

WATER ON THE WEST BANK

MEDIATION PROCEDURE RULES

Article 1 Scope of Application

In order to facilitate the discussions between the parties in the present dispute the following rules set forth by the Mediators will be governing the meeting to be held on 17th December 2004 at the Law Faculty in Bremen.

These rules shall be applicable only in the present dispute between Israeli and Palestinian arising from the project on drilling a new well on the West Bank. The project on drilling a new well on the West Bank was drafted by Mekorot, an Israeli water company, and the Moriah Energy and Technology Company, an Israeli subsidiary of the American-based Mountain Moriah Drilling Company, hereinafter referred to as "Project".

Article 2 Competence of the Mediators

The Mediators are exercising their competence by virtue of the agreement of the Parties appointing the Mediators.

Article 3 Challenging a Mediator

The Parties are entitled to challenge a Mediator within seven days after the communication of the present Rules to the Parties. The notification of challenge shall contain the reasons of challenge, the proposal of a new Mediator and shall be sent to each Mediator and Party.

Article 4 Site of the Mediation

The site of the Mediation shall be the Faculty of Law of the University of Bremen – Germany.

Article 5 Language

The working language during the Mediation will be English. Subject to the second subparagraph of this article and if any of the Parties will be faced any language difficulties other languages rather than English can be used as well.

If, during the Mediation, a Party use any language other than English, translation must be provided by this Party.

Article 6 Conduct of the Parties

The Parties are expected to maintain order and to use diplomatic language during the meeting. All of them must show due respect to each other and to the Mediators as well. Due to the fact that all parties are agreed in advance and have fully trusted the proceedings to the Mediators they (the Parties) are expected to fully respect the latter's decisions as well.

Article 7
Conduct of the Mediators

Mediators shall throughout the whole mediation stay impartial and consider the Parties' argumentation without prejudice.

When conducting preparatory meetings with parties the Mediators shall in good faith advise the Parties on issues of law related to the dispute, as well as provide sufficient communication between the Parties.

The Mediators shall keep confidential the information obtained in the course of the Mediation . This provision implies *prima facie* non-disclosure of such information to any third parties. The Mediators shall be entitled to decide at their own discretion which information provided by one of the Parties can be communicated to another Party.

Article 8
Confidentiality

The Parties are entitled to provide confidentiality of the mediation proceedings or any information related thereto. This includes, *inter alia*, the right to exclude public access to the mediation proceedings.

Article 9
Mediators

This case shall be examined by a panel of three Mediators. They are:

Ms. Olga BATURA;
Ms. Julia SINIAVSKAYA;
Ms. Lila ZAHEDI.

Article 10
Functions of the Chairwoman

The Chairwoman for this Mediation shall be Ms. Lila Zahedi.

The Chairwoman shall open and close this Mediation, enforce these rules, recognize speakers, put questions to a vote, in particular, regarding the public access referred to in art. 9 above, and announce decisions.

The Chairwoman has the right to act at her own discretion to ensure the smooth operation of the Mediation. To this end, she has ultimate authority over the Mediation's proceedings and the maintenance of order therein. The Chairwoman has the power to entertain, deny, or question the propriety of any motion.

Article 11.
Charge Sheet

The two other Mediators will be responsible for keeping the charge sheet in which all the issues, proposals and conclusions reached by the parties will be written down. After the meeting all parties shall be given a copy of the charge sheet.

Article 12 Issues for Mediation

The issues to be examined in this Mediation are:

1. Availability of water;
2. Control of resources;
3. Guarantees;
4. Compensation.

Article 13 Agreement

Any agreement reached by this Mediation will be subject to approval by each party's constituency.

The agreement shall cover all the four issues examined during this Mediation according to the art. 6 of the present Rules.

Article 14 Commencing procedure

The Chairwoman shall call the name of each Party. If that Party is present, it shall answer, "Present." If a Party is not present when the Chairwoman calls that Party, but arrives later during that Mediation, a note must be sent to the Mediators stating that the Party is present. The Chairwoman shall ask the Parties to confirm that they are aware of the rules of this Mediation.

Article 15 Decision-making Procedure

Any agreement adopted in the course of this Mediation shall be made unanimously.

Article 16 Opening the Mediation

The Chairwoman shall open the Mediation by announcing the issues according to art. 6 of the present Rules.

Afterwards the Parties shall be suggested to present their arguments concerning each of the issues.

Article 17 Duration of the Mediation

The Mediation shall be divided into two sessions, each ninety minutes long with a break between them for fifteen minutes.

Article 18 Speakers

Each Party shall decide on the speakers on its behalf.

Article 19
Time Limits for speakers

Each speaker shall have seven minutes for basic arguments and five minutes for counterarguments.

If the opposing Party has questions, they shall be asked after the Party has presented its position. The time for questions shall not exceed five minutes.

Article 20
Mediators' questions

In case of doubt and in order to clarify the statements made by parties the Mediators can ask for further explanations. Parties shall give explanations only for the asked questions by bringing addition information and arguments to support they position.