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China's Establishment of the IOMed: Bridging Gaps in the Existing International Mediation Institutions

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ABSTRACT : *As an emerging actor in international dispute settlement, the establishment of the International Organization for Mediation (IOMed) marks the international community's intensified efforts to resolve disputes through peace, cooperation and consultation. This article examines the IOMed's essential features, such as organizational design, member composition, and mediation processes to uncover its institutional structure and operational mechanism. We find that the IOMed, based on the Convention of the International Organization for Mediation, has established a hierarchical and professional organizational structure composed of the Council and the Secretariat to ensure the representativeness and efficiency of the organization. Its operation mechanism emphasizes the will of the disputing parties and procedural flexibility. It is committed to providing efficient, fair and non-confrontational dispute resolution services.*

KEYWORDS - *International Organization for Mediation; institutional creation; motivation*

I. INTRODUCTION

The peaceful settlement of international disputes is one of the core principles of modern international law. Traditionally, the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), and various arbitration institutions have dominated the resolution of international disputes. However, their adversarial nature in judicial or quasi-judicial proceedings, high costs, and potential political sensitivities often deter the disputing parties. To meet the demands of the international community for mediation, China and its like-minded countries decided to jointly establish an international organization for mediation. In recent years, the rapid advancement of projects under the Belt and Road Initiative (BRI) has significantly increased cross-border economic cooperation, infrastructure investment, and commercial exchanges, which in turn has led to a growing number of transnational disputes. As noted by Chinese government officials on multiple occasions, the expansion of BRI projects has "inevitably brought about a rise in diversified dispute resolution needs," particularly in areas such as investment, construction, and trade.[1] In 2023, with Beijing's support, the preparatory office of the International Organization for Mediation(IOMed) was established in Hong Kong.[2] In 2024, the fifth negotiation meeting of the "Convention on Establishing the International Organization for Mediation" was held in the Hong Kong Special Administrative Region.[3] In 2025, the *Convention on Establishing the International Organization for Mediation* was signed.[4]

In the field of international dispute resolution, the ICJ, arbitration institutions such as the Permanent Court of Arbitration, regional organization mediation mechanisms including the African Union, and informal diplomatic channels facilitated by the United Nations, together form a highly fragmented regime complex. A regime complex refers to a governance structure in a certain governance field where multiple institutions coexist and intersect but there is no single authoritative center.[5] Given the existence of the mechanisms, why did China create the IOMed

despite the costs rather than invest in the existing institutions? This article seeks to answer this novel question. This article argues that the existing institutions have exposed several problems in practice: First, adjudicative mechanisms lack institutional inclusiveness for developing countries; second, disputes with a high degree of politicization are often difficult to resolve through judicial or arbitration means; third, Western countries have long dominated rule-making and discourse construction. It is against this background of the regime complex that the establishment of the IOMed is not a simple repetition of existing institutions, but an institutional response to the structural deficiencies of the existing dispute resolution system.

This article is structured as follows. The introduction begins with the establishment of the IOMed as a focal event. The second section reviews the relevant literature on institutional creation. The third section provides a three-dimensional analysis of the driving forces behind this initiative.The conclusion summarizes the main findings and reflects on the broader implications of this institutional development for the evolution of global governance.

II. LITERATURE REVIEW

Regarding the establishment background, institutional positioning, and functional value of the IOMed in the international dispute resolution system, domestic academic circles have conducted relatively systematic research. Broadly speaking, current studies can be grouped into several analytical strands, including research on the historical background of the organization’s establishment, the logic of institutional innovation, the normative and institutional design of the organization, and its implications for global governance and China’s institutional initiatives.

Scholars have emphasized that the establishment of IOMed is the result of a combination of significant global changes, the intensification of global governance deficits, and the growing national strength of China. IOMed, as an intergovernmental organization dedicated to providing mediation services, addresses the limitations of existing dispute resolution mechanisms and plays an important role in the reconstruction of the international legal system. This perspective highlights the organization’s value in responding to the evolving nature of global disputes. [6] At the same time, it reflects China's goal of reshaping the international governance landscape through such institutional innovations.[7]

The institutional logic behind the creation of IOMed has been explored in depth, with attention to the legal foundations that support its establishment. Scholars have examined the growing demand for international mediation, alongside the shortcomings of traditional adjudicatory mechanisms. IOMed is viewed as an institutional innovation designed to bridge this gap. It is positioned as a distinct public good that responds to the needs for more flexible, cooperative, and non-adversarial dispute resolution mechanisms in international relations.[8] [9]

In addition to the institutional and legal foundations, considerable attention has been given to the normative framework and design of IOMed. The Convention establishing the organization is a key focal point, with detailed analysis of the negotiation processes and the institutional arrangements it set in place. The design of IOMed’s governance structure, case acceptance procedures, and mediation mechanisms is seen as a response to the long-standing gap in the international dispute resolution landscape, where no permanent intergovernmental mediation body existed previously. The Convention is regarded as a significant innovation, contributing to the evolution of international rule of law.[10]

The creation of IOMed has also been discussed in the context of global governance reform and institutional pluralism. Scholars have argued that the organization plays a crucial role in breaking the traditionally Western-dominated patterns of dispute resolution and offering a more inclusive approach. IOMed contributes to a shift toward a more balanced and diverse governance system by providing consultative options that are not rooted in the West-centric models that have historically dominated international law.[12] [11]

In addition, some scholars approach the issue from the perspective of China’s institutional initiatives and normative contributions to global governance. Xia Liping pointed out that the IOMed promotes the transformation of international dispute resolution models from “adversarial justice” to “consensus governance” by emphasizing voluntary participation, non-interference in internal affairs, and consensus orientation, reflecting the concept of

"harmony and coexistence" in Chinese excellent traditional culture, and responding to the practical needs of developing countries for fair dispute resolution mechanisms.[13] In addition, scholars have proposed frameworks for understanding IOMed's role within the Belt and Road Initiative. These frameworks highlight how IOMed fosters the transformation of international legal narratives from a "dominance-led" approach to one based on "diversity and coexistence." This shift contributes to the development of a new international legal order that integrates relational governance and rule-based governance.[14]

However, despite the significant contributions of the existing literature, several gaps remain unaddressed. While these studies provide valuable insights into the historical, institutional, and normative dimensions of IOMed, they often fail to offer a comprehensive understanding of how IOMed will function within the existing complex system of international dispute resolution. This gap in the literature underscores the need for new research to examine IOMed's operational integration within the existing system and its potential for fostering systemic change in international dispute resolution.

III. Motivation Analysis

This section will analyze the reasons for the establishment of the IOMed from three aspects: functional deficiencies, institutional power, and governance norms.

3.1 Functional Deficiencies

The traditional international dispute settlement mechanisms generally have functional flaws such as lengthy procedures and high costs, which makes many small and medium-sized countries hesitate even when their legitimate rights and interests are infringed upon due to the excessively high cost of safeguarding their rights. International arbitration often takes several years, and the cost of a single arbitration can even reach several million dollars.[15]This high-cost and low-efficiency model is completely beyond the affordability of developing countries. The Democratic Republic of the Congo once paid 3 million US dollars in litigation fees to the ICJ in The Hague for an international dispute. In the end, not only did it fail to obtain a reasonable ruling, but it also fell into diplomatic isolation.[16]Similar cases are not uncommon among African countries.

In addition to the direct economic cost, the long cycle application could lead to continuous fermentation, missing the best time. The appeal cycle of the World Trade Organization's dispute settlement mechanism is generally measured in years. In the rapidly changing field of international trade, this inefficient procedure often leads to the continuous expansion of economic losses for the aggrieved party. In contrast, the IOMed takes flexible and efficient mediation as its core model, discarding the cumbersome processes of traditional judicial procedures and significantly reducing the time and economic costs of dispute resolution.[3] This low-cost and high-efficiency institutional design better responds to the practical needs of many small and medium-sized countries seeking accessible mechanisms to safeguard their legitimate rights and interests.

The current international dispute settlement mechanisms generally face the predicament of "easy adjudication but difficult enforcement", and the resolution methods are mainly adversarial adjudication, lacking flexible paths to resolve conflicts, making it difficult to meet the needs of resolving complex international disputes.[17] The enforceability of the rulings of the ICJ relies heavily on the voluntariness of the countries concerned and the political will of major powers. For countries that refuse to comply with the rulings, there is a lack of effective means of restraint. A typical case is that the ICJ once ruled that the United States' support for the anti-government armed forces in Nicaragua violated international law, but the United States directly refused to enforce the ruling, and the international community had no effective means to restrain it.[18]

The United Nations Security Council resolution is also a major subject of dispute regarding veto, making it difficult to come into place. Historical records show that the veto has frequently prevented collective action by the Security Council, limiting the implementation of resolutions in many conflict situations. In hot issues such as the Russia-Ukraine conflict and the Israeli-Palestinian conflict, major powers have frequently exercised their veto power due to geopolitical differences. As a result, initiatives related to ceasefires or sanctions have often failed to produce effective outcomes. The IOMed adheres to the principles of voluntary participation and neutral mediation. It does not pursue mandatory rulings but rather forms solutions by facilitating consensus among the parties

involved in disputes. This approach not only significantly enhances the voluntary implementation rate of the agreement but also eases conflicts through dialogue and prevents the escalation of confrontation. China's previous practice of facilitating the restoration of diplomatic relations between Saudi Arabia and Iran has demonstrated the unique advantages of neutral mediation in resolving long-term hostile relations, which has also become an important reference for the IOMed to resolve enforcement difficulties.[19]

With the advancement of globalization, the scope of international disputes has been expanding. Disputes in emerging fields such as digital trade, climate change, and cross-border investment are increasing day by day. However, traditional international dispute settlement mechanisms have obvious domain coverage gaps and are difficult to meet the settlement demands of new types of disputes. The International Tribunal for the Law of the Sea focuses on disputes in the maritime field, while the International Investment arbitration mechanism emphasizes traditional investment disputes.[20] These specialized mechanisms all have problems such as the absence of rules in emerging fields and differences in interpretation. For instance, in new types of disputes such as cross-border data flows and carbon border taxes, due to the lack of clear and unified mediation rules and professional platforms, the parties involved in the disputes often have to handle them within the traditional legal framework, resulting in the ruling results being difficult to take into account the interests of all parties.[21][22]

At the same time, the traditional model of antagonistic mechanism is highly sensitive part does not apply to disputes. Take issues such as ideological differences among countries and the coordination of interests in regional cooperation as examples. Compulsory rulings not only fail to resolve fundamental contradictions but may also intensify confrontational sentiments.[23] The IOMed has specifically addressed this deficiency. Its mediation scope covers multiple fields such as territorial boundaries, economic and trade investment, and environmental resources, with a particular focus on providing professional solutions for disputes in emerging areas. By establishing professional mediation teams covering various fields and combining flexible negotiation models, more adaptable resolution paths are provided for complex and new disputes, filling the functional gap of the existing mechanism in emerging fields.

3.2 Institutional Power

Most of the current international dispute settlement mechanisms originated from the international order dominated by the West after World War II. Their rule systems and adjudication logics are deeply imprinted with the legal and cultural imprinted patterns of Europe and America. They fail to take into account the interests and cultural backgrounds of developing countries, resulting in a governance predicament where "major countries dominate while small countries remain silent".[24] Take the ICJ as an example. For a long time, the selection and appointment of its judges have shown a trend where the proportion of judges from European and American countries is too high. The number of judges from developing countries is seriously mismatched with their number and influence in the international community. This directly leads to the excessive magnification of Western values and interest preferences in the process of rule interpretation and dispute adjudication.[25] For instance, in many cases involving resource development and territorial disputes in developing countries, the basis for adjudication often caters to the demands of Western transnational capital and geopolitics, but neglects the core interests of developing countries such as their right to development. The WTO dispute settlement mechanism is also a similar problem. The core rules of this mechanism are mostly formulated around the trade advantages of developed countries. However, in order to maintain its own hegemony, the United States has long obstructed the selection of members of the appellate body, causing it to be paralyzed since December 2019.[26] The founding member states of the IOMed cover many developing countries in Asia, Africa and Latin America. Its rule-making process fully incorporates the opinions of countries with different legal systems and at different stages of development, breaking the rule monopoly of Western centrism and providing a platform for developing countries to participate equally in the formulation of international dispute settlement rules. This is precisely an important correction to the deficiency of the representativeness of the existing mechanism's subjects.

Through a series of institutional innovations, the IOMed seeks to address the structural imbalance embedded in the existing international dispute settlement system, which has long been characterized by Western dominance. In terms of membership composition, the organization has been initiated and supported primarily by developing

countries from Asia, Africa, and Latin America, thereby reshaping the traditional pattern in which Western states occupy a dominant position in international institutions.[27]

Its decision-making mechanism combines consensus-based procedures with qualified majority voting, aiming to prevent domination by a single state or bloc and to enhance inclusiveness in governance.[28] This design contrasts with the implicit veto structures observed in traditional institutions such as the United Nations Security Council, where major powers exercise disproportionate influence.

In terms of organizational structure, the adoption of a rotating chairmanship and the establishment of headquarters in Hong Kong reflect an effort to decentralize institutional authority and move beyond the geographical concentration of global governance in Western centers. Hong Kong's hybrid legal system, combining common law and civil law traditions, provides a conducive platform for bridging diverse legal cultures.[29]

Furthermore, the organization emphasizes diversity in mediator selection by incorporating experts from multiple legal traditions, thereby challenging the historical predominance of Western legal discourse in international adjudication. More fundamentally, it departs from the adversarial adjudication model and adopts a mediation-based approach centered on voluntary participation and consensus-building. As highlighted in the literature on conflict resolution, mediation enables disputing parties to retain control over outcomes and facilitates mutually acceptable solutions, making it particularly suitable for complex and politically sensitive disputes.[30]

By shifting from a zero-sum adjudicatory logic toward a consultative and consensus-oriented model, the IOMed promotes a more inclusive and pluralistic approach to dispute resolution, in which diverse legal traditions and value systems can be more equitably accommodated.[31]

The institutional power breakthrough of the IOMed has distinct practical relevance and responds directly to the institutional demands of countries in the Global South. In recent years, Western countries have frequently relied on international judicial mechanisms to exercise forms of "long-arm jurisdiction," contributing to the politicization and instrumentalization of international legal rules.[32] The United States, for instance, has been criticized for selectively engaging with international adjudicatory bodies such as the International Court of Justice and the International Criminal Court—utilizing them in certain contexts while resisting their jurisdiction in others.[33] Meanwhile, Western multinational corporations often leverage international investment arbitration mechanisms to bring substantial claims against developing country governments, whereas firms from developing countries face structural disadvantages in accessing comparable legal protections.[34]

Against this backdrop, the principle of "voluntary participation and no compulsory adjudication" embedded in emerging mediation-based institutions offers a potential systemic counterweight to what some scholars describe as "judicial hegemony".[35] This framework allows developing countries to engage in dispute resolution on a more equal footing while preserving sovereignty, avoiding the imposition of externally dominated judicial outcomes. Furthermore, existing Western-led dispute settlement mechanisms are often characterized by high costs and procedural complexity, posing significant barriers for developing countries. International arbitration proceedings can last several years and incur costs reaching millions of US dollars.[36] Similarly, dispute settlement within the World Trade Organization has an average duration of approximately 2–3 years, during which time the economic damage to developing countries may exceed the original value of the dispute.[37]

In contrast, international mediation mechanisms demonstrate notable advantages in both efficiency and cost-effectiveness. Empirical studies suggest that mediation costs are substantially lower than litigation—often around 30% of adjudicatory expenses—and the resolution timeframe can be reduced from years to months or even weeks.[38] The procedural flexibility of mediation, which does not rely heavily on complex legal formalism or linguistic dominance, enhances accessibility for developing countries. Moreover, the confidentiality of mediation—where discussions are generally inadmissible in subsequent proceedings—creates a more conducive environment for negotiation and compromise, facilitating mutually acceptable outcomes and helping to break deadlocks in international disputes.[39]

3.3 Governance Norms

The Global Governance Initiative (GGI), as an important international public good contributed by China, adheres to the core concepts of "upholding sovereign equality, upholding international rule of law, upholding

multilateralism, upholding people-oriented principles, and striving for practical results", providing an action guide for reforming and improving the global governance system.[40] The deep-seated reasons for the establishment of the IOMed are rooted in the disconnection between existing governance norms and the core concepts of GGI, as well as the urgent demand of the international community for governance norms that meet the needs of the times.

The current governance norms for international dispute settlement have long suffered from structural imbalances, which are seriously contrary to the just and reasonable governance orientation advocated by the GGI. Western developed countries, relying on their historical advantages and institutional dominance, have seriously diluted the participation rights and discourse power of developing countries. Data from the International Centre for Settlement of Investment Disputes shows that from 1966 to the end of 2024, 65% of the arbitrators or mediators in registered cases were from Western Europe and North America.[41] The representation of developing countries is seriously insufficient, which makes it difficult for the interests and demands of small and medium-sized countries to be fully reflected in the process of formulating and implementing dispute settlement rules.

At the level of international rule of law, the problem of double standards is prominent. Some Western countries use international rules as a tool to maintain their own hegemony, enforcing rules that are in line with their interests while evading unfavorable obligations.[42] For instance, the United States has long obstructed the selection of members of the Appellate Body of the World Trade Organization, causing the mechanism to be paralyzed since 2019, seriously undermining the authority and unity of international rule of law.[43]

In the practice of multilateralism, traditional mechanisms often become the "one-man show" of a few major powers, undermining the governance concept of extensive consultation, joint contribution and shared benefits.[44] The dispute settlement process lacks inclusive consultation, and the rules ultimately formed are difficult to gain wide recognition. Furthermore, current mechanisms focus tend to emphasize procedural formalities over substantive outcomes, often neglecting the actual needs of developing countries. This has led to situations where disputes are "resolved but not resolved", failing to realize the people-oriented governance value and makes it difficult to achieve the goal of "striving for practical results" emphasized by the GGI.[45]

The core concept of the GGI provides a clear direction for the innovation of governance norms for international dispute settlement, and the establishment of the IOMed is an active practice of this direction, becoming a key measure to fill the gap in governance norms. In terms of upholding sovereign equality, the institutional design of the IOMed fully embodies the principle of equal participation of all countries. Its founding member states cover 37 countries across five continents, among which developing countries account for a very high proportion. There are both major countries and small ones like Nauru, as well as high-income countries and 11 least developed countries.[3] Regardless of their size, strength, or wealth, all countries can have equal voices and make equal decisions in the mechanism building.

The convention clearly stipulates that each contracting state may appoint a corresponding number of mediators to the roster, ensuring the regional diversity and national representativeness of the composition of mediators from a systemic perspective. This arrangement departs from traditional dispute settlement mechanisms often dominated by a little number of developed countries, and is consistent with the requirements of the GGI that "all countries should participate equally, make decisions jointly, and benefit collectively in global governance".[45]

In terms of upholding international rule of law, the IOMed strictly adheres to the purposes and principles of the UN Charter, institutionalizing mediation as a peaceful means of dispute settlement established as provided in Article 33 of the UN Charter, thereby helping to fill the long-standing institutional gap in the field of international mediation due to the absence of a specialized intergovernmental organization.[46] At the same time, the mechanism seeks to reject double standards and ensure the equal and consistent application of international law and rules, reinforcing the universality and authority of the rule of law at the international level.

In upholding multilateralism, the IOMed adheres to the spirit of consultation, joint contribution and shared benefits, and resolves differences and builds consensus through innovative institutional design. During the negotiation of the convention, regarding the core controversy over the scope of cases, the founding member states, after multiple rounds of consultations, established several "safety valves", including requirements such as the consent of all parties to submit a case, non-involvement of third parties, and the right of parties to terminate mediation at any time.[45] This approach not only incorporates disputes between states within the scope of cases

but also reduces political sensitivity, fully embodying the spirit of mutual respect, openness and inclusiveness central to multilateralism.

This consensus-based decision-making model breaks with the traditional pattern in which a few countries dominate rule-making and instead reflects a more inclusive governance approach in which global affairs are discussed and managed collectively.

In terms of adhering to a people-oriented approach and striving for practical results, the institutional design of the IOMed precisely responds to the common demands of people of all countries for peace and development. Countries in the Global South have a strong demand for low-cost and efficient dispute settlement mechanisms, as traditional litigation and arbitration often involve high costs and lengthy procedures.[40] At the same time, the IOMed places emphasis on capacity building in developing countries. Through institutional arrangements such as secretariat-led training and annual capacity-building programs, it enhances the ability of these countries to participate effectively in international dispute settlement processes. Moreover, mediation agreements are voluntarily reached by the parties and tend to exhibit higher compliance and enforcement rates compared to imposed judicial decisions, as they are based on consent and mutual acceptance.

IV. CONCLUSION

In conclusion, the establishment of the IOMed represents a significant and necessary innovation in the field of international dispute settlement. It directly addresses the functional deficiencies of existing mechanisms—such as Western dominance, procedural inefficiency, enforcement challenges, and limited coverage of emerging issues—by offering a flexible, inclusive, and cost-effective platform centered on mediation. Through institutional power reconfiguration, it breaks the long-standing Western monopoly by ensuring equitable representation of developing countries, decentralizing operational authority, and shifting from adversarial adjudication to consensus-based dialogue. Furthermore, the organization actively embodies the governance norms advocated by the GGI, promoting sovereign equality, upholding international rule of law, practicing true multilateralism, and prioritizing practical, people-oriented outcomes. By integrating these dimensions, the IOMed not only fills critical gaps in the current global dispute resolution architecture but also advances a more just, balanced, and effective model of international governance that responds to the evolving needs of the Global South and the international community as a whole.

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