

WINTER NEWSLETTER

University of Toronto Food Law and Policy Society | Volume 1, Issue 2

Upcoming Events

CAFLP's 5th Annual National Conference

On May 13-15, 2021, the Canadian Association for Food Law and Policy (CAFLP) is holding the 5th annual national conference on food law and policy in Canada.

The conference, titled *Governing Territorial Food Systems: Legal Obstacles and Opportunities*, will be hosted by the University of British Columbia, Peter A. Allard School of Law. To learn more, visit: <http://foodlaw.ca/conference-2021>

Film Screening

On April 2, the FLPS will meet virtually for a film screening of an episode of Netflix's *Rotten* series.

Follow Us

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About Us

The Food Law and Policy Society is a student club dedicated to exploring issues in the regulation of the food systems in Canada and internationally. Food law is an emerging field that sits at the centre of various established areas of law including corporate law, intellectual property, labour law, environmental law and more! The food law sector

covers a wide range of issues, some of which include:

- Agribusiness
- Corporate competition and concentration
- Food safety and regulation
- Food sovereignty and insecurity
- Inequality in food systems
- Labelling and advertising
- Food worker rights
- Trademarks and patents



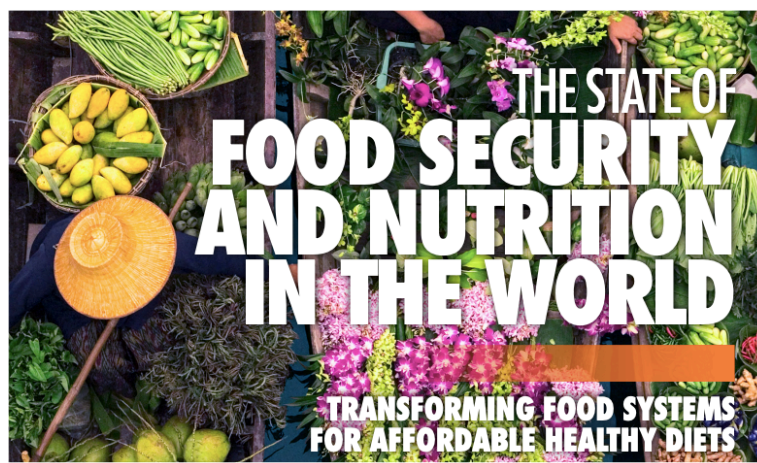
The State of Food Security and Nutrition in the World: Transforming Food Systems for Affordable Healthy Diets

Food and Agriculture Organization of the United Nations (FAO), published in 2020

Report summary by Jaclyn Medeiros, 2L

The FAO's 2020 report on the status of food security and nutrition across the world highlights sobering statistics which call for an urgent transformation of our food systems. It has now been more than five years since the world committed to end world hunger, food insecurity and all forms of malnutrition. Yet, the world is still off track to achieve its target of 'Zero Hunger' by 2030.

Since 2014, the number of hungry people has been slowly rising and an estimated total of 690 million people are currently experiencing hunger. Beyond hunger, a growing number of people are experiencing food insecurity and malnutrition. In 2019, an estimated 2 billion people did not have regular access to safe, nutritious and sufficient food, with about 750 million of these people facing severe levels of food insecurity. Now given the impacts of the COVID-19 pandemic, a preliminary assessment predicts that an additional 132 million people worldwide may become malnourished. For further information about the impact of COVID-19 on food security, see the recap of the CAFLP webinar on pgs. 6-7 of the newsletter.



The cost and affordability of nutritious food

While many people face challenges to accessing food, the barriers to accessing *nutritious* food are even more significant. Healthy diets are unaffordable for many people, forcing them to reduce the quantity and quality of the food they eat. The report highlights that while most people living in poverty can afford an *energy sufficient** diet, they cannot afford either a *nutrient adequate** or *healthy** diet. Healthy diets are estimated to be, on average, five times more expensive than diets that meet only dietary energy (or caloric) needs.

* **Energy sufficient diet:** a diet that meets needs for short-term subsistence

* **Nutrient adequate diet:** a diet that meets required levels of all essential nutrients

* **Healthy diet:** a diet which includes foods from several food groups and has greater diversity within food groups

The cost and affordability of these three diets around the world can be seen by region, country, income group, and population at pgs. 223-230 of the report.

What is driving the cost of nutritious food?

Many factors contribute to the consumer price of nutritious food, including but not limited to:

- *Food production:* low levels of productivity, high production risks, insufficient diversification
- *Food supply chains:* inadequate food storage, poor road infrastructure, limited food preservation capacity that leads to food waste and losses
- *Food environments:* lack of physical access to food markets
- *Consumer demand:* population growth and urbanization which has increased consumption of easy-to-prepare, highly processed or convenience foods
- *Political economy:* trade policies that prioritize domestic production of staple foods rather than nutritious foods

Recommendations for transforming our food systems

Significant transformations of existing food systems worldwide are necessary to reduce the costs of nutritious food and ensure the affordability of healthy diets for everyone. While the FAO recognizes that no one-size-fits all solution exists for all countries, several steps can be taken, in combination, to improve affordability and access:

- Use of context-specific policies and strategies, increased investment from public and private sectors as well as improved planning and coordination across sectors
- Rebalancing of agricultural policies and incentives towards nutrition-sensitive investment in food and agricultural policy (especially fruits and vegetables, protein-rich plant-based and animal source foods such as legumes, poultry, fish and dairy products)
- Implementation of policies across food supply chains (e.g., processing, packaging, storage, distribution) to reduce costs of nutritious foods
- Improved efficiency of internal trade and marketing mechanisms to reduce cost of food to consumers and avoid disincentives to local production of nutritious foods
- Consideration of barriers to international trade as restrictive trade policies tend to raise the cost of food
- Social programs and subsidizations of nutritious food to support the poor and those living through humanitarian crises
- Development of policy measures designed to promote healthy diets (e.g., avoiding taxation of nutritious foods; taxation of energy-dense foods; education on nutrition, sustainable food consumption and waste reduction)

Looking Forward

The FAO is hopeful that this analysis will help set the agenda for the first UN Food Systems Summit, which is to take place in September, 2021. The goal of the Summit is to help stakeholders better understand and manage complex choices that affect the future of food systems and progress towards achieving 'Zero Hunger' by 2030.

Plant-Based Recipes

Eating [less](#) meat is an easy yet impactful way to reduce your carbon footprint. The FLPS enjoys these plant-based recipes, and we hope you do too!



[Spaghetti Bolognese](#) by Love & Lemons



[r-Pot Yellow Chickpea Cauliflower Curry](#) by Minimalist Baker



[Salted Almond Butter Freezer Fudge](#) by Oh She Glows

Regulatory Update: PEI to Bring Into Force New Water Restrictions Opposed by Farmers

By *John Metzger, rL*

In what may be seen as a harbinger of future action elsewhere, the PEI government is bringing into force new [regulations](#) for water use in the province after

years of debate, consultation, and arguments with the island's farmers. The new regulations will come into force in June and will, among other things, make permanent a moratorium on high-capacity irrigation wells. Proponents of the regulations claim they are necessary to protect the sustainability of PEI's water supply while farmers have pushed for greater access to water to bolster falling crop yields.



Image Source: <https://www.cbc.ca/news/canada/prince-edward-island/pei-water-act-reaction-wells-holding-ponds-1.5920774>

The new regulations are reminiscent of steps taken elsewhere to preserve water supplies - most notably in California. Following continued [drought](#) from 2011-2017, California enacted strict measures to control and manage the state's water supply. As with PEI's legislation, these changes were largely opposed by farmers. Specifically, many raised concerns that smaller farmers would be punished by limited access to water rights or the resources to change production.

Such regulations seem likely to become more commonplace as climate change continues to affect agricultural production and public consciousness of sustainability increases. National Resources Canada has [predicted](#) that the Canadian Prairies are likely to see increased risk of drought, flooding, and wildfire as the climate adjusts. If these risks draw similar regulatory responses, this could set the stage for a major fight over the direction of Canadian agriculture.

Join the Food Fight!

Food issues can't be talked about without talking about food inequality and justice, which are only being exacerbated by the COVID-19 pandemic. The following organizations are working on food justice issues. Please check them out and consider supporting their work!

Afri-Can Food Basket:

<https://africanfoodbasket.ca/>

Black Creek Community Farm:

<https://www.blackcreekfarm.ca/>

Community Fridges Toronto:

<https://linktr.ee/cfto>

FoodShare:

<https://foodshare.net/>

Food Secure Canada:

<https://foodsecurecanada.org/>

Indigenous Food First:

<http://iffculture.ca/>

Inuvik Community Greenhouse:

<https://www.inuvikgreenhouse.com/donations/>

Sundance Farm:

<https://www.sundanceharvestfarm.com/>

The Stop:

<https://www.thestop.org/>



Ongoing Farmer Protests in India Over Agricultural Reform Laws

By Courtney Cowan, 2L



Image source: <https://www.bbc.com/news/world-asia-india-54233080>

In September 2020, the government of India signed into law [three controversial agriculture bills](#), hereafter referred to as the Farm Bills. In protest, tens of thousands of farmers marched to Delhi in November and set up camp on the highway, eventually forming semi-permanent encampments which they still occupy today. The protests started peacefully but have since been marred by clashes with police and the death of at least one protester. Although the Supreme Court of India [issued a temporary suspension](#) of the Farm Bills in mid-January for a period of eighteen months, the protesters say they won't leave until the Farm Bills are repealed. The Supreme Court's decision leaves the government in the position of deciding between taking on the monumental task of amending the Farm Bills, repealing them, or leaving the whole issue in the courts.

India is [heavily involved in agriculture](#) with farmers occupying over 50% of the workforce. However, the agricultural system is in dire need of reform due to high farmer suicide rates, infertile land, high spoilage, and a reliance on government price supports. Under the current system, most farmers [sell their produce at mandis](#), or government-controlled markets. The Farm Bills open farmers up to the free market, allowing farmers to sell directly into the private market and establish contract farming. Proponents of the Farm Bills argue that the influx of private buying will increase prices and bolster innovation. Opponents worry that private buyers will exploit farmers and eventually

erode the mandis, leaving farmers worse off than before.

What started as an agricultural law issue has evolved into a free speech issue. For example, the government of India [requested Twitter remove hundreds of accounts](#) connected to the protests. Twitter temporarily complied but shortly after reactivated most of the accounts. The government then threatened Twitter's Indian employees with fines and imprisonment under India's information technology law. As of February 12th, Twitter had suspended some accounts and blocked others in India only, but refused to block accounts belonging to the media, activists, and politicians, citing their right to free expression.

[Experts in Canada](#) are unclear on what the Farm Bills, if passed, would mean for Canadian exports. India imports \$1.4B worth of legumes, and Canada is their second biggest supplier. Given that India is divided over the potential ramifications of the bills, we won't know how Canadian farmers are impacted for some time.

CAFLP Webinar Recap: Trade and Food Insecurity in the Time of COVID-19

Webinar summary by Maddie Andrew-Gee, zL

The COVID-19 pandemic has had an impact on every aspect of society. One of its devastating impacts has been on international trade and food security. In late 2020, the Canadian Association for Food Law and Policy (CAFLP) hosted their first webinar in a series, "Food Futures Webinar I: Trade and Food Security in the Time of COVID-19". You can find more information on the webinar series and watch the entire discussion [here](#).

CAFLP brought together **Marie-Noëlle Desrochers**, Director, Trade Negotiations Division, Agriculture and Agri-Food Canada, **Michael Fakhri**, UN Special Rapporteur on the Right to Food, and **Sophia Murphy**, Senior Specialist, Agriculture and Investment, International Institute for Sustainable Development (IISD) to discuss the impact of COVID-19 on supply chains and food security internationally.



Each panelist spoke to the unprecedented challenges posed by the pandemic to the global food system and trade. Marie-Noëlle Desrochers started the panel with a discussion of the immediate impact of the pandemic on food supply chains due to the border closures initiated in March of 2020 to try and slow the spread of COVID-19. These border closures resulted in increases in food prices and led commentators to worry about whether there would be longer term impacts on trade. Ms. Desrochers highlighted the ways the Government of Canada had responded to the food crisis by creating emergency funds for food security (which support food banks) as well as providing economic support for farmers. She also spoke to the fact that international policy makers have refrained from putting additional trade barriers in place during the pandemic that would further harm food supply chains and security.

Sophia Murphy continued the discussion by highlighting the major setback that COVID-19 posed to the progress made over the past several decades towards a more food secure world. Ms. Murphy explained that while estimates vary, some calculations have indicated there may be upwards of 95 million more people experiencing hunger or food insecurity due to COVID-19. This impact has been felt most in rural areas, which may not have access to social services in the same way urban areas do. Ms. Murphy emphasized the worry that 20 years of progress on food insecurity may be wiped out by COVID-19 and resulting disruption of international trade and the global trade infrastructure. Looking forward, Ms. Murphy spoke to the importance of international trade and food trade regulations that reach beyond borders, and are compatible with national policies, to ensure continuity of supply chains.

Michael Fakhri, the UN special rapporteur on the right to food, shared his colleagues' concerns over the impact of COVID-19 on food supply systems. Mr. Fakhri also pointed out that while the current state of food crisis seems new to many, lots of marginalized groups have felt the weight of food insecurity long before the COVID-19 pandemic.

The concept of the Right to Food was suggested as a theory through which to create a more equitable trade system. As opposed to food security, which focuses on the availability and accessibility of food, the concept of the Right to Food also emphasizes the adequacy of food. Whereas availability is the idea that an individual will get food reliably, and accessibility is the idea that food is economically and physically accessible, the emphasis on adequacy of food recognizes that what is adequate, meaning what is “good” food and nutrition, might vary from community to community. Adequacy in the eyes of the community may depend on social, agricultural, cultural or sociological factors. As Mr. Fakhri said, “The right to food is not just the right to be free from hunger.” For a further discussion of the Right to Food framework, Mr. Fakhri’s first annual thematic report as UN rapporteur can be found [here](#).

All speakers certainly recognized the magnitude of the crisis that COVID-19 poses to food security and food supply chains. They also all centred the importance of international cooperation to move us forward out of the current crisis. This webinar and discussion suggested that this crisis offers an opportunity to critically evaluate what was and was not working in international trade and food systems before the pandemic. Keep an eye out for CAFLP’s upcoming webinars for more insightful discussions on the future of food.



Keep an eye out for our next issue...