



**International Court of Justice
HamMUN 2017**

Rules of Procedure

Hamburg Model United Nations 2017

The International Court of Justice, the Main Judicial Organ of the United Nations

Guided by the Statute of the International Court of Justice,

Applying Article 30 of the Statute,

Defines the following procedure;

PART I

THE COURT

I. Introduction

Art. 1 The following rules apply to the International Court of Justice of Hamburg Model United Nations (HamMUN) 2017, 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 HamMUN 2017 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. English is the only official and working language of this Court. It should be used at all times during court sessions.

II. Composition of the Court

Art. 2 The Court shall consist of the following Members:

- The President (Chair)
- The Vice President (Co-Chair),
- The Registrar (Vice Chair)
- The Judges, fifteen (15) in number

III. The Presidency

Art. 3 The Presidency of the Court shall consist of the President, the Vice President and the Registrar. The President, the Vice President and the Registrar 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. Any reference to the “President” hereafter includes the members of the Presidency.

- a. In the exercise of their functions stated hereafter, the President is subject to these rules and are responsible to the Secretary General. These rules are an annex to the conventional rules of procedure of HamMUN 2017, which remain in force except

where this annex provides otherwise.

- b. The President will have complete control of the proceedings at any formal meeting and ensure the adherence to these rules. In particular, the President 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 President may also propose the adoption of any procedural motion to which there is no significant objection. In case of disruptive or dilatory behaviour of any participants, the President reserves the right to take appropriate measures. The President 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 President.
- c. In case of a procedural issue not covered by these rules, the President will make a decision that is considered compliant with the spirit of these rules. In this event, the President will announce to the council the use of this rule. Decisions taken by the President under this rule can be subject to appeal.
- d. A delegate may immediately appeal any decision of the President by raising a motion, with the exception of those matters that are explicitly stated to be unappealable within these rules. The President may speak briefly in defence of the ruling. The appeal will then be put to a vote, and the decision of the President 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.
- e. One of the President'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 President 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.

IV. The Judges

Art. 4 Each participant will represent one of the fifteen (15) Judges of the International Court of Justice and will irrespectively be afforded one vote.

- a. Judges are obliged to attend all sessions
- b. Judges are expected to have carefully read these rules of procedure, and to have thoroughly prepared for every session.
- c. The dress code for the conference is business attire. In the event of a judge wearing inappropriate attire, the President has the right to take appropriate measures.
- d. Judges will stand to speak whenever recognised by the President.
- e. 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 President.
- f. Judges are expected to use courteous and respectful language towards the President

and their fellow judges at all times, and to refrain from using slang and offensive language during debate.

- g. In order to receive a certificate confirming their participation at the conference, each judge must attend at least 80% of all sessions.

PART II **PROCEEDINGS BEFORE THE** **COURT**

I. Deliberations

Art. 5 During deliberations, the Court shall adopt a format of unmoderated and moderated caucuses, as respectively set out in the Articles of the General Rules of Procedure, to govern the debate. Any motions calling for a caucus shall be subjected to a vote in accordance with Articles 20-22 of these Rules of Procedure.

Art. 6 Judges in the majority shall be expected to write the Judgement/ Advisory Opinion, which should consist of the following elements:

- The date on which it is delivered,
- The number and names of the judges constituting the majority,
- A summary of the proceedings before the court,
- A statement of the relevant facts,
- The legal reasoning determining the final outcome,
- The outcome.

Art. 7 Dissenting Opinions may be written by dissenting judges, explaining their disagreement with the verdict. A Dissenting Opinion can disagree with the Judgement or Advisory Opinion as a whole or with part of it. Multiple Dissenting Opinions may be written. Dissenting Opinions should consist of the following elements:

- The Judgement or Advisory Opinion to which it is appended,
- The name of the author(s)
- The legal reasoning determining the disagreement with the majority position.

Art. 8 All opinions will be expected to be written by the end of the deliberations, in order for them to be annexed to the majority decision.

Art. 9 Deliberations will last until a motion to close deliberations is proposed. This procedural motion will be subjected to a vote, according to the principles set out in Articles 20-22 of these Rules of Procedure.

II. Quorum, Attendance and Roll Call

Art. 10 At the beginning of each session, the President 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.

Art. 11 If Judges arrive during or after the roll call, they are required to send a note to the President, stating that they are present. As long as judges have not informed the President of their arrival, they will not be allowed to vote or deliver a speech. All judges who have not informed the President of their arrival until voting procedure begins are not eligible to vote or speak.

Art. 12 Simple majority is derived from the roll call as it is taken at the beginning of every session. Judges are requested to notify the President 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 President will announce the new numbers before any voting on any matter occurs.

Art. 13 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 President in order to avoid a stalemate in the proceedings. This is not accounted as abstention in voting.

Art. 14 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. The quorum may be challenged by any Judge when he or she observes it may be lacking.

Art. 15 The President may at any time, and especially before entering voting procedures, revisit the quorum at their own discretion.

III. Setting the Agenda

Art. 16 At the beginning of the first session and immediately after the roll call, the Agenda will be set by the Court.

Art. 17 The Court will first have to decide which of the main claims or questions 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.

Art. 18 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 President. The request to revisit the Agenda is a procedural matter.

IV. General Speakers’ List

Art. 19 As soon as the Agenda has been set, a General Speakers’ List is opened for the purpose of general debate on the topic selected. This General Speakers’ List will remain open for as long as the topic is being discussed. The speaking time when in the General Speakers’ List is determined by the President.

- a. The President will call to order any judge exceeding the allotted time for a speech.
- b. When the General Speakers' List is exhausted and no more judges wish to be added to it, debate on the topic automatically closes, and the council moves into voting procedure on the topic. If no Judgements/ Advisory Opinions have been introduced, the council will immediately move to the next topic on its Agenda.
- c. A General Speakers' List for a different topic on the agenda may not be opened until the council has moved to that topic. If a topic is tabled, the General Speakers' List is not maintained, but will be reopened when the topic is returned to.

V. Procedural Vote

Art. 20 *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 judges to present their statements/ questions, suspending the meeting etc. All judges must vote on procedural matters and no judge may abstain. Where judges fail to vote, the vote will be retaken until such a time as all judges in the room have voted. Roll Call votes are not in order for procedural matters.

Art. 21 The following procedural motions shall be decided by a two-thirds majority:

- Motion to set the discussion on one of the docket cases
- Motion to set a general speaker's list/ unofficial tour de table/ opening of discussion
- Motions to close deliberations and move to substantial voting procedure,
- Motions to close the session of the Court.

Art. 22 The following procedural motions shall require a simple majority:

- Motion to adjourn the meeting for lunch etc.
- Motion for a moderated caucus during the stage of deliberations,
- Motion to extend a moderated/unmoderated (no longer than the half of the original and can not be extended twice)
- Motion for an unmoderated caucus during the stage of deliberations,
- Motion to admit contested evidence to the case.

VI. Substantial Vote

Art. 23 *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.

Art. 24 Following a successful motion to close deliberations, the Court shall proceed to a substantive vote to determine the verdict of the case. This vote will require a simple majority.

Art. 25 In the case that no majority is found though a substantive vote, the Court shall automatically reopen deliberations.

VII. Chambers

Art. 26 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.

- a. 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 President.

VIII. Representatives of Other Councils and Other Experts

Art. 27 Where appropriate, Judges may ask for a representative of another council or committee convening under the auspices of HamMUN 2017 to address their council and express an opinion on an issue. Such a request must be handed to the President in written form, thoroughly explaining the reasons for this action. It is at the discretion of the President to accept such a request, and their decision on this matter is not subject to appeal.