ARTICLE 23

Submission of a Claim to Arbitration

1.   An investor that meets the conditions precedent in Article 21 (Conditions Precedent to Submission of a Claim to Arbitration) may submit a claim to arbitration under:

    (a)   the ICSID Convention, provided that both Parties are parties to the ICSID Convention;

    (b)   the Additional Facility Rules of ICSID, if only one Party is a party to the ICSID Convention;

    (c)   the UNCITRAL Arbitration Rules; or

    (d)   any other instrument proposed by the investor that allows the conduct of the arbitration procedure in accordance with the provisions of this Agreement, provided that the disputing parties so agree. If the disputing parties cannot reach an agreement in this regard within 60 days following the investor's proposal, the investor may submit a claim under the instruments in subparagraphs (a), (b) or (c) of this paragraph.

2.   Except to the extent modified by this Agreement, the arbitration is governed by the arbitration rules applicable under paragraph 1 that are in effect on the date that the claim is submitted to arbitration under this Section.

3.   The Parties may adopt supplemental rules of procedure that complement the arbitration rules listed in paragraph 1 and these rules apply to the arbitration. The Parties shall promptly publish the supplemental rules of procedure that they adopt or otherwise make them available in such a manner as to enable interested persons to become acquainted with them.

4.   A claim is submitted to arbitration under this Section when:

    (a)   the request for arbitration under Article 36(1) of the ICSID Convention is received by the Secretary-General of ICSID;

    (b)   the request for arbitration under Article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretariat of ICSID; or

    (c)   the notice of arbitration under Article 3 of the UNCITRAL Arbitration Rules is received by the respondent Party.

5.   Each Party shall notify the other Party by diplomatic note of the place of delivery of notices and other documents.