

**Third South Pacific International Arbitration Conference:
De-Risking Investment in the South Pacific Region through a World Class
International Arbitration Disputes Regime
Sydney Opera House and via Zoom, 17 March 2021**

**Opening Remarks of Athita Komindr
Head, Regional Centre for Asia and the Pacific (RCAP), United Nations Commission
on International Trade Law (UNCITRAL)**

Excellencies, ADB, and ICC colleagues, distinguished speakers, and friends of UNCITRAL, greetings from the UNCITRAL Regional Centre for Asia and the Pacific in Incheon, Republic of Korea.

It is an honor to join you this morning to celebrate the ADB's successful technical assistance program for the reform of laws on international commercial arbitration in the South Pacific. UNCITRAL is honored to have been a partner in this journey since its 2017 launching. When I myself joined UNCITRAL RCAP in 2019, the Second South Pacific International Arbitration Conference was my very first mission after landing in Incheon for only a week, which highlights the importance that UNCITRAL gives to commercial law reforms and legal harmonization to further facilitate trade and de-risk investment in this beautiful region.

Since then, the UNCITRAL and ADB collaboration has proven extremely successful in the Asia Pacific region. Cumulatively, our technical assistance activities and legislative reviews have led to 4 new regional ratifications of New York Convention, 3 of which are in the South Pacific: Papua New Guinea, Palau, and Tonga, and 40 Asia Pacific jurisdictions adopting the Model Law on International Commercial Arbitration, an increase of about 33% since 2015.

The strong regional interest in enforcing contractual obligations via a predictable and neutral dispute settlement regime has also led to the successful launching of the Singapore Convention on Mediation with over half of the 53 signatories and 4 of the 6 State Parties hailing from the Asia Pacific and the South Pacific.

The South Pacific's achievements in this regard contribute to the 2030 Agenda for Sustainable Development, and in particular, Sustainable Development Goal 16: enhancing access to justice and contributing to the development of a mature, rule-based global commercial system.

But we should and will continue to aim higher. While three South Pacific States have joined the New York Convention since 2017, UNCITRAL stands ready to assist those who have not yet joined—whether through awareness-raising webinars, government and judicial briefings, or legislative reviews. With near universal participation by 167 States, the latest being Malawi, the New York Convention of which UNCITRAL is the gatekeeper provides common legislative standards for the recognition of arbitration agreements and court recognition and enforcement of foreign and non-domestic arbitral awards, subject to only specific limited exceptions, and thus facilitate the resolution of disputes in all corners.

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The same holds for the UNCITRAL Model Law on International Commercial Arbitration. First adopted by the United Nations General Assembly in 1985 and most recently amended in 2006, the Model Law is a free-standing arbitration statute that establishes a unified, fair, and efficient legal framework reflecting worldwide consensus on the principles and important issues of international arbitration practice, while providing flexibility for enacting jurisdictions. It covers all stages of the arbitral process and conforms to current practice in international trade and modern means of contracting with regard to the form of arbitration agreement, and the granting of interim measures. As of March 2021, legislation based on the Model Law has been adopted in 85 States in a total of 118 jurisdictions. Enacting South Pacific and Asia Pacific States include Australia, Fiji, New Zealand, China, India, Japan, Republic of Korea, Singapore, and many others.

For more details, you may be interested in perusing UNCITRAL's Digest on the Model Law available via the web link shown here.¹ The Digest was launched in 2012 and is usefully organized according to the Model Law chapters and articles. It provides a summary of case law for each article, highlighting common views and reporting any divergent approach, and includes 725 cases from 37 states all over the world. The Secretariat is also working on a new version of the digest so please check back on our website.

We also publish more recent cases on the Model Law in the UNCITRAL CLOUT digital case law database, also accessible on the UNCITRAL website in all six of the United Nations languages.

For our South Pacific participants who are interested in learning more about UNCITRAL dispute resolution instruments, I invite you to join our upcoming virtual events throughout the region starting from an ADR webinar with Bangladesh next month to our flagship technical assistance and capacity-building activities with the Korean Ministry of Justice and Hong Kong SAR Department of Justice from September onwards. Many of you have participated in the UNCITRAL ADR Special Session held in Seoul, either in person or online. And we invite you all to attend this year's editions as well.

For our academic colleagues in the South Pacific, UNCITRAL RCAP invites you to co-host an event under the UNCITRAL Asia Pacific Day flagship academic series. This is an annual event aimed towards students and young professionals that RCAP co-hosts with institutions of higher learning in the last quarter of every year on a wide range of UNCITRAL thematic issues, such as arbitration, mediation, sale of goods, ecommerce, and many others, with the format ranging from in-class lectures to multi-day regional academic conferences.

Finally, UNCITRAL RCAP invites those of you interested in learning more about UNCITRAL or co-hosting an activity with UNCITRAL RCAP to reach out to us anytime via email noted there (uncitral.rcap@un.org) and to subscribe to our mailing list via the QR code shown there.

Thank you again to the ADB for giving me the honor of delivering these co-opening remarks on behalf of UNCITRAL. I wish the conference every success. Thank you very much!

¹ United Nations. UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006. https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_arbitration.