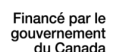




# SDG 14 ON CONSERVATION AND SUSTAINABLE USE OF THE OCEANS: CONTRIBUTIONS OF CANADIAN LAW, POLICY AND GOVERNANCE

A Toolkit of Legal & Institutional Practices





# SDG 14 on Conservation and Sustainable Use the Oceans: Contributions of Canadian Law, Policy and Governance

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## About the Toolkit

CISDL, in cooperation with the Dalhousie Schulich School of Law, Balsillie School of International Affairs/University of Waterloo, McGill University Faculty of Law/ Faculté de droit Université de Montréal, University of Victoria Peter A. Allard School of Law, and a consortium of institutional partners, held a hybrid online and multisite symposium on February 14, 2020, convening legal experts across Canada to discuss areas of opportunity to inform Canada's 2030 agenda. This toolkit is part of a series which builds upon legal research conducted in collaboration with UN Environment. The by-projects of this research which look at legal measures for achievement of the SDGs in Canada are intended to inform policy-making moving forward.

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# List of Abbreviations and Acronyms

CBD	<i>Convention on Biological Diversity</i>
CEDAW	<i>Convention on the Elimination of all Forms of Discrimination Against Women</i>
CERD	<i>Convention on the Elimination of All Forms of Racial Discrimination</i>
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ILO	International Labor Organization
IUCN	International Union for Conservation of Nature
MDG	Millennium Development Goals
NWT	Northwest Territories
PEI	Prince Edward Island
SDG	Sustainable Development Goals
UDHR	<i>Universal Declaration on Human Rights</i>
UNCCD	<i>United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa</i>
UNCRC	<i>United Nations Convention on the Rights of the Child</i>
UNEP	United Nations Environment
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>
UNICEF	United Nations Children's Emergency Fund
UNCLOS	<i>United Nations Convention on the Law of the Sea</i>

# I. Introduction

## SDG 14: Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development

Three-quarters of the planet's surface consists of oceans, seas and marine areas. They are a vital source of food for humans and wildlife, and are crucial to economies — regional, national and local — as well as important regulators of our climate and a significant source of cultural and spiritual inspiration for many peoples and communities. SDG 14 on oceans, seas and marine resources is particularly important for the environmental pillar of sustainable development, which provides an essential foundation for economic prosperity and social well-being. The international legal instruments, governance arrangements and policy collaborations on sustainable development in relation to conservation and sustainable use of resources are still evolving, and important gaps can be found with regard to key aspects of SDG 14.

This Toolkit focuses on Sustainable Development Goal 14 (SDG 4 Oceans), which aims to “Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development.” Ocean conservation plays a critical role in advancing sustainable development, addressing climate change, preserving biodiversity, enabling human health, and providing clean water for human consumption and agricultural production. Inclusion of a stand-alone SDG on oceans is both confirmation of its central importance and a call to action to address impending threats.

### Structure of the Toolkit

The Toolkit provides a cursory survey of principal national and international law, policy and governance measures that have the potential to contribute to achieving SDG 14. It considers options for legal and policy preparedness, notes the potential for mainstreaming and more integrated implementation at the international and national levels, and offers some recommendations to deal with these issues.




The Toolkit is separated into four sections and additional reference materials:

- **Introduction** offers brief background to the issues, the structure of the toolkit, and an overview of the intended audience.
- **Legal Innovations & Practices from Across Canada to Achieve SDG 14** provides an initial survey of federal, provincial, and territorial approaches which support achievement of specific targets under the SDG.
- **International Legal Dimensions of SDG 14** highlights legal obligations under international instruments related to education.
- **Legal Preparedness for Achieving SDG 14 with Canadians** summarizes findings and provides mechanisms for enhancing efforts across all levels of government.
- **Recommended Resources** provides a brief list of resources that could supplement information provided.

- **Annex I: Domestic Legal Instruments: Overview Table** provides a single reference table that includes all of the domestic laws identified and separated by SDG target.
- **Annex II: About the Project** summarizes the project, key partners, and goals.

The analysis suggests that the SDG 14 targets are supported by international governance systems and legal measures, as well as Canadian domestic instruments and institutions which provide pre-existing pathways to support national implementation. While law and governance mechanisms supporting the achievement of the SDG 14 have been identified, there remain significant areas of opportunity to promote greater policy cohesion, refinement, scaling up of ambition, and engagement with civil society actors. This project, in collaboration with Economic and Social Development Canada (ESDC), as well as law schools and research networks across the country, identifies current pathways that provide for the achievement of SDG 14 in Canada.

## Reference Guide

	<b>Key Aspects</b>	Summarizes principal takeaways from the legislation. Emphasizes the elements exemplified by the approach.
	<b>SDG Targets</b>	Identifies the SDG targets which the legislative approach may be used to implement.
	<b>Jurisdiction</b>	Indicates the jurisdiction of the legislation.

The above icons are used throughout the report to highlight aspects and legislative approaches that align with the specific needs of users of this toolkit.

## Target Audience

Sustainable development as a crosscutting policy goal requires engagement of law and governance authorities at all levels. This Toolkit has a target audience of law and governance professionals at the federal, provincial, and territorial levels, as well as Aboriginal communities, and local and municipal authorities who seek to engage in and influence debate. In addition, the Toolkit acts as a valuable resource for non-governmental organizations (NGOs) and other members of civil society who are seeking to understand and identify options to inform decision makers within their constituencies. Lastly, the Toolkit aims to support legal professionals, members of the judiciary, law professors, and students seeking to gain insights into the role played by law and governance institutions in supporting the achievement of SDG 14.

## SDG 14: Catalyzing action on oceans.

### SDG 14 on Oceans – Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development

14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, including marine debris and nutrient pollution

14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans

14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels

14.4 By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics

14.5 By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information

14.6 By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and eliminate subsidies that contribute to IUU fishing, and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation

14.7 By 2030 increase the economic benefits to SIDS and LDCs from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism

14.a Increase scientific knowledge, develop research capacities and transfer marine technology taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular SIDS and LDCs

14.b Provide access of small-scale artisanal fishers to marine resources and markets

14.c Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the United Nations Convention on the Law of the Sea, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of “The Future We Want.”



## II. Legal Innovations & Practices from Across Canada to Achieve SDG 14

Conservation of oceans plays a central role in the social, environmental, cultural and economic priorities of roughly 600 million people, or nearly 10 percent of the global population.<sup>1</sup> For Canada, ocean-based industries impact the livelihoods of 300,000 workers and contribute \$26 billion to the economy annually.<sup>2</sup> From a marine biodiversity perspective, Canada has rich biodiversity found in a range of ocean-related ecosystems. Bordering three oceans (the Arctic, Northwest Atlantic, and Northeast Pacific), the Canadian coastline is comprised of 16-17 ecoregions, each with unique characteristics and concomitant governance challenges.<sup>3</sup>

Taking into account key provisions in the United Nations Convention on the Law of the Seas (UNCLOS), the most comprehensive treaty on the matter, and discussing innovative examples such as the United Nations Fish Stocks Agreement (UNFSA), the following analysis provides initial ideas for ways that international law, policy and governance could support the implementation of SDG 14 at the broader level.

For Canada, given the economic and life-supporting services provided by oceans and coastal resources, an integrated approach grounded in Federal authority but administered in a mutually supportive way with the Provinces and Territories is integral to the achievement of SDG 14. Importantly, achievement of SDG 14 and its targets plays an important part in the ability to advance core aspects of other SDGs in the Canadian context and the international level, including food security in SDG 2 (hunger), SDG 6, (water) and SDG 15 (biodiversity).

This section will explore approaches to achieving SDG 14 that already exist at the federal, provincial and territorial level in Canada.

### Federal

#### *Oceans Act*



**Comprehensive governance instrument to govern oceans as common heritage of all Canadians**

The Oceans Act recognizes Canada's three oceans as common heritage of all Canadians and acknowledges the importance of conservation in this context based on an ecosystem approach while outlining governance responsibilities for territorial sea, baselines, the exclusive economic zone (EEZ) and the continental shelf. It provides for the development of a national strategy in conjunction with Provincial and Territorial governments and affected Indigenous peoples for the management of estuarine, coastal and marine ecosystems based on the principle of sustainable development, integrated management and precautionary approach.<sup>4</sup> It also empowers the Governor in Council or Minister to designate marine protected areas for the protection of fisheries,

<sup>1</sup> UN, Factsheet: People and Oceans, (2017) available at: <[www.un.org/sustainabledevelopment/wp-content/uploads/2017/05/Ocean-fact-sheet-package.pdf](http://www.un.org/sustainabledevelopment/wp-content/uploads/2017/05/Ocean-fact-sheet-package.pdf)>.

<sup>2</sup> M Bailey et al., "Canada at a crossroad: The imperative for realigning ocean policy with ocean science," *Marine Policy*, vol 36 (January 2016) 53-60, available at: <[www.sciencedirect.com/science/article/pii/S0308597X15002869](http://www.sciencedirect.com/science/article/pii/S0308597X15002869)>.

<sup>3</sup> P Archambault, et al., "From Sea to Sea: Canada's Three Oceans of Biodiversity," (2010) 5(8) *PLoS One*, available at: <[www.ncbi.nlm.nih.gov/pmc/articles/PMC2930843/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2930843/)>.

<sup>4</sup> Oceans Act, SC 1996, c 31, s. 29-30. [Oceans Act]

species and their habitats, to maintain ecological integrity or more.<sup>5</sup> Activities that disturb, damage, destroy or remove any animal or habitat from the area can be prohibited by order of the minister or Parliament. Lastly, the Canadian Coast Guard is designated as the national governmental entity to coordinate marine pollution responses.

As explained by Fisheries and Oceans Canada, recent amendments to the Oceans Act attempted to resolve long-time complaints about the delays in establishing new marine protected areas and the non-binding nature of the precautionary principle. The Act now provides interim protection to areas identified for conservation and requires the application of the principle. Those modifications helped strengthen the Oceans Act as the main regime of protection for marine ecosystems in Canada.

Through establishment of jurisdiction over territorial waters and the EEZ, as well as development of modalities to create marine protected areas, the Act assists in reducing marine pollution in accordance with SDG target 14.1 and advances protection of marine and coastal ecosystems in accordance with SDG target 14.2.

 **SDG 14.1, SDG 14.2, SDG 14.5.**

 **Federal**

## *Oil and Gas Operations Act*

 **Licensing scheme for natural resource extraction / polluter pays**

The focus of the Oil and Gas Operations Act (COGOA) is the Crown's regulatory responsibility to promote safety, protect the environment and conserve oil and gas resources. The purpose of the COGOA is to implement the polluter pays principle in Federal waters.

The Act prohibits any person from carrying on any work or activity related to the exploration of or drilling for or the production, conservation, processing or transportation of oil or gas in any area where the COGOA applies unless that person is the holder of an operating licence and an authorization for each work or activity.<sup>6</sup> Part of the application process for an operating license may be the need to carry out an environmental study, which is in line with one of the listed purposes of the act, "protection of the environment."<sup>7</sup>

Inclusion of an environmental study as a component of authorization for natural resource exploration moves SDG 14 forward through procedural and substantive aspects. These procedural and substantive approval mechanisms contained in the Act operationalize the environmental protection and ocean conservation measures embedded in SDG targets 14.1, 14.2 and 14.c.

 **SDG 14.1, SDG 14.2, SDG 14.c.**

 **Federal**

<sup>5</sup> *Ibid*, Oceans Act, s. s. 35-35.1.

<sup>6</sup> Oil and Gas Operations Act, R.S.C., 1985, c. O-7, s. 4. [Oil and Gas Operations Act]

<sup>7</sup> *Ibid*, Oil and Gas Operations Act, s. 5(4).

## ***Arctic Waters Pollution Prevention Act*** **Governance and liability regime for natural resource operations in the Arctic**

The Arctic Waters Pollution Prevention Act prohibits unauthorized deposits of waste of any type in the Arctic waters or anywhere it risks entering the Arctic waters, and empowers the Government to regulate the type, quantity and condition under which waste can be deposited.<sup>8</sup> The Act imposes a positive obligation on operators to report when a discharge of waste has occurred or is likely to occur by way of accident or otherwise to a pollution prevention officer.<sup>9</sup> Any person engaging in activities relating to the exploration, development, or exploitation of any natural resource in any area in or adjacent to the marine environment may be held jointly and severally liable for damage and costs of remediation, up to the prescribed amount.<sup>10</sup> The Government can also require and approve a plan for any person whose activity might lead to deposits in Arctic waters.<sup>11</sup> The Act is enforced by pollution prevention officers with the power to conduct inspections.<sup>12</sup> On the whole, the Canadian framework governing activities in the Arctic region, which includes the Act and its regulations (including the Arctic Shipping Pollution Prevention Regulations), are aimed at protecting the fragile ecosystem of the Arctic from harmful wastes such as oil from shipping or resource exploitation.<sup>13</sup>

Through the establishment of a governance and liability regime aiming to prevent marine pollution and protect the marine environment, the Act can be construed as functioning in accordance with SDG targets 14.1 and 14.2.

 **SDG 14.1, SDG 14.2, SDG 14.c.**

 **Federal**

## ***Canada National Marine Conservation Areas Act*** **Establishment of marine conservation areas**

The Marine Conservation Areas Act provides the Minister of Canadian Heritage authority to establish national marine conservation areas with the objective of protecting and conserving a variety of aquatic environments for the benefit, education and enjoyment of the people of Canada and the world, and to meet the needs of current and future generations.<sup>14</sup> The Act also creates a range of regulatory powers relating to the protection of living and non-living marine resources and to ensuring these resources are managed and used in a sustainable manner. These powers include the commissioning of management plans, progress reports, and establishment of area advisory committees.<sup>15</sup> Penalties under the Act for a corporation convicted of its first offence are

<sup>8</sup> Arctic Waters Pollution Prevention Act, RSC 1985, c A-12, s. 4(1, 3). [Arctic Waters Pollution Prevention Act]

<sup>9</sup> *Ibid*, Arctic Waters Pollution Prevention Act, s. 5.

<sup>10</sup> *Ibid*, Arctic Waters Pollution Prevention Act, s. 6.

<sup>11</sup> *Ibid*, Arctic Waters Pollution Prevention Act, s. 10.

<sup>12</sup> *Ibid*, Arctic Waters Pollution Prevention Act, s. 15.

<sup>13</sup> Wylie Spicer and Tanya Bath, "The Canadian Arctic: The Changing Seascape of Offshore Oil and Gas „Exploration Issues" (2010) 48:2 Alberta Law Review 255.

<sup>14</sup> Canada National Marine Conservation Areas Act, SC 2002, c 18, s. 4-6. [Canada National Marine Conservation Areas Act]

<sup>15</sup> *Ibid*, Canada National Marine Conservation Areas Act, s. 9-11.

a fine of not less than C\$500,000 and not more than C\$6 million. The maximum penalty for a breach of most regulations under the Act is C\$500,000.<sup>16</sup>

Mechanisms for the establishment of marine conservation areas as established under the Act, and the application of a governance framework, advances SDG targets 14.2, 14.3, and 14.5.

 **SDG 14.2, SDG 14.3, SDG 14.5.**

 **Federal**


## *Fisheries Act*

## Conservation and sustainable use of fisheries

The Act imposes a duty on the Minister to implement measures to maintain fish stocks at levels necessary to promote their sustainability, and to rebuild them if they have declined, while minimizing socio-economic impacts. A licencing scheme is established to govern fisheries activities.<sup>17</sup> If prompt measures are deemed necessary for the conservation or protection of fish, the Minister can issue a fisheries management order to limit or prohibit fishing techniques or species.<sup>18</sup> The Minister is also able to determine the quantity of fish and type of fishing gear for the purposes of managing and controlling fisheries resources.<sup>19</sup>

In order to protect fish habitat, the government can identify ecologically significant areas, develop habitat restoration plans and regulate works potentially affecting those areas.<sup>20</sup> The Act prohibits the unauthorized deposit of any deleterious substance in areas where it could contaminate waters frequented by fish.<sup>21</sup> Indigenous governing bodies are to be consulted where standards or codes of practice are to be developed.<sup>22</sup> Importantly, nothing in the Act prevents traditional harvesting of fish by Indigenous peoples for food.<sup>23</sup>

Recent modernization of the Act aiming to broaden the protections from overfishing advances SDG target 14.4. Provisions to support local fishing communities through increased benefits to license holders present a pathway for achievement of SDG target 14.b.

 **SDG 14.1, SDG 14.4, SDG 4.b.**

 **Federal**

<sup>16</sup> *Ibid*, Canada National Marine Conservation Areas Act, s. 24.

<sup>17</sup> Fisheries Act, RSC 1985, c F14, s. 6.1-6.2, s. 7. [Fisheries Act]

<sup>18</sup> *Ibid*, Fisheries Act, s. 9.1.

<sup>19</sup> *Ibid*, Fisheries Act, s. 10(1).

<sup>20</sup> *Ibid*, Fisheries Act, s. 35.2.

<sup>21</sup> *Ibid*, Fisheries Act, s. 36.1.

<sup>22</sup> *Ibid*, Fisheries Act, s. 34.2.

<sup>23</sup> *Ibid*, Fisheries Act, s. 48.

## Provincial and Territorial Laws

Canada maintains a rich legal framework of protections of the marine environment. Grounded in the geographic and economic realities of the nation, marine protection, while predominantly influenced by Federal powers, is implemented at the Provincial and Territorial level in significant ways. Through a harmonized governance approach, Canadian waters benefit from prioritization of protection across all levels of government. Through strategic alignment of social, environmental and economic influences, the Canadian marine environment continues to provide for livelihoods and recreational activities for current and future generations. These initiatives and institutions operate against the backdrop of law and governance approaches at the provincial and territorial levels, where a number of innovative laws and practices exist.

*14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution*

### ***Environmental Bill of Rights***



**Right to a healthy marine environment**

Ontario's Environmental Bill of Rights entrenches the right to a healthy environment and aims to conserve, protect and restore the integrity of the environment, and provide for its sustainability.<sup>24</sup> Part II entrenches public participation in environmental decision making, including through creation of an environmental registry under which Ontarians may publicly comment on any proposed action that will affect the environment.<sup>25</sup> This includes projects that affect marine biodiversity and Ontario's water systems.

Procedural modalities which allow for access to information, public input, and public comment provide ways to actively influence policy that seeks to reduce pollutants and maintain a healthy marine environment allows the Bill of Rights to function in support of many aspects of SDG 14, notably SDG 14.1.



**SDG 14.1, SDG 14.2, SDG 14.3, SDG 14.5.**



**Ontario**

### ***Agricultural Operations Regulation***



**Protection against agricultural run-off**

The Regulation establishes standards aimed at protecting the environment, especially the water and soil, from pollution caused by agricultural activities.<sup>26</sup> Requirements apply to both agriculture and livestock facilities and prohibit discharge of waste, in particular into watercourses and riparian

<sup>24</sup> Environmental Bill of Rights, SO 1993, c 28, s. 2. [Environmental Bill of Rights]

<sup>25</sup> *Ibid*, Environmental Bill of Rights, s. 5.

<sup>26</sup> Agricultural Operations Regulation, CQLR c Q-2, r 26, s. 1. [Agricultural Operations Regulation]

strips.<sup>27</sup> In order to prevent water pollution during the spreading and stocking of livestock waste, the regulation prohibits water exchange and runoff.<sup>28</sup> Restrictions are also provided for spreading of fertilizers, including prescribed guidelines for contents.<sup>29</sup> All wastewater, including that which is used in the manure management system, must be stored and disposed of in accordance with the Regulations.

Through inclusion of restrictions, reporting and oversight, the Regulations aim to reduce land-based agricultural pollutants in accordance with SDG 14.1.



### ***Timber Management Regulation***



### **Minimization of erosion during timber harvesting**

The Regulation aims to reduce industrial runoff from harvesting of timber to ensure that the marine environment is not damaged.<sup>30</sup> Those clearing land for industrial use are required to take necessary precautions to minimize soil erosion and avoid pollution of any waters, including by keeping a record of all timber produced, sold and transported.<sup>31</sup>

Through the establishment of a prohibition in conjunction with a recording mechanism, the Regulation helps track and reduce land-based pollution sources into the marine environment in support of SDG 14.1.



### ***Consolidation of Water Resources Agreement Act***



### **Prohibition on environmental discharge / protection against accidental discharge**

Discharge of contaminants is harmful to marine biodiversity. Under the Consolidation of Water Resources Act, a prohibition is established on discharge of any substance which may have a significant negative environmental impact.<sup>32</sup> All reasonable measures must be taken to mitigate any accidental discharges.<sup>33</sup> Owners of land must also refrain from allowing their land to become unsightly or littered with debris or waste which could in turn pollute the marine environment, with inspectors able to issue an order to improve conditions.<sup>34</sup> An application may be provided to the

<sup>27</sup> *Ibid*, Agricultural Operations Regulation, s. 2, 4.

<sup>28</sup> *Ibid*, Agricultural Operations Regulation, s. 9.1, 11.

<sup>29</sup> *Ibid*, Agricultural Operations Regulation, s. 22-23.

<sup>30</sup> Timber Management Regulation, Alta Reg 60/1973, s. 100. [Timber Management Regulation]

<sup>31</sup> *Ibid*, Timber Management Regulation, s. 146.

<sup>32</sup> Consolidation of Water Resources Agreements Act, RSNWT (NU) 1988, c 17, s. 5. [Consolidation of Water Resources Agreements Act]

<sup>33</sup> *Ibid*, Consolidation of Water Resources Agreements Act, s. 5.1.

<sup>34</sup> *Ibid*, Consolidation of Water Resources Agreements Act, s. 9-9.3.

governing Board for receipt of a licence for an approved deposit of waste in accordance with agreed terms to provide adequate oversight and encourage legal options for eliminating waste.<sup>35</sup>

Application of a licencing scheme in accordance with prohibition on discharges into the marine environment advances pollution protections from land-based sources allows the Act to function in line with SDG 14.1.

 SDG 14.1.

 Nunavut

## *Spills Regulation*

### Framework for spill reporting

Effective oceanic management comes from developing adaptive capacities to respond to environmental damage. In this context, spill thresholds set guidelines for acceptable and unacceptable environmental transgressions.<sup>36</sup> These thresholds are established by type and quantity of substance.<sup>37</sup> Spill reports are important in monitoring existing contaminations and preventing future ones.<sup>38</sup>

Through the establishment of guidelines and reporting requirements for any discharge, the Regulation created clear triggers to guide the escalation of response measures to minimize further deleterious effects advancing achievement of SDG 14.1.

 SDG 14.1.

 Yukon

*14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans*

## *Manitoba Habitat Heritage Act*

### Institutional approach to conservation

The Manitoba Habitat Heritage Act creates an institutional framework to conserve, restore and enhance fish and wildlife habitat and populations.<sup>39</sup> The organization is empowered to manage the habitat through individual or cooperative governance, initiate restoration or enhancement

<sup>35</sup> *Ibid*, Consolidation of Water Resources Agreements Act, s. 10.

<sup>36</sup> Spills Regulations, YOIC 1996/193, s. 3. [Spills Regulations]

<sup>37</sup> *Ibid*, Spills Regulations, Schedule A.

<sup>38</sup> *Ibid*, Spills Regulations, s. 4.

<sup>39</sup> The Manitoba Habitat Heritage Act, C.C.S.M. c. H3, s. 3. [The Manitoba Habitat Heritage Act]

projects, or undertake cooperative projects.<sup>40</sup> A board of directors is established to provide oversight of activities undertaken through the auspices of the Act and to pass rules governing the conduct of the organization.<sup>41</sup>

Creation of an institutional approach to advance conservation and restoration efforts relating to marine and coastal resources and heritage under the Act directly supports SDG 14.2.

 SDG 14.2.

 Manitoba

### ***Technology Innovation and Emissions Reduction Fund Administration Regulation*** Incentives for waterway preservation

The Alberta Technology Innovation and Emissions Reduction Fund Administration Regulation advocates for the creation of environmentally friendly initiatives<sup>42</sup> that may extend to waterway preservation. This is crucial for SDG 14 since waterways may extend into marine water bodies. The Regulation designates the Climate Change and Emissions Management Corporation as a delegated authority and establishes the Corporation's obligations regarding spending or investment of funds transferred from the Technology Innovation and Emissions Reduction Fund to it as well as resulting reporting requirements.<sup>43</sup>

Incentivization of marine conservation initiatives supports contained in the Regulation both climate change adaptation and mitigation, as well as marine and coastal ecosystem restoration in line with SDG 14.2.

 SDG 14.2.

 Alberta

### ***Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin*** Regulation for sustainable water use

The Regulation establishes a regime of authorization for withdrawals of water from the St. Lawrence River Basin to transfer it into another basin or to supply a waterworks system serving a

<sup>40</sup> *Ibid*, The Manitoba Habitat Heritage Act, s. 5-6, 6.1.

<sup>41</sup> *Ibid*, The Manitoba Habitat Heritage Act, s. 16.

<sup>42</sup> Technology Innovation and Emissions Reduction Fund Administration Regulation, 120/2009. [Technology Innovation and Emissions Reduction Fund Administration Regulation]

<sup>43</sup> *Ibid*, Technology Innovation and Emissions Reduction Fund Administration Regulation, s. 3-4, 12,14.



municipality.<sup>44</sup> The authorization must include measures for the preservation and efficient use of the water and a study of the impacts of the transfer on the quality and quantity of the water in the basin including the impact on wildlife and plant species depending on it.<sup>45</sup>

By providing an assessment and authorization process for water withdrawals sustainable use the Regulation can support informed developmental trade-offs and preservation of coastal ecosystems in advancement of SDG 14.2.

 **SDG 14.2.**


 **Quebec**

## *Coastal Protection Act*

 **Coastal protection for present and future generations**

The Coastal Protection Act aims to protect Nova Scotia's coast for future generations by preventing development and activity in locations adjacent to the coast that damage the environment by interfering with natural dynamics of the coast.<sup>46</sup> Additional elements of the Coastal Protection Act restrict approvals for residences and buildings at risk of damage or destruction from sea-level rise, coastal flooding, storm surges and coastal erosion.<sup>47</sup>

Focused legislation which prioritizes coastal resilience and preserves coastal ecosystems under the Act are important pathways to further SDG 14.2 as well as SDG 14.5.

 **SDG 14.2, SDG 14.5.**

 **Nova Scotia**

## *Beaches Act*

 **Protection of beach, dune and coastal ecosystems**

The Beaches Act aims to provide for the protection of beaches and associated dune systems within Nova Scotia as significant and sensitive environmental and recreational resources. The Act advances regulation and enforcement of the full range of land-use activities on beaches, including aggregate removal, with the goal of leaving beaches unimpaired for the benefit and enjoyment of future generations.<sup>48</sup> The Act also controls recreational and other uses of beaches that may cause undesirable impacts on beach and dune systems.<sup>49</sup> Arrangements may be made for the acquisition or management of privately-held beach spaces to ensure sustainability of the environment.<sup>50</sup>

<sup>44</sup> Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin, CQLR c Q-2, r 5.1, s. 2. [Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin]

<sup>45</sup> *Ibid*, Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin, s.4.

<sup>46</sup> Coastal Protection Act, SNS 2019, c 3 (passed but not yet in force), s. 2. [Coastal Protection Act]

<sup>47</sup> *Ibid*, Coastal Protection Act, s. 7.

<sup>48</sup> Beaches Act, RSNS 1989, c 32, s. 2. [Beaches Act]

<sup>49</sup> *Ibid*, Beaches Act, s. 5-6, 8.

<sup>50</sup> *Ibid*, Beaches Act, s. 4(4-5).

Prioritization of coastal ecosystem, inclusion of preservation and management measures, and restrictions on types of use in accordance with the Act supports advancement of SDG 14.2 and 14.5.



SDG 14.2, SDG 14.5.



Nova Scotia

### ***Wildlife Act and Conservation Fund Regulations*** Fund for conservation and restoration of habitats

The Wildlife Act creates a Conservation Fund administered by the Executive Council within Yukon.<sup>51</sup> The objectives of the Fund are to support activities related to conservation, protection and management of wildlife habitats.<sup>52</sup> Contributions may be made through levied fines or through net proceeds of the annual pelt/hide auction as established by the Conservation Fund Regulations.<sup>53</sup> The Executive Council is also provided the power to establish habitat protection areas where it is deemed necessary to protect the area from a potential or actual disturbance.<sup>54</sup>

Integration of a funding mechanism for habitat conservation with explicit sources of funds as created through the Regulations creates a pathway for marine and coastal ecosystem restoration in accordance with SDG 14.2.



SDG 14.2, SDG 14.5.



Yukon

**14.3** *Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels*

**14.4** *By 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics*

### ***Fisheries and Coastal Resources Act and Regulations*** Holistic governance aimed at sustainable management of marine resources

<sup>51</sup> Conservation Fund Regulation, YOIC 2002/83; Wildlife Act, RSY 2002, c.229; s. 186. [Wildlife Act]

<sup>52</sup> *Ibid*, Wildlife Act, s 186(2).

<sup>53</sup> *Ibid*, Wildlife Act, s. s. 169(1)(h).

<sup>54</sup> *Ibid*, Wildlife Act, s 187.

The purpose of the Fisheries and Coastal Resources Act is to encourage, promote and implement programs that will sustain and improve fisheries and aquaculture, support sustainable growth of the aquaculture industry, foster community involvement in the management of coastal resources, and provide training to enhance the skills and knowledge of those in the fishing industry.<sup>55</sup> The Act creates a fisheries and aquaculture board which provides loans to encourage, sustain, or improve the fishing industry.<sup>56</sup>

The Aquaculture Management Regulations, promulgated under the Act, require environmental monitoring.<sup>57</sup> For marine aquaculture projects, this process includes measuring toxic conditions within the boundaries of the site and at any other locations determined by the Minister, the monitoring schedule and associated process for reporting results, sampling locations for each monitoring event, processes for assessing and reporting on the stocking levels associated with monitoring events, and a mitigation plan.<sup>58</sup> In particular, the Rock Weed Harvesting Regulations set out the conditions under which private individuals and commercial bodies are authorized to harvest rock weed.<sup>59</sup> The Regulations address required leases and permits, permitted areas, quotas, and harvesting methods.<sup>60</sup> The Regulations also limit the amount that can be harvested such that it does not interfere with the regrowth of rock weed.<sup>61</sup>

Access to a loan scheme under the Act provides viable pathways to implement more environmentally friendly approaches, techniques and technologies in advance of SDG 14.2. Each of the Regulations provide mechanisms to monitor marine and coastal ecological conditions furthering SDG 14.2 and 14.3.



SDG 14.2, SDG 14.3, SDG 14.4, SDG 14.b.



Nova Scotia

## ***Fisheries Act***



### **Aquaculture licencing regime as a restocking measure**

The Act provides a licencing scheme for aquaculture (collection or rearing of fish or aquatic plants) for commercial purposes. All commercial activities require application for and approval of a licence, including the processing, sale, harvesting, dry salting, or canning of fish and fish products.<sup>62</sup> Licence holders must maintain sufficient records of all transactions and provide them to the Ministry at set intervals for review.<sup>63</sup> The power to order restocking measures for exhausted fisheries through natural or artificial means is also provided under the terms of the Act.<sup>64</sup>

<sup>55</sup> Fisheries and Coastal Resources Act, SNS 1996, c 25, s. 2. [Fisheries and Coastal Resources Act]

<sup>56</sup> *Ibid*, Fisheries and Coastal Resources Act, s. 24, 28-29.

<sup>57</sup> Aquaculture Management Regulations, N.S. Reg. 348/2015, s. 10-12, 30-33. [Aquaculture Management Regulations]

<sup>58</sup> *Ibid*, Aquaculture Management Regulations, s. 31.

<sup>59</sup> Rock Weed Harvesting Regulations, N.S. Reg. 55/2001, s. 3. [Rock Weed Harvesting Regulations]

<sup>60</sup> *Ibid*, Rock Weed Harvesting Regulations, s. 6-7.

<sup>61</sup> Rock Weed Harvesting Regulations, s. 8-11.

<sup>62</sup> Fisheries Act, RSBC 1979, c 137, 12-14. [Fisheries Act]

<sup>63</sup> *Ibid*, Fisheries Act, s. 20.

<sup>64</sup> *Ibid*, Fisheries Act, s. 4.

By providing a licencing scheme to encompass all commercial activities, coupled with discretionary powers for restocking measures, the Act provides modalities for restoration of ocean resources in line with SDG 14.4.



SDG 14.4, SDG 14.b.



British Columbia

### ***Act respecting the conservation and development of wildlife*** **Licence framework for fishing with financial assistance for habitat protection**

The Act respecting the conservation and development of wildlife establishes the framework for fishing and hunting in Quebec. Specifically, it prohibits fishing with a line or rod in regulated areas without a licence.<sup>65</sup> The Act imposes an obligation on the Minister to establish a fishing management plan every year to balance the interest of harvesting with the conservation of the species and to give priority to reproductive stock.<sup>66</sup> The Act also establishes the Fondation de la faune du Québec with the function of promoting the conservation and development of wildlife and wildlife habitat through programs and financial assistance.<sup>67</sup>

By using an integrated approach which couples licencing with mechanisms, the Act supports restoration of fish stocks in line with SDG 14.4.



SDG 14.4.



Quebec

### ***Freshwater Fish Marketing Act*** **Fostering sustainable fishing**

Overfishing is a significant concern for the fishing industry and sustainable fishing is crucial to continued development in the Territories. Through the Freshwater Fish Marketing Act and associated Regulations, a mechanism exists to provide economic benefits to fish harvesters and Indigenous communities who depend on this vital service to bring their products to market. The Freshwater Fish Marketing Corporation, established by the Act, controls the trading and marketing of fish in the Territories and holds exclusive right to purchase and market fish.<sup>68</sup>

The Act and associated Regulations contain centralized purchasing authority for commercial trade in fish stocks minimizes illegal, unreported or overfishing in line with SDG 14.4 and 14.6.



SDG 14.4, SDG 14.6, SDG 14.b.

<sup>65</sup> Act respecting the conservation and development of wildlife, CQLR c C-61.1, s. 41. [Act respecting the conservation and development of wildlife]

<sup>66</sup> *Ibid*, Act respecting the conservation and development of wildlife, s. 61-62.

<sup>67</sup> *Ibid*, Act respecting the conservation and development of wildlife, s. 145.

<sup>68</sup> Freshwater Fish Marketing Act, R.S.N.W.T. 1988,c.F-11, s. 3.

**Northwest Territories*****Ontario's Biodiversity Strategy*****Strategic approach to biodiversity governance grounded in sustainability**

Ontario's Biodiversity Strategy, created by a group of over 30 organizations on the Ontario Biodiversity Council, is the Province's guiding framework for coordinating conservation of biodiversity. It is supported by the Ontario Ministry of Natural Resources. There are three overarching goals of this strategy:

1. Incorporate biodiversity considerations into mainstream decision-making;
2. Protect, restore, and recover Ontario's biodiversity;
3. Use Ontario's biological assets sustainably.

These are in line with the Government of Ontario's strategic framework, arranged according to the four strategic directions in Ontario's Biodiversity Strategy, 2011: Engage People, Reduce Threats, Enhance Resilience and Improve Knowledge.<sup>69</sup>

Prioritization of mainstreaming, conservation and restoration, and sustainability through strategic planning and engagement with civil society are key ways through which Ontario's Biodiversity Strategy can be seen as advancing SDG 14.4 and 14.5.

**SDG 14.4, SDG 14.5.****Ontario**

**14.5** *By 2020, conserve at least 10 percent of coastal and marine areas, consistent with national and international law and based on the best available scientific information*

**14.6** *By 2020, prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation*

<sup>69</sup> "Ontario Government Plan to Conserve Biodiversity" (2012-2020) Government of Ontario, online: <[https://files.ontario.ca/mnr\\_biion\\_accessibility\\_en\\_final.pdf](https://files.ontario.ca/mnr_biion_accessibility_en_final.pdf)>.

## ***Natural Heritage Conservation Act***



### **Creation of a network of protected areas**

The aim of the Natural Heritage Conservation Act is to conserve natural biodiversity for future generations by establishing a network of protected areas and the zero-net loss of wetlands and bodies of water. It requires authorization to intervene in a natural setting designated by a conservation plan, including wetlands and water bodies.<sup>70</sup> In order to provide this authorization, the appropriate Minister will consider the impact on wildlife, the habitats and especially threatened or vulnerable species.<sup>71</sup> Some activities, including mining and gas, are prohibited in aquatic reserves.<sup>72</sup> Through these restrictions, marine ecosystems representing a diversity of species can be protected from economic development.

Through the creation of a network of protected areas, and targets for zero net-loss of wetlands, riparian channels are reinforced under the Act, supporting overall ocean health in line with SDG 14.2 and 14.5.



**SDG 14.5.**



**Quebec**

## ***Riparian Areas Protection Act and Regulations***



### **Framework for accreditation, certification, and oversight**

The Riparian Areas Protection Act and associated Regulations provide for the localization of protection of riparian areas through local governments grounded in a commonly established standard.<sup>73</sup> Local governments are able to impose regulations on development of areas, set criteria, and require factual studies and assessments.<sup>74</sup> Technical manuals may also be created by the appropriate Minister to assist in uniform application.<sup>75</sup> The Regulations require local governments to have in place sufficient zoning systems which require all riparian development activities to be based on a strict approval-based scheme.<sup>76</sup> Riparian areas are defined as 30-60 m strip of land adjacent to a watercourse, with the requirement to protect and enhance the riparian ecosystem.<sup>77</sup> Development is restricted in instances where preliminary assessments determine it will disrupt, alter or destroy the natural features and undermine processes which protect marine life.<sup>78</sup>

Through the creation of guidelines which restrict development to only those undertakings which can be accomplished without undermining riparian ecosystem functionality, the Act and associated Regulations provide a clear pathway to advance SDG 14.5.

<sup>70</sup> Natural Heritage Conservation Act, CQLR c C-61.01, s. 13. [Natural Heritage Conservation Act]

<sup>71</sup> *Ibid*, Natural Heritage Conservation Act, s. 22-22.1.

<sup>72</sup> *Ibid*, Natural Heritage Conservation Act, s. 46.

<sup>73</sup> Riparian Areas Protection Act, SBC 1997, c 21, s. 12. [Riparian Areas Protection Act]

<sup>74</sup> *Ibid*, Riparian Areas Protection Act, s. 13.

<sup>75</sup> *Ibid*, Riparian Areas Protection Act, s. 13.1.

<sup>76</sup> Riparian Areas Protection Regulations, B.C. Reg. 178/2019, s. 4-5. [Riparian Areas Protection Regulations]

<sup>77</sup> *Ibid*, Riparian Areas Protection Regulations, s. 8-9.

<sup>78</sup> *Ibid*, Riparian Areas Protection Regulations, s. 10.

 SDG 14.5.

 British Columbia

### *Fisheries and Oceans Canada* Harmonized vertical governance planning *Maritimes Region, Maritimes Regional Oceans Plan*

The Maritimes Regional Oceans Plan provides a consistent approach to an Oceans Program in the Maritimes Region. The Plan also fulfills Fisheries and Oceans Canada's responsibility under the Federal Oceans Act to develop and implement integrated management plans for marine areas and activities. Key priorities of the Plan include implementing oceans and coastal management measures using a risk-based approach, Marine Protected Area network development, management of Marine Protected Areas and other conservation areas, and environmental preparedness and response.<sup>79</sup>

As demonstrated by the Maritimes Regional Oceans Plan, through the adoption of an integrated approach to policy planning through coordination across federal and provincial ministries greater alignment can be achieved in ocean-related strategy in line with SDG 14.2 and SDG 14.5.

 SDG 14.2, SDG 14.5.

 Nova Scotia

### *Fisheries Act* Data driven insights and discretionary powers to sustainably develop the sector

Prince Edward Island's Fisheries Act seeks to regulate and enhance the industry and to authorize the Minister to implement programs that will sustain and improve it, including purchasing, harvesting, transport, processing, marketing, education, development, fish inspection and fish quality.<sup>80</sup> The Province is able to collaborate with the Federal government to manage and develop the fisheries sector, develop scientific data bases for engagement to ensure equitable access to resources, share statistical data on the maintenance of fisheries resources, engage experts to study and/or train fishers and operators, and undertake development projects to implement new technology, techniques, and approaches.<sup>81</sup> The designated Minister is also able to authorize any action for maintenance and development of fisheries resources, or development of integrated planning and policies across jurisdictions.<sup>82</sup>

Development and dissemination of data-driven insights coupled with broad discretionary governance powers under the terms of the Prince Edward Island Fisheries Act provides a way to

<sup>79</sup> Fisheries and Oceans Canada – Maritimes Region, "Regional Oceans Plan - Scotian Shelf, Atlantic Coast, Bay of Fundy, Implementation Priorities: 2014-2017" (2014), online: <[www.dfo-mpo.gc.ca/oceans/publications/oceans-plan/progress-etape/index-eng.html](http://www.dfo-mpo.gc.ca/oceans/publications/oceans-plan/progress-etape/index-eng.html)>.

<sup>80</sup> Fisheries Act, RSPEI 1998, c F-13.01, s. 3. [Fisheries Act]

<sup>81</sup> *Ibid*, Fisheries Act, s. 5.

<sup>82</sup> *Ibid*, Fisheries Act, s. 6.

sustainably manage the fisheries sector, which undermines incentives for illegal fisheries activities in line with SDG 14.4 and SDG 14.6.



SDG 14.4, SDG 14.6.



Prince Edward Island

*14.7 By 2030, increase the economic benefits to Small Island developing States and least developed countries from the sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism*

*14.a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries*

## ***Scientists and Explorers Act***



### **Enhancing scientific cooperation**

Research on marine areas provides insights and continued evaluations on oceanic diversity and ocean health. Under the terms of Yukon's Scientists and Explorers Act, the designated Minister may issue a licence, subject to any conditions as to duration, area, or as otherwise deemed appropriate, to a person to enter the Yukon for scientific or exploration purposes and to carry out those purposes. Entry for exploration purposes is generally restricted without issuance of a licence, with each holder required to provide a statement of the scientific information acquired, a report of localities visited, a catalogue of specimens collected, and copies of all materials collected (photos, maps, plans etc.).<sup>83</sup>

By integrating scientific disclosure with licencing, greater transparency, understanding and insights can be generated relating to the state of the marine environment, the Act furthers SDG 14.a.



SDG 14.a.



Yukon

<sup>83</sup> Scientists and Explorers Act, RSY 2002, c 200, s. 1-3.



## ***Marine Renewable-Energy Act***

 **Fostering marine renewable technology**

The Nova Scotia Marine Renewable-Energy Act aims to provide for the responsible, efficient and effective development of marine renewable-energy resources through a regulatory system that is staged, collaborative, consultative and adaptive, and integrates technical, environmental and socio-economic factors.<sup>84</sup> The Act also works to provide programs and initiatives that promote the sustainable growth and management of the marine renewable-energy sector in the Province.<sup>85</sup>

Through the prioritization of marine-based renewable energy and integration of support schemes under the Act, marine renewable energy technology can be further advanced in line with SDG 14.a.



**SDG 14.a.**



**Nova Scotia**

***14.b Provide access for small-scale artisanal fishers to marine resources and markets***

***14.c Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of The Future We Want***

## ***Ocean Frontier Institute***

 **Institution to advance marine scientific research and governance**

The Ocean Frontier Institute is a transnational hub for marine research, exploring the ecosystems of the North Atlantic and Canadian Arctic Gateway to discover innovative solutions that strengthen the economy and protect the environment. The Ocean Frontier Institute was established in 2016 through a partnership led by Dalhousie University, Memorial University and the University of Prince Edward Island.<sup>86</sup>

Creation of an institutional approach to foster marine scientific research and advance greater understanding of governance options enhances pathways for sustainable use of the ocean in line with SDG 14.a, and SDG 14.c.



**SDG 14.a, SDG 14.c.**

<sup>84</sup> Marine Renewable-energy Act, SNS 2015, c 32, s. 5, 20. [Marine Renewable-energy Act]

<sup>85</sup> *Ibid*, Marine Renewable-energy Act, s. 2, 5, 9.

<sup>86</sup> Ocean Frontier Institute, "About OFI" online: <<https://oceanfrontierinstitute.com/>>.



## III. International Legal Dimensions of SDG 14

As a truly transboundary concept, oceans and marine resources as encapsulated by SDG 14 are subject to a number of international law regimes and governance mechanisms, along with a host of regional legal regimes, many under the auspices of regional seas conventions. Canada is an active participant in the creation and implementation of international laws, rules and regimes, particularly in the environmental context. As such, a thorough discussion and understanding of the ways in which SDG 14 functions in Canada and beyond must include international law analysis. Notably, a wide range of international instruments relate to SDG 14.<sup>87</sup> Key instruments include 1982 UNCLOS, the Straddling Fish Stocks Agreement, the New York Convention, the Helsinki Convention and the Ramsar Convention.

United Nations Convention on the Law of the Seas (UNCLOS) is uniquely positioned for implementation of SDG 14 and associated targets, as well as many other SDGs. In paragraph 158 of *The Future We Want*, UNCLOS is recognized as providing ‘the legal framework for the conservation and sustainable use of oceans and their resources’ and, as such, is of principle importance for an analysis of how international law and governance can help to implement SDG 14.<sup>88</sup> Indeed, SDG 14.c aims to enhance “the conservation and sustainable use of oceans and their resources by implementing international law as reflected in the [UNCLOS], which provides the legal framework for the conservation and sustainable use of oceans and their resources.”

### Table 1: Relevant International Agreements

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<sup>87</sup> See: 1946 International Convention on the Regulation of Whaling; 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas; 1971 The Convention on Wetlands Ramsar; 1973 Convention on International Trade in Endangered Species of Wild Flora and Fauna; 1974 International Convention for the Safety of Life at Sea; 1978 International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978; 1979 Convention on the Conservation of Migratory Species of Wild Animals; 1982 Law of the Sea Convention; 1991 Convention on Environmental Impact Assessment in a Transboundary Context; 1992 Rio Declaration and Agenda 21; 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes; 1993 FAO Compliance Agreement; 1994 The Convention on Biological Diversity; 1995 UN Fish Stocks Agreement; 1995 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas; 1997 Convention on the Law of the Non-navigational Uses of International Watercourses; 2001 Reykjavik Declaration; 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage; 2002 WSSD POI; 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediments; 2006 Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; 2012 FAO Port State Measures Agreement; 2012 Rio + 20.

<sup>88</sup> UN, United Nations Convention on the Law of the Sea, (10 December 1982), UNTC No. 31363, online: UN <[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)>. [UNCLOS]

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

United Nations Fish Stocks Agreement (UNFSA)

Agreement on Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Ramsar Convention on Wetlands of International Importance (Ramsar)

Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)

UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention)

Declaration on the Establishment of the Arctic Council

Convention on Cooperation in the Northwest Atlantic Fisheries

Convention for the Conservation of Salmon in the North Atlantic Ocean

### *United Nations Convention on the Law of the Seas (UNCLOS)* Framework agreement for ocean governance

Under the UNCLOS, States have agreed to a general obligation to protect and preserve marine life.<sup>89</sup> For instance, States must individually or jointly establish measures to prevent, reduce and control marine pollution, specifically toxic or harmful land-based dumping, pollution from vessels, and pollution resulting from natural resources exploration on the seabed or subsoil and other marine installations.<sup>90</sup> As SDG 14.1 seeks to prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, by 2025, these UNCLOS provisions are directly relevant. Scientific collaboration under the UNCLOS, for instance, could be used to trace and prevent or stop illegal marine pollution, and to monitor the effectiveness of collaborative efforts. Further, under the UNCLOS, measures taken by States must not create unjustifiable interference with lawful activities of other States, may not directly or indirectly transfer the damage from one location to another, and shall address the use of technology and the accidental introduction of species into the marine environment.<sup>91</sup>

SDG 14.2 aims to sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts by 2020. Supporting this goal, the UNCLOS establishes measures relating to global and regional cooperation.<sup>92</sup> States, in cases of imminent or actual damage, must provide notification to other affected States, and cooperate with other international organizations to develop joint contingency plans.<sup>93</sup> Monitoring and evaluation measures are facilitated, including publication of reports, with particular emphasis on activities which are planned and permitted.<sup>94</sup> Planned activities which have a reasonable potential to cause harm are to have the potential effects assessed, with the results integrated into reporting.<sup>95</sup>

<sup>89</sup> UNCLOS, Article 192.

<sup>90</sup> UNCLOS, Article 194.

<sup>91</sup> UNCLOS, Article 195-196.

<sup>92</sup> UNCLOS, Article 197.


<sup>93</sup> UNCLOS, Article 198-199.

<sup>94</sup> UNCLOS, Article 204-205.

<sup>95</sup> UNCLOS, Article 206.

## Relevance for Canada

UNCLOS provides the primary framework for ocean governance. Given the significant role oceans and marine resources play in the geography and economy of the country, Canada has played a key role in the development and application of UNCLOS. As an active flag state with large natural resource deposits on the extended continental shelf, and bordering three internationally regulated oceans, Canada will remain a strong proponent of sound ocean governance.

 **SDG 14.1, SDG 14.2, SDG 14.3, SDG 14.4, SDG 14.5, SDG 14.6, SDG 14.7, SDG 14.a, SDG 14.b, SDG 14.c.**

 **International Agreement. Canada is a Party.**

***Straddling Fish Stocks Agreement (Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks)***  **Framework agreement on fish stocks and migratory fish stocks**

The Straddling Fish Stocks Agreement seeks to ensure the long-term conservation and sustainable use of fish stocks and straddling fish stocks.<sup>96</sup> In particular, the Agreement establishes as general principles measures which optimize utilization of fish stocks, adoption of an ecosystem approach and application of the precautionary approach.<sup>97</sup> States are further required to apply the precautionary approach to conservation and management of straddling fish stocks, and exercise caution in cases of uncertain, unreliable or limited information.<sup>98</sup> In implementing the precautionary approach, States shall improve decision-making, apply common guidelines relating to stock condition, develop data collection and research programs, provide for enhanced monitoring for concerned species, and implement caution management measures including modest catch limits.<sup>99</sup> Establishment of catch limits supports sustainable fisheries in advancement of SDG 14.2, 14.4, and 14.6.

## Relevance for Canada

Fisheries are an essential aspect of the Canadian economy, with relevance in the eastern and western provinces and the northern territories. In addition, the principal stock on the East Coast straddles with the US. Canada remains a strong advocate for robust fisheries governance including monitoring and inspecting vessels to ensure compliance. International cooperation to foster sustainable fisheries advances SDG 14.2, 14.4, and 14.6.

<sup>96</sup> UNFA, Article 2.

<sup>97</sup> UNFA, Article 5; See general principles: (a) the adoption of measures to promote optimal utilization of straddling fish stocks, (b) employment of the best available scientific evidence to design and maintain stock levels, (c) application of the precautionary principle, (d) use of an ecosystem approach when assessing fishing impacts, (e) implementation of conservation and management measures, (f) minimization of pollution, waste, catch by lost or abandoned gear, and catch of non-target species, (g) protection of biodiversity, (h) development of measures to prevent or eliminate overfishing, (i) consideration of the interests of subsistence fishers, (j) collection and dissemination of data concerning fishing activity, vessel position, target and non-target species caught, (k) use of science-based decision making in development of technologies relating to fishery conservation, and (l) enforcement of conservation and management mechanisms to support monitoring

<sup>98</sup> UNFA, Article 6 (1-2).

<sup>99</sup> UNFA, Article 6(3-7).



SDG 14.4, SDG 14.6, SDG 14.b.



International Agreement. Canada is a Party.

### ***Ramsar Convention on Wetlands of International Importance (Ramsar Convention)***



Identification and protection of wetlands of international importance

Under the Ramsar Convention on Wetlands of International Importance (Ramsar Convention), 171 Parties create a framework for national action and international cooperation for the conservation and wise use of internationally significant wetlands and their resources, recognizing that wetlands are ecosystems that are important for biodiversity conservation in general, and for the well-being of human communities.<sup>100</sup> In the context of the Ramsar Convention, the term “wetlands” includes all lakes and rivers, underground aquifers, swamps and marshes, wet grasslands, peatlands, oases, estuaries, deltas and tidal flats, mangroves and other coastal areas, coral reefs, and all human-made sites such as fish ponds, rice paddies, reservoirs and salt pans.<sup>101</sup> The Ramsar Convention requires Parties to formulate plans and implement them in order to promote the conservation of wetlands included in the Ramsar List of Wetlands of International Importance, to wisely use wetlands in their territory as far as possible, to promote the conservation of wetlands and waterfowl by establishing nature reserves on all wetlands, listed or not, and provide adequately for their protection.<sup>102</sup>

In 2015, a new strategic plan was established under the Ramsar Convention for the period 2016-2024, recognizing alignment with the SDGs.<sup>103</sup> At COP 13, a wide range of resolutions were passed addressing issues at the intersection of wetlands, climate change, agriculture, and coastal zones.<sup>104</sup> It requires State Parties to establish domestic monitoring of listed wetlands to monitor changes in ecological character with changes noted on the Montreux Record among other mechanisms, providing a useful tool for implementation and monitoring of coastal zone protections in line with SDG 14.2 and 14.5, as well as minimization of pollution in line with SDG 14.1.

#### **Relevance for Canada**

Canada has 37 Ramsar Sites covering 13,086,767 hectares.<sup>105</sup> Canada is a strong proponent of the wise use of wetlands, and preservation of the natural habitat through use of the Ramsar Convention.

<sup>100</sup> Ramsar Convention, *supra* at Article 3(1).

<sup>101</sup> *Ibid* at Article 1(1); Ramsar Convention Secretariat, “The Ramsar Convention and its Mission”, online: <[www.ramsar.org/about/the-ramsar-convention-and-its-mission](http://www.ramsar.org/about/the-ramsar-convention-and-its-mission)>.

<sup>102</sup> *Ibid* at Article 4(1).


<sup>103</sup> Ramsar Convention, Resolution XII.2 The Ramsar Strategic Plan 2016-2024, (1-9 June 2015), online: <[www.ramsar.org/sites/default/files/documents/library/cop12\\_res02\\_strategic\\_plan\\_e\\_0.pdf](http://www.ramsar.org/sites/default/files/documents/library/cop12_res02_strategic_plan_e_0.pdf)>.

<sup>104</sup> Ramsar Convention, Resolution XIII.16: Sustainable urbanization, climate change and wetlands (29 October 2018); Ramsar Convention, Resolution XIII.19: Sustainable agriculture in wetlands, (29 October 2018); Ramsar Convention, Resolution XIII.14: Promoting conservation, restoration and sustainable management of coastal blue-carbon ecosystems (29 October 2018).

<sup>105</sup> Ramsar Convention, “Country Profile: Canada,” online: <[www.ramsar.org/wetland/canada](http://www.ramsar.org/wetland/canada)>.

 SDG 14.1, SDG 14.2, SDG 14.5.

 Multilateral Environmental Agreement. Canada is a Party.

***Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)***  Framework agreement for transboundary water systems


The 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention), which establishes cooperative measures to address, mitigate and prevent transboundary pollution of watercourses,<sup>106</sup> can assist with the quality, quantity and integrated management of water basins. This supports SDG 14.2 and 14.5 by encouraging measures relating to: (1) pollution prevention, (2) source licensing, (3) waste-water discharges, (4) water quality, (5) pre-discharge treatment, (6) environmental impact assessment, (7) sustainable water management, and (8) contingency planning to minimize effects of accidental pollution.<sup>107</sup>

**Relevance for Canada**

While not a Party, Canada is supportive of many of the principles as they have grounding in UNCLOS. Given that the instrument originated out of UNECE, but was opened for border entry, Canada is supportive of multilateralism regarding ocean governance but nonetheless lacking the necessity of becoming a Party.

 SDG 14.1, SDG 14.2, SDG 14.5.

 International Agreement. Canada is not a Party.

***UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention)***  Framework agreement for transboundary water systems

The 1997 UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention) aims to harmonize measures grounded in watercourse agreements by facilitating cooperation and consultation relating to protective and governance measures relating to international watercourses, and amicable settlement of disputes.<sup>108</sup> It recognizes principles such as (1) a duty of reasonable and equitable use of the watercourse, (2) an obligation to provide

<sup>106</sup> *Convention on the Protection and Use of Transboundary Watercourses and International Lakes* (1992), 17 March 1992, 1936 UNTS 269. [Helsinki Convention]

<sup>107</sup> *Ibid*, Helsinki Convention, Article 3(1)(a)–(l), 3(3).

<sup>108</sup> *UN Convention on the Law of the Non-navigational Uses of International Watercourses*, 21 May 1997, annexed to GA Res 51/229 (1997), *preamble*, Article 6(2), 33. [New York Convention]

good faith cooperation, (3) application of an ecosystem approach, and (4) facilitation of information sharing.<sup>109</sup> Under the New York Convention, through efforts to establish environmental protection measures, including notification requirements and individual or joint mechanisms to prevent pollution or the introduction of alien species,<sup>110</sup> State Parties are delivering SDG 14.1 and 14.2.

### Relevance for Canada

A regional agreement to foster greater governance of international watercourses, Canada does not have a need to become a Party despite support for multilateral governance of aquatic resources.

 SDG 14.1, SDG 14.2, SDG 14.5.

 International Agreement. Canada is not a Party.

### *Declaration on the Establishment of the Arctic Council* Collaborative arrangement for governance of the Arctic

The 1996 Ottawa Declaration, a Joint Communique of the Governments of the Arctic Countries on the Establishment of the Arctic Council, recognized the importance of promoting cooperation, coordination and interaction across the Arctic States and Arctic indigenous communities to advance environmental protection and sustainable development.<sup>111</sup> The Council includes members from Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden, and the United States. In addition, the Inuit Circumpolar Conference, the Sammi Council, and the Association of Indigenous Minorities of the North, Siberia, and the Far East of the Russian Federation are recognized as permanent participants.<sup>112</sup> Non-Arctic states, intergovernmental organizations, and non-governmental organizations may also attend the biennial meetings as observers.<sup>113</sup> The Arctic Council has programs related to monitoring and assessment, conservation of flora and fauna, protection of the marine environment, and emergency prevention, preparedness and response.<sup>114</sup>

Enhancing channels for cooperative governance of the Arctic region through collaboration across bordering states supports large components of SDG 14 within the region.

### Relevance for Canada

A regional agreement to foster greater coherence in regional governance of the Arctic, the Council plays a crucial role in bringing together both Member States and Indigenous people to advance protection of the fragile ecosystem and foster sustainable development. Given the significant Arctic coastline, Canada continues to support the Arctic Council and remains active on the range of work programs developed.

<sup>109</sup> *Ibid*, New York Convention, Article 5, 7-9, 20.

<sup>110</sup> *Ibid*, New York Convention, Article 21-27.

<sup>111</sup> Declaration on the Establishment of the Arctic Council: Joint Communique of the Governments of the Arctic Countries on the Establishment of the Arctic Council (Ottawa, Canada, 1996), Article 1. [Ottawa Declaration]

<sup>112</sup> *Ibid*, Ottawa Declaration, Article 2.

<sup>113</sup> *Ibid*, Ottawa Declaration, Article 3-4.

<sup>114</sup> *Ibid*, Ottawa Declaration, Article 1(b).

 SDG 14.1, SDG 14.2, SDG 14.4, SDG 14.5, SDG 14.6, SDG 14.b, SDG 14.c.

 International Agreement. Canada is a Party.

### ***Convention on Cooperation in the Northwest Atlantic Fisheries*** Cooperative framework for sustainable management of northwest Atlantic fisheries

Agreed in fall 1978 and entering into force at the start of 1979, the Convention created the Northwest Atlantic Fisheries Organization (NAFO), which replaced the 1949 International Convention for the Northwest Atlantic Fisheries (ICNAF).<sup>115</sup> Amended four times (1980, 1987, 1996, and 2017), and with currently 12 members (Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Union, France (in respect of St. Pierre and Miquelon), Iceland, Japan, Norway, Republic of Korea, Russian Federation, Ukraine and the United States of America), the Convention aims to ensure the long-term conservation and sustainable use of fishery resources in the Convention Area – an area of 6,551,289 km<sup>2</sup> covering high seas at North Carolina to Greenland and into Baffin Bay.<sup>116</sup> Measures for cooperation among Member States as well as non-Member States are included.<sup>117</sup> In addition, cooperative dispute settlement provisions are also included.<sup>118</sup>

Creation of regional organizations which foster sustainable governance of fisheries provide institutional mechanisms for advancement of fisheries-related targets under SDG 14, in particular SDG 14.2, 14.4, 14.6.

#### **Relevance for Canada**

Canada was a founding member of both ICNAF and NAFO and remains active in fostering sustainable governance of Atlantic fisheries resources.

 SDG 14.2, SDG 14.4, SDG 14.6.

 International Agreement. Canada is a Party.

### ***Convention for the Conservation of Salmon in the North Atlantic Ocean*** Cooperative framework for sustainable management of salmon in the north Atlantic

Entering into force in 1983 the Convention created the North Atlantic Salmon Conservation Organization (NASCO) among six Parties (Canada, Denmark (in respect of the Faroe Islands & Greenland), the European Union, Norway, the Russian Federation, the United States of America

<sup>115</sup> NAFO, Convention on Cooperation in the Northwest Atlantic Fisheries, (2017), online: <[www.nafo.int/Portals/0/PDFs/key-publications/NAFOConvention-2017.pdf](http://www.nafo.int/Portals/0/PDFs/key-publications/NAFOConvention-2017.pdf)>; Convention on Cooperation in the Northwest Atlantic Fisheries, UNTS No. 17799. [Convention on Cooperation in the Northwest Atlantic Fisheries]

<sup>116</sup> *Ibid*, Convention on Cooperation in the Northwest Atlantic Fisheries, Article II-IV; NAFO, “Convention Area,” online: <[www.nafo.int/About-us/Maps](http://www.nafo.int/About-us/Maps)>.

<sup>117</sup> *Ibid*, Convention on Cooperation in the Northwest Atlantic Fisheries, Article XIV, XVI.

<sup>118</sup> *Ibid*, Convention on Cooperation in the Northwest Atlantic Fisheries, Article XV.



and France (in respect of St. Pierre & Miquelon)) to put in place a consultation, conservation, and restoration program, as well as a protected zone for salmon which prohibits fishing beyond the territorial seas except for in limited areas (up to 40 nautical miles in West Greenland, and within designated areas around the Faroe Islands).<sup>119</sup> The Convention creates an institutional approach with a Council, Commissions for areas of regional importance (North America, North-East Atlantic, and West Greenland), a Finance Committee, a research board, and a Secretariat.<sup>120</sup>

Regional and species-specific organizations which provide measures related conservation and sustainable governance of fisheries resources move forward fisheries-related targets under SDG 14, in particular SDG 14.2, 14.4, 14.6.

### Relevance for Canada

Canada is a member of NASCO and continues to collaborate to restore North Atlantic salmon.



**SDG 14.2, SDG 14.4, SDG 14.6.**



**International Agreement. Canada is a Party.**

**Table 2: International Agreements and the SDGs**

<i>Agreement</i>	<i>Focus</i>	<i>Link to SDG and target</i>
United Nations Convention on the Law of the Seas (UNCLOS)	Framework agreement for ocean governance	<b>Goal 14, targets 14.1, 14.2, 14.3, 14.4., 14.5, 14.6, 14.7, 14.a, 14.b, 14.c</b>
Agreement on Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	Specialist agreement on migratory fish stocks	<b>Goal 14, targets 14.4., 14.6, 14.b</b>
Ramsar Convention on Wetlands of International Importance (Ramsar)	Governance of wetlands including those in the marine environment	<b>Goal 14, targets 14.1., 14.2, 14.5</b>
Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)	Framework agreement for transboundary water systems	<b>Goal 14, targets 14.1., 14.2, 14.5</b>
UN Convention on the Law of the Non-navigational Uses of International Watercourses (New York Convention)	Framework agreement for transboundary water systems	<b>Goal 14, targets 14.1., 14.2, 14.5</b>
Declaration on the Establishment of the Arctic Council	Collaborative arrangement for governance of the Arctic	<b>Goal 14, targets 14.1., 14.2, 14.4, 14.5, 14.6, 14.b, 14.c.</b>
Convention on Cooperation in the Northwest Atlantic Fisheries	Cooperative framework for sustainable management of northwest Atlantic fisheries	<b>Goal 14, 14.2, 14.4, 14.6.</b>

<sup>119</sup> Convention for the Conservation of Salmon in the North Atlantic Ocean (1983), UNTS No. 22433, Article 1-3. [Convention for the Conservation of Salmon in the North Atlantic Ocean]

<sup>120</sup> *Ibid*, Convention for the Conservation of Salmon in the North Atlantic Ocean, Article 7-10, 12.

Convention for the Conservation of Salmon in the North Atlantic Ocean

Cooperative framework for sustainable management of salmon in the north Atlantic

Goal 14, 14.2, 14.4, 14.6.

As previously noted, Canada has maritime borders on three oceans – the Atlantic, Pacific and Arctic. Beyond simply governing the Canadian territorial waters that extend into these oceans, Canada has been a consistent member of and partner in regional conventions and governance systems which address critical areas of intersection with SDG 14.

## IV. Legal Preparedness for Achieving SDG 14 with Canadians

While the UNCLOS remains the most comprehensive international legal instrument pertaining to oceans and marine environment, there has been progress in post-UNCLOS agreements to address issues of sustainability. For instance, integration of the precautionary principle and acknowledgement of the importance of an ecosystem approach to questions of development are captured under the UNFA. Many significant steps have been taken and measures are being taken collaboratively, though important gaps remain. However, enforced properly, the existing legal, policy and governance framework can be strengthened to have a positive influence in sustainable use of marine resources. A wide spectrum of other international instruments including the Ramsar Convention, the New York Convention, and the Helsinki Convention provide for cooperation and collaboration relating to protection of wetlands, international watercourses or transboundary watercourses.

Leveraging synergies across Conventions to drive mutually supportive implementation and engaging key stakeholders in relevant fora will support complementarity and diffuse organizational costs of implementation. Increased emphasis remains on capacity building and transfer of marine technologies which support sustainable development. Lastly, consideration of the spiritual and cultural dimensions of oceans, seas, lakes, rivers and other waterways must be enhanced under SDG 14. Organisations such as the United Nations Permanent Forum on Indigenous Issues have worked relentlessly to bring forth the importance of ecosystems to the preservation and development of Indigenous culture and that of local communities. Water is a spiritual symbol for many societies and hence its contribution to the physical, psychological, spiritual and cultural well-being of individuals and communities should be afforded a more central role in law and policy.

To strengthen and secure success of efforts, an integrated approach to governance is needed building engagement across Federal, Provincial, Territorial and Indigenous governments as well as key stakeholders such as industry. Such an approach encompasses the principles of equality, participation, transparency and accountability in all actions taken, and ensures that progress is spread across all members of society so that no-one is left behind. At the same time, it must be recognized that a variety of other international, national and local legal and policy areas are implicated in the application and achievement of SDG 14 and associated targets.

Integration of the SDGs into policy planning is beneficial at all levels of government. Legal preparedness for achieving SDG 14 follows a stepwise approach of adoption, consultation, implementation, and refinement.

1. **Policy formulation and outline:** Begin by adopting SDG 14 and the relevant targets and establishing a commitment for development, implementation, and refinement based on a clear timeline and metrics. This often consists of a policy statement and high-level targets such as a designated percentage of protected areas by 2030.
2. **Legal preparedness assessment:** Take stock of law and governance instruments in place within and/or applicable to the jurisdiction and identify those that support the designated objective.
3. **Prioritize policy initiatives and reforms:** Engage with relevant stakeholders – governmental, civil society, and aboriginal – to consult on prioritization of relevant programs, initiatives, and reforms. Through consultations the relevant aspects of the SDG target may be contextualized and informed by local stakeholder considerations.
4. **Legal action plan:** Identified priorities should be outlined in a formal action plan with established milestones and metrics, as well as appropriate financial resources to support the initiatives.
5. **Monitoring and refinement:** Legal and policy reform would benefit from a learning-by-doing model informed by iterative reporting and refinement. Established reporting requirements should continue to inform fine-tuning of initiative to broaden implementation.

Canada provides a critical example of a State in which many laws and regulatory frameworks supporting the terms and requirements of SDG 14 are already in existence. These laws and rules reflect the unique cultural heritage of Canada and Canadians by providing for good governance of the marine environment, protection of marine resources, and restoration of ecosystems. The importance of SDG 14 as both a stand-alone issue and as an explicit goal is undeniable. All areas of environmental law, governance and policy, drawing on mechanisms found in many different international treaties, can contribute towards and benefit from its implementation.

## V. Recommended Resources

### Books:

Sumudu Atapattu, ed., *Human Rights Approaches to Climate Change: Challenges and Opportunities* (Cambridge: Cambridge University Press, 2016).

Marie-Claire Cordonier Segger, HE C.G. Weeramantry, eds., *Sustainable Development in International Courts and Tribunals* (London: Routledge, 2017).

Marie-Claire Cordonier Segger, Frédéric Perron-Welch, Christine Frison eds., *Legal Aspects of Implementing the Cartagena Protocol on Biosafety* (Cambridge: Cambridge University Press, 2013).

Marie-Claire Cordonier Segger, Markus Gehring and A. Newcombe, eds., *Sustainable Development in World Investment Law* (The Hague: Kluwer Law International, 2010).

Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (Oxford: Oxford University Press, 2004).

Marie-Claire Cordonier Segger and Judge C.G. Weeramantry, eds., *Sustainable Justice: Integrating Environmental, Social and Economic Law* (Leiden: Martinus Nijhoff, 2004).

Claire Fenton-Glynn, ed., *Children's Rights and Sustainable Development: Interpreting the UNCRC for Future Generations* (Cambridge: Cambridge University Press, 2019).

Alexandra Harrington, *International Organizations and the Law* (London: Routledge, 2018).

Hoi Kong, L. Kinvin Wroth, eds. *NAFTA and Sustainable Development: The History, Experience and Prospects For Implementation* (Cambridge: Cambridge University Press, 2015).

Armand L.C. de Mestral, P. Paul Fitzgerald & Tanveer Ahmad, eds., *Sustainable Development, International Aviation, and Treaty Implementation* (Cambridge: Cambridge University Press, 2018).

Michel Morin, Marie-Claire Cordonier Segger, Fabien Gelin, and, Markus Gehring, *Responsibility, Fraternity and Sustainability in Law: In Memory of the Hon Charles Doherty Gonthier* (Chicago: LexisNexis, 2012).

Chidi Oguamanam ed., *Genetic Resources, Justice and Reconciliation: Canada and Global Access and Benefit Sharing* (Cambridge: Cambridge University Press, 2018).

Stavros Tasiopoulos, *Climate Change & International Energy Law: Renewable energy as a necessary legal instrument* (Oxford: Oxford University Press, 2018).

### Articles and Reports:

Sumudu Atapattu & Sean S. Fraser, "SDG 1 on Ending Poverty in all its Forms: Contributions of International Law, Policy and Governance," Issue Brief 2016 (CISDL-UNEP).

Stuart Bruce & Sean Stephenson, “SDG 7 on Sustainable Energy for All: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Jorge Cabrera, Frédéric Perron-Welch & Balakrishna Pisupati, “SDG 15 on Terrestrial Ecosystems and Biodiversity: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Marie-Claire Cordonier Segger, “Advancing the Paris Agreement on Climate Change for Sustainable Development,” *Cambridge Journal of International and Comparative Law* 2016 Vol 5:2, 38.

Marie-Claire Cordonier Segger, “Sustainable Development through the 2015 Paris Agreement,” *Canadian International Lawyer* 2017 Vol 11:2, 155.

Marie-Claire Cordonier Segger, Freedom-Kai Phillips, “Indigenous Traditional Knowledge for Sustainable Development: The Biodiversity Convention and Plant Treaty Regimes,” *Journal of Forest Research* (2015) 20:5, 430.

Claire Fenton-Glynn & Pamela Sambo, “SDG 4 on Ensuring Inclusive and Equitable Quality Education: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Markus Gehring, Sean Stephenson & Marie-Claire Cordonier Segger, “Sustainability Impact Assessments as Inputs and as Interpretative Aids in International Investment Law,” *Journal of World Investment and Trade* 2017 Vol 17, 130.

Markus Gehring, Freedom-Kai Phillips & William B. Shipley, “SDG 12 on Ensuring Sustainable Consumption and Production Patterns: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Alexandra Harrington & William B. Shipley, “SDG 5 on Gender Equality: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Konstantia Koutouki & Freedom-Kai Phillips, “SDG 14 on Ensuring Conservation and Sustainable Use of Oceans and Marine Resources: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Katherine Lofts, Sharawat Shamin, Sharaban Tahura Zaman & Robert Kibugi, “SDG 13 on Taking Action on Climate Change and its Impacts: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Freedom-Kai Phillips, “Intellectual Property Rights in Traditional Knowledge: Enabler of Sustainable Development,” *Utrecht Journal of International and European Law* (2016) 32(83), pp. 1–18.

Freedom-Kai Phillips, Cameron A. Miles, Ashfaq Khalfan, & Maria Lechner Reynal, “SDG 6 on Ensuring Water and Sanitation for All: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

Maya Prabhu, Stephanie Blakely, “SDG 3 on Ensuring Healthy Lives and Promoting Well-Being for All at All Ages: Contributions of International Law, Policy and Governance,” Issue Brief 2016 (CISDL-UNEP).

**Web Resources:**

Centre for International Sustainable Development Law (CISDL), online: <[www.cisd.org](http://www.cisd.org)>.

International Law Association (ISA), online: <<http://www.ila-hq.org/>>.

International Law Association Canada (ISA Canada), online: <<http://ila-canada.ca/>>.

Sustainable Development Solutions Network (SDSN), online: <<http://unsdsn.org/>>.

World Commission on Environmental Law (IUCN-WECL), online: <[www.iucn.org/commissions/world-commission-environmental-law](http://www.iucn.org/commissions/world-commission-environmental-law)>.

IUCN Academy of Environmental Law (IUCN-AEL), online: <[www.iucnael.org/en/](http://www.iucnael.org/en/)>.

# Annex I: Domestic Legal Instruments: Overview Table

## Federal

*Oceans Act*, SC 1996, c 31.

*Oil and Gas Operations Act*, R.S.C., 1985, c. O-7.

*Arctic Waters Pollution Prevention Act*, RSC 1985, c A-12.

*Maritime Conservation Act*, SC 2002, c 18.

*Fisheries Act*, RSC 1985, c F14

## Provincial / Territorial

### **SDG 14.1**

*Environmental Bill of Rights*, SO 1993, c 28.

*Agricultural Operations Regulation*, CQLR c Q-2, r 26.

*Timber Management Regulation 60/1973*.

*Consolidation of Water Resources Agreements Act*, RSNWT (NU) 1988, c 17.

*Spills Regulations*, YOIC 1996/193.

### **SDG 14.2**

*The Manitoba Habitat Heritage Act*, C.C.S.M. c. H3.

*Technology Innovation and Emissions Reduction Fund Administration Regulation*, 120/2009.

*Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin*, CQLR c Q-2, r 5.1.

*Coastal Protection Act*, SNS 2019, c 3 (passed but not yet in force).

*Beaches Act*, RSNS 1989, c 32.

*Wildlife Act*, RSY 2002, c.229.

*Conservation Fund Regulation*, YOIC 2002/83.

### **SDG 14.3 / SDG 14.4**

*Fisheries and Coastal Resources Act*, SNS 1996, c 25.

*Aquaculture Management Regulations*, N.S. Reg. 348/2015.

*Rock Weed Harvesting Regulations*, N.S. Reg. 55/2001.

*Fisheries Act*, RSBC 1979, c 137.

*Act respecting the conservation and development of wildlife*, CQLR c C-61.1.

*Freshwater Fish Marketing Act*, R.S.N.W.T. 1988,c.F-11.

*"Ontario Government Plan to Conserve Biodiversity"* (2012) Government of Ontario

### **SDG 14.5 / SDG 14.6**

*Natural Heritage Conservation Act*, CQLR c C-61.01.

*Riparian Areas Protection Act*, SBC 1997, c 21.

*Riparian Areas Protection Regulations*, B.C. Reg. 178/2019.

*Fisheries and Oceans Canada – Maritimes Region, "Regional Oceans Plan - Scotian Shelf, Atlantic Coast, Bay of Fundy, Implementation Priorities: 2014-2017"* (2014).

*Fisheries Act*, RSPEI 1998, c F-13.01.

### **SDG 14.7 / SDG 14.a**

*Scientists and Explorers Act*, RSY 2002, c 200.

*Marine Renewable-energy Act*, SNS 2015, c 32.

### **SDG 14.b / SDG 14.c**

*Ocean Frontier Institute.*



## Annex II: About the Project

The Sustainable Development Goals (SDGs) offer Canada a unique opportunity to assess the many areas of policy innovation in which it is already excelling at the national and provincial levels, as well as to craft new, durable implementation mechanisms that will benefit Canadians and the international community now and in the future. As Canada embarks on the development of its National Strategy on the SDGs, this is a critical moment for analysis of existing laws and dialogue regarding new legal and societal avenues reflecting the SDGs.

Through “The Sustainable Development Goals for Canada: What’s Law Got to Do with It?” conference, the Centre for International Sustainable Development Law (CISDL) and its partners, along with the Sustainable Development Goals Unit at Employment and Social Development Canada and Justice Canada, engaged in a vital dialogue on the SDGs broadly, and specifically SDGs 1 (poverty), 6 (water), 14 (life below water), and 16 (peace, justice and strong institutions). Overall, the SDGs are an indivisible construct of Agenda 2030, however these particular SDGs were chosen for focus at this conference because they relate to climate change, biodiversity, education and institution building, which together form the foundation of systems and issues that must be analyzed and established in order to meaningfully achieve the SDGs in Canada. This event convened local, regional and national stakeholders, academics, policy makers, lawyers and legal experts located at four sites around the country – Waterloo, Montreal, Halifax and Victoria – through a virtual meeting platform. Additionally, governmental officials and other experts not present in these locations were able to join through the virtual meeting system, allowing for further diversity in perspectives and insights.

The findings of the conference and research conducted in conjunction with it also serve as the basis for a series of new modules on the SDGs that will be offered as part of the CISDL’s Continuing Legal Education (CLE) course for members of bars across Canada. In the approximately 2 months since these new modules were announced, registrations for the CLE course has more than quintupled, indicating a strong interest in these topics among those in the legal and policy fields throughout Canada.

As noted in the conference keynote address by Ms. Janet McIntyre, Deputy Director General, Intergovernmental and External Relations Division, Justice Canada, “when Canada submitted its National Voluntary Review last year before the United Nations, Canada recognized that the 2030 Agenda for Sustainable Development is among the defining global frameworks of our time. And further, the Government of Canada strongly supports the overarching principle of the 2030 Agenda, to leave no one behind. Canada is a staunch supporter of SDG 16 and its inclusion in the 2030 Agenda marked a milestone.” These words highlight the importance of the SDGs to Canada and the need to understand the place they currently occupy in existing Canadian national and provincial law as well as the areas in which Canada can create new laws and policies that will ensure the inclusion of Canadians and serve as an example to the international community.

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