

the private commercial level, seeking to resolve disputes exclusively through the "hard" litigation option may very often destroy the underlying commercial relationship – a phenomenon certainly not unknown in the West. However, if "softer" mediation or conciliation options are pursued, it may be possible to isolate the individual dispute in question from the broader commercial relationship, permitting the parties to continue to build a long-term partnership. This principle has relevance as well for government-to-government trade disputes, since the request for a WTO panel may damage the bilateral political relationship in a manner not always fully understood in the West.

Obviously only you and your clients can determine, in individual cases, whether to proceed by way of mediation or through litigation. They need not necessarily be mutually exclusive. However, I would ask you to consider that dispute resolution involving Asian parties often requires an acute sensitivity to cultural differences if both parties want the commercial relationship to flourish in the long term.

I am grateful to have had the opportunity to speak to you today. Given the creation of substantive new disciplines applicable to international traders, I am sure that symposiums on legal issues related to Asia-Pacific trade will only proliferate in the future.

Thank you.