

# THE JAPAN COMMERCIAL ARBITRATION ASSOCIATION

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# JAPAN : Place for Arbitration & Mediation

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- **Arbitration Act:** UNCITRAL Model Law Country
- **Enforcement:** Party to New York Convention
- **2020 Amendment of Foreign Lawyers Act:**
  - Foreign lawyers can now represent parties in a Japan-seated arbitration/mediation between two Japanese companies if there is a foreign element.
    - Foreign majority shareholder
    - Foreign governing law



➡ Japan as an attractive place for ADR.

# JCAA : Overview

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- **History:** Oldest international arbitration/mediation institution in Japan with nearly 70 years of experience (founded in 1953).
- **Location:** Case administration in Tokyo and Osaka.
- **Case Load:**
  - **Arbitration** → 74 cases between 2015 and 2019.
  - **Mediation** → 80 cases since 2003.

# JCAA : Arbitration

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## ■ Three Options to Meet Diverse Needs:

### ➤ **UNCITRAL Arbitration Rules**

+ JCAA's Administrative Rules for UNCITRAL Arbitration

### ➤ **Commercial Arbitration Rules**

### ➤ **Interactive Arbitration Rules**

➔ These new rules came into force in 2019.

# OPTION 1. UNCITRAL Arbitration Rules

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- OPTION 1 is suited for companies with considerable experience in international arbitration who have a preference for a flexible and high-quality arbitration by a world-renowned arbitrator.
- The Administrative Rules for UNCITRAL Arbitration provide only the minimum administrative provisions for the purpose of facilitating the arbitral proceeding.



## OPTION 2. Commercial Arbitration Rules

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- OPTION 2 is the standard arbitration rules which adopt the global standard and are suitable for any business users in any jurisdiction.
- To promote efficient and effective dispute resolution, JCAA's Commercial Arbitration Rules have been carefully crafted to provide sufficiently detailed provisions to avoid unnecessary procedural disputes arising from the differences of the parties' legal background.



# OPTION 3. Interactive Arbitration Rules

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- OPTION 3 is ideal for commercial parties with no or less experience in international arbitration or those who have strong hesitation to go to arbitration due to the unfamiliarity of the process.
- The Interactive Arbitration Rules are designed to offer maximum predictability and efficiency through requiring a dialogue between the parties and the arbitrators in the course of arbitration.

➔ Good option for Vietnamese parties.



# JCAA : Mediation

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- JCAA's Commercial Mediation Rules provide detailed provisions to prevent procedural disputes that may arise due to the differences of legal tradition of the parties.
- The procedures are compliant with the requirements under the Singapore Convention on Mediation in order to secure enforceability of settlement agreements reached through JCAA mediation.  
  
➔ These new rules came into force in 2020.





# JCAA : More Information

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## ■ For Details:

Please visit JCAA's new website → <https://www.jcaa.or.jp/>



# JCAA & Vietnam

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## ■ Vietnam-Related Cases

- JCAA had 3 Vietnam-related arbitration/mediation cases between 2011 and 2020.
  - Related to sales of goods, financing, R&D.
  - 1 case was filed by a Vietnamese company.
  - 2 cases were filed by Japanese companies.

## ■ JCAA-VIAC Cooperation Agreement

- In 2003, JCAA and VIAC was agreed to cooperate in promoting ADR as a means of settling international commercial disputes.

# THANK YOU!

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