CHAPTER IV
Settlement of Investment Disputes between a Contracting Party and an Investor of the other Contracting Party

Article 26
Consultations and Negotiations

1. In the event of an investment dispute, the disputing parties shall, as far as possible, settle the dispute amicably through consultations and negotiations which may include the use of non-binding and third-party procedures. The proceeding for consultations and negotiations shall begin with a request in writing delivered to the competent authority of the disputing Party set out in Article 41. The request shall be accompanied by a brief summary of the factual and legal basis of the investment dispute sufficient to present the problem clearly. Such request shall be delivered to the disputing Party before the submission of the "notice of intent" to the disputing Party referred to in paragraph 3 of Article 27.

2. Consultations and negotiations shall be carried out at least during six months.

3. As one of the non-binding and third-party procedures referred to in paragraph 1, the disputing parties may agree to submit the investment dispute to conciliation procedure under the ICSID Convention or under the ICSID Additional Facility Rules.

Article 27
Submission of a Claim to Arbitration

1. With regard to the submission of a claim to arbitration by a disputing investor, the disputing Party may require, subject to its laws and regulations, that local administrative remedies shall be exhausted in advance. Procedure for such remedies shall in no case exceed six months from the date of receipt of the written notification from the disputing investor requesting the commencement of the procedure by the disputing Party and shall not prevent the disputing investor from requesting consultations and negotiations referred to in Article 26.

2. In the event that an investment dispute cannot be settled through consultations and negotiations within the period of time set out in paragraph 5:

(a) the disputing investor, on its own behalf, may submit to arbitration under this Chapter a claim:

(i) that the disputing Party has breached an obligation under Chapter II other than paragraphs 2 and 4 of Article 7, Articles 8, 9 and 20; and

(ii) that the disputing investor has incurred loss or damage by reason of, or arising out of, that breach; and

(b) the disputing investor, on behalf of an enterprise of the disputing Party that is a juridical person that the disputing investor owns or controls directly or indirectly, may submit to arbitration under this Chapter a claim:

(i) that the disputing Party has breached an obligation under Chapter II other than paragraphs 2 and 4 of Article 7, Articles 8, 9 and 20; and

(ii) that the enterprise has incurred loss or damage by reason of, or arising out of, that breach,

provided that the local administrative remedies have been exhausted in accordance with paragraph 1, as may be required by the disputing Party pursuant to that paragraph.

3. The disputing investor who intends to submit the investment dispute to arbitration pursuant to paragraph 2 shall give to the disputing Party written notice of intent to do so at least forty-five (45) days before the submission. The notice of intent shall specify:

(a) the name and address of the disputing investor and, in the case of subparagraph 2(b), the name, address and place of incorporation of the enterprise;

(b) the specific measures of the disputing Party at issue and a brief summary of the factual and legal basis of the investment dispute sufficient to present the problem clearly, including the obligations under this Agreement alleged to have been breached;

(c) arbitration set forth in paragraph 5 which the disputing investor will choose; and

(d) the relief sought and the approximate amount of damages claimed.