

International Court of Justice: Rules of Procedure

Rules Follow A Chronological Order

For every case which the ICJ hears:

1. Let there be representation from both the Applicant and Respondent nations.¹
2. The Applicant gives an opening argument. (During this time, refrain from questions by the Justices. Clarification should be kept to a minimum and should be done after the speeches. The opening and response should not exceed 15 minutes each).
3. The Respondent responds.
4. The Applicant gives a rebuttal
5. The Respondent gives a closing argument. (The rebuttal and closing should not exceed 10 minutes each).
6. Justices then begin a questioning period. They may question amongst themselves (so comment upon a comment) and question the Advocate and Defendant.
7. The ICJ must first establish jurisdiction in the case by a simple majority before engaging in substantive debate. If jurisdiction is denied, the ICJ may vote on whether or not to draft an advisory opinion on the issue.²
 - a. If jurisdiction is denied, an advisory opinion represents the majority opinion of the court, but does not actually make a ruling.
 - b. The drafting of such an advisory opinion follows the same format as the debate and drafting of a formal Court opinion/ruling that would ensue with jurisdiction, but simply doesn't carry the classification of an actual court ruling, and must include a clear statement of this fact.
8. After jurisdiction is established, a questioning period begins in which Justices may ask questions of the Applicant and the Respondent, give speeches, and cite treaties which are relevant to the case.
9. Rules of substantive debate are identical to those of other committees and assemblies.
10. The Applicant and Respondent may not participate in substantive debate and may not provide new information. They are allowed to clarify, but are not allowed to bring new material to the table. The Justices, however, can bring forth whatever information they choose.

¹ In case either or both the Applicant and Respondent nations are not present in the ICJ, one of the Justices may act as an Advocate for either the Applicant or Respondent nation.

² An advisory opinion represents the majority opinion of the Court when the Court has no jurisdiction in the case.

11. To end substantive debate, a Justice must move to begin an opinion period. This must be seconded by another nation and approved by a majority vote.
12. During the opinion period, the Justices draft opinions to present to the Court (for the sake of efficiency this can be done in like-minded groups).
13. After this opinion period, the Justices present their opinions to the Court.
14. There exists a limit of five comments or questions on each presented opinion, unless determined inappropriate by a majority vote.
15. After every opinion has been heard, Justices may enter into further substantive debate.
16. To end substantive debate, a Justice must move to a vote on each opinion. This movement to vote must be seconded and approved by a simple majority.
17. Rounds of substantive debate and voting continue until the Court reaches a unanimous decision. Periods of debate, amendment, and questioning may ensue to ensure a unanimous opinion is reached. Merging of opinions and other such amendments are all permitted.
18. The prevailing opinion of the Court must be approved, in the form of a final opinion statement, by a unanimous vote.

Additional Information:

1. In the final opinion paper- like the actual ICJ- all Justices must be in consensus.
2. Justices are required to uphold international law above all else. However, when such an action or opinion would not contradict the law, the opinion and position of one's country can be considered.
3. Caucus procedures can be motioned by a country at any time during substantive debate periods, and have to be seconded by another. The caucus takes place as free debate between the Justices for clarification and acts as an additional time for research and for drafting/revising of opinions
4. Provided is an example of an Advisory Opinion under a case of non-jurisdiction.
5. The final verdict is presented to the General Assembly, but the opinion, once achieving full consensus, is final.
6. The International Crew of Justice wishes you the best of luck.