A Tribunal may also award costs including attorney's fees in accordance with the applicable arbitration rules.

2. Subject to paragraph 1, when a claim under subparagraph 2(b) of Article 27 is submitted:

(a) an award of restitution of property shall provide that restitution be made to the enterprise; and

(b) an award of monetary damages and any applicable interest shall provide that the sum be paid to the enterprise.

3. A Tribunal may not award punitive damages.

Article 40
Finality and Enforcement of the Award

1. The award rendered in accordance with Article 39 shall be final and binding upon the disputing parties in respect of the particular case. The disputing Party shall carry out as soon as possible the provisions of the award and provide in its Area for the enforcement of the award in accordance with its relevant laws and regulations.

2. If the disputing Party fails to abide by or comply with an award, upon a request of the Contracting Party other than the disputing Party, an arbitration board in conformity with Article 24 may be established. The requesting Party may seek in such proceedings:

(a) a determination that the failure to abide by or comply with the final award is inconsistent with the obligations of this Agreement; and

(b) a recommendation to the disputing Party to abide by or comply with the award.

3. A disputing party may seek enforcement of an arbitration award under the ICSID Convention or the New York Convention regardless of whether the proceedings under paragraph 2 have been taken.

Article 41
Services of Documents

Consultations and negotiations referred to in Article 26 shall be requested and the notices and other documents relating to arbitration under this Chapter shall be given to the following competent authorities of the disputing Party:

(a) in case of Japan, Ministry of Foreign Affairs or the entity in lieu of or replacing the aforementioned; and

(b) in case of the Republic of Colombia, Directorate of Investment and Services of the Ministry of Trade, Industry and Tourism or the entity in lieu of or replacing the aforementioned.

CHAPTER V
Final Provisions

Article 42
Headings

The headings of the Chapters and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

Article 43
Application and Entry into Force

1. The Governments of the Contracting Parties shall notify each other, through diplomatic channels, of the completion of their respective internal procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force on the thirtieth day after the latter of the dates of receipt of the notifications. It shall remain in force for a period of ten years after its entry into force and shall continue in force unless terminated as provided for in paragraph 3.

2. This Agreement shall apply to all investments of investors of either Contracting Party established, acquired, or expanded in the Area of the other Contracting Party in accordance with the applicable laws and regulations of that other Contracting Party, regardless of when such investments are established, acquired or expanded.

3. A Contracting Party may, by giving one year's advance notice in writing to the other Contracting Party, terminate this Agreement at the end of the initial ten year period or at any time thereafter.

4. In respect of investments established, acquired, or expanded prior to the date of termination of this Agreement, the provisions of this Agreement shall continue to be effective for a period of ten years from the said date.·