

TYPE OF DOCUMENT – TYPE DE DOCUMENT : Policy – Politique	EFFECTIVE DATE – ENTRÉE EN VIGEUR : September 1, 2015 Le 1^{er} septembre 2015	DOCUMENT ORDER – No. DU DOCUMENT: Policy – Politique 39
CHAPTER VI – CHAPITRE VI : Particular Proceedings: Aboriginal Law Procédures particulières : Droit des Autochtones	Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.	

TREATY RIGHT CHARGING

1. Introduction

New Brunswick has entered into a bilateral negotiation agreement with the fifteen (15) First Nations communities within the province to establish a long-term relationship, which will ensure the shared and equitable management, harvesting, and preservation of natural resources within New Brunswick, respecting at the same time those existing aboriginal and treaty rights as recognized by the *Constitution Act*.

It is expected that the agreements contemplated by the bilateral discussions will require ongoing consultation over an extended period of time. One issue under discussion is the territorial extent of the aboriginal and treaty rights within the province. To ensure that the spirit of cooperation and trust established by these discussions is not fettered or diminished by actions of the Crown, the following Policy is established.

This Policy will be reviewed as bilateral negotiation agreements are concluded.

2. Statement of the Policy

Where the Crown Prosecutor encounters a matter concerning an aboriginal treaty right, he or she shall advise the Director of Specialized Prosecutions, who will assign the matter to an appropriate Crown Prosecutor.

The public interest does not require a prosecution while the above noted discussions are ongoing where such charges are based on the fact that the Ganong Line has been breached by members of signatory communities. This direction applies to current ongoing prosecutions and to future prosecutions. Such matters will not be proceeded with or, if initiated, will be stayed or withdrawn by Public Prosecution Services.

3. Related Documents

None