

STATEMENT BY  
THE REPRESENTATIVE OF JAPAN  
ON THE REPORT OF THE UNITED NATIONS COMMISSION ON  
INTERNATIONAL TRADE LAW ON THE WORK OF ITS 56<sup>th</sup> SESSION

SIXTH COMMITTEE  
16 OCTOBER 2023  
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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-sixth 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, including by making available the holding of in-person meetings with a virtual attendance option.

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

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

With respect to Working Group I, Japan would like to first welcome its finalization of "Guide on access to credit for micro, small and medium-sized enterprises (MSMEs)" throughout their life cycle, particularly in developing economies. We are pleased to have continued contributing to the discussions on the topic of access to credit for MSMEs by engaging our relevant experts.

Second, in regard to the Working Group's new topic concerning warehouse receipts, Japan attaches great importance to the work in progress and remains fully committed to actively take part in the discussions. Japan hopes to continue its collaboration with all participants of the Working Group so as to achieve further progress on this topic.

**(2) Working Group II (Dispute Settlement)**

As for Working Group II, Japan would firstly like to take note of the finalization of the guidance text on early dismissal and preliminary determination. We are convinced that the instrument will enhance the efficiency of the entire arbitral proceedings.

Second, with regard to the Working Group's current topic concerning technology-related dispute resolution and adjudication, which Japan proposed together with Israel, Japan will continue to actively take part in the discussions on this topic. 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.

Additionally, Japan is committed to actively engaging in the discussions on future work, including on dispute resolution in the digital economy. This is due to Japan's continued interest in promoting the use of international arbitration and mediation.

### **(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 of codes of conduct in international investment dispute resolution, as well as instruments related to mediation. We recognize that it is 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 Working Group's topic regarding automated contracting and data transactions, and remains fully committed to actively taking part in the discussions regarding future work under consideration. 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 continued to contribute 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 a possible future instrument to be deliberated by the Working Group on its future work regarding Negotiable Cargo Documents.

### **(7) Japan's Accession to the Singapore Convention on Mediation**

Mr. / Madam Chair,

Japan would also like to refer to the progress made regarding the 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 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. Since Japan has not had legal frameworks for the enforcement of international settlement agreements, Japanese people have not frequently used mediation to resolve international commercial disputes to the same extent as arbitration.

By joining the Singapore Convention on Mediation, it is expected that foreign

investment into Japan will grow, and that our businesses will expand their activities overseas, thereby contributing to our economic development.

We believe that, as the number of Contracting Parties to the Convention grows, the use of mediation for settling commercial disputes will be further promoted globally.

Japan hopes that our accession to the Convention will encourage others to consider joining as well. As a Contracting Party, we intend to play a leading role in working toward the increase of the number of Contracting Parties.

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.

### **(8) Stocktaking of Dispute Resolution in the Digital Economy**

Mr. / Madam Chair,

Japan would like to take this opportunity to draw your attention to its project on 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.

At the fifty-sixth session of the Commission, enthusiastic discussions were held among Member States on this topic. Japan appreciates Member States for their support and commends the Secretariat for the extraordinary efforts undertaken to move the stocktaking project forward.

Furthermore, recognizing the significance of the work to be carried out by the stocktaking project, and in keeping with its commitment, Japan contributed the necessary funds to implement the stocktaking project in its entirety for the second year. Japan is also ready to contribute the funds necessary for the third year in due course.

Japan is convinced that such activities will bring extremely meaningful outcomes, and looks forward to further collaboration with the UNCITRAL Secretariat, interested States and relevant stakeholders in the implementation of the project.

I thank you, Mr. / Madam Chair.