

is required to be instituted) to all the facts and circumstances surrounding the construction and maintenance of Gut Dam including all the documents passing between Governments concerning the construction of the dam and other relevant documents.

- (b) In this Article the law in force in Canada and the United States of America respectively includes international law.
- (c) No claim shall be disallowed or rejected by the Tribunal through the application of the general principle of international law that legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

3. In the event that in the opinion of the Tribunal there exists such a divergence between the relevant substantive law in force in Canada and in the United States of America that it is not possible to make a final decision with regard to any particular claim as provided by this Article, the Tribunal shall apply such of the legal principles set forth in paragraph 2 as it considers appropriate, having regard to the desire of the Parties hereto to reach a solution just to all interests concerned.

4. The Tribunal shall not have jurisdiction over any claim presented under this Agreement unless the claim is accompanied by an undertaking, signed by the claimant in a form that is valid and binding under Canadian and United States law on any such claimant and his successors and assigns and indicating that he

- (a) accepts the decision of the Tribunal as final and binding with respect to the matters to which it relates, and
- (b) waives any right he may have to proceed against the Government of Canada otherwise than in a manner consistent with the terms of this Agreement.

5. Nothing in this Article shall be deemed to prevent the Tribunal from making any general finding or findings with respect to all claims submitted to it, or any particular category of claims submitted to it.

ARTICLE III

1. Any claim presented to the Tribunal under the terms of this Agreement shall be considered and dealt with exclusively in accordance with the procedures set out in this Agreement.

2. The Government of the United States of America shall take such action as may be necessary to ensure that the Foreign Claims Settlement Commission of the United States shall discontinue its investigation and determination of all claims relating to Gut Dam.