CONSTITUTION of the Asia Pacific Refugee Rights Network

Adopted at the APRRN General Assembly on the 4th of September 2014

Article 1: Guiding Statements

Article 1.1: Mission

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, through outreach and sharing of knowledge of resources, mutual capacity strengthening and joint advocacy.

Article 1.2: Vision

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 1.3: Objectives

The Asia Pacific Refugee Rights Network shall:

1. Advocate with relevant stakeholders for the rights of refugees, asylum seekers and other people in need of protection to be respected and promoted region-wide. This shall include advocating for countries to ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as other relevant international laws, and to develop corresponding national refugee legislation.
2. Develop mechanisms and strategies to address human rights concerns and encourage engagement between relevant stakeholders to develop, consolidate and advance good practices to better protect the rights of refugees and other people in need of protection.
3. Strengthen the capacity of APRRN members to respond to key protection challenges in the region through a number of initiatives such as trainings, workshops, roundtables and consultations

4. Seek to foster an environment in which refugees, asylum seekers and other people in need of protection are treated with dignity, enjoy their rights and do not face discrimination, abuse, exploitation or protracted displacement.
5. Conduct outreach activities to galvanise widespread support for the advancement of the rights of refugees and other people in need of protection across the Asia-Pacific region.
6. Develop a strong refugee rights movement in the region with members actively sharing knowledge resources and developing joint strategies

Article 2: Membership

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 2.1: Membership criteria

1. 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.
2. 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.
3. 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 2.2: Types of membership

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 Annual General Meeting of the APRRN, to exercise one vote
    b. To stand for elections to positions on the Steering Committee (election and duties of Steering Committee in Article xx)

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 2.3: Application and Termination of membership

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 (Link: Insert). Applications require the endorsement of two individual or organisational members.
b) All applications for membership are to be approved by the Membership Sub-committee, comprised of the four Geographic Working Group Chairs. 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. Members will be notified about the outcome of their application 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 appplicant b) existing members have valid objections c) the 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 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 shall be developed and approved by the APRRN steering committee. The Complaints procedure shall be evaluated every two years at the APCRR. Members may also terminate their own membership of the Network by filling out an APRRN Termination of Membership Form.

Article 3: Organs

The Network shall consist of:

1. A General Assembly consisting of representatives of member organisations.

2. Working Groups

3. A Steering Committee, elected by the General Assembly, with provision for additional positions to be appointed by the elected Steering Committee.

4. A Secretariat functioning under the direction of an Executive Director and subject to the overall supervision of the Steering Committee.

Article 4: General Assembly

The General Assembly shall be the highest policy-making body, 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. The General Assembly shall:

1. Decide on policies and programmes of APRRN based on an assessment of refugee rights situation prevailing in the region.
2. Review, assess the work and activities of APRRN.
3. Elect the Steering Committee for a two-year term, ensuring equitable representation of the sub regions and with a maximum of two consecutive terms in the same position.
4. Review and accept audited statements and financial reports.
5. 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 two thirds of the members of APRRN submit a written request to the Steering Committee. The General Assembly may be convened in any country in Asia where member organisation/s are present.
6. Wherever possible take decisions by consensus, in keeping with the general objective of APRRN to facilitate collaboration and cooperation among stakeholders in the region.

Article 5: Steering Committee

1) The Steering Committee is responsible for establishing APRRN policies, procedures and priorities and 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 two-year term 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 and Deputy Chair will automatically become members 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, except for the appointed non-voting members.

6) The Working Group positions of Chair and Deputy Chair are not transferable. If any position becomes vacant for any reason then the position must be declared open and elections held.
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) The Host Organisation for the APRRN Secretariat will be entitled to have one representative on the Steering Committee.
11) At the General Assembly Meeting held during each APCRR, APRRN members will elect the Chair and Deputy Chair of the Network for a two-year term, with a maximum of two consecutive terms in the same position.
12) The Steering Committee will develop a Strategic Plan in consultation with APRRN members.
13) The Secretariat will prepare an Annual Report to be approved by the Steering Committee for presentation to APRRN members.
14) The Steering Committee will appoint a Treasurer based on the knowledge and skills required for the position.
15) 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.
16) If the Chair of one of the Thematic Working Groups cannot participate in a Steering Committee meeting, the Deputy Chair of that Working Group may represent the Chair in his or her absence.
17) The Secretariat will be responsible to the Steering Committee and will liaise with the Chair of the Steering Committee.
18) The Executive Director will be appointed by the Steering Committee.
19) 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.
20) 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.
21) The Constitution will be reviewed by the Steering Committee within two years of its endorsement.
22) An APCRR must be organised at least every two years.
23) The Steering Committee shall appoint Chairs and Deputy Chairs of the Working Groups if no one is elected.

24) The Steering Committee may appoint individuals for one-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 Executive Director respectively. The Advisory Committee is part of the organisational memory of the Network.
25) The Steering Committee can appoint a maximum of three individuals who are registered members of the Network to the Steering Committee, based on their specific expertise and dedication to the Network. These appointed Steering Committee members will not have voting rights.

Article 5.1: Chair and Deputy Chair

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 they work and decisions of the SC are appropriately communicated to APRRN members;
5. Ensure that APRRN meets all regulatory requirements, including producing a satisfactory annual report;
6. Chair APRRN's General 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 Executive Director;
10. Review and report to the SC on the performance of the Executive Director, 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 6: Working Groups

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 interested potential members and a draft Terms of Reference for the group. Interim Working Groups will not have representation on the Steering Committee until they have been approved as permanent Working Groups by the General Assembly.

Article 7: Executive Director and the Secretariat

1. The Executive Director shall be the head of the Secretariat. The Executive Director shall implement the decisions of the Steering Committee. The Executive Director is responsible for managing the Secretariat ,including appointment, termination of staff and other personnel based on the APRRN Personnel Policy and in consultation with the Steering Committee. The Executive Director is accountable to 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 infra structural 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 Executive Director on behalf of the Steering Committee.
4. The Executive Director shall be the ex-officio secretary to the Steering Committee without voting power.

Article 8: Election Procedure

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 9: Accounts and Audit

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 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.

Article 10: Principle of Recall

All elected office bearers of the network shall be subject to the principle of recall in accordance with the by-laws. The By-laws if not present and endorsed by the APRRN general membership, the APRRN steering committee shall develop By-laws to be endorsed, and once endorsed the By-laws shall be applicable with immediate effect, however, such By-laws cannot be enforced retroactively.

Article 11. Amendments to the Constitution

1. Proposals for amendments to this Constitution must be delivered to the Steering Committe 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 Constitution 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 Constitution shall be English and its interpretation shall be based on the English version.

Article 12. Dissolution

The network may be wound up at any time if agreed by two thirds members. Any assets shall be returned to their providers, if they require it, or shall be passed to another group with similar aims.

Adoption of the Constitution

This constitution was adopted by the members present at the General Assembly held on: 4th September 2014, Bangkok, Thailand

Signed:

Dr. Gopal Krishna Siwakoti

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(Chair)

Medhapan Sundaradeja

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(Deputy Chair)