

Towards the First Nation Property Ownership Act – Presentation by Manny Jules to the House of Commons Standing Committee on Finance – September 15, 2009

"Let me be a free man, free to travel, free to stop, free to work, free to trade where I choose, free to choose my own teachers, free to follow the religion of my fathers, free to talk, think and act for myself"

The Indian Act in Canada was passed in 1876. The quote I read from Chief Joseph was from 1879 - one hundred and thirty years ago.

In 1988, I helped lead the first Indian led amendment to the Indian Act in its history. Since then there have been some other amendments but the essence of the 1876 legislation remains in place. For example, despite the apology last year, the provisions of that Act which allow the Minister to take our children from their parents and place them in a residential school still remain.

It is a matter of some international shame for Canada that a piece of legislation from the 19th century still continues to apply to us in the 21st century, expressing many attitudes that belong to that century. In its history, Canada has faced two critical questions – what is the place of Quebec and what is the place of First Nations?

As Chief Commissioner of the First Nations Tax Commission, I am pleased to appear before the Finance Committee to suggest a solution to the First Nation challenge for Canada. I am here to ask the Finance Committee to support the First Nation Property Ownership Act – a project we have been advocating for the last four years to the Finance Committee.

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This legislation would allow interested First Nations to opt out, should they choose, from the reserve land system of the Indian Act. It would transfer title of our lands from the federal government to our governments. It would see the lands of participating First Nations removed from the wholly inadequate Indian lands registry and transferred to a Torrens title system, the best registry system in the world. It would allow us, if we want, to issue fee simple title so our lands are valuable as any others in Canada.

For the last year, the world and to a lesser extent Canada, has been suffering through a credit crisis. It has been hard for citizens to convert their assets into capital. We have seen the damage that a credit crisis does to economies in the space of one year. Almost all governments are now running deficits and the work of this Committee has become more challenging.

If a credit crisis can do this to your economy in one year, think of what a 130 year credit crisis would feel like. That is precisely what we have faced since the 1876 Indian Act.

In the words of Hernando De Soto, the co-chair with Madeline Albright of the UN Committee for Legal Empowerment of the Poor, "You don't have to travel to Zambia or Peru to see dead capital. All you need to do is visit a reserve in Canada. First Nation people own assets, but not with the same instruments as other Canadians. They're frozen into an Indian Act of the 1870s so they can't easily trade their valuable resources."

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Canada can no longer afford low First Nation productivity. You are well aware that in the next 15 years that the number of seniors will grow by over 60% while the number of new workers will only grow by about 20%. Moreover, one in ten new Canadian workers will be aboriginals. In other words, Canada's future prosperity will increasingly depend on our productivity.

The time for change is now. With a stroke of a pen, the First Nation Property Ownership Act will free up 130 years of suppressed entrepreneurial imagination and unleash a wave of First Nation productivity.

I know firsthand what improvements to property rights on our lands can do. In 1996 it cost \$8000 an acre to purchase an acre of our land at Sun Rivers. Today because Sun Rivers has secure 99 year property rights, quality infrastructure and excellent local services that same acre costs about \$540,000 an acre. Secure property rights help raise these property values by over 6700% in 13 years.

Unfortunately, it took us 5 years and cost over 2 million dollars to create a functioning market. The First Nation Property Ownership Act will allow other interested First Nation to do this in a fraction of that time and cost.

The economic benefits of this legislation would be significant. We completed a study of 68 mainly rural First Nations in BC and found that this legislation would increase property values almost \$4 billion over the next 15 years. Think what it could do for the rest of our communities.

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I am asking all members of the Finance Committee to support this proposed legislation. Our current system of property rights has failed. We need to have access to the system that the rest of Canada takes for granted. And let me repeat, my proposal is for opt-in legislation, leaving each First Nation free to choose as they see fit.

We need to have the freedom to choose. This legislation will give us a real alternative to the Indian Act. The Nisga'a have already chosen this path. Others will follow if the option is available.

We need to have hope. This legislation will free our most important gift – the dreams and imaginations of our youth.

For your information, I have also provided you with a summary of the proposed First Nation Property Ownership Act.

In 1910, my people, the Secwepemc, issued a statement to Prime Minister Wilfred Laurier. In the statement we speak to how we find ourselves “without any real home in this our own country”. We remind parliamentarians “we expect much of you as leaders of this great Canadian Nation, and feel confident you will see that we receive fair and honorable treatment”.

It has been 100 years since we have made our case to Canada but I believe that with your support for the First Nation Property Ownership Act that in the words of my ancestors “We will make each other good and great”.