RULES OF PROCEDURE
INTERNATIONAL COURT OF JUSTICE
ITYCMUN 2017
Instituto Técnico y Cultural
RULES OF PROCEDURE

WHAT IS ITYCMUN?

ITYCMUN, or ITYC Model of the United Nations, is a representation of the United Nations System in which middle level and high school students from our school, and other guest schools, represent the ideology of the country assigned. They simulate the debates and negotiations held at the United Nations representing a country in a committee.

ITYCMUN is an educational and cultural event, in which students learn about international affairs and the functions of the United Nations, in order to acquire an international vision of the World. This simulation promotes between the students the following:

- The worries and hopes of the people that live in the different regions of the world.
- The way in which the United Nations work can improve the lives of the people that live in Earth.
- The tools and the attitude required to reinforce international cooperation.

ITYCMUN helps students develop skills such as negotiation, writing and public speaking, in an environment of tolerance and respect towards diversity. It also helps them to understand that the best way to solve problems is through dialogue and negotiation, avoiding the use of violence.

The success of a Model consists in the preparation process, which includes the research concerning the relation between the topics and the position of the country being represented.

It is a matter of great importance that the students assume the role of delegates/ambassadors of different nations and follow the rules of procedure as those used at the United Nations.
RULES OF PROCEDURE

1. **SCOPE.** The present Rules of Procedure shall guide the hearings and debates of the International Court of Justice. In case of doubt or conflict between this Rules of Procedure or any other procedural regulation laid down in either the Charter of the United Nations, or the Statute of the International Court of Justice, these Rules shall prevail. The chair will have the final decision on the matter.

2. **LANGUAGE.** English shall be the official working language for the hearings and proceedings of the International Court of Justice. Every document or testimony presented to the Court shall be on English or with the proper translation.

3. **ITYC’s regulations must be respected at all times.** Students, who had registered when ITYCMUN 2017 was called, and those who already had their countries assigned, are obliged to assist and represent their Delegation. ITYC’s Academic Direction will justify delegate’s absences in regular classes. In which case the delegates are not present at the model, they will have absences which will not be justified by any matter in any of the subjects they have the days ITYCMUN 2017 takes place and the consequences will have to be faced, despite what they are. The delegates are only allowed to be absent if they have a medical justification and had already prevented it before or during the first sessions of the model.

4. **THE SECRETARIAT.** Composed by the Executive Committee (Secretary-General and Chief of Protocol), and the President and Vice-President of the Court.

   - The Secretariat will have the final word within the Model. It will interpret these rules and will decide on the topics that are not included in it.
   - The Secretariat will ensure that these rules are duly enforced. It will impose the disciplinary measures necessary in case of the non-compliance of the rules of behaviour.
   - The Secretariat may at any time make either oral or written statements to the General Assembly, the Security Council and their committees.
   - The Secretary General will officially declare the opening and closing of the United Nations Model.
   - To moderate the various bodies of the Model if necessary.
   - To inform, to the various bodies, about the matters debated in other committees.
   - They will inform the General Assembly on any matter of concern for peace and international security that the Security Council is debating. They will also inform the Assembly as soon as these topics cease to be debated.
To facilitate the negotiations between the representatives and to collaborate with them within the model, intervening actively if necessary.

To form part of the Approval Chair of draft of resolutions.

The Secretary General will be able to yield his attributions, totally or partially, to any other authority within the Model.

The Secretary General, as a Representative of the State members, will be the spokesman of the International Community. He will be able to convey with his signature the treaties, bilateral or multilateral treaties elaborated with respect to the Preventative Diplomacy.

5. COURTESY. Every member of the Court, including Officers, Justices, Agents, Witnesses, Experts, and "Friends of the Court" shall show courtesy and respect to the Officers of the Court and to each other. The President shall immediately call to order anyone who fails to comply with this rule.

6. STRUCTURE OF THE COURT. ATRIBUTIONS OF THE OFFICERS OF THE COURT.

The President will direct the proceedings before International Court of Justice.

The President's duties include, but are not limited to, opening and closing session; calling the parties to a dispute to present their arguments during a hearing; and making the recommendations necessary to ensure fair procedure for all of the parties to a dispute.

The President shall have the final word on any conflict of procedure. The President's decision not to approve a judgment is not subject to appeal.

The President may, in any moment, transfer the duties of Presiding officer to the Vice-President and Registrar.

The Vice-President and Registrar shall assist the President in its duties, including the moderation of hearings and debates, keeping a record of the hearings, and preside the committee in the absence of the president.

JUDGES

The function of the judges is to decide disputes brought before the Court by the agencies.

7. PROCEDURE. PRE-HEARING ISSUES

The work of the ICJ will be distributed in hearings that will be notified by the Presidency of the court in advance of session.

Agents and Counsellors will represent states during the proceedings.

Agents for the States have to deliver a Memorial to the Court before the first hearing. The Memorial submitted must include the FACTS that originated the dispute; a brief explanation of the LAW involved, and ARGUMENTS on the legal
issues; concluding with a PRAYER FOR RELIEF, which is a list of the petitions made to the court.

8. MOTIONS. During the proceedings, Agents may present motions. Motions are petitions filed by the agents asking for a particular action, or recognition of an action, on behalf of the court. If both of the parties agree on a motion, the court may allow it immediately. If there was disagreement over a motion, Agents will be allowed a very brief opportunity to explain the motion, and speak in favour or against the motion. The chair will then call for a vote in favour or against the motion. Only Justices may vote on a motion.

Motions can refer to modifications of internal procedure, to admittance or dismissal of evidence, admissibility, and other essential issues.
Motions can also object any irregularity of procedure detected by the Agents, in which case they must ask the court to take a particular course of action to correct such irregularity.

The chair can overrule motions. At the discretion of the court, a motion can be delivered by the Agency in either oral or written form.

Agents may motion to dismiss a Witness or piece of evidence when they consider that there are insufficient grounds to sustain it as valid. Agencies must present the written motion immediately after the evidence or witness has been introduced. Agents will then be allowed 30 seconds to speak in favour or against the dismissal of the evidence, with equal opportunity allowed to both parties. The motion will then be put to immediate vote.

Justices or Agents may at any time present a motion for an informal survey on any point of fact or law on which he wishes to know the Court’s opinion. However, Justices may object to such poll. The President will consider the objection, and using his discretion, will rule on the motion subject to an appeal.

9. MOTIONS OF PROCEDURE. A Justice or Agent may rise a POINT OF PERSONAL PRIVILEGE whenever a personal discomfort impairs his or her ability to participate properly in the proceedings. The chair will then proceed to correct the situation. If the Situation is of a procedural nature, it should be raised through a motion rather than a point.

Points of Personal Privilege may interrupt a speaker, but must always be subject to rule 5 (Courtesy).

Justices or Agents may rise to a POINT OF ORDER to call attention to improper procedure. The President shall rule immediately over the point of order, and the decision shall not be subject to appeal.
RULES OF PROCEDURE

RIGHTS OF REPLY can be requested when an Agent or Justice feels that their personal integrity has been attacked by a speech, or that a member of the court or agency has acted in a matter contrary to rule 6 (Courtesy). The President’s decision to grant or not this right is irrevocable. No Right of Reply is in order against a Right of Reply.

10. HEARINGS
OPENING STATEMENT

The first hearing will be the opening statement. In it, the Agencies will present their Memorials and their opening speeches to the Court. The Chairs will call the Applicant, and then the Respondent, to present their arguments. No time will be observed during the first round of arguments, but Agents should be as brief as possible in outlining their case. No interruptions are allowed at this stage.

Arguments on jurisdiction, admissibility, or otherwise, shall always be joined to the Merits phase of the case.

Once both agencies have made their initial presentation, the Court will recognize the Applicant for a rebuttal of the Respondent’s arguments. During the rebuttal, Justices can address questions to the Agent in order to clarify their doubts related to the initial presentation. Justices must raise their placards to make a question, and wait until the chair recognizes them to do so. Questions can interrupt the Agent in any moment at this stage. Rebuttal and Rejoinder have a time extension of ten minutes.

Once the Rejoinder and Rebuttal are concluded, the floor will be open. Justices may then Move to a retirement to review the hearings. Once the floor is open agents also introduce a motion.

MERITS HEARINGS

The Second Stage of hearings will deal with the merits of the case. During Merits hearings, the agents will be able to present arguments, pieces of evidence and testimony to prove their case to the Court.

The first phase of this stage is the presentation of the evidence and of testimonies, which will be agreed with the chair and the agencies.

Upon agreement with the agencies there shall be rounds concerning the merits of the case.

FINAL ARGUMENTS

The Final Arguments hearings shall be at the end of the proceedings. During such hearings, the Agencies will have a final opportunity to address the court.

The Court shall call first the Applicant, then the Respondent, to deliver a first round of final Arguments, during which Judges can address their final doubts to
the Agents. This first round shall be limited to a maximum time of 10 minutes each. Once that both Applicant and Respondent conclude with their Speeches, the chair shall call for a five minute recess for the parties to prepare their closing remarks.

Once the five-minute recess is over, the chair shall call forth the Applicant, and then the Respondent, to deliver their closing remarks. This will be the last intervention of the Agencies before the Court, where they can address any final points or sum up their cases. During Closing Remarks there shall be no interruptions. There is no time set for Final arguments, but Agencies must

Observe courtesy in the use of their time. Equal conditions will be allowed for both parties.

Once Rebuttal and Rejoinder are concluded, the chair will ask one agent from each Agency to read their prayer for relief. Once this stage is concluded, agencies will leave the Court to allow Justices to deliberate the final judgment.

11. FINAL DELIBERATION AND JUDGMENT. Final Deliberation shall take place during a retirement, within the time limits set in advance of session. During the retirement, Justices will draft and vote on the Final Judgment.

It is an obligation of the Judges to keep record of the issues argued during the sessions by the agents, therefore each Judge has an Obligation to present a NOTE to the president at the beginning of the Final Deliberation retirement.

Such NOTE shall be a brief explanation of their particular reasoning regarding what the Final Judgment of the Court should be. There is no format for the NOTE, but it should be no more than one page of typed text. The Chair shall call the Judges by Roll at the beginning of the First Hearing to present their Notes.

The President must approve the Final Judgment rendered by the Court.

The Final Judgment must include a brief explanation of the; a brief chronicle of how the proceedings took place, recalling the ARGUMENTS of the agencies; an explanation of the LEGAL REASONING of the majority opinion; and the final DECISION, in which the list of petitions expressed by the parties in their prayers for relief must be voted Against or For. The names of the justices voting for or against will be entered after each petition.

Justices may append particular votes to a final judgment. Particular votes have no formal requirements, but must clearly identify the issue to which they refer and the legal reasoning for their vote. Particular Votes shall be named Dissident Opinion, if they express reasoning different to the majority vote; Concurring Opinion, if the Justice appending it voted with the majority, but has a different reasoning as to why; and Separate Vote, if they express an altogether different reasoning as regards to the final judgment.

Justices may not abstain from voting in the final judgment.
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Substantive votes shall be taken by roll call. Anyone disrupting the voting may be asked to leave the room by the President.

Once a judgment is approved, the Court declares it passed. The final public hearing is called, and Agents return to the room to stand judgment. Agents must remain standing up while judgment is delivered.

After being read, the President will declare the Judgment as passed, and order the case closed and removed from the General List.

12. VISITORS. The Chair may discretionally grant permission for outside people to enter the Council. This must be solicited through written means. Visitors may not interfere with the debate in any way.

13. GENERAL POWERS OF THE CHAIR. The maximum authority of the Council will be exercised by the President, which will be restricted by these Rules. His/her decisions shall be unappealable. The President will declare the session open or closed and may also propose the adoption of procedures that he/she judges beneficial to the debate. The Vice-President has the duty of directing the debate, granting the right of word to the judges and assuring the discussions are fluid and effective. The Chair may coach judges about the possible direction of the debate. The Chairmanship will accord the right to speak to those that wish to do so, taking into account the ideological and regional diversity of the countries that wish to speak as well as the enrichment of the debate. The Chairmanship will have the power to reduce the maximum time of exposition of the delegations during the debate. It will partially or totally suspend the intervention, the motion of order, parliamentary inquiry, and procedure; the Presidency will decide if it will re-start, partially or totally during the course of the debate. It will be able to suspend the sending of messages through the ushers for the time necessary. It will have power to give the right of reply as considered pertinent. This right of reply will have a time limit of one minute. It will give the right of comment as considered pertinent. The time limit on the right of comment will be decided by the Chairmanship.

If necessary, it will call to informal voting, which will have orientation purposes.

a) The delegations will not be forced to vote, except for the informal voting of the amendment and the informal voting of the motions of procedure.
b) The presidency will announce the results of the voting in the way that it considers pertinent.
14. MAJORITY CRITERIA. There are two criterions for considering a vote passed. In both cases the total number of delegations present and recognized by the Chair to participate in the session is considered, except for votes reserved to members.

1) Simple Majority: 50%+1 (fifty per cent plus one) of Delegations.

2) Qualified Majority: 2/3 (two thirds) of the Delegations present. In both cases they must be 9 at least including the five permanent members without any VETO (the rejection of it as a power given to the permanent members).

15. QUORUM. For debate to commence, the President must declare the floor of the Council open and allow the debate to start when at least a Simple Majority of the delegations are present, including all Permanent Members. A Simple Majority is also needed to vote over any Resolution or Amendment.

16. SANCTIONS. In case of improper following of any of these Rules, the Chair or any member of the Secretariat may issue warnings. Any delegation warned twice in one session must abandon the Council immediately and will be barred from participating in the next meeting. Three warnings during the totality of the sessions will mean the delegation will not be able to continue with its participation in the Model, and all absences until that moment won't be justified.

17. OPEN FLOOR. The floor will exclusively be opened at the beginning and at the end of the session. If necessary, the Chair will open the floor during the General Debate. The floor shall be considered opened only when the Moderator or President has expressly specified it to be open.

18. SPEECHES. No delegate may address the forum without explicit authorization from the Chair. The Chair may call a delegate to attention if the debate has ceased to be relevant about the Topic being discussed, if the delegate exceeds his/her speech time limit, or if his/her comments turn to be offensive for any other delegation.
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I. GENERAL DEBATE

19. DEBATE. The Chair will guide the debate by calling upon judges that wish to address the Court and have raised their placard. In case of considering it necessary, the Chair will create a speakers’ list. The list considers those judges that request to exercise their right of word. A judge may solicit its inclusion in the list if it is absent from it as-of-yet, and must do it through a written message.

20. EXTRAORDINARY SESSION OF QUESTIONS. If any judge considers that questions are necessary to clarify the position of any of the last three speakers that have addressed to the Court, he may ask the Chair for an Extraordinary Session of Questions. The session allows a maximum of three questions to the judges in use of the word. The judge questioning has the right to a follow-up to his question only if it is related to the earlier answer. Follow-ups are independent from the number of questions approved by the Court. It is the questioning judge’s prerogative to establish a brief preamble to his question with the Chair’s permission, solicited through a Point of Personal Privilege; however, a preamble is not in order for a follow-up. The questioned judge may answer whatever he deems pertinent. This Motion must be accepted by the judge that will be questioned, seconded and accepted by a Qualified Majority of judges present. The judge who proposed the extraordinary session of question(s) will have preference in establishing the first question. Furthermore, preference will be given to the judge who seconded the motion, by courtesy, to establish the second question, yet it is not obligatory for the Chair to do so.

21. POINT OF PERSONAL PRIVILEGE. If a judge experiments any discomfort that prevents him or her from participating fully in the proceedings, he may request, through a Point of Personal Privilege, for measures to be enacted to correct this situation. This Point cannot be rejected without first listening to the petition and may interrupt a speaker, but must be used with utmost discretion.

22. POINT OF ORDER. During the debate, a judge may raise a Point of Order to show that the procedure being followed is incorrect. The Chair must decide the validity of the Point immediately. The Moderator may consider the Point out of order when it is lately exposed, being his decision unappealable. A judge presenting a Point of Order may not speak about the Topic being debated, but may only mention the regulatory anomaly he has observed. Any comment about the Point or the Chair’s decision (which is final) is out of order.

23. POINT OF PARLIAMENTARY INQUIRY. When the floor is open, a judge may present a Point of Parliamentary Inquiry to question the Chair about the procedure that must be followed. This Point may never interrupt a Speaker and must ask
questions relevant to the procedure at hand. Questions related to the Topics must be directed to the Members of the Chair during Caucuses or through a written message. If necessary, the Chair will open the floor in order to clarify any Motion of procedure.

24. **RIGHT OF REPLY.** A judge whose personal integrity or national honour has been harmed by another judge may request a Right of Reply, through written means. The President will announce the decision of the Chair, which is unappealable. If the President decides the Right of Reply is in order, the Chair shall recognize the offence. A Right of Reply over a Right of Reply is out of order beforehand.

25. **CAUCUS.** A judge may propose a Caucus at any moment during either the General or the Particular Debate through a Motion of Procedure. The latter may be a Simple Caucus or a Moderated Caucus. A Caucus consists of a space for debate without a defined format. Its object is to make communication more fluid between judges, negotiate between them, write draft resolutions, etc. The Motion must be seconded and then voted affirmatively by a Simple Majority. The time limit must be specified (and may not exceed 20 minutes) as must its purpose. The Moderator may declare it out of order and this shall be unappealable. A judge may propose an extension of the caucus, not exceeding the initial caucus’s time limit. The motion requires the voting procedure mentioned above.

26. **WORKING PAPERS.** A Working Paper is a document in which judges will present the most condensed ideas that have been discussed by the Court. It is the step prior to a Possible Resolution. Working Papers do not need a strict format and need only the signature of the President and the signature of one third of the judges at the Court to be presented. Possible Working Papers may not be talked about until the Approval Board has recognized them in the Court. The signing judges may present them during their speech in the General Debate.

27. **VOTING PROCEDURE.** Each Member has the right to one vote. A Simple Majority is needed to approve a Project Resolution and no Permanent Member vote against it. The President will guide the delegates to vote in alphabetical order following the procedure laid out thus:

1) First Round: Judges may vote in favour, against, abstain or pass. They may ask the Chair for a Right of Explanation to make an exposition to the Court of the vote’s reasoning.

2) Second Round: The judges that passed must vote either in favour, against or abstain. After this round the Court will hear the Right of Explanation of the judges that have asked for it.

3) Third Round: The Chair will invite the judges to reconsider their vote, and it will then call upon them again to vote alphabetically. For a Project Resolution to
become a Resolution it must be voted favourably by a Simple Majority of
delегations (not counting the judges that Abstain), while no Permanent Member
has voted against it.

28. CLOSURE OF THE SESSION. To Close the Session, the forum floor must be
open, and a judge must propose either the closure of the session (leading to a
recess) or a definite closure of the simulation (if the current session is the last one).
If the Motion passes by simple majority, debate will be terminated.

29. ITYC’S RULES. Must be respected at all times.

30. DRESS CODE. The United Nations, as an international organization, is an
example of formality and diplomacy in which our appearance is of vital importance.
To make of this simulation a success, the following dress code will apply:

MEN
A suit or jacket and dress pants (no jeans), with a dress shirt and tie will be required.
Socks and dress shoes must be worn. No hats or caps will be allowed.

WOMEN
A dress, suit, slacks or skirts (no jeans), with a blouse or sweater will be required. Dress
shoes must be worn. Let us remind you that the Chair will strictly overview the following
of the dress code, and non-compliance with it will merit a warning. Dresses and skirts
shall be accompanied by stockings and shall not be over the knee length. Besides proper
attire, a delegate’s badge must be worn all times. In case of a delegate choosing to assist
in traditional or ethnic attire, the Chair must approve to it for him to be allowed into the
Committee, excessive attire is not recommended.
SAMPLE WORKING PAPER

Committee: Disarmament and International Security Committee (DISC)
Topic: The situation in Burundi
Sponsors: The Kingdom of Norway
Signatories: France, Canada, United States of America, Argentina, United Kingdom, Chad, Chile.

1. Coup d’état, caused an abrupt and violent interruption of the democratic process initiated in Burundi, the nation must return to the positive reforms.
2. Immediate cease-fire from the perpetrators and the return to their barracks.
3. Immediate restoration of democracy and the constitutional regime.
4. Support the efforts being made by the Secretary-General of the UN, the OAU and the countries in the region to promote a return to constitutional order and the protection of democratic institutions in Burundi.
5. Support the Secretary-General’s special envoy to Burundi.
6. Emergency humanitarian assistance for Burundi. (members of the UN, international organizations, intergovernmental organizations and nongovernmental organizations)
7. Violence should be avoided. Active mediation and UN involvement will be necessary.
SAMPLE RESOLUTION

The ultimate goal of any committee is to write a resolution. This is the document that includes every measure the committee will undertake to solve the topic at hand. Every resolution project is divided in two parts. The first lines of the text serve as the preamble, in which the background and the problem should be exposed, as well as the main purpose of the project, and recalls past UN resolutions. The rest of the project resolution is formed by operative clauses, which is the action being taken, described in a very specific step-by-step manner. Actions proposed should be realistic, concrete, well structured and correctly written (bad grammar can actually make a resolution fail or be rejected by the Chair). It is extremely important that the terms used are clear in order to avoid misinterpretations. The correct format is also required for a resolution to be signed by the Chair.
Resolution

Committee: Security Council

Topic: Latin American condemns US espionage

Date: March 7th, 2014

Sponsors: United States of America, Russian Federation, Argentina

Signatures: United States of America, Russian Federation, France, United Kingdom, China, India, Japan, Brazil, Uruguay, Germany, Argentina, Colombia, South Korea, Canada, Pakistan, Venezuela

Keeping in mind the issue the United States of America had with other Latin-American countries involving the NSA leaked documents by Edward Snowden, classified information from the United States, which included data of Latin-American countries,

Deeply concerned with call interception by the United States of America, not only in Latin America but also Countries in Europe and Asia, and that these tracked calls caused international impact,

Seeking international trust not only between allies but also between any country that is part of the United Nations looking for global security and peace,

Having received concerns from several countries regarding to the information the NSA stored from data uploaded from users to their social media accounts agreeing on sharing this information in terms and conditions,

Fully alarmed by the crisis currently involving Ukraine, Russia and the United States of America, as well as the countries that form the European Community,

The Security Council resolves:

- The nations should create local social media as for their people to have the options to either use such local media and have their information uploaded in national data bases or use those that involve international data bases;

- Encrypted systems should be suggested to all countries to increase security to the social media users’ accounts;

- Further reminds that any country or agency ignores any of these restrictions a suspension to the agency responsible will be made according to the gravity of its actions determined by the own members of Security Council;
RESOLUTION INTRODUCTORY PHRASES

Every resolution, to be written right, must have an introductory phrase that precedes any point or idea specified in a resolution. Every point in an introduction, quotation, recommendation or action must be preceded by one of the following phrases each of them must be underlined.

PREAMBULATOY PHRASES

- Affirming
- Expecting
- Keeping in mind
- Alarmed by
- Expressing its
- Noting further
- Appreciation
- Expressing its satisfaction
- Noting with approval
- Approving
- Fulfilling
- Noting with deep concern
- Aware of
- Fully alarmed
- Noting with regret
- Bearing in mind
- Fully aware
- Noting with satisfaction
- Believing
- Fully believing
- Observing
- Confident
- Further deploring
- Reaffirming
- Contemplating
- Further recalling

- Realizing
- Convinced
- Guided by
- Recalling
- Declaring
- Having adopted
- Recognizing
- Deeply concerned
- Having considered
- Referring
- Deeply conscious
- Having considered further
- Seeking
- Deeply convinced
- Having devoted attention
- Taking into account
- Deeply disturbed
- Having examined
- Taking note
- Deeply regretting
- Having heard
- Viewing with appreciation
- Desiring
- Having received
- Welcoming
- Emphasizing
OPERATIVE PHRASES

- Accepts
- Draw attention
- Proclaims
- Affirms
- Emphasizes
- Reaffirms
- Approves
- Encourages
- Recommends
- Authorizes
- Expresses its appreciation
- Regrets
- Calls
- Expresses its hope
- Reminds
- Calls upon
- Further invite
- Requests
- Condemns
- Further recommends
- Resolves
- Confirms
- Further proclaims
- Solemnly affirms
- Congratulates
- Further reminds
- Strongly condemns
- Considers
- Further requests
- Supports
- Declares accordingly
- Further resolves
- Takes note of
- Deplores
- Have resolved
- Transmits
- Designates
- Notes
- Tru