

Outline of Newfoundland & Labrador Case

Opening Statement

Geography

Basis of Title

Applicable Law

Acquiescence & Estoppel

Delimitation Methods

Appropriate Line

The Issues That Divide The Parties

Newfoundland and Labrador

Nova Scotia

Basis of Title

The basis of title is derived from the coasts from which the maritime area projects

The basis of title is derived from the limited form of jurisdiction that the provinces have under the Accords legislation

Geography

Adopts relevant coasts from Canada-France case and defines the relevant area by use of perpendiculars from the outer limits of those coasts

Includes an extensive array of coasts and areas which face away from the area to be delimited

Conduct

Conduct of officials in 1964, 1972 and later, disclose no acquiescence or estoppel. Permits demonstrate uncertainty, inconsistency and contradiction

Conduct is at the heart of N.S. claim. The events of 1964 & 1972 are to rise again to bind the parties even though they did not do so in Phase One

Nova Scotia's Case is Founded on an Erroneous Basis of Title

***Inverted
Hierarchy
of Relevant
Circumstances***

***Coastal
Framework
Adopted in
Canada –
France is
Rejected***

***Coasts that
Face Away
From the
Delimitation
Area Are Still
Regarded by
Nova Scotia
as relevant***

***Designates
a Relevant
Area That is
Well Beyond
the Area in
Which the
Delimitation
is to Take
Place***

***Claim to
an Equal
Division of
Overlapping
Entitlements***

***Relative
Wealth as
a Relevant
Consideration***

Basis of Title Derived From Accords

Nova Scotia's Case is Founded on an Erroneous Basis of Title

Inverted Hierarchy of Relevant Circumstances

Coastal Framework Adopted in Canada – France is Rejected

Coasts that Face Away From the Delimitation Area Are Still Regarded by Nova Scotia as relevant

Designates a Relevant Area That is Well Beyond the Area in Which the Delimitation is to Take Place

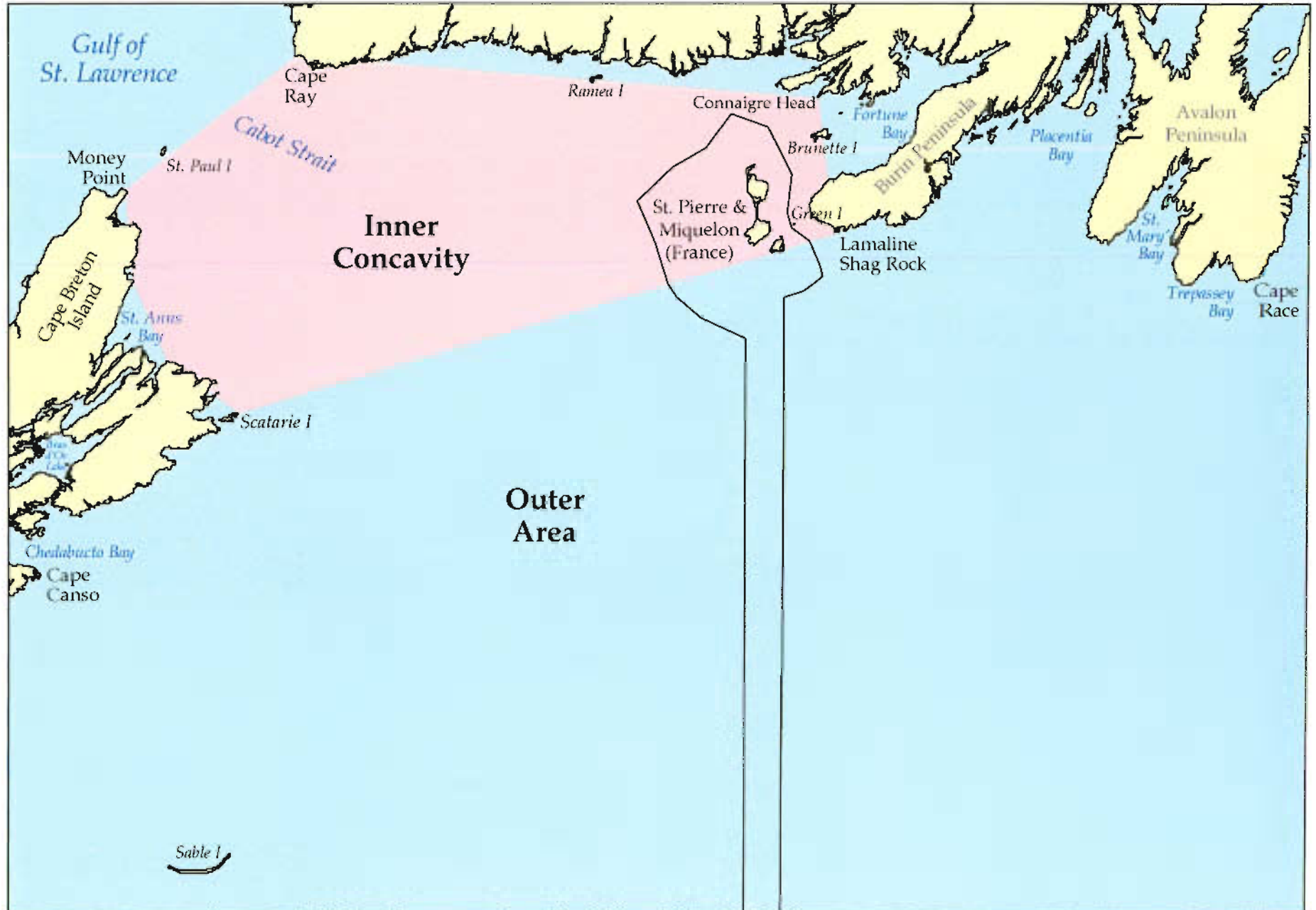
Claim to an Equal Division of Overlapping Entitlements

Relative Wealth as a Relevant Consideration

Basis of Title

NOT DERIVED From Accords

The Inner Concavity and the Outer Area



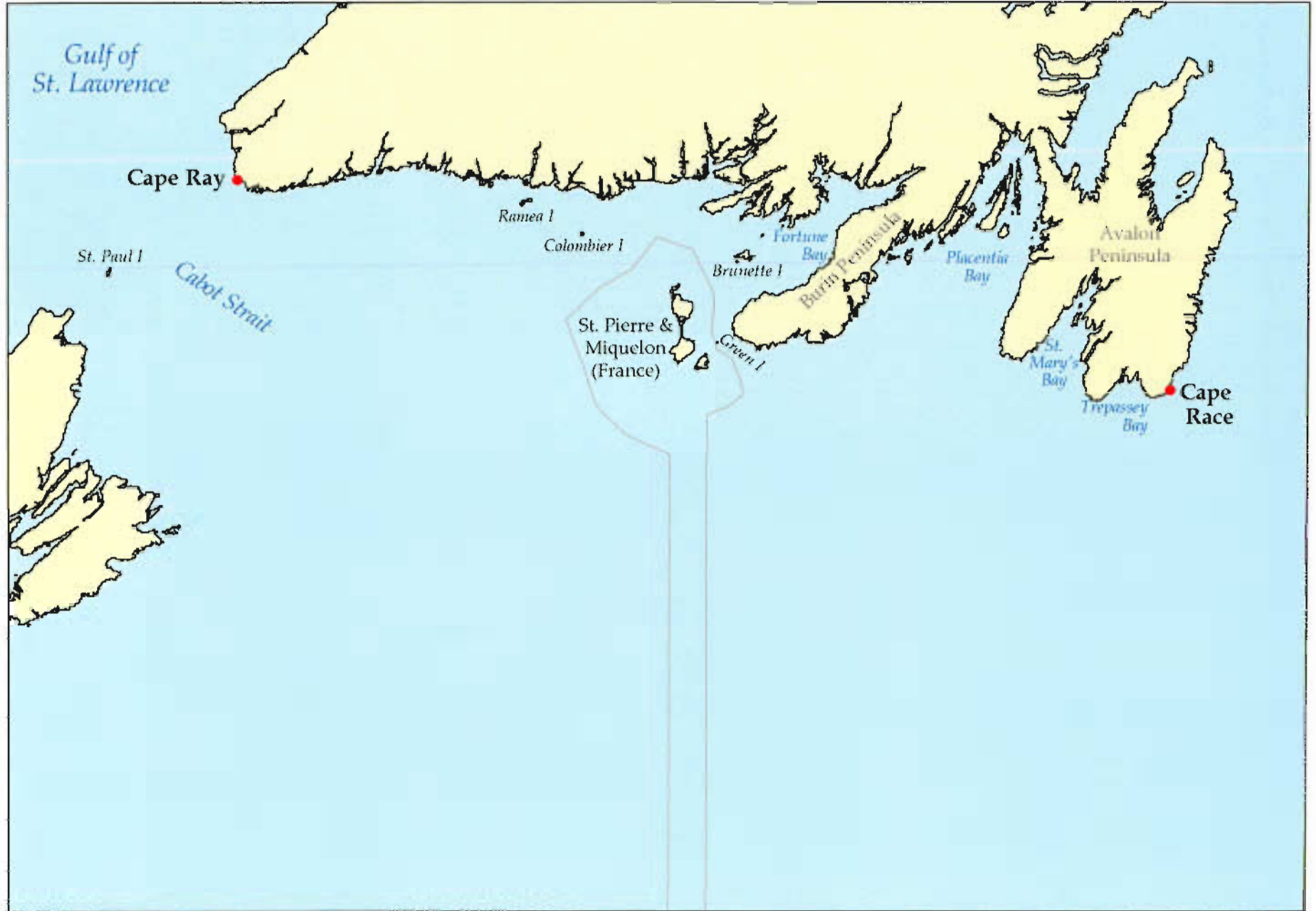
Based on Figure 2, N&L Memorial, Phase Two

Oral Presentation, Phase Two, Figure: 5

The Geographical Setting Inside the Gulf of St. Lawrence

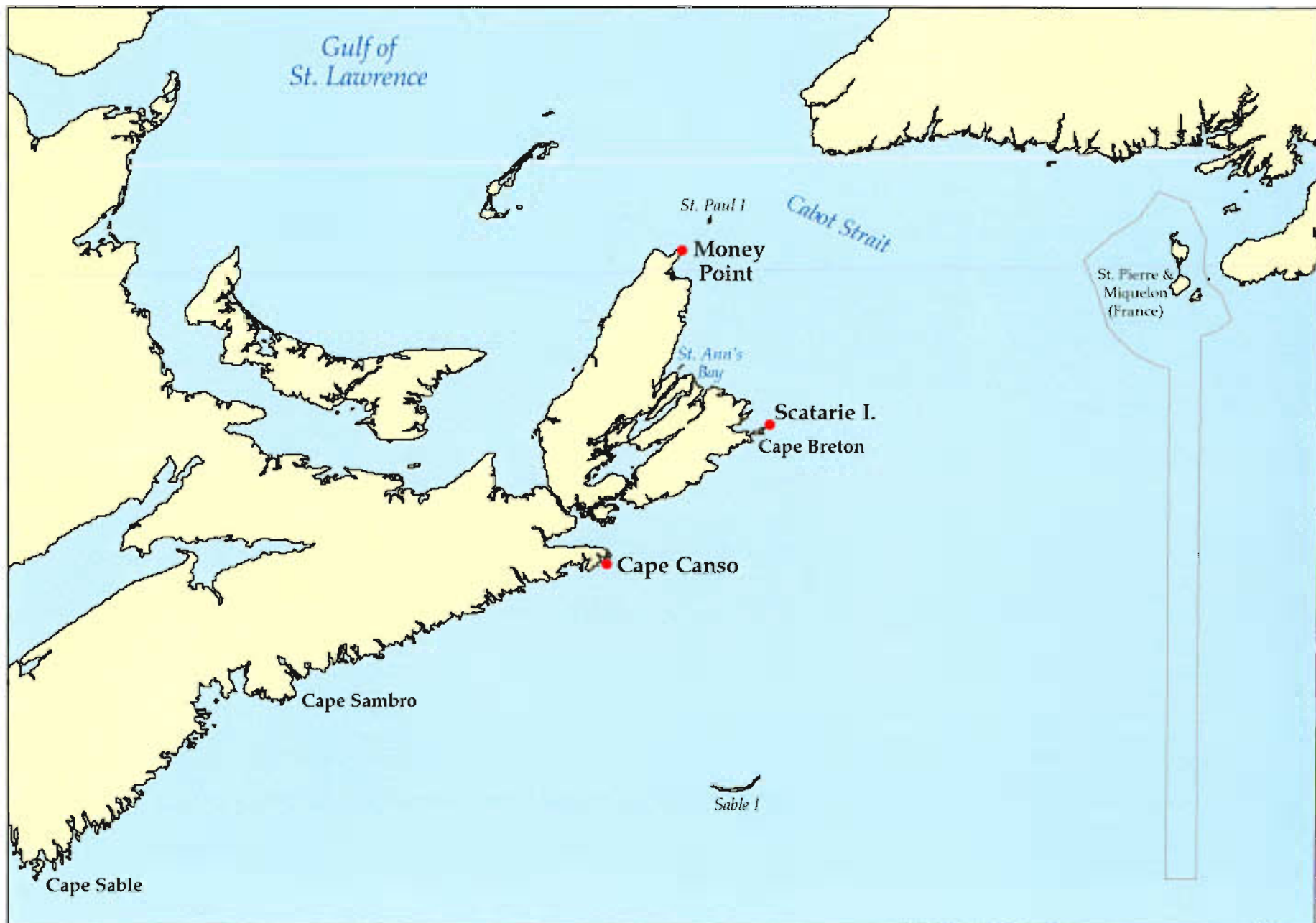


The Geographical Setting of the South Coast of Newfoundland

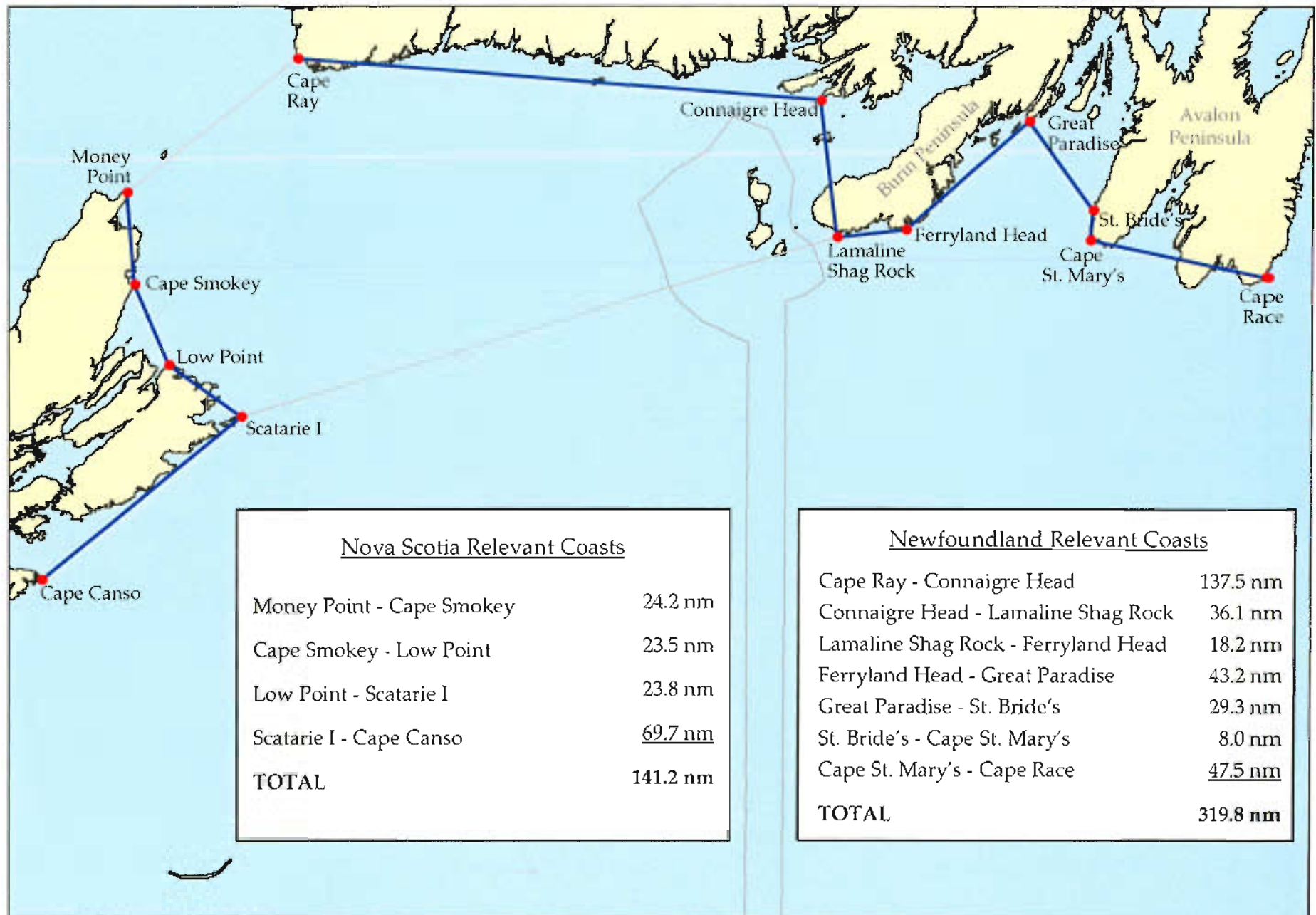


Oral Presentation, Phase Two, Figure: 7

The Geographical Setting of the Nova Scotia Coasts



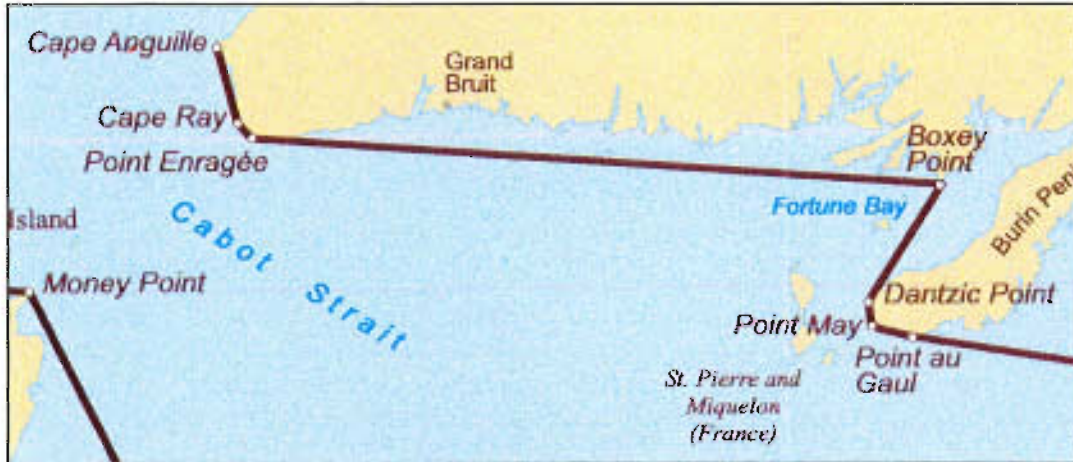
The Relevant Coasts



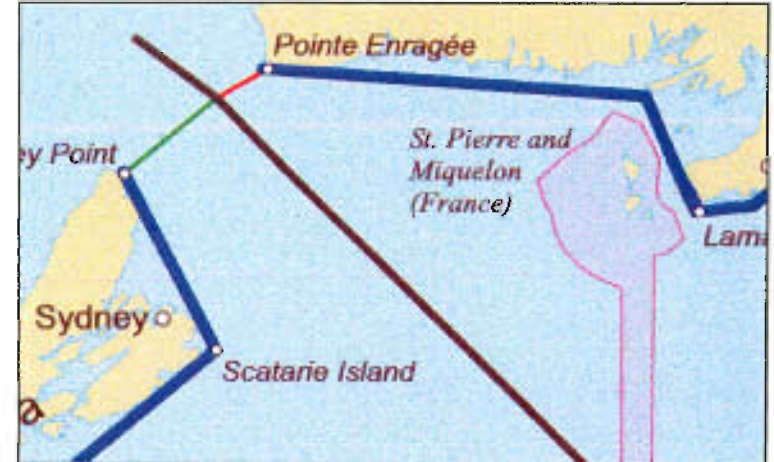
Based on Figure 3, N&L Memorial, Phase Two

Oral Presentation, Phase Two, Figure: 9

Nova Scotia's Use of Multiple Lines to Describe the Coastal Fronts



Based on Figure 44, NS Counter Memorial, Phase Two



Based on Figure 55, NS Counter Memorial, Phase Two

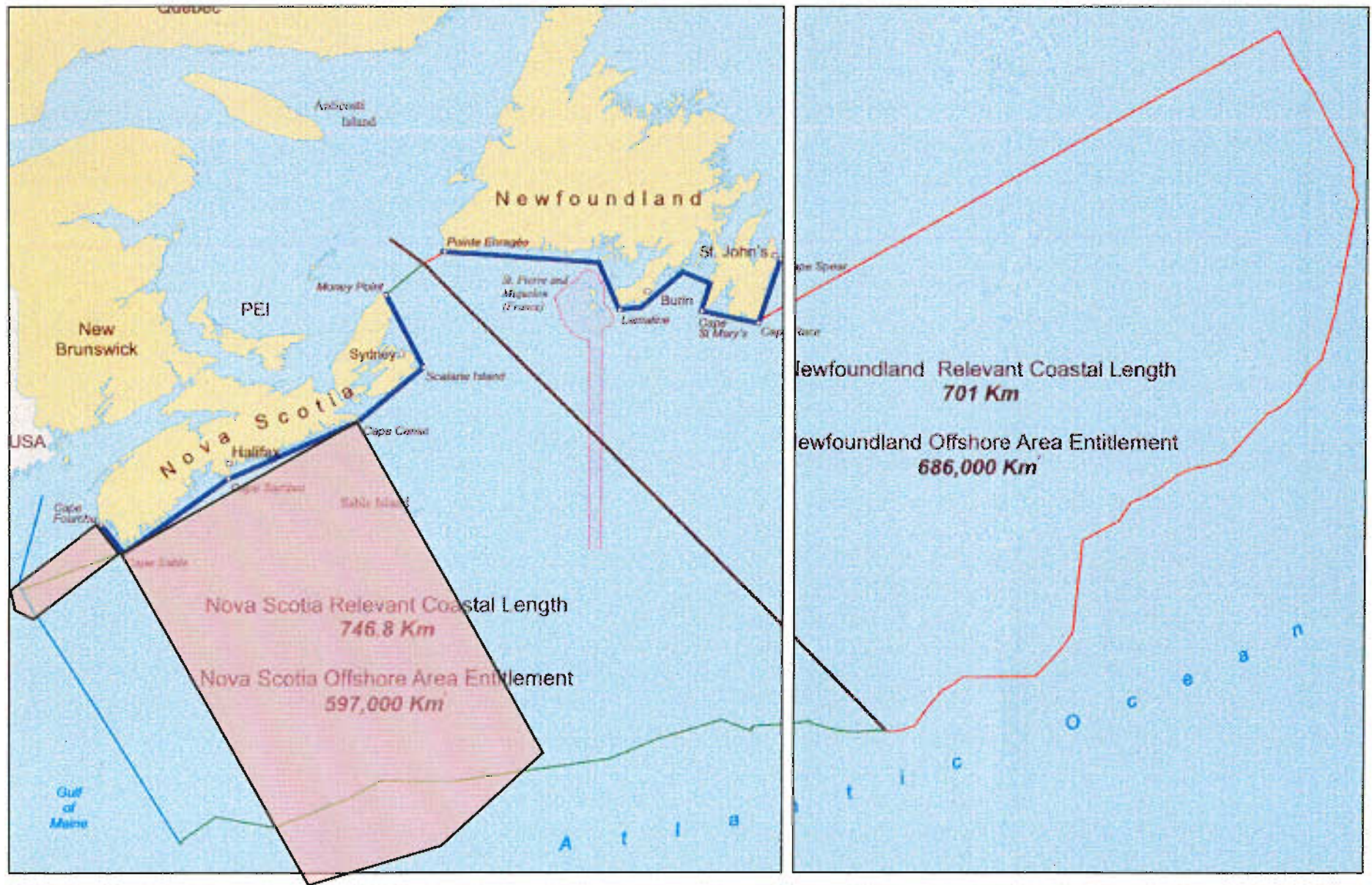


Based on Figure 44, NS Counter Memorial, Phase Two



Based on Figure 55, NS Counter Memorial, Phase Two

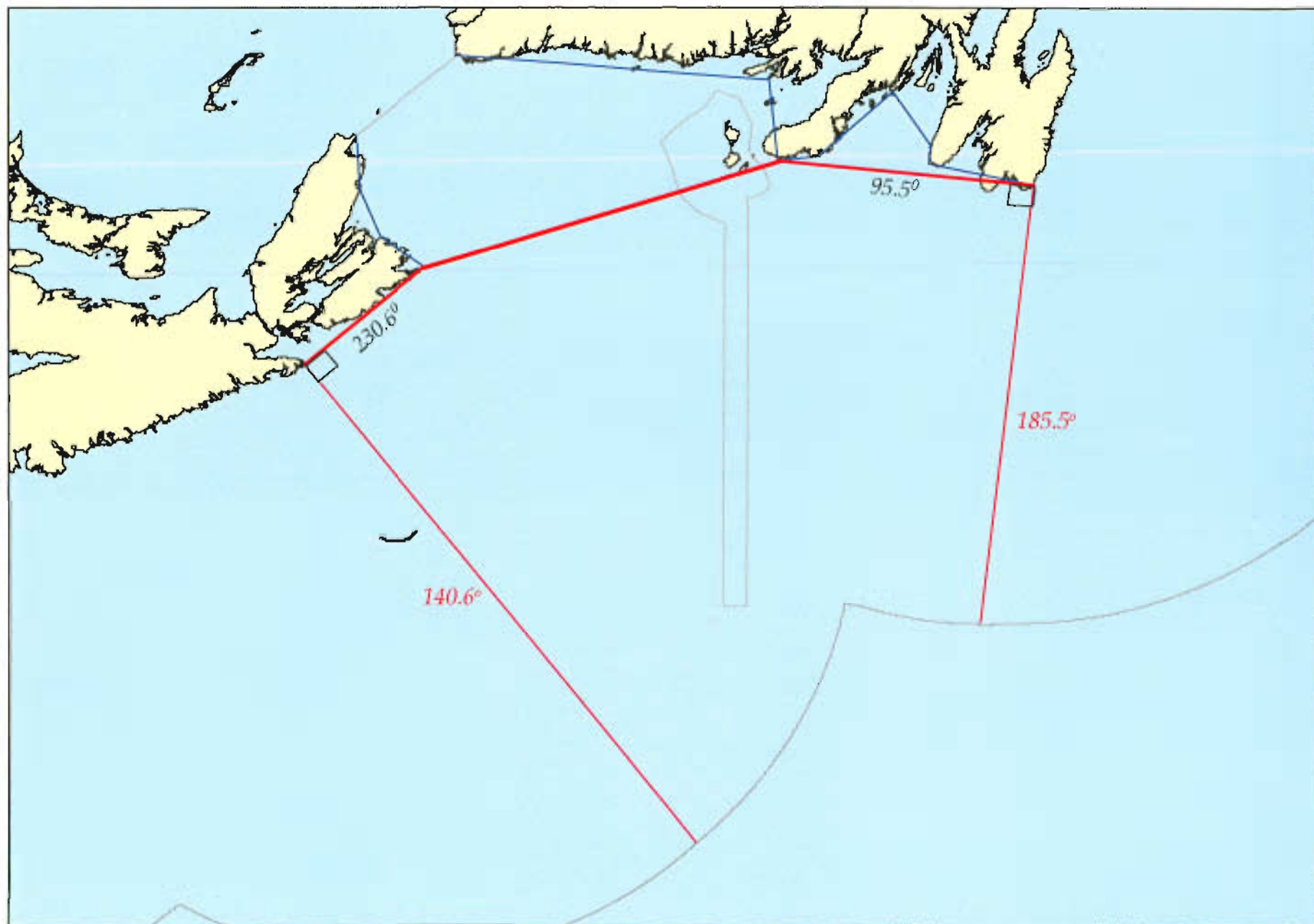
Nova Scotia Inclusion of Coasts That Do Not Project Into the Area to be Delimited



Based on Figure 55, NS Memorial, Phase Two

Oral Presentation, Phase Two, Figure: 11

Perpendiculars to the General Direction of the Coasts in the Outer Area



Based on Figure 23, N&L Memorial, Phase Two

Oral Presentation, Phase Two, Figure: 12

Relevant Area Based on Perpendiculars to General Direction of Coasts to 200 NM

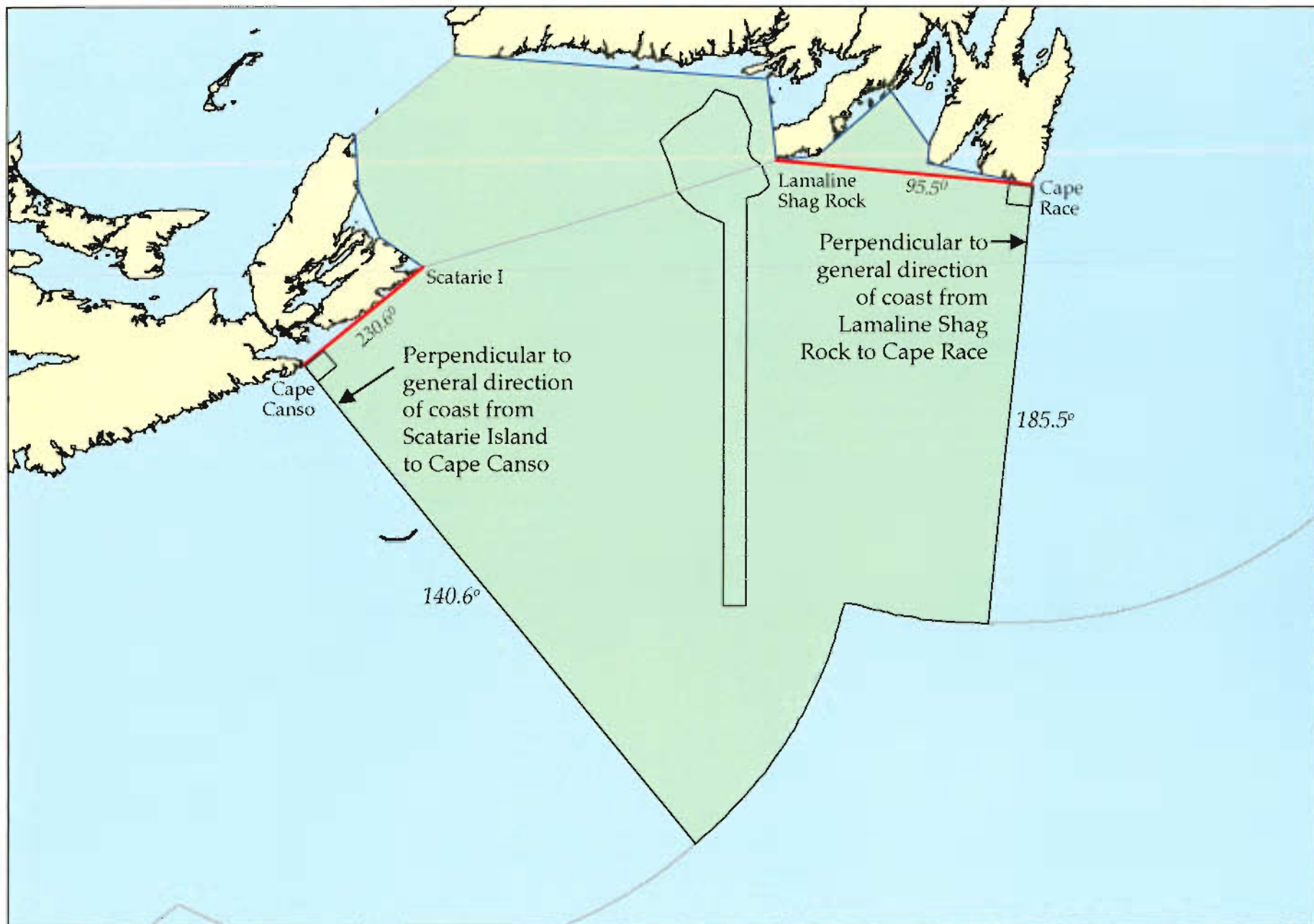
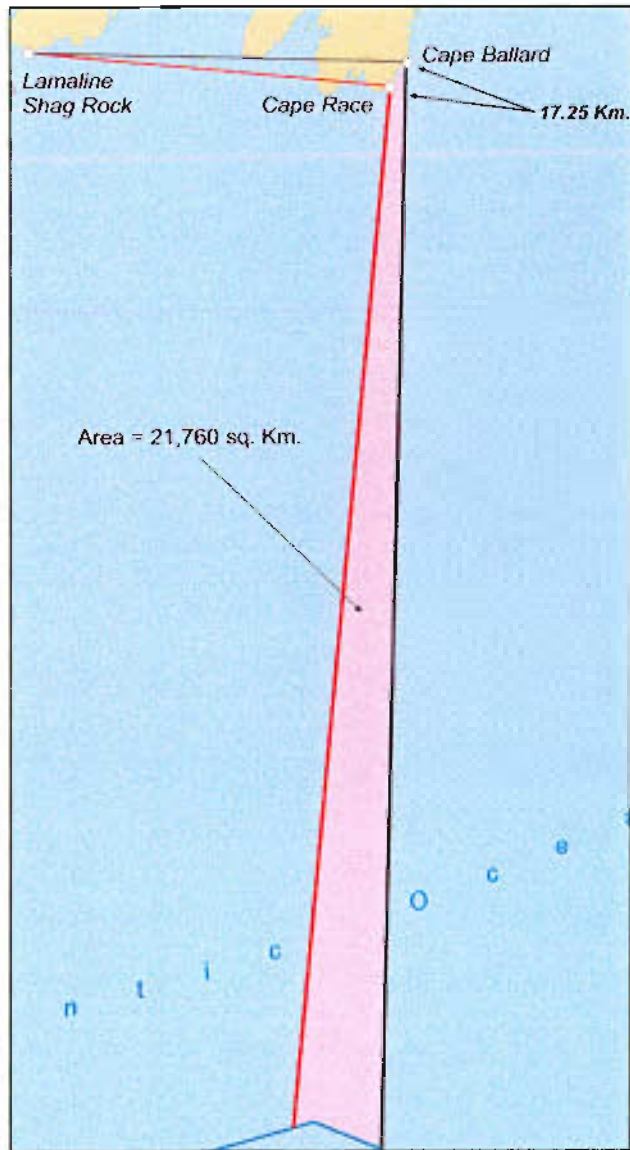


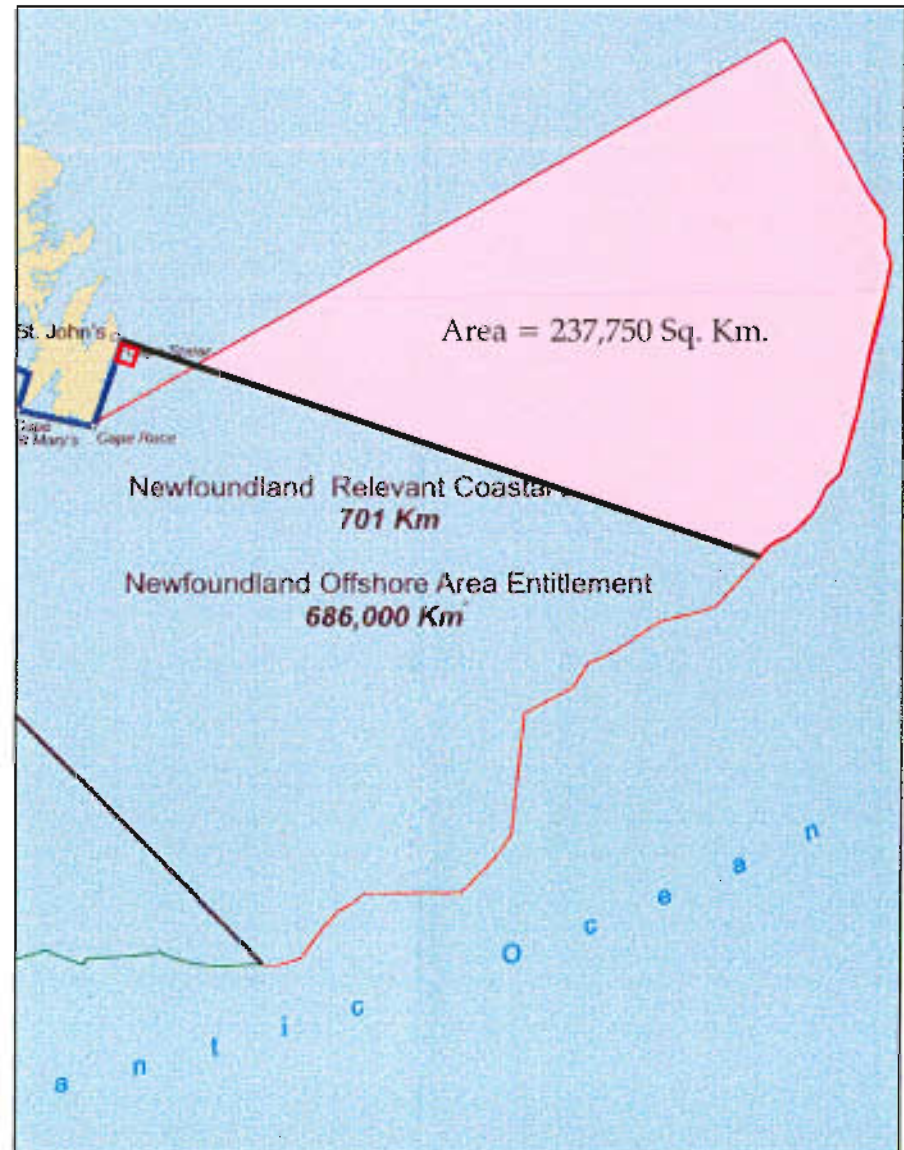
Figure 4, N&L Memorial, Phase Two

“The Use of Perpendiculars to Define Relevant Areas Magnifies Small Changes in the Coastal Directions”



Based on Figure 65, NSCM, Phase Two

The Use of Arbitrary Lines to Define Relevant Areas Produces Arbitrary Results



Based on Figure 55, NS Memorial, Phase Two