

Framework to Assess the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

***Description
of Boundaries***

All Purposes

135° Line

***To the
Edge of the
Continental
Margin***

Essential Assumptions

***Intention
to Create a
Legally Binding
Agreement***

***Boundaries Were
Separate From
Ownership***

***The Federal
Government
was Irrelevant***

***Applicable Law
is International
Law of Treaties***

Nova Scotia Attempts to Cobble Together an Alleged Agreement From a Variety of Sources Spanning 21 Years



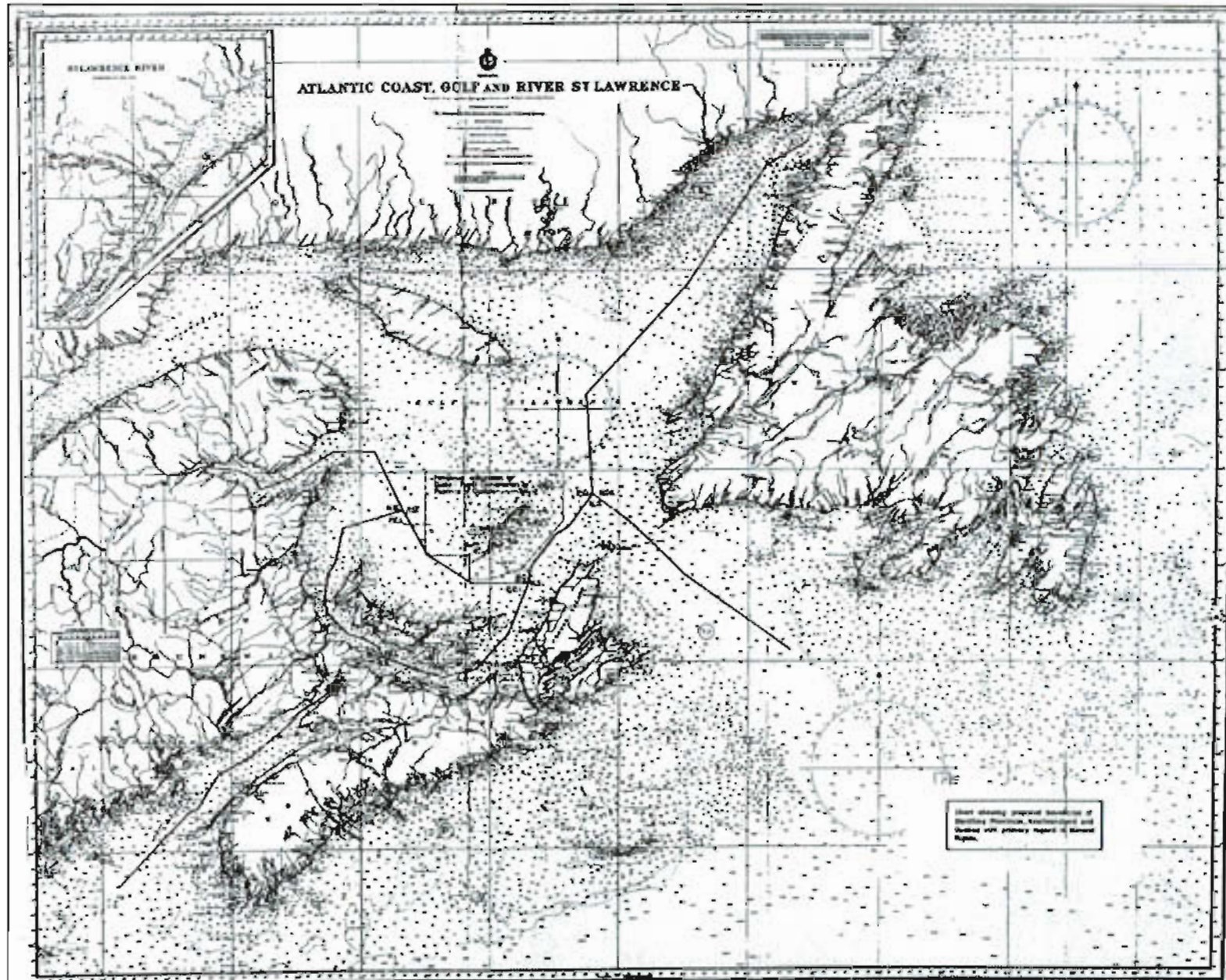
***Description
of Boundaries***

64

Marine Boundaries (1964 Joint Statement)

- 5 That the **boundaries described by Metes and Bounds in Schedule A and shown graphically on Schedule B be the marine boundaries of the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.**

Map That Accompanied the Stanfield Submission in 1964



Oral Presentation Figure 57

Marine Boundaries (1964 Joint Statement)

- 4 That it is desirable that the marine boundaries as between the several Atlantic Coast Provinces should be agreed upon by the Provincial authorities and the necessary steps taken to give effect to the agreement.
- 5 That the boundaries described by Metes and Bounds in Schedule A and shown graphically on Schedule B be the marine boundaries of the Provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.

Nova Scotia Attempts to Cobble Together an Alleged Agreement From a Variety of Sources Spanning 21 Years



***Description
of Boundaries***

64

***All
Purposes***

69

All Purposes (1969 Allard Letter)

3. That the **boundaries are effective for all purposes**, and in particular, mineral rights in the submarine areas are the property of the Province within whose boundaries the area is.

Nova Scotia Attempts to Cobble Together an Alleged Agreement From a Variety of Sources Spanning 21 Years



***Description
of Boundaries***

64

***All
Purposes***

69

135° Line

84

135° Line (1984 NS Legislation)

thence southeasterly in a straight line to a point at latitude $47^{\circ} 25' 28''$ and longitude $59^{\circ} 43' 33''$, being approximately the midpoint between St. Paul Island (N.S.) and Cape Ray (Nfld);

thence southeasterly in a straight line to a point at latitude $46^{\circ} 54' 50''$ and longitude $59^{\circ} 00' 30''$, being approximately the midpoint between Flint Island (N.S.) and Grand Bruit (Nfld);

thence southeasterly in a straight line and on an azimuth of $135^{\circ} 00' 00''$ to the outer edge of the continental margin.

Nova Scotia Attempts to Cobble Together an Alleged Agreement From a Variety of Sources Spanning 21 Years



***Description
of Boundaries***

64

***All
Purposes***

69

135° Line

84

***To the
Edge of the
Continental
Margin***

82

To the Edge of the Continental Margin (1982 NS Agreement)

From this point the boundary runs southeasterly to the midpoint between St. Paul Island (Nova Scotia) and Cape Ray (Newfoundland); thence to a point midway between Flint Island (Nova Scotia) and Grand Bruit (Newfoundland); **thence southeasterly to the outer edge of the continental margin;**

Nova Scotia Attempts to Cobble Together an Alleged Agreement From a Variety of Sources Spanning 21 Years



**Description
of Boundaries**

64

**All
Purposes**

69

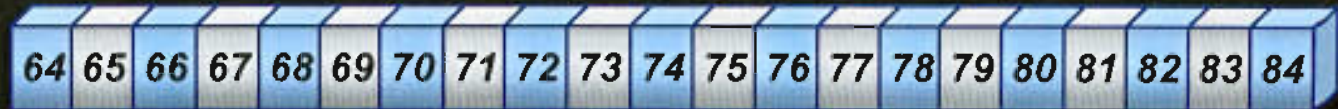
135° Line

84

**To the
Edge of the
Continental
Margin**

82

Nova Scotia Attempts to Cobble Together an Alleged Agreement From a Variety of Sources Spanning 21 Years



***Description
of Boundaries***

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135° Line

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Framework to Assess the Nova Scotia Claim

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Desirable to Agree on Described Boundaries

~~All Purposes~~

~~135° Line~~

~~To the Edge of the Continental Margin~~

Essential Assumptions

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Boundaries Were Separate From Ownership

The Federal Government was Irrelevant

Applicable Law is International Law of Treaties

DEPARTMENT OF NATURAL RESOURCES
PROVINCE OF QUEBEC
MINISTER'S OFFICE

MINISTER OF MINES
RECEIVED

MAY 20 1969

NOVA SCOTIA

Quebec, May 12, 1969

The Honourable Percy Gaum,
Minister,
Department of Mines,
Province House,
Halifax,
Nova Scotia -

Joint Mineral

Dear Sir:-

By Agreement
Provinces and the Province of Quebec
resources Committee with the purpose
operation among the said Provinces
resources in the submarine areas of
their common terrestrial border to
making recommendations to the Govern-
ment resolving problems in respect there-
of on July 16, 1968, established a
committee to establish various technical
the management of mineral resources
forth above. One of the technical duties
directed to establish was one dealing
of the boundaries of the above Province
technical committee in its task, it

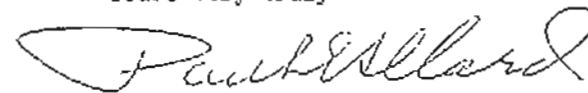
DEPARTMENT OF NATURAL RESOURCES
PROVINCE OF QUEBEC
MINISTER'S OFFICE

4 -

3. That the boundaries are effective for all purposes, and in particular, mineral rights in the submarine areas are the property of the Province within whose boundaries the area is.
4. That your Government will confirm the map and the turning points for the purposes set out herein by agreement.
5. That your Government will confirm the agreement by legislation.
6. That your Government will join with the four Provinces herein in seeking legislation by the Government of Canada confirming the agreement if the Joint Mineral Resources Committee so recommends.

I shall be forwarding soon in a separate letter an invitation to a meeting of the Joint Mineral Resources Committee in Quebec City, on June 13th. This meeting should, in theory, be devoted to discussions on Mr. Trudeau's proposals. It therefore seems to me that our five Governments should have come to an agreement on this matter of boundaries before that date.

Yours very truly



Paul-E. Allard
Vice-Chairman
Joint Mineral Resources Committee

Sequence of Conditions Set Out in Allard Letter

- 4. That your Government will confirm the map and the turning points for the purposes set out herein by agreement.**
- 5. That your Government will confirm the agreement by legislation.**
- 6. That your Government will join with the four Provinces herein in seeking legislation by the Government of Canada confirming the agreement if the Joint Mineral Resources Committee so recommends.**

Sequence of Conditions Set Out in Allard Letter

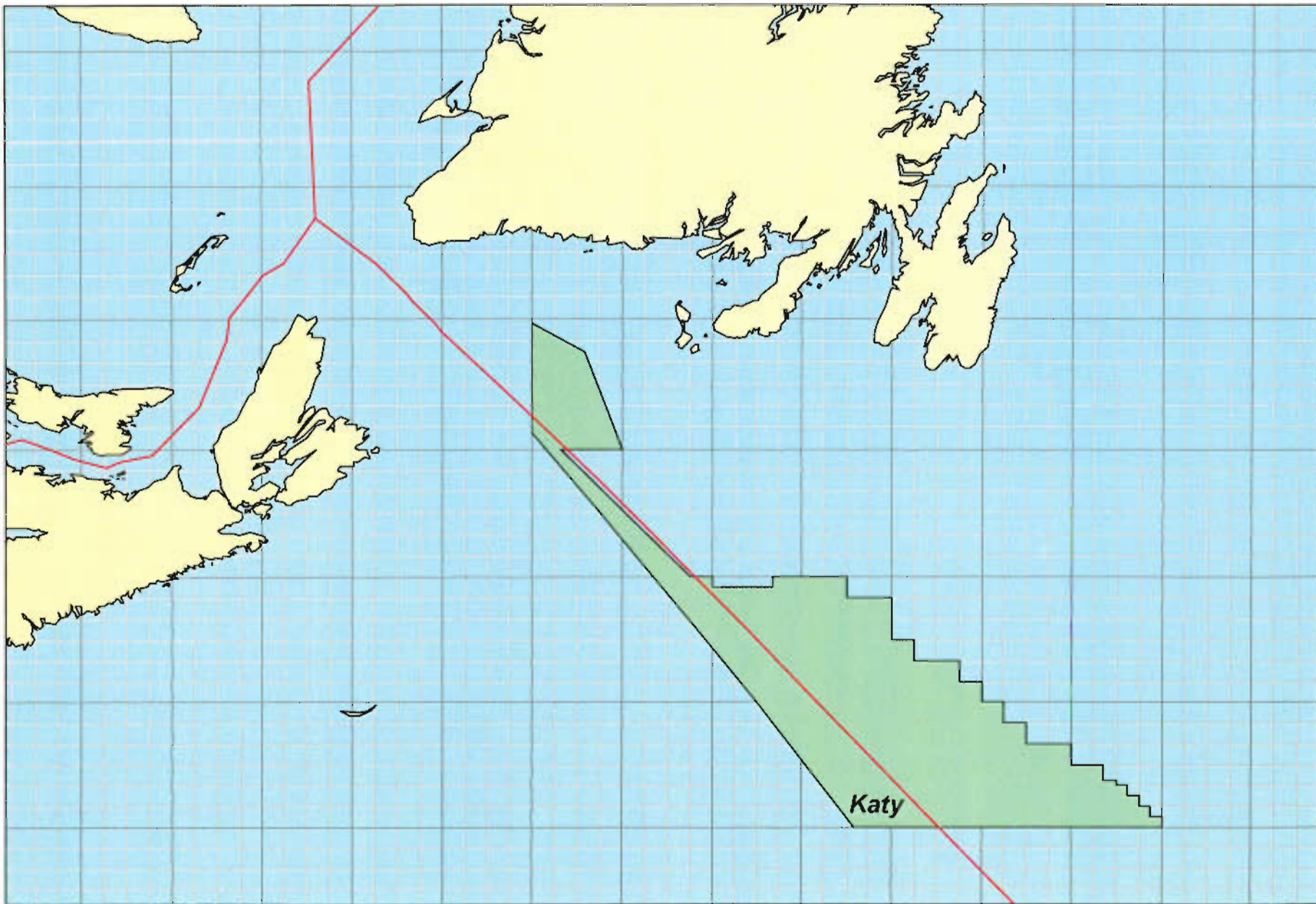
69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Complete the
method
turning points
... agreement

Complete the
agreement
by legislation

Subject to
legislation by
the Government
of the
firmly
agreement

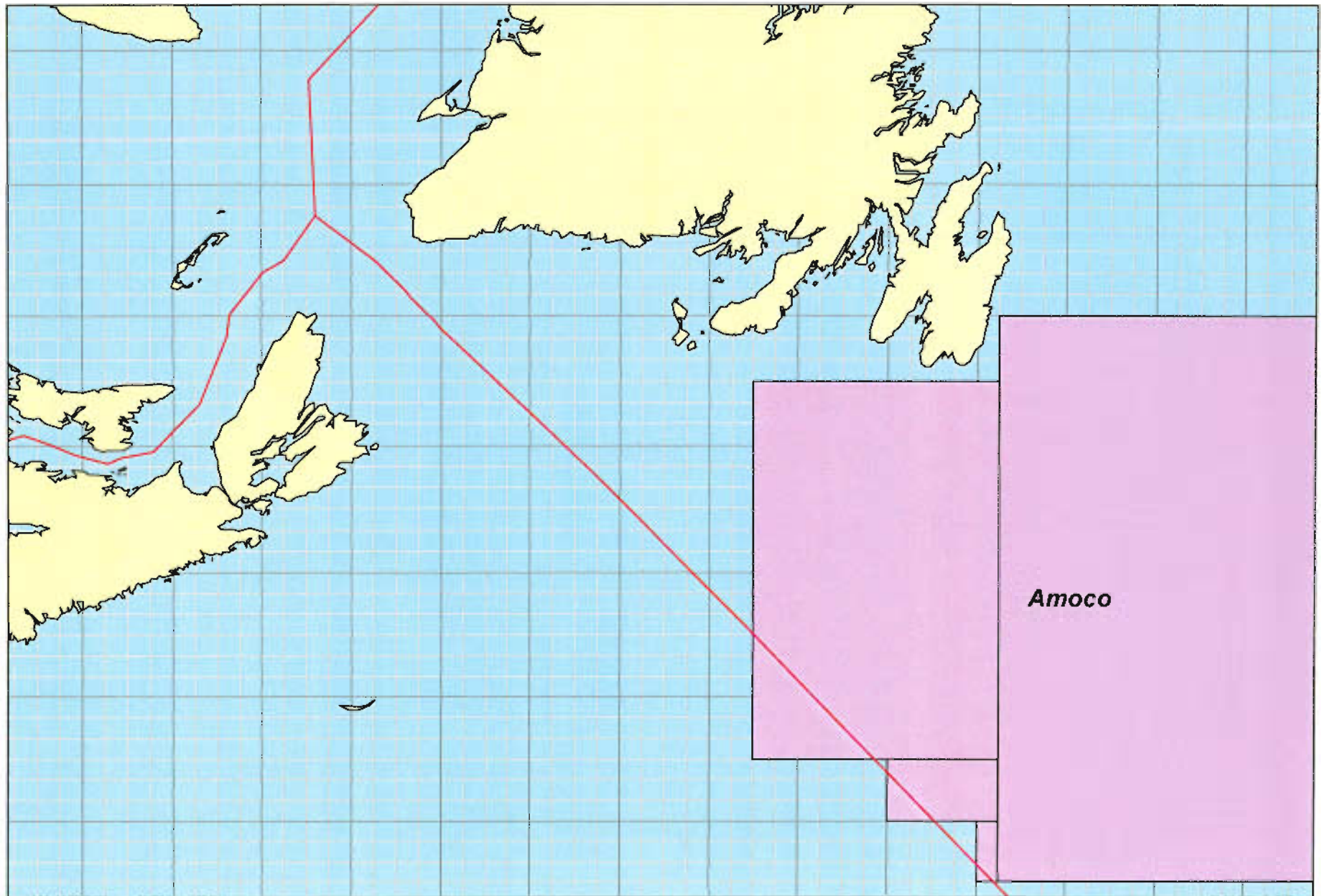
N& L Conduct Did Not Respect the Alleged 135° Line (Katy, 1971)



Oral Presentation Figure 72

N&L CM Figure 12

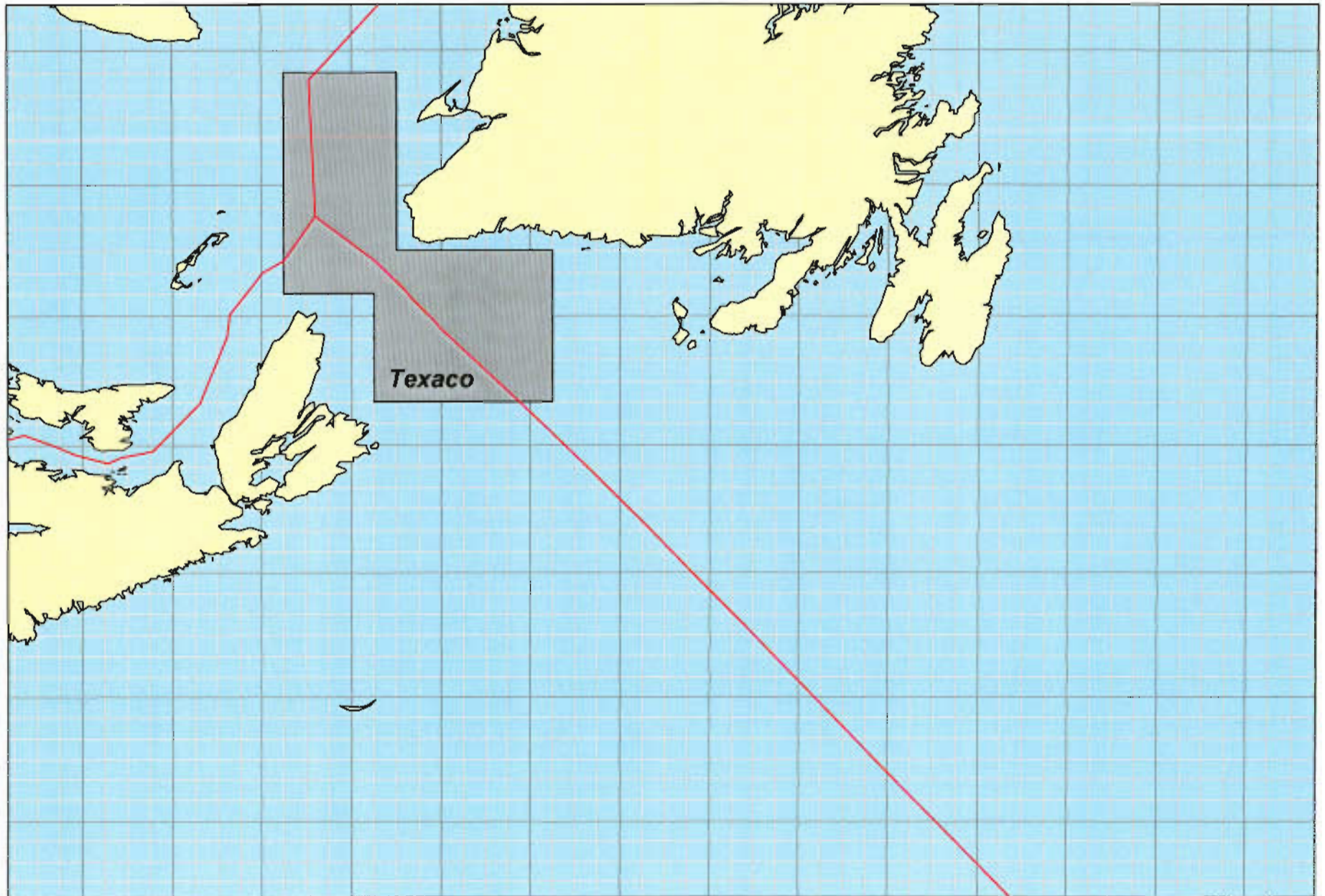
N& L Conduct Did Not Respect the Alleged 135° Line (Amoco, 1974)



Oral Presentation Figure 73

N&L CM Figure 13

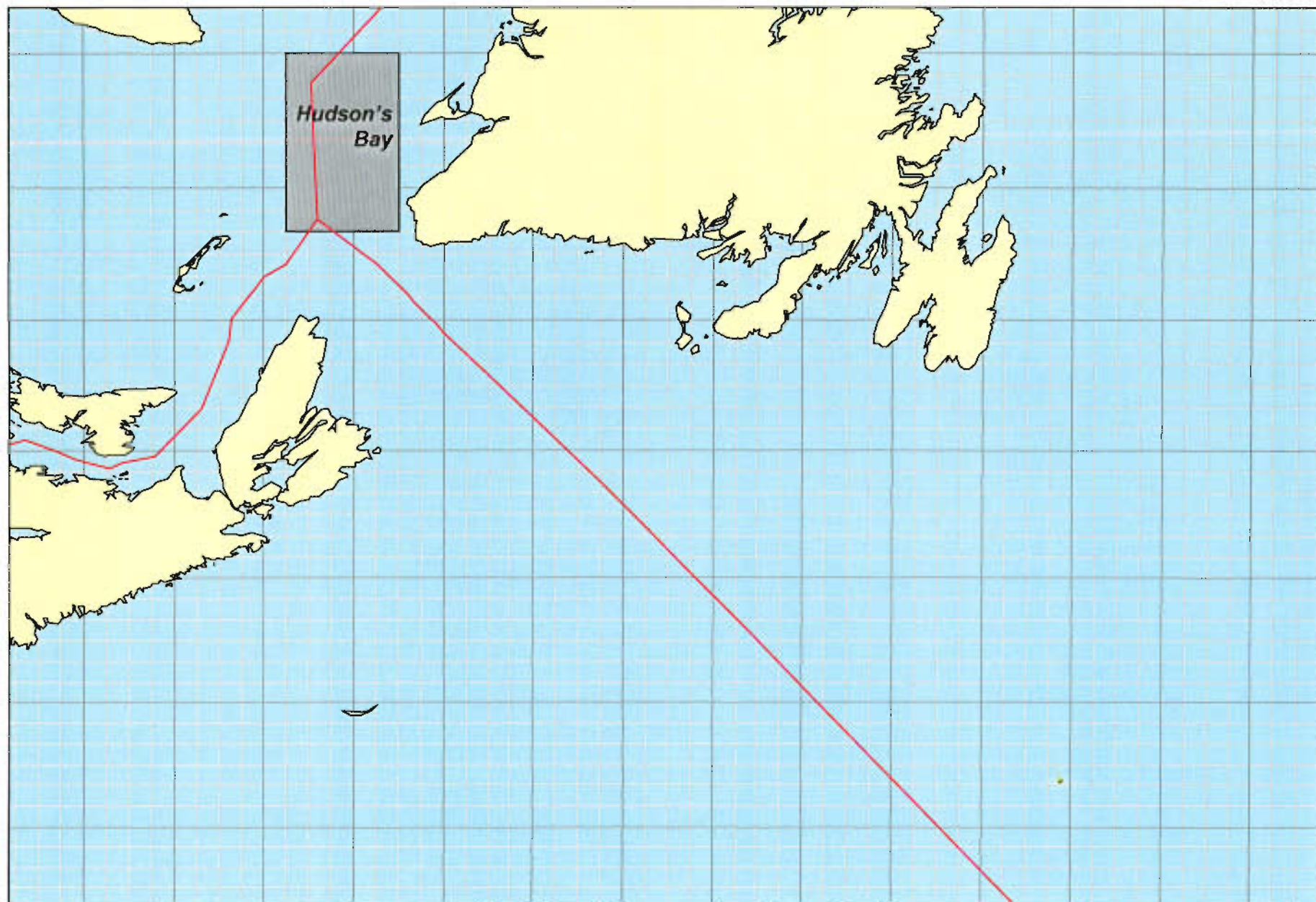
N& L Conduct Did Not Respect the Alleged 135° Line (Texaco, 1974)



Oral Presentation Figure 74

N&L CM Figure 13

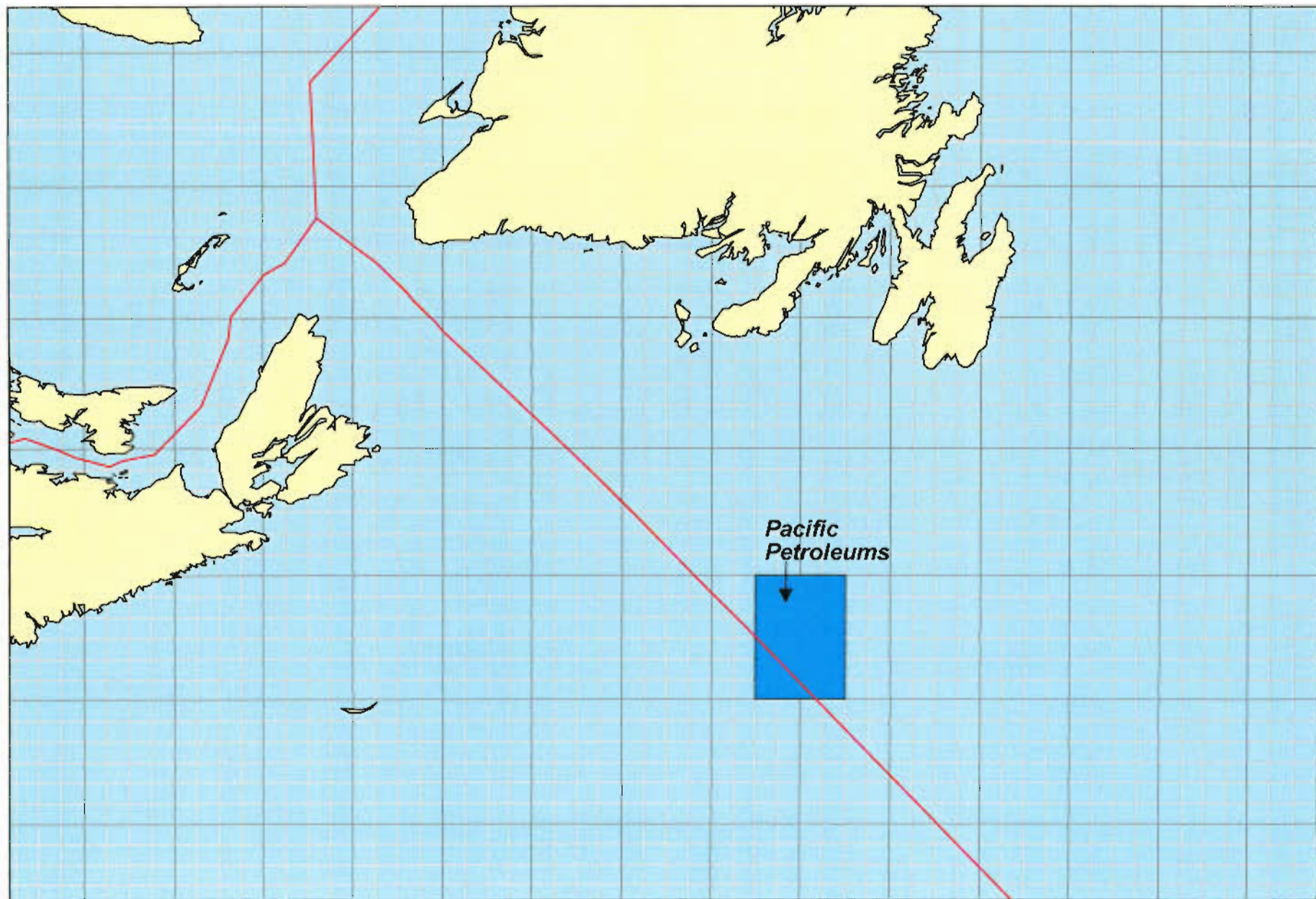
N& L Conduct Did Not Respect the Alleged 135° Line (Hudson's Bay, 1974)



Oral Presentation Figure 75

N&L CM Figure 13

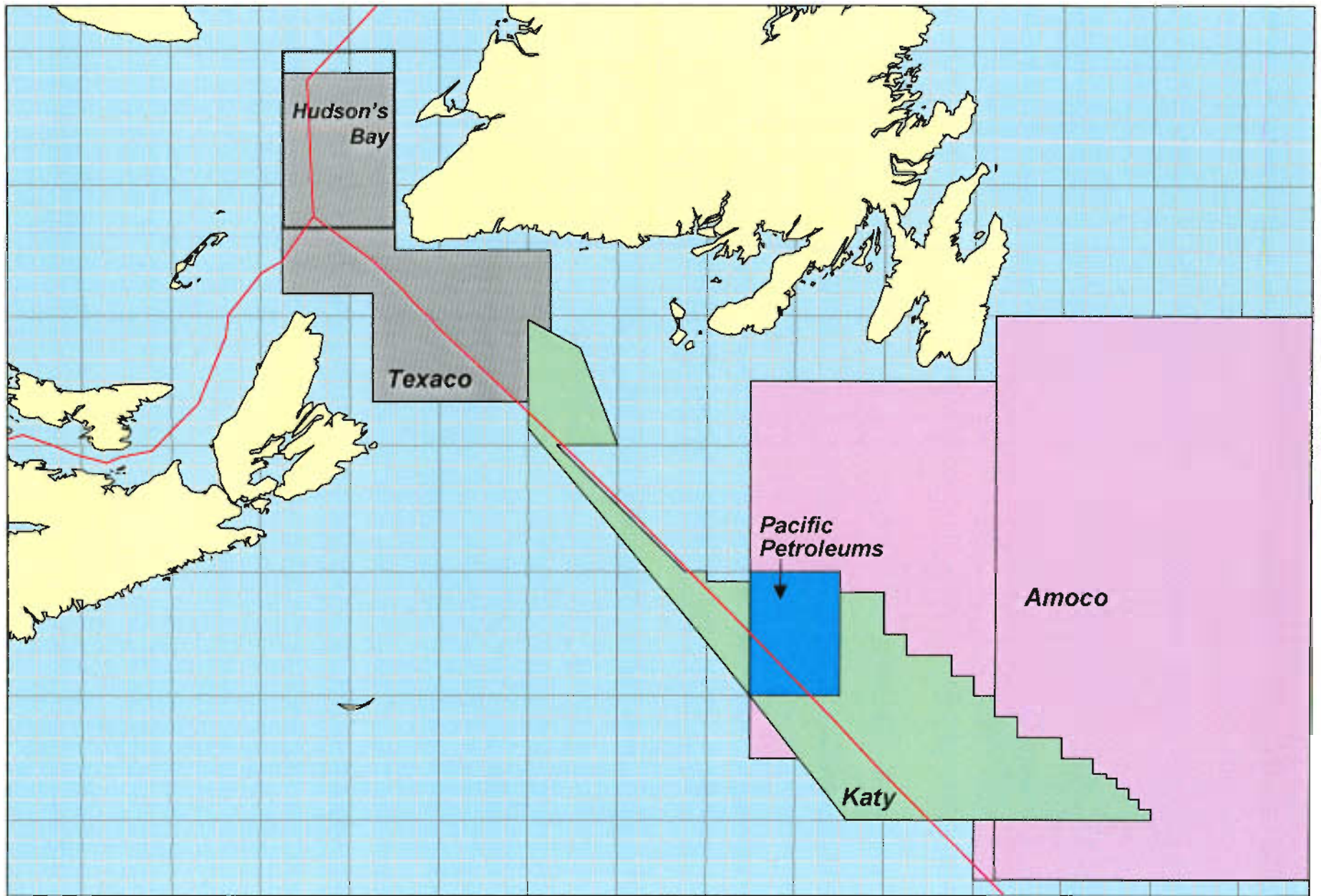
N&L Conduct Did Not Respect the Alleged 135° Line (Pacific Petroleums, 1975)



Oral Presentation Figure 76

N&L CM Figure 13

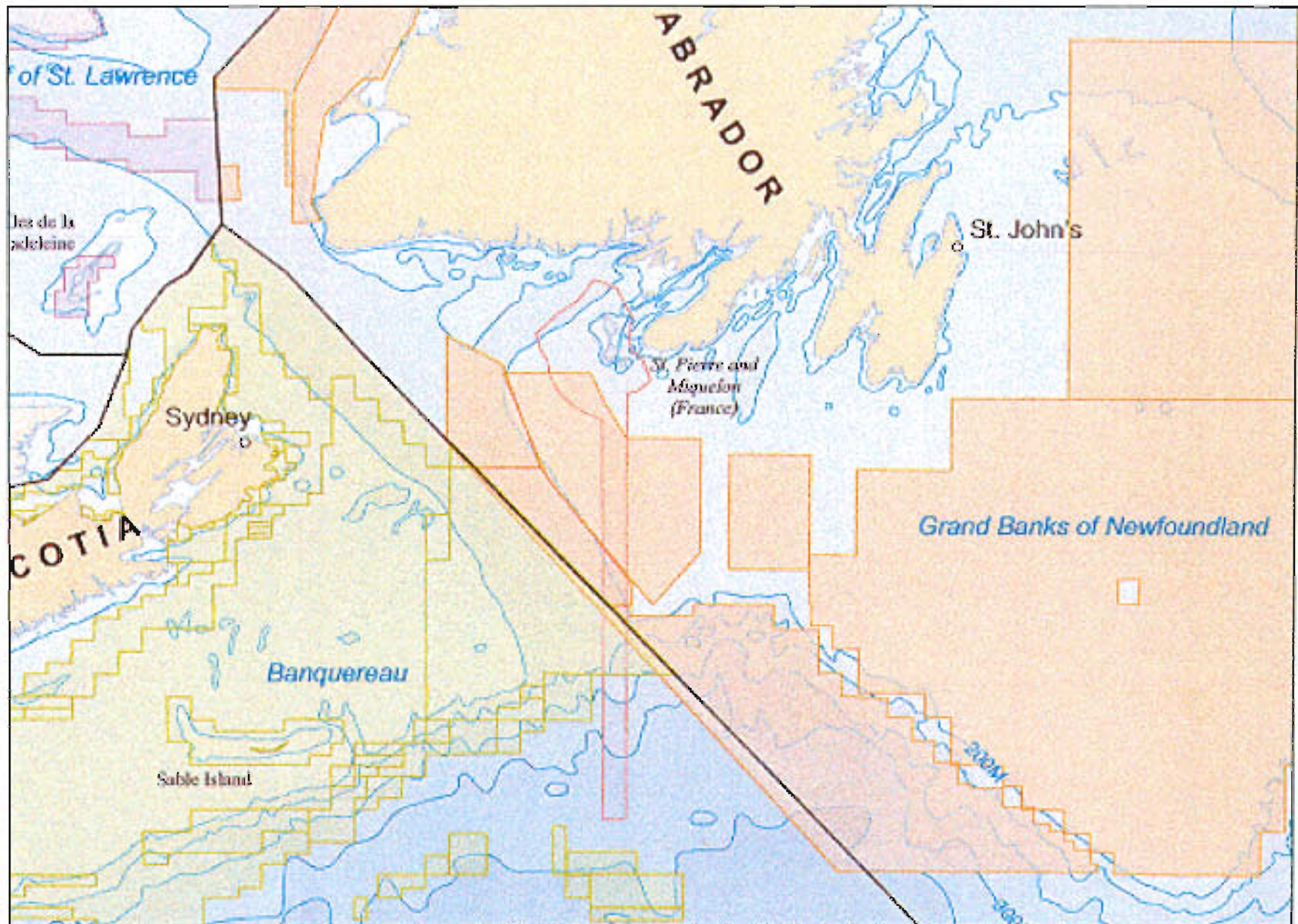
N & L Conduct Did Not Respect the Alleged 135° Line



Oral Presentation Figure 77

Composite of N&L CM Figure 12 & 13

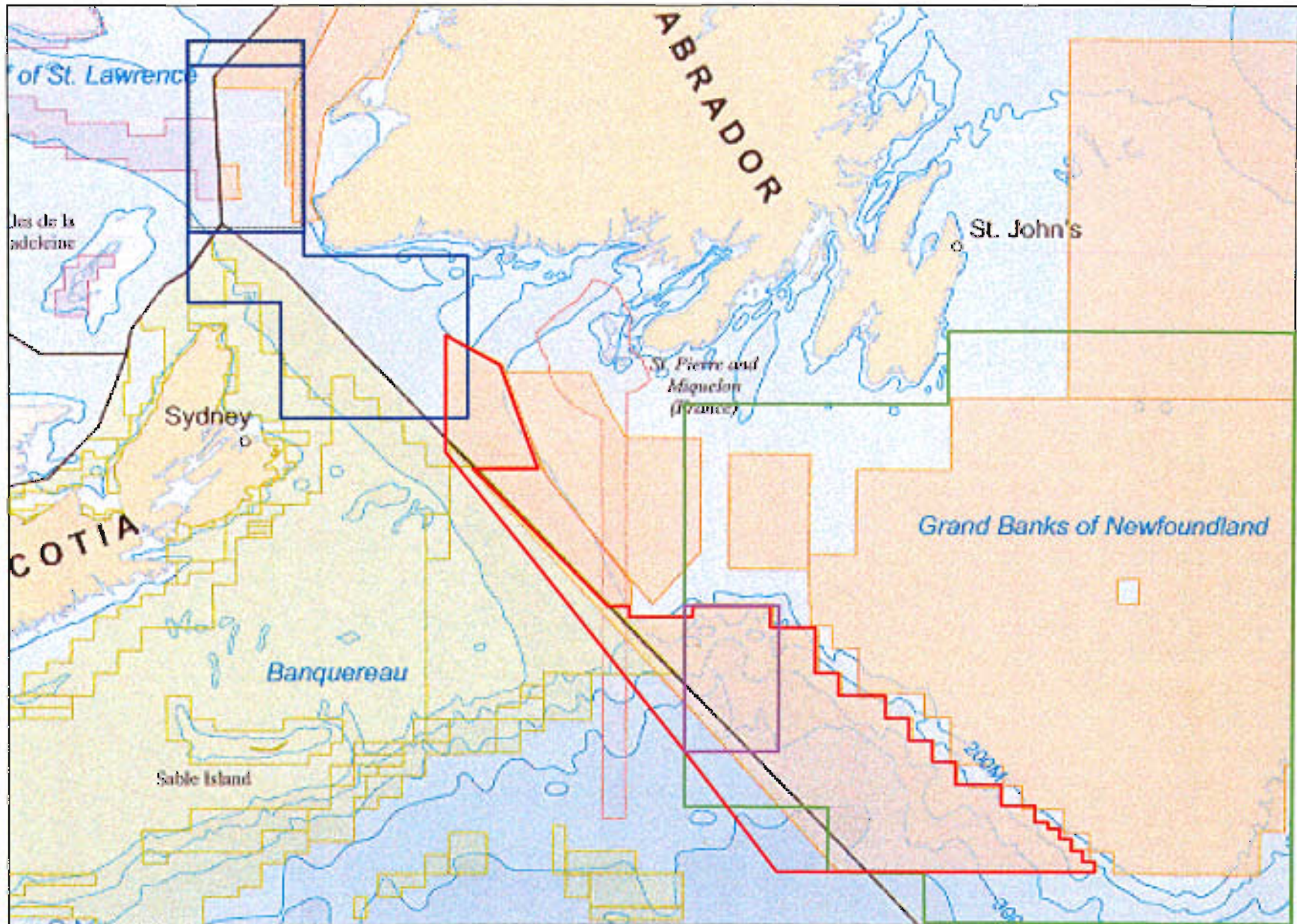
N & L Conduct Did Not Respect the Alleged 135° Line



Oral Presentation Figure 78

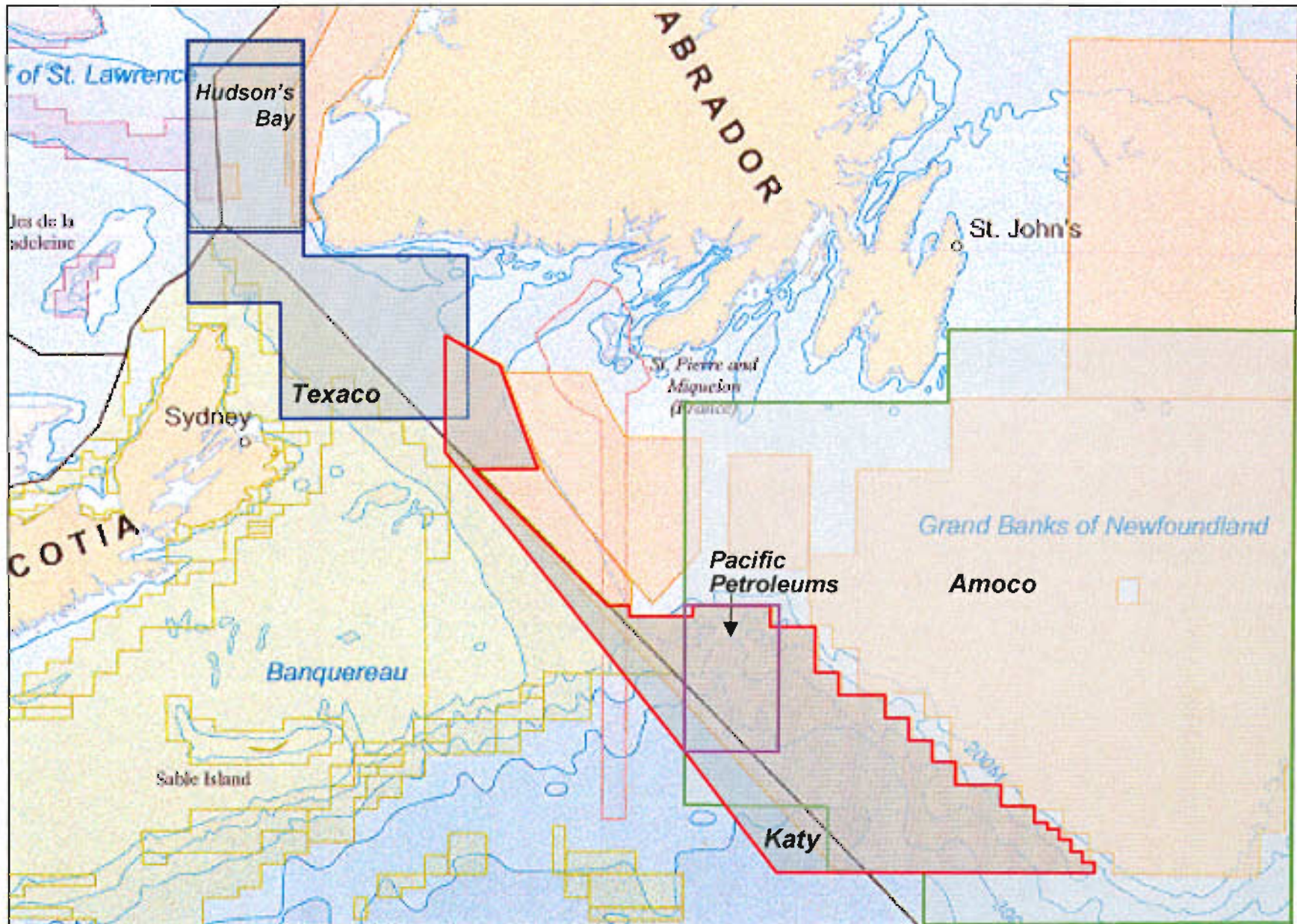
NSCM Figure 28

N & L Conduct Did Not Respect the Alleged 135° Line



Oral Presentation Figure 79

N & L Conduct Did Not Respect the Alleged 135° Line



Oral Presentation Figure 80

Framework to Assess the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

Desirable to Agree on Described Boundaries

All Purposes

135° Line

To the Edge of the Continental Margin

Essential Assumptions

Intention to Create a Legally Binding Agreement

Boundaries Were Separate From Ownership

The Federal Government was Irrelevant

Applicable Law is International Law of Treaties

Framework to Assess the Nova Scotia Claim

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The Federal Government was Irrelevant

Applicable Law is International Law of Treaties

Framework to Assess the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

Desirable to Agree on Described Boundaries

~~All Purposes~~

~~136° Line~~

~~To the Edge of the Continental Margin~~

Essential Assumptions

~~Intention to Create a Legally Binding Agreement~~

~~Boundaries Were Separate From Ownership~~

The Federal Government was Irrelevant

Applicable Law is International Law of Treaties

Framework to Assess the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

Desirable to Agree on Described Boundaries

~~All Purposes~~

~~135° Line~~

~~To the Edge of the Continental Margin~~

Essential Assumptions

~~Intention to Create a Legally Binding Agreement~~

~~Boundaries Were Separate From Ownership~~

~~The Federal Government was Irrelevant~~

Applicable Law is International Law of Treaties

Basis of the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

Desirable to Agree on Described Boundaries

~~All Purposes~~

~~135° Line~~

~~To the Edge of the Continental Margin~~

Essential Assumptions

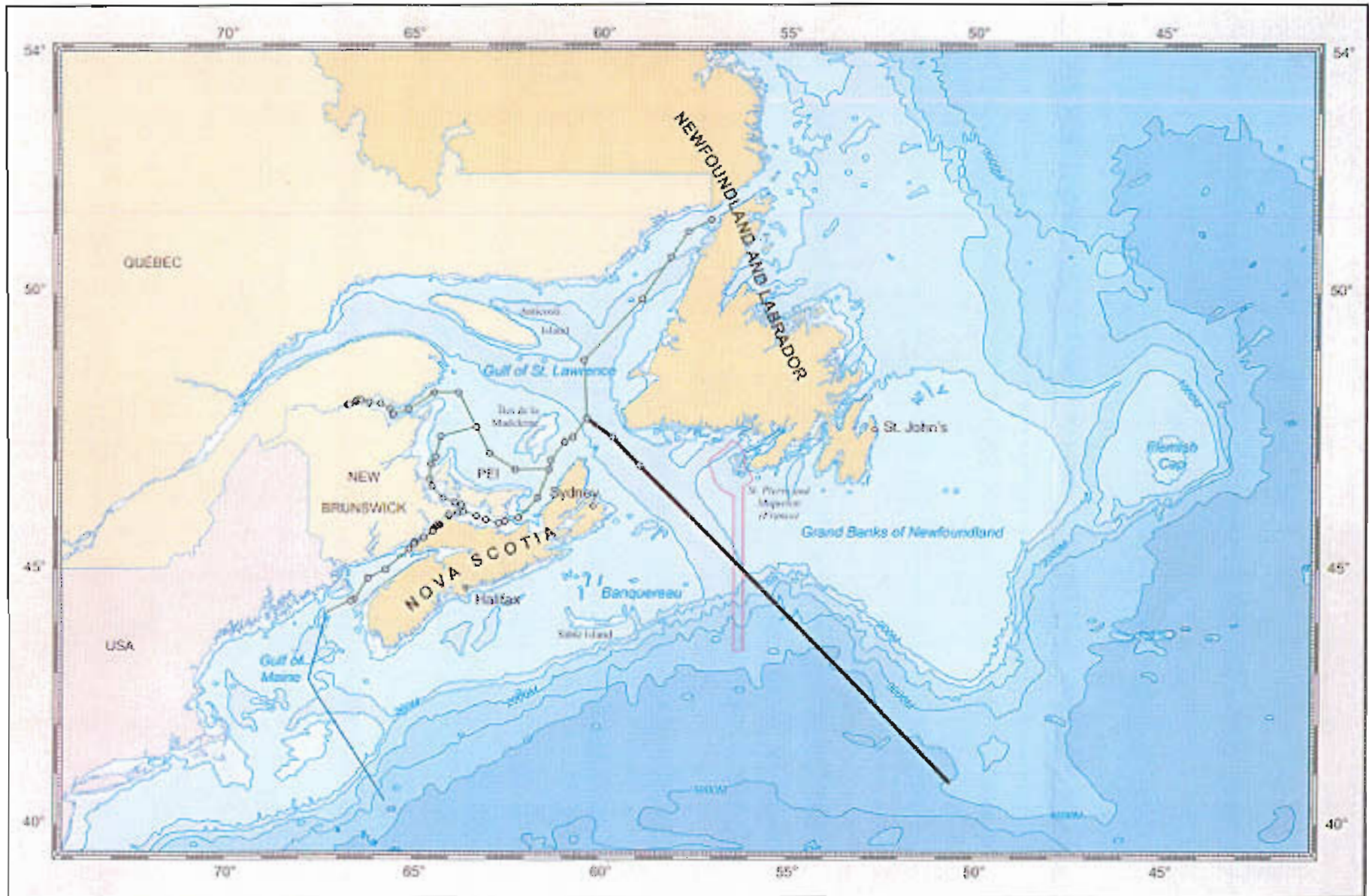
~~Intention to Create a Legally Binding Agreement~~

~~Boundaries Were Separate From Ownership~~

~~The Federal Government was Irrelevant~~

~~Applicable Law is International Law of Treaties~~

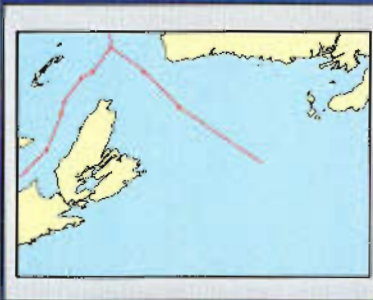
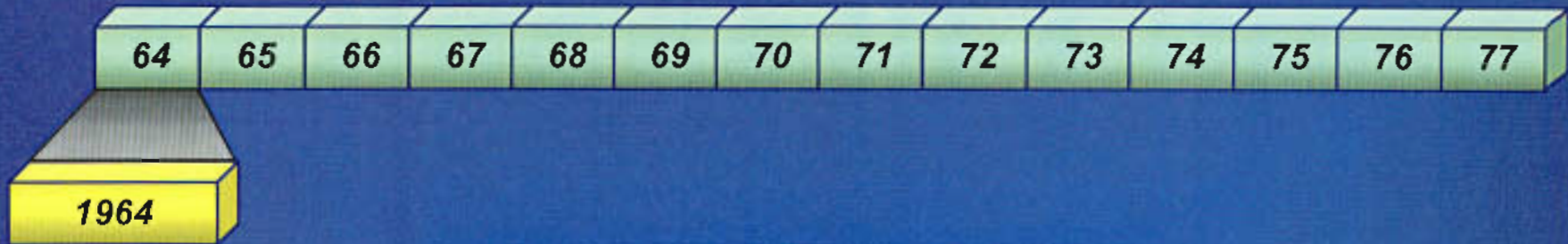
In Figure 29 of the NSCM, Nova Scotia Claims That “The 1964 Agreement Has Been Consistently Applied and Respected by Nova Scotia and Newfoundland”



Oral Presentation Figure 86

NSCM Figure 29

NS Claims That "The 1964 Agreement Has Been Consistently Applied and Respected by Nova Scotia and Newfoundland"
The Consistent Application of the Alleged 135° Line

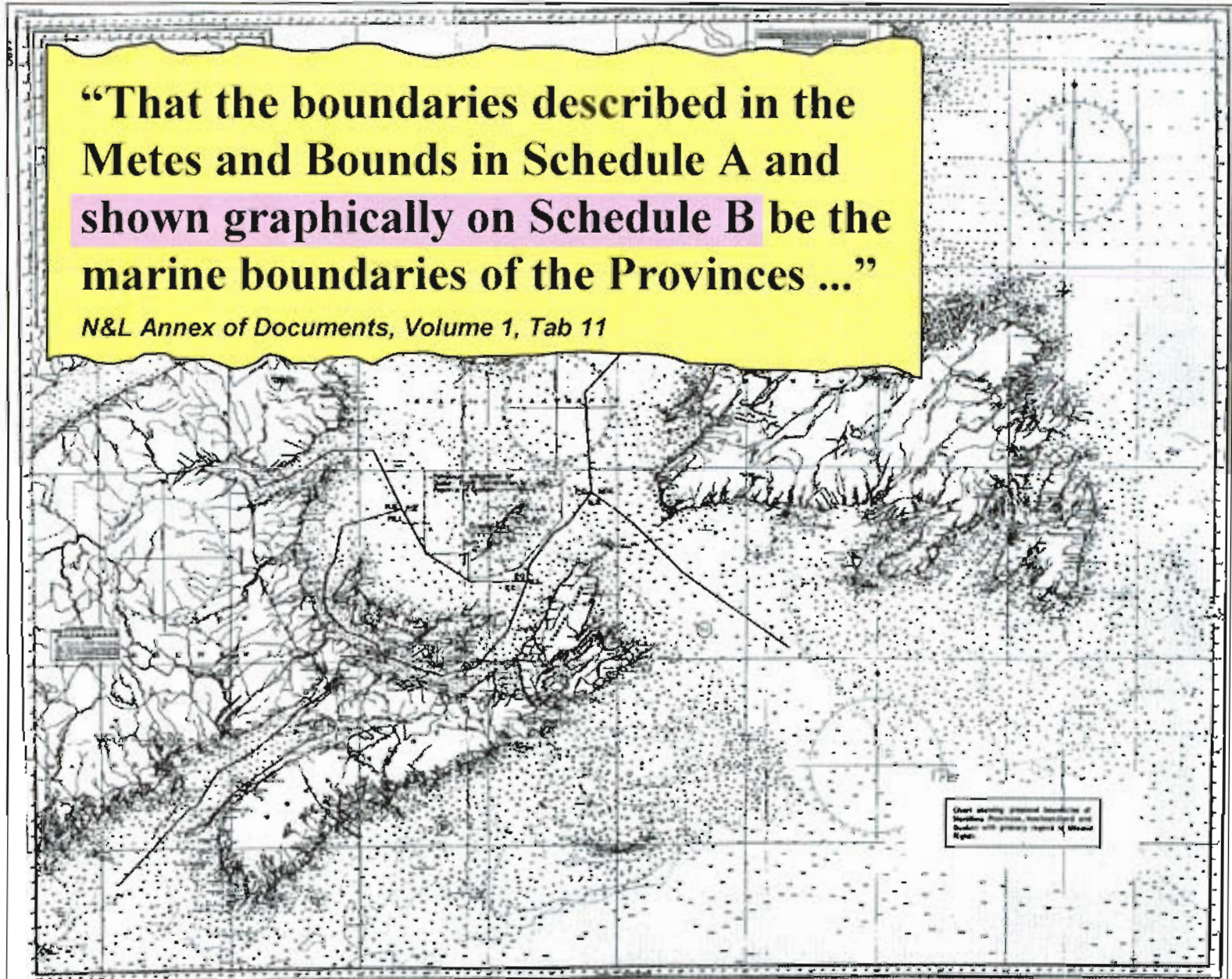


**Stanfield
Proposal Map**
Line extends
85NM beyond TP
2017 on azimuth
of about **125°**

Map That Accompanied the Stanfield Submission in 1964

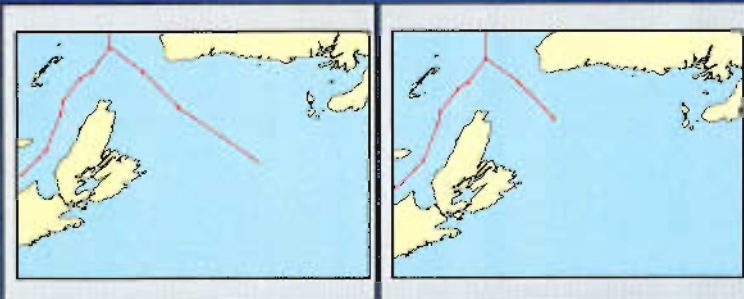
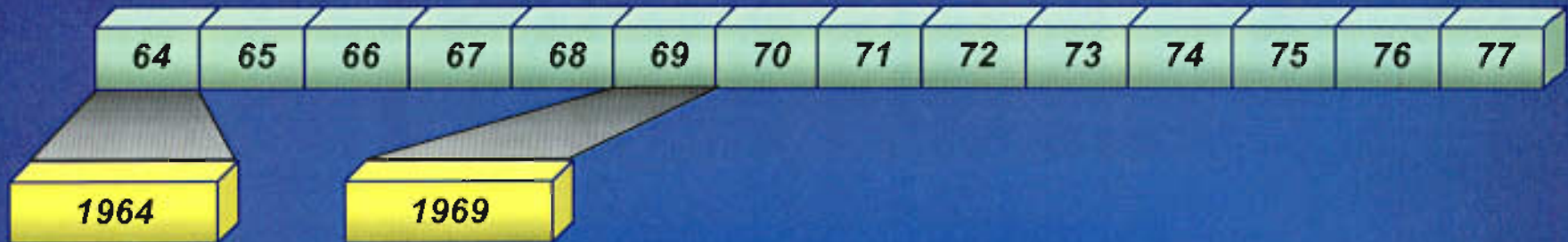
“That the boundaries described in the Metes and Bounds in Schedule A and shown graphically on Schedule B be the marine boundaries of the Provinces ...”

N&L Annex of Documents, Volume 1, Tab 11



NS Claims That "The 1964 Agreement Has Been Consistently Applied and Respected by Nova Scotia and Newfoundland"

The Consistent Application of the Alleged 135° Line



Stanfield Proposal Map

Line extends 85NM beyond TP 2017 on azimuth of about 125°

JMRC Map

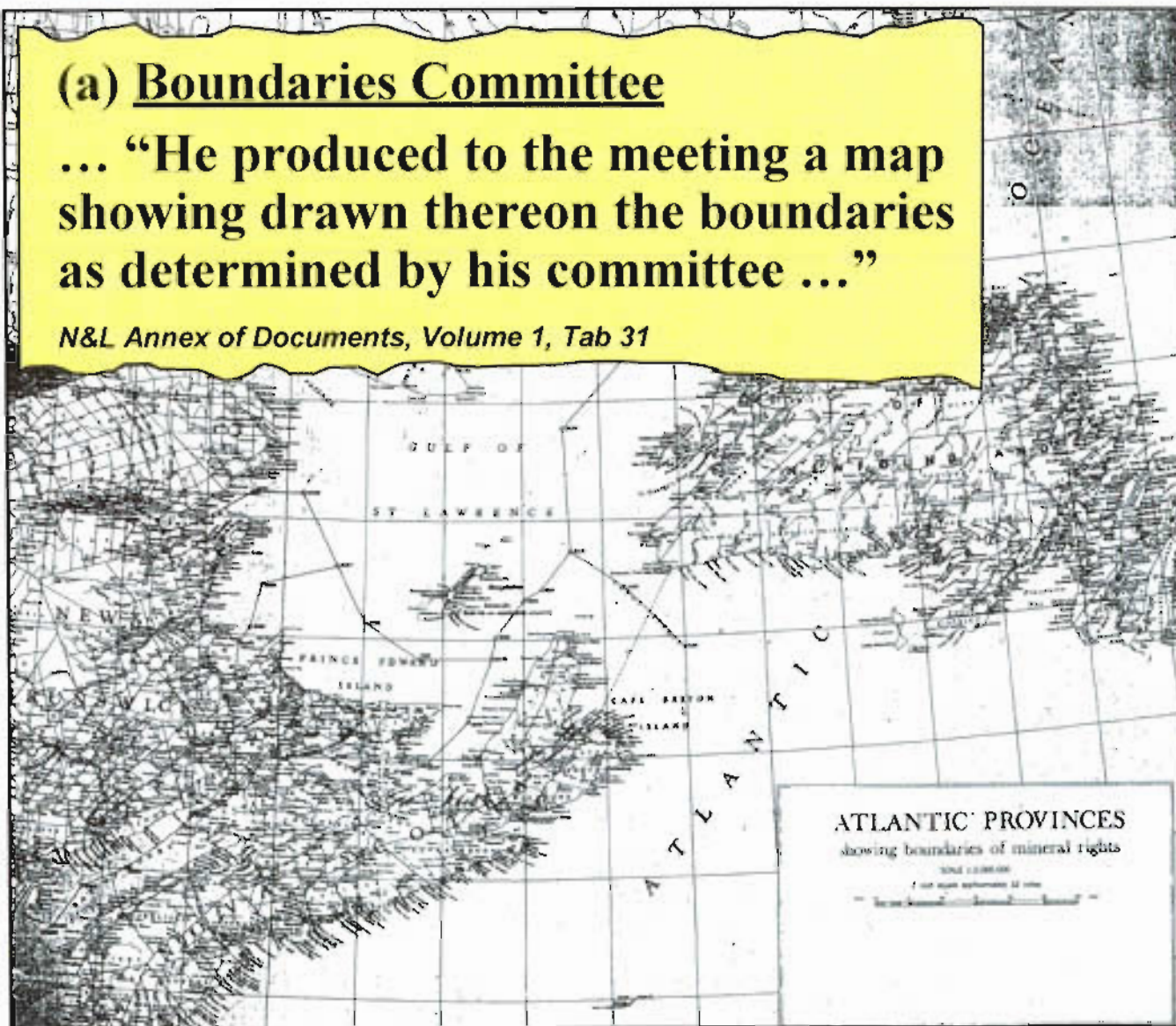
Boundary ends at 2017

Map Produced by JMRC in 1969 With Defined Turning Points Which Was Before the Premiers in 1972

(a) Boundaries Committee

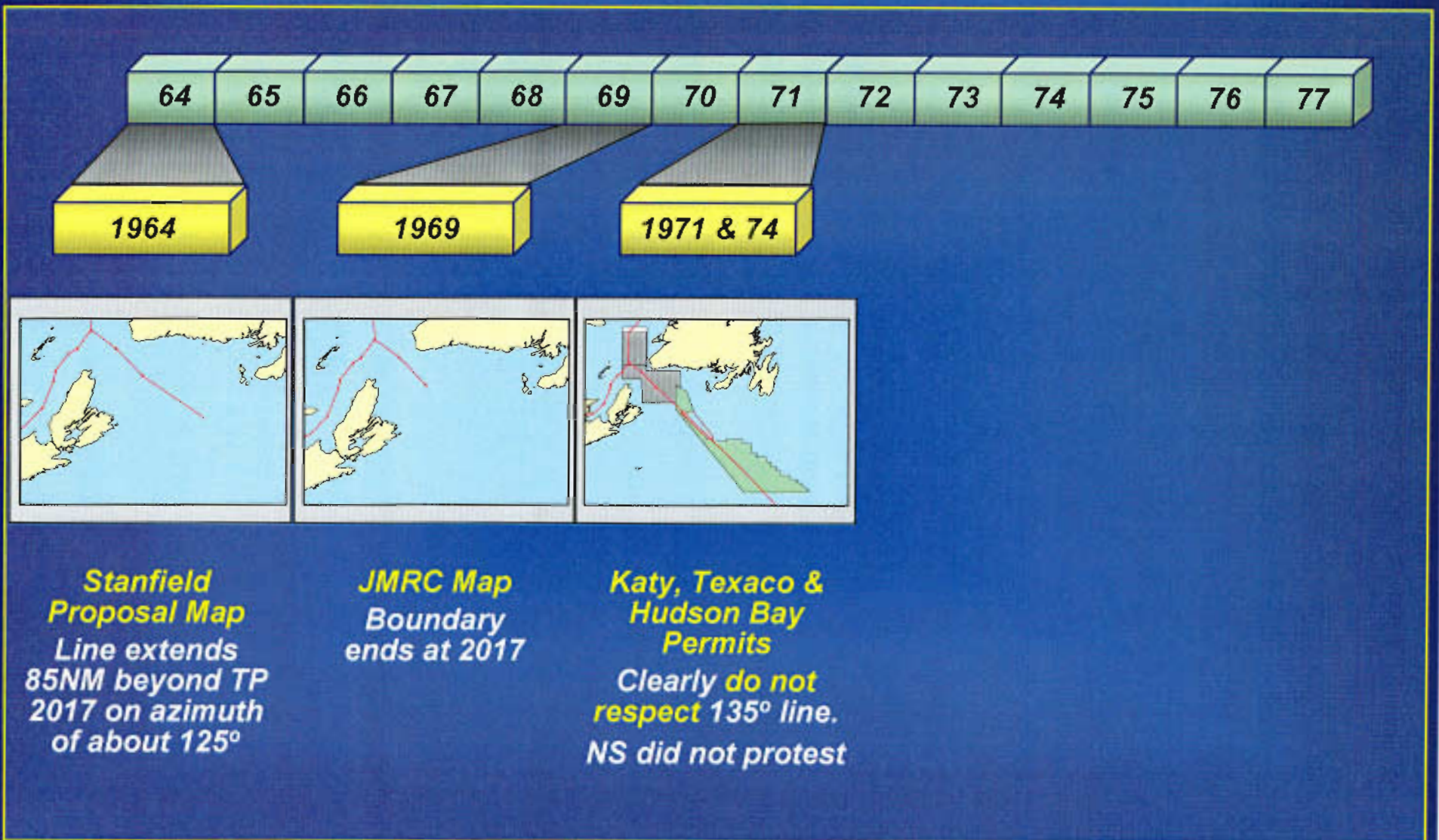
... “He produced to the meeting a map showing drawn thereon the boundaries as determined by his committee ...”

N&L Annex of Documents, Volume 1, Tab 31



NS Claims That "The 1964 Agreement Has Been Consistently Applied and Respected by Nova Scotia and Newfoundland"

The Consistent Application of the Alleged 135° Line

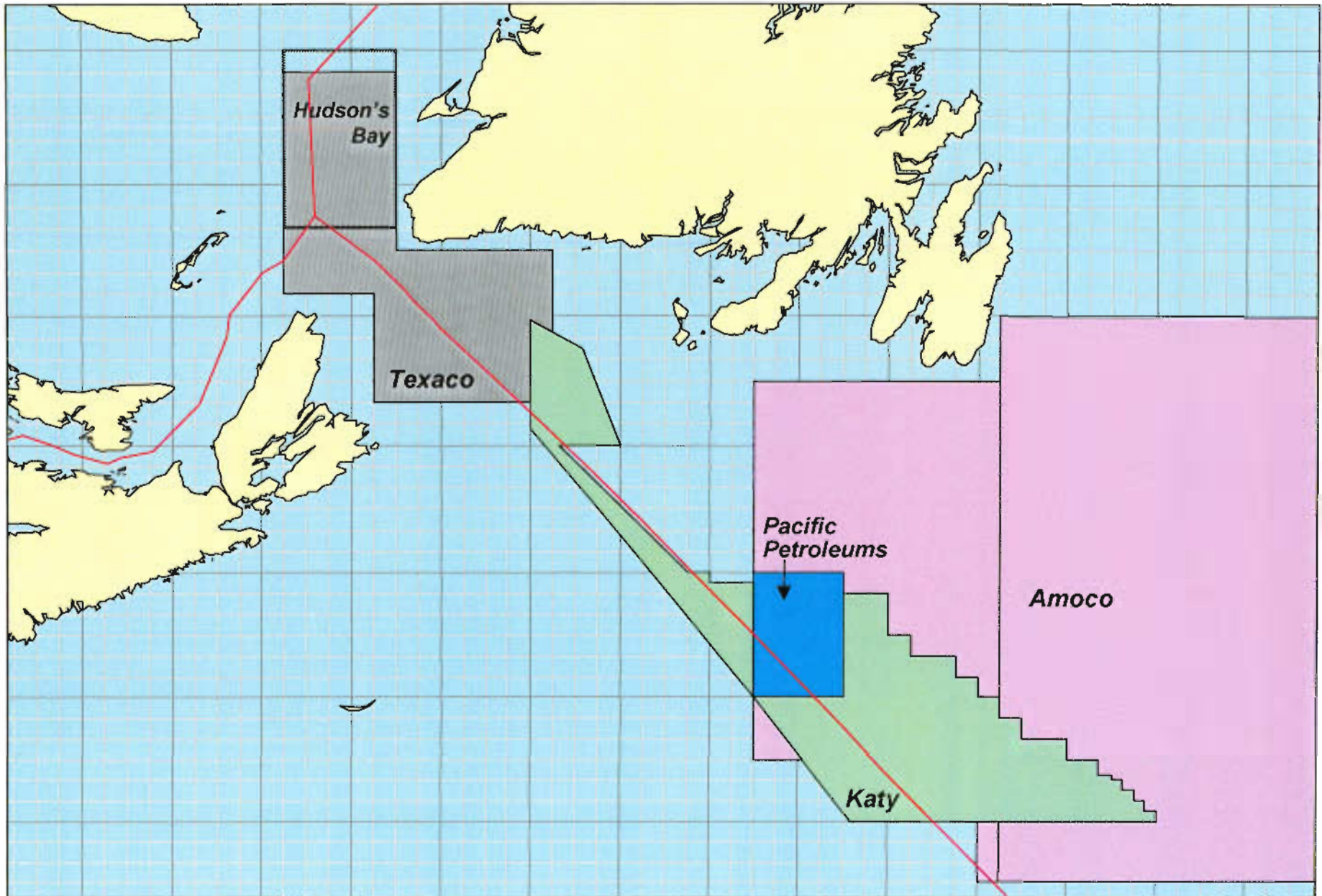


**Stanfield
Proposal Map**
Line extends
85NM beyond TP
2017 on azimuth
of about 125°

JMRC Map
Boundary
ends at 2017

**Katy, Texaco &
Hudson Bay
Permits**
Clearly **do not**
respect 135° line.
NS did not protest

N&L Conduct Did Not Respect the Alleged 135° Line

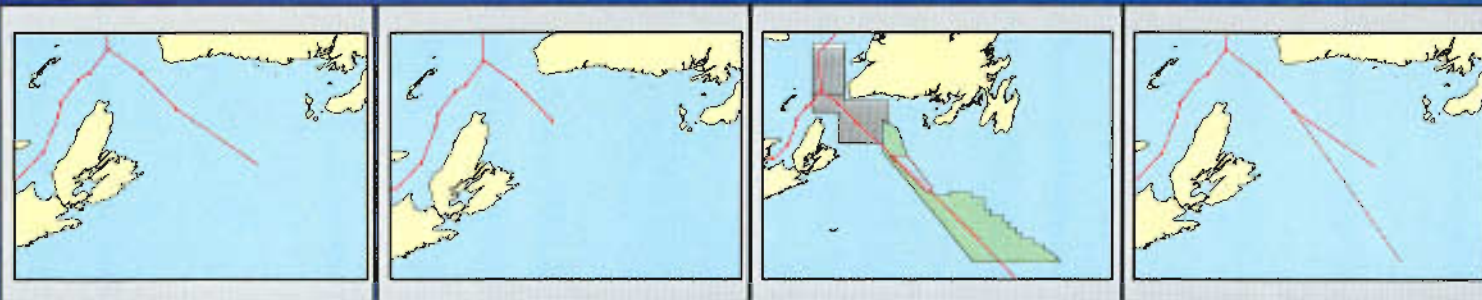
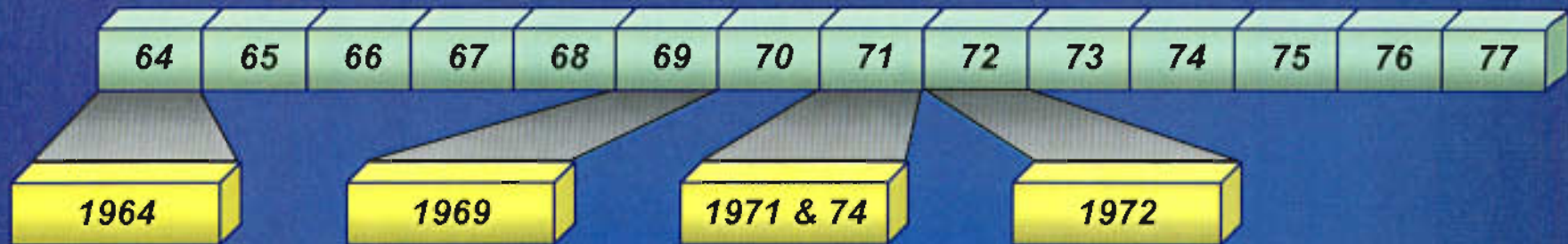


Oral Presentation Figure 92

Composite of N&L CM Figure 12 & 13

NS Claims That "The 1964 Agreement Has Been Consistently Applied and Respected by Nova Scotia and Newfoundland"

The Consistent Application of the Alleged 135° Line



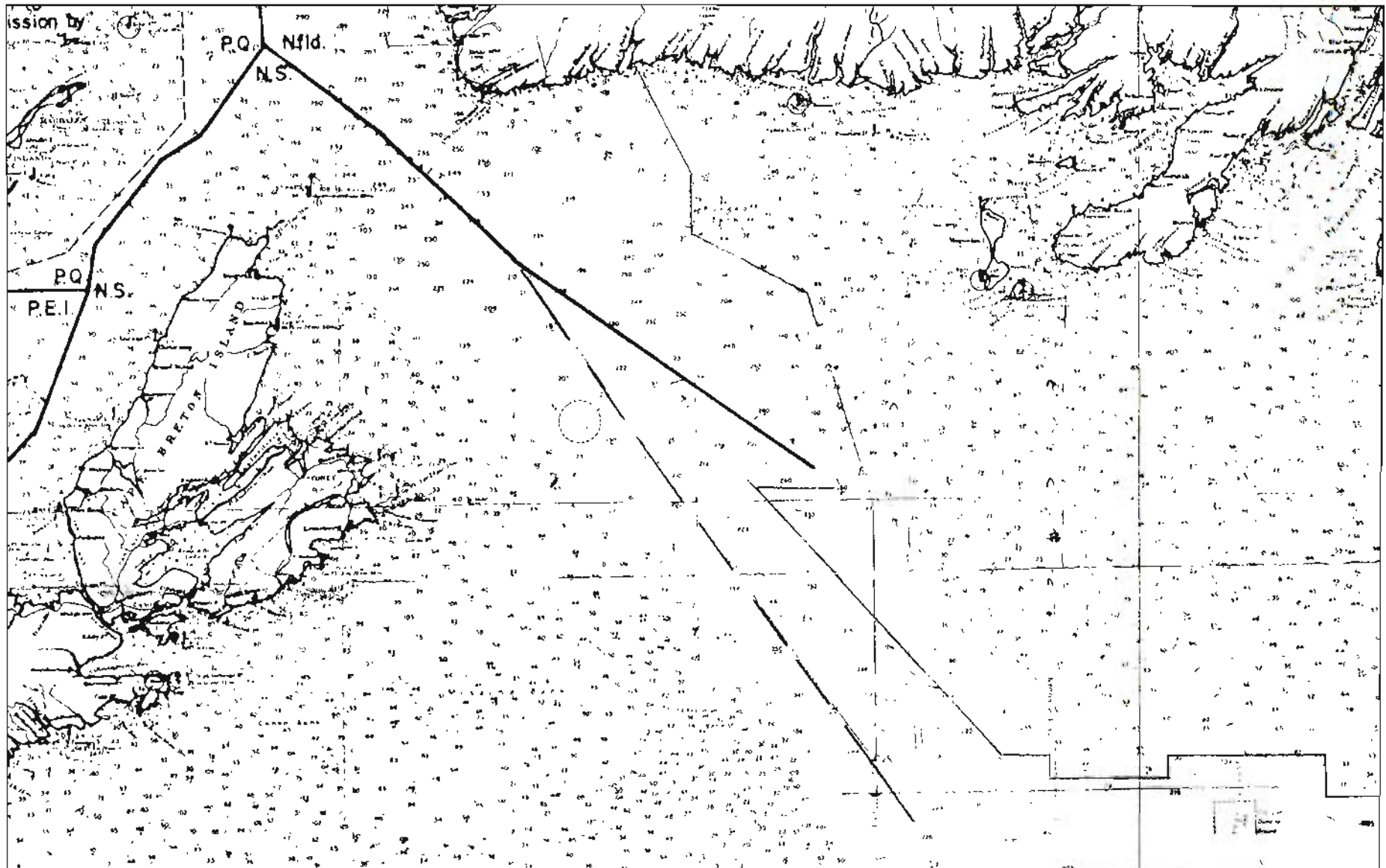
Stanfield Proposal Map
Line extends 85NM beyond TP 2017 on azimuth of about 125°

JMRC Map Boundary ends at 2017

Katy, Texaco & Hudson Bay Permits
Clearly do not respect 135° line.
NS did not protest

Doody Sketch
Stanfield proposal line & dashed line on azimuth of about 145°

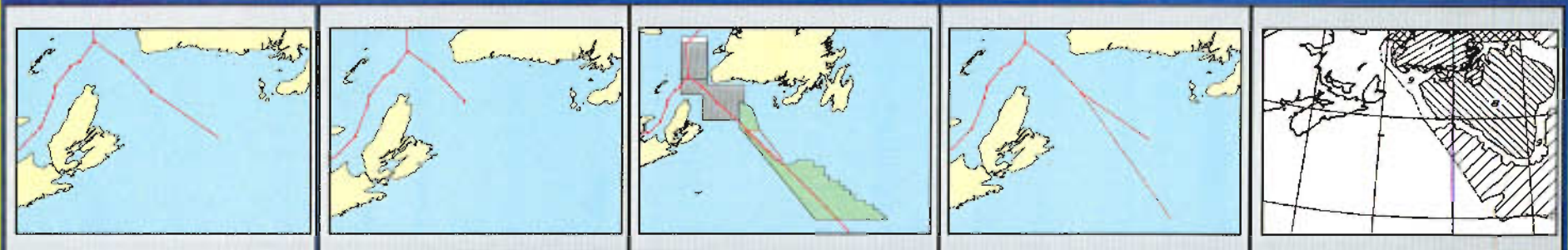
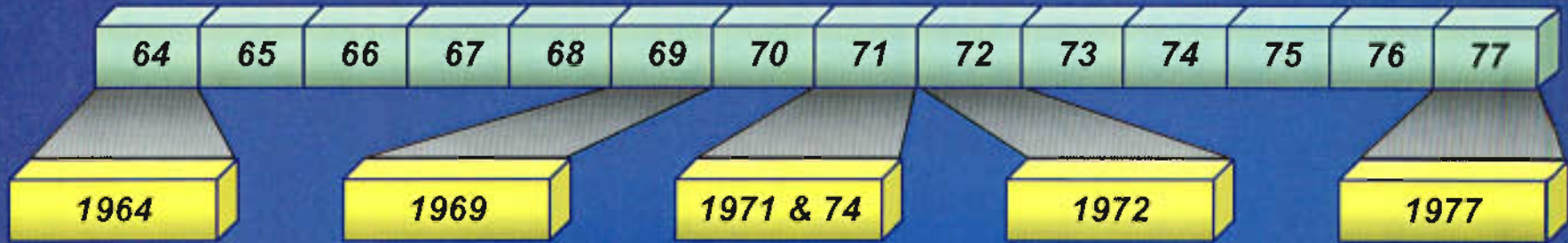
Sketch Attached to Doody Letter of 1972



Oral Presentation Figure 94

NS Claims That "The 1964 Agreement Has Been Consistently Applied and Respected by Nova Scotia and Newfoundland"

The Consistent Application of the Alleged 135° Line



Stanfield Proposal Map
Line extends 85NM beyond TP 2017 on azimuth of about 125°

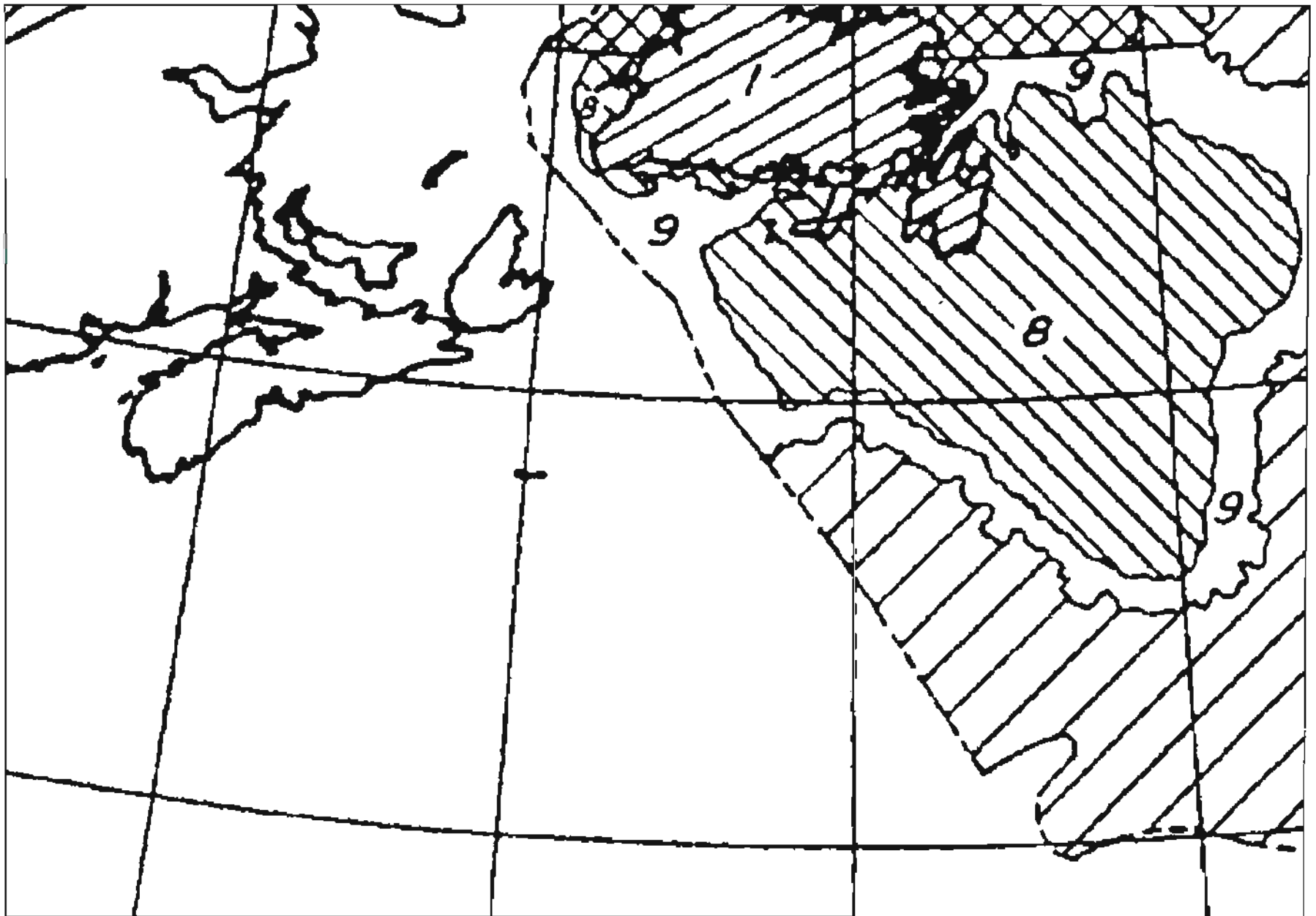
JMRC Map Boundary
ends at 2017

Katy, Texaco & Hudson Bay Permits
Clearly do not respect 135° line.
NS did not protest

Doody Sketch
Stanfield proposal line & dashed line on azimuth of about 145°

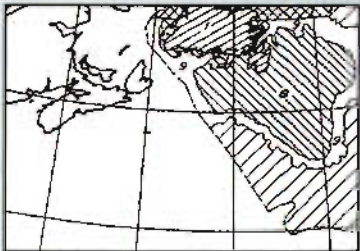
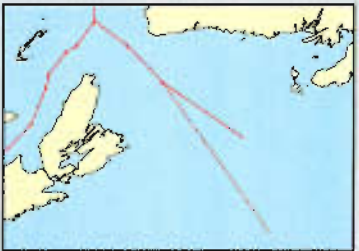
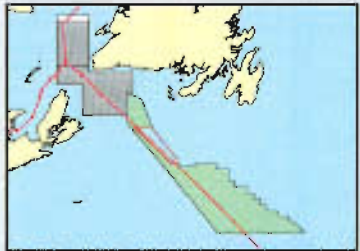
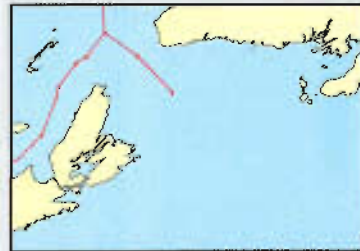
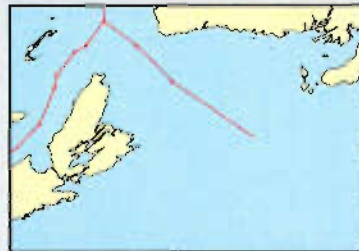
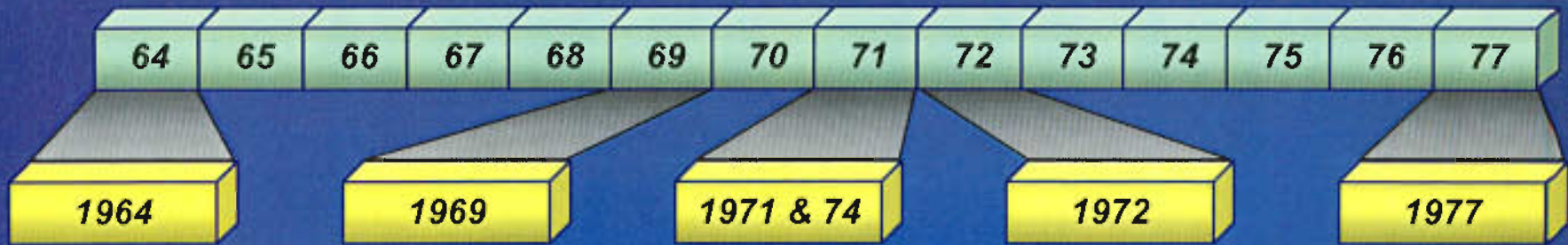
1977 N&L Petroleum Regulations
MGT areas clearly **do not respect** 135° line.
NS did not protest

1977 N&L Petroleum Regulations Did Not Respect the 135° Line



Oral Presentation Figure 96

The Inconsistent Application of the Alleged 135° Line



Stanfield Proposal Map

Line extends 85NM beyond TP 2017 on azimuth of about 125°

JMRC Map Boundary
ends at 2017

Katy, Texaco & Hudson Bay Permits
Clearly do not respect 135° line.
NS did not protest

Doody Sketch
Stanfield proposal line & dashed line on azimuth of about 145°

1977 N&L Petroleum Regulations
MGT areas clearly do not respect 135° line.
NS did not protest

Oral Presentation Figure 97

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***Applicable Law
is International
Law of Treaties***

Basis of the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

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~~All Purposes~~

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~~To the
Edge of the
Continental
Margin~~

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Legally Binding
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~~Boundaries Were
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~~The Federal
Government
was Irrelevant~~

~~Applicable Law
is International
Law of Treaties~~

There is no Basis to the Nova Scotia Claim

Claim of 1964 Agreement

Elements of Alleged Agreement

Desirable to Agree on Described Boundaries

All For Purposes

13th June

Edge of the Continental Shelf

Essential Assumptions

Intention to Create a Legally Binding Agreement

Boundaries Were Separated From Ownership

The General Government was Relevant

Applicable Law is International Law of Treaties