

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
PHASE TWO MEMORIAL



International law requires that maritime delimitations be determined by the application of equitable principles, taking into account all of the relevant circumstances, in order to produce an equitable result. The ultimate goal, to which all other considerations are subordinate, is to achieve an equitable result in the circumstances of the case.

In the circumstances of this case, the evidence reveals that Nova Scotia and Newfoundland and Labrador agreed on the location of the line that should divide their respective rights in the offshore. They applied the same line in their practice, issuing permits along the line for many years. Nova Scotia still applies the line, which has since been enacted in both federal and provincial legislation.

The boundary arising from the parties' conduct in this case comprises the most accurate possible expression of what the two provinces' themselves considered to be an equitable delimitation. Moreover, by any reasonable test, the line agreed and applied by them proves to effect an equitable division of the areas, entitlements and resources that are at issue.

Having regard to all of the relevant circumstances, that line is the line that the Tribunal should now apply, in order to arrive at the ultimate objective of this delimitation : an equitable solution in the circumstances.