



SUMMARY RECORD OF THE 35th MEETING

Chairman: Mr. FRANCIS (Jamaica)

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ON THE WORK OF ITS NINETEENTH SESSION (continued)

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The meeting was called to order at 6 p.m.

AGENDA ITEM 127: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE
LAW ON THE WORK OF ITS NINETEENTH SESSION (continued)

Draft resolution A/C.6/41/L.3

1. Mr. AGSTNER (Austria), introducing draft resolution A/C.6/41/L.3, noted that the original sponsors had been joined by Chile, France, Kenya, the Libyan Arab Jamahiriya, the Philippines, Spain and the Sudan.
2. He reviewed a number of points in the draft resolution and proposed that in paragraph 3 (a), the words "with appreciation of the concern of the Commission" should be replaced by "of the need". The sponsors hoped that the text would be adopted by consensus.
3. Mr. BERNAL (Mexico) said his delegation agreed that draft resolution A/C.6/41/L.3 should be adopted without a vote, but regretted that its views on paragraph 2 had not been taken into consideration. The phrase "having reached decisions by consensus" could only mean "having reached decisions without a vote", for the Commission had not reached decisions outside the framework of the provisions of the United Nations Charter and the rules of procedure of the General Assembly.
4. The CHAIRMAN expressed the hope that the draft resolution could be adopted by consensus.
5. Mr. BERNAL (Mexico) asked what rule of procedure provided for adoption by consensus.
6. Mr. AL-QAYSI (Iraq) said that his delegation wished to avoid a procedural debate. The Sixth Committee and the General Assembly had adopted numerous resolutions, some by consensus, some without a vote and some by a vote. The rules of procedure did not preclude adoption by consensus; otherwise, a number of documents adopted by consensus would be null and void. The draft resolution before the Committee should be adopted by consensus, and the Mexican delegation's position should be reflected in the record.
7. Draft resolution A/C.6/41/L.3, as orally revised, was adopted by consensus.
8. Ms. FORTON (Canada), explaining her delegation's position, said that paragraph 3 (c) of the draft resolution did not reflect sufficient support for UNCITRAL or recognize the wisdom of the decision taken by it at its nineteenth session. The Commission had decided by consensus that the draft Convention on International Bills of Exchange and International Promissory Notes should be considered and finalized by it at its twentieth session. The expectation had been that the Commission would then recommend adoption of the draft Convention by the General Assembly without a review of the substance of the text. Paragraph 3 (c) of the draft resolution detracted from that decision by the Commission.

The meeting rose at 6.20 p.m.