

request of either Party, to ensure the effective fulfilment of the obligations of the present Agreement. If both Parties agree the consultations provided for in the present Agreement may be effected in writing.

2. The Parties shall jointly request the International Atomic Energy Agency to provide both Parties with such reports and other documentation prepared by the International Atomic Energy Agency with respect to items referred to in Article V of the present Agreement as either Party may consider appropriate.

#### ARTICLE VIII

Any dispute arising out of the interpretation or application of the present Agreement which is not settled by negotiation or as may otherwise be agreed by the Parties shall, on the request of either Party, be submitted to an arbitral tribunal which shall be composed of three arbitrators. Each Party shall designate one arbitrator and the two arbitrators so designated shall elect a third, who shall be the Chairman. If within thirty (30) days of the request for arbitration either Party has not designated an arbitrator, the other Party to the dispute may request the President of the International Court of Justice to appoint an arbitrator for the Party which has not designated an arbitrator. The same procedure shall apply if, within thirty (30) days of the designation or appointment of arbitrators for both the Parties, the third arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall be made by majority vote of all the members of the arbitral tribunal. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal, including all rulings concerning its constitution, procedure, jurisdiction and the division of the expenses of arbitration between the Parties shall be binding on both Parties and shall be implemented by them, in accordance with their respective constitutional procedures. The remuneration of the arbitrators shall be determined on the same basis as that for ad hoc judges of the International Court of Justice.

#### ARTICLE IX

For the purpose of this Agreement,

- (a) "Equipment" means any item listed in Appendix A to this Agreement. Appendix A may be amended from time to time with the agreement of both Parties;
- (b) "Facility" means any plant, building, or structure containing or incorporating equipment, material or nuclear material or otherwise used for atomic energy activities, or for the application of atomic energy;
- (c) "Material" means any radioactive substance, and any other substance (other than nuclear material) of special applicability to or importance in atomic energy activities, such as heavy water and zirconium;
- (d) "Nuclear material" means any source material or any special fissionable material as these terms are defined in Article XX of the Statute of the International Atomic Energy Agency<sup>(1)</sup> which is attached as Appendix B. Any determination by the Board of Governors of the International Atomic Energy Agency under Article XX of the Agency's Statute which amends the list of materials considered to be "source material" or "special fissionable material" shall only have

<sup>(1)</sup> Treaty Series 1957 No. 20