

Acknowledgement: *The discussion of PEI lands is done within the delicate reality that we do this fully aware that we are talking about the unceded territory of the Mi'kmaq people.*

Introduction

The Coalition for the Protection of PEI Lands appreciates this opportunity to make our own unique submission to the PEI Land Matters Advisory Committee. We were pleasantly surprised that your Committee rightly recognized that we are among the “stakeholders” in deciding the future of land in PEI. Please note that we use “lands” plural for a reason. There are other lands besides farmland: forests, natural habitats, river systems, and land for housing, industry and recreation.

Some people in political circles actually believe that if you are not a farmer then you have no stake in land ownership, control and usage. One very influential member of the current government was actually recorded declaring that committees do not want to hear from non-farmers: they just want to hear from farmers. In reality, our suspicion is that they only want to hear from a specific group of farmers which supports government’s predominant mindset that bigger is better and profit for the few is prosperity.

First, we share with you why our group is unique and well justified in speaking about the protection of PEI lands. We are a coalition. This means that our members come from diverse groups and interests. However from our different perspectives, we all share an overarching concern for the earth and its inhabitants which includes humans plus another wide range of living things.

Some are especially interested in how the economic system shapes the way life sources, like land and water, are viewed and utilized. Others are concerned about global warming and others about threats to the environment. Some are specifically interested in the harmful impact of pesticides and other chemicals which destroy the organic matter in the soil and cause fish kills and lack of oxygen in waterways. Others are vigilant about the ungoverned use of water. Of course we have farmers in our group with experience in conventional and organic farming. We view the protection of PEI lands from all these perspectives and consider that protection of lands, both their ownership/control and use to be our duty as citizens/residents of PEI.

All of us are promoters of social-justice-based public policy that has the power to reverse the damage done by economic plans which predominately favor the few at the top. We are all on the alert about a political system that is often controlled from corporate boardrooms.

Our purpose is precisely the protection of PEI lands. Hence our intense interest in the upholding of the PEI Lands Protection Act. We recognize of course the necessity of other companion land-related acts, none of which have much power without the enforcement of the spirit and intent of the Lands Protection Act.

1.0 Reflection on the Mandate of PEI Land Matters

Although your mandate refers to two acts under review, we will confine ourselves to the Lands Protection Act. Government’s expressed goal of the review of the Lands Protection Act is to “modernize” it. Some of us were around when Canada first established its comprehensive plan to change, once and for all, the direction of agriculture. The initiation of this was precisely in 1969. It is a very specific moment in history when there was a deliberate effort to reduce the number of farms, to consolidate land holdings, to specialize production into commodities and into regions of the country. It was intended to make way for big business in what would be known as the “food industry”. All of this was presented as an attempt to “modernize” agriculture. Most people who witnessed that process unfold in Canada and at the same time here in PEI, know that word “modernize” meant to “capitalize”, and to turn agriculture over to the control of industrial capital.

So here we are today with the use of most of PEI land enveloped by “modernized” industrial agriculture. We see the capital investors and public policy makers chomping at the bit to “modernize” the Act to bring it into line with the goals of capital, instead of enhancing the Lands Protection Act to be a protector of land and a controller of capitalist greed and entitlement.

2.0 The Spirit and Intent of the Lands Protection Act

Our coalition insists that the spirit and intent of the Lands Protection Act was, and still is, the protection of Prince Edward Island’s fragile ecology, environment and lands. The over-riding theme running through the PEI Lands Protection Act and its essence is *steadfast stewardship*.

Our assessment of the spirit and intent of the Act relates to the setting in the early 1980s as perceived by then-Premier Angus MacLean and his colleagues. It was a time when a vertically integrated corporation, the Irvings, was making moves to acquire and control more Island farmland. Some of the MacLean colleagues, who live still in our community, insist that one clear intent was to keep farmland in the control of Island farm families and out of the hands of off-Island investors.

Allowing 3000 acres for corporations was not meant to placate the Irvings and other industrial corporations, nor did it imply that a non-farm corporation would have any access to farm land. The 3000 acres for corporations was meant to provide farm families with a good business arrangement (a family corporation) to fully include spouses, and sons/daughters in the ownership and control of the family farming operation. The 3000 acre limit envisioned three family members in this arrangement; supposedly their on-going capital would come from product sales.

Our understanding of outcomes is that the Lands Protection Act, while concentrating 1000 acres (for individuals) and 3000 acres for corporations has had far-reaching significance beyond the mere mathematical aspect of ownership. It brings up the question of control. Many farmers in PEI know that deeds do not give them control of their “own” land. They know that when a major corporation controls their access to inputs and credit, and dictates production decisions, then that corporation has control of the farmer, the farm, and the land.

There is a direct relationship between ownership and control of the land and the way that land is used and/or abused. Because of the nature and goals of industrial corporations their involvement in farming as mono-cropping in PEI has resulted in massive environmental damage. This is displayed for all to see in soil degradation by erosion, the decrease in organic matter, overuse of pesticides herbicides & fungicides and nitrates. We see fish kills and the destruction of other marine life and wildlife as a direct result of the form of land use resulting from industrial corporate ownership and control.

3.0 Recommendations

It is our understanding that part of the mandate of the Land Matters Advisory Committee is to provide advice and guidance to the government about possible changes to the Lands Protection Act “to ensure policies and legislation reflect the current and future needs of the province”. It is our hope that you will be able to do that in a critical manner after hearing the voices of the wider community. The key to this is being able to discern the actual “current and future needs of the province” in the most objective way possible. We all see the current and future needs of PEI from our own perspective.

The following recommendations are the result of the ongoing research of the Coalition for the Protection of PEI Lands and of our interactions with various groups of interest in the community. We share some of our findings. With each one there is a corresponding highlighted recommendation which we propose to PEI Land Matters Advisory Committee as the committee’s guidance to the government.

- 3.1 We witness a growing awareness in the PEI community about the wisdom of the land limits on individuals and corporations. People understand that those who are lobbying for an increase belong to a very small and select number of residents, whose model of production is seriously reducing the organic matter in the soil. Many more people are now implying that land is best protected when it is kept in the hands of farm families and that the expansion of large corporate ownership does not add up to the protection of land.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI maintain the land limits currently mandated by the Lands Protection Act.

- 3.2 There is an increase in the boldness with which the industrial corporate sector (for example, the Irvings) finds ways to circumvent the intent of the Lands Protection Act and thereby adding more and more acreage to their holdings. Many say that the problem is loopholes in the act. Others say that the loopholes in the Act are not the problem, but that it is the barefaced violation of the Act carried out with impunity.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI identify and close any loopholes in the Lands Protection Act which make it possible for a transaction such as the infamous Brendel/Red Fox Acres land exchange. If loopholes are not the problem and it is a matter of weakness in the enforcement, then we expect the government to take action to strengthen the enforcement.

- 3.3 It appears that the PEI Business Corporations Act had created a means by which corporations can bypass the Lands Protection Act by buying another corporation which coincidentally has land among its assets and thus taking ownership of that land as one of the assets.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI insists on the necessity of amending the PEI Business Corporations Act to remove the allowance to gain ownership of land by buying a corporation which owns land.

- 3.4 The Business/Corporation Registry is an example of serious lack of transparency, putting needed information so difficult to access that it is out of reach of users.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI review the Business Corporations Registry and re-organize it to be easily available to anyone looking for information about the names of the officers and also the shareholders of all registered companies, including numbered companies.

- 3.5 The Land Registry is not user-friendly and tends to confuse, rather than inform searchers who have the right to trace land holdings.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI streamline the Land Registry so that is easily accessible and totally transparent.

- 3.6 There seems to be no plan for the end usage of PEI lands by identifying farmland, forestry land, natural habitats, river systems, and land for housing, industry, and recreation. People have been heard to ask: How much land does one need for one home? In PEI we witness people building a one-family home in the middle of forty acres of farmland.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI develop a plan for designation of land according to its appropriate use and that the plan include the clarification that farm land not be used for the expansion of housing or for industrial operations.

- 3.7 The community is no longer impressed by the language of “sustainable” anything. The word has no meaning. Some of the so-called sustainable farm practices are often just window dressing, some token procedures.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI develop real ongoing, long term approved methods for nurturing the land. It would be believable if government provided incentives for practices which directly result in the long term increase of organic matter in the soil.

- 3.8 The authority and roles of IRAC in relation to lands protection and land transactions are neither clearly defined nor transparent.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI clarify the authority and roles of IRAC.

- 3.9 Many people in the community have more trust that land would be truly protected if a non-governmental body were to oversee all matters pertaining to land. Such an entity would need to function protected from political interference or influence.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI establish a permanent Commission, independent from government, to oversee all matters relating to land ownership/control and land use. However such a commission would be responsible to a Minister and report twice yearly to the Legislature, and would be subject to a yearly audit.

- 3.10 There is considerable uncertainty and disbelief in the community that the government has the power to force a corporation with land holdings over the permissible limits to divest. This would be nothing new - early on in the life of the Lands Protection Act, Irvings and some others were ordered to divest of land in order to come into compliance with the Act. We have basically the same Act. It could happen now as well.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI develop concrete and feasible plans for Irvings and other corporations to divest of land holdings over the limits.

- 3.11 There is an increasing awareness that initiating the process of land banking is long-overdue. The Kevin Arsenault study is already gathering proverbial dust. Meanwhile new farmers are waiting in hope of a program which can make farm land available at a reasonable cost.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI take ownership of the land banking research and set the wheels in motion to establish it as a solution for farm families to enhance their operations, and for new farmers to get access to land at a reasonable cost

- 3.12 Most people in the community know the meaning of “spirit”, “intent”, and “purpose” in their daily life. It is strange that when these words are addressed in relation to the Lands Protection Act, the response is usually a blank stare.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI take the lead in talking openly about the spirit, intent, and purpose of the Lands Protection Act and to say clearly how they can enforce spirit, intent and purpose of the Act.

- 3.13 Many people see the Horace Carver’s report (2013) as a high point in the evolution of the land history of PEI. Many of his recommendations have yet to be put into effect. One in particular promotes a wider formal perpetual engagement of the community in land protection issues.

The Coalition for the Protection of PEI Lands recommends that the Government of PEI incorporate recommendation #28 of the Horace Carver report to “establish an advisory group made up of farmers and non-farmers that will consult with Islanders on matters relating to the Lands Protection Act and report to the Legislative Assembly every three years”.

Conclusion

There are more recommendations and these are directed to you, the PEI Land Matters Advisory Committee. The designing of consultations for community engagements is in your hands. We ask you to do this carefully with people whose expertise is in community engagement and productive government consultations. We ask you to make these consultations meaningful with lots of time for discussion. We expect that you would hold consultation sessions in many communities across the Island and that the spirit, purpose and intent of the Lands Protection Act be at the heart of your deliberations. Finally, we ask you to do this swiftly. We are conscious that while we study and consult and deliberate, land transactions are going on around us at full speed. You don’t want to be compared to the emperor who fiddled while Rome burned.

The Coalition for the Protection of PEI Lands thanks you again for this opportunity to share our observations, thoughts, and hopes with you. We hope that you will all be enriched by the experience of this consultation and that you will be proud of your work.

Respectfully submitted,

The Coalition for the Protection of PEI Lands