

Guide to the statutory changes proposed to the LYMEC congress convening in Stockholm in May 2017

After the last congress in Tallinn in the fall of 2016, a working group was installed by the LYMEC Bureau to evaluate the way LYMEC runs congresses, and to overhaul the statutory documents with the goal of simplification and the inclusion of best practices.

One outcome of that WG is a proposal that replaces all three current statutory documents - the Statutes, the Rules of Procedure, and the Rules of Association - with two new statutory documents, the Statutes, and the Congress rules.

While this division made sense when initially conceived, many changes have been made over the years, with the result that the current documents are too complicated, not logically structured, and in part ambiguous, contradictory, and not reflecting good and established practices LYMEC has implemented over recent years.

The new documents are not put together from scratch, rather they represent an improvement of the current text in a new structure:

Everything that relates to the Congress in the widest sense can now be found in the Congress Rules. This includes the Rules of Procedure (RoP), and approximately half of the Rules of Association (RoA). The new Statutes are built around the old Statutes (St), and also feature the part of the RoA that has not been integrated into the Congress Rules.

Apart from restructuring the statutory documents, the wording of the existing text has been greatly improved and clarified. The final text has furthermore been reviewed by a native speaker.

Below you can find an overview of the new documents article by article, detailing all changes that have been made that go beyond style, wording, and clarifications; so essentially all instances where the changed or new text conveys a different meaning and would change the running of the organisation and its events.

NEW STATUES

Article 1:
corresponds to Art 1 St

Article 2:
corresponds to Appendix 1 St

Article 3:
corresponds to Art 2 St

Article 4:
corresponds to Art 3 St

Article 5:
corresponds to Art 4 St

Article 6:
corresponds to Art 5 St

Article 7:
corresponds to Art 6 St

It now includes the election of the LYMEC Rep to the IFLRY Bureau, which in consultation with the Bureau is proposed to henceforth be an elected, rather than an appointed position.

Article 8:

corresponds to Art 7 St

Clarifies that student organisations that are members of LYMEC are not automatically part of the ELSN, but rather have the choice to affiliate with ELSN

Article 9:

corresponds to Art 8 St

Article 10:

merges Art 9 St, Art 1 RoA (as applicable to full MOs), and Art 6 RoA (as applicable to full MOs)

Replaces the wording “European regional youth organisation” with sub-national youth organisation, which the WG believes was the original intention of the wording. The current wording implies that many members of LYMEC that do not operate in the entirety of a country (i.e. nationally, e.g. MOs from Catalunya or Istria) actually cannot be members, so there is an urgency to approve this change in particular.

Article 11:

merges Art 10 St, Art 1 RoA (as applicable to Associate Members), and Art 6 RoA (as applicable to Associate Members)

In consultation with the Bureau, the WG proposes to remove the right to propose motions or resolutions from the rights of associate members to further differentiate associate from full membership.

Article 12:

corresponds to Art 5 RoA

It emphasises that the LYMEC Secretariat always needs to be in possession of the current English version of their statutory documents, political programme, and manifesto.

Article 13:

corresponds to Art 11 St and Art 9 RoA

Article 14:

corresponds to Art 8 RoA

Article 15:

corresponds to Art 12 St

Greatly clarifies this article.

There should no longer be a vote required to remove an organisation that has been proven to have ceased to exist, because a non-existent organisation should not legally be allowed to be a member of LYMEC.

Specific requirements to request the expulsion or suspension of members have been removed, since the burden of proof and the presentation for any such grounds in fact lies with the proposing group anyway, which makes any such requirements largely unnecessary.

Article 16:

corresponds to Art 2 RoA

Article 17:

corresponds to Art 3 RoA and Art 7 RoA

Article 18:

corresponds to Art 4 RoA

Individual members no longer have the possibility to request a payment arrangement. This has never been utilised, and is unnecessary due to the generally low fee. Written objections no longer require a 4 week deadline; any objections should just be debated during the agenda point at the congress.

Article 19:

corresponds to Art 13 St

Adds the Committee of Discipline and Arbitrage as a statutory body of LYMEC, which it de facto already is.

Article 20:

corresponds largely to Art 14 St

Clarifies that the Congress can recognise matters as falling within its competencies by a two-thirds majority of all POSSIBLE votes at the Congress, instead of unanimously. This has already been practice at some previous congresses.

Article 21:

merges Art 15 St and Art 19 RoA

Article 22:

corresponds to Art 20 RoA

Article 23:

merges Art 21-22 RoA

Removes the provision specifying that "If no Congress is to be held within the two months after the President's resignation an extraordinary Congress will be called by the Bureau." for the reason that it is in fact the point of having a VP for him/her to step in if such a scenario should occur. The cost of an extraordinary Congress in such a case also needs to be considered.

Article 24:

corresponds to Art 23 RoA

Article 25:

corresponds to Art 24 RoA

Article 26:

merges Art 16 St, Art 26 RoA

It also de facto replaces Art 25 RoA by giving the Bureau a much larger leeway in defining the role of the SecGen. It thereby also removes Art 25 6) giving the Congress the power to dismiss the SecGen, which would open up LYMEC to lawsuits. It is more pertinent to leave these questions to Belgian labour law.

Article 27:

corresponds to Art 17 St

Article 28:

merges Art 27-29 RoA

Article 29:

corresponds to Art 18 St

Article 30:

corresponds to Art 19 St

Article 31:

corresponds to Art 20 St

Article 32:

merges Art 21 St and Art 23 St

Article 33:

corresponds to Art 22 St

Article 34:

corresponds to Art 24 St

NEW CONGRESS RULES

Article 1 and 2:

correspond to Art 10-11 RoA

A congress can now be called with “at least one-third of the number of full member organisations, or a group representing at least one-third of the votes distributed at the previous congress.”, which replaces the rather complicated “fifth part of the votes that could have been cast at the most recent Congress”.

Article 3:

corresponds to Art 14 RoA

Article 4:

(1) corresponds to Art 12 RoA; (2)-(4) are new additions representing limitations on delegates and individual members at the congress, which have been added at the request of the LYMEC Bureau following a consultation with MOs

Article 5:

corresponds to Art 2 (2)-(3) and Art 7 RoP.

Added a clause dealing with the possibility of congress chairs not being confirmed by the congress, in which case an election follows according to the same procedures as the election for bureau members

Article 6:

corresponds to Art 8 RoP

Article 7:

corresponds to Art 9 RoP

Article 8:

corresponds to Art 10 RoP

Deleted redundancies covered by other parts of the Statutes or CR

Article 9:

corresponds to Art 1 RoP and Art 13 RoA

Article 10:

corresponds to Art 3 RoP

Clarifies the procedure with regard to amendments to the agenda

Subsequent changes to the once adopted agenda are now to be introduced via a point of order, with a simple majority being sufficient instead of the previous two-third majority. The reasoning behind this is to create more flexibility in the hands of the congress when it comes to changing the agenda as the congress progresses.

Article 11:

corresponds to Art 4 RoP

Elimination of redundancies

Increasing the majority required for an urgent resolution from a simple majority to a two-third majority. The reasoning behind this is that the instrument of urgent resolutions should not be abused in a way of circumventing statutory deadlines, so the way of solving this is for resolutions having to be very clearly deemed urgent through a larger required majority.

Introduction of a new point that allows the Bureau to change the order of motions and resolutions, which might be necessary during some congresses when it is politically important for LYMEC as an organisation to discuss certain policies that the congress does not priorities. There are built in checks in this Article to prevent the Bureau from abusing or over-using this possibility, meaning that the Bureau must explain any such change, and it can also be opposed through a point of order.

Article 12:

corresponds to Art 5 RoP

Article 13:
corresponds to Art 6 RoP
Eliminates redundancies

Article 14:
corresponds to Art 11 (2)-(3) RoP

Article 15:
corresponds to Art 12 RoP

Article 16:
corresponds to Art 15 RoA
Drastically clarifies the previously ambiguous provisions with regard to the Policy Book and the Policy Archive, with the introduction of clear provisions for when and how a resolution can be archived. This can be done either through a motion to archive it (which has the same statutory standing as a resolution, including deadlines etc.), or as part of another resolution being introduced, provided that certain requirements are fulfilled.
Introduces a two-third majority for the archiving of recently adopted policies (younger than three years) in order to prevent the abuse of this instrument by delegates who are just not happy with something that was passed narrowly last congress. It is important for LYMEC to have consistency with adopted policies, and thus any recently adopted policies should only be changed if there is a *clear* majority in the congress for doing so.

Article 17:
corresponds to Art 14 RoP
This article is completely overhauled and it replaces a previous text that was ambiguous at best. The way that the readings of motions and resolutions are foreseen in this new article takes the best practices from the last couple of years and codifies them. It goes into much further detail, which also means that the number of provisions on this issue have increased, which means that it does give both the Chairs and the Congress a more detailed and thought through procedure to work with, and will greatly reduce ambiguities.
Instead of the Congress Chair setting the speaking time for the motions and resolutions agenda point, it is now set by default at two minutes, however, it can be changed at any point through a point of order requiring a simple majority. This also increases the scope by which the Congress has control over debates.

Article 18:
corresponds to Art 15 RoP
The list of possible points of order has been updated in accordance with the rest of the statutes.
CORRECTION: The inclusion of “Motions to archive a resolution in the LYMEC Policy Book.” in the list was a mistake, and the removal of this point will be brought forward through an amendment. To be clear, we do absolutely not suggest that it should be possible to archive a resolution through a point of order, so please ignore this. For the proposed provisions with regard to the LYMEC Policy Book and Policy Archive please refer to Article 16 of the Congress Rules.

Article 19:
corresponds to Art 16 RoP
The ambiguous Art 16 (3) RoP has been removed as it serves no plausible purpose.

Article 20:
corresponds to Art 18 RoP

Article 21:
corresponds to Art 19 RoP

Article 22:
corresponds to Art 20 RoP
This was very confusing, as the previous Art 20 RoP actually intended to refer to a vote by roll call, and not simply a roll call, which has now been clarified.

Article 23:

merges Art 21-22 RoP

The articles and procedures therein have been merged as they serve a similar purpose.

Article 24:

corresponds to Art 23 RoP

Article 25:

corresponds to Art 24 RoP

It now includes the election of the LYMEC Rep to the IFLRY Bureau, which in consultation with the Bureau is proposed to henceforth be an elected, rather than an appointed position.

Article 26:

corresponds to Art 25 RoP

The election procedures are greatly clarified. The complicated paragraph (d) is removed, since this additional provision is extremely unlikely to not only find an application, but also change the outcome of a vote.

Article 27:

corresponds to Art 26 RoP, and in part Art 26 RoA

The new article puts the procedure to approve the SecGen in line with practices in recent years, and introduces a provision for the election of a new SecGen if the approval of the person proposed by the Bureau failed.

Article 28:

corresponds to Art 27 RoP and Art 18 RoA

Clarifies that the responsibility for the minutes lies with the SecGen

Article 29:

corresponds to Art 16 RoA

Article 30:

corresponds to Art 17 RoA

Appendix I:

corresponds to Appendix 2 of the RoA

The deadline for the proposal of the programme of action is now set to 8 weeks

Deadlines for amendments are being introduced