

Whose environment is it anyway?

A search for environmental accountability over areas in the coastal zone and the offshore

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The new millennium will be one in which the United Nations Convention on Law of the Sea (UNCLOS), which came into force in November 1994, will form the basis for dividing up two thirds of the earth's surface. Jurisdiction over the seafloor is apportioned between Coastal States and the UN, with the authority of Coastal States diminishing seaward while that of the UN takes over. All ratifying Coastal States are automatically granted a Territorial Sea, a Contiguous Zone and an Exclusive Economic Zone, while some fifty countries, including Canada, will be able to claim a juridical Continental Shelf. Numerous references are made within the Convention to protection of the marine environment. National legislation has been written or adjusted by Coastal States before their ratification, and the early years of the new millennium will witness many measures for protection of the marine

environment being introduced concerning the waters surrounding each State.

An International treaty like UNCLOS cannot make any rulings on jurisdictional subdivisions within the areas granted to or claimed by each state. Although individual States have authority over the sea floor, how that authority is apportioned between different authorities within the state remains the State's responsibly. In Canada, the offshore is an area where authorities are not as clearly understood as they might be, with differing federal/provincial jurisdictions overlain by issues as diverse as undefined aboriginal rights along the coast to determining which tidal datum property claims are measured from. Here we discuss the jurisdictional situation in Canada's coastal waters and provide a geospatial framework within which environmental research can be focussed.