

2015

World Assembly Law Review

1 August 2020

1 The Role of the World Assembly

Cyril Parsons, Delegate for Europe and Permanent Representative for Imperium Anglorum
30 September 2015

Foreword

I joined the World Assembly two years ago, during a time when not all things were entirely determined. Then, I feel there had been some marginal existence of the group which we now call International Federalists. Today, we live at a time where National Sovereignty has become the dominant ideology of the World Assembly. It is so, and from that standpoint, that I argue.

My delegation, acting in concert with the Judicial Committee of the Privy Council in my home nation, has acted at many times to restrain the power of the World Assembly. We have at times opposed and supported legislation which would expand the purview of the World Assembly on certain matters. The internal undertaking and theoretical framework for these positions is not yet entirely solidified. We hope that this would, in the end, explain at least one of the views on our World Assembly.

The Role of the World Assembly

The World Assembly descends from the United Nations, an organisation which acts with deference to nations for implementing any kind of policy. Our Assembly still holds those roots, as the WA Compliance Commission states that 'laws have been enacted' to bring a nation into compliance. This means that implementation of laws is part of the rights of nations.

National sovereignty concerns itself with the eternal struggle between supranational bodies and the contexts of the many nations, as the laws we make may not always be the correct context for others. Yet, there are accepted levels of behaviour which society cannot endow with approval. Things like genocide are generally accepted as untenable. From there arises the question: what are the things for which legislation should be passed?

This Delegation would like to propose a theoretical framework for analysing what legislation should be passed. It falls into two categories, (1) wrongs and (2) welfare. In the first, the World Assembly addresses the wrongs of societies. However, since there are many cultures and contexts, such address must be for issues which can be agreed with near universality. Hence, these rights fall into two sub-categories: active harms and equal protection.

The distinction between the two is that the former is facilitative and the latter permissive, as both are subjective opinions on justice. Active harms are issues which are in practice, active bad on society. These are issues like the lack of education or access to courts. On the other hand, the permissive nature of rights is a different matter, as one cannot compel someone to speak by ensuring free speech. Both are important, as they correct wrongs which exist in the world.

The other section, that of welfare, is one where elements of the world can best be addressed as a whole. This delegation believes that speaks about social goods — areas where coordinated world action is more efficient and effective than singular national action, that is, situations where collective action is the only means where the societal welfare can be meaningfully increased.

Controlling the World Assembly

Controlling the Assembly is also important, as powers need to be distributed in a manner reflective of the context and situations of the states. Thus, we need a framework in which the World Assembly would operate. Essentially, this is the crux of the argument between National Sovereignty and International Federalism. One states the former is more important and vice versa.

Our analytical framework establishes that control of the Assembly exists in two parts: the self-imposed bounds of the World Assembly and the political nature of the Assembly. These serve as the checks and balances which govern the operation of World government.

The first element is effectively a form of constitutionalism. The framework in which the World Assembly operates is clearly constituted — with resolutions that are fundamentally popular and issues which are held as a priority by large portions of member nations. The most potent example is that of the Nuclear Arms Possession Act, whose edicts are one of the few which has so well stood the test of time. This organises World Assembly's legislative functions by blocking off areas which the public has agreed are not to be legislated upon.

Since these are all built upon resolutions which can be repealed, the check on the wilful changing of the constitution comes in a more political nature. Popular action and concerted efforts will never cease to be foundational to the Assembly by making resolutions pass or fail. Thus, mass movements have a strong role to play controlling policy.

Conclusion

The current role of the World Assembly is one lying between the two opposed weights of passing and not passing. Over time, we have built for ourselves a framework to restrict legislation and in doing so, establish the role of the Assembly. We have presented a framework in which to analyse this role: one alternating between (1) the reasons for legislation in wrongs and welfare and (2) the checks and balances of power in politics and constitutionalism.

We have established that this role can change, as wrongs are intrinsically normative, welfare is reflective of changing situations on the ground, politics is a function of popular values, and constitutionalism is nothing more than a strongly held belief codified into law. As of yet, we are unsure of how that role will change in the future, but we are sure of this: many will be part of that change should it happen and a great many of those will leave their own legacies on this World Assembly.

When the more depressing members of the World Assembly complain about élites, it is beyond cynical. To suppress the élan of your belief will not change anything for the better. Yet, the Assembly is no unchanging institution. It is living, awoken to life every morning by those who walk into its halls. Every person has the opportunity to change our world. Only extreme reactionaries would tell others to avoid doing so.

2 How should World Assembly decisions affect gameplay?

Pelgaraus

1 October 2015

One of the main reasons for playing NationStates is its realism. Issues are a unique mechanic to NationStates, and it is fascinating to watch their effects on nations. While the World Assembly (WA) is a very enjoyable part of NationStates, there is next to no system which shows consequences after WA resolutions.

In role-play, the effects of WA resolutions are, of course, entirely dependent on its content. Yet, in game stats, these effects are dependent on the category and strength of the resolution. These stats undeniably exist, as the recent Minimum Standard of Living Act had adverse effects on economy scores worldwide. However, this normally invisible effect is not the same as the more direct connection from daily Issues. Notifications in National Happenings make visible the national consequences of Issues. Contrast this to, World Assembly Compliance Commission's form telegram informing of a new resolution and new laws passed to bring nations into compliance.

This is the real issue here — law passed in the WA should have a more visible effect on nations in the same way Issues have those effects. WA resolutions are a big deal within the game. They're created by and voted on by the community and have worldwide effects. But they need to feel like they have a potentially significant impacts. At the moment their effects are invisible and oft-ignored. There are two clear ways of solving this visibility problem: impacting and long-term consequences.

Including a small report on the impact of a resolution in the Compliance Commission telegram is an easy way to increase visibility. This would be nothing more than a description of the stat effects of the resolution. No numerical data need be included, as it would but highlight the areas that a resolution has an impact on, such as economic freedoms or defence spending. It would not, however, be akin to the choices on an issue. For instance, while an issue might say something along the lines of 'There'll be an increase on taxes, of course. . .', the WA report would be clearer, and say, 'this resolution has raised your taxes'.

Extending the effects of legislation for a given amount of time based on its strength is another way of creating long-term consequences. For instance: if an environmental resolution is 'Strong', it would enforce a minimum amount of spending on the environment. It would then also limit national choices that reduce spending on the environment because the environmental resolution mandates otherwise. And because it, nations would have to wait some time before reducing any environmental spending.

These ideas are aimed at clarifying the effects of new resolutions and enforcing their consequences. In turn, this would increase interest in WA voting as the decisions would have long lasting effects on gameplay and clear consequences. This would encourage more campaigning and discussion over the impacts of World Assembly resolutions as well as increase activity in the World Assembly by drawing more nations into its halls.

Players would really have to take the World Assembly seriously and this would certainly highlight the maxim "WA decisions only affect you if you're in the WA". In the end, this expands upon an already complex game by introducing real consequences to World Assembly

action and build a more active community.

3 Much Ado About Money — the WA General Fund

Cyril Parsons, Delegate for Europe and Permanent Representative for Imperium Anglorum
1 October 2015

Foreword

The funding of the World Assembly has always been a contentious issue. This was even so during the United Nations, where one of the first (and oldest extant Historical Resolution) resolutions simply stated 'The UN shall not be allowed to collect taxes directly from the citizens of any member state for any purpose'.

This January 2003 resolution is of but four to remain from the first twenty resolutions. The eventual solution in the late days of the UN was to replace the haphazard method of raising funds with a centralised system. However, since these attempts were widely held as contradictory to the UN Taxation Ban, all of them failed.

With the establishment of the WA, action was taken on this front. It culminated in the GA 17 "WA General Fund" (2008), citing need for 'a stable, reliable source of funding for the World Assembly and its operations', while attempting to avoid the same kind of 'coerced taxation scheme' that led to the massive failure of the directly taxing 'Ways and Means' proposal in the early days of the WA.

The WA General Fund

The resolution GA 17 "WA General Fund" (2008) is a pillar of the World Assembly. In fact, we would consider it an element of the world constitution, due to its influence and age. However, this is only convincing due to the oblique nature of the mandates in the General Fund.

Quite interestingly, if one were to replace the word 'donation' by 'tax', there would be practically no difference in operation (while also being much clearer) as the most important clause, GA 17 s 4, states that the World Assembly:

'Provides that national donations to the General Fund shall be assessed annually by the GAO, according to donors' national wealth and ability to give'.

Here, a lay reading is that GA 17's 'donations' will be assessed, i.e. evaluated or estimated. Yet, long-standing interpretation has held that General Fund is funded by mandatory contributions i.e. mandatory donations.

To examine this, we have to look at the meaning of the word assess. If we pull out our Oxford English Dictionary, we find that the word assess does have an auxiliary definition: to 'set the value of a tax, fine, etc., for (a person or property) at a specified level'. Due to that definition, the use of the word 'assess' to mean 'tax' is not an invalid interpretation.

What must be evaluated, therefore, is whether this interpretation is superior to other interpretations. From a legal perspective, normative analysis based on the World Assembly's welfare is irrelevant. However, since a reliable record no longer exists to describe the original debate and intents on this topic, we must go solely on the context presented in prefatory and operative clauses.

The main argument against this interpretation is that ‘donation’ is used to describe all the contributions spoken of in the resolution. This is obvious. However, quite important is the definition of donation itself, which here must be established from context.

There is textual evidence in favour of this ‘taxing assessment’ in the context of the Resolution. Most important in establishing this context are the clauses which ‘Recognising that donations given to the World Assembly by member nations are likely to originate from public funds’ and ‘according to donor’s national wealth and ability to give’.

The first clause clearly implies that donations are likely to originate from public funds. This would only be so if those donations were compulsory, as otherwise, most contributions would likely come from private donors. The second clause also has this exact same connotation. Even assuming that these assessments were optional, the act of assessing for ‘donor’s national wealth and ability to give’ would only make sense if these donations were compulsory. Hence, because the rest of GA 17 requires that the donations are mandatory, a mandatory requirement is the only way to adequately preserve logical construction.

Conclusion

This resolution is one of the more contentious in the World Assembly’s history, primarily due this debate on whether donations made to the World Assembly are compulsory. Its relevance to finances makes this distinctly important.

The context-based definition of donation and assessment in the resolution’s clauses support a view that donations are compulsory. Because this is a valid interpretation of the word ‘assess’ and is also the only way to preserve logical construction of the resolution, this is also the best interpretation thereof. Thus, donations in the context of GA 17 are best thought of as compulsory.

4 Response to Much Ado About Money— The WA General Fund

Iraq Lobsters
3 October 2015

Editors Note: This is a response to the article, Much Ado About Money — The WA General Fund, published 1 October 2015.

Foreword

Ambassador Parsons’s analysis of GA 17 ‘WA General Fund’ (2008), and its relevant interpretation, while well considered, is one that itself holds some significant reasoning flaws. Those flaws, while generally reasonable extrapolations from various interpretive considerations, nonetheless are actively detrimental to the state of legal interpretation within the General Assembly, and have far reaching consequences to that end.

Interpretation of the General Fund

The crux of Parsons’ interpretation relies on the wording of two specific clauses:

1. Declares that the World Assembly shall be funded by donations from member states; the WA will not levy taxes directly upon the citizens or residents of any nation;
2. Provides that national donations to the General Fund shall be assessed annually by the GAO, according to donors’ national wealth and ability to give.

Parsons’ first point comments on the interpretation of the second clause, that the donations to the General Fund will be assessed by the General Accounting Office (GAO) annually, based on specific economic criteria.

This claim is made, specifically, to bring into question the specific term “assess” and its specific definition as it relates to the interpretation of this law. Pointed out are two possible definitions of “assess”, one of which is merely implied, yet referenced, and the other of which is recorded for the argument.

The primary definition of “assess” that Parsons rejects is, according to the same Oxford English Dictionary (OED):

Evaluate or estimate the nature, ability, or quality of

Applied to the law, this would be interpreted as ‘the GAO will evaluate the ability of nations to give their donation, estimate the future donations, and allocate that funding as needed’.

The second interpretation, which Parsons believes is the valid interpretation, is:

Set the value of a tax, fine, etc., for (a person or property) at a specified level

This is a more specific definition, as it turns what was previously a passive action into an active setting of value. The new interpretation would read that the GAO would annually set the value of the donation for every nation based on those listed economic criteria.

If one decides to utilise definitions that, in the face of ambiguity, are in the best interests of the World Assembly, than this is a valid interpretation of the word 'assess'.

However, in GA 17 s pref(a), a specific reference to the nature of these acquisitions is made.

Declares that the World Assembly shall be funded by donations from member states;
the WA will not levy taxes directly upon the citizens or residents of any nation;

By the standard of the OED, a donation is:

Something that is given to a charity, especially a sum of money.

There are no alternative definitions within the OED for the term that are not variations on conjugations of the term "donate". With Parsons' interpretation, it is necessary that a donation is not, in reality, a donation, because to compel an entity to give something is antithetical to the very definition.

Conclusion

When interpreting legislation, and therefore establishing a standard of justice, the rules need to apply universally. To interpret two different clauses within the same law by arbitrarily different standards is not law, but sophistry. When interpreting legal writing, unless words have acquired a specific or particular meaning through definition, they are to be construed in accordance with their common usage, not merely by an auxiliary one when convenient.

GA 17, made no attempt to define either "donation" or "assess", and, as such, it is only proper that they be defined by their common usage, not any technical or auxiliary definition that covers the gaps.

Applying our interpretation leads the letter of GA 17 to read very differently: A donation is a charitable gift that cannot be compelled without entirely changing the nature of the transaction and the task of the GAO to assess such contributions requires the Office to evaluate, estimate various donations, and their contributors, but not to set them at a particular rate.

Afterword

Opponents of this sort of view would, no doubt, have several objections, foremost of which would be the claim that, should this line of interpretation be accepted, it would make bankrupt the World Assembly and make useless GA 17. This is not acceptable, and should therefore necessitate their own interpretation.

To those, it should be pointed out that there is no such requirement or standard of World Assembly Resolutions or General Assembly code of conduct that a resolution must be effective. This resolution was passed, despite flaws in it's wording that cause it to be less effective than it was intended. That those flaws have not been sufficient to repeal the resolution or alter the interpretations of those opponents is not the fault of interpretation, but the intractability of the flawed reasoning that has taken hold of the supporters of GA 17.

Further criticism of this approach might lead to claims that the World Assembly need not utilise the common interpretation of a word to the detriment of a law, when one can instead use an alternative definition to better effect. This belief, in the sole context of GA 17 is a

viable option; it certainly has been the historically popular one. However, if one accepts that an alternative definition of “assess” is sufficient, one necessarily accepts that, as a result, one must completely redefine another word, “donation”, to fit this new paradigm, without any regard to how this redefines the term “donation”.

If the World Assembly were to accept this precedence for future law, it would necessarily follow that any word can be redefined to mean the opposite of the original definition. This would be in contempt of one of the most sacred mantras of the WA: ‘the law does what the law says’. To adhere to this ‘compulsory’ interpretation of GA 17 is effectively to accept that the letter of the law is no longer relevant to interpretation.

5 A Comment on 'Response to Much Ado About Money — the WA General Fund'

Sciongrad, Delegate of the International Democratic Union

11 October 2015

Editors Note: Re Iraqi Lobsters, "Response to Much Ado About Money — The WA General Fund" (WALR, 3 Oct 2015).

Foreword

Contextualising the term 'assess' is a reasonable approach to obtain a valid interpretation of the funding mechanism found in GA 17 "WA General Fund" (2008). However, the author of the rebuttal fails to contextualise 'assess' properly in failing to explicitly and necessarily connect 'donations' with voluntary transaction. Rather, after deeper review of the definition of 'donation' provided by the author of the rebuttal, it becomes apparent that an interpretation of the funding scheme as a series of mandatory transactions is grounded in the language found within GA 17.

On the Meaning of Donation

While the rebuttal acknowledges that the auxiliary definition of 'assess' is a viable interpretation, it disputes whether or not this definition, in the context of GA 17 (2008), can be reasonably interpreted given the definition of 'donation'. According to the rebuttal, 'if the World Assembly were to accept this precedence for future law, it would necessarily follow that any word can be redefined to mean the opposite of the original definition'. However, this claim relies on the assumption that the definition of 'donation' must be understood with implicit connotations — that donations be voluntary — that make the term incompatible with the aforementioned auxiliary definition of 'assess'.

The definition of 'donation' provided by the rebuttal — 'something that is given to a charity, especially a sum of money' — does not explicitly suggest that donations must be made voluntarily. That interpretation must be derived from either the definition of 'given' or 'charity,' which would then reasonably preclude an interpretation of GA 17 that considers donations mandatory.

A primary definition of 'to give,' as provided by the Oxford English Dictionary, is 'to hand over (an amount) in exchange or payment; pay'. The definition of the word 'give', then, does not necessitate a 'donation' that assumes voluntary transaction.

A primary definition of charity is 'an organisation set up to provide help and raise money for those in need'. Likewise, this definition does not necessarily entail voluntary transactions.

While it is certainly worth noting that another primary definition of 'charity' is 'the voluntary giving of help, typically in the form of money, to those in need', this definition refers specifically to an action, not necessarily something to which a donation can be given. Considering the definition of a word in terms of a component of another definition is too tenuous a connection to require an understanding of 'charities' that precludes the possibility of non-voluntary donations.

Therefore, using the very definition of donation provided in the rebuttal, with relevant words substituted with their definitions — 'something that is [handed over in ... payment] to a [an

organisation set up to provide help and raise money for those in need]’ — it is well within the realm of reason for a donation to be exacted involuntarily. The condition that donations, by their very definition, be voluntary is certainly not explicitly found in the definition of the word, nor any of the words in the definition that may suggest so.

Rather, that donations must be voluntary was an extrapolation based, presumably, on a common, but not necessarily correct, understanding of the word that is only ostensibly validated by the definition provided in the rebuttal. However, when the definition is examined under stricter scrutiny, it is apparent that ‘donations’ do not have to, by their definition, be voluntary.

Returning to the broader point: considering the aforementioned analysis of ‘donations,’ is it reasonable to understand ‘assess’ as ‘to set the value of a tax, fine, etc., for at a specified level’ in the context provided by GA 17? If donations don’t necessarily have to be voluntary, as was concluded in the above analysis, then absolutely.

Conclusion

The claim that donations are commonly understood to be ‘voluntary’ is certainly within reason, and in casual conversation, it is very possible that one may understand a certain condition of choice in the word. However, legislation is not casual conversation and implicit connotations that exist in words cannot be considered viable interpretations if those implicit connotations can’t withstand a more precise analysis of a word and its definition.

It may well be that the author intended to belie the mandatory nature of the funding mechanism by using a term that typically connotes a voluntary transaction, but that a word’s precise meaning contradicts one’s impression of that word is not a viable legal reason to discount that precise meaning.

6 Member Participation and the Concept of an Elite

Helen Trevanyika, Representative for Wallenburg

17 November 2015

The framers of the World Assembly built this organisation as a massive project to provide for the common defence and protect the rights of residents of the Multiverse. The World Assembly historically compromises between the ideals of national sovereignty and supremacy of international law. Where member nations have more widely participated in carefully considering proposed legislation, great strides have been made to improve the Multiverse. Where proposals have seen little cooperation, opportunities may fade away or awful legislation may stain the Assembly's organisation. Participation while drafting proposals to the World Assembly is perhaps even more crucial than the process of voting on new legislation.

Popular Participation and Disinterest

Every proposal begins in the mind of an ambassador as a way of improving the world for all nations. Many budding authors fail to understand drafting conventions and saturate the proposal list with ridiculous and poorly written documents, but there are authors who have worked hard and cooperated diligently with fellow ambassadors to refine their ideas into polished, widely acceptable proposals.

By this pattern most members remove themselves from the inner workings of the World Assembly and instruct their ambassadors to decide on proposals that arrive at general Vote and leave all other World Assembly processes others.

Many more members do not vote at all. Some five thousand nations tend to vote on World Assembly proposals when they reach the general Vote. Yet there are almost twenty-thousand member nations, all bound to the World Assembly's various laws.

Why do so few nations even consider participation? What impact does this have on the World Assembly? Most national governments consider trivial what the World Assembly does. They do not know what is legal and illegal under World Assembly law. They do not care. They are obscure by their very refusal to participate. And when one reveals itself as a violator of World Assembly law, very little changes to the vast majority of member states; after all, they never participated in the legislative process anyway.

That this lack of participation affects our Assembly's activity is undeniable. How we feel this effect, however, is the matter of debate. Would these nations contribute to the World Assembly? Or would they bog it down in undrafted, illegal, and ridiculous proposals? As much as optimism tempts us, the already appalling frequency of illegal proposals suggests greatly increased participation would cause more damage than good. Undoubtedly, we lose some good writers to the disinterest of their governments, but we also remain protected from scores of lazy and pointless drafts. Such drafts would hold back an already slow process and create even more problems with regard to keeping awful proposals from going to vote.

The World Assembly Elite and Bitely

An elite is a ‘select group that is superior in terms of ability or qualities to the rest of a group or society’. However, the connotations of an elite have negative connotations, suggesting an aristocratic, self-oriented group of ambassadors, plotting against the masses. With the rise and fall of the delegation from Bitely – and subsequent puppet delegations clearly under this nation’s influence – the World Assembly has seen the issue of elitism rise to a head. Beginning with an attempt to slander a supposedly elite member state via condemnation, Bitely’s counterforce to the World Assembly ‘elite’ culminated in an attempt to condemn the World Assembly itself. While both of these proposals, and a subsequent counteroffensive to sarcastically commend the Bitelian government, failed, the idea that an elite group controls the World Assembly has maintained itself, calling into question the character of established ambassadors.

There is an elite, one that frequents debates and meetings, and they undeniably hold most of the legislating power in the World Assembly. Nevertheless, this elite has not formed out of a desire to oppress the masses, but instead out of the general trend of member nations to not participate in World Assembly affairs. Entirely by consent through indifference, the majority of World Assembly nations have surrendered control of the early stages of legislating to an elite corps genuinely concerned about the legality, appropriateness, and implications of every proposal. This elite is benevolent, encouraging international goodwill and taking into account not only their own interests, but also those of the many silent member states.

It is this silence that encourages the development of an elite. There is no concerted effort to remove freshman ambassadors from these halls. I myself am relatively new to the legislative process. If there were organised efforts to restrict participation in this process, I would not have succeeded in advancing to such a status that delegations such as those of Bitely claim me elitist. Those that cry out against the World Assembly elite have only themselves and their lethargic comrades to blame.

In any case, self-appointed opponents to the World Assembly elite only humiliate themselves in their claims that an elite is responsible for the suffering of countless member states, regardless of facts and evidence contrary to their claims. This behaviour largely discredits them as a fringe group. Meanwhile, the elite continues to carefully legislate, and efforts to improve the Multiverse one resolution at a time have gone well, even if recent legislation has been questionable.

Conclusion

The World Assembly needs an elite. Luckily, its major legislators are benevolent toward the majority of World Assembly member states. Some will always oppose new resolutions – and attempts to escape compliance through loopholes – but the Multiverse will continue to progress toward a better standard of living and sapient rights.

I and others would prefer to educate new members on thoughtful participation. Regrettably, this goal is entirely infeasible. We may count our blessings that so many governments behave well within the World Assembly, for it seems an awful tendency for the states of the Multiverse to behave as children. Hopefully, we can slowly incorporate more ambassadors into this ‘elite’, but as membership currently stands, the uneducated masses cannot be trusted with a more democratic structure.