

3. Each member of the Tribunal shall have one vote. Every decision of the Tribunal shall be reached by a majority vote and shall constitute a full and final determination of the subject matter of the decision.

4. Each member of the Tribunal shall be a judge or a lawyer competent to hold high judicial office in his national State. No member prior to his appointment shall have been associated directly or indirectly with any matter relating to this Agreement.

5. Each member of the Tribunal, before entering upon his duties, shall make and subscribe to a solemn declaration before the Joint Secretaries of the Tribunal stating that he will carefully and impartially examine and decide according to his best judgment and in accordance with the provisions of this Agreement all matters presented for his decision. A duplicate of every such declaration shall be filed with each of the Joint Secretaries of the Tribunal.

## ARTICLE II

1. The Tribunal shall have jurisdiction to hear and decide in a final fashion each claim presented to it in accordance with the terms of this Agreement. Each decision of the Tribunal shall be based on its determination of any one or more of the following questions on the basis of the legal principles set forth in this Article:

- (a) Was the construction and maintenance of Gut Dam the proximate cause of damage or detriment to the property that is the subject of such claim?
- (b) If the construction and maintenance of Gut Dam was the proximate cause of damage or detriment to such property, what was the nature and extent of damage caused?
- (c) Does there exist any legal liability to pay compensation for any damage or detriment caused by the construction and maintenance of Gut Dam to such property?
- (d) If there exists a legal liability to pay compensation for any damage or detriment caused by the construction and maintenance of Gut Dam to such property, what is the nature and extent of such damage and what amount of compensation in terms of United States dollars should be paid therefor and by whom?

2. The Tribunal shall determine any legal liability issue arising under paragraph 1 of this Article in accordance with the following provisions:

- (a) The Tribunal shall apply the substantive law in force in Canada and in the United States of America (exclusive, however, of any laws limiting the time within which any legal suit with respect to any claim