

No. 8765

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
SWITZERLAND**

**Treaty for conciliation, judicial settlement and arbitration  
(with annexes). Signed at London, on 7 July 1965**

*Official texts: English and French.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
21 September 1967.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
SUISSE**

**Traité de conciliation, de règlement judiciaire et  
d'arbitrage (avec annexes). Signé à Londres, le 7  
juillet 1965**

*Textes officiels anglais et français.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
21 septembre 1967.*

No. 8765. TREATY<sup>1</sup> FOR CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE SWISS CONFEDERATION. SIGNED AT LONDON, ON 7 JULY 1965

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The Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council ;

Being desirous of strengthening the ties of friendship which unite the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation and of furthering, in the general interest of peace, the development of the procedures leading to the peaceful settlement of international disputes ;

Have agreed as follows :

CHAPTER I

THE PRINCIPLE OF PEACEFUL SETTLEMENT OF DISPUTES

*Article 1*

(1) The Contracting Parties undertake to submit to a procedure of conciliation all disputes, of any nature whatsoever, which may arise between them and which may not have been settled within a reasonable time by diplomacy.

(2) If the procedure of conciliation has failed, a dispute may be submitted in accordance with the relevant provisions of this Treaty either to judicial settlement or to arbitration.

(3) The Contracting Parties may however at any time agree that a particular dispute shall be referred directly to judicial settlement or, if the dispute is of a legal nature, to arbitration, without prior recourse to the procedure of conciliation.

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<sup>1</sup> Came into force on 9 February 1967, the date of the exchange of the instruments of ratification at Berne, in accordance with article 40.

CHAPTER II  
CONCILIATION

*Article 2*

(1) The Contracting Parties shall establish a Permanent Conciliation Commission (hereinafter referred to as “ the Commission ”) composed of five members.

(2) The Contracting Parties shall each appoint a Commissioner, who may be chosen from among their respective nationals. The Contracting Parties shall jointly appoint the three other Commissioners from among the nationals of third States. These three Commissioners must be of different nationalities. They shall not be habitually resident in the territory of the Contracting Parties, nor be employed in their service.

(3) The President of the Commission shall be appointed by agreement between the Contracting Parties from among the jointly appointed Commissioners.

*Article 3*

(1) The Commissioners shall be appointed for three years. Their appointments shall continue until their replacement and, in any event, until the termination of the work in hand at the expiry of their term of office. If it is intended to replace a Commissioner at the end of any period of three years, he shall be given at least six months' prior notice of such intention. A Commissioner who has not been given such notice shall be deemed to have been appointed for another period of three years, and so on.

(2) Vacancies which may occur as a result of death, resignation, or any other cause, shall be filled within the shortest possible time in the manner fixed for the original appointments.

(3) If any member of the Commission is unable to participate in the work of the Commission as a result of illness or any other circumstance, the Contracting Party or Parties, which appointed him, shall designate a substitute, who shall temporarily take his place.

*Article 4*

Each of the Contracting Parties may replace the Commissioner chosen by it by someone possessing special competence in the matter in dispute. If either Contracting Party intends to do so, it shall inform the other Contracting Party of its intention at the time of the application for conciliation or not later than fifteen days after receipt of the notification of such application, as the

case may be. Either Contracting Party may then, within six weeks, replace its own Commissioner, if it so desires.

#### *Article 5*

(1) The Commission shall be set up within six months after the exchange of instruments of ratification of this Treaty.

(2) If any of the Commissioners to be jointly appointed are not appointed within the time-limit provided for in paragraph (1) of this Article or, in the case of replacement under paragraph (2) of Article 3, within three months from the date on which the seat became vacant, the task of making the necessary appointments may be entrusted to the President of the International Court of Justice at the request of either Contracting Party. Should the President be prevented from acting or be a national of either of the Contracting Parties, the task shall be entrusted to the Vice-President of the Court. If the latter is prevented from acting, or is a national of either of the Contracting Parties, the next senior Judge of the Court, who is not a national of either of the Contracting Parties, shall proceed to make these appointments.

(3) Should the Commissioners to be appointed by each of the Contracting Parties not be appointed within the time-limit provided for in paragraph (1) of this Article or, in the case of replacement under paragraph (2) of Article 3, within three months from the date on which the seat became vacant, the Commissioners shall be appointed in accordance with the procedure laid down in paragraph (2) of this Article.

(4) If the President of the Commission is not appointed by the Contracting Parties within two months following the constitution of the Commission or (when a vacancy has arisen) the reconstitution of the Commission, he shall be appointed in accordance with the procedure laid down in paragraph (2) of this Article.

#### *Article 6*

(1) Disputes shall be brought before the Commission by means of an application addressed to the President by one of the Contracting Parties. That Contracting Party shall at the same time inform the other of the application.

(2) The application, after having given a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable settlement.

#### *Article 7*

The Commission shall, after hearing the agents of the Contracting Parties, lay down the rules of procedure to be followed in each particular case. The

rules of procedure shall be consistent with the provisions of this Treaty and shall ensure that at all stages of the proceedings the Contracting Parties have equal opportunity to present their cases. Moreover, the rules of procedure set out in Annex I to this Treaty shall be followed unless the Commission, with the consent of the Contracting Parties, otherwise decides.

#### *Article 8*

In the absence of agreement to the contrary between the Contracting Parties, the Commission shall meet at the place chosen by its President.

#### *Article 9*

(1) The Contracting Parties shall be represented before the Commission by agents whose duty shall be to act as intermediaries between them and the Commission. The agents may, moreover, be assisted by counsel, experts and staff appointed by them for that purpose and may request that all persons whose evidence appears to them useful should be heard.

(2) The Commission shall be entitled to request oral explanations from the agents, counsel and experts of both Contracting Parties, as well as from all persons it may think desirable to summon before it with the consent of their Governments.

#### *Article 10*

(1) In the absence of agreement to the contrary between the Contracting Parties, the decisions of the Commission shall be taken by a majority vote of its members and, except in relation to questions of procedure, decisions of the Commission shall be valid only if all members are present.

(2) A question of procedure may, if the Commission is not sitting and provided that the question is of an urgent nature, be decided by the President.

#### *Article 11*

The Contracting Parties shall facilitate the work of the Commission and, in particular, shall supply it to the greatest possible extent with all relevant documents and information. They shall use the means at their disposal to allow it to proceed, in their territory and in accordance with their law, to summon and hear witnesses or experts and to visit the localities in question.

*Article 12*

The proceedings of the Commission shall not be made public, except when a decision to that effect has been taken by the Commission with the consent of the Contracting Parties.

*Article 13*

(1) The task of the Commission shall be to elucidate questions in dispute and, to that end, to collect information by means of enquiries or otherwise, and to endeavour to bring the Contracting Parties to an agreement.

(2) The Commission shall, unless the Contracting Parties agree to an extension of this period, present its report within six months from the date on which the dispute shall have been referred to the Commission. If the circumstances allow, the report shall contain a draft settlement of the dispute.

(3) Each Contracting Party shall receive a copy of the aforesaid report. The report has in no way the character of an arbitral award. It leaves to the Contracting Parties entire freedom as to the effect to be given to the findings or recommendations.

(4) If the Commission formulates recommendations, it shall, whenever possible, fix the period within which each Contracting Party shall inform the other whether it is prepared to give effect to them.

(5) No admission or proposal formulated during the course of the procedure of conciliation, either by one of the Contracting Parties or by the Commission, shall prejudice or affect in any manner the rights or the contentions of either Contracting Party in the event of the failure of the procedure of conciliation. Similarly, the acceptance by a Contracting Party of a finding, recommendation or draft settlement, formulated by the Commission, shall in no way imply any admission of the considerations of law or of fact upon which such finding, recommendation or draft settlement may have been based.

## CHAPTER III

## JUDICIAL SETTLEMENT

*Article 14*

(1) If the procedure of conciliation has failed, or if the Contracting Parties have agreed not to have prior recourse to it, the Contracting Parties may refer the dispute to the International Court of Justice by means of a special agree-

ment or by unilateral application in accordance with the provisions of its Statute, provided that the dispute is of a legal nature concerning :

- (a) the interpretation of a treaty ;
- (b) any question of international law ;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) the nature or extent of the reparation to be made for the breach of an international obligation.

(2) In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

(3) By special agreement between the Contracting Parties, disputes other than those mentioned in paragraph (1) of this Article may also be submitted to the Court. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the Contracting Parties so agree.

#### CHAPTER IV ARBITRATION

##### *Article 15*

If the procedure of conciliation has failed, or if the Contracting Parties have agreed not to have prior recourse to it, the Contracting Parties may by special agreement refer a dispute of a legal nature to the procedure of arbitration provided for in this Chapter. The Arbitral Tribunal, of which it shall be the task to decide the questions in dispute, shall, in the absence of agreement to the contrary between the Contracting Parties, be constituted in each specific case as provided in Articles 16 to 19.

##### *Article 16*

(1) The Arbitral Tribunal shall consist of five members. The Contracting Parties shall each appoint one member, who may be chosen from among their respective nationals. The Contracting Parties shall jointly appoint three other Arbitrators from among the nationals of third States. These three Arbitrators must be of different nationalities. They shall not be habitually resident in the territory of the Contracting Parties, nor be employed in their service.

(2) The President of the Arbitral Tribunal shall be appointed by agreement between the Contracting Parties from among the jointly appointed Arbitrators.

*Article 17*

(1) If any of the Arbitrators to be jointly appointed are not appointed within a period of three months following the date of the special agreement concluded in accordance with Article 15, or in the case of replacement under paragraph (1) of Article 19 within three months from the date upon which the seat became vacant, the task of making the necessary appointments may be entrusted to the President of the International Court of Justice at the request of either Contracting Party. Should the President be prevented from acting or be a national of either of the Contracting Parties, the task shall be entrusted to the Vice-President of the Court. If the latter is prevented from acting, or is a national of either of the Contracting Parties, the next senior Judge of the Court, who is not a national of either of the Contracting Parties, shall proceed to make the appointments.

(2) If the Arbitrators to be appointed by each Contracting Party are not appointed within a period of three months following the date of the special agreement concluded in accordance with Article 15, or in the case of replacement under paragraph (1) of Article 19 within three months from the date upon which the seat became vacant, they shall be appointed in accordance with the procedure laid down in paragraph (1) of this Article.

(3) Should the President of the Arbitral Tribunal not be appointed by the Contracting Parties within two months following the constitution of the Arbitral Tribunal, or (when a vacancy has arisen) the reconstitution of the Arbitral Tribunal, he shall be appointed in accordance with the procedure provided for in paragraph (1) of this Article.

*Article 18*

(1) Subject to the provisions of this Article and of Article 19 once the Arbitral Tribunal has been constituted the composition shall not be altered until it has given its award.

(2) However, as long as the procedure before the Arbitral Tribunal has not begun, each Contracting Party shall be entitled to replace the Arbitrator appointed by it by another person. After the commencement of the procedure, such replacement of an Arbitrator is subject to agreement between the Contracting Parties.

(3) The procedure shall be deemed to have begun as soon as the President of the Arbitral Tribunal has made the first procedural order.

*Article 19*

(1) Vacancies which may occur as a result of death or resignation, shall be filled within the shortest possible time in the manner fixed for the original appointments.



(2) Each Contracting Party is entitled to appoint a deputy to replace, temporarily, the Arbitrator appointed by it if the latter is unavoidably prevented by illness or for any other reason from taking part in the proceedings. The Contracting Party, which intends to avail itself of this right, shall inform the other without delay.

#### *Article 20*

The special agreement concluded in accordance with Article 15 shall specify the subject-matter of the dispute, the competence of the Arbitral Tribunal, the procedure to be adopted, as well as any other conditions agreed upon between the Contracting Parties.

#### *Article 21*

The Arbitral Tribunal shall be empowered to interpret the special agreement.

#### *Article 22*

The rules of procedure set out in the special agreement shall be consistent with the provisions of this Treaty. Where the special agreement does not contain specific rules of procedure, the rules set out in Annex II to this Treaty shall apply.

#### *Article 23*

(1) The Contracting Parties shall be represented before the Arbitral Tribunal by agents whose duty shall be to act as intermediaries between them and the Arbitral Tribunal. The agents may moreover be assisted by counsel, experts and staff appointed by them for that purpose and may request that all persons whose evidence appears to them useful should be heard.

(2) The Arbitral Tribunal shall be entitled to request oral explanations from the agents, counsel and experts of both Contracting Parties, as well as from all persons it may think desirable to summon before it with the consent of their Governments.

#### *Article 24*

(1) All decisions of the Arbitral Tribunal shall be taken by a vote of a majority of its members.

(2) Any question of procedure, for which provision has not been made in this Treaty or in the special agreement between the Contracting Parties or in the rules of procedure set out in Annex II to this Treaty, shall be decided

by the Arbitral Tribunal, or if the Arbitral Tribunal is not sitting and the question is of an urgent nature, by the President.

*Article 25*

All the proceedings and deliberations of the Arbitral Tribunal shall be conducted in private. There shall be no publication of the written proceedings, records, minutes, the award or any other document, except as may be agreed between the Contracting Parties.

*Article 26*

The Arbitral Tribunal shall apply :

- (a) international conventions, whether general or particular, establishing rules expressly recognised by the contesting States ;
- (b) international custom, as evidence of a general practice accepted as law ;
- (c) the general principles of law recognised by civilized nations ;
- (d) judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

*Article 27*

The award shall state the reasons on which it is based. A copy of the award shall be furnished to each Contracting Party.

CHAPTER V

GENERAL PROVISIONS

*Article 28*

- (1) The provisions of this Treaty shall not apply to :
- (a) disputes relating to facts or situations prior to the entry into force of this Treaty ;
  - (b) disputes concerning questions which by international law are solely within the domestic jurisdiction of either Contracting Party ;
  - (c) disputes in regard to which the Contracting Parties have agreed or shall agree to have recourse to some other method of peaceful settlement.

(2) If after the initiation of the procedure of conciliation, judicial settlement, or arbitration, any disagreement arises between the Contracting Parties as to whether any question falls within the scope of this Article, the

matter shall be settled by the Permanent Conciliation Commission, the International Court of Justice or the Arbitral Tribunal, as the case may be.

*Article 29*

(1) In the case of a dispute the subject-matter of which, according to the municipal law of either Contracting Party, falls within the competence of its judicial or administrative authorities, the dispute shall not be submitted to conciliation, judicial settlement or arbitration in accordance with this Treaty, until a decision with final effect has been pronounced, within a reasonable time, by the competent national judicial or administrative authority.

(2) If such a decision has been given in the State concerned, no recourse to the procedures provided for in this Treaty shall be possible after the expiration of a period of five years following the said decision.

*Article 30*

(1) In all cases where a dispute is referred to judicial settlement or to arbitration, and particularly if the question on which the Contracting Parties differ arises out of acts already committed or on the point of being committed, the International Court of Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall have power to indicate within the shortest possible time the provisional measures necessary to preserve the respective rights of the Contracting Parties. The Contracting Parties shall be bound to take such measures as are indicated by the Court or the Arbitral Tribunal.

(2) If the dispute is brought before the Permanent Conciliation Commission, it may recommend to the Contracting Parties the adoption of such provisional measures as it considers suitable.

*Article 31*

The Contracting Parties shall abstain from all measures likely to react prejudicially upon the execution of the judicial decision or arbitral award or upon the findings or recommendations of the Permanent Conciliation Commission and, in general, shall abstain from any sort of action whatsoever which may aggravate or extend the dispute.

*Article 32*

The Contracting Parties shall comply with the decision of the International Court of Justice or the award of the Arbitral Tribunal. The decision or

award shall be acted upon in good faith. It shall be acted upon immediately unless the Court or the Arbitral Tribunal has fixed a time-limit for the execution of the whole or part of the decision or award.

*Article 33*

If the execution of a judicial decision or arbitral award would conflict with a judgment or measure enjoined by a court of law or other authority of either of the Contracting Parties and if the municipal law of that Contracting Party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the International Court of Justice or the Arbitral Tribunal shall determine the nature or extent of the reparation to be awarded to the injured party.

*Article 34*

Difficulties arising out of the interpretation of a judicial decision or arbitral award shall, upon unilateral application of either Contracting Party and within a period of three months following the date of the judgment or award, be submitted to the International Court of Justice or to the Arbitral Tribunal, as the case may be.

*Article 35*

An application for revision of a judicial decision or arbitral award may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judicial decision or arbitral award was given, unknown to the International Court of Justice or the Arbitral Tribunal and also the Contracting Party claiming revision, always provided that such ignorance was not due to negligence. The proceedings for revision shall be opened by a decision of the International Court of Justice or the Arbitral Tribunal expressly recording the existence of the new fact, recognising that it has such a character as to lay the case open to revision and declaring the application admissible on this ground. The application for revision must be made at latest within six months of the discovery of the new fact. No application for revision may be made after the lapse of ten years from the date of the award.

*Article 36*

(1) This Treaty shall remain applicable as between the Contracting Parties, even though a third State has an interest in the dispute.

(2) In the procedure of conciliation the Contracting Parties may agree to invite a third State to intervene.

(3) In judicial or arbitral procedure, if a third State should consider that its legal interests are involved, it may submit to the International Court of Justice or to the Arbitral Tribunal a request to be permitted to intervene as a third party. It shall be for the Court or the Arbitral Tribunal to decide upon this request.

*Article 37*

(1) For the actual duration of the procedure of conciliation or arbitration the jointly appointed members of the Permanent Conciliation Commission and of the Arbitral Tribunal shall receive emoluments, the amount of which shall be fixed by agreement between the Contracting Parties, each of which shall contribute an equal share.

(2) Each Contracting Party shall bear its own expenses and an equal share of the costs arising out of the work of the Permanent Conciliation Commission and of the Arbitral Tribunal.

*Article 38*

(1) Subject to paragraph (2) of Article 28 of this Treaty, disputes relating to the interpretation or execution of this Treaty may be submitted to the International Court of Justice by means of a unilateral application.

(2) Recourse to the International Court of Justice in accordance with paragraph (1) of this Article shall have the effect of suspending the conciliation or arbitration proceedings until the Court gives its decision.

(3) The provisions of Article 32 of this Treaty apply to such decisions of the Court.

*Article 39*

(1) This Treaty shall not apply to disputes relating to anything done or omitted to be done in or in relation to any territory (other than the United Kingdom) for the international relations of which the Government of the United Kingdom of Great Britain and Northern Ireland are responsible unless this Treaty has been extended to such territory. Any such extension shall take effect from such date and subject to such modifications and conditions (including conditions as to termination) as may be specified and agreed between the Contracting Parties in Notes to be exchanged for this purpose.

(2) The termination of this Treaty in accordance with paragraph (2) of Article 40 shall, unless otherwise expressly agreed between the Contracting Parties, terminate the extension of this Treaty to any territory to which it has been extended under this Article.

*Article 40*

(1) This Treaty shall be ratified. The instruments of ratification shall be exchanged at Berne as soon as possible.

(2) This Treaty shall enter into force as soon as the instruments of ratification have been exchanged. It shall remain in force for five years from the date of its entry into force, and it shall thereafter remain in force for successive periods of five years, unless denounced by either Contracting Party by notice given in writing to the other at least six months before the expiration of any five-year period.

(3) If a procedure of conciliation, or judicial settlement or arbitration has been commenced at the time of the expiration of this Treaty, it shall be completed in accordance with the provisions of this Treaty or any other convention which the Contracting Parties may have agreed to substitute therefor.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Treaty.

DONE in duplicate at London, this 7th day of July, 1965 in the English and French languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain  
and Northern Ireland :

Michael STEWART

For the Swiss Federal Council :

B. DE FISCHER

## ANNEX 1

## PERMANENT CONCILIATION COMMISSION

## RULES OF PROCEDURE

1. The place of sitting, once fixed in accordance with Article 8 of the Treaty, shall not be changed except by a decision of the Commission taken with the consent of the Contracting Parties.

2. The official languages of the Commission shall be English and French. Written pleadings and statements may be submitted either in English or in French. Oral proceedings shall be translated from one official language into the other, unless the Commission, with the consent of the agents, decides that translation may be dispensed with for the whole or any part of the proceedings.

3. The Commission may, if it deems it necessary, appoint a Registrar who, under the control of the President, will make the necessary arrangements for the sittings of the Commission, the taking of records and the preparation of minutes and discharge such other functions for the assistance of the Commission, as the Commission may require.

4. The Commission shall fix the dates on which each Contracting Party shall communicate to the Commission and to the other Contracting Party its statement of facts and the instruments, papers and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

5. The Commission may move temporarily to any place where it considers it may be useful to take evidence. Permission must be obtained from any third State on the territory of which evidence is to be taken.

6. Every investigation and every examination of a locality must be made in the presence of the agents, counsel and experts of the Contracting Parties or after they have been duly summoned.

7. After the Contracting Parties have presented all their explanations and evidence and the witnesses have all been heard, the President shall declare the enquiry terminated and the Commission shall adjourn to deliberate and draw up its report.

8. The report shall be signed by all the members of the Commission. If one of the members refuses to sign, the fact shall be mentioned but the validity of the report shall not be affected.

## ANNEX II

### ARBITRAL TRIBUNAL

#### RULES OF PROCEDURE

1. If the place of sitting has not been agreed between the Contracting Parties, the Arbitral Tribunal shall meet at the place chosen by its President. The place of sitting, once fixed, shall not be changed except by a decision of the Arbitral Tribunal taken with the consent of the Contracting Parties.

2. The official languages of the Arbitral Tribunal shall be English and French. Written pleadings and statements may be submitted either in English or in French. Oral proceedings shall be translated from one official language into the other, unless the Arbitral Tribunal, with the consent of the agents, decides that translation may be dispensed with for the whole or any part of the proceedings.

3. The Arbitral Tribunal may, if it deems it necessary, appoint a Registrar who, under the control of the President, will make the necessary arrangements for the sittings of the Arbitral Tribunal, the taking of records and the preparation of minutes and discharge such other functions for the assistance of the Arbitral Tribunal, as the Arbitral Tribunal may require.

4. The procedure shall consist of two parts: written and oral. The written procedure shall consist of the communication to the Arbitral Tribunal and to the Contracting Parties of Memorials, Counter-Memorials and, if necessary, Replies and also all papers and documents in support. The oral proceedings shall consist of the hearing by the Arbitral Tribunal of witnesses, experts, agents and counsel.

5. In every case submitted to the Arbitral Tribunal, the President will ascertain the views of the Contracting Parties with regard to questions of procedure. For this purpose he may summon the agents to meet him as soon as they have been appointed. In the light of information obtained from the agents and with due regard to any agreement between the Contracting Parties, the President will make the necessary orders to determine *inter alia* the number and the order of filing of the pleadings and the time-limits within which they must be filed. The President may extend any time-limit which has been fixed.

6. There must be annexed to every Memorial, Counter-Memorial, or other pleadings, copies of all the relevant documents, a list of which shall be given after the submissions. If on account of the length of a document extracts only are attached, the document itself or a complete copy of it must, unless the document has been published and is available to the public, be furnished to the Registrar for the use of the Arbitral Tribunal and of the other Contracting Party. Every document which is in a language other than French or English must be accompanied by a translation either into French or English. In the case of lengthy documents translations of extracts may be submitted, subject however to any subsequent decision by the President or by the Arbitral Tribunal.

7. Each Contracting Party shall communicate to the President of the Arbitral Tribunal, in sufficient time before the commencement of the oral proceedings, information regarding the evidence which it intends to produce or which it intends to request the Arbitral Tribunal to obtain. This communication shall contain a list of the surnames, first names, descriptions and places of residence of the witnesses and experts whom the Contracting Party intends to call, with indications in general terms of the point or points to which their evidence will be directed.

8. The Arbitral Tribunal may move temporarily to any place where it considers it may be useful to take evidence. Permission must be obtained from any third State on the territory of which evidence is to be taken.

9. Every investigation and every examination of a locality must be made in the presence of the agents, counsel and experts of the Contracting Parties or after they have been duly summoned.

10. After the Contracting Parties have presented all their explanations and evidence and the witnesses have all been heard, the President shall declare the proceedings closed and the Arbitral Tribunal shall adjourn to deliberate and draw up its award.