

Commercial dispute processing

The Asian economy is experiencing remarkable growth in regional and international trade, which is necessitating the transformation of systems and structures. A key element in ensuring prosperity is the creation of a platform of common practices in commerce and trade. The UN Commission on International Trade Law Model Law was adopted in 1985 to provide a solid base for the growth of international commercial arbitration through the harmonization and improvement of national laws. In addition to fostering international arbitration, equally important is the creation of a favorable environment for recognition and enforcement of international arbitration agreements. The Model Law is an important starting point for reviewing arbitration principles and practices in alternative dispute resolution (ADR).

The APO organized its first seminar on the Commercial Dispute Process, November 21–24, in New Delhi with the collaboration of the National Productivity Council of India, attended by 16 participants from 12 member countries. They included magistrates, lawyers, legal officers, academics, labor unionists, consumer protection advocates, and businesspeople. Viewed from the productivity viewpoint, commercial disputes have an immense effect on how businesses are operated. In the past, commercial disputes involving foreign parties were dealt with under the jurisdiction of the country of operation. But with more free trade areas, a new era of uniform rules of conduct in trade, investment, and labor laws has been ushered in.



Seminar participants in New Delhi

The four-day seminar was conducted by Professor Rajesh Sharma, Macao University of Science and Technology, and Professor Yasunobu Sato, University of Tokyo. They emphasized that arbitration and ADR can ensure that business growth is sustainable without resorting to legal professionals. The arbitration system encourages greater transparency in business, which empowers people to arrive at equitable dispute resolutions for the long term. The example of China was given. That country was able to attract foreign investment due to its arbitration-assisted commercial/trade dispute resolution system. China's Arbitration Center handles some 1,000 cases annually; in comparison, the International Arbitration Center handles only one-tenth of that number per year. 🌀