

# AMC Mediation Rules

## **Article (1)** **Definitions:**

### *The 'Mediation' Process:*

Mediation as an alternative dispute resolution means a process in which a mediator enhances the communication level and facilitates negotiation between parties to assist them in reaching a voluntary informed decision regarding their dispute. Note: The term mediation here is used in a broader sense to absorb the term conciliation.

### *The 'Mediator':*

Is a neutral and competent third party who assists the parties conducting and managing the mediation process by adopting the appropriate style that best address the parties' needs.

### *AMC:*

The Arab Mediation Center 'The Center'

### *AMC Mediators 'Panel':*

AMC mediators Panel is our official list that includes experienced accredited mediators who meets the highest of the international mediation standards of the profession. They comes from a strong legal background with a wide range of expertise to better meets the parties needs and expectations according to the nature of their dispute.

### *Mediation 'Communications':*

Is all the oral, written information and events that have been prepared, made and shared for and within the purpose of the mediation process.

### *Mediation 'Settlement':*

Is a written legally binding agreement that settles the parties' dispute fully or partially.

## **Article (2)** **Application of the rules**

Upon the initiation of mediation under the administration of the center; These Rules shall apply and the center mediator and the Parties will comply. The parties may agree to vary these Rules at any time.

### **Article (3): Initiation of Mediation**

1. Any party or parties to a dispute wishing to initiate mediation may do so by filing the AMC form (mediation request) or submit a written request for mediation under the AMC rules.
2. A party may request AMC to invite another party to participate in mediation. Upon receipt of such a request, AMC will contact the other party involved in the dispute and attempt to obtain an agreement to participate in mediation.
3. A request for mediation should contain a brief statement of the nature of the dispute. It shall also set forth the contact information of all parties to the dispute and the counsel, if any, who will represent them in the mediation.
4. If the Centre does not receive a reply to the request for mediation from the other party to the dispute, or the latter rejects the invitation to mediate, within 10 working days from the date of receipt of the request for mediation, the Centre shall inform the party initiating the mediation request of this fact.

### **Article (4): Appointment of the Mediator**

1. Once all parties of a dispute have accepted/agreed to mediate, they can agree independently to designate the mediator(s) and notify the center with their choice or they can seek the center assistance in that regard.
2. If the parties have not jointly notified the Center of their mutual choice of a mediator, The Center shall provide the parties with a list of at least three candidates from the Panel to choice from.
3. If the parties still cannot agree on a mediator the Center enjoys the discretion to appoint a mediator from the Panel that can best meet with the parties need and the nature of their dispute from the Center point of view.
4. Mediation shall be conducted by a mediation team of at least one lead mediator and one associate mediator.

### **Article (5): Disclosures and Replacement of a Mediator**

1. Any mediator, whether selected jointly by the parties or appointed by the Center, shall disclose both to the Center and to the parties whether he or she has any financial or personal interest in the outcome of the mediation or whether there exists any fact or circumstance reasonably likely to create a presumption of bias.
2. The mediator(s) may be replaced in according to the provision of article 4 in the following situation:
  - A. Upon receiving any information mentioned article 5 (1) and after soliciting the views of the parties.
  - B. If All parties agree in writing at any time to replace the mediator.
  - C. If a mediator resigns or becomes unable to perform the mediator's functions for any reason.

**Article (6):  
Attendance, Representation and assistance**

1. It is not required but rather recommended that the parties (principals) to be present in person at mediation with a legal representation. Any party may be represented by persons of the party's choice providing that they are equipped with the required authority to make decisions concerning the resolution of the dispute.
2. Parties other than natural persons are expected to have present throughout the mediation an officer, partner or other employee authorized to make decisions concerning the resolution of the dispute.
3. Any of the parties may request the presence of witnesses or experts to better present their argument or point of view.
4. Mediation sessions are private. Persons other than the parties and their representatives may attend only with the permission of the parties and with the consent of the mediator.

**Article (7):  
Date, Time and Place of the Mediation**

The mediator will fix the date and the time of each mediation session with the consideration of the parties' references. The mediation will be held at one of the Center's offices that is more convenient to the parties or at such other place as the parties and the mediator agree.

**Article (8):  
Conduct of the Mediation and Authority of the Mediator**

1. The mediator has no decision-making powers regarding the outcome of mediation.
2. The mediator's main responsibility in assisting the parties to reach a settlement is to enhance the level of communication between the parties, allowing them to effectively and more positively negotiate their differences and making an informed decision regarding their dispute.
3. The mediator shall assist the parties in an independent and impartial manner and will be guided by the different mediation values and in accordance with the parties' needs and wishes.
4. The mediator shall adopt the appropriate mediation style when conducting the process as he or she considers appropriate, taking into account the circumstances of the case, the wishes of the parties and the need for a speedy settlement of the dispute.
5. The mediator is authorized to conduct joint or separate meetings with the parties and/or their representatives during the mediation process with his discretion or any of the parties' request.
6. If requested, the mediator may make oral or written recommendations concerning an appropriate resolution of the dispute.
7. The parties shall cooperate with the mediator in good faith.

## **Article (9): Confidentiality**

1. All mediation communication in any form that is acquired, produced for, or used in the Mediation procedure is confidential.
2. The mediator and all those working within the Center may not be obligated to disclose facts or information learned during the course of the Mediation or be compelled to testify or produce evidence concerning the Mediation in any judicial proceedings, arbitrations, or any adversary proceeding.
3. The parties and all others present at Mediation – including lawyers– are required to maintain strict confidentiality and not to rely on, or introduce as evidence in future arbitration, judicial, or other proceedings,:
  - a. Expressed opinions, suggestions, or offers made by the parties or the mediator during the course of the Mediation;
  - b. Admissions made by the parties during the Mediation procedure;
  - c. the circumstance that a party has indicated whether or not it will accept a proposal to resolve the dispute made by the other party or the mediator.
4. Exceptions on confidentiality:
  - a. all parties consent to disclosure;
  - b. different obligations regarding disclosure exist under an applicable lawc.
  - c. there is a real danger to the life of a person or entity being subject to criminal proceedings if the confidentiality provision is upheld;

## **Article (10): Termination of the Mediation**

1. Mediation is considered to be concluded when:
  - a. the parties have reached a written agreement;
  - b. any of the party withdraws from the mediation (as the parties have the right withdraw from the mediation at any time and shall immediately inform the mediator and the other representatives in writing)
  - c. the mediator, at his/her discretion, withdraws from the mediation.

**Article (11):  
Settlement Agreements**

Any settlement reached in the mediation will not be legally binding until it has been writing and signed by, or on behalf of, the parties.