



The European International Model United Nations 2016

Rules of Procedure

International Court of Justice

1. Introduction

The following rules apply to the International Court of Justice of The European International Model United Nations (TEIMUN) 2016 , and are to be considered adopted in advance of the sessions. It is therefore of crucial importance for all participants to understand the rules of procedure and abide by them for the duration of the conference. The actual ICJ naturally runs very differently; however, please note that at TEIMUN 2016 the Rules of Procedure presented below take precedence. Abidance by these rules, and thorough knowledge thereof, are a prerequisite for the success of the conference.

2. Language

English is the only official and working language of TEIMUN 2016. It should be used at all times during court sessions, and as far as possible during social events.

3. Chairs

- a. In the exercise of their functions stated hereafter, the chairs are subject to these rules and are responsible to the Secretary-General.
- b. The Chairs entertain equal authority in front of the Court and their cooperation is governed by internal rules applicable to Staff members, as defined by the Secretariat.
- c. The Chair (any reference to the "Chair" hereafter includes both Staff members) will have complete control of the proceedings at any formal meeting and ensure the adherence to these rules. In particular, the Chair will declare the opening and closing of each meeting, direct discussion, accord the right to speak, put questions, announce decisions, and rule on points of order. The Chair may also propose the adoption of any procedural motion to which there is no significant objection. In case of disruptive or dilatory behavior of any participants, the Chair reserves the right to take appropriate measures. The Chair may direct discussion to a limited extent at their discretion, but the expectation is that the debate will be led by the participants and not the Chair.
- d. In case of a procedural issue not covered by these rules, the Chair will make a decision that is considered compliant with the spirit of these rules. In this event, the Chair will announce to the council the use of this rule. Decisions taken by the Chair under this rule can be subject to appeal.

- e. A delegate may immediately appeal any decision of the Chair by raising a motion, with the exception of those matters that are explicitly stated to be un-appealable within these rules. The Chair may speak briefly in defence of the ruling. The appeal will then be put to a vote, and the decision of the Chair will stand unless overruled by a two-thirds majority of those members present. This is a procedural vote, and thus all members present must vote.
- f. One of the Chair's duties is to moderate speaking time, and as such they will gavel during speeches to indicate remaining time, and the elapse of speaking time. The Chair will indicate at the start of the conference at what interval they will gavel, and Delegates who are confused should raise a Point of Parliamentary Inquiry.

4. Judges

- a. Each participant will represent one of the fifteen Judges of the International Court of Justice and will irrespectively be afforded one vote.
- b. Judges are obliged to attend all sessions.
- c. Judges are expected to have carefully read these rules of procedure, and to have thoroughly prepared for every session.
- d. The dress code for the conference is business attire. In the event of a judge wearing inappropriate attire, the Chair has the right to take appropriate measures.
- e. Judges will stand to speak whenever recognised by the Chair.
- f. It is not in order to bang the table, clap, call out or in any way acknowledge agreement or disagreement with another Judge's speech when not recognised by the Chair.
- g. Judges are expected to use courteous and respectful language towards the Chair and their fellow judges at all times, and to refrain from using slang and offensive language during debate.
- h. In order to receive a certificate confirming their participation at the conference, each judge must attend at least 80% of all sessions; this includes the excursion that will be organized during the week.

5. Secretariat

- a. The Secretariat is comprised of the Secretary-General, who takes precedent, and the Under-Secretary-General. Any reference to the Secretariat hereafter refers to either member of the Secretariat.
- b. The Secretariat may attend Court sessions and make written or oral statements at any time and cannot be excluded from the proceedings.
- c. Proposals of the Secretariat, although non-binding, are considered of high importance and delegates are kindly requested to abide by them.
- d. Judges may request the presence of the Secretariat during debate on a substantive matter in order to express their opinion on the issue at hand. Any statements made by a member of the Secretariat are considered as representing the opinion of all members of the Secretariat and that act in favour of the United Nations organization, which they represent at all times during the conference.

6. Representatives of Other Councils and Other Experts

- a. Where appropriate, judges may ask for a representative of another council or committee convening under the auspices of TEIMUN 2016 to address their council and express an opinion on an issue, or be asked for an advisory opinion in turn. Such a request must be handed to the Chair of the requesting council in written form, thoroughly explaining the reasons for this action.
 - i. The Chair of the requesting council may at this stage refuse the requesting council's request, and this decision is not subject to appeal. Otherwise, the Chair of the requesting council will pass on the request to the Chair of the requested council.
 - ii. It is at the discretion of the Chair of the requested council to accept or refuse such a request, although this request should normally be disclosed to the requested council before the Chair's decision is made. This decision is subject to appeal.
 - iii. If the request is accepted, the requesting council must submit a single, clear and concise question to the requested council. This question must be voted upon by the Delegates of the requesting council in a procedural vote before it is delivered to the requested council.
 - iv. On receipt of a question, the requested council's current debate topic is considered automatically tabled until such a time as a statement has been issued by the council, at which point the previous topic is automatically returned to.
 - v. The requested council should then prepare a *single* statement to present to the requesting council. Once debate on a statement has concluded, it is voted upon. If it passes with a simple majority, it is

- approved; if it fails, other statements may be introduced. Only one statement may be approved. If a statement is approved, the Delegates who voted for, against or abstained from the question will be disclosed to the requesting council.
- vi. On receipt of a statement from the requested council, the chair of the requesting council must make the statement available to the Delegates of their council.
 - vii. The requesting council is at full discretion to act upon the request council's statement in any way they should see fit. The statement should not be taken as binding, even in the case of the Security Council.
 - viii. It is not in order for councils to interview or question Delegates from other councils. All opinions must be requested and received in writing. There is no opportunity for further clarification once a statement has been issued.
- b. Depending on the issue under discussion, judges may invite an expert on the topic being discussed to address the council. Such a request must be handed to the Chair in written form, thoroughly explaining the reasons for this action. It is at the discretion of the Chair to accept such a request, and their decision on this matter is not subject to appeal. Statements of such experts are not considered as representative views of anyone else apart from the expert themselves and are therefore requested to be treated as such.

7. Quorum, Attendance and Roll Call

- a. At the beginning of each session, the Chair will conduct a roll call in alphabetical order. Judges shall establish their presence in the Court by declaring themselves "Present". Judges may vote in favour, against or abstain on any substantive matter.
- b. If Judges arrive during or after the roll call, they are required to send a note to the Chair, stating that they are present. As long as Judges have not informed the Chair of their arrival, they will not be allowed to vote or deliver a speech. All Judges who have not informed the Chair of their arrival until voting procedure begins are not eligible to vote or speak.
- c. Simple majority is defined by the roll call as this is taken at the beginning of every session. Judges are requested to notify the Chair in case of an urgent need for abstention from the proceedings of the Court in order to modify the respected numbers. In case majority numbers have changed, the Chair will announce the new numbers before any voting on any matters.

- d. If a Judge who has declared themselves "Present" during the roll call is not in the room during voting procedure on a substantive matter, their status is immediately changed to "Not Present" by the Chair in order to avoid a stalemate in the proceedings. This is not accounted as abstention in voting.
- e. Activities of the Court shall start when at least nine (9) the Judges are present. If quorum is not met within fifteen (15) minutes after the scheduled starting time of the session, the Court shall proceed with the number of Judges present irrespective of the number of Judges present. Quorum shall be assumed when Court activities begin.
- f. The Chair may at any time, and especially before entering voting procedures, revisit the quorum at their own discretion.

8. Minute of Silent Prayer and Meditation

- a. At the very beginning and at the very end of each session there will be an opportunity for a minute of silence for prayer or meditation. Any judge may move for a minute of silence before the first roll call takes place or immediately after the debate has been adjourned. The Chair will allow at most one motion at the beginning and one at the end of the session.
- b. Alternatively, it is in order for the Chair or for the Secretariat to call for a minute of silence.
- c. There is no debate on this motion, and its adoption is entirely up to the discretion of the Chair. Any decisions concerning this motion are not subject to appeal.

9. Substantive and Procedural Matters

- a. *Procedural Matters:* Procedural matters are those matters relating to the structure of the court session, as well as the issues of the case which do not evoke the merits, including, but not limited to the order in which the Court discusses issues, the time allowed for the "advocates" to present their case, suspending the meeting etc. There will be no hearing on jurisdiction. All Judges must vote on procedural matters and no Judge may abstain. Where Delegates fail to vote, the vote will be retaken until such a time as all Delegates in the room have voted. Roll Call votes are not in order for procedural matters.

- b. *Substantive Matters:* Substantive matters are those matters relating to the merits of the case. Judges that have established their presence at the initial roll call may vote for, against, or abstain.

10. Setting the Agenda

- a. At the beginning of the first session and immediately after the roll call, the agenda will be set by the Court.
- b. The Court will first have to decide which of the main claims takes precedence and within that context devise a logical series of conditions and tests to be verified. During this process the Court shall take into account which claim, when answered, would render any subsequent debates or findings irrelevant.
- c. The order of the agenda set at the beginning of the conference shall remain for the duration of the conference. If Judges wish to revisit the agenda at a later time, they can request to do so after a topic has either been completed and all substantive matters voted on or if a topic has been tabled. The relevance of such a motion shall remain at the discretion of the Chair. The request to revisit the agenda is a procedural matter.

11. Chambers

- a. The Court may from time to time form one or more chambers, composed of three or more Judges as the Court may determine, for dealing with particular categories of cases.
- b. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the Chair.
- c. A judgement given by any of the chambers provided for in article 11a and 11b shall be considered as rendered by the Court.

12. Voting

- a. The Court shall vote on every relevant finding; this includes the main claims and the answers to the intermediary questions leading up to them.

- b. The order in which they shall be voted upon is in accordance with how the agenda is set.
- c. If other relevant findings are made subsequently which may impact the previous answers, the Court reserves the right to review its initial findings, until the final vote on the judgement.
- d. Once all of the claims are exhausted and if there are no motions for review, as defined above, the Court shall hold a final vote on the entire judgement.
- e. The Court shall vote by simple majority.

Appendix: Style

- 1. Below is the style guide for all formal documents produced at TEIMUN 2016. As such, it should be consulted when writing the court's judgement, and should be adhered to as closely as possible in general throughout the conference.
- 2. Judges should refer to Member States as Member States or as States, and not as member states, countries, nations, Nations, or any other derivation thereon.
- 3. When referring to an institution with an acronym or initialism, Delegates should write out the institution's full name on first use, followed by the acronym or initialism in brackets. For example, NAC would be written North Atlantic Council (NAC).
- 4. Delegates may use American or British English, but should preserve consistency within individual documents.