UNCITRAL E-Commerce Law 2.0:
Paving the way to our digital future in Asia and the Pacific

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UNITED NATIONS
Commission on International Trade Law: brief overview

- Legal body of the UN
  - 60 Member States

- Modernizing and Harmonizing international trade law

- Model Laws Conventions
  - Contractual rules
  - Technical assistance to Law Reform

- Commission
  - Working Groups
    - Working Group IV (Electronic Commerce)

- Secretariat

- UNCITRAL Regional Centre for Asia and The Pacific
  - 50 technical assistance and capacity building activities in 21 States

- 26 ML E-Commerce jurisdictions
  - (a 24% increase, in less than 5 years)

- 2 new ratifications of the UN Electronic Communications Convention
Case
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
- Commercial Disputes
  - Breach by buyer: e.g. payment of price
  - Breach by the Seller: e.g. non-conformity
Solutions

Conventions
- UN Convention on the Use of Electronic Communications in International Contracts (New York, 2005)
  - 18 Signatories (China, Philippines, Rep. Korea, Iran); 8 Parties (Fiji, Singapore, Sri Lanka, Russia); Influence 25 jurisdictions
  - 88 State parties (14 from Asia Pacific, including China, Japan, Republic of Korea, Singapore, Viet Nam)

Model Laws
  - 70 States in a total of 149 jurisdictions
- UNCITRAL Model Law on Electronic Signatures (2001)

Explanatory texts
- Technical Notes on Online Dispute Resolution (2016)
**Advantages for States**
- Diversification of trade markets
- Resilience to financial crisis and commodities prices
- Promotion of rule-based commerce
- Support Regional Economic Integration
- Enhancing contractual and economic efficiency
- International reputation

**Advantages for Businesses**
- Efficient contract management
- Cost reduction
- Business trust
- Value for money
- Levelled playing field
- Redistribution of wealth
- Effective and affordable dispute settlement
- Lower risk of disputes.
UNCITRAL E-Commerce principles for legal interoperability
- technology neutrality
- functional equivalence
- non-discrimination

Roadmap:
1) include reference in Trade Agreements
2) electronic transactions: two-tier approach
4) electronic signatures: article 9(3) e-CC
4) paperless trade facilitation: integration of financing and logistics in a single electronic supply chain, through MLETR
Achieving the Sustainable Development Goals

- **Target 5.c**, Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels
- **Target 9.3**, Increase access of small-scale industrial and other enterprises, in particular in developing countries, to financial services, including affordable credit, and their integration into value chains and markets
- **Target 16.5**, Substantially reduce corruption and bribery in all their forms
- **Target 16.9**, Provide legal identity for all by 2030
- **Target 17.5**, Adopt and implement investment promotion regimes for least developed countries
Thank you!

For more information, please visit our websites
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