



THE MANDATE OF THE TRIBUNAL

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The Mandate of the Tribunal

“3.1 Applying the principles of international law governing maritime boundary delimitation with such modification as the circumstances require, the Tribunal shall determine the line dividing the respective offshore areas of the Province of Newfoundland and Labrador and the Province of Nova Scotia, as if the parties were states subject to the same rights and obligations as the Government of Canada at all relevant times.”



The Mandate of the Tribunal

“3.2 The Tribunal shall, in accordance with Article 3.1 above, determine the line dividing the respective offshore areas of the Province of Newfoundland and Labrador and the Province of Nova Scotia in two phases.

- (i) In the first phase, the Tribunal shall determine whether the line dividing the respective offshore areas of the Province of Newfoundland and Labrador and the Province of Nova Scotia has been resolved by agreement.”



The Mandate of the Tribunal

“(ii) In the second phase, the Tribunal shall determine how in the absence of any agreement the line dividing the respective offshore areas of the Province of Newfoundland and Labrador and the Province of Nova Scotia shall be determined.”



Section 48: Settlement Procedure for Disputes

28

C. 28 *Canada-Nova Scotia Accord*

Settlement Procedure for Disputes

Definition of "agreement"

48. (1) In this section, "agreement" means an agreement between the Government of Canada and the government of a province respecting resource management and revenue sharing in relation to activities respecting the exploration for or the production of petroleum carried out on any frontier lands.

Disputes between neighbouring provinces

(2) Where a dispute between the Province and any other province that is a party to an agreement arises in relation to the description of any portion of the limits set out in Schedule I and the Government of Canada is unable, by means of negotiation, to bring about a resolution of the dispute within a reasonable time, the dispute shall, at such time as the Federal Minister deems appropriate, be referred to an impartial person, tribunal or body and settled by means of the procedure determined in accordance with subsection (3).

(4) Where the procedure for the settlement of a dispute pursuant to this section involves arbitration, the arbitrator shall apply the principles of international law governing maritime boundary delimitation, with such modifications as the circumstances require.

Principles of international law to apply



Section 6: Settlement Procedure for Disputes

Disputes
between
neighbouring
provinces

(2) Where a dispute between the Province and any other province that is a party to an agreement arises in relation to a line or portion thereof prescribed or to be prescribed for the purpose of the definition "offshore area" in section 2 and the Government of Canada is unable, by means of negotiation, to bring about a resolution of the dispute within a reasonable time, the dispute shall, at such time as the Federal Minister deems appropriate, be referred to an impartial person, tribunal or body and settled by means of the procedure determined in accordance with subsection (3).

Procedures
determined by
Federal
Minister

(3) For the purposes of this section, the person, tribunal or body to which a dispute is to be referred, the constitution and membership of any tribunal or body and the procedures for the settlement of a dispute shall be determined by the Federal Minister after consultation with the provinces concerned in the dispute.

Principles of
international
law to apply

(4) Where the procedure for the settlement of a dispute pursuant to this section involves arbitration, the arbitrator shall apply the principles of international law governing maritime boundary delimitation, with such modifications as the circumstances require.

1964 AGREEMENT APPLIED AND RESPECTED

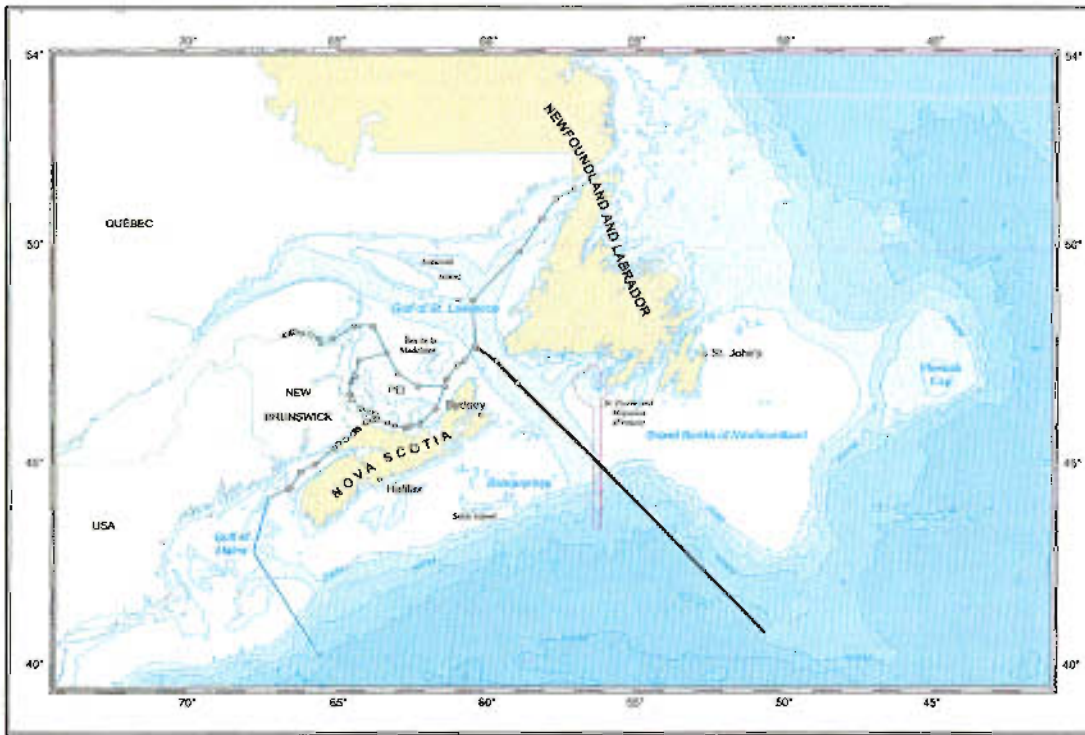


FIGURE 29

The 1964 Agreement Has Been Consistently Applied and Respected By Nova Scotia and Newfoundland

1964

On September 30, 1964, the Premiers of Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island declare that they have "unanimously agreed ... the marine boundaries of the Provinces". (Annex 24)
On October 7, 1964, Quebec accedes to the Agreement.

The Nova Scotia-Newfoundland boundary is described as beginning at the three-way boundary between Quebec, Nova Scotia and Newfoundland, running to certain turning points and, in the outer segment, running "southwesterly ["S.E."] to international waters". (Annex 34)

1968-1969

The JMRC is established in 1968, and in turn establishes a *Technical Committee* with the mandate to prepare the "[d]elineation and description of the boundaries of the participating Provinces". (Annex 36)

The *Technical Committee* subsequently reports: "[We have] completed plotting of turning points as described in the Agreement reached by the Atlantic Premiers. These points have been calculated in latitude and longitude using a computer program." (Annex 37)

1972

On June 17-18, 1972, the East Coast Premiers approve the work of the *Technical Committee*.

The following day, Premier Moores announces the Premiers' agreement in the Newfoundland House of Assembly.
"Mr. Speaker, ... The Governments of the five Eastern Provinces have agreed to the delineation and description of the offshore boundaries between each of these five Provinces." (Annex 58)

1977

The 1964 Nova Scotia-Newfoundland boundary is incorporated into the 1977 MOU between the federal government and the Provinces of Nova Scotia, New Brunswick and Prince Edward Island.

Newfoundland does not object.

1982

The 1964 Nova Scotia-Newfoundland boundary is incorporated into the 1982 Canada-Nova Scotia Agreement.

The federal and provincial implementing legislation describes the outer segment of the boundary as running "from the last turning point) thence southeasterly in a straight line and on an azimuth of 135°00'00" to the outer edge of the continental margin." (Annex 2)

Newfoundland raises no protest

1986

The 1964 Nova Scotia-Newfoundland boundary is incorporated into the 1986 Canada-Nova Scotia Accord and its implementing legislation. The outer segment is described as running "from the last turning point) thence southeasterly in a straight line and on an azimuth of 135°00'00" to the outer edge of the continental margin." (Annex 2)

Newfoundland does not object.

THE 1964 AGREEMENT BOUNDARY

