

NEWFOUNDLAND AND LABRADOR – NOVA SCOTIA
Case Concerning The Line Dividing Their Respective Offshore Areas

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TERRE-NEUVE ET LABRADOR – NOUVELLE-ÉCOSSE
Affaire portant sur les limites de leurs zones extracôtières respectives



NOVA SCOTIA
COUNTER-MEMORIAL



The record is clear. The line dividing the offshore areas of Nova Scotia and Newfoundland was resolved long ago, by the *1964 Agreement* concluded among the Premiers of the four Atlantic Provinces, in good faith, on September 30, 1964 and acceded to by the Premier of Québec one week later.

The evidence before this Tribunal also demonstrates unequivocally that the line was subsequently assigned precise geographic coordinates, publicly reaffirmed by the five Premiers, incorporated into agreements, maps and legislation and, from its inception, applied in practice, by both Nova Scotia and Newfoundland, in the issuance of offshore oil and gas exploration permits

How is it, then, that the parties in this arbitration hold such diametrically opposed views regarding the existence, nature and scope of their Agreement delimiting their mutual boundary?

The answer, regrettably, is simple. Newfoundland's case rests on numerous omissions and misstatements of fact, and on a misguided attempt to rewrite the applicable law and, ultimately, the Tribunal's mandate as established in the *Terms of Reference*.

Rather than good faith and *pacta sunt servanda*, Newfoundland relies on the power of revisionism to evade obligations willingly assumed under an Agreement that it was once proud to proclaim and that it has recognized in numerous instruments and fora.