



Conference of the States Parties to the United Nations Convention against Corruption

**RULES OF PROCEDURE**

**MUNLawS 2018**

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## **I. GENERAL RULES**

### Article 1: Scope

1. These rules apply to the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC).

### Article 2: Language

1. English will be the official and working language of the conference.

### Article 3: Delegations

1. Each member state will be represented by one Delegate and shall have one vote in the Committee.

### Article 4: Credentials, Communication and Note Passing

1. The credentials of all delegations will be accepted upon registration.
2. The Secretary-General shall be the final arbiter of the validity of all credentials.
3. Any representative to whose admission a member state objects will temporarily be seated with the same rights as other representatives, pending a decision from the Secretary-General.
4. Written notes are the only means of communication between the members of the Committee not recognized to speak.
5. Notes are distributed by the Administrative Staff present in the Committee.
6. 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 Director for investigation and the Director may decide not to pass the note if the language or the content is found to be inappropriate.

### Article 5: Statements by the Secretariat

1. The Secretary-General or a member of the MUNLawS team whom s/he appoints may at any time make either written or oral statements to the Committee.

#### Article 6: General Powers of the Committee Staff

1. The Director will declare the opening and closing of each meeting and may propose the adoption of any procedural motion to which there is no significant objection.
2. Subject to these rules, the Director will have complete control of the proceedings at all meetings. S/he will direct discussions, accord the right to speak, announce decisions, rule on points of order, and ensure and enforce the observance of these rules. The Director may temporarily transfer his duties to another member of the Committee staff or other designates of the Director.
3. Committee staff members may also advise the Delegates on the course of debate. In the exercise of these functions, the Committee staff will be at all times subject to these rules and responsible to the Secretary-General.

#### Article 7: Appeal

1. Any decision of the Director, with the exception of those matters for which the Committee Rules of Procedure explicitly prohibit appeal, may be appealed immediately by a Delegate.
2. The Director may speak briefly in defense of the ruling. The appeal will then be put to a vote to the Committee, and the decision of the Director will stand unless overruled by a two-thirds majority.
3. The Director has an ultimate discretion on any ruling, whether it is appealed successfully or not.

#### Article 8: Quorum

1. The participants are expected to attend on time and not to skip any sessions unless there is an urgent health issue at stake.
2. The Director may declare a Committee open and permit debate to proceed when at least one third of the voting members of the Committee is present at the beginning of each the session.
3. Verification of quorum shall take place at the beginning of every session by a roll call conducted by the Director.
4. When a Delegate is late for the roll call of the session, a note should be sent to the Director with a request for being noticed.
5. The presence of the majority of the members will be required for the vote on any substantive motion.

#### Article 9: Courtesy

1. Delegates will show courtesy and respect to the Committee staff and to other Delegates.
2. One to one discussions during the sessions are strictly prohibited, with the exception of communication through the note passing.
3. The Director will immediately call to order any Delegate who fails to comply with this rule.

#### Article 10: Electronic Devices

1. No laptops, tablets, cell phones, or other electronic devices may be used in the Committee room during formal debate or moderated caucus.
2. Computers may be used outside the Committee room at any time or in the Committee room during unmoderated caucus at the discretion of the Director.

## **II. RULES GOVERNING THE DEBATE**

#### Article 11: Agenda

1. The first order of business for the Committee will be the consideration of the agenda.
2. To set the agenda:
  - a) A motion should be made to set the agenda to one of the Committee'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 Committee 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 Committee 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 Director 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 Committee will proceed to an immediate vote on the motion to set the agenda to one of the Committee's Topics. A simple majority is required for passage.
  - e) If the motion fails, the other Topic will automatically be discussed before the Committee first.
3. When the voting procedure on the Resolution for the first Topic is complete, the second Topic is automatically discussed before the Committee.

#### Article 12: Debate

1. 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.
2. 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 Committee.

#### Article 13: Moderated Caucus

1. The purpose of the moderated caucus is to facilitate substantive debate at critical junctures in the discussion.
2. 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.
3. Once raised, the motion will be voted on immediately, with a simple majority required for passage.
4. The Director may rule the motion dilatory and his or her decision is not subject to appeal.
5. If the motion passes, the Director 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.
6. The Director may also decide, subject to appeal, to suspend the caucus early.

#### Article 14: Unmoderated Caucus

1. An unmoderated caucus temporarily suspends formal debate and allows members to discuss ideas informally in the Committee room.
2. 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.
3. The motion will be put to a vote immediately, and a simple majority is required for passage. The Director may rule the motion dilatory and his or her decision is not subject to appeal.
4. The Director 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.

#### Article 15: Closure of Debate

1. When the floor is open, a Delegate may move to close debate on the substantive or procedural matter under discussion. The Director may, subject to appeal, rule such a motion dilatory.
2. When motion to close the debate is raised, the Director may recognize up to two speakers against the motion.
3. No speaker in favor of the motion will be recognized.
4. Closure of debate requires a two-thirds majority to pass. If the Committee is in favor of closure, the Director will declare the closure of debate, and the Resolutions or Amendment on the floor will be brought to an immediate vote.
5. 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.

#### Article 16: Suspension or Adjournment of the Meeting

1. 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.
2. A motion to adjourn will not be in order until three quarters of the time scheduled for the last session have elapsed.
3. The Director may rule such motions dilatory; this decision is not subject to appeal.
4. 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.

#### Article 17: Postponement and Resumption of Debate

1. Whenever the floor is open, a Delegate may move for the postponement of the debate on a Resolution or Amendment currently on the floor. The motion will require a two-thirds majority to pass and will be debated by two speakers in favor and two opposed. No debate or action will be allowed on any Resolution or Amendment on which the debate has been postponed, and if debate on a Resolution or Amendment has not been resumed before the speakers list is closed, that Resolution or Amendment may not be voted upon.
2. A motion to resume debate on an Amendment or Resolution on which debate has been postponed will require a simple majority to pass and will be debated by two speakers in favor and two opposed.
3. Resumption of debate will cancel the effects of postponement of debate.

### III. RULES GOVERNING SPEECHES

#### Article 18: Speakers List

1. The Committee will have an open speakers list for the Topic being discussed.
2. A delegation present may add its name to the speakers list by submitting a request in writing to the dais, provided that delegation is not already on the speakers list, and may similarly remove their name from the list by a request in writing.
3. At his or her discretion the Director may solicit delegations to be added to the speakers list by raising their placard.
4. The speakers list for the second Topic will not be open until the Committee has proceeded to that Topic.

#### Article 19: Speeches

1. No Delegate may address a session without having previously obtained the permission of the Director. The Director may call a speaker to order if his or her remarks are not relevant to the subject under discussion, or offensive to Committee members or staff.
2. Delegates who are absent when recognized by the dais automatically forfeit their time, and the debate continues.

#### Article 20: Speaking Time

1. When any speakers list is opened, the speaking time is automatically set to one minute.
2. Delegates may also make a motion to set a new speaking time at any time when points or motions are in order during formal debate. This motion requires a simple majority to pass.

#### Article 21: Yields

1. A Delegate granted the right to speak from a speakers list may, after speaking, yield the floor in one of three ways: to another Delegate, to questions, or to the chair.
  - a) Yield to another Delegate: Any remaining time will be given to that Delegate, who may not, however, then yield any remaining time to a third Delegate.
  - b) Yield to questions: Questioners will be selected by the Director and limited to one question each. Follow-up questions will be allowed only at the discretion of the Director. Only the speaker's answers to questions will be deducted from the speaker's remaining time.

- c) Yield to the Chair: Such a yield should be made if the Delegate has finished speaking and does not wish to yield to another Delegate or to questions. The Director will then move to the next speaker.
2. Yields are in order only on substantive speeches and not during moderated caucus.

#### Article 22: Right of Reply

1. A Delegate whose personal or national integrity has been impugned by another Delegate may request in writing a Right of Reply.
2. The Reply, if granted, will take the form of a thirty-second speech. The Director's decision whether to grant the Right of Reply cannot be appealed, and a Delegate granted a Right of Reply will not address the Committee until requested to do so by the Director.

#### **IV. POINTS**

##### Article 23: Point of Personal Privilege

1. Whenever a Delegate experiences personal discomfort which impairs his or her ability to participate in the proceedings, he or she may rise to a Point of Personal Privilege to request that the discomfort be corrected.
2. As a Point of Personal Privilege may interrupt a speaker, Delegates should use this power with the utmost discretion.

##### Article 24: Point of Order

1. During the discussion of any matter, a Delegate may rise to a Point of Order to indicate an instance of improper use of parliamentary procedure.
2. The Point of Order will be immediately ruled upon by the Director in accordance with these rules of procedure. The Director may rule out of order those points that are dilatory or improper; such a decision cannot be appealed.
3. A Delegate rising to a Point of Order may not speak on the substance of the matter under discussion.
4. A Point of Order may only interrupt a speaker when the speech itself is not following proper parliamentary procedure.

##### Article 25: Point of Parliamentary Inquiry

1. When the floor is open, a Delegate may rise to a Point of Parliamentary Inquiry to ask the Director a question regarding the Rules of Procedure.
2. A Point of Parliamentary Inquiry may never interrupt a speaker.
3. Delegates with substantive questions should not rise to this Point, but should rather approach the Committee staff at an appropriate time.

##### Article 26: Point of Information

1. A Delegate may request the Director to explain a term or an abbreviation that one uses.
2. This point cannot interrupt a speaker.

## V. RULES GOVERNING SUBSTANTIVE MATTERS

### Article 27: Working Papers

1. Delegates may propose working papers for Committee consideration. 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 Director to be copied and distributed.
2. Working papers do not have signatories.

### Article 28: Resolutions

1. MUNLawS Resolutions are formal texts adopted by the MUNLawS organs.
2. 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.
3. There are no official co-sponsors of Resolutions.
4. The Director's decision not to sign a Resolution or an Amendment signifies that the Resolution or the Amendment cannot be put to vote. This decision may not be appealed.
5. Every effort shall be made to reach an agreement on the matters of substance by consensus. If all efforts to reach consensus at the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) have been exhausted and no agreement has been reached, decisions shall be taken by a two-thirds majority of the Delegates present and voting. More than one Resolution may be on the floor at any one time, but at most one Resolution may be passed per Topic.

### Article 29: Introducing Resolutions

1. Once a Resolution has been approved by the Director as stipulated above and has been copied and distributed, the sponsoring Delegate may make a Motion to Introduce the Resolution.
2. This motion requires only authorization by the Director and does not require a substantive vote.
3. The Bureau, time permitting, may choose to read the operative clauses of the Resolution.
4. Immediately after a Draft Resolution has been introduced and distributed, the Director may entertain non-substantive clarificatory points, typically used to address typographical, spelling, or punctuation errors.

5. A Resolution will remain on the floor until debate is postponed or a Resolution on that Topic has been passed.

#### Article 30: Amendments

1. During the debate on a Draft Resolution a Delegate may move to introduce an Amendment which will add to, strike out from or revise a part of the Draft Resolution. It is needed for the Amendment to be supported at least by one co-sponsor. It is in the discretion of the Director to define the period of time, during which the floor will be open to Amendments.
2. The Amendments shall be written on the note paper and sent to the Director. 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.
3. Amendments to pre-ambulatory clauses are not in order. However, the Director 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.
4. Non-Substantive Amendments. Amendments correcting grammatical, spelling or formatting mistakes on Draft Resolutions will be automatically adopted without vote from the Committee, at the discretion of the Director. Following the initial reading of the Draft Resolution by its sponsor, Delegates are permitted to point out any such problems to the dais.
5. 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.
6. 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 Director 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 Director 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 and require two-thirds majority.
- e) After the vote, debate will return to the general speakers list.

## **VI. RULES GOVERNING VOTING**

### Article 31: Division of the Question

1. After the debate on a Topic or Amendment has been closed, a Delegate may move to divide the question on any item which is about to be voted on. Division of the question means that a specified set of operative clauses may be voted on separately from the rest.
2. Preambulatory clauses may not be removed by division of the question.
3. The motion may be debated to the extent of two speakers for and two speakers against.
4. This motion requires a simple majority to pass.
5.
  - a) Before the voting on the motion the Director will accept proposals on how to divide the question. Such proposals may divide the question into two or more parts. If the motion passes, the Director will arrange the accepted proposals from most severe to least, and each will be voted on, in that order. If no division passes, the Resolution remains intact.
  - b) If any proposal passes, all other proposals are discarded and the Resolution or Amendment is divided accordingly.
6. A substantive vote must then be taken on each divided part to determine whether or not it is included in the final draft. A simple majority is required for inclusion of each part.
7. After all divided parts have been voted on; those that were voted to be included are recombined into the final Draft Resolution, which must then be voted upon under regular rules of procedure.
8. If all of the operative parts of the substantive proposal are rejected, the proposal will be considered to have been rejected as a whole.

### Article 32: Reordering Resolutions

1. The default order in which Resolutions are voted on is the order in which they were introduced.
2. 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 Director will accept alternative proposals for ordering. This motion takes precedence over a motion to divide the question on a Resolution.

3. 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.

#### Article 33: Voting

1. States parties shall make every effort to adopt decisions by consensus.
2. If consensus cannot be reached the Committee will move to voting procedure. After all relevant motions have been entertained, the Committee will vote on the Resolutions on the floor.
3. Voting occurs on each Resolution in succession; once a Resolution has been passed, no further Resolutions regarding the same Topic can be voted on.
4. In all matters, both substantive and procedural, each country will have one vote.
5. Each vote may be a "Yes," "No," or "Abstain." All matters will be voted upon by placards, except in the case of a roll call vote.
6. After the Director has announced the beginning of voting, no Delegate will interrupt the voting except on a Point of Personal Privilege or on a Point of Order in connection with the actual conduct of the voting.
7. A simple majority requires more "Yes" votes than "No" votes; abstentions are not counted toward either total. A two-thirds majority vote requires at least twice as many "Yes" votes as "No" votes. A procedural vote is a vote on any matter besides an Amendment or Resolution, and requires every state to vote either "Yes" or "No" on the question.

#### Article 34: Roll Call Voting

1. After debate is closed on any Topic or Amendment, any Delegate may request a roll call vote. A motion for a roll call vote is in order only for substantive motions. The Director's decision whether to accept the motion for a roll call vote may not be appealed.
2. In a roll call vote, the Director will call all states noted by the dais to be in attendance in alphabetical order starting with a randomly selected member.
3. In the first sequence, Delegates may vote "Yes," "No," "Abstain," "Pass," "Yes with rights," or "No with rights."

4. A Delegate who passes during the first sequence of the roll call must vote “Yes” or “No” during the second sequence. The same Delegate may not request the right of explanation.

A Delegate may only vote with rights if he or she votes “Yes” or “No” in the first round of voting and if his or her vote appears to constitute a divergence from his or her country’s policy. After all Delegates have voted, Delegates who had requested the right of explanation will be granted 30 seconds each to explain their votes. The Director will then announce the outcome of the vote.

## **VII. PRECEDENCE OF MOTIONS**

### Article 35: Precedence

Motions will be considered in the following order of preference. If a point or motion is on the floor, points or motions lower on this list are out of order.

1. Parliamentary Points
  - a. Points that may interrupt a speaker:
    - i. Points of Personal Privilege
    - ii. Points of Order
  - b. Points in order only when the floor is open,
    - i. Points of Parliamentary Inquiry
    - ii. Point of Information
2. Procedural motions that are not debatable:
  - a. Adjournment of the Meeting
  - b. Suspension of the Meeting
  - c. Unmoderated Caucus
  - d. Moderated Caucus
  - e. Motion to change the speaking time
  - f. Introduction of a Draft Resolution
  - g. Introduction of an Amendment
3. Procedural motions that are applicable to a Resolution or Amendment under consideration:
  - a. Closure of Debate
  - b. Postponement of Debate
  - c. Division of the Question
  - d. Reordering Resolutions
4. Substantive motions:
  - a. Amendments
  - b. Resolution

## 5. Other procedural motions, i.e. Resumption of Debate

Rule	Description	Debatable	Votes Required	Interrupt Speaker
9.1. Point of Personal Privilege	Feeling discomfort	No	No	Yes
9.2. Point of Order	To point out a misuse of rules	No	No	No
9.4. Right of Reply	Reply to an insult	No	No	No
9.3. Point of Parliamentary Inquiry	Clarify the rules	No	No	No
Motion to Set Speaking Time	Define speaking time limit	No	Simple Majority	No
10.1. Motion to Adjourn Meeting	Adjourn until next scheduled meeting	No	Simple Majority	No
10.2. Motion for Unmoderated Caucus	Proceed to an Unmoderated Caucus	No	Simple Majority	No
5.1. Motion for the Verification of Quorum	Seeking to verify the presence of Delegates	No	No	No
10.6. Motion to Close Debate on the Topic Area under Discussion	Close debate on the Topic Area	Yes (1-)	2/3 Majority	No
10.5. Motion to Close Debate on a Resolution	Close the separate debate on a Resolution	Yes (1-)	2/3 Majority	No
10.4. Motion to Table Debate	Postpone debate	Yes (1+/1-)	2/3 Majority	No
11.2.3. Motion to introduce a draft Resolution	Introduction of a Draft Resolution	No	Simple Majority	No
11.3. Motion to Introduce an Amendment	Introduction of an Amendment	No	Simple Majority	No