

## General Remarks on the New Japanese Rules on International Judicial Jurisdiction (Summary)

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Japanese legislation did not contain explicit statutory provisions on international jurisdiction. Hence, the academic debates focused on issues of general theory (that is the approach to be followed in order to decide in which cases Japanese courts could assume and exercise international jurisdiction), rather than the definition of the content of specific rules for each class of jurisdiction.

Most of these debates lost their significance with the introduction in 2011 of a set of special rules for international jurisdiction by the Act on the Partial Revision of the Code of Civil Procedure and Civil Provisional Remedies Act (Act No. 36 of May 2, 2011). However, controversy regarding the role of the 'special circumstances' doctrine, according to which Japanese courts although competent are allowed to dismiss actions, is expected to continue under the new legislation, since the said doctrine was codified in the new Article 3-9 of the Code of Civil Procedure.

After considering the rationale behind this reform and the objectives it aims to reach, this article examines the main feature of the new rules from the viewpoint of general theory of jurisdiction. Attention will be paid to the role of the 'special circumstances' doctrine of Article 3-9, which introduces flexibility in the exercise of jurisdiction by Japanese courts.

In order to assess the appropriateness of Article 3-9, it is necessary to examine whether the new legislation (Article 3-2 and the following) contains certain bases of jurisdiction the existence of which would justify the recourse to such adjustment mechanism. In the Author's opinion, certain rules, such as the special rules concerning jurisdiction over consumer contracts are excessively wide so that the invocation of the flexible adjustment mechanism of Article 3-9 is required. Finally, a comparison with other forms of declining jurisdiction mechanisms available in common law countries, namely *forum non conveniens*, can help to better understand the specificity of the mechanism of Article 3-9.