

ELSA Observership and Membership Guidelines

Foreword

These guidelines have been created in order to assist with what it means to be an initiator group, an Observer and a Member of ELSA. They are split into two main sections: working towards Observership and working towards Membership.

This is a product of four different working groups who have all contributed their hard work and knowledge to the finished product you are reading now.

We hope that you will find them useful and that they will benefit you in the creation of your National Group.

ELSAfully yours,

Josie Beal

Chair of Working Group 4 on Observership and Membership

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Updated by ELSA International 2015/2016: Using the ELSA Brand is allowed to Initiator Groups under supervision of ELSA International (conclusion of the Expansion workshop at ICM Batumi 2015)

Observership & Membership Guidelines

1. Glossary

Academic Activities (AA)	The area of AA aims to contribute to legal education. Academic Activities consists of writing, studies abroad, legal research and bridging theory and practice and events such as moot court competitions, legal debates and lawyers at work events. It is the responsibility of the Vice President for AA.
Board Management, External Relations and Expansion (BEE)	The areas that are the responsibility of the President.
Corporate Identity:	The overall, unified image of ELSA as described in the Corporate Identity Handbook.
ELSA Development Foundation (EDF):	A fund that all ELSA groups in receipt of general sponsorship must contribute to. ELSA groups may then apply for financial support from the fund for activities and events.
Financial Management (FM)	The area that is the responsibility of the Treasurer.
Initiator Group:	A group who intends to apply for Observership of ELSA.
Internal Management	The area that is the responsibility of the Secretary General.
International Council Meeting (ICM):	A bi-annual meeting of the National Groups of ELSA that make up our Council.
Member:	The final stage of ELSA membership, whereby the Group gains all of the rights available to them.
Observer:	The first stage of ELSA membership, a limited, transitory stage towards becoming a Member group.
Seminars & Conferences (S&C)	The area of S&C aims to give ELSA members the opportunity to experience topics outside of the university curriculum thus contributing to a better legal, cultural and social education. The area includes events like conferences, seminars, law schools, lectures, panel discussions and study visits. It is the responsibility of the Vice President for S&C.
Student Trainee Exchange Programme (STEP)	STEP enables law students and young lawyers to spend a period of time working abroad in a law related area, introducing them to a different legal system and enabling them to gain valuable professional experience. ELSA supplements the traineeship schemes of law firms, companies, banks, universities, public and private institutions, and provides suitable trainees for both short and long-term placements. It is the responsibility of the Vice President for STEP.

2. Observership

BECOMING AN OBSERVER

Criteria for becoming an Observer

Article 5 of ELSA's Statutes and Standing Orders (SSO) states that a national organisation that is a legal entity can apply to become an Observer of ELSA. It is important to ensure that an initiator group has legal status according to the national laws within its country because lack of legal regulation may lead to problems such as chaotic organisation and the absence of legal protection.

Article 5 Requirements:

1. There must not be an existing Member of Observer of ELSA in the country of the organisation applying.
2. Within their application, the national group must verify that it supports the aims and activities of ELSA.

Article 2 of the Standing Orders: Application for Membership and Observership

- A declaration where the applicant group expresses its commitment to the aims and activities of ELSA.
 - A report stating by whom the state of the organisation that is applying for Observership is recognised (Article 2.1 Standing Orders).
3. The Statutes and Standing Orders of the national organisation must be compatible with the Statutes and Standing Orders of ELSA International.

Initiator Groups applying for Observership should provide the above information. However, it has been common practice to include additional information and material such as:

- Activity reports.
- Information regarding organisational structure.
- A guarantee for continuity.

In actual fact, this extra information is actually only necessary for a Membership application. These guidelines encourage applicants for Observership to prepare only the documents that they are required to prepare by the Statutes and Standing Orders (listed above). This is because the purpose of Observership is to observe and learn how to become part of ELSA and therefore the period of Observership should be a time where groups learn how to put together activity reports etc. by seeing contributions from other National Groups or asking them for assistance and so forth.

The purpose of Observership is for groups to learn and develop until they are ready to apply to be a Member. It is not, therefore, necessary for Initiator Groups applying for Observership to "become" ELSA before they have even been voted into the network, because they will have the Observership period to do this.

Using the ELSA Brand

An Initiator Group applying for Observership is allowed to use the ELSA brand, Corporate Identity (including especially the ELSA logo), and call itself “ELSA”. ELSA International should, however provide the Initiator Group with appropriate materials and supervise the usage of ELSA Brand and Corporate Identity.

RIGHTS OF AN OBSERVER

General Information

Observers do not have the right to:

- vote or give proposals;
- give or hold a proxy;
- host an International Presidents Meeting (IPM) or an International Council Meeting (ICM); and
- nominate or second candidates.

Becoming a member will give an Observer all of the above rights.

Observers have a right to:

- attend International Presidents Meetings (IPM) and International Council Meetings (ICM) with 9 delegation spots for ICM;
- call their group “ELSA” and use the ELSA Corporate Identity;
- apply for and contribute to the ELSA Development Foundation (EDF);
- participate in all Key Area activities organised by ELSA;
- approach national and international (after gaining permission from ELSA International) entities;
- fight sanctions; and
- participate in workshop discussions.

Observers are obliged to:

- pay an Observership administration fee;
- fill in the State of the Network Report (SotN) and send the report to ELSA International; and
- send activity reports on the mailing lists.

Fees for Observers

Observers are subject to the same fees for ELSA events as members, for example the standard participation fees of €29 or €33. This is to encourage maximum participation and the opportunity to learn throughout the Observership period.

Right to fight debts before Council

As stated in Article 18.4 SSO, waiving or reducing debts is a proposal to the Council and Observers are not entitled to make proposals. However, Observers should have the right to fight their debts and therefore in this situation, ELSA International should propose to

waive or reduce the debt on behalf of the Observer so that they may fight their debt before Council.

The ELSA Development Foundation

There is not currently a clearly defined way of dealing with the EDF with regards to Observers. The EDF section of the Decision Book refers only to “National Groups” and “Local Groups” and does not make a separation between Observers and Members. However, in Article 4 of the Statute’s and Standing Orders it is stated that “National Groups are members of ELSA in the context of these statutes”.

According to the Statutes of the EDF, the aim of the EDF is to support National and Local groups as regulated by the Decision Book of ELSA. These aims are to overcome structural weaknesses within the network and to support groups financially and allow activities that further the vision, purpose and means of ELSA. These types of activities may be organised by both Observers and Members of ELSA, therefore allowing Observers to apply for the EDF compliments its aims and objectives. Often, Observers may benefit the most from financial support.

Based on the above, Observers should also contribute to the EDF if they are in receipt of general sponsorship given that they can also benefit from applying for it.

Participation in Key Area Activities

The main aim of the Observership period is to develop, prepare and motivate Observers to apply for Membership. Therefore, all Key Area activities are available to Observers and organiser’s should strive to make them more attractive and accessible to Observers to facilitate their learning and development, in the hope that they may organise similar activities in their own countries. Obviously, with regards to STEP and Delegations where there is contact with externals, individuals should maintain a professional attitude and approach.

TERMINATION OF OBSERVERSHIP

Termination is regulated in Article 8 and Article 9 of the Statutes and Standing Orders.

Membership or Observership immediately ends if:

- (i) an Observer did not apply for Membership or was rejected as a Member of 4 consecutive Council Meetings following the Council Meeting where the Observer can apply for Membership;*
- (ii) a Member of Observer notifies the International Board in writing that it wishes to terminate its Membership or Observership;*
- (iii) a Member or Observer is expelled in accordance with Article 9 of these Statutes.*

There is a limited time given to National Group to apply for Observership in order to motivate groups to apply for Membership and therefore work on acting in accordance with the vision and regulations of ELSA.

However, in some cases an Observer Group may be dedicated and motivated but unable to apply for Membership at a certain time due to exceptional circumstances. In these

situations, it is not beneficial to the network to officially terminate the groups Observership and cause them to start all over again.

In these circumstances, a group may apply for an extension of their Observership. The Council can vote on this application and extend the Observership period for anything up to two International Council Meetings. This allows the group time to prepare their Membership application. However, if they are not able to do this within the specific extension time granted to them, then their Observership will end automatically upon the expiration of that period.

Active Local Groups with inactive National Groups

It is regulated that only a National Group can apply for Membership and not Local Groups. However, Local Groups should have the opportunity to apply for an extension of Observership in order to allow them to either change the composition of the National Board or to solve any problems that prevent the National Board from applying for Membership. Therefore, if ELSA International becomes aware that an Observer Group will not be applying for Membership within the necessary time frame, they should contact their Local Groups to see if they wish to stay in the network and apply for an extension.

3. Membership

BECOMING A MEMBER

Criteria for becoming a full member:

Membership of ELSA, according to Article 6 of the Statutes, is open to Observers of ELSA that support and work for the aims and activities of the Association. The following criteria must be met by an Observer group in order for it to become a Member of ELSA:

- the membership application is submitted no earlier than the second ICM following the granting of Observership;
- a written application outlining how it has supported the aims and activities of ELSA thus far is submitted to the International Board;
- its statutes and standing orders must be submitted to the International Board and be compatible with ELSA's;
- the Council approves the membership application by a two-thirds majority.

A membership application must be submitted no later than 35 days prior to the opening of the ICM in which the Observer hopes to obtain membership. Within the Observers written application for membership there must be:

- a declaration of its commitment to the aims and activities of ELSA and its will to become a member;
- an activity report;
- a report on its organisational structure and a guarantee for continuity;
- a report stating by whom the state of the organisation that is applying for membership is recognised.

Areas of BEE, IM and FM

In order to become a Member of ELSA, an Observer must reach a certain minimum threshold in the areas of BEE, IM and FM:

1. they must have a board that is capable of supporting the aims and activities of ELSA, of submitting an application in accordance with the above listed criteria and of complying with the Statutes and Standing Orders of ELSA;
2. they must be financially capable of covering any membership fees.

Area of Marketing

The area of Marketing (MKT) is one of the supporting areas of ELSA and is crucial to the successful realisation of our aims within the key areas (AA, S&C and STEP). Members have the right to use the logo and CI of ELSA without restriction but have a responsibility not to harm the ELSA brand or use the ELSA logo in a manner that does not conform to the CI standard. There must be a fixed office of Marketing, in compliance with the organisational structure of ELSA, and all marketing materials

produced must comply with the uniformity rules of ELSA's CI and must present ELSA in a positive and professional manner.

Key Areas (AA, S&C and STEP)

In order to become a Member of ELSA, an Observer must provide an activity report in its application for membership as stated above. As such, it must show that it is committed to providing high quality academic events that are in line with the vision, purpose and means of ELSA and that it is striving to contribute to the legal education of its members through its activities.