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Panda as Peacemaker: China, International Dispute Resolution, and the Founding of the International Organization for Mediation

Kunyang Li, Penghe Shi

School of Law, Zhongnan University of Economics and Law, Wuhan, China
Email: kyl.likunyang@outlook.com, yogeu233@outlook.com

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Abstract

The Convention on the Establishment of the International Organization for Mediation, signed on May 30, 2025, in Hong Kong SAR by 33 founding states, created the first permanent intergovernmental body dedicated solely to mediation. Drawing on China's mediation experience and its cultural emphasis on harmony, the Organization provides a platform for disputes between states, state-foreign nationals, and private parties in international commerce. The Convention defines mediation, establishes safeguards, specifies case scope, and creates a cross-border enforcement mechanism for settlement agreements. By diversifying pathways for dispute settlement, enhancing the voice of developing countries, and fostering the development of mediation, the Organization provides a flexible and reliable framework, representing a major advance in global dispute resolution.

Keywords

International Organization for Mediation, China, International Dispute Resolution

1. Introduction

On May 30, 2025, the Convention on the Establishment of the International Organization for Mediation (IOMed Convention) was signed in Hong Kong SAR, China, by 33 States as founding parties (Ministry of Foreign Affairs of the People's Republic of China, 2025). Initiated by China along with 18 other countries, the International Organization for Mediation (IOMed) constitutes the world's first permanent intergovernmental organization devoted exclusively to mediation. It provides a novel platform for resolving disputes between states, between a state

and foreign nationals in commercial or investment matters, and between private parties in international commercial disputes (UNIDROIT, 2025).

As such, the IOMed represents a significant development in the landscape of international dispute resolution. To understand the context of its establishment, this paper first examines the factors that led to the organization's creation, then analyzes the key provisions of the IOMed Convention, assesses the broader impact of its establishment on the practice and development of international mediation, and finally discusses the potential challenges the organization may face in its operations.

2. Background of IOMed's Establishment

2.1. China's Active Engagement in International Mediation before IOMed

China's active role in international mediation is grounded in extensive practical experience. Prior to the establishment of IOMed, China had already shown a strong commitment to alternative dispute resolution, as reflected in its active role in promoting mediation within ISDS reform processes (United Nations, 2019).

The concept of "Chinese-style mediation" underpins these efforts. Broadly defined, it emphasizes dialogue, consensus-building, and the prioritization of harmony over adversarial confrontation. Its core principles include voluntary participation, flexibility in procedural design, attention to both legal and socio-political considerations, and the protection of overall relationships between parties. Unlike Western-style mediation, which often focuses on legal rights and binding outcomes, Chinese-style mediation seeks solutions that balance interests, preserve long-term cooperation, and integrate moral, cultural, and political dimensions.

In the context of the Ukraine crisis, China issued its official position on the political settlement of the conflict in February 2023, emphasizing dialogue and negotiation as the only viable path to resolution and calling on all parties to cease hostilities and engage in talks (Ministry of Foreign Affairs of the People's Republic of China, 2023). Guided by "six-points common understandings" between China and Brazil on political settlement of the Ukraine crisis, China stressed the need to de-escalate tensions, uphold humanitarian protection, prevent the use of weapons of mass destruction, ensure the safety of critical infrastructure, and promote inclusive international cooperation, reflecting the distinctive approach of Chinese-style mediation (Ministry of Foreign Affairs of the People's Republic of China, 2024).

Following this framework, China has actively facilitated multilateral engagement, demonstrating its key role as a mediator. Notably, it helped Saudi Arabia and Iran resume dialogue in Beijing after seven years of severed relations, culminating in a joint statement restoring diplomatic ties (CNN, 2023). Its mediation efforts in Africa further illustrate this proactive approach, as the establishment of IOMed in 2021 was prompted by China's intervention in the dispute among Egypt, Ethiopia, and Sudan over the Grand Ethiopian Renaissance Dam and its

impact on Nile water flow (ROAPE, 2025).

These examples demonstrate that China's extensive experience in international mediation—guided by the principles of Chinese-style mediation, emphasizing harmony, consensus, and long-term cooperation—ranged from multilateral crises to regional disputes, not only provided a strong foundation for the funding of IOMed, but also responded to the growing expectations of the international community.

2.2. Global Shift toward Mediation in International Dispute Resolution

Traditionally, litigation and arbitration have served as the primary mechanisms for resolving international disputes. However, their limitations have become increasingly apparent. These processes are often characterized by procedural rigidity and adversarial dynamics, leading to high costs, lengthy timelines, and outcomes that may exacerbate conflicts between parties, thereby hindering the maintenance of long-term cooperative relationships. These shortcomings have prompted some developing countries in Asia and Africa to reject international arbitration in favor of more amicable and flexible dispute resolution mechanisms.

In contrast, mediation, as a key means of peacefully resolving disputes, offers distinct advantages. First, mediation is voluntary and flexible, allowing parties to maintain control over the process and avoid being drawn into adversarial standoffs. Second, it is generally cost-effective and time-efficient, addressing the pressing need for swift dispute resolution in the post-pandemic era. Third, mediation emphasizes the protection of overall interests, including commercial and cultural considerations, rather than relying solely on legal determinations of rights and obligations, thereby fostering cooperation and relationship restoration. Fourth, mediation processes are confidential, making them particularly suitable for disputes involving territorial sovereignty or politically sensitive issues (Sun & Ji, 2023).

In inter-state disputes, mediation has been widely employed since the 19th century to address issues such as territorial boundaries, maritime disputes, armed conflicts, and resource allocation. Notable examples include the U.S.-facilitated mediation between Egypt and Israel in 1978, which led to the Camp David Accords and the cessation of hostilities (Quandt, 1978), and the compulsory conciliation between Timor-Leste and Australia under the United Nations Convention on the Law of the Sea, which culminated in a maritime boundary treaty in 2018, resolving a decade-long dispute (Permanent Court of Arbitration, 2016). Among 145 multilateral treaties containing third-party dispute resolution clauses maintained by the UN Secretary-General, 26 explicitly provide for mediation, covering areas such as environmental protection, shipping, and treaty law.

In the field of international investment disputes, the use of mediation has gradually expanded. Although the International Centre for Settlement of Investment Disputes primarily handles arbitration, it has also administered 14 investment

mediation cases across sectors such as mining, port operations, and oil and gas (ICSID, 2023). The international community has concurrently sought to strengthen investment mediation frameworks.

Despite the growing body of international mediation practice, existing mechanisms largely rely on *ad hoc* arrangements or operate as adjuncts to other institutions, hindering the formation of a unified and efficient global mediation platform. This institutional gap constitutes a primary impetus for the establishment of IOMed.

2.3. The Influence of Chinese Cultural Heritage on Mediation Practices

The funding of IOMed is not a sudden initiative, but the product of a long intellectual and institutional tradition in China. For centuries, Chinese approaches to dispute resolution have placed harmony above confrontation, privileging consensus and reconciliation over adversarial adjudication, reflecting a deeply rooted tradition of avoiding litigation (wusong), where the highest ideal is resolving conflicts without resorting to formal court proceedings (Feng, 2010). This orientation contrasts with the litigation-centered traditions of the West. Classical Chinese thought—whether Confucian, Mohist, Daoist, or Legalist—differed in prescriptions for governance, yet converged on the value of stability and social order (Fan, 2013). Confucius' ideal of a society with "no litigation" epitomized this aspiration, elevating the avoidance of conflict itself into a central goal of governance (Nguyen et al., 2024).

Building on this cultural foundation, mediation in China developed into diverse institutional forms. Ancient texts record the role of officials charged specifically with reconciling disputes, while historical practice saw mediation conducted through three main channels: informal mediation by family and community elders, hybrid arrangements in which local leaders mediated disputes referred by officials, and official mediation carried out within the judicial system itself (Shen, 2011). What made these mechanisms distinctive was their combination of flexibility and authority. Mediation not only resolved disputes efficiently but also helped prevent escalation, repair social relations, and reinforce community cohesion. It functioned as both a practical tool of governance and a means of moral and legal education.

This deep reservoir of cultural practice and institutional experience provides essential context for the establishment of IOMed, grounding a modern international mechanism in traditions that have long placed harmony, dialogue, and social stability at the center of dispute resolution.

3. Key Contents of the IOMed Convention

3.1. Definition of Mediation

Article 2 of the IOMed Convention provides a nuanced definition of "mediation" that warrants careful legal consideration. The United Nations defines mediation

as "a method … where a third party intervenes to reconcile the claims of the contending parties and to advance his own proposals aimed at a mutually acceptable compromise solution." Under this broader conception, a mediator may not only reconcile conflicting claims but also actively put forward proposals. By contrast, the Convention deliberately follows the UNCITRAL Model Law, restricting the mediator's authority and underscoring that mediators have no power to impose outcomes on the parties.

This distinction is crucial: it safeguards the voluntary nature of mediation as a core principle and shifts the mediator's role from an interventionist decision-maker to a facilitator of dialogue. By circumscribing the mediator's authority, Article 2 reflects a commitment to consent-based dispute resolution, ensuring that any settlement derives exclusively from the parties' agreement. This limitation safeguards against overreach, particularly in politically sensitive disputes, thereby preserving both the legitimacy of the process and the enforceability of its outcomes. Moreover, the Convention implicitly acknowledges the diverse contexts in which mediation may take place, including situations where the mediator may also be a stakeholder in broader strategic or economic initiatives. In this regard, Article 2 performs a dual function: on one hand, it affirms the principle of non-coercion, and its non-confrontational nature helps preserve ongoing collaborative relationships; on the other hand, it signals to the international community that the mediation process respects the autonomy and equality of all parties, thereby addressing the primary concerns of the participants (Feng, 2025).

3.2. Termination of Mediation

Under most existing mediation frameworks, the mediator is vested with the authority to terminate the proceedings once it is deemed that the dispute cannot be resolved through mediation. A notable example is Article 8 of the ICC Mediation Rules, which expressly empowers mediators to bring the process to a close under specified circumstances.

While such provisions are generally regarded as a practical safeguard against futile or protracted proceedings, they raised particular concerns in the negotiations on interstate disputes. Several states emphasized that a mediator's formal declaration that a dispute "cannot be resolved through mediation" could have serious political ramifications, including reputational costs for the parties and an unintended signal of diplomatic failure.

To avoid these consequences, it was considered preferable, where parties still wished to pursue mediation, to replace the mediator rather than terminate the process altogether. Acknowledging the unique sensitivities of interstate disputes, the drafters therefore agreed to remove this termination ground in the interstate context, while preserving flexibility for non-state disputes through a residual clause. Article 36 of the Convention thus embodies a carefully calibrated compromise, seeking to balance the need for procedural closure with the imperative of maintaining political space for continued dialogue between sovereign states.

3.3. Scope of Cases

The scope of cases under the IOMed Convention covers three main categories: disputes between states, disputes between a state and a national of another state, and international commercial disputes exclusively between private parties. The scope of cases, a core provision in treaties establishing international dispute settlement bodies, is deliberately termed as such in the Convention of the International Mediation Institute—instead of the more common term "jurisdiction" used by bodies like the ICJ or ICSID. This terminological choice, agreed upon during earlier negotiations, reflects the fundamental voluntary and non-adjudicative nature of mediation, distinguishing it from compulsory arbitration or litigation (Ji, 2025).

In the context of interstate disputes, the Convention adopts a notably flexible framework, deliberately avoiding rigid restrictions on the types of disputes that may be submitted. The emphasis is placed squarely on the principle of state consent, reflecting the paramount importance of sovereignty in international mediation. To safeguard this sovereignty, the Convention incorporates multiple procedural mechanisms. For instance, Article 25 provides that, for legal and factual disputes, disagreements, or any issues of concern between States Parties, the IOMed shall provide mediation services upon the consent and request of the States concerned. Additionally, Articles 24 - 26, 29, and 36 establish further procedural safeguards: states must agree unanimously before a dispute can be submitted; they retain the ability to exclude certain categories of disputes through formal declarations; prior consent is required from any third state potentially affected by the proceedings; and parties maintain the right to suspend or terminate mediation at any stage. Collectively, these provisions illustrate a careful balance between facilitating dispute resolution and respecting the political and legal autonomy of states. This design underscores the Convention's pragmatic recognition that interstate mediation operates in a sensitive political landscape, where procedural flexibility is essential to ensure both participation and legitimacy.

The Convention adopts a differentiated and flexible approach to disputes involving private parties, reflecting the varying legal and political sensitivities associated with different types of cases. Article 27 stipulates that, for commercial or investment disputes between a State Party and a national of another state, the IOMed shall provide mediation services. Importantly, the Convention does not rely on the concept of compulsory jurisdiction; as a result, it does not require a strict definition of "national" as found in instruments such as the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. Nevertheless, Article 27 clarifies that "national" encompasses both natural and legal persons, thereby ensuring clarity without imposing rigid limitations.

Similarly, with respect to purely private disputes, the Convention does not provide a precise definition of "international commercial dispute." Article 28, however, incorporates an exclusion modeled on the Singapore Convention on Mediation, which excludes disputes arising from transactions conducted by a private

party for personal, family, or household purposes. Article 28 draws on relevant international investment instruments to define private parties broadly as natural persons and entities constituted or organized under applicable law, regardless of whether they operate for profit or are privately or government-owned. By differentiating between disputes involving a state and a private party and disputes exclusively between private parties, the Convention maintains procedural flexibility while providing clear guidance on the Organization's mandate.

Collectively, these provisions illustrate a careful balance: they facilitate access to mediation for a wide range of parties while respecting the principle of state consent and avoiding overly prescriptive jurisdictional rules. Overall, this framework demonstrates the Convention's pragmatic design, accommodating both state-individual and purely private disputes in a manner that is legally precise yet politically sensitive.

3.4. The Cross-Border Recognition and Enforcement of Mediation Agreements

Article 41 of the IOMed Convention constitutes a distinct and potentially more robust alternative to the regime established under the Singapore Convention on Mediation for the cross-border recognition and enforcement of settlement agreements. Whereas the Singapore Convention—despite its normative significance—faces considerable challenges in achieving practical effectiveness, particularly due to its relatively modest number of ratifications and the absence of participation by major economies such as the United States, China, the United Kingdom, and Germany, the IOMed framework pursues a different institutional design.

Specifically, Article 41 operates through a two-tiered mechanism. At the first level, it imposes a foundational obligation on States Parties to enforce settlement agreements reached under the auspices of the IOMed, thereby providing a baseline commitment to recognition and enforcement. At the second level, it requires States Parties to negotiate and conclude a Protocol to the Convention which will set out the precise conditions and procedures governing such enforcement. Taken together, these two layers establish a dedicated and closed-loop system among member states, offering a preliminary but meaningful step toward a more coherent and integrated enforcement regime. By combining immediate state-level commitments with a forward-looking obligation to negotiate detailed rules, the provision balances flexibility with the prospect of eventual harmonization.

Equally important, the institutional character of the IOMed itself enhances the credibility of this mechanism. As an intergovernmental organization jointly established by its contracting states, staffed by mediators and officials nominated directly by them, the IOMed embodies a form of collective ownership and representation. Articles 20 and 21 of the Convention provide that the lists of mediators shall be composed of individuals nominated by each State Party from among its own nationals. These nominees must be persons of high moral character and recognized competence in fields such as law, commerce, industry, or finance, and are

expected to inspire confidence in the conduct of mediation. This nomination system not only guarantees professional expertise and ethical integrity but also reinforces the sense of legitimacy and trust that member states collectively place in the institution. In turn, such trust reduces potential jurisdictional hesitations or concerns of sovereignty that often hinder the recognition of agreements facilitated by private bodies. Consequently, settlement agreements reached under the IOMed are more likely to be perceived as politically acceptable and legally reliable within member states.

From a broader perspective, this design suggests that the IOMed regime may offer disputing parties a more accessible and credible guarantee for the protection of their rights. While the Singapore Convention aspires to universal reach, its limited ratification record raises questions about its near-term effectiveness. By contrast, the IOMed's closed, member-driven framework—though narrower in geographic scope—may prove more effective in practice, precisely because it builds upon shared institutional trust, structured nomination processes, and negotiated commitments among a defined group of states. In this sense, Article 41 not only complements but also, in some respects, surpasses the Singapore Convention by providing a model that is both politically feasible and institutionally robust for ensuring the cross-border enforceability of mediated settlement agreements.

4. Implications of Establishing IOMed

4.1. Diversifying Pathways for Dispute Settlement

Most existing mechanisms for resolving international disputes are grounded in the Anglo-American common law litigation system, which relies heavily on court rulings. This adversarial approach often proves both time-consuming and costly. For example, proceedings at the International Court of Justice can last three to five years, WTO dispute settlement cases typically take one and a half to three years, and investment arbitration usually spans three to four years. The combined costs of legal representation, arbitrators or judges, institutional fees, and expert witnesses can easily reach millions or even tens of millions of dollars, sometimes exceeding one hundred million—an especially heavy burden for developing countries.

By contrast, Chinese traditional culture emphasizes moderation, balance, and harmony, principles that can offer distinct advantages in resolving international disputes. IOMed, a treaty-based intergovernmental body established through multilateral negotiations, seeks to address conflicts in a peaceful and cooperative manner, helping states manage differences while fostering friendly relations. Drawing on the Eastern philosophy of harmony and mutual benefit, the IOMed not only provides an innovative platform for dispute resolution but also complements existing litigation mechanisms, addressing many of their limitations.

4.2. Enhancing the Voice of Developing Countries

A distinctive feature of IOMed is its explicit commitment to serving the needs of

developing countries. Unlike arbitration, where over 70 percent of arbitrators come from developed states, IOMed allows each contracting party to nominate mediators from its own jurisdiction. This institutional design challenges the entrenched dominance of Western expertise in international dispute resolution and ensures that the perspectives of the Global South are more effectively represented. The contrast is particularly striking when compared to the International Court of Justice (ICJ). Even today, 8 out of the ICJ's 15 judges come from OECD member states, underscoring the persistent bias in favor of developed countries. By comparison, among IOMed's 33 founding members, only China, Benin, Algeria, and Uganda have ever nominated permanent judges to the ICJ. Thus, while smaller and less developed states may gradually gain greater recognition within the ICJ over time, the structural imbalance in judicial representation has not been fully eliminated. Against this backdrop, IOMed provides a more inclusive institutional alternative, granting developing countries a stronger voice and a fairer opportunity to shape outcomes in international dispute resolution.

The composition of IOMed's founding members further underscores this orientation. Although not expressly designed for less developed states, a significant proportion of its 33 signatories fall within the UN categories of "least developed," "landlocked developing," or "small island developing" states. Outside of these, only China and Indonesia—whose G20 membership is largely a function of its demographic weight—occupy more prominent positions, and none of the signatories are OECD members. Several participants, such as Zimbabwe, Belarus, Venezuela, Nicaragua, and Cuba, face stringent U.S. or EU sanctions that constrain their economies and deepen their reliance on partners like China. Others, such as Pakistan, remain heavily indebted to international lenders, while microstates such as Dominica, Nauru, and Vanuatu lack the demographic and economic capacity to exert influence on the global stage.

At the same time, China's growing diplomatic activism has received broad recognition. Many states now look to Beijing to assume a greater role in maintaining international peace and development. For example, African representatives have identified China as a more credible mediator in conflicts such as those in Sudan, where Western-led initiatives are often met with skepticism (Arab News, 2023).

Taken together, these dynamics suggest that IOMed is particularly significant for smaller and weaker states whose voices are often marginalized in Western-dominated dispute settlement forums. For them, IOMed is not merely an additional mechanism, but an institutional platform that amplifies their agency and visibility in global governance. By enhancing inclusivity and accessibility, IOMed both consolidates the collective voice of developing countries and reflects China's long-standing commitment to peaceful dispute resolution. In doing so, it helps rebalance structural asymmetries in resources, procedures, and representation, thereby strengthening the capacity of developing states to shape the evolution of international legal norms (Sun, 2025).

4.3. Fostering Professional and Systematic Development of Mediation

Although mediation has long been recognized as a valuable tool in international dispute settlement, its broader application has been limited by the absence of an authoritative institutional framework. The establishment of IOMed seeks to change this landscape. By convening forums, promoting best practices, and developing guiding cases, it works toward building a coherent body of standards that can increase the consistency, credibility, and legitimacy of mediation outcomes.

Furthermore, IOMed places particular emphasis on capacity building. Through training programs for mediators and support staff, it aims to professionalize the practice of mediation and cultivate a pool of qualified experts worldwide. This initiative not only meets the internal needs of IOMed but also has a spillover effect, encouraging states to develop their own mediation infrastructures and fostering a culture of dialogue and negotiation at both national and international levels (CGTN News, 2025).

In this sense, IOMed represents a milestone in the institutionalization of international mediation. It strengthens the procedural diversity of the dispute settlement system, amplifies the voices of developing states, and advances the professionalization of mediation as a recognized and credible practice in global governance.

5. Future Challenges for the IOMed

5.1. Challenges in Enforcement of Mediation

The core challenge facing international mediation mechanisms lies in the lack of a stable and mature institutional framework for enforcement. Although the International Mediation Convention proposes that states parties should further clarify the conditions for enforcing mediated settlement agreements through additional protocols, the specific implementation mechanisms remain unclear to date. This ambiguity has led many countries to maintain reservations about the cost and efficiency advantages of mediation.

Despite the entry into force of the United Nations Convention on International Settlement Agreements Resulting from Mediation (the Singapore Convention) in 2020, which allows parties to directly apply to the courts of contracting states for enforcement of a mediated settlement without having to initiate separate litigation, participation in the convention remains limited. So far, only 58 countries have signed it, with merely 14 having completed domestic ratification. Major economies such as the United States, China, and the European Union have not yet joined. In contrast, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention), which entered into force as early as 1959, has been ratified by over 170 states and has established a highly predictable system for the cross-border enforcement of arbitral awards. As a party to the New York Convention, China's courts generally recognize and enforce foreign arbitral awards in practice, reflecting the solid foundation of trust that arbitration has built globally. In comparison, the Singapore Convention, as a newer

legal instrument, has not yet gained a comparable level of international recognition and acceptance.

Furthermore, the existing international legal framework places greater emphasis on ensuring the enforceability of arbitral awards, while providing significantly weaker support for the legal effect of mediated settlements. Taking investment disputes as an example, the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States (the ICSID Convention) explicitly stipulates that an ICSID arbitral award shall have the same binding force as a final judgment of a domestic court within contracting states, whose courts are obliged to recognize and enforce it. However, the same convention does not grant mediated settlement agreements equivalent enforceability, merely requiring the parties to "give the most serious consideration" to the recommendations of a conciliation commission. Thus, among traditional dispute resolution mechanisms, aside from judicial proceedings, arbitration also enjoys clear and robust enforcement guarantees, whereas mediation still lacks comparable legal effect and support.

5.2. Challenges in the Professionalization of International Investment Mediation

Major international investment dispute resolution institutions typically maintain a separate panel of mediators. However, due to the persistently low number of mediation cases, mediators often lack sufficient opportunities for practical application, which in turn casts doubt on their level of experience, competence, and overall expertise. In certain mediation proceedings, the appointed mediators are frequently experts with extensive arbitration backgrounds—a practice that does not necessarily contribute to the effective resolution of international investment disputes through mediation.

A case in point is *Systra v. The Philippine Government*, administered by the ICC under the IBA Mediation Rules. Although detailed information about the case remains limited, the appointed mediator, J. Christopher Thomas, is primarily known for his frequent role as an arbitrator in investment arbitration cases (Peterson, 2023). This illustrates a broader tendency to prioritize arbitration experience over demonstrated mediation skill—a misalignment that may undermine the mediation process.

Moreover, the international community still lacks a comprehensive and widely recognized set of competency standards for mediators, as well as a sufficient number of specialized mediation institutions dedicated to training, accreditation, and quality assurance. This institutional gap has resulted in a mediator pool with varying levels of proficiency and professionalization. Without a dedicated cadre of professionally trained and accredited mediators, both investors and host states often approach international investment mediation with skepticism. This credibility issue, in turn, contributes to the persistently low uptake of mediation—a systemic challenge that the International Mediation Forum must address through strengthened training, clear standards, and sustainable case allocation mechanisms.

5.3. Potential Competition with Existing Institutions

While the IOMed has been envisioned as a promising platform for Global South countries in resolving cross-border disputes, its current institutional foundations and stage of development suggest that it is unlikely to displace established forums such as the International Court of Justice (ICJ) or the Permanent Court of Arbitration (PCA) in inter-state dispute settlement—at least in the near term (Ko, 2025). This assessment is supported by the practice of its founding members: among all 33 founding states, 19 have previously participated as parties in cases before the ICJ, with several being frequent litigants. Nicaragua, for instance, has been involved in no fewer than 15 ICJ cases.

In the realm of international commercial disputes between private parties, the IOMed also faces a densely competitive landscape. Beyond competing institutions in Asia such as the Hong Kong International Arbitration Centre (HKIAC), it must contend with globally entrenched arbitration centers including the Singapore International Arbitration Centre (SIAC), the ICC International Court of Arbitration in Paris, the London Court of International Arbitration (LCIA), the PCA, and the China International Economic and Trade Arbitration Commission (CIETAC). The competitive field extends to the Middle East and Africa, with influential institutions such as the Dubai International Arbitration Centre (DIAC), the Abu Dhabi Global Market Arbitration Centre, the Cairo Regional Centre for International Commercial Arbitration, the Saudi Center for Commercial Arbitration, the Qatar International Centre for Conciliation and Arbitration, the Kigali International Arbitration Centre, and the Lagos Court of Arbitration. Notably, with the exception of Hong Kong SAR, none of the jurisdictions hosting these arbitration centers have signed the IOMed Convention—a signal that these states may perceive the new organization as a potential competitor to their own dispute resolution institutions (Ko, 2025).

Rather than positioning itself in direct competition with these established mechanisms, the IOMed appears designed to serve as a complementary forum—one that offers a more flexible, less adversarial, and relationship-preserving approach to dispute resolution. Its emergence enriches the international dispute resolution ecosystem, particularly for states and parties that prioritize procedural autonomy, cost-efficiency, and the preservation of long-term relations over formalized and confrontational litigation or arbitration.

6. Conclusion

The establishment of the IOMed marks a transformative step in the evolution of international dispute resolution. By creating the first permanent intergovernmental body dedicated exclusively to mediation, IOMed not only institutionalizes mediation at the global level but also introduces a flexible, consent-based framework capable of addressing disputes among states, between states and foreign nationals in commercial or investment contexts, and among private parties in international commercial matters. The Convention on the Establishment of IOMed demon-

strates a careful balance between respecting state sovereignty and promoting effective dispute settlement, while the organization's unique structure—staffed by mediators and officials nominated by contracting states—fosters institutional trust, legitimacy, and enforceability of mediated agreements.

In a broader sense, IOMed represents both a practical and normative advancement: it provides a reliable mechanism for cross-border recognition and enforcement of mediation outcomes, strengthens confidence in mediation as a viable alternative to litigation and arbitration, and sets a precedent for the institutionalization of mediation in the international legal order. As global disputes become increasingly complex, the IOMed model offers a promising pathway for harmonizing efficiency, fairness, and state consent in international dispute resolution, positioning mediation as a central tool in the peaceful and cooperative management of transnational conflicts.

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The authors declare no conflicts of interest regarding the publication of this paper.

References

Arab News (2023). *Can China Help to End the Fighting in Sudan?* https://www.arabnews.com/node/2299006/middle-east

CGTN News (2025). *Explainer: Why China Helped Set up International Organization for Mediation*. https://news.cgtn.com/news/2025-05-30/Why-China-helped-set-up-International-Organization-for-Mediation-1DNEMicySJi/p.html

CNN (2023). *Archrivals Iran and Saudi Arabia Agree to End Years of Hostilities in Deal Mediated by China*. https://edition.cnn.com/2023/03/10/middleeast/saudi-iran-resume-ties-intl

Fan, K. (2013). Glocalization of Arbitration: Transnational Standards Struggling with Local Norms through the Lens of Arbitration Transplantation in China. *Harvard Negotiation Law Review, 18,* 175-219.

Feng, W. (2025). *Dripping Water Wears through Stone: Convention on the Establishment of the International Organization for Mediation Signed in Hong Kong SAR, China*. EJIL: Talk! https://www.ejiltalk.org/dripping-water-wears-through-stone-convention-on-the-establishment-of-the-international-organization-for-mediation-signed-in-hong-kong-china/

Feng, Y. (2010). Legal Culture in China: A Comparison to Western Law. *Revue Juridique Polynésienne, 16,* 115-123.

ICSID (2023). *The ICSID Caseload—Statistics (Issue 2023-2)*. https://icsid.worldbank.org/resources/publications/icsid-caseload-statistics

Ji, X. (2025). Negotiation Process and Key Issues in the Convention on the Establishment of the International Organization for Mediation. *Chinese Journal of International Law Studies, 3,* 3-19.

Ko, J. (2025). *China's World Court: The International Mediation Organization*. SSRN. https://ssrn.com/abstract=5281930

Ministry of Foreign Affairs of the People's Republic of China (2025). *The Signing Ceremony of the Convention on the Establishment of the International Organization for Mediation Successfully Held in Hong Kong SAR*. http://www.fmprc.gov.cn/eng/wjbzhd/202505/t20250531_11638303.html

Ministry of Foreign Affairs of the People's Republic of China (2023). *China's Position on the Political Settlement of the Ukraine Crisis*. https://www.mfa.gov.cn/eng/zy/gb/202405/t20240531_11367485.html

Ministry of Foreign Affairs of the People's Republic of China (2024). *Common Understandings between China and Brazil on Political Settlement of the Ukraine Crisis*. https://www.fmprc.gov.cn/eng/gjhdq_665435/3447_665449/3473_665008/3475_665012/202405/t20240523_11310698.html

Nguyen, M. T. L., Liao, X., & Dinh, V. L. (2024). A Study on the Human Rights Protection Paradigm in the Chinese Legal Family—Focusing on Ancient China and Vietnam. *Russian Law Journal, 12,* 1899-1908.

Permanent Court of Arbitration (2016). *Timor Sea Conciliation (Timor-Leste v. Australia)*. https://pca-cpa.org/en/cases/132/

Peterson, L. E. (2023). *In an Apparent First, Investor and Host-State Agree to Try Mediation under IBA Rules to Resolve an Investment Treaty Dispute*. https://www.iareporter.com/articles/in-an-apparent-first-investor-and-host-state-agree-to-try-mediation-under-iba-rules-to-resolve-an-investment-treaty-dispute/

Quandt, W. B. (1978). *Camp David Accords: Framework for Peace in the Middle East and Framework for the Conclusion of a Peace Treaty between Egypt and Israel*. https://israeled.org/wp-content/uploads/2015/06/1978-9-September-17-Camp-David-Accords-Framework-for-Peace-in-the-Middle-East-and-Framework-for-the-Conclusion-of-a-Peace-Treaty-between-Egypt-and-Israel.pdf

ROAPE (2025). *Exploring Africa's Role in the International Organization for Mediation (IOMed): African Solutions with a Chinese Touch*? https://roape.net/2025/08/01/exploring-africas-role-in-the-international-organization-for-mediation-iomed-african-solutions-with-a-chinese-touch/

Shen, D. (2011). Chinese Judicial Culture: From Tradition to Modernity. *Brigham Young University Journal of Public Law, 25,* 175-219.

Sun, J., & Ji, X. (2023). Establishing the International Organization for Mediation: Context, Basis and Progress. *Chinese Journal of International Law Studies, 6,* 3-16.

Sun, Y. (2025). *The Purpose and Promise of China's International Organization for Mediation*. Brookings Institution. https://www.brookings.edu/articles/the-purpose-and-promise-of-chinas-international-organization-for-mediation/

UNIDROIT (2025). *UNIDROIT Secretary-General Participates in the Signing Ceremony of the Convention on the Establishment of the International Organization for Mediation in Hong Kong SAR*. https://www.unidroit.org/unidroit-secretary-general-participates-in-the-signing-ceremony-of-the-convention-on-the-establishment-of-the-international-organization-for-mediation-in-hong-kong/

United Nations (2019). *Possible Reform of Investor-State Dispute Settlement (ISDS): Submission from the Government of China. Note by the Secretariat* (A/CN.9/WG.III/WP.177, 19 July 2019). https://docs.un.org/en/A/CN.9/WG.III/WP.177