

# SUMMARY TABLE OF CONTENTS

List of Contributors .....	iii
Detailed Table of Cases.....	xv
Table of Cases .....	xxvii

1. Introduction: Food Law and Policy in Canada  
*Angela Lee, Heather McLeod-Kilmurray & Nathalie Chalifour* ..... 1

## PART I — FOUNDATIONS OF FOOD LAW AND POLICY IN CANADA

2. Canada's National Food Policy: The Political Basis for  
Coordination and Integration  
*Peter Andr ee, Mary Coulas & Patricia Ballamingie* ..... 13
3. Transforming Buffalo: Plains Cree Constitutionalism and Food  
Sovereignty  
*Darcy Lindberg*..... 37
4. It's Complicated: Food and Federalism in Canada  
*Donald E. Buckingham* ..... 55
5. Cities in a Time of Uncertainty: Food and Canadian Municipal Law  
*Jamie Baxter & Jessica Rose*..... 73
6. Food Systems and Sustainability  
*Heather McLeod-Kilmurray & Nathalie Chalifour* ..... 93
7. Protecting Farmland in Canada: Provincial Legislative Frameworks  
*David J. Connell, Chris Bryant, Wayne Caldwell, Greg Cameron &  
Tom Johnston*.....113
8. Foodlands Protection in Canada: Indigenous and Colonial  
Foodscapes in Law  
*Deborah Curran*.....151
9. Food Safety  
*Kiri A. Latuskie & Jacob J. Shelley*.....175
10. Food Safety in Canada: Regulatory Approaches to Public Health  
*Sarah Berger Richardson* .....201
11. Finding Concordance between Nutrition Law Reform and  
Epidemiological Estimates of Public Health Impact  
*Bill Jeffery* .....221
12. A Recipe for Effective Front-of-Pack Nutrition Labelling: Lessons  
From Canada, Codex, and the World Health Organization  
*Bill Jeffery* .....237
13. Food Advertising and Marketing to Children  
*Jacob J. Shelley & Melanie L. McPhail* .....263

14.	The Consumers' Rights to Information about Animal Welfare: The Canadian Framework for Labelling of Food Products of Animal Origin <i>Marie-Claude Desjardins &amp; Sabrina Tremblay-Huet</i> .....	287
15.	Cultivating Healthier, More Sustainable Food Choices through Taxation <i>Nathalie Chalifour &amp; Josiane Rioux Collin</i> .....	305
16.	Social Justice and the Food System <i>Nadia C.S. Lambek</i> .....	325
17.	Food Justice in Canada: Local Governance as a Vehicle for a National Food Policy / La justice alimentaire au Canada : la gouvernance locale comme vecteur d'une politique alimentaire nationale <i>Jessica Dufresne</i> .....	351

**PART II — CRITICAL PERSPECTIVES ON FOOD LAW  
AND POLICY IN CANADA**

18.	Eat This! Gender Inequality, Culture, and the Politics of Food <i>Dr. Bita Amani</i> .....	409
19.	The Fox Regulating the Henhouse: How the Law Fails Animals Farmed for Food <i>Anna Pippus</i> .....	431
20.	Regulation of Genetically Novel Crops and Food in Canada: It's About PNTs, Not GMOs <i>Dr. Stan Benda</i> .....	453
21.	The New Frontiers of Flesh Food: Regulating Genetically Engineered Animals and <i>In Vitro</i> Meat <i>Angela Lee</i> .....	475
22.	Access and Valorization of Aboriginal Seeds in Canada: Opportunities and Limits of Existing Legal Frameworks to Frame Collaborations between Aboriginal Peoples and Researchers / Accès et valorisation des semences autochtones au Canada Opportunités et limites des cadres juridiques existants pour l'encadrement des collaborations entre autochtones et chercheurs <i>Thomas Burelli</i> .....	499
	Index .....	565

# DETAILED TABLE OF CONTENTS

List of Contributors .....	iii
Summary Table of Contents.....	xiii
Detailed Table of Contents .....	xv
Table of Cases .....	xxvii
<b>Chapter 1 — Introduction: Food Law and Policy in Canada .....</b>	<b>1</b>
1. Why We Need This Book .....	1
2. How This Book Came About.....	3
3. Overview .....	3
4. Conclusion .....	10
<b>PART I — FOUNDATIONS OF FOOD LAW AND POLICY IN CANADA</b>	
<b>Chapter 2 — Canada’s National Food Policy: The Political Basis for Coordination and Integration .....</b>	<b>13</b>
1. Introduction .....	13
2. Two Previous Attempts .....	16
3. The National Food Policy Conversation in 2017 .....	18
4. Shared Priorities Among National Food Policy Stakeholders .....	23
(a) Achieve Food Security for All.....	23
(b) Strengthen Economic Opportunities for Canadian Food Producers and Processors .....	26
(c) Improve Diet-related Health Outcomes .....	28
(d) Improve Environmental Sustainability Across the Food System .....	29
(e) Ensure Food Safety.....	30
(f) Increase Transparency of Information .....	30
5. Recommendations .....	31
(a) Develop a Pan-Canadian Food Strategy.....	31
(b) Set Clear Targets and Accountability .....	32
(c) Scale Up and Out Tried-and-True Initiatives.....	33
(d) Ensure Ongoing Cross-stakeholder Dialogue/Problem-solving.....	33
(e) Facilitate Cross-departmental Coordination .....	34
6. Now! The Timing is Right .....	34
7. Conclusion .....	35
<b>Chapter 3 — Transforming Buffalo: Plains Cree Constitutionalism and Food Sovereignty.....</b>	<b>37</b>
1. Shaping-Shifting Buffalo .....	38
2. Plains Cree Constitutionalism.....	40
3. Experiences of Food Insecurity by Plains Cree Peoples.....	41

4.	Enclosures.....	43
	(a) Prairie Enclosures.....	43
	(b) Indigenous Enclosures.....	44
5.	From Treatment to Treaty .....	47
6.	Food Treaties in Plains Cree Narratives .....	48
	(a) Land Creation Stories and Principles of Wahkotowin Obligations.....	49
	(b) Windigo and Pahkokos Stories and Principles Against Overconsumption .....	49
	(c) Further Wahkotowin Stories .....	50
7.	Treaty Narratives and Constitutional Principles .....	50
8.	Turning Towards Plains Cree Constitutionalism.....	52
9.	Concluding Thoughts .....	53
	<b>Chapter 4 — It’s Complicated: Food and Federalism in Canada .....</b>	<b>55</b>
1.	Introduction.....	55
2.	Food—What Are We Regulating Exactly?.....	56
3.	Where is Food and Federalism in Our Constitution?.....	57
	(a) The Shared Agriculture Power—Section 95 .....	58
	(i) “Laws in relation to Agriculture” Not for Laws Generally Relating to Food.....	58
	(ii) A Very Thin Slice for Specific Food Laws.....	59
	(b) Federal Powers—Section 91 .....	60
	(i) The Criminal Law Power .....	60
	(ii) The Trade and Commerce Power .....	61
	(iii) Intellectual Property Powers as Applied to Food.....	63
	(iv) Federal Spending Power .....	64
	(v) Federal Powers of Very Limited Support for Food Legislation .....	64
	(c) Provincial Powers—Section 92 .....	65
	(i) The Property and Civil Rights Power .....	65
	(ii) Other Provincial Powers.....	65
4.	Why Not Examine “Food and Federalism” in its 21st Century Constitutional Context?.....	66
	(a) Food Safety .....	66
	(b) Food Fraud Prevention.....	68
	(c) Food Product Information and Labelling.....	69
	(d) Food and Private Law Rights .....	70
5.	Where Do We Go from Here?.....	70
	(a) Recognizing Our Constitutional Limitations.....	71
	(b) Pushing Out from Our Constitutional Limitations.....	71
	(i) Through More Federal/Provincial/Territorial Cooperation .....	71
	(ii) Through “Smarter” Regulation .....	71
	(iii) Through Strategic Federal Leadership.....	72

<b>Chapter 5 — Cities in a Time of Uncertainty: Food and Canadian Municipal Law</b> .....	73
1. Introduction .....	73
2. The Scope of Municipal Food Governance .....	75
(a) Municipal Initiatives .....	77
(i) Self-Governance .....	77
(ii) Control and Compliance .....	78
(iii) Provision .....	79
(iv) Enabling .....	80
3. Uncertainty in Municipal Food Law .....	82
(a) Municipal Jurisdiction .....	82
(b) Subsidiarity .....	86
4. Municipal “Entrepreneurship” .....	87
(a) History .....	88
(b) Political Institutions .....	89
(c) Local Policy Activism .....	90
5. Conclusion .....	91
<b>Chapter 6 — Food Systems and Sustainability</b> .....	93
1. Introduction .....	93
2. Sustainable Food Systems .....	94
(a) Understanding Sustainability Through the Three-Part Lens of the Food System .....	94
(i) Food Sources .....	94
(ii) Transportation and Distribution of Food .....	95
(iii) Consumption of Food .....	96
(b) The Cross Cutting and Integrated Nature of Sustainable Food Systems .....	97
(c) Law as Obstacle and Enabler of Sustainable Food in Canada .....	100
(i) Food Production .....	100
(ii) Processing, Packaging and Transport .....	107
(iii) Consumption .....	109
3. Conclusion .....	111
<b>Chapter 7 — Protecting Farmland in Canada: Provincial Legislative Frameworks</b> .....	113
1. Introduction .....	113
2. The State of Farmland Protection in Canada .....	115
3. Strongest Provincial Legislative Frameworks .....	118
(a) Québec .....	118
(b) British Columbia .....	123
(c) Ontario .....	126
4. Moderate Provincial Legislative Frameworks .....	129
(a) Manitoba .....	129
(b) New Brunswick .....	132

(c)	Saskatchewan.....	134
(d)	Nova Scotia.....	136
(e)	Newfoundland and Labrador.....	139
5.	Weakest Provincial Legislative Frameworks.....	142
(a)	Alberta.....	142
(b)	Prince Edward Island.....	145
6.	Looking Ahead: Issues and Opportunities.....	148
<b>Chapter 8 — Foodlands Protection in Canada: Indigenous and Colonial Foodscapes in Law.....</b>		
		151
1.	Introduction.....	151
2.	Indigenous Foodscapes Law.....	154
(a)	Indigenous Foodscape Laws.....	155
(b)	Aboriginal Rights and Title.....	156
(c)	Recognition of Indigenous Foodscapes.....	159
3.	Provincial Agricultural Land Protection Law and Foodscapes.....	161
(a)	Provincial Zoning Designation.....	162
(b)	Limitations on Decision-Making.....	163
(c)	Additional Factors in Decision-Making that Protect Agricultural Capability.....	165
4.	Municipal Law and Foodlands Protection.....	166
(a)	Consistency with Provincial Regimes.....	167
(b)	Zoning and Other Municipal Regulation.....	167
(c)	Farm Practices Protection and Right to Farm.....	168
(d)	Unconventional Foodlands and Foodlands Trusts.....	170
5.	Conclusion.....	173
<b>Chapter 9 — Food Safety.....</b>		
		175
1.	Introduction.....	175
2.	Safe Food.....	177
(a)	Meaning of Safe Food.....	177
(b)	History of Food Safety in Canada.....	178
(c)	Actors Involved with Food Safety.....	179
3.	Governance of Food Safety.....	183
(a)	Regulatory Context.....	184
(i)	Jurisdiction.....	184
(ii)	International Norms and Principles of Food Safety.....	185
(b)	The Legislative Framework.....	186
(i)	Federal Statutes and Agencies.....	186
(ii)	Ontario's Framework.....	188
(iii)	Risk Assessment and Risk Management.....	190
(c)	Effectiveness of the Canadian Food Safety Framework.....	192
4.	Civil Litigation and Food Safety.....	193
(a)	Defective Products.....	194
(b)	Heightened Standard of Care.....	197
5.	Conclusion.....	198

<b>Chapter 10 — Food Safety in Canada: Regulatory Approaches to Public Health</b> .....	201
1. Introduction .....	201
2. Tracing 150 Years of Food Safety Regulations in Canada .....	204
(a) Early Food Safety Regulations in Canada .....	204
(b) Renewed Interest in Food Safety Regulations From the 1990s to Present .....	206
3. Vertical and Horizontal Food Safety Management .....	208
(a) Key Actors .....	209
(i) Parliament .....	209
(ii) Provinces .....	210
(iii) Municipal Institutions .....	211
(iv) Industry .....	211
(b) Key Federal Legislation .....	212
(i) Health and Safety Standards: <i>Food and Drugs Act</i> , R.S.C. 1985, c. F-27 .....	212
(ii) Food Safety Enforcement and Inspection: <i>Safe Food for Canadians Act</i> , S.C. 2012, c. 24 .....	213
(iii) Food Imports: <i>Canadian Food Inspection Agency Act</i> , S.C. 1997, c. 6 .....	214
4. Global Food Governance, International Trade and Canadian Food Safety Regulation .....	214
(a) Policy Coordination of Global Food Markets .....	214
(b) Science Versus Culture in Global Food Safety Governance ...	215
(c) Growing Role of Private Retailers in Global Food Governance .....	216
5. Emerging Issues in Food Safety Regulation .....	217
(a) Labelling and Food Fraud .....	218
(b) Artisanal and Small-scale Production .....	219
6. Conclusion .....	220
<b>Chapter 11 — Finding Concordance Between Nutrition Law Reform and Epidemiological Estimates of Public Health Impact</b> .....	221
1. Nutrition Labelling .....	229
<b>Chapter 12 — A Recipe for Effective Front-of-Pack Nutrition Labelling: Lessons From Canada, Codex, and the World Health Organization</b> .....	237
1. Develop a Nutrition Algorithm to Effectively Distil the Health Impact of the Amounts of All Ingredients and Nutrients in Each Food .....	240
2. Establishing Robust Conflict of Interest Safeguards .....	244
3. Facilitating and Drawing Inspiration from Effective, Diverse International Precedents .....	249
<b>Chapter 13 — Food Advertising and Marketing to Children</b> .....	263
1. Introduction .....	263
2. A History of Food Marketing Restrictions .....	264

3.	The International Experience.....	266
(a)	The United Kingdom.....	267
(b)	The United States.....	267
(c)	Australia.....	270
4.	The Constitution and M2K.....	271
(a)	Division of Powers.....	271
(b)	The <i>Charter</i> and M2K.....	275
5.	Approaches to Restricting Food and Beverage Advertising and Marketing in Canada.....	278
(a)	Self-Regulation.....	278
(b)	Regulation of Commercial Advertising to Children.....	280
(c)	Regulation of Food and Beverage Advertising and Marketing.....	281
6.	Challenges with Restricting Food and Beverage Advertising.....	282
(a)	Scope.....	282
(b)	Implementation.....	284
(c)	Values.....	285
7.	Conclusion.....	286
<b>Chapter 14 — The Consumers’ Right to Information About Animal Welfare: The Canadian Framework for Labelling of Food Products of Animal Origin.....</b>		
1.	Introduction.....	287
2.	Consumers’ Right to Non-false and Non-misleading Representations.....	289
(a)	Provincial and Federal Legal Frameworks: Quebec and Canada.....	290
(b)	Specific Issues Related to Animal Welfare Claims.....	294
3.	Consumers’ Right to Disclosure of Information.....	296
(a)	Voluntary Disclosure.....	297
(b)	Disclosure of Important Facts.....	298
(c)	The Potential of the <i>Act Respecting Reserved Designations     and Added-Value Claims</i> .....	299
(d)	A Comparative Analysis: The Case of the European Union.....	300
4.	Conclusion.....	302
<b>Chapter 15 — Cultivating Healthier, More Sustainable Food Choices Through Taxation.....</b>		
1.	Introduction.....	305
2.	The Use of Taxation to Influence Consumer Choices.....	306
3.	Use of Taxation to Promote Healthier, More Sustainable Food Choices.....	309
(a)	Encouraging a Transition to More Sustainable Farming Practices.....	310



(b)	Encouraging More Sustainable and Healthier Food Choices .....	311
4.	Using Taxation to Influence Consumer Food Choices in Canada ...	314
5.	Case Study: Sugar-Sweetened Beverages .....	318
(a)	The Rationale for a Sugar Tax.....	318
(b)	Experience with Taxes on Sugar-Sweetened Beverages (SSBs) .....	319
(c)	A Sugar Tax in Canada? .....	322
6.	The Way Forward for Canada .....	323
<b>Chapter 16</b>	<b>— Social Justice and the Food System.....</b>	<b>325</b>
1.	Introduction .....	325
2.	Injustices in Our Food System: The Example of Food Insecurity ...	327
3.	The Role of Law in Creating Injustices in Our Food Systems: The Case of Agricultural Workers .....	332
4.	Two Possible Alternatives: The Right to Food and Food Sovereignty .....	339
(a)	The Right to Food .....	339
(b)	Food Sovereignty .....	344
5.	Canada's Vibrant Food Movements .....	347
6.	Conclusion .....	349
<b>Chapter 17</b>	<b>— Food Justice in Canada: Local Governance as a Vehicle for a National Food Policy.....</b>	<b>351</b>
1.	Introduction .....	351
2.	The Multiple Dimensions of the Fight Against Food Insecurity ...	353
(a)	The UN Approach: The Fundamental Right to Food .....	354
(b)	Food Security: More an End Than a Means .....	356
(c)	Food Sovereignty and Food Justice: Emerging and Complementary Paradigms.....	358
3.	Policy Gaps in Response to Food Insecurity in Canada .....	364
(a)	The Proliferation of Citizens' Food Initiatives to Make Up for the Absence of a National Food Policy .....	365
(b)	Successful Examples of Food Justice Projects From Our Neighbour to the South.....	370
4.	Conclusion .....	373
<b>La justice alimentaire au Canada : la gouvernance locale comme vecteur d'une politique alimentaire nationale .....</b>		<b>377</b>
1.	Introduction .....	377
2.	Les différentes facettes de la lutte contre l'insécurité alimentaire ....	380
(a)	L'approche onusienne : le droit fondamental à l'alimentation .....	380
(b)	La sécurité alimentaire : une finalité générale, davantage qu'un moyen .....	383
(c)	Souveraineté et justice alimentaires : des paradigmes émergents et complémentaires.....	385

3. Les lacunes politiques en réponse à l'insécurité alimentaire au Canada .....392
  - (a) Le foisonnement d'initiatives alimentaires citoyennes pour palier à l'absence de politique alimentaire.....393
  - (b) Les exemples fructueux de justice alimentaire chez nos voisins du sud .....399
4. Conclusion .....402

## **PART II — CRITICAL PERSPECTIVES ON FOOD LAW AND POLICY IN CANADA**

### **Chapter 18 — Eat This! Gender Inequality, Culture, and the Politics of**

- |             |  |     |
|-------------|--|-----|
| <b>Food</b> | .....  | 409 |
| 1.          | Introduction: On Gender and Race in Food Production.....                       | 409 |
| 2.          | <i>Managing Food: Milk and Marketing Madness</i> .....                         | 411 |
|             | (a) Milk and Markets in Reproductive Labour.....                               | 412 |
|             | (b) Feeding Global Markets in Mental Health and Non-Communicable Disease.....  | 414 |
| 3.          | Situating Gender and Culture Within a Corporate Food Economy.....              | 416 |
|             | (a) Intersectional and Intellectual Properties of (Commodity) Production ..... | 417 |
|             | (b) Women, Precautionary Consumption, and Power.....                           | 423 |
|             | (c) Shifting Food Culture and Consumer Habits .....                            | 424 |
| 4.          | Food Politics, Food Security .....   | 426 |
|             | (a) Outsourcing Governance and Reinforcing Food Care .....                     | 426 |
|             | (b) Gender-Based Analysis of Food Policies for Canada .....                    | 427 |
| 5.          | Situating the Self in Community: Concluding with an Invitation to Commit ..... | 428 |

### **Chapter 19 — The Fox Regulating the Henhouse: How the Law Fails**

- |                                |  |     |
|--------------------------------|--|-----|
| <b>Animals Farmed for Food</b> | .....  | 431 |
| 1.                             | Introduction.....  | 431 |
| 2.                             | Overview of the Laws.....  | 433 |
| 3.                             | Necessary and Unnecessary Suffering: When is it Illegal to Harm Animals? ..... | 434 |
| 4.                             | Animal Agriculture Industry Codes of Practice .....                            | 437 |
| 5.                             | Why Aren't Cruelty Laws Being Enforced to Protect Farmed Animals? .....        | 439 |
| 6.                             | Our Inconsistent Attitudes Lead to Inconsistent Law Enforcement.....           | 443 |
| 7.                             | Federal Transport Regulations .....  | 445 |
| 8.                             | Case Study: Maple Lodge Farms.....   | 446 |
| 9.                             | The Regulation of Killing .....  | 449 |
| 10.                            | Conclusion .....   | 451 |

<b>Chapter 20 — Regulation of Genetically Novel Crops and Food in Canada: It's About PNTs, Not GMOs</b> .....	453
1. Introduction .....	453
2. Food Histories .....	454
3. Plant Breeding.....	455
(a) Sexual .....	456
(b) Asexual .....	456
(c) Hybrid .....	456
(d) Mutagenesis .....	457
(e) Interspecies Crossing .....	457
(f) Embryo Rescue .....	458
(g) Protoplast Fusion.....	458
(h) Chromosome Doubling .....	458
(i) Somaclonal Variation.....	459
(j) Recombinant DNA (rDNA).....	459
(k) CRISPR(CAS9) .....	460
4. The GMO Imbrogio.....	461
(a) The GMO Debate.....	461
(b) Two Schools of Interpretation.....	463
(c) Regulatory Approach with Novel Technologies Premised on Scientific Rationality .....	465
5. Plants with Novel Traits (PNTs) .....	467
(a) History.....	467
(b) PNTs: In the Field .....	469
(c) PNTs: On the Fork .....	471
(d) PNTs: Labels .....	473
6. Summary .....	474
<b>Chapter 21 — The New Frontiers of Flesh Food: Regulating Genetically Engineered Animals and <i>In Vitro</i> Meat</b> .....	475
1. Introduction .....	475
2. Regulating Novel Foods in Canada.....	477
3. GE Animals .....	480
(a) Overview .....	480
(b) Beyond Scientists, Safety, and Short-Termism .....	483
4. <i>In Vitro</i> Meat.....	489
(a) Overview .....	489
(b) Rethinking Risk .....	492
5. Conclusion .....	497
<b>Chapter 22 — Access and Valorization of Aboriginal Seeds in Canada: Opportunities and Limits of Existing Legal Frameworks to Frame Collaborations Between Aboriginal Peoples and Researchers</b> .....	499
1. Introduction .....	499
2. Emergence of International Rights in Favour of Aboriginal Genetic Resource Holders .....	503

(a)	Particularly Broad Recognition of Rights of Control in the <i>United Nations Declaration on the Rights of Indigenous Peoples</i> .....	503
(b)	Recognition of Rights Respecting the Circulation of Resources Physically Held by Aboriginal Communities .....	504
(i)	The Framing of Access to Genetic Resources in the Convention on Biological Diversity and the Nagoya Protocol .....	504
(ii)	A Specific Treaty for Plant Genetic Resources for Food and Agriculture.....	506
(c)	An Absence of Rights Regarding the Circulation of Resources Not Physically Held by Indigenous Communities .....	507
(d)	The Valuation of Genetic Resources and the Sharing of Their Resulting Benefits .....	508
(i)	The Protection of Plant Resources Through Patents.....	508
(ii)	The Protection of New Plant Varieties .....	509
(iii)	Benefit Sharing Stemming from the Harnessing of Genetic Resources .....	511
3.	Silences and Gaps in Canadian Law for the Protection of Aboriginal Seeds .....	511
(a)	Canada's Prevarication on Implementing the <i>United Nations Declaration on the Rights of Indigenous Peoples</i> .....	512
(b)	In the Absence of the Implementation of the <i>CBD</i> and the Nagoya Protocol in Canada .....	513
(c)	The Valuation of Living Plants in Canadian Law: Plant Variety Rights and Patents.....	515
(d)	The Canadian Genebank and Aboriginal Interests.....	516
4.	Underestimated and Unrecognized Legal Gaps in Canadian Frameworks .....	519
(a)	Opportunities Offered by the Canadian Legal System.....	519
(i)	The Right to Access Canadian Collections .....	519
(ii)	The Option to Challenge Patent Applications and Plant Varieties.....	520
(b)	Claiming Ancestral Rights.....	522
(c)	The Development of New Frameworks for Collaboration ....	525
(i)	Collaboration Between the Indian Agricultural Program of Ontario (IAPO) and Agriculture Canada .....	526
(ii)	The Three Sisters Project.....	526
5.	Conclusion .....	527

<b>Accès et valorisation des semences autochtones au Canada opportunités et limites des cadres juridiques existants pour l'encadrement des collaborations entre autochtones et chercheurs.....</b>	<b>531</b>
1. Introduction.....	531
2. L'émergence de droits en faveur des détenteurs autochtones de ressources génétiques au niveau international .....	535
(a) La reconnaissance de droits de contrôle particulièrement étendus dans la <i>Déclaration des Nations Unies sur les droits des peuples autochtones</i> .....	535
(b) La reconnaissance de droits quant à la circulation des ressources détenues physiquement par les communautés autochtones.....	536
(i) L'encadrement de l'accès aux ressources génétiques dans la CDB et le protocole de Nagoya .....	536
(ii) Un traité spécifique pour les ressources phytogénétiques pour l'alimentation et l'agriculture.....	538
(c) Une absence de droits quant à la circulation des ressources non détenues physiquement par les communautés autochtones.....	539
(d) La valorisation des ressources génétiques et le partage des avantages en découlant.....	541
(i) La protection des ressources végétales par le biais des brevets .....	541
(ii) La protection des obtentions végétales.....	542
(iii) Le partage des avantages découlant de l'exploitation des ressources génétiques.....	544
3. Les silences et les lacunes du droit canadien pour la protection des semences autochtones.....	545
(a) Les tergiversations du Canada quant à la mise en œuvre de la <i>Déclaration des Nations Unies sur les droits des peuples autochtones</i> .....	545
(b) L'absence de mise en œuvre de la CDB et du protocole de Nagoya au Canada.....	546
(c) La valorisation du vivant végétal en droit canadien : les obtentions végétales et les brevets.....	549
(d) La banque de gènes canadienne et les intérêts autochtones ...	550
4. Les interstices juridiques sous-estimés et méconnus des cadres canadiens .....	553
(a) Les opportunités offertes par le système juridique canadien ..	553
(i) Le droit d'accéder aux collections canadiennes .....	553
(ii) La possibilité de contester les demandes de brevets et de variétés végétales .....	554
(b) La revendication de droits ancestraux.....	556
(c) Le développement de nouveaux cadres de collaboration .....	559

(i) La collaboration entre le Indian Agricultural Program of Ontario (IAPO) et Agriculture Canada .....	561
(ii) Le projet des Trois Soeurs.....	561
5. Conclusion .....	562
Index .....	565