

CANADA



**AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA CONCERNING THE ESTABLISHMENT
OF AN INTERNATIONAL ARBITRAL TRIBUNAL TO DISPOSE OF UNITED
STATES CLAIMS RELATING TO GUT DAM**

The Government of Canada and the Government of the United States of America

Considering that claims have been made by nationals of the United States of America against the Government of Canada alleging that their property in the United States has suffered damage or detriment as a result of high water levels in Lake Ontario or the St. Lawrence River;

Considering that these claimants have alleged further that the damage or detriment was attributable in whole or in part to the construction and maintenance of a dam in the international section of the St. Lawrence River known as and hereinafter referred to as "Gut Dam" and have claimed compensation for such damage or detriment from the Government of Canada; and

Considering that in the special circumstances associated with these claims the need arises to establish an international arbitral tribunal to hear and dispose of these claims in a final fashion,

Have agreed as follows:

ARTICLE I

1. An international arbitral tribunal, which shall be known as the Lake Ontario Claims Tribunal United States and Canada, hereinafter referred to as "the Tribunal", is hereby established for the purpose of hearing and finally disposing of claims of nationals of the United States of America including juridical persons that are presented to the Tribunal in accordance with the terms of this Agreement.

2. The Tribunal shall consist of the Chairman and two national members. One national member shall be appointed by the Government of Canada within two months after this Agreement enters into force; the other national member shall be appointed by the Government of the United States of America within the same period; a third member, who shall preside over the Tribunal as Chairman, shall be designated jointly by the two Governments within three months after this Agreement enters into force. If the third member has not been designated within three months after this Agreement enters into force, either Party to this Agreement may request the President of the International Court of Justice to designate such third member. In the event of the inability of any member of the Tribunal to serve, or in the event of a member failing to act as such, his successor shall be chosen in accordance with the same procedure and within the same time limits provided herein for the selection of his predecessor.

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.