

# Gitanyow



**Location:** British Columbia

**Population** 802

**Date of Constitution** 2002

## THE GITANYOW AYOOKXW: THE CONSTITUTION OF THE GITANYOW NATION

~ Sindihl (Robert Good), November 22, 2006

### 1.0 PREAMBLE

WE are the Gitanyow peoples.

We have a long-standing and rich oral tradition which speaks to all aspects of our lives.

This written Constitution must be interpreted and understood in the context of our oral history and oral traditions.

The Gitanyow peoples are known collectively as the Gitanyow Nation. The Gitanyow Nation comprises two pdeek, the Lax Gibuu and the Lax Ganeda, organized into eight Wilp. These are the Wilp Lax Gibuu of Gwass Hlaam, Wiilitsxw, Malii, and Haizimsque and the Wilp Lax Ganeda of Gamlaxyeltxw, Gwinuu, Luuxhon and Watakhayetsxw.

The Lax'yip of each Wilp is embedded in the Git'mgan and is rooted in Gitanyow Adawaak and Ayuuks. Each Wilp owns and has authority over its respective Lax'yip. The Gitanyow Nation Lax'yip are collectively known as the Gitanyow Territory, and are located primarily in the Nass Watershed. A map of the Gitanyow Territory is attached as Schedule 1.

We live by and are required to pass along to future generations, our inherited Ayookxw, Lax'yip, the eight historic Wilp and our respective Ayuuks, Adawaak, and Git'mgan, the Simalgyax language, and the practice of the Li'ligit.

We recognize other clans, Giskhaast, Lax Skiik and other people, living in the community who have come to the Gitanyow Territory and who have given support to the Gitanyow Nation and the Gitanyow

people.

Our histories, laws, territories and institutions have always existed and will continue to exist forever. Our people and our unique histories, territories and laws have been recognized, affirmed and offered protection by the people and governments of Canada through the supreme law of Canada, the Constitution Act, 1867-1982.

The Gitanyow peoples have 'peoples' rights' as inscribed in the United Nations Charter of Rights.

The United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples on September 13, 2007. The Declaration recognizes the rights of Indigenous Peoples to self-determination, strengthening the right to distinct political, legal, economic, social and cultural institutions.

The Gitanyow peoples have agreed to co-exist with other Canadians based on mutual respect for each other's culture, societies, governing and judicial institutions and structures reinforced by the continuing fiduciary duties of the Crown towards us.

The international community, of which Canada is a proud member, through state governments and their peoples, is increasingly explicitly recognizing the indigenous peoples of the world as founding members of that community and is, through its institutions, prescribing standards for co-existence and mutual respect between states and indigenous peoples.

The Gitanyow Nation welcome these initiatives of the people and governments of Canada and the international community and desire to be active and responsible members of the community of Canada and the world community.

THEREFORE, by virtue of our inherent right to govern ourselves and in order to more transparently record our customs, institutions and obligations to each other and to those who come to live as part of our community and in order to guide our relationships with other governments, we, the Gitanyow Nation adopt this written Constitution.

## 2.0 OBJECTIVES

The objectives of adopting a written constitution include:

1. Assisting in informing the world of our inherent right to govern ourselves in accordance with our inherited Ayookxw, Adawaak, Lax „yip, Simalgyax language, Wilp and our respective Lax'yip, Ayuuks, Git'mgan and the practice of the Li'ligit;
2. Assisting all other governments in Canada and British Columbia, with whom we co-exist, in understanding our system of governance;
3. Ensuring that the fundamental structure of our government, the individual Wilp, is able to exercise its role and authority in the most effective and efficient fashion possible including:
  - a. Recognizing and preserving the legal rights of each Wilp to the lands and resources of its

respective Lax'yip;

- b. Recognizing and ensuring that each Wilp has the exclusive right to use and occupy its Lax'yip and may share designated areas with other governments and/or peoples in accordance with its express consent and through written agreement;
  - c. Collectively supporting the right of each Wilp to derive a livelihood from its respective Lax'yip; and
  - d. Collectively providing support to each Wilp to ensure that members of a Wilp are able to continue to manage and develop the Wilp, Wilp membership and respective Lax'yip;
4. Promoting respect for and safeguarding ancestral territories and resources as part of Gitanyow heritage;
  5. Promoting the independence, self-reliance and well being of Gitanyow peoples and institutions;
  6. Recognizing and maintaining a Gitanyow system of governance which provides for the participation of each Gitanyow Wilp and its members and which is accountable to the Wilp and its members;
  7. Supporting and representing the interests and legal rights of the Gitanyow people in all areas of responsibility on local, regional, national and international levels; and
  8. Ensuring that responsibilities to maintain accurate records for membership, holders of hereditary names, laws, lands and resources of the Gitanyow people are delegated to the appropriate Gitanyow authority.

### 3.0

FUNDAMENTAL GITANYOW PRINCIPLES he following are some of the guiding principles that must be applied in the interpretation of this Constitution and in carrying out duties and responsibilities delegated in this Constitution:

1. This Constitution is a living document that exists alongside of Gitanyow oral traditions;
2. Priority is to be given to maintaining and protecting the integrity of both the wilp as well as the relationship among the Gitanyow and their continuing relationship to their Adawaak, Ayuuks and Lax'yip;
3. The Simgigyet'm Gitanyow ("Gitanyow Hereditary Chiefs") are the leaders of the Gitanyow. The Simgigyet names confer responsibility and authority for their respective Wilp, Members and Lax'yip;
4. The Gitanyow Ayookxw is the supreme law of the Gitanyow Nation and for the Gitanyow People and is the foundation for the relationships we live by and uphold;
5. The Gitanyow Ayookxw governs the relationships between the Gitanyow Nation and our members, Lax'yip and resources, the Gitanyow and the Crown, and the Gitanyow and non-Gitanyow;
6. For the purposes of working together for peace, order and good government, the individual

Gitanyow Wilp will address common, regional, national and international issues collectively through the Simgiyet'm Gitanyow;

7. The Gitanyow Nation recognize that there are other governments and other peoples who have laws, and it continues to strive to reconcile Gitanyow interests and authorities with those governments and peoples;

8. The Simgiyet'm Gitanyow will seek to strengthen the Wilp kinship network: Wilp, pdeek', Wilksi'witxw, Wil'naat'ehl, Amna'gotwx, Aye'e and Ni'dils;

9. The connection of the Wilp to its Lax'yip is integral to the Wilp and its members and, therefore, the ownership and authority of Wilp Lax'yip cannot be severed and must be utilized, managed and inherited in accordance with Gitanyow Ayookxw.

#### 4.0 FUNDAMENTAL GITANYOW INSTITUTIONS

The following institutions are, and will continue to be, fundamental aspects of Gitanyow society and governance and these must be taken into account when interpreting this Constitution and when carrying out the duties and responsibilities described herein.

1. The Gitanyow Peoples are organized into eight historic Wilp, four from the Lax Gibuu and four from the Lax Ganeda.

2. The eight Gitanyow Huwilp are:

- a. Lax Gibuu Huwilp
  - i. Gwass Hlaam
  - ii. Wii'litsxw
  - iii. Malii
  - iv. Haizimsque
  
- b. Lax Ganeda Huwilp
  - i. Gamlaxyeltxw
  - ii. Gwinuu
  - iii. Watakhayetsxw
  - iv. Luuxhon

3. The Wilp

a. A Gitanyow Wilp is an autonomous social, economic and political unit, owning exclusive rights to Wilp names, adawaak, ayuuks, git'mgan and Lax'yip;

b. Gitanyow Wilp members belong to the Wilp of their mother or become a member of another Gitanyow Wilp through formal adoption in the Li'ligit. Non-Gitanyow and non-aboriginal peoples may be adopted into a Gitanyow Wilp through formal adoption in the Li'ligit.

c. The Wilp matrilineal system defines the roles, responsibilities and rights of Wilp members, their spouses, and the children and grandchildren of the male members of the Wilp.

- d. The Wilp, through its Simogyet, owns, has authority over and is responsible for its Wilp Lax'yip.
4. The Lax'yip
    - a. The Lax'yip of each Wilp is set out in Schedule 1.
    - b. Includes land and the resources thereon and in some cases includes fishing sites that are within the boundaries of another Wilp Lax'yip.
    - c. A Wilp Lax'yip may incorporate everything, including lands, waters, land forms and life forms within the boundaries of a specific Wilp Lax'yip including plants, animals, birds, and fish resources which make the Wilp Lax'yip home permanently or periodically.
    - d. This ownership, authority and responsibility of a Wilp are recognized by the Simgigyet'm Gitanyow and are reflected in the Gitanyow Ayookxw and Adawaak.
  5. Li'ligit:
    - a. The Li'ligit is the institution by which Wilp authority under Gitanyow law are affirmed and re-affirmed including the succession of names and rights to Lax'yip and resources;
    - b. The Li'ligit is the formal public gathering of Gitanyow and non-Gitanyow initiated by a Wilp to conduct its business, and is monitored, witnessed and publicly confirmed or contested by guest Huwilp.
    - c. The wealth of the Wilp Lax'yip (food, gifts and money) that has been accumulated by the host Wilp is distributed to guest Wilp to demonstrate the wealth of the house and to discharge obligations relating to the business for which the Li'ligit was called.
      - i. Ts'lim - food produced from the Wilp Lax'yip to feed the guests at a Li'ligit, e.g. smoked fish, berries, moose soup, etc.;
      - ii. Liggi wil - goods produced from wealth of Wilp Lax'yip given as gifts and/or payment at a Li'ligit, e.g., furs, coppers, guns, etc.;
      - iii. Gwiikyw - "groundhog skins" were once used as currency, now use cash to distribute to Li'ligit guests as a gift and/or payment to discharge obligations
  6. Hla' Am Wil:
    - a. Wealth of Wilp Lax'yip which sustains the Wilp and allows it to uphold the Ayookxw relating to land ownership, e.g., distribution of wealth in the Li'ligit, carving and raising Git'mgan,
    - b. Refers to good forestlands, plentiful moose, fish, berries, goats, etc, the wealth of the land, air and waters of the Lax'yip.
  7. Hanni Tok:
    - a. 'Where you get your food';
    - b. The exclusive right of Wilp members to access Wilp territories and resources to get what they need to live;
    - c. Term also used for a dining table.
  8. Skid'm up gid'm Wilp Simogyet:
    - a. Law relating to the share that must be paid to the Simogyet of the Wilp for any resources harvested from the Wilp Lax'yip.

9. Ayuuks
  - a. Ayuuks are the ancient Wilp crests displayed on regalia and Git'mgan, and
  - b. The right to use an Ayuuks is exclusive to the Wilp to whom the Ayuuks belongs, as evidenced by their Adawaak;
10. Adawaak:
  - a. The adawaak records the history of each Wilp, including the origin of its members, Ayuuks, leadership, acquisition of Lax'Yip and rights over lax'yip, and
  - b. The right to recount the adawaak of a particular Wilp is exclusive to the Wilp that owns it;
11. Ayookxw:
  - a. The Ayookxw are Gitanyow laws that ensure peace and order for the Huwilp;
  - b. Ayookxw set out ownership of the land, resources, conduct of a Li'ligit, relationships with one another and inheritance;
  - c. Ayookxw are founded on knowledge, experience and practice which are thousands of years old and are recounted in the Adawaak and Ayuuks;
  - d. Ayookxw are affirmed and confirmed through testimony on the Adawaak and the Li'ligit; and
  - e. New Ayookxw may be adopted in order to meet new and evolving challenges of the contemporary world.
12. Git'mgan:
  - a. The Git'mgan are carved poles which depict the origin and history of the Wilp and is the Wilp deed to its Lax'yip;
  - b. The Git'mgan records the Ayuuks, Adawaak, Ayookxw and Daxgyet of the Wilp; and
  - c. Raising a Git'mgan with the required Li'ligit affirms and confirms the Ayuuks, Adawaak and Daxgyet of the Wilp and attests to the authority of the Wilp over its Lax'yip and its members.
13. Decisions within the Wilp and amongst the Simgigyem Gitanyow are made by consensus.

## 5.0 GITANYOW GOVERNANCE SYSTEM

### 5.1 THE WILP GOVERNANCE STRUCTURE

The eight historic Gitanyow Wilp are the foundation and the primary authorities of the traditional Gitanyow governance system. Wilp membership is organized into the Wilp Simogyet, Sigidimhanak, Wilp Sub-chiefs and general members. A description of the roles and responsibilities in the Wilp are described in Schedules 3 to 6.

Non-Gitanyow also participate in the Gitanyow traditional system through marriage and/or adoption into a Gitanyow Wilp, as do the children and grandchildren of the male members of the Gitanyow Wilp. These roles, rights and responsibilities are described in Schedule 7.

#### 5.1.1 GITANYOW WILP LEADERS

1. Each Wilp has a Simogyet who is selected and may be removed by the Wilp

members in accordance with the Gitanyow Ayookxw and validated at the Wilp Li'ligit.

2. The Simigyetyet of the Gitanyow Nation are:  
Lax Gibuu Wilp      Lax Ganeda Wilp  
Gwass Hlaam Gamlaxyeltxw  
Wii'litsxw              Gwinuu  
Malii                      Watakhayetsxw  
Haizimsque              Luuxhon
3. Gwass Hlaam is the overall leader of all Gitanyow and is first to speak at a Li'ligit, assemblies of Gitanyow and other functions.
4. Gamlaxyeltxw is the overall leader of the Lax Ganeda and speaks after Gwass Hlaam.
5. Each Wilp has Sigidimhanak, who assist the Wilp Simogyet in carrying out its duties, and provide advice and guidance to Wilp members.
6. Each Wilp has sub-Chiefs under the authority of the Wilp Simogyet and Sigidimhanak.

### 5.1.2 SELECTION AND REMOVAL OF WILP LEADERS

#### 5.1.2.1 SELECTION

- a. Each Wilp has a Simogyet and sub-Chiefs who are selected by the Wilp members in accordance with the Gitanyow Ayookxw,
- b. The selection of a Wilp Simogyet and sub-Chiefs is validated at the Wilp Li'ligit.

#### 5.1.2.2 REMOVAL

- a. Simogyet and sub-Chiefs can be removed by the Wilp members in accordance with the Gitanyow Ayookxw and validated at a Wilp Li'ligit;
- b. The removal of a Simogyet or sub-Chief requires notification of concern within a Wilp or within two or more Wilp in the same clan. However, the final decision regarding whether to remove the individual rests with the Wilp that is directly affected;
- c. A reason for removal may include, but is not limited to: not attending and participating in Li'ligit or being involved in acts that bring shame to the Wilp;
- d. Upon a Wilp decision to remove a Simogyet or sub-Chief, the other Gitanyow Wilp shall be notified of the reasons;
- e. A Li'ligit shall then be held by the directly affected Wilp whereby the other Gitanyow and non-Gitanyow shall be formally notified with reasons for the removal;
- f. Following the Li'ligit, the hereditary name and accompanying responsibilities are given to the newly selected Wilp member as the Simogyet or sub-Chief and is validated or contested in accordance with the Gitanyow Ayookxw.

### 5.1.3 MANAGEMENT OF WILP LANDS AND RESOURCES

#### 5.1.3.1 LAND AND RESOURCES PLAN

Each Gitanyow Wilp shall be responsible for developing and maintaining a Wilp Land and Resources Plan ("the Plan") for its Lax'yip in accordance with its laws and regulations. The Plan must

include, but is not limited to:

- a. Identifying interests held on the Wilp Lax'yip;
- b. Preparing an inventory of renewable and non-renewable resources and permanent and migratory species temporarily or permanently located within the boundaries of the Lax'yip;
- c. Identifying areas of special importance to the Wilp for spiritual, cultural, social, archeological, economic or other purposes;
- d. Providing for the conditions under which any use or removal of resources in the Wilp Lax'yip may be carried out and for transportation, utility infrastructures and rights of way; and
- e. Preparing Wilp Land and Resource Management & Development plans.

#### 5.1.3.2 PARTICIPATION

Each Wilp shall identify the process by which interested persons on the Wilp Lax'yip may participate in certain aspects of the Plan.

#### 5.1.3.3 POLICIES AND PRACTICES

The Simogyet and Wilp members shall develop and maintain policies and practices to ensure the protection and integrity of the Wilp Lax'yip.

#### 5.1.4 WILP DECISION MAKING

- a. All Wilp members have a right to participate in decisions of the Wilp to which they belong.
- b. All Wilp members shall discuss any business that affects the Wilp, its members, or Lax'yip and all final decisions shall be made by consensus.
- c. Wilp decisions shall be recorded in a Wilp Consensus Record. This Record shall include, among other things, the following:
  - i. The nature and scope of the decision,
  - ii. Options, directives and actions discussed,
  - iii. The date, time and place of the meeting,
  - iv. Wilp members present.

#### 5.1.5 WILP LEGAL STATUS AND AUTHORITY

Each Gitanyow Wilp is a legal entity with the capacity, rights, powers and privileges of a natural person.

### 5.2 THE SIMGIGYET'M GITANYOW (THE GITANYOW HEREDITARY CHIEFS)

5.2.1 For matters which are common to all Wilp, matters which concern the peace, order and good government of the collectivity or which address common, regional, national and international issues the 8 Wilp shall act in common through the Simgiyet'm Gitanyow.

5.2.2 Decisions regarding matters described in 5.2.1 shall be by consensus of the Simgiyet'm Gitanyow of the 8 Wilp.

5.2.3 If consensus cannot be reached the matter(s) shall be resolved through a dispute resolution mechanism.



5.2.4 The Simgigyet'm Gitanyow shall maintain a central Administrative Office located within the Gitanyow territory, to provide support to the Simgigyet'm Gitanyow and to the 8 Wilp. This support shall include administrative and financial support as well as assistance in managing the Lax'yip and resources.

5.2.5 The Simgigyet'm Gitanyow shall appoint an Executive Director to run the day-to-day operations of the Administrative Office.

5.2.6 Rules regarding the appointment and removal of the Executive Director and any employee of the Administrative Office, as well as rules regarding conflicts of interest, shall be contained in a policy and procedures manual.

## 6.0 GITANYOW NATION GOVERNING INSTITUTIONS

The governing institutions of the Gitanyow Nation include the:

- a. Assembly of the 8 Gitanyow Wilp;
- b. Simgigyet'm Gitanyow;

### 6.1 ASSEMBLY OF THE 8 GITANYOW WILP

#### 6.1.1. COMPOSITION

The Assembly of the 8 Gitanyow Wilp is composed of the Simgiighet, the Sigidimhanak, sub-Chiefs, Elders and members of all eight Gitanyow Wilp.

#### 6.1.2. PURPOSE AND AUTHORITY

The Assembly of the 8 Gitanyow Wilp shall meet annually at a fall general meeting to:

- a. Advise and give overall direction to the Simgigyet'm Gitanyow including setting goals, priorities, mandates and tasks to be accomplished in the upcoming year and reviewing the events of the previous year;
- b. Provide a regular forum for the collective to meet and exchange perspectives and ideas and to raise issues and seek direction from one another;
- c. Consider and make amendments to this Constitution by consensus;
- d. Review and approve all annual reports, including those of the Simgigyet'm Gitanyow and of Gitanyow institutions and bodies, as well as the financial performance of these institutions and bodies; and
- e. Establish a mandate for the Gitanyow Administrative Board for the upcoming year.

#### 6.1.3 SPECIAL MEETINGS OF THE 8 GITANYOW WILP

Special meetings of the 8 Gitanyow Wilp may be called from time to time to discuss, consider, exchange views and establish mandates on specific issues.

### 6.2 SIMGIGYET'M GITANYOW

#### 6.2.1. COMPOSITION

The Simgigyet'm Gitanyow is composed of the head Simogyet, the Sigidimhanak, sub-Chiefs and the Wilksa ehxw of each of the eight Gitanyow Wilp and also the Gitanyow legislative council.

### 6.2.2. CONSENSUS

Decisions of the Simgigyet'm Gitanyow shall be by consensus. If consensus cannot be reached, the matter shall be resolved by a dispute resolution mechanism.

### 6.2.3. AUTHORITY AND RESPONSIBILITIES

The Simgigyet'm Gitanyow shall have the authority and responsibility to:

- a. Make strategic and political decisions on behalf of those residing on the Gitanyow Territory;
- b. Make such laws as are necessary for the effective and efficient operation of its governing and administrative structures and the well being of the Gitanyow Nation and the Gitanyow Territory;
- c. Adopt policies and procedures regarding Gitanyow leadership and Gitanyow governing structures;
- d. Establish necessary bodies and structures to enable effective governance for the Gitanyow Nation and Gitanyow Territory;
- e. Appoint an individual to act as President who will act as the spokesperson for the Simgigyet'm Gitanyow as directed by the Simgiighet'm Gitanyow, carrying the messages and decisions of the Simgigyet'm Gitanyow to external governments and their agencies, private sector entities and others.
- f. Establish the Gitanyow Administrative Board that will be responsible for the establishment and implementation of policies and procedures that ensure the use of good public administrative practices, including sound financial control in the day-to-day operations of the Administrative Office.
- g. Instruct the Gitanyow Administrative Board regarding community needs, concerns and visions.
- h. Appoint a Chairperson to the Gitanyow Administrative Board.
- i. Ensure that there is a Bi-Annual Assembly of the Huwilp and that the Simgigyet'm Gitanyow meet to deal with common issues.
- j. Establish procedures for the proclamation and the publication of its laws.
- k. Establish and maintain an up-to-date Register of its laws.
- l. Appoint an Executive Director for the Administrative Office.

## 7.0 PRESIDENT

- a. The President shall be appointed by the Simgigyet'm Gitanyow
- b. The President acts as the spokesperson for the Simgigyet'm Gitanyow as directed at all times by the Simgigyet'm Gitanyow.
- c. The sole responsibility of the President is to carry the messages and decisions of the Simgigyet'm Gitanyow to external governments and their agencies, private sector entities and others.
- d. The President can be removed for the following reasons:
  - i. Ill-health,
  - ii. Conflict of interest,
  - iii. Loss of confidence from the membership.
- e. The removal of the President shall be confirmed at a Li'ligit called for this purpose and a new President will be appointed by the Simgigyet'm Gitanyow at this Li'ligit.

## 8.0 WILP SPEAKERS

8.1 Each Wilp shall appoint a Spokesperson who will be responsible to deliver the messages and decisions of its Chiefs and membership to external governments and their agencies, private sector entities and others.

8.2 For matters that affect two or more Wilp, but not all 8 Wilp, the affected Wilp spokespersons shall deliver the messages and decisions of their respective Wilp or can elect to have the President or any one of the affected Wilp Spokespersons carry the messages and decisions.

8.3 If pursuant to 8.2, a consensus cannot be reached, this shall be resolved through a dispute resolution process chosen by the affected Wilp.

8.4 A Spokesperson for a Wilp can be removed for the following reasons:

- i. ill-health,
- ii. conflict of interest, and
- iii. loss of confidence of the membership.

8.5 The removal of a Wilp Spokesperson shall be confirmed at a Li'ligit called for this purpose and a new Spokesperson will be appointed by the Wilp at this Li'ligit.

## 9.0 GITANYOW ADMINISTRATION

9.1.1 There shall be established by the Simgigyet'm Gitanyow a Gitanyow Administration Board.

### 9.1.2 PURPOSE

The Purpose of the Gitanyow Administrative Board shall be to:

- a. Put into place programs, policies, and procedures that will successfully meet the goals and objectives as determined by the Assembly of the Huwilp and the Simgigyet'm Gitanyow.
- b. Ensure that each Wilp has the capacity (human, financial and technical resources) to manage its respective Wilp Lax'yip effectively.
- c. Develop and maintain Wilp Land, Resources and Membership Registries.

### 9.1.3 COMPOSITION

The Gitanyow Administrative Board shall consist of:

- a. Lax Gibuu members - one appointed from each of the Wilp of Gwass Hlaam, Wii'litsxw, Malii and Haizimsque;
- b. Lax Ganeda members - one appointed from the Wilp Gamlaxyeltxw, Luuxhon, Watakhayetsxw and Gwinuu;
- c. The Executive Director of the Administrative Office as Chairperson.

### 9.1.4 TERM

The term of office shall be 5 years.

### 9.1.5 CONFLICT OF INTEREST

- a. Members must disclose any financial or personal interest, or an interest of an immediate family member, in a matter before the Gitanyow Administrative Board.
- b. Upon disclosing a conflict, the member shall not be present or participate in any discussion or decision of the Gitanyow Administrative Board concerning the matter.
- c. If there should be any disagreement as to whether or not the member or the immedi-

ate family member has a financial or personal interest, the Gitanyow Administrative Board will decide by consensus on the conflict of interest issue. The member in question shall not be present and shall not participate in any discussion or decision on the issue.

d. Members may be employees of a governing body of the Gitanyow Nation and shall be bound by the conflict of interest provisions in any matter involving administration or programs of that governing body.

#### 9.1.6 QUORUM

A quorum shall be five members.

#### Meetings and Records

a. Meetings will be monthly or as required, and detailed records of actions and decisions will be kept at the Administrative Office.

b. Each Wilp shall maintain detailed records of its actions and decisions, including financial actions and decisions.

c. The Simgigyet'm Gitanyow shall maintain detailed records of actions and decisions, including financial actions and decisions.

#### 9.1.8 ACCOUNTABILITY

The Gitanyow Administrative Board shall report on a quarterly basis to the Simgigyet'm Gitanyow and on an annual basis to the Assembly of the 8 Wilp Gitanyow Wilp.

#### 9.1.9 LEGAL STATUS AND CAPACITY

The Gitanyow Administrative Board is a legal entity with the capacity, rights, powers and privileges of a natural person.

#### 9.1.11 FINANCIAL MANAGEMENT AND ACCOUNTABILITY

The Simgigyet'm Gitanyow and the Gitanyow Administrative Board shall ensure that they are excellent stewards of Gitanyow Huwilp financial resources by putting into place processes, policies and personnel to ensure sound financial management and accountability.

### 10.0 GE'EX GANS BE'XHL ANSXW (PEACE AND JUSTICE JUDICIAL COUNCIL)

#### 10.1 ESTABLISHMENT

The Simgigyet'm Gitanyow will establish an independent Judicial Council body known as the Ge' ex gans Be' xhl Answ.

#### 10.2 PURPOSE

The Ge'ex gans Be'xhl Answ shall:

- a. Be a non-political entity and operate independently of the Simgiyet'm Gitanyow,
  - b. Provide for fair and effective dispute resolution for Gitanyow and non-Gitanyow people,
- and
- c. Interpret and ensure compliance with the Constitution of the Gitanyow Huwilp and the Gitanyow Ayookxw.

#### 11.0 NON-GITANYOW

- a. The Gitanyow recognize that there are non-Gitanyow on the Gitanyow Territory.
- b. In accordance with the Gitanyow Ayookxw, it is through the Amna'gotwx (father's side), the Andim hanak (spouse's side), and Aye'e (grandchildren), that these non-Gitanyow individuals can obtain rights and privileges.
- c. These members can participate in and contribute to Gitanyow society in accordance with the Gitanyow Ayookxw.

#### 12.0 AMENDMENTS

This Constitution may be amended provided that:

- a. Written notice of the intent to propose an amendment or amendments is provided to all Wilp members;
- b. The amendment or amendments are approved by consensus of those Wilp members present at the Assembly of the Huwilp called for this purpose; and
- c. The amendment or amendments are given final approval by the consensus of the Simgiyet'm Gitanyow.

#### 13.0 RATIFICATION

- a. Each Gitanyow Wilp shall ratify this Constitution by hosting a Wilp meeting and obtaining consensus of the Wilp members which consensus approval shall be recorded in a signed document.
- b. The Simgiyet'm Gitanyow will seek acceptance and approval of this Constitution by each Wilp and shall formally endorse and adopt this Constitution.
- c. The Simgiyet'm Gitanyow will hold a feast to serve as notice of ratification of this Constitution at which time it will announce the effective date of this Constitution.

#### 14.0 TRANSITIONAL PROVISIONS

##### 14.1 REVIEW(S)

14.1.1 There will be a review of this Constitution 12 months following its ratification.

14.1.2 The term for this review will be established at a special meeting of the Gitanyow Hereditary Chiefs, including if and when further reviews will take place.

##### 14.2 PRE-RATIFICATION

14.2.1 Representatives for each of the 8 wilp have initialled this Constitution on the date(s) indicated below as a commitment to bring it forward for full ratification.

14.2.2 The representatives have chosen the date of September 13, 2009 as the symbolic adoption date of this written Constitution.

Schedule 1: Map [Omitted]

Schedule 2: Definitions

1. Adawaak – ‘true traditions’; the ancient histories passed down by oral tradition. The Adawaak describe the ancient migrations of a Wilp, the acquisition and defence of its territory, and major events in the life of the house, such as natural disasters and war, the establishment of trade alliances and major shifts in power. The Adawaak also contain limx’oy or laments. The Adawaak are perpetuated by the memory of heirs to chiefly positions and are repeated and witnessed by each generation of chiefs at important Li’ligit (yukxw or feasts).
2. Amna’gotwx – The relationship to your father’s Wilp. Under Gitanyow/Gitxsan law, children belong to the Wilp of their mother, and the father is of another Wilp and p’teek. The rights to use the lands, resources, and other wealth of his Wilp, including the Ayuuks and Limx’oy with proper consent, and the obligation to pay for that access at a feast of his Wilp.
3. Aye’e – The relationship and responsibilities to your grandparents and their Wilp. Grandchildren of the matrilineal side contribute to grandfather’s feast. Voluntarily payment of tax for use of grandfather’s territory
4. Ayookxw – Gitanyow Law. Gitanyow traditional laws are founded on knowledge, experience and practices that have been developed over thousands of years. They include laws of inheritance, ownership of Lax’yip, resources, the conduct of Li’ligit, duties and obligations and ensure balance, order and peace.
5. Ayuuks – Wilp crests depicted on Git’mgan, regalia, blankets and other personal items arise from specific events in the history of the house, as described in the Adawaak, and are exclusive to a Wilp. The Ayuuks shows the identity of a Wilp and its members, and identifies the sacred connection to their Lax’yip.
6. Daxgyet – strength, legitimate power. The authority to do something
7. Ent’im nak – The relationship and responsibilities of the spouse. Money or merchandise given by spouses of hosting Wilp to show full support of spouse’s Wilp and p’teek and pay for the privilege of access to spouse’s Lax’yip.
8. Ga Lax’yip Gitanyow - ‘Gitanyow Territory’ - composite of the Lax’yip of the eight Gitanyow Huwilp
9. Ge’ex gans Be’xhl Anxw – ‘stability, peace and reconciliation’. Gitanyow Judicial Council.
10. Git’mgan – carved poles that symbolize the adawaak of a Wilp and confirm the rights of the

Wilp to its Lax'yip.

11. Giskhaast – Fireweed Clan.

12. Gitxsanimxw/Simalygax – The official language of the Gitanyow/Gitxsan peoples. The linguistic basis for Gitxsanimxw is Simalygax, the mother language of the Gitxsan, Tsimshian and Nisga a.

13. Huwilp – plural of Wilp - Houses

14. Hawaal - Contribution of money to ones Wilp and pdeek in order to compensate for the use of the Lax'yip.

15. Ksiisxw – the system of compensation in which one Wilp relinquishes wealth, names, Ayuuks, or Lax'yip to repay a crime committed by its members against those of another Wilp. Compensation for the accidental death of a member of another Wilp might involve a gift of material wealth; for the murder of an important chief, it might involve the transfer of Lax'yip for the lifetime of the immediate family of the deceased; and for a series of unprovoked attacks on a neighbouring wilp, community or nation, it might involve the permanent transfer of Lax'yip to the innocent party. As with all other legal transactions within Gitanyow/Gitxsan society, these transfers are formally presented and acknowledged in the Li'ligit.

16. Lax'yip – Traditional territories. Wilp lands.

17. Lax Gibuu – Wolf Clan

18. Lax Ganeda – Frog Clan

19. Lax Skiik – Eagle Clan

20. Li'ligit– Feast system. The feast is a complex institution through which the Gitanyow/Gitxsan formalize much of our social, political and legal affairs. All acquisition and inheritance of Lax'yip, the declaration of formal rights of access, and the formation of marriage and trade alliances are validated and witnessed in through the Li'ligit. The Li'ligit is hosted by a Wilp, assisted by related Wilp of the same clan, and attended by Wilp members of different clans in the village and nation.

21. Limx'oy – “Crying Song.” Ancient songs and laments that refer to events in which the Wilp endured great hardship or loss. These powerful songs are both historical and highly emotional, and they often express sadness at a loss of members of a Wilp in a great natural disaster or war or the loss or abandonment of a Lax'yip or village, and which is depicted on the Git'mgan. The Limx'oy of a Wilp frequently forms part of its Adawaak referring specifically to places and events related there. These songs differ from the Adawaak in that they often retain the original language in which they were created.

22. Nass Watershed – a major river system that flows southwest through the Coast Range Mountains of the Northwest Coast. The river is 384 kilometres long from its source at Nass Lake to tidewater, and it encompasses an area of 21, 150 square kilometres, including several important tributaries; the

Blackwater, Kwinageese, Cranberry and Tseax Rivers, and the Bowser and Meziadin watersheds.

23. Ni'dil – 'the other who can speak'; the opposite clan in a village who have the right to speak.
24. Pdeek' – the clan of your Wilp. There are four pdeek', Lax Ganeda, Lax Gibuu, Lax Skiik, and Giskhaast, ancient phratric groups that cut across Gitxsan, Nisga'a and Tsimshian villages and tribes.
25. Siidaxgyet – strengthen. A woman and her descendants who have been formally adopted into a Wilp and validated at a Li'ligit have full rights and responsibilities of those born into the Wilp.
26. Sigidimhanak – Chief Matriarchs, pl. of Sigidim nak'.
27. Sigidim nak - Chief Matriarch of a Wilp.
28. Simalgyax language – mother language of the Gitxsan, Tsimshian and Nisga'a.
29. Simogyet – Chiefs, pl. of Simogyet
30. Simogyet'm Gitanyow – Means the Gitanyow Hereditary Chiefs whose roles and responsibilities are contained in this Constitution and in the Gitanyow Ayookxw.
31. Simogyet – Chief, head of Wilp
32. Tsi'limgodit – "taken in adoption." Adoption into Wilp only for the lifetime of the adopted individual, rights of access to Lax'yip, resources, name or membership in Wilp cannot be inherited by descendants of the adopted individual.
33. Wilksa'ehlxw: A person in training to become a Simogyet or Sigidim nak in accordance with Gitanyow Ayookxw.
34. Wilksi'witxw – paternal relatives on father's side, refers to aunts and uncles on father side, or a person of the same pdeek' as your father.
35. Wilp – 'House' the primary social, political, and economic unit in Gitanyow/Gitxsan society. All members are related matrilineally to a female ancestor of the Wilp. It is the Wilp that owns the names, territory, adawaak, ayuuks and Git'mgan. The Wilp always bears the name of its chief and may be part of a larger clan group (pdeek') that cuts across national boundaries.
36. Wil'naat'ehl – kinship group, closely related group of huwilp within the pdeek'.

### Schedule 3: Wilp Simogyet Responsibilities and Authority

#### Wilp Simogyet

The Simogyet has always been, and will continue to be, the provider, teacher, mentor and ultimate



leader of a Wilp. The Wilp Simogyet is the leader that maintains knowledge of and protects the Wilp Adawaak, Limx'oy, Ayookxw, Ayuuks, territorial boundaries and the resources thereon. In order to be a Wilp Simogyet, the individual must be knowledgeable of the Wilp Lax'yip, including the land and resources inventories.

#### ROLES AND RESPONSIBILITIES OF THE WILP SIMOGYET

- a. Attends all Li'ligit, and contributes money and goods at the feast of Wilp and Clan in order to help pay for the use of the Lax'yip;
- b. Assumes a designated seat at the Li'ligit;
- c. Speaks on behalf of the Wilp as its Head, or may designate a Gald'm Algyax to speak on his or her behalf;
- d. Leads the Wilp decision-making process;
- e. Ensures that Wilp members are aware of and involved in the current affairs, actions, initiatives and developments of the Wilp;
- f. Actively seeks the participation of and consensus of Wilp members in making all decisions regarding the Wilp and Wilp Lax'yip;
- g. Designates portions of the Wilp Lax'yip to a sub-Chief for the latter's use and management;
- h. Leads in the contribution and redistribution of wealth at the Wilp Li'ligit;
- i. Grants rights of access to particular portions of the Wilp Lax'yip;
- j. Represents the Wilp in the Simigiyet'm Gitanyow and in meetings with external governments and/or bodies;
- k. Meets with Wilp members and other Wilp Simogyet regarding common issues;
- l. Receives a portion of the resources harvested/extracted from the Wilp Lax'yip;
- m. Monitors the performance of sub-Chiefs and members within the Wilp on the Lax'yip, during Li'ligit and in public;
- n. Is involved in the selection, appointment, placement and removal of Wilp names, sub-chiefs and Wilp members;
- o. Adopts individuals into the Wilp, which decision is subsequently validated at the Wilp Li'ligit;
- p. Promotes peace and justice and is involved in the resolution of conflicts and disputes on the Lax'yip; and
- q. Initiates and participates in the development of new Ayookxw.

#### Schedule 4: Wilp Sigidim Nak Roles and Responsibilities

##### Wilp Sigidim Nak

The Sigidim nak is a Chief matriarch of a Wilp and is a teacher, mentor and advisor to the Simogyet and the Wilp. A Sigidim nak must maintain knowledge and protection of the Wilp Adawaak, Limx'oy, Ayookxw, Ayuuks, Lax'yip and boundaries and the resources thereon.

## WILP SIGIDIMHANAK ROLES AND RESPONSIBILITIES

- a. Advises and is involved in the selection, placement of names and the removal of a Wilp Simogyet, sub-Chiefs and members,
- b. Attends all Li'ligit, and contributes money and goods at the feast of a Wilp and Clan in order to help pay for the use of the Lax'yip
- c. Takes lead role in conduct and gives direction at a Wilp Li'ligit
- d. Assumes a designated seat at the Li'ligit
- e. Undertakes tasks on behalf of the host Simogyet
- f. May speak on behalf of the Wilp.

### Schedule 5: Wilp Sub-chiefs' Roles and Responsibilities

#### Wilp Sub-chief

A Wilp sub-Chief is considered to be "in training" for the assumption of the roles and responsibilities of the Simogyet. A Wilp sub-Chief must be knowledgeable of the Wilp Lax'yip, its land and resources inventory and the Gitanyow Ayookxw, Adawaak and Ayuuks.

## WILP SUB-CHIEF ROLES AND RESPONSIBILITIES

- a. Is assigned by the Wilp Simogyet a portion of the Wilp Lax'yip to use and manage;
- b. Obtains the approval of the Wilp Simogyet in order to access other parts of the Wilp Lax'yip;
- c. Is involved with the Wilp Simogyet in decisions about the use, management and development of the lands and resources of the Wilp Lax'yip;
- d. Is responsible for the management and protection of the Wilp Lax'yip;
- e. Is involved in the selection, placement of names and the removal of Wilp Simogyet, sub-Chiefs and members,
- f. Assists the Simogyet in monitoring the performance of other sub-Chiefs of respective Wilp and of Wilp members in Li'ligit and on the Wilp Lax'yip;
- g. Is seated near the Simogyet in the Li'ligit,
- h. Assumes the roles and responsibilities of the Wilp Simogyet in the absence of the latter when so designated by Wilp members,
- i. May initiate the development and approval of laws with the consent of a Simogyet
- j. Attend all Li'ligit, and contributes money and goods at the Li'ligit of Wilp and Clan in order to help pay for the use of the land, and
- k. Must also be able to conduct a Li'ligit.

### Schedule 6: Wilp Members Roles and Responsibilities

#### Wilp Members

A Gitanyow Wilp member is born into the Wilp of his/her Mother or becomes a Wilp member by adoption.

#### WILP MEMBERS RIGHTS

- a. Holds a Wilp name and may acquire a senior name;
- b. May acquire a Simogyet or sub-Chief name;
- c. With the permission of the Simogyet a member may have access for his/her use and enjoyment to a part of the Wilp Lax'yip to acquire resources for food, shelter and an economic livelihood;
- d. May use the Adawaak, Ayuuks and Limx oy of the Wilp with the consent of Simogyet;
- e. Is seated with his/her Wilp at a Li'ligit; and
- f. Is entitled to be kept informed about all events, decisions, agreements, finances, programs and actions, which impact the Wilp and/or the Wilp Lax'yip.

#### WILP MEMBERS RESPONSIBILITIES

- a. Must uphold the dignity and strengthen the name bestowed on him/her in accordance with the Gitanyow Ayookxw;
- b. Must not bring shame to his/her Wilp. If shame is brought upon a Wilp, the member must undergo a "cleansing" in accordance with a Li'ligit;
- c. Must attend and contribute to the Wilp Li'ligit and other Huwilp (Houses) Li'ligit in accordance with the Gitanyow Ayookxw;
- d. Is responsible for keeping himself/herself informed about the Wilp and the Wilp Lax'yip; and;
- e. Must uphold and comply with the Gitanyow Ayookxw.

#### WILP MEMBERSHIP BY ADOPTION

Adoptions into Wilp must be validated at a Wilp Li'ligit. There are two types of adoptions:

- a. Tsi'limgodit – "taken in" adoption. An individual Wilp member may initiate the adoption of a non-Gitanyow into a Wilp with the consent of the Wilp members and validated at the Li'ligit. This adoption provides for a seat at the Li'ligit along with a name and certain privileges in accordance with the Gitanyow Ayookxw. These privileges are only for the lifetime of the individual.
- b. Siidaxgyet – "strengthen." In exceptional circumstances and in order to strengthen a Wilp that is threatened with extinction, a woman and possibly her children may be formally adopted at a Li'ligit.

#### Schedule 7: Ent'im Nak', Amna'gotwx and Aye'e Roles and Responsibilities

##### I. Ent'im Nak' Rights and Responsibilities

- a. Privileged rights to access and use the lands and resources of spouse's Wilp Lax'yip with the consent of the Wilp Simogyet,
- b. Must contribute at the Li'ligit hosted by spouse's Wilp or pdeek' to show support for husband or wife and to help pay for use of spouse's Lax'yip.

##### II. Amna'gotwx Rights and Responsibilities

- a. Privileged rights to access and use the lands and resources of the father's Wilp Lax'yip with the consent of the Wilp Simogyet
- b. Must contribute at the Li'ligit hosted by father's Wilp.

III. Aye'e Rights and Responsibilities

- a. Privileged right to access and use the lands and resources of your maternal grandfather's Wilp Lax'yip with the consent of the Wilp Simogyet;
- b. Must contribute at the Li'ligit hosted by grandfather's Wilp or Clan in order to pay for use of grandfather's Wilp Lax'yip.