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- We need to think more broadly across government about how we handle land claims implementation. If you leave this conference with one idea, remember that these are just agreements on a desk for many of us, but they are very important to the people who live with them, who have exchanged rights for cash, etc. forever.
- We put an extreme amount of effort into signing these deals. It's a very difficult process, a big deal to get these things done. After signing, the Aboriginal signatories are there to deal with these issues forever.
- We've been doing this for 30 years, but that's not a long time. What we're doing is not being done anywhere else on the planet. These are complex documents, and there will be disputes. We will be judged on the way we resolve them.
- We have stumbled at times with the way we do implementation. We were unprepared to change the ways things are done, the way the statute reads, the way a program is handled. Awareness-raising is beginning to happen.
- Attitude is important as well. Government representatives need to listen as well as talk. **The people you're dealing with live in these communities.**
- **Contracts:** there are ways of dealing with these disputes that don't require us to go to court. The majority of disputes are resolved in discussion, about 90 percent. One of the scariest things is that you're being asked to do something that is not done that way in your department. Where do you go for a mandate? You go into the discussions hamstrung by policy.
- We will not always agree, and in cases of disagreement the first place to look is the agreement. Sometimes there is a board for disputes. The Nisga'a, for example, have a staged approach: discussion, mediation, arbitration.
- When to invoke dispute resolution?
- We will be judged on how we end up resolving disputes. We're going to have to figure out a way to keep going, to get back to business. It's not great when groups feel they need to go to court.
- When in a dispute, be respectful, pick up the phone, call someone. Talk to people and get the issues raised, get the perspectives of the parties involved. Be proactive.
- Implementation doesn't have to be a big, scary deal.
- Ultimately, the goal is to resolve a dispute in a way that preserves the relationship. The first step is to have a discussion and to listen to the other perspectives. While this is often the method that produces the best kind of solutions, it does not always resolve the issue. If not, there are a range of options for dispute resolution that can be used before a decision on arbitration or court is needed. For example mediation or assisted negotiations can help the parties to define issues and options for resolutions. Third parties can bring a technical expertise and/or can ease the strain on the relationship that disputes can sometimes cause. While there will be issues or cases where resorting to arbitration or court is necessary or even desirable, these are also the dispute resolution techniques that can have the most serious impact on the relationship.