

- 3) it is only since the Second World War that the government has recognized the need to consult with aboriginal people on major legislative initiatives and even more recently, has the government acknowledged the need for consultation on major policy initiatives as well; however, consultation has been sporadic and inconsistent and, from the aboriginal viewpoint, generally inadequate; and
- 4) relations between the Department and its clientele necessarily involve all the complications of interethnic relations and in addition are becoming more and more intergovernmental in nature because of the requirements of realizing indigenous self-government.

A consensual approach to aboriginal policy development has historical and contemporary precedent. The essence of the treaty process was a consensual process of deciding the parameters of indigenous / non-indigenous relations. This tradition has been revived to some extent in recent years — most notably through the Constitutional Conferences on aboriginal rights. Although no more scheduled conferences remain to be held, section 35.1 requires that any amendments to s. 91(24) of the *Constitution Act, 1867* or sections 25 or 35 of the *Constitution Act, 1982* will require the participation of representatives of aboriginal people in a constitutional conference that must be called to discuss such amendments.

Consequently, the unique constitutional position of aboriginal people and the high degree of government involvement and influence over their day to day life makes disputes more likely and underlines the need and importance of formalized consultative mechanisms before policy changes are introduced. For the same reasons, there is a need for mutually satisfactory means of resolving major policy disputes that cannot or have not been dealt with through prior consultation.

Proper consultative and dispute resolution mechanisms also seem to be required by the current policy endorsing aboriginal self-government. Even when the band council system is replaced by more appropriate self-government arrangements (through legislative or constitutional reform) consultation and dispute resolution will be a necessary element of successful intergovernmental relations and will