



Welcoming Address by the Bavarian State Minister on
March 22, 2018 at the Symposium "Alternative Dispute
Resolution Mediation in Munich – An Option for
Japanese Enterprises?"

Please check against delivery.

Introduction: Goethe "More light!"

and the link to the

event

No, no, ladies and gentlemen, please remain seated and don't look for a light switch - I think the lighting is just fine.

Today is the 186th anniversary of the death of Johann Wolfgang von Goethe: "More light!" - these were allegedly his last words. What connects Goethe to our event today is more than just the anniversary of his death: Hearsay has it that Goethe is also well known and held in high esteem in Japan.

And, what often fades into the background in view of Goethe's literary and scientific accomplishments is that in his early years, Goethe dedicated himself to studying law, was a lawyer for several years, and allegedly said:

“Jurisprudence can be likened to beer: the first sip sends a shiver down your spine, but once you've started drinking it, you simply can't stop.”

Nevertheless, he was fully aware that, “if one studied every single law, one wouldn't have any time to violate them.”

Understanding of
the justice system

Jurisprudence and law are concepts that, according to traditional western thinking, are closely connected to the concept of justice. The objective inherent in our jurisdiction is to administer justice and hand down rulings on lawsuits.

This understanding is not a law of nature, as demonstrated above all by Japan, which looks back on a long history of out-of-court and compromise-oriented dispute resolution. To this very day, Japan continues to have a host of possibilities and institutionalized procedures for achieving this, about which we will learn today.

And our traditional understanding here in Germany, in Bavaria, has also been undergoing change for quite a while.

New ways of
resolving disputes

A modern justice system that is in touch with the people is capable of and intends to accomplish more than merely administer justice. In fact, Justitia can show herself from her modern and powerful side if she doesn't have to focus all her attention on settling legal disputes. She has to be open to **new ways of resolving disputes**.

I thus believe that my task as Minister of Justice is to provide all parties desirous of justice solutions to their conflicts that are the most beneficial to them and promote peace under the law sustainably and lastingly.

Be it individuals or commercial enterprises and independent of the legal system that they come from.

Arbitrators

We do the latter for example through our Bavarian arbitrators. Arbitration proceedings have been offered by Bavarian courts since as far back as 2004. They have been so successful that we now offer arbitration proceedings throughout the entire state, in all Bavarian civil and family courts. In so doing, our arbitrators, who help to resolve a wide variety of disputes with great commitment and personal involvement, dedicating a lot of time, empathy and creativity in the process, thus give life to a new litigation culture.

However, mutually agreed dispute resolution in court is not the only issue of importance to me.

Out-of-court conflict resolution

Another important task consists of strengthening and expanding the scope of conflict resolution both before and out of court as an additional pillar of modern society. I feel that state courts and providers of alternative methods share the task of offering the right procedure for every conflict.

Viable options can include arbitration proceedings, other alternative conflict resolution procedures, or even efficient litigation in court. Both pillars of dispute resolution are justifiable.

It is the coordinated coexistence of the two pillars that makes our location attractive.

In addition, we proactively instill this 'coexistence' with life, for instance by means of our Bavarian Mediation Day, which will take place for the fourth time in 2019 as a kick-off event tailored to arbitrators, lawyers, mediators, experts and decision makers from business and administration.

Conclusion

Over 150 years of friendship connect Japan and Germany - a fruitful relationship characterized by economic, cultural and legal exchange, which has resulted in a harmonious and successful partnership.

“Sometimes one has to argue in partnerships, because this enables one to learn more about one another.”

Although Goethe was definitely right in what I quoted him as saying, I hope that today's event runs smoothly.

Although the Japanese also say:

Arasoi ni wa, kowadaka no mono ga katsu -

the winner of an argument is the one who speaks the loudest.

However, I am confident that the wide variety of speeches and discussions today will be just as informative and instructional about the myriad possibilities of alternative conflict resolution without disputes as they would be with them.

I wish you a successful and informative event!