



TERMS OF REFERENCE:

**Nominations Committee for the Independent Advisory Panel of the
Muslim Judicial Council**

11 November 2014

Background and introduction

On 10th February 2015, the Muslim Judicial Council (MJC) will commemorate the 70th anniversary of the organisation since its founding and establishment in 1945.

In marking this historic occasion and the role that the MJC has and aims to continue playing in contributing to the wellbeing and upliftment of the South African, African and global Muslim community and society at large; the MJC is committed to a process of continued organisational renewal to remain a relevant, constructive, impactful and leading organisation.

As part of the build-up to 70th anniversary of the organisation, the MJC is pleased to announce that it has decided on a process to credibly and independently identify and select suitable and capable South Africans who are subject matter experts in their professions and fields of practice, to serve the organisation as members of an Independent Advisory Panel.

The MJC has carefully considered the concept of an Independent Advisory Panel and has extensively deliberated on its value. Many well-meaning community members and stakeholders have from time to time also raised and proposed the idea of such a panel to the MJC. The MJC has always appreciated these constructive suggestions and taken them into consideration.

Like many organisations, the MJC has realised that it needs to continuously assess the environment within which it is operating and needs to reinvent itself by adopting innovative approaches in order to advance its mandate and responsibilities to society.

This process we will be led by an independent Nominations Committee of reputable and diverse community members who have made their mark and contribution to public, civic and community affairs in South Africa and abroad in their professions.

Mandate of the Nominations Committee

The tasks and responsibilities of the independent Nominations Committee will be to:

1. Design and implement a transparent process to call for nominations, identify, screen and recommend to the MJC a proposed list of suitable candidates for appointment to serve on the Independent Advisory Panel.
2. To further develop and refine the final Terms of Reference of the Independent Advisory Panel.
3. Advise the MJC on the subject matter focus areas of the Independent Advisory Panel.
4. Manage engagement with prospective nominees, as well as interest and enquiries from the general public, community and media on the nominations process.

It is anticipated that the process for calling for nominations will commence by 17 November and will run until 17 December 2014. The Nominations Committee will make further detailed pronouncements during the course of its work, including the details of the nominations process, the criteria and eligibility for identifying and selecting Members of the Independent Advisory Panel and further timeframes.

Composition of the Nominations Committee

- The Nominations Committee will be headed by a Convenor and comprise 2 – 4 additional persons drawn from diverse professional backgrounds and groupings, taking into account gender.
- The MJC is to identify one member of its executive to sit as a non-voting member of the Nominations Committee.

Membership of the Nominations Committee

Following a process of consultation and engagement, the MJC is pleased that the following persons have agreed, accepted and volunteered their time and services to serve as the members of the Nominations Committee:

1. *Mr. Abdul Waheed Patel (Convenor of the Nominations Committee)*

Abdul Waheed is Managing Director at ETHICORE, a respected government affairs, research and communications consultancy. He has more than 12 years professional experience in various positions held in national and local government, the private sector and research bodies. He has deep specialisation in policy, legislative and regulatory affairs, strategic communication and stakeholder management. He is a trusted advisor to leading South African and international organisations on South African and African affairs. He is a highly regarded analyst and commentator in his field, whose insights and opinions are regularly sought by international as well as local national and community media.

2. *Prof. Waheeda Amien*

Prof. Waheeda Amien holds a BA LLB from the University of Cape Town, LLM in Constitutional Litigation from the University of the Western Cape, and Ph.D. in Muslim Personal Law and Human Rights from the University of Ghent. She is an Associate Professor in the Department of Public Law at the University of Cape Town and is an admitted attorney of the High Court of South Africa. She specialises in Legal Pluralism and Human Rights (with a special focus on Religion, Culture and Women's Rights). She teaches LLB and LLM courses on Human Rights, Legal Pluralism, Religion and Culture. She has also taught Muslim Personal Law and Human Rights at LLB and LLM levels and in the Religious Studies Department at UCT as well as Business Law to non-law students at UCT. She furthermore supervises and has examined numerous LLB, LLM and Ph.D. dissertations among others, in the area of Islamic Law and Human Rights. Prof. Amien has been a Visiting Professor in the Faculty of Law, University of Maryland and has delivered guest lectures in the Law Faculties at the University of Lucerne and University of Manchester and in her capacities as Visiting Scholar in the Faculty of Law, Queen Mary University of London and Visiting Academic in the Faculty of Law, University of Antwerpen. She has published extensively in her area of expertise. Her socially responsive activities include being a founding member of Shura Yabafazi ('Consultation of Women'), Chairperson of the Recognition of Muslim Marriages Forum in South Africa, Chairperson of the Progressive Professionals Forum Western Cape, member of the Executive Body of the International Commission on Legal Pluralism, contributing attorney at the Southern Suburbs Legal Advice Centre, and member (and former Western Cape Secretary) of the National Association of Democratic Lawyers.

3. *Mr. Sulaiman Noor Muhammad (Mr. Solly Noor)*

Mr Noor is a respected Businessman and Community leader with more than 50 years experience in the business sector having started as an entrepreneur in his teenage years. He is the head of Sollys Discount World Group, Solly Noor Properties and

Computron Group. Community issues have always played a critical role in the Sollys Group of Companies. Accordingly, the Solly and Zohra Noor Foundation assists disadvantaged children nationwide and The Solly Noor Bursary Fund has been responsible for funding many successful candidates in the medical, legal, engineering, education and business fields. Mr Noor has also been awarded numerous awards for his Community Work, as well as Social Upliftment and engagement.

Purpose of Advisory Panel

- To independently provide impartial professional expertise, advice, strategic counsel, thought leadership and guidance to the MJC in the designated subject matter areas requiring specialist advice excluding religious affairs.
- To function outside of current MJC organizational structures and to remain independent of existing decision-making processes within the MJC.
- To accordingly provide independent advice to the MJC either pro- actively or as required.

Status of the Independent Advisory Panel

- The Independent Advisory Panel will have no decision-making powers and its role will be limited to the provision of advice to the MJC.
- The MJC retains full decision making powers and may therefore in its discretion elect to either accept or decline advice provided by the Independent Advisory Panel as it deems fit, based on a process of engagement with the Independent Advisory Panel.
- It is envisage that the members of the Independent Advisory Panel will serve the MJC on a voluntary basis, with no expectation of financial or other material gain in providing such a community service. They will be identified and selected through a process which recognises the value and appreciation that they themselves (i.e. the nominees) place on being able to advise the MJC and the degree to which this impacts on the MJC's potential and ability to perform its role in society.

Opportunities and benefits

There are multiple, interlinked benefits that both the MJC and society stand to derive from the appointment of an Independent Advisory Panel.

1. *Benefits to society*

In the organizational history of the MJC, the appointment of an advisory panel is one of the most significant transformative developments and will have a positive impact on its reputation and ability to serve society.

2. *Transformation and progress*

The MJC can only benefit from the deep experience of subject matter specialists residing within South African society, whose expertise will guide the organization to make greater progress in areas beyond its traditional strengths in religious affairs.

3. *Strengthening social partnerships*

As part of the process of opening the affairs of the MJC to greater input from experts and professionals beyond the realm of the MJC's traditional religious mandate, the MJC is pleased today to announce that a leading and reputable auditing firm have agreed to

conduct an independent audit of the MJC's financial affairs. This is in addition to the already mandatory audits the MJC's finances are already subjected to and will therefore add an additional layer of integrity and rigour in the scrutiny of the MJC's financial matters.

This will lead to an annual public disclosure of the MJC's financial standing, in recognition of the many important and diverse elements to the MJC's revenue mix, including:

- The MJC Halaal Trust
- Corporate social investments and philanthropic support
- Donations, sponsorships and endowments
- Grants, bursaries, poverty eradication and national campaigns

This is an important and significant step towards improved good governance and transparency in the financial affairs of the MJC. It will also contribute to informing strategic financial planning decisions to improve the financial sustainability and self-sufficiency of the MJC in order for the MJC to fulfil its contribution and service to the Muslim community and South African public at large.

4. Reputation Enhancement

Historical criticism of the MJC has been that the MJC has conducted its affairs in an insular and closed manner. By appointing a panel of credible and skilled advisers, the MJC will be embracing change and transformation by being open to external expert and professional advice and thinking in a formalised and institutional manner.

Focus Areas

The MJC has given thought to the subject matter areas the Independent Advisory Panel should focus on. The following are examples of potential focus areas for a panel of advisers and which the work of the Nominations Committee will refine further:

- 1. Legal, constitutional and regulatory affairs*
- 2. Economic Development*
- 3. Politics*
- 4. Media and Communication*
- 5. Gender*
- 6. Youth*
- 7. Education*
- 8. Crime and safety*
- 9. Community development and healthcare*
- 10. International Relations*
- 11. Finance*

Process for appointing Advisory Panel

The broad process for the appointment of the Independent Advisory Panel which is refined by the Nominations Committee shall comprise the following once the Nominations Committee is constituted:

- Refine the Terms of Reference of the Independent Advisory Panel.
- Develop the criteria for the screening, identification and selection of members of the Independent Advisory Panel.
- Call for nominations
- Screen and identify suitable candidates
- Propose a shortlist of recommended candidates to MJC.
- The shortlist will propose 2 potential advisers for each focus area.
- Assist the MJC to interview all shortlisted candidates
- Recommend to the MJC one adviser for each focus area.
- Conclude the appointment process between the MJC and the nominees.
- Finalise and handover to the MJC the final report of the Nominations Committee.