

Occupying the Land: Traditional Patterns of Land and Resource Ownership among First Peoples of British Columbia

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We often talked about our right as strangers to take possession of the district.... The American woodmen... considered that any right in the soil which these natives had as occupiers *was partial and imperfect as, with the exception of hunting animals in the forests, plucking wild fruits, and cutting a few trees to make canoes and houses, the natives did not, in any civilized sense, occupy the land....* [emphasis added] (Gilbert Malcolm Sproat, 1868, "Right of Savages to the Soil"; Lillard 1987: xvi)

This rather amazingly naive and deficient observation by Gilbert Sproat, from 1868, regarding the settlement of Nuu-Chah-Nulth lands in the vicinity of Port Alberni, Vancouver Island, is profound in that it both reflected and shaped the views of virtually all European settlers and colonists in northwestern North America. The implications are clear: the indigenous people - Nuu-Chah-Nulth and others - encountered by Sproat and his fellow settlers were regarded as "uncivilized" because, by the culturally skewed realities of the European newcomers, the indigenous peoples' use of and impact on the land was random, unstructured, unorganized and minimal. Later, in 1876, Gilbert Sproat was appointed Joint Commissioner on Indian lands (Fisher 1992: 189).

Governor James Douglas, originally Chief Factor of Fort Victoria, did at least recognize some form of indigenous peoples' land tenure and rights that had to be extinguished through purchase of their lands: "...The native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive possessory rights in certain districts..." (letter to Secretary of State for the Colonies. Victoria, 25th March 1861; British Columbia 1875: 39). Even Douglas' views, however, were to the effect that Aboriginal peoples as primarily fishers and hunters, had little need for, use of, or impact on their lands. Douglas referred to the (generic) Aboriginal person of British Columbia as "a wandering denizen of the forest" whose "condition" was to be greatly improved through education, "moral elevation" and religious training. Douglas proposed a plan to fund the Aboriginal peoples' education through leases of their "unneeded" reserve lands. "The support of the Indians will thus, wherever land is valuable, be a matter of easy accomplishment, and in districts where the white population is small, and the land unproductive, the Indians may be left almost wholly to their own resources... to pursue unmolested their favorite calling of fishermen and hunters." (March 15, 1859 letter to the Secretary of State for the Colonies; British Columbia 1875: 16).

Douglas established a series of treaties by which the Indigenous peoples in the vicinity of European settlements around Fort Victoria, and later Saanich, Nanaimo and Fort Rupert on northern Vancouver Island would be legally divested of their lands, which he felt would simplify the colonial occupation and eliminate any possible impediments to

settlement. Notably, the template for the so-called “Douglas treaties” was drawn from the wording of the 1840 Treaty of Waitangi negotiated by the British government with the Maori of New Zealand, where similar philosophies and misunderstandings were imposed (Arnett 1999: 31). The Secretary of the Hudson’s Bay Company wrote to James Douglas, “ in your negotiations with [the chiefs of the tribes]... you are to consider the natives as the rightful possessors of such *lands only as they are occupied by cultivation, or had houses built on* [emphasis ours], at the time when the Island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, and applicable to the purposes of colonization...” (Archibald Barclay to James Douglas, May 16, 1850, cited by Arnett 1999: 32).

As pointed out by Arnett (1999: 32), the British perspective was influenced by social theory of the day, in particular that propounded by Vattel, an eighteenth-century French legalist, who argued that cultivation alone gave the right to hold title to land. Hunting or food gathering he considered indolent forms of existence. “Those who yet hold to the idle mode of life,” wrote Vattel, “usurp more land than they would require with honest labour, and cannot complain if other nations, more laborious and too much pent-up, come and occupy any portion of it” (quoted by Arnett 1999:32).

Archibald Barclay sent his version of the Deed developed for the Treaty of Waitangi, with its blanket wording, used by Douglas in all of the treaties he set out, including the excerpt, “The condition of, or understanding of the sale is this, that our village sites and Enclosed Fields are to be left for our own use, for the use of our Children, and for those who may follow after use... it is understood however that the land itself with these small exceptions becomes the Entire property of the White people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly....” (British Columbia 1875: 5-11).

These treaties demonstrated that the Europeans were largely ignorant of aboriginal land use and the seasonal exploitation by indigenous peoples of a wide variety of food resources from many locations and habitats within their traditional territories. Later officials were to express, even more vigorously, the view that the “Indians” did not use or need the land. In 1867, Joseph W. Trutch, who was appointed Chief Commissioner of Lands and Works for British Columbia in 1864, wrote, in a long statement on Lower Fraser River Indian Reserves,

The Indians regard these extensive tracts of land as their individual property; but of by far the greater portion thereof they make no use whatever and are not likely to do so; and thus the land, *much of which is either rich pasture or available for cultivation and greatly desired for immediate settlement*, remains in an unproductive condition - is of no real value to the Indians and utterly unprofitable to the public interests. (Emphasis added).

And, later in the same document,

The Indians have really no right to the lands they claim, nor are they of any actual value or utility to them... It seems to me... both just and politic that they should be

confirmed in the possession of such extents of *lands only as are sufficient for their probable requirements for purposes of cultivation and pasturage*, and that the remainder of the land now shut up in these reserves should be thrown open to pre-emption... firmness and discretion ... to convince the Indians that the Government intend only to deal fairly with them and the whites, who desire to settle on and cultivate the lands which they (the Indians) have really no right to and no use for..." (Joseph W. Trutch, 28th August 1867; emphasis added).

Trutch held similar views on other First Peoples' territories, such as those of the Secwepemc of Kamloops and Shuswap: "...the claims of Indians over tracts of land, on which they assume to exercise ownership, but of which they make no real use, operate very materially to prevent settlement and cultivation..." (Joseph W. Trutch, 20th Sept 1865; British Columbia 1875).

In the end, Douglas' Treaties, and the reserve system imposed on First Peoples across British Columbia and elsewhere were as "partial and imperfect" as Sproat's characterizations of aboriginal occupation, but they were the inevitable outcome of the predominant colonial view. It has had repercussions for First Peoples and all others as, nearly 150 years later, we struggle with the same uninformed and deeply embedded bureaucratic attitudes to renegotiate agreements and "modern treaties" based on a fairer, more realistic assessment of indigenous peoples' original occupation and use of their traditional lands and waters balanced with their future needs, both economic and cultural.

In this paper, we will examine historical and ethnographic sources, together with oral accounts from indigenous people in B.C. to try to characterize the range of systems of territoriality and occupation of lands and resource use of indigenous cultures in B.C. from the pre-colonial era and to determine how land tenure is related to "a larger system of rights, obligations and rules pertaining to land and resource use and proprietorship" (Berkes 1999: 51). We will then address the relationship between these systems and traditional resource management practices. Finally, we will discuss the potential for reinstatement of traditional proprietorship systems as a means of enhancing and improving land and resource management for both aboriginal and non-aboriginal communities.

Traditional Patterns of Territoriality and Resource Ownership in British Columbia

To date, there have been many characterizations of traditional ownership and proprietorship systems among various First Nations in British Columbia. These are generally summarized in the chapters of Helm (1981), Suttles (1990), and Walker (1998), and Richardson (1992); see also Sutton 1975; Turner et al. in press 2000). We draw on these descriptions to provide an overview of the specific traditions for controlling land and resources for a range of cultural and linguistic groups of British Columbia in Table 1 (Map, Figure 1).

Indigenous Group (Language Family); References	Notations on Land and Resource Proprietorship
Central Coast Salish: Squamish, Halkomelem, Nooksack, Northern Straits, and Clallam (Salish) (Suttles 1990: 463-465; Hill-Tout 1900:491)	A range of tenure and ownership, from general community use and occupancy to family control; in general, members of a kin group, descendants from a common notable ancestor, shared inherited rights to resources, such as fishing sites, and other property; the management of resources was often by a designated chief or household head; permission to use by others required from the owners; in many instances there were no exclusive rights recognized for individuals or families; resource use rights, when they did occur, were inherited through both parental lines (see Detailed Model)
Northern Coast Salish: Sechelt, Comox (Salish); (Barnett 1955: 25; Kennedy and Bouchard 1983: 64, 1990: 447)	Extended family units, “local groups” or lineages sometimes owned and controlled specific resource harvesting sites, such as fishing sites, over various parts of the group’s territory; most lands were used and occupied communally; harvesting sites sometimes inherited within families; inheritance through both parental lines
Nuxalk (Salish) (Kennedy and Bouchard 1990: 325- 330)	Territories and specific resource harvesting sites within them owned and controlled by lineages or descent groups, those having a common ancestor as determined from a single origin story with authority invested in a chief or other designates (e.g. the River Guardian); bilateral kinship, with people often claiming membership and privileges of more than one descent group; only some men had ancestral prerogatives to be professional hunters; ownership of fish weirs originally by descent groups, but more recently by individuals
Nuu-Chah-Nulth, Ditidaht (Wakashan) (Arima and Dewhirst 1990: 399-401)	All resource sites and designated territories owned by local groups, and their use specifically controlled and directed by hereditary chiefs; chiefs received a tribute from all those using their resource sites, and were expected to hold a feast with these goods. Rights to resources and other property could be accessed by gift, by marriage or in war or were inherited by one or more children, usually males (see Detailed Model)
Kwakwaka’wakw, (Wakashan) (Daisy Sewid- Smith, Chief Adam Dick; Codere 1990: 364; Galois, 1994)	over 30 tribes, each made up of (usually) three or more clans (numayms), membership in which was determined by descent from a common supernatural ancestor as recounted in origin stories; each clan owned house sites in the village and various resource harvesting sites as well as other property; these were held under proprietorship of the hereditary chief; each tribe had

	easily accessible food resources; members traveled over a wide area by canoe to access specific resource sites of its clans; bilateral kinship heredity meant that a family could claim multiple resource harvesting areas
Heiltsuk, Haihais, Oowekeeno (Wakashan); (Hilton 1990: 316-317)	Basic social/political unit was a lineage, local group, whose members were descended from a common ancestor but mainly, determined by residence; many resource sites were owned and controlled by such lineages, represented by hereditary chiefs. Use rights were also controlled by families within the local group or by crest groups or clans (not strictly exogamous or matrilineal, as in the northern Nations). The local groups sometimes combined into tribes
Haisla (Wakashan) (Hamori-Torok 1990: 308-309)	Six matrilineal exogamous clans (Eagle, Beaver, Raven, Orca/Blackfish, Salmon/Wolf and Crow, held territorial rights and controlled rights to harvest resources
Haida (Haida) (Blackman 1990: 248-252)	Lineages or families, headed by hereditary chief (about 50 lineages within Raven and Eagle exogamous moieties or clans) owned and controlled resource rights, including salmon spawning streams, patches of edible plants, cedar tree stands and bird nesting areas, as well as house sites and houses. Territories and harvest sites could be transferred through gift or debt from one lineage to another; inheritance matrilineal
Tlingit (Alaska; Tlingit) (de Laguna 1990: 212-213)	Lineages, or clans (about 30, within Raven and Wolf/Eagle exogamous moieties) and under them, houses, possessed territories including resource rights; Clan chiefs and “house owners” were administrators of the group’s property; could assign fishing spots, control hunting seasons; territories could be gifted or taken in war; inheritance was matrilineal
Coast Tsimshian, South Tsimshian, Gitksan, Nisga’a (Tsimshian) (Halpin and Seguin 1990: 274-276; Daly and Vast ms. 1999; Gisday Wa and Delgam Uukw 1989; Weinstein 1994)	Lineages or houses (<i>wa.lp</i> , or <i>wilp</i>) within four exogamous tribes or clans of matrilineal descent were the owners of fishing, hunting and gathering territories and localities, with rights, control and responsibilities invested in the chief and his (or rarely her) counselor chiefs on behalf of the group. Use rights were often gifted or taken as payment for debts
Wit’suwit’en (Athapaskan) (Daly and Vast ms. 1999; Gisday Wa and Delgam Uukw 1989; Weinstein 1994)	Closely follows Gitksan traditions; tracts of land held by a house group (<i>yex</i>) of matrilineal kin, with rights and responsibilities invested in the chief and or her counselor chiefs on behalf of the group
Tahltan, Kaska, Tagish, Dene-thah, Dunne-za,	Exogamous family groups as basic camp clusters or hunting groups with larger seasonal gatherings. Control

Sekani, Dakelh or Carrier, Tsilhqot'in (Athapaskan) ; (Helm 1981)	by headmen over some fishing sites and later, beaver creeks in some areas. Matrilineal inheritance. Groups free to roam and hunt within tribal territories wherever no other family harvesting was currently in progress
Stla'tl'imx or Lillooet, Secwepemc or Shuswap, Nlaka'pamux or Thompson, Okanagan, Sinixt (Salish) (Walker 1998)	Individuals were part of a large, loose network of kin drawn from both parental lines; villages were primary political units, with decision-making by informal political consensus; village headman with semiformal inheritance of position might guide and direct harvesting activities; villagers together controlled access to fishing sites and to other resource areas; general control over harvesting through First Foods ceremonies; although key harvest areas would be hosted and controlled by local bands, highly active and extensive intergroup connections allowed harvesting access and exchange of resources over wide areas, and proprietary rights over large territories might be held by a group of villages in common
Ktunaxa (Kootenay) (Brunton 1998)	The household, an extended family, was the basic social unit, with the oldest, most experienced man being the recognized leader, a position that was somewhat hereditary. He coordinated day-to-day activities in the winter villages with decision-making aided by a council; special activities would be lead by temporary appointed leaders; fishing, fowling, hunting leaders were appointed and placed in charge of specific harvesting activities including first-fruits ceremonies. Households were organized into villages or bands, whose territories were not rigidly defined. Resource harvesting took place over a wide area

Table 1. Patterns of Territoriality and Resource Ownership for Various First Nations of British Columbia. (Map, Figure 1) (Note that although the descriptions of proprietorship are in the past tense, some of these traditions persist and are practiced today, at the beginning of the 21st century).

Two prevailing models of land and resource proprietorship emerge from the characterizations presented in Table 1. The first is more typical for the peoples of the southern part of the Northwest Coast region, and those of inland areas, where there are generally less rigid controls of land occupancy and resource use for those within a given tribal territory and those identified as kin and allies. The traditional Central Coast Salish position on land occupancy is an example of this model.

The second model, also with many variations, is a more strictly and rigorously defined social system of land use and ownership by specific descent groups, lineages, “houses” or clans, each headed by a Hereditary Chief and each laying specific claim to particular tracts of land with strictly defined boundaries, usually at the watershed scale. This model applies to the systems for the Nuuchah-Nulth and most central and northern Northwest

Coast peoples as well as for the Gitksan and Witsuwit'en further inland. The Nuw-Chah-Nulth hahuulhi system is presented as an example.

***Central Coast Salish Example:
Loosely Defined, Non-Exclusive Communal Land Use with Family Ownership of Some
Specific Resource Sites and Harvesting Equipment***

There were some variations on the extent of land and resource ownership in place amongst various Coast Salish peoples. Ownership of land and resources is held to have been conceptually different from ownership of personal property such as canoes, weapons, implements, slaves by individuals, or even from the highly-valued family-owned names, ceremonial prerogatives, songs, dances and medicine recipes (Kennedy 1993: 69).

Jeness (1934-1935: 37) characterized the situation as follows:

Every Saanich [Straits Salish] (and indeed almost every Coast Salish) village... was a unit by itself, linked by economic and cultural ties, and by intermarriage, with neighbouring villages, but politically quite distinct.

The real political unit, was, therefore, not the village, but the big house occupied by a number of kinsfolk - an enlarged or genealogical 'family' to which the Saanich applied the term hunit'se'lakum, [or...] ...House. Each Saanich house... possessed its own long shed-roofed dwelling, its own camas [*Camassia* spp.] beds on Galiano and neighbouring islands, its own fishing place on the beach at Point Roberts [and elsewhere], its own set of ancestral names or titles, and its own stock of legends, songs and medicinal remedies.... On the other hand, the sea near the villages, the hunting grounds and berry patches round about, were common property; any villager, whatever his station in life, might fish and hunt wherever he wished within the village territory." (Jeness 1934-1935: 38).

Even around the village sites, families had customary harvesting places where they had primacy; these arrangements are still in place at the present time (R. Morris, pers. comm. to NT, 1999). Burning and clearing of specific tracts of land would have been communal efforts under direction of the household head or a designate.

Among the Upriver Sto:lo (Halkomelem) of the Fraser Valley, too, land and resource areas were not privately or exclusively owned, and there were no precise boundaries for villages or tribal districts. Resources were shared or available for use by anyone in the group. However, people generally had a proprietary interest in the lands and waters near their villages and would protect these areas against intrusion by strangers or trespassers. Also, among the Upper Sto:lo, salmon dip-net stations were owned by heads of families. The dip-net itself was owned by the fishing station owner, but was left at the water's edge for others to use if they needed to (Duff 1952:77).

Suttles confirmed that among the Katzie (Halkomelem), streams where salmon weirs were constructed or where dipnets were used, were the joint property "of several

families," and the use by others required first seeking permission from the head man, a request that would not usually have been denied (Suttles 1955:22). Permission was also said to be required of outsiders who wished to gather bog cranberries (*Vaccinium oxycoccus*) and dig wapato (*Sagittaria latifolia*) in Katzie territory, some of which were tribally owned and others of which belonged to particular families. An individual, usually a young man, was instructed to watch the ripening of the fruit and to ensure that visitors did not pick the berries while still green. Suttles (1955:27) contended that ... "identification with a rich cranberry bog was its own reward in that it permitted the owners to play the role of hosts."

The Chilliwack (Halkomelem) and Nooksack held an explicit perception of hunting territory, however (Hill-Tout 1903:6; Kew 1979:4; Duff 1952:77). Some prohibitions were held towards specific neighbouring groups and not others. For example, Nooksack were said to have expressed a sense of outrage when Nlaka'pamux (Thompson) hunters were found poaching mountain-goat in Nooksack territory (Coleman 1869, cited in Amoss 1972: 11), but did not mind Lummi hunters (Stern 1934: 50). Smith (1950: 337) noted a case where a Nooksack family which owned plots at a particular prairie for "Indian carrot" [possibly *Perideridia gairdneri*]. were caught trespassing upon another family's area, resulting in "big fights."

Although Barnett (1955: 252) found Musqueam Halkomelem, Island Halkomelem and Saanich consultants unaware of family-owned resource harvesting areas, Northern Straits (including Saanich) people did, in fact, have "separate and exclusive fishing, hunting, root and berry grounds," as opposed to Island Halkomelem, according to Jenness. Jenness (1934-1936b: 170, 173) also explained that the Cowichan Halkomelem had hunting territories in common, but each village constructed and maintained its own fish weir, while each family visited its own [bracken] fern-root (*Pteridium aquilinum*) and camas digging area. Nanaimo Halkomelem families also had their own camas and fern root beds, but the salmon weir on the Nanaimo River was owned by a headman of the highest ranking local group (Barnett 1935-36L 67, 117).

Stern (1934: 43, 47) considered the Lummi's (Straits Salish) annual use of camas beds to be customary, but not exclusive, although he did note that some clam beds were owned and cultivated by families removing rocks to facilitate digging. Suttles (1951: 60-61) recorded ownership of camas beds among Samish and Saanich, but not Songhees [all Straits Salish], who, he reports, were joined by the Samish to dig these bulbs. He confirmed private possession of certain clam beds by Lummi, Samish and possibly Semiahmoo. Boas (1890:568) reported that among the Northern Straits Salish, "every gens [local group] had its own fishing ground. The chief of the gens will invite a number of families to help him catch salmon."

Despite the variations across cultural, linguistic and geographic space, a trend is evident from these various Salishan ethnographic descriptions: harvesting of resources that were very localized, or that required "cultivation" or construction and therefore a particular expenditure of energy over and above the harvesting itself, was usually subject to some form of control and ownership, but this was assumed within the context of a rather egalitarian system of collective use and occupation of a group's territory. As Barnett

(1955: 252) noted, “villagers were free to roam, providing they did not interfere with others.”

In 1967, Saanich elder Christopher Paul explained to ethnography student Marguerite Babcock how Saanich families established proprietorship over a camas patch:

The way that the family group... would establish claim to a plot of land [for camas harvesting] would be by clearing it. Once a family cleared a plot, it would "just naturally" become their plot to use.... This clearing was done in the fall or spring before the gathering season... in those seasons the soil was soft from the heavy rains, but not muddy (or frozen) as in the winter... The plot from which the bulbs were to be gathered would be cleared of stones, weeds, and brush, but not of trees. The stones would be piled up in a portion of the plot where there were no camas plants growing, and the brush would be piled to one side, left to rot or to be burned...; the bushes was actually uprooted, not just cut down... The purpose of the clearing, said Christopher Paul, was to make the camas easy to clear [sic: dig?] when the camas was gathered intensively. The piles of stones on the plots are the remains or "markers" of the plots... however Christopher Paul doesn't know how or if the Indians set about marking off their plots other than clearing them. ... he thinks that these plots may have been cleared every year before their use, in order to facilitate the gathering of the camas bulbs.... (quoted in Babcock, Marguerite 1967: p. 5).

If gear or equipment were involved in harvesting, the person who owned it generally controlled its use and received the largest or best portion of the harvest. For example, in one situation, hunting ducks with a net strung across two trees at Westholme (an Island Halkomelem community), four men participated in the harvest: one drove the ducks, one man was stationed in each tree, “and the net-owner supervised the operations” (Jenness 1934-1935: 13). Similarly, in fishing, “A weir belonged to the five or six men who built it, each of whom commonly set against it three or four traps.” (Jenness 1934-1935: 18). However, Jenness added that it was understood that other men in the community might set their own traps at the weir as soon as the owners had satisfied their needs. Thus, there were both proprietary rights, and communal use for the same fishing location.

A similar situation was reported for purse-net fishing:

Because one man alone could never make a purse-net long enough for sockeye and humpbacked [salmon], several Saanich families cooperated by making sections that could be joined together at the fishing grounds. The leader of the group then supervised the fishing, appointing one man to watch... which way the shoals were running, and apportioned the catch equally among the several families, without regard to their social rank. Each family then dried its share on its own rack. Not until all their requirements were satisfied, did the leader provide for himself, but thereafter he appropriated the entire catch, which his followers cut up and dried for him. (Jenness 1934-1935: 18).

Suttles (1960:300) reported that for sturgeon traps and salmon traps of the Musqueam (Halkomelem), the catch could be taken freely by family members, but all others had to

ask permission to use the traps from those who built them. Gunther (1927:199) reported that Clallam salmon traps were owned by "the chief of the village, who tends it at night, leaving it during the day-time for his poor relatives who have not traps of their own." Deer-nets and deer-pits were likewise owned property. Their operation was directed by the owner, but sites where they were situated were not necessarily owned. As noted previously, aerial duck-nets were owned by families, as were the poles used to erect them, but the sites where they were erected were used by several tribes in common (Suttles 1951:72). Suttles (1990:459), however, suggests that such sites were formerly individually owned.

These ownership traditions were closely intertwined with seasonal rounds, the movements of people over the harvest season from one site to another where they had customary or culturally recognized rights. Jenness (1934-1935: 70) reported, "Winter village sites were situated within an area where people obtained large portions of their food and materials, and which they identified using names in their own language. A group's territory is commonly identified by applying the suffix */-ulh/* meaning 'of or belonging to'... One's territory is also the landscape imbued with oral tradition... Ownership was expressed individually as the right to use resources in a multitude of areas, and was independent of proprietary feelings for one's tribal territory."

The East Saanich [Tsawout], the Songish [Legwungen] and those near Chemainus followed practically the same routine as the West Saanich; they all left their main villages in the middle of summer and netted sockeye and humpbacked salmon on the mainland, off the mouth of the Fraser River, as reported by Jenness (1934-1935:18). Also, "If the weather was warm, many of the [Saanich] people left the village and camped near their camas grounds on San Juan Island, using for shelter either a few boards taken from their house, or rush huts (Jenness 1934-1935: 7). The Suneymexw ("Solachwan") people of the Nanaimo area, according to Jenness (1934-1935: 9), occupied their village until about April, "when they joined the others in moving out to False Narrows and Gabriola Island to fish for cod, grilse and other species, to hunt seals and seal-lions and to gather clams and camas; for every family had its own bed of camas on Gabriola Island."

The Cowichan Halkomelem, according to Jenness (1934-1935: 8), had no fishing rights on the mainland, but only over the waters immediately adjacent to their shore and around Mayne and Saltspring Islands. Jenness added that at Point Roberts, on the Mainland south of Tsawwassen, where Saanich families went to fish, each family dried its fish, year after year, in the same spot, and they left their stone net-sinkers at this location to be used the following year. There was a careful distribution of fish with a special counting system (Jenness 1934-1935: 18). Actually, there are other reports that the Cowichan did have rights to harvest sites on the Mainland. Arvid Charlie (pers. comm., 1999) stated that the people from Cowichan not only had property and resource harvesting sites on the Gulf Islands, but that they owned an island near Port Moody along the Fraser River, and went there specifically to harvest cat-tails. It seems unlikely that they would not have taken this opportunity to fish as well.

In any case, as noted by Kennedy (1993), Jenness (1934-1935), Suttles (1990) and others, there was such an extensive network of affinal ties from inter-village and inter-nation marriages among the Central Coast Salish, that most people had relations on whom they

could count for resource harvesting privileges throughout the region. Arvid Charlie (pers. comm. to NT 1999) noted that he personally has relations with the Snuneymexw (Nanaimo), Musqueam, Chemainus (all Halkomelem), Tsawout, Tsartlip, and Lekwungen, as well as with American communities like the Lummi and Semiahmoo (all Straits). Furthermore, he said, one of his relatives, a Semiahmoo woman, routinely came to the village at Cowichan Bay, and stayed in a part of the settlement known as “Little Semiahmoo” because that was owned and occupied by the people from that village.

Nuu-Chah-Nulth “HaHuulhi” Example:

More Rigorous Proprietorship of Large Areas Through Hereditary Chiefs with Community Consultation and Assignment of Specific Rights Within to Sub-Chiefs and Others

In Nuu-Chah-Nulth traditions, the Chiefs’ proprietary rights to territory and resources are known as ***hahuulhi***. There are comparable systems among the neighbouring Kwakwaka’wakw and more northerly coastal groups. ***Hahuulhi*** ...is described by Hereditary Chief of Ahousaht Earl Maquinna George (pers. comm. to NT, May 10, 1996).

Hahuulhi ...is a word equivalent to, if not a stronger word, than sovereignty. The word is used by hereditary chiefs of the Nuu-Chah-Nulth for aboriginal right, ownership, and territory. It’s a chieftainship’s role to hold that ***hahuulhi*** as a sacred right. Now today they call it aboriginal right. And ...besides salmon streams that were owned by hereditary owners. They had specific areas. They couldn’t go beyond their own realm of boundary lines because there were other tribes on each side of the nation or territory because there were known places that marked off territorial area. There is a fine line between two nations. On each side of the Ahousaht Nation was ...on the south side, the Tla-o-qui-aht Nation, south side to Meares Island, and Bedwell Sound and up into the mountains beyond Strathcona Park on Vancouver Island. On the other side, the northwest side, the border between the Hesquiaht Nation, Hesquiaht Point and in behind Cannon [Konni] Lake. And going into the Talbot Range, Median Lake. Big area and a big territory. [At Potlatches]... They didn’t give ownership [away] but they did give certain rights to hereditary chiefs. Sometimes the right to catch fish, but not to own the creek. And they talked about it at the potlatch because big name hereditary chiefs were respected. And they talked about how the system would work. That they would be allowed to fish in the territory that had a good seasonal salmon run.... There were special people that looked after the creek, not the chief. They had people that worked to do the cultural work of the stream.

As described by Earl Maquinna George, sub-chiefs and others could gain the rights and permission to use a chief’s lands and resources, but would always pay tribute in the form of a portion of the harvest or some other contributions. Rivers, fishing areas, hunting areas, berry patches and root-harvesting “gardens” were all considered property of the Chief although their care might be designated to a representative or subject to advice from others in the chief’s family or village.

... in the case of a salmon stream, a sub-chief's possession of the fishery is described as "looking after the river" which means a system of management where, in exchange for rights to the first run of salmon, he "ensures the stream is kept clear, determines who and when others can fish, and collects a tribute from those who do (Bouchard and Kennedy 1990: 21).

In the past, it would be unthinkable to violate a Chief's *hahuulhi*. All areas, from the highest ridges of the inland mountain ranges and the river valleys down to the beaches and out to the distant halibut fishing banks were privately controlled by the Chiefs and their representatives. James Adams of Ahousaht described *hahuulhi* as extending as far inland as salmon go up the streams and as far up the mountains as the people would go to obtain cedar bark or cedar trees for canoes. It extended as far out to sea as a person could go and still see the mountains.

The boundaries of each Chief's specific resource areas were known and marked out. The Chief might bequeath to an individual goose-hunting rights over one half of a lake, and to another the other half, with the boundary being a creek entering the lake. These individuals, however, would not necessarily have rights to pick the bog cranberries around the lake, or to fish sockeye in the lake; control of these activities would still be under the main Chief (see Bouchard, and Kennedy 1990). The first crop of berries or roots or other produce from a Chief's territory would be picked for the Chief by his designates, and the Chief would then give a feast to his people with them (Drucker 1951: 252). This was a common practice among the Kwakwaka'wakw and other peoples as well (Boas 1921).

Root vegetable patches, with Pacific silverweed (*Potentilla pacifica*), springbank clover (*Trifolium wormskioldii*), riceroor (*Fritillaria camschatcensis*) and other species, were commonly owned areas, and in some senses represent a special case for plant care and management, in direct contravention of Sproat's and other Europeans' contentions that Aboriginal peoples did not cultivate the soil and therefore did not legitimately occupy the land. These root species occur in specialized habitats, namely river estuaries and tidal flats, where they grow in dense patches, especially when cultivated. All up and down the coast are examples of places where these patches were owned and carefully tended as gardens. Some examples are shown by Franz Boas (1934) for Kwakwaka'wakw regions along the Nimpkish River Estuary on Vancouver Island and at Knight's Inlet, and the care of such beds by Kwakwaka'wakw and others is discussed at greater length elsewhere (Turner et al. 1983; Turner and Peacock unpublished ms.; Turner and Deur 1999). Among the Nuu-Chah-Nulth, such root-digging patches were carefully marked out with poles laid on the ground, or posts that were replaced from time to time (Bouchard and Kennedy 1990; Turner and Efrat 1982). Sometimes, the poles or pegs marking owned root gardens were moved by those wishing to gain more ground and disagreements could result. In one case, a strong man placed large rocks on top of the boundary poles to keep them in place. Several examples of owned Nuu-Chah-Nulth root gardens are recorded by Bouchard and Kennedy (1990). One of these is an area of tidal flats just offshore from Moyehai Indian Reserve and extending to the Moyeha River mouth, where Ahousaht elder Stanley Sam noted that the beds of wild clover here were owned by his father's

mother, an original Ahousaht woman named **ts'iikap** who used to cultivate these beds of clover and look after them. Another is along the shore of Cypress Bay east from the mouth of the river where silverweed grew in beds owned and cultivated by certain individuals; each owned plot was marked by poles laid on the ground (Kennedy and Bouchard 1990: 377).

Edward Sapir describes such a root garden area of the Hupachasath along the Somass River at Port Alberni (Denis St. Claire, pers. comm. to NT, 1999)

A place for roots or berries was called [**tlh'ayaqak**]. These patches for roots or berries had four cedar stakes marking the boundaries of the area, which were about one acre in extent. The stakes were six feet high.... These posts [**tl'ayaqiyakthama**] were changed about every 10 years to prevent rotting. William, the informant, had such a **topa:ti** [hereditary right or privilege] for such an area near the old **Hiko:lh7atH** village of [**Chapiqtlhis**], across from the mouth of Kitsucksus Creek where it comes into the Somass River [right in downtown old Port Alberni]... Just immediately downstream from him, Peter **Qecqeca** had a **topa:ti** just downstream from William, for gathering “clover roots and camas roots.” (Edward Sapir unpublished notes, 1913-14; Notebook 17, p. 23a, Dec. 1913-Jan. 1914, Roll 23 Microfilm from American Philosophical Society).

As seen in this notation, berry patches were also owned. Berry species that have been reported to be owned by Nuu-Chah-Nulth, Kwakwaka'wakw or other peoples include salal (*Gaultheria shallon*), highbush cranberries (*Viburnum edule*), bog cranberries (*Vaccinium oxycoccus*), salmonberries (*Rubus spectabilis*), huckleberries (*Vaccinium* spp.), stink currants (*Ribes bracteosum*), red elderberries (*Sambucus racemosa*), and seaweed (*Porphyra abbottae*) (Turner et al. 2000 - ownership paper). Chief Adam Dick and Daisy Sewid-Smith (pers. comm. to NT, 1996) noted that for salal berries, salmonberries and “...all kinds of berries, you just don't go out and pick.... There's a certain places that a certain family goes, especially that wild crabapple... Our family used to go over here. And the other families go over here. They got markers too, for **tsalX**. Oh, yes, they have pegs, you put pegs all around the tree.... you just pick up those little sticks and you just peg, put it around the [tree]... Any kind of sticks. If you can get cedar, that would be [best]... Anything that's pegged, you know it's someone's.” At the same time, however, Adam Dick stated that the bog cranberry meadows upriver from his village at Kingcome Inlet could be accessed by anyone in the village wishing to go there and pick (pers. comm. to NT 1999).

Crabapple trees (*Pyrus fusca*) were a treasured resource and were commonly placed under intensive care and ownership (Turner et al. 2000). Cedar stands good for bark harvesting and canoe making were also resources on which ownership and stewardship practices were specifically focused. Other plants that had proprietorship or specific management focus among the Nuu-Chah-Nulth, Kwakwaka'wakw and others included cattail (*Typha latifolia*), “three-square” (*Scirpus americanus*) and stinging nettle (*Urtica dioica*) (Turner and Peacock 2000).

As well as gardens, patches and stands of plant resources, salmon spawning streams and lakes, clam beds, gooseneck barnacle places, sea and sea lion hunting rocks, bear trails, halibut fishing grounds, beach salvage zones, and many other sites for harvesting animal resources were subject to ownership and control. Among the Nuu-chah-nulth, chum salmon streams were particularly closely guarded against unauthorized use as this was the preferred species for smoke drying, but sockeye and coho fisheries were also owned. Sometimes a chief's **hahuulhi** was exercised over one part of a creek, where he could build fish traps, and another chief's **hahuulhi** would encompass another part of the creek (Bouchard and Kennedy 1990: 23). Place names often reflected peoples' associations and relationships with an area. For example, a clam-beach called **t'iimiiq** (literally "move or throw rocks aside") on the south end of a beach on the northwest side of Vargas Island, according to George Louie and Peter Webster, was named after the practice of looking after the beach and the clam populations by moving the rocks aside (Bouchard and Kennedy 1990: 386).

The Kwakwaka'wakw system of ownership and stewardship of lands and places follows a similar pattern to the Nuu-chah-nulth **hahuulhi**. Ownership and areas of use and occupancy are associated with tribes and clans, or numayms, which are descent groups based on stipulated kinship. The clans or numayms, in between the social levels of a family and tribe, are the fundamental unit of Kwakwaka'wakw society. A numaym consists of one or more extended family groups all related to a common ancestor. Each numaym owned its own traditions, crests, privileges, family names, the right to sponsor potlatches, the right to own houses in the winter village, and the right to own seasonal camping spots for oolichan fishing, hunting and berry picking, fishing sites for nets, weirs or dipnetting, clam beds and hunting and gathering places. Thus the numaym linked the social structure with the land it inhabited. Kwakwaka'wakw land ownership, like **hahuulhi**, involves inheritability and restriction of access (Galois, 1994). In most cases, there were effective social controls in place in which the system was so widely observed and respected, that trespassing would not be even thought of. Daisy Sewid-Smith and Chief Adam Dick (pers. comm. 1996) explained that people very seldom crossed the boundaries into another clan's designated resource areas. "They don't do that, come across [onto others' lands], cause they know they're owned. They well respect each other." (Chief Adam Dick).

The actual role of the clan hereditary chief and his family in managing the resources over which they had jurisdiction is explained by Kwakwaka'wakw researchers, Martin Weinstein and Mike Morrell:

Within traditional Kwakiutl [Kwakwaka'wakw] society resource management was not the realm of a class of professional specialists, but of the harvesting group and, in particular, the namima [numayam or clan] leadership. The namima was the unit of governance in traditional Kwakwaka'wakw society. The head chief was both the sovereign and the administrative head of the group. Each of the offices in the namima, the named and ranked positions, traced its origin and original place in the hierarchy to the ancestral creation myths. The connection with the creation myths and the spirit world was the ultimate basis both for sovereignty and for the group's

responsibility over resources and particular areas of the Kwakwaka'wakw territory (Weinstein and Morrell 1995: 35-36).

Thus, as noted by Daisy Sewid-Smith, Chief Adam Dick, Weinstein (1994), Gisday Wa and Delgam Uukw (1989) and others, the head chief of the clan was responsible not only for the economic administration of his clan, for ensuring that his group's ceremonial obligations were fulfilled, and for carefully managing his group's natural resources. He also represented his clan in a larger advisory capacity fulfilled by all of the chiefs to make decisions affecting the entire tribal territory. An illustration of this role in a major management question was provided by Chief Adam Dick and Daisy Sewid-Smith. Just before the arrival of Captain George Vancouver to the northeast coast of Vancouver Island, the salmon failed to run in any large numbers up the Nimpkish River, widely known for its runs of excellent salmon. The chiefs of the clans and villages situated all along the Nimpkish River made a decision to call a moratorium against salmon fishing in the Nimpkish until the runs re-established themselves. To allow all the people to be adequately fed, they decided to move everybody down to the village at the mouth of the river, where they survived on clams and other seafood and probably root vegetables from the famous Nimpkish clover and silverweed beds, until the salmon were once again plentiful (pers. comm. to NT, 1997). Such a ruling would have been strictly enforced, and people would not have considered transgressing the restrictions imposed by their chiefs (Weinstein 1994).

The land ownership systems of Haida, Tsimshian, Gitksan and other peoples were also similar in nature to Nuuchah-Nulth. For example, for Haida:

Each Haida family had its own creek, creeks, or portion of a creek, where smokehouses stood, some of the smaller creeks are said to have no owners; on the other hand, some of the families are said to have had no land. In the latter case, they were obliged to wait until another family was through before picking berries, and had to pay for the privilege. Any family might pick berries on the land belonging to another, after the owners had finished picking, if it obtained the consent of the latter and paid a certain price (Swanton 1905: 71).

and:

The Haida trouble themselves little about the interior country, but the coast line, and especially the various rivers and streams, are divided among the different families. These tracts are considered as strictly personal property, and are hereditary rights or possessions, descending from one generation to another, according to the rule of succession.... They may be bartered or given away, and, should one family desire to fish or gather berries in the domain of another, the privilege must be paid for. So strict are these ideas of proprietary right in the soil, that on some parts of the coast, sticks may be seen set up to define the limits of the various properties.... Along the shores the principal berry gathering grounds are found, and thus divided. The larger salmon streams are often the property jointly of a number of families; and at these autumn fishing grounds temporary houses, small and roughly constructed, are generally to be found (Dawson 1878: 117-118b, 136b).

Charles Newcombe (1902: Haida - Ksaan Notebook: vol 35, frame 000833), also noted that in the annual construction of weirs by the Haida, "the uprights made of hemlock [were] left in place to make each family's territory" in the case of a multi-use stream fishery. Even seabird nesting sites were owned by given families:

The eggs of sea birds and especially those of the large white gull, are collected in great quantities in the early summer. Every lonely and wave washed rock on which these birds deposit their eggs, is known to the natives, who have even these, apportioned among the families as hereditary property (Dawson 1878: 134b).

Weinstein (1994: 3) described a similar system for the Nisga'a:

The land of the Nass River Drainage and adjacent coastal areas were divided into territories or *ango'oskws*. The boundaries of a territory typically radiated up mountain slopes to the mountain tops, framing a salmon stream in between. The territory design provided each house with access to the full array of Nass resource zones: alpine, sub-alpine, mid-slope, bottom lands, and riparian or marine shore. Each house had exclusive ownership rights to their territory and its resources. The separation of land into *wilp* controlled *ango'oskws* was the basis for the traditional management system for fisheries and for other natural resources.

Each territory was collectively owned by the *wilp*, but actual title was tied to the chief's name. The chiefs had ultimate authority over the territory and its resources, although decisions were typically made in consultation with a council of the *wilp*'s sub-chiefs. Nisga'a laws of chiefly conduct speaks clearly about the chief's role as steward of both his territory and his people, rather than ruler.

As explained by Gisday Wa and Delgam Uukw (1989: 7-8, this type of geographically and culturally based system of resource access, use, ownership and relationship with the environment is also characterized for the Gitksan:

For us, the ownership of territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. From such encounters come power. The land, the plants, the animals and the people all have spirit--they all must be shown respect. That is the basis of our law.

The Chief is responsible for ensuring that all the people in his House respect the spirit in the land and in all living things.... With the wealth that comes from respectful use of the territory. The House feeds the name of the Chief in the Feast Hall. In this way, the law, the Chief, the territory, and the Feast become one. The unit of the Chief's authority and his House's ownership of its territory are witnessed and thus affirmed by the other Chiefs at the Feast. By following the law, the power flows from the land to the people through the Chief; by using the wealth of the territory, the House feasts its Chief so he can properly fulfill the law. This cycle has been repeated on my land for thousands of years.... The Europeans did not want to know our histories; they did not respect our laws or our ownership

of our territories. This ignorance and this disrespect continues....(Gisday Wa and Delgam Uukw 1989: 7-8; see also Pinkerton and Weinstein 1995: 65):)

Specific intensive management practices pertaining to both plant and animal resources, including transplanting, thinning, weeding, selective harvesting, cultivating, pruning and burning, would have been undertaken on owned sites, and in many cases, as with the Saanich clearing of land for camas production and the Nuu-Chah-Nulth cultivation of clover and silverweed gardens, these very practices would have helped to determine and perpetuate ownership (Peacock and Turner 2000; Turner and Peacock 2000; Turner 1999; Bouchard and Kennedy 1990).

Common Features of Ownership Practices of B.C. First Nations

These two general models of ownership and tenure, although very diverse and complex, have a number of general characteristics and features in common. In both models, there are rights to exclude outsiders, with the potential for strict enforcement, even death, to trespassers who come without permission or to those who transgress the rules of proper conduct toward the resources, the habitats where they occur, or the rightful users. In both, there are also sanctions against greed and unwillingness to share. A chief or household head who does not properly or adequately provide for his people or share his wealth through potlatching, feasting or other means is subject to dishonour and may even lose his position, or risk war against his group (R. Atleo, pers. comm. to NT, 1999; Weinstein 1994). There are also rules to be observed regarding the overseeing of first food ceremonies, the maintenance of equipment and habitats and the stewardship of the resources. Failing to look after and maintain the resources was seen as shameful. The commonalities and general characteristics of both models, and essentially of all ownership systems are itemized as follows:

- *Reasons for Ownership:* Ownership and control of land and resources is inextricably bound to the economic system and requirements of a people; culturally important resources that are most intensively cultivated or cared for have the most stringent controls and well defined boundaries.
- *Boundaries:* Tenure patterns have long-standing historical recognition, often tied to 'creation' stories of families and lineages. Basic units of ownership, generally at the family level, are often nested within larger community or territory wide systems. Smaller holdings might mark boundaries with posts or poles, while larger areas are better defined by geographic features or culturally delineated symbolic crests and songs or dances.
- *Harvest and Exclusion Rights:* Right of harvest and access to resources is only available through marriage and kinship ties with other families, communities and Nations which provided broader access to other harvest sites during possible times of local resource failure. The right to exclude or control access by others is the keystone of stewardship.

- *Succession*:: Territories and sites are held by hereditary or culturally bestowed right and passed on through the predominant hereditary system or, in some cases, as a gift, in settlement of a debt or to erase a transgression. Whatever the case, ownership and rights to control were formally and ceremonially passed on or awarded. Usually title was reinforced during recurring cultural ceremonies like the potlatch, where all present became witnesses of the formal change or renewed claim to ownership.
- *Obligations and Responsibilities*: Owners at every level of the system were responsible for care and perpetuation of all resources under their jurisdiction, including the people living and working there, who were free to move to other kinship locales where they might live better. Such obligations often meant that heirs went through long term training for the position, learning history, diplomacy and stewardship traditions that went with the territory. Maintenance of ownership systems required adherence to the above points as well as an understanding that punishment for any transgression was well known and might be severe.

In fact, it is likely that these models are more widely representative; as pointed out by Berkes (1999), similar systems for land tenure linked with traditional use and management were in place throughout North America as well as among indigenous peoples in other parts of the world.

Relationships Between Ownership and Resource Management

From the beginning of their first contacts, early European visitors to the Northwest Coast reported large populations of aboriginal peoples in the communities they visited. Tragically, successive waves of smallpox, influenza, measles and other diseases unknown in this area at the time, swept through aboriginal nations, killing large portions of the populace, and often, according to anecdotal archival reports, all but decimating entire communities (Boyd 1990). And, as we review historical records from those earlier days, reconsidering previous studies that discounted these reports as the inflated exaggerations of field personnel or simply dismissed as hysterical over-reaction to events (Daniels 1992), we are now understanding that human populations were much greater than previously believed.

If we consider that in British Columbia, aboriginal population estimates have grown to anthropologist Robert Boyd's conservative calculation of 100,000-plus (1990) or historical geographer Cole Harris' suggested 200,000 to 400,000, both referring to the coastal area alone, the environmental impact implications are immense. What effect would the supplying of food, clothing, shelter and medicinal products for that many people have on natural systems? What would be the extent of cultivated areas for bulbs, rhizomes and other root foods? How many hundreds of burn-managed sites would be required to provide adequate berry fruits, green shoots, and medicinal herbs, or to attract grazers and browsers enabling efficient hunting strategies? Where does all the protein come from to maintain these masses? As we have lately learned, mismanagement and the imprudence of over-harvesting can soon devastate resources. Clearly, extensive and

successful systems of resource management were necessary in order that each cultural group could survive and expand its population to the high densities suggested.

Indigenous peoples saw and, generally, continue to see themselves as related to all elements of their environment, merely a part of, not above or outside of, something that others call "Nature". The universality of this indigenous peoples' perspective is fascinating in itself, considering their world-wide distribution and geographic and cultural diversity. For example, First Nation's "creation" stories often carry intuitive lessons that teach respect for living things. Living within this ethic and knowing no other, helps explain First Peoples' widely held spiritual belief that humans were set down in this world as its caretakers or stewards. Although most stewardship practices of the past are presently obscure due to losses of so many knowledge holders during the epidemics and the acculturation policies of colonization that followed, it seems likely that stewardship systems and practices were crafted over long periods of time, creating an adjusted, human-influenced ecological balance, woven of survival, spirituality and culture. We believe that it was on this spiritually intuitive, respectful, human maintained-balance that First Nations cultures, together with their individual systems of ownership and stewardship, survived and flourished.

Survival and reproduction are basic natural imperatives for any organism, including humans. Whether or not we flourish depends on how effective we are, as individuals and as organized groups or communities, at staying alive and healthy. It was commonly assumed that even though the Northwest Coast of North America was known to be one of the continent's most densely populated areas in precontact times, aboriginal populations were, nonetheless, still too sparse to have any effect on the anadromous fish populations on which they largely depended for survival. Presumably, the bounty of the sea, by comparison with the size of First Peoples' communities, was infinite and lucky aboriginals simply helped themselves when hungry.

On the Northwest Coast, as in most places, however, food resources are not evenly distributed throughout the year. Starvation is a frequent theme in coastal folk traditions (Boyd 1990:136), well documented in the ethnographic recordings of such stories and legends (see Boas 1932; McIlwraith 1948; Suttles 1968; Maud 1982; Cruickshank 1990). Careful use of limited resources ("never waste anything" seems to be a universal precept among indigenous peoples) extends the number of people that can be provisioned, and learning to steward resources successfully, allows the population to expand further. Consequently, a population's size was limited by its peoples' ability to take advantage of and promote abundance of harvested food resources. It was also regulated by their ability to provide for regular times of scarcity such as late winter, for depletions due to unexpected environmental impacts, or for extended periods of stormy weather (also a time of scarcity), which prevent seasonal harvesting, hunting, or access to those marine foods, normally available under settled conditions. Accordingly, food storage technology, sharing and redistribution strategies (not just to groups temporarily in need, but also the exchange of certain resources that occur in some places but not others), probably were major factors promoting population stability. Under this perspective, population size may be the best measurement of how well aboriginal groups were able to adapt to local conditions and enhance natural abundance within their territorial jurisdiction.

The burgeoning field of traditional environmental/ecological knowledge study has certainly shown that the world's indigenous peoples have long-term knowledge about their own territories that often exceeds scientific data in both detail and understanding. As survival was the driving force that shaped systems of interaction with the natural world, we suggest that it was also the catalyst for developing the ethics and practice of stewardship. In order for the effort expended on encouraging resource abundance or expansion to be attractive, a system of proprietary control to ensure exclusive harvest rights is required.

Control and exclusion of others from harvesting sites and areas may well be the primary underpinning for any concept of resource ownership. As our documented examples and discussion demonstrate, by the time of European contact in the late 1700s, First Nations' territorial systems of ownership reflected a high level of complexity and diversity, as did their languages and cultures. Equally complex systems of traditional resource management that must have co-developed with these ownership principles are also clearly suggested in the examples. In the case of the Nuu-Chah-Nulth, Hereditary Chief Earl Maquinna George, quoted earlier in his explanation of their Hahuulhi system, highlights the extent to which culture, ownership and resource management are interwoven (pers comm. to NT, May 10 1996).

...And they talked about it at the potlatch because big name hereditary chiefs were respected. And they talked about how the system would work. That they were allowed to fish in the territory that had a good seasonal salmon run.... There were special people that looked after the creek, not the chief. They had people that worked to do the cultural work of the stream.

Salmon makes a good example for examining the magnitude of First Nations' harvesting in traditional times, since anthropologist Gordon Hewes (1973:136) has calculated the per-capita average annual salmon requirements at 230 kg (500 lbs). A population of 100,000 would have consumed 23,000,000 kg; 200,000 -> 46, 000,000: and 400,000 -> 92,000,000 kg (or 100,000 tons) annually. Yet, for some time after European contact, reports and anecdotal accounts describing prodigious salmon abundance are frequently found in the archival records. It is not likely that such abundance could have endured this harvest pressure without strictly controlled systems of territorial and fishing site ownership coupled with effective stewardship practices.

Heiltsuk hereditary chief Edwin Newman eloquently captures the essence of this relationship between survival, exclusive ownership and stewardship in a video documentary which examines aboriginal fisheries: *Laxwesa Wa, The Strength of a River:*

Survival of Heiltsuk people is totally dependent on the resources of the sea. We have nothing else . . . Every family owned fishing sites in the old days, [you] know. You got areas where people dried herring eggs. Certain families owned certain areas. Not everybody went to the same place; you had to have a right to go there. We looked after all the salmon streams. We even had our own halibut grounds, our own black cod grounds and our salmon streams; we looked after them. We made sure that nothing was going to happen to the runs that came back. We never abused it in any way. So we are natural conservationists. We've been

told stories by our ancestors about how people were banished from our communities for abusing the resource of the sea or playing with it.

Chief Newman explicitly outlines traditional systems of ownership and care-taking obligations where exclusive use rights are held by family groups and the social controls wielded by the community, at least in the context of infractions against nature, could be severe. This severity may echo the serious consequences of mistakes made by previous generations, often retold in the instructive stories and legends of oral history recorded by Boas, Swanton and many others. We believe that over the millennia of human development and its diverse cultural expression, the resource management strategies of indigenous or aboriginal peoples go beyond our present concept of conservation to systems entirely focused on perpetuation of abundant human-balanced, human-serving natural systems. As a rule of thumb for maintaining a sound resource base, we often hear from North American Aboriginal peoples that any decisions to be made that may affect natural systems must be considered many generations into the future.

Aboriginal Stewardship Past and Present

Aboriginal stewardship is widely acknowledged but an understanding of its practices is really just beginning to emerge. As noted previously, epidemics and acculturation have effected great loss of knowledge. So too has the strong dependence on 'store bought', facilitated by employment in resource extraction industries, rather than wild harvesting; survival seems no longer dependent on the ability to maintain and perpetuate local food resources. With many Aboriginal people, having learned to depend on imported products bought in stores, we believe that the obligation to pass on or learn the old stewardship traditions has severely diminished over recent generations. As anthropologist Eugene Anderson (1996:38-39) wrote, "We have many evidences of careful resource management. . . Unfortunately, no thorough description is possible, since the relevant mechanisms were gone by the late nineteenth century. . . ." Fortunately though, with the current resurgence of First Nations' cultures, and growing interest in traditional knowledge, we continue to add to our understanding of the old ways (Kuhn and Duerden 1995; Turner & Atleo 1998; Turner et al. in press 2000) and can begin to define what is meant by "Aboriginal stewardship".

Traditional systems of stewardship have been a dynamic cultural integration with local ecosystems which in turn were substantially influenced by practices that enhanced productivity, stability and diversity of harvested resources. The long term outcome was the perpetuation of human-balanced ecosystems. Aboriginal stewardship clearly links spirituality, culture, and survival. These elements culminate in a lifestyle ethic that obliges all members of a group to actively participate in environmental husbandry of essential resources, in a way that has been adapted to their locality over an extended period of time.

We think it is critical to make the distinction here, between "perpetuation" in stewardship and "conservation" or "sustainability" in management of resources. Gifford Pinchot, the first director of the United States Forest Service, believed that "the first duty of the human race is to control the earth it lives on". He defined and promoted conservation as "the use of the natural resources for the greatest good of the greatest number for the

longest time", which became the foundation of modern conservation (Pinchot 1947: 504). Conservation's "longest time" suggests an assumption that resources will eventually run out, which is now, unfortunately, a looming reality. Sustainability should be an excellent descriptor for maintaining natural systems, implying the goal of resource perpetuation through wise use. Unfortunately, since it was first popularized in the World Commission on Environment and Development's (WCED) report Our Common Future (1987), "sustainability" has always been tarnished by its links to the context of the Commission's phrase: "sustainable development."

The comment of Maurice Strong, then our Canadian representative to the Commission, that "sustainable development is in danger of becoming the fig leaf behind which business hides", has proven to have been prophetic (Taylor 1992). Dr. William E. Rees, UBC School of Community and Regional Planning (1991) also criticized the Commission in great detail for its errors and omissions, particularly drawing attention to WCED's confusing statement: "sustainable economic development does not require the preservation of the current stock of natural resources or any particular mix of human, physical and natural assets". Aboriginal stewardship acknowledges the need for wise use while accepting the responsibility to perpetuate resources for optimum future benefit. Perpetuation requires us to reject conservation's assumption of resource end-times as well as the exploitive nature of 'development' behind sustainability if we expect to survive as a species.

The looming end times that we live with are pressing us for solutions. New ideas and technologies have been our saviors for the past few decades, but experience has shown that so far these strategies have only been successful at pushing reality back a few more years. Past environmental transgressions both nip at our heels and lay awaiting some dread revelation.

Traditional indigenous systems of ownership and stewardship together with aspects of culture and ethics concerning the natural world provide community based, socially controlled, alternative models that diverge from the long-distance, politically and industrially motivated resource management of the last century. As we have established, First Peoples once utilized these locally specific systems to initiate and maintain a human centered balance with their own well delineated resource areas and resource base. The implications are clear: traditional systems were able to maintain a high level of resource abundance and dense sedentary human populations without, in most cases, adversely affecting natural systems. The balance was achieved simply by controlling harvest access through tenure and carefully working with nature as its caretakers. If we can find a way to return to these models and the personal, focused, long-term stewardship practices they represent, we just might be here to mark the next millennium.

Survival is a word more complex for us than ever before. We must adapt to conditions with more people, less money, fewer jobs, the shrinking ability of governments to provide health and social safety nets, disappearing natural resources and accumulating global environmental crises. Unquestionably, the time has come for fundamental changes in the way we live. Traditional sustenance economies once existed all over the world, reflecting in most cases responsible stewardship and careful use of local resources. As we continue to study and learn about these ageless, time-tested systems of tenure and

balanced stewardship that enabled the growth of so many culturally diverse and often large communities in what is now British Columbia, it becomes clear that we must find a way to embrace First Nations' central ethic and re-establish some of the systems that worked in the past.

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ABSTRACT

Occupying the Land: Traditional Patterns of Land and Resource Ownership among First Peoples of British Columbia

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A frequent misconception of early European settlers in what is now British Columbia was that the Aboriginal inhabitants were not really using most of the land, did not really occupy very much of it, and held no real concepts of ownership for either the land or its resources. This perspective was encouraged among the newcomers, who otherwise might have had to restrict their own desired occupation of the land and conform to existing codes of ownership.

In fact, First Peoples throughout the region had well developed concepts of territory, occupancy and proprietorship over lands and resources with firmly embedded protocols for resource use and distribution within and among families and communities. These concepts varied from one cultural group to another, and access to some areas and prime resources, such as salmon streams and important root gathering and berry picking areas, were more closely controlled than others. In all cases, however, traditional proprietorship was inextricably linked with responsibilities of the owners for stewardship and sharing of resources.

We provide examples of different cultural models of land and resource ownership, ranging from communal control of territory at the tribal level for Salishan peoples, to more specifically focussed hereditary ownership and control of lands by clan chiefs, as practiced by the Nuu-Chah-Nulth, Kwakwaka'wakw, Haida, Nisga'a and other Northwest Coast peoples. The implications of these systems of ownership for resource sustainability are also discussed. The systems have been largely disrupted from the imposition of European law and property systems, but they still exist, and with new arrangements for land tenure deriving from Treaty Negotiations, they may be reinstated to some extent in the coming years. There is a good potential for improving contemporary resource management through incorporation of some of these traditional models of land tenure and use.