

Overview of the DRDE Stocktaking Project

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Background

- Digitalization – a long trend in various aspects of international trade, including dispute resolution
- Prompted by the pandemic – reaffirmed the need to improve resilience towards such global crises and to achieve modernization
- Dispute resolution – cornerstone in bringing proper settlements of disputes; access to and prevalence of justice
- Suggested approach – monitor the changing landscape of dispute resolution, the evolving practices and the development of new forms of dispute resolution

Procedural history

- During UNCITRAL's session in 2020, Japan put forward a proposal to vest the Secretariat with the mandate to conduct relevant activities to monitor the changing landscape of international dispute resolution.
- During its session in 2021, UNCITRAL approved the implementation of the stocktaking project, through which the Secretariat will compile, analyze and share relevant information regarding developments in dispute resolution in the digital economy.
- In December 2021, the stocktaking project was approved by the United Nations General Assembly as part of the annual resolution on the report of the work of UNCITRAL.

Defining the scope

- February 2021 – Kick-off discussion
- March 2021 – DRDE workshop
- July 2021 – Discussion at UNCITRAL’s session in 2021
“It was widely felt that the stocktaking would need to take into account the disruptive aspects of digitalization, in particular with respect to due process and fairness.”
- December 2021 – 2021 Tokyo Forum on Dispute Resolution
“Enhancing the principles of dispute resolution in the digital economy”

Japan's submission on the DRDE Stocktaking Project (A/CN.9/WG.II/WP.222)

Discussions at the 2021 TFDR suggest the following areas for the project's activities:

- Equality and fairness issues arising from the use of technology in arbitration
- Addressing the flood of information problem
- Appropriate use of dispute resolution on online platforms
- Online hearings and witness examination
- Online mediation