



**Asia-Pacific
Economic Cooperation**

2015/SOM1/EC/042

Agenda Item: 9

Report on UNCITRAL Workshop: Incorporating Instruments into APEC EoDB Work

Purpose: Information

Submitted by: United States



**First Economic Committee Meeting
Clark, Philippines
4-5 February 2015**


APEC
 Asia-Pacific
 Economic Cooperation




USAID
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Report on UNCITRAL Workshop:


Incorporating Instruments into APEC EoDB Work

February 5, 2015

US – APEC Technical Assistance to Advance Regional Integration
 A joint project of the U.S. Agency for International Development,
 the U.S. Department of State and Asia-Pacific Economic Cooperation

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Doing Business is **OFTEN** the Tip Of the Iceberg....



Indicator	UNCITRAL Issues
Enforcing Contracts	Setting standardized rules on contract formation; harmonizing dispute resolution procedures
Access to Credit	Sets fulsome guidelines for successful secured lending and insolvency regimes
Trading Across Borders	Facilitating e-commerce
Starting a Business	Simplifying corporate formats to reduce burden on small firms; cross-border recognition

Enforcing Contracts: UNCITRAL Instruments on Arbitration

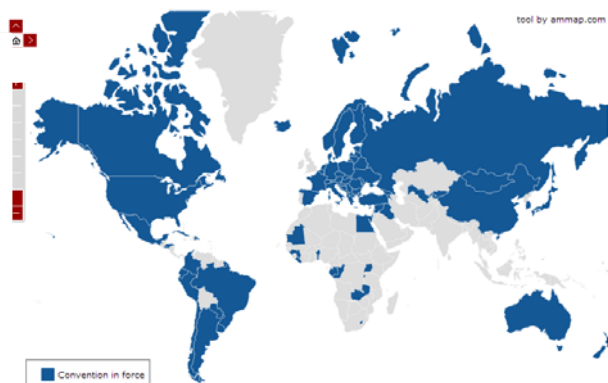
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- Two UNCITRAL instruments of key importance in international arbitration were discussed at the Workshop:
 - **Convention on Recognition and Enforcement of Foreign Arbitral Awards (1958) (New York Convention)**
 - **UNCITRAL Model Law on International Commercial Arbitration (rev. 2006).**



Convention on Contracts for the International Sale of Goods

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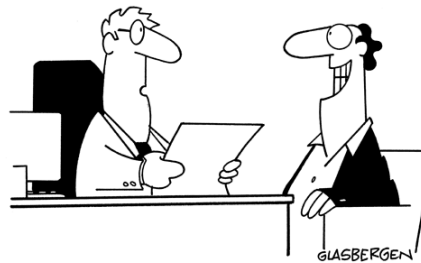
12 APEC Members Have Already Joined

UNCITRAL Instruments on Access to Credit

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- **UNCITRAL Legislative Guide on Secured Transactions (2007)**
- **UNCITRAL Guide on the Implementation of a Security Rights Registry (2013)**
- **United Nations Convention on the Assignment of Receivables in International Trade (New York, 2001)**

LOANS



"Any other collateral besides your heart of gold and million dollar smile?"

UNCITRAL Texts on Trading Across Borders

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- **UNCITRAL Model Law on Electronic Commerce with Guide to Enactment (1998)**
- **UN Convention on the Use of Electronic Communications in International Contracts (New York, 2005)**



Workshop Conclusions

- Consideration of key UNCITRAL instruments is an appropriate issue to be taken up by the Economic Committee.
- The UNCITRAL instruments are useful because they augment EoDB targets by providing a more thorough and comprehensive framework.
- The nature of UNCITRAL texts will likely bring about better APEC outcomes regarding SMEs, womens' access to credit and supply chain connectivity.



Possible Next Steps

- Secured Transactions: Proposal for diagnostic study.
- Workshops: Conduct more intensive workshops focusing on one or two tangible case studies aimed at both lawyers and non-legal professionals. Possibilities include:
 - Supply chain connectivity
 - Simplified business incorporation and registration.
- Promote APEC-wide consideration of UNCITRAL instruments to harmonize business, investment and trade regimes.
- Economy-level capacity building to facilitate the implementation of UNCITRAL instruments.

THANK YOU

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