

# *Crown Lands Declaration*

Half of New Brunswick's forests are on Crown lands, encompassing more than three million hectares of the Province. The provincial governments has jurisdiction over the management of forest resources on Crown land,<sup>1</sup> subject to aboriginal and treaty rights<sup>2</sup>.

As the Crown lands of New Brunswick were never ceded by treaty to the Crown, as was required under British law<sup>3</sup>, First Nations claim aboriginal title.

The Supreme Court of Canada holds that New Brunswick's Crown lands are held by the Province of New Brunswick for the benefit of the people of New Brunswick, not as their owner but as their trustee<sup>4</sup>. The "public trust doctrine" handed down to us through English Common Law states that the resources of the commons are "gifts of nature's bounty" to benefit present and future generations.

As trustee of our Crown lands, the provincial government is obliged to maintain their inherent value for all people, including those not yet born. Where the government fails in its trusteeship, citizens have a right to defend this public trust.

## **We the undersigned believe:**

*Our forest-based economy is dependent on the health of forest ecosystems.*

Therefore:

1. Priority must be given to maintaining the ecological integrity of the forests, wetlands, rivers, streams and lakes found on Crown land.<sup>5</sup>
2. Viable populations of native New Brunswick species must be maintained in their natural patterns of distribution and abundance.
3. The integrity of forest soils must not be compromised by forest management practices.
4. Logging and road-building on Crown land should be managed in ways that restore a more natural composition and structure to our forests.

*Crown land resources should be managed to foster community development and provide sustainable livelihoods for people in forest dependent communities.*

Therefore:

5. Forests on Crown land should be managed to promote the health and vigour of the diversity of naturally occurring species and forest type rather than maximizing the growth of the handful of species utilized to manufacture pulp and stud lumber.
6. An industrial strategy should be developed for the utilization of Crown land timber resources to make the best use of, and maximize the employment from, a more natural and

diverse forest.

7. Forest dependent communities should have proprietary rights of access to the resources on adjacent areas of Crown land, subject to aboriginal and treaty rights.
8. The current system of assigning Crown land licences to corporations owning “timber processing facilities” in the province must be modified to accommodate tenure options that would permit community forestry.

*As Crown lands are held in trust by the provincial government for the benefit of this and future generation, decision-making about access, resource use and development must be transparent, democratic and publicly accountable.*

Therefore:

9. All licenses should be subject to a built-in review process that is open and transparent and provides for public involvement prior to their renewal or reassignment.
10. The goals and objectives for the use of Crown lands must be established and updated with meaningful participation by the public and First Nations.
11. Management of forest resources should be in public hands at the local level in collaboration with the Department of Natural Resources and Energy, and not privatized to individual or business interests.

*Our societal responsibility to seek justice for First Nations requires the management of Crown lands to reflect aboriginal and treaty rights to the land and its resources.*

Therefore:

12. The Supreme Court and subsequent court decisions requiring governments and third parties to consult with First Nations about the use of Crown lands must be implemented in New Brunswick.
13. Where aboriginal rights are infringed upon to meet objectives concerning conservation and economic fairness, aboriginal people’s interests must be respected through consultation and fair compensation.

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<sup>1</sup> Constitution Act 1982, Section 92a

<sup>2</sup> Constitution Act 1982, Section 35

<sup>3</sup> Royal Proclamation of 1763 and subsequent treaties

<sup>4</sup> Supreme Court Decision R. v. Robertson (1882) 6 S.C.R. 52

<sup>5</sup> Ecological integrity refers to the wholeness of an ecosystem, including the presence of all appropriate elements and occurrence of all processes -, e.g., nutrient and water cycling - at appropriate rates.