



HIGH-LEVEL FORUM ON THE CAREC REGION AND THE MULTILATERAL TRADING SYSTEM: DEEPENING INTEGRATION IN CENTRAL ASIA AND BEYOND

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**SESSION 7: Topical issue – Fostering digital economy and
cross-border digital trade: the UNCITRAL Perspective**

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*The views expressed are those of the author and do not necessarily
reflect the views of the United Nations and of UNCITRAL*

From paper to electronic, from documents to data

- High-level goals:
 - Make information available everywhere, anytime
 - Enable data reuse and analysis
 - Digitalize trade end-to-end
- Success in digital trade is the result of policy, technical and legal choices
 - On the legal side, need to have certainty and predictability on the status of electronic transactions and documents
- Certain stakeholders may be risk-averse

UNCITRAL and digital trade law

- UNCITRAL is the core legal body of the United Nations system in the field of commercial law
- It is tasked with modernizing and harmonizing commercial law by drafting treaties and model laws
- Active for 50+ years based on universal membership
- Started working on legal aspects of electronic commerce already in the 1980s
- UNCITRAL texts on digital trade / e-commerce have been enacted in more than 100 States
 - Increasing reference to UNCITRAL texts in DTAs/RTAs
- Texts, status, preparatory and explanatory materials are available on the [UNCITRAL website](#)

UNCITRAL texts on electronic commerce

1. UNCITRAL Model Law on Electronic Commerce, 1996
 - Enacted in over 90 States
2. UNCITRAL Model Law on Electronic Signatures, 2001
 - Enacted in about 40 States
3. United Nations Convention on the Use of Electronic Communications in International Contracts, 2005
 - 21 States parties
 - 30+ States have enacted domestically its provisions
4. UNCITRAL Model Law on Electronic Transferable Records, 2017
 - Enacted in 10+ jurisdictions
5. UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services, 2022
6. UNCITRAL Model Law on Automated Contracting, 2024

Adjusting contract law to the use of electronic communications

- The first goal of UNCITRAL was to ensure that the use of electronic communications could satisfy contract law form requirements such as “writing”, “signature” and “original”
- This was achieved by developing three fundamental principles:
 - Technology neutrality
 - Non-discrimination (or legal recognition)
 - Functional equivalence

Addressing the legality of electronic documents

- The three fundamental principles may also confirm the legal status of electronic documents, with one exception: documents that require possession and delivery
- That gap was addressed with the adoption of the MLETR
- The legal recognition of all e-documents paved the way to implementing paperless trade under the data pipeline concept
- However, a piecemeal approach still prevails at the operational level

Shifting from documents to data

- The last decade has seen increasing interest for the analysis and reuse of data, including in aggregate (big data) to fuel algorithms (AI)
- This use requires assurance of data quality, which is obtained through trust services
- It is also necessary to have mechanisms for cross-border recognition of trust services
- This legal mechanism enables data flows
- Data flows accompany the physical movement of goods in end-to-end trade digitalization