

- (b) under the ICSID Additional Facility Rules, if only one Party is a party to the ICSID Convention;
  - (c) under the UNCITRAL Arbitration Rules; or
  - (d) if the disputing parties agree, to any other arbitration institution or under any other arbitration rules.
2. The applicable arbitration rules govern the arbitration unless they are modified by this Section.

#### **Article 8.24: Consent to Arbitration**

1. Each Party consents to the submission of a claim to arbitration in accordance with the procedures set out in this Agreement.
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 and the ICSID Additional Facility Rules for written consent of the parties; and
  - (b) Article II of the New York Convention for an agreement in writing.

#### **Article 8.25: Arbitrators**

1. Except in respect of a Tribunal established pursuant to Article 8.28, 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.
2. Arbitrators must:
- (a) have expertise or experience in public international law, international trade or international investment rules, or the resolution of disputes arising under international trade or international investment agreements; and
  - (b) be independent of, and not be affiliated with or take instructions from, either Party or the disputing investor.
3. The disputing parties should agree on the arbitrators' remuneration. If the disputing parties do not agree on such remuneration before the Tribunal is constituted, the prevailing ICSID rate for arbitrators applies.