

# Supreme Court decision may help speed up land-use discussions, professor says

## Municipal governments reserve judgment on implications of far-reaching First Nations ruling

BY BRUCE CONSTANTINEAU, VANCOUVER SUN JUNE 27, 2014



Grand Chief Stewart Phillip, right, of the Union of B.C. Indian Chiefs listens as Chief Roger William of the Xenigwet'in First Nation speaks about the Supreme Court's aboriginal title decision during a Thursday news conference in Vancouver.

**Photograph by:** DARRYL DYCK, THE CANADIAN PRESS

First Nations in B.C. won't just be consulted on local government planning issues from now on.

They'll have their own seat at the table at all levels of government where crucial decisions are made by affected stakeholders, thanks to a Supreme Court of Canada ruling this week, University of B.C. professor Bruce Miller said Friday.

"First Nations who have interest or title to land clearly have to be at the table, which might include federal and provincial and municipal representatives," the First Nations expert said in an interview. "That's a lot more than just being consulted."

Canada's highest court Thursday granted title of 1,750 square kilometres of land in central B.C. to the Tsilhqot'in First Nation, giving them the right to decide how the land is used as well as the right to benefit from those uses.

Miller feels Canada has been slow to give First Nations the clout they deserve in land-use negotiations and hopes the court ruling accelerates that process.

"This has been happening all over the English-speaking world but we've just been slow here in Canada," he said. "I've

worked with First Nations people in other countries and I've watched them at the table as part of the team of decision makers.

"The system works really well and now we have the opportunity to get it right like that."

Miller doesn't feel the court ruling will ultimately slow down land-use discussions with First Nations, which can be extremely cumbersome and complex.

"There may be litigation around establishing these land titles but once it's established, then you have a stable legal environment to proceed," he said. "That might actually speed up the process."

The City of Vancouver officially acknowledged this week that the city sits on unceded traditional territory of the Musqueam, Squamish and Tsleil-Waututh First Nations.

City council passed a motion that stressed the importance of honouring First Nations tradition "while understanding the ambiguity created by modern institutions that were established without respect for the people or their traditions."

But Vancouver city officials would not comment Friday on the Supreme Court ruling, saying they hadn't had time to read the full decision and assess its implications.

Murry Krause, a Prince George councillor who chairs the Union of B.C. Municipalities First Nations Relations Committee, was equally noncommittal.

"We recognize this decision will impact all governments in their consultation with aboriginal groups but we're really at the looking-and-learning stage now," he said. "We'll monitor this and analyze how it changes the landscape going forward."

Delta Mayor Lois Jackson said she hopes the ruling has no impact on local governments' ability to collect property taxes in a "weak" Canadian system where municipal governments derive their authority from provincial governments.

"I hope both the federal and provincial governments take this into account," she said. "We don't really form a level of government in Canada so we don't have a seat at any of these negotiating tables."

Jackson noted Delta had little input into the landmark 2009 treaty negotiated between the Tsawwassen First Nation and the federal and provincial governments.

"There was no ability for local government to have a real place at the table," she said. "There was some token consultation but we were never a part of any real negotiation."

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