

Key Issues

Basis of Title

Relevant Coasts

Relevant Circumstances and Equitable Principles & Criteria

Method of Delimitation

The Line and the Equity of the Result

Newfoundland and Labrador Position

Nova Scotia Position

- ✓ The basis of title is found within the body of **international law governing maritime delimitation**.
- ✓ Title derives from the right of a state to the maritime territory **extending from its coasts**.

- ✓ The basis of title is to be determined from **outside** the law relating to maritime delimitation.
- ✓ It is derived from the **particular facts** of the case. In this case, it is derived from the entitlements of the provinces under the **Accords** and the implementing legislation.

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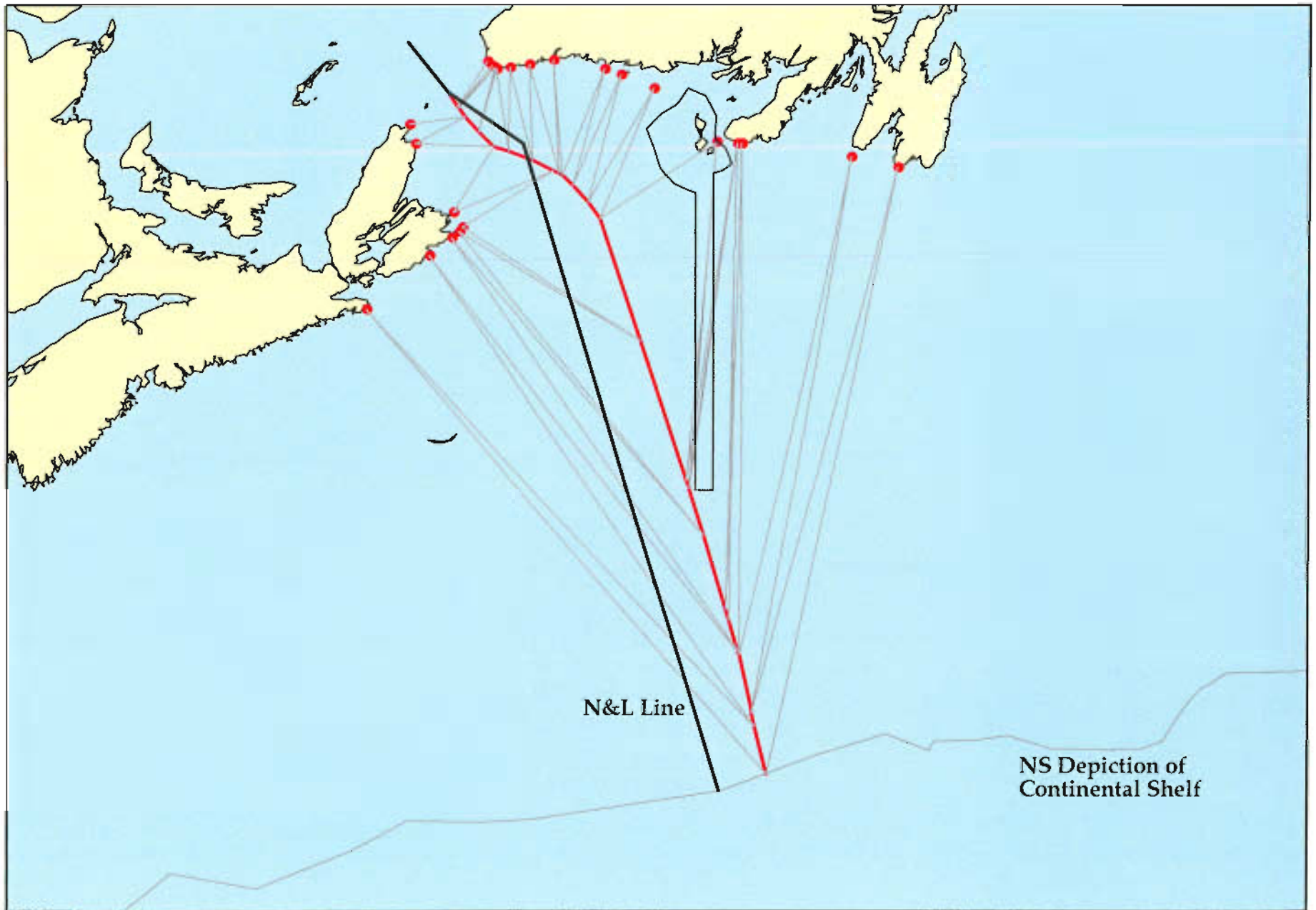
*Newfoundland
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*Nova Scotia
Position*

*Defines the relevant coasts and the relevant area by looking at the coasts that **face into the area** to be **delimited** and that in some general sense can have an impact on the delimitation.*

*Defines the relevant coasts and the relevant area by reference to the **Article 76** definition of the continental shelf and a novel and unprecedented "**line of sight**" theory.*

Equidistance - No Effect to St. Paul & Sable - Extending to NS Depiction of Shelf



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- ✓ Places primacy on **geography** as a relevant circumstance, but does not exclude other factors where relevant.
- ✓ In giving effect to the geography of the area, equitable principles such as the **avoidance of cut-off**, the **avoidance of giving weight to incidental features** and **proportionality** have important roles to play.

Conduct plays the primordial role and geographical factors, either as relevant circumstances or equitable principles, are relegated to a secondary, and often insignificant role.

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*Has applied methods of delimitation that are appropriate in the light of the geographical characteristics - the **coasts** and the **coastal relationships** - of each of the areas to be delimited.*

*Has a unidirectional line that has **no method** other than the conduct on which it is allegedly based.*

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*The Newfoundland and Labrador line is drawn in accordance with methods that **reflect the geography** of the area to be delimited and **meets** appropriate tests of the **equity** of the result.*

*Nova Scotia's line, constructed on the basis of **conduct**, is apparently meant to be equitable by reference to the conduct which is the basis of its construction.*