

## **ANNEX VI**

**REFERRED TO IN ARTICLE 31**

**CONSTITUTION AND FUNCTIONING  
OF THE ARBITRAL TRIBUNAL**

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#### CONSTITUTION AND FUNCTIONING OF THE ARBITRAL TRIBUNAL

1. In its written notification made pursuant to Article 31 of this Agreement, the Party referring the dispute to arbitration shall designate one member, who may be its national.
2. Within thirty days from the receipt of the notification referred to in paragraph 1, the Party to which it was addressed shall, in turn, designate one member, who may be its national.
3. Within sixty days from the receipt of the notification referred to in paragraph 1, the two members already designated shall agree on the designation of a third member who shall be confirmed by the Parties to the dispute within 15 days. The third member shall not be a national of either Party to the dispute, nor permanently reside on the territory of either Party. The member thus appointed shall be the President of the arbitral tribunal.
4. If all three members have not been designated or appointed within sixty days from the receipt of the notification referred to in paragraph 1, the necessary designations shall be made, at request of either Party to the dispute, by the President of the International Court of Justice. If the President is unable to act under this paragraph or is a national of a Party to the dispute, the designations shall devolve on the Vice-President of the Court. If the latter, in turn, is unable to act or is a national of a Party to the dispute, the designations shall be effected by the next senior member of the Court who is neither unable to act nor a national of a Party.
5. The Optional Rules for Arbitrating disputes between two States of the Permanent Court of Arbitration (PCA), effective 20 October 1992, shall apply to supplement provisions of these Articles. The Joint Committee may adopt supplemental provisions to ensure the smooth functioning of these rules, in particular to clarify the inter-relationship between these rules and the PCA Optional Rules.
6. The tribunal shall take its decisions by majority vote.
7. A Party that is not a disputing Party, on delivery of a written notice to the disputing parties, shall be entitled to make written submissions to the tribunal, to receive written submissions of the disputing parties and if such procedures are applied by the tribunal attend all hearings and make oral submissions

8. The arbitral award shall be rendered within six months of the date at which the President of the Tribunal was appointed. At the request of the tribunal the Joint Committee may grant an extension of this time period up to six additional months. In the event of a dispute over the meaning and scope of the award, any Party to the dispute can, within 60 days from the communication of the arbitral award, ask for clarification by the tribunal. The tribunal shall deliver its clarification within 60 days from the day the issue was brought before it.

9. The expenses of the Tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares.

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