

Day 8: Thursday, 22 April 2022 10 AM – 12 noon

UNCITRAL texts on e-transactions and e-signatures

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Laws on electronic transactions and electronic signatures are of fundamental importance to give legal recognition and effect to electronic exchanges in commercial and non-commercial settings. All Pacific States that have adopted statutes in this field, have done so by enacting the legislative texts prepared by the United Nations Commission on International Trade Law (UNCITRAL).

This lesson will introduce the basic features of these UNCITRAL texts, i.e., the UNCITRAL Model Law on Electronic Commerce, the UNCITRAL Model Law on Electronic Signatures, the UNCITRAL Model Law on Electronic Transferable Records and the United Nations Convention on the Use of Electronic Communications in International Contracts, and their interaction.

It will introduce to the fundamental principles underlying those texts, which are: non-discrimination against the use of electronic means, technology neutrality and functional equivalence.

It will illustrate the basic approaches behind electronic signatures and formulate suggestions for their implementation in the Pacific and beyond.

The lesson will also discuss the references to UNCITRAL texts in FTAs and RTAs, focusing on those more relevant for Pacific countries.

Finally, the lesson will discuss the technical assistance available from the UNCITRAL secretariat and related tools.

Readings:

- World Economic Forum, Making Deals in Cyberspace: What's the Problem? (October 2017), available at https://www3.weforum.org/docs/WEF_White_Paper_Making_Deals_in_Cyberspace.pdf
- The Contribution of a Uniform Legislative Framework for Electronic Transactions to Promoting Economic Development in the Pacific, in 17 Comparative Law Journal of the Pacific 19 (2011), available at <https://www.wgtn.ac.nz/law/research/publications/about-nzacl/publications/cljpidcp-journals/volume-17,-2011/Castellani.pdf>
- Texts and explanatory notes of UNCITRAL legislative texts are available at <https://uncitral.un.org/en/texts/ecommerce>