



General Assembly

Distr.: General
15 June 2010
English
Original: French

**United Nations Commission
on International Trade Law**
Forty-third session
New York, 21 June-9 July 2010

UNCITRAL rules of procedure and methods of work

Comments received from Member States and interested international organizations

Note by the Secretariat*

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-4	2
II. Comments received from Member States		2
Burundi		2

* This document transmits comments by a Member State. It was submitted less than ten weeks before the opening of the session, upon receipt of the comments.



I. Introduction

1. At its fortieth (Vienna, 25 June-12 July and 10-14 December 2007) and forty-first sessions (New York, 16 June-3 July 2008), the Commission considered the issue of its working methods on the basis of the following documents: observations by the Government of France on the working methods of the Commission (A/CN.9/635); observations by the United States on the same topic (A/CN.9/639); notes by the Secretariat on the rules of procedure and working methods of UNCITRAL (A/CN.9/638 and Add.1-6 and A/CN.9/653); and notes by the Secretariat transmitting the comments received from States on document A/CN.9/653 prior to the Commission's forty-first session (A/CN.9/660 and Add.1-5).¹ These and the other documents cited below are available on the UNCITRAL website (www.uncitral.org).

2. At its forty-first session, the Commission requested the Secretariat to prepare, on the basis of the note by the Secretariat (A/CN.9/653), a first draft of a reference document addressing decision-taking, the status of observers in UNCITRAL and the preparatory work by the Secretariat, for use by chairpersons, delegates and observers and by the Secretariat itself. The Secretariat was requested to circulate the draft reference document for comment by States and interested international organizations and to prepare a compilation of those comments for consideration by the Commission at its forty-second session.²

3. At its forty-second session (Vienna, 29 June-17 July 2009), the Commission had before it a note by the Secretariat containing the first draft of the reference document (A/CN.9/676). The Commission also had before it comments on its working methods, as received by the Secretariat (A/CN.9/676/Add.1-9), and a proposal by France (A/CN.9/680) to modify the reference document (A/CN.9/676).³

4. This document reproduces the comments of Burundi on document A/CN.9/676, as received by the Secretariat after the close of the forty-second session of the Commission.

II. Comments received from Member States

Burundi

[Original: French]

In general, the draft guidelines for the preparation and conduct of UNCITRAL meetings are good.

Decisions are generally taken by consensus. If a consensus is not reached, the decision goes to the vote. In such cases, the rules of procedure provide for a

¹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17* (A/62/17), Part I, paras. 234-241, and Part II, paras. 101-107; *ibid.*, *Sixty-third Session, Supplement No. 17* (A/63/17), paras. 375-381.

² *Ibid.*, *Sixty-third Session, Supplement No. 17* (A/63/17), para. 381.

³ *Ibid.*, *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 379-397.

procedure that ensures the cohesion of the Commission members. The procedure is therefore satisfactory.

Paragraph 31: “As a general rule, representatives of the observer organizations should not be elected in their personal capacity as officers of the Commission or its subsidiary organs.” In view of the preceding part of the text referring to States or organizations with observer status, the words “observer organizations should not be elected” should be replaced with the words “observer organizations shall not be elected”.

Regarding the working methods of the UNCITRAL Secretariat, it is noted that the Secretariat has discretion in determining those methods. However, the organization of services should be communicated to the Member States.
