

STATEMENT BY
THE REPRESENTATIVE OF JAPAN
ON THE REPORT OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW ON THE WORK OF ITS 57th SESSION

SIXTH COMMITTEE
14 OCTOBER 2024
UNITED NATIONS, NEW YORK

Mr. / Madam 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-seventh session. Let me also express my sincere appreciation to the UNCITRAL Secretariat for providing support to enable the Commission and its working groups to make progress.

I would like to comment briefly on the most recent developments regarding UNCITRAL's work, which was discussed during the Commission's fifty-seventh session.

(1) Working Group I (Warehouse Receipts)

With respect to Working Group I, Japan would like to first welcome the finalization of the "UNCITRAL – UNIDROIT Model Law on Warehouse Receipts." We are pleased to have contributed to the discussions on the topic of warehouse receipts by engaging our relevant experts.

(2) Working Group II (Dispute Settlement)

As for Working Group II, Japan would like to take note of the finalization of the UNCITRAL Model Clauses on Specialized Express Dispute Resolution (SPEDR) as a product originating from a joint project, of which one component was technology-related dispute resolution proposed by Japan and Israel. We are particularly pleased to see that the Model Clause on Technical Advisors, inspired by a mechanism used in civil court proceedings in Japan to efficiently and effectively enhance courts' understanding of technical matters, has been included as an important part of the SPEDR text. We are convinced that the Model Clauses will enhance effective and efficient resolution of international disputes, especially for those cases in which speed and technical expertise are of the essence.

Additionally, to further promote the effective use of international arbitration, Japan is committed to actively engaging in the discussions on the subsequent work developing frameworks to facilitate broader reliance on electronic arbitral awards. We are convinced that this will lead to meaningful outcomes based on the findings of the stocktaking project on dispute resolution in the digital economy.

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

Japan welcomes the recent progress made by Working Group III despite the difficulties posed by the pandemic. In particular, Japan would like to congratulate UNCITRAL on the adoption in principle of the Statute of the Advisory Centre on

International Investment Dispute Resolution. We recognize the desire of many countries to establish a comprehensive and improved ISDS mechanism. Japan believes that a fair and effective ISDS contributes to a stable investment environment, and as a Member State that has long been committed to the task of ISDS reform, Japan intends to continuously and fully engage in the Working Group III discussions on this topic, while ensuring that ISDS reform will be achieved in an inclusive manner and that no country is left behind.

(4) Working Group IV (Electronic Commerce)

Japan attaches great importance to the work on automated contracting and data transactions carried out by Working Group IV, and congratulates UNCITRAL on the adoption of the “UNCITRAL Model Law on Automated Contracting.”

Japan remains fully committed to actively taking part in the discussions regarding future work in the Working Group. Japan hopes that the Working Group will continue to pay due attention to technological neutrality.

(5) Working Group V (Insolvency Law)

With respect to Working Group V, Japan recognizes the importance of civil asset tracing and recovery, as well as applicable law in insolvency proceedings. We are pleased to have further contributed to the discussions on these topics by engaging our relevant experts.

(6) Working Group VI (Negotiable Cargo Documents)

As for Working Group VI, Japan looks forward to further discussions on a possible future instrument regarding Negotiable Cargo Documents.

(7) Japan’s Accession to the Singapore Convention on Mediation

Mr. / Madam Chair,

Japan would like to draw your attention to its recent accession to the Singapore Convention on Mediation.

As you may recall, the General Assembly, at its seventy-third session, adopted the United Nations Convention on International Settlement Agreements resulting from Mediation, also known as the “Singapore Convention on Mediation.”

Japan is pleased to have acceded to the Convention on the 1st of October last year. We are pleased to report that the Convention entered into force for Japan on the 1st of April this year.

The Convention establishes a framework for the enforcement of international settlement agreements resulting from mediation in order to promote the use of mediation as a method of resolving international commercial disputes. While Japan has a long-standing history of settling disputes through court-administered mediation, the practice of settling international commercial disputes through mediation has not been widespread. The lack of sufficient legal frameworks for enforcement of settlements in such mediation was identified as a key obstacle.

Japan’s accession to the Singapore Convention on Mediation is an expression of its commitment to upholding international standards applicable to the settlement of international commercial disputes and to fostering an enabling environment for businesses, which it hopes will contribute to global economic growth and development, including its own.

We would like to encourage other countries that have not yet done so to join the Convention to collectively take advantage of the benefits that it brings.

For its part, Japan intends to play an active role in advocating for more countries to join the Convention, acknowledging the plausible correlation between the number of Contracting Parties and the extent to which mediation will be used globally as an effective means for settling international commercial disputes.

(8) Stocktaking of Dispute Resolution in the Digital Economy

Mr. / Madam Chair,

Japan would also like to take this opportunity to draw your attention to the project on the stocktaking of developments in dispute resolution in the digital economy. As you will recall, at its fifty-fourth session, following the discussions in which general support was expressed for the proposal on the stocktaking project put forward by Japan, the Commission approved the Secretariat's mandate to monitor the changing landscape of dispute resolution in the digital economy, which would be performed through the compiling, analyzing and sharing of relevant information. The stocktaking project was subsequently approved, as part of the annual resolution on the UNCITRAL report, by the General Assembly in December 2021.

After almost three years of discussion since the stocktaking project was launched, one of the key deliverables is the finding that there is a need for developing legal frameworks to facilitate broader reliance on electronic arbitral awards. At the fifty-seventh session of the Commission, Japan, together with Germany, Israel, Republic of Korea and Spain, put forward the proposal that a Working Group address this issue by developing legal frameworks. We were pleased that this proposal received broad support and resulted in the approval of the new mandate for Working Group II. Japan appreciates the strong support expressed by Member States and commends the secretariat for their efforts to move this project forward.

Furthermore, recognizing the significance of the work to be carried out by the stocktaking project, and in keeping with its commitment, Japan is pleased to report that it contributed the necessary funds to implement the stocktaking project in its entirety for the third year.

Japan is convinced that these initiatives will bring meaningful outcomes and looks forward to further collaboration with the UNCITRAL Secretariat, interested States and relevant stakeholders in the implementation of the project and the discussion in Working Group II.

(9) Streamlining UNCITRAL omnibus resolutions

Mr. / Madam Chair,

Finally, Japan would like to express its appreciation to Panama for coordinating and the Secretariat for facilitating the intersessional consultative process for streamlining UNCITRAL omnibus resolutions. We look forward to constructively participating in the negotiation of the resolution facilitated by Austria.

(10) Conclusion

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. / Madam Chair.