

Discussions of “Draft Agreement” & “Draft Rules of Procedure”

A NEW APPROACH FOR THE SETTLEMENT OF REGIONAL DISPUTES TO MAINTAIN DYNAMIC STABILITY—A SELECTIVE ELABORATION OF THE DRAFT AGREEMENT ON THE ESTABLISHMENT OF THE ASIA-PACIFIC REGIONAL MEDIATION ORGANIZATION

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ABSTRACT

The Draft “Agreement on the Establishment of the Asia-Pacific Regional Mediation Organization” (hereinafter “ARMO Agreement”) and its supplementary Draft “Rules of Procedure for Mediation Conducted under the Asia-Pacific Regional Mediation Organization” coauthored by eleven Asia-Pacific like-minded colleagues have been released. This paper aims to provide some background information and elaborate on the essential features of the ARMO Agreement. It discusses the following elements and principles embedded in the text: the expectation of achieving a dynamic and prosperous stability in the region; the encouragement mechanism for countries to participate in the organization; the broad scope of its jurisdiction; the maintenance of ultimate control

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by the parties in entering into the procedure and concluding the settlement agreement; its additional complementary functions to support other international agreements; the elements of impartiality, efficiency, flexibility and quality assurance underlying the Asia-Pacific Regional Mediation Organization (hereinafter "ARMO") mechanism; and the minimalism in its institutional and financial arrangements. The paper concludes that the new ARMO mechanism is in line with the traditionally non-litigious attitude of most Asian countries in their international relations and should be practical and useful for the Asia-Pacific community to resolve their disputes.

KEYWORDS: *ad hoc mediation, ARMO, Asia-Pacific region, institutional mediation, mediation, State-to-State dispute settlement*