



**United Nations
UNCITRAL**

Regional Centre for Asia and the Pacific

How UNCITRAL instruments facilitate commercial arbitration



2023 UNCITRAL SOUTH ASIA CONFERENCE
Session 7 (Commercial Arbitration)

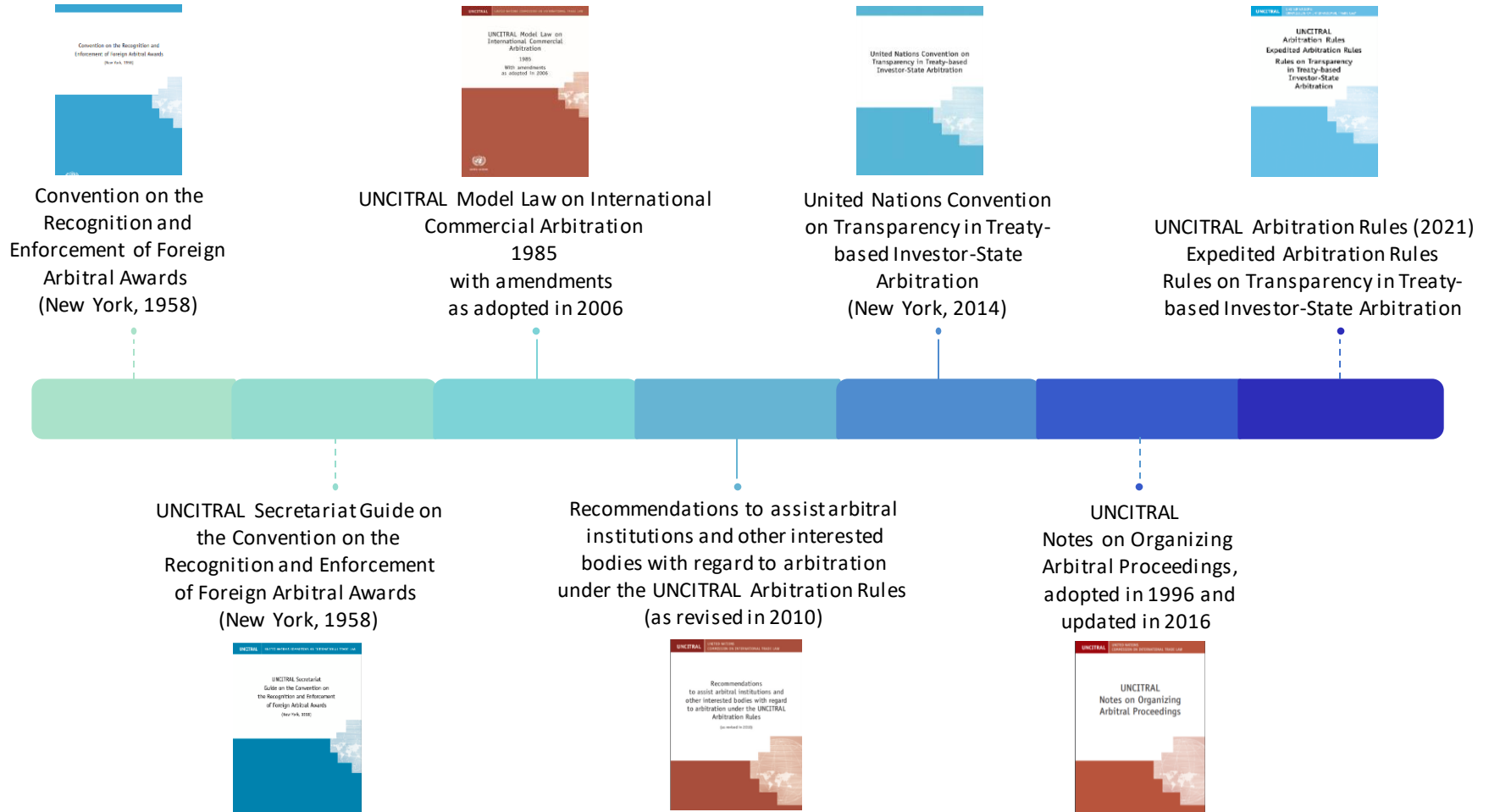
Athita Komindr
Head
UNCITRAL RCAP
16 September 2023

UNCITRAL Arbitration and Mediation Frameworks

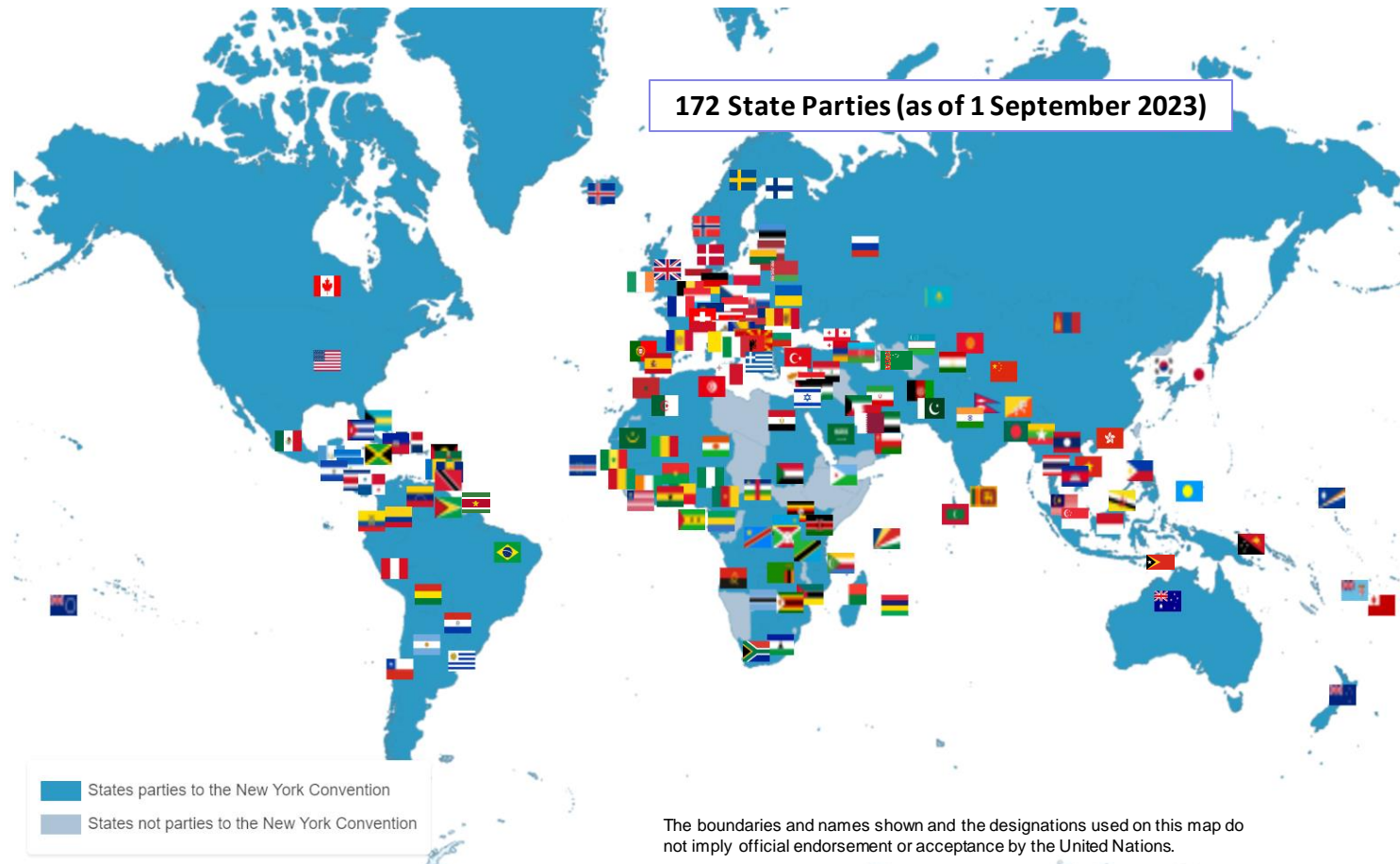


UNCITRAL Arbitration Framework

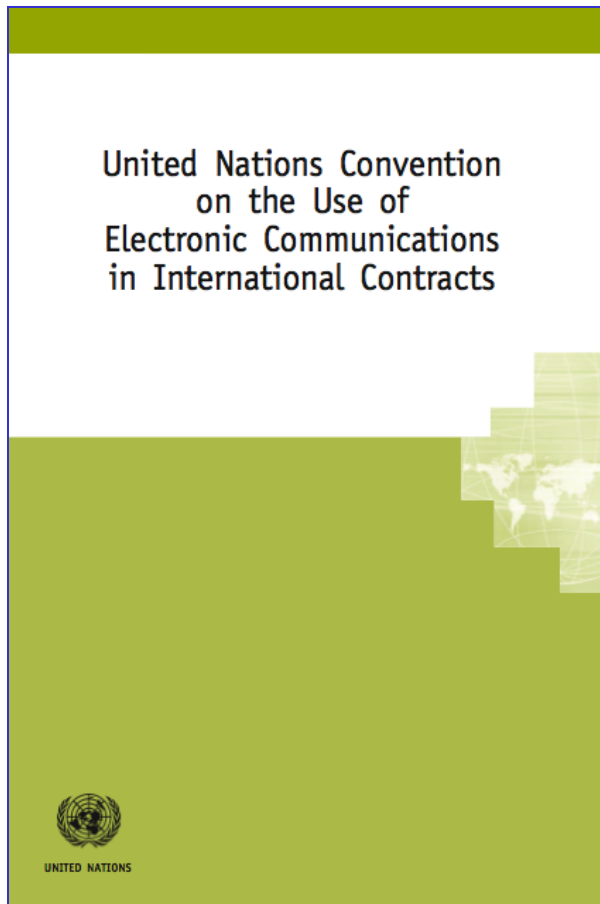
<https://uncitral.un.org/en/texts/arbitration>



Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (New York Convention)



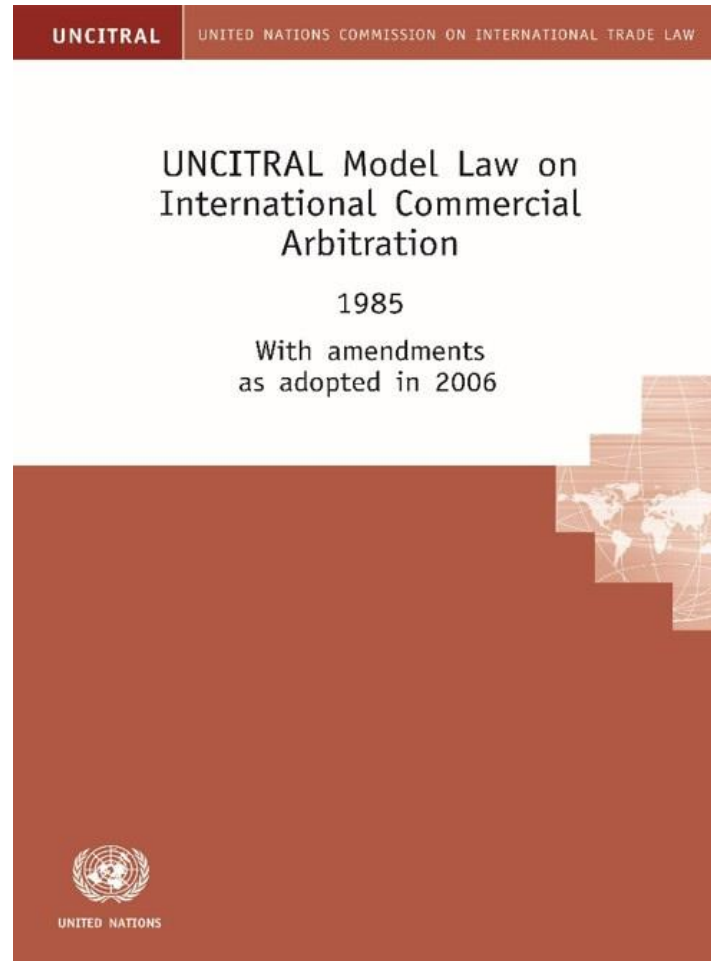
Convention on the Use of Electronic Communications in International Contracts (New York, 2005)



- Adopted in 2005
- The only treaty applicable to electronic communications used across borders
- Several functions:
 - Facilitating
 - Addressing form requirements
 - Increasing uniformity
 - Updating and completing
 - Implementing RTAs

<https://uncitral.un.org/en/texts/ecommerce>

UNCITRAL Model Law on International Commercial Arbitration (MAL)

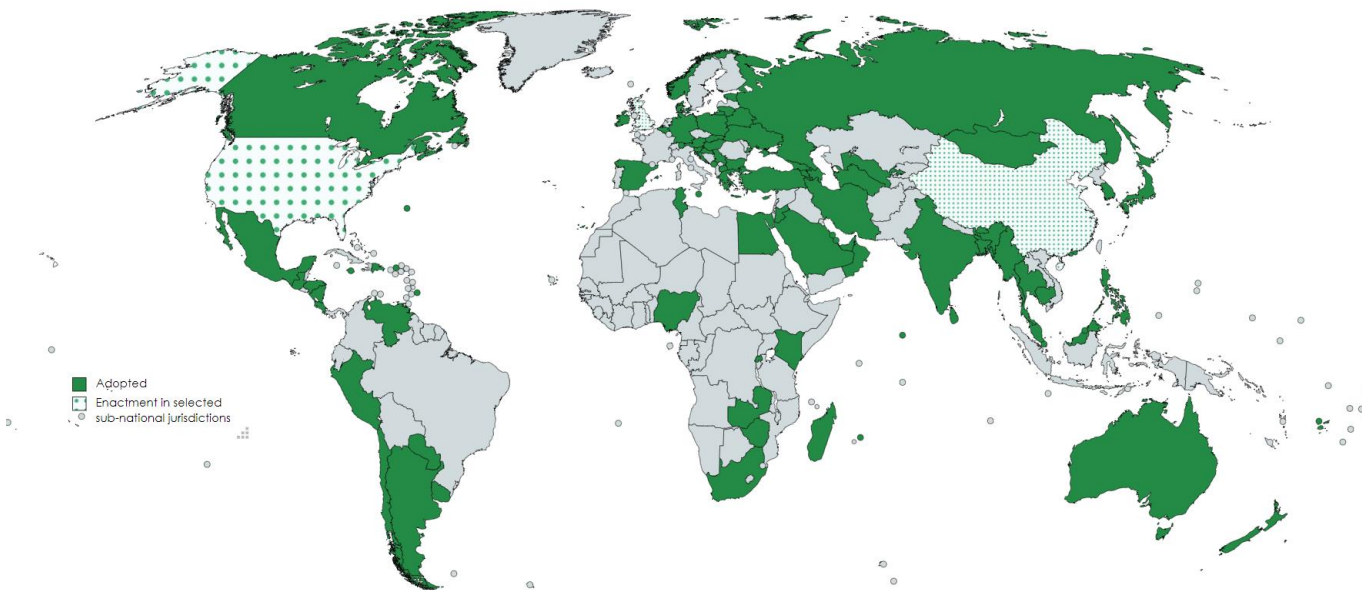


Status of the Model Law (as of 1 September 2023)

Legislation based on the UNCITRAL Model Law on International Commercial Arbitration has been enacted in:

Adoption in the Asia-Pacific

Armenia	Oman
Australia	Philippines
Azerbaijan	Qatar
Bahrain	Republic of Korea
Bangladesh	Saudi Arabia
Bhutan	Singapore
Brunei	Sri Lanka
Darussalam	Thailand
Cambodia	Turkmenistan
China (HKSAR and Macao SAR)	UAE
Fiji	Uzbekistan
Georgia	
India	
Iran	
Japan	
Jordan	
Malaysia	
Maldives	
Mongolia	
Myanmar	
New Zealand	



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The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

UNCITRAL Model Law vs. UNCITRAL Arbitration Rules

UNCITRAL Model Law

UNCITRAL Arbitration Rules

at States

Directed at

at parties to a dispute

provides a pattern for law-makers in national governments to adopt as part of their domestic legislation on arbitration

Purposes

provides a comprehensive set of procedural rules upon which potential or actual parties to a dispute may agree for the conduct of arbitral proceedings arising out of their commercial relationship

Modernizes national laws and harmonizes them by eliminating disparities across jurisdictions

Advantages

acceptable in countries with different legal, social and economic systems

<https://uncitral.un.org/en/content/expedited-arbitration-rules>

How is Expedited Arbitration different?

Article 1

Application of the Expedited Rules

Where parties have agreed that disputes between them in respect of a defined legal relationship, whether contractual or not, shall be referred to arbitration under the UNCITRAL Expedited Arbitration Rules (“Expedited Rules”), then such disputes shall be settled in accordance with the UNCITRAL Arbitration Rules as modified by these Expedited Rules and subject to such modification as the parties may agree.

There are a number of ways in which expedited arbitration rules seek to simplify the arbitration procedure. They include the following:



The **arbitral award** is to be made within **the shortened timeframe**.



Unless otherwise agreed by the parties, there shall be **one arbitrator**.



The tribunal might decide that **no hearings** shall be held, after having consulted the parties and in the absence of a request for a hearing from a party. In such case, the arbitration is conducted on the basis of documents only.

UNCITRAL E-LEARNING MODULES

<https://uncitral.un.org/en/onlinecourses>

1. Register via link on UNCITRAL Website



Online Courses

Introduction to the United Nations Commission on International Trade Law

[Click Here to Register](#)

In an increasingly economically interdependent world, the importance of an improved legal framework for the facilitation of international trade and investment is widely acknowledged. Legislation that is transparent, predictable and effectively supported at judicial level contributes to the creation of a secure environment for business.

The United Nations Commission on International Trade Law (UNCITRAL) plays an important role in developing that framework because of its mandate to prepare and promote the use and adoption of legislative and non-legislative instruments in a number of key areas. Much of the complex network of international legal norms and agreements that effects today's commercial arrangements has been reached through long and detailed consultations and deliberations in UNCITRAL.

This course is addressed, first, to prospective delegates to UNCITRAL and representatives of Permanent Missions to the United Nations interfacing with UNCITRAL, and its secretariat; secondly, to government officials and those engaged in commercial law reform at the national level. The course may also be of interest to other actors such as individuals from professional bodies, non-governmental organizations active in international trade and training institutions involved in international trade law.

The course aims at improving knowledge of UNCITRAL's role in reducing the legal obstacles to the flow of international trade.

At the end of the course, participants will be able to:

- Explain why harmonized legal standards can facilitate international trade;
- Describe how UNCITRAL prepares and adopts its legislative instruments;
- Explain in what way UNCITRAL work contributes to sustainable development.

[Register for the course here \(available in English and Chinese\)](#)

UNCITRAL Texts on Public Procurement and Public-Private Partnerships

[Click Here to Register](#)

The course provides an overview of UNCITRAL texts on public procurement and public-private partnerships (PPPs) and how they contribute to sustainable development goals. The course allows participants to understand the policy choices and principles implemented in UNCITRAL texts on public procurement and PPPs.

The course contains two parts. The first one addresses public procurement and is centered on UNCITRAL Model Law on Public Procurement. The second one addresses public-private partnerships, is based on the UNCITRAL Legislative Guide on PPPs and associated Model Legislative Provisions, and covers how to ensure that they can deliver and operate infrastructure for the benefit of States and citizens.

This course is designed to give a general overview of UNCITRAL texts on public procurement and public-private partnerships. The UNCITRAL Model Law on Public Procurement contains procedures and principles aimed at achieving value for money and avoiding abuses in the procurement process. Model Legislative Provisions on PPPs and a Legislative Guide covers the main issues relevant for the establishment of a favorable legal framework for PPPs. This module provides students with a presentation of the main features of UNCITRAL standards on public procurement and PPPs and enable them to navigate more efficiently within the broad range of information contained in those texts. Practical examples of how those texts are used in practice also enhance understanding of their practical dimension and their use in jurisdictions throughout the world. It should also allow participants to assess the efficiency of the public procurement and PPP legal frameworks in their own jurisdiction, based on UNCITRAL standards that compile best practices from all legal systems and economies.

[Register for the course here \(available in English\)](#)

UNCITRAL International Commercial Arbitration

[Click Here to Register](#)

The Module introduces participants to the UNCITRAL framework on international commercial arbitration. Following a short general introduction, the Module will focus on UNCITRAL legislative instruments – treaties, model laws, and contractual rules – governing procedural aspects of arbitration, with special attention paid to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (the "New York Convention"), the UNCITRAL Model Law on International Commercial Arbitration (1995), with amendments as adopted in 2006 (the "Model Law"), and the UNCITRAL Arbitration Rules.

[Register for the course here \(available in English\)](#)

UNCITRAL Mediation Framework

[Click Here to Register](#)

This course is addressed to those interested in learning more about the UNCITRAL mediation framework. Government officials and those engaged in commercial law reform at the national level may be particularly interested in learning more on how UNCITRAL mediation instruments, particularly the Singapore Convention on Mediation and the 2018 Model Law, enhance access to justice for all by offering an alternative and easily accessible method of dispute resolution and lessening the administrative burden of courts. Those in the private sector may be interested in learning more about UNCITRAL mediation rules and processes that could be adopted as contractual solutions. The course may also be of interest to other actors such as individuals from professional bodies, non-governmental organizations active in international trade and training institutions involved in international trade law and alternative dispute resolution.

[Register for the course here \(available in English\)](#)



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Thank you!

Further information:

UNCITRAL: uncitral.un.org

RCAP: uncitral.un.org/en/TA/regionalcentre_asia_pacific

E-mail: uncitral.rcap@un.org



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