



# Promoting e-commerce and paperless trade in CAREC: the UNCITRAL contribution

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# UNCITRAL's mandate

- UNCITRAL is the core legal body of the United Nations system in the field of commercial law
- Active for more than 50 years
- Based on universal membership
- Mandate to promote modernization and harmonization of international trade law by drafting treaties, model laws and other legal documents
- UNCITRAL started working on legal aspects of electronic commerce already in the 1980s:
  - Electronic Data Interchange (EDI), cross-border electronic payments

## E-commerce law: global trends

- Free Trade Agreements contain chapters on e-commerce and paperless trade facilitation
  - CPTPP and RCEP
  - WTO plurilateral Joint Statement Initiative
- Dedicated treaties:
  - WTO Trade Facilitation Agreement
  - ESCAP Framework Agreement on Paperless Trade Facilitation
  - Digital Economy Agreement and Digital Economy Partnership Agreement
- Importance of factoring in these trends and developments regardless of level of involvement of CAREC members

# Status of e-commerce texts in CAREC

- Many laws have been adopted, but based on different models
- Those models often look at national rather than international needs
- For instance, with respect to e-signatures
  - UNCITRAL model
    - Technology-neutral, promotes interoperability based on international technical standards
  - a competing regional model
    - Based on Russian e-signature law of 2002 (now amended):
    - Not technology neutral, focuses on PKI-based digital signatures using national technical standards
- The level of implementation of the laws is uneven
- These factors hinder development of national and international e-commerce

# UNCITRAL texts on electronic commerce

- UNCITRAL Model Law on Electronic Commerce, 1996
  - Enacted in over 70 States, **most recent AFG**
- UNCITRAL Model Law on Electronic Signatures, 2001
  - Enacted in over 30 States (PRC, PAK)
- United Nations Convention on the Use of Electronic Communications in International Contracts, 2005:
  - 18 signatories, 14 States parties (AZE party, PRC signatory, **MON forthcoming**)
- UNCITRAL Model Law on Electronic Transferable Records, 2017
  - Enacted in 1 State
  - Particularly relevant for paperless trade facilitation (see Singapore's TradeTrust vision)
- The Model Laws provide a coherent domestic legislative framework;
  - they are complemented by the Convention at the international level

## Other referenced UNCITRAL treaties

- United Nations Convention on Contracts for the International Sale of Goods, 1980 (“CISG”)
  - Gives a uniform regime for sale of goods across borders
  - Applies also to contracts concluded electronically
  - 93 States parties (AZE, PRC, GEO, KGZ, MON, UZB – KAZ under consideration)
- Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958) (“New York Convention”)
  - Provides common legislative standards for the recognition of arbitration agreements and court recognition and enforcement of foreign and arbitral awards
  - 165 States parties (all but TKM, where it is under consideration)

# Thank you!

For more information, please  
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