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## Bringing Legal Education to the Canadian Arctic: the Development of the Akitsiraq Law School and the Challenges for Providing Library Services to a Nontraditional Law School

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# **Bringing Legal Education to the Canadian Arctic: the Development of the Akitsiraq Law School and the Challenges for Providing Library Services to a Non-traditional Law School.**

SERENA ABLESON \*

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## **I. INTRODUCTION**

In the Canadian Arctic on the southwestern tip of Baffin Island, there is a sacred meeting place marked by a ring of massive stones, “some weighing up to a ton, standing on end and arranged in a near perfect circle.”<sup>1</sup> This place is called Akitsirqavik [cited as Akitsiraq] and for generations, this is the spot where people gathered for celebrations, games, feasts, and is the place where the Inuit Great Council met to discuss conflicts in their community and to agree upon solutions to these disputes. The last known Inuit traditional

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<sup>1</sup> Hallendy, Norman. “The Last Known Traditional Inuit Trial on Southwest Baffin Island,” in *Honoring our Elders: a History of Eastern Arctic Archeology*, ed. William W. Fitzhugh, Stephen Loring, and Daniel Odess, (Washington, D.C.: Arctic Studies Center, National Museum of Natural History, Smithsonian Institution, 2002) 273.

trial, a murder trial, occurred here in 1924. Akitsiraq means “to strike out, [to] render justice.”<sup>2</sup>

Fast forward in time to June 21, 2005, Canada’s National Aboriginal Day. The Governor General of Canada, dignitaries from the University of Victoria, faculty from the University of Victoria Faculty of Law and from other Canadian law schools, family, friends, and elders from the community gathered in southern Baffin Island to honor the graduating class of the Akitsiraq Law School. The graduates were led into the ceremony by Inuit drum dancers. There was a ceremonial lighting of the kudlik, a traditional stone oil lamp. Later, students knelt on a sealskin covered bench in the shape of a traditional qamutiik or sled and received the symbolic tap on the head from the University of Victoria’s Chancellor. In these moments during the ceremony, there was a fusion of Inuit traditions with western academic customs – which was symbolic of the importance of acknowledging and including Inuit knowledge and customs into the curriculum for the Akitsiraq program. The ceremony was a community celebration and tribute to this unique group of pioneer law students and for those advocates and leaders that envisioned a law school in Nunavut in the first place. On this day, the number of Inuit trained lawyers jumped from 1 to 12. It was, in the words of Adrienne Clarkson the Governor General of Canada, a moment of “quantum change, and a huge step toward righting the awful imbalance of Inuit involvement in the legal system of Nunavut. Right from the start, though, everyone knew that this was more, that it was also a powerful generator of Northern leadership.”<sup>3</sup>

## II. BACKGROUND ON THE CREATION OF NUNAVUT

Canada’s third territory, Nunavut means “our land” in Inuktitut. The journey towards the creation of Nunavut took decades to complete. Prior to the implementation of the land claim, the area now defined as Nunavut used to be a part of the Northwest Territories (cited as N.W.T.). The N.W.T territorial government and judiciary served a small population spread across a huge expanse of the Canadian Arctic so there was a recognition that the seat of government needed to be more geographically and culturally relevant for people living in the eastern Arctic.<sup>4</sup> In the 1960’s, young men and women

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<sup>2</sup> Ibid, 275.

<sup>3</sup> Canada, Office of the Secretary to the Governor General, “Her Excellency the Right Honorable Adrienne Clarkson: Speech on the Occasion of the Akitsiraq Law School Convocation Ceremony,” (convocation address, Iqaluit, Nunavut, June 21 2005), <http://www.gg.ca/media/doc.asp?lang=e&DocID=4478> (accessed January 22, 2006).

<sup>4</sup> Nunavut, Legislative Assembly of Nunavut, “FAQ,” About the Nunavut and the Legislative Assembly of Nunavut, <http://www.assembly.nu.ca/english/about/faq.pdf> (accessed January 26, 2006).

from across the Arctic were relocated to residential schools in both Manitoba and the Northwest Territories. Gathered together, they began to discuss issues and common problems facing their communities. These discussions laid the foundation for the creation of the Inuit Tapirisat of Canada (cited as ITC).<sup>5</sup>

In the early 1970's, the ITC began to study land use and occupancy patterns and later submitted a proposal to the federal and Northwest Territories governments for a new territory to be developed. In 1982, the Tungavik Federation of Nunavut (TFN) was incorporated to begin land claims negotiations. Plebiscites followed, and the Nunavut Land Claims Agreement (cited as NLCA) was eventually signed in 1993.<sup>6</sup> On April 1, 1999, the N.W.T. was divided into two, and the eastern portion became Nunavut. With this agreement, Nunavut will receive an influx of money amounting to \$1.1 billion to help improve infrastructure and services for the territory.

The size of Nunavut is staggering to comprehend. The population of the territory is around 29,000 people and the population density is 70 km<sup>2</sup> per person.<sup>7</sup> The population is distributed across 26 communities: the smallest town is home to only 25 residents, and the largest city, the capital Iqaluit is home to 6000 people.<sup>8</sup> The territorial boundary essentially follows the northern tree line and encompasses nearly 2 million square kilometers (or one-fifth the size of Canada), includes almost two-thirds of Canada's coastline, and encompasses 3 time zones. The NLCA provided Inuit with control of more than 350,000 km<sup>2</sup> and some mineral rights but they gave up title to all remaining lands which remain under crown or federal jurisdiction.

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<sup>5</sup> For more detailed overviews of the chronology of Nunavut, visit the Inuit Tapiriit Kanatami (formerly the ITC) website, Inuit Tapiriit Kanatami, "The Origin of ITC," <http://www.itk.ca/corporate/history-origin.php> (accessed January 26, 2006); Government of Nunavut, "The Road to Nunavut: a Chronological History," <http://www.gov.nu.ca/road.htm> (accessed January 26, 2006); Dacks, Garston, *Nunavut: Aboriginal Self-Determination through Public Government*. Research Report for the Royal Commission on Aboriginal Peoples. CD-ROM (Ottawa : Libraxus, 1997).

<sup>6</sup> Nunavut, "Nunavut Land Claims Agreement," Nunavut Court of Justice, [http://www.nunavutcourtofjustice.ca/library/bar\\_ads\\_mat/Nunavut\\_Land\\_Claims\\_Agreement.pdf](http://www.nunavutcourtofjustice.ca/library/bar_ads_mat/Nunavut_Land_Claims_Agreement.pdf) (accessed January 26, 2006).

<sup>7</sup> Nunavut, Government of Nunavut, "Government of Nunavut: Our Land," <http://www.gov.nu.ca/Nunavut/English/about/glance.shtml> (accessed January 26, 2006).

<sup>8</sup> Ibid.

However, the agreement ensures that Inuit will be guaranteed the right to participate in managing lands and resources for the territory.<sup>9</sup>

The NLCA ensures that Canada's newest territory will have the right to self-government. The model of government for Nunavut is unique in that the Legislative Assembly is built around a consensus model of government; the 19 members of Nunavut's Legislative Assembly (MLAs) are elected by their constituents but they do not represent any political parties. They can vote freely on any issue before the Assembly – they are not required to “tow the party line” or vote along with a party's position. After an election, the Legislative Assembly convenes and the Premier of Nunavut is elected by secret ballot from the pool of elected MLAs, then the Speaker and the Executive Council (or Cabinet) are selected. The number of Cabinet positions is smaller than the total number of MLAs which means that members have increased voting power in the Assembly.<sup>10</sup> The activities of the Legislative Assembly are conducted in Inuktitut, Inuinnaqtun, and English (and are simultaneously translated). More generally, the territorial government is committed to providing government services in 3 official languages of the territory: the *Official Languages Act* entitles all Nunavummiut to receive government services in Inuktitut, English and French.<sup>11</sup> The Government of Nunavut is also incorporating Inuit Qaujimajatuqangit (cited as IQ) or traditional knowledge into the development of public policy and laws for the territory.<sup>12</sup>

Nunavut also has its own unique court structure. Prior to the creation of Nunavut, judicial proceedings in the region were administered via a circuit court from the N.W.T. With the creation of Nunavut, legislation was introduced to create a unified single level trial court.<sup>13</sup> The court travels on

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<sup>9</sup> For a general overview about the NLCA, visit Canada, Indian and Northern Affairs, “Nunavut,” [http://www.ainc-inac.gc.ca/pr/info/info100\\_e.html](http://www.ainc-inac.gc.ca/pr/info/info100_e.html) (accessed January 26, 2006);

<sup>10</sup> Nunavut, “FAQ,” <http://www.assembly.nu.ca/english/about/faq.pdf> (accessed January 26, 2006).

<sup>11</sup> Nunavut, Office of the Languages Commissioner of Nunavut, “Your Language Rights in Nunavut,” [http://langcom.nu.ca/rights/en\\_yourrights.html](http://langcom.nu.ca/rights/en_yourrights.html) (accessed April 25, 2006); *Official Languages Act, Revised Statutes of the Northwest Territories*, 1988, c O-1, as duplicated for Nunavut by s.29 of the *Nunavut Act, Statutes of Canada* 1993, c. 28, (accessed April 25, 2006).

<sup>12</sup> Nunavut, Government of Nunavut, “Consensus Government,” <http://www.gov.nu.ca/Nunavut/English/about/glance.shtml> (accessed January 26, 2006).

<sup>13</sup> The legal authorities for the Nunavut Court of Justice are: *An Act to Amend the Nunavut Act with Respect to the Nunavut Court of Justice, Statutes of Canada* 1999, c. 3, CANLII, <http://www.canlii.org/ca/as/1999/c3> (accessed January 26, 2006); *The Nunavut Judicial System Implementation Act, Statutes of the Northwest Territories*,

circuit to almost 85% of communities in Nunavut.<sup>14</sup> This court structure is a logical solution to the problem of serving such a large geographic area. Given that the court travels extensively throughout the territory and may visit certain communities on a regular or infrequent basis, the court must have jurisdiction in all legal matters; this structure, in turn, reduces waiting times for cases to be heard by the court.<sup>15</sup> The court has three federally appointed judges that regularly go out on circuit. Nunavut's Court of Appeal convenes several times a year and is comprised of superior court judges from the Yukon, N.W.T, and Alberta. The Nunavut Court also employs the services of deputy judges who go out on circuit or on assignments throughout the territory. A Justices of the Peace program (JPs) has also been established, and these community judges "share jurisdiction with the Nunavut Court of Justice over summary (less serious) Criminal Code and Nunavut statutory offences" and preside over bail hearings for more serious cases.<sup>16</sup> The court also provides English-Inuktitut interpreters for simultaneous translation of all court proceedings. There is only one courthouse in the territory – located in Iqaluit so when the court is out on circuit, the court convenes in spaces such as local school gymnasiums, hotels, or community halls.

### III. RATIONALE FOR AN ARCTIC LAW SCHOOL

There is a commitment among leaders and the Canadian government to build more social capacity in Nunavut -- to ensure future growth of the new territory. Statistics show that there is a need to provide education opportunities for residents in Nunavut. The territory has one of the fastest growing youth populations in all of Canada.<sup>17</sup> However, approximately 42% of population over the age of 15 have no schooling past Grade 9.<sup>18</sup> Furthermore, only 12% of the adult population have a university degree.<sup>19</sup>

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1998, c. 34, as enacted for Nunavut, pursuant to the *Nunavut Act, Statutes of Canada*, 1993, c. 28.

<sup>14</sup> Nunavut, Nunavut Court of Justice, "About the Nunavut Court of Justice," <http://www.nucj.ca/unifiedcourt.htm> (accessed April 25, 2006).

<sup>15</sup> In 2004, the Nunavut Court travelled over 177,824 kilometers "on circuit" throughout the territory. Nunavut, Nunavut Court of Justice, "2004 Annual Report Nunavut," 36, [http://www.nucj.ca/files/2004\\_NCJ\\_annual\\_report.pdf](http://www.nucj.ca/files/2004_NCJ_annual_report.pdf) (accessed April 25, 2006).

<sup>16</sup> *Ibid* 39.

<sup>17</sup> Nunavut, Government of Nunavut, "Our Land," 1.

<sup>18</sup> Statistics Canada, "Nunavut: Number of College Graduates in Region Doubles in One Decade," 2001 Census analysis series: Education in Canada, Raising the Standard (Ottawa: Statistics Canada, 2003), 25, catalogue no. 96F0030XIE2001012, <http://www12.statcan.ca/english/census01/Products/Analytic/companion/educ/nv.cfm> (accessed January 26, 2006).

<sup>19</sup> *Ibid*.

Education empowers individuals and will provide them with skills to actively participate in the development of the new territory.

In addition to the need identified by education statistics, there is also a legal requirement on the part of the public sector in Nunavut to provide education and training opportunities for Inuit. The negotiators of the NLCA wanted to avoid the scenario where the new territorial government would have to direct a largely non-Inuit or white, colonial bureaucracy.<sup>20</sup> To date, the workforce has consisted largely of non-Inuit employees from southern Canada who often relocate to the territory for a few years. The NLCA is a constitutionally binding agreement, and article 23 stipulates that the public sector workforce must reflect the demographic makeup of the territory where approximately 85% of residents are Inuit.<sup>21</sup> However, recent surveys completed by various federal and territorial departments, have found that on average only 45% of the public sector workforce is Inuit.<sup>22</sup> Article 23 also seeks to correct hiring practices that prevented many Inuit from attaining management or higher-paying positions.<sup>23</sup> Consequently, the Government of Nunavut and federal departments in Nunavut must develop innovative approaches to deliver educational programs for Inuit, provide on the job training for Inuit employees, and give preference to Inuit in the awarding of government contracts.<sup>24</sup>

This disproportionate employment demographic in Nunavut is evident in many professional occupations such as education, health care, and social work.<sup>25</sup> Over the years, the Nunavut Arctic College has established training

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<sup>20</sup> Kelly Gallagher-Mackay, "Affirmative Action and Aboriginal Government: The Case for Legal Education in Nunavut," *Canadian Journal of Law and Society* 14 (1999): 29, <http://www.westlawecarswell.com>.

<sup>21</sup> Nunavut Tunngavik Incorporated, "Article 23: Inuit employment within Government," Nunavut Tunngavik, <http://www.tunngavik.com/site-eng/nlca/articl23.htm> (accessed January 26, 2006).

<sup>22</sup> For commentary on employment levels in the Nunavut public sector, see Jim Bell, "Inuit Employment in Government Moving Backward: NTI and GN Use Implementation Contract in Bid for More Training Money" *Nunatsiaq News*, May 2, 2003, [http://www.nunatsiaq.com/archives/030502/news/nunavut/30502\\_02.html](http://www.nunatsiaq.com/archives/030502/news/nunavut/30502_02.html) (accessed January 22, 2006); "Article 23: Some Quick Facts"

*Nunatsiaq News*, May 2, 2003, [http://www.nunatsiaq.com/archives/030502/news/nunavut/30502\\_03.html](http://www.nunatsiaq.com/archives/030502/news/nunavut/30502_03.html) (accessed January 22, 2006).

<sup>23</sup> Gallagher-Mackay, "Affirmative Action," 30.

<sup>24</sup> Akitsiraq Law School Society, Akitsiraq Law School Proposal. [Iqaluit]: Akitsiraq Law School, 1999, 2. [unpublished, on file with author]

<sup>25</sup> For more information about other partnership programs, visit the Nunavut Arctic College, "Training Partnerships," [http://www.nac.nu.ca/about\\_the\\_college/partnerships.htm](http://www.nac.nu.ca/about_the_college/partnerships.htm) (accessed January 26, 2006).

partnerships with universities to deliver professional education opportunities to people in Nunavut. For example, McGill University, located in Montreal Quebec, provides a teacher education program in Nunavut. Likewise, Dalhousie University, located in Halifax Nova Scotia, delivers a “Nunavut Nursing Program.”

There has been a critical shortage of Inuit trained lawyers working in the territory. The Premier of Nunavut, Paul Okalik has stated that the “importance of a learning institution in the area of law in Nunavut cannot be underestimated. Nunavummiut need to prepare for the challenges ahead if we're to reach our full potential.”<sup>26</sup> Prior to the Akitsiraq program, Okalik was the only Inuk<sup>27</sup> lawyer in the territory, and he is not currently practicing law.<sup>28</sup> The Nunavut Bar, therefore, is comprised of southern lawyers who relocate to the territory, and some lawyers are hired to work on contract for short periods of time.<sup>29</sup> Furthermore, there are no Inuit judges working at the Nunavut Court of Justice. This lack of Inuit representation in the judiciary has serious implications for legal reform in Nunavut. In a sense, the lack of Inuit trained lawyers means that the judicial work in the territory is performed by southern lawyers. These non-Inuit lawyers often leave the north after working for a few years -- resulting in a higher than normal turnover of the profession: it is crucial that this legal knowledge base and expertise be retained in the territory.<sup>30</sup> Also, southern lawyers may not necessarily be informed or knowledgeable about the culture and customs of their Inuit clients. An example of this gap in cultural understanding occurred when a southern lawyer working on a case in Nunavut became angry because an Inuk had walked into another man’s home without being invited; in the north, it is customary not to knock on the door.<sup>31</sup>

By extension, the laws of the territory must also reflect the experience and culture of the majority of its population, and lawyers have the analytical skills and knowledge to help shape policy and bring about legal reform. When Nunavut was created, laws from the N.W.T. were duplicated for the new territory – the Nunavut Legislative Assembly is now working on the large task of adapting this legislation or creating new legislation for Nunavut.

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<sup>26</sup> University of Victoria Faculty of Law, *Akitsiraq News* (Victoria: University of Victoria Faculty of Law, Summer 2001) 3.

<sup>27</sup> Inuk is the singular form for Inuit.

<sup>28</sup> Paul Okalik was called to the Bar in 1999. Within a period of 1 month, he was elected to the Nunavut Legislative Assembly and was selected as the Premier of the territory.

<sup>29</sup> Gallagher-Mackay, “Affirmative Action,” 32.

<sup>30</sup> Gail J. Cohen, “Northern promise: Canada’s First Arctic Law School” *Canadian Lawyer* 26, no.5 (2002): 30.

<sup>31</sup> Caroline Murray, “A Tough Lesson in the Law,” *Ottawa Sun*, December 15, 2001, 19.

To this end, it is “important to ensure that the development and implementation of laws in Nunavut are sensitive to and respectful of Inuit values and aspirations. . . the only way that can really be done is if we have Inuit lawyers actively participating in all areas of the legal profession and political arena.”<sup>32</sup> Because there was an under-representation of Inuit trained lawyers in the territory, the Inuit majority lacked “important tools for affecting the laws by which they are governed, and how they are applied.”<sup>33</sup> In addition, the majority of Nunavut citizens speak Inuktitut as their first language,<sup>34</sup> and non-Inuit lawyers lack the language skills to converse directly with their clients.

Given these concerns, a small group of citizens in Iqaluit began to explore the idea of creating legal education opportunities for Inuit. Discussions started in the late 1980’s, and eventually, the Akitsiraq Law School Society was formed -- a non-profit organization consisting of local legal professionals, educators, and members of the community. In 1997, the work of the society paid off when funding was obtained to offer a six-week legal education course at the Nunavut Arctic College in Iqaluit. The program was designed to train court workers and to offer a “jump start” program for students who intended to relocate and enrol at a southern law school. A handful of these students entered law school at Carleton University in Ottawa but dropped out of school shortly thereafter because they faced high financial and social costs in relocating to the south:

Inuit typically come from a very close knit community of less than a 1,000 people. When an Inuk youth wants to further their education, they are doing it without their family and support system to guide and protect them. After a lifetime of knowing everyone you meet on the street, knowing about their life, you are faced with the daunting difference in the south, where you look over a sea of faces, not knowing a single soul. You see more people than you could’ve ever imagined at one time, but most importantly, you see none of your people. The south is completely different to the north. Concrete, high rises, masses of people, it is culture shock. Although the effects

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<sup>32</sup> Akitsiraq Law student Madeleine Redfern in Marian Bryant, “On Top of the World: a Special Report on Creating Nunavut” *Law Now: Relating Law to Life* (August 2003), [2].

<sup>33</sup> Akitsiraq, “Akitsiraq Law School Proposal,” 2.

<sup>34</sup> It is estimated that 70% of Nunavummiut speak Inuktitut as their first language. To read more about Nunavut’s 3 official languages, visit the Office of the Languages Commissioner of Nunavut, “See our Work”, [http://action.attavik.ca/home/langcom/en\\_ourwork.shtml](http://action.attavik.ca/home/langcom/en_ourwork.shtml) (accessed January 22, 2006).

would seem to wear off, it is amidst this foreign culture that a lone student is attempting to succeed.<sup>35</sup>

Inuit studying at southern institutions experience isolation from their families, encounter language barriers, lose their cultural ties to their communities, and in some cases, Inuit students have experienced poverty -- leaving them without the necessary support to finish their degrees.<sup>36</sup>

Given the difficulties these students faced, the Akitsiraq Law School Society recognized that rather than forcing students to move south to attend school, a law school program had to be brought north. One of the founding members, Madam Justice Beverley Browne of the Nunavut Court of Justice, articulated the need for locating a law school in the north:

I became aware very quickly that there were individuals [in Nunavut] who had great intellectual potential to become lawyers. So, I started to discuss it with them and I did everything that could possibly do to encourage some of the really bright lights that I encountered to go to law school, but none of them expressed much interest in leaving the north. It became clear that Inuit aren't interested in attending university in the south for extended periods of time, like you would for law school. Yet, they should be lawyers, so we figured maybe we should have a school in the north. . .<sup>37</sup>

With this principle in mind, the society approached various Canadian law schools and later, the society partnered with the University of Victoria Faculty of Law (cited as UVic Law) to deliver legal education in Nunavut.

Why did this partnership develop with the University of Victoria and not with another institution closer to Nunavut? Looking at a map of Canada, it becomes obvious that the University of Victoria, on the west coast of Canada, is the most geographically distant law school to Nunavut. Logistically, it takes approximately 10 hours of flying time, changing airplanes, and often staying overnight in Ottawa to travel from Victoria to Iqaluit, Nunavut. Despite the geographic barrier, UVic Law became a partner in the initiative for 3 main reasons: the law school had already established ties

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<sup>35</sup> Akitsiraq Law student Siohban Arnatsiaq-Murphy quoted in Gallagher-Mackay, "Affirmative Action," 68.

<sup>36</sup> See an interview with Nunavut Premier Paul Okalik about his experiences studying at a southern law school in William Johnson, "Condemned and Redeemed -- the New World of Inuit Law" *Globe and Mail*, September 1, 2001, A13, <http://www.westlawecarswell.com>; Murray, "A Tough Lesson in the Law," 19.

<sup>37</sup> University of Victoria, "Prominent Speaker Profile: Madam Justice Beverley Browne and the Northern Law Program" *Law News*, Spring 2003, 4-5, <http://www.law.uvic.ca/Alumni/0301.pdf> (accessed January 22, 2006).

to the judiciary in Nunavut, the school had implemented policies to promote equality for legal education for aboriginal people, and UVic Law has a reputation for delivering a high quality and supportive education to law students. UVic Law is the only law school in Canada to offer a co-op education program, allowing students to integrate their academic learning with “on the job” work experience or “work terms.” For many years, there had been a continuous stream of UVic Law co-op students working in Nunavut at the Court of Justice. These students became involved in the Akitsiraq Law School Society’s planning meetings, and later when they returned to the Victoria campus, they articulated the need for the University of Victoria to become involved in the initiative. Philosophically, the partnership with UVic Law was also a natural fit given its student centered approach to learning and its support of aboriginal legal education initiatives. In 1998, the Faculty created an Aboriginal Equity Plan to:

. . . promote equality for Aboriginal students, staff, faculty and their communities, to provide Aboriginal peoples with the opportunity to participate fully and equally in the law school community and to remove systemic barriers to their equal participation, to promote respect for Aboriginal cultures and ways of learning, and to ensure that graduates of the Faculty of Law better reflect and understand the Aboriginal peoples of Canada in all their diversity.<sup>38</sup>

To this end, UVic Law established an endowed Professorship in Aboriginal Justice and Governance, a concurrent degree program for an LL.B. and a Master of Arts in Indigenous Governance, a special admissions category for Aboriginal persons, a unique Academic and Cultural Support Program for aboriginal students, and the school established a Native Law Students' Association.<sup>39</sup> Beginning in 1996, UVic Law sponsored a four-day Aboriginal Cultural Awareness Camp bringing law students, faculty, lawyers, judges, and police officers together with local First Nations people to “learn, in a non-confrontational way, how the legal community and the First Nations can work together to create a better justice system for Canada’s first people.”<sup>40</sup> The Law School’s curriculum offers a variety of courses focused on Aboriginal law and many others include components dealing with

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<sup>38</sup> University of Victoria, Faculty of Law, “Aboriginal Equity Policy,” (Victoria: Faculty of Law, 1998), [http://www.law.uvic.ca/Current\\_Students/Academic\\_Regs/AboriginalPolicy1998.php](http://www.law.uvic.ca/Current_Students/Academic_Regs/AboriginalPolicy1998.php) (accessed January 22, 2006).

<sup>39</sup> University of Victoria, Faculty of Law, “Why UVic Law?” [http://www.law.uvic.ca/Admissions/why\\_uvic\\_law.php](http://www.law.uvic.ca/Admissions/why_uvic_law.php) (accessed January 22, 2006).

<sup>40</sup> University of Victoria, Faculty of Law, “Aboriginal Cultural Awareness Camp: Protocol,” <http://law.uvic.ca/acac/protocol.htm> (accessed January 22, 2006).

Aboriginal legal issues.<sup>41</sup> In terms of the proposal to create the Akitsiraq Law School, the UVic Law Faculty also recognized the importance of delivering “legal education to Inuit students in their own social, cultural, and geographic environment in the North.”<sup>42</sup> Finally, the UVic Faculty of Law has a solid reputation in the legal community and is consistently ranked as one of Canada’s top law schools.<sup>43</sup> Partnering with the faculty would ensure at the completion of the program, Akitsiraq students would graduate with the full credential of a Bachelors of Law degree from this prestigious university.

Once UVic Law was onboard, other partnerships developed. UVic Law would be responsible for the development of the curriculum, delivery of instruction (including recruitment of instructors), and academic regulations for the program. UVic Law waived its tuition fees for the Akitsiraq program. In Iqaluit, the Nunavut Arctic College offered the physical classroom and office space for the program and also provided administrative support and services for students. Funding for the program was obtained through the Government of Nunavut and from federal government departments. Private funding was also obtained through the Walter & Duncan Gordon Foundation.<sup>44</sup> The University of Victoria Libraries, including the Diana M. Priestly Law Library, provided staffing and librarian support, research materials, and library services for the program.

A joint admissions committee was formed which included faculty from the University of Victoria and members from the Akitsiraq Law School Society. Unlike other southern law school students, Akitsiraq applicants were not required to write the Law School Admissions Test (LSAT) exam.<sup>45</sup> The

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<sup>41</sup> University of Victoria, Faculty of Law, “Law Calendar 2005-2007,” (Victoria: Faculty of Law, 2005), 22-23, <http://www.law.uvic.ca/Admissions/Calendar/UVicLawCalendar.pdf> (accessed January 22, 2006).

<sup>42</sup> University of Victoria, Faculty of Law, “Akitsiraq Law School: Bachelor of Laws (LL.B.) Program description,” <http://www.law.uvic.ca/akits.html> (accessed January 22, 2006).

<sup>43</sup> The *Canadian Lawyer* magazine releases its annual rankings for Canadian law schools in January of each year. Based on survey data obtained from graduating students and law school alumni, the University of Victoria was ranked as the top Canadian law school six times in the past 10 years.

<sup>44</sup> The Walter & Duncan Gordon Foundation aims to “support research and education projects that increase Northern peoples’ ability to participate in and help shape public policy.” For information about the Foundation’s support for the Akitsiraq program, visit Walter & Duncan Gordon Foundation, “Highlight: the Canadian North,” [http://www.gordonfn.org/CN\\_obj1\\_project-2.cfm](http://www.gordonfn.org/CN_obj1_project-2.cfm) (accessed January 22, 2006).

<sup>45</sup> Skills test, administered by Law Schools Admissions Council, used by Canadian and United States law schools to evaluate law school applications. For an

cost to administer the test in Nunavut was prohibitive: it would cost approximately \$500 per student to administer the test, plus an additional \$3000 dollars for those students who needed to travel to Iqaluit to take the test.<sup>46</sup> There were also concerns that the LSAT would not fairly evaluate applicants whose first language was Inuktitut.<sup>47</sup> Although this aspect of the Akitsiraq application process was different, the Akitsiraq students still had to achieve the same academic standards as southern students enrolled in studies at UVic Law. The Akitsiraq admissions committee developed more holistic admissions criteria that included an applicant's involvement in the community, employment history, volunteer activities, previous academic performance (although previous post-secondary education was not a strict requirement), applicants wrote a written test, and were interviewed by the Admissions committee.<sup>48</sup> Applicants also had to be Inuit from a province or territory in Canada.

In order to attract high quality candidates, various government departments and local organizations sponsored students to help provide students with a living allowance of approximately \$52 000 Cdn per year. This allowance, at first glance, seems generous. However, the cost of living in Nunavut is high; figures suggest that food items and housing cost anywhere from 1.5 to 6 times higher than in southern Canada, explained in large part by the fact that there are no land-based transportation routes into the territory or between communities— all goods are transported by plane or by sealift in the summer.<sup>49</sup> Furthermore, the first northern director of the program, Kelly Gallagher-Mackay, points out that “most of the students gave up well-paying jobs” to attend the program and financial sponsorship gave them the “impetus to come and stay in law school.”<sup>50</sup> The majority of Akitsiraq students also had young families to support, and in some cases, students were single parents. This financial arrangement provided students with a consistent level of financial support throughout the course of their studies – to “allow the students to have their essential needs met so they [could] concentrate on their studies” while at the same time, local organizations and government departments had the opportunity to meet their NLCA/article 23 requirements.<sup>51</sup> There is a critical shortage of housing in the territory so sponsorship arrangements also guaranteed access to housing for Akitsiraq

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overview of the use of the LSAT in aboriginal legal education initiatives, see Gallagher-Mackay, “Affirmative Action,” 56.

<sup>46</sup> Cohen, “Northern promise,” 29.

<sup>47</sup> Ibid.

<sup>48</sup> Faculty of Law, *Akitsiraq News*, 5.

<sup>49</sup> For example, a liter of milk costs \$3.00 in Nunavut, a box of laundry detergent around \$30.00, and a two bedroom apartment costs more than \$2000 per month. Cohen, “Northern promise,” 29.

<sup>50</sup> Ibid.

<sup>51</sup> Faculty of Law, *Akitsiraq News*, 6.

students and their families. In return for this funding, students worked for their sponsors during work placements in the summer and for short periods during the academic year to help “integrate classroom learning with real world experience.”<sup>52</sup> After graduation, students would be under contract to work for their sponsors for a minimum of two years. Alternatively, students could also opt to complete other legal work in Nunavut for four years after graduation.<sup>53</sup>

One of the core principles of the program was that course delivery would be “face to face” – there would be no course modules or teleconferencing of lectures as in other distance education programs. Instead, practitioners, judges, and law faculty from the University of Victoria and from other Canadian law schools traveled to Iqaluit to teach. In addition to these visiting faculty, there was a full-time instructor/northern director and tutor on site in Iqaluit. Although the delivery of face-to-face instruction was more cost intensive than other distant delivery models,<sup>54</sup> it allowed the students to learn through direct relationships and social learning. The number of students in the program also ensured that there was a low student- faculty ratio allowing for higher levels of student support.<sup>55</sup> The Akitsiraq Law School was developed with the idea that there would be a one-time intake of students who would progress through the program as a cohort.

When the doors opened to 15 students in the fall of 2001, the composition of the Akitsiraq class varied in terms of formal education experience, age, and family responsibilities. The youngest student was in her early 20’s and the oldest student was in her late 40’s. Some students had previous work experience in judicial settings (one student previously worked as a Youth Offender support worker and another student was a Royal Canadian Mounted Police officer). Some students had formal post secondary education experience while others did not.

#### **IV. THE AKITSIRAQ LAW SCHOOL CURRICULUM**

The Akitsiraq program offered the core law school courses such as criminal law, legal research and writing, contract law, property law, etc. but there was also a recognition that the curriculum needed to be “northernized” to reflect Inuit values and customs:

If our Inuit students went down to one of the universities in the south, there would be significant parts of the program that wouldn’t make

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<sup>52</sup> Akitsiraq, “Akitsiraq Law School Proposal,” 5.

<sup>53</sup> University of Victoria, “Akitsiraq Law School. . . LL.B.,” <http://www.law.uvic.ca/akits.html> (accessed January 30, 2006).

<sup>54</sup> The cost to operate the Akitsiraq Law School was close to 5 million dollars.

<sup>55</sup> Akitsiraq, “Akitsiraq Law School Proposal,” 2.

any sense to them, because of where they have grown up and the life experiences that they've had. By moving the program to another place, it forces the instructors to make it relevant to the majority of the population they are teaching.<sup>56</sup>

In a sense, the Akitsiraq Law School became the “first, in Canada, off campus law program designed specifically for the culture of the students attending.”<sup>57</sup> Components and principles of Inuit traditional law were incorporated into courses throughout the program. One of the Akitsiraq students, Qajaq Robinson articulated the importance for the infusion of Inuit traditional law into the curriculum:

“I think often there's a sentiment that indigenous law . . . is substandard. . . I think there's room for it to be held on the same plateau [as other law]. So as a lawyer, it would be my job to assert my arguments that reflect Inuit law in court.”<sup>58</sup>

Furthermore, some western legal concepts do not exist in Inuit culture which made it difficult for students to correlate these principles with their understanding of Inuit traditional law; for example, there is no word in Inuktitut for the concept of guilty.<sup>59</sup> Furthermore, the western legal tradition stems from an individual's rights whereas in IQ, laws are geared towards preserving the “collective” rights or survival of the group.<sup>60</sup> Instructors also incorporated teaching examples that were drawn from case law and legislation in the north. This was sometimes challenging given the differences in both traditions. For example, there is very little civil case law in Nunavut which created challenges in planning the curriculum for the course on Torts.<sup>61</sup> John

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<sup>56</sup> UVic Law, “Prominent Speaker Profile,” 5, <http://www.law.uvic.ca/Alumni/0301.pdf> (accessed January 26, 2006).

<sup>57</sup> Justice Beverley Browne, “Nunavut and the Law: an Experience in Creativity” (lecture presented for the F. Murray Fraser Lecture on Professional Responsibility, University of Victoria Faculty of Law, BC, November 13, 2002). VHS.

<sup>58</sup> Greg Younger-Lewis, “Akitsiraq Grads Bring Inuit Values to Northern Law,” *Nunatsiaq News*, June 17, 2005, [http://www.nunatsiaq.com/archives/50617/news/nunavut/50617\\_05.html](http://www.nunatsiaq.com/archives/50617/news/nunavut/50617_05.html) (accessed January 22, 2006).

<sup>59</sup> Aaju Peter [Akitsiraq law school student], interview by Kelly Ryan, *Sounds Like Canada*, Canadian Broadcasting Corporation, July 11, 2005.

<sup>60</sup> Carswell, Margaret. “Social Controls Among the Native Peoples of the Northwestern Territories in the Pre-contact Period,” *Alberta Law Review* 22, no. 2 (1984): 307-308.

<sup>61</sup> Bell, Catherine, “The Akitsiraq Law School Experience: Personal Reflections on Teaching and Learning,” July 2003, *Aboriginal Writes: CBA National Aboriginal Law Section*, <http://www.cba.org/CBA/Newsletters/abo-2003/a3.aspx> (accessed January 22, 2006).

McLaren, a UVic Law professor who taught at Akitsiraq, commented about incorporating culturally relevant teaching examples into the curriculum:

There is access [in Nunavut] to a treasure trove of materials on the Arctic and Inuit culture. I was directed to a 20 minute [Canadian Broadcast Corporation] clip about an incident that made legal news in the mid-1960's. Members of a family group were so fearful and upset about the crazed antics of a woman in the group that she was ultimately shot on the advice of the Elders and with the consent of her husband and son. The clip involves an interview with the man that killed her who suffered so much guilt as a result that it took over 30 years for him to decide to talk about it . . . I showed [the video] in class when we were dealing with mental incapacity in the law of torts.

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Unique courses designed around issues in the north were also included in the curriculum: for example, Inuktitut and a course on the NLCA were included.<sup>63</sup> Moving the law school to the north also allowed for more use of this traditional knowledge, including the participation of Elders in the delivery of instruction.<sup>64</sup> Funding was obtained to hire a unilingual "Elder in Residence" to teach students beginner and advanced Inuktitut language. An Inuit traditional law (IQ) course was also offered by the Elder in residence: students and Akitsiraq faculty heard about and discussed concepts of customary law and traditional values, and these classes were simultaneously translated into English and recorded.

Relocating the law school to the north would ensure that students, in turn, would be more involved in the community during the course of their studies. For example, the Nunavut Legislature introduced the Education Act in 2002, and a group of Akitsiraq students examined the proposed bill section by section. Later on, one of these students presented their recommendations to the Legislative Committee:

Our law students are becoming regular advocates at various public meetings on legislation that's proposed and other community and

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<sup>62</sup> John McLaren, "Reflections of an Idle Mind." *University of Victoria Faculty of Law Annual Report 2002*, 33, <http://www.law.uvic.ca/Alumni/AR2002.pdf> (accessed January 30, 2006).

<sup>63</sup> Because of these additional courses and that the first year courses were spread over two years, the program required four years of full-time studies to complete rather than the standard 3 year program offered at southern Canadian law schools.

<sup>64</sup> Akitsiraq, "Akitsiraq Law School Proposal," 4.

territorial issues. Knowledge and skills provide people with power to affect real change, and that's happening in Nunavut now.<sup>65</sup>

Students also participated in a project to create a legal dictionary to translate western legal concepts into Inuktitut. Also, the Akitsiraq Law School hosted a 5 day workshop on the NLCA in Iqaluit in the fall of 2003. The workshop included a broad panel of experts who presented on various aspects of the agreement/specific articles, and discussion groups later debated the implementation of the agreement. The workshop was attended by Akitsiraq students, academics, government officials in Nunavut, and federal government officials.

In order to allow Akitsiraq students to experience the full on-campus university experience, students were encouraged to complete an optional study term at a southern campus. In January 2004, Akitsiraq students transferred to the University of Ottawa Law School for an intensive six week study period. While at the University of Ottawa, students enrolled in one intensive full credit course not otherwise offered at Akitsiraq. This initiative offered the Akitsiraq students "an opportunity to be taught by professors who [were] not involved in the Akitsiraq Program, to interact with law students from other parts of Canada, to share their knowledge of their culture and the North with others, and to discuss issues of importance to them with their peers."<sup>66</sup> In January 2005, the majority of Akitsiraq students travelled to the University of Victoria campus for 2 weeks of activities, including library instruction sessions, research time in the library, and receptions at the law school. In particular, southern law students hosted a reception for their Akitsiraq colleagues and later, a special feast was held where members of the aboriginal community, faculty, law students, and invited guests welcomed the Akitsiraq class to Victoria. A handful of Akitsiraq students continued to stay in Victoria to complete their last semester of studies on the Victoria campus.

## V. LIBRARY SERVICES FOR THE AKITSIRAQ LAW SCHOOL

The Akitsiraq program started in September 2001. However, I was hired as the Akitsiraq Law Librarian in January 2002 a full semester after the program had started. The Akitsiraq Librarian position required hands-on work with many aspects of library service: reference, instruction, acquisitions, and interlibrary loans. Although course instruction at Akitsiraq was delivered face-to-face, library services were delivered, for the most part, by distance. As the Akitsiraq Law Librarian, I was based at the Diana M. Priestly Law

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<sup>65</sup> Beverley Browne, "Nunavut and the Law," VHS.

<sup>66</sup> University of Victoria, "Akitsiraq Law School. . .LL.B," online: <http://www.law.uvic.ca/akits.html> (accessed January 30, 2006).

Library at the University of Victoria campus and would periodically travel to Nunavut to work with the students.

Because the program was already underway, I had to quickly build a library service model for the program from the ground up, without any similar program model to look to. Distance library services guidelines were helpful in the beginning planning stages of the project.<sup>67</sup> Library services were developed with core philosophies in mind: students were entitled to equitable access to resources and services that their southern counterparts enjoyed, library services had to be developed to ensure a level playing field between the Akitsiraq and the southern campus, and services had to be student-centered. In terms of library instruction, we felt strongly that the students needed to develop and refine their research skills not only for their own programs success, but to give them the skills to continue on their path of lifelong learning once they were lawyers practicing in the field. I developed a "red book" proposal for library services and distributed this report to the key stakeholders not only at UVic Law but also on the ground in Iqaluit.

Even in a regular library setting, there are factors that influence whether a patron will approach the reference desk for assistance: non verbal cues from the librarian, patrons may feel reluctant to approach a librarian for help because they are not confident about their question and what information they need, they may not be aware of what library services are available, or they may not be comfortable with technology and online research. I would argue that for off-campus distance students, all these factors are compounded, creating even larger barriers when approaching a librarian for assistance.

In the early stages of the program, Akitsiraq students did not contact me regularly for reference assistance. There are several possible explanations for this. One, the students were completing their first year courses, and the assignments for these classes were analytical assignments/memos and not research papers. Some Akitsiraq students had been away from formal education for many years so they were not necessarily aware of what library services were available to them. I soon discovered that approaching me for reference assistance was also affected by geography, time zones, and family responsibilities. Nunavut is 3 hours ahead of Pacific Standard Time; therefore, a good portion of the Nunavut school day had already passed by the time I arrived at work at UVic Law. It became

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<sup>67</sup> Canadian Library Association, *Guidelines for Library Support of Distance and Distributed Learning in Canada*, CLA Position Statements, <http://www.cla.ca/about/distance.htm> (accessed January 30, 2006); Association of College and Research Libraries, *Guidelines for Distance Learning Library Services*, ACRL Standards and Guidelines, <http://www.ala.org/ala/acrl/acrlstandards/standardsguidelines.htm> (accessed January 30, 2006).

increasingly apparent that it was difficult for many students to schedule reference appointments during the lunch hour or after school because of family responsibilities; students had to pick up their children from school and return home on the lunch hour and at the end of the school day. This issue was further complicated by the fact that many of these students did not own a computer or have access to the Internet at home – therefore, scheduling reference appointments in the evening (Nunavut time) was also difficult. Because of these scheduling issues, it became quickly apparent that scheduling regular reference office hours would not work. This meant that as the Librarian for the program, I had to be fairly flexible with my work schedule to try and accommodate the regular work day in Iqaluit.

Given all of these challenges, I realized that I had to employ different strategies to improve communication with the students. Most importantly, I needed to build a personal connection/rapport with the students to help them feel more comfortable approaching the library for assistance. Shortly after I was hired, I travelled to Iqaluit to meet with the students, and throughout the duration of the program, I travelled to Iqaluit 5 times. Site visits allowed me to provide one-on-one assistance in person, provide group instruction sessions, and to interact with students informally. I also consulted course outlines in order to anticipate assignments and research needs throughout the term -- which allowed me to send timely emails to remind students that I was available for research assistance. In particular, Akitsiraq instructors and the onsite tutor became key points of contact, and they often referred students to me for research assistance. Later on in the program, once students began to work on research papers, instructors would forward me a list of topics that students had chosen/were assigned. This strategy allowed me to keep a look out for any relevant articles for their papers when I was canvassing the literature, and occasionally, I forwarded these articles to the students. I also developed research pathfinders targeting specific assignments.

In order to improve communication with the school, there needed to be a rapid response to reference questions so I set a benchmark that the turnaround time would be 24 hours or less. The pace of the academic semesters at UVic Law gradually pick up mid-term: for example, reference service and instruction responsibilities gain momentum in late September and steadily increase towards the end of November, and the Akitsiraq campus was no exception to this trend. Given the increased service needs of both the Akitsiraq and southern law school campuses during these peak periods, it was sometimes difficult to juggle deadlines. However, from the outset, any requests I received from Akitsiraq students or instructors became my top priority; my other non-Akitsiraq responsibilities at the Priestly Law Library were relegated to the “backburner” or were delegated to my other librarian colleagues.

As the library point of contact for the program, I also had to be willing to provide non-traditional service (outside of professional librarian duties) for our students. Students approached me for assistance not only for library related questions but also for non-library issues. For example, students would ask questions about University of Victoria administration procedures, student cards, etc. If a “southern” student approached a reference desk about these types of questions, librarians would simply refer the student to the appropriate department or contact. For the Akitsiraq students, I mediated these problems for them. For one, students were not familiar with the campus or its administration, and it would have been time consuming to navigate the University of Victoria’s bureaucracy from the north. Also, I was encouraging the Akitsiraq students to approach me for assistance – the act of telling a student to contact someone else would have been counterproductive to this effort. In terms of other non-traditional librarian duties, I was also interested in improving the physical work environment for students and faculty at Akitsiraq. After my first site visit to Iqaluit, I drafted several proposals to reorganize the physical classroom space and improve access to computer equipment.

Given the small size of the Akitsiraq class, the goal of building relationships with the students and my role as a librarian were often blurred. I had the opportunity to work with the students over the course of their 4 year program and so I had the opportunity to get to know the students on a more personal level. In a sense, the Akitsiraq Law School was a small community in itself, including students, faculty, staff, and myself the librarian. It was never formally articulated/requested that I would take on extra, non-librarian responsibilities; rather, it was just an understanding and an awareness that there was a commitment on my part and by other Akitsiraq faculty, that we were there to help and support the Akitsiraq students in all aspects of their program success. I think the importance of community was apparent when a few of the Akitsiraq students relocated to the southern University of Victoria campus for their last semester of studies. I became a resource for students learning about the city of Victoria: for help with transportation issues, and I helped students move into their new accommodation.

Many distance students are able to access another university or large college library in their geographic area. In Iqaluit, the Akitsiraq students had access to the Nunavut Legislative Library, the library at the Nunavut Arctic College, and the Iqaluit branch of the Nunavut Public Library. There is also a Courthouse Library in Iqaluit which proved to be an important resource for students. Because they did not have access to an academic law library onsite, Akitsiraq students needed to have access to full-text resources online. We were fortunate that the nature of legal publishing allowed students to access a vast collection of full text primary and secondary legal materials for Canada and other jurisdictions. Canadian law schools have contracts with various

legal publishers that allow law students and law faculty to have free educational access to commercial legal resources.<sup>68</sup> In addition, students also had remote access to the compliment of databases licensed not only through the Priestly Law Library but also through the University of Victoria Libraries.<sup>69</sup> In particular, the Law Library purchased a subscription to the Arctic and Antarctic regions database<sup>70</sup> to support research and instruction at Akitsiraq, and this database proved to be an invaluable resource for Akitsiraq students and faculty researching multidisciplinary topics relevant to the north.

Internet connectivity in Nunavut is supported by satellite technology (there are no ground connections) which means that it is expensive to build extra capacity. The IT infrastructure and bandwidth congestion onsite at the Nunavut Arctic College made Internet connectivity slow and problematic for Akitsiraq students using some online resources; databases with heavy graphical interfaces were slow to load or “timed out,” and students were often not able to download articles full text from these sources. When I reflect back on IT issues, one example stands out in particular. I was scheduled to visit Iqaluit for 5 days during a winter term -- to teach 5 lab sessions on how to use various legal and multidisciplinary databases. On the first day of my visit, the Internet at the Nunavut Arctic College collapsed and was completely down for 4 straight days, encompassing almost the complete duration of my visit. It certainly proved a challenge to provide instruction on how to use online databases when there was no Internet. During other site visits, I was able to offer instruction sessions but because of congestion on the network, these sessions often deteriorated to demonstrations only: students were unable to follow along or do any hands on practice during the labs because computers were slow to load online content.

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<sup>68</sup> The Priestly Law Library has educational access to law school programs with Quicklaw, LexisNexis, WestlaweCarswell, CCH Canada, Maritime Law Book, and QP Legaleze (British Columbia’s Queen’s Printer).

<sup>69</sup> To view the collection of licensed database, visit the Diana M. Priestly Law Library’s “Databases and Tutorials” page at [http://library.law.uvic.ca/Law\\_Library\\_Databases/index.php](http://library.law.uvic.ca/Law_Library_Databases/index.php) and the UVic Libraries Gateway at <http://gateway.uvic.ca/index.html> -> select “Databases.” Akitsiraq students were required to authenticate as UVic patrons in order to access these EZ proxied databases.

<sup>70</sup> Hosted by the National Information Services Corporation (NISC), the Arctic and Antarctic Regions is a collection of international polar databases and provides multidisciplinary coverage back to 1800. The database includes library records from the Scott Polar Research Institute (Cambridge), Department of Indian and Northern Affairs Library (Canada), the Arctic Bibliography (Arctic Institute of North America), and the Canadian Circumpolar Library (University of Calgary), and others. Visit the NISC website for more information <http://biblioline.nisc.com/scripts/login.dll?BiblioLine> (accessed January 22, 2006).

Internet technology (IT) issues at the College were a constant factor in planning library services for the program. Because of IT implications and firewall limitations, virtual reference was not implemented; therefore, I used “low technology” such as asynchronous email and telephone calls to provide reference service. This strategy also proved a benefit for those students who were less comfortable with computer technology/virtual reference software. During a typical telephone reference call, I would often lead the student through a database or Internet search query. The webpage would load instantly on my computer down south, but the Akitsiraq student would typically have to wait 1-4 minutes for the page to load “up north.” In some cases, students would be timed out before the page loaded which made it challenging to carry on a synchronous instruction session. Internet traffic was busiest during the regular workday so scheduling early morning or evening reference calls sometimes improved network responsiveness for the students.

Despite these technological hurdles, students were able to utilize online resources but we recognized that it was still crucial to provide the law school with print material. Students and faculty needed to have relevant print materials on hand so we established a mini-course reserve in the classroom. Akitsiraq students received a course-pack of required readings and textbooks for each course but instructors were able to refer students to specific texts from the classroom collection to build on points raised in the lecture. This mini-course reserve also provided a resource for students wanting to explore the law further on their own or to learn serendipitously through browsing the collection. The availability of this collection also meant that in the winter, students did not have to walk in minus 40 degree Celsius weather to the Nunavut Courthouse Library to look at a treatise. It was quickly apparent that given the size of the classroom and space limitations, we had to be fairly cognizant when deciding what material to purchase. I made the decision early on that we would not purchase serials or case law reports for the school; instead, we purchased core treatises, casebooks, research guides, books relevant to the north, reference materials, and other academic resources. Generally, I would contact the Akitsiraq instructors about 3 months prior to the start of their course(s) and ask them to forward me a list of titles they wanted to see the library purchase. In addition, we also transferred relevant out of print monographs from the Priestly Law Library collection to Akitsiraq. Once we started to purchase materials for the school, I had to decide on procedures for processing these Akitsiraq resources and establish appropriate borrowing procedures that would make sense given the smaller, informal nature of the collection.

Because of the novelty of the program and the subsequent coverage in the media, we received many offers from law firm libraries, academic libraries, and legal publishers to donate research materials to Akitsiraq. In many cases, libraries offered us large serial sets of Canadian law reports, sets

that often sit in duplicate and triplicate in many Canadian law libraries and are also available full text online through various vendors. We declined these donations. We soon discovered that donations were being sent directly to Akitsiraq and thus, bypassing the Priestly Law Library. In order to keep track of what was available at the school and consequently, what we needed to order for the program, we needed to maintain control of the classroom collection so I developed a donations policy which was sent out to key stakeholders in the program -- to make sure that the collection remained current and relevant for the students. We also didn't want to transfer used or discarded older editions of textbooks to the law school; we didn't want to send the message that the program was worthy of second rate learning materials. We purchased new, current editions for the program.

Akitsiraq students and faculty also needed timely and efficient delivery of interlibrary loan material. I took the lead in coordinating interlibrary loan agreements with other lending libraries to help improve the delivery speed of resources to the northern campus. In Canada, there is no national law library. Instead, the Canadian Association of Law libraries has established a reciprocal lending agreement to provide materials at no cost or relatively low cost, usually delivered via a high resolution Ariel documentation station or by mail. Because of problems with the IT network at the Nunavut Arctic College, our transfer of an Ariel documentation station to the College for Akitsiraq interlibrary loans was not successful. Instead, if we received an Ariel transmission at the University of Victoria for an Akitsiraq request, I would either courier the material north or send the requested article via regular fax to the Nunavut Arctic College. Canada's national library, the "Library and Archives Canada" has some legal material in the collection but usually we requested multidisciplinary monographs, theses, and articles for interlibrary loan from their collection. The Library and Archives Canada provided a quick turnaround time for ILL requests given their geographic proximity to Nunavut. When students were researching interdisciplinary topics, we also utilized resources at the McPherson library, University of Victoria; I had to obtain permissions and mediate proxy patron procedures that allowed me to borrow material on behalf of an Akitsiraq student who was not on campus.

As the academic semester became increasingly busy, Akitsiraq students, like their southern colleagues, were juggling multiple assignments and readings; therefore, interlibrary loan requests were sometimes sent to me late in the term and a very quick turnaround time was required. This proved to be a challenge considering that there were many factors, such as winter storms, that influenced the speed of delivery for parcel shipments to the north. Sometimes courier packages would take three weeks to arrive in the north. Because of these shipment delays, we had to negotiate longer borrowing periods from lending libraries. Furthermore, students were not necessarily

aware of the lead up time required to locate different material formats (such as non-University of Victoria theses and specialized government reports), so educating students about the importance of submitting requests earlier in the term was helpful.

A distance student's connection to a host institution will impact on that student's success and motivation.<sup>71</sup> Later in the program, Akitsiraq students articulated that they felt disconnected and isolated from their University of Victoria colleagues. Therefore, the goal was to provide social interactions or exchanges to enrich the learning environment for both campuses. During the opening day at UVic Law in 2001, cameras were set up to stream a live internet broadcast of the opening ceremonies in Victoria to the Akitsiraq students – and vice versa, their colleagues in Victoria were going to see the visual/audio feed from Akitsiraq. The problematic IT network at the Nunavut Arctic College slowly ground transmissions to a halt so the moment became more symbolic than practical. However, it was important to keep introducing the Akitsiraq program to future intakes of southern law students. Later during orientation week at UVic Law, we presented a slide show and presentation to the first year law students. Also, I created displays in the Priestly Law Library about the Akitsiraq program. I also communicated activities at the University of Victoria Law School to the Akitsiraq students. In one example, students at the southern campus organized a 24-hour charity hockey tournament, and the Akitsiraq students up north scheduled their own hockey game to coincide with the game in Victoria. I also coordinated the ordering of UVic Law clothing, with Akitsiraq embroidered in Inuktitut, which proved to be a symbolic but successful way of making the Akitsiraq students feel part of the larger UVic Law community. The site visit to Victoria in 2005 also helped Akitsiraq students feel more connected to the law school.

In addition to services for students, I also needed to provide services for faculty teaching at the school. It is important to keep in mind that faculty were drawn not only from the University of Victoria but also from other law schools, courts, and law firms across Canada. Therefore, the Law Library played a unique role in coordinating communication and sharing of curriculum resources among this group. Because faculty needed to consult course outlines, assignments, exams, and reading lists for previous courses taught at the school, we developed an Akitsiraq faculty website to archive and disseminate course materials and administrative resources. The website was password protected in order to maintain control over access to curriculum and

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<sup>71</sup> McMullen, Bill and Andreas Rohrbach, *Distance Education in Remote Aboriginal Communities: Barriers, Learning Styles, and Best Practices* (Prince George, BC: College of New Caledonia, 2003) 101-102, <http://www.cnc.bc.ca/mackenzie/PDF/DistanceEducationinRemoteAboriginalCommunities.pdf> (accessed January 22, 2006).

Akitsiraq contact information. Once logged in to the website, faculty could upload their curriculum materials via a simple file uploading service.<sup>72</sup> Usually, I mediated this process. The website also provided access to other support materials: an inventory of the Akitsiraq classroom collection, list of resources and websites about Nunavut, contact information for students and other Akitsiraq faculty, and University of Victoria Faculty of Law calendars and academic regulations. I developed specialized bibliographies on various topics relevant to the north to help faculty with background reading and knowledge about Nunavut: Inuit Traditional Law, Inuit in Film, English as a Second Language and the adult learner, and a bibliography about the Akitsiraq Law School in the media.

## VI. CONCLUSION

Libraries have a unique role to play in the delivery of information and educational opportunities for people in the Canadian north or in other isolated communities. Libraries must build partnerships and cooperative agreements to help remove barriers to information. As the librarian for the Akitsiraq Law School program, I wore many different hats in terms of responsibilities and work duties, and I was constantly challenged to think outside the box and to come up with innovative solutions to common library service issues. The experience has been challenging at times, but has constantly been professionally and personally rewarding.

The Akitsiraq students are now immersed in their articling positions, and they will write their Bar admissions tests in 2006. The majority of students are articling in Iqaluit for government departments, organizations, and at the Nunavut Court of Justice: one student is articling for a firm in the Northwest Territories, another student is articling with a law firm in Ottawa, and another Akitsiraq student was accepted for a prestigious and highly sought after clerk position at the Supreme Court of Canada. They are all embarking on a new and critical path for the building of Nunavut -- they have gained analytical skills and legal knowledge to become strong advocates for the preservation of Inuit customary law and to ensure that the continual development of the law and judiciary in the new territory will reflect the values and customs of its people. There have been discussions about developing a second intake of students into the Akitsiraq Law School. For now, Canada's first Arctic Law School has closed its doors. Instead, we turn our attention to watch the careers of its legal pioneers, the graduates of the Akitsiraq Law School.

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<sup>72</sup> We used an Apache webserver and the corresponding PHP module to create a simple file uploading service. See the Apache company website for more information: <http://www.apache.org>.

“The assimilation practices of the past are gone. This is going to set a precedent for other fields of study. Conservative lawyers would say, no, you can't have a law program outside of the university. But we argued that we have a right to be educated, and we have these connections to our community and families. Finally, it's happening.”<sup>73</sup>

~ Sandra Inutiq, Akitsiraq Law  
School student.

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