

- (c) the UNCITRAL Arbitration Rules; or
  - (d) the arbitration rules of any arbitral institution mutually agreed upon between the parties to the dispute.
2. The applicable arbitration rules shall govern the arbitration except to the extent modified by this Section, and supplemented by any rules adopted by the Parties.
3. A claim is submitted to arbitration under this Section when:
- (a) the request for arbitration under paragraph 1 of Article 36 of the ICSID Convention is received by the Secretary-General of ICSID;
  - (b) the notice of arbitration under Article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretary-General of ICSID; or
  - (c) the notice of arbitration given under the UNCITRAL Arbitration Rules is received by the disputing Contracting Party.
4. Each Party shall notify the other Party by diplomatic note of the place of delivery of notices and other documents.

#### **ARTICLE 24**

##### **Consent to Arbitration**

1. Each Party consents to the submission of a claim to arbitration in accordance with the terms of this Agreement. Failure to meet any of the conditions precedent in Article 21 shall nullify that consent.
2. The consent given in paragraph 1 and the submission by a disputing investor of a claim to arbitration shall satisfy the requirement of:
- (a) Chapter II of the ICSID Convention (Jurisdiction of the Centre) and the Additional Facility Rules for written consent of the parties; and
  - (b) Article II of the New York Convention for an agreement in writing.

#### **ARTICLE 25**

##### **Arbitrators**

1. Except in respect of a Tribunal established under Article 27 (Consolidation), and unless the disputing parties agree otherwise, the Tribunal shall be composed of three arbitrators, one arbitrator appointed by each of the disputing parties and the third, who shall be the presiding arbitrator, appointed by agreement of the disputing parties.