

The Tanganyika Law Society

The Bar Association Of Tanzania Mainland

Constitutional Reforms and Drafting Committee – Terms of Reference

Type:

Standing Committee – Advisory to Council

Mandate of the Committee

The Committee is responsible to the Governing Council and shall be an advisory body to the Governing Council in all matters pertaining to Constitutional Reforms of the Constitution of the United Republic of Tanzania, drafting and reviewing TLS Laws, Regulations and Policies; advising the Council, suo moto or as required, on any legal matter relating to TLS or other Laws, Regulations and Policies. The Committee shall continually update the legal fraternity and the public on emerging legal issues in the society with regards to the Constitutional Reforms.

Responsibilities of the Committee

- i.** To liaise with the Society’s committees, the Executive Director and the Management of Secretariat in which the Society needs to undertake or facilitate programs/activities that will contribute effectively on the Constitutional Reforms of the Constitution of URT;
- ii.** To recommend to council new interventions/programs/activities in relation to the Constitutional Reform;
- iii.** To undertake comprehensive review and evaluation of the existing constitution including two proposed drafts and other Constitution from Africa such as Kenya, South Africa, Rwanda, Ghana and Zanzibar to identify areas that require improvements to have the Constitution that responds to the people’s needs;
- iv.** To engage in a process of consultation and gathering feedback from various stakeholders, including government, citizens, civil society organizations, legal experts, and political parties, to ensure a broad representation of views and concerns in the new Constitution;
- v.** To undertake comprehensive civic education to the public in relation to the Constitution review process;
- vi.** To create depository of the documents and information relating to Constitution;
- vii.** To draft and review TLS Laws, Regulations and Policies, where required, for Council

enactment;

- viii. To recommend to Council any necessary drafting, amendment or review of TLS Laws, Regulations and Policies;
- ix. To advise the Council, suo moto or as required, on any emerging legal issue in respect of other Laws, Regulations and Policies of the Country;
- x. To comment or provide legal opinion to the Council in respect of a particular Law, Regulations, and Policies brought to the Council attention; and
- xi. To carry out the tasks assigned to the Committee by the Governing Council concerning Laws, Regulations and Policies.

Composition of the committee

- There shall be seven (7) members of the Committee as appointed by the Governing Council
- The Committee shall be assisted by Secretary from the TLS Secretariat
- The Committee may co-opt the support of a member of the Society with particular expertise to assist them and that person shall be a member of the Committee *pro-tem*
- Tenure of the Committee members shall be the same as the tenure of the Governing Council provided that the Governing Council shall have the mandate to change the member(s) of the Committee as deem fit.

Committee Chair/Vice Chair

- The Committee Chair shall be appointed by the Council
- The Vice Chair shall be elected at the first meeting of the Committee.

Procedures and Work Product

- Quorum for the committee shall consist of at three (3) members.
- The Committee shall operate in accordance with TLS Policies and Council's Directives as prescribed from time to time.
- The Committee shall have a right to review these Terms of Reference and may recommend changes to Council from time to time.

- Meetings can be held in person, teleconference, or virtually, depending on the availability and location of the members.
- The Committee shall treat all discussions, documents, and proceedings with strict confidentiality.
- The Committee shall maintain signed minutes of its meetings.
- Committee members shall make serious commitment to participate actively in committee work.
- Committee shall stay informed by the Secretary about committee matters and shall prepare themselves well in advance for meetings.
- Committee members shall build a collegial working relationship that contributes to consensus.
- The secretary of the committee shall maintain minutes of all the committee meetings.

Reporting

- The Committee is advisory to the Council and reports all its matters to the Council.
- The Chair of the Committee may communicate urgent matters of concern directly to the President or the Executive Director.
- The Committee may make recommendations for policy changes to the Council and undertake specific tasks assigned by Council to the Committee.
- To prepare and approve the Committee's Quarterly and Annual reports before being submitted to the Council Meeting and Annual General Meeting respectively.

Staff support/ Secretary: Public Affairs and Protection Manager.

