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### **Traditional Tenure among the Gitksan and Witsuwit'en: Its Relationship to Common Property, and Resource Allocation**

Traditional tenure among the Gitksan and Witsuwit'en peoples of northwest British Columbia connects people and land, with its subsistence resources, in a way which is neither a village commons nor individual private property. In common with aboriginal groups in Australia (Rigsby 1987, 1988 a,b), Gitksan and Witsuwit'en land tenure is a form of joint property which is vested in descent groups. Gitksan and Witsuwit'en property could be described as traditional corporate property (see Hann 1998 and Rigsby 1998b for general discussions of property relations). Rigsby (1998a) points out that property is not really a relationship between people and things, but is necessarily a social relationship of rights in property with respect to other members of the society; for the Gitksan and Witsuwit'en, one might argue that this social frame of reference includes the lands and waters and the other non-human entities that live on them. Property rights are negotiated and recognized, constituted, within a social framework, and only obtain within a framework of actors who agree to recognize these rights.

Gitksan and Witsuwit'en society is divided into a series of corporate House groups (**Wilp** for the Gitksan and **Yikh** for the Witsuwit'en). These terms are used both for the physical structure of a house (formerly, the House groups occupied a single longhouse in their traditional village) and for the social grouping, the House. These House groups own and care for a series of Territories (Gitksan **laxyip** or Witsuwit'en **biyi'n**), named tracts or estates, and other resource sites, particularly salmon fishing sites. This is both a proprietary form of property based in indigenous concepts of ownership, and a possessory form of property based on continuity of use and occupation through time. Territory in this sense differs from the ecologically based usages of territoriality and home range. See Rigsby 1997 for further discussion of these distinctions of estate and territory (in the anthropological and ecological senses). I have used the capital T to help differentiate this sense of "territory" as the name of a bounded, owned estate, from the ecological sense of the term. These Territories cannot be alienated or sold, but could be ceded in the feasthall (potlatch) as compensation for the murder of a member of a different House. The House is headed by a chief (**sim'oogit** or **diniiza**). Membership in the House is matrilineal, and members are offspring of the women of the constituent matrilines. Houses vary in their population; in the mid 1980's, Houses ranged from about 25 to over 300 members (Harris 1989:21). Each traditional village is composed of several Houses in two or more clans, also called phratries in anthropological literature.

Territories are large areas, often watersheds of tributary streams of the Skeena and Bulkley systems, or may consist of a “mountain”, an entire mountain landform. Waterways such as lakes or rivers may also be included, though the division of sites on large rivers such as the Skeena and Bulkley is more complex than mere inclusion in bordering Territories, as will be discussed below. The Gitxsan Treaty Office and the Wet’suwet’en Office of Hereditary Chiefs have mapped the bounds of the different Territories of the House groups. Owned fishing sites for salmon have also been mapped along the Skeena River and its tributaries by the Gitksan-Wet’suwet’en Tribal Council (Morrell 1985). The total number of Gitksan Territories within the landclaim area (which excludes the Territories of the Git-anyaaw Chiefs) is 97; there are 35 Witsuwit’en House Territories. This figure is derived from counting the delimited Territories on the map reproduced in Monet and Skanu'u 1992. (The actual situation may be somewhat more complex than the maps presented to the Supreme Court depict; the exact locations of boundaries, and other owned sites, and total number of Territories are contested within the Gitksan and Witsuwit’en Nations, with some claimants asserting that not all traditionally recognized Territories have been included on the official maps.) These 132 Territories encompass a total land area of 57,000km<sup>2</sup>, giving an average size of about 432 km<sup>2</sup>. The Territories, however, exhibit a wide variation in size, with Territories more remote from the productive low elevation river valleys, and from village sites, tending to be much larger and more extensively utilized.

Above the House level is the village; for the Gitksan, there were a series of traditional villages, and each House belongs to a particular village. One can therefore describe the boundaries of the aggregated Territories of each of the traditional villages, which are the sum of the Territories of the constituent Houses. In the nineteenth century there was but one Witsuwit’en summer village, and so the village level is not well developed for the Witsuwit’en.

Beyond the village level is that of the “Nation”: the Skeena River People or Gitksan, as opposed to the Witsuwit’en, the Bulkley River People; the Babine people; the Nisga'a; the Ts'imsian; the Stikine or Tahltan people; and so on. These boundaries constitute the external boundaries. At present, the people of Git-anyaaw (whose Territories straddle the drainage divide between the Skeena and Nass Rivers) have divided off their village Territories from the Gitksan proper and have chosen to pursue a separate land claim vis-a-vis both the Gitksan external boundary and that of the Nisga'a.

### The Classical System

I will begin with an idealized depiction of the system as it functioned before establishment of effective Euro-Canadian political control of northwest British Columbia. In traditional times the head chief exercised control over the allocation of all of the resources of the Territory; members of different Houses (for the Gitksan) or clans (for the Witsuwit'en) could only use the Territory or its resources with his [/her] permission (Daly 1988). The husbands of House or clan members could use the Territory of their spouse's House/clan; they were providing for the children, who belonged to the House. Similarly, children of a man, who were not of his House or clan because of clan exogamy, could use his Territory until they died (Mathews pers. com. 1997, Namox pers. com. 1998, Sim'algax Working Group land section draft 1998), a relationship of complementary filiation. In some cases for the Witsuwit'en, a caretaker relationship was established, where the son of a chief continued to look after the Territory for a prolonged period, but it reverted to the Father's House and clan upon his death (Mills 1994, Joseph pers. com. 1998). Intruders were warned, and if trespass persisted after warning, the trespasser would be

killed. Strangers trespassing on Gitksan or Witsuwit'en Territory could be killed with no warning (Mills 1994 and personal communication S. Tait, P. Namox, A. Mathews Jr.).

Under this system, a relatively large number of people had rights to the resources of hunting/trapping Territories, berry grounds, and fishing sites belonging to each House group. If the Territories of a House or clan lacked certain resources, members would ask permission to harvest those resources on another Territory. After the needs of the House members and their families had been satisfied, other people were granted permission to use the resources of the Territory. This ensured that harvest levels and resources were monitored, and surplus from each Territory could be made available to those who lacked sufficient on their own Territories. Because of the patchiness of terrestrial resources and places where salmon could be efficiently caught, some ordering of access and regulation of harvest was necessary.

In the event that the head chief was too aged to travel out to or utilize the resources of his Territory, permission might be granted for its use by a younger person of different clan (A. Joseph personal communication 1997, P. Muldoe pers. comm. 1998). In such a case, the owner was given a share of the resources harvested and still benefitted from his land. This constitutes a special instance of use of a Territory belonging to another clan with permission of the Chief.

Gitksan fishing sites were sometimes adjacent to hunting Territories (as with the Wilson Creek fishing site and Territory belonging to AxdiHix/Dinin Gyet), but might well be small enclaves at specific sites or reaches of the main stem of the Skeena River or main tributaries, with Territory of some other House occupying the remainder of the valley side in the area (such as the fishing site at the mouth of Boulder Creek and the Territory of Haxbak'wootxw adjacent to it, or the numerous fishing sites of various different clans and houses near the place called Steamboat Eddy (Don Ryan, 'Maas Gaak, and Gertie Watson, GaxsbGabaxs, personal communication 10/97). Some specific fishing spots were/are delegated to specific sub-chiefs in the House, providing an orderly spatial delegation of resource rights and responsibilities within the Houses' larger array of resource sites. In some instances, a House controlled fishing sites of both sides of the river, in some instances only one side. In some areas specific fishing sites might be owned by one group with the remaining river available for use by members of another House.

Witsuwit'en traditional salmon fishing sites were largely specific spots in two highly productive canyon areas: Hagwilget Canyon near Hazelton and Moricetown Canyon some thirty kilometres up the Bulkley River (Widzin Kwah). Sites for dipnetting, and more recently, gaffing, were highly specific, reminiscent of the ownership of fishing sites by peoples along the Columbia River (Hunn with Selam 1990). As with other types of Territories, when the owning clan had finished fishing at a specific site, others could use it with permission of the responsible chief.

There were also sites in the canyons where the large highly productive log and pole fish traps were deployed. These traps, which required a considerable investment in labour to make and man, were used by both Gitksan and Witsuwit'en. Archival photographs show traps in Hagwilget and Moricetown Canyons. These fish traps, and the weir and basket trap complexes like that photographed by Louis Shotridge at Git-anyaaw in the early years of this century (Shotridge 1919), served for more than individual House needs. The late Percy Sterritt of Kispiox Village recalled watching his Grandfather and other men build and deploy such a trap when he was a child, probably in the late teens or early 1920's:

Percy: And it's not only four guys. All the people that live here, anybody that's left from down-there's quite a few goes down the Coast every year, whoever's left here,

they all come around and give a hand every once in a while [during the construction]....

Allen:... How many people ate from that? It caught lots of fish.

Percy: Well, anybody wants some fish, they just come and get it. Of course, they got their own places. Like my grandfather's got his own place up above that. But he made—he was the one that started this fish trap and that's why they all work together in one place.

Allen: And it was enough for four or five families.

Percy: Oh, shucks, yeah. They got more fish than what they needed. Like, see when the fish is running they used to lift that thing out first thing in the morning when they fill it up. Because there's too much. (Percy Sterritt transcript 12/18/87)

This interview suggests, at least for this fish trap constructed in Kispiox village, that more than one House cooperated in construction, and were allowed access to the production, of the fish trap. However, Percy had earlier stated that it was set up on a site owned by Delgamukw, presumably with the permission and encouragement of the chief. The production of the trap was processed by three women, and put to smoke-cure in a smokehouse adjacent to the site. The interview also shows the regulation of the fishery based on the need and speed of processing; when enough fish have been taken, the trap is taken out of the water.

One of the two pole fish traps in Hagwilget Canyon was owned by Tommy Muldoe, Lax Seel chief at Gitanmaaxs. However, according to his grandson Pete, all who came to get fish were welcome to take what they needed, and the resource was shared until everyone, including the Witsuwit'en living on the other side of the canyon, had enough fish to preserve. (pers. com. 5/98). As with the trap by Kispiox, the trap was pulled when the catch was enough to saturate the processing capacity. Pete also stated that the weir and basket trap complexes used in the upper reaches of the river system such as the one which existed above Kisopox, or that which formerly existed by old Gal'do'o, were common property of the village, and neither the weir nor the individual traps were owned at the House level (pers. comm. 5/98).

Other types of resource sites included specific alpine "groundhog" (=hoary marmot, *Marmota caligata*) Territories among both Gitksan and Witsuwit'en (Art Mathews pers. com.; Pat Namox pers. com.). At least some of these 'groundhog' areas were resource patches on larger Territories, as Art Mathews (Dinin Get) described for his Wilson Creek Territory. Reportedly one Wet'suwet'en "groundhog" area in the Babine Range was used as a common harvesting area rather than being owned by one chief (Alfred Joseph pers. comm. 10/1997).

Berry patches and fern rhizome patches were also present on Territories. (These were the most important carbohydrate sources in the traditional diet). In some instances, berry patches near villages were reported to be used in common by people of the village (cf. Dora Johnson, Gwamaats, interview notes 3/7/91), although the understanding was present that the patch did in fact belong to a particular chief, and a nominal present might be given as a token of that ownership (Daly 1988 cited in Gottesfeld 1994a). Dinim Gyet (1998) stated that formerly the berries given out during potlatches were harvested from the hosting chief's Territories, and connoisseurs could recognize the origin of the fruit by subtleties of the taste.

Burning of huckleberry patches and low-bush blueberry patches was necessary to ensure long-term productivity and retard forest succession and senescence of the bushes (Gottesfeld 1994a). Among the Gitksan, burning of berry patches was undertaken by the "fathers side"

(**wilksi'witxw** in Gitksan) when the owning House deemed it was needed and paid for by the House owning the site (Kathleen Mathews cited in Gottesfeld 1994a). In one instance recalled by the late Percy Sterritt, a group of women of Kispiox village appears to have taken collective responsibility for the berry patch near the village and burned it as a group (Percy Sterritt notes 1/10/91).

Fern rhizome patches were not uniformly distributed on all Territories; likely those who lacked good areas on their own lands obtained them through kin relations and rights in the Territories of spouses and fathers. The area of Gal'do'o was famed for the quality and quantity of its fern rhizomes among the Gitksan (People of Ksan 1980). Harvesting areas described by the Witsuwit'en include an area by Blue Lake used by the village of Hagwilget in the early years of this century, and meadow areas at the headwaters of Corya Creek in the upper subalpine to the west of the village of Moricetown. Management of fern rhizome patches is more speculative as fern rhizome has not been harvested in quantity for some seventy years; burning was not employed. It seems likely that management of harvest levels was necessary to prevent depletion, as rhizomes take some years to reach harvestable size even on favourable sites (Gottesfeld 1994b). The Gitksan classify small and large rhizomes of the botanical species *Dryopteris expansa* as **damtx** ‘inedible fern root’ and **ax** ‘edible fern root’, suggesting that small rhizomes were not harvested, and would be left to mature in a harvest area. The access limitations of Territory and monitoring of condition and harvest by responsible elders seems the likely mechanism of resource conservation.

The remainder of upland Territories functioned as general hunting grounds and trapping areas. Specific sites on the Territories (also called, in English “grounds” by Gitksan speakers) for different species, each with specific strategies of harvest, were known to the men of each House, and also were likely known on the Territories of the father’s House. Mountain goat hunting sites are particularly noteworthy in this regard, and required careful cooperative hunting by groups of men to drive the goats to places where they could be safely taken without high-powered rifles. Apparently care was taken to avoid taking young goats. Information provided by Dinim Gyet suggests at least de facto cooperation between Houses in managing goat hunting in two adjacent Territories, which each take in part of a continuous area of alpine and timberline goat habitat. According to Dinim Gyet, the Ganeda hunted first and took what they needed. This drove the goats toward the Lax Gibuu hunting site, who then took their animals.

Caribou hunting sites were also specific sites requiring particular harvest techniques. Little is presently recalled about caribou hunting beyond employment of fences and snares, or snares alone on known caribou trails, as the animals have been too rare to hunt for eighty years or more. The cause for this change may be climatic as it coincided with the waning of the Little Ice Age; it does not appear to be due to local overhunting, and occurred over a broad reach of central interior British Columbia at nearly the same time. However, caribou were extremely important in local subsistence before that time, being memorialized as a major Crest of the Witsuwit'en, and an ancient snaring site figuring in an oral history (**adaawak**) of the Gitwingax Lax Gibuu.

### Impacts of Contact and the Contemporary Situation

During the period of Contact, aboriginal Territories were registered as traplines to protect access rights under the White Man’s system. Gitksan and Witsuwit'en people, in common with other peoples of the Northwest, continued to conceive of them as multi-purpose Territories, yielding a variety of resources for subsistence and wealth.

In more recent decades, with the settlement of the Gitksan and Witsuwit'en in year-round reserve villages or in towns, and with the encroachment of both private property and forest tenure systems, effective control and use of much of the traditional landbase has been compromised. The development of a logging economy and commercial fishing, along with various other types of wage employment and transfer payments have changed the direct economic relationship of Gitksan and Witsuwit'en with their traditional Territories. Non-Native hunters, fishermen and other recreationists, and mushroom pickers, use traditional Gitksan and Witsuwit'en Territories. Valley bottom areas in the Bulkley Valley and much of the Kispiox and Skeena Valleys have been cleared for farming or towns and industrial clear-cut logging has impacted many areas (Galois 1989, Pinkerton 1998). House groups have made different responses to the threat to their Territories posed by provincially sanctioned logging plans and mineral development. Asserting effective control in the face of State and Provincial jurisdiction has been difficult, and has been pursued through various legal means, including the famous land claims court case Delgam Uukw vs. the Queen, and various logging injunctions and blockades (Pinkerton 1998, Mills n.d.).

The ownership of fishing sites is still very strong, and many sites are intensively fished every summer. Allocation of catch at fishing sites is first to House members and their families. The traditional pattern continues; once the needs of the owners of the site have been satisfied, other people can then fish the site with permission of the chief. Disputes over ownership of and access to fishing sites do occur; these are settled by informal sanctions such as confiscation or destruction of property, or by the traditional means of giving Feasts and Potlatches to publicly demonstrate ownership of the resource. The potlatch, or gift-giving feast, (**yuukxw** in Gitxsanimx) involves hosting witnesses from other villages and the distribution of goods to the witnesses in payment for their services. A lesser feast (Gitksan **li'lilit**) can be a less formal and inclusive affair, and may involve only guests from a particular village.

Traditional fishing practices have been impacted in a number of ways by the governments of British Columbia and Canada. First, regulations on gear, started in the name of conservation when intensive net fishing and cannery activity had gotten under way on the lower Skeena, resulted in outlawing of traditional fish weirs and associated basket traps, and the large timber fish traps which were formerly erected in Hagwilget, Moricetown and other canyons. Secondly, salmonid enhancement activities resulted in the direct destruction of fishing sites at Hagwilget with the blowing up of "the rock" in the 1950's (completely eliminating the traditional fishery at Hagwilget) and in the destruction of some of the owned fishing sites in Moricetown Canyon by construction of fish ladders. New forms of sharing have been evolved for the remaining Moricetown sites, and some net fishing on the river and experimentation with fish traps at the head of Hagwilget Canyon have also taken place. A third impact has been the persistent attempt to control total Gitksan and Witsuwit'en fishing pressure by limiting allowable fishing season and days, and by restricting the fishery to food fishing only (see Morrell 1989 for a synopsis of this history). These efforts at regulation by Department of Fisheries and Oceans have met with varying degrees of non-compliance and hostility which has engendered various legal actions.

Various attempts have been made at co-management of the salmon fisheries of the Skeena River and its tributaries; these have had mixed success (Morrell 1989), and the recent Salmon Wars demonstrate some of the refractory issues of managing mixed-stock fisheries, especially with problematic international boundaries. In the past few years there has been a commercial inland fishery, including beach seining run by traditional chiefs in their own fishing sites. House members are employed to do the fishing and sell fish (Mathews, pers. com; Mowatt, pers. com.).

There has also been an experimental inland fishery at Lake Babine, where surplus 'escapement' headed for the Fulton River and Pinkut Creek enhanced spawning channels has been fished for sale. Fish is also caught for sale at Moricetown Canyon, and the fishery there is carefully monitored by the Gitksan-Wet'suwet'en Watershed Authority. The Watershed Authority and various local committees have also actively monitored the other components of the inland commercial fishery over the past few years. (What will happen this year with the very low salmon returns predicted for the 1998 season remains to be seen).

Other aspects of Territory use have been more vulnerable to changes induced by political, cultural and economic factors. Although fisheries are largely still within the traditional system (if we ignore downstream users for the moment), spatial patterns of hunting and berry picking are more altered by roading, ecological change, and changes in settlement pattern and economic base. Trapping has become a much less significant economic activity, with concomitant reduction in use of Territories for fur harvest; ecological change due to logging and clearing has also had a severe impact on populations of furbearers in some Territories. Notwithstanding the recent reduction in the economic importance of trapping, most traplines within the Gitksan and Witsuwit'en territories are still registered to Gitksan and Witsuwit'en people, usually to the appropriate heirs of the original owners, though some discrepancies between the traditional system and the names registered on traplines have developed. Trapping continues on at least some traditional Territories (P. Muldoe pers. comm. 1998). Some traditional resources like groundhogs are hardly used at all now because of cultural change; these resource areas are more of historical significance than present use.

The pattern of use of berry patches has changed drastically, partly in response to ecological change induced by land use changes and suppression of burning, and partly because of changes in ease of travel caused by construction of roads and highways. The investment of energy in creation and maintenance of the traditional trail infrastructure was considerable, and the time required to reach berry camps often a day's travel on foot from the village. Given wage economies and other commitments of modern life, the amount of time required to walk to the upper montane and subalpine berry patches would no longer be worthwhile even if they had been maintained in a productive state through periodic burning. Truck travel to more distant sites becomes the more reasonable alternative, where the Province or timber licensee has invested in creation of the infrastructure. In addition, berry use in the modern context is supplemental; although highly valued they are no longer a dietary staple. The change in travel patterns and in distribution and quality of the resource means that regenerating cut-blocks are used while succession is not too far advanced and while access is still possible by truck. After succession proceeds too far, areas become unproductive, and new harvest areas must be sought. These changes have destabilized the berry harvest and contributed to decoupling it from the traditional Territories. Berry harvest cannot be sustained from the traditional Territories in the absence of management (prescribed burning) to maintain berry patch productivity (Gottesfeld 1994a).

Concern and conflicts arise with forestry techniques such as application of herbicides to cutblocks. While they may promote some silvicultural goals, these practices strongly compromise other resources of importance to the Gitksan and Witsuwit'en. The Gitksan Strategic Watershed Analysis Team is presently working with Symbios Research and Restoration on a study of the autecology and productivity of several key berry species, devil's club (a medicinal shrub), and red-osier dogwood (important for wildlife browse) on cutblocks (Burton n.d.). The hope is to gain information about berry and shrub productivity in order to implement modifications of silvicultural

techniques and make allowances for maintenance of other resource values, including berry picking and wildlife habitat, on cut-over areas (Vegh pers. comm. 1997).

The most important modern berry picking area is the large burn on the Iskut River some 320 km north and west of Hazelton, frequently referred to as Meziadin by Gitksan and Witsuwit'en people. This highly productive area is accessible by truck, and has become a de-facto open access area, amenable to weekend harvesting trips. Forest succession is depressing the productivity of this site as well; the burn occurred in 1959 (Ron Mould pers. com. ca 1986), and many areas are now becoming conifer stands or have grown in with willow. This year I hear people discussing a more accessible productive berry picking area near Moricetown in the Babine Range, presumably a cut over area reached by logging road (P. Muldoe pers. com. 1998).

An interesting new development in co-management is the possibility of rehabilitating formerly productive montane berry patches by cooperative controlled burning with House members and the BC Forest Service. Experimental burns have been under discussion for the past several years, but none has yet been carried out.

The Witsuwit'en have been attempting to arrive at some notion of cumulative impact of development and land alienation on the traditional resources of their Territories with an eye to modifying development plans to conserve significant aboriginal resources (Marvin George pers. comm. 1997). One approach has been to identify key resources with different ecological types identified under the biogeoclimatic land classification elaborated by the Research Branch of the Ministry of Forests (Stefan Schug pers. comm 10/97). The argument is that with no resource base, aboriginal rights cannot be excersized.

The changes in the land base and its resources are at the heart of the extremely complex issue of unextinguished aboriginal rights on Provincial Crown Lands in British Columbia. In the wake of the Delgamuukw appeal, the province of British Columbia has been attempting to figure out how to overlay aboriginal land rights on its existing management and governmental structures. In December 1997 the Supreme Court of Canada ruled that Justice McEachern had erred in ignoring the evidence of the Elders and the oral histories in arriving at the original negative decision on the land claims case, but stated that a new trial or negotiation with the province of British Columbia and the Federal government would be necessary to determine whether in fact the Gitksan and Witsuwit'en have retained aboriginal title, and what that might mean in the context of Canada (Delgamuukw V. British Columbia File N.: 23799, 1997: June 16,17; 1997: December 11; Culhane 1998). New policy directives in the wake of the Delgamuukw decision for the Ministry of Forests at the district and regional levels have yet to be formulated; as things stand, the only consideration given aboriginal rights is still to solicit site specific information on impacts to aboriginal rights through a site by site referral process. All more inclusive issues are "treaty issues" and cannot be dealt with at the local level (I. Anderson, pers. comm. 1998).

As it stands, issues of tenure and who has access to what resources are very much in flux. Whether a quasi-traditional system of access limitation by Territory owners could be resurrected is doubtful for most Territories given the presence of substantial numbers of non-Indian users of the forest in the area. For some of the relatively inaccessible Territories, effective access limitation might still be possible. How modifications to existing forest management and wildlife management may impact distribution of resources on traditional Territories and access to them is not clear at this point. It is clear that the impingement of roading, forestry, mining and land clearing for agriculture and settlements have substantially influenced the distribution of resources, access to resources and competition for them. The influence of global markets cannot be ignored

either in shaping pressure on local resources; pine mushrooms are an obvious case in point (Anonymous 1995). The world market for medicinal plants also has the potential to strongly effect local resources, and could lead to widespread depletion or extirpation of species for which there is strong market demand (cf. Sheldon *et al* 1997). The Province is presently formulating policy and conducting studies of how to manage harvest of Non Timber Forest Products (see de Geus 1995) on Crown Lands. What their policies may be will have obvious and significant impacts on future resource management in the Gitksan area, though equally obviously, these policies will be formulated in the wake of the Delgamuukw appeal decision, and will have to take some account of potential aboriginal interests in traditional medicinal plants and other traditional resources, and, at least potentially, of unextinguished aboriginal title.

### Prospects

The current importance of the timber resource found on the Territories has the potential to generate an economic base in the future if the Gitksan and Witsuwit'en people can obtain any real control of the resource. In the wake of the 1997 Delgamuukw appeal decision, this might be a real possibility. Timber harvesting could easily be integrated with traditional Territory tenures; the watersheds make natural and appropriate management units for integrated resource management. Such an approach to management on a watershed by watershed basis has been urged in various progressive forest planning contexts (cf. the day long workshop to review Annual Allowable Cut for the Kispiox TSA in 1990, in which I participated as a member of the public, and Hammond 1991, 1998).

Pinkerton (1998) suggests that during the early development of timber cutting in the Northwest, that cedar poling and tie cutting followed Territorial lines. This is supported for the Witsuwit'en by the description of the late Bazil Michell's poling and tie cutting activities in the 1930's (Cecile Michell pers. comm. 1987; Lucy Namox pers. com. 1997). He was Hattakumex of the Laksilyu (Small Frog Clan) and he used his traditional clan Territory for a new economic activity which employed his family members.

The Lax Sgiik have been pioneering an approach to integrated management of their resources, and have considered development of various resources in addition to timber. They seek to manage timber harvest in concert with pine mushroom picking, eco-tourism, traditional resource use, and use of the land for spiritual values and training for youth (Loring pers. communication 1997).

The efforts of the Lax Sgiik suggest the potential of House management to shape timber harvest on Territories if cooperation between the Forest Service and timber license holders and the House group can be achieved (Pinkerton 1998; Art Loring pers. comm. 10/97). However, in other areas conflict between traditional tenure holders and the Forest Service has ended with logging despite the wishes of the traditional owners (Kathy Holland pers. comm 1997; Pat Namox pers comm. 1997). The site specific and limited interpretation that the Forest Service has given to aboriginal rights to date makes effective House participation in management difficult (Vegh, pers. comm 1996; Holland pers comm. 1997; Art Loring Pers. comm. 1997) without Court Actions or civil disobedience to force serious consideration of aboriginal interest. Any substantive changes in practice are Treaty matters according to the Forest Service, and fall outside their jurisdiction under law (I. Anderson, pers. comm. 1997).

In the past, the attitudes of the Forest Service and Licensees have resulted in no movement toward effective co-management or any significant input into management on the Lax

Sgiik Territory. Perhaps the changed climate after the Supreme Court Decision regarding the Delgamuukw case will provide an opportunity to try modern integrated resource management by Gitksan people within the traditional system of House tenure, and for Gitksan determined goals.

Expanding markets for Non Timber Forest Products have created a climate in the province which recognizes (belatedly!) the fact that forest lands have economic resources in addition to wood fibre (de Geus 1995; Anonymous 1995). As the Lax Sgiik have shown, integrated management can be envisioned by Gitksan Houses for their House Territories. Similar management plans could be drawn up by the Witsuwit'en for their House and clan Territories, though logging development, settlement, and/or agricultural clearing have already had a widespread impact on many Witsuwit'en Territories. Thorny questions which will need to be addressed are whether to allow market collection of medicinal herbs, traditionally not considered appropriate to sell for money. The Strategic Watershed Analysis Team is also planning a huckleberry picking cooperative to fund their operations. I am at present uncertain how this will articulate with the Territory system.

Another approach to enable economic development on Gitksan Territories managed by members of House groups is being explored; Don Ryan ('Maas Gaak. pers comm. 10/97) explained a trust group that is being set up with representatives from the four Clans (**Pdeek**). The concept is that this group could provide funding for projects on the different House Territories and for joint ventures. The Gitksan are seeking vehicles which let them operate within the modern global economy while retaining control of the development and channeling it within their traditional forms of tenure.

### Conclusion

Where does House Territory, which might be described as "traditional corporate property", fit in common property models? Is traditional Gitksan and Witsuwit'en tenure best seen as a form of common property, or some form of "private" ownership? (I do not wish to deal with the question in terms prejudicial to aboriginal title; I am not speaking from a legal perspective here, but attempting to address the institutional forms of property which affect distribution of rights to resource use.) It is a system of regulating access to bounded resources among a group of defined users. It is small scale, local, and traditional. It cannot be transferred or turned into some other sort of property or rights, and it is highly embedded in the social system.

House Territories differ from territory or home range (territoriality in anthropological usage) in being discrete, bounded, parcels which are owned and passed down in lineages as the property of designated persons who represent and embody the group of people having a relationship to specific lands and waters (Cove 1982, Johnson in press). Territory is the term used for such properties in local English. The relationship to Territory is best seen as a responsibility and right, a type of reciprocal stewardship which cannot be abrogated or transferred except as mentioned above, in compensation for serious wrongdoing by a member of the House. Gitksan and Witsuwit'en House ownership of land bears striking resemblance to the aboriginal Australian tenure system described by Rigsby (1998b). In Australia, too, real property has been vested in descent groups, and rights to property are obtained by membership in the relevant owning group. As such, they are not alienable or transferrable.

What changes in the traditional Gitksan and Witsuwit'en institutions of tenure will come about in interaction with the governments and other stakeholders, and in the context of the recent Supreme Court decision and treaty negotiations remains to be seen.

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