



COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

United Nations Convention on the Law of the Sea (UNCLOS)

SUBJECT CATEGORY:

Marine / Oceans

TYPE OF AGREEMENT / INSTRUMENT:

Multilateral

FORM:

Legally binding treaty

STATUS:

- Opened for signature and signed by Canada: December 10, 1982
- In force: November 16, 1994
- Ratified by Canada: November 7, 2003
- In force in Canada: December 7, 2003
- Number of parties as of August 12, 2022: 168

LEAD & PARTNER DEPARTMENTS:

Lead: Global Affairs Canada.

Partners: Fisheries and Oceans Canada (DFO), Transport Canada, Environment and Climate Change Canada, Parks Canada, Crown-Indigenous Relations and Northern Affairs Canada, and Natural Resources Canada (NRCan).

FOR FURTHER INFORMATION:**Web Links:**

[Text of the Convention](#)

Contacts:

[GAC Inquiry Centre](#)

COMPENDIUM EDITION:

August 2022

PLAIN LANGUAGE SUMMARY

The Convention is fundamental in governing relations among countries on oceans-related issues. It outlines rights and responsibilities countries have related to the use of the oceans, the seabed and their resources, and the protection of the ocean environment. It defines the parts of the ocean where countries with coastlines have sovereignty, rights or jurisdiction, including the right to use and manage resources through activities such as fishing or oil exploration. It also sets out the rights of countries in other countries' "zones," including rights related to navigation, conducting research and laying cables, and the rights all countries enjoy in the parts of the ocean that are beyond the legal control of any specific country.

OBJECTIVE

UNCLOS sets out much of the legal framework within which activities in the oceans and seas are carried out. The Convention governs many aspects of oceans affairs, from navigation and fisheries to scientific research and the rights of coastal states to explore, exploit, conserve, and manage resources within 200 nautical miles of their shores and on their continental shelves beyond 200 nautical miles (where applicable). Most of UNCLOS is now generally considered to be a reflection of customary international law, applicable to all states whether they are parties to the Convention or not. The text of UNCLOS acknowledges the continued existence of customary international law, which plays a complimentary role to the Convention. Canada's sovereignty over the waters of the Canadian Arctic Archipelago, for example, is grounded in the customary law doctrine of historic title.

KEY ELEMENTS

Establishes 12 nautical miles as the breadth of the territorial sea, with a right of innocent passage through these waters by other states.

Secures for coastal states sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources of their waters in an up to 200 nautical mile exclusive economic zone (EEZ).

Provides coastal states with the right to prevent, reduce, and control marine pollution from vessels in ice-covered areas within the limits of the EEZ.

Confirms coastal state jurisdiction over the living and non-living resources of the seabed and subsoil of the continental shelf in the EEZ, and in some instances, in the “extended continental shelf” that lies outside the EEZ.

Defines the process to delineate and achieve international recognition for the outer limits of the continental shelf where they lie beyond the 200 nautical mile limit.

Establishes a regime for the development of the mineral resources of the deep seabed and sharing of the benefits, for areas located beyond coastal state jurisdiction.

Sets out rules for the conduct of marine scientific research.

Imposes duties on all states to ensure, through proper conservation and management measures, the long-term sustainability of fish resources.

Contains comprehensive rules for the protection and preservation of the marine environment and imposes duties on states to protect the oceans from all sources of pollution.

EXPECTED RESULTS

The Convention’s success lies in balancing the rights of coastal states to manage waters over which they have sovereignty, sovereign rights or jurisdiction with the rights of other states in these waters, particularly those related to navigation. It promotes the peaceful settlement of disputes relating to the oceans by establishing mechanisms and compulsory procedures for the settlement of disputes arising from the interpretation and application of the provisions of the Convention.

CANADA’S INVOLVEMENT

Canada participates in the work of various bodies created under UNCLOS, including the International Seabed Authority (ISA), an organization created to administer the mineral resources of the Area (the seabed beyond national jurisdiction) for the benefit of humankind as a whole.

Canada supports the work of the International Tribunal for the Law of the Sea (ITLOS) and of the Commission on the Limits of the Continental Shelf (CLCS), an expert body established by UNCLOS to review submissions from coastal states and make recommendations on the location of the outer limits of their continental shelves beyond 200 nautical miles from their baselines.

In keeping with its commitments under the UN Fish Stocks Agreement, which applies to straddling and highly migratory fish stocks, Canada is also a member of a number of regional fisheries management organizations (RFMOs), including the Northwest Atlantic Fisheries Organization (NAFO) (1979), and has been an active participant in promoting reforms in these RFMOs based on the UN Fish Stocks Agreement.

RESULTS / PROGRESS

Activities

ISA: At the 2020 session, Canada was re-elected to the Council, which is the executive organ, for a fifth consecutive term for 2021-2024 and at the 2022 session, a Canadian representative was re-elected to the Finance Committee for the 2023-2027 term. The ISA is in a crucial phase of its existence as it is currently developing, and hopes to soon finalise the regulatory regime for the exploitation of deep-sea mineral resources in areas beyond national jurisdiction. This will include the defining royalty rates and the benefits sharing regime, reflecting the Common Heritage of Humankind principle expressed in UNCLOS

CLCS: A Canadian was elected to serve on the Commission for the 2017-2022 term, and was re-elected in June 2022 for the 2023-2028 term.

A submission defining the outer limits of Canada’s continental shelf in the Atlantic Ocean was filed with the CLCS in December 2013. Canada’s submission for the Arctic Ocean was filed in May 2019. As a number of countries filed their submissions before Canada, it could be several years before the CLCS reviews Canada’s submissions.

Canada participates actively in negotiating the annual Oceans and the Law of the Sea, and Sustainable Fisheries resolutions at the UN, and the annual meeting of states Parties to UNCLOS, including the triennial election of judges to the International Tribunal for the Law of the Sea (ITLOS).

Canada was an active participant in the Preparatory Committee established by General Assembly resolution 69/292 “Development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).” Since then, the United Nations General Assembly convened an Intergovernmental Conference that has held four negotiating sessions to develop the text of a legally binding agreement on BBNJ. A fifth session has taken place from August 15 to 26, 2022. Canada maintains an active participation in

this process, including serving as one of its 15 Bureau members.

Reports

- Reports of the meetings of States Parties to [UNCLOS](#)
- Decisions of the [International Tribunal on the Law of the Sea](#)
- Reports pertaining to the [ISA](#)
- Reports on the progress of the [CLCS](#)
- Submissions delineating the outer limits of the Continental Shelf filed with the [CLCS](#)
- [Reports](#) of the [Preparatory Committee](#) established by General Assembly resolution 69/292 on the conservation and sustainable use of marine

biological diversity of areas beyond national jurisdiction

Results

UNCLOS made a substantial contribution to a predictable and stable legal regime applicable to oceans globally, to govern shipping, delineation of maritime boundaries and the outer limits of the continental shelf, environmental protection, marine scientific research, and deep seabed mining. It establishes mechanisms and compulsory procedures for the peaceful settlement of disputes related to the oceans arising from the interpretation and application of the provisions of the Convention.