

# **Social Learning and Political Participation through Public Hearings: A Case Study of the Mackenzie Valley Pipeline Inquiry**

Kentaro Okada

Commissions of Inquiry have been an important instrument of policy change in Canada. The Mackenzie Valley Pipeline Inquiry (MVPI), 1974-77, is a notable example; indeed, the signal achievement and legacy of this inquiry are such that it is regarded as a lodestar of Canadian environmental and aboriginal policy. This paper provides a case study of the MVPI from the perspective of social learning and public participation through the hearing process. Public hearings have been a vital institution of commissions of inquiry but I point out that the particular way in which hearings were used in the MVPI process was unique and innovative.

Why was the MVPI established in 1974? From the late 1960's, the world economy was shocked by the oil crisis; in response, oil companies began exploring for natural resources in the northern part of Canada. They found abundant natural gas resources in those areas and planned a pipeline system to export the resources from northern Canada to the United States. This plan created an embarrassing environmental controversy because of the pipeline project's potentially harmful effects on the natural environment and on the quality of life of the territory's aboriginal people. The MVPI was established to do research on the environmental, economic and social impact of constructing the pipeline.

The federal government chose Hon. Thomas R. Berger as commissioner of the inquiry. He was well known as a former NDP politician and as counsel in the landmark case of *Calder et al. v. Attorney-General of British Columbia*. He was also Chief Justice of the British Columbia Supreme Court at that time. Under his direction, the MVPI organized two types of public hearings: "the dual public hearings process." One type was the official hearings, the usual hearing process of commissions of inquiry. The other was the "community hearings", a hearing process unique to the MVPI. Berger and other members of the commission organized hearings in every community along the Mackenzie Delta. They heard from about 1,000 community members.

The community hearings were introduced by Berger himself. He was concerned about the pipeline project's negative effects on the quality of life of the aboriginal



people who lived along the Mackenzie Valley. Since aboriginal people were parties to a dispute, Berger concluded they were entitled to be involved in the inquiry process. Community hearings were invented as a tool to include them. Berger feared that they would have been excluded if only the usual inquiry and hearings process had been adopted.

This paper explores the process surrounding the establishment of “the dual public hearing process” using primary sources, such as Berger's letters, memos, and dialogue with the federal government, especially with Jean Chrétien, then minister of Northern development and Indian affairs.

In addition to community hearings, Berger also introduced the research funding mechanism for aboriginal people and environmental groups. Berger believed such groups had little access to the necessary information compared to the oil industry. To put local inhabitants on a more equal footing with the industry giants, a system of grants was offered. Such funding would enable people to study and better understand the problems facing them.

This funding system was not used from the outset of the inquiry. Instead, during the inquiry process, Berger realized the importance of learning and sent a message to the federal government to request a budget. Again using primary sources, this paper documents the process by which idea of providing research funding took shape.

Berger was criticized by the oil industry and industry-friendly politicians because he interpreted the Commission's “Terms-of-Reference” widely and, in their view, arbitrarily to introduce community hearings and the funding system. But Berger offered a strong defense of his interpretation, as is shown in this paper. Later in his speeches he insisted that as aboriginal people were vulnerable, Canadian society had an obligation to take their side in the interests of justice. He was emphatic that community hearings and funding were introduced to safeguard the interests of the people.

Forty years have passed since the establishment of the MVPI. Berger's idea of social learning and public participation through commissions of inquiry, especially through public hearings, has influenced later commissions. For example, the Royal Commission on the Future of Health Care in Canada, led by Roy Romanow, officially organized a public consultation and study process in cooperation with Canadian academics using deliberative dialogue theory. The MVPI and Thomas Berger created a unique framework for learning, participation and dialogue among

citizens at public inquiries. The legacy of the MVPI should be re-assessed from the perspective of social learning and public participation.

(Kanagawa Prefectural Institute of Language and Culture Studies)