



Dalhousie University

International Ocean
Institute



I.O.I. - Malta

FACSIMILE TRANSMISSION

To: *The Hon. Bernard Valcourt
Minister for Fisheries and Oceans*

Fax No. *613 - 996 - 9055*

From: *Elisabeth Mann Borgese*

Fax No. *(902) 868 2818*

Date: *November 6, 1990*

Subject: *Environment, Development, and the Law of the Sea*

Dear Mr. Valcourt:

You are of course aware of the situation surrounding the United Nations Convention on the Law of the Sea. Canada put a lot into the making of that Convention, and was indeed very successful. Canada is one of the countries that gains most from the Convention.

The Convention needs 60 ratifications to come into force. It now has 43. Another half dozen are in the pipeline. However, for a number of well known reasons, the process of ratification is dangerously slow.

There is now an urgent reason why the Convention should be in force by 1992, when the giant Conference on Environment and Development (UNCED) in Brazil will take place.

The reason is that

- **The U.N. Convention on the Law of the Sea contains the only existing comprehensive, binding, enforceable international environmental law;***
- **It is the first and only legal instrument in existence that effectively integrates Environment and Development (of living and nonliving resources, of human resources, and of science and technology (this derives from the fact that the Convention is based on the awareness "that the problems of ocean space are closely interrelated and need to be considered as a whole," which, in turn, gave rise to the "package-deal approach to negotiation, i.e., issues concerning the conservation of the environment were considered together with issues of economic development -- in the oceans this is simply inevitable);***

- **It is the first and only legal instrument that provides for binding system of peaceful settlement of environmental issues.**

The Convention is a corner stone, and it must be solidly in place before we can go on building. Otherwise we'll build more castles in the air.

Could you raise this issue with the Ministers for the Environment and for External Affairs? I am writing to them too, as well as to some MPs and Senators.

If Canada could take the initiative and ratify (among industrialized States, only Iceland has ratified thus far, and New Zealand is about to), this would be a signal that many other States might pick up.

Thanks and warmest regards,

Ebroul Ham Roger

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

FEB 6 1991

January 29, 1991

Dr. Elisabeth Mann Borgese
Pearson Institute
Dalhousie University
1321 Edward Street
Halifax, Nova Scotia
B3H 3H5

Dear Dr. Mann Borgese:

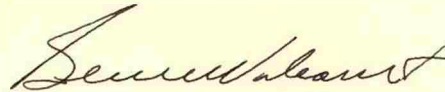
In your letter of November 6th, you suggested that it was crucial that the United Nations Convention on the Law of the Sea (UNCLOS) be ratified before the United Nations Conference on Environment and Development (UNCED) in Brazil in 1992. Furthermore, you indicated that Canada could help meet this deadline by depositing an instrument of ratification as soon as possible. The issue of ratification should more properly be addressed by my colleague, the Secretary of State for External Affairs, as international relations and treaty responsibilities are within his purview. However, in my capacity as coordinator of federal oceans policy, let me advise you of the following.

As you well know, Canada has always been a strong supporter of a universally acceptable Law of the Sea Convention. The Convention provides the best means of ensuring stability in international relations on the world's oceans. It also provides a sound framework for the conservation and management of marine living resources. Furthermore, I share your view with respect to the innovative character of the Convention's provisions on the protection of the environment. This is a matter of great importance to this Department.

However, the effectiveness of the Convention ultimately depends upon its universal acceptance by the community of states. As you know, Canada has actively pursued efforts to reach this important objective and these efforts are beginning to bear fruit. The Secretary-General of the United Nations has recently convened meetings of interested parties, including Canada, to help bring about a meaningful dialogue likely to lead to universal acceptance. I am advised by my colleague, the Secretary of State for External Affairs, that discussions are now entering a critical phase and that he is moderately optimistic about their outcome. In that context, you will understand that nothing should be done at this time that could upset the United Nation's Secretary-General's efforts and compromise the achievement of the important objective of universality.

I can assure you that the Canadian government will examine the question of ratification of the Law of the Sea Convention with full knowledge of its contribution to the sustainable development of the world's ocean resources and the protection of the marine environment.

Yours truly,

A handwritten signature in cursive script, appearing to read "Bernard Valcourt".

Bernard Valcourt



Fisheries
and Oceans

Pêches
et Océans

Deputy Minister Sous-ministre

Professor Elisabeth Mann Borgese
International Ocean Institute
Dalhousie University
1321 Edward Street
Halifax, Nova Scotia
B3H 3H5

FILE - 4 1991

Dear Professor Mann Borgese:

Thank you for your letter of December 19, 1990 in which you recommend that Canada now ratify the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

As you are no doubt aware, the present seabed mining provisions of the Convention are unacceptable to a large number of industrialized countries.

Canada believes the effectiveness of the Convention ultimately depends on its universal acceptance. Efforts to reach this important objective, actively pursued by Canada, are beginning to bear fruit. The Secretary General of the United Nations has recently convened meetings of interested parties, including Canada, to help bring about meaningful dialogue likely to lead to universal acceptance. Discussions have entered a critical phase and there is reason for optimism. In that context, it would appear unwise to do anything now that might undermine the efforts of the Secretary General and compromise the objective of universality.

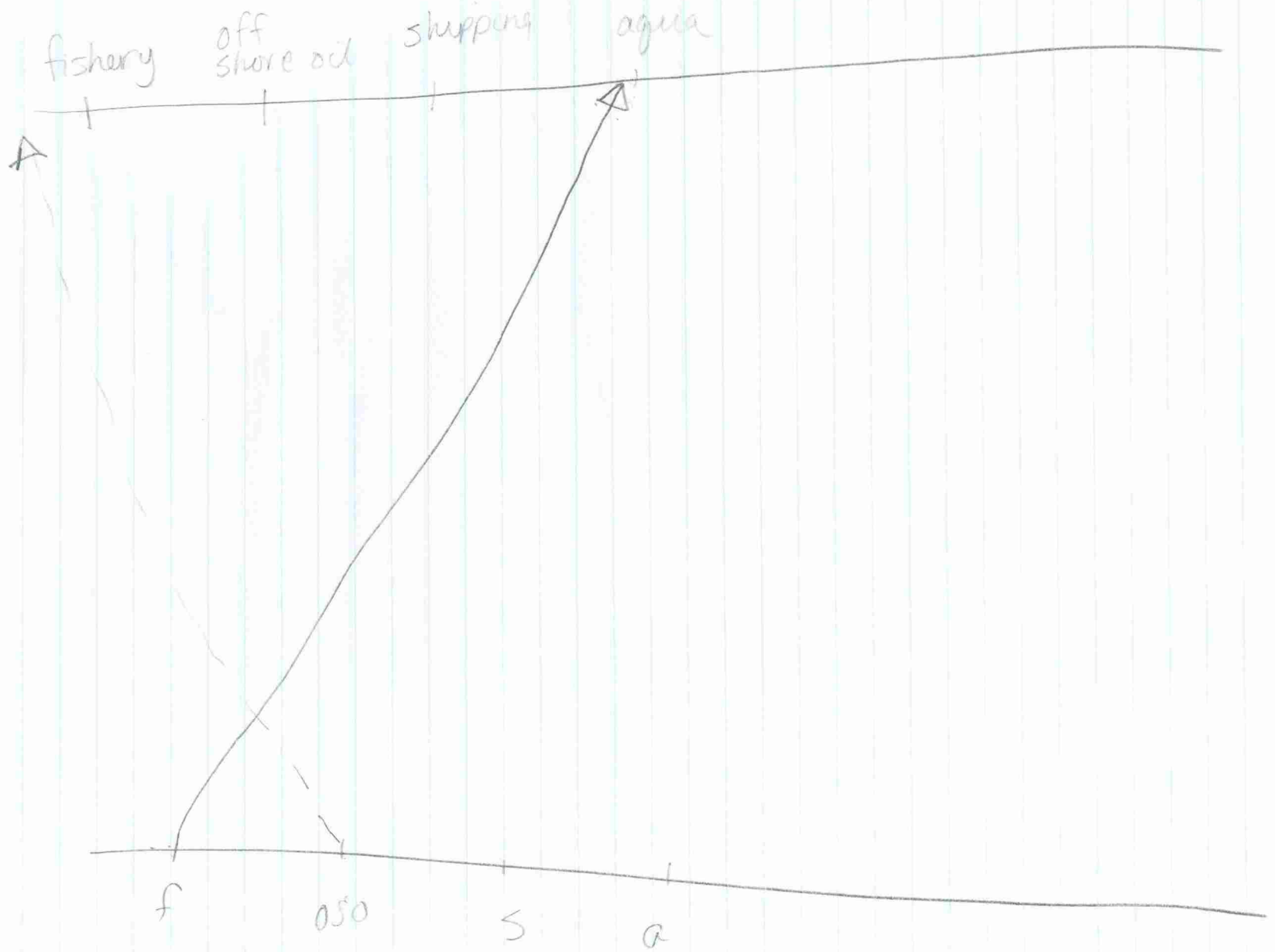
UNCLOS establishes a sound framework for conservation and management of marine living resources and contains innovative provisions on protection of the marine environment including dispute settlement. Like you, I have no doubt that it represents the best prospects for ensuring stability in international relations on the world's oceans.

Thank you for making your views known to me and for your good wishes.

Sincerely,

Bruce Rawson

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Dalhousie University

International Ocean
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I.O.I. - Malta

14 November 1991

The Hon. John Crosbie
Minister of Fisheries and Oceans
Government of Canada
Ottawa, Ont. Canada

Dear Mr. Crosbie:

I would be most grateful if you could bring me up to date on the status of the National Marine Council first appointed on March 17, 1988. Could you be so kind as to send me the list of the current member, the appointment and renewal terms of office of the members as well as the discussion paper on Canada's Ocean Act, which, according to the Green Plan (p. 42) was supposed to be done by late 1991?

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese

Minister of
Fisheries and Oceans
and
Minister for the
Atlantic Canada Opportunities Agency



Ministre des
Pêches et des Océans
et
Ministre de l'Agence de
promotion économique du Canada atlantique

January 6, 1992

Dr. Elisabeth Mann Borgese
International Ocean Institute
Dalhousie University
1321 Edward Street
Halifax, Nova Scotia
B3H 3H5

Dear Dr. Mann Borgese:

Thank you for your letter of November 14, 1991, in which you enquired about the status of the National Marine Council and requested a copy of a Discussion Paper on the Canada Oceans Act proposal.

With respect to your first question, you asked for the names of the current Council members and their terms of reference. I should tell you that Council members' appointments expired in March 1990 and no new appointments were made. However, the matter of the Council's future is under review.

You also requested a copy of the Discussion Paper on the proposed Canada Oceans Act. Although a paper has been prepared, it is not yet ready for publication. I assure you that once it is ready for distribution, a copy will be sent to you immediately. I know that you have a strong interest in oceans affairs and I welcome your comments regarding this important initiative.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "John C. Crosbie".

John C. Crosbie



Dalhousie University

International Ocean
Institute



I.O.I. - Malta

10 January 1992

The Hon. John C. Crosbie
Minister of Fisheries and Oceans
Ottawa, Ont. K1A 0E6

Dear Minister:

Thank you for your letter of January 6 and the information it contains.

I will be most grateful if you keep me informed. The National Marine Council is an important institutional innovation. It reflects the interdisciplinary, intersectoral, and interdepartmental nature of ocean affairs. I hope it can be kept alive and be invigorated.

With all good wishes,

Yours sincerely

Elisabeth Mann Borgese
Professor

COPY

28 January 1994

Joyce Kennedy
Reference Librarian
Department of Fisheries & Oceans
200 Kent Street
Ottawa, Ontario
K1A OE6

Dear Ms. Kennedy:

Thank you for your 2 December 1993 letter concerning International Ocean Institute publications. I am enclosing a brochure which we recently produced concerning our activities which may be of interest.

Unfortunately, due to our limited staff and funding, we do not maintain a mailing list for publication notification. We are happy to respond to requests on an ad hoc basis. I am enclosing a brochure concerning our yearly published Ocean Yearbook which will provide ordering details. *Ocean Yearbook 10* is now out and *Ocean Yearbook 11* will soon be released. You may also be interested in a children's book which our Founder and Honorary President, Elisabeth Mann Borgese, wrote--*Chairworm & Supershark* (details enclosed).

Thank you for your interest in the International Ocean Institute. Please do not hesitate to contact me if you require further information.

Yours truly,

Margaret J. Wood
Director

Enclosures

International Ocean Institute,
1321 Edward Street,
Halifax, Nova Scotia
B3H 3H5

December 2, 1993

Joyce Kennedy
Reference Librarian
Dept. of Fisheries and Oceans
200 Kent Street
Ottawa, Ontario
K1A 0E6

Dear Sir or Madam:

Could we be added to a mailing list to receive notice of any new publications from your organization?

Thank you.

A handwritten signature in cursive script that reads "Kennedy".

J. Kennedy
Reference Librarian



Fisheries and Oceans Pêches et Océans

Ottawa, Canada
K1A 0E6

RECEIVED SEP 15 1994

August 31, 1994

Your file Votre référence

Our file Notre référence

CHS/7970-1

Prof. Elisabeth Mann Borgese
Managing Director
International Ocean Institute
Dalhousie University
1226 Le Marchant Street
Halifax, Nova Scotia
B3H 3P7

Fisheries Geomatics

Dear Professor Borgese:

Fortunately, I recently received your name from Mr. Hans J. Peters at the World Bank in Washington.

You may be aware of the collapse of the Canadian east coast Atlantic fishery and he suggested I contact you and others, to fully explore international progress to date on the entire issue of biomass volumetric mapping for fish stock assessment.

In Canada, the Canadian Hydrographic Service (CHS) forms part of the Federal Department of Fisheries and Oceans. The CHS mandate is the provision of nautical charts for safe navigation. During the course of conducting hydrographic surveys, required for the production of nautical charts, often the survey platforms we use in these missions - high speed surface, remote-controlled semi-submersible and airborne, both fixed wing and rotary, could also collect important and essential data on different types of fish biomass to assist fisheries scientists.

Currently our Department is evaluating a research project to review different surveying methodologies, equipment and techniques to commence then build on a tremendous task of accurately mapping various types of fish biomass across Canada.

To assist us in collecting all available information, anything you may be involved with now, have recently completed or have knowledge of (projects and contact persons) would be of tremendous benefit to us in our study.

I wish to thank you in advance for your cooperation in this matter and very much look forward to your reply.

Yours truly,

Neil M. Anderson, Director
Organizational and Industrial Development
Canadian Hydrographic Service

Canada



Fisheries
and Oceans

Pêches
et Océans

Science

Science

Assistant
Deputy Minister

Sous-ministre
adjoint

RECEIVED NOV 23 1994

Your file *Voire référence*

Our file *Notre référence*

I am very pleased to provide you with a copy of a document outlining Minister Tobin's vision for an ocean management strategy for Canada.

This document is based on and is in response to recommendations from a recent report from the Oceans and Coasts Committee of the National Advisory Board on Science and Technology, which is chaired by the Prime Minister.

I encourage you to read this document and provide any comments or suggestions you may have to the Department of Fisheries and Oceans.

Please forward your correspondence to Michelle Chartrand, Director General, Program Planning and Coordination, Science, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario K1A 0E6.

L.S. Parsons
Assistant Deputy Minister
Science



Fisheries
and Oceans

Pêches
et Océans

Science

Science

Assistant
Deputy Minister

Sous-ministre
adjoint

Your file *Votre référence*

Our file *Notre référence*

C'est avec grand plaisir que je vous transmets, ci-joint, le document énonçant la vision du Ministre Tobin en matière de gestion des océans au Canada.

Le document s'inspire et répond aux recommandations du rapport du Comité sur les océans et les littoraux du Conseil consultatif national des sciences et de la technologie, qui est présidé par le Premier Ministre.

Je vous invite à lire le document et à acheminer vos commentaires ou vos suggestions à Michelle Chartrand, Directeur Générale, Planification et Coordination des Programmes, ministère des Pêches et des Océans, 200 rue Kent, Ottawa, Ontario K1A 0E6.

L.S. Parsons
Sous-ministre adjoint
Sciences

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

As Minister of Fisheries and Oceans, I have been struck by the proprietary pride Canadians have in their oceans. Vast areas of the Pacific, of the Atlantic and of the Arctic Oceans are no less a part of this country than the Rocky Mountains, the Prairies or the Canadian Shield or Tundra. Citizens of this country have continuously supported their government's initiatives aimed at protecting the integrity and quality of the oceans and their resources. As a nation, Canada has taken unprecedented and unilateral steps to protect its ocean resources with the enactment of several pieces of marine legislation including the Arctic Waters Pollution Prevention Act and the comprehensive Canadian Environmental Protection Act. Canada has boldly taken measures to protect high seas fishery stocks from over exploitation. It has been a champion of international ocean management strategies to promote responsible stewardship of this globally-shared resource.

The Oceans and Coasts Committee of the National Advisory Board on Science and Technology chaired by the Prime Minister recently concluded country-wide consultations. They recommended that Canada launch a comprehensive rejuvenation of its oceans policies and take innovative and proactive steps to benefit fully from the opportunities provided by our oceans. It is with interest that I read the committee's report, its recommendations and the testimony of Canadian ocean stakeholders.

Based on these reflections, I have developed a vision for a new ocean management strategy which includes plans to develop legislation to foster the stewardship of the oceans. I wish to share this vision with you.

A handwritten signature in cursive script, reading "Brian Tobin".

Brian Tobin, P.C., M.P.
Minister of Fisheries and Oceans

Canada

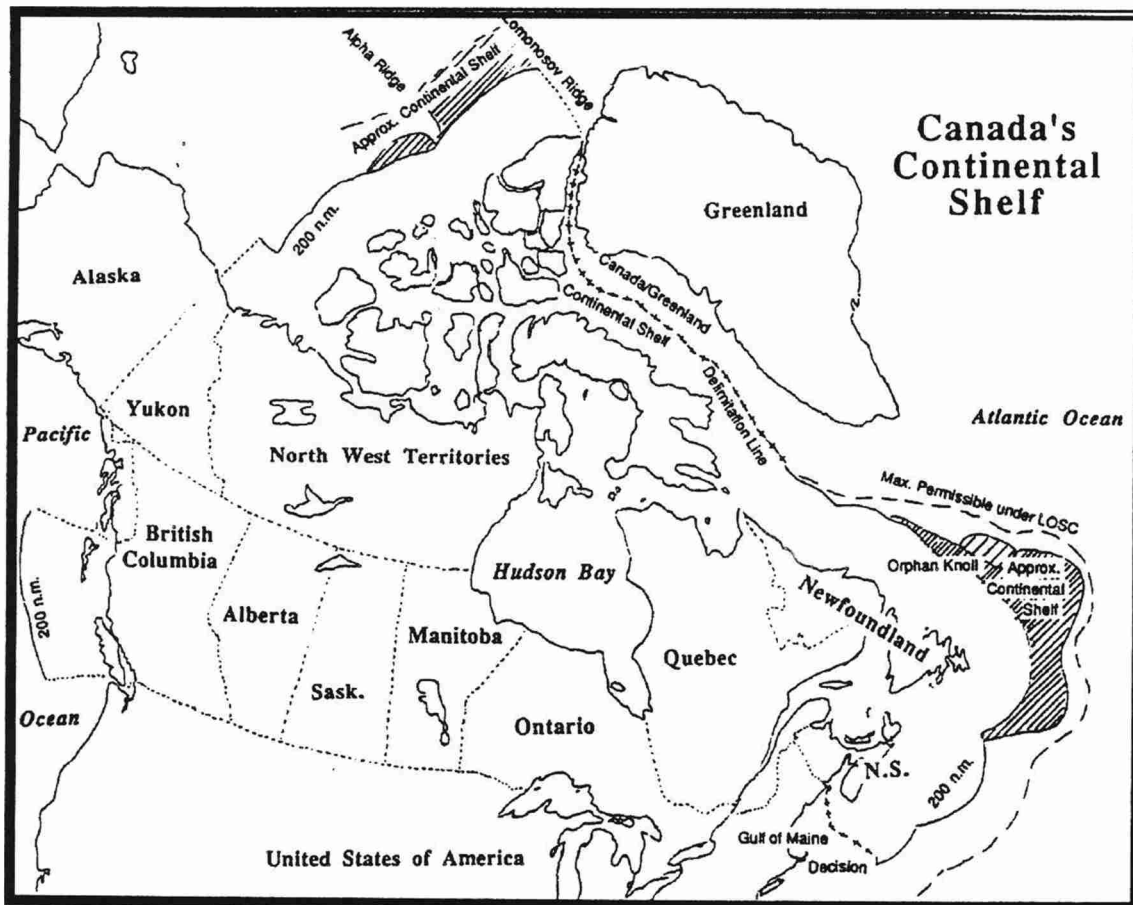
A VISION FOR OCEAN MANAGEMENT

Department of Fisheries and Oceans

What needs to be done?

Canada has extensive oceanic and coastal areas to manage and protect. We need to act now to ensure that present and future generations of Canadians can benefit from the opportunities offered by these frontiers.

In the vastness of its geography and the richness of its resources, Canada is a great maritime nation. It has one of the longest coastlines in the world and the second largest continental shelf, which spans more than 6.5 million km². Canada's oceans represent almost two thirds of our territorial land mass and have been pivotal in the country's evolution, economy and in the way Canadians perceive themselves. The oceans have helped forge our sense of identity and have provided the means for transport, trading, communications and subsistence for many generations.



The economic profile of the country is in part tied to the resources, the ready access and natural beauty provided by the Atlantic, Pacific and Arctic oceans and their coastal environments. Exploitation of renewable resources, especially fisheries, transportation and shipping, tourism and recreation, offshore oil and gas have been the economic and cultural basis of coastal communities for many years. Opportunities offered by the vast expanse of oceans which border Canada's shores are not limited to the traditional ocean-related industries which in the past supported Canada's coastal economies. With the collapse of the east coast groundfish stocks upon which many of these industries relied, there is a need to diversify our approach to ocean management and to evaluate innovative ocean industrial strategies.

Public interest in oceans is growing. There is an increasing demand that Canada act at home and abroad to protect precious ocean resources. Canadians want conservation and long-term sustainable resource use.

Oceanic and coastal resources are increasingly subjected to industrial stresses. These stresses are related to critical habitat destruction, foreign and domestic overfishing as well as marine and atmospheric pollution. They have had a measurable impact on the sustainability of the fishery resources and the quality of the marine environment in all of our oceans. The role of the oceans in maintaining and stabilizing the global ecosystem is only now beginning to be understood. The public has become aware of the delicate balance which exists among the multiple uses being made of oceans, of their resources and the need for careful and conservative stewardship.

The time has come for the development of a cohesive vision for the management of Canada's oceans. We must develop a new ocean management regime based on an ecological approach and on the development of an integrated management system for activities affecting oceans and coastal waters. To be successful, the development of this initiative must be cooperative and its implementation ongoing.

Canada has reached a turning point. We must turn away from partial, ad hoc, and short term expedient measures which have resulted in resource over-exploitation and environmental degradation. We must translate our responsibility and good intentions into a policy which will result in sustainable use of resources and environmental protection. The ability of future generations to live in harmony with the ocean environment and enjoy the fruits of its resources depends on the decisions taken now to protect and cherish our marine areas.

As the Minister of Fisheries and Oceans, I have taken the lead in formulating a vision for a long-term Ocean Management Strategy. This vision has two fundamental guiding principles, the sustainable development and the integrated management of our oceans and coastal waters and of their resources.

Goal and objectives of the Oceans Management Strategy

The Ocean Management Strategy, as I envisage it, would have several objectives:

- to conserve and protect the oceans' environment, the ecosystems and resources they contain;
- to establish a framework and guidelines to manage the oceans' resources, both renewable and non-renewable, on an economically sustainable and environmentally acceptable basis;
- to enhance, focus, coordinate and disseminate Canada's scientific, environmental and management information relating to oceans and their resources;
- to assert and enforce Canada's sovereign rights and responsibilities over its ocean resources and areas;
- to establish a legal framework to support the implementation of this Oceans Management Strategy;
- to establish a clearly identifiable lead federal agency accountable for oceans management.

As a first but important step in meeting these objectives, and to recognize Canada's rights and responsibilities to manage its oceans and resources, I

propose we develop a Canada Oceans Act (COA). This enabling oceans legislation would also provide a legal framework for the implementation of the Oceans Management Strategy.

What would this oceans legislation achieve?

As envisaged, this proposed legislation would:

- Establish a comprehensive legal framework to foster the stewardship of the oceans and to support the implementation of the Oceans Management Strategy.
- Establish a clear federal lead, responsible for implementation of the Ocean Management Strategy and its components.
- Assert Canada's sovereign rights over its ocean areas and resources by declaring an Exclusive Economic Zone (EEZ) and a Contiguous Zone (CZ).
- Extend existing environmental regulations to the EEZ and CZ.

Establishing a Legal Framework:

Federally, ocean related responsibilities are fragmented and need to be focused and updated to meet the needs of Canadians. To create and to support a new oceans management vision, Canada needs strong legislation which focuses on oceans. We need legislation which does not merely consider this valuable resource as a pathway for transportation, as an aquarium, or as an environmental sink. There are many multiple conflicting interests in the oceans, but the legislation must be broad in scope. The national right and responsibility to conserve and protect Canadian oceans must be asserted in the laws of this land. We, as a people, must make a commitment to change the way in which we conduct our ocean business and through legislation endow ourselves with the tools to do a good job.

Coordinating national ocean related initiatives:

A considerable number of federal and provincial laws apply to oceans, coastal waters and their resources. Until now, ocean-related policies, programs and activities have in large part been created on an ad hoc basis, responding to issues rather than planning for them. It is in our interest to agree to a mechanism, structure or strategy which will facilitate coordination, harmonization, and where possible, consolidation of ocean-related responsibilities. A Canada Oceans Act would provide the legal authority to coordinate our national ocean-related initiatives and our input into international initiatives.

Developing an Integrated Management Regime for Oceans and Coastal Waters:

Under the authority of such legislation, the federal government and stakeholders would jointly develop a planning framework for the development of an Integrated Management Regime for Oceans and Coastal Waters. It is impossible to draw a dividing line between the marine environment and that of the adjoining coasts and estuaries. For this reason, it is important that an Ocean Management Strategy integrate the management and protection of oceans and coastal waters.

One of elements of this Integrated Management Regime would be a federal commitment to work towards the restoration, preservation, enhancement, monitoring and reporting on the quality of the oceans environment. The quality of the oceans environment would be measured against guidelines, objectives or standards set to maintain habitat quality, resource abundance, quality or diversity. Authority to set and enforce the standards and guidelines required to conserve and protect the integrity of oceans and their resources would be established by the oceans legislation.

A second element would focus on coastal waters which support many of the most productive and biologically diverse ecosystems. The increasing intensity of development pressures placed on coastal waters and their resources has created an urgent need for integrated action. The coastal areas of Canada are governed by multiple political jurisdictions - federal, provincial, regional and municipal. A common focus and plan of action is required if we are to achieve sustainable development and resolve multiple use conflicts. As Minister of Fisheries and Oceans, I invite other governments to work with me to determine the means of achieving this integration of planning, conservation and management activities. I anticipate that the oceans legislation would seek the authority for the Minister of Fisheries and Oceans to develop and enter into partnership

agreements with others. Under these agreements, Action Plans to implement an integrated management regime for oceans and coastal waters would be developed. Under a Canada Oceans Act, the Minister of Fisheries and Oceans would be charged with the responsibility of reporting to Parliament and to Canadians on the progress achieved.

Declaring an Exclusive Economic Zone and a Contiguous Zone:

Canada is part of an open but intensely competitive global economy. New markets provide new competition and opportunities, opportunities which must be claimed. Canada must assert its sovereign rights over the oceans which span our continental shelf by declaring an Exclusive Economic Zone and a Contiguous Zone. Of the 135 maritime nations worldwide, more than 70 have already declared an Exclusive Economic Zone and enjoy the rights associated with the declaration of an EEZ. These rights include exploration, exploitation, conservation and management of living and non-living resources of the waters above the seabed, on the seabed, and in its subsoil. In its attempt to diversify its ocean industry, Canada must seize this opportunity. Declaration and implementation of sovereign rights of this territory is spurred not only by the need to exploit economic rights but also by the need to manage and protect these resources for future generations. Legal recognition in domestic oceans legislation of the Contiguous Zone would also assist in preventing infringement of Canada's customs, sanitary, fiscal and immigration laws in Canadian territory and territorial seas.

In accordance with the rights and responsibilities recognized by international practice, I therefore propose that we declare and extend sovereign rights over the 200 nautical-mile Exclusive Economic Zone and the 24 nautical-mile Contiguous Zone.

Extending existing environmental legislation to the EEZ and CZ:

By claiming its rights to offshore maritime resources, Canada also becomes responsible for the conservation and protection of these resources. A Canada Oceans Act would therefore provide for the extension of federal criminal and environmental legislation to the EEZ and CZ by incorporating into a comprehensive act, the appropriate marine provisions presently contained in other federal statutes. This incorporation will serve to clarify and focus ocean-related legislation.

Concluding thoughts:

I have outlined what I think needs to be done to strengthen control of ocean development, to arrest further degradation of marine ecosystems and to promote the long-term sustainable development of ocean resources. The legislation I envisage is one of the critical tools required to see this vision translated into reality.

I have identified the playing field. It will be up to the players to define the specific mechanisms, the planning and management structures, guidelines and standards required to bring about the sustainable use of the oceans and of their resources.

Ocean technology and fishing industries, community associations, municipal, provincial and federal planning bodies, public interest groups and marine research institutes all have a role to play in the realization of this vision for the future.

What is next?

Many consultations have already taken place (NABST, the federal Science and Technology Review, etc.) and have highlighted the need for action. Therefore, I do not intend to initiate a new, exhaustive consultation process. However, officials from my department will communicate with stakeholders and interested members of the public to obtain their views on this vision.

In the past decade, it has become increasingly apparent that in order to achieve lasting solutions, we must work together. The Department has worked hard at developing meaningful partnerships with other government agencies, industry and community groups. Upon enactment of a Canada Oceans Act, partnerships will be sought with stakeholders to develop detailed implementation plans for the major initiatives of the strategy and of the legislation. Through the exchange of ideas and information, federal, provincial, regional and municipal governments, stakeholders and aboriginals will jointly develop a concrete plan which we can all agree and adhere to.

As enabling legislation, a Canada Oceans Act will allow us to embark upon a course to manage the ocean resources in a more coherent and sustainable way. This process will be ongoing and will take many years of cooperative, innovative planning to be successful. I look forward to the challenge.

C-98

First Session, Thirty-fifth Parliament,
42-43-44 Elizabeth II, 1994-95

THE HOUSE OF COMMONS OF CANADA

BILL C-98

An Act respecting the oceans of Canada

First reading, June 14, 1995

THE MINISTER OF FISHERIES AND OCEANS

C-98

Première session, trente-cinquième législature,
42-43-44 Elizabeth II, 1994-95

CHAMBRE DES COMMUNES DU CANADA

PROJET DE LOI C-98

Loi concernant les océans du Canada

Première lecture le 14 juin 1995

LE MINISTRE DES PÊCHES ET DES OCÉANS

THE HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-98

PROJET DE LOI C-98

An Act respecting the oceans of Canada

Loi concernant les océans du Canada

Preamble

Préambule

WHEREAS Parliament wishes to reaffirm Canada's role as a world leader in oceans and marine resource management;

Attendu :

que le Parlement désire réaffirmer le rôle du Canada en tant que chef de file mondial en matière de gestion des océans et des ressources marines;

WHEREAS Canada promotes the understanding of oceans, oceans processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;

que le Canada est déterminé à promouvoir la connaissance des océans, des phénomènes océaniques ainsi que des ressources et des écosystèmes marins, en vue d'assurer la préservation des océans et la durabilité de leurs ressources;

WHEREAS Parliament wishes to affirm in Canadian domestic law Canada's sovereign rights, jurisdiction and responsibilities in the exclusive economic zone of Canada;

que le Parlement désire affirmer, dans les lois internes, la souveraineté du Canada sur sa zone économique exclusive et les responsabilités qu'il compte assumer à cet égard;

WHEREAS Canada promotes the integrated management of oceans and marine resources;

AND WHEREAS the Minister of Fisheries and Oceans, in collaboration with interested persons and bodies and with other ministers, boards and agencies of the Government of Canada, is encouraging the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems;

que le Canada est déterminé à promouvoir la gestion intégrée des océans et des ressources marines;

que le ministre encourage, en collaboration avec d'autres ministres fédéraux et les personnes de droit public et de droit privé intéressées, l'élaboration et la mise en œuvre d'une stratégie nationale de gestion des écosystèmes estuariens, côtiers et marins,

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Oceans Act*.

1. *Loi sur les océans.*

Titre abrégé

SUMMARY

Part I of this enactment recognizes Canada's jurisdiction over its ocean areas through the declaration of an exclusive economic zone and a contiguous zone in accordance with the *United Nations Convention on the Law of the Sea*. It also incorporates provisions of the *Canadian Laws Offshore Application Act* and of the *Territorial Sea and Fishing Zones Act*.

Part II provides for the development and implementation of a national Oceans Management Strategy based on the sustainable development and integrated management of oceans and coastal activities and resources.

Part III provides for consolidation and clarification of federal responsibilities for managing Canada's oceans.

SOMMAIRE

La partie I du texte vise à affirmer dans le droit interne du Canada la souveraineté que reconnaît à celui-ci, sur ses zones maritimes, la *Convention des Nations Unies sur le droit de la mer*. Ainsi, sont constituées la zone contiguë et la zone économique exclusive du Canada. La partie I du texte reprend l'ensemble des dispositions de la *Loi sur l'application extracôtière des lois canadiennes* et de la *Loi sur la mer territoriale et la zone de pêche*.

La partie II du texte prévoit l'élaboration et la mise en œuvre d'une stratégie nationale de gestion des océans et des ressources marines fondée sur les principes de développement durable et de gestion intégrée des activités qui s'exercent dans les eaux côtières et marines.

La partie III du texte regroupe certaines attributions fédérales relatives aux océans bordant le Canada.

INTERPRETATION

DÉFINITIONS

Definitions	2. In this Act,	2. Les définitions qui suivent s'appliquent à la présente loi.	Définitions
"artificial island" « île artificielle »	"artificial island" means any man-made extension of the seabed or a seabed feature, whether or not the extension breaks the surface of the superjacent waters;	« droit » Au sens objectif :	« droit » "law" "federal laws"
"Department" « ministère »	"Department" means the Department of Fisheries and Oceans;	5 a) s'agissant du droit fédéral, les lois fédérales et les règlements au sens du paragraphe 2(1) de la <i>Loi d'interprétation</i> , ainsi que les autres règles de droit qui relèvent de la compétence du Parlement. Sont toutefois exclues de la présente définition les ordonnances au sens de la <i>Loi 10 sur les Territoires du Nord-Ouest</i> ou de la <i>Loi sur le Yukon</i> , ainsi que, à compter de l'entrée en vigueur de l'article 3 de la <i>Loi sur le Nunavut</i> , les lois de la législature du Nunavut et les règles de droit en vigueur dans ce territoire par application de l'article 29 de cette loi;	5
"federal laws" « droit »	"federal laws" includes Acts of Parliament, regulations as defined in section 2 of the <i>Interpretation Act</i> and any other rules of law within the jurisdiction of Parliament but does not include ordinances within the meaning of the <i>Northwest Territories Act</i> or the <i>Yukon Act</i> or, after section 3 of the <i>Nunavut Act</i> comes into force, laws made by the Legislature for Nunavut or continued by section 29 of that Act;	b) s'agissant du droit d'une province, les lois de celle-ci et les textes d'application en vigueur sous le régime de ces lois, ainsi que les autres règles de droit relevant de la compétence de la province et en vigueur dans celle-ci.	10 15
"law" « droit »	"law", in respect of a province, includes a law or rule of law from time to time in force in the province, other than federal laws, and the provisions of any instrument having effect under any such law;		20
"marine installation or structure" « ouvrages en mer »	"marine installation or structure" includes (a) any ship and any anchor, anchor cable or rig pad used in connection therewith, (b) any offshore drilling unit, production platform, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredge, floating crane, pipelaying or other barge or pipeline and any anchor, anchor cable or rig pad used in connection therewith, and (c) any other work or work within a class of works prescribed pursuant to paragraph 26(1)(a);	« île artificielle » Toute adjonction d'origine humaine aux fonds marins ou à un élément de ces fonds, émergée ou immergée.	« île artificielle » "artificial island"
		« ministère » Le ministère des Pêches et des Océans.	« ministère » "Department"
		« ministre » Le ministre des Pêches et des Océans.	« ministre » "Minister"
		« navire » Tout genre de navire, bateau, embarcation ou bâtiment conçu, utilisé ou utilisable, exclusivement ou non, pour la navigation maritime, autopropulsé ou non et indépendamment de son mode de propulsion.	« navire » "ship"
"Minister" « ministre »	"Minister" means the Minister of Fisheries and Oceans;	« ouvrages en mer » Sont compris parmi les ouvrages en mer :	« ouvrages en mer » "marine installation or structure"
"ship" « navire »	"ship" includes any description of vessel, boat or craft designed, used or capable of being used solely or partly for marine navigation without regard to method or lack of propulsion.	a) les navires, ainsi que les ancres, câbles d'ancrage et assises de sonde utilisés à leur égard;	30 35 40
		b) les unités de forage en mer, les stations de pompage, les plates-formes de chargement, de production ou d'atterrissage, les installations sous-marines, les	45

unités de logement ou d'entreposage, les dragues, les grues flottantes, les barges, les unités d'installation de canalisations et les canalisations, ainsi que les ancres, câbles d'ancrage et assises de sonde utilisés à leur égard;

c) les autres ouvrages désignés — ou qui font partie d'une catégorie désignée — sous le régime de l'alinéa 26(1)a).

HER MAJESTY

Her Majesty

3. This Act is binding on Her Majesty in right of Canada or a province.

SA MAJESTÉ

3. La présente loi lie Sa Majesté du chef du 10 Obligation de
Canada ou d'une province. Sa Majesté

PART I

CANADA'S MARITIME ZONES

*Territorial Sea and Contiguous Zone*Territorial sea
of Canada

4. The territorial sea of Canada consists of a belt of sea that has as its inner limit the baselines described in section 5 and as its outer limit

(a) subject to paragraph (b), the line every point of which is at a distance of 12 nautical miles from the nearest point of the baselines; or

(b) in respect of the portions of the territorial sea of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(ii), lines determined from the geographical coordinates of points so prescribed.

Determination
of the baselines

5. (1) Subject to subsections (2) and (3), the baseline is the low-water line along the coast or on a low-tide elevation that is situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island.

Geographical
coordinates of
points

(2) In respect of any area for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(i) and subject to any exceptions in the regulations for

(a) the use of the low-water line along the coast between given points, and

PARTIE I

ZONES MARITIMES DU CANADA

*Mer territoriale et zone contiguë*Mer territoriale
du Canada

4. La mer territoriale du Canada est la zone maritime comprise entre la ligne de base déterminée selon l'article 5 et :

a) soit la ligne dont chaque point est à une distance de 12 milles marins du point le plus proche de la ligne de base;

b) soit, pour toute partie de la mer territoriale ayant fait l'objet d'une liste de coordonnées géographiques de points établie sous le régime du sous-alinéa 25a)(ii), les géodésiques reliant ces points.

Détermination
de la ligne de
base

5. (1) Sous réserve des paragraphes (2) et (3), la ligne de base est la laisse de basse mer soit du littoral, soit des hauts-fonds découverts situés, en tout ou en partie, à une distance de la côte ou d'une île qui ne dépasse pas la largeur de la mer territoriale.

(2) Dans les secteurs ayant fait l'objet d'une liste de coordonnées géographiques de points établie sous le régime du sous-alinéa 25a)(i), la ligne de base est constituée des géodésiques joignant les différents points énumérés sur la liste, sous réserve des exceptions de celle-ci quant à la prise en compte de la laisse de basse mer soit du littoral, soit des hauts-fonds découverts situés, en tout ou en

Coordonnées
géographiques
de points

	(b) the use of the low-water lines of low-tide elevations that are situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island,	partie, à une distance de la côte qui ne dépasse pas la largeur de la mer territoriale.	
	the baselines are straight lines interpreted as geodesics joining the consecutive geographical coordinates of points so prescribed.		
Baselines where historic title	(3) In respect of any area not referred to in subsection (2), the baselines are the outer limits of any area, other than the territorial sea of Canada, over which Canada has a historic or other title of sovereignty.	(3) Dans le cas d'un espace maritime non compris dans la mer territoriale et non visé au paragraphe (2) sur lequel le Canada a un titre de souveraineté historique ou autre, la ligne de base est la limite extérieure de cet espace.	Ligne de base : souveraineté historique
Low-tide elevations	(4) For the purposes of this section, a low-tide elevation is a naturally-formed area of land that is surrounded by and above water at low tide but submerged at high tide.	(4) Pour l'application du présent article, les hauts-fonds découvrants sont des élévations naturelles submergées à marée haute et découvertes à marée basse.	Définition de « hauts-fonds découvrants »
Internal waters of Canada	6. The internal waters of Canada consist of the waters on the landward side of the baselines of the territorial sea of Canada.	6. Les eaux intérieures du Canada sont les eaux situées en deçà de la ligne de base de la mer territoriale.	Eaux intérieures du Canada
Part of Canada	7. For greater certainty, the internal waters of Canada and the territorial sea of Canada form part of Canada.	7. Il est entendu que les eaux intérieures et la mer territoriale du Canada font partie du territoire de celui-ci.	Territoire canadien
Rights of Her Majesty	8. (1) For greater certainty, in any area of the sea not within a province, the seabed and subsoil below the internal waters of Canada and the territorial sea of Canada are vested in Her Majesty in right of Canada.	8. (1) Il est entendu que, dans le cas des espaces maritimes non compris dans le territoire d'une province, le fond et le sous-sol des eaux intérieures et de la mer territoriale appartiennent à Sa Majesté du chef du Canada.	Droits de Sa Majesté
Saving	(2) Nothing in this section abrogates or derogates from any legal right or interest held before February 4, 1991.	(2) Le présent article n'a pas pour effet de porter atteinte aux droits acquis avant le 4 février 1991.	Réserve
Application of provincial law	9. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply in any area of the sea	9. (1) Sous réserve des autres dispositions du présent article et de toute autre loi fédérale, le droit d'une province côtière s'applique aux espaces maritimes extracôtiers faisant partie des eaux intérieures ou de la mer territoriale qui ne sont compris dans le territoire d'aucune province et qui sont désignés par règlement.	Application du droit provincial
Limitation	(a) that forms part of the internal waters of Canada or the territorial sea of Canada; (b) that is not within any province; and (c) that is prescribed by the regulations. (2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that (a) imposes a tax or royalty; or (b) relates to mineral or other non-living natural resources.	(2) Sous réserve des règlements pris en vertu de l'alinéa 26(1)d), le paragraphe (1) ne s'applique pas aux règles du droit provincial qui, selon le cas : a) imposent une taxe ou des redevances;	Restriction

b) traitent des ressources minérales ou autres ressources naturelles non biologiques.

Interpretation	(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.	(3) Dans les cas visés par le présent article, le droit provincial s'applique comme si l'espace visé était situé à l'intérieur de la province.	Interprétation 5
Sums due to province	(4) Any sum due under a law of a province that applies in an area of the sea under this section belongs to Her Majesty in right of the province.	(4) Les sommes payables au titre d'une règle du droit provincial qui s'applique à l'espace visé au présent article appartiennent à Sa Majesté du chef de la province.	Remise à la province 10
Limitation	(5) For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the living or non-living resources of that area, or as limiting the application of any federal laws.	(5) Il demeure entendu que ni les provinces, ni quiconque en leur nom, ne peuvent se fonder sur le présent article pour prétendre à des droits ou à une compétence législative sur les espaces extracôtières visés ou sur leurs ressources biologiques ou non biologiques; en outre, le présent article n'a pas pour effet de limiter l'application du droit fédéral.	Restriction 15
Contiguous zone of Canada	10. The contiguous zone of Canada consists of an area of the sea that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit the line every point of which is at a distance of 24 nautical miles from the nearest point of the baselines of the territorial sea of Canada but does not include an area of the sea that forms part of the territorial sea of another state or in which another state has sovereign rights.	10. La zone contiguë du Canada est la zone maritime comprise entre la limite extérieure de la mer territoriale et la ligne dont chaque point est à une distance de 24 milles marins du point le plus proche de la ligne de base de la mer territoriale, à l'exclusion de tout espace maritime faisant partie de la mer territoriale d'un autre État, ou assujetti à la souveraineté d'un autre État.	Zone contiguë du Canada 20
Prevention in contiguous zone of infringement of federal laws	11. A person who is responsible for the enforcement of a federal law that is a customs, fiscal, immigration or sanitary law and who has reasonable grounds to believe that a person in the contiguous zone of Canada would, if that person were to enter Canada, commit an offence under that law may use such means as are reasonably necessary to prevent the entry of that person into Canada or the commission of the offence.	11. Tout agent chargé de l'application d'une règle du droit fédéral touchant les douanes, la fiscalité, l'immigration ou l'hygiène publique peut, s'il a des motifs raisonnables de croire qu'une personne se trouvant dans la zone contiguë du Canada serait, si elle entraît au Canada, en situation d'infraction à une telle règle de droit, employer les moyens nécessaires pour empêcher cette personne d'entrer au Canada ou prévenir la perpétration de l'infraction.	Prévention des infractions 30
Enforcement in contiguous zone of federal laws	12. (1) Every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of an offence committed in Canada under a federal law that is a customs, fiscal, immigration or sanitary law may be exercised in the contiguous zone of Canada.	12. (1) Tous les pouvoirs — notamment ceux d'arrestation, d'accès à des lieux, de perquisition, de fouille et de saisie — qui peuvent être exercés au Canada relativement à une infraction commise au Canada et définie par une règle du droit fédéral visée à l'article 45 peuvent être exercés dans la zone contiguë.	Pouvoirs accessoires 40

Limitation

(2) A power of arrest referred to in subsection (1) shall not be exercised in the contiguous zone of Canada on board any ship registered outside Canada without the consent of the Attorney General of Canada.

(2) L'exercice du pouvoir d'arrestation dans la zone contiguë, à bord d'un navire immatriculé à l'étranger, est subordonné au consentement du procureur général du Canada.

Réserve

5

Exclusive Economic Zone

Exclusive economic zone of Canada

13. (1) The exclusive economic zone of Canada consists of an area of the sea beyond and adjacent to the territorial sea of Canada that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit

(a) subject to paragraph (b), the line every point of which is at a distance of 200 nautical miles from the nearest point of the baselines of the territorial sea of Canada; or

(b) in respect of a portion of the exclusive economic zone of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(iii), lines determined from the geographical coordinates of points so prescribed.

(2) For greater certainty, paragraph (1)(a) applies regardless of whether regulations are made pursuant to subparagraph 25(a)(iv) prescribing geographical coordinates of points from which the outer limit of the exclusive economic zone of Canada may be determined.

14. Canada has

(a) sovereign rights in the exclusive economic zone of Canada for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Canada, such as the production of energy from the water, currents and winds;

(b) jurisdiction in the exclusive economic zone of Canada with regard to

(i) the establishment and use of artificial islands, installations and structures,

(ii) marine scientific research, and

Zone économique exclusive

13. (1) La zone économique exclusive est la zone maritime adjacente à la mer territoriale qui est comprise entre la limite extérieure de celle-ci et :

a) soit la ligne dont chaque point est à 200 milles marins du point le plus proche de la ligne de base de la mer territoriale;

b) soit, pour toute partie de la zone économique exclusive ayant fait l'objet d'une liste de coordonnées géographiques de points établie sous le régime du sous-alinéa 25a)(iii), les géodésiques reliant ces points.

(2) Il est entendu que l'absence de règlement d'application du sous-alinéa 25a)(iv) n'a pas pour effet de restreindre la portée des droits que peut exercer le Canada au titre de 20 l'alinéa (1)a).

14. La souveraineté du Canada sur sa zone économique exclusive s'étend :

a) à l'exploration et à l'exploitation, la conservation et la gestion des ressources naturelles — biologiques et non biologiques — de celle-ci, des fonds marins, de leur sous-sol et des eaux surjacentes, y compris toute activité liée à l'exploration et à l'exploitation de la zone à des fins économiques, telle la production d'énergie à partir de l'eau, des courants et des vents;

b) à la mise en place et l'utilisation d'îles artificielles et d'ouvrages en mer, à la recherche scientifique marine, ainsi qu'à la protection et la préservation du milieu marin;

c) aux autres droits et obligations prévus par le droit international.

5 Zone économique exclusive du Canada

Détermination de la limite extérieure de la mer territoriale

Souveraineté du Canada

Détermination de la limite extérieure de la zone économique exclusive de Canada

Sovereign rights and jurisdiction of Canada

(iii) the protection and preservation of the marine environment; and

(c) other rights and duties in the exclusive economic zone of Canada provided for under international law.

5

Rights of Her Majesty

15. (1) For greater certainty, any rights of Canada in the seabed and subsoil of the exclusive economic zone of Canada and their resources are vested in Her Majesty in right of Canada.

15. (1) Il est entendu que les droits du Canada sur le fond et le sous-sol de sa zone économique exclusive, ainsi que sur les ressources qui s'y trouvent, appartiennent à Sa

Droits de Sa Majesté

10 Majesté du chef du Canada.

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Saving

(2) Nothing in this section abrogates or derogates from any legal right or interest held before February 4, 1991.

(2) Le présent article n'a pas pour effet de porter atteinte aux droits acquis avant le 4 février 1991.

Réserve

Fishing zones of Canada

16. The fishing zones of Canada consist of areas of the sea adjacent to the coast of 15 Canada that are prescribed in the regulations.

16. Les zones de pêche du Canada sont les zones maritimes adjacentes à la côte cana- 10 dienne qui sont désignées comme telles par règlement.

Zones de pêche du Canada

Continental Shelf

Continental shelf of Canada

17. (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada

Plateau continental

17. (1) Le plateau continental du Canada est constitué du fond et du sous-sol des espaces sous-marins — y compris ceux de la 15 zone économique exclusive — qui s'étendent, au-delà de la mer territoriale, sur tout le prolongement naturel du territoire terrestre du Canada :

Plateau continental du Canada

(a) subject to paragraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international 25 law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and sub- 30 soil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;

a) soit jusqu'au rebord extérieur de la 20 marge continentale — la limite la plus éloignée que permet le droit international étant à retenir —, c'est-à-dire les fonds marins correspondant au plateau, au talus et au glacis, ainsi que leur sous-sol, qui constituent 25 le prolongement immergé de la masse terrestre du Canada, à l'exclusion, toutefois, des grands fonds des océans, de leurs dorsales océaniques et de leur sous-sol;

(b) to a distance of 200 nautical miles from the baselines of the territorial sea of 35 Canada where the outer edge of the continental margin does not extend up to that distance; or

b) soit jusqu'à 200 milles marins de la ligne 30 de base de la mer territoriale, là où ce rebord se trouve à une distance inférieure;

(c) in respect of a portion of the continental shelf of Canada for which geographical co- 40 ordinates of points have been prescribed pursuant to subparagraph 25(a)(iii), to lines determined from the geographical coordinates of points so prescribed.

c) soit, pour toute partie du plateau continental ayant fait l'objet d'une liste de coordonnées géographiques de points établie 35 sous le régime du sous-alinéa 25a)(iii), jusqu'à la ligne constituée des géodésiques reliant ces points.

Determination of the outer limit of the continental shelf of Canada

(2) For greater certainty, paragraphs (1)(a) and (b) apply regardless of whether regulations are made pursuant to subparagraph 25(a)(iv) prescribing geographical coordinates of points from which the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined.

(2) Il est entendu que l'absence de règlement d'application du sous-alinéa 25a)(iv) n'a pas pour effet de restreindre la portée des droits que peut exercer le Canada au titre des 5 alinéas (1)a) et b).

Précision

5

Sovereign rights of Canada

18. Canada has sovereign rights over the continental shelf of Canada for the purpose of exploring it and exploiting the mineral and other non-living resources of the seabed and subsoil of the continental shelf of Canada, together with living organisms belonging to sedentary species, that is to say, organisms that, at the harvestable stage, either are immobile on or under the seabed of the continental shelf of Canada or are unable to move except in constant physical contact with the seabed or the subsoil of the continental shelf of Canada.

18. La souveraineté du Canada sur son plateau continental s'étend à l'exploration de celui-ci et à l'exploitation de ses ressources minérales et autres ressources naturelles non biologiques, ainsi que des organismes vivants qui appartiennent aux espèces sédentaires, c'est-à-dire les organismes qui, au stade où ils peuvent être pêchés, sont soit immobiles sur le fond ou au-dessous du fond, soit incapables de se déplacer autrement qu'en restant constamment en contact avec le fond ou le sous-sol.

Souveraineté du Canada

Rights of Her Majesty

19. (1) For greater certainty, any rights of Canada in the continental shelf of Canada are vested in Her Majesty in right of Canada.

19. (1) Il est entendu que les droits du Canada sur son plateau continental appartiennent à Sa Majesté du chef du Canada.

Droits de Sa Majesté

20

Saving

(2) Nothing in this section abrogates or derogates from any legal right or interest held before February 4, 1991.

(2) Le présent article n'a pas pour effet de porter atteinte aux droits acquis avant le 4 février 1991.

Réserve

Application of federal laws — continental shelf installations

20. (1) Subject to any regulations made pursuant to paragraph 26(1)(j) or (k), federal laws apply

20. (1) Sous réserve des règlements d'application des alinéas 26(1)(j) ou k), le droit 25 fédéral s'applique :

Application du droit fédéral

(a) on or under any marine installation or structure from the time it is attached or anchored to the continental shelf of Canada in connection with the exploration of that shelf or the exploitation of its mineral or other non-living resources until the marine installation or structure is removed from the waters above the continental shelf of Canada;

a) aux ouvrages en mer et sous ceux-ci, depuis le moment de leur fixation au plateau continental ou à son sous-sol, à l'occasion de l'exploration de celui-ci ou de l'exploitation de ses ressources minérales ou autres ressources naturelles non biologiques, jusqu'à ce qu'ils quittent les eaux surjacentes;

(b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and

b) aux îles artificielles construites ou mises en place sur le plateau continental, ou sous celles-ci;

(c) within such safety zone surrounding any marine installation or structure or artificial island referred to in paragraph (a) or (b) as determined by or pursuant to the regulations.

c) à l'intérieur de la zone de sécurité située autour des ouvrages et des îles mentionnés aux alinéas a) et b), et délimitée conformément aux règlements.

Interpretation	<p>(2) For the purposes of subsection (1), federal laws shall be applied</p> <p>(a) as if the places referred to in that subsection formed part of the territory of Canada;</p> <p>(b) notwithstanding that by their terms their application is limited to Canada; and</p> <p>(c) in a manner that is consistent with the rights and freedoms of other states under international law and, in particular, with the rights and freedoms of other states in relation to navigation and overflight.</p>	<p>(2) Pour l'application du paragraphe (1), les règles du droit fédéral s'appliquent :</p> <p>a) comme si les lieux visés faisaient partie du territoire du Canada;</p> <p>b) même si, selon leurs propres termes, elles ne s'appliquent qu'au Canada;</p> <p>c) d'une façon compatible avec les droits et libertés que le droit international reconnaît aux autres États, notamment en matière de navigation et de survol.</p>	Interprétation
Application of provincial law	<p>21. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply to the same extent as federal laws apply pursuant to section 20 in any area of the sea</p> <p>(a) that forms part of the exclusive economic zone of Canada or is above the continental shelf of Canada;</p> <p>(b) that is not within any province; and</p> <p>(c) that is prescribed by the regulations.</p>	<p>21. (1) Sous réserve des autres dispositions du présent article et de toute autre loi fédérale, et dans la même mesure que le droit fédéral s'applique en vertu de l'article 20, le droit d'une province côtière s'applique à l'espace maritime extracôtier faisant partie de la zone économique exclusive ou situé au-dessus du plateau continental qui n'est compris dans le territoire d'aucune province et qui est désigné par règlement.</p>	Application du droit provincial
Limitation	<p>(2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that</p> <p>(a) imposes a tax or royalty; or</p> <p>(b) relates to mineral or other non-living natural resources.</p>	<p>(2) Sous réserve des règlements pris en vertu de l'alinéa 26(1)d), le paragraphe (1) ne s'applique pas aux règles du droit provincial qui, selon le cas :</p> <p>a) imposent une taxe ou des redevances;</p> <p>b) traitent des ressources minérales ou autres ressources naturelles non biologiques.</p>	Restriction
Interpretation	<p>(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.</p>	<p>(3) Dans les cas visés par le présent article, le droit provincial s'applique comme si l'espace visé était situé à l'intérieur de la province.</p>	Interprétation
Sums due to province	<p>(4) Any sum due under a law of a province that applies in an area of the sea under this section belongs to Her Majesty in right of the province.</p>	<p>(4) Les sommes payables au titre d'une règle du droit provincial qui s'applique à l'espace visé au présent article appartiennent à Sa Majesté du chef de la province.</p>	Remise à la province
Limitation	<p>(5) For greater certainty, this section shall not be interpreted as providing a basis for any claim, by or on behalf of a province, in respect of any interest in or legislative jurisdiction over any area of the sea in which a law of a province applies under this section or the</p>	<p>(5) Il demeure entendu que ni les provinces, ni quiconque en leur nom, ne peuvent se fonder sur le présent article pour prétendre à des droits ou à une compétence législative sur les espaces extracôtiers visés ou sur leurs ressources biologiques ou non biologiques; en</p>	Restriction

living or non-living resources of that area, or as limiting the application of any federal laws.

outre, le présent article n'a pas pour effet de limiter l'application du droit fédéral.

Court Jurisdiction

Compétence juridictionnelle

Jurisdiction extended

22. (1) Subject to subsection (4) and to any regulations made pursuant to paragraph 26(1)(h), a court that would have jurisdiction in respect of any matter had the matter arisen in a province has jurisdiction in respect of any such matter involving a federal law that applies pursuant to this Act to the extent that the matter arises in whole or in part in any area of the sea that is not within any province and

22. (1) Sous réserve du paragraphe (4) et des règlements d'application de l'alinéa 26(1)h), l'affaire mettant en jeu une règle du droit fédéral et survenue, en tout ou en partie, dans un espace maritime extracôtier qui n'est compris dans le territoire d'aucune province et où s'applique le droit fédéral en vertu de la présente loi ressortit aux tribunaux ayant 10 compétence dans la province côtière la plus proche ou celle désignée par règlement, dans la mesure où ceux-ci auraient compétence si 15 l'affaire était survenue dans cette province.

Compétence extraterritoriale : droit fédéral

(a) that area of the sea is nearer to the coast of that province than to the coast of any other province; or

(b) that province is prescribed by the regulations.

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Jurisdiction extended — provincial laws

(2) Subject to any regulations made pursuant to paragraph 26(1)(h), a court that would have jurisdiction in respect of any matter had the matter arisen in a province has jurisdiction in respect of any such matter involving a law of the province that applies pursuant to this Act to the extent that the matter arises in whole or in part in any area of the sea to which the law of that province applies pursuant to this Act.

(2) Sous réserve des règlements d'application de l'alinéa 26(1)h), l'affaire mettant en jeu une règle du droit d'une province et survenue, en tout ou en partie, dans un espace maritime extracôtier auquel s'applique le droit de cette province en vertu de la présente loi ressortit aux tribunaux ayant compétence dans la province, dans la mesure où ils auraient compétence si l'affaire était survenue dans celle-ci.

Compétence extraterritoriale : droit provincial

Orders and powers

(3) A court referred to in subsection (1) or (2) may make any order or exercise any power it considers necessary in respect of any matter referred to in that subsection.

(3) Les tribunaux visés aux paragraphes (1) ou (2) peuvent, dans le cadre des affaires dont ils sont saisis, exercer tous leurs pouvoirs selon qu'ils le jugent nécessaire.

Exercice des pouvoirs

Criminal offences

(4) The jurisdiction and powers of courts with respect to offences under any federal law are determined pursuant to sections 477.3, 481.1 and 481.2 of the *Criminal Code*

(4) Leur compétence à l'égard des infractions au droit fédéral est déterminée conformément aux articles 477.3, 481.1 et 481.2 du *Code criminel*.

Infractions au droit fédéral

Saving

(5) Nothing in this section limits the jurisdiction that a court may exercise apart from this Act.

(5) Le présent article n'a pas pour effet de restreindre la compétence qu'ils exercent par ailleurs.

Réserve

Definition of "court"

(6) In this section, "court" includes a judge of a court and a justice of the peace.

(6) Pour l'application du présent article, sont assimilés aux tribunaux les juges qui y siègent et les juges de paix.

Définition de « tribunaux »

Miscellaneous Provisions

Dispositions diverses

Evidence

23. (1) In any legal or other proceedings, a certificate issued by or under the authority of the Minister of Foreign Affairs containing a

23. (1) Dans toute procédure, vaut preuve concluante des renseignements qui y sont énoncés le certificat délivré sous l'autorité du

Certificat du ministre des Affaires étrangères

statement that any geographic location specified in the certificate was, at any time material to the proceedings,

- (a) in the internal waters of Canada,
- (b) in the territorial sea of Canada,
- (c) in the contiguous zone of Canada,
- (d) in the exclusive economic zone of Canada, or
- (e) in or above the continental shelf of Canada

is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

ministère des Affaires étrangères et attestant qu'un lieu se trouvait, à l'époque en cause :

- a) dans les eaux intérieures;
- b) dans la mer territoriale;
- c) dans la zone contiguë;
- d) dans la zone économique exclusive;
- e) sur le plateau continental ou dans les eaux surjacentes.

Le certificat est recevable en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle du signataire.

Evidence

(2) In any legal or other proceedings, a certificate issued by or under the authority of the Minister of Natural Resources containing a statement that any geographic location specified in the certificate was, at any time material to the proceedings, within an area of the sea in which a law of the province named in the certificate applies under section 9 or 21 is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

(2) Dans toute procédure, vaut preuve concluante des renseignements qui y sont énoncés le certificat délivré sous l'autorité du ministre des Ressources naturelles et attestant qu'un lieu se trouvait, à l'époque en cause, dans un espace maritime extracôtier où le droit de la province désignée dans le certificat s'appliquait en vertu des articles 9 ou 21. Le certificat est recevable en preuve sans qu'il soit nécessaire de prouver l'authenticité de la signature ou la qualité officielle du signataire.

Certificat du ministre des Ressources naturelles

Certificate cannot be compelled

(3) A certificate referred to in subsection (1) or (2) is admissible in evidence in proceedings referred to in that subsection but its production cannot be compelled.

(3) La production des certificats visés aux paragraphes (1) et (2) n'est pas susceptible de contrainte.

Non-exigibilité des certificats

Saving

24. (1) Nothing in this Part limits the operation that any Act, rule of law or instrument has apart from this Part.

24. (1) Les dispositions de la présente partie n'ont pas pour effet de limiter l'applicabilité que des lois, des règles de droit ou des actes juridiques peuvent avoir par ailleurs.

Réserve

Aboriginal rights

(2) Nothing in this Part shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*.

(2) La présente loi ne porte pas atteinte aux droits — ancestraux ou issus de traités — des peuples autochtones du Canada visés à l'article 35 de la *Loi constitutionnelle de 1982*.

Droits des autochtones

Regulations

Règlements

Regulations — Minister of Foreign Affairs

25. The Governor in Council may, on the recommendation of the Minister of Foreign Affairs, make regulations

25. Le gouverneur en conseil peut, sur la recommandation du ministre des Affaires étrangères, prendre des règlements :

Recommandation du ministre des Affaires étrangères

- (a) prescribing geographical coordinates of points from which

(i) baselines may be determined under subsection 5(2) as straight lines interpreted as geodesics,

(ii) in respect of a portion of the territorial sea of Canada prescribed in the regulations, an outer limit line may be determined, where, in the opinion of the Governor in Council, a portion of the territorial sea of Canada determined in accordance with paragraph 4(a) would conflict with the territorial sea of another state or other area of the sea in which another state has sovereign rights or would be unreasonably close to the coast of another state,

(iii) in respect of a portion of the exclusive economic zone of Canada or the continental shelf of Canada prescribed in the regulations, an outer limit line may be determined, where, in the opinion of the Governor in Council, a portion of the exclusive economic zone of Canada or the continental shelf of Canada determined in accordance with paragraph 13(1)(a) or 17(1)(a) or (b) would conflict with the territorial sea of another state or other area of the sea in which another state has sovereign rights or would be unreasonably close to the coast of another state or is otherwise inappropriate, and

(iv) the outer limit of the exclusive economic zone of Canada or the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined; and

(b) prescribing areas of the sea adjacent to the coast of Canada as fishing zones of Canada.

26. (1) The Governor in Council may, on the recommendation of the Minister of Justice, make regulations

(a) prescribing a work or a class of works for the purpose of the definition "marine installation or structure" in section 2;

(b) making any law of a province applicable in respect of any part of the area of the sea in which laws of the province apply under section 9 or 21, even though the law,

a) pour fixer les coordonnées géographiques de points permettant de déterminer :

(i) les géodésiques constituant, aux termes du paragraphe 5(2), la ligne de base de la mer territoriale,

(ii) la limite extérieure de la mer territoriale dans les secteurs désignés par règlement où il estime que l'application de l'alinéa 4a) entraînerait un empiétement sur la mer territoriale d'un autre État ou sur un espace maritime assujéti à la souveraineté d'un autre État, ou placerait cette limite à un endroit trop proche du littoral d'un autre État,

(iii) la limite extérieure de la zone économique exclusive ou du plateau continental dans les secteurs désignés par règlement où il estime que l'application des alinéas 13(1)a) ou 17(1)a) ou b) entraînerait un empiétement sur la mer territoriale d'un autre État ou sur un espace maritime assujéti à la souveraineté d'un autre État, placerait la limite à un endroit trop proche du littoral d'un autre État ou serait inopportune pour quelque autre raison,

(iv) la limite extérieure de la zone économique exclusive, de la marge continentale ou du plateau continental;

b) pour constituer en zone de pêche tout espace maritime adjacent à la côte du Canada.

26. (1) Le gouverneur en conseil peut, sur la recommandation du ministre de la Justice, prendre des règlements pour :

a) désigner des ouvrages ou catégories d'ouvrages pour l'application de la définition de « ouvrages en mer », à l'article 2;

b) étendre l'application d'une règle du droit provincial à tout espace maritime extracôtier où le droit de la province en cause s'applique en vertu des articles 9 ou 21, même

- by its own terms, is applicable only in respect of a particular area within the province;
- (c) restricting the application of subsection 9(1) or 21(1) to such laws of a province as are specified in the regulations; 5
- (d) making subsection 9(1) or 21(1) applicable, on the terms and conditions, if any, specified in the regulations, in respect of any laws of a province that impose a tax or royalty or relate to mineral or other non-living natural resources; 10
- (e) excluding any law of a province from the application of subsection 9(1) or 21(1);
- (f) determining or prescribing the method of determining the safety zone referred to in paragraph 20(1)(c); 15
- (g) prescribing an area of the sea and a province for the purposes of subsection 9(1), 21(1) or 22(1); 20
- (h) restricting the application of subsection 22(1), (2) or (3) to courts of a district or territorial division of a province;
- (i) prescribing, in respect of any area of the sea and for the purpose of subsection 22(1), the manner of determining the province that has the coast nearest to that area; 25
- (j) excluding any federal laws or laws of a province or any of their provisions from the application of subsection 20(1) or 21(1), as the case may be, in respect of any area in or above the continental shelf of Canada or in respect of any specified activity in any such area; and 30
- (k) making federal laws or laws of a province or any of their provisions applicable, in such circumstances as are specified in the regulations, 35
- (i) in the exclusive economic zone of Canada or in a portion of that zone, 40
- (ii) in or above the continental shelf of Canada or a portion of that shelf, or
- (iii) in any area beyond the continental shelf of Canada where that application is made pursuant to an international agree- 45
- si cette règle, selon ses propres termes, n'est applicable qu'à une partie du territoire de la province;
- c) restreindre l'application des paragraphes 9(1) ou 21(1) à telle règle du droit de la province visée; 5
- d) rendre les paragraphes 9(1) ou 21(1) applicables, en conformité avec les conditions spécifiées dans le règlement, à toute règle du droit provincial imposant une taxe ou des redevances ou traitant des ressources minérales ou autres ressources naturelles non biologiques; 10
- e) exclure toute règle du droit provincial de l'application des paragraphes 9(1) ou 21(1);
- f) délimiter ou prescrire le mode de délimitation de la zone de sécurité visée à l'alinéa 20(1)c);
- g) désigner tout espace maritime extracôtier pour l'application des paragraphes 9(1), 21(1) ou 22(1); 20
- h) restreindre l'application des paragraphes 22(1), (2) ou (3) aux tribunaux de telle circonscription ou autre division territoriale de la province; 25
- i) prévoir, pour l'application du paragraphe 22(1), la façon de déterminer la province côtière la plus proche d'un espace maritime donné; 30
- j) exclure une règle du droit fédéral ou provincial de l'application des paragraphes 20(1) ou 21(1), selon le cas, à l'égard de tout ou partie du plateau continental ou des eaux surjacentes, ou à l'égard de certaines activités déterminées; 35
- k) rendre une règle du droit fédéral ou provincial applicable, dans les circonstances spécifiées, à tout ou partie, selon le cas :
- (i) de la zone économique exclusive, 40
- (ii) du plateau continental ou des eaux surjacentes,
- (iii) des espaces maritimes situés au-delà du plateau continental et faisant l'objet d'une entente ou d'un accord international conclu par le Canada. 45

ment or arrangement entered into by Canada.

Restriction

(2) A regulation made pursuant to subsection (1) in relation to a law of a province may be restricted to a specific area or place or to a specific provision of the law.

(2) Le règlement pris en vertu du paragraphe (1) peut ne s'appliquer qu'à un endroit ou à un espace déterminé, ou ne viser que telle règle du droit provincial.

Précision

Interpretation

(3) For the purposes of paragraphs (1)(j) and (k), federal laws and the laws of a province shall be applied

(3) Pour l'application des alinéas (1)j) et k), les règles du droit fédéral ou provincial visées s'appliquent :

Interprétation

(a) as if the places referred to in any regulations made pursuant to either of those paragraphs formed part of the territory of Canada;

a) comme si les lieux visés faisaient partie du territoire du Canada;

(b) notwithstanding that by their terms their application is limited to Canada or a province; and

b) même si, selon leurs propres termes, elles ne s'appliquent qu'au Canada ou à la province, selon le cas;

(c) in a manner that is consistent with the rights and freedoms of other states under international law and, in particular, with the rights and freedoms of other states in relation to navigation and overflight.

c) d'une façon compatible avec les droits et libertés que le droit international reconnaît aux autres États, notamment en matière de navigation et de survol.

Publication of proposed regulations

27. (1) A copy of each regulation that the Governor in Council proposes to make pursuant to paragraph 25(b) or section 26 shall be published in the *Canada Gazette* at least 60 days before its proposed effective date and a reasonable opportunity shall be given to interested persons to make representations with respect to the proposed regulation.

27. (1) Le projet de règlement d'application de l'alinéa 25b) ou de l'article 26 est publié dans la *Gazette du Canada* au moins soixante jours avant la date envisagée pour sa prise d'effet, les intéressés se voyant accorder la possibilité de présenter leurs observations.

Publication

Exception

(2) No proposed regulation that has been published pursuant to this section need again be published under this section, whether or not it has been altered.

(2) Il n'est pas nécessaire de publier de nouveau le projet de règlement même s'il a été modifié.

Dispense

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PART II

PARTIE II

OCEANS MANAGEMENT STRATEGY

STRATÉGIE DE GESTION DES OCÉANS

Part does not apply to inland waters

28. For greater certainty, this Part does not apply in respect of rivers and lakes.

28. Il est entendu que la présente partie ne s'applique pas aux lacs, fleuves et rivières.

Eaux internes

Development and implementation of strategy

29. The Minister, in collaboration with interested persons and bodies and with other ministers, boards and agencies of the Government of Canada, shall lead and facilitate the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems in waters that

29. Le ministre, en collaboration avec d'autres ministres fédéraux et les personnes de droit public et de droit privé intéressées, dirige et favorise l'élaboration et la mise en œuvre d'une stratégie nationale de gestion des écosystèmes estuariens, côtiers et marins des eaux faisant partie du Canada ou sur les-

Élaboration et mise en œuvre

1994-95

form part of Canada or in which Canada has sovereign rights under international law.

Principles of strategy

30. The national strategy will be based on the principles of

- (a) sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs; and
- (b) the integrated management of activities in estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law.

Integrated management plans

31. The Minister, in collaboration with interested persons and bodies and with other ministers, boards and agencies of the Government of Canada, shall lead and facilitate the development and implementation of plans for the integrated management of activities in estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law.

Implementation of integrated management plans

32. For the purpose of the implementation of integrated management plans, the Minister may

- (a) develop and implement policies and programs with respect to matters assigned by law to the Minister;
- (b) recommend and coordinate with other ministers, boards and agencies of the Government of Canada the implementation of other policies and programs of that Government with respect to activities in or affecting coastal waters and marine waters;
- (c) on his or her own or jointly with another person or body or with another minister, board or agency of the Government of Canada,
 - (i) establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies, and
 - (ii) recognize established advisory or management bodies; and
- (d) in consultation with interested persons and bodies and with other ministers, boards

quelles le droit international reconnaît à celui-ci des droits souverains.

Principes directeurs

30. La stratégie nationale repose sur les principes suivants :

- a) le développement durable, c'est-à-dire le développement qui permet de répondre aux besoins actuels sans compromettre la possibilité pour les générations futures de satisfaire les leurs;
- b) la gestion intégrée des activités qui s'exercent dans les estuaires et les eaux côtières et marines faisant partie du Canada ou sur lesquelles le droit international reconnaît à celui-ci des droits souverains.

31. Le ministre, en collaboration avec d'autres ministres fédéraux et les personnes de droit public et de droit privé intéressées, dirige et favorise l'élaboration et la mise en œuvre de plans pour la gestion intégrée des activités qui s'exercent dans les estuaires et les eaux côtières et marines faisant partie du Canada ou sur lesquelles le droit international reconnaît à celui-ci des droits souverains.

32. En vue de la mise en œuvre des plans de gestion intégrée, le ministre peut :

Mise en œuvre des plans de gestion intégrée

- a) élaborer et mettre en œuvre des orientations, des objectifs et des programmes dans les domaines de compétence qui lui sont attribués de droit;
- b) recommander et coordonner, avec d'autres ministres ou organismes fédéraux, la mise en œuvre d'autres orientations, objectifs et programmes du gouvernement fédéral, relativement aux activités touchant les eaux côtières ou marines;
- c) de sa propre initiative ou conjointement avec d'autres ministres fédéraux ou des personnes de droit public ou de droit privé, constituer des organismes de consultation ou de gestion et, selon le cas, y nommer ou désigner des membres, ou mandater des organismes existants à cet égard;
- d) en consultation avec d'autres ministres fédéraux et les personnes de droit public et de droit privé intéressées, établir des directives, des objectifs et des critères concer-

and agencies of the Government of Canada, establish marine environmental quality guidelines, objectives and criteria respecting estuaries, coastal waters and marine waters.

nant la qualité du milieu dans les estuaires et les eaux côtières et marines.

Cooperation and agreements

33. (1) In exercising the powers and performing the duties and functions assigned to the Minister by this Act, the Minister may

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33. (1) Dans l'exercice des attributions qui lui sont conférées par la présente loi, le ministre peut :

Coopération et accords

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(a) cooperate with interested persons and bodies and with other ministers, boards and agencies of the Government of Canada;

a) coopérer avec d'autres ministres fédéraux et les personnes de droit public et de droit privé intéressées;

(b) enter into agreements with any person or body or with another minister, board or agency of the Government of Canada;

b) conclure des accords avec d'autres ministres ou toute personne de droit public ou 10 de droit privé;

(c) gather, compile, analyse, coordinate and disseminate information;

c) recueillir, dépouiller, analyser, coordonner et diffuser de l'information;

(d) make grants and contributions on terms and conditions approved by the Treasury Board; and

d) accorder des subventions ou contributions suivant les modalités approuvées par 15 le Conseil du Trésor;

(e) make recoverable expenditures on behalf of and at the request of any other minister, board or agency of the Government of Canada or of a province or any person or body.

e) à la demande d'autres ministres fédéraux ou de personnes de droit public — fédérales ou provinciales — ou de droit privé, engager des dépenses pour leur compte et 20 recouvrer les sommes ainsi exposées.

Consultation

(2) In exercising the powers and performing the duties and functions mentioned in this Part, the Minister may consult with interested persons and bodies and with other ministers, boards and agencies of the Government of Canada.

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(2) Dans l'exercice des attributions prévues par la présente partie, le ministre peut consulter d'autres ministres fédéraux et toute personne de droit public ou de droit privé 25 intéressée.

Consultation

Logistic support, etc.

34. The Minister may coordinate logistics support and provide related assistance for the purposes of advancing scientific knowledge of estuarine, coastal and marine ecosystems.

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34. Le ministre peut prendre en charge la coordination du soutien logistique d'activités visant à faire progresser la connaissance scientifique des écosystèmes estuariens, côtiers et marins.

Soutien logistique

Establishment of marine protected areas

35. The Governor in Council may make regulations

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35. Le gouverneur en conseil peut, par règlement :

Zones de protection marine

(a) establishing marine protected areas in any area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada; and

a) constituer en zone de protection marine tout espace maritime faisant partie des eaux 35 intérieures, de la mer territoriale ou de la zone économique exclusive du Canada;

(b) prescribing measures, not inconsistent with Canada's international obligations, for the conservation and protection of fishery

b) prescrire des mesures compatibles avec les obligations internationales du Canada, en vue de la conservation et de la protection, dans ces zones, des ressources halieutiques et de leur habitat.

resources and their habitat in marine protected areas.

Interim marine protected areas in emergency situations

36. (1) The Governor in Council may make orders exercising any power under section 35 on an emergency basis where the Governor in Council is of the opinion that a fishery resource or its habitat is or is likely to be at risk.

36. (1) En cas d'urgence, le gouverneur en conseil peut exercer par décret les pouvoirs que lui confère l'article 35 lorsqu'il estime qu'une ressource halieutique ou son habitat sont menacés ou risquent de l'être.

Situations d'urgence

Exemption from Statutory Instruments Act

(2) An order made under this section is exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act*.

(2) Les articles 3, 5 et 11 de la *Loi sur les textes réglementaires* ne s'appliquent pas au décret pris au titre du présent article.

Loi sur les textes réglementaires

Temporary effect

(3) An order made under this section that is not repealed ceases to have effect 90 days after it is made.

(3) Sauf révocation, le décret produit ses effets pendant une période maximale de 90 quatre-vingt-dix jours à compter de sa prise.

Durée de validité

Offence and punishment

37. Every person who contravenes a regulation made under paragraph 35(b) or an order made under subsection 36(1) in the exercise of a power under that paragraph

37. Quiconque contrevient aux règlements d'application de l'alinéa 35b) ou à un décret pris en vertu du paragraphe 36(1) dans l'exercice d'un pouvoir prévu à l'alinéa 35b) commet une infraction et encourt, sur déclaration de culpabilité :

Infraction et peine

(a) is guilty of an offence punishable on summary conviction and liable

(i) in the case of a corporation, to a fine not exceeding \$100,000, and

(ii) in the case of an individual, to a fine not exceeding \$50,000; or

(b) is guilty of an indictable offence and liable

(i) in the case of a corporation, to a fine not exceeding \$250,000, and

(ii) in the case of an individual, to a fine not exceeding \$100,000.

a) par procédure sommaire :

(i) s'agissant d'une personne morale, une amende maximale de 100 000 \$,

(ii) s'agissant d'une personne physique, une amende maximale de 50 000 \$;

b) par mise en accusation :

(i) s'agissant d'une personne morale, une amende maximale de 250 000 \$,

(ii) s'agissant d'une personne physique, une amende maximale de 100 000 \$.

Contravention of unpublished order

38. No person may be convicted of an offence consisting of a contravention of an order made under subsection 36(1) in the exercise of a power under paragraph 35(b) that, at the time of the alleged contravention, had not been published in the *Canada Gazette* in both official languages unless it is proved that reasonable steps had been taken before that time to bring the purport of the order to the attention of those persons likely to be affected by it.

38. Nul ne peut être condamné pour violation d'un décret pris en vertu du paragraphe 36(1) dans l'exercice d'un pouvoir prévu à l'alinéa 35b) et qui, à la date du fait reproché, n'avait pas été publié dans la *Gazette du Canada* dans les deux langues officielles, sauf s'il est établi qu'à cette date les mesures nécessaires avaient été prises pour porter la substance du décret à la connaissance des personnes susceptibles d'être touchées par celui-ci.

Violation d'un décret non publié

Application of provisions of Canada Wildlife Act

39. Sections 11 to 11.5 and 13 to 19 of the *Canada Wildlife Act* apply in respect of this Act

39. Les articles 11 à 11.5 et 13 à 19 de la *Loi sur les espèces sauvages du Canada* s'appliquent à la présente loi compte tenu des adaptations nécessaires; notamment, la mention du ministre de l'Environnement vaut mention du ministre des Pêches et des Océans.

Loi sur les espèces sauvages du Canada

(a) as if each reference in any of those sections to the Minister of the Environment

were a reference to the Minister of Fisheries and Oceans; and

(b) with such other modifications as the circumstances require.

PART III

POWERS, DUTIES AND FUNCTIONS OF THE MINISTER

General

Powers, duties and functions of the Minister

40. (1) As the Minister responsible for oceans, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to the coordination of the policies and programs of the Government of Canada respecting oceans.

Encouragement of activities

(2) For the purpose of subsection (1), the Minister shall encourage activities necessary to foster understanding, management and sustainable development of oceans and marine resources and the provision of services of the Canadian Coast Guard and the Canadian Hydrographic Service to ensure the facilitation of marine trade, commerce and safety in collaboration with other ministers of the Government of Canada.

Canadian Coast Guard

Canadian Coast Guard

41. (1) There is hereby established a service of the Department called the Canadian Coast Guard, to be the principal civilian marine operational component of the Government of Canada, over which the Commissioner of the Canadian Coast Guard appointed in accordance with the *Public Service Employment Act* shall preside.

Duties of Commissioner of the Canadian Coast Guard

(2) The Commissioner of the Canadian Coast Guard shall exercise the powers and perform the duties and functions of the Minister relating to

(a) services for the safe, economical and efficient movement of ships in Canadian waters through the provision of

PARTIE III

ATTRIBUTIONS DU MINISTRE

Dispositions générales

40. (1) Le ministre étant responsable des océans, ses pouvoirs et fonctions s'étendent d'une façon générale à tous les domaines de compétence du Parlement non attribués de droit à d'autres ministères ou organismes fédéraux et liés à la coordination des orientations, objectifs et programmes du gouvernement fédéral touchant les océans.

Attributions

(2) Dans l'exercice de ses attributions et en collaboration avec d'autres ministres fédéraux, il encourage les activités propres à promouvoir la connaissance, la gestion et la préservation des océans et des ressources marines, dans la perspective du développement durable, et fournit les services de la Garde côtière canadienne et du Service hydrographique du Canada destinés à assurer la sécurité de la navigation et à faciliter le commerce maritime.

Activités

Garde côtière canadienne

41. (1) Est constituée, au sein du ministère, la Garde côtière canadienne, principal organe maritime civil du gouvernement, dirigée par un commissaire nommé conformément à la *Loi sur l'emploi dans la fonction publique*.

Constitution

(2) Le commissaire de la Garde côtière canadienne exerce les attributions du ministre en ce qui concerne :

Attributions du commissaire

a) les services destinés à assurer la sécurité, la rentabilité et l'efficacité du déplacement des navires dans les eaux canadiennes par la fourniture :

- | | |
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| <ul style="list-style-type: none"> (i) aids to navigation systems and services, (ii) marine communications and traffic management services, (iii) ice breaking and ice management services; <p>(b) the marine component of the federal search and rescue program;</p> <p>(c) pleasure craft safety, including the regulation of the construction, inspection, 10 equipment and operation of pleasure craft;</p> <p>(d) marine pollution prevention and response; and</p> <p>(e) support of other departments, boards and agencies of the Government of Canada 15 through the provision of ships, aircraft and other marine services.</p> | <ul style="list-style-type: none"> (i) de systèmes et de services d'aide à la navigation, (ii) de services de communication maritime et de gestion du trafic maritime, (iii) de services de brise-glace et de surveillance des glaces; <p>b) le volet maritime du programme fédéral de recherche et de sauvetage;</p> <p>c) la sécurité de la navigation de plaisance, y compris la réglementation de la construction, de l'inspection, de l'équipement et du fonctionnement des embarcations de plaisance;</p> <p>d) la prévention de la pollution marine et l'intervention environnementale; 15</p> <p>e) les services de navigation maritime et aérienne fournis aux autres ministères et organismes fédéraux.</p> |
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Marine Sciences

Sciences de la mer

Functions

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| <p>42. In exercising the powers and performing the duties and functions assigned by paragraph 4(1)(c) of the <i>Department of Fisheries and Oceans Act</i>, the Minister may</p> <ul style="list-style-type: none"> (a) collect data for the purpose of understanding oceans and their living resources and ecosystems; (b) conduct hydrographic and oceanographic surveys of Canadian and other waters; (c) conduct marine scientific surveys relating to fisheries resources and their supporting habitat and ecosystems; 30 (d) conduct basic and applied research related to hydrography, oceanography and other marine sciences including the study of fish and their supporting habitat and ecosystems; 35 (e) carry out investigations for the purpose of understanding oceans and their living resources and ecosystems; (f) prepare and publish data, reports, statistics, charts, maps, plans, sections and other documents; 40 | <p>42. Dans le cadre de ses attributions au titre de l'alinéa 4(1)c) de la <i>Loi sur le ministère des Pêches et des Océans</i>, le ministre est investi des pouvoirs suivants :</p> <ul style="list-style-type: none"> a) assurer la collecte de données en vue d'une meilleure connaissance des océans, de leurs ressources biologiques et de leurs écosystèmes; 25 b) effectuer des levés hydrographiques et océanographiques dans les eaux canadiennes et autres; c) effectuer des levés scientifiques concernant les ressources halieutiques, leur habitat et les écosystèmes; 30 d) entreprendre des recherches fondamentales et appliquées dans les domaines de l'hydrographie, de l'océanographie et des autres sciences de la mer, y compris l'étude des poissons, de leur habitat et des écosystèmes; 35 e) procéder à des enquêtes en vue d'une meilleure connaissance des océans, de leurs ressources biologiques et de leurs écosystèmes; 40 |
|---|--|

Pouvoirs du ministre

(g) authorize the distribution or sale of data, reports, statistics, charts, maps, plans, sections and other documents;

(h) prepare in collaboration with the Minister of Foreign Affairs, publish and authorize the distribution or sale of charts delineating, consistently with the nature and scale of the charts, all or part of the territorial sea of Canada, the contiguous zone of Canada, the exclusive economic zone of Canada and the fishing zones of Canada and adjacent waters; and

(i) participate in ocean technology development.

f) établir et publier des données, rapports, statistiques, cartes, plans, sections et autres documents;

g) autoriser la distribution ou la vente de données, rapports, statistiques, cartes, plans, sections et autres documents;

h) dresser, en collaboration avec le ministre des Affaires étrangères, et publier des cartes marines montrant, en fonction de leur échelle et de leur finalité, tout ou partie de la mer territoriale, de la zone contiguë, de la zone économique exclusive et des zones de pêche du Canada, ainsi que des eaux adjacentes, et en autoriser la distribution ou la vente;

i) participer à l'avancement de la technologie marine.

15

Powers

43. Subject to section 4 of the *Department of Fisheries and Oceans Act* respecting the powers, duties and functions of the Minister in relation to matters mentioned in that section over which Parliament has jurisdiction, the Minister

(a) is responsible for coordinating, promoting and recommending national policies and programs with respect to fisheries science, hydrography, oceanography and other marine sciences; and

(b) in carrying out his or her responsibilities under this section, may

(i) conduct or cooperate with persons conducting applied and basic research programs and investigations and economic studies for the purpose of understanding oceans and their living resources and ecosystems, and

(ii) for that purpose maintain and operate ships, research institutes, laboratories and other facilities for research, surveying and monitoring for the purpose of understanding oceans and their living resources and ecosystems.

44. The Minister may

(a) request the Minister of Foreign Affairs to attach to a consent of the Minister of Foreign Affairs under paragraph 3(2)(c) of the *Coasting Trade Act* a condition that the

43. Dans le cadre fixé pour l'exercice de ses attributions par l'article 4 de la *Loi sur le ministère des Pêches et des Océans*, il incombe au ministre de recommander, de promouvoir et de coordonner les orientations, les objectifs et les programmes du gouvernement fédéral en ce qui touche les pêches, l'hydrographie, l'océanographie et les autres sciences de la mer. À cette fin, il peut exécuter — ou collaborer avec des personnes qui exécutent — des programmes de recherche fondamentale et appliquée, ainsi que des analyses et des études économiques, en vue d'une meilleure connaissance des océans, de leurs ressources biologiques et de leurs écosystèmes. Il peut à cet effet mettre à contribution des navires, des instituts de recherche, des laboratoires et d'autres installations de recherche, d'étude et de contrôle, et veiller à leur fonctionnement.

Orientations, objectifs et programmes

Marine scientific research by foreign ships

44. Le ministre peut demander au ministre des Affaires étrangères d'assujettir l'octroi de la licence visée à l'alinéa 3(2)c) de la *Loi sur le cabotage* à la condition que lui soient fournis, pour le compte du navire étranger ou non

Recherche scientifique : navires étrangers

foreign ship or non-duty paid ship supply the Minister with the results of the marine scientific research conducted by that ship in waters that form part of Canada or in which Canada has sovereign rights under international law; and

(b) establish guidelines, not inconsistent with Canada's international obligations, for use by foreign ships and non-duty paid ships in conducting marine scientific research in waters that form part of Canada or in which Canada has sovereign rights under international law.

dédouané en cause, les résultats des recherches océanographiques auxquelles a servi ce dernier dans les eaux faisant partie du Canada ou sur lesquelles le droit international reconnaît à celui-ci des droits souverains. Il peut en outre établir, à l'intention des navires étrangers et non dédouanés, des directives compatibles avec les obligations internationales du Canada au sujet de la recherche océanographique dans ces mêmes zones maritimes.

Canadian Hydrographic Service

45. There is hereby established a service of the Department of Fisheries and Oceans called the Canadian Hydrographic Service over which the Dominion Hydrographer appointed in accordance with the *Public Service Employment Act* shall preside.

45. Est constitué, au sein du ministère, le Service hydrographique du Canada, dirigé par l'hydrographe fédéral, lequel est nommé conformément à la *Loi sur l'emploi dans la fonction publique*.

Service hydrographique du Canada

Duties of Dominion Hydrographer

46. The Dominion Hydrographer shall exercise the powers and perform the duties and functions of the Minister relating to hydrography.

46. L'hydrographe fédéral exerce les attributions du ministre en matière hydrographique.

Attributions de l'hydrographe fédéral

Functions

47. In exercising the powers and performing the duties and functions of the Minister relating to hydrography, the Dominion Hydrographer may

47. Dans l'exercice de ses attributions, l'hydrographe fédéral peut :

Pouvoirs de l'hydrographe fédéral

(a) set standards and establish guidelines for use by hydrographers and others in collecting data and preparing charts on behalf of the Minister; and

a) établir, notamment à l'intention des hydrographes, des normes et des directives au sujet de la collecte des données et de l'établissement des cartes sous l'autorité du ministre;

(b) provide hydrographic advice to the Government of Canada and, on behalf of that government, to the governments of the provinces, to other states and to international organizations.

b) conseiller le gouvernement du Canada et, au nom de celui-ci, les gouvernements des provinces ou d'autres États, ainsi que les organisations internationales, en matière hydrographique.

Entry on lands

48. A hydrographer may, for the purpose of conducting a hydrographic survey on behalf of the Minister, enter on or pass over the lands of any person but shall take all reasonable precautions to avoid causing any damage in doing so.

48. Tout hydrographe peut, afin d'effectuer un levé hydrographique sous l'autorité du ministre, pénétrer sur la propriété de qui que ce soit ou la traverser; il prend toutefois toutes les précautions voulues pour éviter d'y causer des dommages.

Propriété privée

Fees

Facturation

Fees for services or use of facilities

49. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees to be paid for a service or the use of a facility

49. (1) Le ministre peut, sous réserve des règlements d'application du présent article éventuellement pris par le Conseil du Trésor, fixer les prix à payer pour la fourniture de

Facturation des services et installations

provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

services ou d'installations au titre de la présente loi par lui-même ou le ministre, ou tout organisme fédéral dont il est, du moins en partie, responsable.

Amount not to exceed cost

(2) Fees for a service or the use of a facility that are fixed under subsection (1) may not exceed the cost to Her Majesty in right of Canada of providing the service or the use of the facility.

5 (2) Les prix fixés dans le cadre du paragraphe (1) ne peuvent excéder les coûts supportés par Sa Majesté du chef du Canada pour la fourniture des services ou des installations.

5 Plafonnement

Fees for products, rights and privileges

50. The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of products, rights and privileges provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

10 50. Le ministre peut, sous réserve des règlements d'application du présent article 10 éventuellement pris par le Conseil du Trésor, fixer les prix à payer pour la fourniture de produits ou l'attribution de droits ou d'avantages au titre de la présente loi par lui-même ou le ministre ou tout organisme fédéral dont il est, du moins en partie, responsable.

Facturation des produits, droits et avantages

Fees in respect of regulatory processes, etc.

51. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of regulatory processes or approvals provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

15 51. (1) Le ministre peut, sous réserve des règlements d'application du présent article 15 éventuellement pris par le Conseil du Trésor, fixer les prix à payer pour la fourniture de 20 procédés réglementaires ou l'attribution d'autorisations réglementaires au titre de la présente loi par lui-même ou le ministre, ou tout 25 organisme fédéral dont il est, du moins en partie, responsable.

Facturation des procédés ou autorisations réglementaires

Amount

(2) Fees that are fixed under subsection (1) shall in the aggregate not exceed an amount sufficient to compensate Her Majesty in right of Canada for any reasonable outlays incurred by Her Majesty for the purpose of providing 30 the regulatory processes or approvals.

25 (2) Les prix fixés dans le cadre du paragraphe (1) ne peuvent dépasser, dans l'ensemble, un montant suffisant pour indemniser Sa Majesté du chef du Canada des dépenses 30 entraînées pour elle par la fourniture des procédés réglementaires ou l'attribution des autorisations réglementaires.

25

Montant

Consultation

52. (1) Before fixing a fee under this Act, the Minister shall consult with such persons or bodies as the Minister considers to be interested in the matter.

35 52. (1) Avant de fixer un prix dans le cadre de la présente loi, le ministre consulte les personnes de droit public et de droit privé qu'il 35 juge intéressées.

Consultations

Publication

(2) The Minister, shall within 30 days after fixing a fee under this Act, publish the fee in the *Canada Gazette* and by such appropriate electronic or other means that the Treasury Board may authorize by regulation.

40 (2) Dans les trente jours suivant la fixation d'un prix dans le cadre de la présente loi, le ministre publie celui-ci dans la *Gazette du Canada* et par tout autre moyen indiqué, notamment électronique, que le Conseil du Trésor peut, par règlement, autoriser.

Publication

Reference to Scrutiny Committee

(3) Any fee fixed under this Act shall stand referred to the Committee referred to in section 19 of the *Statutory Instruments Act* to be reviewed and scrutinized as if it were a statutory instrument.

45 (3) Le comité visé à l'article 19 de la *Loi sur les textes réglementaires* est saisi d'office des prix fixés dans le cadre de la présente loi 45 pour que ceux-ci fassent l'objet de l'étude et du contrôle prévus pour les textes réglementaires.

Renvoi en comité

Power to make regulations

53. The Treasury Board may make regulations for the purposes of section 49, 50, 51 or 52.

53. Le Conseil du Trésor peut prendre des règlements d'application des articles 49 à 52.

Pouvoir réglementaire

CONDITIONAL AMENDMENTS

MODIFICATIONS CONDITIONNELLES

Conditional amendments re Bill C-84

54. If Bill C-84, introduced during the first session of the thirty-fifth Parliament and entitled *An Act to provide for the review, registration, publication and parliamentary scrutiny of regulations and other documents and to make consequential and related amendments to other Acts*, is assented to, then, on the later of the day on which section 27 of that Act comes into force and the day on which this Act is assented to,

54. En cas de sanction du projet de loi 5 C-84, déposé au cours de la première session de la trente-cinquième législature et intitulé *Loi prévoyant l'examen, l'enregistrement, la publication et le contrôle parlementaire des règlements et autres textes, et modifiant certaines lois en conséquence*, à l'entrée en vigueur de l'article 27 de ce projet de loi ou à celle de la présente loi, la dernière en date étant retenue :

Projet de loi C-84

(a) subsection 36(2) of this Act is replaced by the following:

15 a) le paragraphe 36(2) de la présente loi est remplacé par ce qui suit :

Exemption from Regulations Act

(2) An order made under this section is exempt from the regulatory process under the *Regulations Act*.

15 (2) Le décret est soustrait au processus réglementaire prévu par la *Loi sur les règlements*.

Dérogation à la Loi sur les règlements

(b) subsection 52(3) of this Act is replaced by the following:

20 b) le paragraphe 52(3) de la présente loi est remplacé par ce qui suit :

Reference to scrutiny committee

(3) Any fee fixed under this Act shall stand permanently referred to a committee described in section 25 of the *Regulations Act* to be scrutinized as if it were a regulation.

20 (3) Le comité visé à l'article 25 de la *Loi sur les règlements* est saisi d'office des prix fixés dans le cadre de la présente loi pour que ceux-ci fassent l'objet de l'étude et du contrôle prévus pour les règlements.

Renvoi en comité

REPEALS

ABROGATIONS

Repeal

55. The *Canadian Laws Offshore Application Act*, chapter 44 of the Statutes of Canada, 1990, is repealed.

25 55. La *Loi sur l'application extracôtière des lois canadiennes*, chapitre 44 des Lois du Canada de 1990, est abrogée.

Abrogation

Repeal of R.S., c. T-8

56. The *Territorial Sea and Fishing Zones Act* is repealed.

30 56. La *Loi sur la mer territoriale et la zone de pêche* est abrogée.

Abrogation de L.R., ch. T-8

AMENDMENTS

MODIFICATIONS CORRÉLATIVES

R.S., c. A-2

*Aeronautics Act**Loi sur l'aéronautique*

L.R., ch. A-2

57. The definition "Canada" in subsection 3(1) of the *Aeronautics Act* is repealed.

30 57. La définition de « Canada », au paragraphe 3(1) de la *Loi sur l'aéronautique*, est abrogée.

1991, c. 11 [c. B-9.01]

*Broadcasting Act**Loi sur la radiodiffusion*

1991, ch. 11 [ch. B-9.01]

58. Paragraph 4(2)(c) of the *Broadcasting Act* is replaced by the following:

58. L'alinéa 4(2)c) de la *Loi sur la radiodiffusion* est remplacé par ce qui suit :

EXPLANATORY NOTES

Aeronautics Act

Clause 57: This amendment is consequential on the definition "Canada" proposed by clause 88. The definition "Canada" in subsection 3(1) reads as follows:

"Canada" includes the territorial sea of Canada;

NOTES EXPLICATIVES

Loi sur l'aéronautique

Article 57. — La modification découle de la définition de « Canada » proposée à l'article 88. Texte de la définition de « Canada » au paragraphe 3(1) :

« Canada » Le Canada y compris sa mer territoriale.

	(c) any platform, rig, structure or formation that is affixed or attached to land situated in <u>the continental shelf of Canada</u> .	c) d'une plate-forme, installation, construction ou formation fixée <u>au plateau continental du Canada</u> .	
R.S., c. 36 (2nd Suppl.) [c. C-8.5]	<i>Canada Petroleum Resources Act</i>	<i>Loi fédérale sur les hydrocarbures</i>	L.R., ch. 36 (2 ^e suppl.) [ch. C-8.5]
	59. Paragraph (b) of the definition "frontier lands" in section 2 of the <i>Canada Petroleum Resources Act</i> is replaced by the following:	59. L'alinéa b) de la définition de « terres domaniales », à l'article 2 de la <i>Loi fédérale sur les hydrocarbures</i> , est remplacé par ce qui suit :	5
	(b) submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada;	b) soit dans les zones sous-marines <u>non comprises dans le territoire</u> d'une province, <u>et faisant partie des eaux intérieures</u> , de la mer territoriale ou du plateau continental du Canada.	10
R.S., c. C-9	<i>Canada Ports Corporation Act</i>	<i>Loi sur la Société canadienne des ports</i>	L.R., ch. C-9
	60. The portion of subsection 43(1) of the <i>Canada Ports Corporation Act</i> before paragraph (a) is replaced by the following:	60. Le passage du paragraphe 43(1) de la <i>Loi sur la Société canadienne des ports</i> précédant l'alinéa a) est remplacé par ce qui suit :	
Seizure of vessels	43. (1) The Corporation may, as provided in section 46, seize any vessel <u>in Canadian waters</u> in any case	43. (1) La Société peut, selon les modalités prévues à l'article 46, saisir un navire dans les limites des eaux <u>canadiennes</u> dans les cas suivants :	Saisie de navires 20
	61. The portion of subsection 17(1) of Schedule I to the Act before paragraph (a) is replaced by the following:	61. Le passage du paragraphe 17(1) de l'annexe I de la même loi précédant l'alinéa 20 a) est remplacé par ce qui suit :	
	17. (1) A local port corporation may, as provided in section 20 of this Schedule, seize any vessel <u>in Canadian waters</u> in any case	17. (1) La société portuaire locale peut, selon les modalités prévues à l'article 20 de la présente annexe, saisir un navire dans les limites des eaux <u>canadiennes</u> dans les cas suivants :	
1992, c. 37 [c. C-15.2]	<i>Canadian Environmental Assessment Act</i>	<i>Loi canadienne sur l'évaluation environnementale</i>	1992, ch. 37 [ch. C-15.2]
	62. Paragraph (b) of the definition "federal lands" in subsection 2(1) of the <i>Canadian Environmental Assessment Act</i> is replaced by the following:	62. L'alinéa b) de la définition de « territoire domanial », au paragraphe 2(1) de la <i>Loi canadienne sur l'évaluation environnementale</i> , est remplacé par ce qui suit :	25
	(b) the following lands and areas, namely,	b) les eaux intérieures, la mer territoriale, <u>la zone économique exclusive</u> et le plateau continental du Canada;	30
	(i) the internal waters of Canada,		30
	(ii) the territorial sea of Canada,		
	(iii) <u>the exclusive economic zone of Canada</u> , and		35

Broadcasting Act

Clause 58: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The relevant portion of subsection 4(2) reads as follows:

(2) This Act applies in respect of broadcasting undertakings carried on in whole or in part within Canada or on board

...

(c) any platform, rig, structure or formation that is affixed or attached to land situated in those submarine areas adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is greater.

Canada Petroleum Resources Act

Clause 59: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The relevant portion of the definition "frontier lands" in section 2 reads as follows:

"frontier lands" means lands that belong to Her Majesty in right of Canada, or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources, and that are situated in

...

(b) those submarine areas, not within a province, adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is the greater;

Canada Ports Corporation Act

Clause 60: This amendment is consequential on the definition "Canadian waters" proposed by clause 88. The relevant portion of subsection 43(1) reads as follows:

43. (1) The Corporation may, as provided in section 46, seize any vessel within the territorial waters of Canada in any case

Clause 61: This amendment is consequential on the definition "Canadian waters" proposed by clause 88. The relevant portion of subsection 17(1) of Schedule I reads as follows:

17. (1) A local port corporation may, as provided in section 20 of this Schedule, seize any vessel within the territorial waters of Canada in any case

Canadian Environmental Assessment Act

Clause 62: This amendment is consequential on the definitions "internal waters", "territorial sea" and "continental shelf" proposed by clause 88 and on the establishment of an exclusive economic zone proposed by clause 13. The

Loi sur la radiodiffusion

Article 58. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte des passages introductif et visé du paragraphe 4(2) :

(2) La présente loi s'applique aux entreprises de radiodiffusion exploitées — même en partie — au Canada ou à bord :

...

c) d'une plate-forme, installation, construction ou formation fixée à la terre dans une zone sous-marine qui est contiguë au littoral canadien et s'étend sur tout le prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale canadienne là où le rebord se trouve à une distance inférieure.

Loi fédérale sur les hydrocarbures

Article 59. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte des passages introductif et visé de la définition de « terres domaniales » à l'article 2 :

« terres domaniales » Les terres qui appartiennent à Sa Majesté du chef du Canada ou dont elle peut légalement aliéner ou exploiter les ressources naturelles, et qui sont situées :

...

b) soit dans les zones sous-marines, hors des limites d'une province, qui sont contiguës à la côte canadienne et s'étendent sur tout le prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale canadienne là où le rebord de la marge continentale se trouve à une distance inférieure.

Loi sur la Société canadienne des ports

Article 60. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88. Texte du passage visé du paragraphe 43(1) :

43. (1) La Société peut, selon les modalités prévues à l'article 46, saisir un navire dans les limites des eaux territoriales du Canada dans les cas suivants :

Article 61. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88. Texte du passage visé du paragraphe 17(1) de l'annexe I :

17. (1) La société portuaire locale peut, selon les modalités prévues à l'article 20 de la présente annexe, saisir un navire dans les limites des eaux territoriales du Canada dans les cas suivants :

Loi canadienne sur l'évaluation environnementale

Article 62. — La modification découle des définitions de « eaux intérieures », « mer territoriale » et « plateau continental » proposées à l'article 88, ainsi que de l'établissement de la zone économique exclusive du Canada proposé

(iv) the continental shelf of Canada,
and

R.S., c. 16 (4th
Suppl.) [c.
C-15.3]

Canadian Environmental Protection Act

*Loi canadienne sur la protection de
l'environnement*

L.R., ch. 16 (4^e
suppl.)
[ch. C-15.3]

1992, c. 37, s.
77

63. Paragraph (b) of the definition "federal lands" in section 52 of the *Canadian Environmental Protection Act* is replaced by the following:

63. L'alinéa b) de la définition de « territoire domanial », à l'article 52 de la *Loi canadienne sur la protection de l'environnement*, est remplacé par ce qui suit :

1992, ch. 37,
art. 77

(b) the following lands and areas, namely,

b) les eaux intérieures, la mer territoriale, la zone économique exclusive et le plateau continental du Canada;

(i) the internal waters of Canada,

(ii) the territorial sea of Canada, 10

(iii) the exclusive economic zone of Canada, and

(iv) the continental shelf of Canada,
and

64. Paragraphs 66(2)(c) and (d) of the 15
Act are replaced by the following:

64. Les alinéas 66(2)c) et d) de la même loi sont remplacés par ce qui suit :

(d) the exclusive economic zone of Canada;

d) la zone économique exclusive du 10
Canada;

1989, c. 3 [c.
C-23.4]

*Canadian Transportation Accident
Investigation and Safety Board Act*

*Loi sur le Bureau canadien d'enquête sur les
accidents de transport et de la sécurité des
transports*

1989, ch. 3
[ch. C-23.4]

65. (1) Paragraph 3(1)(a) of the *Canadian Transportation Accident Investigation and Safety Board Act* is replaced by the following:

65. (1) L'alinéa 3(1)a) de la *Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports* est remplacé par ce qui suit : 15

(a) in or over Canada;

a) en territoire canadien ou dans l'espace aérien correspondant;

(2) Paragraph 3(2)(a) of the Act is replaced by the following:

(2) Le paragraphe 3(2) de la même loi est 25
remplacé par ce qui suit :

(a) in Canada; and

(2) La présente loi s'applique à tout accident maritime survenu en territoire canadien. Elle s'applique de plus à tout accident maritime survenu en tout autre lieu — y compris la zone visée au paragraphe (3) — lorsque soit une autorité compétente a présenté une demande d'enquête au Canada, soit est en cause un navire immatriculé ou muni d'un permis au Canada, soit un témoin de l'accident, habile à témoigner, ou une personne en possession de renseignements concernant un 30

Application:
accident
maritime

relevant portion of the definition "federal lands" in subsection 2(1) reads as follows:

"federal lands" means

- ...
- (b) the following lands and areas, namely,
- (i) the internal waters of Canada within the meaning of the *Territorial Sea and Fishing Zones Act*, including the seabed and subsoil below and the airspace above those waters,
 - (ii) the territorial sea of Canada as determined in accordance with the *Territorial Sea and Fishing Zones Act*, including the seabed and subsoil below and the airspace above that sea,
 - (iii) any fishing zone of Canada prescribed under the *Territorial Sea and Fishing Zones Act*,
 - (iv) any exclusive economic zone that may be created by the Government of Canada, and
 - (v) the continental shelf, consisting of the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the inner limits of the territorial sea, whichever is the greater, or that extend to such other limits as may be prescribed pursuant to an Act of Parliament, and

Canadian Environmental Protection Act

Clause 63: This amendment is consequential on the definitions "internal waters", "territorial sea" and "continental shelf" proposed by clause 88 and on the establishment of an exclusive economic zone proposed by clause 13. The relevant portion of the definition "federal lands" in section 52 reads as follows:

"federal lands" means

- ...
- (b) the following lands and areas, namely,
- (i) the internal waters of Canada within the meaning of the *Territorial Sea and Fishing Zones Act*, including the seabed and subsoil below and the airspace above those waters,
 - (ii) the territorial sea of Canada as determined in accordance with the *Territorial Sea and Fishing Zones Act*, including the seabed and subsoil below and the airspace above that sea,
 - (iii) any fishing zone of Canada prescribed under the *Territorial Sea and Fishing Zones Act*,
 - (iv) any exclusive economic zone that may be created by Canada, and
 - (v) the continental shelf, consisting of the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the inner limits of the territorial sea, whichever is the greater, or that extend to such other limits as may be prescribed pursuant to an Act of Parliament, and

Clause 64: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. The relevant portion of subsection 66(2) reads as follows:

à l'article 13. Texte des passages introductif et visé de la définition de « territoire domanial » au paragraphe 2(1) :

« territoire domanial »

- ...
- b) les terres et zones suivantes :
- (i) les eaux intérieures du Canada au sens de la *Loi sur la mer territoriale et la zone de pêche*, ainsi que leur fond, leur sous-sol et leur espace aérien,
 - (ii) la mer territoriale du Canada délimitée conformément à la *Loi sur la mer territoriale et la zone de pêche*, ainsi que le fond de la mer, son sous-sol et son espace aérien,
 - (iii) toute zone de pêche délimitée par règlement pris sous le régime de la *Loi sur la mer territoriale et la zone de pêche*,
 - (iv) toute zone économique exclusive créée par le gouvernement fédéral,
 - (v) le plateau continental, c'est-à-dire le fond de la mer et le sous-sol des zones sous-marines qui s'étendent au-delà de la mer territoriale sur tout le prolongement naturel du territoire terrestre du Canada soit jusqu'au rebord externe de la marge continentale, soit jusqu'à deux cents milles marins des limites intérieures de la mer territoriale là où ce rebord se trouve à une distance inférieure, soit jusqu'aux limites fixées au titre d'une loi fédérale;

Loi canadienne sur la protection de l'environnement

Article 63. — La modification découle des définitions de « eaux intérieures », « mer territoriale » et « plateau continental » proposées à l'article 88, ainsi que de l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte des passages introductif et visé de la définition de « territoire domanial » à l'article 52 :

« territoire domanial »

- ...
- b) les terres et zones suivantes :
- (i) les eaux intérieures du Canada au sens de la *Loi sur la mer territoriale et la zone de pêche*, ainsi que leur fond, leur sous-sol et leur espace aérien,
 - (ii) la mer territoriale du Canada délimitée conformément à la *Loi sur la mer territoriale et la zone de pêche*, ainsi que le fond de la mer, son sous-sol et son espace aérien,
 - (iii) toute zone de pêche délimitée par règlement pris sous le régime de la *Loi sur la mer territoriale et la zone de pêche*,
 - (iv) toute zone économique exclusive créée par le gouvernement fédéral,
 - (v) le plateau continental, c'est-à-dire le fond de la mer et le sous-sol des zones sous-marines qui s'étendent au-delà de la mer territoriale sur tout le prolongement naturel du territoire terrestre du Canada soit jusqu'au rebord externe de la marge continentale, soit jusqu'à deux cents milles marins des limites intérieures de la mer territoriale là où ce rebord se trouve à une distance inférieure, soit jusqu'aux limites fixées au titre d'une loi fédérale;

Article 64. — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte des passages introductif et visés du paragraphe 66(2) :

facteur possible de celui-ci arrive ou est trouvé quelque part au Canada.

(3) Subsection 3(3) of the Act is replaced by the following:

(3) Le paragraphe 3(3) de la même loi est remplacé par ce qui suit :

Application

(3) This Act also applies in respect of marine occurrences related to an activity concerning the exploration or exploitation of the continental shelf of Canada, where the marine occurrence takes place in waters above the continental shelf of Canada.

(3) La présente loi s'applique aussi à tout accident maritime lié à une activité d'exploration ou d'exploitation du plateau continental canadien et survenu dans les eaux surjacentes.

5 Plateau continental

(4) Paragraph 3(4)(a) of the Act is replaced by the following:

(4) Le paragraphe 3(4) de la même loi est 10 remplacé par ce qui suit :

(a) in Canada, if the railway or commodity pipeline is within the legislative authority of Parliament; and

(4) La présente loi s'applique à tout accident ferroviaire ou de productoduc survenu soit en territoire canadien lorsque est en cause un chemin de fer ou un productoduc de 15 compétence fédérale, soit en tout autre lieu lorsqu'une autorité compétente a présenté une demande d'enquête au Canada.

Application :
accident ferroviaire ou de productoduc

(5) Subsection 3(5) of the Act is repealed.

(5) Le paragraphe 3(5) de la même loi est abrogé. 20

R.S., c. C-33

Coastal Fisheries Protection Act

Loi sur la protection des pêches côtières

L.R., ch. C-33

1990, c. 44, s. 13

66. Subsections 4(2) and (3) of the Coastal Fisheries Protection Act are replaced by the following:

66. Les paragraphes 4(2) et (3) de la Loi sur la protection des pêches côtières sont remplacés par ce qui suit :

1990, ch. 44, art. 13

Fishing of sedentary species

(2) No person, being aboard a foreign fishing vessel or being a member of the crew of or attached to or employed on a foreign fishing vessel, shall fish or prepare to fish for a sedentary species of fish in any portion of the continental shelf of Canada that is beyond the limits of Canadian fisheries waters, unless authorized by this Act or the regulations or any other law of Canada.

(2) Sauf autorisation prévue par la présente loi ou ses règlements ou une autre loi 25 canadienne, il est interdit aux personnes se trouvant à bord d'un bateau de pêche étranger, ou qui y sont affectées ou employées, ou qui font partie de son équipage, de pêcher ou de se préparer à pêcher toute espèce sédentaire de poisson en quelque partie du plateau continental canadien située au-delà des eaux de pêche canadiennes.

Espèces sédentaires

Definition of "sedentary species"

(3) For the purposes of subsection (2), "sedentary species" means any living organism that, at the harvestable stage, either is immobile on or under the seabed or is unable 30 to move except in constant physical contact with the seabed or subsoil.

(3) Pour l'application du paragraphe (2), « espèce sédentaire » s'entend des organismes qui, au stade où ils peuvent être pêchés, 35 sont soit immobiles sur le fond de la mer ou dans le sous-sol marin, soit incapables de se déplacer autrement qu'en restant constamment en contact avec ce fond ou ce sous-sol. 40

Définition de « espèce sédentaire »

(2) For the purposes of this Part, "the sea" means

...

(c) any fishing zone prescribed under the *Territorial Sea and Fishing Zones Act*;

(d) any exclusive economic zone that may be created by Canada;

Canadian Transportation Accident Investigation and Safety Board Act

Clause 65: (1) to (5) These amendments are consequential on the definitions "Canada", "continental shelf", "internal waters" and "territorial sea" proposed by clause 88. The relevant portion of section 3 reads as follows:

3. (1) This Act applies in respect of aviation occurrences

(a) in or over Canada, including the internal waters of Canada and the territorial sea of Canada;

...

(2) This Act applies in respect of marine occurrences

(a) in Canada, including the internal waters of Canada and the territorial sea of Canada; and

...

(3) This Act also applies in respect of marine occurrences related to an activity concerning the exploration or exploitation of the continental shelf, where the marine occurrence takes place in waters above the continental shelf.

(4) This Act applies in respect of railway occurrences and commodity pipeline occurrences

(a) in Canada, including the internal waters of Canada and the territorial sea of Canada, if the railway or commodity pipeline is within the legislative authority of Parliament; and

...

(5) In this section,

"continental shelf" means the seabed and subsoil of those submarine areas that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the inner limits of the territorial sea of Canada, whichever is the greater;

"internal waters of Canada" has the same meaning as in subsection 3(2) of the *Territorial Sea and Fishing Zones Act*;

"territorial sea of Canada" means the territorial sea of Canada as determined in accordance with subsection 3(1) of the *Territorial Sea and Fishing Zones Act*.

Coastal Fisheries Protection Act

Clause 66: The amendment to subsection 4(2) and the repeal of the definition "continental shelf" are consequential on the definition "continental shelf" proposed by clause 88. The amendment to the definition "sedentary species" would bring it into line with the definition in Article 77 of

(2) Pour l'application de la présente partie, « mer » désigne :

...

c) la zone de pêche constituée conformément à la *Loi sur la mer territoriale et la zone de pêche*;

d) les zones que le Canada peut déclarer zones économiques exclusives;

Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports

Article 65. — Les modifications découlent des définitions de « Canada », « eaux intérieures », « mer territoriale » et « plateau continental » proposées à l'article 88. Texte des passages visés de l'article 3 :

3. (1) La présente loi s'applique à tout accident aéronautique survenu :

a) en territoire canadien, y compris les eaux intérieures et la mer territoriale, et dans l'espace aérien correspondant;

...

(2) La présente loi s'applique à tout accident maritime survenu en territoire canadien, y compris les eaux intérieures et la mer territoriale. Elle s'applique de plus à tout accident maritime survenu en tout autre lieu — y compris la zone visée au paragraphe (3) — lorsque soit une autorité compétente a présenté une demande d'enquête au Canada, soit est en cause un navire immatriculé ou muni d'un permis au Canada, soit un témoin de l'accident, habile à témoigner, ou une personne en possession de renseignements concernant un facteur possible de celui-ci arrive ou est trouvé quelque part au Canada.

(3) La présente loi s'applique aussi à tout accident maritime lié à une activité d'exploration ou d'exploitation du plateau continental et survenu dans toute zone de mer qui s'étend sur celui-ci.

(4) La présente loi s'applique à tout accident ferroviaire ou de productoduc survenu soit en territoire canadien — y compris les eaux intérieures et la mer territoriale — lorsque est en cause un chemin de fer ou un productoduc de compétence fédérale, soit en tout autre lieu lorsqu'une autorité compétente a présenté une demande d'enquête au Canada.

(5) Les définitions qui suivent s'appliquent au présent article.

« eaux intérieures » S'entend au sens du paragraphe 3(2) de la *Loi sur la mer territoriale et la zone de pêche*.

« mer territoriale » La mer territoriale du Canada délimitée conformément au paragraphe 3(1) de la *Loi sur la mer territoriale et la zone de pêche*.

« plateau continental » Le fond de la mer et le sous-sol des zones sous-marines qui s'étendent au-delà de la mer territoriale sur tout le prolongement naturel du territoire terrestre du Canada soit jusqu'au rebord externe de la marge continentale, soit jusqu'à deux cents milles marins des limites intérieures de la mer territoriale là où ce rebord se trouve à une distance inférieure.

Loi sur la protection des pêches côtières

Article 66. — La modification du paragraphe 4(2) et l'abrogation de la définition de « plateau continental » découlent de la définition de « plateau continental » proposée à l'article 88. La modification de la définition de « espèces sédentaires » a pour but de rendre celle-ci conforme à l'ar-

1992, c. 31 [c.
C-33.3]

Coasting Trade Act

67. (1) The definition "continental shelf" in subsection 2(1) of the *Coasting Trade Act* is repealed.

(2) The definition "Canadian waters" in subsection 2(1) of the Act is replaced by the following:

"Canadian waters"
« eaux canadiennes »

"Canadian waters" means the inland waters within the meaning of section 2 of the *Customs Act*, the internal waters of Canada and the territorial sea of Canada; 10

R.S., c. C-46

Criminal Code

1990, c. 44, s.
15

68. Subsection 477(1) of the *Criminal Code* is replaced by the following:

Definition of
"ship"

477. (1) In sections 477.1 to 477.4, "ship" includes any description of vessel, boat or craft designed, used or capable of being used solely or partly for marine navigation without regard to method or lack of propulsion. 15

1990, c. 44, s.
15

69. Section 477.1 of the Act is replaced by the following:

Offences
outside of
Canada

477.1 Every person who commits an act or omission that, if it occurred in Canada, would be an offence under a federal law, within the meaning of section 2 of the *Oceans Act*, is deemed to have committed that act or omission in Canada if it is an act or omission 25

(a) in the exclusive economic zone of Canada that

(i) is committed by a person who is in the exclusive economic zone of Canada in connection with exploring or exploiting, conserving or managing the natural resources, whether living or non-living, of the exclusive economic zone of Canada, and 35

(ii) is committed by or in relation to a person who is a Canadian citizen or a permanent resident within the meaning of the *Immigration Act*;

(b) that is committed in a place in or above the continental shelf of Canada and that is 40

Loi sur le cabotage

1992, ch. 31
[ch. C-33.3]

67. (1) La définition de « plateau continental », au paragraphe 2(1) de la *Loi sur le cabotage*, est abrogée.

(2) La définition de « eaux canadiennes », au paragraphe 2(1) de la même loi, est remplacée par ce qui suit : 5

« eaux canadiennes » Les eaux internes au sens de l'article 2 de la *Loi sur les douanes*, les eaux intérieures et la mer territoriale du Canada. 10

« eaux canadiennes »
"Canadian waters"

Code criminel

L.R., ch. C-46

68. Le paragraphe 477(1) du *Code criminel* est remplacé par ce qui suit :

1990, ch. 44,
art. 15

477. (1) Aux articles 477.1 à 477.4, « navire » s'entend de tout genre de bâtiment, bateau ou embarcation conçu, utilisé ou utilisable, exclusivement ou non, pour la navigation maritime, autopropulsé ou non et indépendamment de son mode de propulsion. 15

Définition de
« navire »

69. L'article 477.1 de la même loi est remplacé par ce qui suit : 20

1990, ch. 44,
art. 15

477.1 Le fait — acte ou omission — qui, survenu au Canada, constituerait une infraction au droit fédéral — au sens de l'article 2 de la *Loi sur les océans* — est réputé y avoir été commis s'il est survenu : 25

Infraction
commise à
l'extérieur du
Canada

a) dans la zone économique exclusive du Canada et que :

(i) d'une part, son auteur s'y trouvait aux fins d'exploration ou d'exploitation, de conservation ou de gestion des ressources naturelles, biologiques ou non, 30

(ii) d'autre part, il vise un citoyen canadien ou un résident permanent au sens de la *Loi sur l'immigration*; 35

b) dans un lieu situé sur le plateau continental du Canada ou dans l'espace marin ou aérien correspondant et constitue une infraction dans ce lieu par application de l'article 20 de la *Loi sur les océans*; 40

c) à l'extérieur du Canada, à bord ou au moyen d'un navire immatriculé ou auquel un permis ou un numéro d'enregistrement

the *United Nations Convention on the Law of the Sea*. Subsections 4(2) and (3) read as follows:

(2) No person, being aboard a foreign fishing vessel or being a member of the crew of or attached to or employed on a foreign fishing vessel, shall fish or prepare to fish for a sedentary species of fish in any portion of the continental shelf that is beyond the limits of Canadian fisheries waters, unless authorized by this Act or the regulations or any other law of Canada.

(3) For the purposes of subsection (2),

"continental shelf" has the same meaning as in the *Canadian Laws Offshore Application Act*;

"sedentary species" means any living organism that is immobile on or under the seabed or is unable to move except in constant physical contact with the seabed or subsoil.

Coasting Trade Act

Clause 67: (1) This amendment is consequential on the definition "continental shelf" proposed by clause 88. The definition "continental shelf" in subsection 2(1) reads as follows:

"continental shelf" has the same meaning as in the *Canadian Laws Offshore Application Act*;

(2) This amendment is consequential on the repeal of the definition "internal waters" proposed by clause 74 and on the definition "territorial sea" proposed by clause 88. The definition "Canadian waters" in subsection 2(1) reads as follows:

"Canadian waters" means the internal waters within the meaning of the *Customs Act* and the territorial sea of Canada as determined in accordance with the *Territorial Sea and Fishing Zones Act*;

Criminal Code

Clause 68: Subsection 477(1) reads as follows:

477. (1) In this section and sections 477.1 to 477.4,

(a) "fishing zone of Canada" has the same meaning as in the *Territorial Sea and Fishing Zones Act*, but does not include any portion of the internal waters or territorial sea; and

(b) unless the context otherwise requires, other words and expressions have the same meaning as in the *Canadian Laws Offshore Application Act*.

Clause 69: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13 and on the consolidation of section 5 of the *Canadian Laws Offshore Application Act* as clause 20. Section 477.1 reads as follows:

477.1 (1) Every person who commits an act or omission that would be an offence under a federal law if it occurred in Canada shall be deemed to have committed that act or omission in Canada if it occurred

(a) in a place in or above the continental shelf or in any exclusive economic zone created by Canada, where the act or omission is an

ticle 77 de la *Convention des Nations Unies sur le droit de la mer*. Texte des paragraphes 4(2) et (3) :

(2) Sauf autorisation prévue par la présente loi ou ses règlements ou une autre loi canadienne, il est interdit aux personnes se trouvant à bord d'un bateau de pêche étranger, ou qui y sont affectées ou employées, ou qui font partie de son équipage, de pêcher ou de se préparer à pêcher toute espèce sédentaire de poisson en quelque partie du plateau continental située au-delà des eaux de pêche canadiennes.

(3) Les définitions qui suivent s'appliquent au paragraphe (2).

« espèce sédentaire » Organismes qui sont, soit immobiles sur le fond de la mer ou dans le sous-sol marin, soit incapables de se déplacer autrement qu'en restant constamment en contact avec ce fond ou ce sous-sol.

« plateau continental » S'entend au sens de la *Loi sur l'application extracôtière des lois canadiennes*.

Loi sur le cabotage

Article 67, (1). — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte de la définition de « plateau continental » au paragraphe 2(1) :

« plateau continental » S'entend au sens de la *Loi sur l'application extracôtière des lois canadiennes*.

(2). — La modification découle de l'abrogation de la définition de « eaux intérieures » à l'article 74, ainsi que de la définition de « eaux intérieures » proposée à l'article 88. Texte de la définition de « eaux canadiennes » au paragraphe 2(1) :

« eaux canadiennes » Les eaux intérieures au sens de la *Loi sur les douanes* et la mer territoriale du Canada délimitée conformément à la *Loi sur la mer territoriale et la zone de pêche*.

Code criminel

Article 68. — Texte du paragraphe 477(1) :

477. (1) Au présent article et aux articles 477.1 à 477.4 :

a) « zone de pêche du Canada » s'entend au sens de la *Loi sur la mer territoriale et la zone de pêche*, à l'exclusion des parties de la zone de pêche comprises dans les eaux intérieures ou la mer territoriale;

b) sauf indication contraire du contexte, les autres termes s'entendent au sens de la *Loi sur l'application extracôtière des lois canadiennes*.

Article 69. — La modification découle de l'établissement de la zone économique exclusive du Canada proposé à l'article 13 et de la reprise, à l'article 20, de l'article 5 de la *Loi sur l'application extracôtière des lois canadiennes*. Texte de l'article 477.1 :

477.1 (1) L'auteur d'un fait — acte ou omission — qui, survenu au Canada, constituerait une infraction à une loi fédérale est réputé l'y avoir commis si le fait est survenu :

a) dans un lieu situé à l'intérieur des limites du plateau continental ou de l'espace marin ou aérien correspondant ou dans les limites d'une zone économique exclusive créée par le Canada, lorsque le fait consti-

an offence in that place by virtue of section 20 of the Oceans Act;

a été accordé sous le régime d'une loi fédérale;

(c) that is committed outside Canada on board or by means of a ship registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament;

d) à l'extérieur du Canada, lors d'une poursuite immédiate;

(d) that is committed outside Canada in the course of hot pursuit; or

e) à l'extérieur du territoire de tout État si son auteur est citoyen canadien.

(e) that is committed outside the territory of any state by a Canadian citizen.

1994, c. 44, s. 32

70. (1) Subsection 477.2(1) of the Act is replaced by the following:

70. (1) Le paragraphe 477.2(1) de la même loi est remplacé par ce qui suit :

1994, ch. 44, art. 32

Consent of Attorney General of Canada

477.2 (1) No proceedings in respect of an offence committed in or on the territorial sea of Canada shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

477.2 (1) Il est mis fin aux poursuites relatives à toute infraction présumée avoir été commise, dans les limites de la mer territoriale du Canada à bord d'un navire immatriculé à l'extérieur du Canada, par une personne n'ayant pas la citoyenneté canadienne, à moins que le procureur général du Canada n'ait donné son consentement au plus tard huit jours après qu'elles ont été intentées.

Consentement du procureur général

1994, c. 44, s. 32

(2) Subsections 477.2(2) and (3) of the Act are replaced by the following:

(2) Les paragraphes 477.2(2) et (3) de la même loi sont remplacés par ce qui suit :

1994, ch. 44, art. 32

Consent of Attorney General of Canada

(2) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1(a) or (b) shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(2) Il est mis fin aux poursuites relatives à une infraction qui, d'une part, est présumée avoir été commise à bord d'un navire immatriculé à l'extérieur du Canada par une personne n'ayant pas la citoyenneté canadienne et qui, d'autre part, ne ressortit aux tribunaux que par application des alinéas 477.1a) ou b), à moins que le procureur général du Canada n'ait donné son consentement au plus tard huit jours après qu'elles ont été intentées.

Consentement du procureur général

Consent of Attorney General of Canada

(3) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1(d) or (e) shall be continued unless the consent of the Attorney General of Canada is obtained not later than eight days after the proceedings are commenced.

(3) Il est mis fin aux poursuites relatives à une infraction qui ne ressortit aux tribunaux que par application des alinéas 477.1d) ou e), à moins que le procureur général du Canada n'ait donné son consentement au plus tard huit jours après qu'elles ont été intentées.

Consentement du procureur général

1990, c. 44, s. 15

71. (1) The portion of subsection 477.3(1) of the Act before paragraph (b) is replaced by the following:

71. (1) Le passage du paragraphe 477.3(1) de la même loi précédant l'alinéa b) est remplacé par ce qui suit :

1990, ch. 44, art. 15

40

offence in that place by virtue of section 5 of the *Canadian Laws Offshore Application Act*;

(b) in any fishing zone of Canada;

(c) outside Canada, on board or by means of a ship registered or licensed, or for which an identification number has been issued, pursuant to any Act of Parliament;

(d) outside Canada, in the course of hot pursuit; or

(e) in the case of a Canadian citizen, outside the territory of any state.

(2) Paragraph (1)(b) applies only where

(a) the act or omission is committed by a person who is in a fishing zone of Canada in connection with the exploration, exploitation, management or conservation of the living resources thereof; and

(b) the act or omission is committed by or in relation to a person who is a Canadian citizen or a permanent resident within the meaning of the *Immigration Act*.

Clause 70: (1) The addition of the words "of Canada" is consequential on the definition "territorial sea" proposed by clause 88. Subsection 477.2(1) reads as follows:

477.2 (1) No proceedings in respect of an offence committed by a person in or on the territorial sea shall be continued unless the consent of the Attorney General of Canada is obtained no later than eight days after proceedings are instituted, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(2) The changes in the references to section 477.1 are consequential on the amendment to that section proposed by clause 69. Subsections 477.2(2) and (3) read as follows:

(2) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1(1)(a) or (b) shall be continued unless the consent of the Attorney General of Canada is obtained no later than eight days after proceedings are instituted, if the accused is not a Canadian citizen and the offence is alleged to have been committed on board any ship registered outside Canada.

(3) No proceedings in respect of which courts have jurisdiction by virtue only of paragraph 477.1(1)(d) or (e) shall be continued unless the consent of the Attorney General of Canada is obtained no later than eight days after proceedings are instituted.

Clause 71: (1) The changes in the references to section 477.1 are consequential on the amendment to that section proposed by clause 69. The addition of the reference to section 2 is consequential on the repeal of paragraph

tue une infraction dans ce lieu en vertu de l'article 5 de la *Loi sur l'application extracôtière des lois canadiennes*;

b) dans la zone de pêche du Canada;

c) à l'extérieur du Canada, à bord ou au moyen d'un navire immatriculé ou auquel un permis ou un numéro d'enregistrement a été accordé sous le régime d'une loi fédérale;

d) à l'extérieur du Canada, lors d'une poursuite immédiate;

e) à l'extérieur du territoire de tout État si l'auteur du fait est citoyen canadien.

(2) L'alinéa (1)b) ne s'applique que si les conditions suivantes sont réunies :

a) l'auteur du fait se trouve dans la zone de pêche du Canada à l'occasion de son exploration ou de l'exploitation, la conservation ou la gestion de ses ressources biologiques;

b) l'auteur du fait, ou la personne à l'égard de laquelle celui-ci est survenu, est citoyen canadien ou résident permanent au sens de la *Loi sur l'immigration*.

Article 70, (1). — La modification découle de la définition de « mer territoriale » proposée à l'article 88. Texte du paragraphe 477.2(1) :

477.2 (1) Il est mis fin aux poursuites à l'égard d'une infraction commise dans les limites de la mer territoriale par une personne qui n'a pas la citoyenneté canadienne, à moins que le procureur général du Canada n'ait donné son consentement au plus tard huit jours après qu'elles ont été intentées si l'infraction est présumée avoir été commise à bord d'un navire immatriculé à l'extérieur du Canada.

(2). — La modification fait suite à la modification de l'article 477.1 par l'article 69. Texte des paragraphes 477.2(2) et (3) :

(2) Il est mis fin aux poursuites à l'égard desquelles les tribunaux ont compétence en vertu des alinéas 477.1(1)a) ou b) à l'égard d'une infraction commise par une personne qui n'a pas la citoyenneté canadienne, à moins que le procureur général du Canada n'ait donné son consentement au plus tard huit jours après qu'elles ont été intentées si l'infraction est présumée avoir été commise à bord d'un navire immatriculé à l'extérieur du Canada.

(3) Il est mis fin aux poursuites à l'égard desquelles les tribunaux ont compétence en vertu des alinéas 477.1(1)d) ou e), à moins que le procureur général du Canada n'ait donné son consentement au plus tard huit jours après qu'elles ont été intentées.

Article 71, (1). — La modification des renvois à l'article 477.1 découle des modifications apportées à celui-ci à l'article 69. L'addition du renvoi à l'article 2 fait suite à l'abrogation de l'alinéa 477(1)b) à l'article 68. Texte des passages visés du paragraphe 477.3(1) :

Exercising powers of arrest, entry, etc.

477.3 (1) Every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of an act or omission referred to in section 477.1 may be exercised, in the circumstances referred to in that section,

(a) at the place or on board the ship or marine installation or structure, within the meaning of section 2 of the *Oceans Act*, where the act or omission occurred; or

(2) Subsections 477.3(2) and (3) of the Act are replaced by the following:

(2) A justice or judge in any territorial division in Canada has jurisdiction to authorize an arrest, entry, search or seizure or an investigation or other ancillary matter related to an offence

(a) committed in or on the territorial sea of Canada or any area of the sea that forms part of the internal waters of Canada, or

(b) referred to in section 477.1

in the same manner as if the offence had been committed in that territorial division.

(3) Where an act or omission that is an offence by virtue only of section 477.1 is alleged to have been committed on board any ship registered outside Canada, the powers referred to in subsection (1) shall not be exercised outside Canada with respect to that act or omission without the consent of the Attorney General of Canada.

72. (1) Subsections 477.4(1) and (2) of the Act are repealed.

(2) Paragraphs 477.4(3)(a) and (b) of the Act are replaced by the following:

(a) a certificate referred to in subsection 23(1) of the *Oceans Act*, or

(b) a certificate issued by or under the authority of the Minister of Foreign Affairs containing a statement that any geographical location specified in the certificate was, at any time material to the proceedings, in an area of a fishing zone of Canada that is not within the internal waters of

477.3 (1) Tous les pouvoirs — notamment ceux d'arrestation, d'accès à des lieux, de perquisition, de fouille et de saisie — qui peuvent être exercés au Canada à l'égard d'un fait visé à l'article 477.1 peuvent l'être à cet égard et dans les circonstances mentionnées à cet article :

a) à l'endroit ou à bord du navire ou de l'ouvrage en mer — au sens de l'article 2 de la *Loi sur les océans* — où le fait est survenu;

(2) Les paragraphes 477.3(2) et (3) de la même loi sont remplacés par ce qui suit :

(2) Un juge de paix ou un juge de toute circonscription territoriale au Canada a compétence pour autoriser les mesures d'enquête et autres mesures accessoires — notamment en matière d'arrestation, d'accès à des lieux, de perquisition, de fouille et de saisie — à l'égard d'une infraction soit visée à l'article 477.1, soit commise dans les limites de la mer territoriale du Canada ou dans un espace maritime faisant partie des eaux intérieures du Canada, comme si elle avait été perpétrée dans son ressort ordinaire.

(3) Dans le cas où un fait qui ne constitue une infraction que par application de l'article 477.1 est présumé survenu à bord d'un navire immatriculé à l'extérieur du Canada, les pouvoirs mentionnés au paragraphe (1) ne peuvent être exercés à l'extérieur du Canada à l'égard de ce fait sans le consentement du procureur général du Canada.

72. (1) Les paragraphes 477.4(1) et (2) de la même loi sont abrogés.

(2) Les alinéas 477.4(3)a) et b) de la même loi sont remplacés par ce qui suit :

a) visé au paragraphe 23(1) de la *Loi sur les océans*;

b) délivré sous l'autorité du ministre des Affaires étrangères et attestant qu'un lieu se trouvait à un moment donné soit dans une partie d'une zone de pêche non comprise dans les eaux intérieures ou la mer territoriale du Canada, soit à l'extérieur de tout État.

Exercice de pouvoirs d'arrestation, d'accès à des lieux, etc.

1990, ch. 44, art. 15

Pouvoirs des tribunaux

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Réserve

1990, ch. 44, art. 15

1990, ch. 44, art. 15; 1995, ch. 5, al. 25(1)g

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1990, c. 44, s. 15

Arrest, search, seizure, etc.

Limitation

1990, c. 44, s. 15

1990, c. 44, s. 15; 1995, c. 5, par. 25(1)g

477(1)(b) proposed by clause 68. The relevant portion of subsection 477.3(1) reads as follows:

477.3 (1) Every power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of an act or omission referred to in subsection 477.1(1), and in the circumstances referred to in that subsection, may be exercised

(a) at the place or on board the ship or marine installation or structure where the act or omission occurred; or

(2) The addition of the words "of Canada" is consequential on the definition "territorial sea" proposed by clause 88. The changes in the references to section 477.1 are consequential on the amendment to that section proposed by clause 69. Subsections 477.3(2) and (3) read as follows:

(2) A justice or a judge in any territorial division in Canada has jurisdiction to authorize an arrest, entry, search or seizure or an investigation or other ancillary matter related to an offence

(a) committed in or on the territorial sea or any area of the sea that forms part of the internal waters, or

(b) referred to in subsection 477.1(1)

in the same manner as if the offence had been committed in that territorial division.

(3) Where an act or omission that is an offence by virtue only of subsection 477.1(1) is alleged to have been committed on board any ship registered outside Canada, the powers referred to in subsection (1) shall not be exercised outside Canada with respect to that act or omission without the consent of the Attorney General of Canada.

Clause 72: (1) The repeal of subsection 477.4(1) is consequential on proposed sections 481.1 and 481.2. The repeal of subsection 477.4(2) is consequential on proposed section 481.3. Subsections 477.4(1) and (2) read as follows:

477.4 (1) Proceedings in respect of an offence

(a) committed in or on the territorial sea or any area of the sea that forms part of the internal waters, or

(b) referred to in subsection 477.1(1)

may, whether or not the accused is in Canada, be commenced in any territorial division in Canada and the accused may be tried and punished in respect of that offence in the same manner as if the offence had been committed in that territorial division.

(2) For greater certainty, the provisions of this Act relating to

(a) the requirement of the appearance of an accused at proceedings, and

477.3 (1) Tous les pouvoirs, notamment ceux d'arrestation, de perquisition, de fouille et de saisie de même que celui de pénétrer dans tout lieu, qui peuvent être exercés au Canada à l'égard d'un fait visé au paragraphe 477.1(1) peuvent l'être à cet égard et dans les circonstances mentionnées à ce paragraphe :

a) à l'endroit ou à bord du navire ou de l'ouvrage en mer où le fait est survenu;

(2). — La modification des renvois à l'article 477.1 découle des modifications apportées à celui-ci à l'article 69. L'adjonction des mots « du Canada » découle de la définition de « mer territoriale » proposée à l'article 88. Texte des paragraphes 477.3(2) et (3) :

(2) Un juge de paix ou un juge de toute circonscription territoriale au Canada a compétence pour autoriser les mesures d'enquête et autres mesures accessoires à l'égard d'une infraction commise dans les limites de la mer territoriale ou de toute zone de mer qui fait partie des eaux intérieures, ou visée au paragraphe 477.1(1), notamment en matière d'arrestation, d'accès à des lieux, de perquisition, de fouille et de saisie, comme si l'infraction avait été perpétrée dans son ressort ordinaire.

(3) Dans le cas où un fait qui constitue une infraction en vertu du paragraphe 477.1(1) seulement est présumé survenu à bord d'un navire immatriculé à l'extérieur du Canada, les pouvoirs mentionnés au paragraphe (1) ne peuvent être exercés à l'extérieur du Canada à l'égard de ce fait sans le consentement du procureur général du Canada.

Article 72, (1). — Les paragraphes 477.4(1) et (2) sont remplacés par les articles 481.1, 481.2 et 481.3 proposés à l'article 73. Texte des paragraphes 477.4(1) et (2) :

477.4 (1) L'infraction commise dans les limites de la mer territoriale ou de toute zone de mer qui fait partie des eaux intérieures, ou visée au paragraphe 477.1(1), peut être poursuivie dans toute circonscription territoriale du Canada, que l'accusé soit présent ou non au Canada; l'accusé peut être jugé et puni comme si l'infraction avait été commise dans cette circonscription.

(2) Il est précisé, pour plus de sûreté, que s'appliquent aux procédures intentées dans toute circonscription territoriale sous le régime du paragraphe (1) ou de l'article 481 :

a) les dispositions de la présente loi qui se rapportent à l'obligation de la comparution de l'accusé à des procédures;

b) les exceptions à cette obligation.

Canada or the territorial sea of Canada or outside the territory of any state,

73. The Act is amended by adding the following after section 481:

Offence in Canadian waters

481.1 Where an offence is committed in or on the territorial sea of Canada or any area of the sea that forms part of the internal waters of Canada, proceedings in respect thereof may, whether or not the accused is in Canada, be commenced and an accused may be charged, tried and punished within any territorial division in Canada in the same manner as if the offence had been committed in that territorial division.

73. La même loi est modifiée par adjonction, après l'article 481, de ce qui suit :

481.1 L'infraction commise dans les limites de la mer territoriale du Canada ou de tout espace maritime faisant partie des eaux intérieures du Canada peut être poursuivie, jugée et punie dans toute circonscription territoriale du Canada comme si l'infraction avait été commise dans cette circonscription, que l'accusé soit présent ou non au Canada.

Infraction commise dans les eaux canadiennes

Offence outside Canada

481.2 Subject to this or any other Act of Parliament, where an act or omission is committed outside Canada and the act or omission, when committed in those circumstances, is an offence under this or any other Act of Parliament, proceedings in respect thereof may, whether or not the accused is in Canada, be commenced and an accused may be charged, tried and punished within any territorial division in Canada in the same manner as if the offence had been committed in that territorial division.

481.2 Sous réserve des autres dispositions de la présente loi et de toute autre loi fédérale, le fait — acte ou omission — survenu à l'extérieur du Canada et constituant, même dans ce cas, une infraction à la présente loi ou à une autre loi fédérale peut être poursuivi, jugé et puni dans toute circonscription territoriale du Canada comme si le fait était survenu au Canada, que l'accusé soit présent ou non au Canada.

Infraction commise à l'extérieur du Canada

Appearance of accused at trial

481.3 For greater certainty, the provisions of this Act relating to

- (a) the requirement of the appearance of an accused at proceedings, and
(b) the exceptions to that requirement

apply to proceedings commenced in any territorial division pursuant to section 481, 481.1 or 481.2.

481.3 Il est entendu que les dispositions de la présente loi qui régissent la comparution de l'accusé dans le cadre des procédures le concernant s'appliquent aux poursuites visées par les articles 481, 481.1 et 481.2.

Comparution de l'accusé au procès

R.S., c. 1 (2nd Suppl.) [c. C-52.6]

Customs Act

Loi sur les douanes

L.R., ch. 1 (2e suppl.) [ch. C-52.6]

74. (1) The definitions "Canada", "internal waters" and "territorial sea" in subsection 2(1) of the Customs Act are repealed.

74. (1) Les définitions de « Canada », « eaux intérieures » et « mer territoriale », au paragraphe 2(1) de la Loi sur les douanes, sont abrogées.

(2) Subsection 2(2) of the Act is replaced by the following:

(2) Le paragraphe 2(2) de la même loi est 30 remplacé par ce qui suit :

(2) The Governor in Council may from time to time by regulation temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland wa-

(2) Le gouverneur en conseil peut par règlement, à titre temporaire, soustraire à l'application de la présente loi des zones déterminées des eaux canadiennes, y com-

Exclusion de certaines zones

Restriction of Canadian waters

(b) the exceptions to that requirement

apply to proceedings commenced in any territorial division pursuant to subsection (1) or section 481.

(2) The amendment to paragraph (a) is consequential on the consolidation of subsection 10(1) of the *Canadian Laws Offshore Application Act* as subsection 23(1). The change in the reference to a fishing zone of Canada is consequential on the repeal of paragraph 477(1)(a) proposed by clause 68. Subsection 477.4(3) reads as follows:

(3) In proceedings in respect of an offence,

(a) a certificate referred to in subsection 10(1) of the *Canadian Laws Offshore Application Act*, or

(b) a certificate issued by or under the authority of the Minister of Foreign Affairs containing a statement that any geographical location specified in the certificate was, at any time material to the proceedings, in a fishing zone of Canada or outside the territory of any state,

is conclusive proof of the truth of the statement without proof of the signature or official character of the person appearing to have issued the certificate.

Clause 73: Though new in form, proposed section 481.1 is in substance a consolidation of part of subsection 477.4(1), while section 481.3 is in substance a consolidation of subsection 477.4(2).

(2). — La modification de l'alinéa a) découle de la reprise, au paragraphe 23(1), de l'article 10 de la *Loi sur l'application extracôtière des lois canadiennes*. La suppression de la mention de la zone de pêche fait suite à l'abrogation, à l'article 68, de l'alinéa 477(1)a). Texte des passages introductif et visés du paragraphe 477.4(3) :

(3) Dans toute procédure intentée à l'égard d'une infraction, fait foi de son contenu, de façon concluante, le certificat, selon le cas :

a) visé au paragraphe 10(1) de la *Loi sur l'application extracôtière des lois canadiennes*;

b) délivré sous l'autorité du ministre des Affaires étrangères et attestant qu'un lieu se trouvait à un moment donné soit dans la zone de pêche du Canada, soit à l'extérieur de tout État.

Article 73. — Les articles 481.1 à 481.3 sont nouveaux et reprennent la substance des paragraphes 477.4(1) et (2).

Customs Act

Clause 74: (1) These amendments are consequential on the definitions "Canada", "internal waters" and "territorial sea" proposed by clause 88. The definitions "Canada", "internal waters" and "territorial sea" in subsection 2(1) read as follows:

"Canada" includes the land mass of Canada, the internal waters and the territorial sea;

"internal waters of Canada" includes

(a) any areas of the sea that are on the landward side of the baselines of the territorial sea and any areas of the sea, other than the territorial sea, in respect of which Canada has a historic or other title of sovereignty, and

Loi sur les douanes

Article 74, (1). — La modification découle des définitions de « Canada », « eaux intérieures » et « mer territoriale » proposées à l'article 88. Texte des définitions de « Canada », « eaux intérieures » et « mer territoriale » au paragraphe 2(1) :

« Canada » Le Canada comprend la masse continentale du Canada, les eaux intérieures et la mer territoriale.

« eaux intérieures » Sont comprises parmi les eaux intérieures :

a) les zones de mer situées entre le littoral et les lignes de base de la mer territoriale, ainsi que toute zone de mer, autre que la mer territoriale, sur laquelle le Canada a un titre de souveraineté historique ou autre;

ters, but no such regulation shall be construed as foregoing any Canadian rights in respect of waters so restricted.

pris les eaux internes; le cas échéant, un tel règlement n'emporte aucune renonciation de la souveraineté du Canada sur les zones ainsi soustraites.

75. Subsection 11(5) of the Act is replaced by the following:

75. Le paragraphe 11(5) de la même loi 5 est remplacé par ce qui suit :

Exception

(5) Subsections (1) and (3) do not apply to any person who enters Canadian waters, including the inland waters, or the airspace over Canada while proceeding directly from one place outside Canada to another place outside Canada unless an officer requires that person to comply with those subsections.

(5) Les paragraphes (1) et (3) ne s'appliquent qu'à la demande de l'agent aux personnes qui se rendent directement d'un lieu à un autre de l'extérieur du Canada en passant 10 par les eaux canadiennes, y compris les eaux internes, ou l'espace aérien du Canada.

Exception : transit

76. Subsection 12(5) of the Act is replaced by the following:

76. Le paragraphe 12(5) de la même loi 15 est remplacé par ce qui suit :

Exception

(5) This section does not apply in respect of goods on board a conveyance that enters Canadian waters, including the inland waters, or the airspace over Canada while proceeding directly from one place outside Canada to another place outside Canada unless an officer otherwise requires.

(5) Le présent article ne s'applique qu'à la 15 demande de l'agent aux marchandises se trouvant à bord d'un moyen de transport qui se rend directement d'un lieu à un autre de l'extérieur du Canada en passant par les eaux canadiennes, y compris les eaux internes, ou 20 l'espace aérien du Canada.

Exception : transit

R.S., c. C-53

Customs and Excise Offshore Application Act

Loi sur la compétence extracôtière du Canada pour les douanes et l'accise

L.R., ch. C-53

R.S., c. 1 (2nd Supp.), s. 213(3) (Sch. III, item 2)

77. (1) The definitions "continental shelf", "internal waters" and "territorial sea" in subsection 2(1) of the *Customs and Excise Offshore Application Act* are repealed.

77. (1) Les définitions de « eaux intérieures », « mer territoriale » et « plateau continental », au paragraphe 2(1) de la *Loi sur la compétence extracôtière du Canada 25 pour les douanes et l'accise*, sont abrogées.

L.R., ch. 1 (2^e suppl.), par. 213(3), ann. III, n^o 2

(2) Subsection 2(3) of the Act is repealed.

(2) Le paragraphe 2(3) de la même loi est abrogé.

78. Paragraphs 7(a) to (c) of the Act are replaced by the following:

78. Les alinéas 7a) à c) de la même loi 30 sont remplacés par ce qui suit :

(a) within the limits of the continental shelf of Canada, or

a) soit dans les limites du plateau continental canadien;

(b) in Canadian waters, including the inland waters within the meaning of section 2 of the *Customs Act*,

b) soit dans les eaux canadiennes, y compris les eaux internes au sens de l'article 2 de la *Loi sur les douanes*.

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R.S., c. 41 (3rd Supp.) [c. C-54.01]

Customs Tariff

Tarif des douanes

L.R., ch. 41 (3^e suppl.) [ch. C-54.01]

79. Section 9 of the *Customs Tariff* is replaced by the following:

79. L'article 9 du *Tarif des douanes* est remplacé par ce qui suit :

(b) the inland waters;

"territorial sea" means the territorial sea of Canada as determined in accordance with the *Territorial Sea and Fishing Zones Act*;

(2) This amendment is consequential on the definition "Canadian waters" proposed by clause 88 and on the repeal of the definition "internal waters" proposed by subclause (1). Subsection 2(2) reads as follows:

(2) The Governor in Council may from time to time by proclamation temporarily restrict, for the purposes of this Act, the extent of the territorial sea or the internal waters, but such proclamation shall not be construed as foregoing any Canadian rights in respect of waters so restricted.

Clause 75: This amendment is consequential on the definition "Canadian waters" proposed by clause 88 and on the repeal of the definition "internal waters" proposed by subclause 74(1). Subsection 11(5) reads as follows:

(5) Subsections (1) and (3) do not apply to any person who enters the internal waters, the territorial sea or the airspace over Canada while he is proceeding directly from one place outside Canada to another place outside Canada unless an officer requires that person to comply therewith.

Clause 76: This amendment is consequential on the definition "Canadian waters" proposed by clause 88 and on the repeal of the definition "internal waters" proposed by subclause 74(1). Subsection 12(5) reads as follows:

(5) This section does not apply in respect of goods on board a conveyance that enters the internal waters, the territorial sea or the airspace over Canada while it is proceeding directly from one place outside Canada to another place outside Canada unless an officer otherwise requires.

Customs and Excise Offshore Application Act

Clause 77: (1) The repeal of the definitions "continental shelf" and "territorial sea" is consequential on the definitions "continental shelf" and "territorial sea" proposed by clause 88. The repeal of the definition "internal waters" is consequential on the repeal of the definition "internal waters" proposed by subclause 74(1). The definitions "continental shelf", "internal waters" and "territorial sea" in subsection 2(1) read as follows:

"continental shelf" means the seabed and subsoil of those submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the inner limits of the territorial sea, whichever is greater, or that extend to such other limits as are prescribed pursuant to subsection (3);

"internal waters" has the same meaning as in the *Customs Act*;

"territorial sea" means the territorial sea of Canada as determined in accordance with the *Territorial Sea and Fishing Zones Act*;

(2) This amendment is consequential on clauses 17 and 25. Subsection 2(3) reads as follows:

b) les eaux internes.

« mer territoriale » La mer territoriale du Canada délimitée conformément à la *Loi sur la mer territoriale et la zone de pêche*.

(2). — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88, ainsi que de l'abrogation de la définition de « eaux intérieures » par le paragraphe (1). Texte du paragraphe 2(2) :

(2) Le gouverneur en conseil peut par proclamation, à titre temporaire, soustraire à l'application de la présente loi des zones déterminées de la mer territoriale ou des eaux intérieures; le cas échéant, cette proclamation n'entraîne nulle renonciation de la souveraineté du Canada sur les zones ainsi soustraites.

Article 75. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88, ainsi que de l'abrogation de la définition de « eaux intérieures » par le paragraphe 74(1). Texte du paragraphe 11(5) :

(5) Les paragraphes (1) et (3) ne s'appliquent qu'à la demande de l'agent aux personnes qui se rendent directement d'un lieu à un autre de l'extérieur du Canada en passant par les eaux intérieures, la mer territoriale ou l'espace aérien du Canada.

Article 76. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88, ainsi que de l'abrogation de la définition de « eaux intérieures » par le paragraphe 74(1). Texte du paragraphe 12(5) :

(5) Le présent article ne s'applique qu'à la demande de l'agent aux marchandises se trouvant à bord d'un moyen de transport qui se rend directement d'un lieu à un autre de l'extérieur du Canada en passant par les eaux intérieures, la mer territoriale ou l'espace aérien du Canada.

Loi sur la compétence extracôtière du Canada pour les douanes et l'accise

Article 77, (1). — La modification découle des définitions de « mer territoriale » et « plateau continental » proposées à l'article 88, ainsi que de l'abrogation de la définition de « eaux intérieures » au paragraphe 74(1). Texte des définitions de « eaux intérieures », « mer territoriale » et « plateau continental » au paragraphe 2(1) :

« eaux intérieures » Eaux intérieures au sens de la *Loi sur les douanes*.

« mer territoriale » La mer territoriale du Canada délimitée conformément à la *Loi sur la mer territoriale et la zone de pêche*.

« plateau continental » Le fond de la mer et le sous-sol des zones sous-marines qui s'étendent au-delà de la mer territoriale et sur tout le prolongement naturel du territoire terrestre du Canada, soit jusqu'au rebord externe de la marge continentale, soit jusqu'à deux cents milles marins des limites intérieures de la mer territoriale là où ce rebord se trouve à une distance inférieure, soit jusqu'aux limites fixées en application du paragraphe (3).

(2). — La modification découle des articles 17 et 25. Texte du paragraphe 2(3) :

Restriction of Canadian waters

9. For greater certainty, any regulation made pursuant to subsection 2(2) of the *Customs Act* applies so as to temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland waters.

9. Il est entendu que le règlement pris en vertu du paragraphe 2(2) de la *Loi sur les douanes* s'applique de manière à soustraire temporairement, pour l'application de la présente loi, des zones déterminées des eaux canadiennes — y compris les eaux internes — à l'application de cette loi.

Zones soustraites des eaux canadiennes

R.S., c. E-6

Energy Administration Act

Loi sur l'administration de l'énergie

L.R., ch. E-6

80. The definition "offshore area" in section 20 of the *Energy Administration Act* is replaced by the following:

80. La définition de « zone extracôtière », à l'article 20 de la *Loi sur l'administration de l'énergie*, est remplacée par ce qui suit :

"offshore area" « zone extracôtière »

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada;

« zone extracôtière » L'île de Sable ou toute étendue de terre, hors des limites d'une province, qui appartient à Sa Majesté du chef du Canada ou dont celle-ci a le droit d'aliéner ou d'exploiter les ressources naturelles et qui est située dans les zones sous-marines faisant partie des eaux intérieures, de la mer territoriale ou du plateau continental du Canada.

« zone extracôtière » "offshore area"

R.S., c. E-8

Energy Monitoring Act

Loi sur la surveillance du secteur énergétique

L.R., ch. E-8

81. The definition "Canada" in subsection 2(1) of the *Energy Monitoring Act* is replaced by the following:

81. La définition de « Canada », au paragraphe 2(1) de la *Loi sur la surveillance du secteur énergétique*, est remplacée par ce qui suit :

"Canada" « Canada »

"Canada" includes the continental shelf of Canada;

« Canada » Fait notamment partie du territoire du Canada le plateau continental de celui-ci.

« Canada » "Canada"

R.S., c. E-15

Excise Tax Act

Loi sur la taxe d'accise

L.R., ch. E-15

R.S., c. 7 (2nd Suppl.), s. 34(1)

82. Paragraph 70(1)(d) of the *Excise Tax Act* is replaced by the following:

82. L'alinéa 70(1)d) de la *Loi sur la taxe d'accise* est remplacé par ce qui suit :

L.R., ch. 7 (2^e suppl.), par. 34(1)

(d) goods delivered to telegraph cable ships proceeding on an ocean voyage for use in laying or repairing oceanic telegraph cables outside Canadian waters.

d) livrées aux navires poseurs de câbles télégraphiques en voyage océanique et devant servir à la pose ou à la réparation de câbles télégraphiques océaniques hors des eaux canadiennes.

R.S., c. F-7

Federal Court Act

Loi sur la Cour fédérale

L.R., ch. F-7

83. Paragraph 22(3)(c) of the *Federal Court Act* is replaced by the following:

83. L'alinéa 22(3)c) de la *Loi sur la Cour fédérale* est remplacé par ce qui suit :

(c) in relation to all claims, whether arising on the high seas, in Canadian waters or elsewhere and whether those waters are naturally navigable or artificially made so,

c) à toutes les demandes, que les faits y donnant lieu se soient produits en haute mer ou dans les eaux canadiennes ou ailleurs et que ces eaux soient naturellement

(3) The Governor in Council may make regulations prescribing seaward limits of the continental shelf or any portion thereof for the purpose of the definition "continental shelf" in subsection (1).

Clause 78: This amendment is consequential on the definition "continental shelf" proposed by clause 88 and on the repeal of the definitions "internal waters" and "territorial sea" proposed by subclause 77(1). Section 7 reads as follows:

7. Where, after June 30, 1983, goods referred to in section 5 or 6, other than goods under lease that are not Canadian-owned, are used exclusively for a period of five successive years after June 30, 1983

- (a) within the limits of the continental shelf,
- (b) in the territorial sea, or
- (c) in the internal waters,

those goods shall, after that five year period, be deemed to be duty and tax paid goods under federal customs laws.

Customs Tariff

Clause 79: This amendment is consequential on subclause 74(2). Section 9 reads as follows:

9. For greater certainty, any proclamation issued pursuant to subsection 2(2) of the *Customs Act* applies so as to restrict temporarily, for the purposes of this Act, the extent of the territorial sea or the internal waters.

Energy Administration Act

Clause 80: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The definition "offshore area" in section 20 reads as follows:

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in those submarine areas adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is greater;

Energy Monitoring Act

Clause 81: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The definition "Canada" in subsection 2(1) reads as follows:

"Canada" includes those submarine areas adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is the greater;

Excise Tax Act

Clause 82: This amendment is consequential on the definition "Canadian waters" proposed by clause 88. The relevant portion of subsection 70(1) reads as follows:

(3) Le gouverneur en conseil peut, par règlement, fixer les limites externes de tout ou partie du plateau continental pour l'application de la définition de « plateau continental » au paragraphe (1).

Article 78. — La modification découle de la définition de « plateau continental » proposée à l'article 88, ainsi que de l'abrogation des définitions de « eaux intérieures » et « mer territoriale » au paragraphe 77(1). Texte de l'article 7 :

7. Sont réputés libérés des droits et taxes de la législation douanière fédérale les biens visés aux articles 5 ou 6, à l'exclusion des biens loués qui ne sont pas d'appartenance canadienne, s'ils ont été utilisés exclusivement pendant cinq années consécutives suivant le 30 juin 1983 :

- a) soit dans les limites du plateau continental;
- b) soit dans la mer territoriale;
- c) soit dans les eaux intérieures.

Tarif des douanes

Article 79. — La modification découle du paragraphe 74(2). Texte de l'article 9 :

9. Il est entendu qu'une proclamation prise en vertu du paragraphe 2(2) de la *Loi sur les douanes* s'applique de manière à soustraire temporairement, pour l'application de la présente loi, des zones déterminées de la mer territoriale ou des eaux intérieures à l'application de cette loi.

Loi sur l'administration de l'énergie

Article 80. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte de la définition de « zone extracôtière » à l'article 20 :

« zone extracôtière » L'île de Sable ou toute étendue de terre, hors des limites d'une province, qui appartient à Sa Majesté du chef du Canada ou dont cette dernière peut exploiter les ressources naturelles ou en disposer et qui est située dans les zones sous-marines adjacentes à la côte canadienne, s'étendant au prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale si le rebord de la marge continentale se trouve à une distance inférieure.

Loi sur la surveillance du secteur énergétique

Article 81. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte de la définition de « Canada » au paragraphe 2(1) :

« Canada » S'entend notamment des zones sous-marines adjacentes à la côte canadienne, s'étendant au prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale si le rebord de la marge continentale se trouve à une distance inférieure.

Loi sur la taxe d'accise

Article 82. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88. Texte des passages introductif et visé du paragraphe 70(1) :

including, without restricting the generality of the foregoing, in the case of salvage, claims in respect of cargo or wreck found on the shores of those waters; and

ou artificiellement navigables, et notamment, dans le cas de sauvetage, aux demandes relatives aux cargaisons ou épaves trouvées sur les rives de ces eaux;

84. Paragraph 43(4)(b) of the Act is replaced by the following:

84. L'alinéa 43(4)b) de la même loi est remplacé par ce qui suit :

(b) the cause of action arose in Canadian waters; or

b) soit que le fait générateur soit survenu dans les eaux canadiennes;

85. Subsection 55(1) of the Act is replaced by the following:

85. Le paragraphe 55(1) de la même loi est remplacé par ce qui suit :

Application of process

55. (1) The process of the Court runs throughout Canada and any other place to which legislation enacted by Parliament has been made applicable.

55. (1) Les moyens de contrainte de la Cour sont exécutoires dans tout le Canada et en tout autre lieu où s'applique la législation fédérale.

Champ d'application

R.S., c. F-28

Foreign Enlistment Act

Loi sur l'enrôlement à l'étranger

L.R., ch. F-28

R.S., c. 1 (2nd Suppl.), s. 213(1) (Sch. I, item 6)

86. The definition "within Canada" in section 2 of the *Foreign Enlistment Act* is repealed.

86. La définition de « dans les limites du Canada », à l'article 2 de la *Loi sur l'enrôlement à l'étranger*, est abrogée.

R.S., c. I-21

Interpretation Act

Loi d'interprétation

L.R., ch. I-21

87. Section 8 of the *Interpretation Act* is amended by adding the following after subsection (2):

87. L'article 8 de la *Loi d'interprétation* est modifié par adjonction, après le paragraphe (2), de ce qui suit :

Exclusive economic zone of Canada

(2.1) Every enactment that applies in respect of exploring or exploiting, conserving or managing natural resources, whether living or non-living, applies, in addition to its application to Canada, to the exclusive economic zone of Canada, unless a contrary intention is expressed in the enactment.

(2.1) Le texte applicable, au Canada, à l'exploration et à l'exploitation, la conservation et la gestion des ressources naturelles biologiques ou non biologiques s'applique également, à moins que le contexte n'exprime une intention différente, à la zone économique exclusive du Canada.

Zone économique exclusive du Canada

Continental shelf of Canada

(2.2) Every enactment that applies in respect of exploring or exploiting natural resources that are

(2.2) S'applique également au plateau continental du Canada, à moins que le contexte n'exprime une intention différente, le texte applicable, au Canada, à l'exploration et à l'exploitation :

Plateau continental du Canada

(a) mineral or other non-living resources of the seabed or subsoil, or

a) des ressources minérales et autres ressources naturelles non biologiques des fonds marins et de leur sous-sol;

(b) living organisms belonging to sedentary species, that is to say, organisms that, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil

b) des organismes vivants qui appartiennent aux espèces sédentaires, c'est-à-dire les organismes qui, au stade où ils peuvent être pêchés, sont soit immobiles sur le fond ou au-dessous du fond, soit incapables de se déplacer autrement qu'en restant constamment en contact avec le fond ou le sous-sol.

applies, in addition to its application to Canada, to the continental shelf of Canada, unless a contrary intention is expressed in the enactment.

70. (1) Subject to subsection (5), on application, the Minister may, under regulations of the Governor in Council, grant a drawback of the taxes imposed by Part III, IV, V or VI and paid on or in respect of

...

(d) goods delivered to telegraph cable ships proceeding on an ocean voyage for use in laying or repairing oceanic telegraph cables outside Canadian territorial waters.

Federal Court Act

Clause 83: This amendment is consequential on the definition "Canadian waters" proposed by clause 88. The relevant portion of subsection 22(3) reads as follows:

(3) For greater certainty, it is hereby declared that the jurisdiction conferred on the Court by this section is applicable

...

(c) in relation to all claims, whether arising on the high seas or within the limits of the territorial, internal or other waters of Canada or elsewhere and whether those waters are naturally navigable or artificially made so, including, without restricting the generality of the foregoing, in the case of salvage, claims in respect of cargo or wreck found on the shores of those waters; and

Clause 84: This amendment is consequential on the definition "Canadian waters" proposed by clause 88. The relevant portion of subsection 43(4) reads as follows:

(4) No action *in personam* may be commenced in Canada for a collision between ships unless

...

(b) the cause of action arose within the territorial, internal or other waters of Canada; or

Clause 85: This amendment is consequential on the definition "Canada" proposed by clause 88. The relevant portion of subsection 55(1) reads as follows:

55. (1) The process of the Court shall run throughout Canada, including its territorial waters, and any other place to which legislation enacted by Parliament has been made applicable.

Foreign Enlistment Act

Clause 86: This amendment is consequential on the definition "Canada" proposed by clause 88. The definition "within Canada" in section 2 reads as follows:

"within Canada" includes all waters in the territorial sea of Canada and all internal waters of Canada as defined for the purposes of the *Customs Act*.

Interpretation Act

Clauses 87 and 88: New.

70. (1) Sous réserve du paragraphe (5), le ministre saisi d'une demande peut, en application de règlements du gouverneur en conseil, accorder un drawback des taxes imposées par les parties III, IV, V ou VI payées à l'égard des marchandises :

...

d) livrées aux navires poseurs de câbles télégraphiques en voyage océanique et devant servir à la pose ou à la réparation de câbles télégraphiques océaniques hors des eaux territoriales du Canada.

Loi sur la Cour fédérale

Article 83. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88. Texte des passages introductif et visé du paragraphe 22(3) :

(3) Il est entendu que la compétence conférée à la Cour par le présent article s'étend :

...

c) à toutes les demandes, que les faits y donnant lieu se soient produits en haute mer ou dans les limites des eaux territoriales, intérieures ou autres du Canada ou ailleurs et que ces eaux soient naturellement ou artificiellement navigables, et notamment, dans le cas de sauvetage, aux demandes relatives aux cargaisons ou épaves trouvées sur les rives de ces eaux;

Article 84. — La modification découle de la définition de « eaux canadiennes » proposée à l'article 88. Texte des passages introductif et visé du paragraphe 43(4) :

(4) Pour qu'une action personnelle puisse être intentée au Canada relativement à une collision entre navires, il faut :

...

b) soit que le fait générateur soit survenu dans les eaux territoriales, intérieures ou autres du Canada;

Article 85. — La modification découle de la définition de « Canada » proposée à l'article 88. Texte du paragraphe 55(1) :

55. (1) Les moyens de contrainte de la Cour sont exécutoires dans tout le Canada, y compris dans ses eaux territoriales, et en tout autre lieu où s'applique la législation fédérale.

Loi sur l'enrôlement à l'étranger

Article 86. — La modification découle de la définition de « Canada » proposée à l'article 88. Texte de la définition de « dans les limites du Canada » à l'article 2 :

« dans les limites du Canada » Sont comprises dans les limites du Canada la mer territoriale et les eaux intérieures au sens de la *Loi sur les douanes*.

Loi d'interprétation

Articles 87 et 88. — Nouveaux.

88. Subsection 35(1) of the Act is amended by adding the following in alphabetical order:

"Canada"
« Canada »

"Canada", for greater certainty, includes the internal waters of Canada and the territorial sea of Canada;

"Canadian waters"
« eaux canadiennes »

"Canadian waters" includes the territorial sea of Canada and the internal waters of Canada;

"contiguous zone"
« zone contiguë »

"contiguous zone",

(a) in relation to Canada, means the contiguous zone of Canada as determined under the *Oceans Act* and includes the airspace above and the seabed and subsoil below that zone, and

(b) in relation to any other state, means the contiguous zone of the other state as determined in accordance with international law and the domestic laws of that other state;

"continental shelf"
« plateau continental »

"continental shelf",

(a) in relation to Canada, means the continental shelf of Canada as determined under the *Oceans Act*, and

(b) in relation to any other state, means the continental shelf of the other state as determined in accordance with international law and the domestic laws of that other state;

"exclusive economic zone"
« zone économique exclusive »

"exclusive economic zone",

(a) in relation to Canada, means the exclusive economic zone of Canada as determined under the *Oceans Act* and includes the airspace above and the seabed and subsoil below that zone, and

(b) in relation to any other state, means the exclusive economic zone of the other state as determined in accordance with international law and the domestic laws of that other state;

"internal waters"
« eaux intérieures »

"internal waters",

(a) in relation to Canada, means the internal waters of Canada as determined under the *Oceans Act* and includes the airspace above and the bed and subsoil below those waters, and

88. Le paragraphe 35(1) de la même loi est modifié par adjonction, selon l'ordre alphabétique, de ce qui suit :

« Canada » Il est entendu que les eaux intérieures et la mer territoriale du Canada font partie du territoire de celui-ci.

« eaux canadiennes » Notamment la mer territoriale et les eaux intérieures du Canada.

« eaux intérieures »

a) S'agissant du Canada, les eaux intérieures délimitées en conformité avec la *Loi sur les océans*, y compris leur fond ou leur lit, ainsi que leur sous-sol et l'espace aérien correspondant;

b) s'agissant de tout autre État, les eaux situées en deçà de la ligne de base de la mer territoriale de cet État.

« mer territoriale »

a) S'agissant du Canada, la mer territoriale délimitée en conformité avec la *Loi sur les océans*, y compris les fonds marins et leur sous-sol, ainsi que l'espace aérien correspondant;

b) s'agissant de tout autre État, la mer territoriale de cet État, délimitée en conformité avec le droit international et le droit interne de ce même État.

« plateau continental »

a) S'agissant du Canada, le plateau continental délimité en conformité avec la *Loi sur les océans*;

b) s'agissant de tout autre État, le plateau continental de cet État, délimité en conformité avec le droit international et le droit interne de ce même État.

« zone contiguë »

a) S'agissant du Canada, la zone contiguë délimitée en conformité avec la *Loi sur les océans*, y compris les fonds marins, leur sous-sol et l'espace aérien correspondant;

b) s'agissant de tout autre État, la zone contiguë de cet État, délimitée en conformité avec le droit international et le droit interne de ce même État.

« Canada »
« Canada »

« eaux canadiennes »
« Canadian waters »
« eaux intérieures »
« internal waters »

« mer territoriale »
« territorial sea »

« plateau continental »
« continental shelf »

« zone contiguë »
« contiguous zone »

"territorial sea"
"mer territoriale"

"territorial sea",

(a) in relation to Canada, means the territorial sea of Canada as determined under the *Oceans Act* and includes the airspace above and the seabed and subsoil below that sea, and

(b) in relation to any other state, means the territorial sea of the other state as determined in accordance with international law and the domestic laws of that other state;

« zone économique exclusive »

a) S'agissant du Canada, la zone économique exclusive délimitée en conformité avec la *Loi sur les océans*, y compris les fonds marins et leur sous-sol, ainsi que l'espace aérien correspondant;

b) s'agissant de tout autre État, la zone économique exclusive de cet État, délimitée en conformité avec le droit international et le droit interne de ce même État.

« zone économique exclusive »
"exclusive economic zone"

R.S., c. 28 (1st Suppl.) [c. 1-21.8]

Investment Canada Act

Loi sur Investissement Canada

L.R., ch. 28 (1st suppl.) [ch. 1-21.8]

89. The definition "Canada" in section 3 of the *Investment Canada Act* is replaced by the following:

89. La définition de « Canada », à l'article 3 de la *Loi sur Investissement Canada*, est remplacée par ce qui suit :

"Canada"
"Canada"

"Canada" includes the exclusive economic zone of Canada and the continental shelf of Canada;

« Canada » Font notamment partie du territoire du Canada la zone économique exclusive et le plateau continental de celui-ci.

« Canada »
"Canada"

R.S., c. L-2

Canada Labour Code

Code canadien du travail

L.R., ch. L-2

1990, c. 44, s. 17

90. Paragraph (j) of the definition "federal work, undertaking or business" in section 2 of the *Canada Labour Code* is replaced by the following:

90. L'alinéa j) de la définition de « entreprises fédérales », à l'article 2 du *Code canadien du travail*, est remplacé par ce qui suit :

1990, ch. 44, art. 17

(j) a work, undertaking or activity in respect of which federal laws within the meaning of section 2 of the *Oceans Act* apply pursuant to section 20 of that Act and any regulations made pursuant to paragraph 26(1)(k) of that Act;

j) les entreprises auxquelles les lois fédérales, au sens de l'article 2 de la *Loi sur les océans*, s'appliquent en vertu de l'article 20 de cette loi et des règlements 25 d'application de l'alinéa 26(1)k) de la même loi.

R.S., c. N-7

National Energy Board Act

Loi sur l'Office national de l'énergie

L.R., ch. N-7

91. Clause (b)(ii)(B) of the definition "export" in section 2 of the *National Energy Board Act* is replaced by the following:

91. La division b)(ii)(B) de la définition de « exportation », à l'article 2 de la *Loi sur l'Office national de l'énergie*, est remplacée 30 par ce qui suit :

(B) to a place outside Canada from any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of

(B) ou bien, vers l'extérieur du Canada, à partir d'une terre appartenant à Sa Majesté du chef du Canada ou dont celle-ci a le droit 35 d'aliéner ou d'exploiter les res-

Investment Canada Act

Clause 89: This amendment is consequential on the definition "territorial sea" proposed by clause 88, on the establishment of an exclusive economic zone proposed by clause 13 and on the establishment of a continental shelf proposed by clause 17. The definition "Canada" in section 3 reads as follows:

"Canada" includes the territorial sea of Canada as determined in accordance with the *Territorial Sea and Fishing Zones Act*, the seabed and subsoil therebelow and all other areas beyond the territorial sea of Canada where Canada has or claims jurisdiction;

Canada Labour Code

Clause 90: This amendment is consequential on the consolidation of section 5 of the *Canadian Laws Offshore Application Act* as clause 20. The relevant portion of the definition "federal work, undertaking or business" in section 2 reads as follows:

"federal work, undertaking or business" means any work, undertaking or business that is within the legislative authority of Parliament, including, without restricting the generality of the foregoing,

...

(j) a work, undertaking or activity in respect of which federal laws within the meaning of the *Canadian Laws Offshore Application Act* apply pursuant to that Act and any regulations made under that Act;

National Energy Board Act

Clause 91: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The relevant portion of the definition "export" in section 2 reads as follows:

"export" means, with reference to

...

(b) oil,

Loi sur Investissement Canada

Article 89. — La modification découle de la définition de « mer territoriale » proposée à l'article 88, ainsi que de l'établissement de la zone économique exclusive et du plateau continental du Canada proposé aux articles 13 et 17, respectivement. Texte de la définition de « Canada » à l'article 3 :

« Canada » Le Canada comprend la mer territoriale du Canada au sens de la *Loi sur la mer territoriale et la zone de pêche*, le fond de la mer et le sous-sol marin correspondants ainsi que les autres zones au-delà de la mer territoriale sur lesquelles le Canada a ou prétend avoir juridiction.

Code canadien du travail

Article 90. — La modification découle de la reprise, à l'article 20, de l'article 5 de la *Loi sur l'application extracôtière des lois canadiennes*. Texte des passages introductif et visé de la définition de « entreprises fédérales » à l'article 2 :

« entreprises fédérales » Les installations, ouvrages, entreprises ou secteurs d'activité qui relèvent de la compétence législative du Parlement, notamment :

...

j) les entreprises auxquelles les lois fédérales au sens de la *Loi sur l'application extracôtière des lois canadiennes* s'appliquent en vertu de cette loi et de ses règlements d'application.

Loi sur l'Office national de l'énergie

Article 91. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte des passages introductifs et visé de la définition de « exportation » à l'article 2 :

« exportation »

...

b) dans le cas du pétrole :

Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada, or

sources naturelles, et située dans les zones sous-marines hors provinces et faisant partie des eaux intérieures, de la mer territoriale ou du plateau continental du Canada;

92. The definition "offshore area" in section 123 of the Act is replaced by the following:

92. La définition de « zone extracôtière », à l'article 123 de la même loi, est remplacée par ce qui suit :

"offshore area" « zone extracôtière »

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in submarine areas in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

« zone extracôtière » L'île de Sable ou toute étendue de terre, hors des limites d'une province, qui appartient à Sa Majesté du chef du Canada ou dont celle-ci a le droit d'aliéner ou d'exploiter les ressources naturelles et qui est située dans les zones sous-marines faisant partie des eaux intérieures, de la mer territoriale ou du plateau continental du Canada.

« zone extracôtière » "offshore area"

1993, c. 28

Nunavut Act

Loi sur le Nunavut

1993, ch. 28 [ch. N-28.6]

93. Section 15 of Schedule III to the Nunavut Act and the heading before it are repealed.

93. L'article 15 de l'annexe III de la Loi sur le Nunavut et l'intertitre le précédant sont abrogés.

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R.S., c. O-7; 1992, c. 35, s. 2

Canada Oil and Gas Operations Act

Loi sur les opérations pétrolières au Canada

L.R., ch. O-7; 1992, ch. 35, art. 2

94. Paragraph 3(b) of the Canada Oil and Gas Operations Act is replaced by the following:

94. L'alinéa 3b) de la Loi sur les opérations pétrolières au Canada est remplacé par ce qui suit :

(b) submarine areas, not within a province, in the internal waters of Canada, the territorial sea of Canada or the continental shelf of Canada.

b) les zones sous-marines non comprises dans le territoire d'une province et faisant partie des eaux intérieures, de la mer territoriale ou du plateau continental du Canada.

R.S., c. R-2; 1989, c. 17, s. 2

Radiocommunication Act

Loi sur la radiocommunication

L.R., ch. R-2; 1989, ch. 17, art. 2

1989, c. 17, s. 4

95. Paragraph 3(3)(c) of the Radiocommunication Act is replaced by the following:

95. L'alinéa 3(3)c) de la Loi sur la radiocommunication est remplacé par ce qui suit :

(c) any platform, rig, structure or formation that is affixed or attached to land situated in the continental shelf of Canada.

c) d'une plate-forme, installation, construction ou formation fixée au plateau continental canadien.

1989, ch. 17, art. 4

R.S., c. S-9

Canada Shipping Act

Loi sur la marine marchande du Canada

L.R., ch. S-9

96. The definitions "Department" and "Minister" in section 2 of the Canada Shipping Act are replaced by the following:

96. Les définitions de « ministère » et « ministre », à l'article 2 de la Loi sur la marine marchande du Canada, sont respectivement remplacées par ce qui suit :

...
(ii) to send or take by any means

...
(B) to a place outside Canada from any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in those submarine areas adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is greater, or

Clause 92: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The definition "offshore area" in section 123 reads as follows:

"offshore area" means Sable Island or any area of land not within a province that belongs to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the natural resources and that is situated in those submarine areas adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is greater.

Nunavut Act

Clause 93: This repeal is consequential on the definition "federal laws" in clause 2. Section 15 and the heading before it read as follows:

Canadian Laws Offshore Application Act

15. The definition "federal laws" in subsection 2(1) is repealed and the following substituted therefor:

"federal laws" includes Acts of Parliament, regulations as defined in section 2 of the *Interpretation Act* and any other rules of law within the jurisdiction of Parliament, but does not include ordinances within the meaning of the *Northwest Territories Act* or the *Yukon Act* or laws made by the Legislature for Nunavut or continued by section 29 of the *Nunavut Act*;

Canada Oil and Gas Operations Act

Clause 94: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The relevant portion of section 3 reads as follows:

3. This Act applies in respect of the exploration and drilling for and the production, conservation, processing and transportation of oil and gas in

...

(b) those submarine areas not within a province, adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from

...
(ii) soit le fait de l'acheminer par un moyen quelconque :

...
(B) ou bien, vers l'extérieur du Canada, à partir d'une terre appartenant à Sa Majesté du chef du Canada ou dont celle-ci a le droit d'aliéner ou d'exploiter les ressources naturelles, et située dans les zones sous-marines, hors provinces, contiguës au littoral du Canada qui s'étendent sur tout le prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale là où ce rebord se trouve à une distance inférieure;

Article 92. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte de la définition de « zone extracôtière » à l'article 123 :

« zone extracôtière » L'île de Sable ou toute terre appartenant à Sa Majesté du chef du Canada ou dont celle-ci a le droit d'aliéner ou d'exploiter les ressources naturelles et située dans les zones sous-marines, hors provinces, contiguës au littoral du Canada qui s'étendent sur tout le prolongement naturel de son territoire terrestre jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale là où ce rebord se trouve à une distance inférieure.

Loi sur le Nunavut

Article 93. — La modification découle de la définition de « droit » à l'article 2. Texte de l'article 15 de l'annexe III et de l'intertitre le précédant :

Loi sur l'application extracôtière des lois canadiennes

15. La définition de « lois fédérales », au paragraphe 2(1), est abrogée et remplacée par ce qui suit :

« lois fédérales » Sont compris parmi les lois fédérales : les lois du Parlement, les règlements au sens de l'article 2 de la *Loi d'interprétation* et les autres règles de droit qui relèvent de la compétence du Parlement. Sont exclues de la présente définition les ordonnances au sens de la *Loi sur les Territoires du Nord-Ouest* ou de la *Loi sur le Yukon*, ainsi que les lois de la Législature du Nunavut et autres règles de droit en vigueur au Nunavut par application de l'article 29 de la *Loi sur le Nunavut*.

Loi sur les opérations pétrolières au Canada

Article 94. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte des passages introductif et visé de l'article 3 :

3. La présente loi s'applique à la recherche, notamment par forage, à la production, à la rationalisation de l'exploitation, à la transformation et au transport du pétrole et du gaz dans :

...

b) les zones sous-marines adjacentes à la côte canadienne, hors du territoire d'une province, qui s'étendent au prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale canadienne là

"Department"
« ministère »

"Department" means

(a) in section 385, subsection 422(2), the provisions of sections 423 to 475 respecting wrecks, Part VII and sections 562.15 to 562.2, 660.1 to 660.11 and 678, the Department of Fisheries and Oceans, and

(b) in any other provision, the Department of Transport;

« ministère »

a) Pour l'application de l'article 385, du paragraphe 422(2), des dispositions des articles 423 à 475 concernant les épaves, de la partie VII et des articles 562.15 à 562.2, 660.1 à 660.11 et 678, le ministère des Pêches et des Océans;

b) pour l'application des autres dispositions de la présente loi, le ministère des Transports.

« ministère »
"Department"

"Minister"
« ministre »

"Minister" means

(a) in section 385, subsection 422(2), the provisions of sections 423 to 475 respecting wrecks, Part VII and sections 562.15 to 562.2, 660.1 to 660.11 and 678, the Minister of Fisheries and Oceans, and

(b) in any other provision, the Minister of Transport;

« ministre »

a) Pour l'application de l'article 385, du paragraphe 422(2), des dispositions des articles 423 à 475 concernant les épaves, de la partie VII et des articles 562.15 à 562.2, 660.1 à 660.11 et 678, le ministre des Pêches et des Océans;

b) pour l'application des autres dispositions de la présente loi, le ministre des Transports.

« ministre »
"Minister"

1989, c. 3, s. 53

97. Section 422 of the Act is replaced by the following:

422. (1) The Minister has throughout Canada the general superintendence of all matters relating to salvage and, subject to the *Canadian Transportation Accident Investigation and Safety Board Act*, shipping casualties.

97. L'article 422 de la même loi est remplacé par ce qui suit :

422. (1) Sur toute l'étendue du Canada, le ministre exerce la surintendance générale de tout ce qui se rapporte au sauvetage et, sous réserve de la *Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports*, aux sinistres maritimes.

1989, ch. 3, art. 53

Superintendence —
Minister of Transport

Surintendance :
ministre des Transports

Superintendence —
Minister of Fisheries and Oceans

(2) The Minister of Fisheries and Oceans has throughout Canada the general superintendence of all matters relating to wrecks and receivers of wrecks.

(2) Le ministre des Pêches et des Océans exerce, sur toute l'étendue du Canada, la surintendance générale de tout ce qui se rapporte aux épaves et aux receveurs d'épaves.

Surintendance :
ministre des Pêches et des Océans

R.S., c. 6 (3rd Supp.), s. 78

98. (1) Subsection 562.1(2) of the Act is replaced by the following:

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply

(a) to Canadian ships in all waters; and
(b) to all ships in Canadian waters and the exclusive economic zone of Canada.

98. (1) Le paragraphe 562.1(2) de la même loi est remplacé par ce qui suit :

(2) Sous réserve des paragraphes (3) et (4), les règlements pris en vertu du paragraphe (1) s'appliquent :

a) aux navires canadiens où qu'ils soient;
b) à tous les navires qui se trouvent dans les eaux canadiennes ou dans la zone économique exclusive du Canada.

L.R., ch. 6 (3^e suppl.), art. 78

Application of regulations

Application des règlements

R.S., c. 6 (3rd Supp.), s. 78

(2) Subparagraph 562.1(3)(a)(ii) of the Act is replaced by the following:

(2) Le sous-alinéa 562.1(3)a)(ii) de la même loi est remplacé par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 78

which the breadth of the territorial sea of Canada is measured, whichever is the greater.

Radiocommunication Act

Clause 95: This amendment is consequential on the definition "continental shelf" proposed by clause 88. The relevant portion of subsection 3(3) reads as follows:

(3) This Act applies within Canada and on board

...

(c) any platform, rig, structure or formation that is affixed or attached to land situated in those submarine areas adjacent to the coast of Canada and extending throughout the natural prolongation of the land territory of Canada to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea of Canada is measured, whichever is greater.

Canada Shipping Act

Clause 96: The definitions "Department" and "Minister" in section 2 read as follows:

"Department" means the Department of Transport;

"Minister" means the Minister of Transport;

Clause 97: Section 422 reads as follows:

422. The Minister has throughout Canada the general superintendence of all matters relating to wrecks, salvage and, subject to the *Canadian Transportation Accident Investigation and Safety Board Act*, shipping casualties.

Clause 98: (1) This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. Subsection 562.1(2) reads as follows:

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply to Canadian ships in all waters and to all ships in

(a) Canadian waters;

(b) fishing zones of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act*; and

(c) shipping safety control zones prescribed under the *Arctic Waters Pollution Prevention Act*.

(2) This amendment is consequential on the amendment proposed by subclause (1). The relevant portion of subsection 562.1(3) reads as follows:

où le rebord de la marge continentale se trouve à une distance inférieure.

Loi sur la radiocommunication

Article 95. — La modification découle de la définition de « plateau continental » proposée à l'article 88. Texte des passages introductif et visé du paragraphe 3(3) :

(3) La présente loi s'applique au Canada et à bord :

...

(c) d'une plate-forme, installation, construction ou formation fixée à la terre dans une zone sous-marine qui est contiguë au littoral canadien et s'étend sur tout le prolongement naturel du territoire terrestre canadien jusqu'au rebord externe de la marge continentale, ou jusqu'à deux cents milles marins des lignes de base à partir desquelles est mesurée la largeur de la mer territoriale canadienne là où le rebord se trouve à une distance inférieure.

Loi sur la marine marchande du Canada

Article 96. — Texte des définitions de « ministère » et « ministre » à l'article 2 :

« ministère » Le ministère des Transports.

« ministre » Le ministre des Transports.

Article 97. — Texte de l'article 422 :

422. Sur toute l'étendue du Canada, le ministre exerce la surintendance générale de tout ce qui se rapporte aux épaves, au sauvetage et, sous réserve de la *Loi sur le Bureau canadien d'enquête sur les accidents de transport et de la sécurité des transports*, aux sinistres maritimes.

Article 98, (1). — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte du paragraphe 562.1(2) :

(2) Les règlements pris en vertu du paragraphe (1) s'appliquent, sous réserve des paragraphes (3) et (4), aux navires canadiens où qu'ils soient et à tous les navires qui se trouvent dans les eaux suivantes :

a) les eaux canadiennes;

b) la zone de pêche du Canada constituée en vertu de la *Loi sur la mer territoriale et la zone de pêche*;

c) les zones de contrôle de la sécurité de la navigation désignées en vertu de la *Loi sur la prévention de la pollution des eaux arctiques*.

(2). — La modification découle de celle proposée au paragraphe (1). Texte des passages introductif et visé du paragraphe 562.1(3) :

(ii) in the case of other ships, to which waters, within the waters described in paragraph (2)(b), the regulation applies;

(ii) les eaux, parmi celles qu'énumère l'alinéa (2)b, d'application du règlement, pour les autres navires;

R.S., c. 6 (3rd Supp.), s. 78

99. (1) Subsection 562.11(2) of the Act is replaced by the following:

99. (1) Le paragraphe 562.11(2) de la même loi est remplacé par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 78

Application of regulations

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply

(2) Sous réserve des paragraphes (3) et (4), les règlements pris en vertu du paragraphe (1) s'appliquent :

Application des règlements

(a) to Canadian vessels in all waters; and

a) aux bâtiments canadiens où qu'ils soient;

(b) to all vessels in Canadian waters and the exclusive economic zone of Canada. 10

b) à tous les bâtiments qui se trouvent dans les eaux canadiennes ou dans la zone économique exclusive du Canada.

10

R.S., c. 6 (3rd Supp.), s. 78

(2) Subparagraph 562.11(3)(a)(ii) of the Act is replaced by the following:

(2) Le sous-alinéa 562.11(3)a(ii) de la même loi est remplacé par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 78

(ii) in the case of other vessels, to which waters, within the waters described in paragraph (2)(b), the regulation applies; 15 and

(ii) les eaux, parmi celles qu'énumère l'alinéa (2)b, d'application du règlement, pour les autres bâtiments;

R.S., c. 6 (3rd Supp.), s. 78

100. Subsection 562.13(2) of the Act is amended by adding the word "and" at the end of paragraph (a) and by replacing paragraphs (b) and (c) with the following: 20

100. Les alinéas 562.13(2)b) et c) de la même loi sont remplacés par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 78

(b) the exclusive economic zone of Canada

b) les eaux de la zone économique exclusive du Canada.

R.S., c. 6 (3rd Supp.), s. 84

101. Subparagraph 655(1)(a)(ii) of the Act is replaced by the following:

101. L'alinéa 655(1)a) de la même loi est remplacé par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 84

(ii) waters in the exclusive economic zone of Canada 25

a) aux eaux canadiennes, ainsi qu'aux 25 eaux de la zone économique exclusive du Canada, qui ne font pas partie d'une zone de contrôle de la sécurité de la navigation désignée en vertu de la Loi sur la prévention de la pollution des eaux arctiques; 30

1993, c. 36, s. 6

102. (1) The definition "waters" in subsection 660.2(1) of the Act is replaced by the following:

102. (1) La définition de « eaux », au paragraphe 660.2(1) de la même loi, est remplacée par ce qui suit :

1993, ch. 36, art. 6

"waters" "eaux"

"waters" means

30 « eaux » Les eaux canadiennes et les eaux de la zone économique exclusive du Canada. 35

"eaux" "waters"

(a) Canadian waters, and
(b) waters in the exclusive economic zone of Canada

Par dérogation au paragraphe 655(1), sont visées par la présente définition les eaux faisant partie d'une zone de contrôle de la sécurité de la navigation désignée en vertu de la Loi sur la prévention de la pollution 40 des eaux arctiques.

and includes, notwithstanding subsection 655(1), waters that are within a shipping 35 safety control zone prescribed pursuant to

(3) The Governor in Council, in any regulation made under subsection (1),

(a) may designate

...
(ii) in the case of other ships, to which waters, within the waters described in paragraphs (2)(a) to (c), the regulation applies; and

Clause 99: (1) This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. Subsection 562.11(2) reads as follows:

(2) Subject to subsections (3) and (4), regulations made under subsection (1) apply to Canadian vessels in all waters and to all vessels in

- (a) Canadian waters;
- (b) fishing zones of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act*; and
- (c) shipping safety control zones prescribed under the *Arctic Waters Pollution Prevention Act*.

(2) This amendment is consequential on the amendment proposed by subclause (1). The relevant portion of subsection 562.11(3) reads as follows:

(3) The Governor in Council, in any regulation made under subsection (1),

(a) may designate

...
(ii) in the case of other vessels, to which waters, within the waters described in paragraphs (2)(a) to (c), the regulation applies; and

Clause 100: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. Subsection 562.13(2) reads as follows:

(2) Canadian ships in all waters and every ship in

- (a) Canadian waters,
- (b) fishing zones of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act*, and
- (c) shipping safety control zones prescribed under the *Arctic Waters Pollution Prevention Act*

shall comply with any instruction or direction relating to routing systems, navigation limitations and prohibitions or other shipping measures that is given or issued under the authority of this Act or the regulations and contained in Notices to Mariners published by the Canadian Coast Guard or in Notices to Shipping broadcast or published by the Canadian Coast Guard.

Clause 101: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. The relevant portion of subsection 655(1) reads as follows:

655. (1) Except where otherwise provided in this Part or in any regulation made thereunder, this Part and any regulations made thereunder apply

(a) to all

(3) Dans un règlement pris en vertu du paragraphe (1), le gouverneur en conseil peut :

a) désigner :

...

(ii) les eaux, parmi celles qu'énumèrent les alinéas (2)a) à c), d'application du règlement, pour les autres navires;

Article 99, (1). — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte du paragraphe 562.11(2) :

(2) Sous réserve des paragraphes (3) et (4), les règlements pris en vertu du paragraphe (1) s'appliquent aux bâtiments canadiens où qu'ils soient et à tous les bâtiments qui se trouvent dans les eaux suivantes :

- a) les eaux canadiennes;
- b) la zone de pêche du Canada constituée en vertu de la *Loi sur la mer territoriale et la zone de pêche*;
- c) les zones de contrôle de la sécurité de la navigation désignées en vertu de la *Loi sur la prévention de la pollution des eaux arctiques*.

(2). — La modification découle de celle proposée au paragraphe (1). Texte des passages introductif et visé du paragraphe 562.11(3) :

(3) Dans un règlement pris en vertu du paragraphe (1), le gouverneur en conseil peut :

a) désigner :

...

(ii) les eaux, parmi celles qu'énumèrent les alinéas (2)a) à c), d'application du règlement, pour les autres bâtiments;

Article 100. — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte des passages introductif et visés du paragraphe 562.13(2) :

(2) Les navires canadiens, où qu'ils soient, doivent obéir aux instructions et directives portant sur les dispositifs d'organisation du trafic, ainsi que sur les restrictions, interdictions et toute autre mesure de navigation données en vertu de la présente loi ou de ses règlements et que contiennent les avis aux navigateurs publiés par la garde côtière canadienne et les avis à la navigation radiodiffusés ou publiés par celle-ci. De la même manière, sont soumis à la même obligation tous les autres navires qui se trouvent dans les eaux suivantes :

...

- b) la zone de pêche du Canada constituée en vertu de la *Loi sur la mer territoriale et la zone de pêche*;
- c) les zones de contrôle de la sécurité de la navigation désignées en vertu de la *Loi sur la prévention de la pollution des eaux arctiques*.

Article 101. — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte des passages introductif et visé du paragraphe 655(1) :

655. (1) Sauf disposition contraire de la présente partie ou de ses règlements d'application, celle-ci et ses règlements s'appliquent :

- a) aux eaux canadiennes, ainsi qu'aux parties de la zone de pêche du Canada constituée en vertu de la *Loi sur la mer territoriale et la zone*

the Arctic Waters Pollution Prevention Act.

1993, c. 36, s. 6 (2) Subparagraph (c)(i) of the definition "ship" in subsection 660.2(1) of the Act is replaced by the following:

(i) a ship that is not a Canadian ship if it is only transiting in the territorial sea of Canada or the exclusive economic zone of Canada and if it is not engaged in the loading or unloading of oil during 10 transit,

(2) Le sous-alinéa c)(i) de la définition de « navire », au paragraphe 660.2(1) de la 5 même loi, est remplacé par ce qui suit :

(i) un navire qui n'est pas canadien s'il ne fait que transiter par les eaux de la mer territoriale ou de la zone économique exclusive du Canada et qui n'effectue pas pendant ce temps d'opérations de chargement ou de déchargement d'hydrocarbures, 10

1993, ch. 36, art. 6

1993, c. 36, s. 6 (3) Subsection 660.2(5) of the Act is replaced by the following:

Provision not to apply — oil handling facilities

(5) Subsection (4) does not apply to an oil handling facility that is located in the territorial sea of Canada or the exclusive economic zone of Canada.

(3) Le paragraphe 660.2(5) de la même loi est remplacé par ce qui suit :

(5) Le paragraphe (4) ne s'applique pas aux installations de manutention des hydrocarbures qui se trouvent dans les eaux de la mer territoriale ou de la zone économique exclusive du Canada. 15

1993, ch. 36, art. 6

Disposition inapplicable à certaines installations de manutention des hydrocarbures

R.S., c. 6 (3rd Suppl.), s. 84

103. Paragraph 675(1)(c) of the Act is replaced by the following:

(c) in the exclusive economic zone of 20 Canada,

103. L'alinéa 675(1)c) de la même loi est remplacé par ce qui suit :

c) la zone économique exclusive du 20 Canada.

L.R., ch. 6 (3^e suppl.), art. 84

1993, c. 36, s. 15(2)

104. (1) Subparagraph 677(1)(b)(i) of the Act is replaced by the following:

(i) the Minister of Fisheries and Oceans,

104. (1) L'alinéa 677(1)b) de la même loi est remplacé par ce qui suit :

b) des frais supportés par le ministre des Pêches et des Océans, un organisme d'intervention agréé aux termes du paragraphe 660.4(1), toute autre personne au Canada ou toute autre personne d'un État partie à la Convention sur la responsabilité civile pour la prise de mesures visant à prévenir, 30 contre, réparer ou réduire au minimum les dommages dus à la pollution par les hydrocarbures causée par le navire ou les rejets d'hydrocarbures en prévision d'un risque de même que les pertes ou dom- 35 mages causés par ces mesures, pour autant que ces frais et ces mesures soient raisonnables;

1993, ch. 36, par. 15(2)

1993, c. 36, s. 15(2)

(2) Paragraph 677(1)(c) of the Act is re- 25 placed by the following:

(c) for costs and expenses incurred

(i) by the Minister of Fisheries and Oceans in respect of measures taken pursuant to paragraph 678(1)(a) in re- 30

(2) L'alinéa 677(1)c) de la même loi est remplacé par ce qui suit :

c) des frais supportés par le ministre des Pêches et des Océans pour les mesures qu'il prend aux termes de l'alinéa 678(1)a) en ce qui concerne les mesures de surveillance ou les mesures qu'il prend, 45

1993, ch. 36, par. 15(2)

- (i) Canadian waters, and
- (ii) fishing zones of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act*

that are not within a shipping safety control zone prescribed pursuant to the *Arctic Waters Pollution Prevention Act*; and

Clause 102: (1) This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. The definition "waters" in subsection 660.2(1) reads as follows:

"waters"

- (a) means the territorial sea of Canada, within the meaning of the *Territorial Sea and Fishing Zones Act*,
- (b) means the fishing zones of Canada, other than any part of the fishing zones that are in the territorial sea of Canada, within the meaning of the *Territorial Sea and Fishing Zones Act*,
- (c) means any areas of the sea that are on the landward side of the baselines of the territorial sea of Canada and any areas of the sea, other than the territorial sea of Canada, in respect of which Canada has a historic or other title of sovereignty,
- (d) means the inland waters of Canada, and
- (e) includes the shipping safety control zones, within the meaning of the *Arctic Waters Pollution Prevention Act*.

(2) This amendment is consequential on the amendment proposed by subclause (1). The relevant portion of the definition "ship" in subsection 660.2(1) reads as follows:

"ship"

...

(c) does not include

- (i) a ship that is not a Canadian ship if it is only transiting in waters referred to in paragraph (a) or (b) of the definition "waters" in this subsection and if it is not engaged in the loading or unloading of oil during transit,

(3) This amendment is consequential on the amendment proposed by subclause (1). Subsection 660.2(5) reads as follows:

(5) Subsection (4) does not apply to an oil handling facility that is located in waters referred to in paragraph (a) or (b) of the definition of that term in subsection (1).

Clause 103: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. Subsection 675(1) reads as follows:

675. (1) For ships other than Convention ships, this Part applies in respect of actual or anticipated pollution damage

- (a) in any place in Canada,
- (b) in Canadian waters, and
- (c) in any fishing zone of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act*,

irrespective of the location of the actual or expected discharge of the pollutant and irrespective of where any preventive measures are taken.

de pêche, qui ne font pas partie d'une zone de contrôle de la sécurité de la navigation désignée en vertu de la Loi sur la prévention de la pollution des eaux arctiques;

Article 102, (1). — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte de la définition de « eaux » au paragraphe 660.2(1) :

« eaux »

- a) La mer territoriale au sens de la *Loi sur la mer territoriale et la zone de pêche*;
- b) la zone de pêche du Canada, à l'exclusion des parties de cette zone qui sont situées dans la mer territoriale, au sens de cette loi;
- c) les zones de mer situées entre le littoral et les lignes de base de la mer territoriale, ainsi que toute zone de mer, autre que la mer territoriale, sur laquelle le Canada a un titre de souveraineté historique ou autre;
- d) les eaux internes du Canada;
- e) les zones de contrôle de la sécurité de la navigation au sens de la *Loi sur la prévention de la pollution des eaux arctiques*.

(2). — La modification découle de celle proposée au paragraphe (1). Texte du passage visé de la définition de « navire » au paragraphe 660.2(1) :

« navire »

...

c) ne comprend pas :

- (i) un navire qui n'est pas canadien s'il ne fait que transiter par les eaux visées aux alinéas a) ou b) de la définition de « eaux » au présent paragraphe et qui n'effectue pas pendant ce temps d'opérations de chargement ou de déchargement d'hydrocarbures,

(3). — La modification découle de celle proposée au paragraphe (1). Texte du paragraphe 660.2(5) :

(5) Le paragraphe (4) ne s'applique pas aux installations de maintenance des hydrocarbures qui se trouvent dans les eaux visées aux alinéas a) ou b) de la définition de ce terme au paragraphe (1).

Article 103. — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte des passages introductif et visé du paragraphe 675(1) :

675. (1) Dans le cas des navires autres que ceux soumis à l'application de la Convention, la présente partie s'applique, peu importe l'endroit où le rejet du polluant a eu lieu ou risque de se produire et peu importe l'endroit où sont prises des mesures préventives, aux dommages réels ou aux risques de dommages par pollution qui surviennent dans les endroits suivants :

...

- c) la zone de pêche du Canada constituée en vertu de la *Loi sur la mer territoriale et la zone de pêche*.

spect of any monitoring, or in relation to the direction of the taking of measures or their prohibition, pursuant to paragraph 678(1)(b) or (c), or

(ii) by any other person in respect of measures the person was directed to take, or prohibited from taking, pursuant to paragraph 678(1)(b) or (c),

to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by such measures.

R.S., c. 6 (3rd Suppl.), s. 84

105. Paragraph 709(e) of the Act is replaced by the following:

(e) the actual or anticipated oil pollution damage has been caused by a Convention ship but the owner of the Convention ship is not liable because the actual or anticipated damage occurred in the exclusive economic zone of Canada;

R.S., c. 6 (3rd Suppl.), s. 84

106. The portion of subsection 713(1) of the Act before paragraph (a) is replaced by the following:

713. (1) Where a claimant commences proceedings against the owner of a ship or their guarantor in respect of a matter referred to in subsection 677(1), except in the case of proceedings commenced by the Minister of Fisheries and Oceans under paragraph 677(1)(c) in respect of a pollutant other than oil,

Where party suffering damage sues owner of ship under s. 677

R.S., c. W-9; 1994, c. 23, s. 2(F)

Canada Wildlife Act

107. Subsection 4.1(1) of the Canada Wildlife Act is replaced by the following:

4.1 (1) The Governor in Council may establish protected marine areas in any area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada.

Protected marine areas

ordonne ou interdit de prendre aux termes des alinéas 678(1)b) ou c), ou par toute autre personne pour les mesures qu'il lui a été ordonné ou interdit de prendre aux termes des alinéas 678(1)b) ou c) de même que les pertes ou dommages causés par ces mesures, pour autant que ces frais et ces mesures soient raisonnables.

105. L'alinéa 709e) de la même loi est remplacé par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 84

e) les dommages réels ou le risque de dommages dus à la pollution par les hydrocarbures ont été causés par un navire soumis à l'application de la Convention, mais son propriétaire n'est pas responsable parce que ces dommages, ou le risque de dommages, se sont produits dans la zone économique exclusive du Canada;

106. Le passage du paragraphe 713(1) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

L.R., ch. 6 (3^e suppl.), art. 84

713. (1) À l'exception des procédures qu'intente le ministre des Pêches et des Océans en vertu de l'alinéa 677(1)c) à l'égard d'un polluant autre que les hydrocarbures, les règles qui suivent s'appliquent aux actions en responsabilité fondées sur le paragraphe 677(1) intentées contre le propriétaire d'un navire ou son garant :

Action contre le propriétaire du navire en vertu de l'article 677

Loi sur les espèces sauvages du Canada

L.R., ch. W-9, 1994, ch. 23, art. 2(F)

107. Le paragraphe 4.1(1) de la Loi sur les espèces sauvages du Canada est remplacé par ce qui suit :

1994, ch. 23, art. 8

4.1 (1) Le gouverneur en conseil peut constituer en zone marine protégée tout espace maritime faisant partie des eaux intérieures, de la mer territoriale ou de la zone économique exclusive du Canada.

Zones marines protégées

Clause 104: (1) and (2) The relevant portion of subsection 677(1) reads as follows:

677. (1) Subject to this Part, the owner of a ship is liable

...

(b) for costs and expenses incurred by

(i) the Minister,

...

in respect of measures taken to prevent, repair, remedy or minimize oil pollution damage from the ship, including measures taken in anticipation of a discharge of oil from the ship, to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by such measures; and

(c) for costs and expenses incurred by the Minister in respect of measures taken pursuant to paragraph 678(1)(a) in respect of any monitoring, or in relation to the direction of the taking of measures or their prohibition, pursuant to paragraph 678(1)(b) or (c), or by any other person in respect of measures the person was directed to take, or prohibited from taking, pursuant to paragraph 678(1)(b) or (c), to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by such measures.

Clause 105: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. The relevant portion of section 709 reads as follows:

709. The Ship-source Oil Pollution Fund is, subject to this Part, liable for the matters referred to in subsection 677(1) in relation to oil, where

...

(e) the actual or anticipated oil pollution damage has been caused by a Convention ship but the owner of the Convention ship is not liable because the actual or anticipated damage occurred in a fishing zone of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act* but outside the waters mentioned in paragraphs 675(2)(a) to (c);

Clause 106: The relevant portion of subsection 713(1) reads as follows:

713. (1) Where a claimant commences proceedings against the owner of a ship or his guarantor in respect of a matter referred to in subsection 677(1), except in the case of proceedings commenced by the Minister under paragraph 677(1)(c) in respect of a pollutant other than oil,

Canada Wildlife Act

Clause 107: This amendment is consequential on the establishment of an exclusive economic zone proposed by clause 13. Subsection 4.1(1) reads as follows:

4.1 (1) The Governor in Council may establish protected marine areas within any fishing zone prescribed under section 4 of the *Territorial Sea and Fishing Zones Act*.

Article 104. — Texte des passages introductif et visés du paragraphe 677(1) :

677. (1) Sous réserve des autres dispositions de la présente partie, le propriétaire d'un navire est responsable dans les cas suivants :

...

b) des frais supportés par le ministre, un organisme d'intervention agréé aux termes du paragraphe 660.4(1), toute autre personne au Canada ou toute autre personne d'un État partie à la Convention sur la responsabilité civile pour la prise de mesures visant à prévenir, contrer, réparer ou réduire au minimum les dommages dus à la pollution par les hydrocarbures causée par le navire ou les rejets d'hydrocarbures en prévision d'un risque de même que les pertes ou dommages causés par ces mesures, pour autant que ces frais et ces mesures soient raisonnables;

c) des frais supportés par le ministre pour les mesures qu'il prend aux termes de l'alinéa 678(1)a) en ce qui concerne les mesures de surveillance ou les mesures qu'il prend, ordonne ou interdit de prendre aux termes des alinéas 678(1)b) ou c), ou par toute autre personne pour les mesures qu'il lui a été ordonné ou interdit de prendre aux termes des alinéas 678(1)b) ou c) de même que les pertes ou dommages causés par ces mesures, pour autant que ces frais et ces mesures soient raisonnables.

Article 105. — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte des passages introductif et visé de l'article 709 :

709. Sous réserve des autres dispositions de la présente partie, la Caisse d'indemnisation assume la responsabilité décrite au paragraphe 677(1) en rapport avec les hydrocarbures dans les cas suivants :

...

e) les dommages réels ou le risque de dommages dus à la pollution par les hydrocarbures ont été causés par un navire soumis à l'application de la Convention, mais son propriétaire n'est pas responsable parce que ces dommages, ou le risque de dommages, se sont produits dans la zone de pêche du Canada constituée en vertu de la *Loi sur la mer territoriale et la zone de pêche* mais hors des endroits mentionnés aux alinéas 675(2)a) à c);

Article 106. — Texte du passage visé du paragraphe 713(1) :

713. (1) À l'exception des procédures qu'intente le ministre fondées sur l'alinéa 677(1)c) à l'égard d'un polluant autre que les hydrocarbures, les règles qui suivent s'appliquent aux actions en responsabilité fondées sur le paragraphe 677(1) intentées contre le propriétaire d'un navire ou son garant :

Loi sur les espèces sauvages du Canada

Article 107. — La modification fait suite à l'établissement de la zone économique exclusive du Canada proposé à l'article 13. Texte du paragraphe 4.1(1) :

4.1 (1) Le gouverneur en conseil peut établir des zones marines protégées à l'intérieur de toute zone de pêche constituée aux termes de l'article 4 de la *Loi sur la mer territoriale et la zone de pêche*.

Terminology

108. The following provisions are amended by replacing the expression "continental shelf" with the expression "continental shelf of Canada":

(a) the definitions "coasting trade" and "licence" in subsection 2(1) and subsections 2(2) and 16(5) of the *Coasting Trade Act*; and

(b) paragraph (a) of the definition "designated goods" in subsection 2(1) and sections 3 to 6 and 8 of the *Customs and Excise Offshore Application Act*.

COMING INTO FORCE

Coming into force

109. This Act or any of its provisions, other than section 54, comes into force on a day or days to be fixed by order of the Governor in Council.

Précision terminologique

108. Dans les passages suivants des lois ci-après, « plateau continental » est remplacé par « plateau continental du Canada »:

a) les définitions de « cabotage » et « licence », au paragraphe 2(1), ainsi que les paragraphes 2(2) et 16(5) de la *Loi sur le cabotage*;

b) l'alinéa a) de la définition de « biens désignés », au paragraphe 2(1), ainsi que les articles 3 à 6 et 8 de la *Loi sur la compétence extracôtière du Canada pour les douanes et l'accise*.

ENTRÉE EN VIGUEUR

109. Exception faite de l'article 54, la présente loi ou telle de ses dispositions entre en vigueur à la date ou aux dates fixées par décret.

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Sous-ministre adjoint

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NET/60/CANADA - GENERAL

AUG 28 1995
AOÛT 28 1995

Your file: *Voire référence*

Our file: *Notre référence*

Dr. Elisabeth Mann-Borgese
IOS Advisory Board, Chair, Planning Council
International Oceans Institute
1226 LeMarchant Street Halifax, Nova Scotia

Dear Dr. Mann-Borgese:

On June 14, 1995, the Minister of Fisheries and Oceans tabled Bill C-98, proposing a Canada Oceans Act, for first reading in the House of Commons. This legislation would recognize in domestic law Canada's jurisdiction over its ocean areas and their resources, establish the legislative framework required to support Canada's new oceans management regime, and consolidate and clarify federal responsibilities in oceans management.

The next step in the legislative process will likely occur this Fall when the Bill is referred to the Standing Committee on Fisheries and Oceans following Second Reading in the House of Commons.

A copy of the Bill text is attached for your information and review. I would appreciate receiving your comments on the draft legislation based on your experience in ocean related issues and activities. For stakeholders interested in receiving additional information on the draft Bill, DFO is preparing to hold regional briefing sessions in September, in co-operation with our regional offices, in St. John's, Halifax, Moncton, Quebec, Burlington, Winnipeg, and Vancouver. A northern location, possibly Yellowknife or Iqaluit may be added depending upon response.

The purpose of these briefing sessions would be to review the content of the legislation and its intent, and to discuss any issues which may arise. Should your organization wish to attend one of these briefings, please contact the nearest DFO regional office by September 6, 1995. A list of regional contacts is attached. We will attempt to schedule the briefings to accommodate the majority of the stakeholders in your region.

Your interest in the conservation and protection of oceans and their resources and your participation in the legislative development process is important.

Yours sincerely,

L.S. Parsons

Attachments

From: IN%"PLINDLEY@Kilcom1.UCIS.Dal.Ca" "Pat Lindley"
To: IN%"Dalhousie.Oceans.Community@Snoopy.UCIS.Dal.Ca"
CC:
Subj: Canada's new Oceans Act

RECEIVED OCT 18 1995

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Received: from Snoopy.UCIS.Dal.Ca ("port 4418"@Snoopy.UCIS.Dal.Ca)
by AC.DAL.CA (PMDF V4.3-13 #6307) id <01HWJMNIRKV4003YSS@AC.DAL.CA>; Tue,
17 Oct 1995 11:19:55 -0300
Received: from kilcom1.ucis.dal.ca (KILCOM1.UCIS.Dal.Ca [129.173.36.51])
by Snoopy.UCIS.Dal.Ca (8.6.9/8.6.6) with ESMTP id LAA08452; Tue,
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Date: Tue, 17 Oct 1995 11:17:18 -0300 (ADT)
From: Pat Lindley <PLINDLEY@Kilcom1.UCIS.Dal.Ca>
Subject: Canada's new Oceans Act
To: Dalhousie.Oceans.Community@Snoopy.UCIS.Dal.Ca
Message-id: <2EEAFBE0C04@kilcom1.ucis.dal.ca>
Organization: Dalhousie University
X-Mailer: Pegasus Mail/Windows (v1.11a)
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Priority: normal

On October 3rd, a representative of Dalhousie Ocean Studies was invited to attend a briefing on the New Canada Oceans Act which is currently before parliament.

At that time the Act was in its second reading, prior to being submitted to the Parliamentary Standing Committee on Fisheries for a clause by clause review. The chair of that Committee is Ron MacDonald. Once the committee has completed its review, the Act will then be forwarded to the Senate for third reading.

Prior to the briefing, our office was provided with a copy of the Act. which is a public document. After the briefing, we obtained a copy of the summary overheads which actually more clearly present the essence is included in the Act. The full text of the Act is somewhat difficult to decipher, given the legal language it is written in.

I would like to offer the opportunity for anyone who is interested, to obtain a copy of these overheads. I would also like to suggest that anyone interested in obtaining a copy of the act that they contact Carla Dale, DFO Green Projects Coordinator, who will provide you with the necessary information about how to get a copy. Her phone number is 426-2106, fax 426-3479.

If you would like to get the overheads, send me an email.
Patricia.Lindley@dal.ca

Should you have any comments on either the process of developing the Act, or the strategy (which will be the implementing policy of the Act - to be developed over the next 12-18 months), you should forward them to Ron MacDonald, Chair of the Parliamentary Standing Committee on Fisheries in Ottawa.

Patricia Lindley
Dalhousie Ocean Studies Coordinator
Patricia Lindley
Ocean Studies Coordinator

Dalhousie University
Halifax, Nova Scotia
B3H 4H6

ph. (902) 494-1462

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CANADA



Fisheries & Oceans Canada / Pêches et Océans Canada

Environmental Science Branch / Direction des sciences de l'environnement

Habitat Management and Environmental Science Directorate / Dir. gén. de la gestion de l'habitat et des sciences de l'env.

200 Kent Street, Station 1280

Ottawa, Ontario, Canada

K1A 0E6

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FAX / PHOTOTÉLÉGRAPHIE

NUMBER OF PAGES INCLUDING COVER SHEET: 5

FROM / DE: Geoff Holland

DATE: 12 FEB '96

TELEPHONE NUMBER / NUMÉRO DE TÉLÉPHONE: (613) 990-0298

SUBJET / SUJET: SCOPE Study

TO / À:

FAX NO. / NO, DE
PHOTOTÉLÉGRAPHIE

1. ELIZABETH MANN FORGIESE 902-868-2455

2. _____

3. ELIZABETH: AS PROMISED - THE DOCUMENT

4. COVERING THE SCOPE Study - FOR YOUR INFO ONLY

5. AS SCOPE MAY NOT YET HAVE RELEASED THIS FORMALLY

6. I ALSO AM AWARE THAT GESAMP IS

7. THE TERMS OF REFERENCE FOR

8. PREPARING ITS NEXT STATUS OF THE OCEAN

9. REPORT -

REGARDS Geoff



Government
of Canada

Gouvernement
du Canada

Fisheries
and Oceans

Pêches
et Océans

RECEIVED SEP 23 1996

Your file Votre référence

Our file Notre référence

September 17, 1996

Ms. Margaret Wood
International Oceans Institute
Dalhousie University
1226 LeMarchant Street, Halifax, Nova Scotia
B3H 3P7

Dear Ms. Wood:

The Canadian Parliament is expected to pass the new Canada Oceans Act later this year.

Under the act, the Department of Fisheries and Oceans will be responsible for implementing the Oceans Management Strategy. Its two key elements are "the integration of ocean management" and "the sustainable development of living and non-living coastal and oceanic resources".

In the Central and Arctic Region of the Department of Fisheries and Oceans, a number of regulatory agencies at the federal, provincial and territorial levels, as well as a number of commissions, boards and committees at the level of the land claim regions, have some responsibility for the management of living or non-living coastal and oceanic resources.

The Department of Fisheries and Oceans has recently funded the Oceans Science Program (OSP), which is designed to stimulate scientific activity to underpin the department's new responsibilities under the Canada Oceans Act. A number of the projects funded by the OSP are focused on defining a framework for Integrated Coastal Zone Management. As part of this program, a project in the Central and Arctic region will review the existing structural arrangements for coastal/oceans management which is carried out by the various agencies, boards and commissions from a sectoral perspective. This project will also review the nature of science in various agencies, as it is applied to coastal zone management.

The intention of this initiative is to search for ways to improve the degree of information exchange, and coordination among the various agencies' marine management programs in the Arctic. The project itself will be conducted in two stages. The first is more general in nature, and seeks to define the institutional structures and processes by which marine/coastal management takes place in the Arctic. The second stage is focused on developing a bibliographic database of science information used in the management of marine resources or activities. Both aspects of the

Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6
(204) 983-5000

Institut des eaux douces
501 University Crescent
Winnipeg (Manitoba)
R3T 2N6
(204) 983-5000

initiative are designed to look broadly across a number of regulatory agencies and at several levels of government.

Thus, in the coming weeks, the Department of Fisheries and Oceans will be requesting your cooperation to help gain an **understanding of your agency's approach to coastal/oceans management**. Management is defined here as encompassing fisheries and ocean resource development, environmental and natural resource impacts, use conflicts and human welfare. This review will be a several-year process, and will be conducted with full reporting of results to the collaborating agencies. It is anticipated that in the future, a series of workshops will be held to familiarize other agencies and stakeholders with our findings, and to discuss ways in which the delivery of oceans management may be improved through coordination and better integration among agencies and stakeholders.

As a starting point for these studies, we would appreciate very much your assistance in providing the following information:

1. **Identify the main working groups in your agency which deal with the management of ocean/coastal resources in the Arctic** (north of 60°, but including Hudson, James and Ungava Bays)

As an example, within DFO there are working groups which deal with the following issues:

- general **policy** for co-management, science and fisheries management.
- **legal** aspects of land claims agreements.
- **economic** analysis of fisheries development initiatives, subsistence fish harvesting, commercial fisheries.
- first response, or **emergency** response.
- basic biological **research** on fish and mammal stocks.
- basic biological **research** on fish/mammal habitat.
- **co-management** of fish and mammal stocks.
- habitat sensitivity **analysis**.
- measurement of **contaminants** in the Arctic.

Some of these are represented by just one person; others may be a group of 10 or more. An appendix is attached to this letter to indicate the type of response that we might expect to questions 1 and 2 of this letter.

2. **Provide us with the name and particulars of a contact person in each of these groups to whom we could direct further queries.** We have enclosed an example listing of personnel from our own department as a guide.
3. **Through these contact people, assist us in identifying science-based policy papers, (whether published or not) which these groups use as a guide for the management or development of ocean/coastal resources.**

We propose to have **Dr. Helen Fast**, Research Associate with Dr. Mathias at the Freshwater Institute, contact the persons you have identified,

- to provide them with additional information that they may require,
- to work with them to define the institutional structures and processes in your organization through which marine/coastal management takes place,
- to focus our search for science information.

In many cases the contact person might wish to direct Dr. Fast to other specialists within your agency who can more easily pinpoint the desired information. We anticipate being able to provide you with a progress report on this work during this winter.

We thank you in advance for any assistance you can give us in this endeavour.

Please direct any queries to Dr. Redmond Clarke (TEL: [204] 983-5271, FAX: 984-2402), or Dr. Jack Mathias (TEL: [204] 983-5155, FAX: 984-2403). For information concerning the distribution of this letter please call Dr. Helen Fast (TEL: [204] 984 3483).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J.M. Cooley', with a long vertical line extending downwards from the end of the signature.

Dr. J.M. Cooley
A/Director, Science, Central & Arctic Region.

Attach.

BELOW IS AN EXAMPLE OF THE RESPONSE THAT WE MIGHT EXPECT TO QUESTIONS #1 AND 2 OF THIS LETTER.

The following is a list of Department of Fisheries and Oceans Working Groups.

1. Fisheries and Habitat Management - overview and Liaison:
Dr. Redmond McV. Clarke, A/Director, Fisheries Management.
TEL: 983-5271
FAX: 984-2402

This office provides overall direction to fisheries and fish habitat co-management in the Arctic. It also provides liaison to Science, Economics and Headquarters.

2. Fisheries Management
Robert W. Moshenko, Division Manager, Resource Management.
TEL: 983-5160
FAX: 984-2402

This group provides operational fisheries co-management through a stock-specific series of management plans, including monitoring, scientific background studies, licencing and co-management consultations.

3. Fisheries Economics.
Dan E. Topolniski, Division Manager, Economics.
TEL: 983-5230
FAX: 983-6285

This group provides economic analysis of on-going fisheries, and fishery development plans in the Arctic. It also coordinates information relating to subsistence fisheries harvesting in the Arctic.

4. Science
John M. Cooley, A/Regional Director, Science (located in Burlington, Ont.)
TEL: (905) 336-4568
FAX: (905) 336-6437

This office provides overall direction for Science in the Central & Arctic Region.

5. Science - Arctic fish and marine mammals.
Dr. Michael M. Papst, Division Manager, Arctic fish and marine mammals.
TEL: 983-5211
FAX: 984-2403

This group carries out basic and applied scientific research in support of the management of stocks of fish and mammals in the Arctic. The research is further subdivided into three groups, managed by the following individuals:

Dr. Jim Reist - (TEL: 983-5032) Arctic fisheries ecology and Assessment Research.

Dr. Rob Stewart - (TEL: 983-5023) Arctic Mammal Ecology and Assessment Research.

6. Science - Arctic Habitat.
Mr. Terry Shortt, A/Division Manager, Arctic Habitat Science.
TEL: 983-5062
FAX: 984-2403

This group carries out basic research on Arctic habitat. The group can be further subdivided:

Dr. Harold (Buster) Welch - (983-5132). This group researches marine ecology, including primary productivity measurement, ecosystem modelling and operation of the Resolute Field Camp on Cornwallis Island.

Dr. Derek Muir - (TEL: 983-5168). This group measures organic pesticides in the Arctic food chain and environment.

Dr. Lyle Lockhart - (TEL: 983-7113). This group measures heavy metals in the Arctic food chain and environment.

7. Habitat Protection.

Mr. Jeff Stein, Director, Habitat Management.

TEL: 983-5164

FAX: 984-2402

Mr. Larry deMarch, A/director, Conservation & Protection and Aboriginal Affairs.

TEL: 983-5186

FAX: 984-2402

This group carries out sensitivity analysis of habitats important to stocks of fish and marine mammals in the Arctic, and designs habitat management plans.

8. Fisheries Inspection.

Mr. Stan Schick, Director, Inspection Services Branch.

TEL: 983-5063

FAX: 984-2401

Mr. Glen McGregor, Manager, Operations.

TEL: 983-5065

FAX: 984- 2107

This office is responsible for fish inspection, small craft harbours operations, and vessel insurance programs.

9. Communications.

Ms. Sharon Leonhard, Director, Communications.

TEL: 983-5108

FAX: 984-2401

This office is responsible for all official communications from and to the DFO Central & Arctic Region.

10. Marine Aids Program

Mr. J. Quinn

This branch of the Coast Guard maintains the efficient operation of numerous aids to navigation in the western Arctic.

11. Icebreaking Operations

Mr. J. Quinn.

This program provides sealift facilities in the Arctic and also assists research by providing vessel support. It provides information about ice conditions in the Arctic summer.

12. Marine Communications and Traffic Services.

Mr. J. Quinn.

This program provides management of vessel traffic in the Arctic archipelago.

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REGION/RÉGIONLIAISONTELE/TÉLÉNEWFOUNDLAND/
TERRE NEUVE

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CAPITALE NATIONALE

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COPY

October 15, 1996

Dr. J.M. Cooley
A/Director, Science, Central & Arctic Region
Fisheries and Oceans
Freshwater Institute
501 University Crescent
Winnipeg, Manitoba
R3T 2N6

Dear Dr. Cooley:

I am responding to your letter dated September 17, 1996, concerning the approach of the International Ocean Institute to coastal/oceans management. I am afraid that, as you can see from the enclosed brochure, our activities do not fall within the framework of your initiative. Therefore, I think you would agreed that it would be of any benefit for us to participate.

You may be interested to know that my office has just concluded a Canadian Ocean Assessment for the Independent World Commission on the Oceans based in Geneva. Enclosed is a copy of the brochure which described the process. The Final Report will be published in the next few weeks. Please let me know if you would like to receive a copy of this Report.

Yours truly,

Margaret J. Wood
Director, IOI-Canada

Enclosures



Fisheries and Oceans / Pêches et Océans

RECEIVED APR 09 1997

COPY

FACSIMILE TRANSMISSION MESSAGE
MESSAGE ENVOYE PAR PHOTOTELEGRAPHIE

COMPLETED: _____

Senders Name: Nom de l'expéditeur CARLA E. DALE, Oceans Policy and Programs Advisor	
Service and Branch: Service et direction Policy & Economics	
City: Ville Halifax	
Floor: Etage 18th North H1835	
Telephone: (902) 426-2106 Fax: (902) 426-6767	Date: April 9, 1997
Subject: Oceans Management Strategy - Meeting & Background	Page 1 of <u>13</u>
ADDRESSEE'S NAMES/NOMS DES DESTINAIRES	FAX NUMBER
Peter Outhit, Oceans Institute of Canada	494-1334
Mike Butler, Oceans Institute of Canada	494-1334
Margaret Wood, International Oceans Institute	494-2034

As per my telephone conversation with your office, this is to confirm our meeting with you on Tuesday, April 15, 11:00am - 12:00pm at the Oceans Institute of Canada's boardroom to informally discuss the development of an Oceans Management Strategy, as laid out under the new Oceans Act. An initial step in this process has been taken with the drafting of the attached document entitled "Deciding Together: A National Oceans Management Strategy."

This document is meant to solicit feedback on long-term priorities and issues that should be reflected in this strategy. I will be joined by Susan Verner-Kirby and Sam Baird, who are heading up this strategy for DFO/ Policy in Ottawa. We would like to discuss the questions posed in this document, as well as any other areas you would like to raise regarding a future Oceans Management Strategy for Canada.

We will also be meeting with a cross-section of people from the Provinces, federal government departments, and other non-government groups in the region. Based on the feedback received, both here and in other regions, a discussion document will be prepared and used in the formal, national consultations that will take place later this year.

If you have any questions please give me a call at 426-2106, and I look forward to meeting with you on April 15.

Handwritten notes:
 need notified her that I will NOT attend
 MJW
 10.04.97

Signature: Carla Dale
 Carla Dale

1110-DE

MAR 17 1997

317050

DRAFT DISCUSSION PAPER

DECIDING TOGETHER: A NATIONAL OCEANS MANAGEMENT STRATEGY

DRAFT

DFO
March, 1997

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- II. The Oceans Act
- III. The Oceans Management Strategy
- IV. What does an Oceans Management Strategy mean for Canada?
- V. Overview
- VI. Oceans Management to Date
- VII. Canada's Oceans Community
- VIII. Towards Integrated Oceans Management
- IX. Next Steps - Consultations
- X. What are the Issues?
- XI. Definitions

I - PURPOSE OF THE DISCUSSION PAPER

This document is intended to stimulate discussion among people engaged in or affected by oceans activities in Canada, as a first step towards collaboratively developing a national Oceans Management Strategy. Feedback is sought on the paper which will be refined and eventually used as the basis for formal national consultations. Of particular importance, is input to section X - What are the issues?

II - THE OCEANS ACT

The *Oceans Act*, which came into force on January 31, 1997, provides the opportunity to address Canada's economic, social and environmental oceans objectives, and to integrate the management of our many oceans activities. Furthermore, the *Act* charges the Minister of Fisheries and Oceans to collaborate with Canadians in pursuing the development of a national Oceans Management Strategy.

III - THE OCEANS MANAGEMENT STRATEGY

The national Strategy is intended to chart the course of how Canada will manage its oceans into the 21st century. The Strategy will be based on the principles of sustainable development; the integrated management of oceans activities; and the precautionary approach to decision making.

IV - WHAT DOES AN OCEANS MANAGEMENT STRATEGY MEAN FOR CANADA?

In developing an Oceans Management Strategy, Canada has the opportunity to become a world leader in oceans resource management. The Strategy, whose purpose is to integrate the management of our oceans and their resources to protect their health and prosperity for present and future generations of Canadians, will provide a cohesive framework to promote environmentally and economically sustainable development of ocean resources. In addition, such a national Strategy for integrated oceans management will address the concerns of all Canadians who enjoy the economic, socio-cultural and recreational opportunities offered by oceans and coastal areas.

Balancing the interests of all stakeholders, integrating and co-ordinating the broad array of oceans legislation, regulations and initiatives, and ensuring that all interaction with oceans ecosystems respect the principles of sustainable development, integrated management and the precautionary approach to decision making are ambitious goals. These goals reinforce the need to:

1. encourage further investment and increased economic activity in our oceans;
2. provide a framework for the sustainable environmental management of our oceans;
3. provide a framework for a collaborative approach to the integrated management of present and future oceans activities;
4. provide a framework for expanded partnerships among oceans stakeholders with a view to their increased responsibility and accountability;
5. promote the participation of non-government organisations to advance our understanding of the oceans and their resources, and to take part in the management of oceans and coastal activities;
6. provide the foundation for the development of policy positions on a range of oceans and coastal program matters that are presently not well understood.

V - OVERVIEW

In the last two decades, there has been growing understanding around the world of the need to preserve and protect the oceans environment while continuing to exploit the oceans' wealth. The challenge of balancing environmental costs with economic benefits has been the driving force behind a number of international initiatives.

The most notable of these initiatives, in terms of its impact on Canada's oceans activities, is the United Nations Convention on the Law of the Sea (UNCLOS), which came into force in November, 1994. The Convention increased the size of our oceans territory to the equivalent of 37% of our terrestrial holdings. The increased size to our territory, although providing many economic opportunities, requires that Canada now define a direction for oceans which, while meeting the challenges of UNCLOS, will also allow us to address our other international and domestic oceans management objectives.

The oceans sector of the Canadian economy comprises activities related to pleasure, commerce, trade or economic development. More specifically, these activities include fishing and aquaculture, shipping and shipbuilding, marine defence industries, boating, tourism and recreation, oil and gas, sea-bed minerals, environmental industries, oceans related manufacturing and services, and other economic sectors that depend on these industries, and accounts for about 6% of Canada's Gross Domestic Product. Also, about seven million

Canadians live in coastal communities where many depend on the sea and the coast to earn their living.

The competing domestic demands created by these diverse oceans interests are and always will be difficult to balance. For example, while marine transportation represents a low cost and energy efficient solution to transport goods, and aquaculture provides a cost effective means to meet the increasing demand for protein from the sea, they both introduce risks to the environment. Furthermore, while the restructuring of the commercial fishery is being undertaken to achieve an economically sustainable fishing sector, it brings with it the risk of job reduction.

Coastal Canadians depend upon the resources of the near-shore for traditional fisheries, transportation, recreation, culture, and increasingly aquaculture, tourism, and more recently, oil and gas developments. Use conflicts between these activities and conservation initiatives are found throughout the country, resulting in loss of potential income and an erosion of the non-economic (environmental and cultural) values of the coastal resources.

The prevalence of marine pollution from land and sea also presents significant challenges for Canada and other coastal states. Most of the pollution load of the oceans, including municipal, industrial and agricultural wastes and run-off, as well as atmospheric deposition, emanate from land-based activities and affects the most productive areas of the marine environment, including estuaries and near-shore coastal waters. These are likewise threatened by physical alteration of the coastal environment, including destruction of habitats of vital importance for ecosystem health.

The conservation and sustainable utilisation of fishery resources remains a primary focus of oceans activity in Canada. Stock conservation problems, allocation conflicts between user groups, international boundary disputes, excessive harvesting capacity and fiscal restraint have combined to encourage the federal government to pursue a strategy toward industry restructuring, and to introduce changes to fisheries policies and management practices domestically and internationally, in order to achieve an economically and environmentally sustainable fishing sector.

Continuing efforts to reduce uncertainty is key to supporting the proper management of marine resources. For example, despite the remarkable progress made this century in understanding the dynamics of marine stocks and ecosystems, uncertainty about the current status and future condition of marine systems remains a major constraint to ensuring long-term sustainability of the fisheries. However, continuing improvement to our knowledge of oceans resources, including the dynamics of fished stocks and the effects of pollution on oceans ecosystems, are an essential basis for resource conservation.

- 5 -

The connection between economic survival and environmental protection is increasingly evident in the oceans sector. Increasing tourism, residential and commercial pressures, the need to find sustainable employment, and the growing competition for coastal space all threaten the integrity of coastal communities and the marine environment. All this is exacerbated by an insufficient scientific understanding and knowledge about an oceans environment that is so delicately balanced and interdependent, and also by governments' declining ability to continue being the primary source of funds for oceans research.

These international and domestic challenges that we now face cannot be resolved by any single jurisdiction working in isolation. If Canadians are to optimise the economic potential of our oceans, protect our social connection with the sea, and fully restore and conserve the marine environment, then we will need to redouble our efforts to reduce uncertainty by co-ordinating the way in which we conduct our oceans business across all jurisdictions and we must develop together sustainable solutions.

VI - OCEANS MANAGEMENT TO DATE

Given the size and diversity of Canada's oceans community, it is not surprising that it has become increasingly difficult to co-ordinate oceans related activities and to ensure that policies are cohesive. Economic goals have been pursued, for example, without consideration of the broader ecological impact or of the consequences on marine safety. Often, the lack of an integrated approach to utilising a common resource has been the cause of conflict among economic, environmental and social objectives.

Furthermore, stakeholders, particularly those who wish to develop the oceans and their resources, have been concerned for some time that the number of government departments and agencies with oceans related mandates and regulatory regimes increases the risks involved for further investment and development.

The numerous acts and policies which bear on oceans activities, the new oceans initiatives underway at all levels of government, and the influence of international organisations lead us to strive for co-ordination within a framework which has been developed collaboratively and is clear and coherent. Experience has taught us that the potential for working at cross purposes is considerable in the absence of a management framework.

VII - CANADA'S OCEANS COMMUNITY

Canada's oceans community is made up of all citizens who live near the sea and those whose livelihood depends upon the sea's products or related activities.

Provincial, territorial, and municipal governments have significant roles and responsibilities with regard to oceans activities. Provinces have primary jurisdiction for provincial lands, the shoreline, some sea-bed areas and municipalities have jurisdiction over many of the land-based activities which affect the marine environment. The provinces, territories, and municipalities will operate within a new strategic management framework as Canadians seek to co-operate more fully in managing the oceans through, for example, integrated coastal zone management plans.

Aboriginal groups have important roles in oceans activity management also, particularly with the conclusion of major land claim agreements. Negotiations involving oceans related issues will probably be undertaken with about 200 of the 640 Aboriginal groups in Canada within the next ten years, according to estimates provided by the Department of Indian Affairs and Northern Development.

Ocean industries are, of course, also key players. These industries are a complex assortment including high-tech instrumentation, shipbuilding, oil and gas, sea-bed mining, defence industries, aquaculture, commercial and sport fisheries harvesting and processing, tourism and recreation, boating, shipping and transportation, marine navigation and communications.

As well, there are the non-commercial interest groups who provide informed advice on matters such as economic, environmental and social issues, science and technology, community living, jobs and growth, public education and the North.

As mentioned, the federal government has broad responsibilities for the stewardship of Canada's oceans and resources. Ten federal departments carry out the bulk of these responsibilities through a number of statutes, policy instruments, and other administrative arrangements. The following summarises these departments' responsibilities:

- **Fisheries and Oceans** is, in general terms, responsible for all oceans related matters over which Parliament has jurisdiction, and not by law assigned to any other department, board or agency of the Government of Canada. These responsibilities flow primarily from: the *Department of Fisheries and Oceans Act*, the *Oceans Act*, the *Fisheries Act*, the *Navigable Waters Protection Act*, and the *Canada Shipping Act*. The department also manages the Federal Aquaculture Strategy, the Aboriginal Fisheries Strategy, the Fish Habitat Management Strategy and is a co-sponsor of the National Program of Action;
- **Transport Canada** is responsible for a number of provisions related to the *Canada Shipping Act*, *Canada Ports Act*, and the *Public Harbours and Ports Facilities Act*.
- **National Defence** is responsible for the *National Defence Act* provisions related to Maritime Command and Maritime defence research and development activities. The department provides the federal lead for the Federal Policy for Emergencies;
- **Natural Resources Canada** is responsible for the *Resource and Technical Surveys Act* provisions for offshore surveys; and the extraction of marine resources under the auspices of the *Energy, Mines and Resources Act*. The department also manages the National Forest Strategy and the Mineral and Metal Mining Policy;
- **Foreign Affairs and International Trade** administers the maritime and fishing zone delineation provisions of the *Oceans Act*; and the export market and international fish trade development provisions of the *External Affairs Act*. The department is also a key participant in the Arctic Environmental Protection Strategy and the Commission for Environmental Co-operation (NAFTA).
- **Industry Canada** is responsible for the promotion of oceans industries through the Canadian International Business Strategies process; for regional economic development, related in particular through the *Western Diversification Act* and the *Government Organisation Act-Atlantic Canada*; and for marine engineering research and development activities and grant support for marine studies under the auspices of the *NRC Act* and the *NSERC Act*.
- **Environment Canada** administers the oceans waste disposal provisions of the *Canadian Environmental Protection Act*; delegated sections of the *Fisheries Act*; the protected marine area provisions of the *Canada Wildlife Act*; management and protection of migratory sea birds under provisions of the *Migratory Birds Conservation Act*; and, the provision of marine weather advisories and ice forecasting for marine transportation. The department also manages the Toxics Substances Management Policy, and is a co-sponsor of the National Program of Action. The department provides the federal leadership for the Commission for Environmental Co-operation (NAFTA), and the Canadian Biodiversity Strategy;
- **Canadian Heritage** is responsible for the *National Parks Act*, which provides for national marine conservation areas; and the establishment and operations of national marine parks;
- **Indian Affairs and Northern Development** is responsible for offshore oil and gas and mineral development north of 60°; the *Arctic Waters Pollution Prevention Act*; and land claim agreements involving marine use. The department provides the federal lead for the Arctic Environmental Protection Strategy;
- **Department of Justice** administers the application of laws provisions of the *Oceans Act*.

VIII - TOWARDS INTEGRATED OCEANS MANAGEMENT

In its report to the Prime Minister in 1994, the National Advisory Board on Science and Technology's Committee on Oceans and Coasts, for many of the reasons cited above, advocated the need to develop a strong oceans policy for Canada through the implementation of an Oceans Management Strategy including the enactment of a *Canada Oceans Act*. There appears to be considerable enthusiasm among the private sector, public interest groups, non-governmental organisations, academia, and federal advisory bodies for a cohesive Oceans Management Strategy to foster wealth creation opportunities while preserving and sustaining our oceans.

The purpose, then, of developing a national Oceans Management Strategy, is to replace the current fragmented approach to oceans responsibilities and management and to find better ways to integrate the various management objectives mentioned, the most important being that of sustainable development. This principle implies that the present use of resources should not prejudice future generations; that stewardship of the oceans is a shared responsibility; and, that decisions must be collaborative and based on the integration of economic, environmental and social considerations.

IX - NEXT STEPS - CONSULTATION

Nationally, then, there must be discussion and understanding among all involved Canadians on the implications of an Oceans Management Strategy, risks and opportunities, candidate areas for cooperation, and coordination mechanisms.

In order to facilitate the discussion, the Minister of Fisheries and Oceans will initiate consultations during which Canadians will be provided the opportunity to participate in shaping a national Strategy. A thorough, cooperative process will be launched for all interested individuals, organisations, governments and agencies.

Using this discussion paper as a starting point, your views on all aspects of designing an Oceans Management Strategy for Canada, from process to implementation is being sought.

X - WHAT ARE THE ISSUES?

Consultation will help to define the key issues related to developing a national Oceans Management Strategy. For example:

1. How can Canadians best contribute to the development and implementation of an Oceans Management Strategy?
2. What should Canada's priorities be in integrating the management of our oceans activities?
 - jurisdictional co-ordination
 - constituency building
 - coastal communities
 - aboriginal interests
 - oceans industries
 - land authorities
 - optimal economic development
 - minimal negative social effects
 - a long-term planning horizon
3. What should Canada's priorities be to gain a better understanding of our oceans?
 - marine ecosystems
 - environmental impact assessment (marine environmental quality)
 - marine living resources
 - marine non-living resources
 - socio-economic considerations
4. What should Canada's priorities be for the management and protection of the oceans environment? How is an acceptable level of risk established?
 - land based activities
 - marine based activities
 - atmospheric sources
 - marine protected areas
 - marine environmental quality
 - remediation
 - the protection of human health
5. What should Canada's priorities be to facilitate oceans trade and commerce?

6. What should Canada's priorities be with respect to the provision of marine safety services?

- the nature of maritime services
- systems modernisation and technological improvement
- new collaborative approaches
- international considerations

7. Once an Oceans Management Strategy is developed, how will standards, for example, be applied and by whom?

8. Who will arbitrate in cases of disagreement?

XI - DEFINITIONS

Sustainable development: Development that meets the needs of the present without compromising the ability of future generations to meet their needs. The exploitation of resources, direction of investment, orientation of technological development, and institutional change must consider future as well as present needs.

Integrated management: A continuous, transparent decision making process developed among stakeholders to integrate the planning and implementation of activities occurring in or affecting Canada's oceans territory.

Precautionary approach: When an information shortage exists to permit a confident decision to be taken, then any decision should err on the side of caution. This approach requires that individuals or governments prove that their activities will not cause damage to ecological resources, as opposed to the current approach that permits activities until harm is demonstrated.



Dalhousie University

FAXED

International Ocean
Institute



FACSIMILE TRANSMISSION

To: Mr. Ken Rodman and Mr. Jon Hansen, Resource Management
Branch, Dept of Fisheries and Oceans
Fax: 1 902-426-1484

From: Robert L. Race, Interim Director
International Ocean Institute, Dalhousie University, Halifax,
Nova Scotia
Fax: 1 902 494-2034

Date: June 23, 1997
Re:
Page: 1 of 13

Dear Ken and Jon,


Please find attached the Lecturer Information Sheets including the Personal Data Form, syllabus pages for this part of the course, two examples of bio-notes we use and the participant list.

If you could send us a quick bio-note for yourselves it would be a big help.

Thank you for your co-operation in this matter and looking forward to meeting you tomorrow.

Yours sincerely,


R.L. Race

Faxed with attachments


Received: from sword.lightspeed.bc.ca (root@eyecan.com [206.12.82.130]) by ns.kemmunet.net.mt (8.7.5/8.7.3) with ESMTTP id UAA21428 for <ioimla@kemmunet.net.mt>; Mon, 27 Oct 1997 20:44:55 +0100 (MET)

Received: from light141.lightspeed.bc.ca (light141.lightspeed.bc.ca [206.12.82.141]) by sword.lightspeed.bc.ca (8.8.5/8.7.3) with SMTP id LAA27453; Mon, 27 Oct 1997 11:29:24 -0800 (PST)

Message-Id: <3.0.1.16.19971018112501.2237ealc@lightspeed.bc.ca>

X-Sender: davidellis@lightspeed.bc.ca (Unverified)

X-Mailer: Windows Eudora Pro Version 3.0.1 (16)

Date: Sat, 18 Oct 1997 11:25:01

To: davidellis@lightspeed.bc.ca

From: David Ellis <davidellis@lightspeed.bc.ca>

Subject: Department of Fisheries and Oceans continued research on transgenic salmon at the West Vancouver site; intention of "writing off" wild salmon stocks

Mime-Version: 1.0

Content-Type: text/plain; charset="us-ascii"

David W. Ellis
 3872 Point Grey Road
 Vancouver, British Columbia
 Canada, V6R 1B4

October 27, 1997.

Dr. John C. Davis
 Regional Director - Science
 Department of Fisheries and Oceans, Pacific Region
 P.O. Box 6000
 9860 West Saanich Road
 Sidney, B.C. V8L 4B2

Dear Dr. Davis:

Re: DEPARTMENT OF FISHERIES AND OCEANS CONTINUED RESEARCH ON TRANSGENIC SALMON AT THE WEST VANCOUVER SITE; INTENTION OF "WRITING OFF" WILD SALMON STOCKS

I note that research activities at DFO's West Vancouver property still center upon the production of transgenic, monosex and sterile Pacific and Atlantic salmonids, chromosome set manipulation, etc. (see below). The available data also indicate that the B.C. Salmon Farmers Association, its subsidiaries, and member companies of the newly created "PIAB" (Pacific Institute of Aquatic Biosciences) such as B.C. Packers Limited (a subsidiary of George Weston Limited) will likely be the major beneficiaries of the intellectual property rights to the research on the development of transgenic salmon being conducted by the DFO, at this site.

As you know, the Salmon Aquaculture Review (SAR) noted that:

"A transgenic salmon has had its genetic composition altered, usually through the injection of DNA from other salmon, other species, or combinations of the two.....the current DFO policy is to maintain both physically and biological (reproductive) containment of transgenic organisms. There has been ongoing research into the development of transgenic salmon in B.C.. but this has been done under close supervision in closed-containment, land-based facilities".

The SAR report recommended that because of the uncertainty regarding how these genetically altered fish would behave in the wild, "government should continue to prohibit the commercial farming of transgenic salmon in marine net-cages".

I have the following inquiries and requests:

- 1) How does the DFO authorize and regulate the research to develop transgenic salmon at this site?
- 2) How does the DFO insure that the "transgenic" salmon that are produced do not escape into the sea or otherwise move beyond the confines of the site for experimental or commercial purposes? What role does public scrutiny play in the regulatory process?
- 3) If the research on transgenics is not intended for commercialization, why are the salmon farming companies interested in obtaining the intellectual property rights?
- 4) At which fish farms are the sterile and monosex salmon from the West Vancouver site now being reared?
- 5) As you know, the B.C. Salmon Farmers Association has noted that its

members have no intention of moving to land-based facilities. (Note: Several salmon farming companies are now moving to the "floating sock" type systems such as the "Sustained Environment Aquaculture" (SEA) pens now under development in partnership with the DFO at the Pacific Biological Station, and also the rigid floating "Sargo" system pens now under development in Washington State. But as you know these systems in no way reduce the problem of escapes inherent to other net-cages; in fact, these two systems most probably increase the likelihood of salmon escapes during heavy storm or tidal events, due to the greater pressure that is exerted on their anchoring systems than the conventional net-cages). Why then is the research to develop transgenics continuing, when all of the presently operating farms in B.C. continue to use fragile net-cages in the marine environment, and are thus supposedly not going to be permitted to use transgenic fish? Does the continued emphasis on DFO research of transgenic salmon not really indicate that the day is coming when the DFO fully intends to implement a policy to allow the use of the obviously more profitable (faster growing and more disease resistant) transgenic salmon in net-pens?

6) How can the use of public funds be justified to develop transgenics, if the beneficiaries are to be private fish farming firms in general, and in particular, several very wealthy corporations which already enjoy many other forms of government subsidy?

7) It is clear that a wide variety of drugs, many of them experimental, continue to be used at the West Vancouver site. What precautions are being taken to see that these drugs do not enter the marine environment?

8) I wish to obtain a copy of the documents that fully describe the present activities at the West Vancouver site. I will be passing these data on to Mr. Mike Cramond and other members of the West Vancouver Waterfront Association, who inform me that in recent weeks a large ship was docked at the site, and that the loading and unloading of goods took place throughout the night, under powerful lights.

The primary use of this Federal land for research to develop transgenics for use in B.C. salmon net-cages is a major form of subsidy for the salmon farming industry, roughly equal to the rental value of this very valuable land.

In my opinion, the West Vancouver location is an ideal site for non-industrial government research use, such as the development of a research center for the preservation of biodiversity in B.C. fisheries. Here social science initiatives could be developed to fully rehabilitate and begin to "actively" manage our fragile coho salmon resource, in concert with the stakeholders. The sportfishing industry in the Strait of Georgia, which traditionally has depended primarily on coho salmon, is a much larger industry than the salmon farming industry. It suffers, however, when large amounts of DFO research funding is diverted to other uses such as the development of transgenic salmon, etc. I want to suggest to you that at such a key, centrally located site, activities could focus on the coastal planning, public education, and expansion of existing social planning initiatives (such as the highly successful "streamkeepers" development) to fully rehabilitate the coho. The public now well aware of the chronic overharvesting and habitat problems that prevent coho rebuilding, and I believe would strongly support such an initiative at this time.

The continued use of this DFO site for unnecessary and dangerous research into the development of transgenic salmon, for the use of private industry in net-cages, is a poor use of this site, and will clearly contribute significantly to the continued decline of our wild salmon heritage.

Our wild salmon must not be "written off" to make way for salmon farming.

I must finally say that I am shocked at the degree to which the Department of Fisheries and Oceans has been involved in the lobbying process (see below) to turn this property over to the use of primarily the salmon farming industry. This is an example of why a full public investigation of the Department of Fisheries and Oceans is now quite necessary.

Yours Sincerely,

David W. Ellis

CC:

The Honourable David Anderson, Minister of Fisheries and Oceans
Relevant members of the Federal parliament, of the Provincial legislature, of the Senate of Canada, of the Municipality of West Vancouver, and of the Academic, Aboriginal, Environmental, and Trade Union communities (through both mail and internet listserve postings).

Addendum:

History: On July 24, 1996, the DFO issued a press release announcing that the West Van Lab would be "transferred" to a biotechnology consortium. Following a concerted letter writing campaign by West Vancouver residents and others, Dr. John Davis, Regional Director, Science announced in a widely circulated letter on February 21, 1997, that the original DFO plans had been "changed significantly", and that this approximately 100 million dollar property (the West Van Lab is situated in an area of extremely high residential property values, among the highest in Canada) was then going to be transferred to the private sector. Dr. Davis noted that a "partnership arrangement" had been developed, and that a lease arrangement was under development with a non-profit society, the "Pacific Institute of Aquatic Biosciences". Since that time I have made numerous verbal requests for the lease agreement and other documents, but in every case I have been told to write Dr. John Davis, Regional Director, Science, DFO.

For the reference of those to whom I am copying this letter, I attach:
1) A letter by Dr. John Davis to Ms. Linda Blackwell, Corporate Services, Ottawa, recently made available through "access to information", and
2) Activities of DFO scientists involved in the development of transgenic salmon in B.C. (this material was distributed by the DFO to attendees of a recent salmon farmers convention held in Campbell River):

MEMORANDUM Fisheries and Oceans

To: Ms. Linda Blackwell, ADM, Corporate Services, Ottawa
From: John Davis, Regional Director, Science, Pacific Region
November 20, 1996
Subject: Status of West Vancouver Laboratory Partnership Initiative

Linda - In response to your request for information through Paul Waksberg, I wish to update you on events to date. This initiative is well underway and there is a most encouraging response from a broad cross section of interested government, private sector and university participants and partners. The highlights are as follows:

- DFO has reprofiled Pacific Region surplus notification plans in order to keep key scientists at the West Vancouver Laboratory as DFO employees. Two of the main researchers, Dr. Higgs and Dr. Devlin and their full programs and some core staff remain and form the nucleus of "mini centers of excellence" in aquaculture nutrition studies and transgenic technology, respectively, with industry and university partners. A third "minicentre of excellence" will be built around the concept of fish health, likely with leadership from the University of B.C. Animal Science faculty. A key point here, is THAT DFO WILL RETAIN BOTH KEY STAFF AND PROGRAMS AT THE SITE and will thus demonstrate a continuing and full interest in the site from a program perspective.

- to free up space for partnerships on the site, some staff from the Marine Environment and Habitat group will move to alternate locations at Cultus Lake Laboratory, the DOE laboratory in North Vancouver and University campus locations. Negotiations on these relocations are going well and we have several options to choose from.

- a not-for-profit Society, the Pacific Institute of Aquatic Biosciences (PIAB) has been incorporated under the Societies Act and will act as the umbrella under which activities at the site will be co-ordinated. A Board of Directors is being established and key high profile individuals including Dr. John MacDonald, MacDonald Detweiller Ltd., Nobel prize winner Dr. Michael Smith from the University of B.C., and other notables have agreed to serve on the Board;

- at present, partnership arrangements are being put together to finance collaborative research on the site and a number of private sector companies, the universities and DFO interests are involved. As part of the short term, private sector companies are being asked to contribute funds towards operating overhead for the site. Site costs for shared space likely be dealt with through collaborative agreements. In the longer term
[deleted.....
.....

.....]
to cover their contribution to operation of the site. In addition, several
University chairs [deleted.....]
.....

.....] are being discussed with the
objective of affiliating them with PIAB and using some of the
chair funding to offset operating costs at the site. In addition
[deleted.....]
.....

.....]
-strong letters of support from university and private sector
interests, including aquaculture, biotechnology and fish
processing representation, have been sent to Ministers Mifflin,
Axworthy, and Manley. Influential industry representatives are in
contact with these Minister's offices, and the staff of Minister
David Anderson's office, the senior Pacific Minister, have been
briefed and are supportive.[deleted.....]
.....

.....]
-there is a lot of interest in the intellectual property rights
to the transgenic fish on the site (we have the most rapidly
growing salmon in the world that are genetically engineered) and
we are working through the various complications of licensing and
royalties with the assistance of Mary Zamparo's shop there in
Ottawa. Scott [Parsons, ADM Science, DFO, Ottawa] will be
closely involved in policy aspects of this work;
[deleted.....]
.....

.....]
All of this will come together very shortly over the next two
weeks in the form of a detailed prospectus describing PIAB, how
it will be set up and operate, and how it is proposed to proceed.
This will essentially be a business plan for the Institute and will
be a critical document for discussion. My intent is to obtain a
discussion draft and enter into detailed discussions and
consultation on it in order to see best we can proceed. At that
stage, I envision a series of meetings and briefings and it will
be necessary to involve your staff and those of regional
Corporate Services to see how we can best implement the intent of
the arrangement within government regulations and procedures.
Involving Public Works may be a key component of these
discussions as they have certain flexibility's that will likely
prove advantageous. Most likely, I will come to Ottawa for this
purpose and I would like to meet with you and your staff to
discuss the concept in detail. Scott Parsons has been briefed on
all of this and can provide his perspective if you wish it.

In closing, I want to assure you that a great deal has happening
and that things look very positive. DFO will have a continuing
and substantive interest, as well as a presence on the site which
should satisfy concerns that [deleted.....]
.....

.....] may have with
respect to justification for keeping it. In addition, I see no
way that the terms of the water licence issued by the Province of
B.C. are in any way violated. The site will continue to be
operated as a research institute doing marine related research as
described in the water licence [deleted.....]
.....

.....]
Thank you for your interest and help on this rather challenging
task. It could well be that we have here, a model of a new and
exciting way of doing business through partnerships that will be
very positive for all parties concerned.

John C. Davis, Regional Director - Science

CC:
L.S. Parsons
L. Tousignant

DFO handout at Salmon Farmers Conference:

AQUACULTURE SCIENCE - YOUR FUTURE IS OUR BUSINESS!

The Federal Aquaculture Development Strategy established the
general framework for industry development in an environmentally

Dr. Bob Devlin
West Vancouver Lab
Station
Tel: (604) 666-7926
FAX: (604) 666-3497
E-mail: Devlin@dfo-mpo.ga.ca

Ms. Ruth Withler
Pacific Biological
Tel: (250) 756-7148
FAX: (250) 756-7053
E-mail: Withler@pbs.dfo.ca

Fisheries and Oceans Peches et Oceans
Canada Canada
Science Sciences Canada.

Robert H. Devlin

Research Scientist, Aquaculture Division:
Degrees / Diplomas:
B.Sc. (Zoology) University of British Columbia 1978
Ph.D. (Zoology) University of British Columbia 1984

Area of Expertise and Interest:
General Genetics
Gene Structure and Function
Molecular Biology and Biochemistry
Endocrinology

Brief Outline of Research, etc.:

A recent focus of research has been the application of molecular and general genetics to questions in salmonid biology. Specific projects include: 1) Production of transgenic salmonids with enhanced production traits for growth and feed-conversion efficiency, disease resistance, and flesh quality, with an emphasis on providing objective scientific information from which the potential and the risks associated with this technology may be evaluated; 2) Development of sensitive and specific molecular diagnostic assays for genetic sex (Y-probes), stress and pollution-response markers, and several specific parasitic pathogens that infect wild and farmed salmonids; 3) Evaluation of the potential for natural and artificial hybridization among and between Pacific and Atlantic salmonids; 4) Determining the genetic relationship among species and strains of salmonids, and application of variable molecular markers to quantitative traits (e.g. precocious maturation) for breeding purposes; 5) Production and evaluation of bioactive compounds (e.g. growth promoters, peptide antibiotics).

Representative Publications:

Devlin R.H., TY Yesaki, C.A. Biagi, E.M. Donaldson, P. Swanson, and W.-K. Chan. 1994. Extraordinary salmon growth. *Nature* 371: 209-210.

Heath, D.D., G.K. Iwama, and R.H. Devlin. 1994. DNA fingerprinting used to test for family effects on precocious sexual maturation in two populations of *Oncorhynchus tshawytscha* (Chinook salmon). *Heredity* 73: 616-G24.

Devlin R.H., B.K. McNeil, I.I. Solar, and E.M. Donaldson. 1994. A rapid PCR-based test for Y-chromosomal DNA allows simple production of all-female strains of Chinook salmon. *Aquaculture* 128: 211-220.

Devlin R.H., TY Yesaki, E.M. Donaldson, S.J. Du, and C.L. Hew. 1995. Production of germline transgenic Pacific salmonids with dramatically increased growth performance. *Can. J. Fish. Aquat. Sci.* 52:1376-1384.

Campbell, P.M. and R.H. Devlin. 1996. Expression of CYPIA1 in livers and gonads of Pacific salmon: Quantitation of mRNA by RT-cPCR. *Aquatic Toxicology* 34: 47-69.

McKay, S.J., M.J. Smith, and R.H. Devlin. 1997. Polymerase chain reaction-based species identification of anadromous salmon and trout in British Columbia. *Mol. Mar. Biol. and Biotech.* 6:131-140.

Hervio, D.M.L., M. L. Kent, J. Khattra, J. Sakanari, H. Yokoyama, and R.H. Devlin. 1997. Taxonomy of *Kudoa* species (Myxosporea: Multivalvulida) using small subunit ribosomal DNA sequence. *Can. J. Zool.* (in press).

Edward M. Donaldson

Scientist Emeritus, Aquaculture Division:
Tel: (604) 666-7928
FAX: (604) 666-3497

E-mail: donaldso@direct.ca

Degrees:

B.Sc. (Hons.) (Zoology) University of Sheffield 1961
Ph.D. (Zoology) University of British Columbia 1964
PDF (Biochemistry) University of Minnesota 1964-65
D.Sc. (Zoology) University of Sheffield 1975

Area of Expertise:

Sustainability issues relating to production of foods of aquatic origin. The application of biotechnology in fisheries and aquaculture: monosex and sterile stocks for production efficiency and reproductive containment, chromosome set manipulation (triploidy, gynogenesis), induced ovulation and spermiation, acceleration of growth, the stress response. Endocrine changes during reproductive development in wild and cultured fish. The influence of endocrine disrupters, especially environmental estrogens, on reproductive development in fish.

Representative Publications:

Devlin, R.H., J. C. Byatt, E. McLean, T.Y. Yesaki, G.G. Krivi, E.G. Jaworski, W.C. Clarke, and E.M. Donaldson. 1994. Bovine placental lactogen is a potent stimulator of growth and displays strong binding to hepatic receptor sites in coho salmon. *Gen. Comp. Endocrinol.* 95: 31-41.

Solar, I.I., J. Smith, H.M. Dye, D. MacKinlay, Y Zohas, and E.M. Donaldson. 1995. Induced ovulation of Chinook salmon using a GnRH α implant: effect on spawning, egg viability and hormone levels. 5th International Symposium on Reproductive Physiology of Fish, 2-8 July 1995, University of Texas, p. 76.
Donaldson E.M., and R.H. Devlin. 1996. Uses of biotechnology to enhance production. Chapter 17, p. 969-1020. In W. Pennell and B. A. Barton [eds.].
Principles of Salmonid Culture. Elsevier, Amsterdam, 1039 pp.
Donaldson E.M. 1996. Manipulation of reproduction in farmed fish. Proceedings 13th International Symposium on Animal Reproduction, 30 June-4 July 1996, Sydney, Australia. *Animal Reproduction Science* 42: 381-392.
Donaldson E.M., R.H. Devlin, F. Piferrer, and (.I. Solar. 1996. Hormones and sex control in fish with particular emphasis on salmon. Third Asian Fisheries Forum, Singapore, October 1992. *Asian Fisheries Science* 9(1):1-8.
Donaldson E.M. 1997. The role of biotechnology in aquatic and terrestrial food production. KOSEF's 20th Anniversary Symposium on Issues of Science and Technology in the 21 st Century, 2-6 June 1997, Seoul, Korea Proceedings Vol. 2: 139-159.
Donaldson E.M. 1997. The role of biotechnology in sustainable aquaculture. Chapter 5, p.101-126. In J. E. Bardach [ed.]. *Sustainable Aquaculture*. J. Wiley & Sons Inc.
Afonso, L.O.B., P.M. Campbell, G.K. Iwama, R.H. Devlin, and E.M. Donaldson. 1997. The effect of the aromatase inhibitor fadrozole and two polynuclear aromatic hydrocarbons on sex steroid secretion by ovarian follicles of coho salmon. *Gen. Comp. Endocrinol.* 106:169-174.

Igor I. Solar

Research Biologist, Aquaculture Division:
Tel: (604) 666-7921
Fax: (604) 666-3497
E mail: solari@AM@VANHQ1

Degree: B.Sc., Marine Biologist

Association Memberships:

Aquaculture Association of Canada
Canadian Biotechnology Network

Area of Expertise / Interest:

Salmonid aquaculture and fish reproduction biotechnology including chromosome set manipulation, production of monosex populations, sterile stocks, and induced ovulation and spermiation in Pacific and Atlantic salmonids and marine species.

Brief Outline of Research, etc.:

Research has focused on investigations on gender control and sterilization of salmonids for aquaculture through endocrine and chromosome set manipulation techniques. Research and development of biological techniques to enhance

efficiency of commercial mariculture operations. In 1989 received a Government of Canada, National Merit Award for Technology Transfer of the monosex-female Chinook salmon technology to the B.C. Mariculture Industry.

Representative Publications:

- Solar I.I., E.M. Donaldson, and G.A. Hunter. 1984. Induction of triploidy in rainbow trout (*Salmo gairdneri* Richardson) by heat shock and investigation of early growth. *Aquaculture* 42: 57-67.
- Hunter, G.A., I.I. Solar, I. Baker, and E.M. Donaldson. 1986. Feminization of coho salmon (*Oncorhynchus kisutch*) and Chinook salmon (*Oncorhynchus tshawytscha*) by immersion of alevins in a solution of estradiol-17 β . *Aquaculture* 53: 295-302.
- Benfey, T.J., I.I. Solar, G. De Jong, and E.M. Donaldson. 1987. Flow-cytometric confirmation of aneuploidy in sperm from triploid rainbow trout. *Trans. Am. Fish. Soc.* 115: 838-840.
- Solar, I.I., I.J. Baker, and E.M. Donaldson. 1987. Effect of salmon gonadotropin and a gonadotropin releasing hormone analogue on ovarian hydration and ovulation in captive sablefish (*Anoplopoma fimbria*). *Aquaculture* 62: 319-325.
- Solar, I.J. Baker and E.M. Donaldson. 1987. Experimental use of "female sperm" in the production of monosex female stocks of Chinook salmon (*Oncorhynchus tshawytscha*) at commercial fish farms. *Can. Tech. Rep. Fish. Aquat. Sci.* 1552: 14 p.
- Devlin, R.H., B.K. McNeil, I.I. Solar, and E.M. Donaldson. 1994. A rapid PCR-based test for Y-chromosomal DNA allows simple production of all-female strains of Chinook salmon. *Aquaculture* 128: 211-220.
- Withler, R.E., T.D. Beacham, E.M. Donaldson, and I.I. Solar. 1995. Freshwater growth, smolting, and marine survival and growth of diploid and triploid coho salmon (*Oncorhynchus kisutch*). *Aquaculture* 136: 91-107.2

Date: Wed, 19 Nov 1997 11:17:38 -0500
From: "Duquette, Tammy" <DuquetteTa@DFO-MPO.GC.CA>
To: 'International Ocean Institute' <ioihfx@is.dal.ca>
Subject: RE: Arctic web site

Good morning,

I just wanted to find out whether or not Dr. Mann Borgese has contacted you about my message. I realize she won't be back until later this month, but I'll be finalizing the site material very soon and want to give everyone an opportunity to submit their comments.

The SHEBA Co-ordinator heard Dr. Mann Borgese speak at the Summit of the Sea and was very impressed. He has specifically requested that I inform Dr. Mann Borgese about the project and the web site. If Dr. Mann Borgese is interested, I have more information about the project that I could fax to her, including sample text from the site and an article from the International Tribune.

Many thanks,

Tammy Duquette
tel. (613) 990-0301
fax. (613) 954-0807

> -----

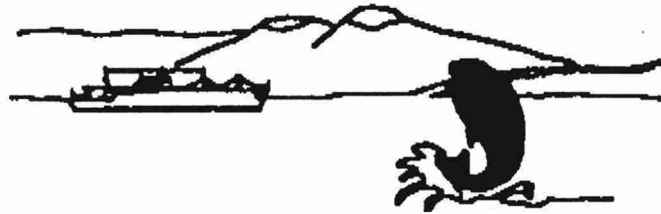
> From: International Ocean Institute[SMTP:ioihfx@is.dal.ca]
> Sent: Monday, November 03, 1997 12:18 PM
> To: Duquette, Tammy
> Cc: Elisabeth Mann Borgese
> Subject: Re: Arctic web site
>
>
> I've just forwarded this to Professor Mann Borgese, but thought I
> should
> warn you that she is out of the country at present and won't be back
> until
> near the end of the month. We think that she'll be checking her
> messages
> from her various destinations, but the technology may not always be
> available so I'm not sure when she'll actually receive it.
>
> Madeleine Coffen-Smout
> Co-ordinator, IOI-Canada
>
>
> On Mon, 3 Nov 1997, Duquette, Tammy wrote:
>
>> Please forward to Dr. Elisabeth Mann Borgese
>>

>> Dear Dr. Mann Borgese:
>>
>> You may be aware of an international science project called
> SHEBA-JOIS
>> that is currently under way in the Canada Basin. I have attached a
> copy
>> of the Media Advisory for your information.
>>
>>
>> I am working with the Central and Arctic Region of the Department
> and
>> Fisheries and Oceans to develop a web site (ArcticExplorer.com)
> about
>> this project. The purpose of the web site is to educate and inform
> the
>> public about the important work being carried out by the SHEBA-JOIS
>> science teams. The site will include information about the effects
> of
>> climate change and the global transport of contaminants. As
> Managing
>> Editor of the site, I will be working hard to ensure that educators
> and
>> students make full use of this rich information resource.
>>
>> We are inviting quotes from several respected individuals who would
> like
>> to support the kind of knowledge-sharing and understanding that this
>> project will foster. Just a few lines would make a great difference
> to
>> this very worthwhile project.
>>
>> If you have any questions or comments about the site, please contact
> me
>> via e-mail or at (613) 990-0301. If you have questions about the
>> SHEBA-JOIS project, please call the SHEBA Co-ordinator, Martin
> Bergmann
>> (please see Media Advisory), who will be able to give you more
> details.
>>
>> Thank you for your time.
>>
>>
>> Tammy Duquette
>> Managing Editor
>> ArcticExplorer.com
>>
>>
>



Fisheries and Oceans / Pêches et Océans

Canada



FACSIMILE/
PHOTOTÉLÉGRAPHIE

DEPARTMENT OF FISHERIES AND OCEANS/MINISTÈRE DES PÊCHES ET DES OCÉANS

FISHERIES AND OCEANS SCIENCE DIRECTORATE/
DIRECTION GÉNÉRALE DES SCIENCES HALIEUTIQUES ET OCÉANIQUES

200 KENT, OTTAWA, ONTARIO K1A 0E6 FAX No./No. de TÉLÉCOPIEUR (613) 954-0807

From:

Date:

TO/À

Company

FAX No./No DE PHOTOTÉLÉGRAPHIE

1. Dr. Elisabeth Mann Borgese

1 (902) 868-2455

2.

3.

4.

5.

SUBJECT/SUJET: Quote for ArcticExplorer.com



* Please note that the website will include
a section called "Youth Explorer," which will
provide projects for students.

Many Thanks,

NO. OF PAGES/NOMBRE DE PAGES:
(excluding header/à l'exception de la page titre)

11

Tammy.

DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: August 4, 2016

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 268, Folder 11

Series: Administrative records of the International Ocean Institute

Sub-Series: Correspondence

File: Correspondence between Elisabeth Mann Borgese and the Government of Canada
(Department of Fisheries and Oceans)

Description of item:

File contains a copies of the following news articles:

Canadian Press. "Scientists Explore Frozen Beaufort Sea." *The Globe and Mail*, Nov. 24, 1997.

Browne, Malcolm W. "Coast Guard Icebreaker to Spend Year in Arctic." *The New York Times*,
Nov. 8, 1997.

File also contains a copy of the following report:

Melling, Humfrey. *Arctic Sea Ice: JOIS 97*.

Reason for separation:

6 pages removed from digital copy due to copyright concerns.

Buster Welch, DFO Scientist
November 6, 1997

Our days are really full -- my wife, Cathy, and I don't have much time to sit down and write! Every day I'm up at 07:00. I shower, grab two cups of coffee (with lots of milk) and bring them back to our room and try to get through the electronic mail. E-mail is our main communications lifeline with the rest of the world. At about 08:30 I usually head out to the "Blue Bio" (our wet laboratory complex -- an 18-meter structure which is on the ice), where I often interact with various people as they come through to see what we're doing. Lately we've been doing a lot of plankton (water-column bugs) sampling, a complex process that includes identifying, measuring and drying samples.

Sometimes other work takes priority. We've been setting up camp during the past month. Earlier this week we melted a 30" (approximately 75 cm) diameter hole through ice 2.5 m thick, a three-hour process requiring water hauling, ice chiseling, hose thawing, fuel pumping and moving a semi-portable generator. We then moved a lab over the hole, shoveled an insulating layer of snow around it, then built a porch and hole liner to help keep it from freezing over. We now deploy sampling equipment into the water through this hole. In the process I drove our large Flextrac (a tracked vehicle -- about the size of a 2 tonne truck -- designed to travel over snow); but it requires an extension cord and heater, and there's something wrong with the motor's electrical system. That meant I had to run the battery charger and use the 4-cylinder bulldozer (D4-Caterpillar) to move the building the second time. I will assess the Flextrac when I get a chance. Something else to fix/repair/figure out!

At noon, we eat lunch and I try to rest for about 20 minutes. At 13:00 I'm back at it. We sit down for supper in the dining room at 17:00. The food's excellent -- lots of it -- and Cathy and I don't even have to cook (BURP...).

We're back at it again by about 18:00, tapering off toward 21:00. Don't do much for entertainment right now -- usually we're too tired. The ship's bar is open every other night but presently I tend to stay in our room or the lab. Since 2 October (when we arrived at the site) I've watched one short video on fly fishing. I've read two books, mostly in the half hour before going to sleep. I brought up about 100 books but at this rate I won't get to many!

The crew is very, very helpful. We depend on the mechanics for something or other almost every day; I recently spent the better part of two days with a mechanic, installing a new transformer, wiring some new circuits, and checking/balancing electrical load in the "Blue Bio". It's great having the ship's facility as a backup.

I'm hoping we can find time to brush up on our French (the entire crew is Francophone). We have a science meeting twice weekly now, when we briefly report

on activities. I have given one lecture on the arctic marine ecosystem and will give another this Sunday.

Cheers,

Buster Welch

Date sent: Tue, 6 Jan 1998 08:21:14 -0400 (AST)
From: International Ocean Institute <ioihfx@is.dal.ca>
To: Darlene Manning <dmanning@kilcom1.ucis.dal.ca>, robert race <rrace@kilcom1.ucis.dal.ca>
Subject: SHEBA-JOIS website (fwd)

Darlene

Message saved to EMB file in pine and attachment saved to L:/EMB. Please print it out from Word and put in EMB's box.

Rudd

----- Forwarded message -----

Date: Mon, 5 Jan 1998 12:17:18 -0500
From: "Duquette, Tammy" <DuquetteTa@DFO-MPO.GC.CA>
To: "'Dr. Elisabeth Mann Borgese'" <ioihfx@dal.ca>
Subject: SHEBA-JOIS website

Dear Dr. Mann-Borgese:

We spoke briefly last month about the SHEBA-JOIS expedition and the new website, www.ArcticExplorer.com, which Fisheries and Oceans Canada has developed. I am sending you a new copy of the SHEBA-JOIS brochure.

I also just wanted to let you know that you can now view www.ArcticExplorer.com on-line!

I have already included Minister Anderson's quote on the website's home page, and in the near future I will be adding quotes submitted by others who support the project. I hope that you still are willing to contribute a few lines about the value of ocean research. Again, if you have any questions about the site, please do not hesitate to call me.

Many thanks and have a Happy New Year.

Tammy Duquette
Managing Editor
<http://www.ArcticExplorer.com>
Fisheries and Oceans Canada

(613) 990-0301



Fisheries and Oceans

Pêches et Océans

Ottawa, Canada K1A 0E6

RECEIVED JAN 07 1998

FACSIMILE/PHOTOTÉLÉGRAPHIE



COPY

FISHERIES AND OCEANS SCIENCE/ SCIENCES HALIEUTIQUES ET OCEANIQUES 200 KENT STREET/200, RUE KENT OTTAWA, ONTARIO K1A 0E6 FAX NO.: 613-954-0807

FROM/DE: Tammy Duquette

DATE: Jan 7, 1998

SUBJECT/SUJET: Arctic Explorer web site: JO15/SHERA Brochure

TO/À

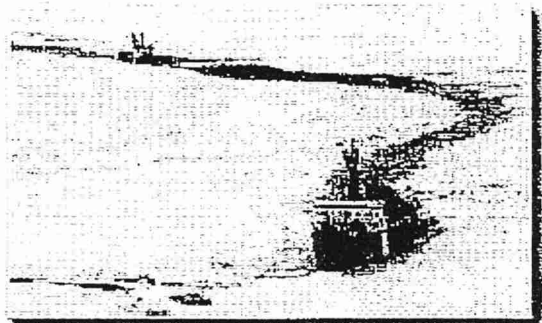
FAX NO./NO. DE TELECOPIEUR

- 1. Dr. Mann-Borgese (902) 494-2034
- 2. c/o Darlene Manning
- 3.
- 4.
- 5.
- 6.

MESSAGE:

NO. OF PAGES/NOMBRE DE PAGES:

How a ship parked in the ice is helping us to learn about Climate Change and the Arctic Environment



Canadian Coast Guard Ship Louis S. St-Laurent leads the Des Groseilliers to the SHEBA Drift site in the Western Arctic

WHAT IS IT?

The acronym JOIS stands for Joint Ocean Ice Studies. SHEBA stands for Surface Heat Budget of the Arctic Ocean.



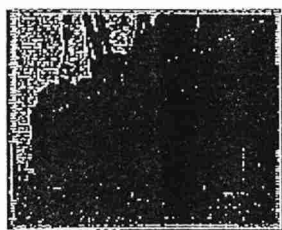
JOIS/SHEBA is a joint Canada-U.S. research program designed to address the interaction of the surface energy balance, atmospheric radiation, and clouds over the Arctic Ocean and to study the climate-related processes, contaminant levels, living resources, and other secrets of the North.

The project will help us to develop the basic knowledge we need to understand how arctic air, sea and ice interact to affect our global climate.

So, how are we gathering the information we need so far North? At its most basic, we've parked a huge ship in the Arctic ice-pack with a bunch of scientists aboard!

WHO'S INVOLVED?

The Canadian arm of JOIS/SHEBA is primarily a Department of Fisheries and Oceans (DFO) joint program. DFO employees are examining a number of physical, chemical and biological issues of national and international importance and are crewing the vessel.



The CCGS Des Groseilliers is providing the scientific platform support for the teams of scientists and vessel crews involved in this exciting program.

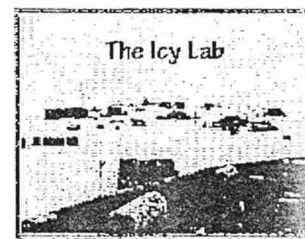
The CCGS Des Groseilliers was parked in the ice at about 143°W and 76°N in early October 1997 and will be retrieved from the ice pack by the CCGS Louis S. St-Laurent one year later, in October 1998.

WHY STUDY CLIMATE IN SEA ICE?

When sea ice forms, profound changes occur in local rates of air-sea interactions over time that have important effects on polar -- and global -- climate. An understanding of the interaction of air-sea-ice processes could give us important information about global climate changes and climate sensitivity.

The Canadian team's research is being led largely by veteran DFO Arctic research scientists Dr. Harold "Buster" Welch (Central & Arctic Region) and Dr. Eddy Carmack (Pacific Region).

WHAT HAS HAPPENED SO FAR?



The accomplishments of the project to date are many. They vary from insight into the long-range transport of contaminants to Canadian Arctic

waters and food chains, to links of surface heat to climate prediction modeling, to increased knowledge of the population ecology of Arctic fish and marine mammals in support of co-management needs. The best part is ... there's more to come! After all, this is the "most intensely focused, technologically advanced, civilian Arctic climate-research project in history!"¹

HOW CAN I LEARN MORE?

The CCGS Des Groseilliers' progress is being updated regularly on the DFO Arctic Explorer web site, so be sure to check it out!

<http://www.ArcticExplorer.com>



¹ Peter N. Spotts, The Christian Science Monitor



For more information about the JOIS/SHEBA project, please contact Martin Bergmann of the Central & Arctic Region at (204) 983-3776, 501 University Crescent, Winnipeg MB, R3T 2N6 or by e-mail at bergmannM@dfo-mpo.gc.ca or go to <http://www.ArcticExplorer.com>

002/002 IOI HALIFAX FISH.-OCEANS SCI --- 09:45 01:07:98 FAX 6139540807

Backgrounder

Fisheries and Oceans Canada's Sustainable Development Strategy A Work in Progress

On December 10, 1997, Fisheries and Oceans' (DFO) first Sustainable Development Strategy was tabled in the House of Commons.

Sustainable development is the main business of the department. DFO has the principal responsibility nationally for overseeing fisheries and oceans resources, habitat protection, protecting the public right of navigation and for ensuring that Canadian waterways are used in a safe and environmentally-sound manner for the benefit of all Canadians.

DFO has endeavoured to craft a sustainable development strategy that is transparent, results-oriented, timely, comprehensive, consultative and flexible. The goals fixed under the strategy apply to the department's Fisheries Management, Policy, Science, Coast Guard and Corporate Services sectors.

Fisheries Management

While DFO is already committed to conserving Canada's fisheries and securing sustainable use of resources in a fishery that is viable and self-reliant, the department is modernizing the approach to fisheries management. This involves a number of initiatives: legislation to implement the United Nations Fisheries Agreement which establishes a set of rules for enhanced enforcement on the high seas; capacity reduction; effective enforcement; establishing resource conservation councils to provide arm's-length advice on setting harvest limits; and using a precautionary approach in setting allowable catches. The introduction of a new Fisheries Act in Parliament will facilitate this process.

The department is also moving to share the responsibility and accountability for management of the fishery resource with stakeholders through a co-management approach with input from industry and the provinces in decision-making. The department's concern about sustainability of the resource is seen in its efforts to develop a Canadian Code of Conduct for Responsible Fishing Operations in collaboration with industry.

Policy

Under the 1997 *Oceans Act*, DFO faces the challenge of developing a coordinated framework to understand and protect the ocean ecosystem, make the best use of oceans and their resources, and help citizens use coastal resources in a sustainable manner. The result of this work will be an Oceans Strategy to enable stakeholders and governments to manage oceans activities collaboratively.

Science

Related to this is the undertaking, which is part of the strategy, to maintain the integrity of fish habitat for sustainable fish production by integrating economic development with habitat protection. To reach this goal, the department is establishing co-operative agreements with provinces to clearly define objectives and responsibilities for fish habitat conservation and protection. It is also working towards an integrated approach to managing habitat so that fish stocks within and adjacent to Canada's 200-mile limit may be conserved or exploited in a sustainable manner.

The strategy includes efforts to better understand oceans and aquatic ecosystems. They are aimed at establishing a reliable scientific basis for the protection of the marine environment and freshwater fish habitat from impacts due to physical disruption, chemical contaminants and exotic species. A further benefit will be to assist the sustainable development of aquaculture and aquatic resources.

Communicating this knowledge of marine and freshwater environments to DFO's clients, partners and stakeholders will enable them to have a greater understanding and appreciation of what is required to deal with resources in a sustainable manner.

Coast Guard

At DFO, the Canadian Coast Guard (CCG) plays a major role in environmental protection through prevention. While the CCG seeks to prevent incidents such as spills of harmful chemicals, environmental damage can and does occur. Mitigating the effects of environmental damage is a significant element of its mandate. The framework within which the CCG operates is currently being modernized and simplified so that the Coast Guard may fulfill its responsibilities in a more efficient and effective manner.

The CCG is updating its entire aids to navigation program in order to minimize the risk to the marine environment resulting from marine trade and commerce. It is striving to ensure the safe flow of marine traffic with a minimum of disruption and damage to the environment through a whole series of activities: carrying out icebreaking and ice-management activities; developing requirements for plans to prevent oil spills and pollution at oil-handling facilities; providing an effective response to marine oil and chemical emergencies; and deterring operational discharges from vessels in Canadian waters.

While supporting maritime industries, DFO also ensures that damage to the environment and aquatic resources is minimized by providing publications, nautical charts, aids to navigation and by keeping harbours critical to the fishing industry open for business and in good repair.

Corporate Services

With respect to its own operations, under its strategy, the department as a whole will ensure that it meets or exceeds all federally applicable environmental statutes and regulations. It aims to improve its performance on a continuous basis and, coincident with the reassessment of the sustainable development strategy every three years, determine how it can be improved.

Targets include conducting formal assessments of the environmental condition of major realty holdings and identifying the need for remediation and cleanup, reducing harmful emissions from facilities, vessels and vehicles, ensuring that, in environmental terms, all DFO vessels are at least on par with other vessels internationally and purchasing environmentally-friendly products, wherever possible. A second goal is to integrate the department's objectives for sustainable development into daily decision-making activities.

DFO is taking steps to identify who is responsible for environmental performance, and requirements for routine assessment of compliance. At the same time, the needs for training with respect to environmental matters will be identified and steps will be taken to provide it. As part of this initiative, DFO is moving to identify and implement pilot projects for "best practices" for the operation of its facilities, ship operations and office operations.

The evaluation of DFO's performance respecting its programs and operations will include the commitments made in the sustainable development strategy.

During the consultations the department held with its stakeholders prior to crafting the strategy, it became clear that the people affected by the department's programs and decisions want to work with DFO as decisions are made and implementation of the sustainable development strategy begins. Many stakeholders have indicated that they would like to be partners in the strategy's implementation. The department, which is looking forward to working with them on this, will be devising a means to incorporate considerations on sustainable development into the way it consults with clients and stakeholders

DECEMBER 1997

Fiche d'information

La stratégie de développement durable de Pêches et Océans Canada : une stratégie en constante évolution

Le 10 décembre 1997, la Chambre des communes était saisie de la première stratégie de développement durable du ministère des Pêches et Océans (MPO).

Le développement durable est la raison d'être du MPO. La responsabilité principale du ministère consiste à gérer les ressources halieutiques et océaniques, superviser la protection des habitats, et sauvegarder le droit public à la navigation. De plus, il veille à l'utilisation sans danger et écologiquement judicieuse des voies navigables canadiennes, et ce, au profit de toute la population.

Le MPO s'est efforcé de façonner une stratégie de développement durable qui soit à la fois transparente, orientée vers les résultats, opportune, complète, consultative et flexible. Les objectifs fixés sous l'égide de la stratégie s'appliquent aux divers secteurs du Ministère : Gestion des pêches, Politiques, Sciences, Garde côtière et Services intégrés.

Gestion des pêches

Le MPO est en train de moderniser son approche de gestion halieutique bien qu'il se voue déjà à la conservation des pêches canadiennes et à une utilisation durable des ressources dans une activité halieutique à la fois viable et autonome. Plusieurs initiatives en ce sens ont été entreprises : législation afin de mettre en oeuvre l'Accord de pêche des Nations Unies qui établit un ensemble de règles pour accroître la mise en application en haute mer; réduction de la capacité de pêche; application efficace et concrète de la loi; création de conseils de conservation de la ressource chargés de formuler des avis impartiaux sur l'établissement des limites de capture; et l'adoption du principe de précaution dans la détermination du total admissible des captures. L'introduction d'une nouvelle *Loi sur les pêches* viendra faciliter ce processus.

En outre, le Ministère entend partager la responsabilité de la gestion des ressources halieutiques par une démarche de cogestion où l'industrie et les provinces participeront à la prise de décisions. Les efforts déployés par le Ministère en vue d'élaborer un Code de conduite canadien pour une pêche responsable, en collaboration avec l'industrie, reflètent bien l'intérêt du Ministère envers la pérennité de la ressource.

Politiques

La *Loi sur les océans* de 1997 confère au MPO l'obligation d'implanter un cadre coordonné lui permettant d'étudier et de protéger l'écosystème océanique, d'utiliser au mieux les océans et leurs ressources et d'aider la population à utiliser les ressources côtières de façon durable. Ces travaux mèneront à une stratégie de gestion des océans en vertu de laquelle les intervenants et les gouvernements pourront gérer de concert les activités relatives aux océans.

Sciences

Cette stratégie de gestion des océans encadrera, entre autres, des activités visant à maintenir l'intégrité de l'habitat du poisson en vue d'une production durable des ressources halieutiques, par l'intégration du développement économique et de la protection de l'habitat. À cette fin, le MPO établit des accords de coopération avec les provinces pour définir clairement les objectifs et les responsabilités touchant la conservation et la protection de l'habitat du poisson. En outre, il travaille à une approche intégrée de gestion de l'habitat, pour assurer la conservation ou une exploitation durable des stocks vivant en-deça de la limite canadienne des 200 milles ou dans les zones adjacentes.

Par cette stratégie, on cherche notamment à mieux comprendre les océans et les écosystèmes aquatiques, pour asseoir une solide base scientifique. Cette base se manifestera par les activités visant à protéger le milieu marin et les habitats d'eau douce contre les effets des perturbations physiques, des contaminants chimiques et des espèces exotiques. Cela aura aussi comme avantage de promouvoir le développement durable de l'aquaculture et des ressources aquatiques.

En diffusant notre connaissance des environnements marins et d'eau douce à nos clients, à nos partenaires et autres intervenants du milieu, ils pourront mieux comprendre et apprécier la conduite à suivre pour favoriser une gestion durable des ressources.

Garde côtière canadienne (GCC)

Au MPO, la GCC joue, par la prévention, un rôle d'importance pour la protection de l'environnement. Malgré les efforts mis en oeuvre par cette dernière pour empêcher les incidents tels que les déversements de produits chimiques nocifs, des dommages à l'environnement se produisent. Un des piliers du mandat de la GCC consiste à atténuer les effets des atteintes à l'environnement. La modernisation et la simplification du cadre de fonctionnement de la GCC lui permettra d'assumer ses responsabilités avec plus d'efficacité et d'efficience.

La GCC procède à une mise à jour complète de son programme d'aides à la navigation, pour réduire au minimum le risque posé à l'environnement marin par le trafic et le commerce maritimes. Par divers moyens -- déglçage et gestion des glaces; obligation de dresser des plans pour prévenir les déversements d'hydrocarbures et la pollution dans les installations pétrolières; mise en place d'une capacité d'intervention efficace en cas d'urgence pétrolière ou chimique en milieu marin; dissuasion des navires sillonnant les eaux canadiennes de procéder à des rejets

While supporting maritime industries, DFO also ensures that damage to the environment and aquatic resources is minimized by providing publications, nautical charts, aids to navigation and by keeping harbours critical to the fishing industry open for business and in good repair.

Corporate Services

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DECEMBER 1997

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SEE LIBRARY/SUSTAINABLE DEVELOPMENT FOR COPY

RECEIVED FEB 0 2 1998

Ottawa, January 20, 1998

**Re: Sustainable Development:
A Framework for Action**

Dear Sir/Madam:

Further to consultations held in the fall of 1997, the Department of Fisheries and Oceans (DFO) tabled its Sustainable Development Strategy (SDS) in the House of Commons on December 10, 1997. This strategy is a work in progress.

I am pleased to announce that our strategy entitled *Sustainable Development: A Framework for Action* is now available. It may be consulted on-line at DFO's website at www.dfo-mpo.gc.ca. To obtain further copies of the strategy, please complete the coupon below. Be sure to indicate your preference in terms of the format you would like to receive.

With this strategy, we have moved one step closer towards the conservation of our shared resources. You may rest assured that we will make every effort to implement the principles set out in the strategy. Any comments you would like to make about the strategy are most welcome

Yours sincerely,

Barbara Adams,
Strategic Priorities
(613) 990-7153

I would like to receive a copy of the
Sustainable Development: A Framework for Action.

NAME: _____

ADDRESS: _____

CITY and PROVINCE: _____

POSTAL CODE: _____

Send your request to:

Public Enquiries
Department of Fisheries and Oceans
Communications Directorate
200 Kent Street
13th Floor, Suite 13228
Ottawa, Ontario, Canada K1A 0E6
Tel. No.: (613) 993-0999
Fax No. : (613) 990-1866
Internet: info@dfo-mpo.gc.ca

Please indicate your preference:

- I would like to receive an electronic version of the strategy; my e-mail address is: _____
- I would like to receive _____ bound copies of the Sustainable Development Strategy by mail.

Ottawa, le 20 janvier 1998

**Objet : Développement durable :
cadre stratégique**

Madame,
Monsieur,

Aux suites des consultations tenues au cours de l'automne 1997, le ministère des Pêches et des Océans (MPO) a déposé sa stratégie de développement durable (SDD) devant la Chambre des Communes le 10 décembre 1997.

Je tiens donc à vous informer que notre stratégie, *Développement durable: cadre stratégique*, est maintenant disponible. Il est possible de consulter en-ligne le document en accédant au site Internet du MPO à l'adresse suivante **www.dfo-mpo.gc.ca**. Sinon, je vous invite à nous faire parvenir le coupon-réponse que vous trouverez au bas de cette page, afin de recevoir une copie du document. Il est important que vous nous indiquiez votre préférence quant au format de réception.

Avec cette stratégie, nous faisons un pas de plus vers la préservation de nos richesses communes. Soyez assuré que nous nous efforcerons à mettre en application les principes de la stratégie. Vos commentaires sur la stratégie seront les bienvenus. Je vous prie d'agréer, Madame, Monsieur, l'expression de mes salutations les plus distinguées.

Barbara Adams,
priorités stratégiques
(613) 990-7153

✂

Je désire recevoir une copie de la stratégie de développement durable du ministère des Pêches et des Océans.

NOM : _____

ADRESSE : _____

VILLE et PROVINCE : _____

CODE POSTAL : _____

SVP, indiquez votre préférence :

☛ J'aimerais recevoir une copie électronique, mon adresse e-mail est : _____

☛ J'aimerais recevoir par la poste _____ copies reliées de la stratégie de développement durable.

Faites parvenir votre demande à :
Demandes de renseignement du public
Ministère des Pêches et des Océans
Direction des communications
200, rue Kent
13^e étage, bureau 13228
Ottawa (Ontario), Canada K1A 0E6
n^o tél.: (613) 993-0999
n^o téléc.: (613) 990-1866
Internet : info@dfo-mpo.gc.ca



P.O. Box 1006
Dartmouth, Nova Scotia
B2Y 4A2

RECEIVED FEB 03 1998
Your file Votre référence

Our file Notre référence

JAN 28 1998

Mr. Bob Race
Director
International Ocean Institute
1226 LeMarchant Street
Halifax, NS B3H 3P7

Dear Mr. Race:

RE: Development of Canada's Oceans Strategy

With the proclamation of the *Oceans Act* came the responsibility for the Minister of Fisheries and Oceans Canada to lead and facilitate the development of an Oceans Strategy. In the upcoming months, consultations will begin, in collaboration with partners and stakeholders across Canada, to gather input for the development of this Oceans Strategy for Canada.

As a basis for these consultations, Fisheries and Oceans Canada, along with 22 other federal departments with oceans-related responsibilities, have developed a discussion document: *Toward Canada's Oceans Strategy*. Although the document is presently being typeset, I have enclosed an advanced copy for your information. I will ensure you receive a final version when it becomes available.

Two additional documents have also been produced entitled *The Role of the Federal Government in the Oceans Sector* and *The Role of the Provincial and Territorial Governments in the Oceans Sector*. The information contained in these documents was supplied by the related departments and I have enclosed copies of these as well.

In the Maritimes Region, an Oceans Act Coordination Office (OACO) has been established to lead the Region's participation in the development of the Oceans Strategy and coordinate the implementation of the *Oceans Act*. This office will serve as the focal point for regional stakeholders dealing with the Oceans Strategy and the *Oceans Act*.

Given the broad scope of the *Oceans Act*, successful implementation will depend on the cooperation of all levels of government, industry, academia, interest groups and community-based organizations. I, therefore, look forward to your participation in developing an Oceans Strategy for Canada.

.../2

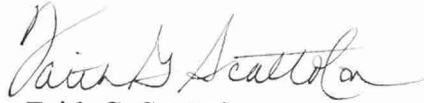
Mr. Bob Race

- 2 -

JAN 28 1998

If you have any questions regarding consultations on the Oceans Strategy or require additional copies of the documents enclosed, please contact Carla Dale at (902) 426-2106.

Yours sincerely,



Faith G. Scattolon
Director
Oceans Act Coordination Office
Maritimes Region

Enclosures

cc: C. E. Dale

Date sent: Tue, 10 Feb 1998 08:41:46 -0400 (AST)
From: International Ocean Institute <ioihfx@is.dal.ca>
To: Darlene Manning <dmanning@kilcom1.ucis.dal.ca>
Subject: Dr. Mann Borgese: SHEBA/JOIS -- www.ArcticExplorer.com (fwd)

Darlene,

Message saved in EMB file. I replied that she was away, the bio was fine and that we would send a photo. Could you sent one please.

Rudd

----- Forwarded message -----

Date: Mon, 9 Feb 1998 16:56:32 -0500
From: "Duquette, Tammy" <DuquetteTa@DFO-MPO.GC.CA>
To: "'ioihfx@dal.ca'" <ioihfx@dal.ca>
Subject: Dr. Mann Borgese: SHEBA/JOIS -- www.ArcticExplorer.com

Dear Dr. Mann Borgese:

Thank you for your very special comments about the SHEBA/JOIS programme. We will be adding them to our "Guest Book" (which is what I'm calling it at the moment!) on the web site.

I will be including a short bio about each contributor. I found this elsewhere on the Internet:

"Dr. Elisabeth Mann Borgese is a Professor of Political Science and Law at Dalhousie University, Halifax, Nova Scotia, Canada. She is the Founder and Honorary Chair of the International Ocean Institute and a leader of the Independent World Commission on the Oceans."

Will this bio be appropriate, or would you like to modify it?

I would also like to include a photo, if possible. Would you have one available?

Many thanks,

Tammy Duquette
Managing Editor
<http://www.ArcticExplorer.com>

Fisheries and Oceans Canada
(613) 990-0301

Fisheries and Oceans Canada

News Release

NR-HQ-98-15E

April 15, 1998

DFO RELEASES POLICY AND FRAMEWORK FOR MARINE PROTECTED AREAS

OTTAWA -- David Anderson, Minister of Fisheries and Oceans, announced today that public consultations would begin on a draft policy and framework for a national Marine Protected Areas (MPA) program.

"I believe the conservation of our ocean resource is paramount and Marine Protected Areas are one effective way of maintaining our inheritance of healthy and sustainable oceans in the years to come," said Mr. Anderson. "It is fitting that we are working to develop an MPA program during the International Year of the Ocean, a year set aside to focus our attention and efforts on protecting our oceans."

The consultations will give interested Canadians a unique opportunity to provide input and comment on the Department's proposed approach to establishing MPAs.

Both the draft policy and the draft national framework are being sent to over 2,000 interested groups and individuals, many of whom have already been involved in bringing the draft documents to their present state. Canadians are invited to participate, by either contacting their nearest DFO regional office, or by accessing the documents on the Internet at <http://oceans.conserva.com>.

Public working sessions will be held during the 60-day review period in major regional centres across the country to further solicit input into the review process. The exact dates and locations of these meetings will be determined by public interest and coordinated by regional DFO offices.

The development of an MPA Program is the first major initiative to be launched under the Oceans Act, which came into force January 31, 1997. The Act provides for the creation of MPAs as part of a national oceans management strategy based on the sustainable development and integrated management of oceans, their resources and the coastal activities that affect them. MPAs will provide for the protection and conservation of living resources and their habitats in designated ocean areas.

.../2



Government
of Canada

Gouvernement
du Canada



1998 is the International Year of the Ocean.
To know more about it, visit the web site at
<http://www.OceansCanada.com/iy98>

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In February, 1997, the first step in developing an MPA Program was taken with the release of a discussion paper on MPAs. This discussion paper gave Canadians an opportunity to provide input on the Department's proposed approach to establishing a national system of MPAs. Comments gathered on the discussion paper were used in the development of the draft policy and framework.

"At the end of the public review, we will announce pilot sites for MPAs," said Mr. Anderson. "These pilot sites will be used to test DFO's policy and framework in a 'learn-by-doing' approach."

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The backgrounders related to this announcement are available on the automated Fax-On-Demand service of Fisheries and Oceans. They are immediately retrievable -- to users with a touchtone phone and a fax machine -- 24 hours a day, 7 days a week.

To retrieve, dial 1-416-362-1447 and follow the voice prompts.

NUMBER	BACKGROUNDER
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73	CANADA'S RESPONSIBILITIES UNDER THE <i>OCEANS ACT</i>

The department welcomes all written public comment on the documents which can either be sent via e-mail to mpas@oceansconservation.com or:

Marine Protected Areas -- Department of Fisheries and Oceans
200 Kent St.
Ottawa, ON
K1A 0E6

To obtain additional copies of the Marine Protected Areas documents on the Oceans Conservation website: www.oceansconservation.com

FOR MORE INFORMATION:

Athana Mentzelopoulos
Minister's Office
Fisheries and Oceans
(613) 992-3474

Jo-Anne Brisebois
Media Relations
Fisheries and Oceans
(613) 990-0219

.../3

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To obtain the address of the nearest DFO regional office, contact one of the MPA coordinators listed below.

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This news release and related backgrounders are available on our web site at
<http://www.dfo-mpo.gc.ca/communic/newsrel/newsrel.htm>

Backgrounder

B-HQ-98-15(72)

MARINE PROTECTED AREAS

Canada's *Oceans Act*, enacted in January 1997, provides the Minister of Fisheries and Oceans with the authority to coordinate federal involvement among 23 federal departments and agencies in all oceans-related issues. The Act also states that the Minister of Fisheries and Oceans is responsible for developing a national strategy for oceans management -- Canada's Oceans Strategy. One part of this strategy is the development of a Marine Protected Areas (MPA) Program.

A Marine Protected Area is an area of the sea that has been designated for special protection under the *Oceans Act*. MPAs may be created to conserve and protect:

- commercial and non-commercial fisheries resources, including marine mammals and their habitats;
- endangered or threatened species and their habitats;
- unique habitats;
- areas of high biodiversity or biological productivity; and
- any other marine resource or habitat as is necessary to fulfill the mandate of the Minister of Fisheries and Oceans.

Canada's marine ecosystems are vast and diverse, supporting many different activities. MPAs must, therefore, satisfy a range of needs in a variety of jurisdictional settings. As a result, a flexible approach is required for the design and management of these areas. MPAs will complement existing approaches to protecting marine areas, including the efforts by the other federal departments and those of the provinces, territories and municipalities.

In February, 1997, a discussion paper was released outlining an approach to establishing and managing MPAs. This discussion paper went through a 90-day public review, during which stakeholders and interested Canadians from coast to coast to coast submitted their comments, suggestions and ideas to the Department of Fisheries and Oceans (DFO).

After the consultation period, DFO began to draft a policy and national framework for establishing MPAs, using the comments and suggestions received from the public.

.../2



The MPA policy:

- provides the rationale behind DFO's efforts to identify, designate and manage MPAs;
- provides an Objective, Goals, Code of Practice and Management Approach for MPAs; and
- addresses DFO's role to lead and coordinate a "national system of marine protected areas".

The national framework describes how DFO will establish and manage MPAs, including details on screening and selecting sites, and building partnerships with other stakeholders.

Both the draft policy and the national framework will undergo a 60-day public consultation phase beginning April, 1998 and ending June, 1998. All stakeholders and interested Canadians are encouraged to read these documents and provide their comments to DFO.

Once the public consultation phase has ended, DFO will work towards announcing MPA pilot projects to test its policy and framework in a "learn-by-doing" approach.

DFO's regional offices will be responsible for providing copies of both documents. The policy and the framework are also on the Oceans Conservation web site at:
<http://www.oceansconservation.com>.

APRIL 1998

CANADA'S RESPONSIBILITIES UNDER THE OCEANS ACT

Canada's Department of Fisheries and Oceans (DFO) is the lead federal department for the management, conservation and protection of Canada's oceans resources. Under the new Oceans Act, DFO is developing a number of integrated and complementary initiatives and programs. The chart below highlights some of the oceans-related programs and initiatives with which DFO is currently involved.

Surrounded by the Pacific, Arctic and Atlantic Oceans, Canada is a Maritime nation. As Canadians, our cultural and economic identity is linked to our oceans through trade, commercial shipping, fishing, and other oceans industries. We all enjoy the economic, socio-cultural and recreational opportunities offered by our oceans and we must continue to take part in protecting and conserving them for future generations.

Canada's Oceans Act

Enacted in January 1997. This Act confirms Canada's rights and responsibilities regarding its three oceans. In Part II, the Minister of Fisheries and Oceans is to work collaboratively with interested Canadians in leading and facilitating the development and implementation of a national strategy for the management of oceans and coastal areas, and initiatives to apply that strategy.

Canada's Oceans Strategy

To develop a strategy which would ensure our oceans resources are managed based on the principles of sustainable development, integrated management and a precautionary approach. Links 23 other federal departments and agencies involved in oceans-related programs, provincial and territorial governments, aboriginal organizations, coastal communities, etc. The approach invites the suggestions of all stakeholders and will benefit all Canadians. DFO, for its part, is developing MPAs, ICZM and MEQ initiatives under the Oceans Act.

Marine Protected Areas

MPAs are legally designated areas for the purpose of protecting important marine resources and environments. Everyone with a stake in the oceans has an opportunity to provide input into the development of the program.

Integrated Coastal Zone Management

ICZM is a process for the planning of all activities to achieve the conservation and sustainable use of coastal and marine areas. This process will involve stakeholders in consensus-based decision making.

Marine Environmental Quality

MEQ refers to standards designed to conserve and protect the integrity and quality of ocean ecosystems and to guide decisions affecting oceans.

It is fitting that the oceans-related programs and initiatives mentioned above are moving forward this year -- the International Year of the Ocean. The U.N. has declared 1998 as the International Year of the Ocean to focus attention on the need to sustain marine resources and to ensure a healthy ocean. Canada is already involved in many projects aimed at doing this.

More information on these and other oceans-related initiatives can be found at the following web sites:

Department of Fisheries and Oceans web site:

<http://www.dfo-mpo.gc.ca>

Oceans Canada web site:

<http://www.oceanscanada.com>

Oceans Conservation web site:

<http://www.oceansconservation.com>

International Year of the Ocean web site:

<http://www.oceanscanada.com/iyo>





*things you
can do to*

*choses à
faire pour*

Save *the*

sauver

World

l'océan

Ocean

mondial



Keep it clean!

Don't pollute - when you go to the beach or on boating trips, bring your garbage back.

Gardez-le propre!

Ne polluez pas. Lorsque vous allez à la plage ou que vous faites une excursion en bateau, rapportez vos déchets.



Recycle

This is the first step to make a change. Recycle anything and everything. Dispose of toxic wastes in the municipal sites provided for the purpose. If your community doesn't have a program, get one started.

Recyclez

C'est la première chose à faire pour changer les choses. Recyclez tout, tout, tout. Débarrassez-vous des déchets toxiques dans les sites municipaux prévus à cette fin. S'il n'y a pas de programme dans votre municipalité, lancez-en un.



Adopt-a-beach!

Volunteer for beach clean-up activities. If you do not live near a coast, get involved in your local "save the river" or similar clean environment programs. If there isn't one start it!

Adoptez une plage!

Portez-vous volontaire pour une corvée de nettoyage d'une plage. Si vous habitez loin de la mer, participez à un programme de nettoyage des rivières ou à un programme similaire. S'il n'existe aucun programme du genre dans votre collectivité, pourquoi ne pas en mettre un sur pied?



Support

ocean educational activities in schools and

youth groups. Come up with your own community-level oceans activities.

Appuyez



les activités d'éducation sur les océans dans les écoles et dans les groupes de jeunes. Organisez vos propres activités communautaires sur les océans.



Encourage

your friends to get involved with projects to protect special sensitive areas. Support the creation and maintenance of marine protected areas, marine parks and reserves.

Encouragez

vos amis à participer à des projets de protection de zones vulnérables. Appuyez l'établissement et l'entretien de zones de protection marine, de parcs marins et de réserves marines.



Make an effort

to learn more! Find out about existing and proposed laws, programs and projects that could affect the world's oceans.

Renseignez-vous

sur les lois, programmes et projets existants ou proposés qui peuvent avoir un effet sur les océans du monde.



Be aware

that the ocean was the cradle for life on the planet and is still needed for our survival. Talk to people about respect for the oceans.

Prônez le respect

des océans. Soyez sensible au fait que les océans sont la Source de vie et que nous avons encore besoin d'eux pour assurer notre survie.



Sign

My Ocean Charter at www.oceanscanada.com/IYO and let the world know you care about oceans. While you're at it, check out the web site links.



Signez

Ma Charte des océans sur le site Web www.oceanscanada.com/AIO et dites ainsi au monde entier que les océans vous tiennent à cœur. Pendant que vous y êtes, pourquoi ne pas visiter les liens avec d'autres sites?



Contribute

Find ways to contribute to the *Youth for the Oceans Foundation* (c/o The Canadian Association of Principals, 2835 Country Woods Drive, Surrey, B.C., V4P 9P9)

Contribuez

à la *Fondation jeunesse pour les océans* (a/s de l'Association canadienne des directeurs d'école, 2835, Country Woods Drive, Surrey [Colombie-Britannique] V4P 9P9).



Plan

a fun event to celebrate Canada's OCEANS DAY on June 8 - this year and every year after!

Organisez

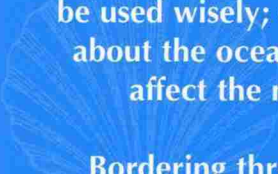
une activité pour souligner la Journée des océans, le 8 juin de chaque année au Canada.



International Year of the Ocean




The United Nations has declared 1998 as the IYO to focus attention on the marine environment. **THE OCEAN IS THE LAST FRONTIER OF OUR PLANET.** But this frontier is threatened: by marine pollution most of which comes from the actions of people on land; by abuse of the ocean's resources which are not individually owned and must be used wisely; and by lack of knowledge about the ocean and how our activities affect the marine environment.



Bordering three oceans: the Atlantic, the Arctic and the Pacific, Canada has the world's longest coastline. Stretched out as a single continuous line, Canada's coastline would circle the Earth more than 6 times! Whether you live on the Prairies, in a city, in rural Canada or on the Coast, the Ocean affects you and you affect the Ocean. Our oceans are connected to all the other oceans in the world and every living thing on Earth is connected with the Ocean.

THE WORLD OCEAN!




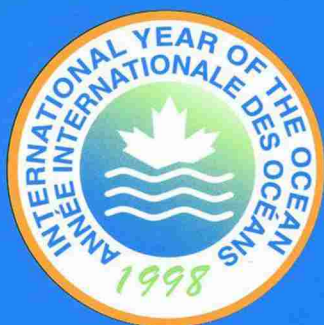
Année internationale des océans



Les Nations Unies ont proclamé 1998 Année internationale des océans dans le but d'attirer l'attention sur les océans et leurs ressources. L'océan est l'ultime frontière de la planète. Cette frontière est menacée par la pollution marine provoquée en grande partie par l'activité des habitants de la Terre, par la surexploitation des richesses marines qui sont des biens communs et devraient être utilisées judicieusement, et par un manque de connaissances sur les océans et sur la façon dont nos activités affectent le milieu marin.

Bordé par trois océans - l'Atlantique, le Pacifique et l'Arctique -, le Canada possède le plus long littoral du monde. Mises bout à bout, ses côtes représentent six fois la circonférence de la Terre! Où que vous viviez - dans la partie continentale ou sur la côte, en ville ou à la campagne, vous demeurez en interaction avec l'océan. Et les océans du Canada sont reliés aux autres océans du monde et à tous les organismes vivants de la Terre.






www.oceanscanada.com/iyo

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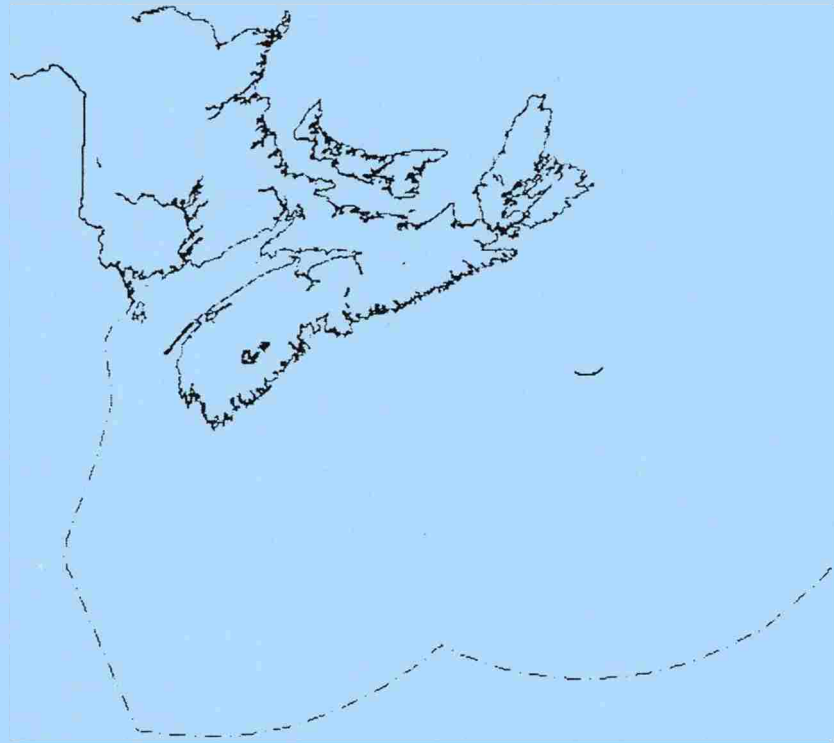
Fisheries and Oceans
Canada

Pêches et Océans
Canada



**DEPARTMENT OF FISHERIES AND OCEANS,
MARITIMES REGION - MARINE PROTECTED
AREAS PROGRAM**

**MAY 1998 - PROGRAM IMPLEMENTATION
WORKING DOCUMENT**



Fisheries and Oceans
Canada

FOREWORD

THE MARINE PROTECTED AREAS PROGRAM DOCUMENTS AND CONSULTATIONS

On April 15, 1998 Fisheries and Oceans Canada (DFO) released the *National Marine Protected Areas Program* document containing introductory comments on the program, the *Marine Protected Areas Program Policy*, and the *National Framework for Establishing and Managing Marine Protected Areas*. This document combines the *National Framework for Establishing and Managing Marine Protected Areas* section of the *National Marine Protected Areas Program Document with the Maritimes Region - Marine Protected Areas Program Working Document*. The intent is to provide the public with a single document which lays out the National Framework and the proposed process for implementation of this Framework within the Maritimes Region. This format is being used to serve as a working document for the public review and consultation period.

The exact and complete text, in the same order as it appears in the National Framework document, is provided in boxes. Where Regional clarification or expansion of the National Marine Protected Areas (MPA) Framework is required it usually precedes the appropriate box. This document is divided into three separate sections describing different aspects of the MPA Program. You are encouraged to read each section to have the full understanding of our proposed approach.

This Regional Working Document attempts to address the questions related to program delivery which have been asked in the Regional meetings on the *Approach to the Establishment and Management of Marine Protected Areas* discussion paper of January, 1997 and at subsequent meetings and workshops. The Working Document also takes into consideration the Regional ecosystem, social, and cultural uniqueness of the Region. It is realized that the broader community has not yet had an opportunity to fully discuss MPAs and this will be provided within the Region throughout 1998.

CONTEXT OF THE MPA PROGRAM - CANADA'S OCEANS STRATEGY

In late 1996, Parliament passed the *Oceans Act* which extends Canada's maritime jurisdiction and gives clear direction to the Minister of Fisheries and Oceans to take the lead in developing and implementing an oceans management strategy. The Act also laid out the framework for this management process, the principles upon which it is based, and provided powers and tools to undertake the task.

The *Oceans Act* calls for the development of a *national strategy for the management of estuarine, coastal and marine ecosystems* within Canada's jurisdiction. This process began with the January 1998 release of the discussion paper *Towards Canada's Oceans Strategy* and the background documents *Role of the Provincial and Territorial Governments in the Oceans Sector* and *The Role of the Federal Government in the*

Oceans Sector. There are public consultations planned for later this year on the development of the Oceans Strategy.

The national Oceans Strategy is to be based on three guiding principles set out in the Act, as stated below in *italics*. The explanation accompanying each principle is from the January, 1997 Marine Protected Areas Discussion Paper. These explanations relate only to the MPA program and will be further defined by comments and discussions held on the Oceans Strategy.

- ***sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs.***

Sustainability has become a well accepted principle in natural resource management. Our approach is to put emphasis on conserving ecosystem functions and services on which economic and social values depend. As such MPA's form an anchor for marine conservation and consequently assist in meeting sustainability objectives.

- ***the integrated management of activities in estuaries, coastal and marine waters that form part of Canada or in which Canada has sovereign rights under international law.***

Integrated management is a decision-making process used to co-ordinate the management of human activities that affect marine resources. It requires attention to environmental, social, and economic values. Integrated management brings affected interests, sectors and government agencies together in a process focused on developing and implementing common goals, plans and policies.

- ***the precautionary approach, that is erring on the side of caution.***

As applied to the MPA program, this means that the lack of certainty about the location, size or number of MPAs should not be used as a reason to prevent their establishment. Similarly, a lack of scientific certainty for the efficacy and need for MPAs does not mean that they are unnecessary or ineffective. The precautionary principle puts the burden of proof on activities (including those of individuals and government) that may cause damage to ecological resources, as opposed to the current approach that permits activities until harm is demonstrated.

The *Oceans Act* also directs DFO to lead and facilitate the development and implementation of plans for the integrated management of all activities in or affecting the estuarine, coastal and marine waters under our jurisdiction, or over which we have sovereign rights under international law.

The *Oceans Act* provides the Minister with several tools to use in support of the Oceans Strategy and an integrated management planning process, including: the authority to enter

into agreements; establish or recognize advisory or management bodies; develop marine environmental quality standards, guides, and regulations; and to establish marine protected areas for specific reasons. As part of the integrated management responsibilities, DFO will lead and co-ordinate the development and implementation of a '*national system of marine protected areas*' on behalf of the Government of Canada.

WHY DO WE NEED MPA'S?

The marine ecosystem surrounding the Maritime Provinces is among the most ecologically productive and significant areas of Canada. These marine resources and environments are an essential part of our economy and our cultural and natural heritage.

In recent years, the public has requested a more ecosystem-based approach to the management of marine environments and resources. In many cases, the impact of our activities on marine ecosystems and species is poorly understood. When it is understood, we have not always acted to protect the ecosystem. In response to concerns for the health of the marine environment a number of countries around the world are using protected areas to conserve key aspects of the marine environment. In a similar fashion, Canadians are taking a strong proactive role in determining what they value in terms of living marine resources and then seeking ways to protect and restore the ecosystem function and health that supports those values. Ecosystems and populations have to be restored and maintained at former levels of productivity so they can be sustainably harvested and enjoyed by future generations.

The overall management of human activities in or affecting the ocean will be undertaken through the development and implementation of integrated management plans. It is only the sensitive habitats which need to be pro-actively identified and protected through the MPA program. This does not mean that the harvestable resources in MPAs will not be used or that the areas cannot be used for other purposes, but just that the ecosystem health and productivity will be placed first when decisions are made in the development of management plans for these areas.

NEXT STEPS - DEVELOPING THE MARITIMES REGION MPA PROGRAM

Over the next few months, DFO Maritimes Region will be developing the MPA Program to meet the objectives of the *Oceans Act* and the MPA Policy. This is an evolving process starting with these working documents and consultations. Comments on the MPA Program should be forwarded to the Regional MPA Coordinator. The consultation period on the National MPA Policy is limited and comments should be provided as soon as possible. Comments on the National Framework and Regional MPA Program will be used to refine these working documents; however, as part of the "learn by doing" approach these documents will be further revised based on experience and further discussions.

As will be described later in this document, MPA system planning efforts involving all interested parties will be the priority MPA activity in Maritimes Region. In addition, DFO is interested in identifying one or two sites in the Region which will act as 'pilots' and can be worked through the MPA framework and program outlined in this document to field test the process. Through this approach, MPAs can begin to be designated under the *Oceans Act* in collaboration and cooperation with a variety of interests, building a strong foundation for the MPA Program in the future.



Neil A. Belfontaine
Regional Director General
Maritimes Region

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Regional Interdepartmental Coordinating Committee
MPA Project Workteams

SECTION 1: INTRODUCTION TO THE MARITIMES REGION, MARINE PROTECTED AREAS PROGRAM

This Maritimes Region, Marine Protected Areas document builds on the National Framework to provide further details on the proposed program delivery, and to describe how it relates to other consultative and advisory structures already established in the region. The intent is to provide all users and interests in the Maritimes with as complete a picture as possible on which to base their comments.

NATIONAL FRAMEWORK FOR ESTABLISHING AND MANAGING MARINE PROTECTED AREAS

PURPOSE

The *National Framework for Establishing and Managing Marine Protected Areas* presents the general approach that the Department of Fisheries and Oceans (DFO) will take to establish and manage MPAs across Canada. The program will be implemented at the DFO Regional level. Regions, therefore, may develop specific guides for implementing the National Framework to suit local marine conservation and protection needs. Regional guides will be consistent with the National Framework and may provide additional details on aspects of the process.

EFFORTS TO DATE

In February 1997, DFO released a Discussion Paper entitled "An Approach to the Establishment and Management of Marine Protected Areas under the *Oceans Act*". Over the public review period, DFO hosted 18 Information Sessions at which the *Oceans Act* and the MPA Discussion Paper were presented for discussion. Over 400 Canadians heard DFO's presentation on the MPA Discussion Paper and the proposed approach to establishing and managing MPAs. The feedback indicated that DFO was indeed "on the right track". Elaboration of the proposed approach was needed for further public review.

MARINE PROTECTED AREAS UNDER THE *OCEANS ACT*

The *Oceans Act* defines a marine protected area as an area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada (12 nautical miles) or the exclusive economic zone of Canada (to 200 mile nautical miles); and that has been designated for special protection under the *Oceans Act* for one or more reasons. Table 1 describes the reasons for which MPAs can be established under the *Oceans Act*. The designation of MPAs will complement existing conservation and protection measures under the *Fisheries Act*.

Table 1. Reasons for Establishing MPAs under the *Oceans Act*

Section 35 (1) of the *Oceans Act* defines an MPA as:

an area of the sea...(that) has been designated ... for special protection for one or more of the following reasons:

- (a) the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
- (b) the conservation and protection of endangered or threatened marine species, and their habitats;
- (c) the conservation and protection of unique habitats;
- (d) the conservation and protection of marine areas of high biodiversity or biological productivity; and
- (e) the conservation and protection of any other marine resource or habitat as is necessary to fulfill the mandate of the Minister (of Fisheries and Oceans).

Defining the Reasons for MPA Designation

The *Oceans Act* lists specific reasons for which MPAs can be established. The following begins to define these reasons further and place them in a Maritimes context. Many sites will share several of these reasons, and particular emphasis will be placed on designating sites with multiple conservation objectives. Guides to the establishment of individual MPAs will be developed to provide a more detailed approach to assessing the ecological, social and economic characteristics and impacts of each site plan under consideration.

A. Conservation and Protection of Commercial and Non-Commercial Fisheries Resources and their Habitats

Healthy ecosystems are critical to sustainable fisheries and to DFO's conservation mandate.

The role and purpose of an MPA designated for the reason of *conserving and protecting commercial fisheries and their habitats*, is to protect and enhance the available resource for the fishery and to provide site-specific habitat protection in important areas. There can be both direct and indirect benefits to the fishery through the use of MPAs. MPAs are not intended for use as a primary fisheries management tool. However, they can supplement existing management efforts and plans by providing pro-active protection of the ecosystem against harmful or uncertain impacts on highly valued habitats and species. Habitats are defined in the *Fisheries Act* to include migration, spawning, nursery, rearing

and food supply areas upon which the fish depend directly or indirectly to carry on their life processes.

The suitability of MPAs for fisheries protection or enhancement varies with each species. For some the concept has been well researched and applied. For others it is considered inappropriate or there is inadequate information available. As with other reasons for designation, to achieve fisheries protection objectives, MPA's need to be well placed and of the appropriate size to achieve any benefits. Over the next few years, the Department, together with the fishing industry, will discuss the potential roles of MPAs for fisheries conservation and protection.

Suggestions have been made to focus MPA efforts on critical or important areas with the following general objectives:

- to protect species and habitats in critical life stages, (*e.g.* juvenile and spawning areas), providing a means of enhancing and increasing local or regional fish stocks, *e.g.* through increased recruitment and spill-over of larvae, juveniles, and adults.
- to protect important or distinct genetic stocks
- to allow the development of a natural age structure for a population to maintain genetic diversity and support recruitment
- protect species and ecological communities that support commercial species *e.g.* over-wintering areas, food supply
- to provide a better understanding of the fish stock dynamics and ecosystem needs

Marine Mammals

MPAs for marine mammals may be required to protect critical populations and habitats. DFO, Maritimes Region, established three 'Whale Sanctuaries' in 1994, around important concentrations of Right and Bottlenosed Whales, as part of a voluntary effort to reduce human disturbance and impacts. MPAs for marine mammals would focus on the following objectives:

- to protect areas which support important life stages and population viability, *e.g.* calving areas, feeding areas, and juvenile areas
- to protect areas of key aggregations and concentrations for one or more species
- to protect areas of direct conflict with human activity, *e.g.* collisions with ships or noise levels

B. Conservation and Protection of Endangered or Threatened Species and their Habitats

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is the recognized national body for identifying species at risk in Canada. Moreover, the Government of Canada has committed to reintroducing federal *Endangered Species Protection Act*, using COSEWIC as a guide for implementation. As a result, species identified by COSEWIC will be considered for protection under this reason for MPA designation. An MPA for these species and their habitats may be required to help prevent a decrease or extinction of a species.

MPAs for endangered, threatened or vulnerable species would focus on:

- areas of key aggregations and concentrations
- areas which support important life stages and population viability, *e.g.* calving areas, feeding areas, juvenile and wintering areas
- areas of direct conflict with human activity

C. Conservation and Protection of Unique Habitats

The term "unique habitats" can be interpreted in a number of ways and means different things depending upon the scale of analysis. For example the national or regional context in which the concept is applied. Generally, areas designated for this purpose would be significantly different from the typical or common habitats in the Region. This term can apply to areas and habitats that are particularly special at the species, community, or ecosystem level.

Unique habitats may include the following:

- areas that provides a habitat for any species or community assemblage in to which populations collapse in times of low numbers or environmental stress over the long term or on a seasonal basis
- areas which provide important biogeographic or ecological habitat qualities
- areas which support important or special ecosystem processes

D. Conservation And Protection of Areas of High Biodiversity and Productivity

The Department is currently investigating the concept of biodiversity and productivity "indices" and "ecological frameworks" to provide a more operational and practical means of addressing these purposes and identifying potential sites.

Areas of High Biodiversity

Canada as a signatory to the *Convention on Biological Diversity* has made a commitment to meeting biodiversity objectives in the marine environment. MPAs are one tool which can help achieve these objectives.

The term "biodiversity" has a number of definitions. The Biodiversity Convention and the Jakarta Mandate on Marine and Coastal Biodiversity are often referenced as guides for the application of the concept. The Canadian Biodiversity Strategy defines biodiversity as:

"the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems"

Objectives for maintaining biodiversity need to be applied to all levels of trophic and ecological organization; e.g. within species (genetic and population structure), and between species (community organization, benthic and pelagic). The focus will be on conserving and protecting indigenous biodiversity (the naturally occurring species and diversity at all trophic levels).

There are number of habitats or features which are well recognized as areas that are characteristic of high species diversity (*e.g.*, estuaries, kelp beds). Marine ecosystems support fewer species than terrestrial systems but there is much greater genetic diversity within a species. This is important to remember since protecting areas with high numbers of species may not be sufficient to protect the indigenous diversity. It will also be important to protect the natural population structure to preserve genetic diversity within the population.

Areas of High Productivity

Areas of high productivity have a higher than mean plant or animal productivity over the year. These areas contribute to important biological processes and are critical to the survival of many species. There are a number of key indicators of productivity which could serve to identify these areas, *e.g.* high phytoplankton or zooplankton, or marine mammal concentrations.

E. Conservation and Protection of any Other Marine Resource or Habitat as is Necessary to Fulfill the Ministers Mandate

Understanding the oceans is an important part of ensuring their sustainable management. MPAs can set aside an area of the marine environment for the purposes of scientific

and/or management research, furthering the understanding of the function and interaction of species, communities, ecosystems and management approaches. More specifically an MPA could be used for purposes such as the following:

- areas which provide a benchmark for scientific monitoring
- areas which provide a control area to allow the study of natural behaviors and relatively intact ecosystems
- areas which provide a control area to assess degraded habitats and human impacts
- areas to test ecologically based management approaches

Collaboration and Partnering in the Maritimes

It is clear that no one agency, such as DFO, has the jurisdiction, the management resources, or the capability to address every issue and requirement for developing and managing a system of MPAs. All interests in the oceans have a part to play. Therefore, collaboration and partnering are a driving force of the Maritimes Region MPA Program. The support, cooperation, and sharing of knowledge among a wide variety of individuals, organizations, and communities is fundamental to the success of the Program.

Partnering and the Role of DFO

The MPA Program will require a number of *partners* to meet its objectives. Partners are interested parties that work collaboratively with the Department in developing and managing MPAs. The *Oceans Act* (Section 29) identifies the potential partners for developing and implementing the Oceans Strategy broadly:

29. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems in waters that form part of Canada or in which Canada has sovereign rights under international law.

In the Maritimes Region, all interests will be given an opportunity to partner with DFO in developing MPAs, playing important roles in various aspects of the program, including: system planning; site identification; public awareness; and site management. The value of local and traditional knowledge of the ecosystems in the region is of key importance in the development of MPAs. The same opportunities to participate in MPA planning applies to all potential partners identified below and they are listed in random order in this section. The terms used in this document are listed below to better define the various interests involved, and

General Public: Through the *Oceans Act*, the Canadian public has asked for a system of MPAs to ensure the health and function of the marine ecosystem in Canadian jurisdiction. The general public will continue to be interested in marine conservation issues and their participation will be encouraged.

Interested Parties: Those who have stated an interest in MPAs and will actively participate in their development and management. This includes affected parties and jurisdictional interests. Often the degree of involvement and responsibility of these interested parties will depend on the purpose of the MPA, its geographical location, and the planning efforts already underway

Affected Parties: Those who directly make a living or rely upon marine resources (living and non-living) *e.g.* fishing, shipping, tourism, and oil and gas operators etc. MPA designation may change or alter current or future activities of these resource users. The input of users into the design and management of MPAs is essential and will be ensured. The term stakeholder used in this document is synonymous with affected parties.

Jurisdictional Interests:

- Federal Departments
- Provincial Departments
- Municipalities

A key role for DFO in the MPA Program will be to address the overlapping and complex jurisdictional arrangements by helping establish the necessary coordination among inland, coastal and marine management regimes, and by helping establish the roles and processes for full public involvement. For DFO the concepts of 'leading' and 'facilitating' MPAs mean a process of assembling all interested persons, organizations, and agencies in a cooperative planning process. In some cases, formal arrangements will need to be established to foster cooperation and collaboration.

It should be clear that DFO will not take a lead or facilitating role in all sites which are identified as Areas of Interest (AOI) (see Step 2 in the process defined in Section 2 of this document). Developing the objectives for an MPA, conducting public consultations, and the necessary assessments for particular sites will be undertaken by the "sponsor". A sponsor is an organization or interest group prepared to help develop and assess a potential site in collaboration with interested parties and relevant agencies. DFO will undertake the role of sponsor where we feel the site is needed, (*e.g.* to protect an endangered species or is a key link in the system of MPAs) and no other sponsor is able

to take on the role. This is also dependent on available resources to undertake the work in a timely fashion. As well, DFO will work with other sponsor groups to ensure the work they do is consistent with the MPA Framework and Program objectives and we will ensure consultation with all those affected. Any proposed changes to the use of marine resources will be reviewed by the appropriate regulatory agencies and consultation structure, (e.g. fisheries advisory committees) and scientific advice on the potential of the site to meet its ecological objectives will be obtained, for consideration in the MPA process, before any action is taken by the Department.

APPROACH TO DFO's MARINE PROTECTED AREAS PROGRAM

Need for Effective Partnering

The MPA Program will seek the support of other federal ministers, boards and agencies, provincial and territorial governments, and affected Aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claim agreements. Cooperation will be encouraged in all steps of the framework

The concept of partnering is vital to the MPA program - its success depends on how well various interests are able to work together. Key program areas dependent on partnering include the gathering of information, the development of public awareness of environmental issues, the conducting of research, and the enforcement of regulations.

The number of interested parties, like the diversity of interests and uses, will vary with sites, regional needs and attitudes, and resources. The degree of involvement and responsibility of interested parties depends on its geographical location. Partnering arrangements in the MPA program will often involve many groups and interests as discussed below.

Coastal Communities and Non-government Conservation Organizations

The MPA program provides an opportunity for communities, as well as local, regional and national conservation groups, to be involved in conservation activities in the marine environment. In coastal MPA management, local organizations and communities play a prominent role, ranging from nomination and co-management of sites to consultation activities and public awareness programs. Organizations nominating an MPA could become a 'sponsor' for the site. A sponsor is an organization prepared to make a long-term partnering arrangement in managing the MPA.

Fishing and Aquaculture Interests

Fishing and aquaculture interests have an important investment in MPAs. It is essential to all involved parties that fishing groups, including commercial and Aboriginal fish

harvesters, recreational fishers, businesses, processing companies, and the fishing-dependent communities, play an active role in the MPA process.

Fish harvesters have been strong proponents of conserving the marine resources upon which they depend. They have much knowledge to add to the scientific information that shapes the management approach. Experience suggests that MPAs need strong support from fishing interests, particularly if the MPAs will remove territory from fishing areas or restrict fishing within areas. Support for MPAs grows when harvesters see the results of a successful MPA, or when they become involved in the many stages of the MPA establishment process. The development of the Canadian Code of Conduct for Responsible Fishing Operations in Atlantic Canada complements the MPA process and encourages cooperative approaches to management of the fisheries resources.

Aquaculture is a fast-growing industry in Canada with an interest in the conservation of marine resources. Like the fishing industry, aquaculture will be closely involved in the consideration of individual MPA sites.

Regionally we recognize that Aboriginal communities and organizations have a strong interest in conserving the living marine resources. We will work together with the First Nations and off-reserve native councils, to ensure their interests are included as the system of MPAs are developed.

Aboriginal Communities and Organizations

Many Aboriginal communities and organizations have a strong interest in conserving marine resources for cultural, subsistence and economic reasons. Affected Aboriginal communities and organizations will be provided with an opportunity to participate in the MPA process. Working together will provide for mutual learning among experts with scientific knowledge and those with traditional knowledge. Special consideration will be given to traditional Aboriginal activities in marine areas in the planning and establishment of MPAs. Partnering arrangements will be encouraged to integrate Aboriginal interests into the MPA program.

MPAs will be identified, designated and managed in manner consistent with Aboriginal land claims agreements.

Ocean Industries

The implementation of *Oceans Act* MPAs may restrict human activities in designated areas. Some current users of potential sites may have to be displaced in order to establish MPAs. As a result, many ocean industries, including oil and gas companies, marine mining interests, tourism, shoreline developers, shipping agencies, and other users, will have a direct interest in the development of an MPA program.

The MPA process will include consultations with affected users to ensure that their interests are taken into consideration during MPA planning and establishment. Many of these industries and users may wish to assume a long-term collaborative role in managing an MPA, assisting in activities such as enforcement and monitoring.

Federal And Provincial Marine Conservation Efforts in Maritimes Region

In the Maritimes, as in other areas of Canada, there are a number of marine conservation and coastal management programs delivered by both federal and provincial agencies. MPAs under the *Oceans Act* will compliment these efforts. DFO will encourage and facilitate inter-departmental and inter-governmental cooperation on issues related to marine protected areas and oceans management, helping to address gaps and overlap. For some sites where there is a common interest among the protected area programs, joint designation may be desirable, or to provide for a full range of protection.

With the passage of the *Oceans Act*, DFO will join two other federal departments, Canadian Heritage (Parks Canada) and Environment Canada (Canadian Wildlife Service), in having direct responsibility for the identification, designation, and management of protected areas in the marine environment.

The three federal protected areas programs each have distinct, but complementary purposes. The three federal agencies in the Maritimes have agreed to work together on MPAs, establishing a Regional Interdepartmental MPA Coordination Committee (see Section 3 for details)

The Government of Prince Edward Island is currently developing a *Marine Conservation Areas Strategy*, and working towards designating protected areas in the coastal zone. Both legislation and pilot sites are under consideration to support this initiative. DFO will work closely with this effort and is a member of a work team to oversee the development of the Strategy. In addition, Prince Edward Island together with Nova Scotia and New Brunswick have terrestrial protected areas strategies and coastal zone management initiatives, which compliment MPAs designated under the *Oceans Act*.

There is a strong interest by provincial agencies in the social and economic effects of all MPAs in coastal and marine areas. DFO is seeking the support of the Provincial governments in this program so that we can jointly develop sites and include all the relevant jurisdictions required to meet conservation and protection goals.

Provincial and Municipal Governments

In Canada, coastal provinces have varying degrees of jurisdiction over the seabed in inshore waters. Moreover, the provinces and municipalities are responsible for managing most of the land-based activities that affect the marine environment and

potential MPAs: run-off (pollution), tourism, and shoreline development. Provincial legislation may be required or may be more effective in accomplishing the goals.

Federal Departments

With passage of the *Oceans Act*, DFO joined two other federal departments, Canadian Heritage and Environment Canada, in having direct responsibility for the identification, designation and management of protected areas in the marine environment. The documents *MPA Program Policy Statement* and *Working Together for Marine Protected Areas: A National Approach* provide more details on how DFO will work together with these departments. Other federal agencies such as the Department of Transport, Natural Resources Canada, and the Department of National Defense will be consulted for assistance in addressing specific issues and in considering particular sites.

Maritimes Region of DFO is involved in several initiatives designed to meet the conservation and protection needs of species and habitats which are shared across the Canada/United States border. For example, the Gulf of Maine Council, recently initiated its Marine Protected Areas Project, in an effort to identify the information needs and future planning efforts of Canadian and U.S. agencies and communities. DFO will attempt to strengthen our ties with the National Marine Sanctuaries Program and other U.S. programs to share knowledge and to develop an effective network of protected sites.

International

Cooperative agreements and joint planning exercises between Canada and its neighbours will be necessary in order to meet common conservation objectives. Highly migratory species such as whales have critical habitats located thousands of kilometers from Canadian waters and require a network of protected areas throughout their range. Some potential marine protected area sites are shared with, or are in close proximity to, the United States. A similar situation exists in the Arctic, where Canada and Greenland have a common marine environment that requires protection. Canada and France (Saint Pierre and Miquelon) also share valuable resources on the east coast.

Information Sources

As noted earlier, we recognize the importance of information held by all interested parties and will try to ensure it is included in the MPA system planning process or in individual site development. MPAs can help in our understanding of the marine environment and are also a good place to learn the techniques of ecologically based management of resources

A major constraint in planning for MPAs is the limited understanding of the dynamics of our marine ecosystems. Until more research is available, management decisions will be made with limited knowledge. The MPA program will address information deficits by:

- pursuing sustainable development, integrated coastal zone management, and the precautionary approach
- using MPAs as a learning opportunity by applying the adaptive management principle
- establishing a monitoring component as part of some MPAs
- using MPAs as natural laboratories to conduct environmental research.

Information to ensure sound management of MPAs will continue to be gathered. As part of its science mandate, DFO will continue to collect data for understanding oceans and their living resources, as well as hydrographic, oceanographic, fisheries, and other marine systems. Provincial agencies are developing a number of coastal databases that will be useful for decision-making. Federal and provincial agencies are also cooperating in the assembly of coastal zone information management systems. Community and conservation groups may also have information that an MPA program can use in decision-making.

Monitoring programs will be established to determine whether the goals of individual MPAs have been effectively realized. Environmental parameters will be monitored to detect natural and artificial changes in environmental systems. These data are essential for demonstrating management success. If success is demonstrated, compliance with regulations and public support for additional MPAs would be expected to increase.

Ecosystem Overviews

The first step in developing and meeting the objective of "a system of MPAs" is an ecological overview which will provide the 'state of knowledge' and an information base for MPA identification and management. An ecosystem overview is a key component of MPA system planning, described later in Section 2. This information will be made available to all those interested in participating in the planning process. This exercise will identify the different types of areas needing protection and some specific sites. Sites identified from this exercise will be publicly posted on the Areas of Interest (AOI) list (see Step 2 in process: Section 2).

Ecosystem overviews are studies used to characterize ecosystem types. They will enable MPAs to be developed in a systematic manner, assist in the evaluation and selection of MPAs, and contribute to initiatives such as integrated coastal zone management. They will normally consider large marine areas, coinciding with ecosystem domains rather than administrative regions of DFO or other agencies. As

much as possible, they will include known marine ecosystems or biogeographic territories, such as the Bay of Fundy/Gulf of Maine, Strait of Georgia, or Lancaster Sound.

Such overviews may include information on existing and proposed protected areas, existing and planned uses (fishing activities, resource extraction, recreation), environmental conditions, or ecological characteristics such as key species distribution and critical habitats. It may consider scientific, traditional, and local knowledge. A regional overview will provide important information for managing human activities affecting sensitive ecosystems, habitats, and species.

These overviews will consider existing and proposed MPAs from an ecosystems perspective. This includes consideration of how MPAs interact and support one another and contribute to a system of protection for sensitive resources and habitats. They will consider what additional measures and regulations may be required for protecting marine environmental resources in marine areas outside MPAs. Together with other responsible agencies, DFO may also use the regional overviews to identify protection and conservation policies and actions for adjacent areas, such as habitat protection and enhancement, pollution control, land use controls, and upland park establishment.

The procedure for conducting ecosystem overviews will vary depending on the circumstances in each study area. These overviews may be updated from time to time as new and more detailed information becomes available.

Awareness and Education

Education and awareness of DFO's Marine Protected Areas program is of the utmost importance. Successful partnering requires that all interested parties are well-informed and knowledgeable. Also, the aims of the program must be clearly defined and understood.

The awareness and education component of the program will require the development of a variety of materials for different audiences including schools, resource users, DFO and other government agencies, communities, and non-government agencies. A wide range of educational tools can be used, e.g., public meetings, brochures, booklets, and educational videos.

Effective education and stakeholder support can reduce enforcement requirements by:

- encouraging participation by all interested parties
- creating an understanding that leads to better compliance
- providing a forum, through the partnering arrangements, for addressing concerns.

Pilot Projects 'Learn by Doing Approach'

Pilot projects will be an important part of developing the MPA Program in Maritimes Region. They will provide the opportunity to bring together many of those actively involved in MPAs and other key interests in an effort to help understand, refine and develop the process to establish MPAs.

Pilot sites will be selected from the Areas of Interest (AOI) list described in Section 2 and will move through all the steps for the establishment of individual sites in the framework.

The intention is for the evolving MPA framework to be adaptable and to be phased in, thus providing practical experience in establishing and managing MPAs. The framework design will be constantly examined to consider ways of streamlining and adapting it to meet the needs of regions and stakeholders. The use of pilot MPA projects, as described below, will enhance learning and adaptation.

A number of pilot MPA projects will be identified early in the program to facilitate the evolution of the framework for establishing and managing MPAs. Much can be learned from consideration of such pilot sites. Pilot MPA projects will be used to test various aspects of the MPA Framework. For example, partnering and co-management opportunities and mechanisms can be explored; criteria for evaluating proposed MPAs may be tested; coordination among other agencies or governments could be examined. Learning from these pilot projects will be an integral part of the development of DFO's MPA Program.

SECTION 2: THE ESTABLISHMENT AND MANAGEMENT OF MPAs IN THE MARITIMES REGION

MPA System Planning

The MPA Program in the Maritimes Region will work towards the national MPA Policy objective of designating “a system of MPAs”. A systematic approach to identifying protected areas is well accepted in both marine and terrestrial conservation efforts around the world. MPA system planning is a process, developing clearly defined and understood conservation objectives and identifying and designating protected areas which meet those objectives. MPAs need to be carefully identified based on established ecological principles and the involvement of a variety of interests. The ‘ecosystem overview’ described earlier is an important part of the MPA system planning process.

The development of the plan is a collaborative exercise, including all interested parties, through which information is collected at a regional scale for each of the reasons identified in the *Oceans Act*, e.g. marine mammals, endangered species, biodiversity, etc., and on all current and proposed human uses, e.g. fishing activity, shipping. The goals for system planning in Maritimes Region are:

- to provide a proactive means of identifying potential MPAs
- to provide a broad ecological (ecosystem overview) and socio-economic context in which to evaluate individual MPAs
- to involve a range of interests and perspectives in MPA planning

The plan will ensure that the purposes of the *Oceans Act* are fulfilled and that the MPA Program is based on a sound ecological framework.

A complete systems plan will require a comprehensive database for all marine waters in the Region. This can not be done in the short term so the planning will be approached by applying the systems model based on existing knowledge and updated as more information becomes available. This is an interactive approach where the model can help identify potentially sensitive information gaps which can be targeted for collection.

Establishment of Individual MPAs

The establishment of individual MPAs under the *Ocean Act* will be conducted within a clearly defined framework and process. Prior to the designation of any *Oceans Act* MPA, assessments, discussions, and information sharing is necessary. The objective is to build a knowledge base and consensus among interested parties prior to moving onto further

steps in the process. The process described in the National Framework provides the six basic steps required for each MPA.

In the Maritimes Region the steps will be followed in the order they appear, with the exception of steps 3 and 4, which may be done concurrently.

FRAMEWORK TO ESTABLISH AND MANAGE MPAs

This section describes the framework for the establishment of individual MPAs. In the framework, an *Area of Interest (AOI)* is a marine area proposed for MPA designation under the *Oceans Act*. Once an AOI has been recommended for establishment, it will be referred to as an *MPA candidate site*.

Framework to establish and manage individual MPAs (see Figure 1)

Step 1: Identification of Areas of Interest (AOIs)

Step 2: Initial Screening of AOIs

Step 3: AOI Evaluation and Recommendation

Step 4: Development of a Management Plan for Candidate MPA Site

Step 5: Designation of MPA

Step 6: Management of MPA

In some cases, steps may be taken concurrently or out of sequence.

The Minister of Fisheries and Oceans is responsible for recommending whether the Governor in Council should establish an MPA. To arrive at this recommendation, the Minister will make use of the framework, consulting as necessary with the public and other government agencies.

This National Framework allows for regional flexibility in establishing and managing MPAs. To reflect these differences, *Regional Program Frameworks* may be developed to suit local marine conservation and protection needs. The Regional Frameworks will be consistent with the National Framework and may contain additional information on the steps and matters such as public input and consultations.

Figure 1: Framework for Establishing and Managing MPAs under the *Oceans Act*

**Step 1:
Identification**

**Identification of
AOIs**



**Step 2:
Initial Screening**

**Initial
Screening of AOIs**
(if accepted, forward
to Step 3)



**Step 3:
AOI Evaluation and
Recommendations**

AOI Evaluation:

- Ecological Assessment
- Technical Assessment
- Socio-Economic Assessment

Recommendations
(if accepted,
forward to Steps 4 and 5)



**Step 4:
Management
Planning**

**Development of a
Management
Plan for Candidate
MPA**

**Regulations
Establishing
the MPA**

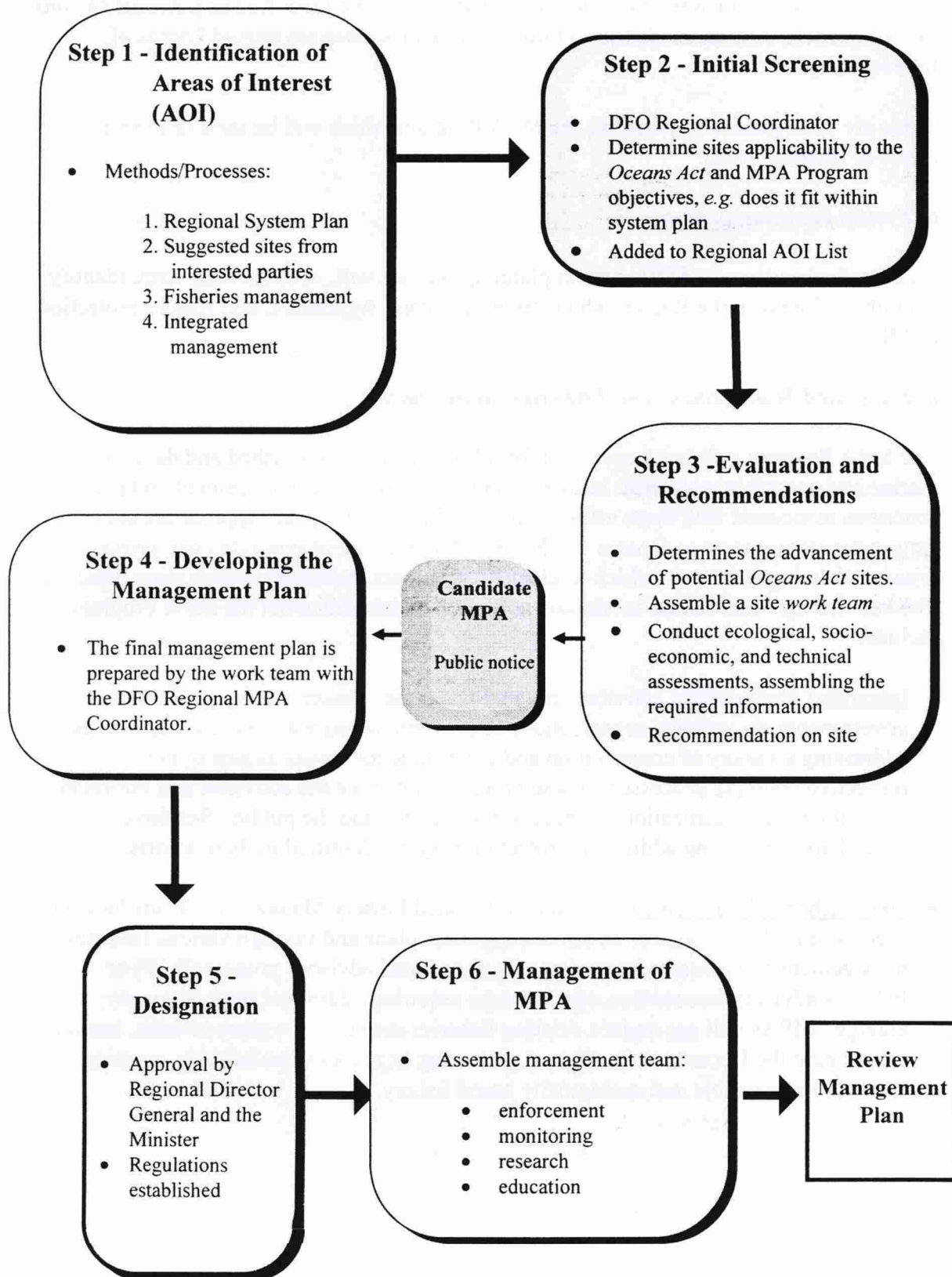
**Step 5:
Establishment**



**Step 6:
Management
of MPA**

Management of MPA

Steps in Developing an MPA site - Maritimes Region



Step 1 - Identification of Areas of Interest (AOI)

There are a number of ways by which marine areas may be identified as potential *Oceans Act* MPA sites. Any areas identified through these processes are termed "Areas of Interest" (AOI)

There are three general approaches the MPA Program which will be used to identify Areas of Interest (AOI).

a) System planning process

As described earlier, the MPA system planning process will, over the long term, identify a number of areas in the Region which are ecologically significant, and require protection as MPAs.

b) Integrated Management and Fisheries Management

The MPA Program will build upon and form linkages with established and developing marine and coastal management initiatives in the Region. The management and planning processes associated with these efforts can assist in identifying any appropriate sites for further development as an *Oceans Act* MPA. Moreover, these processes will provide a broader planning context in which to identify and assess important conservation issues. The key management efforts in Maritimes Region which will assist the MPA Program include:

- Integrated Management activities initiated under the *Oceans Act*, by provincial governments, by regional organizations or in combination with one another, will be addressing a variety of conservation and environmental issues as part of their respective planning processes. These processes integrate the activities and information of a wide range organizations, agencies, researchers, and the public. Sensitive or special areas requiring additional protection may be identified in these efforts.
- DFO Fisheries Management, develops Integrated Fishery Management Plans for each species or multiple species. In developing these plans and through various fisheries management and assessment processes, e.g. regional advisory process (RAP) or fisheries advisory committees, special areas requiring additional protection may emerge. MPAs will not replace existing fisheries management plans or tools, but can supplement the Department's effort at protecting key stocks and habitats, working towards a sustainable and ecologically based fishery.

c) *Suggested Sites from Interested Parties*

In the Maritimes there are a number of community groups, government agencies, individual researchers and industry and conservation organizations which have an interest in marine conservation issues and may even wish to act as sponsors for the development of individual sites. By their own observations, many have, and will continue to identify interesting and important areas of the marine environment which require additional levels of protection. Those interested in exploring their ideas further, should contact the Regional MPA Coordinator as early as possible to discuss the site.

Step 1: Identification of Areas of Interest (AOIs)

The first step in establishing a system of MPAs is to identify potential sites.

Identification

Opportunities will exist for DFO, other government agencies, community groups, coastal communities and Aboriginal organizations, the fishing sector, environmental organizations, academic institutions, other stakeholders and the general public to participate in identifying AOIs within various initiatives.

These initiatives may include:

- ecosystem overviews
- integrated coastal zone management processes
- fisheries management planning
- individual stakeholder proposals
- other approaches

The MPA program will accept nominations of areas for consideration as MPAs. This route provides an opportunity for interested groups to work with DFO in considering possible MPA sites. Groups wanting to propose an area of interest should contact DFO as soon as possible.

Over the longer term, there is a need for a systematic approach to identifying a network of MPAs that reflects all the purposes identified in the *Oceans Act*. This may be achieved through ecosystem overviews (*see p. 7*). The overviews will assist in the selection and evaluation of MPAs, particularly those areas recommended by the public.

Step 2 - Initial Screening of AOIs

All AOIs will go through a rapid screening exercise conducted by the DFO Regional MPA Coordinator. The purpose is to determine if the area has the potential to meet one or more of the reasons for MPAs identified in the *Oceans Act*.

If an area identified has the potential to become an *Oceans Act* MPA it will be placed on a Regional AOI list. Information from the AOI list will be made fully accessible to the public. This will provide the opportunity for all interested and affected parties to link with others who share a common interest in the development of particular sites, *e.g.* community groups with researchers.

If the site does not have the potential to become an *Oceans Act* MPA, the support organizations or agencies will be referred to a more appropriate marine conservation initiative, *e.g.* community-based coastal management efforts, other protected areas programs. Sites which fit other protected area programs, and are considered potential sites by those programs, will also be posted on the AOI list.

Step 2. Initial Screening of AOIs

Purpose

The initial screening step involves an assessment of an AOI to determine if it should be evaluated in more detail. Suggested AOIs will be screened to ensure that the purposes stated for the proposed area of interest conform to the reasons stated for MPAs under the *Oceans Act* (see Table 1).

Information required

At this stage, detailed information is not necessary. Some types of information that may be needed include:

- the location of the proposed AOI
- an outline of the purposes and rationale for establishing an MPA in this location and how these relate to Section 35 of the *Oceans Act*
- a *brief* biophysical description and socio-economic profile of the AOI and surrounding areas
- the types of management measures and regulations that might apply to the area
- the suggested involvement of stakeholders or sponsors in the future management of the area
- contact person, group or agency leading or facilitating the MPA process

- additional information, if required

AOI List

Proposed areas of interest that may qualify for MPA status (see Table 1, Reasons for Establishing MPAs under the *Oceans Act*) will be placed on a regional AOI List. The AOI List will be made available to the public.

Areas that are on the AOI list will be monitored to ensure that the ecological integrity of an area remains intact while awaiting a final recommendation concerning MPA status. Where it is believed that the ecological integrity of an AOI is being threatened by activities, interim protection measures may be implemented.

The identification of a site as an AOI does not provide immediate legal protection to an area. If the values of an important site appear to be threatened, interim protection of these sites will be provided primarily through existing management and regulatory processes, including environmental reviews, habitat sections of the *Fisheries Act*, and by promoting voluntary compliance.

Interim Protection

Purpose

The identification of a site as an AOI does not provide immediate protection to an area. If an important site appears to be threatened at any step during the evaluation of an AOI, the Government of Canada or other levels of government may impose interim measures to conserve and protect potentially affected resources.

Interim protection measures

Governments have various measures for protecting marine resources on an interim or longer-term basis. Some examples include:

- broad notification of stakeholders to discourage uses which conflict with the purpose of the AOI
- partnering arrangements with industry and other stakeholders to protect area
- requests to other government agencies to defer establishment of tenures such as leases, licenses, or other rights to occupy the site
- application of *Fisheries Act* regulations and fisheries closures
- implementation of *Canada Shipping Act* regulations such as

- anchoring, navigation, and pollution restrictions
- establishment of controls by other government agencies, such as implementation of wildlife protection measures, moratoriums on new tenures or renewals, restrictions on resource uses in or around the area, protection from influences of upland activities, and prohibitions of waste disposal and dumping

Step 3 - Area of Interest (AOI) Evaluation and Recommendation

The purpose of the evaluation and recommendation step is to engage all interested and affected parties in a process of assessing and discussing a particular AOI in more detail. The advancement of particular sites will depend upon factors such as: the resources available; the expected involvement of the Department; the level of community support; and the usable information. Early on in the development of MPA Program, sites which could act as pilot MPAs, described earlier, will have priority for DFO support. Therefore, broad community support and the opportunity for collaboration among interested parties will be among the most important factors in advancing a particular site.

The result of this exercise is a recommendation by the Regional MPA Coordinator to the Regional Director General as to whether or not the AOI should proceed further, resulting in a Candidate *Oceans Act* MPA. Depending upon the prior history of a particular site, much of the discussion with interested parties involved and the specific assessments described below may have already taken place.

The ecological assessment is a priority and should be conducted first to clearly define the ecological or conservation merit and objectives of the area. This will be required prior to any in-depth look at specific management actions and their potential impact on resource use and management activities. In addition to evaluation criteria, the core of the ecological assessment in Maritimes Region will be based on how the site fits with the ecological overview/system plan, when it is in place.

This ecological assessment will include the current state of knowledge of:

- the vision or ecological target and goals for the site
- historic and current use and impacts
- the species, population structures, and stock abundance
- availability and quality of habitats for each life stage of valued species
- the physical and chemical features of the habitat - substrates, flows and nutrient cycling
- ecosystem health, contaminants, and potential to restore itself
- ecosystem function and processes
- limiting or key habitats and restoration or development potential

- marine environmental quality standards to be met for a healthy functioning ecosystem
- need for conservation and protection
- harvesting and use targets/limits for ecosystem management

Where an ecological assessment indicates that an AOI is not suitable as an MPA under the *Oceans Act*, further assessments of technical and socio-economic issues will not be necessary. Where the ecological assessment does indicate the site is suitable, the vision and assessment developed in it will form a good basis upon which to assess the technical and socio/economic impacts of site development.

Establishing an MPA Workteam

To assist with the evaluation process a site workteam will be formed by interested parties or the MPA Coordinator. The workteam may have the tasks of coordinating and facilitating discussions, collecting additional information or conducting specific assessments. DFO involvement in a site workteam will vary depending on the resources available and the role interested and affected parties would prefer. DFO will need to assess the regulatory commitments and requirements, prior to formal recommendations. Opportunities for each of the interested and affected parties and the public to participate in the efforts of the workteam will be provided and encouraged.

Step 3: AOI Evaluation and Recommendation

<i>Purposes</i>	To identify and assess the ecological, technical, and socio-economic merits of an AOI, to engage the public in a process of assessing the AOI, and to recommend whether the AOI should be established as an MPA.
<i>Evaluation activities</i>	This step consists of two activities: <ol style="list-style-type: none"> A. Evaluation of the AOI B. Recommendation
<i>Proposal</i>	In order to consider an AOI for MPA status, a more detailed proposal will be required. Preparation of a proposal may involve a planning process that brings together affected agencies and interests. An example of information that may be required is provided in Appendix 1. This information will normally be more detailed than that required for screening.

Interested parties should contact regional DFO offices for further information on procedures for proposals and evaluation.

A. Evaluation of AOIs

<i>Purpose</i>	To assess the merits of AOI from ecological, technical, and socio-economic perspectives.
<i>Evaluation criteria</i>	AOIs will be evaluated according to criteria developed to ensure a consistent and balanced treatment. The criteria suggest what should be examined in considering an AOI. A discussion paper, <i>Suggested Evaluation Criteria for Establishing Marine Protected Areas</i> , has been developed which illustrates the kinds of criteria that may be used in the different assessments.
<i>The evaluation</i>	<p>The evaluation will consider advantages and disadvantages of the proposed AOI and whether it meets relevant criteria. The assessment should consider scientific, traditional and local information and knowledge.</p> <p>All interested parties should have an opportunity to participate in the evaluation process.</p> <p>The evaluation will be followed by a brief summary of information relevant to the assessment, including a rationale for accepting or rejecting an AOI as an MPA candidate. The format and content of evaluation documents will be developed through pilot MPA reviews.</p>
<i>Assessment activities</i>	<p>The AOI evaluation will consist of the following assessments:</p> <ol style="list-style-type: none">1. Ecological Assessment2. Technical Assessment3. Socio-economic Assessment <p>These assessments may be conducted concurrently or sequentially.</p>

1. *Ecological assessment*

The ecological assessment addresses the following questions:

- Does the proposed MPA comply with the reasons for MPAs stated in the *Oceans Act*?
- What are the ecological merits of the proposal?
- How significant are these?

In addition to ecological knowledge, the assessment should include a list of human activities which may need to be controlled, any restoration needs for the area, and the potential for recovery of natural ecosystem functions, if applicable.

Where an ecological assessment indicates that an AOI is not suitable as an MPA under the *Oceans Act* or other relevant legislation, the AOI will not undergo any further assessments.

2. *Technical assessment*

The technical assessment addresses the following questions:

- Is implementation of the proposal feasible from a management and technical perspective?
- What adjustments can be made to improve feasibility and practicality?
- What should the boundaries of the AOI be?
- Is there public and stakeholder support?

The technical assessment determines:

- The prior recognition of the conservation value of the site, such as international recognition of a site's importance
- The contribution of the site to integrated coastal zone management purposes
- The availability of the site for designation
- The appropriateness of proposed area boundaries and management regulations for meeting the proposed management objectives
- The capacity of management resources for planning and management
- The public and stakeholder support for the proposal
- The nature of cooperative partnering or co-management arrangements that might support management of an MPA
- Possible conflicts with adjacent uses, and measures to lessen these
- The demonstration value of the site for conservation purposes

The technical assessment also refines the proposal to improve its acceptability, to minimize technical problems, and to ensure the design for the proposed MPA is appropriate. It will also develop partnering, co-management, or co-designation with other agencies to meet site objectives.

Finally, the evaluation considers whether other measures or regulations might be more appropriate for conserving and protecting resources (e.g., fisheries-closures or harvest regulations).

3. *Socio-economic assessment* A socio-economic assessment answers the following questions:

- How would the establishment of an MPA affect human activities in and around the proposed MPA?
- How can socio-economic benefits of the MPA be enhanced or the costs reduced?

The socio-economic assessment determines how the designation of an MPA may affect:

- fishing uses
- community uses (local recreation, anchoring, food gathering)
- Aboriginal interests (claims, commercial uses, food fishery, cultural or traditional activities)
- economic and transportation uses (oil and gas, minerals, sand and gravel, aquaculture, resort uses, shipping, docks, defense and maritime security interests, aircraft facilities)
- cultural, recreation, and tourism values and uses (seascapes or landscapes, wildlife viewing, shipwrecks, educational opportunities, recreational seashores or water areas)

A socio-economic assessment may be conducted concurrently with the technical assessment.

Priorities

The precautionary approach states that errors should be made on the side of caution in making decisions about sensitive marine resources. This suggests that an AOI's ecological values may be more important than technical and socio-economic considerations. In such areas, the overriding concern may be to provide special protection for these values.

Recommendation

The evaluation process will produce a summary of information from the assessment and any discussions held. Once an evaluation is completed by the *workteam*, the MPA Coordinator will provide a recommendation to the Regional Director-General on the capability of the area to be established as a Candidate *Oceans Act* MPA. All relevant government agencies, interested parties, and the public will be given notice of the candidate.

<i>Recommendation</i>	After the evaluation, DFO will recommend either that the site be designated as an MPA candidate (which requires the development of a management plan) or that it be considered for other forms of protection. In its recommendation, DFO will review assessment information and reports. It will weigh the merits of each AOI against the evaluation criteria to determine which sites merit designation.
<i>Public involvement</i>	All interested parties will be given a reasonable opportunity to participate in the assessment of an AOI. They will be notified of recommendations concerning the AOI and encouraged to comment on them.
<i>Recommendation options</i>	Based on the evaluation process and public input, recommendations may be made to: <ul style="list-style-type: none"> • drop the AOI from further consideration • consider tools other than MPA status for protecting or conserving the area's sensitive resources • refer the AOI to another agency expressing an interest in considering the site under their legislation • defer further consideration of the AOI until more information is available • move forward with the development of an MPA management plan
<i>Interim Protection</i>	Where an AOI is recommended as an MPA candidate site, interim protection may be put into effect, as discussed earlier, to protect and conserve the site's resources until an MPA is established.

Step 4: Development of a Management Plan for a Candidate MPA Site

The objective is to develop a detailed plan for the site that clearly defines the purpose of the MPA, its goals and objectives, how they are to be reached, and how the success of the MPA will be measured. A *workteam* will be assembled to facilitate the development of the Area Management Plan. Depending on the site, workteams assembled earlier to initially evaluate the area may be appropriate for this task. However, any workteam will need to have broad representation of the interests involved. The draft Area Management Plan will be reviewed by the *workteam* and interested parties before it proceeds. The *workteam* will submit the recommendations for a final management plan to the Regional MPA Coordinator.

Purpose of MPA Management Plans

The management plan for an MPA will state the reasons for the MPA, its goals and objectives, how the goals and objectives are to be reached, and how the success of the MPA will be measured. A management plan will be prepared for each MPA, based on proposals and assessment reports, and on comments of stakeholders, the public, and government agencies. The planning process will address the issues and concerns of all interested parties within the context of the stated purpose and objectives for the MPA.

Development of an MPA Management Plan

The formal process of developing a management plan for a candidate MPA begins after the AOI evaluation has been completed. The timing for the process will depend on capacities and schedules of participants. Effective planning will depend on realistic schedules, focusing on a few sites at a time, and the cooperation of all interested groups and individuals.

Management planning will proceed by working with other federal agencies, provincial agencies, local governments, Aboriginal communities and organizations, non-government stakeholders, and the public.

Some of the purposes and objectives for the MPA will have been defined before formal management planning begins. Suggestions for management may come from ecosystem overviews and AOI proposals; information gathered in the ecological, technical, and socio-economic assessments; and the public.

Plan content

The management plan will provide details on how the MPA will be managed. It will provide a number of parameters for management such as the location and boundaries of the MPA,

zoning, prohibited activities, and other relevant regulations. The MPA management plan may also provide additional policies, strategies, or other management tools for achieving the purposes stated for the MPA.

Establishing an MPA may require implementing a variety of initiatives to manage the area, including resource studies (inventories, research and monitoring), public awareness and education, surveillance, enforcement and resource use management. These should be included in the MPA management plan.

Appendix 2 provides a checklist of some of the elements that an MPA management plan might address. These elements may vary depending on the purpose of the MPA, its location, partnering arrangements, and other factors.

*Partnering
arrangement*

Where the MPA is to be co-managed with another organization, the MPA management plan will state these proposed arrangements and detail the commitments, responsibilities and roles of the organizations.

Funding

The plan should identify the sources of funding and a projected management budget to support program activities.

*Background
information and
resource analyses*

The MPA management plan should contain a summary of resource information relevant to the plan objectives. The AOI proposal and assessment reports will contain much of the necessary information. Additional information may be obtained for detailed area planning.

Zoning

The *Oceans Act* allows for zones defining levels of protection to be established within MPAs. The MPA management plan will include all zoning provisions that:

- specify which activities will be permitted or prohibited within each zone
- establish boundaries for specific activities and permitted uses
- prescribe rules of use and restrictions on various activities

The number and type of zoning categories will vary to meet the purposes for which an MPA is established. Zones may include strict 'no take' or 'no activity' areas, where access is severely

limited; areas where controlled use, limited resource harvesting, or other human activities are allowed under specified conditions; and temporal zoning categories designed to vary provisions depending on seasons or other time periods, such as spawning.

Buffer zones

Buffer zones are areas defined around the MPA to protect it from unnecessary encroachment of human activities that may damage important species or habitats of the MPA's ecosystem. Uses within buffer zones are managed in a manner that conserves and protects the marine resources and habitats within the MPA.

Prohibited classes of activities

The *Oceans Act* enables the government to establish regulations prohibiting classes of activities within an MPA. This power permits the blanket exclusion of activities that would conflict with the purposes of the MPA.

Protection standards

It is anticipated that each MPA management plan will be unique. The types of activities that are allowed, or not allowed, within an MPA are specific to each MPA. No underlying protection standards are specified.

Existing activities within the MPA

Where existing and proposed activities within or near an MPA may conflict with the conservation objectives of the MPA, the plan may provide for a phasing out of these activities. In many cases, however, users may have rights or tenures permitting them to use resources of the area. For example, an aquaculturalist or resort operator may have a provincial lease to operate a business within the proposed MPA. In such cases, agreements will be sought with the operator and responsible authority for protection of the area's resources.

Resource agencies, including DFO, other federal departments and agencies, and provincial governments have many powers for regulating the use of resources. MPA management plans can provide latitude for applying tools according to local conditions, in cooperation with resource users.

Development of Regulations for Establishment

The management process may provide important information for determining what should be included in the regulations establishing the site as an MPA. The establishment regulations confirm provisions that will be contained in the final MPA management plan, including objectives, boundaries, zoning, and

other regulatory requirements.

MPA management plans may contain operational details, such as awareness programs, that will not be included in establishment regulations.

MPA management plans may be updated from time to time. This may not necessarily require introducing new regulations, or amending existing ones.

Results of MPA management planning

Once the MPA management plan has been developed, the Minister can recommend that the MPA be established through regulation under the *Oceans Act*.

Step 5: Designation of MPA

Purpose

The *Oceans Act* allows for the designation of MPAs through regulations created under Section 35 (see Table 2). The establishment step may proceed concurrently with the MPA management planning step.

Implementation

Implementation of establishment regulations and MPA management plans may require completion of partnering or co-management agreements, signing of Memoranda of Understanding between DFO and partnering governments and organizations, allocation of financial and staff resources, and other commitments.

Enforcement

The *Oceans Act* also provides for enforcement and fines for violations of regulations concerning MPAs.

Table 2. Establishment Regulations: Section 35 (3):

“The Governor in Council, on recommendation of the Minister, may make regulations

- (a) designating marine protected areas; and
- (b) prescribing measures that may include but not be limited to
 - (i) the zoning of marine protected areas;
 - (ii) the prohibition of classes of activities within marine protected areas, and
 - (iii) any other matter consistent with the purpose of the designation.”

Step 6: Management of MPA

After the site is designated under the Oceans Act legislation, DFO will take a lead role in facilitating and coordinating area management activities to ensure the MPA achieves its objectives. To implement the management activities and to ensure active collaboration, a *management steering committee* will be assembled and co-lead by DFO, other co-designating authorities and the sponsor. Depending on the site, the workteams assembled in earlier steps may be appropriate for management activities, in any case the team will include a broad representation of the interests involved.

Area management

MPAs will be managed using existing information, on-going research, and traditional ecological information from a variety of stakeholders. Activities necessary for accomplishing the objectives of the MPA. This includes activities such as site planning, research, monitoring, surveillance, enforcement, visitor management, and stewardship initiatives.

Role of MPA management plan

MPAs will be managed on a site-by-site basis. This means that each MPA will have its own management plan, reflecting the special character of the site and the purposes for which it was established. MPAs will be managed in close cooperation with other agencies and interested parties.

Guidance for management will be provided by the regulations designating the MPA, the MPA management plan, and other conservation policies and regulations.

Research and

Many environmental processes within marine ecosystems are

<i>monitoring</i>	poorly understood. Scientific research and monitoring may be conducted within MPAs, where appropriate, to understand marine ecosystems better and to provide valuable data on environmental changes.
<i>Public awareness</i>	Compliance with MPA regulations and management plans depends on the awareness and cooperation of the public. Interpretation and education programs may be necessary to explain the purposes of MPAs, and to provide information on appropriate activities within an area.
<i>Review and evaluation</i>	<p>Each MPA will be evaluated periodically, with input from the public, to determine whether it is fulfilling its purposes. If not, changes may be recommended to MPA regulations or management plans.</p> <p>Review and evaluation can include reconsideration of the status of the MPA. MPAs are not necessarily established in perpetuity. Many factors can change, including changes in purposes, environmental conditions, climate, and biodiversity. Periodic reviews will determine whether an existing MPA might be discontinued, enlarged, relocated, or redesigned to serve the intended purposes.</p>

For many sites, the most important management activities for MPAs will include enforcement, research and monitoring.

Enforcement

The *Oceans Act* identifies enforcement provisions, in Sections 37 to 39, providing for the designation of enforcement officers, regulations, penalties and fines. As well, other government agencies have a range of established regulations which could be applied to meet the objectives of an MPA.

Existing fisheries management enforcement tools can provide a basis for enforcement approaches within many of the MPAs. Many areas of the Maritimes are already under regular surveillance for fisheries management purposes, which compliments the needs of MPA enforcement. As well, Coast Guard Canada and other federal and provincial departments have considerable capabilities and may provide assistance in some areas. An integrated approach to enforcement is required, building on existing efforts already underway.

Most importantly, effective education and support for the MPA by interested and affected parties will be a key factor in determining many of the enforcement requirements. It is

the objective of the MPA Program to build support and consensus through the planning process which helped establish the MPA. As a result, many in the coastal communities and industry will become the key part of the enforcement effort, providing the day to day observations needed to ensure compliance with the Area Management Plan

To meet the goals agreed to for each MPA, management actions and regulations must be enforced. The enforcement and surveillance needs of each MPA will vary across Maritimes Region, and are highly dependent on the context in which the site is established, including:

Purpose: The purpose and objectives of the MPA and the level of protection required will define enforcement needs of a given area. For example, an MPA to protect inshore habitats against infilling or restriction of tidal flow, which are a planned activities requiring a permit, is quite different from an offshore site with a mixture of on-going, day to day activities which is designed to protect biodiversity.

Location: The placement of an MPA will be a key factor for determining the enforcement needs and capability. For example, there are significant differences between inshore areas versus offshore areas. Many marine areas already have a surveillance effort for other purposes, while other areas do not, and will need to, build this capability to achieve MPA objectives.

Size: The MPA boundaries, including those established within an MPA for zoning purposes, and its overall size will affect the enforcement requirements

Research and Monitoring

It is difficult to protect what we do not understand. Scientific research and monitoring both within and outside a site is required to understand marine ecosystems better and the role of MPAs. Research and monitoring activities will be used to determine if an MPA is meeting its ecological objectives and will help in revising management plans and activities.

Our understanding of the complex ecological processes and species interactions in the oceans is still growing. MPAs can serve as “benchmark” areas and “living laboratories” in which to study and assess key marine science and conservation issues. It is hoped that an MPA designation will attract the interest of the broad scientific community, and help to encourage the sharing of knowledge and partnering arrangements. The MPA Program will work to provide these linkages.

Interim MPAs for Emergency Situations

Purpose

Under Section 36 of the *Oceans Act*, the Governor in Council, on the recommendation of the Minister may establish an MPA by order on an emergency basis, for short-term protection. This power may be used where the Minister is of the opinion that a marine resource or habitat is, or is likely to be, at risk.

This tool supplements others that could be used in emergency situations, such as fisheries closures and environmental orders.

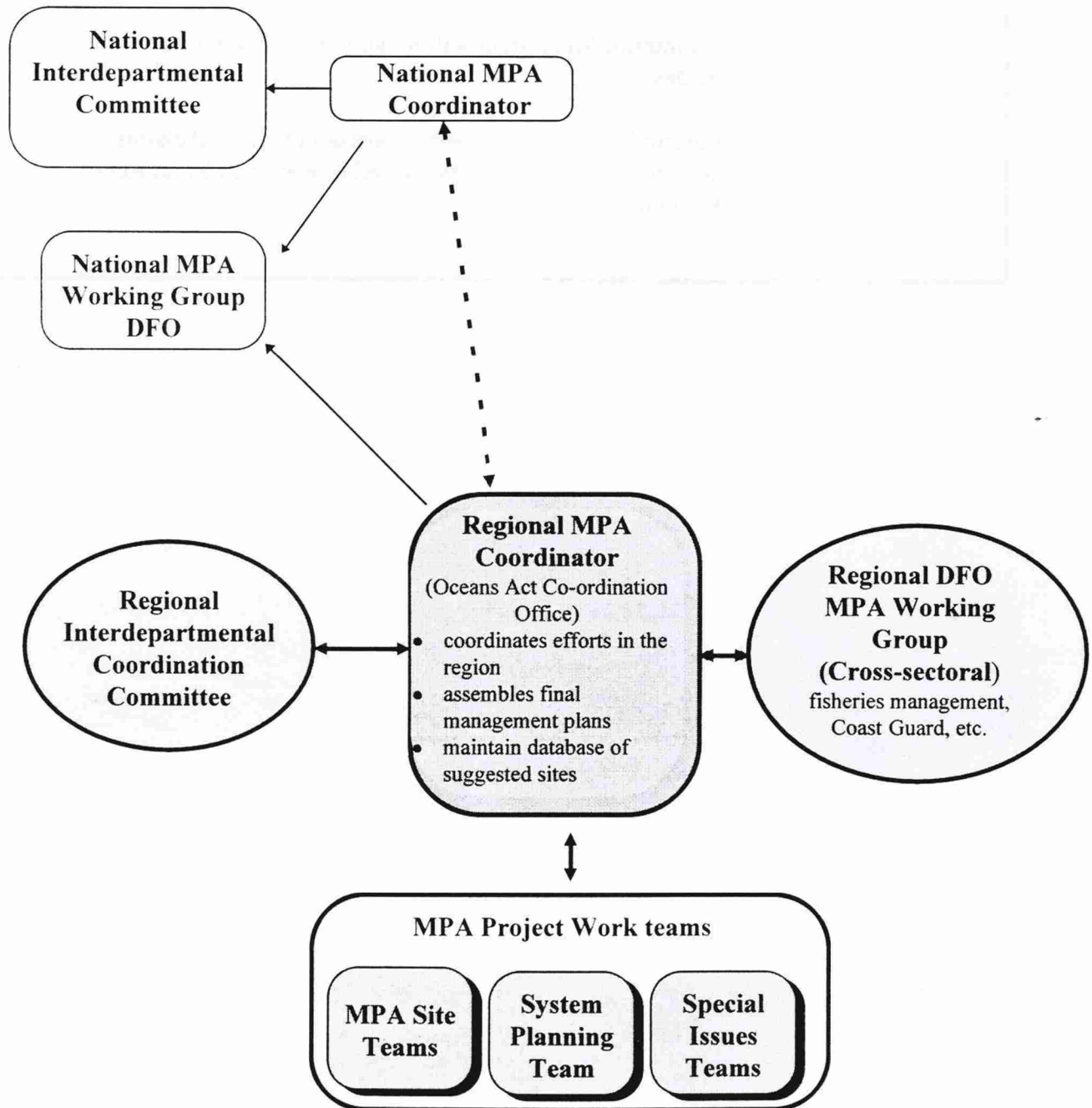
Limits

An interim MPA order will remain in effect for a maximum of 90 days.

Interim MPA orders must be consistent with land claims agreements that have been ratified or approved by an Act of Parliament

SECTION 3: ORGANIZATIONAL STRUCTURE - MARITIMES REGION

The MPA Program will require the input of all sectors of the Department, other government agencies, and interested parties. The MPA Coordinator will assemble individuals and organizations in a timely fashion, bringing together the necessary expertise and representation of interests, as needed. Each group assembled will have its own specific objectives and role to play in the MPA Program. See figure and discussion below for the relationships between the groups and the responsibilities.



Regional Committees And Working Groups - Roles and Responsibilities

Regional MPA Coordinator

The Regional MPA Coordinator has the primary responsibility for leading the process of identifying, evaluating, and selecting sites for designation as MPAs in Maritimes Region.

The MPA Coordinator will have the following key tasks:

- serve as the principle contact regarding MPAs within DFO
- serve as the Regional contact for Headquarters, jointly developing national MPA Program and Policy initiatives, and assisting with specific projects through the National MPA Working Group
- assist or organize and facilitate consultations with all interested parties
- ensure affected parties/stakeholders are consulted
- assist interested groups and sponsors in developing candidate MPAs
- assemble final site management plan for MPAs
- maintain and distribute a database of Areas of Interest (AOI)
- facilitate links between groups with similar interests
- chair and organize Regional DFO Work team and Interdepartmental MPA Committee (see below) and other collaborative arrangements as they emerge
- report to public and other working groups and integrate MPA activities with broader integrated management activities

Regional DFO MPA Working Group

The Regional DFO MPA Working Group is tasked with assisting the MPA Coordinator in developing and supporting the MPA Program. The Working Group has broad cross-sector representation (Science, Policy, Coast Guard, Resource Allocation, Conservation and Protection, Area Managers). The Working Group ensures the various sectors within the Department are consulted and involved in Program development, system planning and development of individual sites, contributing to an integrated approach.

The MPA Coordinator provides the leadership role, informing the working group of all MPA activities in the Region on a regular basis. A number of activities and functions can be expected of Working group members over the next few years:

- review Areas of Interest (AOI) and Candidate MPAs
- assist with co-ordinating information for the MPA system planning process
- coordinating and participating in consultations and public information activities

- co-ordinate activities in investigating and developing specific candidate sites, as needed
- assist in addressing specific MPA issues as they affect the Department

Regional Interdepartmental Coordination Committee

A Regional Interdepartmental Coordination Committee has been assembled in an effort to coordinate the activities of our federal partners, and to encourage an integrated approach. It helps address the Department's role in leading and coordinating "the development and implementation of a national system of marine protected areas on behalf of the Government of Canada". The Committee is chaired by the DFO Regional MPA Coordinator.

The Committee includes partner federal marine conservation agencies, namely, Canadian Heritage (Parks Canada) and the (Canadian Wildlife Service). The committee will be expanded to include provincial representation in order to integrate similar MPA and conservation initiatives at the provincial level.

Some activities of the Committee will include:

- co-ordinate the integration of established and emerging system plans
- coordinating and participating in consultation and public relations activities
- co-ordinate activities in investigating and developing specific candidate sites, as needed
- assist in addressing specific MPA issues

MPA Project Workteams

To provide a flexible and timely approach to developing and implementing the MPA Program a variety of project teams will be assembled. These teams will be composed of individuals and resources on an "as needed basis", using the appropriate expertise and representation in the Region.

The main types of project teams to be assembled include:

i) MPA System Planning Team

An important component of the MPA Program is the development of an MPA "system planning process". A project team will be assembled to assist the MPA Coordinator in designing and collecting the necessary information for the MPA system plan, and will be composed of representatives of various interested parties.

ii) MPA Site *Workteams*

The primary role and task of the site *workteams* is to work with communities and interested parties to set objectives, determine key issues, and coordinate the preparation of recommendations for a management plan. Additional requirements of the workteam may be considerable, including: collecting information, identifying interested and affected parties, and developing site plan. The role of the workteams is also defined in Steps 3 to 6 of the MPA program in Section 2.

The teams could be led by any one of the interested parties or groups and it is expected that DFO will be directly involved in the majority of cases to provide information and guidance. DFO will have a lead in forming and chairing the workteams for sites proposed by the Department.

iii) Special Program Issue Teams

There are a number key components of the MPA Program which may require specific workteams. Examples include: ecological overviews, monitoring, regulatory framework, research, public awareness, and enforcement. Each of these issues may need to be assessed at a regional or sub-regional level. The workteams can provide a basic description of resources and capability available, information requirements, affected parties involved, and general principles of operation.

APPENDIX 1: CHECKLIST FOR AOI INFORMATION

The description of an AOI may include the following:

1. The proposing organization or agency and its contact information.
2. A statement of significance which indicates:
 - why the proposed area merits MPA status
 - how the proposed area meets the purposes defined for MPAs under the *Oceans Act*
 - how the proposed area meets the purposes of other marine protected area legislation, if applicable
3. Suggested location, boundaries and current status of the area
 - analysis of federal, provincial, international, and Aboriginal jurisdictions
4. Environmental and ecological information such as:
 - significant species present, their status and ecological requirements
 - important ecosystem and habitat characteristics, including environmental status and known stressors and threats
 - special features (e.g., upwellings, rivers and estuaries, upland runoff, and nutrient areas)
 - important abiotic processes (e.g., physical and chemical processes, climate, geology)
5. Social and economic characteristics within and near the area, such as:
 - present and historic uses
 - human activities with actual or potential impacts on the area such as oil and gas activities, shipping, aquaculture, tourism, recreation, and food gathering
 - past and present commercial, recreational, and Aboriginal fishing activities and opportunities
 - presence of any Aboriginal land claims
 - potential socio-economic impacts
6. Alternatives to MPA protection, such as:
 - Protection mechanisms already in place within AOI
 - Other types of designation, e.g., park, conservation area, ecological reserve, wildlife management area

- Other types of regulation or conservation measure, e.g., fisheries closure
7. A list of groups and individuals interested in the development of the MPA, including proposed partnering arrangements
 8. Proposed management strategies and regulations inside the MPA and associated rationale for each, such as:
 - suggested management objectives, zoning, and other controls
 - suggestions or arrangements for research and monitoring, surveillance and enforcement
 - suggestions for marking, signage and public awareness

APPENDIX 2. CHECKLIST FOR MPA MANAGEMENT PLAN CONTENT

The following checklist identifies possible elements of MPA management plans.

- purpose and scope of the plan
- background and history of the site and its designation
- location and boundaries of area and surroundings
- descriptive information, such as
 - physical, biological, social, and cultural resources
 - existing activities and uses in or near the MPA
 - existing and potential threats to the MPA and how these might affect the MPA and its management
 - existing legal and management framework
- management goals and objectives
- interpretation of regulations (e.g., details on zoning and activity prohibitions, as set out in regulations)
- core and special use zones management
- buffer areas and management of surrounding areas
- resource studies plans (inventory, research, monitoring)
- awareness, interpretation, and education
- markers, signs, buoys, and charting
- surveillance and enforcement
- resource enhancement or restoration proposals
- resource harvesting and use management
- visitor management
- continuing traditional Aboriginal or community uses
- participation, including advisory committees
- partnering agreements
- administration (staffing, training, facilities and equipment, budget)
- evaluation cycles and procedures for assessing MPA effectiveness and benefits
- planning cycles and update procedures

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Marine Protected Area Program Policy



Executive Summary

The *Marine Protected Areas Program Policy* provides the rationale for the Department of Fisheries and Oceans' efforts with respect to the identification, development, establishment and management of Marine Protected Areas under the *Oceans Act*.

What is a Marine Protected Area (MPA)?

An MPA is an area of the ocean that has been designated for special protection for one or more of the following reasons:

- the conservation and protection of commercial and non-commercial fishery resources, including marine mammals and their habitats;
- the conservation and protection of endangered or threatened species and their habitats;
- the conservation and protection of unique habitats;
- the conservation and protection of marine areas of high biodiversity or biological productivity; and
- the conservation and protection of any other marine resource or habitat as is necessary to fulfill the mandate of the Minister of Fisheries and Oceans.

What is the objective of DFO's MPA program?

To conserve and protect the ecological integrity of marine ecosystems, species, and habitats through a system of Marine Protected Areas, reflecting the provisions of the *Oceans Act*.

What are the goals of DFO's MPA program?

The MPA program has three goals:

- To proactively conserve and protect the ecological integrity of the MPA site while providing for compatible use
- To further scientific knowledge and understanding of both protected and unprotected marine ecosystems
- To contribute to the social and economic sustainability of coastal communities

What is DFO's Code of Practice?

In implementing the Marine Protected Areas program, the Department of Fisheries and Oceans will:

- adhere to the defined objective and goals of the MPA program
- establish MPAs in a fair and transparent manner
- adopt the principles of sustainable development, integrated management and the precautionary approach in decision-making
- base decisions on the best available scientific information and traditional ecological knowledge
- adopt an ecosystem approach to planning, establishing, and managing MPAs
- plan and establish MPAs with the active participation of interested and affected parties, building wherever possible upon existing programs and institutional/community structures
- coordinate across jurisdictions and organizations to better reflect the structure and functions of the marine ecosystem and its interaction with the land
- promote the use of partnering arrangements in managing MPAs
- evaluate the design, management and effectiveness of designated MPAs on a regular basis to ensure that they are achieving their goals

How does DFO'S MPA program work with other marine conservation programs?

Under the *Oceans Act*, the Minister of Fisheries and Oceans will lead and coordinate the development and implementation of a national system of marine protected areas on behalf of the Government of Canada. This involves working closely with other federal departments with mandates to establish protected areas, namely Canadian Heritage and Environment Canada. For a detailed account of each department's role in this effort, see the booklet *Working Together for Marine Protected Areas: A National Approach*.

You may obtain a complete copy of both the *MPA Program Policy* and the booklet *Working Together for Marine Protected Areas* on DFO's Oceans Conservation web site:

<http://www.oceansconservation.com>

National Framework for Establishing and Managing Marine Protected Areas



Executive Summary

The *National Framework for Establishing and Managing Marine Protected Areas* presents the general approach that the Department of Fisheries and Oceans (DFO) will take to establish and manage Marine Protected Areas (MPAs) across Canada.

Approach to DFO's Marine Protected Areas Program

The approach to establishing and managing MPAs emphasizes:

- the need for effective partnering and cooperation between all interested and affected persons and organizations
- making management decisions on a precautionary basis while continuing to gather information to improve our understanding of marine ecosystems
- using ecosystem overviews to characterize ecosystem types for the purpose of evaluating, selecting and managing MPAs
- using a variety of public education and awareness materials to improve effectiveness of MPAs and compliance with management plans and regulations
- learning-by-doing, that is, allowing the MPA framework to evolve and adapt to meet the regional and stakeholder needs more effectively, efficiently, and fairly

Framework to Establish and Manage MPAs

The framework is a guide for establishing MPAs across Canada. It consists of six steps:

Step 1: Identification of Areas of Interest (AOIs) The process begins with identifying potential sites, known as *Areas of Interest (AOIs)*. Nominations for MPA designation will be encouraged from interested parties, including Aboriginal groups, the fisheries sector, environmental organizations, academic institutions, and the general public.

Step 2: Initial Screening of AOIs Next, a site put forward as a possible AOI will be assessed (with the help of a brief proposal from the nominating group) to determine whether it meets the reasons stated under the *Oceans Act*. These reasons include:

- the conservation and protection of commercial and non-commercial fishery resources, including marine mammals and their habitats;
- the conservation and protection of endangered or threatened species and their habitats;
- the conservation and protection of unique habitats;

- the conservation and protection of marine areas of high biodiversity or biological productivity; and
- the conservation and protection of any other marine resource or habitat as is necessary to fulfill the mandate of the Minister of Fisheries and Oceans.

Step 3: AOI Evaluation and Recommendation Sites found to require special protection under the *Oceans Act* will move to the next stage of consideration, which consists of two parts:

A. **Evaluation of AOIs:** Evaluation will be carried out according to three assessment categories: ecological, technical, and socio-economic.

B. **Recommendation on Protection:** After evaluation, DFO will recommend either that the AOI be considered as an *MPA Candidate Site* or that it be considered for other forms of protection.

Step 4: Development of a management plan for an MPA candidate site Each newly recommended MPA requires a management plan before it can be designated by regulations under the *Oceans Act*. The plan, which will be developed in consultation with interested parties, will state the reasons for the MPA, how the goals and objectives are to be reached, and how the effectiveness of the MPA will be measured.

Step 5: Designation of an MPA The federal government, acting under Section 35 of the *Oceans Act*, will make regulations designating the MPA and prescribing protective measures to be taken within it. At this stage, a number of commitments will also be formalized, including partnering or co-operative management agreements and allocation of financial and staff resources.

Step 6: Management of an MPA. MPAs will be managed on a site-by-site basis. This means that each MPA will have its own management plan, reflecting the special character of the site and the purposes for which it was established. MPAs will be managed in close cooperation with other agencies and interested parties. Each MPA will be evaluated periodically, with input from the public, to determine whether it is fulfilling its purposes.

As the program will be implemented at the regional level, regions may develop specific guides for implementing the National Framework to suit local marine conservation and protection needs. Regional guides must be consistent with the National Framework but may provide additional details on aspects of the process.

You may obtain a complete copy of the *National Approach to Establishing and Managing Marine Protected Areas* on DFO's Oceans Conservation web site:

<http://www.oceansconservation.com>



International Year of the Ocean

get involved! www.oceanscanada.com/iyo

Canada



Année internationale des océans

engagez-vous! www.oceanscanada.com/aio

Canada



P.O. Box 1006/C.P. 1006
Dartmouth, Nova Scotia (Nouvelle-Écosse)
B2Y 4A2

Your file Votre référence

Our file Notre référence

JUN 12 1998

Dear Sir or Madam, / Madame, Monsieur,

Marine Protected Areas Program/ Programme des zones de protection marine

It has been just over a year since the *Oceans Act* was enacted. Since then, a number of the initiatives identified in the Act have begun to take shape. The Oceans Strategy is currently being developed, with a discussion paper entitled *Toward Canada's Oceans Strategy* released in January of this year. This paper will be used as the basis for consultations with Canadians over the next 9 months. If you have not received a copy of the Oceans Strategy discussion paper, and would like one, please contact Carla Dale at (902) 426-2106.

Le Canada a promulgué la *Loi sur les océans* il y a un peu plus d'un an. Depuis, un certain nombre d'initiatives proposées dans la loi ont commencé à prendre forme. La Stratégie sur les océans est en cours d'élaboration, donnant ainsi suite au document de travail intitulé *Vers une stratégie sur les océans du Canada* qui a été publié en janvier de cette année. Ce document servira de base aux consultations qui se tiendront avec les Canadiens au cours des neuf prochains mois. Si vous n'avez pas encore reçu votre copie de ce document de travail et aimeriez en obtenir une, nous vous invitons à communiquer avec Carla Dale au (902) 426-2106.

As you are aware, 1998 is the *International Year of the Ocean (IYO)* an important initiative to promote the value of the oceans to all of us. Some promotional materials are included in this package. For additional information on Year of the Ocean events in the Maritimes contact Tim Hall, Maritimes Region IYO Coordinator (902) 426-4116 or the website <http://www.oceanscanada.com/IYO>.

Comme vous le savez sans doute, 1998 est *l'Année internationale des océans (AIO)*, une initiative importante qui vise à promouvoir la valeur des océans pour tous et chacun d'entre nous. Vous trouverez ci-joint du matériel de promotion sur cet événement. Si vous voulez obtenir plus d'information sur les activités qui se tiendront dans les Maritimes durant l'AIO, vous pouvez communiquer avec Tim Hall, coordonnateur de l'AIO pour la Région des Maritimes, au numéro (902) 426-4116, ou consulter notre site Web à l'adresse

suivante :

<http://www.oceanscanada.com/IYO>.

The Marine Protected Areas (MPA) Program, an important part the Oceans Strategy, is the topic I write to you about today. There has been considerable interest in the Maritimes Region, and across Canada, in MPAs since the *Oceans Act* was passed. Where appropriate, MPAs will help protect important species and habitats in the region, supporting a more precautionary and ecosystem approach to oceans management. I am pleased to provide you with Fisheries and Oceans (DFOs) proposed approach to MPAs for your review, an important step in developing the MPA Program collaboratively with coastal communities and all interested parties in the region.

Nous vous écrivons aujourd'hui au sujet du Programme des zones de protection marine, qui représente un volet important de la Stratégie sur les océans. Depuis l'adoption de la *Loi sur les océans*, la question des zones de protection marine (ZPM) a suscité un intérêt considérable dans la Région des Maritimes et dans l'ensemble du Canada. La création de zones de protection marine contribuera à protéger les espèces et les habitats importants dans la région, puisqu'elle favorisera une gestion des océans davantage axée sur la prévention et la protection des écosystèmes. C'est donc avec plaisir que je vous envoie la politique que le ministère des Pêches et des Océans (MPO) se propose d'adopter à l'égard des ZPM afin que vous puissiez en prendre connaissance. Il s'agit là en effet d'une étape importante dans l'élaboration d'un programme des ZPM fondée sur la collaboration des communautés côtières et de toutes les parties intéressées de la région.

Based on the public comments from the *Discussion Paper on Marine Protected Areas Under the Oceans Act* released last February, and from additional discussions and forums over the past year, a proposed process and framework for MPAs has been developed. Several documents which describe the Marine Protected Areas Program from both a national and regional perspective have been drafted for review. Copies of these documents described below are available from the contact addresses

À la lumière des commentaires du public sur le document de travail intitulé *Établissement et gestion de zones de protection marine en vertu de la Loi sur les océans*, publié en février dernier, ainsi que des discussions et des forums qui se sont tenus durant la dernière année, le MPO a établi des modalités et un cadre de gestion pour les ZPM. Plusieurs documents de travail décrivant le programme des ZPM, selon une perspective nationale et régionale, ont également été publiés. Vous

and numbers listed or from the website
[http://www.oceansconservation.com/mpa/
mpahome.htm](http://www.oceansconservation.com/mpa/mpahome.htm)

pouvez d'ailleurs vous procurer des copies
des documents énumérés ci-dessous en
communiquant avec les soussignés ou en
consultant notre site Web à l'adresse
suivante:

[http://www.oceansconservation.com/mpa/
mpahome.htm](http://www.oceansconservation.com/mpa/
mpahome.htm).

Specific details on how the MPA Program
will be implemented will be defined at the
regional level, recognizing that each region
in Canada is unique. The *Maritimes
Region Marine Protected Areas Program
Working Document* provides a process for
the identification, establishment, and
management of MPAs in the Maritimes. A
key objective of the regional program is to
develop MPAs by building upon existing
marine resource and environmental
management efforts. In particular, the
MPA Program is being developed with the
input and advice from DFOs existing
programs.

Les détails précis sur la façon dont le
programme des ZPM sera mis en oeuvre
seront définis à l'échelle régionale, compte
tenu du caractère unique de chaque région
du Canada. Le document intitulé *Document
de travail du programme des zones de
protection marine pour la Région des
Maritimes* décrit les modalités pour la
définition, l'établissement et la gestion des
ZPM dans les Maritimes. L'un des
objectifs clés du programme régional
consiste à créer des ZPM en s'appuyant sur
les mesures de gestion de l'environnement
et de ressources marines qui sont déjà en
place. Le programme des ZPM est par
exemple élaboré à l'aide des données qui se
rattachent aux programmes existants de
Pêches et Océans Canada.

The document *Marine Protected Areas
Program* provides both the Marine
Protected Areas Policy and National
Framework for Establishing and Managing
Marine Protected Areas. This document
presents the national approach to MPAs in
Canada, providing a general methodology
for establishing MPAs in an effort to
ensure consistency across the country.

Le document intitulé *Programme des zones
de protection marine* a servi à établir la
politique des zones de protection marine et
le cadre national pour l'établissement et la
gestion des zones de protection marine. Ce
document expose la démarche nationale
pour la création des ZPM au Canada et
énonce la méthodologie générale pour
l'établissement des ZPM afin d'assurer une
mise en oeuvre uniforme du programme,
d'un bout à l'autre du pays.

The document *Working Together for Marine Protected Areas: A National Approach* describes the relationship among the three federal departments which have protected area responsibilities in the marine environment: DFO, Canadian Heritage (Parks Canada), and Environment Canada. This document is still in development and will be made available once it is finalized over the next few weeks.

Over the summer months a number of meetings and opportunities to discuss MPAs and the approach proposed by DFO in these documents will be provided. Locations and times for these meetings will be made available shortly, and we welcome any suggestions as how best to incorporate your comments and views. Those comments that specifically focus on the National MPA Policy Framework should be made by mid August. The Framework and Regional Working Document will be further developed over the longer term as part of a "learn by doing" approach.

The MPA Program will evolve over time and will require the long-term commitment and the active involvement of a wide range of interests. We look forward to the

Le document *La création de zones de protection marine : une démarche nationale* décrit la relation entre les trois ministères fédéraux qui ont des responsabilités à l'égard des zones protégées dans le milieu marin : Pêches et Océans Canada, le Ministère du Patrimoine canadien (Parcs Canada) et Environnement Canada.

Ce document n'est pas encore complété et il vous sera acheminé dans les prochaines semaines.

Pêches et Océans organisera plusieurs réunions cet été afin de permettre aux divers intervenants la possibilité de discuter des ZPM et de la démarche proposée par le Ministère dans les documents précités. Les renseignements sur le lieu et l'heure de ces réunions vous seront communiqués sous peu; vos suggestions sur la meilleure façon d'intégrer vos commentaires et opinions dans les documents sont d'ailleurs les bienvenues. En particulier, si vous avez des commentaires à formuler au sujet de, la politique et du cadre national pour les ZPM, nous vous saurions gré de nous les faire parvenir avant la mi' - août. Le cadre national et le document de travail régional seront révisés au fur et à mesure que le programme sera mis en pratique.

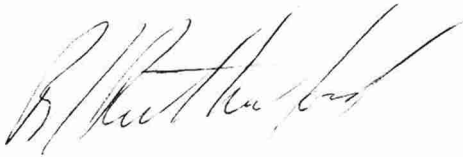
Le programme des ZPM évoluera avec le temps et reposera sur l'engagement à long terme ainsi que sur la participation active d'intervenants dans divers secteurs. Nous

upcoming discussions and opportunities to share ideas and work together on protecting important areas in the Maritimes.

espérons avoir l'occasion de connaître vos idées et de travailler avec vous lors des réunions prochaines sur la protection de ces zones importantes dans les Maritimes.

Sincerely,

Veillez agréer, Madame, Monsieur, l'expression de nos sentiments les meilleurs.



R.J. Rutherford
Manager/Gestionnaire
Marine Protected Areas Program/ Programme des zones de protection marine
Oceans Act Coordination Office/Bureau de coordination de la Loi sur les océans
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Sophie Bastien-Daigle
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Dalhousie University

FAXED

International Ocean
Institute

FACSIMILE TRANSMISSION



TO Sam Baird
FAX 613 952-6802
FROM Darlene Manning, Administrator
International Ocean Institute – Canada, Dalhousie University
FAX 902-494-2034
RE CV
DATE Tuesday, July 21, 1998
PAGES 2

Please find attached a cv for Elisabeth Mann Borgese as requested.

ELISABETH MANN BORGESSE

Born: Munich, Germany, 1918

Citizenship: Canadian

Present Positions: Professor of Political Science, Professor of Law, Dalhousie University, Halifax, Nova Scotia, Canada (1981-). Founder and Honorary Chair, International Ocean Institute, Dalhousie University. Editor, *The Ocean Yearbook*, published by the University of Chicago Press (1982-).

Previous Positions: Killam Senior Fellow, Dalhousie University, Canada (1979-81); Senior Fellow, Center for the Study of Democratic Institutions, Santa Barbara, California, USA (1964-79); Editor, Intercultural Publications Inc. (1952-64); Research Associate and Editor, *Common Cause*, University of Chicago, USA (1946-52).

Publications: A long list of papers in international law and political science journals; chapters in books, major books and monographs in ocean affairs: *The Ocean Regime*, 1968; *The Drama of the Oceans*, 1976; *Seafarm*, 1981; *The Mines of Neptune*, 1985; *The Future of the Oceans*, 1987; *Chairworm and Supersbark* (a book for children), 1992; *Pacem in Maribus* (Ed.) 1972; *Tides of Change* (Ed.) 1976; *Ocean Frontiers* (Ed.) 1992; *Ocean Yearbook*, Vols. 1-13 (Ed.) (1982-); *Ocean Governance and the United Nations*, 1995; *Oceanic Circle: A Report to the Club of Rome* (expected in November 1998); short stories (*To Whom it May Concern*, 1962); plays (*Only the Pyre*, performed at Pirandello festival in Italy, with music by Franco Mannino); a book on women (*Ascent of Woman*, 1962), and a book on animal intelligence (*The White Snake*, 1964).

Other Activities: Member, Advisory Council of the Canadian Association for the International Ocean Institute (1997 -); Vice-Chairman, Independent World Commission on the Oceans (1995-1998); Chairman, International Centre for Ocean Development, (Canadian Crown Corporation, 1987-1992); Founder and Honorary Chair, International Ocean Institute (1972-); Member, Delegation of Austria to UNCLOS III and Prepcom (1974-1987); Consultant to the World Bank, UNEP, UNESCO and UNIDO.

Honours: Medal of High Merit, Government of Austria; Gold Medal, Government of Malta; Order of Canada; Sasakawa United Nations Environment Prize; Order of Colombia; Friendship Award, Government of China; St. Francis of Assisi International Environment Prize; Doctor in Humanities, h.c., Mount St. Vincent University, Canada; Doctor of Laws, h.c., Concordia University, Canada.



Dalhousie University

International Ocean
Institute



September 16, 1998

H.E. Mr. David Anderson
Minister of Fisheries and Oceans
Parliament Building
Wellington Street
Ottawa, Ontario
K1A 0A6

Mr. Minister,,

The International Year of the Ocean is entering its final quarter. Canada has not yet made any lasting contribution to this year's global efforts to enhance law and order on the oceans. We should not miss this opportunity.

November 16 of this year is the date when the provisional sea-bed regime will come to an end. If Canada has not ratified the Law of the Sea Convention, it will lose its membership in the Authority and its voice in international ocean affairs.

The signatories to the enclosed brief want to stress the importance of the occasion and urge you most earnestly to proceed with the ratification of the United Nations Convention on the Law of the Sea before the deadlines of November 16.

Respectfully yours,

Elisabeth Mann Borgese
Professor



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STATEMENT BY THE HONOURABLE DAVID ANDERSON
OF THE DELEGATION OF CANADA

TO THE COMMISSION ON SUSTAINABLE DEVELOPMENT
SEVENTH SESSION

OCEANS AND SEAS

NEW YORK, APRIL 22, 1999

ALLOCUTION DE L'HONORABLE DAVID ANDERSON
DE LA DÉLÉGATION DU CANADA

À LA COMMISSION DU DÉVELOPPEMENT DURABLE
SEPTIÈME SESSION

LES OCÉANS ET LES MERS

NEW YORK, LE 22 AVRIL 1999

Thank you, Mr. Chairman, for this opportunity to deliver Canada's National Statement on Oceans and Seas.

Like many of the States represented here today, Canada has experienced overfishing, wasteful and destructive fishing practices, pollution and habitat degradation. They have all contributed to the unsustainable development of oceans and ocean resources within and without of our Exclusive Economic Zone and Territorial Seas.

But we are changing things, and for the better. This change is reflected in our work on oceans and seas, including the drastic measures we have taken to eliminate overfishing; in our work on tourism, consumption and production patterns; and in our longstanding support for sustainable economic activity in developing countries, including Small Island Developing States.

Canada recognizes that the conservation and sustainable development of ocean resources requires a comprehensive, coordinated and integrated approach.

Canada responded to this reality with the *Oceans Act*, which became law in 1997. The Act calls for leadership in integrating and coordinating oceans activities – from developing and implementing an oceans management strategy, to establishing a national network of marine protected areas; from developing marine environmental quality standards, criteria and guidelines, to achieving integrated management of all activities that take place in, or affect, the oceans. In accordance with an ecosystem-based approach, the *Oceans Act* sets into Canadian law the principles of sustainable development, integrated management and the precautionary approach.

Canada regards these principles as vital. I encourage other nations to implement them in their own legislation, policy, strategies and activities.

National action alone, however, will not suffice. Global and regional action is also required to prevent the destruction of oceans and their resources. Individual international bodies are already addressing this requirement in substantial ways, but more is needed and time is short. As an example of what is taking place, the United Nations Environment Programme is playing a critical role in relation to the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Another example is the role the Food and Agriculture Organization is playing in the development of mechanisms to curb global overfishing. These mechanisms include the FAO Compliance Agreement and the FAO Code of Conduct for Responsible Fisheries.

Canada promotes these initiatives internationally, and is taking action to implement them domestically and within regional fisheries organizations. The ratification and full implementation of the United Nations Fish Agreement is a top

priority. Canada is moving quickly toward ratification, which is expected within the next three months. I urge all nations, members of this Commission, to ratify the United Nations Fish Agreement by the year 2000. It will be an important step in bringing order to the high seas.

More broadly, we know from the work of the FAO and the international marine science community, that the integrity of oceans ecosystems is at risk. And we know that the way to address these threats is through better international coordination and cooperation in areas such as science, habitat protection and overall oceans management. We agreed to this at Rio in 1992. We have been told this by the FAO and the United Nations Secretary-General. And this has been a key recommendation of numerous international bodies. The case is clear.

The debate is not whether we need better oceanic coordination and cooperation. That is known. The debate is now how it can be achieved.

Canada's wish is to see initiatives that further strengthen existing institutions and tools. We have no appetite for creating new institutions and imposing new costs. Any initiative this Commission undertakes must be inclusive, integrated, flexible, accountable, and credible.

We need a process to achieve this objective. I propose that regular senior-level meetings be held under the auspices of the United Nations General Assembly to identify gaps in knowledge and process, and areas for institutional improvement. Further, a panel of experts on oceans and fisheries is needed to support this process.

Our objective is that by 2002, the 10-year anniversary of Rio, the world will have in place an effective and continuing mechanism for international coordination and cooperation. I also believe we should use the opportunity presented by Rio-plus-ten to report that we are taking action on the most pressing oceans issues of overfishing and shore source pollution.

The world's oceans are a global resource that require global stewardship. We have the opportunity today to initiate a real change of direction from indiscriminate exploitation to secure the heritage, conservation and sustainable development of our oceans for this and future generations. Let's take action now. It is past time.

Thank you, Mr. Chairman.

Merci, Monsieur le Président, pour cette occasion que vous me donnez de présenter l'Intervention nationale du Canada sur les océans et les mers.

Comme bon nombre des États représentés ici aujourd'hui, le Canada a connu la surpêche, des pratiques de pêche causant gaspillage et destruction des stocks, la pollution et la dégradation de l'habitat. Autant de facteurs qui ont contribué au développement non durable des océans et de leurs ressources, tant à l'intérieur qu'à l'extérieur de nos zones économiques exclusives et de nos mers territoriales.

Mais, nous sommes en train de changer les choses, et pour le mieux. Ce changement se traduit dans les travaux que nous faisons dans les domaines des océans et des mers, notamment les mesures draconiennes que nous avons prises pour éliminer la surpêche; dans les efforts que nous déployons concernant le tourisme et les habitudes de consommation et de production; et dans notre appui de longue date en faveur de l'activité économique durable dans les pays en développement, y compris les petits états insulaires en développement.

Le Canada reconnaît que la conservation et le développement durable des ressources océaniques commandent une approche globale, coordonnée et intégrée.

Le Canada a réagi à cette réalité en adoptant la *Loi sur les océans*, qui a pris force de loi en 1997. Ce texte législatif prévoit l'exercice d'un leadership dans l'intégration et la coordination des activités liées aux océans – depuis l'élaboration et la mise en œuvre d'une stratégie de gestion des océans jusqu'à l'établissement d'un réseau national de zones de protection marine; et depuis la définition de normes, de critères et de lignes directrices sur la qualité du milieu marin jusqu'à la réalisation d'une gestion intégrée de toutes les activités ayant lieu dans les océans ou ayant une incidence sur eux. En conformité de l'approche écosystémique, la *Loi sur les océans* enchâsse les principes du développement durable, de la gestion intégrée et de l'approche de précaution.

Le Canada accorde à ces principes une importance vitale. J'encourage les autres pays à les mettre en œuvre dans leurs propres lois, politiques, stratégies et activités.

Les mesures nationales, à elles seules, ne vont pas suffire cependant. Nous devons prendre aussi des mesures d'envergure mondiale et régionale si nous voulons empêcher la destruction des océans et de leurs ressources. Chacune de leur côté, les organisations internationales répondent déjà à cette nécessité en prenant des mesures très appréciables, mais il faudra faire davantage, et le temps presse. Par exemple, le Programme des Nations Unies pour l'environnement joue un rôle essentiel en ce qui a trait au Programme d'action mondial pour la protection du milieu marin contre la pollution due aux activités terrestres. Comme autre exemple, il y a le rôle que joue l'Organisation pour l'alimentation et l'agriculture (FAO) dans l'élaboration de

mécanismes visant à mettre un frein à la surpêche mondiale. Parmi ces mécanismes, on peut mentionner l'Accord d'observance et le Code de conduite pour une pêche responsable du FAO.

Le Canada se fait le promoteur de ces initiatives sur le plan international et il prend des mesures pour les appliquer chez lui, ainsi que dans le cadre des organisations régionales relative aux pêcheries. La ratification et la mise en œuvre intégrale de l'Accord des Nations Unies sur les pêches constituent une priorité de premier rang. Le Canada avance rapidement dans son processus de ratification, que nous compléterions d'ici trois mois, et j'exhorte tous les pays membres de la Commission à ratifier l'Accord des Nations Unies sur les pêches d'ici l'an 2000. Nous franchirons ainsi une étape importante pour mettre de l'ordre en haute mer.

Sur un plan plus général, nous savons, grâce aux travaux de la FAO et de la communauté scientifique internationale, que l'intégrité des écosystèmes océaniques est en péril. Et nous savons que la façon de parer à ces menaces, c'est de favoriser la coordination et la coopération internationales dans des domaines comme la recherche scientifique, la protection de l'habitat et la gestion générale des océans. Nous nous sommes entendus sur ce principe à Rio, en 1992. C'est aussi ce que nous ont dit la FAO et le Secrétaire général des Nations Unies. Et c'est une recommandation importante formulée à maintes reprises par divers organismes internationaux. L'enjeu est clair.

Le vrai débat, ce n'est pas de savoir si nous devons améliorer la coordination et la coopération dans les océans. Cela, nous le savons. Le débat, maintenant, c'est de nous entendre sur la façon dont nous pouvons le faire.

Le Canada souhaite la mise sur pied d'initiatives qui vont renforcer les institutions et mécanismes existants. Nous n'avons aucune envie de créer de nouvelles institutions ni d'imposer de nouvelles dépenses. Toute initiative qu'entreprendra cette Commission devra être inclusive, intégrée, souple, crédible et fondée sur la responsabilisation.

Nous avons besoin d'une démarche pour réaliser cet objectif. Je propose que nous tenions, régulièrement, sous les auspices de l'Assemblée générale des Nations Unies, des réunions de haut niveau visant à circonscrire les enjeux qui se recoupent, à identifier les lacunes des connaissances et des méthodes et à définir les domaines susceptibles d'amélioration sur le plan des institutions. De plus, nous devons former un comité d'experts des océans et des pêches qui se chargerait d'appuyer cette démarche.

Notre objectif, c'est que le monde ait en place, pour 2002, année du dixième anniversaire de Rio, un mécanisme efficace et permanent de coordination et de coopération internationales. Je crois aussi que nous devrions saisir l'occasion de l'examen *Rio - 10 ans après* pour faire rapport sur les actions entreprises au titre des enjeux urgents de la surpêche et de la pollution d'origine terrestre.

Les océans du monde constituent une ressource planétaire qui commande une intendance planétaire. Nous avons l'occasion aujourd'hui d'amorcer un virage véritable, de cesser l'exploitation irréfléchie pour nous tourner vers la protection de ce patrimoine et la conservation et le développement durable de nos océans, au bénéfice des générations présentes et futures. Ne remettons pas à plus tard ce que nous pouvons faire dès aujourd'hui. Nous avons déjà trop attendu.

Merci, Monsieur le Président.



Fisheries
and Oceans

Pêches
et Océans

Ottawa, Canada
K1A 0E6

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JUL 29 1999

Your file *Votre référence*

Our file *Notre référence*

Please find attached summaries of the public information sessions held during the month of June to discuss the Atlantic Fisheries Policy Review.

I would like to thank you for your participation and note the interest shown by all attendees in the long-term direction of fisheries management. While the key messages we received differed from place to place, some general themes emerged. For example, we received broad support for proceeding with the review; we heard your comments on the need for a more transparent allocation process; the need to increase scientific research and enforcement; the need for a consistent, Atlantic-wide policy but which recognizes regional differences; and the request that consultations should be as broad as possible.

While we have tried to include all major points that we heard, it is possible that we have overlooked something that should be included in the meeting summaries. If this is the case, would you please send your comments or suggestion for change to:

Sue Rocque
Atlantic Fisheries Policy Review
4th Floor, 360 Laurier Ave. W.
Ottawa, Ontario
K1A 0E6
Tel. (613) 998-1524
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E-mail: rocques@dfo-mpo.gc.ca

Again, I would like to thank those of you who attended the sessions; your comments were appreciated and will help us develop the discussion document over the summer.

Paul Sprout
Director General
Special Projects

Canada

Public Information Session - Halifax – June 14, 1999

Draft Synopsis

Principal themes arising from the session:

- ◆ A policy review needs to be done
- ◆ A set of Atlantic-wide principles is needed, with clear overall objectives, while allowing flexibility to manage appropriately in a given area
- ◆ All parties should be involved in the consultation process; which should be wider (i.e. additional communities should be visited)
- ◆ The allocation process needs a major overhaul to ensure it is clear and transparent to all to counteract the perspective that DFO has “wronged” certain areas and favoured others, i.e. the creation of a conflict resolution process

What we heard:

- ◆ A call for increased municipal participation as decisions taken by DFO have a major impact on the first level of government
- ◆ That it is inappropriate for DFO to be leading the review, an independent review should be conducted
- ◆ As set out, the review is just a housekeeping exercise whereas what is needed is a commitment that DFO is not doing another meaningless review
- ◆ We should have started with what needs to be done and how do we fix it
- ◆ That it would be hard to develop a consistent Atlantic-wide policy
- ◆ That the policy (and, by implication, DFO) cannot be all things to all people
- ◆ A concern that input from these public sessions may be ignored and that attendees will have wasted time and money to participate
- ◆ A call for a conflict resolution process, involving industry, with clear principles for decision making
- ◆ That the allocation process in DFO is unfair and unclear
- ◆ That DFO does a poor job of communicating its policies; it should develop good policies and the ability to communicate with its stakeholders and the general public
- ◆ That too much power is vested in the Minister of Fisheries and Oceans
- ◆ That a consistent, clear policy, understood by all, is needed for the Atlantic but concern that in order to make the discussion document acceptable to all, it will end up being too vague.
- ◆ That DFO's decision making should be open and transparent; right now DFO is operating under a closed door policy of decision making
- ◆ That there is dissatisfaction with DFO but it would be a mistake to assume that there is consensus within the dissatisfaction so DFO should not pursue a “one size fits all” approach to the Atlantic

- ◆ That DFO should increase the Science budget
- ◆ That by definition the policy framework will have to be in a number of different parts, i.e. broad definitions that would apply to all fisheries
- ◆ DFO has to recognize that the world has changed since 1976; that the policy framework should be designed to enable industry to function and compete in the changed global environment
- ◆ A plea to involve industry in preparation of the discussion document, as a result of a concern that if a bureaucrat writes the document, it will be only a DFO document
- ◆ The review will not be easy to do but clear overall objectives are needed
- ◆ Develop a discussion document so people have an opportunity to comment and provide advice
- ◆ Once the discussion document is prepared, it should be thoroughly discussed with stakeholders and the public; there has to be room for correction of errors
- ◆ If DFO is to have a conservation regime, it must be paramount and not able to be compromised
- ◆ That DFO should make a list of current policies, including regional practices, and set down the best current thinking of DFO in a policy framework containing objectives and procedures. DFO will complete and make the document available for further input and comment
- ◆ A request to include all users (specifically the recreational fishery) in consultations and when considering allocation of the resource
- ◆ A need to persuade the Minister to adopt a strategy of regional policy development
- ◆ General support for the concept of an External Advisory Board to be used as a "sounding board", with no decision-making authority,

Public Information Session - Moncton – June 16, 1999

Draft Synopsis

Principal themes arising from the session:

- ◆ General support for the development of high level, Atlantic-wide principles, and a call for Regional flexibility in their implementation
- ◆ That DFO should clearly indicate which policies are not “on the table”
- ◆ That DFO should undertake an evaluation of existing policies
- ◆ That DFO should expand its consultative process to include all interested parties
- ◆ A two-tiered consultation process on the review consisting of meetings with the fishing industry, followed by meetings with the general public

What we heard:

- ◆ If DFO has objectives for the review, they should put them on the table and clearly define them
- ◆ DFO should indicate in the discussion document which items are negotiable and which are not
- ◆ A concern that whatever policy is developed will not work for the weir fishery
- ◆ Multi-species approach to fishing makes sense and is the dominant practice in the Gulf and other areas; the independent owner-operator must be the primary focus of any policy that is developed
- ◆ A concern about why DFO is doing this review now and why it was initiated
- ◆ That CCPFH has proposed establishment of a joint industry/government steering committee to oversee the review process
- ◆ DFO should recognize that the fishery is represented by organizations and that there is a need to consult with organizations during this process
- ◆ A call for a special forum for fishermen’s organizations to discuss the review
- ◆ Confusion as to what is happening at DFO at the present time – drafts of many things (Fisheries Act, partnering, Senate report) that can’t seem to get beyond the draft stage
- ◆ Independent owner-operator must be the primary focus of fisheries management policy
- ◆ That someone has to put accountability and trust back into DFO
- ◆ With the exception of Nunavut, Aboriginal participation in the consultation process does not appear to be addressed
- ◆ There does not appear to be a recognition of specific concerns in the outline of the review
- ◆ The timeframe for the review appears overly optimistic
- ◆ DFO's decisions have, in many cases, been disastrous for plantworkers who should be a part of the consultation/decision making process
- ◆ The Department does not have a firm policy on who is speaking for the industry and is seen to be downloading policy direction

- ◆ The Province of New Brunswick supports the need for the review and will participate in any future public meetings which, they suggest, should include all stakeholders
- ◆ A statement that fishermen's needs should take precedence in the development of any Atlantic-wide policy
- ◆ A call for DFO to consider all interests, in addition to those of fishermen, i.e. oil and gas expansion, aquaculture, etc.
- ◆ A call for DFO to evaluate the effectiveness of existing policies
- ◆ Given the very strong force that can lobby the Minister of Fisheries and Oceans, particularly in terms of allocation, any policy developed should be able to protect the fishery

Public Information Session – St. John's – June 17, 1999

Draft Synopsis

Principal themes arising from the session:

- ◆ That a policy review needs to be done
- ◆ While there should be consistency at a high level, regional flexibility should be allowed for (that a "one size fits all" policy for the Atlantic may not work)
- ◆ That consultations with stakeholders should be as geographically broad as possible, covering all areas of the Province
- ◆ That additional scientific research is needed to help DFO manage the fishery
- ◆ General support for an External Advisory Board

What we heard:

- ◆ That we should be tackling sweeping changes to the management system, rather than a policy review
- ◆ There has been very little scientific research in Northern Labrador; additional studies need to be done on all stocks
- ◆ There is a need for an Atlantic wide policy, with general principles but the operational staff should not be hamstrung as a result of the policy
- ◆ While there should be consistency at a high level, regional flexibility should be taken into account
- ◆ In the past, economic viability has been used as an allocation issue
- ◆ General support for an External Advisory Board
- ◆ A concern that political interventions result in decisions being taken that are not open.
- ◆ That it is imperative DFO clarify its existing policies
- ◆ That decision-making should be delegated to the regions
- ◆ That it is impossible to have an integrated view of the fishery as long as the Federal Government is managing the harvesting of fish
- ◆ The timing and location of consultations is critical; direct stakeholder meetings should be held in as many communities as possible
- ◆ A request for an overhaul of the current licensing policy, particularly the system in place for obtaining a licence
- ◆ That we should be looking at a "common sense" policy that works; that a "one size fits all" approach to the Atlantic may not work
- ◆ That some policies are a problem for inshore fishermen, particularly in Northern Labrador
- ◆ That DFO policies have an (unintended) impact on communities in Atlantic Canada; DFO was urged to consider the potential impacts of decisions on communities in Atlantic Canada

- ◆ DFO was urged to take a close look at its policy on seals, particularly in light of a principle on conservation, and the ecosystem management approach to fisheries management
- ◆ The Fisheries Act gives the Minister absolute power (totally outside any policy); DFO was urged to consider this in the design of any policy framework
- ◆ DFO's ability to fulfill its mandate is being jeopardized by the reductions to its budget
- ◆ Some of the monies being collected in access fees should be returned to DFO's budget to allow for more scientific research

Public Information Session - Quebec – June 18, 1999

Draft Synopsis

Principal themes arising from the session:

- ◆ Science and industry must develop a mechanism that allows for greater credibility in the stock assessment process
- ◆ Decision-making must be delegated below current levels
- ◆ General support for the policy framework, provided some Regional flexibility is built in
- ◆ A two-tiered consultation process on the review consisting of meetings with the fishing industry, followed by meetings with the general public

What we heard:

- ◆ DFO's credibility is dreadful, the department has made fundamental mistakes, particularly with regard to the management of groundfish
- ◆ DFO should conduct a "post mortem" of the groundfish crisis before embarking on this review
- ◆ Expectations of the policy review were greater than what presented by the Review Team
- ◆ Fishermen should receive a priority over other stakeholders during consultations
- ◆ A request to delegate more decision-making to the Region
- ◆ Support for a single policy framework, with regional specificities
- ◆ Too many mechanisms proposed by DFO have gone nowhere; before embarking on this process, stakeholders want to be assured of results
- ◆ Not enough priority is given to fishermen's opinions when stock assessments are conducted
- ◆ With the exception of Nunavut, Aboriginal participation in the consultation process does not appear to be addressed
- ◆ External advice is important; DFO should consider seeking the advice of external neutral people in this exercise, and should not forget the unique role that academics could potentially play in the process
- ◆ A concern that existing practices that work will be affected by the policy review
- ◆ A concern that DFO will force fishermen to either an IQ or a competitive fishery
- ◆ A suggestion that there be 100% monitoring of landings at the wharves

Public Information Session - Iqaluit – June 22, 1999

Draft Synopsis

Principal themes arising from the session:

- ◆ Nunavut does not always want to resort to the court process to settle disputes between the Federal Government and the Territory, but will if they have to protect the rights of the Inuit
- ◆ Adjacency must be recognized by DFO when allocations are being made
- ◆ That consultations must be expanded beyond one visit to Iqaluit
- ◆ A desire to participate fully in all decisions taken that affect the waters adjacent to Nunavut
- ◆ That there are inconsistencies between DFO's fisheries management policies and the Nunavut land claim decision
- ◆ Support for an External Advisory Board

What we heard:

- ◆ An appreciation for the opportunity to be included in the policy review
- ◆ A desire for a more active role in the decision-making that affects the waters adjacent to Nunavut
- ◆ Support for the External Advisory Board and a request to have representation from Nunavut on the Board
- ◆ Inuit have not been given an opportunity to participate in the fisheries in their adjacent waters which makes it difficult to develop an industry
- ◆ The need to establish better working relationships with other users of the waters
- ◆ A desire to encourage people into the fishing industry
- ◆ Inadequate resources have been invested in scientific research in the waters adjacent to Nunavut
- ◆ The External Advisory Board would allow pro-active, positive outcome to the policy review process
- ◆ A commitment is required from DFO that the review will widely consult in Nunavut
- ◆ The three major concerns of Nunavut are access to the resource, allocation and adjacency
- ◆ DFO was urged to fully and properly clarify the definition of adjacency
- ◆ DFO was urged to review its current policy on access to the resource to allow Nunavut opportunities equal to other provinces; right now allocation of quota is seen as arbitrary
- ◆ A request that a separate policy be developed to cover all aspects of the fishing industry, relating specifically to the unique situation in Nunavut

- ◆ A desire to see legislative changes to assist Nunavut in accessing the resources
- ◆ A request to bring fisheries policy in line with the contents with the land claim decision

Public Information Session - Charlottetown – June 24, 1999

Draft Synopsis

Principal themes arising from the session:

- ◆ General support for a high level review of Atlantic fisheries management policies
- ◆ DFO has assumed a parental role vis à vis the fishing industry and this should change
- ◆ DFO should increase its scientific research
- ◆ A conflict resolution process should be established
- ◆ That policies are being applied inconsistently from one province to the next
- ◆ That consultations should include both consumptive and non-consumptive stakeholders

What we heard:

- ◆ June is the height of the fishing season, not a good time to be having public consultations
- ◆ There is a perception that DFO's primary mandate is being ignored
- ◆ There is a movement towards professionalization and certification of fishermen which will likely re-define the relationship between fishermen and the Federal Government
- ◆ DFO should listen to the fishermen when making allocation decisions
- ◆ Processors feel they are asked to consultative meetings as "window dressing", having little or no impact on decisions made yet have a great deal of money invested in the industry
- ◆ New policies need to answer some of the fundamental questions associated with conservation, increases in existing technologies, economic viability and measuring effort. Taking fish from one sector to give to another is not conservation
- ◆ Multi-species licence approach vs. specialization needs to be addressed
- ◆ DFO should widen its consultations to include others with interest in the resource
- ◆ A request for a clearer definition of co-management
- ◆ Because of DFO's shrinking budget, there is inadequate scientific research being conducted and the level of enforcement has declined
- ◆ A need for a conflict resolution process
- ◆ Include work from the new aquaculture policy in the review
- ◆ A concern about the application of current policies, particularly allocation
- ◆ A comment that the review must recognize current inconsistencies and, where they prove unfair, correct them before moving ahead

- ◆ When talking about the fishery of the future, particularly DFO's move towards multi-species licence holders, DFO must not forget that a groundfish licence covers many species (i.e. cod, flounder, redfish, etc.)
- ◆ A concern about how aquaculture fits into the present review and how current policies may affect allocation to the aquaculture industry
- ◆ That pollution is becoming a factor in the fishery
- ◆ With the advances in technology, and the resultant ability of fishermen to find and harvest the resource, all species will decline
- ◆ Allow for a period of time (one month) between release of the discussion document and consultations so people can comment



JUL 29 1999

Your file Votre référence

Our file Notre référence

Vous trouverez ci-joint les sommaires des séances d'information du public qui ont eu lieu en juin afin de discuter de l'examen de la politique des pêches de l'Atlantique.

Permettez-moi de vous remercier de votre participation et de votre intérêt à l'égard de l'orientation à long terme de la gestion des pêches. Bien que les principaux messages que nous avons reçus différaient d'un endroit à un autre, certains thèmes se sont dégagés. À titre d'exemple, nous avons reçu un soutien généralisé à l'égard de cet examen; nous avons entendu vos commentaires sur la nécessité d'adopter un processus de répartition plus transparent, d'accroître la recherche scientifique et son application, d'établir une politique cohérente, à l'échelle de la région de l'Atlantique, qui reconnaisse cependant les différences régionales, ainsi que votre demande d'élargir les consultations, le plus possible.

Bien que nous ayons essayé de tenir compte de tous les principaux points que nous avons entendus, il est possible que nous ayons oublié un élément qui devrait faire partie des sommaires des séances d'information. Si tel est le cas, auriez-vous l'obligeance de faire parvenir vos commentaires ou vos suggestions à :

Sue Rocque
Examen de la politique des pêches de l'Atlantique
4^e étage, 360, ave Laurier Ouest
Ottawa, Ontario
K1A 0E6
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Télec. (613) 990-4111
Courrier: rocques@dfo-mpo.gc.ca

Encore une fois, j'aimerais remercier ceux qui ont participé aux séances; vos commentaires ont été appréciés et ils nous aideront à préparer le document de discussion au cours de l'été.

Paul Sprout
Directeur général
Projets spéciaux

Séance d'information du public - Halifax – Le 14 juin 1999

Sommaire préliminaire

Principaux points abordés au cours de la séance

- ◆ Un examen des politiques doit être effectué
- ◆ Il faut établir un ensemble de principes à l'échelle de la région de l'Atlantique, dont des objectifs précis, tout en conservant la souplesse voulue pour en assurer la gestion convenable dans une zone donnée
- ◆ Toutes les parties doivent participer au processus de consultation lequel doit être élargi (c.-à-d. que l'on doit visiter des collectivités supplémentaires)
- ◆ Le processus de répartition doit faire l'objet d'une révision en profondeur pour en assurer la clarté et la transparence pour tous et ce, afin de contrer la perception selon laquelle le MPO a causé un préjudice à certaines zones et en a favorisé d'autres, c.-à-d. la création d'un processus de résolution des conflits

Opinions exprimées

- ◆ On a réclamé que la participation des municipalités soit accrue puisque les décisions prises par le MPO ont des répercussions importantes sur le premier palier de gouvernement
- ◆ Il n'est pas souhaitable que le MPO dirige l'examen, car celui-ci devrait être mené par un organisme indépendant
- ◆ Tel qu'il est conçu, l'examen n'est qu'un exercice de gestion interne, qu'on a besoin d'un engagement ferme du MPO de ne pas faire un autre examen dénué de sens
- ◆ Nous aurions dû commencer par ce qu'il faut faire et la façon d'y arriver
- ◆ Il serait difficile d'élaborer une politique cohérente à l'échelle de la région de l'Atlantique
- ◆ La politique (et par le fait même le MPO) ne peut pas répondre aux besoins de tous
- ◆ Certains craignent que les interventions des participants aux séances publiques restent lettre morte et que les participants perdent ainsi temps et argent
- ◆ On réclame l'établissement d'un processus de résolution des conflits avec la participation de l'industrie et comportant des principes clairs en matière de prise de décision
- ◆ Le processus de répartition du MPO est inéquitable et imprécis
- ◆ Le MPO communique mal ses politiques; il doit élaborer des politiques efficaces et acquérir l'aptitude à communiquer avec ses intervenants et le grand public
- ◆ Le ministre des Pêches et des Océans dispose de trop de pouvoir

- ◆ La région de l'Atlantique a besoin d'une politique cohérente, précise et comprise de tous, mais on s'inquiète du fait que pour rendre le document de discussion acceptable à tous il devienne trop vague.
- ◆ Le processus décisionnel du MPO doit être ouvert et transparent car, actuellement, les décisions sont prises à huis clos
- ◆ On est insatisfait du MPO, mais on aurait tort de présumer qu'il s'agit d'un sentiment généralisé. Le MPO ne doit donc pas adopter une approche uniforme pour la région de l'Atlantique
- ◆ Le MPO doit accroître son budget scientifique
- ◆ Par définition, le cadre stratégique devra comporter plusieurs parties, c.-à-d. de vastes définitions qui s'appliqueraient à toutes les pêches
- ◆ Le MPO doit reconnaître que le monde a changé depuis 1976 et que son cadre stratégique doit être conçu de manière à permettre à l'industrie de fonctionner et d'exercer sa compétitivité dans le contexte de la mondialisation des marchés
- ◆ Les participants ont demandé que l'industrie participe à la préparation du document de discussion parce que si ce dernier est rédigé par un bureaucrate il ne servira qu'au MPO
- ◆ L'examen ne sera pas facile à réaliser, mais il nécessitera des d'objectifs d'ensemble précis
- ◆ Il faut rédiger un document de discussion de manière à ce que les gens aient la possibilité de faire leurs remarques et de donner des conseils
- ◆ Une fois que le document de discussion sera prêt, il doit être discuté à fond avec les intervenants et le public qui doivent pouvoir y apporter des corrections au besoin
- ◆ Si le MPO doit adopter un régime de conservation, il doit être prépondérant et ne pas donner lieu à des compromis
- ◆ Le MPO doit dresser une liste de ses politiques en vigueur, y compris de ses pratiques régionales, et intégrer ses meilleures idées dans un cadre stratégique comportant ses objectifs et ses méthodes. Il diffusera le document et permettra qu'on y fasse des ajouts et des remarques supplémentaires
- ◆ On a demandé que tous les utilisateurs (et plus particulièrement ceux de la pêche récréative) participent aux consultations et soient considérés au moment de la répartition des ressources
- ◆ La nécessité de persuader le Ministre d'adopter une stratégie d'élaboration des politiques régionales
- ◆ Appui général accordé au concept de Conseil consultatif externe servant de mécanisme de rétroaction sans autorité décisionnelle

Sommaire préliminaire

Principaux points abordés au cours de la séance

- ◆ Un appui général à l'élaboration d'un ensemble de principes, à l'échelle de la région de l'Atlantique, et la réclamation d'une souplesse régionale dans leur mise en oeuvre
- ◆ Le MPO doit indiquer clairement quelles politiques ne sont pas " sur la table "
- ◆ Le MPO doit entreprendre une évaluation des politiques existantes
- ◆ Le MPO doit étendre son processus consultatif à toutes les parties intéressées
- ◆ Un processus de consultation à deux volets sur l'examen, consistant en réunions avec l'industrie de la pêche, suivies de réunions avec le grand public

Opinions exprimées

- ◆ Si le MPO a des objectifs pour cet examen, il devrait les soumettre et les définir
- ◆ Dans le document de discussion, le MPO doit indiquer les points qui sont négociables et ceux qui ne le sont pas
- ◆ On s'inquiète du fait que, quelle que soit la politique élaborée, elle ne s'appliquera pas à la pêche à la bordigue
- ◆ L'approche de la pêche de plusieurs espèces est bien inspirée et constitue la pratique dominante dans le golfe et dans d'autres régions; le propriétaire-exploitant indépendant doit être le principal objet de toute nouvelle politique
- ◆ On s'inquiète du fait que le MPO procède à cet examen maintenant et on se demande pourquoi
- ◆ Le **CCPP** a proposé l'établissement d'un comité directeur conjoint formé de représentants de l'industrie et du gouvernement pour coordonner l'examen
- ◆ Le MPO doit reconnaître que les pêcheries sont représentées par des organismes et qu'il faut les consulter au cours de ce processus
- ◆ On exige la tenue d'une tribune spéciale à l'intention des organismes de pêcheurs afin qu'ils puissent discuter de cet examen
- ◆ Il règne une certaine confusion relativement à ce qui se passe présentement au MPO qui rédige des versions préliminaires sur plusieurs sujets (Loi sur les pêches, partenariats, rapport sénatorial) qui ne semblent jamais dépasser cette étape
- ◆ Les propriétaires exploitants indépendants doivent être le principal objet de la politique de gestion des pêches
- ◆ Quelqu'un doit se charger de rendre au MPO la confiance et la responsabilité
- ◆ À l'exception du Nunavut, la participation des Autochtones au processus de consultation ne semble pas être présente
- ◆ Les grandes lignes de cet examen ne semblent pas reconnaître de préoccupations particulières

- ◆ Le délai d'exécution de l'examen semble exagérément optimiste
- ◆ Les décisions du MPO ont, dans de nombreux cas, été désastreuses pour les travailleurs d'usines qui devraient faire partie du processus de consultation et de décision
- ◆ Le ministère ne dispose pas d'une politique ferme identifiant les porte-parole de l'industrie et semble se décharger de la direction des politiques
- ◆ Le Nouveau-Brunswick appuie la nécessité de faire cet examen et participera à toutes les réunions publiques à venir auxquelles, suggère-t-il, tous les intervenants devraient assister
- ◆ On affirme que les besoins des pêcheurs doivent prévaloir dans l'élaboration de toute politique à l'échelle des provinces de l'Atlantique
- ◆ On demande que le MPO tienne compte de tous les intérêts, en plus de ceux des pêcheurs, c.-à-d. la mise en valeur du pétrole et du gaz naturel, l'aquaculture, etc.
- ◆ On demande que le MPO évalue l'efficacité des politiques existantes
- ◆ Compte tenu des pressions très fortes qui peuvent être exercées sur le ministre des Pêches et des Océans, plus particulièrement au plan de la répartition, toute nouvelle politique doit être en mesure de protéger les pêcheries

Séance d'information du public – St. John's – Le 17 juin 1999

Sommaire préliminaire

Principaux points abordés au cours de la séance

- ◆ La pertinence de procéder à un examen de la politique
- ◆ Bien qu'il doive exister une cohérence à un palier élevé, on devrait permettre une souplesse à l'échelle régionale (une politique unique pourrait ne pas fonctionner dans la région de l'Atlantique)
- ◆ Les consultations avec les intervenants doivent porter sur le plus grand territoire possible et couvrir toutes les régions de la province
- ◆ Des recherches scientifiques plus poussées doivent être effectuées pour aider le MPO à gérer la pêche
- ◆ Un soutien général pour un Conseil consultatif externe

Opinions exprimées

- ◆ Nous devrions effectuer des changements de fond en comble au système de gestion plutôt qu'un examen de la politique
- ◆ On a fait très peu de recherche scientifique dans le Nord Labrador; il faut entreprendre d'autres études sur tous les stocks
- ◆ On a besoin d'une politique à l'échelle des provinces de l'Atlantique; cependant, le personnel opérationnel ne doit pas être gêné par celle-ci
- ◆ Bien qu'il doive exister une cohérence à un palier élevé, il faut tenir compte d'une certaine souplesse à l'échelle régionale
- ◆ Dans le passé, la viabilité économique a été utilisée comme une question de répartition
- ◆ On accorde un appui général à un Conseil consultatif externe
- ◆ On se demande si les interventions politiques donneront lieu à la prise de décisions en milieu fermé
- ◆ Il est impératif que le MPO précise ses politiques existantes
- ◆ Le processus décisionnel doit être délégué aux régions
- ◆ Il est impossible d'avoir une perception intégrée des pêches, tant que le gouvernement fédéral gère l'exploitation
- ◆ Le moment et l'endroit où se tiennent les consultations sont de toute première importance; des réunions regroupant des intervenants directs doivent être tenues dans le plus grand nombre possible de collectivités
- ◆ On demande de réviser la politique actuelle régissant les permis, particulièrement le mode d'obtention de ceux-ci
- ◆ Nous devons envisager une politique du " bon sens " qui soit efficace; une approche unique pourrait ne pas convenir à la région de l'Atlantique

- ◆ Certaines politiques causent un problème aux pêcheurs de la côte, particulièrement dans le Nord Labrador
- ◆ Les politiques du MPO ont des répercussions (non intentionnelles) sur les collectivités du Canada atlantique; on lui demande avec instance de tenir compte des répercussions potentielles de ses décisions sur les collectivités de cette région
- ◆ On insiste auprès du MPO pour qu'il examine bien sa politique sur les phoques, particulièrement en vertu du principe de conservation, ainsi que la méthode de gestion écosystémique qu'il utilise pour gérer les pêches
- ◆ La Loi sur les pêches accorde au Ministre un pouvoir absolu (indépendant de toute politique); on prie le MPO de tenir compte de ce fait lors de la conception de n'importe quel cadre stratégique
- ◆ La capacité du MPO de remplir son mandat est compromise par les réductions de son budget
- ◆ Certaines sommes recueillies en redevances d'accès devraient être remises au budget du MPO afin de permettre plus de recherche scientifique

Séance d'information du public – Québec – Le 18 juin 1999

Sommaire préliminaire

Principaux points abordés au cours de la séance

- ◆ Les Sciences et l'industrie doivent mettre au point un mécanisme qui permet au processus d'évaluation des stocks d'être plus crédible
- ◆ Le processus décisionnel doit être délégué à des paliers moins élevés que présentement
- ◆ On accorde un appui général au cadre stratégique, pourvu qu'on y intègre une certaine souplesse à l'échelle régionale
- ◆ Un processus de consultation à deux volets sur l'examen, consistant en réunions avec l'industrie de la pêche, suivies de réunions avec le grand public

Opinions exprimées

- ◆ La crédibilité du MPO est compromise; en effet, le Ministère a commis des erreurs fondamentales, particulièrement en ce qui a trait à la gestion du poisson de fond
- ◆ Le MPO devrait effectuer une analyse critique des résultats de la crise du poisson de fond avant d'entreprendre le présent examen
- ◆ Les attentes relatives à l'examen de la politique étaient plus élevées que ce qu'a présenté l'équipe chargée de l'examen
- ◆ Au cours des consultations, les pêcheurs doivent obtenir la priorité par rapport aux autres intervenants
- ◆ On demande de déléguer un plus grand pouvoir décisionnel à la Région
- ◆ On appuie un seul cadre stratégique, accompagné de spécificités régionales
- ◆ Un trop grand nombre de mécanismes proposés par le MPO n'ont abouti à rien; avant d'entreprendre ce processus, les intervenants veulent être assurés d'obtenir des résultats
- ◆ On n'accorde pas une assez grande priorité aux opinions des pêcheurs lorsqu'on effectue les évaluations des stocks
- ◆ À l'exception du Nunavut, la participation des Autochtones au processus de consultation ne semble pas exister
- ◆ Les avis provenant de l'extérieur sont importants; le MPO doit songer de rechercher l'avis de personnes neutres au cours de cet exercice et ne pas oublier le rôle unique que le milieu universitaire pourrait éventuellement jouer dans le cadre de ce processus
- ◆ On se demande si les pratiques existantes qui sont efficaces seront touchées par l'examen de la politique

- ◆ On se demande si le MPO forcera les pêcheurs à respecter un quota ou à se livrer à la pêche concurrentielle
- ◆ On suggère une surveillance totale des quantités débarquées aux quais

Séance d'information du public - Iqaluit – Le 22 juin 1999

Sommaire préliminaire

Principaux points abordés au cours de la séance

- ◆ Le Nunavut ne veut pas toujours avoir recours aux tribunaux pour régler les conflits entre le gouvernement fédéral et le territoire, mais il le fera s'il doit protéger les droits des Inuits
- ◆ La contiguïté doit être reconnue par le MPO au moment des répartitions
- ◆ Les consultations ne doivent pas se limiter à une visite à Iqaluit
- ◆ Le désir de participer pleinement à toutes les décisions qui sont prises et qui touchent les eaux intérieures du Nunavut
- ◆ Il existe des incompatibilités entre les politiques de gestion des pêches du MPO et les revendications territoriales du Nunavut
- ◆ Le soutien à un Conseil consultatif externe

Opinions exprimées

- ◆ On apprécie l'occasion de faire partie de l'examen de la politique
- ◆ On éprouve un désir de jouer un rôle plus actif dans le processus décisionnel qui touche les eaux intérieures du Nunavut
- ◆ On appuie un Conseil consultatif externe et une demande de représentation du Nunavut à ce Conseil
- ◆ Les Inuits n'ont pas eu la possibilité de pêcher dans leurs eaux intérieures, ce qui rend le développement d'une industrie difficile
- ◆ On exprime la nécessité d'établir de meilleures relations de travail avec d'autres usagers des eaux
- ◆ On a le désir d'encourager les gens à participer à l'industrie des pêches
- ◆ Des ressources inadéquates ont été investies en recherche scientifique dans les eaux intérieures du Nunavut
- ◆ Le Conseil consultatif externe permettrait au processus d'examen de la politique d'obtenir des résultats proactifs et positifs
- ◆ On exige que le MPO s'engage à mener des consultations poussées au Nunavut dans le cadre de cet examen
- ◆ Les trois principales préoccupations du Nunavut sont l'accès à la ressource, la répartition et la contiguïté
- ◆ On a prié le MPO d'éclaircir pleinement et adéquatement la définition de la contiguïté
- ◆ On a prié le MPO de réviser sa politique actuelle sur l'accès à la ressource afin que le Nunavut ait des possibilités égales à celles des autres provinces; à l'heure actuelle, la répartition des quotas est perçue comme arbitraire

- ◆ On demande qu'une politique distincte soit élaborée afin de couvrir tous les aspects de l'industrie des pêches, concernant surtout la situation unique du Nunavut
- ◆ On exprime le désir que des modifications législatives soient apportées afin d'aider le Nunavut à avoir accès aux ressources
- ◆ On demande d'adapter la politique des pêches à la décision relative aux revendications territoriales

Séance d'information du public - Charlottetown - Le 24 juin 1999

Sommaire préliminaire

Principaux points abordés au cours de la séance

- ◆ Appui général accordé à un examen approfondi des politiques de gestion des pêches de l'Atlantique
- ◆ Le MPO a toujours joué un rôle de tuteur à l'égard de l'industrie des pêches et cette situation doit changer
- ◆ Le MPO doit accroître ses travaux de recherche scientifique
- ◆ Un processus de résolution des conflits doit être établi
- ◆ Les politiques sont appliquées différemment d'une province à l'autre
- ◆ Les consultations doivent être menées tant auprès des intervenants consommateurs que non consommateurs

Opinions exprimées

- ◆ Étant donné qu'il s'agit de la période de pointe de la saison des pêches, le mois de juin n'est pas le bon moment pour tenir des consultations publiques
- ◆ Il existe une perception selon laquelle le mandat principal du MPO est ignoré
- ◆ Il existe un mouvement de professionnalisation et d'accréditation des pêcheurs qui pourrait redéfinir les relations existant entre ceux-ci et le gouvernement fédéral
- ◆ Le MPO doit être à l'écoute des pêcheurs lorsqu'il prend des décisions en matière de répartition
- ◆ Les transformateurs estiment qu'on leur demande de participer aux réunions de consultation à titre de façade et qu'ils ont peu ou pas du tout d'influence

sur les décisions prises, bien qu'ils aient investi de fortes sommes dans l'industrie

- ◆ Les nouvelles politiques doivent répondre à quelques-unes des questions fondamentales ayant trait à la conservation, à l'accroissement des technologies existantes, à la rentabilité économique et à l'effort de mesure. Le fait de prendre du poisson dans un secteur pour le donner à un autre n'est pas une mesure de conservation
- ◆ Il faut aborder la question des permis de pêche de plusieurs espèces par rapport aux besoins de spécialisation
- ◆ Le MPO doit élargir ses consultations aux autres personnes intéressées à la ressource
- ◆ On demande une définition plus précise de la cogestion
- ◆ En raison du rétrécissement du budget du MPO, la recherche scientifique est inadéquate et le niveau d'application a diminué
- ◆ Il existe un besoin d'élaborer un processus de résolution des conflits
- ◆ Il faut inclure dans l'examen les travaux réalisés dans le cadre de la nouvelle politique sur l'aquaculture
- ◆ On s'inquiète de l'application des politiques en vigueur et plus particulièrement de celle ayant trait à la répartition des ressources
- ◆ On a fait remarquer que l'examen doit reconnaître les incohérences actuelles et, lorsque celles-ci se révèlent inévitables, il faut les corriger avant d'aller de l'avant
- ◆ Lorsqu'il fait état des pêches de l'avenir, et plus particulièrement de sa volonté d'instaurer des permis de pêche de plusieurs espèces, le MPO ne doit pas oublier qu'un permis de pêche du poisson de fond est valable pour de nombreuses espèces (dont la morue, la plie et le sébaste).
- ◆ On s'inquiète de la façon dont l'aquaculture est abordée dans l'examen en cours et dont les politiques en vigueur peuvent toucher la répartition de ressources à cette industrie
- ◆ La pollution devient un facteur dont il faut tenir compte

Office of the Minister
Fisheries and Oceans



Cabinet du ministre
Pêches et Océans

Ottawa, Canada K1A 0E6

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Doc 998

OCT 28 1999

Ms. Elisabeth Mann Borgese
Professor
IOI - Canada - Dalhousie University
1226 LeMarchant Street
Halifax, Nova Scotia
B3H 3P7

Dear Ms. Mann Borgese:

On behalf of the Honourable Herb Dhaliwal, Minister of Fisheries and Oceans, I wish to acknowledge and thank you for your correspondence of October 24, 1999.

Please be assured that your correspondence will be given careful consideration.

Yours sincerely,

Jules Winstan
Departmental Assistant

Canada

Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

GOV/Canada/Fisheries
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Oceans
Doc 1077

JAN 6 2000

Elisabeth Mann Borgese
Professor
Founder and Hon. Chair
International Ocean Institute
Dalhousie University
1226 LeMarchant Street
Halifax, Nova Scotia
B3H 3P7

Dear Ms. Mann Borgese:

Thank you for your letter of October 24, 1999, regarding the Oceans and Law of the Sea international cooperation and coordination draft resolution.

I too am pleased that the international cooperation and coordination draft resolution is on the table and continuing to further the work of the 7th Session of the United Nations (UN) Commission on Sustainable Development (CSD-7). Canada is committed to improving international coordination and cooperation - global action is clearly required to complement our domestic initiatives and ensure the conservation and sustainable development of oceans and their resources.

My Department is working closely with the Department of Foreign Affairs and International Trade and other government departments to ensure that the draft resolution reflects the recommendations of CSD-7 and is consistent with the UN Convention on the Law of the Sea and Agenda 21. Through Canada's Permanent Representative Mission to the UN in New York we are striving to ensure that the informal open-ended consultative process is inclusive and provides an opportunity for the participation of representatives of the major groups.

.../2

Canada 

Canada and its partners – the Rio Group, the SOPAC Group, Malta, South Africa and the United States - will continue to lead discussions as this resolution is brought to the UN General Assembly. Canada will determine its contribution to the May 2000 meeting once the Co-chairs of the informal open-ended consultative process have established its format in greater detail. I would encourage the International Oceans Institute – Canada to contribute to the informal open-ended consultative process. Depending on the format of the May 2000 meeting, a policy paper may be a particularly useful contribution.

I thank you for your enduring commitment to improving international coordination and cooperation on oceans and seas issues. I appreciate your continued support for Canadian leadership on this important issue and look forward to working with you in the months ahead.

Yours sincerely,

A handwritten signature in black ink, reading "Herb Dhaliwal". The signature is written in a cursive, flowing style.

Herb Dhaliwal, P.C., M.P.

Date sent: **Wed, 15 Mar 2000 18:26:48 -0400 (AST)**
From: **International Ocean Institute <ioihfx@IS.Dal.Ca>**
To: **Madeleine Coffen-Smout <mcoffensmout@kilcom1.ucis.dal.ca>**
Subject: **Good news (fwd)**

----- Forwarded message -----

Date: Tue, 14 Mar 2000 15:12:38 -0500
From: JohnstoneK@DFO-MPO.GC.CA
To: elisabeth.borgese@dal.ca
Subject: Good news

Hi Elisabeth. As one of your former students (Law of the Sea, 1993), I thought I should let you know where I am now working. I have recently accepted a position at the Department of Fisheries and Oceans as Senior Advisor, Oceans Policy. I am working with a team of people to develop the Oceans Management Strategy for Canada, following the 1997 Oceans Act. I would like to thank you for a great course at Dalhousie. You have inspired me to pursue this career path. I realize that one person really can make a difference. Thanks and best wishes.

- > Karen Johnstone
- > Senior Advisor, Oceans Policy
- > Oceans Directorate
- > Fisheries and Oceans Canada
- > 200 Kent Street
- > Ottawa, Ontario K1A 0E6
- > (613) 990-5095 (phone)
- > (613) 952-6802 (fax)
- > johnstonek@dfo-mpo.gc.ca (e-mail)
- >
- >

Minister of
Fisheries and OceansMinistre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

MAR 28 2000

Dr. Elisabeth Mann Borgese
Honorary Chair
International Oceans Institute
1226 Le Merchant
Halifax, NS
B3H 3P7

Dear Dr. Mann Borgese:

I am pleased to invite you to an "Oceans Evening" that I will be hosting in Ottawa on Monday, April 3, 2000.

Oceans are one of Canada's most valuable resources. Over the past few decades our ocean space has been redefined by the emergence of new activities and stakeholders. As the Minister of Fisheries and Oceans, I have been given the lead role in managing our oceans. In the short time that I have been Minister, I have been struck by the complexity of issues surrounding the conservation and protection of our oceans and their living and non-living resources. Balancing the environmental, economic and social goals of our communities requires an integrated approach. Advancing the development of aquaculture and other emerging industries offers demanding challenges and exciting opportunities.

In keeping with my commitment to collaborating with Canadians, I would be very interested in hearing your views on key ocean management issues that we need to address to achieve sustainable development of Canada's oceans. The "Oceans Evening" will bring together a number of accomplished Canadians from a broad range of backgrounds to share in each others' experiences, hear from representatives of stakeholder groups and together outline issues that the oceans community should strive to address in the near future.

Departmental staff will be contacting you shortly to arrange the logistics of the dinner meeting which will be held at 6:30 p.m. at the Echo Café, 221 Echo Drive in Ottawa. I look forward to meeting with you and hearing your perspective on the future of oceans management in Canada.

Yours sincerely,

The Honourable Herb Dhaliwal, P.C., M.P.

Canada

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OCEANS EVENING
AGENDA

DATE: April 3, 2000

LOCATION: Echo Café, 221 Echo Drive, Ottawa, 234-1528

TIME: 18:30 to 21:45

- | | |
|---------------|---|
| 18:30 - 19:00 | Meet and Greet over Cocktails |
| 19:00 - 19:15 | Formal Greeting and Opening comments by Minister Dhaliwal |
| 19:15 - 20:45 | General Discussion over supper |
| 20:45 - 21:45 | Viewing of Oceans Video and Round Table Discussion |
| 21:45 | Minister's parting comments |

**FISHERIES AND OCEANS
PÊCHES ET OCÉANS**

200 rue Kent Street
OTTAWA, ONTARIO
K1A 0E6

FACSIMILE / TÉLÉCOPIEUR**TO / À: Dr. E. Mann Borgese****FROM / DE: Nicole Baker****TEL #: (902) 494-1737****TEL #: (613) 990-0156****FAX #: (902) 494-2034****FAX #: (613) 990-4810****SUBJECT / SUJET: Invitation – Oceans Evening****MESSAGE:**

Please find attached a short background document,
which you may wish to read prior to the Minister's
April 3rd 'Oceans Evening'.

For additional information you may contact Camille
Mageau at (613) 991-1285.

OF PAGES / PAGES _____ **6** INCLUDING TRANSMITTAL FORM /
INCLUANT LA FEUILLE DE TRANSMISSION

VEUILLEZ COMMUNIQUER AU (613) 990-3198 SI LES COPIES REÇUES NE SONT PAS LISIBLES OU DES PAGES SONT
MANQUANTES.

Canada's National Oceans Management Strategy

INTRODUCTION

The Department of Fisheries and Oceans (DFO) is engaged in the ongoing development and implementation of Canada's national Oceans Management Strategy. We are seeking the perspectives and views of key oceans opinion leaders and stakeholders on the key oceans challenges and opportunities facing Canada today and in the coming decades, with a view to determining how to continue to shape the emerging National Oceans Management Strategy.

BACKGROUND

The *Oceans Act* directs the Minister of Fisheries and Oceans to lead and facilitate the development and implementation of a national strategy for the management of Canada's estuarine, coastal and marine ecosystems.

The *Preamble* of the *Oceans Act* provides the basis of this vision and lays out values and principles, which include:

- promoting the understanding of oceans, oceans processes, marine resource and marine ecosystems to foster sustainable development of oceans and resources;
- conservation based on an ecosystem approach;
- the application of the precautionary approach to the conservation, management and exploitation of marine resources;
- the recognition that oceans and their resources offers opportunities for economic diversification and the generation of wealth for all Canadian and especially coastal communities; and
- promotion of integrated management of oceans and marine resources.

The Oceans Management Strategy must be based on the principles of precaution, sustainable development and integration. The context for the strategy is derived from the international initiatives and legal instruments such as the 1982 United Nations Law of the Sea Convention (LOSC) and the 1992 United Nations Conference on Environment and Development (UNCED), particularly Chapter 17 on oceans and coasts in Agenda 21. The Oceans Management Strategy brings together all national initiatives in the marine environment whether derived through the national or international agenda.

THE OCEANS MANAGEMENT VISION

The Oceans Management Strategy provides the vision for Canadians in the 21st century for protecting and conserving our ocean resources, for sustaining coastal communities, for developing new relationships with citizens and for realizing further sustainable economic opportunities in the use of ocean space and resources.

The development and implementation approach for the Oceans Management Strategy is grounded in the collaborative approach, which includes:

- Collaborative planning;
- Shared decision-making;
- Consensus-building in multi-stakeholder groups; and
- Cooperation and agreements.

On the ground experience is teaching us that this is a challenge in itself. We are forging new ground, and have thus chosen to adopt a learn-by-doing approach. Although marine protected area, integrated management and environmental quality initiatives exist in other jurisdictions, no where are they linked as closely as they are in the framework of the Oceans Act. Building on the management tools provided by the Act, we are collaborating with other federal departments, the provinces and territories, aboriginal and coastal communities and other stakeholders and interests in over 25 oceans initiatives.

OBJECTIVES OF THE OCEANS MANAGEMENT STRATEGY

Through our oceans initiatives, we have come realize that Canada's national approach to oceans management must be founded on three common objectives:

1. To strike a balance between economic, social and environmental goals in order to achieve sustainable development.
2. To find new governance solutions to managing the increasing complexity and diversity of oceans use.
3. To engage communities and stakeholders in making decisions that affect them.

Each of us has a role to play in meeting these challenges. With our respective knowledge and experience, we each hold a part of the answer.

Scientists and researchers contribute their expertise and academic rigour. Aboriginal communities need to be directly involved including providing the traditional knowledge that complements scientific data and information. Experience gained in the north through the implementation of the co-management approach needs to be brought to bear on the definition of alternate ways of making decisions in our ocean space. Environmental organizations exert influence in canvassing public opinion and increase public awareness of our impacts on the health of the oceans.

Industries based on both renewable and non-renewable resources have a key role in helping us achieve our economic, social and conservation goals. Industry has an important role to play the development of effective integrated management plans that will optimize our use of ocean space while respecting our mandate to conserve and protect the oceans. Our youth are becoming increasingly involved in their communities. They bring new ideas to table, along with a long-term vision and perspective embody the principles of sustainable development.

BALANCING FOR SUSTAINABLE DEVELOPMENT

The Oceans Management Strategy is a strategy to bring people together to balance the needs of oceans users and interests, with the needs and capacity of oceans, to protect the environment and generate wealth. Applying the principle of sustainable development means that we need to adopt a long-term focus, take a horizontal perspective on oceans ecosystems, and recognize the interdependence of environment, economy and society across local, national and international scales and activities.

The *Oceans Act* provides a basis for implementing sustainable development through Integrated Management planning, Marine Protected Areas and the Marine Environmental Quality program. These interdependent programs establish an ecosystem approach to oceans management that emphasizes planning in order to answer the following question:

- 1. How do we make decisions that balance environmental, economic and social goals for oceans management?**

GOVERNANCE

Developing governance structures for sustainable development of our oceans resources is a big challenge. It means adopting forums and processes that will create open dialogue between governments, communities and citizens. It is recognized that shared stewardship means in part greater reliance on decision-making and program delivery by local authorities. At the same time, essential policy and operational responsibilities need to be retained by governments to ensure the principle of sustainable development is respected and that common property resources are managed for all Canadians, including future generations.

Translating that dialogue into goals, decisions, programs and knowledge related to oceans management will be a significant challenge. The development of a national policy framework will require creative thinking, bold ideas and a willingness to assume a measure of risk on the part of all stakeholders. This will entail engaging communities using a learn-by-doing approach to test new governance structures.

2. **What does oceans governance mean to you? What is your role and what is this Department's role in managing our oceans?**

COLLABORATION

A discussion of governance leads to questions around the definition of "*collaboration*" envisioned under the Oceans Act and how Canada will give effect to this collaboration.

The Government of Canada is focused on new ways of working with citizens, including such concepts as citizen engagement. *Webster* defines engage as "*to draw into, involve; to interlock with, mesh together; to undertake, agree; and to pledge oneself; to bind by a promise*". The notion of governments and citizens being engaged in a way that these words imply is a very powerful concept. Collaboration is a form of citizen engagement that implies explicit relationships.

3. **How can we best collaborate? What institutions and decision-making processes are appropriate for involving stakeholders and interests?**
4. **Is it advisable or beneficial to have a council of outside experts to provide advice to the Minister?**

KNOWLEDGE GENERATION

Better knowledge management leads to better decision making. Informed decision making that balances environmental, economic and social objectives is essential for achieving sustainable development. Strategies for knowledge generation and management must be founded on effective research that embraces science, indigenous and community knowledge, education and capacity building.

The *Preamble of the Oceans Act* commits the Canadian government to the understanding of our oceans, and hence, commits Canada to a science regime that is able to undertake this commitment. Science is an important underpinning for delivery of all aspects of Canada's Oceans Agenda. Scientific and traditional knowledge will become increasingly important with the principles and approaches envisioned under the Oceans Management Strategy. For example, under the precautionary approach and the attendant shift in burden of proof, scientific information and demonstration of environmental soundness of regulatory decisions is necessary both in fisheries management as well as marine environmental protection. The new oceans agenda demands an interdisciplinary approach

across sciences as well as science, social science and other disciplines. This requires a new approach to conducting research as well as analysing results.

The Oceans Act also specifically directs the Minister of Fisheries and Oceans to collect and disseminate information. DFO and the Government of Canada hold vast arrays of information. And we have to put the information in the hands of citizens. However, government is only one source of knowledge.

5. **How do we integrate different types of knowledge?**
6. **How do we encourage all stakeholders and interests to bring their information to the table to ensure that we make the best decisions?**
7. **As oceans managers, what should we be doing to generate, disseminate and apply oceans knowledge? What new products and services should we be developing? Should we be working to better inform children and youth?**

CONCLUSION

There are quite a number of ocean focused initiatives ongoing, some directly dependant on Oceans Act authorities, others spearheaded by other government departments and agencies, others still community based. From all of these experiences, we are learning. But we still have a lot to learn. People across the country are engaged, are committed to better managing our impacts on oceans and their resources. Working together in partnership will be essential for sustaining our momentum and continuing to make concrete progress. A problem halved is a problem solved.

Oceans Dinner Information

Accommodation

A block of 15 rooms has been reserved at the Westin Ottawa. Following is the address as well as telephone numbers in case you need to add or cancel reservations. Please confirm your attendance with Nicole Baker at (613) 990-0156, as soon as possible to ensure accommodation space. We will need to know whether you prefer a smoking or non-smoking room.

The Westin Ottawa
22 Colonel By Drive
Ottawa, Ontario
K1N 9H4

Tel : (613) 560-7000
Fax : (613) 560-7359

Agenda

A copy of the agenda is attached.

Background Information

A short Oceans issue paper will be faxed to you within the next few days.

Biographical Sketch

If you have not provided a biography, could you please fax or e-mail to the following:

Nicole Baker
(613)990-4810

bakern@dfo-mpo.gc.ca

Restaurant

The dinner will be held at the following address. Could you please let us know if you require special dietary foods. A choice of vegetarian foods will be provided along with the main menu.

Café Echo
221 Promenade Echo
Ottawa, Ontario

Transportation

Transportation will be provided from the Hotel to the restaurant and return by executive cab. Please be in hotel lobby at 6 p.m. for departure.

Travel arrangements

A Travel Authority Number has been issued for each participant (see covering fax for your travel number). You will need to call Rider Travel, the preferred Government Travel Agency, to make your arrangements according to your schedule at the following number. This is the most economical way of making your travel arrangements.

Rider Travel: (613) 780-1400

Response required immediately

- Confirm your accommodation requirements to Nicole Baker
- Make your travel arrangements
- Dietary requirements if necessary
- Biographical Sketch

vegetarian

March 30 / 2000
10:30

confirmed hotel booking
and informed N. Baker that
Prof. Borgese is vegetarian.
- Baker

If you require any assistance, please do not hesitate to call Nicole Baker
(613) 990-0156.

Dr. Elisabeth Borgese

1226 Le Merchant
Halifax, NS B3H3P7
CANADA

Arrival/Arrivée: 04/03/00
Departure/Départ: 04/04/00

Page: 1

Agent: 69

Room/Chambre: 1006

F O L I O 185108 The Westin Hotel Ottawa, 04/04/00 06:39

Date	Description	Charges	Credits
04/03	Room Service #1006 : CHECK #5856 1006	31.78	
04/04	Refreshment Centre	21.80	
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FACSIMILE TRANSMISSION

TO Nicole Baker, Oceans Directorate
FAX 1 613 990 4810
TEL 1 613 990 0156
FROM Darlene Manning, Administrator
International Ocean Institute – Canada, Dalhousie University
FAX 902-494-2034
TEL 902-494-1737
RE Travel documents
DATE April 13, 2000
PAGES 4

Dear Ms. Baker:

Regarding the "Oceans" dinner with the Honourable Herb Dhaliwal, P.C., M.P., in Ottawa on April 3, 2000:

Please find attached travel documents for Professor Elisabeth Mann Borgese. Should you require any further information from our office please do not hesitate to contact us.

Yours sincerely,


Darlene Manning



ADVISORY

April 26, 2000

The Fisheries Resource Conservation Council (FRCC) will hold public consultations to gather information from stakeholders on the groundfish stocks (cod, haddock, yellowtail flounder) of Georges Bank (area 5Z). This information will assist the Council in making recommendations on conservation requirements for this year to the Minister of Fisheries and Oceans.

The FRCC team will hold a consultation session:

May 9 Yarmouth, Nova Scotia
 Rodd's Grand Hotel

The meeting will begin at 9:00 am.

Stakeholders and media are invited to attend.

The Council has also prepared a letter to stakeholders in the Georges Bank groundfish fishery which is attached to this advisory.

For information:

FRCC Secretariat
(613) 998-0433

<http://www.ncr.dfo.ca/frcc/>

F ISHERIES
R ESOURCE
C ONSERVATION
C OUNCIL

C ONSEIL POUR LA
C ONSERVATION DES
R ESSOURCES
C ONSILIERES

P.O. Box 2001 / CP 2001
Station D / Succursale D
Ottawa, Ontario K1P 5W3
info@frcc.x400.gc.ca
www.ncr.dfo.ca/frcc

April 26, 2000

Dear Stakeholder in the Georges Bank Groundfish Fishery:

RE: Georges Bank 1999 Fishery Questionnaire

Please find attached a questionnaire to provide feedback to the Fisheries Resource Conservation Council (FRCC) on your experience in the Georges Bank fishery of 1999.

The FRCC requests that participants in the 1999 Georges Bank groundfish fishery take a few minutes to complete the questionnaire. As well, any comments and suggestions toward formalizing information the FRCC receives from fishermen are most welcome.

This questionnaire is being tested as a means to providing more structured information on fishing industry observations. It is designed to make it easier for respondents to provide feedback on their observations in the fishery by simply checking the most appropriate boxes in response to questions on stock status and fisheries observations. It is estimated that all respondents can complete all questions in less than 10 minutes. As such, it is our objective to have as many people as possible complete the form in order to obtain an industry view of the Georges Bank groundfish stocks.

We believe that fishermen's information gathered in this form will be the beginning of developing much needed structure for industry's view of stock status, and together with other sources of information, will provide important rationale to the FRCC's recommendations to the Minister of Fisheries and Oceans.

Your completed questionnaires can be sent:

- By fax: (613) 998-1146
- By mail: P.O. Box 2001, Station D, Ottawa, ON K1P 5W3
- By E-mail: sheehant@dfo-mpo.gc.ca
- By hand: FRCC Consultation, Rodd's Grand Hotel, Yarmouth, May 9, 2000

The questionnaire can also be found on the FRCC website at: www.ncr.dfo.gc.ca/frcc.
Completed questionnaires should be received by the FRCC prior to May 5, 2000.

Thank you in advance for your feedback and your contribution toward better understanding the status of groundfish resources on Georges Bank.

Yours truly,



Fred Woodman
Chairman

Questions to Participants in the 1999 Georges Bank Groundfishery

The FRCC has developed the following questionnaire as an important part of its information sources for determining stock status of the Georges Bank groundfish resources of cod, haddock, and yellowtail flounder. Once compiled, this information is used to assist the FRCC in making recommendations to the Minister of Fisheries and Oceans for the year 2000/2001 fishery.

Instructions to participants: Please complete the following questions by checking off the appropriate box (✓) in the tables below. Additional written comments are welcome. The questionnaire should take about 5 to 10 minutes to complete. Thank you in advance for your valuable input.

I. Stock Status

1. What is your view of the **overall status in 1999** of groundfish stocks on Georges Bank?

	Fully recovered	Improving compared to 1998 but not fully recovered	Stable-unchanged from 1998	Declining compared to 1998	Stock in collapse
5Zjm Cod					
5Zjm Haddock					
5Zjmnh Yellowtail flounder					

2. How did your own **catch rates in 1999** compare with your catch rates of 1998?

	Highest ever	Better than 1998	Unchanged from 1998	Worse than 1998	Lowest ever	Did not fish stock
5Zjm Cod						
5Zjm Haddock						
5Zjmnh Yellowtail flounder						

3. How **available were fish in 1999** compared with fish availability in 1998?

	Easy to find	Easier to find than 1998	Unchanged from 1998	More difficult to find than 1998	Difficult to find	Did not fish stock
5Zjm Cod						
5Zjm Haddock						
5Zjmnh Yellowtail flounder						

4. How did the **timing of the fishery in 1999** compare with the timing of the fishery in 1998?

	Very early	Earlier than 1998	Unchanged from 1998	Later than 1998	Very late	Did not fish stock
5Zjm Cod						
5Zjm Haddock						
5Zjmnh Yellowtail flounder						

5. What was the **overall condition of fish in 1999** catches compared to fish condition in 1998?

	Excellent fish condition	Improved condition compared to 1998	Unchanged condition from 1998	Declining condition compared to 1998	Poor fish condition	Did not fish stock
5Zjm Cod						
5Zjm Haddock						
5Zjmnh Yellowtail flounder						

Instructions to participants: Please complete the following questions by checking off the appropriate box (✓) in the tables below. Additional written comments are welcome.

II. Observations while Fishing in 1999

1. How would you evaluate the **overall status of the Georges Bank ecosystem in 1999** (e.g., environmental conditions, water temperature, salinity, presence of other species, etc.) ?

	Highly positive	Better than in 1998	Unchanged from 1998	Deteriorated compared to 1998	Highly negative
Georges Bank ecosystem					

Please state evidence from indicators you observed in support of your response:

2. Did the presence of **predator species** on groundfish have an impact on the fishery in 1999?

	High abundance of predators	Increased predators compared to 1998	Unchanged predators from 1998	Decreased evidence of predators compared to 1998	Relative absence of predators
Predator species					

Please state evidence of predator abundance you observed in support of your response:

3. Did the presence of **prey (forage) species** (e.g., sandlance, herring, shrimp, etc.) for groundfish have an impact on the fishery in 1999?

	High abundance of prey	Increased prey compared to 1998	Unchanged prey from 1998	Decreased evidence of prey compared to 1998	Relative absence of prey
Prey species					

Please state evidence of prey abundance you observed in support of your response:

4. How would you evaluate the **age distribution of fish** in catches by stock in 1999?

	Many more small fish	More small fish than usual	Similar in ages and size to past years	More big fish than usual	Many more older, big fish	Did not observe
5Zjm Cod						
5Zjm Haddock						
5Zjmnh Yellowtail flounder						

5. Were the **Dockside Monitoring Program (DMP) and observer coverage effective** in dealing with stock conservation concerns (e.g., discarding, misreporting, etc.) on Georges Bank in 1999?

	Very Effective	Partly effective	Uncertain	Less than fully effective	Not at all effective
DMP and observer coverage effectiveness					

Suggestions to improve monitoring effectiveness:

Instructions to participants: Please complete the following questions by checking off the appropriate box (✓) in the tables below. Additional written comments are welcome.

III. Resource Outlook

In its 1999 recommendations for the Georges Bank groundfish stocks, the FRCC presented a series of criteria for stock conservation and growth. These included: (1) recommending quotas below the $F_{0.1}$ level; (2) stock specific spawning stock biomass targets; and (3) maximum acceptable probabilities of 20% for decline in the spawning stock biomass. In the year 2000 the FRCC will be consulting DFO and the fishing industry to develop longer-term plans for the Georges Bank groundfish stocks. At this time, we invite you to provide preliminary feedback on the planning process, and criteria for stock conservation and growth.

Comments on long-term planning for Georges Bank groundfish stocks:

IV. Respondent's Information

1. To what fleet/gear sector do you belong?

	FG less than 45'	FG 45'-65'	MG less than 65'	FG 65'-100'	MG 65'-100'	Vessels>100'
Fleet/Gear sector						

2. What Georges Bank groundfish stocks did you fish in 1999? (Check all that apply.)

	5Zjm Cod	5Zjm Haddock	5Zjmnh Yellowtail flounder
Stocks fished			

3. In what periods did you fish for Georges Bank groundfish in 1999? (Check all months that you fished.)

	June	July	August	September	October	November	December
Fishing periods							

4. How many years experience do you have fishing Georges Bank groundfish stocks?

	One year	2 to 5 years	5 to 7 years	7 to 10 years	More than 10 years
Years experience					

Comments on questionnaire and suggestions for improving industry information collection:

Thank you for taking the time to complete this questionnaire. Please send completed questionnaire to:

By fax: (613) 998-1146
 By mail: P.O. Box 2001, Station D, Ottawa, ON K1P 5W3
 By E-mail: sheehant@dfo-mpo.gc.ca

SeaMap Planning Workshop

New Opportunities in Ocean Mapping for Canada

Workshop Invitation

Dear Colleague,

Canada, as an international leader in ocean mapping, is moving forward with a new initiative, the Seabed Resource Mapping Program (SeaMap). This initiative focuses on seabed mapping of Canada's coastal and marine lands. Canada's leadership role has been demonstrated by our ability to develop cutting edge technology and apply these to address today's needs in industry and society. The applications have recently seen success and span a broad range, from telecommunications to offshore exploration, national security to environmental assessment and fish habitat assessment to sustainable development.

Our three Federal Government Departments (Department of Fisheries and Oceans, Department of National Defence, and Natural Resources Canada) are actively working together to make SeaMap a reality. However, we recognize that the leadership role in ocean mapping Canada now enjoys was achieved through work by many. Thus, your participation in the planning of SeaMap is essential to its success.

Currently, SeaMap is in its early planning stages. Meetings within and among federal departments are underway. Our vision is a program that is planned, led and implemented as a partnership among industry, universities and government within a national framework. To kick-off this crucial planning phase, we have organized a series of workshops that will be held in key areas across the country. The workshop in Halifax is scheduled for 6 June 2000. The goals of the workshops are to:

- provide information to regional participants on the status of SeaMap;
- provide a forum for your participation in the planning of SeaMap that reflects your long term role in ocean mapping; and,
- identify the options for collaboration and partnership roles among our departments, industry, other government agencies and universities in SeaMap.

The full day workshop is organized into two major sessions: an information and open discussion session in the morning and concurrent planning working group sessions in the afternoon. Your input to SeaMap planning is critical to its success. We invite you to participate in this workshop.

Please register by completing the attached form and returning it by fax or e-mail no later than May 23, 2000. For further information about SeaMap, please contact Kate Moran, Director, SeaMap Office at (902) 426-8243 or by e-mail at seamap@agc.bio.ns.ca.

We look forward to working with you at the June 6 workshop and in SeaMap in the future.

Yours sincerely,



Neil A. Bellefontaine
Regional Director-General
Maritimes Region, DFO

and on behalf of

Jacob Verhoef
Director
Geological Survey of Canada (Atlantic)
Natural Resources Canada

D.E. Miller
Commander
Maritime Forces Atlantic
Department of National Defence

c.c. Jacob Verhoef, Director, Geological Survey of Canada (Atlantic)
Natural Resources Canada

D. E. Miller, Commander, Maritime Forces Atlantic,
Department of National Defence

Attachment

SeaMap Planning Workshop

- New Opportunities in Ocean Mapping for Canada -

Registration Form

Tuesday, 6 June 2000

**Main Auditorium,
Bedford Institute of Oceanography**

NAME: _____

UNIVERSITY/COMPANY/DEPARTMENT: _____

ADDRESS: _____

TEL: _____ FAX: _____

E-mail: _____

Please indicate any special food requirements:

Please indicate the sessions you plan to attend (see attached agenda):

Morning Information Session

Please choose one of the following afternoon planning sessions:

Information Acquisition and Future Technology

Data Management and Processing

Data Applications and Needs

Partnerships and Potential Models

Please return registration form by May 23, 2000, to:

Nancy Kent
SeaMap Project Office,
Polaris Building, 3rd Floor,
Bedford Institute of Oceanography¹
Tel: 426-8243/426-7750
Fax: 426-1893
E-mail: seamap@agc.bio.ns.ca

SeaMap Planning Workshop

- New Opportunities in Ocean Mapping for Canada -

Tuesday, 6 June 2000

Bedford Institute of Oceanography - Dartmouth, Nova Scotia

Agenda

8:45 - 9:00	Meet & Greet
9:15 - 9:30	Welcome and Opening Remarks Neil Bellefontaine, Regional Director-General, DFO
9:30 - 9:45	Workshop Schedule, Goal and Agenda Kate Moran, Director, SeaMap Office
9:45 - 10:15	Ocean Mapping in the 21st Century Background: LCdr James Bradford, DND SeaMap Vision: Dick MacDougall, CHS
10:15 - 10:30	Break
10:30 - 11:30	View of SeaMap Dick Pickrill, NRCan
11:30 - 12:15	Question Period & Introduction to Aft. Sessions Scott Vernon, EYI
12:15 - 13:00	Lunch
13:00 - 14:30	Concurrent Breakout Sessions (These sessions are organized by theme; discussions will address the broad planning issues, concerns, and options under each theme.) <ul style="list-style-type: none">• Information Acquisition & Future Technologies• Data Management & Processing• Data Applications & User Needs• Potential Models for SeaMap Partners and Collaboration
14:30 - 14:45	Break
14:45 - 15:45	Presentation of Session Findings
15:45 - 16:00	Summary & Next Steps

DEPARTMENT OF FISHERIES AND OCEANS

SUSTAINABLE DEVELOPMENT STRATEGY 2001 - 2003

DRAFT - June 1, 2000

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6. Integrating Sustainable Development into the DFO Policy Framework: Proposed Policy Statement and Principles for Working Toward Sustainable Development
7. Sustainable Development Themes for DFO:
 - o New Forms of Governance and Shared Stewardship
 - o Knowledge and Technology for Sustainable Development
 - o Sustainable Operations
 - o Managing for Progress and Performance

Conclusion

"The long term economic and social well-being of every Canadian depends on the state of our natural environment."

Speech from the Throne, October 1999

1. INTRODUCTION AND FEEDBACK QUESTIONS

The concept of sustainable development seeks to integrate the economic, the environmental and the social into the business of both government and the private sector. The quote above, from the recent Speech from the Throne acknowledges the Canadian Government's commitment to the goals of sustainable development.

In 1997, Fisheries and Oceans Canada published its first sustainable development strategy, "A Framework for Action" and over the past three years, the department has been working to implement that strategy. This Discussion Paper is the first step toward revising the 1997 DFO sustainable development strategy. This Paper not only reports on its implementation but is also your invitation to contribute to the planning and implementation of a revised strategy, which will guide DFO activities over the next three years.

Sections Two and Three of this paper describe the background and context for sustainable development. Section Four outlines DFO's progress in implementing its first strategy, identifying successes as well as areas of weakness where improvement is required. Section Five describes the significant changes that have taken place in DFO, in its working environment and in public expectations of the department since the tabling of the first sustainable development strategy in 1997. Section Six introduces a proposed Sustainable Development Policy for DFO and outlines the key principles that will guide its implementation. Finally, Section Seven identifies areas of activity, or "themes", where DFO has a role and could contribute, in cooperation with others, to Canada's sustainable development goals.

We would like your comments and feedback on this Discussion Paper, on the proposed sustainable development policy statement for DFO and on the proposed sustainable development themes that could become the foundation of DFO's second sustainable development strategy, for implementation during 2001-2003. We would like you to consider this paper in light of the following questions:

- Do you agree with the proposed sustainable development policy statement for DFO?
- Do you agree with the sustainable development themes we are proposing as the building blocks of DFO's second sustainable development strategy? Have we identified the right sustainable development themes for DFO for the 2001-2003 time frame? Do you have other themes to suggest that would be important to you?
- Do you have any other comments or feedback on the themes or on this Discussion Paper generally?
- How do you see yourself cooperating with DFO to contribute to advancing sustainable development goals?

Your feedback on this Discussion Paper will help DFO employees and managers to decide what our sustainable development goals should be for 2001 through 2003 and to prepare a results-oriented, cost-effective action plan. This Discussion Paper will be revised to become the introductory chapter of DFO's new sustainable development Strategy for 2001 through 2003. The second chapter will comprise the new departmental sustainable development goals, objectives and action targets, which will be formulated in light of your feedback. Together the two chapters will constitute the new draft Sustainable Development Strategy for DFO. Later this year, probably during the summer, we plan to distribute the draft Sustainable Development Strategy

publicly, to seek further comments and feedback from DFO stakeholders and the general public. By this process, we will move toward finalization of DFO's new Sustainable Development Strategy for tabling in Parliament in December 2000.

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

The Brundtland Commission

2. DFO'S MANDATE AND SUSTAINABLE DEVELOPMENT

Sustainable development is fundamental to DFO's legal mandate, its policies and programs. In cooperation with other federal departments, other levels of government and private and voluntary sector stakeholders, DFO is responsible to Parliament and the people of Canada as follows:

MANDATE

THE DEPARTMENT OF FISHERIES AND OCEANS, ON BEHALF OF THE GOVERNMENT OF CANADA, IS RESPONSIBLE FOR POLICIES AND PROGRAMS IN SUPPORT OF CANADA'S ECONOMIC, ECOLOGICAL AND SCIENTIFIC INTERESTS IN THE OCEANS AND FRESHWATER FISH HABITAT; FOR THE CONSERVATION AND SUSTAINABLE UTILIZATION OF CANADA'S FISHERIES RESOURCES IN MARINE AND INLAND WATERS; AND FOR SAFE, EFFECTIVE AND ENVIRONMENTALLY SOUND MARINE SERVICES RESPONSIVE TO THE NEEDS OF CANADIANS IN A GLOBAL ECONOMY.

DFO, in addition to its mandated responsibilities with respect to the environment, also operates a large fleet of ships, houses its staff and facilities and maintains light stations. It is also responsible for influencing and regulating the behaviour of other actors, such as fishermen, marine shippers, fish farmers, recreational boaters, tourism operators and many others, as they interact with the aquatic environment and aquatic resources. DFO's legislative mandate includes the Fisheries Act, the Oceans Act, and the Navigable Waters Protection Act, as well as other statutes. In addition, DFO shares responsibilities under the Canada Shipping Act. DFO could also have significant responsibilities under the recently tabled Species at Risk bill.

*offshore hydrocarbons
submarine cables
hydrothermal vents*

3. BACKGROUND

Canada's oceans border our country on three sides - stretched in a single, continuous line,

Canada's coastline would circle the earth more than six times. Canadians live in the nation with the world's longest coastline, and approximately 7.1 million Canadians (23%) live in coastal communities, many depending on the coast and seas to make a living. Canada is also known for the abundance of freshwater resources within and along its borders. It is an important, and increasingly urgent, challenge to protect and manage this geographic and ecological heritage.

Many Canadians are keenly aware of the often conflicting pressures affecting Canada's oceans and freshwater resources: consumption and population pressures; climate change and its unpredictable effects on the life cycles of fish; increasing use of waterways for marine transportation; loss of biodiversity and the needs of species at risk and their habitats; excessive fish harvesting capacity; the environmental challenges of aquaculture development; the challenges of economic viability and diversification in coastal communities; industrial pollution deriving from various sources, such as forestry, mining and transportation activities and urban sprawl; oil spills; pressures affecting provision of government services, such as search and rescue; and increasing demands on ocean and freshwater resources for tourism and recreational purposes.

The concerns for the conservation and management of Canada's fisheries and other ocean resources, of marine and freshwater environments, relate in part to the significance of these resources and environments on the quality of life for Canadians.

The oceans sector generated almost \$20.0 billion of Canada's gross domestic product (GDP) in 1996 (latest figures available), from such sectors as commercial fishing, shipping and shipbuilding, tourism, manufacturing and services, and oil and gas industries. The oceans sector also contributes indirectly to economic activity in other sectors of the Canadian economy.

Demand for conservation and sustainable development of our fisheries and ocean resources relates also to Canada's commitments to the international community. At the "Earth Summit" held in Rio de Janeiro in 1992, representatives from 178 nations, including Canada, endorsed a plan of action - Agenda 21 - to address the pressing issues of international development and environment protection. The cornerstone of that action plan was the concept of sustainable development, and all countries were called upon to produce sustainable development strategies.

The Rio Declaration reflects twenty-seven principles of sustainable development. They include principles such as precaution, public participation, indigenous rights, community-based resource management and pollution prevention. Of particular importance to DFO, Chapters 17 and 18 of Agenda 21 deal with marine and freshwater environments. The Government of Canada has undertaken many initiatives to meet the commitments made at Rio and to adhere to Agenda 21 provisions.

"Human beings are at the centre of concern for sustainable development. They are entitled to a healthy and productive life in harmony with nature."

Principle 1, Rio Declaration

Canada also took steps domestically to support sustainable development. In 1995, amendments to the Auditor General Act incorporated sustainable development into Canadian law and made it

an integral element of Government policy. In accordance with the Act and the "Guide to Green Government" <http://www.ec.gc.ca/grngvt/guide.htm>, 28 federal departments and agencies, including the Department of Fisheries and Oceans (DFO), tabled their first sustainable development strategies in Parliament in 1997. Commitments were made by federal departments to systematically incorporate the environmental, economic and social impacts of policies and programs into the business of government. The 1995 amendments to the Auditor General Act also established the Commissioner of Environment and Sustainable Development, whose role is to help Parliament and the Canadian public monitor implementation of sustainable development strategies and federal commitments to action.

The Government remains committed to its sustainable development goals. In the Speech from the Throne in October 1999, the Government recognized the fundamental relationship between environmental health and a healthy economy and social quality of life in Canada. Plans to address a number of environmental problems both domestic and global were indicated in the Speech from the Throne, including a promise to place greater emphasis on sustainable development in government decision making. The Commissioner of the Environment and Sustainable Development produces a Report every May to record the Government's performance on sustainable development, its successes and its failures in meeting commitments. In a Report issued in December 1999, entitled "Moving Up the Learning Curve: The Second Generation of Sustainable Development Strategies" http://www.oag-bvg.gc.ca/domino/cesd_cedd.nsf/html/c9dec_e.html the Commissioner outlined his expectations of federal departments and agencies in preparing their second sustainable development strategies. "Moving Up the Learning Curve" stressed the need to close the "implementation gap", making suggestions on how to improve performance, notably by analyzing experience gained during the term of the first sustainable development strategies and by setting clear and measurable targets for action as tangible benchmarks that will foster real change.

This is where DFO is now - moving up the learning curve to ensure that DFO's marine and freshwater resources and ecosystems are managed responsibly and developed sustainably for Canadians today and in future generations.

4. ASSESSING OUR PROGRESS ON SUSTAINABLE DEVELOPMENT

To determine the present status of the sustainable development commitments in the 1997 Strategy, DFO undertook a comprehensive self-assessment, building on the reported conclusions of the Commissioner's audit in the fall of 1999. DFO's Sustainable Development Strategy of 1997 emphasized several strategic directions for the Department. A key direction was making conservation a priority and taking steps to reduce excess fish harvesting capacity. DFO also aimed to build an eco-system science program to improve understanding of the dynamics of living marine resources. Establishing partnerships with the private sector and other government institutions was another priority, exemplified in 1997 by Canadian Coast Guard leadership of an oil-spill response partnership with commercial carriers and the oil industry (<http://www.ccg-gcc.gc.ca/rser-ssie/er-ie/overview.htm>). The Oceans Act had just been proclaimed in January 1997 and work was beginning on development of an integrated national oceans strategy, entrenching sustainable development and the precautionary approach as working principles of the new legislation. Development of an environmental management system for DFO operations

was a major component of the 1997 Strategy.

The results of the self-assessment of the 1997 Strategy are outlined below.

A SNAPSHOT OF DFO SUCCESS STORIES

Some of DFO's successes in advancing sustainable development outcomes since 1997 would include the following:

- Sustainable development of Canada's oceans through development of an Oceans Management Strategy in collaboration with other federal departments and agencies, provincial and territorial governments, Aboriginal organizations, coastal communities and other stakeholders and interested Canadians. In essence, the Oceans Management Strategy is a national sustainable development strategy for Canada's Oceans and is being implemented in several initiatives, namely Marine Protected Areas (MPAs), Integrated Management (IM) and Marine Environmental Quality (MEQ). *not a very convincing story*
- Conservation of fishery resources by development of new policy frameworks for ecosystem based management of Pacific salmon fisheries, as set out in A New Direction for Canada's Pacific Salmon Fisheries <http://www-comm.pac.dfo-mpo.gc.ca/english/publications/alloc/st9808e.htm>, October 1998, and further outlined in the Wild Salmon Policy Discussion Paper <http://www-comm.pac.dfo-mpo.gc.ca/wsp-sep-consult/wsp/wsp.pdf>, March 2000.
- Conservation and sustainable fisheries, in part through conducting the Atlantic Fisheries Policy Review in consultation with stakeholders and other levels of government.
- Increased stakeholder responsibility and shared stewardship through support for industry implementation of and adherence to the Canadian Code of Conduct for Responsible Fishing Operations http://www.dfo-mpo.gc.ca/communic/fish_man/code/eng/con_eng.htm.
- Sustainable fisheries and protection of fisheries habitat through selective harvesting technology projects and training programs in cooperation with industry, DFO and provincial governments. DFO's Methodology Manual: Measurement of Fishing Gear Selectivity to facilitate reporting on selectivity indicators and comparative fishing research is one example. Another is the Responsible Fishing Technology Network, a partnership of DFO and the Memorial University of Newfoundland, which supports collaborative research projects with industry participation.
- Improved boating safety in Canada through introduction by the Canadian Coast Guard of amended and new regulations following extensive consultations with stakeholders. The new regulations include a mandatory competency program and came into effect on April 1, 1999 (<http://www.ccg-gcc.gc.ca/obs-bsn/main.htm>). Improved maritime safety through investment in technology management to deliver timely data and information to stakeholders. For example, in partnership with Canada Economic Development and St. Lawrence Vision 2000, the Maurice Lamontagne Institute at Mont-Joli, has created the St. Lawrence Observatory, an Internet based system for rapid access to data on the St.

Lawrence ecosystem.

- Sustainable fisheries through bilateral and multilateral cooperation with other countries and negotiation of international fishing regimes consistent with Canada's domestic conservation objectives. Examples would be the Pacific Salmon Treaty long term agreement http://www.dfo-mpo.gc.ca/pst-tsp/main_e.htm and participation in multilateral negotiations to bring into effect the UN Agreement on Management of Straddling Stocks and Highly Migratory Stocks (UNFA).
- Reduced environmental "footprint" of DFO operations by defining and following a long-term, step-by-step approach consistent with the ISO 14001 Standard for Environmental Management Systems[1], and launch of an Environmental Policy for Fisheries and Oceans Operations and an Environmental Management Framework.
- Safe, effective and environmentally sound waterways through the delivery of services and programs related to navigation, marine communications and vessel traffic, icebreaking, search and rescue, and environmental response. A recent example that incorporates several of these program areas is the full implementation, in partnership with Transport Canada, the shipping industry and the international community, of the Electronic Chart and Display Information System (ECDIS).
- Protection of the marine environment through prevention and preparedness. The Canadian Coast Guard Environmental Response program oversees in excess of 250 spill cleanup operations annually. The program also provides support and expertise for disasters such as the crash of Swiss Air 111 and the Winnipeg Floods. In addition to its domestic role, the Environmental Response program responds to international requests for assistance through the Oil Pollution Response Convention (OPRC).
- Marine safety and environmental protection in ship and fleet management by integrating ISO14001-based procedures and accountabilities for operations with environmental aspects into The International Management Code for the Safe Operations of Ships (ISM Code) for the DFO fleet.

LESSONS LEARNED

Against the backdrop of these successes, DFO has also learned some lessons relating to the gap between sustainable development commitments made in 1997 and results achieved to date. We learned that our 1997 commitments were repetitive or worded too broadly, making the achievement of specific outcomes difficult to determine. The action targets in the 1997 Sustainable Development strategy were neither clear nor measurable, a key weakness identified by the Commissioner for almost all federal departments. As well, commitments were too numerous and not linked clearly to each other or the departmental business planning process. While DFO did achieve many important sustainable development results since 1997, it is not clear that this performance stemmed from a committed focus on implementation of DFO's first Sustainable Development strategy.

The internal assessment confirmed the findings of the Commissioner for Environment and

Sustainable Development during an audit in the fall of 1999 of implementation of DFO's 1997 Sustainable Development Strategy. The audit indicated that, with the exception of the environmental management policy and system for DFO operations, most functional areas of DFO had not instituted a management systems approach to implementation of its sustainable development targets. To achieve consistency with the ISO 14001 standard being used by the Commissioner, DFO's new Sustainable Development Strategy will have to include a management or tracking system to help identify if and why targets are not met and to provide for management review and corrective action as necessary. The audit also disclosed a need for training and capacity building among DFO staff and managers and a requirement for improved documentation.

DFO's new Sustainable Development Strategy will have to be developed with a view to addressing the findings of the Commissioner's audit and the internal self-assessment. In *Moving Up the Learning Curve*, the Commissioner highlights the challenges of moving from plans to actions, noting, "We need to close that gap - not by lowering our expectations but by strengthening our performance." While DFO's sustainable development performance since 1997 has in practice been good, as indicated above, mechanisms and processes to track progress and to document and demonstrate performance will have to be features of the new Sustainable Development Strategy. Specifically, DFO will need to:

- Develop and communicate a sustainable development policy, which defines and highlights sustainable development concerns throughout the organization, and which reflects the commitment and involvement of senior management.
- Set clear targets that are key to performance in accordance with the departmental sustainable development strategy. Targets need to be strategic, measurable, achievable or results-oriented, resourced and time-bound.
- Identify the specific policy, program, legislative, regulatory and operational changes that are needed to implement the sustainable development strategy.
- Establish appropriate management systems to track progress to support strategy implementation. This involves linking sustainable development to the departmental business planning process, which will ensure the self-assessment, reporting and management review required for corrective action.
- Understand that sustainable development involves changing the way we do business and renewing our commitment to a process that must be based on action for results and continuous learning.

5. DFO AND ITS ENVIRONMENT TODAY

DFO has undergone significant changes since the first sustainable development strategy was tabled in Parliament in 1997. The process of change continues to this day. As a result, the environment for DFO's second sustainable development strategy will be vastly different from the environment of its predecessor. It would not be possible to identify the precise moment when

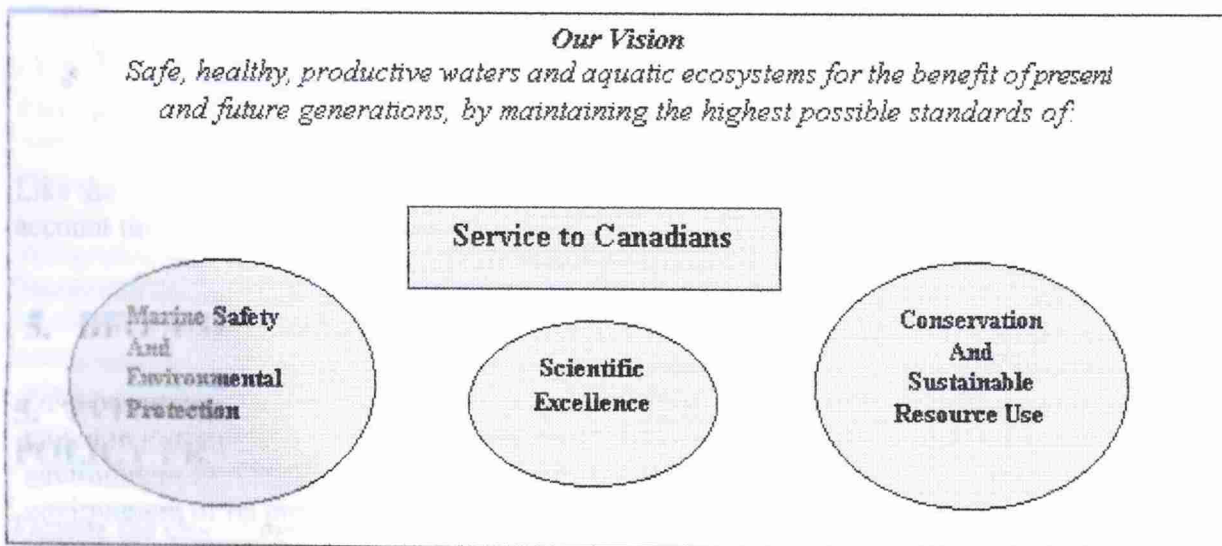
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DFO and its stakeholders began to recognize the need for change nor, in this paper at least, to explore fully each event in a gradual process of change. The shock in the early 1990s of the collapse of commercial fisheries previously assumed to be permanently abundant was undoubtedly one signal. The year 1995 marked the merger of DFO with the Canadian Coast Guard, which expanded DFO's legal mandate to include the Navigable Waters Protection Act and shared administration of other statutes with Transport Canada. DFO's mandate was further expanded in 1997 with proclamation of the new Oceans Act, which assigned the Department responsibility to lead federal activities relating to oceans, and provided new policy and program tools aimed at conservation and sustainable development of Canada's oceans resources. Program review aimed at resolving government-wide deficit problems began in 1995, prompting an examination of DFO's core responsibilities and options for doing things differently. Financial pressures remain a factor in determining DFO's goals and activities today.

Changes to DFO's legal mandate and policy framework have resulted in changes to DFO's client or stakeholder population as well. Fishermen's organizations, Aboriginal groups, harbour authorities, provinces and territories continued to play an active role. However, these groups have been joined by others representing environmentalists, cruise ship and eco-tourism operators, local community groups, fish farmers, anglers and boaters, and oil, gas and mineral extraction companies, to name a few. DFO is also pursuing better and more frequent cooperation with provinces and territories under the Inter-Jurisdictional Cooperation Agreement.

Adjusting to these changes in both its structure and its operating environment has been accelerating in DFO since 1997. For the past two years, the Department has been engaged in a profound examination of its culture, values and governance to produce a new Strategic Plan, "Moving Forward with Confidence and Credibility", and a new Vision Statement. Development of the Plan began in 1998 to address the department's need for future direction, to break down barriers to change, both internal and external, and to give both the Department and its stakeholders a sense of cohesion and purpose. The new Vision Statement aims similarly at defining the Department and its overall purpose to members of the Department, its stakeholders and the general public. Both instruments are grounded in the principles of sustainable development and their ultimate aim is to help DFO to meet its mandate to Parliament and the people of Canada.

DFO's new Vision Statement:



Overall, the Strategic Plan will help DFO to plan and manage its activities and use of its resources more systematically and effectively. The aim is greater programming stability and increased involvement of stakeholders in the management, conservation and use of marine and freshwater resources. It will provide the framework for DFO's new sustainable development strategy. The Plan will also drive DFO's annual business planning cycle, which provides the financial and performance management framework for activities and programs within the department. Logically, therefore, it will be essential to integrate the sustainable development strategy fully into this planning cycle and management framework. In this way, DFO's sustainable development commitments will be funded, assigned deadlines, incorporated within the departmental accountability matrix, and monitored and reported to senior departmental management and the public on a regular basis.

Other changes in DFO's working environment are also having a profound effect on the Department's approach to its mandate. A comprehensive environmental scan, concluded in February 1999 in preparation of the new Strategic Plan, identified a variety of major political and socio-economic forces shaping the context within which DFO must now work. For the purposes of this Discussion Paper, we have built on the Strategic Plan environmental scan by conducting a detailed document review and interviews with key DFO managers. The sustainable development issues identified through this process are similar to those summarized in "Moving Forward with Confidence and Credibility".

As outlined there, DFO's working environment is now challenged by:

- globalization and technological change;
- tension between protecting the environment and economic growth;
- the need to increase scientific knowledge about nature, in particular about the inter-dependence of ecosystems and the impact of climate change; and
- increased demand by the public for access to information on which decisions are based.

"Moving Forward with Confidence and Credibility" draws certain conclusions from this sketch of external drivers of change for DFO. These are:

- Canadians want to be more directly involved in decision-making;
- with continued economic growth, Canadians will become more concerned with environmental issues; and
- federal government priorities are shifting away from deficit reduction and toward quality of life, knowledge-based economy and competitiveness.

Like the new Strategic Plan, DFO's new sustainable development strategy will have to take into account these challenges and new expectations.

5. INTEGRATING SUSTAINABLE DEVELOPMENT INTO THE DFO POLICY FRAMEWORK

Despite the close connection between DFO's mandate and sustainable development, the

Department has not to date formulated a policy statement to guide the actions of departmental managers and employees. A policy statement is, however, an important first step in expressing DFO's commitment to sustainable development and is consistent with the ISO-14001 standard for environmental management systems advocated by the CESD. A policy statement will also support integration of the sustainable development commitments into the departmental Strategic Plan and the business planning and management framework.

The proposed policy statement reads as follows:

SUSTAINABLE DEVELOPMENT POLICY FISHERIES AND OCEANS CANADA

1. The Department of Fisheries and Oceans is committed to sustainable development and undertakes to integrate economic, environmental and social considerations in the decisions it makes in carrying out its legal mandate, its policies and programs and its day-to-day operations.
2. The Department's commitment to sustainable development is based on the Department's Vision: safe, healthy, productive waters and aquatic ecosystems, for the benefit of present and future generations of Canadians, by maintaining the highest possible standards: of service to Canadians; of marine safety and environmental protection; of scientific excellence; and of conservation and sustainable resource use.
3. The Department is committed to continuous learning in its contribution to sustainable development and will monitor this commitment by reviewing progress toward its sustainable development goals on a regular basis and by taking corrective action as appropriate.

PRINCIPLES FOR WORKING TOWARD SUSTAINABLE DEVELOPMENT

Principles that will help to guide application of the sustainable development policy include:

Integrated decision-making:

Integrated decision-making recognizes that decisions aimed at sustainable development:

- have a long term focus that seeks to preserve and enhance economic, social and natural capital in order to improve the quality of people's lives and ensure continuing benefits for future generations;
- take a horizontal perspective that incorporates economic, environmental and social aspects;

- feature an ecosystem approach; and
- accept shared responsibility and commit to transparency and communication of how and why decisions were made

Accountability:

The Department will accept and define its accountability for its role in supporting sustainable development. This means that the Sustainable Development Strategy will:

- develop a management system to review performance against commitments at regular intervals and thereby to document progress and the need for corrective action as necessary to ensure continuous improvement;
- determine the specific real world expected outcomes to be achieved, in a way that is measurable and time-bound;
- define a reporting framework that is committed to and supportive of consultative and transparent operations and decision-making;
- set an example as a way of encouraging and influencing clients, stakeholders and partners to support decisions aimed at sustainable development;
- outline the Department's accountability in its operational activities for compliance with statutes that establish standards and requirements for environmental protection and prevention of pollution, and;
- reaffirm a commitment to partnership in our relations not only with our private sector stakeholders and members of the public but also with other federal government departments, other levels of government and Aboriginal groups.

Science and knowledge

The Department understands the essential knowledge provided by science and the critical role that knowledge plays in making decisions that are sustainable over time. Therefore, as a basis for its decisions, the Department will:

- provide timely and reliable scientific knowledge, understanding and advice on key aquatic resources and ecosystems;
- complement and integrate scientific knowledge and understanding with community and traditional knowledge,
- integrate and share information and data to enhance cost-effective decisions based on anticipation and prevention of problems, and;
- be guided by a precautionary approach and risk analysis

7. SUSTAINABLE DEVELOPMENT THEMES FOR DFO

The sphere of influence of DFO's mandate is large, even without taking into account emerging new priorities. DFO's potential impact on sustainable development is equally extensive. DFO's first Sustainable Development Strategy reflected the broad reach of DFO's mandate but was less effective than it might have been as a result of trying to do too much. In keeping with the results of the self-assessment of our 1997 Sustainable Development Strategy and the areas of weakness outlined in Section 4 of the Paper (Lessons Learned), as well as the 1999 audit by the Commissioner for Sustainable Development, our plan is to highlight an orientation toward

change, through formulation of concrete, measurable outcomes or targets, and to build in mechanisms to measure and ensure performance. Our intention, in pursuing a more selective approach for our second strategy, is to target our efforts where we can be most effective. Our plan is to build awareness and capacity and to gain experience that will give us a sense of accomplishment in 2003 at the end of the term of the second strategy and a solid basis for an even better third strategy.

A more selective focus in the new Sustainable Development Strategy will not limit ongoing work within the Department on other programs, policies and operations that clearly have sustainable development impacts. As noted previously, sustainable development is firmly imbedded in DFO's mandate and all its policies, programs and activities. Ongoing work will continue. The objectives and priorities of the new Strategic Plan are DFO's change agenda, guiding the Department toward the future and improved delivery of its mandate to Parliament and the people of Canada. Likewise, DFO's sustainable development goals for 2001-2003 will be comprehensive, horizontal and oriented to change, setting the Department in new directions that, in the context of our mandate and the challenges of our present working environment, will orient us most effectively toward making a difference to the Government's sustainable development goals. The Strategic Plan and the new Sustainable Development Strategy will move forward together during their overlapping terms, on the basis of commitments to certain concrete, measurable and time-bound targets or planned outcomes that they will have in common.

Sustainable development issues are inherently horizontal, at the same time both very simple and very complex. This section of the Discussion Paper proposes some cross-cutting sustainable development themes as DFO's sustainable development goals for the three year term of DFO's second Sustainable Development Strategy. These goals will be defined through a framework of objectives, targets, actions and deliverables, all of which will form part of our vision of the future and will be realized through integration into the new departmental Strategic Plan and business planning process.

The following are the themes that DFO proposes to focus on as its contribution to the Government's sustainable development goals during 2001 through 2003:

Theme One: New Forms of Governance and Shared Stewardship

Sustainable development has been described as "first and foremost a legacy issue", about what kind of world we want to leave to our children and their grandchildren. The underlying assumption is one of integration among generations, across geography and among sectors of society. Government may lead and support but the responsibility is shared by all. Traditional divisions or "stovepipes" - between the global versus the local, for instance, or the competing claims of the economic versus those of the environment or the social and cultural - are no longer valid bases for decision-making. The concept of sustainable development promotes integration, achieved through a new way of making decisions that seeks to recognize the complex inter-relationships between the environmental, the economic and the social or cultural. Integrated decision making also recognizes the need to involve all who will be affected by a decision and who will therefore participate in implementing it. Such an approach to making decisions constitutes a profound commitment to change on the part of both government and society alike. The changing expectations of both government and society will have to be embodied in new forms of governance or decision-making relationships between both sides.

Although a challenge, public expectations of greater involvement and sharing of responsibility for decisions are increasingly a force for change in management and use of aquatic resources and environments. The trend is fed by new technologies that enhance citizen awareness and ability to participate in decision-making. New forms of governance are also inspired by the need to find more effective, less costly ways of delivering government services and programs.

DFO is exploring new forms of governance and shared stewardship that will figure prominently in the new Sustainable Development Strategy. Various new ways are being considered within DFO to enhance involvement of members of the public or coastal communities in decisions on conservation and use of oceans resources and to adapt DFO's role in light of new expectations on the part of stakeholders and members of the public.

The Canadian Coast Guard, for instance, while continuing to be directly involved in the delivery of a number of essential services, plans to develop more of a leadership and risk management role in the management and protection of Canada's oceans and other navigable waterways. As a starting point in activities aimed at this outcome, the Coast Guard has established an extensive consultation network to obtain advice from stakeholders on strategic directions and priorities. Further work will continue through alliances and partnerships with industry, the voluntary sector and other levels of government. The Coast Guard also plans to focus on such areas as modernizing the Canada Shipping Act and the Navigable Waters Protection Act, improving the effectiveness of both private and public sector preparedness through implementation of enhancements to the Oil Spill Response Regime and developing a greater degree of partnerships with coastal communities.

The principles of integrated management of activities and stakeholder involvement are intrinsic to the Oceans Act and the proposed Oceans Management Strategy. Improved involvement of stakeholders, coastal communities and members of the public in oceans management and use will be sought through consultations with stakeholders on models of oceans governance and institution of pilot projects to test the models. Investigation of best practices in other countries will seek to incorporate the benefits of international experience in oceans governance. New ways of sharing stewardship responsibilities will also have a role in strengthening DFO's Habitat Management Program. Volunteer organizations already contribute actively to habitat protection and marine safety and ways to encourage volunteer involvement will be sought, possibly through a National Voluntary Sector Action Plan. Also envisaged is establishment of a permanent Pacific Salmon Endowment Fund to facilitate community-based projects to protect and restore Pacific salmon habitat.

Greater accountability by stakeholders for use and management of fishery resources is a key objective of both the new Strategic Plan and the Sustainable Development Strategy. The so-called "Fishery of the Future" will feature new institutions and processes to fulfil the commitment to make fundamental changes to how fisheries are managed, to strengthen DFO's relationships to stakeholders, especially resource users and to address dramatically evolving Aboriginal and treaty rights. Sustainable fisheries and greater sharing with users of responsibility for use and management of fishery resources have been successfully sought through implementation of Integrated Fish Management Plans, which are already in effect for many fisheries. Plans have been adopted to extend application of integrated management plans to all major and most sensitive fisheries. Sustainable fisheries will also be sought through support for industry implementation of the Code of Conduct for Responsible Fishing Operations and partnerships with harvesters to develop and promote use of selective fishing technologies.

Increased involvement of stakeholders, fishermen and academics in the stock assessment review process is an outcome that will be sought under both the Governance heading and Knowledge and Technology theme in the new Sustainable Development Strategy. Integration of traditional and community knowledge in stock assessment also has the potential to improve both fisheries conservation and protection of species at risk and thus to contribute to maintenance of species and ecosystem diversity. Protection of fish stocks through more selective fishing will be supported through continuing and expanding partnerships with academic and industry participants, for instance, on collaborative research or testing of fishing gear.

p>Finally, decentralizing governance, integrating programs and services and bringing delivery and information closer to clients will be pursued through re-design of DFO's organizational structure at the level of Area Managers. Moreover, coherence and appropriate linkages amongst various governance arrangements will be a key policy challenge for DFO.

Theme Two: Knowledge and Technology for Sustainable Development

At the Leaders' Forum on Sustainable Development, facilitated by the National Roundtable on the Economy and the Environment (NRTEE) in Ottawa in April 2000, knowledge was recognized as potentially "the fourth dimension" of sustainable development, adding to the classic three pillars of economic, environmental and social aspects. The need for knowledge and mastery of new technologies is increasingly being characterized as an essential need, not only to support the mandate of the federal government but also to enhance the viability and global competitiveness of the Canadian economy and society. DFO is clearly a knowledge and science and technology department. DFO is also a policy department, often leading the way globally, for example, in devising new ways to manage fisheries resources, to respond to oil spills, to protect and restore fish habitat or to understand the role of oceans in global climate change. Adapting quickly to increasing complexity and inter-dependence in a dynamic operating environment is increasing the need for new research, finding new ways of organizing and communicating knowledge, identifying new sources and different types of knowledge and developing and using new technologies. What DFO does with its knowledge and how it uses technology is critical to sustainable development.

DFO's scientific knowledge and information are critical to conservation and biological sustainability of fisheries resources, marine and freshwater habitats and a protected environment, as well as safe, efficient and accessible waterways and harbours. To contribute to this goal, DFO's scientific initiatives during the next three years will aim for enhanced knowledge and understanding of fisheries, oceanography and hydrography. A better understanding of the role of oceans in the global climate will be another goal. A framework for integrating the precautionary approach in stock assessment, including scenarios to classify the status of species at risk, will also contribute to improved conservation and protection of aquatic resources and preservation of aquatic biodiversity.

Enhanced knowledge and understanding will also be sought through establishment of multidisciplinary teams in collaboration with harvesters and university based scientists to assess fish stocks in a broader ecosystem and environmental context. Research leading to technologies and knowledge to culture new fish species and improve the efficiency of culture of existing species will be undertaken in support of sustainable aquaculture in Canada. Conservation, protection and sustainable use of aquatic resources also requires scientific knowledge and

understanding of the ecosystem impacts of activities such as physical alteration of aquatic habitat and the introduction of toxic substances or exotic species. Scientific research and understanding of ecosystems will help to support improved decision making not only with respect to fisheries management but also in the broader integrated management of oceans resources.

Fisheries that are biologically sustainable and economically viable are a key outcome that will be sought to support DFO's objectives under the new Sustainable Development Strategy. Knowledge and technologies will serve this goal through development of selective fishing techniques and practices. Knowledge of the economics of managing a common property renewable resource will also help to establish policy frameworks, allocation and licensing regimes and fee structures that will foster fisheries that are socially and economically viable and self-reliant as well as biologically sustainable. Diplomatic and legal negotiating skills will support international regimes and agreements such as UNFA to support domestic management regimes in effect inside Canada's 200-mile limits.

Protecting the marine and freshwater environment and maintaining maritime safety will be pursued through DFO's use of new technologies and products such as electronic charts, modernized navigational aids and marine communications and traffic systems, transponders to track vessels and modern scientific equipment using hydro-acoustics. Providing timely and accurate information to shippers, such as water level forecasts, ice information bulletins and ice routing advice, will also contribute to maritime safety. Use of modern technologies in regimes to prepare for and respond to marine chemical or oil emergencies enhances capacity to prevent pollution and to minimize damage by reacting rapidly when necessary.

Finally, enhanced knowledge and analytical ability as well as improved ability to innovate and communicate knowledge and information will be supported by commitments to training for DFO employees and managers. Development of policies and systems to manage information and use of informatics technology to integrate data holdings will facilitate timely sharing and analysis of information and data both within DFO and externally with stakeholders and members of the public.

Theme Three: Sustainable Operations

As a business, DFO operates in the environment and, like other businesses, is required to comply with environmental protection legislation and standards in Canada. DFO uses buildings and operates vehicles, aircraft, and a very large fleet. DFO purchases goods and services and can thus influence producers to operate on a sustainable basis. Federal environmental legislation in Canada includes the Canadian Environmental Protection Act, the Canadian Environmental Assessment Act, environmental provisions of the Canada Shipping Act and habitat protection provisions of the Fisheries Act. In the Speech from the Throne in October 1999, moreover, the Government undertook to make itself a model of environmental excellence in its own operations

"Greening operations" was one of DFO's goals in its first Sustainable Development Strategy and undeniably the most successful, culminating on Earth Day of this year (April 22) with the unveiling of DFO's new Environmental Management Policy and System. Work will continue on reducing the environmental impact of DFO's operations through implementation of an environmental management system within DFO consistent with ISO 14001 standard. In its

operations and day-to-day activities, DFO has a significant environmental footprint. In fact, in June 1999, DFO identified the following 23 environmental aspects: contaminated sites, wastewater, fuel handling/storage systems, ozone depleting substances, mercury, hazardous materials/hazardous wastes, spills/releases leaks, batteries, energy consumption, air emissions, aquatic resource disturbance, dredging, PCB's, asbestos, pesticides and therapeutants, solid non-hazardous waste, storm water effluent, water consumption, resource consumption, terrestrial resource disturbance, archeological/historical/cultural resources, noise emissions and electromagnetics. In its second Sustainable Development Strategy, DFO will establish management plans and targets for each of these aspects, and will report progress annually.

Theme Four: Managing for Progress and Performance

The Commissioner's implementation audit and DFO's internal assessment of its achievements under its first Sustainable Development Strategy demonstrated a need to improve DFO's performance. We are proposing to take steps under our second Sustainable Development Strategy to improve in this respect. Performance assessment of sustainable development goals and outcomes will be part of the new performance measurement system already being developed to support public and Parliamentary reporting and to build an organizational culture in DFO in which achievement of results will drive decision-making. Articulating our sustainable development targets in the second strategy to ensure that they are coherent, achievable, measurable and time-bound will also facilitate tracking of their status, documentation, review by accountable managers and corrective action as necessary. Management of our sustainable development targets and deliverables will also be integrated into DFO's implementation of the Integrated Planning Initiative, as outlined in the Strategic Plan. A new informatics governance framework planned by the department will also help to improve DFO's sustainable development performance. This theme would also call for additional training for DFO managers and staff, to increase awareness of sustainable development and implementation techniques, such as the ISO 14001 environmental management standard being used by the Commissioner.

CONCLUSION

As noted in the Introduction, this Discussion Paper is a first step in developing DFO's Sustainable Development Strategy for 2001-2003. The next step will be to prepare an action plan, to outline how DFO intends to proceed under the proposed themes to contribute to sustainable development. The action plan will constitute the second chapter of the new Sustainable Development Strategy for DFO, which will be distributed for public comment later this summer. The new Sustainable Development Strategy will be tabled in Parliament in December by the Minister of Fisheries and Oceans, in accordance with the requirements of the Auditor General Act. The action plan commitments will be formulated in light of feedback from stakeholders. The commitments will also seek to address the concerns of the CESD and the findings of our internal assessment of the 1997 Sustainable Development Strategy.

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[1] International Organization for Standardization: Standard 14001 specifies elements of an effective environmental management system (EMS) for organizations and is but one component of the ISO series of standards.

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Click [PDF] to download

Minister of
Fisheries and OceansMinistre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

May 27, 1999

To those interested in the Atlantic fisheries:

I am writing to invite your participation in a review of Atlantic coast fisheries policy.

The last thorough policy statements on Atlantic fisheries occurred in the late 1970's and early 1980's. Circumstances have changed in many fisheries. New issues have emerged, and various organizations and reports have called for a clearer policy framework.

DFO is **not** proposing sudden or sweeping change. Our objectives are:

- to consolidate those objectives already being pursued by the department;
- to clarify direction where there are conflicting goals; and,
- to commit to principles which will guide fisheries management in the long term.

Major issues include conservation, economic viability and the industry's own role in fisheries management. But consultations and the resulting policy framework will likely consider other questions.

Fishing industry representatives, provincial governments and aboriginal people, environmental groups, community representatives, and others will contribute to the review.

We will be holding public **information sessions** in Halifax, Moncton, St. John's, Québec and Charlottetown from June 14 to 24 (see attached schedule). We will also be announcing the time and place by public notice. At these sessions we will be proposing a process for the review, and invite questions and comments.

.../2

Further consultations may take place in the summer and in the fall. These open sessions will discuss the goals, objectives and the substance of fisheries policy for the Atlantic.

Consultations will lead initially to a discussion document and by next winter to a larger policy document. This document will not spell out every detail of every fishery. Instead, it will give an overall policy framework for Atlantic fisheries, which will serve as a reference point for future decisions.

I look forward to your participation in the review. For further information or to provide comments, you may write to the Atlantic Fisheries Policy Review at the following address: Department of Fisheries and Oceans, 360 Laurier Street, Naron Building, 4th Floor, Ottawa, Ontario, K1A 0E6 or phone Josée Ranger at (613) 990-1733.

Yours sincerely,

A handwritten signature in black ink that reads "David Anderson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

David Anderson, P.C., M.P.

Attach.



Le 27 mai 1999

À ceux et celles qui se préoccupent des pêches de l'Atlantique,

La présente vise à vous inviter à participer à une révision de la politique sur les pêches de l'Atlantique.

Les derniers énoncés de politique complets sur les pêches de l'Atlantique remontent à la fin des années 1970 et au début des années 1980. Or, la situation a évolué dans de nombreuses pêches. De nouveaux enjeux ont vu le jour, et divers intervenants et rapports ont exhorté le Ministère à élaborer un cadre de politique bien étayé.

Le MPO **ne se propose pas** d'imposer des changements fondamentaux du jour au lendemain. Nos objectifs sont :

- de consolider les objectifs que le Ministère poursuit déjà;
- de clarifier les orientations là où il existe des objectifs incompatibles;
- de nous engager à respecter les principes qui permettront de guider la gestion des pêches à long terme.

Les enjeux importants comprennent la conservation, la viabilité économique et le rôle de l'industrie dans la gestion des pêches. Toutefois, les consultations et le cadre de politique résultant porteront sans doute sur un grand nombre d'autres questions.

Les représentants de l'industrie de la pêche, les gouvernements provinciaux, des groupes autochtones, des groupes écologistes, des représentants communautaires et d'autres intervenants contribueront à la révision.

Nous tiendrons des **séances d'information** publiques à Halifax, Moncton, St. John's, Québec et Charlottetown du 14 au 24 juin (voir le calendrier ci-joint). Les date, heure et lieu des séances vous seront communiqués au moyen d'un avis public. Pendant ces séances, nous vous proposerons d'abord un processus de révision, puis nous vous inviterons à poser des questions et à formuler des commentaires.

.../2

Des consultations plus approfondies se dérouleront à l'été. Dans le cadre de ces séances ouvertes, nous discuterons des objectifs et du contenu de la politique sur les pêches de l'Atlantique.

Les résultats des consultations nous permettront, dans un premier temps, d'élaborer un document de travail; puis un document de politique plus complet sera mis au point d'ici l'hiver prochain. Cependant, le document de politique ne contiendra pas un traitement détaillé de chaque pêche. On y trouvera plutôt un cadre de politique global pour les pêches de l'Atlantique, lequel cadre servira de point de référence pour les décisions futures.

J'espère pouvoir compter sur votre participation. Pour obtenir de plus amples renseignements ou nous faire part de commentaires, écrivez à la Révision de la politique relative aux pêches de l'Atlantique à l'adresse suivante: Pêches et Océans, 360 rue Laurier, Édifice Naron, 4^{ième} étage, Ottawa, Ontario, K1A 0E6 ou communiquez avec Josée Ranger au (613) 990-1733.

Je vous prie d'agréer l'expression de mes sentiments les meilleurs.

A handwritten signature in black ink that reads "David Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Anderson, C.P., député

p.j.

ATLANTIC FISHERIES POLICY REVIEW

SCHEDULE OF INFORMATION SESSIONS

All sessions will be held from 1:30 pm to 5:00 pm

DATE	CITY	LOCATION
June 14	Halifax	Holiday Inn Express (Kearney Lake Rd)
June 16	Moncton*	Wedgewood Hall
June 17	St. John's	Hotel Newfoundland
June 18	Québec*	Château Bonne Entente
June 24	Charlottetown	Quality Inn – On the Hill

* Interpretation services will be available in Quebec and Moncton.

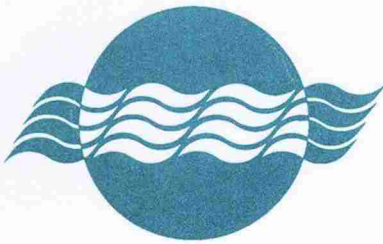
LA RÉVISION DE LA POLITIQUE SUR LES PÊCHES DE L'ATLANTIQUE

HORAIRE DES SÉANCES D'INFORMATION

Tous les sessions auront lieu de 13h30 à 17h00

DATE	VILLE	ENDROIT
le 14 juin	Halifax	Holiday Inn Express (Kearney Lake Rd)
le 16 juin	Moncton*	Wedgewood Hall
le 17 juin	St. John's	Hôtel Newfoundland
le 18 juin	Québec*	Château Bonne Entente
le 24 juin	Charlottetown	Quality Inn – On the Hill

* Les services d'interprétation seront disponibles à Québec et à Moncton.



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS 1971 AND
1992

FONDS INTERNATIONAUX
D'INDEMNISATION DE 1971
ET DE 1992 POUR LES
DOMMAGES DUS À LA
POLLUTION PAR LES
HYDROCARBURES

FONDO INTERNACIONAL
DE INDEMNIZACIÓN DE
DAÑOS DEBIDOS A LA
CONTAMINACIÓN POR
HIDROCARBUROS 1992

IOPC FUNDS' ANNUAL REPORT

Dear Reader

We are considering re-designing the Annual Report in the future and would appreciate some feedback from our readers, to help us produce what you would like to read.

Do you consider that the following sections are:	Too detailed	Sufficient detail	Not enough detail
Fund activities (sections 1 - 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incident summary (section 8.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incident detail (sections 8.2 and 8.3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incident tables (Annexes XXI and XXII)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Which sections are most relevant to you?

Fund activities (sections 1 - 7)	<input type="checkbox"/>
Incident summary (section 8.1)	<input type="checkbox"/>
Incident detail (sections 8.2 and 8.3)	<input type="checkbox"/>
Incident tables (Annexes XXI and XXII)	<input type="checkbox"/>
All sections	<input type="checkbox"/>

Do you have any other comments on the Annual Report 1998?

Content

Style

Which of the following best describes you:

Government body	<input type="checkbox"/>	Lawyer	<input type="checkbox"/>
Contributor	<input type="checkbox"/>	Technical expert	<input type="checkbox"/>
International organisation	<input type="checkbox"/>	Press	<input type="checkbox"/>
P & I Club	<input type="checkbox"/>	General public	<input type="checkbox"/>
Other (please state)			

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THANK YOU FOR YOUR CO-OPERATION



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Assistant Deputy Minister
Policy

Sous-ministre adjointe
Politiques

Your file / Votre référence

Our file / Notre référence

July 12, 2000

Ms. Elizabeth Mann-Borgese
Professor
Dalhousie University

I am writing to seek your assistance in helping the Department of Fisheries and Oceans to prepare its new Sustainable Development Strategy that will be tabled in Parliament in December 2000.

We have identified you or the organization to which you belong as having a significant interest in what Fisheries and Oceans Canada (DFO) does - its legal mandate, its policies, its programs and its operations. We therefore hope that you will be willing to help us by providing your comments on a draft Discussion Paper that proposes key themes for DFO's new Strategy.

If you are interested in reading the Discussion Paper and in commenting on it, you can obtain it in the following ways:

- Web page address, where further instructions for responding on line will be available: <http://sds-sdd.ncr.dfo-mpo.gc.ca>
- Reply to the following email address to receive a copy by email: sds2000@dfo-mpo.gc.ca
- Send a fax message to **Fax number: (613) 993-5085** if you would like us to fax or mail you a paper copy
- Write to me at the above address for a paper copy

.../2

Bavaria - files de

Fisheries and Oceans Canada published its first Sustainable Development strategy, *A Framework for Action*, in 1997. The Department has begun to update its 1997 Strategy for tabling in Parliament in December 2000. The draft Discussion Paper is the first step in the updating process. The Discussion Paper looks back by reporting on implementation of our existing Strategy. It also looks forward by starting to plan for a revised strategy, which will guide DFO's sustainable development activities over the next three years.

We would like your comments and feedback on the Discussion Paper, in particular on the assessment of the 1997 Strategy, on the proposed Sustainable Development policy statement for DFO and on the proposed Sustainable Development themes for 2001-2003. In reviewing the Discussion Paper, you may wish to consider the following questions:

- Do you agree with the proposed Sustainable Development policy statement for DFO?
- Do you agree with the Sustainable Development themes we are proposing as the building blocks of DFO's second Sustainable Development strategy? Have we identified the right Sustainable Development themes for DFO for the 2001-2003 time frame? Do you have other themes to suggest that would be important to you?
- Do you have any other comments or feedback on the themes or on this Discussion Paper generally?
- How do you see yourself cooperating with DFO to contribute to advancing Sustainable Development goals?

Your comments and feedback will help us decide what our Sustainable Development goals should be for 2001 through 2003 and to prepare a results-oriented, cost-effective action plan.

This is the first step in our consultations on our new Sustainable Development Strategy. In light of your comments and responses to the above questions, the draft Discussion Paper will be revised to become the introductory

chapter of DFO's new Sustainable Development Strategy. The second chapter will comprise the new departmental Sustainable Development goals, objectives and action targets. Together the two chapters will constitute the new Sustainable Development Strategy for DFO. A draft of the whole document will be available for public distribution and comment by early September. We will contact you again to seek your comments on the full document and look forward to continuing this dialogue with you at that time.

Thank you in advance for your contribution.

Yours sincerely,

original signed by

Liseanne Forand



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CANADA

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University



FAXED

FACSIMILE TRANSMISSION

To: Ms Liseanne Forand
Fax No 613 993 5085

From: Elisabeth Mann Borgese
Fax No. 1 902 868 2455

Date: July 31, 2000

Dear Ms Forand,

Here are my comments.

With all good wishes,

Yours sincerely,

A handwritten signature in blue ink that reads "Elisabeth Mann Borgese".





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COMMENTS
on
DFO SUSTAINABLE DEVELOPMENT STRATEGY
2001 - 2003

DRAFT

June 1, 2000

I. GENERAL

The general intention and direction of this document are excellent. The path moving up the learning path, to narrow, if not to close the "implementation gap" is clearly marked. Integrated coastal and ocean management, horizontal integration, stakeholder participation, new forms of governance and shared stewardship, these are the foundations of a regime to implement sustainable development.

One weakness that appears to me to affect not only this, but all DFO documents, is probably deeply rooted in the origin and history of DFO, as primarily a Department of Fisheries, and for internal, Canadian affairs. DFO has made considerable progress in moving towards a more comprehensive concept of ocean affairs, but the perspective is still overwhelmingly internal, and important existing and emerging ocean uses are left out. Hydrocarbon exploration and production, with a heavy potential impact on sustainable development, are given too little consideration. Emerging issue areas, like the routing of submarine fibre-optic cables and its coordination with other sea and coastal uses; or methane hydrate research, its potential contribution to energy production in the new century as well as its sea-floor and climate destabilizing potential, or bioprospecting for genetic resources, are ignored completely. Perhaps a table listing existing and emerging sea-uses would be useful; and an organization chart, or decision-making- or "governance chart" might show that DFO is a link, albeit an important one, in a chain that reaches from the coastal community through some sort of trans-sectoral and interdepartmental mechanism at the provincial level to a corresponding interdepartmental mechanism at the Federal level, led by DFO, but comprising quite a number of other departments; to the level of regional cooperation and organization, to the United Nations. DFO should bear in mind the "reminder to national governments" issued by the recently established UNICPO, "of their responsibility" to establish integrated processes which enable all the sectors involved to contribute, for the purpose of formulating policy and making decisions. Without the establishment of such "processes" sustainable development is not achievable.

II. DETAILS

P.2, end of third paragraph. The need for “cooperation with others” is indicated in various places, but no attempt is made to indicate what form this cooperation should take: How it is to be articulated and implemented? I do believe the time has come to come forward with concrete proposals.

Feedback questions:

- I do agree with the proposed sustainable development policy statement for DFO.(p. 11) although it remains at a pretty generic level. The Sustainable Development Policy must be implemented by all other Government Departments. What can DFO do to ensure this outcome?
- Sustainable Development Themes (13 ff.): Theme 1, New Forms of Governance is excellent and fundamentally important. A text of this sort might be used as “caption” under the “governance chart” suggested above. The emphasis on “risk management” is also very useful. The International Ocean Institute (IOI) has recently initiated a project on integrating risk management into integrated coastal management. The project is co-sponsored by Swiss Re in Zurich. I also completely agree with the usefulness of studying institutional arrangements in other countries “to incorporate the benefits of international experience in oceans governance.” One possibility that might come up in this context is the establishment of an independent “think-tank” to advise the Government on ocean governance. Japan has just established such an independent “think-tank,” and the IOI has been quite actively involved in this. If we could assist the Government of Canada in such an undertaking, we would be more than delighted.

The role of Parliament in ocean governance is also an issue worth considering in this context. Should there be a Parliamentary Commission on the oceans? Should ocean governance be part of the responsibility of the Environmental Commission? The problem that I would have with this is that ocean governance comprises much more than environmental issues to which many experts tend to reduce it.

Knowledge and Technology is an equally important "Theme," closely related to what has been indicated above. The reference to the "economics of managing a common property renewable resource" is useful. It needs much further study. The need to support international regimes such as UNFA underlines the need for systematic cooperation between DFO and Foreign Affairs within a broader interdepartmental mechanism.

I believe that the not always ideal relationship between Government-employed scientists and bureaucrats is an issue that should be squarely faced as it is of crucial importance for the attainment of sustainable development. "The Management of Uncertainty" should be another important subheading under this theme

The remaining two "themes" are perhaps less compelling than the first two. I would not consider DFO as a "business," "like other businesses;" even though it obviously must engage in a number of business transactions. But the responsibilities and the ethics of the public sector are different from those of the "business sector."

A fundamentally important component or "dimension" of sustainable development is *human security*, in the advancement of which Canada is a leader. I would make this Theme 3. It is as relevant as the two first themes. It would involve the Coastguard as well as the Navy; it would involve compliance and enforcement ("integrated enforcement"), the prevention of crimes on the high seas and in the EEZ, including piracy and armed robbery, the smuggling of drugs and illegal immigrants, the suppression of illegal, unregulated unreported fishing (IUU), humanitarian assistance such as search and rescue and disaster mitigation; as well as peace-keeping. Reference to some of these issues has been made passingly in the document, but they would deserve to be put together systematically as a fundamentally important theme. Without human security there can be neither economic development nor conservation of the environment.

To make Theme 4 more concrete, it could focus on the need for training, education and awareness enhancement, indicated in the last sentence, not only for DFO managers and staff, but for those of other Departments as well, and, more broadly, for coastal managers in all parts of Canada. Here too, the International Ocean Institute, which has just completed 20 years of training programmes worldwide, could be of assistance.

"Do you have any other comments or feedback on the themes," etc. This has already been answered.

- “How do you see yourself cooperating with DFO to contribute to advancing sustainable development goals?” As already indicated, International Oceans Institute Canada, which has just been formed by the merger of IOI Canada and the Oceans Institute Canada (OIC) with a joint academic capacity and training experience that are rather impressive, would undoubtedly be qualified to serve the Government as an “independent think-tank.” It could also assist the Government with specially tailored training courses.

P.3, MANDATE. Progress has been made, but, as indicated above, this mandate still is far from comprehensive. Important new uses of the oceans are left out. This needs much further consideration.

P.4 References to the Rio Declaration and to Canada’s commitments to the international community are useful, but need to be spelled out.

P.5 The fact that 28 federal departments and agencies are involved in sustainable development, including oceans and coastal areas, makes of “ocean governance” an extremely complex issue which calls for an integrated and comprehensive approach.

At the bottom of p. 5 reference is made to the “precautionary approach” as working principle of the new legislation. This, however, is more complicated than might appear. The “precautionary approach” creates as many problems as it solves. The biggest of these is the extreme variability of interpretations of the concept. A recent article published by *Science*¹ mentions 14 different interpretations given in various Treaties and Declarations, ranging from the strictest, which would prevent the adoption of any new technology, to the loosest which call for decisions in the absence of any scientific evidence at all: A 1990 declaration on the protection of the North Sea calls for action to be taken even if there is “no scientific evidence to prove a causal link between emissions of wastes into ocean waters and effects.”

In any case, Uncertainty and the precautionary principle change the nature of decision-making. In a sense, this signifies a return to “commonsense;” it also *suggests* listening to the voices of ancient and indigenous cultures and people who knew about conservation and sustainability of natural resources and the environment long before we began to study them with our advanced

¹SCIENCE,, Vol. 288 No.5468, 12 May 2000

scientific means.

All this is really quite in agreement with the paper and might serve to strengthen it.

P.6 The “success stories are not very convincing. It would have been more impressive to chose a smaller number, but elaborate them a bit more, so it can be really shown that they are “success stories.” The same applies to the “lessons learned” on pp 7ff.

The challenges, expectations and opportunities to be faced by DFO’s working environment are well conceived. Actually, in the future it would perhaps opportune to have just *one strategy, integrating the Strategic Plan and the sustainable development strategy* and integrating this into the Policy Framework, which must be inter-departmental.

The Principles, on pp. 11 and 12 are good, and I need not repeat what I already noted, about cooperation with other Government Department, which must be structured; about “reliable scientific knowledge” which must be complemented by the recognition of structural uncertainty which will always be with us — and caution about the “precautionary approach!”

While environmental impact assessment is an important tool for the protection of the natural environment, risk analysis is an essential tool for the protection of the human environment with the two obviously being linked. I think it would be useful to include the insurance companies among the “stakeholders” participating in decision-making.

I am looking forward to seeing the revised document at the end of the summer.

Elisabeth Mann Borgese
Professor





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FAXED

FACSIMILE TRANSMISSION

To: Erin Rankin
Fax No 426 3855

From: Elisabeth Mann Borgese
Fax No. 1 902 868 2455

Date: August 21, 2000

Subject: Nominations

Dear Erin,

Sorry I am late getting back to you.

This is the situation:

1. Dr. Hanson has my 3 nominations: -- Dr. Tony Charles, Mr. Chris Mille (probably misspelled!), and Professor David Vanderzwaag
2. Tony Charles has already signed his "authorization."
3. Vanderzwaag has certainly been nominated by a few others, and therefore, probably, all the information is already in.
4. I don't know about Chris Mille. I nominated him because of his great experience with community-based co-management. Perhaps you could get in touch with him directly and get the needed paperwork -- if it is still needed.

Many thanks for your help.

Yours cordially

Elisabeth Mann Borgese

Narrative Summary of Consultations - July to August, 2000

Purpose and Approach

These observations provide feedback from the meetings of the Ocean Ambassadors with individuals and small groups during their travels around Canada. We are reporting on what we heard, in highly summarized form. The information is not necessarily consistent with our personal views, nor have we been able to verify the accuracy of all statements. All of the people we met with have vested interests and expertise related to use of the oceans. Thus the notes should be taken as an opportunity to learn of current thinking by people with ocean interests.

Five points should be made about this sampling. First, it is not a representative cross-section of Canadians. Indeed, the views do not represent fully the wide range of views held by those among Canada's ocean community. Secondly, we have not tried to capture all that we heard, since it would have been beyond our mandate and capacity to produce. Thirdly, not all issues were discussed with equal depth in the various regions and therefore there are gaps. Fourth, our travel schedules were such that only one of us was present at many of the meetings. We have blended our observations to provide continuity. And, fifth, we have not attributed our observations to individuals in most cases. In fact many of the observations represent discussions with several people or groups. Where it is pertinent to do so, we have identified groups presenting particular concerns or points of view.

We have clustered the topics as follows: integrative themes of significance to the Ocean Act, sectoral themes, and four knowledge-based themes. Where relevant, we summarize observations that apply to various levels of government, and to business, communities and NGOs.

Our primary geographic focus has been within DFO's five regions, with some subdivision such as the western and eastern arctic, Ottawa (reflecting national views and administration) and, Calgary (for oil and gas). International dimensions are covered primarily within the specific themes.

The organization of our observations roughly reflects the actual time flow of our visits, starting in the west, followed by the Arctic, the Laurentian region, Maritimes and Newfoundland. Observations from the capital region and Calgary are included at the end.

The following order of topics is kept throughout each of the regional discussions; the absence of a topic title means that no observations on this subject are included for the particular region.

Integrated Management/Ocean and Coastal Management
Environmental Protection and Management
Protected Areas

Fisheries and Aquaculture
Oil and Gas
Recreation and Tourism
Shipping
Other Ocean Industry

Law and Policy (Domestic and International Issues)
Science and Technology
Training and Education

Federal (National and Regional Observations)
Provincial/Territorial
Aboriginal

Coastal Communities
NGOs

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Pacific

Integrated Management/Ocean and Coastal Management

It is difficult, indeed impossible, to consider the B.C. Coast as a single unit. Influenced by huge rivers, comprised of major urban centres on the south coast, and many smaller communities elsewhere, there are significantly divergent views and concerns expressed about how to manage the uses of the ocean and coastal area. The strongest views—that verge on feelings of disenfranchisement—come from the north, where people in Prince Rupert and likely other communities feel that their interests are ignored or misinterpreted. They point out that resource capital, relatively pristine environmental conditions, a diminishing population base and difficulties in attracting investment should all be taken into account for locally and regionally sustainable economic development based on the wealth of the oceans. The need is for distinctive strategies, with more sensitive understanding of northern strengths and uniqueness.

Integrated approaches to management in the north would place considerable emphasis on the development of environmental monitoring capacity, real-time fisheries management decisions, taking more advantage of pristine conditions for expanded aquaculture, sports fisheries and other recreational uses, a larger rights-based role for First Nations, including both their traditional approaches and their participation in resource harvesting and conservation, and pro-business initiatives related to oil and gas and shipping. An example of proposed economic linkages is to “marry-up” agricultural byproducts from the prairies (e.g. pelletized soy) that could be used in support of aquaculture. There is a major concern about the sustainability of smaller communities here and in other parts of B.C.

In the south of B.C. there are several area-based integrated initiatives, especially for the Georgia Basin, Puget Sound - Strait of Juan de Fuca, RAMS (Regional Aquatic Management Society) and the Vancouver Island Aquatic Board Management Pilot. In general these initiatives share significant issues. They are first generation integrated management activities that raise concerns among various communities and sectors, especially among aboriginal people and commercial fishery interests. They are perceived to generate winners and losers rather than win-win situations, especially in relation to allocation processes. There is a concern that small groups are trying to “oceanize” agendas such as fisheries. But once working relationships develop, hope builds. This hope can be dashed if the process moves in a sporadic fashion, as seems to occur all too frequently. There are suspicions that once an integrated management approach appears to be heading toward success, lobby forces anxious to preserve the *status quo* torpedo innovative efforts. Some of the resulting angst and suspicion is targeted at DFO, since the Department has both promoted integration activities and also is believed to be the unit within government that puts on the brakes.

There is considerable support for area-based planning and management approaches, and there is recognition that to make these work will require quite small-scale undertakings, with good representation of the rural communities; realistic expectations about potential achievements over a period of time; a sense of urgency, especially in areas devastated by loss of livelihoods related to fisheries and forestry, combined with longer-term perspectives; accountability; and that they be results-based, not simply process.

The *Oceans Act* is proving to be a helpful template for the design of integrated management approaches on Vancouver Island, although when it comes to fisheries, views are very split. Some feel that the *Oceans Act* is valuable in providing the broad context for fisheries management. Others worry that it provides yet another way to influence allocation and to introduce new quotas.

The concept of nested institutions is gradually emerging, as people experiment with integrated management on Vancouver Island. It is not seen as duplication when various organizations become involved. The concept of Trusts is emerging as part of this, where rights to use a resource base are gradually acquired and held on behalf of a community of users. There is also considerable interest in the concept of co-management as a mechanism for sharing responsibility in stewardship of ocean resources. The experiments so far are limited and have not had the breakthroughs that would be desired.

There is considerable fear expressed about privatization of remaining public goods and resources. This is one reason for the outcry against expansion of aquaculture. It is more quietly expressed concerning ocean pipelines and cables that are beginning to be a significant factor influencing access and uses of the ocean floor. The biggest influence on the future partitioning of the coastal resources and lands is anticipated to be aboriginal claims and settlements. Already these are driving many of the coastal decisions.

A coordinated and improved capacity to make use of modern underwater mapping tools and GIS for marine and coastal management decisions is urgently needed for integrated management. There are cases of overlap and duplication at the moment, and of expensive surveys (e.g. for underwater gas pipelines) where additional uses could be made of the information if the design for information gathering permitted. This problem could become worse if more and more of the work is carried out by the private sector rather than by government research bodies. The number and complexity of initiatives grows with each passing year and now includes fibre optics and other cables and pipelines, aquaculture sitings, designated special use areas (that require knowledge of existing and traditional uses), and extensive need for risk assessment.

Consensus based approaches to integrated management will lead to more cooperative decision-making. One model is the Fraser Basin Council. Part of the effort at present is to have both a federal and a provincial Fraser caucus of departmental funders. These meet separately but there would be value in having them come together. One outcome from the Council's work is that the Fraser Port Authority has adopted a Charter of Sustainability

developed via the Basin Council. This approach might be considered for various marine management areas.

Environmental Protection and Management

Capacity to monitor environmental conditions and recognize their impact for management is of increasing concern. There are two overarching concerns along the entire Pacific coast. The first is the inability to fathom the full range of impacts arising from large scale ocean environmental fluctuations such as El Niño, and the Pacific decadal oscillation that affect storminess and ocean productivity. Increasingly it is recognized that abundance of salmon and likely other species is dependent on these fluctuations. The potential impact of climate change is such that salmon might virtually disappear along major parts of the B.C. coast if predicted ocean temperature rise occurs.

The second key concern is how to address "mountain top to blue water" environmental matters in an integrated fashion. For B.C.'s coastal resources depend upon the quality of watershed protection. An important area of concern is the Central Coast, where the provincial focus on land use has so far not produced a plan linked to satisfactory marine and coastal protection strategy. The problem is described as of "mind-boggling complexity." No one appears satisfied with the outcome to date.

At a more detailed level, there is concern that inability to understand or to monitor environmental quality conditions leads to unnecessary constraints on economic activities. While this is certainly a matter for both the shipping industry and those who would like to see the oil and gas moratorium removed, it also affects some aspects of fisheries and aquaculture. For example, with funding cutbacks, there is very limited capacity to monitor shellfish for PSP. Thus blanket closures occur, even when portions of the areas covered are likely free of toxic effects. This is the situation north from the aptly named Cape Caution.

The issue of urban sewage disposal is expected to be an irritant and weakness in Canada-USA relations until it is adequately addressed by southern B.C. cities, especially Victoria. It also has been a concern that large cruise ships operate along the entire coast without adequate waste disposal, and that, while some major clean-ups have taken place (e.g. pulp mill marine effluent), the dangers of pollution for salmon, whales and sea birds remains high. The shared waters between Canada and the USA are among the most sensitive in terms of shoreline habitat, water currents and sea life. Expectation of a healthy environment is now very high on the part of most coastal residents. Aboriginal people, perhaps more than most others, try to place this expectation in a historical context. They note how habitat loss and fragmentation is the most critical concern.

Protected Areas

There already is a substantial investment in marine protected areas (MPAs) along the B.C. Coast, with most designated by the Province. Cooperative efforts between aboriginal, government, business, community and NGOs have emerged, often after serious confrontation. But the results are precedent-setting, for example in the case of the Gwaii Haanas Park Reserve and, more recently, in Race Rocks and the successful efforts to establish a Biosphere Reserve in Clayquot Sound. At a broader level still, there is an international focus on the important migratory routes under the "Baja to Bering Sea" concept of interlocked protected areas and corridors being promoted through the Canadian Parks and Wilderness Society (CPAWS). CPAWS has chosen to focus its efforts on the West Coast, and WWF-Canada is carrying out a high profile national campaign to establish representative marine protected areas, including more on this coast.

The concept of "no take" areas is quite central to MPAs, but it is an approach that both First Nations and coastal fishers are wary about, especially if an area is designated as a "perpetual no take zone". However the "voluntary compliance guards" of aboriginal people are helpful once there is buy-in. There is a growing recognition of the conservation value of MPAs, and of the need for good mapping and other tools that give a full perspective on what actually should be protected. For example, the full picture of Race Rocks provided by detailed bathymetric and water current studies leads to quite different perspectives about protection needs compared to surface views.

This Race Rocks effort is being aided by traditional ecological knowledge (TEK) studies, and by dialogue on how a model of cooperation/co-management can be developed between the Salish and government. More generally, it is observed that the Salish could take on a valuable role in developing an international MPA in the Puget Sound/Georgia Strait/San Juan/Gulf Islands area via the Salish Sea Initiative.

In general, there is much need to develop a robust system of ocean zoning in order to make MPAs and integrated management strategies more functional.

Fisheries and Aquaculture

The turmoil of fisheries adjustments during the mid-1990s has left many communities and individual operators wary of the future and in desperate need of alternatives or some assurance that further changes are likely to be limited. Yet the future may well contain more changes that will continue to transform fundamentals of the fishing industry, for example, by greater aboriginal participation, shifts in the nature and extent of aquaculture, further broadening of the species taken, and changes in abundance linked to environmental changes. These are the concerns expressed by people today. To a remarkable extent, there appears to be an interest in moving on from the concerns of yesterday and addressing economic, social and environmental issues that are likely to constrain opportunities of the future.

An important debate is the wild salmon policy and whether the wild fish populations will be damaged by either further overfishing or by aquaculture and hatchery operations. This debate will become much more informed in future years as more is learned about the thousands of small runs along the coast and with the increasing availability of DNA samples. The controversy over salmon aquaculture in southern B.C. is tempered by the desire of some to attract aquaculture to the north, either through at least 10 to 15 new licences, or by moving some existing licences north.

There is much support for rebuilding and protecting coho and other endangered stocks. However frustration is expressed over the difficulties of accurately predicting returns for specific stocks within major runs, and therefore the potential of underestimating what might be safely taken. This was particularly true in the case of the very large Skeena run this summer. The inadequacies of fisheries science, the lack of sufficient ecological knowledge, and a perceived disconnect between science and management undermine credibility in the current situation.

The declines in allowable catches and in the other huge industry, coastal forestry, have many secondary impacts, of course. For example, the fishing vessel buy-back program has negatively affected ship repair operations in Prince Rupert. Reduction in logging means fewer repairs to tow boats. On the other hand, there are examples of how people have moved to new ocean-based activities. For example, Tricorps, an aboriginal capital corporation operating from Prince Rupert foresaw the need for adjustment in salmon fisheries and moved lending into other fisheries. Their concern now is to seek diversified opportunities for ocean-dependent communities. An example is investment in crab fisheries, including development of individual vessel monitoring as a prerequisite to getting approval for entrants into this fishery. In Vancouver, a log boom tugboat operator, who saw a decline coming, has developed a completely new business—booking tourists to B.C. for activities such as whale watching.

A point repeatedly made is the need for capacity building, the fostering of entrepreneurial skills, and recognition of the plight of small coastal communities hit by past problems in the fisheries.

Oil and Gas

The high-tech ocean industry on the East Coast and particularly in Newfoundland flourished once oil and gas exploration and production began. The same could happen in B.C. if the moratorium on offshore oil and gas were lifted. This view is held by some people in southern B.C and is reinforced by development interests in Prince Rupert, who are actively lobbying for removal of the moratorium.

Shipping

Marine transportation will become an ever more important player in the transshipment of goods from growing trade and increasingly large vessels. Presently, 60 % of the traffic

leaves harbour by road and 40% by rail. Economic and environmental pressures will reverse these figures over the years. There is, however, an issue of CN selling into the USA to the detriment of B.C. ports. In addition coastal and riverine traffic will assume a more important role. In Prince Rupert there is strong interest in the North West Corridor, which extends all the way to the prairies for the movement of bulk commodities. Coastal delivery systems by sea could relieve the overloaded land transportation, but political action at a federal level would be needed to assist with the development of the necessary infrastructure.

The constraints on the marine shipping industry due to unnecessary and unfair regulation, compared to road and rail, were seen as a burden. Dredging regulations, which have become increasingly severe under the *Ocean Dumping Control Act*, change at imaginary lines defining ocean and inland waters and impose expensive and time consuming monitoring and analysis restrictions for sediments already available in suspension in the water column.

An example of the responsiveness of the industry to the environment was given for the issue of ballast water, where the Port Authorities acting with industry imposed a voluntary process to exchange ballast water at sea. (Similar industrial citizenship has been demonstrated by the voluntary system put in place for addressing chemical spills.) But the ballast water issue is likely to become ever more important. One suggestion is to work on this issue at the export ports, not just at the arrival ports such as Vancouver.

The future holds many challenges, with larger vessels on the horizon, continued efforts to take advantage of the closeness of Prince Rupert to Asia for ships traveling the Great Circle Route, and the potential of arctic routes if climate change effects are realized. The West Coast will need a strong international perspective, with a focus on both environmental and economic factors, operating via existing frameworks and institutions such as IMO. By completely maintaining navigation within the federal sphere, Canada has some advantage by comparison to the USA. There is a capacity to take action quickly on the West Coast, through good ability within the shipping sector to work together.

The lack of profile for the marine area was seen as a problem to be addressed through public education and awareness. The arguments for the importance of the marine environment and that of marine trade and marine industries must be brought home to everyone.

Recreation and Tourism

Recreational fishing was one of the few areas where an ocean constituency existed. The players were not knowledgeable about the ins and outs of the fishery regulations, but active and concerned about the ocean environment itself. The industry had seen changes before, but nothing like those experienced over the last 5-6 years. Some businesses were down 50%, due to the drop in fish availability. The lack of fish in the southern Canadian waters was sending more tourists to the Queen Charlotte area, where the weather and

conditions were poorer, but the numbers and size of fish larger. The situation would be helped by greater attention to the commercial fishery. One suggestion was to replace the ocean fishery with a controlled take in the larger rivers. The numbers of fish taken by the recreational fishery would have little or no impact on the total population. The industry needed a healthy fishery and a healthy environment. The sports fishing industry could generate ten times the revenue of the commercial fishery if the use of the fishery could be dedicated to that role.

Tourism is the fastest growing industry on the Pacific coast, up to \$9 billion annually. Eco-tourism provides the major thrust and the public wants education with their recreation. The eco-tourism industry will have similar interests and objectives on all ocean fronts of Canada. The industry needs to protect the environment on which it depends and this environmental responsibility has already been elaborated by the whale watching industry, which has assumed a custodial role for the environment upon which it depends. It has developed guidelines and even hires an independent firm to monitor infractions and keep the public informed. Much of what has taken place to date has been "opportunity-driven", for example in the marketing of cruise ships, whether in the "Golden Triangle" of Vancouver, Victoria and Seattle, or further afield to Alaska. Marketing of ocean tourism opportunities is described as being like "a knife cutting through all the layers", since it deals with very specific set of activities set among the broad range of ocean interests, levels of administrative bureaucracy, etc.

Greater attention must be paid to the health of the marine environment. Expectations of the benefits from the ocean, from the living and non-living resource sectors change, and governmental policies need to be revised on a regular basis at least every decade

Other Ocean Industry

Over a period of several decades, entrepreneurs in B.C. have developed a capacity to design and build small submersibles leading to an ocean industry sector known throughout the world. A previous president of the University of British Columbia continues to believe that it would be a wise investment for Canada to build a fleet of these smaller underwater vessels for a variety of defence, monitoring and scientific use rather than purchase larger submarines. The submarines being manufactured now are used for many purposes, including a substantial number specifically designed for use in movies and for various research activities. One key entrepreneur, Phil Nuytten, is in the process of establishing a \$9 million Museum of Submersibles and Technology in North Vancouver.

Mr. Nuytten makes several interesting observations about Canadian ocean technology. First, that there is inadequate recognition of its value and sophistication. Second, that there will be a great science and technology pull in the future, with many possible applications. Some examples include the use of fibre optics networks for scientific purposes, at little additional costs, if terminals can be added on the ocean bottom. Deep-water heat vents off the West Coast may have future commercial potential for energy,

biopharmaceuticals, or other uses. He notes that the current generation is the first that has taken ocean issues seriously. Through cooperation with leaders in the USA such as Sylvia Earle and the National Geographic Society, hundreds of scientist are involved worldwide in a Sustainable Seas initiative. His submersibles are used in the activities. He is involved with the development of a non-profit organization, Sustainable Seas Canada, linked to the international effort.

Law and Policy (Domestic and International Issues)

Dovetail the *Oceans Act* and the *Marine Act*.

There should be an Ocean Board established for each coast since there are such differences in policy and management needs.

Science and Technology

There seems to be an inability of the Department to escape from its traditional past and many actions could be taken to improve the knowledge base and assist in the development of strategic policies. Significant changes are taking place in the ocean ecology that we do not understand. The Department is spending little if any money on the impact of changes on the living resources and this deficiency must be rectified immediately.

The aging population in terms of senior federal scientists is seen as a serious issue.

Training and Education

Education and awareness need to be stressed. A recent US poll found, although over 90% of those polled recognized the role of oceans in supporting life on the planet, only 14% recognized the human impact on the ocean.

A great need therefore exists to educate the world's people about the oceans. Given Canada's wealth, international commitment and large ocean space, it makes sense for our country to take on this education role. We are perceived to have a "common sense approach to the oceans."

Vancouver is home to one of the continent's finest aquariums, and one that is supported financially in large measure by its visitors. In recent years it has had to revisit its approach, with the changing attitudes towards captive large marine mammals, and with the potential of linking exhibitions with real time observation of the open ocean. As well, with the Internet, there are new opportunities, for example the establishment of an Ocean Watch for the Pacific. Thus the public education potential of the aquarium is now far greater and more encompassing. And it can reach beyond the immediate audience of those who visit the premises, for example via weekly radio programs and via computers. The Vancouver Aquarium believes that it is "on the path to be the expert on Canada's

From: **International Ocean Institute <mcoffensmout@Kilcom1.UCIS.Dal.Ca>**
To: **emb**
Subject: **(Fwd) Notice Digest #181 (fwd)**
Copies to: **rudd, francois**
Date sent: **Thu, 21 Sep 2000 10:07:09 AST**

Is the second of these of any interest? Any money in it for IOI?!

MSCS

/ 5 / FROM: THE OFFICE OF RESEARCH SERVICES

SSHRC announces two new Strategic Joint Initiatives

1. The non-profit sector in Canada:

SSHRC and the Kahanoff Foundation have joined forces to undertake a new research program, "The Non-profit Sector in Canada," and have allocated \$1.5 million in total over three years to fund a number of research projects in two competitions. SSHRC funding has traditionally favoured university- based research. This program takes a new approach aimed at making possible and facilitating research conducted by the non-profit sector itself. While the program is open to the community of social science and humanities researchers traditionally supported by SSHRC, it also encourages applications from researchers from non-profit, voluntary and/or charitable organizations.

The suggested research questions outlined below promote the involvement of researchers in such fields as health, economics and political science:

1. The Role of the Non-profit Sector in Society
2. Public Policy and the Non-profit Sector - Legal and Regulatory Issues; Changing Public Policy on the Delivery and Funding of Programs; Accountability
3. The Boundaries Between Non-profit, For-profit and Government Sectors - Non-profit Organizations and Commercial Activities; For-profit and Non-profit Organizations: Redefining the Relationship; Government Creation of Non-profit Organizations; Sustaining the Non-profit Sector

The deadline for the first competition is December 8, 2000. Please see complete program details and application procedures on the SSHRC web site: www.sshrc.ca

2. Ocean Management National Research Network Initiative
A Strategic Joint Initiative of SSHRC and Oceans Sector, Fisheries and Oceans Canada

The Ocean Management National Research Network Initiative will create a national network of interdisciplinary research teams dedicated to promoting new research, integrating knowledge and accelerating the application of critical thinking and best practices in support of sustainability within oceans ecosystems. The Network will provide a forum for researchers in social sciences and humanities, natural sciences, engineering, and health sciences to share ideas, set research priorities, promote research and real-world applications of research findings. Representatives from government, the private sector, local communities, aboriginal organizations and other stakeholders will also participate.

Network Structure

The Ocean Management National Research Network will be comprised of a National Secretariat plus two to four Research Teams. The teams will be made up of researchers based at Canadian universities, who will work in collaboration with governments, community partners, and other stakeholders. A Research Team leader will assume primary responsibility for coordinating the team's research activities and for administering the grant. The leader's home institution will provide general infrastructure support and access to university resources and facilities. Researchers will collaborate with the National Secretariat to define a national research perspective.

Award Value and Duration

SSHRC and DFO will provide \$1.14 million in federal funding over three years, administered by SSHRC. While no ceiling has been placed on the value of individual awards, the funding available to the National Secretariat and to each Research Team will depend upon the merit and scope of the proposals submitted.

Suggested areas of research include: developing sustainability; integrating knowledge systems; applying ethical principles to the use of the oceans; establishing good governance.

The deadline for the competition is December 15, 2000. Full program information and application procedures are available on the SSHRC web site at www.sshrc.ca.



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Assistant Deputy Minister
Policy

Sous-ministre adjoint
Politiques

Your file / Votre référence

Our file / Notre référence

October 2, 2000

Ms. Elizabeth Mann-Borgese
Professor
Dalhousie University
Ioihfx@dal.ca

Dear Ms. Mann-Borgese:

Fisheries and Oceans Canada (DFO) is beginning its second round of consultations regarding its new Sustainable Development Strategy. Since you, or your organization, have been identified as a key DFO stakeholder, I am writing to seek your assistance in helping us to finalize this document.

During our first round of consultations (July-August 2000), I received many responses with constructive comments from key stakeholders, like yourself, regarding our Sustainable Development Discussion Paper. In preparation for this second round, many of your comments were integrated within a revised version of the Discussion Paper that makes up the first part of our new draft Strategy. The draft Strategy also details the concrete targets and action items that DFO will pursue to meet its goals and objectives during the 2001-2003 time frame.

If you are interested in reading the draft Sustainable Development Strategy and in commenting on it, you can obtain it in the following ways:

- DFO Internet web site, where further instructions for responding on line are available: www.dfo-mpo.gc.ca and follow the links.
- Reply to the following email address to receive a copy by email: sds2000@dfo-mpo.gc.ca.
- Send a fax message to **Fax number: (613) 993-5085** if you would like us to fax or mail you a copy.

.../2

- Write to me at the following address: 200 Kent Street
Ottawa, ON K1A 0E6.

In reviewing this draft Sustainable Development Strategy, and in particular the Action Plan that will allow DFO to achieve its sustainable development goals and objectives, you may wish to consider the following questions:

- Do you agree with the sustainable development goals, objectives, targets and action items we are proposing for DFO's second sustainable development strategy?
- Have we identified the right sustainable development targets and action items for DFO for the 2001-2003 time frame? Do you have other action items to suggest that would be important to you?
- Do you have any other comments or feedback on the themes or on this draft Strategy and Action Plan generally?

Your comments and feedback will help us to finalize DFO's Sustainable Development Strategy with a results-oriented, cost-effective action plan. To ensure sufficient time to reflect your comments within the final Strategy that will be tabled in Parliament in December, I would appreciate receiving your comments by the end of October.

Thank you in advance for your contribution.

Yours sincerely,

original signed by:

Liseanne Forand



Fisheries
and Oceans

Pêches
et Océans

Policy

Politique

Assistant
Deputy Minister

Sous-ministre
adjoint

1280 file: 600/CANADA/DFO

RECEIVED OCT 25 2000

OCT 19 2000

Your file Votre référence

Our file Notre référence

Dr. Elizabeth Mann Borgese
International Ocean Institute
Dalhousie University
1276 LeMarchant St.
Halifax, NS
B3H 3P7

Dear Dr. Mann Borgese:

I am writing to thank you for taking the time to provide your comments on Fisheries and Oceans Canada (DFO)'s Sustainable Development (SD) Discussion Paper during our initial consultation in July and August 2000.

The Discussion Paper was the first building block in the development of DFO's second SD Strategy to be tabled in Parliament in December 2000. Your very constructive and thoughtful comments are much appreciated and have helped us to move toward a more developed Strategy and Action Plan. I share your views, for example, on the complexity of oceans governance and the importance of addressing emerging oceans uses. The narrative portion of the draft SD Strategy (a revised version of the former Discussion Paper) now mentions the emerging oceans uses you identified in your letter. There is no detailed discussion of emerging or existing oceans uses but they will be kept in mind as we develop and implement the integrated oceans management projects that are a key commitment in our draft SD Action Plan.

Your comments raised other fundamental issues, notably, dealing with uncertainty, working with others toward sustainable development, human security as an essential dimension of sustainable development, the need for training and the challenges associated with the precautionary approach. We will be trying in our new SD Strategy to address some of these issues. One action commitment in the draft Action Plan, for instance, is to test operational use of the precautionary approach in some pilot fisheries management plans. We will also be adding text to the draft Strategy to describe how DFO is contributing to coordinated federal efforts toward sustainable development, as well as being more specific where appropriate about how DFO will be working with other federal government departments, other levels of government and private sector

.../2

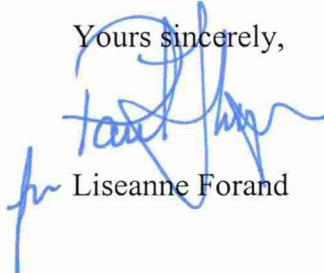


stakeholders or members of the public to accomplish our sustainable development commitments. We are also looking at possible future efforts to enhance such cooperation. The need for training is clear and I would certainly be interested in learning more about the work of the International Oceans Institute in this area. Your other comments on managing uncertainty and human security are thought provoking. While they have not been translated into immediate concrete proposals in the draft SD Strategy, I have forwarded all your comments to colleagues in the department for their consideration.

DFO has now begun a second phase of consultations on the draft SD Strategy, which includes the revised discussion paper and an action plan that details the concrete targets and action items that DFO will pursue in order to meet its goals and objectives during the 2001-2003 time frame. I hope you will take the time to review the draft Strategy and provide me with additional constructive comments.

Your continued participation in this process will help us to deliver an effective SD Strategy that meets the expectations of all our stakeholders. Once again, thank you for your contribution.

Yours sincerely,



Liseanne Forand



INTERNATIONAL
OCEAN INSTITUTE
CANADA

DALHOUSIE
University



FAXED

FACSIMILE TRANSMISSION

To: Ms Liseanne Forand
Fax No 613 993 5085

From: Elisabeth Mann Borgese
Fax No. 1 902 868 2455

Date: November 8, 2000

Subject: Building Awareness and capacity...2001 - 2003

Dear Ms Forand,

Thank you very much for the revised document and your kind letter dated October 2.

I have studied the document, and find it, on the whole, quite excellent, full of ideas and substance. Generally speaking, I feel that improvements could still be made on 4 issues:

1. Although other uses and "stakeholders" are indicated, there still is an imbalance between fisheries and other uses. DFO has enormous responsibilities under the Oceans Act -- they are in fact so broad that it is difficult to see how one Government Department could do full justice to them! But, in spite of improvements which have already been made, this is still a document of "Fisheries and Oceans" and more "fisheries" than "oceans." I am overstating this a little bit, but I do believe I have a point!
2. Relations with "stakeholders," NGOs, local communities, Aboriginals, are given due consideration. Relations between DFO and other Departments are not made concrete. They are not dealt with in concrete terms. This, I think, is a real deficiency. What we need is a strategy for the oceans *for the Government of Canada*, not just for the DFO. Quite clearly, without the cooperation of the other Government Departments it is not possible to attain an integrated policy and strategy and Action Plan. And this cooperation should not be *ad hoc*: we work with Environment on this issue, with Resources on that other issue, with Transport on a third issue, etc.: It must be structural, "systemic," comprehensive. To design it should be part of the Strategy. I would suggest that, as a first step one could use the newly appointed Advisory Council, of which I have the honour to

be a member. One could explicitly state (not just assume that it is going to happen anyway!) that this Council should advise not only DFO but all the other Departments involved one way or another in ocean affairs, so as to enhance cooperation and integration of policies.

3. I think, as a matter of fact, that Council and its role should be included in the Strategy.
4. International aspects are mentioned, but not yet adequately. The UN Convention on the Law of the Sea should be mentioned as the most comprehensive legal framework for sustainable ocean development. (I think it is a grave defect that this Convention is not mentioned in the Oceans Act!). And more attention should be given to the ever-present linkages between internal and international issues and problems arising from all ocean uses!

Let me now come to some details:

p. 4, box with MANDATE This already is too fish-oriented, and it sets the tone for the whole document!.

P. 5, first full para. (This is not a criticism, just a comment.) I find it quite interesting to note that there has been quite a shift from "resources" to "services" -- of course, in the world at large as we have moved from an industry-based economy to one that is service-based: "The service economy," accounting for over 60 percent of the global GNP (about 80 percent in developed countries!). In the ocean economy we used to focus on "resources," whether living or nonliving. Today by far the most important part of the ocean economy is "services" -- international sea-borne trade, tourism, especially cruise-ship tourism; and communications (fibre-optic cables). The revenues generated by these services dwarf the largest figures derived from "resources," living or nonliving!

There is a typo in the next para, line 3: Canada's ample freshwater resources (not "amply")

p.9, I am happy with the insertion in the first paragraph! It is becoming really urgent that Canada should make precise laws for the routing of the cables, for the rights of local communities. Canada might also charge a "rent" for passage of the cables through the Canadian EEZ. I was told that this is what NOAA is going to do for the US.

P. 10 (this may be just a personal bias!) I do not like to put stress on “competitiveness” when we deal with ocean economics. What we need is cooperation, not competition, when we deal with the ocean!

P.11, second “dot”: “take a horizontal perspective that incorporates economic, environmental, social, *and security* aspects.” Integrating sustainable development and regional security through “integrated enforcement” mechanisms is becoming a big issue, on agendas all over the world. My International Ocean Institute is just now drafting a model Protocol on that subject for the Government of Malta. Malta will introduce this in an upcoming meeting of the Contracting Parties to the Barcelona Convention!

P.11, Science and Knowledge: Two points: I think one should mention the enormous amount of *uncertainty* inherent in contemporary science and modelling. Precautionary approach and risk analysis are mentioned, but I think it might be said that these are needed *because* of the fundamental, structural, systemic *uncertainty* that characterizes the new science paradigm. There really is no such thing as timely and reliable scientific knowledge! To include traditional, indigenous knowledge is one of the best remedies. But we have to learn to manage under conditions of uncertainty! The second point is that, notoriously, relations between scientists and DFO have not always been the best, one might mention the need for *independent* scientific input, perhaps one could consider the possibility of an *independent thinktank* which could be commissioned to undertake independent research on some issues. The Japanese have just established such a thinktank, through the Nippon Foundation.

P. 12, line 6 “to build awareness and capacity...” That need not be only “in-house” DFO staff could be trained, for instance, in our IOI summer Training Programmes, or we might even design special courses for them. In September 2001 the IOI Virtual University will start functioning, which might be quite useful and practical. Now I don’t suggest that you should advertise the IOI, but you might just mention that training and capacity building should be strengthened in-house and through cooperation with partners.

P. 13, second paragraph, here again I would add “services” to “aquatic resources and environments.”

P.14, line 5, here you speak of “the process to develop *a national policy framework for oceans governance*”, but reference to other Federal Departments within this framework is woefully missing!

P. 16, Theme 2, line 7, Again, I dislike the mentioning of “competitiveness” It does not fit into the ocean!

P. 17 Here again I find a certain imbalance between living resources and other sectors.

P. 18 I very much like the first 4 lines!, also the end of the second full paragraph. In the third full paragraph you state that “DFO will also need to build a network of scientific expertise including DFO, *other federal Departments, etc.* This is of course excellent, but we need to know how it is to be done!

P. 20, “competitiveness”...

P. 25 “It might be useful to mention here, however, certain major initiatives, which will involve inter-departmental collaboration, that are under consideration or preparation and could in time become part of DFO’s sustainable development strategy” We would like more information about that!! It is a priority! We need it to do all the things we have to do!

The charts are very well done and very useful But everything is *within the Department!*

In conclusion, let me try to answer your three questions:

1. “Other action items that would be important to me”
 - to enhance understanding of the unbreakable linkages between domestic and international ocean problems
 - to ratify the United Nations Convention on the Law of the Sea, which provides the most comprehensive legal framework for sustainable ocean development
 - to play a leading role in the UN General Assembly’s newly established “Informal Consultative Process on Oceans and the Law of the Sea” (UNICPOLOS)
 - to contribute to the preparations of the Intergovernmental Review of the GPA (2001) which will take place in Canada, and to the preparations for the RIO+10 Conference (2002) which will deal with the implementation of Agenda 21 and sustainable development.

2. The second "dot" I think I have already answered
3. I see myself cooperating with DFO to contribute to implementing the new sustainable development strategy over the next three years, mostly through the new Advisory Council, but we are ready to cooperate in many other ways, through education, training, capacity building and awareness enhancement.

With all good wishes,

Sincerely yours,


Elisabeth Mann Borgese

From: Watt, Ying <ywatt@Kilcom1.UCIS.Dal.Ca>
To: rrace@kilcom1.ucis.dal.ca, fbaillet@kilcom1.ucis.dal.ca
Subject: Tony Charles
Date sent: Fri, 15 Dec 2000 13:24:52 AST

Dear Rudd and Francois,
Tony Charles phoned today (Friday), asking for your resumes to submit them to the Ocean Management National Research Network Initiative. The resumes had to be in by today in order for your names to stand. I take it that he has discussed this with you previously? I faxed him the resumes in your files, on the understanding that these were not up-to-date and that, should you wish to do so, you could send revised versions later. He seemed to think this was the better alternative to removing your names from "the list". I don't know if this is what you would have wished.

Rudd, Tony mentioned that you were going to write a letter of support as well. Apparently, that's due too but not as critical if it's late. If you have any questions, he can talk to you on Monday at the training programme meetings. I did suggest that, with preparations for your meeting on Wednesday, it would be unlikely that you would be able to work on the letter at the beginning of the week.

Ying



INTERNATIONAL
OCEAN INSTITUTE
CANADA

FAXED

DALHOUSIE
University



FACSIMILE TRANSMISSION

TO Prof. Tony Charles
FAX 496-8101
FROM Ms. Ying Watt, Project Coordinator
International Ocean Institute - Canada, Dalhousie University
FAX 1-902-494-2034
E-MAIL ying.watt@dal.ca
RE Ocean Management National Research Network Initiative
DATE 15 December 2000
PAGES 6

Dear Tony,

As requested, please find attached the resumes for Robert Race and François Bailet. As discussed, these are not up-to-date but are submitted – pending revised versions – to meet the application deadline.

Yours sincerely,

Ying



INTERNATIONAL
OCEAN INSTITUTE
CANADA

DALHOUSIE
University



FAXED

December 20, 2000

H.E. Dr. Herb Dhaliwal
Minister for Fisheries and Oceans
Ottawa, Ont.


Dear Minister,

Together with my warmest wishes for the holidays and the New Year, I want to offer you some assistance with the preparations for the Intergovernmental GPA Review conference. I am doing this wearing three hats: Member of your Advisory Council; Founder & Hon. Chair of the IOI, and Vice-Chair of the newly merged International Oceans Institute Canada.

I am attaching a letter recently received from Dr. Klaus Toepfer who I know is keen on our involvement in the GPA review. Of course IOI Headquarters in Malta is already closely cooperating with the GPA coordinating office in the Hague; so it would be logical that, as IOI's Canadian branch, we should contribute to the process. Please feel free to call on us and to assign us any task you may think fit. We do have the expertise and the staff here to do our share.

Looking forward to hearing from you,

Yours very sincerely,


Elisabeth Mann Borgese
Professor



INTERNATIONAL
OCEAN INSTITUTE
CANADA

DALHOUSIE
University



FAXED

December 20, 2000

H.E. Dr. Herb Dhaliwal
Minister for Fisheries and Oceans
Ottawa, Ont.

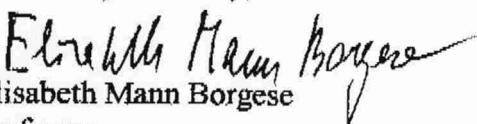
Dear Minister,

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I am attaching a letter recently received from Dr. Klaus Toepfer who I know is keen on our involvement in the GPA review. Of course IOI Headquarters in Malta is already closely cooperating with the GPA coordinating office in the Hague; so it would be logical that, as IOI's Canadian branch, we should contribute to the process. Please feel free to call on us and to assign us any task you may think fit. We do have the expertise and the staff here to do our share.

Looking forward to hearing from you,

Yours very sincerely,


Elisabeth Mann Borgese
Professor

cc: Dr. Gunnar Kullenberg
Mr. Lennox Hinds

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United Nations Environment Programme

PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT
PROGRAMMA DELLE NAZIONI UNITE PER L'AMBIENTE
PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE

Our Reference:

Your Reference:

Date: 9 October 2000

Dear Professor Mana Borgese,

Thank you for your letter to me dated 4 August 2000. I was pleased to be able to contribute to your organization's training programme.

Regarding the interest of the International Ocean Institute (IOI) to cooperate in the revitalization by UNEP of the Regional Seas Programme, I have placed great importance in this initiative and recently provided the Committee of Permanent Representatives to UNEP with a briefing on the progress achieved in the implementation of the Regional Seas Programme in 2000. I have attached a copy of this report for your information.

I fully agree with you that the implementation of the GPA is a suitable trigger mechanism for a broader integrative process leading to the Rio + 10 Conference in the year 2002. To this end, I invite you to work with us in the on-going preparations for the 2001 Intergovernmental Review of progress in the implementation of the GPA. As you are aware, UNEP as the secretariat of the GPA is taking the lead in preparing this first Intergovernmental Review, scheduled to be convened at the end of 2001.

IOI's support will be particularly welcomed at the regional level. The regional review process for the GPA is aimed at improving coordination and cooperation, sharing experiences and developing concrete action programmes for the period 2002-2006. Key elements in this process include involving stakeholders, including the private sector, and exploring innovative financial mechanisms. The regional seas programmes are already playing a major role in mobilizing Governments, relevant regional organizations and financial institutions, and other stakeholders.

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Jorge

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On the issue of the involvement of IOI in this process, please contact Mr. Jorge E. Illueca, Assistant Executive Director, Division of Environmental Conventions (DEC) which is responsible for the regional seas conventions and action plans. DEC works closely with the GPA Coordination Office of the Division of Policy Implementation in strengthening the participation of the regional seas programmes in the implementation of the GPA. Furthermore, Mr. Illueca has been representing me in the United Nations Informal Consultative Process on Oceans and Law of the Sea (UNICPOLOS). Future meetings of UNICPOLOS will address the strengthening of the regional seas conventions and action plans, including the development of linkages with the work of global environmental conventions and related international agreements. In addition, Ms. Veerle Vandewoerd, the Director of the UNEP/GPA Coordination Office, will be pleased to further discuss with you various available options for a specific role for IOI in the Intergovernmental Review.

I am looking forward to receiving your concrete proposal on areas of collaboration between IOI, the GPA and the regional seas programmes.

Yours sincerely,



Klaus Töpfer
Executive Director