



**MODEL COURTS OF JUSTICE 2019**  
**INTERNATIONAL CHAMBER OF COMMERCE**  
**MEDIATION COMMITTEE**

**RULES OF PROCEDURE**

**SECTION A: GENERAL PROVISIONS**

**Article 1: Rules of Procedure**

1. *Rules of Procedure* is adopted prior to the Oral Proceedings before the Office and shall not be appealed.
2. Interpretation of the Rules of Procedure shall be reserved exclusively to the Secretariat unless the Head of the Division is explicitly authorized.

**Article 2: Prevail of Good Faith**

1. The manifest abuse of a right, granted by the Rules of Procedure to Members of the Court, is not protected.
2. Such interpretation shall be in accordance with the wording and the spirit of the Rules of Procedure.

**Article 3: Language**

1. English is the official and working language of Model Courts of Justice.

**Article 4: Dress Code**

1. The dress code is formal business attire and is mandatory during the Conference.

**Article 5: Secretariat**

1. The Secretariat shall consist of the Secretary-General, the Under Secretaries-General, and the Assistant Secretaries-General.
2. Secretariat shall refrain from any action that might undermine their position.
3. The Secretary-General may at any time address or authorize the Under-Secretaries-General or the Assistant Secretaries-General to address the Office in relation with the Oral Proceedings.

4. The Secretary-General may temporarily designate a member of the Secretariat to act in her place.
5. In the absence of the Secretary-General, Under Secretaries-General and the Assistant Secretary-General shall perform all duties and obligations of her.

#### **Article 6: Courtesy and Disciplinary Rules**

1. All participants hold the responsibility to show utmost respect to each other, to use a formal language while addressing the Office and to act accordingly.
2. Official warning may only be given by the Mediators when a participant persistently acts against the Rules of Procedure.
3. Three official warnings shall lead to the dismissal of the concerned participant temporarily or indefinitely upon the Secretariat's discretion.

#### **Article 7: Electronic Devices**

1. The use of any electronic devices that allows the participants to communicate among themselves or with the exteriors of the Committee is strictly prohibited.
2. Mediators may allow the members to use electronic devices if and only in need of a document that is not in hard-copy.

#### **Article 8: Note Passing**

1. All communications between the Parties shall be performed by formal note passing under the supervision of Mediators.

#### **Article 9: Quorum**

1. The quorum is met when the at least one representative of each party and coalition are present at the beginning of each session.
2. Verification of the quorum shall take place at the commencement of each session by the Mediators via roll-call.
3. Members who are tardy to the sessions shall pass a note to the Mediator in order to be eligible to participate in the proceedings.
4. The quorum shall form the basis of the majorities required for the decisions to be taken during the adoption of the Agreement.

## **SECTION B: COMPOSITION OF THE COMMITTEE**

### **Article 10: Members of the Office**

1. The Office shall consist of Mediators and Parties.

### **Article 11: Mediators**

1. The Committee shall have two Mediators.
2. In all matters not expressly provided in this Rules of Procedure or by the Secretariat, the Mediator shall act in the spirit of the Rules of Procedure.
3. In conducting the mediation, the Mediator shall be guided by the wishes of the parties and shall treat them with fairness and impartiality.
4. Mediators shall be responsible for the implementation and observance of the Rules of Procedure and share the moderation of the debate. Mediators are to observe and ensure the concordance of Parties to their Profiles and Priorities.
5. Mediators shall refrain from any actions that might undermine their impartiality and credibility within their position and shall be responsible to the Secretariat.
6. Mediators shall also act as a Party and have an equal vote in procedural and substantive matters in the case they received a profile.
7. Mediators may allow the debate to flow without their recognition when the Parties are discussing in a respectful way and diplomatic courtesy. However, they will intervene when a tension appears or Parties start to interrupt each other.
8. Mediators shall determine the time durations of speeches during the discussion.

### **Article 12: Parties**

1. The Committee is composed of parties of the conflicts, acting as one real person or acting as a client and his/her lawyer/representative. Teammates share the performance. Speeches may be divided into two between teammates.

2. The Agreement shall be reached by the Parties.
3. Each Party, as a team has one equal vote.
4. Parties are not allowed to share their confidential information with others.
5. Each coalition composed of three unions and one lawyer. None of these unions or lawyers are depended on the coalition itself.
6. Advocates of unions are not responsible for providing unity to their coalitions. Their essential tasks are giving legal facts and making recommendations to their clients in order to protect their interests.

## **SECTION C: RULES GOVERNING THE PROCEEDINGS**

### **Article 13: Opening Speeches**

1. The Opening Speeches shall briefly summarize the stance of the Parties and their interest. Content of this information sharing is under the discretion of the Party.
2. Time allocated for Opening Speeches will be determined by the Mediators, equal for each Party before the commencement of Speeches. Immediately after the announcement of the time, Parties may propose to alter the speakers' time. majority of the Parties shall be required for the proposal to pass. Should the Committee accept the proposal; the speakers' time will be altered.
3. Parties may divide the time among themselves.
4. Mediator shall be the first to deliver the Opening Speech which may be immune from the determined time limit.
5. Yields shall not be in order during Opening Speeches.

### **Article 14: Discussion of Issues**

1. The Committee is free to start the debate from any issue.
2. A Party's proposal to discuss the issue will be voted by the Committee and shall pass with simple majority.

3. A Party at any time may propose to postpone the issue at the hand and move on with another when **two-thirds** majority is met. This proposal may be overruled by the Mediators when they are satisfied by the flow of the debate. This ruling is not appealable.
4. Mediators at any time may decide to postpone an issue when it is needed.
5. Mediators at any time may recognize themselves.
6. Parties may ask questions to other parties to elaborate the needs of each other without jeopardizing the debate.

#### **Article 15: Caucuses**

1. Parties who wishes to discuss in private may ask for a caucus.
2. When Party's wish to caucus is accepted by the Mediators, specified Parties shall discuss in private while rest of the Committee continues with their discussion. Parties are free to decide to what extend they will share the content of their discussion to the rest of the Committee.
3. Mediators may adopt a caucus when it is needed to continue to the discussion and divide the Committee into groups as they think will it will be useful. After the time has lapsed they will inform the Committee about the content of the caucuses.
4. Time for the caucuses will be determined by the Mediators.

#### **Article 16: Tour de Table**

1. Mediators shall have the discretion to conduct a Tour de Table at any time during debate.
2. During Tour de Table, each Party shall briefly outline their views on the matter under discussion.
3. The time allocated per each speaker shall be determined by Mediators.

#### **Article 17: Right of Reply**

1. Any Parties whose professional integrity has been accused by another may submit a

request for a Right of Reply to the Mediator through a message paper.

2. Mediators shall grant the Right of Reply on their discretion. The decision is non-appealable.
3. The Party granted a Right of Reply shall address the Committee to defend her/his integrity in specified time determined by Mediators, which shall not be longer than one minute.

#### **Article 18: Point of Personal Privilege**

1. Parties may request the Head of the Division to correct discomforts provided that such a discomfort prevents their ability to participate in the proceedings.
2. Point of Personal Privilege may not interrupt the speaker unless it is raised due to inaudibility.

#### **Article 19: Point of Parliamentary Inquiry**

1. Parties may raise a Point of Parliamentary Inquiry requesting an explanation on the Rules of Procedure from the Mediator.
2. A Point of Parliamentary Inquiry may neither interrupt a speaker nor be in regard to substantive matter.

#### **Article 20: Point of Information**

1. A Point of Information may also be raised to the Mediator, at any time during the Deliberations, to raise a substantial question regarding the case.

#### **Article 21: Suspension of the Discussions & Adjournment of the Meeting**

1. Suspension of the discussion shall be announced by the Mediators at the end of each session.
2. Adjournment of the meeting shall be announced by the Mediators at the end of the very last session.

## **Article 22: Closure of the Discussions**

1. Discussion on an issue will automatically be closed when an agreement of the **two-thirds majority** of the Committee on the issue at the hand is reached.

## **Article 23: Precedence of Points and Motions**

1. In case where multiple Points and proposals are raised at the same time, the Proposed Points and Proposals shall be ranked pursuant to the provisions stipulated in this Article and then will be entertained accordingly by the Mediators.
2. Points shall have precedence over proposals of Parties at all times.
3. Motions should be entertained in the order they have been raised.
4. The precedence of Points shall go as follows:
  - a. Point of Personal Privilege
  - b. Point of Order
  - c. Point of Parliamentary Inquiry
  - d. Point of Information

## **SECTION D: AGREEMENT**

### **Article 24: Agreement**

1. After an agreement on the all issues are reached, the final Agreement shall be written by the parties.
2. Since all the issues covered is already discussed and agreed upon, no final voting shall be needed.
3. The Agreement shall be signed by the Parties and the Mediators after it has been checked by the Mediators.