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Through the Waves of Conflict: Unity and its Undoing In Nova Scotia’s Lobster Fishery

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Abstract

For decades, Nova Scotia has been burdened by violent fisheries conflicts. Indigenous moderate livelihood lobster fisheries have often been at the center of this stage. In importantly different ways, multiple groups feel a sense of vulnerability about their access to the resource. The situation is by no means simple—fish harvesters work in a complex web of political, economic, and cultural interests animated by the forces of industry, colonialism, and environmental anxiety. There is a shared desire to build a stable, unified fishing future, but what exactly that future looks like is deeply contested. This paper presents an overview of the current situation and explores the challenges of creating good relations among fishing communities, which I argue do not primarily stem from the actions of fishers, but from an underlying context of mismanagement and tactics of governance that do not uphold treaty rights nor protect commercial fishing livelihoods.

Keywords: moderate livelihood lobster fishery, natural resource, livelihood, treaty, unity

À travers les vagues du conflit : L'unité et sa destruction dans la pêche au homard en Nouvelle-Écosse

Résumé

Depuis des décennies, la Nouvelle-Écosse est en proie à de violents conflits liés à la pêche. Les pêcheries de homard autochtones, qui assurent une subsistance modérée, sont souvent au cœur de ces conflits. Plusieurs groupes, de manières très différentes, ressentent une vulnérabilité quant à leur accès à cette ressource. La situation est loin d'être simple : les pêcheurs évoluent au sein d'un réseau complexe d'intérêts politiques, économiques et culturels, animé par les forces de l'industrie, du colonialisme et des préoccupations environnementales. Il existe un désir commun de bâtir un avenir stable et unifié pour la pêche, mais la nature exacte de cet avenir fait l'objet de profonds débats. Cet article présente un aperçu de la situation actuelle et explore les difficultés liées à l'établissement de bonnes relations entre les communautés de pêcheurs. Selon moi, ces difficultés ne découlent pas principalement des actions des pêcheurs, mais plutôt d'un contexte sous-jacent de mauvaise gestion et de tactiques de gouvernance qui ne respectent pas les droits issus des traités et ne protègent pas les moyens de subsistance liés à la pêche commerciale.

Mots-clés : pêche au homard de subsistance modérée, ressource naturelle, moyens de subsistance, traité, unité

1.0 Introduction

Drive to almost any commercial wharf around the province and you'll see Maritime Fishermen's Union signs with a phrase now ubiquitous in Atlantic fishing circles: "Fishing Seasons for a Reason". This has become a rallying cry for stricter enforcement of Fisheries and Oceans Canada (DFO) regulations. It is largely aimed at Indigenous moderate livelihood fishing efforts that sometimes occur outside of regulated season limits—a lawful action based on the *Marshall* ruling that affirmed treaty fishing rights, but a nonetheless contested action based on fears of resource misuse. Conflicts between Indigenous fishermen and commercial, largely non-Indigenous fishing communities dubbed 'the lobster wars' have persisted intensely for more than 30 years, but tensions have been at an all-time high since 2020. The Maritime Fishermen's Union signs are an expression of this intensifying context.

Moderate livelihood efforts have grown considerably in the last 5 years. For instance, in 2020 the Sipekne'katik First Nation issued five moderate livelihood licenses, each with a maximum of 50 traps to be fished in St. Mary's Bay, part of Lobster Fishing Area (LFA) 34 and when the season ended their catch amounted to less than 0.1% of the broader fishery (Bailey & Charles, 2024, p. 106; Smith, 2021, p. 123;). In 2025, the nation had a fleet of 25 boats fishing outside of the commercial season (Beswick, 2025c). While initial moderate livelihood landings were small, and studies of the stock showed that lobster catches were stable in the early 2020's (Cook et al., 2020), Bailey and Charles (2024, p. 105) tell us that there is legitimacy in assuming that growth will occur in this fishery, and truth also in that increased access to a subtractable resource for one group means less access for another. Recently there have been allegations from commercial fishermen and political leaders that moderate livelihood landings have grown into a large-scale poaching operation, estimating that "hundreds of thousands or millions of dollars of lobster [are] being landed illegally" (Beswick, 2023, para. 3). Indigenous scholars and journalists have pushed back on these allegations, claiming that 'settler panic' has blinded many from understanding that Mi'kmaq nations have the sovereign right to operate their own moderate livelihood fisheries outside of DFO purview, and thus the legality of their actions is not for settlers to declare (Harp, TallBear & Callison, 2020).

Commercial fishermen, who in contrast to Indigenous fishers hold nearly a thousand licenses in LFA 34, many with 350–400 allotted traps (Eastern Door, 2020) have at times reacted to moderate livelihood fishing with violence. During conflicts in St. Mary's Bay in 2020, fleets of commercial boats tried to block access to fishing grounds, Indigenous crewed boats were shot at with flares, gear was stolen, trap lines cut, and local businesses refused to sell gear and bait to Indigenous fishers. While it has become commonplace to justify this outrage on the grounds of stock conservation, a wider set of anxieties is evidently at play: the uncertainty of how climate change will shape species health, precarious economic futures of fish harvesting and processing, and an undeniable, longstanding racial tension in rural Nova Scotia. We need not look further than the videos of non-Indigenous fishers "mocking Mi'kmaw language speakers and drummers during a standoff on Saulnierville Wharf" (Martin, 2020, p. 2) to see that this last point is the case.

According to many on the frontlines, DFO's reaction to the violence in 2020 was severely underwhelming (Martin, 2020, p. 1). DFO attempted to quell conflicts with a well-worn tactic—establishing temporary, privately-negotiated agreements,

in this case called ‘interim understandings’ with individual First Nations, while a clearer definition of a ‘moderate livelihood’ continues to be worked out in law (Dean-Simmons, 2022). This is a familiar narrative in the ongoing conflicts that have defined the lobster wars over the last three decades: violent clashes met with band-aid solutions by DFO.

The way these conflicts play out differs across the province. The types and perspectives of both Indigenous and non-Indigenous fishing communities are varied. For instance, on the North Shore of the province, where fishing effort and lobster catches are more modest because of the warmer, shallower waters, tensions are much less extreme. Many of these northern communities do not make a full living off the lobster fishery—they work much of the year in other occupations to get by or they fish for multiple species. In other parts of the province, like Southwest Nova Scotia, lobster is more lucrative, and because most other fisheries have collapsed, more is riding on their harvest, which seems to enflame tension. Regardless, it is clear that almost all fishers, both Indigenous and non-Indigenous, work in a context of legal, environmental, political, and economic uncertainty. In importantly different ways, both groups feel a sense of vulnerability about their access to fishing and the future of coastal lifeways. This vulnerability, I argue, is a significant factor in the ever-waning goodwill among fisher people in our province.

If taken only at its broadest level, the positions are clear: commercial, mostly non-Indigenous fishermen claim that all harvesting should happen under one set of rules and one season and that the legal right to a moderate livelihood is being abused, and if left unchecked, it will begin to damage the stock. Indigenous fishers are asserting their treaty rights and claim that conflict occurs only because settler fishermen don’t want to concede their historic privilege to the fishery. Yet, these are only the highest-flying banners of opposition, beyond which stand people with much more nuanced understandings of their livelihoods. It is beyond these supposedly incommensurable positions that we find the true cradle of conflict, but also the grounds for more peaceable relations and decent livelihoods. It is not primarily the intentions or actions of any specific group that founds conflict, but an overwhelming context of poor governance that undermines any possibility of good relations amongst communities and a peaceful coexistence of fishing efforts. If there is one thing that fishermen from across the province agree on, it is that the upper ranks of DFO are constantly out of step with the desires of people (Davis, 2020; see Apostle et al., 1985 for evidence that this is a long-standing issue). I believe that if we are to find unity in our fisheries, it must begin at the level of the wharf, rather than from the high ranks of state bureaucracy. In what follows, I move between two tasks—outlining the potential for good relations in our fisheries while also describing the context which constantly agitates and often thwarts them. To do so, I will work from specific moments of unity and conflict that have occurred in the lobster wars putting media coverage, stakeholder statements, reports, and public dialogue into conversation with sociological and anthropological literature on rurality, coastal communities, and colonialism. This work is also informed by interview-based research that I am currently undertaking with coastal workers of various stripes—including many lobster fishermen, all of whom to this point have been non-Indigenous people. The stories fishermen have shared with me appear below in the form of short narrative reflections and as support to the broader arguments—a fuller analysis of this data will be the basis of future research.

Ultimately, I propose that Indigenous moderate livelihood fisheries themselves are not threats to conservation nor to equitable access to fishing lifeways. Nonetheless, they do signal to a general and legitimate feeling of uncertainty about fishing futures that is currently being experienced by many Atlantic people. I argue that the real threat to commercial fisheries and Indigenous fisheries alike is rooted in a lack of DFO vision on how to support moderately-scaled, community-embedded, sustainable fishing—an issue largely stemming from the fact that DFO is an integral part of the capitalist-colonialist industrial fishing regime that is by design meant to maximize harvest and profit regardless of impact on communities.

The Maritime Fishermen’s Union signs dotting so many of our wharves also have an image of a cape boat anchored with a red maple leaf. What does this maple leaf represent? The state stabilizing and righting our course? Or could we read it as representing a different path to unity in the fisheries—as a symbol of a fishers-first, ground up movement toward a more peaceful treaty relationship? This is the question I explore ahead.

2.0 Good Relationality

We have a responsibility to pay attention to the ways that communities and collectives of people tend to, care for, and work reciprocally with fish to build and sustain relationships which disrupt the State’s attempts to ‘command and control’ the terms upon which Indigenous people, and Canada more broadly, interact with the lands, waters and atmospheres within its reach. (Todd, 2018, p. 62)

I agree with this statement, and I am particularly drawn to the way Metis scholar Zoe Todd implicates a “we” (p. 62) that includes Canadians broadly in finding resolutions to fishing conflicts, and importantly, the way she counterposes this ‘we’ against the state’s attempt at control. Treaty relationality is often framed as a ‘nation-to-nation’ issue, which can imply that it should happen amongst powerful leaders removed from everyday life, but to build the accountable relationships Todd calls for, we may need to heed Mi’kmaw scholar Sherry Pictou’s (2015) instruction for an expanded notion of treaty. Building on the ideas of James Tully, Pictou (2015, p. 464) strikes an important difference between formal, codified, legal agreements made between nations and informal, noncodified, embodied forms of good relationality called small ‘t’ treaty relations. Formal treaties or agreements are contracts between nations, not necessarily ongoing partnerships between people. Expanding our notion of treaty to include small ‘t’ treaty relations signals to a more full and effective style of nation-to-nation goodwill. Loevinsohn (2024, p. 58) suggests a similar tactic, emphasizing the importance of deliberative spaces of interaction as a foundation to work out a treaty relationship distinct from the official processes of negotiation mediated by the state.

This grounded approach to treaty is not unprecedented in fisheries conflicts. In the early 2000s, soon after the initial Marshall decision was made, there were large-scale attempts to block Mi’kmaq harvesters from the Yarmouth harbour. A shining example of unity amidst this crisis was a ‘talking circle’ facilitated by former Bear River Chief, Frank Meuse. During this Indigenous dialogical practice, non-Indigenous and Mi’kmaq fishers sat down together, and Meuse asked all attending

to think about their grandparents and their fishing lineage. Pictou (2015) recounts that “it was through this process that [non-Indigenous] fishermen started to recognize that their intergenerational way of life was very similar, if not connected to, the intergenerational way of life of Indigenous people” (p. 459). These talks sparked the creation of a network of learning exchanges amongst communities, a type of solidarity not seen in recent years. After this meeting, a year-long dialogue continued, and in the spring of 2003, Bear River approached the commercial fishermen to tell them they wanted to try enacting a small-scale, moderate livelihood fishery. The commercial fishermen supported the effort, and as Pictou recounts, Bear River “didn’t have to make a telephone call to DFO, the non-native fishermen had made that phone call and said, ‘you let Bear River out on the water’” (Stiegman, 2008, 9:55). With the established support, DFO had little choice but to allow two weeks of self-managed fishing. Through the relation-building practices of the previous year, both groups came to recognize their common concerns and interests in creating and maintaining decent, moderate, ecologically respectful fisheries.

This early peaceful practice of moderate livelihood fishing may now feel far-fetched as goodwill has continued to wither in the decades since, but conflict was rife then too, and regardless of present pessimism, the example serves as an instance of small ‘t’ treaty relations beginning to scale up into local coordinated action that can guide us today. The strength of the above example comes from the fact that it depicts reconciliation not only as an agreement between communities, but also, as Tully (2018) asserts, as a changed relationship to the whole environment that we depend on. Tully (2018) says that both our unsustainable relationship with the earth and the oppression of Indigenous people are based on the same “imperious” (p. 39) attitude—an exploitative and alienating ideology of extractive Western global imperialism. If peace is to occur in the fishery, it cannot simply be about deciding who has access to what share of the industrial stock, but a broader question of how we maintain fishing livelihoods that are sustainable and accessible. After the situation in Bear River, commercial fisherman Martin Kaye said that “the non-native fishery here had a lot to learn from Bear River”. What he meant by this was that Bear River’s concept of community-based management was similar yet even more robust than the non-Indigenous fishers’ notion of a community-based fishery. Martin said, “When they talk about a community fishery, *they talk about a community fishery*, a total sharing of the product that’s caught, a sharing of the revenue that’s caught;” a model not seen in non-Indigenous operations (Stiegman, 2008). Kaye is highlighting that the moderate livelihood practices of Bear River are founded on desires and values that are also held in non-Indigenous fishing communities—namely, economic autonomy, species health, and community survival. Desires that, like treaty rights, are systematically debased in an industrially oriented fishery.

For generations, non-Indigenous fishermen around this province operated on a model where “local boats fish[ed] local waters, landing their catches at local ports to be prepared for sale by local processors” (Symes & Phillipson, 2009, p. 2). This model still exists, but economic rationalization of the fishery, globalization, and other forces of industry have transformed the picture in many ways. Apostle et al. (1998) have characterized the advancing industrial nature of the fishery as a force of ‘disembeddedness’. Working from the ideas of Karl Polanyi, Apostle says that the crises in our Atlantic fishery are caused by “institutional disarticulation [where] linkages are severed and transformed into leakages” (p. 238). Here, he is referring to economic prosperity leaking from communities as local control of the

fishing supply chain and market is lost, but more broadly, about a system where forms of connection, including the links between harvesters, the species they are fishing, their environment, and the broader community, are systematically undone. Davis and Wagner (2006) say that the state's interest in economic development "masked in policies promoting rational economic utilization and efficiency, typically supersede concerns about both ecosystem and community sustainability" (p. 491) focusing merely on meeting the needs of external demands, namely, profit in a globalized market and even more important, the almighty demand of growth underlying capitalist and colonialist contexts (Clausen & Clark, 2005, pp.423–424). This has resulted in the decimation of ocean resources "at multiple trophic and spatial scales" (Clausen & Clark, 2005, p. 422).

After decades of intense industrial fishing, allowed and propped up by nation-states including Canada, the world's catch of ocean fish peaked in 1989 (Clausen & Clark, 2005, p.433). Then, beginning in the early 90s, fish stocks of enormous historical importance, like Atlantic cod and bluefin tuna, previously deemed inexhaustible, collapsed (Ertör, 2023). This collapse was fuelled by geographic, bathymetric, and taxonomic expansions in fishing (Longo et al., 2015, p. 5). The exploitation of these species has necessitated that we "fish down food webs" (Longo et al., 2015, p. 35). Now that the groundfish fisheries in Atlantic Canada are gone, it has concentrated fishing effort on the lobster stock, an inflammatory factor in the increasing sense of vulnerability felt by fishermen. Before limited-entry policies, one could get a lobster license for 25 cents (Barnett et al., 2017). To purchase a license, boat, and gear can now easily cost a million dollars. Our fishery is scarred by historic mismanagement, and the consequences of this are that small boat, sustainable fishing livelihoods of both Indigenous and non-Indigenous fishers are constantly on the edge of disappearance. However, the hopeful flipside of this context is that opposing the disembedding forces of our current regime provides grounds on which to enact increased goodwill on our coasts and to draw communities closer together under the struggle for common desires.

As Fowler (2022) posits, Indigenous worldviews often disrupt the hierarchical ontology of humans over nature. Instead of seeing fish or *jajetch*—the Mi'kmaq term for lobster—as merely commodified stock, they see them as agentic beings, giving themselves voluntarily to the Mi'kmaq for their sustenance (Fowler, 2022, p. 66). This results in a very different sense of management compared to settler state approaches, but it does not mean there is no management. We must be wary of a 'colonial culture' that frequently uses contrastive frameworks to strike "indigenous difference and inferiority" (Furniss, 2000, p. 12), excluding their practices from modernity (Lauer & Aswani, 2009, p. 322). Such a perspective might claim that 'management' is a totally foreign concept to Indigenous custom, which it is not (Mathews & Turner, 2017, p. 178). A key term in Mi'kmaq resource relations is *netukulimk*. McMillan and Prosper (2016) say *netukulimk* "is about provisioning, it is not about extracting, it is about sharing and managing and taking just enough" (p. 641). In this way, it provides Indigenous people with an ethic of living sustainably with the earth based on harvesting resources without threatening the integrity of the natural environment. A key component of *netukulimk* is the understanding that the relationship between humans and fish is a social relationship amongst two communities, a kinship, or an "inter-species treaty" (Watts, 2013, p. 65). This approach has a unique cultural and spiritual character for Indigenous people, and it should not be falsely equated with non-Indigenous understandings of sustainability, but in meaningful ways, a standpoint with similar

characteristics to netukulimk can be found in non-Indigenous communities across the province. The public call coming from fishermen in Nova Scotia, simplified and solidified through forms of collective representation sounds very instrumental—a clarified legal ruling on the size and scope moderate livelihood practices, but talking to fisherman I’ve come to understand that the underlying desires that motivate this call are more nuanced—it comes from a concern that the work, the ocean, and the fish that they have a profound affinity with will someday be gone. Barsh (2002) tells us that the closest root of netukulimk is not “*pukw*” or abundance, but “*nutqw*” which means insufficiency. He says, “Netukulimk sounds more like ‘avoiding not having enough’ than like obtaining plenty” (Barsh, 2002, pg.1). ‘Avoiding not having enough,’ I believe, is the point of unity. As will be explained further below, factions of both Indigenous and non-Indigenous communities are happy to exploit resources and earn substantial wealth from fish harvesting, but the large majority of fishers simply want to maintain their livelihoods and provide for their families, and this is a good starting place from which to build small ‘t’ treaty relations.

Apostle et al. (1998) argue that to re-embed fishing efforts and draw a deeper connection between people, the environment, and the industry, we need a certain amount of altruism, which I also read as collective hope. This, they argue, is a constituent part of solidarity. They also say, “envy, jealousy, and suspicion poison relations of trust and altruism” (Apostle et al., 1998, p. 243). The context in which fishermen find themselves now is one where the state is sowing these poisonous relations rather than producing the conditions for unity. I now turn to an analysis of state tactics which undermine the possibility of good relations in the fishery.

3.0 The Challenges of Redistribution

In the wake of the early 2000s post-Marshall violence, DFO developed the *Marshall Response Initiative*, a redistributive scheme wherein almost \$600 million was spent to buy back settler commercial licenses and reallocate them to First Nations, along with fishing vessels and training. (Harris & Millerd, 2010, p. 91). Some bands participated in the program; others did not. This was the initiative that Bear River refused to join in before enacting their version of a moderate livelihood fishery (Stiegman, 2008). Their refusal was motivated by the fact that the initiative allowed Indigenous fishers to get involved in the regular commercial fishery, but it didn’t provide a clear vision of how moderate livelihoods should be enacted going forward. It was an attempt, so common to DFO tactics, to promote and incorporate all activity into the increasingly concentrated and easier managed commercial fleet. This situation, Davis and Jentoft (2001) tell us, created division between Mi’kmaq bands with differing perspectives on DFO’s plan. It also deepened suspicion and tension between Indigenous and non-Indigenous communities because it only acted as a temporary and deeply flawed solution to providing Mi’kmaq fishing access. Noble (2007) has described this type of institutional tactic as “de facto commensurability” (p. 338)—the assumption that two practices can be equated, in this case, sovereignly operated treaty fisheries and commercial fishing—by ignoring any features of the practice that are “incommensurate (even repugnant) to state and bureaucratic interests” (p. 340). The initiative was in many ways indicative of the overall aims of economic rationalization and the professionalization of the fishery, which comes part and parcel with the attempt to make Indigenous fishing cognizable in the commercial scheme rather than allowing it to exist on its own, legitimized by treaty.

In a committee meeting of the Canadian Senate in the spring of 2023, Pamela Palmater, Rosalie Francis, and Constance MacIntosh (Canada, 2023) provided an important way of understanding this moment. Francis told us that the conflict is not about Indigenous legal access to ‘Canada’s’ fishery but about recognizing Indigenous fishers’ sovereignty and rights to self-governance. By this, she means that we cannot attempt to better integrate Indigenous fishing into the commercial arrangement, which would merely allow Indigenous people access to the private privilege that is a commercial license; a privilege that is predicated on the state’s historically violent keepership of stolen resources. They say the Canadian state ought to shift from regulating Indigenous fisheries to supporting and protecting them.

There has not been substantive leadership from DFO on how to allow Indigenous fishing access in a way that honours treaty rights while also upholding the livelihoods of commercial fishers. In the absence of such leadership, ideas have emerged from the grassroots. For example, former Chief of Wasoqopa’q (Acadia First Nation) Jeff Purdy agreed with a representative of The Bay of Fundy Inshore Fishermen’s Association who suggested that Indigenous-owned commercial licences gained in Marshall Response Initiative could have been broken down into small livelihood licences, because the large-quota licences often don’t serve First Nations communities all that well. The Sipekne’katik First Nation received enough commercial tags that they could have broken the licences down into about 50 moderate livelihood operations (Pannozzo & Baxter, 2020). Purdy notes that because of the long history of exclusion from the fishery, many Indigenous fishers still struggle to fish commercially from a lack of training:

It helps some people, but it’s limited.... To be a fisherman, you can’t just go to school, get your Class 4, get your MED [Marine Emergency Duties] training, get your radio operators course, jump on a boat and go. That doesn’t make you a fisher. You’ll starve to death. (Pannozzo & Baxter, 2020).

On top of the issue of training is the fact that many Indigenous fishers don’t want to fish alongside commercial fishermen because of the harassment they have experienced, and they often do not want to engage in the larger, more taxing, and riskier style of fishing that comes with commercial enterprises (Baxter & Pannozzo, 2020). These are all partial reasons why the smaller moderate livelihood fisheries were started.

Mi’kmaw scholar Shelley Denny (2020) has called for a redistribution of lobster tags, but importantly, her proposal does not necessitate that the access gained for Indigenous fishers be implemented in the commercial sector. She notes that “there are over 3,000 inshore lobster licences in the Maritimes alone—with the equivalent of over 820,725 traps” (para. 21). If commercial fishers reduced their maximum trap allotment by 1% it would “provide access equivalent to 8,207—plus traps for a Mi’kmaq livelihood fishery in the Maritimes region of Nova Scotia” (para. 21). Denny’s proposal is modest, it would only mean a reduction of “2.5 to 4 traps for each lobster licence holder,” (para. 21) but she argues it would go a long way in advancing the reconciliation process. Denny asks, “isn’t it worth each commercial licence holder exploring giving up 2.5 to 4 traps annually in return for building better relations, avoiding conflict, and abiding by the multiple decisions of the courts?” (p. 1). Denny holds a view that values moderation as a whole system tactic for the Atlantic fishery. It is echoed by Bailey and Charles (2024) who, in an important new text called “Sea Change,” which comprehensively reviews the future of oceans in

Canada, state that lobster conservation “must mean limiting the total fishing pressure from all fisheries together” (p. 109). They argue that as moderate livelihood fisheries grow, there should be a “corresponding decrease in the number of traps used by others” (Bailey & Charles, 2020, p. 109). Yet, as Denny (2020) notes, “DFO is not making it easy for either party” (p. 1) because they have such a fractured and unguided vision for Atlantic lobster fishing.

We have another example of failed DFO-led redistributive tactics in the elver fishery. In response to widespread poaching, the federal government decided to restructure elver licencing in the 2025 season. The department proposed to take 75% of the elver quota, previously held by nine commercial enterprises and redistribute it to approximately 150 new entrants without redistributive compensation. In a substantial show of support for Indigenous fishers, 50% of this newly distributed quota was to go to Indigenous harvesters (Beswick, 2025c). The positive of this initiative is that it signalled a willingness to shift quite radically to a less concentrated, less industrial mode of elver management. This new scheme also includes a provision that the licences would not be allowed to be sold or transferred (Beswick, 2024), which preemptively squashed concerns around commercial concentration. However, the plan was bound to undermine the commercial elver fishery to a point of infeasibility without any transitional support or compensation. The proposal received backlash from the commercial operations. There was also resistance from many individual elver fishers who did not want to be personally responsible for managing and selling their catch, which their employers would have previously done for them. The elver fishery quota redistribution plan was scrapped (Boynton, 2025), but the situation is nonetheless important as a precedent-setting example. Even if Indigenous access was prioritized, it was done so in proportions and through means that are bound only to sew conflict amongst communities. A similar case occurred in British Columbia where crab fishermen in area 24 were told that DFO was taking half the area’s 1,600 traps and redistributing them to the Five Nations (the Ahousaht, Ehattesaht/Chinehkint, Hesquiaht, Tla-o-qui-aht and Mowachaht/Muchalaht First Nations) again without any compensation (Beswick 2025c). Beswick asks, “Is 50% the goal for all fisheries?” Without robust transition planning, which DFO seems incapable of providing, this type of redistribution would be catastrophic in the much larger Atlantic lobster fishery. As Bailey and Charles (2024) note, a redistributive plan for the lobster fishery would need robust government support, including funding, to ensure local communities can prosper throughout the change. This perspective is shared and ardently expressed by non-Indigenous lobster fishers. In both Mallet’s (2024) and Loevinsohn’s (2024) work, fishers demanded that Canada as a whole should bear the financial burden of the restructuring of fishing and paying the debt of colonialism, not only the local fishers who have “just lifted themselves out of poverty in the last generation” (Loevinsohn, 2024, p. 35).

The question of redistribution is important because like the ubiquitous call for an enforcement of fishing seasons, many commercial fishermen highly desire a binding distribution of fishing effort as a resolution to moderate livelihood conflicts (Beswick, 2025a). They want a ruling on how much moderate livelihood fishers can fish and when they can do it. In the spring of 2025, I was in the Strait region of the province interviewing a father-daughter fishing duo who hold both lobster and tuna licences. I was asking them how tuna fishing regulations worked and they explained something to me which is instructive for understanding the desire for redistributive clarity. They told me that a quota is decided upon for the entire tuna sector and then it is divvied up amongst licence holders. Each year they receive a certain number of

tags for the season—this year it was two. Then I asked if when they fished, they released tuna that were smaller than their liking, and their answer is illustrative of something important. They explained to me that when fishing tuna, they have a DFO-monitored camera mounted on their boat that records their efforts and is checked to ensure they keep whatever fish is first caught. This is a conservation effort to limit the number of fish that would be harmed from catch-and-release, but it demonstrates that these fishermen's lives are deeply tied to the control and regulation of DFO—in almost all other contexts, surveillance of this sort would be unthinkable. Surveillance poses important questions, but it is not really the story here; what I want to point out is that the state imposition that fishers feel is significant. This is something that is broadly acknowledged in rural communities across North America—that governments tend to act in ways that either ignore rural places or intervene in them in ways that are not responsive to their needs and desire (Wuthnow, 2018). Another conversation with a lobster fisherman in the southwest part of the province demonstrated the same thing—he was expressing what he felt was the absurdity of DFO mandating that all fishers move to digital logbooks, considering that many older fishermen he knows do not own or know how to operate a smartphone, nor have reliable internet where they fish. His point was that DFO makes decisions, and they are absolute; they completely shape the working lives of fishermen, whether helpful or not. What I suggest is that part of the reason why fishermen might be focusing their energy on demanding a robust distribution ruling is because that is the model they are engulfed in on a daily basis—regulation is the core of their livelihoods, and they feel it every day they are on the boat. So, it is reasonable that it's also the place they look to for solutions in the lobster wars. However, the redistributive numbers game is an evidently troubled form of mediation. It is not a tactic that fosters small 't' treaty relationality, nor one that truly grants Indigenous sovereignty. 'Moderate livelihood fisheries', and 'food, social, and ceremonial fisheries' are legal constructions that have been used by the state to control much older and underlying treaty rights. To put hard numbers on these forms of fishing works against a true recognition of self-governance. Of course, in any peaceful fishery, there will be a certain distribution of effort amongst a community. A lobster fisherman in northern Cape Breton, told me that a young Indigenous fisher has started fishing for a moderate livelihood out of his wharf. He has a smaller, more troublesome boat—partially because his operation is not subject to the same technical and safety requirements of the commercial boats—and he fishes fewer traps, but the non-Indigenous fishers have been supportive, doing what they can to help gear him up and guide him on how to succeed in that area. Like so many in the province, this wharf works collectively to determine how they can fish successfully together. A certain distribution is in operation, but it has been worked out at the level of the wharf—a mandated trap allotment did not come from DFO first. Putting distribution first, as a means rather than an end of unity, has not worked to this point. There is good reason to believe it won't be the solution in the future.

4.0 Fishing Enterprises

The industrial fishing paradigm erodes small-scale relational fisheries by consolidating fishing effort, licences, and wealth. One way this happens is through commercial concentration. The Nova Scotian offshore lobster fishery in LFA 41 is already commercially monopolized by Clearwater Seafoods, and the inshore fishery, where small-scale locally owned fishing enterprises operate, is also under threat. Concentration happens on both sides of the wharf—because fish processing is not

subject to the same rules of licencing as fish harvesting “consolidations, mergers, and acquisitions have been commonplace” (Andrews et al., 2022, p. 79). Susanna Fuller, vice president of the organization Oceans North told the *Halifax Examiner* in their investigation of the lobster wars that “the horse is out of the barn...foreign investors and large financial institutions own a lot of our processing facilities, so we’re losing a significant part of our supply chain that used to be locally owned” (Baxter & Panno, 2020). There has also been a proliferation of corporate processing plants entering into agreements with local fishers for control of their catch and licences. Fishermen seeking money for investment in a new boat or gear, will take money from the processors and in return agree to allow the company to control their catch and their licences—these are called ‘trust agreements’. Processing companies do this, so they have a guaranteed supply of catch, but it also results in the concentration of power in corporate hands as they procure the rights and privileges of licences. Although these kinds of agreements are now outlawed, Fuller says that “it is still happening...law is being broken” (Baxter & Panno, 2020). Losing control of licences and trap allotments threatens the ability of fishers to manage work for local people and threatens to drain economic revenues from local communities, nonetheless, many fishers are willing to participate in such arrangements. The industrial context in which these fishermen work necessitates that they straddle the line between competitive, market-based fishing practices and their broader concerns for sustainability, stewardship, and community embeddedness. Many of them partake in efforts to uphold a sustainable fishery, including advocating for owner-operator regulations, participating in v-notching programs, and getting involved in union activity, while at the same time making decisions with their own bottom-line top of mind. A fisherman in northern Cape Breton provided me with an example of this. In that part of the province, there is a short two-month season which has historically had issues with market flooding. When everyone dumps their maximum allotted traps on the first day of the season it floods the market with lobster and ultimately drives down prices. The fisherman proposed an idea to me which he acknowledged would be thought of as “crazy” by other fishermen. He said that if everyone could collectively decide to fish less traps early on in the season, prices would likely remain higher and would allow fishers to fish less traps and earn the same income, which would create greater profit margins and might allow the lobster population to stay stronger throughout the spring months. I asked him why other fishermen would not accept a reasonable plan like this and he told me plainly: “greed and lack of trust”. From this example and the growing occurrence of trust agreement we can see the paradoxical nature of commercial fishermen. They care deeply about the stock, their livelihood, and value of the fishery beyond its economic opportunity, and at the same time they hold individualistic, competitive, and profit-oriented mindsets that can get in the way of logical efforts to improve their working conditions.

A similar phenomenon occurs in Indigenous fishing communities. For instance, many enactments of moderate livelihood fishing are oriented toward community embeddedness. The Potlotek First Nation’s vision of a moderate livelihood fishery is “a small-scale, artisanal fishery...using traditional and modern methods and techniques, [and] non-industrial vessels” premised on the goal of wellbeing for individuals and families (Potlotek First Nation, 2020, p. 5). These latter points, the goal of wellbeing for individuals and families, counterposed to industrialism, are important. It is an example of what Shideler (2023) means when he argues that “moderate livelihood fisheries intend to loosen the metaphorical straight jacket of

market relationality and further the notion of exchange to include social solidarity—a mutualism of shared benefits and community sustainability” (p. 213). However, while worldviews of inter-species relationality and moderation-based harvesting are practiced in some Indigenous fishing contexts, they are not universal. First Nations in Mi’kma’ki have entered into joint ventures in large extractive industries as a way of bringing wealth and opportunity to their communities. In 2021, the Mi’kmaq Coalition acquired 50% of the above-mentioned Clearwater Seafoods, becoming the majority owner of one of the most significant commercial fishing operations in Atlantic Canada (Clearwater, n.d.). This came after several other agreements were made between Clearwater and individual First Nations to acquire offshore lobster licences and operating agreements for other species, such as Arctic Surf Clam (Baxter & Pannozzo, 2020). Clearwater, co-founded by billionaire John Risley has a storied past of skirting regulations and laws to maximize profit (Withers, 2019). This kind of action has not ceased since Indigenous acquisition. In the summer of 2025, a Clearwater employee was arrested, and \$1 million worth of scallops were seized after a surveillance operation caught the Atlantic Prospector fishing in a closed zone (Gorman, 2025). Involvement in Clearwater was supposed to secure further Indigenous employment in the commercial fishery, but it is unclear how many Indigenous people have been hired (Baxter & Pannozzo, 2020). This initiative will benefit the participating First Nations in terms of financial investment but may not help provide good fishing livelihoods to their people. Many Indigenous scholars (e.g., Alook et al., 2019; Atleo, 2015) express skepticism that extractive capitalism can coincide with “Indigenous understandings of being relations and caring for the collective good” (Alook et al., 2019, p. 3). The Clearwater acquisition does not disrupt the industrial ontology that sees humans as above nature; it is not calling for a deeper respect for ocean resources—it is an attempt to secure a higher position within the economic privilege of the fishery.

Like settler communities, it would be unfair to expect that all Indigenous people are aligned in their perspective on the environment and ocean resources. As Little Bear (2000) has argued “colonization has left a heritage of jagged worldviews among Indigenous peoples” (p. 85), wherein Indigenous consciousness contains elements of both European and pre-colonial knowledge and values; “a precolonized consciousness that flows into a colonized consciousness and back again” (Little Bear, 2000, p. 85). Many do not read this jaggedness as a defect—in ways, it could be seen as a “matter of survivance” (Todd, 2018, p. 67), and as a tool to bring wealth to Indigenous communities that have for so long been excluded from the possibility of economic prosperity. Yet, others warn about a profit-first approach to resource management. Kerry Prosper is one of these voices. As Sis’moqon (2025) reports, “Prosper said he’s proud to see Mi’kmaq exercising their rights but cautions that a unified approach between communities is needed”. Kerry has written and spoken extensively on Indigenous resource management and has been central in reviving the concept of *netukulimk* (Prosper, 2009; Prosper et al., 2011; McMillan & Prosper, 2016). Since his early writings on the concept, he has warned that developing a community-based embrace of *netukulimk* will be challenging (Prosper et al., 2011, p. 13), which has proven to be the case in recent years. About both the concept of *netukulimk* and *etuaptmumk*, or two-eyed seeing, Prosper has said, “I see [the words] in their management plans, but I don’t see it in their mind. I don’t see it in their heart” (Sis’moqon, 2025). Prosper says he understands that Indigenous fishermen need a livelihood, but he is worried that some are exploiting resources without thought of how their actions impact future generations. Kerry’s grandson, Kaeden Prosper, has

joined this call. He has said the right to fish for a moderate livelihood was first recognized by the fish themselves. Eels brought the Mi'kmaq people their right when they gave themselves to Donald Marshall Jr. About the recent poaching crisis, he says, "It was eels that brought our rights back, and then here you are abusing that same animal." (Sis'moqon, 2025). Both Kerry and Kaeden's point is that while fishing can be exercised under protected treaty rights, it is not necessarily a sustainable practice; the right to fish is only the first step in enacting good livelihoods. If non-Indigenous communities can learn something from this situation it is that on both sides of this coin there are divisions in communities and that in both Indigenous and non-Indigenous fisheries there are people who are deeply concerned about the health of the fish and the fishermen, but a capitalist colonial context has driven some toward forms of exploitation. Indigenous communities have long been shut out of not only commercial fishing, but out of the possibility of wealth generally, gaining access to industrial markets is for many the first opportunity to bring stability and prosperity to their communities, which has been the case in the lobster fishery (Coates, 2019). Non-Indigenous fishermen should understand this desire and effort. The goal moving forward is to develop forms of unity that are based on the shared desire for prosperity and ecological sustainability.

5.0 The Right to Fish: In Law or Blood?

In July of 2023, the Sipekne'katik First Nation launched a lawsuit against DFO and the Canadian Coast Guard for seizing their members' traps. As Googoo (2023) reports, "Sipekne'katik's fishery guardians witnessed DFO officers aboard a Coast Guard vessel haul up lobster traps belonging to band member James MacDonald in St. Mary's Bay on July 18. When they approached the coast guard vessel, one of the guardians informed DFO officers that MacDonald "was fishing under the authorization of Sipekne'katik First Nation' and advised the fishery officers to return the traps to the water or face legal action". The fisheries officer replied that "he was confiscating the traps anyway because DFO does not recognize Sipekne'katik's right to fish". This clearly violates the band's right to a moderate livelihood. Nonetheless, the suit was dropped by the First Nation. After the suit was dropped Colin Sproul, the president of The Unified Fisheries Conservation Alliance said that "the discontinuing of the case is a 'major victory'" because it is an acknowledgment that "the rights to the illegal out-of-season lobster fishing...are not a treaty protected right" (Tutton, 2025). Sproul's positive analysis of this situation was premature and misguided for a number of reasons. Foremost because fishing out-of-season is indeed a treaty protected right, but also because Sipekne'katik dropped the suit to enter into private confidential mediations with DFO (Beswick, 2025b). This wasn't a positive shift for commercial fishers who previously had intervenor status in the lawsuit. When the mediations went behind closed doors, they were no longer able to partake in the legal process and had no way of officially engaging in the nation-to-nation conversation (Beswick, 2025a). This has pushed the commercial fishers to launch their own suit to get public resolution to the question of what a 'moderate livelihood' means. In April of 2025, a letter written to Sipekne'katik from DFO was leaked and made public. The letter outlines what the department was willing to do to appease the First Nation to drop the lawsuit, which included building two fishing wharves, a lobster pound, a fish plant, fast-tracking the approval of adjacent land as reserve land, and giving them an exclusive fishing zone where no other commercial fishing could take place. Regardless of whether these proposals will be acted upon, they demonstrate a willingness of DFO to support moderate livelihood fisheries. Yet,

they have been produced through a mode of reconciliation that bars non-Indigenous fishers from the process, and this has been a point of frustration for communities who themselves feel the pressure of precarious livelihoods (Beswick, 2025b). In this situation, ‘nation-to-nation’ is not understood in a way that encompasses all those who make up the populations of those nations involved. This, like the Marshall Initiative, and like the recent ‘interim understandings’, are the kind of backroom deals that do not truly grant First Nations sovereignty as they try to stamp out tension with temporary concessions, and they rather inflame the suspicions between settler and Indigenous communities, reducing the likelihood of unity emerging from the community level.

Indigenous communities constantly have to bend and disperse state laws and their own fishing ideals to maintain their lifeways—a practice that Todd (2018) labels ‘refraction’. Todd (2018) says that refraction is the process that occurs when Indigenous communities are “forced to negotiate across ‘sameness and difference’ as a matter of survivance” (p. 67). Todd chooses the word ‘refraction’ purposefully. She says when a person fishes, they must adapt their senses and actions to account for the refraction occurring on water surfaces. Refraction thus demands that one pay attention, develop skill, and care for the boundaries between interfaces (Todd, 2018). These interfaces are air–water, but also community–state, and settler–Indigenous communities—all entities involved in the lobster wars. Sipekne'katik's lawsuit against DFO and their dropping of the same suit is a complex practice of refraction. Moderate livelihood fisheries use section 35(1) of the Constitution Act to assert their right to govern their own harvest, but as Prosper et al. (2011) remind us, even if treaty rights are upheld by the court they are “still resisted by governments [through tactics including] questioning interpretations, blurring definitions of adequate consultation and accommodation, stalling on implementation,...insisting treaty rights be restricted by existing policies and practices” (p. 2) and in the case of the 2023 suit, by simply hauling up traps that DFO deemed unauthorized. The lawsuit was a method of ‘survivance’ that operated quite squarely within the state apparatus because it operated through official channels of law. The confidential mediation is an example of refraction that bends and deflects this system. Todd speaks about refraction with some normative ambiguity—she does not portray it as inherent just or good, but rather as a response to the difficult position Indigenous people are in as they constantly navigate their relation to the settler state. Moving the negotiation behind closed doors might have been a choice that the Nation felt would get them closer to their fisheries goals, but it opened a new channel of temporary mediation at the expense of a fuller form of reconciliation. Returning to the overarching suggestion of this paper, one should ask if there is another way.

Todds’ aim with the idea of refraction is to describe how Indigenous people “conten[d] with the unavoidable realities of State imaginaries about how humans should relate to the world around them” (2018, p. 67). In many situations, settler fishers also have to navigate state regulation to protect a deeply felt connection to fishing lifeways. For instance, the crash of the cod stock in the 1990s and its subsequent moratorium led many settler fishers to poach fish, manipulate welfare systems, and fish illegally, selling them in an underground economy. Opposed to the narrative of criminal *bottom feeders*, many saw these actions as a symbolic form of resistance to the State’s attempt to control the way of life of Atlantic people (Power, 2005, p. 104). Former commercial fishermen claimed that their right to fish was found “in the blood” (Power, 2005, p. 105) of their people not in codified legal documents like licences. This was seen as a form of empowerment in the face of a

mismanaged fishery that eventually stripped them of their livelihoods. Ironically, this understanding and acceptance of illegality as a necessary action to preserve lifeways is not extended to Indigenous fishers in the contemporary context. The industrial fishing of cod, organized and supported by the state, led to its collapse and subsequently to settler precarity in the fisheries. It is that same “imperious” (Tully, 2018, pg. 39) attitude of our capitalist-colonialist context that has produced the much more extreme existential precarity of Indigenous people. We should not see these two situations as equal—the industrial fishing regime produces settler precarity, especially in the way it disadvantages moderately scaled fisheries, but this precarity emerges within a system that has historically privileged their access (Claxton, 2019). A privilege that is often felt so strongly that it blinds settler fishers from recognizing that their participation in the fishery, even if it extends back generations, is still a recent phenomenon (Harp et al., 2020). Yet, if in the case of the cod collapse, we can understand fishers’ actions as a form of symbolic resistance, why can’t we see and appreciate contemporary Indigenous action similarly? A key aspect of the progress that I envision here relies on increased understanding of treaty rights on the part of non-Indigenous fishers, as well as a recognition from both parties that we may have more in common than usually gets talked about. Davis (2020) argues that we should not demonize non-Indigenous fishers for a lack of understanding of treaty rights. He says that

little has been done to assure that non-Indigenous Canadians are required to engage with such an education so, there is no basis upon which to expect Southwest Nova Scotia small-boat marine harvesters to express an understanding that is different from views held more generally throughout Canada” (Davis, 2020).

But in keeping with the spirit of the argument here, we also should not wait for a state requirement of education; this needs to be an initiative of people themselves.

6.0 Conclusion

Atlantic fishers, both Indigenous and not, are deeply tied to the fishery and the lifeways it engenders. Fishermen react to regulation and crisis with long-held beliefs and self-perceptions at hand. On both sides, concern goes well beyond economic interest to broader and more powerful interests in community survival, and in the case of Indigenous folks, their ability to exercise their rights in treaty relation with Canada. As Furniss (2000, p. 4) notes, it is typical that advancing Indigenous rights will heighten the fear of settler livelihood collapse. This is the case today in many Atlantic fishing communities. Yet, I hope this paper has shown that the true threat to peaceful, sustainable fisheries is not the legal idea of moderate livelihood fisheries, but a colonial-capitalist context which debases good relationality needed to form the core of a fishers-first movement toward unity.

Smaller-scale, socially embedded fishing systems based on respectful ecological relationships and local control of resources are the key to sustainable fisheries. Yet, these kinds of fisheries are often derided as nostalgic and naive. This is a misleading characterization that deems “any approach that proposes transcending capitalist development [as doing] away with both capitalism and human development (as if these two are inherently coupled)” (Longo et al., 2015, p. 199). Jennifer Telesca and

many other scholars that I've discussed above show that nation-states sustain fish "not for their deserved place in the biome, [but instead for] extract[ing] their population as a biological asset to maximize profit" (, 2017, p. 156); their goal is to bolster an industrial market, not to maintain good relations amongst communities. And so, there is a significant reason to be wary that the unity that is being called for in the lobster wars could be led by the state. That is why I hope these ideas can be heard by fishing communities themselves. Good fisheries governance is not simply a matter of getting the right distribution of quota backed by the right legal apparatus. Rather, it needs to be a practice of lawful co-existence rooted in treaty. I will end with a quote from Hannah Martin (2020), writing for the Yellowhead Institute, who foregrounds the most essential question that this work tries to explore, and the most essential question that we as diverse people who live within and around our fishery must ask ourselves: "How do we understand our identities as Treaty people? How do we relate to each other? The land? Our shared history? We have a right and a responsibility to tread a new path as we walk into what can be a new, just, future together" (p. 3)

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