

Statute amendments

Pirate Parties International
General Assembly



14th - 15th April 2012
Prague, Czech Republic

Title: **SAP-1a: Allow the GA to consider an ordinary member per territory**
SAP-1b: Allow the GA to make exceptions to the rule of just one ordinary membership per country

Category: **PPI membership**

Sponsor: **Pirate Party of Catalonia**

My prospective vote SAP-1a:
Yes: No: Abstain:

My prospective vote SAP-1b:
Yes: No: Abstain:

My prospective preference:
SAP-1a: SAP-1b:

Proposal:

SAP-1a

Reformulation proposal:

IV. Ordinary Members

(2) There can be only one Ordinary Member per territory.

SAP-1b

Reformulation proposal:

IV. Ordinary Members

(2) There can be only one Ordinary Member per country but the GA can grant Ordinary Member status to more than one Member in exceptional circumstances, at its own discretion.

Statement:

SAP-1a

Allow the GA to decide whether different Organizations from the same country can become Ordinary Members as long as they don't run for the elections in the same territories. That would give flexibility to the GA to grant Ordinary membership in cases that for cultural or administrative reasons a single countrywide Organization is not convenient or even possible. [Israel/Palestine, Kosovo/Serbia, Argentina (due to its elections system)]

SAP-1b

Allow the GA to make exceptions to decide whether different Organizations from the same country can become Ordinary Members. That would give flexibility to the GA to grant Ordinary membership in cases that for cultural or administrative reasons a single countrywide Organization is not convenient or even possible. [Israel/Palestine, Kosovo/Serbia, Argentina (due to its elections system)]

Title: **SAP-2a: Allow confederations of Pirate Parties to become ordinary members**
SAP-2b: Allow the GA to rule in the case that multiple parties of a country can't agree on a joint federation/confederation
Category: **PPI membership**
Sponsor: **Pirate Party of Catalonia**

My prospective vote SAP-2a:

Yes: No: Abstain:

My prospective vote SAP-2b:

Yes: No: Abstain:

My prospective preference:

SAP-2a: SAP-2b:

Proposal:

SAP-2a

Reformulation proposal:

VI. Multiple applicants from one territory

Only one fully autonomous (*) Organization from any territory can be recognized for Ordinary Membership in Pirate Parties International. A Pirate Organization may consist of more than one Pirate Party participating in a Federation or Confederation based on the common Pirate purpose. It is the responsibility of each Federation or Confederation to ensure that all its constituent associations meet the requirements of these statutes.

(*) The Organization has full independence to take its own decisions and doesn't have to abide to the instructions of another higher organization.

SAP-2b

Reformulation proposal:

VI. Multiple applicants from one territory

Only one fully autonomous (*) Organization from any territory can be recognized for Ordinary Membership in Pirate Parties International. A Pirate Organization may consist of more than one Pirate Party participating in a Federation or Confederation based on the common Pirate purpose. It is the responsibility of each Federation or Confederation to ensure that all its constituent associations meet the requirements of these statutes.

In case that there is more than one Pirate Party in a territory and that they do not agree in a Federation/Confederation, PPI's General Assembly will be able to:

[The following points should be voted separately:]

- Reject the requests of any of the parties.
- Split the vote of that territory between the parties existing there, under PPI's GA criteria.
- Remove the right to vote of an organization already holding it to force it agree a fair federation/confederation agreement approved by PPI.
- Grant ordinary membership to any other Pirate organization if PPI's GA decides to do so.

(*) The Organization has full independence to

take its own decisions and doesn't have to abide to the instructions of another higher organization.

Statement:

SAP-2a

Allow multiple Pirate Parties from a territory to organise themselves as a Confederation if they want to, and not necessarily a Federation.

SAP-2b

Allow the GA to take decisions concerning the membership status and voting rights of multiple applicants from the same country that don't agree.

Title: **SAP-3: Multiple Ordinary Membership for any single country**
Category: **PPI membership**
Sponsor: **Pirate Party of Portugal**

My prospective vote:

Yes: No: Abstain:

My prospective preference:

SAP-1&2: SAP-3:

Proposal:

Amendments to accommodate multiple Ordinary Membership for any single country:

Proposal:

IV. Ordinary Members

(2) There can be multiple Ordinary Members, with only one aggregated vote, per country.

VI. Multiple applicants from one country

Only one aggregated vote from any one country can be recognized in the General Assembly of Pirate Parties International.

(a1*) Aggregation will be made by simple majority granting each Ordinary Member of that country a single vote.

or

(a2*) Aggregation will be made by simple majority granting each Ordinary Member of that country a weighted vote based on their membership size.

(b) Ties will result in an abstention from that country.

Notes:

a1 and a2 are mutually exclusive, and should be voted on if this proposal passes

IX. General Assembly

(3) The General Assembly decides with the majority of the votes, one aggregated vote per Country.

XI. Voting

(1) Each Ordinary Member shall have one * vote and resolutions shall be taken by a simple majority of the aggregated votes per Country of the Members present or represented and voting. In the event of a tie, the motion is defeated.

Notes:

we could also add "single" or "weighted" here depending on VI(1) being option (a1) or (a2) for the calculation of aggregated votes

XX. Amendments

(1) This Statutes can only be amended by a vote of at least two thirds of the total aggregated votes per Country of Members of the General Assembly, on a regular or extraordinary meeting.

XXI. Liquidation.

(1) The organization can only be dissolved by a vote of at least two thirds of the total aggregated votes per Country of Members of the General Assembly, on an extraordinary meeting called for this purpose only

Statement:

There has been a lot of internal disputes in some countries, and since PPI should not take any sides and only "II (2) (d) act as mediator for any disputes between Members if requested to do so", there should be a way to allow democracy in the vote of those countries that does not interfere in their internal organization but doesn't allow their disputes to disturb or disrupt PPI either.

Currently "(IV) (4) Ordinary Members have the right to (a) sit and vote in the General Assembly" and that would not change with this proposal, but their vote would be part of an aggregated vote of all pirate parties or organizations of their country that meet the requirements for Ordinary Membership.

There are several ways to aggregate that vote, here are two options as an example with their more relevant pros and cons:

(a1) Aggregation will be made by simple majority granting each Ordinary Member of that country a single vote.

Pros: Simple to keep track, Cons: Unfair to those who struggled to be big, Incentive on splitting for power, or spite, in order to try gaining a vote against an internal majority or consensus.

(a2) Aggregation will be made by simple majority granting each Ordinary Member of that country a weighted vote based on their membership size.

Pros: More fair to those who struggled to be big, More incentive to grow for those who are still small. Cons: Harder to keep track,

Of course, if the pirate parties and organizations of any one country wish, and can agree, they are still free to organize themselves into a federation, confederation or any other type of structure with their own rules on how to choose their country's vote and then have that organization be the single Ordinary Member of their country, and they can become Observer Members or even not be members at all.

Title: **SAP-4a: Board composition**
SAP-4b: Filling vacant seats
Category: **Board composition**
Sponsor: **SAP-4a: Pirate Party of Germany**
SAP-4b: Pirate Party of France

My prospective vote SAP-4a:

Yes: No: Abstain:

My prospective vote SAP-4b:

Yes: No: Abstain:

My prospective preference:

SAP-4a: SAP-4b:

Proposal:

SAP-4a

Change XII. Board into:

XII. Board

(1) Pirate Parties International is managed by the Board, the executive organ. The members of the Board shall consider the interests of the Pirate movement as a whole and shall neither consider themselves, nor be considered, as representing any particular Member or non-member Organization or region.

(2) The Board and the Alternate Members are elected by the General Assembly at the regular sessions or if an extraordinary session is requested for that purpose.

(3) The Board is composed of:

- a) two Co-Chairmen,
- b) five Board Members

(4) The Board elects among the Board Members

- a) a Treasurer and
- b) a Chief of Administration

No Board Member shall fulfil more than one office.

(5) Other positions may be created by the Board.

(6) There shall be four Alternate Members of the Board. If one seat of the Board becomes vacant, one of the Alternate Members shall follow-up according to a list. The position of the Alternate Members on the list shall be determined by approval voting.

(7) Alternate Members following-up on the Board shall have no office, but may be elected into one by a majority vote of the Board.

Statement:

SAP-4a

n.a.

SAP-4b

Replace XII. (4) by :

(4) A ranked list with no tie of the candidates for each position of the Board is elected by the General Assembly at the regular sessions or if an extraordinary session is requested for that purpose.

(5) Each position in the Board is filled according to the ranked lists elected at the General Assembly. The remaining candidates of each ranked list are treated as PPI officers with no particular power.

Replace XIII. (8) "his seat becomes vacant." by :

his seat is filled according to the ranked list elected at the General Assembly.

SAP-4b

When a seat becomes vacant, the actual Statutes make it mandatory to wait for the next General Assembly or to organize an

extraordinary session to fill it. This amendment changes that, creates a waiting list, and makes it automatic that the next preferred candidate at the last General Assembly fills the seat.

Title: **SAP-5: Impossibility to be elected in both the Board and the CoA**
Category: **Board composition**
Sponsor: **Pirate Party of France**

My prospective vote:

Yes: No: Abstain:

Proposal:

Add a point to XIVa. with the following text :

A member of the Board cannot be also a member of the Court of Arbitration. In case the results in the General Assembly elections would put the person in position to occupy a seat in both Board and Court of Arbitration, she must immediately relinquish one of the two. In case the person is not able to choose, it is considered by default that she relinquishes any seat position in the Court of Arbitration.

Statement:

It would not be normal that a person would be both a member of the Court of Arbitration and of the Board, but it can happen than somebody runs candidate in both. This amendment is here to handle this situation.

Title: **SAP-6: Functions of the board**
Category: **Board (others)**
Sponsor: **Pirate Party of Germany**

My prospective vote:

Yes: No: Abstain:

Proposal:

Change XIII. Change Functions of the board (5) - (8) into and add (9):

(5) One of the Co-Chairmen convenes, opens, suspends, and closes the sessions and meetings and presides over them to ensure the observance of procedure, communicates the points of concern, and informs the Board about absences. In the absence of both of the Co-Chairmen another Member of the Board may be appointed to perform all these functions.

(6) The Board shall meet regularly and not less than once a month. The form of the meeting is free.

(7) The Board meetings are public unless at least one third of the Members of the Board vote in favor of a non-public meeting. The decision to hold a non-public meeting must be justified. Minutes of public meetings have to be published not less than two weeks after the meeting. The Board has to inform the General Assembly on its next meeting on the fact of non-public meetings.

(8) A Board member may resign at any moment. After resignation, death, long term disease or if a Member of the Board does not execute its functions for more than three months, his seat becomes vacant. If the seat has neither become vacant by resignation nor death of the Board Member the remaining Board Members have to declare the seat as vacant by majority vote. The concerned Board Member may appeal the decision to the Court of Arbitration within the period of a month. The Court of Arbitration shall pass judgement not later than a month after the appeal was filed. Pending the decision of the Court of Arbitration or until the decision of the Board cannot be appealed anymore the seat shall not be taken by an Alternate Member, but all rights of the concerned Board Member will be suspended.

(9) If the Board has less than three remaining Members, an extraordinary session of the General Assembly has to be held within the next six months, if an ordinary session is not scheduled within this period.

Statement:

n.a.

Title: **SAP-7: Revocation**
Category: **Board (others)**
Sponsor: **Pirate Party of France**

My prospective vote:

Yes: No: Abstain:

Proposal:

Add X1a :

Revocation

At any time, a fifth of the Ordinary Members can initiate the revocation of a PPI officer by asking the Court of Arbitration. The Court of Arbitration can reject the revocation request if it is supported by less than a fifth of the Ordinary Members, if an election for the seat took place less than a month ago or will take place within a month, or another revocation process of the same PPI officer is already in progress.

When the request is valid, within seven days the Court of Arbitration warns the Members of the revocation process, and opens an internal consultation of seven days to collect grievances against the concerned PPI officer. The Court of Arbitration then has seven days to send him a synthesis of the grievances.

The PPI officer has seven days to answer. At reception of his answer, or at the end of the time, the Court of Arbitration organizes a postal referendum on the revocation of the PPI officer with the synthesis of the grievances and, if any, his answer. If the revocation is voted, the PPI officer's seat is treated as vacant and this person cannot occupy the same seat until the following General Assembly.

When a revocation procedure is targeting a Court of Arbitration member, the Board replaces the Court of Arbitration in all this paragraph.

Statement:

PPI Members can vote at every General Assembly, but they have no recourse in case a PPI Officer proves unworthy of the responsibilities he has been given other than asking for the Court of Arbitration to state on a Statutes breach. This amendment gives to the Members the power to decide the revocation of any officer at any moment, whatever the reason, and guarantees respects of the principle of a fair procedure.

Title: **SAP-8: Human Rights**
Category: **Goals of PPI**
Sponsor: **Pirate Party of France**

My prospective vote:

Yes: No: Abstain:

Proposal:

At the end of II. (1), replace "." by "," and add a point with the following text :
to promote and support Human Rights and Fundamental Freedoms.

Statement:

In case one of the Members or a PPI officer would violate Human Rights and Fundamental Freedoms, and in particular privacy, the Court of Arbitration can use the Statutes to rule on it.

Title: **SAP-9: Balance between privacy and transparency**
Category: **Goals of PPI**
Sponsor: **Pirate Party of France**

My prospective vote:

Yes: No: Abstain:

Proposal:

At the end of II. (1), replace "." by "," and add a point with the following text :
to promote and protect privacy and transparency, to look for a fair balance between both, and in cases where both are impossible to satisfy at the same time, to favour privacy unless cases of imperious need.

Statement:

All pirates respect both privacy for citizens and transparency for public institutions. But most propositions to support one might cause problem to the other if not well balanced. For example, some might defend the obligation to publish bank accounts, but this transparency does not need to publish the identity of all citizens that would have decided to make a donation. Another example would be an elected deputy or PPI officer's sexual life, that does not have to be made public as long as it is not clearly relevant for transparency. A last example would be one who would leak internal memos and communications of an official body to bring to public some corruption facts, but personal data (phone numbers, personal addresses) should be kept out of the publication. In most cases, all informations relevant to transparency of public institutions can be made public without breaching the private life of anybody : this amendment makes it a goal of the PPI to reach such balance. In the end, when it is not possible to have both privacy and transparency, privacy should be protected unless in cases of imperious need.

Title: **SAP-10: Court of Arbitration**
Category: **Court of Arbitration**
Sponsor: **Pirate Party of Germany**

My prospective vote:

Yes: No: Abstain:

Proposal:

Change XIVa. Court of Arbitration into:

XIVa. Court of Arbitration

(1) The exclusive power to resolve internal disputes shall be vested to the Court of Arbitration. All other organs and officers are required to cooperate with the Court of Arbitration to the extent needed for the proper exercise of its functions. (2) Complaints are only admissible, if they are filed by

- a) the General Assembly
- b) the Board or one of its Members
- c) the Secretary General or a Deputy Secretary General
- d) a Member of PPI

e) any other person or organ which is explicitly allowed to do so in these statutes and internal regulations.

(3) A complaint may be regulated with a fee to be returned if the complaint is reasonable. The complainant may participate in the investigation.

(4) In particular, the Court of Arbitration has the exclusive power to

- a) issue a preliminary ruling in an urgent matter of its competence,
- b) declare matters of fact when necessary for the functioning of the PPI,
- c) decide the disputes between the officers and the organs of the PPI,
- d) decide on the restrictions on persons who breach the Statutes and the internal regulations and in these cases degrade an official or declare his further incapability to be elected,
- e) decide on the validity of legal acts of the organs of the PPI,
- f) decide on the matters of Membership (Art. VII par. 2]])
- g) decide if a board member is inactive following to XIII. (8).

(5) The Court of Arbitration keeps a Register of Mediators. This register lists the name, contact address, and Party affiliation of the people from the Ordinary Members who are willing to help solve the disputes between the Members. All Members may consult this register and choose a Mediator who can help them solve their dispute.

(6) If the mediation fails, the Members or applicants of a dispute may present an agreement to the Court of Arbitration, which contains the description of the dispute and their consent to abide by the decision of the Court of Arbitration. The Court of Arbitration will decide the dispute within the limits contained in the agreement.

(7) The Court of Arbitration may answer the preliminary questions of the organs and individuals about the interpretation of the Statutes and the internal regulations; such answers are not legally binding.

(8) The Court of Arbitration shall have between three and seven Members and up to four Alternate Members. The provisions concerning the election of the Members of the Board and Alternate Members apply accordingly.

(9) The Court of Arbitration adopts its own rules of internal procedure.

(10) The Court of Arbitration shall adopt provisional rules of procedure which shall be employed until the General Assembly adopts rules of procedure for the Court of Arbitration. The provisional rules of procedure will only come into effect, if the Board gives its consent.

Statement:

n.a.

Title: **SAP-11: Investigators**
Category: **Court of Arbitration**
Sponsor: **Pirate Party of France**

My prospective vote:

Yes: No: Abstain:

Proposal:

Add a point to XIVA. with the following text :

The Court of Arbitration keeps a Register of Investigators. This register lists the name, contact address, and Party affiliation of the people from the Ordinary Members who are willing to help investigate on any matter the Court of Arbitration has authority on. All Members and PPI officers may consult this register and ask, anonymously or not, an Investigator to constitute a file. Any Investigator can ask the Court of Arbitration to rule on a case. Members of the Court of Arbitration or of the Board cannot be Investigators.

Statement:

When the Court of Arbitration is asked to rule a case, it may happen that all the proofs are not present and an investigation must be conducted. Nominating investigators will avoid the Court of Arbitration to both conduct the investigations and rule the case. It also allows any Member of officer with no time to look for evidence in order to file a case, to ask an Investigator to do it.

Title: **SAP-12: Headquarters**
Category: **Administration of PPI**
Sponsor: **Pirate Party of Germany**

My prospective vote:

Yes: No: Abstain:

Proposal:

Change XIV. PPI Headquarters (1) into:

(1) PPI Headquarters shall be incorporated in accordance with the law of the country in which its international headquarters are located in order to enjoy the status of a legal person and a non-profit organization

Statement:

n.a.

Title: **SAP-13: Borrowing powers**
Category: **Administration of PPI**
Sponsor: **Pirate Party of Germany**

My prospective vote:

Yes: No: Abstain:

Proposal:

Change XVIII. Borrowing Powers into:

XVIII. Borrowing Powers

(1) Those officials empowered to operate the bank accounts of Pirate Parties International have the authority to borrow money as follows:

- a) Up to ten percent of the annual budget needs the approval of the Secretary General.
- b) Over ten percent of the annual budget needs the approval of threequarters of the Board.

Statement:

n.a.

Title: **SAP-14: Change Membership**
Category: **Others**
Sponsor: **Pirate Party of Germany**

My prospective vote:

Yes: No: Abstain:

Proposal:

Change III. Membership (3) into:

(5) The Members are obliged to respect the Statutes, internal regulations and rules of procedure, in particular abide by the decisions of the Court of Arbitration.

Statement:

n.a.

Title: **SAP-15: Amendments**
Category: **Others**
Sponsor: **Pirate Party of Germany**

My prospective vote:

Yes: No: Abstain:

Proposal:

Change XX. Amendments (1) into:

(1) These Statutes can only be amended by a vote of at least two thirds of the total Members of the General Assembly, on a regular or extraordinary meeting.

Statement:

n.a.

Title: **SAP-16: Adoption of e-Democracy and disambiguation of conflicting motions**
Category: **Others**
Sponsor: **Pirate Party of Portugal**

My prospective vote:

Yes: No: Abstain:

Proposal:

Amendments to accommodate e-Democracy and disambiguation of conflicting motions:

Proposal:

XI. voting (1) ... (a) In the event of competing or conflicting motions over the same issue, a ranked vote, including the status quo, shall be cast in order to disambiguate the decision using an appropriate counting method chosen for the course of the voting process.

Current wording:

XI. voting (4) In appropriate circumstances determined by the Board, there may be a postal referendum to Ordinary Members between meetings of the General Assembly when the same rules as to voting, majority and in the event of a tie shall apply.

Proposal:

XI. voting (4) A permanent online e-Democracy system allowing for decision making from Ordinary Members between meetings of the General Assembly shall be put in place where issues can be raised, initiatives started, suggestions made, and progress checked until a final vote can be cast that sets policies to be executed. (a) Issues and initiatives* can be raised and started by the Board** and anyone else who can submit motions*** to the General Assembly (b) An issue not raised by the Board needs a quorum of one third of the Members**** in order for its initiatives to be voted. (c) The same rules of the General Assembly as to voting, majority and in the event of a tie shall apply.

Notes:

* *Initiatives are competing motions on the same issue*

** *Preserving the idea of the current XI (4)*

*** *Currently Ordinary Members, IV (4) c), and Observer Members, V (2) c)*

**** *Preserving the idea of IX (2)*

Statement:

As it stands now, the PPI has the three normal branches of democracy as follows:

Executive: Board Legislative: General Assembly Judicial: Court of Arbitration

All seems fine, but since "II (1) The goals of the association are: a) to act according to the major interests and goals of its Members", it seems counterproductive that "its Members" can only express that by voting on proposals of their "major interests" once a year at the General Assembly or "XI (4) In appropriate circumstances determined by the Board". Even if "IX (2) Extraordinary sessions can be held at the request of one third of the Members or by a decision of the Board" there is still the condition that "IX(7) Meetings of the General Assembly will be announced at least five weeks prior to the meeting."

It seems odd that the pirate party movement, a son of the Internet managed to create an umbrella organization that will move so slow when it comes to the decision making process of its members.

Surely the board can vote and decide on how it acts on a regularly basis, but it can only do so "XIII (1) a) to act on behalf of the General Assembly between its meetings; to give effect to its decisions, recommendations and policies; and to represent it at international and national events", it can't vote and decide on real policy making for itself, as that is one of the "X. Functions of the General Assembly", "X (1) b) to formulate the general policy of Pirate Parties International".

There is also a feeling that some issues would gain a lot, and generate less controversy, if members could vote directly on them when they arise, like for example the location of the General Assembly. Of course that the Board already needs "XIII (1) e) to prepare the agenda and procedure of the meetings of the General Assembly, giving consideration to suggestions from Member Organizations", but it could even ease its burden if the decision itself, and not just suggestions to be considered, was to be made by those who will compose the Assembly itself. But since "XIII (3) One natural person named by each Ordinary Member shall be admitted with the right to participate in the Board meetings without the right to vote", for now that decision, and potentially others of the same controversial nature, is for the Board to bear alone.

In PPI, one of "the major interests and goals of its Members" is undoubtedly e-Democracy, and if so we should empower its statutes with a process where issues can be raised, initiatives started, suggestions made, and progress checked until a final vote can be cast by its members that sets policies to be executed by its board.

Some of PPI members are already using software platforms that provide the necessary infrastructure where such a fluid and highly participative democratic process can thrive. PPI should be using them also, to set the example and show the advantages of such systems to all its current and future members, instead of adopting the rigid models of plain old parties that bind democracy to specific election/voting dates separated by long periods of detachment where few decide for all.

Real democracy means constant democracy, not cyclic democracy, and if we are to change the world we should start by setting the example ourselves.

Anyway, the yearly/live General Assembly would not lose any relevance as it would be the natural place for both the informal meeting of members in a live forum and the formal place for elections and probably some of the more important and debatable decisions like the ones requiring two thirds majority, such as: "Admission of new Members (section III. paragraph 4)", "Exclusion of Members (section VII, paragraph 2)", "Determination of the annual affiliation fee (section XVI, paragraph 1)", "Amendment of this Statutes (section XX)",