



THE  
**LAW SOCIETY**  
OF HONG KONG  
香港律師會

# Peace and Prosperity *on the Belt and Road*

International Summit 2023  
in celebration of the 10<sup>th</sup> Anniversary  
of the Belt and Road Initiative



## **Session 3 – Sharing Session: Practical workshop on mediation, negotiation and navigating cross-cultural/ language/ legal system differences (15:45 – 17:15)**

Speaker: Professor TK IU, MH

Founder / Director, Asia Conflict Resolution Institute; and Former Member of Steering Committee on Mediation and Former Chairman of Special Committee on Evaluative Mediation, Department of Justice of The Government of the Hong Kong Special Administrative Region of the People's Republic of China

Topic: The wider use of co-mediation in resolving BRI related disputes

# What is BRI about?

The BRI is an important national development strategy which aims to promote the “five areas of connectivity”, namely

- Policy co-ordination
- Facilities connectivity
- Unimpeded trade
- Financial integration
- People-to-people bond

among the related countries and regions along the routes.

These five priority areas in fact echo the vision/dream of **building a community with a shared future for mankind.**

# What does BRI mean to a mediator?

- In the course of promoting the “five areas of connectivity”, there are bound to be disputes among the related countries and regions along the routes.
- One of the challenges ahead, which is particularly relevant to a mediator, is how to resolve the disputes in a manner without adversely affecting “People-to-people bond”.
- In this session 3, I venture to suggest that mediators in the Belt and Road countries and regions should collaborate with a view to resolving disputes as teammates rather than competing for mediation opportunities when disputes arise.

# Language/culture differences

- When a mediator speaks a language, it does not necessarily mean that he/she is able to handle a complex disputes in that language with different cultural dimensions.

- By way of illustration:-

what does “I hear you” mean?

how to say “No”? or how to avoid saying “No” to convey a “No” message?

The involvement of a co-mediator familiar with specific language and culture features will not only do away misunderstanding but also display respect to the disputants.

# Legal system differences

- As of today, more than 150 countries and over 30 international organisations have signed co-operation agreements.
- Although mediators are generally regarded as facilitators assisting the disputing parties to negotiate, mediators need to possess some knowledge on the legal aspects and/or legal systems which are relevant to one of the 7 elements of negotiation (i.e. legitimacy or objective criteria)
- By way of illustration:-  
what does the term “mediation communication” mean in different jurisdictions?

# My sharing

- It is not wrong to see BRI as a source of business opportunities.
- If we agree that one of the core values of BRI is co-operation, we need to be very careful when we deal with competing for business opportunities and resolving disputes.
- On the part of mediation, it is surely a case of win-win if Hong Kong mediators work hand in hand with mediators in other BRI countries and regions with a view to learning from each other and developing better and more appropriate skills in handling cross-border and cross-cultural disputes.

# About the speaker

## Professor TK IU

- TK is the founder/director of Asia Conflict Resolution Institute and a consultant solicitor with Kwok, Ng & Chan, Solicitors & Notaries.
- TK is an Accredited Mediator (General/Family) and Accredited Family Mediation Supervisor with HKMAAL.
- Between 2013 and 2017, he advised the Department of Justice on the enactment of the apology legislation. The Apology Ordinance came into effect on 1 December 2017. TK was a member of Steering Committee on Mediation chaired by the Secretary for Justice between 2016 and 2022. In 2017, TK was awarded a Medal of Honour by the HKSAR Government in recognition of his contribution to the promotion of mediation.
- TK is an adjunct professor of the (1) Department of Law, HKU; (2) School of Law of City University of Hong Kong; and (3) Hang Seng University of Hong Kong.
- TK is listed by Doyle's Guide 2021 to 2023 as a leading family mediator in Hong Kong. WhosWhoLegal (2015 to 2023) named TK as a world leading practitioner in the field of commercial mediation.
- TK is a co-author of (1) Hong Kong Mediation Manual (3rd Edition); (2) The Annotated Ordinances of Hong Kong: Mediation Ordinance (Cap.620) (2022 Reissue); and (3) Asia Mediation Handbook. He is a regular blog writer of Kluwer Mediation Blog.