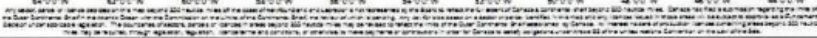


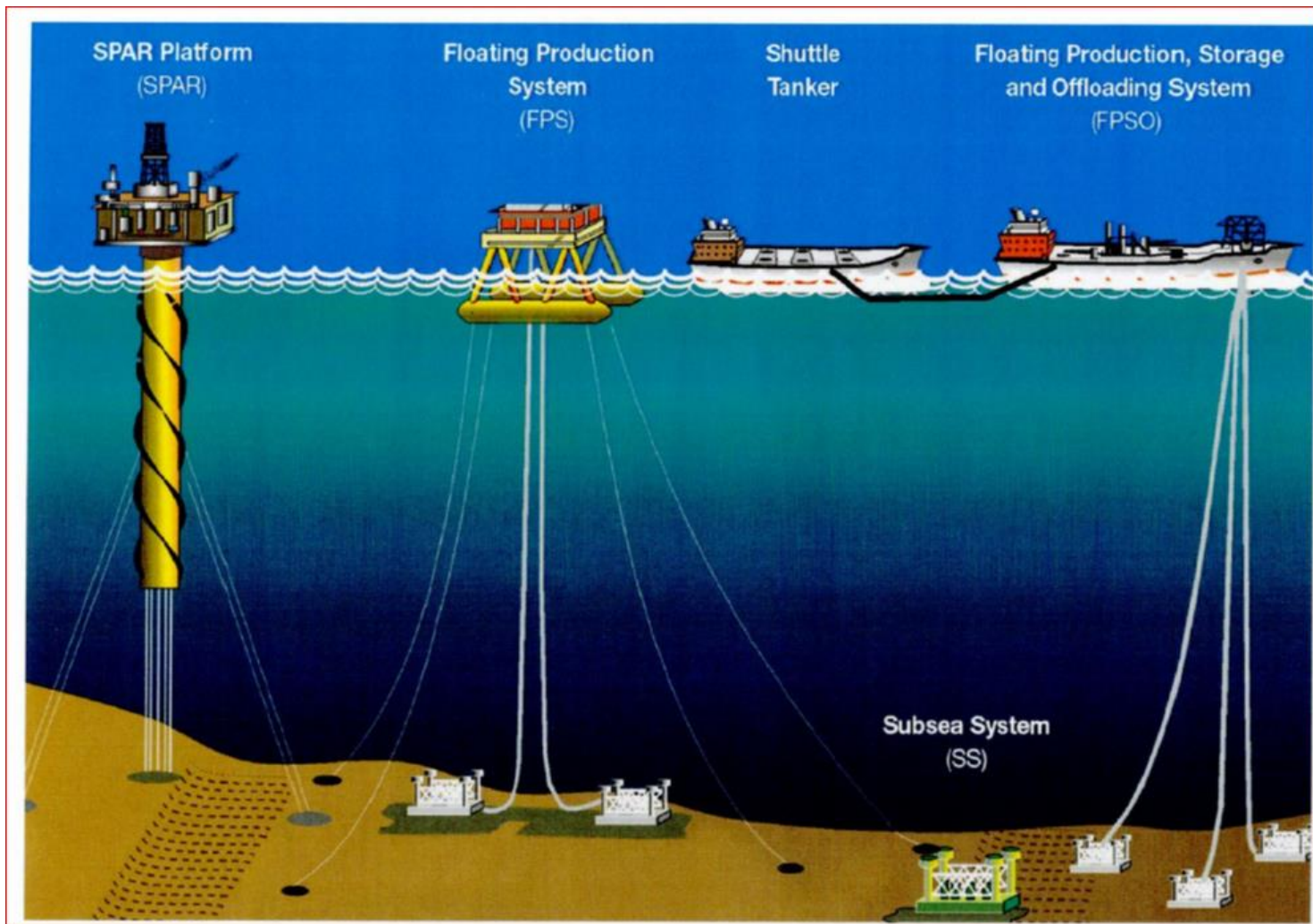
The Changing Face of Maritime Law: Activities beyond 200 NM and the Influence of UNCLOS

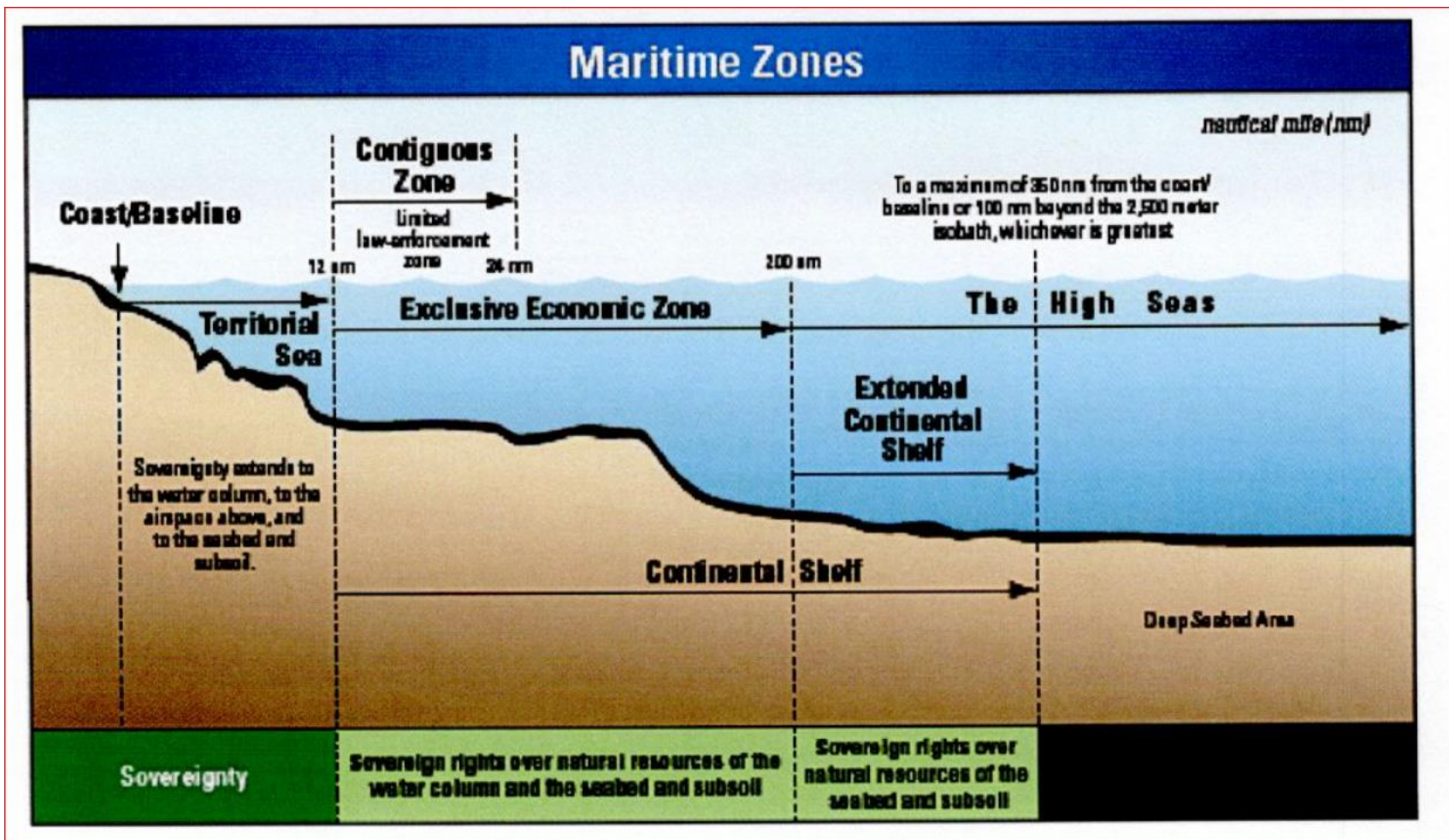
Wylie Spicer

Summary

- a) Activity beyond 200 NM
- b) What Canadian laws apply
- c) What's new and is it maritime?







Federal Court Act

Application of process

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

Oceans Act

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

- (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;
- (b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and
- (c) within such safety zone surrounding any marine installation or structure or artificial island referred to in paragraph (a) or (b) as is determined by or pursuant to the regulations.

Interpretation

(2) For the purposes of subsection (1), federal laws shall be applied

- (a) as if the places referred to in that subsection formed part of the territory of Canada;
- (b) notwithstanding that by their terms their application is limited to Canada; and
- (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.

Criminal Code

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

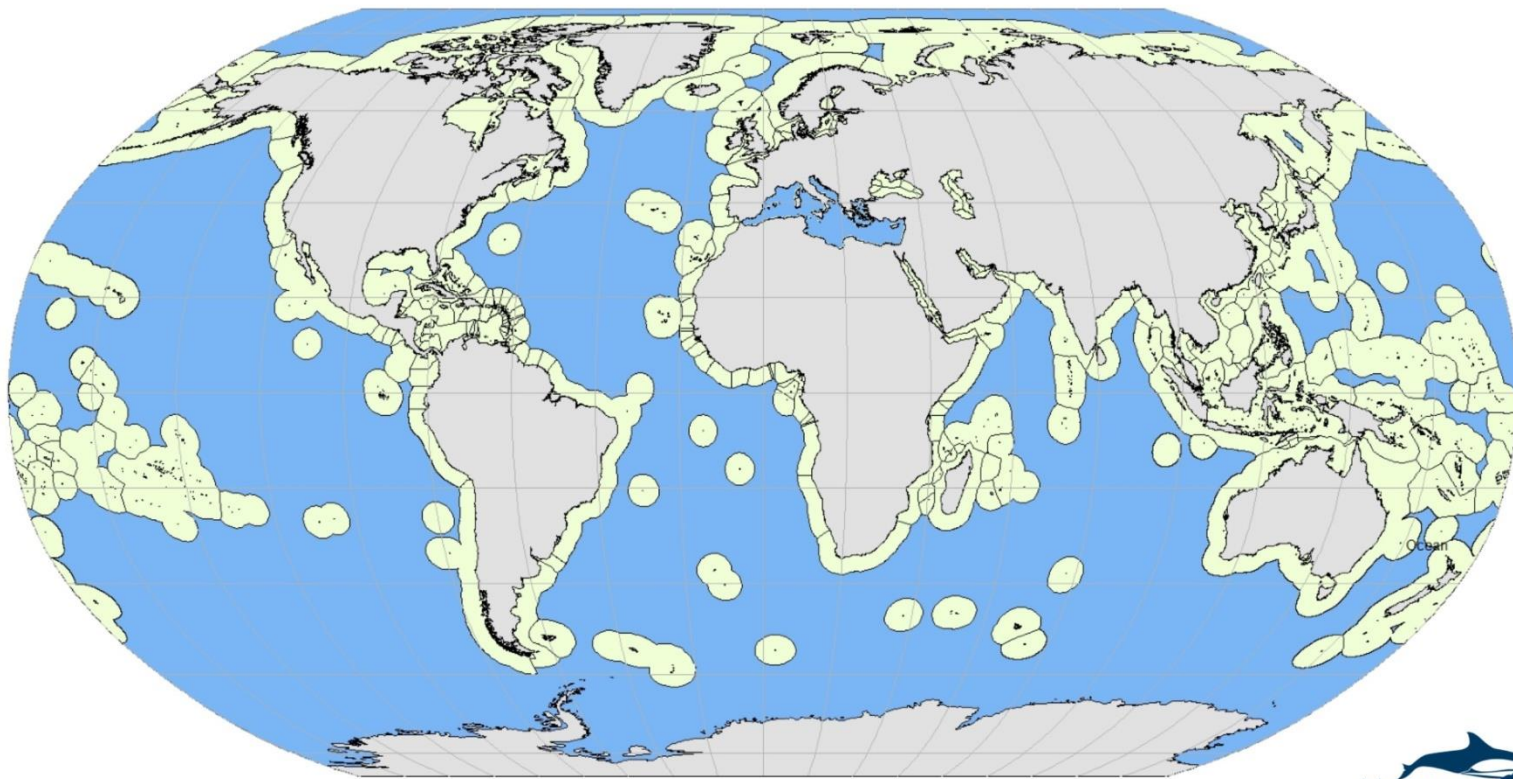
...



477.1 (b) that is committed in a place in or above the continental shelf of Canada and that is an offence in that place by virtue of section 20 of the Oceans Act;

Coastal Fisheries Protection Act

s. 5.2

No person, being aboard a foreign fishing vessel of a prescribed class, shall, in the NAFO Regulatory Area, fish or prepare to fish for a straddling stock in contravention of any of the prescribed conservation and management measures.



-  High Seas
-  Exclusive Economic Zones

Global High Seas



EEZ Data: VLIZ (2014). Maritime Boundaries Database, version 8.
<http://www.marinerregions.org>. Consulted on 2014-03-28.
Coordinate System: World Robinson. Central Meridian: 0°0'0"

From the Royal Commission on the Ocean Ranger Marine Disaster

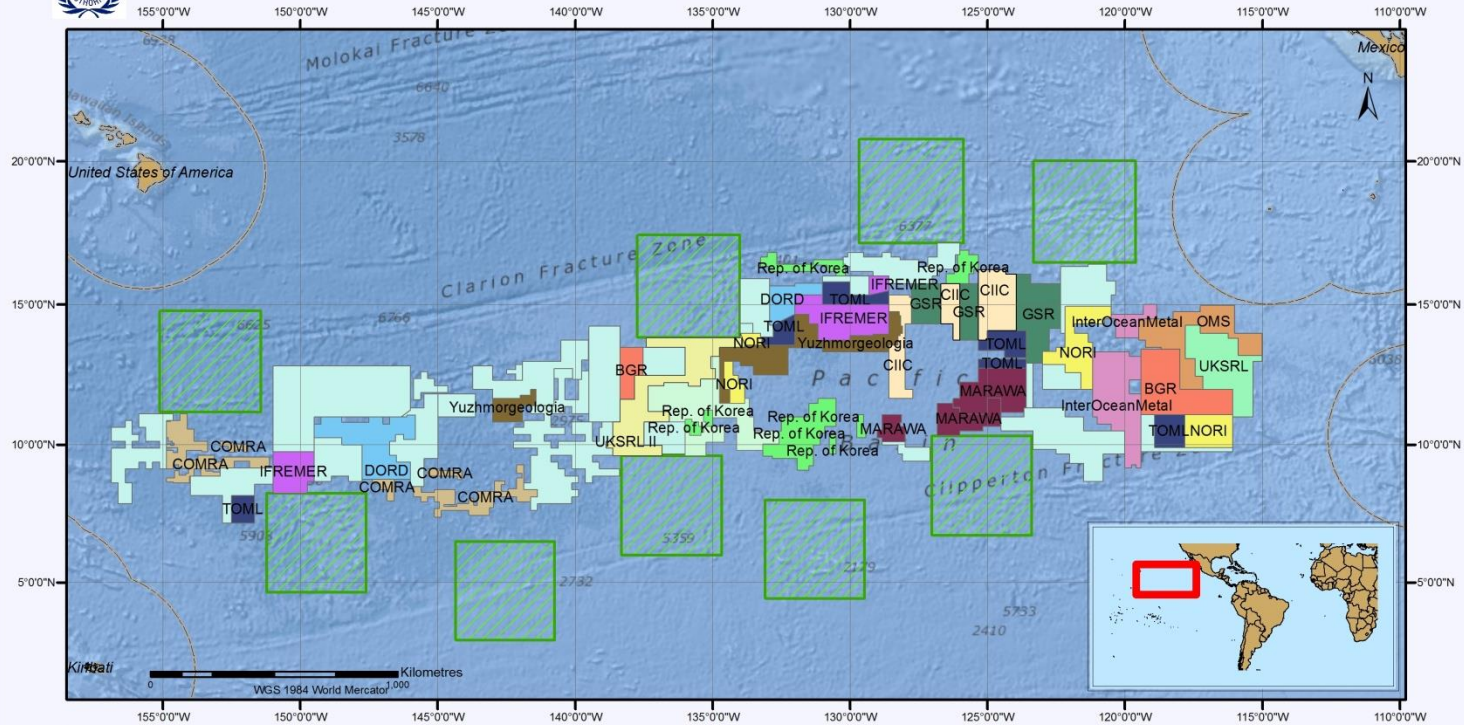
“Despite this predominantly industrial focus the activity takes place at sea. The unique nature of this industrial-marine endeavour, together the constant evolution of new technology, has presented a challenge to agencies established to set standards and govern the design and activities of more traditional craft. . . . Despite the newness and diversity of the industry, one trend has become clear for both the participants and the regulators: offshore drilling has emerged as an industrial activity that takes place in a marine environment rather than a marine activity undertaken for industrial purposes.¹”

1 Royal Commission on the Ocean Ranger Marine Disaster: *The Loss of the Semisubmersible Drill Rig Ocean Ranger and its Crew*, Vol 1 (Ottawa: Minister of Supply and Services, 1984) at viii [*Ocean Ranger*]

Seabed Mining Video



Polymetallic Nodules Exploration Areas in the Clarion-Clipperton Fracture Zone



- | | |
|--|--|
| Ocean Mineral Singapore Pte Ltd. (OMS) | Government of the Republic of Korea |
| Cook Islands Investment Corporation (CIIC) | Institut français de recherche pour l'exploitation de la mer (IFREMER; France) |
| Marawa Research and Exploration Ltd (Kiribati) | Interoceanmetal (IOM; Bulgaria, Cuba, Czech Republic, Poland, Russian Fed., Slovakia) |
| Bundesanstalt für Geowissenschaften und Rohstoffe (BGR; Germany) | Nauru Ocean Resources Inc. (NORI; Nauru) |
| China Ocean Mineral Resources Research and Development Association (COMRA; China) | Tonga Offshore Mining Ltd (TOML; Tonga) |
| Deep Ocean Resources Development Company (DORD; Japan) | UK Seabed Resources Ltd (UKSRL I; UK) |
| G-TEC Minerals Resources NV (GSR; Belgium) | Yuzhmorgeologia (Russian Federation) |
| Reserved area* | UK Seabed Resources Ltd. (UKSRL II; UK) |
| Area of particular environmental interest (APEI)** | Exclusive Economic Zones |

* In the case of polymetallic nodules, the so-called parallel system provides that each application for exploration by a developed State must cover two parts of "equal estimated commercial value". One part is allocated to the applicant and the other is to become the reserved area, which is set aside for the conduct of activities by the Authority or developing States.

** In July 2012, the Authority adopted an environmental management plan for the Clarion-Clipperton Zone to be implemented on a provisional basis over an initial three-year period. The plan includes the designation of a network of areas of particular environmental interest (ISBA/18/C/22).

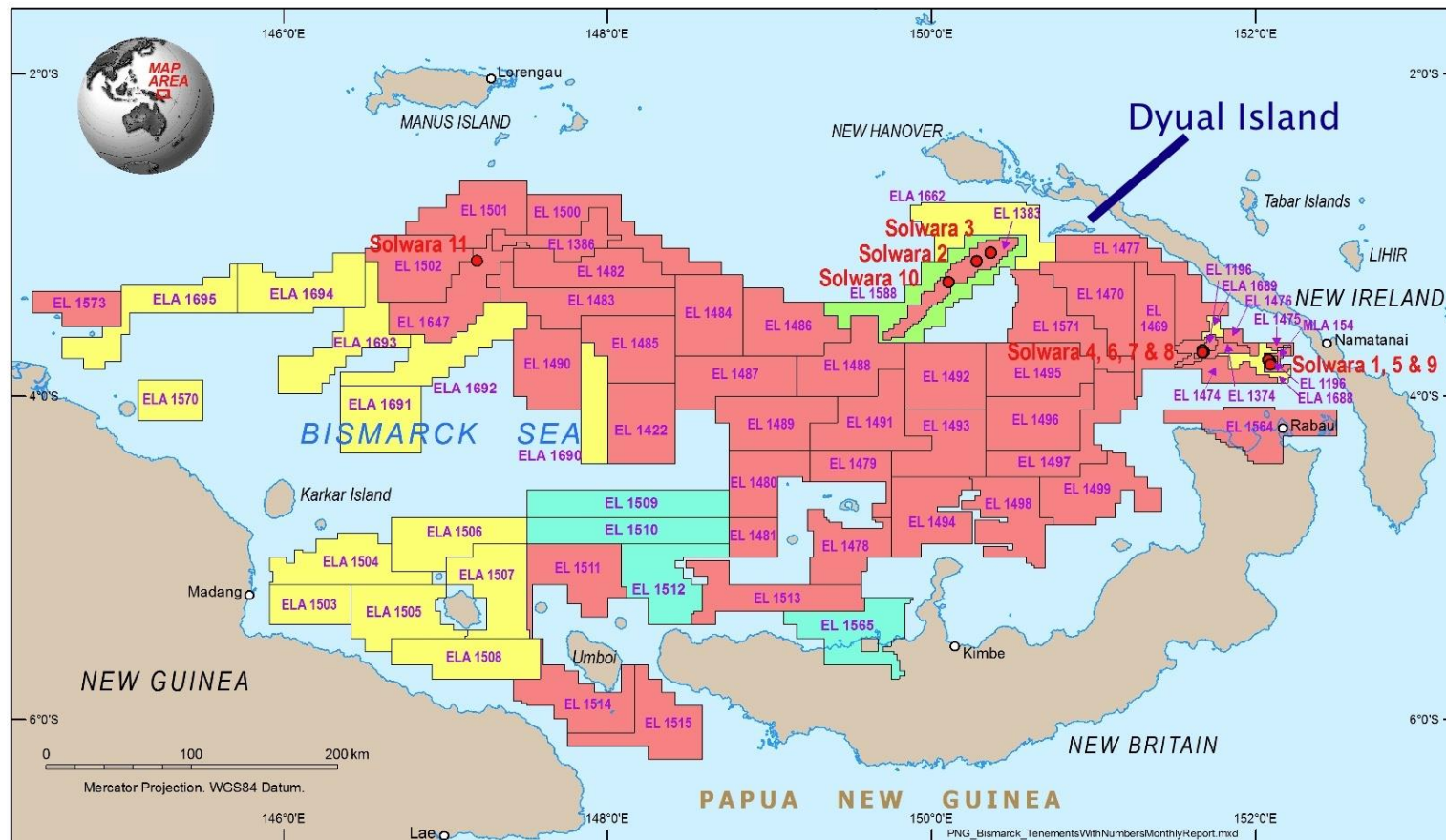
©International Seabed Authority, 24 July 2014. Background map: ESRI



Figure 2
BISMARCK SEA AREA, PAPUA NEW GUINEA
LOCATION OF TENEMENTS

March 2009 © Nautilus Minerals

- | | |
|--|---|
| Exploration Licences | Exploration Licence Applications |
| Granted, 100% Nautilus | 100% Nautilus |
| Granted, Teck (transfer to Nautilus pending) | |
| Surrendered, 100% Nautilus | |
| SMS system | |



Questions?

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