



**Asia-Pacific  
Economic Cooperation**

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## **Where to Next for the Strengthening Economic Legal Infrastructure Work Plan for Online Dispute Resolution?**

Submitted by: New Zealand



**Workshop on the Use of Modern  
Technology for Dispute Resolution and  
Electronic Agreement Management  
Particularly Online Dispute Resolution  
Port Moresby, Papua New Guinea  
3-4 March 2018**



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HIKINA WHAKATUTUKI

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# Where to next for the SELI work plan for ODR?

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# What is the aim of the ODR work plan?

- To enable effective resolution of cross-border disputes, supporting trade and facilitating economic growth
- What kind of disputes do we mean:
  - Disputes in business to business transactions
  - Cross-border
  - Online
  - Low value



# Applying a RIA framework

- Describe the status quo
- What's the problem? Is the problem the same across APEC economies? What's the magnitude of the problem?
- Identify objectives
- Identifying the full range of feasible options including non-regulatory options
- Analyse the options
- Consultation
- Conclusion and recommendations



# We are defining the problem

- We are at the stage of gathering information so that we know exactly what the problem is -
  - How is each APEC economy affected?
  - How are businesses currently dealing with cross-border disputes?
  - What issues do they face?
  - What kind of businesses are affected – MSMEs, goods exporters, cross-border service providers?
  - What is the magnitude of the issue?



# What other information do we need?

- What types of cross-border disputes do MSMEs have?
- How do existing ODR systems work?
- What is our definition of ODR?
  - Type of technology
  - Method of dispute resolution
  - Applies to offline as well as online transactions



# How can we get a practical perspective?

- We could hear from people who operate an existing ODR platform
  - what is involved
  - what issues they have had to address
- What models are there that would be useful?
  - Cross-border ODR platform?
  - Business to consumer disputes?
  - ODR Platform embedded in an E-Commerce platform
- Questions we are interested in:
  - How to meet principles of natural justice
  - Stages of ODR
  - What governance/oversight is there?





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