

澳門特別行政區

REGIÃO ADMINISTRATIVA ESPECIAL
DE MACAU行政長官辦公室
第 199/2025 號行政長官批示

行政長官行使《澳門特別行政區基本法》第五十條賦予的職權，並根據第14/2011號行政法規《設立澳門投資發展股份有限公司》第四條第二款的規定，作出本批示。

一、委任郭日海擔任澳門投資發展股份有限公司的澳門特別行政區股東代表，以替代容光亮。

二、本批示於公佈日起產生效力。

二零二五年九月二十五日

行政長官 岑浩輝

第 21/2025 號行政長官公告

中華人民共和國就二零二五年五月三十日訂於中華人民共和國香港特別行政區的《關於建立國際調解院的公約》（下稱“公約”），於二零二五年七月十五日交存了批准書，並聲明根據公約第二十五條和第二十九條，中華人民共和國涉及世界貿易組織項下爭端，將不提交國際調解院。中央人民政府決定公約適用於中華人民共和國澳門特別行政區。

公約於二零二五年八月二十九日對中華人民共和國生效，包括對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈《關於建立國際調解院的公約》的中文和英文正式文本。

二零二五年九月二十五日發佈。

行政長官 岑浩輝

GABINETE DO CHEFE DO EXECUTIVO
Despacho do Chefe do Executivo n.º 199/2025

Usando da faculdade conferida pelo artigo 50.º da Lei Básica da Região Administrativa Especial de Macau, e nos termos do n.º 2 do artigo 4.º do Regulamento Administrativo n.º 14/2011 (Constituição da Macau Investimento e Desenvolvimento, S.A.), o Chefe do Executivo manda:

1. É designado, Kuok Iat Hoi, como representante da Região Administrativa Especial de Macau, na qualidade de accionista da Macau Investimento e Desenvolvimento, S.A., em substituição de Iong Kong Leong.

2. O presente despacho produz efeitos na data da sua publicação.

25 de Setembro de 2025.

O Chefe do Executivo, *Sam Hou Fai*.

Aviso do Chefe do Executivo n.º 21/2025

Considerando que a República Popular da China, em 15 de Julho de 2025, depositou o seu instrumento de ratificação da Convenção sobre a Criação da Organização Internacional para Mediação, doravante designada por Convenção, feita na Região Administrativa Especial de Hong Kong da República Popular da China, em 30 de Maio de 2025, declarando que, de acordo com os artigos 25.º e 29.º da Convenção, a República Popular da China não submeterá litígios decorrentes da Organização Mundial do Comércio junto da Organização Internacional para Mediação; e que o Governo Popular Central decidiu que a Convenção se aplica à Região Administrativa Especial de Macau da República Popular da China.

Considerando igualmente que a Convenção entrou em vigor para a República Popular da China, incluindo a Região Administrativa Especial de Macau, em 29 de Agosto de 2025;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a Convenção sobre a Criação da Organização Internacional para Mediação, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 25 de Setembro de 2025.

O Chefe do Executivo, *Sam Hou Fai*.

關於建立國際調解院的公約

序言

本公約各締約國，

確認調解對於促進和平與發展、推動國家間友好關係與合作的價值，

遵循《聯合國憲章》宗旨和原則，

認識到解決國際爭議需要靈活性，且調解具有突出優勢，應用日益增多，

考慮到國際社會建立一個通過調解解決國際爭議的常設政府間組織的重要性，

憶及《關於建立國際調解院的聯合聲明》作為建立國際調解院的初期里程碑，

深信建立國際調解院將促進國際爭議的和平友好解決，並將有助於構建和諧的國際關係，

確信建立國際調解院將促進和推廣調解的使用，並對現有國際爭議解決機制形成有益補充，

重申不能僅由於締約國批准、接受、核准或加入本公約這一事實而不經其同意就認為該締約國具有將任何特定爭議提交調解的義務，

達成協議如下：

第一章 建立國際調解院

第一條 建立

茲建立國際調解院（以下簡稱“調解院”）。調解院應遵照本公約的規定運作。

第二條 定義

為本公約之目的：

（一）“調解”指爭議各方以自願為基礎，在一名或多名可促進爭議各方解決問題但無權對其強加解決辦法的第三人（調解員）的協助下，設法達成各方都可接受且友好的解決方案的過程，不論其以調解、和解或其他類似表述指代；

（二）“締約國”指同意接受本公約約束且本公約已對其生效的國家；

（三）“非締約國”指本公約未對其生效的國家；

（四）“爭議各方”指爭議的所有各方，“爭議一方”指其中任何一方；

（五）“第三國”指其他國家向調解院提交的爭議所涉及的國家；

（六）“國際組織”指政府間組織。

第三條 宗旨與目標

調解院的宗旨與目標是推動並促進和平解決國際爭議，通過調解發展國家間友好關係與合作。

第四條 調解院原則

調解院及其締約國為實現第三條所述宗旨與目標，應遵循下列原則：

- （一）尊重主權和領土完整、平等、不干涉各國內政，並致力於國際法治；
- （二）確保爭議解決中的意思自治和方式的自由選擇；
- （三）以善意和合作精神尋求友好解決國際爭議；以及
- （四）確保公正、中立、公平的環境，促進通過調解靈活高效地和平解決爭議。

第五條 職能

根據調解院原則，為實現其宗旨與目標，調解院應有以下職能：

- （一）為解決國際爭議提供調解服務；
- （二）推廣調解在爭議解決中的應用，培育調解文化，探索和推廣最佳調解實踐；
- （三）組織有關調解的國際、區域、國家及地方的論壇及會議，構建交流和信息共享平台；
- （四）促進調解領域的能力建設合作，認識到並優先考慮發展中國家的需要；以及
- （五）與其他國際組織及爭議解決機構開展合作與交流。

第六條 法律地位

一、茲授予調解院國際法人地位，其具有完全法律能力：

- (一) 訂立合同；
- (二) 獲得和處置不動產和動產；
- (三) 採取法律行動，包括提起和應對法律訴訟；以及
- (四) 為實現其宗旨、目標與職能而採取其他必要或有利行動。

二、調解院可根據本公約的規定，在任何締約國的領土上行使其職能和權力，並通過特別協議在任何其他國家的領土上行使其職能和權力。

第七條 成員資格

一、調解院應保持開放和包容性，所有國家及區域一體化組織均可申請成為成員。

二、已簽署或認可《關於建立國際調解院的聯合聲明》的國家，如在本公約生效後五年內表示同意受本公約約束，則有權成為創始成員。

三、其他國家如在本公約生效後兩年內表示同意受本公約約束，亦有權成為創始成員。

第八條 總部

一、調解院總部設立於中華人民共和國香港特別行政區。

二、調解院可根據需要在別處設立區域辦事處。

第九條 組織架構

一、調解院設有理事會及秘書處。

二、調解院設有調解員名單。

三、調解院可設立其認為必要的附屬機構或諮詢機構，以履行和實現其宗旨、目標和職能。

第二章 理事會

第十條 一般條款

理事會為決策機構，負責作出政策決定並制定調解院總體策略。

第十一條 組成

一、理事會由每一締約國各派一名代表組成。在締約國指派代表未能出席會議或無法履職時，可以由締約國指派的副代表擔任代表。

二、理事會應在每次年度會議上選舉一名主席，該主席將任職至下一任主席選舉。理事會還可選舉一名或數名副主席，任期與主席相同。

第十二條 權力與職能

一、在不影響本公約其他條款所賦予的權力和職能的情況下，理事會應：

- （一）通過理事會議事規則；
- （二）通過調解院的行政和財務條例；
- （三）通過秘書長和副秘書長選任程序；
- （四）通過調解院的年度收支預算；
- （五）通過提交調解的程序規則；
- （六）通過調解程序規則；

- (七) 通過調解員行為守則；
- (八) 審議和批准調解院運作情況年度報告；
- (九) 任命秘書長和副秘書長；
- (十) 決定秘書長和副秘書長的服務條件；以及
- (十一) 設立調解院附屬機構或諮詢機構。

二、理事會還應行使其所確定的履行本公約規定所必需的其他權力和職能。

三、理事會不得干預本公約項下正在進行的任何調解程序，也不得干預爭議各方達成任何和解協議。

第十三條 會議

一、理事會應每年舉行一次年會。經理事會決定，或經理事會至少三個成員的請求由主席或秘書長召集，可召開其他會議。

二、除非理事會另有決定，會議應在調解院總部舉行。

三、理事會任何會議的法定人數為其成員的過半數。

四、經理事會成員三分之二多數決定，可允許成員通過視頻會議或其他線上形式參與理事會會議。

第十四條 決策

一、理事會應儘可能在協商一致的基礎上運作。

二、如在盡一切努力之後仍不能就某一具體事項達成協商一致，除本公約或在秘書長和副秘書長選任程序中另有規定外，理事會應以出席並

參加表決的成員過半數作出決定。第十二條第一款第（一）項至第（七）項和第（十一）項中提到的決定應以理事會成員三分之二多數通過。

三、理事會每個成員均有一票。

第三章 秘書處

第十五條 組成

一、秘書處由秘書長、一名或數名副秘書長以及其他必要的官員和工作人員組成。

二、秘書長由理事會從締約國國民中任命。

三、理事會根據秘書長的建議，從締約國國民中任命一名或數名副秘書長。

第十六條 職能

一、秘書處負責執行理事會的決定。

二、秘書處應準備年度收支預算和調解院運作情況年度報告，交由理事會審議和批准。

三、秘書處應與締約國建立聯繫渠道。

第十七條 秘書長

一、秘書長是調解院的法定代表和首席官員，依照本公約的規定和理事會通過的規則和條例，負責調解院的管理，包括任命官員。

二、秘書長任期為五年，可連任一次。

三、秘書長可參加理事會的會議，但無投票權。

四、秘書長履行書記官職務，有權認證根據本公約作出的調解報告或達成的和解協議，並核證其副本。

五、秘書長可依照根據本公約通過的規則或調解條款、爭議各方嗣後達成的協議或其他方式指定適用的其他調解規則，擔任指定機構。

六、秘書長負責管理與締約國的聯繫事宜，並在國際上推廣調解院。

七、秘書長的職責不得與執行任何政治任務相聯繫。除經理事會批准外，秘書長或副秘書長不得擔任任何其他職務或從事任何其他職業。

第十八條 國際性

一、秘書長、秘書處官員和工作人員在任職期間完全對調解院負責，不對任何其他機構負責。

二、締約國應尊重此項職責的國際性，在上述人員履行職責時，不得試圖對其施加影響。

第四章 調解員名單

第十九條 調解員名單的設立

一、調解院設有兩個調解員名單，一名單對應本公約第二十五條規定的爭議（以下稱為國家間調解員名單），另一名單對應第二十七條和第二十八條規定的其他爭議（以下稱為一般調解員名單）。

二、調解員名單由合資格人員組成，其應根據下述規定指派並願意提供服務。

三、調解院可根據需要設立其他特別調解員名單。

第二十條 締約國指派

一、每個締約國可從本國國民中向國家間調解員名單指派不超過五人，向一般調解員名單指派不超過二十人。

二、每個創始成員可從本國國民中向一般調解員名單額外指派不超過十人。

三、所有指派應通知秘書長，並從秘書長接到通知之日起生效。

第二十一條 資質

一、指派列入調解員名單的人員應具有高尚的道德品格，在法律、商業、工業或金融等專業領域具有公認的能力，可被信賴開展調解。

二、除第一款所述資質外，指派列入國家間調解員名單的人員還應在國際法、外交、國際關係或國際政治經濟問題上有公認能力，並具有高超政治技巧和判斷力。

第二十二條 理事會指派

一、理事會可向國家間調解員名單指派不超過十人，向一般調解員名單指派不超過二十人。

二、理事會在根據第二十一條規定指派名單人員時，還應適當注意從整體上保證名單中世界主要法律體系的代表性、地域多樣性和性別平衡。

第二十三條 任期

一、調解員名單人員任期五年，可以連任。

二、如名單人員身故、辭職或被撤回指派，則指派該人員的締約國或理事會有權指派另一人在該人員的剩餘任期內服務。

第五章 受案範圍

第二十四條 一般條款

一、調解院應就爭議各方在爭議發生之前或嗣後一致同意提交的下列國際爭議提供調解服務：

- （一）國家間爭議；
- （二）一國與另一國國民間的爭議；以及
- （三）私主體間國際商事爭議。

二、除非爭議各方另有約定或任何適用的條約或協定另有規定，爭議一方可在調解程序中隨時單方面撤回調解同意。

第二十五條 國家間爭議

一、對於締約國之間的法律和事實爭議、分歧或任何關切事項，經締約國同意並應其請求，調解院應為其提供調解服務。

二、如非締約國或國際組織希將其爭議提交調解院，調解院也可根據理事會通過的相關規則為其提供調解服務。

三、對於一國根據第二十九條發表聲明排除的爭議，如涉及領土主權、海洋劃界、海洋權益或該國認為不適合訴諸調解的其他問題的爭議，調解院不得就該類爭議向該國提供調解服務。

第二十六條 涉第三國爭議

一、如國家提交的爭議涉及第三國，非經該第三國事先同意，調解院不得就該爭議提供調解服務。

二、為第一款之目的，爭議當事國在根據本公約提交調解時，應將此種情況通知調解院。該第三國也可就此通知調解院。

第二十七條 一國與另一國國民間的爭議

一、對於締約國與另一國國民之間的商事或投資爭議，調解院應為其提供調解服務。

二、對於涉及非締約國或國際組織的商事或投資爭議，如爭議各方希將其爭議提交調解院，調解院也可在符合理事會通過的相關條件下為其提供調解服務。

三、為本公約之目的，國家或國際組織包括該國向調解院指定的組成部分或機構，或該國際組織的機構。

四、締約國的組成部分或機構表示同意須經該國批准，除非該國通知調解院無須批准。

五、為本公約之目的，國民指自然人或法人。

第二十八條 私主體間國際商事爭議

一、對於私主體之間因國際商事關係引起的或與之有關的爭議，調解院應在符合理事會通過的相關條件下提供調解服務。

二、私主體一方為個人、家庭或家居目的進行的交易引起的爭議不在本條範圍之內。

三、為本公約之目的，私主體包括個人，以及根據可適用的法律組成或設立的實體，不論其是否以營利為目的，也不論是私人所有還是政府所有，如公司、信託、合夥企業、獨資企業、合資企業或其他協會，以及任何此類實體的分支機構等。

第二十九條 聲明

一、一國可在批准、接受、核准或加入本公約時或其後任何時候，就第二十五條和第二十七條所列爭議中其不考慮提交調解院的一類或數類爭議通知保存機關。保存機關應立即將此通知轉發給所有締約國。

二、該通知不構成第二十四條第一款所要求的同意，也不妨礙締約國以具體同意的方式將某一特定爭議提交調解院。

三、該通知可隨時修改或撤回。

第六章 調解程序

第三十條 調解原則

本公約項下的調解應按照自願、公正、獨立、善意、高效、經濟的原則開展。

第三十一條 案件登記

一、爭議各方如希提交調解，應根據提交調解的程序規則向秘書長提出請求。

二、秘書長應登記此項請求，除非其認為爭議明顯不屬本公約受案範圍，或爭議涉及第三國而未取得該國事先同意。秘書長應立即將登記或拒絕登記通知爭議各方。

第三十二條 開展調解

一、調解程序應根據本公約規定開展。除非爭議各方另有約定，還應按照理事會通過的調解程序規則開展。

二、調解員應向爭議各方披露任何潛在利益衝突。

三、調解員應遵循調解員行為守則，力求公平對待爭議各方並促進爭議事項的和解。

第三十三條 保密

與本公約項下所開展的調解程序相關的所有信息以及在調解程序中產生或獲得的所有文件均應保密，除非爭議各方另有約定，或該信息或文件已公開，或法律要求予以披露但第二十五條所列爭議除外。

第三十四條 在其他程序中援引作為證據

除非爭議各方另有約定，任何一方均無權在其他任何程序中，不論是在仲裁員面前或在法院或其他機構，援引或依據任何其他方在調解程序中所表達的任何意見或作出的任何聲明、承認或和解提議，以及調解員的報告或任何建議。

第三十五條 對調解員的限制

除非爭議各方另有約定或可適用的法律另有規定，調解員不得在正在進行或者此後進行的與同一爭議標的有關的任何司法程序、仲裁程序或其他程序中以調解員以外的任何身份行事。

第三十六條 調解的終止

一、調解應在下列情況下予以終止：

- (一) 爭議各方已達成和解協議以解決爭議的部分或全部事項；
- (二) 爭議一方在任何時候作出書面聲明；或
- (三) 經爭議各方同意或可適用的規則規定的任何其他方式或某些情形。

二、調解終止後，調解員及/或爭議各方應立即通知秘書長調解已經終止，並應說明終止日期，爭議是否達成和解，如是，是全部和解還是部分和解。

第三十七條 調解費用

一、各方使用調解院調解服務和設施的應付費用由秘書長根據理事會通過的規則和條例確定。

二、調解員的費用和開支應在理事會適時規定的限度內確定。

三、除非爭議各方另有約定，調解員的費用和開支以及調解院調解服務和設施的使用費應由爭議各方平均分攤。爭議各方應負擔各自與程序有關的任何其他開支。

第三十八條 與其他爭議解決程序的關係

一、爭議各方可隨時訴諸本公約規定的調解，無論是否已提交其他爭議解決程序。

二、如爭議各方同意，可在其他爭議解決程序進行期間繼續進行調解。

三、在可適用的法律允許範圍內，爭議各方可約定對於提交調解的爭議，從調解開始之日起至調解終止之日止，暫停計算任何可適用的法律或類似規定下的時效期限。

四、本公約項下進行的調解不妨礙爭議各方通過其可利用的任何其他爭議解決機制解決其爭議的權利。

第七章 和解協議

第三十九條 和解協議的訂立

一、當爭議各方通過本公約項下的調解就解決全部或部分爭議的和解條款達成一致，爭議各方應以書面形式，包括電子通信方式，簽署經調解產生的和解協議（以下簡稱“和解協議”）。

二、除非爭議各方另有約定，爭議各方簽署的和解協議應由秘書長認證，以證明該協議是經由本公約項下的調解產生。

第四十條 和解協議的法律效力

一、爭議各方之間正式達成的任何和解協議對各方均具有約束力，各方應善意履行。

二、爭議各方簽署和解協議，即為同意該和解協議可作為其是由調解所產生的證據，並可據此根據可適用的法律尋求救濟。

三、一方在和解協議上簽字並不代表其承認相關條款所可能依據的法律或事實考慮。

第四十一條 和解協議的執行

一、爭議各方根據第二十八條為解決國際商事爭議而達成的和解協議，可由締約國根據其可適用的法律予以執行。

二、締約國需要談判達成一項本公約議定書，明確規定締約國執行第一款所述和解協議的條件。該議定書的通過和生效程序應與第五十六條規定本公約修正案通過和生效所需程序相同。

第八章 能力建設

第四十二條 能力建設活動

一、調解院應在資源允許情況下開展並加強能力建設活動。

二、在開展能力建設活動時，調解院可與政府、國際組織或其他實體協調合作。

三、秘書處應編制促進能力建設的年度工作計劃，交由理事會審議和批准。

四、秘書處還可提議並經理事會批准實施一項調解獎學金計劃，促進青年專業人員和外交官的培訓和能力建設。

第四十三條 能力建設委員會

一、應設立能力建設委員會。該委員會在理事會的總體指導下開展工作，並由秘書處提供行政支持。

二、委員會的任務是就能力建設活動的策略和優先事項向理事會提出建議。

第四十四條 調解基金

為本公約之目的，可設立調解基金以推廣和鼓勵使用調解並加強能力建設。該基金由捐款構成，根據理事會通過的財務條例或規則進行管理。

第九章 財務

第四十五條 財務條例

與調解院有關的一切財務事宜均應遵照本公約和理事會通過的財務條例或規則管理。

第四十六條 財政資源

一、秘書處應獲得有效履行其職能所必需的財政資源。

二、調解院的基本財政資源包括締約國繳納的年度會費和調解院的收入。

三、在不影響前款規定的情況下，調解院可根據理事會通過的財務條例或規則，接受並使用政府、國際組織、個人、公司和其他實體的自願

捐款，作為額外財政資源。但調解院不得接受任何可能損害、限制、歪曲或改變其宗旨、目標或職能的捐款或援助。

第四十七條 攤款

締約國的年度會費依照議定的分攤比額表確定。該比額表參考萬國郵政聯盟系統的繳款水平，並可考慮締約國的經濟發展水平及其支付能力。

第十章 特權與豁免

第四十八條 一般原則

一、調解院應在締約國領土內享有為履行和實現其宗旨、目標和職能所必需的特權和豁免。

二、締約國代表及調解院官員應同樣享受其獨立行使與調解院有關的職務所必需的特權及豁免。

第四十九條 財產、資金和資產

一、調解院及其財產和資產，不論其位於何處及為何人持有，應豁免於各種形式的法律程序，但在特定情況下，經調解院明示放棄豁免者不在此限。放棄上述豁免不能被認為推及放棄任何執行豁免，除非調解院已明示並單獨放棄此項豁免。

二、調解院的房舍不受侵犯。調解院的財產及資產，不論其位於何處及為何人持有，應免於搜查、徵用、沒收、徵收及其他任何方式的干擾，不論是由於執行行為、行政行為、司法行為或立法行為。

三、調解院的檔案以及一般而言其所有或持有的一切文件，不論其在何處，均不受侵犯。

四、在不受任何財政管制、財政條例及延期償付令的限制下，

（一）調解院可持有任何種類的款項、貨幣或其他資產，並可用任何可兌換貨幣開立和管理賬戶；

（二）調解院可自一國至他國或在一國內自由移轉其款項、貨幣或其他資產並可將其持有的任何貨幣換成任何其他貨幣。

五、調解院，其資產、收入和其他財產：

（一）應免除一切直接稅；但調解院對於事實上純為公共服務費用的稅捐不得要求免除；

（二）對於調解院為公務用途而進出口的物品，應免除關稅和進出口的禁止或限制；但這項免稅進口的物品除依照與進口國政府商定的條件外不得在該國出售；以及

（三）對於調解院的出版物，應免除關稅及進出口的禁止和限制。

六、調解院在原則上不要求免除構成應付價格一部分的消費稅以及對出售動產和不動產課徵的稅，但如調解院為公務用途而購置大宗財產，已課徵或需課徵這類稅時，則締約國將於可能範圍內作適當行政安排，免除或退還該項稅款。

第五十條 通訊便利

調解院在公務通訊方面享有締約國給予任何其他國家的同等待遇。

第五十一條 締約國代表

一、締約國指派的理事會代表或出席調解院所召開會議的代表，在執行職務期間和往返會議地點的旅途中，應享有下列特權和豁免：

（一）其人身不受逮捕或拘禁，私人行李不受扣押，以代表身份發表的口頭或書面言論以及所實施的一切行為，豁免各種法律程序；

（二）其一切文書和文件不受侵犯；

（三）有使用電碼及通過信使或密封郵袋收發文書或信件的權利；

（四）在其為執行職務而訪問或經過的締約國，其本人及配偶免除移民限制、外僑登記或國民服役義務；

（五）在貨幣或外匯限制方面享有與執行臨時公務的外國政府代表相同的便利；

（六）其私人行李享有給予外交使節的同樣的豁免及便利；以及

（七）外交使節所享有的與上述各項不相衝突的其他特權、豁免和便利，但對運入物品（除為其私人行李的一部分外）無權要求免除關稅、消費稅或銷售稅。

二、對於締約國指派的理事會代表或出席調解院所召開會議的代表，為確保其履行職責期間言論自由及獨立，他們為履行職責而發表的口頭或書面言論及實施的一切行為所享有的法律程序豁免，在其不再擔任締約國代表後仍應繼續享有。

三、如任何種類稅捐的負擔是以居留為條件，締約國指派的理事會代表或出席調解院所召開會議的代表因履行職責而停留於某締約國期間，不應視為居留期間。

四、特權和豁免的賦予並非為了締約國代表個人本身的私人利益，而是為了保障他們能獨立執行其有關調解院的職務。因此，在締約國認為其代表的豁免有礙司法程序，且放棄該項豁免並不妨害賦予該項豁免宗旨的情形下，該締約國不但有權利而且有責任放棄該項豁免。

五、第一至第三款不得在代表與其國籍國或現任或曾擔任代表的締約國國家機關之間適用。

六、本條內所稱“代表”包括各代表團的全體代表、副代表、顧問、技術專家及秘書。

第五十二條 官員

一、秘書長將明確規定適用本條規定的官員類別並提交理事會審議和批准。其後秘書長應將這些類別通知各締約國政府。列入這些類別內的官員名單應適時通知締約國政府。

二、調解院官員應享有：

（一）其以公務身份發表的口頭或書面的言論及所實施的一切行為豁免法律程序；

（二）其得自調解院的薪資和報酬免納稅捐；

（三）豁免國民服役的義務；

（四）其本人、連同其配偶及受扶養親屬豁免移民限制和外僑登記；

（五）相關政府給予駐該國外交使團類似等級官員相同的外匯便利；

（六）在發生國際危機時，其本人、配偶及受扶養親屬享有與外交使節相同的歸國便利；以及

（七）於初次到達相關國家就任時有免稅進口家具和用品的權利。

三、除第二款規定的豁免和特權外，秘書長和各副秘書長本人、其配偶及未成年子女並應享有依據國際法給予外交使節、其配偶及未成年子女的特權、豁免、免除及便利。

四、特權和豁免的賦予並非為了官員自身個人利益，而是為了調解院的利益。秘書長如認為任何官員的豁免有礙司法程序，且放棄豁免並不損害調解院的利益，則有權利和責任放棄該項豁免。對於秘書長的豁免，理事會有權放棄。

五、調解院應隨時與締約國主管機關合作，為其正當執法提供便利，確保遵守有關公共安全和秩序的法律法規並防止濫用本條所規定的特權、豁免和便利。

第五十三條 調解員和調解程序參與人

一、在第二十五條和第二十七條項下有關爭議調解程序中作為調解員、爭議方、代理人、顧問、證人或專家的人員，應享有：

（一）其在執行職務期間人身不受逮捕或拘禁，私人行李不受扣押；

（二）其在參與調解程序過程中發表的口頭或書面言論以及所實施的一切行為，豁免各種法律程序；

（三）與其參與調解程序有關的一切文書和文件不受侵犯；

（四）為其與調解程序有關的通信目的，其有權通過經正式確認的信使或密封郵袋收發任何形式的文書和文件；以及

（五）如非本國國民，享有各締約國給予調解院官員在移民限制、外僑登記和國民服役方面的同等豁免權，在外匯限制方面的同等便利以及有關旅行便利的同等待遇。

第（一）項和第（五）項所述豁免僅適用於其往返調解所在地的旅途及逗留調解所在地期間。

二、在本公約項下的調解程序中擔任調解員的人，其因以調解員身份開展工作而由調解院或通過調解院給付的任何報酬和津貼免納稅捐。

三、特權和豁免的賦予並非為上述人員本身的私人利益，而是為了調解院的利益。調解院如認為任何人員的豁免有礙司法程序，且放棄豁免並不損害調解院的利益，則其有權利和責任放棄該項豁免。

第五十四條 豁免的例外

第五十一條第一款第（一）項、第五十二條第二款第（一）項和第五十三條第一款第（二）項規定的豁免不適用於道路交通肇事行為造成的損害或其他行為造成的人身傷亡所引起的民事責任。

第十一章 最後條款

第五十五條 公約解釋或適用分歧的解決

任何有關本公約解釋或適用的分歧，如不能通過協商解決，經相關締約國請求，應交由理事會作出建議。

第五十六條 修正

一、任何締約國均可向秘書長提出對本公約的修正案。秘書長應立即將所提修正案通知各締約國。

二、對本公約提出的任何修正案應儘最大可能由締約國以協商一致方式通過。如已盡一切努力但仍未達成協商一致，作為最後手段，修正案須以締約國三分之二多數通過。

三、根據第二款通過的修正案須經締約國批准、接受或核准。

四、根據第二款通過的修正案自第三份批准書、接受書或核准書交存之日後第三十天起生效。修正案一經生效，即對已表示同意受其約束的締約國具有約束力。其他締約國仍受本公約條款及其此前批准、接受或核准的任何修正案約束。

五、當一締約國在第三份批准書、接受書或核准書交存之後批准、接受或核准修正案，修正案應於該國交存批准書、接受書或核准書之日後第三十天起對其生效。

六、任何修正均不影響在修正案生效之日前任何爭議方根據本公約同意調解所產生的權利和義務。

第五十七條 關於非單一法律制度的聲明

一、一國如擁有兩個或者多個領土單位，各領土單位對本公約所涉事項適用不同法律制度的，可在簽署、批准、接受、核准或者加入時聲明本公約延伸適用於本國的全部領土單位或者僅適用於其中的一個或者數個領土單位，並可隨時通過提出另一聲明修正其所作的聲明。

二、聲明應通知保存機關，並明確指出適用本公約的領土單位。

三、如一國擁有兩個或者多個領土單位，各領土單位對本公約所涉事項適用不同法律制度：

（一）凡提及一國的法律或者程序規則，應被解釋為在適當情況下指有關領土單位的生效法律或者程序規則；

（二）第二十八條提及的爭議應解釋為包括由該國不同領土單位的當事人之間的商事關係引起的或與之有關的爭議。

四、如一國未根據本條作出聲明，則本公約延伸適用於該國的全部領土單位。

五、本條不適用於區域一體化組織。

第五十八條 區域一體化組織的參與

一、由主權國家組成並對本公約所規範的某些事項具有權限的區域一體化組織同樣可以簽署、批准、接受、核准或者加入本公約。在這種情況下，區域一體化組織享有的權利和承擔的義務應與締約國相同，但僅限於該組織對本公約所規範事項具有權限的範圍，並應在批准書、接受書、核准書或加入書中予以聲明。其後，該組織應將其有關權限的任何實質變更通知保存機關。

二、本公約對“締約國”、“各締約國”的任何提及，應在區域一體化組織的權限範圍內適用於該組織。

三、為第五十六條第五款和第六十條第一款之目的，區域一體化組織交存的任何文書不應在該組織成員國交存的文書之外疊加計算。

四、區域一體化組織可就其權限內的事項在理事會行使表決權，其票數與其作為本公約締約國的成員國數目相等。如該組織的任何成員國行使表決權，則該組織不得行使表決權，反之亦然。

第五十九條 簽署、批准、接受、核准和加入

一、本公約於 2025 年 1 月 1 日至 2025 年 12 月 31 日在中華人民共和國香港特別行政區開放供各國及區域一體化組織簽署。此後，本公約將在位於北京的中華人民共和國外交部繼續開放供簽署，直至本公約生效後三年。

二、本公約須經已簽署的國家及區域一體化組織批准、接受或核准。

三、本公約對自開放簽署之日起未簽署本公約的所有國家及區域一體化組織開放供加入。

四、批准書、接受書、核准書或加入書應交存保存機關。

第六十條 生效

一、本公約應自第三份批准書、接受書、核准書或加入書交存之日後第三十天起生效。

二、一國或區域一體化組織在第三份批准書、接受書、核准書或加入書交存之後批准、接受、核准或者加入本公約的，本公約應於該國或區域一體化組織交存批准書、接受書、核准書或加入書後第三十天起對其生效。

第六十一條 退約

一、締約國得以書面形式通知保存機關退出本公約。退約可限於某些適用本公約的非單一法律制度的領土單位。

二、退約應自收到通知之日起一年後生效，除非通知指明退約生效於更晚的日期。

三、締約國根據本條發出的通知，不影響在保存機關收到通知之前任何爭議方根據本公約同意調解所產生的權利和義務。

第六十二條 保存機關

一、中華人民共和國政府為本公約保存機關。

二、保存機關應將下列情況通知所有締約國、其他簽署國和秘書長：

（一）第五十六條、第五十八條和第五十九條提及的簽署、批准、接受、核准和加入；

（二）本公約根據第六十條生效的日期；

（三）本公約任何修正案根據第五十六條生效的日期；

（四）第二十五條、第二十九條、第五十七條和第五十八條提及的聲明和通知；以及

（五）第六十一條提及的退約。

第六十三條 作準文本

本公約正本交存於保存機關，公約的阿拉伯文、中文、英文、法文、俄文和西班牙文本同等作準。保存機關應將經核證的副本分送所有締約國。

下列簽署人經各自政府正式授權在本公約上簽字，以昭信守。

二〇二五年五月三十日訂於中華人民共和國香港特別行政區。

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.

二零二五年九月二十九日於行政長官辦公室

Gabinete do Chefe do Executivo, aos 29 de Setembro de 2025.

辦公室主任 陳格

A Chefe do Gabinete, *Chan Kak*.