

**STATEMENT BY MR. KENGO OTSUKA
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ON THE REPORT OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW ON THE WORK OF ITS 45th
SESSION**

**UNITED NATIONS SIXTH COMMITTEE
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(Check Against Delivery)

Mr. Chairman:

At the outset, I would like to express my gratitude to the Chairman of the United Nations Commission on International Trade Law (UNCITRAL) for his presentation of report A/67/17 on the work of its forty-fifth session. I appreciate the important role played by the Secretariat as well.

As a representative of Japan, I would like to comment on the major work of UNCITRAL in its forty-fifth session.

(1) Procurement

Firstly, I congratulate UNCITRAL on its adoption of *the Guide to Enactment of the UNCITRAL Model Law on Public Procurement*. Needless to say, States have recognized the need for technical methods for

modernization of national laws and regulations based on *the UNCITRAL Model Law on Procurement of Goods, Construction and Services*. Japan appreciates the completion of the adoption of the Guide since it should be widely used in order to make international procurement practices more and more transparent.

(2) International Arbitration and Conciliation

I also congratulate UNCITRAL on its adoption of *the Recommendations to Assist Arbitral Institutions and Other Interested Bodies with Regard to Arbitration Under the UNCITRAL Arbitration Rules as Revised in 2010*. Japan believes these recommendations will be useful to improving international arbitration practices.

With regard to the treaty-based investor-State arbitration, Japan believes it is important for every State to examine carefully how to ensure transparency while preserving efficiency of proceedings. With that in mind, Japan would like to continue proactively engaging in the current project of the Working Group on this issue, and hopes the Working Group will be successful in addressing the challenging issues before itself.

(3) Online Dispute Resolution

Japan understands it is important to make progress in the current project of the Working Group on the Online Dispute Resolution rules for cross-border electronic commerce transactions. We would like to continue to actively participate in this work and look forward to further achievements in this area.

(4) Electric Commerce

We are also aware that Working Group IV began to study electronic transferable records. Japan would like to contribute to the deliberation feeding information from national law and practice on electronic transferable records.

(5) Insolvency Law

Japan appreciates the completion of the judicial materials on *the UNCITRAL Model Law on Cross-Border Insolvency*. The current project on guidance of the interpretation and application of selected concepts of *the UNCITRAL Model Law on Cross-Border Insolvency* would benefit States.

We believe it should be very useful for not only practitioners and judges, but also creditors and other stakeholders in insolvency proceedings, particularly in the context of the current financial crisis.

(6) Security Interests

With regard to the current project of the Working Group, Japan believes it is important to complete a legal text of registration of security rights in movable assets. This will promote the provision of credit and enhance economic growth and international trade through the creation of a flexible and effective legal framework for security interests. Japan is satisfied with the substantive deliberations taking place in the Working Group, and we will exert our efforts towards the completion of this task in the next Commission session. Japan appreciates the fact that some recommendations regarding UNCITRAL were adopted at the General Assembly during the Commission's 45th session. We hope that careful

consideration will continue to be given to the other recommendations, taking into account the need for coordination of the existing national legislation of individual States in this area.

Mr. Chairman,

Japan supports the basic idea of the rule of law in the context of trade law proposed by UNCITRAL. Japan attaches great importance to the rule of law in the international community. The same holds true in the context of economics, since the rule of law promotes transparency both at the national and international levels, which would expand secure investments and strengthen economic relationships among States.

In conclusion, I would like to take this opportunity to express our deep appreciation of the contribution which the Commission has made in promoting the progressive harmonization and unification of international trade law, and reiterate that Japan, as a member of the Commission since its inception, will continue to participate actively in its work.

Thank you for your attention, Mr. Chairman.