



INTERNATIONAL LAW COMMISSION RULES
OF PROCEDURE



**COMMISSIONER'S
HANDBOOK**

20TH SESSION



INTERNATIONAL LAW COMMISSION RULES OF PROCEDURE



AN OVERVIEW OF THE INTERNATIONAL LAW COMMISSION

The ILC was established by the **General Assembly** in 1947 to undertake its mandate under **Article 13 (1) (a) of the United Nations Charter**, which is to *“initiate studies and make recommendations for the purpose of encouraging the progressive development of International Law and its codification”*.

The Statute of the International Law Commission Article 1 paragraph 1 states that the Commission shall have for its object, the promotion of the progressive development of International Law and its codification. In the premise, it can be said that the objective of the International Law Commission is to;

- a) Promote the development of International Law and its codification;
- b) Prepare draft Conventions on subjects which have not yet been regulated by International Law or where the law has not yet been developed in practice of states.

RULES OF PROCEDURE

A committee is headed by the Head Commissioner who shall at all material times be incharge of the room and the committee.

The committee is similarly comprised of the Commissioners who shall at all times refer to each other as ‘Commissioner...’ example being, ‘Commissioner Sang’.

POINTS AND/OR RIGHTS

- 1) **Point of Personal Privilege:** Raised when there are conditions within the Committee Room that interfere with an individual’s capability to fully participate in the debate. It can be called out at any time **EXCEPT** during voting. Example, when a commissioner finds that the speaker is not audible or clear etc.



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- 2) **Point of Order:** A Commissioner may raise a Point of Order if a rule of procedure is not being properly observed by a fellow Commissioner or by a member of the Dais. e.g. if the Head Commissioner calls for a vote on a Motion to Extend Debate, for which no vote is required, the delegate can call out a Point of Order and tell the Chair that there is no vote for Extend Debate. The Chair will rule on the validity of the point and where a Point of Order is ruled dilatory by the Head Commissioner, it may not be appealed.
- 3) **Point of Information:** Raised when seeking a clarification on something that has been previously stated by a fellow Commissioner. It is a brief statement followed by a short question.
- 4) **Point of Parliamentary Inquiry:** Raised when a Commissioner wishes to get information about a point in parliamentary procedure that they don't understand, e.g. 'Could the Head Commissioner(s) please tell me how many votes the Main Motion requires?' it is used as much as possible to ensure that everyone understands the proceedings in the Committee. It **CANNOT** interrupt another delegate's speech.
- 5) **Right of Reply:** it is mostly raised in a moderated caucus when a Commissioner would like to reply to a statement made by another Commissioner based on what s(he) had previously stated. It is raised to the Head Commissioner(s) and it is upon their discretion whether to allow the Right or deny it. The Head Commissioners are strictly advised to limit the number of this right to a maximum of 2 per person to avoid a two-way communication between the Commissioners in the room. The Head Commissioner may also request that the Commissioner submit his/her Right of Reply in writing for further consideration before granting it. The Chair



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might choose to set a time limit for a Right of Reply. **No Delegate may call for a Right of Reply on a Right of Reply.**

- 6) **Orders of the Day:** Raised by a Commissioner when he/she feels issues being debated on the floor have gone off track and do not pertain to the agenda, e.g. the Motion on the floor is about refugees in Somalia and another Commissioner starts talking about the Flintstones.
- 7) **Yielding:** Yielding happens in two fold namely, yielding the floor back to the Head Commissioner(s) or yielding time to a fellow Commissioner. In the former, a Commissioner will yield the floor back to the Head Commissioner(s) once he/she is done speaking or once his/her speaking time has lapsed. As for the latter, if a Commissioner has not exhausted his/her speaking time and wishes to invite another Commissioner to support his/her argument, they can yield their remaining time to a fellow Commissioner.

MOTIONS

1. **Motion to Start Debate:** Raised by a Commissioner requesting for the debate to commence. Motion passes by a **simple majority**.
2. **Motion to Set Time:** Raised by a Commissioner suggesting the amount of time to be used by each commissioner in the in the Special Speakers' list. The motion passes by a **simple majority** and will be implemented under the discretion of the Head Commissioner(s).
3. **Motion to Extend Debate:** Raised when a Commissioner would like the Previously set time to be extended. Extension of debate can only be done by half of the initial time set. E.g. If the initial debate time was for 40 minutes, the debate



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can only be extended by half the time which is 20 minutes. It is called just before the end of debate time. However, the same will be implemented under the advice and discretion of the Head Commissioner.

4. **Motion to move into a Moderated Caucus:** This motion is raised by a Commissioner who wish that the committee discuss the topic at hand in a formal setup. A Commissioner instigating a move for Moderated Caucus must mention the **topic of the caucus, cumulative time of the caucus as well as speaking time for each speaker in his/her Motion**. Example, *'Motion to move into a Moderated Caucus for 30 minutes to discuss the Effect of Climate change in the Amazon, five minutes per speaker.'* The Head Commissioner(s) may suggest a more appropriate caucus length or speaking time or may rule the Moderated Caucus out of order without possibility of appeal. Once the Motion has passed, the committee will depart from the General Speaker's List and the Head Commissioner(s) will proceed to recognize Commissioners who raised their hands and/or placards to address the committee in an equitable and objective manner. It requires a vote of **Simple majority** for it to pass.
5. **Motion to move into an Unmoderated Caucus:** Raised by a Commissioner who wish to move into an informal setup i.e. groups/ blocks to discuss the topic further and come up with a draft resolution. Similarly, a Commissioner instigating a move for an Unmoderated Caucus must mention the topic of the caucus and cumulative time of the caucus. There is no specific speaking time for each speaker. Example, *'Motion to move into an Unmoderated Caucus for 30 minutes to discuss the Effect of Climate change in the Amazon.'* It requires a vote of **Simple majority** for it to pass.



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6. **Motion to Adjourn:** Raised by a Commissioner requesting the Committee to suspend its activities until the next scheduled meeting time. It requires a vote of **Simple majority** for it to pass. The Head Commissioner(s) may rule the Motion out of order without possibility of appeal. This motion may be utilised if the Commissioners want to break for lunch or for the day.

SPEAKERS LIST

1. **Special Speakers' List:** Here, the Commissioners states the topic at hand and their general thoughts on the same. No interruptions to the speaker can be made therein.
2. **General Speakers' List:** Commissioners at this point delve deeply into the agenda of the day. Commissioners **NOT** on the GSL are the only ones allowed to raised points of Information.

RECOGNITION AND INTERRUPTIONS

All Commissioners must be recognised by the Head Commissioners before they commence their speech. This is to mean that Commissioners absent during roll call have to send a note to the chair wishing to be recognised as present and voting so that they can take part in the proceedings of the committee. Failure to be recognised by the Head Commissioner bars you from being given the audience to address the committee. As regards interruption, the general rule is that they are not allowed during speech, however the following points can interrupt a speech; **Point of order, Point of Personal privilege and Orders of the day.**