsection (2), the Governing Council shall notify the member concerned in writing and shall give the member an opportunity to be heard.

Filling of
vacancies in
the
Governing
Council

10. (1) Where a member of the Governing Council resigns, dies, is removed from office or is for any other reason unable to act as a member, the Chairperson shall notify the Secretary of the vacancy within one month after the occurrence of the vacancy and in turn notify the Council to fill the vacancy for the remainder of the term of the previous member.

(2) Where the member of the council referred to is the Chairperson of the Governing Council, then one of the vice chairpersons shall notify the Secretary of the vacancy who shall then cause an election among the Governing Council members and another member from the Partner State holding the chair shall be elected to complete the unexpired portion of the previous Chairperson's term of office.

11. (1) The Governing Council shall have a Secretariat which shall be based at the headquarters of the Community.

The Secretariat

(2) The Secretariat shall consist of technical and administrative support staff appointed by the Council of Ministers.

(3) The Secretariat shall be responsible for the management of the day today activities of the Governing Council.

(4) The members of staff of the Secretariat shall be paid salaries and allowances as shall be determined by the Council of Ministers.

12. (1) The Council shall form various committees to assist in implementing and coordinating the mandate of the Council.

Coordination committees

(2) At national level, the activities of the Council shall be coordinated through the national youth councils of the respective Partner States.

13. (1) There shall be held each year a youth conference known as the annual East African Youth Conference which shall be the supreme policy making organ of the Council.

The annual East African Youth Conference

(2) The Conference shall among other functions elect the Chairperson and members of the Governing Council.

14. The Conference shall consist of—

Composition of the Conference

(a) active members of the Council;

(b) Chairpersons of the national youth councils,

- (c) female youth representatives and secretaries general of the youth councils in the Partner States;
- (d) two members representing the youth in the National Assemblies of the Partner States where applicable;
- (e) all current East African Community youth ambassadors;
- (f) ten members of the East African Community Youth Ambassadors' Platform elected by the Platform; and
- (g) chairpersons of all national students associations.

PART IV — FINANCES OF THE COUNCIL

- Sources of finances of the Council
- 15.** The sources of finances of the Council shall consist of—
- (a) grants and donations to the Council; and
 - (b) such other sources as the Council of Ministers may determine.

- Remuneration of the members of the Council
- 16.** (1) With the exception of the technical and administrative support staff constituting the Secretariat, the Council shall not award remuneration in salary scale terms to its members.

(2) The Council shall facilitate members for such works as may be designated to them from time to time in accordance with standard applicable principles in the Community.

(3) The allowances payable to the members of the Governing Council shall be determined by the Council of Ministers.

PART V—MISCELLANEOUS

17. The Council of Ministers may make regulations for ^{Regulations} the better implementation of the provisions of this Act.