



BERNARD ROGEL : « L'EUROPE NE DOIT PAS DEVENIR LA GRANDE ABSENTE DES ENJEUX QUI SE JOUERONT EN MER »

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Océan, richesse de l'humanité un bien commun à protéger

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**Le multilinguisme,
« faux-nez » de
la francophonie ?
par Xavier North**

**« En mer, on comprend
que l'homme n'est pas
supérieur à la nature »
par Isabelle Autissier**

**Comme les arpens
de neige
du Canada
par Jacques Legendre**

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The Importance of the Oceans to Canada

BY WYLIE SPICER

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CANADA has the longest coast line in the world, in excess of 202,000 kms. The country has three ocean coastlines, bordering on the Pacific, the Atlantic and the Arctic oceans. Canada is a nation built on the exploration and exploitation for natural resources whether on land or in the oceans or on the ocean sea bed. The ocean spaces over which Canada has sovereignty comprise about 7.1 million square kilometres, or 70 percent of the landmass of Canada. The natural resources sought by Canada are both living and non-living.

This reliance on natural resources led Canada to be a very active participant in the Law of the Sea Convention (UNCLOS). A number of natural resource goals for Canada were achieved through UNCLOS including a 12 mile territorial sea, a 200 mile exclusive economic zone, protection for Canadian salmon, sovereign rights over the continental shelf, enhanced jurisdiction for the prevention of marine pollution and special provisions in respect of Arctic waters. In all these cases the driving force was Canada's natural resource imperative.

Over the years, Canada has taken steps to protect its fishing industry both inshore and offshore. The 200 mile economic zone was an important accomplishment for Canada as it led directly to prevention of the incursion of foreign fishing fleets into what were considered to be Canadian waters with the result that Canadian fisheries had suffered. In 2013 the fisheries industry brought in excess of \$2 billion to the Canadian economy.

Oil and gas exploration on Canada's continental shelf has been taking place since the 1960s. Canada has issued exploration licenses to the full extent of its continental shelf, which on the east coast extends as far as 500 miles from the coast. In recent years, Canada has issued licenses for natural resource exploitation on its east coast on areas of the continental shelf well beyond 200 miles from the coast. Presently there is a significant discovery of hydrocarbons announced by Statoil in an area of the continental shelf approximately 300 miles from the coast.

Although this significant discovery is on the continental shelf licensed by Canada the water column above it is part of the high seas. Consequently, Canada does not have as significant regulatory authority as it has with respect to oil production facilities currently producing within 200 miles. UNCLOS recognizes that ocean uses must exist in a balanced framework. Accordingly, for natural resource production occurring beyond 200 miles, UNCLOS requires that the natural resource producer have "due regard" to the high seas interests of other UNCLOS State parties.

Canada is the only law of the sea State party which has licensed offshore oil exploration well beyond 200 miles from the coast. Canada is thus the first country which has to confront the requirement that oil exploitation facilities beyond 200 miles should have due regard to the high seas interests of other countries. The most common use of the high seas area is of course fishing. In this respect Canada will need to address the



fact of bottom trawling fishing fleets operating on the high seas but within areas licensed by Canada for oil production.

In addition to the high seas location of this significant discovery, UNCLOS requires that the coastal State make payments to the International Seabed Authority (ISA) in respect of production on the continental shelf beyond

200 miles. In all likelihood, Canada will be the first country which will have to respond to this provision of UNCLOS. The amount payable to the ISA is sent to them by the coastal State and then forwarded on by the ISA to other countries based on equitable criteria.

Ocean uses continue to change. Canada is at the forefront of these changing uses. ●