

Study on Implementation of the Collaborative Framework and ODR in APEC

APEC Economic Committee

July 2026



Asia-Pacific
Economic Cooperation



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The information and recommendations provided in this study were developed using information available at the time and through dialogue with economies.

The views expressed in this document are those of the author and do not necessarily represent those of the APEC member economies. The APEC Economic Committee may further consider the recommendations provided.

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I. Introduction

This Study aims to explore ways to improve the implementation of the APEC Collaborative Framework for Online Dispute Resolution (ODR) of Cross-Border Business-to-Business (B2B) Disputes (Collaborative Framework)¹ by (1) reviewing overall progress in implementing the Collaborative Framework; (2) examining key elements to expand implementation; and (3) considering technical recommendations to improve its implementation. This Study also evaluates the implementation of ODR in APEC in other contexts, including in the courts.

This Study is part of the APEC Economic Committee's (EC) effort to provide greater access to justice for micro-, small-, and medium-sized enterprises (MSMEs) through an ODR collaborative framework for resolving their cross-border disputes. As the 2023 APEC Economic Policy Report states:

“Lack of effective and consistent dispute resolution is also one of the major challenges for MSMEs trading across borders. Improved access to justice is essential to creating an enabling business environment for MSMEs. ...Traditional cross-border litigation or in-person alternative dispute resolution mechanisms often entail staggering legal and travel costs, as well as lengthy court procedures. These costs pose significant burdens on MSMEs and divert their limited resources away from pursuing business opportunities and participating in international markets, hindering their growth as a result....”

“The APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes presents APEC's initiative to capitalize on the benefits of ODR to facilitate greater access to justice for micro, small, and medium enterprises.”²

Under the APEC ODR Collaborative Framework (endorsed at EC 2 in 2019), APEC partners with ODR providers to offer ODR to APEC businesses, particularly MSMEs, to help them resolve their cross-border commercial disputes. The APEC Model Procedural Rules (also endorsed at EC 2 in 2019) ensure that the same due process standards are applied throughout APEC when using ODR under the Collaborative Framework.³

¹ For the Collaborative Framework and its Model Procedural Rules, see the APEC ODR Website, which is dedicated to the implementation of the Framework at <https://www.apec.org/SELI> (also accessible through the webpage of the APEC EC at <https://www.apec.org/groups/economic-committee>).

² APEC Economic Policy Report: Structural Reform and an Enabling Environment for Businesses (2023) at 56, https://www.apec.org/docs/default-source/publications/2023/11/223_ec_aepr.pdf?sfvrsn=888cd37c_2.

³ For the endorsement of the Collaborative Framework and Procedural Rules see Report by the Chair of the Economic Committee on EC 2 2019 at 5, https://mddb.apec.org/Documents/2019/EC/EC2/19_ec2_summary.pdf.

The EC approved the implementation of the Collaborative Framework at EC 1 in 2022. The EC Chair's report states that "the EC welcomed the SELI Administrative Implementation Work Plan and the satellite website, and there was general consensus for the EC to proceed with implementing the Collaborative Framework, which was recognized by the ministers of the SRMM [Structural Reform Ministerial Meeting]." The SELI Administrative Implementation Work Plan outlines the structure for implementing the Collaborative Framework, including collaboration between academic institutions and the EC. It also provides for the creation of a centralized website. (<https://www.apec.org/SELI>).⁴

This Study builds on APEC's earlier work related to the Collaborative Framework since its launch in June 2022. This study considers five APEC studies on ODR:

- 1) Stocktake of APEC Online Dispute Resolution Technologies (April 2022) (Russia);⁵
- (2) Study on Best Practices in Using ODR (January 2023) (Japan);⁶
- (3) Stakeholder Engagement and Capacity Building on the APEC Collaborative Framework on ODR to Improve Cross-Border Trade in Indonesia (September 2023) (Indonesia);⁷
- (4) Study of Economy Legal Frameworks for the Implementation of ODR under the APEC Collaborative Framework (June 2024) (Japan);⁸ and
- (5) Study on Issues in Implementing the ODR Collaborative Framework and Using ODR in APEC Courts (August 2025) (Japan).⁹

Since its launch, the APEC EC has organized five workshops on ODR and the Collaborative Framework: (1) in Tokyo, December 7-9, 2022;¹⁰ (2) in Bali, June 14-15,

⁴ SELI Administrative Implementation Work Plan for the APEC Collaborative Framework for ODR of Cross-Border B2B Disputes, 2021/SOM1/ and its Proposal for the Satellite Website (2021/SOM1/EC/014), http://mddb.apec.org/Documents/2021/EC/EC1/21_ec1_012.pdf. For the EC endorsement of the Work Plan and Satellite Website, see Report of the Chair of the Economic Committee on EC 1 (2021) at 1, available at https://mddb.apec.org/Documents/2021/SOM/SOM1/21_som1_010.pdf.

⁵ Stocktake of APEC Online Dispute Resolution Technologies, April 2022, <https://www.apec.org/publications/2022/04/stocktake-of-apec-online-dispute-resolution-technologies>.

⁶ Study on Best Practices in Using ODR, January 2023, <https://www.apec.org/publications/2023/01/study-on-best-practices-in-using-odr>.

⁷ Stakeholder Engagement and Capacity Building on the APEC Collaborative Framework on ODR to Improve Cross-Border Trade in Indonesia - Final Report, September 2023, <https://www.apec.org/publications/2023/09/stakeholder-engagement-and-capacity-building-on-the-apec-collaborative-framework-on-odr-to-improve-cross-border-trade-in-indonesia---final-report>.

⁸ Study of Economy Legal Frameworks for the Implementation of ODR under the APEC Collaborative Framework, June 2024, https://www.apec.org/docs/default-source/publications/2024/6/224_ec_study-on-economy-legal-frameworks-for-the-implementation-of-odr-under-the-apec-collaborative-framework.pdf?sfvrsn=29641a31_1.

⁹ Study on Issues in Implementing the ODR Collaborative and Using ODR in APEC Courts, August 2025, <https://www.apec.org/publications/2025/08/study-on-issues-in-implementing-the-odr-collaborative-framework-and-using-odr-in-apec-courts#:~:text=This%20Study%20explores%20ways%20to%20improve%20the%20implementation,considering%20the%20application%20of%20ODR%20to%20business-to-consumer%20disputes>.

¹⁰ APEC Workshop on Enhancing Implementation of ODR through the APEC ODR Collaborative Framework and Other Fora including Courts, December 2022, available at https://www.apec.org/docs/default-source/publications/2023/3/apec-workshop-on-enhancing-implementation-of-online-dispute-resolution/223_ec_apec-workshop-on-enhancing-implementation-of-online-dispute-resolution.pdf?sfvrsn=60e5678b_2.

2023; (3) in Tokyo, January 25-27, 2024;¹¹ (4) in Tokyo, November 20-22, 2024;¹² and (5) in Tokyo, November 12-14, 2025.¹³

The EC has held three policy dialogues to review the implementation of the Collaborative Framework: at EC 1 in Palm Springs, United States, on February 27-28, 2023;¹⁴ at EC 1 in Lima, Peru, on March 4-5, 2024;¹⁵ and at EC 2 in Incheon, Korea, on August 12-13, 2025.¹⁶

This Study also takes forward the outcome of the Structural Reform Ministerial Statement (June 16, 2021) recognizing the importance of the Collaborative Framework, “which encourages the use of digital technology to resolve cross-border business-to-business disputes”¹⁷ and the APEC SME Ministers statement (September 2019) supporting “the development, on a pilot basis, of the APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes, which will provide a cost-effective and efficient platform to resolve low-value cross-border disputes.”¹⁸

The Study also responds to the October 22-23, 2025, APEC Ministerial Meeting on Structural Reform, where APEC Ministers note “the role of digital technologies in APEC initiatives, including ... in the APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business (B2B) Disputes and encourage a timely review of the Framework’s pilot program to be conducted in 2026.”¹⁹ It is anticipated that the review will take place at EC 2 in 2026.

¹¹ APEC Workshop on Implementation of ODR in APEC Economies, including through the APEC ODR Collaborative Framework, January 2024, available at https://www.apec.org/docs/default-source/publications/2024/3/224_ec_apec-workshop-on-enhancing-implementation-of-online-dispute-resolution.pdf?sfvrsn=4f88383_2.

¹² APEC Workshop on Facilitating the Use of ODR under the APEC Collaborative Framework and in Economies Generally (including in Courts), 20-22 November 2024. The Conclusions and Recommendations of the Workshop are attached as Appendix I to the Study on Issues in Implementing the Collaborative Framework, note 9 supra.

¹³ APEC Workshop on Enhancing the APEC Collaborative Framework and Use of ODR, 8-10 November 2025. The Conclusions and Recommendations of the Workshop are attached as Appendix I to this Study. The presentations made at the Workshop are available on the APEC meeting document database -- APEC Project: EC_101_2025A, [https://mddb.apec.org/Pages/search.aspx?setting=ListMeetingGroup&DateRange=2025/11/01%2C2025/11/end&Name=Workshop%20on%20Enhancing%20the%20APEC%20Collaborative%20Framework%20and%20Use%20of%20Online%20Dispute%20Resolution%202025&APEGGroup="Economic%20Committee%20\(EC\)"](https://mddb.apec.org/Pages/search.aspx?setting=ListMeetingGroup&DateRange=2025/11/01%2C2025/11/end&Name=Workshop%20on%20Enhancing%20the%20APEC%20Collaborative%20Framework%20and%20Use%20of%20Online%20Dispute%20Resolution%202025&APEGGroup="Economic%20Committee%20(EC)").

¹⁴ Report by the Chair of the Economic Committee on the First Economic Committee Meeting 2023, at 5-6, available at https://mddb.apec.org/documents/2023/som/som1/23_som1_008.pdf (as endorsed by Senior Officials).

¹⁵ Report by the Chair of the Economic Committee on the First Economic Committee Meeting 2024, at 5-6, available at https://mddb.apec.org/Documents/2024/SOM/SOM1/24_som1_009a.pdf (as endorsed by Senior Officials).

¹⁶ Report by the Chair of the Economic Committee on the Second Economic Committee Meeting 2025, at 5, available at https://mddb.apec.org/Documents/2025/SOM/SOM3/2r5_som3_015.pdf.

¹⁷ 2021 APEC Ministerial Meeting on Structural Reform, 16 June 2021, para. 14, https://www.apec.org/meeting-papers/sectoral-ministerial-meetings/structuralreform/2021_structural.

¹⁸ 2019 APEC SME Ministerial Statement, para. 14, https://www.apec.org/Meeting-Papers/Sectoral-Ministerial-Meetings/Small-and-Medium-Enterprise/2019_sme.

¹⁹ APEC Ministerial Meeting on Structural Reform, Incheon, Korea, Joint Statement, 22-23 October 2025, <https://www.apec.org/meeting-papers/sectoral-ministerial-meetings/structuralreform/2025-apec-ministerial-meeting-on-structural-reform>.

The final version of this Study will be presented at EC 2 in 2026.

II. Progress in Implementing the Collaborative Framework

As discussed, the Collaborative Framework was launched in June 2022. Under the Collaborative Framework, APEC partners with ODR providers from APEC economies that opt in. In turn, the APEC EC promotes partnering ODR providers on its website and encourages businesses, including micro-, small-, and medium-sized enterprises (MSMEs), to use them to resolve cross-border commercial disputes.²⁰

A. One-third of APEC Economies Have Opted In

Opting into the Collaborative Framework does not create binding obligations for an economy but enables its ODR providers to partner with APEC. As a result, ODR providers gain substantial benefits when their economy opts into the Collaborative Framework.

So far, seven economies have opted into the Collaborative Framework:

- China;
- Hong Kong, China;
- Indonesia;
- Japan;
- Papua New Guinea;
- Singapore; and
- United States.²¹

Indonesia and Papua New Guinea opted in in 2024.

At the November 2025 Workshop, several economies stated that they are considering opting in, including Korea; the Philippines; and Thailand. All expressed strong support for the Collaborative Framework.²²

The SELI Work Plan under EAASR (endorsed by the EC in 2021) explained the important contribution the Collaborative Framework makes to all four pillars of APEC EC's work on the Enhanced APEC Agenda for Structural Reform (EAASR).²³

²⁰ APEC ODR Collaborative Framework, paras. 1-4.

²¹ The Economies that have opted into the Collaborative Framework are listed on the APEC ODR website at <https://www.apec.org/SELI/Economies>.

²² See discussion notes 97-98 infra and accompanying text.

²³ SELI FoTC Workplan on Structural Reform under EAASR, at 4-5, https://mddb.apec.org/Documents/2022/EC/EC1/22_ec1_016.pdf. The pillars under EAASR included: creating an enabling environment for open, transparent, and competitive markets; boosting business recovery and resilience against future shocks; and harnessing innovation, new technology, and skills development to boost productivity and digitalization.

At the APEC November 2025 Workshop, both the EC Chair, James Ding, and the SELI Convenor, Yoshi Hayakawa, emphasized the significant contribution the Collaborative Framework has made to EAASR and the benefits it will provide to the new Strengthened and Enhanced APEC Agenda for Structural Reform (SEAASR). They pointed out that under SEAASR, the Collaborative Framework will:

- i. Enable fair, market-oriented competition among businesses by providing quick electronic resolution and enforcement of disputes across borders, languages, and different legal jurisdictions.
- ii. Create an enabling environment for doing business through the provision of a low-cost dispute resolution mechanism that enables small businesses to thrive.
- iii. Promote innovation and enhance digitalization in APEC economies through the utilization of advanced technology and AI in handling disputes; and
- iv. Empower all to achieve their economic potential for sustainable economic growth by promoting regional business relationships.²⁴

They further explained that the ODR Framework demonstrates APEC's willingness to support MSMEs through concrete cross-border collaborative efforts. It turns what is written on paper in EC reports (SEAASR / AEPR) into actual concrete actions.

The participants of the Workshop reached similar conclusions.

November 2025 Workshop Conclusions:

"Opting into the Collaborative Framework supports all four EAASR pillars and will contribute to all four SEAASR pillars."

"Lack of access to commercial justice is one of the reasons that MSMEs constitute some 97% of APEC businesses domestically, but account for only a fraction of APEC exports. The fact that they lack cost-effective and timely commercial justice for cross-border transactions means that many avoid that risk by not trading across borders."²⁵

B. Eight ODR Providers Have Partnered with APEC

Unlike offline ADR, ODR cannot be conducted on an ad hoc basis and requires a technological system designed for generating, sending, receiving, storing, exchanging, or otherwise processing communications to support the dispute resolution process. This type of system is referred to as an "ODR platform."²⁶

²⁴ The Strengthened and Enhanced APEC Agenda for Structural Reform (SEAASR) 2026 – 2030 is available at [https://www.apec.org/meeting-papers/sectoral-ministerial-meetings/structuralreform/2025-apec-ministerial-meeting-on-structural-reform/annex-1---strengthened-and-enhanced-apec-agenda-for-structural-reform-\(seaasr\)-2026---2030](https://www.apec.org/meeting-papers/sectoral-ministerial-meetings/structuralreform/2025-apec-ministerial-meeting-on-structural-reform/annex-1---strengthened-and-enhanced-apec-agenda-for-structural-reform-(seaasr)-2026---2030).

²⁵ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

²⁶ The APEC ODR Model Procedural Rules, Art. 2(3), define an ODR platform as "a system for generating, sending, receiving, storing, exchanging or otherwise processing communications under these Rules."

Under the Collaborative Framework, APEC partners with ODR providers in economies that have opted into it. Providers provide the ODR platform at their own expense and commit to complying with the APEC ODR Collaborative Framework and the Model ODR Procedural Rules. Thus far, eight ODR providers have partnered with APEC.

Four APEC ODR providers partnered with APEC when the Framework was initiated in June 2022:

- eBRAM International Online Dispute Resolution Centre Limited (eBRAM) (Hong Kong, China);²⁷
- Guangzhou Arbitration Commission (GZAC) (China);²⁸
- China International Economic and Trade Arbitration Commission (C) (China);²⁹ and
- U & I Advisory Service (Japan).³⁰

The other four providers partnered with APEC more recently:

- BANI Arbitration Center (Indonesia)³¹ and the Shanghai Hongkou North Bund Alternative Dispute Resolution Center (NBADR) (China)³² both announced their plans to partner with APEC at the November 2025 APEC Workshop;
- The Beijing Arbitration Commission/Beijing International Arbitration Court (BAC/BIAC) (China)³³ partnered with APEC in January 2025; and
- CPR Dispute Resolution (United States),³⁴ partnered with APEC in 2024.

ODR providers self-certify their compliance with the Collaborative Framework and the APEC Model Procedural Rules. Compliance includes:

- (a) keeping all information confidential; maintaining secure databases and websites;
- (b) charging reasonable fees proportionate to the amount in dispute;
- (c) providing their own platform to offer online negotiation, mediation, and arbitration; and
- (d) providing data on the success of the pilot to the APEC EC and to other providers.

APEC ODR providers have presented an overview of their platforms at each of the APEC ODR Workshops held in Tokyo -- in December 2022,³⁵ January 2024,³⁶

²⁷ The eBRAM APEC ODR webpage is available at <https://www.ebram.org/>.

²⁸ The GZAC APEC ODR webpage is available at <https://newodr.gzac.org/en/>.

²⁹ The CIETAC APEC ODR webpage is available at <https://casettle.odrcloud.cn/CIETAC.html>.

³⁰ The U and I Advisory APEC ODR webpage is available at <https://ui-advisory.com/topics/20220701.html>.

³¹ The BANI ODR webpage is available at <https://baniarbitration.org>.

³² The NBADR APEC ODR webpage is available at <https://shnbadr.odrnet.cn>.

³³ The BAC/BIAC APEC ODR webpage is available at <https://bjac.odrcloud.cn>.

³⁴ The CPR APEC ODR webpage is available at <https://drs.cpradr.org/services/apec-dispute-resolution>.

³⁵ APEC December 2022 Workshop, note 10 supra at 22-23 (presentations by e-BRAM, CIETAC, GZAC, and U&I Advisory).

³⁶ APEC January 2024 Workshop, note 11 supra at 19-22 (presentations by CIETAC, eBRAM, GZAC, U & I Advisory, and CPR).

November 2024,³⁷ and November 2025 -- demonstrating their compliance with the Collaborative Framework and the APEC Model Procedural Rules.³⁸

The November 2025 APEC ODR Workshop Conclusion states, “Key benefits of the Framework include ... public-private sector collaboration with partnering ODR providers, where providers provide technological expertise and implement state-of-the-art platforms at their own expense.”³⁹

C. APEC ODR Providers Incorporate Advanced Technologies, Including AI

The Collaborative Framework states that “modern technologies such as artificial intelligence should be incorporated into the design of ODR platforms whenever possible.”⁴⁰

APEC ODR providers use artificial intelligence (AI) to support various aspects of ODR, including participant identification, meeting scheduling, notification sending, document distribution, file reviewing, multiple language handling, case assessment, dispute resolution guidance, and draft settlement creation. AI enhances the process by making it more efficient and faster, but it does not replace the third-party neutral.⁴¹

November 2025 Workshop Conclusion:

“Current APEC ODR providers offer cutting-edge technologies such as artificial intelligence and chatbots. These technologies enhance the process and offer functionalities beyond what online ADR can deliver. For example, one APEC ODR provider utilizes AI during the negotiation and mediation stages and offers the service for free.”⁴²

November 2025 Workshop Recommendation:

“SELI, with help from the Lead Academics, should ... Encourage the use of advanced technologies, including artificial intelligence, by ODR Providers to facilitate the ODR process under the Collaborative Framework.”⁴³

³⁷ For a summary of the ODR provider presentations at the APEC November 2024 Workshop see Study on Issues in Implementing the Collaborative Framework, note 9 *supra*, Appendix 2.

³⁸ The ODR provider presentations at the November 2025 Workshop included those by CIETAC, GZAC, BAC, eBRAM, U&I Advisory, and BANI. The ODR provider presentations are available on the APEC meeting document database -- EC_101_2025A, see note 13 *supra*.

³⁹ APEC November 2025 Workshop Conclusions and Recommendations, Appendix I *infra*.

⁴⁰ Collaborative Framework, para. 1.2.

⁴¹ For a recent summary of the use of artificial intelligence tools in dispute resolution by UNCITRAL, see Stocktaking of Developments in Dispute Resolution in the Digital Economy – progress report, Note by the Secretariat, March 19, 2026, A/CN.9/1271.

⁴² APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I *infra*.

⁴³ *Id.*

APEC ODR Providers Embrace Advanced Technology—At the APEC November 2025 Workshop, APEC ODR providers discussed their implementation of advanced technology and AI.

GZAC's representative stated that the organization's APEC ODR platform features real-time and delayed communication options, seamless transitions between different ODR stages, multilingual translation (Chinese, English, French, Spanish, Portuguese, German, Japanese, and Korean), artificial intelligence to answer questions during the entire ODR process, online modification of settlement agreements, online signing, and issuance of legal documents for international enforcement of settlements. It also includes a party evaluation system that enables users to give feedback on various aspects, such as system usability and platform experience. In 2023, GZAC developed an AI Arbitration Secretary that performs intelligent functions, including pre-hearing identity verification, legal inquiries during hearings, and post-hearing award drafting. It addresses issues of efficiency, cooperation, and knowledge limitations that sometimes arise with human arbitration secretaries. In 2023, GZAC also developed an intelligent robot that enables parties to file cases anytime, anywhere, while providing legal assistance, thereby saving time and money.⁴⁴

eBRAM's representative stated that it has developed a fully-fledged APEC ODR platform that complies with the ODR Framework by offering online negotiation, mediation, and arbitration. It is a technology-based platform with a human element for administering cases and decision-making. eBRAM provides 24/7 multi-language services, along with AI-powered eKYC (electronic Know Your Customer) user registration and authentication management, and encrypted cloud storage. The machine document translation and real-time machine transcription support 15 languages; live transcription currently supports English and Chinese. The platform is entirely web-based and features AI machine translation and transcription, in-house developed secure videoconferencing (which has machine translation and transcription functions), and e-signing solutions. The use of technology facilitates collaboration, document sharing, and online meetings.⁴⁵

CIETAC's representative noted that it has implemented a one-stop online intelligent dispute resolution system, enabling online filing, electronic exchange of evidence, an arbitration hub, and case management. The parties are aided by an intelligent negotiation assistant and can communicate synchronously or asynchronously. A multifunction video conference room enables more flexible negotiation and mediation. Automatic transfer of the case materials through the stages (negotiation, mediation, and arbitration) and smart creation, online amendment, and online signing of the settlement agreements foster efficiency and convenience.⁴⁶

⁴⁴ APEC November 2025 APEC Workshop, Presentation of GZAC, Dr. Chen Chen, Introduction of GZAC and New Development of GZAC ODR Platform, November 12, 2025, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_015.pdf.

⁴⁵ APEC November 2025 APEC Workshop, Presentation of eBRAM, Wenny Huang, Secretary General, LawTech x Dispute Resolution, November 12, 2025, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_017.pdf.

⁴⁶ Id. Presentation of CIETAC (Yahan Lu, Deputy Director of IP Dispute Resolution Division), Embracing a Digital Future, Building Inclusive Bridges: CIETAC's Exploration and ODR Practice, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_014.pdf.

D. APEC ODR Providers Take Measures to Keep Information Confidential

The APEC ODR Collaborative Framework requires that all partnering ODR providers maintain the confidentiality of all information and keep databases and websites secure.

Measures Taken to Maintain Secure Databases and Websites

At the APEC November 2025 Workshop, APEC ODR providers discussed the measures they have taken to maintain the security of their databases and websites.

GZAC highlighted that all information is kept confidential through a three-dimensional security system comprising a secure communication network, secure network parameters, and a secure computing environment. Facial recognition technology protects parties and further enhances security. Blockchain technology is used for both transmission and storage of digital information.⁴⁷

eBRAM noted that to address users' concerns about confidentiality, cybersecurity, and data privacy, it has implemented several safeguards, including multi-factor authentication, eKYC, and blockchain technologies. eBRAM enlists external certified security experts to conduct cybersecurity and privacy impact assessments and total system audits of its ODR platform. eBRAM uses blockchain to ensure data integrity and security. In addition, eBRAM has obtained ISO27001 certification, demonstrating its adherence to best practices in information security management.⁴⁸

CRT explained that its platform offers enhanced security and provides neutrals, parties, and case administrators with more efficient and effective dispute-resolution options. CRT has also obtained ISO27001 certification.⁴⁹

E. APEC ODR Model Procedural Rules Utilized for Global Standardization

Another key benefit of the Collaborative Framework is the due process and procedural protections provided by the APEC Model Procedural Rules (the Rules). The Rules embody the APEC Best Practices for ODR and are based on the UNCITRAL Technical Notes on ODR and the UNCITRAL Arbitration Rules.⁵⁰ Partnering APEC ODR Providers agree to comply with the Rules and the Collaborative Framework.⁵¹

⁴⁷ Presentation of GZAC, Dr. Chen Chen, note 44, *supra*.

⁴⁸ Presentation of eBRAM, Wenny Huang, note 45, *supra*.

⁴⁹ APEC January 2024 Workshop note 11 *supra*, at 22, CPR Dispute Resolution, Ms. Mia Levi, Vice President & Corporate Secretary.

⁵⁰ For the APEC Best Practices on Using ODR, see note 6 *supra*. The UNCITRAL Technical Notes on ODR are available at https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/v1700382_english_technical_notes_on_odr.pdf. and the UNCITRAL Arbitration Rules are available at <https://uncitral.un.org/en/texts/arbitration/contractualtexts/arbitration>.

⁵¹ Collaborative Framework, para. 4.1.

The Rules include three stages: online negotiation, mediation, and arbitration. During negotiations, APEC ODR providers have adopted algorithmic tools that allow parties to communicate and negotiate via the online platform. This technology-driven ODR process minimizes the need for lawyers, neutrals, or arbitrators—especially during the initial stage when most disputes are resolved.

November 2025 Workshop Conclusion

“Applying the APEC ODR procedural rules ensures (i) the same standard of due process and procedural protections apply regardless of where the parties are located; (ii) quick and fair resolution of disputes; (iii) the application of applicable mandatory laws; (iv) the availability of languages other than those chosen by the parties or the neutral; (v) documents only decisions unless the neutral decides to hold a virtual hearing; and (vi) reasonable fees proportionate to the amount in dispute.”

Earlier this year, the Rules were used by the International Organization for Standardization (ISO) to develop parallel global ODR rules.⁵²

November 2025 Workshop Conclusion

“The APEC ODR Model Procedural Rules served as the foundation for the “Operational manuals” in the recent International Organization for Standardization (ISO) standard 32122, “Transaction Assurance in E-Commerce — Guidance for offering online dispute resolution services,” adopted in March 2025.”⁵³

F. APEC ODR Providers Seeing Time and Cost Savings

Evaluating the time and cost savings derived from the Collaborative Framework requires time. First, businesses must select and include APEC-listed ODR providers in a dispute resolution clause to resolve future contract disputes under the underlying B2B contract. Then, a dispute, controversy or claim would have to arise under the contract which can take months or even years depending on the nature of the contract.⁵⁴ Under the Collaborative Framework, businesses can also agree to use

⁵² ISO32122, Transaction Assurance in E-Commerce, Guidelines for Offering Online Dispute Resolution Services, <https://www.iso.org/obp/ui#iso:std:iso:32122:dis:ed-1:v1:en>. The International Organization for Standardization (ISO) is an independent, non-governmental international organization with a membership of 177 economy standards bodies whose standards impact stakeholders, users and regulators in these economies in the areas of technology, management and manufacturing. <https://www.iso.org/about-us.html>.

⁵³ November 2025 APEC Workshop Conclusions, Appendix I *infra*.

⁵⁴ The APEC Model ODR Clause for Contracts, Appendix to the APEC Procedural Rules states: “Any dispute, controversy or claim arising hereunder and within the scope of the APEC ODR Rules providing for an online dispute resolution process through negotiation, mediation and binding arbitration, shall be settled in accordance with the Model Procedural Rules for the APEC Collaborative Framework for ODR for Cross-Border B2B Disputes (“the Procedural Rules”) presently in force.”

ODR after a dispute arises. However, those with weaker legal cases are less likely to accept arbitration after a dispute because of the high risk of an unfavorable award.

APEC November 2025 Workshop Conclusion:

“Several APEC ODR Providers are seeing significant time and cost reductions under the Collaborative Framework compared to the court process. This helps remove a roadblock preventing MSMEs from trading across borders and facilitates their participation in international trade and cross-border e-commerce. This leads to increased growth and productivity for MSMEs, including women-led businesses.”⁵⁵

APEC ODR Providers Seeing Significant Time and Cost Savings.

GZAC reported at the November 2025 APEC workshop that it has used its APEC-ODR cross-border B2B platform to resolve over 970 international disputes, totaling over USD 1.1 billion. In 2025, GZAC reported an average time of 23.65 days to resolve 180 disputes, totaling USD 87 million. GZAC also reported that 67 percent of disputes were resolved during the negotiation and mediation stages. It also provides free negotiation and mediation services, while the cost of arbitrating a USD 30,000 claim would be less than 4% of the value of the claim. GZAC participant surveys show that the vast majority (83%) would recommend the process to others and felt the APEC ODR process was simple, fair, and timely.⁵⁶

By comparison, as discussed *infra*, the average time to resolve a commercial dispute in an APEC court was 728 days, at an average cost of 30 per cent of the claim's value.⁵⁷ The GZAC APEC ODR Platform is more than 700 days faster than the average time it takes to resolve a dispute in an APEC court and provides the service at a substantially lower cost.⁵⁸

⁵⁵ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I *infra*.

⁵⁶ Presentation of GZAC, Dr. Chen Chen, note 44, *supra*; Briefing on the GZAC ODR Platform, January 9, 2025 (submission to APEC). For the GZAC fee structure see the GZAC Guidance on Application of the Model Procedural Rules for the APEC Collaborative Framework for ODR of Cross-Border B2B Disputes, Art. 22, Definition of Costs, <https://newodr.gzac.org/en/introduce/applicable/> (“The parties are not required to make any payment during the negotiation or mediation stage. During the arbitration, the parties shall pay the arbitration fee in accordance with the provisions of the arbitration rules of the Commission currently in force”). GZAC calculates the arbitration fee on a sliding scale. For claims between RMB 100001 and RMB 200000 (USD 29,344) the cost is calculated at 3 percent of the value of the claim, while for claims between RMB 200001 to RMB 500000 (USD 73,360) the cost is calculated at 2 percent of the value of the claim. Schedule of Arbitration Fees for APEC Cross-border B2B Dispute ODR Procedure Cases of Guangzhou Court of International Arbitration, <https://newodr.gzac.org/en/introduce/fee/>. GZAC provides a cost calculator on its website.

⁵⁷ See notes 155-156 *infra* and accompanying text (Table Four).

⁵⁸ See SELI Annual Report on the APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes, January 2026, <https://www.apec.org/seli/reports>, providing further information on the implementation of the Collaborative Framework. E-BRAM received 40 cases in 2025 and on average resolved those cases within 25 days. Only one case proceeded to arbitration. E-BRAM recently entered into a memorandum of understanding with the Hengdian Film and Television Industry Association and Dongyang Law Society for the use of its APEC ODR Collaborative Framework for Cross-Border B2B disputes involving the film and television industry. It also entered into agreement in 2025 with several finance companies to include the APEC Model Procedural Rules in their template contracts. eBRAM Press Releases, https://www.ebram.org/news_release.html?key=press_release; Email from eBRAM, Wenny Huang, Secretary General, April 21, 2026; Presentation of eBRAM, Wenny Huan.

G. Lead Academic Institutions Assist in Implementation and Oversight

Lead Academics have played an important role in assisting the APEC EC in the oversight of APEC ODR providers. Each economy that has opted into the Collaborative Framework has designated a lead academic institution.⁵⁹

As noted, the SELI Administrative Implementation Work Plan, Part II, outlines the structure for collaboration between the EC and academic institutions from economies that have opted into the Collaborative Framework. The Work Plan states that lead academics can support the EC in various activities, including building economy, ODR Provider and MSME capacity through workshops, webinars, and other events. All APEC Lead Academics have regularly participated in the APEC ODR Workshops and webinars that have been held to date. At the November 2025 Workshop, Lead Academics assisted by advising on how ODR has been implemented in their economies under the Collaborative Framework. They also advised economies on the use of AI in dispute resolution and the use of ODR in courts.

The APEC EC can also call on its team of Lead Academics to help review ODR Providers' compliance with the Framework and the Rules and help bring Providers into compliance where appropriate. The laws and regulations of each participating economy govern the listed ODR providers. At the same time, if a listed ODR provider fails to comply with any part of the Collaborative Framework and Model Procedural Rules, APEC may remove the provider from its list of partnering ODR providers. As detailed in the Removal Procedure as referred to in <https://www.apec.org/SELI/Removal-Procedure>, if an ODR Provider appears not to be in compliance with the Framework, the EC Chair will refer the matter to a panel of lead academics institutions who will consult with the ODR Provider and report back to the EC on the outcome of the consultations. While there have not been any formal referrals for noncompliance, Lead Academics have regularly assisted with helping ensure that providers meet their reporting obligations. Additionally, as provided in the Work Plan, the Lead Academics have assisted with the drafting of the Annual Report to the EC.

November 2025 Workshop Conclusion:

“Key benefits of ODR under the Collaborative Framework include ...oversight of providers by APEC EC, with the assistance of Lead Academics (as provided in the SELI Administrative Implementation

⁵⁹ The lead academic institutions (Lead Academics), to date, are as follows:

- University of Hong Kong, Hong Kong, China (Dr. Yun Zhao),
- Indiana University (United States) (Dr. Angie Raymond),
- Rikkyo University (Tokyo, Japan) (Dr. Mayu Watanabe),
- Singapore Management University (Dr. Nadja Alexander),
- University of International Business and Economics, School of Law (Beijing, China) (Dr. Yongmin Bian), and
- University of Papua New Guinea, School of Law (Prof. Michael Steven Wagambie).

Work Plan) to monitor compliance with the Framework and Procedural Rules.”⁶⁰

One example of the oversight by the Lead Academics is their assistance with UX (usability) reviews. The APEC Best Practices in Using ODR emphasize the importance of usability:

Usability is a quality attribute that assesses how easy it is to navigate user interfaces. Clarity is a core concept of usability. Users should be able to navigate intuitively through the different options and easily pursue their goals. ...

Once the platform is up and running, usability testing helps to assess whether users can navigate through the dispute resolution stages as intended. It also helps to identify tasks or processes where users drop off or cannot complete a necessary step, and recommend changes to improve ease of use.⁶¹

When the Collaborative Framework was launched, a team from Singapore Management University, serving as a lead academic institution, conducted a UX review of APEC partnering ODR platform providers. In collaboration with the EC, it evaluated provider platforms to determine how user-friendly they are, including:

- Efficiency of the Dispute Resolution process
- Cost
- User Interface
- Linguistic Accessibility & Capabilities
- Technical Support & Feedback Collection
- User Capacity-Building

The study results were shared at the 2022 APEC ODR Workshop, with active participation from the providers.⁶²

CIETEC, for example, reports that in 2023, it made further improvements to its APEC-ODR platform after following the advice of the Singapore Management University evaluation team (and the EC). According to CIETEC, these enhancements have made the platform more user-friendly and easier to access.⁶³

At the APEC November 2025 Workshop, the Lead Academics committed to conducting additional UX reviews with the agreement of APEC ODR providers and oversight from the APEC EC (SELI). The Lead Academic from Singapore Management University (Nadja Alexander) stated that the review could begin in fall 2026. The review would cover both objective aspects (e.g., accessibility) and

⁶⁰ APEC November 2025 Workshop, Conclusions and Recommendation, Appendix I infra. For the SELI Administrative Implementation Workplan see note 4 supra.

⁶¹ APEC Best Practices on Using ODR, note 6 supra at 13-20.

⁶² Report of the December 2022 APEC ODR Workshop, note 10 supra at 24.

⁶³ APEC November 2024 Workshop, supra note 12, CIETAC, Dr. Fan Yang, Experience and Reflection from an APEC ODR Provider's Perspective at 8; Email from CIETAC, October 15, 2024.

subjective elements (e.g., user responses to questionnaires).⁶⁴ Several APEC ODR providers committed to participating in the review at the Workshop.⁶⁵

November 2025 Workshop Recommendation:

“SELI, with the assistance of the Lead Academics, should ... conduct UX reviews of APEC ODR Providers.”⁶⁶

H. Economies Implement Key Legal Instruments

The Collaborative Framework (para. 7.1) clarifies that laws relevant to ODR do not have to be identical across all APEC economies. However, the Framework emphasizes several key UNCITRAL instruments related to dispute resolution (arbitration) and e-commerce (e-documents and e-signatures) that establish the basis for implementing ODR under the Framework: the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (New York) Convention;⁶⁷ the UNCITRAL Model Law on International Commercial Arbitration (Rev. 2006);⁶⁸ the UNCITRAL Model Law on Electronic Commerce (1996);⁶⁹ and the United Nations Convention on the Use of Electronic Communications in International Contracts (2005) (Electronic Communications Convention).⁷⁰

APEC economies have broadly implemented these instruments.

All APEC economies have implemented the New York Convention and thus recognize agreements to use ODR and the enforcement of ODR awards. With Papua New Guinea adopting the UNCITRAL Model Law on International Commercial Arbitration in 2023, 17 out of 21 economies have now implemented the Model Law. All economies recognize the parties' freedom to select the rules governing the process, including those outlined in the APEC Model Procedural Rules. Following the Philippines and Thailand's recent adoption of the Electronic Communications Convention, 17 of 21 economies have implemented either the UNCITRAL Model Law on E-Commerce or the Convention. All economies recognize electronically concluded arbitration agreements.

Table One: Implementation of Private International Law Instruments in APEC

⁶⁴ APEC November 2025 Workshop: Nadja Alexander, ODR Collaborative Framework, Singapore; Yongmin Bian, Progress on Implementation of the Collaborative Framework in China.

⁶⁵ Providers agreeing to participating in the UX review at the Workshop included BAC/BIAC, GZAC, eBRAM, NBADR, BANI, and CIETAC.

⁶⁶ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

⁶⁷ Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) (New York Convention), <https://uncitral.un.org/en/texts/arbitration>.

⁶⁸ UNCITRAL Model Law on International Commercial Arbitration (Rev. 2006), <https://uncitral.un.org/en/texts/arbitration>.

⁶⁹ UNCITRAL Model Law on Electronic Commerce (1996), <https://uncitral.un.org/en/texts/ecommerce>.

⁷⁰ United Nations Convention on the Use of Electronic Communications in International Contracts (2005) (Electronic Communications Convention), <https://uncitral.un.org/en/texts/ecommerce>.

Economies	New York Convention	Model Law on International Commercial Arbitration	Model Law on Electronic Commerce	Electronic Communications Convention ⁷¹
Australia	YES	YES	YES	-
Brunei Darussalam	YES	YES	YES	-
Canada	YES	YES ⁷²	YES	-
Chile	YES	YES	-	-
China	YES	-	YES	-
Hong Kong, China	YES	YES	YES	-
Indonesia	YES	-	-	-
Japan	YES	YES	-	-
Korea	YES	YES	YES	-
Malaysia	YES	YES	YES	-
Mexico	YES	YES	YES	-
New Zealand	YES	YES	YES	-
Papua New Guinea	YES	YES	YES	-
Peru	YES	YES	-	-
The Philippines	YES	YES	YES	YES
Russia	YES	YES	YES	YES
Singapore	YES	YES	YES	YES
Chinese Taipei	YES ⁷³	YES	YES	-
Thailand	YES	YES	YES	YES
USA	YES	-	YES	-
Viet Nam	YES	-	YES	-

SOURCE: Status Table of All UNCITRAL Texts, https://uncitral.un.org/sites/default/files/2026-04/overview-status-table_280426.pdf.

The APEC Study on Economy Legal Frameworks for the Implementation of ODR under the Collaborative Framework found that each APEC economy:

- “Permits using ODR for cross-border B2B disputes;
- Recognizes agreements to use ODR under the Collaborative Framework, including agreements concluded electronically;
- Permits the parties or the ODR provider to choose the place of arbitration (seat of arbitration);
- Permits that parties agree to use electronic communications via an ODR platform, including for the initiation of ODR proceedings;
- Permits the parties to agree on the procedures for conducting ODR, including the use of a documents-only decision or a remote hearing;
- Provides for recognition and enforcement of [ODR] awards.”⁷⁴

⁷¹ China and Korea have signed the Electronic Communications Convention.

⁷² According to UNCITRAL, each of Canada’s provinces has enacted legislation following the UNCITRAL Model Law. See https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_arbitration.

⁷³ While Chinese Taipei is not a contracting party to the New York Convention, its Arbitration Act is modeled on the Convention.

⁷⁴ Study of Economy Legal Frameworks for the Implementation of ODR, note 8 supra at 5.

November 2025 Workshop Conclusion:

“APEC economies have broadly implemented the key international instruments relevant to ODR, as outlined in the Collaborative Framework. There are no legal impediments to using ODR in any APEC economy.”⁷⁵

By comparison, APEC economies have not implemented the key instruments relevant to cross-border enforcement of judicial judgements. No APEC economy has implemented the 2019 Hague Judgments Convention,⁷⁶ and only two (Mexico and Singapore) are parties to the Hague Choice of Court Convention.⁷⁷ While ratification of these Hague instruments is highly desirable, it does not match the scope of cross-border enforcement of arbitration awards under the New York Convention (with 172 parties globally). In the Queen Mary University 2025 International Arbitration Survey, an overwhelming majority (87%) of respondents again favored resolving international disputes through international arbitration, either alongside other modes of alternative dispute resolution (48%) or as a standalone mechanism (39%).⁷⁸ MSMEs, like larger businesses, need to be able to resolve their disputes using mediation and arbitration as outlined in the Collaborative Framework.

I. International Partners Show Strong Support

The APEC November 2025 Workshop included participation by several international partners, including ABAC, the World Bank, the Asian Development Bank (ADB), and the International Chamber of Commerce (ICC). All expressed their willingness to help APEC implement the Collaborative Framework. APEC should also explore collaboration with ASEAN.

ABAC

ABAC has participated in and supported the implementation of the Collaborative Framework at every APEC ODR Workshop and Policy Dialogue. It has consistently emphasized the benefits of the Collaborative Framework for APEC MSMEs.

⁷⁵ APEC November 2025 Workshop, Conclusions and Recommendation, Appendix I *infra*.

⁷⁶ Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019 Hague Judgments Convention). The Convention provides legal certainty and predictability to parties involved in cross-border transactions, providing clarity as to whether and to what extent a judgment will be recognized and enforced in another jurisdiction. For the contracting parties to the Convention see HCCH, Status Table, 2019 Judgements Convention, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=137>.

⁷⁷ Convention of 30 June 2005 on Choice of Court Agreements. The Convention is aimed at ensuring the effectiveness of choice of court agreements (also known as "forum selection clauses") between parties to international commercial transactions. For the contracting parties to the Convention see HCCH Status Table, Hague Choice of Court Convention, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=98>.

⁷⁸ Queen Mary University and White & Case, 2025 International Arbitration Survey, The path forward: Realities and opportunities in arbitration, at 5, <https://www.qmul.ac.uk/arbitration/media/arbitration/docs/White-Case-QMUL-2025-International-Arbitration-Survey-report.pdf>.

At the APEC November 2025 Workshop, the ABAC representative (Dr. Julius Caesar Parreñas) pointed out that in its 2019 Report to APEC Leaders, ABAC urged APEC Leaders to support the development of the APEC ODR Collaborative Framework. ABAC noted:

“Across the region, MSMEs account for more than 95 percent of all enterprises and generate more than 50 percent of domestic employment, but they, including women-led MSMEs, are not sufficiently engaged or are underrepresented in cross-border trade and global value chains. This means that our economies and communities are unable to fully realize inclusive economic growth....

While APEC member economies have been encouraging MSMEs to enter cross-border business...there has been a failure to recognize and prepare companies for the possibility of – and potential harm from – cross-border disputes. In this regard, ABAC welcomes efforts to develop a region-wide framework for online dispute resolution platforms, which will both reduce the time taken to resolve a dispute, reduce legal costs, and provide them the ease to be better prepared to take their businesses offshore, draw up contracts, and ensure the inclusion of dispute settlement clauses in the contracts, among others.”

At the APEC November 2025 Workshop, the ABAC representative further stated:

“Across every level of the trade pipeline, access to easy, low-cost dispute resolution has been consistently identified by ABAC as an issue for MSMEs engaged in trade.”

“Interviews with MSMEs engaged in cross-border trade, business leaders, and policymakers in the 21 APEC economies make it clear that MSMEs either do not engage in dispute resolution or try to engage in informal negotiations with the other party. Few, if any, MSMEs used conventional methods of arbitration and legal settlement available due to their perceived complexity and cost.”

The ABAC representative concluded:

“Going forward, APEC will continue to collaborate with the APEC Economic Committee to promote wider adoption of the ODR mechanism across member economies. As the business sector's voice in APEC, we maintain close cooperation with business organizations across the 21 member economies. ODR is an important priority in our work to promote an enabling ecosystem for wider participation of MSMEs in regional trade and business. For this reason, we look forward to expanding our collaboration with the APEC EC to enhance the use of ODR across the region.”⁷⁹

⁷⁹ APEC November 2025 Workshop, ABAC, Dr. Julius Caesar Parreñas, Enhancing the Use of ODR, Collaboration with the APEC Business Advisory Council, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_021.pdf. For the ABAC Report to APEC

November 2025 Workshop Recommendation:

“SELI, with help from Lead Academics, should:
Work with ABAC to promote the Collaborative Framework and identify businesses willing to participate.”⁸⁰

World Bank

The World Bank has actively participated in all recent APEC ODR Workshops and EC Policy Dialogues on ODR. At the APEC November 2025 Workshop, World Bank representative Elena Gasol discussed various projects in which the Bank has been involved, including the implementation of ODR and its components, such as AI. She highlighted some issues faced by MSMEs in these economies, particularly disputes over late payments for small-value transactions, which impact business liquidity and confidence. She also explained the World Bank’s efforts to measure the implementation of dispute-resolution mechanisms, including ODR. The recent findings from the Global Regulations, Institutional Development, and Market Authorities Perspective Toolkit (GRIDMAP) provide emerging markets and developing economies with a “Minimum Package” of policies to establish trustworthy markets for G2C transactions, including effective dispute-resolution mechanisms.⁸¹ The findings indicate that a major challenge for these economies is the gap between regulatory goals and the ability to regulate effectively, including for ADR or ODR. She also mentioned that ADR is more commonly used than ODR. Additionally, she pointed out that the World Bank B-Ready Indicators will track ODR use in B2B disputes.

Elena Gasol commented on the APEC Collaborative Framework:

“The Framework provides an excellent example of how governments and the private sector can collaborate in offering ODR. One major challenge for many economies in implementing state-of-the-art ODR systems is their lack of technological expertise and the necessary budget. Under the Collaborative Framework, APEC has overcome these issues by partnering with ODR providers in economies that have opted into it. The private sector is better suited to design and implement ODR platforms. It must innovate to survive and, as a result, is better positioned to deliver leading-edge products. Additionally, the private sector has more experience ironing out problems and ensuring market readiness. What is striking about the Collaborative Framework is that it brings

Economic Leaders Chile 2019 see

https://www2.abaconline.org/assets/2019/2019_Report_to_Leaders/ABAC_Report_2019_Final_web.pdf at 28-29.

⁸⁰ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

⁸¹ World Bank, Global Regulations, Institutional Development, and Market Authorities Perspective Toolkit (GRIDMAP) (November 2024),

<https://openknowledge.worldbank.org/server/api/core/bitstreams/2be8d8ad-3aea-4766-84a6-ae1df0d6f880/content>. The World Bank GRIDMap-GP analyzed data from 53 economies in 7 regions, by region, income level, and legal system (first wave data collection closed July 2024). GRIDMAP used 152 indicators to facilitate gap assessments and identify the maturity level of practices in economies.

together this initiative with the private sector across borders. This can be very powerful, particularly as the digital markets are exploding.”⁸²

ADB

At the APEC November 2025 Workshop, the Asian Development Bank's General Counsel, Thomas Clark, emphasized that quick, fair, and affordable dispute resolution is a vital tool for MSMEs' growth. However, an ICC-commissioned study reveals that the economic toll of unresolved, low-value commercial disputes is enormous, amounting to roughly USD 1 trillion annually in bad debts and disputed invoices that are essentially written off. On a company level, these unresolved claims drain cash flow and waste weeks of management time. On a market level, weak enforcement creates uncertainty, pushing firms into insider networks and shutting out new entrants. Overall, it gradually damages trust, creditworthiness, and investment opportunities, which are essential for job creation. These issues are serious and demand innovative, scalable solutions that will create a fairer playing field, lower barriers to justice, and help MSMEs succeed in a fast-changing global economy.

Mr. Clark observed that ADB has been investing in strengthening alternative dispute resolution legal systems and institutions across developing member economies. This provides a way for greater collaboration within APEC and other international and regional organizations. Through technical assistance programs, ADB has worked with governments to improve dispute-resolution ecosystems by aligning domestic frameworks with international standards, such as UNCITRAL instruments, and by building capacity among judges, arbitrators, legal practitioners, and, most importantly, the business community itself, essentially, the end users.

Mr. Clark noted that a Multilateral Development Bank (MDB), such as the ADB, can leverage training and capacity-building, or so-called technical assistance agreements, to help economies build that capacity. In 2026, the ADB will launch a major technical assistance program to strengthen alternative dispute resolution mechanisms, including support for the development of ODR in developing member economies. He mentioned that ODR will be an essential component because technology can help remove some of the bottlenecks in a full deployment of mediation.⁸³

ICC

At the APEC November 2025 Workshop, ICC Representative Dr. Zhijin Donna Huang explained why the ICC believes ODR is crucial for resolving low-value cross-border disputes involving MSMEs. She mentioned that the ICC recently commissioned a study on the impact of unresolved low-value disputes in cross-border trade, especially for MSMEs.⁸⁴ She noted that data suggest that across Asia, 70 percent of small-business disputes remain unresolved. In some developing economies, the average

⁸² APEC November 2025 Workshop, Elena Gasol, Global Knowledge Lead, Digital Regulations, World Bank, ODR Work by the World Bank, November 12, 2025, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_025.pdf.

⁸³ APEC November 2025 Workshop, Thomas Clark, General Counsel, Asian Development Bank.

⁸⁴ For the study see Oxera, The economic impact of unresolved low-value commercial disputes, 3 November 2025, <https://odr.info/new-icc-adb-report-on-the-economic-drag-from-unresolved-cross-border-msme-disputes/>.

cost of court proceedings exceeds the value of the claim itself. She pointed out that without affordable and effective dispute resolution, these firms operate in a constant risk-management mode. They are hesitant to invest in innovation or to engage new partners. This self-reinforcing cycle undermines competitiveness and limits participation in global value chains. She also emphasized that the evidence gathered in the study underscores that the efficiency, accessibility, and affordability of dispute resolution, especially for SMEs, are not only matters of legal reform—they are economic necessities.

Dr. Huang reported that ICC's goal is to develop an ODR platform for low-value disputes, especially those under EUR 50,000, where traditional methods are often impractical. She also noted, “we are keen to align with the APEC ODR Collaborative Framework, because it sets regional standards for digital justice. Integration with APEC’s Framework strengthens our ability to influence and complement regional policy initiatives on digital trade and dispute resolution.” She further pointed out that the ICC has offices in Singapore and Hong Kong, China.⁸⁵

ASEAN

The APEC EC should also consider partnering with the Association of Southeast Asian Nations (ASEAN). Seven out of eleven ASEAN members are also APEC members: Brunei Darussalam; Indonesia; Malaysia; the Philippines; Singapore; Thailand; and Viet Nam.

ASEAN issued Alternative Dispute Resolution Guidelines for Consumer Protection in October 2021⁸⁶ and Guidelines for ODR in July 2022.⁸⁷ The Guidelines for ODR recommend two modes of government-led recourse (negotiation and mediation) for B2C disputes, but note that “the rules of procedure for the ODR system procedures could foresee ... more complex and stricter requirements, for example, arbitration.”⁸⁸ The ultimate goal is the establishment of the ASEAN ODR Regional Network, providing for “more effective resolution of cross-border consumer disputes that may otherwise not be adequately resolved due to limitations of jurisdiction and enforcement of decisions beyond [domestic] borders.”⁸⁹

At the November 2025 Workshop, the ABAC representative noted that ABAC and the ASEAN Business Advisory Council (ASEAN-BAC) have developed several joint initiatives, including the creation of an annual Southeast Asia Conference. He suggested that the APEC EC work with ASEAN to further develop the Collaborative Framework.

⁸⁵ APEC November 2025 Workshop, ICC, Dr. Zhijin Donna HUANG, Building Trust, Empowering Growth: Dispute Resolution for the World’s Smallest Businesses, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_023.pdf.

⁸⁶ ASEAN Alternative Dispute Resolution (ADR) Guidelines on ADR, February 2021, [https://aseanconsumer.org/file/post_image/475506%20%20ASEAN%20ADR%20Guidelines%202021%20\(Final\).pdf](https://aseanconsumer.org/file/post_image/475506%20%20ASEAN%20ADR%20Guidelines%202021%20(Final).pdf).

⁸⁷ ASEAN Guidelines on ODR, ASEAN Association of Consumer Protection, July 2022, <https://asean.org/book/asean-guidelines-on-online-dispute-resolution-odr>.

⁸⁸ *Id.* para. 23.

⁸⁹ *Id.*

November 2025 Workshop Recommendation:

“Work with ABAC, ADB, ASEAN, the World Bank, and other international organizations to promote the Collaborative Framework and identify businesses willing to participate.”⁹⁰

The international partners have emphasized the APEC ODR Framework's crucial role in guiding and shaping the work of other international organizations and partners and underscored the importance of continuing progress on the APEC ODR Framework alongside international partners.

J. Collaborative Framework Helps Economies Strengthen Capacity For Implementing ODR

At the November 2025 APEC Workshop, representatives from Papua New Guinea stated that their 2024 accession to the Collaborative Framework marked a major milestone in strengthening the economy's ability to build an effective legal framework for dispute resolution, especially for MSMEs.

The PNG representatives noted that they had opted into the Collaborative Framework despite lacking ODR service providers or an internal ODR framework. They stated that PNG supports the APEC Collaborative Framework because it boosts MSME confidence and participation in regional and international trade by providing a reliable platform for resolving B2B disputes efficiently and effectively. According to PNG representatives, opting into the Collaborative Framework reflects PNG's strong commitment to access to justice, business growth, and fair dispute resolution. They also noted that the Collaborative Framework enables it to engage with the Economic Committee in building an ODR infrastructure through specialized training for judges, mediators, lawyers, and government officials, establishing supportive legal frameworks and developing ODR providers in PNG.⁹¹

November 2025 Workshop Recommendations:

“SELI, with help from Lead Academics, should:
“Stimulate economy-level capacity building for governments, lawyers, MSMEs, potential ODR platform providers, courts, and other stakeholders to implement ODR through workshops, webinars, etc.”⁹²

APEC partnering providers have demonstrated a willingness to assist new APEC providers in implementing ODR. For example, at the November 2025 Workshop, eBRAM stated it is open to collaborating with other APEC providers by sharing

⁹⁰ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

⁹¹ APEC November 2025 Workshop, Steven K Collin, PNG APEC Secretariat and Michael Steven Wagambie, University of Papua New Guinea, School of Law, Papua New Guinea's Progress on APEC Collaborative Framework on Online Dispute Resolution, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_007.pdf.

⁹² APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

resources, such as its ODR Platform.⁹³ Additionally, ODR.com has stated it is open to collaborating with APEC providers to develop ODR platforms under the Collaborative Framework. ODR.com also highlighted how advanced technology and AI can improve an ODR platform in areas such as intake and diagnosis, payment processing, case management, notifications, document management, calendars and scheduling, and assisted negotiation.⁹⁴

III. Key Elements to Wider Implementation of Collaborative Framework

There are three levers to expand implementation of the ODR Framework:

- a. More APEC economies need to opt in,
- b. More MSMEs need to agree to use ODR and the APEC ODR providers, and
- c. More ODR providers need to apply to join the Collaborative Framework and meet its requirements.

A. More Economies Need to Opt In

As the 2023 Economic Policy Report highlights:

“The Collaborative Framework presents APEC’s initiative to capitalize on the benefits of ODR for micro, small, and medium enterprises.”⁹⁵

The importance of each individual APEC economy's participation in the Collaborative Framework cannot be overstated. They play a crucial role in the success of ODR, including promoting it to their businesses and overseeing ODR providers.

Importantly, as stated on the APEC website, opting into the Framework does not create binding obligations for an economy, but it allows that economy's ODR providers to partner with APEC.⁹⁶

At the APEC November 2025 Workshop, several economies indicated they were considering opting into the Collaborative Framework, including Korea; the Philippines; Thailand; and Viet Nam. All four expressed support for the Collaborative Framework.

⁹³ eBRAM, Wenny Huang, note 45 supra.

⁹⁴ APEC November 2024 Workshop, ODR.Com (Colin Rule, Josh Remis), ODR and the Rise of the Fourth Party. ODR.com offers a multilingual ODR platform for cross-border resolution of MSME disputes and hopes to find partners who can help it localize its services across APEC in different cultural contexts. It doesn't have arbitrators or mediators; it only offers a software platform. ODR.com has worked closely with the APEC EC to help develop the Collaborative Framework.

⁹⁵ 2023 APEC Economic Policy Report, note 2 supra at 55.

⁹⁶ APEC Collaborative Framework For ODR: Economies Opting In, <https://www.apec.org/SELI/Economies>.

For example, the Philippines representative stated:

“The Philippine Development Plan (2023–2028) supports digitalization and innovation efforts aimed at enhancing the administration of justice, promoting e-commerce, and improving regulatory efficiency in the digital era. In particular, the Philippines is currently developing the automated and integrated the Philippines Online Dispute Resolution System (PODRS) to streamline the government’s handling of consumer complaints by linking existing consumer protection and e-commerce platforms.

The Philippines recognizes that the APEC ODR Framework offers a model for resolving low-value cross-border disputes for businesses—particularly micro, small, and medium enterprises (MSMEs)—a sector that comprises a significant portion of the Philippine economy. The APEC ODR is a best practice that can help enrich and further develop ODR systems in the Philippines.”⁹⁷

The Thailand representative noted that:

“Advanced technology and innovation are fueling the rapid growth of cross-border e-commerce in Thailand and across APEC. This expansion has also led to an increase in disputes involving both B2B and B2C transactions. Consequently, there is a growing recognition of the need to modernize dispute resolution mechanisms to keep pace with the scale of digital commerce, particularly to provide faster, fairer, and more accessible tools for justice.”

He also highlighted why the APEC Collaborative Framework matters for Thailand. He stated:

“The benefits of opting into the Collaborative Framework for Thailand include:

- Facilitating trade by making dispute resolution simpler, quicker, and more affordable for cross-border commerce;
- Empowering MSMEs by offering a fair, predictable, and affordable process to resolve problems across borders;
- Enhancing regulatory capability by aligning Thailand with APEC best practices and global norms;
- Building trust in the Thai digital economy among businesses, consumers, investors, and international partners through fair and transparent outcomes;
- Strengthening Thailand’s APEC integration through shared systems and standards; and
- Reinforcing Thailand’s role as a regional hub for the digital economy.”

⁹⁷ APEC November 2025 Workshop, Ms. Krishnia Nathalie Zabala, Senior Economic Development Specialist, Department of Economy, Planning and Development, the Philippines, The Philippines Online Dispute Resolution System, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_013.pdf.

The Thailand representative also noted that the Thai Arbitration Center (THAC) and the Thai Arbitration Institute (TAI) are considered potential ODR providers under the Collaborative Framework. However, participating would require assessing their readiness and ensuring their internal regulations align with the Framework's standards. Additionally, the adaptation of their digital platforms and the evaluation of actual user demand remain key considerations before opting in.⁹⁸

At the workshop, the EC Chair noted that this is a chicken-and-egg situation. Opting in aims to help ODR providers in economies develop their platforms, train mediators, and build confidence in ODR among MSMEs.

At the Workshop, the representatives of Papua New Guinea highlighted that it opted into the Collaborative Framework, even though it did not have ADR providers or mediators.⁹⁹

November 2025 Workshop Recommendation:

"APEC Economies should favourably consider opting into the Collaborative Framework as soon as practicable."¹⁰⁰

B. More Businesses Need to Agree to Use ODR and Partnering ODR Providers

A second key challenge in implementing the Collaborative Framework is encouraging APEC businesses, including MSMEs, to adopt ODR and use the services offered by APEC ODR providers.

Studies show that MSMEs often enter contracts without considering or negotiating dispute resolution clauses. The adoption of ODR remains limited due to users' unfamiliarity and psychological barriers, such as concerns about data privacy. As a result, many MSMEs are forced to write off their losses when disputes occur because they cannot resolve them. As discussed above, by ABAC, the World Bank, ADB and the ICC, many cross-border disputes involving MSMEs remain unresolved.¹⁰¹

The November 2025 APEC ODR Workshop concluded:

The absence of affordable and timely commercial justice for cross-border transactions leads many to avoid trading across borders to avoid that risk. An ABAC survey of small businesses found that MSMEs involved in cross-border

⁹⁸ APEC November 2025 Workshop, Dr. Thuttai Keeratipongpaiboon, Director, International Strategy and Coordination Division, NESDC, Thailand, Opportunities and Challenges of Opt-In APEC ODR for Thailand, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_011.pdf.

⁹⁹ Presentation of PNG representatives Steven K Collin, and Michael Steven Wagambie, note 91 *supra* and accompanying text.

¹⁰⁰ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I *infra*.

¹⁰¹ See notes 79-85 and accompanying text.

e-commerce increase productivity by 6-15%, with participation from women-led businesses doubling.¹⁰²

APEC Member Economies and SELI Should Take the Lead in Assisting MSMEs

The Collaborative Framework states that APEC member economies should encourage businesses, especially MSMEs, to utilize partnering ODR providers.¹⁰³

Examples of actions that economies have implemented to promote ODR and the Collaborative Framework include:

Viet Nam. Viet Nam has held training sessions and an ODR pilot for Vietnamese MSME business leaders. The ODR pilot used online negotiation, mediation, and arbitration processes to resolve sample disputes, such as those involving late delivery, payment, and quality issues. Training funds were provided by the Australian Department of Foreign Affairs and Trade, and ODR use during the pilot was facilitated by Resolve Dispute Online (Australia) and the Viet Nam International Arbitration Centre (VIAC). Before the training, Vietnamese MSMEs surveyed favored negotiation as a way to resolve disputes. The use of arbitration and courts was unpopular because they were too costly for MSMEs. Only a third of the participants believed ODR would be helpful in resolving their disputes. After the training, the vast majority of the MSMEs believed ODR would be important for resolving their disputes.¹⁰⁴

Indonesia. Indonesia hosted an APEC Workshop on ODR in July 2023 that focused on building ODR capacity for stakeholders, including MSMEs, to analyze the situation of MSMEs in Indonesia and raise awareness among MSMEs and other stakeholders about the benefits of the Collaborative Framework for resolving cross-border B2B disputes. This workshop laid the groundwork for Indonesia to opt into the Collaborative Framework in August 2024.¹⁰⁵

The ASF SELI Sub-Fund remains a key source of funding for APEC Workshops that promote the use of ODR and support the implementation of the Collaborative Framework. This Sub-Fund helps develop and execute work plans approved by the EC, including initiatives for ODR under the Collaborative Framework. Any APEC member economy can submit a concept note or project proposal to the ASF SELI Sub-Fund to organize a Workshop to enhance ODR capacity and advance the implementation of the Collaborative Framework.¹⁰⁶

November 2025 Workshop Recommendations:

“APEC economies should ...

¹⁰² APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

¹⁰³ APEC ODR Collaborative Framework, para. 6.1.

¹⁰⁴ APEC December 2022 Workshop, note 10 supra at 23-24, Duong Nguyen, Viet Nam representative to the EC.

¹⁰⁵ See note 7 supra, for the Indonesian Report following the Workshop.

¹⁰⁶ APEC Project Funding Sources, APEC Support Fund – Sub-Fund on Strengthening Economic Legal Infrastructure, <https://www.apec.org/Projects/Funding-Sources>. For the Project Session 1, 2026, the balance in the SELI Sub-Fund was USD 791,700. Hong Kong, China has contributed USD 2 million to the SELI Sub-Fund.

Encourage their businesses, **particularly MSMEs**, to incorporate model ODR dispute resolution clauses from APEC ODR providers into their contracts ...

Consider hosting workshops and capacity-building or promotional events to promote the implementation of ODR and the use of the Collaborative Framework.”¹⁰⁷

C. Partner with More ODR Providers

A third key element for the successful operation of the Collaborative Framework is that ODR providers need to apply to partner with APEC. Increasing the number of economies participating in the Collaborative Framework and enabling more providers to partner with APEC are essential steps toward creating a strong regional cross-border ODR network. Without the involvement of ODR providers from multiple economies representing different cultural backgrounds and legal systems, the successful implementation of the Framework will be hindered.

The November 2025 Workshop heard from several ODR providers from economies that have not opted into the Collaborative Framework, such as CAM Santiago (Chile), KCAB (Korea), and THAC (Thailand). All expressed a desire to partner with APEC under the Collaborative Framework if their economy opts into the Framework.

Cam Santiago/Resolución en Línea (Chile). The representative of the Santiago Arbitration and Mediation Center (CAM Santiago) stated that it is waiting for Chile’s decision to opt in to the Collaborative Framework so it can partner with APEC. Since 2018, CAM Santiago has regularly taken part in APEC workshops on the APEC ODR Collaborative Framework. CAM Santiago initially built an ODR platform (ODR CAM) for B2B disputes based on the Framework, supporting online, algorithm-assisted negotiation, mediation, and arbitration. CAM Santiago has paused its B2B platform while waiting for the Chilean government’s decision on opting in.

In response to the rapid growth of B2C e-commerce, CAM Santiago created an ODR platform, Resolución en Línea, for B2C disputes. It builds on its B2B platform and applies lessons learned from the Collaborative Framework. It allows businesses to voluntarily enroll to offer ODR to their customers, including online negotiation and online mediation. As of September 2025, over 190 companies had enrolled on the platform; over 70 percent of cases have been settled through agreement; 99.9% of cases are resolved during the algorithm-assisted negotiation stage; and nearly half of the cases are resolved within 48 hours. CAM Santiago believes similar benefits can be achieved for B2B disputes if it becomes an APEC ODR provider. CAM Santiago views the APEC Collaborative Framework as a major advancement in dispute resolution for economies and ODR providers.¹⁰⁸

KCAB International (Korea). The representative of KCAB International expressed enthusiasm about the opportunity to collaborate with APEC and other providers under the Collaborative Framework to continue improving IT services if Korea chooses to

¹⁰⁷ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra (emphasis added).

¹⁰⁸ APEC November 2025 Workshop, CAM Santiago, Benjamin Astete & Laura Aguilera Villalobos, Resolución en Línea: Key takeaways from consumer ODR.

join. KCAB International recently participated in the APEC EC's policy dialogue on ODR at EC 2 in August 2025 and at the APEC ODR November 2025 Workshop.

The KCAB representative noted that KCAB International has administered more than 360 international arbitrations under its arbitration rules. It recently updated these rules to explicitly support the use of an ODR platform and to promote the adoption of technology, including AI, throughout the arbitration process. It plans to develop a next-generation digital ODR platform designed for seamless case management. By offering such a system, KCAB International ensures that all parties, regardless of financial resources or technical expertise, can access it. She pointed out that although KCAB International is not currently recognized as a provider under the APEC ODR Collaborative Framework, the Framework aligns well with the types of disputes KCAB International handles. According to KCAB's 2024 statistics, over 65% of cases involve claims under USD 1 million, with 48% below USD 100,000. These figures highlight the increasing demand for streamlined, cost-effective mechanisms for smaller clients. She concluded by observing that in this context, the APEC ODR framework offers a compelling model to improve access to justice and procedural efficiency for cross-border commercial disputes managed by KCAB International, especially through its structured three-stage process involving negotiation, mediation, and arbitration. This approach makes the process faster, fairer, and more accessible.¹⁰⁹

THAC (Thai Arbitration Center) (Thailand). THAC has stated that “it would be extremely helpful if Thailand opted into the Collaborative Framework, and THAC could partner with the APEC EC to offer ODR under the Collaborative Framework.” THAC has assisted with developing the Collaborative Framework since 2018, participating in several Workshops and Policy Dialogues.

THAC operates an ODR platform that handles cases related to copyright, patent, trademark infringements, family law, and e-commerce disputes. Over the past year, THAC conducted an in-depth UX review that revealed significant, fundamental restructuring and corrections were needed. To improve its ODR capabilities, THAC is redesigning its platform to align with international best practices and the APEC ODR Collaborative Framework. THAC will also employ AI to provide initial guidance to users and to automate the transcription and summary of proceedings, enhancing operational efficiency. These improvements aim to enable parties to engage in negotiation, mediation, and arbitration without limitation, providing a more comprehensive service for all, including those with disabilities.¹¹⁰

November 2025 APEC Workshop Conclusion:

“Getting more APEC economies to join and more providers to partner with APEC is important to spreading the use of ODR across the region.”¹¹¹

November 2025 Workshop Recommendation:

¹⁰⁹ APEC November 2025 Workshop, KCAB, Ms. Pui-Ki Emmanuelle TA, (video presentation).

¹¹⁰ APEC November 2025 Workshop, THAC, Tanathip Minrin, Experience Sharing By THAC: Strategic ODR Development,

https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_019.pdf.

¹¹¹ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

“SELI, with help from Lead Academics, should ... partner with as many ODR providers as possible from economies that have opted in and reach out to providers in economies that have not opted in to gauge their potential interest in partnering with APEC.”¹¹²

IV. Improving Implementation Under the Collaborative Framework

The November 2025 Workshop also recommended that SELI consider several technical adjustments to improve the implementation of the Collaborative Framework for transactions.

A. Compile a List of Relevant Laws

Some APEC economies lack official legal information systems.¹¹³ Consequently, it can be difficult to identify relevant laws in certain APEC economies and provide dispute resolution services at a cost proportional to the dispute amount.

The APEC November 2025 Workshop discussed a recommendation to compile a list of key laws across economies related to the sale of goods or the performance of services in business-to-business transactions—covering the scope of the Collaborative Framework. It was noted that similar lists have been very useful for assessing the status of private international law instruments, such as the CISG Database (United Nations Convention on Contracts for the International Sale of Goods) and the UNCITRAL CLOUT system (Case Law on UNCITRAL texts).¹¹⁴

At the Workshop, the Lead Academics agreed to assist with the project.

November 2025 Workshop Recommendation: SELI working with the Lead Academics should ... List key laws in economies relevant to the Collaborative Framework to assist parties and ODR providers.”¹¹⁵

There was also a general consensus that SELI/Lead Academics should begin with areas where the law is less clear, such as digital awards and special treatment for small businesses.

Digital Awards.

One area where arbitration law is evolving concerns the electronic issuance of awards.

Under the APEC Model Rules of Procedure (Article 8(5)), the contracting parties agree that awards can be issued and signed electronically. However, the APEC Rules also

¹¹² Id.

¹¹³ For example, LexisNexis or Westlaw.

¹¹⁴ For the CISG database see <https://iicl.law.pace.edu/cisg/cisg>; for the UNCITRAL CLOUT system see <https://www.uncitral.org/clout/>.

¹¹⁵ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

state (Art. 1(2)) that “where any of these Rules is in conflict with a provision of the law applicable to the ODR proceedings from which the parties cannot derogate, that provision shall prevail.” Therefore, Article 8(5) of the Rules would be overridden by mandatory law in any jurisdiction that requires awards to be signed and in writing.

As highlighted in the APEC Study on Economy Legal Frameworks for the Implementation of the ODR Collaborative Framework, the laws of APEC economies differ regarding the validity of awards issued electronically.¹¹⁶ Each APEC economy's arbitration law requires that an arbitration award be signed and in writing (see Article 31 of the UNCITRAL Model Law on International Commercial Arbitration),¹¹⁷ although the specific requirements for the form of the award may vary slightly. Additionally, the laws of economies that follow the UNCITRAL Model Law on Electronic Commerce¹¹⁸ (and recognize e-documents and e-signatures) may not apply to awards issued electronically if their scope is limited to commercial transactions. Furthermore, the Electronic Communications Convention,¹¹⁹ which provides for the recognition of e-documents and e-signatures, may not apply to digital awards since its scope of application (Article 1(1)) is limited to “electronic communications in connection with the formation or performance of a contract.”

APEC economy laws also generally follow Article IV 1(a) of the New York Convention (implemented in every APEC economy)¹²⁰ and Article 35(2) of the 1985 UNCITRAL Model Law, which requires that the party relying on an award or seeking to enforce it must provide “the duly authenticated original award or a duly certified copy thereof.”¹²¹

UNCITRAL has recognized the importance of digital awards and is currently examining a series of recommended legal reforms to facilitate their recognition and enforcement. UNCITRAL WG II (Dispute Settlement) at its October 2025 session, approved the following Recommendation:

*“Recommends that the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done in New York, 10 June 1958, be interpreted in a manner that ensures arbitral awards are not denied recognition or enforcement on the sole ground that they are in electronic form.”*¹²²

Additionally, Working Group II also approved amending Articles 31 and 35 of the UNCITRAL Model Law on International Commercial Arbitration to include the following:

¹¹⁶ Study of Economy Legal Frameworks for the Implementation of ODR, note 8 supra at 29-32.

¹¹⁷ See note 68 supra and accompanying text.

¹¹⁸ See note 69 supra and accompanying text.

¹¹⁹ See note 70 supra and accompanying text.

¹²⁰ See note 67 supra and accompanying text.

¹²¹ Study on Economy Legal Frameworks for the Implementation of ODR under the APEC Collaborative Framework, note 8 supra at 29-32.

¹²² Report of Working Group II (Dispute Settlement), on the work of its eighty-second session (Vienna, 13–17 October 2025), A/CN.9/1236, para. 22; Recognition and Enforcement of Electronic Arbitration Awards, Note by Secretariat, 3 Dec. 2025, A/CN.9/WG.II/WP.244, Annex at 10.

Article 31(5), “If the parties agree, or in the absence of such agreement, neither party objects, the arbitral tribunal may issue an arbitral award in electronic form.”

Article 35 (3), “An award shall not be refused recognition or enforcement, solely on the ground that it is in electronic form.”¹²³

The proposals will be reviewed by UNCITRAL during its annual Commission session 29 June -10 July 2026.

At the Workshop, several APEC ODR providers suggested that a listing or summary of relevant economy laws related to electronic award enforcement would be helpful. Under the Collaborative Framework, providers should review awards to ensure they withstand scrutiny in setting-aside proceedings under the New York Convention (Article VI) and the UNCITRAL Model Law (Article 34). They should avoid issuing a digital award if the applicable mandatory law does not permit it.¹²⁴ The law at the place of arbitration usually explicitly stipulates the requirements for the form and content of the award and sets the framework for the setting-aside regime.¹²⁵

Providing Small Businesses Special Treatment.

An area where the relevant substantive law may be unclear involves whether consumer protection laws apply to small businesses. The Collaborative Framework applies to B2B transactions, and the APEC ODR Model Procedural Rules state in Article 2(6) that a “Consumer transaction” means a:

“contract concluded for personal, family, or household purposes.”

The definition aligns with the United Nations Convention on Contracts for the International Sale of Goods (CISG), which excludes consumer transactions.¹²⁶

However, the United Nations Guidelines on Consumer Protection (UNGCP) 2015, Guideline 3 issued by UNCTAD, permit a broader definition of a consumer. Guideline 3 states (emphasis added):

¹²³ Report of UNCITRAL Working Group II (Dispute Settlement) on the work of its eighty-first session (New York, 3–7 February 2025), A/CN.9/1237, paras. 2, 18, 26; Recognition and Enforcement of Electronic Arbitration Awards, Note by Secretariat, note 122 supra, paras. 4-6, Annex at 11-12.

¹²⁴ The role of the provider usually ends with the notification of the final award or any decision on requests for its correction, interpretation, or supplementation. However, the provider should also assist in the enforcement stage by issuing certified copies of the award or other certificates and in complying with whatever further formalities may be necessary. The eBRAM APEC Rules 2025 expressly provide in Art. 8.9: “Should any party require an original signed paper copy of the award, this will be couriered to the party upon receipt by eBRAM of an online request,” <https://jsumundi.com/en/document/rule/en-ebam-electronic-business-related-arbitration-and-mediation-apec-rules-2025-ebam-apec-rules-2025-wednesday-1st-january-2025>.

¹²⁵ Study on Economy Legal Frameworks for the Implementation of ODR under the APEC Collaborative Framework, note 8 supra at 31.

¹²⁶ The CISG (Art. 2(a) excludes consumer contracts – “goods bought for personal, family or household use, unless the seller, at any time before or at the conclusion of the contract, neither knew nor ought to have known that the goods were bought for any such use.”

“...the term “consumer” generally refers to a natural person, regardless of nationality, acting primarily for personal, family, or household purposes **while recognizing that Member [Economies] may adopt differing definitions to address specific domestic needs.**”¹²⁷

Several APEC economies, in accordance with the UNGCP, define consumers more broadly in their consumer protection laws to include business activities. For example, Thailand¹²⁸ and Viet Nam¹²⁹ have expanded the definition of a consumer to include small businesses. China broadens the definition of consumers to include rural farmers who purchase goods for direct agricultural use.¹³⁰ The Philippines extends the definition to cover those purchasing agricultural products.¹³¹ Republic of Korea enlarges the consumer definition to include individuals who use food and services for activities in arable and pastoral farming and small-scale fishing.¹³²

These provisions may not only affect the applicable substantive law, but also the validity of a dispute resolution clause. For example, Viet Nam’s Law on Commercial Arbitration (No. 54/2010) (Art. 5(1)) recognizes that “an arbitration agreement may be made before a dispute arises.” However, under Viet Nam’s new consumer protection law, if a trader includes an arbitration clause in a standard form contract or general trading terms, a consumer (including a small business) has the right to choose a different dispute resolution method if a dispute arises. Traders must inform consumers and small businesses in Viet Nam about arbitration clauses before they sign any contract and must obtain their consent.¹³³

B. Consider Additional Options for Enforcement of Settlement Agreements

The APEC November 2025 Workshop also discussed a recommendation to consider additional options for enforcing settlement agreements.

Under the Collaborative Framework, most disputes are resolved during the negotiation or mediation stages. According to the APEC ODR Model Rules (Article 10), settlement

¹²⁷ United Nations Guidelines on Consumer Protection (GCP) 2015, Guideline 3 (emphasis added).

¹²⁸ Thailand CPA 1979, as amended in 1998.

¹²⁹ The Viet Nam Law No.19/2023/QH15, On Protection of Consumers’ Rights, June 20, 2023. The law defines “consumer” as “a person who purchases or uses products, goods, and services to meet consumption or domestic needs of individuals, families or organizations and for non-commercial purposes.” See also APEC January 2024 Workshop, note 11 *supra*, at 17 (Viet Nam EC Representative Mr. Anh Duong Nguyen, stating that under the new Viet Nam Consumer Protection Law, the definition of consumers also covers small businesses).

¹³⁰ China, Law of the People’s Republic of China on the Protection of Consumer Rights and Interests, Articles 2 and 62.

¹³¹ The Consumer Act of the Philippines, Republic Act No. 7394 April 13, 1992, Arts. 4 (n) and (q).

¹³² Republic of Korea, Framework Act on Consumers 2011 Article 2 (1) https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=25571&type=part&key=19 and Enforcement Decree.

¹³³ Viet Nam Law No.19/2023/QH15, On Protection of Consumers’ Rights, June 20, 2023, Article 67 (Effect of arbitration clauses) states: “1. Traders must notify arbitration clauses before entering into any contract and obtain the consumer’s consent. 2. If the trader specifies an arbitration clause in the standard form contract or general trading conditions, the consumer is entitled to select another method of dispute settlement when a dispute arises.” Article 17 of the Viet Nam Law on Commercial Arbitration has a similar provision.

agreements reached at any stage of the ODR proceedings are recorded on the ODR platform, after which the proceedings automatically end. To prevent defaults, the UNCITRAL Model Law on International Commercial Mediation¹³⁴ and the Singapore Convention on Mediation¹³⁵ provide for expedited enforcement of mediated settlement agreements. However, the Singapore Convention has only been implemented in two APEC economies – Japan and Singapore.¹³⁶ Additionally, World Bank B-Ready 2025 data shows that APEC economies evaluated thus far (14 out of 21 economies)¹³⁷ received mixed scores for recognition and enforcement of mediation agreements as shown in Table Two. Only Singapore received a perfect score.

Table Two. B-Ready 2025 Recognition and Enforcement of Mediation Agreement

ECONOMY	Recognition and Enforcement of Mediation Agreements -- Max Score 4.17
Canada	0
Hong Kong, China	0
Indonesia	2.08
Republic of Korea	0
Malaysia	0
Mexico	2.08
New Zealand	0
Papua New Guinea	2.08
Peru	2.08
The Philippines	2.08
Singapore	4.17
Chinese Taipei	2.08
United States	0
Viet Nam	2.08

¹³⁴ UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018),

https://uncitral.un.org/en/texts/mediation/modellaw/commercial_conciliation.

¹³⁵ United Nations Convention on International Settlement Agreements resulting from Mediation (Singapore Convention on Mediation),

https://uncitral.un.org/en/texts/mediation/conventions/international_settlement_agreements.

¹³⁶ Id., Status, Singapore Convention on Mediation. See also Status: UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation (2018) (amending the Model Law on International Commercial Conciliation, 2002), https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_conciliation/status.

¹³⁷ The World Bank is rolling out its new B-Ready Indicators to cover 180 economies in four tranches over four years. The 2025 B-Ready Report released December 16, 2025, covers the following APEC economies: Canada, Hong Kong, China; Indonesia; Republic of Korea, Malaysia, Mexico; New Zealand; Papua New Guinea, Peru; the Philippines; Singapore; Chinese Taipei; United States and Viet Nam. The 2026 B-Ready Report will add: Australia; Brunei Darussalam; China; Chile; Japan; and Thailand. The 2027 B-Ready Report will add Russia. See Economies Covered by B-Ready, <https://www.worldbank.org/en/businessready/about-us/covered-economies>.

Source: World Bank, B-Ready Data, Dispute Resolution, Pillar 1- Regulatory Framework, Alternative Dispute Resolution, Legal Safeguards in Mediation, <https://www.worldbank.org/en/businessready/data>.¹³⁸

While full implementation of the Singapore Convention and the UNCITRAL Model Law on International Commercial Mediation is highly desirable, several other options exist to protect against defaults. First, the parties may wish to include an ODR clause in the settlement agreement that automatically refers any dispute arising under the settlement agreement to ODR under the Collaborative Framework.¹³⁹ Another option to protect against defaults is for the parties to request that the settlement agreement be converted into an arbitral award by consent. Such awards by consent generally have the same legal effect as an arbitral award under every APEC economy's law and are considered enforceable under the New York Convention.¹⁴⁰ Moreover, the 2025 International Arbitration Survey conducted by Queen Mary University found that consent awards are generally complied with.¹⁴¹

A procedure allowing parties to request an award by consent is not expressly provided for in the APEC Model Procedural Rules. The eBRAM Rules expand on the APEC ODR Model Rules to specify that if a settlement is reached before a neutral is appointed, the parties may request the appointment of a neutral to issue an award by consent and to record the parties' settlement. The eBRAM Rules also state that if the

¹³⁸ The scores for B-Ready Recognition and Enforcement of Mediation Agreements are based on "i) Streamlined enforcement regime for mediation settlement agreements and ii) Recognition and enforcement of international mediation agreements." Business Ready, Methodology (2025), Sec. 1.2.2 Legal Safeguards in Mediation. Complete B-Ready data for each economy are available at: Canada, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/canada-2025.pdf>; Indonesia, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/indonesia-2025.pdf>; Hong Kong, China, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/hong-kong-sar-china-2025.pdf>; Korea, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/korea-rep-2025.pdf>; Malaysia, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/malaysia-2025.pdf>; Mexico, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/mexico-2025.pdf>; New Zealand, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/new-zealand-2025.pdf>; Papua New Guinea, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/papua-new-guinea-2025.pdf>; Peru, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/peru-2025.pdf>; the Philippines, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/philippines-2025.pdf>; Singapore, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/singapore-2025.pdf>; Chinese Taipei, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/taiwan-china-2025.pdf>; United States, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/united-states-2025.pdf>; Viet Nam, <https://www.worldbank.org/content/dam/sites/b-ready/documents/pdf/economy/2025/viet-nam-2025.pdf>.

¹³⁹ Study on Economy Legal Frameworks for the Implementation of ODR under the APEC Collaborative Framework, note 8 *supra* at 31.

¹⁴⁰ *Id.* at 32-33.

¹⁴¹ 2025 International Arbitration Survey, note 78 *supra* at 13 (92 per cent of the respondents reported that consent awards are generally complied with).

parties reach a settlement after a neutral has been appointed, the settlement may be recorded as an award by consent upon request by the parties.¹⁴²

November 2025 Workshop Recommendation: “SELI, with help from Lead Academics, should ... encourage APEC ODR providers to allow the neutral to record any settlement as an award by consent if requested by the parties in their APEC ODR Rules of Procedure.” Workshop participants also recognized that the EC (SELI) should encourage economies to consider implementing the Singapore Convention.

C. Consider Additional Options for Enforcing Awards

The APEC November 2025 Workshop discussed a recommendation that the EC (SELI) explore additional options for the enforcement of awards. The Collaborative Framework highlights several alternatives for enforcing awards. It states:

“In addition to international agreements, APEC member economies may enter into bilateral agreements to enforce arbitration awards in accordance with the ODR Framework, including requesting assistance from payment networks or referring cases to collection agencies.”

“Participating economies may also involve private organizations (such as private “Trustmark” organizations) in the enforcement of awards.”¹⁴³

Under the Collaborative Framework, most cases will be resolved through negotiated or mediated settlement agreements. If a case proceeds to arbitration, most parties will voluntarily comply with arbitral awards because enforcement under the New York Convention is unlikely to be avoided.¹⁴⁴ The APEC Model Rules of Procedure (Art. 8(9)) state “the award shall be final and binding” and “the parties shall carry out the arbitration award without delay.” Additionally, each APEC economy’s legal framework supports the recognition and enforcement of foreign online awards issued under the Collaborative Framework.¹⁴⁵

However, when voluntary compliance with awards is lacking, enforcing awards in cross-border disputes can strain MSMEs’ resources, especially since most disputes involve small amounts, such as non-receipt of payments. The first step in enforcement is obtaining a court’s recognition of the award in the jurisdiction where enforcement is sought. Once recognized, the award can be enforced through measures like seizing

¹⁴² See Article 10.2 and 10.3 of the eBRAM APEC Rules 2025, note 124 supra.

¹⁴³ APEC ODR Collaborative Framework, para. 7.1.

¹⁴⁴ Although many providers do not keep statistics on compliance with awards, a recent study of International Chamber of Commerce (ICC) arbitration awards and court cases found a maximum voluntary compliance rate of 74.2% for U.S.-seated ICC arbitrations. Catherine A Rogers, et al, *Complying in the Shadow of the Award*, Yale Journal of International Law, forthcoming, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4757103 at 33. The study further noted that parties can increase “voluntary compliance” with international arbitral awards by facilitating immediate post-award communication and by including in their arbitration agreements provisions for post-award interest and for shifting post-award costs.

¹⁴⁵ Study on Economy Legal Frameworks for the Implementation of ODR under the APEC Collaborative Framework, note 8 supra at 29-32.

assets or issuing injunctive relief. Depending on the jurisdiction, MSMEs may need to retain experienced, specialized legal counsel.

World Bank B-Ready 2025 data shows (Table 3 below) that, based on APEC economies evaluated thus far (14 out of 21 economies as noted above), the average time to recognize a foreign arbitral award is 184.4 days at a cost of 10.9% of the value of the claim.

Table Three: Recognition and Enforcement of Foreign Arbitral Awards in APEC economies

ECONOMY	Time to Recognize A Foreign Arbitral Award -- Days	COST % of Value of Claim
Canada	300	16
Hong Kong, China	150	9
Indonesia	75	7
Republic of Korea	180	2
Malaysia	180	26
Mexico	210	10
New Zealand	30	3
Papua New Guinea	110	27
Peru	212	13
The Philippines	500	8
Singapore	150	16
Chinese Taipei	180	2
United States	110	4
Viet Nam	195	10
APEC Average	184.4	10.9

Source: World Bank, B-Ready Data, Dispute Resolution, <https://www.worldbank.org/en/businessready/data>.¹⁴⁶

Use of Trustmark

Using a Trustmark or similar system would require businesses to sign up in advance. For example, as mentioned earlier, CAM Santiago maintains a public list of businesses that agree to use its ODR services to resolve customer complaints.¹⁴⁷ Alibaba's online B2B platform offers a premium membership status for Gold Suppliers. After meeting certain conditions, Gold Suppliers can be granted this membership to increase their visibility on the platform. Alibaba assesses a supplier's transactions to ensure a consistent track record of on-time deliveries, high-quality products, customer service, and compliance with ODR outcomes.¹⁴⁸

¹⁴⁶ See B-Ready 2025, Dispute Resolution, Pillar 1- Regulatory Framework, Alternative Dispute Resolution, Legal Safeguards in Arbitration; Pillar 3-Operational Efficiency, Indicators and Components. For the B-Ready 2025 pdf for each economy see note 138 supra.

¹⁴⁷ Note 108 supra and accompanying text.

¹⁴⁸ Alibaba, What Is Gold Supplier, https://www.alibaba.com/help/gold_supplier.html.

One option discussed at the APEC November 2025 Workshop would be for APEC ODR providers to keep a list of businesses that have pledged in advance to use ODR and the Collaborative Framework to resolve their disputes. Another option would be to collaborate with trade organizations that maintain “blacklists” of businesses that refuse to comply with awards.¹⁴⁹

Bilateral Agreements to Enforce Arbitration Awards

As noted at the APEC November 2025 Workshop, bilateral enforcement assistance can only occur after a foreign court confirms the award, unless the parties have agreed otherwise. Bilateral enforcement of awards may also be carried out through agreements between the agencies of economies that support MSMEs. Additionally, bilateral agreements between economies could help MSMEs seek enforcement in foreign courts.

Enforcement Via Smart Contracts

Recently, so-called smart contracts on blockchains have been proposed as a potential solution for self-enforcing ODR outcomes. Smart contracts could help shorten and scale the dispute-resolution process.

Blockchain technology was initially created for the digital currency Bitcoin. Blockchain is a decentralized, distributed digital ledger that records transactions across a network of computers, ensuring data security, transparency, and immutability. The agreed-upon terms of a smart contract stored on the blockchain can be reliably referenced in case of a dispute.

A smart contract can enforce itself by automatically transferring on-chain assets. Smart contracts are inherently limited to data available on the blockchain; however, an **oracle** can provide external data, enabling smart contracts to consider real-world events and data. Currently, this data is simple, such as financial market prices or weather conditions.¹⁵⁰

At the November 2025 Workshop, Professor Yongmin Bian¹⁵¹ reported that several courts in China, including the Hangzhou Internet Court and the Beijing Internet Court, have employed blockchain-based smart contracts to manage processes and enforcement.¹⁵²

¹⁴⁹ HFW, Client Guide: How to Successfully Enforce Arbitration Awards, <https://www.lexology.com/library/detail.aspx?g=f5762f2b-c5ad-409e-b49d-72951fa25ccd>.

¹⁵⁰ See Amy Schmitz & Colin Rule, Online Dispute Resolution for Smart Contracts, 2019 Journal of Dispute Resolution 103, 114, <https://www.colinrule.com/writing/smartcontractodr.pdf>.

¹⁵¹ APEC November 2025 Workshop, Professor Yongmin Bian, University of International Business and Economics, Use of ODR in Chinese Courts, November 13, 2025, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_029.pdf. Professor Bian serves as an APEC Lead Academic. See note 59 supra.

¹⁵² See Yijin Liu Exploration of Legal Issues in the Judicial Practice of Smart Contracts (2024), <https://drpress.org/ojs/index.php/ajmss/article/view/17887/17401>; Hangzhou Internet Court launches upgraded version of judicial blockchain (2019), https://english.court.gov.cn/2019-10/25/c_768985.htm.

November 2025 Workshop Recommendation: "SELI, with assistance from Lead Academics, should explore additional options for enforcing awards, such as through bilateral agreements and using trust marks."¹⁵³

The APEC EC (SELI) may also want to encourage APEC ODR providers to gather statistics on the rate of voluntary compliance with awards issued under the Collaborative Framework. Although dispute resolution providers generally do not collect information after an award, several APEC ODR providers indicated at the Workshop that they are willing to try collecting such information. Data on voluntary compliance would help determine if additional steps are needed.

SELI may also wish to continue monitoring the development of smart contracts.

V. Uses of ODR in Courts and other Public Fora

The APEC November 2025 Workshop also examined the use of ODR in APEC Courts and other fora.

When the UNCITRAL ODR Technical Notes were created in 2017, ODR was primarily used to resolve disputes in the private commercial sector. In fact, the ODR models from eBay and Alibaba served as references for developing the Technical Notes. However, today, court-based ODR programs have expanded throughout APEC as part of efforts to make justice more accessible, efficient, and fair.

It is well established that Courts in APEC are too slow, expensive, and complicated. According to the World Bank's Doing Business 2020, before the Pandemic, it took, on average, 440 days to resolve a simple contract dispute in APEC courts at a cost of 37 percent of the claim's value.¹⁵⁴ The 2025 World Bank B-Ready report—which, as noted, is replacing Ease of Doing Business—reviewed 14 economies in 2025 on the time and cost of enforcing commercial disputes in court. Combining the B-Ready 2025 results with the Doing Business scores for the remaining 7 economies shows that the average time to resolve a commercial dispute (including first instance court and additional time for an appellate court to review) was 728 days at an average cost of 30 percent of the claim's value.

Table Four: APEC Economy Courts -- Days to Resolve a Commercial Dispute/Cost as a % of the Value of the Claim

ECONOMY	DAYS TO RESOLVE Including Appeals	COST % of Value of Claim
Australia	402	23.2
Brunei Darussalam	540	36.6
Canada	1100	45

¹⁵³ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I infra.

¹⁵⁴ APEC Doing Business 2020 at 54-55,

<https://www.doingbusiness.org/content/dam/doingBusiness/media/Profiles/Regional/DB2020/APEC.pdf>.

Chile	519	25.6
China	496	16.2
Hong Kong, China	1000	45
Indonesia	288	27
Japan	360	23.4
Republic of Korea	742	13
Malaysia	588	51
Mexico	545	23
New Zealand	1115	43
Papua New Guinea	623	78
Peru	901	17
The Philippines	2555	15
Russia	337	16.5
Singapore	605	38
Chinese Taipei	720	12
Thailand	420	16.9
United States	893	32
Viet Nam	545	34
APEC AVERAGE	728.29	30.06

Source: World Bank, B-Ready Data, Dispute Resolution, <https://www.worldbank.org/en/businessready/data>,¹⁵⁵ APEC, Ease of Doing Business, 2020, Enforcing Contracts, <https://www.doingbusiness.org/content/dam/doingBusiness/media/Profiles/Regional/DB2020/APEC.pdf>.¹⁵⁶

As discussed at the APEC November 2025 Workshop, ODR can remove barriers to access to justice and enhance procedural fairness through more meaningful participation in the resolution process. However, to close the access-to-justice gap, courts must ensure that ODR platforms are user-friendly and accessible to all parties, including those with low digital literacy. The APEC Best Practices on Using ODR highlights:

Usability is paramount for ODR to effectively deliver justice to parties. This is particularly true for tribunals where parties have no alternative option to choose from and where courts are mandated to deliver equality, fairness, and access. As more and more courts implement digital and virtual processes, they must ensure the parties involved can successfully use them.¹⁵⁷

The APEC November 2025 Workshop also heard from several economies, including Canada; China; Singapore; and the United States, that have successfully integrated ODR into their court systems.

¹⁵⁵ B-Ready 2025, Dispute Resolution, Pillar 3-Operational Efficiency, Indicators and Components. For the B-Ready 2025 pdf for each economy see note 138 supra.

¹⁵⁶ The seven economies evaluated under World Bank, Doing Business were Australia; Brunei Darussalam; Chile; China; Japan; Russia; and Thailand.

¹⁵⁷ APEC Best Practices in Using ODR, supra note 6 at 17.

Canada

British Columbia—CRT. At the 2025 Workshop, Eric Regehr, Vice Chair of the Civil Resolution Tribunal (CRT) in British Columbia, provided an overview of its ODR platform. The Civil Resolution Tribunal (CRT) was established in British Columbia in 2016. It offers online negotiation, facilitation (mediation), and decision-making services for an expanding range of case types, including small claims (up to CAD 5000), motor vehicle accidents, strata property, societies and cooperatives, and intimate images.

The CRT is part of the British Columbia public justice system and provides an accessible, affordable way to resolve disputes without requiring a lawyer or going to court.

Mr. Regehr explained how the system functions and its features, including free public legal information, guided pathways, interactive question-and-answer sessions, template letters, and worksheets. Most cases are resolved during the negotiation and facilitation stages, with only 25% resolved through adjudication.¹⁵⁸

CRT surveys show that 82% would recommend CRT to others, 83% felt they were treated fairly, and 82% would recommend CRT to others.¹⁵⁹

As highlighted by the Chair of the Civil Resolution Tribunal:

“Since its inception, the CRT has been guided by its core mandate, which is to provide accessible, informal, flexible, affordable, and timely dispute resolution services. Under the CRT’s user-centered design model, we consult with and listen to stakeholders’ feedback so we can continually improve.”¹⁶⁰

Mr. Regehr stated that CRT is prepared to assist other APEC economies in implementing ODR.

Québec—Parle Consommation. Professor Jean-Francois Roberge previously explained at an earlier APEC Workshop how Parle Consommation, the ODR platform provided by the Quebec Office of Consumer Protection, operates. The platform offers free online dispute resolution (ODR) services to consumers and merchants. Businesses choose to register voluntarily to offer ODR (negotiation and mediation) to their customers. Parle Consommation was launched in 2016, and the Office of Consumer Protection reports the following results:

- 650 merchants are registered
- More than 9,800 disputes between consumers and merchants settled through agreement
- A dispute settlement rate of 76%

¹⁵⁸ Eric Regehr, Vice Chair, Civil Resolution Tribunal, Update on ODR in British Colombia’s Justice System, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_028.pdf; CRT, 2023/2024 Annual Report at 1, 4, 29, 33, <https://civilresolutionbc.ca/wp-content/uploads/>.

¹⁵⁹ CRT, 2023/2024 Annual Report. Note 158 supra. at 1, 4, 29, 33.

¹⁶⁰ Id. Shelley Lopez, Message from the Chair.

- An average time to conclude a negotiated agreement over the past year (without involving a mediator) of 16 working days.
- AI use to deliver an efficient translation service.

The process is approximately 12 times more affordable and quicker than the traditional court process in Quebec.¹⁶¹

China

At the November 2025 Workshop, Yongming Bian explained that Chinese courts have used AI-integrated ODR to improve efficiency and access to justice, especially in e-commerce, financial, and simple civil cases. She noted that in 2024, China's judicial system handled 46 million cases, with each judge managing an average of 350 cases.¹⁶²

China has adopted a top-down strategy to create a user-friendly system for implementing ODR and AI in the courts. The Supreme People's Court (SPC) has issued:

- Regulations on Several Issues Concerning the Trial of Cases by Internet Courts (Hangzhou, Guangzhou, and Beijing) (2018);
- A plan for a pilot program to differentiate between simple (online litigation) and complex civil litigation procedures (2020);
- Online Litigation Rules (2021);
- Online Mediation Rules (2021);
- Online Operation Rules, Opinions on Blockchain Application in the Judicial Field (2022);
- Data Security Management Measures (2022); and
- Opinions on Regulating and Enhancing the Application of Artificial Intelligence in the Judicial Field (2022) (Opinion on the Application of AI).¹⁶³

These measures facilitate online litigation with parties' consent for civil, administrative, and certain criminal cases subject to summary trials. Online litigation can occur only with the parties' consent. If one party agrees while the other does not, the non-consenting party can participate in the hearing in person. All procedures—such as filing, payment, evidence exchange, identity verification, security, trial, execution, examination, review, service, and publication—can be conducted online. In practice, issues like financial, administrative, labor, property services, sale contracts, divorce, inheritance, tort cases, and others can all be resolved through online trials. The Chinese courts support parties in settling disputes via mediation either before or after filing their cases. Mediation can also be conducted online. The court may endorse the

¹⁶¹ Quebec, Office de la protection du consommateur, Parle consommation : outil de négociation en ligne, <https://www.opc.gouv.qc.ca/en/consommateur/probleme-commercant/ressources/parle-consommation/>;

APEC Workshop on Enhancing Implementation of ODR, December 2022, *supra* note 10, at 25-26, Prof. Jean-Francois Roberge,

¹⁶² APEC November 2025 Workshop, Yongmin Bian, note 151 *supra*.

¹⁶³ *Id.*

mediation agreement if the parties agree, making it enforceable later if there is a default.

One key principle of the Opinion on the Application of AI is that AI should not make judicial decisions or replace judges. AI can only assist judges, not replace them. Currently, Chinese courts use AI for various administrative tasks, including supporting case management such as distributing cases to judges, generating and reviewing legal documents, maintaining a judicial database of cases, providing evidence guidance, and employing advanced image processing and video monitoring technology. China's Smart Courts initiative also addresses the enforcement of court judgments. To do this, China has implemented AI-driven systems that track litigants' and defendants' assets, monitor compliance with court orders, and facilitate asset freezes or seizures.¹⁶⁴ As mentioned above, Chinese courts also use blockchain for smart contracts and evidence preservation.¹⁶⁵

Singapore

At the APEC November 2025 Workshop, Mr. Kevin Kwek from the Singapore Mediation Center noted that the Center offers mediation and other alternative dispute resolution services for court cases and commercial disputes. Recently, it began offering online negotiation, mediation, and adjudication for cases under the Telecommunications Act 1999 and the Info-communications Media Development Authority Act 2016 involving disputes between subscribers and service providers in the telecommunications and media sectors. The platform features an intuitive chat function integrated into the negotiation and mediation stages. It also enables a seamless transition between the stages of online dispute resolution—negotiation, mediation, and adjudication. From April 2022 to December 2024, it managed over 200 cases, all of which were resolved during the online negotiation phase. Every case was settled without the need to advance to mediation and/or adjudication.¹⁶⁶

Mr. Kwek also noted that the Community Justice and Tribunals System (CJTS), launched in 2017,¹⁶⁷ is an online platform for e-filing and case management of small claims (up to SGD 20,000, or up to SGD 30,000 if all disputing parties agree¹⁶⁸), community disputes, employment disputes, and harassment claims. The CJTS provides a pre-filing assessment to determine if the claim falls within the court's jurisdiction, along with online filing, e-negotiation, and e-mediation.¹⁶⁹ After filing, parties can negotiate a settlement through the platform's chat or negotiation interface. If negotiations fail, a court mediator or registrar may hold an e-mediation session before proceeding to adjudication. A large portion of cases are settled during the e-negotiation stage.¹⁷⁰

¹⁶⁴ Id.

¹⁶⁵ See notes 151-152 and accompanying text.

¹⁶⁶ APEC November 2025 Workshop, Kevin Kwek, Singapore Mediation Center, Online Dispute Resolution Platform, https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_031.pdf.

¹⁶⁷ Singapore Courts Media Release: State Courts enhance small claims process (2017).

¹⁶⁸ Small Claims Tribunals Act 1984 - Singapore Statutes Online.

¹⁶⁹ Community Justice and Tribunals System (CJTS).

¹⁷⁰ From July 2017 to February 2019, 1,725 small claims underwent e-Negotiation, and 602, or 35% of these cases reached amicable settlement as a result of e-Negotiation, [state_courts_workplan2019_keynoteaddress\(final\).pdf](#).

United States

At the APEC November 2025 Workshop, Professor Angie Raymond emphasized that in the United States, state civil courts across the economy face a critical challenge: the increasing number of small-scale yet high-stakes cases that now dominate court dockets, including debt collections, evictions, home foreclosures, and certain family law issues. These high-volume dockets share several core problems, including a lack of meaningful participation, fair resolution, and transparency.¹⁷¹

As she noted, the fastest-growing area of ODR in the United States is the courts. About 90 court systems across the U.S. are now using ODR systems to help quickly resolve low-value civil cases, such as small claims, workplace disputes, landlord-tenant issues, debt collection, family court cases, and traffic tickets.¹⁷²

A major organization assisting U.S. state courts with implementing ODR is the National Center for State Courts (NCSC). The NCSC states that:

“ODR is a court-supported, online platform that helps people resolve legal disputes without having to go to court in person. It can handle everything from case filing to resolution, using tools like messaging, mediation, and secure document sharing. ODR helps courts meet people where they are, making the legal process faster, fairer, and more affordable. ODR is typically used for cases such as small claims, traffic tickets, and landlord-tenant issues — where many people may not have a lawyer and where a quick resolution is often possible. ODR platforms guide users with clear legal information, helping them understand their rights and options. This levels the playing field — especially for those representing themselves. ODR works best when judges, clerks, legal aid, and community groups help shape and test it to make sure the system is fair and meets practical needs.”¹⁷³

November 2025 Workshop Conclusion:

“Several APEC economies have domestic systems for using ODR, including in their courts and for B2C disputes. These domestic systems are achieving significant savings in time and expense in resolving disputes. These economies are encouraged to opt into the Collaborative Framework to expand their existing domestic ODR systems to cross-border B2B disputes to enhance their ODR ecosystems.”¹⁷⁴

¹⁷¹ APEC November 2025 Workshop, Progress on the Implementation of the Collaborative Framework in APEC Economies, Professor Angie Raymond, University of Indiana. https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_007.pdf.

Professor Raymond serves as a Lead Academic under the Collaborative Framework. See note 59 *supra*, See also, Stanford Law School, A Blueprint for Expanding Access to Justice, April, 2025, https://drive.google.com/file/d/11OGqy5_U1NFoZAod-9v1PacQTiEHxBsq/view.

¹⁷² APEC November 2025 Workshop, Professor Angie Raymond. *supra* note 171.

¹⁷³ NCSC, How Online Dispute Resolution Works for Everyone, <https://www.ncsc.org/resources-courts/how-online-dispute-resolution-works-everyone/>.

¹⁷⁴ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I *infra*.

VI. Conclusion

An estimated 5 billion people lack access to justice.¹⁷⁵ Although over 70% of the world's population has internet access,¹⁷⁶ only about a third can access justice. ODR has the potential to connect the justice system with our digital society. While technology-assisted decision-making may not be suitable for every case, it offers a valuable solution for small businesses engaged in cross-border trade that cannot afford lawyers, travel to a physical court, wait weeks for a decision, or handle low-value disputes.

The November 2025 Workshop recommended that “Given the significant and steady progress, the EC should continue and improve the Collaborative Framework with regular reviews.”¹⁷⁷ Moving forward, more economies should consider opting into the Collaborative Framework, and additional ODR providers should partner with APEC. Achieving more effective implementation will require a collective effort from all APEC member economies, partnering ODR providers, the EC, Lead Academics, ABAC, and international organizations to educate MSMEs about using ODR and the Collaborative Framework.

The November 2025 APEC Workshop also recommended that the APEC EC (SELI) consider several suggestions for technical improvements to the Collaborative Framework, including:

- Creating a list of relevant laws in each economy to support the parties and ODR providers.
- Encourage APEC ODR providers to permit the neutral to record any settlement as an award by consent if requested by the parties in their APEC ODR Rules of Procedure; and
- Developing alternative enforcement methods for awards, such as bilateral agreements and trust marks.

The EC may wish to address some of these issues during the review of the Collaborative Framework and a workshop will be held, subject to approval, to follow up on the results of the EC review.¹⁷⁸

ODR has also been adopted in APEC courts and other public forums to improve access to justice. To narrow the access-to-justice gap, courts must ensure that ODR platforms are easy to use and that parties can navigate them effectively.

ODR and the APEC ODR Collaborative Frameworks can positively impact people in APEC and around the world. By working together, APEC economies can continue to develop ODR as a vital part of the global justice system.

¹⁷⁵ World Justice Project, Measuring the Justice Gap, www.worldjusticeproject.org.

¹⁷⁶ Statista, Number of Internet and Social Media Users Worldwide as of October 2025, <https://www.statista.com/statistics/325706/global-internet-user-penetration/> (“As of April 2026, 73.8 per cent of the global population were estimated to be using the internet users.”).

¹⁷⁷ APEC November 2025 Workshop, Conclusions and Recommendations, Appendix I *infra*.

¹⁷⁸ See note 19 *supra* and accompanying text concerning the EC review. Japan has submitted a project proposal for a workshop to follow up on the EC review.

Appendix 1

APEC Workshop on Enhancing the APEC Collaborative Framework and Use of ODR 10-12 November 2025

The Workshop participants agreed to the following Conclusions and Recommendations.¹⁷⁹

The Conclusions of the Workshop are as follows:

- The APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes presents APEC's initiative to capitalize on the benefits of ODR to facilitate greater access to justice for micro, small, and medium enterprises (MSMEs).
- Improved access to justice is essential to creating an enabling business environment for MSMEs. Effective and efficient dispute resolution also attracts businesses and investment. Online dispute resolution [ODR] under the APEC Collaborative Framework leverages information and communication technologies to provide a speedy and cost-effective electronic resolution and enforcement of disputes across borders, bridging language and jurisdictional barriers. It provides MSMEs with a quick and inexpensive option to resolve cross-border disputes, promoting cross-border confidence.
- The Workshop heard from economies that have opted in and noted the addition of two new economies to the Collaborative Framework (Indonesia and Papua New Guinea) within the last year, bringing the total number of economies that have opted in to 7 (or one-third of all APEC economies).
- The Workshop also noted applications from two new ODR providers to partner with APEC, which will bring the total number of partnering providers to eight.
- At the Workshop, several providers from economies that have not opted in expressed an interest in partnering with APEC under the Collaborative Framework, once their economies opt in.
- Getting more APEC economies to join and more providers to partner with APEC is important to spreading the use of ODR across the region.
- Opting into the Collaborative Framework supports all four EAASR pillars and will contribute to all four SEAASR pillars.
- Lack of access to commercial justice is one reason why MSMEs, which make up approximately 97% of APEC businesses domestically, account for only a

¹⁷⁹ The Workshop Conclusions and Recommendations are also available at https://mddb.apec.org/Documents/2025/EC/WKSP2/25_ec_wksp2_035.pdf.

small part of APEC exports. The absence of affordable and timely commercial justice for cross-border transactions leads many to avoid trading across borders to avoid that risk. An ABAC survey of small businesses found that MSMEs involved in cross-border e-commerce increase productivity by 6-15%, with participation from women-led businesses doubling.

- Opting into the Collaborative Framework does not impose legal obligations on economies. However, only ODR providers from economies that have opted in can partner with APEC under the Collaborative framework. Therefore, ODR providers can participate once their economies opt into the Collaborative Framework.
- APEC economies have broadly implemented the key international instruments relevant to ODR, as outlined in the Collaborative Framework. There are no legal impediments to using ODR in any APEC economy.
- Key benefits of ODR under the Collaborative Framework include:
 - (1) public-private sector collaboration with partnering ODR providers, where providers provide technological expertise and implement state-of-the-art platforms at their own expense.
 - (2) applying the APEC ODR procedural rules ensures (i) the same standard of due process and procedural protections apply regardless of where the parties are located; (ii) quick and fair resolution of disputes; (iii) the application of applicable mandatory laws; (iv) the availability of languages other than that chosen by the parties or the neutral; (v) documents only decisions unless the neutral decides to hold a virtual hearing; and (vi) reasonable fees proportionate to the amount in dispute; and
 - (3) oversight of providers by APEC EC, with the assistance of Lead Academics (as provided in the SELI Administrative Implementation Work Plan), to monitor compliance with the Framework and Procedural Rules.
- The APEC ODR Model Procedural Rules served as the foundation for the “Operational manuals” in the recent International Standards Organization (ISO) 32122 “Transaction Assurance in E-Commerce — Guidance for offering online dispute resolution services,” adopted March 2025.
- The Collaborative Framework encourages the use of advanced technologies, including AI, to facilitate the ODR process. Current APEC ODR providers offer cutting-edge technologies such as AI and chatbots. These technologies enhance the process and offer functionalities beyond what online ADR can deliver. For example, one APEC ODR provider uses AI to offer free negotiation and mediation.
- Several APEC ODR Providers are seeing significant time and cost reductions under the Collaborative Framework compared to the court process. This helps remove a roadblock preventing MSMEs from trading across borders and

facilitates their participation in international trade and cross-border e-commerce. This leads to increased growth and productivity for MSMEs, including women-led businesses.

- At the Workshop, economies exchanged their experiences and information on ODR in courts, which contribute to its future development. Several APEC economies have domestic systems for using ODR, including in their courts and for B2C disputes. These domestic systems are achieving significant savings in time and expense in resolving disputes. These economies are encouraged to opt into the Collaborative Framework to expand their existing domestic ODR systems to cross-border B2B disputes to enhance their ODR ecosystems.

The Recommendations of the Workshop are as follows:

Given the significant and steady progress, EC should continue and improve the ODR Collaborative Framework with regular reviews.

APEC Economies should:

- Favourably consider opting into the Collaborative Framework as soon as practicable
- Identify and assist ADR/ODR providers willing to partner with the APEC EC under the Collaborative Framework
- Encourage their businesses, particularly MSMEs, to incorporate model ODR dispute resolution clauses from APEC ODR providers into their contracts
- Consider implementing relevant private international instruments that are conducive to ODR
- Consider hosting workshops and capacity-building or promotional events to promote the implementation of the Collaborative Framework, as well as the use of ODR in Courts, and the use of AI.

SELI, with help from Lead Academics, should:

- Work with ABAC, ADB, ASEAN, the World Bank, and other international organizations to promote the Collaborative Framework and identify businesses willing to participate
- Partner with as many ODR providers as possible from economies that have opted in, and continue to reach out to providers in economies that have not opted in to gauge their potential interest in partnering with APEC
- Conduct UX reviews of APEC ODR Providers

- Stimulate economy-wide capacity-building for governments, lawyers, MSMEs, potential ODR platform providers, courts, and other stakeholders to implement ODR through workshops, webinars, etc.
- Promote the improvement of APEC regimes on ODR by encouraging the implementation of UNCITRAL texts
- Conduct regular follow-up EC policy dialogue, workshops, webinars, and other events to assess progress
- Encourage the use of advanced technologies, including AI, by APEC ODR Providers to facilitate the ODR process under the Collaborative Framework
- List key laws in economies relevant to the Collaborative Framework to assist parties and APEC ODR providers
- Explore additional options for enforcing awards, such as through bilateral agreements and using trust marks
- Encourage APEC ODR providers to allow the neutral to record any settlement as an award by consent if requested by the parties in their APEC ODR Rules of Procedure
- Prepare an annual report with data from APEC ODR providers.