

#MUNLAWS18

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

RULES OF PROCEDURE



NATO, North Atlantic Council

October 2018

Section I: General Considerations

1.1. Scope.

These rules apply to the North Atlantic Council of MUNLawS 2018.

1.2. North Atlantic Treaty.

Delegates should, at all times, act in accordance with articles and principles of the North Atlantic Treaty.

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.

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.

1.10. Validity and Applicability of Rules.

The Secretary-General shall have a final word on the validity and applicability of the Rules in case of a dispute.

Section II: The Board of the Council

2.1. Composition.

The Board of the North Atlantic Council of the North Atlantic Treaty Organization 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: Delegations

3.1. Members.

The Ministers of Foreign Affairs of the States parties to the Treaty establishing the North Atlantic Treaty Organization meet within the North Atlantic Council (hereinafter referred to as the Council).

3.2. Non-Council Members.

When an issue before the Council involves a state non-party to the North Atlantic Treaty, the Chairpersons reserve the right to invite the delegation to be present during Council sessions in which the issue is being discussed.

3.2.1. Debating Privileges.

A non-Council member is given debating rights. This will allow the delegation to be recognized by the Chairpersons during debate, to submit Draft Communiqués or amendments, but not to move these to the floor or vote on any substantive matter.

Section IV: Parliamentary Procedure

4.1. 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'*.

4.2. Decision Making Process.

The Council of NATO during MUNLawS is composed of the Ministers of Foreign Affairs of the States parties to the North Atlantic Treaty working towards the unanimous adoption of Draft Communiqués

Section V: Quorum

5.1. General.

Council activities and debate shall start when at least 50% +1 of the States parties to the North Atlantic Treaty 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.

5.1.1. 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 VI: Majority

6.1. General.

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

6.1.1. 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.

6.1.2. 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.

6.1.3. Unanimity.

Unanimity is needed in order to reach decision and adopt a Draft Communiqué. Each member state has one vote. Abstentions are permissible and do not count against unanimity, being interpreted as an absence of the abstaining state from voting procedure.

Section VII: Debate

7.1. 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.

7.2. 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.

7.3. Recognition.

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

7.4. 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.

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.

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:

- (1) To another delegate: The delegate, selected by the previous speaker, shall be given the remaining time. They may not yield any remaining time.
- (2) 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.
- (3) 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.

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. A Delegate rising to a Point of Order may not comment on the topic of discussion. A Point of Order ruled dilatory by the Chairpersons may not be appealed. This point may interrupt a Speaker.

9.3. Point of Parliamentary Inquiry.

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.

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 XI: Motions

10.1. Motion for the Adjournment of the Meeting.

A Delegate may move for the Adjournment of the meeting to suspend all Council activities until the next scheduled meeting time. The Chairpersons may rule the Motion out of order without possibility of appeal or put it to vote.

10.2. Motion for a Moderated Caucus.

To go to a moderated caucus, a Delegate must make a motion and the committee votes with a simple majority. Caucusing helps to facilitate discussion, especially when there is a long speakers list. A moderated caucus is a mixture of both formal and informal debate. Anyone may speak if they raise their placard and are called on by the Chairpersons.

10.3. Motion for an Unmoderated Caucus.

A Delegate may move for an Unmoderated Caucus, thereby suggesting a change from formal to informal debate. The Delegate who makes this motion must suggest a length and justification for the Unmoderated Caucus. The Chairpersons may suggest a more appropriate caucus length and put it to vote or may rule the Unmoderated Caucus out of order without possibility of appeal. The motion is voted upon by a simple majority. Once the Motion has passed, the Delegates will carry an informal discussion on the topic specified in the Motion without leaving the conference room.

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.

10.5. 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 Communiqués 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.

10.6. Motion to Close Debate on a Draft Communiqué.

A Delegate may move to Close Debate in order to end debate on a draft Communiqué, 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.

10.7. Motion to Close Debate on the Topic Area under Discussion.

A Delegate may move to Close Debate in order to end Debate on the Topic Area under Discussion whereby the Council will enter voting procedure on all Draft Communiqués 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.

Section XII: Communiqués of the Council

11.1. General.

A Delegate is forbidden from bringing any pre-written documents in a form of a working paper, Communiqué 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 Communiqué. A Working Paper will be distributed at the Chairperson's discretion if requested by a Delegate.

11.3. Communiqués of the North Atlantic Council.

11.3.1. Format.

Draft Communiqués must be properly formatted according to the guidelines.

11.3.2. Sponsor.

The main writer of the draft Communiqué 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 Communiqué, unless major changes have been introduced through the amendment process. A delegation cannot be sponsor and signator at the same time.

11.3.3. Introduction of a Draft Communiqué.

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

11.3.3. Withdrawal of a Draft Communiqué.

A draft Communiqué 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 Communiqué may not be withdrawn if any amendment to it is on the floor.

11.4. Amendments.

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

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 Communiqué by its sponsor, delegates are permitted to point out any such problems to the Chairpersons.

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 Communiqué as a whole. Amendments to Amendments are out of order. Due to the nature of the decision process in the North Atlantic Council, all amendments to a Communiqué must be unanimously voted.

11.5. Withdrawals.

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

Section XIII: 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. Unanimity.

For the decision process demanding Unanimity, refer to rule 6.1.3., above.

12.1.2. 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.

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 Communiqués relate to the same question, they shall be voted on in the order in which they were submitted.

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 Draft Communiqués.

Draft Communiqués shall be voted on, in the order that they were numbered by the Chairpersons. The result of the voting procedure is defined by the process outlined in section 6.1.3. (Unanimity).

12.5.5. Voting on Amendments.

All Amendments shall be voted on in the order in which they were proposed before the Council closes debate on the Communiqué 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 Communiqué. Once all the Amendments relating to a Communiqué have been voted on, the Council shall vote on the Communiqué as a whole after Closure of the Debate on the Topic Area under Discussion.

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

