

Co-mediation in commercial disputes

Using two mediators to resolve a dispute offers numerous advantages and can be particularly beneficial in cases involving different cultures.

A dispute involving parties from diverse backgrounds can be harder to mediate because of the risk of misinterpretation of behaviour and style of communication. Having mediators who have a good working knowledge of each culture can go a long way towards avoiding misunderstandings from arising and enables the parties to understand the other's position more accurately and also to save time during the process.

At Lux Mediation, we have witnessed and understand that the centre of gravity for worldwide trade has moved eastwards and that there are an increasing number of contracts concluded between principals based in the Far East and West. In light of this, we offer a specialised co-mediation service with a Chinese mediator who is very familiar with Chinese customs and speaks conversational Mandarin and fluent English alongside a European mediator who speaks native English as well as fluent French and German.

Our mediators, Lee Wai-Pong and Jonathan Lux will conduct mediations in both the Far East and in the West, principally Singapore and London, but also in other countries upon request of the parties.

The advantages of co-mediation in cross-cultural disputes

Different cultures have different innate styles of communication as well as different methods of pursuing goals and varied ways of applying rules. Where these subtleties are not recognised, mediation can be difficult and have a higher rate of failure than where the sides share a similar background.

For some cultures, what is seen as polite, attentive behaviour can mean the opposite for others. For example, expressive, emotive reactions such as interrupting and holding eye contact can be a sign of attention and focus on the matter in hand. To others, it can seem rude and even aggressive.

Conversely, quiet listening and little eye contact is polite for some, while to others it signals inattention.

This cultural difference can extend to the method of dealing with issues. Some people may be used to dealing with many matters at once, in a more global manner, while some have been trained to create a list of issues and work through it methodically, a single item at a time.

There can also be a difference in the application of rules between cultures. Those from some backgrounds may adhere strictly to the rules, while others are used to applying them more flexibly to individual situations.

Taken all together, these cultural differences can spell disaster for an otherwise successful mediation, especially even where the parties each have good intentions of working through a dispute to achieve a mutually satisfactory outcome. By appointing a mediator who is familiar with the nuances of Eastern culture alongside one familiar with Western culture, chances of misunderstandings across nationalities can be substantially reduced or avoided altogether.

Co-mediation at Lux Mediation

At Lux Mediation our co-mediation team offer an expert cross-cultural dispute resolution service.

Founder, Jonathan Lux, is based in London and has over 40 years' experience in a wide range of complex, high-value and international cases. He is a native English speaker and fluent in French and German. He holds an International Mediation Institute diploma for cross-cultural mediation.

Lee Wai-Pong is his counterpart based in Singapore and is an arbitrator, mediator & adjudicator who is well versed in dispute resolution. A consultant to the Singapore Mediation Centre (SMC), he is also a regular coach to participants of SMC's Strategic Conflict Management Programs for Professionals and is the former Executive Director of the Singapore Chamber of Maritime Arbitration. He has a strong background in resolving high-value

disputes arising from maritime/oil & gas origins and is very fluent in English and speaks conversational Mandarin.

If you would like to discuss how they can help you with a cross-cultural dispute, please call Lux-Mediation on 07876 232 305 or email jonathan@lux-mediation.com or LWP.Sg Consultants on +65 9001 0802 or email waipong@lwp.sg