



The Colonial Present: The Rule of Ignorance and the Role of Law in British Columbia

Kerry Coast

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No treaties were made with indigenous nations residing in those territories where now there is a Canadian province called British Columbia. Instead, a breathtaking policy of criminalization, assimilation and extinguishment of land rights and sovereignty has been vigorously carried out against them. Present day governments continue this approach, now 150 years old, in processes which have recently been re-named and cosmetically improved but remain unconstitutional and are prohibited by the 1948 Genocide Convention, which terms as genocide, inter alia, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. Neither Britain nor Canada nor the settlers of British Columbia themselves have ever honourably addressed the peoples whose lands and resources form British Columbia. The indigenous nations in what is now called British Columbia have never joined Canada but had citizenship imposed on them. The province of BC has never fulfilled Canada's constitutional requirements of purchasing lands from the indigenous owners before settling. Why do the people of BC seek the dissolution of some thirty distinct indigenous nations? Why do they cry, "One law for all Canadians," in answer to indigenous efforts to exercise their right of self-determination? BC's economy is 80% derived from extraction of natural resources from lands and waters that have never been ceded, sold or surrendered to them by their indigenous owners. What's more: recognition of this fact has given rise to what is called "the uncertainty principle" currently impeding foreign investment, as judicious investors fear doing business with governments and others whose claims to ownership may be proved illegitimate. The ongoing colonization of British Columbia relies on the settler population's indifference to the indigenous peoples' plights and rights. The Colonial Present documents the colonizer's manufacture of a new mythology to dehumanize the native peoples and strip them of their rightful place. The interests of resource industries have dominated accounts of indigenous peoples throughout the mainstream media, the academic presses and the courts. They have substantially corrupted and impoverished the non-native understanding of indigenous peoples on whose homelands they live and work, and to which they seem to feel entitled. On the strength of these standardized lies, new British Columbians coming from all over the world comply with the destruction of distinct nations with lands, languages, cultures and peoples. The indigenous nations and individuals have suffered excruciating losses. But the highest expression of official BC aspirations for reconciliation is only that they should release title to their homelands, accept a small financial, land and program funding settlement, and submit to the British Columbia Treaty Commission agenda reducing them, in legal terms, to incorporated associations exercising management capacities barely distinguishable from those of BC municipalities, while by fee simple title, their lands and rich resources are ceded to the Queen. This book is an exploration of how such a stunning string of events has happened, and British Columbians continuing attempts to rationalize them.

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