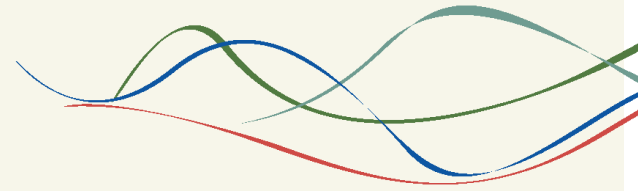




NATIVE WOMEN'S
ASSOCIATION OF CANADA

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Developing Community-Based Dispute Resolution Processes in First Nations Communities

What is a Community-Based Dispute Resolution Process?

A dispute resolution process is used to deal with complaints or disputes. Creating a community-based dispute resolution process should involve the entire community throughout all stages of development. An ideal community dispute or complaint process is a fair way to allow everyone involved to feel respected. This means that safety factors and power balance between all involved must be taken into account.

Why Develop a Community-Based Dispute Resolution Process?

When a community develops their own dispute resolution process, they are more likely to use it when they have a complaint or dispute. This will also save time and money that would otherwise be spent on external resources. Generally the most effective way to resolve disputes to everyone's satisfaction, is by addressing the conflict early on and by using a process meaningful to all those involved. Having people in the community's government and leadership that are knowledgeable about human rights and dispute resolution can also help to prevent disputes and provide good public service to the community.

The development of a community-based dispute resolution process is consistent with Aboriginal Peoples' right to self-governance. Good governance involves protecting and promoting human rights. Communities that control their own dispute resolution process can include their unique culture, identity, traditions, language and institutions in it.

A regional dispute resolution process that includes multiple First Nations communities in the same region may also be of benefit, offering consistency and reduced costs.

The Four Stages to Developing a Community-Based Dispute Resolution Process

1) Leadership, values, and principles

Leadership would demonstrate commitment to human rights in the community and treat all community members fairly, without discrimination. Aboriginal communities are diverse and identifying the values and principles of each community would help to form the foundation of a successful and healthy dispute resolution process.

2) Building and engaging community capacity

Think about who in the community is willing and able to help develop a dispute resolution process. Try to make sure there is a good mix of people represented in the planning committee. Identify the financial resources available and the approximate costs of items that have to be acquired, tapping into as many different funding sources as possible. Encourage the community to talk about human rights and dispute resolution practices. Providing human rights education and training is an important part of the development process. This training should be ongoing throughout the development of the dispute resolution process.

3) Developing the community's dispute resolution model

The dispute resolution process should treat everyone involved with equality, dignity, and respect. Make sure that everyone can attend meetings by ensuring that facilities are accessible, child care is provided, etc., so that all community members can participate throughout the development process. Decide how decisions will be made and how to ensure that decision-makers remain impartial throughout the process.

4) Implementing, monitoring and continuous improvement

Once funding is secured for the dispute resolution process, each part of the model needs to be put into action. People may need to be hired for the roles outlined in the process. Monitoring and evaluating the resolution process will help to make improvements to the dispute resolution plan, and help direct conflict prevention strategies that will likely reduce costs and improve community relations.

Things to Consider as You Develop your Community's Dispute Resolution Process

- What are the parameters of the dispute resolution process?
- How will community members be consulted throughout the development process?
- How will community members make a complaint?
- Will the dispute resolution process include an investigation?
- Will the process be confidential?
- Who will be the decision-makers and what are their roles and responsibilities?
- How will all you ensure the safety of all community members involved in a process?