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REGIONAL INTERNATIONAL ARBITRATION CONFERENCE

DAWN OF INTERNATIONAL ARBITRATION IN THE SOUTH PACIFIC

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Westin Denarau Island, Nadi, Fiji

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UNCITRAL E-COMMERCE LAW 2.0 for the implementation of fta's and trade facilitation measures

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UNCITRAL Regional Head for Asia and the Pacific



**United Nations
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Electronic Communications in International Contracts for the Sale of Goods

- * Different jurisdictions: conflict of laws; customs; logistics
- * Not all jurisdictions give legal effect to electronic communications in international contracts
- * Offer and acceptance different in each jurisdiction
- * 2 main different types of commercial disputes
 - * Breach by buyer: e.g. payment of price
 - * Breach by the Seller: e.g. non-conformity

Solution: Legal Interoperability

UNCITRAL E-Commerce Law 2.0

Conventions

- * 2005 UN Convention on the Use of Electronic Communications in International Contracts (e-CC)
 - * 13 Signatories (China, Philippines, Rep. Korea, Iran); 9 Parties (Fiji, Singapore, Sri Lanka, Russia); Influence 25 jurisdictions
- * 1980 UN Convention on Contracts for the International Sale of Goods (CISG)
 - * 89 State parties (14 from Asia Pacific, including Australia, China, Japan, New Zealand, Republic of Korea, Singapore, Viet Nam, Fiji)

Model Laws

- * 2017 UNCITRAL Model Law on Electronic Transferable Records (MLETR)
- * 2006 UNCITRAL Model Law on International Commercial Arbitration
- * 2001 UNCITRAL Model Law on Electronic Signatures
- * 1996 UNCITRAL Model Law on Electronic Commerce
 - * 71 States in a total of 150 jurisdictions
- * UNCITRAL Arbitration Rules

Explanatory texts

- * 2016 Technical Notes on Online Dispute Resolution

Principles & Roadmap

- * UNCITRAL E-Commerce principles for legal interoperability
 - * technology neutrality
 - * functional equivalence
 - * non-discrimination
- * Roadmap for E-Commerce Law 2.0:
 1. include reference in Trade Agreements (e-CC + CISG)
 2. electronic transactions: two-tier approach (e-CC + MLEC)
 3. electronic signatures: article 9(3) e-CC
 4. paperless trade facilitation: integration of financing and logistics in a single electronic supply chain, through MLETR

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