

STATEMENT BY MS. ISHIBASHI MISAKI,
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THE REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW ON THE WORK OF ITS 53rd SESSION

SIXTH COMMITTEE
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Mr. / Madame Chair,

At the outset, I wish to express my gratitude to the Chair of the United Nations Commission on International Trade Law (UNCITRAL) for presenting the Commission's report on its fifty-third session. Let me also express my sincere appreciation to the UNCITRAL Secretariat for its prompt and active efforts to respond to the unprecedented challenges posed by COVID-19, including by making available the holding of both in-person and virtual meetings. The webinars on "UNCITRAL texts and COVID-19-related recovery" organized during the first part of the fifty-third session were highly valued.

I would like to comment briefly on the work of UNCITRAL during its fifty-third session.

(1) Working Group I (Micro, Small and Medium-sized Enterprises)

With respect to Working Group I, Japan recognizes the importance of reducing legal obstacles faced by micro, small and medium-sized enterprises (MSMEs) throughout their life cycle, particularly in developing economies. We are pleased with the progress made by the Working Group, and will continue to contribute to the discussions by engaging our corporate experts in this field.

(2) Working Group II (Dispute Settlement)

As for Working Group II, Japan would first like to take note of the entry into force of the UN Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention on Mediation).

Second, with regard to the Working Group's current topic relating to expedited proceedings, Japan attaches great importance to the work in progress and remains fully committed to actively taking part in the discussions. Japan hopes to collaborate further with all participants of the Working Group so as to reach a successful conclusion on this topic in the near future.

(3) Working Group III (Investor-State Dispute Settlement Reform)

On Working Group III, Japan welcomes the progression of the work stipulated in the mandate. As a Member State that has long been committed to the task of ISDS reform, Japan will continue to further contribute to the future work of the Working Group in order to achieve ISDS reform which can and will be joined by all States.

(4) Working Group IV (Electronic Commerce)

With regard to Working Group IV, Japan recognizes the importance of the current work on the topics of identity management (IdM) and trust services to support online digital transactions in international trade.

In addition, Japan commends the progress made regarding the exploratory work undertaken by the Secretariat of UNCITRAL on legal issues related to the digital economy, including high-tech dispute settlement. For its part, on 10 September this year, Japan contributed, together with other institutions including UNCITRAL and the Government of the Czech Republic, as partners to the 2020 Conference on Society, Law, Artificial Intelligence and Robotics (SOLAIR Conference 2020), and co-organized with the Government of Israel, an online workshop to discuss issues relevant to the topic of “Dispute Settlement in the Digital Economy”. Japan looks forward to further developments on this timely topic.

(5) Working Group V (Insolvency Law)

As for Working Group V, Japan hopes that the Working Group will make progress towards developing new and simplified insolvency mechanisms and solutions for MSMEs, taking into account the need for those mechanisms to be equitable, fast, flexible and cost-efficient.

(6) Working Group VI (Judicial Sale of Ships)

On Working Group VI, Japan looks forward to a possible future instrument to be deliberated by the Working Group on its current work regarding judicial sale of ships.

(7) Stocktaking of Dispute Resolution in the Modern Context

Mr. / Madame Chair,

Japan would like to take this opportunity to draw your attention to its proposal on Stocktaking of Dispute Resolution in the Modern Context. It was a great honour for Japan to have initiated discussions on this pertinent issue during the fifty-third session of the Commission. Japan would like to extend its sincere gratitude for the broad support that was expressed for its proposal at that session.

The global situation since early this year has highlighted the need to achieve enhanced resilience and modernization across the board, including in the context of dispute resolution concerning international trade law. As was discussed during the fifty-third session, the challenges posed by the COVID-19 pandemic are only the tip of the iceberg compared to the entirety of issues which need to be addressed. With this in mind, Japan submitted the aforementioned proposal for consideration by the Commission, aiming to provide the UNCITRAL Secretariat with the mandate to conduct necessary activities, including research, webinars and online consultations to compile relevant information on the latest trends and developments on the ground in the area of dispute resolution.

Japan believes that obtaining such information would be the starting point to consider how best to enhance resilience and modernization and that its proposal would be timely as we start to envisage a post-COVID-19 world. In close cooperation with the UNCITRAL Secretariat, Japan hopes to organize relevant activities which aimed at fleshing out the details of its proposal leading up to the fifty-fourth session to be held next year.

(8) Enlargement of UNCITRAL Membership

Mr. / Madame Chair,

Japan would also like to take this opportunity to report on the progress of its initiative regarding the enlargement of UNCITRAL's membership. As you may recall, the Commission, at its fifty-second session, considered the proposal to enlarge its membership and decided to encourage its Member States to consult with each other and with other interested States on the proposal during the intersessional period, and requested the Secretariat to facilitate those intersessional consultations.

Pursuant to the Commission's decision at its fifty-second session, Japan launched a Vienna-based process to be utilized as a forum for these consultations with the support of the UNCITRAL Secretariat. To date, Japan has organized three open-ended in-person informal consultations and one open-ended virtual informal consultation. Alongside, it has also held regional group meetings with all five regional groups.

Briefly touching on the status of these discussions, with respect to the important issue regarding the number of seats to be added and their regional distribution, there are currently five concrete proposals that are subject to further consideration. Without going into the details of the proposals, Japan would like to assure you that, owing much to the invaluable participation and contributions of Vienna-based Permanent Missions, progress is being made step by step through an inclusive, transparent and consensus-based decision making process.

Taking note of the progress made through the intersessional consultations, the Commission, at its fifty-third session, further encouraged its Member States to continue consulting with each other and with other interested States with a view to resolving the remaining open issues and bringing the results of the intersessional consultations to the Commission for its consideration and appropriate action at its fifty-fourth session next year.

Japan remains eager to continue discussions on its initiative to enlarge UNCITRAL's membership and counts on the continued active participation and strong support of all UN Member States in this process. We hope that this open and transparent process will lead to a successful outcome next year. In this connection, Japan also expects that, upon receipt, the United Nations General Assembly will be prepared to adopt the Commission's recommendation to this end.

In closing, I would like to express Japan's sincere appreciation for the Commission's significant role in promoting the progressive harmonization and unification of international trade law. Japan, as a member of the Commission since its inception, reiterates its full commitment to further strengthening its efforts to make tangible contributions to UNCITRAL's work.

I thank you, Mr. / Madame Chair.