# IMMIGRANT COMMUNITIES IN CANADA AND THE RIGHT TO CULTURALLY APPROPRIATE FOOD

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*Abstract*

The significance of culturally appropriate food has been largely missing from recent conversations around the human right to food. Although loosely recognized as an element of the right to food, culturally appropriate food is not clearly defined in law; it is therefore largely treated as a negative obligation, where any food that does not directly violate cultural values is seen as sufficient to fulfil this element. As a country that positions itself as welcoming to immigrants and refugees, Canada has both an interest and an obligation in fulfilling the right to culturally appropriate food for these communities. Despite this, culturally appropriate food is neither clearly nor adequately addressed by existing legal mechanisms, either in Canada or internationally. However, I propose that a clear definition in law is neither entirely possible nor strictly necessary in the pursuit of the positive achievement of the right to culturally appropriate food for immigrant communities. In support of my argument, this paper explores different conceptualizations of cultural foods, influenced by the inherently and eternally shifting nature of culture itself, and proposes a shift in focus from food security to food sovereignty to adequately address the cultural food needs of immigrants and

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refugees in Canada. After an introductory section, section II will outline several definitions essential to this discussion: the human right to food, food security, and food sovereignty. Section III will explore different ways that culturally appropriate food has been conceptualized, particularly within discussions of food security and food sovereignty. Section IV discusses cultural food security and some of the barriers faced for its achievement by immigrants and refugees in Canada. Finally, section V discusses further opportunities for research on the impact of local food production and food sovereignty toward the achievement of the right to culturally appropriate food.

# I INTRODUCTION

It is well established that access to cultural foods has a positive effect on the physical health and emotional well-being of immigrants and refugees.[1] However, the significance of culturally appropriate food has been largely missing from recent conversations around the human right to food. Although loosely recognized as an element of the right to food, culturally appropriate food is not clearly defined in law; it is therefore largely treated as a negative obligation, where any food that does not directly violate cultural values is seen as sufficient to fulfil this element.

As a country that positions itself as welcoming to immigrants and refugees, Canada has both an interest and an obligation in fulfilling the right to culturally appropriate food for these communities. Indeed, the federal government has previously demonstrated investment in the integration of immigrants and refugees, such as through the publication of the *Syrian Outcomes Report* in 2019, which provides an overview of integration outcomes for Syrian refugees resettled in Canada in 2015 and 2016.[2] The report acknowledges that some Syrian refugees struggled with food insecurity, reliance on food banks, and the high cost of "food typical to their home country."[3] It also notes that the struggles experienced by Syrian refugees are not unique and are in fact "common difficulties faced by recent newcomers in general, particularly resettled refugees who are facing vulnerable situations."[4]

Despite this, culturally appropriate food, although important for the well-being of immigrants and refugees, is neither clearly nor adequately addressed by existing legal mechanisms, either in Canada or internationally. However, I propose that a clear definition in law is neither entirely possible nor strictly necessary in the pursuit of the positive achievement of the right to culturally appropriate food for immigrant communities. In support of my argument, this paper explores different conceptualizations of cultural foods (influenced by the inherently and eternally shifting nature of culture itself) and proposes a shift in focus from

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1. See e.g. Sarah Elsahat et al, "The Relationship between Diet/Nutrition and the Mental Health of Immigrants in Western Societies through a Holistic Bio-Psycho-Socio-Cultural Lens: A Scoping Review" (2023) 183 Appetite 1 at 5, online (pdf): <https://doi.org/10.1016/j.appet.2023.106463> [Elsahat]; Aravinda Berggen-Clausen et al, "Food environment interactions after migration: A scoping review on low- and middle-income country immigrants in high-income countries" (2022) 25:1 Pub Health Nut 136, online: <https://doi.org/10.1017/S1368980021003943>.

2. Immigration, Refugees and Citizenship Canada, *Syrian outcomes report* (June 2019), online: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/reports-statistics/evaluations/syrian-outcomes-report-2019.html> [perma.cc/84G7-4QVK].

3. *Ibid* at 11.

4. *Ibid* at 16.

food security to food sovereignty to adequately address the cultural food needs of immigrants and refugees in Canada.

The first section of this paper will outline several definitions essential to this discussion: the human right to food, food security, and food sovereignty. The second section will explore different ways that culturally appropriate food has been conceptualized, particularly within discussions of food security and food sovereignty. The third section discusses cultural food security and some of the barriers faced for its achievement by immigrants and refugees in Canada. Finally, the fourth section discusses further opportunities for research on the impact of local food production and food sovereignty toward the achievement of the right to culturally appropriate food.

# II SITUATING THE RIGHT TO CULTURALLY APPROPRIATE FOOD

## A. The Human Right to Food

The human right to food was first formally recognized in international human rights law in the *Universal Declaration of Human Rights* (UDHR) in 1948.[5] Article 25 of the UDHR states that "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 necessary social services." Since then, the human right to food has been codified in many bodies of international human rights law, several of which are binding on Canada, including the *International Covenant on Economic, Social and Cultural Rights* (ICESCR),[6] the *Convention on the Rights of Persons with Disabilities* (CRPD),[7] and the *Convention on the Rights of the Child* (CRC).[8]

The ICESCR, ratified in Canada in 1976,[9] recognizes "the right of everyone to adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions" in article 11(1). Similarly, article 28(1) of the CRPD, ratified by Canada in 2010,[10] recognizes "the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions." The CRC, ratified in Canada in 1991,[11] addresses food under article 24 on the right of the child to "the enjoyment of the highest attainable standard of health and to facilities for the treatment

5. *Universal Declaration of Human Rights*, UNGA, 3rd Sess, UN Doc A/810 (1948) GA Res 217 A (III), art 25 [UDHR].

6. *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 13 art 11 (entered into force 3 January 1976, in accordance with art 27) [ICESCR].

7. *Convention on the Rights of Persons with Disabilities*, 13 December 2006, 2515 UNTS 3 art 28 (entered into force 3 May 2008, in accordance with art 45(1)) [CRPD].

8. *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3 art 24.2(c) (entered into force 2 September 1990, in accordance with art 49) [CRC].

9. ICESCR, supra note 6 at 1.

10. CRPD, *supra* note 7.

11. CRC, *supra* note 8.

of illness and rehabilitation of health," declaring that in the pursuit of the full implementation of this right, state parties must take appropriate measures to "combat disease and malnutrition, including within the framework of primary health care, through, inter alia, … the provision of adequate nutritious foods and clean drinking-water."[12]

While the Convention on the Elimination of Discrimination Against Women (CEDAW), ratified by Canada in 1981,[13] has no general article protecting the right to food, its preamble indicates a concern "that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs." Article 12(2) of CEDAW also contains a clause obligating state parties to ensure that pregnant and lactating women have access to "adequate nutrition."

Despite its presence in international law dating back to 1948, the human right to food was not clearly defined by the UN until 1999, when the Committee on Economic, Social and Cultural rights issued General Comment No. 12 on article 11 of the ICESCR.[14] Paragraph 6 of this comment provides the overarching definition that is still largely used in human rights law today:

> The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement.

The committee additionally notes that "the right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients."[15]

Building on this definition, the Office of the High Commissioner for Human Rights (OHCHR) released a fact sheet on the right to adequate food in 2010.[16] The fact sheet emphasizes three aspects of the right to food: availability, accessibility, and adequacy.[17] *Availability* refers to the production of food and its availability for sale in markets and stores. *Accessibility* refers to individuals' economic and physical ability to procure food. This means that individuals should have grocery stores within a reasonable distance of their homes, as well as the infrastructure such as public transit to reach them. It also means that everyone should have the economic means with which to purchase food at those stores without compromising their other basic needs like healthcare or housing costs. *Adequacy* refers to the necessity of meeting dietary requirements, as well as safety and cultural acceptability of food.

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12. *Ibid*, art 24(2)(c).

13. *Convention on the Elimination of All Forms of Discrimination Against Women,* 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981, in accordance with article 27(1)) [CEDAW].

14. "General Comment No 12 on the Right to Adequate Food," UNESC, 20th Sess, UN Doc E/C.12/1999/5 (1999) Annex agenda item 7, online (pdf): <https://documents.un.org/doc/undoc/gen/g99/420/12/pdf/g9942012.pdf> [perma.cc/94GK-U9HY].

15. *Ibid* at para 6.

16. United Nations Office of the High Commissioner for Human Rights (OHCHR), "Fact Sheet No. 34, The Right to Adequate Food" (01 April 2010), online (pdf): <https://www.ohchr.org/Documents/Publications/FactSheet34en.pdf> [perma.cc/55RR-XWFY] [UN Fact Sheet].

17. *Ibid* at 2.

In building the definition of the right to food, the fact sheet cites definitions from other UN bodies, including General Comment No 12, as quoted above, and the Special Rapporteur on the Right to Food, which has defined the right to food as follows:

> The right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.[18]

The OHCHR emphasizes that the right to food is an inclusive right, extending beyond the minimum caloric and nutritional content required for physical survival. Instead, the right to food should be understood as a right to "all nutritional elements that a person needs to live a healthy and active life, and to the means to access them."[19]

Significantly, the right to food does not necessarily entail the right to be fed. Primarily, the right to food means the right to "feed oneself in dignity."[20] In terms of a government guaranteeing and protecting that right, therefore, the actual requirement from the state is largely limited to providing an environment that enables people to produce or purchase food, including access to land and seeds or money and access to the market. However, the state must also provide food for those unable to feed themselves within their own means. This creates two layers of obligation on the state for the fulfilment of the right to food: first, to proactively create an environment in which as many people as possible are able to feed themselves, and second, to directly feed individuals who, despite the enabling environment and due to circumstances beyond their control, are still unable to enjoy the right to adequate food.[21]

Notably, the human right to food does not exist in Canadian law. Despite multiple and ongoing efforts by right-to-food advocates, including the UN Special Rapporteur on the right to food,[22] calls to legislate the right to food have been blatantly dismissed by the Canadian government.[23] As explained above, Canada has ratified several international obligations that

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18. *Ibid* at 2, citing "The Right to Food—Report by the Special Rapporteur," UNCHR, 57th Sess, UN Doc E/CN.4/2001/53 (2001) CHR Annex Item 10 of the provisional agenda at 2, online (pdf): <https://documents.un.org/doc/undoc/gen/g01/110/35/pdf/g0111035.pdf> [perma.cc/T9ZD-MZKH].

19. UN Fact Sheet, *supra* note 16 at 2.

20. *Ibid* at 3.

21. *Ibid* at 19.

22. *Report of the Special Rapporteur on the Right to Food, Olivier de Schutter*, UNHRCOR, 22nd Sess, UN Doc A/HRC/22/50 (2012) Add 1, online (pdf): <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2250Add.1_English.PDF> [perma.cc/E8H8-G5WS].

23. Nadia Lambek, "Social Justice and the Food System" in Heather McLeod-Kilmurray, Angela Lee, & Nathalie Chalifour, eds, *Food Law and Policy in Canada* (Toronto: Thomson Reuters, 2019) 325 at 326 [Lambek].

recognize the right to food; therefore, by not legislating the right to food, Canada is in breach of its legal obligations.[24]

## B. Food Security

Food security has a slightly different definition in law than the right to food, although they are interrelated. In comparing the two, the OHCHR states that food security is "a precondition for the full enjoyment of the right to food," while the right to food "provides entitlements to individuals to access to adequate food and to the resources that are necessary for the sustainable enjoyment of food security."[25]

The Food and Agriculture Organization of the United Nations (FAO) identifies four main dimensions of food security: availability, accessibility, utilization, and stability.[26] *Availability* and *accessibility* are similar to their corresponding definitions under the elements of the right to food.[27] *Utilization* is comparable to *adequacy* under the right to food, although utilization focuses more on the dietary requirements element, focusing on nutritional quality and status rather than cultural elements. *Stability* is the main differing element, as it considers the consistency with which the other three dimensions are attainable. This means that if someone's food intake is uncertain or inadequate even only sometimes, food security has not been attained. Since the right to food is achieved when every person has access to adequate food regularly, permanently, and at all times, according to the definitions above, we can interpret stability as the element that transforms the achievement of food security into the fulfilment of the right to food.[28]

Canada's National Food Policy does not include a definition of food security.[29] However, in order to interpret household food security data retrieved from the Canadian Community Health Survey (CCHS), the federal government developed a guide on determining food security

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24. Despite this clear breach of international obligations, there is evidence in Canada's track record to suggest that the recognition of the right to food at the domestic level would not necessarily result in its fulfilment. See, for example, the comparison to the human right to housing in Tasha Stansbury, "A Roof over Our Stomachs: The Right to Housing in Canada and Its Implications for the Right to Food" (2021) Centre for Law and the Environment, Working Paper No. 3/2021, online (pdf): <https://allard.ubc.ca/sites/default/files/2021-07/2021%2003%20Stansbury%20Housing%20and%20Food_0.pdf> [perma.cc/KSV5-AAFC].

25. UN Fact Sheet, *supra* note 16 at 4–5.

26. UN Food and Agriculture Organization, "Food Security" (2006) Policy Brief at 1, online (pdf): <https://www.fao.org/fileadmin/templates/faoitaly/documents/pdf/pdf_Food_Security_Cocept_Note.pdf> [perma.cc/HC92-VVZB].

27. *Ibid*. The FAO's definition of *availability* is the "availability in sufficient quantities of food of appropriate quality, supplied through domestic production or imports (including food aid)." Likewise, *access* is defined as "access by individuals to adequate resources (entitlements) for acquiring appropriate foods for a nutritious diet."

28. *Ibid*. Food stability as defined by the FAO: "To be food secure, a population, household or individual must have access to adequate food at all times. They should not risk losing access to food as a consequence of sudden shocks (e.g. an economic or climatic crisis) or cyclical events (e.g. seasonal food insecurity). The concept of stability can therefore refer to both the availability and access dimensions of food security."

29. Agriculture and Agri-Food Canada, "Food Policy for Canada: Everyone at the Table" (2019), online (pdf): <https://agriculture.canada.ca/sites/default/files/legacy/pack/pdf/fpc_20190614-en.pdf> [perma.cc/5XXQ-S6RC] [Canada Food Policy].

status.[30] This guide defines "food secure" households as having "access, at all times throughout the previous year, to enough food for an active, healthy life for all household members." Arguably, this can be interpreted to incorporate all four elements of the FAO definition. It notably also omits the cultural aspect of *adequacy* per the OHCHR definition. The CCHS is conducted every two years, but per the guide definition above the element of *stability* is measured only in single-year increments. Data collected via the CCHS may therefore be insufficient to make any accurate assessment of the fulfilment of the right to food in Canada, especially since the survey is anonymous and specific households are not tracked over time for longitudinal patterns.[31]

## C. Food Sovereignty

The term "food sovereignty" was coined by La Via Campesina at the World Food Summit in 1996.[32] Founded in 1993, La Via Campesina is an international peasant farmers' organization and global food sovereignty network, currently formed by 180 organizations in 81 countries.[33] The following definition was adopted in the *Declaration of Nyéléni* at the 2007 World Forum for Food Sovereignty:

> Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.[34]

This definition has remained largely intact since 2007 and continues to be widely cited by food sovereignty advocates.[35] Food sovereignty has been recognized as a human right in the *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas* (UNDROP); article 15.4 states:

> Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and

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30. Government of Canada, "Determining Food Security Status" (2020), online: <https://www.canada.ca/en/health-canada/services/food-nutrition/food-nutrition-surveillance/health-nutrition-surveys/canadian-community-health-survey-cchs/household-food-insecurity-canada-overview/determining-food-security-status-food-nutrition-surveillance-health-canada.html> [perma.cc/N5AV-59JT].

31. Statistics Canada, "Canadian Community Health Survey (CCHS)" (2007), online: <https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=3359> [perma.cc/9FFA-G8FQ].

32. La Via Campesina, "Food Sovereignty, A Manifesto for the Future of Our Planet" (13 October 2021), online: <https://viacampesina.org/en/food-sovereignty-a-manifesto-for-the-future-of-our-planet-la-via-campesina> [perma.cc/4NL5-FYAA] [La Via Campesina, Food Sovereignty].

33. La Via Campesina "About La Via Campesina" (2024), online: <https://viacampesina.org> [perma.cc/EJ53-4BF4].

34. *Declaration of Nyéléni* (Conference report delivered at Nyéléni Village, Sélingué, Mali, 2007) [unpublished] at para 3, online (pdf): <https://nyeleni.org/IMG/pdf/DeclNyeleni-en.pdf> [perma.cc/CKB8-K4WF] [Declaration of Nyéléni].

35. See e.g. Food Secure Canada, "What Is Food Sovereignty" (last accessed 12 November 2024), online: <https://www2.foodsecurecanada.org/who-we-are/what-food-sovereignty> [perma.cc/5UHY-TMXV]; Seed Change, "Food Sovereignty" (last accessed 12 November 2024), online: <https://weseedchange.org/food-sovereignty/> [perma.cc/NH52-2U3D]; International Planning Committee for Food Sovereignty, "About Us" (last accessed 12 November 12, 2024), online: <https://www.foodsovereignty.org/about/ />[perma.cc/9RZ3-CRQW] . See also Lambek, *supra* note 23 at 344.

> regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.[36]

Both Canadian and international governance bodies have also acknowledged food sovereignty as a goal related to the right to food. For example, an FAO and UN Permanent Forum of Indigenous Issues joint brief on the right to food and Indigenous peoples explains that the right to food is a legal right with available remedies in the case of violations, while food sovereignty is a political concept with no legal recognition.[37] Agriculture and Agri-Food Canada's National Pathways initiative, aimed at creating more resilient food systems, identifies Indigenous food sovereignty among the initiatives to be supported.[38]

Despite the above examples, food sovereignty advocacy and action remain largely at the grassroots and community levels, although its influence has grown. Food sovereignty is not mentioned in Canada's Food Policy[39] and has not been identified by the government as a priority outside of initiatives supporting Indigenous peoples. At the international level, actors including La Via Campesina have remained consistent in their advocacy for food sovereignty at global governance institutions, with several victories; food sovereignty has received the endorsement of several UN special rapporteurs and, as noted above, was explicitly included in UNDROP.[40]

## III THE RIGHT TO CULTURALLY APPROPRIATE FOOD

The way that the concept of food sovereignty fundamentally shifts the way we look at food systems, as well as the idea of food security, has been discussed at length in food justice and food law literature.[41] Similarly, the way that culturally appropriate food is discussed also shifts between the contexts of food security and food sovereignty.

One major defining feature or difference between the two of these is that food sovereignty challenges conventions of food security by insisting that culture is a part of food systems. Culture is, therefore, an inherent part of food sovereignty. But conversations about food security and the right to food have also begun to include culture. So, what is the difference that remains?

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36. *Declaration on the Rights of Peasants and Other People Working in Rural Areas*, UNHRC 39th Sess, UN Doc A/HRC/RES/39/12 (2018) HRC Res 39/12, art 15.4 [UNDROP].

37. FAO and UN Permanent Forum of Indigenous Issues, "Joint Brief: The Right to Food and Indigenous Peoples" (2008) at 3, online (pdf): <https://www.un.org/esa/socdev/unpfii/documents/Right_to_food.pdf> [perma.cc/XN7Y-WSZC].

38. Agriculture and Agri-Food Canada, "Canada's National Pathways Document" (2023), online: <https://agriculture.canada.ca/en/department/initiatives/canadas-national-pathways/national-pathways-document> [perma.cc/X4D9-8BGX].

39. Canada Food Policy, *supra* note 29.

40. La Via Campesina, Food Sovereignty, *supra* note 32.

41. See e.g. Lambek, *supra* note 23; Navé Wald & Douglas P Hill, "'Rescaling' Alternative Food Systems: From Food Security to Food Sovereignty" (2016) 33:1 Agric & Human Values 203; Megan Carney, "'Food Security' and 'Food Sovereignty': What Frameworks Are Best Suited for Social Equity in Food Systems?" (2012) 2:2 J Agric, Food Sys & Community Dev 71.

Until recently, there was little acknowledgement from the FAO of the role of culture in food security. The 1996 *Rome Declaration on World Food Security*, emerging from the FAO-led World Food Summit, states that food security includes "food preferences for an active and healthy life."[42] This aspect is still included in definitions of food security.[43] As noted by Sampson and Wills, food preferences are distinct from food culture, since food preferences are individual while culture is collective.[44] However, in 2019 the FAO, along with the World Health Organization (WHO), published a piece entitled "Sustainable Healthy Diets: Guiding Principles," which makes an explicit reference to the relationship between culture and food.[45] This piece is framed through the lens of food security, mainly the factors of health and sustainability. It talks about culture slightly differently than sources such as the *Declaration of Nyéleni*; it refers to "culturally acceptable" food, only referring to "culturally appropriate" food when quoting other sources.[46] This term, "culturally acceptable" food, is also present in the OHCHR fact sheet on the right to food.[47]

This reflects a larger pattern on the treatment of culture in relation to food; sources that focus on food security, in my observation, often talk about culturally *acceptable* food,[48] while sources that focus on food sovereignty tend to discuss culturally *appropriate* food.[49] While there is no clearly defined difference between the two, I propose that there is a fundamental difference in the way that these two terms are applied and understood.

Even based solely on the definition of the words themselves, "acceptable" seems to indicate a bare minimum. The implication of "acceptable" food is that there is nothing outright offensive or *un*acceptable in the food. For example, a Muslim person receives a dish of food, and every item on that dish meets Halal standards. But "acceptability" does not seem to imply anything beyond that; it is simply the lowest threshold required to get a person fed in a

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42. FAO, *Rome Declaration on World Food Security and World Food Summit Plan of Action*, 13 November 1996, FAO(063)/F688, art 1.

43. See e.g. World Bank, "What Is Food Security?" (2023), online: <https://www.worldbank.org/en/topic/agriculture/brief/food-security-update/what-is-food-security> [perma.cc/8VSP-C7MJ]; World Vision, "The Basics of Food Security (and How It's Tied to Everything)" (18 October 2023), online: <https://www.worldvision.ca/stories/food/the-basics-of-food-security> [perma.cc/HXF7-A8KA].

44. Devon Sampson & Chelsea Wills, "Culturally Appropriate Food: Researching Cultural Aspects of Food Sovereignty" (Conference Paper No 20 delivered at Food Sovereignty: A Critical Dialogue International Conference, Yale University, 14-15 September 2013) J Peasant Stud 1 at 2, online (pdf): <https://macmillan.yale.edu/sites/default/files/files/foodsovereignty/pprs/20_SampsonWills_2013.pdf> [perma.cc/38PT-FWS4] [Sampson & Wills].

45. FAO & WHO, "Sustainable Healthy Diets—Guiding Principles" (2019) at 25, online (pdf): <https://iris.who.int/bitstream/handle/10665/329409/9789241516648-eng.pdf?sequence=1> [perma.cc/ZQF9-G3UU].

46. *Ibid* at 7, 9.

47. UN Fact Sheet, *supra* note 16 at 3.

48. *Ibid*; see also Michael W Hamm & Anne C Bellows, "Community Food Security and Nutrition Educators" (2003) 35:1 J Nutrition Education & Behavior 37 at 37; Dietitians of Canada, "Dietitians of Canada Position Statement on Household Food Insecurity in Canada" (2024) at 1, online (pdf): <https://www.dietitians.ca/DietitiansOfCanada/media/Images/DC-Household-Food-Insecurity-Position-Statement_2024_ENG.pdf> [perma.cc/K3TH-9JRH]; Toronto Metropolitan University Centre for Studies in Food Security, "Terms of Reference" (last accessed 12 November 2024), online: <https://www.torontomu.ca/foodsecurity/about/> [perma.cc/V53J-HHAA].

49. See e.g. La Via Campesina, Food Sovereignty, *supra* note 32; Declaration of Nyéléni, *supra* note 34; UNDROP, *supra* note 36.

way that does not violate their cultural values. Indeed, the UN fact sheet identifies culturally acceptable food as food that is *not* associated with a religious or cultural taboo or not *in*consistent with a person's eating habits.[50]

On the other hand, I suggest that culturally "appropriate" food implies an intentional and positive adherence to cultural norms as well as standards that is of a quality that one would normally expect and enjoy in that culture, keeping in mind other cultural factors (e.g., foods that are associated with certain times of the year). It seems to suggest putting more value into the cultural aspects of food, rather than treating them as dietary restrictions.

## A. What Makes Food Culturally Appropriate?

Ensuring food is culturally appropriate would require attention to factors such as food diversity and foods that are prepared in an appropriate cultural framework. Stelfox and Newbold suggest that culturally appropriate foods could include "religiously acceptable foods" based on ingredients or preparation methods, like Halal or Kosher foods, or vegetables commonly used in traditional cultural cuisines, including cassava, okra, or eggplants.[51] The latter category could also be interpreted to include grains and spices, like teff or sumac. Stelfox and Newbold carried out interviews with refugees and immigrants in Ontario, Manitoba, and British Columbia and found that food that is fresh and high quality is also considered cultural food—even an essential part of cultural food. Immigrants and refugees said that the overall quality or taste of fresh foods that are available or affordable in Canada is lacking. People reported not being able to enjoy their cultural foods because the ingredients available in Canada do not taste like anything or do not have flavours as strong as the ingredients in their home countries.

Stelfox and Newbold argue that the element of being fresh and high quality is not as significant compared to other barriers to eating healthy or cultural food, such as affordability.[52] On this point, I cannot find myself able to agree. It is well established, even in Stelfox and Newbold's own argument, that maintaining cultural foods is a key part of maintaining mental and physical health for migrants; food is a key part of remaining connected to culture when, in many cases, almost everything else has been taken away.[53] However, if the quality of cultural foods available in Canada is so low that people do not actually enjoy eating it, how might the role of that food in terms of maintaining a connection to culture change? And, subsequently, what does that mean for the mental and physical health aspects that rely on maintaining cultural foods? I argue that while the freshness and quality of cultural foods could be considered a secondary barrier to accessing culturally appropriate food—that is, one needs to

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50. UN Fact Sheet, *supra* note 16 at 3.

51. Katherine B Stelfox & K Bruce Newbold, "Securing Culturally Appropriate Food for Refugee Women in Canada: Opportunities for Research" in K Bruce Newbold & Kathi Wilson, eds, *A Research Agenda for Migration and Health* (Cheltenham: Edward Elgar Publishing, 2019) 107 at 109 [Stelfox & Newbold].

52. *Ibid* at 110.

53. *Ibid* at 111; see also Jessica Kwik, "Traditional Food Knowledge: A Case Study of an Immigrant Canadian 'Foodscape'" (2008) 36:1 Env J 59; Elsahat, *supra* note 1; Aravinda Berggen-Clausen et al, "Food Environment Interactions after Migration: A Scoping Review on Low- and Middle-Income Country Immigrants in High-Income Countries" (2022) 25:1 Pub Health Nutr 136, online: <https://doi.org/10.1017/S1368980021003943>.

first have physical access to the food before its quality becomes a relevant concern—that does not reduce the importance of quality.

## B. (Re)Defining "Culture"

Sampson and Wills complicate the subject of culturally appropriate food by presenting culture, and food and farming culture specifically, as dynamic, shifting, and the subject of disagreements within cultural groups:

> The food we eat and the way we eat it are the result of the opportunities and constraints of what is available, in both materials and labor; the desires, tastes, the traditions of food; and the uneasy politics of access and privilege. . . . Changing economies put certain foods in or out of reach, changing weather brings crops or it doesn't. Culture, as unstable and as consequential as economies or weather, defines what good food is, and what food is fit for a guest.[54]

They point out that, generally, the "political and economic aspects of food [are treated] as complex, changing, contested, and interrelated"; they then argue that the cultural aspects are also related and interact with the political and economic aspects.[55] For example, desirable food can become an undesirable mark of poverty and then become desirable again depending on changes in sociopolitical access. Perhaps the most obvious example of this change in Canada is lobster, which was available on the Pacific shore in such abundance that Mi'kmaq peoples historically used it as fertilizer and fish bait.[56] Historically, lobster was a poor man's food, considered to be extremely low value because of its prevalence.[57] Canning processes were introduced in the Maritimes in the 1800s, allowing easy shipping inland. After increasing in both price and popularity after World War I, fresh lobster became a tourist attraction for people travelling along the east coast, and it became known as a delicacy.

Sampson and Wills problematize this conceptualization of culture as static, even in discussions of food sovereignty.[58] Food sovereignty places a heavy emphasis on culture, in terms of respecting local cultures in the pursuit of food sovereignty projects or strengthening cultural practices as a way of resisting the neoliberal treatment of food as a commodity; however, there is little, if any, treatment of culture as shifting.

To illustrate their thesis, Sampson and Wills conducted a research project in the Yucatán region of Mexico. They connected with six recent high school graduates, and over the course of several weeks taught them photography skills and had them capture moments they felt shaped their idea of their own culture. Their goal through this photography project was to illustrate

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54. Sampson & Wills, *supra* note 44 at 1.

55. *Ibid* at 2.

56. Ehud Spanier et al, "A Concise Review of Lobster Utilization by Worldwide Human Populations from Prehistory to the Modern Era" (2015) 72:1 ICES J Marine Sci i7 at i15.

57. Gabby Peyton, "Classic Canadian Dishes: The Lobster Roll" (last accessed 12 November 2024), online (blog): <https://canadianfoodfocus.org/canadian-food-stories/classic-canadian-dishes-the-lobster-roll/> [perma.cc/QF32-4E6Y].

58. Sampson & Wills, *supra* note 44 at 5.

the process by which cultural values are established.[59] One student, Leonor, wanted to focus on food. She took pictures of her mother and aunt cooking and her family eating. She was encouraged not just to document how food is made but also to take photos that challenge the way women's knowledge and work remains relatively invisible. In one series, she took a picture of each step of her mother making tortillas by hand, and it ended up being 22 photos.[60] Leonor surprised herself with how intricate the process was, even though she watched her mother do it every day and often helped her.

The authors note that "handmade tortillas may be the perfect symbol of food sovereignty in rural Yucatán"; they are regionally loved, superior in taste, and more satisfying than store-bought tortillas, but they come at the cost of women's labour.[61] In addition to current gendered divisions of labour, the insistence on making tortillas by hand has sexist historical implications. In the early twentieth century, men protested the development of electric mills, because by having access to them, women would not have to spend all their time grinding corn; men thought that women having extra time on their hands, combined with getting out of the house to walk to the mill, would result in promiscuity.[62] Even now, since the process of making tortillas by hand is so time-consuming, many advocates for traditional foods who also work as farmers rely to some extent on Maseca (machine-made) tortillas. In this way, the authors argue, "it would be simplistic to say that handmade tortillas are a material representation of food sovereignty while Maseca tortillas are not."[63]

Handmade tortillas, therefore, are both a symbol of tradition and culture but can also be seen as a symbol of problematic ideas that were previously held. They also operate as an effective illustration of how culture, economy, and food—including food products, but also methods of food production—shift in relation to one another.

In another illustration of how culture shifts over time and contexts, the authors point to another photo by Leonor titled, "My Family Eating Lunch. My cousins came from Candelaria, Quinana Roo, and we shared food with them that day."[64] The photo depicts Leonor's family members sitting at a table, sharing plates of food and eating with their hands using tortillas, as well as a bottle of Pepsi and a Pepsi-branded plastic jug on the table.

At the end of the research project, the students' photos were displayed in an art exhibit. Several people viewing the photos expressed that they saw the Pepsi in this photo as a sign of the declining integrity or inauthenticity of what they thought Indigenous foods should be. One tourist even approached Leonor to lecture her about the health risks of Pepsi because of its sugar content.[65] But to Leonor, the Pepsi was a sign of a special event with family that came to visit from out of town and an indication of her mother and aunt's choice and control over the menu. Her job as the photographer, as she told the tourist who approached her, was to capture

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59. *Ibid* at 1.

60. *Ibid* at 6.

61. *Ibid* at 7.

62. *Ibid* at 7–8.

63. *Ibid* at 7.

64. *Ibid* at 9.

65. *Ibid* at 8.

the moment as she experienced it and saw it—not to manipulate it by removing the Pepsi bottle for the photo.[66]

In this case, the Pepsi exists in a larger context than just what is or is not "authentic" Indigenous food. This is complicated, of course, by the fact that Pepsi is a multinational corporation with deep economic and political power in Mexico, illustrating another way in which cultures, politics, and economies interact. However, people's experience of culture is not static and is affected by outside influences. Sampson and Wills explain that "what is appropriate to eat is always defined in a context of power, and almost always, unequal power."[67] Within the context of just this one photo, this conceptualization can be applied to the gendered responsibilities of food preparation, to a child having little choice in the menu, to the relationship between Pepsi (the company) and the people of Mexico, and to the interaction between the Indigenous student and the tourist who thinks they know better.

# IV CULTURAL FOOD SECURITY

In 2008, based on the four elements of food security (availability, accessibility, utilization, and sustainability), Elaine Power developed the idea of cultural food security in the context of Indigenous peoples in Canada. She says that food obtained from traditional food systems is key to cultural identity, health, and survival, and that "cultural food security" should therefore be considered as another layer of food security for Indigenous peoples.[68]

Within the concept of cultural food security, there are unique considerations for each of the first three elements of food security. For *availability*, Power considers that the environmental contamination of traditional foods and the impact of climate change affect the supply and safety of traditional foods. For *accessibility*, she points out that food security can be impacted by access to country food as well as market food. For *utilization*, she argues that traditional and country food is more nutrient dense and nutritious than market food and is an important part of many Indigenous peoples' diets.

In defining cultural food security, therefore, Power takes into consideration both traditional and market foods, once again complicating the idea of food security. Power also discusses the spiritual and symbolic significance of traditional foods and how they are central to personal identities and the maintenance of cultures.

Almost 10 years later, Moffat, Mohammed, and Newbold developed the concept of cultural food security in the context of migration. They say that "with migration, foodways may change, but conserving them as much as possible may be a vital component in maintaining one's identity as an immigrant in a new setting."[69] The authors study those same pillars of food security—access, availability, and utilization—and use them to investigate immigrants' challenges with obtaining and eating nutritious and culturally appropriate food.

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66. *Ibid* at 9.

67. *Ibid* at 10.

68. Elaine Power, "Conceptualizing Food Security for Aboriginal People in Canada" (2008) 99:2 Can J Pub Health 95 at 96.

69. Tina Moffat, Charlene Mohammed & K Bruce Newbold, "Cultural Dimensions of Food Insecurity among Immigrants and Refugees" (2017) 76:1 Hum Org 15 at 15 [Moffat, Mohammed & Newbold].

Many of those challenges, the authors explain, can be cyclical: New immigrants tend to be lower income and have difficulty accessing food, which is exacerbated by the need to obtain culturally desired food and adapt to the North American food system.[70] This can result in household food insecurity, loss of identity and well-being, poor nutritional status, and poor mental health, which in return contributes to difficulties securing better employment.[71]

## A. Immigrants, Refugees, and Cultural Food Security in Canada

Immigrants in Canada have higher rates of household food insecurity than non-immigrants (19.7 versus 12.1 per cent).[72] Of all categories of immigrants, refugees, which make up around 17 per cent of Canada's foreign-born population as of 2022,[73] are the most vulnerable to both food insecurity and poorer health status.[74] These vulnerabilities are directly interrelated, as each exacerbates the other, which can have a cyclical effect.[75] The health status of immigrants also declines as they adjust to a Western lifestyle. As Stelfox and Newbold explain, immigrants are considered healthier than native-born Canadians on arrival, but eventually decline—a phenomenon referred to as the "healthy immigrant effect."[76] Refugees are more likely to both arrive in poorer health and to decline in health status compared to other immigrants.[77] For example, refugee women who formerly lived in refugee camps are likely to arrive with nutritional deficiencies, particularly in vitamin A, vitamin C, and iron, often to the point of anemia.[78]

Interestingly, but perhaps unsurprisingly, it has also been shown that a maintained connection to cultural foods slows or helps avoid this decline, since immigrants' traditional diets, which is usually low in processed foods, is healthier than the typical Canadian diet.[79] However, income and affordability are the biggest barriers to getting culturally appropriate, high-quality, fresh food.[80] Therefore, when compared to refugees, business or family-sponsored immigrants are more likely to have access to community connections, transportation, and financial means, which can facilitate access to cultural foods. Refugees are therefore

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70. *Ibid* at 16–17.

71. *Ibid* at 17.

72. *Ibid* at 15.

73. Statista, "Refugees in Canada—Statistics & Facts" (10 July 2024), online: <https://www.statista.com/topics/2897/refugees-in-canada/#topicOverview> [perma.cc/DM9M-FM5Y].

74. Moffat, Mohammed & Newbold, *supra* note 69 at 15.

75. Stelfox & Newbold, *supra* note 51 at 109

76. *Ibid*.

77. Bruce Newbold, "The Short-Term Health of Canada's New Immigrant Arrivals: Evidence from LSIC" (2008) 14:3 Ethnicity & Health 315 at 315, 322, 327, 331.

78. Stelfox & Newbold, *supra* note 51 at 115.

79. Diana Tarraf, Dia Sanou & Isabelle Giroux, "Immigration and Food Insecurity: The Canadian Experience—A Literature Review" in Ingrid Muenstermann, ed, *People's Movements in the 21st Century—Risks, Challenges and Benefits* (InTech, 2017) 37 at 46, online (pdf): <intechopen.com/chapters/53486#> [perma.cc/3LE2-XYMV].

80. Stelfox & Newbold, *supra* note 51 at 110.

"particularly vulnerable to decreased cultural food consumption, given the significant barriers to affordability and accessibility of these foods."[81]

The journey of refugees, then, poses particular challenges to the way cultural food is accessed and consumed before, during, and after migration. In this way, access to culturally appropriate food is directly related to refugee flows, as well as the integration and well-being of refugees after resettlement.

## B. Availability and Accessibility of Ingredients

Even if high-quality, fresh, cultural foods were affordable, there is also the issue of availability of specialty stores for culture-specific ingredients that are not available in most grocery stores. The issue of accessibility of cultural ingredients has been discussed in relation to the development of food media.

Cultural food bloggers and recipe developers have struggled with the issue of substitute ingredients, as well as the creation of content around lesser-known recipes. The popularization and accessibility of lesser-known cultural recipes comes with the complicated question of whether to include substitute ingredients as part of that recipe. Dan Q Dao tackles this question in his discussion of cultural appropriateness and misrepresentation in recipes, both by white and non-white recipe developers.[82] Proponents of the use of substitute ingredients, such as Vietnamese cookbook author Andrea Nguyen, hope that listing ingredients that are familiar and easy to find, especially for white audiences, will increase those audiences' willingness to try new recipes. On the other hand, creators may want to share their culture in the most genuine way they can, encouraging people to put in the effort to find cultural ingredients as much as possible. Dao cites Yvette Leeper-Bueno, the owner of a Mediterranean restaurant in Harlem, who says that "it's important to document and share these recipes and techniques as they are and as they have been done … to be given a watered-down recipe is to devalue the people who take pride in this recipe."[83]

There can be a tension, therefore, between making food that is culturally authentic versus food that is either culturally appropriative or what I'll call "culturally approximate," where certain ingredients—often key ingredients in cultural recipes—are difficult to find or expensive. This interacts with the ability to share cultural knowledge with other community groups and impacts the mental health and well-being of migrants, since the lower quality of some ingredients sold in Canada can impact migrants' enthusiasm for and connection with their own cultural foods.

## C. Food Deserts and Food Swamps

It generally costs more to maintain a healthy diet in Canada; less healthy food options are more accessible to people on a lower income. Refugees tend to settle in urban centres, in lower socioeconomic areas.[84] Although urban centres generally increase the variety of accessible

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81. *Ibid* at 109.

82. Dan Q Dao, "During Food Media's Time Of Reckoning, Let's Not Forget The Recipes" delish (17 December 2020) online: <https://www.delish.com/> [https://perma.cc/E2CT-RAFM].

83. *Ibid*.

84. Stelfox & Newbold, *supra* note 51 at 110.

foods, many of the lower-income urban areas where refugees end up living are described as "food deserts," where nutritious food is not readily available nearby. However, the problem is not only lack of availability of nutritious food—it is also the ample availability of low-nutrition food, which further reduces people's motivation to go out of their way to get higher-quality foods. These are referred to as "food swamps," which can and often do co-exist with food deserts. Low-nutrition "swamps" lead to "increased consumption of processed, high fat and sugar food" in refugee communities, putting them at higher "risk for diet-related illnesses."[85]

Stelfox and Newbold cite studies that have looked at the actual distance refugees living in lower socioeconomic areas in Canada have to travel to get ingredients or components for cultural dishes. These studies have found that cultural ingredients might be located several kilometres away or only in one particular area of a city. Refugees with a car have an easier time, but reliance on public transportation both increases travel time and decreases the amount of food that can be transported at one time.

Additionally, an increasing number of immigrants and refugees in Canada are settling outside of urban centres, especially as the role of rural communities in private refugee sponsorship grows.[86] Multiple Canadian studies have found that lack of access (or transportation) to cultural foods and resources is among the main challenges in rural refugee resettlement.[87] Some rural communities have used creative methods to address this challenge, such as having local grocery stores order specific food items.[88] As is the case with immigrants living in urban centres, having access to a vehicle helps alleviate these challenges; but this is simply not a reality for many immigrants, especially those who have recently arrived to Canada.

The challenge of food procurement is also gendered, as women generally take on the roles of feeding their families, doing grocery shopping, and so on, even if they work outside the home.[89] Refugee women use food as a way to keep their families connected with their culture, which can be challenging, especially since children tend to adjust to new lifestyles more quickly. Many refugee women expressed concern that their children prefer Western food and worry that their children will become disconnected from their culture or grow up to be less healthy.[90] These concerns become more pressing when considered in the context of food deserts, food swamps, and resettlement in rural areas.

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85. *Ibid* at 111.

86. Stacey Haugen & Lars K Häalstrom, "Sponsorship in Rural and Small Communities" (2022) Refugee Hub, Knowledge Brief at 5, online (pdf): <https://refugeehub.ca/wp-content/uploads/2022/04/Sponsorship-in-Rural-and-Small-Communities.pdf> [perma.cc/2TWU-BJ8J].

87. Stacey Haugen, "'We Feel Like We're Home': The Resettlement and Integration of Syrian Refugees in Smaller and Rural Canadian Communities" (2019) 35:2 Refuge 53 at 55, online (pdf): <https://www.erudit.org/en/journals/refuge/2019-v35-n2-refuge04887/1064819ar.pdf> [perma.cc/2BQU-AGVY] [Haugen]; see also Rural Development Institute, "Immigration in 5 Rural Manitoba Communities with a Focus on Refugees: Case Studies" (2016) Community Report, online (pdf): <https://www.brandonu.ca/rdi/files/2016/09/Immigration-in-5-Rural-Manitoba-Communities-with-a-Focus-on-Refugees-Case-Studies-August-2016.pdf> [perma.cc/XCF5-9YVM].

88. Haugen, *ibid* at 58.

89. Stelfox & Newbold, *supra* note 51 at 111.

90. *Ibid* at 112.

# V LOCAL FOOD AND FOOD SOVEREIGNTY: RESEARCH OPPORTUNITIES

Stelfox and Newbold propose a number of ways to conduct further research on cultural food security. One of these proposed methods is through the study of the production of food at the local level, using the lens and goal of food sovereignty as a guide.

As noted earlier, cultural foods have not typically been included in discussions of food security; a shift away from food security and toward food sovereignty could be one way to bridge that gap. However, there is a small but significant difference between cultural food security and food sovereignty that could affect how this research is conducted. Food sovereignty emphasizes a peoples' right to define their own food system and to have a food system that is sustainable; this includes the ability of communities to grow their own food, if they wish to do so. This translates also to cultural food security in the context of Indigenous peoples, where the connection to land and advocacy for sovereignty is inherent in access to country foods. In the context of migration, however, food sovereignty is not necessarily implied within cultural food security. In this context, cultural food security can, by definition, be achieved through access alone, rather than through sovereignty over food systems.

However, too much of an emphasis on access alone implies a heavy reliance on imported foods. This creates a challenge in terms of the regulation of Canada's trade priorities as well as ensuring equitable distribution of imported foods to immigrant communities, especially considering the diversity of Canada's population. Despite being a major point of pride in Canadian identity, multiculturalism, perhaps ironically, may ultimately pose a challenge to equitable access to cultural foods.[91] Every cultural group has different priorities, concerns, and needs when it comes to food security or cultural food security. Additionally, we must consider Sampson and Wills' argument that cultures—and what is important to cultural communities—are constantly shifting.[92] Therefore, in terms of the development of policy and trade priorities, it may be difficult to formulate one all-encompassing approach to incorporate all those concerns and priorities.

Local or community farming—and a priority shift from food security to food sovereignty—is one way to address this issue.[93] Refugees have identified growing their own food, including traditional foods, as a way of saving money and passing on knowledge to their children. By giving refugees access to land, community gardening has also been found to give refugees a sense of security, as well as "[promote] cultural identity and well-being, [facilitate] a sense of community togetherness, and [provide] opportunities to share produce and nutritional knowledge."[94] Local food production, therefore, is positively correlated to one being in control over or sovereign in their right to food that is healthy and culturally appropriate.

Even though Canada has a significantly different climate than many countries that refugees come from, it also benefits from having several different types of biomes, meaning that many varieties of crops can be grown within Canada's borders. Stelfox and Newbold recommend that more research be done as to which cultural foods can be grown in prospective countries

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91. *Ibid* at 113.

92. Sampson & Wills, *supra* note 44 at 3.

93. Stelfox & Newbold, *supra* note 51 at 113.

94. *Ibid* at 114.

to better support community gardening programs for migrants and refugees; and research should be done to determine how local food initiatives are adapted to shorter growing seasons, different climates, and so on. This type of research could also support the establishment of trade priorities in a potential shift to more localized food systems.

There are several examples of these types of initiatives already in play across Canada. In Ottawa, for example, a local food organization called Just Food provides an acre of land for Karen refugees.[95] Originally from the mountainous regions of Thailand and Burma, Karen refugees use this land to grow food for their communities, including several of their traditional crops, using traditional farming methods. Although the growing seasons are different, Karen Elders have found ways to adapt to the Canadian climate while maintaining traditional farming practices. They also have opportunities to pass on their knowledge to youth in their community and share it with Canadian farmers.

Other examples include Bao Bao Farm in Perth, Ontario, which combines the promotion of ecological and cultural diversity by growing vegetables typically found in countries in Asia using biointensive methods.[96] In Vancouver, the Hua Foundation runs the Choi Box program, which partners with Asian farmers in the Metro Vancouver area to create and deliver culturally relevant produce boxes.[97] In Fraser Valley, British Columbia, the Kara-Kata Africa Village Project promotes African cultural foods, supports African farmers, and runs a farm for experimental growth of crops that are typically grown in Africa.[98] These existing projects should be supported in terms of both research and financial viability, and new opportunities should be created for refugees and migrants who are interested in beginning similar projects.

Beyond Stelfox and Newbold's suggestions, there is also room for more research on the potential role of food sovereignty in law and policy. As noted in Section II, both Canadian and international governance bodies have acknowledged food sovereignty as a goal related to the right to food, and it has received formal (albeit limited) recognition in international law. These acknowledgements by governing bodies could be helpful in advancing the argument that the fulfilment of the right to food in fact requires the presence of food sovereignty, rather than the inverse, which is the current limit of their relationship. This would necessarily involve increasing the minimum standards for the fulfilment of the right to food, perhaps

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95. Just Food, "Community Partner Projects" (last accessed 12 November 2024), online: <https://justfood.ca/just-food-farm/> [https://perma.cc/L586-VYTR].

96. Bao Bao Farm, "About" (last accessed 12 November 2024), online: <https://baobaofarm.ca/pages/about> [perma.cc/27N2-DFX7].

97. Joyce Liao, "What Is the Choi Box?" (last accessed 12 November 2024), online: <https://choibox.huafoundation.org/> [perma.cc/QSN8-CXZD].

98. Kara-Kata Afrobeat Society of Canada, "Kara-Kata Africa Village Project—Fraser Valley, BC, Canada" (last accessed 12 November 2024) online: <https://karakataafrobeatsociety.ca/african-village-retreat/about/> [perma.cc/XBZ7-ULG5].

by adding *autonomy* to the existing factors of availability, accessibility, and adequacy.[99] The requirement of cultural appropriateness would consequently be “folded in” through the inclusion of food sovereignty principles, and food sovereignty would move beyond its current status as a “political concept” into the realm of legal principles on the right to food. However, raising standards may be unlikely while the right to food as it currently exists remains largely unfulfilled around the world.[100]

Alternatively, increased support for food sovereignty initiatives and adoption of its principles at governance levels would also inherently lead to an increased rate of fulfilment of the right to food. In this way, even if legal standards are not formally adjusted, food sovereignty still has a clear role to play in the policy landscape. Framing food sovereignty as a viable method to achieve existing goals related to the right to food, rather than “moving the goalposts” as suggested above, may be more practical in terms of persuading governing bodies to take action. Advocacy for access to cultural foods in Canada can also be framed as supportive of other existing government goals, such as the resettlement and integration of immigrants, and may therefore also achieve some success through this route.

# VI CONCLUSION

The topic of access to culturally appropriate food is understudied in the field of food law, perhaps understandably so. It is a complex issue, hard to define or pinpoint exactly, with factors that constantly shift over time. It is affected by relationships between individuals, communities, governments, and beyond. Moreover, its treatment in international law has thus far been largely focused on negative obligations rather than positive duties to fulfil or provide.

Access to culturally appropriate food can have a significant positive impact on migrant communities’ physical and emotional health and can help them adjust to new lives in new countries. However, financial and physical barriers impede migrants’ ability to access cultural foods. Imported cultural foods, especially lesser-known foods and ingredients, are scarce, limited to certain (mostly urban) areas, and are of lower quality than may be necessary to meet the requirements of cultural appropriateness.

Local food production, guided by principles of food sovereignty, may be one solution to many of these challenges. Many immigrants and refugees have farming experience and an interest in growing food for their communities, but they lack opportunities to do so, such

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99. This is distinct from Toronto Metropolitan University Centre for Studies in Food Security’s “5 As” framework on food security (availability, accessibility, adequacy, acceptability, and agency). While the 5As framework is useful for challenging established elements of food security, it falls short of calling for full autonomy in food systems, adopting a similar negative-obligation definition of “acceptability” in terms of cultural foods and defining “agency” as “the policies and processes that enable the achievement of food security.” See Toronto Metropolitan University Centre for Studies in Food Security, “Terms of Reference” (last accessed 12 November 2024), online: <https://www.torontomu.ca/foodsecurity/about/> [perma.cc/MV94-4ADF].

100. According to the Human Rights Measurement Initiative, informed by data from the University of Connecticut’s Social and Economic Rights Fulfillment Index, only 10 out of 136 countries surveyed achieved fulfilment of the right to food as of 2021. See Human Rights Measurement Initiative, “Right to Food” (last modified 2024), online: <https://rightstracker.org/metric/food> [perma.cc/HAR3-HYXM]. For updated global hunger rates, see “Global Hunger Index” (last modified 2024), online: <https://www.globalhungerindex.org/>.

as access to land. Therefore, immigrant communities should be supported in initiatives to grow cultural foods locally. In this way, cultural food security can be achieved while reducing reliance on imported foods, and cultural practices as well as the quality of produce can be preserved. Local communities can also benefit from access to diverse foods and the sharing of cultural knowledge. Further research should be conducted on the viability of cultural crops in Canada and other countries welcoming immigrants and refugees to facilitate these initiatives as efficiently as possible. Increased research and advocacy on the role of food sovereignty in food law and policy would also help support cultural food initiatives.