

INTERTRIBAL TREATY ORGANIZATION

REPORT ON 2009-10 WORKSHOPS

Overview.

The Intertribal Treaty Organization (ITO) was established in 2009 to implement the 1989 *Inter-Tribal Fishing Treaty between Indian Nations – A Treaty of Mutual Purpose and Support* (ITFT). The decision to establish the ITO was prompted by the worsening crisis in the salmon fisheries of the Fraser River and its tributaries. Even after 20 years, the ITFT remains a potentially powerful instrument for Indigenous Nations along the Fraser River to assert political sovereignty and jurisdiction over the salmon fisheries within their traditional territories.

While the treaty continues to “live,” with multiple signatories from the Fraser headwaters to the estuary, up to now it has not been implemented due to various factors – including the federal government’s 1993 AFS strategy, which proved disastrous to the Treaty and was a catalyst in dividing Indigenous Nations along the Fraser River.

The ITO’s work plan for 2009 provided for three workshops to support the organization’s early development. The ITO was directed to implement the workshops at its First Annual Plenary (at Vernon, B.C.) and workshop objectives and requirements were set out in the ITO’s funding proposal to the Fraser Salmon & Watershed Program. As a result, three 1.5-day workshops were held over the past six months to support the organizational development of the ITO. The workshops covered three broad areas of organizational development:

- 1) ***Governance Structure and Role of the ITO*** (workshop facilitated by Halie Bruce, legal counsel).
- 2) ***ITO Policy Development and ITO objectives*** (workshop facilitated by Dan Gottesman, PhD, Thalassa Research).
- 3) ***Building Relationships and ITO objectives*** (facilitated by Marcel Shepert).

Although each workshop covered different topics, the same key issues, needs and concerns arose in each one:

- The worsening crisis in the wild salmon runs on the Fraser River and its tributaries. Survival of the Salmon is paramount.
- The failure of the DFO to protect and properly manage the salmon fisheries over many years, contributing to the rapid decline in stocks.
- The marginalization of Indigenous Nations' voice in DFO "stakeholder" processes.
- The need for Indigenous Nations to "speak for the salmon," first and foremost, in dealings with the DFO and with each other on fisheries management issues.
- The need for Indigenous Nations to exercise their sovereign jurisdiction over the fisheries in their territories in order to protect and enhance the salmon stocks and ensure the survival of the resource for future generations.
- To successfully address the Fraser River salmon crisis, an ecosystem approach needs to be taken by Indigenous Nations in exercising jurisdiction and developing fisheries management plans and policies.
- Tribal Nations will best serve the interests of the salmon by working together in a unified and coordinated manner, sharing technical expertise, planning information and a common direction: "unification through fish."

In all three workshops, discussions about the organizational development of the ITO took place. They focused on the role of the ITO in empowering Tribal Nations to meet the above challenges through collective strength and coordinated action.

The topics and main points of discussion in each of the three ITO workshops are set out below. This report concludes with a review of common workshop themes and suggestions for an ITO action plan for 2010-11.

Workshop 1: ITO Governance Structure ~ October 26-27, 2009, Kamloops.

The ITO workshop on Governance Structure was held on October 26th and 27th, 2009 at Kamloops, B.C. It was facilitated by Halie Bruce, Walkem and Associates, ITO legal counsel.

The objective of the workshop was to clarify the Governance structure of the ITO. Specific emphasis was placed on how the ITO is structured to implement the *Inter-Tribal Fishing Treaty* (ITFT), how to establish the ITO as a representative voice of the Indigenous Nations along the Fraser and Columbia Rivers, their Watersheds and Tributaries, and how to promote the ITO amongst Indigenous Nations in the coastal regions of B.C. and elsewhere who share a concern for the survival of the fisheries.

Commissioners and participants focused the workshop on the ITO's political framework and purposes in order to help promote the ITO within their own Nations, as well as with potential partners. Workshop participants reviewed the organizational structure set out in the ITO's Constitution & Bylaws, discussed how it related to the role envisioned for the ITO – and answered in some detail the question: “*What is the ITO?*” The following is a summary of main workshop discussion points organized by topic.

Definitions and Role of the ITO: The ITO needs to develop its own mandated structure and communications capacity. One of the major building blocks required for enhancing participation and interest in the ITO is the ability to communicate clearly and concisely the ITO's foundational principles and role, and to identify what differentiates the ITO from existing forums.

Some of the major differences that distinguish the ITO from other fisheries-related bodies and forums include:

- It is a political organization comprised of Sovereign Indigenous Nations.
- It has a focused mandate from its member Nations to:
 - Protect and enhance the salmon fisheries of the Fraser and Columbia Rivers, their watersheds, tributaries, and ecosystems.
 - Implement the Inter-Tribal Fishing Treaty (1989).
 - Support and promote the development and implementation of Indigenous Laws for the survival of the salmon, fisheries and the ecosystems upon which they depend.
 - Support Tribal Nations in reestablishing strong, sustainable traditional economies based on the salmon and fisheries resource.
 - Provide a representative voice for Indigenous Nations regionally, nationally and internationally.
- It was formed and is governed by Indigenous Nations, not created by DFO or any other government.
- It operates on a Nation-to-Nation level and has international capacity.

All of the characteristics listed above distinguish the ITO from other First Nation fisheries organizations and from the forums and processes sponsored by the DFO. However, the key distinction is that its objectives require action by Indigenous Nations that goes beyond participation in “stakeholder” meetings sponsored by the DFO.

Guiding Principles: The following are some of the ITO's guiding principles that were discussed at the workshop:

- Survival of the salmon is paramount.
- Tribal Nations have inherent responsibility and jurisdiction to ensure the survival of the salmon for the present and future generations.
- Each Tribal Nation is sovereign, distinctive and has an inherent right of self-determination.
- Tribal Nations shall not interfere in the internal affairs of each other.
- However, where survival of the salmon is at stake, the common good will prevail over an individual Tribal Nation's rights, if there is conflict between the two.

Membership in the ITO: Membership in the ITO is open to: 1) the signatories to the Inter-Tribal Fishing Treaty (1989); and 2) any Indigenous Nation committed to furthering the objectives of the ITO, whose application for admission has received 75% approval of ITO Nation Members.

Workshop participants recognized that some Indigenous Nations have made strides to decolonize at the political level, while others aspire to political decolonization but remain in the early stages, while still others continue to operate as *Indian Act* Bands or as First Nations independent of larger tribal groups. Regardless, a common and critical concern shared by all Indigenous Peoples and their political bodies is the survival of the salmon.

The ITO membership provision is purposely designed to allow the organization to include the original signatories of the ITFT and those Indigenous Nations committed to the survival of the salmon and fisheries. This openness makes the ITO uniquely positioned to capitalize on the strengths of each member and to facilitate the sharing of information.

The complexity of membership and nationhood issues underscores the need for the ITO to focus on one major question: *"What can Indigenous Nations and communities, however organized, do together to protect the salmon and fisheries?"*

Workshop participants recommended that the ITO Executive begin work in 2010-11 on:

- Holding Regional Information Sessions to educate Indigenous Nations, communities and people about the ITO, (e.g., host 8 Regional Workshops throughout the province in 2010);
- Updating the ITFT Signatories list to reflect modern political realities and hold Information Sessions for these groups based on however they are now structured; and
- Identifying opportunities to attend Tribal Nation or community gatherings or forums to inform people about the ITO, its purposes and potential.

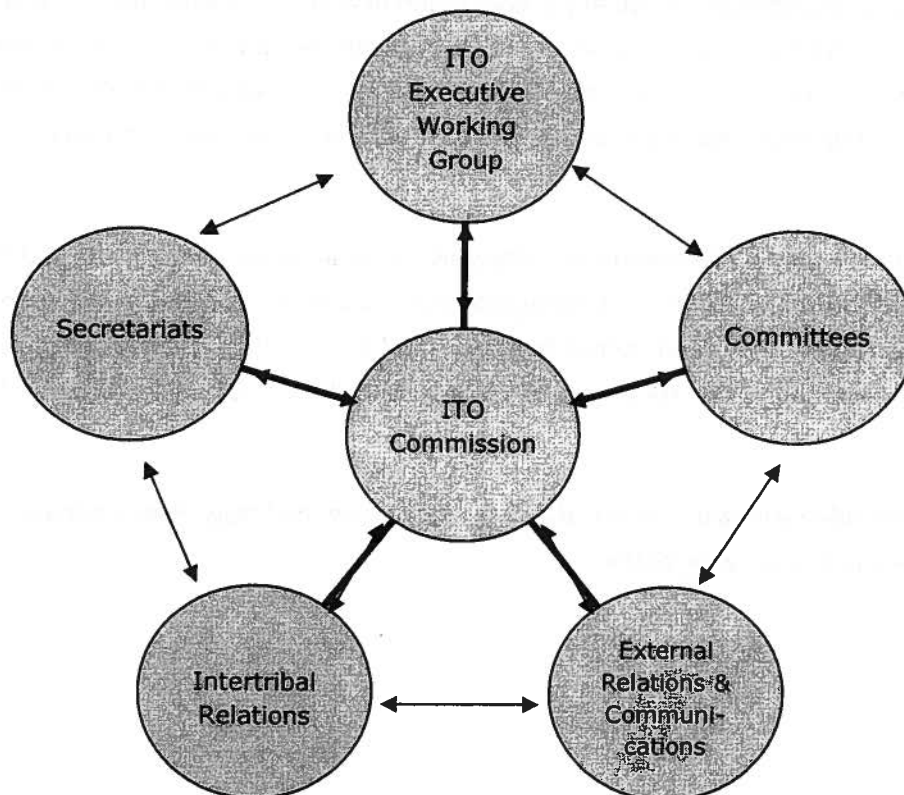
ITO Governance Structure: The ITO governance and organizational structure is designed to allow for maximum representation, responsiveness and flexibility so that ITO member Nations can be fully informed on a broad number of issues in a timely way.

At the workshop ITO Commissioners re-emphasized that Nations have a responsibility for organizing politically amongst themselves and ensuring that their Commissioner or representative is empowered to make decisions. Nations are often invited to participate in various government forums but send representatives who do not have authority to make decisions. Workshop participants saw this as both fiscally inefficient and politically ineffective and thus to be avoided with the ITO.

The ITO needs to stay focused on its organizing principle and paramount objective: protecting the salmon and fisheries. The goal is not to create another bureaucracy but an organization linking together diverse and distinct Nations for this one common purpose. By following this approach, discussion of fisheries issues can be elevated beyond the level of mere “consultations” and focused instead on joint decision-making and coordinated, collective action.

The following diagram of the ITO Organizational Structure was reviewed and discussed by workshop participants in light of the above concerns.

ITO Organizational Structure & Relationships



The ITO Commission is its governing body and is comprised of one representative, or alternate, appointed by, and with the authority to make decisions on behalf of that ITO member Nation. ITO member Nations are self-determining and develop their own criteria for appointing their ITO representatives.

The ITO Commission:

- Represents member ITO Nations in local, national and international forums;
- Appoints the ITO Executive Working Group, Secretariat, Committees, Sub-Committees, and any other bodies deemed necessary to achieve ITO objectives;
- Establishes management and operational policies, plans, procedures, rules, and regulations;
- Supports development and reinvigoration of traditional laws, legal mechanisms, and policies to protect the salmon, fisheries, and the reestablishment of traditional economies

The ITO Executive Working Group (EWG) is comprised of three (3) Commissioners (a Chairperson, Treasurer, and a Secretary) selected by the Commission to represent the ITO publicly and to oversee the day-to-day administration and operations of the organization. The EWG's primary responsibility is to ensure the goals and objectives of the ITO and decisions of the Commission are implemented.

ITO Committees and Secretariats include any special group or body established and empowered by the ITO Commission to carry out particular tasks or duties. A Secretariat was one of the first bodies to be established by the ITO Commission. The Secretariat is an administrative unit of 3- 4 employees that works with the EWG to secure and organize the financial, human and technical resources required by the ITO.

Workshop participants identified several committees as critical in meeting immediate and long-term needs, including: Technical, Policy, Communications, Education and Dispute Resolution. ITO Committees will be comprised of representatives appointed by their Nations to provide technical and traditional expertise to support development of policy initiatives for resolving common problems and issues.

The workshop concluded with a discussion of options for bringing the Fraser River Aboriginal Fisheries Secretariat (FRAFS) under the wing of the ITO.

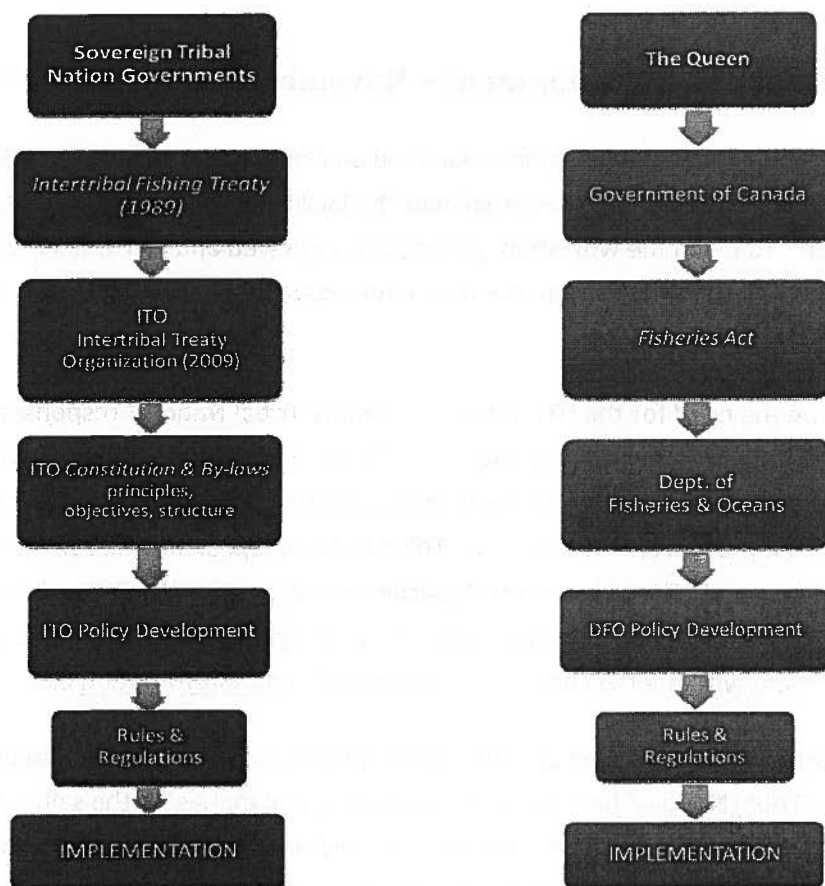
Workshop 2: ITO Policy Development ~ November 17-18, 2009, Sumas FN.

A 1.5-day workshop on ITO policy development was held on November 17-18, 2009 at Sumas First Nation. Dan Gottesman, PhD (Thalassa Research) was the facilitator. A round-table discussion format was used throughout. To begin the workshop, participants reviewed and discussed the ITO's principles and objectives – especially as they relate to the paramount issue facing Tribal Nations: the protection and survival of the Fraser River salmon.

Discussion focused on the need for the ITO to help coordinate Tribal Nations' responses to federal, provincial and regional government actions affecting fisheries and habitat. In particular, participants felt that in the DFO's management approach of trying to balance the interests of competing "stakeholders" was hurting the survival prospects of the salmon. Tribal Nations "speak for the salmon." They are not a stakeholder "interest group." They have parallel jurisdiction, along with the Federal Government, over the salmon runs in their traditional territories based on unextinguished aboriginal title and rights. Real joint policy development with the DFO needs to take place on a nation-to-nation basis.

The workshop participants focused next on policy development, beginning with a discussion of the origin and nature of Tribal Nations' jurisdiction for protecting and managing the salmon fisheries. Where possible, Tribal Nations' jurisdiction may be exercised parallel to the Government of Canada's (dual jurisdiction). A chart of the parallel fisheries jurisdiction of Sovereign Tribal Nation Governments and the Government of Canada (next page) helped structure parts of this discussion.

FISHERIES JURISDICTION



The workshop next identified specific fisheries policy-development-needs that the ITO might be able to assist member Nations in meeting, such as:

- developing community fishing profiles and coordinating planning.
- moving from short-term crisis-management to long-term planning and policy development.
- enhancing the technical capacities of Tribal Nations for fishery planning and management.
- coordinating intertribal responses to DFO policies, practices and consultation processes.

After identifying these issues, a seven-stage process for policy development for the ITO was reviewed and discussed. The roles of political representatives and technical staff in the various stages of ITO policy development were clarified.

Seven stages of ITO policy development (with ITO responsibilities):

- 1: Identifying the Issue and its Context. (*ITO Commission, Plenary, technicians*)
- 2: Assessing the Issue Impacts on Fish, ITO Nations. (*technicians, political representatives*)
- 3: Identifying and assessing Policy Options and Objectives. (*political representatives, technicians*)
- 4: Preparing a report and recommendations on Policy Options (*technicians*)
- 5: Approving a Policy and Implementation Plan. (*ITO Commission/Plenary*)
- 6: Implementing the approved Policy according to plan. (*ITO Exec., political representatives, technicians*)
- 7: Evaluating Policy results, revising Policy or Implementation Plans as needed. (*technicians, ITO Commission*)

The basic components and purpose of a policy “briefing note” were reviewed, as this is usually the final policy-development paper that goes to “decision-makers” (in this case the ITO Commissioners) from policy-development committees.

Next, participants identified key issues affecting the survival of the Fraser River sockeye runs. These included:

- Inadequate protection and management plans.
- DFO “stakeholder” consultation processes.
- Water quality and temperature.
- Fish farms.
- DFO’s aggregate management approach, overlooking weaker sub-stocks.
- Use of statistical modeling by DFO, instead of fish counts, resulting in optimistic projections that fail to materialize.

The workshop concluded with restatement by participants of the emergency in the salmon fishery, the need for the ITO to support Tribal Nations’ in exercising sovereign jurisdiction and authority to protect and enhance the Fraser and Columbia River salmon runs.

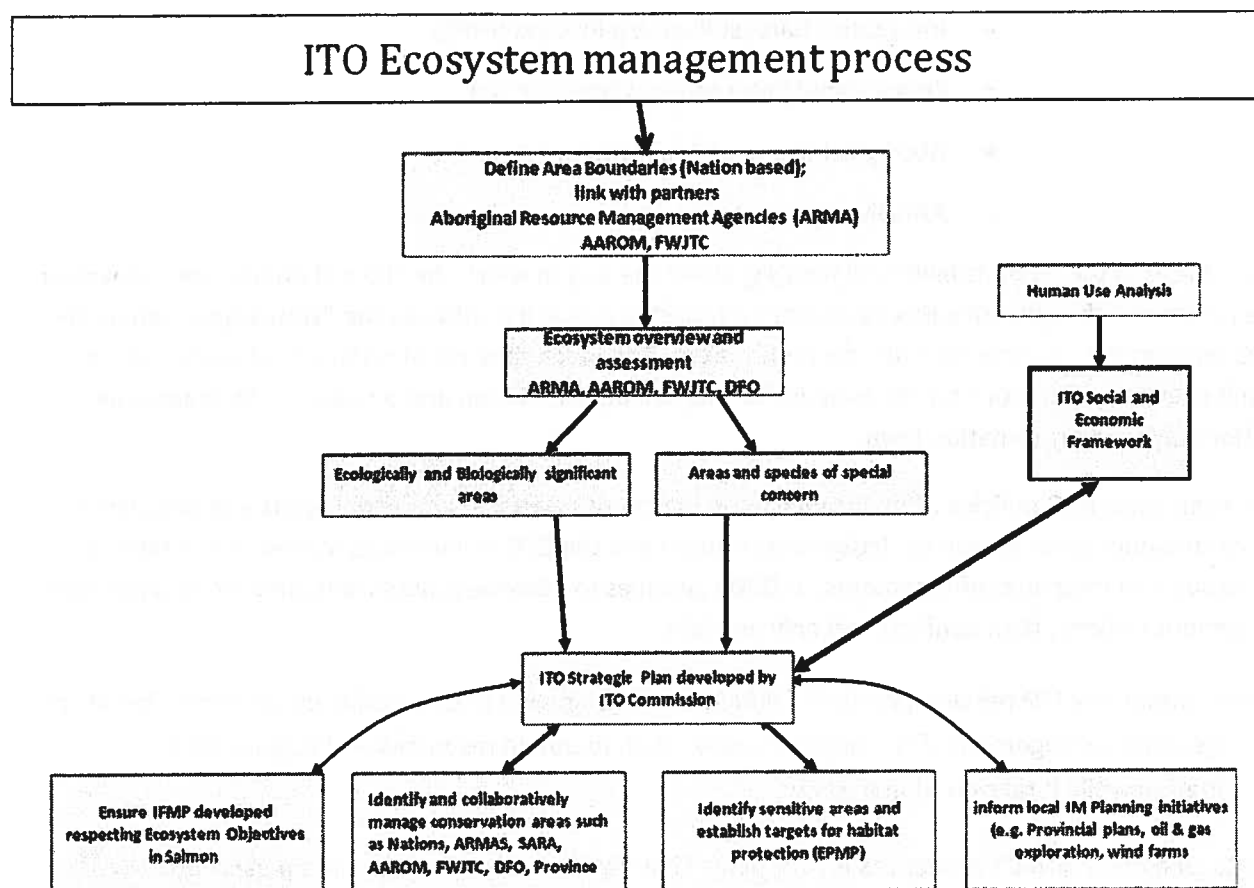
Workshop 3: ITO Relationship Building ~ January 20, 2010, New Westminster.

On January 20-21, 2010, a small working group of the ITO met in New Westminster to explore intertribal/intergovernmental relationships and gain an understanding of the value of effective relationships as an important element of effective ITO governance. The workshop was facilitated by Marcel Shepert on the first day.

The workshop objectives included:

- ◆ Developing a strong, inclusive ITO that strengthens relationships with and creates a strong, united voice for Indigenous Nations along the Fraser River..
- ◆ Defining which conversations belong at which tables with governments.
- ◆ Beginning assessment of the depth and breadth of existing relationships, within the ITO's current capacities and beyond.
- ◆ Reconciling the roles and responsibilities of other First Nation fisheries organizations and processes, such as FNFC, FRAFS, AAROM bodies, the DFO and other governmental organizations and agencies.
- ◆ Understanding the need and purpose of conflict resolution processes when relationships aren't working.
- ◆ Identifying relationships that potentially can contribute financially to the long-term viability of the ITO.

Workshop participants first discussed the need for a formal ITO relationship/partnership strategy with other organizations. This strategy is especially important given the crisis in the salmon fishery and the fact that consultation, decision-making and ecosystem-based management tend to be multi sectoral, with many participants involved. (See chart below.)



The diagram above only demonstrates the complexity of the engagements required to implement a successful ecosystem approach to managing wild salmon. The agencies required come in all sizes and shapes but can provide expertise and support to produce enduring outcomes over the long-run.

The level of influence of Indigenous Nations within these processes varies but it is usually limited by the clash of competing interests and the DFO's own agenda. To be effective, the ITO needs to interface with Indigenous Nations and the Canadian government at the highest level possible – nation-to-nation. In the midst of all this relationship complexity, simple "consultation" will not work.

In addition to good, direct working-relationships with Indigenous Nation along the Fraser River, workshop participants discussed ITO relationships with fisheries bodies and organizations, including:

- DFO
- FRAFS (EC, & FWJTC)
- FNFC
- Integrated Salmon Dialogue Forum (ISDF)
- Commercial Salmon Advisory Board (CSAB)
- Sport Fish Advisory Board (SFAB)

- Integrated Harvest Planning Process (IHPC)
- Fraser Panel (international agreements)
- Aboriginal Resource Management Agencies
- AAROM organizations

DFO: Many of the responsibilities of the DFO affect the way in which the ITO will do business. However, the problem with cultivating this particular relationship is that it reinforces the “status-quo,” where the DFO remains the ultimate fisheries decision-maker. Too much time spent on this relationship will likely result in lost opportunities for the exercise of true self determination and jurisdiction by Indigenous Nations on a nation-to-nation level.

However, since DFO policies often infringe upon Indigenous Nations’ aboriginal rights and jurisdiction, there continues to be reason for Indigenous Nations and the DFO to interface, at least in the interim, to try to avoid or minimize infringements. If DFO continues to advance policies with little or no input from Indigenous Nations, then conflicts can only escalate.

In the interim, the ITO needs a practical working relationship with DFO, possibly under some kind of “co-management” arrangement, if for no other reason than to obtain resources and support for the organization while it takes root and grows.

FNFC: One of the FNFC’s objectives is to support First Nations to build and maintain capacity related to fishing, planning, policy, law, management, and decision-making. Both the ITO and the FNFC are working on similar fisheries issues (i.e. policy, Fraser Panel appointments, IHPC, and IFMP, etc.) but rather than competing against each other, a mutually-beneficial relationship can be based on sharing resources and expertise to best address common challenges and opportunities. The ITO can complement the work of the FNFC by adding its focus on survival and protection of the resource and its mandate to support action to achieve this paramount objective.

AAROM bodies: Given the complex nature of modern fisheries/oceans management and the myriad of processes, policies and initiatives led by DFO and others, the challenge for AAROM organizations, as with the ITO, will be prioritizing and defining a role and structure for the organization within this broader context that is relevant to and supportive of Indigenous Nation capacity-building. Consideration should be given to creating a core interface at the ITO level, while it continues to develop the professional/technical resources needed to engage effectively with other AAROM interests.

The ITO will have to examine the existing capacity held in all of the different communities to identify opportunities for greater coordination of existing efforts, so as not to duplicate work (technical gap analysis). Development of these relationships should aim at maximizing the use of available resources to further ITO objectives.

AAROM organizations can act as an intermediary among their respective Indigenous communities, providing direction, advice and information about the ITO and its collaborative role in addressing the fisheries protection issues that are face by all on almost a daily basis.

First Nations, Bands, Tribal Councils, INAC-sponsored governance structures: Differing indigenous governance structures on the Fraser River are a fact of life and need to be engaged effectively. They need to interact with the ITO so it can effectively engage at all political levels to meet its objectives.

At this time, the ITO is largely unknown in the grass-roots fishing communities up and down the Fraser River. Its development will be shaped partly by how different governing structures, such as bands, tribal councils, ARMAS, AFS, and AAROM bodies interact with it to address issues of concern to everyone. The governance principles and practices of each type of “non-nation” organization will need to be assessed and a strategy for dealing with their various processes developed. Ultimately, the ITO will have to reflect the various communities’ voices, diversity, and approaches to government, in order to promote an understanding of the purposes and effectiveness of the ITO, including the power of saying ‘No’ to governments when necessary, to achieve critical fisheries objectives.

Conflict resolution: An interest-based approach to resolving conflict is standard practice. The interests of the people involved in a conflict are identified and decisions are made in an open forum to address identified interests to the greatest extent possible. In theory, the gains of one party do not have to come at the expense of the other parties interests (a “win-win” scenario). The assumption is that any dispute is a mutual problem that can be resolved by addressing the parties’ respective interests equitably. This is not always the case, however.

In some situations, such as the Fraser River salmon fisheries, disputes can be resolved best by basing solutions on the interests of the fish, rather than on the fishing interests of the parties in conflict. If the ITO takes this approach to dispute resolution, it will reinforce Indigenous Nations sense of collective responsibility for protection and survival of the salmon and lead to resolution of many intertribal fishery disputes.

Common issues identified at the three ITO workshops in 2009-10.

As noted at the outset, though specific topics differed, common issues and themes emerged from the three ITO workshops held in 2009-10. To review, these were:

- The worsening crisis in the wild salmon runs on the Fraser River and its tributaries. Survival of the Salmon is paramount.
- The failure of the DFO to protect and properly manage the salmon fisheries over many years, contributing to the rapid decline in stocks.

- The marginalization of Indigenous Nations' voice in DFO "stakeholder" processes.
- The need for Indigenous Nations to "speak for the salmon," first and foremost, in dealings with the DFO and with each other on fisheries management issues.
- The need for Indigenous Nations to exercise their sovereign jurisdiction over the fisheries in their territories in order to protect and enhance the salmon stocks and ensure the survival of the resource for future generations.
- To successfully address the Fraser River salmon crisis, an ecosystem approach needs to be taken by Indigenous Nations in exercising jurisdiction and developing fisheries management plans and policies.
- Tribal Nations will best serve the interests of the salmon by working together in a unified and coordinated manner, sharing technical expertise, planning information and a common direction: "unification through fish."

The nature of the above issues – especially the emergency nature of the salmon crisis – suggest that developmental activities for the ITO over the next year will need to utilize action as well as words to demonstrate what distinguishes the ITO from other organizations. In fact, the most successful communication and information strategies for the ITO likely will be those that contain an action/event component that resonates throughout Indigenous communities up and down the river.

While workshop participants expressed, on the one hand, the need to "go slow" in developing the ITO's structure, membership and relationships, they also recognized the urgency of the salmon crisis and the need to "hit the ground quickly," if there is to be a resource left for the future generations. The ITO's work plan for 2010-11, therefore, should include both kinds of activity, to the extent that available human and financial resources allow.

The ITO 2010-11 Action Plan: suggested components by workshop participants and facilitators.

On February 18, 2010, the workshop facilitators met together to review the results of the three ITO workshops and to discuss several 2010-11 work plan components that emerged during workshop sessions. These components included:

- development and implementation of an education/information/communications strategy to promote the ITO with Indigenous communities and organizations;
- development and implementation of eight regional information sessions and workshops as part of an ITO ed./info./comm. strategy;

- development of an effective relationship/partnership strategy with governments and fisheries organizations (internal and external);
- staged implementation of the FRAFS-ITO transition;
- identification, staffing and operationalization of ITO committees and working groups;
- development of the ITO's political and technical capacities to support the exercise of Indigenous Nations' jurisdiction for management of the salmon fisheries in their territories;
- Securing the financial resources required to meet these and other 2010 work plan objectives.

Given the ongoing emergency in the Fraser River salmon fisheries and the current level of ITO organizational development, the workshop facilitators concluded that the ITO's 2010-11 work plan would be enhanced by a high-profile political action and education component to "jump-start" its mission on behalf of the salmon and the Indigenous Nations who depend on them.

There is an opportunity in the short-term for the ITO to "hit the ground quickly" by using available resources to drive an "Emergency Early Salmon Strategy" focused on protection of the early Chinook and early Sockeye runs this spring and summer. An EES Strategy for the ITO would involve political education and coordination activities in Indigenous communities to promote a moratorium on harvesting the depleted early runs (with limited social and ceremonial exceptions) until the stocks improve significantly.

An EES Strategy could combine regional workshops, ceremonial events, and political activity with public relations and media initiatives to elevate the profile of the crisis in the early-salmon fisheries, along with the visibility and action-orientation of the ITO. This visibility and a focused action plan will enhance the ITO's credibility and likely increase political participation over the course of 2010-11.

An EES Strategy could be kicked-off with an ITO-sponsored "First Salmon Ceremony" to call attention to the state of the early salmon runs and the need for a harvesting ban. With this focus, the ITO could help reorient fisheries management up and down the river away from a preoccupation with fish harvesting toward a greater awareness of the paramount need for fish protection.

The workshop facilitators encourage the ITO Commission and Plenary to review this report and consider the suggestions set out above in deciding upon an ITO Action Plan for 2010-11.

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INTERTRIBAL TREATY ORGANIZATION

Inspired by a fishery treaty between Indian Nations

CONSTITUTION

&

BYLAWS

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INTERTRIBAL TREATY ORGANIZATION

Constitution

- I. The name of the Corporation is the "Intertribal Treaty Organization" (the ITO).
- II. The ITO is an organization of Indigenous Nations who are party to and/or committed to fulfilling the goals and objectives of the "Inter-tribal Fishing Treaty Between Indian Nations: A Treaty of Mutual Purpose and Support" (the "Inter-tribal Fishing Treaty") signed on 27 July 1989 attached herein as Appendix I. The Inter-tribal Fishing Treaty sets out the guiding principles of the ITO, including that:

"WHEREAS our ancestors have treated among themselves and have declared, made known, and never ceded their rights including the aboriginal right to fish, we respect their wisdom and carry forward their struggle for fairness, justice and recognition within our respective homelands. We come together today to re-assert our aboriginal right to fish and to accept our inherent responsibility to care for the Fisheries of our waterways, and specifically of the Fraser and Columbia Rivers. We acknowledge that care of the Fraser and Columbia River Fisheries necessarily includes Conservation, Management and Environmental Protection throughout the habitat including the ocean, frequented by the salmon and other freshwater fish during the whole of their natural life cycle.

WE ADOPT as our fundamental assertion of rights and our basis for unity, the Memorial to the Honourable Frank Oliver, Minister of the Interior, given by our ancestors on the 10th day of May, 1911, (attached as Appendix "A" to the Inter-tribal Fishing Treaty).

WE RECOGNIZE the sovereignty and distinctiveness of each Nation, the importance of the Fraser and Columbia Rivers as fish habitats, Fishing as the lifeblood of the Indian people of the Nations on the Fraser and Columbia Rivers, the responsibility of our Nations to ensure the Creators' gift of salmon survives not only for our children but for untold



generations to come; and that in the event of conflict between our individual and group rights concerning the Fraser and/or Columbia River Fisheries, that the common good shall prevail over the individual rights of any Nation.

IN CONSIDERING the current unilateral jurisdiction of the Canadian Government over the Fisheries of the Fraser and Columbia Rivers, the failure of the Government to fulfill the responsibility concomitant with the rights it has attempted to take from us, the conflicting demands placed on the Fisheries of the Fraser and Columbia Rivers and elsewhere by others than ourselves; and considering the failure of the Government to listen to our ancestors, to hear our voice, or address our concerns: It is imperative for our Nations to again be self-governing, to re-assert control, and to take measures to ensure the continued survival of our Fisheries and our way of life based on the salmon.

WE HAVE COME TOGETHER as sovereign Nations to recognize the right of each Nation to be self-governing and to accept our common responsibility for the survival of our Fisheries."

III. In accordance with the fundamental principle of the ITO that the survival of salmon and the fisheries upon which our Peoples and Nations depend is paramount, the Nation members adopt the objectives set out in the Inter-tribal Fishing Treaty, including to:

- (a) ensure the survival of the salmon and the fisheries;
- (b) protect and enhance the Fisheries of the Fraser and Columbia River Watersheds, along their tributaries, and in the Watersheds and ecosystems of Indigenous Nations who wish to become members of the ITO, and to pursue a policy of Environmental Protection;
- (c) recognize and exercise the aboriginal right to fish of each of the Parties to the Inter-tribal Fishing Treaty and members of the ITO, a right entrenched in the *Constitution Act, 1982*. It is a right that has been exercised by us throughout all of our traditional territories from time immemorial. It is a right that has sustained and nurtured our people physically and spiritually. It is a right which does not have its roots in a legislative enactment or government policy decision;



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- (d) recognize and respect the autonomy and right of self determination of each of the Parties to the Inter-tribal Fishing Treaty and members of the ITO, including recognition and respect of the fishing laws of each Nation;
 - (e) adhere to a policy of Tribal non-interference between the Parties to the Inter-tribal Fishing Treaty and members of the ITO;
 - (f) create a binding Inter-Tribal Fishery policy on general principles of Management on the Fraser and Columbia River Fisheries, their tributaries, and the Watersheds and ecosystems of Indigenous Nations who wish to become members of the ITO, to be respected and adhered to by all Parties to the Inter-tribal Fishing Treaty and members of the ITO, and to be consistent with the principle of Tribal autonomy and self-government to the greatest extent possible;
 - (g) adopt the principle that Inter-Tribal rights supercede individual Tribal rights if the two are in conflict in order to ensure the survival of the salmon and the fisheries upon which our Peoples and Nations depend;
 - (h) support Nation members to reestablish their traditional economies including in the trade and sale of fish;
 - (i) codify the unwritten laws of our ancestors;
 - (j) provide unity and solidarity among the Parties to the Inter-Tribal Fishing Treaty, ITO Nation members, and any future members of the ITO;
 - (k) create an environment of support and trust among the Parties of the Inter-tribal Fishing Treaty, ITO Nation members, and any future members of the ITO;
 - (l) provide cohesive strength and leadership;
 - (m) co-ordinate the responses of the ITO Nation members and Parties to the Inter-tribal Fishing Treaty to other governments' initiatives; and
 - (n) support ITO Nation members and Parties to the Inter-tribal Fishing Treaty in the exercise of their rights as sovereign Nations.



IV. In accordance with the Inter-tribal Fishing Treaty, the fundamental role of the ITO is to ensure the survival of the salmon and the fisheries through the protection of the environment within the respective traditional territories of each Nation member by:

- (a) Uniting the Indigenous Nations within the Fraser and Columbia Watersheds, their tributaries, and the Watersheds and ecosystems of Indigenous Nations who wish to become members of the ITO, by providing a representative organization which respects the self-determination and autonomy of each Nation member;**
- (b) Creating an environment based on mutual respect and support to reduce conflict, facilitate Intertribal dialogue, and foster effective Intertribal communication and governance approaches;**
- (c) Supporting the reinvigoration and development of Indigenous laws, policies, and programs;**
- (d) Protecting and restoring the habitat and water within Nation members' traditional territories by fostering effective fisheries management approaches;**
- (e) Representing ITO Nation members publicly at regional, national and international forums, committees, and bodies as the ITO may deem necessary;**
- (f) Monitoring and developing a united response to Canadian Government legislation, regulation and policy including in the areas of fisheries, mining, forestry, the environment and any other area which may impact directly or in/directly upon the objectives of the ITO; and**
- (g) Providing any other services, programs and supports Nation members may require from time to time and as the ITO may deem necessary.**

V. The operations of the ITO are to be primarily carried on in the Province of British Columbia.



By-Laws

1.0 Membership

1. Membership in the ITO shall be open to the originating Parties to the Inter-tribal Fishing Treaty and Indigenous Nations interested in and committed to furthering the objects of the ITO.
 - (a) Any Indigenous Nation who is interested in and committed to furthering the objects of the ITO may apply to become a Nation member, and shall be enrolled as a Nation member provided that the Nation's application for admission has received 75% approval of the Nation members at the next ITO Annual Plenary Session and the Nation has met all membership provisions required by the by-laws.
 - (b) Any Nation member may withdraw from the ITO by delivering to the ITO written notice of their intention to withdraw 6 months prior to the Annual Plenary Session and lodging a copy of the same with the Secretary of the ITO.
 - (c) Any Nation member may be required to resign from the ITO by a vote of three-quarters (3/4) of the members at an Annual Plenary Session.
2. Each Nation member in good standing of the ITO shall appoint one Commissioner, and one Alternate Commissioner, to the ITO Commission.
 - (a) Each Nation member shall develop their own criteria for the appointment of one Commissioner and one Alternate Commissioner, who may attend ITO meetings if for any reason the Commissioner is unavailable.
 - (b) The Commissioner, or Alternate Commissioner, shall represent and have the voting and decision-making authority of their Nation on all ITO matters.
 - (c) Commissioners, and Alternate Commissioners, shall exercise collective responsibility and shall discharge their duties in the general interest of the ITO.



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- (d) If a Commissioner, or Alternate Commissioner, for any reason ceases to be a representative of their Nation, their membership in the ITO will terminate and the Nation member will appoint a new Commissioner, or Alternate Commissioner.
3. Each Nation member shall pay to the ITO an annual registration fee of in an amount to be set by the Commission on or before the 31st day of March in each year.
 4. Each Nation member has the right to be autonomous and self-determining, and agrees to respect the laws and policies of other Nation members, provided such laws do not conflict with the common objectives set out in these Constitution and By-laws and in the Inter-tribal Fishing Treaty.
 5. Decisions of the ITO Commission shall be made by consensus within a reasonable period of time to be determined by the Commission Chair. If consensus cannot be reached after a reasonable period of time, the matter shall be proposed as a resolution and voted on. Seventy-five percent (75%) of Nation members present at a meeting must vote in favour of the proposed resolution in order for it to pass.

2.0 Head Office

1. The head office of the ITO shall be situated in the place or municipality and the province specified in the Letters Patent, at such address as the Commission may, by resolution, determine.
2. The ITO Commission may, by a special resolution approved by two-thirds (2/3) of the votes cast in favour of the special resolution, change the place or municipality and the province in which the registered office of the ITO shall be situated.

3.0 Code of Conduct

1. Consistent with the principles and objectives set out in the Inter-tribal Fishing Treaty, the ITO Constitution and Bylaw 1.2 of the bylaws, ITO Commissioners, Alternate Commissioners, and Committee Members appointed by the ITO shall at all times:



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- (a) behave, both in their official and private lives, in a manner that is in keeping with the dignity of their office;
 - (b) rule out all risks of conflict of interest and, on taking up office and throughout their term, report any potential conflict to the ITO Commission;
 - (c) establish good working relations with ITO Commissioners, Committee members and any other ITO bodies based on loyalty, trust and transparency;
 - (d) respect the principle of collective responsibility and confidentiality by not misrepresenting or making comments which would call into question the reputation or any decision taken by ITO, the ITO Commission, Committees or any other ITO body, and shall refrain from disclosing what is said in meetings of the ITO to outside bodies; and
 - (e) neither seek nor take any instruction from any other government body which may compromise their duties, service or availability to the ITO.
2. A Commissioner, Alternate Commissioner, Committee Member, or Working Group Member found by the Commission to be in breach of this Code of Conduct shall be removed from office by a resolution passed by 75% of the votes cast in favour of the removal at a Special Plenary Session of the members.
3. ITO Commissioners, Alternate Commissioners, and Committee Members appointed by the ITO convicted of an offence, other than for any offence in furtherance of their Aboriginal Title, Rights or Treaty Rights, shall be removed from office and the Nation member shall appoint a new Commissioner, Alternate Commissioner, or Committee Member to fill the vacancy for the remainder of the term.

4.0 Meetings



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1. The Annual Plenary Session of the ITO shall be held in May of each year at a time and place to be determined by Commission. A tentative date, time and place of the next Annual Plenary Session shall be determined at the end of each Annual Plenary Session.
 2. Notice of the date, time and place of the Annual Plenary Session shall be sent by ordinary mail, or facsimile, or electronic mail to every member at least four (4) weeks prior to such meeting and shall include the draft agenda for the Session.
 3. Any Commissioner or Alternate Commissioner may propose supplementary items by informing the Executive Working Group no later than two (2) weeks in advance of the Session, and providing an explanatory memorandum.
 4. At every Annual Plenary Session, in addition to any other business that may be transacted, the financial statements and the report of the auditors shall be presented and auditors appointed for the ensuing year.
 5. The members may consider and transact any business either special or general at any meeting of the members.
 6. The Executive Working Group or the Chair of the ITO Commission shall have power to call, at any time, a general or special Plenary Session of the members of the ITO.
 7. The Executive Working Group shall call a special general meeting of members on written requisition of members carrying not less than 5% of the voting rights.
 8. Fourteen (14) days' written notice shall be given to each voting member of any annual or special general meeting of members.
 9. Notice of any Plenary Session where special business will be transacted shall contain sufficient information to permit the member to form a reasoned judgment on the decision to be taken.
 10. Proxy voting shall not be allowed at any Plenary Session and notice of each Plenary Session of members shall remind the member that no proxy voting will be accepted.



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11. Each voting member in good standing and present at a Plenary Session shall have the right to exercise one vote.
 12. A majority (51%) of the votes cast by the members in good standing present shall determine the questions in Plenary Sessions except where the vote or consent of a greater number of members is required by the *Act* or these by-laws.
 13. No error or omission in giving notice of any Annual, or general, or special Plenary Session or any adjourned session, whether Annual or general or special, of the members of the ITO shall invalidate such Session or make void any proceedings taken thereat and any member may at any time waive notice of any such Session and may ratify, approve and confirm any or all proceedings taken or had thereat.
 14. For the purpose of sending notice to any member, Commissioner or officer for any Session or otherwise, the address of the member, Commissioner or officer shall be his or her last address recorded on the books of the corporation.
 15. Notice of a Special Plenary Session of the ITO shall be sent by ordinary mail, or facsimile, or electronic mail to every member at least two (2) weeks prior to such a meeting and shall include the date, time, place, and draft agenda for the meeting and shall contain enough information to allow members to make a reasoned decision.
 16. Notice of an Emergency Plenary Session of the ITO shall be sent within a time frame and in such manner as determined by the Commission, but shall not be sent less than 48 hours prior to such a Session and shall include the date, time, place and draft agenda for the meeting and shall contain enough information to allow members to make a reasoned decision.
 17. At an Annual Plenary Session or Special Plenary Session, a quorum shall consist of 50% of the Members in good standing of the ITO.
 18. Each Member in good standing present at an Annual Plenary Session is entitled to cast a vote on all resolutions.

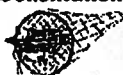


5.0 Dispute Resolution

1. Consistent with the self-government and unity provisions set out in the Inter-tribal Fishing Treaty and these bylaws, internal disputes between members of ITO Nation members or matters exclusive to ITO Nation members shall not be addressed at ITO Sessions.
2. Where a dispute between ITO Nation members, Commissioners, Committees or any other body established by the ITO exists over an issue relative to the goals and objectives of the ITO, the disagreement shall be settled internally.
 - (a) The Executive Working Committee shall appoint a dispute resolution committee which shall be responsible for facilitating a settlement between the disputing parties.
 - (b) If negotiations between the disputing parties fail, the Executive Working Group may appoint an independent, third party as arbitrator and the parties shall be bound by the decision of the arbitrator.
 - (c) The dispute resolution committee and/or arbitrator shall report their findings along with a statement of its reasons to the Executive Working Committee.

6.0 ITO Commission

1. The ITO Commission shall be the governing body of the ITO and shall be responsible for implementing the decisions, and establishing the policies and projects of the ITO as determined at the Annual Plenary Session and Special Plenary Sessions of the ITO. The Commission may exercise all such powers and authority given by these By-Laws or otherwise expressly conferred upon them or as required to be exercised by the ITO at the Annual Plenary Session.
2. The Commission shall have full power to make such rules and regulations not inconsistent with these by-laws relating to the management and operation of the ITO as they deem necessary, provided that such rules and regulations shall have force and effect only until the next Annual Plenary Session of the ITO when they shall be confirmed, and failing confirmation at such Annual



Plenary Session of ITO Nation members, shall at and from that time cease to have any force and effect.

3. The Commission may establish any committees, sub-committees, secretariats or other bodies that the Commission deems necessary. Such Committees shall have the roles and functions, and shall not exceed the authority set out in the Committee's terms of reference.
4. The Commission shall meet once per month or as often as the business of the ITO requires, but not less than once every two months.
5. Commission meetings may be held at any time and place determined by the Executive Working Group.
6. Notice of a meeting of the ITO Commission shall be sent by ordinary mail, facsimile, or electronic mail to every Commissioner at least one week prior to the meeting.
7. No error or omission in giving notice of any meeting of the ITO Commission or any adjourned meeting of the Commission shall invalidate such meeting or make void any proceedings taken at such meeting and any Commissioner may at any time waive notice of any such meeting and may ratify, approve and confirm any or all proceedings taken or had at such meeting.
8. Each Commissioner may exercise one (1) vote.
9. A majority of ITO Commissioners, from time to time, but no less than 50% of Commissioners, shall constitute a quorum for meetings of the ITO Commission.
10. Any meeting of the Commission at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions by or under the ITO bylaws and the acts and decision of the majority of Commissioners at which a quorum is present shall be the acts and decisions of ITO Commission and shall have the same force and effect as if duly passed at a meeting of the Commission convened for that purpose.
11. Commissioners shall serve without remuneration and no Commissioner shall directly or indirectly receive any profit from his or her position as such; provided that one Commissioner per Nation member may be paid reasonable



travel expenses incurred and/or per diems for their participation and attendance at ITO Commission meetings, in an amount to be determined by the Commission and dependent upon the availability of funding for this purpose.

7.0 Commission Powers

1. The Commission may administer the affairs of the ITO in all things and make or cause to be made for the ITO, in its name, any kind of contract which the ITO may lawfully enter into and, save as hereinafter provided, generally, may exercise all such other powers and do all such other acts and things as the ITO is by its Constitution and Bylaws or otherwise authorized to exercise and do.
2. The Commission shall have power to authorize expenditures on behalf of the ITO from time to time and may delegate by resolution to an officer or officers of the ITO the right to employ and pay salaries to employees.
3. The Commission shall have the power to enter into a trust arrangement with a trust company for the purpose of creating a trust fund in which the capital and interest may be made available for the benefit of promoting the interests of the ITO in accordance with such terms as the Commission may prescribe.
4. When authorized by by-law, duly passed by the Commission and sanctioned by at least two-thirds (2/3) of the votes cast at a special general meeting of the members duly called for considering the by-law, the Commissioners may from time to time:
 1. borrow money upon the credit of the corporation;
 2. limit or increase the amount to be borrowed;
 3. issue or cause to be issued bonds, debentures or other securities of the ITO and pledge or sell the same such sums, upon such terms, covenants and conditions and at such prices as may be deemed expedient;



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4. secure any such bond, debentures or other securities, or any other present or future borrowing or liability of the ITO, by mortgage, hypothec, charge or pledge of all or any currently owned or subsequently acquired real and personal, movable and immovable, property of the ITO, and the undertaking and rights of the ITO.

Any such by-law may provide for the delegation of such powers by the Commission to such officers or directors of the ITO to such extent and in such manner as may be set out in the by-law.

Nothing herein limits or restricts the borrowing of money by the ITO on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the ITO.

5. The Commission shall take such steps as they may deem necessary to enable the ITO to acquire, accept, solicit or receive legacies, gifts, grants, settlements, bequests, endowments and donations of any kind whatsoever for the purpose of furthering the objects of the ITO.
6. The Commission may appoint such agents and engage such employees as it shall deem necessary from time to time and such persons shall have such authority and shall perform such duties as shall be prescribed by the Commission at the time of such appointment.
7. Remuneration for all officers, agents and employees and committee members shall be fixed by the Commission by resolution.

8.0 Indemnification of Commissioners And Others

1. Every Commissioner, Executive Working Group member, or others as the Commission may determine, and their heirs, executors and administrators, and estate and effects, respectively, shall, to the extent permitted by the *Canada Business Corporations Act* and these bylaws, from time to time and at all times, be indemnified and saved harmless out of the funds of the ITO, from and against;



(a) all costs, charges and expenses which such Commissioner or Executive Working Group member, or others as the Commission may determine, sustains or incurs in or about any action, suit or proceedings which is brought, commenced or prosecuted against him or her, or in respect of any act, deed, matter of thing whatsoever, made, done or permitted by him or her, in or about the execution of the duties of his or her office or in respect of any such liability; and

(b) all other costs, charges and expenses which he or she sustains or incurs in or about or in relation to the affairs thereof,

except such costs, charges or expenses as are occasioned by his or her own willful neglect or default.

2. The provisions for indemnification contained in the by-laws of the ITO shall not be deemed exclusive of any other rights to which any person seeking indemnification may be entitled under any agreement, vote of members or Commissioners or otherwise, both as to activity in his/her official capacity and as to activity in another capacity, and shall continue as to a person who has ceased to be a Commissioner, Executive Working Group member, officer, employee or agent and shall inure to the benefit of the heirs and legal representatives of such a person.

9.0 Executive Working Group

1. The property and business of the corporation shall be managed by the Executive Working Group. The Executive Working Group shall be comprised of a minimum of three members appointed by and chosen from among the ITO Commission and shall include a Chairperson, a Secretary and a Treasurer.
2. The Executive Working Group shall serve a minimum term of two (2) years from the date of appointment or until their successors are appointed in their stead.



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3. The Executive Working Group shall be appointed by resolution of the Commissioners at the first meeting of the Commission following the ITO Annual Plenary Session.
 4. The Executive Working Group shall be the authorized banking signatories for the ITO.
 5. Contracts, documents or any instruments in writing requiring the signature of the ITO, shall be signed by any two Executive Working Group members and all contracts, documents and instruments in writing so signed shall be binding upon the ITO without any further authorization or formality.
 6. The Commissioners shall have power from time to time by resolution to appoint an Executive Group member or members on behalf of the ITO to sign specific contracts, documents and instruments in writing.
 7. The seal of the ITO when required may be affixed to contracts, documents and instruments in writing signed as aforesaid or by any Executive Working Group member or members appointed by resolution of the Commission.
 8. Executive Working Group members, as Commissioners, are bound by the same principles and ethical code of conduct set out in Bylaw 3 of these bylaws.
 9. The salary, per diem and/or reimbursement of reasonable travel expenses for members of the Executive Working Group, if any, shall be determined by Commission.

10.0 Duties of the Executive Working Group

1. The Chairperson of the Executive Working Group shall be the chief executive officer of the ITO. The Chairperson shall:
 - (a) Preside at all ITO Plenary Sessions and ITO Commission meeting;
 - (b) Make rulings on points of order raised at ITO Plenary and Commission meetings;



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- (c) Have the authority to oversee the general business and conduct the active management of the affairs of the ITO;
 - (d) Receive and distribute all official reports and recommendations received by the ITO;
 - (e) Represent the ITO publicly; and
 - (f) See that all resolutions, policies and projects of the ITO Plenary and ITO Commission are carried into effect.

2. The Treasurer shall:

- (a) Maintain the financial records of the ITO, including ensuring that full and accurate accounts of all assets, liabilities, receipts, deposits and disbursements of the ITO in the books are kept;
- (b) Provide financial reports and statements to the Chairperson and ITO Commissioners at the regular sessions of the ITO Commission, or whenever they may require it, and the Annual Audit and a statement of the financial position of the ITO to the Nation members at the Annual Plenary Session; and
- (c) Perform such other duties as may from time to time be directed by the ITO Commission.

3. The Secretary shall:

- (a) Attend all meetings and record all votes and minutes of all proceedings in the books to be kept for that purpose;
- (b) Give or cause to be given notice of all Plenary Sessions of the Nation members and of the ITO Commission;
- (c) Perform the duties and exercise the powers of the Chairperson in the absence or temporary disability of the Chairperson; and
- (d) Perform such other duties as may be prescribed by the ITO Commission or Chairperson.



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4. The duties of any other officers of the ITO shall be such as the terms of their engagement call for or as the ITO requires of them.

11.0 Vacancies on Executive Working Group

1. If a vacancy occurs on the Executive Working Group for any reason, the ITO Commission, by majority vote at the next Commission meeting after such vacancy has occurred, shall fill the vacancy by appointment of another Commissioner to serve the remainder of Executive Working Groups term.
2. The office of an Executive Working Group member shall be automatically vacated:

- (a) if the Executive Working Group member has resigned his or her office by delivering a written resignation to the Secretary of the ITO; or
- (b) if the Executive Working Group member has been found by the ITO Commission to be in breach of Bylaw 3 of the bylaws

provided that if any vacancy shall occur for any reason in this paragraph contained, the ITO Commission by majority vote, may appoint another Commissioner to fill the vacancy.

3. A retiring Executive Working Group member shall remain in office until the dissolution or adjournment of the meeting at which the Executive Working Group member's retirement is accepted and a successor is appointed by the ITO Commission.

12.0 Committees

1. The ITO Commission may establish Committees whose members will hold office by appointment based on the terms of reference defined by the Commission.
2. The Commission shall determine the duties, authority and terms of reference Committees and may fix by resolution, any remuneration to be paid.



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3. Each Nation member in good standing may appoint one advisor or official to ITO Committees and shall provide the Executive Working Group with written notice of the names of the person selected.
 4. Committee members shall:
 - (a) provide technical, policy and other advice to the Commission;
 - (b) prepare reports, proposals, and recommendations for the consideration of the Commission; and
 - (c) perform any other tasks the Commission may, from time to time, deem appropriate.
 5. Committee members shall not exceed the authority defined in the terms of reference set by the ITO Commission.
 6. Committee members shall be bound by the codes of conduct and confidentiality set out in Bylaw 3.

13.0 Extraordinary Resolutions and Amendment Of Bylaws

1. The bylaws of the ITO may only be amended, repealed, or added to by an extraordinary resolution passed by a majority vote of at least 75% of the votes cast in favour of the proposed extraordinary resolution at an Annual Plenary Session or a Special Plenary Session duly convened for the purpose of considering the proposed bylaw and of which notice specifying the intention to propose the resolution as an extraordinary resolution has been given to Nation members at least three (3) months prior to the meeting.
2. All other extraordinary resolutions except those dealing with the Constitution or bylaws shall be passed by two-thirds of the members of the ITO present at an Annual Plenary Session or Special Plenary Session of the ITO of which notice specifying the intention to propose the resolution as an extraordinary resolution has been given to Nation members at least three (3) months prior to the meeting.



14.0 Financial Year

1. The Financial year end of the ITO shall be March 31st of each year.

15.0 Auditors

1. The Nation members shall, at each Annual Plenary Session, appoint an auditor to audit the accounts and annual financial statements of the ITO and to provide a written report to the members at the next Annual Plenary Session.
2. The remuneration of the auditor shall be fixed by the ITO Commission.

16.0 Books And Records

1. The ITO Commission shall see that all necessary books and records of the ITO required by the by-laws or by any applicable statute or law are regularly and properly kept.
2. The financial books and general records of the ITO shall be available for inspection by Nation members, and members of Nation members during the Annual Plenary Session.
3. The financial books and general records may be inspected at the offices of the ITO during ordinary business hours by any Nation member upon request being delivered to the Executive Working Group at least 48 hours before the inspection.
4. If a Nation member has a question or complaint about the financial books or general records of the ITO, such question or complaint will be forwarded to the ITO Commission.
 - (a) The Commission will appoint a Complaints Committee to investigate the question or complaint and reply within a reasonable time.
 - (b) If the Complaints Committee fails to reply within a reasonable time, or the Nation member is dissatisfied with the reply, they may appeal to the ITO Commission, who shall undertake a full review of the question or complaint and render a decision.



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- (c) If the Nation member is dissatisfied with the ITO Commission's decision, the question or complaint shall be referred to the Annual Plenary Session, whose decision by majority vote shall be final.

17.0 Interpretation

1. In these by-laws and in all other by-laws of the ITO hereafter passed unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number or the feminine gender, as the case may be, and vice versa, and references to persons shall include firms and corporations.

18.0 Invalidity of any provisions of these by-laws

1. The invalidity or unenforceability of any provision of these by-laws shall not affect the validity or enforceability of the remaining provisions of these by-laws.

19.0 Dissolution

1. If, upon the winding up or dissolution of the ITO there remains, after the satisfaction of all debts and liabilities, any property whatsoever, the same shall be given or transferred to:
- (a) such other charitable organization in Canada registered as such under the *Income Tax Act*, having similar objects to the ITO as may be determined by the Nation members in good standing of the ITO at the time of dissolution, or insofar as effect cannot be given to the foregoing provision,
 - (b) some other charitable organization registered as such under the *Income Tax Act*.

20.0 Rules of Order

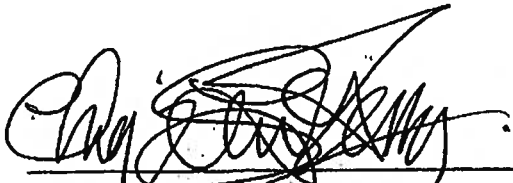
1. The Chairperson of each meeting shall be responsible for ensuring that meetings:

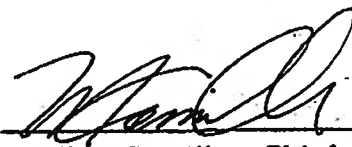


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- (a) follow the agenda agreed to by the Members;
 - (b) are carried out in keeping with the goals and objectives of the ITO;
and
 - (c) respect the fact that the Nation members have come together to
address issues of mutual concern.


Robert's Rules of Order shall govern all matters of procedure not covered by
these By-Laws.

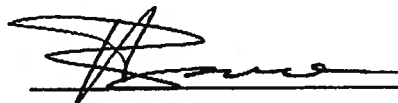
DATED the 22nd day of April 2009


Saul Terry - Grand Chief, Artist (BFA)
101 Purvis Road
Lillooet, B.C. V0K 1V0


Marilyn Camille - Chief
#26 Dog Creek Reserve Road
Dog Creek, B.C. V0L 1J0

P.O. BOX 765
Lillooet, B.C. V0K 1V0


Thomas Alexis - Chief
4624 Alexis Drive
Tache Village, B.C.
Box 2238
Fort St. James, B.C. V0J 1P0


WITNESS



INTER-TRIBAL FISHING TREATY
BETWEEN INDIAN NATIONS



A TREATY OF MUTUAL PURPOSE AND SUPPORT

INTER-TRIBAL FISHING TREATY BETWEEN INDIAN NATIONS:

A TREATY OF MUTUAL PURPOSE AND SUPPORT

WHEREAS our ancestors have treated among themselves and have declared, made known, and never ceded their rights including the aboriginal right to fish, we respect their wisdom and carry forward their struggle for fairness, justice and recognition within our respective homelands. We come together today to re-assert our aboriginal right to fish and to accept our inherent responsibility to care for the Fisheries of our waterways, and specifically of the Fraser and Columbia Rivers. We acknowledge that care of the Fraser and Columbia River Fisheries necessarily includes Conservation, Management and Environmental Protection throughout the habitat including the ocean, frequented by the salmon and other freshwater fish during the whole of their natural life cycles. -----

WE ADOPT as our fundamental assertion of rights and our basis for unity, the Memorial to the Honourable Frank Oliver, Minister of the Interior, given by our ancestors on the 10th day of May, 1911, and attached herein as Appendix "A".

WE RECOGNIZE the sovereignty and distinctiveness of each Nation, the importance of the Fraser and Columbia Rivers as fish habitats, Fishing as the lifeblood of the Indian people of the Nations on the Fraser and Columbia Rivers, the responsibility of our Nations to ensure the Creator's gift of salmon survives not only for our children but for untold generations to come; and that in the event of conflict between individual and group rights concerning the Fraser and/or Columbia River Fisheries, that the common good shall prevail over the individual rights of any Nation.

IN CONSIDERING the current unilateral jurisdiction of the Canadian Government over the Fisheries of the Fraser and Columbia Rivers, the failure of the Government to fulfill the responsibility concomitant with the rights it has attempted to take from us, the conflicting demands placed on the Fisheries of the Fraser and Columbia Rivers and elsewhere by others than ourselves; and considering the failure of the Government to listen to our ancestors, to hear our voice, or address our concerns: It is imperative for our Nations to again be self-governing, to re-assert control, and to take measures to ensure the continued survival of our Fisheries and our way of life based on the salmon.

WE HAVE COME TOGETHER as sovereign Nations to recognize the right of each Nation to be self-governing and to accept our common responsibility for the survival of our Fisheries.

AND THEREFORE AGREE AS FOLLOWS:

ARTICLE I DEFINITIONS

As used in this Treaty:

1. "Care" means the Management, Conservation and Enhancement of fish as well as Environmental Protection including pollution control of fish habitat. Care includes all activities required to ensure the survival of salmon and freshwater fish.
2. "Citizen" means any person who is a member of a Tribal Nation which is a Party to this Treaty.
3. "Codification" means the written form of a set of laws which when complete forms a code.
4. "Columbia River" means the Columbia River, streams, lakes and tributaries thereto.
5. "Comprehensive Claims" means grievances based on the loss of Inuit and Indian traditional use and occupancy of lands.
6. "Consensus" means the reaching of an agreement or decision through discussion without reliance upon a vote in which all participants unanimously accept the agreement or decision in its final form.
7. "Conservation" means controlling the harvest of fish in order to conserve the stock, and ensure the number of spawners will be sufficient to regenerate the stocks.
8. "Enhancement" means all activities related to preserving, rehabilitating and enhancing fish stocks including improvements to natural habitats and the use of reproduction technology. Enhancement may include but is not limited to improving spawning beds, stream rehabilitation, removal of obstructions, construction of fishways and artificial spawning channels and the development of hatcheries and incubation systems.

9. "Environmental Protection" means the complete spectrum of activities pursued to maintain an environment conducive to the maintenance and reproduction of fish stocks. It includes the control of pollution and habitat destruction.
10. "Fishing" means the activity of harvesting or seeking to harvest salmon and/or other freshwater fish.
11. "Fishery" means all activities associated with fish throughout their life cycle including but not limited to harvesting, management, protection and enhancement.
12. "Fraser River" means the Fraser River, streams, lakes and tributaries thereto.
13. "Management" means the long term strategy to ensure the preservation of the habitat that fish depend upon and control of the harvest in order to conserve the stocks and ensure the number of spawners will be sufficient to regenerate the stocks. Size limits, gear restrictions and time and area closures may be evoked. Management is a general term which includes Enhancement, Conservation and Environmental Protection. Policies of management may include:
- 1) who may fish;
 - ii) what stocks may be fished;
 - iii) when fishing may occur;
 - iv) pre and post season management programming;
 - v) policies of selling and tribal trading;
 - vi) enhancement and habitat management;
 - vii) monitoring, control and enforcement; and
 - viii) such other matters as the Nation sees fit.
14. "Nation" means the same as Tribe and is the territorial division between people of different tribes as defined, agreed upon and respected by the members of the bordering tribes; it is a sovereign and self governing body.
15. "Party" means a Tribal Nation represented by a signatory to this Treaty.
16. "Specific Claims" means grievances made by Indians against the federal government which relate to the administration of land and other Indian assets and to the fulfillment of Indian Treaties or promises.
17. "Treaty" means the Inter-Tribal Fishing Treaty Between Indian Nations: A Treaty of Mutual Purpose and Support.

**ARTICLE II
PARTIES TO THE TREATY**

1. The originating Parties to this Treaty shall be the following Indian Tribal Nations:

1. Cariboo Tribal Council
2. Carrier-Sekani Tribal Council
3. Chilcotin Ulkatcho-Kluskus Tribal Council
4. Kootenay Indian Area Council
5. Lillooet Tribal Council
6. Nicola Valley Indian Administration
7. Nlaka'pamux Nation Tribal Council
8. Okanagan Tribal Council
9. Sto:lo Nation Society
10. Sto:lo Tribal Council
11. Shuswap Nation Tribal Council

Each Tribal Nation represents the interests of its membership for the purposes of this Treaty.

2. The right to negotiate with and include any and all Tribal Nations as parties to this Treaty that are not now signatories is hereby reserved. Such negotiation shall be conducted by the Working Committee.
3. Participation in this Treaty must be at the Tribal Nation level as the right to sovereignty and the right to treat are rights exclusive to nations.
4. Given the far reaching importance of matters agreed upon in this Treaty each Party, according to proper custom and manner, has obtained full and complete authorization from its members to be a Party to this Treaty.
5. Those Parties to the Treaty whose homes are not on the Fraser or Columbia Rivers are party to this Treaty in recognition of their support for the objectives herein and in recognition of all peoples' responsibility to care for the gifts of the Creator.

**ARTICLE III
OBJECTIVES**

1. The objectives of this Treaty are to:
 - a) ensure the survival of the salmon;

- b) protect and enhance the Fisheries of the Fraser and Columbia Rivers and pursue a policy of Environmental Protection;
- c) recognize and exercise the aboriginal right to fish of the Parties to this Treaty, a right entrenched in the Constitution Act of 1982. It is a right that has been exercised by us throughout all of our traditional territories from time immemorial. It is a right that has sustained and nurtured our people physically and spiritually. It is a right which does not have its roots in a legislative enactment or government policy decision;
- d) recognize and respect the autonomy and right to self determination of each Party including recognition and respect of the fishing laws of each Nation;
- e) adhere to a policy of Tribal non-interference between Parties;
- f) create a binding Inter-Tribal Fishery policy on general principles of Management on the Fraser and Columbia River Fisheries to be respected and adhered to by all Parties and to be consistent with the principle of Tribal autonomy and self-government to the greatest extent possible;
- g) adopt the principle that Inter-Tribal rights supercede individual Tribal rights if the two are in conflict in order to ensure the survival of salmon;
- h) develop the trade and sale of fish;
- i) codify the unwritten laws of our ancestors;
- j) provide solidarity among the Nations party to this Treaty;
- k) create an environment of support and trust among the Parties so as not to fall further victim to the divide and conquer policy of government and industry but rather to succeed in achieving the objectives of this Treaty;
- l) provide cohesive strength of leadership;
- m) co-ordinate the Parties' responses to other governments' initiatives; and
- n) exercise our rights as sovereign Nations.

2. Nothing in this Treaty is intended to alter or abridge any aboriginal or other legal right of any Indian Tribal Nation. Nor shall any term of this Treaty be used adversely against any Party in any litigation or Comprehensive or Specific Claim negotiations.

ARTICLE IV TRIBAL AUTONOMY

1. This Treaty recognizes the right of each Tribal Nation to be autonomous and self-governing.
2. The Parties to this Treaty mutually agree to recognize and respect each Nation's fishing laws.
3. There shall be a policy of Tribal non-interference, meaning that for any stretch of the Fraser River or Columbia River which is within the territory of a Nation, the Nation shall have the right to make laws and policies relating to, but not limited to:
 - i. who may fish;
 - ii. what stocks may be fished;
 - iii. when fishing may occur;
 - iv. pre and post season management programming;
 - v. policies of selling and tribal trading;
 - vi. enhancement and habitat management;
 - vii. monitoring, control and enforcement; and
 - viii. such other matters as the Nation sees fit.
4. No laws provided for in Article V shall be in conflict with the Common Inter-Tribal Fishery Policy attached as Appendix "D". The Parties recognize this is a limit on their right to autonomy but accept this limitation as being necessarily incidental to the management of the Fraser and Columbia River Fisheries, so that all Parties shall be assured, to the extent possible, of sufficient fish to meet their needs.
5. If and when a Party codifies its traditional laws pursuant to Article VI, such code shall be attached herein as an annex to Appendix "E".
6. The codified, traditional laws of a Nation may be reviewed by the Working Committee to ensure such laws are consistent with the Common Inter-Tribal Fishery Policy. Such interference shall be as minimal as possible to achieve the objective of compliance.

**ARTICLE V
COMMON INTER-TRIBAL FISHERY POLICY**

1. The Common Inter-Tribal Fishery Policy (the "Policy") when completed and approved by all Parties shall be attached herein as Appendix "D" and shall form an integral part of this Treaty.
2. The Policy shall be developed and ratified in accordance with Articles VI and IX.
3. It is recognized fish are a matter of common concern for all Parties.
4. The Policy shall be made in recognition that the Fraser and Columbia River Fisheries extend the length of the rivers and efforts to manage and enhance the Fisheries require co-ordination throughout each river system. Conservation, Management, Enhancement as well as over-fishing and habitat destruction all have a global effect on the Rivers. The Policy shall seek to ensure that there will always be a fishery over which, to the extent possible, Tribal Nations will be self-governing within their own territories.
5. Each Party shall be provided with a copy of the Policy.
6. Each Party is responsible for informing its Citizens of the Policy and ensuring compliance.
7. If self-regulation and enforcement are not adhered to, the Working Committee shall designate an enforcement sub-committee pursuant to Article VIII. The sub-committee shall create a formal system of regulation and enforcement.
8. Any amendments to the Policy shall be made by Consensus of all the Parties to this Treaty. If a consensus can not be reached after a reasonable period of discussion as determined by the chairperson, the matter shall be proposed as a resolution and voted on. 75% of the Parties to this Treaty must vote in favour of the amendment resolution in order for it to pass.

**Article VI
CODIFICATION OF UNWRITTEN LAWS**

1. In recognition that laws, if written, may be more easily and more widely known and therefore respected, it is the objective of the Parties to codify the traditional Fishing laws of their respective Nations.

2. The Codification will include the modernization of traditional laws respecting fish as seen fit by each Nation.
3. When possible, Codification shall be in the Nation's own language and in English.
4. The fishing codes of Nations shall be attached herein as Appendix "E" with the permission of each Nation.

Article VII COMMERCIALIZATION

1. The Parties assert and recognize that there is an aboriginal right to sell fish.
2. The parties acknowledge that implementation of any commercial fishery venture will have an impact on every Party's rights. Therefore, commercialization is specifically exempted from each Party's right to govern itself and follow its own Fishing laws. All indigenous commercialization shall be developed taking into consideration Conservation and sound Management.
3. Parties shall strive to co-operate to develop policies, infrastructure and processes for an Interior indigenous commercial fishery that will increase the value added to the resource. Participation in ownership of processing and marketing of fisheries harvest shall be actively pursued.

Article VIII WORKING COMMITTEE

1. Upon ratification of this Treaty, a committee to be known as the "Working Committee" shall be formed. The Committee shall be composed of one representative from each Tribal Nation which is a Party to the Treaty. The representative is to be chosen by the Nation and is to be given authority by the Nation to make binding decisions on behalf of the Nation.
2. Each Nation shall select a second representative who shall attend and shall vote in the place of the Nation's Working Committee member if the Working Committee member is unable to attend a meeting.

3. A Working Committee member may resign by giving one month's notice to the Working Committee. The resignation is to be in writing. A person may be terminated as a representative by the Tribal Nation they represent if they fail to meet their responsibility but such person must be replaced immediately by the same Tribal Nation. The procedure for termination is to be determined by each Tribal Nation for itself. The Working Committee may recommend to a Tribal Nation that its representative be terminated but the Working Committee can not terminate the representative itself.
4. The Working Committee shall conduct the business created by the implementation and enforcement of the terms of the Treaty, including but not limited to:
 - a) development, implementation and enforcement of the Common Inter-Tribal Fishery Policy;
 - b) negotiating the inclusion of additional parties to the treaty;
 - c) controlling financial matters;
 - d) reviewing Nations' laws;
 - e) public education;
 - f) providing responses to government initiatives;
 - g) review and approval of Treaty amendments; and
 - h) anything incidental to achieving the objectives set forth in Article III.
5. The Working Committee shall appoint a chairperson, a secretary, and a treasurer. Each appointment is for a two year term.
6. The responsibility of the chairperson includes but is not limited to:
 - i. overseeing and directing the activities of the Working Committee;
 - ii. conducting general business meetings; and
 - iii. being an authorized banking signatory.
7. The responsibility of the secretary includes but is not limited to:
 - i. keeping minutes of all meetings;
 - ii. notifying Parties of meetings;
 - iii. making necessary arrangements for meetings;
 - iv. conducting correspondence;
 - v. maintaining necessary records; and
 - vi. being an authorized banking signatory.

8. The responsibility of the treasurer includes but is not limited to:
 - i. maintaining financial records;
 - ii. preparing budgets;
 - iii. doing the banking;
 - iv. providing financial reports and statements to the Working Committee as requested;
 - v. overseeing all financial arrangements; and
 - vi. being an authorized banking signatory.
9. No member of the Working Committee is to make personal gain by virtue of their position but may be reimbursed for any necessary expenses.
10. No member of the Working Committee shall be personally liable for work done in the course of their duties unless acting negligently or fraudulently.
11. The Working Committee is responsible to all Parties to the Treaty.
12. The Working Committee may enter into contracts and acquire property as necessary for the performance of its function.
13. The Working Committee has the authority to hire employees as required to carry out the terms of the Treaty and may delegate its duties to sub-committees. The sub-committees shall be composed of persons selected by the Working Committee. At all times the Working Committee shall remain ultimately responsible.
14. The Working Committee shall meet once per calendar month. Additional meetings may be called by a written notice signed by two Working Committee members with the proposed agenda attached.
15. There is to be an annual general meeting of the Working Committee, the first to be held within 15 months of the coming into force of this Treaty at which time the Working Committee shall submit to the Parties an annual report on its activities and an annual financial statement.
16. Financial records shall be audited annually and shall be available to any party for inspection.
17. Notice of each general meeting of the Working Committee shall be sent to each Party and shall include the date, time and location of the meeting and the proposed agenda. A Citizen may submit in writing any item they wish to have placed on the agenda and if practically possible, the item shall be included on the agenda.

18. Business shall be conducted at a time and place to be decided by the Working Committee. Any Citizen may attend a general business meeting.
19. No business shall be conducted without a quorum present. A quorum shall be 50% of the Parties to this Treaty, excluding those Parties listed in Appendix "C".
20. The Working Committee shall make such bylaws and procedural rules for itself and for sub-committees established pursuant to Article VIII, as may be necessary for the exercise of their functions and the conduct of their meetings.
21. When a Consensus cannot be reached and it is necessary to vote on a resolution:
 - a) Each party not listed in Appendix "C" is entitled to one vote.
 - b) Voting shall be by a show of hands.
 - c) Proxy voting shall not be allowed.

Article IX PROCEDURE TO REACH AGREEMENTS

1. It is recognized that it is necessary for all Parties to agree to the formal Common Inter-Tribal Fishing Policy. The Policy shall be developed and written by a sub-committee selected by the Working Committee. Experts shall be hired to complete the Policy as required. To come into effect, there must be unanimous acceptance of the Policy by the Parties through a process of Consensus.
2. Decisions to be made and agreements to be reached by the Working Committee in conducting the business created by the Treaty shall be reached by Consensus. If a Consensus cannot be reached by the Parties in attendance after a reasonable period of discussion as determined by the chairperson, the matter shall be proposed as a resolution and voted on. Unless noted otherwise, a simple majority (51%) of the Parties voting must be in favour of a resolution in order for it to pass.
3. Any agreement reached pursuant to the Treaty which will affect the rights and duties of Parties shall be attached as an appendix to the Treaty. The agreement shall form part of the Treaty, and shall be binding on all Parties.

4. It is agreed between the Parties that the priority of policy development shall be as follows:

- i. aboriginal title and rights to the fishery;
- ii. conservation and management;
- iii. fish to meet the needs of the people; and
- iv. commerce and tribal trading.

Article X FINANCIAL ARRANGEMENTS

1. There shall be a treasurer as provided for in Article VIII who shall be responsible for overseeing the financial arrangements necessarily created by the Treaty.
2. Each of the Parties excepting those Parties listed in Appendix "C" hereby agrees to be responsible for, and to pay in an equal number of shares as there are such parties to the Treaty, all costs incurred by the Working Committee in carrying out the legitimate business pursuant to the terms of the Treaty.
3. All funding related to the Treaty and activities done pursuant to the Treaty shall be received and distributed by the Working Committee. Distribution of funds shall be on an equitable, not necessarily equal basis, taking into consideration the differing needs, costs and efforts of Parties. Funding received by Parties for their own specific management programs or other own projects is not subject to this Article.

Article XI ~~DISPUTE RESOLUTION~~

1. In keeping with the objective of the Parties to be self governing whenever possible disputes should be settled internally. Parties recognize that internal disagreements serve only to weaken their ability to achieve their common goals and therefore Parties are committed to resolving internal conflicts as quickly and as amicably as possible.
2. The Working Committee shall delegate a peacekeeping sub-committee which shall be responsible for negotiating a settlement between disagreeing Parties.

3. If negotiations fail, an independent arbitrator may be hired. The arbitrator shall assess costs of the arbitration against the Parties involved.
4. Parties agree to be bound by the decision of the arbitrator.
5. Disputes should be resolved with the spirit not the letter of the Treaty as a guide.
6. The peacekeeping sub-committee and/or arbitrator shall report its finding along with a statement of its reasons to the Working Committee.

Article XII AMENDMENTS

1. The Working Committee may appoint a sub-committee responsible for formulating and implementing amendments to the Treaty and agreements made pursuant thereto in response to the request of a Party or Parties for amendments.
2. Given the fundamental importance of amending the Treaty, any amendment must be passed by the Consensus of all Parties except those Parties listed in Appendix C. Article IX, paragraph 2 shall not apply. In the case of amending the Treaty, a vote shall not be taken. If a consensus can not be reached, the Treaty shall not be amended.
3. Notice of any proposed amendment shall be provided to all Parties ten days in advance of the proposed amendment being tabled to be passed at a meeting. A Party is deemed to have received such notice four days after the notice is sent in the mail to the Party.
4. Any proposed amendment must be discussed fully at a general meeting before being tabled to be passed. Each Party shall be given an opportunity to speak to the amendment.
5. If the Treaty is amended every Party shall be provided with a copy of the amended Treaty and shall be bound by the terms of the amended Treaty as though it were the original, signed Treaty

WE, THE PARTIES TO THE TREATY, as represented by the under-
signed signatories, recognize the continual efforts on the part
of our ancestors to obtain justice with respect to our aboriginal
title and rights and recognizing the Federal and Provincial
Governments refusal to treat with us, we agree to treat between
ourselves as our ancestors did in the recorded historical decla-
rations and memorials.

WE, THE UNDERSIGNED TRIBAL NATION REPRESENTATIVES, subscribe
our names on behalf of our people, this 27th day of July, 1989 at
Lillooet, British Columbia.

SIGNATORY

REPRESENTING

* [Signature]
Grand Chief James Gertzen
Ag. N. M. - Chief
Chief Terry Morgan
Hereditary Chief
Chiefed Jacobs
Agnes McLoay
P.O.S.

* Chief Harry Jones
Chief [Signature]
Chief [Signature]
Chief [Signature]
Joseph P. Anderson
tribal chief

Stolo Nation
Lillooet Tribal Council
Upper Mielin Indian Band.
Shumup Nation.
Kootenay Nation
St. Mary's Ind. Band
Shumup Band
Adams Lake Band
Xwisten (Bridge River).
Xlaka'pamus
89.10.19 @ Keweenaw
Carrier - Sekani Tribal Council

SIGNATORY

REPRESENTING

Chief ~~W. H. L.~~ Whispering Pines
 Chief ~~H. J. L.~~ Johnnie
 Chief ~~W. H. L.~~ W. H. L.
 Chief ~~W. H. L.~~ W. H. L.

Mae Boomer

Chief Mary Morgan

Chief George Dunstan

Chief Ruby Dunstan

Chief Lillian Mary

Chief Jim Johnson

Chief Linda Shackley

COUNCILLOR Jim Ann

Chief K. B. Thompson

Bryan G. L.

* Chief Mike Rock

Richard J.

Chief Ken Malloway

* Councillor Mary Ann

LOWER NICOLA BAND.

NORTH THOMPSON.

Ashcroft B.C.

Stuntneen Bonaparte.

Sika Band.

Lepton Indian Nation.

hance Creek Band.

Spuzzum Band

Noositch Band.

LYTTON BAND

CHILLWICK B.C.

Stray Band

Lillogit / ST. HAZ. Z.M.X.

Kamloops

Tzeachten Band

Chalaltz

SIGNATORY

* ~~Chief George S. S. S.~~

* Chief S. S. S.

Councillor Albert S. S.

Councillor Susan E. S.

Councillor E. D. S.

Councillor T. S. S.

Councillor S. S. S.

Chief S. S. S.

Chief Percy S. S.

Chief M. S. S.

Councillor S. S. S.

Chief S. S. S.

Chief S. S. S.

Chief S. S. S.

Robert S. S.

W. S. S.

Chief S. S. S.

Chief S. S. S.

REPRESENTING

Douglas Bend

Fountain*

Stackan N.V.

S. S. S.

S. S. S.

S. S. S.

Red Bluff Bend

Oregon Jack Creek

Cooks Ferry

Okanagan

Lower Similkameen.

Upper Similkameen

Okanagan

Okanagan

Lower Similkameen Bend

OKANAGAN

OKANAGAN

Okanagan

SIGNATORY

REPRESENTING

Chief Dennis A. Patrick

Chief Herman Neepis

Chief Robert Christie

Chief Maureen Ogen

Chief Pennock

Chief Geoffrey Thomas

DEPUTY CHIEF TED LOULEY

or Acting Chief David Williams

Chief Roy French

Chief Peter Quaw

* Chief Rose M. Smith

Chief M. Campbell

Chief J.E. McIntyre

Stellako Band

Fraser Lake Band

Burns Lake Band

Broman Lake Band

Nahzolie Band

Stoney Creek (Si-Kug)

~~Stoney Creek (Si-Kug)~~

TAKLE BAND.

Fort George Band

Somaguam

BOOTHROYD BAND

SKAPPAT

APPENDICES

- Appendix "A": Memorial to the Honourable Frank Oliver,
Minister of the Interior
- Appendix "B" Map of Tribal Nation Boundaries
- Appendix "C" List of parties to the Treaty whose homes are
not on the Fraser or Columbia Rivers.
- Appendix "D" Common Inter-Tribal Policy on Fishing.
- Appendix "E" Nations codified fishing laws.

M E M O R I A L

To the Hon. Frank Oliver, Minister of
the Interior, Ottawa

Dear Sir and Chief,---We the undersigned Chiefs of the Shuswap, Couteau or Thompson, Okanagan, Lillooet, Stalo or Lower Fraser, Chilcotin, Carrier and Tahltan tribes in the interior of British Columbia, assembled at Spences Bridge, B.C. this tenth day of May, 1911, hereby greet you, and make known to you as follows:---

That in this letter we desire to speak to you heart to heart, and as man to man about those things which concern us most. We do not come to you with lies in our hearts, nor in any scheming way, but simply with plain statements of facts, and ask you to listen to us patiently. We do not wish to get the best of anybody, but just to obtain our rights, and the justice we believe we are entitled to. We ask for the same treatment that has been accorded to other Canadian Indians in the settlement of our land question, and in other matters. We know your government is strong, and has the power to treat us who are weak as it suits them; but we expect good and not evil from them. We regard you as a father appointed to look after our interests, that we may not be oppressed and imposed upon by others. We believe the settlement of our grievances will result in benefit to the whites of this country, as well as to us.

You already know most of those grievances we complain of, and the position we take regarding them. Some of our chiefs have written you from time to time, and several have visited the government in Ottawa within the last ten years. Your government has received petitions and complaints from the chiefs of the Thompson tribe in 1908 and 1909. The Declaration of the Shuswap, Thompson, and Okanagan tribes, July 1910. The memorial of the same tribes presented to Sir Wilfred Laurier at Kamloops, August, 1910. Then Mr. McDougal, Special Commissioner, visited us twice and no doubt sent in a report to your government as to our condition. Consequently we need not reiterate everything here.

You know how the B.C. Government has laid claim to all our tribal territories, and has practically taken possession of same without treaty, and without payment. You know how they also claim the reservations, nominally set apart for us. We want to know if we own any land at all in this country. As a last chance of settling our land question with the B.C. government, we visited them in Victoria on the third of March last, and presented them with a petition (a copy of which we believe has been sent your government), asking for a speedy settlement. ~~Forty of us from the Interior waited on the~~ government along with the Coast Indians. In this letter we wish to answer some of the statements made to us by the B.C. Government at this interview.

Premier McBride, speaking for the B.C. Government, said "We Indians had no right or title to the unsurrendered lands of the province."

We can not possibly have rights in any surrendered lands, because in the first place they would not be ours if we surrendered them, and, secondly we have never surrendered any lands. This means that the B.C. Government asserts that we have no claim or title to the lands of this country. Our tribal territories which we have held from time immemorial, often at cost of blood, are ours no longer if Premier McBride is correct. We are all beggars, and landless in our own country. We told him through one of our chiefs we were of the opposite opinion from him, and claimed our countries as hitherto. We asked that the question between us be submitted for settlement to the highest courts, for how otherwise can it now be settled? His answer was: "There was no question to settle or submit to the courts." Now, how can this be. That there is a question is self-evident, for Premier McBride takes one side of it, and we take the other. If there was no question, there would have been nothing to talk about; and nothing to take sides on. We wish to tell you, Chief, this question is very real to us. It is a live issue. The soreness in our hearts over this matter has been accumulating these many years, and will not die until either we are all dead, or we obtain what we consider a just settlement. If a person takes possession of something belonging to you, surely you know it, and he knows it, and land is a thing which cannot be taken away, and hidden. We see it constantly, and everything done with it must be more or less in view. If we had had nothing, or the British Columbia Government had taken nothing from us, then there would be nothing to settle, but we had lands, and the British Columbia Government has taken them, and we want a settlement for them. Surely then, it is clear there is a question to be settled, and how is it to be settled except in the courts.

Mr. McBride made the statement, "We Indians were well satisfied with our position, and that the present agitation among us was fomented by certain whites." We deny this statement completely--it is not true. The fact of our visiting the Victoria Government---many of us from long distances, and at great expense---shows that we are not satisfied. As we have stated before, we never have at any time been entirely satisfied with our position, and now that the country is being more and more settled up,--and we becoming more restricted in our liberties year by year, we are very far from satisfied. Why should we be satisfied? What have we received, and what has been done for us to make us satisfied? All the promises made to us when the whites first came to this country have been broken. Many of us were driven off our places where we had lived and camped from time immemorial, even places we cultivated, and where we raised food, because these spots were desirable for agriculture, and the Government wanted them for white settlers. This was done without agreement with us, and we received no compensation. It was also in direct opposition to the promises made to us by the first whites, and Government officials, that no white men would be allowed to locate on any place where Indians were settled or which were camping stations and gardens. Thus were we robbed by the Government and driven off many of our places by white settlers (backed by the Government), or coaxed off them with false promises. Then we were promised full freedom to hunt, fish and travel over our country unrestricted by the regulations of the whites, until such time as our lands were purchased or at least until treaties were made with us. Another promise broken, and so on with all. We can tell you all of them if you want to know,

and prove them through witnesses still living. What of the Governor Seymour's promises made to the Lower Fraser Indians who convened at his request purposely to hear his message to them concerning the proposed policy of the whites towards the Indians of this country? They rank with the other early promises---all broken. This is enough to show there is sufficient reason for our dissatisfaction, and also that it required no white men to point out these things to us, and urge us to be dissatisfied. Even if it be true that certain white men help us at the present day in our agitation to obtain our rights by doing writing for us, etc., why should Mr. McBride find fault with them. Did not Governor Seymour and other great men of the Province in early days state to us that the whites had come here to help us and be brothers to us? Why should he denounce these men for doing what his predecessors, and, we believe, also the Queen, said was the right thing to do? We have learned that most whites do not keep their word (especially when it is not written word). Only those very few whites who help us appear to be trying to keep the white man's promises made to us by the white chiefs of this country in early days. They alone appear to uphold the honor of their race. We assure you, Chief, the present agitation among us over these matters is simply the culmination of our dissatisfaction which has been growing with the years. With changing conditions, greater pressure and increasing restrictions put on us, we had at last to organize, and agitate. Either this, or go down and out, for our position has been gradually becoming unbearable. We have not been hasty. It has never been our policy to jump at conclusions. We have never believed in acting without full knowledge, nor making charges without full proof. Although we have known, yet we have waited a long time for

the hand of the British Columbia Government to be shown so we could read it without any doubt. Some of our chiefs, distrustful and impatient, many time during these long years, one way and another, though the Indian office, through Victoria, through Ottawa and in other ways, have attempted to get matters concerning us straightened, but they have always been baffled in their efforts. Others, hopeless and disgusted, would not try. Then we were ignorant and groping in the dark: now are are more enlightened and can see things clearer. Like conditions drove us of the Interior, and the Indians of the Coast, to organize and agitate independently, and unknown to each other. It is only lately we have joined forces to try and obtain a settlement of all questions concerning us. Mr. McBride gave a partial explanation of how the Reserve System of British Columbia originated. This does not concern us. What we know and are concerned with is the fact that the British Columbia Government has already taken part of our lands without treaty with us, or payment of compensation, and has disposed of them to settlers and others. The remaining lands of the country, the Government lays claim to as their property, and ignores our title. Out of our lands they reserved small pieces here and there, called Indian Reserves, and allowed us the occupancy of them. These even they claim as their property, and ~~threaten in some places to take away from us, although we have been~~ in continuous occupancy and possession. No proper understanding was arrived at, nor proper agreements made between ourselves and the British Columbia Government, when the reserves were laid off. Not one of us understood this matter clearly nor in the same light the British Columbia Government seems to have done. Things were not explained to us fully, and the Government's motives appear to have been

concealed, for they were understood differently by the various chiefs. We never asked for part of our country to be parceled out in pieces and reserved for us. It was entirely a Government scheme originating with them. We always trusted the Government, as representing the Queen, to do the right thing by us, therefore we never have opposed any proposition of the Government hastily and without due consideration. We thought, although things appeared crooked, still in the end or before long they might become straight. To-day were the like to occur, or any proposition be made to us by the Government, we would not trust them: we would demand a full understanding of everything, and that all be made subjects of regular treaty between us and them. Mr. McBride claimed many reserves are larger than the Indians need, and much of the land remains unoccupied. We of the Interior claim this is not so. We think we at least should have as much land of our own country to farm as is allowed to white settlers (viz.: 160 acres), or as much as our Indian friends of Eastern Washington, Idaho, and Montana retain on the opening of their reserves (viz: From 80 to 160 acres of the best agricultural land available, chosen by themselves, for each man, woman and child). At the time the Indian Reserves of British Columbia were set apart, and for long afterwards, the British Columbia Government allowed 320 acres of land to each white person pre-empting land from them. As at this time our population was much greater than now, the amount of reservation land per capita would be small in proportion, and the farce of the Reserves being adequate when set apart all the more apparent. We ask Mr. McBride to state the amount of good land in the Reserves which can be successfully cultivated by us under present conditions. Why should we be expected to make a

good living on four or five acres of land, whilst in 1881 and later 320 acres was deemed none too much for a white man? Pasture need not be taken into consideration at that date, as then the unfenced range country formed a sufficient pasturage, and was used equally as much by whites as by Indians. A few of the reserves may appear large on paper, but what amount of good land is in them? Most of them consist chiefly of more or less barren side hills, rock slides, timbered bottoms hard to clear, and arid flats devoid of water for irrigation. In very few places do we have any chance to have good farms, and they must of necessity be small in area. Either the land or the water is lacking. In many places even the total acreage of the reserves is exceedingly small. All parts of all reserves known to us are used by us one way and another as fully as possible, considering our present disadvantageous position, and the nature of the lands. If by occupancy Mr. McBride means actual living on or cultivating of each part of reserve then we plead guilty to our inability to occupy the greater part of them, for we cannot live on and cultivate rocks, side hills and places where we can get no water. Even in many places that we do occupy fully, and cultivate continually, we lose our crops altogether, or in part, every year, owing to whites taking the irrigation water, and stopping us from using it when we most require it under the claim of prior rights to the water. In this they are sustained by the British Columbia Government who recognize their water records as superior to ours. Mr. McBride also said the Indians share in enjoying the advantages arising from building of railroads, wagon roads, trails and other Government utilities. Perhaps we do, but have we not assisted in building them, and have they not been built up from the direct robbery of ourselves, and our country? We claim

these things are rightfully ours, and yet we are made to pay for using them. Had we never assisted in the making of these railways and roads: had his Government paid us for all our timber that was used, and all our fifty millions of gold taken out of this country, and all our salmon that has been caught, and destroyed, and many other things which might be mentioned that went into the making of these roads; had we been paid only a small share of all this wealth derived from the destruction (in most cases), not the improvement of our country; or had the country been bought from us, so it were actually the property of the whites to destroy or do with as they pleased, then the British Columbia Government might speak of our sharing in the benefits of roads to which they infer we are in no way entitled. Good trails we had in plenty before the whites came. The whites are indebted to us for having them ready made when they came, and allowing them to use them without charge. The wagon roads benefit us but little, for most of them do not go to our reserves, and besides, we have no chance to have much produce to haul over them. Railroads have not helped us much. They cut up our little farms, and give us no adequate compensation. They have killed many of us, and also many of our horses and cattle since advent. Besides they act as highways for robber whites, and all kinds of broken men who frequently break into our houses and steal from us.

We never asked that any of these things be built so we could share in them, and we well know they were not built for our benefit. Government utilities such as the police, for instance, we see no benefit in, for they are used to force laws on us we never agreed to, and some of which we consider injurious and unjust. This, then, appears

to be all the British Columbia Government can claim to have doen for us, viz: They let us use a few inferior spots of our own country to live on, and say we ought to be greatful to them for giving us such large places. They made some roads of various kinds for themselves, and say we ought to be grateful to them for giving us such large places. They made some roads of various kinds for themselves and say we ought to be grateful for being allowed to share in the use of them. We ask is this the brotherly help that was promised us in early days, or is it their compensatoin to us for the spoilation of our country, stealing of our lands, water, timber, pastures, our game, fish, roots, fruits, etc., and the introduction of diseases, poverty, hard labor, jails, unsuitable laws, whisky, and every so many other things injurious to us? Now you have the British Columbia Government's statements re these questions, and you have our statements. We leave it to you to decide who has done wrong. We or they. We desire a complete settlement of our whole land question, and the making of treaties which will cover everything of momemnt to us in our relations between the whites of this country as represented by their Governments, and we as Indian tribes. As the British Columbia Government through Mr. McBride has refused to consider any means of settling these matters legally, we call on the Dominion Government at Ottawa---the central and supreme Government of Canada---to have the question of title to our lands of this country brought into court and settled. We appeal to you for what we consider justice, and what we think you would yourself consider justice if you were in our position. Who has the power to help us in this matter? Only the Federal Government, and we look to them. As the building of railways, and settlement in this country is proceeding at a rapid

pace, we wish to press on you the desirability (for the good of all concerned) of having these matter adjusted at as early a date as possible. In the hope that you will listen to our earnest appeal, we, the underwritten chiefs, subscribe our names in behalf of our people.

JOHN CHILAHITSA, Chief Douglas Lake Band, Okanagan Tribe.
 BAPTISTE CHIANUT, Chief Nkxulp Band, Okanagan Tribe.
 JOHN LEOKONAGHEN, Chief Ashnola Band, Okanagan Tribe.
 CHARLES ALLISON, Chief Hedley Band, Okanagan Tribe.
 FRANCOIS PAKELPITSA, Representative Penticton Band, Okanagan Tribe.
 BAPTISTE LOCAN, Chief Vernon Band, Okanagan Tribe.
 JOHN INHANCHIN, Chief Chupaco Band, Okanagan Tribe.
 ALEXANDER CHILAHITSA, Hereditary Head Chief, Okanagan Tribe.
 LOTIS CHLEGHLEGHKEN, Chief Kamloops Band, Shuswap Tribe.
 BASIL DAVID, Chief Bonaparte Band, Shuswap Tribe.
 FRANCOIS BELPAGHEN, Chief Shuswap Lake Band, Shuswap Tribe.
 BAPTISTE WILLIAM, Chief William's Lake Band, Shuswap Tribe.
 RANSON SOGHONIGH, Chief Alkali Lake Band, Shuswap Tribe.
 JAMES CAPEL, Chief Clinton Band, Shuswap Tribe.
 THOMAS PETLANITSA, Chief Deadman's Creek Band, Shuswap Tribe.
 MAJOR CHESCHETSELT, Chief Leon Creek Band, Shuswap Tribe.
 ANTOINE CHELAHAUTKEN, for Chief Ellenae, Chase Band, Shuswap Tribe.
 JOSEPH ISTCHIKWAKST, Chief High Bar Band, Shuswap Tribe.
 FRANK TAINIESKET, for Chief Samuel, Canim Lake Band, Shuswap Tribe.
 LOOSHOM, Chief Soda Creek Band, Shuswap Tribe.
 AUGUST JAMES, for Chief Maxima, Halwet Band, Shuswap Tribe.
 ANDRE, Chief North Thompson Band, Shuswap Tribe.
 LOUIS CHUIESKA, Captain Spallumcheen Band, Shuswap Tribe.
 JOHN INROIESKET, Acting Chief Canoe Creek Band, Shuswap Tribe.
 JOSEPH TSEOPIKEN, Chief Dog Creek Band, Shuswap Tribe.
 ADOLPHE THOMAS, for Chief Dennis Skelepautken, Fountain Band.
 ROBERT KUSTASELKWA, Chief Pavilion Band.
 JOHN NELSON, Chief Queenel Band, Carrier Tribe.
 JAMES INRAITESKET, Chief Lillooet Band, Lillooet Tribe.
 JAMES JAMES, Chief Seaton Lake Band, Lillooet Tribe.
 JOHN KOIUSTCHEN, Chief Pasulko Band, Lillooet Tribe.
 DAVID EKSIEPALUS, Chief Zexil No. 2, Lillooet Band, Lillooet Tribe.
 JAMES STAGER, Chief Pemberton Band, Lillooet Tribe.
 CHARLES NEKAUIA, Chief Nkempts Band, Lillooet Tribe.
 JAMES SMITH, Chief Texas Lake Band, Lillooet Tribe.
 HARRY INKASUSA, Chief Samakwa Band, Lillooet Tribe.
 PAUL ROITELANUGH, Chief Skookum Chuck Band, Lillooet Tribe.
 AUGUST AKSTONKAIL, Chief Port Douglas Band, Lillooet Tribe.
 JEAN-BAPTISTE, Chief No. 1, Cayuse Creek Band, Lillooet Tribe.
 DAVID SKWINSTWAUGH, Chief Bridge River Band, Lillooet Tribe.
 PETER CHALAL, Chief Mission Band, Lillooet Tribe.
 THOMAS BULL, Chief Shaboo Band, Lillooet Tribe.
 THOMAS JACK, Chief Anderson Lake Band, Lillooet Tribe.
 SIMO NIZDE, Representative Anahem Band, Chilcotin Tribe.
 DICK ANAHEN, Representative Risky Creek Band, Chilcotin Tribe.
 NANOK, Head Chief Tahltan Tribe.
 PIERRE KENPESKET, Chief of the Kinbaskets, Kootenay, Shuswap Tribe.
 WILLIAM MAKELTSE, Chief Thompson Band, Coeur d'Alene or Thompson Tribe.
 ANTOINE YAAPSKINT, Chief Coldwater Band, Thompson Tribe.
 MICHEL SHAKOA, Chief Quilichena Creek Band, Thompson Tribe.
 WILLIAM LUKLUPACHEN, Chief Polli Creek Band, Thompson Tribe.
 GEORGE EDWARD INKWOITUNEI, Chief Potlatoe Garden Band, Thompson Tribe.
 CHARLES KOWETELLST, Chief Kanaka Bar Band, Thompson Tribe.
 HENEDICT INCHAULETS, Chief Keefer's Band, Thompson Tribe.
 SHOOTER SUTPACHEN, Chief Nicola Lake Band, Thompson Tribe.
 PAUL HENIENA, Chief Spuzzum Band, Thompson Tribe.
 GEORGE SROL, Chief North Bend Band, Thompson Tribe.
 JONAH KOLACHANT, Representative Couleas Band, Thompson Tribe.
 JOHN WHISTAMNITSA, Chief Speace's Bridge Band, Thompson Tribe.
 SIMON WAUESKS, Chief Askecroft Band, Thompson Tribe.
 JOHN TEDLENITSA, Chief Pekalst Band, Thompson Tribe.
 MICHEL INHUTPESKET, Chief Maria Island, Stalo or Lower Fraser Tribe.
 PIERRE AYESSEUK, Chief Cat's Landing and Hope Band, Lower Fraser Tribe.
 JAMES KWINTGIEL, Chief Yale Band, Lower Fraser Tribe.
 HARRY YELENITSA, Chief Agassiz Band, Lower Fraser Tribe.
 HARRY STEWART, Chief Chilliwack Band, Lower Fraser Tribe.
 JOE KWOKWAPAL, Chief Quogwapol Band, Lower Fraser Tribe.
 CHARLES JACOB, Chief Matsqui Band, Lower Fraser Tribe.