



Olivier De Schutter, Special Rapporteur on the right to food:
Visit to Canada from 6 to 16 May 2012

On 16 May 2012, the Special Rapporteur on the right to food conveyed to the Government of Canada his preliminary reflections on his visit. Later that day, he held a press conference in Ottawa at the National Press Theatre. He opened the press conference with some preliminary remarks on the visit. The statement is set out below.

I. Introduction

The Special Rapporteur on the right to food undertook an official visit to Canada, at the invitation of the Government, from 6 to 16 May 2012. The purpose of the mission was to examine the way in which the human right to adequate food is being realized in Canada. The Special Rapporteur wishes to thank Foreign Affairs and International Trade Canada for coordinating the visit. Additionally, he wishes to thank the representatives of the following federal government ministries, who met with him: Aboriginal Affairs and Northern Development Canada; Agriculture and Agri-Foods Canada; Fisheries and Oceans Canada; Health Canada; Human Resources and Skills Development Canada; Justice Canada; and the Canadian International Development Agency.

The Special Rapporteur also had the opportunity to meet with provincial and municipal authorities, including from the Nunavut Department of Health and Social Services; the Ontario Ministry of Agriculture, Food and Rural Affairs, Ministry of Children and Youth Services, Ministry of Health and Long-Term Care, the Ontario Human Rights Commission and Human Rights Legal Support Centre; the City of Toronto (Food Strategy Team and Food Policy Council); and the Manitoba Ministry of Aboriginal and Northern Affairs, Ministry of Agriculture, Food and Rural Initiatives, Ministry of Family Services and Labour and Ministry of Healthy Living, Seniors and Consumer Affairs.

The Special Rapporteur also had the opportunity to meet with political party officials, including Mr. Thomas Mulcair, leader of the New Democratic Party, and Mr. Bob Rae, interim leader of the Liberal Party.

During his visit, the Special Rapporteur visited Montreal, Quebec; Ottawa and Toronto, Ontario; Winnipeg, Manitoba; and Edmonton, Alberta. In these locations, the Special Rapporteur convened eight civil society meetings in which he met with farmers' organizations, food security groups, human rights organizations, academics, researchers and communities. He had the honour of receiving personal testimony from all across Canada, and the Special Rapporteur wishes to thank all those individuals who travelled long distances to share their stories with him. Numerous other testimonies were submitted to him in writing, reflecting the experiences of other individuals and communities throughout Canada.

The Special Rapporteur also had the occasion to meet with aboriginal groups and communities in Quebec, Ontario, Manitoba and Alberta, including the Inuit Tapiriit Kanatami and the Congress of Aboriginal Peoples. In particular, the Special Rapporteur would like to warmly thank the Assembly of Manitoba Chiefs, Manitoba Keewatinowi Okimakanak and Southern Chiefs Organization for facilitating his visits within Manitoba to the Sagkeeng First Nations (where he had the opportunity to meet with chiefs, council and community members from Chemawawin Cree, Colomb, Lake

Manitoba, Peguis, Swan Lake and Treaty 3 First Nations) and to God's River, Manto Sipi Cree and Wasagamack First Nations around the Island Lakes area. The Special Rapporteur also extends his gratitude to the Confederacy of Treaty Six First Nations, the Alexis Nakota Sioux First Nation and the International Indian Treaty Council for facilitating his visits in Alberta (where he had the opportunity to meet with chiefs, council members and communities from Treaties 4, 6, 7, 8, the Enoch Cree First Nation and the Northwest Territories). He is especially honoured by the hospitality and generous spirit in which he was received into First Nations communities, and he thanks them for their time and engagement with him.

The Special Rapporteur was particularly struck by the vibrant and active engagement by farmers, fishers, and civil society working on human rights, poverty, food security and aboriginal issues during the visit. He is encouraged by how alive the right to food movement is in Canada. He is especially grateful for their initiatives to connect him with affected communities and victims. The Special Rapporteur wishes to extend a special word of thanks to all those who shared their personal and moving stories with him.

II. The situation of food insecurity

Canada is ranked sixth in the Human Development Index¹ and has average GDP per capita of USD 39,070.² While the recent financial and economic crises have impacted Canada, with rising unemployment rates and a drop in income per capita, Canada has fared relatively well in comparison to its peers.³ At the same time, however, the gaps between those living in poverty and the middle- and high-income segments of the population are widening. Whole groups of the population are being left behind (fig. 1). A growing number of people across Canada remain unable to meet their basic food needs. In 2007/2008, approximately 7.7 per cent of households in Canada reported experiencing moderate or severe food insecurity.⁴ Approximately 1.92 million people in Canada, aged 12 or older, lived in food insecure households in 2007/2008 and a staggering 1 in 10 families, 10.8 per cent, with at least one child under the age of six were food insecure during the same period.⁵

Fifty-five per cent of households in which the main source of income was social assistance are food insecure, the result of a huge discrepancy between social assistance levels and the rising costs of living.⁶ The failures of social assistance levels to meet the basic needs of households, have resulted in the proliferation of private and charity-based food supplements. In 2011, Food Banks Canada calculated that close to 900,000 Canadians were accessing food banks for assistance each month, slightly over half of whom were receiving social assistance.⁷

The Special Rapporteur was disconcerted by the deep and severe food insecurity faced by aboriginal peoples across Canada living both on- and off-reserve in remote and urban areas. Statistics on First Nations specific food insecurity are few, however the First Nations Regional Longitudinal Health Survey (RHS 2008/10) indicates that 17.8 per cent of First Nations adults (age 25–39) and 16.1 per cent of First Nations adults (age 40–54) reported being hungry but did not eat due to lack of money for food in 2007/2008.⁸

¹ <http://hdr.undp.org/en/statistics/>

² Statistic from 2011, <http://stats.oecd.org/index.aspx?queryid=558>

³ <http://www.conferenceboard.ca/hcp/hot-topics/recession.aspx>

⁴ Health Canada. Canadian Community Health Survey, Cycle 2.2 Nutrition (2004): Income related household food insecurity in Canada. Ottawa, ON: Office of Nutrition Policy and Promotion, Health Products and Food Branch 2007.

⁵ <http://www.hc-sc.gc.ca/fn-an/surveill/nutrition/commun/insecurit/key-stats-cles-2007-2008-eng.php>

⁶ <http://www.hc-sc.gc.ca/fn-an/surveill/nutrition/commun/insecurit/key-stats-cles-2007-2008-eng.php>

⁷ <http://www.foodbankscanada.ca/Learn-About-Hunger/About-Hunger-in-Canada.aspx>

⁸ First Nations Regional Longitudinal Health Survey (RHS 2008/10) <http://www.rhs-ers.ca>

III. The legal, institutional and policy framework

1. The legal framework

Canada has been a long time actor in the international human rights arena and has a strong domestic human rights reputation. Yet while Canada's record on civil and political rights has been impressive, the protection of economic and social rights, including the right to food, has been less exemplary.

As a party to the International Covenant on Economic Social and Cultural Rights (ICESCR), ratified on 19 May 1976, to the Convention on the Elimination of Discrimination Against Women, ratified on 10 December 1981, and to the Convention on the Rights of the Child, ratified on 13 December 1991, Canada has a duty to respect, protect and fulfil the right to food. Yet, Canada does not currently afford constitutional or legal protection of the right to food domestically. The 1982 Canadian Charter of Rights and Freedoms protects a number of civil and political rights but has no substantive provisions protecting social and economic rights broadly, and the right to food more specifically.

The Special Rapporteur is concerned about the growing gap between Canada's international commitments and their implementation domestically. The Special Rapporteur is also concerned by the worrying trend of Canada's lack of implementation of recommendations made by various United Nations human rights bodies.

2. The Policy Framework

Canada has no national food policy or strategy. A number of pieces of national policy touch on food related issues, however none provide an overarching interdepartmental view of food, hunger and food systems. These individual policies in many ways work independently of one another with no coordination of short- or long-term goals.

While important steps have been taken at the provincial level to address concerns relating to food security, no province has adopted a food strategy. A growing number of provinces are implementing or developing poverty reduction strategies, some of which have been enshrined in legislation, such as 2002 Act to Combat Poverty and Social Exclusion in Quebec and the Poverty Reduction Act 2009 in Ontario. Provinces have taken steps to develop rural economies and encourage the production and consumption of local foods and adopted policies seeking to improve food security and promote healthy diets.⁹ In addition, some provinces have adopted legislation to protect agricultural land from urban development.

At the municipal level, a number of food policy councils have been formed across Canada, which establish a forum for dialogue among the diverse actors working on food issues, and attempt to work from a food systems perspective in an effort to integrate issues of food, agriculture, health, transportation, economy and social good.¹⁰ The Special Rapporteur welcomes and strongly encourages such participatory models of food system management.

3. The need for a national right to food strategy

In the course of the visit it has become clear to the Special Rapporteur that Canada is in need of a national right to food strategy. National strategies can play a number of key roles in the promotion and protection of the right to food. First, national strategies allow for the improved horizontal and vertical coordination between relevant ministries at the federal level, as well as between the federal government and the provinces and territories. Second, national strategies can help identify, at the earliest stage possible, emerging threats to the right to adequate food, through adequate monitoring

⁹ Stefan Epp, "Provincial Approaches to Food Security" report, 2011, co-published by Food Matters Manitoba and the Manitoba Alternative Food Research Alliance.

¹⁰ The list of food policy councils that exist across Canada can be found at: <http://www.foodsecurity.org/FPC/council.html>

systems. Third, national strategies allow governments to do long-term planning on food issues. Fourth, national strategies can improve accountability, through the setting of targets, ideally associated with measurable indicators.

The Special Rapporteur has noted a number of initiatives by various sets of stakeholders to develop a national food strategy. The initiatives of stakeholders point to the desire of farmers, industry and people all across Canada for a national food strategy. It is now time for the Government to follow suit and develop and implement a national food strategy centred on nutrition and food security.

IV. Food Availability: agricultural policies

Canada's agriculture and agrifood system is a key pillar of the country's economy, accounting for 8.1 per cent of national GDP and employing 2.1 million Canadians, roughly 13 per cent of all employment in the country.¹¹ Yet, the Special Rapporteur has heard many concerns about the general direction of agricultural policies. Since the 1950s, Canada has been moving to large-scale, input-intensive modes of production, leading to increasingly unsustainable farming practices and higher levels of greenhouse gas emissions, soil contamination, and erosion of biodiversity. Export-led policies in agriculture have resulted in increased concentration, vertical integration and buyer consolidation in the agri-food sector, leading to a 25 percent decrease in the number of farms between 1988 and 2007. Trade liberalization has been detrimental to many of Canada's agricultural producers, whose net incomes have decreased and whose debt has increased dramatically over the past decades. As concentration increased in the farming sector, this sector has become heavily reliant on temporary foreign farm workers: approximately 30,000 migrant farm workers come to work in Canada each year under the federal government's Temporary Foreign Worker Programs.¹² These workers are in an extremely precarious position.

A thriving small-scale farming sector is essential to local food systems, and it is indeed these local food systems that food policy councils and localities throughout Canada now seek to strengthen. These systems can deliver considerable ecological and health benefits by increasing access to fresh and nutritious foods to children in schools, underserved urban and Northern remote communities as well as residents living in long-term care homes. During his mission, the Special Rapporteur witnessed a number of initiatives that seek to improve food and nutrition security and foster local markets at the municipal and provincial levels in particular through local procurement schemes and "buy local" labeling (such as Local Food Plus, FoodLand Ontario, Manitoba buy local). However, the ability of all levels of government to use institutional sourcing as a way to encourage the transition towards a more sustainable food system may be restricted by legal requirements of non-discrimination imposed on public procurement.¹³ They may also be undermined by the negotiation of free trade agreements.

Canada faces other significant obstacles in transitioning to more sustainable and decentralized food systems. The Special Rapporteur has heard several concerns that current food safety regulations do not meet the unique needs of less industrial, more seasonal, and alternative production methods.¹⁴ In addition, the government has taken steps to gradually dismantle existing orderly marketing systems. In 2011, the federal government passed Bill C-18 prohibiting the 75-year old Canadian Wheat Board (CWB) from operating as a single-desk selling agency. In parallel, the government has revised the

¹¹ Figures provided by Agriculture and Agri-Food Canada.

¹² Seasonal Agricultural Workers Program since 1966, based on agreements with Mexico and Commonwealth Caribbean countries, and since 2002, the Pilot Project for Occupations Requiring Lower Levels of Formal Training, open to migrants from all countries

¹³ See for example Marie-Hélène Sylvestre, "Perspectives d'achat local pour les organismes publics québécois et les municipalités. Une analyse juridique". Institut national de santé publique du Québec, Direction du développement des individus et des communautés, Sept. 2009.

¹⁴ "The Farm Crisis and the Cattle Sector: Toward a New Analysis and New Solutions". A Report by the National Farmers Union (Canada). November 19, 2008. p. 23.

governance structure and mandate of the Canadian Grain Commission. The robust grading, inspection and governance system of the Canadian Grain Commission has been undermined as a result.¹⁵

The Special Rapporteur expresses the hope that these concerns shall be taken into account in the elaboration of Canada's next 5-year agricultural policy agreement, Growing Forward 2 (2013-2018).

V. Food Accessibility: protecting access to food for the poorest

1. Social protection

Canada has developed a solid social protection system to protect people living in poverty, comprised of measures such as income security, education benefits and employment support. Yet the evidence of those suffering from hunger and poverty has been growing in recent years, further reinforcing the inextricable link between food insecurity and poverty. Poverty affects some 3 million Canadians, of whom more than 600,000 are children. In First Nations families, one in four children live in poverty.

While the intent of the Canada Health Transfer and Canada Social Transfer are similar to the former Canada Assistance Plan, they reduce federal conditions on how provinces and territories spend federal funds, allowing them to make significant cuts to social assistance rates at their own discretion.¹⁶ The Special Rapporteur regrets the absence of accountability provisions in the Canada Social Transfer to ensure the protection of the right to food and other human rights.

Fifty per cent of those living on social assistance are food insecure. The Special Rapporteur is concerned that the levels of social assistance are insufficient to meet basic goods and services for an adequate standard of living. The cost of housing is a key reason people suffer from hunger and are compelled to food bank use, regardless of any other circumstance. In this connection, the Special Rapporteur reiterates the recommendations made by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context in his 2009 report.¹⁷

As social protection schemes and minimum wages fail to meet people's basic daily needs, an increasing number are turning to food banks in Canada. According to information received, 2011 witnessed high rates of food bank use, with nearly 900,000 people depending on them in one month. The reliance on food banks is symptomatic of a broken social protection system and the failure of the State to meet its obligations to its people. In the view of the Special Rapporteur, social assistance levels need to be increased immediately to correspond to the costs of basic necessities; it should be regularly indexed to real living costs; and a housing benefit paid outside the social assistance system should be guaranteed, to ensure that the poorest families are not obliged to sacrifice food in order to pay for the non-compressible and non-divisible costs of housing.

¹⁵ The governance of the Canadian Grain Commission sought to both balance powers in the institution itself and to make sure it would be relatively free of political interference by governments. The structure of three Commissioners was created to settle any disputes at the head of the organization by majority decision and to ensure that the Commission was not taken in directions that either harmed farmers or to which it was not intended. The terms of office are longer (7 years) than the terms of office of government to prevent the threat of dismissal with each change of government. The source of funding for Commissioners is also outside the Ministry of Agriculture in order to prevent interference from the Minister (they are paid by the Public Service administration). Source: National Farmers Union, Response to Proposed Amendments to the Canada Grain Act in regard to the Canadian Grain Commission, March 22, 2012, p2.

¹⁶ Rideout, Karen et al, "Bringing home the right to food in Canada: Challenges and possibilities for achieving food security," Public Health Nutrition, p. 4.

¹⁷ See A/HRC/10/7/Add.3, paras. 88-111.

2. Minimum wage legislation

Canada seeks to promote labour market participation as a long-term strategy to overcome poverty. The Special Rapporteur commends this approach, however he would recall that the minimum wage set in legislation should be, at least, a “living wage,” that “provides an income allowing workers to support themselves and their families,” as required under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights.¹⁸

3. Maximum available resources

Under the International Covenant on Economic, Social and Cultural Rights, Canada has a duty to dedicate the maximum amount of available resources to progressively achieve the full realization of economic, social and cultural rights, including the right to food, and to prioritize the needs of the most marginalized members of society. The concept of progressive realization recognizes the obstacles faced by countries, even developed countries like Canada. Like other countries, Canada has experienced an increase in its public debt, particularly in the wake of the 2008 economic and financial crises. Nevertheless, the current situation does not justify refraining from taking action that could guarantee the right to food in the country.

Canada has one of the lowest deficit-to-DGP ratios and debt-to-GDP ratios among industrialized countries, and it is precisely in times of economic and financial crisis that guaranteeing robust social protection measures is most required. Furthermore, the “maximum available resources” include resources that could be mobilized by the Government, including through fiscal reform. According to the Canadian Centre for Policy Alternatives, since 2000 cuts to personal, sales and corporate taxes were such that the 2011-2012 tax revenues would have been CAD 48 billion higher than the actual revenues collected if the tax regime of a decade ago was still in place. The tax-to-GDP ratio of Canada has fallen to 31 per cent of GDP and it is now in the lowest third of OECD countries. Consequently, Canada has the fiscal space to address the basic human needs of its most marginalized and disempowered.

VI. Food Adequacy

According to a joint report from the Public Health Agency of Canada and the Canadian Institute for Health Information based on 2007-2009 data,¹⁹ over one in four Canadian adults are obese, as are 8.6 per cent of children between the ages of 6-17; overweight and obesity combined affect 62.1 per cent of the population. Obesity rates have increased significantly since the early 1980s,²⁰ and it is becoming more severe. On-reserve First Nations have particularly high obesity rates, at 36 per cent in 2002-2003: the risk of dying from diabetes and its complications is five times higher among women living in First Nations communities than among Canadian women of the general population.²¹ The health impacts are considerable. Obesity alone cost the Canadian economy at least CAD 4.6 billion in 2008 in direct (health care) and indirect (lost productivity) costs, when taking into account the eight non-communicable diseases most frequently associated with obesity.²² Within remote Aboriginal communities, the consequences of high rates of diabetes are particularly disturbing, since specialized services may be inaccessible.²³

¹⁸ Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work (art. 6), para. 7.

¹⁹ Obesity in Canada, 2011, available at: <http://www.phac-aspc.gc.ca/hp-ps/hl-mvs/oic-oac/index-eng.php>.

²⁰ In 1979, Sabry estimated that 17 per cent of the Canadian population was obese (Z.I. Sabry, 'Should Nutrition Be Part of the National Food Policy?', in R. M. A. Loyns (ed), *Proceedings of the Agricultural and Food Marketing Forum Occasional Series*, No. 11, Winnipeg, Manitoba: Department of Agricultural Economics and Farm Management, 1979).

²¹ C.H. Yu, B. Zinman, 'Type 2 diabetes and impaired glucose tolerance in aboriginal populations: a global perspective', *Diabetes Res. Clin. Pract.*, 78(2007): 159-170.

²² Other estimates assess the costs to be 7.1 billion dollars for 2008, taking into account a larger range of diseases associated with obesity: A. Anis et al., "Obesity and Overweight in Canada: An Updated Cost-of-Illness Study," *Obesity Reviews* 11, 1 (2009): 31-40.

²³ See First Nations of Quebec and Labrador Health and Social Services Commission, Scan on Diabetes in First Nations Communities in Quebec, 2011.

Initiatives have been taken to address this public health and economic challenge. Some of the most interesting initiatives are adopted at the municipal level. Provinces also have been adopting initiatives in this area. Finally, at the national level,²⁴ a Pan-Canadian Healthy Living Strategy was adopted in September 2010, which includes a Declaration on Prevention and Promotion and a Framework for Action to Promote Healthy Weights (Curbing Childhood Obesity).

The Special Rapporteur commends the initiatives that have been adopted to date. They fall short, however, of what the urgency of the situation requires. Too little is done to discourage the consumption of foods that present high levels of saturated fats, sugar and/or sodium. The Rapporteur also laments that Québec is the only province to have banned advertising towards children under 13 years of age.²⁵ There also appears to be a misalignment between the policies adopted in the health sector and other sectoral policies that can have a major impact on effective curbing of obesity, particularly child obesity.

VII. Food Aid and Development Cooperation

The Special Rapporteur applauds the contribution of Canada to global food security. Canada has substantially exceeded its minimum food aid commitments under the Food Aid Convention in the past few years. It has led by example in this area by ruling out monetization and untying of its food aid. Canada also played a major role in the negotiation of the Food Assistance Convention in 2010-2012.

In October 2009, the Canadian International Development Agency (CIDA) launched its Food Security Strategy, focusing on food aid and nutrition, sustainable agricultural development (including agro-ecological approaches) and research and development. The strategy focuses on small-scale farmers living in rural areas, in particular the role that women farmers play in agricultural production. In Canada's development cooperation programmes, contributions towards agriculture in particular have grown substantially. As of April 2011, Canada had fully disbursed its CAN 1.18 billion commitment to sustainable agricultural development under the L'Aquila Food Security Initiative, the first G8 country to do so.

At the same time, the Special Rapporteur has concerns about recent developments in this area. First, Canada made substantial cuts in its 2012 budget to its ODA. Second, countries that provide ODA must ensure that it is consistent with human rights standards and principles.

The Special Rapporteur has noted with great appreciation that, in accordance with this principle, the 2008 ODA Accountability Act specifies that all ODA should, *inter alia*, be consistent with international human rights standards, and that Government Ministers who administer ODA should report annually on compliance with this act. The Government has complied with its duty to report annually pursuant to the Act but it has also failed to apply human rights criteria in its reports as per the ODA Accountability Act.²⁶ By grounding its duties under the ODA Accountability Act on the well-established norms of international human rights, the contribution of Canada's development cooperation policy to the effective implementation of right to food could be significantly improved.

VIII. Indigenous Peoples

In Canada, indigenous peoples comprise First Nations,²⁷ Inuit and Métis. There are roughly 1 million status "Indians" from 630 First Nations; 45,000 to 55,000 Inuit across 53 communities; and around 400,000 Métis. Like others, the Special Rapporteur welcomes the decision by Canada in November

²⁴ Although not involving the Government of Québec.

²⁵ Sections 248 and 249 of Québec's 1980 Consumer Protection Act. Only Norway and Sweden have taken steps similar to Québec in this regard.

²⁶ "The Report to Parliament on the ODA Accountability Act: Third time lucky? A Review of the Third Report to Parliament on the Government of Canada's Official Development Assistance", 2010-2011, CCIC, October 2011

²⁷ The term First Nation is primarily used to refer to those peoples who were established on reserves under the Indian Act (1876).

2010²⁸ to lend its support for the United Nations Declaration on the Rights of Indigenous Peoples. This is a positive step, whereby Canada joined global consensus.

A long history of political and economic marginalization has left many indigenous peoples with considerably lower levels of access to adequate food relative to the general population. In addition, indigenous peoples are also uniquely positioned with respect to food by virtue of their relationship with traditional lands and the natural resources therein, which is a central component of their identity.²⁹

1. Nutrition North Canada

Recognizing the importance of access to nutritious food in isolated communities in the North, the Government launched the Food Mail programme in the 1960s. Concerns regarding the escalating costs of the Food Mail programme led to a series of reviews that resulted in a decision to replace the programme with a more focused food subsidy programme called Nutrition North Canada in April 2011.

The objective of the Nutrition North Canada programme is to improve access to perishable healthy foods in isolated Northern communities, and the Special Rapporteur welcomes this initiative. Yet, the Rapporteur also has concerns about its implementation. In particular, he is concerned that the retail subsidy is not being fully passed on to the consumer and that in the absence of adequate monitoring by those it is intended to benefit, the programme is not achieving its desired outcome.³⁰ Furthermore, he is concerned that it was designed and implemented without an inclusive and transparent process providing the Northern communities with an opportunity to exercise their right to free, active and meaningful participation. Concerns were raised in particular regarding the eligibility criteria of which communities fall within the scope of the programme and which items are subsidized.

2. Access to traditional/country foods

Historically, indigenous peoples have had their own food systems, relying on traditional knowledge of hunting, fishing, trapping and gathering. Although communities can, and often do, pursue a diet based on traditional/country foods, obtaining this food is not without cost. Issues with accessing traditional foods include: limited availability of food flora and fauna; environmental contamination of species; flooding and development of traditional hunting and trapping territories; lack of equipment and resourcing to purchase equipment necessary for hunting/fishing/harvesting; and lack of requisite skills and time.

Many aboriginal communities expressed concerns regarding federal government policies that have disrupted and, in some cases, devastated the traditional practices of indigenous people, including through removing control over land and natural resources.

3. Access to land

In many parts of Canada access to country foods requires access to land. As such, on-going land claims across the country have implications for the right to food among aboriginal Canadians. Concerns have been raised that although aboriginal title is recognized under Canadian law, the Government has made attempts to extinguish title through onerous negotiations and terms of modern land claims and self-government agreements, as well as through a narrow and reductionist reading of historical Treaties, agreements and other constructive arrangements. The Special Rapporteur recalls

²⁸ Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples, 12 November 2010, available from www.aadnc-aandc.gc.ca/eng/1309374239861.

²⁹ See, e.g., Inter-American Commission on Human Rights, *Indigenous and Tribal Peoples' Rights over Their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System* (30 December 2009).

³⁰ See e.g., News Release, *Legislators across Canada's North work together on the Nutrition North Canada Program*, 20 February 2012.

that article 8.2(b) of the Declaration provides that States shall provide effective mechanisms “for prevention of, and redress for...[a]ny action which has the aim or effect of dispossessing them of their lands, territories or resources.”

The Special Rapporteur notes the existence of “Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult,” a Government policy document on aboriginal consultation and accommodation. In this context, he recalls article 19 of the United Nations Declaration on the Rights of Indigenous Peoples, which establishes that, in general, consultations with indigenous peoples are to be carried out in “good faith ... in order to obtain their free, prior and informed consent.”

The Special Rapporteur believes that continued and concerted measures are needed to develop new initiatives and reform existing ones, in consultation and in real partnership with indigenous peoples with the goal of strengthening indigenous peoples’ own self-determination and decision-making over their affairs at all levels.

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Olivier De Schutter was appointed the UN Special Rapporteur on the right to food in March 2008 by the United Nations Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the General Assembly.

For more on the work of the Special Rapporteur on the right to food, visit <http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx> or www.srfood.org.