Managing Ocean Resources: Canada

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This article on Canada is the second of three comparing the legal regimes for ocean resources management of New Zealand, Australia, Canada and the United States. Australia, Canada, New Zealand and the United States were active participants and major players in the international negotiations which resulted in the 1982 Convention on the Law of the Sea (LOSC). As major coastal nations, they stand to benefit tremendously from the Convention’s exclusive economic zone (EEZ) and continental shelf provisions. The United States (over 2.2 million square nautical miles), Australia (1.9 million square nautical miles), Canada (1.4 million square nautical miles) and New Zealand (1.1 million square nautical miles) have the world’s first, second, fourth and seventh largest EEZs respectively. Canada (2.5 million square miles, the world’s second largest), the United States (1.12 million square miles) and Australia (1 million square miles) have expansive continental shelves as well.1

All except the United States have signed (but not yet ratified) the 1982 LOSC. All four are parties to the 1958 Geneva Convention on the Continental Shelf, with Australia and the United States also parties to the 1958 Geneva Conventions on Fishing and Living Resources, High Seas, and Territorial Sea and Contiguous Zone.

*Research support for this article was provided in part by the Oregon State Sea Grant Program under NOAA Grant No. NA85AA-D-SG-095. The research assistance of Andrea Coffman and the manuscript assistance of Nancy Farmer, both Ocean and Coastal Law Center staff members, also is gratefully acknowledged.

None of the four has claimed the 24-mile contiguous zone authorized by the 1982 LOSC.²

All four nations do claim some form of 200-mile exclusive resource zone based on the Convention. These relatively new zones have been superimposed upon the more traditional marine zones recognized by international law—internal waters, territorial sea, contiguous zone, and continental shelf—and an English common law heritage. Constitutional arrangements with respect to federal–state (Australia, United States) and federal–provincial (Canada) roles offshore historically have followed remarkably similar paths that now are diverging in important ways which are the focus of these articles. New Zealand illustrates progressive EEZ management uncomplicated by the difficult federalism questions present in the other three. Australia and Canada illustrate creative approaches to overcoming EEZ federalism issues that have hindered improvements in the United States EEZ management regime.

All four nations are in the process of modernizing their legal regimes for offshore resource management. These articles analyse the steps they have taken to maximize the benefits accruing to them under international law as coastal nations through changes in their domestic law and internal governance arrangements. In a few cases their interests have overlapped or conflicted—for example, Canada and the United States in the Gulf of Maine (Georges Bank)—and most of those issues have been adequately treated elsewhere in the international marine law and policy literature.³ On the other hand, the author is not aware of any comprehensive treatments of their EEZ management regimes.