

the communities of the Mackenzie Valley and hearing what the people think is worthy of admiration. His sincerity in reflecting and giving full voice, particularly to the native community, deserves praise. It is vital to our unity that Canadians south of 60 hear and understand the people of the north and appreciate their concerns.

What I question is Mr. Justice Berger's political judgment and political conclusions for the evolution of the political institutions of the north. I am not concerned with the issue of whether at this time or in the immediate future the Yukon Territory or the Northwest Territories should become provinces. Those territories have always been and are today part of Confederation. They have evolved rapidly in their form of government. Today the Yukon Territory and the Northwest Territories have their own territorial governments, very much in charge of their day-to-day affairs.

I wish to focus on that critical element of northern life that deals with the role of the native communities in the political process. I concentrate on that issue in particular because of my great concern for the conclusions that Mr. Justice Berger has come to in his report. Honourable senators, if I may refer you to pages 173 to 180 of the reports under the title "Self-Determination and Confederation" Mr. Justice Berger asked this question in beginning the chapter:

Why do the native people in the North insist upon their right to self-determination? Why cannot they be governed by the same political institutions as other Canadians?

Mr. Justice Berger then comments and concludes:

The native people are, therefore, seeking a fundamental reordering of the relations between themselves and the rest of Canada. They are seeking a new Confederation in the North.

The concept of native self-determination must be understood in the context of native claims. When the Dene people refer to themselves as a nation, as many of them have, they are not renouncing Canada or Confederation. Rather they are proclaiming that they are a distinct people, who share a common historical experience, a common set of values, and a common world view.

In other selected portions, Mr. Justice Berger at page 173 asked the question:

Why should the native people be allowed political institutions of their own under the Constitution of Canada, when other groups are not?

He answers as follows:

The answer is simple enough: the native people of the North did not immigrate to Canada as individuals or families expecting to assimilate. Immigrants chose to come and to submit to the Canadian polity: their choices were individuals' choices. The Dene and the Inuit were already here, and were forced to submit to the polity imposed upon them. They were here and had their own languages, cultures and histories before the arrival of the French or English. They are the original peoples of

Northern Canada. The North was—and is—their homeland.

Then, with respect to the pipeline, he says at page 176:

Both the white and the native people in the North realize that the government's decision on the pipeline and on the way in which native claims are settled, will determine whether the political evolution of the North will follow the pattern of history of the West or whether it will find a place for native ideas of self-determination.

Finally, at page 180 I quote from a proposal to the federal government made by the group in the Northwest Territories calling themselves the Dene:

There will therefore be within Confederation, a Dene government with jurisdiction over a geographical area and over subject matters now within the jurisdiction of the Government of Canada or the Government of the Northwest Territories.

Mr. Justice Berger says:

The native people seek a measure of control over land use, and they see that the ownership of the land and political control of land use are intimately linked.

He continues:

These claims leave unanswered many questions that will have to be clarified and resolved through negotiations between the Government of Canada and the native organizations. A vital question, one of great concern to white northerners, is how Yellowknife, Hay River and other communities with white majorities would fit into this scheme. Would they be part of the new territory? Or would they become enclaves within it? It is not my task to try to resolve these difficult questions. Whether native self-determination requires native hegemony over a geographical area, or whether it can be achieved through the transfer of political control over specific matters to the native people, remain questions to be resolved by negotiations.

He then goes on to discuss questions of a guaranteed number of seats on the Territorial Council, questions of political representation for natives similar to that in New Zealand with the Maori, and the desire, again, of the Dene to establish political institutions of their own fashioning.

● (1510)

Very recently—in fact late last week—there was a conference held in Vancouver which is reported in the *Vancouver Sun* of Saturday, May 28. George Erasmus, who is the President of the Indian Brotherhood of the Northwest Territories, is quoted as saying that political institutions imported from the south destroyed Dene decision-making structures which were more democratic. He also said, "We will have to go through a period of decolonization. That's what we are working for." And a gentleman described as a University of British Columbia professor, Michael Jackson, who was special counsel to Mr. Justice Berger during the Mackenzie Valley pipeline inquiry, said: