

Statement by Mr. Hotaka Machida
Representative of Japan
On the Report of the United Nations Commission on International Trade Law
on the Work of its 51st Session

Sixth Committee
15 October 2018
United Nations, New York

Mr. Chair,

At the outset, I would like to express my gratitude to the Chair of UNCITRAL for presenting the report of the Commission on the work conducted during its fifty-first session. I appreciate as well the important role played by the Secretariat of UNCITRAL.

Mr. Chair,

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

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

Japan fully recognizes the importance of reducing legal difficulties faced by Micro-, Small, and Medium-sized Enterprises (MSMEs) throughout their lifecycles, particularly in developing economies. We are pleased with the substantive deliberations taking place in the Working Group, and will continue to contribute to the discussion through our corporate experts in this field.

Japan is pleased that the Legislative guide on key principles of a business registry was finalised and adopted at the 51st Session of the Commission. Japan looks forward to Working Group I completing its current work on the Draft Legislative Guide on an UNCITRAL limited liability organization and a document entitled “Adopting an enabling legal environment for the operation of micro, small and medium-sized enterprises (MSMEs)”, and to the adoption of the instrument during the next Commission Session.

(2) Working Group II (Dispute Settlement)

Japan recognizes that Working Group II handled well the challenging topics relating to the enforceability of settlement agreements resulting from mediation, under

excellent chairmanship. Japan is pleased that the UN Convention on International Settlement Agreements Resulting from Mediation and the model law were finalised and adopted at the 51st Session of the Commission.

Japan hopes the Working Group will progress on future work on arbitration.

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

Japan hopes Working Group III will follow the work sequence stipulated in the mandate without prejudice to the final outcome and conduct discussions in an inclusive manner. Japan emphasizes that UNCITRAL's work should be based not on perceptions or impressions about ISDS but on the facts related to the current investment arbitration system.

(4) Working Group IV (Electronic Commerce)

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

Japan hopes that Working Group IV continues to pay due attention to technological neutrality as it progresses in its work.

(5) Working Group V (Insolvency Law)

Japan congratulates UNCITRAL on its finalization and adoption of the Model Law on the Recognition and Enforcement of Insolvency-Related Judgments and its guide to enactment.

Japan understands that Working Group V is continuing its deliberations on the topics regarding (i) facilitating the cross-border insolvency of enterprise groups, (ii) obligations of directors of enterprise group companies in the period approaching insolvency, and (iii) the insolvency treatment of MSMEs. We look forward to further progress in future discussions.

(6) Working Group VI (Secured Transaction)

Japan looks forward to Working Group VI completing its current work on a practice guide to the UNCITRAL Model Law on Secured Transactions, and to the adoption of the instrument during the next Commission Session.

In conclusion, I would like to express our deep appreciation for the Commission's contribution in promoting the progressive harmonization and unification of international commercial law. Japan, as a member of the Commission since its inception, will continue to participate actively in its work.

I thank you for your attention.