

A Long-Lasting Fishing Conflict:
A Pathway Toward Reconciliation in Lobster Fishing Area 23 Between the Esgenoôpetitj First
Nation and Local Fishermen in the Gulf Region

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Thesis submitted to the University of Ottawa
in partial fulfillment of the requirements for the
Master of Science Environmental Sustainability

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Abstract

This thesis explores the long-standing lobster fishing conflict in northeastern New Brunswick between the Esngenôpetitj First Nation and non-Indigenous fishermen in Lobster Fishing Area 23. Following the 1999 Marshall decision, which affirmed Indigenous treaty rights to fish for a “moderate livelihood,” tensions emerged due to unclear legal definitions. After negotiations with the Department of Fisheries and Oceans (DFO), this major conflict died down, and Indigenous communities gained access to lobster fishing licences. Today, there are still tensions, but it cannot necessarily be called a conflict. The commercial fishing season is not the main issue, but rather the Food, Social, and Ceremonial (FSC) Fishery. Through 31 semi-structured interviews with Indigenous and non-Indigenous fishermen, fishery officers, the Director of Fisheries in Esngenôpetitj, and the General Director of the Maritime Fishermen’s Union, this study considers differing perceptions of fairness, access, and regulation in the lobster fishery to understand the causes of tension and find pathways to reconciliation. The findings reveal that economic competition, lobster fishing boundary lines, and misinformation fuel divisions and create conflict. Limited knowledge and lack of transparency aggravate misunderstandings of Indigenous fishing rights more specifically regarding the FSC fishery. Despite improvements in relations since the early 2000s, reconciliation remains fragile. Participants expressed interest in collaborative management though both sides shared concerns about not having their voices heard. The thesis argues that meaningful reconciliation in fisheries must surpass symbolic gestures to include shared governance, co-management, and the recognition of Indigenous legal traditions and stewardship values. Policy recommendations include regulatory change and government action, co-management and transparent communication, enhanced education, and greater collaboration between fishery officers and Indigenous Guardians. This thesis contributes to understanding how reconciliation in the fishery sector surrounding the Esngenôpetitj First Nation can be pursued.

Acknowledgements

I would like to thank my thesis supervisor, Professor Nathan Young, for his valuable feedback, guidance, and support throughout this research.

I would like to express my deepest gratitude to Chief Avery Paul of Esgenoôpetitj First Nation for granting me permission to conduct my research within the community.

A very special thanks to Clark Dedam, Director of Fisheries at Esgenoôpetitj, for his collaboration, participation, and for reviewing and approving my research work. His insights and trust were invaluable throughout this process.

I would also like to thank all the fishery officers, Indigenous fishermen, local fishermen, and the representative of the Maritime Fishermen Union who participated in this study.

Finally, I would like to pay special tribute to Victor Narvey, an Indigenous fisherman from Esgenoôpetitj who sadly passed away while lobster fishing on May 27, 2025. Although I was unable to interview him, I wish to honor his memory and lifelong connection to the waters. A heartfelt thank you to the Guardians and the fishery officers for their collaboration in bringing him home.

Acronyms and Abbreviations

DFO: Department of Fisheries and Oceans (Officially: Fisheries and Oceans Canada)

FSC: Food, Social, and Ceremonial Fishery

ITQs: Individual Transferable Quotas

LFA: Lobster Fishing Area

MFU: The Maritime Fishermen's Union

Glossary

Co-management: A shared governance approach in which responsibility for managing the lobster fishery is collaboratively exercised by governments, Indigenous communities, and local stakeholders.

Commercial Lobster Licences: Licences issued by DFO to individual fisherman that authorize participation in commercial fisheries. These licences typically involve specific rules regarding season dates, gear limits (such as trap numbers), reporting obligations, and conservation regulations.

Communal Commercial Lobster Licences: Fishing licences issued by Fisheries and Oceans Canada (DFO) to Indigenous communities under the Aboriginal Communal Fishing Licences Regulations. These licences are held by the community and allow designated community members to participate in commercial fisheries. These licences were provided following the Marshall Decision as part of federal efforts to support moderate livelihood opportunities.

Conflict: A situation in which two or more groups have incompatible goals, actions, or interests, often resulting in tension, disagreement, or disputes.

Fishery Guardian: An Indigenous individual who monitors Indigenous fisheries and is employed by a First Nation such as Esgenoôpetitj. Their authority is granted by the Minister of Fisheries and Oceans Canada under section 5 of the Fisheries Act. Their enforcement powers are limited and outlined through specific agreements with DFO.

Fishery Officer: A law-enforcement officer employed by DFO responsible for enforcing the Fisheries Act, related regulations, and conservation measures.

Food, Social, and Ceremonial (FSC) Fishery: Indigenous fishing rights protected by the Canadian Constitution for the purposes of providing food to community members, supporting social and cultural practices, and carrying out ceremonial obligations. FSC fishing is not intended for commercial sale, and harvesting levels are generally based on community needs rather than quotas. It may also be referred to as food fishery.

Imaginary Line or Grandfather Line: A term used by local fishermen in LFA 23 to describe an informal boundary that separates where lobster fishermen from different wharves operate. It is

not an official regulatory boundary but holds symbolic and practical meaning within the fishing community.

Indigenous Fisherman: An Indigenous fisherman who fishes lobster under a communal commercial licence.

Lobster Fishing Area (LFA) 23 Sub-Zone: A division within Lobster Fishing Area 23 that establishes specific management rules, including season dates, trap limits, minimum size requirements, and fishing access. LFA 23 is divided into four sub-zones: A, B, C, and D. The sub-zones determine distinct regulatory conditions and operational boundaries for licensed fishermen. Esgenoôpetitj fishermen currently fish in sub-zones C and D.

Lobster Fishing Area (LFA) 23: A lobster fishing area management zone established by Fisheries and Oceans Canada that covers a portion of the Gulf of St. Lawrence along the northeastern coast of New Brunswick. Each LFA has its own regulations for season dates, trap limits, and conservation rules. LFA 23 is the area where the Esgenoôpetitj can legally fish lobster.

Local Fishermen: Non-Indigenous commercial lobster fisherman who hold individual commercial licences.

Maritime Fishermen's Union: A fishermen-led organization representing commercial fisherman in the Maritime provinces.

Marshall Decision: A 1999 Supreme Court of Canada ruling recognizing that Indigenous peoples hold treaty-protected rights to fish and trade in order to earn a “moderate livelihood.”

Moderate Livelihood: A term derived from the 1999 Marshall Decision, which affirmed that Indigenous peoples have the right to fish and sell catch to earn a “moderate livelihood.” The term was not further defined by the Court and remains undefined today, contributing to ongoing conflict and negotiations regarding seasonality, effort, and management.

Reconciliation: In this thesis, the term reconciliation is used broadly to refer to the ongoing process of building respectful and trusting relationships between Indigenous and non-Indigenous communities. Eliminating all disagreements is not realistic. Rather, reconciliation seeks to foster mutual understanding, respect, and trust so that communities can work together toward a more

equitable and sustainable future for all. It is a continuous process that requires ongoing dialogue, cooperation, and a shared commitment from all parties.

Sparrow Decision: A 1990 Supreme Court of Canada ruling of the Sparrow case affirming that Aboriginal rights to fish for food, social, and ceremonial purposes are constitutionally protected under section 35.

Tension: A state of strain, stress, or unease between groups, often stemming from unresolved disagreements, misunderstandings, or competing interests.

Treaty Rights: Rights held by Indigenous peoples through historic Peace and Friendship Treaties and recognized under section 35 of the Constitution Act, 1982.

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1 Introduction

1.1 Problem Statement

Fishing conflicts have been a problem for over 27 years in the northeast of New Brunswick, Canada. Following the Marshall Decision in 1999, news articles covered the violent fishing conflicts that arose across Canada. One video clip from Esqumot, showing a DFO boat sinking an Indigenous boat and endangering First Nation lives, was widely circulated (Obomsawin, 2002). After 2002, media attention on the conflict decreased, but tensions persisted in various ways.

The impact of this conflict went beyond the fishing industry. During the 2000 conflict, Indigenous children faced bullying in schools, and some First Nations people did not feel safe shopping outside their community (Alvery. P, personal communication, October 10, 2023). Racism appeared to be an omnipresent force, overshadowing the historical alliance between the Mi'gmaq Nation and Acadians in the region. The Mi'gmaq Nation protected the Acadians from the British Crown, but it seems to be long forgotten (Alvery. P, personal communication, October 10, 2023). Indigenous commercial fishing rights outside of the regular seasons have been in place in Canada since the 1999 Marshall ruling, which altered certain terms of the Fisheries Act (Fisheries and Oceans Canada, 2022). However, Indigenous people still have to fight for their rights to be respected.

One thing that makes the conflict in Esqumot an important political and scholarly case is that, at some point after 2002, the community's approach changed. In the face of ongoing conflict, they decided to collaborate and work toward reconciliation themselves. It is evident to anyone living in the region that relations between Indigenous and non-Indigenous people have improved, but some problems still remain. Some local fishermen¹ are still not interested in working toward reconciliation and are unwilling to participate in workshops organized by the First Nation.

The initial information I gathered indicates that non-Indigenous people often have a significant lack of understanding regarding the regulation of Commercial Communal, Food

¹ The term "fisherman" will be used in my research even though it is not a gender-neutral term. It is used by all the people in the region, even female captains refer to themselves using this term.

Fishery, and Social Ceremonial lobster fisheries and often confuse the two together (Asselin et al., 2022). The fishing regulations for both Commercial Communal, Food Fishery, and Social Ceremonial (FSC) fishery were the result of negotiations and legalization efforts undertaken by Fisheries and Oceans Canada in collaboration with the Esgenoôpetitj First Nation. The Government of Canada has established strict regulations for FSC lobster fisheries, and the Chief and Band Council of Esgenoôpetitj have introduced their own set of rules and regulations, on top of the existing ones which are enforced by the Fishery Guardians, a unit of Indigenous Officers. Working with Fishery officers, the Fishery Guardians ensure that all fishing activities comply with the regulations of their First Nation community. Additionally, the Band has implemented a compliance system to revoke fishing licences after a fisherman's third offense to ensure their fishermen are respectful of the natural resource. Misunderstandings persist and continue to be a source of conflicts surrounding Indigenous lobster fishing. A common misconception held by local fishermen is that Indigenous fishermen possess a greater number of licences than they hold in both the commercial fishery and FSC. Indigenous Communal Commercial Lobster Fishing Licences differ from standard lobster licences. But in reality, it's because they can divide a regular licence of 300 lobster traps into three or more licences for the benefit of the community. This approach allows multiple individuals to access a livelihood with fewer traps, thus guaranteeing a stable income. This collective approach is made possible because, unlike non-Indigenous fishermen who own a licence, all the licences possessed by Esgenoôpetitj are registered under the entire community's name. As a result, no single person accumulates significant profits, preventing wealth concentration and making sure that more people in the community can benefit economically through fishing. As stated, multiple times by First Nations fishermen in a recent workshop, their goal in life was never to become rich, but simply to earn a decent living (Asselin et al., 2022).

This thesis will present a comprehensive overview of the historical and legal context of fishing rights, along with findings from field research that I conducted through multiple interviews with Indigenous fishermen, non-Indigenous fishermen, and DFO representatives. Gathering testimonies from all parties involved illuminated different perspectives on the issue. There are fourteen First Nation community that practice commercial communal lobster fishing in the New Brunswick region (Fisheries and Oceans Canada, 2008). This study specifically focuses on Esgenoôpetitj. Through this study, I want to contribute to the understanding of the lobster

fishing conflicts and offer recommendations that could help improve relationships among all parties involved. My research question is: How do local fishermen and Esngenôpetitj First Nation members perceive and experience the conflict over lobster fishing rights, and what are the possible pathways to reconciliation? This research has two objectives: to understand the conflict and to make recommendations to improve the relationship between the Indigenous and non-Indigenous communities in the region.

1.2 First Objective

The first objective is to understand the conflict surrounding Indigenous lobster fishing rights. To do so, I explore how historical events, legal frameworks, economic concerns, and misinformation have shaped the conflict over time. To fully understand the conflict, it is necessary to gather the perspectives of both local and Indigenous fishers, while also looking beyond their points of view. This includes examining the government's role in designing policies and regulations, as well as external factors such as racism. How regulatory enforcement, conservation efforts, and Indigenous treaty rights are perceived and applied within Lobster Fishing Area 23 are also explored.

1.3 Second Objective

The second objective is to recommend ways to restore relationships between the parties involved in the conflict. This includes examining co-management models, policy adjustments and collaborative resource management approaches that could encourage better collaboration. The study also assesses the role of communication, education, and public awareness initiatives in addressing misconceptions and reducing tensions. Based on findings from interviews and the literature, recommendations are provided for policymakers, DFO, Indigenous governance bodies and local fishermen to enhance dialogue and collaboration toward equitable and sustainable fisheries management.

1.4 Contribution to Knowledge and Originality

The Esngenôpetitj First Nation has granted me permission to pursue this research and offered their collaboration. There is limited research in this specific field, and I believe this study can benefit all parties involved. As a non-Indigenous researcher of Acadian heritage who has lived in the regions of my study, I am approaching this research with cultural sensitivity,

awareness, and an understanding of the social and economic dynamics. My experience in the area has also provided me with firsthand insights into how the lobster fishing conflict has affected both Indigenous and non-Indigenous communities over the years. I remain neutral in my stance as a researcher and approach this study with openness and curiosity, exploring all perspectives surrounding this conflict. I hope to have a meaningful and positive impact in my community, and I see working toward reconciliation as one of the ways I can realistically contribute. The Indigenous community does not feel heard on this issue. The local fishermen, even though their voice seems louder, also do not feel like they are listened to. There is a lot of distrust among both parties, and especially toward the government. People have also disclosed feeling silenced. I want to explore this problem that has persisted for too long and be a voice for the people who have felt silenced or overlooked. There are multiple stories that have not been shared that I would like to bring to light. I will share stories that are anonymous so that people can finally feel safe expressing themselves and the people who wish to have their name public can also do so. After hearing every side of the story of this conflict, I want to be able to analyze it to help find a solution to diminish this conflict and help reconciliation.

This research contributes to the broader literature in several ways. It provides an in-depth examination of the lobster fishing conflict involving the Esgenoôpetitj First Nation and local fishermen in Lobster Fishing Area 23. While Indigenous fisheries conflicts have been studied elsewhere in Atlantic Canada, there is limited research focusing specifically on this community and its history of conflict and reconciliation. This original study brings together perspectives from multiple stakeholder groups, including Indigenous fishermen, non-Indigenous fishermen, fishery officers, the Director of Fisheries of Esgenoôpetitj, and the Maritime Fishermen's Union. By examining these perspectives side by side, the research provides a more comprehensive understanding of the factors contributing to tensions and conflict.

The findings of this research also contribute to broader discussions on Indigenous rights, fisheries governance, co-management, and reconciliation. This research provides recommendations that may support future reconciliation efforts and collaborative fisheries management in Atlantic Canada. By identifying pathways toward improved communication, education, transparency, and co-management, the study helps bridge the gap between academic research and real-world challenges. Although every First Nation community is unique and the

findings cannot be applied directly to all communities, they provide valuable insights that can be compared across communities and may help inform broader discussions on Indigenous fisheries and reconciliation.

1.5 Thesis Structure

This thesis is organized nine chapters. After this introduction, Chapter 2 provides background information on the study region and the historical impacts of colonization. Chapter 3 presents the contextual literature. It covers lobster biology, reviews the legal and historical frameworks of Indigenous fishing rights, examines the current state of the lobster fishery and the associated conflict, and explores potential means of conflict resolution. Chapter 4 describes the methodology used in this research. Chapter 5 presents the findings from the interviews conducted with Indigenous fishermen, local fishermen, fishery officers, the Director of Fisheries of Esogenôpetitj, and the Maritime Fishermen's Union. Chapter 6 discusses these findings in relation to the literature and identifies key themes that explain the persistence of the conflict. Chapter 7 give recommendations based on the findings. Chapter 8 outlines the limitations of the study. Chapter 9 concludes by summarizing the main findings and discussing the contributions of the research.

2 Background

2.1 Region of the Study

Lobster fishing is an important industry in New Brunswick (Fisheries and Oceans Canada, 2023a). In Canada, the lobster industry was estimated to be worth around \$3.25 billion in 2021 for the value of landings and exports, and there are additional economic gains from indirect jobs created by the lobster industry that were not taken into account (Mallet, 2025). It serves as a primary source of income for many people. This industry generates both direct and indirect jobs (Fisheries and Oceans Canada, 2023a). Sustainable natural resource management depends not only on sound ecological practices, but also on effective collaboration between communities that share the same Lobster Fishing Area (LFA).

In the Maritimes, there are nearly 400 ports, 300 of which are managed by local port administrations (Fisheries and Oceans Canada, 2021a). For this study, I will be focusing on LFA 23. LFA 23 is further divided into four sub-areas. This study focuses on the Esogenôpetitj First

Nation, located in sub-area C and D. Esgenoôpetitj have 37 Class A licences² that they have divided into 46 licences in 2024 (Anonymous DFO employee, personal communication, December 30, 2024). In LFA 23D, there are 133 Class A licences; in LFA 23C, there are 289 Class A licences; in LFA 23B, there are 90 licences; and in LFA 23A, there are 64 Class A licences and 11 Class B licences³ belonging to non-Indigenous people. Also, in Area 23, there are 28 Class A licences under other First Nation communities. Since they had licences, Esgenoôpetitj licences were only fished in sub-area C and D. However, Indigenous fishermen from Esgenoôpetitj can also fish legally in the other parts of area 23 as well (Anonymous DFO employee, personal communication, December 30, 2024). Figure 1 visually illustrates the number of licences in each sub-area and shows the location of all wharves.

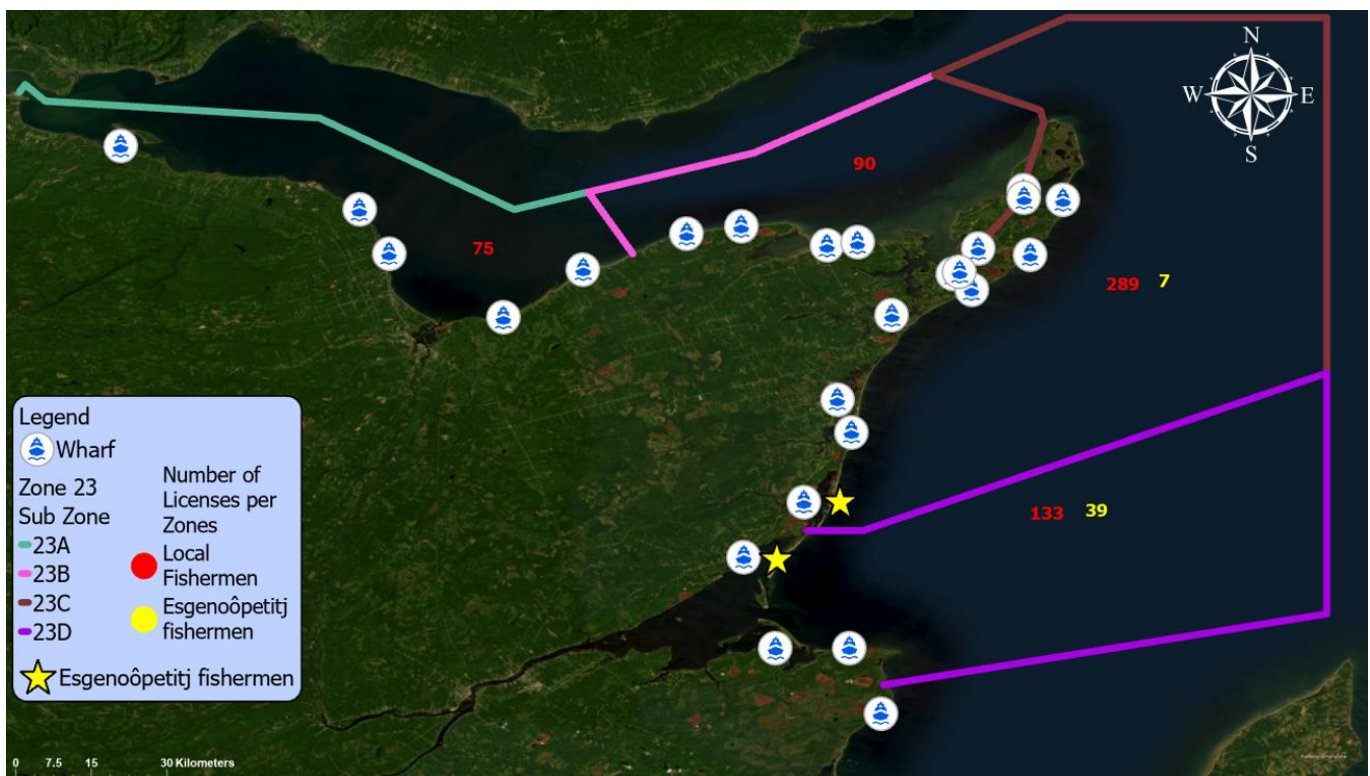


Figure 1: Map of Wharf Locations and Licence Distribution Between Local and Esgenoôpetitj Fishermen in Lobster Fishing Area 23, New Brunswick, Canada (Source: The Author).

² Class A licences have 300 lobster traps.

³ Class B licences have 90 lobster traps.

Esgenoôpetitj is an Indigenous community with a population of 1,190 people, according to the latest statistics from 2016 (Crown-Indigenous Relations and Northern Affairs Canada, 2024). The First Nation community is partially located in Burnt Church, Tabusintac, and Pokemouche (Crown-Indigenous Relations and Northern Affairs Canada, 2024). Beyond its economic significance, lobster fishing also holds a social aspect (Fisheries and Oceans Canada, 2020). Traditions are often passed down from generation to generation, with children aspiring to become fishermen like their parents and grandparents. They may later inherit the family fishing boat and carry on the tradition. To represent those fishermen, an organization called the Maritime Fishermen's Union (MFU) was created in 1977 (The Maritime Fishermen's Union, n.d.-b). Today, it speaks on behalf of more than 1,300 inshore fish harvesters across New Brunswick and Nova Scotia. It has grown to become one of the main voices for the fishing sector in the Atlantic region. The MFU is there to defend the interests of its members, support their families, and their communities. It also promotes sustainable fishing to protect the resource and leads various projects related to the fishing industry (The Maritime Fishermen's Union, n.d.-b).

2.2 Impact of Colonisation

Colonisation in North America was done by the Europeans taking political control of land and peoples, their justified their expansion through ideologies of cultural superiority and divine right (McMillan, 2015; Paul, 2022). Colonisers imposed new systems of governance that undermined First Nations sovereignty. In Atlantic Canada, including what is today knows as the province of New Brunswick, the British colonization of the land began in the early 1700s by creating new settlements to enforce British law and suppress French colonies and Mi'kmaq population (McMillan, 2015; Paul, 2022).

The Mi'kmaq became part of a series of Peace and Friendship Treaties with the British Crown between 1726 and 1779. These Treaties were gradually distorted to justify colonial control rather than coexistence (McMillan, 2015; Paul, 2022). Although the British recognized the Mi'kmaq political system and sovereignty, colonial policies and laws increasingly confined Indigenous peoples to smaller territories, restricted their access to resources, and criminalized their traditional ways of life. The Royal Proclamation of 1763 formally recognized Indigenous land rights, but in practice these rights were often ignored as settlers and traders continued to exploit resources and expand onto Indigenous lands. Over time, colonial governments also used the law as a tool of control by introducing measures such as the Gradual Civilization Act of 1857

and the Indian Act of 1876. Although these laws were presented as protective measures, they were used to limit Indigenous autonomy and reshape Indigenous governance systems in ways that served colonial interests (McMillan, 2015).

3 Contextual Literature

Chapter 3 presents the contextual literature used to explain the context of this thesis and support the research. Section 3.1 provides an overview of the lobster fishery, including lobster habitat, life cycle, and diet. Section 3.2 reviews the legal and historical frameworks of Indigenous fishing rights, including the Peace and Friendship Treaties and the Sparrow decisions and the Marshall decisions. Section 3.3 examines the current state of the lobster fishery, including the Food, Social, and Ceremonial (FSC) fishery, communal commercial fisheries, and the status of lobster stocks. Section 3.4 explores the history of lobster fishing conflicts in Esgenoôpetitj and fisheries conflicts in other regions of Canada. Finally, Section 3.5 reviews potential means of conflict resolution, including co-management, reconciliation, education, and lobster fishing quotas.

3.1 The Lobster Fishery

3.1.1 Lobster Habitat and Life Cycle

The American lobster (*Homarus americanus*) is a decapod crustacean (Asselin et al, 2024) and the only clawed lobster found in the Northwestern Atlantic out of 30 clawed species worldwide (Department of Marine Resources, 2017). It is primarily found between the coast of Newfoundland and Labrador and the state of New England in the USA (Asselin et al, 2024). Because the shell of the lobster does not expand as it grows, it must periodically molt, a process that occurs over 25 times between the larval stage and adulthood (Department of Marine Resources, 2017). Each molt allows growth to up of 14% of its body length and nearly half again in body weight. In the area of this research the molt usually happens around July to early September (Asselin et al, 2024). Lobsters typically require five to eight years to reach maturity, after which females carry fertilized eggs for nearly a year before releasing larvae into the water (Department of Marine Resources, 2017). The larvae float freely for several weeks, undergoing multiple molts before settling on the seafloor as juveniles. As adults, lobsters continue to molt

less frequently but retain the ability to regenerate lost claws or appendages (Department of Marine Resources, 2017).

3.1.2 *Lobster Diet*

Lobsters are predators, they feed on various crustaceans, even dead fellow lobsters or dead organisms they encounter (Fisheries and Oceans Canada, 2023; Fisheries and Oceans Canada, 2018). Even though they can eat a lot of things even marine plants (Fisheries and Oceans Canada, 2023), they prefer rock crab (Fisheries and Oceans Canada, 2018). The rock crab is also a crustacean species that is commercially harvested in the region (Fisheries and Oceans Canada, 2018). It important to remain vigilant about the health of rock crab stocks and to avoid overfishing for the benefit of lobsters.

3.2 Indigenous Fishing Rights, Treaty and Law

3.2.1 *Peace and Friendship Treaty*

The Peace and Friendship Treaty of 1760–1761 is a document created by the British Crown with the goal of harmonizing collaboration with the First Nations of the land they colonized (Isaac & Wu, 2024; Hamilton, 2024). The land in the treaty is now known as the country of Canada, more specifically in region of the Maritimes and in part of Gaspésie. The treaty was signed with the Mi'kmaq, Wolastoqey, and Passamaquoddy First Nations. This treaty is significant for multiple reasons. It has been used in Canada to support important legal decisions, such as the Marshall decisions, helping First Nations people gain legal rights over their natural resources within their ancestral territories (Isaac & Wu, 2024; Hamilton, 2024). The problem is that the treaty itself is somewhat controversial because there is uncertainty about how the text should be interpreted (Hamilton, 2024). The ongoing debates are about whether the treaty was a renewal of a previous treaty or a new agreement. The written and oral versions differ from one another. There is ambiguity in the meaning of certain terminology because words may have had different meanings in the past and different meanings for Indigenous and European parties. Some treaty clauses have different interpretations depending on who is consulted, especially because of unexplained terminology such as “submission.” The historical context shows that the British viewed Indigenous nations as having their own laws and political authority. Even after claiming sovereignty, the British recognized that Indigenous nations had their own civil constitutions, were capable of treaty-making, and maintained internal self-

government. This creates uncertainty because, if Indigenous political and legal systems continued, then “submission” in the treaties cannot logically mean giving up all authority. There is also the problem that “friendship” and “submission” appear together in the same treaty, which seems contradictory (Hamilton, 2024).

3.2.2 Sparrow Decision

The Sparrow case took place in British Columbia when Ronald Edward Sparrow, an Indigenous man, was arrested under Section 61(1) of the federal Fisheries Act because he was fishing with a net that was longer than the parameters allowed in his food-fishing licence in 1984 (Beaudoin & Filice, 2017). When he went to court, he defended himself by using Section 35 of the Constitution Act, arguing that he had the right to fish as part of their historical practice, not just under a treaty. This case lasted six years, during which he was found guilty multiple times by the Provincial Court of British Columbia and the British Columbia County Court. However, the British Columbia Court of Appeal overturned the ruling due to an error, and the case was brought to the Supreme Court of Canada in 1988. The Supreme Court determined that he was, in fact, exercising his Indigenous rights. This was a huge win for First Nations and led to the creation of the "Sparrow Test," which is used to determine whether an Indigenous person can legally fish under Section 35 of the Constitution Act (Beaudoin & Filice, 2017).

3.2.3 Marshall Decision

The Marshall case took place in Nova Scotia when Donald Marshall Jr., an Indigenous man, was arrested under the federal Fisheries Act and the Maritime Provinces Fishery Regulations for selling eels and catching eels with a net without a licence while the season was closed in August of 1993 (Conn, 2020; Fisheries and Oceans Canada, 2022). He defended himself by citing the Peace and Friendship Treaties, arguing that under this agreement, he had the right to fish and had not committed any illegal activity. The Provincial Court and the Court of Appeal of Nova Scotia found him guilty, but he continued to fight the ruling and brought the case to the Supreme Court of Canada, which ultimately found him not guilty and affirmed First Nations rights under the Peace and Friendship Treaties in September 1999. This ruling granted Mi'kmaq people the hunting and fishing rights that were promised in 1760 and 1761. Shortly after, the Supreme Court of Canada issued a second ruling in November 1999, known as Marshall II, in response to Indigenous individuals fishing outside the regular season. The ruling added limits for

conservation purposes. This decision could be applied to 24 First Nations in the Maritime provinces and some parts of Quebec (Fisheries and Oceans Canada, 2022). But one of the main problems with both decisions was the undefined term "moderate livelihood" (Conn, 2020; DFO, 2022), which continues to cause disputes to this day.

3.3 Current State of the Lobster Fisheries

3.3.1 What is Moderate Livelihood Fishery in the Maritimes

The right to fish for the purpose of pursuing a moderate livelihood was established by the Marshall Decision (Conn, 2020; Fisheries and Oceans Canada, 2022). The communal commercial fishery resulted from negotiations based on the Marshall Decision (Fisheries and Oceans Canada, 2024). The Government of Canada provided First Nations with fishing licences, vessels, gear, and appropriate training to support their participation in the industry. Between 2001 and 2024, approximately \$630 million was invested in Indigenous fisheries, generating an estimated \$222 million in annual revenue for First Nations as of 2019. The Department of Fisheries and Oceans Canada recognizes that there is still work to be done in Atlantic Canada and that developing moderate livelihood fisheries remains a priority to build wealth and economic stability within Indigenous communities (Fisheries and Oceans Canada, 2024). In Esgenoôpetitj, there is currently no moderate livelihood fishery (Anonymous DFO employee, personal communication, October 18, 2025). However, the community participates in the communal commercial fishery through agreements negotiated following the Marshall Decision (Anonymous DFO employee, personal communication, October 18, 2025).

3.3.1.1 Aboriginal Communal Fishing Licences Regulations

The Aboriginal Communal Fishing Licences Regulations were introduced in 1993 under the Fisheries Act to provide a legal framework for Indigenous fishing activities (Minister of Justice, 2025). These regulations replaced the earlier Aboriginal Fisheries Agreements Regulations of 1992 and recognize that fishing rights can be exercised through communal licences issued to an Indigenous organization, such as a band council or tribal council. Unlike an individual licence, a communal licence is issued to the community. The licence can include requirements related to designated fishermen, vessels, fishing gear, catch limits, and reporting. These conditions are established by either the Minister of Fisheries and Oceans or the First Nations organization itself (Minister of Justice, 2025).

3.3.1.2 Food Social and Ceremonial Fishery

The Food, Social, and Ceremonial (FSC) fishery originated from the Sparrow Decision (Fisheries and Oceans Canada, 2024). The right to fish for food, social, and ceremonial purposes is recognized under Canadian law in section 35(1) of the Constitution Act, 1982. To affirm this right while protecting natural resources, Fisheries and Oceans Canada established a framework through negotiations with First Nations. Under this framework, a FSC licence is issued to Indigenous communities, which are responsible for managing the distribution of fishing opportunities among their members for FSC purposes and for developing specific rules to guide these activities. The FSC fishery is intended for food, social, and ceremonial use. Therefore, the sale of any catch is prohibited, and compliance is enforced by fishery officers (Fisheries and Oceans Canada, 2024). Figure 2 presents an official DFO poster that visually explains the basic principles of the Food, Social, and Ceremonial fishery (Fisheries and Oceans Canada, 2023b).

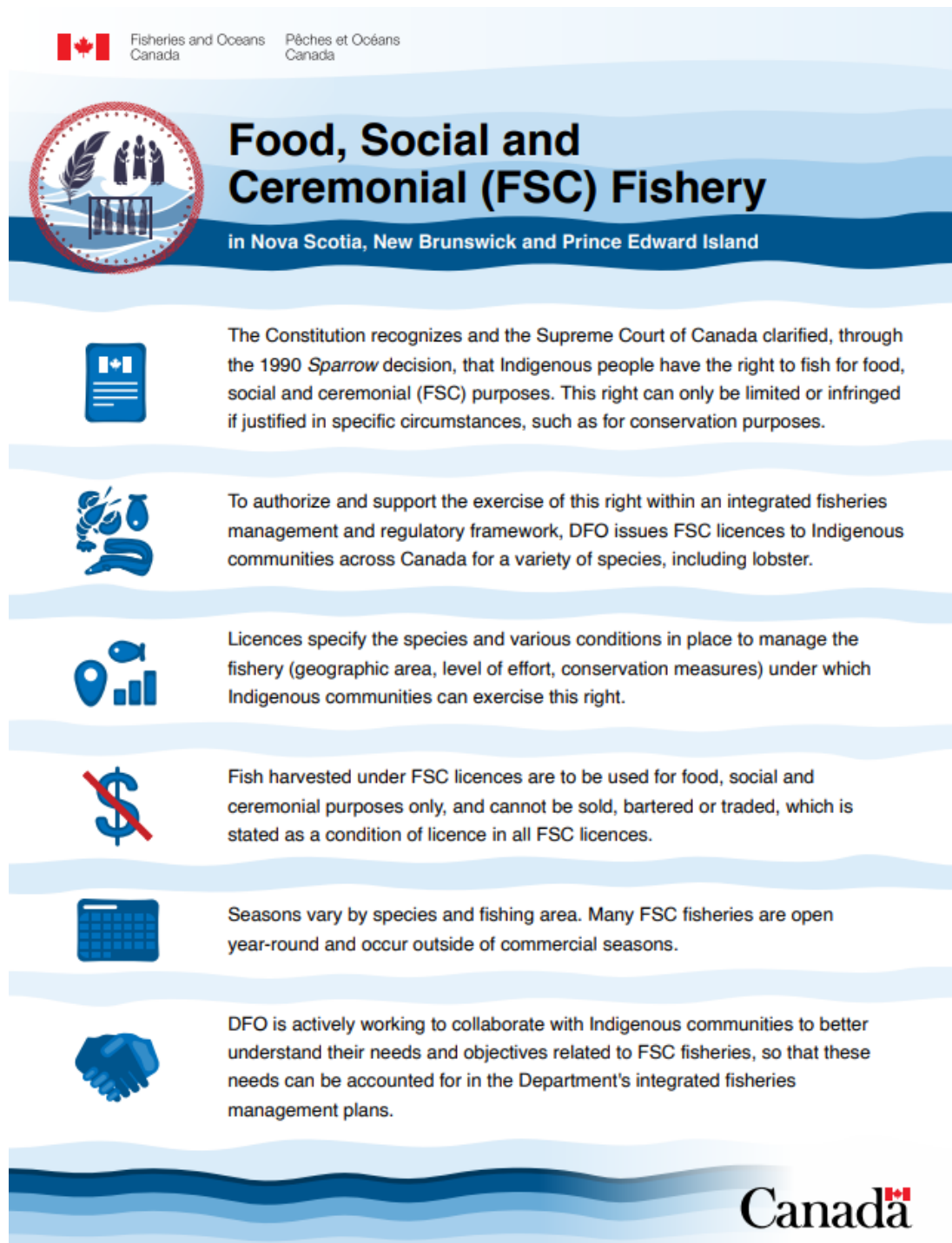


Figure 2: Description of Food, Social and Ceremonial (FSC) Fishery in Nova Scotia, New Brunswick and Prince Edward Island (Source: Fisheries and Oceans Canada. (2023). Food, Social and Ceremonial (FSC) Fishery in Nova Scotia, New Brunswick and Prince Edward Island. Government of Canada. <https://www.dfo-mpo.gc.ca/about-notre-sujet/publications/infographics-infographies/FSC-ASR-eng.html>).

Even though it is not available on the DFO website, there is a policy created by DFO in 1993, “Policy for the Management of Aboriginal Fishing,” that was used in the past and that Esgenoôpetitj has kept and has now resurfaced (Clark Dedam, personal communication, December 18, 2025). This documentation was provided to me by the Esgenoôpetitj community to use in this research. This policy stated that there was a pilot project for a limited number of communities: if they participated and negotiated an agreement, they would be permitted to sell fish caught during Food, Social, and Ceremonial (FSC) fisheries. In the absence of such an agreement, the sale of fish caught under FSC would not be permitted (Clark Dedam, personal communication, December 18, 2025).

At present, there is no such agreement in place with the Esgenoôpetitj First Nation, to my knowledge. However, in certain cases, such as the 1993 pilot project, the sale of lobster caught under FSC fisheries has been permitted by DFO. The Esgenoôpetitj First Nation argues that this activity is not inherently illegal, but rather not permitted by DFO for some communities under current frameworks. Through negotiation, this situation may change in the future, as the 1993 policy suggests the possibility of allowing the sale of FSC lobster if communities wish to do so. Furthermore, from the perspective of the Esgenoôpetitj First Nation, the sale of lobster caught under FSC fisheries should already be permitted under their affirmed rights.

3.3.1.3 The Framework of Esgenoôpetitj FSC

On March 28, 2024, the Esgenoôpetitj First Nation provided a briefing note describing aspects of its fisheries management (Anonymous, personal communication, August 28, 2025). The lobster fishing season for the Food, Social, and Ceremonial (FSC) fishery begins at the start of September and lasts for 14 days. In recent years, the community has also developed its Working Group Fishery Plan. In 2019, the focus was on improving safety. In 2020, efforts shifted toward self-policing responsibilities related to their “right to fish.” By 2023, the community aimed to building relationships with non-Indigenous fishermen through workshops that promoted trust, transparency, and collaboration with the Department of Fisheries and Oceans (Anonymous, personal communication, August 28, 2025).

In 2023, the FSC lobster fishery took place from September 6 to September 22 (Anonymous, personal communication, August 28, 2025). However, three days were lost due to poor weather, resulting in 14 effective fishing days. This fishery was conducted on a small scale, with vessels under 26 feet. Approximately 1,400 tags were issued, and between 25 and 30 fishermen landed a total of 85,724 pounds of lobster. According to the landing data, more market-sized lobsters (81 mm) than canner-sized lobsters (72 mm) were harvested. As a result, new measures were introduced to sort and weigh the catch to improve reporting in future fishing seasons. The community also expanded the role of its Fishery Guardians by purchasing two vessels to improve safety and enforcement, hiring two additional guardians for a total of ten, and providing additional training through the Canadian Coast Guard and DFO (Anonymous, personal communication, August 28, 2025).

3.3.2 State of the Lobster stock

The Stock data from DFO confirm that lobster fishing in the southern Gulf of St. Lawrence has shown an increase in lobsters meeting the regulatory size for capture, as well as an increase in egg-bearing females (Asselin et al., 2024). A rise in lobster stocks was observed in Canada after 1990, potentially linked to increasing water temperatures, and in 2022, lobster stocks in the Maritime provinces were declared healthy (Flaherty et al., 2025). However, there is growing concern that stocks may decline due to climate change (Flaherty et al., 2025; Asselin et al., 2022). As ocean temperatures continue to rise, fishermen fear that lobster populations could be negatively affected in the future (Asselin et al., 2022). This concern has already become a reality in the state of Maine, just south of New Brunswick, where lobster stocks have sharply declined due to rising water temperatures (Montembeault et al., 2025). Lobsters are migrating northward, raising questions about how much time Lobster Fishing Area 23 has left before similar declines occur. Fishermen from Néguaac, located in sub-area D, are already reporting smaller catches compared to those from Subarea C (Montembeault et al., 2025). These changes are likely linked to climate change and to inaccuracies in lobster stock assessments (Montembeault et al., 2025). Nonetheless, the stock in LFA 23, where Esengoôpetitj is located, is currently considered healthy according to available DFO data (Asselin et al., 2024).

3.4 Conflict Over Indigenous Lobster Fishery

Conflicts over Indigenous fishing rights are often caused by ineffective government management rather than purely economic factors (Harrison & Loring, 2014). In the Canadian fishing industry, the government has failed to adequately clarify Mi'kmaq fishing rights (Bailey et al., 2024 ; Warrior, Fanning and Metaxas, 2022; Mallet, 2025). This lack of clarity has created conflict between Indigenous and non-Indigenous fishers. An important issue is the undefined term “moderate livelihood” (Bailey et al., 2024 ; Warrior, Fanning and Metaxas, 2022 ; Mallet, 2025). It stands to reason that if the Supreme Court had clearly defined this term, some of the conflict could have been avoided. Research also shows that conflict is inevitable without proper regulations and clear fishery policy (Dahlet, Himes-Cornell and Metzner, 2021). The government plays a role in creating these conflicts indirectly, but it will also be important in resolving those same conflicts. For example, in Nova Scotia, conflict in the lobster fishing industry surrounding First Nations fisheries can be partly attributed to the Canadian government's inaction and lack of clarity regarding Indigenous treaty rights, particularly the undefined term "moderate livelihood," which has contributed to increased tensions (Bailey et al., 2024). As a result, many non-Indigenous commercial fishermen fear that Indigenous fishing will lead to a decline in lobster stocks, despite the lack of scientific evidence supporting this concern. These tensions are increased by resistance to Indigenous fishing practices outside traditional commercial seasons, raising debates about sustainability, fairness and the recognition of treaty rights. Systemic racism plays a significant role in amplifying conflicts, as seen in the violent opposition to Indigenous fisheries in Nova Scotia. Acts of vandalism, threats and aggression reveal deep-rooted biases beyond economic concerns. Addressing racism is important for reconciliation. Non-Indigenous fishermen often point to resource depletion as a reason for opposing Indigenous fisheries, but research shows these fears are unfounded. Indigenous fishing practices are created with sustainability in mind (Bailey et al., 2024). The issue appears to be economic competition (Harrison & Loring, 2014 ; Bailey et al., 2024). Non-Indigenous fishermen perceive Indigenous access as a threat to their livelihoods (Harrison & Loring, 2014).

3.4.1 The Major Lobster Conflict of 1999 in Esgenoôpetitj

The major conflict over lobster fishing began after the Marshall Decision in 1999 (Obeidi, Hipel and Kilgour, 2006). Following this ruling, Indigenous people from Esgenoôpetitj

decided to fish outside the commercial lobster season, exercising their newly affirmed treaty rights. The Department of Fisheries and Oceans (DFO) did not recognize Esgenoôpetitj's right to govern its own fishery and deemed their activities illegal. DFO tried to negotiate with the 34 Mi'kmaq communities that attempted to fish outside of the season in the Maritime and Quebec regions, and 29 of them agreed to DFO's terms. Esgenoôpetitj was one of the five Indigenous communities that did not agree (Obeidi, Hipel and Kilgour, 2006). Esgenoôpetitj sought to regulate their own fisheries independently (King, 2008). This decision led to two simultaneous conflicts: one with the Department of Fisheries and Oceans (DFO), which did not recognize Esgenoôpetitj right to govern its own fishery and deemed their activities illegal, and another with local fishermen, who opposed Indigenous people fishing outside the commercial season, leading to direct confrontations (King, 2008).

The local fishermen, who opposed Indigenous people fishing outside the commercial season, were scared for the resource and engaged in confrontations, destroying First Nations lobster traps (Obeidi, Hipel and Kilgour, 2006). This led to more vandalism fishing equipment on both sides and quickly became violent (Obeidi, Hipel and Kilgour, 2006; King, 2008). Native warriors from other First Nation communities, as well as activists, joined Esgenoôpetitj in the fight. Meanwhile, the RCMP and the Coast Guard became involved to enforce regulations (King, 2008). This was a major dispute that received extensive media coverage worldwide. At its peak, an estimated 150 local fishermen were on the water, destroying First Nations lobster traps and approximately 600 fishery officers were deployed in an effort to arrest Indigenous people fishing illegally. The situation escalated rapidly, with media capturing footage of fishery officers sinking Indigenous boats and endangering Native lives. As tensions intensified, gunshots were reportedly fired by Indigenous individuals, further escalating the conflict (King, 2008).

Non-Indigenous fishermen attempted to go to court to stop the off-season fishing (Obeidi, Hipel and Kilgour, 2006; King, 2008). The Supreme Court clarified that even though First Nations have fishing rights, they are limited by conservation concerns. DFO continued trying to regulate the fishery but did not recognize the permits that Esgenoôpetitj themselves had issued. This led to arrests and the seizure of fishing equipment in 2000. The RCMP became involved in the arrests of Indigenous people, but no local fishermen were arrested in this conflict by the RCMP, even though some had committed vandalism. In August 2000, DFO attempted to grant 40

licences to regulate the fishery for food, social, and ceremonial purposes for Indigenous communities, but it did not work because, the following month, DFO realized that they had exceeded the quota for their permitted allocations. The legal fall season came to an end, and the conflict quickly became violent on all sides. In the fall, three armed First Nations fishermen were arrested, one fisheries officer was harmed, and multiple Indigenous people were injured while DFO was seizing illegal fishing equipment (Obeidi, Hipel and Kilgour, 2006).

The conflicts between Indigenous people and DFO due to regulations and between Indigenous people and local fishermen, continued into the following year (Obeidi, Hipel and Kilgour, 2006). This dispute lasted from 1999 to 2002. During this time, the federal government attempted to negotiate (Obeidi, Hipel and Kilgour, 2006). In August 2002, an agreement was finally reached between the federal government and Esgenoôpetitj (Obeidi, Hipel and Kilgour, 2006; King, 2008). The agreement allowed Indigenous fishermen to participate in both the spring commercial lobster fishery and the fall Food, Social, and Ceremonial (FSC) fishery, both of which were regulated by Fisheries and Oceans Canada (King, 2008). The federal government also gave the First Nation commercial fishing licences, boats, and funding (King, 2008).

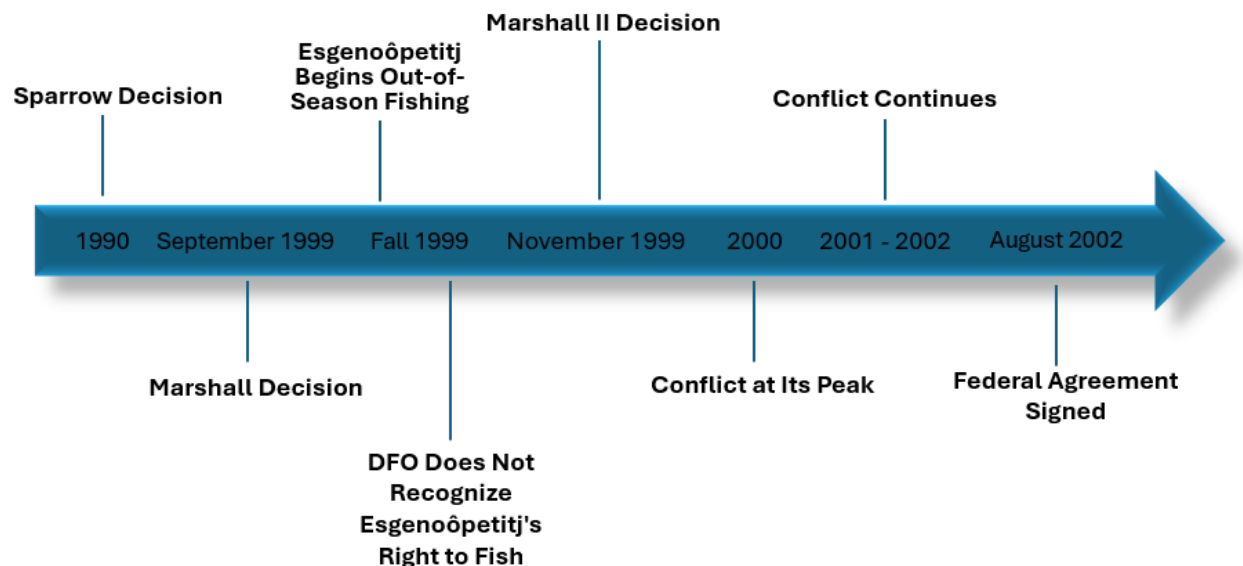


Figure 3: Timeline of key events related to the Esgenoôpetitj lobster fishing conflict, 1990–2002 (Source: The Author).

Figure 3 helps visualize the timeline of the important events that took place. We can see that the Sparrow Decision occurred before the Marshall Decision. As a result, Indigenous Food, Social, and Ceremonial (FSC) fishing rights were recognized before the treaty right to fish for a moderate livelihood was affirmed in the Marshall Decision. For Esgenoôpetitj and many First Nations, the Marshall Decision was interpreted as recognizing their right to earn a moderate livelihood (Obeidi, Hipel and Kilgour, 2006). Therefore, many Indigenous fishermen began fishing lobster for commercial purposes. This was called “out-of-season fishing” because it took place outside the dates of the established commercial lobster fishing season. The Department of Fisheries and Oceans Canada (DFO) did not recognize Esgenoôpetitj's authority to manage its own fishery, resulting in a major conflict that lasted from 1999 to 2002. In August 2002, an agreement was reached between DFO and Esgenoôpetitj, marking the end of the major conflict. (Obeidi, Hipel and Kilgour, 2006). Under this agreement, Indigenous fishermen were allowed to participate in the commercial lobster fishery and were granted commercial licences, boats, and fishing equipment (King, 2008).

Despite this agreement, the relationship between the First Nation, the government, and local fishermen remained strained and has struggled to fully recover to this day. While no large-scale conflicts comparable to those from 1999 to 2002 have occurred since, smaller disputes have continued to emerge.

3.4.2 Lobster Fishing Conflicts in Other Regions of the Maritimes

Esgenoôpetitj is not the only First Nation that has faced conflict and media attention. In recent years, we have heard more about the lobster fishery in Nova Scotia, making it valuable to explore examples of conflict there in order to compare them with the situation in Esgenoôpetitj.

The lobster fishery in Nova Scotia has ongoing tension because of Mi'kmaq treaty rights and federal regulatory frameworks (Denny & Fanning, 2024). The Mi'kmaq, whose Aboriginal and treaty rights are recognized under section 35 of the Constitution Act, 1982, continue to exercise their authority as communities recognized through the Indian Act. In recent years, federal efforts have concentrated on articulating and enforcing a so-called “moderate livelihood” fishery. That narrow policy lens, however, has tended to sidestep broader governance questions; how parallel legal orders operate, how community autonomy is respected, and how these dynamics should be coordinated in practice (Denny & Fanning, 2024).

Mi'kmaq fishermen participate in food, social, and ceremonial (FSC) fisheries, often asserting their rights individually or through community (Denny & Fanning, 2024). To give context to the situation only one community out of the thirteen First Nations in Nova Scotia does not want to accept the condition of FSC lobster licences. The American lobster remains one of Nova Scotia's most valuable and long-managed commercial fisheries and it is not currently considered at risk, yet its economic and cultural significance makes it central to debates over Mi'kmaq rights and the future of fisheries governance in the region (Denny & Fanning, 2024).

3.4.2.1 Sipekne'katik First Nation Lobster Conflict

In September 2020, the Sipekne'katik First Nation, located west of Halifax, Nova Scotia, fought for their fishing rights (Bailey, 2020; Tutton, 2025a; Tutton, 2025b). Local fishermen expressed concerns that Indigenous out-of-season lobster fishing would affect the lobster stock in St. Mary's Bay. However, there is no scientific evidence to support claims that Indigenous fisheries have harmed the lobster population. There is also debate over whether it is unlawful for Indigenous fishermen to harvest lobster outside the federally regulated commercial season. The regulatory framework for Indigenous fisheries differs from that of non-Indigenous fisheries, and the interpretation of the "moderate livelihood" principle established by the Marshall decision can be interpreted differently (Bailey, 2020).

It is not just about lobster fisheries, Sipekne'katik First Nation is also fighting for their right to self-govern all their fisheries, including the elver fishery (Tutton, 2025a). Indigenous fishermen from this community believe that the government's control over their fisheries is a way to prevent them from making money and earning a living, thus perpetuating systemic racism (Tutton, 2025a).

Sipekne'katik First Nation filed a lawsuit against the government in 2021, alleging a failure to uphold treaty rights in relation to the lobster fishery (Tutton, 2025b). Indigenous fishermen affirm that their right to fish lobster outside of the commercial season is protected under treaty and constitutional law. The case was later dropped in 2025. However, in 2024, additional legal action was filed in provincial court to clarify the limitations of the Marshall decision as it applies to the Sipekne'katik First Nation lobster fishery (Tutton, 2025b).

3.4.2.2 The Case of Cody Caplin

In September 2018, Cody Caplin and his brother, both Indigenous fishermen from Ugpi'ganjig First Nation formerly known as Eel River Bar First Nation in New Brunswick, were charged by fishery officers for illegal lobster fishing (The Canadian Press, 2023). One of the charges concerned lobster fishing outside the regulated season. This case illustrates how the current legal framework remains unclear regarding Indigenous fisheries. A victory for Caplin would have set an important precedent for Indigenous lobster fishermen across the province of New Brunswick. Due to financial pressure, Caplin's brother pleaded guilty, but Cody Caplin himself chose to continue fighting the charges in court (The Canadian Press, 2023). The case was later dropped in 2024 because of excessive delays on the part of the Crown prosecutor (The Canadian Press, 2024). However, Caplin's legal problems were not over, as he had been charged again in 2020 for fishing out of season. Wayne MacKay, a professor emeritus of law at Dalhousie University in Halifax, argued that such cases call into question the Government of Canada's commitment to reconciliation with Indigenous communities (The Canadian Press, 2024).

3.5 Potential Means of Conflict Resolution

The lobster fishing conflict between the Esgenoôpetitj First Nation and local fishermen is a complex problem that cannot be resolved easily with a single solution. There is no solution that can resolve all aspects of the conflict. Instead, this section explains multiple potential approaches identified in the literature that could contribute to reducing tensions, improving relationships, and supporting long-term reconciliation. These approaches include co-management, reconciliation initiatives, education, and quota-based management.

3.5.1 Co-Management

Before, the management of natural resources such as fisheries was carried out by the Government of Canada using Western scientific approaches (Peter, 2003; Reid et al., 2021). However, more effective methods have since been developed and used, such as co-management (Reid et al., 2021). Co-management is a collaborative framework created to distribute authority over natural resource management between Indigenous Peoples and government agencies (Snook et al., 2022; Young et al., 2020). Natural resources have cultural, nutritional, and spiritual significance for Indigenous communities; therefore, the decisions that are made about these resources can affect their physical and mental health. As such, they should be included in the

decision-making process. The decisions made have effects on the daily lives and well-being of Indigenous Peoples. For example, recommendations regarding wildlife or fish quotas and fishing seasons can either facilitate or restrict Indigenous access to traditional territories and practices. Any limitation on resource access not only affects subsistence activities but also impacts social and cultural practices that are deeply tied to Indigenous identity and community cohesion. Therefore, co-management should not only be viewed as an administrative or ecological framework, but as a process with profound implications for Indigenous communities (Snook et al., 2022).

For co-management to be truly effective, governments must integrate Indigenous knowledge into existing policies (McKibbin, 2023; Peter, 2003). Responsibility and decision-making power should be shared between both parties (McKibbin, 2023). Co-management can work hand in hand with the Two-Eyed Seeing approach, which emphasizes the integration of Indigenous and Western knowledge systems to promote more inclusive and effective resource management (Reid et al., 2021).

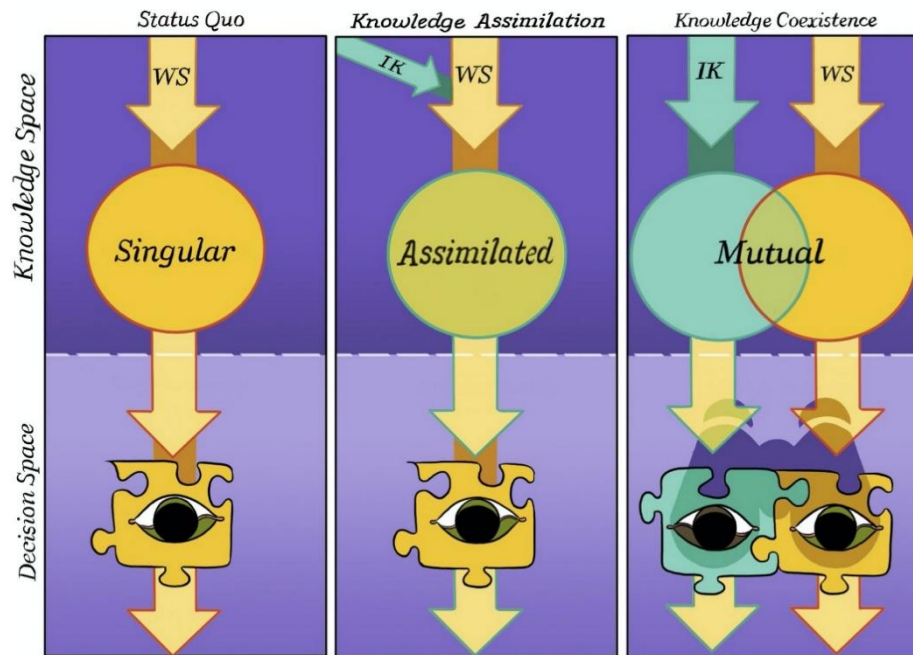


Figure 4: Visual Framework Detailing the Flow of Knowledge Between Indigenous Knowledge and Western Science (Source: Reid, A. J., Eckert, L. E., Lane, J., Young, N., Hinch, S. G., Darimont, C. T., Cooke, S. J., Ban, N. C., & Marshall, A. (2021). “Two-Eyed Seeing”: An Indigenous framework to transform fisheries research and management. *Fish and Fisheries* (Oxford, England), 22(2), 243–261. <https://doi.org/10.1111/faf.12516>).

The Two-Eyed Seeing technique is a framework for knowledge integration approach (Reid et al., 2021; Wright et al., 2019). It was first explained in 2004 by two Mi’kmaq Elders from Nova Scotia, Albert Marshall and Murdena Marshall, of the Unama’ki First Nation. Figure 4 visually illustrates how this framework functions. In the final panel, it shows that Indigenous and Western knowledge systems can coexist and mutually benefit one another as the two eyes come together. This approach promotes the equitable recognition of both Indigenous and Western knowledge systems within a shared governance structure (Reid et al., 2021; Wright et al., 2019). Two-Eyed Seeing changes the narrative of the status quo or knowledge assimilation of Indigenous knowledge into Western frameworks terms that often conceal processes of assimilation rather than genuine collaboration. Instead, it proposes a coexistence and complementarity form, where both knowledge systems maintain their integrity while contributing to shared understanding. Under this model, co-management in this context will not be about merging the two knowledge systems into one but about creating spaces where both can

inform decision-making on equal footing. This reorientation helps move beyond extractive method of using Indigenous knowledge for validation, toward models that prioritize respect, reciprocity and shared responsibility (Reid et al, 2021).

While co-management frameworks are designed to foster collaboration, they can also generate stress for participants, which may lead to negative outcomes (Young et al., 2020). However, stress should not be viewed as a reason to abandon co-management, but rather as an indicator of where additional support and resources are needed. Efforts to reduce this stress could include increasing transparency about roles, responsibilities, and accountability, as well as addressing the stigma surrounding stress and mental health (Young et al., 2020). Providing access to mental health resources and stress management support can help ensure that participants remain engaged and empowered in the process.

3.5.1.1 Example of Co-Management in Fisheries

An analysis of ten years of co-management in fisheries management in Nunatsiavut, northern Labrador, highlights the importance of community-based approaches (Cadman, Snook, and Bailey, 2022). This demonstrates that Indigenous knowledge can influence government decision-making from within and shape policy outcomes in a meaningful way. It also demonstrates that, even within the constraints of state-centered governance, Indigenous leaders have successfully negotiated priorities and enhanced Labrador Inuit participation in fisheries management across the region. However, the study also identifies weaknesses in existing co-management systems, including the underrepresentation of Indigenous women and the incomplete integration of Indigenous knowledge into management processes. In addition, formal meetings constitute a challenge for engagement and management, it has been suggested that a more consensus-based approach could help address this issue. These limitations reflect the influence of colonial structures, which affect the potential of co-management and limit its ability to fully support Indigenous self-determination. Despite these challenges, progress has been observed over the years, and the implementation of co-management has proven beneficial for local Indigenous communities, even if it remains an imperfect system (Cadman, Snook, and Bailey, 2022).

3.5.2 Reconciliation

3.5.2.1 The Origin of the Term Reconciliation

The term “reconciliation” was popularized in 2008 when the discussion about reconciliation between Canada and First Nations began after the Indian Residential Schools Settlement Agreement (Moran, 2020). The Truth and Reconciliation Commission (TRC) conducted extensive research on residential schools. They acknowledged Canada’s responsibility in the history of colonialism, the mistreatment of Indigenous people and the commitment of cultural genocide (Moran, 2020). After this, the term reconciliation started being used on a broader spectrum (Sterritt, 2023). Some organizations have even been created to educate schools on the history of Indigenous communities. To honor the recognition of these historical injustices, Canada officially established the National Day for Truth and Reconciliation on September 30, 2021 (Sterritt, 2023). Today, the term is used in the fisheries context by both Indigenous and non-Indigenous people in the region of my study to express their desire to work on the relationship between them and improve it.

3.5.2.2 Integration and Reconciliation Policy DFO

DFO has policies and protocols to advance reconciliation efforts with Indigenous Peoples, particularly in fisheries governance and conflict resolution (Anonymous DFO employee, personal communication, Mars 19, 2025). Their policy on integration and reconciliation is heavily informed by the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA), which came into force in 2021. The UNDA provides a legislative framework to protect Indigenous rights, including self-determination, self-government, and the right to maintain traditional practices such as fishing. In this context, DFO has committed to embedding the principles of the UN Declaration into its policies, programs, and operational practices (Anonymous DFO employee, personal communication, Mars 19, 2025). DFO is ensuring its policy is consistent with the UNDA. The Department has applied measures to analyze whether federal laws, policies, and programs are consistent with the UN Declaration. Approaches such as the Reconciliation Analysis Template have been created to guide policy development. This tool requires early engagement with Indigenous communities and prioritizes free and informed consent. This new procedure demonstrates a cultural shift within DFO toward meaningful

consultation and co-development with First Nations (Anonymous DFO employee, personal communication, Mars 19, 2025).

The 2023–2028 UNDA Action Plan was created through consultations with Indigenous Peoples (Anonymous DFO employee, personal communication, Mars 19, 2025). The Action Plan outlines 181 federal measures, 11 of which are led by DFO. For DFO, these include initiatives such as the review of the Fisheries Act, reform of communal commercial licensing, and ongoing support for Indigenous governance in fisheries management. Programs like the Aboriginal Fisheries Strategy, the Aboriginal Aquatic Resource and Oceans Management Program, and the Indigenous Fishery Monitoring Fund aim to enhance Indigenous participation in the sustainable management of fisheries resources. DFO aims to promote collaborative governance, support moderate livelihood fishing plans, and invest in conservation efforts. Furthermore, DFO continues to engage with Indigenous organizations through the development of Indigenous Knowledge Policy Frameworks and new Resource Reconciliation Agreements (Anonymous DFO employee, personal communication, March 19, 2025).

DFO contributes status updates and success stories for government-wide reports to Parliament (Anonymous DFO employee, personal communication, Mars 19, 2025). This reporting process allows DFO to reflect on its achievements and adjust plans for the future, ensuring constant improvements in the relationship between Indigenous Peoples and federal institutions. The Indigenous Partnerships and Opportunities Directorate (IPOD) provides funding for projects that advance Indigenous participation in policy, regulation, and research development to support these goals. DFO has also developed specific communication materials to promote awareness and transparency. Internal and external communication efforts help the understanding of reconciliation objectives within the Department, Indigenous partners, and the broader Canadian public (Anonymous DFO employee, personal communication, Mars 19, 2025).

3.5.2.3 Reconciliation in Fisheries

Reconciliation with Indigenous people in Canada goes beyond symbolic gestures of apology. It necessitates rebuilding relationships between Indigenous and non-Indigenous peoples through respect and the recognition of cultural traditions (Anker, 2016). The Truth and Reconciliation Commission of Canada explains that true reconciliation must involve the revitalization of Indigenous laws and governance systems that colonial policies once attempted

to erase. To apply this principle in the context of the lobster fishery, there must be an acknowledgment of Indigenous laws and harvesting practices as traditional knowledge that can guide management decisions. Incorporating Indigenous traditions into fisheries governance can work together with Western regulatory frameworks (Anker, 2016; Snook et al., 2022). This challenges the traditional monopoly of the Canadian government over decision-making and creates a space where different legal and cultural systems can negotiate. Within this space, Indigenous and non-Indigenous fishers, community leaders, and government representatives can work collaboratively to define their goals for resource use, conservation, and respect for treaty rights. This approach can also be referred to as co-management, as the two groups work together (Anker, 2016; Snook et al., 2022).

For reconciliation in fisheries to be meaningful, Canada's governance systems must move away from colonial hierarchies that have historically excluded Indigenous voices, especially those of women (Anker, 2016). True reconciliation requires power redistribution, supporting Indigenous-led management, and ensuring that both men and women participate equally in shaping decisions that affect their lands and waters (Harper et al., 2018).

But not everyone is on board with reconciliation. Lobster fishermen of the Gaspé Peninsula are not in agreement with DFO's efforts toward reconciliation (Laflamme, 2025). They feel that the fishing sector is the only one being targeted by reconciliation initiatives and that they are paying the price. The lobster fishery is an expensive market to enter, and the exploratory licences that were recently given in an already commercial fishing territory to First Nations in their sector could have a negative impact. The 148 fishermen in the region argue that it is not their responsibility to absorb the social costs of reconciliation and have asked the suspension of the Indigenous exploratory licence program (Laflamme, 2025).

3.5.3 Education

The lack of understanding of Mi'kmaq culture, governance, values, knowledge systems, and treaty rights contributes to misunderstandings, mistrust, and conflicts between Indigenous and non-Indigenous fishermen (Warrior, Fanning, and Metaxas, 2022). In particular, misconceptions surrounding treaty rights, including the right to a moderate livelihood, contribute to these conflicts. These concerns are often created by a lack of understanding of Mi'kmaq governance systems (Warrior, Fanning, and Metaxas, 2022). Education can be used as a tool to

reduce conflict and work toward reconciliation. Education is central to reconciliation because it can help promote understanding, empathy, and respect for Indigenous Peoples and communities (Littlechild, Finegan, and McGregor, 2021). Education can increase awareness, promote respectful dialogue, and encourage knowledge sharing between Indigenous and non-Indigenous communities. (Warrior, Fanning, and Metaxas, 2022). People who work in the conservation field need to be educated about Indigenous knowledge, rights, laws, cultures, and visions for the future to have the skills to engage respectfully with Indigenous Peoples (Littlechild, Finegan, and McGregor, 2021). This supports the idea that education can reduce misunderstandings by helping non-Indigenous people better understand Indigenous perspectives and engage in more respectful discussions. In the context of fisheries conflict, education about Indigenous rights and knowledge could help local fishermen better understand the challenges faced by First Nations communities. In the long term, education would improve relationships, strengthen trust, and reduce conflict (Warrior, Fanning, and Metaxas, 2022). Fisheries and Oceans Canada also affirmed this in a study it conducted on its efforts toward Reconciliation with Indigenous Peoples from 2023 to 2025 (Fisheries and Oceans Canada, 2026). In its findings, the department identified education as a central pathway to achieving reconciliation. They educated their own department employees through cultural training on Indigenous communities, and this step was seen as a good way to promote reconciliation between the department and Indigenous communities (Fisheries and Oceans Canada, 2026).

3.5.4 Quotas-based management

Quota is a solution that need to be explore and could be beneficial the lobster resource (Flaherty et al., 2025) and in theme diminishing the conflict over lobster fishing. A way to management fishery is Individual Transferable Quotas (ITQs) (Squires, Kirkley and Tisdell, 1995). With ITQs, each fisherman gets a specific quota (Squires, Kirkley and Tisdell, 1995). This market-based approach encourages responsible fishing practices and shifts away from the mindset of catching as many fish as possible in the shortest time. ITQs also allow flexibility because the fisherman can buy, sell, or trade quotas (Toft, Punt and Little, 2011). By giving fishermen more control, ITQs lower operational costs, letting them make efficient input choices (Toft, Punt and Little, 2011).

However, the decades following the adoption of ITQs in several jurisdictions have revealed deep structural flaws (Silver & Stoll, 2022). The concentration of quota ownership and licences in the hands of a few corporations is concentrating the permits and thus limiting the opportunity of individual fishermen. The corporations that have more licences also have more power because they can control the market price in a way (Silver & Stoll, 2022). Another possible negative impact would be that the fishing licences can be treated as financial assets rather than as tools for harvesting and making a living (Silver & Stoll, 2022). Instead of being valued for their role in supporting communities and maintaining ecological balance, they become investment vehicles that generate profit through buying, selling, and leasing (Silver & Stoll, 2022).

Another alternative that may be more realistic in the lobster industry could be individual quotas that are not transferable, such as those used in the rock crab fishery. These quotas are called catch limits and are restricted to the amount of rock crab a licence holder can harvest. The allocation of this quota is individual, but there are three types of licences: commercial licences, communal commercial licences, and community licences (Rondeau, Hanson, and Comeau, 2014; Fisheries and Oceans Canada, 2025). Fishermen are required to enter specific information into a data system to report their catches. They must also keep a logbook or landing report. In addition, their catch must be weighed at an approved scale location. There are also specific limits on the number of traps and size requirements that must be followed (Fisheries and Oceans Canada, 2025).

Restoring equity in quota distribution could improve the social and ecological resilience of fishing communities (Bennett et al., 2021). When small-scale and Indigenous fisherman have secure and affordable access to quotas, they are more likely to commit to sustainable practices and cooperative marketing initiatives. Fisheries must transition from a framework dominated by market logic toward one that values social justice, cultural heritage, and ecological balance (Bennett et al., 2021; Silver & Stoll, 2022) Co-management that integrates Indigenous Knowledge Systems into decision-making could define the quota systems but not as tools for profit maximization, but as mechanisms for shared responsibility and intergenerational sustainability (Bennett et al., 2021; Silver & Stoll, 2022).

4 Methodology

To answer my research question, I first analyse literature of multiple laws, treaties, media articles, books, and scientific articles. The literature is not a systematic review, but rather a targeted review designed to support the objectives of this research. Sources were selected based on their relevance to the research question and their ability to provide historical, legal, policy, and academic context for understanding the lobster fishing conflict. Priority was given to peer-reviewed articles, government documents, legal decisions, books, and policy reports related to Indigenous fishing rights, the Sparrow and Marshall decisions, Food, Social and Ceremonial fisheries, fisheries governance, co-management, reconciliation, and fisheries conflicts in Atlantic Canada. I chose to focus my efforts on collecting original empirical data through interviews with stakeholders directly involved in the conflict. The literature served primarily to contextualize, support, and interpret the interview findings, while the interviews constituted the primary source of data for this research.

The majority of my research was conducted through interviews with individuals directly involved in the conflict. This study uses a purposive sampling strategy. The participants were selected based on their involvement in the lobster fishing conflict between local fishermen and the Esgenoôpetitj First Nation, as well as their willingness to participate. I also have some personal connections that were used as a starting point, and afterward, participants were recruited through community connections, professional networks, and referrals from initial participants using snowball sampling. The participants were selected using purposive sampling of key individuals with significant knowledge and experience with the conflict. Key figures invited to participate in this study include the Chief of the Esgenoôpetitj First Nation, the Director of Fisheries of the Esgenoôpetitj First Nation, the leaders of the fishermen's wharves in Tabusintac and Néguaac, a representative of the Maritime Fishermen's Union, representatives from DFO, and fishermen from the communities. The participants were not paid, but a small gift and thank-you card were given as a token of appreciation.

The criteria for inclusion were explained in the participation text (Appendix 1 and 2) given to potential participants. To participate, people needed to be adults who speak French or English. Participants must be involved in the lobster fishing industry in Lobster Fishing Area 23. The participants needed to belong to one of these groups in this region, such as DFO, Indigenous

and non-Indigenous lobster fishermen, Indigenous leaders from Esgenoôpetitj (like the Chief or Director of Fisheries), and representatives of the Maritime Fishermen's Union.

I was initially planning to interview 38 participants, specifically 15 local fishermen, 1 representative of the Fishermen's Union, 15 members of the Esgenoôpetitj First Nation, 1 representative of DFO Science, 4 Fishery Officers, and 2 retired Fishery Officers. The reason for this sample size was to ensure diverse perspectives while maintaining a manageable data set. This sample is small enough to allow for detailed analysis while being large enough to capture a wide range of experiences and viewpoints. There were approximately 46 licenced Indigenous fishermen last year in Esgenoôpetitj, so this sample size represents approximately one-third of the fishermen and should offer proper representation. I also decided to have the same number of non-Indigenous fishermen as Indigenous fishermen. For DFO, it was difficult to find representatives because there are currently only four officers working in the Neguac office. Tracking down former officers who previously worked there was also challenging. Additionally, there are only a limited number of people in the Science Department in Moncton who specialize in LFA 23 and Indigenous fisheries.

I ran into problems during the recruitment process. Several groups did not meet the original criteria I set at the start of my research. I had to remove two local fishermen and two Indigenous fishermen spots from the sample because I ran out of people to ask and had already extended my interview phase timeline. At first, interviews were easy to arrange because I started with people I knew. As I moved beyond my network, refusals increased. Some people couldn't meet my timeline, but most said they were afraid their words could be used against them. Many also felt that anything involving Indigenous issues is sensitive and could be dangerous to get involved in. Because of limited availability, I was also unable to interview the Chief of Esgenoôpetitj within a reasonable time frame.

I interviewed two retired Fishery Officers and three current Fishery Officers. Before conducting my final interview, one officer consulted their supervisor and informed me that DFO staff were not permitted to participate because the topic was considered "delicate." As a result, I decided to stop contacting additional DFO employees, including scientists, as I understood they would likely decline participation for the same reason.

The initial interview process was scheduled to take place during June and July 2025; however, it was later extended through August and into the second week of September. Although the target number of interviews was not fully achieved, the data collected is sufficient to offer a comprehensive understanding of the issue under investigation. In total, 30 participants were interviewed, and the distribution is shown in Table 1 below. Across all groups combined, 51 individuals were invited to participate. Some declined over the phone, others did not return calls, and a few initially agreed to participate but later withdrew or were unavailable at the scheduled time of the interview.

Table 1: Distribution of Participants Interview by Category

CATEGORY OF PARTICIPANT	NUMBER OF PARTICIPANTS
NON-INDIGENOUS FISHERMEN	13
MARITIME FISHERMEN’S UNION	1
INDIGENOUS FISHERMEN	10
DIRECTOR OF FISHERIES IN ESGENOÏPETITJ	1
CURRENT AND RETIRED FISHERY OFFICERS	5

For the interviews, various location options were offered. Local fishermen could choose to be interviewed either at their homes or at their wharves. The First Nation fishermen were given the same options. Representatives from the Maritime Fishermen’s Union, First Nation leadership, and the Department of Fisheries and Oceans (DFO) were also provided the same choices, with the additional possibility of being interviewed in their respective offices.

The interviews were conducted in the language chosen by each participant. The language used during the interviews was either English or French, ensuring that no language barriers affected communication. Individuals from Esgenoôpetitj primarily speak English, although their Indigenous language is Mi’kmaq. Participants from regions such as Neguac, Tabusintac, and other surrounding villages spoke either English or French. An explanatory letter outlining the objectives of the study, along with a consent form, was provided to every participant to assure

them that all information shared would remain anonymous unless they explicitly wished to have their names disclosed.

I am already a known person in the community, and the First Nation of Esgenoôpetitj agreed to collaborate with me, expressing appreciation for my interest in this issue. I have ensured complete transparency throughout every step of my research. Before conducting interviews, I submitted my questionnaire to the Band Council for approval to ensure that the questions were appropriate. The same procedure was followed for my written work. I have already discussed this process with Clark Dedam, a member of the Council and the Director of Fisheries in Esgenoôpetitj, who has agreed to review my thesis before its final submission to ensure that everything I write accurately represents their perspective and that they are not blindsided in any way. Once my research is completed and officially approved by the university, I will provide the Esgenoôpetitj community with a copy of my thesis and deliver a presentation to share my findings.

The interviews are semi-structured, with pre-scripted questions designed for different groups. The questions are open-ended to gather as much information as possible and are designed to avoid influencing participants' responses in any particular direction. If a participant's response prompts a pertinent follow-up question that could yield valuable insights, I ask it on the spot. Additionally, if a discussion naturally develops, I allow it to continue to discover where it leads before returning to the pre-prepared questions. The questionnaire (Appendices 3 and 4) was approved by my thesis supervisor, Nathan Young, as well as by the ethics committee of the university and the Esgenoôpetitj First Nation. During the interviews, I began by explaining the purpose of my study and how the interview process would proceed. I then provided the consent form (Appendices 5 and 6) for participants to read or, when necessary, explained it to them orally. Participants provided either oral or written consent. There were two consent options: participants could choose to remain anonymous, in which case their names would not be mentioned anywhere, or they could voluntarily disclose their identity and choose to have their names associated with their responses. It was explained that if participants chose to have their names disclosed, their names could appear in the research, for example, in direct quotations. The consent form clearly outlined these options and allowed participants the freedom to indicate their preference.

I used voice recordings to document responses and later transcribed all interviews. When responses were in French, they were translated into English to be used as part of the dataset. However, some participants declined to participate specifically because they were uncomfortable with being recorded.

For the harbours of Miscou, Le Goulet, and Val-Comeau, I chose to interview older fishermen to capture the general views of fishermen in their respective areas. All of them had been fishing for at least 30 years. That being said, this data cannot be generalized to all fishermen because I only interviewed one person per harbour, so these results cannot be considered fully representative of every fisherman in the harbour. For Indigenous and non-Indigenous fishermen at the Néguaac and Tabusintac wharves, as well as for the fishery officers, participants represented a wide range of ages. In the fisherman category, only men were interviewed, as women fishermen are rare in the region and I was unable to find a woman who agreed to participate. Among fishery officers, there were women participants; however, I do not specify their number or whether they were retired or currently employed in order to protect their identities.

The interview data were analyzed using thematic analysis. All interview transcripts were analyzed individually, and every response to each question was coded in Excel. The coded data were then analyzed statistically and used to create the graphs presented in this research. The qualitative results present the similarities and key themes that emerged for each question, both within and across participant groups. The analysis of English transcripts aimed to identify shared perspectives as well as differences in responses. Notable insights and unique stories shared by individual participants were also highlighted.

A limitation of this research is the underrepresentation of certain perspectives, particularly women fishermen and DFO scientists. The absence of female participants in the fisherman category means that gendered dimensions of the fishery were not captured. However, drawing on the literature emphasizing the importance of Indigenous voices (Cadman, Snook, and Bailey, 2022), it is important to note that, as discussed with Mr. Dedam, the Director of Indigenous Fisheries, the Indigenous community does not conceptualize governance or participation through a Western gendered lens. Instead, they prefer to be viewed as one Nation speaking with one voice. In this context, the absence of Indigenous women fishermen was not considered a limitation.

The limited participation of fishery officers and the absence of DFO scientists may also have restricted the institutional perspective on enforcement practices and the government's approach to reconciliation. Additionally, I observed that when interviews were recorded, some participants appeared more cautious and occasionally provided less spontaneous responses, possibly due to concerns about being recorded despite assurances of anonymity. This represents a potential limitation, as the recording process may have influenced how openly participants shared their views.

These limitations may affect the interpretation of the results, as the analysis primarily reflects the perspectives of individuals directly engaged in fishing activities rather than policy-level or gender-based experiences. Despite these limitations, the findings offer valuable insights into the local realities of reconciliation and fisheries management in Lobster Fishing Area 23.

5 Results

5.1 Sources of Conflict

This chapter presents the findings from the semi-structured interviews conducted with participants involved in or affected by the lobster fishing conflict in Lobster Fishing Area 23. The results are organized by participant group, including fishery officers, local fishermen, Indigenous fishermen from Esgenoôpetitj First Nation, the Director of Fisheries of Esgenoôpetitj, and the representative of the Maritime Fishermen's Union. The chapter begins by identifying the main sources of conflict reported across all interviews before presenting the perspectives of each participant group on the conflict.

To conduct the analysis, I identified several recurring themes that came up in at least three or more interviews. It's important to note that interviewees didn't always explicitly say "this is a conflict," but they often expressed discomfort or tension about certain issues. For example, if someone mentioned that a particular practice or situation made them uneasy or created friction, I counted it as a source of conflict.

There were 12 factors identified in my interview as sources of conflict: Economics; Limited space; Boundary lines; Transparency; Misinformation / Education; Racism / Discrimination; FSC rules ; Illegal sales; Stock health / Overfishing; All-crew Indigenous; Media; Jealousy.

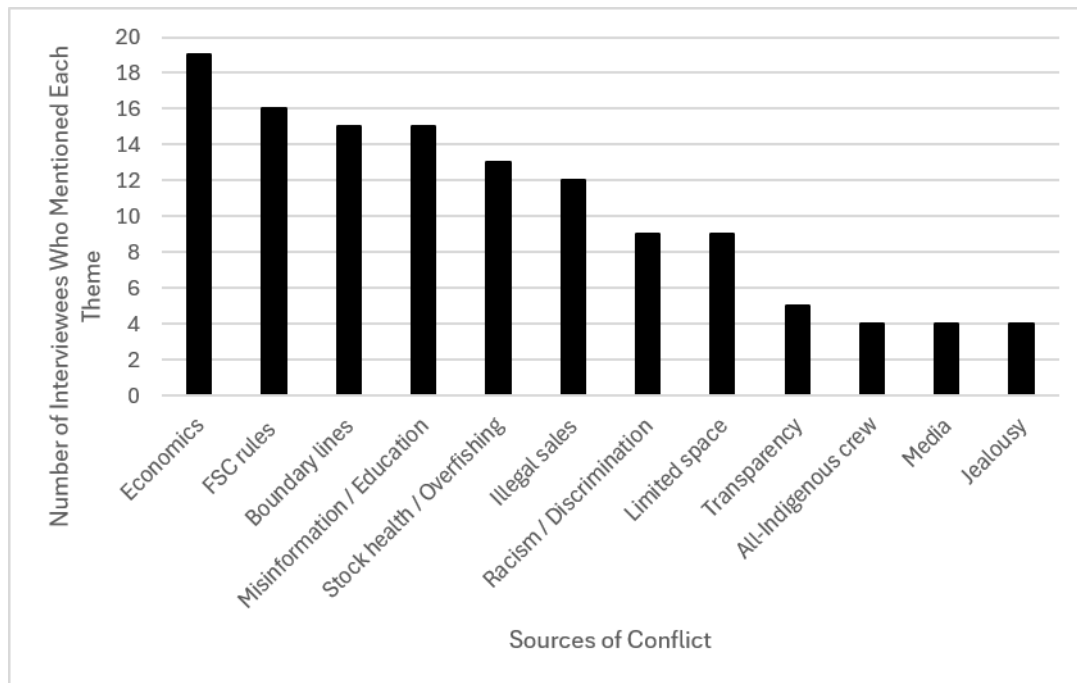


Figure 5: Perceived sources of conflict in Lobster Fishing Area 23, as identified by all interviewees (Source: The Author).

Figure 5 shows the number of interviews in which each source of conflict was mentioned more than three times. The threshold of three was selected to determine which sources of conflict would be included in Figure 5 and Figure 6. This choice ensures that the themes represented reflect shared patterns across participants rather than isolated individual experiences. By using three mentions as the criterion, the analysis captures issues raised by a group while filtering out points that appeared only once or twice and therefore may not represent broader perspectives.

The theme most often mentioned was Economics, appearing in 18 interviews, which means that 60% of participants viewed it as a cause of conflict. FSC rules closely followed and was cited in 16 interviews (53%). Misinformation / education, along with Boundary lines were mentioned in 15 interviews (50%). These themes were identified by at least half of the participants.

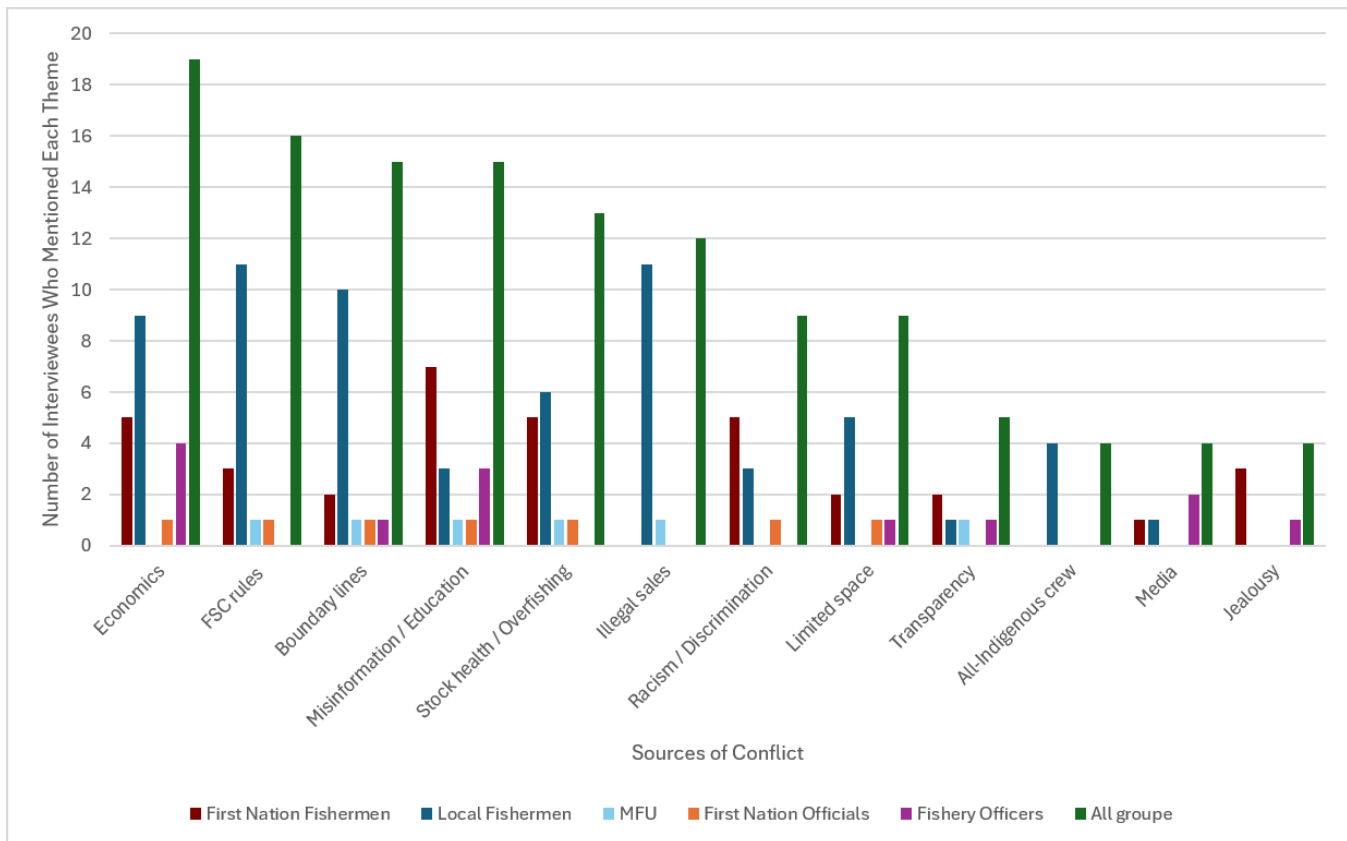


Figure 6: Perceived sources of conflict in Lobster Fishing Area 23, as identified by Indigenous fishermen, local fishermen, fisheries officers, First Nation officials, and the Maritime Fishermen's Union representative (Source: The Author).

Figure 6 uses the same data as Figure 5 but presents the sources of conflict identified by different participant groups, broken down by interviewee category. The figure demonstrates the differences in perspectives among Indigenous fishermen, First Nation officials, local fishermen, the Maritime Fishermen's Union (MFU) representative, and fishery officers.

Local fishermen identified the most conflict sources, particularly in relation to FSC rules, illegal sales, and economic concerns. These themes appeared in more than 10 of their interviews, indicating strong consensus on their importance. First Nation fishermen also frequently mentioned economic issues and limited space as drivers of tension, though they raised these points less often.

5.1.1 *Economics*

The Economics category included any references to financial pressures such as sale prices, fishing costs, and competition for lobster resources. Fishing is the main source of income for many participants. Because of this, they fear losing their livelihood. Local fishermen frequently framed other fishing disputes through an economic lens, often emphasizing the impact of additional fishing effort caused by FSC. This issue can be illustrated by what one Indigenous fisherman told me: “If it’s not about the fish we catch, it’s about taxes. Our lobster sales aren’t taxed while theirs are, so even if we land fewer pounds, we might make a bit more per dollar and they get upset.” Indigenous participants acknowledged the economic challenges faced by local fishermen, such as house mortgages, boat payments, and taxes, but emphasized that exercising their fishing rights does not harm the lobster stock and therefore should not affect non-Indigenous livelihoods. One fisheries officer explained that non-Indigenous fishermen “don’t like Indigenous fishermen taking lobster because they feel it reduces their income.” Similarly, Clark Dedam, Director of the Esgenoôpetitj Fisheries, described the situation by saying that “some non-Indigenous fishermen think we’re taking their dollar.”

5.1.2 *FSC Rules*

Many local fishermen argued that the FSC fishery should align with the commercial season rules and opposed the fall FSC season, which takes place outside the commercial fishing period. Several participants explained that fall is when lobsters molt and are more likely to enter traps, meaning the fall fishery tends to catch significantly more lobster than the same traps set in the spring commercial season. They expressed fear that the current rules could contribute to a decline in lobster stocks.

Indigenous perspectives were mostly consistent, with one exception. One Indigenous fisherman opposed the FSC fishery on conservation grounds, stating that he personally observed a decline in lobster abundance after the food fishery was introduced. All other Indigenous fishermen supported the FSC fishery, although some acknowledged that it is a major source of conflict. They emphasized, however, that they would not stop exercising their rights even if it continues to create tension.

5.1.3 *Boundary Lines*

Local fishermen generally support maintaining traditional or grandfathered boundary lines and treat them as binding norms. Many reported that anyone crossing these lines, Indigenous or non-Indigenous, risks having their gear cut. Several emphasized that line-cutting, while illegal, is applied to anyone who crosses, not based on race identity. By contrast, Indigenous fishermen expressed a preference to fish more freely across these lines. One local fisherman even questioned the usefulness of such lines, noting that lobster abundance differs across areas making rigid boundaries economically inefficient. Indigenous fishermen are aware that crossing the line would result in conflict.

5.1.4 *Misinformation / Education*

This category encompasses all forms of misinformation, misconceptions, or lack of understanding regarding the rules, laws, or general education about the fishery. Fishery officers reported low comfort levels when engaging with Indigenous communities, citing fears of being labeled racist, uncertainty about what is permitted, and outdated or insufficient training. Indigenous fishermen are aware that local fishermen are not well informed about their fishery and stated that this lack of education causes conflicts that could otherwise be preventable.

Local fishermen did not frequently identify misinformation as a major source of conflict. However, after reviewing all interviews, it became clear that this is in fact the primary underlying source of tension. When participants were asked about their understanding of Indigenous fishing rights, many of their answers revealed significant misconceptions and reliance on misinformation as fact. Most local fishermen, especially those living farther from Indigenous communities, were unsure about the legal basis, scope, and seasonality of FSC fisheries. One of the best examples concerns the belief that the food fishery is unregulated by DFO. As explained by Indigenous fisherman Curtis Bartibogue :” They think that we could fish anywhere at any time as much as we want and wherever we want, which that has never been the case, our fisheries has always been limited, and even to a point where we used to manage our own fishery before signing into an agreement with the Department of Fisheries, we have always practiced conservation, and we’ve had it down on paper through our EFN policies, especially during the conflict back in 2000. Our conservation measures were actually even more broad and

more extended than DFO's measures at the time. And a lot of non-native and fishermen don't know that information."

5.1.5 *Stock health / Overfishing*

Local fishermen frequently expressed concern that fall harvesting increases pressure on lobster stocks. Their worries centered on the timing of the season and the size of the lobster caught. They often linked stock health to limited fishing space and high effort density. In contrast, most Indigenous fishermen did not view the FSC fishery as a threat to lobster stocks, emphasizing its small scale compared to the overall commercial effort. Notably, one Indigenous fisherman did state that, in his opinion, the FSC fishery negatively affects lobster stock health and should not occur. Other Indigenous fishermen recognized that non-Indigenous fishers often use stock health, whether or not supported by evidence, as a justification for conflict and hostility toward their fishing rights.

5.1.6 *Illegal Sales*

Local fishermen and their union identified alleged illegal lobster sales as a major source of conflict and tension, often linking these concerns to FSC activities and the ambiguity surrounding the "moderate livelihood" fishery. There was also ongoing debate about whether it is legal to sell lobster caught during FSC because they don't see arrest by fishery officer for illegal sale. However, none of the Indigenous fishermen mentioned this issue as a source of conflict.

5.1.7 *Racism / Discrimination*

This category is meant to capture whether participants believed racial behavior or racial discrimination was a source of conflict. Among Indigenous fishermen, about half described feeling out of place in their respective harbors, sometimes attributing this discomfort to jealousy over their fishing rights. The other half reported feeling comfortable and viewed occasional insults as typical harbor quarrels rather than explicitly racial incidents. One fishery officer also mentioned that he had personally witnessed colleagues displaying racist behavior.

An important point that should be noted, though not included in Figure 5 and 6 because it was not originally coded in this way, is the perception of reverse discrimination mentioned by several participants. A retired fishery officer and multiple local fishermen spoke about what they perceived as lenient enforcement or more favorable treatment of Indigenous fishermen by the

courts. Some fishermen claimed that judges were more inclined to educate rather than issue fines. They perceived that Indigenous fishermen had more advantages than they did.

During my interviews with local fishermen, three out of 13 participants made racial comments or slurs about Indigenous fishermen. This is notable, as such racial bias may itself be a source of conflict and was included in the analysis since this behavior can clearly contribute to tensions between groups.

5.1.8 *Limited Space*

Limited space was cited in two ways. On the water, participants described crowding within imaginary lines and along legal boundary edges. Respondents from Tabusintac and Neguac noted insufficient boat space, which turns logistical bottlenecks into interpersonal conflict. Importantly, local fishermen stated this is not about excluding Indigenous people specifically, they just do not want any additional individual in there fishing sub-area or wharf because more licences would worsen crowding.

5.1.9 *Transparency*

Participants especially local fishermen and their union asked for clearer communication from authorities about how access decisions are made and how rules are applied. Perceived opacity fuels speculation about unequal enforcement or special treatment. Indigenous participants also favored clearer, consistent explanations to reduce rumor-driven conflict.

5.1.10 *All-Indigenous Crew*

All-Indigenous means that when a lobster permit is issued under the name of the band, all members of the fishing crew must be Indigenous. This rule applies only to the commercial fishery, as in the FSC fishery, only Indigenous people are allowed to participate. Some local fishermen expressed frustration about boats that did not have entirely Indigenous crews. They disliked the idea of non-Indigenous people fishing on behalf of Indigenous communities and believed that if Indigenous people want to fish as part of their rights, they should do it themselves. They feel that it is unfair because, for them to allow someone else to fish under their licence, they must have a special reason, such as illness, and even then, this arrangement is only permitted for a couple of years.

5.1.11 Media

Three participants from different groups, including a fishery officer, an Indigenous fisherman, and a local fisherman, felt that media coverage amplifies extreme cases and fuels disputes. The media was described by interviewees as presenting false or misleading narratives to generate attention and controversy.

5.1.12 Jealousy

Some Indigenous fishermen felt that non-Indigenous fishermen were jealous of their rights. This perception can be indirectly confirmed, as many local fishermen expressed feeling disadvantaged compared to Indigenous fishermen. A fishery officer also directly observed that local fishermen were jealous of Indigenous fishing rights.

5.2 Fishery Officers Responses

There were five Fishery officers interviewed, two of whom were retired. To avoid any potential negative repercussions from their employer or former employer, all participants chose to remain anonymous.

All the fisheries officers confirmed that there are two types of Indigenous lobster fisheries: the FSC lobster fishery and the communal commercial fishery. Officers demonstrated a clear understanding of these legal categories. However, they also noted that they are often not fully involved in the decision-making process regarding Indigenous fisheries management, as their role focuses primarily on enforcement rather than management.

The actions taken by DFO to reduce or resolve conflicts varied among officers but included mediation at wharves, patrols, joint work with Indigenous Fishery Guardians, fishing agreements, enforcement activities, education, and awareness initiatives. They also mentioned having mandatory training on Indigenous practices and reconciliation. Even the retired officers were aware that reconciliation workshops had been organized, though not all of them attended. Those who did participate stated that attendees left the workshops with a better understanding of Indigenous rights and perspectives. However, one officer noted that closed-minded or racist fishermen often do not attend such sessions, meaning these efforts do not directly reach or influence them.

Regarding the fairness of current lobster regulations, four out of five officers believed the regulations in the Esqenoôpetitj region are fair. They emphasized that there is no favoritism toward either Indigenous or non-Indigenous fishermen. The one officer who disagreed felt that the regulations were unfair to local fishermen. Several officers also criticized the Minister of Fisheries, expressing frustration that decisions affecting communities are made without adequate consultation. Two officers additionally mentioned that in other regions, enforcement is not applied equally, and there tends to be greater leniency toward Indigenous fisheries compared to non-Indigenous ones.

Collaboration with the Fishery Guardians, was described as very positive. There was unanimous agreement among fishery officers that this partnership is valuable and effective. Joint patrols were seen as successful, and the Guardians were viewed positively overall.

Fishery officers felt that they or their colleagues were generally not comfortable interacting with Indigenous communities as part of their work. More specifically, four out of five officers agreed that the majority of fishery officers are not comfortable engaging with Indigenous communities, particularly in situations involving patrols in First Nation communities, making arrests, or conducting inspections. The only officer who believed that everyone was comfortable had been retired for over five years, which may indicate that the situation has changed over time. Current officers and those retired for less than five years all shared, less positive experiences. One officer affirmed that he had personally witnessed other officers displaying racist behavior, though he believed it stemmed from misunderstanding rather than intentional prejudice. For most officers, their discomfort stemmed from fear of being labeled racist, lack of education or training on how to engage appropriately with Indigenous communities, and fear of public or media scrutiny. Due to recent events involving FSC fisheries and unauthorized fishing across the Maritimes, many officers have become more cautious and critical about applying regulations to Indigenous fisheries out of fear of backlash.

The majority of officers expressed little interest in working within Indigenous communities. That is why new officers assigned there often lack the necessary knowledge and preparation to perform their duties effectively. Another issue mentioned by one officer was the lack of adequate backup from the RCMP. He shared a personal experience where, during an attempted arrest in a First Nation community, an unexpected incident occurred that escalated into

a dangerous situation involving gunfire. The RCMP refused to assist because they considered it too dangerous, leaving the officers to fend for themselves. Following this event, the officer reported feeling fearful of performing his duties in Indigenous communities, knowing that no one would come to his aid if needed. Officers also mentioned that, in general, the RCMP are reluctant to enter the Esgenoôpetitj community: “The RCMP have a hard time going to Esgenoôpetitj. When they do go, it’s with ten vehicles, it’s ridiculous.” Interestingly, after my formal interviews were completed, two other officers informally mentioned similar frustrations about the lack of RCMP support. One even said that RCMP involvement sometimes made their work more difficult, though he did not want this statement recorded officially.

Another officer expressed frustration at feeling “sent in blind” during conflicts with Indigenous communities. He explained that many officers had no idea how to handle such situations and were not adequately informed about the broader political and social stakes involved. He also criticized decision-makers within DFO, stating that field officers are rarely consulted before actions are taken that affect them directly.

Lastly, all five officers agreed that the general public does not understand Indigenous fisheries. They acknowledged that the topic can be complex and confusing but emphasized that it is DFO’s responsibility to educate the public. The spread of misinformation and the lack of education on this subject have worsened tensions. Members of the public often ask questions about the Indigenous fishery but have little to no understanding of how it actually operates. Moreover, the way the media portrays the issue often fails to reflect reality and instead shapes public perception in misleading ways.

5.3 Local Fisherman Responses

All the local fishermen interviewed chose to remain anonymous out of fear that their comments might cause conflict, and this anonymity allowed them to speak more freely. Most local fishermen who declined to participate did so out of fear of negative repercussions if their involvement became known. In total, 13 local fishermen were interviewed: one from Miscou, one from Le Goulet, one from Val-Comeau, five from Tabusintac, and five from Neguac Harbor. All of them were familiar with the conflict and agreed that tensions have decreased, noting that there is less confrontation today than there was 25 years ago.

5.3.1 Knowledge about Esgenoôpetitj Fisherman Rights

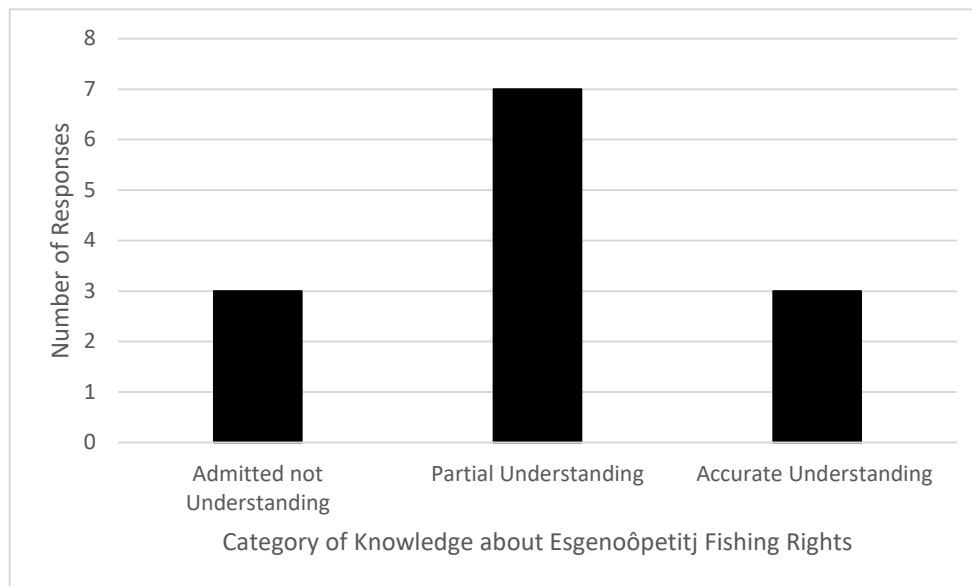


Figure 7: Knowledge of Local Fishermen about Esgenoôpetitj Fishermen's Rights (Source: The Author).

Figure 7 presents the knowledge of local fishermen about Esgenoôpetitj fishing rights. Responses were classified into three categories: those who openly admitted not understanding the rights of Indigenous lobster fishermen, those with a partial understanding, and those who demonstrated an accurate understanding.

Those classified as having admitted not understanding openly stated that they knew little or nothing about Indigenous fishing rights. Participants with a partial understanding demonstrated some knowledge of Esgenoôpetitj's fishing rights but also expressed misconceptions or uncertainty regarding how the fishery is managed. Their personal opinions about Indigenous rights were not considered, only their descriptions of how they thought the fishery functioned. Fishermen in this group were aware that a commercial Indigenous fishery exists but were uncertain about its specific regulations. They also knew about the FSC fishery, with some referring to it as the “food fishery” or “powwow fishery,” though they lacked knowledge about how it was managed. Some even believed that more types of Indigenous fisheries existed than in reality, mentioning, for example, a food fishery season, a fall fishing season, and a separate commercial season. This category included participants who provided

partial or uncertain answers and acknowledged that they might not fully understand how the system works, as well as those who offered incorrect information. One fisherman, for instance, believed that the food fishery lasted only one day, from morning to dawn. Finally, participants classified as having an accurate understanding demonstrated a clear and correct understanding of how the Esgenoôpetitj fishery operates, with one even explaining that the structure of FSC fisheries can vary from one community to another.

5.3.2 The Opinion of Local Fishermen About Esgenoôpetitj Fishing Rights

In their opinions about the food fishery, local fishermen expressed the same concerns about fishing conflicts mentioned earlier. As mentioned earlier, the sale of lobster caught outside the food fishery remains one of the main sources of tension. Many local fishermen believe the food fishery should be strictly for subsistence purposes. While none opposed the FSC fishery when it is genuinely used for food.

Fishing boundaries during commercial fishery also cause tension. Several local fishermen wished that indigenous fishers would respect what they call the imaginary line, grandfather line, or ancestral line, boundaries that were informally established between the communities. Four fishermen also said they would prefer if all fishing crews working under Indigenous permits were fully Indigenous.

Concerns about stock health were also raised, as discussed earlier under sources of conflict. When examined more closely, the reasons why fishermen disagreed with FSC rules were mainly due to the timing of the season and the fishing practices used. The issue of timing was mentioned by seven participants, meaning by more than half of the fishermen, while the question of fishing gear or techniques was mentioned by eight participants.

During the FSC fishery, Esgenoôpetitj fishers are allowed to harvest lobsters with a carapace size of 72 mm. In contrast, Tabusintac fishermen in the commercial fishery must adhere to a minimum size of 81 mm, and those in Neguac are permitted 79 mm. This 7–9 mm difference frustrates local fishermen, who voluntarily increased the minimum catch size to support lobster conservation. Some expressed resentment that they release lobsters back into the water, only for Indigenous fishers to catch them a few months later.

The timing of the FSC season is another major concern for local fishermen, particularly in relation to conservation. They emphasized that the food fishery takes place in September, during the fall, which is when lobsters molt. According to them, this makes it easier to catch larger quantities of lobster compared to the spring commercial season. They believe that, even though fewer people fish during the FSC season, the rules make it more damaging to the resource. Another recurring concern was that “the window⁴”, might not be respected during the FSC, further endangering the stock.

One fisherman summarized this sentiment by saying, “I feel a responsibility to leave fish for the next generations; it’s a public resource and I’m privileged to hold a licence.” This statement captures the feelings of many fishermen, who view fishing not as a right but as a privilege, and believe that lobster is a shared resource that must be preserved for everyone.

However, not all fishermen share the same perspective. On the opposite side, some completely agree with how Esgenoôpetitj manages its fishery. One fisherman mentioned that while not everyone feels this way, they should, because “it could be so much worse if we compare ourselves to the situation in Nova Scotia, we’re lucky,” and he is not the only one who expressed this view.

The general sentiment among local fishermen is that the FSC fishery is a legitimate right, and they acknowledge it as such. However, they believe it should be limited to food purposes only, with no resale of lobster, and that regulations such as size limits should be the same as in the commercial fishery to protect stock health. Many felt that aligning these rules would resolve most of the conflict.

At the more extreme end of the spectrum, one fisherman said, “Their subsistence fishery is shameful; they set lots of traps and sell it on the commercial market. It’s not going well, it’s not just for their food. As long as they don’t even respect their own rights, it won’t work” While this does not reflect the opinion of the majority, it is important to note that these extreme views exist and contribute to ongoing tensions. Most fishermen are already comfortable with

⁴ The term *window* refers to a size range of female lobsters that produce the greatest number of eggs. Harvesting female lobsters within this size range is prohibited to protect the breeding population and support the long-term sustainability of lobster stocks.

Indigenous fishing for food purposes but remain strongly opposed to the sale of lobster caught during the FSC fishery.

5.3.3 Licence Transfer and Fishing Effort Distribution Issue of 2000

Fishermen from Esgenoôpetitj who fish commercially hold different types of licences called communal commercial licences. These licences allow them to fish anywhere within LFA 23 and are not restricted to a specific sub-area (A, B, C, or D). This means that, unlike local fishermen from Neguac who cannot fish in Tabusintac, Indigenous fishermen with communal commercial licences can do so legally. All of the local fishermen interviewed were aware of this situation, and 11 out of 13 correctly understood it as a legal condition regarding the Indigenous fishing permits. However, as noted by nine fishermen, while it may be legal, it is not socially accepted. If an Indigenous fisherman crosses the informal line, their gear may be cut or damaged, and it could easily spark a conflict.

The reason the licences function this way is historical. When these licences were first acquired by the government for Esgenoôpetitj in the early 2000s, formal fishing boundaries had not yet been established. Later, when DFO created the lobster fishing sub-area boundaries to regulate commercial fishing, the conditions of the communal commercial licences were not changed, meaning that Indigenous fishers could continue to operate throughout the entire area.

The issue this created for local fishermen stems from the relocation of these licences. According to participants, when the government purchased licences across New Brunswick to transfer to First Nations such as Esgenoôpetitj, the original licences came from various harbors, including Miscou, Pigeon Hill, and Pointe-Sapin. Once transferred to the band, the licences were relocated to Tabusintac and Neguac to ensure they were close to the First Nation community. Local fishermen argued that this increased fishing pressure in these specific areas while reducing effort elsewhere, such as in Miscou. They also raised concerns about fairness, noting that while they themselves cannot transfer their licences between harbors, Indigenous communal licences can be moved freely.

To make the situation more fair, some fishermen suggested two possible solutions: either the licences should return to their original harbors, or the government should introduce a buyout program to eliminate some licences currently for sale and reduce overall fishing pressure.

However, they also recognized that these proposed solutions have challenges. Some Indigenous fishermen prefer to fish closer to home for practical reasons, so one suggestion was that participation in relocating licences should be voluntary. Yet, as one local fisherman pointed out, certain areas like Miscou currently have more lobster, which could make relocation beneficial for both conservation and equity.

In Tabusintac and Neguac, there are already Indigenous communal licences in place, and local fishermen said they do not want additional ones added, citing overcrowding. They emphasized that this is not an issue of being for or against Indigenous fishers, but simply a matter of fishing effort, as there are already too many boats. The fisherman from Val-Comeau explained that if the government were to purchase a licence for Val-Comeau, it would be accepted, but a transfer from another harbor would not. The fisherman from Le Goulet expressed a similar view, saying that transfers would not be welcomed. In contrast, a fisherman from Miscou Harbor offered a different perspective, stating that his community would currently not accept Indigenous fishermen because they believe Indigenous fishers do not follow the same rules as they do.

5.3.4 Is the Fishery Fair?

To analyze local fishermen's perceptions of fairness in the fishery, three graphs were created based on the interview questions. The first examines how fishermen feel about the government's response regarding the lobster fishery. The second focuses on their views of the fairness of lobster regulations, and the third addresses perceptions of fairness in how officers treat Indigenous and non-Indigenous fishermen.

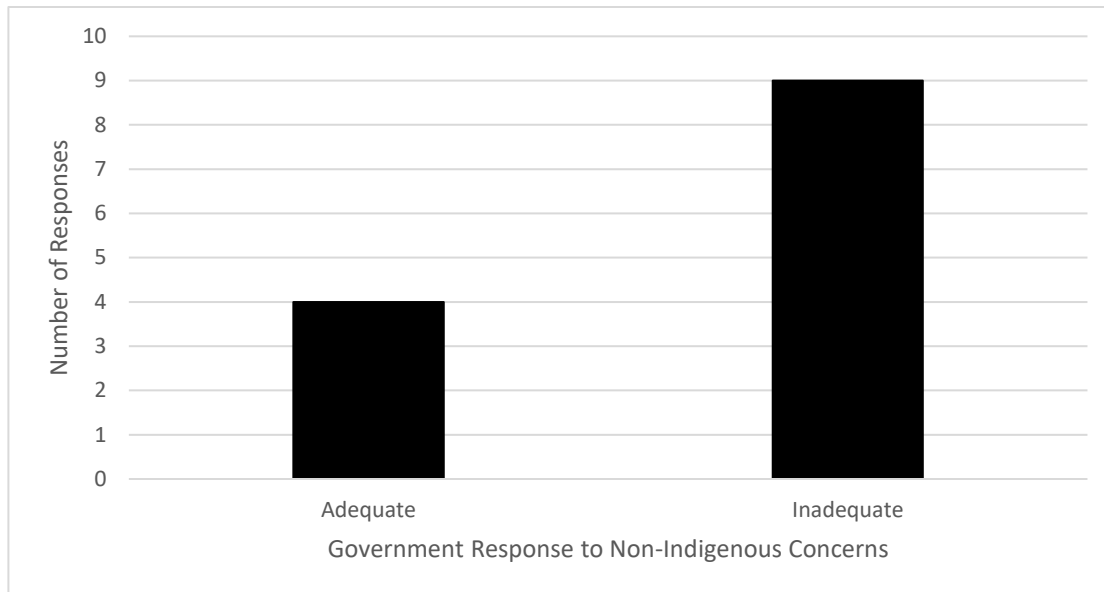


Figure 8: How Local Fishermen Perceive the Government’s Response to Non-Indigenous Fisherman Concerns (Source: The Author).

Figure 8 illustrates how local fishermen perceive the government’s response to their concerns. More than twice as many fishermen felt that the government handled the lobster fishery inadequately compared with those who believed the government's response was adequate. Lobster fishermen argued that there is not enough space for everyone at either the Tabusintac or Neguac harbours, a problem that worsened when the government added Indigenous fishing licences at their wharves. This issue was raised many times with the government, but to no avail. Across all interviews, there was a shared feeling that local fishermen receive less government support. Many pointed out that Indigenous fishermen received boats, traps, and licences free of charge, while local fishermen had to pay for all their equipment, which they viewed as unfair. Others criticized the fact that decisions are made in Ottawa without understanding local realities. One fisherman even remarked that government officials in Ottawa “have probably never even seen a fishing boat in their life, let alone been on one.”

Another issue raised was the statistic often cited by fishery officials, that Indigenous fishers represent only 1% of the Atlantic fishing fleet. Fishermen felt that this number was misleading because it overlooks the fact that this 1% is concentrated within a small region, which they believe increases pressure on local stocks. Finally, several fishermen expressed that the

government should have taken a firmer stance and resolved the ongoing “moderate livelihood” issue rather than allowing it to persist.

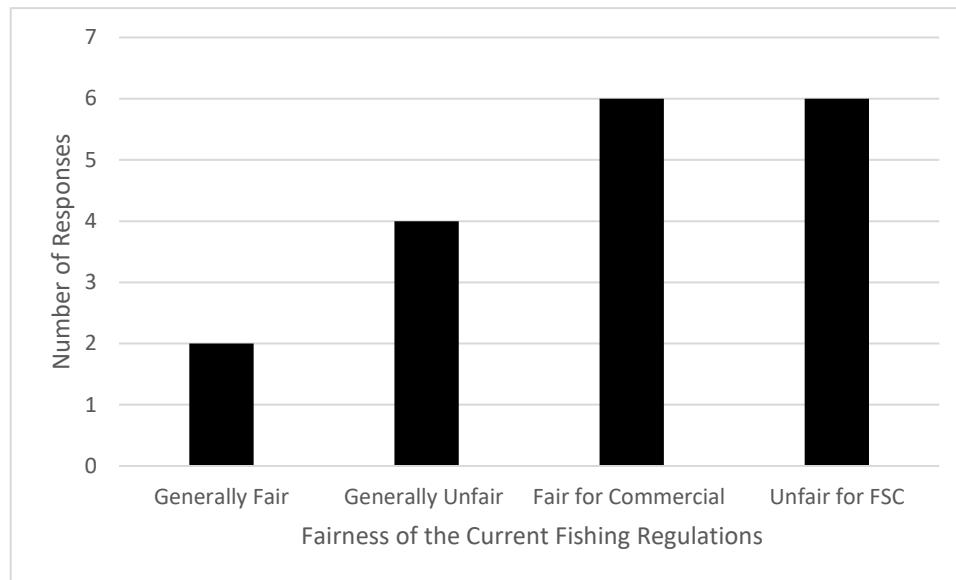


Figure 9: The Fairness of the Current Fishing Regulations from the Perspective of Local Fishermen (Source: The Author).

Figure 9 contains more than 13 responses because participants did not always provide only one answer. Fishermen’s responses fell into four categories: those who believed the regulations were generally fair, those who believed they were generally unfair, those who said they were fair for the commercial fishery because everyone follows the same rules, and those who believe that FSC rules are unfair.

The results were as follows: two fishermen felt that the current situation is fair, while four believed it is generally unfair and that true fairness would require everyone to be treated equally. Two different fishermen expressed nearly identical views, saying: “There are three groups at the wharf, the French, the English, and the Indigenous. If the law treated the French and the English differently, it wouldn’t be acceptable, so why is it okay for the Indigenous?” The remaining responses indicated that while the commercial fishery operates under the same rules and is therefore perceived as fair, the FSC fishery is viewed as acceptable only if it follows the same regulations as the commercial fishery to ensure fairness. Five fishermen gave answers that fit into both categories, fair for the commercial fishery but not fair for the FSC fishery, while two

fishermen provided only one answer in each category. This question caused some confusion, so I clarified the difference between fair and equal during the interviews and tried to categorize the answers as clearly as possible.

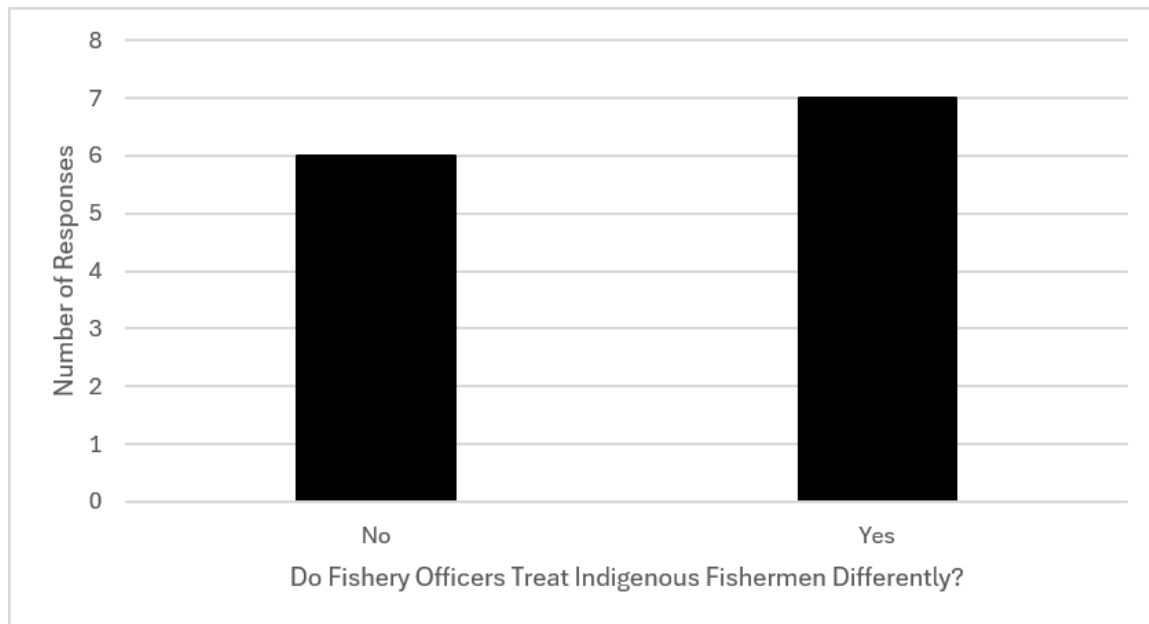


Figure 10: Local Fishermen's Perceptions of Whether Fishery Officers Treat Indigenous Fishermen Differently (Source: The Author).

Figure 10 presents local fishermen's responses to whether they believe fishery officers treat Indigenous fishermen differently. The way fishery officers treat fishermen appears to be almost evenly divided from the perspective of local fishermen. Some participants stated that officers stop people when necessary and do not appear to target one group more than another. Others, however, felt that officers are stricter with local fishermen and more lenient toward Indigenous fishermen. They believed that Indigenous fishermen are given more chances when caught with undersized lobsters and that local fishermen are checked more frequently. Some participants also noted that Guardian Officers, Indigenous officers responsible for monitoring Indigenous fisheries, play a larger role in enforcement within their communities, while fishery officers rarely become directly involved in Indigenous fisheries.

Another perspective expressed was that while officers may not intend to be unfair, they are aware that Indigenous fisheries are a more sensitive issue and are therefore more cautious or lenient when enforcing regulations. Several fishermen mentioned that even when Indigenous

fishers are charged, court outcomes tend to be minimal. A common sentiment was that “it’s easier to take a White person to court than an Indigenous person.” Many fishermen believed that Indigenous offenders receive lighter sentences or none at all. One fisherman shared his experience on the matter: “A couple of years back, an Indigenous person got stopped four or five times with undersized lobster and females; not much was done either. But that’s not the fishery officers’ fault. When an Indigenous person is charged and goes to court, the judge makes him win faster than a White person.”

Another issue that raised concern was traps left in the water after the end of the fishing season. Some local fishermen claimed that certain Indigenous fishermen do not remove their traps at the end of the season and that DFO takes several days to retrieve them. They felt this was unfair, as similar behavior by non-Indigenous fishers would result in immediate penalties. Moreover, they explained that abandoned traps negatively affect lobster stocks by creating ghost traps, which continue to catch and kill lobsters unnecessarily.

5.3.5 Co-Management

The question of whether local fishermen were interested in co-management was included in the interview. While not all participants were familiar with the concept, once it was explained, every local fisherman expressed interest in trying it. I clarified that, in the context of my question, co-management referred to a collaborative approach in which local and Indigenous fishermen from Esgenoôpetitj would work together, alongside government representatives, to jointly manage the fishery. Through this system, both groups could sit at the same table to discuss fishing-related issues, modify existing regulations collaboratively, and find balanced solutions that accommodate everyone’s needs and interests.

Although all participants agreed that co-management was a good idea in principle, several expressed doubts about its practical implementation. They emphasized that for it to work, everyone involved must approach it with goodwill and not use it as an opportunity to criticize or create additional conflict. One fisherman also pointed out that such a system would make them feel less restricted by government decisions, as they would finally have a voice in the decision-making process. However, three fishermen mentioned that the current legal framework governing Indigenous fisheries limits the effectiveness of co-management. They explained that the Food, Social and Ceremonial fishery is considered an individual right, which prevents the

community or co-management body from imposing restrictions. While the Chief and Council of Esgenoôpetitj ask community members to respect a minimum lobster size of 81 mm, not everyone follows this guideline, as they are legally allowed to fish lobsters as small as 72 mm during FSC. According to the fishermen, the legislation itself needs to be revised to give co-management structures more authority to enforce mutually agreed-upon measures.

5.3.6 Reconciliation

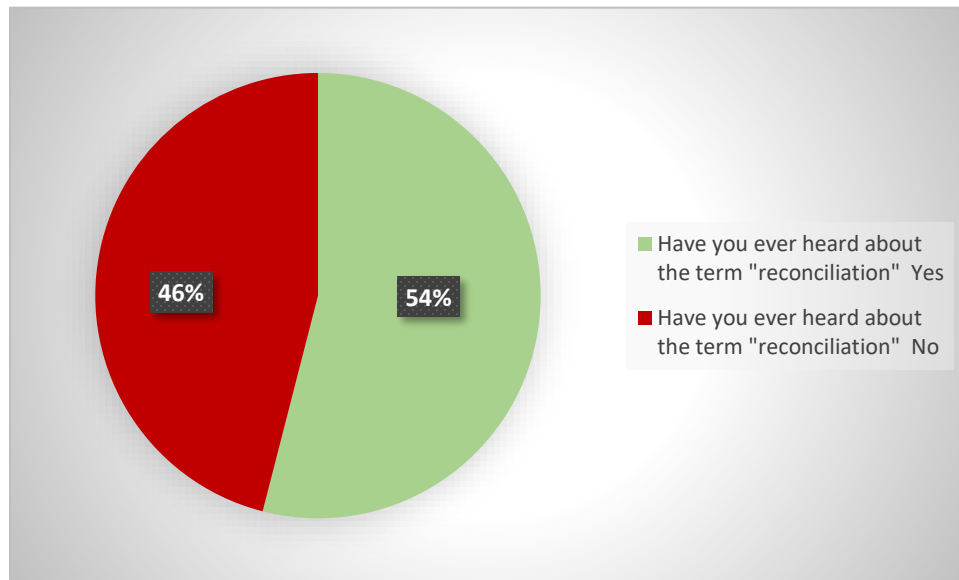


Figure 11: Awareness of the Term Reconciliation Among Local Fishermen (Source: The Author).

As shown in Figure 11, seven participants, just over half, were familiar with the concept of reconciliation in the context of lobster fishing. The meaning of reconciliation varied from person to person, but most described it as promoting peace, understanding, and cooperation between Indigenous and non-Indigenous fishermen so that everyone can work together respectfully.

One fisherman expressed this idea beautifully, stating: “That Indigenous fishermen can exercise their right and access the resource as per the treaties, side by side with us, without frustration on the water, done reasonably so everyone can live with it.” There are also ongoing efforts to facilitate reconciliation within the fishing sector, such as reconciliation workshops and awareness initiatives aimed at improving understanding between communities.

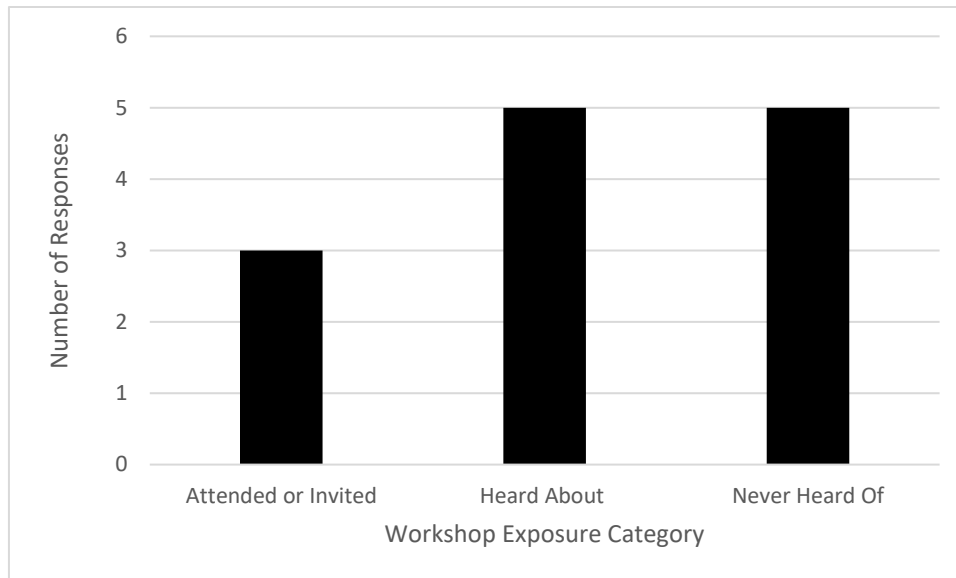


Figure 12: Local Fishermen’s Awareness and Participation in Reconciliation Workshops
(Source: The Author).

As shown in Figure 12, five participants were not aware of the existence of reconciliation workshops and therefore did not answer the following question about reconciliation. Among the eight participants who were aware of, invited to, or had attended the workshops, most believed that these initiatives were useful for encouraging dialogue and helping both sides better understand each other's perspectives. Participants who were invited to the workshops and those who attended them were grouped into the same category to protect their anonymity and avoid identifying which fishermen attended the workshops. Several participants stated that the workshops are effective in principle but were skeptical about whether everything discussed there is truly applied in practice. Two fishermen mentioned that if the information shared in these workshops were fully implemented, there would likely be no ongoing conflict.

Six participants said they were willing to work toward reconciliation. The others did not explicitly say they were against it but may have skipped ⁵ the question or not fully understood it. Overall, a shared desire to improve relationships between communities was expressed by nearly all fishermen. However, some noted that achieving this can be difficult, as emotions often run

⁵ In this context, skipped the question indicates that the participant either did not feel comfortable answering the question or chose not to respond. As explained in the consent form (Appendices 5 and 6), all participants were informed that they could decline to answer any interview question without consequence.

high during discussions between Indigenous and local fisherman. One participant explained that this tension was the reason he hesitated to attend such meetings.

Several local fishermen also mentioned that Indigenous fisherman often refer to the lobster resource as theirs. While some said they could understand this perspective to a certain extent, they also found it frustrating, as they and their families have been fishing lobster for generations. Being told that the resource is not theirs at all was described as hurtful and a source of ongoing tension.

Five participants agreed that reconciliation is possible and viewed it as a generally positive process, though they acknowledged that there is still progressed to be made. One fisherman noted that “we are close to reconciliation, but nothing will ever be perfect,” suggesting that while full reconciliation may be impossible to achieve, meaningful progress remains possible.

5.4 Maritime Fishermen’s Union Responses

All the answers provided were given by Martin Mallet, the Executive Director of the Maritime Fishermen’s Union.

5.4.1 Why Aren’t Indigenous People Part of the Union?

Mallet explains that this is a common misconception, there are Indigenous members within the union, but only a few, approximately 5 out of 1,300 members. However, fishermen from Esgenoôpetitj are not eligible to join the union because membership requires individuals to hold their own fishing licences. The communal commercial licences are held by the Esgenoôpetitj band, which designates a captain and may adjust certain operational parameters, such as the number of traps per boat. Because individual fishermen do not directly own the communal commercial licences, they are not eligible to join the union. However, if an Indigenous person owns their own commercial licence, there is no issue for them to become a member.

5.4.2 Opinion and Thought about First Nations Food Fishery

According to Martin Mallet, approximately 95% of the tension within the lobster fishing industry is linked to the FSC fishery, particularly regarding its use and the sale of lobster. He explained that, “Philosophically, FSC should be artisanal, like recreational hunting and fishing, take enough to eat and share, but not commercialize.” Following the Marshall decision, new

tensions emerged surrounding the “moderate livelihood” fishery, along with broader questions about allocation. As Mallet pointed out, “If Indigenous people make up about 5% of the Maritimes’ population, what share of access is fair?” The Maritime Fishermen’s Union has estimated that Indigenous communities currently hold about 10% of lobster access. This raises important ethical questions: What is the long-term plan, and how much access should be allocated to ensure both fairness and sustainability?

Martin Mallet also attended Esgenoôpetitj 's most recent reconciliation workshop, held in February 2026, and noted that it was very beneficial. During the workshop, the community shared its FSC management plan with participants, and this transparency has helped reduce misinformation and ease tensions. Mallet added that Esgenoôpetitj model for the FSC lobster fishery is among the best he has seen, featuring clear limits on season length, vessel size, participation, and trap numbers. While not perfect, he emphasized that it is far more structured and sustainable than most other models in the region.

5.5 First Nation Fisherman Responses

Ten communal commercial Indigenous fishermen were interviewed, five from Tabusintac and five from Neguac. Half of them agreed to be identified and did not wish to remain anonymous. During two of the interviews, the discussion briefly diverged from the main topic to address the cultural importance of lobster. Lobster fishing dates back to ancestral practices, and there is even a Mi’kmaq word for lobster. Although the lobster fishery has been modernized, just like housing, transportation, and other aspects of daily life, it is still considered an ancestral practice. Historically, Indigenous people were already fishing for lobster, it was never solely a local non-Indigenous practice as some assumed. Lobster fishing remains an integral part of Indigenous rights and culture. As Curtis Bartibogue shared, it is a tradition passed down through generations, his grandfather was a lobster fisherman in Esgenoôpetitj until the 1960s.

5.5.1 The Impact of the Fishing Conflict

The relationship between Indigenous and non-Indigenous people in the lobster fishery industry was generally described as better than before but still fragile by nearly all participants, except for one fisherman from Tabusintac Harbor who stated that he personally has no issues today. Most participants agreed that compared to the early 2000s, tensions have improved

significantly. However, many emphasized that trust remains fragile, Indigenous fisherman still look over their shoulder, and no one has truly forgotten what happened in the past.

Indigenous fishermen and the Director of Fisheries all reported various challenges in exercising their fishing rights. One fisherman mentioned limited access to fishing resources due to Department of Fisheries and Oceans regulations and the requirement to operate under agreements signed by Chief and Council. At least five fishermen described a negative atmosphere at the wharf while exercising their rights, often not feeling welcome, experiencing tension, prejudice, jealousy, or being under constant scrutiny. One participant identified internal divisions within their own community as the main challenge, explaining that Indigenous people hold different views on how to approach their rights, and that finding common ground is not always easy. Overall, the data suggest that social dynamics remain the greatest source of difficulty for Indigenous fisherman that was identified. Two fishermen said they do not experience any particular challenges while fishing today. Two fishermen, who were not currently fishing during FSC and did not provide an answer. However, even those who had not participated in the food fishery this year, such as Billy Jack Francis, expressed a lasting sense of connection to the practice: “I know it’s there; it’ll always be there for me and for my kids to fish.”

The conflict has also affected how safe fishermen feel on the water. All but one participant said they now feel safe at sea. One fisherman shared: “If something ever happened on the water, I’m pretty sure no one would leave anybody stranded.” Another noted that incidents such as trap-cutting no longer feel intentional or targeted, which contributes to a greater sense of security. However, one fisherman said he still feels unsafe because fishery officers cannot be everywhere at once: “You hope all your gear is there, that’s how you make your money, and someone could ruin your day by cutting all your gear.” He added that the fear goes beyond equipment damage: “When you’re out there and someone doesn’t like you or you’ve had a conflict, you’re always looking, a little paranoid, thinking, what’s going to happen today? Anything can happen on the water.” Although most Indigenous fishermen said they now feel safe, five participants mentioned that in the past, they did not always feel that way.

The impact of the conflict on daily life appears to have decreased significantly, with only one fisherman out of ten saying he still feels its effects today. He explained that relations are “definitely better than before but not perfect.” Fishermen also shared stories about how the

conflict had affected their daily lives in the past. Two fishermen recounted experiences from the year 2000 in Néguaç, where they were refused service at a Tim Hortons restaurant. Billy Jack Francis described his experience as follows: “When the dispute first happened here, I remember going to Tim Hortons; they wouldn’t serve me. All the fishermen were in there, and it was tense in Néguaç, Esqenoôpetitj and Tabusintac. The worker said, Billy, they’re going to tear this place apart if I serve you, can you go through the drive-thru? I said, no, I’ll come back, and I said a few things. I felt anger, pissed off, but it never stopped me from going out and exercising my rights, it made us stronger.”

Misconceptions were identified as a major factor that continues to amplify tensions surrounding the fishery. All but one fisherman said they had heard false or misleading claims about themselves or about Indigenous fishing rights in general. The most common misconception, mentioned by eight fishermen, was that the FSC fishery would “ruin the lobster fishery.” As Colton Metallic explained: “Some believe we’re depleting lobster; I hope this year proves we’re not. They can come to the wharf and watch what we catch.” This year, the FSC fishery took place at the Néguaç wharf, where a designated area was created to safely unload the lobster catch. This allowed local fishermen and community members to observe the process and see firsthand what was actually happening. Three fishermen also mentioned hearing that everything is easy for Indigenous people because they are supposedly given everything. Other stereotypes included being lazy, not knowing what they’re doing, unable to fish without White people, and allowed to fish anywhere, anytime, as much as they want. Although these comments were less frequent, they still illustrate persistent prejudice and misinformation. Indigenous fishermen believe that these misconceptions stem largely from a lack of education about Indigenous rights. Many non-Indigenous people do not understand the differences between the FSC and communal commercial fisheries or the historical and legal context behind Indigenous fishing rights. As Billy Jack Francis explained: “A lot of the argument and fighting was because no one ever explained these things to the non-Natives around our community; they thought we were getting favoritism from the government because we were a different race, but they don’t realize we’ve been doing this for thousands of years, we were born doing this.” One participant also suggested that jealousy plays a role in perpetuating conflict.

Discussions about First Nations lobster fishing rights remain a sensitive topic for many. Six fishermen said they had engaged in conversations to educate non-Indigenous fishermen about these rights. As Billy Jack Francis shared: “I tell them: it’s our right, not a privilege. You guys have a privilege, it’s like driving; driving is a privilege. If we were born with that right, it’d be a right, but we’re not. Being First Nation, we’re born with this right. We get into deep discussions; they get mad, if we did that, we’d be locked up. I say, see, that’s the difference.” However, three of these six participants said they have since stopped engaging in such discussions because they find them awkward or uncomfortable and do not want to provoke jealousy or unnecessary conflict. Four others said they prefer not to discuss the issue at all. As Harold Somerville explained: “I haven’t needed to explain my rights. They respect my rights; as far as I’m concerned, I’m a fisherman like them.”

5.5.2 Is the Fishery Fair?

Indigenous Fishermen were asked whether they had experienced discrimination or hostility from local fishermen or government agencies. Out of ten participants, six said yes. The forms of discrimination they described varied, ranging from name-calling and exclusion from meetings, such as being left out of discussions at the Néguaac wharf about boat parking locations, to more extreme cases. One anonymous fisherman shared his story about the 2000 crisis, explaining that he had “I have in the past, even here in Neguac. I believe it was in 2019 where they even actually sunk my boat. And there was more than one person that was involved with it because the night watchman wouldn’t say anything. He said he didn’t see nothing, but my water intake lines were cut, and that same night, there was two other native boats that were sunk, so three boats were sunk in one night. So, it was a targeted event. And I know that it wasn’t done by a single person, it was done by a group, but still to this day, it’s been almost five years, and we never found out who did it.” The four other Indigenous participants who had not personally experienced such incidents still shared important perspectives. One said that as long as “you follow the rules, you’re fine,” but bending or breaking the rules could lead to problems. Another fisherman noted that he had never experienced discrimination in the fishing world itself but recalled facing racism while growing up at school because he was Indigenous.

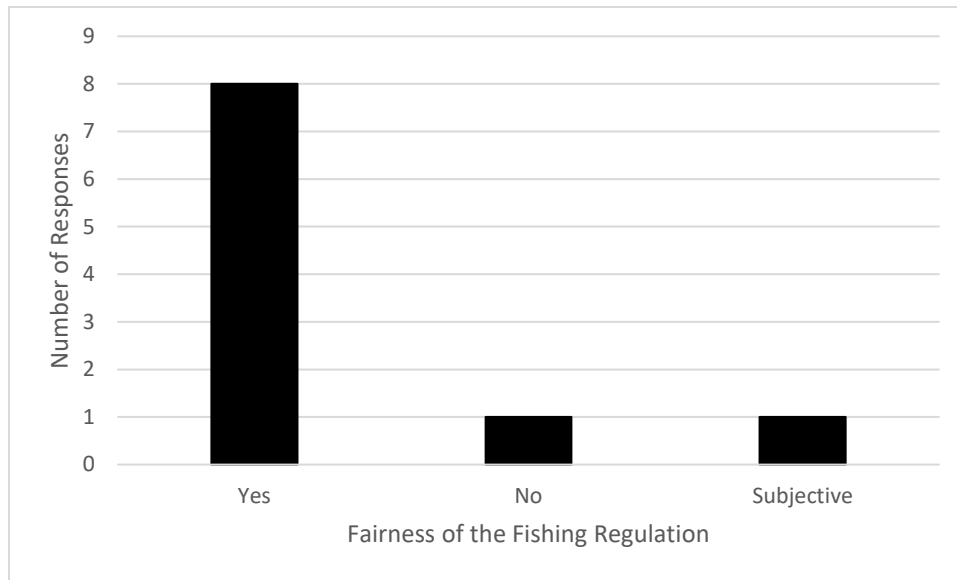


Figure 13: The Fairness of the Current Fishing Regulations from the Perspective of Indigenous Fishermen (Source: The Author).

As shown in Figure 13, eight fishermen stated that they believe the current regulations are fair, reasoning that the same rules apply to both Indigenous and non-Indigenous in commercial fisheries, so they cannot be considered unfair. Regarding the FSC fishery, participants emphasized that it is their right and that it does not negatively affect lobster stocks. Several also noted that the fishery in Esgenoôpetitj is one of the most structured in the region, which further supports the perception of fairness. The one fisherman who disagreed argued that Indigenous communities should be more directly involved in fisheries management and that more Indigenous fishermen should be able to fish at the Tabusintac wharf. He added that for the system to be truly fair, local fishermen must also begin to see Indigenous fishermen as equals. Another participant reflected that fairness is subjective and a gray area, explaining that both Indigenous and non-Indigenous fishers always want more: “Indigenous people just want to get in, while local fishermen are trying to keep and protect what they already have. That’s normal human nature.”

There are, however, some regulatory differences between Indigenous and non-Indigenous fishermen in the commercial fishery, particularly in the number of traps allowed. Local fishermen can fish up to 300 traps, while Indigenous communal commercial licences, managed by the band, typically allocate fewer traps per boat. One Indigenous fisherman explained that he

is allowed only 275 traps on his large commercial boat, 25 fewer than local fishermen. Twenty-five traps is a lot of money at the end of the year. We did the estimate together, if he gets maybe five pounds of lobster per trap, multiplied by 25 traps, and at around seven dollars per pound, that's about \$875 a day. For him, that's a significant loss just because he is an Indigenous commercial fisherman.

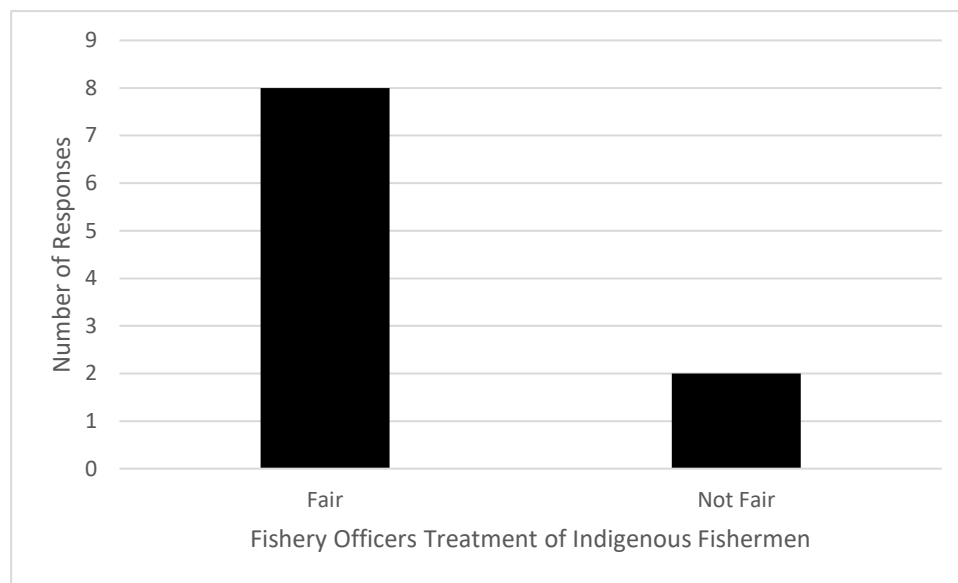


Figure 14: Number of Indigenous Fishermen in Esgenoôpetitj Who Feel That Fishery Officers Treat Them Fairly or Unfairly (Source: The Author).

As depicted in Figure 14, most Indigenous fishermen in Esgenoôpetitj felt that fishery officers treat them fairly. Several participants noted that while fairness may vary in other communities, their personal experiences in Esgenoôpetitj have generally been positive. One fisherman explained that although he once felt like Indigenous people were treated unfairly, he now sees no animosity between fishery officers and Indigenous fishermen. He shared that during inspections, officers have always acted professionally and fairly. Depending on the officer, some may issue a warning for a few undersized lobsters caught by mistake, while others may issue a ticket. However, the fishermen emphasized that they do not feel targeted by officers. Two fishermen expressed different perspectives.

Curtis Bartibogue shared his personal experience from this year: “There’s a statistic that went out on DFO’s Facebook page this spring. There were 180 vessels that were inspected, and

they gave out 28 warnings out of 180 vessels. And only four tickets were issued out of the whole peninsula. And I was one of the four out of the 180 boats that were inspected. I was one of the four that got a ticket, and another person from Esgenoôpetitj. So out of the 180 vessels that were inspected, and only four tickets were actually given, two of them were from Esgenoôpetitj. So to me, it looks kind of biased because I know that there was a lot of non-native fishermen that were caught here with a lot of undersize and they all got warnings. I had 12 undersized that were very close, but I ended up getting a ticket where I had to pay a fine, which I already paid. And I know that there were a lot of non-native fishermen that had four or five times as much undersized lobster that were caught with, and they only got a warning.”

For is part Billy Jack Francis emphasized that treatment depends on the officer, explaining his perspective on fishery operations in Neguac: “I’ll use the current DFO supervisor in Neguac as an example. He’s been here for years, older, wiser, he understands our treaties. We could fight with him in the morning and be friends in the afternoon, laughing; he knows what we’re allowed to do. Younger fishery officers who just finished training come in thinking all rights are equal and everyone is treated the same, which isn’t so and they come in like big shots, harassing us, say “you can’t do this, can’t do that,” and then we go to court and we win. That could’ve been avoided if at the academy they taught that First Nations have a different right. With DFO supervisor around, he was there during the dispute, he was hurt, now he’s right beside us; he educates a lot of his officers working with him. It’s not only DFO; DNR too. We need more veteran officers who live near First Nations to teach the younger guys, everything’s expanded, we’re fishing farther offshore with climate change. They need to be educated about First Nations rights.”

The Guardians is the Indigenous equivalent of fishery officers responsible for enforcing Esgenoôpetitj fishing rules and were highly praised by participants. All fishermen agreed that the Guardians are effective and collaborate well with fishery officers. They also help Indigenous fishermen when needed. The only minor criticisms were that Guardians are not often seen on the water in Tabusintac, and that younger officers could be more assertive in carrying out their duties.

5.5.3 Reconciliation

The meaning of reconciliation among Indigenous fishermen differed from person to person. Two fishermen stated that they are already living in reconciliation, so there is no need for further definition. One fisherman said he could not provide an answer, describing reconciliation as a “touchy and profound subject.” For Erick Simon, reconciliation means “a fair piece of the pie. Historically, we were pushed out while others monetized what we used to do. Now we’re stepping back in to establish our place, and it’s hard for others to let go of what they’ve held. We just want our share.” Three fishermen spoke about respect and acknowledgment of the hardships their people have faced. They emphasized that reconciliation must work both ways, it is not only Indigenous people who must make an effort. The impact of the conflict has been passed down through generations, and some expressed that the word reconciliation is often used too loosely, without real meaning. For reconciliation to happen, several participants also stressed the need for greater Indigenous involvement in fisheries management. On this matter, Curtis Bartibogue shared: “Rather than taking an adversary role toward First Nations management plans, they should be working alongside them. DFO taking the stance we know better; you have to follow what we say has to change. In our community back in 2000, we had marine biologists from Dalhousie University who worked with us to help set up our management plan and policies. That approach was met with a wall of enforcement and a wall of nope, DFO knows best.” There was also a demand to expand reconciliation efforts beyond the lobster fishery and provide Indigenous fisherman with access to other commercial fisheries. This could be achieved by training new Indigenous fishers, providing equipment, and ensuring that non-Indigenous fishermen accept and respect their inclusion. As one anonymous fisherman explained: “With proper training and support, more of us can sustain ourselves in tuna, halibut, and other fisheries, without getting hurt or excluded.”

The reconciliation workshop was seen as a positive initiative, as Indigenous fishermen viewed education as key to resolving conflict. However, only three out of ten fishermen were aware of this specific workshop. All three agreed that the workshops are helpful, though one participant noted: “There’s always a gap between what’s written in an agreement and what people are willing to do in real life. One side wants more, the other wants to give less.”

Reconciliation within the fishing context was seen as possible by six participants. One fisherman said the next generation gives him hope. When asked whether reconciliation is achievable, Erick Simon responded: “Yes, but it takes time. You’re up against generations of ingrained habits and racism on both sides. Twenty years ago, people were trying to sink boats; today we spring fish alongside each other, help each other, and check in. That’s progress.” One fisherman chose not to answer the question, while another laughed and said he did not believe reconciliation was possible.

5.6 Director of Fishery of Esgenoôpetitj Responses

Clark Dedam is the Director of Fisheries and one of the twelve members of the Esgenoôpetitj Band Council. He answered the questions related to fisheries governance in Esgenoôpetitj. He chose to be named in this thesis.

5.6.1 *The Evolution of the Fishing Conflict*

Clark Dedam briefly explained what happened during the major conflict of 1999: “When the decision came down, our community understood our affirmed right to fish and harvest. We were just concluding a federal agreement, and the ruling effectively superseded it, so our people went back on the water. DFO had to respect the Supreme Court, but a lot of non-Indigenous fishermen took matters into their own hands. Within three to four weeks, roughly 200–300 boats came into the bay and started cutting our traps. It escalated fast, violence on the water, and shots were fired. RCMP were parked at our borders, DFO Conservation and Protection were patrolling, and helicopters were overhead. It felt like a war zone on the water. Socially, we were ostracized in nearby townspeople saying, go back to your community. It became community-versus-community for a while.”

Agreements were signed in 2002 to end the large-scale conflict. Although the situation has improved significantly since then, resentment still lingers even if physical confrontations have ceased. Through workshops, dialogue, and education, efforts continue to strengthen understanding and rebuild trust between communities.

5.6.2 *Esgenoôpetitj Regulation*

In the beginning, the community sought absolute control over its fishery. They managed and made all decisions independently. Around 2010–2012, a working group was formed in

collaboration with DFO, followed by the creation of an internal community management structure. The community delegated authority to this group to help oversee the fishery in a way that would better serve local needs.

This structure resembles that of DFO but integrates traditional knowledge into its operations and policies. Traditional knowledge is embedded in the community's fisheries policies and emphasizes responsibility toward both the resource and the community. In practice, there are two sets of rules "Native and non-Native." Members must respect the community regulations outlined in the fishing permits issued by the band; failure to do so results in enforcement actions.

The Guardians enforce the community's regulations during the fishery, taking the lead on enforcement during the FSC season, while DFO provides assistance when necessary. Enforcement is described as strict: "If a member violates conditions, Guardians confiscate gear; you don't fish without gear. To get it back, you meet the official who seized it and explain yourself; nine times out of ten, there's no repeat." The Guardians are also responsible for issuing fishing tags and ensuring compliance within the community.

5.6.3 DFO Relationship

The relationship with DFO has evolved over the years and is, for the most part, much better than it was before. Dedam stated that: "Some member style still carry old wounds, which is understandable, but trust has grown. especially with the current local DFO supervisor who's been straight with us about what we can and can't do. We do joint patrols and trainings. When there was a fatality at sea, RCMP and DFO joined a talking circle here and used our 45-foot vessel during the search. The working relationship is positive now."

5.6.4 Reconciliation in the Fishing Sector

Clark Dedam described the meaning of reconciliation for the community in the context of the lobster fishery as follows: "Less arguing about whether we have a right to fish and focus on how we fish together. Recognition as rights-holders, seats at the table, and real co-management with Canada and industry. As Elder Albert Marshall put it: stop debating the right, talk about the how."

To promoted reconciliation efforts such as reconciliation workshops, are in place, but tangible results have yet to be seen. During these meetings, when challenges arise, DFO and the

Maritime Fishermen's Union (MFU) often tend to react defensively rather than collaboratively. Nevertheless, the community continues to cooperate and seek compromise to maintain peace. For example, when the MFU proposed lowering the minimum lobster size from 81 mm to 79 mm in Neguac, Esogenôpetitj accepted the change, even though they were satisfied with the previous regulation.

As part of ongoing negotiations and reconciliation efforts, the community proposed that "Each Acadian Peninsula wharf to designate 1–2 spots for First Nation vessels. Recognition doesn't mean we'll always use them." Additionally, discussions are taking place regarding Crown land access to prevent future disputes with fishermen. Although MFU currently opposes these proposals, dialogue remains open. Negotiations with both MFU and DFO also continue concerning the fishing boundary disputes, as all parties strive to find common ground.

According to Dedam, improving relationships requires continued dialogue, the creation of secure and recognized spaces for Indigenous vessels at wharves, and the integration of traditional knowledge into fisheries policy and management. Transparency and genuine collaboration are essential, as is ensuring that government decisions are made with meaningful consultation of both First Nations and MFU representatives.

Mutual understanding is also crucial. As Dedam explained, non-Indigenous fishermen do not always see the pressures Indigenous fishermen face: "There's pushback from government and MFU, plus internal debates in our own community." The community educates its members that their fishing rights come with responsibilities and that exercising these rights must be done with care and respect for the resource. As Dedam expressed, "Fishing at night with a pop bottle as your buoy... that's not exercising your right. That's poaching."

Ultimately, the community's goal is to fish openly, without conflict, while asserting their rights responsibly. They seek not confrontation but coexistence, making a living like anyone else, while ensuring that the resource is respected and sustained for future generations.

5.7 Solutions

Several solutions were directly proposed by participants when asked what fishermen or the government could do to reduce conflicts and improve relationships. In total, 22 different solutions were suggested; however, they were grouped into categories to make the presentation

clearer and easier to interpret. It is important to note that not all sources of conflict were transformed into solutions, these represent only the ideas that fishermen themselves explicitly expressed as ways to move forward.

Table 2: Solutions Proposed by Four or More Participants.

SOLUTION	NUMBER OF PARTICIPANTS
ENFORCEMENT	7
QUOTA	5
EDUCATION	5
LOBSTER SIZE STANDARDIZATION	5
COMMUNICATION	4
INCLUSION IN MANAGEMENT	4

The most frequently proposed solution was to strengthen or ensure more consistent enforcement. This idea was mentioned by six local fishermen and the fishermen's union. Local fishermen believed that there is not enough enforcement and that regular checks should be conducted to prevent illegal fishing especially outside the commercial season. They explained that there are too few officers for the large territory they are trying to protect, though they acknowledged that officers may sometimes be present without being seen, for example, when conducting drone surveillance. Some local fishermen also felt that officers should have more authority to enforce fishing laws among Indigenous fishers. There was also a perception among some local participants that Indigenous fishermen catch undersized lobster, and they called for more surveillance to ensure the protection of the resource.

The second most common solution was a three-way tie that included the introduction of quotas for lobster fishery, proposed by four local fishermen and two Indigenous fishermen. Three local fishermen expressed that implementing a quota system could help reduce conflict and promote fairness within the commercial lobster fishery. They explained that if everyone were limited to catching a set amount, such as 40,000 or 50,000 pounds per season, it would allow all

fishers to make a decent living while protecting the resource for the future. One fisherman mentioned that he used to fish in areas he can no longer access due to boundary restrictions and believed that removing these lines, even alongside a quota, would make the situation more equitable. However, there is resistance among certain wharves, such as Miscou and Pigeon Hill, which typically land much larger catches than Neguac. Another fisherman pointed out that quotas might negatively affect deckhands, who rely on longer fishing seasons to accumulate enough weeks to qualify for Employment Insurance. Therefore, before implementing such a measure, alternative solutions should be developed to protect deckhands' livelihoods. Similarly, two Indigenous fishermen proposed implementing quotas during the commercial season as a way to address the conflict, if non-Indigenous fishermen are genuinely concerned about the state of the lobster stock, such a measure would be the most logical solution. One local fisherman also suggested adding quotas to the Food, Social, and Ceremonial fishery to improve transparency about the total amount caught and ensure that resource sustainability is maintained.

Education was tied for second place among proposed solutions. Education was emphasized by the Director of Fisheries, three Indigenous fishermen, and one local fisherman. According to them, better education would inform local fishers about Indigenous rights and reduce misinformation, which often fuels tension and misunderstanding. This education should extend beyond fishermen to include fisheries officers and the general public. Indigenous participants added that treaty rights should be taught in schools so that future generations can better understand these issues and reduce the need for constant explanations and justification. The local fisherman who supported this idea stressed that education should occur on both sides, so that Indigenous and non-Indigenous people can better understand one another and build mutual respect.

The other solution tied for second place, standardizing lobster size, was proposed exclusively by local fishermen. Although more local fishermen shared this view, only one explicitly stated it as a concrete solution. Those from wharves outside Neguac argued that all fishermen, Indigenous or not, should follow the same lobster size limit. They referred to the fact that Neguac falls within sub-area D, where smaller lobsters can be legally caught, leading some to believe they are at a disadvantage because they catch fewer lobsters. Another major concern was that Indigenous FSC fishers are allowed to catch smaller lobsters, which some commercial

fishermen felt was unfair, claiming that they throw small lobsters back into the water only for them to be later caught during the fall. This issue was identified as a major source of conflict, and standardizing the size limit was seen as a way to address it.

Finally, improving communication and increasing Indigenous inclusion in fisheries management were the third most frequently proposed solutions. Enhanced communication between Indigenous and non-Indigenous fishermen was suggested by two Indigenous fishermen, one local fisherman, and the fishermen's union. They emphasized that open dialogue through workshops and meetings could help both sides better understand each other's perspectives and work toward resolving conflicts collaboratively. Similarly, the Director of Fisheries and three Indigenous fishermen underlined the importance of including more Indigenous representatives in management processes, as greater participation and shared decision-making could help reduce tensions and foster co-management within the fishery.

Other solutions mentioned by two or three participants included: increasing transparency; repairing wharf infrastructure; involving First Nations fishermen in local meetings about lobster management; fostering mutual understanding, compromise, and respect; the social acceptance of redistributing Indigenous fishing effort to other fishing sub-areas.; ensuring that the government listens to fishermen's concerns; protecting the lobster resource; creating standardized FSC regulations; and implementing a government buyout program to reduce overfishing pressure.

Regarding the issue of spreading fishing effort Indigenous fisherman Curtis Bartibogue from the Neguac wharf explained that he would fish in another area with higher lobster abundance if it were possible. Local fishermen also expressed that Indigenous fishers should be allowed to fish close to home but, if they choose to fish elsewhere, that other local fishermen should learn to accept this reality. One participant acknowledged that fishermen in northern areas tend to be less accepting of Indigenous fishermen, which he admitted is not right.

6 Discussion

To answer the research question: How do local fishermen and Esgenoôpetitj First Nation members perceive and experience the conflict over lobster fishing rights, and what are the potential pathways to reconciliation, this discussion analyzes the interview results to examine the ongoing conflict in Lobster Fishing Area 23 and its connections to broader issues of

reconciliation, governance, and sustainability in Atlantic Canada. Through the perspectives of Indigenous and non-Indigenous fishermen, as well as representatives from DFO, MFU, and Esgenoôpetitj fisheries directors, this research reveals how injustices, misinformation, and structural inequalities continue to shape interactions between communities that depend on the same lobster resources. The discussion interprets these findings in light of existing literature and policy frameworks to identify both barriers and potential solutions. The first objective of this study was to understand the root causes and persistence of the conflict between the Esgenoôpetitj First Nation and local fishermen in northern New Brunswick. The second objective was to identify practical pathways toward improved relationships, equitable management, and co-governance of the lobster fishery. By integrating interview results, field observations, and documentary analysis, this discussion highlights the discrepancies between federal policy intentions and local realities, as well as the social and economic forces that maintain divisions between communities.

The chapter is organized around six major themes: the state of the lobster fishery in 2025, the sources of conflict, trust in government and the role of the Department of Fisheries and Oceans, pathways toward reconciliation and co-management, policy reform, regulation and government initiatives, and knowledge mobilization. Together, these themes reveal that reconciliation in the lobster fishery requires more than symbolic gestures, it demands structural change, transparent communication, and shared commitment.

6.1 The Lobster Fishing Climate in 2025

Although racism still exists, it has become less overt in its expressions. Many participants said there is no longer an active conflict, even if people have not forgotten what happened in the past. Some still mentioned feeling the need to look over their shoulder or remain cautious. What stood out the most, however, is that nearly everyone agreed they want to stop saying there is a conflict because, in their view, there isn't one anymore, and hopefully there never will be again.

Relationships between local and Indigenous fishermen have improved significantly compared to the past, with far fewer open conflicts. However, the farther a fisherman lives from the First Nation community, the less likely they are to understand Indigenous fishing rights. Some still believe that Indigenous people can fish lobster freely, all year long, without limits on

size or season. This misconception was mentioned by several local fishermen during my interviews, and Indigenous participants confirmed that it remains a common belief.

From my observations and analysis of the interviews, the main issue today is not hostility but rather a lack of genuine friendship. While French, English, and Indigenous fishermen are no longer openly fighting, they are not necessarily friends on the water either. In everyday life, they coexist peacefully, and with education and time, many have learned to live side by side. All Indigenous participants I interviewed said they no longer feel out of place in stores, pubs, or other social settings in town. However, most still mentioned that they do not feel entirely welcome at the harbours of Tabusintac and Neguac. This raises an important question: why is that sense of exclusion still present? This is largely due to unequal treatment. There is a common sentiment among local fishermen that Indigenous fishers are privileged and have more rights than they do, which creates feelings of jealousy and resentment.

This sentiment of unequal treatment between Indigenous and non-Indigenous fishermen by the government is also addressed openly on the Maritime Fishermen's Union (MFU) website (The Maritime Fishermen's Union, n.d.-a). They have expressed frustration about the fact that they are not adequately consulted by Fisheries and Oceans Canada (DFO) regarding the management of the fishery. The MFU believes that enforcement is applied unequally between local fishermen and First Nation fishermen. They have also requested answers regarding how much of the lobster fishery will be allocated to First Nations. The MFU argues that First Nations fishermen have access to a share of the fishery that is proportionally higher than the percentage of the First Nations population in Atlantic Canada (The Maritime Fishermen's Union, n.d.-a).

They also promoted a petition, which briefly explains the ongoing fishing conflict in the Maritime region, is currently available for signing (Coalition of Atlantic and Quebec Fishing Organizations, n.d.). This petition calls for peace, reconciliation, and conservation-based management. Those who support it believe that science, conservation principles, and the public interest should guide decisions about fisheries. They also argue that the Government of Canada has both the right and the responsibility, under the Marshall Decision, to manage fisheries with conservation, equality, and fairness as the key priorities for both Indigenous and non-Indigenous fishers. The petition supports collaboration between the Government of Canada, Indigenous Peoples, and fishing organizations to manage sustainable and healthy fisheries in a spirit of

reconciliation. As of May 25, 2025, it had gathered 7,339 signatures (Coalition of Atlantic and Quebec Fishing Organizations, n.d.). In connection with this same issue, signs reading “Fishing in Seasons for a Reason” have been posted throughout the Maritime region.



Figure 15: Fishing in Seasons for a Reason (Source: Bourdillon, R (2025). Les pêcheurs lancent leur propre campagne, en amont des élections fédérales. Acadie nouvelle.

<https://www.acadienouvelle.com/actualites/2025/03/25/les-pecheurs-lancent-leur-propre-campagne-en-amont-des-elections-federales/>)

I have personally seen the signs shown in Figure 15 in several locations within my study area. Some Indigenous people argue that the signs directly target Indigenous fishermen. One local fisherman explained to me that, for him and for many others, the signs were installed by the fishermen’s union to show solidarity with lobster fishers in Nova Scotia, where some Indigenous people have been fishing out of season. There are also rumors circulating that Indigenous people in the region of the study are fishing out of season, but no evidence has been provided to support these claims.

Two Indigenous participants commented on these signs during the interviews, expressing that they have no place in the region because the Esgenoôpetitj Food, Social, and Ceremonial (FSC) fishery is regulated and does not take place outside the established fishing season. They viewed the signs as an attempt to provoke tension rather than promote conservation. After

speaking with Martin Mallet, Director of the MFU, it became clear that the truth may be more complex and nuanced.

A comment that was often repeated by Indigenous fishermen was their frustration at not being able to join the union like any other fisherman. They feel excluded and do not understand why. However, this exclusion is not related to race but rather to the structure of the licensing system. To become a union member, a fisherman must personally own their fishing licence, whereas in Esgenoôpetitj, licences are owned by the band rather than by individuals, making them ineligible to join. Mr. Mallet also pointed out that there are Indigenous fishermen who do personally own licences, and five of them are currently members of the union. However, I did not come across any Indigenous fisherman who was aware of this fact. This lack of information reinforces their feelings of exclusion from local fishermen and causes further division between the two groups. Indigenous fishermen believe they were excluded because the fishermen's union is working against their fishing rights. It is clear that a major problem of miscommunication persists. Rumors and assumptions about the intentions of the fishermen's union have negatively affected relationships and continue to fuel unnecessary conflict.

In efforts toward reconciliation, the MFU has participated in discussions and workshops with First Nations. The union's main concern remains the protection of the resource. Like many of the local fishermen I interviewed, MFU members believe that the FSC fishery is legitimate for food purposes but should remain regulated with clear seasons and rules, and that it should not become a second commercial fishery allowing lobster sales. According to the union, Esgenoôpetitj FSC management plan in recent years has been one of the most well-regulated examples among First Nations communities in the Maritimes. Then, because of Esgenoôpetitj's FSC management plan, there should not be major conflict between Indigenous and non-Indigenous fishermen.

From my research, three main categories of opinion on this conflict emerged regarding the current state of relations and rights within the lobster fishery. The first group of participants, primarily composed of local fishermen, expressed the view that Indigenous fishermen have too many rights, particularly concerning the FSC fishery. These individuals felt that government policies and DFO decisions overly favor Indigenous communities, creating an imbalance in access and opportunity. It is important to note that one Indigenous fisherman and one fisheries

officer also shared this perspective. The second group believed that things are going well, emphasizing that relationships between Indigenous and non-Indigenous fishers have significantly improved since the height of the conflict in 2000. They pointed to increased mutual respect, reduced hostility at the wharves, and a growing understanding of each other's fishing practices as signs of progress. This group included a mix of Indigenous fishermen, local fishermen, and fishery officers. Finally, the third group consisted only of Indigenous participants. They argued that they still do not have enough rights to fully exercise their treaty-protected fishing activities or to manage their own resources without external interference.

6.2 Sources of Conflict

To address the first objective, this study sought to develop a comprehensive understanding of the conflict surrounding lobster fishing rights. This was achieved through interviews, where participants were asked a series of questions, and their responses were analyzed. It is important to note that the identified sources of conflict are grounded in the perceptions and lived experiences of the interviewees. Across all participant groups, the most frequently mentioned sources of conflict were economic concerns, boundary delineations, misinformation and lack of education, and issues related to the regulation of the Food, Social, and Ceremonial (FSC) fishery.

6.2.1 Economic Concerns

Economic concerns reflect ongoing anxieties about resource access, market prices, and competition for a limited lobster stock. For many local fishermen, the conflict stems not only from differing fishing rights but also from a fear of economic insecurity, this concern is also reflected in the literature (Harrison and Loring, 2014; Bailey et al., 2024). Most local fishermen expressed concerns that the lobster stock is declining and have accused the fall fishery, known as the FSC or subsistence fishery practiced by some Indigenous people in Esgenoôpetitj, of contributing to this decline. Even one Indigenous fisherman had expressed concern about decreasing lobster stocks and believed that FSC fishery could have an impact on lobster stock. To uncover the truth, a scientific study could be conducted at a small scale in this region and compared with data from elsewhere. Each First Nation community exercises its fishing rights differently. For example, in Esgenoôpetitj, the fishery lasts only 14 days, with one trap per community member. This structure would not have the same ecological impact as a community that fishes for several months with more traps. A specific study examining the current lobster

stock in this region and the potential impact of the fall fishery would help determine whether the observed decline is due to other factors such as climate change (Flaherty et al., 2025). Funding such research could be a way for the government to help resolve the conflict by informing both fishermen and the public about the reality of the fishery and by reducing tensions caused by misinformation (Mallet, 2025). Sharing the results of this research would also improve transparency, as multiple fishermen, union representatives, and fishery officers have pointed out that lack of transparency fuels conflict. However, this fear of stock depletion is not supported by current scientific research. On the contrary, DFO scientists affirm that the stock is healthy (Asselin et al., 2024). Because these tensions are linked more to economics than to actual resource scarcity and since the resource itself does not appear to be at risk the conflict may instead be rooted in economic competition (Harrison & Loring, 2014; Bailey et al., 2024). As the Director of Fisheries explained, local fishermen often believe that Indigenous fishers are “taking their money,” but the evidence shows that Indigenous fishing practices are sustainable and do not threaten the resource. These economic concerns are nothing new in New Brunswick. Even in the 1980s, the government of New Brunswick prioritized its economic interests over Indigenous communities’ rights (O’Byrne & McGill, 2024). In a way, local fishermen are now demanding the same from the federal government, to prioritize their economic concerns over Indigenous fishing rights.

6.2.2 *Boundary Lines*

The issue of boundary lines and limited space is a major source of tension. Local fishermen described these imaginary lines as long-standing, informal, yet strictly respected divisions of the fishing grounds. Crossing them whether by Indigenous or non-Indigenous fishers, will result in trap cutting or retaliation. Traditional territoriality continues to define how local fishermen interact on the water.

Indigenous participants, however, viewed these boundaries very differently. For them, these lines are artificial constraints that restrict their access to resources within areas where they are legally allowed to fish. They do not understand why they must follow unwritten rules that are not part of any official regulation, especially when lobster abundance shifts naturally from one area to another. From their perspective, following the lobster’s movements to set traps where it is more abundant makes ecological and economic sense. One Indigenous participant mentioned that

their people were originally nomadic and traditionally moved with the resources until colonizers arrived and confined them to what are now First Nation communities. This historical context may explain why they do not understand or accept the concept of these imaginary boundaries. This traditional knowledge needs to be taken into account when decisions about lobster fisheries are made (Reid et al., 2021). In a way, because Indigenous fishers are not legally bound by the same boundary line policies and licensing frameworks as non-Indigenous fishers, DFO has, following negotiations with communities, incorporated elements of this traditional knowledge into its licensing and management approaches.

All of the local fishermen I spoke to shared the same opinion: they would not accept more Indigenous fishermen from Esgenoôpetitj coming to fish in their areas. Some even went as far as saying that no harbour would allow it. Their reasoning was straightforward, they believe there are already too many fishermen in the area and not enough space for everyone to fish. They emphasized that this is not about someone being Indigenous or not; rather, they simply do not want additional lobster boats operating in their area. One fisherman proposed an interesting compromise: the government could buy out an existing licence from their harbour to allow an Indigenous fisherman to join, keeping the total number of licences the same. This idea could be worth exploring by both the government and Indigenous communities as a potential solution to reduce conflict. However, this point was brought up in discussions with Indigenous participants, who argued that they already have the legal right to fish within the LFA 23, so it would be unnecessary, if not unreasonable, to have to buy back a right they already possess.

Legally, Indigenous fishermen can fish anywhere within their licenced LFA 23, so technically there is no need to buy out a licence. However, in practice, if they try to exercise that right, non-Indigenous fishermen will cut their traps, something that has happened before. Several local fishermen even admitted they would do so, as they do not want more competition in their area. Indigenous fishermen themselves acknowledged that they cannot freely use their right to fish anywhere in LFA 23 because their traps would likely be destroyed. For local fishermen, this is not a question of race, because even local fishermen who cross the imaginary lines have their traps cut. Their territory is very important to them. However, even when we look further at the legal boundaries of sub-area A, B, C, and D, where non-Indigenous fishermen are allowed to cross, Indigenous fishermen are still not permitted to do so in practice.

Fishermen feel that there are too many licences concentrated in the same area, not only within the subareas but also between the imaginary boundary lines that divide each wharf. Local fishermen believe that this issue was created by the licence transfers in 2000, when the government bought licences for Indigenous fishermen and relocated them to Tabusintac and Néguaac. Because there are now more licences than before, this has led to overcrowding, more trap cutting, and increased conflict over fishing spots.

6.2.3 *Misinformation*

Education, or more precisely, the lack thereof, is one of the underlying causes of conflict between Indigenous and non-Indigenous fishermen. There is a lack of awareness and understanding in fishery. Fishery officers openly admitted that many officers are not comfortable working with First Nations and do not fully understand their rights. Although training sessions and workshops are occasionally offered, they are clearly not sufficient. Both fishery officers and Indigenous fishermen pointed out that the general public also has very little understanding of what Indigenous fishing rights actually entail.

As discussed with Billy Jack Bartibogue, the education system itself does not teach about Indigenous rights. He personally noticed that a majority of the hostility and conflict comes from this lack of education and has taken it upon himself to educate other fishermen about his fishing rights. However, not everyone feels comfortable doing so. Many Indigenous fishermen prefer to avoid confrontation rather than risk conflict by explaining their rights to others. This should not be their responsibility. It is the government's duty to educate Canadians about Indigenous rights to prevent future misunderstandings and tensions.

While open hostility has declined since the 2000 crisis, misunderstandings about Indigenous fishing rights, regulations, and conservation practices continue to fuel mistrust. Both Indigenous and local fishermen recognized that misinformation spreads easily through word of mouth, media coverage, and social networks. However, local fishermen appear to be the most affected by this issue. Many expressed uncertainty about what the fishermen of Esgenoôpetitj are legally allowed to do during the Food, Social, and Ceremonial fishery. Indigenous fishermen are well aware that local fishermen do not fully understand their rights.

Misinformation is defined by the Government of Canada as “false information that is shared without the intention of misleading” (Government of Canada, 2024). The persistence of misinformation has tangible consequences (Government of Canada, 2024). It reinforces stereotypes, fuels racial bias, and complicates things on the water. Non-Indigenous fishermen even acknowledged that their opinions were shaped by rumors and what they heard at the wharf rather than by official information. However, there is limited information made available to them, and those who wish to learn more often do not know where to access reliable sources. As a result, informal word-of-mouth exchanges become the primary means of communication and information, frequently leading to the spread of false narratives that are widely accepted as truth. Indigenous participants were aware of these misconceptions and expressed disappointment. Local fishermen rarely receive official explanations regarding the purpose, timing, or management of FSC, and this lack of transparency leaves room for misinformation and speculation to grow.

Respect between the two groups is key to resolving this conflict. Both sides feel that mutual respect has improved, but it is still not perfect. To foster better understanding, both groups need opportunities for open dialogue and exchange. Local fishermen must recognize that while they are not personally responsible for the harms of colonisation, it is their moral responsibility to work toward fairness and reconciliation. With all that is now known about Indigenous treaties and reconciliation (Isaac & Wu, 2024; Hamilton, 2024; Anker, 2016), it is clear that the food fishery is here to stay, and most local fishermen accept this, as long as it is genuinely for food. Where tensions arise is in the misunderstandings and disagreements about what actually happens during the food fishery. Many local fishermen strongly believe that Esgenoôpetitj fishermen take as much lobster as they want, of any size, and keep traps in the water longer than allowed in order to sell lobster out of season. The Indigenous community recognizes this as a misconception and firmly denies these allegations. This year should be better, as the FSC fishery is taking place at the Neguac wharf. Local fishermen can directly observe the duration of the fishery and the quantity of lobster being harvested, which should help reduce some of the rumors circulating about the FSC fishery.

DFO and the Indigenous community have both confirmed that Indigenous fishers cannot take unlimited lobster. They are subject to the same size regulations as local fishermen in their

respective fishing area for the commercial fishery. It has never been a “free-for-all,” as some local fishermen claim. During the commercial season, Indigenous fishermen must follow the trap limits established by the band on their issue fishing permit. Many local fishermen do not realize that Indigenous fishers often have fewer traps than they do. The maximum number of traps permitted for an Indigenous fisherman is 275, compared to 300 for local fishermen, and in some cases, the number is even lower depending on the permits issued by the band. For the non-commercial, or food fishery, every aspect including the quantity and size of lobster, the number of traps, and the fishing period is regulated by the band and jointly monitored by the Guardians in collaboration with fishery officers.

Yes, there are occasional cases where an Indigenous person is caught with an illegal-sized lobster, but this happens no more often than among local fishermen during the commercial season. It is important not to generalize; one person’s actions should not reflect on the entire group. These fisheries are strictly regulated, and while illegal fishing does occur, it represents a small minority.

The main source of misunderstanding that fuels much of the conflict is the confusion between the Moderate Livelihood fishery and the Food, Social, and Ceremonial (FSC) fishery. Many local fishermen mistakenly believe that these two fisheries are related or that the FSC fishery was created as part of the Moderate Livelihood right. In fact, they are entirely separate. The FSC fishery originated from the Sparrow Decision, which recognized the right of Indigenous peoples to fish for food, social, and ceremonial purposes (Fisheries and Oceans Canada, 2024). The Moderate Livelihood right, on the other hand, comes from the Marshall Decision and relates to communal commercial fishing (Fisheries and Oceans Canada, 2024). Most fishermen understand and accept the communal commercial fishery because it follows the same season and size regulations as the non-Indigenous commercial fishery. However, confusion arises when they assume that the FSC fishery is simply another form of the Moderate Livelihood fishery. As a result, many local fishermen believe that what Esngenôpetitj does during its 14-day FSC season in September is the same as what they see on the news in Nova Scotia, only on a smaller scale.

Because of this confusion, some fishermen think it is unclear whether selling lobster caught during the FSC fishery is allowed under the Moderate Livelihood right. This belief is also reinforced by the perception that fishery officers are not taking action, as many fishermen think

they lack the authority or willingness to arrest those allegedly involved in illegal lobster sales. In reality, DFO clearly states that selling lobster from the FSC fishery is illegal (Fisheries and Oceans Canada, 2024). The real problem is not just misunderstanding of the law but a belief that illegal sales are still taking place. Even if these cases are rare or unproven, the perception that they happen continues to create distrust and tension between communities. A fishery officer confirmed that Indigenous people are not allowed to sell lobster caught under the FSC fishery and that this regulation is actively enforced (Anonymous DFO employee, personal communication, October 18, 2025). However, the officer also explained that making an arrest is more complex than responding to a rumour, as concrete evidence is required before taking action, and officers must conduct their own investigation. They added that anyone who suspects illegal activity can contact their local fishery office to report concerns about the fishery (Anonymous DFO employee, personal communication, October 18, 2025).

6.2.4 The Rules Surrounding the Food, Social, and Ceremonial Fishery

For local fishermen, the rules surrounding the FSC fishery, and what they perceive as the illegal sale of lobster represent the most significant sources of conflict. Eleven out of thirteen local fishermen identified these as major concerns, a view also confirmed by the Maritime Fishermen's Union. Most fishermen believe that the FSC fishery should be strictly for food and ceremonial purposes, with no commercial sales allowed, as they view any sale as undermining the spring commercial fishing season. Thus, the issue of lobster sales is tightly connected to broader economic concerns. As established by the Department of Fisheries and Oceans (DFO), the sale of lobster caught during the FSC fishery is currently illegal (Fisheries and Oceans Canada, 2024). In another First Nation, this was demonstrated in an investigative report by *Enquête*, a French television program on Radio-Canada, which revealed that some Indigenous fishermen from the Elsipogtog First Nation, located near Richibucto, New Brunswick, were involved in the illegal sale of lobster from the FSC fishery (Montembeault et al., 2025). Although Esgenoôpetitj was not mentioned in this report, media coverage like this can still harm the reputation of Indigenous communities. It strengthens the beliefs of some local fishermen who assume that similar illegal sales also happen in other areas. The broader problem with these alleged illegal sales is that unreported lobster catches are not included in DFO's official records, which makes stock monitoring less accurate and increases local fishermen's concerns about conservation. However, according to Nathanaël Richard, Director General of the Association of

Maritime Lobster Processors, First Nations communities are not the main source of this problem. Local fishermen are responsible for much larger quantities of undeclared lobster catches. These undeclared catches are legally caught during the commercial fishing season, but because fishermen sell part of their catch without officially reporting it, those quantities are not included in DFO's data used to assess lobster stocks based on landings (Montembeault et al., 2025). This raises an important question: why does the media so often focus on Indigenous fisheries while paying little attention to the conservation issues caused by local commercial activities? Both fishery officers and Indigenous and non-Indigenous fishermen interviewed for this study agreed that media coverage often amplifies tensions between communities, and this situation is a clear example of that problem.

Other sources of disagreement include lobster size limits and the timing of the FSC fishery. Regarding size, fishery officers, the Director of Fisheries, and Indigenous fishermen all explained that under the FSC fishery framework, Indigenous individuals are permitted to catch lobster starting at a minimum size of 72 mm. However, the Esgenoôpetitj band and council have prioritized conservation by requiring their members to catch lobster at a minimum size of 81 mm, a measure stricter than DFO's own rule. If more local fishermen were aware of this fact, it could help dispel the misinformation that all Indigenous fishers are harvesting what they consider to be undersized lobster. This awareness might also help them realize that many of the conservation measures they demand are already in place. The timing of the fishery is another complex issue. Local fishermen frequently argue that fall fishing is the worst time of year, as lobster are molting and therefore more vulnerable. They believe Indigenous fishermen are damaging the resource because more lobster enters traps during this period, which heightens their concern about stock health and potential economic loss. Indigenous participants, however, countered that the FSC fishery lasts only 14 days, far shorter than other Indigenous communities' seasons and that the limited number of traps used should not have a significant impact on the stock compared to the large-scale spring commercial fishery.

Similarly to the lobster conflict that occurred in Nova Scotia, the term "moderate livelihood" is a problem (Denny & Fanning, 2024). Although it was not the most frequently mentioned source of conflict in interviews, Martin Mallet, Director of the Maritime Fishermen's Union, identified it as being at the core of the issue in fishery in the Maritime. Even if many

participants did not explicitly identify it as a cause of tension, it is indirectly linked, as many fishermen want a clearer legal and administrative framework governing Indigenous fisheries to prevent what they describe as a “free-for-all.” This issue could be addressed by defining the term moderate livelihood more clearly (Conn, 2020; Fisheries and Oceans Canada, 2022; Bailey et al., 2024; Warrior, Fanning and Metaxas, 2022; Mallet, 2025). It is important to note that in Esgenoôpetitj, there is currently no fishing taking place outside the commercial season to affirm the community’s moderate livelihood rights. Defining this concept of moderate livelihood more clearly could serve as a precautionary measure to prevent future conflicts. A clearer definition could also help determine how many commercial licences should be Indigenous owned, a point raised by both Martin Mallet and several local fishermen who questioned how many Indigenous commercial licences there will be in the future. Some local fishermen expressed fear that they might eventually be pushed out of the fishery, although no data currently support this concern.

The Aboriginal Communal Fishing Licences Regulations aim to balance Indigenous treaty and Aboriginal rights with conservation and fisheries management objectives by creating a framework that formally recognizes communal harvesting while ensuring sustainable practices and compliance with conservation laws (Asselin et al., 2024). As shown in the interviews, commercial fishing licences are not a major source of conflict. Most tensions stem from the FSC fishery. Fishermen suggested that the government should revise the existing FSC framework to make it more precise, fair, and easier to understand. It is understandable that each Indigenous community has its own cultural practices and management approaches, which influence how they design their harvesting plans. However, the fact that some communities have FSC fisheries lasting up to a month, while Esgenoôpetitj lasts only two weeks, creates confusion among local fishermen. Many expressed concern that Esgenoôpetitj could theoretically decide to extend its season in the future. There is also a perceived lack of transparency from the government, as local fishermen would like access to official documentation explaining how the FSC fishery in Esgenoôpetitj operates. The Director of the Maritime Fishermen’s Union mentioned that he was provided a copy of Esgenoôpetitj FSC plan directly by the band, which he greatly appreciated.

Several local fishermen expressed understanding toward Indigenous rights, with many stating that if they were in the same position, they would do the same. This reflects growing awareness and empathy. Local and Indigenous fishermen increasingly recognize each other’s

perspectives. This mutual understanding also works both ways: Indigenous participants acknowledged that local fishermen face high economic pressure, debt, and taxation, and that such financial stress makes it difficult for them to be open to change. However, this growing mutual respect is sometimes overshadowed by a small minority on both sides who continue to create division and conflict. Participants referred to these individuals as “bad apples.” As Indigenous participants explained, one racist or hostile local fisherman can cause significant harm and cast a negative image on others who do not share these views. Similarly, they admitted that a few Indigenous individuals who act provocatively or exploit their rights to make a political statement do not represent the community as a whole. Both sides emphasized that these “bad apples” are exceptions, not the rule. The vast majority of fishermen in Neguac and Tabusintac in 2025 coexist peacefully, and most genuinely hope that open conflict never returns.

6.3 The Trust in Government and the Role of the Department of Fisheries and Oceans

It is important to talk about DFO’s refusal to participate in this thesis given DFO–Coast Guard’s Reconciliation Strategy, which commits to renewed nation-to-nation, Inuit-Crown, and government-to-government relationships based on recognition of rights, respect, cooperation, and partnership (Fisheries and Oceans Canada, 2019). My research is in line with reconciliation view and has the objective to understand the conflict and improve relationships. The Strategy also commits to recognizing and implementing Indigenous and treaty rights related to fisheries, oceans, aquatic habitat, and waterways (Fisheries and Oceans Canada, 2019). The Strategy’s actions include enhancing Indigenous involvement in fisheries management processes and co-developing policies, as well as relationship-building initiatives; it even points to restorative-justice protocols and cooperative enforcement agreements with Indigenous groups. Its guiding principles emphasize taking the time to build relationships, adjusting approaches to social, cultural, geographic, and capacity differences, coordinating across departments, and bringing rights-holders and stakeholders along (Fisheries and Oceans Canada, 2019). It seems counterintuitive to refuse that employees of DFO be interviewed in my research that has some of the goals they are trying to achieve. It shows how sensitive and politicized the topic remains. It also reveals a gap between policy intent on paper and their application in real-life situations.

6.3.1 Fishery and Guardian Officer Relationship

The relationship between the Guardians and fishery officers has evolved positively over time. Both groups share similar responsibilities, monitoring fishing activities, ensuring compliance with conservation regulations, and protecting marine ecosystems, although they operate under different authorities. In several interviews, both fishery officers and Indigenous participants described genuine moments of cooperation, where Guardians and fishery officers communicated respectfully, shared information, and collaborated to address safety or enforcement concerns. These examples demonstrate that positive, functional relationships are possible when individuals on both sides prioritize professionalism and mutual respect. The Director of Fisheries also spoke about this growing relationship, explaining that DFO has invited Guardian officers to participate in training sessions, while Guardians have, in turn, educated fishery officers about their practices, cultural values, and fishing rights. This exchange demonstrates a strong and mutually beneficial relationship.

6.3.2 Government Response to Concern

Interviews conducted with non-Indigenous fishermen revealed frustration toward the federal government particularly the Department of Fisheries and Oceans (DFO) and its handling of non-Indigenous fishermen's concerns. Sixty-nine percent of local fishermen described feeling "abandoned" or "ignored" by policymakers. This point further demonstrates in Figure 15, which shows MFU signs declaring that the government has abandoned fishermen. Several participants emphasized that decisions affecting their livelihoods are often made in Ottawa without proper consultation or understanding of local realities. Their frustration is especially strong in Tabusintac, where fishermen explained that they were promised repairs to the wharf that never occurred. Parts of the wharf are deteriorating and basically falling into the water. This perception of neglect has contributed to a sense of alienation and resentment among local fishing communities. Participants explain that when they raise concerns about declining lobster stocks, inconsistent enforcement, or spatial overcrowding, they rarely receive meaningful feedback or action from DFO. Instead, they feel that their experiences are dismissed. This has reinforced a narrative of inequality, where local fishermen believe their voices carry less weight than those of Indigenous fishermen. Importantly, local participants clarified that they do not oppose Indigenous rights; rather, they wish to see greater balance and fairness in how fisheries policies

are implemented. The perception that DFO and the federal government prioritize political correctness over listening to both sides has contributed to a deep mistrust not only between communities but also toward the state itself.

Indigenous fishermen appeared to have a slightly better perception of how their concerns are addressed, but not by much. Many expressed a desire to be more involved in fisheries management and felt that their voices are still not sufficiently heard. Their concerns tend to be more direct, as several Indigenous fishermen explained that when issues arise, they bring them to the Chief and Council, who then address them on behalf of the community. Not all Indigenous fishermen are fully satisfied with the current management structure, but they understand that this is the system their community has chosen to establish in its agreements with the government.

6.3.3 Fairness of the Lobster Regulation

Fairness in lobster fishing regulations is a complex and contested issue, as Indigenous and non-Indigenous fishermen hold very different perspectives on what “fairness” means. Interpretations of fairness often varied depending on personal experience, cultural background, and historical awareness. For local fishermen, fairness was generally associated with equal treatment, meaning that everyone should follow the same set of rules. For Indigenous fishermen, fairness was linked to the recognition of treaty rights and the ongoing effects of historical injustices that continue to shape their fishing opportunities today. Indigenous participants tended to distinguish more clearly between fairness and equality compared to local participants.

Local fishermen argued that fairness should mean applying the same rules to everyone, regardless of background. Eleven of them expressed frustration that the federal government enforces different regulations for Indigenous and non-Indigenous fisheries. They mentioned that Indigenous fishermen are allowed to fish outside the commercial season or have fewer restrictions regarding timing, fishing windows, and trap limits, and that if they are caught doing something illegal, they are more likely to be treated leniently than local fishermen. However, these comments often reflected perceptions rather than legal realities, since Food, Social, and Ceremonial (FSC) fisheries operate under specific agreements that are regulated and monitored by DFO, as confirmed by the fishery officers interviewed. This belief underscores a major communication gap between government institutions and local fishing communities. The absence of clear communication regarding FSC protocols reinforces the perception that Indigenous

fishermen operate beyond the reach of regulatory oversight. This perception fuels resentment and reinforces the idea that the government's approach lacks transparency.

On the other hand, approximately 80% of Indigenous fishermen interviewed stated that they consider the current regulations to be fair. Many emphasized that their communities have fished sustainably long before colonial management systems existed and that their present-day fisheries remain guided by strong internal conservation ethics. However, they also recognized that what seems fair on paper may not always translate into fairness in practice. Even though their licences legally allow them to fish anywhere within LFA 23, in reality, they must respect the same informal or "imaginary" territorial lines as local fishermen to avoid conflict or trap cutting. Some Indigenous commercial fishermen even said they prefer not to participate in the FSC fishery to avoid creating tension during the commercial season. For Indigenous fishermen, fairness therefore depends not only on legal recognition but also on social legitimacy and physical security on the water. It must also be noted that while many Indigenous fishermen are currently satisfied with the regulations, several local fishermen continue to feel that the system is unbalanced. The perspectives expressed by both groups highlight the urgent need for open dialogue and a shared understanding of fairness. Both Indigenous and non-Indigenous participants ultimately want the same thing: a sustainable, predictable, and respectful fishery where everyone can provide for their families without fear or resentment. Bridging these differing worldviews requires moving beyond abstract notions of equality toward a more contextual fairness, grounded in historical understanding and mutual accountability.

6.3.4 Officer Treatment of Fisherman

The data revealed a wide range of experiences regarding interactions with fishery officers, reflecting the complex relationship between enforcement authorities and fishing communities. Most participants, both Indigenous and non-Indigenous, described fishery officers as professional, respectful, and simply doing their job. Others, however, recounted incidents they perceived as arbitrary or biased. This variation suggests that while some officers strive to apply regulations fairly, enforcement practices are not always perceived as consistent. Each officer behaves differently, and fishermen may therefore experience unequal treatment, making it difficult to generalize about the department as a whole.

The Director of Fisheries and several Indigenous fishermen noted that they have developed a positive relationship with the DFO supervisor in Neguac. However, one participant mentioned that younger and less experienced officers sometimes show less respect for Indigenous rights. Another officer interviewed acknowledged having witnessed racist behavior, which can influence decisions and negatively affect Indigenous fishermen when interacting with certain officers.

For non-Indigenous fishermen, frustration was often linked to the belief that officers respond more strictly to their own violations while exercising greater leniency toward Indigenous people. Participants expressed resentment, saying things like: “If we break a rule, we get fined right away, but if they do, nothing happens.” This perception of unequal accountability has eroded trust in DFO and, more broadly, in the federal government. Many local fishermen believe that judges are more lenient toward Indigenous offenders and that this disparity is not the officer’s fault but a reflection of systemic issues within the institution. Some participants stated that enforcement officers themselves are limited in what they can do, claiming that “the higher-ups won’t let them act” when it comes to Indigenous fisheries. This is a controversial issue because, as seen in Ugpi’ganjig First Nation, fishery officers in the northeastern Gulf region have arrested Indigenous fishermen when they were found fishing out of season (The Canadian Press, 2023; The Canadian Press, 2024). However, the narrative that officers are afraid to enforce regulations was echoed in research conducted by criminologist Chadillon-Farinacci, who presented her findings during a discussion with Alexis Deschênes, Bloc Québécois deputy for the Gaspé Peninsula and the Magdalen Islands, at a Fisheries Committee meeting in October 2025 (Deschênes, 2025). Her research revealed troubling findings within fisheries enforcement. Many officers admitted being afraid to exercise their legal powers due to internal pressure and fear of reprisal from management. Several confessed that they were intimidated by their superiors and hesitant to act independently, fearing disciplinary action for being “too strict.” This internal climate of fear suggests that enforcement within the Department of Fisheries and Oceans (DFO) does not always operate neutrally or autonomously but may be influenced by hierarchical or political constraints. Such conditions directly undermine officers’ capacity to uphold the law and protect marine resources. In several instances, officers reportedly avoided intervening even when illegal fishing activities were reported. Access-to-information requests have also revealed numerous emails from fishing companies denouncing illegal practices and questioning the

apparent lack of DFO intervention (Deschênes, 2025). It is important to note, however, that these findings did not specifically mention enforcement in relation to Indigenous fisheries. Therefore, no direct conclusions can be drawn about whether these issues apply to Indigenous fishing rights enforcement. Nonetheless, revelations about a broader lack of enforcement damage the institution's credibility and weaken public trust in its ability to apply the law fairly. This, in turn, reinforces the perception among local fishermen that fishery officers hesitate to enforce regulations involving Indigenous fisheries because of political pressure. Overall, local fishermen were divided in their views, but most felt that the lobster fishery regulations were unfair and favored Indigenous fishermen. More than half of non-Indigenous participants believed that fishery officers were more lenient with Indigenous fishers and that judges were more likely to impose lighter or no penalties on them.

In contrast, 80% of Indigenous fishermen reported feeling that fishery officers treat them fairly compared to 54% for non-Indigenous fishermen. However, one Indigenous participant recounted a particularly negative recent experience, stating that enforcement was much stricter Indigenous crews this year during a large-scale inspection operation. These contrasting perceptions of fairness may stem from misunderstandings and a lack of transparent communication between groups. The widespread belief among local fishermen that Indigenous fishers “have it easier” underscores the importance of further study into how enforcement practices and public perceptions intersect to shape trust in fisheries governance.

Finally, while fishery officers receive training on reconciliation and Indigenous fishing rights, most of those interviewed reported feeling uncomfortable or underprepared to work directly with First Nations communities. Both officers and Indigenous fishermen pointed out that the existing training and resources are insufficient. Increasing education and providing more consistent, culturally informed training for fishery officers would help strengthen relationships and support fairer and more effective implementation of fisheries management across all communities.

6.4 Pathways Toward Reconciliation and Co-Management

After analyzing all interview responses to complete the second objective and comparing them with the literature, it appears that reconciliation in the lobster fishing industry around Esgenoôpetitj may be better approached through a different lens. Reconciliation is used so

broadly by government agencies, such as DFO, that in this context, it has almost lost its meaning altogether (Anker, 2016). From the Indigenous fishermen's responses, three main perspectives emerged: one group believes that true reconciliation is not possible; another feels that progress has been made but that the process is not yet complete; and a third believes that reconciliation has already been achieved. Local fishermen also expressed discomfort with the term reconciliation. Some Indigenous participants shared this sentiment, though for different reasons, noting that the term often involves symbolic gestures or empty promises rather than concrete action. Rather than focusing solely on the concept of reconciliation, efforts could instead be directed toward practical solutions and genuine acknowledgment of the issues that persist. The progress achieved so far, reflected in improved relationships and reduced tensions, demonstrates that meaningful reconciliation is possible. However, several problems remain: miscommunication, lack of government transparency and education, occasional racism, economic insecurity, and growing concern about resource sustainability. There is also a clear demand from both communities for less talk and more action. A great example of this is co-management, which was unanimously supported by Indigenous participants and largely approved by local fishermen. As mentioned by the Maritime Fishermen's Union (MFU) and local participants, many fishermen are open to co-management with Indigenous leadership, provided that local fishermen are also included in the decision-making process.

Taking accountability is part of the reconciliation process and involves talking about colonisation. Colonisation can affect Indigenous peoples in many ways. They lost their land, resources, and marine spaces, but also more deeply experienced a loss of culture and intergenerational trauma and this process continues to affect their income (Jones et al., 2024; McKibbin, 2023). If we look at the fishery sector, First Nations were excluded through colonisation, with the government imposing laws and regulations such as the licence system (Jones et al., 2024). The Indigenous fishermen interviewed reported those same sentiments and shared experiences of being pushed out of the lobster fishery. There is also trauma associated with the fishery, in the sense of not forgetting what happened in the past with local fishermen, fishery officers, and the RCMP. This fear can be transmitted through generations, as one Indigenous fisherman shared that his children fear fishery officers and the RCMP even though they did not personally experience negative encounters with them. In terms of income,

participants felt that being pushed out of a lucrative fishery represents a loss that the community should have access to.

Reconciliation in Canada, specifically in the fishing industry, is a complex process that takes time to achieve (Jones et al., 2024) and demands more than consultation; it requires structural change (Anker, 2016; Snook et al., 2022). The country needs to tell the truth, seek justice, take responsibility for colonisation and historical events, and rebuild relationships (Jones et al., 2024). This was also reflected in the interviews, where transparency, accountability, and relationship-building were mentioned. While justice was not directly mentioned, having rights recognized and being able to fish safely were seen as ways to achieve part of what was agreed upon in the Peace and Friendship Treaties.

Historically, state-driven management has often subordinated Indigenous authority, limiting self-determination and creating tensions between communities (McMillan, 2015; Paul, 2008). There has been a shift over time in Canadian policy. Previously, policies were used to limit Indigenous rights, whereas now there is an effort to correct past harms and recognize those rights (Jones et al., 2024). The government is placing more emphasis on reconciliation, power-sharing, and equality in governance with First Nations communities. One example is access to land and resources; in this case, it could involve co-management of the lobster fishery (Jones et al., 2024). This would mean sharing decision-making processes, and approaches such as Two-Eyed Seeing could be used. By embedding Indigenous law and knowledge directly into co-management systems, reconciliation can help re-balance these relationships (Anker, 2016). In recent years, Canada has recognized the importance of Indigenous traditional knowledge, which should be integrated into management (Jones et al., 2024; Reid et al., 2021). Doing so not only legitimizes Indigenous jurisdiction but also strengthens sustainability, as Indigenous approaches to stewardship are rooted in relational ethics and long-term responsibility toward the environment and future generations (Leddy, 2017). Reconciliation must be seen as a continuous process of dialogue and reflection, rather than a fixed endpoint.

In the context of the lobster fishery, this means confronting colonial assumptions about ownership, access, and regulation, and replacing them with cooperative mechanisms that respect both Indigenous harvesting rights and the ecological limits of the resource. Co-management frameworks informed by reconciliation can help build trust, promote shared accountability, and

address deeply rooted conflicts between local and Indigenous fishers (Anker, 2016). Ultimately, reconciliation offers an opportunity to move beyond adversarial models of fisheries management toward an intercultural system grounded in reciprocity and respect. Achieving this in the fishing industry requires listening to traditional knowledge, reforming existing policies, and promoting education to foster mutual understanding and reduce conflict. All of these solutions work hand in hand, for example, co-management in the lobster fishery represents a concrete way to make reconciliation happen, as it moves beyond apology toward meaningful, structural change in current fisheries legislation. As several fishermen from both sides expressed, there will never be a day when everyone is completely satisfied; one group will always have concerns. Local participants noted, in a perfect world there would only be commercial fishing, but they also recognize that the food fishery is a protected right and is here to stay, a reality that must be acknowledged and respected by all.

Local fishermen stated that they understand why Indigenous people exercise their rights and even mentioned that they would do the same if they were in their position. This demonstrates growth and suggests that local and Indigenous fishermen are increasingly able to see each other's points of view. This understanding works both ways, Indigenous fishermen also expressed empathy for the challenges faced by local fishermen, acknowledging that they are under constant financial pressure to pay debts, cover expenses, and taxation of their revenue. However, this mutual understanding is often overshadowed by what participants referred to as the presence of a few "bad apples." In other words, while the vast majority of fishermen in Neguac and Tabusintac coexist peacefully in 2025, a small number of individuals with racist or provocative behavior can still cause harm and reflect poorly on others who do not share their views. From the Indigenous side, participants noted that a small minority within their own communities, those who act provocatively or push boundaries, also damage relationships and create unnecessary tension. Both sides emphasized that these individuals are exceptions and should not define entire communities.

There is hesitation about co-management. Local fishermen expressed fear that their voices would not be equally heard compared to Indigenous representatives. Others worried that disagreeing with Indigenous perspectives could lead to them being unfairly labeled as racist. As multiple anonymous participants explained, this fear is amplified by the small size of coastal

communities, where everyone lives and works closely together, making open disagreement uncomfortable or risky. Lobster fishery regulations directly affect both Indigenous and non-Indigenous fishermen's livelihoods. Therefore, both groups should have opportunities to share their concerns through co-management frameworks. For co-management to be truly effective, it must be understood not merely as an administrative arrangement but as a social and cultural process that directly influences Indigenous well-being and community cohesion (Snook et al., 2022). For Indigenous fishermen, restrictions on land or resource access affect more than livelihoods, but also as an on impact cultural practices and collective identity (Snook et al., 2022). Co-management represents an opportunity to move beyond technical regulation toward genuine relationship-building and recognition of Indigenous governance authority. The Esgenoôpetitj Director of Fisheries and several Indigenous fishermen expressed frustration that Indigenous knowledge is often acknowledged symbolically but rarely integrated into formal decision-making. Governments must not only consult Indigenous communities but also embed Indigenous knowledge systems into policy frameworks (McKibbin, 2023). In this process, the Two-Eyed Seeing approach could play a vital role by promoting the coexistence of Indigenous and Western knowledge systems, ensuring that both perspectives inform management decisions on equal footing without one dominating the other (McKibbin, 2023).

Evidence supports the value of co-management in northern regions of Canada (Cadman, Snook & Bailey, 2022). A ten-year study of co-management in the Nunatsiavut fishery demonstrated that Indigenous leadership can meaningfully influence government policy when given real authority. In this case, Inuit representatives shaped fisheries management from within state systems, gradually improving local participation and outcomes. The study also identified weaknesses, such as the underrepresentation of Indigenous women and incomplete integration of Indigenous knowledge (Cadman, Snook and Bailey, 2022). For Esgenoôpetitj in LFA 23, adopting similar co-management models could formalize collaboration between DFO, Indigenous communities, and local fishermen, moving away from adversarial interactions toward cooperative stewardship. Additionally, lessons from other co-management experiences demonstrate the importance of ensuring that women are included in fisheries governance (Cadman, Snook and Bailey, 2022). Although women fishermen remain rare in this region, efforts should be made to ensure their voices are represented in future co-management discussions, preventing the same gender imbalance observed elsewhere.

However, there are still challenges when it comes to reconciliation. Negotiations can take time, conflicts can occur, and power imbalances between the federal government and Indigenous communities can create issues (Jones et al., 2024). This is seen in our case, where some Indigenous fishermen expressed frustration with current negotiations and would like greater access to their fishing rights.

As mentioned before, when fishermen are discussing fisheries management, emotions can run high, which can create challenges (Young et al., 2020). To overcome this barrier, there is a need to put resources in place to support individuals participating in co-management so they can accomplish important work while also taking their mental health into account. Stress can also arise from financial constraints, for example if participants need to miss work to attend meetings, pay for childcare, or cover travel costs such as fuel (Young et al., 2020). In this case, to reduce this pressure, compensation for the time and expenses associated with participation should be provided. Additionally, if co-management processes require the participation of fishermen, meetings could be scheduled during the winter rather than the fishing season and preparation periods, so that participants do not have to miss work. Formal meeting settings can also affect the participation of fishers; as a countermeasure, less formal approaches to meetings could be adopted to make participants more comfortable and willing to engage (Cadman, Snook, and Bailey, 2022).

6.5 Policy Reform, Regulation, and Government Initiatives

For future policy reform, a co-management approach could reconcile the need for legal clarity with the need for cultural recognition. Regulations should be co-developed by DFO, Indigenous leaders, and local fishing organizations so that rules are both ecologically sound and socially legitimate. Regulatory change is necessary: both Indigenous and non-Indigenous participants expressed frustration with the current framework, which many view as politically influenced and insufficiently transparent. DFO is currently working toward these changes and is actively making efforts to implement them (Anonymous DFO employee, personal communication, March 19, 2025).

6.5.1 Enforcement of Fishery Regulation

Among the solutions proposed by local fishermen and the Maritime Fishermen's Union (MFU), strengthening or ensuring more consistent enforcement was the most frequently

suggested. Participants expressed a desire for increased enforcement to prevent out-of-season lobster fishing. However, no data were found in Lobster Fishing Area 23, subzones C or D, to indicate that this is currently a significant issue in the region.

Several participants nevertheless felt that there are not enough fishery officers to adequately cover the territory. Increasing the number of officers could therefore be a reasonable request and a potential government initiative. That said, education and transparency may represent a more effective long-term solution. Some participants suggested that fishery officers should have greater authority to enforce fishing laws among Indigenous fishers; however, in the commercial fishery, Indigenous and non-Indigenous fishermen are already treated similarly under current regulations. For the FSC fishery, the Department of Fisheries and Oceans (DFO) is currently enforcing existing regulations, including the prohibition on the sale of lobster caught under FSC. As such, enforcement alone may not address the root causes of tension, which appear to stem more from misunderstanding, misinformation, and lack of clarity than from widespread regulatory non-compliance.

6.5.2 FSC Rules

Based on my interviews, Esgenoôpetitj is one of the First Nation communities currently experiencing the least conflict surrounding its Food, Social, and Ceremonial (FSC) fishery. The community's model of a 14-day fishing period, implemented over the past few years, could serve as a successful example for future management frameworks and help prevent conflicts elsewhere. This model represents a practical compromise between the Indigenous community and local fishermen. However, some Indigenous fishermen expressed a desire for greater autonomy and full control over their fisheries and resource management without government intervention, meaning they might not fully support this current framework. Despite this, using this framework national could offer significant benefits to both groups. For local fishermen, this would bring greater predictability and reduce the perception of a "free-for-all," as it is often described, since regulations would be clearly defined and enforced more consistently across Canada. For Indigenous fishermen, it would reduce the likelihood of conflict, lower the risk of harassment or gear damage, and enhance safety while fishing. The moderate livelihood issue, such as those that have occurred in Eel River Bar, St. Mary's, or Sipekne'katik in Nova Scotia, would not be solved by this type of framework, as these are two distinct matters. However,

developing a more uniform national framework for FSC fisheries could still be beneficial. It would promote equality of rights among all First Nations and make the system easier to understand for both fishermen and the general public, helping to reduce confusion between moderate livelihood and FSC fisheries.

This solution, proposed by one local fisherman and the Maritime Fishermen's Union (MFU), involves creating a clear and transparent framework for lobster fishing rights that upholds conservation principles while respecting the treaty rights affirmed by the Marshall decision. Such a framework could also address concerns raised by local fishermen who reported that the rules surrounding the FSC fishery are unclear and poorly defined. The framework could be better explained, and information should be made more accessible to the general public. Within this framework, the issue of aligning minimum lobster size limits in FSC fisheries with current commercial regulations in the relevant fishing areas could also be addressed.

However, such a national framework may be difficult to implement in practice, as each Indigenous community has different needs and priorities. A single framework that clearly outlines trap numbers, season duration, and enforcement responsibilities for FSC fisheries, even if developed through co-management rather than imposed through unilateral policy, may not be realistic. In addition, such a framework could encounter legal challenges that would need to be explored further before this option could be seriously considered.

Regarding the timing of the FSC fishery in Esgenoôpetitj, many local fishermen expressed dissatisfaction with the current fall season, particularly in September. Several alternative dates were discussed to minimize tension while maintaining the usual 14-day fishing period. However, moving the fishery earlier in the year before the spring commercial season would be impossible due to ice and low water temperatures. Conducting the FSC fishery during the commercial season is not realistic, as many Indigenous commercial fishermen already take part in the FSC fishery and doing both at the same time would create excessive workloads. More importantly, enforcement would become nearly impossible: fishery officers would struggle to distinguish between FSC and commercial traps, apply appropriate size regulations, or verify which lobster catch belongs to which fishery. Tracking the sale of lobster would also become unmanageable under these overlapping seasons. Scheduling the FSC fishery immediately after the commercial season but before September would likewise pose problems. DFO has stated that

summer and early fall are biologically unsuitable times for lobster fishing due to conservation concerns (Fisheries and Oceans Canada, 2021b). Shifting the season later by only two weeks into mid-to-late September, might address the conservation issue but would create significant safety risks. Lobster fishing is inherently dangerous, and accidents occur almost every year in the region; for example, Indigenous fisherman Victor Narvey tragically lost his life while fishing. Meteorological data from 2025 for Miscou, New Brunswick, show that during the second half of September, average temperatures drop, and wind gusts increase compared to the first half of the month (Environment and Climate Change Canada, 2025). Fishing later in the fall would therefore increase risks for First Nation fishermen and cannot be recommended. These findings should be communicated clearly to local fishermen, so they understand the reasoning behind maintaining the current FSC fishing period. Transparency about the conservation and safety factors guiding scheduling decisions could help reduce misunderstanding and foster greater acceptance of the process used to determine optimal FSC timing.

As many participants from both sides emphasized, there will never be a day when everyone is completely satisfied, but there is a shared understanding that the food fishery is a recognized Indigenous right and one that is here to stay.

6.5.3 *Quotas System*

The idea of introducing a quota system was also mentioned by five participants. Quotas represent more than biological management tools. Participant also perceived it as instruments of fairness, as they could create greater equality in income despite the variations in lobster abundance among different areas. When properly implemented, Individual Transferable Quotas (ITQs) systems are known to improve both equity and stock sustainability (Bennett et al., 2021). Local fishermen from Néguauc described quotas as a way to ensure equality among all participants, arguing that everyone should have the same limits and opportunities. For them, a transparent quota system would provide predictability and stability, reducing conflicts over fishing effort, territory, and income. In this scenario, some local fishermen suggested that the current legal sub-areas (A, B, C, and D) could be dissolved, allowing all fishermen to operate anywhere within LFA 23 until their Quotas was reached. Indigenous fishermen also supported the idea of quotas, reasoning that if local fishermen are genuinely concerned about conservation, implementing quotas could offer a concrete and balanced solution.

In the lobster industry, there is a growing problem of undeclared catches, which may be linked to money laundering activities (Montembeault et al., 2025). Implementing a quota system could help control these unreported catches, which are estimated to represent up to 30% of total lobster landings. This percentage indicates a significant amount of tax revenue lost for the government. Beyond the financial implications, undeclared catches also undermine the accuracy of stock assessments, since the Department of Fisheries and Oceans (DFO) cannot properly evaluate the status of lobster populations without complete data (Montembeault et al., 2025).

A quota system could also help reduce economic uncertainty and conflict among fishermen by giving each licence holder a defined quota and a predictable annual income. However, the system is not without potential challenges. As mentioned before, in other fisheries, ITQs have sometimes resulted in the concentration of ownership by large corporations, limiting opportunities for individual fishermen (Silver & Stoll, 2022). A related concern raised in the literature is the use of ITQs as financial assets that can be bought and sold for profit (Silver & Stoll, 2022). In the lobster industry, this issue is less likely to occur because a person must have fishing experience to obtain a licence. As one local fisherman explained, this rule ensures that younger fishers gain practical experience before purchasing a licence, even though the high cost of licences remains a significant barrier. However, in theory, with an ITQ system, one fisherman could buy out other fishermen. For example, a retired fisherman could stay home and sell their quota to another fisherman, making lobster fishing jobs less available while keeping the exploitation of the resource at the same rate. To counter such issues, another form of quota may be more appropriate for the lobster fishery. We could take the example of the rock crab individual quota system, which cannot be transferred (Fisheries and Oceans Canada, 2025). This kind of quota is already being used in the same zone as the lobster fishery and could represent a solution that does not have the same drawbacks. While implementing a quota model would require determination and long-term commitment, it could help establish a fairer, more transparent, and better-managed lobster fishery.

The market must be considered, and if demand remains constant while supply decreases, lobster prices could theoretically rise. Even if boundary lines remained in place, a quota system would still help level differences, although slight inequalities would persist. For example, fishermen who reach their quota more quickly would spend less on fuel and labour, thus earning

a bit more. Still, the gap between groups would be smaller than it is now. To determine the appropriate quotas that balance conservation and economic viability, studies would be necessary. Since the Maritime economy heavily depends on the fishing industry, the potential socioeconomic effects of such a change must be assessed carefully. Questions such as whether processing plants would close, or whether seasonal workers could still qualify for employment insurance, need to be addressed. There are too many unknown variables at this stage to determine whether a quota system would be economically viable, but it remains an idea worth exploring.

6.5.4 Spreading Out Fishing Effort of First Nation Communal Commercial Licences

To reduce conflicts related to boundary lines, overcrowding, and fishing effort at the Tabusintac and Néguaac wharves, Indigenous fishermen could redistribute their fishing effort to other wharves within Lobster Fishing Area 23. This flexibility would allow those who wish to fish in more productive or less crowded areas to do so legally, transparently, and with greater social acceptance. For example, Indigenous fishermen such as Curtis Bartibogue expressed interest in fishing near Miscou, an area known for higher lobster abundance. Although Indigenous fishermen technically have the right to fish throughout LFA 23, crossing multiple fishing sub-areas that apply to local fishermen and imaginary boundaries, is often perceived negatively and can create tensions.

Not all Indigenous fishermen would necessarily take advantage of this option, as some prefer to fish close to their home communities. However, providing this possibility could represent a fair compromise between Indigenous and local fishermen. Some local fishermen from wharves outside Néguaac and Tabusintac have expressed reluctance to welcome additional fishing effort. Therefore, appropriate monitoring and consistent enforcement would be essential to ensure that Indigenous fishermen can fish safely in these areas and that acts of misconduct, such as trap cutting, are addressed promptly. DFO would need to apply clear and appropriate consequences when violations occur.

Non-Indigenous fishermen must also recognize that mechanisms to reduce overcrowding, fishing effort, and perceived unfairness already exist. From a sustainability perspective, Lobster Fishing Area 23 would benefit if fishing effort associated with First Nation communal commercial licences were distributed more evenly across the area. This approach would respect Esgenoôpetitj fishing rights while reducing localized pressure on specific wharves.

Some fishermen in regions where Esgenoôpetitj does not currently fish may oppose this idea. However, in the long term, a more even distribution of fishing effort in areas where lobster abundance is higher could promote greater equity among fishermen and improve resource management. While complete enforcement coverage may be difficult to achieve, implementing such a system would nonetheless contribute to improved fairness and sustainability.

Finally, the Chief and Council, working jointly with DFO and the fishermen's union, could review fishing areas annually and determine where a certain number of licences could be deployed. This collaborative approach could increase social acceptance and be viewed as a compromise by all parties: Esgenoôpetitj already has the right to fish throughout LFA 23, while local fishermen seek to limit additional fishing effort within their respective sub-areas.

6.5.5 Education and Transparency

Ultimately, the persistence of misinformation demonstrates a pressing need for better education and transparency. Education is a way to counter misinformation and promote better relationships (Littlechild, Finegan and McGregor, 2021; Warrior, Fanning and Metaxas, 2022). If we set aside the few local fishermen who reject Indigenous rights entirely, most concerns arise from misunderstandings of rules that already exist. Some fishermen recognize this and acknowledge that, in commercial fishing, both groups follow the same regulations, meaning it cannot be more fair or unfair for one side than the other. A cooperative approach could therefore be the way forward. Many participants expressed openness to a shared management model in the lobster fishery, applying the Two-Eyed Seeing approach that values both Indigenous and Western knowledge systems as complementary sources of understanding (Reid et al, 2021; Wright, 2019). But one question remains: where and how is this misinformation created and spread? Further study on this subject could be beneficial to address the root of the problem and take appropriate measures to counteract it.

DFO has taken initiatives to provide funding for projects through the Indigenous Partnerships and Opportunities Directorate (IPOD) (Anonymous DFO employee, personal communication, March 19, 2025). One issue, as mentioned by Clark Dedam, Director of Fisheries, was that DFO only funded the first meeting, and in the following year the community had to fund the initiative themselves. Workshops organized by Esgenoôpetitj represent an important educational initiative aimed at informing local fishermen and promoting dialogue

between communities. Participants who were aware of these sessions agreed that they were a positive initiative, although it is still too early to confirm measurable results. However, not all fishermen are aware that these workshops exist, indicating a need for better outreach and communication. One factor that may have limited participation, though not explicitly mentioned by respondents, is the language barrier. Many English-speaking fishermen do not speak French, and the same is true for French-speaking fishermen. Meetings workshops are conducted in English, and one French-speaking participant even mentioned that there were a few things he did not fully understand during the session. Implementing simultaneous translation in French could significantly improve inclusivity and communication. This would allow both linguistic groups, who often struggle to communicate directly, to better understand one another and help reduce misunderstandings.

During these workshops, it would be beneficial to begin with foundational information and clarify common misconceptions that contribute to tension, particularly the distinction between Food, Social, and Ceremonial (FSC) fisheries and the Moderate Livelihood fishery. It should not be solely the responsibility of First Nations to carry the burden of reconciliation efforts. As both the Director of Fisheries in Esgenoôpetitj and Indigenous fishermen emphasized, reconciliation must involve all parties. Therefore, the Department of Fisheries and Oceans (DFO) should organize public education sessions to explain Indigenous fishing rights and the legal frameworks surrounding them. These sessions should be offered in both of Canada's official languages, English and French, to ensure accessibility for all fishermen and to eliminate language barriers. This effort would also address the concerns expressed by many local fishermen and could provide a safe environment where participants can ask questions without fear of judgment.

As one first nation fisherman suggested, educational efforts should also target younger generations and the whole community. The interviews revealed that the general public often lacks understanding of Indigenous fishing rights. In the spirit of reconciliation, New Brunswick's school curriculum could integrate basic lessons about Indigenous fishing rights and governance. Educating children from an early age would help break the cycle of misinformation and misunderstanding that continues to fuel conflict today.

6.6 Knowledge Mobilization

As a concrete effort to contribute to education, reconciliation, and raise awareness of this research, I delivered a one-hour presentation on my findings at the Building Relationships Workshop held on February 11 and 12, 2026. The workshop was organized by Esgenoôpetitj First Nation and was attended by local fishermen, Indigenous fishermen, members of the Esgenoôpetitj government and community, representatives of the Maritime Fishermen's Union, representatives from Fisheries and Oceans Canada (DFO), fishery officers, Guardian officers, and members of the general public. During the presentation, many participants, including local fishermen, expressed interest in the research and were eager to read the final thesis. Once this research has been fully approved, it will be publicly available and copies will be provided to the Esgenoôpetitj community, the Maritime Fishermen's Union for distribution to interested members, and DFO officials. This research has the potential to serve as an educational resource and help the parties involved better understand the conflict by presenting multiple perspectives. My personal goal was to make a positive impact on this community and contribute to ongoing reconciliation efforts.

7 Recommendations

Based on this study, I propose the following recommendations in line with my second objective. These aim to reduce conflicts and promote fairness, communication, education, and ultimately reconciliation in Lobster Fishing Area 23.

7.1 Government action and regulation change

- **Define “Moderate Livelihood”:** The federal government should define “Moderate Livelihood” in collaboration with Indigenous leaders, legal experts, and fishing organizations. Finally knowing what constitutes a moderate livelihood would prevent recurring misinterpretations that lead to accusations of unfairness.
- **Increase Transparency and Accountability:** To rebuild public trust, DFO must adopt a more transparent approach to decision-making and communication. This should include publishing detailed annual reports on lobster stock assessments, FSC activity, and enforcement actions. By demystifying how decisions are made and how conservation is monitored, DFO can counter misinformation and demonstrate fairness.

- **Quota Equity Review:** Conduct an independent evaluation of current quota and licence allocations to ensure fairness while recognizing Indigenous treaty rights and community needs. This should include a study of the economic impact of quotas on the local economy.
- **Spreading Fishing Effort of Esgenoôpetitj:** The Chief and Council of Esgenoôpetitj, with the support of the Department of Fisheries and Oceans, could strategically determine where lobster fishing effort associated with Esgenoôpetitj communal commercial licences is allocated. Since these licences are owned by the band rather than by individual fishermen, a rotational program could be developed to shift fishing activity among different wharves every few years, based on the preferences of Indigenous fishermen. DFO would ensure the safety of this plan. To promote social acceptance of fishing activity in new areas, the framework should be developed in consultation with the Maritime Fishermen's Union, ensuring that the perspectives of all stakeholders are heard and considered throughout the process.

7.2 Implement Co Management of Lobster Fishery

- **Representation in Co-Management:** The MFU could take on a representative role alongside Indigenous leaders to work together with the government on the co-management of the lobster fishery.
- **Expand Indigenous Self-Governance:** Encourage DFO to negotiate formal co-management agreements that allow Indigenous communities to manage their communal licences, define their FSC seasons, and co-enforce regulations.
- **Integrate Two-Eyed Seeing:** Combine Western science and Indigenous Knowledge (IK) to guide stock assessment, conservation measures, and management decisions.
- **Mental Health Support:** Provide confidential counselling and stress-management resources for fishers and enforcement officers.
- **Transparent Co-Management Boards:** Create a permanent Area 23 Lobster Co-Management Board that includes representatives from DFO, Esgenoôpetitj, and the MFU to review season lengths, trap numbers, and quota distribution.
- **Adaptive Management:** Implement periodic reviews of regulations every five years, allowing for ecological and socio-economic adjustments.

- **Annual Progress Reports:** The co-management board should publish annual updates evaluating compliance, conflict reduction, and ecological outcomes.
- **Independent Review:** After five years, an external audit that should assess whether these measures improved relationships, fairness, and stock sustainability.

7.3 Promote Education of Indigenous Fishing Rights and Improve Communication Across All Stakeholders

- **Joint Education Programs:** The Department of Fisheries and Oceans (DFO) already provide training sessions on reconciliation and Indigenous fishing rights; however, participants noted that these sessions are not sufficient. DFO could organize internal workshops in collaboration with Indigenous experts and community members to ensure that these concepts are clearly understood by fishery officers and by staff in the regional fisheries and oceans management hubs.
- **Public Transparency:** DFO should publish clear and accessible updates on lobster management decisions to counter misinformation that circulates at wharves and online.
- **Mandatory School Education:** The New Brunswick school curriculum could include a section explaining Indigenous fishing rights in the Maritime region. Educating students from a young age would help build understanding and reduce future conflicts based on misinformation.
- **Bilingual Workshop:** All workshops organized in collaboration with Esgenoôpetitj for local fishermen should be available in both English and French to remove language barriers and ensure participation from all fishermen in LFA 23. Meetings could continue to be held primarily in English, but simultaneous translation into French should be provided, and the same should apply for French questions being translated into English. This would promote open discussion and understanding. The additional costs of interpretation could be supported by the Department of Fisheries and Oceans under its reconciliation initiatives.
- **Public Information Sessions:** DFO should organize regular public information sessions for local communities to explain Indigenous fishing rights, FSC fisheries, and moderate livelihood agreements. These sessions would help reduce misinformation, foster mutual understanding, and create more transparency in fisheries management.

7.4 Collaboration Between DFO and Indigenous Guardians

- **Recognition of Authority:** Guardians officers should be granted greater formal recognition by DFO as co-enforcement partners with fishery officers for First Nation fisheries.
- **Formalize Joint Patrols and Data Sharing:** Establish protocols where Guardians and fishery officers can share monitoring data, conduct joint enforcement patrols, and coordinate conservation education.
- **Regular Inter-Agency Meetings:** Monthly meetings between Neguac fishery officers and Esngenôpetitj Guardians should be institutionalized to review compliance, incidents, and priorities.

8 Limitations of My Research

The main limitation of my research is that some participants may have been uncomfortable being recorded and, as a result, may not have been completely honest in sharing their thoughts. This was noticeable because, the moment I stopped recording, participants appeared visibly more relaxed. I often spoke with several of them for hours afterward, and during these informal conversations, they seemed more open and honest about their opinions. Among non-Indigenous fishermen, there was a genuine fear of being perceived as racist if they expressed criticism toward Indigenous fisheries, even when their concerns were not rooted in prejudice. This hesitation may have introduced bias into my data.

Another limitation concerns the sample size and representation. I completed thirty interviews, but some participant categories were less represented than others. For example, although I interviewed thirteen local fishermen in total, I only interviewed one fisherman each from Miscou, Le Goulet, and Val-Comeau. Therefore, their perspectives cannot accurately represent the full range of opinions within each harbour.

The scope of the study was also limited to a very specific area, the local fishing grounds of Lobster Fishing Area 23, particularly sub-area C and D, surrounding Esngenôpetitj. Other nearby First Nation community within Area 23 were not included in this study. Consequently, the findings may not be generalizable to other regions, where legal, cultural, and social contexts

differ. This research focuses on perceptions and experiences rather than on quantitative stock data or ecological assessments.

Recruitment also posed a challenge. At first, I relied on my personal and professional networks, which may have influenced who agreed to participate and how they responded. When I reached out to individuals outside my network, there were many more refusals, and those who did agree to participate may have held different views from those who declined.

Finally, my interviews did not include any female fishermen. In the region where this study took place, the fishing sector is predominantly male. While there are women who work as fisherman, they remain a minority. The absence of women's perspectives represents another limitation, as it prevents a more diverse understanding of experiences within the fishery.

9 Conclusion

This research sought to understand the conflict surrounding lobster fishing rights in Lobster Fishing Area 23 (LFA 23) between the Esgenoôpetitj First Nation and local fishermen, and to identify realistic pathways toward reconciliation. Through 31 interviews with Indigenous and non-Indigenous fishermen, fishery officers, Maritime Fishermen's Union representatives, and the director of fishery of Esgenoôpetitj First Nation, several discoveries were made. The first objective of this research was to understand the conflict, and the second was to develop recommendations to improve relationships; both were achieved.

9.1 Summary of Findings and Their Interpretation

The most common sources of conflict identified in the interviews were economic pressures, disputes over Food, Social, and Ceremonial (FSC), misinformation and boundary lines. Economic concerns dominated much of the discussion, with nearly two-thirds of participants linking tensions to income insecurity, market competition, and perceptions of unequal opportunity. The interviews demonstrated how deeply economic insecurity shapes perceptions of fairness. Local fishermen often view Indigenous access as a threat to their own livelihood, while Indigenous participants emphasize that their small-scale FSC fishery does not threaten either lobster stocks.

The Esgenoôpetitj FSC fishery, with its 14-day fishing period, clear conditions, Guardian oversight in collaboration with fishery officers, affirms Indigenous rights within conservation limits. The Esgenoôpetitj model of FSC fishery, community-led enforcement, and transparent communication stands out as a promising example that could inspire future policy frameworks. Misinformation and lack of education remain among the most significant drivers of conflict. Many local fishermen and members of the general public do not fully understand the legal framework and rules governing Indigenous fisheries. Fishery officers also reported discomfort engaging with Indigenous communities, citing limited training. These knowledge gaps have allowed stereotypes and rumours to persist, reinforcing mistrust on both sides. Despite these challenges, participants widely acknowledged that cooperation has improved over time, supported by joint patrols between fishery officers and Indigenous Guardians, who were universally praised for their professionalism and effectiveness. The most important finding from this research is that many disputes stem from confusion among FSC, commercial communal, and moderate livelihood fisheries. After analyzing all the results, one thing becomes clear: if miscommunication and misinformation were eliminated, most conflicts would disappear. Local fishermen's main concern remains the alleged illegal sales during the FSC fishery. If they were more aware that such sales are illegal and that fishery officers actively enforce the regulations, tensions could be significantly reduced. Increased enforcement was the most commonly proposed solution among participants. However, enforcement alone is not enough; a balance of stronger enforcement and enhanced education is needed to build lasting trust and cooperation.

The informal “grandfather” boundary lines are treated as community norms to local fishermen, while Indigenous fishermen view them as artificial divisions that restrict their rights to fish within their legally recognized area. Most local fishermen are comfortable with the commercial fishery as long as these traditional boundaries are respected, and as a result, the commercial fishery causes little conflict. These informal “grandfather” lines, while socially powerful, are not legal instruments. Compromise solutions, such as spreading the fishing effort of First Nation communal commercial licences to other wharves within LFA 23, should be explored. This would allow Indigenous fishermen to access areas with higher lobster abundance to which they already have licence access, while increasing social acceptance among local fishermen and minimizing conflict. Similarly, quota systems could be examined as a means to regulate lobster stocks more precisely during the commercial season, which could help reduce

concerns about stock health. However, any quota system would need to be studied in greater depth to assess potential economic impacts on local fisheries.

Perceptions of fairness remain divided. Local fishermen are generally dissatisfied with the government's management of the fishery and believe that fishery officers are more lenient toward Indigenous fishermen, while Indigenous participants tend to feel that they are treated fairly. Fishery officers themselves acknowledged that additional training is needed and that not all officers feel comfortable working directly with First Nation communities. Most Indigenous fishermen believe they are treated fairly under the current regulations, while many local fishermen argue that FSC rules make the overall system unequal, particularly regarding lobster size limits, the timing of the fall season, and alleged illegal sales. Fishery officers, on the other hand, are generally seen as fair in their enforcement. Importantly, nearly all respondents agreed that reconciliation in the fishery cannot be achieved through symbolic gestures alone, but through genuine collaboration, improved communication, and shared management. Co-management was unanimously supported in principle by local fishermen and strongly valued by Indigenous participants and the Esgenoôpetitj Director of Fisheries as a path forward that would embed Indigenous knowledge into decision-making and help rebuild trust.

9.2 How Do Local Fishermen and Esgenoôpetitj First Nation Members Perceive and Experience the Conflict?

The research question: how do local fishermen and Esgenoôpetitj First Nation members perceive and experience the conflict over lobster fishing rights, and what are the potential pathways to reconciliation, was addressed through this study. The findings demonstrate that non-Indigenous fishermen perceive inequality in fisheries management, which they believe places them at a disadvantage. In contrast, Indigenous fishermen experience the effects of misunderstandings and restrictions that they feel contradict their fishing rights. These differing perspectives show that the conflict is no longer driven solely by direct confrontation, but rather by structural ambiguity, inconsistent enforcement, and communication failures within fisheries governance.

The findings also demonstrate that the conflict has evolved significantly over time, addressing the first research objective by providing a clearer understanding of its current dynamics. The conflict is no longer characterized by widespread violence, but instead by

moments of verbal disagreement and ongoing tension. The persistence of these tensions reflects deeper systemic issues, including the absence of clear regulatory frameworks, inconsistent communication from the Department of Fisheries and Oceans (DFO), and a lack of public education regarding Indigenous rights and fisheries governance. The analysis reveals that the conflict is driven less by conservation concerns than by economic insecurity, misinformation, and unclear regulatory frameworks. Economic pressures emerged as the most frequently cited source of tension, shaping perceptions of fairness and competition on both sides. Disputes surrounding FSC fisheries, confusion between different fishing regimes, and the persistence of informal “grandfather” boundary lines further exacerbate tensions. Crucially, this research shows that many conflicts are rooted in misunderstanding rather than direct opposition to Indigenous rights. The lack of public education, limited training for fishery officers, and inconsistent messaging from DFO allow rumours and stereotypes to persist, reinforcing mistrust among fishing communities.

Despite these challenges, this study also found several points of convergence that offer hope for a more cooperative future. Reconciliation in fisheries cannot be achieved through symbolic gestures alone. It requires structural change this could be done using co-management. It also requires addressing the social dimensions of reconciliation by combating misinformation, promoting cultural awareness through education, and ensuring bilingual accessibility for all communication

To accomplish the second objectives of this research and move toward genuine reconciliation in the lobster fishery, I recommend implementing the proposed measures, including government action and regulatory reform, the establishment of co-management, improved education and communication about Indigenous fishing rights, and strengthened collaboration between DFO and Indigenous Guardians.

To answer my research question directly: What are the possible pathways toward reconciliation? This study suggests that reconciliation is possible as a long-term objective after analyzing the conflict and the perspectives of those involved. Complete reconciliation, in an ideal or utopian sense, may not be realistic or feasible. However, ongoing efforts to better understand one another are already taking place, and there is a clear desire among many participants to continue improving relationships. As demonstrated throughout this research,

participants from all groups acknowledged that relationships are better today than they were in the past, providing hope that this positive direction will continue. The recommendations proposed in this study are intended to serve as practical pathways for continuing the reconciliation process.

This is original research, the question of conflict perception has not previously been examined directly through interviews with lobster fishermen from both Indigenous and non-Indigenous communities in Lobster Fishing Area 23C and 23D, specifically involving the Esgenoôpetitj First Nation and surrounding fishing communities. While conflicts over Indigenous fishing rights in Atlantic Canada have been widely analyzed through legal decisions and policy debates, few studies, such as King (2008), have captured the perceptions of the Esgenoôpetitj First Nation within this specific regional context or included the perspectives of all actors operating within the fishery. This thesis is important because it will help fishermen in the region build better relationships with one another by providing recommendations and increasing awareness of the situation. It is also aligned with reconciliation efforts across Canada and will hopefully make a positive difference.

9.3 Final Reflection: It Is Not Just About Lobster

It is not just about lobster; the tensions within the lobster fishery carry deeper meaning. For every fisherman, whether Indigenous or non-Indigenous, fishing represents a livelihood and a way to provide for their families. Because so much depends on it, emotions often run high, and at times, conflicts can arise. Local fishermen often justify their actions through arguments about conservation, yet it is clear that economic concerns lie at the heart of the issue. Why then, hide it? Why is misinformation allowed to spread about Indigenous fishing rights when they are not a scientifically proven threat to the health of lobster stocks? The problem is less about the lobster itself and more about the way the system is structured. Most fishermen have good intentions, but a small number of “bad apples” tend to speak the loudest. Focusing on the positive examples and amplifying those voices could help strengthen understanding, build respect, and promote genuine reconciliation.

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11 Appendices

11.1 Appendix 1: Participant Recruitment Text in English

Participant Recruitment

Principal Investigator: Audrée Benoit

Email:

Phone:

Hello, my name is Audrée Benoit. I am a student at the University of Ottawa and originally from Tabusintac. I have chosen to do my thesis on the lobster fishing conflict in our region. More specifically, the purpose of the study is to explore the lobster fishing conflict in Area 23 between the Esgenoôpetitj First Nation and local fishermen through interviews. Hopefully, this study will help the community and benefit both Indigenous and non-Indigenous peoples. The conflict has evolved over time, and there is a growing desire for reconciliation.

Research Question:

How do local fishermen and Esgenoôpetitj First Nation members perceive and experience the conflict over lobster fishing rights, and what are the potential pathways to reconciliation?

Research Objectives:

1. To understand the nature and history of the conflict.
2. To make recommendations to improve relationships between Indigenous and non-Indigenous communities in the region.

Participant Eligibility:

I am seeking volunteers to participate in interviews. To be eligible, you must:

- Be involved in the lobster fishing conflict between local fishermen and the Esgenoôpetitj First Nation and fall into one of the following categories:
 - Current or retired DFO (Fisheries and Oceans Canada) officer
 - Current DFO scientist
 - Member of the Esgenoôpetitj First Nation
 - Current or former Area 23 fisherman
 - Current representative of the Maritime Fishermen's Union
- Be an adult
- Speak French or English
- Be willing to participate
- Be available in June or July or August for an interview

If the number of people willing to participate in each category exceeds the required number, I will use the first-come, first-served method.

Voluntary Participation:

Participation in this study is completely voluntary. You are under no obligation to participate, and if you choose to, it is because you wish to do so. You may withdraw from the study at any time during the interview or refuse to answer any questions, without facing any negative consequences. If you choose to withdraw, any data collected will be removed from the study. However, once the interview period has ended and the interviewer and participant have parted ways, it will no longer be possible to withdraw. This is due to the time and effort required to analyze interview responses and to avoid having to restart the process.

No one other than myself will know that you were invited to participate. There are no consequences to declining participation.

Interview Process:

The interview process is simple. We will begin by going over a consent form together. You may choose to give written or verbal consent. This step will take about 5 to 15 minutes.

The interview will be semi-structured, with pre-written questions tailored for each group. The questions will be open-ended. The interview should last between 30 minutes and 1 hour and 25 minutes.

If you decide to participate, we will schedule a date and time that works for you. I am flexible and will accommodate your availability. The interview location will be discussed privately in more detail. For example, you may choose to meet at your home, a neutral location that I can provide, or your workplace if appropriate. The interview can be conducted in the language of your choice, either English or French.

The interview will be audio-recorded to create a transcription. No one other than myself will have access to the recordings. Transcripts will only be viewed by me and, if necessary, my thesis supervisor, Dr. Nathan Young. All data will be securely stored on a password-protected device for five years after thesis approval, after which all files will be permanently deleted.

Possible Risks:

Your participation may involve sharing personal views and discussing sensitive topics, which could cause emotional discomfort. All reasonable efforts will be made to minimize this risk.

While I will make every effort to protect participants' identities, complete anonymity cannot be guaranteed. In some cases, such as for government employees or individuals in unique roles, participants may be easily identifiable. When possible, identifying titles will not be used, and decisions will be made on a case-by-case basis.

Possible Benefits:

Your participation could help foster better relationships between fishermen and support reconciliation efforts. The study aims to make the community more inclusive and reduce conflict. It may also help reduce costs by minimizing gear damage and ensuring sustainable lobster management, supporting the long-term future of the fishery.

If you have any questions or would like to participate, feel free to contact me anytime at the email or phone numbers above.

Thank you for your time!

11.2 Appendix 2: Participant Recruitment Text in French

Recrutement des participants

Chercheuse principale: Audrée Benoit

Courriel:

Téléphone:

Bonjour, je m'appelle Audrée Benoit. Je suis étudiante à l'Université d'Ottawa et originaire de Tabusintac. J'ai choisi de faire ma thèse sur le conflit entourant la pêche au homard dans notre région. Plus précisément, le but de cette étude est d'explorer, à l'aide d'entrevues, le conflit lié à la pêche au homard dans la zone 23 entre la Première Nation d'Esgenoôpetitj et les pêcheurs locaux. J'espère que cette étude pourra aider la communauté et bénéficier à la fois aux personnes autochtones et non autochtones. Le conflit a évolué avec le temps, et un désir croissant de réconciliation se fait sentir.

Question de recherche:

Comment les pêcheurs locaux et les membres de la Première Nation d'Esgenoôpetitj perçoivent-ils et vivent-ils le conflit lié aux droits de pêche au homard, et quelles sont les voies possibles vers la réconciliation?

Objectifs de recherche:

3. Comprendre la nature et l'histoire du conflit.
4. Proposer des recommandations pour améliorer les relations entre les communautés autochtones et non autochtones de la région.

Admissibilité des participants:

Je cherche des bénévoles pour participer à des entrevues. Pour être admissible, vous devez :

- Être impliqué dans le conflit de pêche au homard entre les pêcheurs locaux et la Première Nation d'Esgenoôpetitj et faire partie de l'une des catégories suivantes:
 - Agent actuel ou retraité du MPO (Pêches et Océans Canada)
 - Scientifique actuel du MPO
 - Membre de la Première Nation d'Esgenoôpetitj
 - Pêcheur actuel ou ancien de la zone 23
 - Représentant actuel de l'Union des pêcheurs des Maritimes
- Être un adulte
- Parler français ou anglais
- Être volontaire à participer
- Être disponible en juin ou en juillet ou en août pour une entrevue

Si le nombre de personnes intéressées dépasse le nombre requis dans une catégorie, je procéderai selon le principe du premier arrivé, premier servi.

Participation volontaire:

La participation à cette étude est entièrement volontaire. Vous n'êtes aucunement obligé de participer, et si vous choisissez de le faire, ce sera par volonté personnelle. Vous pouvez vous retirer de l'étude à tout moment pendant l'entrevue ou refuser de répondre à certaines questions, sans subir de conséquences négatives. Si vous choisissez de vous retirer, toutes les données recueillies seront supprimées de l'étude. Cependant, une fois l'entrevue terminée et que le participant et la chercheuse se sont séparés, il ne sera plus possible de se retirer. Cela est dû au temps et aux efforts requis pour analyser les réponses, ainsi qu'à la nécessité d'éviter de recommencer le processus.

Personne d'autre que moi ne saura que vous avez été invité à participer. Il n'y a aucune conséquence si vous décidez de ne pas participer.

Déroulement de l'entrevue:

Le processus d'entrevue est simple. Nous commencerons par passer en revue un formulaire de consentement ensemble. Vous pourrez donner votre consentement par écrit ou verbalement. Cette étape prendra environ 5 à 15 minutes.

L'entrevue sera semi-dirigée, avec des questions pré-rédigées adaptées à chaque groupe. Les questions seront ouvertes. L'entrevue devrait durer entre 30 minutes et 1 heure 25 minutes.

Si vous décidez de participer, nous choisirons ensemble une date et une heure selon votre disponibilité. Je suis flexible et je m'adapterai à votre horaire. Le lieu de l'entrevue sera discuté en privé. Vous pourrez, par exemple, choisir de faire l'entrevue à votre domicile, dans un lieu neutre que je pourrai fournir, ou à votre lieu de travail si cela est approprié. L'entrevue pourra se dérouler dans la langue de votre choix, soit en anglais ou en français.

L'entrevue sera enregistrée (audio) afin de produire une transcription écrite. Personne d'autre que moi n'aura accès aux enregistrements. Les transcriptions ne seront consultées que par moi et, si nécessaire, par mon directeur de thèse, le Dr Nathan Young. Toutes les données seront conservées de manière sécurisée sur un appareil protégé par mot de passe pendant cinq ans suivant l'approbation de la thèse, après quoi elles seront définitivement supprimées.

Risques potentiels:

Votre participation pourrait impliquer de partager des opinions personnelles ou d'aborder des sujets sensibles, ce qui pourrait causer un inconfort émotionnel. Tous les efforts raisonnables seront faits pour minimiser ce risque.

Bien que je fasse tout mon possible pour protéger l'identité des participants, l'anonymat complet ne peut être garanti. Dans certains cas, comme pour les employés du gouvernement ou les personnes occupant des rôles uniques, les participants pourraient être facilement identifiables. Lorsque possible, les titres qui permette de vous identifier ne seront pas utilisés, et les décisions seront prises au cas par cas.

Avantages potentiels:

Votre participation pourrait aider à renforcer les relations entre les pêcheurs et soutenir les efforts de réconciliation. L'étude vise à favoriser une communauté plus inclusive et à réduire les conflits. Elle pourrait aussi aider à diminuer les coûts liés aux dommages d'équipement et à favoriser une gestion durable de la pêche au homard, soutenant ainsi l'avenir à long terme de la pêche.

Si vous avez des questions ou si vous souhaitez participer, n'hésitez pas à me contacter en tout temps par courriel ou par téléphone (coordonnées en haut du document).

Merci de votre temps

11.3 Appendix 3: English Questionnaires

Question for Fishery Officer

1. What types of lobster fisheries are practiced by Esgenoôpetitj?
2. How would you describe DFO's role in managing Indigenous and non-Indigenous lobster fishing involving Esgenoôpetitj?
3. Have you heard of conflicts between Indigenous and non-Indigenous fishermen over lobster fishing?
 - a. What factors do you believe contribute to these conflicts?
4. In your opinion, why is there ongoing tension regarding fishing rights?
5. What actions has DFO taken to reduce or resolve these conflicts?
 - a. Have you heard or talked about reconciliation? If so, what was said?
 - b. Have you ever attended a reconciliation workshop or heard about one? If so, did you notice any changes that have emerged as a result?
 - c. What steps do you think are necessary to support reconciliation between the government and Indigenous communities in the context of lobster fishing?
6. Do you believe that the current fishing regulations are fair for both Indigenous and non-Indigenous fishermen? Why or why not?
7. How does DFO collaborate with Indigenous Guardians, and how effective is this partnership?
8. Do all Fisheries Officers feel comfortable working with the First Nation community?
9. Do you think the general public has a clear understanding of Indigenous fisheries?
10. Is there anything else you would like to add?

Questions for the Chief of Esgenoôpetitj or the Director of Esgenoôpetitj Fisheries

1. After the Marshall Decision in 1999, a major conflict arose with DFO over lobster fishing rights. Why do you think this happened?
 - a. Simultaneously, a conflict occurred between Esgenoôpetitj and traditional lobster fishermen. How did this situation unfold?
2. How has the conflict over lobster fishing rights evolved over the years from your perspective?
3. Has relationship with Fisheries Officers changed over time? If so, in what ways?
4. How does Esgenoôpetitj First Nation regulate its own fishing activities and how has this changed over time?
5. What role do traditional Indigenous fishing practices play in Esgenoôpetitj's approach to lobster fishing?
6. Do you believe the current fishing regulations are fair for both Indigenous and non-Indigenous fishermen? Why or why not?
7. What challenges do Indigenous fishers face when exercising their fishing rights?
8. What misconceptions do you think local fishermen have about Indigenous fishing rights?
9. What role do the Esgenoôpetitj Guardians play in regulating Indigenous fisheries?
10. Have there been past efforts to negotiate directly with local fishermen to ease tensions? If so, what were the outcomes?
11. Do you feel the impact of the conflict in your daily life outside of the fishing industry? If so, can you give examples?
12. I have heard the Esgenoôpetitj community talk about reconciliation multiple times. What does reconciliation mean to you and to the Esgenoôpetitj community when it comes to lobster fishing?
13. Do you think the reconciliation workshops are helping? If so, what changes have you seen emerge from them?
14. What actions or changes would you like to see from the government and local fishermen to move toward reconciliation?
 - a. Are there other steps that could help improve relations between Indigenous and non-Indigenous fishermen?
15. Is there anything else you would like to add?

Questions for Indigenous Fishermen

1. How would you describe the relationship between Esgenoôpetitj and non-Indigenous fishermen?
2. What challenges do you face when exercising your fishing rights?
3. What misconceptions do you think local fishermen have about Indigenous fishing rights?
4. Have you experienced discrimination or hostility from local fishermen or government agencies? If so, can you describe your experience?
5. Do you believe the current fishing regulations are fair for both Indigenous and non-Indigenous fishermen? Why or why not?
6. Have you ever tried to engage in discussions with non-Indigenous fishermen about fishing rights? If so, how did it go?
7. Have conflicts over fishing rights affected your ability to work or feel safe while fishing? If so, how?
8. Do you feel the impact of the conflict in your daily life outside of the fishing industry? If so, can you give examples?
9. What role do the Guardians play in regulating Indigenous fisheries, and how effective do you think they are?
10. In general, do you feel that Fishery Officers treat Indigenous fishermen fairly? Why or why not?
 - a. Was there a specific incident that happened to you?
11. What actions do you think fishermen themselves can take to help resolve this conflict?
12. What actions do you think the government should take to help resolve this conflict?
13. What does reconciliation mean to you in the context of lobster fishing?
14. Do you think the reconciliation workshops are helping? If so, what changes have you seen emerge from them?
15. Do you believe reconciliation is possible with non-Indigenous fishermen and the government? If so, what needs to happen to get there?
 - a. What other steps do you think could help improve relations between Indigenous and non-Indigenous fishermen?
16. Is there anything else you would like to add?

Questions for The Maritime Fishermen's Union (MPU)

1. Are fishermen from First Nations part of the union? If not, why?
2. Have you ever heard of conflicts between Esgenoôpetitj and non-Indigenous fishermen over lobster fishing?
3. What is your understanding of First Nations lobster fishing rights?
4. Do you know how many types of lobster fisheries Esgenoôpetitj has?
5. What is your opinion on Food Fishery for lobster fishing by First Nations?
6. Why do you think there is ongoing conflict over fishing rights?
7. Do you see similarities between the lobster fishing conflict involving Esgenoôpetitj and other disputes involving First Nations fishermen in the Maritimes?
8. Would you be open to working more closely with Indigenous fishers in a cooperative model? Why or why not?
9. Do you think it would be beneficial for Indigenous fishermen to relocate their fishing activities to other wharfs in Lobster Fishing Area 23? Why or why not?
10. Do you think non-Indigenous fishermen would accept Esgenoôpetitj lobster fishermen at their respective wharfs? Why or why not?
11. Do you feel that the government has adequately addressed the concerns of non-Indigenous fishermen? Why or why not?
12. Have you ever heard about the term "reconciliation" in the context of lobster fishing? If so, in what way?
 - a. From the Maritime Fishermen's Union perspective, what does reconciliation mean?
 - b. Have you ever attended a reconciliation workshop or heard about one? If so, did you notice any changes that have emerged as a result?
 - c. Is the fishermen's union willing to work toward reconciliation efforts? If so, what are you planning to do, or what has already been done?
 - d. Do you think reconciliation is possible between Indigenous and non-Indigenous fishermen? If yes, what needs to happen to achieve it?
13. What do you think fishermen themselves can do to help resolve this conflict?
14. What do you think the government should do to help resolve this conflict?
15. Is there anything else you would like to add?

Questions for Non-Indigenous Fishermen in the Lobster Fishing Area 23

1. Have you ever heard of conflicts between Esgenoôpetitj and non-Indigenous fishermen over lobster fishing?
2. Have you ever been directly involved in a fishing-related conflict? If so, can you describe your experience?
3. What is your understanding of First Nations lobster fishing rights?
4. Do you know how many types of lobster fisheries Esgenoôpetitj has?
5. What are your thoughts on Indigenous fishing rights?
6. Did you know that First Nations can use their commercial lobster licences anywhere in area 23?
7. What is your opinion on Food Fishery for lobster fishing by First Nations?
8. Why do you think there is ongoing conflict over fishing rights?
9. Do you feel that the government has adequately addressed the concerns of non-Indigenous fishermen? Why or why not?
10. What do you think fishermen themselves can do to help resolve this conflict?
11. What do you think the government should do to help resolve this conflict?
 - a. Should there be new policies?
 - b. Should there be changes to existing laws?
 - c. Should there be stricter enforcement of regulations?
12. Have you ever heard about the term "reconciliation" in the context of lobster fishing? If so, in what way?
 - a. What do you think reconciliation means?
 - b. Have you ever attended a reconciliation workshop or heard about one? If so, did you notice any changes that have emerged as a result?
 - c. Are you willing to work toward reconciliation efforts? If so, what are you planning to do, or what have you already been doing?
 - d. Do you think reconciliation is possible between Indigenous and non-Indigenous fishermen? If yes, what needs to happen to achieve it?
13. Do you believe the current fishing regulations are fair for both Indigenous and non-Indigenous fishermen? Why or why not?
14. Do you think Fishery Officers treat Indigenous fishermen differently than non-Indigenous fishermen? If so, in what ways?
15. Would you be open to working more closely with Indigenous fishers in a cooperative model? Why or why not?
16. Do you think it would be beneficial for Indigenous fishermen to relocate their fishing activities to other wharfs in Lobster Fishing Area 23? Why or why not?
17. Would you accept Esgenoôpetitj lobster fishermen at your respective wharfs? Why or why not?
18. Is there anything else you would like to add?

11.4 Appendix 4: French Questionnaires

Question pour les agents des pêches

1. Quels types de pêcheries au homard sont pratiqués à Esgenoôpetitj?
2. Comment décririez-vous le rôle du MPO dans la gestion de la pêche au homard entre les pêcheurs autochtones et non autochtones, notamment à Esgenoôpetitj?
3. Avez-vous déjà entendu parler de conflits entre pêcheurs autochtones et non autochtones concernant la pêche au homard?
 - a. Selon vous, quels sont les facteurs qui contribuent à ces conflits?
4. À votre avis, pourquoi y a-t-il encore des tensions autour des droits de pêche autochtone?
5. Quelles actions le MPO a-t-il mises en place pour réduire ou résoudre ces conflits?
 - a. Avez-vous entendu parler de la réconciliation ou en avez-vous discuté? Si oui, qu'en a-t-on dit?
 - b. Avez-vous déjà assisté à un atelier sur la réconciliation ou en avez-vous entendu parler? Si oui, avez-vous remarqué des changements depuis?
 - c. Selon vous, quelles mesures devraient être prises, pour favoriser la réconciliation entre le gouvernement et les communautés autochtones dans le contexte de la pêche au homard?
6. Pensez-vous que la réglementation actuelle sur la pêche est équitable pour les pêcheurs autochtones et non autochtones? Pourquoi?
7. Comment le MPO collabore-t-il avec les Gardiens autochtones? Est-ce que ce partenariat est efficace selon vous?
8. Est-ce que tous les agents des pêches se sentent à l'aise de travailler avec la communauté autochtone?
9. Pensez-vous que la population en général comprend bien ce que sont les pêches autochtones?
10. Y a-t-il autre chose que vous aimeriez ajouter?

Questions pour le Chef ou le Directeur des Pêches d'Esgenoôpetitj

1. Après la décision Marshall de 1999, un conflit majeur a éclaté avec le MPO concernant les droits de pêche au homard. Selon vous, pourquoi cela s'est-il produit?
 - a) En même temps, un conflit est aussi survenu entre Esgenoôpetitj et les pêcheurs traditionnels. Comment cette situation s'est-elle déroulée?
2. Selon vous, comment le conflit sur les droits de pêche au homard a-t-il évolué au fil des ans?
3. Est-ce que la relation avec les agents du MPO a changé avec le temps? Si oui, de quelle façon?
4. Comment la Première Nation d'Esgenoôpetitj encadre-t-elle ses activités de pêche? Et est-ce que cela a évolué avec les années?
5. Quel rôle les pratiques traditionnelles autochtones jouent-elles dans l'approche d'Esgenoôpetitj concernant la pêche au homard?
6. Pensez-vous que les règlements actuels sur la pêche sont justes pour les pêcheurs autochtones et non autochtones? Pourquoi?
7. Quels défis les pêcheurs autochtones doivent-ils surmonter pour exercer leurs droits de pêche?
8. Quelles idées fausses croyez-vous que les pêcheurs locaux ont sur les droits de pêche autochtones?
9. Quel est le rôle des Gardiens d'Esgenoôpetitj dans la gestion des pêches autochtones?
10. Y a-t-il déjà eu des tentatives pour négocier directement avec les pêcheurs locaux afin de diminuer les tensions? Si oui, quels en ont été les résultats?
11. Est-ce que vous ressentez les effets du conflit dans votre vie de tous les jours, en dehors de la pêche? Si oui, pouvez-vous donner des exemples?
12. J'ai entendu la communauté d'Esgenoôpetitj parler de réconciliation à plusieurs reprises. Que signifie la réconciliation pour vous et pour la communauté d'Esgenoôpetitj dans le contexte de la pêche au homard?
13. Pensez-vous que les ateliers de réconciliation sont utiles? Si oui, quels changements avez-vous observés?
14. Quelles actions ou changements aimeriez-vous voir de la part du gouvernement et des pêcheurs locaux pour aller vers la réconciliation?
 - a) Quelles étapes pourraient, selon vous, améliorer les relations entre les pêcheurs autochtones et non autochtones?
15. Y a-t-il autre chose que vous aimeriez ajouter?

Questions pour les pêcheurs autochtones

1. Comment décririez-vous la relation entre Esqenoôpetitj et les pêcheurs non autochtones?
2. Quels défis rencontrez-vous lorsque vous exercez vos droits de pêche?
3. Quelles sont, selon vous, les idées fausses que les pêcheurs locaux se font sur les droits de pêche autochtones?
4. Avez-vous déjà été victime de discrimination ou d'hostilité de la part de pêcheurs locaux ou d'agences gouvernementales? Si oui, pouvez-vous partager votre expérience?
5. Pensez-vous que les règlements actuels sont équitables pour les pêcheurs autochtones et non autochtones? Pourquoi?
6. Avez-vous déjà essayé de discuter de vos droits de pêche avec des pêcheurs non autochtones? Si oui, comment ça s'est passé?
7. Les conflits sur les droits de pêche ont-ils affecté votre capacité à travailler ou à vous sentir en sécurité en mer? Si oui, comment?
8. Est-ce que le conflit affecte votre quotidien en dehors de la pêche? Si oui, pouvez-vous donner des exemples?
9. Quel rôle les Gardiens jouent-ils dans la gestion des pêches autochtones, et trouvez-vous qu'ils sont efficaces?
10. De façon générale, pensez-vous que les agents des pêches traitent les pêcheurs autochtones de façon équitable? Pourquoi?
11. Selon vous, que peuvent faire les pêcheurs eux-mêmes pour aider à résoudre ce conflit?
12. Que devrait faire le gouvernement pour aider à résoudre ce conflit?
13. Que signifie la réconciliation pour vous dans le contexte de la pêche au homard?
14. Pensez-vous que les ateliers de réconciliation aident à résoudre le conflit? Si oui, quels changements avez-vous observés?
15. Croyez-vous que la réconciliation est possible avec les pêcheurs non autochtones et le gouvernement? Si oui, que faut-il faire pour y parvenir?
 - a) Quelles étapes permettraient, selon vous, d'améliorer les relations entre pêcheurs autochtones et non autochtones?
16. Y a-t-il autre chose que vous aimeriez ajouter?

Questions pour l'Union des pêcheurs des Maritimes (UPM)

1. Est-ce que des pêcheurs des Premières Nations font partie de votre syndicat? Si non, pourquoi?
2. Avez-vous entendu parler de conflits entre Esgenoôpetitj et des pêcheurs non autochtones au sujet de la pêche au homard?
3. Quelle est votre compréhension des droits de pêche au homard des Premières Nations?
4. Savez-vous combien de types de pêches au homard sont pratiquées à Esgenoôpetitj?
5. Quelle est votre opinion sur la pêche de subsistance (Food Fishery) pratiquée par les Premières Nations?
6. Selon vous, pourquoi y a-t-il encore des conflits autour des droits de pêche?
7. Voyez-vous des similitudes entre le conflit impliquant Esgenoôpetitj et d'autres conflits avec des pêcheurs autochtones dans les Maritimes?
8. Seriez-vous ouvert à collaborer davantage avec les pêcheurs autochtones dans un modèle coopératif? Pourquoi?
9. Pensez-vous qu'il serait bénéfique que les pêcheurs autochtones déplacent leurs activités de pêche vers d'autres quais dans la zone de pêche 23? Pourquoi?
10. Croyez-vous que les pêcheurs non autochtones accepteraient les pêcheurs autochtones d'Esgenoôpetitj à leurs quais respectifs? Pourquoi?
11. Selon vous, est-ce que le gouvernement a bien répondu aux préoccupations des pêcheurs non autochtones? Pourquoi?
12. Avez-vous déjà entendu parler du terme « réconciliation » dans le contexte de la pêche au homard? Si oui, de quelle manière?
 - a) Du point de vue de l'Union des pêcheurs des Maritimes, que signifie la réconciliation?
 - b) Avez-vous déjà assisté à un atelier sur la réconciliation ou en avez-vous entendu parler? Si oui, avez-vous remarqué des changements qui en ont découlé?
 - c) L'union des pêcheurs est-elle prête à s'engager dans des efforts de réconciliation? Si oui, que prévoyez-vous faire ou qu'est-ce qui a déjà été fait?
 - d) Pensez-vous qu'une réconciliation est possible entre les pêcheurs autochtones et non autochtones? Si oui, que faudrait-il faire pour y parvenir?
13. D'après vous, que peuvent faire les pêcheurs eux-mêmes pour aider à résoudre ce conflit?
14. Que devrait faire le gouvernement pour aider à résoudre ce conflit?
15. Y a-t-il autre chose que vous aimeriez ajouter?

Questions pour les pêcheurs non autochtones de la zone de pêche au homard 23

1. Avez-vous déjà entendu parler de conflits entre Esgenoôpetitj et des pêcheurs non autochtones au sujet du homard?
2. Avez-vous déjà été directement impliqué dans un conflit lié à la pêche? Si oui, pouvez-vous décrire ce qui s'est passé?
3. Quelle est votre compréhension des droits de pêche au homard des Premières Nations?
4. Savez-vous combien de types de pêches au homard sont pratiquées à Esgenoôpetitj?
5. Que pensez-vous des droits de pêche autochtones?
6. Saviez-vous que les Premières Nations peuvent utiliser leurs permis commerciaux de pêche au homard n'importe où dans la zone 23?
7. Quelle est votre opinion sur la pêche de subsistance (Food Fishery) pratiquée par les Premières Nations?
8. Selon vous, pourquoi y a-t-il des conflits persistants sur les droits de pêche?
9. Pensez-vous que le gouvernement a bien répondu aux préoccupations des pêcheurs non autochtones? Pourquoi?
10. D'après vous, que peuvent faire les pêcheurs eux-mêmes pour contribuer à la résolution du conflit?
11. Que devrait faire le gouvernement pour aider à régler ce conflit?
 - a) Faudrait-il de nouvelles politiques?
 - b) Des changements aux lois existantes?
 - c) Une application plus stricte des règlements?
12. Avez-vous déjà entendu parler du terme « réconciliation » dans le contexte de la pêche au homard? Si oui, de quelle manière?
 - a) Selon vous, que signifie la réconciliation?
 - b) Avez-vous déjà assisté à un atelier sur la réconciliation ou en avez-vous entendu parler? Si oui, avez-vous remarqué des changements qui en ont découlé?
 - c) Seriez-vous prêt à vous engager dans des efforts de réconciliation? Si oui, que prévoyez-vous faire ou qu'avez-vous déjà fait?
 - d) Pensez-vous qu'une réconciliation est possible entre les pêcheurs autochtones et non autochtones? Si oui, que faudrait-il faire pour y parvenir?
13. Pensez-vous que les règlements actuels sont équitables pour les pêcheurs autochtones et non autochtones? Pourquoi?
14. Croyez-vous que les agents des pêches traitent les pêcheurs autochtones différemment des pêcheurs non autochtones? Si oui, comment?
15. Seriez-vous ouvert à travailler plus étroitement avec les pêcheurs autochtones dans un modèle coopératif? Pourquoi?
16. Pensez-vous qu'il serait bénéfique pour les pêcheurs autochtones de déplacer leurs activités vers d'autres quais dans la zone 23? Pourquoi?

17. Accepteriez-vous que les pêcheurs de homard d'Esgenoôpetitj viennent pêcher à votre quai? Pourquoi?
18. Y a-t-il autre chose que vous aimeriez ajouter?

11.5 Appendix 5: Consent Form in English

Consent Form

Resolving a Long-Lasting Fishing Conflict:

A Pathway Toward Reconciliation in Lobster Fishing Area 23 Between the Esgenoôpetitj First Nation and Local Fishermen in the Gulf Region

Principal Investigator: Audree Benoit

Supervisor: Dr. Nathan Young

Institute of the Environment

Sociological and Anthropological Studies

Faculty of Social Sciences

Faculty of Social Sciences

Invitation to Participate: I am invited to participate in the abovementioned research study conducted by Audree Benoit. The study is being conducted for Audree Benoit master's Thesis and is under the supervision of Dr. Nathan Young as thesis supervisor and Dr. Melissa Marschke and Dr. Sonia Wesche as committee members.

Purpose of the Study: The purpose of the study is to research the lobster fishing conflict in Area 23 between the Esgenoôpetitj First Nation and local fishermen by conducting interviews. Hopefully, this study will help make the community stronger and benefit both Indigenous and non-Indigenous fishermen. The conflict has changed over time, and there is a desire for reconciliation. The research question is: How do local fishermen and Esgenoôpetitj First Nation members perceive and experience the conflict over lobster fishing rights, and what are the potential pathways to reconciliation? This research has two objectives: to understand the conflict and to make recommendations to improve the relationship between the Indigenous and non-Indigenous communities in the region.

Participation: My participation will involve taking part in one interview. During the interview, I will be asked several open-ended questions about lobster fishing in Area 23. The interview will be audio recorded, and a written transcript will be created. The interview process will take between 30 minutes and 1 hour 25 minutes.

Risks: My participation in this study means I may share personal information and discuss topics that could be sensitive, which may make me feel emotional. If necessary, I can find free mental health resources listed in Appendix 1. Even if I wish to remain anonymous, there is a risk that complete anonymity cannot be guaranteed. Depending on my role, such as being a government employee or an individual in a unique position, I may be identifiable to others. The researcher has assured me that all efforts will be made to minimize these risks, including keeping job titles confidential. I will have the option to skip any questions and to stop the interview at any time. I am aware of these possible risks.

Benefits: My participation in this study could help fishermen build better relationships. The goal is to help the community become a more inclusive place with fewer conflicts. It could also help reduce costs. For example, fewer conflicts might mean fewer traps being cut or fishing gear being damaged. A better-managed lobster stock could also support the long-term future of lobster fishing in the region.

Confidentiality and Privacy: I have received assurance from the researcher that the information I share will remain strictly confidential. The transcript will only be viewed by Audrée and, if necessary, her thesis supervisor, Dr. Nathan Young. I understand that the contents will be used solely for Audrée Benoit's master's thesis (Resolving a Long-Lasting Fishing Conflict: A Pathway Toward Reconciliation in Lobster Fishing Area 23 Between the Esgenoôpetitj First Nation and Local Fishermen in the Gulf Region) and that my identity will be protected. Everything shared will remain anonymous unless I wish to have my name release.

I wish to remain anonymous

- ☐ Yes, I want to be anonymous and don't want my name to be disclosed.
- ☐ No, I want my name to be disclosed.

Conservation of Data: The data collected, including audio recordings, interview transcripts, the researcher's notes, and consent forms, will be stored securely. All information will be saved on a password-protected external hard drive, which only Audree will have access to. All data will be disposed of 5 years after the thesis is approved.

Voluntary Participation: I am under no obligation to participate, and if I choose to do so, I can withdraw from the study at any time and/or refuse to answer any questions, without experiencing

any negative consequences. If I choose to withdraw, all data collected up to that point will be removed from the dataset and will not be used in the study. However, I understand that once the interview has ended and the interviewer and I have parted ways, it will no longer be possible to withdraw my interview. This is due to the time and effort involved in analyzing interview responses and to avoid having to restart the process for Audrée. I understand this procedure and accept that I will no longer be able to withdraw my interview afterward.

I am under no obligation to participate in this research. No one other than myself and Audree will know that I have been invited to participate. There are no consequences to declining to participate.

If I have any questions about the study, I may contact the researcher or their supervisor. If I have any questions regarding the ethical conduct of this study, I may contact the Office of Research Ethics and Integrity via email (ethics@uottawa.ca) or telephone (613-562-5800 ext. 5387).

It is recommended that I (keep/print/save) a copy of this consent form for my records.

If signed consent is sought:

Acceptance: By signing my name below, I agree to participate in this research study.

Participant's name: _____ Date: _____

Participant's signature: _____ Date: _____

Researcher's signature: _____ Date: _____

If verbal consent is sought and/or participation is anonymous:

Acceptance: By selecting the consent statement below, I agree to participate in this research study.

- ☐ Yes, I want to participate.
- ☐ No, I do not want to participate.

Appendix 1

Mental Health Resources

If you're struggling with your mental health, or if any of the interview questions cause emotional distress, please consider reaching out to New Brunswick's free mental health resources.

New Brunswick Bilingual Mental Health Helpline: 1-866-355-5550

Wellness Helpline (specifically for Indigenous people in Canada): 1-855-242-3310

In-person Mental Health Centre in Miramichi:

1780 Water St, Suite 300

Miramichi, NB E1N 1B6

Phone: (506) 778-6111

In-person Mental Health Centre in Caraquet:

295 Blvd. St. Pierre Ouest

Caraquet, NB E1W 1B7

Phone: (506) 726-2030

11.6 Appendix 6: Consent Form in French

Formulaire de consentement

Résoudre un conflit de pêche qui perdure:

Vers la réconciliation dans la zone de pêche au homard 23 entre la Première Nation d'Esgenoôpetitj et les pêcheurs locaux de la région du Golfe

Chercheuse principale: Audrée Benoit

Superviseur: Dr. Nathan Young

Institut de l'environnement

Études sociologiques et anthropologiques

Faculté des sciences sociales

Faculté des sciences sociales

Invitation à participer: Je suis invité(e) à participer à l'étude de recherche mentionnée ci-dessus, menée par Audrée Benoit. Cette étude est réalisée dans le cadre de sa thèse de maîtrise, sous la supervision du Dr Nathan Young, avec le soutien des membres du comité, Dre Melissa Marschke et Dre Sonia Wesche.

But de l'étude: L'objectif de cette recherche est d'étudier le conflit de pêche au homard dans la zone 23 entre la Première Nation d'Esgenoôpetitj et les pêcheurs locaux, à travers des entrevues. Cette étude vise à renforcer la communauté et à bénéficier à la fois aux pêcheurs autochtones et non autochtones. Le conflit a évolué au fil du temps et un désir de réconciliation a émergé. La question de recherche est la suivante: Comment les pêcheurs locaux et les membres de la Première Nation d'Esgenoôpetitj perçoivent-ils et vivent-ils le conflit lié aux droits de pêche au homard, et quelles sont les voies possibles vers la réconciliation? Cette recherche a deux objectifs: Comprendre le conflit et proposer des recommandations pour améliorer la relation entre les communautés autochtones et non autochtones de la région.

Participation: Ma participation consistera à prendre part à une entrevue. Lors de cette entrevue, on me posera plusieurs questions ouvertes sur la pêche au homard dans la zone 23. L'entrevue sera enregistrée (audio) et une transcription écrite sera produite. Le processus d'entrevue durera entre 30 minutes et 1 heure 25 minutes.

Risques: Ma participation à cette étude pourrait m’amener à partager des informations personnelles et à aborder des sujets sensibles, ce qui pourrait me rendre émotif(ve). Si nécessaire, je peux trouver des ressources gratuites en santé mentale listées à l’Annexe 1. Même si je souhaite rester anonyme, il existe un risque que l’anonymat complet ne puisse être garanti. Selon mon rôle, par exemple si je suis un employé du gouvernement ou une personne occupant un poste unique, je pourrais être identifiable par d’autres. La chercheuse m’a assuré que tous les efforts seront faits pour minimiser ces risques, notamment en gardant les titres de poste confidentiels. J’aurai la possibilité de ne pas répondre à certaines questions et d’arrêter l’entrevue à tout moment. Je suis conscient(e) des risques possibles.

Avantages: Ma participation à cette étude pourrait aider à améliorer les relations entre pêcheurs. Le projet vise à rendre la communauté plus inclusive et à réduire les conflits. Cela pourrait aussi aider à réduire certains coûts. Par exemple, une baisse des conflits pourrait entraîner moins de casiers coupés ou d’équipement de pêche endommagé. Une meilleure gestion des stocks de homard pourrait aussi aider à assurer la continuité de la pêche au homard dans la région.

Confidentialité et vie privée: J’ai reçu l’assurance que les informations partagées demeureront strictement confidentielles. La transcription ne sera consultée que par Audrée et, si nécessaire, par son directeur de mémoire, le Dr Nathan Young. Je comprends que les données seront utilisées uniquement dans le cadre de la thèse de maîtrise d’Audrée Benoit (Résoudre un conflit de pêche qui perdure: Vers la réconciliation dans la zone de pêche au homard 23 entre la Première Nation d’Esgenoôpetitj et les pêcheurs locaux de la région du Golfe) et que mon identité sera protégée. Tout ce que je partagerai demeurera anonyme, sauf si je souhaite que mon nom soit divulgué.

Je souhaite rester anonyme

- ☐ Oui, je veux rester anonyme et je ne veux pas que mon nom soit divulgué.
- ☐ Non, je consens à ce que mon nom soit divulgué.

Conservation des données: Les données recueillies, y compris les enregistrements audios, les transcriptions, les notes de la chercheuse et les formulaires de consentement, seront conservées de manière sécurisée. Elles seront enregistrées sur un disque dur externe protégé par mot de passe, auquel seule Audrée aura accès. Toutes les données seront supprimées 5 ans après l’approbation de la thèse.

Participation volontaire: Je ne suis aucunement obligé(e) de participer. Si je décide de participer, je pourrai me retirer de l'étude à tout moment et/ou refuser de répondre à certaines questions, sans subir de conséquences négatives. Si je choisis de me retirer, toutes les données recueillies jusqu'à ce moment seront supprimées de l'ensemble de données et ne seront pas utilisées dans l'étude. Cependant, je comprends qu'une fois l'entrevue terminée et que l'intervieweuse et moi nous soyons quittés, il ne sera plus possible de retirer mon entrevue. Cela est dû au temps et aux efforts investis dans l'analyse des réponses et pour éviter qu'Audrée ait à recommencer le processus. Je comprends cette procédure et j'accepte qu'il ne me sera plus possible de retirer mon entrevue par la suite.

Je ne suis pas obligé(e) de participer à cette recherche. Personne d'autre qu'Audrée et moi ne saura que j'ai été invité(e) à y participer. Il n'y a aucune conséquence au refus de participer.

Si j'ai des questions sur l'étude, je peux communiquer avec la chercheuse ou son superviseur. Si j'ai des questions concernant l'aspect éthique de cette recherche, je peux contacter le Bureau de l'éthique de la recherche par courriel (ethics@uottawa.ca) ou par téléphone (613-562-5800, poste 5387).

Il est recommandé que je conserve une copie de ce formulaire de consentement pour mes dossiers.

Si un consentement signé est requis :

Acceptation: En signant ci-dessous, j'accepte de participer à cette étude de recherche.

Nom du participant : _____ Date: _____

Signature du participant: _____ Date: _____

Signature de la chercheuse: _____ Date: _____

Si un consentement verbal est requis et/ou si la participation est anonyme:

Acceptation: En cochant l'une des cases ci-dessous, j'indique mon choix concernant ma participation à cette étude.

- ☐ Oui, je souhaite participer.
- ☐ Non, je ne souhaite pas participer.

Annexe 1

Ressources en santé mentale

Si vous éprouvez des difficultés liées à votre santé mentale, ou si certaines questions de l'entrevue causent une détresse émotionnelle, veuillez envisager de contacter les ressources gratuites en santé mentale du Nouveau-Brunswick.

Ligne d'aide bilingue en santé mentale du Nouveau-Brunswick : 1-866-355-5550

Ligne de mieux-être (destinée spécifiquement aux personnes autochtones au Canada) :
1-855-242-3310

Centre de santé mentale en personne à Miramichi :

1780, rue Water, bureau 300

Miramichi (N.-B.) E1N 1B6

Téléphone : (506) 778-6111

Centre de santé mentale en personne à Caraquet :

295, boul. St-Pierre Ouest

Caraquet (N.-B.) E1W 1B7

Téléphone : (506) 726-2030