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TIDE-WATER ACCESS **Redefining Canada's Internal Boundaries**

BY GERARD A. LUCYSHYN



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GERARD LUCYSHYN

Gerard Lucyshyn is a Senior Research Fellow at the Frontier Centre for Public Policy, as well as, an Economist teaching in the Department of Economics, Justice, and Policy Studies at Mount Royal University.

Gerard's teaching areas include Globalization, Microeconomics, Macroeconomics, Engineering Economics, and Business Economics, with a specialization in fiscal policy, monetary policy, and economic/trade legislation. He has researched and written on a variety of topics, such as municipal, provincial, federal and international political/economic issues and small business and local community affairs.



203-2727 Portage Avenue, Winnipeg, Manitoba Canada R3J 0R2

Tel: 204-957-1567

Email: newideas@fcpp.org

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EXECUTIVE SUMMARY

It has been nearly 115 years since the provinces Alberta and Saskatchewan were established. Through pure determination and will, the citizens of Alberta and Saskatchewan have developed these provinces into economic necessities for Canada. Despite suffering through extremely challenging economic, environmental, and deliberate external political interference, Albertans and Saskatchewanians continue to be successful.

Alberta and Saskatchewan were founded out of a national dream to connect British Columbia with the eastern provinces, securing Canada's future and protecting it from American encroachment. Settlers and immigrants flocked to the prairies seeking free land (well, almost free). The idea was to develop communities along the national railway and to establish an economic corridor that would sustain the rail connection between British Columbia and the rest of Canada. Settlers and immigrants diligently toiled for generations, developing the natural resources around them, building communities, raising families, and contributing enormously to the rest of Canada. Their development and success have always been, in one way or another, dependent on external permissions or allowances, especially for passage and trade.

This paper examines the fundamental rights of Albertans and Saskatchewanians have to tide-water, riparian rights, economic rights, and mobility rights; and the neglect of those rights by the federal government for the past 115 years, when decisions were based on a different set of circumstances and not on the future outlook for these Canadian citizens. The circumstances and future outlook policymakers faced 115 years ago are not the same today. To be at least as successful as the past 115 years, Canada needs to revise its internal boundaries now, so as to provide all provinces and their citizens equal rights: access to sea, riparian rights, economic opportunities, and mobility rights.

INTRODUCTION

In 2018, Canada's international reputation ranked 7th in the world, slightly behind New Zealand and Australia respectively. Canada had decreased from 2nd, a spot it had occupied for the previous six years. The drop largely came from a decrease in effective government (from 78.3 to 75.4). Other rankings also contributed to the decrease. For example, the advanced economy ranking decreased from 75.5 to 72.9; and the appealing environment ranking decreased from 84.2 to 82.0.¹

Regardless of the recent fall in Canada's international reputation, the Canadian government's priority has formally been declared. The Canadian government is calling upon all Canadians to adhere to values that unite our country. These values are openness, compassion, equality, inclusion, and reconciliation. One of the primary objectives for the Indigenous Peoples of Canada is to seek a return to economic independence, but they continue to have to battle against antiquated legislation — namely, the various versions of the *Indian Act* — which have caused ongoing economic marginalization, lack of infrastructure, and federally imposed restrictions.² Alberta and Saskatchewan also continually need to battle against antiquated legislation that inflict these provinces with ongoing economic marginalization, lack of infrastructure, and federally imposed restrictions.

From the time of the Confederation until now, Canada's internal boundaries have been dynamic, reflecting the changing political, economic, and cultural landscape of our ever growing federation. The boundaries in central and eastern emerged from 200 years of colonial competition for land and resources and closely conform to natural features such as drainage basins. However, in the West and the North, provincial boundaries were developed largely from the administrative organization of the Hudson's Bay Company and its relationship with the Government of Canada. In fact, these boundaries were created without regard to communities and regions or economic considerations. Boundaries were simply drawn along geometric lines, extending

from the 49th parallel northward, in some instances imposing to existing communities and regions in two provincial jurisdictions.³

While each of the western provinces have their own unique histories in terms of their development within the boundaries that were granted to them, those histories within themselves have developed differently than the boundaries of central and the eastern provinces. For example, Manitoba's boundaries evolved as a part of the Riel Rebellion.

At first, the province of Manitoba was shaped as a square in the southern part of what is now Manitoba. Manitoba's boundaries changed from the "postage stamp" orientation to its current shape in 1905, following its amalgamation of what was known at the time as the District of Keewatin. The boundary between Saskatchewan and Manitoba was then arbitrarily set by the federal government along the geometric line of 102°W longitude.

There are many other examples where boundaries in the West have been arbitrarily established. For example, the province of British Columbia's boundaries were hastily created in response to the emerging gold mining frontier as a way to organize and solidify territorial claims. The Yukon Territory boundaries were established in response to American encroachment from Alaska. Within the last 25 years, the Northwest Territories boundaries were redefined to create Nunavut. These boundaries were crafted to respect traditional Aboriginal concepts of territoriality. In the case of Alberta and Saskatchewan, their boundaries were simply established to create equal land areas.⁴

At the time the federal government was defining Alberta and Saskatchewan, the focus was on adopting geometrically simplistic boundaries. The leaders of the day either did not consider or deliberately neglected to consider a fundamental boundary feature that every other province and territory in Canada has: access to tide-water, riparian rights, and the same economic rights.⁵

ACCESS TO TIDE-WATER: IS IT A RIGHT?

Examining the Canadian provincial boundaries of today, only two provinces are landlocked: Alberta and Saskatchewan. The term 'landlocked' is defined as an administrative area or jurisdiction that is surrounded on all sides by one or more other administrative areas or jurisdictions. Landlocked areas have no direct access to a coastline and no direct access to an ocean. Generally, the term 'landlocked' is used in describing nation states like Bolivia or Switzerland rather than provincial jurisdictions. Regardless, landlocked jurisdictions face economic challenges that coastal jurisdictions do not.⁶

All landlocked jurisdictions face higher freight service costs, high degrees of unpredictability in transportation time, widespread rent activities, and severe flaws in the implementation of transit systems, all which hinder to various degrees reliable logistics to facilitate the trade of goods and services.⁷

Most landlocked jurisdictions developed out of deep historical, political, economic, and/or cultural changes. However, in the case of Alberta and Saskatchewan, the boundaries were simply based on convenient geographical markers and the desire to make two equiproportionate provinces.

The focus was on dividing the remaining landmass of the Districts of Athabasca, Alberta, Saskatchewan, Assiniboia, and Keewatin equally between the two provinces. At the time the boundaries were being drawn for Alberta and Saskatchewan, the Minister of Justice and Attorney General of Canada, Charles Fitzpatrick, actually summarized the future size and populations of the new provinces, "The area of Alberta will be land 250,653 square miles; water 3,313 square miles. Total 253,965 square miles. Population, according to the census of 1901, 72,924. Estimated population, January 31, 1905, 173,043. Saskatchewan, land area, 243,192 square miles; water area 6,929. Total, 250,119 square miles. Population according to census 1901, 92,231. Estimated population, January 31, 1905 244,913."⁸

Federal politicians were concerned with the flood of immigration and creating equal areas for settlement and focused on building a domestic agricultural economy to support the national railway⁹ rather than focusing on Alberta's and Saskatchewan's potential economic future. Both of these provinces are now major international exporters and players in a globally integrated economy. The decision makers of 1905 were addressing 1905 problems, not the problems of 2020.

RIGHT OF ACCESS TO THE SEA

In international law there is a generally accepted principle: the *Right of Access to the Sea*,¹⁰ also known as the Free Access Principle.¹¹ The Right of Access to the Sea was developed from two principles of natural law, the *Right of Free Transit* and the *Concept of Servitude*.¹²

The *Right of Free Transit* grants the natural right of a landlocked state to access the sea to allow them to exercise their right to the sea as all other coastal states.¹³ The *Concept of Servitude* is one of limited rights of ownership. The owner of a piece of land has the right to use the land in any manner s/he chooses as long as the use does not infringe on a neighbour's rights. For example, if individual X's land is located such that it is necessary to cross Y's land so that individual X could enjoy his/her land, then X has a natural right of servitude across Y's property. This concept lends itself to support the right that land-locked states have on their coastal neighbours.

It is internationally accepted that oceans provide the most economical means of transporting goods to world markets and that land-locked states who are isolated from the ocean risk suffering economic stagnation. While many land-locked countries have been able to negotiate bilateral agreements with their coastal neighbours allowing transit, such agreements are on an ad hoc basis and risk being disrupted as long as there is no legal guarantee. Having to rely on bilateral agreements adds insecurity to investment in land-locked states and negatively impacts their future development.

At the 1966 United Nations Conference on Transit Trade of landlocked countries,¹⁴ it was recognized that land-locked countries' *right of transit* is essential to global economic cooperation and the expansion of international trade. This recognition was stated in three agreed-upon principles within the international convention:

- (1) The recognition of the right of each land-locked state of free access to the sea is essential principle for the expansion of international trade and economic development;
- (2) In order to enjoy the freedom of the seas on equal terms with coastal states, states having no coast should have free access to the sea;
- (3) In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all states, on the basis of reciprocity, free and unrestricted transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Alberta and Saskatchewan are land-locked and do not have the same free access to the sea as all other provinces. Therefore these two provinces do not have the essential element for the expansion of international trade and economic development, nor are they afforded free access to regional and international trade in all circumstances and for every type of good. This leaves citizens of Alberta and Saskatchewan at an unfair trade disadvantage with all other provinces and territories.

RIPARIAN RIGHTS

Another set of natural rights that have developed over time are riparian rights. It is generally recognized and accepted that waterbodies and waterways are useful for marine commerce. These rights have developed over time in common law and not by statute. Owners of land adjoining water bodies have the following rights: to protect their land from erosion, to a certain quality and quantity of surface water flow, to ownership of natural accreted material; but most importantly, access to and from the water.¹⁵ Under common law in British Columbia, riparian rights are recognized and include the right to unimpeded access to and from any point along the natural boundary of their property to deep water for the purpose of navigation, and noninterference with the right of access by neighbouring properties. However, it is important to note that the right to unimpeded access to deep water (for the purposes of navigation) exists separate and apart from the public right of navigation. Unimpeded access is the most important element of riparian rights upheld by the province of British Columbia.¹⁶

Unimpeded access to deep water has several components. First, coastal property is often divided into three components: nearshore (subtidal zone), foreshore (intertidal zone), and backshore (upland). The nearshore zone extends seaward from the low water line to well beyond the breaker-zone; the area is defined as the area that is influenced by the nearshore currents. The foreshore (also known as the beach face) is the zone between the low water mark and the seaward berm, the part of the shore/beach which is wet due to the varying tide and wave run-up under normal conditions. The backshore is the part of the beach lying between the foreshore and coastline, the dry part under normal conditions and is without vegetation. The backshore is only exposed to waves under extreme events with high tide and storm surges.¹⁷

The federal government has authority over the offshore waters, between the low water mark out to 12 nautical miles along the outer coast. All port authorities are established under federal legislation and manage major harbours and facilities on federal lands. Provincial governments have authority over the foreshore, as well as jurisdiction to establish coastal-zone plans where needed. Municipalities and regional districts have the authority to plan and regulate land use within their respective boundaries that extend over foreshore and nearshore. Municipalities and regional districts establish official community plans, zoning, development permits, subdivision authority, building permits, and a variety of regulatory bylaws that affect land development. First Nations have similar authority as provincial and local governments over upland and aquatic lands located within reserves and areas outside reserves. First Nations have traditional rights to marine resources subject to any treaty negotiations.

Alberta and Saskatchewan are landlocked, therefore their citizens are not afforded the same rights as all other provinces, specifically, rights to a certain quality and quantity of surface water flow, and ownership of natural accreted material; but most importantly, access to and from the water (tide-water).

ECONOMIC RIGHTS

Economic rights are defined as just claims and legal guarantees to access, participate in, and profit from the production, distribution, and use of property. These rights are part of a range of legal principles based on the philosophy of human cultural and social obligations in which economic equality and freedom are preserved. Economic rights are set out in the Universal Declaration of Human Rights that was adopted by the United Nations General Assembly in 1948. The declaration of individuals' economic rights has been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. While some argue that the Universal Declaration of Human Rights is not legally binding, legal scholars argue that countries have constantly invoked that declaration for more than 50 years, thus it has become binding under customary international law and has acquired significant moral authority.¹⁸

The right to develop resources is a right of ownership found under common law in Canada. This basic right gives the owner of land the right to harvest renewable resources such as crops, trees, fish, and wildlife, and in some instances the right to extract nonrenewable resources such as coal, minerals, and oil. In most instances the government retains ownership of minerals and grants restricted development rights to companies conducting exploration for minerals such as petroleum and natural gas. In Western Canada, generally provincial governments are the largest owners of undeveloped natural-resource rights and are the landlords of the oil, mineral, and forest companies that enjoy exploration and development rights.¹⁹

Under the *Constitution Act, 1867*, the original provinces of the Confederation retained ownership of crown lands and resources within their boundaries. When British Columbia and Prince Edward Island joined the Confederation they retained ownership of natural resources. However, when the Prairie provinces were created, ownership of natural resources were retained by the federal government as a means to provide funding for the colonies and the building of the railway.

It was not until 1930 that natural-resource rights were finally transferred by the federal government to the Prairie provinces. By 1930, most of the agricultural lands had been transferred into private ownership without the mineral rights. The provincial governments inherited those rights under the 1930 transfer. As a result, the Alberta government grants oil and gas leases and receives oil and gas royalties, and the Saskatchewan government controls uranium and potash reserves of worldwide significance.

Conflict between resource ownership rights and restrictive legislation occurred in the 1970s with the introduction of the *Petroleum Administration Act* by the federal government. The western provinces viewed this to be an unconstitutional interference and a direct interference with provincial rights. The provinces were able to sell their resources on such terms as they saw fit and to receive royalties at rates that they determined. An agreement was reached between the federal and provincial governments during the 1981 constitutional debates and was enshrined in *The Constitution Act of 1982*. The provinces manage their resources and have exclusive power to make laws dealing with the development, conservation, and management of nonrenewable resources and forestry resources. In addition, the provinces have jurisdiction to regulate the rate of primary production from these resources. The federal government retained the jurisdiction to regulate interprovincial and export trade of natural resources, and both levels of government have jurisdiction in taxation.²⁰

Without access to tide-water, Alberta and Saskatchewan must overcome two barriers before they can enjoy their basic economic rights. First is allowance from the surrounding provinces to access tide-water, and secondly allowance by the federal government to export. All other provinces only face permission from the federal government to export.

PARLIAMENTS' WILL AND A STORY OF CHANGE AND ADJUSTMENT

*"Whereas as by an Act of Parliament, passed on the 29th day of March, 1867, in the 30th year of our reign, intituled "An Act for the union of Canada, Nova Scotia, and New Brunswick, and the government thereof, and for purposes connected therewith...it shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, to declare, by proclamation...the Provinces of Canada, Nova Scotia, and New Brunswick, shall form and be One Dominion under the name of Canada..."*²¹

Through the simple will of the United Kingdom's Parliament in 1867, the Province of Canada was divided into two provinces, Quebec and Ontario and along with Nova Scotia and New Brunswick were joined together to form The Dominion of Canada. The *British North America Act* went into effect on July 1, 1867, creating the Dominion of Canada, a new federal government with its own Parliament, and respective provincial legislatures within the Dominion. The Act also provided a way for other colonies and territories to negotiate their entry into the Dominion.

Rupert's Land would be admitted under the *Rupert's Land Act of 1868*²² and Manitoba was created by the *Manitoba Act* in 1870.²³ In 1873, North-Western Territory and Prince Edward Island negotiated admission under section 146 of the *British North American Act*²⁴ and their terms-of-union were granted simply by Orders-in-Council²⁵ by the then-new federal government.²⁶ Similarly, British Columbia in 1871 was admitted by section 146 and its terms-of-union²⁷ were also simply granted by an Order-in-Council.²⁸

On June 29, 1871, the United Kingdom Parliament enacted the *British North American Act 1871*²⁹ to remove doubts that had arisen respecting the powers of the Parliament of Canada to establish provinces in territories which had been admitted or which may be admitted into the Dominion of Canada. Section 2 of the *British North America Act, 1871*,

allows the Parliament of Canada from time to time to establish new provinces in any territories being a part of the Dominion of Canada, not including in existing provinces.³⁰ Section 3 allows the Parliament of Canada from time to time, with the consent of the provincial legislature, to increase, decrease, or alter the limits of that particular province's territory.³¹ The remaining territories in North America, with the exception of Newfoundland, were admitted into Canada by simple Orders-in-Council and the *Adjacent Territories Order* in 1880.³²

As Canada evolved, new territories and provinces were established all in accordance with section 2 and 3 of the *British North America Act*. In 1898 the Yukon Territory was created and established out of the Northwest Territories with the enactment of the *Yukon Territory Act, 1898*.³³ In 1905, the Canadian Parliament enacted the *Alberta Act*³⁴ and the *Saskatchewan Act*³⁵ creating two new provinces out of the then provisional districts of Alberta, Assiniboia, Saskatchewan, and Athabasca. Newfoundland was admitted in 1949 with the enactment and ratification of the *Newfoundland Act of 1949*.³⁶ Lastly, the enactment the *Nunavut Act* in 1999 reallocated the eastern part of the Northwest Territories to form the new territory Nunavut.³⁷

Canada's territories and provinces continued to evolve and the Canadian Parliament continues to exercise its rights under section 3 to increase, decrease, and alter lands of provinces and territories. Examples include changing the original boundary of the province of Ontario as defined by the *Canada (Ontario Boundary) Act, 1889*.³⁸ On July 13, 1908, the federal government reallocated portions of the Northwest Territories to the province of Ontario under the *Ontario Boundaries Extension Act, 1912*.³⁹

In 1912, the Canadian Parliament enacted the *Quebec Boundaries Extension Act (1912)*⁴⁰ increasing the size of Quebec to include the territory bounded by the Eastmain River, the Labrador coast, and Hudson and Ungava Bays, and extended the

boundary northward to its current location. It is important to note this was an additional extension of the province of Quebec, as the first expansion was made under the *Quebec Boundaries Extension Act of 1898*.⁴¹

Manitoba has had several changes to its boundaries and size since 1870. These changes include an *Act to provide for the Extension of the Boundaries of Manitoba (1881)*,⁴² *Manitoba Boundaries Extension Act (1912)*,⁴³ the *Manitoba Boundaries Extension Act (1930)*,⁴⁴ *Ontario-Manitoba Boundary Line Act (1953)*, the *Manitoba-Saskatchewan Boundary Act (1966)*,⁴⁵ the *Manitoba-Saskatchewan Boundary Act (1966)*,⁴⁶ and the *Manitoba Saskatchewan Boundary Act (1978)*.⁴⁷

Historically and constitutionally the internal boundaries and borders are subject to change with the evolution of the country and should not be considered permanent.⁴⁸ In fact, as history has demonstrated, all provincial boundaries are determined by the will of Parliament. While some may hold claim to arbitrary territorial markers, throughout history, Canadians have proven to be resilient when the predefined boundaries change.

WHERE TO DRAW THE LINE?

Since Confederation, Canada's international boundaries have been settled over time by international agreements based on the application of two principles, the occupation of land or territory and where a boundary follows a watercourse. Occupation requires both a right to occupy and effective occupation, that is, exclusion of others from the land. Effective occupation became an important international principle under the Treaty of Versailles in 1783 and was used to establish the boundary between the United States and Canada.

However, the principle of occupation has also been used in the settlement of some of Canada's internal boundaries. For example, the establishment of the boundaries between the French, the Hudson's Bay Company, and the Dominion and Ontario. The principle of establishing a boundary that follows watercourse has been used for all other Canadian provinces and territories except in the case of the Prairie provinces.

As previously noted, section 2 of the *British North American Act* gives jurisdiction to Parliament to establish new provinces in any territory in Canada not already part of an existing province. More importantly, to our discussion around access to tide water, section 3 grants Parliament jurisdiction to alter the boundaries of any province provided the provincial legislature gives its consent.

Provincial territorial disputes are nothing new. In fact, since Confederation, there have been a few major territorial disputes involving provinces, all of which ended in settlement of the new boundaries. Manitoba and Ontario came to an executive agreement after submitting to mutually acceptable arbitrators and Parliament, which resulted in legislative changes to their territorial boundaries. The Provinces of Canada and New Brunswick settled territorial disputes through arbitrators as well, and adopted an executive agreement following the decision of a mutually appointed arbitrator, and by a simple Act of Parliament the provinces of Canada and New Brunswick's territorial boundaries changed. The 1902 Labrador boundary dispute

reached settlement after an executive agreement that referred the matter to the Judicial Committee of the Privy Council;⁴⁹ this dispute was settled simply by a resolution rather than by statute. In 1912, Ontario and Manitoba consented to have their common boundaries extended, which changed them to the present-day position.⁵⁰

Reshuffling of the Northwest Territories boundaries has been done on numerous occasions in the past with the creation of other provinces and their territorial expansions, including Manitoba (1870), Yukon (1898), Alberta, and Saskatchewan (1905). The most recent example of altering and changing existing boundaries was the establishment of the "Parker Line" in the creation of the Nunavut Territory. This reshuffle began with assembling a territorial appointed committee who studied the issue and presented its final report to the federal government in 1980 (GNWT 1980). The finding of the report was that there was no consensus among the residents of Northwest Territories on the issue of unity. In addition, the residents expressed favourably on the idea of dividing the territory. The Assembly, based on the findings of the committee, voted in favour of dividing the Northwest Territories and submitted the question to the territory population through a plebiscite. The result of the 1982 plebiscite was a small majority (56 percent) who favoured the idea of dividing the Northwest Territory and creating Nunavut.

While the federal government was very reluctant to the idea, they recognized the legitimacy of the plebiscite and in November 1982 announced that they would implement the decision of the residents. The federal Parliament passed legislation dividing the Northwest Territories and providing for the formation of Nunavut on April 1, 1999.

Historically, the method of demarcating internal boundaries have all followed a process of adjustment. As populations have increased and territorial obstacles have been overcome, technology now allows boundaries to be set based on fundamental principles established in natural law and that

recognize the rights of all citizens, rather than simply at the convenience of policy and mapmakers. Internal boundaries need to be set in consideration

of the economic fairness for all provinces and all citizens of Canada.⁵¹

ALBERTA AND SASKATCHEWAN

In Canada, major infrastructure projects such as the interprovincial pipelines, nuclear energy facilities, and large-scale mining are subject to federal review. There are two pieces of legislation that are applicable to the energy sector: the *National Energy Board Act* (NEBA) and the *Canadian Environmental Assessment Agency Act* (CEAA). Alberta finds its economic future interests at risk over elements of Bill C-69, "The modernization of the National Energy Board and Canadian Environmental Assessment Agency." Bill C-69 seeks to overhaul the NEBA and CEAA, changing how major infrastructure projects are reviewed and approved in Canada. These changes include replacing the National Energy Board with a new "Canadian Energy Regulator" and altering federal environmental assessments process to include a broad range of impacts to be reviewed by a new "Impact Assessment Agency."⁵² These changes will have a negative impact on Albertans and the Alberta economy.

It is an interesting coincidence that in 1905 the same bill number, Bill 69, was introduced by Sir Wilfred Laurier establishing the province of Alberta and its boundaries.⁵³ Parliamentarians at the time were more concerned about equitable distribution of land between Alberta and Saskatchewan and ease of boundary demarcation than they were concerned about the provinces' potential growth and future development. They ignored the ramifications and infringements that arise from creating landlocked provinces.⁵⁴

Section 3 in both the *Alberta Act* and the *Saskatchewan Act* clearly state that the provisions of the *British North America Acts, 1867 to 1886*, shall apply to Alberta and Saskatchewan "...as if the said province ... had been one of the provinces originally united,..."⁵⁵ Simply put, the decision makers of the day failed to follow this section when they failed to address Alberta and Saskatchewan's access to tide-water; all other provinces originally united were granted access to tide-water. Instead, the federal government of the day was focused on accurately calculating the number of acres each province would have rather than considering their

future in a global economic world. A newspaper article published by *The Province in Vancouver* on May 17, 1905, describes there was much confusion around the actual number of acres involved when the new provinces were being created, citing that the latest census returns from 1901 are "presumed" to be accurate because there were a number of federal officers who were "supposed" to be on the ground gathering the information. The article describes the land mass calculation for the districts and the reassignment of land excluding water acreage: "Alberta land acres had 64,973,212; Assiniboia land acres had 56,498,546; Saskatchewan land acres 66,460,859, Athabasca land acres was 155,622,704 for a total land acre of 343,555,321. Alberta would receive half 171,777,660."⁵⁶

Today Alberta consists of 158.7 million acres of land (661,848 km²). 52 million acres are used for agriculture (of which 20 million are used for grazing or native grasslands, 23 million are used for crop cultivation, 7 million used for hay, and 2 million are in summer fallow).⁵⁷ This would seem to indicate that Alberta-2019 is approximately 7.9 per cent smaller than the proposed Alberta-1905 by 13 million acres (~52,600 km²). Similarly, Saskatchewan-2019 consists of only 146.2 million acres of land (591,245 km²), of which 61.7 million are used for agriculture (45.1 million acres of cultivated farmland and 16.6 million acres of pasture).⁵⁸ This indicates that Saskatchewan-2019 is approximately 17.1 percent smaller (25 million acres, ~101,171 km²) than what was proposed by decision makers back in 1905.

Table 1

Province	Today's Land Mass km ²	Acreage Shortage km ² from 1905
British Columbia	944,735	
Alberta	661,848	52,600 shortage
Saskatchewan	591,245	101,171 shortage
Manitoba	647,797	
Northwest Territories	1,346,000	Note that when NWT and NU separated NU received more land mass
Nunavut	2,093,000	

ACCESS SOLUTIONS: PARALLEL-BASED OR INFRASTRUCTURE-BASED?

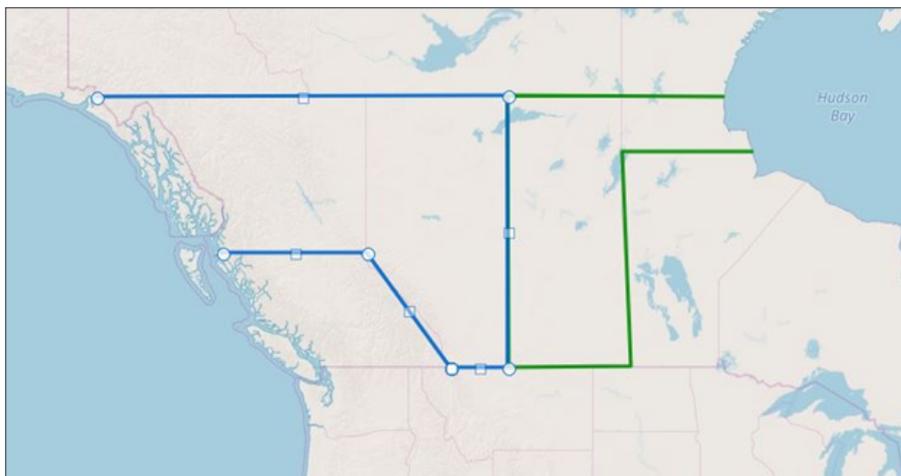
To resolve the issue of tide-water access for the Prairie provinces, the federal government along with the provinces of British Columbia, Manitoba, Saskatchewan, and Alberta would need to redefine their boundaries.

To establish a definitive parallel-based boundary then, British Columbia's new northern border would run along the 54th parallel passing along Kakwa Provincial Park — Prince George — Morice Lake — Kitimat — Claxton. All the territory between the 54th and the 60th parallel would be incorporated into Alberta and would grant Alberta tide-water access on its new northwestern boundary.

Manitoba's new northern boundary would move to the 58th parallel passing through the northern tip of Reindeer Lake — Sand Lakes Provincial Parks — Numaykoos Lake Provincial Park — Wapusk National Park of Canada. All the territory between the 58th parallel and the 60th parallel would be incorporated into Saskatchewan, thus providing Saskatchewan tide-water access on its new northeastern boundary.

While some readers may see these proposed boundaries quite different, it should be noted that historically the District of Athabasca, District of Alberta, and the District of Saskatchewan all shared a common boundary along the 55th parallel.⁵⁹

54th and 58th Parallel-Based Boundaries



Source: gpsvisualizer.com

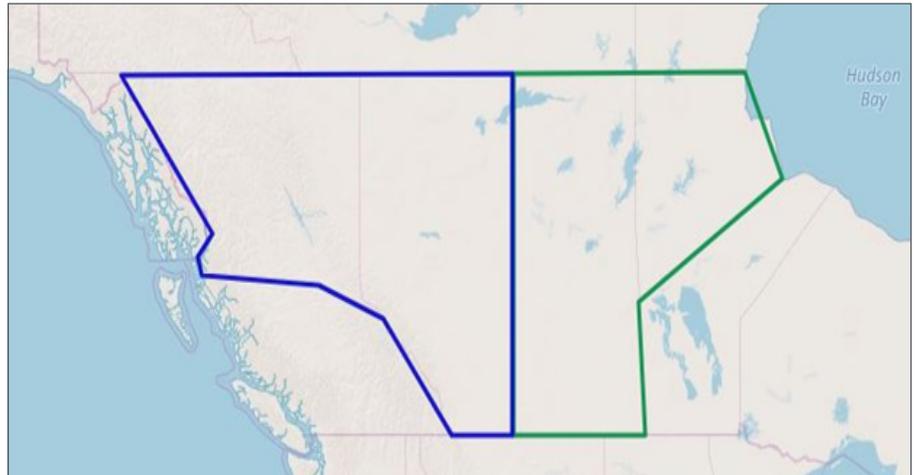
1895 Internal Boundaries of Canada



Source: See <https://www.thecanadianencyclopedia.ca/en/article/territorial-evolution>.

A simpler solution would be to determine the new northern boundaries based on existing infrastructure. British Columbia's northern boundary could be the southern half Highway 16 between Mount Robson Provincial Park — Tete Jaune Cache — Prince George — Vanderhoof — Fraser Lake — Hazelton — Terrace — Prince Rupert. All lands north of the south lane of the Highway 16 up to the 60th parallel would be incorporated into Alberta, providing Alberta tide water access along its northwestern border.

Infrastructure-Based Boundaries



Source: gpsvisualizer.com

Manitoba's northern boundary would be the southern half of the Hudson Bay rail line passing along The Pas — Cormorant — Thompson — Churchill.

Establishment of the new boundary lines along existing infrastructure appear to be the simplest, easiest, and cost-effective method for all the governments involved.

CONCLUSION

Since its beginning, Canada has always been an evolving country. As demonstrated historically, Canadians and Canadian leaders have embraced the evolution of the country's internal boundaries in order to meet future needs and population growth and orientation.

Tide-water is a right to which all Canadians should be entitled. Some may argue that section 6(2) of the Constitution gives Canadians mobility rights as it states "Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right: to move to and take up residence in any province; and to pursue the gaining of a livelihood in any province;"⁶⁰ However, this right does not provide a full and equal right for citizens to choose any Canadian province or territory, as the two landlocked provinces are at a strategically significant economic disadvantage. This could equate to an infringement on the individual's right to pursue the gaining of a livelihood that has any connection to tide-water. Furthermore, individuals' rights are trampled on in the event that a citizen is employed in an industry that requires transportation

of its product to tide-water and where such access has been arbitrarily denied, potentially leaving the individual unemployed or in some cases forcing citizens to relocate to other provinces that do not suffer similar economic disadvantages. The lack of access to tide-water can certainly be seen as an infringement on some Canadians' mobility rights.

Some provincial and federal leaders and citizens cling to the notions of turf protectionism, provincial dominance, or monopolistic misfeasance by continuing to deny Alberta and Saskatchewan tide-water access. This type of thinking is poor public policy and equates to supporting the continued infringement of Albertans and Saskatchewanians rights.

The Canadian government has called upon *all* Canadians to value openness, compassion, equality, inclusion, and reconciliation. So now is the time to call upon all Canadians to adhere to these values that unite our country and to reconsider Canada's 115-year-old internal boundaries and give Alberta and Saskatchewan their fair and equal access to tide-water. Failing to do so is simply nonfeasance.⁶¹

ENDNOTES

1. Prado, Fernando and Trad, Nicolas. "The World's Most Reputable Countries: 2018 Country RepTrak". Reputation Institute, June 21, 2018. See <https://www.reputationinstitute.com/sites/default/files/pdfs/2018-Country-RepTrak.pdf>.
2. Fiscal Realities Economists. "Reconciliation: Growing Canada's Economy by \$27.7 Billion: Background and Methods Paper". November 2016. See http://www.naedb-cndea.com/reports/naedb_report_reconciliation_27_7_billion.pdf.
3. For example, the City of Lloydminster.
4. Government of Canada. Territorial Evolution from 1867 to 2017. Accessed on October 19, 2019. See <https://open.canada.ca/data/en/dataset/e88ce995-b69a-4595-a752-bb06b061b5a3>.
5. PWNHC. "Territorial Evolution of the Northwest Territories." Government of Northwest Territories. See <https://www.pwnhc.ca/territorial-evolution-of-the-northwest-territories>.
6. There are three countries that are completely landlocked (i.e. surrounded on all sides) by only one country. Two of them are within the country of Italy. These single-country landlocked countries are: Lesotho, which is surrounded by South Africa; San Marino, a state surrounded by Italy; and Vatican City, which is a city-state surrounded by Rome, the capital city of Italy. Countries that are landlocked by a single country are known as enclave countries. See Geolounge. "Landlocked Countries." *Geography Realm*, April 8, 2018. See <https://www.geolounge.com/landlocked-countries/>.
7. Marteau, Jean-Francois, Gael Raballand, and Jean-Francois Arvis. "The Cost Of Being Landlocked: Logistics Costs And Supply Chain Reliability." World Bank, June 2007. See <https://elibrary.worldbank.org/doi/abs/10.1596/1813-9450-4258>.
8. Charles Fitzpatrick (Minister of Justice and Attorney General of Canada) Liberal. See Linked Parliamentary Data. "May 9, 1905 (10th Parliament, 1st Session)." Lipad. See <https://www.lipad.ca/full/permalink/182681/>.
9. During the creation of the transcontinental railway, the Ottawa government appropriated and sold 50,000,000 acres of land in the Territories to pay for the cost of the transcontinental railway from Winnipeg to Edmonton. The railway was first built between Eastern Canada and British Columbia between 1881 and 1885 (connecting with Ottawa Valley and Georgian Bay area lines built earlier), fulfilling a promise extended to British Columbia when it entered Confederation in 1871.
10. Milic, Milenko. "Access of Land-Locked States To and From the Sea." *Case Western Reserve Journal of International Law* 13, no. 3 (1981). See <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1872&context=jil>.
11. *Ibid.*
12. Sinjela, A. Mpazi. "Freedom of Transit and the Right of Access For Land-Locked States: The Evolution of Principle and Law." *Georgia Journal of International and Comparative Law* 12, no. 1 (1982). See <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1904&context=gjicl>.
13. An area of territory that is not subject to legal title of any state. Examples would be the high seas (see Article 2 of the Geneva Convention on the High Seas and Article 89 of the 1982 Convention on the Law of the Sea) and outer space (see UN General Assembly Resolutions 1962 (XVII), 1721 (XVI), and 1884 (XVIII)).
14. United Nations. "United Nations Conference on Transit Trade of Land-Locked Countries: Final Act". United Nations New York, February 21, 1966. See https://treaties.un.org/doc/Treaties/1967/06/19670609%2002-19%20AM/Ch_X_03p.pdf.
15. Ministry of Environment, Lands and Parks Land and Water Programs Branch. "Riparian Rights and Public Foreshore Use In the Administration of Aquatic Crown Land". Province of British Columbia, March 1995. See https://www.obwb.ca/fileadmin/docs/riparian_regulations_BC_Gov.pdf.
16. *Ibid.*
17. Mangor, K., Dronen, N. K., Kaergaard, K.H. and Kristensen, S.E. "Shoreline Management Guidelines". DHI, February 2017. See <https://www.dhigroup.com/marine-water/ebook-shoreline-management-guidelines>.
18. See Henry J Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals*, (2nd ed), Oxford University Press, Oxford, 2000; and Hurst Hannum, *The Universal Declaration of Human Rights in National and International Law*, p.145.
19. The majority of the subsurface rights in Canada are owned by the Crown, 89 percent, and approximately 11 percent is freehold. When Canada was first homesteaded individual settlers were sometimes granted title to both the surface and subsurface. This practice was discontinued in the late 1880s. Land granted to the Hudson's Bay Company (HBC) and the Canadian Pacific Railway Company (CPR) included mineral rights and some of these lands were subsequently sold to settlers, however, the granting of minerals of any kind with these sales was later discontinued. Following Canada's pattern of development, the prevalence of freehold mineral ownership decrease more so in western Canada. For example in southwestern Manitoba approximately 80 percent of the oil and gas rights are held privately by individuals or corporations (freehold). The remaining 20 percent of oil and gas rights are owned by the Province (Crown). This includes a small number of tracts that are owned by the Federal government and aboriginal lands. Whereas in Alberta it compares to only 10 percent.
20. Thompson, Andrew R. "Resource Rights." *The Canadian Encyclopedia*, February 6, 2006. See <https://www.thecanadianencyclopedia.ca/en/article/resource-rights>.
21. *The Morning Post*, "The Union of the Canadian Provinces." London. England. May 23, 1867.
22. *Rupert's Land Act (1868)*, 31-32 Vict., c. 105 (U.K.), Rupert's Land and North-Western Territory Order of June 23, 1870.
23. *Manitoba Act (1870)* 33 Vict., c.3.

24. Section 146 states "It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the colonies or provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those colonies or provinces, or any of them, into the union, and on address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the union, on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland".
25. A legal instrument made by the Governor in Council pursuant to a statutory authority or, less frequently, the royal prerogative. All Order in Councils are made on the recommendation of the responsible Minister of the Crown and take legal effect only when signed by the Governor General.
26. Prince Edward Island Terms of Union, being Order in Council of June 26, 1873, effective July 1, 1873.
27. Maton, William Fernando. "British Columbia Terms of Union." The Solon Law Archive. See <https://www.solon.org/Constitutions/Canada/English/bctu.html>.
28. The British Columbia Terms of Union, being Order in Council of May 16, 1871, effective July 20, 1871.
29. Also known as *The Constitution Act (1871)* 34-35 Vict., c. 28.
30. Section 2 states "The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province, and for the passing of laws for the peace, order, and good government of such Province, and for its representation in the said Parliament. Parliament of Canada may establish new Provinces and provide for the constitution etc., thereof." See Department of Justice. "*British North America Act, 1871* - Enactment No. 5." Government of Canada. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t51.html>.
31. Section 3 states "The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby." See Department of Justice. "*British North America Act, 1871* - Enactment No. 5." Government of Canada. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t51.html>.
32. Order of Her Majesty in Council admitting all British possessions and Territories in North America and the islands adjacent thereto into the Union, dated the 31st day of July, 1880. See *British North America Act, 1871* - Enactment No. 8. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t81.html>.
33. *Yukon Territory Act (1898)*, 61 Vict., c. 6.
34. *Alberta Act (1905)* 4-5 Edw. VII, c. 3.
35. *Saskatchewan Act (1905)* 4-5 Edw. VII, c. 42.
36. *Newfoundland Act (1949)*, 12-13 Geo. VI, c. 22 (U.K.),
37. *Nunavut Act*, S.C. 1993, c. 28.
38. *Canada (Ontario Boundary) Act, 1889*, 52-53 Vict., c. 28 (U.K.). See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t101.html>.
39. *Ontario Boundaries Extension Act*, S.C. 1912, 2 Geo. V, c. 40. "The new boundaries would be defined as the west boundary being the Province of Manitoba, continuing northward along the same meridian to the twelfth base line of the Dominion System of Surveys, northeasterly in a right line to the most eastern point of Island Lake, then northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay; thence easterly and southerly following the shore of the said bay to the point where the northerly boundary of the Province of Ontario as established under the said Act intersects the shore of James Bay; thence westward along the said boundary as established by the said Act to the place of commencement ; and all the land embraced by the said description shall, from and after the commencement of this Act, be added to the Province of Ontario, and shall, from and after the said commencement, form and be part of the said Province of Ontario." See *Ontario Boundaries Extension Act (Can., 1912)*. See <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2152&context=rso>.
40. *Quebec Boundaries Extension Act, 1912*, 2 Geo. V, c. 45.
41. *Quebec Boundaries Extension Act (1912) Loi De L'extension Des Frontières De Québec*. Inter.Canada: Canada Constitution - Quebec Boundary Extension Act 1912. See <http://www3.sympatico.ca/rd.fournier/inter.canada/doc/qb-1912.htm>.
42. Canada, Statutes, 44 Vic., Cap. 14, "An Act to Provide for the Extension of the Boundaries of Manitoba".
43. Canada, Statutes, 2 George V, Cap. 32 "*Manitoba Boundaries Extension Act, 1912.*"
44. *Manitoba Boundaries Extension Act, 1930*, 20-21 Geo. V, c. 28.
45. S.S. 1966, Chapter 88 (1966-02-25). *Manitoba-Saskatchewan Boundary Act, 1966*. See <http://www.publications.gov.sk.ca/freelaw/documents/english/statutes/historical/1966-CH-88.pdf>.
46. *Manitoba Saskatchewan Boundary Act, 1978*. See <http://www.publications.gov.sk.ca/freelaw/documents/english/statutes/historical/1978-CH-34.pdf>.

47. Chapter 34 of The Statutes of Saskatchewan, 1978 27 Elizabeth II.
48. Poole, A.F.N. "The Boundaries of Canada". *The Canadian Bar Review*. Toronto, 1964. See <https://cbr.cba.org/index.php/cbr/article/download/2556/2556/>.
49. In 1902 the Québec government objected to Newfoundland issuing a timber licence on the Churchill River. Quebec petitioned Ottawa to submit the dispute to the Judicial Committee of the Privy Council in London, as Canada and Newfoundland were separate members of the British Empire at the time. Quebec was excluded from having representation and only Canada and Newfoundland were admitted as parties. Eventually in 1922 Canada and Newfoundland agreed to petition the Privy Council to decide only "the location and definition of the boundary between Canada and Newfoundland in the Labrador Peninsula under the statutes, orders-in-council and proclamations.
50. S.C., 1912, c. 40, and S.O., 1912, c. 3, R.S. .O., 1960, vol. 5, pp. 83 and 85 ; S.C., 1912, c. 32 and R.S. .M., 1954, c. 20.
51. Poole, A.F.N. "The Boundaries of Canada". *The Canadian Bar Review*. Toronto, 1964. See <https://cbr.cba.org/index.php/cbr/article/download/2556/2556/>.
52. CAPP. "What Is Bill C-69?" Context: Energy Examined. See https://context.capp.ca/energy-matters/2018/og101_what-is-bill-c69.
53. *The Province Vancouver*, British Columbia, Canada 17 May 1905, Wed • Page 1
54. At the time Territorial Premier Sir Frederick Haultain argued for no expansion of Manitoba and the creation of a single province called "Buffalo" which comprised of most of what would eventually become Alberta and Saskatchewan. He argued that only a single province would give western Canadians real power in Ottawa. See <https://archive.macleans.ca/article/1938/4/1/pioneer-statesman#!&pid=30>.
55. Lucien Cannon (Solicitor General of Canada) Liberal, May 1, 1930. "Section 3 of the Act of 1905 reads as follows: The provisions of the *British North America Acts, 1867 to 1886*, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Alberta had been one of the provinces originally united, except in so far as varied by this act and except such provisions as are in terms made, or by reasonable intendment, may be held to be specially applicable to or only to affect one or more and not the whole of the said provinces. Unless there would be exceptions in the Act of 1905 covering what my Hon. friend has just mentioned, I think they would belong to the province. So far as this government is concerned, our intention is to convey to the province of Alberta its natural resources and everything which would go with them." See <https://www.lipad.ca/full/permalink/900115/>.
56. *Calgary Herald*, Calgary, Alberta, Canada 04 Nov 1905, Sat. Page 17.
57. See https://context.capp.ca/energy-matters/2018/og101_what-is-bill-c69.
58. Government of Saskatchewan. "Saskatchewan Farmland Ownership". See <http://publications.gov.sk.ca/documents/20/108402-FarmLandOwnership.pdf>.
59. *Acts of the Parliament of the Dominion of Canada*, Volumes 1-2. See https://books.google.ca/books?id=rgQvAAAAIAAJ&lpg=PR18&ots=kBwGg6Pc1F&dq=8+May+1882+provisional+districts&pg=PR18&redir_esc=y#v=onepage&q&f=false.
60. Department of Justice. "Section 6 - Mobility Rights." Government of Canada. See <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art6.html>.
61. Nonfeasance is the neglect of a duty, or the failure to perform a required task.

BIBLIOGRAPHY

Calgary Herald, Calgary, Alberta, Canada. November 4, 1905. Sat. Page 17.

Canada. "Acts of the Parliament of the Dominion of Canada." Brown Chamberlin, Law Printer to the Queen's Most Excellent Majesty, 1886. See https://books.google.ca/books?id=rgQvAAAAIAAJ&lpg=PR18&ots=kBwGg6Pc1F&dq=8+May+1882+provisional+districts&pg=PR18&redir_esc=y#v=onepage&q&f=false.

Canada, Statutes, 44 Vic., Cap. 14, "An Act to Provide for the Extension of the Boundaries of Manitoba".

CAPP. "What Is Bill C-69?" Context: Energy Examined. See https://context.capp.ca/energy-matters/2018/og101_what-is-bill-c69.

Charterpedia, and Department of Justice. "Section 6 – Mobility Rights." Charterpedia, updated June 17, 2019. See <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art6.html>.

Department of Justice. "Manitoba Act - Enactment No. 2." Part I: *Manitoba Act* - Enactment No. 2. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t21.html>.

Department of Justice. "British North America Act, 1871 - Enactment No. 5." Government of Canada. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t51.html>.

Department of Justice. "Alberta Act - Enactment No. 12." Part I. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t121.html>.

Department of Justice. "Saskatchewan Act - Enactment No. 13." Part I: *The Saskatchewan Act* - Enactment No. 13. See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t131.html>.

Department of Justice. "Canada (Ontario Boundary) Act, 1889 - Enactment No. 10." Part I: *Canada (Ontario Boundary) Act, 1889* - Enactment No. 10 (1/1). See <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t101.html>.

Fiscal Realities Economists. "Reconciliation: Growing Canada's Economy by \$27.7 Billion: Background and Methods Paper". November 2016. See http://www.naedb-cndea.com/reports/naedb_report_reconciliation_27_7_billion.pdf.

Geolounge. "Landlocked Countries." *Geography Realm*, April 8, 2018. See <https://www.geolounge.com/landlocked-countries/>.

Government of Saskatchewan. "Saskatchewan Farmland Ownership". See https://www.saskatchewan.ca/farmland#utm_campaign=q2_2015&utm_medium=short&utm_source=%2Ffarmland.

Hannum, Hurst. "The UDHR in National and International Law." *Health and Human Rights* 3, no. 2 (1998): 145.

Lingard, C. Cecil. "Pioneer Statesman: *Maclean's*: APRIL 1 1938." *Maclean's*, The Complete Archive. See <https://archive.macleans.ca/article/1938/4/1/pioneer-statesman#!&pid=30>.

Linked Parliamentary Data. "Charles Fitzpatrick (Minister of Justice and Attorney General of Canada) Liberal May 9, 1905 (10th Parliament, 1st Session)." Lipad. See <https://www.lipad.ca/full/permalink/182681/>.

Linked Parliamentary Data. "Lucien Cannon (Solicitor General of Canada) Liberal May 1, 1930 (16th Parliament, 4th Session)." Lipad. See <https://www.lipad.ca/full/permalink/900115/>.

Mangor, K., Dronen, N. K., Kaergaard, K.H. and Kristensen, S.E. "Shoreline Management Guidelines". DHI, February 2017. See <https://www.dhigroup.com/marine-water/ebook-shoreline-management-guidelines>.

Marteau, Jean-Francois, Gael Raballand, and Jean-Francois Arvis. "The Cost Of Being Landlocked: Logistics Costs And Supply Chain Reliability." World Bank, June 2007. See <https://elibrary.worldbank.org/doi/abs/10.1596/1813-9450-4258>.

Maton, William Fernando. "British Columbia Terms of Union." The Solon Law Archive. See <https://www.solon.org/Constitutions/Canada/English/bctu.html>.

Maton, William Fernando. *Newfoundland Act*. The Solon Law Archive. See <https://www.solon.org/Constitutions/Canada/English/nfa.html>.

Milic, Milenko. "Access of Land-Locked States To and From the Sea." *Case Western Reserve Journal of International Law* 13, no. 3 (1981). See <https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=1872&context=jil>.

Ministry of Environment, Lands and Parks Land and Water Programs Branch. "Riparian Rights and Public Foreshore Use In the Administration of Aquatic Crown Land". Province of British Columbia, March 1995. See https://www.obwb.ca/fileadmin/docs/riparian_regulations_BC_Gov.pdf.

Natural Resources Canada. "History". Government of Canada, October 30, 2017. See <https://www.nrcan.gc.ca/earth-sciences/geography/atlas-canada/selected-thematic-maps/16884>.

Poole, A.F.N. "The Boundaries of Canada". *The Canadian Bar Review*. Toronto, 1964. See <https://cbr.cba.org/index.php/cbr/article/download/2556/2556/>.

Prado, Fernando and Trad, Nicolas. "The World's Most Reputable Countries: 2018 Country RepTrak". Reputation Institute, June 21, 2018. See <https://www.reputationinstitute.com/sites/default/files/pdfs/2018-Country-RepTrak.pdf>.

Prince Edward Island Terms of Union, being Order in Council of June 26, 1873, effective July 1, 1873.

PWNHC. "Territorial Evolution of the Northwest Territories." Government of Northwest Territories. See <https://www.pwnhc.ca/territorial-evolution-of-the-northwest-territories>.

- Quebec Boundary Extension Act (1912)** - *Loi De L'extension Des Frontières De Québec*. Inter.Canada: Canada Constitution - Quebec boundary Extension Act 1912. See <http://www3.sympatico.ca/rd.fournier/inter.canada/doc/qb-1912.htm>.
- Rupert's Land Act (1868)**, 31-32 Vict., c. 105 (U.K.), Rupert's Land and North-Western Territory Order of June 23, 1870.
- Saskatchewan, Statutes**, Chapter 34, *Manitoba-Saskatchewan Boundary Act, 1978*. See <http://publications.saskatchewan.ca/#/products/29875>.
- Sinjela, A. Mpazi**. "Freedom of Transit and the Right of Access For Land-Locked States: The Evolution of Principle and Law." *Georgia Journal of International and Comparative Law* 12, no. 1 (1982). See <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1904&context=gjicl>.
- Steiner, Henry J**, Alston, Philip and Goodman, Ryan. "International Human Rights In Context: Law, Politics, Morals: Text and Materials". *Oxford University Press*, Oxford; New York, 2008.
- The Constitution Act, 1982**, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.
- The Morning Post**, "The Union of the Canadian Provinces." London. England. May 23, 1867.
- The Nunavut Act**, S.C. 1993, c. 28. See <https://laws-lois.justice.gc.ca/PDF/N-28.6.pdf>.
- The Province Vancouver**, British Columbia, Canada May 17 1905. Wed. Page 1.
- The Yukon Territory Act, 1898**. See https://www.solon.org/Constitutions/Canada/English/yta_1898.html.
- Thompson, Andrew R**. "Resource Rights." *The Canadian Encyclopedia*, February 6, 2006. See <https://www.thecanadianencyclopedia.ca/en/article/resource-rights>.
- United Nations**, General Assembly, United Nations Convention on the Law of the Sea, December 10, 1982. See https://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf.
- United Nations**. "United Nations Conference on Transit Trade of Land-Locked Countries: Final Act". United Nations New York, February 21, 1966. See https://treaties.un.org/doc/Treaties/1967/06/19670609%2002-19%20AM/Ch_X_03p.pdf.

