

INITIATIVES IN
INDIGENOUS LAW



University
of Victoria



INITIATIVES FOR OUR **COMMON FUTURE**

UVic is situated in the territory of the Coast and Straits Salish people and sits on the site of an old Lkwungen village. Respect for the land's traditional stewards has inspired us to become leaders in Indigenous legal issues, environmental law, and public policy initiatives.

The Truth and Reconciliation Commission (TRC) calls upon Canadians to transform our relationships with one another. The revitalization of Indigenous legal systems is an essential part of this process. Indigenous law is a crucial source of power and authority guiding the work of reconciliation. It must be advanced in concrete ways and in places that inspire and enhance the accomplishment of this work.

Call to Action #50 of the Truth and Reconciliation Commission reads:

In keeping with the United Nations Declaration on the Rights of Indigenous Peoples, we call upon the federal government, in collaboration with Aboriginal organizations, to fund the establishment of Indigenous law institutes for the development, use, and understanding of Indigenous law and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.

UVic's JD/JID program and its proposed Indigenous Legal Lodge are direct responses to this Call to Action.

THE JD/JID—**A WORLD FIRST**

The joint degree program in Canadian Common Law and Indigenous Legal Orders is the first of its kind in the world. Combining intensive study of Canadian Common Law with deep engagement with the laws of Indigenous peoples, the program will develop the skills needed to practice within Canadian Common Law, within Indigenous Legal Orders, and at the interface between them.

Students will graduate in four years with two professional degrees: Juris Doctor (JD) and Juris Indigenarum Doctor (JID). They will have a rigorous understanding of Indigenous law and governance, the academic qualifications to pursue a career in Canadian Common Law, and the fluency to create and manage institutions functioning across both spheres.

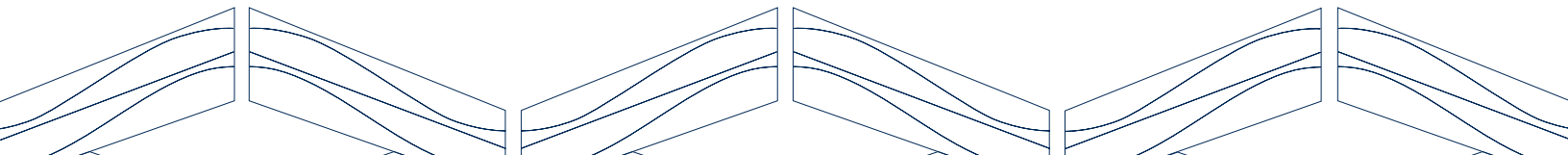
The JD/JID combines classroom learning with facilitated field studies conducted in collaboration with Indigenous communities. Students will obtain the full content of UVic's Common Law degree, together with greatly enhanced skills to work productively within Indigenous legal orders.

Important elements of the program, especially core first year subjects, are taught transsystemically—through intensive comparison in courses that deal with Canadian law and one or more Indigenous legal traditions.

The program was developed by two of Canada's leading Indigenous scholars: John Borrows, Canada Research Chair in Indigenous Law, and Val Napoleon, Law Foundation Chair in Aboriginal Justice and Governance.

Upper-year courses, elective and compulsory, are drawn from the JD curriculum and newly-created specialized courses designed to complement the JD/JID.

A crucial dimension of the program is its field schools. Students will devote one full term in each of their third and fourth years to study in Indigenous contexts. Students will, under close academic supervision, learn from community-based experts on a particular Indigenous people's legal order, observe the ways in which Indigenous legal processes are



being employed today, and work with the community on law-related projects.

Graduates will be well-positioned for leadership positions in Indigenous governance, federal and provincial government agencies, law firms that work with Indigenous peoples and Indigenous lands, and business enterprises.

The program is made possible by our treasured relationships with the Songhees and Esquimalt peoples, on whose lands the University of Victoria is located, the WSÁNEĆ people, who have longstanding connections to this land, and Indigenous peoples across Canada. It builds upon our longstanding commitment to and international reputation in Indigenous law and Indigenous legal education.



“Indigenous law is the way that people make decisions in their communities and resolve their disagreements. The difference between Indigenous law and common law is that Indigenous people look to the land to find the principles for judgment, whereas the common law looks to old cases in libraries to decide how to act in the future.”

“Indigenous law is about law and order, and creating peace between peoples.”

John Borrows, Canada Research Chair in Indigenous Law

THE INDIGENOUS LEGAL LODGE— A NATIONAL FORUM FOR TRANSFORMATION

UVic’s proposed Indigenous Legal Lodge will be a national forum for critical engagement, debate, learning, public education, and partnership on Indigenous legal traditions and their use, refinement, and reconstruction. The Lodge would house both the JD/JID program and the Indigenous Law Research Unit, conduct research on Indigenous law, and stimulate discussion on and engagement with Indigenous legal orders throughout Canada. It will serve as a global centre of excellence on Indigenous and customary law.

As Senator Murray Sinclair, Indigenous leader, former judge, and Chief Commissioner of the Truth and Reconciliation Commission, said with respect to the JD/JID program and the Indigenous Legal Lodge:

“They are precisely what we had hoped would follow from the report of the Truth and Reconciliation Commission, and they promise to form the very best of legacies: a set of initiatives that reject and reverse the pattern of denigration and neglect identified in our report, and that establish the conditions for effective action long into the future.”

THE INDIGENOUS LAW RESEARCH UNIT— **A RENAISSANCE AND RECOVERY OF INDIGENOUS LAWS**

UVic's Indigenous Law Research Unit (ILRU) emerged in 2012 from a national partnership with the TRC and the Indigenous Bar Association as the leading forum for the study and application of Indigenous law nationwide.

ILRU has formed partnerships with more than 40 Indigenous communities from coast to coast to coast, researching those peoples' legal traditions in all their diverse forms and addressing the full scope of laws that any community requires to live peacefully and harmoniously in the world. This includes lands, water and resources, harms and conflicts, constitution-building, child protection,

citizenship, and matrimonial property on reserves. In the process, ILRU has trained over 300 community members in how to work rigorously and effectively with their own laws.

ILRU has co-created, with partner communities, distinct frameworks for developing healthy citizenries, inclusive and accountable governments, the effective management of conflicts, and respectful deliberation and debate. Its work has been influential in communities and organizations Canada-wide, including many Indigenous peoples, the Indigenous Bar Association, law schools across Canada, governments at all levels, and the Federation of Law Societies.



"There's a richness of history in Indigenous laws together with ways of managing that are thousands of years old. They not only help Indigenous peoples to govern ourselves today; they provide the foundation for a new relationship with Canada... and that matters!"

Val Napoleon, Law Foundation Chair in Aboriginal Justice and Governance and Director of the Indigenous Law Research Unit

200⁺



Indigenous students have graduated from UVic Law

20%⁺

of UVic Law students have been Indigenous

Leading the resurgence of Indigenous law in Canadian, Australian, New Zealand and Scandinavian universities



The world's first Indigenous law degree

20⁺

years of running Aboriginal Awareness Camps



Home to the National Consortium for Indigenous Economic Development



Initiated the Akitsiraq Law School in Nunavut

For more information about the JD/JID and our Indigenous law initiatives, contact lawcomm@uvic.ca.