

LCAC Panel Presentation: Legal & Policy Updates

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Topics



BC Recognition and
Reconciliation of Rights Policy
(RRR Policy)



Access to Pooled Borrowing

Tla'amin Nation interests re: RRR Policy



Modern treaties are living agreements that are part of an ever-evolving relationship among treaty partners.



As new approaches to certainty, rights recognition, benefit sharing, shared decision-making, etc. are made available to First Nations, such new approaches must be made available to modern treaty nations.



Existing modern treaty nations must have the option to update their agreements if they so choose in order to take advantage of such new approaches.

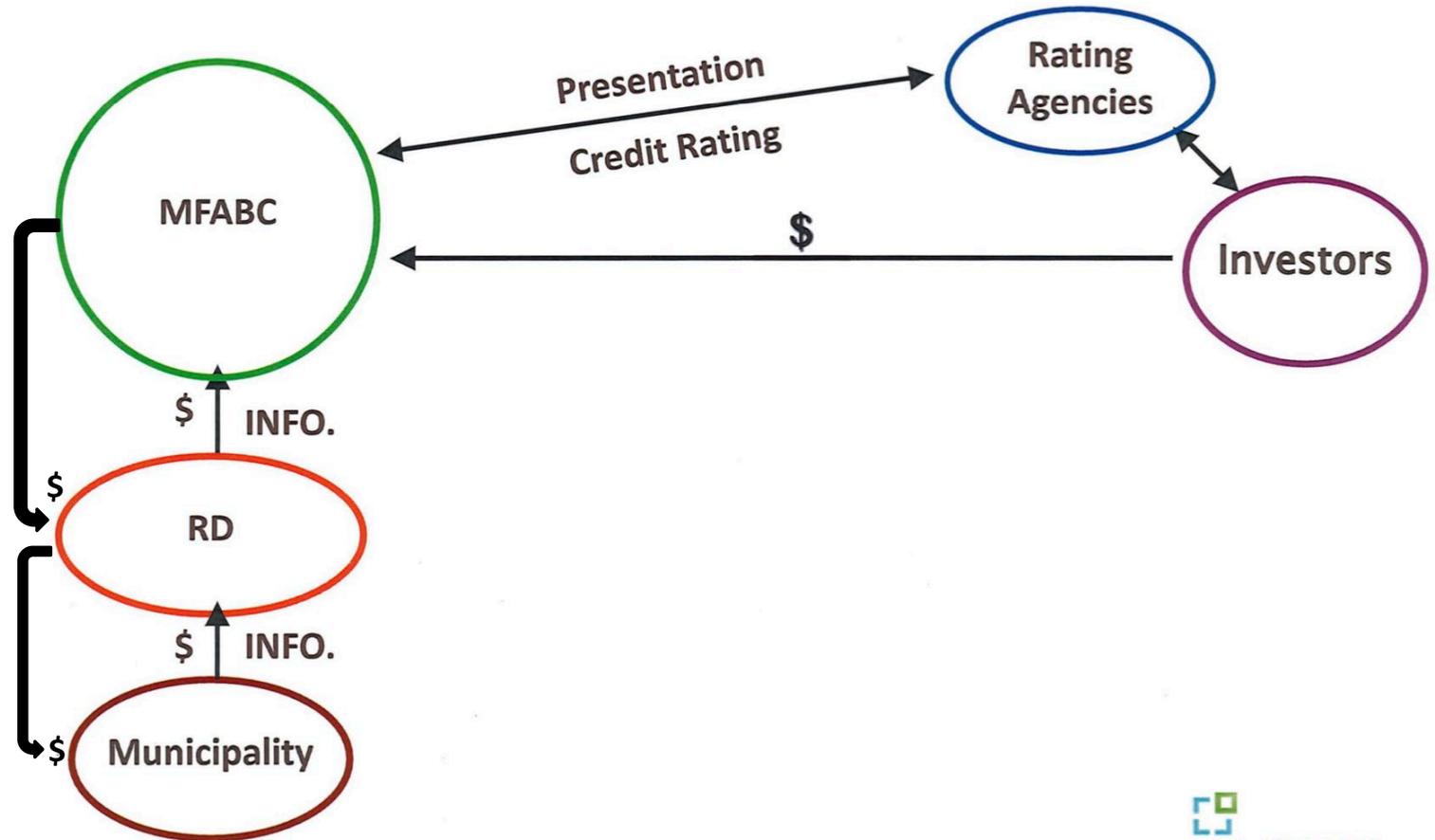
RRR Policy

IMPLEMENTATION OF TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS

59. Guidance on the implementation of treaties, agreements and other constructive arrangements will be co-developed on a tripartite basis, will include Participating Indigenous Nations that have concluded modern treaties in British Columbia and will be set out in an annex.

What is Pooled Borrowing?

- How do other governments finance their infrastructure development?
 - Pooled borrowing; or
 - Directly to the capital markets
 - **Why?** → longer term, lower interest rates



Access to Pooled Borrowing

- Indigenous governments (IG's) and organizations that are not under the *Indian Act* currently do not have access to pooled borrowing.
- Indian Bands currently have access to pooled borrowing under the *First Nations Fiscal Management Act* (FMA).
- Regulations are currently in development to provide access to the FMA for IG's and land claim agreement holders:
 - *Section 141 Adaptation Regulations*

What is the FMA?



First Nations-led initiative



Optional, modern First Nations' federal legislation



Outside the *Indian Act*



288 First Nations participating to date



Supports First Nations social and economic development

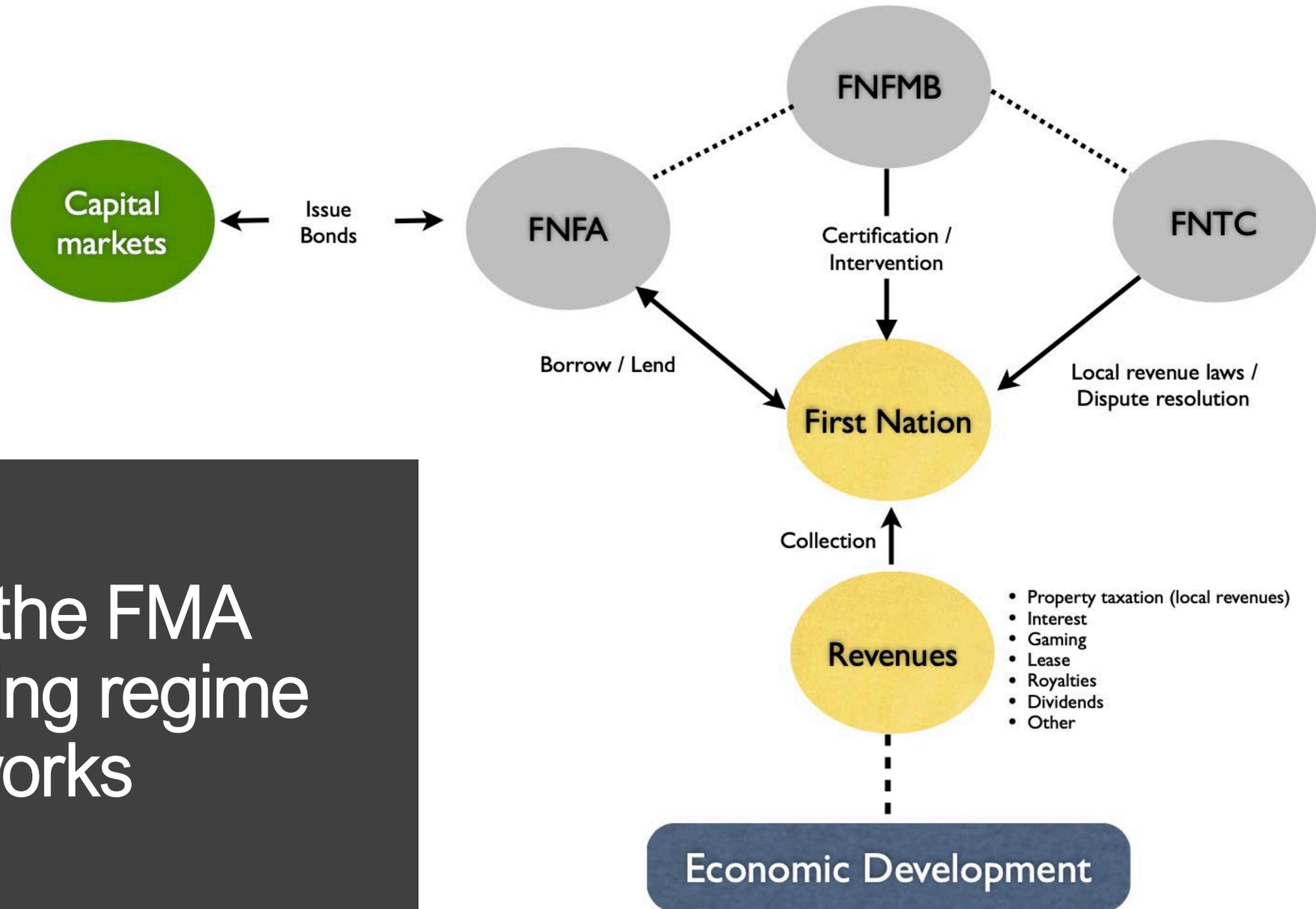


Provides First Nations with access to borrow through the First Nations Finance Authority



Enables First Nations to leverage their revenues like other levels of government.

How the FMA borrowing regime works



Considerations

- Standards and Certification
- Paramountcy
- Intervention
- Provincial & Territorial arrangements / legislation
- Joint & Several Liability
- Funding for infrastructure vs. infrastructure needs