

Speech for the IV International Summer School on Mediation

(Central Asian Consortium of Mediators)

The Table of Contents

Introduction 2

Part 1: Why Mediation? 2

Part 2: IOMed – filling the Institutional Gap 3

Part 3: What does IOMed offer to mediators? 5

Part 4: The Singapore Convention 6

Part 5: How IOMed and the Singapore Convention interact 6

Part 6: Prospects for Central Asia 7

Part 7: Conclusion 8

Introduction

Distinguished colleagues, good afternoon!

It is a great honour to address you today at the IV International Summer School on Mediation organized by the Central Asian Consortium of Mediators. I bring you warm greetings from the International Organization for Mediation – IOMed – from our headquarters in Hong Kong.

We find ourselves at a remarkable moment in the history of international dispute resolution. In 2025, mediation, alongside litigation and arbitration, finally took its rightful place as one of the cornerstones of the international legal landscape. Today, I will discuss two landmark instruments that are reshaping our field: the International Organisation for Mediation (IOMed) and United Nations Convention on International Settlement Agreements resulting from Mediation, also known as the Singapore Convention on Mediation.

I will start with the basics: why mediation matters, how it differs from and what its strengths are compared to litigation and arbitration. Later I will explain the significance of IOMed, the opportunities it offers to mediators, as well as the importance of the Singapore Convention, how they complement one another. In conclusion, I will highlight the remarkable progress we are witnessing here in Central Asia.

Part 1: Why Mediation?

Let me begin with the foundation upon which our entire field rests.

Article 33 of the Charter of the United Nations enshrines the principle of peaceful settlement of disputes.¹ It lists several means by which States can resolve their disputes without resorting to force: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, and resort to regional agencies or arrangements. As a form of alternative dispute resolution, mediation is mentioned earlier in the Article – before arbitration and judicial settlement. Hence, mediation stands as an ideal instrument that embodies these aspirations for a peaceful resolution of the dispute.

Mediation is not a new invention. It has been recognized across many nations for centuries as an important means of resolving disputes. But what makes mediation so unique?

¹ Article 33(1): The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, **mediation**, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

First, mediation is voluntary. There is no right, no wrong in the traditional sense. The parties come to the table because they choose to, not because they are compelled by law or by power. This voluntariness creates a fundamentally different dynamic from litigation or arbitration.

Second, mediation is an evolving process. The parties can meet several times with each other and a mediator, or mediation commission, to find a path forward – it is a journey of a dialogue.

Third, mediation produces binding agreements on a voluntary basis. The settlement agreement is binding because the parties choose to make it so – not because an external authority imposes it upon them. It has the legal effects of a binding contract.

Fourth, and crucially, mediation agreements are enforceable. With the Singapore Convention on Mediation now in force, mediated settlement agreements can be enforced across borders with the same ease as arbitral awards under the New York Convention.

Fifth, mediation takes a conciliation approach. It is inherently inclusive and non-confrontational. It seeks to bring parties together rather than drive them apart as is the case in adversarial or adjudicative processes.

Sixth, mediation seeks win-win solutions. Unlike litigation, where one party's gain is often another's loss, mediation creates value. It finds outcomes that work for everyone.

Seventh, mediation recognises the common interest of keeping relations going. In international disputes – whether between States, between a State and an investor, or between commercial parties – the relationship often matters more than the immediate issue. Mediation preserves that relationship.

Eighth, mediation has no limitation for setting aside. This is a remarkable feature. In mediation, parties can agree on things beyond the scope of what a court or tribunal could order. There is no concept of “exceeding jurisdiction” because the parties themselves define the scope.

And last, but not least, it is the control. In arbitration, the arbitrator is the master of the proceedings; in mediation, the parties are the masters. This is perhaps the most fundamental difference of all. In mediation, the parties own the process and the outcome.

Part 2: IOMed – filling the Institutional Gap

Now, let me turn to IOMed. As of today there are already 16 Contracting States and 47 Signatory and Acceding States.

First of all, for decades, the international dispute resolution landscape had a significant gap. Mediation was *ad hoc* – arranged on a case-by-case basis. IOMed filled this institutional gap.

IOMed is the world's first intergovernmental legal organization dedicated exclusively to resolving international disputes through mediation.

Moreover, IOMed complements the existing dispute resolution mechanisms such as arbitration and litigation but does not replace them.

Let me explain what IOMed actually does.

To start with, IOMed provides mediation administration services for three types of international disputes, submitted by the parties by mutual consent expressed before or after the dispute arises:

- State-to-State disputes;
- Disputes between a State and a national of another State;
- International commercial disputes between private parties.

Importantly, IOMed is not limited to Contracting States. We may also provide mediation services for Non-Contracting States or international organizations if they wish to submit their dispute to IOMed. This reflects our commitment to being truly open and inclusive.

Another important function is creation of panels for mediators.

IOMed establishes two types of mediation panels:

- **Panel of State-to-State mediation**, requiring a special breed of mediator with expertise in public international law, diplomacy, and interstate relations;
- **General Panel of Mediators** for international commercial or investment disputes between private parties or between States and investors respectively.

Designation procedure²

Mediators on the panels are designated by Contracting States and the Governing Council.

Each Contracting State may designate up to 5 persons from among its nationals to the Panel of State-to-State Mediators, and designate up to 20 persons from among its nationals to the General Panel of Mediators.

Each Founding Member may designate up to 10 extra persons from among its nationals to the General Panel of Mediators. All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.

² URL: <https://www.iomed.int/scope-of-cases/#mediatorpanel>

The Governing Council may designate up to 10 persons to the Panel of State-to-State Mediators and up to 20 persons to the General Panel of Mediators. When making designations, it shall also pay due regard to the importance of assuring representation of principal legal systems, geographical diversity and gender balance on the Panels as a whole.

Persons designated to the Panels shall serve for renewable periods of **five years**.

And we are not stopping there. IOMed is developing specialised panels for specific sectors. For example, aligning with Hong Kong's goal to further develop the commodities market and the need of the international commodities industry to resolve disputes speedily and cost-effectively, we are establishing a special panel of mediators for commodities market disputes, covering the full commodities value chain from upstream to downstream activities.³

We do not forget about active role of the IOMed in Capacity Building and International Cooperation.⁴

What does it mean? We conduct training workshops, organize seminars to share insights on the essential aspects of international mediation. We are working to raise awareness of governments and corporations how mediation can benefit them. Chapter VIII of the Convention lays specific policies on capacity building.

Part 3: What does IOMed offer to mediators?

I have spoken about IOMed and what we do. Now let me turn to the question that matters to each of you in the room: what does IOMed offer to you as mediators?

First, IOMed creates demand for services of mediators. By raising awareness among States, investors, and commercial parties, IOMed is expanding the market for mediation. The successful resolution of a maritime dispute through IOMed mediation in early May 2026, involving parties from China and Singapore, demonstrates that the demand is real and growing.⁵

Secondly, IOMed offers a clear career path. Through our training programs, fellowship opportunities, professional panels, IOMed provides a pathway from emerging mediator to a recognized international specialist in mediation. You become a part of the global mediation community.

³ Welcome Remarks for Global Mediation Summit. URL: <https://www.iomed.int/2026/05/welcome-remarks-for-global-mediation-summit/#content>

⁴ Article 5 of the IOMed Convention provides that IOMed shall have the function to organise international, regional, national and local forums and conferences on mediation, building a platform for communication and information sharing.

URL: <https://www.iomed.int/capacity-building-international-cooperation/#mfund>

⁵ URL: <https://www.chinadailyhk.com/hk/article/633220>

Thirdly, IOMed provides institutional support. When you mediate under the IOMed framework, you are not alone. You will have support of our Secretariat, benefit from our administration services and institutional infrastructure.

Therefore, mediators can participate in IOMed training programs and capacity-building projects, gain recognition through appointment to IOMed's Panel of Medators and contribute to the global mediation community.

Recently, IOMed is introducing a new initiative, organizing events called "Dialogue with Mediators" where we exchange views and share the latest trends in mediation to mediators on our Panels designated by States and the Governing Council.

Part 4: The Singapore Convention

Now let's move briefly on to the Singapore Convention.

The Singapore Convention was opened for signature on 7 August 2019 in Singapore. It now has 60 signatories and 22 Contracting Parties.

Status in Central Asia:

- **The Republic of Kazakhstan** – signed and ratified (entered into force 23 November 2022);
- **The Kyrgyz Republic** – acceded to the Singapore Convention on Mediation on December 1, 2025, with the Convention officially entered into force in the country on 1 June 2026.⁶

So, what are the objectives of the Singapore Convention? Article 3 sets out the general principles. Essentially, it establishes a uniform and effective legal framework for the international enforcement of settlement agreements reached through mediation. Under the Singapore Convention, the parties to an international commercial dispute settled through mediation may apply directly to the courts of any State party to the Singapore Convention for the enforcement of the settlement agreement. This allows agreements reached through mediation to be enforced internationally with the same ease as arbitral awards under the New York Convention. It gives mediation the legal teeth.

Part 5: How IOMed and the Singapore Convention interact

Having examined IOMed and the Singapore Convention separately, let me now explain how these two complement and reinforce each other. Although at the first glance these mechanisms may seem as separate instruments that operate over the same subject. However, they function at different levels.

The Singapore Convention is a treaty developed by the United Nations Commission on International Trade Law (UNCITRAL). It provides a legal framework but does not itself offer

mediation services. IOMed is a permanent intergovernmental organization with its own Secretariat, its own Governing Council, and its own Panels of Mediators. It is an active institution that does mediation, not just a legal instrument that enables mediation. The Singapore Convention deals

⁶URL: <https://www.singaporeconvention.org/jurisdictions/Kyrgyzstan>

with the enforcement of mediated settlement agreements. IOMed deals mostly with the process of mediation itself.

In addition, the Singapore Convention applies to international commercial disputes, including Investor-State disputes. As it was mentioned, IOMed has a broader mandate.

It is necessary to mention that the existence of the Singapore Convention makes IOMed more attractive. Parties considering mediation through IOMed know that any agreement reached there will be enforceable in the courts of Singapore Convention states. And vice versa – IOMed provides a concrete basement for the international mediation that the Singapore Convention was created to support.

In this sense, IOMed Convention and the Singapore Convention are not rivals but partners. They create a comprehensive mediation ecosystem for international mediation.

Part 6: Prospects for Central Asia

Let me turn to the region that brings us together today.

Central Asian countries geographically bridges East and West, strategically located within China's Belt and Road Initiative. Countries of this region are increasingly integrated into global trade networks and navigate complex relationships. More trade means more disputes. And parties usually wish to continue doing business together. In this context, mediation can offer extraordinary opportunities.

I am delighted to say that the interest from Central Asian countries in mediation is genuine and growing.

Kyrgyzstan (25 July 2026), Kazakhstan (13 July 2026), Tajikistan (11 May 2026) and Uzbekistan (14 March 2026) officially signed the IOMed Convention and joined IOMed this year.

In addition, there were some legislative developments in 2025 across Central Asian countries.

Uzbekistan has been particularly active. On 20 October 2025 – the very same day IOMed commenced its operations – the Law of the Republic of Uzbekistan “On Introducing Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan Aimed at Improving the Institution of Mediation in the Alternative Settlement of Disputes” No. ZRU-1089 came into force.⁷

The key reforms included:

⁷ Kosta Legal. Article in English about amendments. URL: <https://kostalegal.com/publications/legal-highlight/uzbekistan-introduces-legislative-amendments-to-strengthen-mediation-2>;

- Establishment of unified and enhanced requirements for mediators, registration of mediators, duties and liability of mediators⁸;
- if a settlement agreement is not performed voluntarily, the parties are now entitled to apply to the court for its compulsory enforcement.⁹

The Kyrgyz Republic has also been active in promotion of mediation. The new law on mediation was adopted in November 2025. It regulates the use of mediation for conflicts arising from civil, family, labour, and criminal-law relations.¹⁰ Of particular interest is the requirement to hold a mandatory information session for all categories of civil, family and employment disputes. In disputes arising from criminal proceedings, as well as in the enforcement of sentences, a mandatory mediation information session is held if the parties have not reached a settlement on their own.¹¹ It requires a large-scale training to prepare new specialists in mediation.

Furthermore, the Law on Investments in Kyrgyz Republic No. 198 dated 12 August 2025 with further amendments in April 2026 – introduced a multi-tier dispute resolution mechanism that encourages negotiations and mediation prior to recourse to domestic courts and international arbitration.¹²

The legislation of the **Republic of Kazakhstan** on mediation is also undergoing gradual updates aimed at professional standardisation, the digitalisation of processes and the introduction of new rules for the training of specialists.

Part 7: Conclusion

What do these developments mean for Central Asia?

First, they signal a clear commitment to the rule of law and to peaceful dispute resolution. By joining IOMed, signing the Singapore Convention, and reforming domestic legislation, Central

⁸ Article 6(2)-6(8) of Law No. ZRU-1089. It added Chapter 1.1 and Articles 9.1-9.3; 12-14.1 in the Law on Mediation No. ZRU-482 dated 3 July 2018. URL: <https://lex.uz/docs/7786846>

⁹ Article 6(13) of Law No. ZRU-1089. It added Article 29.1 in the Law on Mediation No. ZRU-482 dated 3 July 2018. URL: <https://lex.uz/docs/3805229>

¹⁰ Law on Mediation No. 256 dated 14 November 2025. URL: <https://cbd.minjust.gov.kg/4-5683/edition/40509/ru>

¹¹ Article 27 of the Law on Mediation No. 256. URL: <https://cbd.minjust.gov.kg/4-5683/edition/40509/ru>

¹² Article 23 <https://cbd.minjust.gov.kg/4-5616/edition/35758/ru?lang=ru>

In English:

Article 23. Settlement of Disputes

1. Any dispute relating to investments and arising in the course of an investor's investment activities (an investment dispute) within the territory of the Kyrgyz Republic shall be settled through negotiations. By agreement of the parties, an investment dispute may be settled through mediation or by other agreed means of pre-litigation dispute resolution.

2. If an investment dispute has not been settled in accordance with the procedure provided for in paragraph 1 of this Article, the investment dispute shall be resolved by the courts of the Kyrgyz Republic or referred to arbitration where there is a relevant written agreement containing a valid arbitration clause, or where the dispute is referred to arbitration in accordance with the international treaties of the Kyrgyz Republic.

Asian countries are open for business, they respect international norms, and they are committed to resolving disputes through dialogue rather than confrontation. The new legislative frameworks create professional standards, training requirements, and career pathways for mediators.

The International Summer School on Mediation of the Central Asian Consortium of Mediators is an essential part of this journey. By bringing together mediators from across the region and beyond, you are building the networks, sharing the knowledge, and developing the skills necessary for mediation in the twenty-first century.

IOMed is committed to cooperate supporting these efforts, share knowledge and work alongside building a more peaceful and just world together.

To the young mediators in this room: the pathway is open. Whether through internship program, training workshops, IOMed offers a career pathway from an emerging professional to a recognised international specialist.

To the experienced mediators: your expertise is needed now more than ever.

Ladies and gentlemen, let me leave you with this.

Thank you for your attention! I am ready to answer questions if you have any.