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Settlement  
Session 4 - Online Platforms for Dispute Resolution  
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Welcome to Session 4 of the UNCITRAL Colloquium on Possible Future Work on Dispute Settlement. It is my honour to moderate this session with a panel of distinguished speakers. Before introducing the panel, I would like to tell you more about the work of the Inclusive Global Legal Innovation Platform on Online Dispute Resolution (“iGLIP on ODR”) as mentioned by Ms. Anna Joubin-Bret, Secretary of UNCITRAL in her introduction.

1. We have had two meetings last year. Please refer to the Background Paper, Working Paper No. A/CN.9/WG.II/WP.223 “Access to Justice and the Role of Online Dispute Resolution Submission from Inclusive Global Legal Innovation Platform on Online Dispute Resolution”, which has outlined the discussions at the second meeting of iGLIP on ODR.

2. I am pleased to note that many panelists on this panel are also members of iGLIP on ODR. I will summarize the key outcome of the discussions at the second meeting of iGLIP on ODR below.

### **Need for an international legal instrument on access to justice and the role of ODR**

3. At the second meeting of iGLIP on ODR, we discussed the need to explore the development of an international legal instrument that could facilitate access to justice through the use of ODR internationally and set out minimum core standards that would apply to ODR proceedings, ODR providers and ODR platforms.
4. Although ODR is already being utilised, issues on sufficient means or capacity, as well as general understanding and application both nationally and internationally of minimum core standards will need to be addressed, so as not to create a serious impediment to the use of ODR at both domestic and international level. Access to appropriate and adequate technology for ODR has become a vital element to ensure equal access to justice for all.

## **Discussion on a possible international legal instrument**

### **(i) Purpose**

5. Members of iGLIP on ODR discussed the purpose of the instrument which could aim to facilitate access to justice internationally through the use of ODR, including the provision of appropriate and adequate access to technology and other basic infrastructure or support for ODR.

### **(ii) Scope**

6. The instrument may cover or apply to a wide range of civil and commercial disputes, subject to any exclusions to be decided by the State concerned. For example, some States may exclude consumer or certain kind of transactions so that some flexibility is maintained under the instrument.
7. It was also discussed whether the scope should only include outcomes administered by private ODR service providers or be extended to also

apply to outcomes rendered by courts through ODR. Members of iGLIP on ODR are still discussing such possibilities.

(iii) Establishing an Exchange Platform

8. The usefulness for States to establish a platform for the sharing of ODR experience and offering advice or assistance related to ODR was also discussed. The platform would facilitate better communication, further cooperation among States as well as among ODR providers.

9. The platform should not create a closed shop market, but rather encourage multiple competent ODR providers to share their experience, in particular to States which are still in the early stage of developing their own ODR Framework. For the purpose of exchange and sharing of experience, competent ODR providers may be identified in the instrument.

(iv) Level of Appropriate and Adequate Support and Assistance

10. It was agreed that ODR processes should be conducted in a way that treats all parties with equal respect. Assistance and support provided

by States may be particularly important for locally situated parties who may not have effective access to ODR due to insufficient means or understanding of the operation of equipment and technology for conducting ODR.

11. As such, the instrument may provide for States to work together to ensure that parties receive equal access to appropriate technology and basic infrastructure, as well as setting out the level of appropriate and adequate support and assistance.

(v) Minimum Core Standards

12. Members of iGLIP on ODR discussed intensively about a set of internationally applicable minimum core standards to provide a benchmark for ODR proceedings, ODR providers, and ODR platforms to ensure access to justice in ODR. These standards may also guide and foster the development of ODR systems in different jurisdictions.

13. The evolving nature of the standards may be indicated in the instrument so that the standards may be further expanded or revised

to respond to new developments, technologies and needs in conducting ODR.

14. Possible minimum core standards include the provision of full spectrum of ODR services, accessibility and effectiveness, efficiency, competence, impartiality, security, confidentiality and enforceability.
15. Members of iGLIP on ODR also saw the need to take into account issues of different legal systems, principles of party autonomy, technology neutrality, fairness and integrity. It was also considered important to further consider which minimum core standards are specific to ODR, as opposed to alternative dispute resolution in general.

(vi) Form of the Instrument

16. The form of the possible instrument may take the form of a convention, model law, principles or a practice guide, which may be open for adoption by any State. Members of iGLIP on ODR are still discussing these different possibilities.

## **Conclusion**

17. It is hoped that we could continue our discussions and collaboration with UNCITRAL on our further discussions on the possible instrument on access to justice and the role of ODR.
  
18. This summarizes the discussions at the second meeting of iGLIP on ODR and further details can be found in the aforesaid Working Paper. I am sure that some of the panelists will also mention or refer to some of the discussions at the second meeting of iGLIP on ODR during this panel discussion.