

# Habitat International Coalition (HIC) By Law - First part

Approved by the HIC General Assembly in 2014



## Habitat International Coalition (HIC) By Law

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**Important note: Points C, D, E and F will be drafted later. The content of these points may affect that of points A and B.**

### *By-Law*

The following By-law complements the current HIC Constitution, which was approved by the 2013 General Assembly. It provides the criteria for procedures with the aim of ensuring the utmost possible participation and efficiency of the steering (General Assembly and Board) and operative bodies (General Secretariat, Reference Centres and Working Groups), while preserving the autonomy, the democratic processes, the integrity of HIC's institutional framework and its unimpeded operation. In addition, it provides criteria for the integration and functional roles of the Wisdom Keepers

As established in article 21 of HIC's Constitution:

1. The General Assembly may decide upon once or more by-laws on matters that are missing or are not exhaustively provided for in the Constitution.

2. A by-law may not contain paragraphs incompatible with the laws of the country where the seat of the Association is located or with this Constitution.

3. A revision of the by-laws can only be approved by the General Assembly by a simple majority of HIC Members present in person or online and voting at a duly constituted General Assembly meeting with a

quorum (as defined in article 11 of HIC's Constitution).

### *Definitions*

#### **Of the Board**

The terms "Board Member" and "representative to the Board" are synonymous and refer to the individual who sits on the HIC Board and participate in the decision making as the representative of the members of the region which elected him/her.

The term "year" refers to twelve (12) months commencing with the date of election.

The term "period" refers to four (4) years starting from the date of the announcement of the results of the election of the Board Member or the designation of the representatives invited by the Board.

The term "limit of two consecutive terms" means that no member of the Board may serve in any position or any combination of positions on the HIC Board for more than eight (8) years consecutively in the case of Board members or members invited by the Board.

The term "Member Space" refers to the online platform, which can be used by all HIC Members. This platform has been created to facilitate exchanges among members. It ease the active participation in the initiatives and fights of the Coalition as well as the fulfillment of its mission.

#### **Of the Members**

The definition of members and friends are to be found in articles 4 and 6 of HIC's Constitution.

"Contributions" are actions which allow the strengthening of HIC and the implementation of HIC's strategy. These contributions are divided into 5 groups (i) research and documentation, (ii) training, (iii) networking, (iv) fundraising, funds management and other services (logistics, administration and legal), and (v) dues calculated according to the annual budget of the member organisation.

#### **Of the General Secretary**

The term "General Secretariat" refers to the team made up by the General Secretary and his/her collaborators.

### *Abbreviations*

EC: Electoral Committee.

HIC-LA: HIC's Reference Centre in Latin America.

HIC-MENA: HIC's Reference Centre in Middle East and North Africa.

HIC-SA: HIC's Reference Centre in South Asia.

HLRN: Housing and Land Rights Network.

GS: General Secretariat.

WG: Working Groups.

### *Temporary Provisions*

HIC regions which are entitled to have Board representation are the following: (i) Africa, (ii) Asia and Pacific, (iii) Latin America and the Caribbean, (iv) North America, (v) Europe, (vi) Middle East and North Africa. Current Reference Centres as of the date of this by-law are: (i) HIC-LA; (ii) HIC-MENA; (iii) HIC-SA, (iv) HLRN. Those working in the Reference Centers are considered as staff of the

organization; they participate in the Board Meetings and in the General Assembly with the right to speak but without the right to vote.

## **A. Membership**

### **a. Members' Assessment**

Article 4 of the HIC Constitution defines HIC Members and the way they collaborate, based on contributions as determined by the Board.

1. Contributions comprise active participation in HIC's tasks and activities, shared by the member in the Member Space and dues. These contributions are in line with HIC's strategy and contribute to strengthen the Coalition. Dues are annual financial contributions.

Each member may choose the type of contribution s/he wants to make. The evaluation of their membership status will be based on these contributions.

2. Following is a list of contributions:

#### - Research and Documentation

- Contributes with HIC in the drafting and/or submission of a parallel report to a UN body.
- Contributes with HIC members and/or structures of HIC in the drafting and/or submission of other reports and documents to UN bodies.
- Elaborates documents in an HIC active working group.
- Participates in HIC's research missions as (description must be defined by the member).
- Participates in the HLRN "Urgent Action System" as (description must be defined by the member).
- Contributes to the HLRN "Violations Database" (VDB) either adding new cases, updating the database or dissemination its contents.
- Translates and distributes HIC documents into local languages.
- Provides with material to HIC's global documents (HIC News, declaration, position papers, other publications).
- Contributes with other documentary and research tasks.

#### - Formation

- Participates in training-related issues in HIC events as (description must be defined by the member).
- Shares training methodologies and contents in HICademy curricula.
- Organises training sessions through the HICademy.
- Other training contributions.

#### - Networking

- Calls for the creation of a Working Group and does the follow up of its tasks.
- Plays an active role in a Working Group.
- Participates on behalf of HIC in local events/activities (direct action, public advocacy, policy analysis, etc.).
- Represents HIC at public events as (description must be defined by the member).
- Participates in an Electoral Committee as (description must be defined by the member).
- Initiate collaborations with other(s) member(s) of HIC.
- Promotes the name of HIC (organising events, using HIC's logo, disseminating HIC's website on the webpage of his/her organisation, etc.).
- Informs and helps new applicant(s) when applying for HIC's membership.
- Actively participates in HIC's online tools (blog, Member Space, HICademy, etc.).
- Other contributions to networking.

#### - Fundraising and management

- Participates in regional or global HIC events, covering own costs for travel and/or accommodation.
- Mobilises resources to cover other HIC members' participation in regional or global HIC events.
- Provides other type of administrative and/or legal services.
- Other contributions to fundraising and management.

- Dues are the following:

USD 50 for an annual budget below USD 50.000

USD 100 for an annual budget of USD 50.001 a USD 100.000

USD 200 for an annual budget of USD 100.001 a USD 200.000

USD 400 for an annual budget over USD 200.001

3. The annual evaluation of the Members contributions falls back on the Secretariat, in coordination with the Board members and the Reference Centres. The tool allowing the validation of member status is available in the Member Space (Contributions to HIC). Contributions by HIC Members must be tailored to each of the regions in which they perform their task. It is the Secretariat's responsibility, in coordination with the Board Members and the Reference Centres, to revise and update the list of contributions keeping this in mind.

4. In the event that a member fails to make a contribution in the course of one year, s/he will lose his/her right to vote. This right will be renewed as soon as there is a new contribution. The General Secretariat must inform the member about his/her renewed right to vote.

5. Gender indicators for contributions other than dues are the following:

- GBA: Includes a gender-based analysis
- SDD: Includes Sex disaggregated data
- NSL: Uses non-sexist language
- WGO: Involves women and women's groups/organizations

6. Every member must send his/her list of contributions, updated and documented once a year. to the General Secretariat and the Reference Center (depending on the region). The list will be reviewed by HIC structures to ensure that the member receives the full benefits s/he is entitled to – including his/her right to vote during the next 365 days starting from the date the document is sent. The list must be received no less than two weeks prior to the cut off date for the purposes of voting in a regional election or a general assembly.

Dues must be received prior to the start of the General Assembly meeting or regional elections cut off as defined by EC.

## **b. Assessment of HIC Friends**

Article 6 of HIC Constitution defines HIC Friends.

7. Contributions of HIC Friends are voluntary. The evaluation of their status as an HIC Friend will be based on these contributions.

8. For dues, the sliding scale is calculated on the basis of the Friend's personal annual income. The sliding scale is the same for Members and Friends.

9. The Secretariat, in coordination with the Board Members and the Reference Centres must annually assess the Friends' contributions. HIC Friends' contributions must be adapted to each of the regions in

which they live. It is the Secretariat's responsibility, in coordination with the Board Members and the Reference Centres, to review and update the contributions' list, keeping this in mind.

10. In the event that a Friend fails to make a contribution in the course of two (2) year, s/he will lose his/her active friend status. The status of active Friend is renewed with a new contribution. The General Secretariat must inform the friend about this status update.

## **B. Board and President**

### **a. Election of the President and the Board Members**

#### *Election of Board Members*

This point elaborates on what is established in Articles 8 and 9 of HIC's Constitution.

11. The Board may determine that regions with twice the average number of members per region might have two (2) Representatives, necessarily of different genders.

12. To ensure the continuity and the operational capacities of the Board, the Board Members, the Reference Centres and the General Secretariat shall progressively coordinate the election process so that at least half of the Board Members are elected every two (2) years, keeping the ratio of current members and new designations.

#### *Right to Vote, Eligibility and Nominations*

13. HIC Members are entitled to elect the President and their regional representatives at the Board and to vote the decisions taken during General Assembly meetings.

14. Reference Centres, in coordination with the General Secretariat, can submit for the consideration and approval of the Board their proposals regarding criteria based in the contributions for the validation of the right to vote in regional elections.

15. HIC Members shall designate their voting representative at the time of updating his/her membership. Only designated Voting Representatives belonging to the organization shall be entitled to vote in HIC elections, to be nominated for the HIC Board or to participate in decision-making within the Assembly meetings. If the Voting Representative does not have a directive/executive status within HIC s/he shall certify a proxy authorising his/her vote.

#### *Eligibility for Board Representatives*

16. Eligible candidates to the HIC Board are elected for their individual goodwill and skills to carry out the tasks required of an HIC Board Member and to represent the social bases of their respective region.

17. Eligible candidates to the HIC Board shall belong to organizations Members of HIC in good standing for at least one (1) year at the time of their nomination.

18. Eligible candidates to the HIC Board shall be representatives of organisations which have been based in the corresponding region for at least one (1) year at the time of their nomination.

19. No employee of the HIC Secretariat or of Reference Centres may be eligible to run for or serve in a Board office. In the event that a Secretariat employee or of a Reference Centre team seeks a Board office, s/he shall resign from her/his Secretariat or Reference Centre post and serve no other post in such structure during the term of the Board office in which s/he serves

20. Candidates running for any election shall be nominated by at least two (2) organizational Members of the Coalition from the same region and other than the one to which s/he belongs.

#### *Eligibility for HIC President*

21. Eligible candidates to the HIC President position shall be representatives of a HIC organizational Members in good standing for at least three (3) years at the time of the nomination.

22. Eligible candidates to the HIC President position shall be nominated by a minimum of five (5) HIC Members in good standing for at least one (1) year at the time of the nomination, and based in any region.

*Elegibility for Representatives of Social Movements, Women's and/or Feminist Movements and Discriminated Groups or Minorities*

23. The representatives of Social Movements, Women's and/or Feminist Movements and Discriminated Groups or Minorities do not need to be HIC Members at the time of their appointment. These representatives shall be nominated by HIC Members in consultation with social movements, women's and/or feminist movements and discriminated groups or minorities. HIC Members participating in these nominations shall be in good standing for at least one (1) year at the time of the nomination and be up to date with their contributions.

*Nominations*

24. In order to confirm the eligibility of a candidate, both the candidate and his/her organisation shall confirm in writing their acceptance of the candidacy.

25. For the purpose of the electoral campaign, two (2) documents are required: (i) one from the candidate's organisation supporting the candidacy and including a brief statement indicating name and general activities; (ii) another from the candidate, including a short bio or CV and a cover letter.

26. When calling for candidates to represent Social Movements, Women's Movements, Discriminated Groups or Minorities or for the Board Associated Member, gender balance in the composition of the Board may determine in advance the gender of the required candidates.

*Electoral Process for Representatives of HIC Regions*

27. The regional coordinators of the Reference Centres are responsible for ensuring that their Structure conducts the elections by notifying all constituent members of the electoral process and calling for volunteer members to serve at the Electoral Committee (EC) six (6) months before the end of the current Board representative's term. In the event that the Structure fails to fulfil its duty to convene an election in its region, the General Secretary shall coordinate the call for the election process four (4) months before the end of the outgoing representative's term or before the occurrence of a vacancy. However, this measure should only be taken as a last resort as the Secretariat should not replace the autonomous role and responsibilities of Reference Centres. The General Secretariat shall inform the Board of the situation and procedures and set up an appropriate Electoral Committee in compliance with this By-law.

28. The EC, HIC Centre of Reference and the General Secretariat shall establish voting procedures in accordance with the Constitution of HIC and this By-law.

29. The EC should be comprised of at least three (3) Member representatives with gender and geographical diversity from among the Members of the respective region in which the election takes place. The members of the EC shall be responsible for determining the division of labour and nominating a coordinator of the overall process.

30. The ECs shall submit its election plan to the HIC Board in order to certify its compliance with the HIC Constitution and with this By-law at least three (3) months before the end of the electoral process.

31. The EC members are not be eligible to nominate or contest for any candidacy for the election that they serve. However, EC members' organizations are entitled to vote if they fulfil the requirements of paragraph 35. EC members serve on a voluntary basis. Under no circumstances shall a member of an Electoral Committee accept or receive any remuneration for his/her service. The EC shall set a timetable for the electoral process, including the deadline for receiving votes.

32. The EC, in coordination with the Reference Centre associated with the election process and the General Secretariat, shall identify the HIC Member organisations which are entitled to vote and elaborate a list with their names and the names of their representatives. The EC shall ensure that the calls for nominations, the communications with voters and the voting process are carried out through reliable media channels.

33. Votes for the representatives of HIC Regions shall be cast by email, ensuring the most complete level of participation of eligible voters and with the support of online meetings and telephone calls.

34. The call on members to vote shall include the names of the candidates, of the member-organisations they represent, of the nominating members and a brief description of the candidates. The EC shall distribute guidelines on the voting process to voters no less than three (3) months before the end of the term of the outgoing representative.

35. Each organization member of HIC has the right to one (1) vote. The EC shall respect all Members' right to a confidential vote and shall not disclose any specific Member's electoral choice. However, if a HIC Member raise an objection to the result outcome, the Mediation Group shall have access to the register of votes, in accordance with paragraphs 46 to 50 of this By-law.

36. Voting members should post their mail-in vote no later than eight (8) weeks prior to the end of the outgoing term. After a careful counting of votes on the deadline date, the EC shall announce the results as soon as possible. The Electoral Committee shall retain a copy of the voting records for review or in case a recount is required further on by the Members, in accordance with paragraphs 49 and 50.

#### *Presidential Elections*

37. The GS bears the responsibility for ensuring conduct of the process for the election of the HIC President by calling for volunteers Members among HIC Members to set up an Electoral Committee (EC), which will be made up of one representative from each of the regions.

38. The Presidential EC shall conduct the elections according to paragraphs 28 to 36 of this By-law and in compliance with Article 9 of the HIC Constitution.

#### *Designation of the Representatives of Social Movements, Women's and/or Feminist Movements and Discriminated Groups and Minorities*

39. The Board may define the representation of Social Movements, Women's and/or Feminist Movements and Discriminated Groups and Minorities by inviting an additional representative of each group, after carrying out a careful assessment of his/her qualifications, skills and interests and having conducted an exhaustive research for potential invitees who could complement the current composition of the Board and enhance the Coalition and its Members.

40. An invitation/appointment of a representative of the mentioned movements in paragraph 39 or of an Associate Member of the Board requires a two thirds (2/3) majority of the sitting Board Members to be approved. The General Assembly must be informed of this decision.

41. Representatives of the invited Social Movements and the Associated Board Member shall confirm in writing their acceptance as candidates before the beginning of the designation process.

42. The term of representatives of Social Movements, Women's and/or Feminist Movements and Discriminated Groups and Minorities and of the Associated Board Member shall be four (4) years, renewable once, and subject to the same conditions (rights and responsibilities) as the rest of the Board Members.

#### *Vacancy of a Board Member position*

43. The office of Board Member shall be vacated in the instance of any of the following events: (i) Upon the Board Member's formal notice, in writing, to the Secretariat, informing of her/his resignation and explaining the reason. (ii) Upon the death or incapacitation of the Board Member to fulfil the inherent duties of his/her position. (iii) The severance of the Board Member's affiliation with the

Member organization s/he represents. (iv) By a well-documented and verifiable evidence of violation of HIC Constitution or By-laws or by failure to subscribe to or act in accordance with the responsibilities of a Board Member (see paragraphs 62 to 67 of this By-law).

44. The HIC Members and Board Members can submit a petition to the Board proposing removal of a Board Member for its evaluation. The approval must be signed by at least three-fourth (3/4) of the disinterested Board members. This petition must be submitted at least four (4) weeks before any regular or extraordinary Board meeting. Notice of the petition for removal shall be delivered to the Board Member proposed for removal at least two (2) weeks prior to the next duly constituted Board meeting.

Said Member shall be given an opportunity to be heard at the meeting prior to any vote on removal. The Board may then vote and the removal of said Member will require the favorable vote of three-fourths (3/4) of the disinterested present Board members.

45. If a vacancy of an elected Board member arises as a result of any of the causes described in paragraph 43 of this By-law, the region affected by this vacancy shall elect a new representative to the Board, as established in paragraphs 27 to 36 of this By-law.

#### *Results, Validation of Election Results and Mediation Group*

46. The new Member of the Board is the candidate who has received the most votes. The replacement member shall be the second most voted candidate of the opposite sex. The alternate is the candidate of opposite sex who has received the next highest number of votes.

47. The responsible EC shall certify the validity of the election of a Board member by verifying and documenting the participation of a quorum of at least ten percent (10%) of eligible voting HIC Members in the Structure or of eligible voting HIC members in HIC President Elections.

48. In the event of the election process being inquorate, the EC shall inform the Board and all the voters who belong to the relevant HIC Structure proposing a solution.

49. Any objection to the election procedure or results shall be submitted in writing to the GS no later than one (1) month after the elections have been held and with support of at least ten percent (10%) of the eligible voters of the relevant region. A Mediation Group formed by a Board member, a delegate of the EC and representatives of the parties analyzes the objections raised and seek agreement for the validation, or not, of elections.

50. If, within two (2) months after the announcement of results the election, no objection to the electoral procedure or outcome is raised consistent with the conditions provided in paragraph 46 of the present By Law, the election shall be validated.

#### *Vacancy of the President*

51. The office of President shall be vacated in the instance of any of the following events: (i) Upon the President's formal notice, in writing, to the Secretariat, informing of her/his resignation and explaining the reason. (ii) Upon the death or incapacitation of the President to fulfil the inherent duties of his/her position. (iii) The severance of the president's affiliation with the Member organization s/he represents. (iv) By a well-documented and verifiable evidence of violation of HIC Constitution or By-laws or by failure to subscribe to or act in accordance with her/his responsibilities (see paragraphs 54 to 61 of this By-law). The GS shall make a call for candidates and for an election process as soon as possible in accordance with Article 9 of HIC's Constitution and following the procedure described in this By-law, providing that the balance of the term is of at least two (2) years. If the remaining term of office is less than two (2) years, the Board will appoint a replacement from among its Members to complete the term of office.

52. The HIC Members and Board Members can submit a petition to the Board proposing removal of the President for its evaluation. The approval must be signed by at least three-fourth (3/4) of the Board members. This petition must be submitted at least four (4) weeks before any regular or extraordinary Board meeting. Notice of the petition for removal shall be delivered to the President at least two (2)

weeks prior to the next duly constituted Board meeting.

The President shall be given an opportunity to be heard at the meeting prior to any vote on removal. The Board may then vote and the removal of the President will require the favourable vote of three-fourths (3/4) of the present Board Members.

53. The GS bears the responsibility to ensure that the process of removing the President from office takes place by making a call for vote. to HIC Members with right to vote. Before casting their vote, these organisations shall receive full information on the causes of the President removal petition, signed by at least three quarters (3/4) of the Board Members, as well as the opinion from the rest of the Board Members and the President him/herself. The confirmation of removal requires the favourable vote of at least twenty percent (20%) of current HIC Members, provided that at least ten percent (10%) of HIC Member organisations of the regions approved by the Board participate in the vote.

#### **b. Responsibilities of the President**

54. Representing the Coalition and being HIC spokesperson on a global level.

55. Lead and orientate HIC declarations such as making calls for solidarity or denouncing housing rights violations.

56. Chair the General Assembly and the Board Meetings.

57. Supervise the execution of the Board decisions and be in permanent contact with the General Secretariat.

58. Attend HIC Reference Centres meetings and support fundraising processes.

59. Attend events and campaigns of allies.

60. Being proactive when tackling specific problems of the Coalition.

61. Provide the Coalition regularly with reports of his/her activities.

#### **c. Responsibilities of the Board Members**

62. Conducts and follow up HIC's policy according to the needs and aspirations of the Members that they represent.

63. Being informed and proactive when defining HIC's values and position.

64. Attend and actively participate in HIC Board meetings and in regional or thematic meetings of HIC members that they represent, as well as support their fundraising processes.

65. Attend events and campaigns of HIC allies.

66. Participate and follow up decisions, commissions and Working Groups promoted by the HIC Board.

67. Provide with open letters regularly to the Members that they represent.

68. Once the annual General Assembly meeting is set, hold a consultation among the Members they represent.

69. According to the consultation outcomes, participates in the General Assembly with the proxy of the Members he / she represents, supporting the region's interests.