

# Lobsters and Livelihoods: Indigenous Rights and Fishery Access

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Canada, like many countries, has a history of limiting access to resources. In fisheries, this primarily began with the advent of “extended fisheries jurisdiction” and the creation of the 200- nautical-mile exclusive economic zone (EEZ) under the 1982 *United Nations Convention on the Law of the Sea* (UNCLOS) (ECCC 2022). A large impetus behind UNCLOS was declining fish stocks, particularly cod stocks off the coast of Canada (Scheiber and Carr 1998). Since then, open access, in some cases, and traditional and self-management approaches to limiting access, in other cases, gave way to government restrictions imposing a system of property rights, where users are limited and controlled in the ways in which they access resources. Despite the dominance of this move, issues of access to resources, which exist in a web of constitutional rights and economic privileges (Figure 6.1), continue to be front and centre in the debate over social and economic sustainability across Canada’s coastal communities (Bennett et al. 2018).

Pick any fishery across Canada, and access to fisheries resources, and the means of production and sale, will be fraught with conflict (cf. Charles 1992). Fish and fishing

opportunities provide food, employment, and income, and support cultural practices and knowledge transfer, across coastal communities in Canada. But access for one group – in the case of a subtractable entity, which fish surely are – means less access for another group. In Canada, several different users seek access to fishing opportunities, and access is granted through provincial, territorial, federal, or Indigenous jurisdiction. Some of these users are rights holders, in that their claims to access come from different forms of Indigenous rights. Other users are commercial fishers who seek and are granted access through licences, most often federal. Still other users may be recreational or sport fish harvesters, where access for those users may or may not come in the form of provincial or territorial licences. In this chapter, we focus on competing access between Indigenous rights holders and commercial fish harvesters, and dig into the constituent parts comprising the ability to use and benefit from fisheries resources. We argue that governing access with this understanding of interconnectedness can help contribute to improved outcomes. We do so by means of a story, which we feel exemplifies the access imperative

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## Positionality Statement

The authors thank all of those, Mi’kmaq and non-Mi’kmaq, with whom we have had conversations that helped us understand the topic discussed in this chapter. We ourselves are white settler academics, whose privilege allows us to choose when, where, and how to engage in these conflicts. We recognize that others may not have that privilege. Our hope in writing this chapter is to share but one perspective, that of the access lens, through which the lobster conflict can be viewed. There are many more perspectives that need to be heard.