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NATURAL RESOURCES AND THE CONSTITUTION OF CANADA

prepared by D.M. Lohnes *

The proposed resolution before the Senate and the House of Commons for a joint address to Her Majesty the Queen respecting to the Constitution of Canada is designed to transfer all legislative authority for Canada from the United Kingdom to Canada to contain new provisions and a procedure for amending the Constitution.

The proposal before the two Chambers is remarkable in its silence concerning a major characteristic of Canada, its natural resources. Indeed it was the abundance of these resources, first fish, later fur, timber and plentiful agricultural land which attracted immigrants to these shores to share the wealth available to them. Today the harvest of these bountiful resources is essential to our economic and social well-being.

The proposal before the special Committee speaks to the economic and social commitments of the legislatures of Canada (Part II, Section 31 (1)) but contains no commitment by the legislatures to promote the better management and use of Canada's natural resources to meet the needs of Canadians in perpetuity.

* Brief prepared and submitted by D.M. Lohnes, Chairman CCIUCN at the direction of the membership of the Canadian Committee for the International Union for the Conservation of Nature and Natural Resources (CCIUCN) to the Special Joint Committee on the Constitution of Canada, Parliament Buildings, Ottawa, December 23, 1980.

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Canadians are a nation of land users deriving economic benefit from forests, farm and fisheries and psychological refurbishment from outdoor recreation. The quantity and quality of our land is what distinguishes us from most other nations.

The World Conservation Strategy, prepared by the International Union for the conservation of Nature and Natural Resources on behalf of the World Wildlife Fund and the United Nations Environment Program sets forth the need to maintain essential ecological processes and life-support systems, to ensure the sustainable utilization of species and ecosystems and to plan developments in harmony with the natural environment. Unfortunately Canada's history has numerous examples of failures in all three objectives; to name only a few, the destruction of our best farmlands by uncontrolled urban sprawl, the sorry state of our fisheries on both coasts and the depleted condition of our forests.

We have spent the past 300 years mining rather than husbanding our resources. The wise management and prudent use of our natural resources are critical to the delivery of social and economic justice to Canadians of the current and future generations. Such rights, justice and benefits which are envisaged by the Act will be meaningless if our land and water resources are reduced to a state of impoverishment.

Therefore, the Canadian Committee for the International Union for the Conservation of Nature and Natural Resources recommends that an appropriate section of the Constitution Act, 1980 be amended to express the concept that:

"The Government of Canada and the provincial governments, are committed to advancing the management and use of Canada's natural resources to meet the needs of society in perpetuity".