4. In cases where the disputing investor is a national or an enterprise of a Contracting Party, that disputing investor must deliver evidence establishing that it is a national or an enterprise of a Contracting Party with the notice of intent referred to in paragraph 3.

5. If the investment dispute cannot be settled within seven months and fifteen days from the date on which the disputing investor requested the disputing Party in writing for consultations and negotiations referred to in Article 26, the disputing investor may submit a claim referred to in paragraph 2 to one of the following arbitrations:

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

(b) arbitration under the ICSID Additional Facility Rules, provided that either Contracting Party, but not both, is a party to the ICSID Convention;

(c) arbitration under the UNCITRAL Arbitration Rules; and

(d) if agreed with the disputing Party, any arbitration in accordance with other arbitration rules, including under an *ad hoc* arbitration institution.

6. A claim shall be deemed submitted to arbitration under this Chapter, when the disputing investor's notice of arbitration or request for arbitration (hereinafter collectively referred to in this Chapter as "notice of arbitration"):

(a) referred to in paragraph (1) of Article 36 of the ICSID Convention is received by the Secretary-General;

(b) referred to in Article 2 of Schedule C of the ICSID Additional Facility Rules is received by the Secretary-General;

(c) referred to in Article 3 of the UNCITRAL Arbitration Rules, together with the statement of claim referred to in Article 18 of the UNCITRAL Arbitration Rules, is received by the disputing Party; or

(d) under any other arbitration institution or arbitral rules chosen under subparagraph 5(d), is received by the disputing Party, unless otherwise specified by such institution or in such rules.

7. The arbitration rules applicable under paragraph 5, which are in effect on the date the claim is submitted to arbitration, shall govern the arbitration under this Chapter except to the extent modified or supplemented by this Chapter.

8. The disputing investor shall provide with the notice of arbitration:

(a) the name of the arbitrator that the disputing investor appoints; or

(b) the disputing investor's written consent for the Secretary-General to appoint the disputing investor's arbitrator.

Article 28
Consent to Arbitration

1. Each Contracting Party hereby consents to the submission of investment disputes by a disputing investor to arbitration set forth in paragraph 5 of Article 27 chosen by the disputing investor, except for disputes with regard to paragraph 3 of Article 4.

2. For investment disputes with regard to paragraph 3 of Article 4:

(a) necessary consent for the submission to the arbitration will be given by the competent authority of the disputing Party set out in Article 41; and

(b) in cases where the written agreement referred to in paragraph 3 of Article 4 stipulates a dispute settlement procedure, such procedure shall prevail over this Chapter.

3. The consent given by paragraph 1 and the submission by a disputing investor of an investment dispute to arbitration shall satisfy the requirements of:

(a) Chapter II of the ICSID Convention or the ICSID Additional Facility Rules, for written consent of the parties to a dispute; and

(b) Article II of the New York Convention, for an agreement in writing.