

#MUNLAWS18

Faculty of Law, University of Ljubljana
October 26th – 28th 2018

RULES OF PROCEDURE



HRC, Human Rights Council

October 2018

Section I: General Considerations

1.1. Scope.

These rules apply to the Human Rights Council of MUNLawS 2018. In case of doubt or conflict between these Rules of Procedure and any other procedural regulation laid down in either the Charter of the United Nations or elsewhere, these Rules shall prevail. The Secretary-General or an appointed member of the MUNLawS team shall have the final word in every case.

1.2. United Nations Charter.

Delegates should, at all times, act in accordance with articles and principles of the United Nations Charter and the Universal Declaration of Human Rights.

1.3. Language.

The official and working language of MUNLawS 2018 is English.

1.4. Delegates.

Each member state shall be represented by only one delegate. The Secretariat shall provide a list of member states and delegates registered.

1.5. Diplomatic Courtesy.

Delegates must accord diplomatic courtesy to all other Delegates and Chairpersons at all times. Violation of this article may result in expulsion from the Committee by the Chairpersons. Decisions of the Chairpersons on diplomatic courtesy are not appealable.

1.6. Credentials.

Delegates, Chairpersons, Observers, members of the Secretariat and other personnel (hereinafter "Participants") must wear approved credentials at all times during the conference. Should the Participants not wear one, they shall be denied entry into an area where the meeting is held. The Secretary-General shall be the final arbiter of the validity of all credentials.

1.7. Dress Code.

In accordance with the delegate's diplomatic status a formal dress code is required. Violation of this article may result to denial of entry into an area where the meeting is held. The Secretary-General shall be the final arbiter in case of a dispute.

1.8. Communication.

The only allowed form of communication during formal debate is written, through message papers provided by the Secretariat, and must be transmitted by the MUNLawS Staff, unless otherwise instructed by the Chairpersons.

All notes must be in English and the content of the notes shall not be irrelevant or abusive, otherwise, the Administrative Staff will take the note to the Chairpersons for investigation and the Chairpersons may decide not to pass the note if the language or the content is found to be inappropriate.

1.9. Electronic Devices.

Computers and Tablets are allowed during formal session, as long as they are used in an appropriate manner. Cell phones are strictly forbidden and should not be seen or heard in committee. It is under Chairperson's discretion to modify this rule at any time of the session.

Section II: The Board of the Council

2.1. Composition.

The Board of the Security Council will be composed of the two Chairpersons of the Council.

2.2. Authorities and Responsibilities of the Chairpersons.

The Chairpersons shall exercise authority over the Council proceedings in an equitable and objective manner.

Their responsibilities and authorities are, but are not limited to:

- (1) declaring the opening and closing of each meeting of the Council,
- (2) directing its discussions,
- (3) ensuring observance of the rules,
- (4) according the right to speak,
- (5) ruling on points of order,
- (6) having complete control of the proceedings at any meeting and over the maintenance order there at,
- (7) putting any motion to the floor at any given time, which should be seconded by the Delegates given that there are no objections,
- (8) determining the applicability of the rules and if necessary, clarify on the meaning of the existing rules without approval from the Council.

They may propose to the Council:

- (1) the limitation of the time to be allowed to speakers,
- (2) the closure of the list of speakers or the closure of the debate,
- (3) the suspension or the adjournment of the debate on the item under discussion.

In all matters not expressly provided in the Rules, the Chairpersons shall act in the spirit of these Rules in accordance with their own judgement on the matter. Decisions made by the Chairpersons shall be binding. In case of grave violation of the Rules, a Delegate has the right to call in the Secretary-General who shall have a final word in accordance with Subsection 1.10.

2.3. Caucus of the Board.

The Board reserves the right to halt the working process within the Council in order to take 45 seconds of Caucus.

Section III: Parliamentary Procedure

3.1. Roll Call.

Attendance shall be conducted by the Chairpersons who shall perform a Roll Call at the beginning of every session. Delegates shall establish their presence in the Council by raising their placards and declaring themselves as '*Present*' or '*Present and Voting*'.

Section IV: Quorum

4.1. General.

Council activities and debate shall start when at least 50% +1 of the present Delegates to the Security Council are present. If quorum is not met thirty (30) minutes after the scheduled start time of the Council session, the Council shall start its session with the number of delegates already present, unless otherwise instructed by the MUNLawS Secretariat. Quorum shall be assumed when Council activity begins.

4.1.1. Verification of Quorum.

Delegates may move to the Verification of Quorum, where the Chairpersons will proceed with Quorum confirmation by initiating a Roll Call. The Chairpersons can rule the Motion dilatory without option for appeal.

Section V: Agenda

5.1 Agenda

The first order of business for the Council, if the Council has more than one Topic to discuss, will be the consideration of the agenda. If the Council has only one Topic, the agenda is automatically adopted.

5.2 Setting the Agenda

To set the agenda:

- a) A motion should be made to set the agenda to one of the Council's Topics.
- b) Two speakers lists will be established, one in favor of the motion, and one opposed to the motion and in favor of the other Topic. The Council will hear one or two speakers from each of these lists. No motions for moderated or unmoderated caucuses are permitted during this time.
- c) A motion to close debate will be in order after the Council has heard one or two speakers for the motion to set the agenda and one or two against. In accordance with the procedure described in Article 15, the Chairpersons may recognize one or two speakers against the motion to close debate and a two-thirds majority of the present voting members is required for closure of debate on the agenda.
- d) When debate is closed, the Council will proceed to an immediate vote on the motion to set the agenda to one of the Council's Topics. A simple majority is required for passage.
- e) If the motion fails, the other Topic will automatically be discussed before the Council first.

5.3 Completing the first topic

When the voting procedure on the Resolution for the first Topic is complete, the second Topic is automatically discussed before the Committee.

5.4 Case of an international crisis or emergency

In the event of an international crisis or emergency, the Secretary-General or his or her representative may call upon a Council to table the debate on the current Topic so that the more urgent matter may be attended to immediately. Under such circumstances, a Delegate shall motion to table the Topic and temporarily set the agenda to the crisis situation. After a Resolution has been passed on the crisis, the Council will return to debate on the tabled Topic. Until a Resolution has passed, the Council may return to debate on the tabled Topic only at the discretion of the Secretary-General or his or her representative.

Section VI: Majority

6.1. General.

Unless otherwise specified, no motions are debatable, and all require a simple majority vote to pass.

6.2. Simple Majority.

A procedural matter requires a simple majority to pass implying that fifty percent plus one vote (50% + 1) of the Council must vote in favor of the matter to pass. If the vote is a tie, the matter will be considered to have failed.

6.3. Two-Thirds (2/3) Majority.

A procedural or substantive matter requiring a two-thirds (2/3) majority to pass implies that two-thirds (2/3) of the Council must vote in favor for a matter to pass.

Section VII: Debate

7.1 Open Speakers' List

After the Agenda has been determined, one continuously open speakers list will be established for the duration of the Topic, except as interrupted by procedural points or motions, caucuses, discussion of Amendments, and introduction of Draft Resolutions.

Speakers may speak generally on the Topic being considered and may address any working paper or any Draft Resolution currently on the floor. A Draft Resolution can only be referred to as such once it has been introduced to the Council.

7.2. Form of Debate.

Unless the Chairpersons decide otherwise, moderated caucus will be the form of debate during all sessions of the Council. Any delegate wishing to speak should raise their placard and be recognized by the Chairpersons.

7.3. Informal Debate.

During formal debate a motion can be made by any delegate for an Unmoderated Caucus, which constitutes informal debate. Informal debate can only occur on substantive issues and is out of order once a motion to close debate has passed. Motion to enter informal debate is in order, following the procedures outlined in sections 10.3 and 10.3.1.

7.4. Recognition.

A Delegate may only address the Council if they have received permission from the Chairpersons.

7.5. Interruptions.

A Speaker may not be interrupted by another delegate, unless the delegate has risen to a Point of Personal Privilege or Point of Order.

Section VIII: Speeches

8.1. Speakers List.

The Council will have an open speakers list for the Topic being discussed. A delegation present may add its name to the speakers list by submitting a written request or by raising their placard when being requested by the Chairpersons, provided that the delegation is not already on the speakers list. The delegation may similarly remove their name from the list. The delegation may be added to the speakers list at the Chairpersons' discretion.

At his or her discretion the Chairpersons may solicit delegations to be added to the speakers list by raising their placard.

The speakers list for the second Topic will not be open until the Council has proceeded to that Topic.

If the speakers list is exhausted and no delegations wish to add their name to the list, the debate on the Topic at hand is immediately closed.

8.2. Speaking Time.

The default speaking time shall be one (1) minute per speaker, when any speakers list is opened.

8.2.1. Motion to Set Speaking Time.

A Delegate may move to change a time limit on speeches. The Chairpersons may either rule the Motion dilatory at their discretion or put it to vote. Simple majority is required for this motion to pass. A Delegate exceeding the given time for a speech may be called to order by the Chairpersons.

8.3. Yields.

A delegate granted the right to speak from a speakers list may yield their time in one of three ways:

- (7) To another delegate: The delegate, selected by the previous speaker, shall be given the remaining time. They may not yield any remaining time.
- (8) To questions: Questioners shall be selected by the Chairpersons among the delegates that have risen their placards. Follow-up questions shall be allowed only at the discretion of the Chairpersons. Only the speaker's answers shall be deducted from the remaining time.
- (9) To the chair: If the delegate has finished their speech and does not wish it to be subject to comments.

8.3.1. Usage of Yields.

Yields are only in order during formal debate (only on substantive speeches and not during moderated caucus).

Section IX: Points

9.1. Point of Personal Privilege.

A Delegate may rise to a Point of Personal Privilege if a matter impairs them from participating fully in Council activities. The Chairpersons shall try to effectively address the source of impairment. This point may interrupt a Speaker only due to inability.

9.2. Point of Order.

A Delegate may rise to a Point of Order if a rule of procedure is not properly observed by a Delegate or by the Board of Chairpersons. The Chairpersons will rule on the validity of the point. The Chairpersons may rule out of order those points that are dilatory or improper; such a decision cannot be appealed. A Point of Order may only interrupt a speaker when the speech itself is not following proper parliamentary procedure.

9.3. Point of Parliamentary Inquiry.

When the floor is open, a Delegate may rise to a Point of Parliamentary Inquiry to request an explanation on the Rules of Procedure by the Chairpersons. This point may not interrupt a Speaker. Delegates with substantive questions should not rise to this Point but should rather approach the Council staff at an appropriate time.

9.4. Right to Reply.

A Delegate whose personal or national integrity has been impugned by another Delegate's comments may rise to a Right to Reply. Disagreement with the content of a Delegate's speech is not grounds for a Right to Reply. The Chairpersons will recognize the Right of Reply at their discretion as well as decide on how to resolve the motion. This point may not interrupt a speaker but should be addressed the moment they have finished their speech. Should the Chairpersons rule the Right to Reply out of order, their decision cannot be appealed. No delegate may call for a Right to Reply on a Right to Reply.

9.4.1. Duration of Right to Reply.

The Delegate that has been granted the Right to Reply, shall have two (2) minutes to reply to an insult.

Section X: Motions

10.1. Motion for the Suspension or Adjournment of the Meeting.

Whenever the floor is open, a Delegate may move for the suspension of the meeting, to suspend all Committee functions until the next meeting, or for the adjournment of the meeting, to suspend all Committee functions for the duration of the Conference.

A motion to adjourn will not be in order until three quarters of the time scheduled for the last session have elapsed.

The Chairpersons may rule such motions dilatory; this decision is not subject to appeal.

When in order, such a motion will not be debated but will be immediately put to a vote and will require a simple majority to pass.

10.2. Motion for a Moderated Caucus.

The purpose of the moderated caucus is to facilitate substantive debate at critical junctures in the discussion.

A motion for a moderated caucus is in order at any time when the floor is open, prior to closure of debate. The Delegate making the motion must briefly specify a Topic, a speaking time, and an overall time limit, not to exceed twenty minutes, for the caucus.

Once raised, the motion will be voted on immediately, with a simple majority required for passage.

The Chairpersons may rule the motion dilatory and his or her decision is not subject to appeal.

If the motion passes, the Chairpersons will call on Delegates to speak at his or her discretion for the stipulated time. If no Delegates wish to speak, the moderated caucus will immediately conclude, even if time remains in the caucus.

The Chairpersons may also decide, subject to appeal, to suspend the caucus early.

10.3. Motion for an Unmoderated Caucus.

An unmoderated caucus temporarily suspends formal debate and allows members to discuss ideas informally in the Council room.

A motion for an unmoderated caucus is in order at any time when the floor is open, prior to closure of debate. The Delegate making the motion must briefly explain the purpose of the motion and specify a time limit for the caucus, not to exceed twenty minutes.

The motion will be put to a vote immediately, and a simple majority is required for passage. The Chairpersons may rule the motion dilatory and his or her decision is not subject to appeal.

The Chairpersons may prematurely end an unmoderated caucus if he or she feels that the caucus has ceased to be productive, and this decision is not subject to appeal.

10.3.1. Motion to Extend the Unmoderated Caucus.

A Delegate may move to extend the Unmoderated Caucus if they feel that additional time would benefit the work of the Council.

The Delegate who moves for an extension of Unmoderated Caucus must suggest a length for the extension, which shall not exceed the duration of the original Unmoderated Caucus.

The Chair may suggest a more appropriate caucus length and put it to vote or may rule the Extension of the Unmoderated Caucus out of order without the possibility of appeal. The motion is voted upon by a simple majority.

10.4. Motion to Table Debate on a Topic.

A Delegate may move to Table Debate in order to end debate on a substantive issue without voting any Draft Resolutions that may be on the floor. If the Chairpersons rule the Motion in order, one (1) Delegate shall speak in favor and one (1) Delegate shall speak against before proceeding with a vote. A two-thirds (2/3) majority is needed in order to table the debate.

10.5. Motion to Close Debate on a Draft Resolution.

A Delegate may move to Close Debate in order to end debate on a draft Resolution, whereby the Council will enter voting procedure on all amendments on the floor. If the Chairpersons rule the Motion in order, there will be only one (1) Delegate speaking against the Motion. A two-thirds (2/3) majority vote is required to pass the Motion to close debate. If the Council is in favor of closure, the Chairpersons will declare the closure of debate, and the Resolutions or Amendment on the floor will be brought to an immediate vote.

Section XI: Resolutions of the Council

11.1. General.

A Delegate is forbidden from bringing any pre-written documents in a form of a working paper, Resolution or anything similar to the MUNLawS conference and is required to draft all of them at the conference. Violation of this article may result in expulsion from the conference.

11.2. Working Paper.

A Working Paper is an informal document used by Council Delegates to work on building a draft Resolution. Working papers are intended to aid the Committee in its discussion and formulation of Resolutions and need not be written in Resolution format. Working papers are not official documents, and do not require formal introduction, but do require the signature of the Chairpersons to be copied and distributed.

11.3. Resolutions

11.3.1. Format.

Draft Resolutions must be properly formatted according to the guidelines.

11.3.2. Sponsor.

The main writer of the draft Resolution is recognized as the Sponsor. The Sponsor must be present for a draft Communiqué to be introduced to the floor. The Sponsor must agree to support a Resolution, unless major changes have been introduced through the amendment process. A delegation cannot be sponsor and signatory at the same time.

11.3.3. Signatory.

Signing a Resolution need not indicate support of the Resolution, and the signatory has no further rights or obligations and may sign more than one Draft Resolution.

11.3.4. Introduction of a Draft Resolution.

Delegates may move to introduce a Draft Resolution once it has been approved and assigned a number by the Chairpersons and distributed to the Council. Such an introduction shall be procedural in nature, it therefore requires only authorization by the Chairpersons and does not require a substantive vote.

The content of the introduction shall be limited to the reading of the draft Resolution as a whole where upon the Sponsor of the Draft Resolution shall be granted the floor for the allotted time limit.

Immediately after a Draft Resolution has been introduced and distributed, the Chairpersons may entertain non-substantive clarificatory points, typically used to address typographical, spelling, or punctuation errors.

11.3.5. Withdrawal of a Draft Resolution.

A draft Resolution may be withdrawn by its sponsors at any time before voting on it. This request should be submitted in written form to the Chairpersons. A draft Resolution may not be withdrawn if any amendment to it is on the floor.

11.4. Amendments.

During Debate on a draft Resolution a Delegate may move to introduce an Amendment, which will add to, strike out from or modify a part of the draft Resolution. The Amendment has to be first approved by the Chairpersons.

It is needed for the Amendment to be supported at least by one co-sponsor.

It is in the discretion of the Chairpersons to define the period of time, during which the floor will be open to Amendments.

The Amendments shall be written on the note paper and sent to the Chairpersons. The note shall also include information about the type of the Amendment, the co-sponsor and in the case of Friendly Amendment, the approval of the sponsor of the Draft Resolution.

11.4.1. Non-Substantive Amendments.

Amendments correcting grammatical, spelling or formatting mistakes will be automatically adopted without vote from the Council, at the discretion of the Chairpersons. Following the initial reading of the draft Resolution by its sponsor, delegates are permitted to point out any such problems to the Chairpersons.

Amendments to pre-ambulatory clauses are not in order. However, the Chairpersons may rule such an Amendment in order if serious mistakes have been noticed in the pre-ambulatory clauses by the Secretary-General or the Deputy Secretary-General or members of the Academic team.

11.4.2. Substantive Amendments.

All Amendments require approval from the Chairpersons to be introduced. Amendments will be put to a vote prior to the vote on the Resolution as a whole. Amendments to Amendments are out of order.

11.4.2.1. Friendly Amendments.

Substantive Amendments approved by the Sponsor of a Draft Resolution will automatically be integrated to the Draft Resolution without the need to be put to a vote from the Committee. Amendments to Friendly Amendments are out of order.

11.4.2.2. Unfriendly Amendments.

Substantive Amendments to a Draft Resolution not approved by the Sponsor of a Draft Resolution are considered unfriendly and require prior approval from the Chairpersons to be introduced. Unfriendly Amendments will be put to a vote prior to the vote on the Draft Resolution as a whole. Amendments to Unfriendly Amendments are in order.

- a) An Approved Amendment may be introduced when the floor is open. General debate will be suspended and two speakers lists will be established, one for and one against the Amendment. The Committee will hear one or two speakers from each of these lists.
- b) A Motion To Close the Debate will be in order after the Committee has heard one or two speakers for the motion and one or two against. In accordance with the procedure described in Article 15, the Chairpersons may recognize one or two speakers against the motion to close the debate, and a two-thirds majority is required for closure of the debate on the Amendment.
- c) When the debate is closed on the Amendment, the Committee will move to an immediate vote.
- d) Votes on Amendments are substantive votes.
- e) After the vote, debate will return to the general speakers list.

11.5. Withdrawals.

The Signatories of an Amendment may request its withdrawal at their discretion, before its adoption by the Council.

Section XII: Voting

12.1. General.

The Council usually reaches decisions by allowing discussions to continue until a consensus is reached. In the event of a stalemate, the Council may make use of a *tour de table* (see rule 12.2. below).

12.1.1. Means of voting.

Delegates vote when voting is announced by the Chairpersons. They may vote in favor, against or abstain. Abstention is not possible in procedural matters and is only allowed in substantive matters. Once the Council is in voting procedure and all relevant motions have been entertained, the Committee will vote on the Resolutions on the floor.

12.2. Tour de Table.

Tour de Table shall be conducted at the discretion of the Chairpersons. The Chairpersons request each delegate to give a short summary of their thinking on the matter under discussion, thus ensuring that every member state is able to outline their position and allowing the Chairpersons to determine whether a compromise is possible.

12.3. Procedure.

When the Chairpersons announce that the Council is entering voting procedure, no entering or exiting from the room shall be permitted, unless there is an emergency or until voting procedure has come to an end. At this time, Motion for a Roll Call Vote is in order.

12.4. Order of Voting.

If two or more draft Resolutions relate to the same question, they shall be voted on in the order in which they were submitted. Voting occurs on each Resolution in succession; once a Resolution has been passed, no further Resolutions regarding the same Topic can be voted on. A delegate may motion to to change the order in which Resolutions on the Council floor will be voted on (see rule 12.6 below).

12.5. Method of Voting.

Each Delegate of the Council shall have one vote and must demonstrate their voting intentions by raising their placard at the Chairpersons' request unless there is a Roll Call Vote (see rule 12.5.1.). Delegates must vote in favor, against or abstain.

12.5.1. Roll Call Vote.

Roll Call Vote may only be in order for substantive matters. This Motion shall automatically pass unless the Chairpersons rule it out of order; the decision is not subject to appeal. The Roll Call starts from a delegate randomly selected by the Chairpersons.

12.5.2. Passing.

During Roll Call, a Delegate may choose to pass. The Chairpersons will place the Delegate at the bottom of the voting list. A Delegate who has passed once during a voting sequence may not pass again but must ascertain their vote.

12.5.3. Voting with Rights.

A Delegate may request a right of explanation after voting. Upon completion of voting, the Delegate will be permitted to explain the reasons as to why they have chosen to vote in a certain way. The Chairpersons may limit the speaking time at their discretion.

12.5.4. Voting on Amendments.

All Amendments shall be voted on in the order in which they were proposed before the Council closes debate on the Resolution that they concern. If one Amendment implies the rejection of a second Amendment, the second Amendment will not be voted upon. A passed Amendment shall be automatically included in the Resolution. Once all the Amendments relating to a Resolution have been voted on, the Council shall vote on the Resolution as a whole after Closure of the Debate on the Topic Area under Discussion.

12.6. Reordering resolutions.

The default order in which Resolutions are voted on is the order in which they were introduced.

After debate on a Topic has been closed, a Delegate may motion to change the order in which Resolutions on the Committee floor will be voted on. Such a motion must specify a desired order. Once such a motion has been made, the Chairpersons will accept alternative proposals for ordering. This motion takes precedence over a motion to divide the question on a Resolution.

Proposals will be voted on in the order in which they were received and require a simple majority to pass; once a proposal has been passed, all others are discarded and Resolutions will be voted on in that order.

Section XIV: Precedence of Motions

Rule	Description	Debatable	Votes Required	Interrupt Speaker
Point of Personal Privilege	Feeling discomfort	No	No	Yes
Point of Order	To point out a misuse of rules	No	No	No
Right to Reply	Reply to an insult	No	No	No
Point of Parliamentary Inquiry	Clarify the rules	No	No	No
Motion to Set Speaking Time	Define speaking time limit	No	Simple Majority	No
Motion to Adjourn Meeting	Adjourn until next scheduled meeting	No	Simple Majority	No
Motion for Unmoderated Caucus	Proceed to an Unmoderated Caucus	No	Simple Majority	No
Motion for the Verification of Quorum	Seeking to verify the presence of delegates	No	No	No
Motion to Close Debate on the Topic Area under Discussion	Close debate on the Topic Area	Yes (1-)	2/3 Majority	No
Motion to Close Debate on a Communiqué	Close the separate debate on a Communiqué	Yes (1-)	2/3 Majority	No
Motion to Table Debate	Postpone debate	Yes (1+/1-)	2/3 Majority	No

Motion to introduce a draft Communiqué	Introduction of a draft Communiqué	No	Simple Majority	No
Motion to Introduce an Amendment	Introduction of an Amendment	No	Simple Majority	No

