

I am approaching the topic of Black liberation from my position as a cisgender, heterosexual, white woman living in the occupied territory of Canada. My ancestors immigrated to Canada from Europe and the United States during the 19th and 20th Centuries. My experiences as a child were shaped by a white, heteronormative, Christian lens and most of my adult life experiences have been shaped by my privilege as a white woman in Canada. The opinions and arguments expressed in this article are not formed through my own experiences of discrimination, racialization, or colonization, but rather through reading and learning from Indigenous, Black, and feminist authors whose emotional and intellectual labour have contributed greatly to my own thinking and un-learning. My goal in writing this article is to advocate for a rights-based historical approach to a Black settlement in Canada which draws on already established Black-Indigenous solidarity movements in Canada. It is my intent to avoid inserting my own wants and desires into this liberation project, as well as to avoid dominating the story.

Firstly, I am approaching this topic with a specific interest in preventing cycles of displacement, informed by my experience working with displaced people and refugees. Preventing displacement in situations and spaces where widespread violence and discrimination have previously occurred requires both an analytical and trauma-informed approach. This approach considers theories of occupancy/property rights, the right of return, and the distinct right to collective self-determination in conjunction with legitimate occupation of land. In advocating for a rights-based approach, I draw on 20th Century thinkers such as Robert Nozick, who do not represent a Black or Indigenous perspective. I intend to use these thinkers merely as jumping-off points, extrapolating theories that existed outside a racialized and trauma informed lens, and employing them

to advocate for a non-patriarchal, abolitionist society founded upon Indigenous sovereignty and Black liberation.

Secondly, I approach this project as someone with distinct familial connections to Nova Scotia specifically, and Atlantic Canada in general. The proposed settlement of Black Canadians in Nova Scotia, as well as the land-back movement that I propose in this article, would inevitably require my relatives to leave their located life plans and move to another part of Canada.

Lastly, I am writing this article as a University of Waterloo student living, working, and studying on the traditional territory of the Attawandaron, Anishinaabe, and Haudenosaunee peoples. The university is located on land promised to the Six Nations, known as the Haldimand Tract, which includes six miles on either side of the Grand River (University of Waterloo, n.d.). Writing about a land-back movement while actively living on stolen land has prompted significant reflection regarding how I can contribute to land-back movements on the traditional land that I occupy. I am grateful to the many Indigenous scholars who have poured their time and energy into providing resources for, and sharing knowledge with, settlers. My efforts in this article are focused on referring to the scholars who have informed my writing, ensuring that I am giving them credit and not taking ownership over their stories, histories, and words.

Introduction

As part of a collective thinking project¹, this article intends to explore the possibility of a Black settlement taking up residence in Nova Scotia. The project largely draws from Charles Blow's, *The Devil You Know*, which proposes a similar project in the United States. In essence, the project proposes that all Black Canadians move to Nova Scotia to set up a society governed by Black Canadians, for Black Canadians. I argue that a Black settlement in Nova Scotia cannot exist without perpetuating settler colonialism. Using principles of distributive justice, corrective justice, and property/occupancy rights, I establish that for the Black settlement in Nova Scotia to be a ground-breaking space for Black Canadians to prosper, it must include Indigenous sovereignty.

I recognize that Black Canadians are not a monolith. While some Black Canadians are descendants of former enslaved peoples, there have been various booms of immigration that have brought Black people from Africa, the Caribbean, the United States, and more. Given the diversity of the makeup of Black Canadians, I am choosing to use the term 'Black' as opposed to 'African Canadians'. I use the term 'Indigenous' to refer to all self-identifying Indigenous people groups in Canada. While some of the literature from which I draw distinguishes Indigenous peoples by status as First Nations, Métis, or Inuit, I do not. When referencing a specific Indigenous group, I use the group's official name rather than 'Indigenous'. At times I use the two interchangeably.

¹ I use the term "collective thinking project" to refer to the context in which this article was created. Dr. Christopher Taylor invited the students of HIST 421 at the University of Waterloo to collectively develop and ideate what a Black majority in Nova Scotia would look like, and then draw the topics for our articles from there. My work in this article builds on the ideas drafted by the class' collective thinking in HIST 421.

I begin by outlining why it is important for Black Canadians to have a space to collectively self-determine. I then move into a discussion of how the right to self-determination is intrinsically linked to being in legitimate occupation of the land. I draw upon Black-Indigenous solidarity thinkers and problematize racialized communities perpetuating settler colonialism. I then identify two problems: what to do with the 800,000 white settlers currently living in Nova Scotia, and how to live on Indigenous land while respecting and promoting Indigenous sovereignty (Statistics Canada, 2017b). I turn to theories of distributive justice to address both concerns. Finally, I establish that Indigenous sovereignty and Black liberation must exist in concert with one another in the proposed Black settlement in Nova Scotia.

The Black Settlement in Nova Scotia

The collective thinking project proposes that all Black Canadians move to Nova Scotia and start a new Black settlement. This settlement would have the explicit goals of creating a Black majority in the province through property holdings and the labour force, consolidating the voting power of Black Canadians both provincially and federally. The settlement would form an anti-racist, non-patriarchal, abolitionist society that is within, but separate from, the settler-colonial state of Canada. Nova Scotia was chosen as the location for this settlement due to its long history of Black residents, as well as the concentration of Black folks in parts of the province such as Preston, and historically Africville. Lastly, Nova Scotia's population is lower than the Black Canadian population, meaning Black Canadians would automatically become the majority in the province.

The benefits of this project lie in Canada's system of representative democracy, where a Member of Parliament is accountable to about 100,000 constituents, amounting to 11 seats in the House of Commons representing Nova Scotia (Bosc & Gagnon, 2017). In Nova Scotia specifically, there are currently 51 seats in the provincial legislature, making each Member of Legislative Assembly (MLA) accountable to about 20,000 people (Nova Scotia Legislature, 2017). In 2019, Nova Scotia created four new legislative seats to ensure greater representation for Acadian and Black Nova Scotians based on geography (Gorman, 2019). The new 55-seat legislative map took effect for the 41st provincial election which occurred on August 17, 2021 (Elections Nova Scotia, 2021). Approximately 5.7% of Nova Scotia's population is Indigenous (Statistics Canada, 2017a). Many Indigenous peoples in Nova Scotia live in three newly created electoral regions: Argyle, Clare, and Richmond (Gorman, 2019). Preston, the fourth new electoral district, is recognized to contain the majority of Black Nova Scotians (Gorman, 2019). Therefore, there are a potential 51 seats in the provincial legislature that currently represent the white majority interests. Should Black Canadians move to Nova Scotia and become the majority, they could very reasonably have control over the provincial legislature and most of Nova Scotia's 11 seats in the House of Commons. Provincial control is important in Canada's federalism system, as issues ranging from education to healthcare fall under provincial purview. While the Black settlement would still be subject to federal legislation, the significant amount of power given to the provinces could make a real difference in the lives of Black Canadians.

Another key benefit of this project is to award to Black Canadians the collective right to self-determination. The right to self-determination is defined by Margaret Moore

(2013) as “a collective or group right to create political institutions in which people can be collectively self-governing.” (p.437). While the right to self-determination, as enshrined in the UN Charter, is typically awarded to states, Moore’s theory of corrective justice places the right to self-determination within any people group that has been systemically oppressed in a specific area, mostly identified through the group’s lack of political agency. I argue that due to the pervasive nature of anti-Blackness in Canada, Black Canadians have not had meaningful avenues for political agency, property ownership, and projects of liberation. Following a study by the United Nations Office of the High Commissioner of Human Rights (OHCHR), the Working Group of Experts on People of African Descent called out the harmful anti-Black racism present in Canada. The working group specifically recognized the disproportionate number of Black Canadians in the criminal justice system and expressed concern about the levels of discrimination they witnessed. The head of the expert panel, Ricardo Sunga, stated: “We found that Canada’s history of enslavement, racial segregation, and marginalization, has had a deleterious impact on people of African descent.” (United Nations Human Rights Office of the High Commissioner, 2016). The deleterious impact on Black Canadians mentioned by Sunga is expressed through political, legal, and social barriers that have effectively kept them out of white settler government, home ownership, business ownership, and more. Further, anti-Blackness in Canada has also created toxic, dangerous, and prohibitive systems that deny Black Canadians the right to collective self-determination.

The denial of Black existence in Canada is evident in many ways. For the sake of this article, I will start with the fact that Canada’s history of enslavement is often ignored

and/or grossly misunderstood. When it is acknowledged, enslavement in Canada is often compared with enslavement in the U.S., where enslavement continued for longer, and on a larger scale, than it did in the British colonies. Enslavement in Canada, therefore, had a lower incidence rate than in the U.S., making it appear that enslavement was “not as bad” in Canada. Black enslavement in Canada is thus given a higher moral status (in comparison). Whitewashing the history of enslavement in Canada not only makes it more difficult for non-Black Canadians to understand the unique position that Black Canadians hold, but it also diminishes the argument that systemic anti-Black racism exists in Canada. Under this backdrop of enslavement in Canada, we can begin to understand how anti-Black racism has persisted, and grown, into the 20th Century. Immigration policies, segregation and denial of holdings are some examples of ways in which anti-Black racism has shaped Canadian society.

The colonial system depended on bringing enslaved people to Canada to work and build infrastructure. Following the end of formal enslavement, Canada began limiting who could enter the country, and for what purpose. Canada’s racist immigration policies in the 20th Century prohibited certain races from entering Canada, including Black people. Other immigration policies focused on recruiting Black immigrants for manual labour, domestic work, or other professions deemed too demeaning for white Canadians (Krysa et al., 2019, p.103). Upon arrival in Canada, Black immigrants were subject to policies of segregation.

The end of formal enslavement was not necessarily a moral reckoning with the ills of the practice of owning other human beings; instead, in many cases across the country, enslavement simply became economically unviable and no longer had the

political will to be sustained (Henry, 2020). In the absence of enslavement, other modes of domination of Black people occurred (Henry, 2020). Segregation was one such practice, often relying on the same cultural ideas about Black Canadians that perpetuated formal enslavement. Fearing the dilution of British (and in some cases, French) culture, segregation sought to separate Black Canadians because of their perceived inability to assimilate to the ideal Canadian features (Palmer & Driedger, 2015).

Segregation took many forms throughout Canadian history. Segregated schools were especially common in Ontario and Nova Scotia (Henry, 2019). Traces of both systems remain to this day. The last segregated school closed in Halifax in 1983, while the Ontario education system is still based off the 1850 Common Schools Act which mandated legal segregation for Catholic, Protestant, and Black students (Henry, 2019). The remnants of the Common Schools Act can be seen in the lack of funding and support to majority Black schools in Ontario, as well as the continued discrimination faced by Black students and teachers in the province (Aladejebi, 2021). Black Canadians were also segregated in neighbourhoods through home ownership restrictions. At times, Black Canadians were given different land than was promised, as is the case for Black Loyalists migrating to Canada. In other instances, policies specifically forbade the sale of property to Black Canadians (Henry, 2019). The community of Africville in Nova Scotia represents the epitome of segregation resulting in elimination. As was the case in Africville, Black Canadians across the country were also subjected to dispossession and policies that drove Black communities out of sight. The refusal of admittance to schools, public spaces, neighbourhoods, societies, professions,

and more, the denial of their right to be in Canada, and the constant need to justify their existence, are all situations that contribute to the erosion of collective self-determination for Black Canadians. The inability to have meaningful claims over shared Canadian institutions leaves Black Canadians two choices - either continually be shut out of a system that devalues them as citizens and fellow human beings or create their own institutions that celebrate Black liberation and freedom.

While Blow's manifesto is comparative between how Black people are treated in the Southern U.S. as compared to the Northern U.S., the same comparison cannot be made in Canada. Unlike the African American community in the U.S. and their connection to the Southern U.S. states, Black Canadians do not have an ancestral homeland within the country where self-determination already exists in meaningful ways. Black Canadians may experience less opportunity in rural communities than in urban centers, but the lack of self-determination and anti-Blackness persists regardless of location. Thus, Black Canadians need to exercise their right to collectively self-determine, which Moore has already described as necessary for self-governance (2013, p.437).

Where, then, should Black Canadians exercise their right to self-determination? One could argue that, in this modern era of technology, there is no reason for Black Canadians to establish a concentrated institution of self-government and expression. Rather than physically live and work in the same region, something resembling a network of Black Canadians working together across the country could accomplish a similar goal. It is undeniable that an online network of activists and Black Canadians could achieve considerable traction. The merits of an online community and network

have been seen through the Occupy Wall Street movement, the Arab Spring, and the 2020 resurgence of #BlackLivesMatter (Gerbaudo & Treré, 2015). Online networks also have the potential to provide space for individuals to collectively self-determine through engaging with the cause. The use of hashtags, usernames, pictures, and memes on platforms like Facebook and Twitter can denote affiliations or belief systems (Gerbaudo & Treré, 2015). But the issues with a socialized network taking place outside of a physical community are many – especially in the form of backseat activism which finds “digital comfort zones” in online activist spaces (Gerbaudo & Treré, 2015, p.869). The potential for multiple identities to be associated with the same cause is also a concern, which may lead to splintering factions that could undermine the entire purpose of the collective thinking project. These networks can be unstable and have the potential to fizzle out because they are built on less foundation and based on less risk than their physical counterparts (Gerbaudo & Treré, 2015, p.870). Online networks and communities have a purpose, but for this project, the need for a physical community is paramount as this is meant to be a lasting political project founded in connection to the land and political agency. Further, online networks often fail to see the value of land beyond profit and ownership, which is directly in line with Western conceptions of capitalism as they relate to land. Adopting an Indigenous and non-Western lens allows one to see the inherent value of a group’s connection to the land. I will further explore the intrinsic connection to land later in this article.

The network model also ignores the socio-spatial nature of community, especially for the Black diaspora in Canada who has already lived through centuries of enforced separation. This same trend existed in the United States as the Northern U.S. became

more metropolitan. According to Blow, the African American community in the United States experienced significant fractures due to the Great Migration (Blow, 2021 p.18). Not only did the advantages of being politically concentrated in specific areas lessen as millions moved across the country, but Black communities also tended to lose their youngest and most ambitious members to the big cities. This created a cultural divide that not only separated youth from their ancestral traditions, but also weakened ties between Black Americans, ties that had been solidified over centuries of collective action. While the Great Migration occurred in a time without internet connectivity and the ability to host virtual meetings or maintain relationships via technology, the importance of being physically in the same region as one's community is still vital today. It is evident that after over a year of distanced restrictions due to COVID-19, technology can do wonders to promote community and even activism, but it does not, and cannot, replace the dynamics of living and working together in one space or region. Thus, the right to collective self-determination for Black Canadians consists of both a community and land-based need. Moore highlights that there is an important connection between collective self-determination and occupancy rights. Recognizing that occupancy rights alone are not enough to make the connection between a group's collective self-determination and the land, Moore argues that the group must also be in legitimate occupation of the land (2013, p.437).

For the purposes of the collective thinking project and for reasons already identified, we are assuming that Nova Scotia should be the land on which Black Canadians focus their efforts towards legitimately occupying. Now that I have determined that Black Canadians must be in right relationship to the land, we can turn

our attention to the issue of occupancy rights as they relate to both the white settlers currently occupying Nova Scotia, and the Indigenous caretakers of the land that have a rightful claim to Nova Scotia.

Problematizing Settler Colonialism

First and foremost, we must problematize a Black settler colony in Nova Scotia. The province of Nova Scotia is situated on the Indigenous land known as Mi'kma'ki, and any non-Indigenous person occupying that land is perpetuating settler colonialism (Native Council of Nova Scotia, n.d.). Some consider settler colonialism as an action undertaken exclusively by white people, but Black Canadians moving to Nova Scotia would still constitute a form of settler colonialism if the settlement refused to grant Indigenous peoples the right to their land. Non-Indigenous people do not have a proper claim to Nova Scotia because Mi'kmaw territory in Atlantic Canada was never surrendered and the British never honoured treaties regarding land use (Government of Canada, 2010).

For some, settler colonialism may not seem like much of a barrier. But Black liberation is intrinsically connected to Indigenous sovereignty. An institution that focuses on Black prosperity but does not seek to also support decolonization will only preserve settler colonialism. As Wilson, Flicker, and Restoule (2015) describe:

Dismantling one structure of domination (economic, gendered, racial, spatial, religious etc.) is only secured by attending to the myriad of ways in which domination reproduces itself in relation to other structures of domination across axes of differentiation (p.83).

Perpetuating settler colonialism may not make the lives of Black Canadians worse, but it will do nothing to abolish the white supremacist system under which both anti-Blackness and settler colonialism operate. Further, it may leave the door open for white supremacy to continue to fester, fostering divides between racialized Canadians and Indigenous peoples. If the goal were simply short-term Black prosperity, perhaps we could ignore the problem of settler colonialism. But taking a solidarity-based approach means that the Black settlement in Nova Scotia cannot operate under a system of settler colonialism.

Across the globe, calls for solidarity between Indigenous and Black communities already exist. Indigenous communities in Turtle Island (North America) have long supported the struggle of Black folks from the African continent and in the West (Wilson et al., 2015, p.80). Solidarity between racialized and colonized groups runs deep as seen in the links between Indigenous sovereignty and Palestinian statehood, as well as cross-sectional activism through Black Lives Matter, Idle No More, and the Boycott, Divest, and Sanction (BDS) movement (Desai, 2021). These movements represent “constellations of connection” as coined by Anishinaabe scholar Leanne Betasamosake Simpson (2016, p.30). Yet, it is important not to conflate calls for solidarity with identical experiences. Doing so threatens to delegitimize unique experiences and creates a hierarchy of oppression which benefits no one (Desai, 2021, p.56). Moreover, it is important to recognize the role that settlers of all races and nationalities have played in the settler-colonial project. Take for instance the solidarity between Indigenous peoples and Black Canadians that we are proposing with this very project. To assume that their

experiences are monolithic is to reduce the voices of racialized people and lean into the white-dominant narrative that anyone who is non-white is simply 'other'. Black Canadians and Indigenous peoples can surely recognize patterns of discrimination common to their respective histories, but to assume that colonization and enslavement, for example, are identical forms of oppression is to ignore history.

That is why it is important, in this project and elsewhere, to recognize that Black Canadians play a role in the settler-colonial system simply by their existence on this land. While some Black folks may have been brought to Canada against their will or due to the consequences of imperialism, there must be an acknowledgement that they may still benefit from Indigenous suffering, and therefore, should actively work to be a part of the solution. Working with one another in solidarity, rather than ignoring histories and realities, is an important feature of the proposed Black settlement in Nova Scotia. Because the settler population would be non-white does not excuse the fact that truly honouring the Indigenous land called Nova Scotia would require Black Canadians to respect original treaties. Black Canadians must work with Indigenous populations to build a province that is founded on Indigenous sovereignty and Black liberation working in tandem.

Now that we have made it clear that we will not be creating a new Black settler colony in Nova Scotia but rather, working to create a joint society that honours Indigenous sovereignty on the land while encouraging Black Canadians to collectively self-determine on land that is not unceded, we must address the issue of the 800,000 white settlers currently living in Nova Scotia. Outside of a violent takeover, and stepping away from the improbable idea of simply convincing all the white settlers in Nova Scotia

to pick up and leave, we should consider the theory of distributive justice as it relates to property rights.

Property Rights and Distributive Justice

One of the central concerns with the Black settlement in Nova Scotia is how to address the fact that hundreds of thousands of people already live there. To move nearly 1 million Black Canadians to Nova Scotia would involve some, if not the complete, transfer of property. This transfer could occur violently or non-violently, within a capitalist system or outside of it. If the land transfer was to occur through land purchases, we encounter significant issues regarding how all Black Canadians will acquire enough wealth to be able to purchase land in Nova Scotia. Very practically, it is unlikely that nearly 1 million people all have the same financial resources available to them, and our settlement runs the risk of simply becoming a haven for wealthy Black Canadians who can afford to purchase land. Of course, a Black capitalist state is not the goal of the settlement. It is also not the goal of this article to decide once and for all the process of moving and/or the minutiae of property transfers. Rather, I propose we utilize theories of property rights and the right of return to establish why Nova Scotia does not legally belong to the white settlers who currently reside there.

First, I want to address why I am against an unjust takeover and displacing of white settlers in Nova Scotia. There are many schools of thought surrounding how marginalized people, especially Black people, should address the inequalities facing them. In an earlier draft of this article, I expressed that we should not advocate for a

violent takeover of Nova Scotia. Through the rounds of edits, I have wrestled with my own understandings of violence and non-violence. Though beyond the scope of this article, I want to take a moment to discuss the process of moving from a conception of violence as injustice to violence as resistance. In discussing violence with Dr. Christopher Taylor, it is clear that Western conceptions of violence are wrapped up in colonial ideas surrounding which actions and individuals are considered violent, while simultaneously ignoring the psychological, emotional, and spiritual violence of colonialism that accompanies the physical. The West is typically comfortable with the ongoing violence of colonialism yet is uncomfortable with violence as resistance (C. Taylor, personal communication, August 6, 2021). Thinkers such as Frantz Fanon discuss the catharsis of violence and the role it plays in decolonization (Fanon, 1952). Fully exploring Fanon and his contemporaries' ideas could be an entirely separate article. What is important to note here is that my own understanding regarding violence as not a question of justice but a question of resistance and power, is a work in progress. To develop a comprehensive statement on violence as resistance is beyond the scope of this article, but something that should be explored in all spaces that profess to be anti-racist and decolonial.

I want to propose that for the Black settlement in Nova Scotia to truly be the center of Black power, agency, and liberation in Canada, it cannot be founded on injustice as conceptualized through occupancy rights. We have already focused on the need for a non-patriarchal, anti-capitalist, decolonial space for Indigenous and Black solidarity. But as mentioned, this project concerns who gets land and how, and those questions cannot be answered without addressing the hundreds of thousands of white

settlers living in Nova Scotia. They have claims to the land, not because they acquired it properly (which I will dissect in the next section), but rather because white settlers in Nova Scotia have what Anna Stilz refers to as “occupancy rights” (2015). These occupancy rights exist within the space in which individuals carry out their lives, or as Stilz terms it, their located life plans (Stilz, 2015, p.244). For example, renters are among those who hold occupancy rights but not property rights because they do not own the land on which they live, but they have situated their lives around living in a certain place for a certain time. If they were wrongfully evicted or forced to leave their homes, it would still constitute an injustice because their ability to conduct their lives in the location of their choosing has been denied. Thus, white settlers in Nova Scotia, regardless of their ownership of property, have located life plans that would be significantly disrupted if they were dispossessed. According to this same theory, the dispossessed then have prior claims to the territory and can rightfully take it back from the dispossessors. Creating a cycle of dispossession and displacement in Nova Scotia threatens the legitimacy of the Black settlement and leaves avenues for white settlers to challenge its validity. We already anticipate a significant degree of pushback to the Black settlement, therefore leaving another door open for contestation is inadvisable.

Thus far, the discussion of occupancy rights in Nova Scotia has been largely ahistorical. Adopting an accurate historical lens of property rights in Nova Scotia reveals that while white settlers do have occupancy rights, their claim to the land and property in Nova Scotia is based on an original injustice through the dispossession of Indigenous land from Indigenous peoples. This problem is hardly specific to Nova Scotia, as the dispossession of Indigenous lands and accompanying genocide, whitewashing, and

systemic discrimination against Indigenous peoples has occurred across Turtle Island, and the globe, for centuries. When using a historical approach to property rights in Nova Scotia, I will be drawing upon Robert Nozick's theory of distributive justice.

Nozick's theory of distributive justice is one of the foundational understandings of property rights in the 20th Century. Nozick's theory is concerned with processes of distribution – that is, the process by which individuals come to own things, and how to judge whether that process was just. Nozick's theory outlines three key principles of distributive justice: the original acquisition in holdings, transfer of holdings, and rectification of injustice in holdings (Nozick, 1973, pp.46-48). The theory follows that the only way for holdings to be distributed is through a just original acquisition, or a just transfer. In the context of this article, holdings exclusively refer to land and property. This article is mostly concerned with the first principle: original acquisition. The principle of original acquisition states that whoever first acquired the property must have done so justly (Nozick, 1973, p.47). If they did not, the holding is illegitimate and subject to the principle of rectification. Using Nozick's theory, I will begin by outlining how the dispossession of Indigenous land in Nova Scotia constitutes an original injustice in acquisition. Then, I will apply Nozick's third principle of distributive justice, the rectification of injustice in holdings, to the situation in Nova Scotia as it relates to property and occupancy rights. I will then introduce Moore's principle on the right of return for continually dispossessed peoples.

The entire settler-colonial project is manifestly unjust. Genocide, environmental degradation, disease, and more, are all clearly wrong. This section is mainly concerned with the original injustice as it relates to property; I will address the moral and ethical

wrongs committed against Indigenous peoples in Nova Scotia in the following section. To establish an original injustice in acquisition, we will look to the contracts and agreements that governed relationships between Indigenous peoples and white settlers in Atlantic Canada, and more specifically, Nova Scotia.

Following the arrival of settlers from Europe, treaties in Nova Scotia were created between the settler British (later Canadian) government and Indigenous communities to determine who was able to use which tracts of land, as well as the general distribution of resources. The first European settlements were established in Nova Scotia in the early 1600s (Government of Canada, 2010). Nearly 150 years later, the 1726 Treaty was signed between the British, Mi'kmaq, Maliseet, and Passamaquoddy. The Treaty outlined that any existing British settlements would not be forced to leave, and that new British settlements could be made lawfully. The Treaty failed to outline what defined a lawful settlement (Government of Canada, 2010). Unlike later treaties with Indigenous peoples in Western Canada, the 1726 Treaty and subsequent treaties in the Atlantic Region did not detail land submission or land-based contracts of any kind (Government of Canada, 2010). The subsequent 1749 Treaty that was focused on land distribution was not signed by a widely recognized Mi'kmaw representative and is not regarded as applicable to most Mi'kmaq (Wallace, 2020).

The British and Indigenous signatories had different views on the importance of the treaties signed in the 1700s. To the British, many of the treaties were about securing alliances against the French, and then later against revolutionary U.S. groups (Government of Canada, 2010). To the Mi'kmaq, Maliseet, and Passamaquoddy, the treaties governed the relationship between their communities and the British. Using the

1726 Treaty as a foundation, further treaties signed in the late 1700s modified and reaffirmed this relationship with guidelines around resource and land use (Government of Canada, 2010). Yet, as more British settlers came into Canada from both Europe and the U.S. following the overthrow of the British Empire in the U.S., the Mi'kmaq and Maliseet had their treaty rights eroded. The government, rather than honour the treaties' provisions for new land settlements, chose to create reserves for Indigenous peoples under the guise of preserving their rights to land. The real focus was to move Indigenous peoples away from the British loyalists' new settlements (Government of Canada, 2010). In cases of land disputes, the government tended to award the land to white settlers.

Where land was guaranteed to Indigenous communities and individuals, the government sought to degrade Indigenous ways of life. Contributing to the colonial project was a high priority for the settler government; thus, re-education, Christianising, and agricultural policies became commonplace for Indigenous peoples. The agricultural policies sought to change the relationship between Indigenous communities and the land. The explicit intent of the agricultural policies was to limit Mi'kmaq use, and therefore claim, to the land. The hunter-gatherer style of subsistence that was common to the Mi'kmaq and other Indigenous groups was seen as unfavourable by settlers because it encouraged common rather than private property. Indigenous communities who retained land were given stipends and supplies to grow specific crops, but no instruction or follow-up on how to do so. Those who complied with farming and 'improving' the land were temporarily treated better than those who resisted (Mrazek, 2017). Agricultural policies also implemented seasonal crops that required more

maintenance than traditional Indigenous crops. To appropriately harvest, Indigenous farmers could not be away from their land for long periods of time, so these seasonal crops became a tactic to keep Indigenous peoples from roaming throughout the province. The agricultural policies sought to diminish the connection between Indigenous peoples and the land by removing the life-giving properties of common land, such as for hunting and gathering (Mrazek, 2017). Agricultural policies not only stripped away legal rights to the land, but also spiritual connections to the land, connections that were previously integral to Mi'kmaq survival and prosperity. Dr. Pamela D. Palmater (2013), a Mi'kmaq professor and author describes the relationship to the land as one that is unquantifiable:

I am never truly whole until I am back on my territory with my family and community. This is a relationship which is difficult to explain as I experience it more as a feeling and strong sense of responsibility versus anything I can quantify. In my mind, there is no monetary value that can be assigned to my territory as it is something that is so much a part of who I am that it is unimaginable that it could be sold and not available to my children or future generations to enjoy and maintain (p.151).

The Continuing Injustices of Settler Colonialism

The original injustice in acquisition is clear through the government's refusal to honour not only the 1726 Treaty, but also prior verbal agreements, as well as the Royal Proclamation of 1763 (Indigenous Foundations, n.d.). Following Nozick's theory of distributive justice, this original injustice has impacted the next several hundred years of injustices. Nozick does not arrive at a conclusion regarding how to rectify centuries-old injustices. Given his position in society as a white man in the 20th Century, it is not clear

whether he would have advocated for full rectification through monetary compensation or land-back efforts. Acknowledging the limitations of Nozick's theory, we must also recognize that Nozick views original acquisitions through a temporal lens, meaning that the injustice happened at a moment in time, and if one could theoretically go back in time and change the original injustice, then the principle of distributive justice would hold true. Nozick does entertain the idea of assessing and rectifying injustices in the present day, through what he calls a "current-time slice" principle of distributive justice (Nozick, 1973, p.50).

The current-time slice principle would support the creation of a welfare state that continually accommodates injustices in holdings. The current time-slice principle works in a utilitarian format, assessing who-has-what and rectifying discrepancies with distributive justice. While advocating for a welfare state, the principle is not entirely based in socialist principles of prosperity. Nozick uses the example of socialists fighting for workers to own the fruits of their labour to prove this point. Proletariat rights are historical – they do not focus just on the present because they need to assess what has happened in the past (labour) to distribute in the present (fruits) (Nozick, 1973, p.51). The current time-slice principle itself is not concerned with history, and this is ultimately why Nozick rejects it. Nozick's preferred historical method of rectifying an original injustice views systems such as settler colonialism as one-time events. While focusing on the past would inevitably lead one to understand that Indigenous peoples in Canada have been subjected to rectifiable injustices, ignoring the systemic nature of such injustices also pits the rectification as an individual action. Nozick is very concerned with answering injustice with justice, thus the injustice of an event would be met with a one-

time justice. It is at this point that I diverge from Nozick's view because it is evident that injustices against Indigenous peoples are not a one-time event.

The original injustice in acquisition is event-based. For the purposes of this article, I have found it necessary to pinpoint a specific instance where Indigenous peoples were subject to a rectifiable injustice. But isolating Indigenous experiences in Canada, or even Nova Scotia, to a specific instance without considering the hundreds of years since that instance would once again be employing an ahistorical lens. Drawing on Patrick Wolfe's concept of settler colonialism as a structure, not an event, I will focus on the ways in which the original injustice has persisted to the modern-day. It is only through analyzing the depth and breadth of injustices that followed the original injustice of acquisition that we can begin to understand what appropriate rectification and/or compensation would look like in a decolonial state.

Patrick Wolfe describes settler colonialism as principally concerned with the elimination of the Indigenous population's access to territory. In this definition, Wolfe proposes that settler colonialism is not a specific instance but rather an event comprised of multiple occurrences over centuries (Wolfe, 2006). Thus, the effects of the original injustice are not only felt generations later, but reverberated through constant and subsequent instances of territoriality, genocide, racism, and more. In such instances, it is not enough to consider what the original injustice is worth to the descendants of the Indigenous communities in Nova Scotia who were robbed of their land. We must also consider the fact that since the original injustice, there has been no safe space for Indigenous communities in the settler-colonial state. The Mi'kmaq have had their territorial rights eroded and lands divided amongst the settler-colonial provincial system

(Palmater, 2013). Hunting and fishing rights have been under attack for centuries with the situation erupting in violence as recently as summer 2020. Under this framework of settler colonialism as a structure, a more holistic theory of corrective justice is necessary to understand how and why compensation for original land falls short.

Building upon the idea of situated life plans associated with access to territory, Moore's theory of corrective justice moves the rectification for an original injustice in holdings away from a purely individual and time-based analysis into a discussion of the enduring injustices of displacement (Moore, 2013). Moore's theory revolves around whether the displaced people were able to re-establish themselves in another place, over generations. If so, their original claim to the property would diminish over time. She provides an exception to this rule, and this is when the displaced peoples have never been able to re-establish themselves. Moore's examples involve those in refugee camps or people who are cyclically displaced; I will apply it to Indigenous peoples in Canada.

Because they are constantly subject to continuing settler colonialism, Indigenous communities have had their rights to the land and use of the land continually eroded over generations, providing them no ability to re-establish their relationship to the land. Given what we already know about the importance of specific land and its properties to specific people groups, it is not enough to say that Indigenous peoples should simply be given different land, nor that the original injustice was so long ago that Indigenous peoples should just move on. Both statements assume that the original injustice diminishes over time due to lack of continued harm. But that is not the case in Canada.

When Indigenous peoples were forced off their land by settlers and the settler government, many were given land referred to as “reserves”. According to the 2016 census, there are currently over 1.67 million people in Canada who self-identify as Indigenous (Indigenous Services Canada, 2020). Of those 1.67 million, 820,120 individuals fall under the status of Registered [Indigenous] (Statistics Canada, 2018). 40% of Registered [Indigenous] peoples live on reserve, 45% live in urban areas, and 14% live in rural or isolated areas off reserve (Indigenous Services Canada, 2020). Living on reserve has proven to be accompanied by a larger median income gap than those living off reserve, as well as a worsening employment rate (Indigenous Services Canada, 2020). Those living on reserve have a high school completion rate of approximately 57%, and 12.7% of dwellings on reserves are considered crowded, with 40% of dwellings in need of major repairs (Indigenous Services Canada, 2020). Outside of the reserve system, Indigenous children are 15 times more likely than non-Indigenous children to enter foster care. Indigenous peoples are 9 times more likely than non-Indigenous Canadians to be admitted to custody, and over 50% of both male and female Indigenous peoples in Canada have experienced violence since the age of 15, compared to about 1/3 of non-Indigenous Canadians (Indigenous Services Canada, 2020). It is worth noting that these statistics are heavily skewed as data is not easily accessible, nor readily available, regarding Indigenous populations in Canada.

When it comes to access to resources, 33 First Nations communities still have long-term drinking water advisories, outlasting the Trudeau government’s commitment to end all drinking water advisories by March 2021 (The Council of Canadians, n.d.). Moreover, 73% of water systems in First Nations communities are at risk of

contamination at any given time (The Council of Canadians, n.d.). Proximity to resource-rich areas threatens the arrival of pipelines, logging, tar sands, and more (Parlee, 2015). Farming of these resources can lead to devastating ecological effects, and a complete destruction of local economies as large companies compete for access. Along with the fact that settler use of the land may cause immediate and physical harm to Indigenous peoples, settlers have little to no regard for Indigenous sacred land connected to Indigenous spirituality traditions, as seen in the *Charter* challenge, *Ktunaxa Nation* (Bakht & Collins, 2017).

Even in cases where Indigenous communities have appropriate access to water, food, education, shelter, and spirituality, there is a deep connection between Indigenous peoples and their original ancestral land that cannot be replaced. Let us consider for a moment that the Canadian government could provide adequate monetary reparations for Indigenous peoples harmed by settler colonialism and its institutions. No amount of money can replace the fact that the Indigenous peoples of Turtle Island are the original inhabitants and caretakers of the land, and therefore, the territory holds value far beyond the monetary. Due to the spiritual and emotional connection held by Indigenous peoples to the land, and the inability to re-establish in another location free from harm, Moore unequivocally points to the right of return as the only option. Compensation, apologies, and other means of restitution will never work because the land was, and is, central to the people group's self-determination, prosperity, and identity. The original injustice, then, has continued for centuries, and affected Indigenous peoples' ability to live, collectively self-determine, and remain connected to their ancestral land. The only

way to rectify the injustice is to have Indigenous peoples return to their original land across the country, and for the purposes of our project, Nova Scotia.

Recognizing that there is a host of issues with describing the Canadian state's treatment of Indigenous peoples as a singular injustice, or injustice rooted in the past, I use this framework to provide our Black settlement project with a starting point based in legal documents. I underpin this flawed system with the previous section's acknowledgment of the enduring nature of settler colonialism and the necessary right of return. Further, rectifying the original injustice is not just important so we can give Indigenous peoples sovereign land, but because there can be no justice in acquisitions when the original injustice remains. Therefore, before even considering how to create the Black settlement in Nova Scotia, we must first honour the original 1726 Treaty and land boundaries established with the Mi'kmaq, Maliseet, and Passamaquoddy people groups.

Having identified that the original acquisition of land in Nova Scotia by white settlers was an injustice, their claims to the land in the modern-day are invalid to some degree. The question remains as to what degree they are invalid. Fully answering that is beyond the scope of this article, as we must consider the occupancy rights of white settlers as mentioned earlier. Nonetheless, the details of white settlers returning the land to Indigenous peoples are not the principal concern of this project. They are, however, a necessary precondition for establishing any sort of settlement in Nova Scotia without committing new injustices to the white settlers while perpetuating old injustices against the Indigenous peoples of Nova Scotia.

Conclusion

The question then becomes how to honour Indigenous sovereignty and use Nova Scotia as land for a Black settlement. The answer is both simple and complicated – Black Canadians must be invited to use the land as its Indigenous caretakers see fit, and any sort of government system must honour both Black collective self-determination and Indigenous collective self-determination.

While a big ask, the potential for upholding one another's liberation can be seen in the traditions of Indigenous peoples, Black liberationists, and Palestinian activists supporting one another's decolonial and anti-imperialist struggles. Learning from Palestinian resistance, focusing on respecting Indigenous ways of life, and prioritizing the Black collective self-determination project will be integral to the success of the Black settlement in Nova Scotia.

I have not sought to find answers for some central questions regarding this Black settlement, such as: where will the white settlers go once they leave Nova Scotia; how do Indigenous systems of governance fit with Black collective self-determination; what if the Black settlement seeks to expand its space and/or land use in a way that the Indigenous communities in Nova Scotia do not recognize as valid or lawful? While important, the answers to such questions are not within the scope of this article.

Through an analysis of property rights and distributive justice, I have established that the right of return to Indigenous lands as described in the 1726 Treaty is the only way to rectify the original injustice of acquisition of holdings. I have also highlighted how Black

liberation and Indigenous sovereignty in Canada are intrinsically linked, and the collective self-determination projects of both groups can work together to pursue a truly decolonial society.

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