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Work programme

Submission by the Government of Japan

Note by the Secretariat

The government of Japan submitted a proposal with regard to stocktaking of dispute resolution in the modern context for consideration by the Commission at its resumed fifty-third session. The submission was received by the Secretariat on 14 August 2020. The text received by the Secretariat is reproduced as an annex to this note in the form in which it was received.



Annex

Proposal on Stocktaking of Dispute Resolution in the Modern Context

The COVID-19 pandemic, one of the biggest challenges in recent history, has inevitably prompted stringent response measures worldwide to contain the spread of the disease. Those response measures have caused disruption of international trade and business, which have had to be treated simultaneously by means to mitigate such negative impact. Thus, commercial transactions have increasingly become dependent on electronic means and businesses have taken steps to address the vulnerability of their supply chains.

The crisis caused by COVID-19 has highlighted the need to improve resilience towards such global crises and to achieve modernization. In the context of UNCITRAL's work, new forms of disputes have arisen and overhauled dispute resolution procedures have become indispensable.

With the aforementioned backdrop, for the purpose of accelerating the ongoing efforts to update and further strengthen the rules and standards in the field of international trade law, stocktaking of pertinent developments has become an increasingly important approach.

With reference to the ongoing discussions in UNCITRAL, areas attracting particular attention and relevant to this context are high-tech dispute settlement, artificial intelligence in the digital economy, online dispute resolution, expedited arbitration and remote dispute settlement proceedings.

In light of the foregoing, Japan proposes that the Secretariat conduct necessary activities, including research and hosting of expert group meetings, webinars and online consultations to collect information on the latest trends in the world regarding dispute resolution and their procedures and, based on the findings of these activities, compiling relevant information.

Japan is of the view that the implementation of those activities by the Secretariat will:

- Serve to compile and make available factual and objective information relevant to identify areas for future work in UNCITRAL;
- Serve to support legislative technical assistance activities and to assist developing countries for the purpose of enabling their active participation in UNCITRAL's work, particularly in the field of dispute settlement and electronic commerce; and
- Contribute to raise awareness of UNCITRAL's activities in the field of international trade law.

Japan therefore suggests that the Commission request the Secretariat to find appropriate means to implement this proposal.
