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# 2022 CISG CONFERENCE

## THE CISG, 40 YEARS AND BEYOND: WHAT THE PAST WILL BRING TO THE FUTURE

# 27

March 2022  
1500-1915 (GMT+8)

— OPENING CEREMONY OF THE WILLEM C. VIS (EAST)  
INTERNATIONAL COMMERCIAL ARBITRATION MOOT

The United Nations Convention on Contracts for the International Sale of Goods (CISG) is an international treaty ratified by 94 States from different legal traditions with varying levels of economic development, covering more than two-thirds of the global economy. By ratifying the CISG, these States enjoy the certainty and convenience of a fair, transparent, and uniform legal regime for cross-border sale of goods contracts.

In the 40 years since its establishment, the CISG continues to evolve and develop through various challenges. To kick off the 19<sup>th</sup> Willem C. Vis (East) International Commercial Arbitration Moot in Hong Kong, this conference brings together international experts to share their perspectives on the CISG's achievements in the past, developments presently in the works, as well as the anticipated challenges and impacts for the future. In particular, the presentations will focus on the developments of the CISG in the APAC region, including Hong Kong, as well as its potential impacts on the future work of railway consignment. The conference will also showcase an exciting debate on 'hot topics' involving the CISG, topics of which will not least be familiar to Mooties and arbitrators from this year's Vis Moot Problem, but also be of key interest to practitioners worldwide as they involve common issues faced in international commercial transactions.

#### FREE REGISTRATION:

[https://us06web.zoom.us/webinar/register/WN\\_M30ag8D0RXaNXl1mcWNqAg](https://us06web.zoom.us/webinar/register/WN_M30ag8D0RXaNXl1mcWNqAg)

#### ENQUIRIES:

[events@aail.org](mailto:events@aail.org)



REGISTRATION

TIME (GMT+8)	PROGRAMME
15:00–15:10	<b>OPENING REMARKS</b>
	<b>CHENG, Teresa GBM GBS SC JP</b> Secretary for Justice, Government of the Hong Kong Special Administrative Region of the People's Republic of China
15:10–15:30	<b>KEYNOTE SPEECH</b> <b>CISG'S ACHIEVEMENTS OVER THE PAST 40 YEARS AND CHALLENGES IN THE NEW ERA</b>  <b>JOUBIN-BRET, Anna</b> The Secretary, United Nations Commission on International Trade Law
15:30–15:45	<b>PRESENTATION</b> <b>RECENT DEVELOPMENTS ON THE CISG IN ASIA PACIFIC (INCLUDING EXTENSION OF THE CISG TO HONG KONG)</b>
	<b>KOMINDR, Athita</b> Head, United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific
15:45–16:00	<b>PRESENTATION</b> <b>RECENT DEVELOPMENTS ON THE CISG AND HONG KONG (FOCUSING ON THE NUANCES FOR HONG KONG AND WHY)</b>
	<b>LAM, Linda</b> Law Officer (International Law), Department of Justice, Government of the Hong Kong Special Administrative Region of the People's Republic of China
16:00–16:15	<b>PRESENTATION</b> <b>HOW THE CISG MAY HAVE AN IMPACT ON FUTURE WORK ON RAILWAY CONSIGNMENT</b>
	<b>MAURER, Andreas</b> Professor, University of Mannheim, Germany
16:15–17:55	<b>DEBATE PANEL</b> <b>(I) THE MERE REFERENCE TO GENERAL TERMS AND CONDITIONS IS SUFFICIENT TO INCORPORATE THEM INTO A CISG CONTRACT</b> <b>(II) THE CISG CAN GOVERN AN ARBITRATION AGREEMENT</b>
	<u>Moderator:</u> <b>TUNG, Sherlin</b> Partner, International Arbitration and Litigation, Withersworldwide President, Willem C. Vis Moot Alumni Association Deputy Director, Vis East Moot  <u>Debate Team A Members:</u> <b>SCHROETER, Ulrich G.</b> Professor of Law, University of Basel, Switzerland <b>FAN, Kun</b> Associate Professor, University of New South Wales, Sydney, Australia  <u>Debate Team B Members:</u> <b>LIU, Qiao</b> Professor, School of Law, City University of Hong Kong <b>BAASCH ANDERSEN, Camilla</b> Professor, The University of Western Australia
17:55–18:00	<b>CLOSING REMARKS</b>
	<b>NEOH, Anthony QC SC JP</b> Chairman, Asian Academy of International Law
18:00–18:30	<b>BREAK</b>
18:30–19:15	<b>OPENING CEREMONY OF</b> <b>THE WILLEM C. VIS (EAST) INTERNATIONAL COMMERCIAL ARBITRATION MOOT</b>

## SPEAKERS (Listed in order of appearance)



### CHENG, Teresa GBM GBS SC JP

Secretary for Justice  
Government of the Hong Kong Special Administrative Region of the People's Republic of China

Ms Teresa Cheng, SC, was appointed Secretary for Justice on 6 January, 2018. She was a Senior Counsel in private practice before joining the Government. She is also a chartered engineer and chartered arbitrator. She was frequently engaged as arbitrator or counsel in complex international commercial or investment disputes. Ms Cheng was one of the founders and Chairperson of the Asian Academy of International Law. She is a Past Vice President of the International Council of Commercial Arbitration, Past Vice President of the ICC International Court of Arbitration and Past Chairperson of Hong Kong International Arbitration Centre. In 2008, she became the first Asian woman elected through a global election as President of the Chartered Institute of Arbitrators. She served as Deputy Judge/Recorder in the Court of First Instance of the High Court of Hong Kong from 2011 to 2017. She is a member of the International Centre for Settlement of Investment Disputes Panel of Arbitrators, and was a member of the World Bank's Sanctions Board. Ms Cheng is a Fellow of King's College in London, and was the Course Director of the International Arbitration and Dispute Settlement Course at the Law School of Tsinghua University in Beijing.



### JOUBIN-BRET, Anna

The Secretary  
United Nations Commission on International Trade Law

Ms Anna Joubin-Bret is the Secretary of the United Nations Commission on International Trade Law (UNCITRAL) and Director of the International Trade Law Division in the Office of Legal Affairs of the United Nations, which functions as the substantive secretariat for UNCITRAL. She is the 9<sup>th</sup> Secretary of the Commission since it was established by the General Assembly in 1966. Prior to her appointment on 24 November 2017, Ms Joubin-Bret practised law in Paris, specialising in International Investment Law and Investment Dispute Resolution. She focused on serving as counsel, arbitrator, mediator and conciliator in international investment disputes. She served as arbitrator in several ICSID (International Centre for Settlement of Investment Disputes), UNCITRAL and ICC (International Chamber of Commerce) disputes. Prior to 2011 and for 15 years, Ms Joubin-Bret was Senior Legal Adviser for the United Nations Conference on Trade and Development (UNCTAD). She edited and authored seminal research and publications on international investment law, notably the Sequels to UNCTAD IIA Series, and co-edited with Jean Kalicki a book titled *Reshaping the Investor-State Dispute Settlement System* in 2015. Ms Joubin-Bret holds a postgraduate degree (DEA) in Private International Law from the University of Paris I Panthéon-Sorbonne, a Master's Degree in International Economic Law from the University of Paris I and in Political Science from Institut d'Etudes Politiques. She was Legal Counsel in the legal department of the Schneider Group, General Counsel of the KIS Group and Director-Export of Pomagalski S.A. She was appointed judge at the Commercial Court in Grenoble (France) and was elected Regional Counsellor of the Rhône-Alpes Region in 1998.



### KOMINDR, Athita

Head  
United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific

Athita is Head of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific (UNCITRAL RCAP), managing technical assistance and capacity building programming available to over 50 States in Asia and the Pacific in key areas of commercial law, including dispute resolution, Micro, Small & Medium Enterprises, international contract practices, sale of goods, electronic commerce, transport, insolvency, international payments, secured transactions, and procurement. In that capacity, she coordinates with governments and international and regional organisations with respect to trade law reform activities aimed at achieving the Sustainable Development Goals. Athita has twenty years of experience in the fields of international trade and economic law, arbitration, multilateral dispute resolution, and the rule of law and development. Prior to joining the United Nations, Athita mainly advised and worked with numerous Thai agencies, including the Thailand Institute of Justice, the Thai Ministry of Science and Technology, and the Thailand Arbitration Center where she managed the Arbitration and Legal Affairs Divisions. She also worked for the Thai Ministry of Commerce in Bangkok (2002-2005) and Geneva (2005-2010), representing Thailand in bilateral, regional, and multilateral trade negotiations, World Trade Organization dispute settlement, and treaty drafting. Admitted to the New York Bar, Athita has experience in both common and civil law traditions in the public and private sectors, and holds degrees from Harvard College, Georgetown University Law Center, and Harvard Law School.



### LAM, Linda

Law Officer (International Law)  
Department of Justice, Government of the Hong Kong Special Administrative Region of the People's Republic of China

Ms Lam was called to the Bar in the UK and Hong Kong in 1991 and was admitted as a solicitor in Singapore in 1993. She was appointed as Crown Counsel in 1994 and promoted to Senior Crown Counsel in 1995, Deputy Principal Government Counsel in 2008, and Principal Government Counsel in 2018. Ms Lam has served in different divisions of the department for 26 years and has been a Deputy Law Officer in the International Law Division between 2017 and 2020.



### MAURER, Andreas

Professor  
University of Mannheim, Germany

Professor Dr Maurer is Professor at the University of Mannheim, where he teaches the course on international business transactions, covering the problems related to cross-border trade and scrutinising legal as well as non-legal institutions that help cope with these problems. His research focuses on private law, international trade law, transnational law, transport and maritime law, and legal theory. Prior to that, he served at the Oberlandesgericht (Higher Regional Court) Frankfurt, Germany (2003-2005), and was admitted to the Bar of Frankfurt in 2006. He studied law at the University of Frankfurt, Germany, and subsequently obtained his LL.M. from the Osgoode Hall Law School of York University, Canada, and his Ph.D. from the University of Bremen, Germany.



### TUNG, Sherlin

Partner  
International Arbitration and Litigation, Withersworldwide  
President  
Willem C. Vis Moot Alumni Association  
Deputy Director  
Vis East Moot

Sherlin Tung is a partner in the international arbitration and litigation team at Withers. She is a specialist in international arbitration and is experienced under a number of leading arbitral rules. Sherlin has advised clients in Asia, the Americas, and Europe on all aspects of cross-border disputes from pre-dispute negotiations, during arbitration and litigation proceedings, and post arbitration and litigation proceedings including the enforcement of awards or judgments. Sherlin has the rare experience of all aspects of an international arbitration: from acting as Tribunal Secretary, working at the world's leading arbitral institution, in-house counsel for a publicly listed international conglomerate, to private practice. She has developed a distinctive set of skills allowing her to understand the overlaying objectives not only of her clients but also the strategies implemented by counterparties, how arbitral tribunal members think, and how arbitral institutions operate. Sherlin is a US qualified attorney (California and New York) and a Registered Foreign Lawyer in Hong Kong. She is a native Mandarin Chinese and English speaker and has working proficiency in Spanish and basic German skills (A1). Sherlin has spoken extensively and lectured on international arbitration in conferences and seminars worldwide.



### SCHROETER, Ulrich G.

Professor of Law  
University of Basel, Switzerland

Ulrich Schroeter is Professor of Law at the University of Basel, Switzerland. He has published extensively in the fields of contract law, international trade law, arbitration, treaty law, commercial law and financial markets regulation. Ulrich's research has been cited by courts worldwide including in Australia, Austria, Germany, the Netherlands, Switzerland and the USA as well as by Advocates General at the European Court of Justice. One area of focus for Ulrich's research is the 1980 Vienna Sales Convention (CISG). He is the co-editor of *Schlechtriem & Schwenzer: Commentary on the UN Convention on the International Sale of Goods (CISG)* (5<sup>th</sup> ed., Oxford University Press, forthcoming 2022) and has written the leading German textbook on the CISG, *Internationales UN-Kaufrecht* (Schroeter, 7<sup>th</sup> ed., Mohr Siebeck, forthcoming 2022). Ulrich serves as the national correspondent for Switzerland to the United Nations Commission on International Trade Law (UNCITRAL) for the CISG and is a member of the CISG Advisory Council. He regularly advises on CISG matters. Ulrich was educated at the Albert-Ludwigs University of Freiburg, Germany, and the University of Lausanne, Switzerland. He received his *Doctor iuris* from the Freie Universität Berlin.



### FAN, Kun

Associate Professor  
University of New South Wales, Sydney, Australia

Professor Fan is Associate Professor at the Herbert Smith Freehills China International Business and Economic Law Centre of the University of New South Wales. Her teaching and research focus on the areas of alternative dispute resolution (ADR), online dispute resolution, comparative legal studies, and law and society. She is frequently invited to speak in conferences and give lectures in renowned institutions. Professor Fan has led and engaged in many research projects and grants in Hong Kong, Japan, US and Switzerland. She has authored *Arbitration in China: A Legal and Cultural Analysis* and published extensively on cutting-edge issues in a variety of leading international journals, including *Harvard Negotiation Law Review*, *University of Pennsylvania's East Asia Law Review*, etc. In recognition of her academic contribution, she has received various awards. Apart from academic research, Professor Fan also has extensive experience in ADR practice, having worked as counsel, legal expert, secretary for the arbitration tribunal, arbitrator and domain names panellist in a number of international arbitrations and domain name disputes, and overseen over a hundred arbitrations administered by the International Chamber of Commerce International Court of Arbitration when she worked as a Deputy Counsel. She is called to the New York Bar and serves as member of various committees and organisations as well as arbitrator of a number of arbitration institutions in China.



### **LIU, Qiao**

Professor  
School of Law, City University of Hong Kong

Professor Liu's teaching and research areas cover a wide range of business-related common law and Chinese law topics, including contract, commercial law, unjust enrichment, international commercial law (sale of goods, transfer of funds etc.) and financial transactions, with a particular interest in the comparative study of Chinese and Anglo-Australian private law. Prior to joining the City University of Hong Kong, he has held professorship at various universities, including the University of Queensland in Australia, McGill University in Canada, etc. He has published widely in the above areas, including over 50 books and articles that have been widely regarded as leading publications by different epic common law courts and appeared in top journals including the *Modern Law Review*, *The American Journal of Comparative Law*, and *The Cambridge Law Journal*. Professor Liu has been Founding Deputy Editor-in-Chief for *The Chinese Journal of Comparative Law* since 2013 and has served as its Editor-in-Chief since late 2017. He is also expert at the Supreme People's Court of China and the United Nations Commission on International Trade Law. He has won highly prestigious and competitive grants in Australia, China and elsewhere, including the Discovery Early Career Researcher Award of the Australian Research Council in 2015 and the National Social Science Fund of China in 2011.



### **BAASCH ANDERSEN, Camilla**

Professor  
The University of Western Australia

Professor Baasch Andersen is Professor at The University of Western Australia. She was previously a senior lecturer at the University of Leicester in the UK, a lecturer at the Centre for Commercial Law Studies at Queen Mary University of London, and before that she was a Ph.D. research and teaching fellow at the University of Copenhagen in Denmark. She has lectured externally for several universities, including SOAS University of London in the UK, University of Essex in the UK, University of Turku in Finland, and Victoria University in Melbourne, Australia. She has worked with the CISG Advisory Council and been the National Reporter for UK for the International Academy of Comparative Law. She is a Trade Law Expert for the United Nations Commission on International Trade Law (UNCITRAL) and sits on the UNCITRAL Australian Coordination Committee. She works closely with business, government and academic sectors, and has written extensively on the CISG, international commerce, proactive approaches to law and comparative commercial law. Her recent project on visual law – turning contracts into comics – has attracted numerous awards, and can be seen at [www.comicbookcontracts.com](http://www.comicbookcontracts.com). Professor Baasch Andersen was the founding Co-Editor of *The Journal of Comparative Law* and is Fellow at the Institute of International Commercial Law at Pace Law School.



### **NEOH, Anthony QC SC JP**

Chairman  
Asian Academy of International Law

Dr Anthony Neoh is a senior member of the Hong Kong Bar specialising in international litigation, arbitration and financial regulatory matters. In 1979, he commenced practice at the Hong Kong Bar after serving for 13 years in the Hong Kong Civil Service. From 1991 to 1994, he was a member of the Hong Kong Stock Exchange Council and its Listing Committee, and chaired its Disciplinary Committee and Debt Securities Group, and was Co-Chairman of the Legal Committee of the Hong Kong and China Listing Working Group. He was the chief architect of the legal structure for the listing of Chinese enterprises in Hong Kong. He is former Chairman of the Hong Kong Securities and Futures Commission from 1995 to 1998; during this time, he was the first Asian to be elected Chairman of the Technical Committee of the International Organization of Securities Commissions. From 1999 to 2004, he was Chief Advisor of the China Securities Regulatory Commission, at the personal invitation of former Premier Zhu Rongji. Dr Neoh was appointed as Chairman of the Hong Kong Independent Police Complaints Council from June 2018 to May 2021. He was the Convenor of the Hong Kong Monetary Authority (HKMA) Expert Group on the Finance Academy and now serves as Member of the HKMA Preparatory Committee for the Finance Academy. He is also the Co-Chairman of 2018 B20 Financing Growth and Infrastructure Task Force, and Co-Chairman of The China Securitization Forum.

