

Asia Pacific Refugee Rights Network (APRRN) – Association

STATUTES

Asia Pacific Refugee Rights Network
c/o ICVA (International Council of Voluntary Agencies)
Giuseppe Motta 26-28, Geneva, 1202, Switzerland

Including amendments to the Statutes at the APRRN General Assembly Extraordinary Meeting on 16 November 2020 and APCRR8 14 June 2021.

Geneva

Article 1

The Asia Pacific Refugee Rights Network (APRRN) is a non-profit association governed by the present statutes, by Articles 60 et seq. of the Swiss Civil Code. It is neutral politically, and non-denominational.

Article 2

The Association's headquarters are located in the State of Geneva. The Association shall be of unlimited duration.

AIMS

Article 3

The Asia Pacific Refugee Rights Network (APRRN) aims to advance the rights of refugees and other *people in need of protection* in the Asia Pacific region.

APRRN envisions a region in which all people in need of protection have equal and adequate access to assistance and protection, and to timely durable solutions as relevant. We envision a region in which States (including those outside the region), civil society, UNHCR and other actors collaborate effectively towards a common purpose of regional protection with respect for their differentiated roles and responsibilities.

Article 4

The Asia Pacific Refugee Rights Network shall:

- Promote the development and implementation of international human rights and protection standards, laws, policies and systems that are also gender responsive
- Hold governments and other decision makers to account
- Share information, build capacity and improve collaboration of members and other key stakeholders
- Bring Asia Pacific perspectives to global discourse on refugee protection

- Increase participation of people with lived experiences of displacement, in particular women and young people, at national, regional and international level as well as internally within APRRN

RESOURCES

Article 5

The Association's resources are derived from:

- Grants;
- Donations and legacies;
- Sponsorship;
- Public subsidies;
- Any other resources authorised by the law.

The funds shall be used in accordance with the Association's social aims.

MEMBERS

Article 6

APRRN as a network is committed to upholding the following values and principles:

1. Using a rights-based approach
2. The humanitarian principles of non-discrimination, impartiality, humanity, independence and accountability to affected populations
3. The principle of "Do no harm"
4. Building solidarity and collaboration amongst civil society actors in the Asia Pacific region
5. Working responsibly and with respect, accountability and transparency
6. Upholding the rights of all persons, in particular refugees, stateless persons and forcibly displaced persons, as outlined in:
 - a) The international refugee rights regime, which includes, inter alia, the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol
 - b) International human rights law
 - c) International humanitarian law
 - d) Relevant national and regional instruments
 - e) International customary law

Article 7

Membership is open to all civil society organisations and individuals committed to advocating for the rights of refugees and other people in need of protection in the Asia Pacific region. This includes civil society organisations and individuals based outside of the Asia Pacific region. Membership is not open to governmental, inter-governmental, para-governmental and para-military bodies; national human rights institutions; or members of the media. It is also not open to individuals who work for these organisations/bodies. Membership for individuals of some of these groups may be considered, in exceptional circumstances, by the APRRN Membership Sub-Committee. All members are required to

adhere to the core principles of APRRN, outlined above. Members are also required to adhere to any additional codes of conduct or good practice, values statements or principles endorsed by the APRRN general membership.

Article 8

There are two types of membership: full membership open to organisations, and associate membership open to individuals.

1. As full members, organisations are required to:
 - a. Designate a primary point of contact for the Network, who may then nominate additional employees/volunteers to take part in Network activities.
 - b. Inform the Network if they or their nominees are no longer employed by, or volunteers of, their organisation.

As full members, organisations have the following rights:

- a. If a vote is called in the General Assembly meeting of the Network, to exercise one vote.
 - b. To stand for elections to positions on the Steering Committee (duties of Steering Committee in Article 17).
2. Individuals applying for associate membership do not have the right to nominate, vote or stand for elections, nor to be elected or appointed to positions on the Steering Committee.

Article 9

1. Application for Membership
 - a. All prospective members must apply for membership by filling out the APRRN Application for Membership Form on the APRRN website. Applications require the endorsement of two individual or organisational members.
 - b. All applications for membership are to be approved by the Membership Sub-committee. The Secretariat will undertake background checks with members that have been provided as referees in the application form. If referees are uncontactable or not provided, the Secretariat will check with existing members in the relevant country.
 - c. Applications for membership are received throughout the year and receipt will be acknowledged via e-mail. Prospective members will be notified about the outcome of their application ideally within two months of lodgement.
 - d. Upon approval, members receive the “Welcome Guide” as well as all relevant governance materials and will be added to the Google Groups and APRRN’s internal membership database.
 - e. Applications for membership may be rejected if a) not enough information is provided by the applicant b) existing members have valid objections c) the Membership Sub-Committee has valid objections or d) if they do not demonstrate compliance with the membership criteria. Rejected membership applicants will be notified in writing of the reasons for their rejection and may be added to APRRN’s general database.

2. Termination of Membership

Membership of the Network may be terminated by the Steering Committee on the following grounds:

- a. On the request of the member;
- b. If a member is found to have advocated or supported a breach of human rights through their actions;
- c. If a member is found to be in breach of the criteria for membership;
- d. If a member is found to be in serious breach of any Code of Conduct or Good Practice, or other statement of principles endorsed by the general assembly.
- e. A comprehensive complaints procedure has been developed and approved. It will be reviewed periodically by the APRRN Steering Committee. Members may also terminate their own membership of the Network by filling out an APRRN Termination of Membership Form.

ORGANS

Article 10

The Association shall include the following organs:

- a) The General Assembly consisting of representatives of member organisations;
- b) The Steering Committee elected by the General Assembly, with provision for additional positions to be appointed by the elected Steering Committee;
- c) Board of Directors;
- d) The Auditor;
- e) Working Groups;
- f) A Secretariat functioning under the direction of a Secretary General and subject to overall supervision of the Steering Committee.

GENERAL ASSEMBLY

Article 11

The General Assembly is the Association's supreme authority, composed of member organisations. Each member organisation shall nominate a person to represent it in the meetings of the General Assembly and shall be entitled to exercise one vote. Where a nominated representative is not available, a member organisation may be represented by an alternative person or a proxy duly authorised in writing.

It shall hold an ordinary meeting every two years. It may also hold an extraordinary session whenever necessary, at the request of the Steering Committee or at least one-fifth of its members. The General Assembly shall be considered valid regardless of the number of members present.

The Steering Committee shall inform the members in writing of the date of the General Assembly at least six weeks in advance. The notification, including the proposed agenda, shall be sent to each member at least 10 days prior to the date of the meeting.

In exceptional circumstances, whether or not foreseeable, which significantly compromise APRRN's capacities, the Steering Committee may postpone an ordinary meeting of the General Assembly by up to six months. If the disruptive impact of the exceptional circumstances upon APRRN is unresolved within the extension period, the Steering Committee may seek the approval of the General Assembly, via the convening of an extraordinary session, for a further and final postponement of up to six months on the convening of an ordinary meeting of the General Assembly.

Article 12

The General Assembly:

1. Decides on policies and programmes of APRRN based on an assessment of the refugee rights situation prevailing in the region.
2. Reviews and assesses the work and activities of APRRN.
3. Elects the Steering Committee for a term from one ordinary general assembly meeting to the next, ensuring equitable representation of the sub regions and with a maximum of two consecutive terms in the same position. Elections include the positions for the Chair and Deputy Chair. A treasurer will be appointed by the Board of Directors, based on the knowledge and skills required for the position.
4. Appoints an auditor for the organisation's account.
5. Reviews and accepts audited statements and financial reports.
6. Meet every two years at each Asia Pacific Consultation on Refugee Rights (APCRR). An extraordinary meeting of the General Assembly shall be convened if the Steering Committee so decides, or if one fifth of the members of APRRN submit a written request to the Steering Committee. The General Assembly may be convened in any country in Asia Pacific where member organisation/s are present.
7. Wherever possible takes decisions by consensus, in keeping with the general objective of APRRN to facilitate collaboration and cooperation among stakeholders in the region.
8. Decides on any modification of statutes.
9. Decides on the dissolution of the Association.

Article 13

The General Assembly is presided over by the Chair of the Association.

Article 14

Decisions of the General Assembly shall be taken by a majority vote of the members present. Votes are by a show of hands. Voting can also take place by secret ballot, if at least five members request it. Decisions concerning the amendment of the Statutes and the dissolution of the Association must be approved by a two-third majority of the members present.

Article 15

The agenda of the ordinary annual session of the General Assembly must include:

- Approval of the Minutes of the previous General Assembly
- The Steering Committee's annual Activity Report
- The report of the Treasurer and of the Auditor
- Approval of reports and accounts
- Election of Steering Committee members
- Miscellaneous business

Steering Committee

Article 16

The Steering Committee is authorised to carry out all acts that further the purposes of the Association. The Steering Committee meets four times per year or as often as the Association's business requires.

Article 17

1. The Steering Committee is accountable to the General Assembly, comprising APRRN members who are organised and represented in Geographical and Thematic Working Groups.
2. Steering Committee Members will be elected by the Geographical and Thematic Working Groups for a term from one ordinary general assembly meeting to the next and may only serve for a maximum of two consecutive terms in the same position.
3. Each Geographical Working Group will elect a Chair and a Deputy Chair. The Chair will automatically become a member of the Steering Committee.
4. Each Thematic Working Group will elect a Chair and a Deputy Chair. The Chair will automatically become a member of the Steering Committee.
5. All members of the Steering Committee will have equal voting rights.
6. The Working Group positions of Chair and Deputy Chair are not transferable.
7. The Chair and Deputy Chairs of both the Steering Committee and the Geographical and Thematic Working Groups must be from different countries.
8. Organisations may only have one member on the Steering Committee.
9. To ensure refugee representation, the Steering Committee must appoint one woman and one man from a refugee background to the Steering Committee if one woman and one man from a refugee background have not already been elected.
10. At the General Assembly Meeting held during each APCRR, APRRN members will elect the Chair and Deputy Chair of the Network for a term from one ordinary general assembly meeting to the next, with a maximum of two consecutive terms in the same position.
11. The Steering Committee will develop a Strategic Plan in consultation with APRRN members.
12. The Secretariat will prepare an Annual Report to be approved by the Steering Committee for presentation to APRRN members.

13. Decisions of the Steering Committee will preferably be taken by consensus. In the event that a consensus cannot be reached, a Steering Committee Member may request that a resolution be put to the vote. Consensus-based decisions and resolutions cannot proceed unless there is support of over 50% of Steering Committee members.
14. If the Chair of one of the Geographic or Thematic Working Groups cannot participate in a Steering Committee meeting, the Deputy Chair of that Geographic or Thematic Working Group may represent the Chair in his or her absence.
15. The Secretariat will be responsible to the Steering Committee and will liaise with the Chair of the Steering Committee.
16. The Secretary General will be appointed by the Steering Committee.
17. The Steering Committee will, at a minimum, meet every four months and/or may appoint a smaller representative Standing Committee. A report of each meeting will be made available to the membership.
18. The Chair of the Network will convene and preside over Steering Committee meetings and the General Assembly Meeting in order to facilitate decision-making, policy setting, prioritisation, resource allocation and accountability to APRRN membership.
19. The Statutes will be reviewed by the Steering Committee within two years of its endorsement.
20. An APCRR must be organised at least every two years. *In exceptional circumstances, whether or not foreseeable, which significantly compromise APRRN's capacities, the Steering Committee may postpone an ordinary meeting of the General Assembly by up to six months. If the disruptive impact of the exceptional circumstances upon APRRN is unresolved within the extension period, the Steering Committee may seek the approval of the General Assembly, via the convening of an extraordinary session, for a further and final postponement of up to six months on the convening of an ordinary meeting of the General Assembly.*
21. The Steering Committee shall appoint Chairs and Deputy Chairs of the Geographic Working Groups if no one is elected.
22. Steering Committee shall also appoint Chair and Deputy Chairs of the Working Groups in the event they become vacant.
23. The Steering Committee may appoint individuals for two-year terms as advisors, based on their specific expertise and dedication. Appointed advisors may provide advice to the Steering Committee individually or collectively. The Advisory Committee will provide strategic and operational advice to the Steering Committee and to the Secretariat, through the Chair and the Secretary General respectively. The Advisory Committee is part of the organisational memory of the Network but not part of the Steering Committee.
24. A Steering Committee member may be removed from office in accordance with the criteria in article 9 upon the vote of a two third majority of the Steering Committee.

Article 18

The Chair shall:

1. Provide leadership to the SC and ensure that SC members understand and fulfil their individual and collective responsibilities, including by ensuring the appropriate orientation of new SC members;

2. Approve the agenda for SC meetings prior to circulation and ensure timely distribution of meeting documents;
3. Chair SC meetings, including ensuring their timely commencement, that discussion remains task-focussed, that SC members are afforded equal opportunities to speak, and that all required decisions are legitimately made, and preferably by consensus;
4. Ensure that the SC is accountable to the membership and that decisions of the SC are appropriately communicated to APRRN members;
5. Ensure that APRRN meets all regulatory requirements;
6. Chair APRRN's General Assembly meetings;
7. Call 'special' or 'extraordinary' meetings of the SC or general membership if required;
8. Mediate any disputes between SC members that cannot be resolved by the individuals in question;
9. Act as a sounding board and guide for the Secretary General;
10. Review and report to the SC on the performance of the Secretary General, in line with agreed frequency and format;
11. Represent APRRN in official forums where appropriate, and pursue its best interests with diverse stakeholders more broadly.

The role of the Deputy Chair is to support the Chair and to substitute for the Chair in his or her absence.

Article 19

BOARD OF DIRECTORS

1. The Board of Directors is accountable to the SC and acts in line with the SC as well as the network priorities set out in the Strategic Plan of APRRN. The Board of Directors ensures the smooth operation of APRRN and is authorised to carry out all acts that promote the purposes of the Network. It also has primary responsibility to manage governance and finances, and has a fiduciary and legal responsibility to APRRN. The Board of Directors also provides necessary support to APRRN's Secretariat, which is accountable to the Board of Directors through the Secretary General.

2. Duties:

- Work cooperatively and effectively with the SC to ensure that APRRN fulfils its legal responsibilities;
- Advise on governance and finance related issues;
- Hold an Annual Meeting;
- Hold other regular or special meetings as required.

3. Membership and term:

- Members must adhere to criteria and principles set out in Article 3 to 9 of this document.
- The Board shall be composed of 7 members. The number of Directors may be increased or decreased from time to time by majority vote of the Steering Committee.
- The Board shall be comprised of:
 - APRRN Chair (to act as President)

- o APRRN Deputy Chair (to act as Secretary)
- o Treasurer
- o 4 co-opted members based on their expertise and capacity to serve on the Board, preferably from the Steering Committee and/or from a refugee background
- After each General Assembly, Directors shall be appointed by elected Steering Committee members.
- A Director shall hold office for a two-year term that is renewable.
- A Director may be removed from office upon the vote of 2/3 majority of the Steering Committee.
- Any vacancy occurring on the Board may be filled by vote of the majority of the Steering Committee.

4. Other provisions:

- Over 50% of the Board of Directors shall constitute a quorum and is needed for an Act of the Board.

Article 20

The Board of Directors work on a volunteer basis and as such can only be reimbursed for their actual expenses and travel costs. Potential attendance fees cannot exceed those paid for official commissions. For activities beyond the usual function, each Board member is eligible for appropriate compensation.

WORKING GROUPS

Article 21

The Thematic and Geographic Working Groups shall:

1. Be led/coordinated by the Chair and Deputy Chair with the support of the Secretariat;
2. Be represented by the Chair or Deputy Chair at all protocol events and other appropriate events related to that Working Group;
3. Develop action plans in line with the larger strategic plan of APRRN.

Any APRRN member may propose to the Steering Committee the creation of an Interim Geographical or Thematic Working Group pending endorsement of APRRN members at the General Assembly Meeting held during each APCRR. Proposals must include a list of six interested potential members, a draft Terms of Reference for the group, and at least 1 proposed major activity for the next two-year term. Interim Working Groups will not have representation on the Steering Committee until they have been approved as permanent Working Groups by the General Assembly. Thematic Working Groups are approved by the General Assembly for a term of two years, and are dissolved automatically at the next APCRR, but may be renewed following the above procedures for the creation of a new Thematic Working Group. Even if approved by the General Assembly, the Working Group will not be constituted unless both a Chair and a Deputy Chair are elected to lead it.

SECRETARY GENERAL AND THE SECRETARIAT

Article 22

1. The Secretary General shall be the head of the Secretariat. The Secretary General shall implement the decisions of the Steering Committee and the Board of Directors. The Secretary General is responsible for managing the Secretariat, including appointment, termination of staff and other personnel based on the APRRN Personnel Policy. The Secretary General is accountable to the Board of Directors and the Steering Committee.
2. The Secretariat shall normally be situated in any one of the countries in the region where APRRN has member/s. The Secretariat shall have staff and other infrastructural facilities required for undertaking the programmes and activities of APRRN.
3. APRRN shall enter into contracts, acquire and dispose of immovable and movable properties and when necessary institute legal proceedings through the Secretary General on behalf of the Steering Committee and the Board of Directors.
4. The Secretary General shall be the ex-officio secretary to the Steering Committee and the Board of Directors without voting power.

VARIOUS PROVISIONS

Article 23

The procedure for elections for APRRN Steering Committee and the Deputy Chairs of the Thematic Working Groups shall be outlined in the APRRN electoral guidelines and procedures. The APRRN electoral guidelines and procedures shall be endorsed by the APRRN General Assembly.

Article 24

The Treasurer is responsible for the Association's finances. Proper accounts of APRRN shall be kept by the APRRN Secretariat for all income and expenditure and shall be audited annually by a qualified Chartered Accountant. The General Assembly shall appoint an Auditor who will audit the Associations' accounts every year. The audited financial accounts shall be approved by the APRRN Treasurer and endorsed by the Steering Committee as well as reviewed and endorsed by the General Assembly. The financial year shall begin on 1 January and end on 31 December of each year.

Article 25

The Association is legally bound by the Chair and the Deputy Chair.

Article 26

1. Proposals for amendments to these Statutes must be delivered to the Steering Committee in writing. The Chair in conjunction with all other office bearers shall then decide on the date of a

special meeting of the Steering Committee to discuss such proposals, giving at least four weeks (28 days) clear notice.

2. Amendments to the Statutes shall be made by the General Assembly with the approval of two-thirds of the members present and voting in the General Assembly.
3. The original language of the Statutes shall be English and its interpretation shall be based on the English version.

Article 27

Should the Association be dissolved, the available assets should be transferred to a non-profit organisation pursuing public interest goals similar to those of the Association and likewise benefiting from tax exemption. Under no circumstances should the assets be returned to the founders or members. Nor should they use a part or a total of assets for their own benefit.

The present Statutes have been approved on 14 June 2021 by the Constituent General Assembly of the Asia Pacific Refugee Rights Network (APRRN) at Centre d'Accueil – Genève Internationale, Route de Ferney 106, 1202, Genève, Switzerland.

For the Association

Chair

Deputy Chair

The Statues have been amended by the General Assembly of the Asia Pacific Refugee Rights (APRRN) during APCRR8, on 14 June 2021.