



Congratulations on the 50th Anniversary of JCAA

Takeo Hiranuma
Minister of Economy, Trade and Industry

I am delighted to extend my heartfelt congratulations to the Japan Commercial Arbitration Association on the occasion of its 50th anniversary.

Over the past five decades, Japan's economy has witnessed remarkable development and transformation, and JCAA has contributed to the growth of international trade by striving to prevent, and resolve when necessary, commercial disputes.

In recent years, globalization has been driven by dramatic advances in transportation and communication technologies, as well as the development of the WTO and other multilateral trading arrangements. In the contemporary environment, then, successful resolution of international commercial disputes has become an issue of even greater significance.

The environment in which JCAA operates is also changing here in Japan. To enhance the capacity of the justice system to serve Japan adequately in the 21st century, the Office for Promotion of Justice System Reform is now working in various fields to transform Japan into a post facto check and relief society characterized by clearly established rules and principles of self-responsibility.

This year, JCAA enthusiastically embarked on work involving resolution of domestic commercial disputes, adding this to its existing efforts in international arbitration. To facilitate this new work, JCAA will act in cooperation with chambers of commerce and industry and other ADR organizations in Japan. The Ministry of Economy, Trade and Industry will continue to support JCAA in its initiatives to meet the expectations of the public for the development of a stronger dispute resolution system in Japan.

Once more, I offer my sincere congratulations to JCAA on achieving the milestone of 50 years of proud history, and express my earnest hope that the JCAA shall continue to grow. ■

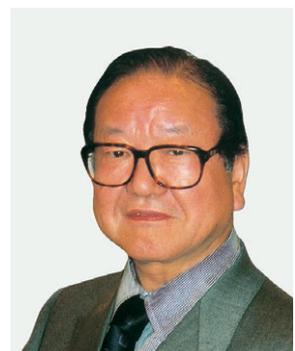
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50th Anniversary Message from JCAA President

Kosuke Yamamoto

This year marks the 50th anniversary of JCAA. This major milestone is significant in that it provides an opportunity to reflect on the achievements of JCAA to date as well as to offer a premonition of JCAA's contributions to the field of dispute resolution in the future.

Since its establishment in 1953 as the sole permanent commercial arbitral



institution in Japan, JCAA has engaged in a variety of initiatives to promote the wider use of arbitration and other alternative forms of dispute resolution. This has been a daunting task in Japan, where the cultural tendency is to resolve disputes through negotiation and compromise. In fact, due to this characteristic of the culture, the number of cases filed for arbitration with JCAA has been rather small when compared with its counterparts in other developed countries.

The climate surrounding arbitration has been changing dramatically, however, thanks to recent government efforts spearheaded by the Office for Promotion of Justice System Reform. A bill to amend the nation's century-old arbitration law has been prepared for submission to the current session of the Diet, attracting the attention of the public to this effective means for dispute resolution.

Making the most of these encouraging developments, JCAA plans to conduct various promotional initiatives to enhance the demand for both international and domestic ADR. For a starter, JCAA has set up a mediation center to offer low-cost, fast-track mediation services for domestic business disputes. JCAA is planning to carry out this attempt in collaboration with the 527 chambers of commerce and industry across the nation. This year, chambers in Tokyo, Osaka and Nagoya will serve as interfaces for those wishing to request these services. Eventually, JCAA hopes, the other chambers will follow suit.

This year brings with it vast challenges for JCAA. With our renewed zeal and resolve, however, 2003 will surely go down in the history of JCAA as an epoch-making year. 

Congratulatory Messages for JCAA's 50th Anniversary were received from:

Mr. William K. Slate II, President and CEO of the American Arbitration Association

Mr. Peter Grove, Executive Director of the British Columbia International Commercial Arbitration Centre

Dr. Robert Briner, Chairman of the ICC International Court of Arbitration

Mr. Francis Gurry, Assistant Director General and Director of the WIPO Arbitration and Mediation Center

Professor Alexander Komarov, President of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation

Mr. Ulf Franke, Secretary General and **Ms. Annette Magnusson**, Assistant Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce

Dr. Silvy Chernev, President of the Court of Arbitration at the Bulgarian Chamber of Commerce and Industry

Dr. Bohuslav Klein, President of the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic

Prof. Dr. Gabrielle Kaufmann-Kohler, President of the Swiss Arbitration Association

Professor Józef Okolski, President of the Court of Arbitration at the Polish Chamber of Commerce

Dr. Mauro Ferrante, Secretary General of the Italian Association for Arbitration

Mr. Stefano Azzali, Secretary General of the Chamber of National and International Arbitration of Milan

Dr. M. I. M. Aboul-Enein, Director of the Cairo Regional Centre for International Commercial Arbitration

Professor Michael Pryles, President of the Australian Centre for International Commercial Arbitration

Mr. Jong-Hee Kim, President of the Korean Commercial Arbitration Board

Mr. Wang Sheng Chang, Vice Chairman of the China International Economic and Trade Arbitration Commission

Mr. Neil Kaplan, CBE, QC, JP, Chairperson and **Mr. Christopher To**, Secretary-General of the Hong Kong International Arbitration Centre

Mr. Samuel Wong, President of the Hong Kong Institute of Arbitrators

Mr. Goh Joon Seng, Chairman of the Singapore Mediation Centre

Mr. You-Theng Wang, Chairman of the Arbitration Association of the Republic of China

Dato' Dr. Zakaria M. Yatim, Director of the Regional Centre for Arbitration Kuala Lumpur

Mr. Voravuthi Dvadasin, Executive Director of the Arbitration Office, Ministry of Justice in Thailand

Mr. H. Priyatna Abdurrasyid, Chairman and **Mr. Husseyn Umar**, Vice Chairman of the Indonesian National Board of Arbitration

(in random order)

New Arbitration Law To Be Submitted to Japan's Diet Soon

The existing Japanese arbitration law, which has not substantially changed since being enacted in 1890, is to be replaced by a new law this year.

With careful reference to the UNCITRAL model law, a group of arbitration experts has been holding consultations since February 2002, striving to realize a much-modernized arbitration law for Japan. The group of experts was formed by the government's Office for Promotion of Justice System Reform, which is headed by Prime Minister Junichiro Koizumi.

Last August, the Office submitted an interim report on a new arbitration law. The interim report identified about 100 points to be considered in the drafting of the new law. These included issues such as the general scope of application for the new law, the formality of arbitration agreements, and interim protection measures. Some of these points have already been addressed in the model law, while others have not. The Office solicited comments on these key issues, and more than 400 comments and opinions addressing all or some of these issues were received. Those submitting comments included professors of law, law practitioners, government offices, arbitral institutions, consumer groups, labor groups and interested individuals. The new law will be based upon the model law. Special measures will also be provided for arbitration involving consumer transactions and individual employment contracts.

Taking into consideration these opinions and their discussions, the group of experts completed its substantial study in December 2002. The Office is now in the final stages of preparing a draft of the new law. Once finalized, the draft will be submitted to the current Diet session, which began in January 2003. [_____](#)

International Commercial Arbitration Seminar Held in Osaka

On November 12, 2002, JCAA held the International Commercial Arbitration Seminar in Osaka. The event was co-sponsored by the International Chamber of Commerce (ICC) Japan and the Osaka Chamber of Commerce & Industry. An audience of approximately 70 business people, lawyers and academics attended the seminar.

Mr. Robert Briner, Attorney at Law and Chairman, ICC International Court of Arbitration, and Mr. Tadashi Ishikawa, Attorney at Law and Senior Partner, Oh-Ebashi LPC & Partners, addressed the seminar. Mr. Masaharu Onuki, Director, JCAA, served as moderator.

After opening remarks by Mr. Kosuke Yamamoto, President, JCAA, Mr. Ishikawa gave a speech entitled, "Perspectives on International Commercial Arbitration – What Is Expected of Ideal Arbitration?" Mr. Ishikawa insisted that the keys to successful arbitration were the enthusiasm and cooperation of the parties involved with the dispute resolution.

Following Mr. Ishikawa, Mr. Briner offered a speech entitled, "Why Has ICC Arbitration Been Successful?" Mr. Briner explained the background to the success of ICC arbitration, emphasizing the importance of the role of the secretariat at the International Court of Arbitration. [_____](#)

ADR Forum 2002 Featuring "Mock Mediation" Held in Tokyo and Osaka

JCAA held the "ADR Forum 2002 – Mock Mediation" in Tokyo and Osaka on November 22 and 27, 2002, respectively. The events were co-sponsored by the Japan Chamber of Commerce & Industry and the Japan Federation of Bar Associations, with the cooperation of the Ministry of Justice and 13 other major Japanese organizations. Funding was provided by the Small and Medium Enterprise Agency of the Ministry of Economy, Trade and Industry.

The Forum took as its theme the problem of manufacture and supply agreements between small businesses. It highlighted the differences between mediation and litigation, demonstrated the merits of mediation, and introduced mediation procedures for resolution of disputes, among other topics. The "cast" and "narrators" consisted of lawyers and businessmen with expertise in mediation.

The Forum attracted audiences of more than 570 in Tokyo and 350 in Osaka, consisting of business people, lawyers, academics, and government officials. _____

Seminar on "Arbitration in China"

On December 6, 2002, a seminar entitled "Arbitration in China" was held at the Canadian Embassy under the joint auspices of the Association of Foreign Chambers of Commerce in Japan, JCAA, and Jones, Day, Reavis & Pogue Attorney and Counselor at Law (JDRP).

The purpose of the seminar was to present front-line professionals' analyses of Chinese arbitrations, with a special focus on those conducted under the China International Economic and Trade Arbitration Commission (CIETAC). Reflecting today's growing interest in doing business with China, more than 60 people attended the seminar, most of who were businessmen, lawyers and scholars.

The speakers were: Mr. Johnson Tan, Partner, JDRP Hong Kong; Prof. Teresa Cheng, SC, Honorary Professor, China University of Political Science and Law; Mr. Ashley M. Howlett, JDRP Hong Kong; and Mr. Haig Oghigian, JDRP Tokyo.

Following opening remarks from Mr. Peter Campbell, Minister, Canadian Embassy, and Mr. Kobayashi of JCAA, Mr. Tan, Prof. Cheng and Mr. Howlett delivered presentations on CIETAC arbitration and other related issues. A panel discussion among the speakers followed, with Mr. Oghigian serving as moderator. The main topic addressed by the panel discussion was comparison of CIETAC to other arbitration institutions. In the subsequent question-and-answer session, the discussion benefited from several practical questions raised by members of the audience. _____

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Address: Taishoseimei Hibiya Bldg. 4F 9-1, Yurakucho 1-chome, Chiyada-ku, Tokyo 1000006 Japan

Tel: +81-3-3287-3061 Fax: +81-3-3287-3064 Email: arbitration@jcaa.or.jp