



Judgement

In re Ecclesia
[2019] CILJ Int 1

1 Notes

Judgement given 25 October 2019.

Judgement revised and lightly edited by Imperium Anglorum 15 February 2020.

2 Opinion of the Court

Christadelphians (Head Judge) and The Noble Thatcherites.

- [1] Section 19.1 provides numerous examples of which entities are able to apply for membership of the Court of International Law and Justice (CILJ) s 19.1 lists the following: ‘Any Region, Inter-Regional Organisation, Treaty, Agreement or other polity which is similar in nature’. The status of Colonial Regions are not expressly provided for in the Charter. It is therefore the responsibility of this Chamber to determine whether Colonial Regions can be characterised as any of the expressly stipulated entities, or whether it constitutes another ‘polity which is similar in nature’.
- [2] We must firstly describe the nature of Colonial Regions. In NationStates (NS), a Region may have what is often referred to as ‘Protectorates’ or ‘Colonies’ which are Regions which are [wholly] or almost wholly [dependent] on the Primary Region. It is difficult to give a uniform definition which describes these relationships. To determine whether or not a Region is a colony or protectorate of another region, a majority of these features should be present to evaluate the status of the Region. Region A shall represent the Primary Region and Region B shall represent the dependant region/colony/protectorate etc.
- [3] 6 Possible Factors Determining if a Region is a Colonial Region/Protectorate—
 1. There is explicit recognition in both Regions that Region B is dependent on Region A (e.g is a colony or protectorate etc.)
 2. A constitutional document or other form of authority explicitly states that Region B is dependent on Region A
 3. There is some form of restriction on the sovereignty of Region B by Region A which shows that the power of Region A is greater
 4. Region A & B have some form of shared leadership which may or may not be through the use of puppet leadership in Region B
 5. Region A has the ability, if it were to so desire, to bring Region B to an end
 6. Region B is vital to the functioning of Region A (e.g Region B is a ‘Court Region’ or ‘Puppet Storage Region’ explicitly for Region A)
- [4] Each factor should be analysed on the balance of probabilities with a test of each factor being ‘quite clear to an independent party’.
- [5] **Region**
- [6] As a Region is a single, fully sovereign entity, a collective of Colonial Regions can not be characterised as a ‘Region’.
- [7] **Inter-Regional Organisation**
- [8] An Inter-Regional Organisation is an entity composed of [two] or more Regions which is a [separate] legal body/entity which recognises the full sovereignty of its member Regions. As Colonial Regions are not fully independent and there exists no separate legal body/entity, a collective of Colonial Regions cannot be characterised as an Inter-Regional Organisation.
- [9] **Treaty & Agreement**

[10] It is also obvious that this form of entity is not a treaty or written legal agreement between Regions.

[11] **Other Polity**

[12] We must therefore determine if this type of organisation can be determined as a ‘polity which is similar in nature’ to any of the types suggested by s 19(1). An Organisation of a Primary Region and Colonial Regions does contain multiple Regions. At least [one] Region, the Primary Region is [incidental] to a ‘Region’ which is a ‘single, fully sovereign entity’ and the Colonial Regions are similar to a ‘Region’ under this Charter in that they are Regions which are single however do not have full sovereignty. There are also some similarities with Inter-Regional Organisations as there is some form of inter-regional co-ordination however it does not have a separate legal body/entity and it only recognises partial sovereignty of multiple semi-independent regions. On these grounds alone, the similarity of Colonial Regions to a Region and Inter-Regional Organisation demonstrates that a collective of a Primary Region and Colonial Region(s) is an ‘other polity which is similar in nature’ and may be registered for membership by the Registry of the Court.

[13] **Application of the Law to the Facts of the Case**

[14] The 6 Factors shall be applied to the ‘Europaen Commonwealth’:—

1. There is not explicit recognition in both Regions that Region B is dependent on Europae... Arganorh does not state in any obvious place that they are a Colony or Protectorate of Europae.
2. Chapter 15 of the Constitution of Europae denotes an explicit provision for Colonial Regions. Furthermore, in the ‘English Information’ Factbook on the [World Factbook Entry], a list of Colonial Regions are listed.
3. Chapter 36 of the Constitution of Europae states that ‘Colonies may not enter into interregional organizations’ which demonstrates a restriction of power from Region A to B representing Region A’s greater power.
4. The presence of this is not [sufficiently] clear to an independent party.
5. This is unclear to an independent party to analyse however is unlikely.

6. Colonial Regions are not vital to the functioning of Europae.

[15] It can therefore be determined that there are numerous Colonial Regions of Europae. Furthermore, Regions which are Colonies are those which comply with the provisions of Chapter 15 of the Constitution of Europae.

[16] Additionally, it is important in this case to note that Chapter 36 of Europae’s constitution states ‘Colonies may not enter into interregional organizations, but shall be recognized members of any organization that this region shall enter into’ which clearly shows the intention of the Region and its Colonies for Europae to enter into agreements on their behalf.

[17] **Outcome**

[18] It is therefore the opinion of this Chamber that the membership of the ‘Europaen Commonwealth’ for Level 2 membership is a valid application and should be registered immediately by the Registry. The application is valid as a collection of a Primary Region and dependent Colonial Regions is a valid form of membership stated in s 19(1) of the Charter as it is ‘[an]other polity which is similar in nature’. Regions which are included in the ‘Europaen Commonwealth’ include Europae and any other ‘Colonial’ Regions which are fully compliant with Chapter 36 of the Constitution of Europae.

3 Documents

3.1 Request for review¹

1. On the 5 July 2018, Vernou-en-sologne contacted The CILJ Clerk, the Chief Registrar of the CILJ with a membership application for the ‘European Commonwealth’ a series of Regions which is organised based on a colonial model with the primary Region of Europae and a series of dependent Regions. As there is no direct reference to Colonial Regions in the Charter regarding membership, the Registrar, unsure on how to proceed contact the ‘Chamber of Interregional Affairs’ to receive clarification as to the status of Colonial Regions in gaining membership. The following telegram was submitted to the Judges of the Chamber.

Hi there Judges of the Chamber of
[Original Jurisdiction] of the CILJ,

¹ Lightly edited from here.

I would like to seek clarification on a legal point regarding the Charter.

I have been contacted by Vernou-en-Sologne who is seeking to register the 'Europaen Commonwealth' for membership of the CILJ. As no such Region exists, I asked for further [clarification]. The applicant told me that there is a primary region called Europae which has a series of 'colonial regions and together, this collective is known as the 'Europaen Commonwealth'.

19.1 of the charter states:—

19.1 Any Region, Inter-Regional Organisation, Treaty, Agreement or other polity which is similar in nature, may register for Membership of the Court through the Registry. When a Region applies for membership, they must state explicitly whether the Court shall have Original or Appellate Jurisdiction over the Region's judicial affairs which shall determine which Chamber shall hear cases from that Region.

There is no provision or certainty here regarding the member status of the Colonial Regions. I am wanting clarification as to whether or not we can register the 'European Commonwealth' and have this include the primary and colonial regions or whether each region needs to attain a [separate] membership. I am seeking the Courts clarification on this point.

The primary questions before the Court include:

1. To what degree, if any, does section 19.1 of the Charter provide for the membership of colonial regions
2. If 19.1 allows for the membership of Colonial Regions, how is this membership processed?