ΕΦΗΜΕΡΙΣ ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΟΥ ΒΑΣΙΛΕΙΟΥ ΤΗΣ ΕΛΛΑΔΟΣ

ΕΝ ΑΘΗΝΑΙΣ ΤΗι 11 ΝΟΕΜΒΡΙΟΥ 1968	ΤΕΥΧΟΣ ΠΡΩΤΟΝ	ΑΡΙΘΜΟΣ ΦΥΛΛΟΥ 263

ΑΝΑΓΚΑΣΤΙΚΟΣ ΝΟΜΟΣ ΥΠ' ΑΡΙΘ. 608

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

ΚΩΝΣΤΑΝΤΙΝΟΣ
ΒΑΣΙΛΕΥΣ ΤΩΝ ΕΛΛΗΝΩΝ

Προτάσει τοῦ Ἡμετέρου Ὑπουργικοῦ Συμβουλίου ἀπεφασίσαμεν κὶα διατάσσομεν :

Ἄρθρον μόνον.

1. Κυροῦται καὶ ἔχει ἰσχὺν νόμου ἡ Συμφωνία «Περὶ ρυθμίσεως τῶν σχετιζομένων πρὸς τὰς ἐπενδύσεις διαφορῶν, μεταξὺ Κρατῶν καὶ ὑπηκόων ἄλλων Κρατῶν» ὑπογραφεῖσα ὑπὸ ἐκπροσώπου τῆς Ἑλληνικῆς Κυβερνήσεως τὴν 16 Μαρτίου 1966 ἐν Οὐασιγκτῶνι τῶν Ἡνωμένων Πολιτειῶν, ἧς τὸ κείμενον ἕπεται ἐν Ἀγγλικῷ πρωτοτύπῳ καὶ Ἑλληνικῇ μεταφράσει.

2. Ἡ δαπάνη διὰ τὴν ἐτησίαν εἰσφορὰν καὶ λοιπὰ ἔξοδα βαρύνει τὸν προυπολογισμὸν τοῦ Ὑπουργείου Συντονισμοῦ.

3. Ἡ ἰσχὺς τοῦ παρόντος ἄρχεται ἀπὸ τῆς δημοσιεύσεώς του εἰς τὴν Ἐφημερίδα τῆς Κυβερνήσεως.

Ἐν Ἀθήναις τῇ 11 Νοεμβρίου 1968

Ἐν Ὀνόματι τοῦ Βασιλέως

Ο ΑΝΤΙΒΑΣΙΛΕΥΣ
ΓΕΩΡΓΙΟΣ ΖΩΙΤΑΚΗΣ

ΤΟ ΥΠΟΥΡΓΙΚΟΝ ΣΥΜΒΟΥΛΙΟΝ

Ο ΠΡΟΕΔΡΟΣ
Γ. ΠΑΠΑΔΟΠΟΥΛΟΣ

Ο ΑΝΤΙΠΡΟΕΔΡΟΣ Α'
ΣΤΥΛ. ΠΑΤΤΑΚΟΣ

Ο ΑΝΤΙΠΡΟΕΔΡΟΣ Β'
ΔΗΜ. ΠΑΤΙΛΗΣ

ΤΑ ΜΕΛΗ

Ν. ΜΑΚΑΡΕΖΟΣ, ΙΩΑΝ. ΡΟΔΙΝΟΣ–ΟΡΛΑΝΔΟΣ, ΗΛ. Γ. ΚΥΡΙΑΚΟΠΟΥΛΟΣ, ΠΑΝΑΓ. ΤΖΕΒΕΛΕΚΟΣ, ΘΕΟΦ. ΠΑΠΑΚΩΝΣΤΑΝΤΙΝΟΥ, ΑΔΑΜ. ΑΝΔΡΟΥΤΣΟΠΟΥΛΟΣ, ΕΠΑΜ. ΤΣΕΛΛΟΣ, ΚΩΝΣΤ. ΚΥΠΡΑΙΟΣ, ΚΩΝΣΤ. ΠΑΠΑΔΗΜΗΤΡΙΟΥ, ΑΛΕΞ. ΜΑΤΘΑΙΟΥ, ΛΟΥΚ. ΠΑΤΡΑΣ, ΙΩΑΝ. ΧΟΛΕΒΑΣ, Γ. ΤΣΙΣΤΟΠΟΥΛΟΣ, ΗΛ. ΔΗΜΗΤΡΑΣ.

Ἐθεωρήθη καὶ ἐτέθη ἡ μεγάλη τοῦ Κράτους σφραγίς.

Ἐν Ἀθήναις τῇ 11 Νοεμβρίου 1968

Ο ΕΠΙ ΤΗΣ ΔΙΚΑΙΟΣΥΝΗΣ ΥΠΟΥΡΓΟΣ
ΗΛ. 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 nationales 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 Internarional 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 remineration 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 imprortance 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, not 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 juridictional 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 arbitra tion 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 tarification, 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 proceegs 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 aggree 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 realy 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 consentof 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 ommited 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 request 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 ingorance 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 nave 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 deci sion. 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 annuled 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

Recogniton 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 threat 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 disquality 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 ofits 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 Spaninsh languages, all theree texts being epually authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstraction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Conventions.

ΣΥΜΦΩΝΙΑ

ΠΕΡΙ ΔΙΑΚΑΝΟΝΙΣΜΟΥ ΔΙΑΦΟΡΩΝ ΕΞ ΕΠΕΝΔΥΣΕΩΝ ΜΕΤΑΞΥ ΚΡΑΤΩΝ ΚΑΙ ΥΠΗΚΟΩΝ ΕΤΕΡΩΝ ΚΡΑΤΩΝ

ΠΡΟΟΙΜΙΟΝ

Τὰ Συμβαλλόμενα Κράτη

Λαβόντα ὑπ' ὄψει τὴν ἀνάγκην, διεθνοῦς συνεργασίας χάριν τῆς οἰκονομικῆς ἀναπτύξεως, ὡς καὶ τὴν συμβολὴν εἰς αὐτὴν τῶν διεθνῶν ἰδιωτικῶν ἐπενδύσεων.

Ἐκκινοῦντα ἀπὸ τῆς σκέψεως ὅτι κατὰ πᾶσαν ἐποχὴν δύνανται ν'ἀνακύψουν διαφοραὶ ἐκ τοιούτων ἐπενδύσεων μεταξὺ Συμβαλλομένων Κρατῶν καὶ ὑπηκόων ἑτέρων συμβαλλομένων Κρατῶν.

Ἀναγνωρίζοντα ὅτι ἐνῶ αἱ τοιαῦται διαφοραὶ δέον κανονικῶς ν'ἀποτελῶσι τὸ ἀντικείμενον προσφυγῶν εἰς

τὰς ἐθνικὰς διαδικασίας, δυνατὸν εἶναι εἴς τινας περιπτώσεις νὰ ἐνδείκνυται ἡ ἐφαρμογὴ διεθνῶν τρόπων διακανονισμοῦ αὐτῶν.

Ἀποδίδοντα ἰδιαιτέραν σημασίαν εἰς τὴν διάπλασιν ὀργανισμῶν διεθνοῦς συμφιλιώσεως ἢ διαιτησίας εἰς τοὺς ὁποίους τὰ συμβαλλόμενα Κράτη καὶ οἱ ὑπήκοοι ἑτέρων συμβαλλομένων Κρατῶν θὰ ἠδύναντο νὰ ὑποβάλλουν τὰς μεταξύ των διαφοράς, ἐφ' ὅσον ἐπιθυμοῦν τοῦτο.

Ἐπιθυμοῦντα ὅπως ἱδρύσουν τοιούτους ὀργανισμοὺς ὑπὸ τὴν αἰγίδα τῆς Διθενοῦς Τραπέζης Ἀνασυγκροτήσεως καὶ Ἀναπτύξεως.

Ἀναγνωρίζοντα ὅτι ἡ ἀμοιβαία συγκατάθεσις τῶν ἐνδιαφερομένων μερῶν ὅπως ὑποβάλλουν τὰς τοιαύτας διαφορὰς εἰς συμφιλίωσιν ἢ διαιτησίαν προσφεύγοντα ἐνώπιον τῶν ἀνωτέρω ὀργανισμῶν ἀποτελεῖ δεσμευτικὴν συμφωνίαν ἀπαιτοῦσαν ἰδίᾳ ὅπως λαμβάνηται δεόντως ὑπ' ὄψει οἱαδήποτε σύστασις τῶν συμφιλιωτῶν καὶ ὅπως ἐκτελῆται οἱαδήποτε διαιτητικὴ ἀπόφασις, καὶ

Δηλοῦντα ὅτι οὐδὲν συμβαλλόμενον Κράτος δύναται νὰ θεωρηθῇ ὡς ὑπέχον ὑποχρέωσιν τινα ὑποβολῆς συγκεκριμένης τινος διαφορᾶς εἰς συμφιλίωσιν ἢ διαιτησίαν, ἐκ μόνου τοῦ γεγονότος τῆς ὑπ' αὐτοῦ κυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως τῆς παρούσης Συμφωνίας, ἐφ' ὅσον δὲν συναινεῖ εἰς τοῦτο.

Συνεφώνησαν τὰ ἑπόμενα :

ΚΕΦΑΛΑΙΟΝ I.

Διεθνὲς Κέντρον Διακανονισμοῦ τῶν Διαφορῶν ἐξ Ἐδενδύσεων.

ΤΜΗΜΑ I

Ἵδρυσις καὶ Ὀργάνωσις

Ἄρθρον 1.

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

2. Σκοπὸς τοῦ Κέντρου θὰ εἶναι ἡ παροχὴ μέσων πρὸς συμφιλίωσιν καὶ διαιτησίαν ἐπὶ τῶν διαφορῶν ἐξ ἐπενδύσεων μεταξὺ συμβαλλομένων Κρατῶν καὶ ὑπηκόων ἑτέρων συμβαλλομένων Κρατῶν, συμφώνως πρὸς τὰς διατάξεις τῆς παρούσης Συμφωνίας.

Ἄρθρον 2.

Ἕδρα τοῦ Κέντρου εἶναι ἡ τῆς Τρπαέζης Ἀνασυγκροτήσεως καὶ Ἀναπτύξεως (ἐφεξῆς καλουμένης «ἡ Τράπεζα»). Ἡ ἕδρα δύναται νὰ μετενεχθῇ εἰς ἕτερον τόπον δι' ἀποφάσεως τοῦ Διοικητικοῦ Συμβουλίου λαμβανομένης διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ.

Ἄρθρον 3.

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

ΤΜΗΜΑ 2.

Τὸ Διοικητικὸν Συμβούλιον

Ἄρθρον 4.

1. Τὸ Διοικητικὸν Συμβούλιον περιλαμβάνει ἀνὰ ἕνα ἐκπρόσωπον ἑκάστου συμβαλλομένου Κράτους. Εἷς ἀναπληρωτὴς δύναται νὰ ἀσκῇ τὰ καθήκοντα ἐκπροσώπου ἐν περιπτώσει ἀπουσίας τοῦ τιτλούχου ἔκ τινος συνεδριάσεως ἢ ἀνικανότητός του ὅπως ἐκπληρώσῃ τὰ καθήκοντα αὐτοῦ.

2. Ἐλλείψει ἀντιθέτου ὑποδείξεως, ὁ διοικητὴς καὶ ἀναπληρωτὴς διοικητὴς τῆς Τραπέζης, οἱ διωρισμένοι ὑπὸ Συμβαλλομένου Κράτους, ἐκπληροῦσιν αὐτοδικαίως τὰ ἀντίστοιχα καθήκοντα τοῦ ἐκπροσώπου καὶ τοῦ ἀναπληρωτοῦ.

Ἄρθρον 5.

Ὁ Πρόεδρος τῆς Τραπέζης εἶναι αὐτοδικαίως Πρόεδρος τοῦ Διοικητικοῦ Συμβουλίου (ἐφεξῆς καλούμενος «ὁ Πρόεδρος») στερούμενος ὅμως ψήφου. Ἐν ἀπουσίᾳ ἢ κωλύματι αὐτοῦ ἢ ἐν περιπτώσει κενώσεως τῆς Προεδρίας τῆς Τραπέζης, τὸ ἀσκοῦν προσωρινῶς παρὰ τῇ Τραπέζῃ τὰ καθήκοντα Προέδρου πρόσωπον, ἀσκεῖ καὶ τὰ τοῦ Προέδρου τοῦ Διοικητικοῦ Συμβουλίου.

Ἄρθρον 6.

1. Τηρουμένων τῶν λοιπῶν διατάξεων τῆς παρούσης συμβάσεως περὶ τῶν εἰς τὸ Διοικητικὸν Συμβούλιον, ἀνατιθεμένων ἐξουσιῶν τοῦτο :

α) Ἀποδέχεται τὸν διοικητικὸν καὶ οἰκονομικὸν κανονισμὸν τοῦ Κέντρου.

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

γ) Ἀποδέχεται τοὺς δικονομικοὺς κανονισμοὺς ἐκδικάσεως τῶν αἰτήσεων συμφιλιώσεως καὶ διαιτησίας (ἐφεξῆς καλουμένους : 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 ὅρους ὑπὸ τοὺς ὁποίους ὁ Γενικὸς Γραμματεὺς καὶ οἱ 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) ἀναφερόμεναι 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 ὡσαύτως πᾶσαν ἄλλην ἐξουσίαν ἢ ἐπιχειρεῖ πᾶσαν ἄλλην πρᾶξιν κατὰ τὴν κρίσιν αὐτοῦ ἀναγκαίαν διὰ τὴν ἐφαρμογὴν τῶν διατάξεων τῆς παρούσης Συμβάσεως.

Ἄρθρον 7.

1. Τὸ Διοικητικὸν Συμβούλιον συνέρχεται ἅπαξ κατ' ἔτος ἢ ὁσάκις ἤθελεν ἀποφασισθῇ ὑπ' αὐτοῦ τοῦ ἰδίου ἢ ἤθελε συγκληθῇ ὑπὸ τοῦ Προέδρου ἢ τοῦ Γενικοῦ Γραμματέως αὐτοῦ κατόπιν αἰτήσεως πέντε τοὐλάχιστον μελῶν τοῦ Συμβουλίου.

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

3. Ἀπαιτουμένη ἀπαρτία καθ' οἱονδήποτε συνεδρίασιν τοῦ Διοικητικοῦ Συμβουλίου, εἶναι τὸ ἥμισυ πλέον ἑνὸς τῶν μελῶν αὐτοῦ.

4. Διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ τὸ Διοικητικὸν Συμβούλιον δύναται ν' ἀποδεχθῇ διαδικασίαν ἐξουσιοδοτοῦσαν τὸν Πρόεδρον νὰ ἐπιδιώξῃ τὴν ψῆφον τοῦ Συμβουλίου χωρὶς νὰ συγκαλέσῃ συνεδρίασιν αὐτοῦ. Τότε μόνον θεωρεῖται ἡ ψηφοφορία ἰσχυρά, ὅταν ἡ πλειοψηφία τῶν μελῶν τοῦ Συμβουλίου μετάσχῃ αὐτῆς ἐντὸς τῶν ὑπὸ τῆς εἰρημένης διαδικασίας τασσομένων προθεσμιῶν.

Ἄρθρον 8.

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

ΤΜΗΜΑ 3

Ἡ Γραμματεία

Ἄρθρον 9.

Ἡ Γραμματεία ἀποτελεῖται ἐξ ἑνὸς Γενικοῦ Γραμματέως ἑνὸς ἢ πλειόνων Ἀναπληρωτῶν Γενικοῦ Γραμματέως καὶ τοῦ Προσωπικοῦ.

Ἄρθρον 10.

1. Ὁ Γενικὸς Γραμματεὺς καὶ οἱ Ἀναπληριταὶ Γενικοῦ Γραμματέως ἐκλέγονται ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου τῇ προτάσει τοῦ Προέδρου διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ, διὰ χρονικὴν περίοδον θητείας μὴ ὑπερβαίνουσαν τὰ ἓξ ἔτη, εἶναι δὲ ἐπανεκλέξιμοι. Κατόπιν διαβουλεύσεως μετὰ τῶν μελῶν τοῦ Διοικητικοῦ Συμβοουλίου, ὁ Πρόεδρος προτείνει ἕνα ἢ περισσοτέρους ὑποψηφίους δι' ἕκαστον τῶν ἀνωτέρω ἀξιωμάτων.

2. Αἱ θέσεις τοῦ Γενικοῦ Γραμματέως καὶ τοῦ Ἀναπληρωτοῦ Γενικοῦ Γραμματέως εἶναι ἀσυμβίβαστοι πρὸς τὴν ἄσκησιν οἱουδήποτε πολιτικοῦ λειτουργήματος. Ὑπὸ τὴν ἐπιφύλαξιν παροχῆς εἰδικῆς ἐγκρίσεως ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου ὁ Γενικὸς Γραμματεὺς καὶ οἱ ἀναπληρωταὶ Γενικοῦ Γραμματέως δὲν δύναται νὰ κατέχωσιν ἑτέραν θέσιν ἢ ν' ἀσκῶσιν οἱονδήποτε ἐπάγγελμα.

Ἐν περιπτώσει ἀπουσίας ἢ κωλύματος τοῦ Γενικοῦ Γραμματέως ἢ κενώσεως τῆς θέσεως αὐτοῦ, ὁ Ἀναπληρωτὴς 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.

Ἄρθρον 11

Ὁ Γενικὸς Γραμματεὺς εἶναι ὁ νόμιμος ἐκπρόσωπος καὶ ὁ προϊστάμενος τοῦ Κέντρου, εὐθυνόμενος διὰ τὴν διοίκησιν αὐτοῦ συμπεριλαμβανομένου καὶ τοῦ διορισμοῦ τοῦ προσωπικοῦ, συμφώνως πρὸς τὰς διατάξεις τῆς παρούσης συμφωνίας καὶ τοὺς παραδεδεγμένους ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου κανόνας. Ἐκτελεῖ τὰ καθήκοντα ἀρχειοφύλακος, κέκτηται δὲ τὴν ἐξουσίαν 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

Ἄρθρον 12

Ὁ Πίναξ τῶν συμφιλιωτῶν καὶ ὁ Πίναξ τῶν διαιτητῶν συντίθενται ἕκαστος ἐκ προσώπων ἐχόντων τὰ κατάλληλα προσόντα, διοριζομένων κατὰ τὰς διατάξεις τῆς παρούσης, ἀποδεχομένων δὲ νὰ προσφέρουν τὰς ὑπηρεσίας αὐτῶν.

Ἄρθρον 13

1. Ἕκαστον Συμβαλλόμενον Κράτος δικαιοῦται νὰ ὑποδείξῃ δι' ἕκαστον πίνακα τέσσαρα πρόσωπα τὰ ὁποῖα δύνανται μὲν νὰ εἶναι ὑπήκοοι αὐτοῦ, οὐχὶ ὅμως κατ' ἀνάγκην.

2. Ὁ Πρόεδρος δύναται νὰ ὑποδείξῃ δέκα πρόσωπα δι' ἕκαστον Πίνακα. Τὰ οὕτω ὑποδεικνυόμενα εἰς ἕνα πίνακα πρόσωπα, δέον νὰ ἔχουν πάντα διάφορον ὑπηκοότητα.

Ἄρθρον 14

1. Τὰ ὑποδεικνυόμενα πρὸς ἀναγραφὴν εἰς τοὺς πίνακας πρόσωπα, δέον ν' ἀπολαύουν ὑψηλῆς ἠθικῆς ὑπολήψεως νὰ εἶναι 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. Ἡ ἁρμοδιότης αὐτῶν εἰς τὸν τομέα τοῦ δικαίου, ἔχει ἰδιαιτέραν σημασίαν προκειμένου περὶ προσώπου ὑποδεικνυομένου εἰς τὸν πίνακα διαιτητῶν.

2. Ὁ Πρόεδρος, κατὰ τὰς ὑπ' αὐτοῦ ὑποδείξεις προσώπων εἰς τοὺς πίνακας, λαμβάνει ἐπὶ πλέον ὑπ' ὄψει τὴν σημασίαν ἣν ἔχει ἡ ἐκπροσώπησις εἰς τοὺς πίνακας τῶν κυριωτέρων νομοθετικῶν συστημάτων τοῦ κόσμου, ὡς καὶ τῶν κυριωτέρων τομέων τῆς οἰκονομικῆς δραστηριότητος.

Ἄρθρον 15.

1. Αἱ ὑποδείξεις προσώπων διὰ τοὺς πίνακας ἰσχύουν δι' ἐξαετεῖς χρονικὰς περιόδους δυναμένας ν' ἀνανεωθοῦν.

2. Ἐν περιπτώσει θανάτου ἢ παραιτήσεως προσώπου τινος ἀναγεγραμμένου εἴς τινα τῶν πινάκων, ἡ διορίσασα τὸ πρόσωπον τοῦτο ἀρχὴ θὰ δικαιοῦται ὅπως ὑποδείξῃ τὸν ἀναπληρωτὴν αὐτοῦ διὰ τὸν ἀπομένοντα χρόνον τῆς ἐντολῆς.

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

Ἄρθρον 16

1. Ἓν καὶ τὸ αὐτὸ πρόσωπον δύναται ν' ἀναγράφηται εἰς ἀμφοτέρους τοὺς πίνακας.

2. Πρόσωπον ὑποδεικνυόμενον δι' ἕνα 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 ἥτις πρώτη ὑπέδειξεν αὐτό. Κατὰ πᾶσαν περίπτωσιν, ἐὰν τὸ πρόσωπον τοῦτο εἶναι ὑπήκοος τινὸς τῶν μετασχόντων εἰς τὴν ὑπόδειξιν Κράτους, θεωρεῖται ὑποδειχθὲν ὑπὸ τοῦ Κράτους τούτου.

3. Πᾶσαι αἱ ὑποδείξεις γνωστοποιοῦνται εἰς τὸν Γενικὸν Γραμματέα ἰσχύουν δὲ ἀπὸ τῆς λήψεως τῆς γνωστοποιήσεως.

ΤΜΗΜΑ Ε

Χρηματοδότησις τοῦ Κέντρου

Ἄρθρον 17

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

ΤΜΗΜΑ 6

Καθεστώς, Ἀσυλίαι καὶ Πρόνομοια

Ἄρθρον 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.

Ἄρθρον 19

Τὸ Κέντρον, χάριν τῆς ἀσκήσεως τῆς λειτουργίας αὐτοῦ, ἀπολαύει τῶν ἀσυλιῶν καὶ προνομίων εἰς τὸ ἔδαφος ἑκάστου Συμβαλλομένου Κράτους, τῶν ὁριζομένων ἐν τῷ παρόντι τμήματι τῆς Συμφωνίας.

Ἄρθρον 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.

Ἄρθρον 21

Ὁ Πρόεδρος, τὰ μέλη τοῦ Διοικητικοῦ Συμβουλίου, πρόσωπα ἐνεργοῦντα ὡς συμφιλιωταὶ ἢ διαιτηταὶ ἢ ὡς μέλη τῆς ἐν παραγράφῳ (3) τοῦ ἄρθρου 52 προβλεπομένης Ἐπιτροπῆς, ὡς ἐπίσης οἱ λειτουργοὶ καὶ ὑπάλληλοι τῆς Γραμματείας : (α) δὲν δύνανται νὰ διωχθοῦν διὰ πράξεις αὐτῶν τελεσθείσας ἐν τῇ ἐνασκήσει τῶν καθηκόντων αὐτῶν, πλὴν ἐν περιπτώσει ἄρσεως τῆς ἀσυλίας ταύτης ὑπὸ τοῦ Κέντρου. (β) μὴ ὄντες ὑπήκοοι τοῦ εἰς ὃ 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 ἐκείνας αἵτινες παρέχονται ὑπὸ τῶν Συμβαλλομένων Κρατῶν εἰς τοὺς ἐκπροσώπους, τοὺς λειτουργοὺς καὶ τοὺς ὑπαλλήλους ἀναλόγου βαθμοῦ ἄλλων συμβαλλομένων Κρατῶν.

Ἄρθρον 22

Αἱ διατάξεις τοῦ ἄρθρου 21 ἔχουσιν ἐφαρμογὴν ἐπὶ προσώπων μετεχόντων τῶν δικῶν αἵτινες ἀποτελοῦσιν ἀντικείμενον τῆς παρούσης Συμφωνίας ὑπὸ τὰς ἰδιότητας διαδίκων, ἀντιπροσώπων, συμβούλων, δικηγόρων μαρτύρων ἢ ἐμπειρογνωμόνων, τῆς διατάξεως ὅμως τοῦ ἐδαφίου (β) τοῦ εἰρημένου ἄρθρου ἐφαρμοζομένης μόνον ἐπὶ τῶν μετακινήσεων αὐτῶν καὶ ἐπὶ τῆς διανομῆς αὐτῶν ἐν ᾗ χώρᾳ διεξάγεται ἡ διαδικασία.

Ἄρθρον 23

1. Τὰ ἀρχεῖα τοῦ Κέντρου ὁπουδήποτε καὶ ἂν εὑρίσκωνται εἶναι ἀπαραβίαστα.

2. Ἕκαστον συμβαλλόμενον Κράτος παρέχει εἰς τὸ Κέντρον διὰ τὰς ἐπισήμους ἐπικοινωνίας αὐτοῦ μεταχείρισιν ἐξ ἴσου εὐνοϊκὴν πρὸς τὴν παρεχομένην ὑπ' αὐτοῦ εἰς τὰς λοιπὰς διεθνεῖς ὀργανώσεις.

Ἄρθρον 24.

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

2. Οὐδεὶς 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 λειτουργοὺς ἢ τοὺς ὑπαλλήλους τῆς Γραμματείας, πλὴν ἐὰν οἱ δικαιοῦχοι τυγχάνωσιν ὑπήκοοι τοῦ Κράτους ἔνθα ἀσκοῦσι τὰ καθήκοντα αὐτῶν.

3. Οὐδεὶς φόρος ἐπιβάλλεται ἐπὶ τῶν ἀμοιβῶν τῶν ἀποζημιώσεων τῶν καταβαλλομένων εἰς πρόσωπα ἐνεργοῦντα ὑπὸ τὴν ἰδιότητα τοῦ Συμφιλιωτοῦ, διατητοῦ ἢ μέλους τῆς προβλεπομένης ὑπὸ τοῦ ἄρθρου 52 ἐδαφίου (3) Ἐπιτροπῆς κατὰ τὰς δίκας αἵτινες ἀποτελοῦσιν 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 ἡ διαδικασία ἢ ἐκεῖνον ἔνθα καταβάλλονται αἱ εἰρημέναι ἀμοιβαὶ ἢ ἀποζημιώσεις.

ΚΕΦΑΛΑΙΟΝ 11

Δικαιοδοσία τοῦ Κέντρου

Ἄρθρον 25.

1. Ἡ δικαιοδοσία τοῦ Κέντρου ἐκτείνεται ἐπὶ πάσης διαφορᾶς νομικοῦ χαρακτῆρος ἀμέσως ἀνακυπτούσης ἐκ μιᾶς ἐπενδύσεως μεταξὺ ἑνὸς συμβαλλομένου Κράτους (ἢ μιᾶς κοινότητος δημοσίου δικαίου ἢ ὀργανισμοῦ ἐξηρτημένου παρὰ τοῦ Κράτους καὶ ὑπ' αὐτοῦ ὑποδεικνυομένων) καὶ ὑπηκόου ἑτέρου συμβαλλομένου Κράτους καὶ τὴν ὁποίαν τὰ μέρη ἐγγράφως συνήνεσαν ὅπως ὑποβάλλωσιν εἰς τὸ Κέντρον. Δοθείσης τῆς συναινέσεως τῶν μερῶν, οὐδέτερον τούτων δύναται νὰ τὴν ἀνακαλέσῃ μονομερῶς.

2. 'Υπήκοος ἑτέρου Συμβαλλομένου Κράτους» σημαίνει :

α) Πᾶν φυσικὸν πρόσωπον ἔχον τὴν ὑπηκοότητα Συμβαλλομένου Κράτους, ἄλλου ἢ τοῦ Κράτους διαδίκου ἐν τῇ διαφορᾷ καθ' ὃν χρόνον τὰ μέρη συνήνεσαν ὅπως ὑποβάλωσι τὴν διαφορὰν εἰς τὴν συμφιλίωσιν ἢ διαιτησίαν, ὡς καὶ κατὰ τὸν χρόνον τῆς καταχωρήσεως τῆς αἰτήσεως συμφώνως τῷ ἐδαφίῳ (3) τοῦ Ἄρθρου 28 ἢ τῷ ἐδαφίῳ (3) τοῦ Ἄρθρου 36, ἀποκλειομένου ὅμως παντὸς προσώπου τὸ ὁποῖον καθ' οἱονδήποτε 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' ὃν χρόνον τὰ μέρη συνήνεσαν ὅπως ὑποβάλωσι τὴν διαφορὰν εἰς τὴν συμφιλίωσιν ἢ διατησίαν, ὡς καὶ πᾶν νομικὸν πρόσωπον τὸ ὁποῖον κατὰ τὸν αὐτὸν χρόνον ἔχει τὴν ὑπηκοότητα τοῦ διαδίκου Συμβαλλομένου Κράτους καὶ τὸ ὁποῖον συνεφώνησαν τὰ μέρη νὰ θεωρήσωσι, διὰ τοὺς σκοποὺς τῆς παρούσης Συμφωνίας, ὡς ὑπήκοον ἑτέρου Συμβαλομένου Κράτους, λόγῳ τοῦ ἐπ' αὐτοῦ ἀσκουμένου ἐλέγχου ὑπὸ ξένων συμφερόντων.

3. Ἡ συναίνεσις ὑπὸ Κοινόνητος δημοσίου δικαίου ἢ ὀργανισμοῦ ἐξαρτωμένου παρ' ἑνὸς Συμβαλλομένου Κράτους δὲν δύναται νὰ παρασχεθῇ ἄνευ ἐγκρίσεως τοῦ εἰρημένου κράτους, πλὴν ἐὰν τοῦτο ὑποδείξῃ εἰς τὸ Κέντρον ὅτι δὲν τυγχάνει ἀναγκαία ἡ τοιαύτη ἔγκρισίς του.

4. Κατὰ τὸν χρόνον τῆς κυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως τῆς παρούσης Συμφωνίας ἢ καὶ μεταγενεστέρως ὁποτεδήποτε, πᾶν Συμβαλλόμενον Κράτος δύναται νὰ γνωστοποιήσῃ εἰς τὸ Κέντρον τὴν κατηγορίαν ἢ τὰς κατηγορίας διαφορῶν τῶν ὁποίων τὴν ὑποβολὴν ἢ μὴ εἰς τὴν δικαιοδοσίαν τοῦ Κέντρου ἤθελε θεωρήσει ὡς δυνατήν. Ἡ γνωστοποίησις αὕτη διαβιβάζεται ἀμέσως ὑπὸ τοῦ Γενικοῦ Γραμματέως εἰς ἅπαντα τὰ Συμβαλλόμενα Κράτη. Ἡ τοιαύτη γνωστοποίησις δὲν συνιστᾷ τὴν ὑπὸ τοὺς ὅρους τοῦ ἐδαφίου (1) ἀπαιτουμένην συναίνεσιν.

Ἄρθρον 26.

Ἡ συναίνεσις τῶν διαδίκων μερῶν διὰ τὴν ὑποβολὴν εἰς διαιτησίαν κατὰ τὴν παροῦσαν συμφωνίαν, θεωρεῖται ἐκτὸς ἀντιθέτου συμφωνίας, ὡς συνεπαγομένη παραίτησιν ἀπὸ τῆς ἀσκήσεως οἱασδήποτε ἄλλης προσφυγῆς. Ἕν συμβαλλόμενον Κράτος δύναται νὰ ἀπαιτήσῃ ὡς ὅρον τῆς παροχῆς τῆς συναινέσεώς του πρὸς διαιτησίαν ἐν τῷ πλαισίῳ τῆς παρούσης Συμφωνίας, τὴν ἐξάντλησιν τῶν ἐνωτερικῶν διοικητικῶν ἢ δικαστικῶν προσφυγῶν.

Ἄρθρον 27.

1. Οὐδὲν τῶν Συμβαλλομένων Κρατῶν δύναται νὰ παράσχῃ διπλωματικὴν προστασίαν ἢ νὰ προβάλῃ διεθνῶς ἀπαίτησιν ἐν σχέσει πρὸς μίαν διαφορὰν διὰ τὴν ὑποβολὴν τῆς ὁποίας εἰς διαιτησίαν συνήνεσαν εἷς τῶν ὑπηκόων αὐτοῦ καὶ ἕτερον Συμβαλλόμενον Κράτος ἢ τὴν ὁποίαν ὑπέβαλον ἤδη εἰς τὴν διαιτησίαν κατὰ τὴν παροῦσαν Συμφωνίαν, ἐκτὸς ἐὰν τὸ ἕτερον Συμβαλλόμενον Κράτος δὲν συμμορφοῦται πρὸς τὴν ἐκδοθεῖσαν ἀπόφασιν τοῦ διαιτητικοῦ δικαστηρίου ἐπὶ τῆς διαφορᾶς.

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

ΚΕΦΑΛΑΙΟΝ ΙΙΙ

Συμφιλίωσις

ΤΜΗΜΑ Ι

Αἴτησις Συμφιλιώσεως

Ἄρθρον 28.

1. Ἕν Συμβαλλόμενον Κράτος ἢ ὁ ὑπήκοος ἑνὸς Συμβαλλομένου Κράτους, ὀφείλει, ἐφ' ὅσον ἐπιθυμεῖ τὴν διεξαγωγὴν διαδικασίας συμβιβασμοῦ, ν' ἀπευθύνῃ ἔγγραφον αἴτησιν πρὸς τὴν σκοπὸν τοῦτον εἰς τὸν Γενικὸν Γραμματέα ὅστις ἀποστέλλει ἀντίγραφον αὐτῆς εἰς τὸ ἕτερον μέρος.

2. Ἡ αἴτησις δέον νὰ περιλαμβάνῃ πληροφορίας ἀφορῶσας τὸ ἀντικείμενον τῆς διαφορᾶς, τὴν ταὐτότητα τῶν διαδίκων, ὡς καὶ τὴν συναίνεσιν αὐτῶν διὰ τὴν ὑπαγωγὴν των εἰς τὴν συμφιλίωσιν συμφώνως πρὸς τὸν κανονισμὸν τῆς διαδικασίας διὰ τὴν εἰσαγωγὴν τῶν δικῶν συμφιλιώσεως καὶ διαιτησίας.

3. Ὁ Γενικὸς Γραμματεὺς ὑποχρεοῦται νὰ προβῇ εἰς τὴν καταχώρησιν τῆς αἰτήσεως, ἐκτὸς ἐὰν ἤθελε κρίνει βάσει τῶν παρεχομένων διὰ τῆς αἰτήσεως πληροφοριῶν ὅτι ἡ διαφορὰ κεῖται ἐκδήλως ἐκτὸς τῆς ἁρμοδιότητος τοῦ Κέντρου. Οὗτος ὑποχρεοῦται νὰ εἰδοποιήσῃ ἀμέσως τὰ διάδικα μέρη περὶ τῆς καταχωρήσεως ἢ τῆς ἀρνήσεως καταχωρήσεως.

ΤΜΗΜΑ 2

Σύστασις τῆς Ἐπιτροπῆς Συμφιλιώσεως

Ἄρθρον 29.

1. Ἡ Ἐπιτροπὴ Συμφιλιώσεως (ἐφεξῆς καλουμένη «Ἡ Ἐπιτροπή») συγκροτεῖται τὸ ταχύτερον δυνατὸν μετὰ τὴν καταχώρησιν τῆς αἰτήσεως συμφώνως πρὸς τὸ ἄρθρον 28.

2. (α) Ἡ Ἐπιτροπὴ ἀποτελεῖται ἐξ ἑνὸς μόνου συμφιλιωτοῦ 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. Ἡ Ἐπιτροπὴ συγκροτεῖται ἐκ τριῶν συμφιλιωτῶν, ἑκατέρου τῶν μερῶν διορίζοντος ἀνὰ ἕνα, τοῦ δὲ τρίτου τοῦ

Προεδρεύοντος τῆς Ἐπιτροπῆς, διοριζομένου διὰ σβυμφωνίας τῶν μερῶν.

Ἄρθρον 30.

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

Ἄρθρον 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 ἄρθρου 30.

2. Συμφιλιωταὶ διοριζόμενοι ἐκτὸς τοῦ Πίνακος συμφιλιωτῶν δέον νὰ ἔχουν τὰ ἐν ἐδαφίῳ (1) τοῦ ἄρθρου 14 προβλεπόμενα προσόντα.

ΤΜΗΜΑ 3

Διαδικασία ἐνώπιον τῆς Ἐπιτροπῆς

Ἄρθρον 32.

1. Ἡ Ἐπιτροπὴ κρίνει περὶ τῆς ἰδίας αὐτῆς ἁρμοδιότητος.

2. Πᾶσα ἔνστασις ἀναρμοδιότητος προβαλλομένη ὑπὸ τινος τῶν μερῶν ἐπὶ τῷ λόγῳ ὅτι ἡ διαφορὰ δὲν ὑπάγεται εἰς τὴν ἁρμοδιότητα τοῦ Κέντρου εἴτε ὅτι δι' ἄλλους λόγους δὲν εἶναι τῆς ἁρμοδιότητος τῆς Ἐπιτροπῆς, δέον ὅπως ἐξετάζηται ὑπὸ τῆς Ἐπιτροπῆς ἤτις καὶ ἀποφασίζει ἐὰν θὰ ἔδει νὰ ἐπιληφθῇ αὐτῆς ὡς προκαταρκτικοῦ θέματος ἢ ἐὰν ἡ ἐξέτασις αὐτῆς θὰ ἔδει νὰ συνδεθῇ πρὸς τὴν τῶν οὐσιαστικῶν θεμάτων.

Ἄρθρον 33.

Πᾶσα διαδικασία συμφιλιώσεως διεξάγεται συμφώνως πρὸς τὰς διατάξεις τοῦ παρόντος Τμήματος καί, πλὴν ἐναντίας συμφωνίας τῶν μερῶν συμφώνως πρὸς τὸν ἐν ἰσχύει κατὰ τὸν χρόνον τῆς συναινέσεως των διὰ τὴν συμφιλίωσιν Κανονισμὸν Συμφιλιώσεως. Ἐγειρομένου οἱουδήποτε δικονομικοῦ ζητήματος μὴ προβλεπομένου ὑπὸ τοῦ παρόντος Τμήματος ἢ τοῦ Κανονισμοῦ Συμφιλιώσεως ἢ οἱουδήποτε κανονισμοῦ ἀποδεδεγμένου ὑπὸ τῶν μερῶν, ἀποφασίζει περὶ αὐτοῦ ἡ Ἐπιτροπή.

Ἄρθρον 34.

1. Ἡ Ἐπιτροπὴ ἔργον ἔχει τὴν ἀποσαφήνισιν τῶν ἀμφισβητουμένων θεμάτων τῆς μεταξὺ τῶν μερῶν διαφορᾶς, ὀφείλει δὲ νὰ προσπαθήσῃ ὅπως ὁδηγήσῃ ταῦτα πρὸς λύσεις ἀμοιβαίως ἀποδεκτάς. Ἐπὶ τῷ τέλει τούτῳ, ἡ Ἐπιτροπὴ δύναται καθ' οἱονδήποτε στάδιον τῆς διαδικασίας καὶ κατ' ἐπανάληψιν νὰ εἰσηγῆται εἰς τὰ μέρη τοὺς ὅρους 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' ὄψει τὰς ὑπ' αὐτῆς γινομένας συστάσεις.

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

Ἐὰν καθ' οἱονδήποτε στάδιον τῆς διαδικασίας ἡ Ἐπιτροπὴ κρίνῃ 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 γεγονὸς ὅτι τὰ μέρη δὲν κατέληξαν εἰς συμφωνίαν. Ἐὰν ἕν τῶν μερῶν δὲν ἤθελεν ἐμφανισθῇ ἢ ἀπόσχῃ τῆς συμμετοχῆς εἰς τὴν διαδικασίαν, ἡ Ἐπιτροπὴ κλείει τὴν διαδικασίαν καὶ συντάσσει πρακτικὸν βεβαιοῦν ὅτι τὸ ἕν τῶν μερῶν δὲν προσῆλθεν ἢ ὅτι ἀπέσχε τῆς συμμετοχῆς εἰς τὴν διαδικασίαν.

Ἄρθρον 35.

Ἐκτὸς ἀντιθέτου συμφωνίας τῶν μερῶν, οὐδὲν ἐξ αὐτῶν δύναται, ἐπ' εὐκαιρίᾳ ἄλλης τινὸς διαδικασίας διεξαγομένης ἐνώπιον διαιτητῶν, ἢ τακτικοῦ δικαστηρίου τινος εἴτε κατ' ἄλλον τινὰ τρόπον νὰ ἐπικαλεσθῇ τὰς ἐκφρασθείσας γνώμας, τὰς δηλώσεις ἢ τὰς προτάσεις διακανονισμοῦ τὰς γενομένας ὑπὸ τοῦ ἑτέρου μέρους διαρκούσης τῆς διαδικασίας συμφιλιώσεως ἢ τὸ πρακτικὸν ἢ τὰς γενομένας ὑπὸ τῆς Ἐπιτροπῆς συστάσεις.

ΚΕΦΑΛΑΙΟΝ IV

ΔΙΑΙΤΗΣΙΑ

ΤΜΗΜΑ I

Αἴτησις περὶ Διαιτησίας

Ἄρθρον 36.

Ἓν συμβαλλόμενον Κράτος ἢ ὑπήκοος ἑνὸς συμβαλλομένου Κράτους ἐὰν ἐπιθυμῇ νὰ προσφύγῃ εἰς διαιτησίαν ὀφείλει ν' ἀπευθύνῃ πρὸς τὸν σκοπὸν τοῦτον ἔγγραφον αἴτησιν εἰς τὸν Γενικὸν Γραμματέα, ὁ ὁποῖος ἀποστέλλει ἀντίγραφον αὐτῆς εἰς τὸ ἕτερον μέρος.

2. Ἡ αἴτησις δέον νὰ περιλαμβάνῃ πληροφορίας περὶ τῶν θεμάτων τῆς διαφορᾶς, τῆς ταυτότητος τῶν μερῶν καὶ περὶ τῆς συναινέσεώς των ὅπως ὑπαχθῶσιν εἰς διαιτησίαν συμφώνως 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 ἡ διαφορὰ ἐκδήλως κεῖται ἐκτὸς τῆς ἁρμοδιότητος τοῦ Κέντρου. Ὁ Γεν. Γραμματεὺς ὀφείλει νὰ γνωστοποιήσῃ ἀμέσως εἰς τὰ μέρη τὴν καταχώρησιν τῆς αἰτήσεως ἢ τὴν ἄρνησιν τῆς καταχωρήσεως.

ΤΜΗΜΑ 2

Σύνθεσις τοῦ Δικαστηρίου

Ἄρθρον 37.

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

2. (α) Τὸ Δικαστήριον ἀποτελεῖται ἐξ ἑνὸς μόνου διαιτητοῦ ἢ περιττοῦ ἀριθμοῦ διαιτητῶν διοριζομένων κατὰ τὴν συμφωνίαν τῶν μερῶν.

β) Ἐν ἐλλείψει συμφωνίας τῶν μερῶν ὅσον ἀφορᾷ τὸν ἀριθμὸν τῶν διαιτητῶν καὶ τὸν τρόπον τοῦ διορισμοῦ των, τὸ Δικαστήριον συγκροτεῖται ἐκ τριῶν διαιτητῶν, ἑκατέρου τῶν μερῶν διορίζοντος ἀνὰ ἕνα τοῦ δὲ τρίτου, ὅστις καὶ Προεδρεύει τοῦ Δικαστηρίου, διοριζομένου διὰ συμφωνίας τῶν μερῶν.

Ἄρθρον 38.

Ἐὰν τὸ Δικαστήριον δὲν ἤθελεν συγκροτηθῇ ἐντὸς 90 ἡμερῶν ἀπὸ τῆς ὑπὸ τοῦ Γεν. Γραμματέως ἀποστολῆς τῆς εἰδοποιήσεως περὶ καταχωρήσεως τῆς αἰτήσεως συμφώνως πρὸς τὸ ἐδάφιον (3) τοῦ ἄρθου 36, ἢ ἐντὸς διαφόρου τινος προθεσμίας συμπεφωνημένης ὑπὸ τῶν μερῶν, ὁ Πρόεδρος, κατόπιν αἰτήσεως τοῦ ἐπιμελεστέρου ἐξ αὐτῶν καὶ εἰ δυνατὸν κατόπιν διαβουλεύσεως μετ' ἀμφοτέρων, προβαίνει εἰς τὸν διορισμὸν τοῦ διαιτητοῦ ἢ τῶν διαιτητῶν οἵτινες δὲν διωρίσθησαν εἰσέτι. Οἱ οὕτω διοριζόμενοι ὑπὸ τοῦ Προέδρου διαιτηταὶ συμφώνως πρὸς τὰς διατάξεις τοῦ παρόντος ἄρθρου δέον νὰ μὴ εἶναι ὑπήκοοι τοῦ διαδίκου Συμβαλλομένου Κράτους ἢ τοῦ Συμβαλλομένου Κράτους τοῦ ὁποίου ὑπήκοος εἶναι διάδικος ἐν τῇ διαφορᾷ.

Ἄρθρον 39.

Οἱ συγκροτοῦντες τὴν πλειοψηφίαν διαιτηταὶ δέον νὰ εἶναι ὑπήκοοι ἄλλων Κρατῶν ἢ τοῦ διαδίκου Κράτους ἢ τοῦ συμβαλλομένου Κράτους τοῦ ὁποίου ὁ ὑπήκοος εἶναι διάδικος εἰς τὴν διαφοράν, τῆς διατάξεως ταύτης μὴ ἐχούσης ἐφαρμογὴν ὁσάκις τὰ μέρη ἀπὸ κοινοῦ ὑποδεικνύουν τὸν μόνον διαιτητὴν ἢ ἕν ἕκαστον μέλος τοῦ Δικαστηρίου.

Ἄρθρον 40.

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

2. Οἱ ἐκτὸς τοῦ Πίνακος διοριζόμενοι διαιτηταὶ δέον νὰ ἔχουν τὰς ἐν ἐδαφίῳ (1) τοῦ ἄρθρου 14 προβλεπομένας ἰδιότητας.

ΤΜΗΜΑ 3

Ἐξουσίαι καὶ Λειτουργίαι τοῦ Δικαστηρίου

Ἄρθρον 41.

1. Τὸ Δικαστήριον κρίνει περὶ τῆς ἰδίας αὐτοῦ ἁρμοδιότητος.

2. Πᾶσα ἔνστασις ἀναρμοδιότητος προβαλλομένη ὑπὸ τινος τῶν μερῶν ἐπὶ τῷ λόγῳ ὅτι ἡ διαφορὰ δὲν ἐμπίπτει εἰς τὴν ἁρμοδιότητα τοῦ Κέντρου ἢ ἐφ' οἱωδήποτε ἄλλῳ τινὶ λόγῳ εἰς τὴν ἁρμοδιότητα τοῦ Δικαστηρίου, δέον ὅπως κρίνεται παρὰ τοῦ Δικαστηρίου τὸ ὁποῖον ἀποφασίζει ἐὰν δέον νὰ ἐπιληφθῇ αὐτῆς ὡς προκαταρκτικοῦ ζητήματος ἢ ἐὰν ἡ ἐξέτασις αὐτῆς θὰ ἔδει νὰ συνδεθῇ πρὸς τὴν τῶν οὐσιαστικῶν θεμάτων.

Ἄρθρον 42.

1. Τὸ Δικαστήριον ἀποφαίνεται ἐπὶ τῆς διαφορᾶς συμφώνως πρὸς τοὺς κανόνας δικαίου τοὺς ἀποδεδειγμένους ὑπὸ τῶν μερῶν. Ἐλλείψει τοιαύτης συμφωνίας μεταξὺ τῶν μερῶν τὸ Δικαστήριον ἐφαρμόζει τὸ δίκαιον τοῦ διαδίκου Συμβαλλομένου Κράτους (συμπεριλαμβανομένων καὶ τῶν κανόνων ἐπὶ συγκρούσεως τῶν νόμων), ὡς καὶ τὰς ἀρχὰς τοῦ διεθνοῦς δικαίου τὰς κρατούσας ἐπὶ τοῦ θέματος.

2. Τὸ δικαστήριον δὲν δύναται ν' ἀρνηθῇ νὰ δικάσῃ, λόγῳ σιωπῆς ἢ ἀσαφείας τοῦ δικαίου.

3. Αἱ διατάξεις τῶν προηγουμένων ἐδαφίων (1) καὶ (2) δὲν παραβλάπτουν τὴν εὐχέρειαν τοῦ Δικαστηρίου ὅπως συμφωνούντων τῶν μερῶν, ἀποφασίσῃ Ex Aequo et Bono.

Ἄρθρον 43.

Πλὴν ἐναντίας συμφωνίας τῶν μερῶν τὸ Δικαστήριον δύναται, ἐφ' ὅσον θερεῖ τοῦτο ἀναγκαῖον κατὰ πᾶσαν στάσιν τῆς δίκης, ὅπως :

α) καλέσῃ τὰ ἐνδιαφερόμενα μέρη νὰ προσκομίσουν ἔγγραφα ἢ ἄλλα μέσα ἀποδείξεως καὶ

β) μεταβῇ ἐπὶ τόπου καὶ προβῇ εἰς τὰς ἀναγκαίας κατὰ τὴν κρίσιν αὐτοῦ ἐπιτοπίους ἐρευνας.

Ἄρθρον 44.

Πᾶσα διαδικασία διαιτησίας διεξάγεται συμφώνως πρὸς τὰς διατάξεις τοῦ παρόντος Τμήματος, καί πλὴν ἀντιθέτου συμφωνίας τῶν μερῶν, συμφώνως πρὸς τὸν κατὰ τὸνχρόνον τῆς συνεναινέσεως τῶν μερῶν ἰσχύοντα Κανονισμὸν Διαιτησίας. Ἐὰν ἤθελεν ἀνακύψει δικονομικὸν τι ζήτημα μὴ προβλεπόμενον ὑπὸ τοῦ παρόντος Τμήματος ἢ τοῦ Κανονισμοῦ Διαιτησίας ἢ οἱουδήποτε ἄλλου κανονισμοῦ ὑπὸ τῶν μερῶν ἀποδεδεγμένου τὸ Δικαστήριον ἀποφαίνεται περὶ αὐτοῦ.

Ἄρθρον 45.

1. Ἐν περιπτώσει μὴ ἐμφανίσεως τοῦ ἑνὸς τῶν διαδίκων ἢ μὴ ὑποστηρίξεως τῶν ἀποψέων του, οὗτος δὲν θεωρεῖται ὡς ὁμολογῶν τοὺς ἰσχυρισμοὺς τοῦ ἑτέρου.

2. Ἐν περιπτώσει μὴ ἐμφανίσεως τοῦ ἑνὸς τῶν διαδίκων ἢ μὴ ὑποστηρίξεως τῶν ἀποψεών του κατὰ πᾶσαν στάσιν τῆς δίκης, δύναται ὁ ἕτερος νὰ αἰτήσηται παρὰ τοῦ Δικαστηρίου ὅπως τοῦτο ἐξετάσῃ τὰς ὑποβληθείσας αὐτῷ προτάσεις, καὶ ἐκδώσῃ τὴν ἀπόφασιν αὐτοῦ. Τὸ Δικαστήριον ὀφείλει κοινοποιοῦν εἰς τὸν ἀπολειπόμενον διάδικον τὴν ὑποβληθεῖσαν αὐτῷ αἴτησιν, νὰ παράσχῃ εἰς αὐτὸν μίαν τελευταίαν προθεσμίαν πρὸ τῆς ἐκδόσεως τῆς ἀποφάσεώς του, πλὴν ἐὰν ἤθελε πεισθῇ ὅτι ὁ ἐν λόγῳ διάδικος οὐδαμῶς προτίθεται νὰ ἐμφανισθῇ ἢ νὰ ὑποστηρίξῃ τὰς ἀπόψεις του.

Ἄρθρον 46.

Ἐκτὸς ἐναντίας συμφωνίας τῶν μερῶν, τὸ Δικαστήριον, ὀφείλει, ἐπὶ τῇ αἰτήσει τινὸς ἐξ αὐτῶν, ν' ἀποφασίσῃ ἐφ' οἱωνδήποτε, παρεμπιπτουσῶν προσθέτων ἢ ἀνταγωγικῶν ἀπαιτήσεων ἀναφερομένων ἀμέσως εἰς τὸ κείμενον τῆς διαφορᾶς, ὑπὸ τὸν ὅρον ὅτι αἱ αἰτήσεις αὗται καλύπτονται ὑπὸ τῆς συναινέσεως τῶν μερῶν καὶ ὅτι ἄλλως ἐμπίπτουσιν εἰς τὴν ἁρμοδιότητα τοῦ Κέντρου.

Ἄρθρον 47.

Ἐκτὸς ἐναντίας συμφωνίας τῶν μερῶν, τὸΔικαστήριον δύναται, ἐὰν κρίνῃ ὅτι ἐνδείκνυται ὡς ἐκ τῶν περιστάσεων, δύναται νὰ συστήσῃ οἱοδήποτε προφυλακτικὰ μέτρα ἱκανὰ ὅπως διαφυλάξουν τὰ δικαιώματα τῶν μερῶν.

ΤΜΗΜΑ 4

Ἡ Ἀπόφασις

Ἄρθρον 48.

1. Τὸ Δικαστήριον ἀποφασίζει ἐπὶ παντὸς ζητήματος διὰ πλειοψηφίας ὅλων τῶν μελῶν αὐτοῦ.

2. Ἡ ἀπόφασις ἐκδίδεται γραπτῶς, ὑπογραφομένη ὑπὸ τῶν μελῶν τοῦ Δικαστηρίου τὰ ὁποῖα ἐτάχθησαν ὑπὲρ αὐτῆς.

3. Ἡ ἀπόφασις ἀναφέρεται εἰς πᾶν ζήτημα ὑποβληθὲν εἰς τὸ Δικαστήριον, καὶ δέον νὰ εἶναι ἠτιολογημένη.

4. Πᾶν μέλος τοῦ Δικαστηρίου δικαιοῦται ὅπως ζητήσῃ νὰ προσαρτηθῇ εἰς τὴν ἀπόφασιν ἔκθεσις περὶ τῆς γνώμης αὐτοῦ εἴτε συμμερίζεται τὴν ἄποψιν τῆς πλειοψηφίας εἴτε μὴ ἢ ἁπλὴ μνεία τῆς διαφωνίας αὐτοῦ.

5. Τὸ Κέντρον οὐδεμίαν δύναται νὰ δημοσιεύσῃ ἀπόφασιν ἄνευ τῆς συγκαταθέσεως τῶν μερῶν.

Ἄρθρον 49.

1. Ὁ Γενικὸς Γραμματεὺς ἀποστέλλει ἀμελητὶ κεκυρωμένα ἀντίγραφα τῆς ἀποφάσεως εἰς τὰ ἐνδιαφερόμενα μέρη. Ἡ ἀπόφασις θεωρεῖται ἐκδοθεῖσα τὴν ἡμέραν τῆς ἀποστολῆς τῶν κεκυρωμένων τούτων ἀντιγράφων.

2. Κατόπιν αἰτήσεως ἑνὸς τῶν μερῶν ὑποβαλλομένης ἐντὸς 45 ἡμερῶν ἀπὸ τῆς ἐκδόσεως τῆς ἀποφάσεως τὸ Δικαστήριον δύναται, μετὰ γνωστοποίησιν πρὸς τὸ ἕτερον μέρος, ν' ἀποφασίσῃ ἐφ' οἱουδήποτε ζητήματος ἐφ' οὗ παρέλειψε ν' ἀποφανθῇ καὶ νὰ ἐπανορθώσῃ οἱονδήποτε γραφικόν, ἀριθμητικὸν ἢ παρόμοιν σφάλμα τῆς ἀποφάσεως. Ἡ τοιαύτη ἀπόφασις ἀποτελεῖ ἓν ἐνιαῖον ὅλον μετὰ τῆς ἀποφάσεως καὶ γνωστοποιεῖται εἰς τὰ μέρη, καθ' ὃν τρόπον καὶ ἡ κυρία ἀπόφασις. Αἱ ὑπὸ τῶν ἐδαφίων 2 τοῦ ἄρθρου 51 καὶ 2 τοῦ Ἄρθρου 52 προβλεπόμενοι προθεσμίαι ἄρχονται ἀφ' ἧς ἡμερομηνίας ἐξεδόθη ἡ ἀπόφασις.

ΤΜΗΜΑ 5

Ἑρμηνεία, Ἀναθεώρησις καὶ Ἀκύρωσις τῆς ἀποφάσεως

Ἄρθρον 50.

1. Πᾶσα διαφορὰ ἀνακύπτουσα μεταξὺ τῶν μερῶν περὶ τὴν ἔννοιαν ἢ τὴν ἔκτασιν τῆς ἀποφάσεως, δύναται ν' ἀποτελέσῃ ἀντικείμενον αἰτήσεως περὶ ἑρμηνείας αὐτῆς, ἀπευθυνομένης ἐγγράφως εἰς τὸν Γενικὸν Γραμματέα ὑφ' ἑκατέρου τῶν διαδίκων.

2. Ἐφ' ὅσον τοῦτο εἶναι δυνατόν, ἡ αἴτησις ὑποβάλλεται εἰς τὸ ἐκδὸν τὴν ἀπόφασιν Δικαστήριον. Ἐν ἀδυναμίᾳ, συγκροτεῖται νέον Δικαστήριον συμφώνως τῷ Τμήματι 2 τοῦ παρόντος Κεφαλαίου. Ἐφ' ὅσον κρίνει τοῦτο ἐπιβαλλόμενον ὑπὸ τῶν περιστάσεων, τὸ Δικαστήριον δύναται ν' ἀναστείλῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως, μέχρις οὗ ἀποφανθῇ ἐπὶ τῆς περὶ ἑρμηνείας αὐτῆς αἰτήσεως.

Ἄρθρον 51.

1. Ἑκάτερος τῶν διαδίκων δύναται δι' ἐγγράφου αἰτήσεώς του ἀπευθυνομένης εἰς τὸν Γενικὸν Γραμματέα νὰ ζητήσῃ τὴν ἀναθεώρησιν τῆς ἀποφάσεως λόγῳ ἀνακαλύψεως γεγονότος τοιαύτης φύσεως ὥστε ν' ἀσκῇ τοῦτο ἀποφαστικὴν ἐπιρροὴν εἰς τὴν ἀπόφασιν, ὑπὸ τὴν προϋπόθεσιν ὅτι τὸ γεγονὸς τοῦτο κατὰ τὴν ἔκδοσιν τῆς ἀποφάσεως ἦτο ἄγνωστον εἰς τὸ Δικαστήριον ὡς καὶ εἰς τὸν αἰτοῦντα, καὶ ὅτι δὲν ἐνεφιλοχώρησε πταῖσμα τοῦ αἰτοῦντος περὶ τὴν ἄγνοιάν του ταύτην.

2. Ἡ ἀνωτέρω αἴτησις ὑποβάλλεται ἐντὸς 90 ἡμερῶν ἀπὸ τῆς ἀνακαλύψεως τοῦ νέου γεγονότος, ἐν πάσῃ δὲ περιπτώσει ἐντὸς 3 ἐτῶν ἀπὸ τῆς χρονολογίας τῆς ἐκδόσεως τῆς ἀποφάσεως.

3. Ἐφ' ὅσον τοῦτο εἶναι δυνατόν, ἡ αἴτησις ὑποβάλλεται εἰς τὸ ἐκδὸν τὴν ἀπόφασιν Δικαστήριον. Ἐν ἀδυναμίᾳ συγ-

κροτεῖται νέον Δικαστήριον συμφώνως τῷ Τμήματι 2 τοῦ παρόντος Κεφαλαίου.

4. Ἐὰν τὸ Δικαστήριον κρίνῃ τοῦτο ἐπιβαλλόμενον ὑπὸ τῶν περιστάσεων, δύναται ν' ἀναστείλῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως μέχρις οὗ τοῦτο ἀποφανθῇ ἐπὶ τῆς αἰτήσεως ἀναθεωρήσεως. Ἐὰν ὁ αἰτῶν τὴν ἀναθεώρησιν διάδικος αἰτῆται τὴν ἀναστολὴν ἐκτελέσεως τῆς ἀποφάσεως, ἡ ἐκτέλεσις ἀναστέλλεται προσωρινῶς μέχρι οὗ τὸ Δικαστήριον ἀποφανθῇ ἐπὶ τῆς αἰτήσεως.

Ἄρθρον 52.

1. Ἑκάτερον τῶν μερῶν δι' ἐγγράφου αἰτήσεώς του ἀπευθυνομένης εἰς τὸν Γενικὸν Γραμματέα δύναται νὰ ζητήσῃ ἀκύρωσιν τῆς ἀποφάσεως δι' ἕνα οἱονδήποτε τῶν ἑπομένων λόγων.

α) ἕνεκα ἐλαττώματος περὶ τὴν σύνθεσιν τοῦ Δικαστηρίου

β) ἕνεκα καταδήλου ὑπερβάσεως τῆς ἐξουσίας τοῦ Δικαστηρίου

γ) ἕνεκα δωροδοκίας μέλους τοῦ Δικαστηρίου

δ) ἕνεκα βαρείας παραβάσεως θεμελιώδους διαδικαστικοῦ κανόνος.

ε) ἕνεκα ἐλλείψεως αἰτιολογίας.

2. Ἡ αἴτησις δέον νὰ ὑποβάληται ἐντὸς 120 ἡμερῶν ἀπὸ τῆς ἐκδόσεως τῆς ἀποφάσεως, ἐξαιρέσει τῆς περιπτώσεως αἰτήσεως περὶ ἀκυρώσεως τῆς ἀποφάσεως ἕνεκα δωροδοκίας, ὅτε ἡ αἴτησις δέον νὰ ὑποβάληται ἐντὸς 120 ἡμερῶν ἀπὸ τῆς ἀποκαλύψεως τῆς δωροδοκίας, ἐν πάσῃ δὲ περιπτώσει ἐντὸς 3 ἐτῶν ἀπὸ τῆς ἐκδόσεως ἀποφάσεως.

3. Ἅμα τῇ λήψει τῆς αἰτήσεως ὁ Πρόεδρος διορίζει ἀμέσως τριμελῆ Ἐπιτροπὴν ἐπὶ τούτῳ (AD HOC) ἐκ προσώπων τῶν ὁποίων τὰ ὀνόματα ἀναγράφονται εἰς τὸν πίνακα τῶν Διαιτητῶν. Οὐδὲν ἐκ τῶν μελῶν τῆς εἰρημένης Ἐπιτροπῆς δύναται νὰ ἐπιλεγῇ ἐκ τῶν μελῶν τοῦ ἐκδόντος τὴν ἀπόφασιν Δικαστηρίου, οὐδὲ νὰ ἔχει τὴν αὐτὴν ὑπηκοότητα πρὸς ἐκείνην οἱουδήποτε μέλους τοῦ εἰρημένου Δικαστηρίου ἢ νὰ εἶναι ὑπήκοος τοῦ Διαδίκου Κράτους ἢ τοῦ Κράτους τοῦ ὁποίου ὑπήκοος τυγχάνει διάδικον μέρος, οὐδὲ νὰ ἔχῃ ὑποδειχθῇ εἰς τὸν Πίνακα Διαιτητῶν ὑπό τινος τῶν εἰρημένων Κρατῶν, ἢ νὰ ὑπῆρξε συμφιλιωτὴς ἐν τῇ αὐτῇ διαφορᾷ. Ἡ Ἐπιτροπὴ ἔχει τὴν ἱκανότητα ἀκυρώσεως τῆς ἀποφάσεως δι' ἕνα οἱονδήποτε τῶν ἐν τῇ ἀνωτέρω ἐδαφίῳ (1) ἀναφερομένων λόγων.

4. Αἱ διατάξεις τῶν ἄρθρων 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 ἡ Ἐπιτροπὴ κρίνῃ ἐπιβαλλόμενον ἐκ τῶν περιστάσεων, δύναται ν' ἀναστείλῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως μέχρις οὗ ἀποφασίσει ἐπὶ τῆς περὶ ἀκυρώσεως αἰτήσεως. Ἐὰν ὁ αἰτῶν τὴν ἀναθεώρησιν διάδικος αἰτῆται τὴν ἀναστολὴν τῆς ἐκτελέσεως τῆς ἀποφάσεως, ἡ ἐκτέλεσις ἀναστέλλεται προσωρινῶς μέχρις οὗ ἡ Ἐπιτροπὴ ἀποφανθῇ ἐπὶ τῆς αἰτήσεως.

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

ΤΜΗΜΑ 6.

Ἀναγνώρισις καὶ Ἐκτέλεσις τῆς Ἀποφάσεως

Ἄρθρον 53.

Ἡ ἀπόφασις δεσμεύει τὰ μέρη μὴ ὑποκειμένη εἰς ἔφεσιν ἢ ἕτερον ἔνδικον μέσον πλὴν τῶν ἐν τῇ παρούσῃ Συμφωνίᾳ προβλεπομένων. Ἕκαστον μέρος ὀφείλει νὰ συμμορφωθῇ πρὸς τὴν ἀπόφασιν κατὰ τοὺς ὁρισμοὺς αὐτῆς ἐκτὸς ἐὰν ἀνεστάλη ἡ ἐκτέλεσις αὐτῆς συμφώνως πρὸς τὰς διατάξεις τῆς παρούσης Συμφωνίας.

2. Διὰ τὴν ἐφαρμογὴν τοῦ παρόντος Τμήματος ὁ ὅρος «ἀπόφασις» περιλαμβάνει οἱανδήποτε ἀφορῶσαν τὴν ἑρμηνείαν, ἀναθεώρησιν ἀκύρωσιν ἀποφάσεως ληφθείσης κατὰ τὰ ἄρθρα 50, 51 καὶ 52

Ἄρθρον 54.

1. Ἕκαστον Συμβαλλόμενον Κράτος ἀναγνωρίζει πᾶσαν ἀπόφασιν ἐκδοθεῖσαν ἐν τῷ πλαισίῳ τῆς παρούσης Συμφωνίας ὡς ὑποχρεωτικὴν καὶ θέλει ἐξασφαλίσει τὴν ἐκτέλεσιν ἐν τῷ ἐδάφει αὐτῆς τῶν ὑπὸ τῆς ἀποφάσεως ἐπιβαλλομένων χρηματικῶν ὑποχρεώσεων ὡς ἐὰν ἐπρόκειτο περὶ ὁριστικῆς ἀποφάσεως δικαστηρίου λειτουργοῦντος ἐν τῷ ἐδάφει τοῦ Κράτους τούτου. Οἱονδήποτε Συμβαλλόμενον Κράτος διεπόμενον ὑπὸ ὁμοσδονδιακοῦ συντάγματος δύναται ν' ἀσφαλίσῃ τὴν ἐκτέλεσιν τῆς ἀποφάσεως μέσῳ τῶν ὁμοσπονδιακῶν δικαστηρίων αὐτοῦ καὶ νὰ προβλέψῃ ὅπως τὰ ἐν λόγῳ δικαστήρια θεωρῶσιν ὑποχρεωτικῶς μίαν τοιαύτην ἀπόφασιν ὡς ὁριστικὴν ἀπόφασιν τῶν δικαστηρίων ἑνὸς τῶν Κρατῶν τῆς ὁμοσπονδίας.

2. Τὸ ἐπιδιῶκον τὴν ἀναγνώρισιν ἢ τὴν ἐκτέλεσιν ἀποφάσεώς τινος ἐντὸς τοῦ ἐδάφους Συμβαλλομένου τινος Κράτους, μέρος, ὑποχρεοῦται νὰ ἐμφανίσῃ κεκυρωμένον ὑπὸ τοῦ Γενικοῦ Γραμματέως ἀντίγραφον τῆς ἀποφάσεως εἰς τὸ ἁρμόδιον ἐθνικὸν δικαστήριον ἢ εἰς οἱανδήποτε ἑτέραν ἀρχὴν ἣν τὸ ἐν λόγῳ Κράτος θέλει ἐξουσιοδοτήσει πρὸς τὸν σκοπὸν τοῦτον. Ἕκαστον Συμβαλλόμενον Κράτος γνωστοποιεῖ εἰς τὸν Γενικὸν Γραμματέα τὸ ἁρμόδιον δικαστήριον ἢ τὰς ἄλλας ἀρχὰς ἅτινα ὑποδεικνύει ἐπὶ τῷ σκοπῷ αὐτῷ ὡς καὶ οἱανδήποτε ἐνδεχομένην μεταβολὴν τούτων.

3. Ἡ ἐκτέλεσις τῆς ἀποφάσεως διέπεται ὑπὸ τῆς ἰσχυούσης νομοθεσίας περὶ τῆς ἐκτελέσεως τῶν δικαστικῶν ἀποφάσεως ἐν τῷ Κράτει ἐντὸς τοῦ ἐδάφους τοῦ ὁποίου διώκεται ἡ ἐκτέλεσις.

Ἄρθρον 55.

Οὐδεμία τῶν διατάξεων τοῦ ἄρθρου 54 δύναται νὰ ἑρμηνευθῇ ὡς καθιεροῦσα ἐξαίρεσιν ἀπὸ τοῦ ἰσχύοντος δικαίου ἐν οἱωδήποτε Συμβαλλομένῳ Κράτει ἀφορῶντος δὲ τὴν ἀπαγόρευσιν ἐκτελέσεως κατὰ τοῦ εἰρημένου Κράτους ἢ ἄλλου τινὸς ξένου Κράτους.

ΚΕΦΑΛΑΙΟΝ V.

Ἀντικατάστασις καὶ Ἐξαίρεσις τῶν Συμφιλιωτῶν καὶ Διαιτητῶν.

Ἄρθρον 56.

1. Μετὰ τὴν συγκρότησιν Ἐπιτροπῆς ἢ Δικαστηρίου τινος καὶ τὴν ἔναρξιν τῆς διαδικασίας, ἡ σύνθεσις αὐτῶν δὲν δύναται νὰ τροποποιηθῇ. Κατὰ πᾶσαν περίπτωσιν θανάτου, ἀναπηρίας ἢ παραιτήσεως ἑνὸς συμφιλιωτοῦ ἢ διαιτητοῦ τὸ δημιουργούμενον κενὸν συμπληροῦται συμφώνως πρὸς τὰς διατάξεις τοῦ τμήματος 2 τοῦ Κεφαλαίου III ἢ τοῦ Τμήματος 2 τοῦ Κεφαλαίου IV.

2. Μέλος Ἐπιτροπῆς τινὸς ἢ Δικαστηρίου ἐξακολουθεῖ ἐκπληρῶν τὰ καθήκοντα αὐτοῦ ὑπὸ τὴν ἰδιότητα ταύτην καὶ ἐὰν ἔτι τ' ὄνομα τούτου δὲν ἐμφανίζεται εἰς τὸν πίνακα.

3. Ἐὰν συμφιλιωτὴς ἢ διαιτητὴς διωρισμένος ὑπό τινος μέρους ἤθελε παραιτηθῇ ἄνευ ἐγκρίσεως τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου τοῦ ὁποίου τυγχάνει μέλος, ὁ Πρόεδρος ἀναπληροῖ τὸ κενὸν δι' ἑτέρου προσώπου λαμβανομένου ἐκ τοῦ οἰκείου πίνακος.

Ἄρθρον 57.

Πᾶς διάδικος δύναται νὰ ζητήσῃ παρὰ τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου τὴν ἐξαίρεσιν ἑνὸς ἐκ τῶν μελῶν αὐτῶν ἕνεκα οἱουδήποτε λόγου συνεπαγομένου πρόδηλον ἔλλειψιν τῶν ὑπὸ τοῦ ἐδαφίου (1) τοῦ ἄρθρου 14 ἀπαιτουμένων προσόντων. Ἐπὶ πλέον, πᾶς διάδικος ἐν τῇ διαδικασίᾳ τῆς διαιτησίας δύναται νὰ ζητήσῃ τὴν ἐξαίρεσιν ἑνὸς διαιτητοῦ ἐπὶ τῷ λόγῳ ὅτι οὗτος δὲν ἐπλήρου τὰς ἐν τῷ τμήματι 2 τοῦ Κεφαλαίου IV ὡρισμένας προϋποθέσεις διὰ τὸν διορισμὸν αὐτοῦ ὡς μέλους τοῦ Διαιτητικοῦ Δικαστηρίου.

Ἄρθρον 58.

Τὰ ὑπολειπόμενα μέλη τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου κατὰ περίπτωσιν, ἀποφαίνονται ἐπὶ πάσης αἰτήσεως ἐξαι-

ρέσεως συμφιλιωτικοῦ ἢ διαιτητοῦ. Κατὰ πᾶσαν περίπτωσιν ἐν ἰσοψηφίᾳ τῶν μελῶν ἢ ἐν περιπτώσει αἰτήσεως ἐξαιρέσεως στρεφομένης κατὰ τοῦ μόνου συμφιλιωτοῦ ἢ διαιτητοῦ, ἢ κατὰ τῆς πλειοψηφίας τῆς Ἐπιτροπῆς ἢ τοῦ Δικαστηρίου ἡ ἀπόφασις λαμβάνεται ὑπὸ τοῦ Προέδρου. Κρινομένης βασίμου τῆς αἰτήσεως ἐξαιρέσεως, ὁ περὶ οὗ πρόκειται συμφιλιωτὴς ἢ διαιτητὴς ἀντικαθίσταται συμφώνως πρὸς τὰς διατάξεις τοῦ Τμήματος 2 τοῦ Κεφαλαίου III ἢ τοῦ Τμήματος 2 τοῦ Κεφαλαίου IV.

ΚΕΦΑΛΑΙΟΝ VI

Δικαστικαὶ Δαπάναι

Ἄρθρον 59.

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

Ἄρθρον 60.

1. Ἑκάστη Ἐπιτροπὴ καὶ ἕκαστον Δικαστήριον προσδιορίζει τὰς ἀμοιβὰς καὶ τὰς δαπάνας τῶν μελῶν αὐτοῦ ἐντὸς τῶν καθοριζομένων ἑκάστοτε ὁρίων ὑπὸ τοῦ Διοικητικοῦ Συμβουλίου ἐν συνεννοήσει μετὰ τοῦ Γενικοῦ Γραμματέως.

2. Οὐδεμία τῶν ἐν παραγρ. (1) τοῦ παρόντος ἄρθρου ἀναφερομένων διατάξεων 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.

Ἄρθρον 61.

1. Ἐπὶ διαδικασίας συμφιλιώσεως αἱ ἀμοιβαὶ καὶ αἱ δαπάναι τῶν μελῶν τῆς Ἐπιτροπῆς ὡς καὶ αἱ ὀφειλόμεναι δαπάναι διὰ χρῆσιν τῶν ὑπὸ τοῦ Κέντρου παρεχομένων ὑπηρεσιῶν βαρύνουσιν ἐξ ἴσου τοὺς διαδίκους. Ἕκαστος 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 ὕψος τῶν δαπανῶν ἃς ὑποδεικνύουν οὗτοι διὰ τὰς ἀνάγκας τῆς διαδικασίας καὶ ἀποφασίζει περὶ τοῦ τρόπου κατανομῆς καὶ πληρωμῆς τῶν εἰρημένων δαπανῶν τῶν ἀμοιβῶν καὶ τῶν δαπανῶν τῶν μελῶν τοῦ Δικαστηρίου, ὡς καὶ τῶν ὀφειλομένων ἀποζημιώσεων διὰ τὴν χρῆσιν τῶν ὑπὸ τοῦ Κέντρου παρεχομένων ὑπηρεσιῶν. Ἡ ἀπόφασις αὕτη ἀποτελεῖ ἓν ἐνιαῖον ὅλον μετὰ τῆς διαιτητικῆς ἀποφάσεως.

ΚΕΦΑΛΑΙΟΝ VII.

Τόπος Διαδικασίας

Ἄρθρον 62

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

Ἄρθρον 63

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

α) εἴτε εἰς τὴν ἕδραν τοῦ Διαρκοῦς Διαιτητικοῦ Δικαστηρίου ἢ ἑτέρου καταλλήλου ἱδρύματος, ἢ δημοσίου, μετὰ τοῦ ὁποίου τὸ Κέντρον θέλει ἐνδεχομένως συνεννοηθῇ πρὸς τὸν σκοπὸν αὐτόν, ἢ

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

ΚΕΦΑΛΑΙΟΝ VIII

Διαφοραὶ μεταξὺ Συμβαλλομένων Κρατῶν

Ἄρθρον 64

Πᾶσα διαφορὰ ἀναφυομένη μεταξὺ τῶν Συμβαλλομένων Κρατῶν περὶ τὴν ἑρμηνείαν ἢ τὴν ἐφαρμογὴν τῆς παρούσης Συμφωνίας, ἥτις δὲν ἠθελεν ἐπιλυθῇ φιλικῶς, φέρεται ἐνώπιον τοῦ Διεθνοῦς Δικαστηρίου κατόπιν αἰτήσεως ὑποβαλλομένης ὑφ' οἱουδήποτε τῶν διαδίκων μερῶν, ἐκτὸς ἐὰν τὰ ἐνδιαφερόμενα Κράτη ἤθελον συμφωνήσει ἕτερον τινα τρόπον διακανονισμοῦ.

ΚΕΦΑΛΑΙΟΝ Ιη

Τροποποιήσεις

Ἄρθρον 65

Πᾶν συμβαλλόμενον Κράτος δύναται νὰ προτείνῃ τροποποιήσεις τῆς παρούσης Συμφωνίας. Τὸ κείμενον τῆς προτεινομένης τροποποιήσεως δέον ν' ἀνακοινωθῇ εἰς τὸν Γενικὸν Γραμματέα 90 τουλάχιστον ἡμέρας πρὸ τῆς συνεδριάσεως τοῦ Διοικητικοῦ Συμβουλίου, καθ' ἣν αὕτη δέον νὰ ἐξετασθῇ καὶ νὰ διαβιβασθῇ ἀμέσως ὑπ' αὐτοῦ εἰς ἅπαντα τὰ μέλη τοῦ Διοικητικοῦ Συμβουλίου.

Ἄρθρον 66

1. Ἐὰν διὰ πλειοψηφίας τῶν δύο τρίτων τῶν μελῶν αὐτοῦ τὸ Διοικητικὸν Συμβούλιον ἤθελεν ἀποφασίσει σχετικῶς, ἡ προτεινομένη τροποποίησις διαβιβάζεται εἰς ἅπαντα τὰ Συμβαλλόμενα Κράτη πρὸς κύρωσιν, ἀποδοχὴν ἢ ἔγκρισιν. Ἑκάστη τροποποίησις τίθεται ἐν ἰσχύϊ 30 ἡμέρας μετὰ τὴν ὑπὸ τοῦ θεματοφύλακος τῆς παρούσης Συμφωνίας ἀποστολὴν γνωστοποιήσεως εἰς τὰ Συμβαλλόμενα Κράτη ὅτι ἅπαντα τὰ Συμβαλλόμενα Κράτη ἐκύρωσαν, ἀπεδέχθησαν καὶ ἐνέκρινον τὴν τροποποίησιν.

2) Οὐδεμία τροποποίησις δύναται νὰ ἐπηρεάσῃ τὰ δικαιώματα καὶ τὰς ὑποχρεώσεις ἐκ τῆς παρούσης συμφωνίας οἱουδήποτε συμβαλλομένου Κράτους ἢ οἱασδήποτε κοινότητος ἢ ὀργανισμοῦ δημοσίου δικαίου ἐξαρτωμένων παρ' αὐτοῦ ἢ ὑπηκόου τινὸς τοῦ ἐν λόγῳ Κράτους, ἐφ' ὅσον πηγάζουν ἐκ τῆς ὑπ' αὐτῶν δοθείσης πρὸ τῆς ἐνάρξεως ἰσχύος τῆς τροποποιήσεως συναινέσεως περὶ ὑπαγωγῆς των εἰς τὴν δικαιοδοσίαν τοῦ Κέντρου.

ΚΕΦΑΛΑΙΟΝ X

Τελικαὶ Διατάξεις

Ἄρθρον 67.

Ἡ παροῦσα Συμφωνία εἶναι ἀνοικτὴ πρὸς ὑπογραφὴν ὑπὸ τῶν Κρατῶν μελῶν τῆς Τραπέζης. Εἶναι ὡσαύτως ἀνοικτὴ πρὸς ὑπογραφὴν ὑπὸ τῶν ἐκπροσώπων οἱουδήποτε ἑτέρου Κράτους ἐκ τῶν συμβεβλημένων διὰ τοῦ Καταστατικοῦ τοῦ Διεθνοῦς Δικαστηρίου καὶ τὸ ὁποῖον τὸ Διοικητικὸν Συμβούλιον διὰ ψήφου τῶν δύο τρίτων τῶν μελῶν ἤθελε προσκαλέσει εἰς ὑπογραφὴν τῆς Συμφωνίας.

Ἄρθρον 68.

1. Ἡ παροῦσα Συμφωνία ὑπόκειται εἰς ἐπικύρωσιν, ἀποδοχὴν ἢ τὴν ἔγκρισιν ἐκ μέρους τῶν ὑπογραψάντων Κρατῶν συμφώνως πρὸς τὰς ἰδίας αὐτῶν συνταγματικὰς διαδικασίας.

2. Ἡ ἰσχὺς τῆς παρούσης Συμφωνίας ἄρχεται 30 ἡμέρας ἀπὸ τῆς ἡμερομηνίας καταθέσεως τοῦ εἰκοστοῦ ὀργάνου ἐπικυρώσεως ἀποδοχῆς ἢ ἐγκρίσεως αὐτῆς. Θὰ ἰσχύσῃ δὲ ἔναντι παντὸς Κράτους καταθέτοντος μεταγενεστέρως τὸ ὄργανον τῆς ἐπικυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως αὐτοῦ, 30 ἡμέρας ἀπὸ τῆς ἡμερομηνίας τῆς τοιαύτης καταθέσεως.

Ἄρθρον 69.

Πᾶν Συμβαλλόμενον Κράτος ὑποχρεοῦται εἰς τὴν λῆψιν τῶν νομοθετικῶν ἢ ἄλλων μέτρων ἅτινα ἤθελον κριθῇ ἀναγκαῖα

ὥστε ν'ἀποκτήσουν ἰσχὺν αἱ διατάξεις τῆς παρούσης Συμφωνίας εἰς τὸ ἔδαφος αὐτοῦ.

Ἄρθρον 70.

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

Ἄρθρον 71.

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

Ἄρθρον 72.

Οὐδεμία γνωστοποίησις γινομένη ὑπὸ συμβαλλομένου τινος Κράτους κατὰ τὰ ἄρθρα 70 ἢ 71 δύναται νὰ ἐπηρεάσῃ τὰ δικαιώματα καὶ τὰς ὑποχρεώσεις τοῦ ἐν λόγῳ Κράτους ἐκ τῆς παρούσης Συμφωνίας ἢ οἱασδήποτε κοινότητος ἢ ὀργανισμοῦ δημοσίου δικαίου παρ' αὐτοῦ ἐξαρτωμένων ἢ τινὸς τῶν ὑπηκόων αὐτοῦ, πηγαζούσης δ' ἐκ τῆς ὑπ' αὐτῶν δοθείσης συναινέσεως διὰ τὴν ὑπαγωγὴν αὐτῶν εἰς τὴν δικαιοδοσίαν τοῦ Κέντρου πρὸ τῆς λήψεως τῆς ὡς ἄνω γνωστοποιήσεως ὑπὸ τοῦ θεματοφύλακος.

Ἄρθρον 73

Τὰ ὄργανα ἐπικυρώσεως, ἀποδοχῆς ἢ ἐγκρίσεως τῆς παρούσης συμφωνίας ὡς καὶ πάσης ἐπιγενομένης τροποποιήσεως αὐτῆς κατατίθενται παρὰ τῇ Τραπέζῃ, ἥτις ἐνεργεῖ ὡς θεματοφύλαξ τῆς Συμφωνίας. Κεκυρωμένα ἀντίγραφα τῆς παρούσης Συμφωνίας διαβιβάζονται ὑπὸ τοῦ θεματοφύλακος εἰς τὰ Κράτη μέλη τῆς Τραπέζης, ὡς καὶ εἰς οἱονδήποτε Κράτος προσκαλούμενον εἰς τὴν ὑπογραφὴν τῆς Συμφωνίας.

Ἄρθρον 74.

Ὁ θεματοφύλαξ καταχωρεῖ τὴν παροῦσαν Σύμβασιν παρὰ τῇ Γραμματείᾳ τῶν Ἡνωμένων Ἐθνῶν συμφώνως πρὸς τὸ ἄρθρον 102 τοῦ Χάρτου τῶν Ἡνωμένων Ἐθνῶν καὶ τοὺς συναφεῖς κανονισμοὺς τοὺς ἀποδεδεγμένους ὑπὸ τῆς Γενικῆς Συνελεύσεως.

Ἄρθρον 75.

Ὁ θεματοφύλαξ γνωστοποιεῖ εἰς ἅπαντα 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 ἐξαιρέσεις ἐκ τῆς ἐδαφικῆς ἐφαρμογῆς αὐτῆς κατὰ τὸ ἄρθρον 70.

ε) τὴν ἡμερομηνίαν ἐνάρξεως ἰσχύος οἱασδήποτε τροποποιήσεως τῆς παρούσης Συμφωνίας συμφώνως τῷ ἄρθρῳ 66.

στ) τὰς καταγγελίας συμφώνως τῷ ἄρθρῳ 71.

Ἐγένετο ἐν Οὐασιγκτῶνι εἰς τὴν ἀγγλικήν, ἱσπανικὴν καὶ γαλλικήν, τῶν τριῶν κειμένων ὄντων ἰσοδυνάμων, εἰς ἓν ἀντίτυπον ὅπερ θέλει παραμένει κατατεθειμένον ἐν τοῖς ἀρχείοις τῆς Διεθνοῦς Τραπέζης Ἀνασυγκροτήσεως καὶ Ἀναπτύξεως ἥτις διὰ τῆς ἀποτιθεμένης κατωτέρω ὑπογραφῆς αὐτῆς διαδηλοῖ ὅτι ἀποδέχεται τὴν ἐκπλήρωσιν τῶν λειτουργιῶν αἵτινες ἀνατίθενται εἰς αὐτὴν δυνάμει τῆς παρούσης Συμφωνίας.

ΕΚ ΤΟΥ ΕΘΝΙΚΟΥ ΤΥΠΟΓΡΑΦΕΙΟΥ