



# General Assembly

Distr.: General  
20 June 2008  
English  
Original: French

[Start]

## United Nations Commission on International Trade Law

### Forty-first session

New York, 16 June-3 July 2008

## UNCITRAL rules of procedure and methods of work

### Comments received from Member States

### Note by the Secretariat\*

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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**

### **B. Observer States**

#### **Belgium**

[Original: French]

[17 June 2008]

Belgium wishes to communicate its concerns relating to unregulated access of observers to working groups. Within the observer group, there is a need to distinguish between States and non-governmental organizations. The Belgian delegation's comments relate essentially to non-governmental organizations.

With regard to participation arrangements for observers, Belgium considers that it is necessary to distinguish, as is done by the Secretariat, between States members of the Commission and observers. That distinction has become somewhat blurred in recent years.

Concerning non-governmental organizations, Belgium is of the view that their presence in working groups can be beneficial, given that such organizations have acquired undeniable expertise in trade law.

In that connection, Belgium reiterates that it is in favour of active and close cooperation with non-governmental organizations but that such cooperation should come within a strict framework. In other words, it will be necessary to define clear and precise criteria under which non-governmental organizations can be accredited, the privileges that arise from this and the procedure to be put in place.

Belgium believes that the right to participate in decision-making should in no circumstances be granted to non-governmental organizations. The same applies to the election of representatives as officers of the Commission's subsidiary organs.

Steps should also be taken to establish clearly the role of non-governmental organizations. It is essential that they can be consulted and that they have the opportunity to circulate their documents. On this point, Belgium is not in favour of the official circulation of documents in the Commission and its subsidiary organs by non-governmental organizations as Secretariat documents. Observers should be able, if they so wish, to circulate their documents in their own name – the Secretariat nevertheless ensuring that the circulation of such documents is carried out – and to participate in the deliberations, taking the floor after the member States have spoken.

*Translator's note:* Re.: Job V.08-54597

Presumably the phrase “Commentaires reçus d’Etats membres” on the cover page, i.e. “Comments received from Member States”, should read “Comments received from Governments”.