

# **An Analysis Of The Effects Of National Legislation On Food Security In Canada**

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## INTRODUCTION

Canada is a wealthy nation with an enviable international reputation as a fair and equal society in which citizens enjoy a high standard of living. Despite this, Canada falls short when it comes to ensuring that a basic need, food, is realized by all of its inhabitants. Many Canadians are unable to secure adequate, nutritious food through their own means or even with the help of government assistance programs. Canadian governments do have obligations vis-a-vis food security through various international instruments, and even the *Canadian Charter of Rights and Freedoms* may be interpreted to include economic and social rights.<sup>1</sup> Of course, it is individuals, alone or in cooperation with others, who have the primary responsibility of providing food for themselves,<sup>2</sup> but when this is not possible, the state has an important role to play. As part of this role, legislators must ensure that laws in Canada and the provinces are compatible with food security objectives and obligations. Asbjørn Eide has defined these state obligations as being to respect, protect and fulfil.<sup>3</sup> The fact that there are growing numbers of hungry people in Canada is evidence that federal and provincial legislation is not adequately respecting, protecting and fulfilling food security and the right to food. The

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<sup>1</sup> Graham Riches, "Canada: Abandoning the Right to Food," in *First World Hunger: Food Security and Welfare Politics*, Graham Riches, editor, (London: MacMillan Press, Ltd., 1997) 46 at 71. The Supreme Court of Canada has interpreted the *Charter of Rights and Freedoms* to encompass social and economic rights while lower courts tend to interpret it so as to exclude such rights.

<sup>2</sup> Asbjørn Eide, *Right to adequate food as a human right*, United Nations Human Rights Study Series #1, (Geneva: Centre for Human Rights, 1989) at 23, para 109

<sup>3</sup> *Ibid.* at 24, paras 112-114

purpose of this research is to establish the important effects of Canadian legislation<sup>4</sup> on food security through a thorough examination of the statutes.

Such an analysis is important for two reasons. First, the well-being of all Canadians is directly linked to the availability and accessibility of adequate, safe, nutritious food. The number of food insecure individuals in Canada is increasing, and the role that the law does or could play in this situation cannot be ignored. Second, Canada has international obligations which it must meet. It has ratified (although not implemented) the *International Covenant on Economic, Cultural and Social Rights* (ICESCR). Article 11 of ICESCR requires member states to take appropriate steps to realize the right of everyone to adequate food and recognizes the fundamental right of freedom from hunger. Canada is also party to other international agreements which recognize the right to adequate food for different groups of people and in various circumstances. The *Convention on the Rights of the Child*, for example, recognizes the special right of children to adequate nutritious foods and clean drinking water (Article 24). In order to assure the well-being of Canadians and to live up to treaty obligations it is therefore crucial that the performance of governments with regards to food security be critically assessed.

## **DEFINING FOOD SECURITY**

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<sup>4</sup> A parallel analysis of Saskatchewan provincial statutes was intended, but has not materialized as a result of misjudgement as to how much time would be required to analyze both federal and provincial statutes.

“Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.” This definition of food security, which will be explored further below, was developed at the World Food Summit (WFS) in Rome in 1996. It enjoys fairly wide-spread support within the international community, there having been 186 heads of state and government who participated in the Summit. It outlines three basic requirements for food security: i) accessibility, ii) adequacy and iii) stability of the food supply.<sup>5</sup> It does not include, however, another key characteristic of food security - that food be accessible without injury to human dignity.<sup>6</sup> Needing to rely on the goodwill of others, particularly if it is on a permanent basis, is often a threat to personal dignity.

## HUNGER

In order for food security to be realized, it is important to first consider food insecurity and its causes. Hunger is a reality for approximately 800 million people in the world. This may be experienced chronically, when adequate food supplies are never available; temporarily, due to a natural disaster, for example; or transiently, when food is accessible on an intermittent (i.e. seasonal) basis.<sup>7</sup> Food insecurity is generally examined at the level of the household,<sup>8</sup> because while a nation may be food secure, producing or importing

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<sup>5</sup> Anne Thompson and Manfred Metz, *Implications of economic policy for food security: A training manual*, (FAO, 1997) at 10

<sup>6</sup> This component of food security is included in such instruments as the *International Food Security Treaty*, and the *International Code of Conduct on the Human Right to Adequate Food*. The *International Food Security Treaty* was drafted by a group of experts on hunger, international lawyers and NGO's. The *International Code of Conduct on the Human Right to Adequate Food* is widely supported by the international NGO community, and was originally endorsed by FIAN International (Food First Information and Action Network), WANAH (World Alliance for Nutrition and Human Rights) and Institute Jacques Maritain International.

<sup>7</sup> Thompson, *supra* note 5 at 10

<sup>8</sup> Eide, *Right to adequate food*, *supra* note 2 at 28, para 143

adequate supplies of food for all of its citizens, households within that nation may be food insecure because the food is not distributed equally. Participants at the World Food Summit expressed commitment to reduce the number of hungry people to half by 2015, yet it is questionable whether any progress has been made towards this goal.

Hunger, or food insecurity, arises when one does not have access to an adequate and stable food supply. According to Amartya Sen, hunger occurs because of lack of a resource “entitlement” to food. The four primary resource entitlements are trade, production, labour, and inheritance or transfer.<sup>9</sup> Lack of entitlement may result from circumstances such as poverty, unemployment or disability. Even in Canada, where abundant quantities of high quality foods are produced or imported, and most people have the means to obtain an adequate supply of food, there is a segment of the population that is lacking entitlement to food.

Statistics from the Canadian Association of Food Banks reveal that the number of people in need of food is growing. In the eight year period from 1989-1997, use of food banks doubled, and continues to increase.<sup>10</sup> The percentage of the population using food banks each month is approximately 2.4, and includes a disproportionate number of children.<sup>11</sup> The problem of accessing an adequate and stable supply of food is closely linked to income,<sup>12</sup> especially since Canada is a society where most people purchase as opposed to produce their food. Approximately 18% of Canadians live below the poverty line, with Aboriginal people,

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<sup>9</sup> Amartya Sen, *Poverty and famines : an essay on entitlement and deprivation* (Oxford : Clarendon Press, 1981) at 2

<sup>10</sup> Canadian Association of Food Banks, *HungerCount 1998: Emergency Food Assistance in Canada*, (Toronto: CAFS/ACBA, 1998) at 12

<sup>11</sup> *Ibid* at 12

<sup>12</sup> Per Pinstrup-Andersen and Rajul Pandya-Lorch, “Assuring A Food-Secure World in the 21<sup>st</sup> Century: Challenges and Opportunities”, *Canadian Journal of Development Studies*, (Volume XIX, 1998) at 43

women and children being particularly vulnerable.<sup>13</sup> Poverty is not the only cause of hunger in Canada. Environmental degradation, natural disasters, climate changes, unemployment, lack of means of producing food and agricultural policies are some other sources that may threaten food security.

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<sup>13</sup> National Anti-Poverty Organization (NAPO) <http://www.napo-onap.ca/napo-finaldoc.htm>

Graham Riches has defined the root causes of hunger as poverty, inequality and powerlessness.<sup>14</sup> Specific to Canada, he finds that hunger is being depoliticized<sup>15</sup> in that governments are taking less and less responsibility for ensuring that all have access to adequate food. He notes the emerging trend of government cutbacks to health, education and welfare, while food banks and charities attempt to fill the increasing needs of the enlarging population of poor. Food banks, which were created with the intention of providing emergency support, have become the lifeline of many poor. This is not conducive to food security in that they are often unable to provide an adequate, nutritious diet, and reliance upon them jeopardizes personal dignity.

## **THE RIGHT TO FOOD**

The right to food is not synonymous with food security, but they are closely related. If food security is realized, the conditions will be suitable for the right to food to be enjoyed. Likewise, a human rights approach to food security facilitates its implementation. The strength of a human rights approach is that all human rights have been recognized as indivisible and interdependent.<sup>16</sup> Without adequate food to survive, other human rights cannot be realized. The right to life,<sup>17</sup> for example, is senseless for those who do not have enough to eat. Perhaps it is for this reason that the right to be free from hunger is the only right in either of the UN Covenants that is “fundamental”.<sup>18</sup> The greatest challenge of a human rights approach is that the right to food, like other economic, social and cultural rights, is, in practice, given a lower priority than civil and

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<sup>14</sup> Riches, *supra* note 1 at 53

<sup>15</sup> *Ibid.* at 62

<sup>16</sup> Eide, *Right to Adequate Food*, *supra* note 2 at 10, para 40

<sup>17</sup> The right to life is recognized, for example, in the United Nations Declaration of Human Rights, Article 3, and the International Covenant on Civil and Political Rights, Article 6.

<sup>18</sup> Philip Alston, “International Law and the Right to Food,” in P. Alston and K. Tomasevski,

political rights. In part, this is because the obligations required of states in regards to economic, social and cultural rights are not rigid. Rather than dealing with situations where government actions require immediate restraint to protect human rights, economic and social rights can be realized progressively. As a result, it is difficult for states to clearly violate them.<sup>19</sup> As food rights become more clearly delineated, however, it is to be hoped that they will become the legal norm.

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eds., *The Right to Food*, (Dordrecht: Martinus Nijhoff Publishers, 1984) 9 at 32

<sup>19</sup> Eide, *Right to Adequate Food*, *supra* note 2 at 11, para 46

The existence of a right to adequate food has been recognized by all members of the international community, either through treaties, custom or practice.<sup>20</sup> The notion of food rights as a customary norm may be challenged, however, because it is also common for states to deprive their citizens of adequate food,<sup>21</sup> and there remains resistance to thinking of food as a right. The United States, where Roosevelt's Four Freedoms<sup>22</sup> were a strong catalyst for a system of human rights protection, has ironically been the most significant source of resistance. That this may be changing, however, is evidenced by Bill Clinton's recent statement, in October, 1998, that food is the most basic of all human rights.<sup>23</sup>

It is certain that the right exists in international treaty law.<sup>24</sup> Article 25 of the Universal Declaration

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<sup>20</sup> Alston, *supra* note 18 at 14

<sup>21</sup> Donald E. Buckingham, "Food Rights and Food Fights: A Preliminary Analysis of the Results of the World Food Summit," *Canadian Journal of Development Studies*, (Volume XIX, 1998) 209 at 217

<sup>22</sup> In his 1941 "Four Freedoms" speech, Franklin D. Roosevelt addressed the freedom from want, the freedom from fear, and the freedoms of speech and of faith.

<sup>23</sup> Asbjørn Eide, "Review of progress made in the definition of the right to adequate food in international law: States' obligations, international organizations' obligations and the role of the private sector," (Background paper for the 2<sup>nd</sup> Expert Consultation on The Right to Adequate Food as a Human Right, UNHCHR/FAO, Rome, 1998) at 4, para 4

<sup>24</sup> See Katarina Tomasevski, editor, *The Right to Food: Guide Through Applicable International Law*, (Dordrecht: Martinus Nijhoff Publishers, 1987) at 279, for a comprehensive chronological list of international instruments pertaining to the right to food until 1986.

of Human Rights (UDHR) states that

- 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and the necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*
- 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection..*

The UDHR does not give obligations to states, but sets a standard that may be used as a guide with which to compare the performance of states with regards to human rights.<sup>25</sup> The Article 25 standard is that of adequacy for health and well-being, especially for mothers and children. In 1996, the Canadian Parliament passed a motion to eliminate child poverty by the year 2000.<sup>26</sup> The special right of children is also contained in the Convention on the Rights of the Child, Article 27. That provision provides that every child has a right to an adequate standard of living, and, if necessary, to material assistance with regards to nutrition. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) elaborates upon Article 25:

- 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent.*
- 2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:*

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by*

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<sup>25</sup> United Nations, *Human Rights Fact Sheet No. 2: International Bill of Human Rights*, (Geneva: United Nations Centre for Human Rights, 1988) at 8

<sup>26</sup> National Anti-Poverty Organization, at <http://www.napo-onap.ca/napo-finaldoc.htm>

*developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;*  
*(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.*

Article 11 goes further than adequacy, including a right for everyone to living conditions better than those they currently have and a fundamental right to be free from hunger. As well, it sets out some of the conditions that are necessary in order for freedom from hunger for everyone to become a reality.

There is no consensus in the international community as to what the right to food encompasses. Minimally, it is the right to be free from hunger.<sup>27</sup> According to Asbjørn Eide, “adequate food”, as mentioned in Article 11(1) requires that food be culturally acceptable, nutritionally adequate (both quantitatively and qualitatively), safe, and of good quality.<sup>28</sup>

The ICESCR does impose legal obligations on those states who have ratified it. There is no evidence, however, that any state has made efforts to implement the right to food.<sup>29</sup> In order to implement the right, there must be direction given as to how this can be accomplished. Article 16 requires states to submit reports on the measures that have been taken to create conditions necessary for the progressive realization of the rights contained in Article 11. Article 11 itself is not generally considered to impose any obligations, but recommends that states, through individual and cooperative efforts, take actions that are necessary to improve methods of production, conservation and distribution of food using technology and science and ensuring an equitable distribution of food. The words “shall take”, as used in this provision, seem stronger than mere recommendation. It is difficult, if not impossible, however, to force states to act.

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<sup>27</sup> Buckingham, “Food Rights and Food Fights,” *supra* note 21 at 217

<sup>28</sup> Asbjørn Eide, “The human right to adequate food and freedom from hunger”, in *The Right to Food in Theory and Practice*, (Rome: FAO, 1998) 1 at 3

<sup>29</sup> Food and Agriculture Organization Legal Office, “Implementation of the right to food in national legislation,” in *The Right to Food in theory and practice*, (Rome: FAO, 1998) 40 at 41

Asbjørn Eide has broken down the right to food into three basic state obligations: to respect, protect and fulfil the right to food.<sup>30</sup> These obligations can give direction to governments, as well as providing leeway for those which are unable or unwilling to take positive actions, as opposed to exercising restraint, towards implementing the right to food.

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<sup>30</sup> Eide, *Right to Adequate Food*, *supra* note 2 at 14, para 66

The obligation to respect is one of non-interference when people are able to provide for themselves.<sup>31</sup> It does not necessarily require any action on the part of the state, although positive obligations are not precluded and may be manifested, for example, in settling the land claims of Aboriginal peoples which are demonstrations of respect for traditional food patterns. Such collective rights are given special attention under this obligation.<sup>32</sup> The state must respect the individual's resources with which he or she acquires food, whether it be employment income or land and production inputs.

“Protecting” requires states to counteract or prevent acts which would have negative effects on food security, especially that of the most vulnerable members of the society.<sup>33</sup> For instance, access of vulnerable groups to resources must be protected against more powerful economic interests.<sup>34</sup> Many examples can be found within the law, such as food inspection systems or environmental regulations. Protection involves a difficult balancing exercise between respecting the freedom of one party and protecting the resources and freedom of another.<sup>35</sup>

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<sup>31</sup> *Ibid.* at 34, para 170

<sup>32</sup> Eide, “Review of Progress,” *supra* note 23 at 14, para 40

<sup>33</sup> Eide, *Right to Adequate Food*, *supra* note 2 at 35, para 175

<sup>34</sup> Eide, “Review of Progress,” *supra* note 23 at 14, para 41

<sup>35</sup> Eide, *Right to Adequate Food*, *supra* note 2 at 36, para 176

“Fulfilling” requires the state to give assistance to or directly provide for those who are in need.<sup>36</sup> Assistance consists of providing opportunities; direct provision of food or other resources is required when no other option exists, during times of unemployment or emergency, or for particularly vulnerable segments of the society. Fulfilment is what is often considered the primary undertaking in guaranteeing the right to food, and for that reason it is believed to be a costly venture. In fact, fulfilment of the right to food is of much lesser importance than the other two obligations. When the obligations to respect and protect the right to food are satisfied, there will be little need for direct assistance and provision, except in times of emergency or transition, and for those, such as prisoners, who have no freedom nor access to resources.

### **CANADA’S OBLIGATIONS**

While there exists a right to food in both international treaty and customary law, this has not found expression in the domestic law of Canada.<sup>37</sup> Customary law may be superseded by federal, although probably not provincial, statutory law.<sup>38</sup> While a customary right to food is not enforceable (as is the case with international law generally), it is an important indication of states’ intent to guarantee their citizens adequate food or at least freedom from hunger. In particular, Canada has signaled this intent through its *Action Plan for Food Security* which is modeled on the 1996 World Food Summit’s *Rome Plan of Action*. Under this plan, Canadian government and civil society make commitments to ensure an enabling political, social and economic environment in which poverty can be eliminated and food security realized; to improve physical and economic access to food; to create policies for sustainable agriculture and rural development; to ensure that trade policies are conducive to food security; to be prepared to meet food needs in emergencies; and to

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<sup>36</sup> *Ibid.* at 36, para 180

<sup>37</sup> Robert E. Robertson, “The Right to Food - Canada’s Broken Covenant,” *Canadian Human Rights Yearbook* (1989-1990) 185 at 216

<sup>38</sup> *Ibid.* at 206

promoting investment in the interests of fostering food security. There is little in the way of an implementation strategy or commitment to implement the *Action Plan*.

International treaty law in Canada must be implemented through legislation.<sup>39</sup> Canada has ratified the ICESCR but has not implemented it. It is arguable that until Canada implements treaties domestically, the only responsibility may be to ensure that legislation and government actions do not violate their spirit and purpose. Article 11(1) of the ICESCR expresses the importance of free consent in realization of the right to adequate food, indicating that member states are only bound to what they have consented. Buckingham has developed a model of state obligations which takes into account the different levels of food rights - basic, intermediate and comprehensive - and their associated obligations and the time frames for those obligations, to aid states in implementing food rights consistent with their capacity and willingness to do so.<sup>40</sup>

Canada has undertaken to satisfy ICESCR obligations by submitting several progress reports since ratification, as required under Article 16. Canada's most recent report on Articles 6-9 and 10-15 was in 1997.<sup>41</sup> The feedback this report generated from the Committee on Economic, Social and Cultural Rights, was in part favorable, but mostly it was an unflattering commentary on the state of Canada's progress towards fulfilling economic, cultural and social rights. In light of the fact that freedom from hunger is recognized as a fundamental right in Article 11, it seems that Canada is at least obliged to guarantee this.

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<sup>39</sup> Hugh M. Kindred, et. al., *International Law: Chiefly as Interpreted and Applied in Canada*, Fifth Edition, (Toronto: Edmond Montgomery Publications Limited, 1993) at 168

<sup>40</sup> Buckingham, "Food Rights and Food Fights," *supra* note 21 at 226

<sup>41</sup> Canada, *The International Covenant on Economic, Social and Cultural Rights: Third Report of Canada* (Minister of Public Works and Government Services Canada, 1997)

Canada's constitutional law has not proven particularly helpful in ensuring food security, but it is a potential source of obligations. S. 36(1), for example, expresses the commitment of federal and provincial governments to provide equal opportunities for the well-being of all Canadians, and to provide essential public services.<sup>42</sup> This provision is not justiciable, but could be if used as a guide for other rights which are such as the right to life, liberty and security of the person found in s. 7 of the *Canadian Charter of Rights and Freedoms*.<sup>43</sup> S. 7 would appear to support a right to food, but there is unwillingness to allow it to become a champion of economic and social rights. The *Charter* has thus far been used only as a basis to restrict government action, not to compel it. S. 15, equality rights, is another *Charter* provision which could potentially protect the right to food in situations where vulnerable groups were at risk of deprivation due to government action.<sup>44</sup>

Constitutional law plausibly has the greatest impact on the food security of Aboriginal peoples. S. 35(1) recognizes and affirms aboriginal and treaty rights, which include land use and ownership rights, and hunting and fishing rights. The *Natural Resource Transfer Agreements* are instrumental legal sources dealing with hunting rights in the prairie provinces. It is significant that Aboriginal rights be enshrined in the Constitution in that what they are being protected from is, indeed, government action. Constitutional provisions which address Aboriginal rights have therefore been interpreted more for the purpose of restraining government action than to positively guarantee rights.

There is an apparent lack of political will on the part of the federal government to implement food security, and economic, social and cultural rights generally. Yet there are numerous sources where obligations for guaranteeing such rights are contained. None of these sources, however, gives Canadian

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<sup>42</sup> Robertson, *supra* note 35 at 197

<sup>43</sup> *Ibid.* at 197

<sup>44</sup> *Ibid.* at 204-205

citizens a justiciable right to food. As will be evident from the following analysis, there are multifarious ways, both positive and negative, in which Canadian law impacts upon food security in spite of the lack of a guaranteed right to food.

## **METHOD**

In order to analyze such a large body of material (there are nearly 500 federal statutes) with an array of subject matter, a systematic approach and well-developed criteria of analysis are required. To develop these criteria, definitions of food security were first considered to determine precisely what this term embodies. Second, categories were developed into which the statutes could be divided for a more succinct analysis. These categories are based on the defined content of food security, the content divisions within the statutes, and the premise that all basic human needs and human rights are interrelated.<sup>45</sup> Third, the statutes<sup>46</sup> were classified according to their stated objectives. Some, which impact more than one aspect of food security, were placed in more than one category. A brief description was then given for each act, followed by a evaluation of whether it does or does not respect, protect, or fulfil (Eide's obligations for states) food security. The first two of these steps are set out immediately below, and the others will follow in the ensuing section under the heading "analysis".

"Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life." This definition of food security, developed at the World Food Summit (WFS) in Rome in 1996, enjoys fairly wide-

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<sup>45</sup> For example, the need for shelter may affect one's ability to purchase food when housing costs cut into funds that could otherwise be put towards food. For a discussion of some of the interrelated components of food security, see Hélène Delisle, "La Sécurité alimentaire: ses liens avec la nutrition et la santé," *Canadian Journal of Development Studies*, (Volume XIX, 1998) 307.

<sup>46</sup> Canadian statutes are available through the Department of Justice Canada website: <http://canada.justice.gc.ca>.

spread support within the international community (186 heads of state and government participated in the Summit). It does not include, however, another commonly cited characteristic of food security - that food be accessible without injury to human dignity. This quality is also a key component of food security and is included in such instruments as the *International Food Security Treaty*<sup>47</sup> and the *International Code of Conduct on the Human Right to Adequate Food*.<sup>48</sup> I have broken the WFS definition down into a number of specific requirements for food security, and have added the need for food to be procured with dignity.

*food security exists when all people*

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<sup>47</sup> The *International Food Security Treaty* was drafted by a group of experts on hunger, international lawyers and NGO's.

<sup>48</sup> The *International Code of Conduct on the Human Right to Adequate Food* is widely supported by the international NGO community, and was originally endorsed by FIAN International (FoodFirst Information and Action Network), WANHR (World Alliance for Nutrition and Human Rights) and Institute Jacques Maritain International.

Food security can be examined on several different levels. “All people” may be interpreted as referring to the food security of each individual, but food security is generally analyzed at the level of the household.<sup>49</sup> It is in the context of the household where the individual’s food requirements, as well as other economic, social and cultural rights are realized.<sup>50</sup> “All people” can thus be thought of as individuals within a household. National or international food security are two other levels of analysis of food security, neither of which guarantees that food will be equitably distributed to all individuals. Furthermore, “all people” means that discriminatory barriers must be removed in relation to food. The focus of this research is on the food security of Canadian and Saskatchewan residents, but those statutes that affect food security of individuals in other countries will also be noted.

***at all times,***

In order to have food at all times, the food supply must be stable. Provisions must be made to make food available in times of emergency, due, for example, to war, natural disasters or low crop yields. Food must be produced in a manner that is sustainable and does not destroy the soil, water, air and other essential inputs. The methods of food production and distribution must also take into consideration the food needs of the future and not hinder the capacity of future generations to feed themselves.

***have physical and economic access***

Physical access requires that food be either produced in, or imported into, the country or region and be generally available for purchase and consumption. The primary way in which Canadians have economic access to food is through employment. For those who are not employed, or whose wages are inadequate to provide all necessities for self and family, government assistance programs may be of help in providing income which may be used to purchase food. Food banks and charities are also ways in which the poor have

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<sup>49</sup> Eide, *Right to Adequate Food*, *supra* note 2 at 28, para 143

<sup>50</sup> Eide, “Review of progress,” *supra* note 23 at 14, para 38

access to food. However, obtaining food from these sources, particularly on a sustained basis, is not consistent with maintaining human dignity. Furthermore, the presence of food banks and charities does not guarantee access to food for those who need it; they are reliant on donations, and as a result may not have adequate supplies of food. As well, the means of production should be physically and economically accessible to those involved in the production of food.

***to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.***

Everyone has somewhat different food requirements based on lifestyle, culture, age, food preferences and state of health. But for each person, food must be adequate, both quantitatively and qualitatively, providing sufficient calories and nutrients, being safe and culturally acceptable. Knowledge of nutrition requirements, and access to health care is necessary to ensure that this aspect of food security is satisfied.

Based on this definition, the content of the statutes, and the premise that all basic human needs are interrelated, several categories were developed for classifying the statutes (these will be discussed below). After classification, the statutes were analyzed to determine which state obligations - respect, protect, and fulfil - they did or did not discharge.<sup>51</sup> The categories for classification are as follows: statutes relating to 1) the quality, safety and nutrition of food and agricultural products; 2) the price, supply, and means of production of food and agricultural products; 3) land and water use and management, pollution, and sustainable development; 4) social welfare, health and education; 5) labour and pensions; 6) trade and the economy; 7) vulnerable groups, including Aboriginal peoples, women, children, the disabled, the elderly, and students; and 8) defense.

### ***1) quality, safety and nutrition of food and agricultural products***

These are vital components of food security. Generally, the role the state takes with regards to food

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<sup>51</sup> Included as an appendix is the “food security matrix”, developed by Eide, et al. which gives some detail as to how these state obligations may be discharged.

quality, safety and nutrition is that of protector - protecting against those actions or processes that are likely to render food unacceptable in terms of quality, safety or nutrition. These statutes deal with food inspection systems, labeling requirements and safety standards, for example. Quality, safety and nutrition are characteristics of food which are closely linked to health, but will not be included in the fourth category unless they are directly concerned with human health. It is expedient that they be discussed only once especially since the link to health is self-evident.

### ***2) price, supply, and means of production of food and agricultural products***

These statutes affect the accessibility of both consumers and producers to food or the means required to produce it. In Canada, the food supply (domestically produced and imported) is adequate to meet demands. Price, supply and distribution may be controlled by marketing boards and supply management systems, which also aid producers through price pooling arrangements and other programs.

### ***3) land and water use and management, pollution, and sustainable development***

A healthy environment is essential for food production, as well as for maintaining human health. Statutes with content relating to these areas also affect the means of production, as well as the supply of food available. Land and water are two important agricultural production inputs and depending upon how they are managed, they may or may not be available for food production. Supply is intimately linked to the capacity of the natural resource base to produce food (imports may replace domestic production, but there are limits to how much this is possible).

### ***4) social welfare, health and education***

Social well-being can both cause and result from food security. The importance of a social welfare system is to fulfil basic needs of those who are unable to procure them for themselves, and can help increase the amount of income that is available to be spent on food, which is often the most flexible part of a budget. Access to government assistance, health care and education help improve living conditions, particularly for those who live in poverty. They can also facilitate a transition from government-reliance to self-reliance.

### ***5) labour and pensions***

Employment is the primary way through which Canadians have access to food. It is a means of access which maintains human dignity, enabling people to rely on their own resources to satisfy their needs as opposed to relying on government and charity. Included in this category are those statutes affecting wages, working conditions and employee pensions.

### ***6) trade and the economy***

The effects of trade and the economy on food security are far-reaching. They may affect food security directly, by increasing or decreasing the amount of food available for domestic consumption by varying the amount of food imported, exported and produced. They may have less direct effects by influencing the amount of money available to purchase food, or the level of employment. Although the economy may be experiencing growth, this will not necessarily improve the food security of the most vulnerable members of society. Furthermore, the uses to which land and resources are put are affected by the state of the economy and by demand for products in the marketplace. The increasing concentration of production resources in the hands of a few multinational corporations takes control over the food supply, in terms of safety, quality, price, supply, and the terms of trade, away from individuals and national and provincial governments.

### ***7) vulnerable groups***

It is vitally important that the food security of those most vulnerable members of the society be taken into consideration by legislators. Generally, the vulnerable are the poor, and many are unemployed. Poverty and unemployment can have serious negative effects on human dignity. In Canadian society, earning a living through employment is expected of most everyone who is of age and physically and mentally capable. Employment insurance benefits provide income to those who are temporarily without employment, but it is

increasingly difficult to qualify for these benefits.<sup>52</sup> Groups which fall under this category include Aboriginal peoples, women, children, the elderly, the disabled, and students.

Aboriginal peoples have been historically disadvantaged, dispossessed and the subjects of discrimination. Many face difficult social realities which are barriers to attaining food security, such as unemployment, low levels of education, health problems, and lack of opportunities to improve their standard of living. The United Nations Committee on Economic, Social and Cultural Rights has expressed great concern that the economic and social deprivation prevalent among Aboriginal peoples.<sup>53</sup>

Women are especially vulnerable to food insecurity. They often receive lower wages than men, for work of equal value and many provinces have no laws to prevent this.<sup>54</sup> Pregnant women have special food requirements which, if not satisfied, could have grave consequences for the next generation. Single mothers make up the majority of the poor.<sup>55</sup> These women may not be able to support themselves and their families through employment because of the expense of childcare. On the other hand, government assistance programs are inadequate to provide them with basic necessities.

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<sup>52</sup> *Ibid.* at para 20

<sup>53</sup> Committee on Economic, Social and Cultural Rights, “Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Concluding observations of the Committee on Economic, Social and Cultural Rights - Canada,” (Economic and Social Council, 1998) at para 17

<sup>54</sup> *Ibid.* at para 16

<sup>55</sup> *Ibid.* at para 23

Children, the disabled, and elderly people may also be vulnerable to food insecurity because they are unable to provide for themselves through employment and must rely on government or charitable assistance. Among children of single mothers, the incidence of poverty is nearly 70% in Saskatchewan.<sup>56</sup>

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<sup>56</sup> These statistics were prepared by the Centre for International Statistics at the Canadian Council on Social Development, using data from Statistics Canada and are available at: <http://www.ccsd.ca/factsheets>

Children who do not receive adequate nutrition will likely have developmental problems and face further difficulties as adults. The disabled, many of whom are elderly, have special care needs which can be costly. Government programs to fulfil these needs, however, are being cut back and restricted.<sup>57</sup>

Education can support and facilitate self-reliance and improved living conditions. Students are vulnerable to food insecurity, however, because of the rising costs of post-secondary education and the increasing debt loads they carry as a result.

### **8) defense**

Peace is important for ensuring food security. As more resources are put towards the defense budget, there is less available for social programs and food production. Furthermore, war can seriously interfere with trade patterns, making it difficult to either import or export food, and the capacity of the land to produce food.

## **ANALYSIS**

The descriptions of the acts are a paraphrase or summary of either parts of the acts themselves, or of descriptions contained in government department websites (which are adapted from the acts). Any sources used apart from these will be footnoted. The numbers preceding the title of each act is its alphanumerical code. The numbers succeeding the titles are the heading number of all those categories under which the statute may be found in this analysis. Those statutes which have only marginal implications for food security are listed but not described.

### **1) Quality, safety and nutrition of food and agricultural products**

#### **Summary**

Individuals can contribute to the quality, safety and nutrition of food and agriculture products ,

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<sup>57</sup> Committee on Economic, Social and Cultural Rights, *supra* note 18 at para 36

whether as consumers or producers. They may do this by taking into account nutritional needs in the preparation of foods, or by completing a careful analysis of the costs and benefits of the methods employed in production. There is much that is out of individual's control, however, and thus Canada's food inspection system has a key role to play in fulfilling the quality, safety and nutrition of Canada's food supply. Many of the acts included in this category, fall under the administration of the Canadian Food Inspection Agency. These deal with food safety and quality standards, and the enforcement of these standards. If standards are set appropriately (so as to ensure safety and quality) and enforced, then the state's protection obligation will be satisfied. Protection is required against production and processing methods which are conducive to the introduction of harmful substances in food.

Acts which are not part of the CFIA portfolio are the Canadian Dairy Commission Act, the Experimental Farm Stations Act, the Fisheries Development Act, the Food and Agriculture Organization Act, the Canada Grain Act and the Pest Control Products Act.

## **Statutes**

### **A-8.8 — Agriculture and Agri-Food Administrative Monetary Penalties Act (1)**

This act administers monetary penalties for violations of the agri-food acts. The agri-food acts, which relate to food quality and safety, consist of the Canada Agricultural Products Act, Feeds Act, Fertilizers Act, Health of Animals Act, Meat Inspection Act, Pest Control Products Act, Plant Protection Act and Seeds Act.

This act helps to protect food security by enforcing food quality and safety standards as they are contained in the agri-food acts.

### **C-0.4 — Canada Agricultural Products Act (1, 6)**

This act regulates the marketing of agricultural products in import, export and interprovincial trade and provides for national standards and grades of agricultural products as well as standards for the establishments where they are produced.

A national standards and grading system for agricultural products protects the quality and safety aspects of food security, assuming that the standards are set appropriately. Standards, which are set by Health Canada, will give little or no protection if set too low.

### **C-15 — Canadian Dairy Commission Act (1, 2, 6m)**

The objects of the Canadian Dairy Commission are to provide efficient producers of milk and cream with the opportunity of obtaining a fair return for their labour and investment and to provide consumers with a continuous and adequate supply of dairy products of high quality. The Commission can purchase, sell, and dispose of dairy products, make payments for the benefit of milk and cream producers, make investigations relating to the production, processing or marketing of dairy products, and promote and assist in the promotion of their use. In coordination with provincial authorities, the Commission can administer certain milk classes that are priced to meet international competition, and pool market returns on behalf of the dairy sector.

This act performs a protective role by helping to ensure that dairy products are safe and of high quality. It may further protect the quality of the products by enabling producers to obtain a return proportionate to the investment required to produce those products, making dairy production feasible and profitable. The promotion of dairy products by disseminating information to the public on the benefits of such products is a way of fulfilling the right to nutritious food.

#### C-16.5 — Canadian Food Inspection Agency Act (1)

The Canadian Food Inspection Agency is responsible for the administration and enforcement of the Agriculture and Agri-Food Administrative Monetary Penalties Act, Canada Agricultural Products Act, Feeds Act, Fertilizers Act, Fish Inspection Act, Health of Animals Act, Meat Inspection Act, Plant Breeders' Rights Act, Plant Protection Act and Seeds Act, as well as the Consumer Packaging and Labelling Act Food and Drugs Act as they relate to food. Standards and policies relating to the safety and nutritional quality of food are established by the Minister of Health, who also assesses the Agency's effectiveness.

The Canadian Food Inspection Agency is an important part of a system to protect food safety and quality by administering and enforcing standards.

#### C-38 — Consumer Packaging and Labelling Act (1)

This act relates to the packaging, labelling, sale, importation and advertising of prepackaged and certain other products. Labels and containers must not be misleading, and must meet certain specifications. The net quantity (of the entirety as well as that of the servings contained in it), and the contents and their origins, for example, must be specified on the label.

Regulation of labelling and packaging is critical for protecting consumers from unsafe or low quality foods. By informing people about the contents of food, labels also respect people's ability to look after their own safety. This is especially important for those who have special food needs for health reasons, such as allergies, diabetes or heart conditions.

#### E-16 — Experimental Farm Stations Act (1, 2)

This act allows for the establishment of experimental farm stations across Canada for the purpose of conducting research in a number of areas pertinent to agricultural productivity and conservation.

Agricultural research may aid in fulfilling the right to safe, nutritious and high quality foods by

improving these characteristics of food, or it may do the opposite, making food less safe, less nutritious and of lower quality.

#### F-9 — Feeds Act (1)

This act ensures that feeds that are manufactured, sold or imported into Canada meet certain standards and are not hazardous to human or animal health. It is enforced through the Canadian Food Inspection Agency.

Livestock feeds command a large share of world food markets.<sup>58</sup> It is important that a governmental body regulate feeds commensurate with health and safety standards because the feeds used in the raising of animals is information to which consumers are unlikely to have access. These standards serve to protect consumers, as well as livestock producers, from feeds harmful to human and animal health.

#### F-10 — Fertilizers Act (1)

This act regulates agricultural fertilizers, to ensure that they contain no destructive ingredients and are not harmful to plants.

It protects food safety and quality by ensuring that fertilizers employed in their production do not harm plants.

#### F-12 — Fish Inspection Act (1)

This act allows for the inspection of fish and marine plants, ensuring that they are fit for human consumption - not tainted, decomposed or unwholesome (these terms may be defined by the Minister of Agriculture and Agri-Food).

It protects consumers from unsafe or low quality fish and marine plants.

#### F-21 — Fisheries Development Act (1, 2)

This act provides for the development of commercial fisheries in Canada. Development projects that may be undertaken include those to increase the efficiency of fishery resource exploitation, improve fishing techniques, develop new products and improve methods of handling, processing and distributing fishery products.

Improved methods for handling, processing and distributing fishery products can directly protect the quality, safety and nutrition of those foods.

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<sup>58</sup> Joachim von Braun, "Trends and Prospects for World Food Security: Policy Implications," in *Sustainable Agriculture: Its Policy Effects on the Future of Canada and Ontario's Agri-food System*, (Guelph: University of Guelph Department of Agricultural Economics and Business, 1990) at 12

#### F-26 — Food and Agriculture Organization of the United Nations Act (1, 2, 4, 6)

This act implements the Agreement for a Food and Agriculture Organization of the United Nations (FAO). The FAO has as its objectives the amelioration of levels of nutrition, standards of living, efficiency of production and distribution of food and agricultural products, and conditions of rural populations and thereby the expansion of the world economy. These purposes are fulfilled, for example, through education, research, dissemination of information, resource conservation, improvement in agricultural production methods, provision of agricultural credit.

The presence of an international organization which is concerned with, among other things, the level of nutrition is important in that it can provide national governments with standards, guidance and support. Canada's role as a member of the FAO may serve to meet any or all of its obligations to respect, protect and fulfil.

#### F-27 — Food and Drugs Act (1)

This act prohibits selling and importing food that is poisonous, harmful, not fit for human consumption, adulterated, prepared under unsanitary conditions, or labeled, packaged or processed in a way that is misleading. It also provides for regulations to specify food standards for the purpose of protecting the health of consumers.

By ensuring that food meets quality and safety standards, and is labeled correctly, this act helps to protect consumers from unsafe foods.

#### G-10 — Canada Grain Act (1)

This act establishes the Canadian Grain Commission. The Commission acts in the interests of grain producers by establishing and maintaining quality standards for Canadian grain, regulating grain handling in Canada, and ensuring a dependable commodity for domestic and export markets.

The maintenance of high quality grain protects the quality aspect of food security. Ensuring a market for Canadian grain helps provide cash receipts for producers making the production of high quality grain feasible.

#### H-3.3 — Health of Animals Act (1, 4)

This act aids in controlling diseases and toxic substances that may affect animals or that may be transmitted by animals to people, by requiring notification upon discovery of any contamination, providing for inspection of animals and animal products (such as milk and cream), and prohibiting the sale or importation of contaminated animals.

Preventing contamination and spread of diseases protects food safety as well as human health.

#### M-3.2 — Meat Inspection Act (1)

This act deals with trade in meat products, the registration of and standards for establishments where animals are slaughtered and meat products prepared, and the inspection of animals and meat products

in registered establishments.

This act helps to protect the safety and quality of meat and meat products.

#### P-9 — Pest Control Products Act (1)

This act regulates products used for controlling pests and the organic functions of plants and animals.

Controlling these products, particularly their use in agriculture, if done consistently with food safety, will protect food from potentially harmful products. The act, however, makes no mention of food safety.

#### S-8 — Seeds Act (1, 2)

This act establishes minimum quality standards for seeds and provides information respecting plant varieties and seeds, thereby facilitating the transfer of new technologies and the availability of pure, efficacious seed. It also deals with the labelling of seeds.

Minimum standards for seed quality are important for protecting the quality of the food plants that they grow into.

### **Marginal**

A-9 — Department of Agriculture and Agri-Food Act (1m, 2)

A-11.2 — Animal Pedigree Act (1m)

Bill C-80 — Canada Food Safety and Inspection Act (1m)

Bill C-80 was introduced in the House of Commons in April, 1999 to consolidate and modernize food inspection legislation, but it has not yet been enacted.

## **2) Price, supply, and means of production of food and agricultural products**

### **Summary**

Many agricultural sectors in Canada are under supply management schemes or marketing agencies, both of which significantly influence the price and supply of food and agricultural products. Several of the statutes here implement these management and marketing schemes. Supply management is a system whereby producers control production, through quotas, so that it corresponds with demand. This prevents costly surpluses and enables producers to obtain greater returns for their products. As a result, prices may be higher for consumers. Marketing agencies facilitate access to the market for all producers. It is vital for producers to have access to the means of production, and this is aided through legislation which provides for financial aid,

loans, development of fisheries and rural areas, protection of the investments made by producers - i.e. the Patent Act and the Plant Breeders Rights Act - as well as the above mentioned programs to ensure that producers receive fair returns on the investments they make.

## **Statutes**

### **A-3.7 — Agricultural Marketing Programs Act (2)**

This act amalgamates the Prairie Grain Advance Payments Act, Advance Payments for Crops Act and the Agricultural Products Cooperative Marketing Act, which have all been repealed. It consists of the Advance Payments Program and the Price Pooling Program. The former provides interest free cash advances to producers when they are needed. The latter provides price guarantees to marketing agencies to encourage and facilitate the cooperative marketing of agricultural products.

The provision of cash advances and price guarantees to food producers and marketing agencies helps to protect the social sustainability of the food supply. Cash advances do so by endeavouring to distribute cash resources to producers when they are needed, allowing producers to carry on with the essential work of food production. Price guarantees do so by mitigating negative market forces such as declining prices or unbalanced competition from more powerful producers or marketers.

### **A-6 — Agricultural Products Marketing Act (2, 6)**

The Agricultural Products Marketing Act extends provincial marketing boards' authority to the federal level. This means that marketing boards may, if they have requested the authority from the federal government, market agricultural products in interprovincial and export trade just as they do inside the province. Marketing boards are responsible for such areas as marketing, handling, pricing information and appointment of shippers.

This act is respectful of marketing boards' (and thereby producers') ability to sell their products and make a living from food production. It may also protect and facilitate access to the food supply by permitting the marketing of agricultural products across provincial and national borders.

### **A-9 — Department of Agriculture and Agri-Food Act (1m, 2)**

This act establishes the Department of Agriculture and Agri-Food Canada (AAFC), which is a significant institution for Canada's agri-food sector. The AAFC promotes the development, adaptation and competitiveness of the agriculture and agri-food sector in the interests of Canada's economic and environmental objectives. It also purposes to ensure a high quality food supply (under the direction of the Canadian Food Inspection Agency) and strong rural communities. The Minister of the department is responsible for a total of 37 acts which relate to agriculture, agricultural products and agricultural research.

Being responsible for legislative acts and policies dealing with agriculture, the AAFC may respect, protect, and fulfil food security objectives. It is respectful if its programs and policies do not interfere with pre-existing capacities for food procurement and take into account local knowledge and

needs. It may be difficult to balance this respect with protection of the competitiveness of the agri-food industry. To take an example, the protection of plant breeders' rights and promotion of new plant varieties under the Plant Breeders' Rights Act may interfere with the accessibility of different plant varieties to producers and therefore their ability to contribute to the food supply and their own livelihood. Food security objectives may be fulfilled by AAFC through coordination of a food storage system to make food available in times of crises, for example.

#### A-14 — Atlantic Fisheries Restructuring Act (2)

The aim of this act is to restructure fishery enterprises to facilitate the development of viable Atlantic fisheries that are competitive and privately-owned. To fulfil this purpose, the act authorizes the Minister to deal with shares, debentures or securities in any fishery enterprise, to provide loans and financial assistance to fisheries and to guarantee any loans made to fishery enterprises.

The restructuring of fishery enterprises to ensure their viability will protect the supply of fish and fish products available to consumers. As well, providing loans and financial assistance should help to protect access to the means of production for those implicated in Atlantic fisheries. It is possible that prices will be higher under private ownership than they would be under public ownership.

#### C-15 — Canadian Dairy Commission Act (1, 2, 6m)

The objects of the Canadian Dairy Commission are to provide efficient producers of milk and cream with the opportunity of obtaining a fair return for their labour and investment and to provide consumers with a continuous and adequate supply of dairy products of high quality. The Commission is empowered to purchase, sell, and dispose of dairy products; make payments for the benefit of milk and cream producers, make investigations relating to the production, processing or marketing of dairy products, and to promote and assist in the promotion of their use. In coordination with provincial authorities, the Commission can administer certain milk classes that are priced to meet international competition, and pool market returns on behalf of the dairy sector.

The Canadian Dairy Commission helps to protect the stability of prices and supply of dairy products, as well as producer incomes and methods of production. It also keeps prices relatively high. This protects producers, who need to receive a certain level of return on their investment in order to make production worthwhile; it is harmful to consumers, however, especially those with limited incomes.

#### C-24 — Canadian Wheat Board Act (2, 6)

This act incorporates the Canadian Wheat Board (CWB) which is the sole marketing agency for Western Canadian wheat and barley growers. Its role is to market these grains in interprovincial and export trade to the best advantage of producers. Some of its functions are to provide producers with initial payments established and guaranteed by the federal government, to pool selling prices so that producers benefit equally, to administer quotas so that producers get a fair share of the market, and to organize grain shipments to meet sales commitments in order to make the best use of handling and transportation facilities.

Under the auspices of the Canadian Wheat Board, producers are able to join forces with each other and thereby possess more influence and make higher returns than they would as individual sellers. Their interests as producers are protected against larger, more powerful grain sellers in the market.

Their livelihoods are also protected by the CWB, which endeavours to ensure that the highest grain prices possible are obtained. This, of course, will translate into higher prices for consumers.

#### C-33 — Coastal Fisheries Protection Act (2, 3)

This act is concerned with the protection of Canada's coastal fisheries. The conservation and management of fish stocks, some of which are threatened with extinction, and guarding against unauthorized fishing, especially by foreigners, are of prime importance. There is particular attention given to the straddling fish stocks on the Grand Banks of Newfoundland which are a major source of food and livelihood.

This act helps to protect the supply of fish through conservation and management. If obtaining authorization to fish under the regulations is too difficult, there may be injury to food security for those who rely on fish as a source of food or income but are not qualified to a licence under the act.

#### E-16 — Experimental Farm Stations Act (1, 2)

This act allows for the establishment of experimental farm stations across Canada for the purpose of conducting research in a number of areas pertinent to agricultural productivity and conservation.

Agricultural research conducted at the experimental farm stations may either respect and protect food security, or impair it, depending on the direction and outcome of the research. Improved methods of production, for example, could increase supply and decrease costs of production and consumer prices. If local knowledge, needs and capacities are taken into account as a basis for such improvements, then these will be respectful of the local population. On the other hand, research detrimental to the food supply, or which results in the need for more economically or environmentally costly inputs, would impair food security.

#### F-2.2 — Farm Credit Corporation Act (2)

The Farm Credit Corporation provides financial services to farming operations, including family farms, and to businesses in rural areas that are related to farming.

The provision of financial services to farms and businesses helps to protect the ability of farmers and business people to access the means required to produce food and agricultural products, and to look after their own needs and those of their families.

#### F-2.7 — Farm Improvement and Marketing Cooperatives Loans Act (2)

Under this act, the Minister of Agriculture and Agri-Food guarantees loans made to farmers and cooperatives for farm improvement projects and for processing, distribution and marketing of agricultural products.

The guaranteeing of loans helps protect the sustainability of supply, production and access to necessary inputs by farmers and cooperatives, by facilitating projects and operations necessary for agricultural production, processing, distribution and marketing.

### F-3 — Farm Improvement Loans Act (2)

The Farm Improvement Loans Act extends credit to farmers to enable them to increase the efficiency of farm operations and improve living conditions on the farm. To accomplish this, the government may guarantee loans.

Increased efficiency may protect food security by reduce prices for consumers and costs of production, and increase production volumes. Furthermore, improved farm living conditions protect farming as a viable occupation.

### F-3.3 — Farm Income Protection Act (2)

The purpose of this act is to protect the income of agricultural producers. For this end, the federal and provincial governments may enter into agreements, and the federal government may take any additional steps required.

Protection of farm incomes is important for ensuring that agricultural production can take place.

### F-4 — Farm Products Agencies Act (2)

This act permits the development of national or regional marketing plans, including supply management, by producers of eggs, poultry and tobacco.

Supply management and other marketing plans protect the supply of products by ensuring that it is adequate to meet demand. They also protect producers' ability to produce, and therefore to provide food for themselves and their families, by guaranteeing that prices are sufficient to meet the costs of production and by eliminating much competition from lower priced imports. Consumers' interests, however, are not entirely protected in that marketing plans often mean higher priced products.

### F-11.6 — Firearms Act (2, 7a)

Under this act, gun owners are required to obtain licences and registration certificates in order to possess firearms. Possessing a firearm without a licence and registration constitutes a criminal offence.

While this act is not to be construed so as to derogate from Aboriginal and treaty rights, it may affect the ability of Aboriginal food hunters to legally possess firearms because of the costs involved in obtaining licences and registrations. If so, it serves to prevent Aboriginal peoples from accessing certain traditional foods and does not respect their ability to feed themselves by means of traditional sources.

### F-13 — Freshwater Fish Marketing Act (2)

This act establishes the Freshwater Fish Marketing Corporation. The objective of the Corporation is to market and trade fish, fish products and fish by-products domestically and internationally. It has a broad mandate for fulfilling this purpose and may, for example, buy, produce, process, package, or store fish and fish products and by-products.

As the marketer of fish and fish products, the Corporation may protect food security in that it has some control over prices and the supply of fish and fish products available to consumers. As well, it can help fishers and fish processors to obtain adequate returns for their products.

#### F-14 — Fisheries Act (2, 3)

This is an act to regulate fishing. It deals with licensing, fishing methods, permissible times and areas where fishing may take place, protection of fish habitat and prevention of pollution.

Regulation of fishing protects fish stocks from over fishing. It may also be respectful if regulation of fishing methods takes into account local knowledge and methods.

#### F-17 — Great Lakes Fisheries Convention Act (2)

This act implements the Great Lakes Fisheries Convention between the United States and Canada. The Convention aims to conserve fish stocks in the Great Lakes and attain maximum sustained production levels. For this purpose, a joint commission is established to conduct research into productivity levels and sea lamprey populations (sea lamprey pose a serious threat to fisheries).

This act protects the supply of fish by aiming to achieve maximum sustained production levels, and to prevent damage to fish populations by sea lamprey.

#### F-21 — Fisheries Development Act (1, 2)

This act provides for the development of commercial fisheries in Canada. Development projects that may be undertaken include those to increase the efficiency of fishery resource exploitation, improve fishing techniques, develop new products and improve methods of handling, processing and distributing fishery products.

This act protects the interests of commercial fishers. It may also respect the ability of people to provide for themselves if this ability is not interfered with by developments to fisheries and if local knowledge is used as a base for the improvements and developments to the industry.

#### F-22 — Fisheries Improvement Loans Act (2)

Under this act, the government guarantees loans made to people whose primary occupation is fishing for the purpose of fisheries improvement. Eligible loans include those made for purchase or construction of fishing vessels, fishing equipment or shore installations.

Loans for the purpose of fisheries improvement helps to protect the livelihood of fishers as well as the supply of fish available to consumers.

#### F-23 — Fisheries Prices Support Act (2)

This act establishes the Fisheries Price Support Board. The Board may prescribe prices at which it purchases fisheries products, which are to provide fair returns to fisheries; pay producers the

difference between this price and the average market price; and sell, package, process, store, ship, transport or export any fisheries product.

By ensuring that fisheries receive fair returns for their products, this act protects the viability of fisheries and the supply of fish products available in the market.

#### F-26 — Food and Agriculture Organization of the United Nations Act (1, 2, 4, 6)

This act implements the Agreement for a Food and Agriculture Organization of the United Nations (FAO). The FAO has as its objectives the amelioration of levels of nutrition, standards of living, efficiency of production and distribution of food and agricultural products, and conditions of rural populations and thereby the expansion of the world economy. These purposes are fulfilled, for example, through education, research, dissemination of information, resource conservation, improvement in agricultural production methods, provision of agricultural credit.

By working to improve the efficiency of food and agricultural production methods, the FAO helps to increase and sustain the supply of food produced. In order to respect the capacities of the local populations where these improvements are implemented, they must take into account the local production systems and local needs. Provision of agricultural credit protects producers' ability to continue with the work of production.

#### L-10 — Livestock Feed Assistance Act (2)

This purpose of this act is to ensure that there is adequate feed grain, and storage space for this grain, available to livestock feeders, and that feed grain prices are reasonably stable and equal between Eastern Canada, British Columbia, the Yukon, Northwest Territories and Nunavut. These objectives may be accomplished through payments towards storage or transport, or the importation of feed grains.

Feed grains are an essential input for livestock production. Access to adequate and reasonably priced feed grains protects the production capabilities of livestock producers, as well as the supply of meat and animal products available to consumers.

#### P-4 — Patent Act (2)

This act provides for the patenting of inventions. Inventions include any new and useful, process, machine, manufacture or composition of matter (genetic material), or any new and useful improvement in any art, process, machine, manufacture or composition of matter.

This act may provide for the patenting of food and agricultural production methods and of foods and crops themselves. This may protect food production by encouraging producers to make improvements to their methods or produce, and by giving protection to their food and agricultural production-related inventions. It may also be disrespectful of individuals' or groups' capacity to provide for themselves. This would be so, for example, if protection of one person's invention resulted in prohibitive prices of the process or product for others who required it for food production.

#### P-10 — Pesticide Residue Compensation Act (2)

This act compensates farmers whose agricultural products are contaminated by pesticide residue.

It protects farmers' incomes in the event of such contamination.

#### P-14.6 — Plant Breeders' Rights Act (2)

The purpose of the Canadian Plant Breeders' Rights Act is to stimulate plant breeding, improve access to foreign varieties of plants and protect Canadian varieties of plants abroad. It provides legal protection (exclusive rights) for new varieties of plants for up to 18 years. Included under the act are all plant species, regardless of the means of reproduction, except algae, bacteria and fungi.

This act protects plant breeders from losing on the investments they have made in breeding new and improved plant varieties. This protection may encourage innovation in plant breeding, and resulting in plant varieties that could make valuable contributions to food security. The act may also have the opposite effect, if it results in a concentration of ownership of plant varieties in plant breeders and physical or economic inaccessibility to those involved in food production. This could also cause prices of certain plants and their products to increase. Furthermore, if exclusive rights are granted for improvements to plant varieties that have been improved upon for centuries by Aboriginal or local peoples, protection of one party's interests may result in an injustice to another.

#### P-14.8 — Plant Protection Act (2, 3)

The purpose of this act is to protect plant life and the agricultural and forestry sectors by controlling or eradicating pests in Canada which pose a threat to plants.

This act protects plants, agriculture and forestry. Eradication of pests will help to ensure that there is an adequate supply of food available, and that producers are able to earn an adequate livelihood.

#### P-17 — Prairie Farm Rehabilitation Act (2, 3)

The purpose of this act to rehabilitate areas of Manitoba, Saskatchewan and Alberta affected by drought and soil drifting. It promotes and supports practices which are consistent with the goal of rehabilitation and which will mitigate the effects of drought and soil drifting. As well, it helps to administer programs which promote economic development and diversification opportunities in the prairies.

Land is an important means of production and this act helps to protect it, as well as to fulfil, by ensuring that prairie lands remain capable of agricultural production. This will have a positive effect on the amount that can be produced from the land. Encouraging and providing economic development and diversification opportunities protects and fulfils the ability of residents of this region to provide for themselves.

#### S-8 — Seeds Act (1, 2)

This act establishes minimum quality standards for seeds and provides information respecting plant varieties and seeds, thereby facilitating the transfer of new technologies and the availability of pure,

efficacious seed. It also deals with the labelling of seeds.

The use of high quality seeds in production protects the food supply as a greater amount of food may be produced from these seeds.

### **Marginal**

A-2.4 — Agreement on Internal Trade Implementation Act (2m)

C-10.4 — Canada Transportation Act (2m, 7e-m)

D-4 — Dry Docks Subsidies Act (2m)

F-2.27 — Farm Debt Mediation Act (2m)

I-9.2 — Department of Industry Act (2m)

V-1.5 — Veterans' Land Act (2m)

### **3) Land and water use and management, pollution, and sustainable development**

#### **Summary**

This category is closely linked to the previous two in that in order to have an abundant supply of high quality, safe, nutritious foods, and to ensure that the means needed to produce these are available (such as uncontaminated land and water), the land and water must be managed sustainably and pollution controlled. The statutes in this category are especially pertinent to the “environmental sustainability” column of the matrix. The development of legislation to counteract activities that may erode the ecological balance satisfies the state obligation to protect, and implementation of such programs satisfies the obligation to fulfil. The majority of these statutes have the potential to restore and preserve the environment and ensure that resources are managed in a manner consistent with food security objectives. Protection of the environment, and fostering biological diversity are of prime importance for food security as it is from the environment and its ecosystems that food is obtained. Many Canadian statutes recognize the importance of sustainable development, but only those where this is a primary objective are included here.

#### **Statutes**

A-3 — Agricultural and Rural Development Act (3, 4)

This act provides for projects and research designed to rehabilitate and develop rural areas in Canada. The focus of these projects and research is conservation, soil improvement, efficient use and economic development of rural lands, development and conservation of water supplies, and

development of income and employment opportunities and improvement of living standards in rural areas.

This act serves to protect rural, food-producing areas from environmental degradation. The projects which it promotes could satisfy the fulfilment obligation if they actually facilitate the restoration and preservation of the environment through resource conservation and management.

#### A-10.7 — Alternative Fuels Act (3)

This act promotes the use of alternative fuels in motor vehicles operated by the federal government in order to reduce damage done to the environment by air pollutants.

This act protects the environment from air pollution caused by automobiles.

#### A-12 — Arctic Waters Pollution Prevention Act (3, 7a)

The object of this act is to prevent pollution of the waters adjacent to the mainland and islands of the Canadian Arctic, and to ensure that natural resource exploitation and development take place without damaging the Arctic environment and without negatively impacting the Inuit and others who live in the Arctic.

This act helps to protect Arctic waters from pollution and to ensure that resources are managed in such a way so as not to harm the Arctic environment. It is particularly important for the Inuit whose primary food sources dwell in the Arctic water habitat. The act therefore helps to protect important aspects of Inuit culture: food and food procurement, and may also demonstrate a respect for the Inuit and their ability to procure food for themselves and their families. It is vital that all decisions made with regards to Arctic waters and management and exploitation of Arctic resources take into careful consideration the food security of the Inuit.

#### A-16 — Atomic Energy Control Act (3, 4)

The Atomic Energy Control Board regulates the use of nuclear energy in Canada. It establishes health, safety, security and environmental standards for the use of nuclear energy, and licenses only those activities that can meet and maintain those standards.

Standards for the use of nuclear energy help to protect the environment and human health and safety.

#### A-17 — Auditor General Act (3)

The Auditor General audits the accounts of Canada and reports to the House of Commons on anything of significance including whether money has been expended consistent with the goal of sustainable development. The act allows for the appointment of a Commissioner of the Environment and Sustainable Development to monitor and report on the progress of federal agencies towards sustainable development.

A monitoring and reporting scheme protect the environment by providing the information needed to ensure that principles of sustainable development are adhered to by the federal government.

### C-11 — Canada Water Act (3)

This act provides for the management of the water resources of Canada, including research and the planning and implementation of programs relating to the conservation, development and utilization of water resources. It takes into consideration the increasing demands on water resources and future needs, and the threat posed to water and public health by pollution.

This act protects water from pollution and helps to ensure that it is properly managed. Consideration of future needs is vital for the food security of future generations. The implementation of programs to supporting the conservation, development and management of water resources discharges the obligation to fulfil.

### C-15.2 — Canadian Environmental Assessment Act (3)

This act establishes a system to assess the environmental effects of projects undertaken by or with the approval or assistance of the federal government. Its purposes are to ensure that environmental effects are given consideration, to promote sustainable development, to protect the environment, and to give an opportunity for public participation in the assessment process.

Depending the standards applied in the assessment process, this act will help protect the environment from hazardous projects or developments. While the public participation or the attention given to public concerns may often be inadequate, public participation offers the opportunity for local knowledge and needs to be heard and respected.

### C-15.3 — Canadian Environmental Protection Act (3)

This act aims to protect the environment and human life and health, and fulfil international obligations by assessing, managing and cleaning up existing pollution.

Assessment and management of pollution protects the environment, while cleaning up satisfies the obligation to fulfil environmental sustainability. These obligations are also specific to international environmental commitments.

### E-10 — Department of the Environment Act (3)

This act establishes Environment Canada. Environment Canada is mandated to preserve and enhance the quality of the natural environment and its renewable resources (including migratory birds and other non-domestic flora and fauna), to carry out meteorology, to enforce the rules of the Canada-U.S. International Joint Commission, and to coordinate federal environmental policies and programs.

In executing this mandate, it addresses environmental issues, promotes sustainable development, administers environmental laws and regulations, and provides services to help Canadians sustain the environment.

Environment Canada helps to protect the sustainability of the environment. As well, the administration of environmental laws and regulations, if these are adequate to ensure protection of the environment and vigorously enforced, will satisfy the obligation to fulfil .

#### E-21 — Expropriation Act (3)

This act allows for the expropriation of land, with compensation, for public works or public purposes. As well it allows for entry onto and use of any land for a public work or purpose, with seven days notice to the owner.

The effects of this act on food security depend upon the public purpose for which land is expropriated and upon the land itself. It is unlikely that land which is highly valuable for food production would be expropriated. If the public purpose is such that it supports food security, then the obligation to protect or fulfil may be discharged through expropriation. As long as adequate compensation is provided for expropriated land, the food security of land owners is unlikely to be disrespected: if they use the land to produce food for themselves, the compensation should enable them to continue on another parcel of land.

#### F-14 — Fisheries Act (2, 3)

This act relates to the regulation of fishing. It deals with licensing, fishing methods, permissible times and areas where fishing may take place, protection of fish habitat and prevention of pollution.

This act protects fish habitat against pollution and other threats.

#### F-15 — Department of Fisheries and Oceans Act (3)

This act establishes the Department of Fisheries and Oceans, whose jurisdiction is over matters relating to the sea coast and inland fisheries, fishing and recreational harbours, hydrography and marine sciences, and policies and programs of the federal government respecting oceans.

Depending upon how management of fisheries and oceans is accomplished, this department may help to fulfil all three obligations. For example, it may respect by taking into consideration the knowledge and needs of local people who rely on fisheries and oceans for their livelihoods or food supply; protect by ensuring that federal policies and programs are consistent with the sustainability of the environment; fulfil by executing policies and programs aimed at restoring or preserving the ecological balance of the oceans.

#### F-30 — Forestry Act (3)

This act is concerned with the protection, management and utilization of forest resources. It provides for research into these areas, for surveys and economic studies, and for measures to encourage public cooperation in protecting forest resources.

This act protects sustainability of forest resources. Forests are important to food security as a source of income, as a habitat for various plants and animals which are food sources, and as a vital part in the earth's ecosystems.

#### I-7 — Indian Oil and Gas Act (3, 7a)

This act provides for leases, permits and licences for the exploitation of oil and gas in Indian lands, the disposition of interests in Indian lands necessary for oil and gas exploitation, and for the payment of royalties.

This act contributes to the determination of how Indian lands will be used and managed. Depending upon how leases, permits and licences are allotted, and the way oil and gas exploitation is carried out, the environment, and therefore food security, may be either protected or impaired. As well, oil and gas developments may increase incomes and standard of living on Indian reserves; however, this is not necessarily so as has been tragically demonstrated by the Hobema Indian Reserve in Alberta.

#### I-17 — International Boundary Waters Treaty Act (3)

This is implementing legislation for the International Boundary Waters Treaty Act. The treaty deals primarily with the use and diversion of the boundary waters between the United States and Canada.

This act protects Canadian water resources from being diverted to the United States.

#### I-20 — International River Improvements Act (3)

The purpose of this act is to ensure that water resources are developed and utilized in the national interest. It provides for regulation of the construction, operation and maintenance of international river improvements.

This act protects certain water resources for use by Canadians, and prevents their use by other nations. This may protect food security, by ensuring that Canadians have abundant water resources and control over international rivers. It may impair the food security of certain groups of people if the improvements made in the national interest result in flooding or other damage to land or rivers in regions of Canada.

#### M-0.2 — Mackenzie Valley Resource Management Act (3, 7a)

This act provides for an integrated system of land and water management in the Mackenzie Valley, and for the establishment land and water planning boards as required by the Gwich'in Comprehensive Land Claim Agreement and the Sahtu Dene and Metis Comprehensive Land Claim Agreement.

Integrated management is respectful of the various groups who have an interest in the management of the resources, especially the Gwich'in and the Sahtu Dene and Metis. Management by these groups enables them to use resources to their own benefit and provide for themselves.

#### N-14 — National Parks Act (3)

Canada has set aside national parks are for the benefit, education and enjoyment of all Canadians, as well as for future generations.

The establishment of national parks protects the resources, plant and animal habitats, and ecosystems on those lands from harmful development and human encroachment.

#### N-16.4 — National Round Table on the Environment and the Economy Act (3)

This act establishes the National Round Table on the Environment and the Economy for the purpose of identifying, explaining and promoting principles and practices of sustainable development. It does so via research on sustainable development, advising governments and other sectors on how to integrate environmental and economic concerns, public promotion and education of sustainable development, and assisting in efforts aimed at attaining sustainable development.

This act protects environmental sustainability. It may hold special significance for agricultural producers by informing agricultural policies and operations in order to ensure that agriculture is both economically and environmentally sustainable.

#### N-20.8 — Department of Natural Resources Act (3)

Natural Resources Canada specializes in energy, minerals and metals, forests and earth sciences. It endeavors to ensure that natural resource development and marketing maximizes economic benefit and minimizes environmental effects. It is also concerned with the development of appropriate technology to facilitate this.

The Department of Natural Resources may protect food security and environmental sustainability if the environmental effects of resource development are such that they do not interfere with food production.

#### N-26 — Northern Pipeline Act (3, 7a)

This act facilitates the construction of a northern natural gas pipeline to transmit natural gas from Alaska and Northern Canada. The pipeline construction process is to take into account competing land and resource interests, especially of Aboriginal peoples, and to ensure that claims to the land on which the pipeline is situated are settled equitably. As well, it aims to maximize the social and economic benefits, including employment opportunities, and minimize the negative social and environmental effects in areas most directly affected by the pipeline.

The transmission of natural gas from Alaska and Northern Canada to more southern regions may improve the standard of living in the South. In the North, however, unless interests are adequately protected, it is possible that injury could occur. In particular, a pipeline and its construction may interfere with Aboriginal food sources such as caribou. The act does set out to minimize negative effects, however, and by ensuring that land claims are equitably settled on pipeline lands demonstrates respect for Aboriginal peoples who rely on those lands.

#### N-27.3 — Northwest Territories Waters Act (3)

This act requires that Northwest Territories water be used only in accordance with licencing conditions and prohibits the deposit of waste into these waters. Generally, the act aims to conserve, develop and utilize waters in a manner that will provide the optimum benefit for all Canadians, particularly those residing in the Northwest Territories.

This act protects water resources in the Northwest Territories against environmental degradation.

#### O-2.4 — Oceans Act (3)

This act establishes Canada's maritime zones, as an assertion of Canada's sovereignty within its exclusive economic zone, and provides for an integrated system of ocean and marine resource management to operate on the principles of sustainable development and the precautionary approach.

There is provision for consultation with provincial governments and other groups, such as First Nations, affected by ocean management schemes, but such consultation is not mandatory.

This act protects Canada's ocean resources from exploitation by other nations, and helps to ensure these resources are properly managed. It may also be of value in respecting those whose food security is dependent upon ocean resources by inviting their consultation on matters relating to ocean resource management. It is noteworthy that ocean resource management is to be based upon the precautionary principle.

#### O-7 — Canada Oil and Gas Operations Act (3)

This act promotes safety, protection of the environment, and conservation of oil and gas resources in the exploration for and exploitation of oil and gas.

This act helps to protect the environment from damage resulting from oil and gas exploration.

#### P-14.8 — Plant Protection Act (2, 3)

The purpose of this act is to protect plant life and the agricultural and forestry sectors by controlling or eradicating pests in Canada which pose a threat to plants.

This act relates to land management by protecting plants, agriculture and forestry from pests. Agriculture and forestry are important sources of income for many Canadians.

#### P-17 — Prairie Farm Rehabilitation Act (2, 3)

The purpose of this act to rehabilitate areas of Manitoba, Saskatchewan and Alberta affected by drought and soil drifting. It promotes and supports practices which are consistent with the goal of rehabilitation and which will mitigate the effects of drought and soil drifting. As well, it helps to administer programs which promote economic development and diversification opportunities in the prairies.

This act helps to protect and fulfil environmental sustainability by mitigating the effects of drought and soil drifting and by rehabilitating important agricultural production lands. The careful management of production lands is important to the food security of those who are producers on these lands as well as all Canadians.

#### S-1.3 — Saguenay-St. Lawrence Marine Park Act (3)

This act aims to increase the level of protection accorded the ecosystems of a significant part of the Saguenay River and the St. Lawrence estuary. The conservation of this area is intended to benefit

present and future generations by providing educational, recreational and scientific opportunities.

This act protects the ecosystems of this region. Ecosystem protection is fundamental for ensuring biological diversity, and thus food security.

#### S-9 — Canada Shipping Act (3,5)

This act deals with all aspects of shipping in Canada, including the payment of wages to seamen, pensions for Lower St. Lawrence pilots, pollution prevention and response, and liability for pollution. The discharge of pollutants is permitted only in accordance with the Canadian Environmental Protection Act. All ships must be prepared procedurally and materially for oil spills. In the event of an oil spill, the ship owner is held strictly liable and is responsible for costs associated with remedying the damage caused.

Oil spills cause serious damage to the aquatic environment. This act protects against oil spills by encouraging ships to take the measures necessary to prevent them.

#### T-7 — Territorial Lands Act (3, 7a)

This act regulates lands in the Yukon Territory or the Northwest Territories. It provides for the setting apart of lands for land management zones if necessary for the protection of the ecological balance or physical characteristics of that land. It authorizes the sale, lease or disposition of lands, but lands which are suitable for muskrat farming may not be sold. As well, it authorizes the making of mining regulations, which must protect the interests of surface rights holders.

Management of territorial lands helps to ensure that it is protected against damage. The protection of lands that may be used for muskrat farming is especially important to the food security of those who rely on these animals as a source of food or income, and this act is respectful of this.

#### T-19.01 — Transportation of Dangerous Goods Act, 1992 (3)

The purpose of this act is to promote public safety in the transportation of dangerous goods. Towards this end, dangerous goods must be labeled with safety marks, and those who handle and transport them must comply with safety standards and develop emergency plans in case of an accidental release. Any accidents must be reported and emergency measures taken. The act also provides for research into the development and improvement of safety marks, requirements, standards and regulations, as well as for the dissemination of information about dangerous goods to the public.

This act protects environmental sustainability by ensuring that preparations are in place to deal with a release of dangerous goods and by helping to prevent such an occurrence.

#### W-9 — Canada Wildlife Act (3, 7a)

This act deals with conservation and research of Canadian wildlife (plants, animals, migratory birds, organisms and their habitats that are wild by nature). Nothing in the act is to be construed so as to abrogate or derogate from aboriginal or treaty rights. The act provides for the promotion of public

cooperation in wildlife conservation and interpretation, the implementation of wildlife policies and programs in cooperation with provincial governments, the establishment of protected marine areas in Canadian waters, the protection of endangered species, search and seizure by wildlife inspectors if they believe that there has been a violation of the act or regulations, and the acquisition of land for research, conservation and interpretation of migratory birds or wildlife.

This act protects Canadian wildlife which is an important and traditional source of food for some people, particularly Aboriginal people. Protection of marine areas and endangered species, and the use of lands for the purpose of conserving wildlife also have positive effects on food security by promoting the maintenance of diverse ecosystems.

#### Y-4.6 — Yukon Waters Act (3)

This act requires that Yukon waters be used only in accordance with licence conditions, and prohibits the deposit of waste into those waters. It establishes the Yukon Waters Board to provide for the conservation, development and utilization of Yukon waters in a manner that will be of optimal benefit to Yukon residents and all Canadians.

The management of Yukon waters helps to protect the sustainability of those waters.

### **Marginal**

C-15.5 — Canadian Exploration and Development Incentive Program Act (3m)

C-15.7 — Canadian Exploration Incentive Program Act (3m)

E-6.4 — Energy Efficiency Act (3m)

E-9 — Energy Supplies Emergency Act (3m)

E-11 — Canadian Environment Week Act (3m)

I-16 — International Boundary Commission Act (3m)

N-22 — Navigable Waters Protection Act (3m)

P-13 — Petroleum Incentives Program Act (3m)

S-16 — Standards Council of Canada Act (3m, 4m, 5m, 6m)

W-4 — Dominion Water Power Act (3m)

W-8.5 — Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (3m)

Y-3 — Yukon Placer Mining Act (3m)

Y-4 — Yukon Quartz Mining Act (3m)

Y-4.3 — Yukon Surface Rights Board Act (3m)

## **4)0 Social welfare, health and education**

### **Summary**

Statutes in this category affect the social sustainability, adequate care, and adequate prevention and control of disease aspects of food security, in accordance with the food and nutrition security matrix. An adequate welfare system is vital for ensuring that those in need are provided with adequate food, shelter,

clothing, and any other necessities. Health care is closely linked to adequate nutrition and food security. Education is often necessary for securing employment through which to be entitled to food. Most of the acts here endeavour to fulfil the right to adequate food by providing financial assistance or opportunities that would otherwise be unavailable. Other acts protect, especially those related to health, human resource development and the enforcement of human rights. Recent changes to the administration of funding for health and social programs, under the Canada Health and Social Transfer, may indeed be a step backwards in terms of improving the standard of living in Canada.

### **Statutes**

#### **A-3 — Agricultural and Rural Development Act (3, 4)**

This act provides for projects and research designed to rehabilitate and develop rural areas in Canada. The focus of these projects and research will be on conservation, soil improvement, efficient use and economic development of rural lands, the development and conservation of water supplies, and the development of income and employment opportunities and improvement of living standards in rural areas.

The development of rural areas is respectful if it takes into account local knowledge. It may protect or fulfil the ability of rural populations to provide for themselves by endeavouring to improve rural living standards.

#### **A-12.4 — Army Benevolent Fund Act (4, 7d)**

This act establishes a fund for the benefit of veterans, their dependants, or the widows, widowers, children or former dependants of deceased veterans. The fund is to be administered to give relief where adequate government relief is not available; bursaries for education may be given on basis of financial need.

This act fulfils by providing financial assistance for those veterans or their dependants who are in need.

#### **A-16 — Atomic Energy Control Act (3, 4)**

The Atomic Energy Control Board regulates the use of nuclear energy in Canada. It establishes health, safety, security and environmental standards for the use of nuclear energy, and licenses only those activities that can meet and maintain those standards.

Standards for the use of nuclear energy help to protect the environment and human health and safety.

#### **B-9.82 — Budget Implementation Act, 1998 (4, 7d)**

The 1998 budget announced the establishment of the Canada Millennium Scholarship Foundation. The Foundation grants scholarships to students who are in financial need and who demonstrate merit, in order to improve access to post-secondary education.

This act fulfils by providing scholarships to students in need. It also protects food security by providing additional resources for a group which is vulnerable to food insecurity.

#### C-1 — Canada Assistance Plan (4, 7a-f)

This act will be repealed March 31, 2000 and is replaced by the Canada Health and Social Transfer. Under CAP, the federal government makes contributions towards provincial assistance and welfare programs, which is conditional upon the provinces meeting national standards. The provinces must provide financial or other assistance to those in need, take into account budgetary requirements, provide a means of appeal, provide assistance to individuals regardless of the length of residency in the province, and develop and extend welfare services. Assistance helps provide those in need with basic requirements, such as food, shelter, clothing and household supplies. It also provides for special needs (i.e. items required by trade or employment), special care, transportation, funerals, and health care. Welfare services are directed at alleviating the effects of poverty, child neglect or dependence on public assistance. Welfare services include rehabilitation, counseling, adoption, day-care, community development and research. Services aimed primarily towards education are excluded.

This act fulfils by helping to ensure that those in need receive adequate care and have the resources to procure food and other necessities.

#### C-6 — Canada Health Act (4)

The object of this act is to promote and improve the health and well-being of Canadians and make health services accessible to all regardless of income. It provides for federal contributions towards provincial health services. The provinces must meet national standards in the administration of insured and extended health services in order for the cost sharing to occur.

This act protects health services in the provinces by ensuring that they meet national standards. Under the Canada Health and Social Transfer, these standards must still be met. The act also fulfils by providing health care for everyone.

#### C-7 — Canada Mortgage and Housing Corporation Act (4)

This act establishes the Canada Mortgage and Housing Corporation (CMHC) which administers the National Housing Act. CMHC helps to finance housing through mortgages, conducts research related to the amelioration of housing efficiency and affordability, provides information about housing to the public, participates in assisted housing initiatives, particularly in Aboriginal communities, and promotes the export of Canadian housing products and expertise.

This act protects food security by assisting people to obtain housing, another basic necessity, which will free more money to be spent on food. Still, there is a lack of adequate housing in Canada, so it is

questionable whether the federal government, through the CMHC, is doing enough to ensure that all Canadians have adequate housing.

C-13 — Canadian Centre for Occupational Health and Safety Act (4, 5)

The purpose of the Canadian Centre for Occupational Health and Safety is to promote the fundamental right of Canadians to a healthy and safe working environment.

This act protects the physical and mental health of workers and helps to prevent work-related illnesses.

C-13.4 — Canadian Centre on Substance Abuse Act (4)

The Canadian Centre on Substance Abuse promotes increased awareness on matters relating to alcohol and drug abuse and increased participation in the reduction of harm associated with such abuse.

The Centre helps to protect Canadians against the harm associated with drug and alcohol abuse.

C-27.7 — Child Day Act (4, 7c)

The purpose of this act is to make Canadians aware of the United Nations Convention on the Rights of the Child (CRC) by designating November 20 of each year as Child Day.

Educating the public on the CRC will facilitate the realization (respect, protect, fulfil) of the right of children to adequate nutrition, as well as the other rights included in the Convention.

C-28 — Children of Deceased Veterans Education Assistance Act (4, 7d)

This act provides for financial assistance for post-secondary education for children of certain deceased veterans. The amount of assistance to be provided is based on the needs of the student in relation to the Consumer Price Index.

This act fulfils by providing financial assistance for children of veterans who are in need, and helps to enable them to provide for themselves in the future by facilitating their education.

C-28.5 — Children's Special Allowances Act (4, 7c)

This act repeals the Family Allowances Act. The Special Allowances are non-taxable monthly payments to be used for the care, maintenance, and education of children. It is only payable in respect of children under the age of 18 who are maintained by the government, a child protection agency, or an institution.

This act fulfils by providing resources to help ensure that certain children receive adequate care and education.

D-3.4 — Divorce Act (4, 7b, 7c)

This act provides for the granting of a divorce, and for the granting and variation of child support orders, spousal support orders and child custody and access orders. Spousal support takes into account any economic advantages or disadvantages of the spouses which were caused by the marriage or its breakdown, divides child care costs between the spouses, and promotes the economic self-sufficiency of the spouses.

This act meets the obligation to protect or fulfil by providing for the apportionment of resources to meet the needs of the spouses and their children in the event of divorce.

#### F-1.4 — Family Orders and Agreements Enforcement Assistance Act (4, 7b, 7c)

The purpose of this act is to assist in locating those who default on support orders and support provisions by providing for the garnishment and attachment of certain moneys.

Enforcing support orders and provisions fulfils by ensuring that resources are distributed according to the orders, which likely foster a more equitable distribution of resources.

#### F-8 — Federal-Provincial Fiscal Arrangements Act (4)

This act governs the funding arrangements between the federal government and the provinces. It deals with equalization payments, stabilization payments, harmonization of taxes, and the Canada Health and Social Transfer.

Ideally, these funding arrangements will make the provinces much better able to provide for their residents and ensure that have access to adequate food, resources and health care. Cutbacks in the amounts of money available to the provinces and the removal of national standards for social assistance programs under the Canada Health and Social Transfer, however, result in less protection being afforded the food security of Canadians.

#### F-26 — Food and Agriculture Organization of the United Nations Act (1, 2, 4, 6)

This act implements the Agreement for a Food and Agriculture Organization of the United Nations (FAO). The FAO has as its objectives the amelioration of levels of nutrition, standards of living, efficiency of production and distribution of food and agricultural products, and conditions of rural populations and thereby the expansion of the world economy. These purposes are fulfilled, for example, through education, research, dissemination of information, resource conservation, improvement in agricultural production methods, provision of agricultural credit.

Canada's participation in an organization which aims to improve nutrition levels and standards of living protects and fulfils food security, especially for rural people.

#### G-2 — Garnishment, Attachment and Pension Diversion Act (4)

This act provides for the garnishment or attachment of salaries and the diversion of pension benefits payable to employees of federal departments and certain Crown corporations.

The garnishment and attachment of wages and pension benefits protects the ability of those who will subsequently benefit from those monies to provide for themselves, but may be detrimental to the food security of those whose wages or pensions are taken away.

### G-3 — Geneva Conventions Act (4)

This act implements the Conventions for the Protection of War Victims signed at Geneva in 1949. These conventions, which have been referred to as “the essence of modern humanitarian law,”<sup>59</sup> deal with the protection of sick and wounded soldiers and medical personnel and facilities, the treatment of prisoners of war and the safeguarding of civilians, during times of war. Provisions related to the right to food of civilians and former combatants during war are comprehensive in comparison to those treaties dealing with peace-time right to food.<sup>60</sup>

Membership in the Geneva Conventions requires Canada to respect, protect and fulfil the right to food during war-time.

### G-3.7 — Government Annuities Act (4, 7f)

This act authorizes the sale of Government annuities for old age. Individuals may purchase annuities which will be returned to them with interest when they reach old age as a fixed sum payable at specified intervals for a specific period of time or for life.

The sale of annuities helps to protect the financial capacity of the elderly to provide for themselves.

### H-3.2 — Department of Health Act (4)

The Department of Health aims to promote and preserve the physical, mental and social health of Canadians. This includes protection against disease and health risks, research, establishment of safety standards and safety information requirements, and cooperation with the provinces for preserving and improving public health.

This act protects the health of Canadians by establishing safety standards and conducting research, and fulfils by ensuring against disease and health risks.

### H-3.3 — Health of Animals Act (1, 4)

This act aids in controlling diseases and toxic substances that may affect animals or that may be transmitted by animals to people, by requiring notification upon discovery of any contamination, providing for inspection of animals and animal products (such as milk and cream), and prohibiting the sale or importation of contaminated animals.

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<sup>59</sup> Philip Alston, “International Law and the Right to Food,” in Asbjørn Eide, et. al., eds., *Food as a Human Right*, (Tokyo: The United Nations University, 1984) at 165

<sup>60</sup> *Ibid.* at 165

Preventing contamination and spread of diseases protects food safety as well as human health.

H-5.8 — Department of Human Resources Development Act (4, 5)

This act establishes the Department of Human Resources Development. The Department's objective is to enable Canadians to participate fully in the workplace and in the community. To accomplish this, it administers Employment Insurance, invests in human resources - by helping the unemployed find and keep jobs, combating child poverty and administering student loans, for example - administers income security programs for seniors, the disabled and migrants, and promotes a cooperative work environment for Canadian workers and their employers.

This act protects welfare by developing human resources and enabling people to look after themselves.

H-6 — Canadian Human Rights Act (4, 7a, 7b)

The purpose of this act is to ensure, within the federal jurisdiction, equality of opportunity and freedom from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted. The act establishes the Canadian Human Rights Commission and the Canadian Human Rights Tribunal. The Commission discourages discriminatory practices through public education, research, and cooperation with provincial human rights bodies. It also deals with complaints of discriminatory practices and, after a preliminary inquiry may refer matters to the Tribunal for further investigation.

This act helps to protect human rights in the federal jurisdiction. It is questionable, however, how much protection this act affords directly to the right to adequate food.

I-17.3 — International Centre for Human Rights and Democratic Development Act (4)

The International Centre for Human Rights and Democratic Development encourages cooperation between Canada and other countries in the development of democratic and human rights institutions that give effect to the rights and freedoms enshrined in the International Bill of Human Rights. Included among these are the right to an adequate standard of living, the right not to be subjected to torture or to cruel treatment or punishment, freedom of opinion and expression, and the right to vote and be elected. The Centre also aims to ensure that state practices adhere to international human rights agreements.

The establishment of such a centre is an expression of Canada's intention to respect, protect fulfil human rights, including the right adequate food. As well, the Centre helps to monitor Canadian practices vis-a-vis human rights, a necessary part of the implementation process.

M-4 — Medical Research Council Act (4)

The Medical Research Council promotes and undertakes health sciences research and distributes scientific and technical information related to this research.

This act protects the health of Canadians by conducting research and distributing information.

N-11 — National Housing Act (4, 7a, 7e, 7f)

This act is the responsibility of the Canada Mortgage and Housing Corporation. The act promotes the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions. It provides for loans and loan insurance for housing, including housing projects for low income individuals and families, conducts research into housing in Canada, and provides for contributions towards essential housing repairs for the elderly, disabled and economically disadvantaged.

By helping to provide housing for low income people, this act protects food security, as more resources will be available for food.

N-23 — Newfoundland Additional Financial Assistance Act (4)

This act provides for the payment of an additional eight million dollars by the federal government to Newfoundland each year, in accordance with the agreement of union of Newfoundland with Canada.

Additional funds directed towards the province of Newfoundland may protect and fulfil access to food and other necessary resources, especially in times of economic hardship.

N-23.6 — Non-smokers' Health Act (4)

This act regulates smoking in federal places of work and on common carriers.

Regulation of smoking helps to protect the health of non-smokers. This could be of particular importance in the work place by better enabling people to provide for themselves through their employment in a healthier environment.

O-9 — Old Age Security Act (4, 7f)

This act provides for payment of three types of benefits which are adjusted every three months to account for increases in the Consumer Price Index. The Old Age Security pension is a monthly payment to those who have attained 65 years of age and who meet the residency requirements. The amount payable is based on the number of years of residency in Canada. The Guaranteed Income Supplement is a non-taxable monthly benefit paid to Old Age Security pensioners who have a limited income. The Spouse's Allowance is also a non-taxable monthly benefit for those with limited incomes who meet residency requirements. It is payable to Canadian residents who are between 60 and 64 years of age, and are married to Old Age Security pensioners, or are widows or widowers.

This act provides income protection for the elderly and fulfils access to food for those with limited incomes.

Q-1 — Quarantine Act (4)

The purpose of this act is to prevent the introduction into Canada of infectious or contagious diseases. To accomplish this, those entering or leaving the country who may be ill, carriers of an infectious or contagious disease, or infested with insects that may be carriers of an infectious or contagious disease may be required to undergo medical examinations or be quarantined in a quarantine station.

This act protects and fulfils by ensuring that diseases are effectively controlled and prevented from becoming a risk to persons in Canada.

#### R-1 — Radiation Emitting Devices Act (4)

This act is administered by the Department of Health. It prohibits the sale, lease and importation of radiation emitting devices which do not conform to standards, or which create human health risks by reason of emitting radiation unnecessary for their functioning. The act does not apply to devices used for the production of nuclear energy or to motor vehicles.

This act protects Canadians from radiation emitting devices which pose a danger to human health.

#### S-22.7 — Canada Student Financial Assistance Act (4, 7d)

This act introduces improvements to the Canada Student Loans Program.

In tandem with the Canada Students Loans Act, this act helps to fulfil the needs of eligible students.

#### S-23 — Canada Student Loans Act (4, 7d)

The purpose of this act is to make post-secondary education financially accessible to all Canadians. It provides for loans to post-secondary students on which no payments are due until six months after studies have terminated and for which the federal government pays the interest during studies (this interest-free period does not apply to part-time students). If individuals have difficulty repaying student loans, they may revise the loan terms, apply for interest relief and a temporary suspension of payments, or request a reduction of the principal by the government. Canada Student Loans are available to Canadian citizens and permanent residents, with satisfactory scholastic records, who are enrolled at a designated school, and who require assistance.

Canada Student Loans discharge the obligation to fulfil by providing students with funds to help meet their needs during studies, and by facilitating Canadians to obtain an education which will foster their ability to provide for themselves.

#### T-11.5 — Tobacco Act (4)

This act is a legislative response to a national public health problem. It requires that tobacco products and their emissions meet regulatory standards, that the health hazards caused by smoking are visible on their labels, and that they be sold only to those eighteen years or older. The act endeavors to protect the health of Canadians in light of conclusive evidence linking tobacco use to numerous debilitating and fatal diseases, to protect young persons and others from inducements to use tobacco products and the consequent dependence on them, to protect the health of young persons by restricting access to tobacco products, and to enhance public awareness of the health hazards of using

tobacco products.

This act helps to protect people from the hazards of smoking.

#### V-1 — Department of Veterans Affairs Act (4)

This act establishes the Department of Veteran Affairs. The department is mandated to provide veterans, qualified civilians and their dependants with financial, material and physical support, including health care, pensions, economic support, management of property contracts, legal aid and appeals.

This act fulfils by providing veterans with resources they require.

### **Marginal**

C-12.3 — Canadian Bill of Rights (4m)

C-29 — Citizenship Act (4m)

C-29.4 — Department of Citizenship and Immigration Act (4m)

E-4.5 — Emergencies Act (4m)

E-4.6 — Emergency Preparedness Act (4m)

H-3 — Hazardous Products Act (4m)

I-2 — Immigration Act (4m)

P-20 — Prisons and Reformatories Act (4m)

S-16 — Standards Council of Canada Act (3m, 4m, 5m, 6m)

### **5) Labour and pensions**

#### **Summary**

These statutes are important to food security because they protect or provide a significant entitlement to food - labour. Labour and pensions enable people to have economic access to food and other resources in a way that maintains the dignity of the individual. The statutes dealing with pensions could also have been included in the categories dealing with the elderly and disabled, but because the incomes derived from employee pensions is usually more closely linked to labour and the number of years one has been employed than it is to age, disability or inability to support oneself, and to eliminate unnecessary duplication, they will only be included here. There is thus a fine line between the obligations to protect and to fulfil in relation to pensions - while they may in some cases fulfil the economic needs of individuals who have no other source of income, many who receive pensions could support themselves without them, but the pension provides

protection in case difficult economic circumstances should arise. Statutes addressing labour standards and employee relations protect the physical and mental health of workers, as well as their capacity to make a living through employment.

## **Statutes**

### **C-8 — Canada Pension Plan (5, 7e, 7f)**

All working Canadians contribute towards the Canada Pension Plan (CPP); these contributions are matched by employers. CPP provides benefits in the event of lost income due to retirement, disability or death.

This act provides income protection for workers. It also fulfils access to food by ensuring that workers have an income even if they are unable to work because of retirement, disability or death.

### **C-8.3 — Canada Pension Plan Investment Board Act (5)**

This act establishes the Canada Pension Plan Investment Board which manages and invests Canada Pension Plan contributions in the interests of the contributors and beneficiaries and in an effort to meet financial obligations.

Judicious management and investment of CPP funds helps to protect economic access to food by ensuring that CPP can operate and support workers who are unable to earn an income due to retirement, disability or death.

### **C-13 — Canadian Centre for Occupational Health and Safety Act (4, 5)**

The purpose of the Canadian Centre for Occupational Health and Safety is to promote the fundamental right of Canadians to a healthy and safe working environment.

A healthy and safe working environment protect workers against lost income due to injury or disability. It also protects the physical and mental health of workers which are vital capacities for earning an income.

### **C-17 — Canadian Forces Superannuation Act (5)**

This act provides for benefits in respect of former members of the Canadian Forces who have contributed to the Canadian Forces Superannuation Account. The benefits are based on the number of years served in the Canadian Forces.

This act provides income protection for members of the Canadian Forces and fulfils access to food if they have no other adequate sources of income following retirement.

### **C-31 — Merchant Navy Veteran and Civilian War-related Benefits Act (5)**

This act provides for pensions, and allowances for disability and death in respect of merchant navy

veterans and civilians who were involved in World War II.

This act provides income protection for merchant navy veterans and civilians and fulfils access to food if they have no other adequate sources of income.

#### D-1.3 — Defence Services Pension Continuation Act (5)

This act provides for the payment of pensions to those enrolled as officers of the Canadian militia before April 1, 1946, and for the payment of pensions and allowances to their widows and children.

This act provides income protection for officers of the Canadian militia and fulfils access to food if they have no other adequate sources of income following retirement.

#### D-2 — Diplomatic Service (Special) Superannuation Act (5)

This act provides for superannuation benefits for senior appointees of the Department of Foreign Affairs and International Trade serving outside Canada.

This act provides income protection for senior appointees of the Department of Foreign Affairs and International Trade serving outside Canada and fulfils access to food if they have no other adequate sources of income following retirement.

#### E-5.4 — Employment Equity Act (5, 7a, 7b, 7e)

This purpose of this act is to ensure equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. Towards this goal, it endeavours to correct the disadvantages in employment faced by women, aboriginal peoples, persons with disabilities and visible minorities by enforcing the principle that employment equity requires the accommodation of differences.

Ensuring equality in the workplace protects the ability of all, especially the most vulnerable, to be gainfully employed. Elimination of disadvantages faced by vulnerable groups in the workplace satisfies the state obligation to protect, by ensuring adequate care for those groups.

#### E-5.6 — Employment Insurance Act (5)

All Canadian employees contribute towards Employment Insurance (EI). EI provides financial assistance to workers who lose their jobs. It helps those who are unemployed to find employment by providing information and training, as well as by investing in job creation. It endeavors to protect those most in need, such as families with children and low-income earners.

Employment Insurance fulfils access to food by providing income for those who are unemployed. There are, however, restrictions upon who is eligible to receive EI benefits, and the benefits themselves are not determined in accordance with actual costs of living, meaning that they may be inadequate to ensure the unemployed are food secure. The Committee on Economic, Social and Cultural Rights has expressed concern that changes to EI have resulted in reductions in the number of people eligible to receive benefits and in the length of time for which benefits are paid, and have

made it more difficult for part-time, young and seasonal workers to qualify for benefits.<sup>61</sup>

G-5 — Government Employees Compensation Act (5, 7e)

This act provides for the payment of compensation to federal government employees who are injured in an accident in the course of employment, or disabled due to an industrial disease. In the event an employee's death results from an accident or disability, compensation will be paid to their dependants.

This act provides income protection for federal government employees and fulfils access to food if they have no other adequate sources of income as a result of injury, disability, disease or death.

H-5.8 — Department of Human Resources Development Act (4, 5)

This act establishes the Department of Human Resources Development. The Department's objective is to enable Canadians to participate fully in the workplace and in the community. To accomplish this, it administers Employment Insurance, invests in human resources - by, for example, helping the unemployed find and keep jobs, combating child poverty and administering student loans - administers income security programs for seniors, the disabled and migrants, and promotes a cooperative work environment for Canadian workers and their employers.

Human Resources Development Canada protects individuals' ability to work by promoting the development of capacities. It fulfils by assisting and providing for those who have no other options.

L-1 — Labour Adjustment Benefits Act (5)

The purpose of this act is to provide for the payment of benefits to laid-off employees of industries which undergo economic restructuring. These benefits are available to employees who are Canadian citizens or permanent residents, have worked at least 10 of the 15 years prior to lay-off at the particular industry, are between 54 and 65 years of age, have exhausted EI benefits, have no immediate employment prospects or are employed at a rate that is less than the weekly insurable earnings under EI.

This act satisfies the obligation to fulfil, providing for laid-off employees who have exhausted all other options.

L-2 — Canada Labour Code (5)

The purpose of the Canada Labour Code is to promote good industrial relations, through the encouragement of free collective bargaining and the constructive settlement of disputes, and safe and healthy working conditions, through a code of labour standards, including standards for hours, wages, vacations and holidays. The Code, which applies to federal employees, implements Canada's obligations under Convention No. 87 of the International Labour Organization.

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<sup>61</sup> Committee on Economic, Social and Cultural Rights, *supra* note 53 at para 20

The Canada Labour Code protects working relations and conditions.

L-4 — Fair Wages and Hours of Labour Act (5)

The purpose of this act is to ensure fair wages and hours of labour in relation to public works and contracts.

Fair wages and hours of labour serve to protect employee incomes and the adequate care of employees and their families.

L-8 — Lieutenant Governors Superannuation Act (5)

This act provides for the payment of superannuation benefits to Lieutenant Governors.

This act provides income protection for Lieutenant Governors and fulfils access to food if they have no other adequate sources of income.

M-5 — Members of Parliament Retiring Allowances Act (5)

This act provides for the payment of retiring allowances, based on contributions, to those who have served as Members of Parliament.

This act provides income protection for Members of Parliament and fulfils access to food if they have no other adequate sources of income.

M-6 — Merchant Seamen Compensation Act (5, 7e)

This act provides for the payment of compensation to merchant seamen or their dependents in the event of an injury in the course of employment which results in a loss of wages.

This act provides income protection and fulfils access to food by ensuring that merchant seamen are compensated if they lose wages because of an injury sustained in the course of employment.

P-1.3 — Parliamentary Employment and Staff Relations Act (5)

This act deals employment and employer and employee relations in the Senate, the House of Commons and the Library of Parliament. It provides for employees rights, including the right of collective bargaining, and sets out a system for dispute resolution and for filing grievances. The Canada Labour Code applies to these employees.

This act protects the rights of parliamentary employees and ensures that they have favorable working conditions and employer - employee relations.

P-6 — Pension Act (5)

This act provides pensions and compensation benefits for members of the Canadian naval, army and

air forces and the Canadian Forces.

This act provides income protection for members of the Canadian naval, army and air forces and the Canadian Forces and fulfils access to food if they have no other adequate sources of income.

P-7.01 — Pension Benefits Standards Act, 1985 (5)

This act governs private pension plans established for the benefit of those employed in connection with certain federal works, undertakings and businesses, such as banking, inter-provincial transportation or telecommunications.

This act provides income protection for these employees, and fulfils access to food if they have no other adequate sources of income.

P-36 — Public Service Superannuation Act (5)

This act provides for payment of pension benefits for employees of the Public Service. It now also applies to part-time employees.

This act provides income protection for Public Service employees, and fulfils access to food if they have no other adequate sources of income. It is noteworthy that it applies to part-time workers, who often do not qualify for such programs.

R-11 — Royal Canadian Mounted Police Superannuation Act (5)

This act provides for payment of pension benefits for members of the Royal Canadian Mounted Police.

This act provides income protection for RCMP members and fulfils access to food if they have no other adequate sources of income.

S-9 — Canada Shipping Act (3,5)

This act deals with all aspects of shipping in Canada, including the payment of wages to seamen, pensions for Lower St. Lawrence pilots, pollution prevention and response, and liability for pollution. The discharge of pollutants is permitted only in accordance with the Canadian Environmental Protection Act. All ships must be prepared procedurally and materially for oil spills. In the event of an oil spill, the ship owner is held strictly liable and is responsible for costs associated with remedying the damage caused.

This act sets out certain employee rights regarding wages as well as working conditions for seamen. This is protective of their incomes and food security. While at sea, seamen only have access to resources contained on the ship, so the standards set out in this act can provide significant protection. Pensions for Lower St. Lawrence pilots protect incomes and may fulfil access to food in circumstances where no other sources of income are available.

S-24 — Supplementary Retirement Benefits Act (5)

This act provides for the payment of supplementary retirement benefits to certain federal pensioners.

This act provides income protection for these pensioners and fulfils access to food if they have no other adequate sources of income.

#### V-3 — Vocational Rehabilitation of Disabled Persons Act (5, 7e)

This act provides for federal contributions towards the costs of comprehensive provincial programs for the vocational rehabilitation of disabled persons. These programs help disabled persons to become capable of gainful employment.

Vocational rehabilitation fulfils the needs of disabled persons, assisting them to obtain employment and the realize the ability to provide for themselves.

#### W-1 — Wages Liability Act (5)

This act relates to the liability of the government and public companies for wages to labourers used in the construction of works.

Liability of government and public companies helps to ensure that labourers wages will be paid, thereby protecting their livelihoods.

#### W-3 — War Veterans Allowance Act (5)

This act provides for the payment of allowance for veterans or their survivors who meet income, service, age or health, and residency requirements.

These allowances fulfil access to food for veterans who are unable to provide for themselves.

### **Marginal**

- G-4 — Government Corporations Operation Act (5m)
- P-31.4 — Public Pensions Reporting Act (5m)
- P-31.6 — Public Sector Compensation Act (5m)
- P-31.8 — Public Sector Pension Reform (5m)
- P-33 — Public Service Employment Act (5m)
- S-16 — Standards Council of Canada Act (3m, 4m, 5m, 6m)
- T-14 — Trade Unions Act (5m)

### **6) Trade and the economy**

#### **Summary**

This is a category that has the potential to have broad consequences for food security. The statutes here may influence any or all of the subjects addressed in the food and nutrition security matrix. They may

tend to respect, protect, or fulfil food security, or to oppose it. Thus, a general summary of the effects of trade and economy on food security is included here, rather than for each statute.

There is debate as to whether trade helps or hinders food security. It tends to result in economic growth, but this is not reflected in the incomes of the most vulnerable, and wealth disparities are increased. The globalization of agricultural trade threatens food security by distancing consumers and producers, giving control over food to multinational corporations, and diminishing biological diversity.<sup>62</sup> This may result in food being less nutritious and safe, because of the long distances it may travel, and the difficulty encountered in knowing how it is produced. Standardization, if it is adequate, can help to ensure that food meets appropriate quality and nutrition levels, but, under trade agreements, a country may face trade sanctions if it wishes to employ higher standards than those commonly accepted by other parties to the agreements. At the same time, agricultural trade can help to distribute food to those areas where it is most needed, and may facilitate a more culturally acceptable diet for the diverse cultures which present in Canada.

Increased international trade in other goods and services enables some Canadians to benefit from an enlarged market area, while international competition is detrimental to others. Trade therefore has both positive and negative effects on entitlements to food.

The state of the economy has a significant influence on peoples' ability to access adequate food. can have Inevitably, economic policies are more favourable to some individuals or groups than to others. Some of the statutes that affect the economy aim to help certain sectors, such as small business or industry. While there is no one set way of ensuring that economic policies bring about the well-being of all, it is vital that the government carefully consider the effects that legislation and policy will have on food security, especially that of the most vulnerable. The intensification of lobbying of the government, especially as the release of the

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<sup>62</sup> Karen Lehman and Al Krebs, "Control of the World's Food Supply", in Jerry Mander and Edward Goldsmith, eds., *The Case Against the Global Economy and for a Turn Toward the Local*, (San Francisco: Sierra Club Books, 1996) 122 at 123

federal budget approaches each year, is demonstrative of the difficulty encountered in determining economic policies. It is also demonstrative of increasing desperation amongst Canadians.

## **Statutes**

### **A-6 — Agricultural Products Marketing Act (2, 6)**

The Agricultural Products Marketing Act extends provincial marketing boards' authority to the federal level. This means that marketing boards may, if they have requested the authority from the federal government, market agricultural products in interprovincial and export trade just as they do inside the province. Marketing boards are responsible for such areas as marketing, handling, pricing information and appointment of shippers and shippers-dealers.

### **A-13 — Asia-Pacific Foundation of Canada Act (6)**

This act establishes the Asia-Pacific Foundation, whose purpose it is to develop closer ties between Canada and the Asia-Pacific region by promoting cultural awareness, cooperation in development, economic and commercial ties, and the dissemination of information.

### **B-2 — Bank of Canada Act (6)**

The objectives of the Bank of Canada are to regulate credit and currency in Canada's best economic interests, to control and protect the external value of the Canadian dollar and thereby help prevent large fluctuations in the level of production, trade, prices and employment, and to promote the economic and financial welfare of Canada.

### **B-3 — Bankruptcy and Insolvency Act (6)**

Under this act, bankruptcy and insolvency transactions are administered and overseen. As well, the act sets out the rights and obligations of the parties involved in bankruptcy or other insolvency proceedings.

### **B-9.9 — Business Development Bank of Canada Act (6)**

The Business Development Bank supports Canadian entrepreneurship by providing financial and management services. As part of its mandate, the Bank is required to give particular consideration to the needs of small and medium-sized enterprises.

### **C-0.4 — Canada Agricultural Products Act (1, 6)**

This act regulates the marketing of agricultural products in import, export and interprovincial trade and provides for national standards and grades of agricultural products as well as standards for the establishments where they are produced.

### **C-1.6 — Canada-Chile Free Trade Agreement Implementation Act (6)**

This act implements the Canada-Chile Free Trade Agreement. The objectives of the agreement are to eliminate barriers to trade between Canada and Chile, ensure fair trade, increase investment opportunities, create procedures for implementation of the agreement and for resolution of disputes, and to establish a framework for further bilateral, regional and multilateral cooperation.

C-3 — Canada Deposit Insurance Corporation Act (6)

The Canada Deposit Insurance Corporation provides for insurance against the loss of part or all of deposits, is instrumental in the promotion of standards of sound business and financial practices for member corporations, and contributes to the stability of the financial system in Canada.

C-6.4 — Canada-Israel Free Trade Agreement Implementation Act (6)

This act implements an agreement between Canada and Israel for the elimination of trade barriers, the promotion of fair competition, and the augmentation of investment opportunities.

C-6.7 — Canada Marine Act (6)

The purpose of this act is to make Canadian ports competitive, efficient and commercially oriented. It provides for the implementation of a National Marine Policy to support Canada's social, economic and trade objectives, the harmonization of standards, reasonable cost marine transport services, safety, and environmental protection.

C-7.5 — Canada-Newfoundland Atlantic Accord Implementation Act (6)

This act implement an agreement between the governments of Canada and Newfoundland and Labrador on offshore petroleum resource management and revenue sharing.

C-7.8 — Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (6)

This act implement an agreement between the governments of Canada and Nova Scotia on offshore petroleum resource management and revenue sharing.

C-10.2 — Canada Small Business Financing Act (6)

The purpose of this act is to aid small businesses by making financing available to be used for establishing, expanding, modernizing and improving small businesses.

C-10.6 — Canada-United States Free Trade Agreement Implementation Act (6)

This act implements the Canada-United States Free Trade Agreement (CUFTA). The purpose of CUFTA is to eliminate trade barriers between Canada and the United States, ensure fair competition, liberalize conditions for investment, establish administrative and dispute resolution procedures, and facilitate the expansion of the free trade area and the benefits derived from the agreement.

C-14 — Canadian Commercial Corporation Act (6)

The Canadian Commercial Corporation helps in the development of international trade and in the export and import of products out of and into Canada.

#### C-18.3 — Canadian International Trade Tribunal Act

The Canadian International Trade Tribunal is an administrative tribunal which conducts inquiries and provides advice on economic, trade and tariff issues, including complaints of by domestic industries of dumped or subsidized imports and requests for tariff relief. It also hears appeals of decisions of the Department of National Revenue made under the Customs Act, the Excise Tax Act and the Special Import Measures Act.

#### C-24 — Canadian Wheat Board Act (2, 6)

This act incorporates the Canadian Wheat Board (CWB) which is the sole marketing agency for Western Canadian wheat and barley growers. Its role is to market these grains in interprovincial and export trade to the best advantage of producers. Some of its functions are to provide producers with initial payments established and guaranteed by the federal government, to pool selling prices so that producers benefit equally, to administer quotas so that producers get a fair share of the market, and to organize grain shipments to meet sales commitments in order to make the best use of handling and transportation facilities.

#### C-25 — Cape Breton Development Corporation Act

The purpose of the Cape Breton Development Corporation is to reorganize and rehabilitate coal mining and related works and undertakings on Cape Breton Island and to conduct efficient and safe coal mining and related operations in the Sydney coal-field.

#### C-34 — Competition Act (6)

This act regulates trade and commerce with the objective of encouraging competition. The purpose of competition is to promote the efficiency and adaptability of the Canadian economy, expand opportunities for Canadian participation in world markets and recognize the role of foreign competition in Canada, ensure that small and medium-sized enterprises have an equitable opportunity to participate in the economy, and provide consumers with competitive prices and product choices.

#### C-52.6 — Customs Act (6)

This act deals with the importation and exportation of goods, the payment of duties, and customs procedures.

#### C-54.01 — Customs Tariff (6)

This act deals with the imposition of customs duties and other charges. It gives effect to the International Convention on the Harmonized Commodity Description and Coding System and provides relief against the imposition of certain duties.

#### E-20 — Export Development Act (6)

This act establishes the Export Development Corporation for the purposes of supporting and developing Canada's export trade and Canadian capacity to engage in that trade and to respond to international business opportunities.

E-22 — Department of Foreign Affairs and International Trade Act (6)

The Department of Foreign Affairs and International Trade is mandated to conduct all diplomatic and consular relations and international negotiations on behalf of Canada, coordinate Canada's economic relations, foster the expansion of Canada's international trade and the development of international law. Canada's foreign policy aims to promote prosperity and employment, to protect national security through diplomatic relations with other states, and to project Canadian values and culture by promoting universal respect for human rights, the development of participatory government and stable institutions, the rule of law, and sustainable development.

F-26 — Food and Agriculture Organization of the United Nations Act (1, 2, 4, 6)

This act implements the Agreement for a Food and Agriculture Organization of the United Nations. It is significant that Canada has implemented this agreement in that the Food and Agriculture Organization has as its objectives the amelioration of levels of nutrition, standards of living, efficiency of production and distribution of food and agricultural products, and conditions of rural populations and thereby the expansion of the world economy. These purposes are fulfilled, for example, through education, research, dissemination of information, resource conservation, improvement in agricultural production methods, provision of agricultural credit.

G-5.7 — Government Organization Act, Atlantic Canada, 1987 (6)

The purpose of this act is to increase opportunity for economic development in Atlantic Canada through the Atlantic Canada Opportunities Agency and Enterprise Cape Breton Corporation. The Agency aims to increase incomes and employment opportunities in Atlantic Canada, while the Corporation focuses on the development of industry outside of coal in order to provide diversity in employment opportunities and broaden the base of Cape Breton's economy.

G-10 — Canada Grain Act (1, 6)

This act establishes the Canadian Grain Commission. The Commission acts in the interests of grain producers by establishing and maintaining quality standards for Canadian grain, regulating grain handling in Canada, and ensuring a dependable commodity for domestic and export markets.

I-20.4 — International Sale of Goods Contracts Convention Act (6)

This act implements the United Nations Convention on Contracts for the International Sale of Goods, whose purpose it is to develop international trade in a fair and equal manner.

I-21.8 — Investment Canada Act (6)

This act encourages investment in Canada in order to increase economic growth and employment

opportunities and to realize the benefits of increased capital and technology.

N-16 — Department of National Revenue Act (6)

Revenue Canada is responsible for Canadian tax, trade, and border administration. It generates revenue through collection of taxes, duties and levies; controls imports and processes goods and travelers at Canadian borders; delivers social and economic benefits through the tax system such as GST credits and Child Tax Benefit; and administers international trade agreements and domestic trade policies.

N-23.8 — North American Free Trade Agreement Implementation Act (6)

This act implements a free trade agreement between Canada, the United States and Mexico. NAFTA governs trade between these countries for the purposes of expanding world trade, international border cooperation and markets for goods and services, reducing trade distortions, ensuring that trade is predictable and mutually advantageous, enhancing competitiveness, and improving working and living conditions. NAFTA also aims to promote environmental protection and sustainable development through the development and enforcement of environmental laws, and to protect, enhance and enforce basic workers' rights.

P-26 — Provincial Subsidies Act (6)

This act provides for payments of subsidies to certain provinces.

S-14 — Special Areas Act (6)

The act provides assistance to facilitate economic expansion and social adjustment in areas of Canada which have exceptionally inadequate employment opportunities.

S-14.5 — Special Economic Measures Act (6)

This act allows for economic sanctions to be taken against another country in response to a serious threat to international peace and security.

S-15 — Special Import Measures Act (6)

This act allows for the levying of anti-dumping and countervailing duties in the event that dumped or subsidized imports cause material injury to domestic industries.

S-15.4 — Spending Control Act (6)

This act sets limits for government expenditures.

W-6.8 — Western Economic Diversification Act (6)

The purpose of this act is to promote the development and diversification of the Western Canadian economy.

## W-11.8 — World Trade Organization Agreement Implementation Act (6)

This act implements the WTO Agreement, a multilateral trade agreement. The main function of the WTO is to ensure that international trade is as smooth, predictable and free as possible, through a set of rules for trade.<sup>63</sup>

### **Marginal**

- B-1.01 — Bank Act (6m)
- B-7 — Bretton Woods and Related Agreements Act (6m)
- C-1.7 — Canada Cooperatives Act [Not in force] (6m)
- C-1.8 — Canada Corporations Act (6m)
- C-15 — Canadian Dairy Commission Act (1, 2, 6m)
- C-41.01 — Cooperative Credit Associations Act (6m)
- C-44 — Canada Business Corporations Act (6m)
- C-53 — Customs and Excise Offshore Application Act (6m)
- E-14 — Excise Act (6m)
- E-15 — Excise Tax Act (6m)
- E-18 — Export Act (6m)
- E-19 — Export and Import Permits Act (6m)
- S-16 — Standards Council of Canada Act (3m, 4m, 5m, 6m)

### **7) Vulnerable groups**

#### **a. Aboriginal peoples**

#### **Summary**

The vulnerability of Aboriginal peoples to food insecurity arises from a long history of dispossession, discrimination, marginalization and the associated social problems. Many Aboriginal people live in poverty, with limited access to resources, high rates of unemployment, and poor living conditions. They are more likely to be disabled, their populations consist of large numbers of children and single mothers, and they face discrimination.

The federal government has jurisdiction over Indians and Indian lands. Some of the acts included here, such as the Indian Act, the Department of Indian Affairs and Northern Development Act and the Indian

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<sup>63</sup> World Trade Organization website: <http://www.wto.org>.

Oil and Gas Act, are examples of the federal government exercising this jurisdiction, covering broad areas which affect Indians and their lands. The effects of these acts depends upon the respect given to Aboriginal peoples - they may be protective of their rights, or fulfil them, or they may do them injury.

In some instances where injury has been done to Aboriginal people, in relation to pollution or flooded land, the government has enacted legislation to provide compensation and assistance which, if adequate, discharges the obligation to fulfil. Laws may also aim to protect Aboriginal and northern lands and water resources, and to ensure sustainable development. This is of special importance for those who gain their subsistence directly from the land and its plant, animal and marine resources.

Others are land claims settlements or self-government agreements which respect Aboriginal and treaty rights, the ability of Aboriginal peoples to provide for themselves, and the importance of the cultural aspects of food. Essentially, land claims settlements guarantee to the bands involved title over lands which they have traditionally used and occupied since time immemorial, in exchange for the surrender of certain rights and claims. Several of the acts address discrimination which represents a barrier for many Aboriginal people in attempts to secure housing, employment, and other necessities.

Aboriginal and treaty hunting and fishing rights have been or may be affected by various federal laws, including the Firearms Act, the Migratory Birds Convention Act, the National Defence Act, the Northern Pipeline Act, and the Wildlife Act.

## **Statutes**

### **B-8.5 — British Columbia Treaty Commission Act (7a)**

This act establishes the British Columbia Treaty Commission which aims to facilitate treaty negotiation between first nations, the federal government and the British Columbia provincial government.

The negotiation of treaties is a step towards clarifying and respecting the rights of First Nations peoples.

### **C-18.7 — Canadian Multiculturalism Act (7a)**

The purpose of this act is to preserve and enhance multiculturalism in Canada. In the furtherance of this goal, the Minister may undertake research, make efforts to project the multicultural reality of Canada, encourage cultural exchanges, and promote the elimination of discriminatory barriers so that all have equal opportunities to participate in Canadian society.

Multicultural policies demonstrate respect of Aboriginal cultures. This act also protects the ability of Aboriginal peoples to provide for themselves by endeavouring to eliminate discriminatory barriers.

#### C-21.8 — Canadian Race Relations Foundation Act (7a)

The objective of the Canadian Race Relations Foundation is to contribute to the elimination of racism and all forms of racial discrimination in Canada. It accomplishes this through research, information dissemination and exchange, facilitation of consultation, development of professional standards, and promotion of policies and programs aimed at elimination of racism and racial discrimination.

This act protects the ability of Aboriginal peoples to provide for themselves by endeavouring to eliminate racism and racial discrimination.

#### C-45.7 — Cree-Naskapi (of Quebec) Act (7a)

The purpose of this act is to implement certain provisions of the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement. These provisions deal with local government of the James Bay Cree and Naskapi of Quebec, administration and control of certain lands by these bands, and protection of individual and collective rights under the agreements. The act does not prevent these bands from benefitting from future measures respecting Indian government in Canada.

This act is respectful of the James Bay Cree and Naskapi by facilitating their control of their land and government, better enabling them to provide for themselves.

#### E-5.4 — Employment Equity Act (5, 7a, 7b, 7e)

This purpose of this act is to ensure equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. Towards this goal, it endeavours to correct the disadvantages in employment faced by women, aboriginal peoples, persons with disabilities and visible minorities by enforcing the principle that employment equity requires the accommodation of differences.

This act protects Aboriginal people, and their capacity to earn a livelihood through employment, against discrimination in the workplace.

#### F-11.6 — Firearms Act (2, 7a)

Under this act, gun owners are required to obtain licences and registration certificates in order to possess firearms. Possessing a firearm without a licence and registration constitutes a criminal offence.

While this act is not to be construed so as to derogate from Aboriginal and treaty rights, it may affect

the ability of Aboriginal food hunters to legally possess firearms because of the costs involved in obtaining licences and registrations. If so, it neither respects the ability of Aboriginal peoples to obtain traditional sources of food nor protects against actions which could prevent them from accessing this food.

#### G-11.4 — Grassy Narrows and Islington Indian Bands Mercury Pollution Claims Settlement Act (7a)

This act implements a claims settlement agreement between the federal and Ontario governments, Reed Inc., Great Lakes Forest Products Ltd., and the Islington and Grassy Narrows Indian Bands. The claims resulted from the discharge of mercury and other pollutants, and the consequential actions of both levels of government, which negatively impacted upon the social and economic well-being and health of the bands. The agreement provides for payment to the bands, the establishment of a disability board and a disability fund, the payment of benefits to Band members, and the abolition of all rights of action, past, present and future.

This act satisfies the obligation to fulfil by providing opportunities for these bands and their members. No options existed for these bands other than to receive assistance from government and industry, however, due to the injurious actions of these two players.

#### G-11.8 — Gwich'in Land Claim Settlement Act (7a)

This act implements the Comprehensive Land Claim Agreement between Canada and the Gwich'in, covering traditional lands in the Yukon Territory and the Northwest Territories.

The settlement of land claims demonstrates respect of the Gwich'in's ability to use the land and resources to provide for themselves.

#### H-6 — Canadian Human Rights Act (4, 7a, 7b)

The purpose of this act is to ensure, within the federal jurisdiction, equality of opportunity and freedom from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted. The act establishes the Canadian Human Rights Commission and the Canadian Human Rights Tribunal. The Commission discourages discriminatory practices through public education, research, and cooperation with provincial human rights bodies. It also deals with complaints of discriminatory practices and, after a preliminary inquiry may refer matters to the Tribunal for further investigation.

This act helps to protect Aboriginal people against discrimination in the federal jurisdiction.

#### I-5 — Indian Act (7a)

This act deals with virtually all aspects of Indians' lives, including defining who is an Indian, under the assumption that the federal crown is in the best position to protect the interests of Indians.

This act may protect the interests of Indians, or be a source of injustice and deprivation. For example, the setting aside of Indian reserves has assured that Indians have some land, but this land

and its resources are only for the use and benefit of “Status” Indians.

#### I-6 — Department of Indian Affairs and Northern Development Act (7a)

This act establishes the Department of Indian Affairs and Northern Development which is responsible for Indian affairs, the Yukon Territory, the Northwest Territories and Nunavut and their resources and affairs, and Inuit affairs. This responsibility includes promoting policies and programs and furthering knowledge of the Canadian north in order to facilitate the economic and political development of the Yukon, Northwest Territories and Nunavut.

If the policies and programs undertaken by DIAND are respectful of Aboriginal peoples, then economic and political developments could serve to protect or fulfil their needs. However, economic development is not necessarily to be equated with improved standards of living or food security.

#### I-7 — Indian Oil and Gas Act (3, 7a)

This act provides for leases, permits and licences for the exploitation of oil and gas in Indian lands, the disposition of interests in Indian lands necessary for oil and gas exploitation, and for the payment of royalties.

This act contributes to the determination of how Indian lands will be used and managed. Depending upon how leases, permits and licences are allotted, and the way oil and gas exploitation is carried out, the environment, and therefore food security, may be either protected or impaired. As well, oil and gas developments may increase incomes and standard of living on Indian reserves; however, this is not necessarily so as has been tragically demonstrated by the Hobema Indian Reserve in Alberta.

#### M-0.2 — Mackenzie Valley Resource Management Act (3, 7a)

This act provides for an integrated system of land and water management in the Mackenzie Valley, and for the establishment land and water planning boards as required by the Gwich'in Comprehensive Land Claim Agreement and the Sahtu Dene Metis Comprehensive Land Claim Agreement.

Establishment of land and water boards under these land claims agreements is respectful of the Gwich'in and the Sahtu Dene Metis as it will facilitate their input into the management of their land and water resources. Management of these resources will protect the sustainability of the environment.

#### M-7.01 — Migratory Birds Convention Act, 1994 (7a)

This act implements the Migratory Birds Convention which protects migratory birds and nests. Hunting of migratory birds is restricted to certain times of the year, although Indians may hunt them at any time for food, but not for sale.

This act protects migratory birds, an important source of food for some Aboriginal peoples. It may also conflict with aboriginal and treaty hunting rights if it is enforced without due regard to aboriginal and treaty rights and the food needs of Aboriginal people. For example, in the *Sikyea*

case,<sup>64</sup> the Supreme Court found that the Migratory Birds Convention Act made the killing of a duck for food by a treaty Indian illegal.

N-5 — National Defence Act (7a, 8)

This act establishes the Department of National Defence which is responsible all matters relating to national defence and the Canadian Forces.

This act is included here is because of the problems that have been experienced by the Innu in Labrador. Low-level flying by NATO jets have disrupted the migration routes of the caribou on which they depend for their food and caused other difficulties for the Innu people.

N-11 — National Housing Act (4, 7a, 7e, 7f)

This act is the responsibility of the Canada Mortgage and Housing Corporation. The act promotes the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions. It provides for loans and loan insurance for housing, including housing projects for low income individuals and families, conducts research into housing in Canada, and provides for contributions towards essential housing repairs for the elderly, disabled and economically disadvantaged.

This act may assist Aboriginal people to secure housing at affordable prices, thus contributing to the obligation to fulfil the right to food by freeing resources for food that would otherwise be spent on housing. The housing and living conditions of Aboriginal people are, however, quite poor. On some reserves, for example, the housing is inadequate for the size of the population.

N-22.4 — Nelson House First Nation Flooded Land Act (7a)

This act enacts an agreement between the federal government, Manitoba government, Manitoba Hydro-Electric Board, and Nelson House First Nation relating to the settlement of claims arising out of an agreement for the flooding of land.

This act satisfies the obligation to fulfil by providing opportunities for Nelson House First Nation through the settlement of claims. This assistance is required because of the unavailability of resources due to the flooding of the Nelson House First Nation land.

N-26 — Northern Pipeline Act (3, 7a)

This act facilitates the construction of a northern natural gas pipeline to transmit natural gas from Alaska and Northern Canada. The pipeline construction process is to take into account competing

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<sup>64</sup> *R. v. Sikyea*, [1964] 2 C.C.C. 325, 43 D.L.R. (2d) 150, 46 W.W.R. 65

land and resource interests, especially of Aboriginal peoples, and to ensure that claims to the land on which the pipeline is situated are settled equitably. As well, it aims to maximize the social and economic benefits, including employment opportunities, and minimize the negative social and environmental effects in areas most directly affected by the pipeline.

This act attempts to balance the respect and protection of Aboriginal peoples, their resources, and capacity to provide for themselves, with protection of the interests of those who will benefit from the natural gas. If a balance is achieved, then the food security of Aboriginal people will not be jeopardized. Often, however, it occurs that the interests of those in the North come in second to the interest of those in the South.

#### N-28.7 — Nunavut Land Claims Agreement Act (7a)

This act implements the Nunavut Land Claims Agreement. The objectives of the agreement are to clarify the Inuit's rights of ownership and use of lands and resources, and to participate in decision-making concerning the use, management and conservation of land, water and resources, to provide financial compensation and economic opportunities, and to encourage self-reliance and cultural and social well-being.

The settlement of land claims demonstrates respect of the ability of the people of Nunavut to use the land and resources to provide for themselves.

#### S-1.5 — Sahtu Dene and Metis Land Claim Settlement Act (7a)

This act implements a comprehensive land claim agreement between the federal government and the Sahtu Dene and Metis.

The settlement of land claims demonstrates respect of the ability of the people of Sahtu Dene and Metis to use the land and resources to provide for themselves.

#### S-6.6 — Sechelt Indian Band Self-Government Act (7a)

The purpose of this act is to enable the Sechelt Indian Band to exercise and maintain self-government on Sechelt lands and to control and administer the resources and services available to its members. The Sechelt band is no longer under the control of the Indian Act. The act sets out the elements to be encompassed by the band's constitution, including the composition of, and procedures to be followed by, the band council, rules and procedures for disposing of interests in Sechelt lands, and a code for band membership

Allowing the Sechelt Indian Band to become self-governing is respectful of their dignity and capacity to provide for themselves.

#### S-15.7 — Split Lake Cree First Nation Flooded Land Act (7a)

This act enacts an agreement between the federal government, Manitoba government, Manitoba Hydro-Electric Board, and Split Lake Cree First Nation relating to the settlement of claims arising out of an agreement for the flooding of land.

This act satisfies the obligation to fulfil by providing opportunities for Split Lake Cree First Nation through the settlement of claims. This assistance is required because of the unavailability of resources due to the flooding of the Split Lake Cree First Nation land.

#### T-7 — Territorial Lands Act (3, 7a)

This act regulates lands in the Yukon Territory or the Northwest Territories. It provides for the setting apart of lands for land management zones if necessary for the protection of the ecological balance or physical characteristics of that land. It authorizes the sale, lease or disposition of lands, but lands which are suitable for muskrat farming may not be sold. As well, it authorizes the making of mining regulations, which must protect the interests of surface rights holders.

This act protects the food security of Aboriginal peoples who live in the territories and rely on muskrat as a source of food. It also protects land in the land management zones, and the surface rights of those who hold land which is used for mining, both of which may be important resources through which they are entitled to food.

#### W-9 — Canada Wildlife Act (3, 7a)

This act deals with conservation and research of Canadian wildlife (plants, animals, migratory birds, organisms and their habitats that are wild by nature). Nothing in the act is to be construed so as to abrogate or derogate from aboriginal or treaty rights. The act provides for the promotion of public cooperation in wildlife conservation and interpretation, the implementation of wildlife policies and programs in cooperation with provincial governments, the establishment of protected marine areas in Canadian waters, the protection of endangered species, search and seizure by wildlife inspectors if they believe that there has been a violation of the act or regulations, and the acquisition of land for research, conservation and interpretation of migratory birds or wildlife.

This act protects Canadian wildlife which is an important and traditional source of food for some Aboriginal people. It may also protect aboriginal and treaty rights in relation to hunting and fishing on federal lands - there have been no cases before the courts contending that this act violates these rights.

#### Y-0.6 — York Factory First Nation Flooded Land Act (7a)

This act enacts an agreement between the federal government, Manitoba government, Manitoba Hydro-Electric Board, and York Factory First Nation relating to the settlement of claims arising out of an agreement for the flooding of land.

This act satisfies the obligation to fulfil by providing opportunities for York Factory First Nation through the settlement of claims. This assistance is required because of the unavailability of resources due to the flooding of the York Factory First Nation land.

#### Y-2.3 — Yukon First Nations Land Claims Settlement Act (7a)

This act implements land claims agreements in the Yukon Territory between the federal government,

the government of the Yukon Territory and the Champagne and Aishihik First Nations, the First Nation of Nacho Nyak Dun, the Teslin Tlingit Council, and the Vuntut Gwitchin First Nation.

The settlement of land claims demonstrates respect of the ability of the people of Yukon First Nations to use the land and resources to provide for themselves.

#### Y-2.6 — Yukon First Nations Self-Government Act (7a)

The purpose of this act is to implement self-government agreements concluded with several Yukon First Nations. It specifies what the constitutions of the First Nations' are to contain, including a citizenship code, provision for being held financially accountable, the recognition and protection of the rights and freedoms of citizens, and a system for challenging the validity of laws.

Allowing the Yukon First Nations to become self-governing is respectful of their dignity and capacity to provide for themselves.

### **Marginal**

M-7.6 — Mi'kmaq Education Act [Not in force] (7a-m)

P-13.6 — Pictou Landing Indian Band Agreement Act (7a-m)

No copy of the Pictou Landing Indian Band Agreement could be found to determine what it contains, but it appears to be related to the Mi'kmaq Education Act.

#### **b. women**

### **Summary**

The acts included here aim to equalize income and opportunities for women. For example, the Divorce Act and the Family Orders and Agreements Enforcement Assistance Act protect women's ability to provide for themselves and their children in the case of divorce, while the Employment Equity Act and the Canadian Human Rights Act help to ensure that women have equal opportunities for employment and are not subject to discrimination. Still, there is no legislation to ensure that women receive equal remuneration as men for work of equal value, and discriminatory barriers have not been completely eliminated.

### **Statutes**

D-3.4 — Divorce Act (4, 7b, 7c)

This act provides for the granting of a divorce in the event of marriage breakdown, and for the granting and variation of child support orders, spousal support orders and child custody and access orders. Child support is given priority over spousal support. Spousal support takes into account any

economic advantages or disadvantages of the spouses which were caused by the marriage or its breakdown, apportions between the spouses the costs of child care, and promotes the economic self-sufficiency of the spouses within a reasonable period of time.

This act protects the income and rights of women upon divorce.

#### E-5.4 — Employment Equity Act (5, 7a, 7b, 7e)

This purpose of this act is to ensure equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. Towards this goal, it endeavours to correct the disadvantages in employment faced by women, aboriginal peoples, persons with disabilities and visible minorities by enforcing the principle that employment equity requires the accommodation of differences.

This act protects women against discrimination in employment.

#### F-1.4 — Family Orders and Agreements Enforcement Assistance Act (4, 7b, 7c)

The purpose of this act is to assist in locating those who default on support orders and support provisions by providing for the garnishment and attachment of certain moneys.

Enforcing support orders and provisions fulfils by ensuring that women can access needed resources.

#### H-6 — Canadian Human Rights Act (4, 7a, 7b)

The purpose of this act is to ensure, within the federal jurisdiction, equality of opportunity and freedom from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted. The act establishes the Canadian Human Rights Commission and the Canadian Human Rights Tribunal. The Commission discourages discriminatory practices through public education, research, and cooperation with provincial human rights bodies. It also deals with complaints of discriminatory practices and, after a preliminary inquiry may refer matters to the Tribunal for further investigation.

This act helps to protect women against discrimination in the federal jurisdiction.

### **c. children**

#### **Summary**

In 1996, the federal Parliament passed a motion to eliminate child poverty by the year 2000.<sup>65</sup> There is little in the way of legislation to ensure that this will happen, however. There is no specific legislation to guarantee children the right to adequate nutrition as included in the *Convention on the Rights of the Child*. The nearest enactments are the Child Day Act, which merely aims to increase public awareness of the rights of children in the CRC, and the Criminal Code which makes it an offence not to provide the necessities of life

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<sup>65</sup> NAPO, *supra* note 26

for the children under one's care. The other acts included here protect and fulfil the needs of children whose parents have divorces, or who are in the care of government, a child protection agency, or an institution. It is apparent that there is a lack of legislation addressing the rights and needs of children who are not in such a situation, such as those who are members of a low-income or single mother family. **Statutes**

#### C-27.7 — Child Day Act (4, 7c)

The purpose of this act is to make Canadians aware of the United Nations Convention on the Rights of the Child by designating November 20 of each year as Child Day.

Educating the public on the CRC will facilitate the realization (respect, protect, fulfil) of the right of children to adequate nutrition, as well as the other rights included in the Convention.

#### C-28.5 — Children's Special Allowances Act (4, 7c)

This act repeals the Family Allowances Act. The Special Allowances are non-taxable monthly payments to be used for the care, maintenance, and education of children. It is only payable in respect of children under the age of 18 who are maintained by the government, a child protection agency, or an institution.

This act fulfils by providing financial resources to be used towards the care of certain children.

#### C-46 — Criminal Code (7c)

S. 216(1) makes it a duty for parents, guardians to provide the necessities of life for the children in their care.

This helps to protect children from neglect.

#### D-3.4 — Divorce Act (4, 7b, 7c)

This act provides for the granting of a divorce in the event of marriage breakdown, and for the granting and variation of child support orders, spousal support orders and child custody and access orders. Child support is given priority over spousal support. Spousal support takes into account any economic advantages or disadvantages of the spouses which were caused by the marriage or its breakdown, apportions between the spouses the costs of child care, and promotes the economic self-sufficiency of the spouses within a reasonable period of time.

The granting of child support helps to protect children by ensuring that they will have access to resources.

#### F-1.4 — Family Orders and Agreements Enforcement Assistance Act (4, 7b, 7c)

The purpose of this act is to assist in locating those who default on support orders and support provisions by providing for the garnishment and attachment of certain moneys.

Enforcement of child support orders helps to fulfil the needs of children following a divorce.

#### **d. students**

##### **Summary**

The acts included in this category help to fulfil the food security of students through the provision of financial assistance in the form of loans, grants, bursaries and scholarships. Students, however, are facing ever-increasing debt loads and tuitions, and lower federal funding directed towards education.

##### **Statutes**

###### **A-12.4 — Army Benevolent Fund Act (4, 7d)**

This act establishes a fund for the benefit of veterans, their dependants, or the widows, widowers, children or former dependants of deceased veterans. The fund is to be administered to give relief where adequate government relief is not available; bursaries for education may be given on basis of financial need.

Providing bursaries for the education of veterans or their dependants who are in need of financial aid constitutes fulfilment of the social sustainability of food security.

###### **B-9.82 — Budget Implementation Act, 1998 (4, 7d)**

The 1998 budget announced the establishment of the Canada Millennium Scholarship Foundation. The Foundation grants scholarships to students who are in financial need and who demonstrate merit, in order to improve access to post-secondary education.

The federal government has been criticized for funding post-secondary education through the awarding of scholarships. Still, the Canadian Millennium Scholarships help to fulfil by providing money to enable students to obtain an education, assuming the students meet the merit requirements.

###### **C-2 — Canada Council Act (7d)**

This act establishes a council to promote the study, production and enjoyment of the arts. In fulfilling these objectives, the Council may provide grants, scholarships and awards to artists, students and universities and sponsor exhibitions, performances and publications.

This act fulfils by providing opportunities, grants and scholarships for artists and art students.

###### **C-28 — Children of Deceased Veterans Education Assistance Act (4, 7d)**

This act provides for financial assistance for post-secondary education for children of certain deceased veterans. The amount of assistance to be provided is based on the needs of the student in relation to the Consumer Price Index.

This act fulfils by providing financial assistance for children of veterans who are in need, and helps to

enable them to provide for themselves in the future by facilitating their education.

S-22.7 — Canada Student Financial Assistance Act (4, 7d)

This act introduces improvements to the Canada Student Loans Program.

In tandem with the Canada Students Loans Act, this act helps to fulfil the needs of eligible students.

S-23 — Canada Student Loans Act (4, 7d)

The purpose of this act is to make post-secondary education financially accessible to all Canadians. It provides for loans to post-secondary students on which no payments are due until six months after studies have terminated and for which the federal government pays the interest during studies (this interest-free period does not apply to part-time students). If individuals have difficulty repaying student loans, they may revise the loan terms, apply for interest relief and a temporary suspension of payments, or request a reduction of the principal by the government. Canada Student Loans are available to Canadian citizens and permanent residents, with satisfactory scholastic records, who are enrolled at a designated school, and who require assistance.

Canada Student Loans discharge the obligation to fulfil by providing students with funds to help meet their needs during studies, and by facilitating Canadians to obtain an education which will foster their ability to provide for themselves.

**e. disabled**

**Summary**

These statutes relate particularly to employment, whether through helping those who are disabled to develop their vocational skills, ensuring that they have opportunities for employment and do not face discrimination in the work place, or by providing compensation or pensions in the event of a disability which precludes earning a living through employment. As well, the National Housing Act helps to ensure that persons with disabilities have adequate housing.

**Statutes**

C-8 — Canada Pension Plan (5, 7e, 7f)

All working Canadians contribute towards the Canada Pension Plan (CPP); these contributions are matched by employers. CPP provides benefits in the event of lost income due to retirement, disability or death.

This act fulfils access to food by ensuring that workers continue to have an income if they are unable

to work because of disability.

E-5.4 — Employment Equity Act (5, 7a, 7b, 7e)

This purpose of this act is to ensure equality in the workplace so that no person is denied employment opportunities or benefits for reasons unrelated to ability. Towards this goal, it endeavours to correct the disadvantages in employment faced by women, aboriginal peoples, persons with disabilities and visible minorities by enforcing the principle that employment equity requires the accommodation of differences.

This act protects people with disabilities, and their capacity to earn a livelihood through employment, against discrimination in the workplace.

G-5 — Government Employees Compensation Act (5, 7e)

This act provides for the payment of compensation to federal government employees who are injured in an accident in the course of employment, or disabled due to an industrial disease. In the event an employee's death results from an accident or disability, compensation will be paid to their dependants.

This act provides income protection and fulfils access to food by ensuring that government employees are compensated if they are unable to work because of an accident or disability caused by an industrial disease.

M-6 — Merchant Seamen Compensation Act (5, 7e)

This act provides for the payment of compensation to merchant seamen or their dependents in the event of an injury in the course of employment which results in a loss of wages.

This act provides income protection and fulfils access to food by ensuring that merchant seamen are compensated if they lose wages because of an injury sustained in the course of employment.

N-11 — National Housing Act (4, 7a, 7e, 7f)

This act is the responsibility of the Canada Mortgage and Housing Corporation. The act promotes the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions. It provides for loans and loan insurance for housing, including housing projects for low income individuals and families, conducts research into housing in Canada, and provides for contributions towards essential housing repairs for the elderly, disabled and economically disadvantaged.

Adaptations to housing to fit the special housing needs of those with disabilities can be very costly. This act fulfils by contributing towards the costs of housing repairs for people with disabilities, and freeing resources to be spent on food.

V-3 — Vocational Rehabilitation of Disabled Persons Act (5, 7e)

This act provides for federal contributions towards the costs of comprehensive provincial programs for the vocational rehabilitation of disabled persons. These programs help disabled persons to become capable of gainful employment.

Vocational rehabilitation fulfils the needs of disabled persons, assisting them to obtain employment and the realize the ability to provide for themselves.

## **Marginal**

C-10.4 — Canada Transportation Act (2m, 7e-m)

### **f. elderly**

## **Summary**

As the population ages, there is increased need for ways of ensuring that the elderly will have adequate incomes to support themselves after retirement. The statutes in this category help to fulfil access to food for this group by providing pensions and old-age security for the elderly. As well, the National Housing Act contributes towards housing repairs for the elderly.

## **Statutes**

C-8 — Canada Pension Plan (5, 7e, 7f)

All working Canadians contribute towards the Canada Pension Plan (CPP); these contributions are matched by employers. CPP provides benefits in the event of lost income due to retirement, disability or death.

This act fulfils access to food by ensuring that workers continue to have an income if they are unable to work because of retirement.

G-3.7 — Government Annuities Act (4, 7f)

This act authorizes the sale of Government annuities for old age. Individuals may purchase annuities which will be returned to them with interest when they reach old age as a fixed sum payable at specified intervals for a specific period of time or for life.

The sale of annuities helps to protect the financial capacity of the elderly to provide for themselves.

N-11 — National Housing Act (4, 7a, 7e, 7f)

This act is the responsibility of the Canada Mortgage and Housing Corporation. The act promotes the construction of new houses, the repair and modernization of existing houses, and the improvement of housing and living conditions. It provides for loans and loan insurance for housing,

including housing projects for low income individuals and families, conducts research into housing in Canada, and provides for contributions towards essential housing repairs for the elderly, disabled and economically disadvantaged.

This act fulfils by contributing towards the costs of housing repairs for the elderly, and freeing resources to be spent on food.

#### O-9 — Old Age Security Act (4, 7f)

This act provides for payment of three types of benefits which are adjusted every three months to account for increases in the Consumer Price Index. The Old Age Security pension is a monthly payment to those who have attained 65 years of age and who meet the residency requirements. The amount payable is based on the number of years of residency in Canada. The Guaranteed Income Supplement is a non-taxable monthly benefit paid to Old Age Security pensioners who have a limited income. The Spouse's Allowance is also a non-taxable monthly benefit for those with limited incomes who meet residency requirements. It is payable to Canadian residents who are between 60 and 64 years of age, and are married to Old Age Security pensioners, or are widows or widowers.

This act provides income protection for the elderly and fulfils access to food for those with limited incomes.

### **8) Defense**

#### **Summary**

There are only two act included in this category: the Defence Production Act and the National Defence Act. The effects they have on food security are dependent upon the defence policies implemented and the circumstances which Canada faces, so the effects of these statutes will not be specifically discussed below. The more resources that are put towards the defense budget, the less there is available for social programs and food production. The defence industry can be a major employer, however, thereby protecting the entitlement to food of workers in this industry. Maintenance of peace is important for ensuring that food and other resources are readily available.

#### **Statutes**

##### D-1 — Defence Production Act (8)

This act relates to defence supplies and the construction of defence projects.

##### N-5 — National Defence Act (7a, 8)

This act establishes the Department of National Defence which is responsible all matters relating to

national defence and the Canadian Forces.

**Marginal**

A-11.5 — Anti-Personnel Mines Convention Implementation Act [Not in force] (8m)

C-27.6 — Chemical Weapons Convention Implementation Act [Not in force] (8m)

C-36.5 — Comprehensive Nuclear Test-Ban Treaty Implementation Act [Not in force] (8m)



## BIBLIOGRAPHY

- Braun, Joachim von, "Trends and Prospects for World Food Security: Policy Implications," in *Sustainable Agriculture: Its Policy Effects on the Future of Canada and Ontario's Agri-food System*, (Guelph: University of Guelph Department of Agricultural Economics and Business, 1990)
- Buckingham, Donald E, "Food Rights and Food Fights: A Preliminary Analysis of the Results of the World Food Summit," *Canadian Journal of Development Studies*, (Volume XIX, 1998) 209
- Canada, *The International Covenant on Economic, Social and Cultural Rights: Third Report of Canada* (Minister of Public Works and Government Services Canada, 1997)
- Committee on Economic, Social and Cultural Rights, "Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Concluding observations of the Committee on Economic, Social and Cultural Rights - Canada," (Economic and Social Council, 1998)
- Delisle, Hélène, "La Sécurité alimentaire: ses liens avec la nutrition et la santé," *Canadian Journal of Development Studies*, (Volume XIX, 1998) 307.
- Eide, Asbjørn, "Review of progress made in the definition of the right to adequate food in international law: States' obligations, international organizations' obligations and the role of the private sector," (Background paper for the 2<sup>nd</sup> Expert Consultation on The Right to Adequate Food as a Human Right, UNHCHR/FAO, Rome, 1998)
- Eide, Asbjørn, *Right to adequate food as a human right*, United Nations Human Rights Study Series #1, (Geneva: Centre for Human Rights, 1989)
- Kindred, Hugh M. et. al., *International Law: Chiefly as Interpreted and Applied in Canada*, Fifth Edition, (Toronto: Edmond Montgomery Publications Limited, 1993)
- Lehman, Karen and Al Krebs, "Control of the World's Food Supply", in Jerry Mander and Edward Goldsmith, eds., *The Case Against the Global Economy and for a Turn Toward the Local*, (San Francisco: Sierra Club Books, 1996) 122
- Oshaug, Arne, et al., "Human rights: a normative basis for food and nutrition-relevant policies," *Food Policy* (Volume 19, Number 6, 1994) 491
- Riches, Graham, "Canada: Abandoning the Right to Food," in *First World Hunger: Food Security and Welfare Politics*, Graham Riches, editor, (London: MacMillan Press, Ltd., 1997) 46
- Robertson, Robert E., "The Right to Food - Canada's Broken Covenant," *Canadian Human Rights Yearbook* (1989-1990) 185

