

Applying Sustainable Transitional Justice: A case study of the 2015 Boat Harbour Act of Nova Scotia

By

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Abstract

Standard approaches to policy evaluation often have their foundations in conventional economic concepts. But cost-benefit policy analysis is no longer enough to evaluate how policies, programs, projects, or developments can affect communities. Many policies are evaluated based on factors such as GDP growth or a cost-benefit analysis. These methods of evaluation can undermine, or overlook negative environmental impacts, particularly in marginalised communities. With a focus on environmental policy and environmental justice, this study seeks to develop a sustainable transitional justice (STJ) evaluation mechanism and apply it to the case of the Boat Harbour Act (BHA) of 2015 in Nova Scotia. The STJ evaluation mechanism will be derived from key literatures on the environment, climate, and energy justice, as well as interviews with Mi'kmaq community members, activists, and Elders, from the Pictou Landing First Nations. The literature and interview analysis are focussed on environmental racism and reconciliation, gender, health, socio-economic security and poverty, and environmental sustainability. These are the five key sections of an STJ evaluation mechanism and are developed into comprehensive criteria for evaluating the BHA. The case study will show the practicality and replicability of the mechanism. The case finds that the BHA is partially successful but needs to consider community impacts further.

Foreward

In the beginning of my time in the Faculty of Environment and Urban Change I sought to address environmental policy, and how distinct groups can impact such policies. My original focus was on interest groups and how lobbying can impact policy. As I progressed into the program I gained a greater interest in communities, and how policies can impact their quality of life. I also became interested in how environmental policies could also have negative impacts on marginalized communities. As a result, my area of concentration (AOC) became sustainable transitional justice, addressing not only how policies impact the environment, but also on how environmental policies have impacts on communities. As countries seek to transition from high carbon industries to low carbon industries and energy systems, some communities may suffer negative impacts particularly if they are already marginalized. Populations who are currently benefiting from high carbon industries may also suffer negative impacts. My courses and professors further developed my interests in complex energy systems, community planning, and environmental justice, and Indigenous research methods.

This study seeks to develop and apply sustainable transitional justice as a policy evaluation tool. This in part fulfills the requirements for the Master of Environmental Studies in the Faculty of Environment and Urban Change at York University. The major research paper is deeply tied to my AOC as it connects to Canadian environmental policy, understanding justice, and addressing sustainable transitions to a low carbon future. One difference between my AOC and the major research paper is the issue of research into renewable energy systems. I went to great lengths to study renewable energy systems within my courses and independent studies. The paper though does not address a renewable energy-based policy. It does discuss energy justice, and the STJ policy evaluation mechanism which, as developed in this paper can be applied in multiple instances such as the evaluation of energy policy.

Dedication

This paper is dedicated to all the wonderful women and queer individuals in my life whom I have had the pleasure to have as role models. Your strength, intelligence, kindness, and leadership, inspire me every day.

I would like to specially thank my grandmothers:

Agnes Brown, who even when I was little believed I could do and be anything, I carry your spirit with me always.

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Introduction

In policy making there are many forms of analysis and evaluation that are used to determine success or viability. Many traditional models focus a great deal on economic outcomes using cost-benefit analysis. In the case of environmental policy there can be a focus on sustainability evaluation to better determine the viability or success of the legislation. There has been little research done on policy evaluation that not only discusses the sustainability and the economic benefits of policies, but also their social implications. The combination of these aspects, at the intersection of society and the environment, are the basis of sustainable transitional justice. The goal of sustainable transitional justice is to critically assess how aspects such as race, gender, health, and socioeconomics are affected by environmental policies, and how to best move forward in protecting these marginalised groups.

As there are already environmental justice critiques of new and existing policies, which may have negative effects on marginalised populations, it is crucial to create a standard method for evaluating these policies on the level of sustainable transitional justice (STJ). The purpose of the paper will be to draw from existing environmental, energy, and climate justice movements and literatures and apply them in a policy evaluation mechanism to further environmental sustainability and social equity in the policy making sphere. The STJ policy evaluation mechanism once developed will then be applied to the case of the *Boat Harbour Act of 2015* (BHA) in Nova Scotia, and the closure of the Northern Pulp Mill (the mill). This will allow for a greater understanding of the STJ in actual practice.

The methodology of the paper, is outlined, followed by a literature review. The literature review provides an in-depth understanding of what climate justice is and its key aspects. These key aspects will become large components of the STJ evaluation criteria. The study also provides a short timeline and explanation of the events in Boat Harbour (A'se'k) and around the BHA. The core of the paper will be a critical evaluation of government actions under the BHA, through the lens of the STJ criteria. Finally, there will be a brief discussion of potential alternatives to shutting the mill down. The study concludes that based on the STJ criteria and government actions, the BHA was partially successful in meeting STJ goals at the time. The situation surrounding the BHA is still developing; further research should be conducted as time progresses

to assess the need for further government action and their outcomes, to fully determine whether the BHA was consistent in advancing climate justice goals.

Methodology

For this study, the methods will be discussed in two main parts, the first being the methodology for the analysis and literature review. Overall, the second part is the development of the STJ policy evaluation mechanism. Separating the two allows the study to further connect the theoretical and practical understanding in the case study and assessment of the BHA under the STJ policy evaluation mechanism.

Development of the Study

The methods used for this study were literary analysis and interviews. The goal of the literature review was twofold and incorporated both primary and secondary sources of literature. First, the literary analysis identified the common themes found within the academic, social, and political movements of environmental justice, energy justice, and climate justice. The themes of racism, reconciliation, gender, socioeconomic welfare and poverty, health, and sustainability were identified as crucial points of justice within all three movements. As such these points are used to develop the core elements of an STJ policy evaluation mechanism. The five critical justice elements and the STJ policy evaluation mechanism development will be discussed further in this section.

The literary analysis provides key definitions for justice and discusses justice movements. Archives, press releases, news articles and coverage, and documentaries were all used as crucial sources to provide background on issues surrounding the BHA. These included environmental racism, community-based racism, financial matters between the government and the pulp mill, and problems surrounding job losses. News coverage and press releases can show specific biases, often pro-settler, pro-union, and even pro pulp mill, as settler populations are the majority of the community and many news systems are settler in makeup, giving a pre-determined bias (Lowan-Trudeau, 2021). This bias is why the second part of the study's methodology provides an Indigenous voice on the issue that is not framed in context to settler loss. This shows why the interviewing process is crucial.

In the study's interview development plan, several members of the Confederacy of Mainland Mi'kmaq were consulted. The goal was to develop a process that could benefit everyone and create questions that prompted a great deal of discussion. The development of this study was under the second wave of COVID-19 within the province of Nova Scotia, spring of 2021. This presented challenges to developing meaningful discussions, questions, and giving proper thanks in a virtual setting, precisely, Zoom. Unfortunately, due to seasonal issues with the late spring and early summer leading up and into field season, and scheduling difficulties, interviews were either done through written responses to questions, or one on one interviews were conducted. Interviewees were Mi'kmaq community members and water protectors.

The participation was essential for the study to properly learn about the culture and community. Traditional knowledge and the communities' experiences will impact the literature review, showing how various aspects of justice such as gender, culture, and race are significantly and negatively affected by injustice, and more specifically, the impact of the BHA on the community of Pictou Landing First Nations. The Mi'kmaq community's oral history will also reflect the actions and struggles in dealing with the mill and the government. Lastly, the interviews provide powerful context for the evaluation of the When addressing the development of the STJ policy evaluation mechanism, the interviews will also helped inform the policy criteria shown below.

As a non-Indigenous researcher, I have taken steps to learn how past researchers have abused, mislead, and stole from Indigenous communities. This study has taken great lengths to ensure safety, privacy, and the attribution of knowledge. By working with the Confederacy of Mainland Mi'kmaq there was cooperation in understanding better ways to communicate, the ethical processes needed, and how to best give thanks. The wording of the questions was also important. We wanted to make sure that the words used would not cause further harm, especially as some of the discussion could be traumatising. For this reason, we also provided contact information to an Indigenous counsellor and support worker with the Confederacy of Mainland Mi'kmaq who specialised in working with trauma. There was also a desire to focus on future use of the land and hopeful positive impacts. The knowledge these communities have is all their own and has been passed down for centuries. The Mi'kmaq, like all Indigenous communities, have fought incredibly hard against colonization to preserve and uplift their culture. Any instances

discussing water protection, traditional practices, and Netukulimk, unless otherwise stated, are from the interviews and responses from the Mi'kmaq water protectors I have had the pleasure to speak with.

Development of the Sustainable Transitional Justice Policy Evaluation Mechanism

The five points of justice are present in all three discussed justice movements found within the literature review: the environmental justice movement; the energy justice movement; and the climate justice movement. The main elements of for the STJ policy evaluation mechanism as based on the literature review are environmental racism and reconciliation, impacts on gender, socioeconomic stability and poverty, health and wellness, and environmental sustainability. These topics seem broad; but to further analyse and discuss these issues this section will develop specific criteria for each topic and discuss how they are applied. These criteria can shift depending on the context, time, policy, community, government, and the individuals involved. The goal is to look at the challenges the policy faces and see how well it addresses them under the STJ policy evaluation mechanism. Each section will have its specific criteria; the goal is not to have a checklist but have a series of questions that promote awareness, critical thinking and discuss the possible effects of the policy. Only through this discussion and critical evaluation can true success be measured, accounting for the social and political context and the systemic issues that exist which, are potentially worsened through enacting the policy. When conducting the evaluation and addressing the question posed, it is crucial to always keep in mind the following, and speak to these sub-questions through each question in the entire STJ policy evaluation mechanism:

Who does it impact you, your friends and family, the community, or a neighbouring community?

Will it impact future generations of any of the people listed above?

How does it affect these groups? Is it positive or negative?

Do you want this to continue or end?

What do you hope for in the future?

Race and Reconciliation

The knowledge collected on environmental racism and reconciliation is expansive. There have been models such as the next generation environmental assessment that draw on justice and environmental racism and reconciliation. This assessment model is discussed prominently by Gibson, Doelle, and Sinclair (2016); one of the main points of this paper is the discussions and engagement with Indigenous governments and communities. That discussion is crucial in many policies but especially on the environment or natural resources as it can directly impacts the traditional lands and cultural practices of Indigenous peoples.

A successful policy will not promote environmental racism. It will not impede the traditional practices of Indigenous groups, nor jeopardise their financial security. A policy that supports reconciliation or attempts to repair the past damage of environmental racism acknowledges that past harm has occurred. The policy will repair such damage, either through compensation, support systems or in many instances of environmental racism, ensuring the protection and repair of the damaged environment. The policy in this context would then ensure that land is not taken from Indigenous nations without informed consent. The policy would also address the fact that current pollution severely impacts marginalised groups such as Black, Indigenous People of Colour (BIPOC) communities, as these communities are more likely to become ill at disproportionate rates compared to other populations as a result exposure.

If a policy fails to meet the required outcomes, the policy will be considered a failure. At times there can be a combination of successes and failures in the policy, noting that these are not definitive mechanisms and can take time to achieve the promised result. Furthermore, in cases that deal with Indigenous communities, they have a special relationship with the Crown and the existing federal and provincial governments. Therefore, they are within their right able to determine what was adequate compensation and reconciliation. Policy evaluators should always consult and refer to these communities to determine if the policy meets the criteria or if there are missing elements in the initial evaluation. It is ultimately the affected community's evaluation of the policy that will determine if it succeeded or fails the STJ policy evaluation mechanism..

These criteria can apply to various industries in the environmental and natural resources sectors, areas that are incredibly pertinent within the realm of environmental justice. They can be further applied to other industries, as many manufacturing industries are high carbon or have

otherwise significant environmental and health impacts. The criteria are preliminary, and more measures could be added, but because this study is developing and there are time and length constraints, a more in-depth analysis is still required to develop a fully realised STJ policy evaluation mechanism. The entire series of questions are below in Table 1.

Table 1: Assessment based on Environmental Racism and Reconciliation- Does the policy

Increase harm on the environment of racialized and Indigenous communities? If so, consider the following

Increase Financial Burdens of Communities?
Impede traditional practise of Indigenous communities?
Recognise that harm has occurred due to past or current practice?
Attempt to compensate financially for past harm?
Set up support institutions to help with past and occurring harm?
Consult with Indigenous groups and received consent for development?
End the practice that has been harming the groups?
End the environmental damage that caused the instances of harm?
Protect the environment to prevent future harm?
Discuss with the harmed groups the best course of action to amend harm?
Listen to claims of harmed groups to assess what the damages in fact were?

These questions address disparities, highlighting how communities of colour can be affected disproportionately and discuss potential generational effects and how environmental injustice impacts culture. By addressing generational and cultural impacts there can be a focus on traditional practices such as hunting and fishing. There can be a discussion of how environmental injustice and pollution can inhibit plant growth related to traditional medicine, food, or art. Though this study will focus specifically on Mi'kmaq cultural practices, there can be discussion and application for cultural traditions of other BIPOC communities or even account for multiple cultures within one analysis or evaluation.

There is also overlap between health, race, and gender; this overlap can be apparent in the evaluation. The discussions of cultural practices associated with race in this context also connect to gender. Similarly, health impacts can affect communities of colour and women more than other groups due to the nature of exposure. The overlap does not lessen its impact on these communities and can at times intensify it. As a result, some sections will discuss the same issues in the analysis of the BHA.

Gender and the Environment

In the case of the BHA, gender closely relates to race, and the cultural and spiritual practices of the Mi'kmaq community. There are still significant issues on how environmental and policy decision making impacts gender. This section will critically examine the cultural side found within the case study the BHA, the mill, Pictou Landing First Nation, and the broader issues found globally between gender and policymaking surrounding environmental injustice. The construction and continuous production of effluent from the mill into Boat Harbour (A'se'k) caused the water in the harbour to become incredibly toxic, killing the surrounding habitats and wildlife in the area. The pollution affected traditional fishing practices but also impacted the spiritual and often gendered practice of water protection.

Water protection is the act of giving thanks to the creator and honoring life. It is a critical leadership position within Mi'kmaq cultural and spiritual practice. Being a water protector is not something that is taught, but found within those who have the ability to give life, to give birth. Water protectors understand that we develop in water, our bodies are water, and we need water to survive. As mentioned prior, water connects to life and is a gendered practice commonly associated with women, or members of the LGTBQ+, community, and Two-Spirit individuals. When policy and industry fail to account for spiritual practices such as water protection, there will be further degradation of traditional lands and waters with spiritual significance, putting additional pressure and grief towards those who practise water protection. In addition, industry and development can lead to other issues; when men are in decision-making roles, women and the LGTBQ2S+ community have increased risk and exposure without gaining benefits (WEA and NYSHN, 2016; Rahder, 2009).

The benefits of industry and development often come in the sale of property and the offer of jobs, but the gendered male dominant nature of industry positions, like working in a pulp mill, mean that the money and jobs traditionally go to men with little benefits and increased risks being allotted to women (Rahder, 2009). The placement of work camps in industrial production areas can increase sexual assault and perpetuate the cycle of Missing and Murdered Indigenous Women and Girls (MMIWG) (WEA and NYSHN, 2016). Women's Earth Alliance (WEA) and Native Youth Sexual Health Network (NYSHN) (2016) discuss how the presence of man camps for the development of a pipelines, or other extractive actions has increased sexual violence against women and contribute to MMIWG.

The home level is also most likely to see and experience significant effects and impacts of pollution. In traditional roles, women and children are in the household more, while men are often at work. Women and children experienced more negative impacts than some of their male counterparts, such as miscarriages, congenital disabilities, in Love Canal in Niagara and lead poisoning in Flint (Mah, 2012; Pulido, 2016). The Love Canal and Flint were both cases where women's voices were disregarded; however, the racial lines intensify this issue in the case of Flint (Mah, 2012; Pulido, 2016). Women and the LGBTQ2S+ individuals, especially in BIPOC communities, are key actors in social and environmental justice movements (Pulido, 2016). Through communication, campaigning, protests, letter writing, and citizen science, they attempt to show the harm industry has committed against their communities and seek government action to stop the harmful practices (Ottinger, 2017). Governance and positions of power are often removed from the community, and affluent white males will take on leadership roles, even when there is no connection or personal investment for the community they are governing, was the case of Flint and Kettleman City show (Cole and Foster, 2001).

These men in power will often dismiss or ignore these communities as hysterical, liars, selfish, and misinformed. Again, this is a form of dismissal, microaggressions, and aggressive sexism against a marginalised community. These forms of microaggressions are extremely prevalent, when women, LGTBQ2S+ peoples, BIPOC communities, or a combination thereof are speaking to those in power. They are considered more aggressive and irrational, amplifying racism on top of sexism, perpetuating injustice, negative health impacts, and environmental degradation (Ottinger, 2017). These issues show why gender is a crucial level of analysis in discussing an STJ policy evaluation mechanism. The whole series of questions can be seen below in Table 2.

Table 2: Assessment Based on Gender and the Environment

Have gendered benefits or eliminate gender discrimination?
Allow existing pollution that affects specific sex or gender?
Make an effort to include Women and 2SLGBTQ+ community members in the decision-making process?
Bring man-camps into the area?
Address environmental and gendered based violence on women and the 2SLGBTQ+ community?
Impact gendered cultural practices?

These questions cover the impacts on health and security and overall agency in the face of gender disparity and environmental injustice. This study does not specifically include the experience of 2SLGBTQ+ peoples; due to a lack of data on how environmental injustice has affected the community, there will be a focus on feminine presenting or female-identifying individuals. This does not mean that there are not current environmental impacts and injustices affecting the community. Man camps, for example, can easily endanger 2SLGBTQ+ communities, either for fear of being openly non-conforming to traditional gender roles or being objectified, sexualised, typically seen in conventional studies of women. In addition, it is unclear how chemical-based health impacts affect hormones, reproduction systems outside of cisgender people. This is an area of study that should be analysed more. One means of including the 2SLGBTQ+ community would be through interviews, as it would allow for a first-person account of how environmental injustice has affected them. For this study, unfortunately no 2SLGBTQ+ people were available to be interviewed.

Socioeconomics and Security

MacArthur, Hoicka, Castleden, Das, and Lieu (2020) discussed the Green New Deal (GND) attempt to address employment and viable economic growth through the simultaneous promotion of environmentalism and the promotion of renewable energy. This section is based on the rhetoric found in the GND as it focuses not only on societal injustice and economic prosperity but also on how to mitigate unemployment and prevent further financial stress on marginalised populations. Though it cannot avoid unemployment altogether, a secondary, more important goal will be supporting those who have lost their jobs in either financial support or retraining in skills that can apply in a decarbonising workforce. It should be noted that this means meaningful retraining in similar skills such as greener manufacturing or more sustainable mining or mining of different resources that are needed for green development. Though this is but one solution it is far from perfect as there are ethical and environmental issues surrounding the mining of rare earth minerals used for green energy. This is a complex issue that would need further evaluation outside of this study. Though retraining outside the sector is also doable, it may be more difficult, especially for those who have worked in specialised labour for an extended amount of time.

Hayden and Wilson (2018) have looked at various levels of socioeconomic wealth in policy evaluation, discusses the wellbeing model as an evaluation tool for prosperity. This is very pertinent in the development of an STJ policy evaluation mechanism as it goes past GDP to evaluate happiness and success of communities (2018). This allows for broader factors to be considered. Financial security is still crucial, so there needs to be an evaluation of economic effects outside GDP, while understanding how economics impact communities. The use of a well-being model in tandem with an analysis of GDP could be useful for complex evaluation and assessment. The goal would be to address how to mitigate the harms associated with poverty but also look at what can be implemented to increase quality of life overall. This is in part what the economic section of the STJ policy evaluation would seek to address. There is currently a focus on employment within this specific evaluation and policy case, however there can be broader criteria in further studies such as impacts of gentrification, the development of park space, or energy poverty.

These criteria can apply to various industries within the environmental and natural resources sector; these areas are incredibly pertinent within the realm of environmental justice. But the STJ evaluation mechanism can be further applied to other industries as well. The criteria are preliminary, and more criteria could be added, but because this study is developing and there are time and length constraints, a more in-depth analysis is still required to develop a fully realised STJ Policy evaluation mechanism. The complete series of questions regarding socioeconomics, economic disparity and wellbeing can be seen below in Table 3.

Table 3: Assessment Based on Socioeconomics and Security

Give economic incentives to lower business fuel emissions?
Provide training in green industry trades and professions?
Give wage support to workers that have lost their jobs due to a green transition?
Contribute to unemployment?
Give economic incentives to retrofit or use green energy in the industry?
Support unions in obtaining safer environmental working standards.
Close industry?
Increase industry environmental standards?
Incentivise companies with tools such as a carbon tax or cap and trade?

The goal is to cover workers in socioeconomic analysis and address community welfare, local establishments, and the economics of the home and living. Some policies such as the BHA will involve the closure of a significant employer. Other issues may include green washing and

the effect it has on communities and trust (Dahl, 2010). There are many ways outside of GDP to address financial concerns. This section of the STJ policy evaluation mechanism will seek to ensure broader discussions about wellbeing, even in the debate on economics.

There should also be questions about whether new jobs will be offered on the positive side of the spectrum or if new job training programs will be introduced. Training programs can generate benefits for a green transition and are needed to reduce rates of high unemployment, because of closing high emitting industries. As mentioned earlier, these industry jobs are often gendered and typically go to men. Women and the 2SLGBTQ+ are often without the employment benefits that come with a new industry encroaching in their community and environment (OECD, 2021). This can quickly become an extended issue in the retraining and alternative job opportunities being offered in a transition away from the high carbon industry.

Impacts on Health

The effects of environmental degradation on health can be seen as a symptom of other issues like environmental racism, sexism, or poverty. Communities that experience poverty, especially BIPOC communities, are more likely to experience negative health impacts due to the proximity of toxic waste and industry (Waldron, 2018; Cole and Foster, 2001). The exposure and effects of toxic waste can also be gendered; breast cancer, miscarriages, still births, and other pregnancy complications are widespread health issues due to high and prolonged exposure. By having health impacts as a separate category there can be a substantial in-depth analysis of health issues within marginalised and how it interplays or worsens depending on intersectionality. The separation of health into a separate category will also allow for a more extensive discussion of gender, economic, and race-specific issues outside of health within those different sections. It is not to say that there will not be overlap but breaking up these categories will allow for a greater in-depth discussion.

This section of analysis was heavily impacted by the work of Waldron (2018), Mah (2012), and Nixon (2011). This section of the STJ policy evaluation will keep in mind the immediate impacts and the slow violence of waste exposure on communities. Slow violence is the result of the long-lasting impacts of environmental degradation, even after the source is long gone (Nixon, 2011). There will be a look at not only physical health but mental health, due to increased loss, environmental isolation impacting depression, and the inability to connect

culturally. The power of grief can also lead to issues around mental health and physical health and should be of equal importance. As mental health is less visible than physical illness and often stigmatised, it may be hard to evaluate. This does not mean that these issues are not present and should not be included in the evaluation.

Slow violence can be seen in the case of the Love Canal highlighting severe and prolonged adverse health impacts and mixed government response. Issues of environmental-based health impacts include Flint’s lead poised water supply. Another such case is found in the Town of Shelburne, Nova Scotia as the black community experiences increased cancer rates than the white community within the same town, because of the black community’s proximity to a toxic waste dump that was put in their community (Waldron, 2018; Page and Daneil, 2019). There will be critical considerations in the SJT evaluation mechanism based on how governments react to these types of crises and how they treated the communities. Specifically in the assessment of the BHA, there are severe health issues, so there will be a closer look at how the government handles them. The mill is an example of slow violence that is affecting many in Pictou Landing First Nations today.

The entire series of questions are below in Table 4. These questions will focus on the government's response to environmental impacts causing illness. There will be a look at how hazardous waste disposal is mitigated in the area, who is the most exposed, how ‘new’ discoveries of exposure are handled and, if government resources in the area meaningfully contributing to eliminating such chemicals. This to consider are if compensation being provided, are people forced out of their homes or put into financial security issues due to exposure to chemicals and health threats, and how access to health services has been administered and if communities can use these resources.

Table 4: Assessment Based on Health and the Environment

Address or stop the cause of adverse health impacts?
Provide financial compensation for adverse health impacts?
Ensure quality of medical care to compensate for the pollution?
Hold the pollution emitters legally responsible for medical bills?
Recognise the biased nature of the negative health impacts?
Ensure access to medical services to compensate for the pollution?
Provide access to health information that is accessible for the impacted community?

Environmental Sustainability

Environmentalism and sustainability are evaluation tools crucial in a STJ policy evaluation mechanism as a goal is to combat and address the adverse effects of climate change. These effects will worsen if climate change continues at the current rate of fossil fuel production. Traditional aspects of environmental sustainability are on lowering to eliminating fossil fuel emissions, protecting at-risk species, maintaining the integrity of surrounding ecosystems: land, air and, water. Ensuring the natural land of animals not at risk is also protected not to hinder the natural and complex ecosystems. More complex definitions of sustainability can be found in the work of Gibson (2006) in the discussion of sustainability assessment, and in the of Gibson, Doelle, and Sinclair (2016) in next generation environmental assessment. In the sustainability assessment there is a greater focus on how long a policy can be sustained, alongside it's benefits to the community and environment (Gibson, 2006). The next generation environmental assessment goes even further and does include distributional justice, and socio-cultural implications of how policy effects communities (Gibson, Doelle, and Sinclair, 2016).

There have been many different methods to evaluate the policy on the standards of environmental performance. One standard method is a cost-benefit analysis in which the existing environment is considered as an economic benefit. Boxall, Adamowicz, Olar, West, and Cantin (2012) discusses this theory in detail using the case study of the St. Lawrence estuary. These evaluations quantify the impacts of keeping nature, but also monetises it (2012). There are valuable elements; it may not always be appropriate to try and monetarily quantify the environment or the benefits of a clean river. This method could also be used to justify the need for current practices be industries that benefit from existing emissions production and standards. This practice would not want to be encouraged in a climate justice framework to undermine the need for decarbonisation. The main policy framework used in the discussion of an STJ policy evaluation mechanism will be the system found in the work of Gibson (2006) and Gibson, Doelle, and Sinclair (2016). Gibson (2006) notes an essential set of biophysical and socioeconomic standards; the goal is to mitigate pollution and promote sustainability within the policy. .

The environmental sustainability section will focus on threats to the natural environment such as species at risk, but also consider how environmental degradation impacts community and culture. An STJ policy evaluation mechanism aims to be applicable and replicable for other policies and by other academics, policymakers, and interest groups, or communities in evaluating policy. These criteria may expand or change on a case-by-case basis, but there are still standards and ideals that need to be maintained in an STJ policy evaluation mechanism.

Table 5: Assessment Based on Environmental Sustainability

Implement practices that will decrease environmental standards?
Increase standards for environmental accountability?
Increase the protection of at-risk and endangered species?
Limit fossil fuel production of high emitters or either private or public
Allow for high public engagement in expressing environmental concern?
Decrease the list of toxic chemicals?
Force industry to mitigate potential pollution/ clean up polluted areas they were responsible for?
Increase protected areas?
Improve or repair the existing ecosystem?
Set higher standards for water quality

There also needs to be a better assessment of the concept of restoring areas that were damaged. One interviewee noted that in traditional or settler policy assessments, there is an underlying assumption that the environment can be damaged if it is replaced or made better later. This assumption is not only a form of future discounting, but actively ignores the community struggles of the present. Though this level of questioning maybe difficult to assess; it is a crucial part of the discussion; especially in areas such as logging and mining. These often involve increased deforestation and the creation of tailings ponds. The issues of future discounting is also essential in the evaluation of the BHA as it attempts to address the cleanup of an ecosystem destroyed through pollution, and how these actions can impact the next seven generations as well as the current one.

Overall Evaluation

This section addresses both the context and specific goals of the policy and a summary of how the policy fared in the overall assessment. This sections as a result considers not only the questions in Table 6 and the other five tables as well. The comparative and contextual nature of this section in the STJ policy evaluation mechanism can allow for practical understanding and application that best

accounts for an accurate assessment of the policy and how it can improve, or if it is considered successful.

Not every section will have the same weight depending on what effects are happening. For example, economic issues may be far easier to address than health issues, but the failure to address these health issues may be a far greater problem than failing to meet the financial needs. These dynamics can also apply to solutions affecting one group over another in the evaluation. It indicates why context, thought, and discussion-based evaluations are more effective than a checklist.

Table 6: Assessment Based on Overall Evaluation and Context

What was the main goal of the policy being evaluated?
Was there overlap in the evaluation?
Did sections of the policy come into conflict based on actions?
Was there an attempt to minimise or address the conflict?
Were affected groups consulted during the evaluation?
Was there public opposition or support
Is the policy currently in effect, previously in effect, or will it be in effect?
Are there any concerns that were pertinent to the policy but were not addressed in the evaluation?

Table 6 ensures that context is appropriately evaluated along with the social and ethical issues around justice. Some categories can sometimes come into conflict depending on how the policy was developed or why it was developed. Conflicting categories are not always present in evaluation, but the presence of this issue does it mean the success of one section leads to immediate failure in another or worsen the total evaluation. Countermeasures taken by the government in policy development can be essential, as will applicability. Not every suggestion in the policy evaluation will apply to every case. By going forward with these questions in the analysis, there will be a clear indication of how the BHA fares in an STJ policy evaluation.

Literature Review

To develop a policy evaluation system based in sustainable transitional justice there needs to be a clear definition of what sustainability and justice are within the context of this study. Clear definitions will help to develop an in-depth understanding of the evaluation going forward but also start a dialog as to why sustainability and justice need to be incorporated into policy

evaluation. There will then be a brief discussion and evaluation of different existing forms of policy evaluations and why they are insufficient. These discussions will be followed by a comprehensive analysis of the justice literature as it is connected to environmental justice, energy justice, and climate justice. There will also be traditional knowledge and cultural information gained through interviews with members of the Mi'kmaq community leaders and protectors.

Communication and guidance from community members, protectors, and elders that reside in impacted areas are crucial for accurate policy assessment. It is also beneficial for developing a practical and replicable evaluation tool. There will be a discussion of the importance of nature, personhood, being, and ritual in the environment and how it effects our understanding of justice itself and the criteria for the STJ policy evaluation mechanism overall. The goal for the STJ policy evaluation mechanism is to be used by anyone and it is understood that not every community has the capacity to incorporate Indigenous knowledge, but it will be heavily discussed in this paper. Netukulimk is crucial and a way of being, that is an important spiritual and cultural practice in Mi'kmaq communities. These will be a focal point in understanding policy evaluation, as the interviews are what helped to create a discussion-based model for the STJ policy evaluation mechanism criteria.

Defining Sustainability and Justice: Why the need to be Present in Policy

This section seeks to define both sustainability and justice. It is crucial in the development of the STJ policy evaluation mechanism as it is the foundation of the study. There also needs to be a discussion of what sustainability and justice mean when looking at periods of change and transition. A green transition is one example that will be focused on, but it can also mean change from one policy to another or clean up and mitigation of an impacted area. Once these terms are defined a proper analysis can be conducted.

Sustainability

There can be a variety of interpretation as to what sustainability means. In the practical analysis sustainability can be defined as something that can last for a long time without being wasteful or unrealistic. Environmental sustainability is the act of preservation of the

environment, including maintaining eco-systems, the preservation of at risk or endangered species, and establishing that anthropogenic actions can be used long term without disrupting environments systems (Maniates, 2001). Common measures that are considered sustainable are common waste management practices such as ‘reduce, reuse, recycle, and repair,’ composting, and bike riding, these are individualistic and small-scale forms of sustainability (Maniates, 2001). New dialogue goes past traditional understandings of sustainability into one of equity and community impact, providing a much deeper definition and understanding of the concept.

Sustainability on a larger scale, connects not only to the environment but also to people. Gibson, address several key points of universal understanding as to what sustainability is, one point is very integral to development of the STJ policy evaluation mechanism, what it aims to achieve: “Sustainability is not about balancing, which presumes a focus on compromises and trade-offs. Instead, the aim is multiple reinforcing gains. Trade-offs are acceptable only as a last resort when all the other options have been found to be worse” (2006). This is the ideal and many consider it difficult to achieve, this does not mean that it is impossible, nor the inclusion of some compromise equates to a failure of the policy.

Sustainability addresses how a policy can last long term, not only in implementation, but also in effect. Gibson notes that a policy that is sustainable connects the process to the means and ends of a policy (2006). A sustainable policy should support or improve the communities it effects, not only the physical environment, but also the social and cultural, and mental environments. Sustainability in the case of policy also needs to recognize current systems that are not sustainable and combat them. For this reason, sustainability includes uplifting traditionally marginalized communities.

Sustainability as discussed by Martinez-Alier (2009) is the solution in achieving social-welfare and the empowerment of marginalized peoples, acting as a method to address the social metabolism of consumption and growth. The social metabolism fits into the larger concepts of ecological economy, where both environmentalism and the growth of it is seen as viable (Victor 2012; Martinez-Alier, 2009). More importantly sustainability and sustainable policy, without the incorporation of justice is not truly sustainable.

It should also be addressed that though there is a focus on policy in this discussion of transitional justice and sustainability these definitions can also be applied to other areas. Community programs, industry, and development can all include these practices, and as a result can take advantage of the STJ policy evaluation mechanism. Community groups, municipalities, and non-for-profit organisations can also use the STJ policy evaluation mechanism. This could allow for maximum impact and outreach, while, keeping the power in the hands of those interacting in the community, maintaining a bottom up or grassroots approach.

Justice

The understanding of justice is to look at existing systems of power and break down the barriers that have been created to benefit the few and suppress the many (Cole and Foster, 2001,). To seek justice is to understand that current systems of power have been designed to benefit very few, seeking justice also means altering that power structure for one that is more equitable, removing the barriers that existed to create disparity in the first place. This a definition of substantive justice, and what will be used most in the development of an STJ policy evaluation mechanism. Though procedural justice as seen in law is also important, and at times also found within cases of environmental injustice it will not be the primary focus for this study. Capitalism, colonialism, and patriarchy are existing structures of power that uplift very few and oppress the many (Sze, 2020). Few fit into all of these categories as a power holder and as a result face forms of hardship and discrimination on a systemic level (Sze, 2020). To understand justice is to take back power from those oppressive systems and reclaiming for the many (Robinson, 2019). Impoverished communities are taken advantage of in immense ways, not only ensuring they are stuck within systems of displacement and poverty, but they are limited in protecting their communities from environmental harm.

The harm and limitations become even more complex when adding factors of gender and race. When citizen science is discredited specific remarks against women will specifically be directed towards their gender and inability to be calm (Ottinger, 2017). They would be considered hysterical mothers or women. Men in these situations are also discredited but it is not based on their gender (Ottinger, 2017). The issue with race is equally complex, there may be intense pushback from the government when communities try to protest for a better environment, but BIPOC communities will be met with more violence, and their expressed concerns will be considered threatening or dramatic in tone (Cole and Foster, 2001; Mah, 2020). When exposed to environmental issues everyone in the community could be impacted, but the issues around long-

term exposure and access to medical care are also impacted, by income, race, and gender before the environmental issue was even present. The intersectionality in environmental effects and access to justice explains why Cole and Foster (2001) look specifically at environmental justice in connection to race; but their definition still fits for the understanding of justice in general. Justice for Cole and Foster (2001) include giving communities of colour the space to take the lead and speak, to organize and to be in positions of power of their own design. All impacted marginalised communities in justice need to take back power and have increased decision making. The important thing to remember in this structure is that even in those power systems intersectional and harm may still be present if it is not addressed.

As Waldron (2018) points out, dumps and waste management facilities around Nova Scotia are often found in BIPOC communities, in fact it was 46.2% of all waste facility locations were in BIPOC communities and the presence of these waste facilities accompanied worsening health in the respective communities (Waldron, 2018). This high rate shows how governing systems can intentionally harm communities. For many communities experiencing poverty, it may be harder for these communities to participate in comparison to the affluent counter parts, and as a result there are less resources to push back against harmful or unwanted developments, or even leave the harmful communities or sites and race again complicates and often worsens the effects (Gibbs, 1983; Cole and Foster, 2001; Waldron, 2018).

Justice can also be connected human rights and ones need to seek and obtain them (Robinson, 2019). Security of person, food, and shelter are the most basic of said rights, but they can be expanded to include a healthy environment, education, stability, and the ability to practice one's religion, culture, or sexuality without fear of discrimination or abuse (Robinson, 2019). Justice through the understanding of human rights is to demand agency of one's personhood, or the agency of the community (Robinson, 2019). This will be key in looking at justice through the different lenses and movements such as environmental justice, energy justice, and climate justice.

Addressing Sustainable Justice

The definitions of sustainability are the foundation of understanding sustainable justice but also form the pathways to a sustainable transitional justice. One example of a where sustainable transitional justice can be found is in the concepts of a Green New Deal (GND) (Ford

2019). The GND was initially developed within the United States by Congressional delegates Alexandria Ocasio-Cortez and Ed Markey (2019). The GND has since spread as an international ideal. The main tenets of a GND are green economic growth, the promotion of green and low carbon employment, investment in welfare for all, and a technological revolution (2019). When thinking of the main points of the GND in the Canadian context, there have been several critiques of the Canadian policy of being insufficient to meet Paris targets to prevent a 1.5 °C increase of global temperature. There are also critiques as to whether the Canadian environmental policies effectively address sustainable justice. (Environmental Defense 2018; United Nations 2019).

Many of the adverse effects of climate change negatively impact marginalized populations, such as people of lower socioeconomic status, people of colour, migrants, and refugees, (Teelucksingh et al. 2016). Many policy makers in government and politics do not reflect these marginalized groups (2016). If the people who are facing these adverse effects are not at the discussion table or are not being thought of, these adverse effects may occur and hinder true sustainability. Teelucksingh et al. uses the example of how a carbon tax in Toronto would effect these social groups in comparison to those who are more privileged or affluent (2016). In contrast, Baranzini et al. (2017) are in favor of the carbon tax as an effective policy base line, though they do state that more than just a carbon tax needs to be in place to fully address the effects of climate change and the subsequent increases in global temperatures. This indicates that there are two forms of discussions occurring: one from an equity standpoint; and the other from an economic effectiveness standpoint. Though these two lines of thought are separate, with cooperation in policy making they could be applied simultaneously, creating a better carbon tax, that could strongly target companies and generate more overall revenues instead of over-impacting people with lower socio-economic backgrounds (Baranzini et al. 2017; Minhaj, Venkataramanujam & Preuss 2019; Teelucksingh et al. 2016). These dialogues are part of why the STJ policy evaluation mechanism seeks to address both social and economic concerns.

Challenging Models of Policy evaluation: Gaps in Assessment

This subsection will address key differences in current evaluations, some indicate why there needs to be larger comprehension in evaluation mechanisms, and some are tools in further developing the STJ policy evaluation mechanism.

Cost-benefit Analysis and Eco-system Services

Cost-benefit analysis is the evaluation of policy through a financial assessment of positive and negative impacts, both long and short term. This is a practical form of policy evaluation as monetary evaluation is easily quantifiable and can also easily show success or failures within a policy (Adamowicz and Olewiler, 2016). Eco-system services seek to adapt cost-benefit analysis and find a way to monetarily assess nature. Again, eco-system services can be a very practical and efficient method of policy evaluation and even policy development. What is the overall eco-system service cost in developing a tailings pond for a mine in a nearby lake? There is the assessment of the economic benefit of the mine in the extraction of resources, employment, but then there are also the impacts of losing an eco-system, losing the pre-existing uses for the lake such as leisure or fishing, and the potential risk of the tailings pond leaking and creating further environmental degradation in the area (Adamowicz and Olewiler, 2016). While also addressing how clean up and mitigation will be done once the mine is out of commission.

One issue with both cost-benefit analysis and eco-system services is that it is harder to quantify aspects of nature in a social perspective (Adamowicz and Olewiler, 2016). One can measure how much a tree produces oxygen (O_2) and consumes carbon dioxide (CO_2) and the overall cost or negative impact of cutting down each tree, you can also measure how much O_2 can be produced by planting new trees. This then would be designated a price, to quantify and evaluate the policy. This measurement does not go far enough, how is one able to measure the impact of living close to nature, or the quality of life from being close to a nature park. These are positive impacts that cannot be easily quantified if at all. The same can be said for negatives, how damaging is it for a community to lose access to nature, what are the impacts of not being able to see the stars due to light pollution caused by developmental projects? These are incredibly difficult to measure.

Again, eco-system services can be a very practical and efficient method of policy evaluation and even policy development. What is the overall eco-system service cost in developing a tailings pond for a mine in a nearby lake? There is the assessment of the economic benefit of the mine in the extraction of resources, employment, but then there are also the impacts of losing an eco-system, losing the pre-existing uses for the lake such as leisure or

fishing, and the potential risk of the tailings pond leaking and creating further environmental degradation in the area (Adamowicz and Olewiler, 2016). While also addressing how clean up and mitigation will be done once the mine is out of commission.

The social and cultural aspects of nature bring about important ethical concerns when using cost-benefit analysis and eco-system services. In terms of ethics should the environment be measured in this way, should there be a financial number to the existence of nature? In the context of an unequal system of life and society, where the benefits are often given to those with power and a voice, such as the rich, monetarization may not be comprehensive enough, especially for reflecting the need of the impacted community. Access to nature can have not only positive health impacts, but also have environmental benefits that can help to mitigate climate change. Lastly, nature can have a strong spiritual and sacred component where the existence of eco-systems and access to nature are crucial for traditional, spiritual, and cultural practices. It would be unethical to quantify with cost the ability to practice one's culture and spiritual practices. To incorporate this in a system that is already unequal will lead to further environmental degradation in the name of capitalism and government.

Another flaw in cost-benefit and eco-system services analysis are how these actions and how the policy itself impacts future generations. Environmental degradation for the sake of development often has long-lasting damage and associated risks, that at times do not have solutions. As the future has a great deal of unknowns these risks are often undervalued with the assumption that the future will have already provided a solution to the existing problem. This has yet to be the case in many instances as we have yet to solve climate change and are still experiencing long lasting negative effects of past acts of environmental degradation (Nixon, 2011; Robinson, 2019). This is all to suggest that there needs to be better forms of evaluation when climate change, a climate crisis, and injustice are in present.

Sustainability Analysis and Next Generation Environmental Assessment

The sustainability Assessment of policy evaluation and analysis is primarily discussed by Gibson (2006) but also in the discussion of next generation environmental assessment by Gibson, Doelle, and Sinclair (2016). Both works discuss the importance of not looking at acceptable trade-offs but serving the community in finding the best option for the community (Gibson, 2006; Gibson, Doelle, and Sinclair, 2016). Sustainability in this context looks at the non-

environmental definition of the word as well as the traditional environmental standing of understanding. As a result, the policy is assessed not only on how practical it is through time and how likely it is able to withstand, but also on how to achieve the best possible option the community at hand, along-side with ensuring future generations are not appropriately discounted (Gibson, Doelle, and Sinclair, 2016). Aspects of sustainability assessment analysis will be incorporated into the STJ system, there will be more needed to better understand how policies can affect communities in a wide range of issues.

Cumulative Effects Analysis

Cumulative effects analysis is very comprehensive, the idea being to address all potential outcomes and issues that may arise in policy implementation. Bocking (2017) discusses the use of accumulative effects analysis as the accumulation of data in the area to address what the potential negative impacts are and how to best account for them or avoid them. Cumulative effects analysis is often connected to environmental impact assessment (EIA) policies however they are quite different. One positive of EIAs is the inclusion of community input, where people could write impact statements in review of the project (Bocking, 2017). Community input can often include the social concerns overlooked in traditional assessment. By considering all the potential impacts, issues and benefits, accumulative effects analysis can easily incorporate justice into the evaluation. Therefore, an STJ policy evaluation mechanism will be modelled in a similar way to a cumulative impact assessment.

An STJ policy evaluation mechanism seeks to account for the biases found in traditional policy evaluation, that fail to address issues of equity and focus on financial gain. An STJ policy evaluation mechanism needs to incorporate community interaction and consultation to properly address and recognize potential concerns and existing effects. Cumulative effects analysis, sustainability analysis, and next generation environmental assessment will be drawn from in the development of the STJ policy evaluation mechanism, but what differs is that it not only accounts for communities, but it also centers the evaluation on meeting community needs and supporting impacted communities.

Justice Movements and Addressing Points of Injustice

This section seeks to identify large points of injustice found within justice discourse and movements. These movements though different have overlap in what communities are fighting toward. Often these systems of injustice that are being protested are founded in colonialism, white supremacy, patriarchy, and capitalism. This section will be looking into four main movements, the environmental justice movement, the energy justice movement, the climate justice movement, and the environmentalism movement. More justice movements have impacted these movements and could impact the STJ policy evaluation mechanism, however due to scope the study will focus on these four. To further develop the research outside of the constraints of this study, deeper analysis on other justice movements domestic and international could allow for a greater discussion of other justice and what an STJ policy evaluation mechanism could look like.

Environmental Justice

Environmental justice is the encompassing of

“...the political economy of environmental decision making.... [requiring] democratic decision making, community empowerment, and the incorporation of social structure — for example, existing community health problems, cumulative impacts of preexisting environmental hazards, the effect of segregative housing patterns — in environmental decision making processes.” (Cole and Foster, 2001).

With this definition environmental justice is highly connected to self-determination of a community to give further agency in the environmental decision-making process, it was once removed from. (Cole and Foster, 2001). The environmental justice movement has its roots in both anti-colonialism and the civil rights movement. Environmental justice as a movement is one that is often put forward by communities that are BIPOC (Cole and Foster, 2001). The connections between environmental justice, civil rights, Indigenous sovereignty, and anti-colonialism connect to the displacement and forced removal of peoples from their land too areas that are less desirable, in order to provide a comfortable environment for colonisers (Cole and Foster, 2001; Nixon, 2011). In that same vein of understanding, less desirable projects such as dumps, and chemical plants were primarily placed in BIPOC communities because affluent colonizers did not want them in their neighborhoods.

BIPOC communities often have less mobilization power, information, and access to oppose such developments (Cole and Foster, 2001). Often these cases relate to hazardous materials, exposure, pollution, and adverse health effects that severely impact communities. Often these health impacts present over time and are unseen in statistics on deaths related to toxic exposure. Nixon (2011) discusses slow violence as well as the displacement of space. He notes how on an international scale often rich nations will send their waste and garbage overseas to lower-income countries of colour (2011). Nixon notes many countries in the continent of Africa have been a target of the cases, this long continued practice shows that there is an assumption from the rich nations that the lives there are worth less than the lives in rich nations (2011). Many times, these waste developments can be supported as a source of economic growth for communities that are impoverished, using that as reasoning of accepting the risk of severe and long-lasting health impacts. This can easily transfer to the domestic scale, were the poorer communities, the communities of colour are taken advantage of and somehow the lives are discounted when addressing concerns of waste for richer communities. This is a large case of environmental racism that perpetuates slow violence against BIPOC bodies, environments, and communities.

In the case of the Love Canal, it was one of the first cases dealing with long lasting, environmental toxicity (Mah, 2012). The area in Niagara Falls, New York called the Love Canal used for hazardous waste that was covered over and developed upon (Mah, 2012). Soon people especially mothers began noticing impacts on health such as learning issues in their children, birth defects, miscarriages, and increases of cancer (Mah, 2020). This is considered one of the first instances of environmental injustice, primarily because these issues were ignored for a period and the community members were criticized as being paranoid, money grabbing, especially the women who spearheaded protests (Mah, 2020; Ottinger, 2017; Gibbs, 1983). This was a community that experienced a great deal of poverty, and many were unable to move away from the hazardous effects, showing again how economic standing impacts the ‘acceptability’ of living in a hazardous environment.

Similarly in the case of Flint, Michigan, community members started noticing health effects, around the same time that the water was severely discoloured. The discolouration was a result of switching Flint to its own water system instead of Detroit’s system, which was what

they were previously on. (Pulido, 2016). Flint's water system has a high lead content which was not properly processed, leading to health impacts due to lead poisoning (Pulido, 2016). Again, the community of Flint is severely impoverished, and this impacts the community's ability to politically mobilize, especially as Flint's municipal system has no power; due to its level of poverty it was taken over by the Emergency Fiscal Manager (EFM) (Pulido, 2016). Even though the EFM refused for the community of Flint to switchback to Detroit's water supply, GM was granted this approval, as the water from Flint was hurting their manufacturing process (Pulido, 2016). To this day regardless of protesting, meetings, and even municipal votes to switch back the water, Flint still has undrinkable and untreated water. The case in favouring the company over the community again shows how wealth plays into the right to access healthy environments, within the current systems of power and authority.

Another case discussed by Cole and Foster (2001) is one of Kettleman City, where a pre-existing toxic waste dump was attempting to install waste incinerator. In this case the governing body was white while the effected community was of 95% Latinx (2001). Language was a large barrier with the majority of communities only able to speak Spanish; documents, discussions, and press releases were conducted in English with the refusal to communicate in Spanish (Cole and Foster, 2001). This language barrier impacted the community's ability to participate in discussions and advocate. Similarly, the disparity in race and impacts effected the governing body's decisions. There was no investment in safety as it did not affect them or their immediate community. The facility was considered an economic benefit, which was prioritized as revenue would go to the governing body and then be distributed to communities (Cole and Foster, 2001). This financial distribution was still inequitable, so the most effected community was still not getting most of the potential benefits (Cole and Foster, 2001). This case displays how, race and economics contribute to environmental injustice. The governing systems are primarily rich, white, and male, limiting their ability to understand how their policies have with effected communities which are marginalized

These cases highlight how poverty negatively impacts environmental safety, and how in many cases women and children, and BIPOC communities can have higher exposure to negative health impacts and are often forced to endure these impacts for longer periods of time. When comparing the Love Canal, Flint, and Kettleman, there is something that stands out; primarily

what communities were compensated, and which ones were not. Though all three communities are considered impoverished, but the only community of in Niagara, New York the site of the Love Canal was compensated, and it is the only white community between the three cases.(Cole and Foster, 2001, Mah, 2012). This community suffered a great deal, because of these issues, regulations had been developed, the communities did receive some compensation, and the media coverage was far greater. But even with compensation it took a very long time for change to occur.

It can be argued that this compensation was still incredibly inadequate, but it is a stark contrast to the communities of Flint and Kettleman that did not receive any compensation or solution. This further shows how race impacts responses to environmental injustice, the community in Niagara is white, in contrast to Flint and Kettleman which, are Black and Hispanic communities. Though these problems were similar, it shows that race still impacts solutions and results when combating injustice. Therefore, along with poverty; race also plays a key factor in environmental injustice that impacts health and wellbeing. This is in part of on the reasons why environmental racism and socio-economic disparity will be key sections within a STJ policy evaluation mechanism.

Cases of environmental injustice as well as environmental justice literature also showcase how gender is impacted from environmental degradation and hazardous waste exposure. As stated in the cases of the Love Canal gender based environmental harms were evident. As community members discovered health effects such as birth defects, miscarriages, and learning development issues. The activism in both the cases of the Love Canal and Flint had a strong woman component where those who were at home traditionally moms were discovering the health issues talking with the community and attempting to expose what was going on (Ottinger, 2017). These were also women that where then not taken seriously, and not considered experts, or had any idea what was going on (Ottinger, 2017). This narrative in part attempts to silence women and in the same line discredits them. It shows how gender is impacted not only in health but also as a form of authority in cases of environmental justice.

The WEA and NYSHN (2016) in literature, art, healing activities, and remedies talk about the colonization of land and bodies of Indigenous women. The feminization of the land with the use of “mother nature” effects of violence on nature extend towards the concept of

violence against women (2016). Movements in Indigenous communities are often led by women and members of the LGBTQ2S community. There are also gendered based cultural impacts in Indigenous communities and cultures will be discussed later in this section, on how environmental injustice, pollution and climate change severely impact cultural practice as well as health. This again highlights why gender, and the environment is a key section in an STJ policy evaluation mechanism. However, when discussing STJ as a movement it goes beyond just the effects of pollution and environmental hazardous exposure in the way that environmental justice focuses on, which, is why there will also be a discussion of other factors such as energy justice climate justice and Indigenous knowledge and concepts of reconciliation.

Energy Justice

Energy justice looks specifically at how marginalised populations are affected by current energy standards and energy development (Gochfeld & Burger, 2011). There can be a large gender analysis component in energy justice, especially in dialogues surrounding ownership of renewable energy. Outside of understanding how ownership effects communities, energy justice also discusses how electric grids are managed, accessed, placed, and developed can impact those who are experiencing poverty, racial discrimination, and gender inequity. In many cases energy utilities encompass a larger percentage of net income based on how much someone earns; the less you earn the more you spend on energy. Furthermore, retrofitting for energy efficiency can cause green gentrification of once low-income spaces, as efficiency increases the property and rental value itself (Haffner, 2015). As climate change creates unforeseen and dangerous issues there needs to be a critical discussion of how to address energy issues such as energy poverty; and how it disproportionately impacts BIPOC communities and communities that experience poverty.

Some solutions for energy justice can be found in the work of Rezaei and Dowlatabadi (2016); where they look at the case of remote Indigenous communities in British Columbia, noting that a great deal of them are energy poor but desire to use renewable energy to mitigate these energy and economic issues. This ownership can be a form of self-empowerment within colonial systems. Similarly offering communities' tools to obtain this technology and ownership can strive towards improving a settler- Indigenous relationships.

These issues also coincide with Sandlos and Keeling's discussion of slow violence and the long-lasting impacts resource-based projects have on Indigenous communities (2016). Slow violence is often unseen for many years and is often caused by natural resource extraction pollution (Sandlos & Keeling, 2016; Nixon, 2011). Sandlos and Keeling (2016) specifically use the case study the Giant Mine in the Northwest Territories and its slow violence effects on the Yellowknives Dene First Nation. Extraction of resources and the subsequent pollution within this region caused long lasting health issues and toxified the surrounding soils, which made it incredibly difficult to cultivate gardens and plants needed for traditional medicines (2016). The energy issues discussed prior can have a similar experience of slow violence. This violence may not impact health in the same way, energy poverty can cause severe issues including continuing the cycle of poverty and seasonal health issues such as frostbite, hypothermia, and heat stroke. Slow violence is pertinent in better understanding the complex environmental issues presented today as we strive towards an environmental transition.

Stefanelli et al. (2019) cites the language and ideas of both the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC). These documents challenge the traditional practice of discrimination and exploitation, both striving to protect Indigenous peoples, traditional lands, culture, and security of person (2019). All of these can come into threat based on certain practices such as resource extraction or pollution for the sake of energy production. Even as Canada shifted away from energy production such as coal the harmful effects were still present the mining itself stopped. As energy industries seek to expand, developing pipelines, building nuclear reactors, or even developing a wind farm, land preservation, and the promotion of Free Prior and Informed Consent (FPIC) needs to be top priority to prevent instances of slow violence and colonial violence. These can be immensely helpful guidance tools, but community involvement is preferable in developing solutions and healing mechanisms.

Outside of slow violence and looking into current energy efficiency programming there are also injustices present. This is crucial to discuss as there needs to be strong criticism on environmental and sustainability-based legislation going forward as we combat climate change and continue to live in a state of climate emergency. Tardy and Lee (2019) note that often there is a price gap in sustainable or energy efficient products that even when the difference is

marginal it still prevents those with low income from purchasing these products. The extrapolation of this issue can spread into two concerns one being a large technological gap between income groups and the other being green gentrification of urban property and communities.

The green gentrification of urban areas is directly connected to the technological gaps. As homes renovate, retrofit, and are built with modern technology with sustainable features the value of the home increases and subsequently for some properties so will rent, and community values as well. By increases the value and price, it changes who can purchase or rent these spaces. Meaning that those with little financial assets are less likely to have such amenities, now unable to experience or interact with the new technology surrounding efficiency. This can in many ways impact quality of life, and the environment they live in.

Property in low-income areas are cheaper and are often purchased by those who wish to renovate the space (Haffner, 2015). This renovation is a form of gentrification; gentrification is the process of a low-income and BIPOC areas become more expensive and pushing out the traditional residents, replacing them with typically wealthier people (Haffner, 2015). The pushes those who experience poverty further out of the downtown core and often displaces communities as a result. The process is cyclical and would encroach onto the new location again displacing the residences and pushing them out further from the original community and the urban core. Therefore, critically thinking about how policies of extraction and policies of GHG prevention need to be looked at critically through a lens of sustainability and justice. The development of policies needs to take poverty and low-income households into account and ensure these communities are equally supported if not more supported than the “typical” middle-to-upper class communities. Looking at literature in energy justice, there is again a key stress on how race and socioeconomics become determining factors changes one's access, to energy, security, health, and a clean environment. Therefore, when developing a STJ evaluation mechanism there needs to be a serious focus on these issues.

Climate Justice

With the 2020 Election of President Joe Biden, he committed the United States to GHG emissions reductions, and a green transition, potentially adopting a version of the GND. With

Canada and the United States now following a similar environmental policy pathway it is crucial to look at concerns as well as rhetoric that created oppositions to these policies and support that promoted them. It is climate justice that address the concerns and promotes the benefits of a green transition and is very much connected to the GND.

The GND was developed primarily by Alexandria Occasio Cortez and Ed Markey to support these workers and improve the economy (Ford, 2019). The plan looks at how to support those working in the fossil fuel sector while reducing emissions and decarbonizing. As a result, climate justice looks at those who will be impacted by job security issues and attempts to form policy development around these present concerns, including frameworks to ensure that workers are equipped, compensated, or retrained to easily find work. Canada is very much at risk of having an unemployment issues with the green transition, more than other countries due to our economic structure and resource-based economy. The importance of introducing climate justice into the analysis and using it in developing a STJ policy evaluation mechanism, is that it does not only seek to address the negative impacts of non-environmental policies, and consumptive practices, but it also attempts to address the potential negative impacts of environmental and green policies. The GND looks at this in a form of environmental modernism, combining environmentalism, with economic growth, but also providing vast support for those who would suffer from declining fossil fuel industries.

Canada specifically is considered to have a traditional resource-based economy where oil and gas are dominant, as discussed by Haley (2011). Haley (2011) applies the staples theory proposed by Innis to the context of decarbonization. The need to sell oil abroad to countries such as the United States pushes increased extraction of finite resources and promotes further dependency on said resource (2011). The dependency is described as carbon lock-in; it is economic in nature and is makes it harder to decarbonize as a result. The issues persists even when the United Sates becomes less reliant on Canadian oil due to domestic fracking (2011). The region-specific nature of oil as a resource in Canada also means an over reliant employment pool and economy, as more people are employed the more the resource is entrenched in the economy and effects surrounding industries as well (2011). When attempting to decarbonize this is the main source of opposition, as often immediate short-term risks such as unemployment and financial security are emphasized in the mind of the public in comparison to a longer-term risk

such as climate change or a naturally waning industry. This aspect of climate justice is crucial when looking at policy development, there needs to be options in place to support unemployment and address the fear of short-term risk, so we can address larger threats such as climate change.

One option is the economic concept of guaranteed annual basic income (GABI), the model is government supported wages for those who are unemployed and for those who regardless of unemployment live under the poverty line (Forget, 2011; Alcott, 2013). It is promoted to not only support those who are low income but also potentially reduce poverty. The GABI model can also benefit discrepancies in traditionally gendered and unpaid labour within the household such as child care and cleaning. When applied to the example of a green transition and job loss, GABI can ensure a degree of financial stability for those looking for new work.

It is also important to note that it is far from a theoretical idea, it has a similar but longer-term system to Employment Insurance, or a Retirement Pension. With the rise of *nouvelle coronavirus* (COVID-19 or COVID) pandemic in 2020, the shutdown of non-essential services and jobs also brought about increased unemployment (Government of Nova Scotia, 2021). To combat this crisis during the pandemic the Canadian government developed the Canadian Emergency Response Benefit (CERB), which operated as a GABI and specifically targeted unemployment due to COVID-19, though there are some movements to make this a more permanent source of income the CERB is only temporary (Government of Canada, 2020).

Other forms of socio-economic empowerment as a model for climate justice can be seen in the form of investment strategies that are designed to support those with little financial assets. Lowitzsch (2019) specifically discuss the role of the Consumer Stock Ownership Plan (CSOP) in financing. This could be used in the development of renewable energy, to uplift small communities and so that they can have a stake in the development of green industry (2019). This is a similar form of supporting communities and potentially workers that are not typical investors. There is also a means of measuring community and regional success through well-being, something which was tested in Maryland and Nova Scotia (Barrington-Leigh and Escande, 2018; Hayden and Wilson, 2018). This is a way to look past a purely green growth green economy model, but also include the benefits of nature, health, and happiness into climate justice.

A large point of climate justice also expresses how current systems of production, extraction, governance, and mitigation are considered “business as usual” (Malm, 2016). This “business as usual” practice is identified as unsustainable and entrenches white supremacy, capitalism, and the patriarchy in places of power and perpetuate and create injustice. Malm (2016) discusses this further in the discussion of globalization, and the further abuse of corporations of poorer countries of colour. This case continues to show how unsustainable the current system is and how entrenched these systems of injustice are. It also shows why there needs to be a change. The SJT policy evaluation mechanism will seek to incorporate the socio-economic security concerns found within climate justice and the GND, it ensures that no one is left behind or forgotten. This is also highly pertinent in the discussion of the BHA as it addresses unemployment due to improving environmental standards, and environmental injustice.

Environmental Sustainability

The “classic” image of environmentalism is often a white one, in fact many mainstream or common knowledge aspects of environmentalism can be seen as a weaker understanding of environmental justice. This image is so deeply perpetuated that in one interview, a water protector specifically said they are not activists, they believed activists to be white hippies with flowers in their hair, and activism in their mind was also a choice in caring about something as opposed to being born to care. These perceptions came to the forefront but developed alongside one actions were led by the 2SLGBTQ+ and BIPOC communities before being adopted by a white community (Waldron, 2018). The adoption of environmental issues or the takeover of environmental issues can be defined as a ‘thin’ definition of environmentalism or sustainability. Thin environmentalism is not inherently bad, but it fails to recognise intersectionality, and it fails to recognise how closely environmentalism and environmental justice are to the civil rights movement, and that it was founded from anti-colonials, Indigenous rights, alongside the civil rights movement (Cole and Foster, 2001). The means thin environmentalism erases the diversity of these movements, and as a result can perpetuate harm towards communities. By failing to recognise the movements roots and taking away BIPOC voices in the movement it means that those advocating are less likely to represent and advocate for them. There is also often a bigger stress on ecology, over culture, or adverse experiences in thin environmentalism.

Thin environmentalism can also be seen as an individualistic understanding of environmentalism, with a focus on recycling, shopping “green,” buying local (Maniates, 2001). A current campaign such as the anti-plastic straw campaigns, is individualistic but it also fails to reluctance to address the ableism in the movements messaging. It shows the importance of inclusion in movements, if those effected are not included, their issues and concerns will not be addressed. This study looks at the larger societal impacts alongside the ecological impacts. The STJ policy evaluation mechanism will address the larger connection between eco-systems and communities, developments can impact people and wildlife, and the loss of wildlife, and a healthy environment ultimately damages people again.

The environmental sustainability section of the STJ analysis will include aspects of Gibson’s sustainability evaluation as well as section on wildlife and habitat preservation seen in the work of organizations such as the David Suzuki Foundation (DSF), Greenpeace, and the World Wildlife Fund (WWF). With this understanding of environmentalism and environmental sustainability the STJ policy evaluation mechanism can provide deeper understanding of how communities at risk are further impacted by the degradation of the nature around them. It will show that environmental degradation is not sustainable for community welfare or sound policy making.

Indigenous Knowledge and Connections to the Environment

As a non-Indigenous person and researcher, I do not have an ingrained understanding of Mi’kmaq practices and culture. Cognizant of this and how past research has stolen knowledge or harmed the community, the goal of this research is not to re-traumatize the Mi’kmaq community, but to share and incorporate their voices into an evaluation system they could use. Frankly, many marginalized communities Indigenous or not are fully aware of the harmful effects they have suffered, and already know change is necessary, and have taken action to promote such change. In interviews participants mentioned how it felt as if the policy and bureaucratic processes intentionally made communication between Indigenous people and the government difficult. By interviewing Mi’kmaq communities members it reflects a integral part of the STJ policy evaluation mechanism. It not only opens up a discourse to address issues, but also allows for community needs and culture to take precedence.

The STJ policy evaluation mechanism allows community concerns to be expressed and uplifted rather than ignored. The STJ policy evaluation seeks to be one tool to promote justice and support communities.

The study needed to not only incorporate literature but also listen to those who actively are water protectors. This section of research on Indigenous culture comes from the wisdom and opinions of Mi'kmaq community members who were interviewed for this study. Though some knowledge will be attributed to Indigenous scholars' literature outside of the interviewing process, the information within this section is centuries old and not something easily learned or adopted by outsiders. Having the opportunity to speak with this community was an immense privilege, especially being able to learn from them and hear their stories.

Water protection as stated by all the interviewees is sacred, inherent in their understanding of life. To protect water is to give thanks to the Creator for giving them life and the world before them, as water is within all life. With expansion of settler developments, and the alteration of the land, racism, colonialism, and pollution, water protection was changed over time. The council of Grandmothers used to select the Chief. This chief would keep the position until their passing or if they failed to serve the community. The community itself were the true leaders as the Chief served them, the Grandmothers helped to recognize and manage this expression of governance. Colonialism removed this practice, removed the matriarchal power systems, and subsequently weakened Two Spirit individuals and women who had leadership positions, and especially those who protected the water. Colonialism created a loss of not only a culturally important leadership role, but also lowered the status and agency women had, causing the entire community to suffer. Losing such great leaders, culture, and the ability to lead, causes spiritual and emotional harm that has lasting impacts today.

With colonialism, came capitalism, and the alteration and degradation of the environment. There was a forced separation of Indigenous people from their traditional land. By being removed from their land and forced into a small location, the ability to practice their culture was limited, such as the ability to perform the spiritual practices associated with water protection, or hunt and fish properly and in their traditional routes. The culture was also greatly impacted by the horrific actions of the government in fighting with Indigenous communities, and the installment of residential schools, being a genocide committed against the people and their culture, there was a loss of the practice that took years to maintain and revitalise (Page and

Daniel, 2019). Though culture and practice of water protection has been protected by Indigenous peoples through the atrocities they faced, when the environment is damaged, when the water is polluted, it makes it difficult to practice. The life the Creator gave them has been damaged, and this ingrained and inherent understanding to protect the water has been obstructed. If water is within all life, and water is in fact life, to destroy water is to destroy the essence of life. This practice, which is extremely important, but also heavily impacted by environmental degradation, is not the only aspect of their culture which has been adversely affected. This ultimately affects mental wellbeing of water protectors and other Mi'kmaq community members.

Traditional hunting and fishing were limited by the forced removal from their land and the destruction of their land, and the over hunting of key animals. Currently, areas with sweet grass are also increasingly rare, as are white ash trees, cod has yet to recover from overfishing. The scarcity of traditional plants and animals again prevents the cultural and spiritual practices. To remove one's culture it to hurt their mental well-being. The sacred practice of Netukulimk, is yet another practice that is intricately connected to the environment.

Netukulimk is “the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community. Netukulimk is achieving adequate standards of community nutrition and economic well-being without jeopardising the integrity, diversity, or productivity of our environment” (Unama'ki Institute of Natural Resources, 2021). This is again in the core of their soul and practices. As a non-indigenous person, the closest thing to Netukulimk was sustainability, but in interviews it was conveyed that it was so much more, again going beyond choice of interest as seen in activism, but found naturally within them as like knowing how to breathe. To be removed from what is naturally given by the Creator, whether it be through seasonal traditional hunting routes, the natural growths of plants and forests, or the sea and tides themselves, limits the ability to live Netukulimk, it prevents self-sufficiency for the community and one's self.

An STJ policy evaluation mechanism seeks to uplift these practices, but as it is not directly coming from the community, language of Netukulimk will not be found in the criteria. If Mi'kmaq communities were to use a mechanism like this it could be easily incorporated as a whole criteria section. These ways of knowing and being need to be uplifted in policy

development not impeded or destroyed. Currently, policy that constantly impacts the lives of Indigenous communities often do not recognise these practices, and it shows, in damage to their surroundings, to their communities, and to their health. This damage and decision making is often beyond their control, or they are punished for trying to take back agency and control, fighting for their rights and culture. Change is required in policy making and evaluation, which is again why sustainable transitional justice is important as it seeks to look beyond traditional evaluation and support communities first and foremost.

History and Context: Understanding the Boat Harbour Act

To further understand the main arguments and discussions around justice and sustainability concerning our case study, there will be a brief history of the mill in Boat Harbour (A'se'k). In this section, the development, employment, and corporate changeovers will be discussed. Similarly, there will be a discussion of how the effluent effected the land and Pictou Landing First Nations community. There will also then be a discussion of Pictou Landing First Nation specifically in connection to how they were treated during the proposals and then the development of the mill. There will be a discussion of the actions taken to address the mill, and the effects of the effluent on Boat Harbour (A'se'k) and the community, from a health standpoint and a social and cultural one; leading to a larger discussion of the BHA.

The overview will provide greater context when assessing the act's success under the STJ policy evaluation mechanism. Only looking at the BHA's development ignores decades of policy failure to address a serious health issue in the Pictou Landing First Nations community. It is, as Premier Stephen McNeil said, an act of environmental racism. With the definitions and basis of the policy criteria set and the context provided for the case study. A deeper discussion of the methodology and the development of the evaluation mechanism will occur to then be applied to the case study.

History of the Northern Pulp Mill

The Northern Pulp Mill has changed several hands over the years since its construction. In 1964, Northern Pulp Mill was being established by Scott Paper Company, and it is noted that the mill would produce 25 million gallons of effluent daily with pulp production; the mill was estimated to cost 50 million (CBC News, 2020). In the canvassing for a waste treatment area, the

provincial water authorities of Nova Scotia and New Brunswick site Boat Harbour (A'se'k) as an ideal place as a treatment facility, saving Pictou County from increased pollution (Trombetta and Moritiwon, 2020). The impact was presented to Pictou Landing First Nations as minimal, and the community was pressured to accept financial compensation of \$60 000 to give up the rights to Boat Harbour (Page and Daniel, 2019). In 1967 the mill started production, and no less than one year later, complaints were brought against the company for severe pollution issues (Trombetta and Moritiwon, 2020). Recommendations were made in 1970 to address some of the pollution issues. The pumping of effluent persisted, and so did the harmful effects of pollution on the community (Trombetta and Moritiwon, 2020).

Though the mill faced lawsuits, to be discussed later, in both 1986 and 2010. A settlement from the government in 1993 of \$35 million, with funding expected to go towards cleaning up Boat Harbour (A'se'k) with a treatment facility of 85 million (Trombetta and Moritiwon, 2020). The mill continues to produce effluent, and the pollution continues, further endangering the Pictou Landing First Nation community as pollution continues so do the negative health impacts. In 1995 Northern Pulp Mill changed hands from Scott Paper to the Kimberly-Clark Corporation. The province claims the mill will be shut down in 2005 and fuller funding to clean up the surrounding area and provide money for ecological restoration (Trombetta and Moritiwon, 2020). The mill was not to close but change hands again in 2004 from Kimberly-Clark Corporation to Neenah Paper. Several extensions were made for the cleanup of the mill, meaning the process was not to commence until 2008 (Trombetta and Moritiwon, 2020). That same year the mill changed hands again, the time to Northern Pulp, the company where the mill gets in a name for this study. The government would support this mill, continuously allowing extensions, and soon the mill will be supported even more through finances.

In 2010, the Nova Scotia Government Loaned Northern Pulp 75 million and purchases 475 000 acres of land (Trombetta and Moritiwon, 2020). The government stated that this was done to protect the jobs in Pictou County. It is also clear that the inaction by the government and the failure to clean up Boat Harbour (A'se'k) and address the health and safety concerns of the Mi'kmaq people of Pictou Landing First Nations, was far less of a concern than the mill's ongoing production. In 2011 the Northern Pulp Mill, continuing to struggle financially and still

producing effluent, was purchased for the last time. Northern Pulp was taken over by its parent company Paper Excellence that same year.

As the financial struggles continue, the government provided another loan of \$14.7 million towards maintaining the mill (Trombetta and Moritiwon, 2020). Nevertheless, in 2015, Premier Stephen McNeil would then develop the Boat Harbour Act (BHA) which, states that the mill would have to change its practices or be shut down. From 1964-2011, \$212.7 million was spent by the Nova Scotian government through both funded settlements and loans. In 2015 it was unclear if the mill would shut down due to a failure to clean up Boat Harbour as several proposed closures were made by past governments only to be ignored and have the government double down in support for the mill's existence.

In 2020 the mill was called to be closed in January with remediation funding set at \$100 million and a transition fund for workers at \$50 million (Quon, 2020). Though there was a clear indication that efforts were made, it is still less funding than the government spent protecting the mill since its opening. The mill again asked for an extension of the closure of the mill, however it was not given (Page and Daniel, 2019). As remediation will take time and is actively ongoing, only time will tell if the government stays true to its promise of a complete remediation of Boat Harbour (A'se'k). With the pandemic rising in 2020 and an election in the late summer of 2021 approaching, the project's future remains uncertain, as does the justice the Pictou Landing First Nations community deserves.

Pictou Landing First Nation

A'se'k (Boat Harbour) is a home of the Pictou Landing First Nations since its creation. Roughly translated, the term A'se'k means the other room (Page and Daniel, 2019). As Michelle Francis Denny a community member of Pictou Landing First Nations stated in her interview on *There's Something in the Water* this was a place where children ran to hide from those who wished to take them to residential schools (Page and Daniel, 2019). Given the name Boat Harbour (A'se'k) by settlers, pre-pulp mill, the harbour is an environmental estuary that once held a variety of wildlife the Pictou Landing First Nations Mi'kmaq community relied on (Page and Daniel, 2019). Colonization, brutal violence by colonial settlers, and the Peace and Friendship Treaty of 1752 limited their access to their traditional land, and broken treaties limited their agency in the area.

In 1963, Members of Scot paper approached Chief Lewis J. Francis about establishing the mill. From the documentary *There is Something in the Water* (Page and Daniel, 2019), it is noted that when Chief Francis and the Pictou Landing First Nation Community had concerns about the environmental impact of the mill and asked to see the type of site that was being built; they were only shown a community water treatment facility in New Brunswick that did not include a waste dumping practices (Page and Daniel, 2019). When presented with financial compensation and the assurance that the mill would not harm Pictou Landing First Nations, the decision to accept was not a hard one. These officials lied to the community. The mill pumping millions of gallons of effluent into Boat Harbour (A'se'k) destroyed the eco-systems the community relied on, and years later, more severe health impacts would become apparent. Michelle Francis Denny again noted in the documentary, that since the opening of the mill many community members died noticeably young, because of negative health impacts such as cancer (Page and Daniel, 2019).

With the pollution impacts apparent, there was a call from Pictou Landing First Nations to end the mill's production and fix the pollution issues. Cries were ignored, prompting legal action, resulting in financial compensation and a promise to have better treatment practices to lower the risk of the effluent. As time progressed, the community noticed high cancer and cancer-related mortality rates in the community. Breast cancer specifically affected many women. Though there was a lack of "proof" to determine that cause was the mill, many studies since then have noted the dangers of communities residing near waste management facilities and have waste leakage in the community.

The community has campaigned for decades, arguing the installation of the mill was not only an act of environmental racism but also a failure to consult and a form of deception in the discussion process. Their advocacy and campaigning were ignored, and the mill was continued to be supported by the government. Another lawsuit in 2011 was prompted due to the increased presence of pollution and health concerns (Trombetta and Moritiwon, 2020). This again was met with promises to close, some financial remediation, and a promise to clean up the mill. Again, these were not met, and the pollution continued.

In 2015 The Premier Stephen McNeil announced the Boat Harbour Act calling for this mill's closure, which was a sign of great promise. Similarly, while campaigning for the remediation of Boat Harbour (A'se'k) and the mill closure, Pictou Landing First Nations worked with Dr. Ingrid Waldron, who developed the literary publication *There's Something in the Water* (2018). That then inspired the documentary of the same name by Eliot Page and Ian Daniel (2019). Pictou Landing First Nations, by sharing their story both in an academic and filmed and personal way allows for increased media coverage of the mill's damage to the community. The goal was to seek healing with the remediation, and their hopes found within the documentary were seen to come to fruition in 2020 when McNeil announced the mill would close. Though the mill was slow to close fully, the remediation process was soon to occur. .

Pictou Landing First Nations has been working with the provincial government on a remediation project. The process of cleanup has been taking place from 2020-2021 and is still ongoing. In May 2021, a press release by Paper Excellence the parent company of Northern Pulp and new owner of the mill noted that the Minister of the Environment and Climate Change has allowed the mill's effluent treatment plant to withdraw from the environmental assessment process. This statement shocked many and produced various concerns about pollution, health, and safety. Only time will tell if the mill will indeed close and if there will be an end to the pollution in the Pictou area and Pictou Landing First Nations Community.

Understanding the *Boat Harbour Act* of 2015, Bill 89

The BHA was created to mitigate the closure of a long-standing pulp mill on the northeast coast of NS. The mill has been a fixture in Pictou County since 1967, is now owned by Paper Excellence (Paper Excellence Group, 2019). The Northern Pulp was seen as a sizeable economic point for the small community. There was a long history of the mill pumping effluent into Boat Harbour (A'se'k) (Tutton, 2019c). This effluent is a series of hazardous chemicals leaked out in the water treatment system; effluent severely pollutes the water affecting the land, flora and fauna around the area and causes illness (Government of Canada, 2014). For many the decision on whether to close or not to close the mill created a tense situation where the assumption was there could be no solution that supported everyone. Either the town of Pictou would be hit with a severe economic loss and many would be without employment, and without

stable income, or years of environmental racism, environmental degradation, and worsening health of the Pictou Landing First Nations Community would continue. Neither option was favourable, but the long lasting health impacts and environmental racism was severe, it needed to be stopped

The BHA specifically states that “On and after the earlier of January 31, 2020, and the date on which the Northern Pulp Nova Scotia Corporation ceases to use the Facility, the use of the Facility for the reception and treatment of effluent from the Mill must cease.” (Boat Harbour Act, s3, 2015). The main statement of the act highlights a similar promise made in past contracts and court settlements. This shows how the act was paramount in determining the fate of the pulp mill and that the main reasoning for the bill was to eliminate the production and pumping of effluent into the Boat Harbour (A’s’e’k). In 2015, opinions on the bill were mixed with hope for follow-through but pessimism due to past failures. The goal was not to specifically close the mill, but to find a better solution where the mill could continue, and the pollution would end. However, from a policy standpoint, and a corporate standpoint on the part of Paper Excellence this did not happen.

The release of effluent into Boat Harbour (A’s’e’k) hurt the traditional lands and practices of the Mi’kmaq community, Pictou Landing First Nations, contributing to illnesses amongst community members (Pictou Landing First Nations, 2018). Years of complaints from Pictou Landing First Nations culminated until 2015 when Stephen McNeil, the Liberal Premier of NS, said the mill had to cease producing effluent into Boat Harbour (A’s’e’k) (Moore, 2019). The Mill made no plans to stop the effluent and as a result, the McNeil government stated that mill would be shut down as of January 31st of 2020, fulfilling the BHA, warning if the mill failed to comply by fixing the issues of pulp pollution and effluent production (Quon, 2020).

There was a mix of public opinion as news of the closure became public knowledge. The mill was seen as an industrial and economic benefit in the region; there was an uproar by both mill workers and the forestry union, Unifor (Gardner Pinfold Consultants Inc. 2019; Grant 2019). These groups stated that the closure would result in a substantial economic loss of the province and would result in a significant blow to the forestry industry and the surrounding business that relied on the mill (Thomas, 2020; Smith & Swan, 2019). The side supporting the closure heavily cited the historical case of Environmental racism that occurred against the Pictou Landing First

Nations and how the overall damage to the harbour negatively hindered the environment and existing eco-system (Bousquet, Henderson, & Baxter, 2019). It was intriguing that there was little to no blame placed on the company's failure to come up with a solution in five years, especially in news coverage that was analysed for this study. The options that were considered were weak as it involved changing locations as opposed to stopping effluent production.

One alternative route for the effluent to flow through to keep the mill open; one such option was the Northumberland Strait (Harris, 2018). As a result, the estimated amount of effluent pumped into the Northumberland Strait would reach over 85 million litres (Tutton, 2019b). The proposed plan showed how divisive the mill was for the settler community of Pictou as well as Pictou Landing First Nations. A large section of the Pictou Community joined to fight the decision to implement the Northumberland Strait plan. Alongside Pictou Landing First Nations there was a public outcry from the fishers, the primary concern being the effluent would continue to harm the aquatic life of the harbour, hindering the economic security for Pictou Landing First Nations fishers and settler fishers in the town of Pictou (Tutton, 2019b). Fishing is yet another large economic draw for the community, so the mill's alternative plans would have negative impacts for everyone in the Pictou area if the industry were to suffer.

The pumping of effluent into the Northumberland Strait would cause subsequent pollution of these waterways and hinder the lobster population and thereby risk the economic and job security of the fishers (Tutton, 2019b). A mill north of Boat Harbour (A'se'k) in Port Hawkesbury already had more sustainable practices. It did not pump effluent into the surrounding waterways, suggesting that environmentally viable practices are available for the mill in Pictou to take advantage of (CBC News, 2014). This could be a viable and overall positive solution for the continued presence and operation of the mill, however this was not taken up by Paper Excellence.

With the mill set to close, many were concerned for their employment. McNeil announced a financial assistance plan for the workers providing them 50 million in financial assistance, this can be considered a way to provide the best solution possible as the ability for the mill to exist and not pollute seemed impossible to bring about (Gorman, 2020). It is hard to address how financially impacted the community as a whole was due to COVID and the several months long province wide-shut down of non-essential services, the virus negatively impacted

every community financially, and created mass unemployment, far worse than the closure of a single mill (Government of Nova Scotia, 2021). One argument could be that the mill may have stayed open in Pictou during the provincial shut down, acting as financial security for some as manufacturing jobs were seen as essential, however that remains to be seen, and CERB was given out around the same time as the mill closure regardless, which did not induce the 50 million in financial aid which was provincial as opposed to the federal CERB funds.

Analysis

The analysis is a practical application of the STJ policy evaluation mechanism studying the actions of the BHA of 2015. The situation itself is still ongoing, so some evaluations will be made on projected measures assuming that there will be follow-through on these actions. The analysis is split into five sections, the main categories of the STJ policy evaluation mechanism: environmental racism and reconciliation, gender and the environment, socioeconomics, and security, impacts on health, and environmentalism and sustainability. The responses to the questions keep in mind the questions found in the methods, the literature, and the interviews as they were conducted by myself as the primary researcher and current evaluator of the BHA.

The Boat Harbour Act and Environmental Racism and Reconciliation

The mill through various names, has pumped effluent into the Boat Harbour (A'se'k) which has been an ongoing issue for five decades (Pictou Landing First Nations, 2018). Pictou Landing first nation has been petitioning the government since the pollution began, stating that the actions of the mill and its continued pollution practices have been an act of environmental racism against their community. Bousquet, Henderson, and Baxter (2019) noted that the government of Nova Scotia finally recognised the community claims and agreed with their determination of environmental racism. The quote from Premier McNeil in the article stated:

“Over the last six years I’ve seen institutional racism that we have dealt with, whether it has been for the Home for Colored Children or Boat Harbour. Let’s be frank, in the 60s, it was acceptable to put our dumps next to African Nova Scotia communities. Somehow our ancestors thought that was OK. It’s not today, nor is it OK to allow Boat Harbour to

continue. And I believe it was put there because it was next to an Aboriginal community.ô (Bousquet, Henderson, & Baxter, 2019).

The mill was given five years to change its practice and look for alternatives that can prevent the persistent pollution or be closed (Campbell, 2019). In January of 2020, the McNeil government held firm with its decision and stated that the mill would be shut down without an extension to the act (2019).

Aside from closing the mill, there has been little discussion around other reparations or support mechanisms for the community. Remediation plans are in place and half slowly started progressing in 2020-2021 but there is still room for improvement on the side of the provincial government. There needs be further discussions with the community members on how to best move forward. Simply taking away the cause of the pollution does little to mitigate potential tensions between the settler and Indigenous communities in Pictou, nor does it completely removed the pain that occurred for decades. It also does little to address health issues and access to health services.

There have been community discussions as well, where Indigenous leaders such as Chief Andrea Paul also talked with forestry workers about how the mill's closure would affect them (Beswick, 2019). This was seen as a step towards community healing and moving forward (2019). These actions should be seen as a good sign, but the government should work more with the Pictou Landing First Nations to discuss community healing and reconciliation. The full qualitative results from this section of evaluation can be seen in Table 7.

Table 7: Assessment based on Environmental Racism and Reconciliation -- Does the Policy

Increase harm on the environment of racial and Indigenous communities?
RESPONSE: The BHA was specifically created to end the pollution caused by the mill's harmful practices. The effluent has affected several generations in the Pictou Landing First Nations Community. By removing the effluent and cleaning up the harbour as the BHA intends, generations can benefit from a clean harbour, and it can bring a path to healing and a reconnection to land once lost.
Increase Financial Burdens of Communities?
RESPONSE The community has not had to pay for the remediation personally. Yet, health impacts on Pictou Landing First Nation have contributed to medical bills for community members; legal fees have occurred due to the mill for the past several decades. Though the bill seeks

to end the pollution, there is no discussion of whether Pictou Landing First Nations will receive any more financial compensation after the harbour has been cleaned up.

Impede traditional practice of Indigenous communities?

RESPONSE

The mill's practices impacted the cultural traditions of hunting, fishing, medicine, and water protection. Since the BHA aims to end the harmful practices and the production of effluent, the hope is that not only with the removal of the pollution but also cleaning up the area and revitalising the harbour, the culture can come back.

Recognise that harm has occurred due to past or current practice?

RESPONSE

The BHA seeks to recognise the long-standing case of environmental racism that has occurred due to the mill's development and the deception used to achieve development approval. After all this time of ignoring Indigenous concerns, closing the mill is a step towards healing and sees a better future for the generations to follow.

Attempted to compensate financially for past harm?

RESPONSE

The BHA does not give financial compensation for the damage the mill caused the Pictou Landing First Nations community.

Set up support institutions to help with past and occurring harm?

RESPONSE

The BHA developed a Boat Harbour Remediation team that includes a liaison position from Pictou Landing First Nations, government officials, and scientists to clean the mill. There could be a much larger space for Indigenous leadership, including more officials from the community. Nevertheless, this is again a positive step towards achieving environmental justice in the area.

Consult with Indigenous groups and received consent for development?

RESPONSE

Though in the past, the development of the mill did not go through proper channels, which resulted in severe harm for the community going forward. The BHA intends to work with the community to clean up Pictou Landing First Nation's traditional land of A'se'k (Boat Harbour). The benefits not only the community but also future generations.

End the practice that has been harming the groups?

RESPONSE

The BHA stops the pumping of effluent into the boat harbour. This is one example of eliminating the existing harm the community is experiencing. There was little discussion about the social tensions and racial tensions that may have occurred due to the mill closure—the mandatory quarantine at the start of the 2020 COVID-pandemic.

End the environmental damage that caused the instances of harm?

RESPONSE

The BHA has developed a multi-step plan to clean up Boat Harbour (A'se'k). This process has been ongoing through 2020-2021 but is yet to be finished. Continuing with the project will help towards environmental justice.

Protect the environment to prevent future harm?

RESPONSE

The BHA is a response to what was ongoing harm. Though it remains to be seen if the mill will continue to run elsewhere and how it may impact surrounding communities, the remediation efforts have slowly started to improve the area.

Discuss with the harmed groups the best course of action to amend harm?

RESPONSE

The community had been briefly consulted with; unfortunately, it is unclear how involved they were in the decision-making process. Often policy and plans are made and then told to the community as opposed to genuine co-operation. More consideration of the community should be considered to meet the community's needs and concerns best. Based on interviews much more is needed to improve community consultation. Better relationships need to be forged, one where actual discussion takes place on an equal level. The current system is made up of fake discussions with a pre-determined plan the government made by itself, this is not adequate consultation.

Listen to claims of harmed groups to assess what the damages were?

RESPONSE

The BHA responded to decades of ignoring health and safety concerns, issues about environmental racism, and environmental issues. With that in mind listening now though a great step forward, was still a step that was far too late. The context of the timing, as a result, needs to hold weight in the evaluation.

Table 7 shows mixed but overall positive results. As discussed earlier, there has been an attempt to end the current practices, and the government, even though it took some time, did respond to Pictou Landing First Nations demands for change. There has been little to show further co-operation by the government to work with the Pictou Landing First Nations to create better systems of reparations and healing. The government is not developing a resource project with this BHA and is ending a negative environmental impact, so again it did well in this section. There just needs to be further co-operation and a realisation of secondary harms that have occurred towards the community as noted in the responses to the criteria.

In the development of the mill, cultural practices such as Netukulimk were utterly disregarded. A'se'k, the harbour given to the Mi'kmaq community of Pictou Landing First Nations by the Creator, was deliberately destroyed by those who do not practice this way of being. With the mill's destructive practices, there was no means for the community to practice Netukulimk in the area properly. They could not fish or grow near this area; nor could they preserve the habitats and protect the water. Water is an element that is sacred, to destroy the water and remove their ability to practice this was a form of cultural erasure being conducted by a settler company for decades. This impacted generations of teachings and countless people. Though the BHA seeks to rejuvenate Boat Harbour (A'se'k), and hopefully also rejuvenate the

practice of Netukulimk in harbour the government was complacent in this cultural erasure for just long as the company was, and that is important to consider this when looking towards the future and addressing how environmental racism impacts communities.

Further analysis and discussion on government action can be conducted, especially with the involvement of Pictou Landing First Nations in this evaluation process. This tool can be highly beneficial for any groups that wish to critique policy and incorporate Indigenous voices in developing reconciliation and community-based empowerment methods. Without this dialogue, it will be a less effective evaluation mechanism as therefore is less practical on the ground discussion and evaluation on how to heal as a community, how the government can assist in that healing and how specific histories and knowledge can be repaired and act as tools and ways of knowing for healing.

The Boat Harbour Act and Gender Disparity

The BHA's success in the STJ policy evaluation mechanism regarding gender is mixed successes and failures but overall leans towards success. In the development of the BHA, there was no intention to include gender or look at how gender was impacted by the pollution caused by the mill's effluent production. This is where the main failures are; there could have been more support and intent in the development of the BHA to incorporate a gendered analysis and a discussion on the environment, gender, and justice. Potential there could have been better opportunities for growth and healing and bringing back elements of water protection into the remediation project.

Women and 2SLGBTQ+ people of colour are often at the forefront of justice movements and political action towards equality. Stonewall, #IdleNoMore, the case of the Love Canal, we all spearheaded by strong women and queer individuals. The women of Pictou Landing First Nations are already in leadership positions that allow the policy to succeed more in gender evaluation. Since the first political actions were taken, women have sought to heal the land and their community. Chief Andrea Paul and the Boat Harbour Remediation Liaison Kara Boyles has worked towards incorporating revitalisation and culture. The complete evaluation can be seen below in Table 8.

Table 8: Evaluation of the BHA Based on Gender and the Environment-- Does the Policy...

Have gendered benefits or eliminate gender discrimination
RESPONSE These gendered benefits can be seen from two different lenses. On the side of Pictou Landing First Nations, the closure of the mill improves the ability to practice culture around Boat Harbour. The specific practice of water protection is a typically gendered role, as well as a role that is very spiritual and important in healing. This means that there can be an emphasis on uplifting Mi'kmaq women and 2SLGBTQ+ community members. On the side of the mill workers, industry jobs such as these are often gendered and primarily positions held by men. This means that though the mill closure is negative, the benefits are given by the government, such as the financial assistance will go towards men in the community. This form of aid ignores some of the more significant impacts unemployment can generate, which affect those outside direct employment as well as those who were employed.
Allow existing pollution that has an effect on specific sex or gender?
RESPONSE The mill's effluent generated many adverse health impacts that affected the community at large. Cancer was increasingly more common. Breast cancer, specifically was common and is illness is often gendered, with the majority of those being who have cancer identify as women and have traditionally female sex organs. These illnesses have affected many generations and may still have a continuing presence even after the mill has gone, and the harbour has been restored to health. This should be considered in the evaluation of the BHA as it does seek to end and mitigate the pollution; it does not address the health issues a great deal.
Make an effort to include Women and 2SLGBTQ+ community members in the decision-making process?
RESPONSE There was no definitive decision from the BHA to have a consultation with leaders and activists in the community who were women or identified as 2SLGBTQ+. The current Chief, Chief Andrea Paul, is a woman, and so is the Boat Harbour remediation Liaison Kara Boyles. This means that women in the Pictou Landing First Nations community ensured they were part of the conservation. Without their presence, it is unlikely there would have been intentionally included in conversations.
Bring man-camps into the area?
RESPONSE There are no man camps currently. The BHA does not call for demolition, development, or construction that would require such presence. Again, this has more to do with the existing nature of the project than a conscious effort being made to prevent their presence. This can be considered an unknown in the evaluation as it is a complex analysis to determine intentions when the issue is not present.
Address environmental and gendered based violence on women and the 2SLGBTQ+ community?
RESPONSE Though the BHA recognises the mill as an act of environmental racism, it fails to see how the mill pollution practices impacted the community in a gendered way. It neglects the concept of water protection and the role that women and the 2SLGBTQ+ community have

as leaders, water protectors, and caretakers. When adding illness and caretaking into an already tense situation, there can be larger intergeneration impacts at play that specifically impact gender and gendered roles in the community.

Impact gendered cultural practices?

RESPONSE

The cultural and spiritual practice of water protection is often a practice held by women of members of the 2SLGBTQ+ community—these members of the community act as water protectors. The mill’s pollution of the A’s’e’k Boat Harbour prevented the practice from taken place there, and as a result, impacted a large swath of the community’s cultural and spiritual health. The practice being gendered also means that the disruptions of this practice are not only environmental racism but also environmental-based gendered violence.

An essential section of the evaluation that needs to be discussed is the practice of water protection. As one respondent said, “water is sacred water is life.” Water is such a healing source that sustains us and is within all forms of life. To protect water is to save life and give thanks to what the creator has given us. The role of water protection is typically given to women or the 2SLGBTQ+ community. Though the BHA does not actively address gender in environmental racism, nor does it specifically discuss water protection, but cleaning up the harbour can help bring the practice back to the area. The cleaning up of the harbour is one reason the BHA has done well in the evaluation. It does bring up questions regarding the importance of intention and if that is required for a successful policy. But by cleaning up A’s’e’k, Boat Harbour, the community has more agency in the space to continue cultural practices that were once taken from them due to the pollution, and bringing back the culture and having the community thrive is the most important, more than anything else.

The Boat Harbour Act and Socioeconomics and Security

To end the environmental racism and harm that was done to the Pictou Landing First Nations, the mill was given a timeline to change its current practices of pumping effluent into Boat Harbour. After five years, Northern Pulp failed to change its practice, and as a result, the mill is to be shut down. As a result, there will be a large amount of unemployment as roughly 2700 people will be laid off due to the mill's closure (Tutton, 2019a). Furthermore, surrounding industries have noted the economic importance of the mill to stabilise the area financially, potentially impacting 8 300 jobs outside of the mill closure (Campbell, 2020). In addition, the mill benefits other industries that relied on providing services and products to the pulp mill, and

some industries and local businesses relied on purchasing secondary products from the mill itself as a steady form of business and revenue (Campbell, 2020).

These job losses are unfavourable under the STJ policy evaluation mechanism; in securing financial security and the protection of workers, there should be a stress on the importance of the five-year timeline as a chance for the mill to maintain its business. This gave people in a way time to prepare to look elsewhere and consider their alternatives. Other mills in Nova Scotia, such as the one in Port Hawkesbury, do not pollute the surrounding waters-ways the way mill does (CBC New, 2014). The Port Hawkesbury mill uses technologies that purify the water without needing chemical treatment (CBC News, 2014). Therefore, the company should have had the means to attempt this standard of practice. The Nova Scotian government planned on supporting the mill by announcing in 2018 that they would be giving six million dollars to help a new wastewater treatment plant. There was opposition as the wastewater was intended to be pumped into the Northumberland Strait, and the pollution would still affect community members and fishers (Pulp and Paper Canada, 2018). Regardless of the government support, the mill was set to close as of January 2020 and would leave 2700 people without jobs, including the 220 Unifor employees from the mill, which would increase financial hardship for the community (Tutton, 2019a).

A positive aspect of government action is that Premier McNeil did announce that he would be investing 50 million in the form of financial aid to employees who have lost their jobs to mitigate financial hardships while looking for employment (Gorman, 2020). Some groups are displeased with government actions, believing they were insufficient to address the economic and job security impacts of the mill closure. The major union for these workers, Unifor, states that these actions are not enough, and the community will still be significantly impacted (Grant, 2019). This can be considered subjective, but the union does point out that financially wages from the mill typically accumulated to 128 million in income annually (Grant, 2019). Similarly, the community would potentially lose over \$330 000 from the tax revenue the mill produced annually (Thomas, 2020). Both are economic hardships that will drastically affect the community and need to be considered further. This can be an area of improvement, but the government does not address is potential retraining systems for these workers to find new employment. This labour can be considered highly specialised and can then make it difficult to transition into

different employment sectors. This again is a mixed review and can be seen in greater depth in Table 9.

Table 9: Evaluation of the BHA Based on Socioeconomics and Security –Does the Policy...

Give economic incentives to lower business fuel emissions?
RESPONSE This specific policy focuses less on emissions and more on pollution. In terms of positive incentives, none have been offered. Negative motivation is more pertinent in this case as the policy gives the mill the option of changing its pollution and effluent dumping practices or closing.
Provide training in green industry trades and professions?
RESPONSE No form of retraining was offered through the BHA. This could have been an opportunity to show other options for employment for the workers that were to be laid off. But this was not the case. This could be an area of improvement to consider. There was not a presence of the new industry in the area either that could prompt retraining either.
Give wage support to workers that have lost their jobs due to a green transition?
RESPONSE This is a strong point of the BHA that was also impacted by COVID-19 CERB payments. Along with announcing the mill's closure, Premier Stephen McNeil said the workers who were laid off would have a transition fund of 50 million to support themselves and their families while looking for new work. In addition, as the mill's closure was followed closely by a mass quarantine, those who had become unemployed at this time could also receive monthly CERB payments. This meant that there was further economic support for those negatively impacted by the mill's closure.
Contribute to unemployment?
RESPONSE The BHA called for the mill's closure. This disrupted the employment in the area and some subsequent industries as well. It could be argued since the mill existed for several decades, its closure will also impact futures generations as they have fewer employment options than they once had in their desired profession or their hometown.
Give economic incentives to retrofit or use green energy in the industry?
RESPONSE This is outside of the BHA's perview; but this bill could have had the potential to increase environmental standards for the province. As well, there are other programs in Nova Scotia that offer retrofit incentives, so that should be considered.
Support unions in obtaining safer environmental working standards.
RESPONSE The union that covered the mill employee's Unifor stated that they believed that the workers were getting unfair treatment and that the 50 million was not enough to support them. These were comments mentioned after pre-COVID-19
Close industry?
RESPONSE The BHA closed a critical pulp and paper mill in the Pictou Landing Area that generated many employments in the area. Though an entire industry was not shut down provincially

for the community, the loss of the paper mill meant the loss of industry-based employment in the region.

Increase industry environmental standards?

RESPONSE

The BHA does not increase industry standards and only address this specific case. Therefore, it was making the policy *ad hoc* in nature. This limits the ability to improve provincial standards across all existing pulp mills. This limits the potential success. One could always interpret any form of increased regulation as being a negative impact on the industry, skewing the concept of success. From an ecological economic perspective improving environmental industry standards are positive.

Incentivise companies with tools such as a carbon tax or cap and trade?

RESPONSE

The BHA only address pollution in an *ad hoc* manner. There was no precedent set for other mills and their waste management practices. There was no financial systems or pollution tax put in place or incentives to mitigate issues surrounding pollution.

Table 9 is another section that indicates mixed results. One criterion, “Does the industry increase industry environmental standards,” was considered a yes not because the policy was enforced at large but because there were specific requirements in the BHA to improve the water quality surrounding the mill on Boat Harbour. Though there was a focus on industry and how the workers were impacted, it should also be noted that the Pictou Landing First Nations community was not given any financial assistance, even though they have carried many personal costs from pollution, degradation, loss of culture, loss of land, and health issues. Though they have received some financial compensation from past court cases, the question of it ever being enough can also be posed.

There are other considerations as there was a discussion as an alternative for the mill to continue production by using the Northumberland Strait instead of pumping the mills polluted water into Boat Harbour (Tutton, 2019b). This would impede other industries and working environments, primarily the lobster fishers in the area that uses the strait for setting traps, fishing for lobster, and a significant industry in Nova Scotia. The use of the strait may have had greater negative environmental and economic impacts in comparison to just the closure of the mill. Based on these criteria, the context, the environment, timeline, and alternatives for both the mill and government, these actions can be seen as a meaningful and semi-successful effort to protect workers while ensuring environmental protection. An effort was made to find a solution that could benefit all parties that should be noted, even though the efforts were only partially successful in this instance.

The Boat Harbour Act and Impacts on Health

The evaluation of the BHA based on health is the most underperformed section in the analysis. This is for two reasons; the first is a reluctance to connect the health issues to the pollution. There have been higher than typical cancer rates in this area, and many other BIPOC communities across Nova Scotia. As a result of being close to waste treatment or waste dumping facilities, the way data was collected pre-disposes that data to be dismissed by government agencies. The fact that members of the various inflicted communities have gathered this evidence in citizen science, often citizen science, especially when conducted by women, is often overlooked as hysteria, paranoia, and a means of a bargaining chip for money. It is a form of sexism and elitism with the assumption that only academics and government officials can genuinely determine that there is a health crisis and if it resulted from pollution or a mere “coincidence.” Also, admitting that there is a systemic problem put increased accountability the government way does not want to take responsibility for the damage that occurred.

The second issue is the underlying assumption that because medical care is “free” in Canada, even in the provincial government's eyes, there is a belief that the health impacts have not amounted to financial burdens for community members. Aside from the cost, many burdens come with worsening health in a community, access to medical care, the recognition that there is, in fact, a health issue. There are also issues around assisted care, of dealing with grief, on top of trauma, while facing a depredated environment. Though financial compensation does fix everything, the government could have provided more access to care, and healing can also be a means to recognise how the pollution has impacted the community. The BHA only addresses the direct cause, cleaning up the pollution without alleviating the negative symptoms and long-lasting effects. The complete evaluation can be seen below in Table 10.

Table 10: Evaluation of the BHA Based on Health and the Environment – Does the Policy...

Address or stop the cause of adverse health impacts?
RESPONSE The BHA be setting out to clean up Boat Harbour will hopefully stop the cause of the increased adverse health impacts found in the Pictou Landing First Nations. There will need to be an assessment of the water itself and if chemicals have affected the soil and if that soil could continue to pollute the area.
Provide financial compensation for adverse health impacts?
RESPONSE

No financial compensation from the BHA was given to Pictou Landing First Nation to compensate for adverse health effects. Some settlements have generated some finances; those were several years ago, and harm has been occurring since then.

Ensure quality of medical care to compensate for the pollution?

RESPONSE

The BHA failed to consider if there was adequate medical care. This could have helped to address environmental racism. The main goal for the BHA only seemed to be around stating there was environmental racism and then cleaning up the harbour.

Hold the pollution emitters legally responsible for medical bills?

RESPONSE

The mill was never fully accountable for the harm it caused from a legal perspective. As mentioned prior, there were court cases that ended in a settlement. Still, there were no legal consequences for the environmental racism, of the side for the closure put out by the BHA, and even then, they were given time to change and may be continuing their practices elsewhere in the future.

Recognise the biased nature of the negative health impacts?

RESPONSE

Though the BHA recognised the environmental racism the mill had caused, the framed dialogue by the government presented environmental racism in a way that did not address health impacts. Instead, the government tackled the biggest factor that BIPOC communities and, in this case, Pictou Landing First Nations were exposed to environmental degradation historically and unfairly.

Ensure access to medical services to compensate for the pollution?

RESPONSE

The BHA did not provide any increased access to care. As a result, the only means the community had to access health services were through normal channels.

Provide access to health information that is accessible for the impacted community?

RESPONSE

The province did not provide any form of access to information regarding health effects caused to be the mill's effluent due to the BHA.

This table shows that the Nova Scotian government applied a narrow definition of environmental racism and did not connect it to health. Though the BHA sought to end the pollution and revitalise Boat Harbour (A'se'k), the government did not explicitly address the health effects the community experienced were a cause of that said pollution. The BHA could drastically improve by looking at health more profoundly, especially as it is within provincial jurisdiction to address these issues. Intent again is at play here, but unlike in evaluating gender, there was a lot more that could have been done to help the community as the community cannot provide that information and access on their own, nor should they have to conduct that research on health impacts themselves. Overall, it is a failure of the Nova Scotian government to support

its residents and support the Mi'kmaq people, who are the original caretakers of the land. This section showed the worst performance by the BHA in the STJ policy evaluation mechanism.

The Boat Harbour Act and Environmentalism and Sustainability

The acts taken by the government that support sustainability and environmentalism within the BHA are quite strong. First, there was an ardent desire to end the boat harbour's pollution, and the government-held its position against scrutiny. Secondly, the government is producing measures to clean up the harbour as it is stated that remediation will be conducted around 2020-2021 (Bousquet, Henderson, & Baxter, 2019). Yet, no standard is being set; this policy is case dependant can be considered to undermine government actions of sustainability as the goal is crisis mitigation. Though incredibly important, it is not in the name of sustainability itself, so this pollution level can continue in other locations across the province.

These actions could be seen as a steppingstone and could act as a new standard of practice going forward to achieve environmental sustainability, but that remains to be seen. To gain an affirmative and positive response to changing environmental standards, further actions need to be taken by the government. In the policy evaluation criteria found in Table 11, for the context of the BHA and other factors in the case study, the criteria: Does the Policy set higher standards for water quality, will be considered as a tentative yes as there is a large push for it within the policy. There are many claims stressing the protection of the water. There does need to be further evaluation of the government's actions to determine better if this will become a set standard or not.

Table 11: Evaluation of the BHA Based on Environmental Sustainability – Does the Policy...

Implement practices that will decrease environmental standards?
RESPONSE The BHA neither worsens nor improves environmental standards from a widespread policy lens. The BHA does seek to strengthen Boat Harbour (A'se') and revitalise the area, and this process is underway. This can be considered a positive as the policy involves restoring the environmental diversity that is Boat Harbour; it fails to set a standard for other sites where pollution is dumped into the water due to industry-based actions. More needs to be done in this regard.
Increase standards for environmental accountability?
RESPONSE Again, this is a mixed result. The BHA ensured that the mill had been held to a higher form of accountability for their pollution; there is no standard set for other areas. In addition,

there could have been more forethought in the development of the policy and how it could have improved provincial standards.

Increase the protection of at-risk and endangered species?

RESPONSE

There was little mentioned about if there are endangered or at-risk species in the harbour. By cleaning up the harbour, the BHA is generating revitalisation of key species of cultural importance for the Mi'kmaq community of Pictou Landing First Nations. The BHA is only for this specific location, and therefore, all actions that support environmental sustainability and restoration are only for this harbour and reach no further.

Limit fossil fuel production of high emitters or either private or public?

RESPONSE

The policy was not designed to target emissions.

Allow for high public engagement in expressing environmental concern?

RESPONSE

The government sought out little public engagement in the development of the BHA but also in enacting the BHA and setting up the remediation project. If there had been the ability to participate and address concerns about the environmental issues the mill caused, this issue potentially could have been addressed earlier than it was. This area may not be under the BHA's preview as much as the province's environmental impact assessment process.

Decrease the list of toxic chemicals?

RESPONSE

The mill though it recognises the mill's reduction of toxic chemicals it either adds or removes chemicals from toxicity. Again, this is more pertinent to other policies aside from the BHA.

Force industry to mitigate potential pollution/ clean up polluted areas they were responsible for?

RESPONSE

The BHA forced the mill to critically look at its pollution practices and seek a means to mitigate them. The mill does not seem financially responsible for cleaning up the harbour, so accountability may be limited in this sense. Nevertheless, the mill being shut down for failure to comply can seem a good path forward, even though the policy only addresses this mill and no other.

Increase protected areas?

RESPONSE

There is no increase in protected areas.

Improve or repair the existing ecosystem?

RESPONSE

The BHA and the BHA developed remediation projects have sought to improve the Bat harbour ecosystem. Throughout 2020-2021 there has been action taken to clean up the area. It is still ongoing.

Set higher standards for water quality?

RESPONSE

The BHA only calls for the mill to be closed and for the harbour to be restored. There are no new standards.

This can be seen as a mixed result based on the criteria; some of the criteria can be considered ‘not applicable’ as the policy does not address fossil fuel emissions. Therefore, along with a more quantifiable table, there does need to be discussion and evaluation because context and the bill's intention does matter. Another point to address is that the policy also does not worsen overall environmental standards, nor does it increase environmental degradation in the area. This action can be considered a small feat that revolves more around inaction rather than action. Some policies can produce harmful environmental practices, and it should be recognised that this policy does not do that.

Based on the BHA's goal, the actions are taken, and the steps promised in this section in the analysis could be seen as successful. There is room for improvement as the policy could have stated a new pollution standard for pulp mills, but it failed. There does need to be more analysis and discussion with policy, and environmental actors could provide greater insight into policy goals and environmental standards and norms. Overall, more research will be required to assess the BHA better and develop the CJEM.

The Boat Harbour Act: Overall Evaluation with the STJ Policy Evaluation Mechanism

This section will look at the context of the policy and the impacts of each section and how they compare once evaluated. Table 12 will seek to address the context of the bill, the policy’s primary intent and the potential conflict that may occur in the policy evaluation mechanism. This section will also clear up what areas may have failed an evaluation or, which, evaluation sections are more of a mixed result due to levels of compromise and supplementary actions.

Table 12: Assessment of the BHA Based on Overall Evaluation and Context

What was the main goal of the policy being evaluated?
RESPONSE The main goal of the BHA was to ensure that Boat Harbour (A’s’e’k) would be revitalised, meaning the mill that was dumping effluent into the harbour either need to change how it got rid of its waste or close. The BHA had strong follow-through, giving a five-year timeline for the mill to change, and then staying true to the plan and calling for the mill to close once it had failed to develop another option.
Was there overlap in the evaluation?
RESPONSE There was some overlap in the evaluation, specifically when discussing health, culture, and impact. This is not to suggest that the study was redundant, but it is shown how deep and

intertwined these issues are. The evaluation of each topic cannot be in a bubble; the intersectionality needs to be addressed.
Did sections of the policy evaluation come into conflict based on actions?
RESPONSE The main goal of the BHA was to ensure that Boat Harbour (A'se'k) could be restored. This was to end the environmental racism the community was facing and improve the area's environment. This did result in the closing of the mill. In the evaluation, the underperformed in the section on socioeconomics, but as a result, it also meant sections of environmentalism, gender, health, and race had a better evaluation.
Was there an attempt to minimise or address the conflict?
RESPONSE There was an effort made to support the workers who had lost their jobs due to this decision. The five-year timeline and the 50 million in financial assistance can be seen to support the workers and economic security of the Pictou community while ensuring the Pictou Landing First Nations community is no longer facing these severe and negative health impacts.
Were affected groups consulted during the evaluation?
RESPONSE There was some consultation, but it was limited to officials compared to any means of long-form community engagement. There were larger forms of engagement through public outcry, media, and press releases.
Was there public opposition or support?
RESPONSE The divides between public opposition and support for the BHA were, unfortunately, a community split of settlers versus Indigenous peoples. Unifor felt as if workers would not receive enough support, people in the town believed it would ruin the local economy. Some who have views of ignorance and racism refused to see the suffering and just blamed Pictou Landing First Nations for doing this out of spite. They believe the community is greedy and is not truly facing any hardships that are different from the rest of the community. This can cause an escalation of tensions that could have resulted in something like the lobster fishing mobs attacking Indigenous moderately livelihood fishers later in that year. The mill's shutdown coinciding with the initial and extensive lockdown at the beginning of 2020 prevented any radical acts of violence against the community.
Is the policy currently in effect, previously in effect, or will it be in effect?
RESPONSE The policy was ratified in 2015, and the main actions began in 2020 and are still ongoing. The fact that there will be more developments in the future is essential to consider as more evaluation will need to be conducted later.
Are there any concerns that were pertinent to the policy but were not addressed in the evaluation?
RESPONSE Aside from time and potential larger impacts from COVID that are still to be uncovered, there is not a great deal more evaluation that could have taken place. Potentially having a far larger interview pool would have helped with the analysis, but COVID and timing constraints prevent this level of analysis at this time.

The reason for the creation of the BHA does not change the need for improvement in addressing environmental racism and reconciliation. It is partially successful as it fails to further cooperate and communicate with Pictou Landing First Nations over best practice outside of the general shut down of the mill. They need to have further co-operation for it to be a better well rounded and effective policy action. Since the mill failed to find an alternative water treatment method, the only means available to end the increased environmental harm against Pictou Landing First Nations was to close the mill.

Furthermore, its efforts to support the workers can still be seen as supportive towards the community with this in mind. The timeline given can be seen to provide the mill with a chance to exist cooperatively and healthily with the workers existing communities. Therefore, the economic policies will be seen as more than partially successful, but successful. There could be more improvements in providing training for the workers. Still, with the existing reality and the need to close the mill due the environmental racism and continued production of effluent, the government mitigated the needed closure sufficiently. This was based on the options and lack of plans by the company the best possible solution, closing the mill and supporting the workers.

Like the analysis of environmental racism and reconciliation under the STJ policy evaluation mechanism, the assessment of environmentalism and sustainability does not change. The case specificity of the BHA does not prevent the ability to increase water quality standards. There could be other areas of effluent pollution around Nova Scotia that have been discussed less to several factors such as a lack of agency or community opposition to the regulation. To better improve its assessment under the STJ policy evaluation mechanism in the environmental and sustainability section, the government should consider improving overall water quality standards. One positive though less in the policy itself and more in the decision makers listening to public outcry. When the fishers in the Pictou region sided with Pictou Landing First Nations in opposition the mill's alternative location due to environmental, commercial and, health impacts the effluent would have within the Northumberland Strait, the government and the mill listened.

The assessment of gender was again mixed, but since it did improve the ability to practice water protection it can be seen as a better success in comparison to other sections. Intent should be looked at further though as discussed later it can be hard to quantify. As stated earlier the assessment of health was where the BHA did the worst in the STJ policy evaluation

mechanism. The only thing the BHA did to assist in health issues was to remove the cause, and though that is very important and can prevent further health issues more support through information and aid could have been given.

The BHA's assessment is mixed, as it lacks some of the deeper supports for sustainable justice. The BHA's primary intention being remediation allowed for success in removing causes of environmental racism, improving environmental sustainability, and potentially future health impacts. There are deeper issues that were not addressed by the BHA, which, lowered the evaluation. There was little done to support those with diminishing health or address access to information and health services. Actively addressing gender impacts, considering broader community impacts, as well as cultural impacts were not addressed by the government in the policy or its actions. Similarly, policy changes such as needing to remove effluent was also not spread into larger policy and was only for this case. By addressing potential unemployment through timelines, alternative sites, and compensation the governments care in addressing unemployment can be considered favourable under the evaluation. There could be room for improvement in all areas, but again the process is still ongoing and impacts of COVID has changed sources for support as well as policy priorities for the provincial government. One major consideration that could improve, would be to increase consultation with communities to better understand how to address these deeper forms of harm and have better tools and actions to take to address them.

Alternatives

This study examines what an STJ policy evaluation mechanism looks like and seeks to evaluate the BHA. As the study shows, the BHA has mixed results with timing, response, compensation, and employment issues. There are, factors outside the scope of the STJ policy evaluation mechanism and evaluation of the BHA. These alternatives are aspects of the paper that would require further study for adequate analysis and understanding.

Within the policy evaluation mechanism, there has been some discussion about how intent can play a role or if it should. The first issue is that intent can be hard to measure correctly, dealing with potential falsehoods or alternatives motives. The issue of intent is often seen in corporate actions in sustainable marketing and campaigning (Dahl, 2010). For example, a product could be advertised as green or sustainable when the company does little to benefit the

environment. In some cases, this is green washing or a means for good publicity (Dahl, 2010). If a company were to, as a marketing technique, set net-zero emissions goals or achieve them, would it matter if the goals were not reached in the name of environmentalism but capitalism? In a case devoid of pre-existing inequality, intent may not affect a policy assessment. Intent is crucial though when discussing how communities are impacted by environmental injustice.

When addressing issues within its historical and current context such as perpetuated injustices of bad faith negotiations, inadequate consultations, and conscious deception by the government committed against Indigenous peoples, the intent or the assessment of ulterior motives becomes highly pertinent. If the intent is true to the main rhetoric of the bill and the province truly wishes to end environmental injustice in the area through the termination of the mill, actions should reflect this and as a result have a favourable evaluation within the section. There may be varied reasons as to why the mill closed that will be discussed later in the section, and that intent may hinder the follow through in remediation and pursuing environmental justice. Since the remediation is still progressing, this is still unclear if intentions were to clean up the harbour indeed. With the rise of COVID-19 in early 2020, a change in Liberal party leadership in 2021 and an election approaching in August of 2021, there is a vein of uncertainty as to how the evaluation will hold up, and if current remediation actions will continue as planned.

The discussion of how intent can affect an evaluation also brings up the potential of other reasons why the mill was closed outside of the BHAs reasoning of environmentalism, and environmental justice. The main alternative argument will be financial incentives, the mill is a significant employer; it seems unlikely that there would not be federal or provincial aid. In fact, in the past the province has supported the mill with financial bailouts, with the mill currently owing to the Nova Scotian government \$85 million in outstanding loans (Bousquet, Henderson, & Baxter, 2019). The province could be tired of financial keeping the mill alive and dealing with legal battles. This addresses the reality that the mill may not be making money, and the company that owns the mill, Paper Excellence, was planning to close it regardless, however, this remains to be seen.

This theory is highly subjective, but the lack of government support can be seen as a clear clue. In an article by Campbell (2020), the company mentioned that Northern Pulp as a company is committed to staying within Nova Scotia and obtaining environmental responsibility; nevertheless, the mill was still set to close in January 2020. The mill's financial situation and the

intent to close may have been an opening for the government to present a supportive climate justice and indicate a forced closure to end the harmful practice as opposed to a closure of a mill because of a potentially dying industry. Though the government did receive scrutiny from many interest groups in forcing the mill's closure, there may have been more scrutiny if it was seen as a failure of the government to sustain the industry.

Again, as this would be an "insider" conversation, and intent is difficult to measure, or more accurately uncover. More analysis will need to be conducted to determine if the policy was created as a cost-benefit solution and a political tactic rather than promoting an actual climate justice lens policy. One point in favour of it being a climate justice-minded policy was the prevention of using the Northumberland Strait as an alternative body of water to pump effluent into the mill (Tutton, 2019b). Suppose an alternative was presented, and the mill could find an alternative and therefore remain open on the standards of the BHA. In that case, it could still create politically negative criticism after the fact. Regardless of the alternative analysis, the BHA did achieve sustainability by ending the pollutions of the BHA, mitigated a historical case of environmental racism, and sought to support workers in the wake of the mill's closure.

Further Considerations

The STJ policy evaluation mechanism currently assesses policy through the lenses of race, gender, economics, health, and environmentalism. Though this is a comprehensive study, other dynamics could be included for furthering the assessment in an STJ policy evaluation mechanism. These barriers to justice can range from sections to include into the evaluation, further consideration in the methods of the study, and further applications in the choice of policy. The incorporation of these considerations could all lead to in-depth studies and evaluations. They are crucial to consider as this consideration can help further understand sustainable transitional justice and apply it to a policy evaluation mechanism.

Urbanization is one area that could influence justice and access to justice. Remote communities may face similar issues as urban populations, but different issues can come into play. Mobility is one such issue; inefficient roads, barriers in transportation, and ineffective transit can all inhibit access to healthy foods which is then enhanced depending on the levels of poverty in each community (Dutko, Ver Ploeg and Farrigan, 2012). Hence, the immobility resulting in food deserts and increased costs and lack on nutrition; there may be no means to

access proper health services as they are several hundred kilometres away. Food deserts and immobility contributes to environmental injustice and can also be a source of environmental injustice. Since this community, though remote, was not as remote in comparison to northern Indigenous communities, and the issues themselves were local, to delve into issues of urbanization or lack thereof at this time would have been an ineffective use of resources for this study, when applicable, it should be considered in further studies.

Other considerations in furthering the study would have been a multi-stage interview process with two separate group interviews from Indigenous communities and workers from the mill. The incorporation of having interviews with Indigenous peoples was twofold, as Indigenous knowledge should be incorporated in all levels of discussion as a critical part of sustainable and transitional justice. The other importance of the interviews was to have a clear first-person perspective of how policy regulations have been conducted and how the communities affected feel about the policy.

Due to the constraints of not only this paper but also current COVID safety protocols in place, a several group interviews let alone one group interview was not feasible. Some interviews that could have been considered are: how workers felt about the mill closure and policy offerings. This is important in the assessment of how it affected the employees and the community's social economics. It would have also been beneficial to have government employees or policymakers as interviewees who explicitly worked on the policy into the discussion and have interviews with them. Policy maker based interviews can be an effective way to incorporate intent from the government based on what policymakers were told, especially in ongoing mitigation and planning.

The analysis also focused on a provincial policy; there can be applications for an STJ policy evaluation mechanism in multiple levels of government, both federal and municipal, if not international. For example, there could be an assessment of the *Pan-Canadian Framework on Climate Change*. In this case, concepts of federalism could also be a means of evaluation or intragovernmental cooperation. This can create levels of injustice, though jurisdictional gaps in governance, or highlight how disputes between levels of government can lead to inaction on justice issues. If this were to look at an international agreement such as the USMCA levels of politics through multiple countries would need to be evaluated, the governance systems come into play and community mindset.

When looking at governance and policies from the UN or other international governance organizations, there would need to be discussions of who signs onto the declaration, the intent and relevance of each state also become pertinent. In addition, the level of governing body in the international organizations will also dictate the probability of follow-through, or the "teeth" of the act, meaning the propensity to force state compliance after signing on. These again are complexities that would allow for a greater understanding of sustainable transitional justice in various jurisdictions; more can be done to expand the literature further.

Conclusion

Sustainable transitional justice as a concept is complex as it is derived from a variety of literature such as environmental, energy, and climate justice. Sustainable transitional justice also seeks to include Indigenous knowledge and incorporates a very new political ideals such as the GND. The literature surrounding Sustainable transitional justice carries important dialogues of intersectionality, and the connection the environment has to communities. The literature review sought to find themes to base the STJ policy evaluation criteria on. The three sections on justice indicated that issues of racism, gender inequality and violence, exploitation of poverty, socio-economic concern, health impacts and environmental degradation were all key issues that have led to the suffering of communities. These systems of oppression and injustice were rooted in colonialism, racism, and white supremacy.

These five sections provided the foundation for the STJ policy evaluation mechanism, with a series of questions to promote discussion and meaningful evaluation. A sixth level of analysis was then used to better understand the context and the full potential of the options the policy had to ensure a best-case solution. With these sections in place a full case study to show practical application of STJ could be conducted.

The application of the STJ policy evaluation mechanism to the BHA indicated a variety of strengths and weaknesses and indicated that overall, the BHA was successful. This is because of mixed results within the five sections, but most notably the failure of the government to cooperate with the Pictou Landing First Nation and investigate a deeper, more meaningful understanding of environmental racism. There needed to be larger consideration of how to assist the community on levels of health and gender, again past the initial response of removing the effluent and seeking remediation of Boat Harbour.

Similarly in the environmentalism and suitability section of STJ policy evaluation mechanism the BHA did not implement an overarching regulation to mitigate environmental degradation but mitigated a case specific solution. One area that can be seen as successful is socioeconomics and security, as it mitigated a situation of necessary closure and supported workers as best as it could by providing financial compensation. This evaluation also considers the context of the bill, where ending environmental racism was seen as a paramount need, meaning that the mill closure was a secondary issue to resolving the historic harm. Overall, the conclusions of the three categories of the STJ policy evaluation mechanism indicates that the BHA was successful in perusing climate justice, but more research will be required to better understand this relationship and develop a more detailed framework.

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