

Convention on the Establishment of the International Organization for Mediation

Preamble

The Contracting States to this Convention,

Acknowledging the value of mediation for fostering peace and development, promoting friendly relations and cooperation among States,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Recognizing the need for flexibility in the settlement of international disputes and the significant advantages of mediation and its growing use in practice,

Considering the importance for the international community to establish a permanent intergovernmental organization to settle international disputes through mediation,

Recalling the Joint Statement on the Future Establishment of the International Organization for Mediation which serves as the initial milestone of creating an international organization for mediation,

Convinced that the establishment of the International Organization for Mediation would promote peaceful and

friendly settlement of international disputes and contribute to building harmonious international relations,

Believing that the establishment of the International Organization for Mediation would advance and promote the use of mediation, and would be a useful complement to existing international dispute settlement mechanisms,

Reiterating that no Contracting State shall by the mere fact of its ratification, acceptance, approval of or accession to this Convention and without its consent be deemed to be under any obligation to submit any particular dispute to mediation,

Have agreed as follows:

Chapter I

Establishment of the International Organization for Mediation

Article 1 Establishment

The International Organization for Mediation (hereinafter referred to as the Organization) is hereby established and shall function in accordance with the provisions of this Convention.

Article 2 Definitions

For the purposes of this Convention:

- a. "mediation" means a process, whether referred to by the term mediation, conciliation or other similar expressions, whereby the parties attempt to reach a mutually acceptable and amicable settlement of their dispute on a voluntary basis with the assistance of a third person or persons (the mediator) who may facilitate a solution between the parties to the dispute and lack the power to impose it upon the parties;

b. "Contracting States" means States which have consented to be bound by this Convention and for which this Convention is in force;

c. "Non-Contracting States" means States for which this Convention has not entered into force;

d. "parties" means all parties to a dispute and "party" means any one of them;

e. "a third State" means a State which is involved in a dispute submitted by other States to the Organization;

f. "international organization" means an intergovernmental organization.

Article 3 Purposes and objectives

The purposes and objectives of the Organization shall be to promote and facilitate peaceful settlement of international disputes and to develop friendly relations and cooperation among States through mediation.

Article 4 Principles of the Organization

The Organization and its Contracting States in pursuit of the purposes and objectives stated in Article 3 shall act in accordance with the following principles:

a. respect for sovereignty and territorial integrity, equality, non-interference in the internal affairs of States, and commitment to international rule of law;

b. ensuring party autonomy and free choice of means in dispute settlement;

c. good faith and a spirit of cooperation in seeking an amicable settlement of international disputes; and

d. ensuring an impartial, neutral and equitable environment that fosters flexible and efficient approach to peaceful settlement of disputes through mediation.

Article 5 Functions

In accordance with the principles and to implement its purposes and objectives, the Organization shall have the following functions:

a. to provide mediation services for the resolution of international disputes;

b. to promote the use of mediation in dispute resolution, to develop the culture of mediation, and to explore and promote best practices of mediation;

c. to organize international, regional, national and local forums and conferences on mediation, building a platform for communication and information sharing;

d. to promote cooperation for capacity building in the area of mediation, recognizing and giving priority to the needs of developing countries; and

e. to cooperate and communicate with other international organizations and dispute resolution agencies.

Article 6 Legal status

1. The Organization is hereby conferred international legal personality and shall have full legal capacity:

a. to contract;

b. to acquire, and dispose of, immovable and movable property;

c. to take legal actions, including instituting and responding to legal proceedings; and

d. to take such other action as may be necessary or useful for its purposes, objectives and functions.

2. The Organization may exercise its functions and powers, as provided in this Convention, on the territory of any Contracting State and, by special agreement, on the territory of any other State.

Article 7 Membership

1. The Organization shall be open and inclusive for membership of all States and regional integration organizations.

2. States having signed or endorsed the Joint Statement on the Future Establishment of the International Organization for Mediation shall be entitled to be Founding Members if they have consented to be bound by this Convention within five years after the entry into force of this Convention.

3. Other States shall be entitled to be Founding Members if they have consented to be bound by this Convention within two years after the entry into force of this Convention.

Article 8 Headquarters

1. The Headquarters of the Organization shall be at the Hong Kong Special Administrative Region of the People's Republic of China.

2. The Organization may establish regional offices elsewhere

as necessary.

Article 9 Structure

1. The Organization shall have a Governing Council and a Secretariat.
2. The Organization shall maintain Panels of Mediators.
3. The Organization may establish such subsidiary institutions or advisory bodies as it deems necessary for the performance and fulfillment of its purposes, objectives and functions.

Chapter II

The Governing Council

Article 10 General provision

The Governing Council shall be the decision-making body which shall make policy decisions and set the overall strategy of the Organization.

Article 11 Composition

1. The Governing Council shall be composed of one representative of each Contracting State. An alternate designated by a Contracting State may act as representative in case of his or her principal's absence from a meeting or inability to act.
2. At each of its annual meetings, the Governing Council shall elect a Chairperson who shall hold office until the election of the next Chairperson. One or more Vice Chairpersons may also be elected, whose term of office shall be the same as that of the Chairperson.

Article 12 Powers and functions

1. Without prejudice to the powers and functions vested in it by other provisions of this Convention, the Governing Council shall:

- a. adopt its own rules of procedure;
- b. adopt the administrative and financial regulations of the Organization;
- c. adopt the selection and appointment procedure of the Secretary-General and Deputy Secretaries-General;
- d. adopt the annual budget of revenues and expenditures of the Organization;
- e. adopt the rules of procedure for the institution of mediation proceedings;
- f. adopt the rules of procedure for mediation proceedings;
- g. adopt the code of conduct for mediators;
- h. review and approve the annual report on the operation of the Organization;
- i. appoint the Secretary-General and Deputy Secretaries-General;
- j. determine the conditions of service of the Secretary-General and Deputy Secretaries-General; and
- k. establish subsidiary institutions or advisory bodies of the Organization.

2. The Governing Council shall also exercise such other powers and perform such other functions as it shall determine to

be necessary for the implementation of the provisions of this Convention.

3. The Governing Council shall not intervene in any ongoing mediation proceedings conducted under this Convention, nor shall it intervene in the conclusion of any settlement agreement by the parties.

Article 13 Meetings

1. The Governing Council shall hold an annual meeting and such other meetings as may be determined by the Governing Council, or convened by the Chairperson or by the Secretary-General at the request of not less than three members of the Governing Council.

2. The meetings shall be held at the Headquarters of the Organization, unless the Governing Council decides otherwise.

3. A quorum for any meeting of the Governing Council shall be a majority of its members.

4. The Governing Council may, by a majority of two-thirds of its members, allow members to participate in meetings by videoconference or other virtual means.

Article 14 Decision-making

1. The Governing Council shall, to the furthest extent possible, operate on the basis of consensus.

2. In case consensus cannot be reached on a particular matter after every effort has been exhausted, except as otherwise provided in this Convention or in the selection and appointment procedure of the Secretary-General and Deputy Secretaries-General, the Governing Council shall move to decide on the matter by a majority of its members present and

voting. The decision referred to in sub-paragraphs (a) to (g) and (k) of paragraph 1 of Article 12 shall be adopted by a majority of two-thirds of the members of the Governing Council.

3. Each member of the Governing Council shall have one vote.

Chapter III

The Secretariat

Article 15 Composition

1. The Secretariat shall consist of the Secretary-General, one or more Deputy Secretaries-General and such other officials and staff as may be considered necessary.

2. The Secretary-General shall be appointed by the Governing Council, from among the nationals of the Contracting States.

3. One or more Deputy Secretaries-General shall be appointed by the Governing Council on the recommendation of the Secretary-General, from among the nationals of the Contracting States.

Article 16 Functions

1. The Secretariat shall be responsible for implementing the decisions of the Governing Council.

2. The Secretariat shall prepare an annual budget of revenues and expenditures, and an annual report on the operation of the Organization, for the Governing Council to review and approve.

3. The Secretariat shall establish channels of communication with the Contracting States.

Article 17 Secretary-General

1. The Secretary-General shall be the legal representative and the chief official of the Organization and shall be responsible for its administration, including the appointment of officials, in accordance with the provisions of this Convention and the rules and regulations adopted by the Governing Council.
2. The Secretary-General shall be appointed for a term of five years and be eligible for re-appointment once.
3. The Secretary-General may participate in meetings of the Governing Council but shall have no vote.
4. The Secretary-General shall perform the function of Registrar and shall have the power to authenticate mediation reports made or settlement agreements concluded pursuant to this Convention, and to certify copies thereof.
5. The Secretary-General may act as the appointing authority under the rules adopted pursuant to this Convention or other mediation rules if so designated by a mediation clause, a subsequent agreement of the parties, or otherwise.
6. The Secretary-General shall manage the communication with Contracting States and promote the Organization on the international stage.
7. The office of the Secretary-General shall be incompatible with the exercise of any political function. Neither the Secretary-General nor any Deputy Secretary-General may hold any other employment or engage in any other occupation except with the approval of the Governing Council.

Article 18 International character

1 The Secretary-General, officials and staff of the Secretariat, in the discharge of their offices, owe their duty entirely to the Organization and to no other authority.

2. Each Contracting State shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

Chapter IV

Panels of Mediators

Article 19 Maintenance of Panels of Mediators

1. The Organization shall maintain two Panels of Mediators, one Panel for mediating disputes set forth in Article 25 (hereinafter individually referred to as the Panel of State-to-State Mediators), and the other Panel for mediating other disputes set forth in Articles 27 and 28 (hereinafter individually referred to as the General Panel of Mediators).

2. The Panels shall consist of qualified persons, designated as hereinafter provided, who are willing to serve thereon.

3. The Organization may maintain other special Panels of Mediators as necessary.

Article 20 Designation by Contracting States

1. Each Contracting State may designate up to five persons from among its nationals to the Panel of State-to-State Mediators, and designate up to twenty persons from among its nationals to the General Panel of Mediators.

2. Each Founding Member may designate up to ten extra persons from among its nationals to the General Panel of Mediators.

3. All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.

Article 21 Qualifications

1. Persons designated to the Panels of Mediators shall be persons of high moral character and recognized competence in specialized fields such as law, commerce, industry or finance, who may be relied upon to conduct mediation.
2. In addition to the qualifications referred to in paragraph 1, persons designated to the Panel of State-to-State Mediators shall also be persons of known competency in questions of international law, diplomacy, international relations or international political and economic affairs and with extensive political skill and judgment.

Article 22 Designation by the Governing Council

1. The Governing Council may designate up to ten persons to the Panel of State-to-State Mediators and up to twenty persons to the General Panel of Mediators.
2. Subject to Article 21, due regard shall be paid additionally to the importance of assuring representation of principal legal systems, geographical diversity and gender balance on the Panels as a whole when the Governing Council designates persons to serve on the Panels.

Article 23 Term of office

1. Persons designated to the Panels shall serve for renewable periods of five years.
2. In case of death, resignation or withdrawal of the

designation of a person designated to a Panel, the Contracting States or the Governing Council which designated the person shall have the right to designate another person to serve for the remainder of the term.

Chapter V

Scope of Cases

Article 24 General provision

1. The Organization shall provide mediation services for the settlement of the following international disputes submitted by the parties by mutual consent expressed before or after the dispute arises:

a. disputes between States;

b. disputes between a State and a national of another State;
and

c. international commercial disputes between private parties.

2. Consent to mediation may be withdrawn by a party unilaterally at any time during the mediation proceedings, except as the parties otherwise agree or any applicable treaty or agreement provides otherwise.

Article 25 Disputes between States

1. The Organization shall provide mediation services upon the request of Contracting States which agree to mediation with respect to legal and factual disputes, disagreements or any issues of concern between them.

2. The Organization may also provide mediation services for

Non-Contracting States or international organizations if they wish to submit their dispute to the Organization, subject to such rules as may be adopted by the Governing Council.

3. The Organization shall not provide mediation services to a State with respect to disputes which have been excluded by that State through a declaration in accordance with Article 29, such as disputes concerning territorial sovereignty, maritime delimitation, maritime interests or other issues as deemed by that State unsuitable to resort to mediation.

Article 26 Disputes involving a third State

1. In case of a dispute submitted by States involving a third State, the Organization shall not provide mediation services with respect to such dispute unless prior consent is given by the third State concerned.

2. For the purposes of paragraph 1, the States to the dispute shall inform the Organization of such circumstance when instituting mediation proceedings in accordance with this Convention. The Organization may also be informed by the third State in this regard.

Article 27 Disputes between a State and a national of another State

1. The Organization shall provide mediation services with respect to commercial or investment disputes between a Contracting State and a national of another State.

2. The Organization may also provide mediation services with respect to commercial or investment disputes involving a Non-Contracting State or an international organization if the parties wish to submit their dispute to the Organization, subject to such conditions as may be adopted by the Governing Council.

3. For the purposes of this Convention, reference to a State or an international organization includes a constituent subdivision or agency of the State, designated to the Organization by that State, or an agency of the international organization.

4. Consent by a constituent subdivision or agency of a Contracting State shall require the approval of that State unless that State notifies the Organization that no such approval is required.

5. For the purposes of this Convention, reference to a national means a natural person or a legal person.

Article 28 International commercial disputes between private parties

1. The Organization shall provide mediation services with respect to disputes arising out of or relating to international commercial relationships between private parties, subject to such conditions as may be adopted by the Governing Council.

2. Disputes arising out of transactions engaged in by one of the private parties for personal, family or household purposes shall be excluded from the scope of this Article.

3. For the purposes of this Convention, reference to private party includes individual, and entity constituted or organized under applicable law, whether or not for profit, whether privately owned or governmentally owned, such as corporation, trust, partnership, sole proprietorship, joint venture or other association and a branch of any such entity.

Article 29 Declarations

1. Any State may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, notify the depositary of the type or types of disputes

set out in Articles 25 and 27 which it would not consider submitting to the Organization. The depositary shall forthwith transmit such notification to all Contracting States.

2. Such notification shall not constitute the consent required by paragraph 1 of Article 24 and is without prejudice to Contracting States submitting a particular dispute to the Organization by specific consent.

3. Such notification may be amended or withdrawn at any time.

Chapter VI

Mediation Procedure

Article 30 Mediation principles

Mediation under this Convention shall be conducted in accordance with the principles of voluntariness, impartiality, independence, good faith, efficiency and cost-effectiveness.

Article 31 Registration of cases

1. The parties to a dispute wishing to institute mediation proceedings shall submit a request to the Secretary-General in accordance with the rules of procedure for the institution of mediation proceedings.

2. The Secretary-General shall register the request unless he or she finds that the dispute is manifestly outside the scope of this Convention or involving a third State while no prior consent is given by that State. The Secretary-General shall forthwith notify the parties of registration or refusal to register.

Article 32 Conduct of mediation

1. Mediation proceedings shall be conducted in accordance with the provisions of this Convention and, except as the parties otherwise agree, in accordance with the rules of procedure for mediation proceedings adopted by the Governing Council.
2. The mediator shall disclose any potential conflicts of interest to the parties.
3. The mediator shall seek to maintain fair treatment of the parties and promote the settlement of the issues in dispute between the parties in accordance with the code of conduct for mediators.

Article 33 Confidentiality

All information relating to the mediation proceedings conducted under this Convention, and all documents generated in or obtained during the mediation proceedings, shall be confidential, unless the parties agree otherwise, the information or document is already publicly available, or disclosure of information is required by law with an exception for disputes referred to in Article 25.

Article 34 Introduction as evidence in other proceedings

Unless otherwise agreed by the parties, no party shall be entitled in any other proceedings, whether before arbitrators or in a court of law or otherwise, to invoke or rely on any views expressed or statements, admissions, or offers of settlement made by any other party in the mediation proceedings, or the report or any recommendations made by the mediator.

Article 35 Limitations on the role of the mediator

Unless otherwise agreed by the parties or required by applicable law, the mediator shall not act in any other capacity whatsoever in any pending or future proceedings, whether

judicial, arbitral or otherwise, relating to the same subject matter of the dispute.

Article 36 Termination of mediation

1. The mediation shall be terminated:
 - a. by the conclusion of a settlement agreement by the parties covering any or all of the issues in dispute between the parties;
 - b. by a written declaration of a party at any time; or
 - c. by any other method or under some circumstances agreed by the parties or specified in applicable rules.
2. Upon the termination of the mediation, the Secretary-General shall be promptly notified that the mediation is terminated by the mediator and/or the parties, who shall indicate the date on which it terminated, whether or not the mediation resulted in a settlement of the dispute and, if so, whether the settlement was full or partial.

Article 37 Cost of proceedings

1. The charges payable by the parties for the use of the mediation services and facilities of the Organization shall be determined by the Secretary-General in accordance with the rules and regulations adopted by the Governing Council.
2. The fees and expenses of mediators shall be determined within limits established from time to time by the Governing Council.
3. The fees and expenses of mediators as well as the charges for the use of the mediation services and facilities of the Organization shall be borne equally by the parties unless

otherwise agreed. Each party shall bear any other expenses it incurs in connection with the proceedings.

Article 38 Relations with other dispute settlement proceedings

1. Mediation under this Convention shall remain available to the parties at any time, regardless of whether other dispute settlement proceedings have been already instituted.

2. Mediation may continue while other dispute settlement proceedings proceed, if the parties so agree.

3. The parties may agree that, to the extent permitted by applicable law, the running of the limitation period under any applicable law of limitations or an equivalent rule shall be suspended in relation to the dispute that is the subject of the mediation from the date of the commencement of the mediation until the date of the termination of the mediation.

4. Mediation conducted under this Convention is without prejudice to the rights of the parties to resolve their dispute under any other dispute settlement mechanism that is available to them.

Chapter VII

Settlement Agreements

Article 39 Conclusion of settlement agreements

1. When the parties agree on the terms of a settlement to resolve all or part of the dispute through mediation under this Convention, they should sign a settlement agreement resulting from mediation (hereinafter referred to as settlement agreement) in writing, including in the form of electronic communications.

2. The settlement agreement signed by the parties shall be authenticated by the Secretary-General to prove the agreement resulted from mediation under this Convention, unless otherwise agreed by the parties.

Article 40 Legal effect of settlement agreements

1. Any settlement agreement duly concluded between parties to the dispute is binding upon them and shall be performed by them in good faith.

2. By signing the settlement agreement, the parties agree that the settlement agreement can be used as evidence that it results from mediation, and that it can be relied upon for seeking relief under applicable law.

3. Signing by a party of the settlement agreement in no way implies any admission by it of the considerations of law or of fact which may have inspired the terms thereof.

Article 41 Enforcement of settlement agreements

1. A settlement agreement concluded by the parties to resolve an international commercial dispute pursuant to Article 28 may be enforced by a Contracting State in accordance with its applicable law.

2. A Protocol to this Convention should be negotiated by the Contracting States to specify the conditions under which a Contracting State shall enforce the said settlement agreements in paragraph 1. Such Protocol shall be adopted and enter into force in the same procedure as is required for the adoption and entry into force of an amendment to this Convention in accordance with Article 56.

Chapter VIII

Capacity Building

Article 42 Capacity building activities

1. The Organization shall, subject to the availability of resources, undertake and strengthen capacity building activities.
2. In undertaking capacity building activities, the Organization may coordinate and cooperate with governments, international organizations or other entities.
3. The Secretariat shall prepare for consideration and approval by the Governing Council a workplan annually to promote capacity building.
4. The Secretariat may also propose and implement, with the approval of the Governing Council, a mediation fellowship program for training and capacity building of young professionals and diplomats.

Article 43 Capacity Building Committee

1. A Capacity Building Committee shall be established and act under the overall direction of the Governing Council, with administrative support provided by the Secretariat.
2. The mandate of the Committee shall be to advise the Governing Council on the strategies and priorities in capacity building activities.

Article 44 Mediation Fund

For the purposes of this Convention, a Mediation Fund may be established to promote and encourage the use of mediation and enhance capacity building. The Fund shall be composed of donations received and be managed in accordance with the financial regulations or rules adopted by the Governing Council.

Chapter IX

Financing

Article 45 Financial regulations

All financial matters related to the Organization shall be governed by this Convention and the financial regulations or rules adopted by the Governing Council.

Article 46 Financial resources

1. The Secretariat shall be provided with the necessary financial resources to perform its functions effectively.
2. The basic financial resources of the Organization shall include annual contributions from Contracting States and the income of the Organization.
3. Without prejudice to the preceding paragraph, the Organization may receive and utilize, as additional financial resources, voluntary contributions from governments, international organizations, individuals, corporations and other entities, in accordance with the financial regulations or rules adopted by the Governing Council. However, the Organization shall not accept any contributions or assistance that may in any way prejudice, limit, deflect or otherwise alter its purposes, objectives or functions.

Article 47 Assessment of contributions

Annual contributions from Contracting States shall be assessed in accordance with an agreed scale of assessment, with reference to their class of contribution in the system of the Universal Postal Union. The economic development level of Contracting States and their capacity to pay may also be

considered.

Chapter X

Privileges and Immunities

Article 48 General principles

1. The Organization shall enjoy in the territories of Contracting States such privileges and immunities as necessary for the performance and fulfilment of its purposes, objectives and functions.
2. Representatives of Contracting States and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Article 49 Property, funds and assets

1. The Organization, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case it has expressly waived its immunity. Any waiver given is not to be understood as extending to any immunity from measure of execution, unless such immunity has been expressly and separately waived by the Organization.
2. The premises of the Organization shall be inviolable. The property and assets of the Organization, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.
3. The archives of the Organization, and in general all documents belonging to it or held by it, shall be inviolable

wherever located.

4. Without being restricted by financial controls, regulations or moratoria of any kind,

a. the Organization may hold any kind of funds, currency or other assets, and may open and operate accounts in any convertible currency;

b. the Organization shall be free to transfer its funds, currency or other assets from one country to another or within any country and to convert any currency held by it into any other currency.

5. The Organization, its assets, income and other property shall be:

a. exempt from all direct taxes; it is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

b. exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Organization for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the government of that country; and

c. exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

6. While the Organization will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the Organization is making important purchases for official use of property on which such

duties and taxes have been charged or are chargeable, Contracting States will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 50 Facilities in respect of communications

Official communications of the Organization shall be accorded by each Contracting State the same treatment that it accords to the official communications of any other State.

Article 51 Representatives of Contracting States

1. Representatives of Contracting States to the Governing Council and to meetings convened by the Organization, shall, while exercising their functions and during the journey to and from the place of meeting, enjoy the following privileges and immunities:

a. immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

b. inviolability for all papers and documents;

c. the right to use codes and to receive papers or correspondence by courier or in sealed bags;

d. exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the Contracting State they are visiting or through which they are passing in the exercise of their functions;

e. the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

f. the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys; and

g. such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

2. In order to secure, for representatives of Contracting States to the Governing Council and to meetings convened by the Organization, freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer representatives of Contracting States.

3. Where the incidence of any form of taxation depends upon residence, periods during which representatives of Contracting States to the Governing Council and to meetings convened by the Organization are present in a Contracting State for the discharge of their duties shall not be considered as periods of residence.

4. Privileges and immunities are accorded to the representatives of Contracting States not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Contracting State not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Contracting State the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

5. The provisions of paragraphs 1 to 3 are not applicable as between a representative and the authorities of the Contracting State of which he or she is a national or of which he or she is or has been the representative.

6. In this Article, the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

Article 52 Officials

1. The Secretary-General will specify the categories of officials to which the provisions of this Article shall apply, and shall submit these categories to the Governing Council for consideration and approval. Thereafter these categories shall be communicated to the governments of all Contracting States. The names of the officials included in these categories shall from time to time be made known to the governments of Contracting States.

2. Officials of the Organization shall:

a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

b. be exempt from taxation on the salaries and emoluments paid to them by the Organization;

c. be immune from national service obligations;

d. be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

e. be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks

forming part of diplomatic missions to the government concerned;

f. be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys; and

g. have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

3. In addition to the immunities and privileges specified in paragraph 2, the Secretary-General and any Deputy Secretary-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

4. Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his or her opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization. In the case of the Secretary-General, the Governing Council shall have the right to waive immunity.

5. The Organization shall cooperate at all times with the appropriate authorities of Contracting States to facilitate the proper administration of justice, secure the observance of the laws and regulations on public security and public order, and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

Article 53 Mediators and participants in mediation proceedings

1. Persons appearing in mediation proceedings in respect of disputes under Articles 25 and 27 as mediators, parties, agents, counsel, witnesses or experts shall be accorded:

a. immunity from personal arrest or detention and from seizure of their personal baggage while exercising their functions;

b. immunity from legal process in respect of words spoken or written and all acts performed by them in the course of their participation in mediation proceedings;

c. inviolability of all papers, documents in whatever form and materials relating to their participation in mediation proceedings;

d. for purposes of their communications in relation to mediation proceedings, the right to receive and send papers and documents in whatever form by duly identified couriers or in sealed bags; and

e. not being local nationals, the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to officials of the Organization.

The immunities referred to in sub-paragraphs (a) and (e) shall only apply in connection with their travel to and from, and their stay at, the place where the proceedings are held.

2. Persons acting as mediators in mediation proceedings under this Convention shall be exempt from taxation on any fees and expense allowances paid to them by or through the Organization for the work conducted in their capacity as

mediators.

3. Privileges and immunities are granted to the said persons in the interests of the Organization and not for the personal benefit of the individuals themselves. The Organization shall have the right and the duty to waive the immunity of any person in any case where, in its opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Organization.

Article 54 Exception to immunities

The immunities provided in paragraph 1(a) of Article 51, paragraph 2(a) of Article 52, and paragraph 1(b) of Article 53 shall not apply to civil liability either in the case of damage from a road traffic accident, or in the case of other personal injury or death.

Chapter XI

Final Clauses

Article 55 Resolution of differences concerning the interpretation or application

Any difference concerning the interpretation or application of this Convention which is not resolved by negotiation shall, at the request of the Contracting State concerned, be referred to the Governing Council for recommendation.

Article 56 Amendments

1. Any Contracting State may propose an amendment to the present Convention by submitting it to the Secretary-General. The Secretary-General shall thereupon communicate the proposed amendment to Contracting States.

2. Any proposed amendment to this Convention shall be adopted by the Contracting States by consensus to the furthest extent possible. If consensus cannot be reached after every effort has been exhausted, the amendment shall as a last resort be adopted by a two-thirds majority of Contracting States.
3. An amendment adopted in accordance with paragraph 2 is subject to ratification, acceptance or approval by Contracting States.
4. An amendment adopted in accordance with paragraph 2 shall enter into force on the thirtieth day after the date of deposit of the third instrument of ratification, acceptance or approval. When an amendment enters into force, it shall be binding on those Contracting States that have expressed consent to be bound by it. Other Contracting States shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.
5. When a Contracting State ratifies, accepts or approves an amendment following the deposit of the third instrument of ratification, acceptance or approval, the amendment shall enter into force in respect of that Contracting State on the thirtieth day after the date of the deposit of its instrument of ratification, acceptance or approval.
6. No amendments shall affect the rights and obligations of any party to a dispute arising out of consent to mediation under this Convention given before the date of entry into force of the amendment.

Article 57 Declarations with respect to non-unified legal systems

1. If a State has two or more territorial units in which different systems of law apply in relation to matters dealt with in this Convention, it may at the time of signature, ratification,

acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

2. A declaration shall be notified to the depositary and shall state expressly the territorial units to which this Convention applies.

3. If a State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention:

a. any reference to the law or rule of procedure of a State shall be construed as referring, where appropriate, to the law or rule of procedure in force in the relevant territorial unit;

b. reference to dispute in Article 28 shall be construed to include disputes arising out of or relating to commercial relationship between parties in different territorial units of that State.

4. If a State makes no declaration under this Article, this Convention shall extend to all territorial units of that State.

5. This Article shall not apply to regional integration organizations.

Article 58 Participation by regional integration organizations

1. A regional integration organization that is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional integration organization shall in that case have the rights and obligations of a Contracting State, to the extent that that organization has

competence over matters governed by this Convention, which shall be declared in the instrument of ratification, acceptance, approval or accession. Subsequently, such organization shall inform the depositary of any substantial modification in the extent of its competence.

2. Reference to "Contracting State" or "Contracting States" in this Convention shall apply to such organization within the limits of its competence.

3. For the purposes of paragraph 4 of Article 56 and paragraph 1 of Article 60, any instrument deposited by a regional integration organization shall not be counted additional to those deposited by member States of such organization.

4. A regional integration organization, in matters within its competence, may exercise its right to vote in the Governing Council, with a number of votes equal to the number of its member States that are Contracting States to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 59 Signature, ratification, acceptance, approval and accession

1. This Convention is open for signature by all States and regional integration organizations in the Hong Kong Special Administrative Region of the People's Republic of China from 1 January 2025 to 31 December 2025. Thereafter, it shall remain open for signature in Beijing at the Ministry of Foreign Affairs of the People's Republic of China until three years after the entry into force of this Convention.

2. This Convention is subject to ratification, acceptance or approval by the signatory States and regional integration organizations.

3. This Convention shall be open to accession by all States and regional integration organizations that are not signatories as from the date it is open for signature.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 60 Entry into force

1. This Convention shall enter into force on the thirtieth day after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2. For each State or regional integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or regional integration organization of its instrument of ratification, acceptance, approval or accession.

Article 61 Denunciation

1. A Contracting State may denounce this Convention by written notification to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.

2. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

3. Notice by a Contracting State pursuant to this Article shall not affect the rights and obligations of any party to a dispute arising out of consent to mediation under this Convention given before such notice was received by the depositary.

Article 62 Depositary

1. The Government of the People's Republic of China shall be the depositary of this Convention.
2. The depositary shall notify all Contracting States, other signatories and the Secretary-General, in particular, of the following:
 - a. the signatures, ratifications, acceptances, approvals and accessions referred to in Articles 56, 58 and 59;
 - b. the date on which this Convention enters into force in accordance with Article 60;
 - c. the date on which any amendment of this Convention enters into force in accordance with Article 56;
 - d. the declarations and notifications referred to in Articles 25, 29, 57 and 58; and
 - e. the denunciations referred to in Article 61.

Article 63 Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the depositary who shall send certified copies thereof to all Contracting States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at the Hong Kong Special Administrative Region of the People's Republic of China, this May 30, 2025.