

# ABHANDLUNGEN / ARTICLES

## Arbitration Law Reform in Japan

*Hiroshi Oda*

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### INTRODUCTION

Arbitration law in Japan was part of the Code of Civil Procedure (CPC) until 1997. The former CPC, enacted in 1890, was generally influenced by the German *Zivilprozessordnung* (ZPO) of 1877. The German influence was particularly conspicuous in the part on arbitration, which was almost a copy of the ZPO. While the other parts of the CPC have undergone a number of changes since enactment, the part on arbitration has remained more or less the same. In 1997, Japan's civil procedure was extensively reformed and the CPC totally amended in this regard. All that remained of the previous CPC were the parts on reminder by public notice proceedings (*Aufgebotsverfahren*) and arbitration. These became the subject of a separate law, but their content remained unchanged.

One of the reasons why Japan has long been unpopular as a place of arbitration, despite the existence of established arbitral institutions such as the Japan Commercial Arbitration Association (JCAA) and the Tokyo Maritime Arbitration Commission (TOMAC), may have been this rather obsolete arbitration law. At the time of the civil procedure reform, it was generally agreed that the arbitration law needed modernizing too. However, priority was given to reforming the insolvency law, which was necessary