

- (a) *The International Centre for the Settlement of Investment Disputes (ICSID), established pursuant to the Convention on the Settlement of Investment Disputes between States and Nationals of other States, opened for signature at Washington 18 March, 1965 (ICSID Convention), provided that both the disputing Contracting Party and the Contracting Party of the investor are parties to the ICSID Convention; or*
  - (b) *the Additional Facility Rules of ICSID, provided that only one of the Contracting Parties is a party to the ICSID Convention; or*
  - (c) *an international arbitrator or ad hoc arbitration tribunal established under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).*
- (5) *Each Contracting Party hereby gives its consent to the submission of a dispute to international arbitration in accordance with the provisions of this Article.*
- (6) (a) *The consent given under paragraph (5), together with either the consent given under paragraph (3), or the consents given under paragraph (11), shall satisfy the requirements for:*
- (i) *"consent in writing" of the parties to a dispute for purposes of Chapter II (Jurisdiction of the Centre) of the ICSID Convention and for purposes of the Additional Facility Rules; and*
  - (ii) *an "agreement in writing" for purposes of Article II of the United Nations Convention for the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, June 10, 1958 ("New York Convention").*
- (b) *Any arbitration under this Article shall be held in a State that is a party to the New York Convention, and claims submitted to arbitration shall be considered to arise out of a commercial relationship or transaction for the purposes of Article 1 of that Convention.*
- (7) *A tribunal established under this Article shall decide the issues in dispute in accordance with this Agreement and applicable rules of international law.*
- (8) *In the case of Canada, a tribunal may not order attachment or enjoin the application of the measure alleged to constitute a breach of this Agreement. For purposes of this paragraph, an order includes a recommendation.*
- (9) *A tribunal may award, separately or in combination, only:*
- (a) *monetary damages and any applicable interest;*
  - (b) *restitution of property, in which case the award shall provide that the disputing Contracting Party may pay monetary damages and any applicable interest in lieu of restitution.*

*A tribunal may also award costs in accordance with the applicable arbitration rules.*