

battleground between the two powers. I suggest that the way the Eskimo looks at us could have an importance from the point of view of national defence; this is something not to be ignored.

The evolution of our law from custom is not yet by any means complete. We operate institutions such as this House of Commons under statute, under regulations, under practices and procedures; but whatever the form, essentially this is done by consensus, by a crystallization of views, of habit, and of custom going back to the earliest gatherings together of people for consultation, law making and executive decision at the highest level. The sovereign, in the very words of the coronation oath, is sworn to uphold both the laws and the customs of the people of all Canada. Custom is a vital element for us in daily life just as it is for the Eskimos.

The territorial court, following English precedent, has upheld the validity of Eskimo customs in the eyes of the law. This has been done in the teeth of official departmental opposition; but the decision stands and will stand for time immemorial, except so far as it may be changed by due process of law.

I suggest that clause 20 is an attempt to overrule or set aside those judicial decisions of our country which uphold the validity of Eskimo customary marriage and adoption. Regardless of that, and of the effect at law of the provisions of clause 20, I submit that it ultimately will prove to be pernicious for the due administration of justice in the Arctic, and that it is in fact nothing but an attempt, in vague general terms which do not disclose the interests of the Eskimos which would be deeply affected, to circumvent the coronation oath of the sovereign, and to restrict the judiciary in the exercise of their office in accordance with ancient precedent and enlightened principles.

On behalf of the West Baffin Eskimo Co-operative Limited I must, therefore, respectfully, but with all the force I can give to its emphasis, submit that bill C-84 should stand condemned as an unwarranted attempt to legalize the wholesale invasion of the Arctic by a method such as this of—I was going to say bureaucracy; but I do not know whether that is a very helpful term—but it did arouse the feeling in many that it does not show proper respect for the Eskimo peoples' rights and customs.

Before dealing with the other clauses, may I presume a little upon you by referring to two documents which we, as Canadians, have wholeheartedly endorsed; some say we merely pay lip service to them, but I do not agree—at least I hope I do not have to. I refer, firstly, to the universal declaration of human rights and, secondly, the Canadian bill of rights. I know the latter may be controversial; but I ask you to take note of the nature of that controversy—it is recent legislation—to ignore it, and to note well that the parliament of Canada gave the measure unanimous approval when it came to the vote. Whatever the motives for controversy, therefore, I feel I may refer to this document.

The universal declaration is worth reading in its entirety, of course, but I am aware you already are acquainted with it quite fully and that I need only perhaps emphasize the more immediately relevant provisions. I, therefore, read to you the preamble and one or two of the articles. I think the preamble gives certain point to the articles which would be missed if I did not refer to it. I have here a handy copy of this declaration put out by the Department of Labour entitled "Human Rights in Canada". On page 3 it states:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the