

Harper government to introduce law to allow private property on reserves

By Lynda Powless
Editor

The Harper Conservatives plans to privatize First Nations on reserve lands is building fear among First Nations of loss of communal lands.

The Harper Conservatives plan to introduce changes this year that would privatize First Nations reserve lands allowing owners to sell the lands to anyone they chose including non-natives.

That has some communities fearing a loss of an already shrinking land base.

Six Nations Elected Chief Bill Montour has called the move "the biggest land grab in history."

Assembly of First Nations leader Shawn Atleo says it puts First Nations lands at

risk.

B.C. regional Chief Jody Wilson-Raybould says the Harper land plan isn't new, its been in the works for a while.

Wilson-Raybould who sits on the AFN lands advisory board says there is a lack of understanding of the issue of land tenure in First Nations communities.

And she said the AFN has already rejected the Prime Ministers proposed act.

"The media or government is putting this out as if it is a new idea which it is not"

Instead she said there are already several options on First Nation land tenure that are in place in communities and that are federal recognized including the framework agreement on the First Nations Land

Management where some communities have established land codes which are registerable, "and creates both a mortgagable interest and marketable interest in lands."

She said "What the federal government and mainstream media are talking about is somewhat misleading because it already exists."

She said she hasn't seen the federal governments proposed property rights legislation, instead the federal government, she says, is working in isolation from First Nations to create a land tenure system that has "the potential to create fee simple land on reserve that could be sold to non-first nation people."

She said First Nations

have been considering that issue for a number of years.

"First Nations have considered the reality of fee simple, but over the past 30 years have decided that's not the way to go."

Instead she said First Nations are creating land tenure systems that protect the collectivity of lands.

"B.C. First Nations under land management decided they wanted to create security of tenure for individuals on reserves and we have done that so we can get mortgages and also want to maintain or not alienate lands to non members."

She said some B.C. First Nations have signed modern treaties under the B.C. treaty process, that protects communally held lands.

"What they have done with it is put a reservation on the title so it can't be alienated to non-Indians."

Similarly, she said Westbank First Nations' self government agreement created its own land tenure system that does not allow their lands to be alienated and sold to non indians. "So they maintain the collectively. What the Prime Minister is proposing initiates the fear reserve lands



Jody Wilson-Raybould
AFN BC regional Chief

will disappear."

She said Prime Minister Harper and the Conservatives have been speaking about unlocking economic potential on reserve lands, for the last two years, but the question is why.

"The big push is around land, and why they are doing this and doing it in isolation of First Nations."

The federal government, she said has been "gutting" the environment assessment act and Bill C38 to make it "arguably easier to approve more quickly major development projects in our communities, that are hugely problematic."

"Land and property ownership is too simplistic of a way to look at our lands and unleashing their economic potential. It's the conservative ideology to look at private property just when our first nations across the country are in a hugely transitional period of time. We are in a period of rebuilding our nations and re-establishing our governance structures over our lands. We have to consider a myriad of issues including the type of land tenure system we are going to create and broader policies so when our nations move beyond the Indian act we do so in a way reflective of our cultural values and beliefs and that balances our collective interest to maintain our land

and individual opportunities and sustainable economies into the future."

She said "To look at land tenure is way to simplistic in this transitional time our nations are in."

She said the federal privatization has sparked fear because there has been no discussion with First Nations.

"It is particularly disquieting when any discussion has not explored all of the options available right now and the focus is on this in isolation of outright support from First Nations when fact there has been outright rejection."

She said First Nations do fear, the government claims to making land privatization optional won't happen. Instead "there is a fear it will be imposed. I support the First Nations' right to chose for themselves and their communities. It is disingenuous to bring this discussion forward as new or as unleashing economic potential when it is already being done."

The Harper government sees the move as economic salvation for First Nations, spurring economic development by changing the status of the land to private property from being communally held.

The privatization is part of the Conservatives plan to bring about change to its relationship with First Nations by virtually side stepping treaty and land rights and tip toeing around the Supreme Court consultation ruling..

The privatization would affect more than 366,000 First Nation people living in more than 600 first nations communities, comprising some 2.7 million hectares of land.