



An Enabling Legal Framework for End-to-End Trade Digitalization in CAREC Countries: the UNCITRAL Contribution

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Digital trade: the broader picture

- Electronic communications are used in all business sectors, all the time, everywhere
 - All trade is digital
- Focus shifts from exchange of information to data reuse and analysis
 - From documents to data
- Convergence of various digital flows
 - Transport is particularly relevant for Central Asia
- Different digital trade strategies have varying levels of success

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 (Az, PRC, Tkm)
 - UN Electronic Communications Convention (Az, Mon, PRC)
- Importance of factoring in these trends and developments even if most CAREC States are not directly involved

Status of e-commerce texts in CAREC

- Many States have adopted laws on e-communications and e-signatures
- Those laws are based on different models
- Those models often look at national rather than international needs
- The level of implementation of the laws is uneven
- These factors hinder national and international digital trade

What is UNCITRAL?

- The United Nations Commission on International Trade Law (UNCITRAL) is the core legal body of the United Nations system in the field of commercial law
- Has operated for 50 years based on universal membership
- UNCITRAL's mandate is the modernization and harmonization of international business rules by drafting treaties and model laws
- UNCITRAL started working on legal aspects of electronic commerce already in the 1980s:
 - Electronic Data Interchange (EDI), cross-border electronic payments

UNCITRAL advisory services on technical assistance

- Promoting the adoption and use of UNCITRAL texts is an integral part of the UNCITRAL mandate
- Technical assistance activities include:
 - undertaking law reform assessments;
 - assisting in drafting legislation;
 - cooperating in law reform activities and projects
 - coordinating the work of other organizations active in the international trade law field to avoid duplication of efforts and promote consistency and coherence.
- Currently working with ADB, ITC, EBRD, UN/ESCAP etc. in CAREC countries (Geo, Tkm, etc.)

UNCITRAL texts on electronic commerce

- UNCITRAL Model Law on Electronic Commerce, 1996
 - Enacted in 90 States.
- UNCITRAL Model Law on Electronic Signatures, 2001
 - Enacted in over 40 States
- United Nations Convention on the Use of Electronic Communications in International Contracts, 2005:
 - 19 States parties
 - 20+ States have enacted domestically its provisions
- UNCITRAL Model Law on Electronic Transferable Records, 2017
 - Enacted in 10 jurisdictions
- UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services, 2022
- UNCITRAL Model Law on Automated Contracting, 2024
- Texts, status, preparatory and explanatory materials are available on the [UNCITRAL website](#)

E-signatures and e-transactions law

- Foundational law that provides legal recognition to the use of electronic means
- Global UNCITRAL model: Afg, Az, Mon, Pak, PRC
- Regional model based on Russian e-signature law of 2002
 - Focuses on PKI-based digital signatures using national technical standards
 - Not technology neutral and does not help interoperability

Transport law

- UNCITRAL has also prepared treaties on transport law, focusing on carriage of goods by sea (Hamburg Rules, Rotterdam Rules)
- Those treaties mostly dealt with carrier's liability, but have an increasing digital component
- UNCITRAL is currently preparing a treaty on negotiable cargo documents , which enables trade finance for rail cargo
- UNCITRAL is also working on legal aspects of paperless trade, including with UN/ESCAP

Considerations and suggestions

- The CAREC region offers great opportunities for e-commerce
- Successful e-commerce development requires:
 - coherent policy decisions;
 - a robust technical infrastructure;
 - and an appropriate legal environment
- Cross-border e-commerce requires technology neutrality and technical interoperability
 - These features are insufficient in CAREC States
- Law reform based on best international standards is needed to support those goals
 - This will not affect but rather strengthen compliance

Suggested activities

- Better explain the interrelation between the various areas of e-commerce law
- Clarify the relationship between FTAs/RTAs, paperless trade facilitation and e-commerce laws
 - See UNCITRAL stocktaking exercise and work on paperless trade (document A/CN.9/1226)
- Focus on data quality assurance and its cross-border recognition
- Ensure coordination between digital and physical highways
 - Support raising awareness of the forthcoming United Nations Convention on Negotiable Cargo Documents

谢谢 / Thank you! / Спасибо

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