



2018
UNCITRAL
Emergence
Conference

ASIAN PERSPECTIVES ON THE FUTURE OF THE HARMONISATION AND CONVERGENCE OF BUSINESS LAWS

25 JULY
2018

SUPREME COURT AUDITORIUM,
SINGAPORE

ORGANISERS:



SUPPORTING INSTITUTIONS:



PROGRAMME

08:30 REGISTRATION

09:00 WELCOME ADDRESSES

The Honourable the Chief Justice Sundaresh Menon
Supreme Court of Singapore and Chair of the Board,
Asian Business Law Institute

Mr Luca Castellani
Secretary, UNCITRAL Working Group IV
(Electronic Commerce), UNCITRAL Secretariat

09:30 KEYNOTE ADDRESS

Mr Ng How Yue
Permanent Secretary to the Ministry of Law

10:00 **SESSION 1: THE DIGITAL ECONOMY AND ITS IMPACT ON THE LAW**

Moderator:
Dr Clarisse Girot
ABLI Research Fellow and Data Privacy Project Lead

Speakers:
Consumer Data Privacy Protection in the Digital Economy Era: Towards ASEAN Convergence
Assistant Professor Sinta Dewi Rosadi, Faculty of Law, University of Padjadjaran, Indonesia

Digital or Trade? The Contrasting Approaches of China and US to Digital Trade
Associate Professor Henry Gao, Singapore Management University, Singapore and Dongfang Scholar Chair Professor, Shanghai Institute of Foreign Trade, PRC

Regulatory Approaches for Liability Issues in Autonomous Vehicles and other Internet of Things
Associate Professor Hannah Yee Fen Lim, Nanyang Business School, Nanyang Technological University, Singapore

Analysing UNCITRAL E-Commerce Texts in Enabling the Development of Automatic and Autonomous Contract Formation in ASEAN
Ms Irene Ng (Huang Ying), Fellow, Stanford-Vienna Transatlantic Technology Law Forum and PhD Candidate, University of Vienna, Austria

Does Fintech Require Innovation or Recrystallization of Traditional Legal Framework?

Associate Professor Akira Tokutsu, Tohoku University, Japan

11:15 COFFEE BREAK

11:30 **SESSION 2: ISSUES IN THE STANDARDISATION OF CONTRACT LAWS**

Moderator:
Ms Natalie Y. Morris-Sharma
Director, International Legal Division, Ministry of Law and Vice-Chair, UNCITRAL (Asia Group)

Speakers:
Panacea or Pandemonium: What is the Role of Harmonisation of Laws in Asian E-commerce and Supply Chains?
Mr Eugene Lim, Of Counsel, Providence Law Asia LLC, Singapore and Ms Jessie Chiu, Relationship Manager, Mizuho Bank Singapore

Can the Chinese Belt and Road Initiative Promote Visibility in Supply Chains? A Critical Legal Analysis of Selected ASEAN Member States
Assistant Professor Abhinayan Basu Bal, University of Gothenburg, Sweden

Impact of Closer Economic Integration and Increasing Cross-border Trade with Initiatives such as OBOR on Regional and Universal Harmonisation Processes
Dr Robert Walters, Victoria Law School, Victoria University, Australia and Adjunct Professor, European Faculty of Law, The New University, Slovenia

The Role of APEC in Facilitating Increases in Access to Commercial Justice for Regional MSMEs Engaged in Cross-Border Trade
Mr Mark Walter, Senior Principal Global Specialist for Trade and Investment, DAI, Inc., Singapore

Role of Arbitrators in the Transnational Commercial Contracts
Mr Mikihiro Ochi, Ph.D Candidate, Kobe University, Japan

12:45 LUNCH BREAK

13:45 **SESSION 3: DEVELOPMENTS IN FINANCE, BANKING AND INVESTMENT**

Moderator:

Professor Khory McCormick

Strategic Law, Griffith Law School, Griffith University, Australia and Rapporteur of UNCITRAL Working Group II

Speakers:

Model Law on Cross-Border Insolvency Comes of Age – New Times or New Paradigms

Associate Professor and Lee Kong Chian Fellow Wan Wai Yee, Singapore Management University, Singapore

Financial Institution' Bankruptcy Legislation and Relevant Case Analysis in China

Mr Armstrong Chen, Director, Shanghai Banking Law and Practice Centre and Postdoctorate of Fudan University, PRC

Cross Border Insolvency in the Indian Legal Landscape and the UNCITRAL Model Law on Cross Border Insolvency: A Critical Analysis

Dr Mamata Biswal, Professor of Law and ICSSR Senior Research Fellow, Gujarat National Law University, India

How Harmonisation Can Better Serve the International Investing Community

Mr Steven Wong, General Counsel, Argyle Street Management Limited, Hong Kong

A Comparative Law Approach in the Harmonisation of Foreign Investment Law

Ms Yilin Wang, PhD Candidate, Graduate Institute of International and Development Studies, Geneva, Switzerland

15:00 **SESSION 4: COMMERCIAL DISPUTE RESOLUTION IN A GLOBALISED WORLD**

Moderator:

Professor Yeo Tiong Min

Yong Pung How Chair Professor of Law, Singapore Management University and Academic Director, Asian Business Law Institute

Speakers:

Certainty of Enforcement or Enforcement of Certainty – a Plea for Enforcement of Tiered Dispute Resolution Agreements and Mediation Agreements

Mr Cameron Ford, Senior Counsel, Multinational Mining Company, Singapore

Enforcement of Cross Border Commercial Dispute Mediation Settlements in India

Mr. B.C. Thiruvengadam, Honorary Director, Bangalore International Mediation, Arbitration & Conciliation Centre, India

(Re)defining Basic Concepts in a Changing Landscape of Dispute Resolution

Dr Dalma R Demeter, Deputy Chair, UNCITRAL National Coordination Committee for Australia (UNCCA) and Associate Professor of Law, University of Canberra, Faculty of Business, Government and Law, Australia

Disclosure in International Arbitration: Converging Cross-Cultural Evidentiary Practices in Arbitration through Electronic Discovery

Mr Lim Tse Wei, Associate, Lee Hishammuddin Allen & Gledhill, Malaysia

Conciliation of Investor- State Disputes: How Can it be Developed in Asia

Ms Christine Sim, Research Associate and Practice Fellow, Centre for International Law, National University of Singapore, Singapore

16:15 **COFFEE BREAK**

16:30 **SESSION 5: FEEL THE EARTH MOVE - SHIFTS IN THE INTERNATIONAL DISPUTE RESOLUTION LANDSCAPE**

Moderator:

Nadja Alexander

CEO, Singapore International Dispute Resolution Academy (SIDRA) and Professor, School of Law, Singapore Management University

Speakers:

Distraction or Direction? A Direct Enforcement Instrument for Cross-Border Commercial Mediated Settlement Agreements: the EU Perspective

Ms Anna Howard, Associate Editor, Kluwer Mediation Blog and Postgraduate Researcher, Queen Mary University of London, UK

Enforcement of Mediated Settlement Agreements in Asia – A Path Towards Convergence

Assistant Professor Eunice Chua, School of Law, Singapore Management University, Singapore

Will International Commercial Courts Supersede International Arbitration as the Cross-Border Dispute Resolution Mechanism of Choice? – A Practitioner's Perspective

Mr Lok Vi Ming, S.C., Managing Partner, LVM Chambers – LLC, Singapore

A New Breed of Cross-Border Dispute Resolution Practitioner

Mr KC Lye, Partner, Norton Rose Fulbright, Singapore

Perspectives from Assisting Governments and ADR Centres in Emerging Markets and Developing Countries in Improving their ADR Regimes

Ms Nina Mocheva, Senior Financial Sector Specialist, World Bank Group, USA

17:45 **CLOSING REMARKS**

Professor Khory McCormick

The views expressed in the conference are those of the authors, following a call for papers, and do not necessarily reflect the views of the United Nations and the Asian Business Law Institute.

For more information and enquiries, please visit our website:

www.sal-e.org.sg/asian-perspectives-on-the-future-of-the-harmonisation-and-convergence-of-business-laws or contact us at event@abli.asia.