

Launching of JIDRC

– The Challenge –

VIAC Workshop (June 18, 2020)

International Arbitration & Mediation: To Improve Commercial Dispute Processing by Vietnam and Japan

Session 1: Available out-court mechanisms of resolution for commercial disputes in Japan and Vietnam

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Background (1)

- Promotion of ADRs, including arbitration and mediation, has been the agenda for years since the Judicial Reform around the turn of the century.
- In 2003, Japan legislated the Arbitration Act based on UNCITRAL Model Arbitration Law.
- Still, compared with other Asian commercial centers, such as Hong Kong, Singapore and Seoul, Japan is considerably behind in handling international arbitration/mediation cases.

Background (2)

- The Japanese Government's initiative for promoting international arbitration and mediation in Japan:
 - (1) In the Basic Policy of the Economic and Fiscal Management and Reform 2017, the Japanese Government identified activation and promotion of international arbitration as one of the Government's important policy objectives (similar objective identification was succeeded in 2018 and 2019).
 - (2) Inter-ministry Task Force was formed and it came up with a report "Conceivable Policies for Invigoration of International Arbitration (国際仲裁の活性化に向けて考えられる施策)" in April 2018 ("Report").

Background (3)

- Among various policies proposed the Report:

A. Legislations

- Amendment to Foreign Legal Consultants Law, expanding foreign lawyers scope of activities in the field of representing clients in international arbitration and mediation in Japan.<Done>
- Amendment to Arbitration Act, etc. to reflect UNCITRAL 2006 Model Law.<Under discussion>
- Entering into Singapore Convention on International Mediation.<Under discussion>

B. Facilities

C. Promotion and capacity building

⇒ The Japan International Dispute Resolution Center (JIDRC) was established for the purpose of coping with B. and C. with certain financial support from the Japanese Government.

JIDRC (1)

Short History

- In May 2018, JIDRC-Osaka opened in Nakanoshima, Osaka.
- In 2019, JIDRC started five (5) year research project commissioned by the Japanese Ministry of Justice, including operation of an arbitration hearing facility in Tokyo, promotion of international arbitration, capacity building concerning arbitration and mediation.
- On March 30, 2020, JIDRC-Tokyo opened in Toranomom, Tokyo = Toranomom-Hills Business Tower 5F
- Early April 2020 – May 2020, JIDRC-Tokyo was temporarily closed due to Covid-19 situation.

JIDRC (2)

Purposes

- Maintaining and operating facility suitable for hearings for international arbitration and mediation.
- Functioning one of the hubs for the promotion of international arbitration and mediation in Japan as well as capacity building concerning international arbitration and mediation in Japan.

JIDRC (3)

Facilities



Reception



Breakout Room 1

JIDRC (3) Facilities



Hearing Room A



Hearing Room B

JIDRC (3)

Facilities



Hearing Room A+B for Seminar



Interpreter Room

JIDRC (3)

Facilities



Corridor



Utility Room

JIDRC (4)

Services

JIDRC-Tokyo

Morning Set: from 9:00am to 1:00pm *The facilities can be used, in principle, on everyday.

Afternoon Set: from 1:00pm to 5:00pm

Evening Set: from 5:00pm to 9:00pm

<Price>

The service charges per four hours for the use of the facilities are:

Main room: 50,000 JPY/ Medium room: 25,000 JPY/ Small room: 20,000 JPY

JIDRC-Osaka

Morning Set: from 9:00am to 1:30 pm *The facilities can be used, in principle, on weekdays.

Afternoon Set: from 1:30 pm to 6:00pm

<Price>

The service charges per four and half hours for the use of the facilities are:

Main room: 50,000 JPY/ Medium room: 10,000 JPY/ Small room: 5,000 JPY

Challenge (1)

Promotion and Capacity Building

- Promoting international arbitration and mediation in Japan in cooperation with JCAA, JMIC and other arbitration/mediation institutions in Japan as well as international arbitration institutions outside of Japan such as ICC, HKIAC, KCAB, SIAC, VIAC, etc.
- Capacity building: Cultivating human resources for international arbitration and mediation, both arbitrator/mediator side and advocate side.

Challenge (2)

Coping with increasing needs for web-hearings

- Utilizing video-conferencing systems, JIDRC can host “virtual hearings” (hearings and procedural conferences without all participants physically meeting at one place).

For example:

- Arbitrator/Mediator is at JIDRC-Tokyo and other participants are at other places.
- One of the participants is at JIDRC-Tokyo and other participants are at JIDRC-Osaka.

Challenge (2)

Coping with increasing needs for web-hearings

Available services and equipment:

◆ **Videoconference system suited to virtual hearing**

- ✓ Equipped with the major videoconference platforms (Zoom, Microsoft Teams, Google Meet, Cisco Webex, Skype).
- ✓ The videoconference system at the hearing room can project images taken by cameras established in multiple locations.
- ✓ Large screens divided up for each arbitrator and party, etc. can be projected on a large-screen monitor at both JIDRC-Tokyo and JIDRC-Osaka. Size of the main monitor for JIDRC-Tokyo/Osaka : Type 120 (width 2656mm × height 1494mm)
- ✓ At the hearing room of JIDRC-Tokyo, separate images can be projected on the main monitor and the small portable monitors (iPad) which are equipped in multiple quantities. Possible to project each party and the arbitration panel on the main monitor and to project the script described below on the small monitor.
- ✓ At JIDRC-Osaka, images may be projected not only on the main monitor but also on the screen of the personal computer at hand which is installed on the desk

◆ **Wifi service enabling the stable transmission and receipt of images and sound**

- ✓ Equipped with high speed wifi, and images and sound can be transmitted and received from multiple locations in a stable manner.

◆ **Use of real-time script preparation service**

- ✓ At JIDRC-Tokyo, the script may be prepared real-time by the live script equipment with which it is installed.

◆ **Use of simultaneous interpretation service**

- ✓ At the hearing room, simultaneous interpretation service may be used by using the simultaneous interpretation room and equipment, etc..