

Failure To Properly Administer the *Oceans Act*, 1996 and *the Fisheries Act*, 1985 Has Created A Negative Impact on Marine Life in British Columbia

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Introduction

Canada borders three oceans and has the longest coastline in the world (Fisheries & Oceans, 2017). Marine life is what defines Canada and especially the Province of British Columbia. Canada's economy, environment and social fabric are linked to the oceans and their resources. Canada's oceans are not only home to an immense web of marine life, but they also generate half of the oxygen people breathe, act as thermostats to regulate the Earth's temperature, and support the majority of the planet's diversity (Fisheries & Oceans, 2017). Oceans cover 71 per cent of the Earth's surface and contain 97 per cent of its water. As of today, oceans have absorbed more than 90 per cent of emissions- trapped heat since the 1970s (Fisheries & Oceans, 2017).

Background and Problem

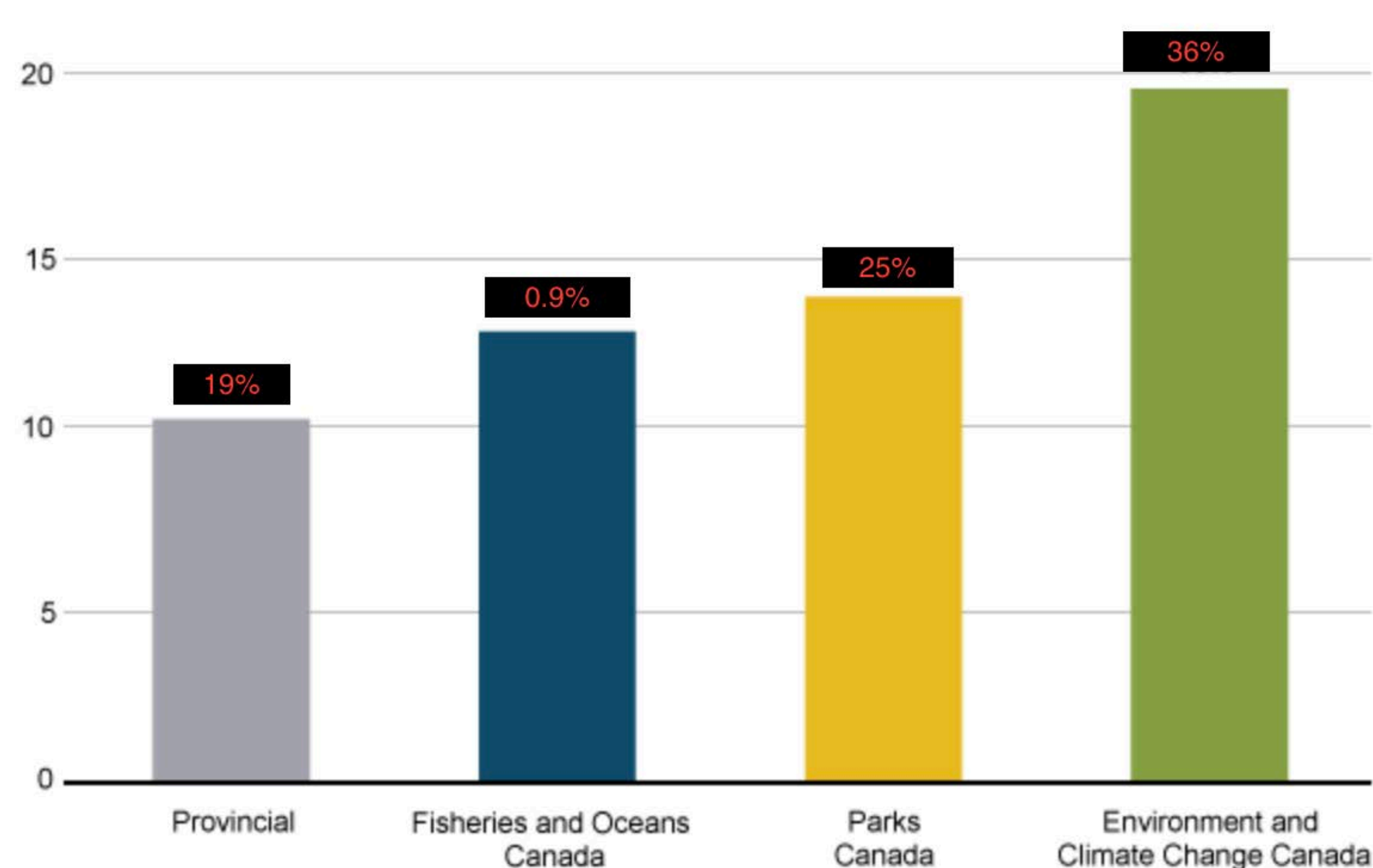
The *Oceans Act*, 1996 (the "*Oceans Act*") provides a framework for modern and future oceans management initiatives, and calls for the Minister of Fisheries and Oceans to lead and facilitate the development of national ocean management strategy. Additionally, the *Fisheries Act*, 1985 (the "*Fisheries Act*") provides for the management and control of fisheries, the conservation and protection of fish and marine life from pollution, disturbance, alteration or destruction. Canada has adequate legislation in place to effectively protect its oceans and the life they support. This legislation has been amended a number of times to provide better protection for marine life, however, it continues to decline at an alarming rate

Methods

This research used secondary sources collected from the Justice Institute of British Columbia (JIBC) Library EBSCO Discovery Service (EDS) to collect most academic peer reviewed articles, and Google Search engine for additional up to-date information to ensure the currency of the research. The rationale for selecting articles for review was based on titles, content balance (biased/ unbiased view), relevance, currency and issues addressed. Additionally, the author's credibility, expertise and references were taken into consideration.

Results/Findings

After reviewing the literature, the following concerns were shared by many researchers: the lack of marine protected areas (the "MPAs"), contamination, shortage of scientific studies and strategy plans. Canada has fallen short of meeting commitments and targets for implementing key aspects of the *Oceans Act* and the *Fisheries Act* since their enactments in 1996 and 1985, respectively (Bailey et al., 2016). Lopoukhine (2013) reported how Canada has good intentions and it did commit to the United Nations (the UN) Agreement to protect 10 per cent of its marine life back in November 2015, however, little has been done to successfully accomplish the set goals, with only 0.9 per cent protected as of 2017 (UN, 2018).



Discussion

Three federal departments, Fisheries and Oceans, Parks Canada and Environment Canada have been working together to develop in 2011 a national Planning Framework. The aim of this framework was to establish a bioregional representative system of MPAs. However, the mandates for the federal agencies did not line up fully. The federal financial and human resources were inadequate and budget cuts have caused difficulty of trying to meet international obligations and protect marine life through the establishment of MPAs (Lopoukhine, 2013).

The issue of recovery strategies and action plans appeared to be another common shared view among different researchers. Fisheries and Oceans Canada are responsible for preparing recovery strategies and action plans for endangered species, however as of today, only 4 of the 14 species have such plans, and none of them have yet been executed (Office of the Auditor General of Canada, 2018). To emphasize the concern, killer whales have been listed as endangered since 2005 and little has been done to address this issue.

Conclusion and Recommendations

It is evident that Canada has developed legislation and policies over the years to effectively protect its oceans and marine life they support. Recent academic studies have shown that the government is not overseeing the legislation enough to provide adequate protection, either directly by undermining the set forth policies or indirectly by cutting resources to government ocean science. The reviewed literature revealed how the researchers for the past ten years have been urging the federal government to take responsibility committed under the UN Agreement in 2015 and execute the set plans, rather than simply planning and setting it aside.

Despite the above, it is important to note that there is not enough secondary sources out there, therefore this research was constrained to only few recent academic case studies.

The following are proposed recommendations:

- 1) Canada should work together with local communities (First Nations) and other international organizations to implement a set of marine protected areas beneficial to marine mammals.
- 2) Canada must annually report its achievements and its contribution towards meeting the global commitment of protecting 10 per cent of its marine life as set out in the UN Agreement.
- 3) Canadian government should establish a proper budget and encourage scientists to conduct different studies beneficial for marine life protection.

Example of action plan progress:

MARINE MAMMAL	YEAR LISTED	RECOVERY PLAN FINALIZED	ACTION PLAN FINALIZED	YEAR ACTION PLAN FINALIZED
SOUTHERN RESIDENT KILLER WHALES	2003	4 YRS LATE	4 YRS LATE	2017

References

Bailey, M., Favaro, B., Otto, S., Charles, A., Devillers, R., Metaxas, A., (2016). Canada at a crossroad: The Imperative for realigning ocean policy with ocean science. *Marine Policy*, 63 53-60. doi.org/10.1016/marpol.2015.10.002.

Office of the Auditor General of Canada. (2018). Protecting marine mammals. *Report- 2*: Retrieved from <http://www.oag-bvg.gc.ca>