10. Neither Contracting Party shall give diplomatic protection, or bring an international claim, in respect of an investment dispute which the other Contracting Party and an investor of the former Contracting Party have consented to submit or submitted to arbitration set forth in paragraph 5 of Article 27, unless that other Contracting Party has failed to abide by and comply with the award rendered in such investment dispute. Diplomatic protection, for the purposes of this paragraph, shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the investment dispute.

Article 30
Establishment of a Tribunal

1. Unless the disputing parties agree otherwise, a Tribunal shall comprise 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. If the disputing investor or the disputing Party fails to appoint an arbitrator or arbitrators within seventy-five (75) days from the date on which the investment dispute was submitted to arbitration under this Chapter, the Secretary-General may be requested by either of the disputing parties to appoint the arbitrator or arbitrators not yet appointed from the ICSID Panel of Arbitrators subject to the requirements of this Article. The Secretary-General should make such appointment in its discretion and, to the extent practicable, after having heard the disputing parties.

3. Unless the disputing parties agree otherwise, the presiding arbitrator shall not be a national of either Contracting Party, nor have his or her usual place of residence in the territory of either Contracting Party, nor be affiliated with either of the disputing parties, nor have dealt with the investment dispute in any capacity.

4. In appointing the arbitrators, the disputing parties consider that arbitrators of a Tribunal should have expertise and competence in the fields of international public law, the law on foreign investment or the subject-matters of the investment dispute arisen between the disputing parties.

5. For the purposes of paragraph 2, each of the disputing parties may indicate up to three nationalities, the appointment of arbitrators of which is unacceptable to it. In this event, the Secretary-General may be requested not to appoint as arbitrator any person whose nationality is indicated by either of the disputing parties.

6. The disputing parties may agree on the fees to be paid to the arbitrators. If the disputing parties do not reach an agreement on the fees to be paid to the arbitrators before the establishment of the Tribunal, the fees and expenses established from time to time in the ICSID and effective at the time of the establishment of the Tribunal shall apply.

Article 31
Governing Law

The Tribunal shall decide the issues in dispute in accordance with this Agreement and applicable rules of international law.

Note: In accordance with international law and where relevant and appropriate, a Tribunal may take into consideration the law of the disputing Party. However, a Tribunal does not have jurisdiction to determine the legality of a measure, alleged to constitute a breach of this Agreement, under the domestic law of the disputing Party.

Article 32
Transparency in Arbitral Proceedings
for the other Contracting Party

The disputing Party shall provide the other Contracting Party with:

(a) written notice of the investment dispute submitted to the arbitration no later than thirty (30) days after the date of the submission; and

(b) copies of all pleadings filed in the arbitration upon request of and at the expenses of the other Contracting Party.

Article 33
Place of Arbitration

The arbitration shall be held in a country agreed by the disputing parties. If the disputing parties fail to reach an agreement, the Tribunal shall determine the place in a country that is a party to the New York Convention.