

## CHAPTER I INTRODUCTION

1. This Counter Memorial is filed in accordance with Article 6 1(ii) of the Terms of Reference.
2. In this Counter Memorial, Newfoundland and Labrador will rebut the errors of fact and law in the Nova Scotia Memorial and will demonstrate that the line claimed by Nova Scotia is neither supported by the facts asserted by Nova Scotia nor justified in law. In doing so, Newfoundland and Labrador will reaffirm that the line proposed in its Memorial conforms with the proper application of the principles of international law governing maritime boundary delimitation.
3. The Counter Memorial will point out that rather than applying the principles of international law governing maritime boundary delimitation, as the Terms of Reference require, Nova Scotia has deviated from those principles in fundamental ways. It has put forward a claim to a line that has no basis in law.
4. Much of Nova Scotia's Memorial is simply a reconsideration of what was already dealt with by this Tribunal in Phase One of this case. However, Newfoundland and Labrador does not plan to go over ground already covered in Phase One, except to the extent necessary to correct errors made by Nova Scotia and to respond to specific arguments. To the extent necessary, therefore, Newfoundland and Labrador incorporates by reference the facts and arguments set out in its written and oral pleadings in Phase One.
5. Chapter II of this Memorial provides an overview of the Nova Scotia Memorial and responds in outline to the arguments made. Chapter III responds to Nova Scotia's treatment of the geographical framework for this case and more generally to its incorrect use of geography in support of its claim. Chapter IV considers Nova Scotia's treatment of the conduct of the parties in this case, correcting factual errors and pointing out where Nova Scotia's factual claims are no more than assumption or conjecture. Chapter V considers the Nova Scotia claim in the light of the law applicable to the delimitation of maritime boundaries and rebuts Nova Scotia's claim that its line is justified in law. Chapter VI responds to Nova Scotia's

erroneous claim that the law relating to acquiescence and estoppel provides a basis for the determination of a line. Chapter VII demonstrates that the line claimed by Nova Scotia does not produce an equitable result. Chapter VIII provides a recapitulation of the position of Newfoundland and Labrador in this dispute. Chapter IX provides conclusions and reiterates the submission of Newfoundland and Labrador in this case.