

BUREAU DE COORDINATION DES ÉTUDES
Fiche d'identification de la mise à jour

COMMISSION : Commission d'étude des questions afférentes à l'accèsion du Québec à la souveraineté.

ÉTUDE ORIGINALE

Référence : Volume 1, pages 493 à 577

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2001 UPDATE OF THE MARITIME BOUNDARIES OF QUÉBEC

(Updated and Complementary Texts of 2001)

by

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November 14, 2001

EXECUTIVE SUMMARY

No developments in the law or the facts examined in the Report of 1992 on the potential maritime boundaries of Québec, if it were to become an independent nation state, definitively require a change in the conclusions reported therein. There have, however, been developments that confirm the previous conclusions regarding efforts during the 1960's and 1970's to reach an agreement on the maritime boundaries among the Canadian provinces with coastlines on the Gulf of St. Lawrence. The 1992 Report concluded that no legally binding agreement was reached during that period but that the proposed maritime boundaries developed then may be a relevant to any future delimitation. Other developments in the law of international maritime boundaries may support an argument for a maritime boundary of Québec extending through the Cabot Strait entrance to the Gulf of St. Lawrence seaward to the open seas.

I. The Prior Report

This memorandum updates a memorandum of 9 March 1992 prepared by this author entitled, "The Maritime Boundaries of Québec."¹ That memorandum responded to a request by The Secretariat of the Committees on the Process for Determining the Political and Constitutional Future of Québec of the Québec National Assembly to provide a legal opinion on the maritime boundaries of Québec if it were to become a sovereign state independent of Canada. In particular, I was asked to respond to the following five questions:

1. What is the current legal status under international law of the Gulf of Saint Lawrence, James Bay, Hudson Bay, Hudson Strait, and Ungava Bay?
2. Would there be any change in the legal status of these waters should Québec attain sovereignty, given that the territorial sea off Québec's shores comes actually under the jurisdiction of the federal government of Canada?
3. On the day Québec attains sovereignty, could it lay claim, in the new state's coastal waters to:
 - a territorial sea?
 - a continental shelf, and what would be its extent?
 - an exclusive economic zone, and what would be its extent?
 - other maritime areas provided under the international law of the sea?
4. Would the Isles de la Madeleine, islands belonging to Québec in the middle of the Gulf, benefit from the addition of maritime areas provided for under international law?
5. Assuming the Gulf of St. Lawrence, James Bay, Hudson Bay, Hudson Strait and Ungava Bay are Canadian waters, what would be the effect of Québec's secession on the legal status of these waters?

I provided an in depth analysis of the general and specific questions. Briefly summarized, my response at that time to the specific questions was as follows:

1. What is the current legal status under international law of the Gulf of Saint Lawrence, James Bay, Hudson Bay, Hudson Strait, and Ungava Bay?

Answer: The Gulf of Saint Lawrence, while claimed by Canada as historic internal waters, probably does not meet the requirements of international law for historic waters. Outside of the normal 12 nautical mile breadth of the territorial sea measured from the normal coastline within the Gulf the waters are high seas subject to the regimes of the 200-nautical-mile exclusive economic zone or exclusive fisheries zone, and the continental shelf. James Bay and Hudson Bay are historic internal waters of Canada. Its waters would thus be classified as internal waters of Canada. Hudson Strait probably does not meet the test of historic waters. Canada has drawn a system of strait baselines that closes the

¹ Hereinafter *1992 Maritime Boundary Report*.

Strait and would make the waters within it internal waters of Canada. Several states have protested these baselines on the ground that the area does not satisfy the geographic requirements necessary for a state to establish a system of strait baselines in this area and that the baselines would close a strait that is a route for international navigation. Thus, the legal status of those baselines in this area is questionable. If the system of straight baselines is legally valid the waters of Hudson Strait are internal waters of Canada. If this system of baselines is invalid then outside of the 12-nautical-mile territorial sea measured from the normal coastline of Hudson Strait the waters are subject to the regimes of the exclusive economic zone or exclusive fisheries zone, and continental shelf. As a strait it is subject to rights of transit passage. Similarly, if as I believe Hudson Strait does not meet the test of historic waters or is legally enclosed by the Canadian system of strait baselines the same conclusions would apply to Ungava Bay which is a large bay on the southeastern shore of Hudson Strait. Since no historic water information specific to Ungava Bay is known and the only basis for such a claim would be as an appendage to Hudson Strait, any historic water claim to the bay would fail if a similar claim to Hudson Strait fails. Ungava Bay is too large to be closed as a juridical bay, although a 24-nautical-mile fallback line may be drawn within it in order to extend the baseline somewhat seaward of the normal baseline within the bay. Beyond the normal territorial sea within the bay would be regimes of the exclusive economic zone or exclusive fisheries zone, and continental shelf.

2. Would there be any change in the legal status of these waters should Québec attain sovereignty, given that the territorial sea off Québec's shores comes actually under the jurisdiction of the federal government of Canada?

Answer: If Québec became an independent state the Canadian system of strait baselines would become invalid if it were to close waters between the land territory of Québec and the high seas. Thus, the system of strait baselines closing Hudson Bay, Hudson Strait, and Ungava Bay would necessarily become invalid and the waters so enclosed would revert to a status that is not dependent on those baselines. The response to question one concluded that the Canadian system of strait baselines in the area of concern are not legally valid. If this is or becomes correct then no change would be expected in the legal status of the waters of Hudson Strait, or Ungava Bay upon Québec's acquisition of independence. The legal status of the Gulf of Saint Lawrence also would be unchanged because Canada has not closed this gulf by a system of strait baselines. Hudson Bay and James Bay are more difficult. As historic internal waters of Canada one might argue that their status would remain unchanged by the secession of Québec. On the other hand, one may argue persuasively that these waters attained their historic water status, in part, through the support of Québec as a part of the Canadian Confederation and a province with a substantial coastline on these waters. Furthermore, multistate historic waters are rare. Thus, at secession either the historic water status would be extinguished causing the waters to revert to the normal zones of the territorial sea, exclusive economic zone or exclusive fisheries

zone, and continental shelf; or Québec would be entitled to share the internal waters it helped to create by a division through the delimitation of maritime boundaries, or the establishment of joint or condominium rights in the entire area.

3. On the day Québec attains sovereignty, could it lay claim, in the new state's coastal waters to:

- a territorial sea?
- a continental shelf, and what would be its extent?
- an exclusive economic zone, and what would be its extent?
- other maritime areas provided under the international law of the sea?

Answer: Yes, if it was to become an independent state it is entitled to such maritime zones but the critical question concerns the limits of such zones which require consideration of the possible location of the maritime boundaries between and independent Québec and the remainder of Canada. The ultimate location of such maritime boundaries cannot be identified with confidence. Under such circumstances as between Canada and Québec such maritime boundaries can be the subject of an agreement binding on the two, regardless of the international law of maritime boundaries. If no such agreement is reached then the maritime boundaries would be determined by international law. Due to the detailed description of Québec's boundary at Hudson Bay and that bay's status as internal waters one might conclude that Québec would be limited to a boundary at the shore, precluding any maritime areas. However, arguments can be made for maritime boundaries in Hudson Bay that extend deep into the bay. In Hudson Strait an equidistant line generally drawn between the mainlands in the strait would likely serve as the limit of the maritime areas between Canada and Québec. Québec would hold virtually the entire shoreline of Ungava Bay leading to a maritime boundary that would allow it to hold maritime areas throughout the Bay. In the Gulf of Saint Lawrence I opined that the equidistant line modified by an enclave of 12 nautical miles around Isles de la Madeleine would likely serve as the basis for the maritime boundary between Québec and Canada. However, the interprovincial efforts of the 1960's and 1970's would argue for maritime boundaries based on equidistance that would give Isles de la Madeleine full effect rather than the diminished effect of enclaving.

4. Would the Isles de la Madeleine, islands belonging to Québec in the middle of the Gulf, benefit from the addition of maritime areas provided for under international law?

Answer: As reported in the answer to question number three, the maritime boundary in the Gulf of Saint Lawrence that probably would largely be based on equidistance may very well be modified to provide a 12 nautical mile enclave around the Isles de la Madeleine in areas where the coastline of Canada is located further than 24 nautical miles from the islands. The interprovincial efforts of the

1960's and 1970's envisaged giving the Isles de la Madeleine full effect for the delimitation of an equidistant maritime boundary line. While not binding, it would be an equitable consideration in such a maritime boundary delimitation and would strengthen arguments for giving Isles de la Madeleine full weight in the delimitation. This would result in more area of the Gulf of St. Lawrence being attributed to Québec.

5. Assuming the Gulf of St. Lawrence, James Bay, Hudson Bay, Hudson Strait, and Ungava Bay are Canadian waters, what would be the effect of Québec's secession on the legal status of these waters?

Answer: As reported above, arguments can be made that Canadian historic waters claims (with the possible exception of Hudson Bay and James Bay) and system of straight baselines in these areas would fail in the face of secession by Québec placing these waters within normal rules for determining their juridical status. None of the main bodies of the specific waters mentioned in the question would meet the normal rules for juridical bays because the distances between the headlands exceed 24 nautical miles and juridical bays are limited to bays within the coastlines of a single state. It would not, however, be unprecedented for it to be found that due to the historic circumstances these multistate waters would maintain their prior status but would be shared by Canada and Québec.

II. Current Request and Response

I have been asked by the Québec Bureau de coordination des études to update my 1992 Report to the extent that there have been developments that may significantly change the conclusions reached earlier. In general, there have been no developments that clearly require a change in the conclusions reached before. Those developments that may be significant either merely confirm prior conclusions or highlight arguments that might be made under current circumstances.

On 17 May 2001 an arbitration panel issued an award in the first phase of a dispute between the Province of Newfoundland and Labrador, and the Province of Nova Scotia.² The dispute concerns the location of their maritime boundaries for the purposes of joint administration and revenue sharing in offshore areas.³ The Tribunal concluded that there was no previously established maritime boundary for these purposes established among those provinces, it being understood that the provinces did not hold rights beyond the waters in question but that by Canadian law they could benefit from

² Arbitration Between Newfoundland and Labrador and Nova Scotia Concerning Portions of the Limits of Their Offshore Areas as Defined in the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* and the *Canada-Newfoundland Atlantic Accord Implementation Act*, Award of the Tribunal in the First Phase, Ottawa, 17 May 2001 (hereinafter *Award Phase I*).

³ *Award Phase I*, *supra* note 2, para. 1.1; *Canada-Newfoundland Atlantic Implementation Act*, S.C. 1987, c. 3; and *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, S.C. 1998, c. 28.

offshore development in federal maritime areas according to maritime boundaries among the provinces that would serve only for the federal division of benefits.⁴

In the course of the Award the Tribunal considered the efforts by the Maritime Provinces and Québec to agree on their respective maritime boundaries in the context of an effort to obtain rights to maritime zones adjacent to their shores. The Tribunal went into great detail examining the history of this effort, especially during the period around 1964 and 1972.⁵ The Tribunal concluded that those efforts did not result in a binding agreement among the provinces that are parties to the arbitration, at that time or for the future, regarding the location of their maritime boundaries, including the issues before the Tribunal.⁶ The Award is not binding on Québec, although Québec was an active and willing participant in the earlier efforts and did much to promote the maritime boundaries described in the accompanying documentation. The thoroughness of the Tribunal's review of the facts and the legal analysis that led to its conclusions support the view that if a similar question regarding the binding force of the maritime boundaries put forward in that interprovincial effort was raised with respect to Québec the result would be the same—that the effort did not produce an agreement binding on Québec. On the other hand, the Award can be distinguished to some extent due to the fact that a specific dispute arose during the interprovincial efforts among the parties to the current arbitration regarding the location of the maritime boundary in a certain sector under consideration.⁷ Consequently, the argument for the Tribunal's conclusion that the effort did not result in a binding agreement is stronger in regard to the maritime boundaries among Newfoundland and Labrador, and Nova Scotia. In my opinion, this distinguishing feature played a minor role in the Tribunal's conclusion and would not serve as a basis for a different conclusion in the case of Québec. I also concluded in my 1992 report that these efforts did not result in a binding agreement on the location of potential maritime boundaries among the relevant provinces and Québec, much less with Canada.⁸

Notwithstanding the fact that the Tribunal found no binding agreement among the provinces the effort to negotiate the maritime boundaries among the Maritime Provinces and Québec does not make this history irrelevant to maritime boundary delimitations. In the second phase of the Tribunal's decision-making it will turn to the international law of maritime boundary delimitations to identify the maritime boundaries among the disputing provinces for the purpose of the question presented to the Tribunal. At several points in the Award in Phase one, the Tribunal made clear that while the efforts to agree on a maritime boundary failed to produce a binding agreement the effort will be relevant to the Tribunal's consideration of the appropriate maritime boundaries.⁹ One cannot be certain what the Tribunal meant by these statements but it appears to me that it intends to consider the aborted attempt to delimit the maritime boundaries as a consideration in determining the equitableness of any maritime boundary line the Tribunal may produce.

⁴ *Award Phase I, supra* note 2, paras. 1.2, 3.5, 3.10.

⁵ *Award Phase I, supra* note 2, paras. 4.1-6.16.

⁶ *Award Phase I, supra* note 2, paras. 7.1-7.10.

⁷ *Award Phase I, supra* note 2, paras. 5.21-5.26, 6.16, 7.5(3), 7.6-7.9.

⁸ *1992 Maritime Boundary Report, supra* note 1, at V.A.3.a, p. 60.

⁹ *Award Phase I, supra* note 2, paras. 6.3, 7.8.

As mentioned in the *1992 Maritime Boundary Report*, past practices of coastal states and prior negotiations may help a decision maker evaluate the equitableness of a particular delimitation and the interprovincial maritime boundary efforts would likely be the type of evidence considered.¹⁰ If the parties in previous negotiations had concluded that a certain delimitation was fair and equitable, a tribunal may rely upon that history to support its conclusion. In this case, despite the failure to establish a binding agreement and the indeterminacy of the maritime boundary lines under consideration, it is apparent that the interprovincial maritime boundary discussions were essentially based on equidistance. If a future tribunal were to consider the maritime boundary of an independent Québec it may very well rely on these earlier nonbinding efforts to determine the equitableness of a maritime boundary line. Thus, de facto, these efforts may play a role in determining the maritime boundaries of Québec. On the other hand, these boundary delimitation efforts were undertaken with other provinces. Canada played no role. Thus, this history may be taken as irrelevant in the context of a maritime boundary delimitation between an independent Québec and Canada as a whole.

The aborted interprovincial lines may not serve Québec's best interest today in light of possible contemporary developments in international maritime boundary delimitation law. Even the first case on the subject in 1969 the International Court of Justice (ICJ) was concerned with cutting off coastal state's access to maritime areas due to the configuration of the relevant coastlines. In the *North Sea Continental Shelf* cases¹¹ the ICJ found that the concavity of the coastlines of Denmark, the Federal Republic of Germany (FRG), and the Netherlands inequitably cut off the extent of the FRG's seaward rights in the North Sea the maritime boundary had to be delimited on the basis of equidistance. It called for a delimitation that gave the FRG a greater seaward access to the North Sea.¹² Cases subsequent to the 1992 report seem to have taken this idea further. In the 1992 *Land, Island and Maritime Frontier Dispute* case the ICJ confirmed an earlier court's Judgment that the Gulf of Fonseca was historic waters held in condominium by El Salvador, Honduras, and Nicaragua.¹³ This itself seems to support an argument that an independent Québec could claim similar condominium rights in the historic waters of Hudson Bay. Canada also claims historic water status for Hudson Strait, Ungava Bay, and the Gulf of St. Lawrence. Although I am of the opinion that these claims are not sustainable under international law, I may be proven wrong or the historic status of these waters may arise at a future time at a time when such claims may have matured. If one or more of these waters is found to be historic waters then the condominium argument in favor of Québec would be viable. Condominium rights may

¹⁰ *1992 Maritime Boundary Report*, *supra* note 1, at V.A.3.a, p. 60. Equitable considerations were discussed in the *1992 Maritime Boundary Report*, *supra* note 1, at IV.C.5-7, pp. 40-43.

¹¹ *North Sea Continental Shelf Cases* (FRG v. Den., FRG v. Neth.), 1969 ICJ REP. 3 (29 Feb.). See *1992 Maritime Boundary Report*, *supra* note 1, at IV.C.7.a, p. 41.

¹² The international maritime boundaries that were ultimately negotiated gave the FRG more maritime area than a line based on equidistance would have. See II INTERNATIONAL MARITIME BOUNDARIES 1806, 1840 (Jonathan I. Charney & Lewis A. Alexander eds., 1993)

¹³ *Land, Island and Maritime Frontier Dispute* (El Salvador/ Honduras: Nicaragua intervening), 1992 ICJ REP. 351 (11 Sept.) (hereinafter *Gulf of Fonseca Judgment*). The prior case was *The Republic of El Salvador v. The Republic of Nicaragua*, Judgment of 9 March 1917, 11 AJIL 674 (1917). This 1917 case is discussed in *1992 Maritime Boundary Report*, *supra* note 1, at IV.B, p. 22.

be more beneficial to Québec than a division of these waters by maritime boundaries. But this would depend, of course, on the location of alternative maritime boundaries.

What appears more important is the holding in the *Gulf of Fonseca* case that Honduras, with no coastline at the mouth of the Gulf, had a right to the normal suite of maritime zones extending from the mouth of the Gulf seaward into the Pacific Ocean and consequently maritime boundaries separating its maritime zones in this seaward area from those of its neighbors.¹⁴ This may be taken as reflecting the view that states with a coastline on closed water bodies may have rights to a maritime boundary outside of such water bodies. Since Honduras shared the right of condominium within the Gulf its resource and navigation rights were protected within the Gulf by the nature of the regime. Those rights were protected seaward by recognizing its right to maritime zones in the area beyond the entrance to the Gulf.

Similarly, in the *St. Pierre & Miquelon* arbitration award between Canada and France,¹⁵ the Tribunal delimited a maritime boundary that not only completed an enclave of maritime areas around the French islands off of the Newfoundland coast, but it also extended that maritime area to the south until it reached the 200-nautical-mile limit.¹⁶ Again, this Award appears to attempt to protect territories surrounded by foreign states through an award that delimits a maritime boundary for France with access through all the normal coastal state maritime zones to the open seas.

An independent Québec will find itself in a difficult situation with Canadian territory surrounding it. The best navigation from Québec to the open sea can only be found at the Cabot Strait entrance to the Gulf of St. Lawrence. If the equidistant line is used to delimit Québec's maritime boundaries, with or without creating an enclave around the Isles de la Madeleine, it would not have maritime zones of its own extending from its land territory to Cabot Strait. Thus, from this perspective the equidistant line principle, or even one modified by enclaving the Isles de la Madeleine would not serve this interest. At the time of the interprovincial discussions in the 1960's and 1970's this concept appears not to have surfaced. That would have been understandable within the context of all the provinces being included within the Canadian Confederation, thus making questions of access to the open sea for all purposes unimportant. In addition, this aspect of international maritime boundary delimitation law that the *Gulf of Fonseca* and the *St. Pierre and Miquelon* cases appear to highlight was not as clearly illustrated in earlier cases.¹⁷ These new cases may provide a useful legal theory on which to seek an

¹⁴ *Gulf of Fonseca Judgment*, *supra* note 13, 1992 ICJ REP. at 606-09, paras. 415-20. For a discussion of this and related cases see Jonathan I. Charney, *Progress in International Maritime Boundary Delimitation Law*, 88 AJIL 227 (1994). For a map illustrating this area see *id.* at 229.

¹⁵ Delimitation of the Maritime Areas between Canada and the French Republic (St. Pierre and Miquelon) (Ct. of Arb.) (Can./Fr.), 10 June 1992, 95 ILR 645 (1994) (hereinafter *St. Pierre & Miquelon Award*).

¹⁶ *St. Pierre & Miquelon Award*, *supra* note 15, 95 ILR at 670-73, paras. 66-74. For a discussion of this issue see Charney, *supra* note 14 at 247. For an illustrative map see *id.* at 231. Further discussion of this Award and an illustrative map may be found at III INTERNATIONAL MARITIME BOUNDARIES 2141-58 (Jonathan I. Charney & Lewis A. Alexander eds., 1998).

¹⁷ In the *Tunisia/Libya* case (The Continental Shelf (Tunisia/ Libyan Arab Jamahiriya), 1982 ICJ REP. 18, (24 Feb.)) and the *Libya/Malta* case (Continental Shelf (Libyan Arab Jamahiriya/ Malta), 1985 ICJ REP. 13

extended maritime boundary for Québec in the Gulf of St. Lawrence and beyond that warrants serious consideration. The interest of Québec in this approach is not merely to expand its potential maritime areas but to assure an otherwise landlocked separate state of Québec clear and open rights to all maritime zones stretching to the open sea unfettered by the policies of Canada.¹⁸

Although attractive, these two cases may be construed to support narrower theories. In each case the extended maritime boundaries may also have been based on the theory that the states in question had coastlines that directly faced the open seas. *St. Pierre and Miquellon* were found to have a coastline facing the south, unobstructed by the Canadian coastline.¹⁹ Honduras had condominium rights in the Gulf of Fonseca that attributed to it a share of the closing line at the mouth of the Gulf that faces seaward.²⁰ Québec, on the other hand, is located within the Gulf of St. Lawrence and has no apparent coastline at the Cabot Strait mouth of the Gulf facing seaward. Although the relative proximity of Isles de la Madeleine to Cabot Strait might provide an argument in support of a claim reaching to that strait. But it would be difficult to fit Québec within the narrower theory. If, however, Québec established condominium rights in the Gulf then the *Gulf of Fonseca* Judgment would support Québec's right to a share of the closing line at Cabot Strait and rights seaward. The Gulf of Fonseca appears to be unique as a water body subject to condominium rights. Whether it has been or could be replicated elsewhere is questionable absent the agreement of all the states with coastlines on the water body. Canada's willingness to agree to such a legal regime is unknown. Whether a tribunal would find such a regime if Québec did secede is also unknown. Furthermore, the Gulf of Fonseca was found to be historic waters. If my conclusion that the Gulf of St. Lawrence is not historic waters, a foundation for a condominium regime would be missing.

(3 June)) the issues involved maritime boundaries in the Mediterranean Sea. The ICJ delimited those boundaries inside the Mediterranean Sea without any reference to access to the entrance at the Strait of Gibraltar.

¹⁸ Throughout this part of the report I have used the phrase "open seas." It was chosen deliberately because of its ambiguity and the fact that it is not a term of art in international maritime boundary law. An argument can be made that its application here would require that maritime zones reach the limit of all zones of national jurisdiction, but one case at most supports this conclusion. Even the *St. Pierre and Miquellon Award*, *supra* note 15, stopped the corridor awarded to France at the 200 nautical mile limit, allegedly because that was the limit of the Tribunal's jurisdiction. The *Gulf of Fonseca Judgment*, *supra* note 13, did not delimit maritime boundaries beyond the closing line to the Gulf. Thus, the seaward extent of Honduras's maritime areas is unknown. The agreements resulting from the *North Sea Continental Shelf Cases* Judgment stopped short of the middle of the North Sea beyond which were maritime zones held by other states. See *supra*, note 11. A possible exception is the 14 February 1985 Award in the *Guinea—Guinea-Bissau* arbitration, 77 ILR 635 (1988). In a situation of concave coastlines the Tribunal used a simplified geographic construction that awarded the state within the concavity a maritime boundary that extended to the limits of the coastal states' maritime zones. But this Award delimited only the boundary with one adjacent state and did not delimit a maritime area which would have required the delimitation of a maritime boundary with another state, not party to the arbitration. 77 ILR at 683-85, 691, paras. 108-111, 130(c).

¹⁹ *St. Pierre & Miquelon Award*, *supra* note 15, 95 ILR at 671-73, paras. 70-74.

²⁰ *Gulf of Fonseca Judgment*, *supra* note 13, 1992 ICJ REP. at 606-09, paras. 415-20.

Enclosing a state's maritime zones within a relatively closed water body otherwise held by another state may be undesirable. It is, however, unlikely that tribunals will find that a state with coastlines far from the entrances to such an area will always require maritime boundaries that extend to an entrance and seaward. Some geographic circumstances simply would not allow for such a refashioning of the situation.²¹ While the *Gulf of Fonseca* Judgment and the *St. Pierre and Miquelon* Award give some hope for seaward claims by Québec at Cabot Strait,²² it would appear that absent established condominium rights in the Gulf Québec's maritime zones in this area would fall totally within the Gulf.

III. Conclusion

Nothing has changed since the original report that requires an amendment of the conclusions in the *1992 Maritime Boundary Report* upon which an independent Québec could rely with certainty. On the other hand, the recent Newfoundland and Labrador, and Nova Scotia Tribunal's award in phase one confirms the original conclusion that Québec is not bound by any previous maritime boundary agreement. Nevertheless, prior interprovincial efforts may be persuasive in a delimitation under international law of Québec's maritime boundary, as was suggested in the earlier report. Of course, Québec and Canada would retain the right to negotiate an agreement fixing their maritime boundaries regardless of the delimitation rules found in international law.

Recent developments in international maritime boundary cases suggest a possible ground for an independent Québec to claim a maritime boundary that differs from the general approach used in the interprovincial efforts. It may strengthen an interest of Québec to obtain a maritime boundary that gives it greater assurance of unfettered rights to maritime zones extending from the coastline of Québec to the open sea beyond the Gulf of St. Lawrence.

²¹ See *supra* note 17.

²² Neither would Québec clearly have maritime zones outside of the Gulf of St. Lawrence beyond the northern entrance at the Strait of Belle Isle since Québec's coastline ends south of this strait.