

Marking Scheme for October 2006 CLS Examination on Offshore Property Rights

9. a) What statements with respect to offshore sovereign rights are attributed to Ambassador Pardo and President Truman? [4 marks]

b) What were the historical, political and economic circumstances that prompted these men to make these statements? [4 marks]

a) Pardo: - Date = 1967

- Areas beyond national jurisdiction
 - at UN General Assembly
 - belongs to no one, but also belongs to everyone
 - peaceful uses, and share
 - led to Third Conference on Law of the Sea and to UNCLOS
- (1/2 mark each, to a maximum of 2)

Truman: - Date = 1945

- claimed for the United States
 - continental shelf to the 100-fathom depth contour
 - issued via news release first
 - other countries followed suit
- (1/2 mark each, maximum of 2)

b) Pardo: - exploitation rampant

- concern for disadvantaged States
 - differences in technology world-wide
 - the failed 2nd conference
- (1/2 mark each)

Truman: - US exploiting father offshore in gulf of Mexico

- technology developments allowing exploitation farther offshore
 - possible post-war jitters
 - massive gas consumption by US
- (1/2 mark each)

10. a) List the locations where Canada has unresolved maritime political boundaries with its neighbouring States. [8 marks]

b) For one of these boundary locations, describe the claims made by Canada and its neighbouring State. [4 marks]

a) – Passamaquoddy Bay

- outer end of the “Hague Line” on Georges Bank
- beyond St. Pierre and Miquelon’s 200 mile limit
- Labrador Sea (continental shelf between Canada and Greenland)
- Hans Island
- Lincoln Sea
- continental shelf between Canada and Russia
- Beaufort Sea
- Dixon Entrance
- Off Juan de Fuca Strait

(1 mark each, to a maximum of 8)

b) Read “Canada’s Unresolved Maritime Boundaries”

11. Drawing a profile of the sea, seabed, and its subsoil for each situation (vertical exaggeration desirable), show an example where each of the FIVE (5) conditions that can determine the outer limit of the continental shelf takes precedence over the others. [10 marks]

(In each profile, the candidate must show that the other conditions do not dictate the outer limit.)

- a) 200 miles (the minimum situation) (60 miles from foot and 1% line have to be “inside” the 200 mile limit)
 - b) 60 miles from foot of slope (outside the 200 mile limit, 1% line has nearer foot of slope; 100 miles from 2500-m isobath, and 350 miles from baselines have to be more seaward)
 - c) point where the sedimentary rock thickness is 1% of distance to foot of slope (outside the 200 mile limit, 1% line has farther than 60 miles from foot of slope; 100 miles from 2500-m isobath, and 350 miles from baselines have to be more seaward)
 - d) 350 miles from baselines (outside the 200 mile limit, 1% line, 60 miles from foot of slope and the 100 miles from the 2500 metre isobath have to be farther seaward)
 - e) 100 miles from the 2500 metre isobath (outside the 200 mile limit, 1% line, 60 miles from foot of slope and the 350 miles from the baselines have to be farther seaward)
- (2 marks for each diagram, essentially ½ mark for the position of the 4 other conditions relative to the limit proposed)

12. On the presumption that global warming will reduce the thickness and extent of the polar ice, how will the following activities affect Canada Lands Surveyors:

- a) offshore oil exploration and exploitation,
- b) shipping,
- c) international boundary determination. [6 marks]

- a) – intensify activities, longer survey seasons, more areas available for exploitations since shipping can access more areas
- b) – increased Arctic traffic, need for mapping/charting, more shipping terminals in Arctic, longer shipping season, more broken up multi-year ice in NorthWest passage, Will NorthWest Passage be in international Strait?
- c) need to delimit boundaries, water level changes produce change in location of Low Water Line, sovereignty of NorthWest passage

13. There is a real, unresolved, international maritime boundary situation where there are two States situated side by side with a relatively straight coastline across the front of the two States. No other States affect the maritime boundary scenario. Thirty (30) kilometres seaward of the terminus of the land boundary there is a small island which is one (1) kilometre in diameter, is edged by 30-metre cliffs, and could support human habitation. The island’s sovereignty is not in dispute, but a military unit of that State occupies the island. Describe possible boundary solutions, preferably ones based on previous international court cases. [8 marks]

Possible boundary scenarios:

- strict equidistance (unlikely unless island is very important)
- semi-enclave (e.g., Italian islands near Malta and in the Adriatic)
- Half effect (e.g., Scilly Isles, Seal Island (off NS), part of Jan Mayen/ Greenland decision)
- No effect (i.e., totally discounted, e.g., Sable Island in NS/Nfld., Sable Island in St. Pierre & Miquelon, islands off coast of Maine in Gulf of Maine, Filfa in Libya/Malta)
- Projection of land boundary

- perpendicular to coastal frontage
(2 marks for each method cited and explained, 2 marks available for authorities cited)

14. What are the roles of the Canadian Hydrographic Service and the Geological Survey of Canada in the preparation of Canada's submission to the United Nations' Commission on the Limits of the Continental Shelf for a continental shelf that extends beyond the 200 n.m. limit. [6 marks]

Canadian Hydrographic Service

- nautical charts
- baselines of the Territorial Sea
- 200 mile and 350 mile limits
- 2500 m. isobath, foot of slope
- (3 marks maximum)

Geological Survey of Canada

- seismic surveys offshore
- sedimentary rock thickness, hence 1% of distance to foot of slope
- cooperate with CHS
- core samples
- (3 marks maximum)