

Caught in Translation: Exploring Media Language Dynamics Between Mi'kmaw and non-Mi'kmaw Commercial Harvesters within Nova Scotia's Lobster Fishery Disputes

By

Kali Elizabeth Hines

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Dalhousie University is located in Mi'kma'ki, the
ancestral and unceded territory of the Mi'kmaw People.
We are all Treaty People.

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Table of Contents

List of Tables	iii
List of Figures	iv
Abstract	v
List of Abbreviations	vi
Acknowledgements	vii
<i>Territorial Acknowledgement</i>	<i>vii</i>
Chapter 1: Introduction	1
1.1 <i>Saulnierville in 2020: An Introduction</i>	1
1.2 <i>Purpose of the Study</i>	2
1.3 <i>Marine Management Problem</i>	3
1.4 <i>Research Question</i>	4
1.5 <i>Terminology</i>	4
1.5.1. <i>Indigenous</i>	4
1.5.2. <i>First Nations, Inuit and Métis</i>	4
1.5.3. <i>Mi'kmaq vs. Mi'kmaw</i>	5
1.5.4. <i>Treaty Rights</i>	6
1.5.5. <i>Commercial, Food, Social and Ceremonial (FSC), Moderate Livelihood Fisheries</i>	6
1.5.6. <i>Netukulimk</i>	7
Chapter 2: Literature Review	9
2.1 <i>History of Mi'kmaw Access to Resources and Territory</i>	9
2.2 <i>Peace and Friendship Treaties, 1760-1761</i>	13
2.3 <i>The Marshall Decision</i>	14
2.4 <i>The Science</i>	16
2.4.1. <i>Lobster Populations in Nova Scotia</i>	16
2.4.2. <i>Health and Sustainability of NS Lobster Populations</i>	18
2.4.3. <i>Current Lobster Management and Governance Systems</i>	22
2.4.4. <i>Netukulimk-Informed Fisheries Plans</i>	22
2.5 <i>Journalistic Principles and Practices</i>	25
2.5.1. <i>Guiding Principles and Standards for Good Journalism</i>	25
2.5.2. <i>Canadian Media Coverage of Indigenous topics</i>	29
2.5.3. <i>Best Practices: Reporting on Indigenous-Related Conflicts</i>	33
Chapter 3: Methods	35

3.1 Context of Research	35
3.2 Critical Indigenous Theory	35
3.3 Research Design	36
3.3.1. Data Collection	36
3.3.2. Data Compilation	36
3.3.3. Data Analysis	37
Chapter 4: Results.....	38
4.1 Overview of Articles.....	38
4.1.1. Term Frequency	38
4.1.2. Term Relationality	40
4.2 In-Depth Analysis.....	42
4.2.1. Independence	43
4.2.2. Accuracy	45
4.2.3. Fairness and Balance.....	46
Chapter 5: Discussion.....	49
5.1 Summary of Findings	49
5.2 Journalistic Responsibility.....	49
5.3 Implications for Conservation Action.....	51
5.4 Implications for Breaking News in Canada.....	52
Chapter 6: Recommendations and Conclusion.....	54
References	58
Appendix.....	77
Appendix A: Articles Used in the Results' Analysis Overview.	77
Appendix B: In-Depth Analysis of Six Breaking News Stories	79

List of Tables

Table 1: 17 Standards of a Netukulimk Fishery	30
Table 2: Six articles selected for the in-depth analysis of breaking news sources	49

List of Figures

Figure 1: Map of Prominent Mi'kmaw Archaeological Sites in Nova Scotia	17
Figure 2: Map of the Districts within Mi'kma'ki	18
Figure 3: Map of Mi'kmaq First Nations in Nova Scotia	20
Figure 4: Lobster Fishing Areas in Maritimes Region	24
Figure 5: Lobster landings in Nova Scotia bordering LFAs	26
Figure 6: American Lobster Landings in Canada, 1895-2013	28
Figure 7: Cirrus word cloud, visualizing the 50 most frequent words used across the corpus	46
Figure 8: Correlation and frequency of select words across media articles	48

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Abstract

The media plays a key role in ensuring that the coverage of Indigenous Peoples reflects their cultural diversity and provides fair, comprehensive, timely, and non-discriminatory accounts. However, Canadian mainstream media often provides problematic, negative and racist portrayals of Indigenous issues, misrepresenting their connections to land, water and natural resources. This distorts public understanding of Indigenous Peoples and hinders their ability to engage in traditions and gain recognition and implementation of their rights. It is essential that breaking news media follow journalistic principles of independence, accuracy, fairness and balance when covering such topics.

The 2020 lobster fishery dispute in Saulnierville, NS, between Mi'kmaw and non-Mi'kmaw commercial lobster harvesters was rife with strong emotions and language and led to confrontations on and off the water. This study analyzed 17 breaking news articles, with a deeper examination of six, to assess how language choices in breaking news media impacted the representation of the dispute between Mi'kmaw and non-Mi'kmaw harvesters. The findings revealed that breaking news media coverage failed to follow journalistic principles, focusing more on the conflict than on Mi'kmaw rights to fish for a moderate livelihood or lobster conservation. These results highlight the ongoing challenge of accurately reporting on fisheries disputes. Readers must also critically engage with news reports, recognizing that journalists may not be subject matter experts. Additionally, journalists must prioritize independence, accuracy, fairness and balance to ensure their coverage of Indigenous rights and resource conflicts truly represents those involved and impacted by their coverage.

Keywords: Indigenous Rights; moderate livelihood; treaty rights; mainstream media; breaking news; language; media representation; Sipekne'katik; Mi'kmaw; Mi'kmaq; commercial fisheries

List of Abbreviations

DFO: Department of Fisheries and Oceans Canada

FSC: Food, Social, Ceremonial

NS: Nova Scotia

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This research was completed in the traditional and unceded territory of the Mi’kmaw People, known as Mi’kma’ki, and specifically in Kjiptuk (Halifax, Nova Scotia). This territory is covered by the Treaties of Peace and Friendship, which Mi’kmaw and Wolastoqiyik (Maliseet) Peoples first signed with the British Crown in 1725. The treaties did not deal with the surrender of lands and resources, but in fact, recognized Mi’kmaw and Wolastoqiyik (Maliseet) Title and established the rules for what was to be an ongoing relationship between nations. As a student

and settler, I recognize my duty to protect these lands and to amplify the voices of Indigenous Peoples. We recognize that we are all treaty people.

Chapter 1: Introduction

1.1 Saulnierville in 2020: An Introduction

September 17th, 2020, marked the 21st anniversary of the monumental 1999 Marshall Decisions, in which the Supreme Court of Canada constitutionally reaffirmed the Mi'kmaw treaty right to fish for a moderate livelihood (Dorey, 2020a; Googoo, 2020; R. v. Marshall, 1999). After decades of consultation between the Department of Fisheries and Oceans Canada (DFO) and the Mi'kmaq on moderate livelihood fishery plans, the Mi'kmaq saw little progress in its implementation (Dorey, 2020g; Roache, 2019). There remained no clear answer on how DFO defined moderate livelihood, how they saw a moderate livelihood fishery functioning or how they may support it (Dorey, 2020g; Roache, 2019; CBC News, 2020). As stated in releases by Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO, Mi'kmaw rights initiative), members of Sipekne'katik First Nation took it upon themselves to launch their own self-regulated fishery (Dorey, 2020a; Dorey, 2020b; APTN, 2020).

Around 200-300 people, including Mi'kmaw community members, leaders, and general community members, attended the celebration, showing their support of the Mi'kmaq exercising their treaty rights (Cooke, 2020; Googoo, 2020; CBC News, 2020). However, the joy and festivity of the day were interrupted as non-Indigenous commercial fishermen protesting the fishery appeared and attempted to prevent Mi'kmaw harvesters from laying their traps (Googoo, 2020). Despite Mi'kmaq having treaty rights, significantly smaller catch yields than commercial fishermen, and plans incorporating conservation and sustainability, non-Indigenous commercial fishermen remained adamant that the launch of the fishery was illegal and a concern for the survival and health of the lobster stock (Bailey, 2020; Seymour-Hourie & Carlson, 2020; Googoo, 2020). This excuse was used as the basis for their intimidation tactics, vandalism and threats (Cooke, 2020; Cecco, 2020).

One day later, on September 18th, the Assembly of Nova Scotia Mi'kmaw Chiefs (the Assembly) publicly declared a State of Emergency due to the political unrest and violence Mi'kmaw harvesters were subjected to (Dorey, 2020d). On September 21, 2020, the Assembly of Nova Scotia Mi'kmaw Chiefs met with the ministers for DFO and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), calling on them to speak out against the racism and violence perpetrated against the Mi'kmaq, increase enforcement to ensure the safety of all and

clarify that despite public misinformation, moderate livelihood fisheries are not illegal (Dorey, 2020c). Frustrations continued to escalate as the Assembly continued their calls for action throughout October and November of 2020 for DFO, RCMP and all levels of government to protect Mi'kmaq against the violence and illegal actions of non-Indigenous commercial harvesters (Dorey, 2020e; Dorey, 2020f). Additionally, the Assembly continued to request consultation on their proposed moderate livelihood fisheries plans (Dorey, 2020g).

As Chief Terrence Paul of Membertou First Nation declared in a September 21 media release:

Our Rights were affirmed in the Canadian Constitution and the right to fish for a moderate livelihood was reaffirmed by the Supreme Court of Canada. While the public may not comprehend a fishery outside the realm of the Department of Fisheries and Oceans, that does not make our fishery illegal. We called on Canada to help educate the public on the truth and to address the systemic racism that has been a major part in denying our ability to exercise our rights (Chief Terrence Paul, as cited by Dorey, 2020c)

The media coverage of the 2020 events launched stories and discussions of moderate livelihood, treaty rights, and Mi'kmaq into national and international news in the public eye (Fanning & Denny, 2022, p.51). The extent was so far-reaching that even celebrities such as Dan Levy, Mark Ruffalo and Margaret Atwood felt compelled to voice their support for the Mi'kmaq (Levy, 2020; Atwood, 2020; Ruffalo, 2020). However, as more coverage appeared, it became increasingly apparent that both 'sides' of the story were not given equal coverage (CBC, 2020).

1.2 Purpose of the Study

Media communications can shape public perception of a topic (Happer & Philo, 2013; Wilkes et al., 2010; Brown & Harlow, 2019). This encompasses every news article, opinion piece, or press release that reaches the public domain, potentially biasing them to specific conclusions (Brown & Harlow, 2019). The importance of this fact only further increases in the context of reporting on Indigenous peoples, their communities and topics, as media can shape the public memory and societal attitudes towards reconciliation (TRC, 2015a, p.194).

Canada is currently in an era of supposed reconciliation. In an effort to advance reconciliation, the Government of Canada amended the *Interpretation Act* by introducing non-derogation clauses to the legislation (Department of Justice, 2023; Interpretation Act, 1985). This statement indicates that the law should be interpreted to uphold, not diminish, constitutionally

protected rights, such as Indigenous rights in Section 35 of the *Constitution Act*, or treaty rights (Department of Justice, 2023; Interpretation Act, 1985). Additionally, Canada has adopted the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) (Department of Justice, 2024) and the Truth and Reconciliation Commission (TRC) 94 Calls to Action (CIRNAC, 2024a; TRC, 2015a; TRC, 2015b). With three calls to action directed at Canadian media within the 94 Calls to Action (i.e., #84, #85, and #86) and three directed at the recognition and implementation of treaty rights (#10, #42, and #51), (TRC, 2015a; TRC, 2015b) all Canadians must be engaged in reconciliation action and respect the rights to resource use, access and management of Indigenous Peoples.

1.3 Marine Management Problem

Media has a role to play in ensuring public information and coverage for and about Indigenous Peoples reflects their cultural diversity and provides fair, comprehensive, timely and non-discriminatory accounts (TRC, 2015a, p.194-195). However, Canadian media coverage on Indigenous issues historically has been, and remains, problematic through inflammatory and racist accounts with increasingly negative tones (TRC, 2015a, p. 196; Wilkes et al., 2010; Brown & Harlow, 2019). This problematic coverage and lack of proper representation of Indigenous Peoples, their stories, and connections to land, water and natural resources creates a direct problem for Indigenous Peoples in the marine space: not only does it misinform the public on the rights, roles, traditions and stewardship that Indigenous Peoples engage in the marine environment, but it also harms the ability for Indigenous Peoples to engage in cultural traditions, and impedes the recognition and implementation of their rights.

This research will take a case study approach to investigate how language differs in public media communications when discussing lobster fishery disputes between Indigenous and non-Indigenous harvesters to the public. The 2020 lobster fishery dispute in Saulnierville, NS, between Mi'kmaw and commercial fishermen was chosen as the case study, as the dispute was rife with strong emotions and language, leading to confrontations on and off the water (Rhodes, 2022). Notably, the media communications surrounding the disputes used language that differed drastically depending on the focus of their article (e.g., 'unauthorized,' 'out-of-season,' 'regulated,' and 'license') (Canadian Press, 2023; MacDonald, 2020).

1.4 Research Question

How does language choice in breaking news media impact the representation of Mi'kmaw and non-Mi'kmaw lobster harvesters in fishing disputes?

1.5 Terminology

1.5.1. Indigenous

'Indigenous' is a broad term used across Canada that refers to the collective First Nations, Inuit, and Métis Peoples. 'Indigenous' is the most standard term to refer to any of the three nations or all Indigenous Peoples and is commonly used if you do not know what nation or community someone is from.

While 'Indigenous' is the most widely accepted word, there are others that have been historically used. For example, the use of the word "Indian" is engrained in Canadian law, as the Indian Act (1876) refers to Indigenous peoples as Indians (Indian Act and Amendments, 1868-1975; Wilson-Raybould, 2022; Indigenous Corporate Training Inc.; 2024). Section 35 of the 1982 Constitution Act also uses "Aboriginal" to refer to the collective First Nations, Inuit and Métis Peoples (Constitution Act, 1982; Wilson-Raybould, 2022; Indigenous Corporate Training Inc.; 2024). However, both words may be considered offensive, racist or disrespectful to Indigenous Peoples, thus public preference swaying to the use of "Indigenous" (Wilson-Raybould, 2022; Indigenous Corporate Training Inc.; 2024).

1.5.2. First Nations, Inuit and Métis

Indigenous Peoples in Canada are 'First Nations,' 'Inuit,' or 'Métis.' Each of these terms refers to distinct groups of Indigenous Peoples across Canada and cannot be used interchangeably. It is important to understand and recognize the differences between these three groups. However, if known, it is preferential to utilize Indigenous Peoples unique community, district or nation's name rather than a generalized term. When in doubt as to what the most appropriate term to use is, ask the person or group involved, learn what is in use in your area or subject field, or simply ask someone knowledgeable.

First Nations refers to a large portion of Indigenous Peoples across Canada who do not identify as 'Métis' or 'Inuit' (Wilson-Raybould, 2022). First Nations are extremely diverse and

can refer to Indigenous people with or without status amongst 60-80 distinct nations (Wilson-Raybould, 2022).

Métis is a specific Indigenous group in Canada with a very specific social and cultural history due to their mixed Indigenous and European ancestry (Wilson-Raybould, 2022). However, it is important to remember that Métis people are a specific socio-cultural group, not a term used to refer to mixed-Indigenous people (Indigenous Corporate Training Inc.; 2024).

Inuit refers to many historically Indigenous people across the Canadian Arctic who remain culturally distinct from First Nations and Métis people (Wilson-Raybould, 2022). ‘Inuit’ is the plural form of ‘Inuk’ or ‘Inuuk’ (Indigenous Corporate Training Inc.; 2024).

1.5.3. Mi’kmaq vs. Mi’kmaw

In the place we now call Nova Scotia, the correct terminology, writing and pronunciation of the Mi’kmaw language follows the Francis-Smith Orthography (Mi’kmaq Spirit, 2019; Francis, n.d.). The Mi’kmaw language is rich and engrained with different tones, sounds, and utterances that determine the intent and meaning (Mi’kmawey Debert Cultural Centre, 2015, p.18). Due to this language structure, dialects differ across communities and alter word choices, spellings, and pronunciations (Mi’kmawey Debert Cultural Centre, 2015, p.18). As the Francis-Smith Orthography has been claimed as the official writing system of the Mi’kmaw Grand Council, this research will follow the same (Mi’kmawey Debert Cultural Centre, 2015, p.18; Francis, n.d.).

Although often used interchangeably, ‘Mi’kmaw’ and ‘Mi’kmaq’ represent two different forms and uses. Although there is much confusion on the different uses of both spellings in academic literature, media reporting, and social media posts, a simple explanation can reduce much of the confusion. Mi’kmaq (pronounced ‘meeg-ih-mah’) is the plural form (Mi’kmawey Debert Cultural Centre, 2021). This means that any instance in which you could utilize the word ‘Canadians’ (plural) can be substituted with Mi’kmaq. For example, “Mi’kmaq have inherent treaty Rights” would be the correct usage, as you are speaking of the population as a whole or multiple people. Mi’kmaw (pronounced ‘meeg-im-ow’) is the singular form of an adjective (Mi’kmawey Debert Cultural Centre, 2021). This means Mi’kmaw is used when talking about authority, a nation, a community, a singular person, or the language (Mi’kmawey Debert Cultural Centre, 2021). For example, you could use it when saying, “A Mi’kmaw fisherman was

quoted in CBC” or “The Mi’kmaw community of Sipekne’katik has received a lot of press coverage recently.”

1.5.4. Treaty Rights

Treaty rights in Canada refer to a set of rights that are explicitly featured within historic or modern treaty agreements between two or more nations (e.g., Indigenous nations and the federal or provincial governments) (CIRNAC, 2024b; Denny, 2022). Treaty rights are affirmed by Section 35 in the *Constitution Act* (1982), in which the original wording stated that the Crown could not repeal or ignore treaty rights (CIRNAC, 2024b; Standing Senate Committee on Legal and Constitutional Affairs, 2007).

1.5.5. Commercial, Food, Social and Ceremonial (FSC), Moderate Livelihood Fisheries

The Department of Fisheries and Oceans (DFO) recognizes two forms of Mi’kmaw fisheries: commercial communal fisheries and food, social and ceremonial fisheries (DFO, 2021; DFO, 2022a). Communal commercial fisheries are typically owned and operated by individual bands, or First Nations, and are subject to the licence conditions of any similar commercial fisheries licence under the Aboriginal Fisheries Strategy and the Aboriginal Communal Fishing Licences Regulations (DFO, 2021; Kwilmu’kw Maw-klusuaqn, n.d.; DFO, 2012; Aboriginal Communal Fishing Licenses Regulations, 1993). The catch from these fisheries is sold for economic gain and is typically considered “regulated” due to their utilization of government-administered fishing licenses and regulations (DFO, 2021; Kwilmu’kw Maw-klusuaqn, n.d.). Food, Social and Ceremonial (FSC) are inherent rights, protected under section 35 in the Constitution, for all First Nations harvesters to catch what is needed for themselves or their communities for FSC purposes (DFO, 2022a; Denny, 2022; Kwilmu’kw Maw-klusuaqn, n.d.). This fishing can be done outside of commercially-designated seasons (DFO, 2022a).

A third fishery, the moderate livelihood fishery, was named by the Supreme Court of Canada after the 1999 Marshall Decisions, in which the Mi’kmaw treaty right to fish for a moderate livelihood was reaffirmed (Kwilmu’kw Maw-klusuaqn, n.d.). The moderate livelihood fishery, also referred to as treaty fishing, encompasses conservation, economic benefits and cultural requirements for consumption, community, spirituality, and the recognition of Mi’kmaw sovereignty (Denny, 2022). This fishery, backed by Mi’kmaq treaty rights, is meant to allow Mi’kmaq to earn a living off of their resources while having the ability to facilitate their own

governance and regulations (APTN, 2020). However, as the Crown has yet to amend legislation, such as the *Fisheries Act*, and the Mi'kmaq are still prosecuted for exercising their rights to fish for a moderate livelihood under their self-regulated management plans, resulting in an eruption of confusion as to what a 'moderate livelihood' fishery entail (Kwilmu'kw Maw-klusuaqn, n.d.; APTN, 2020).

1.5.6. *Netukulimk*

Netukulimk (pronounced Ned ouu goo limk) is a guiding concept or principle for the Mi'kmaq, emphasizing respect, responsibility and reciprocity across past, present and future generations (McMillan, 2018; Smith, 2021; Denny, 2022). It represents an ecological-centred mindset that teaches humans are no more valuable or important than non-human beings or the spiritual world (Smith, 2021). Rather, it asserts that nature has its own rights, and humans have their own responsibilities to nature (Smith, 2021).

So this is what we truly believe. This is what reinforces our spiritualities: that no one being is greater than the next that we are part and parcel of the whole, we are equal, and that each one of us has a responsibility to the balance of the system (Albert Marshall, as cited in Tepi'ketuek Mi'kmaw Archives, 2013).

At its core, *Netukulimk* emphasizes an interconnectedness between humans and the environment, blending spiritual and moral responsibility (Denny, 2022; Prosper et al., 2011; Mi'kmawey Debert, 2024). It teaches that humans must live in harmony with nature, recognizing that ecological balance is essential for sustaining both physical and spiritual well-being (Denny, 2022; Prosper et al., 2011; Mi'kmawey Debert, 2024). This interconnectedness teaches responsibility within its practices, such as hunting, fishing and gathering, ensuring these activities do not harm the environment or deplete natural resources (Denny, 2022; Smith, 2021; Prosper et al., 2011; Mi'kmawey Debert, 2024). *Netukulimk* further pushes Mi'kmaq to consider the short- and long-term impacts of their action, including the preservation of ecological integrity, biodiversity, and the ability of future generations to sustain themselves (Smith, 2021; Denny, 2022; L'nuey, 2022; Francis, 2023). It is through these teachings and worldviews, such as *Netukulimk*, *M'sit No'kmaq/All My Relations* and the Seven Generations principles, that values such as sustainability, conservation, and reciprocal relationships with nature are embedded into Mi'kmaq daily life (L'nuey, 2022; Francis, 2023; Seventh Exchange, n.d.).

In contemporary discussions, the concept of *Netukulimk* is linked to conservation and resource management (Denny, 2022; Whitman, 2024; Francis, 2023). This integration of *Netukulimk* into management models emphasizes the importance of preventing overconsumption and ensuring resources are used responsibly to meet the needs of present and future generations (Denny, 2022; Whitman, 2024; Francis, 2023). As Elders explain it, “take only what you need” (Denny, 2022; Whitman, 2024; Francis, 2023).

Chapter 2: Literature Review

2.1 History of Mi'kmaw Access to Resources and Territory

From the beginning of the world to the 20th century, we the Micmac people have been here...Before the white man came, we were here. The Micmac Nation had uncontested sovereignty over what is known today as: Nova Scotia, most of New Brunswick, the entirety of Prince Edward Island, and parts of the Gasp[é] in the Province of Quebec. (Mi'kmaw Elder and Spiritual Leader Noel Knockwood, as cited in Nova Scotia Archives, 2024).

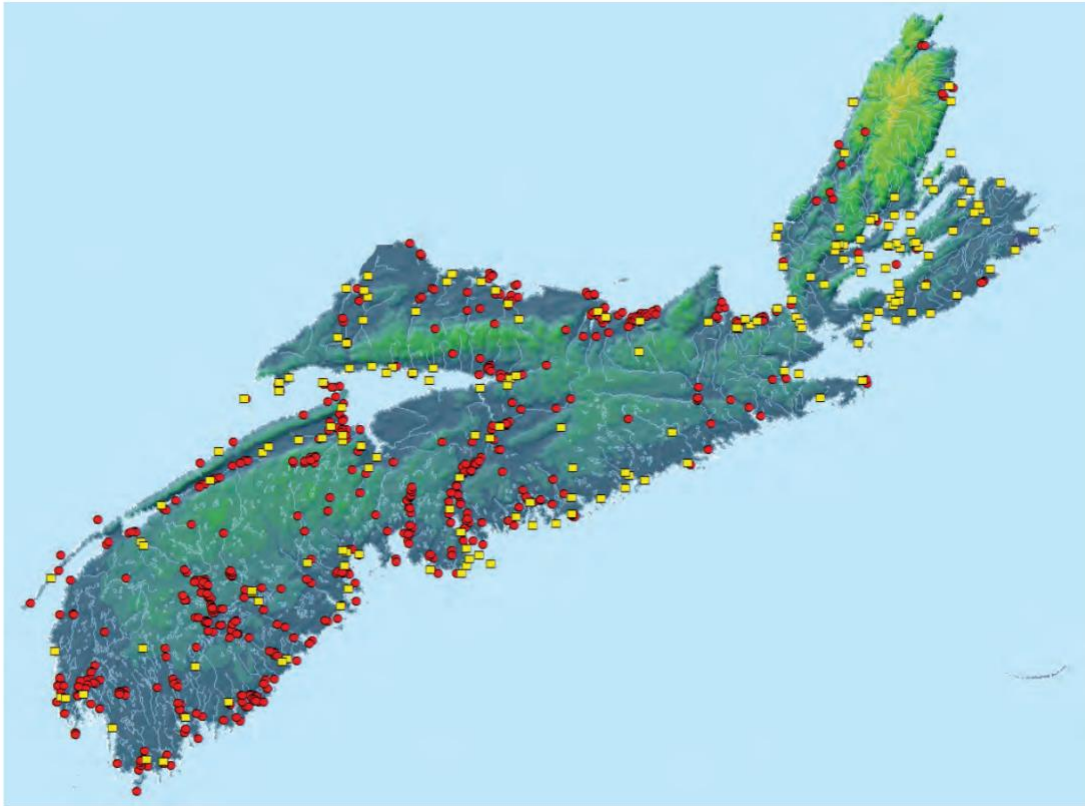
The Mi'kmaw people have resided in Mi'kma'ki from time immemorial. Modern accounts and archeological records date their presence in Mi'kma'ki between 11,000-13,000 years (Mi'kmawey Debert Cultural Centre, 2015; Cecco, 2020; Lelièvre et al., 2020; Lewis & Sable, 2014). This history is supported through a combination of Western scientific methods (i.e., geology, archaeology, historical documents), as well as Mi'kmaw knowledge systems (i.e., oral histories and maps, stories, legends, language) (Confederacy of Mainland Mi'kmaq, 2007; Lewis & Sable, 2014).

Mi'kmaq have always maintained an ecological-centred worldview, in which caring for the environment, learning from nature, and considering future generations are all values passed from generation to generation through oral teachings, traditions and legends (Smith, 2022; L'nuey, 2022; Francis, 2023; McMillan, 2018). The Mi'kmaw relationship with water has always been critical to their way of life. Within many legends and stories, the importance and intrinsic value of water has remained a key player, not only as a resource but also as a relationship and a being with personhood, deserving of respect and care (Confederacy of Mainland Mi'kmaq, 2007; Pictou et al., 2021; Francis, 2023; McMillan, 2018).

Mi'kmaw core values, principles and philosophy of life tend to center around our understanding of spirituality and to the connectiveness of all creation. Knowledge was disclosed with the specific purpose of teaching the individual to live in harmony with Mother Earth and how to behave as a sacred being living among other sacred beings” (Elder Jane Meade, as cited in Mi'kmaw Ways of Being and Knowing, 2022).

Figure 1

Map of Prominent Mi'kmaw Archaeological Sites in Nova Scotia



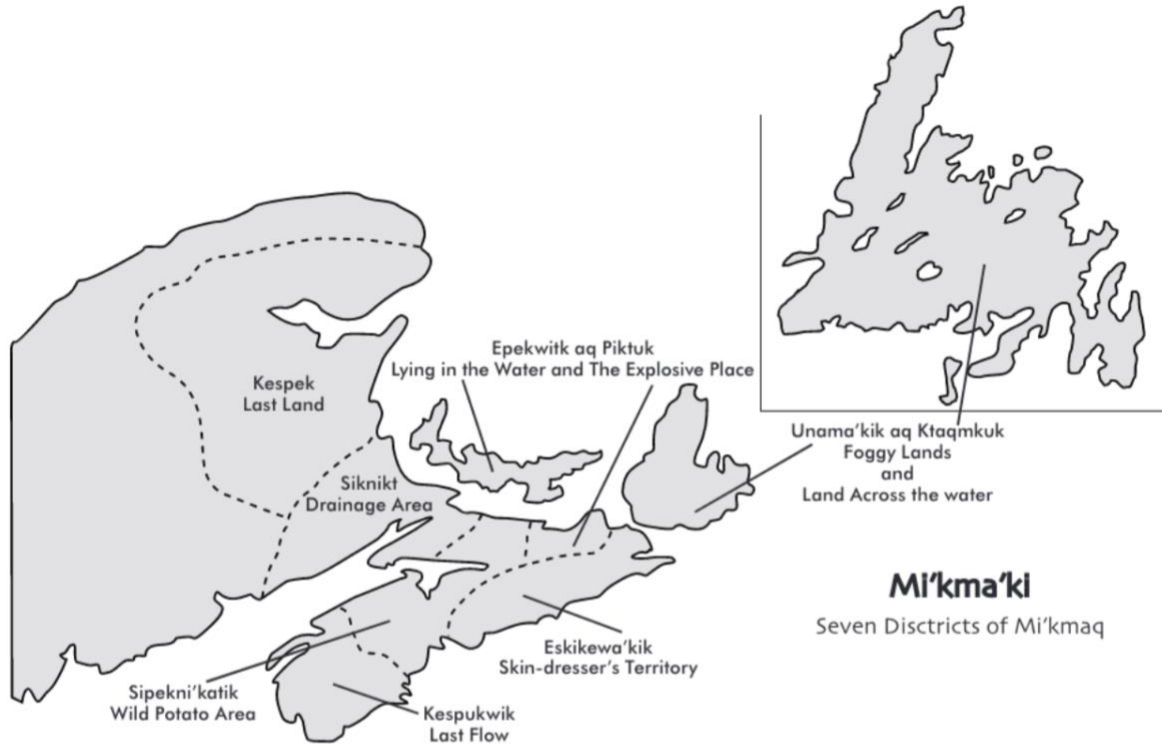
Note. A map showing prominent archaeological sites in Nova Scotia, visually demonstrating the ancestral places. Red indicates prominent ancestral places pre-European contact, with yellow indicating places post-European contact that are no longer lived in today. Adapted from Roger Lewis in Mi'kmawey Debert Cultural Centre, *Mi'kmawe'l Tan Teli-Kina'muemk: Teaching About the Mi'kmaq* (p. 17), 2015, Eastern Woodland Print Communications. https://www.mikmaweydebert.ca/home/wp-content/uploads/2015/06/Mikmawel_Tan_Telikinamuemk_Final_Online.pdf. Copyright 2015 by The Mi'kmawey Debert Cultural Centre.

As seen in Figure 1 and Figure 2, this relationship to water is further established in archaeological evidence that documents Mi'kmaq connection to water and resources. Mi'kmaw settlements and cultural landscapes were mainly located along or near waterways (Lewis & Sable, 2014; Pictou et al., 2021). These waterways provided them with easy transportation routes via canoe, as well as the ability to fish for food, recreation, social connection, and more (Confederacy of Mainland Mi'kmaq, 2007; Lewis & Sable, 2014; Pictou et al., 2021; Treaties and Historical Research Centre & Indian and Northern Affairs Canada, 1966.). This connection and importance of water to the Mi'kmaw people is also cemented in the names of their

communities and nations, such as with Kespukwitek (“water’s end”), Ktaqmkuk (“across the waves”), Epekwitk aq Piktuk (“laying in the waves”) and Sikniht (“drainage area”), which honour the Mi’kmaq relationship with water (Lewis & Sable, 2014).

Figure 2

Map of the Districts within Mi’kma’ki



- Unama'kik aq Ktaqmkuk (“foggy lands” and “land across the water”)–Cape Breton Island and Newfoundland
- Epekwitk aq Piktuk (“lying in the water” and “the explosive place”)–Pictou County and Prince Edward Island
- Eskikewa'kik (“skin-dresser’s territory”)–the area stretching from Guysborough to Halifax County
- Sipekni'katik (“wild potato area”)–the counties of Halifax, Lunenburg, Kings, Hants and Colchester
- Kespukwitek (“last flow”)–the counties of Queens, Shelburne, Yarmouth, Digby and Annapolis
- Sikniht (“drainage area”)–including Cumberland County in Nova Scotia, and the New Brunswick counties of Westmorland, Albert, Kent, Saint John, Kings and Queens
- Kespuk (“last land”)–the area north of the Richibucto, including its rivers and parts of Gaspé

Note. The translations for each of the seven district’s names are provided underneath the map. Adapted from the Confederacy of Mainland Mi’kmaq, *Kekaina’muek: Learning about the Mi’kmaq of Nova Scotia* (p. 11), 2007, Eastern Woodland Print Communications.

This relationship and connection to water, although important, was not the only valuable non-human relationship to the Mi'kmaq. Across the seven districts - or eight, for those who separate Unama'ki and Ktaqmkuk - within Mi'kma'ki, Mi'kmaq travelled across the land and relied on the natural environment and resources within to meet their physical, spiritual and mental needs (Denny, 2022; Confederacy of Mainland Mi'kmaq, 2007; Treaties and Historical Research Centre & Indian and Northern Affairs Canada, 1966.). With their resources, they would share and distribute amongst their community, ensuring that the gifts Mother Nature provided them were shown respect and gratitude and benefited all (Wicken, 1994; Francis, 2023; Confederacy of Mainland Mi'kmaq, 2007). This way of life endured centuries until centralization disrupted Mi'kmaq access to land, water and resources (Denny, 2022; Lewis & Sable, 2014; Walls, 2017). Centralization, or the coerced displacement of the Mi'kmaq people, pushed Mi'kmaq out of their traditional communities and into structured reserve systems (Walls, 2017; Denny, 2022; Lewis & Sable, 2014). Traditional communities were reshaped, reformed and renamed on unceded land to align more with provincial and municipal geographic boundaries, eventually creating the 13 bands, or First Nations, found in Nova Scotia today (see Figure 3): Acadia, L'stikuk (Bear River), Annapolis Valley, Glooscap, Sipekne'katik, Millbrook, Pictou Landing, Paqtnkek, Potlotek, Eskasoni, Membertou, Wagmatcook and We'koqma'q (Denny, 2022; Lewis & Sable, 2014; Wicken, 1994; Office of L'nu Affairs, 2019). Although these 13 communities were organized across the province, approximately half of all Mi'kmaq within Nova Scotia were displaced and resettled within only two communities: Eskasoni and Sipekne'katik (Walls, 2017). This has resulted in long-lasting impacts, in which many Mi'kmaq are unable to fully access, use or connect to their lands and resources through disconnected geographic boundaries between traditional communities and fishing areas, modern communities and reserve locations, and frequent residence off-reserves (Denny, 2022; Wicken, 1994).

Figure 3

Map of Mi'kmaq First Nations in Nova Scotia



Note. A map depicting the 13 First Nations in Nova Scotia. From Office of L'nue Affairs, *Map of First Nations in Nova Scotia*, 2019, Province of Nova Scotia. <https://novascotia.ca/abor/aboriginal-people/community-info/>. Copyright 2011 by Province of Nova Scotia.

2.2 Peace and Friendship Treaties, 1760-1761

The Peace and Friendship Treaties of 1760-1761 were formal agreements signed between Mi'kmaw Chiefs and English settlers (L'nuey, 2020; Wicken, 1994). Labelled as “Peace and Friendship” Treaties, they were created on the basis of peace, protection, cooperation, respect and relationships between all parties (L'nuey, 2020). The Peace and Friendship Treaties (1760-1761) outlined hunting and fishing rights for the Mi'kmaw people, encouraging commercial relationships and trading between the Wabanaki people (Mi'kmaq and Wolastoqey) and English settlers (Walls, 2017; Miller, 2004; CIRNAC, 2024b). Notably, the Peace and Friendship Treaties did not surrender Wabanaki rights to lands or resources (L'nuey, 2020; CIRNAC, 2013; CIRNAC, 2024b)

Despite the original intent of the treaties, the true meaning has been lost over the centuries, and relationships between Indigenous nations have eroded due to colonial and

paternalistic policies, racism, marginalization, and the denial of treaty rights (Wicken, 1994; Miller, 2004; CIRNAC, 2013; CIRNAC, 2024b).

In relation to the Peace and Friendship Treaties (1725-1779), three notable cases have upheld Treaty rights over the last century. In 1927, Gabriel Sylliboy was arrested for hunting muskrats and possessing pelts out of season (Wicken, 2012; Premier's Office, 2017; Nova Scotia Archives, n.d.). In *R. v. Sylliboy* (1928), he appealed his conviction as Mi'kmaq had a right to freely hunt and fish at any time (Wicken, 2012; Nova Scotia Archives, n.d.). Although the court decided that the conviction stood, Gabriel Sylliboy was later publicly pardoned (Premier's Office, 2017). In 1980, Jim Simon was arrested for possession of a rifle and shotgun cartridges during a closed hunting season (*Simon v. The Queen*, 1985; McIvor, 2022). Simon confirmed this was true but argued that under the Treaty of 1752, his right to hunt could not be interfered with by the province (*Simon v. The Queen*, 1985; McIvor, 2022). In *Simon v. The Queen*, the Supreme Court of Canada agreed, and Simon was later acquitted (McIvor, 2022).

2.3 The Marshall Decision

In August 1993, Donald Marshall Jr., a Mi'kmaw member of the Membertou First Nation, was arrested while fishing eels (Wicken, 1994; DFO, 2022b; McMillan, 2018; Union of Nova Scotia Mi'kmaq, n.d.). Citing the *Fisheries Act* and the *Maritime Provinces Fishery Regulations*, the Crown charged him on three counts for fishing without a license, selling eels without a license, and fishing during a closed season with illegal nets (Wicken, 2002; DFO, 2022b; Denny, 2022; McMillan, 2018).

At trial in Nova Scotia's Provincial Court in 1996, Donald Marshall Jr.'s defence was grounded in the affirmation of the Mi'kmaw treaty right within the Peace and Friendship Treaties of 1760 - 1761 to catch and sell fish, providing an exemption to compliance with the fishery regulations (Miller, 2004; Union of Nova Scotia Mi'kmaq, n.d.). Despite this defence, the local trial judge found Donald Marshall Jr. guilty (McMillan, 2018; Miller, 2004; Union of Nova Scotia Mi'kmaq, n.d.). Marshall and his team then appealed in 1997, yet the Nova Scotia Court of Appeal once again determined he was guilty of the charges (McMillan, 2018; Miller, 2004; Union of Nova Scotia Mi'kmaq, n.d.).

In 1999, Donald Marshall Jr. and his team brought forth his appeal in *R. v. Marshall* to the Supreme Court of Canada, in which he was acquitted of all charges (Miller, 2004; McMillan, 2018; Union of Nova Scotia Mi'kmaq, n.d.). On September 17, 1999, the Supreme Court of

Canada affirmed that Mi'kmaw people in Nova Scotia, New Brunswick, Prince Edward Island and parts of the Gaspé region in Quebec had a treaty right to secure a “moderate livelihood” by hunting, fishing and gathering natural resources commercially, as outlined in the Peace and Friendship Treaties of 1760 and 1761 (Prosper et al., 2011; Denny, 2022; Pictou et al., 2021; DFO, 2022b; Union of Nova Scotia Mi'kmaq. n.d.). However, the Court also determined that this right was regulated and did not allow the Mi'kmaw to pursue unlimited economic gain freely (McMillan, 2018; Fitzgerald, 2006; Union of Nova Scotia Mi'kmaq. n.d.).

The results of this Supreme Court decision led to immediate conflict, controversy and contrasting perspectives in the Maritimes (McMillan, 2018; Fitzgerald, 2006). Non-Indigenous fishermen resisted the findings, feeling as though the decision threatened the livelihoods they depended upon, as they were unwilling to share the resource (McMillan, 2018; Fitzgerald, 2006). In contrast, Mi'kmaq felt the decision provided them access to all ocean resources (McMillan, 2018). The contrast in stances on the Marshall Decisions was only further increased due to media coverage that treated the decision as front-page news but often lacked the context to properly inform the public (Fitzgerald, 2006). Mainstream media typically framed their coverage of the decision as highly conflicting, with two distinct opposing sides, rather than working to provide context and clarification (Fitzgerald, 2006). This culmination of factors contributed to the violence against the people of Esgenoôpetitj, commonly called Burnt Church when they exercised their legally affirmed treaty rights and propelled the court to draft a rare clarification upon the Marshall Decision (DFO, 2022b; McMillan, 2018; Union of Nova Scotia Mi'kmaq. n.d.). This clarification, known as Marshall II, addressed the original wording, which alluded to the shift of power from Indigenous Peoples to the Canadian government, federally and provincial (DFO, 2022b; Denny, 2022; Union of Nova Scotia Mi'kmaq. n.d.). This clarification emphasized that Mi'kmaq have the treaty right to fish to earn a moderate livelihood (McMillan, 2018; Francis, 2023). These treaty rights could only be limited or regulated by the government if for conservation concerns or other compelling and substantial public objectives (Denny, 2022; DFO, 2022b).

Although *R. v. Marshall*, or the Marshall Decision, is now recognized as a landmark decision in Canadian court, there remains confusion and disagreements between involved parties and the general public as to what it means (DFO, 2022b; Fitzgerald, 2006). Many non-Indigenous fishermen allude to the idea that a “moderate livelihood,” or a reasonable livelihood,

is subjective and allows for Mi'kmaq to fish as much as they like (Fitzgerald, 2006). However, Mi'kmaw harvesters ascertained that they were just exercising their rights, rights which the court did not create but only reaffirmed their existence (Denny, 2022; Fitzgerald, 2006). There remains much debate about whether a “moderate livelihood” accounts for food, clothing, housing, and amenities but prevents the accumulation of wealth (Fitzgerald, 2006). This confusion is likely in part due to the fact that although the Supreme Court decision reaffirmed treaty rights to fish for a moderate livelihood and the issuance of non-derogation clauses to section 35 of the *1982 Constitution Act*, these treaty rights remain unimplemented in Canada’s legislation (Francis, 2023; Department of Justice Canada, 2023). No amendments have been made to the *Fisheries Act* or Food, Social and Ceremonial (FSC) Regulations to accommodate the existence of Section 35 in the *Constitution Act* (Francis, 2023; McMillan, 2018). This means that although their treaty rights were reaffirmed by the Supreme Court, Mi'kmaq exist under outdated legal frameworks with no ability to exercise their rights lawfully and find themselves in a continuous cycle of exercising rights, having their fishing labelled as unlawful and subject to DFO enforcement, and re-appealing their convictions (Francis, 2023).

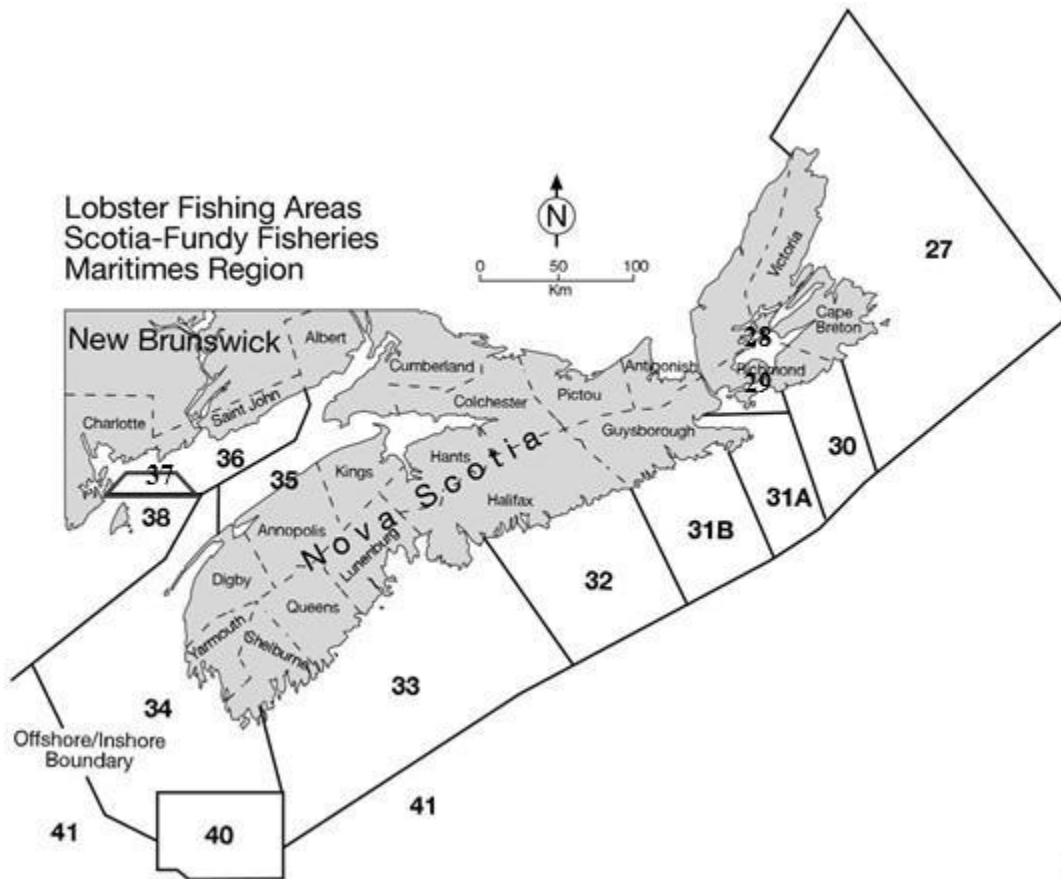
2.4 The Science

2.4.1. Lobster Populations in Nova Scotia

The American Lobster (*Homarus americanus*) species reside up and down the east coast of Canada and the northern United States. In Canada, lobsters are managed spatially through Lobster Fishing Areas (LFAs) (see Figure 4). The lobster fishery is one of the most economically important fisheries and represents over 60% of Nova Scotia’s total fishery values (Cook et al., 2023; Reid et al., 2024; DFO, 2023). Lobster landings in Nova Scotia have steadily increased across the LFAs, with the exception of the 2020-2021 COVID-19 pandemic market collapse (Cook et al., 2023; Reid et al., 2024). Notably, the 2020 Saulnierville events unfolded in one small area of LFA 34, the area which has the highest catches and landed values across all LFAs in Atlantic Canada (Hogan, 2020).

Figure 4

Lobster Fishing Areas in the Maritimes Region



Note. Lobster Fishing Areas surrounding Nova Scotia. From DFO, *Lobster Fishing Areas 27 - 38: Integrated Fisheries Management Plan, 2023*, Government of Canada. <https://www.dfo-mpo.gc.ca/fisheries-peches/ifmp-gmp/maritimes/2022/inshore-lobster-homard-cotiere-eng.html>.

Due to the environmental conditions and climate in which they reside, the American Lobster in Nova Scotia is subject to yearly fluctuations in habitat, population, maturity and growth (Cook et al., 2023; DFO, 2023). Historically, lobsters have displayed seasonal movements into deeper water during the colder seasons (Cook et al., 2023; DFO, 2023). As highlighted to the Standing Committee on Fisheries and Oceans (FOPO) in Canada's House of Commons, although American Lobster may grow faster in warmer waters, they also mature at smaller sizes (FOPO, 2019; Cook et al., 2023). Typically, when between the points of their initial maturity and 120mm in size, female lobsters only produce eggs every second year, with a moulting period in between (Cook et al., 2023; DFO, 2023). However, once they reach a size

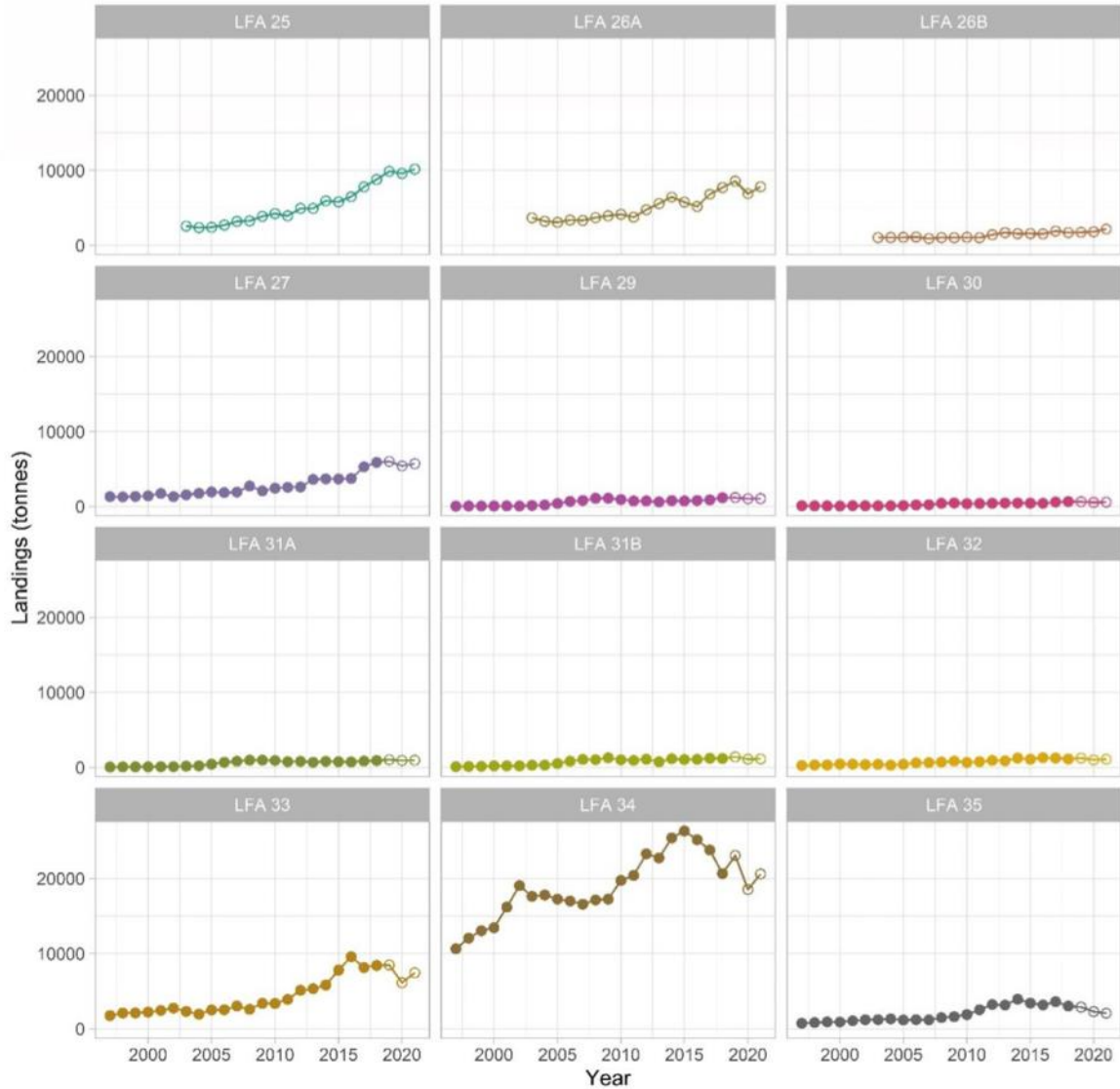
larger than 120mm, they are able to produce eggs consecutively, spawning more frequently than their smaller counterparts (Cook et al., 2023; DFO, 2023). They do still require moults, however, which happen more frequently while lobsters are young and less frequently as they age (University of Maine, n.d.). It is notable that female lobsters carry their eggs on the backs of their tails for upwards of twelve months (DFO, 2018; Gendron & Ouellet, 2009). So, it is possible to catch ‘pregnant’ female lobsters (often called seeders) at any time of the year.

2.4.2. Health and Sustainability of NS Lobster Populations

American Lobster populations within Nova Scotia’s LFAs are considered healthy (DFO, 2021a; 2021b). The LFAs produce an annual average of 35,000-45,000 tons of lobster, with their catch per unit effort (CUPE) more than double the upper stock references (USR) - the boundary above which a fishery can be considered healthy - in most areas (Cook et al., 2023; DFO, 2023; Schijns & Rangeley, 2022; Reid et al., 2024). Although some LFAs have concern over dwindling landings since 2018, scientists are less concerned due to most LFAs having stable or significant increases in their landings (Atlantic Fisherman, 2023; Cook et al., 2023; DFO, 2023). Figure 5 depicts the average lobster landings in Nova Scotia’s LFAs over the past two decades.

Figure 5

Lobster landings in Nova Scotia bordering LFAs

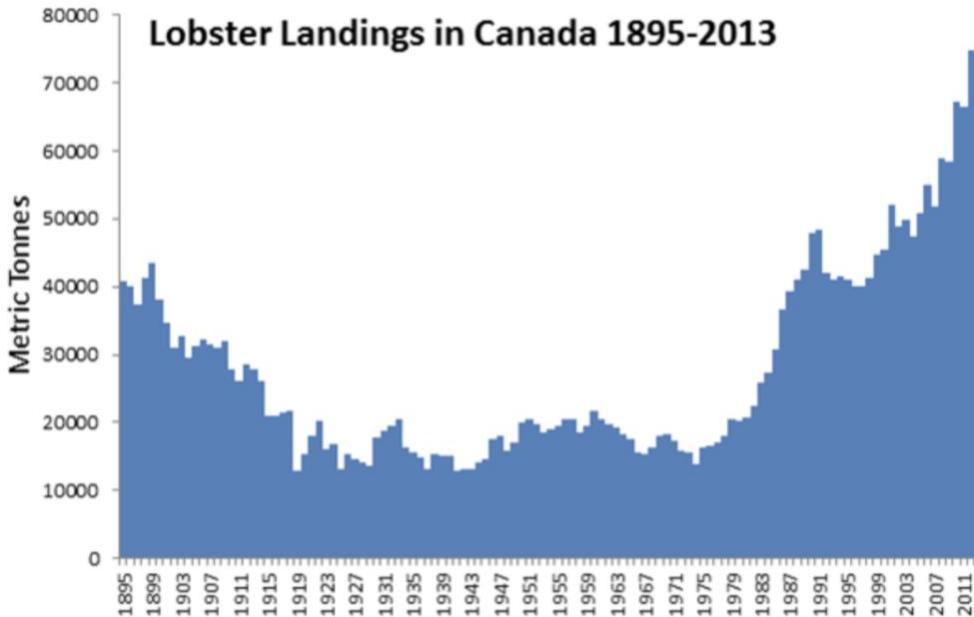


Note. Hollow circles are considered preliminary. Data was obtained through a DFO statistics request. LFA 28 data was unavailable due to privacy constraints with a small number of licenses. From Reid, G., Walker, R., Lewis-McCrea, L., Haworth, L., Horricks, R., Watson, K., Nargis, L., Wilson, T., Dempsey, D. & Torrie, N., *A climate change vulnerability assessment of Nova Scotia's lobster fishing industry*, 2024, Centre for Marine Applied Research (CMAR). <https://cmar.ca/wp-content/uploads/sites/22/2024/03/A-climate-change-vulnerability-assessment-of-Nova-Scotias-lobster-fishing-industry.pdf>.

Natural fluctuations are expected in the American Lobster population, especially as it has grown so rapidly (see Figure 6) (Cook et al., 2023; Reid et al., 2024; Atlantic Fisherman, 2023; FOPO, 2019). As mentioned previously, natural predator levels, climate and temperature changes can all impact the abundance of the lobster population (Cook et al., 2023; DFO, 2023). Although catch landings are typically used to indicate American lobster abundance, this is not always the most accurate representation of the health of the population, as it means you are basing what you know about a population's abundance only on how much is being caught. (Luck, 2021; Cook et al., 2023). The assumption is that if the catch is high (and more specifically, catch per unit effort is high), then the biomass or abundance of lobster in the ocean is high. This is only one of three measurements primary indicators that DFO uses within its stock assessments to determine the species abundance (Cook et al., 2023; DFO, 2023). These stock assessments instead combine primary stock indicators (i.e., species landings, raw commercial catch rates, total abundance from DFO summer surveys) to provide a more accurate picture of the species abundance (Cook et al., 2023; Luck, 2021). However, these stock assessments and landings fail to account for factors outside the species abundance or stock structure that have impacts on the population, such as changes to management measures within fisheries and ocean spaces, changes to fishery practices, market demands, and environmental considerations (Cook et al., 2023).

Figure 6

American Lobster Landings in Canada, 1895-2013



Note. Graph depicting the Lobster Landings in Canada from 1895-2013. From Standing Committee on Fisheries and Oceans, *In Hot Water - Lobster and Snow Crab in Eastern Canada*, 2019, House of Commons, Parliament, Canada, <https://novascotia.ca/abor/aboriginal-people/community-info/>.

As the impacts of climate change become more prevalent, the American Lobster population will also see unknown changes to their activities and surrounding environment (Cook et al., 2023). Although changes to physical habitats (i.e., kelp and seagrass habitat availability), water chemistry (i.e., salination, acidification), and trophic (i.e., predator populations, food availability) will all impact the lobster populations, temperature changes likely represent the largest threat to the species (Reid et al., 2024; Cook et al., 2023; FOPO, 2019; Johnson, 2024). As mentioned earlier, lobsters display seasonal movements toward colder waters, where they mature at larger sizes (Cook et al., 2023; DFO, 2023). This links warming waters to downward trends in lobster size at maturity and landings (FOPO, 2019). Alongside landing trends in LFA 34, this indicates lobster abundance will continue to push northward - away from southern LFAs - and bring with them increased reproduction and higher survival rates (FOPO, 2019). This is an

important conservation consideration, as larger mature female lobsters are able to better sustain the population through better reproduction potential (Cook et al., 2023).

2.4.3. Current Lobster Management and Governance Systems

In an effort to conserve lobster populations and facilitate their future growth, DFO enlists management plans and restrictions on the various Nova Scotia fisheries (Cook et al., 2023; DFO, 2023). Across all fisheries, there are restrictions outlined on the fishing season duration and timeline, the number of fishing licenses distributed, the number of lobster traps allotted per license, and restrictions on catch (i.e., minimal legal size of lobsters, non-retention of egg-bearing females) (Cook et al., 2023; DFO, 2023). However, specific fisheries are also subjected to specific regulations and acts. For example, the commercial lobster fishery is subject to the *Fisheries Act*, *Atlantic Fishery Regulations*, and LFA-specific licencing conditions (DFO, 2023). Mi'kmaw commercial fisheries are subject to the above, as well as Aboriginal Communal Fishing Licences Regulations (DFO, 2023). Food, Social, Ceremonial (FSC) fisheries are collective cultural and sustenance fisheries by Mi'kmaq in Nova Scotia, which obtain their communal fishing licenses through *Aboriginal Communal Fishing Licences Regulations* and collaborative agreements between DFO and the FSC fishery (DFO, 2023; DFO, 2022a). Lastly, Integrated Fisheries Management Plans (IFMP) for inshore lobster harvesters are government by legislation and policy, such as *Fisheries Act* (1985), *Atlantic Fishery Regulations* (1985), *Coastal Fisheries Protection Act* (1985), *Department of Fisheries and Oceans Act* (1985), *Atlantic Fisheries Restructuring Act* (1985), *Fishery (General) Regulations* (1993), *Aboriginal Communal Fishing Licences Regulations* (1993), *Commercial Fisheries Licensing Policy for Eastern Canada* (1996), *Oceans Act* (1996), and *Species at Risk Act* (2002) (DFO, 2023).

2.4.4. *Netukulimk*-Informed Fisheries Plans

We have the right to self-government and that includes our right to govern our fisheries. We are developing our own sustainable livelihood fishery, separate from the Commercial fishery as we have a responsibility to protect our affirmed treaty right and the court ruling. By working together, we will develop sustainable community fishing plans, as this is important to our people today and to the sustainability of the resource for future generations. (Chief Terrance Paul, as cited in Assembly of Nova Scotia Mi'kmaw Chiefs, 2020, Sept. 10)

Although *Netukulimk* has been a value practiced by Mi'kmaq for centuries, Mi'kmaw communities across Nova Scotia have begun outlining the concept and values in writing to outline clear guidelines for governance and resource management (L'nuey, 2022). This shift from passing on *Netukulimk* principles through oral methods to detailing it in writing and guidelines has largely developed in response to the outcomes of the 1999 Marshall Decisions, in which they are tasked with establishing 'proper' governance of the moderate livelihood fishery, as well as the persecution the Mi'kmaq have faced for exercising their Treaty rights (Drysdale, 2021; Dorey, 2020a).

Netukulimk fisheries plans for each community are easy to understand as they clearly outline fishing restrictions and allowances and are readily accessible online or by direct email requests. In 2019, the Assembly of Nova Scotia Mi'kmaw Chiefs published a set of interim standards for *Netukulimk* fisheries, which were then revised again in 2020 (Assembly of Nova Scotia Mi'kmaw Chiefs, 2020). These 14 standards of a *Netukulimk* fishery were drafted in collaboration with the Grand Council, councillors, community members, and fisheries managers to ensure moderate livelihood fisheries incorporate community, spiritual and economic well-being into their actions while maintaining conservation and sustainability as a priority (Assembly of Nova Scotia Mi'kmaw Chiefs, 2020). As seen in Table 1, there remain three standards under review and discussion.

Table 1

17 Standards of a Netukulimk Fishery

<p>Basic Standard: <i>Netukulimk</i> <i>Netukulimk</i> is the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic and spiritual well-being without jeopardizing the integrity, diversity or productivity of the “natural bounty.”</p>	<p>Standard 1 Each Mi’kmaq community in Nova Scotia shall have its own <i>Netukulimk</i> Livelihood Fishery Plan.</p>	<p>Standard 2 <i>Netukulimk</i> Livelihood Fishery Plans must be consistent with the Mi’kmaq concept of <i>Netukulimk</i>.</p>
<p>Standard 3 <i>Netukulimk</i> Livelihood Fishery Plans will emphasize resource conservation, environmental standards and safety.</p>	<p>Standard 4 **This standard is still under review and needs community discussion</p>	<p>Standard 5 Fish caught by Mi’kmaq registered and harvesting in compliance with a community plan, may be sold, traded, bartered, consumed or donated.</p>
<p>Standard 6 Mi’kmaq harvesters fishing under the <i>Netukulimk</i> Livelihood Fishery Plans, net benefits shall go to the harvester and their families, but if directed, shall give back to the fisheries community according to their community plan.</p>	<p>Standard 7 Opportunities to register under a community <i>Netukulimk</i> Livelihood Fishery Plan will be accessible, transparent, and fair for all members of the Mi’kmaq of Nova Scotia.</p>	<p>Standard 8 **This standard is still under review and needs community discussion</p>
<p>Standard 9 Harvesters fishing under <i>Netukulimk</i> Fishery shall carry personal identification and proof of registration under a community plan.</p>	<p>Standard 10 Each Mi’kmaq community in Nova Scotia shall administer a system to ensure the compliance of harvesters registered under their community's <i>Netukulimk</i> Livelihood Fishery Plan.</p>	<p>Standard 11 All <i>Netukulimk</i> Livelihood Fishery harvesters must comply with any plan conditions in relation to species, locations, and any other conditions as specified.</p>
<p>Standard 12 All fishing gear used by harvesters must be marked, tagged and identifiable as registered under the <i>Netukulimk</i> Livelihood Fishery.</p>	<p>Standard 13 <i>Netukulimk</i> Livelihood Fishery harvesters must report their catch in accordance with all conditions of registration of their community plan.</p>	<p>Standard 14 Harvesting under the <i>Netukulimk</i> Livelihood Fishery Plan is to be monitored to ensure the safety of harvesters and to ensure the integrity, diversity and productivity of the fish and their environment are preserved.</p>
<p>Standard 15 **This standard is still under review and needs community discussion.</p>	<p>Standard 16 Food, Social & Ceremonial; Commercial; Communal-Commercial and <i>Netukulimk</i> Livelihood Fishery are distinct and separate, with their own rules and regulations.</p>	<p>Standard 17 **This standard is still under review and needs community discussion.</p>

Note. Standards of a Netukulimk Fishery. Adapted from Assembly of Nova Scotia Mi’kmaq Chiefs, *Standards of a Netukulimk Fishery*, 2020. https://mikmaqrights.com/wp-content/uploads/2020/12/Livelihood-Standards-Poster_FINAL.pdf

In October 2020, Potlotek First Nation released its own *Netukulimk* Livelihood Fisheries Policy and Protocol, outlining the values and rules the members must abide by within their fisheries (Potlotek First Nation, 2020; APTN, 2020). This plan also outlined lobster-specific conditions, such as registration and identification with the Band Council, strict compliance with the plan, safety, fishing location and gear restrictions, and strict conservation and catch prohibitions (Potlotek First Nation, 2020). These restrictions outlined trap limits set by the commercial fishery, prohibiting retention of lobsters with eggs, moulting, or below a certain size, and the closing of the lobster livelihood fishery during moulting periods during the summer lunar cycles (Potlotek First Nation, 2020). The Kespukwitk District - Annapolis Valley, Bear River, and Acadia First Nations - has also outlined a general *Netukulimk* Livelihood Fisheries Protocol, as well as a specific *Netukulimk* Livelihood Fisheries Management Plan for lobsters, with restrictions in line with the Potlotek *Netukulimk* Fisheries Plan (Kespukwitk District, 2021a; Kespukwitk District, 2021b; APTN, 2020).

These guidelines directly contradict the notion that the moderate livelihood fishery is unsustainable and illegal due to their lack of conservation and sustainability guidelines and restrictions on their fisheries (Drysdale, 2021). Despite their accessibility, these plans are rarely integrated into larger conversations around lobster stock conservation and sustainability.

2.5 Journalistic Principles and Practices

2.5.1. Guiding Principles and Standards for Good Journalism

As with any industry, journalism has core principles that set a standard for good reporting and trust with the public. Mainstream media sources such as CBC, CTV, Global News and The Globe and Mail outline the organization-specific ethics and principles they follow within their reporting (CBC, n.d.; CTV News, n.d., Global News, n.d.; The Globe and Mail, 2022; CBC Kids, 2023). However, these standards often outlined by news outlets are influenced by standard journalism principles within the industry and for journalists to strive for. There are ten key principles of journalism that are essential to a journalist's work and creating ethical and quality reporting (Kovach & Rosenstiel, 2007; Miller, 2005; McCue, 2022; TRC, 2015a).

Kovach & Rosenstiel outline the ten journalistic principles in their 2014 book as follows:

1. Journalism's first obligation is to the truth.
2. Its first loyalty is to citizens.

3. Its essence is a discipline of verification.
4. Its practitioners must maintain independence from those they cover.
5. It must serve as a monitor of power.
6. It must provide a forum for public criticism and compromise.
7. It must strive to make the significant interesting and relevant.
8. It must present the news in a way that is comprehensive and proportional.
9. Its practitioners have an obligation to exercise their personal conscience.
10. Citizens have rights and responsibilities when it comes to the news as well - even more so as they become producers and editors themselves.

Each of the ten principles, guidelines and best practices is encompassed by the overarching principles of independence, accuracy, and fairness and balance (Miller, 2005; Fitzgerald, 2006; Kovach & Rosenstiel, 2007; McCue, 2022).

Independence

Journalists should act as independent monitors of power, maintaining loyalty to the public above all others (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014). Accountability is a key role requiring journalistic independence, as journalists act as watchdogs, holding people in power accountable for their actions or inactions (McCue, 2022). As independent observers, journalists have a duty to uphold integrity by avoiding real or perceived conflicts of interest and refraining from using their influence for personal gain (Gillespie, 2018; Kovach & Rosenstiel, 2014). This requires journalists to remain free from external influences, such as financial incentives and institutional alliances, as well as internal influences, such as assumptions and biases (Miller, 2005; Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022).

Journalists cannot be completely objective and free from bias since we as humans perceive the world through our own value systems and social locations (Gillespie, 2018; McCue, 2022). However, bias can inform decisions made in story productions, such as which stories to cover, who is interviewed, what information is included or excluded, and more (Gillespie, 2018; McCue, 2022). Employing objective journalistic methods can help mitigate the impact of personal, social and cultural biases on their coverage (McCue, 2022). To achieve this, journalists should avoid repeating jargon or rhetoric and instead find their own words, employing neutral language to convey their stories (Miller, 2005; Kovach & Rosenstiel, 2007; Kovach &

Rosenstiel, 2014; McCue, 2022). By adhering to principles of independence, journalists can challenge public complacency and amplify the voices of marginalized members of society, or those with less social power (McCue, 2022, p.17).

Accuracy

Journalists widely agree that accurate reporting and the pursuit of truth are essential for credible and trustworthy journalism (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; ONAethics, n.d.) This pursuit of truth is an ongoing process, as journalists continuously enhance their understanding of the events they cover and the necessary context by seeking diverse views, opinions, and communities (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022). This effort helps to accurately represent the reality of the situation and eliminate misinformation or disinformation (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022).

Verifying the information chosen for their articles and provided by sources is crucial for journalists to prevent bias and ensure that misinformation does not undermine one's work (CBC Kids News, 2023; Kovach & Rosenstiel, 2014; Kovach & Rosenstiel, 2007). Journalists must double-check all factual claims and consult multiple witnesses, sources, and perspectives to create a more accurate portrayal of the events they cover (McCue, 2022; CBC Kids News, 2023; ONAethics, n.d.). In addition to this verification, meaningful background information and context related to the events discussed in the writing are necessary (Miller, 2005; Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022).

Properly quoting interviewees is also important to avoid misleading the public about the interviewees' views and opinions (Gillespie, 2018; Ward, n.d.). Quotes included in news articles should be factual and accurate to the situation being reported on; if there are inaccuracies, it should be clear that the quotes are a matter of opinion, not fact, or they should be followed by correct contextual information (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014).

Furthermore, journalists must use accurate language and phrasing, avoiding sensationalism or stereotypes (Miller, 2005; Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022). Their language should reflect the reality of the issues they cover rather than relying on rumours (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014). This approach requires journalists to resist the pressure to publish their coverage immediately, particularly when there is already existing news commentary on a topic, in order to avoid

perpetuating harmful language that can further misinform or disinform the public (McCue, 2022; Kovach & Rosenstiel, 2014; Kovach & Rosenstiel, 2007). They should also be mindful of relevant terminology and language to the events they cover, such as incorporating Indigenous language when covering Indigenous topics (Miller, 2005; Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022).

Fairness and Balance

Journalists use their professional judgement to make editorial decisions, such as who is included in an article and where (Gillespie, 2018; McCue, 2022). Concepts such as the inverted pyramid highlight that the placement of certain groups and information within an article can lead to unfair representation and alter the focus of the news piece (Miller, 2005; Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022; Gillespie, 2018). In the inverted pyramid structure, the most important details are presented at the beginning of the article, with information deemed less important following (Gillespie, 2018). This ensures that if readers only skim the first few sentences of an article, they will still receive the essential information (Gillespie, 2018).

This structure underlies journalists' duty to represent the individuals in their coverage fairly (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022). The way journalists frame the perspectives, opinions and statements of those involved in their coverage can significantly impact how they are perceived (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022). To achieve fair and balanced coverage in mainstream media, journalists need to provide a wide range of information, including diverse topics, perspectives and thoughts, allowing their audience to form their own opinions (McCue, 2022; Gillespie, 2018; Abbey, n.d.). This involves seeking quotes or statements from parties on all sides involved in an event, issue, or in the case of allegations, and giving people a reasonable amount of time to respond (Kovach & Rosenstiel, 2007; Kovach & Rosenstiel, 2014; McCue, 2022; Abbey, n.d.).

This approach helps journalists prevent unbalanced coverage, in which only the voices of those on the opposite ends of the discussion or those with social power are heard (Abbey, n.d.; Kovach & Rosenstiel, 2017). However, journalists must also be wary of false balance. This occurs when contradictory opinions are presented alongside known facts (e.g., stating that a member of the public does not believe there is lobster in an area because they have not caught them, when research and population statistics say otherwise), thereby treating opinions as fact

(Gillespie, 2018; Abbey, n.d.). This can happen if journalists are not adequately familiar with the subject of their story, leading them to confuse fact with opinion or merely transcribing their sources' views without clarifying it as opinion (Gillespie, 2018; Abbey, n.d.). This can misinform or even disinform the public (Gillespie, 2018; Abbey, n.d.). Journalists have a responsibility to frame individuals fairly in their writing. The language used to describe people, their actions, or their stances can significantly impact their representation and how the public perceives them.

2.5.2. Canadian Media Coverage of Indigenous topics

Canadian media has a history of providing problematic coverage of Indigenous Peoples, their histories, challenges and successes (TRC, 2015a; McCue, 2022; Anderson & Robertson, 2011). This trend continues in modern media, in which Indigenous Peoples and their stories are typically underrepresented or excluded unless covering a larger public issue (e.g., defending their rights) (TRC, 2015a; Brown & Harlow, 2019; Kenyon et al., 2016; Nairn et al., 2017). Coverage of Indigenous Peoples in Canada, particularly in media reports on their defence of rights, has been largely delegitimizing, placing emphasis on militancy and framing them as confrontational, violent, and challenging social norms (Wilkes et al., 2019; Brown & Harlow, 2019; Nairn et al., 2017). The media often portrays Indigenous people in opposition to others in society, whether intentionally or unintentionally (Wilkes et al., 2019; Nairn et al., 2017). This has framed those who oppose Indigenous rights or perspectives as the true members of society, representing the majority of the population, or as having the correct stance on issues (Wilkes et al., 2019; Nairn et al., 2017). This polarizing approach to reporting on conflict falsely legitimizes opposition to treaty rights in Canada and indicates it is a topic worthy of contention (Nairn et al., 2017).

These issues are particularly problematic as mainstream media is the source that much of the general public looks to for coverage of stories relating to Indigenous Peoples, their histories and contemporary stories (Wilkes et al., 2019). Tight deadlines and quick turnaround times impact the way journalists select their topics and interviewees, define the underlying problems and history that have led to current events, and interpret what they are currently seeing (Fitzgerald, 2006). While this has consequences for media coverage, the prioritization of rapid journalism often causes significant harm to Indigenous peoples and communities, further marginalizing them through inaccuracies and stereotyping (Fitzgerald, 2006; Weston, 1996). It often results in racist and inflammatory commentary relating to the real crisis and rights violations that Indigenous Peoples are experiencing (Budd, 2021; TRC, 2015a). The media's role

and responsibility in reconciliation require journalists to be informed and educated on the history of Indigenous Peoples and the topics that impact their lives (TRC, 2015a; McCue, 2022). However, Canadian media continuously fails to address its previous faults and move toward meaningful truth and reconciliation (Budd, 2021; Kenyon et al., 2016; TRC, 2015a).

There are many examples of Canadian media coverage of Indigenous rights and resource disputes. To highlight some specific issues that appear in mainstream media reporting of these conflicts, the cases of Ipperwash, Burnt Church and We'tsuwe'ten are discussed below. These examples demonstrate the impact mainstream media coverage can have on a case and the need for journalists to follow journalistic principles.

Ipperwash

In 1995, a group of Ojibwe people began peacefully occupying Ipperwash Provincial Park. This occupation was a land reclamation in response to their forcible removal from Stoney Point reserve during World War II, when the land was taken and turned into an army training base but never returned to the Ojibwe (Salomons, n.d.). They began reoccupying the Ipperwash Provincial Park, an original part of their reserve and an area where burial grounds existed (Salomons, n.d.; Miller, 2005). While the Ojibwe stated they had the right to occupy the land for its protection, the government claimed the Ojibwe were trespassing. In response to the occupation of Ipperwash Provincial Park, 40 riot police marched on the group, resulting in the shooting and subsequent death of Anthony (Dudley) George by an Ontario Provincial Police (OPP) sniper (Miller, 2005).

In 2005, John Miller conducted a critical analysis of the media coverage surrounding the Ipperwash crisis for the Ipperwash Inquiry in 2007 (Ministry of Indigenous Affairs and First Nations Economic Reconciliation, 2021). This report explored 496 articles covering key events throughout the crisis to determine how well coverage of the events met journalistic principles.

Miller found the coverage of the Ipperwash crisis to be problematic. Reporters were not on the ground to observe the events as they unfolded, which resulted in wildly conflicting accounts of events from all sides, with journalists unable to verify the information beyond witness statements. As the story gained national coverage, the context around the occupation was lost, and the narrative shifted from a story about land disputes between Chippewa and the federal government to a story about police investigations into troublesome First Nations individuals. Miller explained that Chippewa individuals occupying the park were labelled by journalists as

“trouble makers,” “rebels,” “unruly,” and “violent” and benefiting from a double standard of justice rather than having a legitimate right to their land (p. 10, 30-31). Whether intentional or not, these racist stereotypes and inaccurate generalizations by reporters discredited and invalidated the concerns and stances of the Ojibwe occupying the park. This was only compounded as reporters relied on outside sources for information rather than those who were present at the scene. As Miller highlighted, reporters gave more weight to who they deemed official sources, particularly the police, unrelated First Nations leaders, and politicians, to provide their perspectives on the conflict (Miller, 2005).

Overall, Miller’s report found that while the coverage did provide the public with some general insights and introductions into the unfolding events at Ipperwash Provincial Park, the media coverage was flawed. Rather than attempting to educate and inform the public, it created confusion and required an inquiry to determine what truly happened (Miller, 2005).

Burnt Church

In the wake of the 1999 Marshall decision that upheld treaty rights, Mi’kmaq from Esgenoôpetitj, more commonly known as Burnt Church, New Brunswick, took to Miramichi Bay and began setting up lobster traps outside of the commercially regulated season. Non-Mi’kmaw harvesters felt the decision was unfair and feared the loss of their livelihoods (Fitzgerald, 2006). Violent conflict erupted between Mi’kmaq and both commercial fishermen and officers from the Department of Fisheries and Oceans (Fitzgerald, 2006). Often referred to as the Burnt Church Crisis, or Lobster Wars, the Mi’kmaw assertion of rights and subsequent backlash made international headlines.

In 2006, Paul Fitzgerald focused his thesis on media coverage surrounding the Burnt Church crisis, titled *This is the News: Donald Marshall, the Supreme Court and Troubles on the Water at Burnt Church*. This report explored the differences and similarities between national, provincial and Indigenous news sources coverage of the Burnt Church crisis. In his report, Fitzgerald found that the quality and type of media coverage and the individuals the coverage focused on varied between news outlets. Mainstream media focused mainly on the conflict itself, rather than the true meaning or reasoning for the disputes. This was evident by journalists using opposing accounts from Mi’kmaw and non-Mi’kmaw commercial harvesters in their writing, as well as emphasizing boat ramming incidents, raids, and the intense emotions felt on both sides. In addition to the conflict between Mi’kmaw and non-Mi’kmaw harvesters, journalists followed

the narrative that Mi'kmaw harvesters were disputing with the government, pushing the idea that Mi'kmaw were in defiance of the law (Fitzgerald, 2006).

Although the large number of articles published surrounding the Burnt Church crisis allowed the public to gain information from a variety of sources, Fitzgerald found that the sensationalism and sheer quantity of articles produced likely worked only to confuse the general public as to what was truly happening, and lose the meaning behind the conflict (Fitzgerald, 2006).

Wet'suwet'en

In 2020, the Coastal GasLink pipeline was passed by British Columbia's provincial government, with approval from elected We'tsuwet'en band councillors (Dhanrajh et al., 2022). However, the hereditary chiefs, who are considered authorities within the Wet'suwet'en nation's traditional governance systems, denied Coastal Gaslink access to their traditional lands for the pipeline (Dhanrajh et al., 2022; Budd, 2021). In solidarity, thousands of people – Indigenous and non-Indigenous – protested nationally, shutting down the construction of the pipeline, railways, transportation, and government buildings (Dhanrajh et al., 2022; Budd, 2021). Eventually, the BC government met with hereditary chiefs and postponed pipeline construction before resuming in late 2020 (Dhanrajh et al., 2022).

In 2022, Madhurie Dhanrajh, Annie Ding, Alexander Lawson and Lily Yu drafted their report, *Indigenous Representation in Canadian Media: A Critical Analysis of the Wet'suwet'en and Coastal Gaslink Pipeline Conflict*. This report explored the representation of Indigenous people and issues in Canadian media during the Wet'suwet'en crisis, with a specific focus on the biases, quotes and language demonstrated by each news outlet. In their analysis, Dhanrajh et al. found clear discrepancies between the news outlets. Indigenous news sources (i.e., APTN) were found to provide more balanced coverage of the protests and those involved. Non-Indigenous news outlets exhibited anti-protest stances, prioritizing the economic benefit of the pipeline over Indigenous peoples' freedom of speech and sovereignty. Additionally, Dhanrajh et al., found that in contrast to Indigenous and national news outlets who used "land defenders" to refer to the Indigenous people opposing the pipeline, regional news outlets mainly referred to them as "protestors" (Dhanrajh et al., 2022, p.21). Indigenous land defenders were frequently stereotyped, assumptions were made about their perspectives and points of view, and their voices were noticeably excluded from coverage despite the issue directly impacting them (Dhanrajh et

al., 2022). Dhanrajh et al., found that phrasing and language usage such as this created unbalanced coverage of the events while also being inaccurate to the reality of the situation by continuing to frame Indigenous peoples as resisting the government or corporations (2022).

Key Takeaways

In each of the above cases, the coverage provided by journalists was flawed and contributed to how the public's understanding of the rights and resource conflicts. Analyses of the Ipperwash crisis, the Burnt Church crisis, and the Wet'suwet'en conflict revealed that many of the issues in the coverage are linked to journalistic principles.

First, journalists should have maintained independence in their reporting of each case by avoiding the repetition of rhetoric from the events and seeking out interviews or statements from all involved parties. This approach would have helped them provide accurate, fair, and balanced accounts by providing a broad array of diverse perspectives and statements on the events. Particularly in the Ipperwash case, journalists should have been cautious about including information from sources that were present when they were not; this meant they could not personally verify or confirm the accuracy of the accounts. Finally, in each case, journalists should have been more careful about their language choices. Each case should have been more deliberate with their language choices. They needed to avoid the use of sensationalistic words and instead opt for neutral language that accurately represented the situations taking place, as well as the people involved.

2.5.3. Best Practices: Reporting on Indigenous-Related Conflicts

When covering Indigenous-related conflicts, journalists' coverage can impact the framing and representation of Indigenous Peoples. Previous reporting of Indigenous Peoples, their access to resources or land protection, and how mainstream media represented this can provide several key lessons on how to best report on conflict events.

First, it is important to provide context in every story so the audience understands what has led to the unfolding events, as well as any underlying causes for conflict (Miller, 2005, p.59; McCue, 2022). The context required varies depending on the event the journalist is covering but may include a general history of the Indigenous People involved, relevant treaties, land claims, background of industries involved, related legislation, regulations or acts, and if similar conflicts have occurred before (Miller, 2005, p. 59). This is important in framing the conflict not as a

singular event that has appeared from nowhere, but rather as a small section in a series of larger events and discussions (Miller, 2005, p.59; McCue, 2022). As Tanya Talaga said, although journalists are often limited in the space they have to include context within a story, it is necessary for readers to understand the importance of the event (McCue, 2022, p.179). It helps readers who may be unfamiliar with the unfolding events or histories of Indigenous Peoples interpret and make sense of the events and images seen before them (McCue, 2022).

Second, journalists must cover the human aspect of the conflict, explaining who is involved directly, who may be impacted as a result of the unfolding events, and what the overall impact may be to all involved (Miller, 2005, p.59). While this often refers to the inclusion of voices from both sides of the conflict, it also requires journalists to look for more than one Indigenous voice or source. Indigenous Peoples are not a monolith, and their ideas and opinions can still vary within their nations (McCue, 2022). This helps address any concerns or confusion as to why certain groups involved in the conflict may behave a certain way (Miller, 2005, p.59).

Third, journalists must approach the conflict with a certain level of skepticism, not taking everything that is said to them as fact (Miller, 2005, p.59). No matter if information is provided by community members, government, police, or industry, journalists must only trust what they have seen first-hand or can prove (Miller, 2005, p.59). If journalists include information that cannot be proven, they must question where the claim is coming from, if there is anything that backs it up, and what the repetition of said information may mean for the conflict itself (Miller, 2005, p.59).

Lastly, journalists should avoid placing labels and adjectives upon those within their stories to prevent stereotypical or inaccurate reporting (Miller, 2005, p.59). Precise language matters, particularly in times of conflict and particularly in conversations including Indigenous Peoples (Kovach & Rosenstiel, 2014); calling their actions illegal or referring to them in ways that separate them from the majority of society (i.e., labelling them as rebels or aggressive creates imagery that they are defying the legal system while labelling them as stoic or warriors can create a mental image that they are separate from the rest of Canadian society) and only contributes to their further marginalization (Miller, 2005, p.59).

Chapter 3: Methods

3.1 Context of Research

To best explore how Mi'kmaw and non-Mi'kmaw commercial fish harvesters are portrayed in mainstream media, online news articles are used as secondary data. This creates a broad picture of the language and narrative created within the time constraints of this research.

3.2 Critical Indigenous Theory

This research is informed by a Critical Indigenous Theory. The Critical Indigenous Theory pushes Indigenous and non-Indigenous academics, researchers and scholars to confront challenges in science, research, community and democracy in a way that strives to build relationships, reconciliation and decolonization (Denzin et al., 2008; Bujaki et al., 2023). This emphasizes that Indigenous ontology (individual truth and realities), epistemology (ways of knowing), axiology (values and roles) and methodologies (ways of doing) should form the basis of any work or research that is about or includes Indigenous Peoples, their stories, or their knowledge (Bujaki et al., 2023). Understanding reality under Critical Indigenous Theory requires building a foundational knowledge about past and present power and identity struggles from diverse perspectives that are needed to improve the reality and experience of those who are oppressed (Denny, 2022; Hickey, 2020).

Critical Indigenous Theory is based on Critical Theory, in which historical domination, alienation and social struggles inform a critique of society to envision new possibilities, as well as Critical Race Theory, which emphasizes that ideas of race and racism are deeply embedded within society's thought and systems, establishing this idea of white majorities (Creswell, 2007).

These concepts link to the ideas within this research that language can be a guiding theory, particularly concerning marginalized communities. Within the context of Indigenous communities, they have been marginalized for centuries by the white majority. Rather than having their oral tellings of stories reach the public, it has historically followed the pattern that their stories, ideas and knowledge are re-told and re-framed within the language and narrative that the white majority deems usable. Critical Indigenous Theory assists in exploring how language and news/media outlets are functions of the dominant social structures, of which critiques and centring Indigenous voices can assist in repairing the harm and preventing further marginalization.

3.3 Research Design

3.3.1. Data Collection

Specific search criteria were utilized to limit the number and quality of reports obtained about the 2020 Saulnierville lobster fishery celebrations and subsequent protests: 1) Articles were limited to mainstream media sources in Atlantic Canada, 2) Articles were published between September 1, 2020, and December 31, 2020, and 3) Articles were deemed breaking news.

The articles used within this research were required to be from a mainstream news media outlet with either a branch or reporter that focused coverage in Atlantic Canada (i.e., Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador). This meant that the articles were written for a primarily mainstream audience rather than for an Indigenous audience. In theory, journalists or outlets focusing on Atlantic Canada should have a better and more extensive understanding of local historical, social and cultural contexts that inform their coverage. This knowledge should limit the amount of biased or inaccurate language within articles due to a lack of knowledge or awareness about the Mi'kmaw people.

Secondly, articles were only included within this scope if they were published within the initial unrolling of the fall 2020 Saulnierville celebrations and protests. Articles were only included if published between September 1, 2020, and December 31, 2020. This timeline was designed to properly capture how accurately mainstream news outlets reported on discussions surrounding Indigenous treaty rights and violence against them during periods of media frenzy.

Lastly, to further limit the data obtained from this search, articles were only included if they could be considered “Breaking News”. For this research, this meant articles had to be published within 36 hours of the event in which they were reporting (i.e., if a journalist was discussing a conflict that erupted on the evening of October 6, it had to have been published by mid-afternoon of October 8th).

3.3.2. Data Compilation

In total, 17 articles were obtained using the above search criteria. 6 articles were from CBC, 4 from CTV News Atlantic, 3 from Global News, 1 from National Post, 2 from The Globe and Mail, and 1 from Saltwire. To ensure that all the articles were properly analyzed, the full text from each article was copied and pasted into a Google document. This ensured that any text

featured in advertisements on the news pieces was fully excluded from the analysis. It also allowed for the exclusion of any image captions that were duplicate sentences from the actual news article text.

3.3.3. Data Analysis

The text data retrieved from articles within the research scope will be used in a media content analysis. A media content analysis involves a systematic method to study, examine, interpret and critique material content within forms of mass media, such as newspapers or news articles (Cashmore, 2006). Contemporary media analyses pay a lot of attention to the quantitative exposition of biases in media reporting, exploring how we read and engage with media and the way we package media to cater to a global audience (Cashmore, 2006).

For this research, the media content analysis will be conducted using Voyant, a web-based text analysis tool. The text from all 17 articles was compiled into one, also referred to as the ‘corpus,’ which will be pasted directly into Voyant, reducing the risk of interpreting the text from advertisements on the website.

The analysis will seek to determine themes, patterns and similarities across the data. It will generally analyze all the articles, exploring the word count and relationality of words to determine the language used and the overall narrative featured within the articles. Then, a smaller sub-section of 6 articles will be used to conduct a deeper analysis. This sub-section will be used to explore which groups (i.e., Mi’kmaw fishermen, commercial fishermen) are featured in the articles, when they are featured in the articles, and when they are featured in the overall timeline of events.

Chapter 4: Results

I conducted a media analysis on the collection of 17 breaking news articles (as seen in Appendix A) using Voyant. An initial overview of the collection of 17 articles (also called the corpus) was created by exploring the words used with the most frequency, as well as when certain words appeared in relation to each other. After the initial overview, I then hand-selected six of the breaking news articles, one from each mainstream media source. The in-depth analysis used the journalistic principles of independence, accuracy, and fairness and balance to examine the language used and representation of Mi'kmaw and non-Mi'kmaw commercial lobster harvesters.

4.1 Overview of Articles

4.1.1. Term Frequency

Across all 17 articles uploaded into Voyant, there were 17,740 total words used (i.e., every word counted), with only 2,475 unique words (i.e., words such as 'the', used multiple times, are counted once). A stop-word list removed numbers and words that held little to no meaning in the analysis, such as articles (i.e., 'an,' 'a,' 'the'), possessives (i.e., 'my,' 'your,' 'our'), demonstratives (i.e., 'this,' 'that,' 'these'), and quantifiers (i.e., 'most', 'all'). After removing the stop-list words, the 10 most frequent words in the corpus were 'indigenous' (used 128 times), 'commercial' (113 times), 'livelihood' (95 times), 'moderate' (88 times), 'RCMP' (68 times), 'nation' (58 times), 'Mi'kmaw' (54 times), 'federal' (51 times), 'right' (50 times) and 'Sack' (47 times).

6 times across the entire corpus, 'racism' was used 3 times across the corpus, 'racial,' 'race,' and 'racists,' were included once each. Other words such as 'terrorist' and 'terrorism' were each used twice, and 'discrimination,' 'reconciliation,' and 'systemic' were each used once across the entire corpus.

Despite alleged conservation concerns for the lobster stock, the word 'conservation' was only used 17 times amongst 12 of the 17 articles within the corpus. Related concepts of 'sustain' and 'sustainability' were only used once each.

Lastly, although each article is assumed to have been edited before publishing, and many were updated after their original publication, there were noticeable mistakes with Mi'kmaq-related words. There were instances in which 'Mi'kmaq' was spelt as 'Mi'maq' (missing a letter 'k') and 'Marshall's' as 'Marshal's' (missing a letter 'l').

4.1.2. Term Relationality

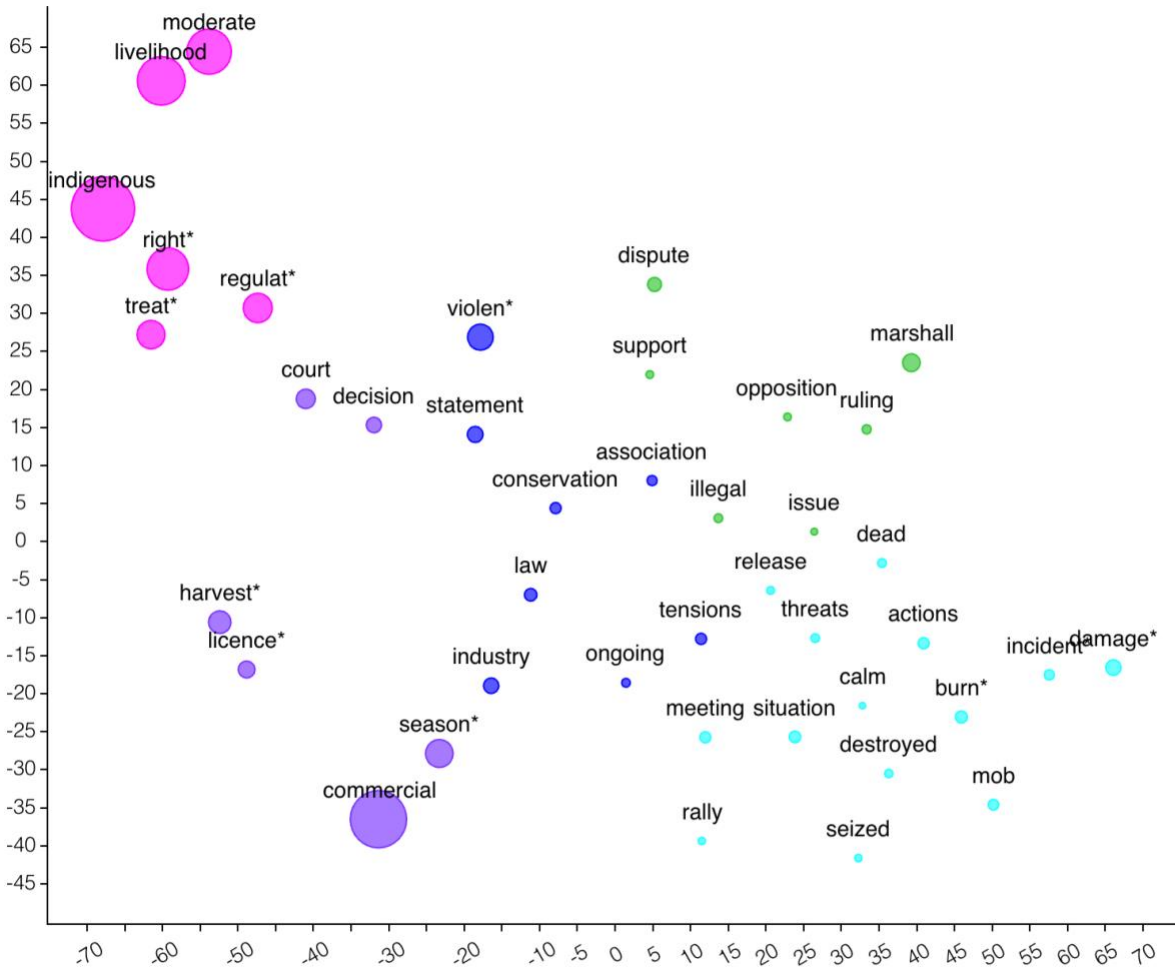
The corpus was utilized to create a scatter plot, providing a visual representation of both the frequency and relationality of words across all 17 articles. Utilizing the same list of stop-words from the word count, the list of the top 70 most frequently used words was generated. This list was then further refined manually by removing the names of people (i.e., Sack), places and/or locations (i.e., wharf, Edinburgh) and words deemed to have little significance (i.e., 'new,' 'supreme,' and 'court'). Then, the asterisk symbol (*) was used to compile words with multiple conjugations (i.e., violen* encompasses 'violence,' 'violent,' and 'violently').

Figure 8 visually demonstrates the correlation and frequency of the selected words across the corpus. The size of each bubble demonstrates the frequency, or the number of times, each word was used. The words are then separated into five distinct colour groupings, correlating them based on usage in similar instances. The placement of the bubbles across the scatter plot demonstrates the frequency in which words are used in relation to each other. For example, the scatterplot indicates that 'moderate' and 'livelihood' are used in similar instances (colour coding), as well as frequently in relation to each other (proximity to each other). This is

understandable, as they are often paired together in reference to the moderate livelihood fisheries.

Figure 8

Correlation and frequency of select words across media articles



Note. The size of the bubbles represents the number of times each word was used across the corpus; larger bubbles demonstrate a higher count of the words across all the groups of text. The colour of the bubbles groups words, or create clusters, to represent words used in similar instances and contexts together. The proximity of the bubbles correlates with the frequency in which the words are used to each other.

There are several interesting findings in the scatter plot. First, words such as ‘right*’ (i.e., rights, right), ‘treat*’ (i.e., treaty, treaties), and ‘regulat*’ (i.e., regulate, regulated, regulation, regulations, regulatory) were used most frequently in relation to the term ‘Indigenous’ across the articles. This was in stark contrast to ‘commercial,’ which appeared on the opposite ends of the vertical axis. Additionally, ‘licence*’ (i.e., licence, licences), ‘season*’ (i.e., season, seasons,

seasonal) and ‘harvest*’ (i.e., harvest, harvester, harvesters, harvesting, harvested) were largely used in similar instances and contexts as ‘Commercial.’ The use of ‘violen*’ (i.e., violent, violence, violently) was notable, as the colour grouping and placement on the scatterplot indicate it was used in different contexts from other adjectives and nouns with negative intonations, such as ‘damage*’ (i.e., damage, damages, damaged), ‘burn*’ (i.e., burn, burnt, burning, burned), ‘destroyed,’ and ‘threats.’ Lastly, the placement of ‘marshall’ on opposite ends of the horizontal X-axis indicates that it is infrequently used in relation to either ‘Indigenous’ or ‘Commercial’ but rather used separately.

4.2 In-Depth Analysis

To build off the Voyant overview and provide further context for the overall findings, an in-depth analysis was conducted. One breaking news article was selected from each news outlet featured within the 17 articles inserted into Voyant (See Table 2).

Table 2

Six articles selected for the in-depth analysis of breaking news sources

Story #	Outlet	Date	Title
1	Saltwire	October 16, 2020	Tempers ignite in lobster fishery dispute between Indigenous, non-Indigenous fishers in Southwest Nova Scotia
2	Globe and Mail	October 14, 2020	RCMP criticized for inaction after mob violently attacks Mi’kmaq lobster facilities
3	National Post	October 15, 2020	N.S. First Nations chief says self-regulated lobster fishery will press ahead despite clashes
4	Global News	October 20, 2020	N.S. Assembly of Mi’kmaq Chiefs demands DFO stop seizing moderate livelihood lobster traps
5	CTV News Atlantic	September 29, 2020	Mi’kmaq lobster fishery in Nova Scotia grows to 10 boats from seven
6	CBC News	November 13, 2020	N.S. Seafood Alliance declares opposition to out-of-season moderate livelihood fishery

Note. The stories were numbered in no particular order. Their full references can be found in the Reference List.

Each of the six articles was selected purposefully, as they varied in the language and narratives given, displayed biased writing and rhetoric, or were distinct from the others.

Utilizing the three journalistic principles of independence, accuracy and, fairness and balance, as outlined in the literature review, each article was examined in-depth to determine key themes presented across all the articles. In particular, the articles were analyzed to explore if they included Mi'kmaw voices and perspectives (i.e., the inclusion of Mi'kmaw quotes, diverse perspectives, Mi'kmaw concepts), background context to the events (particularly around the Marshall decisions, moderate livelihood fisheries), language choices (i.e., use of neutral or biased language, the inclusion of Mi'kmaw words), article structure in line with the inverted pyramid structure (i.e., what narratives were given the most importance), the verification of information (i.e., journalists distinguish opinions and perspectives from fact, quotes are followed with evidence, clarification or disclaimers to validate their claims), and evidence of stereotypes or bias (i.e., harmful assumptions or labelling of involved parties, clear association to either the Mi'kmaw, non-Mi'kmaw commercial harvesters, or government bodies). The full data obtained from the in-depth analysis can be found in Appendix B.

4.2.1. Independence

The articles were analyzed within the principle of independence to determine the repetition or use of jargon or rhetoric, biased language, accountability and conflicts of interest among journalists.

A conflict of interest could not be determined with the six breaking news articles analyzed. None of the articles provided any blatant indications that journalism could be influenced by outside sources (i.e., sponsors, funding) or internal biases (i.e., community connections).

The accountability of those involved in the fishery dispute was explored in the six breaking news articles. Out of the six articles, Stories 1-3 allowed protestors to shift their responsibility for their violent actions through a change in the language (i.e., vandalism/violence). Story 1 allowed this to happen seven times. For example, “The commercial industry, on the other hand, says DFO has created the ongoing situation by not enforcing its own regulations. They also point the finger at the province when it comes to lobster buyers purchasing out-of-season lobsters.” (Comeau, 2020) deferred the responsibility of the violence

that had erupted from commercial harvesters onto the government. Story 3 also allowed this shift in responsibility to happen twice, and Story 2 allowed it to happen once.

Coverage also allowed people to criticize authorities such as the RCMP and DFO. Story 2 was critical of the RCMP's inaction at the protests at the lobster pound, working to hold them accountable. They included RCMP statements about the protests, as well as the responses of community members to hold RCMP accountable over how they policed the protests. For example, "The RCMP, who struggled to calm the crowd down, say they're investigating both incidents – but have been widely criticized by Mi'kmaq communities and Indigenous leaders across the country for allowing what one local chief called an act of 'terrorism'" was later followed with "The chief of Sipekne'katik First Nation, meanwhile, says the angry mob was unimpeded by police, who looked on as they attacked the two lobster facilities." (Mercer, 2020). Additionally, Story 4 allowed Mi'kmaq to call for accountability from the government surrounding the moderate livelihood fisheries ("This morning (Department of Fisheries and Oceans) officers are back at our people again. Canada needs to be held accountable," said Sack in a Facebook post.) (Quon, 2020). However, neither the minister nor spokespeople for DFO responded, meaning the story itself did not provide accountability. Story 5 also included the Mi'kmaw calls for accountability from the Province of Nova Scotia on its role in the fisheries: "The First Nation leader has called on the premier, who is also the provincial minister of Aboriginal Affairs, to 'remedy the legislated gaps.'" (Canadian Press Staff, 2020). A spokesperson for the premier claimed to be unavailable for comment.

Within the six breaking news articles, select articles relied more heavily on biased language, jargon and rhetoric repeated throughout word choices. For example, five out of the six articles referred negatively to the Mi'kmaw fishery as 'illegal' or 'out of season' (i.e., Story 1-3, Story 5, Story 6). There was also a stark difference in how often they used it. Stories 2, 3 and 5 only referred negatively to 'illegal' or 'out of season' once or twice, while Story 1 referred to them negatively nine times, and Story 6, 14 times. Story 4 and Story 5 were also the only two that did not refer to the protests as conflicts, disputes, tensions or clashes. In contrast, Stories 1-3 and Story 6 primarily used this language (i.e., Story 1 used said language five times, Story 2 four times, Story 3 three times, and Story 6 once).

4.2.2. Accuracy

Within the principle of accuracy, the articles were analyzed to determine if there appeared to be a pursuit of truth, if the information was verified, if background information and context were included, and if the language used was accurate to the reality of the situation.

The language choices in the six articles misrepresented the events that unfolded in 2020. In all except Story 4 and Story 5, the events that unfolded were labelled as a ‘dispute,’ ‘opposition,’ ‘conflict,’ or ‘clash’ between the two groups. However, this did not properly represent the reality of the situation, which began as a celebration by Mi’kmaw harvesters and was met with protests. There was also a tendency across the articles to soften the violent actions of non-Mi’kmaw commercial fishermen through language choices and phrasing. For example, the theft of, and illegal taking of Mi’kmaw lobster traps and property was labelled as the traps having been ‘removed’ by non-Mi’kmaw commercial harvesters in Story 1, Story 4 and Story 5. Additionally, the arson, thefts and vandalism caused by non-Mi’kmaw commercial fishermen at lobster pounds were described as ‘damage’ 15 times rather than more accurate words such as ‘arson’ (used once in Story 4) or ‘stolen’ (not used within the articles).

There was also a noticeable lack of quality or appropriate context included in the breaking news reporting. While stories may have mentioned the Marshall decision and its association with treaty and moderate livelihood fishing, these descriptions typically spanned 1-2 sentences across the entire article. The majority of the time, this context was limited to a version of ‘the Supreme Court’s 1999 Marshall decision ruled Mi’kmaq have a right to fish for a ‘moderate livelihood.’ This lacked the context to inform the public on the Peace and Friendship Treaties (1760-1761), what led to the Marshall Decision and its clarification, differing opinions on what constitutes moderate livelihood fishing, the lack of amendments to the *Fisheries Act* in response to the Marshall Decisions, and how this tied into conservation concerns. In terms of context, three of the six articles (Stories 3, Story 5 and Story 6) made no mention of the Marshall Decision; out of the three that did mention the Marshall Decision, only one story referenced it within the first third of the article (i.e., Story 4). Two of the six articles (Story 2 and Story 3), when mentioning treaty rights, included them as an attribution rather than fact. Themes of conservation were only included eight times across all six articles, with four of those times referencing it in relation to the Mi’kmaw being a threat to it (i.e., Story 3 once, Story 5 once, Story 6 three times).

Lastly, there was little fact-checking and verification of information in the six breaking news articles. When protestors made claims regarding the Marshall decisions, moderate livelihood fisheries, or treaty rights, there was little verification as to what they entailed. For example,

Moderate livelihood fisheries were claimed to be illegal and taking place outside of commercial seasons 28 times across the six articles. In Story 1, protestors claimed the moderate livelihood fishery was unsanctioned. However, this went unverified, with no further reference made to the validity of this claim. Similar patterns appeared surrounding claims of conservation and harm to the lobster populations. Conservation was mentioned five times (i.e., in Story 3, Story 5 and Story 6) regarding the Mi'kmaw harvesters as a concern; however, these concerns were only fact-checked once in Story 6. In addition to general conservation concerns, Story 1 and Story 2 discussed the finding and destruction of what was alluded to as Mi'kmaw-caught lobster. Story 2 repeated the claims that thousands of pounds of Indigenous-caught lobster were destroyed by commercial fish harvesters; however, this claim went unverified in the article. In contrast, Story 1 clarified that the destroyed lobster was frozen and caught previously in the commercial season without indicating who had caught it. However, this clarification is introduced at word 1216 in the story, halfway through the article. Lastly, Story 5 was the only one to examine the substantial difference in fleet sizes between the Mi'kmaw and non-Mi'kmaw commercial fishermen (10 boats with 500 traps total versus approximately 979 licenses with 375-400 traps each) and its minimal impact.

4.2.3. Fairness and Balance

Within fairness and balance, the inverted pyramid structure was used to determine the order and placement of Mi'kmaw and non-Mi'kmaw lobster harvesters in the narrative. The inverted pyramid structure of journalism requires journalists to include the most important, or newest, information at the top of an article, with additional details following in order of importance. Mi'kmaq, First Nations, or Indigenous Peoples were primarily featured within the article headlines (featured in the headlines of Stories 1-5). In five out of the six articles (i.e., Stories 1-5), Mi'kmaw were quoted before non-Mi'kmaw people. Additionally, four of the six articles (Stories 2-5) prioritized Mi'kmaw voices, allocating more words to them than non-Mi'kmaw harvesters through quotes or paraphrasing. Three of these four stories (Stories 3-5) allocated more than double the number of words to Mi'kmaw voices than non-Mi'kmaw voices.

Out of the two articles that prioritized non-Mi'kmaw voices, there was a clear difference in allocated words between the Mi'kmaw and non-Mi'kmaw harvesters (i.e., Story 1 had 1157 words for non-Mi'kmaw voices and 651 for Mi'kmaw voices, Story 6 had 522 words for non-Mi'kmaw voices and 167 for Mi'kmaw voices).

Although Mi'kmaw were represented and given importance in the inverted pyramid structure, the voices and opinions of Mi'kmaw and non-Mi'kmaw harvesters were often used to contradict each other. For example, Story 3 states, "The non-Indigenous protesters say they are opposed to the Mi'kmaq's decision to start a commercial lobster fishing business that has operated outside the federally regulated lobster season since mid-September...Sack argues Indigenous people in Atlantic Canada and Quebec have a treaty right to fish where and when they want, based on a 1999 Supreme Court of Canada decision that cites treaties signed by the Crown in the 1700s." (Canadian Press, 2020). This article then continues to contrast the Mi'kmaw points of view with further claims by non-Mi'kmaw people. Additionally, quotes and statements from the Mi'kmaw and non-Mi'kmaw harvesters were largely limited to statements by chiefs and leaders in the community or spokespeople for the commercial fishermen.

Mi'kmaw lobster harvesters, in support of moderate livelihood fisheries, were emphasized as being engaged in illegal action, as they fished outside of DFO's commercially regulated season. They were repeatedly cited as threats to the conservation, health and sustainability of the lobster populations. These were allegations made by non-Mi'kmaw commercial harvesters and were unbacked by law or science. In contrast, non-Mi'kmaw commercial harvesters were typically given the benefit of the doubt, even when engaging in illegal actions. Despite assertions that the Mi'kmaw were the ones committing illegal actions when non-Mi'kmaw commercial harvesters were found to have committed arson, theft and assault against the Mi'kmaw, these actions were labelled as "allegations," "damage," or causing "tension."

Lastly, Mi'kmaw and non-Mi'kmaw commercial harvesters were given unequal time to respond to allegations or statements. In all but one report, the breaking news media received statements and quotes from non-Mi'kmaw commercial harvesters when sought out. These ranged from their Fisheries Alliance to community members. However, Mi'kmaw harvesters were often not provided time to respond, and journalists would not wait to release a story if they had not

heard from the Chief or a spokesperson for the band. This provided an unbalanced representation of both sides.

Chapter 5: Discussion

5.1 Summary of Findings

The results indicate that language choices made within breaking news media can greatly impact the representation of lobster fishery disputes between Mi'kmaw and non-Mi'kmaw lobster harvesters and conservation efforts. By examining a subset of 17 breaking news articles published on the 2020 Saulnierville events, it was evident that certain words were used more frequently and in similar instances to either Indigenous (i.e., Mi'kmaw) or commercial (i.e., non-Mi'kmaw) harvesters, impacting the words and narratives associated with certain groups. The in-depth analysis demonstrated that although Mi'kmaw harvesters were represented within the beginning of the articles, establishing their views and opinions as important through the inverted pyramid, the coverage still struggled to represent them fairly and accurately in contrast to non-Mi'kmaw harvesters. Language directed at Mi'kmaw harvesters was strong, describing them as fishing illegally and out-of-season. However, non-Mi'kmaw commercial harvesters who committed theft and arson were not described as engaging in illegal activities. The softening of language (i.e., describing the theft of traps as their removal) actively shifted the blame from non-Mi'kmaw commercial harvesters and excused racist and violent behaviour. Additionally, the language and narrative choices across the articles focused on the supposed conflict in the 2020 fisheries events rather than using conservation concerns to protest Mi'kmaw treaty rights. Through these findings, it was evident that breaking news media struggled to follow best practices and some key journalistic principles intended to ensure accountability, accuracy, and fairness and balance, thereby misrepresenting the truth and reality of rights-based fisheries and resource conflicts.

5.2 Journalistic Responsibility

While all journalists have a responsibility to follow the principles of independence, accuracy, and fairness and balance within their news coverage, this is particularly important for those working in breaking news media and those who are reporting on rights-based and resource management, access, and use stories. Although journalists commit both individually and with their employers to following best practices and guidelines standard within the industry, the

results demonstrated a lack of following through on this commitment when reporting on the assertion of rights and subsequent protests between Mi'kmaw and non-Mi'kmaw harvesters.

Across the 17 articles, journalists contrasted the Mi'kmaw and non-Mi'kmaw commercial harvesters as being on opposing sides or having contrasting stances on the same issue. Journalists attempted to represent the reality of the unfolding events and explain the conflict between the Mi'kmaw and non-Mi'kmaw harvesters. However, in doing so, the conflict between the two groups became the focus of the article, rather than the conservation concerns of non-Mi'kmaw commercial harvesters and the recognition and implementation of treaty rights by Mi'kmaw harvesters. The overview of articles showed words such as “treat*,” “right*,” and “regulat*” used in similar instances and in relation to Indigenous (i.e., Mi'kmaw) harvesters. This was contrasted greatly with commercial harvesters, who were associated with “license*,” “season*,” “harvest,” and “court.” This likely worked to associate commercial harvesters as the ones being concerned about conservation and backed by the current Canadian legal system, and therefore in the right.

This was further emphasized by the in-depth analysis, in which there was an unfair and unbalanced representation of those involved. Although the Mi'kmaw harvesters were exercising and defending their rights, and the Supreme Court rulings were on their side, the concerns of non-Mi'kmaw commercial harvesters were treated with equal importance. While journalists often chose to feature Mi'kmaw at the top of the articles and feature their voices, perspectives and opinions, the language used to refer to them was not as encouraging. Journalists repeated jargon and rhetoric used by non-Mi'kmaw harvesters, such as referring to Mi'kmaw lobster harvesters as engaging in illegal or out-of-season fishing. They also relied on strong language, such as tension, clash, dispute, and conflict, to refer to the unfolding fisheries protests rather than finding neutral language to represent the realities of the situation. This aligned with a lack of meaningful and relevant context in the articles. While most of the stories included some context, such as mentioning the Marshall decisions or treaty rights, it was often mentioned as an attribute to Mi'kmaw harvesters rather than as a fact. This did not properly represent the reality of the events that led to the 2020 Saulnierville protests, as it did not highlight the importance of *R. v. Marshall*. The context used within the articles lacked important details, such as highlighting that government intervention in Mi'kmaw rights to a moderate livelihood is only allowed if there are conservation or safety concerns. Additionally, the articles failed to explain the Mi'kmaq

connection to land, water, resources, and their conservation, as well as their current efforts to create *Netukulimk* Fisheries Plans. These details would have better informed the public as to why Mi'kmaw harvesters were less concerned with lobster conservation claims compared to the importance of recognizing and implementing their treaty rights.

Journalists choose who to interview, how long to wait, what quotes to insert, what language to use and what background context to insert for the reader. In the context of *Saulnierville 2020*, the breaking news journalistic choices were problematic and insinuated that Mi'kmaw and non-Mi'kmaw commercial harvesters had equal power in these discussions and that their arguments were of equal standing. This creates a false narrative, as the arguments for both sides are not equally valid. The Mi'kmaw harvesters are asserting their inherent rights, protected by treaties and re-affirmed by the Supreme Court in the 1999 Marshall decision, which upheld the Mi'kmaw right to harvest and sell resources to earn a moderate livelihood. The Canadian government never adapted or changed its fishing regulations to reflect this ruling. As a result, Mi'kmaq fishing lobster for a moderate livelihood in the treaty fisheries are portrayed as engaging in illegal activity, with a disregard for the law, a lack of care for conservation, and a lack of collaboration and communication with DFO.

5.3 Implications for Conservation Action

Although commercial fishermen stated across various articles that the Mi'kmaw moderate livelihood fishery is a cause for conservation concern and a threat to the health and sustainability of the stock, there was no data presented to demonstrate this. Within the overview of all 17 articles, words associated with conservation (i.e., conservation, sustainability, health, stock) were used infrequently, not appearing within the 50 most frequently used words. Although this was cited to be the cause for the protests, it was used more frequently in relation to commercial fishermen than Mi'kmaw. Additionally, the deeper analysis demonstrated that quotes or statements about the threat the Mi'kmaw fishermen were causing to the health of lobster stocks and sustainability were never fact-checked. In this smaller set of six stories in the in-depth analysis, only one referenced the small scale of treaty fishery and put it in relation to the size of the commercial fishery. Overall, journalists failed to accurately represent the small scope of the Mi'kmaw fishery. Although journalists were comfortable contradicting the Mi'kmaw harvesters with the opinions of commercial fish harvesters, they chose not to verify the opinions

of commercial fish harvesters with scientific data or statements from DFO and conservation experts.

Journalists failed both the Mi'kmaq and the general public by choosing to blindly accept these opinions and reporting on them as though they were facts. By inaccurately capturing the true meaning and events happening, or choosing not to question what was told to them, and then repeating the same information, they incorrectly portrayed the role the Mi'kmaw lobster harvesters have in conservation to the public. This instills misinformation within the public that moderate livelihood fisheries and the exercising of Mi'kmaw treaty rights are unsustainable and the sole cause of stock health and declines. It fails to inform the public of the natural fluctuations that lobster stocks experience, such as natural seasonal changes, climate change, ocean warming, or predatory population growth. It also fails to educate the public on the different impacts that different fisheries may have on populations, such as allowable catch or why there are certain restrictions (i.e., seasonal) for specific groups. For example, the non-Mi'kmaw commercial harvesters contain licenses that allow for significantly larger catches. Lastly, it fails to provide the general public with accurate information relating to the efforts of the Mi'kmaw harvesters in exercising their rights while caring for the environment, such as the lack of context surrounding the Marshall Decision (and what the modifications meant), Section 35 of the *Constitution Act*, *Netukulimk* values and fisheries plans, and conservation and environmental values embedded in the Mi'kmaq, such as Two-Eyed Seeing, All My Relations, and Seven Generations. Not only does this prevent public support in the Mi'kmaq from exercising their existing (and reaffirmed) treaty rights, but it also prevents awareness as to when there truly is a cause for concern over the health and sustainability of lobster stocks.

5.4 Implications for Breaking News in Canada

Canadian breaking news media has historically failed Indigenous Peoples when covering rights and resource-based conflicts. The results indicated that in the coverage of the 2020 Saulnierville fishery conflict, Mi'kmaw voices were included within the first half of three out of six articles. Additionally, the number of words allocated to Mi'kmaw voices was greater than non-Mi'kmaw voices in four of the six articles used within the in-depth analysis. This representation amongst the inverted pyramid structure of the articles, as well as the space they were given for their views, opinions and perspectives, indicated that Mi'kmaw lobster harvesters were deemed important and a priority for journalists. However, qualitative analysis reveals that

despite the improved inclusion of Mi'kmaw harvesters and their actions in comparison with other notable Canadian examples, they were largely discussed in negative ways across the articles. Mi'kmaw harvesters continued to be referred to as fishing illegally or out of season without explaining the nuance of moderate livelihood fisheries and the Marshall decisions. References to the actions of non-Mi'kmaw commercial harvesters also all insinuated that Mi'kmaw harvesters were disrupting and challenging social norms. For example, in the majority of the articles, commercial harvesters were cited as being in opposition to the moderate livelihood fishery rather than resisting the fishery. Although this is only a difference in one word and was attributed to commercial harvesters, 'opposition' insinuates that non-Mi'kmaw commercial harvesters can deny the creation of the moderate livelihood fishery. In contrast, the usage of 'resisting' establishes the moderate livelihood fishery as something that is progressing despite the upset of non-Mi'kmaw commercial harvesters.

Journalists succeeded in creating a more balanced inclusion of Mi'kmaw and non-Mi'kmaw voices within their breaking news coverage of the 2020 Saulnierville events in comparison to previous examples in Canada. However, their language choices were biased, inaccurate and unfair to the Mi'kmaw harvesters in their story. This remains a problematic practice amongst journalists, as well as one of the largest barriers to accurate portrayals of Indigenous Peoples in rights and resource conflicts. Due to the impact breaking news media has on influencing and reaching the public, making language and narrative choices that depict Mi'kmaq in a negative light only contributes to their further marginalization in society. Additionally, it serves to misinform and disinform readers of breaking news, preventing them from understanding the true nature of Indigenous rights and resource conflicts.

Chapter 6: Recommendations and Conclusion

Based on the information presented in the results and discussion, it is clear that Canadian breaking news media still have a way to properly represent Mi'kmaw and non-Mi'kmaw lobster harvesters in fisheries conflicts. Mainstream media has a history of improper coverage of Indigenous rights and resource conflicts, and journalistic principles of independence, accuracy, and fairness and balance are meant to guide journalists in their approaches to reporting. However, the breaking news coverage of the 2020 Saulnierville fisheries events did not learn from mistakes made in previous cases, nor align with said principles. Instead, coverage was largely focused on the nature of the conflict itself rather than the underlying history and context that influenced it. When covering conflicts involving Indigenous rights and access to resources, it is imperative that journalists maintain their independence and provide accurate, fair and balanced coverage.

As this study focused specifically on breaking news stories in Canadian media, the following recommendations are primarily directed at two main groups: journalists and those who consume journalism (i.e., the public). Accompanying the recommendations directed at journalists and the public, there are select recommendations for those working within academia and the scientific fields, as well as those working within government.

Journalists working within breaking news media are the direct source for much of the information the public obtains on conflicts. As such, the following is recommended:

1. Journalists must follow the journalistic principles of independence, accuracy and, fairness and balance in all coverage. By aligning one's coverage with each principle (i.e., remaining impartial and preventing conflicts of interest, avoiding the repetition of jargon and rhetoric, verifying information in pursuit of the truth, providing background information and context, and considering the inverted pyramid structure), journalists can maintain public trust while preventing their misinformation or disinformation. In the specific context of Indigenous rights and resource conflicts, this also prevents the further marginalization of Indigenous Peoples in Canada.
2. Journalists should push for the further adoption of the Truth and Reconciliation Commission's Call to Action #84-86. These calls to action are specifically directed at efforts to support reconciliation in media through dedicated coverage and inclusion of Indigenous voices in media, connecting and educating Canadians about the diverse

experiences, cultures and histories of Indigenous Peoples, and educating journalists on Indigenous history, treaties, rights, relations and legislation. This will embed reconciliation within the very structure of journalism.

3. Journalists must decolonize their journalism by remaining educated and informed on the background and history of Indigenous Peoples to avoid exacerbating harm caused by breaking news media coverage. Understanding the history and rights of Indigenous Peoples provincially and nationally can assist journalists in providing meaningful coverage that does not sensationalize Indigenous Peoples or pit them against others. In the context of Indigenous rights-based resource conflicts, specific knowledge about historic and modern defences of treaty rights is required in Canada's court systems.

The public is the primary audience and consumer of news media, and they get a large portion of their information on conflicts from breaking news media. As such, the following recommendations are provided:

1. The public must acknowledge that breaking news serves as a good introduction to conflicts and topics but does not provide the full story. While breaking news reports are designed to be engaging and get information to the public quickly, this inhibits their ability to give a full and detailed account of the events. With this, it is important for the public to explore further reports and media pieces to get a better picture of Indigenous rights-based and resource conflicts.
2. The public should engage with all breaking news critically to best understand what the writing means. This means the public should take the time to consider how the conflicts are being represented, such as what words are chosen to describe the events, whose voices are heard if the information was verified, and what information, or who is included or missing from the coverage.
3. The public must consult a variety of news sources and coverage to obtain a more complete understanding of conflicts. Rather than relying on one news outlet or information coverage from one source, readers must seek out coverage that contains different quotes, information and accounts of events. This involves not only the views, perspectives, and opinions of those on opposing sides of a conflict but also those who have no strong allegiance to either side, non-governmental organizations, and governmental departments. To best understand Indigenous rights and resource-based

conflicts, the public must seek out information not only from breaking news sources but also from organizational or community press releases, social media, and governmental departments.

In addition to the detailed recommendations directed at the two main groups above, there are many others who are involved in ensuring the public understands the information in breaking news stories. As such, two general recommendations are offered. First, academics and scientists must understand that journalists often will not have an in-depth understanding of science. Academics and scientists have a responsibility to make science both easy to understand and accessible to journalists and thereby the public. Particularly around topics of sustainability, conservation, and resource management, this is the first step in preventing large-scale public misinformation or disinformation. Secondly, the Government of Canada and its departments (i.e., Fisheries and Oceans Canada) must update their legislation, acts, and regulations to recognize and implement treaty rights. With two decades having passed since *R. v. Marshall*, the *Fisheries Act* must be updated to allow the implementation of Mi'kmaq treaty rights and their ability to fish for a moderate livelihood. Alongside updates to the *Fisheries Act*, the Government of Canada must establish a definition and management plans for moderate livelihood fisheries in collaboration with Mi'kmaq. Lastly, this requires the Government of Canada to implement section 35 of the Constitution in the *Fisheries Act*. This will all contribute to the ability of Indigenous Peoples across Canada to exercise their treaty rights to fish for a moderate livelihood without public or legal backlash.

The language used in breaking news media can have a large impact on the representation of Mi'kmaw and non-Mi'kmaw harvesters within coverage of lobster fishery disputes. When correctly following journalistic principles of independence, accuracy and fairness and balance, media coverage on Indigenous rights and resource-based conflicts can contribute positively to reconciliation efforts by educating and informing the public on Indigenous Peoples, their communities, histories, treaty rights, and more. However, a history of poor coverage has led to misrepresentations of Indigenous Peoples and their roles in rights and resource-based conflicts, impeding the recognition and implementation of their rights. Within breaking news coverage of the 2020 Saulnierville fisheries disputes, journalists succeeded in establishing more space and importance for Mi'kmaw voices. However, journalists continued to refer to Mi'kmaw people and their actions with language that was biased, inaccurate, and unfair. These language choices failed

to represent the true reality of the unfolding events and contributed to the confusion surrounding the conservation, health and sustainability of lobster populations in Nova Scotia. Journalists must adhere to the journalistic principles of maintaining independence, as well as providing accurate, fair and balanced coverage to prevent public misinformation and disinformation about the reality of conflicts surrounding Indigenous rights and access to resources. Once this is achieved, journalists within breaking news media can advance reconciliation with the Mi'kmaw people.

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Appendix

Appendix A: Articles Used in the Results' Analysis Overview.

News Outlet	Date(s) Published	Article Title	Link
CBC	Oct. 14, 2020 (Published)	Vehicle torched, lobster pounds storing Mi'kmaw catches trashed during night of unrest in N.S.	https://www.cbc.ca/news/canada/nova-scotia/mi-kmaw-lobster-fishery-unrest-1.5761468
CBC	Sept. 19, 2020 (Updated) Sept. 18, 2020 (Published)	Arrests made amid ongoing tensions as Mi'kmaw lobster fishery begins	https://www.cbc.ca/news/canada/nova-scotia/arrests-made-ongoing-tensions-mi-kmaw-lobster-fishery-begins-1.5729752
CBC	Nov. 13, 2020 (Published)	N.S. Seafood Alliance declares opposition to out-of-season moderate livelihood fishery	https://www.cbc.ca/news/canada/nova-scotia/seafood-alliance-opposition-mi-kmaw-moderate-livelihood-fishery-1.5801948
CBC	Oct. 13, 2020 (Published)	Commercial fishermen rally in Digby over Mi'kmaw fishery	https://www.cbc.ca/news/canada/nova-scotia/commercial-fishermen-rally-digby-mi-kmaw-1.5761102
CBC	Sept. 15, 2020 (Published)	Protest over Indigenous lobster fishery turns confrontational at N.S. Wharf	https://www.cbc.ca/news/canada/nova-scotia/nova-scotia-saulnierville-wharf-blockade-mi-kmaq-lobster-harvest-1.5724339
CBC	Sept. 19, 2020 (Published)	Mi'kmaq tackle decades-old standstill on fishing rights with historic, self-regulated lobster fishery	https://www.cbc.ca/news/indigenous/mi-kmaq-self-regulated-moderate-livelihood-fishery-1.5727622
CTV News Atlantic	Sept. 20, 2020 (Published)	'We'll keep putting them back': N.S. Indigenous fishermen not backing down after traps removed	https://atlantic.ctvnews.ca/we-ll-keep-putting-them-back-n-s-indigenous-fishermen-not-backing-down-after-traps-removed-1.5112779
CTV News Atlantic	Oct. 15, 2020 (Updated) Oct. 14, 2020 (Published)	Lobster catch destroyed, vehicle burned as tension rises over Indigenous fishery in N.S	https://atlantic.ctvnews.ca/lobster-catch-destroyed-vehicle-burned-as-tension-rises-over-indigenous-fishery-in-n-s-1.5144540
CTV News Atlantic	Sept. 29, 2020 (Published)	Mi'kmaq lobster fishery in Nova Scotia grows to 10 boats from seven	https://atlantic.ctvnews.ca/mi-kmaq-lobster-fishery-in-nova-scotia-grows-to-10-boats-from-seven-1.5124359
CTV News Atlantic	Oct. 26, 2020 (Published)	Rallies held on both sides of Nova Scotia Lobster fishing dispute	https://atlantic.ctvnews.ca/rallies-held-on-both-sides-of-nova-scotia-lobster-fishing-dispute-1.5121699
Global News	Oct. 20, 2020 (Published)	N.S. Assembly of Mi'kmaw Chiefs demands DFO stop seizing moderate livelihood lobster traps	https://globalnews.ca/news/7407489/n-s-mikmaw-chiefs-dfo-lobster-traps/

News Outlet	Date(s) Published	Article Title	Link
Global News	Sept. 22, 2020 (Published)	N.S. Mi'kmaq want more than words from Ottawa in ongoing lobster conflict	https://globalnews.ca/news/7350466/ottawa-affirms-mikmaq-treaty-rights-in-nova-scotia-lobster-dispute/
Global News	Oct. 20, 2020 (Updated) Oct. 19, 2020 (Published)	Mobs are attacking Indigenous fisheries in Nova Scotia. Here's what's going on	https://globalnews.ca/news/7403001/nova-scotia-lobster-explained/
National Post	Oct. 15, 2020 (Published)	N.S. First Nations chief says self-regulated lobster fishery will press ahead despite clashes	https://nationalpost.com/news/world/indigenous-lobster-fishery-presses-ahead-despite-confrontations-in-nova-scotia
Globe and Mail	Oct. 19, 2020 (Updated) Oct. 18, 2020 (Published)	'We're being targeted now': Mi'kmaq chief wants military called in to N.S. lobster clashes, attacks	https://www.theglobeandmail.com/canada/article-rcmp-deployed-in-nova-scotia-lobster-war-but-mikmaq-chief-wants-military/
Globe and Mail	Oct. 14, 2020	RCMP criticized for inaction after mob violently attacks Mi'kmaq lobster facilities	https://www.theglobeandmail.com/canada/article-rcmp-criticized-for-inaction-after-mob-violently-attacks-mikmaq/
Saltwire	Oct. 16, 2020 (Updated) Oct. 14, 2020 (Published)	Tempers ignite in lobster fishery dispute between Indigenous, non-Indigenous fishers in Southwest Nova Scotia	https://www.saltwire.com/nova-scotia/news/tempers-ignite-in-lobster-fishery-dispute-between-indigenous-non-indigenous-fishers-in-southwest-nova-scotia-509366/

Note: All articles were inserted into Voyant for the overview results. Grey cells are the articles used in the in-depth analysis.

Appendix B: In-Depth Analysis of Six Breaking News Stories

	Story 1	Story 2	Story 3	Story 4	Story 5	Story 6
Total Word Count (including headline, subdeck, captions)	2,402	937	433	934	611	918
First mention of Mi'kmaw/Sipekne'katik/First Nation/Indigenous or specific L'nu (including headline) at word count #	8	9	4	6	1	75
First reference to Marshall decision, starting at word count #	1,786	448	0	171	0	0
First direct quote from L'nu starts at word count #	364	177	245	104	443	455
First direct quote from non-L'nu starts at word count #	756	405	0	0	503	117
First reference to Mi'kmaw treaty rights start at word count #	152	0	165	148	150	17
First reference that mentions treaty rights as a fact (i.e., not in quotation marks, as a part of a quote, or attributed to a person) starts at word count #	152	0	0	148	150	17
Number of neutral references to treaty rights as fact (i.e., not in quotation marks, as a part of a quote, or attributed to a person)	1	0	0	2	1	2
Total number of times treaty appears	2	0	4	2	1	4
Total number of times right(s) (in reference to treaty rights) appears in story	5	2	5	3	1	5
Number of references to (treaty) right(s) in same sentence referencing opposition to it	2	2	1	0	0	2
Number of times moderate livelihood appears in story	10	2	0	9	3	13
Number of references to a moderate livelihood not in quotation marks, as part of a quote, or attributed to a person	6	1	0	7	1	12
Number of references to a moderate livelihood in quotation marks, outside of a quote	0	1	0	2	2	0
Number of references to a moderate livelihood as part of a direct quote	4	0	0	0	0	2
Number of references to moderate livelihood in same sentence referencing opposition to it	2	1	0	7	3	7
Completely neutral references to moderate livelihood (no attribution or as part of a quote or paraphrasing someone's position)	5	1	0	7	1	4
Number of words allocated to non-Mi'kmaw voices (paraphrased or in direct quotes)	1,157	321	60	35	110	522

	Story 1	Story 2	Story 3	Story 4	Story 5	Story 6
Number of words allocated to Mi'kmaw voices (paraphrased or in direct quotes)	651	482	251	337	260	167
Number of times conservation appears in story	1	0	1	2	1	3
Number of times conservation referenced in relation to concerns over Mi'kmaw threat to it	0	0	1	0	1	3
Number of times conservation concerns are verified or fact-checked	0	0	0	0	0	1
Number of times Mi'kmaw fishery referred to as illegal/out-of-season or as a negative (i.e., bad for stocks)	9	2	1	0	2	14
Number of times stories use the words protest(s) or protestor(s) in reference to non-L'nu	0	1	1	0	0	0
Number of times stories use the words protest(s) or protestor(s) in reference to L'nu	0	0	0	0	0	0
Number of times stories call protests conflict(s), dispute(s), tension(s) or clash(es)	5	4	3	0	0	1
Number of sentences in a story that references violent actions, vandalism, illegal actions of protestors not as part of a direct quote or using strong language (i.e., not tensions, clash, dispute, etc)	7	7	2	12	1	1
Accountability – number of times protestors were allowed to shift the accountability for their own illegal actions (i.e., violence/vandalism)	7	1	2	0	0	2