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UNITED NATIONS YOUTH AND STUDENT ASSOCIATION OF AUSTRIA

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Rules of Procedure for Simulations of the International Court of Justice (ICJ) at Model United Nations

These rules are a simplified version based on those used at meetings of the ICJ, so they of course differ from reality.

c: UNYSA-AUSTRIA-AFA as of 15 July 2014

GENERAL RULES

Rules

The rules are not subject to change and shall be considered adopted prior to the beginning of the conference.

Language

English shall be the official working language of the conference. No representative may address the forum or submit a document in a language other than English.

Courtesy

All members of the Court must show courtesy and respect to the Secretary General, chairpersons, committee staff, advisors and fellow delegates. The chairperson will immediately call to order any member who fails to comply with this rule.

Credentials

The credentials of the Secretariat and delegates have been accepted prior to the opening of the conference. Actions relating to the alteration of rights or credentials of any member may only be initiated at the consent of the Secretary General.

Secretary General and Secretariat

The Secretary General will provide and direct the staff required by all the committees. He/she will have the ultimate authority over all such committees and may at any time delegate authority to a member of the Secretariat. Furthermore, the Secretary General or a member of the Secretariat may at any time make written or oral statements to the committees.

Bureau

The chairpersons/presidents and the registrar shall constitute the committee bureau. A chairperson shall declare the opening and closure of each meeting of the committee, shall direct its discussions, and ensure compliance with the Rules of Procedure. He/she shall compose the speaker's list, accord the right to speak, propose the limitation of time for debate, and announce decisions. Furthermore, he/she shall have the right to advise delegates on the possible course of debate. The chairperson may also close or suspend the meeting and may temporarily transfer his/her duties to another member of the bureau. In exercise of these functions, the chairperson shall at all times follow the Rules of Procedure and report to the Secretary General. Bureau decisions may be overruled with a two-thirds majority.

Members

The committee consists of 15 permanent judges. In addition to that number, 2 ad-hoc judges are designated by the parties of the case. Chairperson of the committee is the Presiding Judge of the ICJ. Respectively, Co-Chair of the Committee will assume the role of the Vice-President of the Court. The Chairperson shall be addressed as "President" or "Presiding Judge" while the Court is in session. The Registrar is responsible for administrative and technical tasks.

Meetings and Dates of Convening

Each committee shall meet at the time and place designated by the Secretariat under the recommendation of the Secretary General.

Attendance

Members of the Court are required to attend all scheduled committee meetings. In the case of a member leaving the room during session under any circumstances, said member shall place their placard in such way that their name is facing down. This is in order to signal absence from any vote.

Should a member be absent for more than two half-day sessions and/or during the distribution of certificates, the delegate may be denied the right to receive the conference certificate.

Attendance will be sampled at the beginning of every session by calling upon the members of the Court, followed by the observers, in alphabetical order. When their name is called out, judges shall declare themselves "present". Members arriving late shall pass a written note to the chairperson stating that they are "present".

RULES GOVERNING DEBATE

The order of the proceedings is the following

1. Presentation of Case

The President and Vice-President will present the case to the Court. Judges will have an opportunity to ask questions. The session of the Court will be declared formally open by the President after the presentation.

2. Opening speeches

Judges present their general legal opinions on the case in alphabetical order according to surnames. Judges may pass on the first round, but must speak on the second (Each judge is given a maximum of 2.5 minutes).

3. Preliminary Roundtable Discussions

This time is meant for informal discussions about the case, with a time limit of one hour. This time may be used to discuss the relevant legal issues and to prepare a list of questions to be resolved.

Thereafter, once debate commences, a judge may be added to the speaker's list only by passing a written request to one of the chairpersons. After the judge finished his/her speech, the judge may add himself to the speaker's list again by passing a written request to one of the chairpersons. The speaker's list will be continuously open.

4. Deliberations

The Court will have an opportunity to discuss the case. The Court should try to agree on the facts and the legal issues to be resolved. This is also the time when Notes are drafted by the judges. The Court will proceed following a speakers list and by motioning for moderated caucuses or suspension of the meeting. All motions will be accepted at the discretion of the President.

5. Formal Deliberations

After the introduction of a Note, the Court moves to Formal Deliberations to discuss it. During this time, no new Note may be presented.

Questions can be posed and judges will justify their positions. This is an important opportunity to influence members of the Court who are not in favor of the Note. The Court will proceed following a newly-composed speakers list and by motioning for moderated caucuses and suspension of the meeting. All motions will be accepted at the discretion of the President.

Formal Deliberations are closed, as soon as a motion to Vote for Judgment passes.

RULES GOVERNING SPEECH

Speeches

No judge may address a committee without having previously obtained the permission of the chairperson. The president may call a speaker to order if his/her remarks do not follow the rules agreed upon, are not relevant to the subject under discussion, or are offensive to any delegate or staff member. The time limit for speeches is always subject to the president's approval. If a judge exceeds the permitted time, the president may call the speaker to order.

RULES GOVERNING SUBSTANTIVE MATTERS

Notes

Notes serve as draft Judgments. They differ from Judgments in that they do not include the parties' submissions or the summary of the proceedings. Notes are non-binding and will help form the basis of the final judgment. During the debate, they are referred to as "Notes." Only one Note, which will be signed by the President, will be in order at any given time.

Upon introduction, the Note is distributed to the Court and judges are given an adequate amount of time to read it. A vote will follow this reading to decide if the Note will be the subject of Formal Deliberations.

Non-Binding Poll

Motions for non-binding polls of the Court will be accepted during Deliberations and Formal Deliberations at the discretion of the President. These “votes” do not bind the judges to their opinion and serve to make the Court aware of the progress.

Motion to Dismiss Note/ Motion to Vote for Judgment

Formal Deliberations may be closed via one of two motions: A motion to Dismiss Note and a motion to Vote for Judgment.

A motion to Dismiss Note will pass with a simple majority. If the motion passes, the Court returns to the initial Deliberation phase and will continue with the speakers list. If the motion fails, the Court will return to Formal Deliberations.

A motion to Vote for Judgment requires a two-thirds majority to pass. If the motion passes, the Court will automatically proceed to the Vote on Judgment. If the motion fails, the Court will return to Formal Deliberations.

Vote on Judgment

The vote on making the Note a Judgment is carried out in the form of a Roll-call vote in alphabetical order according to surnames, in which each judge is given a maximum of one minute to comment on his/her choice. These comments should include a general overview of the judge’s written Opinion.

Opinions

Each judge has to write an Opinion on the passed Judgment. A judge may either agree (concurring or separate opinion) or disagree (dissenting opinion) with the judgment or its line of argument. Opinions should be written in parallel to Formal Deliberations. Time will be given to the Court after the Judgment has been passed for judges to adapt their Opinions. Opinions will not be read in session but will be distributed to the judges.

RULES GOVERNING VOTING

Quorum

A Quorum is the number of members of the Court present necessary for any vote to be taken. The chairperson may declare a meeting open and permit the debate to proceed when at least one third of the expected number of members in the committee are present. The presence of two thirds of the members will be required for any substantive vote to be taken.

Voting

Each judge will have one vote on both substantive and procedural matters. All matters will be voted upon by a show of placards, except in the case of a roll call vote. After the president has announced the beginning of voting procedure, no judge is allowed to leave the room or to interrupt the procedure except for a point of order regarding the conduct of voting.

All motions require a simple majority of members present to pass, except the motion to Vote for Judgment, which requires a two-thirds majority. No judge may abstain from any vote at any time during procedural matters or substantive matters.

a.) Voting on Substantive Matters

The only substantive voting at the simulation will be the final voting on notes and the judgment. Passage requires a simple majority of the total number of voting judges. No abstentions are permitted.

b.) Voting on Procedural Matters

Apart from the final voting on notes and the judgment, all voting done at the simulation will be considered procedural voting. Procedural voting requires a simple majority for passage.

c.) Roll Call Vote

During a roll call vote delegates are called upon in alphabetical order. Each delegate then shall answer with either “Yes/In favor” or “No/Against”.

MOTIONS & POINTS

Motions may be raised at any time during discussions. Motions on procedural matters are accepted at the discretion of the president, who may put it to a vote.

Moderated Caucus

A motion for a moderated caucus is in order during deliberations and formal deliberations at any time when the floor is open and prior to voting on a judgment. The sponsor of the motion must briefly specify the purpose and the topic for the Caucus. The general speaking time for speeches will be proposed by the judge raising the motion but needs the approval of the president and shall not exceed three minutes. During a caucus, judges signify their wish to speak by raising their placards. If nobody else wants to take the floor, the style of debate will automatically resume to formal deliberations. Once a judge believes that the content of the discussion is exhausted, he/she may propose a motion to go back to formal deliberations.

Suspension of the Meeting

During a moderated caucus, deliberations or formal deliberations a judge may raise a motion to suspend the meeting - and all committee functions for the proposed time - by stating the purpose of the suspension and specifying a time for reconvening, which is subject to the president's approval. This suspension of the meeting enables the judges to discuss important matters such as Notes in an informal manner and without the restrictions of formal debate or moderated caucus. Once the suspension of the meeting is over, the proceedings move back to the stage prior of the suspension.

Roll Call Voting

During any voting procedure, judges may raise a motion for a roll call vote, however the president may rule such a motion dilatory if. Furthermore, in case of a miss-vote on any matter, the president may reserve the right to initiate a roll call vote. In a roll call vote, the president will call all judges in alphabetical order by surname, and each one should reply either "yes"/"in favor" or "no"/"against".

Point of Order

Any judge may raise a point of order to signal the Court about improper action or other issues that are important to the Court by raising his/her placard. The president, in accordance with the rules of procedure, will immediately decide on the point of order. A point of order may not interrupt a speaker. Points of order that are dilatory or improper may be ruled out of order by the president.

Point of Information

Any judge may raise a point of information to pose questions regarding the proceedings of the Court or rules of procedure by raising his/her placard. Judges are asked to use the point of information with discretion and should pose questions on rules of procedure during a break or suspension.

Precedence of Motions/Points

Motions and points will be considered in the following order of precedence:

- a.) Points indicated below shall have precedence above all motions at all times in the following order:
 - Point of Order
 - Right of Reply
 - Point of Information

- b.) Motions indicated below shall have precedence in the following order:
 - Motion to Vote for Judgment
 - Motion to Dismiss Note
 - Motion to Suspend the Meeting
 - Motion to Move to a Moderated Caucus
 - Motion to Close a Moderated Caucus
 - Motion for a Roll Call Vote