

2. In the exercise of his or her functions, the Mediator shall facilitate the adoption by the Parties of a mutually acceptable solution, which shall be in accordance with the applicable rules of international law. To this effect, the Mediator shall meet with the representatives designated by each Party, including, if a Party so chooses, representatives of its Section of the Pacific Salmon Commission, and may request such documents from a Party as he or she believes would be useful in the fulfilment of his or her mission. During the course of the mediation, the Mediator shall make such proposals and recommendations to the Parties as he or she deems appropriate, designed to assist the Parties to resolve the dispute.

ARTICLE III

Confidentiality

The activities of the Mediator, the information gathered by him or her, the interventions, representations, suggestions, proposals and recommendations made by the Mediator to the Parties, or made by the Parties to the Mediator, and the contents of documents received or produced by the Mediator shall be treated as confidential in nature, and shall not be made public, in whole or in part, except by written consent of both Parties.

ARTICLE IV

Non-Binding Effect of Mediation

The mediation shall have no binding effect.

ARTICLE V

Legal Position of the Parties

None of the activities of the Mediator, or the representations or proposals made by the Parties, shall prejudice the respective legal positions of the Parties. Each Party reserves the right, should the mediation fail, to revert to its previous claims or positions.

ARTICLE VI

Termination of Mediation

It is the intent of the Parties that the mediation be completed as soon as practicable and that any understandings reached as a result of the mediation be available prior to the negotiation of fishing regimes for 1996. The tentative target date for concluding the mediation is November 30, 1995. Upon selecting a mediator, the Parties will review the target date with the mediator and make such adjustment as may be warranted. The Parties also agree that the target date may at any time be extended by agreement.