



General Assembly

Distr.: General
3 May 2019

Original: English

**United Nations Commission on
International Trade Law**
Fifty-second session
Vienna, 8–19 July 2019

UNCITRAL regional presence

Note by the Secretariat

Activities of the UNCITRAL Regional Centre for Asia and the Pacific

1. Since the Commission's fifty-first session, the Regional Centre for Asia and the Pacific has carried out its activities in accordance with the priority lines of action identified in the UNCITRAL Secretariat's strategic framework for technical assistance ([A/66/17](#), para. 255 and [A/CN.9/724](#), paras. 10–48), as well as with the specific mandate identified for the Regional Centre, which are to (a) support public, private and civil society initiatives to enhance international trade and development by promoting certainty in international commercial transactions through the dissemination of international trade norms and standards, in particular those elaborated by UNCITRAL; (b) provide capacity-building and technical assistance services to States in the region, including to international and regional organizations, and development banks; (c) build and participate in regionally-based international trade law partnerships and alliances, including with other appropriate United Nations funds, programmes and specialized agencies; (d) strengthen information, knowledge and statistics through briefings, workshops, seminars, publications, social media, and information and communication technologies, including in regional languages; and (e) function as a channel of communication between States and UNCITRAL for non-legislative activities of the Commission.



Promotion of the universal adoption of UNCITRAL instruments

Relevance to Sustainable Development Goals 1, 4, 5, 8, 9, 10, 16, and 17

2. The Regional Centre has continued to deliver its flagship activities during the reporting period with the objective of raising awareness and promoting effective understanding, adoption and use of UNCITRAL texts and establishing regular opportunities for substantive regional contributions to support the present and possible future legislative work of UNCITRAL:

UNCITRAL Trade Law Forum

(a) The UNCITRAL Trade Law Forum (Incheon, Republic of Korea, 10–12 September 2018) (fourth edition), jointly hosted with the Ministry of Justice of the Republic of Korea, the Korea Legislation Research Institute (“KLRI”), the Korean Commercial Arbitration Board (“KCAB”) and Incheon Metropolitan City, covered UNCITRAL topics comprehensively, focusing on recent trends in international commercial norm-making in the area of e-commerce, MSMEs, secured transactions and insolvency. It consisted of three workshops with a total of 241 participants, including 25 moderators and speakers, from 59 jurisdictions;

(b) The first Intersessional Regional Meeting on ISDS Reform was also held under the auspices of the Trade Law Forum. It consisted of a one-day Conference providing regional perspectives on ISDS reform followed by a half-day of round table discussions. Conference objectives were to raise awareness in the Asia-Pacific region of the current work of the Working Group, and to provide an opportunity to reflect on the ISDS experience in the Asia-Pacific region, further contributing to the discussions at the Working Group. The round table was to provide a forum for government representatives from the Asia-Pacific region to provide input to the current discussion at the Working Group. The Inter-sessional Regional Meeting was attended by a total of 191 participants, including government officials from 34 States and representatives from the European Commission, the International Centre for Settlement of Investment Disputes (ICSID) and the Permanent Court of Arbitration (PCA) as well as a number of non-governmental organizations;

Asia Pacific ADR Conference

(c) The Asia Pacific ADR Conference (Seoul, 5–6 November 2018) (seventh edition), an annual regional conference, co-hosted with the Ministry of Justice of the Republic of Korea, the Korean Commercial Arbitration Board (“KCAB”), the Seoul International Dispute Resolution Centre and the International Chamber of Commerce (“ICC”) International Court of Arbitration. The Conference is designed to provide a regional platform for global legislative discussions, and to promote UNCITRAL standards on dispute settlement, aimed at officials, experts, practitioners, researchers, scholars, and representatives from arbitration centres. The 2018 conference brought together over 250 speakers and participants from 40 jurisdictions. Under the theme of “Innovating the Future of Dispute Resolution”, the conference looked into the challenges faced by arbitral institutions and its users, reviewed the expedited procedures in arbitration and the Seoul Protocol on Video Conferencing, and also examined the potential reforms in ISDS, as well as provided an avenue for in-depth discussion of mediation frameworks. The conference also featured a side event on National Updates on the Arbitration Law Reform and the Impact of UNCITRAL Texts on its Reform, in which delegates from Cambodia, Fiji, Republic of Korea, Lao People’s Democratic Republic, Mongolia, Myanmar and Papua New Guinea participated;

Asia Pacific Day

(d) The UNCITRAL Asia Pacific Day, held during the last quarter of 2018 (fifth edition), aimed at promoting awareness, encouraging the study, discussion and implementation of the UNCITRAL texts and celebrating the establishment of UNCITRAL. Every year, universities from across the region are invited to join the celebrations by proposing a special programme that can range from special lectures and seminars, to public conferences. In 2018, the suggested theme was “International commercial law in the digital age” and seven universities from six jurisdictions joined the celebrations, namely the National Law University Delhi, University of Western Australia, Beijing Normal University, University of the Philippines, Gujarat National Law University, University of Hong Kong and the Nagoya University.

3. In addition to the above events, the Regional Centre has organized, participated in or supported events and initiatives held to raise awareness and promote effective understanding, adoption and use of UNCITRAL texts through the dissemination of international trade norms and standards, in particular those elaborated by UNCITRAL:

(a) On UNCITRAL’s mandate generally or with cross-topics focus, the Regional Centre co-organized two conferences based on an academic call for papers with the Asian Business Law Institute in Singapore (Emergence Conference, 28 July 2018) and the University of Macau in Macau (UNCITRAL-UM Joint Conference, 1 December 2018);

(b) In the area of dispute settlement, numerous activities have been held on different aspects of UNCITRAL’s work and relevant international trends, the highlights of which are the series of events co-organized by the Regional Centre and regional partners to celebrate the 60th anniversary of the New York Convention and introduce the new United Nations Convention on International Settlements Agreements Resulting from Mediation, or the Singapore Convention on Mediation, as follows:

(i) Provided institutional support to the celebratory conference for the occasion of the third anniversary of the Center for International Investment and Commercial Arbitration (Lahore, Pakistan, 5 May 2018);

(ii) Presented at the 2018 Investment Arbitration & Trans-Pacific Transactions Conference organized by the American Bar Association on the comparison between UNCITRAL and ICSID arbitration rules in panel of choice of law for parties (Singapore, 10–11 May 2018);

(iii) Delivered keynote speech and presented on the New York Convention Guide at the UNCITRAL-SCIA China ADR Day and the 8th South China In-house Counsel Forum co-organized by the Shenzhen Court of International Arbitration (SCIA) with the support of the Government of the People’s Republic of China and the Department of Justice of Hong Kong SAR (Shenzhen, China, 15 May 2018);

(iv) Presented at the Mediation Conference 2018 organized by the Department of Justice of Hong Kong SAR (Hong Kong, China, 18 May 2018);

(v) Delivered keynote speech and presented on the challenges and opportunities for a harmonized regime for the enforcement of mediation settlement agreements at the 1st International ADR Conference co-organized with the Thailand Arbitration Center (Bangkok, 17–18 May 2018);

(vi) Presented on the New York Convention Guide at the 4th ICC Asia Conference (Hong Kong, China, 27 June 2018);

(vii) Presented at the Forum on the Belt and Road Legal Cooperation hosted by Ministry of Foreign Affairs of China and China Law Society (Beijing, 2–3 July 2018);

(viii) Provided institutional support to the AALCO Annual Arbitration Forum co-organized by the Asian-African Legal Consultative Organisation and the Asian International Arbitration Centre (Kuala Lumpur, 21–22 July 2018);

(ix) Presented at the China Arbitration Summit 2018, co-hosted with the Supreme People’s Court of China, China Council for the Promotion of International Trade and CIETAC (Beijing, 17 September 2018);

(x) Presented at the Hong Kong Forum: 60th Anniversary of New York Convention, co-organized with the Department of Justice, HKSAR (Hong Kong, China, 20 September 2018);

(xi) Provided institutional support to the 6th International Arbitration Conference organized by the Law Council of Australia (Melbourne, Australia, 17 October 2018);

(xii) Delivered keynote address at the IPBA-THAC Arbitration Day co-organized by the Thailand Arbitration Center and the Inter-Pacific Bar Association (Bangkok, 6 November 2018);

(xiii) Delivered keynote address by pre-recorded video message at the 2nd Asia Pacific Mediation Conference, co-hosted by the KCAB International and the Korean Society of Mediation Studies (Seoul, 7 November 2018);

(xiv) Presented on online dispute resolution at the JPRI International Conference 2018, co-organized by the Judicial Policy Research Institute (“JPRI”) and the United Nations Office on Drugs and Crime and supported by the UNCITRAL (Seoul, 4–5 December 2018);

(xv) Delivered opening remarks at the second South Pacific International Arbitration Conference (Port Moresby, Papua New Guinea, 25–26 March 2019);

(xvi) Presented on the Singapore Convention on Mediation at the International Dispute Resolution Conference 2019, co-organized with the Hong Kong Mediation Centre and International Dispute Resolution & Risk Management Institute in collaboration with the Department of Justice, HKSAR (Hong Kong, China, 17 April 2019). The conference was attended by 872 participants, almost half of whom were female;

(c) In the area of electronic commerce, the Regional Centre continued to promote the “UNCITRAL e-commerce law 2.0”, which includes the e-CC and the Model Law on Electronic Transferrable Records (“MLETR”), in events held in Bangkok, Beijing, Guangzhou and Tokyo:

(i) Presented at the Trade and Development Regional Forum 2018 on “Transformation towards Innovative Trade and Development Agenda for Regional Integration”, organized by the Thai International Institute for Trade and Development (Bangkok, 2–3 July 2018);

(ii) Presented at the seminar “Chinese New E-Commerce Law in Global Digital Economy” organized by the Beijing Normal University (Beijing, 11 December 2018);

(iii) Presented on ECC and MLETR at the E-commerce Summit organized by the Jinan University (Guangzhou, China, 10–13 December 2018);

(iv) Presented at the 3rd UNCITRAL-JAIBL Academic Symposium (Tokyo, 16 March 2019);

(d) In the area of procurement and public-private partnerships, the Regional Centre has continued to promote the Model Law on Public Procurement and introduced the draft of the newly revised Legislative Guide on Public-Private Partnerships to the region. Specialised events on these areas of work include:

(i) Presented at the 2018 International Public Procurement Workshop on Cross-Border Participation and E-Procurement, organized by the Public

Procurement Service of the Republic of Korea (Ilsan, Republic of Korea, 26 April 2018);

(ii) Presented at the Public-Private Partnerships Conference co-organized with the Department of Justice of Hong Kong SAR (Hong Kong, China, 16–17 January 2019);

(e) In the area of security interests, the Regional Centre promoted the UNCITRAL Model Law on Secured Transactions at the 2018 International Conference on Ease of Doing Business organized by the Ministry of Justice of the Republic of Korea (Seoul, 30 November 2018);

(f) In the area of sale of goods, the Regional Centre promoted awareness and understanding of the adoption, use, and uniform interpretation of the United Nations Convention on Contracts for the International Sale of Goods (“CISG”), by carrying out the following activities:

(i) Co-organized with U.S. International and ASEAN Integration Project (USAID LUNA II) a capacity-building workshop in Lao People's Democratic Republic for government officials, the national CISG drafting committee, the judiciary, and potential end-users of the CISG (Vientiane, 18–19 March 2019);

(ii) Co-organized with KCAB International and Korea International Trade Law Association a seminar for government officials, judges, and members of the public on the Democratic People's Republic of Korea's new accession to the CISG (Seoul, 13 May 2019).

4. The Regional Centre has supported attendance of government officials, legal officers and judges, from regional Least Developed Countries (“LDCs”), Landlocked Developing Countries (“LLDCs”) and Small Island Developing States (“SIDCs”), to UNCITRAL activities, including officials from Mali to the Trade Law Forum and government officials from Lao People's Democratic Republic, Papua New Guinea, Cambodia, Mongolia, Fiji and Myanmar to the Asia Pacific ADR Conference.

Technical assistance and capacity-building

Relevance to Sustainable Development Goals 1, 8, 9, 10, and 16

5. The Regional Centre has also been engaged in technical assistance and capacity-building services, provided to States in the Asia-Pacific region, including to international and regional organizations, and development banks. Some of these activities are coordinated with various institutions which are detailed in paragraph 6 below:

(a) In the area of dispute settlement:

(i) Reviewed and/or commented on existing and/or draft legislation on arbitration and/or mediation of Papua New Guinea;

(ii) Presented on the Singapore Convention on Mediation at the workshop on dispute settlement organized by the Ministry of Justice of the Republic of Korea in Lao People's Democratic Republic. The workshop was designed to enhance the capacity of Lao People's Democratic Republic in its implementation of its new Arbitration Act;

(b) In the area of electronic commerce:

(i) Participated and delivered at the CAREC Workshop on Environmental Readiness for E-commerce: Economic, legal and institutional factors. The workshop was attended by middle and senior-level officials from relevant ministries and agencies of 11 Central Asian countries and aimed to enhance the participants' understanding on challenges and perspectives of promoting e-commerce in the Central Asia region and best practices in the legal, policy and regulatory frameworks that are conducive to developing successful e-commerce environments in the region;

- (c) In the area of investor-State dispute settlement:
 - (i) Presented on the Arbitration Rules, the Transparency Rules, Mauritius Convention and the work of WG III on ISDS Reform at the workshops in Cambodia (Phnom Penh, 26 September 2018), Vietnam (Hanoi, 28 September 2018) and Myanmar (Yangon, 10–11 December 2018) organized by the Australian National University and sponsored by the Department of Foreign Affairs and Trade of Australia. The workshop was designed to build the capacity of government officials in their negotiation of international investment agreements.

Coordination and communication

Relevance to Sustainable Development Goals 1, 8, 9, 10, 16, and 17

6. Following its systematic coordination and cooperation efforts with institutions active in trade law reforms, the Regional Centre has, during the reporting period, continued participation in regionally-based international trade law partnerships and alliances, including with other appropriate United Nations funds, programmes and specialized agencies, in their efforts in providing technical assistance and capacity-building in the region, including:

(a) United Nations Economic and Social Commission for Asia and the Pacific (“UNESCAP”): the Regional Centre has pursued its technical engagement with UNESCAP in the context of the promotion and implementation of the Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific, namely in relation to the e-CC. The following activities were coordinated with UNESCAP:

- (i) Attended and delivered at the Meeting of the Extended UNNExT Advisory Group on Cross-border Paperless Trade Facilitation (Bangkok, 30 October–1 November 2018);
- (ii) Attended and delivered at the Sixth Meeting of Legal and Technical Working Groups on Cross-border Paperless Trade Facilitation (Bangkok, 11 March 2019);
- (iii) Fifth Meeting of the Interim Intergovernmental Steering Group on Cross-Border Paperless Trade Facilitation (12–13 March 2019);
- (iv) Forum on Trade Digitalization for Sustainable Regional Integration (14–15 March 2019);

(b) Asian Development Bank (“ADB”):

- (i) Participated and delivered at the CAREC Workshop on Environmental Readiness for E-commerce: Economic, legal and institutional factors (Shanghai, China, 6–7 December 2018);
- (ii) Delivered opening remarks at the second South Pacific International Arbitration Conference on the positive developmental impact of international arbitration reform and the benefits of joining the Singapore Convention on Mediation to the South Pacific. 170 participants including government officials, policy makers, development partners, judges, law practitioners and private sector representatives from 16 jurisdictions participated (Port Moresby, Papua New Guinea, 25–26 March 2019);

(c) Asia-Pacific Economic Cooperation (“APEC”):

- (i) Participated in the Indonesia national workshop on Economic Legal Infrastructure and Online Dispute Resolution, which was co-organized by the Indonesian Government and the Friends of the Chair Group on Strengthening Economic and Legal Infrastructure (“SELI”) Workshop (Bogor, Indonesia, 13 July 2018);

(ii) Participated at the SELI Workshop on “Developing a Collaborative Framework for Online Dispute Resolution” (Osaka, Japan, 8–9 November 2018);

(iii) Participated remotely in the workshop on legal reforms to facilitate the digitalization of trade and supply chain finance, organized by the Asia-Pacific Financial Forum (“APFF”) (Bangkok, 25 January 2019);

(d) The UNCITRAL National Coordination Committees are private sector initiatives aimed at disseminating international trade norms and coordinating national promotional activities. The Regional Centre has continued its support to the UNCITRAL National Coordination Committees for Australia (“UNCCA”), India, and the Global Private Law Forum of Japan, and continues to offer support to the establishment of similar initiatives in the region. During the reporting period, the Regional Centre held the Fifth Annual UNCITRAL Australia Seminar with the UNCCA on 10 May 2019 in Canberra which included a special UNCITRAL video address on recent developments. The seminar’s substantive programme focused on insolvency, MSMEs, and the judicial sale of ships.

7. The Regional Centre has also served as a channel of communication for non-legislative activities of the Commission with States in the region, setting up contact points within governments in the region and engaging in regular consultations with government officials.

New treaty action and enactment of model laws

Relevance to Sustainable Development Goals 1, 9, 10, and 16

8. During the reporting period, the Regional Centre has monitored the progress towards and assisted States in the adoption of the following UNCITRAL texts:

(a) Bahrain was the first nation to enact the UNCITRAL Model Law on Electronic Transferable Records (2017) on 29 November 2018;

(b) The Democratic People’s Republic of Korea acceded to the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) on 27 March 2019.

Outreach

Relevance to Sustainable Development Goals 4, 16, and 17

9. To expand the reach of its mandate, both with the hosting community and regional academia, the Regional Centre continued its national outreach and regional educational programmes to maintain regular dialogue with non-governmental organizations, local and national political stakeholders, other international organizations, academia, the media and the general public on various aspects of the Regional Centre’s work, to enhance cooperation and community support, and increase awareness of UNCITRAL activities:

(a) For the national outreach programme, the Regional Centre has opened its doors to various visitors, including representatives of the Incheon Municipal Council, local students and interns from the Ministry of Justice of the Republic of Korea. Various lectures have also been delivered to local students on UNCITRAL and its work, and attended various events coordinated with the UN offices in ROK;

(b) Academic engagement was fostered by delivering public lectures at Universities in the region such as Beijing Normal University, Dongguk University, Incheon National University, the University of Macau, National Law University Delhi, and the University of Western Australia.

Resources and Funding

10. The Regional Centre is staffed with one professional, one programme assistant, one team assistant and two legal experts. Its core project budget also allows for the occasional employment of experts and consultants. During this reporting period, 14 interns were hosted at the Regional Centre. Considering its scope of work, it is desirable that the Regional Centre be able to attract a wide range of applicants who are proficient in regional languages, including those originating from States that have not yet been or are rarely represented in the internship programme. It is therefore suggested that States and observer organizations bring the possibility of applying for an internship at UNCITRAL to the attention of interested persons who meet these specific requirements, and since internships are unpaid, may also consider granting scholarships for the purpose of attracting those most qualified for an internship at the Regional Centre.

11. The Regional Centre relies on the annual financial contribution from the Incheon Metropolitan City to the Trust Fund for UNCITRAL Symposia to meet the cost of operation and programme. It further relies on the contribution of two non-reimbursable loans of legal experts by the Ministry of Justice of the Republic of Korea and by the Government of the Hong Kong Special Administrative Region of China, both of which were extended.

12. According to article 13.3 of the Memorandum of Understanding signed on 18 November 2011, between the United Nations, and the Ministry of Justice and Incheon Metropolitan City of the Republic of Korea, regarding the operation and financial contribution to the UNCITRAL Regional Centre for Asia and the Pacific, the Incheon Metropolitan City extended its financial contribution over a 5-year period (2017–2021) for the operation of the Regional Centre, revising the annual contribution to USD \$450,000.

13. It is expected that interest in UNCITRAL texts in the region will grow with additional requests for technical assistance. Such increase will call for a corresponding increase in available resources. Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals are actively encouraged to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects and otherwise to assist the UNCITRAL Secretariat in carrying out technical cooperation and assistance activities. Additional contributions to the RCAP project from member States, or from interested private and public entities recommended by member States, are required to further respond to regional expectations.
