



THESSISMUN

2018

THESSALONIKI INTERNATIONAL STUDENT
MODEL UNITED NATIONS

International Court of Justice

Rules of procedure



UNIVERSITY OF MACEDONIA
THESSALONIKI, GREECE

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1. The Organization of the Court

1.1. Composition.

The Court shall be composed of the Chairpersons and the Judges.

1.1.2. The Chairpersons

The Chairpersons shall be the President, the Vice-President and the Rapporteur of the Court.

1.2. Competence of the Chairpersons.

The competence of the Chairpersons may not be questioned by the Judges.

1.3. Chairpersons: Authorities and Responsibilities.

1.3.1. Authority of the Chairpersons.

The Chairpersons shall exercise their authority presiding in an equitable and objective manner. The Chairpersons also reserve the right to propose a motion at any time so as to facilitate the work and procedure of the Court. The Judges will be encouraged to consider the proposed motions that will be put to vote in accordance with the relevant rules described below.

In case of doubt regarding procedural matters, the interpretation of the President prevails.

The Chairpersons maintain at all times their *status* as Judges.

1.3.2. Responsibilities of the Chairpersons.

The Chairpersons are responsible for all procedural matters pertaining to the Court, including, but not limited to, moderating the debate, determining the applicability of the rules and if necessary, clarifying the meaning of the existing rules without approval by the Court.

1.4. Caucus of the Board.

The Chairpersons reserve the right to halt the procedures of the Court in order to take 30 seconds of internal Caucus.

2. The Judges

The Judges are chosen among persons of high moral character, impartiality and integrity. They enjoy independence while performing their functions. The Judges are of equal *status*.

3. The Deliberation

3.1. Roll Call

Attendance shall be kept by the Chairpersons with a Roll Call at the beginning of every session. Judges shall establish their presence in the Court by raising their placards and declaring "*Present*".

3.2. Declaration Ceremony

Every Judge, before the deliberation process, shall make the following declaration: "*I solemnly declare that I will perform my duties and exercise my powers as Judge honourably, faithfully, impartially and conscientiously.*"
The Declaration Ceremony shall be led by the Chairpersons.

3.3. Procedural Matters

Procedural matters are those matters relating to the structure of the Deliberation process as defined in the Rules of Procedure of ThessISMUN. They include, but are not limited to, motions and adjournment of the Deliberation process. All Judges must vote on procedural matters by raising their placards. No Judge may abstain.

3.4. Substantial Matters

Substantial matters are defined as those matters relating to the specific case at hand. On substantial matters, all Judges who declared to be "*Present*" during the Roll Call must vote. No Judge may abstain.

4. Quorum

The Deliberation process of the Court shall start when at least one half ($\frac{1}{2}$) of the Judges (quorum) is present which will be verified through Roll Call, carried out by the Chairpersons, following rule 3.1. If quorum is not met thirty (30) minutes after the scheduled start time of the Deliberation process, the Court shall start its session with the number of Judges already present, unless otherwise instructed by ThessISMUN Secretariat. Participants arriving during or after the roll call are required to send a note to the Chairpersons stating their presence in the Court.

4.1. Motion to Verify the Quorum

The Judges may propose a motion to verify the Quorum, where the President will proceed with Quorum confirmation by initiating a Roll Call.

5. Majority

5.1. Simple Majority

A procedural or substantial matter requiring a simple majority to pass implies that fifty percent plus one judges (50% + 1) of the Court must vote in favour of this specific matter. If the vote is a tie, the matter is considered to have failed.

When voting on the Judgement, in case of tie, the President casts the deciding vote.

5.2. Two-thirds (2/3) Majority

A procedural or substantial matter requiring a two-thirds (2/3) majority implies that two-thirds (2/3) of the Court must vote in favour of it to pass.

6. Agenda

The Agenda item is defined by the Secretariat of ThessISMUN. Only topics set on the provisional Agenda provided by ThessISMUN shall be considered by the Court.

7. Formal Debate

The Court shall by default be in Formal Debate unless otherwise advised by the President. Judges should refer to the Speakers' List for the speaking order as described in rules 7.1 and 7.2.

7.1. Speakers' List

7.1.1. Motion to Establish a Speakers' List

To establish a Speakers' List, a Judge shall raise a *Motion to Establish a Speakers' List*, also determining the individual speaker's time. The Motion needs to be firstly approved by the President and then is voted upon –if objected-, requiring simple majority to pass. If there is more than one *Motions to Establish a Speakers' List*, suggesting a different Speaker's Time, they will be voted upon starting from the most disruptive one.

7.2 Adding a Judge to the Speakers' List

A Judge can be added to the Speakers' List only if not already included. The Judge may either raise his/her placard when the President calls for Judges to do so or send a note to the Chairpersons stating their will to be added to the Speakers' List. Speakers must keep their remarks germane to the subject under discussion. When the Speakers'

List is exhausted, debate is automatically closed even if a motion to close debate would not normally be in order.

7.3. Opening Speeches

At the time the Speakers' List has been established, every Judge is required to deliver an opening speech at the start of the deliberation. Duration shall not exceed five minutes per Judge. The Chairpersons are excluded from this provision.

7.4. Recognition

A Judge may only address the Court if he/she has received permission from the Chairpersons.

7.5. Interruptions

A speaker may not be interrupted by another Judge, unless the Judge has risen to a Point of Personal Privilege. No other motion or point may interrupt a speaker. Once a speaker has concluded its speech and the floor is yielded to the Chairpersons, a Judge may rise to a point or motion.

8. Yields

Only during formal debate, a Judge may yield any remaining time at the end of his/her speech in one of the following manners:

8.1. To Questions

The Chairpersons will use the remaining time to entertain questions from the Court to the Speaker. Judges wishing to ask questions shall raise their placards and wait to be recognised by the Chairpersons. The Chairpersons shall rule questions that are rhetorical, leading or not relevant to the Speaker's speech out of order. Only the Speaker's answer shall be subtracted from the remaining speaking time.

8.2. To Another Judge

A Speaker wishing to give the remaining time allotted to his/her speech to another Judge can do so. That Judge has to take the floor at once. The Speaker the time has been yielded to cannot yield his or her time again.

8.3. To the Board

A Judge can yield any remaining time back to the Board. It is in the discretion of the Chairpersons to yield the floor to the next speaker on the Speakers' list or open the

floor for Points or Motions. If a specific yield has not been established by the Speaker, the floor will automatically be given back to the Chairpersons. During a Hearing on a Sub-topic the floor will also be automatically given to the Board.

9. Points

9.1. Point of Personal Privilege

A Judge may rise to a *Point of Personal Privilege* if a matter impairs the Judge's participation in the deliberation's activities. The Chairpersons shall try to effectively address the source of impairment. A point personal privilege can interrupt the speaker in any case. However, this motion should be used with the utmost discretion.

9.2. Point of Order

A Judge may rise to a *Point of Order* if a Judge or the Chairpersons are not properly following the Rules of Procedure. The Chairpersons will rule on the validity of the point immediately. A Judge rising to a *Point of Order* may not comment on the topic of the discussion. A *Point of Order* ruled dilatory by the Chairpersons may not be appealed. This point may not interrupt a speaker.

9.3. Point of Judiciary Inquiry

A Judge may rise to a *Point of Judiciary Inquiry* to request an explanation on the Rules of Procedure by the Chairpersons. This point may not interrupt a speaker.

10. Informal Debate

During formal debate a motion can be put forth by any Judge for a *Hearing on a sub-topic* or a *Recess*, both of which constitute informal debate. Informal debate can only occur on substantial issues. Motion to enter informal debate is in order following the procedures outlined in section 11.

11. Motions

Motions are proposed by the Judges in order to facilitate the debate or the overall procedure by raising their placards and waiting to be recognised. All proposed motions shall be first approved by the Board which shall then ask for seconds and objections, as defined in rule 12. Should the motion face objections the most disruptive one shall take precedence in the voting procedure.

11.1. Motion for a Hearing on a sub-topic.

A Judge proposing a Motion for a Hearing on a sub-topic must indicate the total duration of the Hearing, speaking time for each individual speaker and purpose of the Motion. The Chairpersons may suggest a more appropriate total duration, speaker's time or purpose, or may rule the Motion out of order without possibility of appeal. If the Motion passes, the Court will enter informal debate whereby the Chairpersons will recognize at his/her discretion Judges who raise their placards to speak about the issue at hand.

11.2. Motion to Extend the Hearing on a sub-topic.

A Judge may propose a Motion to Extend the Hearing on a sub-topic if he/she feels that additional time benefits the work of the Court. The Judge proposing an Extension of the Hearing on a sub-topic must suggest duration for the extension, not exceeding the initial one. The individual speaker's time and the purpose of the Hearing remain the same. The Chairpersons may suggest a more appropriate total duration and put it to vote or may rule the Motion out of order without possibility of appeal. Only one extension of the Hearing on a sub-topic is allowed.

11.3. Motion for a Recess.

A Judge proposing a Motion for a Recess must indicate the total duration and purpose for the Motion. The Chairpersons may suggest a more appropriate duration or topic and put it to vote or may rule the Motion out of order without possibility of appeal. Once the Motion passes, the Court will start an informal discussion on the topic specified in the Motion without leaving the conference room. A Motion for Recess may also be raised by a Judge in order to grant the quorum a limited amount of time for research.

11.4. Motion to Extend the Recess.

A Judge may move to extend the Recess if he/she feels that additional time would benefit the work of the Court. The Judge proposing a Motion to Extend the Recess must suggest duration for the extension, not exceeding the initial one. The Chairpersons may suggest a more appropriate total duration and put it to vote or may rule the Extension of the Recess out of order without the possibility of appeal. Only one extension of the Recess is allowed.

11.5. Motion to Close Deliberation.

A Judge may propose a *Motion to Close Deliberation* in order to end the deliberation process of the Court. If objected, it is in the Board's discretion to entertain one (1) speaker in favor and one (1) against the Motion. This Motion requires 2/3 majority. At the time the Motion passes the Court shall immediately enter voting procedure.

11.6. Motion to Adjourn the Meeting

A Judge may propose a Motion to adjourn the Meeting in order to suspend all Court's activities until the next scheduled meeting. The Chairpersons may rule the Motion out of order without possibility of appeal or put it to vote.

11.7. Motion to Adjourn the Session

A Judge may propose a motion to adjourn the Session in order to cease permanently all Court's activities¹. The Chairpersons may rule the Motion out of order without possibility of appeal or put it to vote.

12. Seconds & Objections

After a Judge proposes a motion, the Board may ask for seconds, i.e. Judges agreeing with the motion. All Judges wishing to second the motion will have to raise their placards. If there are no seconds the motion will automatically fail.

If there are seconds, the Board will ask for objections, i.e. Judges disagreeing with the proposed motion. All Judges wishing to express their objection will raise their placards. If there are no objections, the motion will automatically pass. If there are objections, the board will enter voting procedure.

13. Voting Procedure

13.1. Voting on Procedural Matters

In procedural matters Judges must vote in favour or against. There are no abstentions.

13.2. Voting on Substantial Matters

When the Chair announces that the Court is entering voting procedure, no entering or exiting from the room will be permitted, unless there is an emergency or until the voting procedure has come to an end. All auxiliary personnel, such as Journalists, Observers, Advisors etc. are required to immediately exit the room. The Board may or

¹ This motion is in order only to be used for the end of the conference.

may not allow the Administrative Staff to remain in the room. Note passing is suspended.

14. The Judgment of the Court

14.1. Introduction of Draft Judgment

A Judge may propose a *Motion to Introduce the Draft Judgment*. Once the document has been assigned a Draft Judgment number by the Secretary General, the Board will entertain a motion to introduce the Draft Judgment, requiring simple majority to pass. In case of a tie, the President casts the deciding vote.

14.2. Format

The Judgment shall consist of:

- a. The date;
- c. The names of the parties;
- d. A statement of facts;
- e. Legal reasoning;
- f. The operative provisions of the judgment;
- g. The number and names of the Judges in favor/against per operative provision;
- h. Signature of the President.

14.3. Separate Opinions

Judges that agree with the decision made by the majority of the court, but wish to state different legal reasons for their decision or different conclusions in parts of the Judgment, shall write separate opinions. All separate opinions shall be submitted to the Chairpersons prior to the delivery of the Judgment.

14.4. Dissenting Opinions

Judges that disagree with the Judgment may write a Dissenting Opinion stating the reasons for their decision and legal opinion. Dissenting Opinions can be written individually or by a group of judges. Dissenting opinions are to be submitted to the Chairpersons before the scheduled time for the delivery of the Judgment and upon notification by the Chairpersons.

14.5. Delivery of the Judgment

All Judges shall be present at the delivery of the Judgment. During the delivery, the Judgment will be read out to the public by the President. The Judgment is final.

15. Method of Voting

Each Judge of the Court has one vote and must demonstrate his/her voting intentions by Standing. Judges must vote “in favour” or “against”. No Judge shall vote on behalf of another Judge. Judges that are in favor of the Judgment will stand up whereas those against will remain seated. There will be one voting procedure for each separate claim.

15.1. Roll Call Vote.

Roll Call Motions are in order primarily for substantial matters. This Motion is automatically accepted. The Roll Call starts from a Judge, randomly selected by the Board.