



## COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS

### *UN 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 on December 10, 1982
- In force November 16, 1994
- Ratified by Canada November 7, 2003
- In force for Canada December 7, 2003
- Number of parties as of 10 Oct 2014: 166

**LEAD & PARTNER DEPARTMENTS:**

**Lead:** Global Affairs Canada.

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

**FOR FURTHER INFORMATION:****Web Links:**

[Text of the Convention](#)

**Contacts:**

[GAC Inquiry Centre](#)

**COMPENDIUM EDITION:**

February 2017

**REFERENCE #:**

M-M&O-9/EN

**OBJECTIVE**

The Convention is often described as the “constitution of the oceans,” and it sets out the principles and norms for the conduct of relations among states on maritime issues. UNCLOS sets out 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. Most of UNCLOS is now generally considered to be a reflection of customary international law, applicable to all states.

**KEY ELEMENTS**

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

Secures for coastal states resource jurisdiction in a 200-nautical-mile exclusive economic zone.

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

Provides for establishment of the outer limits of the continental shelf beyond 200 nautical miles.

Guarantees access to and from the sea for land-locked states.

Provides for a regime for archipelagic states.

Establishes a regime for the development of the mineral resources of the deep seabed and sharing of the benefits.

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 over resources with the demands of



maritime states for freedoms on the high seas, particularly navigation for military and shipping purposes. 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).

Canada supports the work 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 the baselines from which the breadth of the territorial sea is measured.

In keeping with its commitments under the UN Fish Stocks Agreement, which applies to straddling and highly migratory fish stocks, Canada is 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

International Seabed Authority (ISA). At the 2016 session, Canada was re-elected to the Council, which is the executive organ, and for the first time, a Canadian representative was elected to the Finance Committee of the ISA.

Limits of the Continental Shelf (CLCS). A Canadian was elected to serve on the Commission for the 2012-2017 term, and Canada is presenting a candidate for the next election taking place in June 2017.

A partial submission that defines the outer limits of Canada's continental shelf in the Atlantic Ocean was filed with the CLCS in December 2013. The last research cruise to gather scientific data in the Arctic took place summer 2016 and Canada is now preparing its Arctic submission.

Canada participates actively in elaborating the annual Law of the Sea and Sustainable Fisheries resolutions at

the UN, and the annual meeting of states Parties to UNCLOS. It also votes in the triennial election of judges to the International Tribunal for the Law of the Sea (ITLOS).

Environment and Climate Change Canada's Environmental Stewardship Branch and enforcement offices provide environmental advice to GAC and to DFO. These departments participate in the annual meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS or ICP).

Canada is 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." Canada will continue to be an active participant in the Preparatory Committee. Canada was elected as one of two representatives of the Western and European Group on the bureau established by the resolution to assist the Chair in procedural matters.

### 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](#)
- [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 provides a predictable and stable legal regime applicable to oceans globally, including a framework for 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.