

Six Nations MRP Community meeting

Matrimonial Real Property (MRP)

- Background
- Community Process
- Key questions
- Dialogue
- Community Participation
- Next Steps

Background

- June 2006 - March 2007 the federal government hired Consultant Wendy Grant John to study MRP
- March 2007 she issued report recommending federal MRP legislation
- Federal intent to introduce MRP legislation this fall 2007. Their stated reason is what they call a gap in legislation because neither federal nor provincial laws deal with real property on reserves when spouses separate or divorce.

Federal law?

- Federal law in 2 parts – “interim rules” until First Nations have adopted own MRP law
- Part 2 - recognition of First Nations jurisdiction once we adopt our own law – restrictions - validation
- Until we see their draft we don't know for sure what's in it

Background

- When Canada announced its intention to again pass laws affecting First Nations peoples and territory Six Nations saw this as a violation of the Two Row treaty with the Crown and decided to resist this legislation
- Council has taken the position that family law is a Six Nations jurisdiction and has decided to exercise jurisdiction over this area of law by enacting its own MRP law.

Our Jurisdiction

- In 1996 the Royal Commission on Aboriginal Peoples (RCAP) recognized First Nations jurisdiction in the area of family law and stated First Nations do not require the consent of other governments to exercise their jurisdiction.
- One other First Nation in Ontario - Aundeck Omni Kaning - has already enacted its own MRP law under its own inherent authority.

Why We Are Doing It

- Family law is a First Nations jurisdiction we need to develop our own laws tied to concept of nationhood
- First Nations have an inherent and treaty (Two-Row) right to develop & manage own laws

What is MRP?

- When couples separate, it can be a confusing and difficult time for both spouses, as well as for their children. Important decisions need to be made - Who should have care and custody of the children? Who should leave the family home? Who should stay? How should the property be divided?

What is MRP 2

- In some cases, couples are able to come to an agreement over these important decisions. However, when couples are unable to come to an agreement, help in coming to a fair and equitable solution is necessary. In all provinces and territories across Canada, “family law” is used to help spouses settle the important decisions they cannot resolve on their own.

What is MRP 3

- When couples separate on reserves, provincial laws regarding matrimonial real property do not apply to reserves.
- At the same time there is no federal or our own First Nations law in place to deal with the issue.
- Indian Act does deal with Certificates of Possession

What is MRP 4

- Matrimonial real property is often viewed as the "family home." This is the home that the spouses lived in at the time they separated or that was intended to be occupied by them as the family home.
- This type of property is permanent and can also be described as real property or "immovable".
- Matrimonial real property includes land held by one or both spouses and used by the family, as well as houses, sheds and any other property that is securely attached to the land.

MRP is Not

- Matrimonial real property does not include other kinds of movable or personal property like vehicles or furniture.

Law Development Process

- not a hurried process – take our time
– 1 year
- we don't have all the answers
- looking for community input -
encourage participation
- what process does community want –
large meetings, district meetings, etc.?

Community Process

- Council has formed an MRP Planning Committee consisting of Councilors, staff and hired a consultant to help develop the law.
- Seeking Confederacy & Community Member participation on planning committee

Community Process

- lawyer present to answer general questions about MRP - will not deal with specific individual legal issues – seek independent legal advice for this
- We will start with an Outline of a draft law – with key sections and key questions
- Proceed with what we can get done in time allotted

Meeting ground rules

- Respect – treat people way you want to be treated – sensitive emotional issue
- No personal attacks – concentrate on issue
- Keep interventions short as possible – no speeches please
- Be positive – seeking solutions

Community Consultation document

- Sections are based on other MRP laws
- examples – SG Agreements, FNLMA, AOK model
- Sections & Questions are numbered – answer 1 question at a time
- 1 speaker at a time – microphones
- Note takers recording comments

Community meeting

- Meeting moderated – follow ground rules – try for consensus
- Seeking fair law that is best for our children, families and whole community
- Get through as much as we can – next steps – what kind of ongoing community process and participation do you want?
- Comment box to provide written comments