



# ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

## ΤΟΥ ΒΑΣΙΛΕΙΟΥ ΤΗΣ ΕΛΛΑΔΟΣ

ΕΝ ΑΘΗΝΑΙΣ  
ΤΗ<sup>η</sup> 11 ΝΟΕΜΒΡΙΟΥ 1968

ΤΕΥΧΟΣ ΠΡΩΤΟΝ

ΑΡΙΘΜΟΣ ΦΥΛΛΟΥ  
**263**

### ΑΝΑΓΚΑΣΤΙΚΟΣ ΝΟΜΟΣ ΥΠ' ΑΡΙΘ. 608

Περὶ κυρώσεως τῆς συμβάσεως «διὰ τὴν ρύθμισιν τῶν σχετιζομένων πρὸς τὰς ἐπενδύσις διαφορῶν μεταξὺ Κρατῶν καὶ ὑπηκόων ἄλλων Κρατῶν».

### ΚΩΝΣΤΑΝΤΙΝΟΣ ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ

Προτάσει τοῦ 'Ημετέρου Υπουργικοῦ Συμβουλίου ἀπεφασίσαμεν καὶ διατάσσομεν :

'Αρθρον μόνον.

1. Κυροῦται καὶ ἔχει ἴσχυν νόμου ἡ Συμφωνία «Περὶ ρύθμισεως τῶν σχετιζομένων πρὸς τὰς ἐπενδύσεις διαφορῶν, μεταξὺ Κρατῶν καὶ ὑπηκόων ἄλλων Κρατῶν» ὑπογραφεῖσα ὑπὸ ἐκπροσώπου τῆς 'Ελληνικῆς Κυβερνήσεως τὴν 16 Μαρτίου 1966 ἐν Οὐασιγκτώνι τῶν 'Ηνωμένων Πολιτειῶν, ἵς τὸ κείμενον ἔπειται ἐν 'Αγγλικῷ πρωτοτύπῳ καὶ 'Ελληνικῇ μεταφράσει.

2. 'Η δαπάνη διὰ τὴν ἐτησίαν εἰσφορὰν καὶ λοιπὰ ἔξοδα βαρύνει τὸν προυπολογισμὸν τοῦ 'Υπουργείου Συντονισμοῦ.

3. 'Η ἴσχυς τοῦ παρόντος ἀρχεται ἀπὸ τῆς δημοσιεύσεως του εἰς τὴν 'Εφημερίδα τῆς Κυβερνήσεως.

'Ἐν Ἀθήναις τῇ 11 Νοεμβρίου 1968

'Ἐν Ὁρόματι τοῦ Βασιλέως

Ο ΑΝΤΙΒΑΣΙΛΕΥΣ  
ΓΕΩΡΓΙΟΣ ΖΩΪΤΑΚΗΣ

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ

Ο ΠΡΟΕΔΡΟΣ

**Γ. ΠΑΠΑΔΟΠΟΥΛΟΣ**

Ο ΑΝΤΙΠΡΟΕΔΡΟΣ Α'  
**ΣΤΥΛ. ΠΑΤΤΑΚΟΣ**

Ο ΑΝΤΙΠΡΟΕΔΡΟΣ Β'  
**ΔΗΜ. ΠΑΤΙΛΗΣ**

ΤΑ ΜΕΛΗ

Ν. ΜΑΚΑΡΕΖΟΣ, ΙΩΑΝ. ΡΟΔΙΝΟΣ - ΟΡΛΑΝΔΟΣ, ΗΑ. Γ. ΚΤΡΙΑΚΟΠΟΤΛΟΣ, ΠΑΝΑΓ. ΤΖΕΒΕΛΕΚΟΣ, ΘΕΟΦ. ΠΑΠΑΚΩΝΣΤΑΝΤΙΝΟΥ, ΑΔΑΜ. ΑΝΔΡΟΤΤΣΟΠΟΤΛΟΣ, ΕΠΑΜ. ΤΣΕΛΛΟΣ, ΚΩΝΣΤ. ΚΤΠΡΑΙΟΣ, ΚΩΝΣΤ. ΠΑΠΑΔΗΜΗΤΡΙΟΤ, ΑΛΕΞ. ΜΑΤΘΑΙΟΤ, ΛΟΤΚ. ΠΑΤΡΑΣ, ΙΩΑΝ. ΧΟΛΕΒΑΣ, Γ. ΤΣΙΣΤΟΠΟΤΛΟΣ, ΗΑ. ΔΗΜΗΤΡΑΣ.

'Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

'Ἐν Ἀθήναις τῇ 11 Νοεμβρίου 1968

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ  
**ΗΑ. Γ. ΚΥΡΙΑΚΟΠΟΥΛΟΣ**

CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES BETWEEN STATES AND NATIONALS OF OTHER STATES

### PREAMBLE

#### The Contracting States

Considering the need for international cooperation for economic development, and the role of private international investment therein;

Bearing in mind the possibility that from time to time disputes may arise in connection with such investment between Contracting States and nationals of other Contracting States;

Recognizing that while such disputes would usually be subject to national legal processes, international methods of settlement may be appropriate in certain cases;

Attaching particular importance to the availability of facilities for international conciliation or arbitration to which Contracting States and nationals of other Contracting States may submit such disputes if they so desire;

Desiring to establish such facilities under the auspices of the International Bank for Reconstruction and Development;

Recognizing that mutual consent by the parties to submit such disputes to conciliation or to arbitration through such facilities constitutes a binding agreement which requires in particular that due consideration be given to any recommendation of conciliators, and that any arbitral award be complied with; and

Declaring that no Contracting State shall by the mere fact of its ratification, acceptance or approval of this Convention and without its consent be deemed to be under any obligation to submit any particular dispute to conciliation or arbitration.

Have agreed as follows:

### CHAPTER I.

International Centre for Settlement of Investment Disputes

#### SECTION 1.

Establishment and Organization

##### Article 1.

1. There is hereby established the International Centre for Settlement of Investment Disputes (hereinafter called the Centre).

2. The purpose of the Centre shall be to provide facilities for conciliation and arbitration of investment disputes between Contracting States and nationals of other Contracting States in accordance with the provisions of this Convention.

#### Article 2.

The seat of the Centre shall be at the principal office of the International Bank for Reconstruction and Development (hereinafter called the Bank). The seat may be moved to another place by decision of the Administrative Council adopted by a majority of two-thirds of its members.

#### Article 3.

The Centre shall have an Administrative Council and a Secretariat and shall maintain a Panel of Conciliators and a Panel of Arbitrators.

### SECTION 2

#### The Administrative Council

##### Article 4.

1. The Administrative Council shall be composed of one representative of each Contracting State. An alternate may act as representative in case of his principal's absence from a meeting or inability to act.

2. In the absence of a contrary designation, each governor and alternate governor of the Bank appointed by a Contracting State shall be ex officio its representative and its alternate respectively.

##### Article 5.

The President of the Bank shall be ex officio Chairman of the Administrative Council (hereinafter called the Chairman) but shall have no vote. During his absence or inability to act and during any vacancy in the office of President of the Bank, the person for the time being acting as president shall act as Chairman of the Administrative Council.

##### Article 6.

1. Without prejudice to the powers and functions vested in it by other provisions of this Convention, the Administrative Council shall

a) adopt the administrative and financial regulations of the Centre;

b) adopt the rules of procedure for the institution of conciliation and arbitration proceedings;

c) adopt the rules of procedure for conciliation and arbitration proceedings (hereinafter called the Conciliation Rules and the Arbitration Rules);

d) approve arrangements with the Bank for the use of the Bank's administrative facilities and services;

e) determine the conditions of service of the Secretary - General and of any Deputy Secretary-General;

f) adopt the annual budget of revenues and expenditures of the Centre;

g) approve the annual report on the operation of the Centre.

The decisions referred to in sub-paragraphs (a), (b), (c) and (f) above shall be adopted by a majority of two-thirds of the members of the Administrative Council.

2. The Administrative Council may appoint such committees as it considers necessary.

3. The Administrative Council shall also exercise such other powers and perform such other functions as it shall determine to be necessary for the implementation of the provisions of this Convention.

##### Article 7.

1. The Administrative Council shall hold an annual meeting and such other meetings as may be determined by the Council, or convened by the Chairman, or convened by the Secretary - General at the request of not less than five members of the Council.

2. Each member of the Administrative Council shall have one vote and, except as otherwise herein provided, all matters before the Council shall be decided by a majority of the votes cast.

3. A quorum for any meeting of the Administrative Council shall be a majority of its members.

4. The Administrative Council may establish, by a majority of two-thirds of its members, a procedure whereby the Chairman may seek a vote of the Council without convening a meeting of the Council. The vote shall be considered valid only if the majority of the members of the Council cast their votes within the time limit fixed by the said procedure.

##### Article 8.

Members of the Administrative Council and the Chairman shall serve without remuneration from the Centre.

### SECTION 3

#### The Secretariat

##### Article 9.

The Secretariat shall consist of a Secretary-General, one or more Deputy Secretaries-General and staff.

##### Article 10.

1. The Secretary-General and any Deputy Secretary-General shall be elected by the Administrative Council by a majority of two-thirds of its members upon the nomination of the Chairman for a term of service not exceeding six years and shall be eligible for re-election. After consulting the members of the Administrative Council, the Chairman shall propose one or more candidates for each such office.

2. The offices of Secretary-General and Deputy Secretary-General shall be incompatible with the exercise of any political function. Neither the Secretary-General nor any Deputy Secretary-General may hold any other employment or engage in any other occupation except with the approval of the Administrative Council.

3. During the Secretary-General's absence or inability to act, and during any vacancy of the office of Secretary-General, the Deputy Secretary-General shall act as Secretary-General. If there/ shall be more than one Deputy Secretary-General, the Administrative Council shall determine in advance the order in which they shall act as Secretary-General.

##### Article 11.

The Secretary-General shall be the legal representative and the principal officer of the Centre and shall be responsible for its administration, including the appointment of staff, in accordance with the provisions of this Convention and the rules adopted by the Administrative Council. He shall perform the function of registrar and shall have the power to authenticate arbitral awards rendered pursuant to this Convention, and to certify copies thereof.

### SECTION 4

#### The Panels

##### Article 12.

The Panel of Conciliators and the Panel of Arbitrators shall each consist of qualified persons, designa-

ted as hereinafter provided, who are willing to serve thereon.

#### Article 13.

1. Each Contracting State may designate to each Panel four persons who may but need not be its nationals.

2. The Chairman may designate ten persons to each Panel. The persons so designated to a Panel shall each have a different nationality.

#### Article 14

1. Persons designated to serve on the Panels shall be persons of high moral character and recognized competence in the fields of law, commerce, industry or finance, who may be relied upon to exercise independent judgement. Competence in the field of law shall be of particular importance in the case of persons on the Panel of Arbitrators.

2. The Chairman, in designating persons to serve on the Panels, shall in addition pay due regard to the importance of assuring representation on the Panels of the principal legal systems of the world and of the main forms of economic activity.

#### Article 15

1. Panel members shall serve for renewable periods of six years.

2. In case of death or resignation of a member of a Panel, the authority which designated the member shall have the right to designate another person to serve for the remainder of that member's term.

3. Panel members shall continue in office until their successors have been designated.

#### Article 16

1. A person may serve on both Panels.

2. If a person shall have designated to serve on the same Panel by more than one Contracting State, or by one or more Contracting States and the Chairman, he shall be deemed to have been designated by the authority which first designated him or, if one such authority is the State of which he is a national, by that State.

3. All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.

### SECTION 5

#### Financing the Centre

##### Article 17

If the expenditure of the Centre cannot be met out of charges for the use of its facilities, or out of other receipts, the excess shall be borne by Contracting States which are members of the Bank in proportion to their respective subscriptions to the capital stock of the Bank, and by Contracting States which are not members of the Bank in accordance with rules adopted by the Administrative Council.

### SECTION 6

#### Status, Immunities and Privileges

##### Article 18

The Centre shall have full international legal personality. The legal capacity of the Centre shall include the capacity:

- a) to contract;
- b) to acquire and dispose of movable and immovable property;
- c) to institute legal proceedings.

#### Article 19

To enable the Centre to fulfil its functions, it shall enjoy in the territories of each Contracting State the immunities and privileges set forth in this Section.

##### Article 20

The Centre, its property and assets shall enjoy immunity from all legal process, except when the Centre waives this immunity.

##### Article 21

The Chairman, the members of the Administrative Council, persons acting as conciliators or arbitrators or members of a Committee appointed pursuant to paragraph (3) of Article 52, and the officers and employees of the Secretariat.

a) shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Centre waives this immunity;

b) not being local nationals, shall enjoy the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to the representatives, officials and employees of comparable rank of other Contracting States.

##### Article 22

The provisions of Article 21 shall apply to persons appearing in proceedings under this Convention as parties, agents, counsel, advocates, witnesses or experts; provided, however, that sub-paragraph (b) thereof shall apply only in connection with their travel to and from, and their stay at, the place where the proceedings are held.

##### Article 23.

1. The archives of the Centre shall be inviolable, wherever they may be.

2. With regard to its official communications, the Centre shall be accorded by each Contracting State treatment not less favourable than that accorded to other international organizations.

##### Article 24.

1. The Centre, its assets, property and income, and its operations and transactions authorized by this Convention shall be exempt from all taxation and customs duties. The Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties.

2. Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Centre to the Chairman or members of the Administrative Council, or on or in respect of salaries, expense allowances or other emoluments paid by the Centre to officials or employees of the Secretariat.

3. No tax shall be levied on or in respect of fees or expense allowances received by persons acting as conciliators, or arbitrators, or members of a Committee appointed pursuant to paragraph (3) of Article 52, in proceedings under this Convention, if the sole jurisdictional basis for such tax is the location of the Centre or the place where such proceedings are conducted or the place where such fees or allowances are paid.

### CHAPTER II

#### Jurisdiction of the Centre

##### Article 25.

1. The jurisdiction of the Centre shall extend to any legal dispute arising directly out of an investment,

between a Contracting State (or any constituent subdivision or agency of a Contracting State designated to the Centre by that State) and a national of another Contracting State, which the parties to the dispute consent in writing to submit to the Centre. When the parties have given their consent, no party may withdraw its consent unilaterally.

2. «National of another Contracting State» means:  
a) any natural person who had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration as well as on the date on which the request was registered pursuant to paragraph (3) of Article 28 or paragraph (3) of Article 36, but does not include any person who on either date also had the nationality of the Contracting State party to the dispute; and

b) any juridical person which had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration and any juridical person which had the nationality of the Contracting State party to the dispute on that date and which, because of foreign control, the parties have agreed should be treated as a national of another Contracting State for the purposes of this Convention.

3. Consent by a constituent subdivision or agency of a Contracting State shall require the approval of that State unless that State notifies the Centre that no such approval is required.

4. Any Contracting State may, at the time of ratification, acceptance or approval of this Convention or at any time thereafter, notify the Centre of the class or classes of disputes which it would or would not consider submitting to the jurisdiction, of the Centre. The Secretary-General shall forthwith transmit such notification to all Contracting States. Such notification shall not constitute the consent required by paragraph (1).

#### Article 26.

Consent of the parties to arbitration under this Convention shall, unless otherwise stated, be deemed consent to such arbitration to the exclusion of any other remedy. A Contracting State may require the exhaustion of local administrative or judicial remedies as a condition of its consent to arbitration under this Convention.

#### Article 27.

1. No Contracting State shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its nationals and another Contracting State shall have consented to submit or shall have submitted to arbitration under this Convention, unless such other Contracting State shall have failed to abide by and comply with the award rendered in such dispute.

2. Diplomatic protection, for the purposes of paragraph (1), shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.

### CHAPTER III

#### Conciliation.

##### SECTION 1.

###### Request for Conciliation.

###### Article 28.

1. Any Contracting State or any national of a Contracting State wishing to institute conciliation proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

2. The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to conciliation in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

3. The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

#### SECTION 2.

##### Constitution of the Conciliation Commission.

###### Article 29.

1. The Conciliation Commission (hereinafter called the Commission) shall be constituted as soon as possible after registration of a request pursuant to Article 28.

2. (a) The Commission shall consist of a sole conciliator or any uneven number of conciliators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of conciliators and the method of their appointment, the Commission shall consist of three conciliators, one conciliator appointed by each party and the third, who shall be the president of the Commission, appointed by agreement of the parties.

###### Article 30.

If the Commission shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 28, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the conciliator or conciliators not yet appointed.

###### Article 31.

1. Conciliators may be appointed from outside the Panel of Conciliators, except on the case of appointments by the Chairman pursuant to Article 30.

2. Conciliators appointed from outside the Panel of Conciliators shall possess the qualities stated in paragraph (1) of Article 14.

#### SECTION 3

##### Conciliation Proceedings

###### Article 32.

1. The Commission shall be the judge of its own competence.

2. Any objection by a party to the dispute that dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Commission, shall be considered by the Commission which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute

###### Article 33.

Any conciliation proceeding shall be conducted in accordance with the provisions of this Section and, except as the parties otherwise agree, in accordance with the Conciliation Rules in effect on the date on which the parties consented to conciliation. If any question of procedure arises which is not covered by this Section or the Conciliation Rules or any rules agreed by the parties, the Commission shall decide the question.

**Article 34.**

1. It shall be the duty of the Commission to clarify the issues in dispute between the parties and to endeavor to bring about agreement between them upon mutually acceptable terms. To that end, the Commission may at any stage of the proceedings and from time to time recommend terms of settlement to the parties. The parties shall cooperate in good faith with the Commission in order to enable the Commission to carry out its functions, and shall give their most serious consideration to its recommendations.

2. If the parties reach agreement, the Commission shall draw up a report noting the issues in dispute and recording that the parties have reached agreement. If, at any stage of the proceedings, it appears to the Commission that there is no likelihood of agreement between the parties, it shall close the proceedings and shall draw up a report noting the submission of the dispute and recording the failure of the parties to reach agreement. If one party fails to appear or participate in the proceedings, the Commission shall close the proceedings and shall draw up a report noting that party's failure to appear or participate.

**Article 35.**

Except as the parties to the dispute shall otherwise agree neither party to a conciliation proceeding shall be entitled in any other proceeding, whether before arbitrators or in a court of law or otherwise, to invoke or rely on any views expressed or statements or admissions or offers of settlement made by the other party in the conciliation proceedings, or the report or any recommendations made by the Commission.

**CHAPTER IV****Arbitration****SECTION 1****Request for Arbitration****Article 36.**

1. Any Contracting State or any national of a Contracting State wishing to institute arbitration proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

2. The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to arbitration in accordance with the rules of procedure for the institution of conciliation and arbitration proceeding.

3. The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

**SECTION 2****Constitution of the Tribunal****Article 37.**

1. The Arbitral Tribunal (hereinafter called the Tribunal) shall be constituted as soon as possible after registration of a request pursuant to Article 36.

2. a ) The Tribunal shall consist of a sole arbitrator or any uneven number of arbitrators appointed as the parties shall agree.

b ) Where the parties do not agree upon the number of arbitrators and the method of their appointment, the Tribunal shall consist of three arbitrators, one arbitrator appointed by each party and the third, who shall

be the president of the Tribunal, appointed by agreement of the parties.

**Article 38.**

If the Tribunal shall not have been constituted within 90 days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 36, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the arbitrator or arbitrators not yet appointed. Arbitrators appointed by the Chairman pursuant to this Article shall not be nationals of the Contracting State party to the dispute or of the Contracting State whose national is a party to the dispute.

**Article 39.**

The majority of the arbitrators shall be nationals of States other than the Contracting State party to the dispute and the Contracting State whose national is a party to the dispute; provided, however, that the foregoing provisions of this Article shall not apply if the sole arbitrator or each individual member of the Tribunal has been appointed by agreement of the parties.

**Article 40.**

1. Arbitrators may be appointed from outside the Panel of Arbitrators, except in the case of appointments by the Chairman pursuant to Article 38.

2. Arbitrators appointed from outside the Panel of Arbitrators shall possess the qualities stated in paragraph 1 of Article 14.

**SECTION 3.****Powers and Functions of the Tribunal****Article 41.**

1. The Tribunal shall be the judge of its own competence.

2. Any objection by a party to the dispute that that disputes is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Tribunal, shall be considered by the Tribunal which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

**Article 42.**

1. The Tribunal shall decide a dispute in accordance with such rules of law as may be agreed by the parties. In the absence of such agreement, the Tribunal shall apply the law of the Contracting State party to the dispute (including its rules on the conflict of laws) and such rules of international law as may be applicable.

2. The Tribunal may not bring in a finding of non liqued on the ground of silence or obscurity of the law.

3. The provisions of paragraphs (1) and (2) shall not prejudice the power of the Tribunal to decide a dispute *ex aequo et bono* if the parties so agree.

**Article 43.**

Except as the parties otherwise agree, the Tribunal may, if it deems it necessary at any stage of the proceedings,

a) call upon the parties to produce documents or other evidence, and

b) visit the scene connected with the dispute, and conduct such inquiries there as it may deem appropriate.

**Article 44.**

Any arbitration proceeding shall be conducted in accordance with the provisions of this Section and, except as the parties otherwise agree, in accordance with the Arbitration Rules in effect on the date on which the parties consented to arbitration. If any question of

procedure arises which is not covered by this Section or the Arbitration Rules or any rules agreed by the parties the Tribunal shall decide the question.

#### Article 45.

1. Failure of a party to appear or to present his case shall not be deemed an admission of the other party's assertions.

2. If a party fails to appear or to present his case at any stage of the proceedings the other party may request the Tribunal to deal with the questions submitted to it and to render an award. Before rendering an award, the Tribunal shall notify, and grant a period of grace to, the party failing to appear or to present its case, unless it is satisfied that that party does not intend to do so.

#### Article 46.

Except as the parties otherwise agree, the Tribunal shall, if requested by a party, determine any incidental or additional claims or counter-claims arising directly out of the subject-matter of the dispute provided that they are within the scope of the consent of the parties and are otherwise within the scope of the consent of the parties and are within the jurisdiction of the Centre.

#### Article 47.

Except as the parties otherwise agree, the Tribunal may, if it considers that the circumstances so require, recommend any provisional measures which should be taken to preserve the respective rights of either party.

### SECTION 4.

#### The Award

##### Article 48.

1. The Tribunal shall decide questions by a majority of the votes of all its members.

2. The award of the Tribunal shall be in writing and shall be signed by the members of the Tribunal who voted for it.

3. The award shall deal with every question submitted to the Tribunal, and shall state the reasons upon which it is based.

4. Any member of the Tribunal may attach his individual opinion to the award, whether he dissents from the majority or not, or a statement of his dissent.

5. The Centre shall not publish the award without the consent of the parties.

##### Article 49.

1. The Secretary-General shall promptly dispatch certified copies of the award to the parties. The award shall be deemed to have been rendered on the date on which the certified copies were dispatched.

2. The Tribunal upon the request of a party made within 45 days after the date on which the award was rendered may after notice to the other party decide any question which it had omitted to decide in the award, and shall rectify any clerical, arithmetical or similar error in the award. Its decision shall become part of the award and shall be notified to the parties in the same manner as the award. The periods of time provided for under paragraph (2) of Article 51 and paragraph (2) of Article 52 shall run from the date on which the decision was rendered.

### SECTION 5

#### Interpretation, Revision and Annulment of the Award

##### Article 50.

1. If any dispute shall arise between the parties as to the meaning or scope of an award, either party may re-

quest interpretation of the award by an application in writing addressed to the Secretary-General.

2. The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision.

##### Article 51.

1. Either party may request revision of the award by an application in writing addressed to the Secretary-General on the ground of discovery of some fact of such a nature as decisively to affect the award, provided that when the award was rendered that fact was unknown to the Tribunal and to the applicant and that the applicant's ignorance of that fact was not due to negligence.

2. The application shall be made within 90 days after the discovery of such fact and in any event within three years after the date on which the award was rendered.

3. The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with Section 2 of this Chapter.

3. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Tribunal rules on such request.

##### Article 52.

1. Either party may request annulment of the award by an application in writing addressed to the Secretary-General on one or more of the following grounds:

a) that the Tribunal was not properly constituted;

b) that the Tribunal has manifestly exceeded its powers;

c) that there was corruption on the part of a member of the Tribunal;

d) that there has been a serious departure from a fundamental rule of procedure; or

e) that the award has failed to state the reasons on which it is based.

2. The application shall be made within 120 days after the date on which the award was rendered except that when annulment is requested on the ground of corruption such application shall be made within 120 days after discovery of the corruption and in any event within three years after the date on which the award was rendered.

3. On receipt of the request the Chairman shall forthwith appoint from the Panel of Arbitrators an ad hoc Committee of three persons. None of the members of the Committee shall have been a member of the Tribunal which rendered the award, shall be of the same nationality as any such member, shall be a national of the State party to the dispute or of the State whose national is a party to the dispute, shall have been designated to the Panel of Arbitrators by either of those States, or shall have acted as a conciliator in the same dispute. The Committee shall have the authority to annul the award or any part thereof on any of the grounds set forth in paragraph (1).

4. The provisions of Articles 41-45, 48, 49, 53 and 54, and of Chapters VI and VII shall apply mutatis mutandis to proceedings before the Committee.

5. The Committee may, if it considers that the circumstances so require, stay enforcement of the award

pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Committee rules on such request.

6. If the award is annulled the dispute shall, at the request of either party, be submitted to a new Tribunal constituted in accordance with Section 2 of this Chapter.

## SECTION 6

### Recognition and Enforcement of the Award

#### Article 53.

1. The award shall be binding on the parties and shall not be subject to any appeal or to any other remedy except those provided for in this Convention. Each party shall abide by and comply with the terms of the award except to the extent that enforcement shall have been stayed pursuant to the relevant provisions of this Convention.

2. For the purpose of this Section, «award» shall include any decision interpreting, revising or annuling such award pursuant to Articles 50, 51 or 52.

#### Article 54.

1. Each Contracting State shall recognize an award rendered pursuant to this Convention as binding and enforce the pecuniary obligations imposed by that award within its territories as if it were a final judgement of a court in that State. A Contracting State with a federal constitution may enforce such an award in or through its federal courts and may provide that such courts shall treat the award as if it were a final judgement of the courts of a constituent state.

2. A party seeking recognition or enforcement in the territories of a Contracting State shall furnish to a competent court or other authority which such State shall have designated for this purpose a copy of the award certified by the Secretary-General. Each Contracting State shall notify the Secretary-General of the designation of the competent court or other authority for this purpose and of any subsequent change in such designation.

3. Execution of the award shall be governed by the laws concerning the execution of judgments in force in the State in whose territories such execution is sought.

#### Article 55.

Nothing in Article 54 shall be construed as derogating from the law in force in any Contracting State relating to immunity of that State or of any foreign State from execution.

## CHAPTER V.

### Replacement and Disqualification of Conciliators and Arbitrators.

#### Article 56.

1. After a Commission or a Tribunal has been constituted and proceedings have begun, its composition shall remain unchanged; provided, however, that if a conciliator or an arbitrator should die, become incapacitated, or resign, the resulting vacancy shall be filled in accordance with the provisions of Section 2 of Chapter III or Section 2 of Chapter IV.

2. A member of a Commission or Tribunal shall continue to serve in that capacity notwithstanding that he shall have ceased to be a member of the Panel.

3. If a conciliator or arbitrator appointed by a party shall have resigned without the consent of the Commission or Tribunal of which he was a member, the Chairman shall appoint a person from the appropriate Panel to fill the resulting vacancy.

#### Article 57.

A party may propose to a Commission or Tribunal the disqualification of any of its members on account of any fact indicating a manifest lack of the qualities required by paragraph (1) of Article 14. A party to arbitration proceedings may, in addition, propose the disqualification of an arbitrator on the ground that he was ineligible for appointment to the Tribunal under Section 2 of Chapter IV.

#### Article 58.

The decision on any proposal to disqualify a conciliator or arbitrator shall be taken by the other members of the Commission or Tribunal as the case may be, provided that where those members are equally divided, or in the case of a proposal to disqualify a sole conciliator or arbitrator, or a majority of the conciliators or arbitrators, the Chairman shall take that decision. If it is decided that the proposal is well-founded the conciliator or arbitrator to whom the decision relates shall be replaced in accordance with the provisions of Section 2 of Chapter III or Section 2 of Chapter IV.

## CHAPTER VI

### Cost of Proceedings

#### Article 59.

The charges payable by the parties for the use of the facilities of the Centre shall be determined by the Secretary-General in accordance with the regulations adopted by the Administrative Council.

#### Article 60.

1. Each Commission and each Tribunal shall determine the fees and expenses of its members within limits established from time to time by the Administrative Council and after consultation with the Secretary-General.

2. Nothing in paragraph (1) of this Article shall preclude the parties from agreeing in advance with the Commission or Tribunal concerned upon the fees and expenses of its members.

#### Article 61.

1. In the case of conciliation proceedings the fees and expenses of members of the Commission as well as the charges for the use of the facilities of the Centre, shall be borne equally by the parties. Each party shall bear any other expenses it incurs in connection with the proceedings.

2. In the case of arbitration proceedings the Tribunal shall, except as the parties otherwise agree, assess the expenses incurred by the parties in connection with the proceedings, and shall decide how and by whom those expenses, the fees and expenses of the members of the Tribunal and the charges for the use of the facilities of the Centre shall be paid. Such decision shall form part of the award.

## CHAPTER VII

### Place of Proceedings

#### Article 62.

Conciliation and arbitration proceedings shall be held at the seat of the Centre except as hereinafter provided.

#### Article 63.

Conciliation and arbitration proceedings may be held, if the parties so agree,

a) at the seat of the Permanent Court of Arbitration or of any other appropriate institution whether

private or public, with which the Centre may make arrangements for that purpose; or  
 b) at any other place approved by the Commission or Tribunal after consultation with the Secretary-General.

### CHAPTER VIII

#### Disputes between Contracting States

##### Article 64.

Any dispute arising between Contracting States concerning the interpretation or application of this Convention which is not settled by negotiation shall be referred to the International Court of Justice by the application of any party to such dispute, unless the States concerned agree to another method of settlement.

### CHAPTER IX

#### Amendment

##### Article 65.

Any Contracting State may propose amendment of this Convention. The text of a proposed amendment shall be communicated to the Secretary-General not less than 90 days prior to the meeting of the Administrative Council at which such amendment is to be considered and shall forthwith be transmitted by him to all the members of the Administrative Council.

##### Article 66.

1. If the Administrative Council shall so decide by a majority of two-thirds of its members, the proposed amendment shall be circulated to all Contracting States for ratification, acceptance or approval. Each amendment shall enter into force 30 days after dispatch by the depositary of this Convention of a notification to Contracting States that all Contracting States have ratified, accepted or approved the amendment.

2. No amendment shall affect the rights and obligations under this Convention of any Contracting State or of any of its constituent subdivisions or agencies, or of any national of such State arising out of consent to the jurisdiction of the Centre given before the date of entry into force of the amendment.

### CHAPTER X

#### Final Provisions

##### Article 67.

This Convention shall be open for signature on behalf of States members of the Bank. It shall also be open for signature on behalf of any other State which is a party to the Statute of the International Court of Justice and which the Administrative Council, by a vote of two-thirds of its members, shall have invited to sign the Convention.

##### Article 68.

1. This Convention shall be subject to ratification, acceptance or approval by the signatory States in accordance with their respective constitutional procedures.

2. This Convention shall enter into force 30 days after the date of deposit of the twentieth instrument of ratification, acceptance or approval. It shall enter into force for each State which subsequently deposits its instrument of ratification, acceptance or approval 30 days after the date of such deposit.

##### Article 69.

Each Contracting State shall take such legislative or other measures as may be necessary for making the provisions of this Convention effective in its territories.

##### Article 70.

This Convention shall apply to all territories for whose international relations a Contracting State is responsible, except those which are excluded by such

State by written notice to the depositary of this Convention either at the time of ratification, acceptance or approval or subsequently.

##### Article 71.

Any Contracting State may denounce this Convention by written notice to the depositary of this Convention. The denunciation shall take effect six months after receipt of such notice.

##### Article 72.

Notice by a Contracting State pursuant to Articles 70 or 71 shall not affect the rights or obligations under this Convention of that State or of any of its constituent subdivisions or agencies or of any national of that State arising out of consent to the jurisdiction of the Centre given by one of them before such notice was received by the depositary.

##### Article 73.

Instruments of ratification, acceptance or approval of this Convention and of amendments thereto shall be deposited with the Bank which shall act as the depositary of this Convention. The depositary shall transmit certified copies of this Convention to States members of the Bank and to any other State invited to sign the Convention.

##### Article 74.

The depositary shall register this Convention with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

##### Article 75.

The depositary shall notify all signatory States of the following:

- a) signatures in accordance with Article 67;
- b) deposits of instruments of ratification, acceptance and approval in accordance with Article 73;
- c) the date on which this Convention enters into force in accordance with Article 68;
- d) exclusions from territorial application pursuant to Article 70;
- e) the date on which any amendment of this Convention enters into force in accordance with Article 66; and
- f) denunciations in accordance with Article 71.

DONE at Washington in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention.

### ΣΥΜΦΩΝΙΑ

ΠΕΡΙ ΔΙΑΚΑΝΟΝΙΣΜΟΥ ΔΙΑΦΟΡΩΝ ΕΞ ΕΠΕΝΔΥΣΕΩΝ ΜΕΤΑΕΥ ΚΡΑΤΩΝ ΚΑΙ ΥΠΗΚΟΩΝ ΕΤΕΡΩΝ ΚΡΑΤΩΝ

### ΠΡΟΟΙΜΙΟΝ

#### Τὰ Συμβαλλόμενα Κράτη

Λα βό τα ὑπ' ὅψει τὴν ἀνάγκην, διεθνοῦς συνεργασίας χάριν τῆς οἰκονομικῆς ἀναπτύξεως, ὡς καὶ τὴν συμβολὴν εἰς αὐτήν τῶν διεθνῶν ιδιωτικῶν ἐπενδύσεων.

'Ἐκ κινοῦ τα ἀπὸ τῆς σχέψεως ὅτι κατὰ πᾶσαν ἐποχὴν δύνανται ν' ἀνακύψουν διαφοραὶ ἐκ τοιούτων ἐπενδύσεων μεταξὺ Συμβαλλομένων Κρατῶν καὶ ὑπηκόων ἔτερων συμβαλλομένων Κρατῶν.

'Αν α γνωρίζοντα ὅτι ἐνώ αἱ τοιαῦται διαφοραὶ δέον κανονικῶς ν' ἀποτελῶσι τὸ ἀντικείμενον προσφυγῶν εἰς

τάς έθνικάς διαδικασίας, δυνατόν είναι είς τινας περιπτώσεις νά ένδεικνυται ή έφαρμογή διεθνῶν τρόπων διακανονισμοῦ αὐτῶν.

Α πο δίδοντα ιδιαίτερα σημασίαν είς την διάπλασιν δργανισμῶν διεθνούς συμφιλιώσεως η διαιτησίας είς τους όποιους τὰ συμβαλλόμενα Κράτη καὶ οἱ υπήκοοι ἑτέρων συμβαλλομένων Κρατῶν θὰ ἡδύναντο νά ὑποβάλλουν τὰς μεταξύ των διαφοράς, ἐφ' ὅσον ἐπιθυμοῦν τοῦτο.

Ἐπιθυμοῦν ταῖς διαφοράς, ἐφ' ὅσον ἐπιθυμοῦν τοῦτο.

Ἐπιθυμοῦν ταῖς διαφοράς, ἐφ' ὅσον ἐπιθυμοῦν τοῦτο.

Αν αγνωρίζοντα διαιτησίας συγκατάθεσις τῶν ἐνδιαιτηρομένων μερῶν δπως ὑποβάλλουν τὰς τοιαύτας διαφοράς είς συμφιλίωσιν η διαιτησίαν προσφεύγοντα ἐνώπιον τῶν ἀνωτέρω δργανισμῶν ἀποτελεῖ δεσμευτικὴν συμφωνίαν ἀπαιτοῦσαν ἵδικ δπως λαμβάνηται δεόντως ὑπ' ὅψει οἰαδήποτε σύστασις τῶν συμφιλιωτῶν καὶ δπως ἔκτεληται οἰαδήποτε διαιτητικὴ ἀπόφασις, καὶ

Δηλοῦντα διαιτητικὸν Κράτος δύναται νά θεωρηθῇ ὡς ὑπέχον ὑποχρέωσιν τινα ὑποβολῆς συγκεκριμένης τινος διαιφορᾶς είς συμφιλίωσιν η διαιτησίαν, ἐκ μόνου τοῦ γεγονότος τῆς ὑπ' αὐτοῦ κυρώσεως, ἀποδοχῆς η ἐγκρίσεως τῆς παρούσης Συμφωνίας, ἐφ' ὅσον δὲν συναινεῖ είς τοῦτο.

Συνεφώνησαν τὰ ἐπόμενα :

## ΚΕΦΑΛΑΙΟΝ Ι.

Διεθνὲς Κέντρον Διακανονισμοῦ τῶν Διαφορῶν ἐξ Ἐδενδύσεων.

### ΤΜΗΜΑ I "Ιδρυσις καὶ Ὀργάνωσις

"Αρθρον 1.

1. Διὰ τῆς παρούσης ἰδρύεται Διεθνὲς Κέντρον διὰ τὸν Διακανονισμὸν τῶν Διαφορῶν ἐξ Ἐδενδύσεων (ἐφεξῆς καλούμενον «τὸ Κέντρον»).

2. Σκοπὸς τοῦ Κέντρου θὰ είναι η παροχὴ μέσων πρὸς συμφιλίωσιν καὶ διαιτησίαν ἐπὶ τῶν διαιφορῶν ἐξ ἐπενδύσεων μεταξύ συμβαλλομένων Κρατῶν καὶ ὑπηκόων ἑτέρων συμβαλλομένων Κρατῶν, συμφωνῶς πρὸς τὰς διαιτάξεις τῆς παρούσης Συμφωνίας.

"Αρθρον 2.

Ἐδρα τοῦ Κέντρου είναι η τῆς Τραπέζης Ἀνασυγκροτήσεως καὶ Ἀναπτύξεως (ἐφεξῆς καλούμενης «ἡ Τράπεζα»). Ή ἐδρα δύναται νά μετενεχθῇ εἰς ἕτερον τόπον διὰ προφάσεως τοῦ Διοικητικοῦ Συμβουλίου λαμβανομένης διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ.

"Αρθρον 3.

Τὸ Κέντρον ἔχει Διοικητικὸν Συμβούλιον καὶ Γραμματείαν καὶ τηρεῖ παρ' αὐτῷ Πίνακα Συμφιλιωτῶν καὶ Πίνακα Διαιτητῶν.

### ΤΜΗΜΑ 2.

#### Τὸ Διοικητικὸν Συμβούλιον

"Αρθρον 4.

1. Τὸ Διοικητικὸν Συμβούλιον περιλαμβάνει ἀνὰ ἓνα ἐκπρόσωπον ἑκάστου συμβαλλομένου Κράτους. Εἰς ἀναπληρωτῆς δύναται νά ἀσκῇ τὰ καθήκοντα ἐκπροσώπου ἐν περιπτώσει ἀπουσίας τοῦ τιτλούχου ἐκ τινος συνεδριάσεως η ἀνικανότητός του δπως ἐκπληρώσῃ τὰ καθήκοντα αὐτοῦ.

2. Ἐλλείψει ἀντιμέτου ὑποδείξεως, ὁ διοικητής καὶ ἀναπληρωτής διοικητής τῆς Τραπέζης, οἱ διωρισμένοι ὑπὸ Συμβαλλομένου Κράτους, ἐκπληροῦσιν αὐτοδικαίως τὰ ἀντίστοιχα καθήκοντα τοῦ ἐκπροσώπου καὶ τοῦ ἀναπληρωτοῦ.

"Αρθρον 5.

Ο Πρόεδρος τῆς Τραπέζης είναι αὐτοδικαίως Πρόεδρος τοῦ Διοικητικοῦ Συμβουλίου (ἐφεξῆς καλούμενος «ὁ Πρόεδρος») στερούμενος δμας ψήφου. Εν ἀπουσίᾳ η κωλύματι αὐτοῦ η ἐν περιπτώσει κενώσεως τῆς Προεδρίας τῆς Τραπέζης, τὸ ἀσκοῦν προσωρινῶς παρὰ τῇ Τραπέζῃ τὰ καθήκοντα Προεδρού πρόσωπον, ἀσκεῖ καὶ τὰ τοῦ Προεδρού τοῦ Διοικητικοῦ Συμβουλίου.

"Αρθρον 6.

1. Τηρουμένων τῶν λοιπῶν διαιτάξεων τῆς παρούσης συμβάσεως περὶ τῶν εἰς τὸ Διοικητικὸν Συμβούλιον, ἀνατιθέμενων ἔξουσιῶν τοῦτο :

α) Ἀποδέχεται τὸν διοικητικὸν καὶ οἰκονομικὸν κανονισμὸν τοῦ Κέντρου.

β) Ἀποδέχεται τὸν διοικητικὸν κανονισμὸν εἰσαγωγῆς τῶν αἰτήσεων συμφιλιώσεως καὶ διαιτησίας.

γ) Ἀποδέχεται τοὺς διοικητικοὺς κανονισμοὺς ἐκδικάσεως τῶν αἰτήσεων συμφιλιώσεως καὶ διαιτησίας (ἐφεξῆς καλούμενος : Κανονισμὸς Συμφιλιώσεως καὶ Κανονισμὸς Διαιτησίας).

δ) Ἐγκρίνει πᾶσαν ρύθμισιν ἀπὸ συμφώνου μετὰ τῆς Τραπέζης ἀφορῶσαν τὴν χρησιμοποίησιν τῶν ἐγκαταστάσεων καὶ τῶν διοικητικῶν ὑπηρεσιῶν τῆς Τραπέζης.

ε) Καθορίζει τοὺς δρους ὑπὸ τοὺς διοίκους διοικητικούς Γραμματείας Πρόσθετοι Γενικοὶ Γραμματεῖς παρέχουν τὰς ὑπηρεσίας αὐτῶν.

στ) Ἀποδέχεται τὸν ἐτήσιον προϋπολογισμὸν ἐσόδων καὶ δαπανῶν τοῦ Κέντρου.

ζ) Ἐγκρίνει τὴν ἐτησίαν ἔκθεσιν ἐπὶ τῶν πεπραγμένων τοῦ Κέντρου.

Αἱ εἰς τὰ ἐδάφια ὑπὸ στοιχεῖα (α), (β), (γ) καὶ (στ) ἀναφέρομεναι ἀποφάσεις λαμβάνονται διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν τοῦ Διοικητικοῦ Συμβουλίου.

2. Τὸ Διοικητικὸν Συμβούλιον δύναται νὰ συγκροτῇ πᾶσαν κατὰ τὴν κρίσιν αὐτοῦ ἀναγκαίαν ἐπιτροπήν.

3. Τὸ Διοικητικὸν Συμβούλιον ἀσκεῖ ὥσαύτως πᾶσαν ἄλλην ἔξουσίαν η ἐπιχειρεῖ πᾶσαν ἄλλην πρᾶξιν κατὰ τὴν κρίσιν αὐτοῦ ἀναγκαίαν διὰ τὴν ἐφαρμογὴν τῶν διαιτάξεων τῆς παρούσης Συμβάσεως.

"Αρθρον 7.

1. Τὸ Διοικητικὸν Συμβούλιον συνέρχεται ἀπαξ κατ' ἔτος η διάκις ηθελεν ἀποφασισθῇ ὑπὸ αὐτοῦ τοῦ ὕδιου η ηθελε συγκληθῇ ὑπὸ τοῦ Προέδρου η τοῦ Γενικοῦ Γραμματέως αὐτοῦ κατόπιν αἰτήσεως πέντε τούλαχιστον μελῶν τοῦ Συμβουλίου.

2. Εκαστον μέλος τοῦ Διοικητικοῦ Συμβουλίου δικαιούται μιᾶς ψήφου, ἔξαιρουμενων δὲ τῶν προβλεπομένων ὑπὸ τῆς παρούσης περιπτώσεων, τὸ Συμβούλιον ἀποφασίζει ἐφ' ὅλων τῶν ὑποβαλλομένων αὐτῷ θεμάτων διὰ πλειοψηφίας τῶν δοθεισῶν ψήφων.

3. Απαιτουμένη ἀπαρτία καθ' οίονδήποτε συνεδρίασιν τοῦ Διοικητικοῦ Συμβουλίου, είναι τὸ ημίσυ πλέον ἐνὸς τῶν μελῶν αὐτοῦ.

4. Διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ τὸ Διοικητικὸν Συμβούλιον δύναται ν' ἀποδεχθῇ διαιτησίαν ἔξουσιοδοτοῦσαν τὸν Πρόεδρον νὰ ἐπιδιώξῃ τὴν ψήφον τοῦ Συμβουλίου χωρὶς νὰ συγκαλέσῃ συνεδρίασιν αὐτοῦ. Τότε μόνον θεωρεῖται η ψηφοφορία ἴσχυρα, δταν η πλειοψηφία τῶν μελῶν τοῦ Συμβουλίου μετάσχη αὐτῆς ἐντὸς τῶν ὑπὸ τῆς εἰρημένης διαιτησίας τασσομένων προθεσμιῶν.

"Αρθρον 8.

Τὰ μέλη τοῦ Διοικητικοῦ Συμβουλίου καὶ ὁ Πρόεδρος προσφέρουν τὰς ὑπηρεσίας αὐτῶν ἀνεύ ἀμοιβῆς τινὸς ἐκ μέρους τοῦ Κέντρου.

### ΤΜΗΜΑ 3

#### Η Γραμματεία

"Αρθρον 9.

Η Γραμματεία ἀποτελεῖται ἐξ ἐνὸς Γενικοῦ Γραμματέως ἐνὸς η πλείστων Αναπληρωτῶν Γενικοῦ Γραμματέως καὶ τοῦ Προσωπικοῦ.

"Αρθρον 10.

1. Ο Γενικὸς Γραμματέως καὶ οἱ Αναπληριταὶ Γενικοῦ Γραμματέως ἔκλεγονται ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου τῇ προτάσει τοῦ Προέδρου διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ, διὰ χρονικὴν περίοδον θητείας μὴ ὑπερβαίνουσαν τὰ ἔξ ἔτη, είναι δὲ ἐπανεκλέξιμοι. Κατόπιν διαβούλευσεως μετὰ τῶν μελῶν τοῦ Διοικητικοῦ Συμβουλίου, ὁ Πρόεδρος προτείνει ἔνα η περισσοτέρους ὑποψηφίους δι' ἔκαστον τῶν ἀνωτέρω ἀξιωμάτων.

2. Αἱ θέσεις τοῦ Γενικοῦ Γραμματέως καὶ τοῦ Ἀναπληρωτοῦ Γενικοῦ Γραμματέως εἰναι ἀσυμβίβαστοι πρὸς τὴν ἀσκησιν οἰουδήποτε πολιτικοῦ λειτουργήματος. Ὑπὸ τὴν ἐπιφύλαξιν παροχῆς εἰδικῆς ἐγχρίσεως ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου δὲ Γενικὸς Γραμματέως καὶ οἱ ἀναπληρωταὶ Γενικοῦ Γραμματέως δὲν δύναται νὰ κατέχωσιν ἔτεραν θέσιν ἢ ν' ἀσκῶσιν οἰουδήποτε ἐπάγγελμα.

Ἐν περιπτώσει ἀπονοσίας ἢ καλούματος τοῦ Γενικοῦ Γραμματέως ἢ κενώσεως τῆς θέσεως αὐτοῦ, δὲ Ἀναπληρωτῆς Γενικοῦ Γραμματέως ἀσκεῖ τὰ καθήκοντα αὐτοῦ. Ὑπαρχόντων πλειόνων τοῦ ἑνὸς Ἀναπληρωτῶν Γενικοῦ Γραμματέως, τὸ Διοικητικὸν Συμβούλιον καθορίζει ἐκ τῶν προτέρων τὴν σειρὰν ἀσκήσεως ὑπ' αὐτῶν τῶν καθηκόντων τοῦ Γενικοῦ Γραμματέως.

"Ἀρθρον 11

Ο Γενικὸς Γραμματέως εἰναι ὁ νόμιμος ἐκπρόσωπος καὶ ὁ προϊστάμενος τοῦ Κέντρου, εὐθυνόμενος διὰ τὴν διοικησιν αὐτοῦ συμπεριλαμβανομένου καὶ τοῦ διορισμοῦ τοῦ προσωπικοῦ, συμφώνως πρὸς τὰς διατάξεις τῆς παρούσης συμφωνίας καὶ τοὺς παραδεδεγμένους ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου κανόνος. Ἐκτελεῖ τὰ καθήκοντα ἀρχειοφύλακος, κέκτηται δὲ τὴν ἔξουσίαν τῆς ἐπικυρώσεως τῶν διαιτητικῶν ἀποφάσεων τῶν ἐκδιδομένων κατὰ τὰς διατάξεις τῆς παρούσης Συμφωνίας ὡς καὶ τῆς πιστοποιήσεως τῆς γνησιότητος τῶν ἀντιγράφων αὐτῶν.

ΤΜΗΜΑ 4

Περὶ τῶν Πινάκων

"Ἀρθρον 12

Ο Πίναξ τῶν συμφιλιωτῶν καὶ δὲ Πίναξ τῶν διαιτητῶν συντίθενται ἔκαστος ἐκ προσώπων ἔχοντων τὰ κατάλληλα προσόντα, διορίζομένων κατὰ τὰς διατάξεις τῆς παρούσης, ἀποδεχομένων δὲ νὰ προσφέρουν τὰς ὑπηρεσίας αὐτῶν.

"Ἀρθρον 13

1. "Ἐκαστον Συμβαλλόμενον Κράτος δικαιοῦται νὰ ὑποδείξῃ δι' ἔκαστον πίνακα τέσσαρα πρόσωπα τὰ ὅποια δύνανται μὲν νὰ εἰναι ὑπήκοοι αὐτοῦ, οὐχὶ ὅμως κατ' ἀνάγκην.

2. Ο Πρόεδρος δύναται νὰ ὑποδείξῃ δέκα πρόσωπα δι' ἔκαστον Πινάκα. Γὰ υπὲτω ὑποδεικνυόμενα εἰς ἔνα πίνακα πρόσωπα, δέον νὰ ἔχουν πάντα διάφορον ὑπηκούτητα.

"Ἀρθρον 14

1. Τὰ ὑποδεικνυόμενα πρὸς ἀναγραφὴν εἰς τοὺς πίνακας πρόσωπα, δέον ν' ἀπολαύουν ὑψηλῆς ἡθικῆς ὑπολήψεως νὰ εἰναι ἀνεγνωρισμένης ἱκανότητος εἰς τοὺς τομεῖς τοῦ δικαίου, τοῦ ἐμπορίου, τῆς βιομηχανίας ἢ τῶν οἰκονομικῶν καὶ νὰ παρέχουν πᾶσαν ἐγγύησιν ἀνεξαρτησίας ἐν τῇ ἀσκήσει τοῦ λειτουργήματος αὐτῶν. Η ἀρμοδιότητας αὐτῶν εἰς τὸν τομέα τοῦ δικαίου, ἔχει ἰδιαιτέραν σημασίαν προκειμένου περὶ προσώπου ὑποδεικνυόμενου εἰς τὸν πίνακα διαιτητῶν.

2. Ο Πρόεδρος, κατὰ τὰς ὑπὸ αὐτοῦ ὑποδείξεις προσώπων εἰς τοὺς πινάκας, λαμβάνει ἐπὶ πλεόν ὑπ' ὅψει τὴν σημασίαν ἥν ἔχει ἡ ἐκπροσώπησις εἰς τοὺς πινάκας τῶν κυριωτέρων νομοθετικῶν συστημάτων τοῦ κόσμου, ὡς καὶ τῶν κυριωτέρων τομέων τῆς οἰκονομικῆς δραστηριότητος.

"Ἀρθρον 15.

1. Αἱ ὑποδείξεις προσώπων διὰ τοὺς πινάκας ἴσχουν δι' ἔξατεῖς χρονικὰς περιόδους δυναμένας ν' ἀνανεωθοῦν.

2. Ἐν περιπτώσει θανάτου ἢ παραιτήσεως προσώπου τίνος ἀναγεγραμμένου εἰς τινὰ τῶν πινάκων, ἢ διορίσασα τὸ πρόσωπον τοῦτο ἀρχὴν οὐ δικαιοῦται ὅπως ὑποδείξῃ τὸν ἀναπληρωτὴν αὐτοῦ διὰ τὸν ἀπομένοντα χρόνον τῆς ἐντολῆς.

3. Πρόσωπα περιληφθέντα εἰς τοὺς πινάκας παραμένουν ἀναγεγραμμένα εἰς αὐτοὺς μέχρις ὑποδείξεως τοῦ διαδόχου αὐτῶν.

"Ἀρθρον 16

1. "Ἐν καὶ τὸ αὐτὸ πρόσωπον δύναται ν' ἀναγράφηται εἰς ἀμφοτέρους τοὺς πινάκας.

2. Πρόσωπον ὑποδεικνυόμενον δι' ἔνα καὶ τὸν αὐτὸν

πίνακα ὑπὸ πλειόνων τοῦ ἑνὸς συμβαλλομένων Κρατῶν ἢ ὑφ' ἑνὸς ἢ πλειόνων Συμβαλλομένων Κρατῶν καὶ ὑπὸ τοῦ Προέδρου, θεωρεῖται ὑποδειχθὲν ὑπὸ τῆς ἀρχῆς ἡτοι πρώτη ὑπόδειξεν αὐτό. Κατὰ πᾶσαν περίπτωσιν, ἐὰν τὸ πρόσωπον τοῦτο εἰναι ὑπήκοος τινὸς τῶν μετασχόντων εἰς τὴν ὑπόδειξιν Κράτους, θεωρεῖται ὑποδειχθὲν ὑπὸ τοῦ Κράτους τούτου.

3. Πᾶσαι αἱ ὑποδείξεις γνωστοποιοῦνται εἰς τὸν Γενικὸν Γραμματέα ἵσχουν δὲ ἀπὸ τῆς λήψεως τῆς γνωστοποίησεως.

ΤΜΗΜΑ Ε

Χρηματοδότησις τοῦ Κέντρου

"Ἀρθρον 17

Ἐὰν αἱ δαπάναι λειτουργίας τοῦ Κέντρου δὲν δύναται νὰ καλυφθοῦν ἐκ τῶν καταβαλλομένων αὐτῷ τελῶν λόγῳ χρησιμοποιήσεως τῶν προσφερομένων ὑπ' αὐτοῦ ὑπηρεσιῶν ἢ ἔξ αλλων πόρων, τὸ ὑπερβάλλον ποσὸν καλύπτεται παρὰ τῶν Συμβαλλομένων Κρατῶν τὰ ὅποια εἰναι μέλη τῆς Τραπέζης κατ' ἀναλογίαν τῶν ἀντιστοίχων μεριδίων αὐτῶν εἰς τὸ Κεφάλαιον τῆς Τραπέζης, παρὰ δὲ τῶν Συμβαλλομένων Κρατῶν τὰ ὅποια δὲν εἰναι μέλη τῆς Τραπέζης, συμφώνως πρὸς τοὺς ὑπὸ τοῦ Διοικητοῦ Συμβουλίου ψηφιζομένους κανονισμούς.

ΤΜΗΜΑ 6

Καθεστώς, Ἀσυλίαι καὶ Πρόνομοια

"Ἀρθρον 18

Τὸ Κέντρον κέκτηται πλήρη νομικὴν προσωπικότητα τοῦ διεθνοῦς δικαίου ἔχον πλὴν ἄλλων, τὴν ἱκανότητα:

α) τοῦ συμβάλλεσθαι.

β) τῆς κτήσεως καὶ διαθέσεως κινητῶν καὶ ἀκινήτων πραγμάτων.

γ) τοῦ παρίστασθαι ἐπὶ δικαστηρίου.

"Ἀρθρον 19

Τὸ Κέντρον, χάριν τῆς ἀσκήσεως τῆς λειτουργίας αὐτοῦ, ἀπολαύει τῶν ἀστοιῶν καὶ προνομίων εἰς τὸ ἔδαφος ἔκάστου Συμβαλλομένου Κράτους, τῶν ὁρίζομένων ἐν τῷ παρόντι τμήματι τῆς Συμφωνίας.

"Ἀρθρον 20

Τὸ Κέντρον, τὰ περιουσιακὰ στοιχεῖα καὶ τὸ ἐνεργητικὸν αὐτοῦ δὲν δύνανται ν' ἀποτελέσουν ἀντικείμενον δικαστικῆς ἐνεργείας πλὴν τῆς περιπτώσεως παραιτήσεως τοῦ Κέντρου ὑπὸ τῆς ἀσυλίας ταύτης.

"Ἀρθρον 21

Ο Πρόεδρος, τὰ μέλη τοῦ Διοικητικοῦ Συμβουλίου, πρόσωπα ἐνεργοῦντα ὡς συμφιλιωταὶ ἢ διαιτηταὶ ἢ ὡς μέλη τῆς ἐν παραγράφῳ (3) τοῦ ἀρθρου 52 προβλεπομένης ἐπιτροπῆς, ὡς ἐπίσης οἱ λειτουργοὶ καὶ ὑπάλληλοι τῆς Γραμματείας: (α) δὲν δύνανται νὰ διωχθοῦν διὰ πράξεις αὐτῶν τελεσθεῖσας ἐν τῇ ἐνασκήσει τῶν καθηκόντων αὐτῶν, πλὴν ἐν περιπτώσει ἀρσεως τῆς ἀσυλίας ταύτης ὑπὸ τοῦ Κέντρου. (β) μὴ ὄντες ὑπήκοοι τοῦ εἰς δ ἀσκοῦσι τὰ καθήκοντα αὐτῶν κράτους, θέλουσιν ἀπολαύει τῶν αὐτῶν ἀπαλλαγῶν ἀπὸ τῶν περιορισμῶν εἰσδοχῆς εἰς τὴν χώραν, ἀπὸ τῆς καταγραφῆς των ὡς ἀλλοδαπῶν, ἀπὸ στρατιωτικῶν ὑποχρεώσεων ἢ ἀναλόγων παροχῶν ὡς καὶ τῶν αὐτῶν διευκολύνσεων ὡς πρὸς τὸ συνάλλαγμα καὶ τὰς μετακινήσεις πρὸς ἔκείνας αἴτινες παρέχονται ὑπὸ τῶν Συμβαλλομένων Κρατῶν εἰς τοὺς ἐκπροσώπους, τοὺς λειτουργούς καὶ τοὺς ὑπαλλήλους ἀναλόγου βαθμοῦ ἄλλων συμβαλλομένων Κρατῶν.

"Ἀρθρον 22

Αἱ διατάξεις τοῦ ἀρθρου 21 ἔχουσιν ἐφαρμογὴν ἐπὶ πρόσωπων μετεχόντων τῶν δικῶν αἴτινες ἀποτελοῦσιν ἀντικείμενον τῆς παρούσης Συμφωνίας ὑπὸ τὰς ἰδιότητας διαδίκων, ἀντιπροσώπων, συμβούλων, δικηγόρων μαρτύρων ἢ ἐμπειρογνωμόνων, τῆς διαιτάξεως διμοις τοῦ ἀδαφίου (β) τοῦ εἰρημένου ἀρθρου 52 ἐφαρμοζομένης μόνον ἐπὶ τῶν μετακινήσεων αὐτῶν καὶ ἐπὶ τῆς διαινομῆς αὐτῶν ἐν ἡ χώρᾳ διεξάγεται ἡ διαδικασία.

## "Αρθρον 23

- Τὰ ἀρχεῖα τοῦ Κέντρου ὅπουδήποτε καὶ ἀν εὐρίσκωνται εἶναι ἀπαραβίαστα.
- "Ἐκαστον συμβαλλόμενον Κράτος παρέχει εἰς τὸ Κέντρον διὰ τὰς ἐπισήμους ἐπικοινωνίας αὐτοῦ μεταχειρίσιν ἐξ ἵσου εύνοικὴν πρὸς τὴν παρεχομένην ὑπ' αὐτοῦ εἰς τὰς λοιπὰς διεθνεῖς δργανώσεις.

## "Αρθρον 24.

- Τὸ Κέντρον, τὸ ἐνεργητικόν, τὰ περιουσιακὰ στοιχεῖα καὶ τὰ εἰσοδήματα αὐτοῦ, ὡς καὶ αἱ ἐπιτρεπόμεναι αὐτῷ ὑπὸ τῆς παρούσης Συμφωνίας συναλλαγὴν αὐτοῦ, ἀπαλλάσσονται παντὸς φόρου καὶ δασμοῦ. Τὸ Κέντρον ἀπαλλάσσεται ἐπίσης πάσης ὑποχρέωσεως εἰσπράξεως ἢ καταβολῆς οἰωνῶδήποτε φόρων καὶ δασμῶν:

2. Οὐδὲς φόρος ἐπιβάλλεται ἐπὶ τῶν ἀποζημιώσεων τῶν καταβαλλομένων ὑπὸ τοῦ Κέντρου εἰς τὸν Πρόεδρον ἢ τὰ μέλη τοῦ Διοικητικοῦ Συμβουλίου ἢ ἐπὶ τῶν μισθῶν, δικαιωμάτων καὶ λοιπῶν ἀποζημιώσεων τῶν καταβαλλομένων ὑπὸ τοῦ Κέντρου εἰς τοὺς λειτουργούς ἢ τοὺς ὑπαλλήλους τῆς Γραμματείας, πλὴν ἐὰν οἱ δικαιοῦχοι τυγχάνωσιν ὑπήκοοι τοῦ Κράτους ἔνθα ἀσκοῦσι τὰ καθήκοντα αὐτῶν.

3. Οὐδὲς φόρος ἐπιβάλλεται ἐπὶ τῶν ἀμοιβῶν τῶν ἀποζημιώσεων τῶν καταβαλλομένων εἰς πρόσωπα ἐνεργοῦντα ὑπὸ τὴν ἴδιοτητα τοῦ Συμφυλιατοῦ, διατητοῦ ἢ μέλους τῆς προβλεπομένης ὑπὸ τοῦ ἀρθροῦ 52 ἐδαφίου (3) Ἐπιτροπῆς κατὰ τὰς δίκας αἴτινες ἀποτελούσιν ἀντικείμενον τῆς παρούσης Συμφωνίας, ἐφ' ὅσον ὁ φόρος οὗτος ἔχει ὡς μόνην νομικὴν βάσιν τὸν τόπον ἔνθα ἐδρεύει τὸ Κέντρον ἢ τὸν τόπον ἔνθα διεξάγεται ἢ διαδικασία ἢ ἔκεινον ἔνθα καταβάλλονται αἱ εἰρημέναι ἀμοιβαὶ ἢ ἀποζημιώσεις.

## ΚΕΦΑΛΑΙΟΝ 11

### Δικαιοδοσία τοῦ Κέντρου

## "Αρθρον 25.

1. "Η δικαιοδοσία τοῦ Κέντρου ἔκτείνεται ἐπὶ πάσης διαφορᾶς νομικοῦ χαρακτῆρος ἀμέσως ἀνακυπτούσης ἐκ μιᾶς ἐπενδύσεως μεταξὺ ἐνὸς συμβαλλομένου Κράτους (ἢ μιᾶς κοινότητος δημοσίου δικαίου ἢ δργανισμοῦ ἐξηρτημένου παρὰ τοῦ Κράτους καὶ ὑπὸ αὐτοῦ ὑποδεικνυούμενων) καὶ ὑπηκόου ἔτερου συμβαλλομένου Κράτους καὶ τὴν ὅποιαν τὰ μέρη ἐγγράφως συνήνεσαν ὅπως ὑποβάλλωσιν εἰς τὸ Κέντρον. Δοθεῖσης τῆς συναινέσεως τῶν μερῶν, οὐδέτερον τούτων δύναται νὰ τὴν ἀνακαλέσῃ μονομερῶς.

2. "Υπήκοος ἔτερου Συμβαλλομένου Κράτους" σημαίνει :

α) Πᾶν φυσικὸν πρόσωπον ἔχον τὴν ὑπηκοότητα Συμβαλλομένου Κράτους, ἄλλου ἢ τοῦ Κράτους διαδίκου ἐν τῇ διαφορᾷ καθ' ὅν χρόνον τὰ μέρη συνήνεσαν ὅπως ὑποβάλλωσι τὴν διαφορὰν εἰς τὴν συμφιλίωσιν ἢ διατησίαν, ὡς καὶ κατὰ τὸν χρόνον τῆς καταχωρήσεως τῆς αἰτήσεως συμφώνων τῷ ἐδαφίῳ (3) τοῦ "Αρθροῦ 28 ἢ τῷ ἐδαφίῳ (3) τοῦ "Αρθροῦ 36, ἀποκλειομένου διμως παντὸς προσώπου τὸ ὅποιον καθ' οἰονδήποτε τῶν ἀνωτέρω χρονικῶν σημείων ἔχει ἐπίσης τὴν ὑπηκοότητα τοῦ Συμβαλλομένου Κράτους διαδίκου ἐν τῇ διαφορᾷ.

β) Πᾶν νομικὸν πρόσωπον ἔχον τὴν ὑπηκοότητα Συμβαλλομένου Κράτους, ἄλλου ἢ τοῦ Κράτους διαδίκου ἐν τῇ διαφορᾷ καθ' ὅν χρόνον τὰ μέρη συνήνεσαν ὅπως ὑποβάλλωσι τὴν διαφορὰν εἰς τὴν συμφιλίωσιν ἢ διατησίαν, ὡς καὶ πᾶν νομικὸν πρόσωπον τὸ ὅποιον κατὰ τὸν αὐτὸν χρόνον ἔχει τὴν ὑπηκοότητα τοῦ διαδίκου Συμβαλλομένου Κράτους καὶ τὸ ὅποιον συνεφώνησαν τὰ μέρη νὰ θεωρήσωσι, διὰ τοὺς σκοπούς τῆς παρούσης Συμφωνίας, ὡς ὑπήκοον ἔτερου Συμβαλλομένου Κράτους, λόγω τοῦ ἐπ' αὐτοῦ ἀσκουμένου ἐλέγχου ὑπὸ ξένων συμφερόντων.

3. "Η συναίνεσις ὑπὸ Κοινόνητος δημοσίου δικαίου ἢ δργανισμοῦ ἐξαρτωμένου παρ' ἐνὸς Συμβαλλομένου Κράτους δὲν δύναται νὰ παρασχεθῇ ἀνευ ἐγκρίσεως τοῦ εἰρημένου κράτους, πλὴν ἐὰν τοῦτο ὑποδείξῃ εἰς τὸ Κέντρον ὅτι δὲν τυγχάνει ἀναγκαία ἢ τοιαύτη ἐγκρίσεις του.

4. Κατὰ τὸν χρόνον τῆς κυρώσεως, ἀποδοχῆς ἢ ἐγκρί-

σεως τῆς παρούσης Συμφωνίας ἢ καὶ μεταγενεστέρως ὁποτεδήποτε, πᾶν Συμβαλλομένον Κράτος δύναται νὰ γνωστοποιήσῃ εἰς τὸ Κέντρον τὴν κατηγορίαν ἢ τὰς κατηγορίας διαφορῶν τῶν ὅποιων τὴν ὑποβολὴν ἢ μὴ εἰς τὴν δικαιοδοσίαν τοῦ Κέντρου ἥθελε θεωρήσει ὡς δυνατήν. "Η γνωστοποίησις αὕτη διαβιβάζεται ἀμέσως ὑπὸ τοῦ Γενικοῦ Γραμματέως εἰς ἀπαντὰ τὰ Συμβαλλομένα Κράτη. "Η τοιαύτη γνωστοποίησις δὲν συνιστᾶ τὴν ὑπὸ τοὺς δρους τοῦ ἐδαφίου (1) ἀπαιτουμένην συναίνεσιν.

## "Αρθρον 26.

"Η συναίνεσις τῶν διαδίκων μερῶν διὰ τὴν ὑποβολὴν εἰς διαιτησίαν κατὰ τὴν παρούσαν συμφωνίαν, θεωρεῖται ἐκτὸς ἀντιθέτου συμφωνίας, ὡς συνεπαγόμενη παραίτησιν ἀπὸ τῆς ἀσκήσεως οἰασθήσης ἀλληγραφῆς. "Ἐν συμβαλλομένον Κράτος δύναται νὰ ἀπαιτήσῃ ὡς δρον τῆς παρούσης τῆς συναινέσεως του πρὸς διαιτησίαν ἐν τῷ πλαισίῳ τῆς παρούσης Συμφωνίας, τὴν ἔξαντλησην τῶν ἐνωτερικῶν διοικητικῶν ἢ δικαστικῶν προσφυγῶν.

## "Αρθρον 27.

1. Οὐδὲν τῶν Συμβαλλομένων Κρατῶν δύναται νὰ παράσηῃ διπλωματικὴν προστασίαν ἢ νὰ προβάλῃ διεθνῶς ἀπαιτησιν ἐν σχέσει πρὸς μίαν διαφορὰν διὰ τὴν ὑποβολὴν τῆς ὅποιας εἰς διαιτησίαν συνήνεσαν εἰς τῶν ὑπηκόων αὐτοῦ καὶ ἔτερον Συμβαλλομένον Κράτος ἢ τὴν ὅποιαν ὑπέβαλον ἥδη εἰς τὴν διαιτησίαν κατὰ τὴν παρούσαν Συμφωνίαν, ἐκτὸς ἐὰν τὸ ἔτερον Συμβαλλομένον Κράτος δὲν συμμορφοῦται πρὸς τὴν ἔκδοθεῖταιν ἀπόφασιν τοῦ διαιτητικοῦ δικαστηρίου ἐπὶ τῆς διαφορᾶς.

2. "Η διπλωματικὴ προστασία ὑπὸ τὴν ἔννοιαν τῆς παραγράφου (1) δὲν περιλαμβάνει ἀνεπισήμους διπλωματικὰς συνεννόησεις πρὸς τὸν ἀποκλειστικὸν σκοπὸν τῆς διευκολύνσεως ρυθμίσεως τῆς διαφορᾶς.

## ΚΕΦΑΛΛΙΟΝ III

## Συμφιλίωσις

## ΤΜΗΜΑ I

## Αἰτησις Συμφιλιώσεως

## "Αρθρον 28.

1. "Ἐν Συμβαλλομένον Κράτος ἢ ὁ ὑπήκοος ἐνὸς Συμβαλλομένου Κράτους, διφείλει, ἐφ' ὅσον ἐπιθυμεῖ τὴν διεξαγωγὴν διαδικασίας συμβιβασμοῦ, ν' ἀπευθύνῃ ἐγγραφὸν αἰτησιν πρὸς τὴν σκοπὸν τοῦτον εἰς τὸν Γενικὸν Γραμματέα ὅστις ἀποστέλλει ἀντίγραφὸν αὐτῆς εἰς τὸ ἔτερον μέρος.

2. "Η αἰτησις δέον νὰ περιλαμβάνῃ πληροφορίας ἀφορῶσας τὸ ἀντικείμενον τῆς διαφορᾶς, τὴν ταύτητα τῶν διαδίκων, ὡς καὶ τὴν συναίνεσιν αὐτῶν διὰ τὴν ὑπαγωγὴν τῶν εἰς τὴν συμφιλίωσιν συμφώνων πρὸς τὸν κανονισμὸν τῆς διαδικασίας διὰ τὴν εἰσαγωγὴν τῶν δικῶν συμφιλιώσεως καὶ διαιτησίας.

3. "Ο Γενικὸς Γραμματεὺς ὑποχρεοῦται νὰ προβῇ εἰς τὴν καταχώρησιν τῆς αἰτήσεως, ἐκτὸς ἐὰν ἥθελε κρίνει βάσει τῶν παρεχομένων διὰ τὴν αἰτήσεως πληροφοριῶν ὅτι ἡ διαφορὰ κεῖται ἐκδήλωσις ἐκτὸς τῆς ἀρμοδιότητος τοῦ Κέντρου. Οὗτος ὑποχρεοῦται νὰ εἰδοποιήσῃ ἀμέσως τὰ διαδίκα καὶ μέρη περὶ τῆς καταχωρήσεως ἢ τῆς ἀρνήσεως καταχωρήσεως.

## ΤΜΗΜΑ 2

## Σύστασις τῆς Ἐπιτροπῆς Συμφιλιώσεως

## "Αρθρον 29.

1. "Η Ἐπιτροπὴ Συμφιλιώσεως (ἐφεξῆς καλούμενη "Η Ἐπιτροπή") συγκροτεῖται τὸ ταχύτερον δυνατὸν μετὰ τὴν καταχώρησιν τῆς αἰτήσεως συμφώνων πρὸς τὸ ἔρθρον 28.

2. (α) "Η Ἐπιτροπὴ ἀποτελεῖται ἐξ ἑνὸς μόνου συμφιλιώτου ἢ περιττοῦ τινὸς ἀριθμοῦ συμφιλιωτῶν διοριζομένων κατὰ τὴν συμφωνίαν τῶν μερῶν.

β) "Ἐν ἐλλείψει συμφωνίας μεταξὺ τῶν μερῶν ὡς πρὸς τὸν ἀριθμὸν τῶν συμφιλιωτῶν καὶ τὸν τρόπον τοῦ διορισμοῦ αὐτῶν. "Η Ἐπιτροπὴ συγκροτεῖται ἐκ τριῶν συμφιλιωτῶν, ἐκατέρου τῶν μερῶν διορίζοντος ἀνὰ ἕνα, τοῦ δὲ τρίτου τοῦ

Προεδρεύοντος τῆς Ἐπιτροπῆς, διορίζομένου διὰ συμφωνίας τῶν μερῶν.

"Αρθρον 30.

Ἐάν ἡ Ἐπιτροπὴ δὲν ἔθελε συστηθῆ ἐντὸς 90 ἡμερῶν ἀπὸ τῆς εἰδοποίησεως περὶ τῆς καταχωρήσεως τῆς αἰτήσεως ὑπὸ τοῦ Γενικοῦ Γραμματέως συμφώνως πρὸς τὸ ἐδάφιον (3) τοῦ ἀρθρου 28 ἡ ἐντὸς διαφόρου προθεσμίας συμπεφωνημένης ὑπὸ τῶν μερῶν, ὁ Πρόεδρος κατόπιν αἰτήσεως τοῦ ἐπιμελεστέρου τῶν μερῶν καὶ εἰ δυνατὸν κατόπιν διαβούλευσεως του μετ' ἀμφοτέρων προβαίνει εἰς τὸν διορισμὸν τῶν μὴ διωρισμένων εἰσέτι συμφιλιωτοῦ ἢ συμφιλιωτῶν.

"Αρθρον 31.

1. Οἱ συμφιλιωταὶ δύνανται νὰ ληφθῶσιν ἐκτὸς τοῦ Πίνακος τῶν συμφιλιωτῶν, πλὴν ἐν τῇ περιπτώσει διορισμοῦ ἐνεργουμένου ὑπὸ τοῦ Προέδρου τῇ προβλεπομένῃ ὑπὸ τοῦ ἀρθρου 30.

2. Συμφιλιωταὶ διοριζόμενοι ἐκτὸς τοῦ Πίνακος συμφιλιωτῶν δέον νὰ ἔχουν τὰ ἐδαφίω (1) τοῦ ἀρθρου 14 προβλεπόμενα προσόντα.

### ΤΜΗΜΑ 3

Διαδικασία ἐνώπιον τῆς Ἐπιτροπῆς

"Αρθρον 32.

1. Ἡ Ἐπιτροπὴ κρίνει περὶ τῆς ίδιας αὐτῆς ἀρμοδιότητος.

2. Πᾶσα ἔνστασις ἀναρμοδιότητος προβαλλομένη ὑπὸ τυνος τῶν μερῶν ἐπὶ τῷ λόγῳ ὅτι ἡ διαφορὰ δὲν ὑπάγεται εἰς τὴν ἀρμοδιότητα τοῦ Κέντρου εἴτε ὅτι δι' ἄλλους λόγους δὲν εἶναι τῆς ἀρμοδιότητος τῆς Ἐπιτροπῆς, δέον δπως ἔξετάζηται ὑπὸ τῆς Ἐπιτροπῆς ήτις καὶ ἀποφασίζει ἐὰν θὰ ἔδει νὰ ἐπιληφθῇ αὐτῆς ὡς προκαταρκτικοῦ θέματος ἡ ἔαν ἡ ἔξετάσις αὐτῆς θὰ ἔδει νὰ συνδεθῇ πρὸς τὴν τῶν οὐσιαστικῶν θεμάτων.

"Αρθρον 33.

Πᾶσα διαδικασία συμφιλιώσεως διεξάγεται συμφώνως πρὸς τὰς διατάξεις τοῦ παρόντος Τμήματος καὶ, πλὴν ἐναντίας συμφωνίας τῶν μερῶν συμφώνως πρὸς τὸν ἐν ἴσχυει κατὰ τὸν χρόνον τῆς συνανέσεως των διὰ τὴν συμφιλίωσιν Κανονισμὸν Συμφιλιώσεως, Ἐγειρομένου οἰουδήποτε δικονομικοῦ ζητήματος μὴ προβλεπομένου ὑπὸ τοῦ παρόντος Τμήματος ἡ τοῦ Κανονισμοῦ Συμφιλιώσεως ἡ οἰουδήποτε κανονισμὸν ἀποδεδεγμένου ὑπὸ τῶν μερῶν, ἀποφασίζει περὶ αὐτοῦ ἡ Ἐπιτροπή.

"Αρθρον 34.

1. Ἡ Ἐπιτροπὴ ἔχει τὴν ἀποσαφήνισιν τῶν ἀμφισθητουμένων θεμάτων τῆς μεταξὺ τῶν μερῶν διαφορᾶς, ὁφειλεῖ δὲ νὰ προσπαθήσῃ δπως δηγήσῃ ταῦτα πρὸς λύσεις ἀμοιβαίως ἀποδεκτάς. Ἐπὶ τῷ τέλει τούτῳ, ἡ Ἐπιτροπὴ δύναται καθ' οἰονδήποτε στάδιον τῆς διαδικασίας καὶ κατ' ἐπανάληψιν νὰ εἰσηγήται εἰς τὰ μέρη τοὺς δρους διακανονισμοῦ τῆς διαφορᾶς. Τὰ μέρη δέον νὰ συνεργάζωνται καλῇ τῇ πίστει μετὰ τῆς Ἐπιτροπῆς, ἵνα τῇ ἐπιτρέψουν τὴν ἐκπλήρωσιν τῶν καθηκόντων αὐτῆς, λαμβάνοντα σοβαρώτατα ὑπ' ὅψει τὰς ὑπ' αὐτῆς γινομένας συστάσεις.

2. Ἐάν τὰ μέρη καταλήξουν εἰς συμφωνίαν, ἡ Ἐπιτροπὴ συντάσσει Πρακτικὸν ἀναφέρον τὰ θέματα ἐπὶ τῶν δποίων ὑπῆρχεν ἀμφισβήτησις καὶ βεβαιοῦν τὸ γεγονός τῆς ἐπελθούσης συμφωνίας.

Ἐάν καθ' οἰονδήποτε στάδιον τῆς διαδικασίας ἡ Ἐπιτροπὴ κρίνει ὅτι δὲν ὑπάρχει δυνατότης ἐπιτεύξεως συμφωνίας μεταξὺ τῶν μερῶν, τερματίζει τὴν διαδικασίαν καὶ συντάσσει πρακτικὸν βεβαιοῦν τὴν ὑποβολὴν τῆς διαφορᾶς εἰς συμφιλίωσιν, ὡς καὶ τὸ γεγονός ὅτι τὰ μέρη δὲν κατέληξαν εἰς συμφωνίαν. Ἐάν ἐν τῶν μερῶν δὲν ἔθελεν ἐμφανισθῇ ἡ ἀπόσχη τῆς συμμετοχῆς εἰς τὴν διαδικασίαν, ἡ Ἐπιτροπὴ κλείει τὴν διαδικασίαν καὶ συντάσσει πρακτικὸν βεβαιοῦν ὅτι τὸ ἐν τῶν μερῶν δὲν προσῆλθεν ἡ ὅτι ἀπέσχε τῆς συμμετοχῆς εἰς τὴν διαδικασίαν.

"Αρθρον 35.

Ἐκτὸς ἀντιθέτου συμφωνίας τῶν μερῶν, οὐδὲν ἔξι αὐτῶν δύναται, ἐπ' εὐκαιρίᾳ ἄλλης τινὸς διαδικασίας διεξαγομένης

ἐνώπιον διαιτητῶν, ἡ τακτικοῦ δικαστηρίου τινος εἴτε κατ' ἄλλον τινὰ τρόπον νὰ ἐπικαλεσθῇ τὰς ἐκφρασθείσας γνώμας, τὰς δηλώσεις ἡ τὰς προτάσεις διακανονισμοῦ τὰς γενομένας ὑπὸ τοῦ ἐτέρου μέρους διαρκούσης τῆς διαδικασίας συμφιλιώσεως ἡ τὸ πρακτικὸν ἡ τὰς γενομένας ὑπὸ τῆς Ἐπιτροπῆς συστάσεις.

### ΚΕΦΑΛΑΙΟΝ IV

#### ΔΙΑΙΤΗΣΙΑ

##### ΤΜΗΜΑ I

Αἴτησις περὶ Διαιτησίας

"Αρθρον 36.

Ἐν συμβαλλόμενον Κράτους ἡ ὁ ὑπήκοος ἐνὸς συμβαλλόμενου Κράτους ἐὰν ἐπιθυμῇ νὰ προσφύγῃ εἰς διαιτησίαν ὁφειλεὶ ν' ἀπευθύνῃ πρὸς τὸν σκοπὸν τοῦτον ἔγγραφον αἴτησιν εἰς τὸν Γενικὸν Γραμματέα, ὁ δποῖος ἀποστέλλει ἀντίγραφον αὐτῆς εἰς τὸ ἔτερον μέρος.

2. Ἡ αἴτησις δέον νὰ περιλαμβάνῃ πληροφορίας περὶ τῶν θεμάτων τῆς διαιφορᾶς, τῆς ταυτότητος τῶν μερῶν καὶ περὶ τῆς συνανέσεως των δπως ὑπαχθῶσιν εἰς διαιτησίαν συμφωνίας πρὸς τὸν κανονισμὸν τῆς διαδικασίας διὰ τὴν εἰσαγωγὴν τῶν δικῶν συμφιλιώσεως καὶ διαιτησίας.

3. Ὁ Γενικὸς Γραμματεὺς ὑποχρεοῦται εἰς τὴν καταχώρησιν τῆς αἰτήσεως ἐκτὸς ἐὰν κρίνῃ βάσει τῶν πληροφοριῶν τῆς αἰτήσεως ὅτι διαιφορὰ ἐκδήλως κεῖται ἐκτὸς τῆς ἀρμοδιότητος τοῦ Κέντρου. Ὁ Γεν. Γραμματεὺς ὁφειλεὶ νὰ γνωστοποιήσῃ ἀμέσως εἰς τὰ μέρη τὴν καταχώρησιν τῆς αἰτήσεως ἡ τὴν ἀρνησιν τῆς καταχωρήσεως.

##### ΤΜΗΜΑ 2

Σύνθεσις τοῦ Δικαστηρίου

"Αρθρον 37.

1. Τὸ διαιτητικὸν Δικαστήριον (ἔφεζῆς καλούμενον «τὸ Δικαστήριον») συγκροτεῖται τὸ ταχύτερον δυνατὸν μετὰ τὴν καταχώρισιν τῆς αἰτήσεως κατὰ τὸ ἀρθρον 36.

2. (α) Τὸ Δικαστήριον ἀποτελεῖται ἔξι ἐνὸς μόνου διαιτητοῦ ἡ περιπτοῦ ἀριθμοῦ διαιτητῶν διοριζόμενων κατὰ τὴν συμφωνίαν τῶν μερῶν.

(β) Ἐν ἐλλειψει συμφωνίας τῶν μερῶν ὅσον ὀφορᾷ τὸν ἀριθμὸν τῶν διαιτητῶν καὶ τὸν τρόπον τοῦ διορισμοῦ των, τὸ Δικαστήριον συγκροτεῖται ἐκ τριῶν διαιτητῶν, ἐκατέρου τῶν μερῶν διορίζοντος ἀνὰ ἔνα τοῦ δὲ τρίτου, δστις καὶ Προεδρεύει τοῦ Δικαστηρίου, διοριζόμενον διὰ συμφωνίας τῶν μερῶν.

"Αρθρον 38.

Ἐάν τὸ Δικαστήριον δὲν ἔθελεν συγκροτηθῆ ἐντὸς 90 ἡμερῶν ἀπὸ τῆς ὑπὸ τοῦ Γεν. Γραμματέως ἀποστολῆς τῆς εἰδοποίησεως περὶ καταχωρήσεως τῆς αἰτήσεως συμφώνων πρὸς τὸ ἐδάφιον (3) τοῦ ἀρθρου 36, ἡ ἐντὸς διαφόρου τινος προθεσμίας συμπεφωνημένης ὑπὸ τῶν μερῶν, ὁ Πρόεδρος, κατόπιν αἰτήσεως τοῦ ἐπιμελεστέρου ἔξι αὐτῶν καὶ εἰ δυνατὸν κατόπιν διαβούλευσεως μετ' ἀμφοτέρων, προθαίνει εἰς τὸν διορισμὸν τοῦ διαιτητοῦ ἡ τῶν διαιτητῶν οἵτινες δὲν διωρίσθησαν εἰσέτι. Οἱ οἵτω διορίζομενοι ὑπὸ τοῦ Προέδρου διαιτηταὶ συμφώνων πρὸς τὰς διατάξεις τοῦ παρόντος ἀρθρου δέον νὰ μὴ εἶναι ὑπήκοοι τοῦ διαιτητικοῦ Κράτους ἡ τοῦ Συμβαλλόμενου Κράτους τοῦ δποίου ὑπήκοος εἶναι διάδικος ἐν τῇ διαφορᾷ.

"Αρθρον 39.

Οἱ συγκροτοῦντες τὴν πλειοψηφίαν διαιτηταὶ δέον νὰ εἶναι ὑπήκοοι ἄλλων Κρατῶν ἡ τοῦ διαιτητικοῦ Κράτους ἡ τοῦ συμβαλλόμενου Κράτους τοῦ δποίου ὁ ὑπήκοος εἶναι διάδικος καὶ εἰς τὴν διαφοράν, τῆς διαιτήσεως ταύτης μὴ ἔχουσης ἐφαρμογὴν ὁσάκις τὰ μέρη ἀπὸ κοινοῦ ὑποδεικνύονταν μέλος τοῦ Δικαστηρίου.

"Αρθρον 40.

1. Οἱ διαιτηταὶ δύνανται νὰ διορισθοῦν καὶ ἐκτὸς τοῦ Πίνακος Διαιτητῶν, πλὴν τῆς περιπτώσεως διορισμοῦ ὑπὸ τοῦ Προέδρου προβλεπομένου ὑπὸ τοῦ ἀρθρου 38.

2. Οἱ ἐκτὸς τοῦ Πίνακος διοριζόμενοι διαιτηγταὶ δέον νὰ ἔχουν τὰς ἐδαφίω (1) τοῦ ἀρθρου 14 προβλεπομένας ἰδιότητας.



χροτεῖται νέον Δικαστήριον συμφώνως τῷ Τμήματι 2 τοῦ παρόντος Κεφαλαίου.

4. Ἐὰν τὸ Δικαστήριον χρίνη τοῦτο ἐπιβαλλόμενον ὑπὸ τῶν περιστάσεων, δύναται ν' ἀναστείλῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως μέχρις οὐ τοῦτο ἀποφανθῇ ἐπὶ τῆς αἰτήσεως ἀναθεωρήσεως. Ἐὰν δὲ αἰτῶν τὴν ἀναθεώρησιν διάδικος αἰτήται τὴν ἀναστολὴν ἐκτελέσεως τῆς ἀποφάσεως, η̄ ἐκτέλεσις ἀναστέλλεται προσωρινῶς μέχρι οὐ τὸ Δικαστήριον ἀποφανθῇ ἐπὶ τῆς αἰτήσεως.

“Αρθρον 52.

1. Ἐκάτερον τῶν μερῶν δὲ ἔγγράφου αἰτήσεώς του ἀπευθυνομένης εἰς τὸν Γενικὸν Γραμματέα δύναται νὰ ζητήσῃ ἀκύρωσιν τῆς ἀποφάσεως δι' ἕνα οἰονδήποτε τῶν ἐπομένων λόγων.

α) ἔνεκα ἐλαττώματος περὶ τὴν σύνθεσιν τοῦ Δικαστηρίου

β) ἔνεκα καταδήλου ὑπερβάσεως τῆς ἔξουσίας τοῦ Δικαστηρίου

γ) ἔνεκα δωροδοκίας μέλους τοῦ Δικαστηρίου

δ) ἔνεκα βαρείας παραβάσεως θεμελιώδους διαδικαστικοῦ κανόνος.

ε) ἔνεκα ἐλλείψεως αἰτιολογίας.

2. Ἡ αἰτησις δέον νὰ ὑποβάληται ἐντὸς 120 ἡμερῶν ἀπὸ τῆς ἐκδόσεως τῆς ἀποφάσεως, ἔξαιρέσει τῆς περιπτώσεως αἰτήσεως περὶ ἀκύρωσεως τῆς ἀποφάσεως ἔνεκα δωροδοκίας, διε τὴν ἀιτησις δέον νὰ ὑποβάληται ἐντὸς 120 ἡμερῶν ἀπὸ τῆς ἀποκαλύψεως τῆς δωροδοκίας, ἐν πάσῃ δὲ περιπτώσει ἐντὸς 3 ἑτῶν ἀπὸ τῆς ἐκδόσεως ἀποφάσεως.

3. Ἄμα τῇ λήψει τῆς αἰτήσεως δὲ Πρόεδρος διορίζει ἀμέσως τριμελή Ἐπιτροπὴν ἐπὶ τούτῳ (AD HOC) ἐκ προσώπων τῶν ὅποιων τὰ ὄνδηματα ἀναγράφονται εἰς τὸν πίνακα τῶν Διαιτητῶν. Οὐδὲν ἐκ τῶν μελῶν τῆς εἰρημένης Ἐπιτροπῆς δύναται νὰ ἐπιλεγῇ ἐκ τῶν μελῶν τοῦ ἐκδόντος τὴν ἀπόφασιν Δικαστηρίου, οὐδὲν νὰ ἔχει τὴν αὐτὴν ὑπηκοότητα πρὸς ἐκείνην οἰονδήποτε μέλους τοῦ εἰρημένου Δικαστηρίου η̄ νὰ εἰναι ὑπήκοος τοῦ Διαδίκου Κράτους η̄ τοῦ Κράτους τοῦ ὅποιου ὑπήκοος τυγχάνει διάδικον μέρος, οὐδὲν νὰ ἔχῃ ὑποδειχθῇ εἰς τὸν Πίνακα Διαιτητῶν ὑπὸ τινος τῶν εἰρημένων Κρατῶν, η̄ νὰ ὑπῆρξε συμφιλιωτὴς ἐν τῇ αὐτῇ διαφορᾷ. Ἡ Ἐπιτροπὴ ἔχει τὴν ἴκανότητα ἀκύρωσεως τῆς ἀποφάσεως δι' ἕνα οἰονδήποτε τῶν ἐν τῇ ἀνωτέρῳ ἐδαφίῳ (1) ἀναφερομένων λόγων.

4. Αἱ διατάξεις τῶν ἁρθρῶν 41–45, 48, 49, 53 καὶ 54, ὡς καὶ τῶν Κεφαλαίων VI καὶ VII ἐφαρμόζονται κατ' ἀναλογίαν κατὰ τὴν ἐνώπιον τῆς Ἐπιτροπῆς διαδικασίαν.

5. Ἐὰν δὲ Ἐπιτροπὴ χρίνη ἐπιβαλλόμενον ἐκ τῶν περιστάσεων, δύναται ν' ἀναστείλῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως μέχρις οὐ ἀποφασίσεις ἐπὶ τῆς περὶ ἀκύρωσεως αἰτήσεως. Ἐὰν δὲ αἰτῶν τὴν ἀναθεώρησιν διάδικος αἰτήται τὴν ἀναστολὴν τῆς ἐκτελέσεως τῆς ἀποφάσεως, η̄ ἐκτέλεσις ἀναστέλλεται προσωρινῶς μέχρις οὐ δὲ Ἐπιτροπὴ ἀποφανθῇ ἐπὶ τῆς αἰτήσεως.

6. Ἀκυρουμένης τῆς ἀποφάσεως δὲ διαφορὰ ὑποβάλλεται τῇ αἰτήσει τοῦ ἐπιμελεστέρου τῶν μερῶν εἰς νέον Δικαστηρίουν συγκροτούμενον συμφώνως πρὸς τὸ Τμῆμα 2 τοῦ παροντος Κεφαλαίου.

## ΤΜΗΜΑ 6.

‘Αναγνώρισις καὶ Ἐκτέλεσις τῆς Ἀποφάσεως

“Αρθρον 53.

Ἡ ἀπόφασις δεσμεύει τὰ μέρη μὴ ὑποκειμένη εἰς ἐφεσιν η̄ ἔτερον ἔνδικον μέσον πλὴν τῶν ἐν τῇ παρούσῃ Συμφωνίᾳ προβλεπομένων. Ἐκαστὸν μέρος δὲ φείλει νὰ συμμορφωθῇ πρὸς τὴν ἀπόφασιν κατὰ τοὺς δρισμούς αὐτῆς ἐκτὸς ἐάν ἀνεστάλῃ η̄ ἐκτέλεσις αὐτῆς συμφώνως πρὸς τὰς διατάξεις τῆς παρούσης Συμφωνίας.

2. Διὰ τὴν ἐφαρμογὴν τοῦ παρόντος Τμήματος δὲ δρος «ἀπόφασις» περιλαμβάνει οἰονδήποτε ἀφορῶσαν τὴν ἐρμηνείαν, ἀναθεώρησιν ἀκύρωσιν ἀποφάσεως ληφθείσης κατὰ τὰ ἁρθρα 50, 51 καὶ 52.

“Αρθρον 54.

1. Ἐκαστὸν Συμβαλλόμενον Κράτος ἀναγνωρίζει πᾶσαν ἀπόφασιν ἐκδοθεῖσαν ἐν τῷ πλαισίῳ τῆς παρούσης Συμφωνίας ὡς ὑποχρεωτικὴν καὶ θέλει ἔξασφαλίσει τὴν ἐκτέλεσιν ἐν τῷ ἐδάφει αὐτῆς τῶν ὑπὸ τῆς ἀποφάσεως ἐπιβαλλομένων χρηματικῶν ὑποχρεώσεων ὡς ἐάν ἐπρόκειτο περὶ ὁριστικῆς ἀποφάσεως δικαστηρίου λειτουργοῦντος ἐν τῷ ἐδάφει τοῦ Κράτους τούτου. Οἰονδήποτε Συμβαλλόμενόν Κράτος διεπόμενον ὑπὸ δύμοσδονδιακοῦ συντάγματος δύναται ν' ἀσφαλίσῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως μέσω τῶν δύμοσπονδιακῶν δικαστηρίων αὐτοῦ καὶ νὰ προβλέψῃ διπλας τὰ ἐν λόγῳ δικαστηρία θεωρῶσιν ὑποχρεωτικῶς μίαν τοιαύτην ἀπόφασιν ὡς δριστικὴν ἀπόφασιν τῶν δικαστηρίων ἐνδὲ τῶν Κρατῶν τῆς δύμοσπονδίας.

2. Τὸ ἐπιδιώκον τὴν ἀναγνώρισιν η̄ τὴν ἐκτέλεσιν ἀποφάσεώς τυνος ἐντὸς τοῦ ἐδάφους Συμβαλλομένου τυνος Κράτους, μέρος, ὑποχρεοῦται νὰ ἐμφανίσῃ κεκυρωμένον ὑπὸ τοῦ Γενικοῦ Γραμματέως ἀντίγραφον τῆς ἀποφάσεως εἰς τὸ ἀρμόδιον ἔθνικὸν δικαστηρίον η̄ εἰς οἰανδήποτε ἐτέραν ἀρχὴν ἥν τὸ ἐν λόγῳ Κράτος θέλει ἔξουσιοδοτήσει πρὸς τὸν σκοπὸν τούτον. “Ἐκαστὸν Συμβαλλόμενόν Κράτος γνωστοποιεῖ εἰς τὸν Γενικὸν Γραμματέα τὸ ἀρμόδιον δικαστηρίου η̄ τὰς ἀλλας ἀρχὰς ἀτίνα ὑποδεικνύει ἐπὶ τῷ σκοπῷ αὐτῷ ὡς καὶ οἰανδήποτε ἐνδεχομένην μεταβολὴν τούτων.

3. Ἡ ἐκτέλεσις τῆς ἀποφάσεως διέπεται ὑπὸ τῆς ἰσχυούσης νομοθεσίας περὶ τῆς ἐκτέλεσεως τῶν δικαστικῶν ἀποφάσεως ἐν τῷ Κράτει ἐντὸς τοῦ ἐδάφους τοῦ διποίου διώκεται η̄ ἐκτέλεσις.

“Αρθρον 55.

Οὐδεμία τῶν διατάξεων τοῦ ἁρθρου 54 δύναται νὰ ἐρμηνευθῇ ὡς καθιεροῦσσα ἔξαρισειν ἀπὸ τοῦ ἰσχύοντος δικαίου ἐν οἰανδήποτε Συμβαλλομένῳ Κράτει ἀφορῶντος δὲ τὴν ἀπαγόρευσιν ἐκτέλεσεως κατὰ τοῦ σκοποῦ Κράτους η̄ ἄλλου τινὸς ξένου Κράτους.

## ΚΕΦΑΛΑΙΟΝ V.

‘Αντικατάστασις καὶ Ἐξαίρεσις τῶν Συμφιλιωτῶν καὶ Διαιτητῶν.

“Αρθρον 56.

1. Μετὰ τὴν συγκρότησιν Ἐπιτροπῆς η̄ Δικαστηρίου τυνος καὶ τὴν ἔναρξιν τῆς διαδικασίας, η̄ σύνθεσις αὐτῶν δὲν δύναται νὰ τροποποιηθῇ. Κατὰ πᾶσαν περίπτωσιν θανάτου, ἀναπτηρίας η̄ παρατήσεως ἐνὸς συμφιλιωτοῦ η̄ διαιτητοῦ τὸ δημιουργούμενον κενὸν συμπληρωοῦται συμφώνως πρὸς τὰς διατάξεις τοῦ τμήματος 2 τοῦ Κεφαλαίου III η̄ τοῦ Τμήματος 2 τοῦ Κεφαλαίου IV.

2. Μέλος Ἐπιτροπῆς τυνος η̄ Δικαστηρίου ἐξακολουθεῖ ἐκπληρῶν τὰ καθήκοντα αὐτοῦ ὑπὸ τὴν ἴδιοτητα ταύτην καὶ ἐάν ἔτι τ' ὕνομα τούτου δὲν ἐμφανίζεται εἰς τὸν πίνακα.

3. Ἐὰν συμφιλιωτὴς η̄ διαιτητὴς διωρισμένος ὑπὸ τινος μέρους η̄ θέλει παραιτηθῆναι ἐγκρίσεως τῆς Ἐπιτροπῆς η̄ τοῦ Δικαστηρίου τοῦ ὑποίου τυγχάνει μέλος, δὲ Πρόεδρος ἀναπληροῦ τὸ κενὸν δι' ἑτέρου προσώπου λαμβανομένου ἐκ τοῦ οἰκείου πίνακος.

“Αρθρον 57.

Πᾶς διάδικος δύναται νὰ ζητήσῃ παρὰ τῆς Ἐπιτροπῆς η̄ τοῦ Δικαστηρίου τὴν ἔξαρισειν ἐνὸς ἐκ τῶν μελῶν αὐτῶν ἐνεκα διασταύρωσιν τὴν παρούσην πρόδηλον ἔλλειψιν τῶν ὑπὸ τοῦ ἐδαφίου (1) τοῦ ἁρθρου 14 ἀποιτουμένων προσόντων. Ἐπὶ πλέον, πᾶς διάδικος ἐν τῇ διαιτησίᾳ τῆς διαιτησίας δύναται νὰ ζητήσῃ τὴν ἔξαρισειν ἐνὸς διαιτητοῦ ἐπὶ τῷ λόγῳ ὅτι οὗτος δὲν ἐπλήρου τὰς ἐν τῷ Τμήματι 2 τοῦ Κεφαλαίου IV ωρισμένας προϋποθέσεις διὰ τὸν διωρισμὸν αὐτοῦ ὡς μέλους τοῦ Διαιτητικοῦ Δικαστηρίου.

“Αρθρον 58.

Τὰ ὑπολειπόμενα μέλη τῆς Ἐπιτροπῆς η̄ τοῦ Δικαστηρίου κατὰ περίπτωσιν, ἀποφαίνονται ἐπὶ πάσης αἰτήσεως ἔξαι-

ρέσεως συμφιλιωτικοῦ ἢ διαιτητοῦ. Κατὰ πᾶσαν περίπτωσιν ἐν ἴσοψηφίᾳ τῶν μελῶν ἢ ἐν περιπτώσει αἰτήσεως ἔξαιρέσεως στρεφομένης κατὰ τοῦ μόνου συμφιλιωτοῦ ἢ διαιτητοῦ, ἢ κατὰ τῆς πλειοψηφίας τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου ἢ ἀπόφασις λαμβάνεται ὑπὸ τοῦ Προέδρου. Κρινομένης βασίμου τῆς αἰτήσεως ἔξαιρέσεως, διπέρι οὗ πρόκειται συμφιλιωτῆς ἢ διαιτητῆς ἀντικαθίσταται συμφώνως πρὸς τὰς διαιτάξεις τοῦ Τμήματος 2 τοῦ Κεφαλαίου III ἢ τοῦ Τμήματος 2 τοῦ Κεφαλαίου IV.

## ΚΕΦΑΛΑΙΟΝ VI

### Δικαστικαὶ Δαπάναι

"Αρθρον 59.

Αἱ ὑπὸ τῶν διαδίκων μερῶν ὄφειλόμεναι δαπάναι διὰ τὴν χρῆσιν τῶν ὑπὸ τοῦ Κέντρου παρεχομένων ὑπηρεσιῶν καθορίζονται ὑπὸ τοῦ Γενικοῦ Γραμματέως συμφώνως πρὸς τοῦ ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου ἀποδεδειγμένους κανονισμούς.

"Αρθρον 60.

1. Ἐκάστη Ἐπιτροπὴ καὶ ἔκαστον Δικαστήριον προσδιορίζει τὰς ἀμοιβὰς καὶ τὰς δαπάνας τῶν μελῶν αὐτοῦ ἐπέδει τῶν καθορίζομένων ἕκαστοτε ὄριων ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου ἐν συνεννοήσει μετὰ τοῦ Γενικοῦ Γραμματέως.

2. Οὐδὲμίᾳ τῶν ἐν παραγγ. (1) τοῦ παρόντος ἀρθρου ἀναφερομένων διαιτάξεων κωλύει τὰ διάδικα μέρη ὅπως προέλθουν εἰς συμφωνίαν ἐκ τῶν προτέρων μετὰ τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου ἀφορῶσαν τὰς ἀμοιβὰς καὶ τὰς δαπάνας τῶν μελῶν αὐτῶν.

"Αρθρον 61.

1. Ἐπὶ διαδικασίας συμφιλιώσεως αἱ ἀμοιβαὶ καὶ αἱ δαπάναι τῶν μελῶν τῆς Ἐπιτροπῆς ὡς καὶ αἱ ὄφειλόμεναι δαπάναι διὰ χρῆσιν τῶν ὑπὸ τοῦ Κέντρου παρεχομένων ὑπηρεσιῶν βαρύνουσιν ἐξ ἵσου τοὺς διαδίκους. Ἐκαστος τούτων βαρύνεται μετὰ τὰς λοιπὰς δαπάνας ἃς ὑφίσταται διὰ τὴν διεξαγωγὴν τῆς διαδικασίας.

2. Ἐπὶ διαδικασίας διαιτησίας, πλὴν ἐναντίας συμφωνίας τῶν διαδίκων τὸ Δικαστήριον προσδιορίζει τὸ ὑφος τῶν δαπανῶν ἃς ὑποδεικνύουν οὗτοι διὰ τὰς ἀνάγκας τῆς διαδικασίας καὶ ἀπόφασίζει περὶ τοῦ τρόπου κατανομῆς καὶ πληρωμῆς τῶν εἰρημένων δαπανῶν τῶν ἀμοιβῶν καὶ τῶν δαπανῶν τῶν μελῶν τοῦ Δικαστηρίου, ὡς καὶ τῶν ὄφειλομένων ἀποζημιώσεων διὰ τὴν χρῆσιν τῶν ὑπὸ τοῦ Κέντρου παρεχομένων ὑπηρεσιῶν. Ἡ ἀπόφασις αὕτη ἀποτελεῖ ἐν ἑναίιον δλον μετὰ τῆς διαιτητικῆς ἀπόφασεως.

## ΚΕΦΑΛΑΙΟΝ VII.

### Τόπος Διαδικασίας

"Αρθρον 62

Αἱ διαδικασίαι συμφιλιώσεως καὶ διαιτησίας διεξάγονται εἰς τὴν ἔδραν τοῦ Κέντρου, ὑπὸ τὴν ἐπιφύλαξιν τῆς ἐφαρμογῆς τῶν ἀκολούθων διαιτάξεων.

"Αρθρον 63

Ἐν συμφωνίᾳ τῶν μερῶν, αἱ διαδικασίαι συμφιλιώσεως καὶ διαιτησίας δύνανται νὰ διεξαχθοῦν :

α) εἴτε εἰς τὴν ἔδραν τοῦ Διαρκοῦς Διαιτητικοῦ Δικαστηρίου ἢ ἐτέρου καταλλήλου ἰδρύματος, ἢ δημοσίου, μετὰ τοῦ ὁποίου τὸ Κέντρον θέλει ἐνδεχομένως συνεννοηθῆ πρὸς τὸν σκοπὸν αὐτόν, ἢ

β) εἴτε εἰς οἰονδήποτε ἔτερον τόπον ἐγκριθησόμενον ὑπὸ τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου κατόπιν διαβουλεύσεως μετὰ τοῦ Γενικοῦ Γραμματέως.

## ΚΕΦΑΛΑΙΟΝ VIII

Διαφοραὶ μεταξὺ Συμβαλλομένων Κρατῶν

"Αρθρον 64

Πᾶσα διαφορὰ ἀναφυομένη μεταξὺ τῶν Συμβαλλομένων Κρατῶν περὶ τὴν ἐρμηνείαν ἢ τὴν ἐφαρμογὴν τῆς παρούσης Συμφωνίας, ἡτις δὲν ἥθελεν ἐπιλυθῆ φιλικῶς, φέρεται ἐνώπιον τοῦ Διεθνοῦς Δικαστηρίου κατόπιν αἰτήσεως ὑποβαλλομένης ὑπὲρ οἰουδήποτε τῶν διαδίκων μερῶν, ἐκτὸς ἐὰν τὰ ἐνδιαφερόμενα Κράτη ἥθελον συμφωνήσει ἔτερον τινα τρόπον διακανονισμοῦ.

## ΚΕΦΑΛΑΙΟΝ Iη

Τροποποιήσεις

"Αρθρον 65

Πᾶν συμβαλλόμενον Κράτος δύναται νὰ προτείνῃ τροποποιήσεις τῆς παρούσης Συμφωνίας. Τὸ κείμενον τῆς προτεινομένης τροποποιήσεως δέονταν ν' ἀνακοινωθῇ εἰς τὸν Γενικὸν Γραμματέα 90 τουλάχιστον ἡμέρας πρὸ τῆς συνεδριάσεως τοῦ Διοικητικοῦ Συμβουλίου, καθ' ἣν αὔτη δέονταν νὰ ἔξετασθῇ καὶ νὰ διαβιβασθῇ ἀμέσως ὑπὲρ αὐτοῦ εἰς ἄπαντα τὰ μέλη τοῦ Διοικητικοῦ Συμβουλίου.

"Αρθρον 66

1. Ἐὰν διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ τὸ Διοικητικὸν Συμβούλιον ἥθελεν ἀποφασίσει σχετικῶς, ἢ προτεινομένη τροποποιήσις διαβιβάζεται εἰς ἄπαντα τὰ Συμβαλλόμενα Κράτη πρὸς κύρωσιν, ἀποδοχὴν ἢ ἐγκρίσιν. Ἐκάστη τροποποιήσις τίθεται ἐν ἴσχυΐ 30 ἡμέρας μετὰ τὴν ὑπὸ τοῦ θεματοφύλακος τῆς παρούσης Συμφωνίας ἀποστολὴν γνωστοποιήσεως εἰς τὰ Συμβαλλόμενα Κράτη ἀπάντα τὰ Συμβαλλόμενα Κράτη ἐκύρωσαν, ἀπεδεχθῆσαν καὶ ἐνέχριν τὴν τροποποίησιν.

2) Οὐδὲμίᾳ τροποποιήσεις δύναται νὰ ἐπηρεάσῃ τὰ διαιώματα καὶ τὰς ὑποχρεώσεις ἐκ τῆς παρούσης Συμφωνίας οἰουδήποτε συμβαλλομένου Κράτους ἢ οἰασδήποτε κοινότητος ἢ ὀργανισμοῦ δημοσίου δικαίου ἔξαρτωμένων παρ' αὐτοῦ ἢ ὑπηκόου τινὸς τοῦ ἐν λόγῳ Κράτους, ἐφ' ὅσον πηγάζουν ἐκ τῆς ὑπὲρ αὐτῶν δοθείσης πρὸ τῆς ἐνάρξεως ἴσχυός τῆς τροποποιήσεως συναινέσεως περὶ ὑπαγωγῆς των εἰς τὴν δικαιοδοσίαν τοῦ Κέντρου.

## ΚΕΦΑΛΑΙΟΝ X

Τελικαὶ Διαιτάξεις

"Αρθρον 67.

Ἡ παρούσα Συμφωνία εἶναι ἀνοικτὴ πρὸς ὑπογραφὴν ὑπὸ τῶν Κρατῶν μελῶν τῆς Τραπέζης. Εἶναι ὡσαύτως ἀνοικτὴ πρὸς ὑπογραφὴν ὑπὸ τῶν ἐκπροσώπων οἰουδήποτε ἐτέρου Κράτους ἐκ τῶν συμβεβλημένων διὰ τοῦ Καταστατικοῦ τοῦ Διεθνοῦς Δικαστηρίου καὶ τὸ ὄποιον τὸ Διοικητικὸν Συμβούλιον διὰ φύσου τῶν δύο τρίτων τῶν μελῶν ἥθελε προσκαλέσει εἰς ὑπογραφὴν τῆς Συμφωνίας.

"Αρθρον 68.

1. Ἡ παρούσα Συμφωνία ὑπόκειται εἰς ἐπικύρωσιν, ἀποδοχὴν ἢ τὴν ἐγκρίσιν ἐκ μέρους τῶν ὑπογραφάντων Κρατῶν συμφώνων πρὸς τὰς ἴδιας αὐτῶν συνταγματικὰς διαδικασίας.

2. Ἡ ἴσχυς τῆς παρούσης Συμφωνίας δρχεται 30 ἡμέρας ἀπὸ τῆς ἡμερομηνίας καταθέσεως τοῦ εἰκοστοῦ ὀργάνου ἐπικυρώσεως ἀποδοχῆς ἢ ἐγκρίσεως αὐτῆς. Θὰ ἴσχυσῃ δὲ ἐναντί την παντὸς Κράτους καταθέτοντος μεταγενεστέρως τὸ ὄργανον τῆς ἐπικυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως αὐτοῦ, 30 ἡμέρας ἀπὸ τῆς ἡμερομηνίας τῆς τοιαύτης καταθέσεως.

"Αρθρον 69.

Πᾶν Συμβαλλόμενον Κράτος ὑποχρεοῦται εἰς τὴν ληψιν τῶν νομοθετικῶν ἢ ἄλλων μέτρων ἀπό την ἥθελον κριθῆ ἀναγκαῖα

ώστε ν' ἀποκτήσουν ίσχύν αἱ διατάξεις τῆς παρούσης Συμφωνίας εἰς τὸ ἔδαφος αὐτοῦ.

"Αρθρον 70.

"Η παροῦσα Συμφωνία ἔχει ἐφαρμογὴν ἐφ' ὅλων τῶν ἔδαφῶν ἀτινά ἐν συμβαλλόμενον μέρος ἐκπροσωπεῖ ἐπὶ τοῦ διεθνοῦς πεδίου πλὴν τῶν ὑπὸ τοῦ ἐν λόγῳ Κράτους ἀποκλειομένων ἔδαφῶν δυνάμει γνωστοποιήσεως αὐτοῦ ἀπευθυνομένης εἰς τὸν θεματοφύλακα τῆς παρούσης Συμφωνίας, εἴτε κατὰ τὸν χρόνον τῆς ἐπικυρώσεως, τῆς ἀποδοχῆς ἢ ἐγκρίσεως εἴτε μεταγενεστέρως.

"Αρθρον 71.

Πᾶν συμβαλλόμενον Κράτος δύναται νὰ καταγγείλῃ τὴν παροῦσαν Συμφωνίαν διὰ γνωστοποιήσεως του ἀπευθυνομένης πρὸς τὸν θεματοφύλακα τῆς παρούσης Συμφωνίας. Η καταγγελία ἰσχύει μετὰ παρέλευσιν ἔξαμηνου ἀπὸ τῆς λήψεως τοιαύτης γνωστοποιήσεως.

"Αρθρον 72.

Οὐδεμίᾳ γνωστοποίησις γινομένῃ ὑπὸ συμβαλλομένου τίνος Κράτους κατὰ τὰ ἄρθρα 70 ἢ 71 δύναται νὰ ἐπηρεάσῃ τὰ δικαιώματα καὶ τὰς ὑποχρεώσεις τοῦ ἐν λόγῳ Κράτους ἐκ τῆς παρούσης Συμφωνίας ἢ οἰασδήποτε κοινότητος ἢ ὁργανισμοῦ δημοσίου δικαίου παρ' αὐτοῦ ἔξαρτωμένων ἢ τινὸς τῶν ὑπηκόων αὐτοῦ, πηγαζούσης δ' ἐκ τῆς ὑπὸ αὐτῶν δοθείσης συναινέσεως διὰ τὴν ὑπαγωγὴν αὐτῶν εἰς τὴν δικαιοδοσίαν τοῦ Κέντρου πρὸ τῆς λήψεως τῆς ὡς δάνω γνωστοποιήσεως ὑπὸ τοῦ θεματοφύλακος.

"Αρθρον 73

Τὰ δργανα ἐπικυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως τῆς παρούσης Συμφωνίας ὡς καὶ πάσης ἐπιγενομένης τροποποιήσεως αὐτῆς κατατίθενται παρὰ τῇ Τραπέζῃ, ἥτις ἐνεργεῖ ὡς θεματοφύλακα τῆς Συμφωνίας. Κεκυρωμένα ἀντίγραφα

τῆς παρούσης Συμφωνίας διαβιβάζονται ὑπὸ τοῦ θεματοφύλακος εἰς τὰ Κράτη μέλη τῆς Τραπέζης, ὡς καὶ εἰς οιονδήποτε Κράτος προσκαλούμενον εἰς τὴν ὑπογραφὴν τῆς Συμφωνίας.

"Αρθρον 74.

"Ο θεματοφύλακας καταχωρεῖ τὴν παροῦσαν Σύμβασιν παρὰ τῇ Γραμματείᾳ τῶν Ἡνωμένων Ἐθνῶν συμφώνως πρὸς τὸ ἄρθρον 102 τοῦ Χάρτου τῶν Ἡνωμένων Ἐθνῶν καὶ τοὺς συναφεῖς κανονισμούς τοὺς ἀποδεδεγμένους ὑπὸ τῆς Γενικῆς Συνελεύσεως.

"Αρθρον 75.

"Ο θεματοφύλακας γνωστοποιεῖ εἰς διπαντα τὰ ὑπογράψαντα πληροφορίας ἀφορώσας :

- α) τὰς ὑπογραφὰς συμφώνως τῷ ἄρθρῳ 67.
- β) τὴν κατάθεσιν τῶν ἐγγράφων κυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως συμφώνως τῷ ἄρθρῳ 73.
- γ) τὴν ἡμερομηνίαν ἐνάρξεως ἰσχύος τῆς παρούσης Συμφωνίας συμφώνως τῷ ἄρθρῳ 68.
- δ) τὰς ἔξαιρέσεις ἐκ τῆς ἐδαφικῆς ἐφαρμογῆς αὐτῆς κατὰ τὸ ἄρθρον 70.
- ε) τὴν ἡμερομηνίαν ἐνάρξεως ἰσχύος οἰασδήποτε τροποποιήσεως τῆς παρούσης Συμφωνίας συμφώνως τῷ ἄρθρῳ 66.
- στ) τὰς καταγγελίας συμφώνως τῷ ἄρθρῳ 71.

"Ἐγένετο ἐν Οὐασιγκτῶνι εἰς τὴν ἀγγλικήν, ἵσπανικήν καὶ γαλλικήν, τῶν τριῶν κειμένων ὃντων ἴσοδυνάμων, εἰς ἐν ἀντίτυπον ὅπερ θέλει πάραμενει κατατεθειμένον ἐν τοῖς ἀρχείοις τῆς Διεθνοῦς Τραπέζης Ἀνασυγκροτήσεως καὶ Ἀναπτύξεως ἥτις διὰ τῆς ἀποτιθεμένης κατωτέρω ὑπογραφῆς αὐτῆς διαδηλοῖ ὅτι ἀποδέχεται τὴν ἐκπλήρωσιν τῶν λειτουργιῶν αἱτινες ἀνατίθενται εἰς αὐτὴν δυνάμει τῆς παρούσης Συμφωνίας.