

ARTICLE 31

Arbitration

(A) In case of disagreement between two or more contracting governments concerning the execution of the present Convention, the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of one of the governments in disagreement.

(B) Unless the parties in disagreement agree to adopt a procedure already established by bilateral or multilateral treaties concluded among them for the settlement of international disputes or the procedure provided for in Paragraph G of this article, arbitrators shall be appointed in the following manner:—

(C) (1) The parties shall decide, by mutual agreement, whether the arbitration is to be entrusted to individuals or to governments; failing an agreement on this matter, governments shall be resorted to.

(2) In case the arbitration is to be entrusted to individuals the arbitrators must not be of the same nationality as any one of the parties concerned in the dispute.

(3) In case the arbitration is to be entrusted to governments, the latter must be chosen from among the parties adhering to the agreement, the application of which caused the dispute.

(D) The party appealing to arbitration shall be considered as the plaintiff. This party shall designate an arbitrator and notify the opposing party thereof. The defendant must then appoint a second arbitrator, within two months after the receipt of plaintiff's notification.

(E) If more than two parties are involved, each group of plaintiffs or of defendants shall appoint an arbitrator, observing the same procedure as in Paragraph (D).

(F) The two arbitrators thus appointed shall agree in designating an umpire who, if the arbitrators are individuals and not governments, must not be of the same nationality as either of them or either of the parties involved. Failing an agreement of the arbitrators as to the choice of the umpire, each arbitrator shall propose an umpire in no way concerned in the dispute.

Lots shall then be drawn between the umpires proposed. The representative of an American government, not interested in the dispute, selected by the two arbitrators, will draw the lots.

(G) Finally, the parties in dispute shall have the right to have their disagreement settled by a single arbitrator. In this case, either they shall agree on the choice of the arbitrator, or the latter shall be designated in conformity with the method indicated in Paragraph (F).

(H) The arbitrators shall be free to decide on the procedure to be followed.

(I) Each party shall bear the expenses it shall have incurred in the investigation of the dispute. The cost of the arbitration shall be apportioned equally among the parties involved.

In witness whereof, the respective delegates have signed copies of this instrument, one each in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting governments.

Done in the city of Havana, Republic of Cuba, on the 13th day of December, 1937.