



**MODEL UNITED NATIONS OF THE FAR WEST, INC.**

# **IN DEFENSE OF THE RULES**

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Throughout the years there have been several questions asked about the nature of our rules from MUNFW member schools and sources outside MUNFW. The following discussion is an attempt to clarify the status of our rules relative to those used by the United Nations itself and, where differences exist, to explain why our rules are different. The commentary is based on an examination of the Rules of Procedure of the General Assembly (embodying amendments and additions adopted by the General Assembly up to 31 December 1984 - - the latest version available from the United Nations: A/520/Rev. 15), current MUNFW rules, and observations of actual meetings of the General Assembly, its Main Committees, main committee working group sessions, ECOSOC, and the Security Council. The authors, while not claiming complete knowledge of these activities, have served as observers in the GA and as representatives in several of the Main, special or ad hoc committees or working groups, ECOSOC, and the Security Council for the Office of the United Nations High Commissioner for Refugees when matters of concern to the Office have been under discussion.

We should note at the outset that references to the rules of procedure in committee meetings are very rare. In attending hundreds of meetings of various bodies of the GA and ECOSOC over the last decade, the number of references we have heard to any rule by a specific number or title probably totaled less than half a dozen per year. This is due in part to the fact that most delegates have considerable experience in the workings of the UN, but also to the almost formal scripting of the debate by the Secretariat (chairs are given a script which even tells them how to phrase the statements regarding votes on resolutions and the proper way to address delegates when calling on them to speak) and leadership of the chairs who can choose to be formal or informal as the occasion demands. Most of the debate and negotiations that lead to the final results (public speeches and adoption of resolutions) take place outside of the formal committee structure. Rules are not used to try and structure the substance of the debate or prevent an opposing view from being heard. There is an underlying assumption that each delegate has the right to be heard on any issue, and the time allotted to debate is sufficiently long to allow this to occur in most cases. The chairs will try to limit the length of debate throughout the session to 5 to 7 minutes per speech, but they will not cut a delegate off if he or she goes over the limit. After a lengthy speech, however, the chair will remind delegates that they should not exceed the limit, usually to no avail.

Congruent Rules: The following MUNFW rules have their antecedents in the rules for the General Assembly. In some cases the MUNFW rules are modifications since the GA rules also refer to situations not applicable to MUNFW; in other cases, the wording of the rules is virtually identical. In the following discussion, rules in parentheses refer to rules applicable to General Assembly Main Committees, which are numbered from 96 to 133; rules 1-95 refer to the General Assembly itself, although many of these deal with special sessions, how to set the agenda, and the election of committee officers, activities handled by the MUNFW Secretariat. Asterisks explain slight differences between MUNFW and UN rules.

- P-2: Absence of Officers = GA 32-33 (105)
- P-3: General Powers of the Chair = GA 35-36 (106-107)
- P-4: Election and Duties of Rapporteur = GA 92 (103)
- \*P-5: Statements by the Secretariat = GA 70 (112)
- P-6: Quorum = GA 67 (108)
- \*P-7: Voting Rights = GA 82 (124) P-8: Agenda = GA 21-22
- \*P-9: Additional and Supplementary Items = GA 12, 14-15, 20, 23
- \*P-11: Resolutions and Amendments = GA 78, 90, 91 (120, 130, 131)
- P-13: Decisions on Competence = GA 79 (121)
- \*P-14: Introduction, Sponsorship and Withdrawal of Proposals = GA 78, 80 (120, 122)
- \*P-15: Reconsideration of Proposals = GA 81 (123)
- P-16: Division of Resolutions = 89 (129) \*
- P-17: Voting on Resolutions and Amendments = GA 90 (130)
- P-18: Voting Majority Required = GA 85 (125)
- \*P-19: Members Present and Voting = GA 86 (126)
- P-20: Equally Divided Vote = GA 95 (133)
- \*P-21: Method of Voting; Roll Call Vote = 87 (127)
- \*P-22: Conduct During Voting = GA 88 (128)
- P-26: Order of Procedural Motions = GA 77 (119)
- \*P-27: Suspension or Adjournment = GA 76 (118)
- P-29: Closure of Agenda Item = GA 75 (117)
- P-30: Adjournment of Debate = GA 74 (116)
- P-31: Credentials Committee = GA 28
- \*P-32: Provisional Admission = GA 29
- P-33: Security Council Priority = GA 49
- \*P-35: Silent Prayer or Meditation = GA 62
- \*P-4: Rule 103 allows for a nominating speech in committees; voting is the same.
- \*P-6: Rule 67 allows debate to continue in the GA with 1/3 of the members present; Rule 108 allows debate in committees to begin with % of the members present.
- \*P-8: The GA only requires a majority vote to delete an item.
- \*P-9: For obvious reasons the deadlines for submission are different
- \*P-13: The GA requires only a majority vote and does not specify speakers
- \*P-14: Deadlines for submission are different for obvious reasons
- \*P-16: The GA rules allow for division of amendments also.
- \*P-18: The GA does have a category of issues requiring a 2/3 vote, but they do not apply to issues normally before MUNFW (see GA rules 83-85).
- \*P-20: The GA calls for a second vote and then applies this rule (95).
- \*P-21: The UN now has an electronic system which is used for all votes (most resolutions are adopted "without a vote") and shows how each country voted; the principles underlying the rules remain the same.
- \*P-26: The UN rules do not refer to postponement of debate; when there is a need to postpone, it is done simply by direction of the chair, presumably under rules 35 or 106.
- \*P-31: The GA does not specify under what conditions credentials may be challenged.
- \*P-33: The GA rule does not include the explanatory comments of P-33, but allows them in practice.

Facilitation Rules (P-1, 10, 12, 28, 34, 36, 37, 38, and 39): MUNFW rules which are necessary to facilitate running the conference during a five-day session rather than the four months available at the UN or that are consistent with UN practice, but which are not listed as specific UN rules.

Several of the following procedures are handled at the UN by the General Committee, which consists of the President of the GA, its 21 Vice-Presidents, and the 6 chairs of the Main Committees. The General Committee is charged with preparing and scheduling the agenda and overseeing the work of the UN throughout the session (GA rules 40-42).

P-1: Appointment of Officers

The UN has an election process that selects the General Committee members (see above) in a manner that ensures geographical balance (GA rule 31). MUNFW chairs need to be selected by the host school(s) prior to the conference to facilitate chair training and preparation of the Issues Book, functions performed by the General Committee and Secretariat at the UN.

P-10: Reordering Agenda Items

This rule allows MUNFW main committees to do what the representatives of the Main Committees do in the UN through the General Committee.

P-12: Discussion of Committee Reports P-36:  
Order of Plenary Business

P-37: Selection of Speakers to Plenary Session

The functions provided for in these rules would typically be performed by the General Committee in the UN. The GA, after hearing the report of the rapporteur, rarely discusses committee reports, although it may if one-third of the Member States so request (GA rule 66). Resolutions are voted on individually or collectively, consistent with P-12's options 2 or 3. Thus, these MUNFW rules provide a mechanism for carrying out the functions of the General Committee; the actual consideration of committee reports at MUNFW is consistent with UN practice.

P-34: Rights of Observer Nations

P-38: Invitation to Participate

P-39: Participation by Non-ECOSOC Members

In the UN the organizations referred to in these rules (non-member states such as The Holy See, regional organizations such as the EU or Islamic League, the ICRC, or, in ECOSOC, numerous non-governmental organizations) are granted participation rights on an on-going basis and do not need the special invitation provided for in these rules. Similarly, UN Member States which are not elected to specific bodies (i.e., ECOSOC or the Executive Boards of UNDP or UNHCR) may still attend those meetings and function in the manner indicated by these MUNFW rules. The MUNFW rules remind us that these nations or organizations can participate, but also enable us to control the number of participants when we may have limited space available in meeting rooms.

P-28: Postponement of Debate

The General Committee schedules debate in such a way that there is usually sufficient time between general debate and consideration of resolutions to make sure all appropriate documents and resolutions are available to Member States. In fact, resolutions must be tabled 48 hours before they are considered in committee to allow for translation and printing. Thus, there is usually no need for a postponement, and there is no need for a rule. However, Annex V to GA rules states in paragraph 65 that "when a Main Committee cannot proceed with its discussion of one item, it should be prepared to begin considering the next item on its agenda." This does happen occasionally, especially now with the current budget cuts which have led to delays in preparing materials. When it does need to postpone, the chair simply informs the committee of a change in schedule. MUNFW needs some mechanism (P-28) to allow for DPI to prepare resolutions at the conference in keeping with the need to distribute written copies prior to substantive debate (P-11).

That May Be Deviations (P-23, 24, and 25): These MUNFW rules have usually been the major source of concern when comparing ourselves to UN practice. Some aspects of these rules are, in fact, very similar to UN practice; other portions do deviate.

#### P-23: Speeches and Comments

The portion of this rule that deals with who may address the body and how comes from GA rules 68 and 72 (109 and 114); the wording is almost identical. The UN rules do not speak of yielding time, probably because UN debate is seldom cut off and time limits are sufficient for most speeches. The significant difference then is that the MUNFW rule allows for comments on speeches by member states; comments on speeches do not occur at the UN except following presentations of reports by Agency representatives or panel presentations. This will be discussed below along with the portion of P-25 that allows for Inquiries of other delegates.

#### P-24: Right of Reply

The UN does have the right of reply; it is granted automatically and is not subject to the chair's decision. GA rule 73 (115) notes that it may be given even if the speaker's list has been closed; Annexes V (para. 77-78) and VI (para. 8-10) note that delegations should use restraint in using the right of reply, that there should only be two interventions (the first limited to 10 minutes, the second to 5), and that they should be made at the end of the meeting or day (if two meetings were held) when the item was being considered. The member who is being replied to also can reply under the same limitations noted above.

Rights of reply are seldom, if ever, the result of "an extraordinary comment bearing...;" rather, they result whenever one member state refers to a contentious issue over which there is significant disagreement on interpretations of fact. The comment by the first member seems to trigger an automatic response by the second. For instance, whenever Pakistan or India refers to Kashmir, the other exercises the right of reply; Greece and the former Yugoslav Republic of Macedonia argue over the legal name of the country.

MUNFW's approach to right of reply differs from the UN's in three respects. First, it is not automatic; second it reflects concerns about personal attacks that, at least now, simply do not occur in the UN, and third, it is granted as soon as possible after the "offending" remark has been made. The use of this rule probably reflects a more contentious period in MUN's history when issues such as colonialism or apartheid led to heated debates in various committees; it served as a means of checking inappropriate comments. While it might make sense to grant the right of reply in all cases (the UN has used it judiciously), this would also present the danger of having delegations use the right of reply to gain more speaking time after the speaker's list has been closed. For this reason it is probably wise to allow the chair to limit rights of reply to specific instances where it is warranted. Ideally it would not be used at all.

#### P-5: Points of Parliamentary Procedure

The MUNFW rule appears to be broader in scope and is divided into more specific subsections than the UN rule: 71 (113). Those subsections are "point of order," "point of information," "point of personal privilege," "point of inquiry," the appeal process, and dilatory motions.

- (a) on point of order the substance of the UN rule is the same as MUNFW's;
- (b) while points of information and points of personal privilege are not mentioned in rule 71 (113), they are referred to in an explanatory statement regarding "point of order" that appears in Annex V, paragraph 79b: "[Points of order] are also distinct from requests for information or clarification, or remarks relating to material arrangements (seating, interpretation system, temperature of the room), documents, translations etc.,...However, in established United Nations practice, a representative intending to submit a procedural motion or to seek information or clarification often rises to 'a point of order' as a means of obtaining the floor. The latter usage, which is based on practical grounds, should not be confused with the raising of points of order under rule 71 (113)".
- (c) appeals of the chair's rulings may be made and must be voted on immediately under both sets of rules, but the UN requires only a majority vote to overrule the chair's decision, while MUN requires a two-thirds vote;

- (d) UN rules do not mention the term dilatory, but assuming that the chair can rule on points of order, it must be assumed that they can declare motions out of order, in effect declaring them dilatory. The term would be avoided so as not to embarrass a delegate.

Thus, for the most part, rule P-25 is consistent with United Nations practice. The major area of departure involves "point of inquiry" as discussed in P-25. Such an inquiry is not discussed or described in UN rules and, on the surface, marks a departure from standard UN practice. The same point holds for the section of P-23 that allows comments on speeches.

However, at certain times comments and inquiries are in fact part of the debate in various UN bodies. This usually occurs when statements are given by representatives of various UN bodies which report to ECOSOC or the General Assembly. In such cases, where the presenter (e.g., the UN High Commissioner for Refugees or the Executive Director of UNICEF) will not otherwise be available for discussions, the chair usually affords member states the opportunity to make comments or ask questions after the report. The individual who made the statement will then respond to the questions, usually after hearing three or more from those members who have spoken. At these times rules P-23 and "point of inquiry" under P-25 are reasonably close to what is going on in the UN discussions.

On the other hand, comments and inquiries do not occur during general debate at all and, in fact, inquiries are regarded as an insult, implying that the speaker's remarks were not clear to other delegates.

The primary reasons for allowing speeches and points of inquiries in MUNFW, as we understand them, are to allow for more open debate and to give delegates a chance to express their own views or ascertain the views of others in a brief amount of time. This may be appropriate during substantive debate; since the MUNFW conference lasts only four days, delegates do not have the luxury of getting to know other representatives and their position over a four-month session as can be done in New York. For this reason it is probably useful to maintain this deviation from standard UN practice.

However, we would strongly recommend that the practice of allowing comments and points of inquiry during general debate be stopped. The UN itself has commented in various explanatory documents that it is important to promote the efficient presentation of general debate speeches given the extensive number of agenda items that must be considered by the various bodies of the United Nations. In actual practice when general debate takes place in Main Committees (and delegates speak from their seats -- all seats have microphones), the interval from the end of one general debate speech to the beginning of the next (including the introduction of the next speaker) averages less than fifteen seconds.

It is our belief that parliamentary efforts in MUN to restrict the number of general debate speeches by closing debate before exhaustion of the speakers list "in the interest of time" are inappropriate (1) because, if successful, they deny some delegates the right to speak (something the UN would not do), and (2) frequently more time is spent debating whether to close the speakers list than would be used to complete all general debate speeches if they were given in an orderly fashion.