

Southern Refugee Legal Aid Network Bylaws

Preamble

Refugees are people with rights enshrined in international human rights and refugee law. However, refugees are often treated as passive victims with endless needs and their rights are regularly violated. The human suffering refugees endure often results from restrictions on their autonomy as human beings, and thus must be addressed by ensuring their ability to exercise basic rights. This is particularly challenging in the global south, where judicial institutions to redress rights violations are less developed and/or accessible. To remedy this, increasing numbers of organisations are conducting rights-based advocacy for refugees in the global south, through pro bono legal aid and/or research and policy advocacy. These organisations are bound by a common desire to foster respect for the rights of refugees in the global south.

These organisations are often unique in their countries and isolated from each other internationally. While they face common challenges, they have not had sufficient opportunities to learn from each other's experiences. Slowly and informally, however, rights-based refugee organisations have been increasing their information sharing and coordinated advocacy. The Southern Refugee Legal Aid Network (SRLAN or the Network) was initiated in 2007 at a conference held in Nairobi to formalise such cooperation, with a view to channelling disparate refugee rights organisations into a movement for refugee rights in the global south. These Bylaws aim to refine and implement the principles, vision and mission established in Nairobi and memorialised in the 2007 SRLAN Nairobi Charter.

I. Membership

1. Types of Membership

a. The Network shall consist of full and associate members. Full and associate members must be duly constituted organisations, including but not limited to non-governmental organisations, law firms, academic institutions and research institutions.

b. Full members shall be given priority to attend annual Network meetings (as described in Section V below) where such meetings are oversubscribed.

c. Associate members shall have no right to vote on matters described in these Bylaws.

d. Each member shall elect whether to be a full member or an associate member. The organizational names of full members shall be public. The names of associate members will be kept confidential.

2. Criteria for Membership

- a. Each member must be dedicated to the protection and promotion of refugee rights and must be carrying out activities to foster the protection and promotion of refugee rights.
- b. Each member shall agree to be governed by the Nairobi code and agree to say we abide by this if we should need to.
- c. Membership shall be restricted to independent organisations. Government operated or controlled organisations (where such control is exercised for the purposes of advancing interests contrary to those of the Network) and inter-governmental organisations are not eligible for membership. For these purposes, government control shall not be evidenced by the mere receipt of government funds or registration under a public educational institution.
- d. By joining the Network, each member agrees to be bound by the terms of these Bylaws.

3. Membership Procedures

- a. Initial membership will be limited to those organisations who attended any of the following meetings: i) the meeting held in Nairobi in February 2007, ii) the meeting held in Geneva in June 2007, iii) the meeting held in Geneva in June 2009 (Initial Members).
- b. Any organisation wishing to join the Southern Refugee Legal Aid Network, whether as a full member or an associate member, must fill in the membership application and submit it to Steering Committee via SRLAN Secretariat. New members shall be announced and published to the full membership of the network.
- c. Once an existing member has nominated an organisation for membership and such nomination has been seconded, the Secretariat (as described below) shall assess whether the proposed member meets the criteria for membership set forth at Section I(2) of these Bylaws. If the proposed member meets the membership criteria, the Secretariat shall recommend that the organisation be admitted to the Network. The Steering Committee will then decide whether to confirm the recommendation for membership. If this recommendation is confirmed by the Steering Committee, the organisation's name shall be inscribed on the membership roster maintained by the Secretariat.
- f. Each member shall elect whether to be full member or an associate member. The organisation's choice of full or associate membership shall be inscribed on the membership roster maintained by the Secretariat. Members shall be able to change their membership status (associate or full) at any time.
- g. Membership is and shall remain free of charge.

4. Expulsion of Members

a. A member may be expelled from the Network for an egregious act contrary to the protection and promotion of refugee rights, whether such act occurred in the context of Network activities or otherwise. An egregious act could include systematic exploitation of refugees in breach of the Nairobi Code, failure to remedy a proven individual breach of the Nairobi Code, or active and knowing encouragement or participation in the violation of rights guaranteed to refugees under international law.

b. Expulsion of a member shall be by two-thirds vote of the Steering Committee, further to a disciplinary investigation, the modalities of which shall be permanently established by the Steering Committee. The modalities to be established by the Steering Committee shall include an appeals procedure, the modalities of which shall be permanently established by the Steering Committee.

c. The Secretariat shall remove the name of an expelled member from the membership roster.

II. Governance and Leadership

1. Steering Committee

a. The Network shall be governed and led by a Steering Committee comprised of nine members and unless otherwise noted shall be empowered to act by majority vote (five) of all Committee members.

2. Role and Responsibilities of the Steering Committee

a. The Steering Committee shall be responsible for:

- i. Ensuring the Secretariat acts in accordance with these Bylaws;
- ii. Setting the strategic direction for the Network, such as by proposing activities the Network should mobilise around;
- iii. Taking an active role in fostering the development of the Network;
- iv. Establishing working groups on thematic and/or country-specific or regional issues, as necessary;
- v. Electing a yearly rotational Chair;
- vi. Carrying out the responsibilities described in these Bylaws;
- vii. Establishing guidelines to govern the Secretariat or other delegate organization's conduct of policy advocacy and to approve policy advocacy initiatives to be undertaken in the name of the Network; and;
- viii. Establishing rules of financial governance and supervising the Secretariat's management of Network funds.
- ix. Any other activities the Steering Committee may, in its sole discretion, deem reasonably necessary and appropriate.

3. Requirements of Steering Committee Membership

a. Each Steering Committee member must:

- i. Be a full Network member;
- ii. Have an active refugee legal aid and/or refugee advocacy programme taking a rights-based approach; and
- iii. Have sufficient staff and resource capacity to serve on the Steering Committee;
- iv. Contribute in a substantive manner to the activities of the Network.

4. Election of the Steering Committee

a. Members wishing to sit on the first Steering Committee following the establishment of the Network (see Section VI below)(the Initial Steering Committee) shall declare their candidacy to the Secretariat within one week of the first general meeting following the establishment of the Network. The Secretariat shall communicate the ballot of candidate to all full members by email, with a voting deadline of 10 days following this communication. If there are nine or fewer candidate on the ballot, there will not be a vote. If there are more than nine candidates on the ballot, membership on the Initial Steering Committee shall be awarded to the nine candidates that receive the most votes.

b. Upon the expiration of a Steering Committee member's term or resignation or expulsion of a member from the Steering Committee, the Secretariat shall communicate the vacancy on the Steering Committee to full members. Full members wishing to sit on the Steering Committee shall declare their candidacy to the Secretariat within one month of the vacancy announcement. The Secretariat shall communicate the list of candidates to full members by e-mail. Full members shall vote on each candidate by e-mail. The candidate receiving the most votes shall fill the vacancy on the Steering Committee. If there is only one candidate on the ballot, the candidate shall be elected to fill the vacancy on the Steering Committee if it is elected by two thirds of full members that vote.

c. The organisation that serves as Secretariat may not also serve on the Steering Committee.

d . Steering Committee members shall serve for a term identical to the term of the Secretariat, and may seek re-election after expiration of their term.

5. Expulsion of Steering Committee Member

a. A member of the Steering Committee may be expelled from the Steering Committee for i) inactivity, ii) an egregious act contrary to the protection and promotion of refugee rights, whether such act occurred in the context of Steering Committee activities or otherwise or iii) failing to act in accordance with and uphold these Bylaws.

b. Expulsion of a member of the Steering Committee shall be by two-thirds vote of the Steering Committee (six) with the exception of the Steering Committee member facing expulsion, further to a disciplinary investigation, the modalities of which shall be permanently established by the Steering Committee. The modalities to be established by the Steering Committee shall include an appeals procedure, the modalities of which shall be permanently established by the Steering Committee.

c. Any vacancy on the Steering Committee due to the expulsion of a member of the Steering Committee shall be filled in accordance with the procedures set forth in Section II(4)(b) of these Bylaws.

6. Steering Committee Meetings

a. The Steering Committee shall endeavour to meet at least four times a year, either in person or via telephone or video conferencing.

b. A representative of the Secretariat shall attend each Steering Committee meeting as an observer.

c. Each Steering Committee meeting shall be chaired by the Chair of the Steering Committee.

III. Administration

1. Secretariat

a. The Network shall be administered by a Network member (the Secretariat), which shall serve for at least three years.

2. Role and Responsibilities of the Secretariat

a. The Secretariat shall be responsible for:

- i. Undertaking activities for the purposes of developing the capacity of Network members to work jointly and separately to provide high quality, ethical legal aid to refugees and asylum-seekers, and to otherwise advocate for the rights of refugees.
- ii. Moderating the Network e-mail listserv and facilitating other forms of communication among network members;
- iii. Facilitating members' participation in the United Nations High Commissioner for Refugees' annual consultations with non-governmental organisations;
- iv. Coordinating policy advocacy activities, as described at 2b below;
- v. Managing the election of the Steering Committee;
- vi. Organising each annual Network meeting (see Section V below);
- vii. Soliciting and managing funds for use for SRLAN activities as provided for in these Bylaws, and subject to the oversight and management of the Steering Committee;

- viii. Keeping records including but not limited to the membership roster and the minutes of each annual Network meeting; and
- ix. Any other activities that may be reasonably deemed necessary and appropriate by the Steering Committee or the Network membership, in accordance with these Bylaws.

b. In accordance with section II(2)(a)(vii) above, the Steering Committee shall establish guidelines to govern the Secretariat's conduct of policy advocacy. In general, the Network may be involved in policy advocacy in one of two ways.

i. The Network may be used to facilitate joint action by some or all of its members without the official use of the "SRLAN" or network name. At the request of a member organisation, the Secretariat may allow the network's membership, e-mail list and other communication capacities to be used to organize cooperative advocacy by member organizations acting in their own names. In such cases the policy advocacy may not be said to be on behalf of the network.

ii. Policy advocacy initiatives may be undertaken on behalf of and in the name of the Network, if the topic matter of the proposed policy initiative is circulated to the full membership for a minimum of 14 days for comment and a substantive plan of policy advocacy is subsequently approved by a two-thirds majority of the Steering Committee (seven votes) or a two-thirds majority of member organisations at the annual general meeting. In the policy advocacy plan the Steering Committee or general meeting may choose to delegate implementation to the Secretariat or to a member organisation. Once initiated, a policy advocacy initiative may be amended or cancelled by simple majority vote (five votes) of the steering committee.

3. Election of the Secretariat

a. The Secretariat at the time the Network is established (see Section VI below) (the Initial Secretariat) shall be the Rights in Exile Programme. The Initial Secretariat shall serve for a term of one year from the date of the Network is established (see Section VI below).

b. After the Secretariat has served for three years, or one year in the case of the Initial Secretariat, an election shall be held to fill the role of Secretariat in accordance with the procedures detailed at Section III(3)(c) below. The incumbent Secretariat may run for re-election.

c. All member organizations wishing to fill the role of Secretariat shall declare their candidacy to the Steering Committee. The Chair of the Steering Committee shall communicate all candidates to all full members by e-mail. Full members shall vote for a candidate by e-mail, and their votes shall be counted by the Chair. A candidate organization shall be elected to serve as Secretariat by majority vote. If no candidate receives a majority in the first round of balloting a run off

election shall be held between the two candidates that received the most votes in the first round.

IV. Annual Network Meeting

- a. All Network members shall endeavour to meet at least once a year.
- b. The annual Network meeting shall have a quorum if one third of full members are present, either by telephone, video or in person.

V. Activities

- a. Network activities shall be conducted through thematic and geographical working groups, which shall be proposed by members on an ad hoc basis. Each working group proposal shall be vetted through the Steering Committee prior to formal establishment of such working group. The Steering Committee shall establish procedures for authorising the formal establishment of working groups.

VI. Establishment

- a. The Network shall be established upon entry into force of these Bylaws, in accordance with the procedures agreed at the meeting held in Geneva on 28 June 2009.

VII. Amendment

- a. Once in force, these Bylaws may be amended by a two-thirds vote of present full members at an annual Network meeting where there is a quorum, or by electronic voting by two-thirds of all full members.

VIII. Relationship to 2007 SRLAN Nairobi Charter

- a. These Bylaws supersede the 2007 SRLAN Nairobi Charter on all matters of Network governance and activities, including but not limited to membership, establishment of the Network and Network activities.
- b. The Network shall be guided by principles, vision and mission established in Nairobi and memorialised in the 2007 SRLAN Nairobi Charter.