



# General Assembly

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## United Nations Commission on International Trade Law

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### UNCITRAL rules of procedure and methods of work

#### Comments received from Governments

Addendum\*

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\* This document was submitted less than ten weeks before the opening of the session because it contains comments received in response to a note verbale circulated by the Secretariat on 6 May 2008.



## II. Comments received from Governments

### A. Member States

#### Spain

[Original: Spanish]  
[3 June 2008]

1. In general, the practices followed in the operation of the Commission and working groups are accurately reflected throughout the document. In our opinion, those methods are efficient and fair, although some of their aspects – albeit very few – could be improved.
2. Spain endorses consensus as the method for adopting decisions without prejudice to States' right to request a vote. In particular, it agrees with the understanding of consensus as set out in paragraph 17.
3. It is also of the view that any consensus previously reached should be maintained over the course of the negotiating period unless it is subsequently replaced by a new and emerging consensus.
4. Repeated voting hampers discussion, distorts the use of time – a vote entails a protracted period – and can give rise to contradictions in extensive documents. Spain thus agrees with the arguments contained in paragraph 18.
5. It does not appear necessary to adopt other decision-making methods such as those indicated in paragraphs 19 ff.
6. The formulating agencies referred to in paragraph 32 should be permanent observers in UNCITRAL. The Secretariat should be afforded maximum flexibility in designating other permanent observers and ad hoc observers.
7. Observer States should continue to be taken into account by presiding officers in consensus-building. Flexibility in the arrangements for their participation and involvement should also be maintained.
8. Intersessional coordination between members and observers is very useful and expedites debate. The use of telecommunications and electronics facilitates such coordination and should be established as standard practice. It should not be hindered by the fact that not all the official languages are used in such informal coordination.