

UNCITRAL-UM JOINT CONFERENCE 2017

Modernization of National Commercial Laws and the Role of Legal Harmonization in International Commerce

11-12 December 2017

Lotus Room, 5th Floor, World Trade Center Macau, Av. da Amizade, No.918, Macau SAR, China

Organizers



澳門大學
UNIVERSIDADE DE MACAU
UNIVERSITY OF MACAU

Supporting Institution



PROGRAMME

DAY 1, 11 December 2017

9:00 Registration and Reception

9:20 Session I - Opening Ceremony and Key Note

9:20 • Welcome Address and Felicitation by Dignitaries

- Rui Paulo da Silva Martins, Vice Rector (Research), University of Macau
- José Angelo Estrella Faria, Senior Legal Officer and Head, Technical Assistance Section International Trade Law Division, Office of Legal Affairs, United Nations
- Maria Ângela Guterres Viegas Carrascalão, Minister of Justice, Democratic Republic of Timor-Leste
- Alberto E. Marçal, Vice President, World Trade Center Macau Arbitration Center
- Jorge Neto Valente, President, Macau Lawyers Association
- Ilda Cristina Fernandes de Sousa Ferreira, Head of Department of International Law and Inter-Regional Law, Legal Affairs Bureau of the Macau SAR Government
- Tong Io Cheng, Dean of Faculty of Law, University of Macau

10:00 Keynote Address

10:00 • *International Legal Harmonization as Tool for Modernizing Commercial Law*

José Angelo Estrella Faria, Senior Legal Officer and Head, Technical Assistance Section International Trade Law Division, Office of Legal Affairs, United Nations

10:20 • Group Photo

10:25 • Tea Break

The views expressed in the conference are those of the authors, following a call for papers, and do not necessarily reflect the views of the United Nations.

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10:40 Session II Settlement of Commercial and Investment Disputes along the One Belt, One Road: the Relevance of UNCITRAL Standards

Chair: José Angelo Estrella Faria, Senior Legal Officer and Head, Technical Assistance Section International Trade Law Division, Office of Legal Affairs, United Nations

Rapporteur: Nelinho Vital, Director, National Department on Legislation, Ministry of Justice, Democratic Republic of Timor-Leste

- 10:40** ● *Legal Harmonization in the Belt and Road Area: Towards Flexible Commercial Law?*
Lutz-Christian Wolff, Professor, Faculty of Law, The Chinese University of Hong Kong, Hong Kong
- 10:55** ● *Can Seamless Flow of Trade and Sustainability of OBOR Economies be Fathomed without Harmonization of Trade Laws and Adoption of UN Model Laws?*
Jayems Dhingra, Principal Management Consultant, Tiberias Management Consultants Pte. Ltd., Hong Kong & Singapore
- 11:10** ● *The Impact of OBOR Initiative in Asia Pacific Region*
Md. Imam Hossain, Vice-President of Board of Directors, Dhaka International Arbitration Centre; CEO, Investment & Development Consultancy/Litigation/Arbitration, Bangladesh
- 11:25** ● *UNCITRAL Arbitration Rules to Resolve Commercial Disputes along the Maritime and Land New Silk Road of China*
Jean A.Berlie, Research Scholar, The Education University of Hong Kong, Hong Kong
- 11:40** ● *Revisiting Electronic Discovery: Harmonizing Standards for Electronic Discovery Applications in Cross-border Paperless Arbitration*
Nitin Nadkarni, Partner, International Arbitration Practice Group Lee Hishammuddin Allen & Gledhill, Malaysia; Lim Tse Wei, Associate, International Arbitration Practice Group Lee Hishammuddin Allen & Gledhill, Malaysia
- 11:55** ● *Tracking the Institutionalization of Ad Hoc Arbitration in Mainland China: The Relevance of UNCITRAL Recommendations for China and Chinese Innovation*
Zeyu Huang, Research Scholar, Faculty of Law, University of Macau, Macau
- 12:10** ● *Cooperation of UNCITRAL and the International Chamber of Commerce: New Possibilities for Companies from OBOR for Dispute Resolution in Trade Finance*
Andrii Zharikov, Research Scholar, Aston Law School, Birmingham, United Kingdom
- 12:25** ● Q&A
- 12:40** ● Lunch Break

14:30 Session III Reducing Legal Obstacles Faced by Micro, Small and Medium-Sized Enterprises in Operating in the Legally-Regulated Economy, Including Establishment and Registration, Access to Credit and Insolvency

Chair: Wei Dan, Professor and Associate Dean, Faculty of Law, University of Macau

Rapporteur: Almeida Machava, Lecturer and Coordinator of Postgraduate Programs, Faculty of Law, University Eduardo Mondlane, Mozambique

- 14:30** ● *A Cake or A Trap - Special Attentions to International Trade with Chinese Partners*
Jade Zhang Yuting, Partner, Co-effort Law Firm LLP, China
- 14:45** ● *Has Platform Adjudication Driven Small Business Out of Competition? Evidence from China and Legal Redresses*
Shu Shang, ADR Legal Counsel, Hong Kong International Arbitration Centre
- 15:00** ● *Post-Registration Legal Obstacles Faced by Micro, Small and Medium-Sized Enterprises in Developing Countries*
Arnold Frangoso Ferreira, Assistant Professor, Univesity of Agostinho Neto, Angola
- 15:15** ● *Regulatory Frameworks and the Business of MSMEs: Their Impact on the Economic Performance of the BRICS Countries*
Denis de Castro Halis, Senior Instructor, Faculty of Law, University of Macau, Macau

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- 15:30** ● *The Validity and Scope of Arbitration Clauses in Bylaws/Statutes of Legal Entities*
Aikaterini (Katerina) Strantzali, Research Scholar, Graduate Institute of International and Development Studies and the University of Geneva, Switzerland
- 15:45** ● Q&A
- 16:00** ● Tea Break
- 16:15** ● **Session IV Sale of Goods, Security Interests and Insolvency: the Impact of Legal Divergence on Contract Management in Complex Cross-Border Supply Chain Management and Financing**
Chair: Luca G. Castellani, Legal Officer, UNCITRAL Secretariat
Rapporteur: Jerry I-Hsuan Hsiao, Assistant Professor, Faculty of Law, University of Macau
- 16:15** ● *Virtual Currencies and Cross-Border Commercial Transactions: Is Modification of the UNCITRAL International Payment Framework Necessary?*
Claire Wilson, Head of Department and Associate Professor, Department of Law and Business, Hong Kong Shue Yan University, Hong Kong
- 16:30** ● *CISG in Chinese Courts—Substantive Applications*
Qiao Liu, Associate Professor, TC Beirne School of Law, University of Queensland, Australia (Tengfei Professor of Law, School of Law, Xi'an Jiaotong University, China; Editor-in-Chief, Chinese Journal of Comparative Law); Xiang Ren, Research Scholar, School of Law, Xi'an Jiaotong University, China
- 16:45** ● *International Sale of Goods: The CISG as a Source of Inspiration for National Legislations; Towards Legal Convergence? – An Analysis Using the Example of the Contractual Liability in the New Hungarian Civil Code*
Ádám Fuglinszky, Associate Professor, Eötvös Loránd University and Andrásy University, Hungary
- 17:00** ● *'CISG: A Windfall for the Unification of International Sales Law'- Present-day Need for Wide-Reaching Solidarity*
Mamata Biswal, Professor of Law and ICSSR Senior Research Fellow, Gujarat National Law University, India
- 17:15** ● *The Future Prospects of Indonesian's Accession to the CISG in order to Harmonize the Law on the International Sales of Goods in ASEAN*
Erna Priliyasi, Head of Legal Cooperation Department, National Law Development Agency, Ministry of Law and Human Rights, Indonesia
- 17:30** ● *Global Governance of Supply Chains as Vertical Nexus of Contracts*
Akira Saito, Director and Professor of International Business, ASEAN Plus Academic Exchange Centre and School of Law, Kobe University, Japan
- 17:45** ● *Is the United Nations Convention of the International Sale of Goods Sufficiently Adequate to Assist SMEs and Start-Ups?*
Bruno Zeller, Professor, Faculty of Law, University of Western Australia, Australia; Robert Walters, Independent Consultant
- 18:00** ● Q&A

DAY 2, 12 December 2017

08:45 Registration

09:15 ● **Session V UNCITRAL Texts on E-Commerce and Their Relevance to Implement FTAs and Trade Facilitation Measures**

Chair: John Shijian Mo, Dean of Graduate School and Chair Professor, Faculty of Law, University of Macau

Rapporteur: Erna Priliyasi, Head of Legal Cooperation Department, National Law Development Agency, Ministry of Law and Human Rights, Indonesia

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- 09:15** ● *UNCITRAL Texts on E-Commerce as Enablers of Free Trade Agreements*
Luca G. Castellani, Legal Officer, UNCITRAL Secretariat
- 09:30** ● *The Anomaly Relating to Contract Formation under the UNCITRAL Model and The Common Law*
Althaf Marsoof, Assistant Professor, Division of Business Law, Nanyang Business School, Singapore
- 09:45** ● *Electronic Commerce and Electronic Transferable Records: A Revolution of the International Sale and Carriage of Goods Regimes in the 21st Century*
Edward Tan, Director and Consultant, Third March International, Singapore
- 10:00** ● Q&A
- 10:15** ● Tea Break
- 10:30** ● **Session VI Settlement of Commercial and Investment Disputes along the One Belt, One Road: the Relevance of UNCITRAL Standards**
Chair: Lutz-Christian Wolff, Professor, Faculty of Law, The Chinese University of Hong Kong, Hong Kong
Rapporteur: Ádám Fuglinszky, Associate Professor, Eötvös Loránd University and Andrásy University, Hungary
- 10:30** ● *UNCITRAL and the Future of Investment Arbitration*
Fernando Dias Simões, Associate Professor, Faculty of Law of the University of Macau, Macau
- 10:45** ● *Mediation of Investment Disputes Along the "Belt and Road" Corridor and the Supporting Role of UNCITRAL*
James Claxton, Professor, School of Law, Kobe University, Japan
- 11:00** ● *State-Owned Enterprises - Investors or State Agents? The Dilemma for Investor-State Arbitration*
Dini Sejko, Research Scholar, Faculty of Law, The Chinese University of Hong Kong, Hong Kong
- 11:15** ● *The Impact of UNCITRAL on the Application of the PPP Model to Belt and Road Initiative*
Shuang Liang, Lecturer and Researcher, The Southwest University of Political Science and Law, China
- 11:30** ● *Transparency Momentum in International Investment Arbitration and Its implications for China's Investment Arbitration Practice*
Tang Chao, Arbitration Secretary, Zhuhai Court of International Arbitration, China
- 11:45** ● *Emergency Arbitration in the Investor-State Dispute Settlement: The Relevance of UNCITRAL Standards along "One Belt, One Road"*
Alexandr Svetlicinii, Assistant Professor, Associate Programme Coordinator for the Master of International Business Law and Academic Advisor at the Centre for Teaching and Learning Enhancement, Faculty of Law, University of Macau, Macau
- 12:00** ● *Russia's (One Belt,) One Road to Harmonization*
Kate Apostolova, Attorney, Freshfields Bruckhaus Deringer LLP; Adjunct Faculty, National University of Singapore Faculty of Law, Singapore
- 12:15** ● *The Importance of UNCITRAL Standards for Settlement of China-Africa Investor-State Disputes*
Olaoye Kehinde Folake, Research Scholar, Faculty of Law, The Chinese University of Hong Kong, Hong Kong
- 12:30** ● Q&A
- 12:45** ● **Closing Remarks**
Muruga Perumal Ramaswamy, Associate Professor, Faculty of Law, University of Macau, China

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