

dispute resolution mechanisms — what expert knowledge is available in the field of alternative dispute resolution mechanisms (mediation, arbitration, commissioners, etc.) and how could it be applied to the field of aboriginal affairs?

2) dispute resolution mechanisms for major policy disputes not involving legal rights per se (e.g. for discretionary programs)

- where the parties agree that legal rights are not involved, what mechanisms could be used to resolve such disputes that are consistent with the principle of self-government and Ministerial and federal authority?

3) alternative mechanisms to resolve disputes over rights questions where all parties do not wish to litigate or where they view litigation as a last resort

4) how to deal with disputes that are a mixture of policy and legal issues (e.g. post-secondary education assistance).

A background study could be commissioned on how consultation has historically been dealt with in the aboriginal affairs area. Practically every government since the second World War has launched a major policy or legislative initiative that has been criticized on the grounds of inadequate or non-existent consultation. It may be useful to analyse the pattern of these occurrences and the implications of continuing this practise.

A Committee study of these subjects could be carried out with the purpose of making recommendations to government on developing a policy in conjunction with aboriginal people on how and when consultation should occur and on the types of dispute resolution mechanisms available and most likely to succeed.

Such a study

- would flow naturally out of the work of the House Standing Committee on Aboriginal