

ONEIDA NATION OF THE THAMES

Report: Lands and Estates Custom Code Development

Community Engagement: Phase One

santone

4/1/2014

This report summarizes the findings from the first phase of community engagement conducted by the Lands and Estates Committee in regards to the Lands and Estates Custom Codes and MRP Codes.

Table of Contents

Introduction..... p. 3

- **Lands and Estates Custom Codes**
- **MRP Codes**
- **The Lands and Estates Committee**

Community Engagement: The Strategy.....p. 3-6

- **Phase One**
 - Information packages
 - Community information and engagement sessions
 - Advertisement and distribution

Community Feedback.....p. 6-16

- **Principles for moving forward**
- **Summary**
 - Communication and Information.....p.7-9
 - Accountability and Responsiveness.....p.9
 - Efficiency, Clarity, and Fairness.....p.9-11
 - Independence and Sovereignty.....p.11-12
 - Oneida Traditions and Values Around Land and Property.....p.12- 15
 - Community Division and Healing.....p.15-16

Action Strategyp. 16-18

- **Next steps: Lands and Estates Custom Code Development**
- **Next steps: MRP Code Development**
- **Next steps: Larger Questions of Governance**

Appendix.....p. 19

- **Federal FHRMIR Act Provisional Laws**

Introduction

The Oneida Nation of the Thames is in the process of developing the Lands and Estates Custom Code and Matrimonial Real Property (MRP) Code. These Codes are meant to uphold our inherent right to manage lands and property within Oneida Settlement Lands by outlining laws and processes around land ownership; how it is recognized, and how it is passed down.

Lands and Estates Custom Codes

The Lands and Estates Custom Codes shall contain rules for: transferring land title, for recognizing land ownership, for creating wills, for administering wills, for settling estates, and for passing on land title if there is NO WILL.

With support from Elected Council, a draft version of Oneida's Lands and Estates Custom Codes were developed by a working group. The Draft Custom Codes were approved by Elected Council in the fall of 2013 as ready to be presented to the community for input and ratification.

MRP Codes

MRP Codes shall contain law pertaining to the rights and interests to the property of a married couple (common-law and same-sex couples included) that is located on Oneida Settlement lands and determine how it is to be distributed upon divorce or separation located in. It is imperative that these Codes be developed so Oneida does not have external property law imposed within the community.

To explain, in December 2013 the federal government passed the *Family Homes and Matrimonial Interests or Rights Act* received Royal Assent. The provisions of this act will apply federal MRP law to all First Nation communities that do not develop their own. A First Nation may enact its own law at any time. However, on **December 16th, 2014**, provisional rules of the federal (see appendix) will apply, until the First Nation law comes into force.

There is currently no draft version of Oneida's MRP Custom Codes.

The Lands and Estates Committee

In October 2013, a Lands and Estates Committee (the Committee) was created in order to facilitate community engagement in regards to:

- The Draft Lands and Estates Custom Codes
- Community values and interests associated with MRP and MRP Code development

Community Engagement: The Strategy

The Lands and Estates Committee took a phased approach to community engagement. The Committee's intention was to first provide essential information on Lands and Estates and MRP

Code development while gaining a basic sense of community values, interests, and needs in this regard. The Committee intended to develop future phases of engagement based on the success and feedback of Phase One.

Phase One

Phase one of the Community Engagement Strategy involved providing the community with:

- Information Packages
 - A Summary and Information Document on Lands and Estates Custom Codes and MRP
 - A Questionnaire on community engagement, values and ideas around Lands and Estates Custom Codes and MRP
- Three Community Information and Engagement Sessions
 - Sunday March 2nd at the Oneida Community Centre (1-3p.m.)
 - Sunday March 16th at N’Amerind Friendship Centre, London, Ontario (1-3p.m.)
 - Sunday Match 30th at the Oneida Community Centre (1-3p.m.)

INFORMATION PACKAGES

Summary and Information Document

The Summary and Information Document on Lands and Estates Custom Codes and MRP summarized the rules and processes contained in the Draft Lands and Estates Custom Codes and provided a basic explanation of what MRP and MRP Codes consist of. The Document was intended to be more readable than the Draft Custom Codes, but to still allow community members to be aware of all of the contents of the Draft Custom Codes. It was also intended to give a basic understanding of MRP and pose questions to get people thinking about what MRP laws might look like for Oneida.

Questionnaire

The Questionnaire contained both multiple choice and open-answer questions intended to get people thinking about their individual and collective values around land and community. The questions were designed to get a better sense of community needs, values, ideas, and issues relating to Community Engagement, Lands and Estates, and MRP. Thirteen Questionnaires were completed and returned to date.

COMMUNITY INFORMATION AND ENGAGEMENT SESSIONS

Presentation

Each session included a Power Point presentation and a discussion/Q&A period facilitated by the Lands and Estates Administrator, Sherry Antone. Each community information and engagement session was designed with the following intentions:

- Facilitate communication and transparency
- Provide information
- Generate community feedback and input
- Develop clarity and common visions amongst the community

The presentation given at **the first two sessions (March 2nd and March 16th)** was based around essential information. It outlined the following:

- What the Lands and Estates Custom Codes and MRP Codes are, and why they are being developed;
- What the Lands and Estates Custom Codes can and cannot do;
- The purpose of the Summary and Information Document and the Questionnaire;
- Information on MRP

The Power Point presentation provided during **the last session (March 30th)** was a roll-up presentation. It included the following:

- A review of the information provided at the first two sessions;
- Principles for moving forward with Code Development generated from community discussion;
- A themed summary of feedback from the community;
- Specific action items;
- Next steps for moving forward;
- Future steps and initiatives for moving forward

Twenty-one (21) community members attended the March 2nd info session, seventeen (17) attended the March 16th session, and twenty-three (23) attended the last session on March 30th.

Question & Answer and Discussion Periods

The most significant part of the community information and engagement sessions was the Q&A and Discussion period. All of the Members who attended the sessions were encouraged to ask questions or make any comments in regards to Lands and Estates, MRP, and Code Development. This created an instructive and productive dialogue not only around these topics, but around deeper issues of governance, Oneida values, Oneida identity and community.

Much of the community feedback generated from these discussions.

ADVERTISEMENT AND DISTRIBUTION

The Summary and Information Document and the Questionnaire were:

- Mailed out to every household on Oneida Settlement lands
- Posted on the Oneida Webpage,
- Advertised in a post-card* mailed to every household outside of Oneida Settlement lands where an Oneida member resides (in both Canada and the United States)
- Advertised in postcards* placed throughout different locations within Oneida Settlement

*The post-cards advertised accessing the documents on the Oneida website, or through call in or email request to the administration for fax, email, or mail.

Community Information and Engagement Sessions were advertised through:

- Flyers mailed out to every household on Oneida
- Flyers posted throughout urban First Nations organizations
- Flyers posted throughout different locations in Oneida Settlement
- Flyer in the Oliwase
- Health Centre Marquee and Community Centre Marquee

Community Feedback

The Community input and feedback generated from Phase One of the Engagement Strategy is extensive and broad; feedback covers several important topics and includes varying opinions and perspectives. It also highlights perspectives around which collaboration and cooperation can be achieved.

The purpose of this section is to summarize and organize the feedback generated from Phase One into themes, so we can identify areas of unanimity and collaboration, areas for improvement, and develop action items and a strategy for moving forward with code development.

PRINCIPLES

Community input generated from Questionnaire responses and dialogue at information sessions highlighted a variance in opinion in several areas. Participants' feedback did, however, converge around the following principles:

- 1. Unity and Inclusion of all Oneida***
- 2. Communication, Collaboration and Cooperation***
- 3. Children as Priority***
- 4. Protecting the Land***
- 5. Protecting Sovereignty and Independence***
- 6. Attentiveness to translation***
- 7. Sensitivity to protocol***
- 8. Involvement of Youth and Elders***
- 9. Fairness, Ease, and Certainty***

SUMMARY

Community Feedback is organized into the following themes:

- 1) Communication and Information;**

- 2) **Accountability and Responsiveness;**
- 3) **Efficiency, Clarity, and Fairness;**
- 4) **Independence and Sovereignty;**
- 5) **Oneida Traditions and Values Around Land and Property;**
- 6) **Community Division and Healing;**

Each of these themes is discussed in further detail below.

Theme#1: Communication and Information

Community feedback indicated a need for increased information and communication with the community around Land and Estates Administration and continued community engagement efforts as Codes are developed.

Some participants were unaware that an Oneida land registry system exists, and that a Land Transfer Agreement is necessary to officially have title to land recognized by the Administration. There also did not appear to be unanimous awareness of the particularities of the functions of Wills, how they are created, and what protections they are able to provide, nor was there clarity on the roles, responsibilities and processes for settling Estates according to Administrative and Elected Council rules. Many urban-based community members attending the info session at N'Amerind did not understand how Oneida's MRP laws would affect them and did not immediately see why they should have input on their development.

One participant felt that if members have access to this type of information, tension around land and land ownership would be significantly relieved. Confusion would be avoided because the rules would be known. Another participant stated that if rights around MRP were known before two people enter into a marriage (or common-law marriage) many complicated situations that arise during divorce could be avoided.

Participants suggested increasing communication and information around lands and estates administrative processes by increasing the accessibility of the Lands and Estates Sector's procedural information. Initiatives such as more easy-access info pamphlets, more info sessions, presentations at different community events, webpage updates, etc. were recommended.

Participants also spoke of the importance of continuing to make efforts to generate and include community input in all steps of Code development. Participant comments highlighted the importance of listening to and having open dialogue with the people at every step of the code development process. This was spoken of as key to developing law that will support the interests and values of the community. One participant explained that this [community involvement] is how you create law that will function and be followed by the community. Participants suggested several methods and techniques to utilize in order to increase the amount of people and broaden the base of community demographics participating in community engagement efforts. These suggested methods are captured under action item #2 below.

Community Feedback also indicated a need for increased communication between the Administration and the Traditional governance bodies.

Participants spoke of situations wherein a lack of record sharing between the Administration and Long Houses caused confusion and uncertainty around land ownership. Participants pointed out that this lack of communication allows people to find loop holes and to gain land ownership in unfair ways that ultimately create tension, dispute, and anger in the community. One Participant stated that people are able to pick and choose between the different systems of governance in order to get access to what they want. The lack of information sharing seems to contribute to issues of inconsistency, non-transparency, confusion, and non-accountability.

It was clear that participants felt that the lands and estates processes and procedures of Elected Council cannot exist in complete isolation from the other systems in Oneida through which land ownership is acknowledged in Oneida Settlement Lands. **There should be a way that all systems can work together to communicate and uphold the decisions of one another in a mutually beneficial manner.** There was a participant who voiced the fact that ‘all the land exists in one place and there is a need to communicate and work together if fairness and cooperation is going to be achieved here.’

Action item(s):

1) Increase the amount of accessible info on the Lands and Estates procedures:

- *more easy-access info pamphlets, more info sessions, presentations at different community events, webpage updates, facebook page. etc.*

2) Continue forward with community engagement efforts for Custom Code development:

- *Increase the number of people engaged and involve people who would normally not participate in community decisions*
- *Provide updates and advertisements for Code development and engagement efforts on a FACEBOOK page, the Community Newsletter, and on the Oneida Website*
- *Try creative methods to involve people who are unable to fill out Questionnaires and cannot come out to meetings (go door-to-door, present at an elders dinner)*
- *Have a Glossary of Terms to compliment the Summary Document*
- *Ensure that youth and elders are involved as much as possible*
- *Provide a TIMELINE or CALENDAR for engagement events well in advance so people are able to plan their attendance and involvement*

2) Develop a plan to share information and increase communication to ensure there are accurate records kept of ALL land in Oneida:

- *Develop a plan for increased communication and information sharing with Traditional Governing Bodies*
- *Investigate feasibility of a liaison role facilitating communication between three different bodies of government in Oneida*

- *Encourage all Oneida members to inform the Lands and Estates Sector of all land transactions (10 days feast, individual sale etc.)*

Theme #2: Accountability and Responsiveness

Participant input indicated a need to provide follow up to the community after community engagement efforts are made and community input received.

There seemed to be frustration with the level of responsiveness the community receives from the Administration and Elected Council after community engagement efforts are made. Participants expressed that many communication efforts are not accompanied with sufficient follow up. Participants indicated that the values, issues, and concerns expressed by participants in surveys, meetings, etc. do not seem to be reflected anywhere that participants are able to note. One participant indicated that although the Administration may be working with the suggestions and feedback generated, the community has little way of knowing if there is no communication and will perceive their voices as being ignored. One participant stated that less and less people come out to engagement events because they do not feel that their voices are heard there anyways. One participant said that many feel hurt because they do not feel listened to. Another stated that their voices are only listened to when they fall in line with what Elected Council wants to do. This makes people feel used and discourages them from participating in community decision making processes.

Thus, it was apparent that it is very important to have some type of follow up from the Administration and/or Council when community input is generated. Participants suggested summarizing feedback in a report that is accessible to community members so that they can see how their voices are being perceived, or be assured their voices have been perceived accurately. The suggestion was made to provide some type of report to the community that summarizes community input and allows the community to see how their voices are being interpreted. The idea of using this report to also indicate the effort/action planned in response to the community feedback summarized was brought forward as well.

Action Item(s):

- 1) Provide roll-up information sessions and summary reports to the community to show people can see how their input is being interpreted***
- 2) Ensure immediate response and follow up to issues raised; explain changes and efforts made to respond to community input***
- 3) Explain any barriers and difficulties of addressing issues raised***

Theme #3: Efficiency, Clarity, and Accuracy

Community feedback indicated a need for improved efficiency, accuracy, consistency, and clarity around land ownership on Oneida Settlement lands.

Some participants shared personal stories demonstrating the confusion and difficulty experienced with settling estates and dividing property. Many comments from participants indicated the importance of having a system that acknowledges and keeps record of all transactions, including those which do not occur through Elected Council and Administrative process. The idea of **acknowledging traditional methods of land transfer, such as the 10 day feast**, was supported. Participants agreed that this type of acknowledgement would allow more accurate records to be kept and help prevent some of the difficulties that arise while settling estates and dividing property. It was indicated that perhaps this type of acknowledgement would also help facilitate the ethic of inclusion and respect that participants spoke of with unanimous approval.

Making records and maps of land in Oneida accessible to the community was also a suggestion made to establish more clarity and certainty around ownership within the community. One participant voiced her wish to have an accurate paper trail for every section of land on Oneida.

Community feedback also indicated a need for implementing methods for settling estates in more fair and timely manners.

Stories and comments shared by participants indicated some frustration with the amount of time and sometimes impossibility of settling estates. They pointed out some of the problems that stagnant estates create, including land lock issues that prevent people from being able to live in Oneida Settlement Lands.

The three year time frame suggested in the Draft Custom Codes seemed to be supported as a method for settling estates in a more-timely manner. The idea of rescinding the requirement of ALL heirs signing an heirs agreement and replacing it with the **majority of heirs** was also discussed in this light. Participants indicated that this could help prevent stagnant estates from arising in the future and allow many current Estate files to be settled. It was pointed out that having more people make Wills would also create much more ease in this light, allowing much of this process to be avoided. One participant wanted to know why there is not **more people completing Wills**, and more encouragement for this from the Administration and Elected Council.

There was an indication that **a body for dispute resolution** or an increase in dispute resolution capacity would be desirable. Some participants were unaware that there is no method of settling disputes amongst the families within the Administration, and saw this reality as a problem. A dispute resolution body would be a strong mechanism for the Administration direct Estate settlement in the case of internal dispute, where it currently has no ability to do so.

Action Item(s):

- 1) Investigate feasibility for the development of a body for internal dispute resolution***
- 2) Investigate the legality behind MAJORITY versus ALL Heirs' signature on Heirs Agreements***

- 3) ***Advertise and encourage people to complete Wills***
 - *Provide info sheets, brochures, Will kits*
- 4) ***Make land records and maps accessible to community members***
- 5) ***Develop mechanisms for increasing ability to record ALL land transactions occurring in Oneida***
 - *Encourage all Oneida members to inform the Lands and Estates Sector of all land transactions (10 days feast, individual sale etc.)*
 - *Investigate feasibility of a liaison role facilitating communication between three different bodies of government in Oneida.*

Theme #4: Independence and Sovereignty

Community input indicated a consensus amongst participants about the importance of Oneida Sovereignty and independence.

Oneida sovereignty and independence* is an overarching theme that participants agreed upon by speaking with a collective understanding of its importance. The following points were made and supported by participants unanimously:

- Code development can be an opportunity to encode the systems and laws we already practice so we are protected from outside influence
- Codes should prevent the Oneida people and community from having their land appropriated or controlled by outside forces
- The 1840 Order in Council and the Two Row Wampum should be the basis and foundation for all law
- Oneida's method of dealing with land makes Oneida unique and is important to uphold
- We need to uphold the culture, the land, and the language in everything we do

Methods of upholding the principles indicated are, however, clearly subject to a variety of interpretation; feedback demonstrated that there are differences in perspectives and understandings of how sovereignty is best protected and independence asserted.

Participant feedback and conversation occurred under the assumption that Lands and Estates and MRP Codes are necessary and desirable. However, one participant cautioned that nothing should ever be written down because the federal government is telling you to. This participant felt that Oneida rules and practices are already in existence and that it may be contrary to community interest and desire for sovereignty and independence to write them down.

Most participants did agree upon the fact that written laws are a reality and that it is necessary to develop law in written form. Participants also indicated that law will only support Oneida values and needs if they are developed in the right way. The feedback begged the following questions:

- Can the codification of Oneida practices be done in a manner that truly reflects and supports Oneida values and interests?
- What are the ways of ensuring the law writing process is carried out in an appropriately sensitive and cautious manner that respects community protocol?
- How can we clearly define as a community what Oneida practices are and how they can be best upheld?

Action Item(s):

- 1) Respect protocols and exercise sensitivity around codifying traditional laws***
- 2) Continue to involve the community and allow community input to shape the development of Codes***
- 3) Develop a plan to provide Information and education on Oneida land history and traditions to all Oneida members***

Theme #5: Oneida Traditions and Values Around Land and Property

All voices united around the following ideas:

- Oneida Settlement Lands need to be protected at all costs
- Only Oneida individuals should have the right to own land on Oneida Settlement; non-Oneida's cannot own land or houses on Oneida Settlement Lands
- Children are priority; property division during divorce or separation should always ensure the well-being of the children first and foremost
- All Oneidas have a right to live on Oneida Settlement Lands

However, there appeared to be varying variety of perspectives on the specific definitions of Oneida traditions and values.

Feedback pointed out the need to develop a clear understanding of where the lines of inclusion and exclusion from the Oneida community rest, and how these lines translate into responsibility and benefit.

Though there was consensus about the fact that only Oneida individuals have the right to own land on the Oneida Settlement, there was not a clear consensus around the definition of who is a part of Oneida. Feedback and dialogue begged the questions:

- Is being Oneida and being able to own land strictly based on INAC membership?
- Is it based on blood-quantum and family?
- Is it based on community involvement and connection?
- Is it based on Longhouse and clan system?

One participant indicated that someone who is Oneida by birth or blood, but has no connection to the community other than a submitting a vote for Elected Council does not deserve to have input and benefit from the Oneida community at all; they are not really a part of it. On the other hand, another participant indicated that every Oneida person who is born Oneida (has an Oneida parent) should have a right to come home to where they belong [to Oneida settlement lands]; they should have a right to vote, to have input on land decisions, and to even own land on the Oneida Settlement; they are part of the community. Still, another participant stated that only children with an Oneida mother have right to own land because ownership is based on the clan system. This participant stressed the need to educate children on the traditional practices and have them understand that their rights are derived from there and what that means for them as individuals.

Furthermore, conversation indicated the need to determine who has the right to live or reside on Oneida settlement lands:

- Is the right to live on Oneida settlement lands based on marriage and children?
- Does a non-Oneida have a right to receive financial compensation if they put money into a home on Oneida (even though they do not have the right to own it)?
- Upon separation should the sole care giver always take possession of the home until the children are of legal age, regardless of identity?
- Should non-Oneida residents receive any of the benefits that Oneida community members do?

The reality that current membership practices do not reflect or capture Oneida ways of determining the scope of community was highlighted. Participants made it clear that there is a need to review and update membership, residency, and election codes with community input and that there are many gaps and unknown areas that MRP Codes will affect (again: residency, housing, membership, lands and estates).

Feedback indicated the need to have dialogue and education around what constitutes traditional versus adopted practices, and how an ideal balance between the two can be achieved.

Though there was agreement that Oneida methods of dealing with land are a core part of Oneida identity, there did not seem to be a clear idea of what these specific methods are, or should be. There was **discrepancy around what constitutes traditional versus adopted practices**, which practices should be upheld and why. For example, some participants expressed the idea that property in Oneida should always go to the man, as this was tradition. Others, however, brought forward the fact that women were always traditionally the owners of property, and the man the protector of the family.

There was disagreement amongst participants in regards to the **balance of private and communal ownership of lands** amongst Oneida and how benefits from land should be shared and allotted. Some participants saw ensuring that all Oneida's are able to benefit from the land as an Oneida value. In fact, one participant expressed the belief that land should be shared with the community when it is not being used by the private owner or is only being used by the owner to make money. Another participant also stated that money given as compensation to individuals for land development (such as hydro lines) should be put into one collective fund for community programming to benefit everyone in the community because that land development affects everyone, not just the private owner. Others shared an opposite opinion, however, stating that value and tradition have more to do with ensuring that Oneida Settlement Lands remain in the hands of particular families and the decedents of original land owners. One participant expressed the idea that large land owners do not necessarily owe anything to the community at large, especially when the scope of community has been affected and changed so intensely by external colonial forces.

Feedback indicated the need to define responsibility and authority for protecting and upholding Oneida values and rights.

Participant feedback indicated a lack of clarity around who has responsibility and right to protect the land from external forces. There was discussion about external developments such as Hydro lines and railways. One participant asked if the decedents of the original land investors have more right and responsibility to protect land, or if this is a responsibility that is to be undertaken by every Oneida member. Another indicated that this type of development might be desirable if it works to the benefit of the entire community and asked who has the responsibility and capability of doing this. Others indicated that this type of development is never in the interest of the community, and that individual land owners should not have the right to consent to developments on Oneida Settlement lands because they ultimately affect every Oneida person negatively. One participant asked if the Lands and Estates Codes could contain rules for land development consent, as well as land development benefit distribution.

There was also discussion on how the rights can be actualized. For example, how could the principle that 'every Oneida has the ability to live on Oneida' be made into a reality? Who has this responsibility and authority in this regard?

Over all feedback in terms of values and traditions around land property begged the following questions:

- How can we define who is and is not Oneida; who has the right to own, reside on, and benefit from Oneida Settlement lands?
- How can a balance between the acceptance of private property ownership and the maintenance of our communal and traditional ways be created in a manner that supports all of the values and needs of Oneida people?
 - *Is there a way to allow everyone in the community to benefit from the land collectively while still respecting individual right and ownership over land? Is this even desirable?*
- Who has the responsibility and authority to protect, to control, to resolve issues, and to deliver benefit from land?

- *Community members by majority?*
- *Different governing bodies?*

Action Item(s):

1) Provide Information and education on Oneida land history and traditions

- *Education and sharing on origins and purposes of certain practices that exist within the community*
- *Reaching collaborative understandings of Oneida values and traditions so the community can work together to create the best mechanisms or systems for supporting and upholding them*

2) Collaboration of Lands and Estates, Housing, Residency and Membership to update, review, and conduct engagement on all areas affected by MRP to ensure they all support and uphold one another, fit with the community values and input, and align with MRP

3) Plan for the development of a body to conduct engagement on larger questions of governance including the following topics:

- *Body to conduct engagement on the following topics:*
 - *Oneida identity*
 - *Scope of Oneida community*
 - *Oneida values and traditions*
 - *Oneida responsibilities and authorities*

4) Plan for the collaborative development of a community vision for the future of Oneida

Theme #6: Community Division and Healing

Participants highlighted the need to foster an ethic of respect, unity, and inclusion within the community:

Participants cited lack of respect for one another, judgment, labeling, lack of cohesion, jealousy, and anger within the community as problems that prevent all Oneidas from having the dialogues and doing the work that is necessary to make positive changes in the community. One participant cited anger and jealousy as one of the largest barriers to settling MRP in a fair manner during divorce or separation. Another cited anger, bitterness and greed. Some type of healing work, resource or training is necessary.

Action Item(s):

1) Respect community protocol on hosting meetings in the event of a death

- *Clarify what this protocol consists of*

2) Make effort to create a positive and respectful attitude during engagement efforts; set a tone with a strong opening and/or prayer

- 3) *Look into providing workshops on healing and working together (eg. lateral violence workshops)*

Action Strategy

NEXT STEPS: LANDS AND ESTATES CUSTOM CODES

Based on community feedback, the following steps have been identified for moving forward with development of Lands and Estates Custom Codes:

- 1) Finalize Draft Report on Phase One of our Community Engagement; summarize feedback and recommended steps of action
- 2) Continue forward with Phase 2 of Community Engagement
 - *Provide a calendar of events, roll-up information sessions and summary reports with community feedback as community engagement is continued*
 - *Host a youth gathering to achieve youth involvement and gain youth input*
 - *Gain input from Elders at an Elders' dinner*
- 3) Revise Draft Codes According to Community input
- 4) Present Updated Draft for Community Ratification

NEXT STEPS: MRP CODE DEVELOPMENT

It is evident from Phase One of the engagement strategy that MRP Code Development will be a complex process requiring in- depth community engagement on multiple topics.

It is evident that MRP will impact rules and processes of Residency, Housing, and Lands and Estates. This necessitates the collaboration and cooperation of the respective Committees as Codes are updated and revised in order to ensure that each Custom Code will be mutually supportive of one another, align with community visions, and align with MRP Codes.

Due to the complexity of the MRP Code, all resources and expertise in the area of MRP Code development that are accessible should be utilized. Codes developed by other First Nation communities and resources provided by bodies created specifically to assist First Nations in developing MRP codes should be made use of as means to provide information and conduct engagement on MRP within the community.

Finally, because no Codes have been drafted to date, Code development can have complete involvement with the community ensuring that values and visions of the community are captured and supported within them.

To summarize, the following immediate efforts are recommended for moving forward with MRP Code Development in the future:

- 1) Ensure there is collaboration between Residency, Housing, and Lands and Estates Committees
- 2) Continue forward with engagement efforts
 - *Generate specific scenario-type questions to decipher what the principles identified for moving forward mean to the community in specific terms*
- 3) Use pertinent and accessible resources available
 - *look at other First Nations MRP Codes*
 - *Centre for Excellence on MRP [see: <http://www.coemrp.ca>]*

Next Steps: LARGER QUESTIONS OF GOVERNANCE

The feedback and dialogue during Phase One of Community Engagement went far beyond the scope of Code Development and Lands and Estates Administration. As outlined in the section above, topics touched upon included: defining who is Oneida; who has a right, responsibility, and authority over land in Oneida; what are Oneida values, and traditions, and what are the best methods of supporting and upholding them. These topics are incredibly complex, sensitive, and high level - these are topics that go to the core of governance.

It is evident that from Phase One that further dialogue and discussion around these topics is necessary for the development of strong, functioning laws that truly protect the values, interests, and traditions of all Oneida people. Because of the nature of these discussions, however, skillful and well-planned facilitation will be required. A facilitation body that has the capacity to clearly explain and educate community members on matters relating to the topics at hand, and is adequately equipped to listen to, manage, and interpret community feedback.

Community feedback from these governance discussions can be the initial steps for the creation of a collaborative community vision for the future of Oneida.

Therefore, the following steps / initiatives are recommended for the future:

Create a new department that is responsible for advancing Oneida governance. The primary objective of this department would be the establishment of a Community Vision for the future of Oneida based on the following question: What do we want our community to look like in 10 to 20 years?

This objective would be fulfilled by way of undertaking the responsibility for the following:

- Developing community engagement protocol
- Developing custom codes on membership, housing, lands and estates etc.
- Solidifying the definition and understanding of Oneida identity, membership, community

The Oneida Department for Governance could also do the following:

- Build a model of governance
- Design a framework that supports the model of governance and outlines the details of the required institutional capacity. These institutions include:
 - A political table that allows for increased information sharing amongst existing governing bodies
 - An alternative dispute resolution body that is responsible for making binding-decisions and that can offer mediation services to resolve internal matters.

Affecting Federal Provisions of the Family Homes on Reserves and Matrimonial Interests or Rights Act

*adapted from the Centre of Excellence for Matrimonial Real Property Information Pamphlet

- **Equal right to occupancy of the family home.** Provides spouses or common-law partners with an equal entitlement to occupancy of the family home until such time as they cease to be spouses or common-law partners.
- **Requirement of spousal consent for the sale or disposal of the family home.** Provides spouses or common-law partners with protection that the family home cannot be sold or otherwise disposed of or encumbered during the marriage or common-law relationship without the free and informed written consent of the spouse or common-law partner, regardless of whether that spouse or common-law partner is a First Nation member.
- **Emergency protection order.** Allows a court to order that a spouse or common-law partner be excluded from the family home on an urgent basis (in situations of family violence).
- **Exclusive occupation order.** Enables courts to provide short to long-term occupancy of the family home to the exclusion of one of the spouses or common-law partners. The duration of this order could range from a set number of days to a longer period, such as until dependent children reach the age of majority.
- **Entitlement of each member spouse or common-law partner to an equal division of the value of the family home and any other matrimonial interests or rights.** Ensures that the proven value of a couple's matrimonial interests or rights in, or to, the family home and other structures and lands on the reserve are shared equally on the breakdown of a relationship.
- **Order for the transfer of matrimonial real property between member spouses or common-law partners.** Allows a court to order the transfer, in some circumstances of the matrimonial interests or rights between member spouses or common-law partners together with, or instead of, financial compensation.
- **Entitlement of surviving spouses or common-law partners.** Ensures that when a spouse or common-law partner dies, the surviving spouse or common-law partner may remain in the home for a specified period of time, and can apply under the federal rules for half of the value of the matrimonial real property interests or rights as an alternative to inheriting from the estate of the deceased.
- **Enforcement of agreements on the division of the value of the matrimonial property.** Allows a court to make an order that can be used to enforce a free and informed written agreement made by spouses or common law partners that is not unconscionable and that sets out the amount to which each is entitled and how to settle the amount.